Ordinary Council Meeting

Councillors,

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

DATE: Tuesday 22 March 2016
TIME: 5.30pm
VENUE: Council Chambers
2nd Floor
City Hall
290 King Street
Newcastle NSW 2300

F Cordingley
Interim Chief Executive Officer

City Administration Centre
282 King Street
NEWCASTLE NSW 2300

11 March 2016

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**COUNCILLOR REPORTS**

Nil

**NOTICES OF MOTION**

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**CONFIDENTIAL REPORTS**

ITEM-9 CON 22/03/16 - RICHMOND VALE RAIL TRAIL - ENVIRONMENTAL IMPACT STATEMENT AND CONCEPT DESIGN CONTRACT NO. 2016/067T 159

ITEM-10 CON 22/03/16 - AQUATIC FACILITIES CONDITION ASSESSMENT CONTRACT NO. 2016/136T 161

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

MINUTES OF EXTRAORDINARY COUNCIL MEETING 9 FEBRUARY 2016

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 160209 Extraordinary Council Meeting Minutes

Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at www.newcastle.nsw.gov.au
Minutes of the Extraordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 9 February 2016 at 6.00pm.

PRESENT

IN ATTENDANCE
F Cordingley (Interim Chief Executive Officer), G Cousins (Director Corporate Services), K Liddell (Acting Director Infrastructure), P Chrystal (Director Planning and Regulatory), F Giordano (Manager Legal and Governance), G Sainsbury (Manager Contracts and Projects), I Challis (Contracts Management Specialist), 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.

APOLOGIES

MOTION
Moved by Cr Posniak, seconded by Cr Luke

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

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS
Nil

CONFIDENTIAL REPORTS

ITEM-1  CON 09/02/16 - SOUTH NEWCASTLE SEAWALL REMEDIATION CONTRACT NO. 2016/250T

PROCEDURAL MOTION
Moved by Cr Tierney, seconded by Cr Posniak

Council proceed into confidential session on Confidential Item 1 for the reasons as outlined in the business paper. 

Carried
Council moved into confidential session at 6.05pm and reconvened at 6.08pm and the Interim Chief Executive Officer announced the detail of the resolution approved in confidential session.

**MOTION**

1. Council accepts the tender of Michilis Pty Ltd in the amount of $5,150,640 (excluding GST) for the South Newcastle Seawall Remediation Contract No. 2016/250T.

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

Carried

The meeting concluded at 6.08pm.
MINUTES PUBLIC VOICE COMMITTEE 16 FEBRUARY 2016

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 160216 Public Voice Committee Minutes

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

Minutes of the Public Voice Committee Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 16 February 2016 at 5.34pm.

PRESENT

IN ATTENDANCE
P Chrystal (Acting Interim Chief Executive Officer / Director Planning and Regulatory), G Cousins (Director Corporate Services), K Liddell (Acting Director Infrastructure), M Blackburn-Smith (Manager Development and Building Services), F Giordano (Manager Legal and Governance), K Sullivan (Council Services/Minutes) and A Leach (Council Services/Meetings Management).

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

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

APOLOGIES

MOTION
Moved by Cr Posniak, seconded by Cr Luke

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS
Nil.

PUBLIC VOICE SESSIONS

ITEM-1 PVC 16/02/2016 - DA 2015/0945 - 481 HUNTER STREET, NEWCASTLE - ALTERATIONS TO BUILDING, ASSOCIATED SITE WORKS AND CHANGE OF USE FROM SHOP TO CHILD CARE PREMISES (20 PLACES)

A development application has been received by Council seeking consent to alterations to a building, associated site works and change of use from shop to child care premises (20 places).
The application was determined on 13 October 2015 by way of refusal based on car parking requirements of the Newcastle Development Control Plan 2012, traffic and kerb side parking congestion, vehicular or set-down access, children’s safety, proximity to licensed premises and impact on operation of licensed premises.

In response to Council’s determination the proponents, Vanessa Alexander and Michael Meylan, submitted a request pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979 seeking a review of Council’s determination.

The proponents addressed the Committee explaining the merits of the development application.

The key reasons for support raised were:

- Childcare options
- Waiting lists
- Lifestyle and walkability
- Open space and central CBD location
- Traffic and parking
- Public interest - demand

Councillors raised questions on a number of different matters, including parking, traffic, demand and site contamination.

ITEM-2 PVC 16/02/2016 - DA 2013/1236 - 317 WHARF ROAD, NEWCASTLE - DEMOLITION OF BUILDINGS, ERECTION OF EIGHT STOREY HOTEL AND CONFERENCE CENTRE

An application has been received seeking consent to demolish existing buildings on site and to construct a Hotel and Conference Centre comprising 176 hotel rooms, conference facilities, commercial space, restaurant/bar and 113 on-site car parking spaces.

The original proposal had previously included 220 hotel rooms and 135 car parking spaces and was notified to neighbouring properties for 14 days in accordance with the Council’s notification policy and fifteen public submissions were received objecting to the proposal including three submissions for mediation.

Objectors raised concerns with respect to the overall design, amenity impacts to neighbouring properties, traffic impacts and social impacts. Council received eleven submissions in response including a request for Public Voice in May 2014.

The original application was required to be determined by the Joint Regional Planning Panel based on the estimated value of the development, however, the proposal was amended reducing the size of the development and therefore estimated value and was re-lodged with Council. The applicants for Public Voice,
Michelle and Melissa McGregor, were afforded the opportunity to address Council based on their original submission.

The Lord Mayor informed Councillors that the Public Voice applicants (the objectors) had notified Council just prior to the commencement of the Public Voice Committee meeting they were unable to attend the meeting due to unforeseen circumstances and the Acting Interim Chief Executive Officer, in their absence, would briefly summarise their concerns as detailed in the report to the Public Voice Committee.

The key issues raised were:

- Streetscape and setbacks (side and rear)
- Building depth and bulk
- Height
- Solar access

Michael Munro, representing the proponent addressed the Committee explaining the merits of the development application in addition to commenting on each of the issues raised by the objectors.

Questions from Councillors included traffic and infrastructure issues, streetscape, impact on surrounding streets, Argyle House and setbacks to boundaries.

The meeting concluded at 6.25pm.
MINUTES BRIEFING COMMITTEE 16 FEBRUARY 2016

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 160216 Briefing Committee Minutes

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

Minutes of the Briefing Committee Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 16 February 2016 at 6.26pm.

PRESENT

IN ATTENDANCE
P Chrystal (Acting Interim Chief Executive Officer / Director Planning and Regulatory), G Cousins (Director Corporate Services), K Liddell (Acting Director Infrastructure), M Blackburn-Smith (Manager Development and Building Services), F Giordano (Manager Legal and Governance), J Gaynor (Manager Strategic Planning), K Sullivan (Council Services/Minutes) and A Leach (Council Services/Meetings Management).

APOLOGIES

MOTION
Moved by Cr Posniak, seconded by Cr Luke

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS
Nil

BRIEFING COMMITTEE REPORTS

ITEM-1 BR 16/02/16 - DRAFT HUNTER REGIONAL PLAN

Monica Gibson, Regional Co-ordinator, Department of Planning and Environment provided a briefing on the Draft Hunter Regional Plan and Draft Plan for Growing Hunter City.

Ms Gibson informed the Committee that the Department of Planning and Environment had prepared a Draft Hunter Regional Plan to replace the Lower Hunter Regional Strategy, Mid-North Coast Regional Strategy and Upper Hunter Strategic Regional Land Use Plan. The Draft Regional Plan includes the current local government areas of Cessnock, Dungog, Gloucester, Great Lakes, Lake Macquarie, Maitland, Muswellbrook, Newcastle, Port Stephens, Singleton and Upper Hunter.

Ms Gibson noted that a Draft Plan for Growing Hunter City has also been released by the Department as a companion document to the Draft Regional Plan.
The draft plans, which are currently on exhibition, outline a vision, goals and actions aiming to:

- create a new major city
- grow the Hunter economy
- protect the environment
- deliver greater housing choice
- establish a committee to drive the coordination and delivery of the actions in the Plans.

Questions from Councillors included the possible implications of proposed council amalgamations and boundary changes, government planning bill, public consultation process, interest of other Councils, environmental assessment, potential impacts on funding and use of renewable and clean technologies.

**ITEM-2 BR 16/02/16 - STREET TREE SELECTION MANUAL**

Lindsay Field, City Arborist, presented the outcomes of the Street Tree Selection Manual public exhibition period.

Points covered in the presentation were:

- Benefits - storm water and canopy interception, urban heat island, shade
- Newcastle City Council public tree population
- Aging tree population - 9378 trees planted between 2008 - 2015
- Tree asset management system
- Change of name to Street Tree Selection Manual
- Why have a Street Tree Selection Manual
- Purpose
- Rationale and planting process
- Difference between 2011 Street Tree Master Plan (format, clear process, inclusion of significant tree component, Council's role, responsibilities, risk management clearly identified, impacts from inappropriate selection)
- Risk and powerlines
- Community engagement
- Post inspection species matrix, flyer and choice
- Community response from exhibition

Questions from Councillors included canopy and urban forest policy, contribution and monitoring systems, measurement of the planting program, trees under powerpoles, significant tree register, community consultation, planter boxes and the positives of having trees on streets.
PROCEDURAL MOTION
Moved by Cr Osborne, seconded by Cr Doyle

The Briefing Committee meeting adjourn to facilitate the holding of the Development Applications Committee and for the Briefing Committee meeting to be reconvened at 5.30pm on Tuesday 23 February 2016 for the purposes of the presentation by the Interim Chief Executive Officer on ICEO presentation to the Delegate at the s. 263 Public Enquiry held on 4 February 2016 to be provided.

Carried

The meeting adjourned at 8.06pm.
MINUTES ADJOURNED BRIEFING COMMITTEE 23 FEBRUARY 2016 
(RECONVENED FROM 16/02/16)

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 160223 Adjourned Briefing Committee Minutes

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

Minutes of the Adjourned Briefing Committee Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 23 February 2016 at 5.39pm.

Note: The meeting reconvened proceedings adjourned on Tuesday 16 February 2016.

PRESENT

IN ATTENDANCE
F Cordingley (Interim Chief Executive Officer) P Chrystal (Director Planning and Regulatory), G Cousins (Director Corporate Services), K Liddell (Acting Director Infrastructure), M Blackburn-Smith (Manager Development and Building Services), F Giordano (Manager Legal and Governance), J Gaynor (Manager Strategic Planning), K Hyland (Manager Communications and Engagement), K Sullivan (Council Services/Minutes) and A Leach (Council Services/Meetings Management).

APOLOGIES

MOTION
Moved by Cr Posniak, seconded by Cr Luke

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS
Nil
BRIEFING COMMITTEE REPORTS

ITEM-3 BR 23/02/16 - ICEO PRESENTATION TO THE DELEGATE AT THE S. 263 PUBLIC ENQUIRY HELD ON 4 FEBRUARY 2016

The Interim Chief Executive Officer addressed Council on the presentation he gave to the Delegate at the Public Inquiry.

The following information was presented to the Delegate:

- Newcastle City Council’s (NCC) response to the State Government during the Fit for the Future process;
- NCC’s size, demographics, operations, infrastructure;
- NCC’s surplus/deficit before Capital income Financial Year 2015;
- Operating ratio comparison (proposal report, long term financial plan, actual);
- Newcastle’s strong financial position (reduction of workforce in 2013/14);
- Forecasting budget surplus this financial year;
- Budget surplus;
- Ability to service debt;
- Cash investments and reserves ($274m in Financial Year 2015), funds from current reserves, annual capital works program 2014/15 $58 million and annual capital works program 2015/16 $77 million;
- Infrastructure investment on bathers way, revitalising the city centre, upgrades to Blackbutt Reserve and providing new cycle ways;
- NCC delivers regional infrastructure, services and facilities - and is a regional capital with cultural facilities, an extensive library service which extends to neighbouring Council's and well recognised events and major events such as Surfest and the Asian cup;
- Waste Service charges and rates;
- Response to merger proposal projections; and
- Proposed merger opportunities.

Questions from Councillors included the possible implications of proposed council amalgamations and boundary changes, government planning bill, public consultation process, interest of other Councils, environmental assessment, potential impacts on funding and use of renewable and clean technologies.

The meeting concluded at 6.08pm.
MINUTES ORDINARY COUNCIL MEETING 23 FEBRUARY 2016

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 160223 Ordinary Council Meeting Minutes

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

IN ATTENDANCE
F Cordingley (Interim Chief Executive Officer), G Cousins (Director Corporate Services), K Liddell (Acting Director Infrastructure), P Chrystal (Director Planning and Regulatory), F Giordano (Manager Legal and Governance), J Gaynor (Manager Strategic Planning Services), A Glauser (Manager Finance), G Sainsbury (Manager Projects and Contracts), F Leatham (Acting Manager Infrastructure Planning), N Baker (Chief of Staff Lord Mayor's Office), K Hyland (Manager Communications and Engagement), K Baartz (Communications Manager), K Sullivan (Council Services/Minutes) and A Leach (Council Services/Meetings Management).

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

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

APOLOGIES

MOTION
Moved by Cr Clausen, seconded by Cr Osborne

The apology submitted on behalf of Councillor Crakanthorp 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 Item 109 - 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.
PROCEEDINGS IN BRIEF

Prior to the meeting the Director Planning and Regulatory distributed a late item of business on behalf of the Lord Mayor, National Geographic Smart Cities Opportunities.

PROCEDURAL MOTION
Moved by Cr Clausen, seconded by Cr Posniak

Item 7 - Submission to the Delegate be dealt with as the first item requiring discussion and confirmation of the minutes and Item 1 - Election of Deputy Lord Mayor be dealt with at the conclusion of business.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-2 CCL 23/02/16 - QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2015

MOTION
Moved by Cr Osborne, seconded by Cr Rufo

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

Carried

ITEM-3 CCL 23/02/16 - EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION
Moved by Cr Osborne, seconded by Cr Rufo

The report be received.

Carried

ITEM-9 CCL 23/02/16 - BLUE GUM ROAD, JESMOND - PROPOSED 40 KM/H HIGH PEDESTRIAN ACTIVITY (HPA) AREA AND ASSOCIATED TRAFFIC CALMING MEASURES

MOTION
Moved by Cr Clausen, seconded by Cr Osborne

Approve the proposed 40km/h High Pedestrian Activity (HPA) area and associated traffic calming measures on Blue Gum Road, Jesmond between Mordue Parade and Janet Street.

Carried
ITEM-10  CCL 23/02/16 - PATRICK STREET MEREWETHER - PROPOSED PEDESTRIAN FACILITY AND INTERSECTION IMPROVEMENTS AT WATKINS AND FREDERICK STREET INTERSECTIONS

MOTION
Moved by Cr Doyle, seconded by Cr Tierney

Approve the raised threshold in Patrick Street east of Watkins Street and the pedestrian refuge in Frederick Street south of Patrick Street and other related intersection improvements in the area as set out at paragraph 2 through 6.

Carried

ITEM-11  CCL 23/02/16 - HOWE STREET / DURHAM ROAD, LAMBTON - PROPOSED TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENTS

MOTION
Moved by Cr Rufo, seconded by Cr Clausen

Council approves the installation of traffic signals at the Howe Street/Durham Road intersection and associated improvements as set out at paragraph 7.

Carried

ITEM-12  CCL 23/02/16 - HOWE STREET/MOREHEAD STREET, LAMBTON - PROPOSED INTERSECTION IMPROVEMENTS

MOTION
Moved by Cr Clausen, seconded by Cr Rufo

Council approves the proposed improvements as set out at paragraph 4 for the Howe Street/Morehead Street intersection.

Carried

ITEM-13  CCL 23/02/16 - BROADMEADOW ROAD / JACKSON STREET, BROADMEADOW - PROPOSED INTERSECTION IMPROVEMENTS AND SHARED PATH

MOTION
Moved by Cr Osborne, seconded by Cr Rufo

Council approves the proposed intersection improvements as set out at paragraph 5 for the intersection of Broadmeadow Road and Jackson Street, Broadmeadow.

Carried
ITEM-14 CCL 23/02/16 - 131 - 133 CROUDACE ROAD ELMORE VALE -
ENDORSEMENT OF PROPOSED AMENDMENT TO NEWCASTLE
LOCAL ENVIRONMENTAL PLAN 2012

MOTION
Moved by Cr Tierney, seconded by Cr Dunn

Council resolves to:

i) Endorse the attached Planning Proposal (Attachment A), prepared in
cuncate with Section 55 of the Environmental Planning and Assessment Act
1979 (EP&A Act), to amend Newcastle LEP 2012 for land at 131-133 Croudace
Road Elmore Vale (Lots A and B, DP 412510) as follows:

a) Amend the Land Zoning Map from R2 Low Density Residential to B2
Local Centre;

b) Amend the Height of Buildings Map to apply a maximum permissible
height of 11 metres over the land;

c) Amend the Minimum Lot Size map to apply no minimum lot size over the
land; and

d) Amend the Floor Space Ratio map to apply a 1.5:1 FSR over the land;

as outlined in the Planning Proposal at Attachment A.

ii) Forward the Planning Proposal to the Minister for Planning and Environment for

iii) Advise the Secretary of Planning and Environment that Council does not seek
to exercise delegations for undertaking Section 59(1) of the EP&A Act 1979.

iv) Receive a report back if a written objection is received during consultation with
the community as per the requirements of Section 57 of the EP&A Act 1979,
otherwise forward the Planning Proposal to the Secretary, Planning and
Environment requesting the proposed amendment to Newcastle LEP 2012 be
made.

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

Against the Motion: Nil.

Carried
ITEM-15  CCL 23/02/16 - ADOPTION OF THE MULTICULTURAL PLAN 2016 - 2019

Congratulations were extended to Council staff for their efforts in respect to the development of the Multicultural Plan 2016-2019.

MOTION
Moved by Cr Doyle, seconded by Cr Posniak

Council

1  Adopt the Multicultural Plan 2016-2019 as provided in Attachment A.

2  Rescind the Ethnic Affairs Policy Statement 2008-2011 as it is superseded by the adoption of the Community Strategic Plan Newcastle 2030 and the Multicultural Plan 2016-2019.

Carried

ITEM-17  CCL 23/02/16 - TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE, BEAUMONT, CLEARY, JAMES, LINDSAY AND DENISON STREETS HAMILTON

MOTION
Moved by Cr Posniak, seconded by Cr Osborne

Council approve the temporary suspension of the AFZ in Beaumont, Cleary, James, Lindsay and Denison Streets Hamilton from 6am to 8pm on Sunday 13 March 2016 for the purpose of the Beaumont Street Festival 2016. This suspension is subject to the event organiser, Hamilton Chamber of Commerce, meeting all requirements of the NSW Police Newcastle Local Area Command (LAC) and Council.

Carried
ITEM-7  CCL 23/02/16 - COUNCIL SUBMISSION TO THE DELEGATE

The Interim Chief Executive Officer issued a memo dated 23 February 2016 containing more information on proposed boundary adjustments for consideration in the submission to the Delegate on the Merger Proposal.

MOTION
Moved by Cr Doyle, seconded by Cr Clausen

1 That Council amend the current draft submission to include the following points:

   a) The merger would result in a significant reduction in local democratic representation, evident in the lower ratio of elected representatives per capita from 1 councillor per 12,309 voters to 1 per 17,763 down currently.

   b) Consideration of the merger has ignored relevant evidence that would be detrimental to the merger case.

   c) A comprehensive community consultation process, including a full plebiscite, should precede any firm proposal for a merger.

   d) The process that has produced this proposal has been flawed with key information withheld, in particular the full KPMG Report.

2 a) Council receives the report.

   b) Council reiterates its first preference is to remain a standalone entity.

   c) Should a merger proceed, despite Council's position, its preference is that:

      i  The new entity be named The City of Newcastle or The City of Greater Newcastle

      ii The title of Lord Mayor be decreed for the new entity as part of the Governor's Proclamation

      iii The Lord Mayor be popularly elected by the people of the new local government area

      iv The new entity comprise 13 Councillors including the Lord Mayor
v That 12 of these councillors are to be elected by vote of ward residents. Council's preference is for three (3) wards each with four (4) councillors. Ward boundaries should be determined based on approximately equal populations, and be generally based around the current boundaries of the State Seats of Newcastle, Wallsend and Port Stephens.

The Geographic Names Board should be given the opportunity to convene a public exhibition of ward names.

d) Council supports the proposed minor boundary variations to:

i Incorporate Woodberry in the new Local Government Area

ii Revise the southern boundary to follow the natural catchment divide, as distributed by the Interim Chief Executive Officer (outlined below):

A variation to the Lake Macquarie City Council (LMCC) boundary change to seek greater efficiencies and cost savings to ratepayers through improved integrated watercourse and drainage management by bringing the upper reaches of Ironbark Creek and Throsby Creek catchments into the Newcastle Local Government LGA. This is an extension of the proposal in the report to adjust the boundary with LMCC to the Newcastle Link Road.

e) Council delegates authority to the Interim Chief Executive Officer to make necessary amendments to the Submission, in consultation with the Lord Mayor, that arise from Council's resolution relating to the Submission and to lodge the amended Submission on Council's behalf with the Delegate by 28 February 2016. A final copy of the submission is to be made available to Councillors prior to submission.

PROCEDURAL MOTION
Moved by Cr Luke, seconded by Cr Tierney

Parts 1 and 2 of the motion be dealt with seriatim. 

Carried
PART 1

MOTION
Moved by Cr Doyle, seconded by Cr Clausen

That Council amend the current draft submission to include the following points:

a) The merger would result in a significant reduction in local democratic representation, evident in the lower ratio of elected representatives per capita from 1 councillor per 12,309 voters to 1 per 17,763 down currently.

b) Consideration of the merger has ignored relevant evidence that would be detrimental to the merger case.

c) A comprehensive community consultation process, including a full plebiscite, should precede any firm proposal for a merger.

d) The process that has produced this proposal has been flawed with key information withheld, in particular the full KPMG Report.

The motion moved by Councillors Doyle and Clausen incorporating Part 1 was put to the meeting.

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

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

Carried
MOTION
Moved by Cr Doyle, seconded by Cr Clausen

a) Council receives the report.

b) Council reiterates its first preference is to remain a standalone entity.

c) Should a merger proceed, despite Council's position, its preference is that:

   i The new entity be named The City of Newcastle or The City of Greater Newcastle
   
   ii The title of Lord Mayor be decreed for the new entity as part of the Governor's Proclamation
   
   iii The Lord Mayor be popularly elected by the people of the new local government area
   
   iv The new entity comprise 13 Councillors including the Lord Mayor
   
   v That 12 of these councillors are to be elected by vote of ward residents. Council's preference is for three (3) wards each with four (4) councillors. Ward boundaries should be determined based on approximately equal populations, and be generally based around the current boundaries of the State Seats of Newcastle, Wallsend and Port Stephens.

   The Geographic Names Board should be given the opportunity to convene a public exhibition of ward names.

d) Council supports the proposed minor boundary variations to:

   i Incorporate Woodberry in the new Local Government Area
ii Revise the southern boundary to follow the natural catchment divide, as distributed by the Interim Chief Executive Officer (outlined below):

A variation to the Lake Macquarie City Council (LMCC) boundary change to seek greater efficiencies and cost savings to ratepayers through improved integrated watercourse and drainage management by bringing the upper reaches of Ironbark Creek and Throsby Creek catchments into the Newcastle Local Government LGA. This is an extension of the proposal in the report to adjust the boundary with LMCC to the Newcastle Link Road.

iii Revise the western boundary to follow the natural divide to include the Hexham Swamp Catchment.

e) Council delegates authority to the Interim Chief Executive Officer to make necessary amendments to the Submission, in consultation with the Lord Mayor, that arise from Council's resolution relating to the Submission and to lodge the amended Submission on Council's behalf with the Delegate by 28 February 2016. A final copy of the submission is to be made available to Councillors prior to submission.

AMENDMENT

Moved by Cr Luke, seconded by Cr Tierney

v That 12 of these councillors are to be elected by vote of residents. Council's preference is for no wards.

The amendment was put to the meeting.

**For the Amendment:** Councillors Compton, Luke, Robinson, Rufo, Tierney and Waterhouse.

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

**Defeated**

The motion moved by Councillors Doyle and Clausen incorporating Part 2 was put to the meeting.

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

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

**Carried**
ITEM-4  CCL 23/02/16 - AMENDMENTS TO CODE OF MEETING PRACTICE

MOTION
Moved by Cr Posniak, seconded by Cr Dunn

1 Council notes the Officer's report.

2 Council notes that the Government’s current Explanatory Paper (Towards New Local Government Legislation: proposed Phase 1 amendments) proposes the introduction of a Model Code of Meeting Practice

3 Council makes a formal submission on the Phase 1 amendments by the due date (15 March 2016) which requests that the Model Code include:
   a. A framework for open and transparent council meetings and briefings
   b. Codify measures which enable the public to address meetings
   c. Include procedures to be followed by the Chief Executive Officer/General Manager when excluding business from the agenda
   d. A framework for the structure of strategic advisory committees and committees of council as a formalised mechanism for community and expert input into Council decision making

4 A copy of Council’s submission is to be provided to councillors no later than 1 business day before submissions are due.

Councillor Doyle gave notice of a foreshadowed motion.

FORESHADOWED MOTION - CR DOYLE

1 Council officers prepare those changes to Council's codes, procedures and public notification practices that will enact the following measures to extend public participation and accountability:
   a. To make all Councillor/staff workshops and briefings open to the public, subject to requirements governing genuinely confidential matters.
   b. To allow members of the public to address council meetings on agenda items and ask questions at Council meetings, briefings, committee meetings and workshops.
   c. To provide public notification of Workshops.
   d. To require Strategic Advisory Committees and Working Parties to make regular reports and recommendations to Council.
   e. To provide means by which council can move into "Committee of the Whole" [Local Government (General) Regulation 259], where it is appropriate.
2 These changes be brought to the next open briefing of Council.

3 The period following the briefing include open discussion among Councillors.

4 Changes necessary to allow more public participation and accountability be adopted at the next ordinary meeting of Council.

The Lord Mayor ruled Doyle’s foreshadowed motion out of order as elements of the motion required due notice.

Councillor Luke moved dissent against the Lord Mayor’s ruling.

The motion of dissent was put to the meeting and carried by show of hands.

The motion of dissent was upheld.

The Manager Legal and Governance was requested by the Lord Mayor to address Council on the foreshadowed motion. He confirmed as follows:

- any proposed amendments to Council's Code of Meeting Practice (COMP) would require the preparation of a draft amended COMP;
- the draft amended COMP would need to first come back to a Council meeting for approval to be placed on public exhibition for a minimum of 28 days and 42 days would need to be allowed for the receipt of submissions from the public;
- subsequently, a report would need to come back to Council to adopt any amended COMP;
- it was not legally possible for Council to unilaterally adopt an amended COMP without first going through a public exhibition process;
- the criticality of Councillor workshops continuing to be closed to the public so that Council staff could continue to share commercial in confidence information necessary to assist Councillors in making informed decisions at subsequent Council meetings;
- a failure to do so would potentially jeopardise the ongoing conduct of information sharing Councillor workshops; and
- the existing opportunities provided by Council for public participation at Public Voice and Briefing Committees should be recognised.

Councillor Doyle then moved Parts 1 and 2 of her foreshadowed motion as an amendment.
AMENDMENT
Moved by Cr Doyle, seconded by Cr Osborne

1 Council officers prepare those changes to Council's codes, procedures and public notification practices that will enact the following measures to extend public participation and accountability:

a. To make all Councillor/staff workshops and briefings open to the public, subject to requirements governing genuinely confidential matters.

b. To allow members of the public to address council meetings on agenda items and ask questions at Council meetings, briefings, committee meetings and workshops.

c. To provide public notification of Workshops.

d. To require Strategic Advisory Committees and Working Parties to make regular reports and recommendations to Council.

e. To provide means by which council can move into "Committee of the Whole" [Local Government (General) Regulation 259], where it is appropriate.

2 These changes be brought to the next open briefing of Council.

The Lord Mayor ruled the amendment out of order and stated that all of the issues raised in the amendment were covered in Councillor Posniak's motion.

Councillors Doyle and Osborne moved dissent against the Lord Mayor's ruling.

The motion of dissent was put to the meeting and defeated by show of hands and the Lord Mayor's ruling upheld.

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

Carried

The Lord Mayor asked Councillor Doyle to move the foreshadowed motion.

Councillor Doyle stated she was moving Parts 1 and 2 only of the foreshadowed motion.
MOTION
Moved by Cr Doyle, seconded by Cr Osborne

1 Council officers prepare those changes to Council's codes, procedures and public notification practices that will enact the following measures to extend public participation and accountability:

   a. To make all Councillor/staff workshops and briefings open to the public, subject to requirements governing genuinely confidential matters.

   b. To allow members of the public to address council meetings on agenda items and ask questions at Council meetings, briefings, committee meetings and workshops.

   c. To provide public notification of Workshops.

   d. To require Strategic Advisory Committees and Working Parties to make regular reports and recommendations to Council.

   e. To provide means by which council can move into "Committee of the Whole" [Local Government (General) Regulation 259], where it is appropriate.

2 These changes be brought to the next open briefing of Council.

AMENDMENT
Moved by Lord Mayor, Cr Nelmes, seconded by Councillor Clausen

Council notes:

1 The Interim Chief Executive Officer is going to improve the public notification of Workshops.

2 Strategic Advisory Committees can make regular reports and recommendations to Council under the provisions of the Code of Meeting Practice.

3 Council can move into 'Committee of the Whole" under the provisions of the current Code of Meeting Practice.
Councillor Luke raised a point of order indicating the amendment would replace the motion.

The Lord Mayor stated that she would move the amendment as a Part B to the motion.

PROCEDURAL MOTION
Moved by Cr Clausen, seconded by Cr Posniak

Parts A and B of the motion be moved seriatim.

Carried

The motion moved by Councillors Doyle and seconded by Councillor Osborne, Part A, was put to the meeting.

For the Motion: Councillors Doyle and Osborne.

Against the Motion: The Lord Mayor Cr Nelmes, Councillors Clausen, Compton, Dunn, Luke, Posniak, Robinson, Rufo, Tierney and Waterhouse.

Defeated

The motion moved by the Lord Mayor and seconded by Councillor Clausen, Part B, was put to the meeting.

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

Against the Motion: Councillors Compton, Doyle, Luke, Osborne, Robinson, Rufo, Tierney and Waterhouse.

Defeated
ITEM-5  CCL 23/02/16 - AFFIXATION OF THE COUNCIL SEAL TO A DEED OF INDEMNITY

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

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

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

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

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

Carried

ITEM-6  CCL 23/02/16 - SUPPLEMENTARY REPORT - NEWCASTLE SHOW HOLIDAY COMMUNITY ENGAGEMENT FEEDBACK

MOTION
Moved by Cr Dunn, seconded by Cr Clausen

1 Council notes the report.

2 Council notes that the majority of submissions received (76% of the 502 submissions) supported a Show Day Public Holiday.

3 Council delegates authority to the CEO to submit an application to the Executive Director, NSW Industrial Relations, requesting the Minister for Industrial Relations to declare Friday 4 March 2016 a local event day under the Public Holidays Act 2010 (NSW).

4 From 2017 Chief Executive Officer automatically submit an application to the Executive Director, NSW Industrial Relations, requesting the Minister for Industrial Relations to declare the Friday of Show Holiday a local event day under the Public Holidays Act 2010 (NSW).  

Carried
ITEM-8  CCL 23/02/16 - DEVONSHIRE STREET NEWCASTLE WEST - RAINBOW CROSSING

MOTION
Moved by Cr Clausen, seconded by Cr Osborne

1 Council notes the report.

2 Council Officers, in consultation with the community, bring a report back to Council outlining options for footpath or park upgrades incorporating a rainbow (‘rainbow crossing’) as part of 2016/17 capital works in the Hamilton/Islington area.

Council notes that the installation of a rainbow crossing in Devonshire Street was not supported by the NCTC.

3 Council requests that the above image be included in the minutes in colour. **Carried**
ITEM-16  CCL 23/02/16 - ADOPTION OF COUNCIL GRANT AND SPONSORSHIP PROGRAMS

PROCEDURAL MOTION
Moved by Cr Clausen, seconded by Cr Posniak

Council adjourn for a short recess to allow Councillor Clausen to distribute an alternate motion.

Carried

The Council meeting adjourned at 8.33pm and was reconvened at 8.37pm.

MOTION
Moved by Cr Clausen, seconded by Cr Rufo

1 Council adopts the Event Sponsorship Policy, Economic Development Sponsorship Policy, Community Assistance Grant Policy and Recreation Facilities Grant Program Policy (Attachments A, B C and E) with the inclusion of the following statement:

“Application forms and funding agreements will contain information relating to the acknowledgement of funding and/or in-kind support from Council.

The recipient of funding/in-kind support must abide by the following set of principles:

- Acknowledge Council’s contribution in written material relating to the project

- Use Council’s logo and name in accordance with the requirements of the funding agreement.

- Issue an invitation to the Lord Mayor, or representative, to any announcement or public event associated with the funding, and whether they are able to attend, be acknowledged as official guests. Where practicable, they should be afforded the courtesy of publicly addressing the event.

Successful applicants will be required to provide evidence in acquittal reporting.”
2 Council adopts the Place Making Grant Policy (Attachment D) with an amendment to Section 6 in each to include the following statement:

“Council will require your event/project/service/activity to publicly acknowledge Council’s support. The application form will require information on how this will be achieved (including, for example, the inclusion of Council’s logo on advertising and collateral, invitations to events and functions, opportunities for Council representative to present awards). For successful applicants, this requirement will be included in the formal agreement and you will be required to provide evidence in the acquittal reporting.”

Carried

ITEM-18 CCL 23/02/16 - CHANGE OF DATE FOR SCHEDULED MARCH 2016 DEVELOPMENT APPLICATIONS COMMITTEE MEETING

The Director of Planning and Regulatory tabled a memo issued to all Councillors, 23 February 2016 in relation to DA2015/0945 - 481 Hunter Street, Newcastle which referred to a Section 82A request by the Applicant to review Council's refusal of the development application.

The Director of Planning and Regulatory advised that the proposed change of date was to allow the Committee to review the determination of the application in early March 2016 prior to the expiration of the statutory assessment period. He confirmed that that the Applicant had recently advised Council they would not be proceeding with a review of the determination and had formally withdrawn the section 82A request.

The Director of Planning and Regulatory indicated that Council may determine not to consider Item 18 on the agenda.

PROCEDURAL MOTION

MOTION
Moved by Cr Luke, seconded by Cr Tierney

Council withdraw Item 18 - Change of Date for Scheduled March 2016 Development Applications Committee Meeting, from the Council agenda.

Carried
CONFIDENTIAL REPORTS

PROCEDURAL MOTION
Moved by Cr Posniak, seconded by Cr Osborne

Council proceed into confidential session for discussion on Confidential Items 2 - 8 for the reasons outlined in the business papers.

Carried

Councillor Compton apologised for the late notice of his declaration and declared a non-pecuniary less than significant interest in the Confidential tender reports generally advising that his company constructed in the Newcastle Local Government Area and was on a selective tendering list but had not been selected in respect of any of the tenders.

Council entered into confidential session at 8.50pm and reconvened at 9.14pm and the Interim Chief Executive Officer announced the detail of the resolutions approved in confidential session.

ITEM-2 CON 23/02/16 - EMPIRE PARK SHADE SHELTER CONSTRUCTION CONTRACT NO 2016/208T

MOTION

1  Council accepts the tender of Daracon Landscaping in the amount of $333,658.96 (excluding GST) for the Empire Park Shade Shelter Construction Contract No. 2016/208T.

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

Carried

ITEM-3 CON 23/02/16 - STOCKTON BEACH HOLIDAY PARK - FABRICATION AND INSTALLATION OF CAMP KITCHEN CONTRACT NO. 2016/135T

MOTION

1  Council accept a tender of Wengold Pty Ltd in the amount of $393,600 (excluding GST) for Fabrication and Installation of Camp Kitchen Contract No. 2016/135T.

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

Carried
ITEM-4 CON 23/02/16 - ADMINISTRATION BUILDING EXPANSION - SUMMERHILL WASTE MANAGEMENT CENTRE - CONTRACT NO. 2016/127T

MOTION

1 Council accept a tender of the RTC Group in the amount of $634,933 (excluding GST) for the Administration Building Expansion - Summerhill Waste Management Centre Construction Contract No. 2016/127T.

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

Carried

ITEM-5 CON 23/02/16 - TENDER FOR CONTRACT 2016/211Q - TREE ASSESSMENT TECHNICAL SERVICES

MOTION

1 Council accept the tender of Homewood Consulting Pty Ltd and the tender of The Sugar Factory for Tree Assessment Technical Services Contract No. 2016/211Q.

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

Carried

ITEM-6 CON 23/02/16 - CITY HALL COMMERCIAL KITCHEN REFURBISHMENT - CONTRACT NO. 2016/156T

MOTION

Moved by Cr Osborne, seconded by Cr Rufo

1 Council accepts the tender of Lammond Catering Equipment Pty Ltd in the amount of $403,015 (excluding GST) for the City Hall Commercial Kitchen Refurbishment Contract No. 2016/156T.

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

Carried
ITEM-7 CON 23/02/16 - NEWCASTLE MUSEUM SHADE FRAME
REFURBISHMENT CONTRACT NO. 2016/245T

MOTION
Moved by Cr Luke, seconded by Cr Rufo

1 Council accepts the tender of Thomas & Coffey in the amount of $241,110 (excluding GST) for the Newcastle Museum Shade Frame Refurbishment Contract No. 2016/245T.

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

   Carried

ITEM-8 CON 23/02/16 - BERESFIELD COMMUNITY CHILDCARE CENTRE
PLAYGROUND UPGRADE CONTRACT NO. 2016/020Q

MOTION

1 Council not accept the sole tender received for the Beresfield Community Childcare Education Centre - Playground Upgrade for Contract No. 2016/020Q and not proceed with the contract.

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

   Carried

PROCEEDINGS IN BRIEF

As the time was nearing 9.30pm, Councillor Luke moved that the meeting extend and conclude by 10.00pm.

PROCEDURAL MOTION
Moved by Cr Luke, seconded by Cr Posniak

   The meeting extend and conclude by 10.00pm.

   Carried
ITEM-19 CCL 23/02/16 - LATE ITEM OF BUSINESS NATIONAL GEOGRAPHIC SMART CITIES OPPORTUNITIES

The purpose of this report which was not on the Agenda was to outline an opportunity presented by National Geographic for Newcastle to be included in their Smart Cities of the World program in August / September 2016.

PROCEDURAL MOTION

Moved by Cr Osborne, seconded by Cr Posniak

The matter of National Geographic 'Smart Cities' be heard as a late item of business.

Carried

MOTION

Moved by Cr Osborne, seconded by Lord Mayor Cr Nelmes

1 That Council endorse participation in the National Geographic 'Smart Cities' program in August / September 2016 subject to:

i) Clarification of the full costs of engaging in the program.

ii) Exploration of opportunities for cost-sharing with partner organisations in the Newcastle Smart City Initiative.

iii) Confirmation that Council and any potential partners will retain oversight of city brand development and marketing content.

2 That Council have the full costs included in the quarterly review budget process and included in the 2016/17 budget.

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


Carried
CONFIRMATION OF PREVIOUS MINUTES

CCL 23/02/16 - MINUTES BRIEFING COMMITTEE HELD 1 DECEMBER 2015

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

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

CCL 23/02/16 - MINUTES OF ORDINARY COUNCIL MEETING 8 DECEMBER 2015

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

The draft minutes as circulated be taken as read and confirmed subject to the 
minutes of the Ordinary Council meeting 8 December 2015 being adopted with the 
following changes made (additions in bold and deletions in strikethrough) in respect 

Councillor Rufo addressed the meeting and raised confidential legal advice 
reported in the Newcastle Herald.

The Lord Mayor indicated that Councillor Rufo should not discuss confidential 
legal advice and stated that she was aware three Councillors, namely, 
Waterhouse, Rufo and Luke had forwarded emails containing confidential Council legal advice. to unknown third parties.

Councillor Waterhouse raised a point of order that the Lord Mayor was making 
unsubstantiated allegations against herself and other Councillors.

The Lord Mayor stated that she was not making allegations against the three 
Councillors but a statement of fact as advised by the Acting Interim Chief 
Executive Officer.

Councillor Posniak gave notice of a substantive foreshadowed motion in 

The Lord Mayor indicated that in order to discuss a substantive motion 
regarding Item 138, Council needed to rescind only Part A (2), (3) and (4) of 
Council's resolution - Item 103 Late Item of Business - CCL 27/10/15 - 
General Manager's Performance Review Report.
The Lord Mayor asked the mover and seconder whether they would accept amending the rescission motion.

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


Carried

REPORTS BY COUNCIL OFFICERS

ITEM-1 CCL 23/02/16 - ELECTION OF DEPUTY LORD MAYOR

MOTION
Moved by Cr Luke, seconded by Cr Tierney

1 Council approves the term of the Deputy Lord Mayor to be for a period taking effect from 23 February 2016 and concluding on 9 September 2016 (being the day before the presently scheduled local government elections due to be held on 10 September 2016) or such later date as the State Government determines as the revised local government election date.

2 Council approves the conduct of an election of a Deputy Lord Mayor by ordinary ballot voting in accordance with the election procedures set out in Parts 1 and 2 of Schedule 7 of the Local Government (General) Regulation 2005 (NSW) (Regulation) at an election to be conducted at the Ordinary Council Meeting to be held on 23 February 2016 (refer to Paragraphs 19 and 20).

AMENDMENT
Moved by Cr Clausen, seconded by Cr Dunn

Council approves the term of the Deputy Lord Mayor to be for a period taking effect from 23 February 2016 and concluding on 22 March 2016.

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


Carried
The amended motion was put to the meeting.

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

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

**Carried**

The Lord Mayor confirmed the motion carried and the term of the Deputy Lord Mayor to be for a period taking effect 23 February 2016 and concluding 22 March 2016.

The Interim Chief Executive Officer (as the returning officer):

- Announced that nominations had been received for the position of Deputy Lord Mayor from Councillors Dunn and Rufo.
- Distributed ballot forms and called for a vote in favour of each nominee by ordinary ballot.
- Announced that the vote had resulted in a tie and placed the names of Councillors Dunn and Rufo into a hat.
- Declared Councillor Dunn elected as Deputy Lord Mayor for a period from 23 February 2016 and concluding on 22 March 2016.

**The meeting concluded at 9.54pm.**
REPORTS BY COUNCIL OFFICERS

ITEM-20 CCL 22/03/16 - ELECTION OF DEPUTY LORD MAYOR

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

PURPOSE

The purpose of this report is to initiate the election, by Councillors, of a Deputy Lord Mayor for a term following the expiration of the current Deputy Lord Mayor’s term of office on 22 March 2016.

RECOMMENDATION

1 Council approves the term of the Deputy Lord Mayor to be for a period taking effect from 22 March 2016 and concluding on 9 September 2016 (being the day before the presently scheduled local government elections due to be held on 10 September 2016) or the day before such later date as the State Government determines as the revised local government election date.

2 Council approves the conduct of an election of a Deputy Lord Mayor by ordinary ballot voting in accordance with the election procedures set out in Parts 1 and 2 of Schedule 7 of the Local Government (General) Regulation 2005 (NSW) (Regulation) at an election to be conducted at the Ordinary Council Meeting to be held on 22 March 2016 (refer to Paragraphs 19 and 20).

KEY ISSUES

3 Section 231 of the Local Government Act (Act) provides that councillors may elect a person from among their number to be the deputy mayor. The person may be elected for the mayoral term or a shorter term. The deputy mayor may exercise any function of the mayor, inter alia, if requested by the mayor or if the mayor is prevented by illness, absence or otherwise from exercising a mayor’s function.

4 Councillor Dunn was elected as Deputy Lord Mayor on 23 February 2016.

5 It is appropriate that Council holds an election to fill the vacancy that will exist on 22 March 2016 with the expiration of the term of the current Deputy Lord Mayor, Cr Dunn.

FINANCIAL IMPACT

6 Nil.
COMMUNITY STRATEGIC PLAN ALIGNMENT

7 Nil.

IMPLEMENTATION PLAN/IMPLICATIONS

8 The election of a Deputy Lord Mayor is to be conducted in accordance with section 231(1)–(3) of the Act and Schedule 7 of the Regulation as outlined in the background section below.

9 Providing for a new term for the Deputy Lord Mayor commencing from the date of the next Ordinary Council Meeting to be held on 22 March 2016 will ensure that there is continuity in the Deputy Lord Mayor’s office.

RISK ASSESSMENT AND MITIGATION

10 Whilst it is not essential that a new Deputy Lord Mayor be elected by Council on 22 March 2016, it has been Council’s consistent practice during the term of the current Council to have a duly elected Deputy Lord Mayor in order to facilitate the Lord Mayor’s functions being able to be carried out in accordance with section 231 of the Act in the event that, for whatever reason, the elected Lord Mayor is prevented by illness, absence or otherwise from exercising any of the Lord Mayor’s functions. Having an incumbent Deputy Lord Mayor removes the risk that any of the Lord Mayor’s functions may not be able to be carried out should the Lord Mayor be unable or unavailable to carry out the Lord Mayor’s functions.

RELATED PREVIOUS DECISIONS

11 Councillor Posniak was elected as Deputy Lord Mayor on 28 October 2014 for a term that expired on 25 November 2014.

12 Councillor Rufo was elected as Deputy Lord Mayor on 25 November 2014 for a term that expired on 24 March 2015.

13 Councillor Osborne was elected as Deputy Lord Mayor on the 24 March 2015 for a term that expired on the 24 November 2015.

14 Councillor Osborne was elected as Deputy Lord Mayor on 24 November 2015 for a term expiring on 23 February 2016.

15 Councillor Dunn was elected as Deputy Lord Mayor on 23 February 2016 for a term expiring on 22 March 2016.

CONSULTATION

16 Nil.
OPTIONS

Option 1

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

Option 2

18 Council not proceed to elect a Deputy Lord Mayor for the period specified in Paragraph 1 but rather for another specified period. This is not the recommended option.

BACKGROUND

19 Section 231 (1)-(3) of the Act provides:

(1) The councillors may elect a person from among their number to be deputy mayor.
(2) The person may be elected for the mayoral term or a shorter term.
(3) The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.

20 Parts 1 and 2 of Schedule 7 of the Regulation provides the following procedure for the election of a deputy mayor.

Part 1 Preliminary

1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

(1) A councillor may be nominated without notice for election as mayor or deputy mayor.
(2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
(3) The nomination is to be delivered or sent to the returning officer.
(4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.
3 Election

(1) If only one councillor is nominated, that councillor is elected.
(2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
(3) The election is to be held at the council meeting at which the council resolves on the method of voting.
(4) In this clause:

ballot has its normal meaning of secret ballot.

open voting means voting by a show of hands or similar means.

Part 2 Ordinary ballot or open voting

4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 Marking of ballot-papers

(1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
(2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.
(3) An informal ballot-paper must be rejected at the count.

6 Count-2 candidates

(1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
(2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7 Count-3 or more candidates

(1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
(2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
(3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
(4) A further vote is to be taken of the 2 remaining candidates.
(5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.

(6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

20 For the purposes of Clause 5(2) of Schedule 7 of the Regulation, Clauses 345(1)(b) and (c) and 345(6) of the Regulation provide as follows:

345 Informal ballot-papers

A ballot-paper of an elector at an election is informal if:

(b) it has not been initialled on the front by an election official, or
(c) it contains a mark or writing that, in the returning officer’s opinion, would enable the elector to be identified.

(6) Despite subclause (1), a ballot-paper of an elector at an election is not informal by virtue of the existence of an unnecessary mark on the ballot-paper if, in the opinion of the returning officer, the elector’s intention is clearly indicated on the ballot-paper.

REFERENCES

ATTACHMENTS

Nil.
ITEM-22  CCL 22/03/16 - 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 February 2016.

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

RECOMMENDATION

1 The Executive Monthly Performance Report be received.

KEY ISSUES

2 At the end of February 2016 the consolidated YTD actual operating position is a surplus of $9.4m which represents a positive variance of $4m against the budgeted YTD surplus of $5.4m. This budget variance is due to a combination of income and expenditure variances which are detailed in Attachment A. The Full Year Revised Budget for 2015/16 is an operating surplus of $2.9m.

3 The February YTD position includes $8.7m of revenue items which are either one-off or cannot be applied to meet operational expenditure ($3.3m 2012 SRV revenue, $1.8m consolidation of Newcastle Airport result, $1.5m stormwater management service charge, $1.1m 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 February is a $0.7m surplus.

4 The net funds generated for the YTD as at the end of February 2016 is a surplus of $23.8m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to YTD Revised Budget of $14.7m.
<table>
<thead>
<tr>
<th></th>
<th>Full Year Revised Budget</th>
<th>YTD Revised Budget</th>
<th>YTD Actual Result</th>
<th>Variance Variance</th>
<th>Financial Impact</th>
<th>Commitments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>%</td>
<td>$'000</td>
</tr>
<tr>
<td>Total Operating Revenue</td>
<td>236,210</td>
<td>153,753</td>
<td>155,029</td>
<td>1,276</td>
<td>1%</td>
<td>+</td>
</tr>
<tr>
<td>Total Operating Expenses</td>
<td>233,350</td>
<td>148,362</td>
<td>145,594</td>
<td>(2,768)</td>
<td>-2%</td>
<td>+ 10,698</td>
</tr>
<tr>
<td>Total Operating Revenue Less Operating Expenditure</td>
<td>2,860</td>
<td>5,391</td>
<td>9,435</td>
<td>4,044</td>
<td>75%</td>
<td>+</td>
</tr>
<tr>
<td>Total Capital Raising revenue</td>
<td>42,421</td>
<td>26,118</td>
<td>25,017</td>
<td>(1,101)</td>
<td>-4%</td>
<td>-</td>
</tr>
<tr>
<td>Add Back Non Cash Items</td>
<td>26,460</td>
<td>17,032</td>
<td>17,032</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funding available for capital expenditure</td>
<td>71,741</td>
<td>48,541</td>
<td>51,485</td>
<td>2,943</td>
<td>6%</td>
<td>+</td>
</tr>
<tr>
<td>Total capital spend</td>
<td>62,990</td>
<td>37,911</td>
<td>26,160</td>
<td>(11,751)</td>
<td>-31%</td>
<td>+ 10,926</td>
</tr>
<tr>
<td>Loan Principal Repayment</td>
<td>2,600</td>
<td>1,517</td>
<td>1,517</td>
<td></td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td>Net Funds Generated / (Used)</td>
<td>6,151</td>
<td>9,114</td>
<td>23,808</td>
<td>14,694</td>
<td>161%</td>
<td>+</td>
</tr>
</tbody>
</table>

Note 1 - Actual and Budget results include an estimate for the Newcastle Airport
Note 2 - Adopted Budget revised at the December Quarterly Budget Review
5 The variance between YTD Revised Budget and YTD Actual Results at the end of February 2016 is provided in the Executive Monthly Performance Report (Attachment A). Key elements are:

<table>
<thead>
<tr>
<th>Operating Revenue</th>
<th>Full Year Revised Budget $’000</th>
<th>YTD Revised Budget $’000</th>
<th>YTD Actual Result $’000</th>
<th>Variance $’000</th>
<th>Variance %</th>
<th>Financial Impact +ve / -ve</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rates &amp; charges</td>
<td>137,126</td>
<td>89,672</td>
<td>89,672</td>
<td>0%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>User charges &amp; fees</td>
<td>62,588</td>
<td>39,604</td>
<td>40,397</td>
<td>793</td>
<td>2%</td>
<td>+</td>
</tr>
<tr>
<td>Interest</td>
<td>9,107</td>
<td>6,071</td>
<td>6,564</td>
<td>493</td>
<td>8%</td>
<td>+</td>
</tr>
<tr>
<td>Other operating revenues</td>
<td>10,616</td>
<td>7,678</td>
<td>7,684</td>
<td>6</td>
<td>0%</td>
<td>+</td>
</tr>
<tr>
<td>Grants &amp; contributions - Operating</td>
<td>16,773</td>
<td>10,728</td>
<td>10,712</td>
<td>(16)</td>
<td>0%</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Operating Revenue</strong></td>
<td><strong>236,210</strong></td>
<td><strong>153,753</strong></td>
<td><strong>155,029</strong></td>
<td><strong>1,276</strong></td>
<td><strong>1%</strong></td>
<td><strong>+</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Operating Expenses</th>
<th>Full Year Revised Budget $’000</th>
<th>YTD Revised Budget $’000</th>
<th>YTD Actual Result $’000</th>
<th>Variance $’000</th>
<th>Variance %</th>
<th>Financial Impact +ve / -ve</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee costs</td>
<td>90,936</td>
<td>58,390</td>
<td>57,606</td>
<td>(784)</td>
<td>-1%</td>
<td>+</td>
</tr>
<tr>
<td>Borrowing costs</td>
<td>4,074</td>
<td>2,712</td>
<td>2,711</td>
<td>(1)</td>
<td>0%</td>
<td>+</td>
</tr>
<tr>
<td>Materials &amp; contracts</td>
<td>53,113</td>
<td>31,771</td>
<td>30,032</td>
<td>(1,739)</td>
<td>-5%</td>
<td>+ 8,536</td>
</tr>
<tr>
<td>Depreciation &amp; amortisation</td>
<td>39,517</td>
<td>25,737</td>
<td>25,737</td>
<td>0%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other operating expenses</td>
<td>43,401</td>
<td>28,523</td>
<td>28,539</td>
<td>16</td>
<td>0%</td>
<td>+ 2,162</td>
</tr>
<tr>
<td>Net Loss from disposal of assets</td>
<td>2,309</td>
<td>1,229</td>
<td>969</td>
<td>(260)</td>
<td>-21%</td>
<td>+</td>
</tr>
<tr>
<td><strong>Total Operating Expenses</strong></td>
<td><strong>233,350</strong></td>
<td><strong>148,362</strong></td>
<td><strong>145,594</strong></td>
<td><strong>(2,768)</strong></td>
<td><strong>-2%</strong></td>
<td><strong>+ 10,698</strong></td>
</tr>
</tbody>
</table>

6 Factors favourably impacting Financial Position

i **User charges & fees – increase of $0.8m**
Development Application income ($0.3m) and income earned through the Civic Theatre show program ($0.3m) are ahead of expectations.

ii **Interest – increase of $0.5m**
Council’s Investment Portfolio continues to return a higher than forecast investment return, primarily due to a higher investment portfolio balance than budgeted.

iii **Materials and Contracts – decrease of $1.7m**
There is a lower spend on operational asset maintenance and renewal ($1.2m) as the 2015/16 budgets were significantly increased on prior years to fund the completion of a sustainable level of maintenance. There have been some design delays as well as initial delays in implementing contracts...
for the additional work however it is expected that the bulk of the work will be delivered full year.

7  **Factors adversely impacting Financial Position**
   i  *None*

8  At the end of February commitments raised against operating expenses totaled $10.7m. 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 – $1.8m*
   ii *Street lighting – $0.5m*
   iii *Road and building maintenance – $6.4m.*

9  The month of February returned an operating surplus of $0.9m which is in line with the Revised Budget surplus of $1m. However Council is forecasting an increase in project expenditure during the final quarter of the financial year and as the work program intensifies Council can expect a decline in the operation position of those months.
10 Council’s total capital spend at the end of February is $26.2m. However, further commitments of $10.9m have been raised against the budget at the end of February 2016. This result is $11.8m below the YTD Revised Budget. It should also be noted that the monthly expenditure in the YTD budget is phased in line with the anticipated work schedule timing which anticipates a significant increase in the value of work completed in the last three months of the financial year.

11 Council is forecasting an increase in project expenditure during the final quarter of the financial year. 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 The 2015/16 financial year has seen Council invest in designing a program of works to be delivered over a multi-year time frame in addition to the works to be delivered within the financial year. This 'pipe-line' of works will increase the efficiency of Council's operations and allow a higher level of project delivery in subsequent years.

13 At the end of February commitments raised against capital work totaled $10.1m. 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 – $6.3m**
   Commitments include $6.3m in relation to works on the southern façade of City Hall.

ii  **Road renewal – $1.4m**
   Commitments include $0.6m for planned crack sealing, and $0.5m for the contractors rebuilding Shortland Esplanade.

iii  **Environmental asset renewal – $1m**
   Commitments represent $0.8m of work planned on Council’s stormwater management systems.

iv  **Other works**
   Other major works currently underway include Fleet replacement ($2.8m).

14 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 s. 625 of the Act is provided in the Investment Policy and Strategy Compliance Report (section 4 of Attachment A).

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

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

**IMPLEMENTATION PLAN/IMPLICATIONS**

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

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 s. 625 of the Act.

**RISK ASSESSMENT AND MITIGATION**

17 No additional risk mitigation has been identified this month.
RELATED PREVIOUS DECISIONS

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

CONSULTATION

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

OPTIONS

Option 1

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

Option 2

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

BACKGROUND

22 Previous resolutions of Council and the 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.

23 The Executive Monthly Performance Report now incorporates a separate Customer Service section and a Communication and Engagement section to align with the recently revised organisational structure.

24 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.

25 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

Distributed under separate cover
ITEM-23 CCL 22/03/16 - ENDORSEMENT OF SIX MONTHLY REVIEW OF 2013-2017 DELIVERY PROGRAM

REPORT BY: CORPORATE SERVICES
CONTACT: DIRECTOR CORPORATE SERVICES

PURPOSE
To provide a report to Council outlining progress on the principal activities detailed in the 2013-17 Delivery Program, in accordance with the provision of Section 404(5) of the Local Government Act 1993 (Act).

RECOMMENDATION
1 The Six Monthly Review of Council's progress on the 2013-17 Delivery Program, as per Attachment A be received (Six Monthly Review).

KEY ISSUES
2 To comply with s404(5) of the Act, Council must ensure that regular progress reports are completed as to its progress with respect to the principle activities detailed in the 2013-17 Delivery Program. The Act requires progress reports to be provided at least every six months.

FINANCIAL IMPACT
3 Staff costs associated with the preparation of the report will be met from existing operational budgets. There are no other direct financial implications arising from the report.

COMMUNITY STRATEGIC PLAN ALIGNMENT
4 The Six Monthly Review outlines Council’s performance against the seven strategic directions documented within the Newcastle 2030 Community Strategic Plan.

IMPLEMENTATION PLAN/IMPLICATIONS
5 The Six Monthly Review meets Council’s statutory obligations to report on Council's progress on the 2013-17 Delivery Program.

RISK ASSESSMENT AND MITIGATION
6 Not applicable.
RELATED PREVIOUS DECISIONS

7 The annual update of the 2013-2017 Delivery Program and 2015/16 Operational Plan were adopted at the Ordinary Council Meeting held on 16 June 2015.

8 The audited 2014/15 Annual Financial Statements were received and adopted at the Ordinary Council Meeting held on 27 October 2015.

9 The 2014/15 Annual report was received at the Ordinary Council Meeting held on 24 November 2015.

CONSULTATION

10 Staff from the relevant Business Units within Council have provided input into the Six Monthly Review as required.

11 Best practice reports from other councils have been used as a reference source to help guide the structure of the Six Monthly Review.

OPTIONS

Option 1

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

Option 2

13 Council resolves not to receive the Six Monthly Review. This is not the recommended option.

BACKGROUND

14 The 2013-2017 Delivery Program directly aligns with the seven strategic directions identified in the Newcastle 2030 Community Strategic Plan (CSP) endorsed by Council on 25 June 2013.

15 A delivery program is required to be prepared every four years following a local government general election. The delivery program, operational plan and other Integrated Planning and Reporting documents are subsequently required to be reviewed annually and adopted by 30 June of the relevant year.

16 The Six Monthly Review has been prepared to report Council’s progress against the strategic objectives and performance measures outlined in the 2013-2017 Delivery Program, as required by the Act.

17 The Six Monthly Review addresses the seven key focus areas identified in the Community Strategic Plan: Connected City, Protected and Enhanced Environment, Vibrant and Activated Public Places, Caring and Inclusive
Community, Liveable and Distinctive Built Environment, Smart and Innovative City and Open and Collaborative Leadership.

REFERENCES

ATTACHMENTS

Distributed under separate cover
ITEM-24 CCL 22/03/16 - ASSET MANAGEMENT POLICY

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

PURPOSE

This report is submitted for Council’s endorsement of a revised Asset Management Policy dated March 2016 (Version 3). Council’s Asset Management Policy has been updated to ensure Council’s ongoing commitment to the sustainability of Council owned and managed assets and to meet the requirements under the Integrated Planning and Reporting legislation every four years.

RECOMMENDATION

1 Council adopt the revised Asset Management Policy (Version 3) as at Attachment A.

KEY ISSUES


3 An internal audit review conducted in December 2014 on Council Asset Management practices identified an action for Council to update the Asset Management Policy to align with the current practice of Service based Asset Management Planning. This essentially shifts the focus of the policy away from how Council maintains it assets, to ensuring that assets are available to sustainably support the level of service agreed to and required by the community.

FINANCIAL IMPACT

4 The endorsement of this Policy sets out the strategic framework for the efficient and effective management of Council managed assets.

5 The integration of the revised Asset Management Policy and Asset Management framework into Council’s Long term Financial Plan ensures financial sustainability of Council managed assets.
COMMUNITY STRATEGIC PLAN ALIGNMENT

6 The Asset Management Policy falls within the Open and Collaborative strategic direction of the Community Strategic Plan (revised 2013) under the strategic objective: 'Integrated sustainable and long-term planning for Newcastle and the Region'.

IMPLEMENTATION PLAN/IMPLICATIONS

7 The adoption of the Asset Management Policy (Version 3) would replace previous Asset Policy Versions. The implementation of this Policy would support the revision of Council's current Asset Management Strategy and better align with planned revisions of Council's existing suite of Asset Management Plans to guide improvements to service planning and more informed decision-making for asset lifecycle management and renewal investment.

RISK ASSESSMENT AND MITIGATION

8 There are no risks associated with the adoption of the revised Asset Management Policy.

RELATED PREVIOUS DECISIONS


CONSULTATION

10 The Draft Asset Management Policy undertook internal consultation across all Council business units during December 2015 and January 2016. A total of four comments were received which have been incorporated in the refinement and finalisation of the revised Policy. As an operational Policy, the draft Asset Management Policy was not publicly exhibited and external consultation is not required.

OPTIONS

Option 1

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

Option 2

12 Council not adopt the revised Asset Management Policy (Version 3). This is not the recommended option.
BACKGROUND

13 Asset Management is the systematic and coordinated activities and practices of Council to ensure optimised and sustainable delivery of objectives through cost-effective lifecycle management of assets.

14 Council asset management suite of documents includes an Asset Management Policy, Asset Management Strategy and nine Asset Management Plans currently across Council’s breadth of tangible assets. These documents are incorporated into Council’s Resourcing Strategy which is a requirement under the Integrated Planning and Reporting legislated under the Local Government (Planning and Reporting) Act 2009.

15 Under Council’s current Asset Management Policy (Version 2) 2012, the revision date is August 2016.

REFERENCES

ATTACHMENTS

Attachment A: Asset Management Policy 2016 (Version 3)
## Asset Management Policy

<table>
<thead>
<tr>
<th>Policy title</th>
<th>Asset Management Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy owner</td>
<td>Director Infrastructure</td>
</tr>
<tr>
<td>Prepared by</td>
<td>Infrastructure Planning</td>
</tr>
<tr>
<td>Approved by</td>
<td>Council</td>
</tr>
<tr>
<td>Date approved</td>
<td>March 2016</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>March 2016</td>
</tr>
<tr>
<td>Version</td>
<td>3</td>
</tr>
<tr>
<td>Category</td>
<td>Strategic Planning</td>
</tr>
<tr>
<td>Keywords</td>
<td>asset, life-cycle, sustainability, management, risk</td>
</tr>
<tr>
<td>Revision date</td>
<td>March 2020</td>
</tr>
</tbody>
</table>
| List superseded policy/ies | Version 1 – April 2010 (ECM reference: 2935100)  
                          | Version 2 – August 2012 (ECM reference: 3438058) |
| Relevant strategic direction | Open and Collaborative Leadership |
| Relevant legislation/codes | Local Government Act 1993  
                          | Local Government (General) Regulation 2005  
                          | Local Government Amendment (Planning and Reporting) Act 2009  
                          | Division of Local Government Planning and Reporting Guidelines for local government in NSW 2013  
                          | Division of Local Government Planning and Reporting Manual for local government in NSW 2013  
                          | ISO 55000 |
| Related forms        | N/A                    |
| Authorisations       | Nil                    |
Purpose

Asset management is the systematic and coordinated activities and practices of an organisation to optimally and sustainably deliver on its objectives through the cost-effective lifecycle management of assets.

This policy supports Newcastle City Council’s commitment to:

- ensuring assets and infrastructure are safe, reliable, sustainable and remain available for the benefit of our rate payers and the community;
- a core asset management system that aligns asset management to corporate goals and strategic context; and
- accountability, sustainability, risk management, service management and financial efficiency in asset management.

Scope

The policy applies to all Newcastle City Council owned and managed assets.

Principles

Newcastle City Council will sustainably manage its assets to ensure community service expectations are met.

Newcastle City Council recognises that sustainable asset management involves managing the performance, risk and expenditure on infrastructure assets in an optimal and sustainable manner throughout their lifecycle.

Newcastle City Council will apply the following principles to asset management:

- Maintaining an up to date and accurate asset register and asset management plan for each of its assets;
- Assets proactively managed from a lowest whole-of-life cost perspective in accordance with recognised industry practice whilst meeting agreed levels of service;
- A risk management approach to asset management across the entire life of the asset;
- The use of suitable performance indicators linking the customer service standards to the cost of provision for more informed decision-making;
- Measuring and monitoring the performance of assets to drive continuous improvement;
- Social, economic, cultural and environmental evaluations integrated into asset management processes;
- Innovative and cost effective processes and technologies identified and implemented to enhance operational efficiency, asset performance and reliability;
- Appropriately resourced, documented and maintained Asset Management Strategy (detailing systems and processes); and
- Assets managed in accordance with legislative requirements and standards.
These principles will be embedded into the development and maintenance of consistent asset management practices within Newcastle City Council. This Policy is supported by an Asset Management Strategy and Asset Management Plans. All Newcastle City Council Managers are responsible for understanding, implementing, maintaining and continuously improving this Policy and the Asset Management Strategy and suite of Asset Management Plans.
ITEM-25 CCL 22/03/16 - PROPOSED WASTE MANAGEMENT FEES AND CHARGES 2016/2017

REPORT BY: INFRASTRUCTURE
CONTACT: ACTING DIRECTOR INFRASTRUCTURE / MANAGER WASTE MANAGEMENT

PURPOSE

The purpose of this report is to seek Council approval to place on public exhibition proposed changes to Council's Waste Management Fees and Charges for 2016/17. The proposed changes cover the following matters:

i) Commercial Waste Management Collections, Disposals and associated services Schedule of Fees and Charges for the 2016/2017 financial year;
ii) Pricing incentives to encourage participation in the separation of materials for recycling;
iii) Sale prices for recovered materials;
iv) Establish criteria for the waiver or reduction of fees and charges for Waste Management services and disposal; and
v) A delegation to the Interim Chief Executive Officer to determine appropriate waivers or reductions of Fees and Charges according to certain criteria.

RECOMMENDATION

1 Council endorses the draft amended 2016/2017 commercial Schedule of Fees and Charges for Waste Management collection, disposal and associated services at Attachment A being placed on public exhibition for 28 days.

2 Council approve the adoption of the 2016/2017 commercial Schedule of Fees and Charges for Waste Management collection, disposal and associated services at Attachment A if no significant adverse submissions are received during the public exhibition period. However, if significant adverse submissions are received then a further report to Council seeking approval will be required subsequent to the end of the public exhibition period.

KEY ISSUES

3 The Schedule of Fees and Charges once adopted will need to be implemented by 1 July 2016. Adopting the Schedule of Fees and Charges before 1 June 2016 will allow Council time to provide sufficient notification to commercial and internal customers and provide educational materials to residents within the domestic ‘waste calendar’. Adopting the Schedule of Fees and Charges prior to the Council’s Delivery and Operational Plan and overall Fees and Charges avoids last minute uncertainty in customers' budgets and reduces potential conflict with customers at the Summerhill Weighbridge.
4 External influences and legislative changes continue to have a direct financial impact on waste management activities. These drivers continue to significantly increase the cost of waste management. The landfill Waste Levy alone is expected to rise to $135.10 per tonne (from $120.90). These external drivers and annual Consumer Price Index increases form the basis for cost increases in the proposed Schedule of Fees and Charges.

5 The adoption of a wider range of products and recycling incentives in the Schedule of Fees and Charges has proved popular and has encouraged source separation of recyclable materials. This range of options has been continued in the draft 2016/17 Schedule of Fees and Charges.

6 Council sometimes considers it appropriate to waive, reduce or negotiate these fees in cases of hardship or to support charitable organisations or to attract commercial waste business. This is permissible under section 610E of the Local Government Act 1993 (NSW) (Act):

   "i) A council may waive payment of, or reduce, a fee (whether expressed as an actual or a maximum amount) in a particular case if the council is satisfied that the case falls within a category of hardship or any other category in respect of which the council has determined payment should be so waived or reduced.

   ii) However, a council must not determine a category of cases under this section until it has given public notice of the proposed category in the same way as it is required to give public notice of the amount of a proposed fee under section 610F (2) or (3)."

7 The proposal includes the ability to waive or reduce fees in categories for (i) bulk waste (ii) hardship and (iii) not for profit charitable organisations. The proposal includes a delegation to the Interim Chief Executive Officer to determine appropriate waiver, reductions or negotiation in fees and charges after a set of criteria have been applied to each category.

8 It is appropriate that Council is able to consider waiving or reducing fees and charges in circumstances where Council is satisfied that the payment of the fee or charge would cause a person genuine financial hardship, having regard to the principles of social justice, equity and fairness.

9 For the commercial waste and collections category, the objective for the proposal is to provide a range of turnover or volume based prices that will maintain or grow market share and achieve financial objectives.

10 Council, through its Community Assistance Plan (CAP), can provide support for charitable organisations, which typically undertake resource recovery and recycling activity yet still need to dispose their residual waste to landfill.
FINANCIAL IMPACT

11 It is expected that the changes in the structure and methodology behind the incentives for recycling will improve the overall financial performance of the Summerhill Waste Management Centre (SWMC) by way of sales revenue, reduction in levy payments and the preservation of available landfill void space.

12 The total amount of any fees waived or reduced because of hardship is anticipated to be small and have minimal impact on overall revenues.

13 For the commercial waste categories the proposal will provide a range of turnover or volume based prices that will maintain or grow market share and achieve financial objectives.

14 The CAP will allow total fee waives up to approximately $100,000 for the 2016/17 year for eligible not for profit charities. The category is required to set a minimum price for waste to internally recharge the CAP based minimum disposal costs. This will drive the CAP funding further than the currently adopted Schedule of Fees and Charges. The application of this assistance is strictly controlled to ensure funds are available to a wide range of charities and not for profit organisations.

COMMUNITY STRATEGIC PLAN ALIGNMENT

15 The recommendation aligns with following Community Strategic Plan directions:

“2.1a - Improve waste minimisation and recycling practices in homes, work places, development sites and public places”

“4.1a - Provide support to community organisations to improve their ability to plan and deliver appropriate and accessible services to the community”

“7.4b – Ensure long term financial sustainability through short, medium and long term financial planning”.

IMPLEMENTATION PLAN/IMPLICATIONS

16 The Schedule of Fees and Charges are required to be adopted by Council by 30 June 2016 following a 28 day public exhibition period. A delay in endorsement of this report will impact on the time available to collate and incorporate community feedback to ensure adoption of the final report by the deadline and the subsequent publication and promotion of the Waste Management Schedule of Fees and Charges prior to the deadline.

17 Council will write to all commercial customers notifying them of the amended fees (after the completion of the public notice period and no significant adverse submissions are received), a notice will be displayed at SWMC detailing the Schedule of Fees and Charges and implementation date and the adopted fees
and charges will be incorporated into the residents' ‘waste calendar’ along with other educational items regarding recycling and waste management.

18 The recommendation, if adopted, will enable Council to enter into competitive negotiations to secure market share for commercial waste. It will also allow Council to pursue other commercial opportunities in order to achieve Operational Plan financial objectives.

19 Eligibility for Hardship and Not for Profit Charitable Categories will be determined through a strictly managed application and assessment process.

RISK ASSESSMENT AND MITIGATION

20 Adopting the Waste Management Schedule of Fees and Charges a month before implementation will reduce the risk of adverse reaction by customers at the weighbridge and improve customer relationship management.

RELATED PREVIOUS DECISIONS


CONSULTATION

22 Both commercial and residential users of Summerhill have expressed the need for better publication and promotion of waste fees prior to implementation.

23 Consultation has been, and continues to be, undertaken with SWMC’s major clients. A number of models were proposed and feedback from clients was consistent; they requested stable pricing which encourages exceeding a minimum level of tonnes per month. This is considered the most easily understood and predictable approach to structuring turnover or volume based pricing for waste inputs and material sales.

24 Commercial waste producers and purchasers of recovered materials require the ability to approach each waste or product stream with pricing that reflects the type of material and quantity required. Pricing also needs to consider items such as vehicle types, timescales for delivery, quantity per day, site resources required, void space consumed, density of materials, site operational requirements, material composition, environmental risks and additional plant or equipment. Each of these aspects will have an impact on the cost of disposal and therefore the price charged to the customer.

OPTIONS

Option 1

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

26 Council alters or changes the recommendations outlined at Paragraphs 1 and 2. This is not the recommended option.

BACKGROUND

27 The ongoing effect of the NSW Government’s annually increasing the Waste Levy imposed under Section 88 of the Protection of the Environment Operations Act 1997 will contribute to market volatility for waste disposal in NSW. Capacity is required to negotiate reductions in fees and charges for commercial bulk waste in order to achieve Council’s long term financial objectives.

28 The Act requires Council to have in place approved price categories and processes to manage and support the waiver or reduction of fees and charges on the grounds of hardship and other categories.

REFERENCES

ATTACHMENTS

Attachment A: Draft Amended Schedule of Fees and Charges for Summerhill Waste Management Centre 2016/17
## WASTE MANAGEMENT

### Landfill and Resource Recovery

<table>
<thead>
<tr>
<th>REF.</th>
<th>FEES OR CHARGE</th>
<th>RECEIPT CODE</th>
<th>DESCRIPTION</th>
<th>PRICING</th>
<th>GST</th>
<th>FEE OR CHARGE</th>
<th>GST Inclusive</th>
</tr>
</thead>
<tbody>
<tr>
<td>I23</td>
<td>Waste Disposal and Recycling</td>
<td>LGA 1993, S608</td>
<td>Type Of Waste</td>
<td>S404 (S)</td>
<td>M 10%</td>
<td>118.00 129.00</td>
<td>118.00 129.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>100% Garden Waste - excluding stumps (no food)</td>
<td>T29</td>
<td>per tonne</td>
<td>M 10%</td>
<td>118.00 129.00</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>General Solid Waste - Mixed</td>
<td>T29</td>
<td>per tonne</td>
<td>M 10%</td>
<td>255.00 270.00</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Soil - Virgin Excavated Natural Material (VENM)</td>
<td>T29</td>
<td>per tonne</td>
<td>M 10%</td>
<td>170.00 183.00</td>
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<td></td>
<td></td>
<td></td>
<td>Clean Bricks, Tiles, Concrete</td>
<td>T29</td>
<td>per tonne</td>
<td>M 10%</td>
<td>140.00 152.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>General Solid Waste - Special or Difficult</td>
<td>T29</td>
<td>per tonne</td>
<td>M 10%</td>
<td>360.00 375.00</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Mixed Road Base Wastes (Sand, Gravel, Stones, Concrete, minimal Asphalt)</td>
<td>T29</td>
<td>per tonne</td>
<td>M 10%</td>
<td>140.00 152.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Clean Asphalt (no coal tar)</td>
<td>T29</td>
<td>per tonne</td>
<td>M 10%</td>
<td>85.00 96.00</td>
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<td></td>
<td></td>
<td></td>
<td>Clean Concrete (Non rebar - non structural, minimal reo. Max 500mm)</td>
<td>T29</td>
<td>per tonne</td>
<td>M 10%</td>
<td>50.00 61.00</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Clean Concrete - Structural (With rebar or significant reo. Max 500mm)</td>
<td>T29</td>
<td>per tonne</td>
<td>M 10%</td>
<td>60.00 71.00</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Wood - Clean, untreated</td>
<td>T29</td>
<td>per tonne</td>
<td>M 10%</td>
<td>180.00 193.00</td>
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<td></td>
<td></td>
<td></td>
<td>Recyclables - Separated (Domestic Dry Clean Card, Paper, Bottles, Cans)</td>
<td>T29</td>
<td>per tonne</td>
<td>M 10%</td>
<td>40.00 51.00</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Recyclables - Mixed (Domestic Dry Clean Card, Paper, Bottles, Cans)</td>
<td>T29</td>
<td>per tonne</td>
<td>M 10%</td>
<td>100.00 112.00</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Scrap Metal (Whitegoods - exc fridges, car parts, bikes, steel, Aluminium)</td>
<td>M</td>
<td>N/A</td>
<td>Free</td>
<td>Free</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Electrical Waste (TVs, Computers, Printers/Scanners, Fans, Phones, VCR's, DVD Players, Radios/Stereos, Power Tools, Kitchen Appliances, Vacuum Cleaners, Heaters etc.)</td>
<td>Households only</td>
<td>M</td>
<td>N/A</td>
<td>Free</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Electrical Waste (TVs, Computers, Printers/Scanners, Fans, Phones, VCR's, DVD Players, Radios/Stereos, Power Tools, Kitchen Appliances, Vacuum Cleaners, Heaters etc.)</td>
<td>Commercial Customers</td>
<td>M</td>
<td>N/A</td>
<td>Free</td>
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### REF. 12 2015-2016

<table>
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<tr>
<th>FEE OR CHARGE</th>
<th>RECEIPT CODE</th>
<th>DESCRIPTION</th>
<th>PRICING</th>
<th>GST</th>
<th>FEE OR CHARGE</th>
<th>GST Inclusive</th>
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</tr>
</tbody>
</table>
The following charges will be in addition to tonnage charge if included in mixed load.

### Tyres:

- **Small - Off Rim**: T29 each M 10% 8.00 13.00
- **Small - On Rim**: T29 each M 10% 17.00 22.00
- **Medium - Off Rim**: T29 each M 10% 13.00 18.00
- **Medium - On Rim**: T29 each M 10% 24.00 29.00
- **Large - Off Rim**: T29 each M 10% 25.00 30.00
- **Large - On Rim**: T29 each M 10% 30.00 35.00

### Mattresses:

- **Single/Double**: T30 each F GST Free 30.00 35.00
- **Queen/King**: T30 each F GST Free 35.00 41.00
- **Batteries - Lead Acid (dry cell batteries - Free)**: T30 each F GST Free 5.00 10.00
- **Gas Bottles**: T30 each F GST Free 20.00 25.00

### Fridges:

- **Gassed**: T30 each F GST Free 30.00 35.00
- **Degassed**: T30 each F GST Free 11.00 16.00

### Product List - Materials for Sale (All grades & sizes are nominal)

<table>
<thead>
<tr>
<th>REF.</th>
<th>FEE OR CHARGE</th>
<th>RECEIPT CODE</th>
<th>DESCRIPTION</th>
<th>PRICING POLICY</th>
<th>GST</th>
<th>FEE OR CHARGE GST Inclusive</th>
<th>FEE OR CHARGE GST Inclusive</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>T29</td>
<td>Crushed Recycled Road Base 0-25mm per tonne</td>
<td>M 10%</td>
<td>28.00 33.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>minimum charge</td>
<td>M 10%</td>
<td>15.00 20.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>T29</td>
<td>Crushed Sandstone 0-25mm per tonne</td>
<td>M 10%</td>
<td>28.00 33.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>minimum charge</td>
<td>M 10%</td>
<td>15.00 20.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>T29</td>
<td>Crushed Recycled Aggregate 7-15mm per tonne</td>
<td>M 10%</td>
<td>31.00 36.50</td>
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<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>minimum charge</td>
<td>M 10%</td>
<td>16.00 21.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>T29</td>
<td>Crushed Recycled Aggregate 15-25mm per tonne</td>
<td>M 10%</td>
<td>31.00 36.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>minimum charge</td>
<td>M 10%</td>
<td>16.00 21.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>T29</td>
<td>Crushed Recycled Aggregate 25-50mm per tonne</td>
<td>M 10%</td>
<td>31.00 36.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>minimum charge</td>
<td>M 10%</td>
<td>16.00 21.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>T29</td>
<td>Crushed Recycled Aggregate 50-100mm per tonne</td>
<td>M 10%</td>
<td>26.00 31.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>minimum charge</td>
<td>M 10%</td>
<td>14.00 19.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>T29</td>
<td>Crushed Recycling Fines/Sand 0-7mm per tonne</td>
<td>M 10%</td>
<td>36.00 42.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>minimum charge</td>
<td>M 10%</td>
<td>19.00 24.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>T29</td>
<td>Sandstone Rocks - Various Sizes per tonne</td>
<td>M 10%</td>
<td>25.00 30.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>minimum charge</td>
<td>M 10%</td>
<td>13.00 18.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>T29</td>
<td>Turf Underlay/Recovered Fines per tonne</td>
<td>M 10%</td>
<td>35.00 41.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>minimum charge</td>
<td>M 10%</td>
<td>18.00 23.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>T29</td>
<td>Ungraded General Fill - VENM per tonne</td>
<td>M 10%</td>
<td>9.00 14.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>minimum charge</td>
<td>M 10%</td>
<td>15.00 23.00</td>
<td></td>
<td></td>
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</table>
### Other Items

<table>
<thead>
<tr>
<th>REF.</th>
<th>FEE OR CHARGE</th>
<th>RECEIPT CODE</th>
<th>DESCRIPTION</th>
<th>PRICING POLICY</th>
<th>GST</th>
<th>FEE OR CHARGE GST Inclusive</th>
<th>FEE OR CHARGE GST Inclusive</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Hire of Frank Rigby Room</td>
<td>LGA 1993, S608</td>
<td>- Full Day</td>
<td>M 10%</td>
<td>365.00</td>
<td>365.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Half Day</td>
<td>M 10%</td>
<td>165.00</td>
<td>165.00</td>
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<td></td>
<td></td>
<td></td>
<td>- Casual (short term internal hire attracts nil fee)</td>
<td>M 10%</td>
<td>55.00</td>
<td>55.00</td>
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<tr>
<td></td>
<td>Customer account reprints and enquiries (Account Customers)</td>
<td>T29</td>
<td>first enquiry</td>
<td>M N/A</td>
<td>Free</td>
<td>Free</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>additional enquiries</td>
<td>M 10%</td>
<td>3.50</td>
<td>4.00</td>
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<tr>
<td></td>
<td>Customer reprints and enquiries (Other Customers)</td>
<td>T29</td>
<td>all enquiries</td>
<td>M 10%</td>
<td>5.00</td>
<td>5.00</td>
<td></td>
</tr>
</tbody>
</table>

### Notes

1. Payments made by Credit Card will attract a 0.75% (GST incl) surcharge.
2. Some or all of the items listed may not be available or acceptable due to operating requirements or product availability.
3. Site Management reserves the right to refuse to receive and/or load vehicles at any time and/or for any reason.

### WASTE AND COMMERCIAL COLLECTIONS

#### I 25 Garbage Fees

<table>
<thead>
<tr>
<th>REF.</th>
<th>FEE OR CHARGE</th>
<th>RECEIPT CODE</th>
<th>DESCRIPTION</th>
<th>PRICING POLICY</th>
<th>GST</th>
<th>FEE OR CHARGE GST Inclusive</th>
<th>FEE OR CHARGE GST Inclusive</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Wheeled Container Service - 140 litre residual waste - KERBSIDE</td>
<td>LGA 1993, S608</td>
<td>140 litre</td>
<td>Mon-Fri - 1 to 4 weekly services</td>
<td>T30</td>
<td>per service</td>
<td>F</td>
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<td></td>
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<td></td>
<td>509.60</td>
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<td></td>
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<td>9.51</td>
<td>10.00</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>per annum</td>
<td>494.31</td>
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<td>9.31</td>
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<td></td>
<td>per annum</td>
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<td>per annum</td>
<td>567.27</td>
<td>603.00</td>
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<td>Wheeled Container Service - 240 litre residual waste - KERBSIDE</td>
<td>LGA 1993, S608</td>
<td>240 litre</td>
<td>Mon-Fri - 1 to 4 weekly services</td>
<td>T30</td>
<td>per service</td>
<td>F</td>
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<td>per annum</td>
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<td>769.01</td>
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<td>Wheeled Container Service - 660 litre residual waste - KERBSIDE</td>
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<td>660 litre service</td>
<td>Mon-Fri</td>
<td>T30</td>
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<td>2,170.23</td>
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<td>Wheeled Container Service - 1100 litre residual waste - KERBSIDE</td>
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<td>1100 litre service</td>
<td>Mon-Fri</td>
<td>T30</td>
<td>per service</td>
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<td>2,906.80</td>
<td>3052.00</td>
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<td>per annum</td>
<td>65.96</td>
<td>69.00</td>
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<td>3,429.92</td>
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<td>REF.</td>
<td>FEE OR CHARGE</td>
<td>RECEIPT CODE</td>
<td>DESCRIPTION</td>
<td>PRICING POLICY</td>
<td>GST</td>
<td>FEE OR CHARGE GST Inclusive</td>
<td>FEE OR CHARGE GST Inclusive</td>
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<td></td>
<td>Wheeled Container Service - 240 litre residual waste - KERBSIDE - UPGRADE</td>
<td>T30</td>
<td>per service</td>
<td>F</td>
<td>GST Free</td>
<td>250.00</td>
<td>271.00</td>
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<tr>
<td></td>
<td>Wheeled Container Service - 240 litre greenwaste - KERBSIDE additional service</td>
<td>T30</td>
<td>per service</td>
<td>F</td>
<td>GST Free</td>
<td>100.00</td>
<td>100.00</td>
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<td></td>
<td>Miscellaneous</td>
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<td></td>
<td>Cancellation fee to cover administration costs</td>
<td>T30</td>
<td>per cancellation</td>
<td>M</td>
<td>GST 10%</td>
<td>65.00</td>
<td>65.00</td>
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<td></td>
<td>User Pays Recycling Service - additional services</td>
<td></td>
<td></td>
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<td></td>
<td>240 litre Recycling bin, standard service day</td>
<td>T30</td>
<td>per annum</td>
<td>F</td>
<td>GST Free</td>
<td>100.00</td>
<td>100.00</td>
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<td></td>
<td>360 litre Recycling bin, standard service day</td>
<td>T30</td>
<td>per annum</td>
<td>F</td>
<td>GST Free</td>
<td>120.00</td>
<td>120.00</td>
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<tr>
<td></td>
<td>Upgrade Standard 240 litre Recycling bin to 360 litre Recycling bin (DWMSC properties only) - admin costs</td>
<td>T30</td>
<td>one off fee</td>
<td>F</td>
<td>GST Free</td>
<td>25.00</td>
<td>25.00</td>
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<tr>
<td></td>
<td>Cancellation fee to cover admin costs (no refund for removal of service due to contamination)</td>
<td>T30</td>
<td>per cancellation</td>
<td>F</td>
<td>GST Free</td>
<td>65.00</td>
<td>65.00</td>
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<td></td>
<td>Bulkwaste Services Kerbside (Additional to Rated Services)</td>
<td></td>
<td></td>
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<td></td>
<td>Pickup and disposal (up to 2 cubic metres of eligible material, collected as per the regular schedule)</td>
<td>T30</td>
<td>up to 2 cubic metres</td>
<td>F</td>
<td>GST Free</td>
<td>168.18</td>
<td>177.00</td>
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<td></td>
<td></td>
<td></td>
<td>per additional cubic metre</td>
<td>F</td>
<td>GST Free</td>
<td>89.09</td>
<td>94.00</td>
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<td></td>
<td>Special Event Bin Hire - RESIDUAL WASTE</td>
<td></td>
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<td></td>
<td>Delivery and removal of Bins (240 litre bins) - bins delivered to central / single location</td>
<td>T30</td>
<td>Per load up to 12 bins</td>
<td>M</td>
<td>GST 10%</td>
<td>220.00</td>
<td>231.00</td>
</tr>
<tr>
<td></td>
<td>Delivery and removal of Bins (660 litre &amp; 1100 litre bins) - bins delivered to central / single location</td>
<td>T30</td>
<td>Per load up to 2 bins</td>
<td>M</td>
<td>GST 10%</td>
<td>250.00</td>
<td>263.00</td>
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<tr>
<td></td>
<td>Service Charges of Event bins - 240 litre bin - bins emptied from kerbside location</td>
<td>T30</td>
<td>per service</td>
<td>M</td>
<td>GST 10%</td>
<td>19.88</td>
<td>21.00</td>
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<td></td>
<td>Service Charges of Event bins - 660 litre bin - bins emptied from kerbside location</td>
<td>T30</td>
<td>per service</td>
<td>M</td>
<td>GST 10%</td>
<td>58.08</td>
<td>61.00</td>
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<td></td>
<td>Service Charges of Event bins - 1100 litre bin - bins emptied from kerbside location</td>
<td>T30</td>
<td>per service</td>
<td>M</td>
<td>GST 10%</td>
<td>92.24</td>
<td>97.00</td>
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<td></td>
<td>Special Event Bin Hire - RECYCLING</td>
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<td>Delivery and removal of Bins (240 litre bins) - bins delivered to central / single location</td>
<td>T30</td>
<td>Per Load up to 12 bins</td>
<td>M</td>
<td>GST 10%</td>
<td>220.00</td>
<td>231.00</td>
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<tr>
<td></td>
<td>Delivery and removal of Bins (360 litre bins) - bins delivered to central / single location</td>
<td>T30</td>
<td>Per Load up to 8 bins</td>
<td>M</td>
<td>GST 10%</td>
<td>250.00</td>
<td>263.00</td>
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<tr>
<td></td>
<td>Delivery and removal of Bins (660 litre &amp; 1100 litre bins) - bins delivered to central / single location</td>
<td>T30</td>
<td>Per Load up to 2 bins</td>
<td>M</td>
<td>GST 10%</td>
<td>250.00</td>
<td>263.00</td>
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<td></td>
<td>Service Charges of Event bins - 240 litre bin - bins emptied from kerbside location</td>
<td>T30</td>
<td>per service</td>
<td>M</td>
<td>GST 10%</td>
<td>15.00</td>
<td>16.00</td>
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<td></td>
<td>Service Charges of Event bins - 360 litre bin - bins emptied from kerbside location</td>
<td>T30</td>
<td>per service</td>
<td>M</td>
<td>GST 10%</td>
<td>23.00</td>
<td>24.00</td>
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<td></td>
<td>Service Charges of Event bins - 660 litre bin - bins emptied from kerbside location</td>
<td>T30</td>
<td>per service</td>
<td>M</td>
<td>GST 10%</td>
<td>42.00</td>
<td>44.00</td>
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<td></td>
<td>Service Charges of Event bins - 1100 litre bin - bins emptied from kerbside location</td>
<td>T30</td>
<td>per service</td>
<td>M</td>
<td>GST 10%</td>
<td>68.00</td>
<td>71.00</td>
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<td></td>
<td>Wheeled Container Service - Misc. Sizes and Types</td>
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<td>Different sizes, types and delivery methods other than those listed in this schedule</td>
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</tbody>
</table>

**CITY OF NEWCASTLE**

Ordinary Council Meeting 22 March 2016

Page 83
The Interim Chief Executive Officer, or delegate, may, at their discretion, negotiate an appropriate rate for waste collected, deposited or material sales that fall within the following categories:

**Category One – Commercial waste clients**

<table>
<thead>
<tr>
<th>Service and/or Waste Type</th>
<th>Criteria</th>
</tr>
</thead>
</table>
| Waste Collections | Any customer who requires additional services over and above the basic domestic waste collection services having regard to:  
- the number of additional services required  
- the scope and frequency of additional services required  
- the suitability of the premises, access and/or waste types presented  
- the best interests of Council |
| Waste inputs | Account holders who present waste valued in excess of $150,000 and having regard to:  
- volumes presented and waste composition  
- any other relevant commercial or operational considerations  
- the best interests of Council |
| Material outputs | Account holders who purchase materials valued in excess of $10,000 and having regard to:  
- volumes purchased  
- any other relevant commercial or operational considerations  
- the best interests of Council |

**Category two – financial hardship**

If a written application is made for the reduction or waiver of a waste associated fee, the Interim Chief Executive Officer, or delegate, may reduce or waive that fee if the Interim Chief Executive Officer, or delegate, is satisfied that:

i) the payment of the fee would cause the person genuine financial hardship;  
ii) the waste was generated within the Newcastle local government area; and  
iii) having regard to the principles of social justice, equity and fairness the fee should be reduced or waived.

NOTE: Council will only consider reducing or waiving fees in this category in extreme circumstances.
Category three – Not for Profit or Charitable Organisations

If a written application or an internal recommendation is made for the reduction or waiver of a waste management fee, the Interim Chief Executive Officer, or delegate, may reduce or waive that fee if the Interim Chief Executive Officer, or delegate, is satisfied that:

i) the organisation making the application is a Not for Profit or Charitable Organisation that is registered or has an office or operational facility within the Newcastle local government area;

ii) the organisation received an authorisation from New South Wales Environmental Protection Agency to waive the application of the Landfill Levy;

iii) the waste was generated within the Newcastle local government area;

iv) the reduction or waiving of the fee is within Council’s allocated budget; and

v) having regard to the principles of social justice, equity and fairness the fee should be reduced or waived.
ITEM-26  CCL 22/03/16 - NEWCASTLE ART GALLERY FOUNDATION
MEMORANDUM OF UNDERSTANDING

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

PURPOSE

To recommend Council endorse the Memorandum of Understanding with the Newcastle Art Gallery Foundation as provided in Attachment A.

RECOMMENDATION

1 Council endorses the Memorandum of Understanding with the Newcastle Art Gallery as provided in Attachment A and delegates authority to the Interim Chief Executive Officer to sign the document on behalf of Newcastle City Council.

KEY ISSUES

2 Council resolved at the Ordinary Council Meeting held on 16 June 2015, among other things, that Council prepares a draft Memorandum of Understanding (MoU) in consultation with the Newcastle Art Gallery Foundation Board (refer to Paragraph 8).

3 The MoU has been negotiated between representatives of the Newcastle Art Gallery Foundation Board and representatives of Newcastle City Council (Liz Burcham - Cultural Director, Peter Chrystal - Director Planning and Regulatory and Councillor Jason Dunn).

4 This MoU is a statement of intent by each party to guide the relationship between them in partnership to deliver the best possible outcomes for the Newcastle Art Gallery. Each party agrees to act in good faith towards the other party and use its best endeavours to comply with the spirit and intention of this MoU.

5 The purpose of this MoU is to record the spirit of cooperation and respect between Newcastle City Council (Council) and the Newcastle Art Gallery Foundation (the Foundation) for the benefit of the Newcastle Art Gallery (the Gallery). The parties acknowledge the significant role the Council plays in providing financial, promotional and management support for the Gallery as one of Australia’s leading regional galleries. The parties also acknowledge the significant interest that the Foundation has and the valued role it plays in providing support and advocacy for the Gallery.

6 The MoU has been endorsed by the Foundation Board of Directors.
FINANCIAL IMPACT

7 Entering into this MoU with the Foundation has no financial impact on Council’s operational budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 Entering into a MoU with the Foundation is in alignment with Newcastle 2030 Community Strategic Plan action of Open and Collaborative Leadership.

IMPLEMENTATION PLAN/IMPLICATIONS

9 The MoU with the Foundation falls with Council’s current policies and has no impact on the Operational Plan and approved budget.

RISK ASSESSMENT AND MITIGATION

10 There is no risk to Council in entering into a MoU with the Foundation.

RELATED PREVIOUS DECISIONS

11 Council resolved at the meeting of 16 June 2015 to prepare a draft Memorandum of Understanding (MoU) in consultation with the Foundation Board which:

   i) Establishes expectations and responsibilities of the executive and foundation in regard to the execution of the Trust Deed.

   ii) Promotes a harmonious relationship.

   iii) Includes best practice dispute resolution processes.

CONSULTATION

12 The preparation of this MoU has been in consultation with the Foundation.

OPTIONS

Option 1

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

Option 2

14 Council not adopt the Newcastle Art Gallery Foundation Memorandum of Understanding. This is not the recommended option.
BACKGROUND

15 In considering the amended Newcastle Art Gallery Foundation Trust Deed at the Council meeting held on 16 June 2015 Council resolved to negotiate a Memorandum of Understanding in order to improve communications and operational relations with the Foundation.

16 The MoU is not a legally binding document and does not change or impact on the Newcastle Art Gallery Foundation Trust Deed.

REFERENCES

ATTACHMENTS

Attachment A: Draft Memorandum of Understanding between Newcastle City Council and Newcastle Art Gallery Foundation
MEMORANDUM OF UNDERSTANDING

Between

NEWCASTLE CITY COUNCIL
282 King Street, Newcastle NSW 2300 (Council)
ABN 25 242 068 129

and

NEWCASTLE ART GALLERY FOUNDATION
23-25 Bolton Street, Newcastle NSW 2300 (Trustee)
ABN 57 001 547 968

DATE
1
PURPOSE

1. The purpose of this Memorandum of Understanding ("MOU") is to record the spirit of cooperation and respect between Newcastle City Council ("Council") and the Newcastle Art Gallery Foundation ("the Foundation") for the benefit of the Newcastle Art Gallery ("the Gallery"). The parties acknowledge the significant role the Council plays in providing financial, promotional and management support for the Gallery as one of Australia’s leading regional galleries. The parties also acknowledge the significant interest that the Foundation has and the valued role it plays in providing support and advocacy for the Gallery.

2. This MOU is a statement of intent by each party to guide the relationship between them in partnership to deliver the best possible outcomes for the Gallery. Each party agrees to act in good faith towards the other party and use its best endeavours to comply with the spirit and intention of this MOU.

INTRODUCTION

3. Council is the local government authority pursuant to the NSW Local Government Act, 1993, responsible for the Gallery.

4. The Foundation is the Trustee of the Newcastle Art Gallery Foundation Trust which is a recognised Public Ancillary Fund (PuAF) and has Designated Gift Recipient status.

COUNCIL’S POSITION

5. Council is the owner, manager and operator of the Gallery.

6. Council’s vision for the Gallery is to foster a passion and curiosity for the visual arts and the Gallery’s nationally significant collection by presenting high quality exhibitions, public programs and events that attract diverse audiences who are engaged, connected and learning.

7. As a cultural leader and key participant in Newcastle’s cultural life, Council takes pride in managing the Gallery, one of Newcastle’s major cultural institutions, for the benefit of the Newcastle local community and broader general public.

FOUNDATION’S POSITION

8. The Foundation has for several decades worked tirelessly, through its dedicated volunteer membership, to raise funds that can be used for the benefit of the Gallery. This enables the Gallery to expand its substantial and culturally significant collection of Australian and international art.

9. The Foundation’s Trust Fund is independent of Council and distribution of monies held in trust is in accordance with the Newcastle Art Gallery Foundation Trust Deed and relevant guiding legislation.
10. The Foundation’s Trust Fund is solely for the purpose of providing money, property or benefits to an eligible entity, as defined in the Foundation’s Trust Deed, for the promotion, advancement and development of the Gallery in all forms under the direction of the Foundation Board.

KEY PRINCIPLES

11. The Foundation and Council are committed to open communication and the open sharing of information.

12. Both parties acknowledge there are legal frameworks the parties are bound by.

13. The Council and Foundation will work in partnership, within their respective governance frameworks, with the common purpose of fostering a passion and curiosity for the visual arts and the Gallery’s nationally significant collection thus enabling the Gallery to build on its acknowledged reputation as one of Australia’s leading art galleries.

14. The Gallery is intended to be the beneficiary of the Foundation’s work.

15. Council and the Foundation will act in a timely and transparent manner in all aspects of the MOU.

16. Council and the Foundation acknowledge that they will observe the spirit and intent of this MOU.

17. It is acknowledged that there may be differing views in regards to aspects of the operation of the Gallery. The parties will work in a respectful manner where differing views occur, focus on areas of agreement and if necessary, use agreed best practice dispute resolution processes to resolve disputes.

UNDERSTANDINGS

18. In supporting the Foundation, the Council agrees to:

i. Provide the Foundation with suitable meeting space in the Gallery for its Board and Board sub-committee meetings.

ii. Keep the Foundation informed of the Gallery’s exhibition and public programs.

iii. Provide use of the Gallery outside of public opening hours for the Foundation to host events as agreed with the Art Gallery Manager.

iv. Recognise the Foundation as a key supporter in its marketing and promotional material and other relevant public communications.
v. Acknowledge the contribution of the Foundation in relevant Council and Gallery publications, openings and events to which the Foundation has made a monetary or acquisition contribution.

vi. Provide opportunities for the Foundation to apply funds each financial year in order to meet its PuAF requirements.

vii. Acknowledge that the Foundation is a key stakeholder of the Gallery and consult it in strategic planning processes it undertakes.

19. In supporting the Gallery, the Foundation agrees to:

i. Publicly support and promote the Gallery. Advocate on behalf of and for the benefit of the Gallery’s community, in consultation with the Gallery.

ii. Recognise that the Art Gallery Acquisition Committee is responsible for all decisions on the acquisition and de-acquisition of works of art held in the Gallery collection.

iii. Pay all associated costs for the presentation of Foundation events at the Gallery as negotiated with the Art Gallery Manager.

iv. Maintain a respectful relationship with Gallery staff.

20. The Constitution of the Foundation provides for a Corporate Member’s Representative (a City of Newcastle Councillor) and the Art Gallery Director on the Foundation Board and these Directors must perform their duties as Directors of the Foundation, in accordance with the Corporations Act and common law.

21. The Cultural Director is responsible for the relationship between the Foundation, the Gallery and Council. This in no way impedes the Foundation in working with the Gallery on the development of programming and engagement between its members and the Gallery. All communications on programming with the Gallery should be directed through the Art Gallery Manager.

22. The Foundation and Council respectfully acknowledge the need for confidentiality in certain aspects of the Foundation, Council and the Gallery business.

23. In keeping with the Foundation and Council’s mutual support, the Foundation and Council jointly agree to engage with the media on matters that pertain to issues involving the other party.

PROBITY

24. The parties must, at all times, adhere to appropriate probity and transparency requirements in accordance with their existing legal and statutory requirements.
LEGAL STATUS OF MOU

25. This MOU is not legally binding on the parties.

STATUTORY REQUIREMENTS OF THE PARTIES

26. Nothing in this MOU in any way restricts or otherwise affects the unfettered discretion of each party in the exercise of their statutory powers.

27. In the event of any conflict or inconsistency between the unfettered discretion of each of the parties in the exercise of their statutory powers and this MOU, the former will prevail.

TERM OF MOU

28. The parties will, in good faith, review the terms of the MOU at least every two years.

29. Either party may terminate this MOU at any time by providing written notice to the other party.

30. This MOU is made on 2016

Ms Judy Hart  Mr Frank Cordingley
Chairman  Interim Chief Executive Officer of
Newcastle Art Gallery Foundation  Newcastle City Council for and on behalf
of Newcastle City Council
ITEM-27 CCL 22/03/16 - REGIONAL COLLABORATION - NOMINATION FOR REPRESENTATIVE ON THE PUBLIC LIBRARIES CENTRAL EAST ZONE COMMITTEE

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

PURPOSE

To advise Council of the appointment of Cr Clausen as Council's representative on the Public Libraries Central East Zone Committee.

RECOMMENDATION

1 That Council notes the Lord Mayor's appointment of Cr Clausen as Council's representative on the Public Libraries Central East Zone Committee.

KEY ISSUES

2 Public Libraries Central East Zone meets quarterly and is comprised of elected representatives and officers from member councils. The first meeting for 2016 was held at 10am on 18 March 2016 at Cardiff Library. The yearly schedule was finalised at this meeting. Cr Graeme Smith from Cessnock Shire Council is the current Chair.

3 At the Ordinary Council meeting held on 24 November 2015 Council resolved to adopt the Public Libraries Central East Zone Regional Collaboration Memorandum of Understanding. That resolution is provided below:

MOTION

Moved by Cr Clausen, seconded by Lord Mayor Cr Nelmes

1 The Council endorses the Memorandum of Understanding for Regional Collaboration.

2 The Council renews representation to the Central East Zone through nomination; and

3 The Council notes the application seeking project seed funding from the Public Library Infrastructure Grants to investigate a regional Library management system (OneLMS).

Carried

4 At the time of the decision the call for a Councillor Representative was not addressed.
5 In order to ensure that a Newcastle City Council Councillor Representative is nominated with sufficient notice to make themselves available for this initial meeting, the Lord Mayor was requested to determine who should represent Council as a Councillor Representative in accordance with Clause 3(b) of the Instrument of Delegation to the Lord Mayor dated 8 December 2015 as Council had not nominated a representative and could not now do so in order to enable the representative to attend the first meeting of 2016.

6 The Lord Mayor nominated Cr Clausen as Council's Representative. Cr Clausen has recently represented the Lord Mayor at a meeting with the Board Chair and Board Members of the Library Council of NSW.

FINANCIAL IMPACT

7 Nil.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 The work of the public libraries aligns with the strategic direction Caring and Inclusive Community and Open and Collaborative Leadership.

IMPLEMENTATION PLAN/IMPLICATIONS

9 Not applicable.

RISK ASSESSMENT AND MITIGATION

10 Nil.

RELATED PREVIOUS DECISIONS

11 Ordinary Council Meeting of 24 November 2015 - Council resolved to adopt the Public Libraries Central East Zone Regional Collaboration Memorandum of Understanding as outlined at paragraph 3.

CONSULTATION

12 Not applicable.

OPTIONS

Option 1

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

Option 2

14 Council resolves not to support the nomination of Cr Clausen and nominate an alternate representative. This is not the recommended option.
BACKGROUND

15 The Lord Mayor's delegations were adopted at Council's Ordinary meeting of 8 December 2015. The relevant delegation clause 3(b)(i) is shown below:

3. **External relations and representations**
   (b) to determine:
   (i) who should represent Council on external organisations and committees and inter-agency working parties, where Council has not determined a representative;

16 Typically this delegation is used between meetings and reported to the next available meeting by the Lord Mayor, although the new delegations do not state this.

ATTACHMENTS

Nil
ITEM-28  CCL 22/03/16 - CITY REVITALISATION UPDATE

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

PURPOSE

To provide an update to Councillors on city revitalisation projects.

RECOMMENDATION

1 Council note the Connecting Newcastle document as at Attachment 1.

KEY ISSUES

2 City revitalisation has been a key priority for Council in over many years with Council adopting the Hunter Street Revitalisation Strategic Framework (HSRF) in 2010.

3 Both current and previous State Governments have made revitalising our city centre a priority. In 2006 the (then) Government released the Revitalising Newcastle City Centre Vision and supporting planning documents. In 2010 the Government included Newcastle city centre as a key renewal centre under State Environmental Planning Policy (Urban Renewal) 2010 (Urban Renewal SEPP). This lead to the Newcastle Urban Renewal Strategy (NURS) in 2012; the light rail announcement in 2013; and the Newcastle Urban Transformation project with UrbanGrowth NSW in late 2013 and the updated Newcastle Urban Renewal Strategy (NURS) in 2014.

4 In December 2014 Council endorsed the Newcastle Transport Strategy which outlines the vision, consistent with the Community Strategic Plan, that Newcastle will be a connected city with walking, cycling and public transport all viable options for the majority of our trips.

5 Newcastle City Council's commitment to urban revitalisation, was further recognised with the support of a Memorandum of Understanding with UrbanGrowth NSW endorsed by Council in August 2015.

6 In anticipation of the release by the NSW Department of Transport of the review of environmental factors for the Newcastle Light rail project later this year, a document titled 'Connecting Newcastle' has been collated to draw these various elements into a single document to inform and encourage further the debate on the outcomes required from city revitalisation projects. The document highlights what is proposed that the NSW Government will need to achieve both urban renewal outcomes as well as delivering an integrated transport solution.
7 The ‘Connecting Newcastle’ vision also starts to explore future extensions of the light rail system to the University of Newcastle, John Hunter Hospital, Hunter Stadium, Newcastle Airport, the beaches and the proposed Glendale exchange, consistent with the Council resolution of September 2015.

FINANCIAL IMPACT

8 There is no financial impact from Council noting this report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

9 City revitalisation aligns with a smart and activated city, a liveable and distinctive built environment, vibrant and activated public places and connected city.

IMPLEMENTATION PLAN/IMPLICATIONS

10 City revitalisation is an adopted priority of the Council. Our adopted strategies including the Community Strategic Plan, the HSRF, and elements such as the signed MOU with UrbanGrowth NSW, provide the basis for Council participation with other agencies on city centre renewal. Informing and encouraging community debate on city revitalisation and light rail options will improve the outcomes achieved.

RISK ASSESSMENT AND MITIGATION

11 There is no risk in Council noting this report.

RELATED PREVIOUS DECISIONS

12 In September 2015 Council resolved in response to ITEM-7 2010 ORDINARY COUNCIL MEETING STANDARD

1. **Recommit 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.

CONSULTATION

13 The 'Connecting Newcastle' document will help inform and encourage debate on city revitalisation and light rail options to ensure the city centre revitalisation goals are achieved.

OPTIONS

Option 1

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

Option 2

15 Council not accept the report. This is not the recommended option.

BACKGROUND

16 As outlined in paragraphs 2-7 Newcastle city centre revitalisation is an adopted priority of the Council and the NSW Government. Our adopted strategies including the Community Strategic Plan, the HSRF, and elements such as the signed MOU with UrbanGrowth NSW, provide the basis for Council participation with other agencies on city centre renewal.

REFERENCES

ATTACHMENT

Attachment A: Connecting Newcastle

(To be distributed under separate cover)
ITEM-29 CCL 22/03/16 - ADOPTION OF THE DRAFT DISABILITY ACCESS AND INCLUSION PLAN

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

PURPOSE

The purpose of this report is to advise Council on the outcomes of the public exhibition of the draft Disability Access and Inclusion Plan and seek a Council resolution to adopt the Draft Disability Access and Inclusion Plan 2016-2019 (the Plan) as provided in Attachment A.

RECOMMENDATION

1 Adopt the Draft Disability Access and Inclusion Plan 2016-2019 as provided in Attachment A.

KEY ISSUES

2 On 8 December 2015 Council resolved to:
   a) Place the draft Disability Access and Inclusion Plan as provided in Attachment A on exhibition for 4 weeks.
   b) Receive a report back on the outcomes of the public exhibition.

3 The Plan was publicly exhibited for 4 weeks between 25 January 2016 and 22 February 2016. Ten written submissions were received (summarised in Attachment B).

4 The Plan outlines Council’s vision and priority areas with regard to making organisational improvements that have access and inclusion outcomes for the community. The Plan is an overarching framework that guides future planning and reporting processes under the Local Government Act. This Plan therefore is a guiding document for the next 4 year delivery plan due in 2017 or the next term of Council. Pages 9 and 10 of the Plan, explains the Plan in the context of the integrated planning and reporting framework and associated resource and planning documents.

5 Key issues raised within submissions and as part of the community consultation process are summarised below and can be reviewed in Attachment A.
   i) Public domain and asset management processes and how this relates to improved outcomes for people with a disability. Notable examples include pedestrian access and mobility, beach access and inclusion and access to community facilities operated by Council;
ii) Events management and the need to facilitate and regulate accessible and inclusive events;

iii) Demonstrated concern with regard to accessible infrastructure, specifically accessible parking, as well as access to and provision of accessible toilet facilities;

iv) Communication and engagement with the disability community. Notable examples include Council information systems and suggested improvements to how Council conducts consultation with the disability community;

v) Advocacy, collaboration and strategic partnerships for better outcomes;

vi) A strong preference to re-establish an access and inclusion advisory committee to the Council; and

vii) Continued concern regarding employment, housing and transport access.

6 As a requirement of s.12 of the NSW Disability Inclusion Act, the Plan has been updated to provide a summary of community consultation as well as a snapshot of the key issues for Newcastle City Council in working towards better outcomes for the disability community. Further, as a result of the exhibition of the Plan and community consultation, recommendations to amend strategies and actions have been summarised within Appendix B.

FINANCIAL IMPACT

7 The Plan was developed within existing resources. For new programs, projects and services, funding will be sought through the Council's budget processes or through grant funding when available. This four year document will inform future actions in the Delivery Program and Operational Plan.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 The Plan will provide a strategic framework for the delivery of actions that will work towards achieving the community's vision for Newcastle.

9 The Plan actions fall across all strategic objectives of Newcastle 2030.

IMPLEMENTATION PLAN/IMPLICATIONS

10 Successful implementation of the Plan requires extensive cross directorate collaboration. Many of the actions in the Plan will be funded through existing Council budgets. For the development of new programs and projects, funding will be sought through the Council's budget processes or through grant funding when available.
RISK ASSESSMENT AND MITIGATION

11 Preparation of the Plan is a requirement of the NSW Disability Inclusion Act 2014.

RELATED PREVIOUS DECISIONS

12 On 8 December 2015 Council considered a report on the Plan and resolved to:

   a) Place the draft Disability Access and Inclusion Plan as provided in Attachment A on exhibition for 4 weeks.

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

CONSULTATION

13 Consultation with community members was undertaken in a variety of ways and are detailed below. Staff used a variety of communication processes to promote face to face and online participation opportunities. Promotion through the Newcastle Disability Sector was also utilised.

14 August 2015 - November 2015 - Prior to draft being prepared for exhibition:

   i) The August 2015 Newcastle Interagency meeting theme was the community planning suite of documents, including the Plan.

   ii) Three 'Straight Talking' Workshops (two for community members and a workshop held in partnership with Disability Network Hunter for the disability sector) attended by a total of 38 participants.

   iii) Meetings with relevant managers and staff from Newcastle City Council Business Units.

   iv) Opportunity to provide input at the Community Fun Day held on 4 December 2015.


16 Documentation available during the exhibition period:

   i) Draft document available in accessible PDF, easy read and text only.

   ii) Available to view at all customer enquiry centres and 8 local branch libraries.

Newspaper Advertisements

iv) Newcastle Herald Wednesday 3 February 2016.

v) Newcastle and Lake Macquarie Star Wednesday 10 February 2016.

**Daily radio adverts**


**Online and Social Media**


viii) Links to exhibition from Newcastle Regional Library Homepage.

ix) Share on Facebook from Newcastle City Council and numerous community facilitated Facebook pages.

**Email Marketing**

x) Distribution of information through various network databases reaching over 300 individuals from community and disability sector and the Newcastle City Council Access and Inclusion e-newsletter.

**Workshops and Library Drop in Information Sessions**

xi) 2 workshops on the Plan - City Hall and Wallsend Library attended by a total of 13 participants.

xii) 9 'Drop in' sessions at branch libraries across the LGA allowing people to access council staff.

xiii) Individual and group meetings on request.

17 As a result of the public exhibition, Council received 10 written submissions which are summarised in Attachment B. The attachment summarises how the draft plan was amended in response to each issue raised.

**OPTIONS**

**Option 1**

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

**Option 2**

19 Council resolves not to adopt the draft Disability Access and Inclusion Plan 2016-2019. This is not the recommended option.
BACKGROUND

20 The approach for the development of the Plan has been founded on a range of research and engagement methodologies, including a literature review, review of relevant Council plans and policies, and consultative forums with community stakeholders (community representatives, government and non-government service providers) and Council staff.

21 The approach also adopted recommendations included within the NSW Disability Inclusion Action Planning Guidelines - Local Government prepared by Local Government NSW and the NSW Government - Family and Community Services.

ATTACHMENTS

Attachment A: Disability Access and Inclusion Plan 2016-2019

Attachment B: Summary of written submissions (to be distributed under separate cover)
ITEM-30  CCL 22/03/16 - SUBMISSION ON DRAFT HUNTER REGIONAL PLAN

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

PURPOSE

To seek endorsement for a submission to be lodged by Council with the NSW Department of Planning and Environment on the draft Hunter Regional Plan and draft Plan for Growing Hunter City.

RECOMMENDATION

1 Council endorse the proposed submission (Attachment A) to be lodged by Council with the NSW Department of Planning and Environment on the draft Hunter Regional Plan and draft Plan for Growing Hunter City by 31 March 2016.

KEY ISSUES

2 The draft Hunter Regional Plan and the draft Plan for Growing Hunter City presents a new opportunity to take a coordinated approach to planning and investment across the whole of the Hunter region. The Department of Planning and Environment has shown enthusiasm to engage with Newcastle City Council and other stakeholders to inform the final form and content of the Plans.

3 Regional planning has a significant role to play in the future prosperity and liveability of the Hunter region, including Newcastle. Strong regional planning is imperative to ensure that coordinated planning across LGA boundaries can be achieved. Issues such as regional transport and infrastructure provision, regional habitat corridors and regional land supply to meet living and employment demands are all issues that are difficult for Councils to address individually. The focus of the submission, Attachment A, is therefore to ensure the regional planning framework can provide Newcastle City Council with the necessary context to support effective planning at the local level.

4 Outlined below are the key matters covered within the proposed submission, grouped under the relevant draft regional plan and subheadings of that plan.

Draft Hunter Regional Plan

5 The draft Hunter Regional Plan is very general in its strategic directions and therefore lacking in guidance, to local government, in providing a coordinated approach to addressing issues of regional significance. The attached
submission recommends the following amendments and inclusions to the Plan in order to improve clarity and usability.

i) **Structure** - For simplicity (and consistency with other regional and metropolitan plans) it is recommended that the Hunter Regional Plan and Plan for Growing Hunter City be consolidated into one plan and renamed 'A Plan for Growing the Hunter'. The Plan would also benefit from an easy to use summary of directions, associated actions and commitments.

ii) **Operation and delivery of the plan** - The proposed coordination and monitoring committee is supported, particularly in relation to infrastructure coordination, and should also contain NSW Government agencies responsible for health and education. However, it should not become another layer of decision making that would add complexity or delays to local planning processes.

iii) **Vision** - The vision should better reflect community aspirations by also encompassing social and environmental outcomes in addition to economic outcomes. During preparation of the document, Local Government was given the indication this would be the case.

iv) **Goal 1: Grow Australia's next major city** - For consistency with other regional plans identify a metropolitan area generally defined around Newcastle and northern Lake-Macquarie, to be referred to as 'Metro Newcastle'.

v) **Goal 2: Grow the largest regional economy in Australia** - This should include an action to investigate and diversify industry sectors.

vi) **Goal 3: Protect and connect natural environments** - Details and mapping of regional habitat connectivity requires improved clarity and certainty.

vii) **Goal 4: Support robust regional communities** - The Plan should identify regional benchmarks for hazard data that could be consistently applied by all councils across the region.

**Draft Plan for Growing Hunter City**

6 As outlined previously, the Hunter Regional Plan and Plan for Growing Hunter City should be consolidated into one plan and renamed 'A Plan for Growing the Hunter'. The following points summarise the recommendations for amendments and inclusions to improve the clarity and usability.

i) **Direction 1.1: Grow and diversify centres across the city** - To provide clarity and certainty for the community, clearly define the role and function of each nominated strategic centre. For example, the role of Broadmeadow as a centre is not clear. Furthermore, the plan should
better acknowledge the potential impacts posed by constraints such as flooding on such a centre.

ii) **Direction 1.2: Provide a greater mix of housing types to meet changing demand** - Specific and measurable actions in relation to the delivery of infrastructure and the coordination of services should be included in the Plan.

iii) **Direction 1.3: Enhance city-wide transport** - Further consideration should be given to improved public transport to employment lands, strategic centres, recreation areas and other key destinations. In particular, corridors for the expansion of the proposed Newcastle light rail system to other strategic locations such as the Newcastle Airport, John Hunter Hospital and Hunter Stadium should be identified. Freight routes including for the Lower Hunter Freight Corridor and High Speed Rail Corridor should also be clear.

iv) **Direction 1.4: The City's blue and green network** - Need to clearly identify various types of open space required to ensure sufficient green space that is useable and fit for purpose. A green grid plan would be useful to address gaps and opportunities for connections between open space.

v) **Direction 1.5: Grow and manage industrial activity in the city** - A regional map of existing and proposed industrial land would assist with meeting future employment needs.

vi) **Direction 1.6: Coordinate infrastructure to support growth** - Clear guidelines should be developed to ensure land is not rezoned out of sequence or targeted for growth in the absence of an infrastructure delivery plan.

vii) **Inner Newcastle District** - The Plan should acknowledge the Newcastle Urban Renewal Strategy that provides the planning framework for the City Centre. The constraints posed by flooding need to be acknowledged as a significant constraint.

viii) **Inner West District** - While supporting established urban centres is important, it also needs to be acknowledged that new centres will be required in the western corridor for new neighbourhoods. These need to be appropriately located to not undermine existing centres and account for constraints such as flooding.

ix) **Maitland-New-England Highway Corridor District** - The Plan identifies a pinch point for transport and habitat corridor, however, requires further direction on the future management of these issues.

x) **Heritage** - The Plan requires a stronger commitment to identify, protect and manage items and areas of heritage significance.
FINANCIAL IMPACT

7 There is no financial impact on Council in endorsing the submission. Regional planning does have an influence on Council's strategic planning framework, discussed further below under implementation plan / implications.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 Regional planning should provide a clear strategic regional planning context. While the draft regional plans generally cover the seven strategic directions under the Community Strategic Plan, they do not provide clear enough guidance in relation to the strategic directions of:

i) Protected and Enhanced Environment - The environmental constraints mapping would benefit from clearer direction on regional corridors.

ii) Liveable and Distinctive Built Environment - Clearer guidance on the role of some nominated centres (such as Broadmeadow) would be beneficial as would clearer mapping identifying areas for new urban release investigation. A stronger commitment to heritage is also required.

IMPLEMENTATION PLAN/IMPLICATIONS

9 The final Regional Plan will influence Council's strategic planning framework, principally the Local Planning Strategy, local environmental plan and associated future work program. It will also shape the expectations of the community and the development industry in relation to land use and infrastructure planning. For these reasons it is important that the final Regional Plan is based on robust evidence and clearly defines the framework for growing the Hunter Region and be supported by smart, measurable and achievable actions. These matters are outlined within Council's proposed submission Attachment A.

RISK ASSESSMENT AND MITIGATION

10 The draft Hunter Regional Plan and draft Plan for growing Hunter City are considered very general in their strategic direction, and would benefit from further clarity and direction to avoid ambiguity. The proposed submission Attachment A is therefore focused on areas where further clarification is required for more effective planning and service delivery at the local level.

RELATED PREVIOUS DECISIONS

11 In May 2013 Councillors were provided a copy of the submission Council staff made to the NSW Department of Planning and Infrastructure on The Lower Hunter Over the Next 20 Years: A Discussion Paper. This discussion paper was for the review of the Lower Hunter Regional Strategy.
CONSULTATION

12 The draft regional plans were exhibited by the NSW Department of Planning and Environment. The exhibition ended on 28 February 2016, however, Councils are able to make a submission until 31 March 2016.

13 The public has not been separately consulted in the preparation of the proposed submission, Attachment A. However, the proposed submission has had regard to the Newcastle community's aspirations outlined within the Community Strategic Plan and Local Planning Strategy, which both incorporated extensive community consultation and engagement.

OPTIONS

Option 1

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

Option 2

15 Council not lodge a submission and the Regional Plans will become NSW Government documents without constructive feedback from Council. This may result in an unclear planning framework for the region and compromise Newcastle City Council's ability to plan for a smart, liveable and sustainable city. This is not the recommended option.

BACKGROUND

16 The Lower Hunter Regional Strategy was introduced by the NSW State government in 2006 and provides the current regional planning context for the Lower Hunter region. The Lower Hunter Regional Strategy applies to the period 2006 to 2031 and provides for a review every five years. The draft Regional Plans are a result of this review process.

17 Strong regional planning is imperative to ensure coordinated planning can be achieved across the Hunter Region. Matters such as regional transport and infrastructure provision, regional habitat corridors and regional land supply for living and employment are all issues that span LGA boundaries. The proposed submission Attachment A is focused on areas where further clarification is required to provide Council with the necessary context for our region to support more effective planning and service delivery at the local level. This will better serve our community, while also contributing to the overall prosperity and liveability of the wider Hunter Region.

18 The proposed submission Attachment A incorporates feedback from internal Council staff and addresses issues raised by the Council itself during the Councillor briefing on 16 February 2016 by Department of Planning and Environment staff.
ATTACHMENTS

Attachment A: Proposed submission to the NSW Department of Planning and Environment on the draft Hunter Regional Plan and draft Plan for Growing Hunter City.
SUBMISSION ON
THE DRAFT HUNTER REGIONAL PLAN
AND
THE PLAN FOR GROWING HUNTER CITY
Planning and Regulatory  
Phone: 02 4974 2879

23 March 2016

Ms Monica Gibson  
Director Regional Hunter and Central Coast  
Newcastle Regional Office  
Department of Planning and Environment  
PO Box 1226  
NEWCASTLE NSW 2300

Dear Ms Gibson

SUBMISSION ON THE DRAFT HUNTER REGIONAL PLAN AND THE DRAFT PLAN FOR GROWING HUNTER CITY

I refer to the above matter and thank you for the opportunity to make a submission on the draft plans.

Newcastle City Council supports the introduction of a new regional plan for the whole of the Hunter Region and commends the Department of Planning and Environment on its willingness to engage with stakeholders to determine the final form and content of the Plans.

Regional planning has a significant role to play in the future prosperity and liveability of the Hunter region, including Newcastle. Strong regional planning is imperative to ensure that coordinated planning across LGA boundaries can be achieved. Issues such as regional transport and infrastructure provision, regional habitat corridors and regional land supply to meet living and employment demands are all issues that are difficult for councils to address individually. The focus of this submission is to ensure the regional planning framework can provide Newcastle City Council with the necessary context within our region to support more effective planning at the local level.

Not only will the final Regional Plans influence Council’s strategic planning framework it will also shape the expectations of the community and the development industry in relation to land use and infrastructure planning. For these reasons, it is important that the final Regional Plan is based on robust evidence and clearly defines the framework for growing the Hunter Region and be supported by smart, measurable and achievable actions. Most importantly, the maps within the Regional Plans should be detailed enough to provide a snapshot of the key features, constraints and opportunities across the region. Council's comments set out in Attachment 1, include recommendations that Council considers will improve the clarity and usability of the Regional Plans.

Thank you again for the opportunity to be involved in this important planning initiative for the Hunter Region. Should you have any questions in relation to this submission please contact Patricia McCarthy, Coordinator Urban Planning on 4974 2879.

Yours faithfully

Peter Chrysal  
DIRECTOR PLANNING AND REGULATORY
Attachment 1

1. Draft Hunter Regional Plan

1.1 Structure

a) For simplicity and consistency in regional and metropolitan plans it is recommended that the Hunter Regional Plan and Plan for Growing Hunter City be consolidated into one plan and renamed “A Plan for Growing the Hunter”.

b) For ease of reference, the final Regional Plan should contain a summary table of the directions, associated actions and commitments.

The provision of two Regional Plans for the Hunter seems unnecessarily complex and cumbersome. Other examples of recent regional planning are contained within a single document, for example, the Draft Central Coast Regional Plan and Illawarra-Shoalhaven Regional Plan. Even Sydney also only has one plan, “A Plan for Growing Sydney”. A Plan for Growing Sydney is comprised of six sub regions or districts (that includes 41 Local Government Areas). The Hunter Regional Plan also identifies four landscape sub-regions - including Hunter City. Hunter City, in turn, is comprised of five districts. It is recommended these be consolidated within the single plan.

Combining the two Plans and renaming the document ‘A Plan for Growing the Hunter’ would better reflect what the document is - a guide for development and investment in the Hunter Region. For ease of reference, the plan should contain a summary table of directions and associated actions. It also needs to be made more apparent that ‘Growing the Hunter’ benefits the communities of the Hunter. For example, the Plan should show how future infrastructure will be delivered via growth in the Region.

1.2 Operation and Delivery of the Plan

a) Council supports the establishment of a Coordination and Monitoring Committee, particularly to support infrastructure delivery; however, this should not become another layer of decision-making that would add complexity or delays to local planning processes.

b) Given the significance of Newcastle University and the John Hunter Hospital to the region it is recommended that the NSW government agencies responsible for planning education and health facilities should be included in the coordination and monitoring committee.

c) Consideration should be given to the establishment of a ‘Hunter Commission’, similar to the Sydney Commission.

Council supports the establishment of a Coordination and Monitoring Committee to monitor delivery of the plan and to support infrastructure delivery. However, Council would be concerned if the Committee were to become another layer of decision making that would add complexity or delays to local planning processes.

The draft Hunter Regional Plan focuses on hard infrastructure. While this is clearly important, ‘soft infrastructure’ such as health and education also need to be considered within the plan. The John Hunter Hospital and the University of Newcastle have been identified as ‘strategic centres’ with a specific direction for growth and diversification. In addition, the expected population growth and change necessitates the direct involvement of the NSW government agencies responsible for education and health facilities to be included in the proposed coordination and monitoring committee.
The draft Plan includes the statement "The scale of Hunter City and its significant potential warrant a metropolitan approach to planning". If a metropolitan approach to planning is warranted, it also stands to reason that a metropolitan approach to the operation and delivery of the Plan is necessary. The establishment of a "Hunter Commission", similar to the Sydney Commission, could help achieve this.

1.3 Vision

a) To ensure the vision for the Hunter also reflects the vision identified by local communities, it should be amended to encompass social and environmental outcomes in addition to economic outcomes.

The draft Plan states the Government’s vision and goals for economic growth and how the government will act to achieve these goals and what it expects from local councils in realising the vision. While the document is no longer referred to as a 'Regional Growth Plan', the emphasis of the vision, goals and directions appears to remain on economic growth. The draft Plan would benefit by including goals emphasising that the Hunter will continue to be a great place for people.

Based on consultation with the Newcastle community, undertaken in the preparation of the Community Strategic Plan (CSP), our community established a vision for Newcastle to become a "smart, liveable and sustainable city", through better connections between places, protecting the environment, activating places, being a caring and inclusive community that has a liveable and distinct built environment, being a smart and innovative city with open and collaborative leadership. The Regional Plan should also reinforce this integrated, sustainable approach to planning.

The Regional Plan should demonstrate the link between economic growth and investment in the region and realising a broader community vision as contained within the CSP.

1.4 Goal 1: Grow Australia’s next major city

a) For consistency in terminology with other regional plans, identify a metropolitan area that could be referred to as 'Metro Newcastle'.

b) The Metro Newcastle area should generally be defined as the geographical area around Newcastle and northern Lake Macquarie.

c) To avoid confusion around the purpose of the hinterland, clearly map and define the function of this area.

d) Include statements in the directions and actions clarifying the benefits in growing the Hunter, such as in Direction 1.1: Grow and diversify centres across the City to provide affordable, enjoyable living.

Council has reservations about the concept of, and nomenclature of, Hunter City, and it is suggested that Newcastle continues to be recognised as the Regional City. Terminology should be similar to that used in the Illawarra-Shoalhaven Regional Plan and the Plan for Growing Sydney, which both refer to 'metro' areas.

It appears that there is some indecision as to whether to consider the Hunter a region or a metropolitan area such as Sydney. This should be resolved rather than have a hybrid plan. It is also unclear what is to be achieved through the creation of 'Hunter City'.
Declaring this expansive area as a metropolitan area similar to Sydney raises significant expectations in relation to services and infrastructure provision, however, this is not addressed in either of the draft Plans.

The proposed ‘hinterland’ cannot be a rural lifestyle / rural production area and a place for urban growth. These mixed messages often lead to future land use conflict. It is important that this area be clearly mapped and its function clearly defined and delineated.

1.5 Goal 2: Grow the largest regional economy in Australia

a) Include a specific action to investigate the diversification of the industry base across the region to assist in determining employment land needs and the infrastructure (including transport) required to support it.

Council supports the action to support sustainable growth of mining industries and to diversify NSW energy supplies. Support for diversifying the energy supply will open up new investment and employment opportunities as the mining industry starts to decline. A specific action to investigate the diversification of the industry base across the region would be of benefit and assist in determining employment land needs and the infrastructure (including transport) needed to support it.

1.6 Goal 3: Protect and connect natural environments

a) All maps should be more detailed and the Regional Habitat Connectivity map should be similar to that provided in the Lower Hunter Regional Strategy and Newcastle Lake Macquarie Western Corridor Strategy to provide enough clarity and certainty.

b) Actions should be reviewed and amended to demonstrate how the impacts of development will be minimised on land of high environmental value and regional habitat corridors.

c) Clearly outline how the assessment, protection and management of focus areas for sustaining regional habitat connectivity differs from the areas of high environmental value.

d) Give consideration to a regional biodiversity certification process as this may fit with the biodiversity fund that has been established.

e) Recognise the importance of the Hunter estuary to the region within the final Regional Plan.

f) Ensure the actions relating to the health of coastal lakes and estuaries consider both stormwater quality and quantity to ensure that the health of significant wetlands can be appropriately managed.

At its meeting on 1 March 2016 Council’s Environmental Advisory Committee recommended:

“Council include in its submission as part of the Draft Hunter Regional Plan and Draft Plan for Growing Hunter City, to protect biodiversity corridors across the local government area, including the Watagans to Stockton green corridor.”

Council supports the inclusion of mapping of high environmental value land and the identification of regional habitat corridors, and its public availability through planning e-view. The implementation of appropriate strategies to protect and manage habitat connectivity and high environmental land will also provide greater certainty for investment.
However, the generality of the maps, actions and directions in the draft Plan does not provide clear guidance on this land. For example, Council has reviewed the draft Plan in relation to Council owned land at Black Hill. In the Lower Hunter Regional Growth Plan, the Council owned site was mapped as ‘Watagan Stockton and Wallarah Green Corridor’ and later in the Lake Macquarie Western Corridor Planning Strategy 2010, the site was identified as ‘employment lands investigation’. Council is unable to determine whether the land is high environmental value or employment lands investigation under the draft Regional Plan. The mapping of regional habitat corridors should be at a finer scale (not necessarily to individual parcel accuracy, but finer than large arrows on a map) to provide greater certainty for all stakeholders.

The associated actions need to demonstrate how the maps will be used to minimise the impacts of development on areas of high environmental value. It is not clear from the actions whether or not it is proposed to introduce new legislation to protect high environmental value land or to introduce a new framework for the assessment and management of biodiversity offsets. The associated actions should clearly demonstrate how protection and management of regional habitat corridors will be achieved. The Regional Plan should clearly specify that bio-banking offsets should target these regional corridors. The Plan should also clearly outline how the assessment, protection and management of focus areas for sustaining regional habitat connectivity differs from the areas of high environmental value.

The Hunter estuary is the most important estuary in NSW for shorebirds and is internationally protected and this should be recognised within the Regional Plan. Both stormwater quantity and quality impact on the health of wetlands in this area. The Hunter wetlands are the receiving environment for the urban release areas of the inner west district and the Regional Plan should address the importance of stormwater quantity as well as quality to this environment. There may also be opportunity to capitalise on this feature as a tourist destination.

1.7 Goal 4: Support robust regional communities

- a) To ensure that the directions and actions are clear, amend Direction 4.3 to acknowledge both hazards of natural and human origin.
- b) Consider the development of regional benchmarks for hazard data that could be adopted and applied by all Councils in the region.

Direction 4.3 is “Build the region’s resilience to natural hazards”, however, it also includes references to hazards of human origin, i.e. mine subsidence. The wording of the direction should be amended to reflect that it encompasses hazards of both human and natural origin.

The draft Regional Plan seeks to “investigate opportunities to improve the quality and consistency of hazard data in the region”; however, it is unlikely that the proposed commitments will achieve this. It might be more valuable to develop regional benchmarks for hazard data that could be adopted (and consistently applied) by all councils in the region.

2. Draft Plan for Growing Hunter City

2.1 Direction 1.1: Grow and diversify centres across the city

- a) To provide clarity and certainty to the community, clearly define the role and function of each strategic centre.
b) That the Implementation and Monitoring Committee recommend the development of a strongly integrated public transport network and that each component be reviewed regularly starting with a review of bus services.

The draft Plan identifies nine (9) strategic centres and two (2) global transport gateways; however, it does not identify a hierarchy of centres or provide guidance on the role of each centre. Some of the identified strategic centres have significant constraints, such as Broadmeadow which is constrained by flooding. The lack of guidance on the role and functions of each centre is likely to result in increased development expectations and conflict. The role and function of each strategic centre should be clarified in the Regional Plan to ensure certainty for all stakeholders.

Action 1.1.1 refers to improving public transport, but does not provide any firm commitments. Several previous reports commissioned by the State Government have recommended increased frequency on several key routes. Increased frequency on key routes and their promotion could effect change in mode share. There is a clear need to integrate public transport across the region including a reviews of bus services to facilitate this needed integration.

2.2 Direction 1.2: Provide a greater mix of housing types to meet changing demand

a) Specific and measurable actions/commitments in relation to the delivery of infrastructure and the coordination of services should be included in the Regional Plan.

b) Proximity / ease of connection with existing transport infrastructure should be added to the criteria for assessment of new release areas.

Direction 1.2 indicates that new housing will be accompanied by the delivery of infrastructure to support communities. However, there are no actions to address the delivery of infrastructure or in relation to the coordination of service delivery such as schools, hospitals, and emergency services. Although a Coordination and Monitoring Committee is proposed which may include agencies that manage infrastructure and services, it will be difficult to plan and monitor the success of the Regional Plan in addressing this issue unless specific actions and commitments are included.

Action 1.2.2 details criteria for the assessment of new land release areas. It is suggested that the criteria be expanded to include ‘proximity / ease of connection with existing transport infrastructure’ in addition to cost of new infrastructure.

2.3 Direction 1.3: Enhance city-wide transport

a) Consideration be given to improved public transport to all employment lands as well as between strategic centres, transport gateways, key destinations and open space. The proposed Newcastle light rail system could be extended to connect these strategic locations including to the Newcastle Airport, John Hunter Hospital, Hunter Stadium and Glendale Interchange. It will be important for the Regional Plan to identify the necessary corridors to provide these links.

b) Action 1.3.1 should be amended to acknowledge that public transport is primarily a state government responsibility and that councils would welcome consultation on improving public transport. The establishment of a Hunter Regional Transport Authority is supported.
c) Similar to Action 2.3.2 within the Draft Hunter Regional Plan, Action 1.3.1 should be amended to recognise and protect key transport and freight corridors in consultation with Councils, including the Lower Hunter freight corridor and corridor for high speed rail.

The draft Regional Plan has a strong focus on roads. Access to public transport is a significant issue for the Hunter and the ageing population and the trend away from younger people obtaining a driver’s license means good access to public transport will become more important in the future.

Industrial employment lands are currently poorly served by public transport and transport plans need to ensure access between centres and other employment lands. For example, Beresfield has similar employment figures to Charlestown, but has limited public transport options.

Inner Newcastle has great potential for mode substitution, but a coordinated approach is needed, with provision for incentives (e.g., frequent, reliable public transport services) and disincentives (parking costs).

Action 1.3.1 suggests that the NSW Government will work with councils to progress transport plans; however, public transport is primarily a state government responsibility. Councils have little involvement in bus planning and virtually none in rail. This is something that NSW government can and should progress, though consultation with Council is welcome.

Identification and protection of freight corridors, particularly the Lower Hunter freight corridor, should be recognised within both the Draft Hunter Regional Plan and the Draft Plan for Growing Hunter City.

Opportunities for the construction of a high speed rail line to connect Newcastle to Sydney should be acknowledged within the Draft Plan for Growing Hunter City. Fast rail would provide significant opportunities to grow the Hunter region.

2.4 Direction 1.4: The city’s blue and green network

a) The various types of open space should be clearly identified in the Regional Plan to ensure that appropriate planning is undertaken to provide sufficient green space that is usable and fit for purpose.

b) The delivery of a green grid plan for Hunter City is important to address the gaps in parkland provision within existing communities in addition to new release area and opportunities for connections between open spaces.

Council supports the objective to identify new open space in land release areas together with connecting existing open space. However, for the plan to be effective, the specific types of open space need to be identified. The word ‘open space’ incorporates a wide variety of green spaces, including parks, sportsgrounds, bushland, drainage reserves, road reserves, utility easements, wetlands and conservation areas. The plan supports that “an overwhelming majority of residents live within 800 metres or a 10-minute walk of a ‘green space’ which are highly valued by the City’s residents and visitors”. Whilst valuable, the mapping project referenced within the draft plan does not distinguish between the types of ‘green space’ or whether the spaces are usable / fit for purpose spaces.
Research undertaken during the development of the Newcastle City Council’s Parkland and Recreation Strategy identified:

i) Whilst there are a large amount of ‘green spaces’ or ‘open spaces’ within the Newcastle LGA, the number of fit for purpose parks accessible in close proximity to the community is limited.

ii) There are a large number of parks performing drainage roles with recreation functions a secondary benefit. Many parks border wetlands, creeks, stormwater channels, overland flow paths and riparian zones. While a number of these parcels are not designated ‘drainage reserves’, they are affected by stormwater and perform important overland flow functions.

iii) The quality, functionality and usability of local parks are affected by a number of constraints including topography, gradient, flooding, access, size, dimensions and street frontage. Fit for purpose and constraints free spaces are limited primarily to district standards parks.

iv) Only approximately half of all Newcastle City Council LGA residents are located within 500m of parkland 0.5ha or greater in size. A number of factors such as gradient, the presence of railway lines, major roads, and lack of crossing points, creeks and stormwater channels provide additional barriers to parkland access. While residents may be within a 500m radial distance to parkland, the presence of these barriers significantly increases distance and the real location from parkland. Improved pedestrian and cycling connections to existing open space opportunities will also be an important strategy in overcoming access barriers.

v) The standard distance of 500m is widely accepted as an ‘walkable’ distance for most residents from their home to a local park. This is reinforced in a number of studies of best practice that analyse walking distance and access to local destinations within communities. Many transport strategies also refer to walking distances of no more than 500m. Further, it is noted that the United Nations set an Environmental Accord in relation to Green Cities that included the objective: ‘Ensure that there is an accessible public park or recreational open space within 500m of every city resident by 2015’.

vi) The size of local parkland within the Newcastle City Council LGA is generally small. The recommended size of local parkland is 0.5ha - 2.0ha. This provides sufficient space for a range of recreational activities such as playgrounds, escape and relaxation, ball play and picnics. 25% of all parks are less than 0.2 ha in size whilst 53% per cent of all parks are less than 0.5 ha.

2.5 Direction 1.5: Grow and manage industrial activity in the city

a) That the draft Regional Plan includes a map which identifies all existing and proposed industrial land within ‘Hunter City’.

Council supports the initiative to monitor the size, location and capacity of industrial land across ‘Hunter City’ to ensure industrial land has the capacity to meet employment needs in suitable locations. In this regard, Council notes that the Jemena site in Hamilton South will add a significant supply of industrial land to the city, once it is rehabilitated / remediated.

2.6 Direction 1.6: Coordinate infrastructure to support growth

a) Clear guidelines should be developed to ensure land is not rezoned out of sequence or targeted for growth in the absence of an infrastructure delivery plan.
Council supports the monitoring of development activity to support infrastructure planning and the re-establishment of an Urban Development Program. Clear guidelines are needed to link growth and infrastructure delivery so that land is not rezoned out of sequence or targeted for growth in the absence of an infrastructure plan.

2.7 Inner Newcastle District

a) Amend Action 2.1.1 to acknowledge the Newcastle Urban Renewal Strategy and the planning framework that it established for the city centre.

b) Amend Action 2.1.2 to acknowledge the flooding and environmental constraints which will influence opportunities for development around Warabrook rail station.

c) Amend Action 2.1.3 to acknowledge the flooding constraints which will limit opportunities for residential development in Broadmeadow.

d) To ensure appropriate consideration is given to flooding constraints, include flood maps similar to that shown for the Maitland area.

Action 2.1.1 is to "Deliver the long term aspirations and vision for Newcastle City Centre" and refers to establishing planning controls to achieve the long term vision for the city centre. However the Newcastle Urban Renewal Strategy (NURS) and associated amendments to local planning controls have already established this.

Council supports Action 2.1.2 to "Diversify employment activities at the university and hospital campuses and enhance their connectivity to the region", however, has some concerns with suggested development of Warabrook rail station and its surrounds, including for commercial development. This area is constrained by flooding and proximity to wetlands mapped under State Environmental Planning Policy 14 - Coastal Wetlands. These constraints should be acknowledged as they may limit the ability to develop this area.

Council has concerns with the identification of Broadmeadow as a strategic centre without any guidance on the hierarchy and role of each centre or the acknowledgment of environmental constraints. Action 2.1.3 to "Support the development of the Broadmeadow precinct as a preferred place to live, work and play" raises expectations for housing growth in this area. However, increasing the population living in this area is constrained by flooding.

2.8 Inner West District

a) Include an action to investigate the establishment of new local centres in the western corridor.

Council acknowledges the importance of supporting existing centres although notes that there may be a need for new centres within the western growth area to support new communities. An action to ensure new growth areas within the western corridor are supported by new centres may be of value. These will need to be appropriately located so as to not undermine existing centres and account for constraints such as flooding.

2.9 Maitland-New England Highway Corridor District

a) Direction 6.1 should be relocated to the section ‘Managing growth and change in Hunter City’ as this pinch point affects the whole of ‘Hunter City’.
CITY OF NEWCASTLE

Report to Ordinary Council Meeting on 22 March 2016

Council supports Direction 6.1 which aims to address the pinch point in the habitat corridor and transport network. As this ‘pinch point’ affects the whole of ‘Hunter City’ and not just the Maitland-New England Highway Corridor district, it should be addressed in the section ‘Managing growth and change in Hunter City’. In addition, the corridors should be identified and management actions should be included in the plan.

There is currently a large parcel of land (343 acres) for sale within the pinch point area (Black Hill), which is immediately adjacent to National Parks and Wildlife Services land and Council requests the NSW Government investigate acquiring this land as an offset for the proposed M1 Pacific Motorway Extension to Raymond Terrace.

2.10 Other Matters - Heritage

a) Include a specific direction and action to identify, protect and manage items and areas of heritage significance across the Hunter region.

The draft Regional Plan does not adequately address Aboriginal or European heritage across the region. The Newcastle community has consistently identified the protection of heritage as an important issue. The Regional Plan should include a specific direction and actions to ensure that appropriate consideration is given to the protection and maintenance of heritage in the Hunter region.
ITEM-31 CCL 22/03/16 - ADOPTION OF GURAKI ABORIGINAL ADVISORY COMMITTEE CHARTER

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

PURPOSE

The purpose of this report is for Council to adopt a revised Charter for the Guraki Aboriginal Advisory Committee.

RECOMMENDATION

1 Council adopts the revised Guraki Aboriginal Advisory Committee Charter in the form as attached at (Attachment A).

KEY ISSUES

2 In recent years the Guraki Committee has not been able to regularly achieve a quorum and this has reduced its ability to perform the functions and tasks outlined in the Committee's current Charter. This has led to consideration of a more effective engagement model.

3 During the review associated with the preparation of this report, face to face conversations were held with the majority of the current members of the Guraki Committee, as well as a number of past members and Indigenous leaders from other organisations. These meetings reinforced the need for the Guraki Committee to continue.

4 The discussions identified the Aboriginal community strongly believes Council has a role to play in achieving reconciliation outcomes in our community and that Newcastle City Council is recognised as a leader in achieving reconciliation outcomes in the Australian local government sector. Strong feedback was also received that the Guraki Committee provides a highly valued mechanism for the Aboriginal community to provide advice to assist Council decision making.

5 There are 12 other LGAs in NSW that facilitate Aboriginal advisory groups and/or committees using a model similar to the Guraki Committee. These Councils were contacted during the investigations for this report and it is evident that the key to their success is derived from regular interactions between committee members, Council staff and Councillors outside the formal committee forum and through cultural awareness training and mentoring for Councillors and staff.

6 A revised Charter for the Guraki Committee was advertised for comment between 16 January 2016 and 15 February 2016. No submissions were received. The key changes to the Charter included additional reference to the...
Reconciliation Plan and expanded representation from the Aboriginal community.

FINANCIAL IMPACT

7 The recommended engagement model does not require the allocation of additional staff or financial resources over and above those already allocated to the Guraki Committee.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 The community has strongly supported the need to engage local Aboriginal and Torres Strait Islander people in local government and to raise local awareness of Aboriginal and Torres Strait Islander issues. Council's ongoing commitment to these matters is recognised in Newcastle 2030:

- Caring and Inclusive Community:
  - 4.3c Acknowledge and respect local Aboriginal history, cultural heritage and peoples.

IMPLEMENTATION PLAN/IMPLICATIONS

9 Implementation of the revised Guraki Committee Charter will be the responsibility of Council’s Strategic Planning Services Business Unit.

10 In order to build positive relationships leading to improved reconciliation outcomes, the key priorities the over the next 2 years include:

  i) Develop relationships with and partnerships between relevant Council staff and staff from Aboriginal organisations and government agencies aligned with strategic directions in Newcastle 2030.

  ii) Promote internal and community awareness of Council's 1998 Commitment to Aboriginal and Torres Strait Islander Peoples.

  iii) Develop and deliver a program of cultural awareness training for Council staff.


RISK ASSESSMENT AND MITIGATION

11 The revised Guraki Committee structure focuses on providing a more inclusive engagement model that reduces the risk of the committee lacking a quorum for its meetings. By providing an opportunity for three additional community members, the risk of inquorate meetings will be reduced.
RELATED PREVIOUS DECISIONS

12 On 4 December 2012, Council resolved:

Council establish the Guraki Aboriginal Advisory Committee and nominates Councillors Rufo, Robinson and Doyle as Councillor Representatives.

13 On 24 November 2015, Council resolved to:

1 Place the revised draft Guraki Aboriginal Advisory Committee Charter on public exhibition for community feedback.

2 Re-launch Council's 1998 Commitment to Aboriginal and Torres Strait Islander Peoples during Reconciliation Week in May 2016."

CONSULTATION

14 During the review of the Guraki Committee, staff met with current and past Guraki committee members including Councillors, Aboriginal community leaders and liaised with staff from other NSW Councils.

15 The revised Charter was placed on public exhibition from 16 January 2016 to 15 February 2016. No submissions were received.

OPTIONS

Option 1

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

Option 2

17 Council does not adopt the revised Guraki Committee Charter. This is not the recommended option.

BACKGROUND

18 In November 1992 Newcastle City Council first adopted a Commitment to local Aboriginal peoples. This Commitment was revised when a working group consisting of Councillors, members of local Aboriginal communities, and non-Aboriginal communities was facilitated. A draft statement was prepared and presented at a Reconciliation Convention in Melbourne in May 1997, Newcastle’s Bicentennial year. On 8 July 1997 Council adopted the wording of the new Commitment by Newcastle City Council to Aboriginal and Torres Strait Islander Peoples of the City of Newcastle. A civic function was held at City Hall on the 14 April 1998 to commemorate the signing of the new Commitment (Attachment A). Council further resolved on the 15 September 1998 to establish an Aboriginal Advisory Committee of Newcastle City Council with a mandate to give life to the Commitment by providing advice on how its
principles can be translated into Council’s processes and practices. Advisory committees are established by Council resolution under section 355 of the Local Government Act 1993.

19 The Guraki Aboriginal Advisory Committee was officially launched on 1 June 1999, and in 2009 celebrated ten years of service as a Committee of Council. The Committee’s Charter and Terms of Reference were reviewed in 2009 to align with the governance model established for a number of new strategic advisory committees. The Committee’s Charter defined the scope of its responsibilities including terms of reference, structure, process and membership requirements.

20 The current Aboriginal stakeholder groups represented on the Committee are Awabakal Local Aboriginal Land Council, Worimi Local Aboriginal Land Council, Mindaribba Local Aboriginal Land Council, The Wollotuka Institute (University of Newcastle), and Yarnteen Limited. Expansion of the committee membership from 6 to 9 will permit individual community members to join as well as representative from stakeholder groups.

21 During the term of the current Council, the Guraki Committee has provided strategic advice on:

i) Aboriginal Employment Strategy

ii) Reconciliation Action Plan

iii) Aboriginal Dual Naming of Landforms

iv) Guidelines for Acknowledgement of Traditional Custodians and Welcome to Country

22 Each year, the Guraki Committee delivers reconciliation outcomes as part of Reconciliation Week and NAIDOC Week events. It also undertakes and / or provides advice on reconciliation themed projects including public artwork, place naming and cultural heritage.

ATTACHMENTS

Attachment A: Revised Guraki Aboriginal Advisory Committee Constitution
ORDINARY COUNCIL MEETING
22 MARCH 2016

CCL 22/03/16
ADOPTION OF GURAKI ABORIGINAL ADVISORY COMMITTEE
CHARTER

Attachment A: Guraki Aboriginal Advisory Committee Charter
Newcastle City Council

Charter

Draft Guraki Aboriginal Advisory Committee Charter
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1 Interpretation

1.1 Unless context determines otherwise, the following definitions apply to this constitution:

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

1.1.2 Chairperson means the Chairperson of the Committee.

1.1.3 Council means The City of Newcastle Council and where appropriate includes its administration.

1.1.4 Deputy Chairperson means the person who may act for the Chairperson in the absence of the Chairperson.

1.1.5 Facilitator means a Council officer appointed by the General Manager to fulfill the tasks set out in clause 6.3.1.

1.1.6 General Manager means the General Manager of The City of Newcastle and includes his / her delegate.

1.1.7 General Resources means resources which may be used as resolved by the working party to facilitate the working party’s terms of reference.

1.1.8 Open Voting means voting by show of hands using a single non-transferable vote system. This means each voter casts one vote for one candidate in a multi-candidate race. In the event of a tied vote, a second round run-off vote is held between the tied candidates. If the vote remains tied, the Chairperson shall have a second and casting vote.

1.1.9 Quarantined Resources means resources that must be used for a specified task, project, issue or cost.

1.1.10 Report means a form of submission to Council on strategic matters.

1.1.11 Resources means funds, the time and effort of Council officers, access to Council services and contractors and access to assets of Council.

1.1.12 Secretary means a Council officer appointed by the General Manager to fulfill the tasks set out in clause 6.3.2.

1.1.13 Selection Panel means the panel consisting of the Councillors elected to the committee by Council pursuant to clause 8.2.1. to nominate the community representatives.

1.1.14 Voting Member means a committee member elected or appointed pursuant to clause 6.1.


2 Strategic alignment

2.1 This committee aligns with strategic priorities identified by Council’s Newcastle Community Strategic Plan (Newcastle 2030) and is consistent with Council’s Reconciliation Action Plan.

2.2 This committee will be responsible to Council.

3 Establishment and dissolution

3.1 This committee was established by resolution of Council dated 17 November 2009.

3.2 This committee will be known as the Guraki Aboriginal Advisory Committee.

3.3 This committee will disband and cease to function on 5 August 2016 or as otherwise determined by Council.
4 Terms of reference

4.1 The terms of reference of the committee are:

4.1.1 To give life to Council’s 1998 Commitment to the Aboriginal and Torres Strait Islander Peoples of the City of Newcastle.

4.1.2 To provide strategic advice and guidance with relation to Aboriginal and Torres Strait Islander matters.

4.1.3 To engage Aboriginal and Torres Strait Islander people in Local Government.

4.1.4 To raise broad community awareness of Aboriginal and Torres Strait Islander culture and themes.

4.1.5 To provide a united voice for the Aboriginal and Torres Strait Islander peoples of the City of Newcastle.

4.1.6 To investigate, consider and prepare applications for Federal and State government funding, grants and sponsorships.

4.2 This committee will investigate, consider, and provide expert advice on Aboriginal and Torres Strait Islander matters within the terms of reference set out in this clause.

4.3 This committee will, where considered beneficial, work collaboratively with Council’s other committees to consider matters that are within the terms of reference of more than one committee.

4.4 This committee will, where deemed necessary, form working parties to investigate, consider, and provide advice on, defined tasks and themes.

4.5 This committee provides a forum for Aboriginal and Torres Strait Islander input into Council’s decision making process, and is constituted to compliment Council’s other consultative mechanisms.

4.6 The committee will consider matters within its terms of reference which are referred to it by Council.

5 Delegated functions

5.1 In accordance with this constitution and sections 355 and 377 of the Act, Council delegates to the committee the power to advise Council.

5.2 Unless specifically delegated by this constitution or other instrument:

5.2.1 The committee cannot make decisions on behalf of Council; and

5.2.2 The committee (or any of its members) cannot direct any Council officer in his or her duties.

5.3 In carrying out its functions, the committee must at all times recognise that primary responsibility for management of Council rests with Council and the General Manager.

6 Administrative and facilitative support

6.1 The following persons will be members of the committee but will not be Voting Members:

6.1.1 The General Manager;

6.1.2 Council’s Directors; and

6.1.3 Council officers appointed pursuant to this clause 6.

6.2 The persons listed at clause 6.1 will be entitled to attend and participate in all meetings of the committee and may not be excluded from any meeting or part thereof except by direction of the General Manager.

6.3 The General Manager will appoint Council officers to fulfill the following roles:
6.3.1 The Facilitator will have the following functions:

(a) Facilitate discussion at committee meetings, provide input to meetings and be an active (non-voting) member of the committee;

(b) Focus the committee on its terms of reference and agenda items;

(c) Act as the communication link between the committee and Council;

(d) Manage the resources available to the committee;

(e) Where appropriate, liaise closely with the facilitators of Council’s other committees to assist collaboration between committees, the sharing of information and the efficient use of Council and committee member resources; and

(f) Work closely with the Chairperson to administer the committee and its meetings.

6.3.2 The Secretary will provide administrative support to the committee. The Secretary will have the following functions:

(a) Prepare agendas;

(b) Maintain the register of members;

(c) Maintain the committee’s register of delegations;

(d) Maintain the committee’s financial records;

(e) Take minutes at committee meetings and prepare them for dissemination;

(f) Accept and collate committee business papers prepared or submitted by Council officers, committee members, working parties and stakeholders;

(g) Make agendas, minutes and committee business papers available to committee members, Councillors and relevant Council officers;

(h) Make committee governance papers (including but not limited to this constitution and Council’s applicable guidelines/policy documents) available to committee members, Councillors and relevant Council officers;

(i) Book meeting venues and organise the provision of any necessary equipment; and

(j) Provide administrative assistance to the Facilitator.

6.3.3 The Facilitator and Secretary will be suitably qualified Council officers and the positions may be shared amongst a number of suitably qualified Council officers.

7 Resources

7.1 Council will provide the venue and business papers for all committee meetings.

7.2 Access to resources may be provided to the committee:

7.2.1 By Council’s annual Operational Plan and / or budgetary provisions; or

7.2.2 By determination of the General Manager from time to time.

7.3 Resources:

7.3.1 Will be identified as general resources or quarantined resources; and

7.3.2 May by determination of the General Manager be no longer made available if, in the General Manager’s opinion, the resources are not being used effectively.

7.4 The committee may by resolution request access to resources in addition to those provided by Council pursuant to clause 7.2. Such requests must be made on the following terms:
7.4.1 Before voting on a proposed resolution seeking access to resources, the committee must first liaise with the Facilitator to determine whether such resources might be available in accordance with Council's Operational Plan, budgetary considerations and strategic objectives.

7.4.2 After considering the Facilitator's response to the proposed resolution, the committee may resolve to request in writing that Council provide the committee with resources.

7.4.3 Such requests must be by way of report to the General Manager and must specify the resources requested and the reason for the request.

7.4.4 The Facilitator may prepare a comment on the report, which will be provided to the General Manager in conjunction with the report. Such note may support or not support the application for resources.

7.5 The General Manager will reply in writing to the committee's requests made pursuant to clause 7.4. If resources will not be made available, the reply will specify why the request has been declined. If resources are to be made available, the reply will specify:

7.5.1 The nature of the resources made available;

7.5.2 Whether such resources are general resources or quarantined resources; and

7.5.3 Any timeframe within which the resources will be made available.

7.6 Resources allocated to the committee will be managed by the Facilitator.

8 Membership

8.1 Council shall appoint Voting Members of the committee in accordance with this clause 8.

8.2 The committee shall consist of nine Voting Members, being:

8.2.1 Three Councillors elected by Council in accordance with clause 10.

8.2.2 Nine Aboriginal and Torres Strait Islander community and stakeholder members as determined by the General Manager and the selection panel.

8.3 The stakeholder members appointed pursuant to clause 8.2.2 may be substituted with alternate nominees at the discretion of the nominating organisation. The membership of a stakeholder member appointed pursuant to clause 8.2.2 shall terminate on that person ceasing their employment / affiliation with the nominating organisation.

8.4 Members will remain members of the committee until the earlier of:

8.4.1 5 August 2016;

8.4.2 The committee is disbanded under clause 3.3; or

8.4.3 Their membership is otherwise terminated.

8.5 The membership of Councillors appointed pursuant to clause 8.2.1 will be terminated immediately if that member is no longer a Councillor.

8.6 If a Voting Member resigns their membership, or otherwise has their membership terminated:

8.6.1 If the Voting Member was appointed pursuant to clause 8.2.1, Council will elect a replacement member to the committee in accordance with clause 9.7;

8.6.2 If the Voting Member was a stakeholder member appointed pursuant to clause 8.2.2 by a stakeholder organisation who has not provided an alternate nominee, the General Manager in consultation with Councillors will determine a replacement stakeholder organisation to nominate a member to the committee; and

8.6.3 If the Voting Member was a community member appointed pursuant to clause 8.2.2, the selection panel will nominate a replacement community member to the committee.
8.7 The name and organisation (if relevant) of a member will be public knowledge and will be
entered into the committee register, an excerpt of which will appear on Council’s website.

9 Selection Panel

9.1 The selection panel for the purposes of clause 8.2.2 will consist of the three Councillors
elected to the committee by Council pursuant to clause 10.

9.2 The selection panel will nominate the committee’s members under clause 8.2.2 in
accordance with this clause 8.3.

9.3 The General Manager will determine the membership criteria.

9.4 Expressions of interest for community representatives will be called for by way of notice:
   9.4.1 In a newspaper circulating in the Newcastle area;
   9.4.2 On Council’s website; and
   9.4.3 By way of any other medium deemed appropriate by the Facilitator.

9.5 Community member applicants will be assessed against the membership criteria by the
selection panel. Such assessment may include an interview with the applicant and
checking of references and qualifications.

9.6 Stakeholder members will be nominated by the General Manager in consultation with
Councillors. The General Manager will determine the number of Stakeholder members.

9.7 The selection panel will by agreement or vote (each member having one vote on each
prospective nominee) nominate Aboriginal and Torres Strait Islander community members
to the committee.

10 Councillor Representatives

10.1 Council will elect Councillor members to the committee in accordance with this clause 10.

10.2 Council will call for nominations for Councillor committee members.

10.3 Council will elect Councillor committee members from the nominees by Open Voting. The
three candidates with the most votes will be declared the Councillor committee members.

11 Chairperson and Deputy Chairperson

11.1 The Chairperson will be elected by the committee from the Aboriginal and Torres Strait
Islander community and stakeholder members of the committee.

11.2 The Deputy Chairperson will be elected by the committee from the Aboriginal and Torres
Strait Islander community and stakeholder members of the committee, immediately
following election of the Chairperson.

11.3 Elections for the Chairperson and Deputy Chairperson shall be held at the first meeting of
the committee in each calendar year.

11.4 If at any time the position of Chairperson becomes vacant, the Deputy Chairperson will
become the Chairperson and a by-election will be held for the position of Deputy
Chairperson. If the position of Deputy Chairperson becomes vacant, a by-election will be
held for the position of Deputy Chairperson.

11.5 The Facilitator shall administer all elections.

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

11.7 If at an election of the Chairperson or Deputy Chairperson two or more candidates receive
the same number of votes and no candidate received a greater number of votes, the
Councillor members of the committee present at the meeting shall each have one vote as a
casting vote. If there remains an equality of votes, the Chairperson or Deputy Chairperson will be determined by the drawing of lots.

11.8 The Chairperson will act as chairperson for meetings of the committee. If the Chairperson is absent from a committee meeting, the Deputy Chairperson will act as chairperson for that meeting. If both the Chairperson and Deputy Chairperson are absent from a meeting, the Facilitator will nominate a member as chairperson for that meeting.

12 Meetings

12.1 Meetings must be held at least four times a year, as determined by the committee.

12.2 Additional meetings may be scheduled by:

12.2.1 The General Manager;
12.2.2 The Facilitator;
12.2.3 The Chairperson; or
12.2.4 The committee by resolution.

12.3 The Facilitator may, in consultation with other committee facilitators, schedule joint meetings with other Council committees to consider issues of shared interest.

12.4 When scheduling a joint meeting pursuant to clause 12.3, the facilitators will determine which committee shall be the lead committee for the meeting and therefore which committee Chairperson, Facilitator and Secretary shall administer the meeting.

12.5 The Facilitator will determine the agenda for meetings.

12.6 The Secretary will prepare the agenda and collate any necessary business papers prior to the meeting.

12.7 The order of business for meetings will be as follows:

12.7.1 Open meeting.
12.7.2 Account of those present or in attendance.
12.7.3 Apologies and leave of absence.
12.7.4 Adoption of previous minutes.
12.7.5 Declaration of pecuniary and non pecuniary interests relating to the business of the meeting.
12.7.6 Business arising from previous meeting.
12.7.7 Items submitted by Council.
12.7.8 Items submitted by the Facilitator.
12.7.9 Items submitted by committee members.
12.7.10 General Business.
12.7.11 Actions arising from meeting.
12.7.12 Confirmation of details of next meeting.
12.7.13 Close meeting.

12.8 Any member may seek to place an item on a meeting agenda by providing to the Facilitator in writing at least ten days prior to the day of the meeting:

12.8.1 Details of the item;
12.8.2 Any relevant business papers in relation to the item; and
12.8.3 Any requests that a non-member addresses the meeting in relation to the item.
12.9 The Facilitator may reject any agenda item submitted by a committee member if, in the opinion of the Facilitator, the agenda item:

12.9.1 is not within the terms of reference of the committee;
12.9.2 has an unlawful purpose;
12.9.3 is vexatious; or
12.9.4 except in event of properly recurring matters, is substantially the same as a matter considered by the committee in the previous six months, or twice within the previous two years, unless significant new material is provided to the Facilitator.

12.10 If any proposed agenda item is rejected by the Facilitator, the Facilitator will inform the committee of such rejection (and the reasons for it) in writing at the time of the meeting for which the agenda item was proposed.

12.11 The Secretary will provide notice of meetings (including the agenda and business papers) to members at least seven days prior to the day of the meeting. The notice, agenda and business papers may be transmitted to members electronically.

12.12 A quorum is required for a meeting to be convened. A quorum is constituted by attendance of a majority of the Voting Members of the committee.

12.13 Any non-member may be invited to attend a meeting and speak at that meeting by:

12.13.1 The committee by resolution;
12.13.2 The General Manager;
12.13.3 The Facilitator; or
12.13.4 The Chairperson.

12.14 Unless otherwise resolved by the committee, all meetings of the committee will be open to the general public.

12.15 Any resolution to close a meeting (or part thereof) to the public must state the reason for such closure. A meeting may only be closed for so much of the meeting as comprises consideration or receipt of:

12.15.1 Personal information relating to any particular person;
12.15.2 Information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business;
12.15.3 Commercial information of a confidential nature that would, if disclosed:

   (a) prejudice the commercial position of the person who supplied it;
   (b) confer a commercial advantage on a competitor of Council; or
   (c) reveal a trade secret;

12.15.4 Information that would, if disclosed, prejudice the maintenance of law;
12.15.5 Matters affecting the security of Council or any person;
12.15.6 Sensitive information concerning issues of Aboriginal significance; or
12.15.7 Any other highly sensitive information which Council or the committee by resolution determines is appropriate to keep confidential.

12.16 The Chairperson will be responsible for keeping order at the meeting, including determining the order of speakers, accepting motions from members, and where necessary placing reasonable restrictions on speakers, including as to their number and the time given to them to speak.
13 Motions and resolutions

13.1 Motions put to the committee must be consistent with this constitution, and in particular the committee’s terms of reference (clause 4). The Chairperson may reject any motion that he/she considers inconsistent with this constitution.

13.2 Motions shall be moved and seconded before they are debated by the committee. Any Voting Member may move or second a motion. Any motion that is not seconded will lapse.

13.3 The mover and seconder of a motion shall have a right to speak in favour of a motion. A minimum of two members will be allowed to speak against a motion. The mover of the motion shall have a right of reply.

13.4 The Facilitator, the General Manager and Council’s Directors shall have a right to speak to any motion.

13.5 Additional speakers shall be allowed to speak to the motion at the Chairperson’s discretion.

13.6 Once the Chairperson has given the mover of a motion his or her right of reply, a motion shall be put to the meeting and determined by a simple majority vote by those Voting Members present. Each Voting Member shall be entitled to one vote. In the event of a tie, the Chairperson shall have a second and casting vote.

13.7 If a motion is adopted by the committee, it shall constitute a resolution of the committee.

13.8 The committee may make resolutions in relation to the operation of the committee and the resources available to it.

13.9 The committee may by resolution constitute a working party in accordance with clause 15.

13.10 The committee may by resolution make recommendations to Council however the committee may not make decisions binding on Council unless specifically authorised to do so.

13.11 Recommendations to Council must be provided by way of report. All reports must be in the form approved by the General Manager and prepared in accordance with clause 18.

14 Minutes

14.1 Minutes of all committee meetings will be recorded by the Secretary and settled by the Facilitator.

14.2 As soon as practicable following the meeting to which they relate, draft minutes will be:

14.2.1 Recorded in Council’s electronic data management system; and

14.2.2 Made available to committee members.

14.3 As soon as practicable following the adoption of minutes, the adopted minutes will be:

14.3.1 Recorded in Council’s electronic data management system;

14.3.2 Made available on Council’s website; and

14.3.3 Made available to committee members.

14.4 The committee may by resolution pursuant to clause 12.15, deem the relevant minutes of that meeting (or part thereof) to be confidential.

14.5 A resolution designating minutes (or part thereof) to be confidential may detail circumstances (or if practical a date) when those minutes (or part thereof) will no longer be considered confidential.

14.6 If minutes are deemed confidential, they will not be made available on Council’s website under clause 14.3.2.

14.7 If a member (other than a member appointed under clause 6.1) discloses any part of minutes deemed confidential to a person other than to a committee member, that member shall have committed an act of serious disorder and the provisions of clause 18.6 will apply.
14.8 If a Councillor member has committed an act of serious disorder pursuant to clause 14.7, the committee must refer that act of serious disorder to Council.

15 Working parties

15.1 The committee may by resolution set up working parties to consider defined topics or issues or undertake specific tasks.

15.2 Every working party shall operate in accordance with:

15.2.1 This clause 15;

15.2.2 The resolution establishing the working party; and

15.2.3 The Working Party Operating Procedures.

15.3 A resolution of the committee establishing a working party shall set out the following:

15.3.1 The terms of reference of the working party;

15.3.2 The Coordinator(s);

15.3.3 The Chair, who may not be a Council officer;

15.3.4 The resources, if any, that the committee will allocate to the working party;

15.3.5 The committee members who will be working party members;

15.3.6 The non-committee-member working party membership including:

(a) Persons who will be invited to be working party members (by name or by group / association; or

(b) The number of non-committee members to be invited to be working party members by an expression of interest process.

15.3.7 Any other matters relevant to the working party.

15.4 Council officers may not be voting members of working parties.

16 Reporting

16.1 All recommendations must be by way of report in the proper form, setting out the committee’s resolution.

16.2 The committee may submit reports to Council on strategic matters.

16.3 If a report has been prepared by a working party, committee member or Council officer, the committee may by resolution determine to:

16.3.1 Adopt the report;

16.3.2 Call for expressions of interest from members to prepare a report on the matter for submission to Council or the Facilitator; or

16.3.3 Not adopt the report.

16.4 At his or her discretion a Council officer may prepare a report or provide reasonable assistance to the committee member preparing a report.

16.5 The committee must provide all reports to Council to the Facilitator and General Manager for review and comment before submission. The Facilitator and General Manager may:

16.5.1 Provide a commentary note regarding the report, which must be annexed to the report; or

16.5.2 If the report deals primarily with operational matters, decline to submit it to Council.

16.6 In addition to individual reports prepared pursuant to this clause 16, the committee shall provide an annual report to Council on the committee’s activities. Such report shall be prepared by the Facilitator.
17 Conduct

17.1 Committee members appointed under clause 8.2.2 are considered “delegates” of Council for the purposes of the Act.

17.2 All committee members are subject to the terms of, and shall act in accordance with, Council’s Code of Conduct and Media Policy. The conduct provisions of this constitution are supplementary to, and do not replace, Council’s Code of Conduct and Media Policy.

17.3 All nominee committee members shall sign a Committee Member Undertaking (in a form similar to that annexed to this constitution) and abide by its terms. If any nominee committee member refuses to sign a Committee Member Undertaking, he or she shall not be considered for membership of the committee.

17.4 If any member has a conflict of interests (as defined in Council’s Code of Conduct) in relation to a matter, that member must manage their conflict of interests in accordance with the provisions of Council’s Code of Conduct. Failure to manage a conflict of interests in accordance with the provisions of Council’s Code of Conduct may be considered an act of disorder or an act of serious disorder.

17.5 A Voting Member’s membership of the committee may be terminated by the Chairperson due to the member’s non-attendance at three consecutive meetings of the committee without:

17.5.1 Prior notification to the Secretary of their non-attendance; and

17.5.2 The granting of leave by resolution of the committee.

18 Acts of Disorder

18.1 During a meeting, a person has committed an act of disorder if that person:

18.1.1 Assaults or threatens any person;

18.1.2 Insults or makes personal reflections on or implies improper motives to any other member or person;

18.1.3 Says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring Council or the committee into contempt or disrepute;

18.1.4 Moves or attempts to move a motion or an amendment to a motion that has an unlawful purpose or that deals with a matter that is outside the terms of reference of the committee, or addresses or attempts to address the committee on such a motion, amendment or matter;

18.1.5 Disturbs the orderly conduct of the meeting; or

18.1.6 Breaches this constitution.

18.2 If a person commits an act of disorder, the Chairperson may:

18.2.1 Require that person to apologise without reservation for the act of disorder; and / or

18.2.2 Require that person to withdraw a motion or amendment; and / or

18.2.3 Expel that person from the meeting.

18.3 Any member may call the Chairperson’s attention to an act of disorder.

18.4 If in the opinion of a committee member the Chairperson commits an act of disorder, any member may move a motion of disorder against the Chairperson and the committee may by resolution require the Chairperson:

18.4.1 To apologise without reservation for the act of disorder; and / or

18.4.2 To withdraw a motion or amendment.
18.5 If a person has committed an act of disorder and is expelled from a meeting by the Chairperson, the person must immediately leave the meeting. If the person refuses to leave a meeting when expelled, the meeting must be adjourned until the expelled person has left the meeting.

18.6 If in the opinion of the Chairperson, a Voting Member:
18.6.1 Commits an act of serious disorder or repeated acts of disorder;
18.6.2 Refuses to leave a meeting when expelled; or
18.6.3 Says or does anything that is likely to bring Council or the committee into serious contempt or disrepute,

The Chairperson may refer the act of serious disorder to Council.

18.7 If in the opinion of any member, the Chairperson:
18.7.1 Commits an act of serious disorder or repeated acts of disorder; or
18.7.2 Says or does anything that is likely to bring Council or the committee into serious contempt or disrepute,

That member may move a motion of serious disorder against the Chairperson. If a motion of serious disorder against the Chairperson is passed, the meeting will be immediately closed and the matter referred to Council.

18.8 If an act of serious disorder is referred to Council pursuant to clause 18.6 or 18.7, Council may:
18.8.1 Require the person to apologise without reservation for the act of serious disorder;
18.8.2 Withdraw the committee membership of the person; and / or
18.8.3 Where the Chairperson or Deputy Chairperson has committed an act of serious disorder, remove the Chairperson or Deputy Chairperson from their position.

18.9 In relation to any person who commits an act of disorder in a meeting and is not a member, the Chairperson may:
18.9.1 Exclude such person from a meeting;
18.9.2 Direct that such person not be admitted to any further meetings of the committee; and / or
18.9.3 Suspend the meeting until such person is removed from the meeting.

18.10 If the Chairperson declares a person has committed an act of disorder, any member may move dissent to dispute the Chairperson’s declaration. If a motion of dissent is carried by a majority of Voting Members, the declaration of disorder will be overturned.

18.11 Any motion or declaration of disorder or serious disorder must clearly set out the behaviour alleged to constitute disorder or serious disorder and must be recorded in the minutes.

18.12 Any motion moved pursuant to this clause 18:
18.12.1 Must be accepted by the Chairperson;
18.12.2 Must be moved but does not require a seconder;
18.12.3 May be moved without notice; and
18.12.4 May not be amended, except to provide clarification as to detail.

18.13 Only the mover of the motion and the person alleged to have committed the act of disorder may speak to a motion moved pursuant to this clause 18, and no further discussion will be allowed.

18.14 The Chairperson must put a motion moved pursuant to this clause 18 to the meeting immediately after the person alleged to have committed the act of disorder has spoken to it under clause 18.13.
19 Public Comment

19.1 The Chairperson is the official spokesperson on committee business. In the absence of the Chairperson (as noted by resolution of the committee or apology of the Chairperson), the Deputy Chairperson is the official spokesperson on committee business.

19.2 The committee, through its official spokesperson, may discuss matters of interest with the media and general public unless disclosure of certain information contravenes the committee’s obligations of confidentiality, the Code of Conduct, privacy or duty of care, or could infringe any laws or regulations.

19.3 The Facilitator and Council’s Communications Unit will assist the official spokesperson in his or her dealings with the media and general public. Media activities must be coordinated by Council’s Communications Unit.

19.4 Committee members are entitled to enter into debate in their private capacity provided they clearly state that their comments are their personal opinion and that they do not represent Council or the committee.

19.5 If a committee member not being the official spokesperson represents or implies that he or she is speaking on behalf of the committee, that committee member may have committed an act of disorder to which clause 18.2 applies.
Newcastle City Council

Committee / Working Party Member Undertaking

I, ................................................................., declare as follows:

1. I wish to become a member of the committee / working party.

2. I understand the importance attached to my role as a member of the committee / working party.

3. I will contribute to the committee / working party for the benefit of the people of the City of Newcastle.

4. I have read, understood and agree to be bound by the terms of:
   a. The Constitution of the Committee
   b. The Working Party Guidelines; and
   c. The Newcastle City Council Code of Conduct.
   for the duration of my membership of the committee / working party.

5. I understand that my personal information (including my name and organisation (if relevant)) will be public information, will be entered into the committee register and may be published on Council’s website.

   .................................................................  .................................................................
   Signature                                      Date

   .................................................................
   Witness

   .................................................................
   Witness Name (print)

   Guardian Consent (required if member under 18)

   I, ................................................................. am the legal guardian of the above named person.

   I consent to the above named person becoming a member of the above named committee / working party.

   .................................................................  .................................................................
   Signature                                      Date

   .................................................................
   Contact number
ITEM-32 CCL 22/03/16 - YOUTH COUNCIL ANNUAL REPORT

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

PURPOSE

To provide a report to Council on the performance of the Newcastle Youth Council (NYC) during 2014/2015.

RECOMMENDATION

1 Council receives the Newcastle Youth Council Annual Report for 2014/2015.

KEY ISSUES

2 In accordance with Newcastle City Council Strategic Advisory Committee Constitution 2011, NYC is required to provide an annual report to Newcastle City Council (NCC) that communicates key initiatives and outcomes for each financial year and expenditure of NYC's annual budget.

Conduct of meetings

3 Meeting attendance for 2014/2015 shown below.

<table>
<thead>
<tr>
<th>Meeting Date</th>
<th>Councillors in attendance</th>
<th>NYC members attending</th>
<th>Stakeholder and guest members</th>
<th>NCC staff attending</th>
</tr>
</thead>
<tbody>
<tr>
<td>28 August 2014</td>
<td>0</td>
<td>3</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>6 November 2014</td>
<td>0</td>
<td>4</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>27 January 2015</td>
<td>1</td>
<td>3</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>12 February 2015</td>
<td>1</td>
<td>1</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>12 March 2015</td>
<td>2</td>
<td>2</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>14 May 2015</td>
<td>1</td>
<td>6</td>
<td>3</td>
<td>2</td>
</tr>
</tbody>
</table>

Overview of activities

4 A list of key NYC activities for the 2014/2015 financial year is provided below:

i) Researched, prepared and delivered a Newcastle Youth Council Committee Charter, soon to go on public exhibition.

ii) Prepared the Youth Week Grants Policy.

iii) Provided grant funding and participated in nine events during Youth Week 2015.
iv) Facilitated craft activities at two Youth Arts in Recovery Workshops.

v) Hosted a table at the Newcastle Lake Macquarie Careers Expo.

vi) Participated and spoke at the UrbanGrowth NSW Youth Summit.

**Resolutions relating to Constitution**

5 The Youth Council has completed a self-assessment against its current Constitution as below:

<table>
<thead>
<tr>
<th>Objective</th>
<th>Related issues</th>
<th>Resolutions/outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>To support NCC in a manner that is consistent with NCC's values and decisions of NCC</td>
<td></td>
<td>NYC operated under the strategic directions outlined within the Newcastle 2030 Community Strategic Plan (Revised 2013) and in a manner consistent with NCC's values.</td>
</tr>
<tr>
<td>To engage young people in Local Government</td>
<td>Encouraging young people to attend Committee meetings.</td>
<td>Six meetings were held during 2014/15. Promotion of NYC and recruitment occurred through NYC hosting a table at the Newcastle Lake Macquarie Careers Expo and sharing youth related information on their Facebook page.</td>
</tr>
<tr>
<td></td>
<td>Engaging young people in State Government decision making process.</td>
<td>Members attended the Youth Summit on city centre revitalisation by UrbanGrowth NSW in July 2015. The Youth Mayor / Chairperson spoke at the summit.</td>
</tr>
<tr>
<td></td>
<td>Engaging young people in Local Government decision making process.</td>
<td>NYC members were asked to comment on a range of NCC strategies, including the Local Planning Strategy, Economic Development Strategy, Social Strategy, Cultural Strategy and the Multicultural Plan. NCC officers attended NYC meetings to discuss the strategies they wrote and talk to members.</td>
</tr>
<tr>
<td>To raise awareness of youth issues</td>
<td>NYC Facebook Page</td>
<td>Using Facebook as a tool for improving awareness of youth issues, while increasing youth awareness of NCC projects and programs that affect local youth.</td>
</tr>
</tbody>
</table>
To guide the implementation of the Newcastle 2030 Community Strategic Plan

<table>
<thead>
<tr>
<th>Caring and Inclusive Community</th>
<th>Participating in projects and initiatives that focus on youth engagement.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vibrant and Activated Public Places</td>
<td>Encouraging use of our public spaces through the distribution of Youth Week grants to facilitate activities for young people.</td>
</tr>
<tr>
<td>Open and Collaborative Leadership</td>
<td>NYC members are invited to comment and participate in NCC projects and programs that affect local youth.</td>
</tr>
</tbody>
</table>

To assist NCC to prepare applications for grants, and federal and State government funding related to these terms of reference

<table>
<thead>
<tr>
<th>Youth Week 2015</th>
<th>NYC members were involved in allocation of grant funds, event facilitation and community engagement.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NYC funded nine Youth Week events, worth $5213.00. There were 1,000 participants who helped plan or attended events. Events ranged from youth forums, outdoor cinema, to dance workshops. These events were for all young people with some targeting young people with a disability, young women, Culturally and Linguistically Diverse (CALD) young people and youth at risk of homelessness.</td>
</tr>
</tbody>
</table>

Comment from the Chairperson

6 “Another bright and active year for NYC. Over the last 12 months NYC has seen advances in participation and has a new group of eager youth leaders who are ready to offer an engaging youth perspective for Newcastle City Council. Looking to the future, NYC has a strong grounding of enthusiastic young people ready to make an impact” - Ella Reed, NYC Chairperson

FINANCIAL IMPACT

7 In 2014/2015 NYC was provided with a budget of $4,825 for operational purposes and a further $6,075 to conduct Youth Week. The Youth Week funding is on a 50:50 basis between Council and NSW Department of Family and Community Services. Both budget components were expended.
The budgets were expended as below:

<table>
<thead>
<tr>
<th>Annual Income</th>
<th>Categories</th>
<th>Expenses 2014/2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>$4825.00</td>
<td>Catering</td>
<td>$205.00</td>
</tr>
<tr>
<td></td>
<td>Marketing</td>
<td>$260.00</td>
</tr>
<tr>
<td></td>
<td>Printing</td>
<td>$1046.00</td>
</tr>
<tr>
<td></td>
<td>Youth Week</td>
<td>$679.00</td>
</tr>
<tr>
<td></td>
<td>Night OWLS</td>
<td>$2280.00</td>
</tr>
<tr>
<td></td>
<td>Youth Arts In Recovery</td>
<td>$317.00</td>
</tr>
<tr>
<td></td>
<td>Careers Expo</td>
<td>$38.00</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$4825.00</td>
</tr>
<tr>
<td>$6075.00</td>
<td>Youth Week Grants</td>
<td>$5,213.00</td>
</tr>
<tr>
<td></td>
<td>Promotions</td>
<td>$239.00</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$5452.00</td>
</tr>
</tbody>
</table>

COMMUNITY STRATEGIC PLAN ALIGNMENT

NYC projects aligned with Newcastle 2030 Community Strategic Plan key Strategic Directions:

i) Vibrant and Activated Public Places
ii) Caring and Inclusive Community
iii) Open and Collaborative Leadership

IMPLEMENTATION PLAN/IMPLIEDATIONS

There are no adverse implications in NCC receiving the Newcastle Youth Council Annual Report 2014/2015.

RISK ASSESSMENT AND MITIGATION

Risk assessments were undertaken for all events that NYC participate in.

RELATED PREVIOUS DECISIONS

12 CCL 24/02/15 - Council noted the 2013/2014 NYC Annual Report (Attachment A).

13 CCL 04/12/12 - Council established the Youth Council and nominated Councillors Robinson, Doyle and Posniak as Councillor Representatives.

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

CONSULTATION

The NYC Annual Report was developed in consultation with NYC’s current Chairperson.
OPTIONS

Option 1

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

Option 2

17 NCC not adopt the annual report. This is not the recommended option.

BACKGROUND

18 NYC is a Strategic Advisory Committee of Newcastle City Council.

19 The Terms of Reference for NYC are:

i) To give life to NCC’s commitment to the young persons of Newcastle City Council.

ii) To provide strategic advice and guidance to NCC on, and assist in the development of, youth strategies for Newcastle City Council.

iii) To guide the implementation of youth strategies for Newcastle City Council.

iv) To engage young people in Local Government.

v) To monitor and review progress of NCC’s environmental strategies.

vi) To raise local awareness of youth issues.

vii) To investigate, consider and assist NCC to prepare applications for grants, sponsorships and federal and state government funding related to these terms of reference.

20 One of the primary activities of NYC is to facilitate annual National Youth Week celebrations in the Newcastle Local Government Area.

21 NYC membership 2014/2015 is attached to this report (Attachment A).

ATTACHMENTS

Attachment A: NYC Membership 2014/2015
### ATTACHMENT A: NYC Membership 2014/2015

<table>
<thead>
<tr>
<th>NAME</th>
<th>MEMBERSHIP CATEGORY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr Declan Clausen</td>
<td>Newcastle City Council Councillor</td>
</tr>
<tr>
<td>Cr Therese Doyle</td>
<td>Newcastle City Council Councillor</td>
</tr>
<tr>
<td>Cr Allan Robinson</td>
<td>Newcastle City Council Councillor</td>
</tr>
<tr>
<td>Alexander Cooper-Rye</td>
<td>NYC Member</td>
</tr>
<tr>
<td>Jose Francisco</td>
<td>NYC Member</td>
</tr>
<tr>
<td>Jacob Gamble</td>
<td>NYC Member</td>
</tr>
<tr>
<td>Jack Hayden</td>
<td>NYC Member</td>
</tr>
<tr>
<td>Jackson Heydon</td>
<td>NYC Member</td>
</tr>
<tr>
<td>Christy Mullen</td>
<td>NYC Member</td>
</tr>
<tr>
<td>Nicholas Quinn</td>
<td>NYC Member</td>
</tr>
<tr>
<td>Rizina Yadav</td>
<td>NYC Member</td>
</tr>
<tr>
<td>Ella Reed (Chairperson)</td>
<td>Recently resigned</td>
</tr>
<tr>
<td>Astrid Gearin</td>
<td>Newcastle Youth Development Officer/Samaritans</td>
</tr>
<tr>
<td>Amber Stewart</td>
<td>NYC Facilitator/Newcastle City Council</td>
</tr>
<tr>
<td>Ian Rhodes</td>
<td>Community Planning Coordinator/Newcastle City Council</td>
</tr>
</tbody>
</table>
NOTICES OF MOTION

ITEM-1 NOM 22/03/16 - PUBLICATION OF CONNECTING NEWCASTLE

COUNCILLORS: T DOYLE AND M OSBORNE

PURPOSE

The following Notice of Motion was received on 10 March 2016 from the abovementioned Councillors:

MOTION

That

1. Council expresses its concern at the release and publication of Connecting Newcastle as if it were a plan or document adopted by Council, when this document has never been presented, in its current form, to Council.

2. Before any formal adoption by Council of this document, or some variant of it, council officers present a report to the next Ordinary Council meeting that clearly outlines:

   a. Reasons for inclusion of UrbanGrowth’s Harbour Entertainment City as Council’s favoured option before the results of UrbanGrowth’s consultation have been formally presented to Council;
   b. Evidence-based justification for the transfer of the bus layover from Newcastle Station to the West End;
   c. The safety considerations of a mixed running route for the tram, particularly with respect to the centre-line electrical supply poles;
   d. The effects that the mixed running route described in the document would have on tram service reliability, frequency and running times;
   e. Traffic management measures that would need to be in place to make this system work;
   f. The possible rerouting and timetable changes for buses that currently run along Hunter St, Scott St;
   g. The advice given by Council’s traffic officers on the viability of the tram route and mixed running described in this document.

BACKGROUND

The document entitled Connecting Newcastle has appeared on Council’s website without having had any consideration by the elected council. Since the document includes new position statements regarding a light rail route and a “mixed running” mode for light rail, serious governance issues are raised by its publication without a prior resolution of the elected council.

The document contains no introductory statements to place its contents within an overall context of planning or previous resolutions taken by Council.
Those elements of the document that are of most concern include:

1. An opening statement by the Lord Mayor on p6 that implies Council support “Our vision for public transport across Newcastle and the Hunter…” that goes on to later include “this shared arrangement will loop back via Hunter Street Mall along the original tramline”

   Council has never heard a report outlining any benefits of this route over other routes and has certainly not made any decisions in favour of this route.

   The Lord Mayor’s message goes on to claim that “the shared format will allow for multiple modes of transport while preserving space for parking on the edges of a dual-use centre lane and create room for wider footpaths and separated cycleways”.

   While car-parking spaces, wide footpaths and separated cycleways are all desirable outcomes, Council has not received a briefing from traffic experts about how this would be both possible and safe along the route proposed.

   In summary, the “message from the Lord Mayor” is not a vision adopted or even considered by the Council.

2. Pages 10 to 13 of the document are related to the joint NCC and UrbanGrowth Revitalising Newcastle community engagement program. The material within these pages contain only selective results from that consultation process and provide no caveats about how the results of the consultation should be read.

   Council has not had a full report and discussion on the results of the consultation process. Council has not adopted any resolution that expresses any preference for any scenario that was offered in the consultation process.

   Council has not adopted the Harbour Entertainment City scenario as its preferred option. Yet, as the only scenario to be included in the document, this scenario appears to be Council’s preferred option.

   Council has adopted no resolution that expresses any position at all regarding the different scenarios presented in the consultation process. Council is yet to fully consider the results of the consultation process.

3. Page 18 of the document is headed “Under Council’s well-considered plan, light rail will be incorporated into a model that offers a transit lanes (sic) for vehicles, parking, cycleways, and wider footpaths”.

   The elected council has not considered this plan. While there are plans cited within the document that Council has adopted and endorsed, it has never considered, as a whole, the specific and detailed measures outlined on this page.
While the proposed measures may have some considerable benefits, there is no compelling evidence presented to support these measures. More importantly no report has been presented to council to argue the benefits of these measures and no resolution has been adopted by Council in support of these measures.

ATTACHMENTS

Nil.
CONFIDENTIAL REPORTS

ITEM-9  CON 22/03/16 - RICHMOND VALE RAIL TRAIL - ENVIRONMENTAL IMPACT STATEMENT AND CONCEPT DESIGN CONTRACT NO. 2016/067T

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

PURPOSE

To accept tenders for the preparation of an Environmental Impact Statement (EIS) and Concept Design for the Richmond Vale Rail Trail. A 32km shared pathway from Shortland to Tarro and Hexham to Kurri Kurri.

As the value of the works exceeds $150,000, the Local Government (General) Regulation 2005 (Regulation) 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.

GROUND 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 Richmond Vale rail trail EIS and concept design Contract No 2016/067T.

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

C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
ITEM-10  CON 22/03/16 - AQUATIC FACILITIES CONDITION ASSESSMENT CONTRACT NO. 2016/136T

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

PURPOSE

To reject tenders called for the Aquatic Facilities Condition Report and approval to enter into negotiations to procure the services

As the value of the works exceeds $150,000, the Local Government (General) Regulation 2005 (Regulation) requires Council’s rejection 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.

GROUND 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 Aquatic Facilities Condition Assessment Report for Contract No 2016/136T.

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.