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 27 October 2015

**TIME:** 5.30pm

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

K Gouldthorp  
General Manager

City Administration Centre  
282 King Street  
NEWCASTLE NSW 2300

16 October 2015

Please note:

The City of Newcastle Council meetings are webcast. Council accepts no liability for any defamatory, discriminatory or offensive remarks or gestures that are made during the course of the meeting. Opinions expressed or statements made by participants or third parties during the webcast, or included in any presentation, are the opinions or statements of those individuals and do not imply any form of endorsement by the City of Newcastle. Confidential meetings of Council will not be webcast.

The electronic transmission is protected by copyright and owned by the City of Newcastle. No part may be copied or recorded or made available to others without the prior written consent of the City of Newcastle. This transmission is not, and shall not, be taken to be an official record of the City of Newcastle or of any meeting or discussion depicted therein.

Council meetings are recorded for the purposes of verifying the accuracy of minutes taken. Only the official minutes may be relied upon as an official record of the meeting. Council may be required to disclose recordings pursuant to the Government Information (Public Access) Act 2009, or where Council is compelled to do so by court order, warrant or subpoena or by any other legislation.
# ORDINARY COUNCIL MEETING
## 27 October 2015

## CONTENTS

<table>
<thead>
<tr>
<th>Item</th>
<th>Business</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>APOLOGIES/LEAVE OF ABSENCE</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ORDERS OF THE DAY</td>
<td></td>
</tr>
<tr>
<td></td>
<td>DECLARATIONS OF PECUNIARY / NON PECUNIARY INTEREST</td>
<td></td>
</tr>
<tr>
<td></td>
<td>CONFIRMATION OF PREVIOUS MINUTES</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>MINUTES - EXTRAORDINARY COUNCIL MEETING 8 SEPTEMBER 2015</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>MINUTES - PUBLIC VOICE COMMITTEE HELD 15 SEPTEMBER 2015</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td>MINUTES - BRIEFING COMMITTEE 15 SEPTEMBER 2015</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>MINUTES - ORDINARY COUNCIL MEETING 22 SEPTEMBER 2015</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>LORD MAYORAL MINUTE</td>
<td></td>
</tr>
<tr>
<td></td>
<td>REPORTS BY COUNCIL OFFICERS</td>
<td>36</td>
</tr>
<tr>
<td>ITEM-87</td>
<td>CCL 27/10/15 - TABLING OF PECUNIARY INTEREST RETURNS 2014-2015</td>
<td>36</td>
</tr>
<tr>
<td>ITEM-88</td>
<td>CCL 27/10/15 - FEDERAL COURT PROCEEDINGS - AWABAKAL AND GURINGAI PEOPLE</td>
<td>39</td>
</tr>
<tr>
<td>ITEM-89</td>
<td>CCL 27/010/15 - EXECUTIVE MONTHLY PERFORMANCE REPORT</td>
<td>56</td>
</tr>
<tr>
<td>ITEM-90</td>
<td>CCL 2710/15 - ADOPTION OF 2014/15 ANNUAL FINANCIAL STATEMENTS (REPORT AND ATTACHMENTS TO BE DISTRIBUTED UNDER SEPARATE COVER)</td>
<td></td>
</tr>
<tr>
<td>ITEM-91</td>
<td>CCL 27/10/15 - COUNCILLOR REPRESENTATION ENVIRONMENTAL ADVISORY COMMITTEE</td>
<td>63</td>
</tr>
<tr>
<td>ITEM-92</td>
<td>CCL 27/10/2015 - OPTIONS FOR A RAINBOW CROSSING IN A PUBLIC SPACE</td>
<td>66</td>
</tr>
<tr>
<td>ITEM-93</td>
<td>CCL 27/10/15 - ENDORSEMENT OF EXHIBITION OF DRAFT NEWCASTLE YOUTH COUNCIL COMMITTEE CHARTER</td>
<td>72</td>
</tr>
<tr>
<td>ITEM-94</td>
<td>CCL 27/10/15 - PUBLIC ART ADVISORY COMMITTEE</td>
<td>77</td>
</tr>
</tbody>
</table>
ITEM-95  CCL 27/10/15 - NEWCASTLE EYE HOSPITAL - ADOPTION OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012
ITEM-96  CCL 27/10/15 - EXHIBITION OF DRAFT MULTICULTURAL PLAN 2016-2019
ITEM-97  CCL 27/10/15 - FIRE KOORAGANG ISLAND AUGUST 2015
ITEM-98  CCL 27/10/15 - STREETSAFE NIGHTIME OUTREACH PILOT PROGRAM
ITEM-99  CCL 27/10/15 - HUNTER REGIONAL PLAN 2016 - 2020
ITEM-100 CCL 27/10/15 - TEMPORARY SUSPENSION OF ALCOHOL FREE ZONES LAMAN STREET NEWCASTLE BETWEEN DARBY STREET AND DAWSON STREET

NOTICES OF MOTION
ITEM-22  NOM 27/10/15 - RAIL RETENTION

CONFIDENTIAL REPORTS
ITEM-36  CON 27/10/2015 - PROVISION OF SECURITY SERVICES - CONTRACT NO. 2015/374T

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

MINUTES - EXTRAORDINARY COUNCIL MEETING 8 SEPTEMBER 2015

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 150908 Extraordinary Council meeting minutes

Note: The attached extract of the minutes are the decisions made by Council at the meeting. The full minutes incorporate the business paper reports previously provided and subsequent decisions. They may be viewed at www.newcastle.nsw.gov.au
PRESENT

IN ATTENDANCE
K Gouldthorp (General Manager), G Cousins (Director Corporate Services), F Cordingley (Director Infrastructure), P Chrystal (Director Planning and Regulatory), A Glauser (Manager Finance), E Kolatchew (Acting Manager Council and Legal Services), P Nelson (Manager Commercial Property), K Porritt (Chief of Staff to Lord the Mayor), D Fischetti (Media Officer), (Communications), K Sullivan (Council Services/Minutes) and A Leach (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.

Especially remembered were Kelvin Dates, Indigenous leader and elder of the Worimi peoples and Ken Clifford, former Chief Executive Officer of the Hunter Academy of Sport.

APOLOGIES

MOTION
Moved by Cr Luke, seconded by Cr Posniak

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Luke
Councillor Luke declared a less than significant non-pecuniary interest in Items 2 and 3 - Notice of Motion to Rescind a Council Resolution - Item 64 - Adoption of Revised Investment Policy and Endorsement of Previous Investment Policy respectively, as Council may invest with businesses he is associated with. Councillor Luke said the interest was less than significant as the report to Council was to be received and he was not involved in any decision making processes.
Councillor Clausen
Councillor Clausen declared a less than significant non-pecuniary interest in Items 2 and 3 - Notice of Motion to Rescind a Council Resolution - Item 64 - Adoption of Revised Investment Policy and Endorsement of Previous Investment Policy respectively. He stated that he may have indirectly received funding from the CFMEU Northern Mining and NSW Energy District as a political donation.

Lord Mayor Councillor Nelmes
The Lord Mayor declared a less than significant non-pecuniary interest in Items 2 and 3 - Notice of Motion to Rescind a Council Resolution - Item 64 - Adoption of Revised Investment Policy and Endorsement of Previous Investment Policy respectively. She indicated that she may have indirectly received funding from the CFMEU Northern Mining and NSW Energy District as a political donation on several occasions.

Councillor Dunn
Councillor Dunn declared a less than significant non-pecuniary interest in Items 2 and 3 - Notice of Motion to Rescind a Council Resolution - Item 64 - Adoption of Revised Investment Policy and Endorsement of Previous Investment Policy respectively. He indicated that he may have indirectly received funding from the CFMEU Northern Mining and NSW Energy District as a political donation to his last campaign.

BUSINESS

ITEM 1 LORD MAYORAL MINUTE 08/09/2015 - REGIONAL INVESTMENT AND JOBS

PURPOSE

For Council to advocate for a Newcastle/Hunter Future jobs taskforce; and a regional funding program for jobs, in particular Newcastle and the Hunter.

MOTION

That Council call on the NSW and Federal Governments to:

1. Establish a Newcastle/Hunter Future Jobs Taskforce. The Future Jobs Taskforce would work with the community, industry, unions, the University of Newcastle and key stakeholders in the region to identify and promote job creation opportunities.

2. Deliver a funding program for regional jobs, in particular Newcastle and the Hunter. This program will help regions to broaden their traditional economic base through new partnerships, skills and technologies. In this way, communities will become more resilient, viable and sustainable for the long-term. The program would be delivered via a collaborative approach to regional
development involving all levels of government, the private sector and local communities.

BACKGROUND

Australia needs sound macro-economic policy to foster investment across the entire economy; and ongoing reform and economic management to increase productivity, create jobs and secure the future health of the Australian economy. This includes sector-by-sector measures to improve competitiveness, innovation and productivity. Modernising our infrastructure, managing the transition to clean energy, investing in skills and innovation and advancing tax reform are all necessary for Australia’s economy to grow in all Australians’ interests.

Our economy has successfully handled comparable structural changes over its history. Indeed rising prosperity and sustainable growth has been underpinned by transformative changes - Australians have embraced new products and technologies, and the integration of our economy into the global economy, set in train by the reforms of the 1980s and 1990s. All levels of government need to promote innovation and investment in renewable energy, encourage energy efficiency and low-carbon technologies, and be ambitious in growing the renewable energy sector beyond 2020 by adopting policies to deliver at least 50 per cent of our electricity generation from renewable sources by 2030.

The Hunter is one of NSW’s most productive regions, generating a Gross Regional Product (GRP) of $38.462 billion, representing 28 per cent of Regional NSW’s total GRP. In 2013 mining contributed 14.7 per cent of this Gross Regional Product, employing 11,000 people across the Hunter, with just under 300,000 jobs being created by other sectors including within the service, education and manufacturing industries1.

The mining boom generated an increase in our national wealth and created thousands of jobs. However the associated mining construction boom has now ended and although production is picking up, the sector is under pressure due to dramatic falls in commodity prices and the loss of construction as well as production jobs due to increased process automation, even as production and exports pick up. Strong employment growth in other sectors must be generated to reduce the rising regional unemployment rate.

Unemployment is hurting our local economy and region. Youth unemployment in particular is reaching alarming levels with youth unemployment in the Hunter reaching 20.6 per cent, and 15.1 per cent within the Newcastle Local Government Area2.

The Hunter’s economy is already in transition. Our economic priority should be to continue this in an inclusive and sustainable way, through a more diversified economy that is not entirely dependent on commodity exports, and that sustains

high-skill, high-wage jobs. Governments, communities, unions and industry should work together to develop a comprehensive regional development approach that supports the growth of sustainable new industries, technologies and practices.

The future Jobs Taskforce should address governments' role in procurement, and Industry Participation Plans for public and private procurement.

The June 2014 decision to send the construction of Australia’s Navy supply ships offshore sent shockwaves through the shipbuilding industry. In the past 15 months, Newcastle company Forgacs has laid off more than 500 staff and more are to come. Meanwhile, the manufacturing contracts are in negotiation with Japan, destroying local high-skilled manufacturing jobs for Australian men and women with expertise not only in the respective trades but in highly specialised defence manufacturing.

More than 6,000 workers in New South Wales have jobs in the rolling stock industry and its supply chain. Many of those workers live in the Hunter Valley and Newcastle. The rolling stock industry has strategic economic significance for both the Hunter and this State. Over the past 18 months, more than 750 workers employed with Hunter Valley rolling stock manufacturers, plus hundreds more in the supply chain, have lost their jobs. The New South Wales budget has committed more than $6 billion for major transport infrastructure and more than $2.8 billion has now been announced to build trains for the Hunter line however there is no funding committed to New South Wales rail manufacturers.

BlueScope, United Group Rail and Downer EDI are world-class local manufacturers, but presently do not have enough work and all have commenced workforce redundancies. United Group Rail in Newcastle has 250 redundancies at Broadmeadow, and Downer EDI redundancies in Cardiff and Kooragang have resulted in around 500 job losses.

The flow-on effect of a lack of support has resulted in downstream job losses when facilities of this size downsize or close. For example, Varley Engineering at Tomago, which supplies the major rolling stock sites; and Ampcontrol at Tomago, an electrical engineering and manufacturing company that supports the mining industry, have also experienced redundancies. Manufacturing trains locally would not only create hundreds of jobs in the manufacturing sector but also support the businesses that supply the rail industry. Too many contracts have gone offshore, such as the train carriage contracts. Bus contracts have gone to Queensland, Navy supply ship contracts are going to Korea or Spain, and it is not known where the submarine contracts will go.
In 2013 the NSW Government introduced a new procurement policy that no longer includes a preference for tenderers to provide apprenticeships and training, job creation or investment in regional areas or areas of high unemployment. This action is at odds with other Governments nationwide, including the actions of the former Liberal Victorian Premier, Dr Denis Napthine, who introduced *Our new Victorian Jobs in the 21st Century* with a local content target, and the current Victorian Labor Government, led by Premier Daniel Andrews, which has introduced significant further incentives to ensure that Government contracts are awarded preferably to Victorian-based operations. These actions have seen associated booms in employment opportunities for Victorians, and have provided the private sector the confidence needed to invest in the State. Governments in NSW must return their focus to benefiting our local economy.

Universities are at the heart of the nation’s *education, research and innovation* ecosystem, particularly in regions. The undermining of Australia’s universities through continued cuts to higher education funding and proposed deregulation has come at a significant cost, reducing confidence and opportunities for young Australians.

Australian universities are among the world’s best; however, Australia continues to see a talent-drain, as professionals relocate to ‘innovation friendly’ hubs such as California, Germany, Hong Kong and China.

The world’s best performing economies tend to focus on innovation and sophisticated manufacturing sectors. A sustainable Australian economy needs to embrace innovation, providing support for smart technology start-ups that work in multiple industries.

Newcastle is home to one of Australia’s top-ranked universities, the University of Newcastle (UON), which is also one of our region’s largest employers. UON is committed to supporting an economy that retains its talent by growing new industries through innovation/entrepreneurship, and attracting new ones through a skilled workforce. Planning at all levels of government is required to ensure a capacity to embrace and support innovation and accelerate product development and commercialisation.

We must also note the significance of *small business* to the Australian economy, employing close to five-million Australians and contributing some 47 per cent of private sector employment. Small business contributes more than $330 billion annually to the national economy and is vitally important to regional economies, with around 35 per cent of small businesses in each state located in regional areas, compared to 20 per cent for large firms. More than 95 per cent of businesses in Australia are small businesses; almost two-thirds have no employees (‘the self-employed’); and a further one-quarter have four or fewer employees. This means only 10 per cent of small businesses have more than four employees.

Due to its very nature, small business is extremely susceptible to industry fluctuations and changes. Support from government helps to provide confidence and support in this industry.
MOTION
Moved by Lord Mayor Cr Nelmes

Council call on the NSW and Federal Governments to:

1. Establish a **Newcastle/Hunter Future Jobs Taskforce**. The Future Jobs Taskforce would work with the community, industry, unions, the University of Newcastle, TAFE and key stakeholders in the region to identify and promote job creation and training opportunities.

2. Deliver a funding program for regional jobs, in particular Newcastle and the Hunter. This program will help regions to broaden their traditional economic base through new partnerships, skills and technologies. In this way, communities will become more resilient, viable and sustainable for the long-term. The program would be delivered via a collaborative approach to regional development involving all levels of government, the private sector and local communities.

3. Council seeks the support of Hunter Councils in establishing the Future Jobs Taskforce.

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

**Against the Motion:** Nil.

**Carried**
ITEM 2 NOTICE OF MOTION 08/09/15 - NOTICE OF MOTION TO RESCIND A COUNCIL RESOLUTION - ITEM 64 OF 25 AUGUST 2015 - ADOPTION OF REVISED INVESTMENT POLICY

PURPOSE

Councillors Luke, Tierney and Compton submitted the following rescission motion in respect of Item 64 - CCL 25/08/15 - Adoption of Revised Investment Policy for consideration at an Extraordinary meeting of the Council to be held 8 September 2015.

The following Notice of Motion was received on 28 August 2015 from the abovenamed Councillors.

MOTION

Council rescind the resolution moved by Councillor Clausen and seconded by Councillor Dunn in respect to Item 64 - Adoption of Investment Policy which added a new section to the investment policy in respect to 'Environmentally and Socially Responsible Investments (SRI)' providing preference to Financial institutions who do not support the coal sector.

BACKGROUND

Refer to the Officer's report presented at the Ordinary meeting of 25 August 2015.

ATTACHMENTS

Attachment A: Signed Rescission Motion from Councillors Luke, Tierney and Waterhouse dated 28 August 2015
Attachment B: Council resolution of 25 August 2015 - Item 64 - Adoption of Revised Investment Policy
The Lord Mayor & General Manager
The City of Newcastle

28/8/15

Dear Sir/Madam

Re: Recision Motion

We, the undersigned councillors wish to rescind the resolution of council for item 64 of the ordinary council meeting 25 August 2015.

Councillor Brad Luke:

Councillor Lesia Tinerney:

Councillor David Compton:
RESOLVED: (COUNCILLORS CLAUSEN/DUNN)

1  Council adopts the draft Investment Policy at Attachment A (Policy) with the following amendments:

   a  Deletion of Clause 5.4.

   b  Insertion of a new Part E titled Environmentally and Socially Responsible Investments (SRI) (printed below) between the current 'Part D' and current 'Part E' and reorder the document accordingly.

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

“Part E: Environmentally and Socially Responsible Investments (SRI)

14.  Council’s preference is to enter into environmentally and Socially Responsible Investments (SRI) where:

   14.1  The investment is compliant with legislation and Investment Policy objectives and parameters; and

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

15.  SRI status may be in respect of the individual investment product, the issuer of the investment, or both and should be endorsed by an accredited environmentally and socially responsible industry body or institution.

16.  Council’s criteria relating to an SRI are those which:

   Direct investment towards the socially and/or environmentally productive activities listed below:
MOTION
Moved by Cr Posniak, seconded by Cr Luke

Council rescind the resolution moved by Councillor Clausen and seconded by Councillor Dunn in respect to Item 64 - Adoption of Investment Policy which added a new section to the investment policy in respect to 'Environmentally and Socially Responsible Investments (SRI)' providing preference to Financial institutions who do not support the coal sector.

Councillor Luke stated that he was the submitting Councillor of the rescission motion and objected to the rescission motion being moved by Councillor Posniak.

The Lord Mayor accepted Councillor Posniak as the mover of the rescission motion.

The General Manager stated that under the provisions of the Local Government Act and Code of Meeting Practice, Council could only consider the business listed at an Extraordinary Council meeting. In this instance, he advised that notice of the rescission motion was presented by Councillor Luke and Councillor Luke should be recorded as the mover in the minutes.

The Lord Mayor proceeded with debate.

For the Motion: Councillors Compton, Luke, Robinson, Rufo and Waterhouse.

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

Defeated

The meeting concluded at 6.45pm.
MINUTES - PUBLIC VOICE COMMITTEE HELD 15 SEPTEMBER 2015

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 150915 Public Voice Committee Minutes

Note: The attached extract of the minutes are the decisions made by Council at the meeting. The full minutes incorporate the business paper reports previously provided and subsequent decisions. They may be viewed at www.newcastle.nsw.gov.au
PRESENT

IN ATTENDANCE
K Gouldthorp (General Manager), G Cousins (Director Corporate Services), F Cordingley (Director Infrastructure), P Chrystal (Director Planning and Regulatory), E Kolatchew (Acting Manager Council and Legal Services), P McCarthy (Acting Manager Strategic Planning), K Sullivan (Council Services/Minutes) and A Leach (Council Services/Minutes).

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
An apology and leave of absence was granted for Councillor Doyle who arrived at the meeting at 6.04pm.

MOTION
Moved by Cr Posniak, seconded by Cr Luke

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

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS
Nil
ITEM-1 PV 15/09/15 - CONSERVATION AND CULTURAL TOURISM MANAGEMENT PLAN

Doug Lithgow, representative of the Parks and Playgrounds Movement, Gionni Da Gravio, University of Newcastle and National Trust Secretary Ann Hardy provided an update to Council regarding the State Heritage Listed Coal River Precinct and Council’s Conservation and Tourism Management Plan (Pizzey Plan) adopted 2008.

The Coal River Conservation and Tourism Management Plan was adopted by Council in 2008 to guide future planning and policy making in the Precinct. The Council report noted the Pizzey Plan provided valuable overview and insight regarding the importance of the precinct and included a series of initiatives to enhance local, regional and national appreciation of Newcastle's history through its indigenous pre-history and European settlement.

The Pizzey Plan recognised the contribution of the Coal River Precinct to the visitor product on offer in the historic East End, noting the synergies between iconic heritage sites including Nobby's and Fort Scratchley as well as identifying opportunities to increase Newcastle's market share within the specialised cultural tourism segment.

The presenters requested Council to revise the Pizzey Plan in order to promote the precinct as a special Newcastle historic and recreational place.

Councillors gave support for the precinct receiving recognition on the National Heritage Register.

The Director Planning and Regulatory indicated that officers would review the matter and provide a report back to Council.

The meeting concluded at 6.10pm.
MINUTES - BRIEFING COMMITTEE 15 SEPTEMBER 2015

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 150915 Briefing Committee Minutes

Note: The attached extract of the minutes are the decisions made by Council at the meeting. The full minutes incorporate the business paper reports previously provided and subsequent decisions. They may be viewed at www.newcastle.nsw.gov.au
PRESENT

IN ATTENDANCE
K Gouldthorp (General Manager), G Cousins (Director Corporate Services), F Cordingley (Director Infrastructure), P Chrystal (Director Planning and Regulatory), E Kolatchew (Acting Manager Council and Legal Services), P McCarthy (Acting Manager Strategic Planning), K Sullivan (Council Services/Minutes) and A Leach (Council Services/Minutes).

APOLOGIES

MOTION
Moved by Cr Posniak, seconded by Cr Luke

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil

BRIEFING COMMITTEE REPORTS

ITEM-12 BR 15/09/15 - HUNTER RESEARCH FOUNDATION ANNUAL PRESENTATION TO COUNCIL

Chief Executive Officer, Dr Brent Jenkins, Hunter Research Foundation provided Council with a briefing on the work of the Hunter Research Foundation including:

- Pulse check of the local economy / recent signs of improvement
- Creating a sustainable a sustainable economic future for the Hunter Region
- Hunter Research Foundation Update - working with councils to move the Hunter forward

Doctor Jenkins addressed KPI's and the expectations of Hunter businesses, youth employment rates and mega trends.
Several questions from Councillors related to youth and current trends in career expectations, counseling and coaching in schools, affordable housing opportunities and migration rates to upper Hunter areas due to low rental and housing costs.

The meeting concluded at 6.52pm.
MINUTES - ORDINARY COUNCIL MEETING 22 SEPTEMBER 2015

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 150922 Ordinary Council Meeting Minutes

Note: The attached extract of the minutes are the decisions made by Council at the meeting. The full minutes incorporate the business paper reports previously provided and subsequent decisions. They may be viewed at www.newcastle.nsw.gov.au
Minutes of the Tuesday 22 September 2015 Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 22 September 2015 at 5.36pm.

PRESENT
The Lord Mayor (Councillor N Nelmes), Councillors D Clausen D Compton, T Crakanthorp, T Doyle, J Dunn, B Luke, M Osborne, S Posniak, A Robinson and A Rufo.

IN ATTENDANCE
K Gouldthorp (General Manager), G Cousins (Director Corporate Services), F Cordingley (Director Infrastructure), P Chrystal (Director Planning and Regulatory), K Baartz (Communications), F Giordano (Manager Council & Legal Services), I Challis (Contracts Specialist), P McCarthy (Team Coordinator Strategic Planning), A Glauser (Manager Finance), A Leach (Council Services/Minutes) and J Redriff (Council Services/Webcasting).

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

Especially remembered was former Newcastle Councillor Margaret Henry who passed away on the 9 September 2015.

The Lord Mayor said former Councillor Henry had served as an Australian Greens' Councillor on two terms of Council and as Deputy Mayor in 1996 and 2000 and was a community activist campaigning for five decades on Aboriginal rights, homelessness, disability services, refugee and migrant support, heritage conservation, public libraries and community arts. Council notes with thanks and admiration the unflagging work Margaret Henry performed on behalf of the Newcastle community and passes on its sincere condolences to Margaret's partner Keith Parsons and family and friends.

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

APOLOGIES

MOTION
Moved by Cr Luke, seconded by Cr Osborne

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

Carried
DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

**Cr Declan Clausen**
Councillor Clausen declared a less than significant non-pecuniary interest in Item 83 CCL 22/09/15 - Adoption of Economic Development Strategy 2016-2019 and confidential Item 34 - CCL 22/09/15 - Newcastle City Council and Newcastle University partnership to promote international training opportunities as both reports referred to the University of Newcastle which was an organisation he is employed with as a professional staff member in a casual capacity.

**Cr Brad Luke**
Councillor Luke declared a less than significant non-pecuniary interest in Item 86 - Executive Monthly Performance Report as Council may invest with businesses he is associated with. Councillor Luke said the interest was less than significant as the report to Council was to be received and he was not involved in any decision making processes.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - 28 JULY 2015 ORDINARY COUNCIL MEETING

MOTION
Moved by Cr Clausen, seconded by Cr Osborne

Council

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

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

   b. Reference, Item 55
      Replacement of the word 'the' with 'an' between the words Manager is' and 'Official Spokesperson' in point 9.2.

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

2. Council documentation reliant on these minutes be updated accordingly.
**MINUTES - 25 AUGUST 2015 ORDINARY COUNCIL MEETING**

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

The amended minutes of the 25 August 2015 Ordinary Council meeting as tabled at the meeting be adopted.

**LORD MAYORAL MINUTE**

**ITEM-7 LMM 22/09/15 - INTEGRATED TRANSPORT PLAN**

**MOTION**
Moved by Lord Mayor Cr Nelmes

That Council:

1. Recomit support for a geographically focused Hunter Transport Authority to provide a governance structure that
   a) allows the region to determine public transport outcomes and
   b) investigates opportunities for further transport reform to support a focus on door-to-door customer journeys through greater focus on interchange and multi-modal integration.

2. Advocate for the NSW Government to utilise public and private sector expertise to develop and deliver Hunter transport services modeled on world’s best practice, as has been achieved elsewhere including Sydney, Melbourne and the Gold Coast.

3. Call for the expansion of any proposed light rail project for Newcastle to connect the inner city with the University at Callaghan, the John Hunter Hospital, Hunter Stadium, the Newcastle Airport, beaches, and the proposed Glendale Interchange; and ensure any light rail network integrates with car parking, cycle-way, pedestrian, bus and heavy rail operations.

4. Work with the NSW Government and Transport for NSW to establish a Memorandum of Understanding with Council to acknowledge Council’s role in land-use and transport planning and define how the parties will work together.
5. Collaborate with Transport for NSW to establish an integrated transport management plan including forward planning of the next stage of any light rail project, including community consultation on the proposed routes.

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

_Against the Motion:_ Nil.

_Carried_

**REPORTS BY COUNCIL OFFICERS**

Councillor Doyle gave notice of two late items of business.

**ITEM-75  CCL 22/09/15 - FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015 TO BE REFERRED TO COUNCIL’S AUDITORS**

**MOTION**

Moved by Cr Osborne, seconded by Cr Rufo

1. That Council notes the draft Financial Statements for the year ended 30 June 2015 have been completed and that the external audit of those Financial Statements has commenced in accordance with the requirements of s 413 (1) of the Act.

2. Council authorises the Lord Mayor, a Councillor, the General Manager and the Responsible Accounting Officer to sign the relevant statements in accordance with s 413 (2) of the Act at the conclusion of the external audit (Attachments A and B).

_Carried_

**ITEM-76  CCL 22/09/15 - EXECUTIVE MONTHLY PERFORMANCE REPORT - AUGUST**

**MOTION**

Moved by Cr Osborne, seconded by Cr Posniak

The report be received.

_Carried_
ITEM-77  CCL 22/09/15 - PUBLIC CONSULTATION FOR PUBLIC HOLIDAY - SHOW HOLIDAY 2016

MOTION
Moved by Cr Posniak, seconded by Cr Clausen

A That Council endorses the Newcastle Show Holiday Community Engagement Strategy - Show Holiday 2016 (the Strategy) as outlined in (Attachment A) with an amendment to the tabled titled: "Timetable and budget" on page 6 to include: "Monday 19 October / Inform and Consult / Workers / Letter to Hunter Workers including information on the Survey to facilitate discussion with member groups / $0; and conducts stakeholder consultation in line with the strategy and the guidelines for Local Public Holiday and Local Event Day Applications (the Guidelines) (Attachment B) received from NSW Industrial Relations in August 2014.

B The submissions received by Council in December 2014 be included in the summary of the public response for the purposes of the application (but are not to be counted twice in the event that submissions are received again).

Carried

Crs Luke and Robinson requested their vote be recorded against

ITEM-78  CCL 22/09/15 - DRAFT PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

MOTION
Moved by Cr Nelmes, seconded by Cr Compton

Council endorses the placing of the draft Policy for the Payment of Expenses and Provision of Facilities to Councillors at Attachment A on public exhibition for a period of 28 days and report back to Council; after

a) considering any submissions received within the time allowed for the receipt of submissions; and

b) making any appropriate changes to the draft policy.

Carried

ITEM-79  CCL 22/09/15 - COUNCIL WARD BOUNDARY REVIEW

MOTION
Moved by Cr Osborne, seconded by Cr Doyle

That Council note the report and endorse the intent to continue to monitor elector numbers across the wards.

Carried
ITEM-80  CCL 22/09/15 - ADOPTION OF THE DRAFT FORESHORE PLAN OF MANAGEMENT

MOTION
Moved by Cr Nelmes, seconded by Cr Luke

1  a  Council adopts The Draft Foreshore Plan of Management (Attachment A) as amended in line of the submissions received.

   b  In accordance with Clause 40 of the Local Government Act 1993, Council places a notice in the paper in relation to the adoption of The Foreshore Draft Plan of Management.  

Carried

The Lord Mayor requested the motion be recorded as unanimous

Councillor Dunn left the Chamber at 6.30pm and returned at 6.33pm.

ITEM-81  CCL 22/09/15 - ADOPTION OF NEWCASTLE COASTAL PLAN OF MANAGEMENT

MOTION
Moved by Cr Nelmes, seconded by Cr Luke

1  Council adopts the Newcastle Coastal Plan of Management as amended in line of the submissions received. (See Attachment A Newcastle Coastal Plan of Management (as amended)).

2  Council refers the amended Newcastle Coastal Plan of Management to the Department of Primary Industries - Lands for their referral to their Minister for adoption under the Crown Lands Act 1989.

3  In accordance with Clause 40 of the Local Government Act 1993, Council places a notice in the paper in relation to the adoption of the Newcastle Coastal Plan of Management.

4  Council supports the inclusion of Merewether Baths in the R 56681 Crown Lands for Public Recreation. Council notes the request by Lands to take on trusteeship of the Bogey Hole but not accept the offer at this time.

Carried
ITEM-82 CCL 22/09/15 - ENDORSEMENT OF EXHIBITION OF DRAFT SOCIAL STRATEGY 2016-2019

MOTION
Moved by Cr Osborne, seconded by Cr Luke

Council resolves to:

a) Place the draft Social Strategy as provided in Attachment A on exhibition for 6 weeks.

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

Carried

ITEM-83 CCL 22/09/15 - ADOPTION OF ECONOMIC DEVELOPMENT STRATEGY 2016-2019

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

Adopt the Economic Development Strategy 2016-2019 as provided in Attachment A.

Carried

ITEM-84 CCL 22/09/15 - CLAUSE 6.4 LAND IN ZONE R4 HIGH DENSITY RESIDENTIAL - ENDORSEMENT OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

MOTION
Moved by Cr Clausen, seconded by Cr Osborne

1 Council resolves to:

a) Endorse the attached Planning Proposal (Attachment A), pursuant to Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act), in order to amend Clause 6.4 of Newcastle Local Environmental Plan 2012 to enable greater development flexibility in areas zoned R4 High Density Residential.

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

c) Advise the Director-General of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 59(1) of the EP&A Act.
d) Receive a report back on the Planning Proposal if a written objection is received during consultation with the community otherwise forward the Planning Proposal to the Secretary of the Department of Planning and Environment requesting that the proposed amendments to Newcastle LEP 2012 be made.

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

Against the Motion: Nil.

Carried

ITEM-85 CCL 22/09/15 - SUPPLEMENTARY REPORT - LOCAL GOVERNMENT BOUNDARY AREA ADJUSTMENT ADOPTION OF AMENDMENT TO NEWCASTLE LEP 2012

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

1 Council resolves to:

a) Endorse the attached Planning Proposal (Attachment B) PP_2014_NEWCA_009_00 to amend Newcastle Local Environmental Plan 2012, in order to enable the LEP maps to be amended to reflect the change of the Local Government Area Boundary.

b) Forward Planning Proposal PP_2014_NEWCA_009_00 to the Department of Planning and Environment requesting that a draft Local Environmental Plan be prepared and made pursuant to Section 59(1) of the Environmental Planning and Assessment Act, 1979 (EP&A Act).

c) 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.

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

Against the Motion: Nil.

Carried
ITEM-86  CCL 22/09/15 - YOUTH WEEK GRANTS POLICY

MOTION
Moved by Cr Clausen, seconded by Cr Osborne

1 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.

2 Following the public comment period, comments will be summarised and reported to Council for adoption.

Carried

The Lord Mayor requested the motion be recorded as unanimous

CONFIDENTIAL REPORTS

PROCEDURAL MOTION
Moved by Cr Rufo, seconded by Cr Luke

Council resolved into go into confidential session at 6.50pm.

Carried

Members of the public and Council staff not involved in confidential session left the meeting.

The General Manager, senior staff and officers left the Council Chambers at the request of the Lord Mayor at the conclusion of the discussion on Item 34 CON 22/09/15 - Newcastle City Council and Newcastle University Partnership to Promote International Training Opportunities.

Council staff remaining for Item 35 CON 22/09/15 - General Manager Performance Review Panel were the Manager Council and Legal Services and Council Services Minutes Secretary. The Review Panel Facilitator Mr Matthew McArthur, CEO McArthur, joined the confidential session for Item 35 CON 22/09/15 - General Manager Performance Review Panel.

Council reconvened into open session at 7.52pm.
Members of the public were invited back into the meeting and the Directors joined the meeting.

In the General Manager's absence the Lord Mayor reported back on the items resolved by Council during confidential session as follows:

ITEM-29 CON 22/09/15 - COURT MATTER

1 Council receives the report.

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

Resolved in confidential session

ITEM-30 CON 22/09/15 - TENDER FOR CLARENDON HOTEL AIR CONDITIONING UPGRADE - CONTRACT NO 2016/030T

1 Council accept the tender of Kelly Investments Pty Ltd trading as JK Air Conditioning in the amount of $162,360.00 GST exclusive for the Clarendon Hotel Air Conditioning Upgrade Works for Contract No. 2016/030T.

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

Resolved in confidential session

ITEM-31 CON 22/09/15 - CATHEDRAL PARK RETAINING WALL STABILISATION - CONTRACT NO. 2015/385T

1 Council accept the tender of Quality Management and Constructions Pty Ltd in the amount of $568,000 (excluding GST) for the Cathedral Park Retaining Wall Stabilisation for Contract No. 2015/385T.

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

Resolved in confidential session
ITEM-32 CON 22/09/15 - TENDER FOR HAULAGE OF VIRGIN EXCAVATED
NATURAL MATERIAL - CONTRACT 2016/047T

1 Council accept the tender of Gleeson Civil Engineering Pty for the haulage of Virgin Excavated Natural Material for Contract No. 2016/047T with payments to be made by Council at the tendered unit rates.

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

Resolved in confidential session

ITEM-33 CON 22/09/15 - TENDER FOR DESIGN DOCUMENTATION
SERVICES FOR BATHERS WAY CONTRACT 2015/401T

1 Council accept the tender of Terras Landscape Architects for Design and Documentation Services - Coastal Revitalisation for Contract No. 2015/401T.

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

ITEM-34 CON 22/09/15 - NEWCASTLE CITY COUNCIL AND
NEWCASTLE UNIVERSITY PARTNERSHIP TO PROMOTE
INTERNATIONAL TRAINING OPPORTUNITIES

1 Council authorises the General Manager to provide letters of support promoting Newcastle as an international training venue in partnership with the University of Newcastle and relevant training authorities.

2 Council endorses the Lord Mayor to accompany the Vice Chancellor of the University of Newcastle to France to further international training opportunities with relevant organisations.

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

4 Furthermore, noting the extenuating circumstance and the Lord Mayor’s attendance at the Ordinary Meeting and timeframe for attendance, that Council endorse travel by business class.

Resolved in confidential session
ITEM-35 CON 22/09/15 - GENERAL MANAGER PERFORMANCE REVIEW PANEL REPORT

1. **Performance Review Report**
   That this Performance Review Report be accepted by Council.

2. **No discretionary Increase to the General Manager's total remuneration package**
   As the final assessment/rating of the General Manager falls short of the salary increase scale contained in 23.2 of Council's Performance Review Policy, no discretionary increase be awarded this year.

3. **New Performance Agreement**
   That the Review Panel, Facilitator and General Manager be delegated responsibility to develop and submit to Council for adoption, a Performance Agreement for 2015/16 by the Council Meeting scheduled on 27th October 2015.

4. **Performance Review Policy Review**
   The Performance Review Panel undertake a review of Council's Performance Review Policy and make recommendations to Council at its meeting on the 27th October 2015, on how to improve the process.

5. **Review of the General Manager's and Lord Mayor's Delegations**
   The Panel be given until the 27 October 2015 to further review the Lord Mayor's and General Manager's delegations and submit recommended changes to Council at the Ordinary Council Meeting 27 October 2015 and the Panel also be able to consult internal and external expert advice.

6. **Confidentiality**
   The confidential report relating to the matters specified in s10A(2)(a) of the Local Government Act 1993 be treated as confidential and remain confidential until Council determines otherwise.

   Resolved in confidential session

**LATE ITEMS OF BUSINESS**

The Lord Mayor called for a procedural motion to hear Cr Doyle's two late items of business.

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

Council resolve to consider the late item of business Message of condolence to former Councillor Margaret Henry's family.

Carried
MOTION
Moved by Cr Doyle, seconded by Cr Crakanthorp

Council expresses its condolences at the death of Margaret Henry and sends the message of condolence read by the Lord Mayor at the commencement of the meeting to her partner Keith Parsons, daughter Catherine Henry and other immediate family members.

Carried

PROCEDURAL MOTION

Moved by Cr Doyle, seconded by Cr Osborne

Council resolve to consider the late item of business "Council reiterates its support for the retention of intercity rail service to Newcastle station."

The Lord Mayor ruled that the matter was not of great urgency and the item was not considered at the meeting.

The meeting concluded at 8.10pm.
REPORTS BY COUNCIL OFFICERS

ITEM-87 CCL 27/10/15 - TABLING OF PECUNIARY INTEREST RETURNS 2014-2015

REPORT BY: GENERAL MANAGER
CONTACT: MANAGER COUNCIL AND LEGAL SERVICES

PURPOSE

For the General Manager to table the pecuniary interest returns received from designated persons for the period from 1 July 2014 to 30 June 2015.

RECOMMENDATION

1. In accordance with the requirement of section 450A of the Local Government Act, the completed pecuniary interest returns that have been lodged with the General Manager by designated persons in respect of the period 1 July 2014 to 30 June 2015 and which are required to be kept on a register be:

   (a) formally tabled by the General Manager at the Council meeting to be held on 27 October 2015; and

   (b) noted by Council.

KEY ISSUES

2. Section 449(3) of the Local Government Act 1993 (NSW) (Act) requires Councillors and designated persons to lodge a pecuniary interest return in the form prescribed by the Local Government (General) Regulation 2005 (NSW) within three months of the end of each financial year disclosing interests for the previous financial year.

3. Section 441 of the Act provides that designated persons are:

   (a) General Manager;
   (b) Council’s Directors;
   (c) designated Council Officers and delegates of Council; and
   (d) designated members of committees of Council.

4. Section 450A of the Act requires the General Manager to keep a register of returns lodged and to table the returns at a meeting of Council.
5 In accordance with section 739 of the Act, Council has amended the register of pecuniary interest returns to omit information that discloses a designated person’s place of living where:
(a) the designated person requested that such information be deleted on the grounds that it would place their personal safety or their family’s safety at risk; and
(b) the General Manager was satisfied that disclosing the information would place the designated person’s safety or their family’s safety at risk.

FINANCIAL IMPACT

6 Not applicable.

COMMUNITY STRATEGIC PLAN ALIGNMENT

7 Open and collaborative leadership.

IMPLEMENTATION PLAN/IMPLICATIONS

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

9 At all other times, the register of pecuniary interest returns is available for inspection in accordance with the Government Information (Public Access) Act 2009. Council’s procedure requires a person to make an appointment to view the register during business hours.

RISK ASSESSMENT AND MITIGATION

10 Not applicable.

RELATED PREVIOUS DECISIONS

11 Pecuniary interest returns were last tabled at Council’s meeting on 21 April 2015.

CONSULTATION

12 Not applicable

OPTIONS

Option 1

13 The recommendation as at Paragraph 1.
Option 2

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

BACKGROUND

15 Not Applicable.

REFERENCES

ATTACHMENTS

Nil
ITEM-88  CCL 27/10/15 - FEDERAL COURT PROCEEDINGS - AWABAKAL AND GURINGAI PEOPLE

REPORT BY: EXECUTIVE MANAGEMENT
CONTACT: GENERAL MANAGER / MANAGER COUNCIL & LEGAL SERVICES

PURPOSE

The purpose of this paper is to make the Council aware of the Native Title Claim Application made by the Awabakal and Guringai People in the Federal Court of Australia (Federal Court) and to seek Council's approval for Council seeking leave to be joined as a respondent in the legal proceedings.

RECOMMENDATION

1 That Council resolves to:

   (a) receive this report; and

   (b) approve Council seeking the leave of the Federal Court to be joined as a respondent party in the Federal Court legal proceedings NSD780 of 2013.

KEY ISSUES

2 On 26 August 2015 Council received written notification from Local Government Legal (LGL) that it acted as solicitors for Maitland City Council in the Native Title Claimant Application made by the Awabakal and Guringai People in the Federal Court. The claimed area covered by the Application is over an area extending from Hornsby to Raymond Terrace, including the entirety of the Newcastle Local Government Area (LGA), except for the area north of the Hunter River (Stockton does not appear to fall within the claimed area) - refer to Attachment A. The only land parcels in which Council has an interest that are potentially affected by the claim are Crown Reserves. All freehold land owned by Council remains unaffected as native title has been extinguished. The National Native Title Registrar had accepted the Application for registration in 2013. Registration provides applicants with certain procedural rights while their application is being decided by the Federal Court. This is one of a number of stages that an application will go through in the course of its consideration.

3 A council's status as a respondent party allows for all of the interests it holds to be considered in the proceedings. It is anticipated that the proceedings may be resolved by consent pursuant to orders under s. 225(c) of the Native Title Act, 1993 (Commonwealth) (the Act). Should the respondent parties agree that the claim be resolved by consent, there are options under the Act for so-called indigenous land use agreements to be entered into which would govern how co-
existente rights over areas such as reserve trusts managed by Council on behalf of Crown Lands shall be managed. Alternatively, should the matter proceed to trial, the respondent parties can consider the position taken by the State of New South Wales (as First Respondent) and, if appropriate, choose to adopt it.

4 In relation to Crown land, the burden is on the Applicant to establish that there has been a continuous connection with the relevant land parcels - otherwise native title will have been extinguished.

5 The Applicant needs to establish:

(a) sufficient evidence that it holds native title to the claim area?

(b) what land and waters do the native title rights apply to?; and

(c) what are the native title rights in the identified area?

6 The Federal Court is responsible for the management of the Application and all applications made under the Act. It is also responsible for the determination of native title and any compensation for the loss or impairment of native title.

7 The Federal Court has ordered that by 31 October 2015 the Applicant deliver to the First Respondent (State of New South Wales) any further materials it seeks to rely upon to support connection to the claim area. If Council seeks leave to be joined as a respondent (and the Court approves), Council will be entitled to a copy of the Applicant's "connection material". By being joined as a respondent, Council will be able to participate in any proposed consent determination negotiations. This is the likely outcome and an Indigenous Land Use Agreement is entered into, providing clarity as to the native title recognised. Only if a consent determination is not negotiated will the matter ultimately have to be resolved by the Federal Court.

8 The First Respondent then has until 4 March 2016 to indicate to the Applicant, the Registrar and all other respondents whether it substantially accepts the Applicant's evidence as sufficient to establish connection. The next Directions Hearing is scheduled to be held on 7 December 2015. In the event that the First Respondent does not accept the Applicant's material to establish connection, the First Respondent is also to provide to the Applicant and the Registrar on the 4 March 2016 a comprehensive written outline of the reasons it believes the material is insufficient.

9 It is highly unlikely that any exclusive right to occupy land within the Newcastle LGA would ever be granted. The more likely scenario would be the recognition of a non-exclusive right to access and use land for a variety of purposes such as to gather, camp and undertake ceremonies.
10 Any leave application by Council to be joined as a respondent party is likely to be granted by the Federal Court. S. 84(5) of the Act provides that the Federal Court may at any time join any person as a party to the proceedings, if the Court is satisfied that the person's interests may be affected by a determination in the proceedings and it is in the interests of justice to do so. It is prudent for Council to seek leave to be joined as a respondent so that it can at least obtain access to the claim details.

FINANCIAL IMPACT

11 LGL have informed Council that the proceedings may take several years to finalise. It is therefore difficult to estimate the likely total legal costs of representing Council throughout the proceedings. Notwithstanding, LGL has provided Council with the following cost estimates:

(a) Reviewing Council documents and obtaining evidentiary material to support Council's and the Reserve Trusts' interests; drafting and preparing brief to Junior Barrister; and keeping Council informed of its legal obligations throughout the proceedings - approximately $5,000 - $8,000;

(b) Attendance at Directions Hearings, mediations, and Court hearings to be charged at LGL's normal hourly rates of $220 plus GST for a Senior Lawyer and $235 plus GST For a Principal Lawyer, plus any disbursements. Such latter costs are anticipated to be shared with Maitland Council (the only other Hunter Council that LGL is acting for);

(c) Briefing of a Junior Barrister is approximately $350 per hour plus GST. Such costs may also be shared with Maitland City Council; and

(d) S.85A of the Act provides that unless the Court orders otherwise, each party to a proceeding must bear its own costs. If the Court is satisfied that a party to a proceeding has, by any unreasonable act or omission, caused another party to incur costs in connection with the institution or conduct of the proceeding, the Court may order the first-mentioned party to pay some or all of those costs.

12 The Council and Legal Services business unit has a sufficient budget to fund the initial costs likely to be incurred over the course of the next several months. Any additional funding required will be the subject of a separate Council paper in the New Year. Council will be better placed at that time to more fully understand the scope and likely possible duration of the proceedings and the consequent likely legal costs to be required to fund its continued participation in the proceedings for the subsequent six months period.

COMMUNITY STRATEGIC PLAN ALIGNMENT

13 Council's relationship with the local Aboriginal Community is managed through the following mechanisms:
In 1992, Council adopted a Commitment to Aboriginal and Torres Strait Islander Peoples that recognised the importance of these people and their contribution to strengthening and enriching the city and the region. The Commitment was reviewed, adopted and re-signed in 1998. The Commitment acknowledges the Awabakal and Worimi peoples were the first peoples of the land and the proud survivors of more than 200 years of dispossession.

The Guraki Advisory Committee was also established in 1998 to give life to Council’s commitment. The first meeting was held in June 1999. The Committee’s role and function is defined through a constitution. The role includes engagement, advice and recommendations to Council on issues and services that impact on the local Aboriginal community.

The spirit of the Commitment is also carried through an 'Acknowledgement of Country' at all Council meetings and meetings held on Council property, plus through written dedication in Council documents, including the Newcastle 2030 Community Strategic Plan.

At the strategic level, the Newcastle 2030 Community Strategic Plan includes a specific strategy (4.3c) that we will acknowledge and respect local Aboriginal history, cultural heritage and peoples.


At an operational level, Council is looking to implement dual naming for eight landscape features across Newcastle and has a budget in 2015-16 of $50,000. Council is also currently preparing an Aboriginal Heritage Management Plan.

IMPLEMENTATION PLAN/IMPLICATIONS

14 Once the proposed recommended resolutions are approved by Council, at the Council meeting to be held on 27 October 2015, LGL will proceed to file the Interlocutory Application (for Joinder) and Affidavit in Support in the Federal Court on behalf of Council and will serve them upon the Applicant and the First Respondent. In the covering letter serving the documents, LGL will request that the Applicant and the First Respondent inform Council prior to 7 December 2015 if there is any objection to the Application for Council to be joined as a party to the legal proceedings. Upon the assumption that there will be no objection, this will allow LGL to inform the Court at the Directions Hearing to held on 7 December 2015 that the Application has been served and is unopposed.

RISK ASSESSMENT AND MITIGATION

15 There is no risk anticipated should Council seek to become a respondent party to the proceedings (other than that it is anticipated the proceedings will take several years to be finalised).
RELATED PREVIOUS DECISIONS

16 Nil. Council has not previously been a respondent in legal proceedings involving a Native Title Application.

17 Council has not been disadvantaged by not being a respondent party to the proceedings to date.

CONSULTATION

18 Council and Legal Services has consulted internally with Planning and Regulatory.

OPTIONS

Option 1

19 The recommendation as at Paragraph 1 (a) - (d). This recommendation will enable Council to be involved in future mediation and negotiations in relation to any Council and community interests affected by the native title claim. This is the recommended option.

Option 2

20 Council resolves not to proceed with seeking leave to become a respondent to the Federal Court proceedings. This is not the recommended option as it detrimentally impacts on the interests of Council and the community by not enabling Council to fully understand, until later in the process, the outcome of negotiations between the Applicant, the First Respondent and the other council respondent parties and Council would be impeded in its ability to reach a satisfactory negotiated outcome.

BACKGROUND

21 On 14 January 2014, the Federal Court ordered that the following councils be accepted as respondents to the proceedings:

(a) Cessnock City Council;
(b) Gosford City Council;
(c) Ku-ring-gai Council;
(d) Lake Macquarie City Council;
(e) Maitland City Council;
(f) Pittwater Council; and
22 Council has, up until now, not been involved in the Federal Court proceedings. The purposes of the present report is to explain the current status of the claim matter and to confirm a pathway that will enable Council to become fully engaged in the legal proceedings thereby ensuring the possibility of achieving best possible outcomes for the Newcastle LGA and the local community of the Awabakal and Guringai People.

23 The Application was filed with the National Native Title Tribunal on 15 May 2013. Details of the Application are attached as Attachment B.

ATTACHMENTS

Attachment A: Map showing the External Boundaries of the Claim Area
ATTACHMENT "C"
A MAP SHOWING THE EXTERNAL BOUNDARIES OF THE CLAIM AREA.

See attached Map of Awabakal and Guringai Native Title Determination Application as Attachment C as prepared by Geospatial Services, National Native Title Tribunal 10 May 2013
Awabakal and Guringai People

The application area covers all the lands and waters within the external boundary described below:

External Boundary Description

Commencing at the intersection of the northern bank of Broken Bay and the High Water Mark (HWM) of the South Pacific Ocean and extending generally south westerly across Broken Bay to the intersection of the southern bank of Broken Bay and the HWM of the South Pacific Ocean; then generally southerly along that HWM to Latitude 33.680820° South; then south westerly to the southernmost corner of Lot 104 on DP1066371; then north westerly along the southern boundary of that lot and southern boundary of Golf Avenue to the southern boundary of Barrenjoey Road; then generally south westerly along that road to its intersection with the southern boundary of Mona Vale Road; then generally westerly and generally south westerly along the southern boundary of that road to its intersection with the eastern boundary of the Pacific Highway; then generally north westerly along the eastern boundary of that highway to the southern boundary of Pemant Hills Road; then generally south westerly along the southern boundary of that road to its intersection with Castle Hill Road; then generally north easterly along northern boundaries of that road to its intersection with Old Northern Road; then generally northerly along the eastern boundaries of that road, Hastings Road, New Line Road and again Old Northern Road to its intersection with Canoelands Road; then generally easterly and generally north easterly along the southern boundary of that road to Longitude 151.073080° East; then northerly to the centreline of the Hawkesbury River at Longitude 151.072721° East; then generally northerly along the centreline of that river to Latitude 33.430521° South; the generally northerly passing through the following coordinate points:

<table>
<thead>
<tr>
<th>Longitude ° East</th>
<th>Latitude ° South</th>
</tr>
</thead>
<tbody>
<tr>
<td>151.047984</td>
<td>33.423502</td>
</tr>
<tr>
<td>151.057400</td>
<td>33.414650</td>
</tr>
<tr>
<td>151.071675</td>
<td>33.411148</td>
</tr>
<tr>
<td>151.070140</td>
<td>33.391551</td>
</tr>
<tr>
<td>151.068599</td>
<td>33.383076</td>
</tr>
</tbody>
</table>
Then northerly to the eastern boundary of Western Commission Track at Latitude 33.361380° South; then generally northerly along eastern boundaries of that track to its intersection with the Great Northern Road; then north to the western boundary of the Gosford City Council; then generally north easterly, generally northerly, again generally north easterly, generally south easterly and again generally north easterly along western and northern boundaries of that Local Government Authority boundary and north western boundaries of Wyong Shire Council boundary and Lake Macquarie City Council to Latitude 32.995389° South; then generally north westerly and generally northerly along eastern boundaries of Watagan Forest Road and eastern boundaries of Heaton Road to Sandy Creek Road; then generally westerly along the northern boundary of that road to its intersection with Quarrabalong Road; then generally northerly, generally north easterly and again generally northerly along eastern boundaries of that road, Vincent Street, Maitland Road, Old Maitland Road, Kings Road to the intersection with an unnamed road at Latitude 32.777000° South; then westerly along the northern boundary of that road to intersect an unnamed road at Longitude 151.393545° East; then generally northerly, generally north westerly and again generally northerly along eastern boundaries of that road to its intersection with Majors Lane; then generally westerly, generally northerly and generally north easterly along northern and eastern boundaries of that lane, Lovedale Road and Allandale Road to its intersection with the southern boundary of New England Highway; then generally easterly along the southern boundaries of that highway, High Street and Belmore Road to its intersection with the southern bank of the Hunter River; then generally easterly and generally north easterly along southern banks of that river to a northeastermost corner of Lot 1 on DP 128319; then generally south easterly along northern boundaries of that lot and Lot 1 on DP 361407 to again the southern bank of the Hunter River; then generally south easterly, generally easterly, generally south westerly and again south easterly along the southern bank of that river, South Channel, southern boundaries of Lot 20 on DP 262325, Lot 6 and Lot 5 DP 1184199 and western and southern boundaries of 105 on DP 1104195 to the HWI; then generally southerly along that HWI back to the commencement point.
CITY OF NEWCASTLE
Ordinary Council Meeting 27 October 2015

Exclusions:
The application area does not include the land and waters within:

- Ash Island.
- Native Title Determination Application NSD951/2012 – Awabakal People (NC2012/003).
- Native Title Determinations
  - NSD6001/98 - Metropolitan LALC (Duffy’s Forest) as determined by the Federal Court on 31/03/1998.
  - NSD6003/01 - Metropolitan LALC (Hornsby) as determined by the Federal Court on 12/04/2002.
  - NSD6008/01 - Darkinjung LALC (2002) as determined by the Federal Court on 03/05/2002.
  - NSD6022/02 - Bahtahbah LALC as determined by the Federal Court on 19/06/2003.
  - NSD23/05 - Awabakal LALC as determined by the Federal Court on 06/12/2005.
  - NSD986/06 - Bahtahbah Local Aboriginal Land Council 1 as determined by the Federal Court on 20/03/2007.
  - NSD987/06 - Bahtahbah Local Aboriginal Land Council 2 as determined by the Federal Court on 20/03/2007.

Note:

Reference Datum

Geographical coordinates have been provided by the NNTT Geospatial Unit and are referenced to the Geocentric Datum of Australia (GDA94), in decimal degrees and are based on the spatial reference data acquired from the various custodians at the time.
Data Reference and source

- Agreement boundary data compiled by National Native Title Tribunal.
- Native Title Determination Application NSD951/2012 – Awabakal People (NC2012/003) as accepted for registration 02/06/2012
- Where possible roads and creeks are based on Cadastral data sourced from the LPM Authority, NSW (July 2001).
- Road, River and Creek data sources from Topographic vector data is © Commonwealth of Australia (Geoscience Australia) 2003.
- Mining Lease Application data sourced from Department of Primary Industries, NSW.

Use of Coordinates

Where coordinates are used within the description to represent cadastral or topographical boundaries or the intersection with such, they are intended as a guide only. As an outcome to the custodians of cadastral and topographic data continuously recalculating the geographic position of their data based on improved survey and data maintenance procedures, it is not possible to accurately define such a position other than by detailed ground survey.

Prepared by Geospatial Services, National Native Title Tribunal (28/05/2013).
Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: NSD780/2013
NNTT number: NC2013/002

Application Name: Kerrie Brauer & Ors on behalf of the Awabakal and Guringai People (Awabakal and Guringai People)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 13/05/2013

Current stage(s): Notification Complete

Registration information: Please refer to the Register of Native Title Claims/National Native Title Register (as appropriate) for registered details of this application.

Date claim entered on Register of Native Title Claims: 13/06/2013
Registration decision status: Accepted for registration
Registration history: Registered from 13/06/2013

Applicants: Kerrie Brauer, Trevor Powell, Wayne Hawken, Shane Frost, Peter Leven, Wayne Saxby, Tracey-Lee Howie, Trudy Smith, Laurine Bimson

Address(es) for Service: Michael Owens
Michael Owens
Lawyer and Consultant
15 Cahill Street
Alkovenale QLD 4814
Phone: 0418 181 004
Fax: (07) 4779 9910

Additional Information
Not applicable

Persons claiming to hold native title:
The claim group are persons:

1. who are recognised by other members of the claim group as being descended (which may include by adoption) from a deceased person who they recognise as having been a member of the aboriginal landholding group for the application area depicted in Attachment "C" ("an apical ancestor"); and

2. who identifies himself or herself as being a descendant of an apical ancestor.

It is accepted that adoption may take place and where adoption has occurred it confers upon the adoptee the right to identify as a member of the claim group.

The following deceased persons are recognised as having been apical ancestors from whom claim group members are descended:

The Awabakal People:
- Margaret (known as Queen Margaret/Old Margaret)
- Ned (known as King Ned/King Molly/Black Ned/Old Ned)
- Flathead (Father of King Ned/Black Ned/Old Ned)
- Mahar主导 (Known as Molly/Molly Morgan/Maria Morgan)
- Charlotte Preston (Daughter of Molly/Molly Morgan/Maria Morgan)

The Guringai Peoples:
- Bungaree (Known as King Bungaree)
- Bowen Bungaree
- Matora
- Gooseberry (Known as Cora)
- Charlotte Ashby
- Biddy Salamander

The Applicant relies on section 3 and elsewhere in the Report of Mr. Nathan Woolford dated 10 May 2013 in Attachment "F".

Native title rights and interests claimed:

1. Over areas where a claim to exclusive possession can be recognised (such as areas where there has been no prior extinguishment of native title or where s. 258, ss. 47, 47A of 47B apply), the claim group claims the right to possess, occupy, use and enjoy the lands and waters of the application area as against the whole world, pursuant to the traditional laws and customs of the claim group.

2. Over areas where a claim to exclusive possession cannot be recognised, the claim group claims the non-exclusive right to:
   (a) live and be present on the application area;
   (b) take, use, share and exchange Traditional Natural Resources for personal, domestic and non-commercial, communal purposes;
   (c) conduct burial rites;
   (d) conduct ceremonies;
   (e) teach on the area about the physical and spiritual attributes of the area;
   (f) maintain places of importance and areas of significance to the native title holders under their traditional laws and
customs and protect those places and areas from physical harm;
(g) light fires for domestic purposes including cooking but not for the purposes of hunting or clearing vegetation;
(h) be accompanied into the claim area by non claim group members being people required;
(1) by traditional law and custom for the performance of ceremonies or cultural activities; and
(2) to assist in observing and recording traditional activities on the claim area; and
(i) In relation to Water, take and use;
(1) Traditional Natural Resources from the Water for personal, domestic and non-commercial communal purposes; and
(2) for personal, domestic and non-commercial, communal purposes.
3. For the purposes of 2. above,
"Live" means to reside and for that purpose erect shelters and temporary structures but does not include a right to construct permanent structures;
"Traditional Natural Resource" means:
(1) "animals" as defined in the National Parks and Wildlife Act 1974 (NSW), but also including fish;
(2) "plants" as defined in the National Parks and Wildlife Act 1974 (NSW);
(3) charcoal, shells and resin; and
(4) clay, soil, sand, ochre, gravel or rock on or below the surface.
"Water" means water source as defined by the Water Management Act 2000 (NSW).
4. The native title rights and interests are subject to:
(a) The valid laws of the State of New South Wales and the Commonwealth of Australia; and
(b) The rights conferred under those laws.

Application Area: State/Territory: New South Wales
Brief Location: The claim area is situated on the Central Coast of New South Wales, extending generally south from Newcastle.
Primary RATSIB Area: New South Wales
Approximate size: 3821.3809 sq km
(Note: There may be areas within the external boundary of the application that are not claimed.)
Does Area include Sea: No

Area covered by the claim (as detailed in the application):

Information identifying the boundaries of:
(a) the area covered by the application; and
(b) any areas within those boundaries that are not covered by the application.

In relation to (a) above a description of the area of land and waters covered by the application is provided at Attachment "B".

Areas within the boundary identified in Attachment "B" that are not covered by the application are set out below:

1. The area covered by the application excludes any land or waters that is or has been covered by:
(a) Scheduled interest;
(b) a freehold estate;
(c) commercial lease that is neither an agricultural lease nor a pastoral lease;
(d) an exclusive agricultural lease or an exclusive pastoral lease;
(e) a residential lease;
(f) a community purpose lease;
(g) a lease dissected from a mining lease and referred to in s. 23B(2)(c)(viii) of the Native Title Act 1993 (Cth);
(h) any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters.

2. Subject to paragraphs 4 and 5, the area covered by the application excludes any land or waters covered by the valid construction or establishment of any public work, where the construction or establishment of the public work commences on or before 23 December 1996.

3. Subject to paragraphs 4 and 5, exclusive possession is not claimed over areas which are subject to valid previous non-exclusive possession acts done by the Commonwealth or State of New South Wales.

4. Subject to paragraph 6, where the act specified in paragraphs 1, 2 and 3 falls within the provisions of:
   s. 23B(9) - Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
   s. 23B(9A) - Establishment of a national park or state park;
   s. 23B(9B) - Acts where legislation provides for non-extinguishment;
   s. 23B(9C) - Exclusion of Crown to Crown grants; and
   s. 23B(10) - Exclusion by regulation
the area covered by the act is not excluded from the application.

5. Where an act specified in paragraphs 1, 2 and 3 affects or affected land or waters referred to in:
   s. 47 - Pastoral leases etc. covered by claimant application
   s. 47A - Reserves etc. covered by claimant application
   s. 47B - Vacant Crown land covered by claimant application
the area covered by the act is not excluded from the application.

6. The area covered by the application excludes land or waters where the native title rights and interests have been otherwise extinguished.

The Applicant relies on section 2 and elsewhere in the Report of Mr. Nathan Woolford of 10 May 2013 in Annexure "G".

Attachments:
1. Attachment C Map, 2 pages - A4, 13/05/2013
2. Attachment B boundary description, 4 pages - A4, 07/06/2013

NNTT Contact Details
Address: National Native Title Tribunal
         Sydney Office
         Level 19, Law Courts Building
         Queens Square
         SYDNEY NSW 2000
         GPO Box 9973
         SYDNEY NSW 2001

Telephone: (02) 9227 4000
Freecall: 1800 640 501
Fax: (02) 9227 4030
ITEM-89 CCL 27/010/15 - EXECUTIVE MONTHLY PERFORMANCE REPORT

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

PURPOSE

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

a) Monthly financial position and year to date (YTD) performance against the 2015/16 Operational Plan as at the end of September 2015.

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

RECOMMENDATION

1 The report be received.

KEY ISSUES

2 At the end of September 2015 the consolidated YTD actual operating position is a surplus of $3.7m which represents a positive variance of $4m against the budgeted deficit of $0.3m. This budget variance is due to a combination of income and expenditure variances which are detailed in Attachment A. The full year Adopted Budget for 2015/16 is an operating deficit of $9.5m.

3 The September YTD position includes $4m of revenue items which are one off or cannot be applied to supporting operating activities ($1.3m 2012 SRV, $0.8m consolidation of Newcastle Airport, $0.5m stormwater management service charge, $0.4m local roads financial assistance grant and $1m dividend from Lehman Bros). When these items are removed Council’s sustainable underlying operating position at the end of September is a deficit of $0.3m.

4 The net funds generated at the end of September 2015 is a surplus of $10.6m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to budget of $7m.
5 The variance between budget and actual YTD results at the end of September 2015 is provided in the Executive Monthly Performance Report (Attachment A). Key elements are:

<table>
<thead>
<tr>
<th>Financial Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commit</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Full Year Adopted Budget $'000</th>
<th>YTD Adopted Budget $'000</th>
<th>YTD Actual Result $'000</th>
<th>Variance %</th>
<th>Financial Impact +ve / -ve</th>
<th>Commitments $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>233,044 Total Operating Revenue</td>
<td>58,300</td>
<td>58,496</td>
<td>196</td>
<td>0%</td>
<td>+</td>
</tr>
<tr>
<td>242,585 Total Operating Expenses</td>
<td>58,594</td>
<td>54,779</td>
<td>(3,815)</td>
<td>-7%</td>
<td>+</td>
</tr>
<tr>
<td>(9,541) Total Operating Revenue Less Operating Expenditure</td>
<td>(294)</td>
<td>3,717</td>
<td>4,011</td>
<td>-1365%</td>
<td>+</td>
</tr>
<tr>
<td>36,707 Total Capital Raising revenue</td>
<td>6,470</td>
<td>6,280</td>
<td>(190)</td>
<td>-3%</td>
<td>-</td>
</tr>
<tr>
<td>40,161 Add Back Non Cash Items</td>
<td>9,958</td>
<td>9,958</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>67,327 Funding available for capital expenditure</td>
<td>16,134</td>
<td>19,955</td>
<td>3,821</td>
<td>24%</td>
<td>+</td>
</tr>
<tr>
<td>68,321 Total capital spend</td>
<td>11,846</td>
<td>8,667</td>
<td>(3,179)</td>
<td>-27%</td>
<td>+</td>
</tr>
<tr>
<td>2,600 Loan Principal Repayment</td>
<td>650</td>
<td>650</td>
<td></td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td>(3,594) Net Funds Generated / (Used)</td>
<td>3,638</td>
<td>10,638</td>
<td>7,000</td>
<td>192%</td>
<td>+</td>
</tr>
</tbody>
</table>

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

i **Interest – increase of $0.5m**
Council's Investment Portfolio continues to return a higher than forecast investment return.

ii **Other operating revenues – increase of $0.7m**
$1m dividend paid by Lehman Brothers Australia liquidation. Full details reported in Investment Report in Attachment A.

iii **Employee Costs – decrease of $0.5m**
Under expenditure in general employee costs due to vacant positions.

iv **Materials and Contracts – decrease of $3m**
There is lower spend than forecast on general maintenance in Council's roads and parks. In addition there is a lag in the programs running within Council's cultural facilities. It is expected that material budgets will be required full term.

Factors adversely impacting Financial Position

i **User charges & fees – decrease of $0.7m**
Tipping income earned through Council's waste management facility below budget YTD.
8 At the end of September commitments raised against operating expenses totaled $11.7m. The commitments represent both the work currently being undertaken and awaiting invoice as well as the work planned for the future. Major commitments include:

i. State Waste Levy – $1.7m
ii. Parking projects – $0.8m
iii. General audit services – $0.4m
iv. Street lighting – $0.3m
v. Road and building maintenance – $1m.

9 In September Council’s main revenue source (rates) was in line with budget while Council’s capital works and associated maintenance programs were well below budget, which generated an operating surplus for the month. Typically the capital works expenditure accelerates as the year progresses. There are also seasonal factors which will result in both revenue and expense timing variations by month.

$’000s

Trend in monthly operating position 2015/16

<table>
<thead>
<tr>
<th>Month</th>
<th>Operating Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>July</td>
<td>-1,000</td>
</tr>
<tr>
<td>August</td>
<td>-2,000</td>
</tr>
<tr>
<td>September</td>
<td>-3,000</td>
</tr>
<tr>
<td>October</td>
<td>0</td>
</tr>
<tr>
<td>November</td>
<td>1,000</td>
</tr>
<tr>
<td>December</td>
<td>2,000</td>
</tr>
<tr>
<td>January</td>
<td>3,000</td>
</tr>
<tr>
<td>February</td>
<td>4,000</td>
</tr>
<tr>
<td>March</td>
<td></td>
</tr>
<tr>
<td>April</td>
<td></td>
</tr>
<tr>
<td>May</td>
<td></td>
</tr>
<tr>
<td>June</td>
<td></td>
</tr>
</tbody>
</table>
10 Council’s total capital spend at the end of September is $8.7m. This result is $3.2m below the YTD budget (which is phased in line with the anticipated work schedule). If the full year capital expenditure budget ($68m) was split evenly over the year the September YTD budget would be $17m which is twice the September YTD actual expenditure of $8.6m.

11 Council’s program of project work tends to accelerate as the year progresses and it is expected that the full program will be delivered in 2015/16. As the capital work program intensifies Council can expect a flow on effect into the expenditure line of Materials & Contract for operational project expenses.

12 At the end of September commitments raised against capital work totaled $14.7m. The commitments represent both the work currently being undertaken and awaiting invoice as well as the work planned for the future. Major commitments include:

i **Building renewal – $3.4m**
Commitments relate to the repairs on City Hall as well as the erection of a new roof in the Newcastle Museum.
ii **Road renewal – $3.8m**
Commitments include $2.3m for the contractors rebuilding Shortland Esplanade.

iii **Coastal Revitalisation – $0.8m**
Projects undertaken to deliver coastline revitalisation between Nobbys and Newcastle.

iv **Other works**
Other major works currently underway include Fleet replacement ($0.6m), Civic Theatre ($0.3m) and Civic Park ($0.2m).

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

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

14 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**

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

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

   b) Council’s Investment Policy and Strategy, and

   c) the Regulation and clause s625 of the Act.

**RISK ASSESSMENT AND MITIGATION**

16 No additional risk mitigation has been identified this month.

**RELATED PREVIOUS DECISIONS**

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

18 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

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

Option 2

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

BACKGROUND

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

22 The Executive Monthly Performance Report now incorporates a Customer Service section. This will be refined as Council develops a more detailed and comprehensive customer service solution with integrated tracking of customer requests through to completion.

23 In response to the internal audit on project management an additional table has been added to the Executive Monthly Performance Report (Attachment A) outlining significant contract variations.

24 In response to a memo from the office of the General Manager an additional table has been added to the Executive Monthly Performance Report (Attachment A) outlining fees & charges which have been waived or reduced.

REFERENCES

ATTACHMENTS

Attachment A: Executive Monthly Performance Report for September 2015
Distributed under separate cover
ITEM-91 CCL 27/10/15 - COUNCILLOR REPRESENTATION ENVIRONMENTAL ADVISORY COMMITTEE

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

PURPOSE

To appoint a Councillor representative to the Environmental Advisory Committee (EAC).

RECOMMENDATION

1 Council call for nominations for Councillor representation on the EAC.

2 [Insert name of Councillor] be appointed as a Council's representative on the EAC.

KEY ISSUES

3 Current Council representation on the EAC is facilitated by Councillor Michael Osborne, Councillor Therese Doyle and Councillor Alan Robinson.

4 At the EAC meeting 11 August 2015, members resolved to note Councillor Robinson's request to step down as member and to seek new Councillor representation.

FINANCIAL IMPACT

5 Nil

COMMUNITY STRATEGIC PLAN ALIGNMENT

6 Open and Collaborative Leadership:

   (a) Considered decision making based on collaborative, transparent and accountable leadership.
   (b) Active citizen engagement in local planning and decision making processes and a shared responsibility for achieving our goals.

7 Protected and Enhanced Environment

   (a) Environment and climate change risks and impacts are understood and managed.
IMPLEMENTATION PLAN/IMPLICATIONS

8 This is outlined under key issues.

9 Council will advise the committee of its new Councillor representative and facilitate Councillor attendance at meetings.

RISK ASSESSMENT AND MITIGATION

10 Not applicable.

RELATED PREVIOUS DECISIONS

11 Council resolved on the 4 December 2012 to establish the Strategic Advisory Committees (SAC).

CONSULTATION

12 As outlined under key issues.

OPTIONS

Option 1

13 The recommendation as at Paragraphs 1 and 2.

Option 2

14 Council resolve to adopt an alternate committee structure and membership. This is not the recommended option.

BACKGROUND

15 The EAC's purpose is to provide strategic advice and guidance on, and assist in the development of environmental strategies for the City of Newcastle. It aims to monitor and review progress of Council's environmental strategies and to facilitate and guide environmental research where relevant.

16 The committee consists of nine Voting Members being three Councillors, three organisation advisors and three community representatives.

17 Meetings must be held at least four times a year and this committee is scheduled to disband and cease to function on 5 August 2016 or as otherwise determined by Council.

REFERENCES

Environmental Advisory Committee Constitution (March 2013)
ATTACHMENTS

Nil
ITEM-92  CCL 27/10/2015 - OPTIONS FOR A RAINBOW CROSSING IN A PUBLIC SPACE

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

PURPOSE

The purpose of this report is to advise Council of the costs and constraints associated with the proposed establishment of a permanent rainbow crossing/feature within the Local Government Area (LGA).

RECOMMENDATION

1 Council notes the options for a rainbow crossing/feature in the report (paragraphs 6 to 11).

2 Council seek feedback from the community regarding a preferred location for the permanent rainbow crossing/feature.

3 Council refer a request for an allocation of $25,000 to be considered for design and construction of the feature in the September 2015 Quarterly Review.

KEY ISSUES

4 On 28 July 2015 Council resolved, in part, to support the establishment of a permanent rainbow crossing as a placemaking proposal on a local road or alternative suitable public space and sought a report on options and costs.

5 This proposed creation of a rainbow pedestrian crossing within the Newcastle LGA was considered by the Newcastle City Traffic Committee (NCTC) at its meeting held 17 August 2015. The NSW Police and Roads and Maritime Services (RMS) representatives did not support the installation of a rainbow crossing on an existing pedestrian crossing or any local road as it was not a standard traffic treatment and would cause confusion and safety issues. There were concerns raised about people wanting photographs taken on the coloured crossing, similar to what had occurred on the rainbow crossing installed by the City of Sydney located on Oxford Street, Paddington. This coloured crossing was subsequently removed by RMS under the direction of the NSW Government. The Traffic Committee recommended Council investigate the installation of a rainbow crossing in a public area, or a local park, but not on a public road for safety reasons.
6 On 29 August 2015, Council officers wrote to RMS seeking advice on the suitability of the placement of a rainbow crossing on Beaumont Street, Hamilton or any other alternative location within the Newcastle LGA. No written response has been received by Council from RMS to date, although advice has been provided through the NCTC.

7 Council officers have investigated the feasibility of establishing a rainbow crossing within suburbs known to have historical association with the local lesbian, gay, bisexual, transgender, intersex or queer (LGBTIQ) community, specifically Islington and Hamilton. Places considered include; Gregson Park, Hamilton; James Street Plaza, Hamilton and Islington Park, Islington. Other locations examined included Little Birdwood Park and Birdwood Park, Newcastle West.

8 Islington Park is considered a suitable location within the Islington / Hamilton precinct for the creation of a permanent rainbow crossing. A number of pathways are currently located within Islington Park, including a concrete path which extends from the Throsby Creek pedestrian bridge to the asphalt path linking to Maitland Road (Appendix A). This 2m wide pathway, approximately 100m in length, provides connections to the newly developed playground, barbeque shelters and the east-west bicycle network.

9 Gregson Park and James Street Plaza, both located within the Islington / Hamilton precinct, were also investigated for their suitability for a rainbow crossing. James Street Plaza is considered an unfeasible location due to the difficulty of the paint to successfully adhere to the block pavers and the inability to create a meaningful size rainbow crossing/feature due to its small size and the density of street furniture. Gregson Park was also considered unfeasible due to the cultural significance of the site and existing pathways, and the incompatibility of the proposal with the objectives of the Heritage Places Strategic Plan and Plan of Management.

10 Little Birdwood Park is considered a possible location for the creation of a permanent rainbow crossing/feature. Located at the corner of King Street and Stewart Avenue (Pacific Highway), a 3m wide footpath is currently located within the park, providing east-west linkage from the pedestrian crossing opposite Market Town through the park and connecting to the King Street traffic signals (Appendix B).

11 Little Birdwood Park has been the location of past 'Place Making' initiatives in addition to community safety projects. These works have included the installation of signage, public art and visual improvements to the park. Little Birdwood Park experiences considerable foot traffic and the placement of a permanent rainbow crossing, or other symbolic feature at this location would ensure considerable exposure. The width of the footpath would also allow for the creation of a meaningful sized rainbow crossing, enhancing its visibility within the park and the broader community.
12 Birdwood Park is also considered a possible location for the creation of a permanent rainbow crossing/feature. Located opposite Little Birdwood Park, a 1.25 m wide footpath approximately 150m in length is located within the park, which provides pedestrian linkages to/from the City Centre (Appendix C). However, the level of foot traffic and visibility of the pathway, and other parts of the park, is estimated to be significantly lower than that of Little Birdwood Park.

13 To successfully install a permanent rainbow crossing feature at the aforementioned sites, a number of aspects need to be considered. A painted feature on a path will wear and eventually peel, have to be non-slip and would need to be regularly cleaned, maintained and refreshed. A more permanent solution would be a feature using a product such as mosaic tiles, which would be more a piece of public art, or a placemaking activity, and be located at a site other than a footpath. Building this kind of feature on a footpath is restrictive due to safety aspects (like the requirement for a non-slip surface), and exposes it to damage from pedestrians, bikes, scooters and skate boards etc.

FINANCIAL IMPACT

14 The estimated cost to install a permanent rainbow crossing will vary considerably depending on the materials used and the length of the crossing. A 20m painted crossing on a footpath of typical width would cost in the order of $7,000, however a painted feature is arguably not permanent unless refreshed/repainted. It is hard to put a cost on a piece of mosaic or similar art, but a figure around $20,000 would not be unrealistic.

15 To facilitate the development and implementation of the rainbow feature, the engagement of a community artist is recommended. Similar to other Place Making projects undertaken throughout the LGA, a community artist will have the ability to engage and work with the community, and relevant Council units, to ensure a broad and inclusive approach is undertaken. Based on previous projects, the estimated cost to engage a community artist to facilitate this project is $5,000.

16 The establishment of a rainbow feature is not currently identified within the adopted 2013-17 Delivery Program or 2015/16 Budget, so a budget allocation at the next Quarterly Review will be required.

COMMUNITY STRATEGIC PLAN ALIGNMENT

17 The establishment of a permanent rainbow pedestrian crossing falls primarily within the Community Strategy Plan objectives of:

- Vibrant and Activated Public Places
- Caring and Inclusive Community
IMPLEMENTATION PLAN/IMPLICATIONS

18 As proposed in paragraph 14 above the engagement of a community artist is recommended to work with the community, and Council, to create the rainbow feature.

19 The artist would be chosen through an expression of interest process.

RISK ASSESSMENT AND MITIGATION

20 To address the safety concerns raised by the NSW Police and RMS regarding the installation of a rainbow crossing on an existing pedestrian crossing or any local road, it is proposed that a rainbow feature be placed in a suitable location within a public reserve.

21 To ensure the safety of park users, and compliance with relevant Australian standards, the chosen feature will need to be constructed in a form that does not create any risks for the public.

RELATED PREVIOUS DECISIONS

22 At the meeting of 28/07/2015 Council resolved:

"A report be received by Council at or before the October meeting of Council which identifies a number of locations, options and estimates the costs and other constraints of establishing a permanent rainbow pedestrian crossing on a local road or in an alternative public space. The report is to consider the potential of establishing a permanent crossing in locations of current and historical significance to the local lesbian, gay, bisexual, transgender and intersex or queer (LGBTIQ) community including Beaumont Street, Hamilton".

CONSULTATION

23 The proposed creation of a rainbow pedestrian crossing within the Newcastle LGA was considered by the Newcastle City Council Traffic Committee at its meeting held 17 August 2015. The Traffic Committee recommended Council investigate the installation of a rainbow crossing in a public area but not on a public road for safety reasons.

24 It is recommended that Council seek feedback from the community about a preferred location for a permanent rainbow crossing, or other feature. A communication plan will be developed to ensure that the consultation process is inclusive, seeks comments on current proposed locations and provides opportunity to suggest other locations.
OPTIONS

Option 1

25 The recommendation as at Paragraphs 1, 2 and 3.

Option 2

26 Council support the creation of a permanent rainbow crossing/feature at a particular location. The location will need to be nominated. This is not the recommended option.

Option 3

27 Council decides not to construct a rainbow crossing. This is not the recommended option.

BACKGROUND

28 The proposed creation of a rainbow pedestrian crossing within the Newcastle LGA was considered by the Newcastle City Council Traffic Committee at its meeting held 17 August 2015. The Traffic Committee recommended Council investigate the installation of a rainbow crossing in a public area but not on a public road for safety reasons.

29 At the meeting of 28/07/2015 Council resolved that staff prepare a report that identifies a number of location options and estimates of the costs and other constraints of establishing a permanent rainbow pedestrian crossing on a local road or in an alternative public space.

30 On 29 August 2015, Council officers wrote to NSW Roads and Maritime Services (RMS) seeking advice on the suitability of the placement of a rainbow crossing on Beaumont Street, Hamilton or any other alternative location within the Newcastle LGA.

REFERENCES

ATTACHMENTS

Appendix A: Islington Park - Possible rainbow crossing location
Appendix B: Little Birdwood Park - Possible rainbow crossing location
Appendix C: Little Birdwood Park - Possible rainbow crossing location
APPENDIX A - Islington Park - Proposed rainbow crossing location
APPENDIX B - Little Birdwood Park - Proposed rainbow crossing location
ITEM-93 CCL 27/10/15 - ENDORSEMENT OF EXHIBITION OF DRAFT NEWCASTLE YOUTH COUNCIL COMMITTEE CHARTER

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

PURPOSE

To place the draft Newcastle Youth Council Committee Charter on public exhibition.

RECOMMENDATION

1 Place the Newcastle Youth Council Committee Charter on public exhibition for 4 weeks.

2 Receive a report back on the outcomes of the public exhibition.

KEY ISSUES

3 The Newcastle Youth Council's (NYC) current constitution is outdated. A revised Committee Charter has been developed to ensure consistency with other committees of Council, that reflects the needs of young people and provides an easily read and understood document for Committee members aged 15-25 year olds (see Attachment A).

4 The proposed key changes to the Committee Charter (refer Attachment A) from the current Constitution are:

   • The Objective of the Committee is defined.
   • Youth Council will have a Chairperson position, no longer a Youth Mayor.
   • The role of the Committee Facilitator is defined.
   • The Charter aligns with the Newcastle 2030 Community Strategic Plan.

FINANCIAL IMPACT

5 There is no financial impact from advertising and adopting the Youth Council Committee Charter.

6 NYC has an annual operational budget of $4,085. NYC also manages an annual budget of $6,000 allocated to National Youth Week grants, which consists of $3,000 in Council operating funds and $3,000 in NSW State Government Funding from the NSW Office of Communities (Youth).
COMMUNITY STRATEGIC PLAN ALIGNMENT

7 Council's commitment to young people is recognised in the *Newcastle 2030 Community Strategic Plan*:

*Caring and Inclusive Community* - 4.1b Support local community initiatives that encourage citizens to engage collectively for the benefit of their communities, builds community capacity and fosters connectedness.

*Open and Collaborative Leadership* - 7.3c Develop opportunities and build capacity for community leadership, especially in young people.

IMPLEMENTATION PLAN/IMPLIEDSATIONS

8 Facilitation of NYC based on the revised NYC Committee Charter.

9 Implementation of the NYC Committee Charter will be the responsibility of Strategic Planning Services.

RISK ASSESSMENT AND MITIGATION

10 The revised NYC Committee Charter will ensure Council is actively engaging young people in decision making. It will also provide clarity in the role of Council officers to ensure delivery of identified strategic actions, and monitoring and evaluation of outcomes in an annual report. The NYC Annual Report will be provided to Council in June each year.

RELATED PREVIOUS DECISIONS

11 CCL 04/12/12 - Council establish the Youth Council and nominates Councillors Robinson, Doyle and Posniak as Councillor Representatives.

12 CCL 26/11/13 - Transition of Loft Services - Council continues to support the Youth Council, as a strategic advisory committee of Council.

CONSULTATION

13 Initial consultation undertaken included:

- internal stakeholder discussions
- discussions with current NYC members
- discussions with local youth sector support agencies.

14 Further research and investigation was undertaken to explore current models of youth engagement. Council's Community Planner interviewed ten local government youth council / advisory committee facilitators. Councils were selected based on The NSW Division of Local Government (DLG) grouping for 2011/12 and other Councils renowned for sound community development initiatives.
15 Key issues that emerged during engagement and research included:

- The current NYC committee model for youth engagement is working.
- The majority of youth councils perform both strategic and operational functions.
- The majority of youth councils meet on Council premises.
- Youth councils have difficulty engaging Aboriginal and Torres Strait Islander and culturally and linguistically diverse (CALD) communities.
- Clear articulation of committee members' roles and responsibilities improves the level of engagement.
- The need for an awards and recognition program.
- Ability to retain youth council members over time.

OPTIONS

Option 1

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

Option 2

17 Council does not place the draft Newcastle Youth Council Committee Charter on public exhibition for 28 days. This is not the recommended option.

BACKGROUND

18 NYC is a committee of Newcastle City Council. Council resolved to establish the Committee on 17 November 2009.

19 Council's A Commitment by Newcastle City Council to the Young People of the City 1996 acknowledges that young people are an integral part of the community and Council will actively encourage their inclusion in all facets of community life and promote recognition of their achievements.

20 NYC membership has grown from four to twelve members since transferring to Strategic Planning in 2013. NYC currently has twelve members and a Facebook following of 204 persons.

21 Over the past two years NYC has:

- Delivered two successful rounds of National Youth Week grants in 2014 and 2015, delivering eighteen youth events.
• Delivered Night OWLS, a creative lighting design competition for young people to activate Newcastle's city centre.

• Facilitated a membership campaign at The Lake Macquarie and Newcastle Careers Expo in partnership with Lake Macquarie Youth Advisory Committee.

• Supported two Youth Arts In Recovery Workshops in partnership with Community Youth Development Project.

• Delivered a 2013/2014 Newcastle Youth Council Annual Report.

NYC recently developed an Action Plan for 2015/2016 which will aim to deliver four projects listed below:

• National Youth Week April 2016.

• Ability Links Mental Health Week Event October 2015.

• Youth Arts In Recovery November 2015 and May 2016 Workshops.

• Two life skills workshops, through a State Youth Opportunities Grant Application.

ATTACHMENTS

Attachment A: Newcastle Youth Council Committee Charter 2015
Newcastle Youth Council Committee Charter
Youth Council Committee Charter

<table>
<thead>
<tr>
<th>Policy title</th>
<th>Newcastle Youth Council Committee Charter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy owner</td>
<td>General Manager</td>
</tr>
<tr>
<td>Prepared by</td>
<td>Strategic Planning Services – Community Development</td>
</tr>
<tr>
<td>Approved by</td>
<td>Council</td>
</tr>
<tr>
<td>Date approved</td>
<td></td>
</tr>
<tr>
<td>Commencement Date</td>
<td></td>
</tr>
<tr>
<td>Version</td>
<td>1</td>
</tr>
<tr>
<td>Category</td>
<td>Governance</td>
</tr>
<tr>
<td>Revision date</td>
<td>December 2019</td>
</tr>
<tr>
<td>Amendments</td>
<td></td>
</tr>
<tr>
<td>Relevant strategic direction</td>
<td>Open and Collaborative Leadership</td>
</tr>
<tr>
<td></td>
<td>Caring and Inclusive Community</td>
</tr>
<tr>
<td>Relevant legislation/codes</td>
<td>Local Government Act 1993 (NSW)</td>
</tr>
<tr>
<td>Related policies/documents</td>
<td>Code of Conduct</td>
</tr>
<tr>
<td>Related forms</td>
<td>Youth Council Membership Application</td>
</tr>
</tbody>
</table>
Table of Contents

1 Objective....................................................................................................................... 2
2 Interpretation.................................................................................................................. 2
3 Establishment and dissolution ................................................................................... 2
4 Authority....................................................................................................................... 2
5 Responsibilities of Committee.................................................................................... 2
6 Membership.................................................................................................................. 3
7 Selection of Councillor Members................................................................................ 3
8 Selection of external Members ................................................................................... 3
9 Responsibility of Members.......................................................................................... 4
10 Appointment and responsibility of Chairperson.................................................... 4
11 Responsibility and requirements of Facilitator....................................................... 4
12 Termination of Membership...................................................................................... 4
13 Attendance at meetings.............................................................................................. 4
14 Meeting administration............................................................................................. 5
15 Quorum....................................................................................................................... 5
16 Meeting schedule....................................................................................................... 5
17 Meeting agendas....................................................................................................... 5
18 Resolutions of the Committee.................................................................................. 5
19 Reports to Council..................................................................................................... 5
20 Minutes....................................................................................................................... 5
21 Conduct by Members and attendees ....................................................................... 6
22 Public Comment......................................................................................................... 6
23 Confidentiality............................................................................................................ 6
24 Induction..................................................................................................................... 6
25 Review of Charter...................................................................................................... 6
1 Objective

1.1 The objective of the Committee is to seek to engage young people in Local Government and to provide advice to Council regarding youth issues in Newcastle’s LGA.

2 Interpretation

2.1 Act means the Local Government Act 1993 (NSW).
2.2 Council means the Newcastle City Council and where appropriate includes its administration.
2.3 Committee means the Council’s Youth Council.
2.4 Member means those described in clause 6.1.
2.5 Facilitator means a Council Officer appointed to fulfil the tasks set out in clause 11.
2.6 General Manager means the General Manager of Council and includes his/her nominee.
2.7 Invitee means any person invited by the General Manager or at the request of the Committee to attend a meeting only for a specific purpose. Invitees have no voting rights.

Unless stated otherwise, a reference to a clause is a reference to a clause of this Charter.

3 Establishment and dissolution

3.1 Council resolved to establish the Committee on 17 November 2009.
3.2 The Committee may be dissolved by resolution of Council.

4 Authority

4.1 In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the Council and the General Manager, as provided in the Act.
4.2 The Committee has no executive powers and cannot make decisions on behalf of Council.
4.3 Neither the Committee nor any of its Members may direct any Council officer in his or her duties.
4.4 The Chairperson of the Committee may, if considered reasonably necessary and in consultation with the General Manager, request external professional advice to allow the Committee to meet its responsibilities.
4.5 The General Manager may facilitate, and provide the necessary financial resources, to engage the provision of any such external professional advice required.

5 Responsibilities of Committee

5.1 The responsibilities of the Committee are as follows:
5.1.1 aim to engage young people in Local Government;
5.1.2 raise awareness of youth issues;
5.1.3 allocate Youth Week grants as per Council's Youth Week Grant Policy;
5.1.4 guide implementation of the Newcastle 2030 Community Strategic Plan;
5.1.5 assist in the development and implementation of social strategies for Newcastle City Council;
5.1.6 assist Council to prepare applications for youth related grants; and
5.1.7 support Council in a manner that is consistent with Council values and decisions of Council.

6 Membership

6.1 The Committee will be constituted by the following membership with voting rights:
6.1.1 At least one Councillor Member, to a maximum of three,
6.1.2 Youth Members (up to fifteen in total) aged 15-25.

7 Selection of Councillor Members

7.1 Council will call for nominations for Councillor Members at the commencement of each Council term.
7.2 Council will elect three Councillor Members by resolution.
7.3 Councillor Members remain Members of the Committee until:
7.3.1 the Committee is dissolved pursuant to clause 3.2 of this Charter;
7.3.2 they resign; or
7.3.3 their membership is otherwise terminated.
7.4 Councillor membership terminates immediately upon a Councillor Member no longer being a Councillor.
7.5 If a Councillor Member does not remain on the Committee for the entire Council term, appointment of a replacement Councillor Member must be by resolution of Council as soon as practicable after the Councillor Member ceases to be a Member of the Committee.
7.6 If re-elected to Council, retiring Councillor Members are entitled to nominate for re-appointment.

8 Selection of external Members

8.1 To be eligible for selection to Youth Council, applicants must:
8.1.1 be aged between 15-25 years;
8.1.2 provide parental consent if under 18;
8.1.3 demonstrate previous experience in youth activities;
8.1.4 demonstrate awareness of issues currently facing young people;
8.1.5 demonstrate problem solving skills; and
8.1.6 attend three consecutive meetings before becoming an official Member.
8.2 Youth Council applications are available on Council's website or from Council's Strategic Planning team.
8.3 Applications will be assessed on merit by at least two relevant staff based on applicants meeting the selection criteria in 8.1.
8.4 If Youth Council already has fifteen Members and additional applications are received that meet the selection criteria, these applicants will be placed on an eligibility list for up to 12 months. Extension of eligibility will be in consultation with the applicant and the relevant Council staff.

9 Responsibility of Members

9.1 Members are expected to:

9.1.1 contribute the time needed to understand the Committee’s business papers and to attend Committee meetings;

9.1.2 read and understand the relevant legislative and regulatory requirements applicable to Council, including Council's Code of Conduct and Privacy Management Plan; and

9.1.3 in accordance with responsibilities, provide advice and feedback on matters brought before the Committee.

10 Appointment and responsibility of Chairperson

10.1 The Chairperson will be appointed by the Youth Council at the first meeting of each calendar year.

10.2 The Chairperson will be responsible for keeping order at the meeting and ensuring members follow the meeting agenda.

10.3 If the Chairperson is absent from a Committee meeting, a Member of the Committee will be nominated by the Committee to chair the meeting.

10.4 The Chairperson will hold the position for 12 months.

11 Responsibility and requirements of Facilitator

11.1 The Facilitator will be a suitably qualified Council officer. The position may be shared amongst a number of suitably qualified Council officers.

11.2 The role of the Facilitator is to:

11.2.1 Ensure that the Committee has adequate administrative resources.

11.2.2 Ensure agendas, minutes and business papers are prepared and distributed within appropriate timeframes;

11.2.3 Support the Chair and Committee in managing Youth Council projects; and

11.2.4 Support the Chair and Committee in the distribution of National Youth Week Grants as per the Youth Week Grant Policy.

12 Termination of Membership

12.1 Membership of any Member of the Committee may be terminated by a decision of the Committee due to:

12.2.1 a Member’s non-attendance at three consecutive Committee meetings, without prior notification of their non-attendance or the granting of leave by resolution of the Committee.

12.2.2 The Member’s conduct being inconsistent with clause 19 or a breach of confidentiality as provided at clause 23.

13 Attendance at meetings

13.1 Attendance at any meeting of the Committee is limited to the following:
13.2.1 Members;  
13.2.2 Facilitator;  
13.2.3 Elected Councillors; and  
13.2.4 Invitees approved by the General Manager or Facilitator.

14 Meeting administration  
14.1 The Facilitator is responsible for ensuring that the Committee has adequate administrative resources.

15 Quorum  
15.1 A quorum is constituted by attendance of at least 5 Members within 30 minutes of meeting start time. Quorum means the number of people that must be in attendance to hold a meeting and make Committee decisions.

16 Meeting schedule  
16.1 The Committee will meet at least four times per year or as resolved by the Committee.  
16.2 A forward meeting calendar will be agreed by the Committee each year.

17 Meeting agendas  
17.1 The Facilitator is responsible for preparation and distribution of meeting agendas and Committee business papers.  
17.2 The Facilitator will provide notice of meetings, including the agenda and business papers, to Members at least seven business days prior to the day of the meeting. These may be transmitted electronically.

18 Resolutions of the Committee  
18.1 Recommendations and resolutions of the Committee must be consistent with this Charter.  
18.2 The Committee is expected to make decisions by open vote.  
18.3 Resolutions must only be recommendations.  
18.4 Council Officers may action resolutions as they deem appropriate in accordance with their individual delegations and authorisations.

19 Reports to Council  
19.1 Youth Council will report to the elected Council annually or when a decision of the elected Council is necessary to enact a resolution of the Youth Council.  
19.2 Youth Council will report to Council’s Executive Management Team (EMT) as requested.

20 Minutes  
20.1 All Committee business will be appropriately minuted and recorded by the nominated Committee Member.  
20.2 Draft minutes will be distributed to the Committee at least 7 business days prior to the next meeting.
20.3 Draft minutes of the previous meeting are to be adopted by resolution of the Committee at the following meeting.

21 Conduct by Members and attendees

21.1 All Members and attendees are expected to conduct themselves in accordance with Council’s Code of Conduct.

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

22 Public Comment

22.1 The Lord Mayor or General Manager are the official spokespeople for the Council, in accordance with Council’s Media Policy, and no Members should speak to the media or members of the public.

23 Confidentiality

23.1 Prior to attending a meeting, Committee Members and other attendees at the meeting must agree to abide by the terms of Council's Code of Conduct relating to confidentiality.

23.2 Unless otherwise resolved by the Committee, all meetings of the Committee will be closed to the general public.

24 Induction

24.1 New Committee Members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

25 Review of Charter

25.1 This Charter will be reviewed every four years and may only be amended by resolution of Council.
ITEM-94 CCL 27/10/15 - PUBLIC ART ADVISORY COMMITTEE

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

PURPOSE

To provide a report on the re-establishment of the Public Art Advisory Committee and development of a public art program focused on walking trails.

RECOMMENDATION

1. Council approves the re-establishment of the Public Art Advisory Committee working under the terms of the Newcastle City Council Public Art Advisory Committee Constitution (Attachment A).

2. Council adopts the revised Public Art Advisory Committee Charter as attached at Attachment A.

3. That Council nominate two Councillors to be members of the Public Art Advisory Committee.

4. Nominations to the Public Art Advisory Committee in accordance with the Constitution and report back to Council.

5. The Public Art Advisory Committee be tasked with the following work program:
   - Identify locations or priority precincts, map potential public art sites along with existing public art sites, including walking tours.
   - Identify a public art project that can encourage community support for public art investment to complement the walking trails.
   - Identify ways to activate and profile existing public art in Newcastle.

KEY ISSUES

6. Council at its Ordinary meeting of 16 June 2015 resolved:

   1. To note the publication of the Newcastle City walking tour brochures:
      - The Artist’s City
      - Newcastle At War
      - Convict and Industry
      - Newcastle Architecture
      - The Shoreline
      - Muloobinba
2. Council re-constitutes the Public Art Advisory Committee, and receives a report on its re-establishment by the September Ordinary Council meeting and receives a report on the development of a public art program focused on the walking trails and themes listed in 1 above.

7 It is recommended that the structure of the Public Art Advisory Committee be that as set out in the previously endorsed Public Art Advisory Committee Constitution. That structure comprised of 15 members adjusted to align with the current Council organisational structure (see Attachment A) as set out below:

- 2 Councillors appointed by Council.
- 5 Council officers appointed by the General Manager, currently comprising:
  - Director Planning and Regulatory
  - Manager Strategic Planning Services
  - Cultural Director
  - Manager Art Gallery
  - Manager Infrastructure Planning
- 4 community representatives selected from:
  - A contemporary visual artist or craftsperson with close connections to the University School of Art and / or the TAFE School of Art
  - A representative from a contemporary Newcastle gallery space
  - A representative from Newcastle's Indigenous communities
  - A practising artist or craftsperson with close ties to cultural production in ethnic communities in Newcastle
  - A representative from a relevant arts action group in Newcastle
  - A visual arts / craft specialist from outside the Newcastle region with national expertise
- 4 local practising artists with extensive experience in public art and placemaking projects.

FINANCIAL IMPACT

8 There are no resources or EFT currently provided for within Council's adopted management plan and budget for public art.

COMMUNITY STRATEGIC PLAN ALIGNMENT

9 The development of public art aligns with the following strategic directions of Newcastle:

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

IMPLEMENTATION PLAN/IMPLICATIONS

10 There are no resources or EFT currently provided for within Council’s adopted management plan and budget for public art. The work will be managed within the Cultural Facilities business unit.

RISK ASSESSMENT AND MITIGATION

11 Nil.

RELATED PREVIOUS DECISIONS

12 Council at its Ordinary meeting of 16 June 2015 resolved:

1. To note the publication of the Newcastle City walking tour brochures:

   • The Artist’s City
   • Newcastle At War
   • Convict and Industry
   • Newcastle architecture
   • The Shoreline
   • Muloobinba

2. Council re-constitutes the Public Art Advisory Committee, and receives a report on its re-establishment by the September Ordinary Council meeting and receives a report on the development of a public art program focused on the walking trails and themes listed in 1 above.

13 Councillors also received a Memorandum advising that the requests report, given existing work programs, would be presented to the October 2015 meeting of Council.

CONSULTATION

14 Nil.

OPTIONS

Option 1

15 The recommendation as at Paragraphs 1-4. This is the recommended option.

Option 2

16 Council not endorses the recommendation in Paragraph 1-4. This is not the recommended option.
BACKGROUND

17 In 1998 NCC adopted a Public Art and Placemaking Policy and formed the Public Art Advisory Committee with a constitution and guidelines for implementation approved by Council.

18 Consisting of 15 members, the Public Art Advisory Committee’s role is to advocate and support the Public Art and Placemaking Policy by providing expert advice when commissioning public art projects funded by NCC, the local community and businesses.

19 The committee was disbanded by a previous Council when the Council reconsidered its Strategic Advisory Committees. The last meeting of the Public Art Advisory Committee was held on 2 March 2010.

REFERENCES

ATTACHMENTS

Attachment A: Public Art Advisory Committee Charter (to be adopted October 2015)
draft Public Art Advisory Committee Charter
[cover page to be inserted]
<table>
<thead>
<tr>
<th>Charter title</th>
<th>Public Art Advisory Committee Charter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prepared by</td>
<td>Cultural Facilities</td>
</tr>
<tr>
<td>Approved by</td>
<td>TBC</td>
</tr>
<tr>
<td>Date approved</td>
<td>TBC</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>TBC</td>
</tr>
<tr>
<td>Revision date</td>
<td>November 2017</td>
</tr>
<tr>
<td>Relevant strategic direction</td>
<td>Open and Collaborative Leadership</td>
</tr>
<tr>
<td></td>
<td>Caring and Inclusive Community</td>
</tr>
<tr>
<td>Relevant legislation/codes</td>
<td>Local Government Act 1993 (NSW)</td>
</tr>
<tr>
<td>Related policies/documents</td>
<td>Code of Conduct</td>
</tr>
<tr>
<td>Related forms</td>
<td>xxxxx</td>
</tr>
</tbody>
</table>
# Table of Contents

Table of Contents ............................................................... 1
1 Name of the Committee ...................................................... 2
2 Preamble ............................................................................. 2
3 Terms of Reference ............................................................. 2
4 Responding to Issues ......................................................... 2
5 Appointment of Members ................................................... 3
6 Selection Process ................................................................. 3
7 Term of Membership of the Public Art Advisory Committee ... 4
8 Appointment and Term of Chairperson ................................. 4
9 Quorum at Meetings ............................................................ 5
10 Appointment of Advisors to the Public Art Advisory Committee ... 5
11 Regular Reporting to Council .............................................. 5
1 Name of the Committee

1.1 The name of the committee shall be the Newcastle City Council Public Art Advisory Committee.

2 Preamble

2.1 Newcastle City Council’s Public Art Program creates opportunities in the public domain for artists to reflect the special identity and sense of place of Newcastle.

2.2 Our experience of community and the local cultural landscape adds meaning to our lives and allows us to contribute to the unique spirit of a place. As well, it defines our aspirations for the future.

2.3 The purpose of the Public Art Advisory Committee is to provide the Newcastle City Council with expert Newcastle-based vision and advice on the Public Art Program to strengthen and increase the professional practice of the arts in the public life of Newcastle.

3 Terms of Reference

3.1 The Public Art Advisory Committee’s Terms of Reference are defined under the following headings:

Support for Newcastle’s Arts Practitioners
- Realising the potential of Newcastle’s arts practitioners as a community asset.
- Providing opportunities for professional arts practitioners to collaborate with and empower communities to explore and express their unique identity.

Advice to Council
- Overseeing, monitoring and evaluating the commissioning and implementing of public art and placemaking projects eg. signage, banners.
- A watching brief on the maintenance and de-accessioning of commissioned works of art.

Commissioning Process
- Approval of the conceptual brief, artists fees, site selection and proposed medium for each public art and placemaking project.
- Evaluation of the design submissions against the brief(s) for each public art and placemaking project.

Arms Length Role
- All presentation to the Public Art Advisory Committee are made by the Public Art Coordinator/s for the project as a representative of the arts practitioner/s.

4 Responding to Issues

4.1 The Public Art Advisory Committee may respond to issues in the following ways:
- Discussion and recommendations at Committee level.
- Research Issues.
- Liaison with other Council committees.
- Form sub-committees to fully explore complex issues.
- Briefings or reports to Council.
5 Appointment of Members

5.1 The Public Art Advisory Committee shall comprise of 15 members consisting of:

- 2 Councillors appointed by Council.
- 5 Council officers appointed by the General Manager, currently comprising:
  - Director Planning and Regulatory
  - Manager Strategic Planning Services
  - Cultural Director
  - Manager Art Gallery
  - Manager Infrastructure Planning
- 4 Community representatives selected from:
  - A contemporary visual artist or craftsperson with close connections to the University School of Art and / or the TAFE School of Art.
  - A representative from a contemporary Newcastle gallery space.
  - A representative from Newcastle’s Indigenous communities.
  - A practising artist or craftsperson with close ties to cultural production in ethnic communities in Newcastle.
  - A representative from a relevant arts action group in Newcastle.
  - A visual arts / craft specialist from outside the Newcastle region with national expertise.
- 4 Local Practising artists with extensive experience in public art and placemaking projects.
  - When a public art or placemaking project involves management by an architect, landscape architect or project manager the firm’s representative will be invited to attend the Public Art Advisory Committee meetings pertinent to their specific art project under discussion and / or consideration. The architect, landscape architect or project manager will have voting rights for that project.
  - During their term of membership, artists are not eligible for consideration of public art and placemaking commissions. In addition, artists are only eligible to submit schematic designs for commissions following a six month period from the date of receipt of letter of resignation to the Public Art Advisory Committee.
  - The Public Art Advisory Committee, where possible, will include in its membership a diversity in the areas of gender, ethnicity, age, disabilities and specific knowledge.

6 Selection Process

6.1 A public advertisement will be place in the media and Council’s website annually calling for expressions-of-interest in membership for the appropriate community representatives and the practising artists.

Selection Criteria

For the Public Art Advisory Committee to be effective it requires that the representatives from the arts sector and the practising artists bring certain personal, professional and experiential qualities. Although no one individual could be expected to possess every attribute listed below the Public Art Advisory Committee requires individuals who together fit the general profile of the following attributes:
• An understanding of the Newcastle community with a focus towards public art and placemaking.
• An overall understanding, from a national perspective, of contemporary visual arts practice.
• An ability to develop and sustain contacts with key individuals and groups in the local arts sector.
• A capacity to embrace the diversity of arts activities in the community and strike a balance between amateur, professional, experimental and community practices.
• A knowledge and / or experience in visual arts practice.
• A commitment to consultative and collaborative processes.
• An appreciation of local government and its role in Australian society.
• A knowledge of architecture, urban design, engineering (structural), and / or environmental issues.

Selection Panel
The Selection Panel for membership will consist of the Lord Mayor and three experts in the public art and placemaking field to be determined by Council consisting of two established artists and a representative from the arts industry.

The Selection Panel members are not eligible for membership of the Public Art Advisory Committee.

7 Term of Membership of the Public Art Advisory Committee

7.1 The Council will determine the Councillor representatives on the Public Art Advisory Committee.

7.2 The Council officer terms will be on-going.

7.3 The appointment of a community representative shall be for two years.

7.4 The appointment of a practising artist shall be for one year.

7.5 Any community representative or practising artist member is eligible for re-appointment upon completion of their term of membership.

7.6 If any community representative or practising artist member is absent for three consecutive meetings, without tendering apologies to those meetings, such a member will be disqualified membership of the Public Art Advisory Committee. That membership shall be declared a casual vacancy. Apologies for non-attendance must be accepted by the Public Art Advisory Committee.

7.7 The disqualified member shall be eligible for appointment to the casual vacancy.

7.8 Any community representative or practising artist member may relinquish membership of the Public Art Advisory Committee. That membership position shall be declared a casual vacancy.

7.9 A community representative or practising artist member, when appointed to fill a membership on the Public Art Advisory Committee which has been declared a casual vacancy, shall serve out the balance of the term of that membership.

8 Appointment and Term of Chairperson

8.1 The Public Art Advisory Committee shall have a Chairperson.

8.2 The term for the office of Chairperson shall not be more than two concurrent years.
8.3 All members are eligible for election as Chairperson.
8.4 Only members of the Public Art Advisory Committee can be nominated to the office of Chairperson.
8.5 Due notice will be given of the intention to elect the Chairperson.
8.6 The Chairperson shall be elected on a simple majority of the members present at a meeting of the Public Art Advisory Committee.

9 Quorum at Meetings
9.1 At meetings of the Public Art Advisory Committee a quorum shall consist of a half plus one of current membership.

10 Appointment of Advisors to the Public Art Advisory Committee
10.1 The Public Art Advisory Committee can at any time seek advice from people or organisations it deems to have demonstrable expertise or achievement relative to specific issues.
10.2 The advisers shall not vote in the deliberations of the Public Art Advisory Committee.
10.3 Advisers' terms of enlistment shall be defined either:
   - By the specific issues on the Agenda for the meetings of the Public Art Advisory Committee.
   - At the discretion of the Public Art Advisory Committee.

11 Regular Reporting to Council
11.1 The Public Art Advisory Committee will provide reports and briefings to Council on specific issues at least once every two years.
ITEM-95  CCL 27/10/15 - NEWCASTLE EYE HOSPITAL - ADOPTION OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

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

PURPOSE

To inform Council of the outcomes of the community consultation and seek Council endorsement to amend the Newcastle Local Environmental Plan 2012 to allow the expansion, alterations and additions to the Newcastle Eye Hospital.

RECOMMENDATION

1 Council resolves to:

a) Endorse Planning Proposal PP_2015_NEWCA_002_00 for land at Lots 2, 3 & 4 DP 21366; Lot 7 DP 660745; Lot 8 DP 660746; Lots 1 & 2 DP 1114442 and Lots 100 and 101 DP 569322, with a street address of 174 - 182 Christo Road, Waratah and 114 - 116 Griffiths Road, Lambton to:

i) include 'health services facility' as an additional Schedule 1 permitted use.

ii) amend the height of buildings map to include a maximum permissible height of 10 metres over part of the land.

as outlined in the Planning Proposal at Attachment A.

b) Forward Planning Proposal PP_2015_NEWCA_002_00 to the Department of Planning and Environment requesting that a draft Local Environmental Plan be prepared and made pursuant to Section 59(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

c) 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 Newcastle Eye Hospital was originally approved by Council in 1986 and is currently operating on the basis of "existing use rights" as health services facilities are not permitted in the R2 Low Density Residential Zone. The facility has now reached capacity and the landowner is seeking to expand in order to accommodate the demand for increased and improved health services.
Existing use rights do not extend to the proposed expansion hence the proposed amendment to the Newcastle LEP to allow a development application for the alterations and additions to be considered by Council.

3 The Planning Proposal to amend the Newcastle LEP was initiated by the Newcastle Eye Hospital in December 2014 to regularise the eye hospital use as a health services facility under the current planning framework and to amend the height of buildings map to include a maximum height of 10 metres over part of the land (fronting Griffiths Road). Please refer to Part 4 - Mapping in the Planning Proposal at Attachment A to view the proposed height of buildings map.

4 The Department of Planning and Environment (DP&E) issued a gateway determination on 29 April 2015 in support of the Planning Proposal proceeding to community consultation. The gateway determination required a public exhibition period of 14 days.

5 Council staff agreed to concurrently exhibit a development application with the Planning Proposal under section 72J of the Environmental Planning and Assessment Act 1979. DA 2015/797 has been lodged with Council by the Newcastle Eye Hospital and is for demolition, alterations and additions to the health services facility, associated site works, site consolidation and signage. It should be noted that the development application will be assessed separately to the Planning Proposal in accordance with the normal development assessment process, and that this development application cannot be determined until such time as the Planning Proposal has been gazetted by the DP&E.

6 The Planning Proposal and development application were exhibited for 14 days from 15 August 2015 to 31 August 2015. Council received three written submissions. A summary of the issues raised within these submissions and Council’s response to the issues are included in Attachment B of this report. It is noted that some of the issues raised in the submissions relate to matters specific to the development application. These issues have been referred to relevant Council officers and will be dealt with in further detail as part of the assessment of the development application.

FINANCIAL IMPACT

7 The costs involved in carrying out the recommendation are covered by Council’s LEP Amendment (Stage C) fee, which was paid by the applicant. These fees are based on Council not exercising delegations under Section 59(1) of the EP&A Act.
8 Strategic Planning staff recommend Council does not seek delegations under Section 59(1) of the EP&A Act given the added impost on Council resources without any additional influence on the outcomes. These delegations obligate Council to prepare the final reporting, drafting and mapping in order for the Minister of Planning and Environment to ‘make’ the proposed amendments to Newcastle LEP 2012. Where Council does not exercise these delegations, the DP&E undertakes these requirements.

COMMUNITY STRATEGIC PLAN ALIGNMENT

9 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.

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

IMPLEMENTATION PLAN/IMPLICATIONS

11 The preparation of the attached Planning Proposal was undertaken in accordance with Council's LEP 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

12 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 Planning Proposals are considered with regard to relevant strategic planning documents and are determined in an appropriate timeframe.

RELATED PREVIOUS DECISIONS

13 Council resolved on 24 March 2015 to endorse the Planning Proposal and forward it to the DP&E for gateway determination.

CONSULTATION

14 The Planning Proposal and development application were exhibited for a period of 14 days from 15 August 2015 to 31 August 2015 as required by the DP&E gateway determination.

15 Council received three written submissions objecting to the proposal. Refer to Attachment B.
OPTIONS

Option 1

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

Option 2

17 Council resolves not to proceed with Planning Proposal PP_2015_NEWCA_002_00 in Attachment A and thereby NOT amend Newcastle LEP 2012. This is not the recommended option.

18 The intent of the Planning Proposal is to include 'health services facility' as an additional Schedule 1 permitted use; and amend the height of buildings map to include a maximum height of 10 metres over part of the land to enable the Newcastle Eye Hospital to expand. If the amendment is not made then the Newcastle Eye Hospital will not be able to expand and update its services to meet increasing demand.

19 As this Planning Proposal received a gateway determination, if this option is pursued, Council will need to request that the Minister for Planning and Environment allow Council to discontinue the proposed amendment.

BACKGROUND

20 In December 2014 Council received a request to amend the Newcastle LEP 2012 to enable development for health services facility on land at 74-182 Christo Road, Waratah and 114-116 Griffiths Road, Lambton and to amend the height of buildings map to include a maximum permissible height of 10 metres over part of the land.

21 The request was considered by Council’s internal LEP Advisory Panel (Panel), as per Council’s ‘Local Environmental Plan – Request for Amendment Policy’. The Panel consists of a range of staff in various fields who advise on potential issues to be addressed and identify studies required to support the proposal. Matters raised by the Panel have been satisfactorily addressed.

22 Council resolved to submit the Planning Proposal for a gateway determination at its meeting held on 24 March 2015. The gateway determination was issued on 29 April 2015, requiring Council to complete the amendment within nine months.

23 Public exhibition of the proposal concluded on 31 August 2015. Should Council resolve to support the Planning Proposal it will be submitted to DP&E with a request for the Minister to make the amendment.
ATTACHMENTS

Attachment A: Planning Proposal - PP_2015_NEWCA_002_00 – Newcastle Eye Hospital

Attachment B: Issues raised in submissions

Attachments distributed under separate cover.
ITEM-96 CCL 27/10/15 - EXHIBITION OF DRAFT MULTICULTURAL PLAN 2016-2019

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

PURPOSE

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

RECOMMENDATION

1 Council resolves to:
   a) Place the draft Multicultural Plan 2016-2019 as provided in Attachment A on public exhibition for 4 weeks; and
   b) Receive a report back on the outcomes of the public exhibition.

KEY ISSUES

2 The draft Multicultural Plan 2016-19 is a four year plan which outlines Council's:
   • Approach to promoting the principles of multiculturalism.
   • Demonstrates Council's ongoing commitment to and engagement with Newcastle's multicultural communities.
   • Priority areas and partnership opportunities.

3 The six priority areas identified for Council as a result of consultation were:
   • Leadership and advocacy.
   • Capacity building.
   • Public programs.
   • Community engagement.
   • Support for local economic development opportunities.
   • Attraction and retention of diverse communities.
FINANCIAL IMPACT

4 Exhibition of the draft *Multicultural Plan 2016-19* will be undertaken within the existing operational budget. A budget allocation for the implementation of the adopted *Multicultural Plan* will be sought through the usual budget processes.

COMMUNITY STRATEGIC PLAN ALIGNMENT

5 The draft *Multicultural Plan 2016-19* focuses on achievable strategies and actions to deliver against the strategic objectives of:

- Vibrant and Activated Public Places.
- Caring and Inclusive Community.

IMPLEMENTATION PLAN/IMPLICATIONS

6 The draft Multicultural Plan 2016-19 has been developed within existing resources. For new programs and services, funding will be sought through the usual budget processes or through grant funding when available.

RISK ASSESSMENT AND MITIGATION

7 There is no risk to Council in placing the draft *Multicultural Plan 2016-19* on public exhibition.

RELATED PREVIOUS DECISIONS

8 On 24 March 2015, Council resolved to:

1 *Reaffirm its support for multiculturalism and harmonious integration as set out in the principles and objectives of Council's "Ethnic Affairs Statement 2008 to 2011".*

2 *Reaffirm Newcastle City Council's (NCC) commitment to Newcastle as a Welcome City for Refugees.*

3 *In keeping with our status as a Welcome City for Refugees NCC will sign the Refugee Welcome Zone Declaration and forward same for Registration with the Refugee Council of Australia.*

4 Council notes that the Council’s Ethnic Affairs Policy Statement is under review and will take into account demographic changes in Newcastle’s multicultural population. *Nil previous Council decisions relating to this matter.*
CONSULTATION

9 Consultations with external community stakeholders and Council staff were held on 20 May 2015. A broad range of multicultural community service providers, groups and individuals participated in the external stakeholders' workshop held at Jesmond Neighbourhood Centre.

10 The exhibition of the draft *Multicultural Plan 2016-19* will include:
   - 4 week exhibition period.
   - Request for submissions, particularly from key stakeholder groups involved in the consultation workshop.
   - Newspaper advertisements.

OPTIONS

Option 1

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

Option 2

12 Council resolve not to exhibit the draft *Multicultural Plan*. This would not enable the Council resolution of 24 March 2015 to be implemented effectively nor provide Council the opportunity to invite community and stakeholder feedback on the draft document. This is not the recommended option.

BACKGROUND

13 The approach for the development of this plan has been founded on a range of research and engagement methodologies, including a literature review, demographic analysis and trends in immigration data, review of relevant Council plans and policies, and consultative forums with community stakeholders (community representatives and government and non-government service providers) and Council staff.

14 *Multicultural NSW* (formerly known as the Community Relations Commission) provides a range of resources to assist Councils to develop and deliver multicultural outcomes through their Multicultural Policies and Services Program (MPSP). The *Multicultural NSW* 'Multicultural Planning Framework' has provided the starting point and structure for this plan. Also relevant is the *Multicultural NSW Harmony in Action, Strategic Plan 2014-17* which supports a 'whole of government' approach.

15 This Plan builds on previous strategic multicultural plans (*Ethnic Affairs Priority Statement 2004-2007 and 2008-2011*) which affirmed Council's commitment to multiculturalism and Newcastle as a *Welcome Zone for Refugees*. 
ATTACHMENTS

Attachment A: Draft Multicultural Plan 2016-19

To be distributed under separate cover
ITEM-97  CCL 27/10/15 - FIRE KOORAGANG ISLAND AUGUST 2015

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

PURPOSE

To provide Council with an overview of the circumstances surrounding the fire that occurred at Hi-Fert Pty Ltd, 107 Greenleaf Road, Kooragang NSW 2304 on Sunday 23 August 2015.

RECOMMENDATION

1 That Council notes this report.

KEY ISSUES

2 Council, at the Ordinary Meeting of 25 August 2015, resolved:

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

1 The industrial fire that occurred on Kooragang Island on Sunday morning including:

   (i) who was notified and when
   (ii) what agencies were involved
   (iii) whether the Newcastle Local Disaster Plan was initiated
   (iv) whether evacuations occurred or not
   (v) who attended the scene

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

The incident timeline

3 The following information has been provided to Council’s Local Emergency Management Officer by NSW Police and Fire and Rescue NSW to respond to Council’s resolution.

4 At 05:53 hours on Sunday 23 August 2015 a 000 call was received reporting that there was a fire at 107 Greenleaf Road, Kooragang Island (the premises). This information was forwarded to Fire and Rescue NSW and at 05:58 hours
At 06:10 hours Fire and Rescue officers from Mayfield West arrive at the scene. At this time the Fire and Rescue officers note that smoke is issuing from the rear of the building at the premises. On further examination it is discovered that the smoke is issuing from a large storage area at the premises.

At 06:20 hours NSW Police are informed of the fire.

At 06:22 hours the fire crews gained entry into the building. At this point Fire and Rescue officers note that no “exposures” are under threat. “Exposures” is / are property near the fire that may become involved by transfer of heat or burning material.

It was also noted at this time that the Hazchem Placard at the premises identified the contents of the building as being seed cake, containing vegetable oil solvent extractions.

At 6:31 hours Police arrived at the scene. Following their arrival police were advised by Fire and Rescue that chemicals may be housed in the premises and the Kooragang Island area was “shut down”. Specifically traffic was stopped from accessing Kooragang Island from Connaught Road and from Nelson Bay Road. Stockton Bridge was closed. This imposed an exclusion zone of approximately 1.5 square kilometers.

At 06:31 hours Police made a request via Fire and Rescue to inform Port Waratah Coal, as this was the premises that was downwind of the fire.

At 06:40 hours police established a command post on Greenleaf Road.

At 06:50 hours, approximately, a member of the public informed fire crews at the premises that there may be ammonium nitrate stored on site. On receiving this information all fire crews withdrew from the premises.

At 06:55 hours Police requested further units to assist with closing roads beyond the immediate vicinity of Kooragang Island. Stockton Bridge at Industrial Drive was closed as was all access from the roundabout at Fern Bay.

Also at 06:55 hours staff from Port Waratah spoke with police and confirmed they were going to evacuate.

At 07:15 hours Fire and Rescue made contact with the Manager of Hi-Fert Pty Ltd who advised that there was no ammonia nitrate at the premises.

At 07:39 hours the Manager of Hi-Fert Pty Ltd attended at the premises and confirm that the product on fire was seed cake.
At 07:50 hours the fire crews re-entered the premises and extinguished the fire.

At 09:00 hours all roads were reopened by Police.

At 09:24 hours Police left the scene.

Fire and Rescue left the premises at 12.45 hours.

**Agencies / organisations were involved**

The following agencies attended at the scene or in the vicinity of the fire:

- Fire and Rescue NSW
- NSW Police
- NSW Ambulance
- Environmental Protection Agency

The following agencies / organisations were notified but did not attend at the scene:

- Energy Australia
- WorkCover NSW
- NSW Trains

**Newcastle Local Disaster Plan**

The local disaster plan was not initiated for this incident. The fire was deemed not to be of such a significant scale to warrant the activation of the Local Emergency Operations Centre (the LEOC).

**Evacuation**

The facilities immediately adjacent to the premises did evacuate.

During the twenty five (25) minutes when there was some uncertainty as to whether ammonium nitrate was present, staff of nearby premises did evacuate. No evacuations occurred after 07:20 hours when it had been established that no ammonium nitrate was located at the premises.

During this time NSW Police had closed access to Kooragang Island.
Who attended the scene

Fire and Rescue NSW

27 The following Fire and Rescue resources attended:

- Fire crews from Mayfield West, Stockton, Carrington, Lambton, New Lambton, Newcastle and Lambton
- Newcastle Hazmat
- Newcastle Heavy Rescue
- Newcastle Ladder Platform

28 Managing the incident for Fire and Rescue NSW was a Superintendent and an Inspector. The Chief Superintendent was aware, as was Fire and Rescue NSW Media and the Scientific Officer.

NSW Police

29 The following NSW Police resources attended:

- Two (2) general duties patrol vehicles
- Four (4) highway patrol vehicles

30 Managing the incident for NSW Police was the Duty Officer (Inspector) and a Sergeant.

Ambulance Service of NSW

31 NSW Ambulance did have resources attend at the fire although the exact number is unknown.

Emergency Precinct Plan

32 The Kooragang Island Plan has been drafted and is currently being considered by the State Emergency Management Committee. The Kooragang Island Plan was drafted by NSW Police with support from a multi agency committee which was also chaired by NSW Police. Council did have a representative on this committee.

33 It is expected that a final version of this plan will be published later this year.

34 The Kooragang Island Plan is expected to complement the already existing emergency management arrangement in place for the Newcastle area and add a further level of detail and guidance should a major emergency event occur on Kooragang Island.

35 A community consultation process is underway in relation to the emergency management arrangements at Kooragang Island and how these arrangements affect the surrounding residential suburbs.
Who is responsible for running this?

36 A series of meetings between the relevant government agencies and community members has been planned. The first of those meetings was held on Friday 28 August 2015 at the Department of Premier and Cabinet offices in Newcastle.

37 The Community representatives are:

- John Hayes, Claire Charles, Rick Banyard – Correct Planning and Consultation for Mayfield (CPCM)
- Keith Craig – Stockton Community Action Group
- Brian Ladd – Newcastle Inner City Residents Alliance
- Lyn Kilby – GLOW Wickham

38 The State and Local Government representatives are:

- Bill Tatnell, Senior Regional Coordinator, DPC (Chair)
- Scot MacDonald MLC – Parliamentary Secretary for the Hunter
- Michael Gorman – A/Newcastle Local Area Commander, NSW Police
- Brett Davies – A/Newcastle Controller, NSW Fire and Rescue
- Adam Gilligan – Hunter Regional Manager, EPA
- Michael Slowgrove – District Emergency Management Officer, Hunter Central Coast
- Aaron Spadaro – Regional Liaison Officer, DPC
- Andrew Baxter – Manager Regulatory Services, Newcastle City Council

39 The next community engagement meeting is scheduled for Friday 23 October 2015. The agenda for this meeting will include:

- The new Kooragang Island Precinct Emergency Plan (Kooragang Island Plan) including community engagement.
- A Port Botany Plan presentation (as similar issues are faced within this precinct).
- An overview of chemical and industrial storage regulations and associated risk management on Kooragang Island.

FINANCIAL IMPACT

40 N/A in relation to the preparation of this report

COMMUNITY STRATEGIC PLAN ALIGNMENT

41 N/A
IMPLEMENTATION PLAN/IMPLICATIONS

42 N/A

RISK ASSESSMENT AND MITIGATION

43 N/A in relation to the preparation of this report

RELATED PREVIOUS DECISIONS

44 N/A

CONSULTATION

45 Refer to paragraphs 32-39.

OPTIONS

Option 1

46 Endorse the recommendation as at paragraph 1. This is the recommended option.

Option 2

47 Council not endorse the recommendation at paragraph 1. This is not the recommended option.

BACKGROUND

48 Nil.

ATTACHMENTS

49 Nil
ITEM-98  CCL 27/10/15 - STREETSAFE NIGHTIME OUTREACH PILOT PROGRAM

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

PURPOSE

To advise Council of the upcoming implementation of a pilot night time outreach project called Streetsafe. Streetsafe is a harm minimisation project in collaboration with the Salvation Army and Newcastle Police.

RECOMMENDATION

1 That Council resolves to:
   a) Note the Streetsafe Pilot Project and executed MOU with the Salvation Army.
   b) Council’s intention to enter into a funding agreement with the Salvation Army for this project.
   c) Request a report back at the end of the trial period.

KEY ISSUES

2 The Safe Newcastle: Alcohol Management Strategy 2010-2013 was developed and implemented by the Council in response to a growing understanding and community expectation of the need to manage potentially detrimental impacts of alcohol in the city.

3 The primary purpose of the Alcohol Management Strategy (AMS) was to reduce alcohol-related harm and anti-social activities in the Newcastle Local Government Area (LGA).

4 Safety at night is the focus of much of the work being undertaken through the AMS, with a particular emphasis on safety in the entertainment precincts of the City Centre and Hamilton.

5 The AMS utilises an interagency approach in the implementation of initiatives and demonstrates the importance of collaboration between all levels of government with non-government agencies, business and the wider community.

6 In 2015, the Salvation Army Oasis Hunter made representation to Council seeking to support on-going Council efforts to improve safety and amenity and to collaboratively reduce alcohol related harms in the nightlife and entertainment precincts of the city centre.
7 The Salvation Army proposed to pilot test the implementation of a night-time outreach model developed in Melbourne as the *Youth Street Teams Project*, and since implemented in Hobart and in Sydney as the Safe Space and Take Kare Ambassador Program.

8 The proposed model involves *Youth Street Teams* members who are split into groups and head out in the city on Saturday nights from 11pm until 4am and connect with vulnerable and isolated people.

9 The role of a team member is to positively engage with people who are out in the city, see how their night is going, and offer support and practical assistance where appropriate. Teams also assist people to get public transport home, provide them with a safe place to recuperate or vehicle transport home to make sure they are safe. They can also perform basic first aid or phone an ambulance if required.

10 Volunteers have access to Police contact at all times. As well as providing practical support to vulnerable individuals, they are also an extra sets of eyes and ears for Police and other emergency services. (The volunteers know that it is not their role to intervene in fights or violent situations but to radio through to Police to report incidents or to notify them that a situation may be developing).

11 Evaluations of similar night-time safety initiatives show them to be successful in improving safety at night for people in cities and in reducing crime and anti-social behaviour.

12 Council together with the Newcastle Local Area Command of the NSW Police Force (NSWP) and the Salvation Army are committed to working together to run a trial of the program in Newcastle.

**FINANCIAL IMPACT**

13 A funding agreement will be established between the Council and Salvation Army to assist in the set-up costs of the Streetsafe Pilot Project. Thereafter, each signatory to the MOU will be responsible for their own financial costs and expenses associated with the program.

14 The funding support for establishment of the Streetsafe Pilot will be $10,000 and will be met through the existing 2015/16 financial year project funds of the Community Safety Program. Minor additional funds from the Community Safety Program will contribute to shared costs of promotional materials.

15 There are no additional costs to Council or new funding allocations requested as part of the Streetsafe Pilot.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

16 CSP 3:3 Safe and activated places that are used by people day and night.
IMPLEMENTATION PLAN/IMPLICATIONS

17 The Streetsafe Pilot will commence on Saturday 31 October 2015 for a 6 month period. It will run on Saturday nights between the hours of 11pm-4am. Streetsafe involves 'Street Teams' of Salvation Army volunteers engaging with participants in the Newcastle night-time economy to provide resources and support assisting harm minimisation objectives. Salvation Army volunteers are in radio contact with Police dispatch to coordinate activities.

18 The Streetsafe project will be run from a 'Safe Space' housing the administration and dispatch functions, and which includes a recovery and triage facility. The Safe Space is entirely managed by the Salvation Army and is to be located at the Corner of Union and Parry Streets, Newcastle West.

19 Newcastle City Council’s commitments to the Streetsafe project are to:

- Provide funding support for the Streetsafe Pilot Project to the amount and at the times stipulated within the funding agreement.
- Support the Streetsafe Pilot Project through waiving of event licensing fees in accordance with Council policy.
- Support the Streetsafe Pilot Project through development and distribution of promotional collateral and other such information materials to inform the community and businesses of the presence, purposes and outcomes of the project. Any such material will comply with NSWPF’s media and sponsorship policies.
- Develop and coordinate an evaluation program to record and measure a number of performance indicators established in consultation with the NSWPF, Salvation Army and other stakeholders.
- Work in partnership with NSWPF and the Salvation Army to engage external stakeholders to enhance the safety initiatives contained herein.
- Participate in a steering committee overseeing implementation and evaluation of the Streetsafe Pilot.

RISK ASSESSMENT AND MITIGATION

20 Risks associated with the Streetsafe project have been addressed in an MOU. The implementation and conduct of the Streetsafe pilot will be governed by an MOU developed in collaboration and signed by all three partners.

21 Volunteers working within the Street Teams or other aspects of delivery of the Streetsafe Pilot program are recognised as employees of The Salvation Army for insurance purposes. They are fully covered for workplace health and safety insurance and compensation matters by The Salvation Army.
RELATED PREVIOUS DECISIONS

22 In 2010, Council adopted the Safe Newcastle Alcohol Management Strategy (AMS). One initiative recommended in the AMS was that Council facilitate a coordinated approach to night-time social services. This led to the support of community organisations to provide night-time outreach services in the Newcastle city centre and Hamilton.

CONSULTATION

23 The initial decision to support Nighttime Outreach Programs in the AMS was grounded in community consultation and overseen by the now defunct Safety and Crime Prevention Advisory Committee (SACPAC). The Streetsafe pilot is a continuation of this strategic program. It is been developed in close consultation with the Newcastle Police.

OPTIONS

Option 1

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

Option 2

25 Council could choose not to adopt the recommendations. This would jeopardise the Streetsafe Pilot and deprive the City of Newcastle of a highly beneficial harm minimisation strategy. This is not the recommended option.

BACKGROUND

26 The overarching aim of the Streetsafe Pilot project is to improve safety in the nightlife precincts of the City Centre by contributing to harm reduction strategies. The specific aim is to test the viability of the night-time outreach model in Newcastle. These aims will be achieved through the following objectives of the Streetsafe Pilot:

- To provide a harm reduction service where vulnerable people can be supported and access a safe place.
- To reduce the risk of crime, specifically of intoxicated people from becoming victims or perpetrators of a crime.
- To support organisations operating in the city at night, specifically the NSWPF and Emergency Services, venue operators and security.
- To collect and make available data and such other information that will enable effective evaluation of the pilot project.
REFERENCES

ATTACHMENTS

Nil
ITEM-99 CCL 27/10/15 - HUNTER REGIONAL PLAN 2016 - 2020

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

PURPOSE

To advise Council of the request from Regional Development Australia - Hunter (RDA-H) seeking advice on Council's top priorities that will support economic development in the area and / or deliver benefits to the Hunter Region.

RECOMMENDATION

1 That Council endorse the following 4 priorities for Newcastle to be submitted to the RDA-H Regional Plan are:

- Revitalising Newcastle City Centre.
- Revitalising the Newcastle Coast.
- Expansion of the proposed light rail project for Newcastle arising from the LMM adopted at the Council meeting of 22 September 2015.
- Upgrade to National Parks including Sportsground improvement to No 1 Sportsground and completion of project of No 2 Sportsground and rebuild the athletics track in order to support / encourage regional supporting events.

KEY ISSUES

2 The Council recently resolved, at the Council meeting of 22 September 2015 following a Lord Mayoral Minute (LMM), to, (among other things), call for the expansion of the proposed light rail project for Newcastle. That resolution recognised the benefit of a long term vision that delivers an integrated transport, land use and economic development plan for the Lower Hunter; including future light rail stages connecting the University, John Hunter Hospital, Hunter Stadium, the Newcastle Airport and the proposed Glendale Interchange be part of an expanded light rail network.

3 For several years Council has endorsed the revitalisation of the City Centre and the Newcastle Coast as the two highest priorities for Council. This is consistent with community priorities as determined by the 2011 MicroMex Survey. These priorities are embedded in Council’s Long Term Financial Plan 2015-2025, the IPART endorsed Special Rate Variation application (both s508 and s508A) and supports Council's Long Term Community Strategic Plan Newcastle 2030.
FINANCIAL IMPACT

4 The submission to RDA-H will be undertaken internally utilising existing staff budgets.

COMMUNITY STRATEGIC PLAN ALIGNMENT

5 The proposed projects align with the strategic directions set out in the Community Strategic Plan. In particular to be A Connect City, Vibrant and Activated Public Places and A Liveable and Distinctive Built Environment.

IMPLEMENTATION PLAN/IMPLICATIONS

6 The submission of Council's endorsed priorities is due on 6 November 2016.

RISK ASSESSMENT AND MITIGATION

7 Nil.

RELATED PREVIOUS DECISIONS

8 Each of the projects listed have been recognised by Council through a combination of resolution, operational, strategies and financial plans.

CONSULTATION

9 Nil. The projects are drawn from existing resolutions of the Council and previous public consultation.

OPTIONS

Option 1

10 The recommendation as at paragraph 1.

Option 2

11 Council resolves not to provide a list of projects to RDA-H. This is not the recommended Option.

Option 3

12 Council endorse an alternative priority list for submission to RDA Hunter.
BACKGROUND

13 On 6 August 2015 Council received a letter from The CEO of RDA-H, Todd Williams inviting a contribution from Council to the HUNTER REGIONAL PLAN 2016-2020. A copy is attached as Attachment A.

ATTACHMENTS

Attachment A Letter by Todd Williams, CEO, RDA Hunter dated 6 August 2015.
Thursday 6 August 2015

Cr Nuatali Nelmes
Lord Mayor
Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

HUNTER REGIONAL PLAN 2016 to 2020
Invitation to contribute

Dear Lord Mayor,

The Board of Regional Development Australia (RDA) Hunter invites you to contribute to the next edition of the Hunter Regional Plan, which is due for release in early 2016.

This Plan informs and guides government, industry and business decisions regarding policies, project partnership funding, grants programmes, and service delivery issues.

We are looking to expand the Plan to include more details about the Hunter region for each local government area (LGA).

Please consider providing details from your LGA for consideration to be included:

- The top 3 to 5 priorities that will support economic development in your area and/or deliver benefits to the Hunter region, together with notes regarding:
  - The status of each priority, including a business case and/or benefit cost analysis where available;
  - Projects or activities to progress your priorities; and
  - Outcomes and benefits that will flow from delivery of each priority.
- A brief overview of your LGA (around 300 words); and
- A short analysis of your LGA’s:
  - Strengths;
  - Challenges;
  - Needs; and
  - Opportunities.

Please send your contributions to me cl- admin@rdahunter.org.au by Friday 6 November 2015. If you require any further information you are welcome to call me on 0418 11 55 77.

Yours sincerely,

Todd Williams
CEO, RDA Hunter

An Australian Government Initiative | A NSW Government Initiative
Thursday 6 August 2015

Mr Ken Gouldthorp
General Manager
Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

HUNTER REGIONAL PLAN 2016 to 2020
Invitation to contribute

Dear Ken,

The Board of Regional Development Australia (RDA) Hunter invites you to contribute to the next edition of the Hunter Regional Plan, which is due for release in early 2016.

This Plan informs and guides government, industry and business decisions regarding policies, project partnership funding, grants programmes, and service delivery issues.

We are looking to expand the Plan to include more details about the Hunter region for each local government area (LGA).

Please consider providing details from your LGA for consideration to be included:

- The top 3 to 5 priorities that will support economic development in your area and/or deliver benefits to the Hunter region, together with notes regarding:
  - The status of each priority, including a business case and/or benefit cost analysis where available;
  - Projects or activities to progress your priorities; and
  - Outcomes and benefits that will flow from delivery of each priority.
- A brief overview of your LGA (around 300 words); and
- A short analysis of your LGA’s:
  - Strengths;
  - Challenges;
  - Needs; and
  - Opportunities.

Please send your contributions to me c/- admin@rdahunter.org.au by Friday 6 November 2015. If you require any further information you are welcome to call me on 0418 11 55 77.

Yours sincerely,

Todd Williams
CEO, RDA Hunter

An Australian Government Initiative | A NSW Government Initiative
ITEM-100  CCL 27/10/15 - TEMPORARY SUSPENSION OF ALCOHOL FREE ZONES LAMAN STREET NEWCASTLE BETWEEN DARBY STREET AND DAWSON STREET

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

PURPOSE

To seek Council's approval to temporarily suspend the Alcohol Free Zone (AFZ) in Laman Street Newcastle, between Darby Street and Dawson Street, on Friday 27 November 2015 from 5.30pm to 10.30pm for the purpose of an Art Gallery exhibition opening event.

RECOMMENDATION

1 Council approve the temporary suspension of the AFZ for Laman Street Newcastle between Darby Street and Dawson Street on Friday 27 November 2015 from 5.30pm to 10.30pm for the purpose of an Art Gallery exhibition opening event. This suspension is subject to the event organiser, Council's Newcastle Art Gallery, meeting all requirements of the NSW Police - Newcastle Local Area Command (LAC) and Council.

KEY ISSUES

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

3 Any lifting of an AFZ must be under the direction of the relevant Police Local Area Command (LAC). In this instance, the proposal for the Mambo exhibition opening event has been considered by Newcastle LAC and Council officers. The LAC supports the lifting of the AFZ subject to the organiser meeting the conditions placed on the event by Council and Police.

4 Section 645 of the Local Government Act 1993 (Act) provides for Council, by resolution, to allow the temporary suspension of AFZs. The Act and Ministerial Guidelines on Alcohol-Free Zones (February 2009) provide a specific procedure which must be followed in relation to suspending AFZs, and this includes a requirement to seek Council’s endorsement. Following adoption of this suspension Council must publish a notice in a local newspaper informing the community of the suspension of the Alcohol Free Zone that will be in place from 5.30pm to 10.30pm on 27 October 2015.
5 Street signs must be covered immediately on commencement of the time frame and the covers removed immediately following the expiration of the suspended time. This is the responsibility of the organiser of the event but will be overseen by Council staff. Liaison with local police both before and after the council resolution is an essential requirement. This consultation with the police has been undertaken by Council officers and will continue to be undertaken in the lead up to the event.

6 The Newcastle LAC is satisfied with the management strategies that have been put in place by the event organiser and supports the suspension of the AFZ on this occasion. Police have indicated that this event poses little or no concerns for police or the community.

FINANCIAL IMPACT

7 There are minor costs associated with the advertising of the suspension of AFZs. The road closure costs, covering of signage and any requirements placed on the event organiser by police will be incurred within the exhibition's budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

10 Council officers and officers of the Newcastle LAC work closely with event organisers to ensure adequate strategies are in place to manage the consumption of alcohol at events. The Event Authorisation issued for the use of Laman Street, Newcastle for the event sets out relevant conditions and consents.

RELATED PREVIOUS DECISIONS

11 Council has agreed to suspend the AFZ in Laman Street for similar events hosted by the Newcastle Art Gallery.
CONSULTATION

12 No negative feedback was received as a result of temporarily lifting the AFZ in Laman Street for previous Art Gallery events; therefore no consultation was deemed necessary. An advertising campaign around the event will be conducted.

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 AFZ on this occasion. The disadvantage of this option is that the event would not be able to proceed in its proposed format. This is not the recommended option.

BACKGROUND

15 To announce the opening of a major exhibition, Newcastle Art Gallery will host an outdoor street party event on Laman Street; with a formal opening, live music, access to the exhibition space in the Gallery as well as food stalls and an alcohol service area on Laman Street.

REFERENCES

ATTACHMENTS

Nil
NOTICES OF MOTION

ITEM-22 NOM 27/10/15 - RAIL RETENTION

COUNCILLORS: T DOYLE AND M OSBORNE

PURPOSE

The following Notice of Motion was received on 30 September 2015 from the abovenamed Councillors:

MOTION

That Council

1. "Reaffirms its support for the retention of intercity rail service to Newcastle station. Furthermore Newcastle Council considers that the transport corridor from Wickham to Newcastle Station is an invaluable piece of public rail transport infrastructure now and into the future, which should not be alienated for private development.

   [and in the case that the matter has not already passed through the Legislative Council]

2. Sends urgently a copy of this resolution to all members of the NSW Legislative Council for their information"

BACKGROUND

Council recently resolved unanimously to support an Integrated Transport Plan for the Hunter. The motion specifically called for an extensive light rail network that would service public transport needs between significant nodes in the city and its surrounds like the University, John Hunter Hospital and the airport.

The current design for the Interchange at Wickham appears to preclude any extension of the light rail along the rail corridor west of Wickham. Current plans also add an unnecessary extra $90 million to the cost of light rail to the city centre, suggesting that plans for extending the light rail beyond the city centre are not a serious priority for the current NSW government.

Successful light rail services in Sydney and Melbourne make maximum use of existing rail infrastructure. There is no reason why this should not be the case for Newcastle as well.
Furthermore, light rail need not be introduced at the expense of the intercity rail service to Newcastle that existed until 26 December 2014. It is possible to design light rail that would complement rather than replace that service. Indeed, if we are to provide passengers with a seamless journey into Newcastle, the intercity service must be restored.

The importance of the rail corridor was recognised by former NSW Planning Minister Brad Hazzard when he told Dan Cox of ABC News on 14th December 2012 "I can make it very clear, 100 per cent, that our intent is that it stays in public ownership for the long haul," he said.

"There's no intent whatsoever to go handing it over to developers.

"What we're really talking about here is a guaranteed, no doubt about it, it stays in public ownership, and must remain as a potential corridor."

A fully integrated and efficient Transport Plan for Newcastle needs to include the existing transport corridor if the civic and business centres of the city are to be a working part of that plan.

ATTACHMENTS

Nil.
ITEM-36  CON 27/10/2015 - PROVISION OF SECURITY SERVICES - CONTRACT NO. 2015/374T

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

PURPOSE
To award a contract for the provision of an integrated range of security services to 76 sites across the Newcastle local government area. The security services include alarm monitoring, patrol responses to activated alarms, patrol and static guard service, and, associated reporting on incidents and service performance.

As the value of the service exceeds $150,000, the Local Government (General) Regulation 2005 requires Council's acceptance of the tender.

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

- Section 10A(2)(d) of the Act provides that Council can close a meeting to consider commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

- Section 10B(1)(a) and (b) of the Act provides that the discussion of the item in a closed meeting must only:

  (a) include as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
  (b) occur if the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

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

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

A The matter relates to tenders for the provision of security services for Contract No.2015/374T.

B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.