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 26 April 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

15 April 2016

Please note:

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

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

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

<table>
<thead>
<tr>
<th>Item</th>
<th>Business</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>APOLOGIES/LEAVE OF ABSENCE</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>ORDERS OF THE DAY</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>DECLARATIONS OF PECUNIARY / NON PECUNIARY INTEREST</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>CONFIRMATION OF PREVIOUS MINUTES</strong></td>
<td>5</td>
</tr>
<tr>
<td></td>
<td><strong>MINUTES OF ORDINARY COUNCIL MEETING 22 MARCH 2016</strong></td>
<td>5</td>
</tr>
<tr>
<td></td>
<td><strong>LORD MAYORAL MINUTE</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>REPORTS BY COUNCIL OFFICERS</strong></td>
<td>17</td>
</tr>
<tr>
<td>ITEM-33</td>
<td>CCL 26/04/16 - CORRECTION TO COUNCIL MINUTES 8 DECEMBER 2015</td>
<td>17</td>
</tr>
<tr>
<td>ITEM-34</td>
<td>CCL 26/04/16 - EXHIBITION OF 2013-2017 DELIVERY PROGRAM, 2016 OPERATIONAL PLAN AND FEES AND CHARGES <em>(TO BE DISTRIBUTED UNDER SEPARATE COVER)</em></td>
<td></td>
</tr>
<tr>
<td>ITEM-35</td>
<td>CCL 26/04/16 - EXECUTIVE MONTHLY PERFORMANCE REPORT - MARCH 2016</td>
<td>20</td>
</tr>
<tr>
<td>ITEM-36</td>
<td>CCL 26/04/16 - TABLING OF PECUNIARY INTEREST RETURNS (COMMENCING EMPLOYEES)</td>
<td>27</td>
</tr>
<tr>
<td>ITEM-37</td>
<td>CCL 26/04/16 - EXHIBITION OF DRAFT COUNCIL STREET COOKS HILL INFRASTRUCTURE REHABILITATION DESIGN</td>
<td>30</td>
</tr>
<tr>
<td>ITEM-38</td>
<td>CCL 26/04/16 - STATION STREET WICKHAM, ROAD RECONFIGURATION AND ONE-WAY TRAFFIC FLOW</td>
<td>37</td>
</tr>
<tr>
<td>ITEM-39</td>
<td>CCL 26/04/16 - ADOPTION OF THE ESTABLISHMENT OF ALCOHOL PROHIBITED AREA 2016</td>
<td>42</td>
</tr>
<tr>
<td>ITEM-40</td>
<td>CCL 26/04/16 - ADOPTION OF NEWCASTLE YOUTH COUNCIL COMMITTEE CHARTER</td>
<td>51</td>
</tr>
<tr>
<td>ITEM-41</td>
<td>CCL 26/04/16 - ADOPTION OF AMENDMENT TO SECTION 3.02 SINGLE DWELLINGS - NEWCASTLE DEVELOPMENT CONTROL PLAN 2012</td>
<td>55</td>
</tr>
<tr>
<td>ITEM-42</td>
<td>CCL 26/04/16 - DUAL NAMING RECOMMENDATION TO THE GEOGRAPHIC NAMES BOARD</td>
<td>60</td>
</tr>
</tbody>
</table>
ITEM-43  CCL 26/04/16 - EXHIBITION OF THE SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN 2009

ITEM-44  CCL 26 04 2016 - PUBLIC ART MANAGEMENT MODELS

ITEM-45  CCL 26/04/16 - HERITAGE AMENDMENTS - ENDORSEMENT OF PROPOSED AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

NOTICES OF MOTION

ITEM-2  NOM 26/04/16 - URBANGROWTH / COUNCIL CONSULTATION

ITEM-3  NOM 26/04/16 - NO BUSINESS IN ABUSE

ITEM-4  NOM 26/04/16 - LIGHT RAIL

REPORTS ON NOTICES OF MOTION 2, 3 AND 4 (TO BE DISTRIBUTED UNDER SEPARATE COVER)

CONFIDENTIAL REPORTS

ITEM-11  CON 26/04/16 - CONTRACT FOR PROVISION OF ORGANISATIONAL CULTURE TRANSFORMATION PROGRAM - CONTRACT NO. 2016/455T

ITEM-12  CON 26/04/16 - CONSIDERATION OF SALE OF AA COMPANY HOUSE THROUGH PUBLIC TENDER

ITEM-13  CON 26/04/16 - EVENTS MANAGEMENT SOFTWARE SOLUTION CONTRACT NO. 2016/325T

ITEM-14  CON 26/04/16 - NEWCASTLE WAR MEMORIAL CULTURAL CENTRE - WINDOW UPGRADE AND STRUCTURAL WORKS CONTRACT NO. 2016/388T

ITEM-15  CON 26/04/16 - SUMMERHILL WASTE MANAGEMENT CENTRE - WHOLE OF LIFE PLAN, ENVIRONMENTAL CONSULTANT CONTRACT NO. 2015/419T

ITEM-16  CON 26/04/16 - NEWCASTLE CITY COUNCIL ADMINISTRATION BUILDING FACADE REPAIR AND DRIVEWAY UPGRADE CONTRACT NO. 2016/317T

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

MINUTES OF ORDINARY COUNCIL MEETING 22 MARCH 2016

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 160322 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), D North (Manager Waste Services), L Burcham (Cultural Director), K Hyland (Manager Communications and Engagement), J Gaynor (Manager Strategic Planning), A Glauser (Manager Finance), G Holland (Manager Human Resources), E Kolatchew (Acting Manager Legal and Governance), F Leatham (Acting Manager Infrastructure Services), G Sainsbury (Manager Projects and Contracts), N Baker (Chief of Staff to the Lord Mayor), K Baartz (Communications Manager), B Johnson (Media Officer), K Sullivan (Council Services/Meetings Management) and A Leach (Council Services/Minutes).

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

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

APOLOGIES

MOTION
Moved by Cr Luke, seconded by Cr Osborne

The apologies submitted on behalf of Councillor Waterhouse 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 22 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.
Councillor Clausen declared a less than significant non-pecuniary interest in Confidential Item 9 Richmond Vale Rail Trail - Environmental Impact Statement and Concept Design Contract No. 2016/067T and said he had fairly close working relationships with a number of the tendering organisations although not the recommended tenderer so would remain in the Chamber when the item was discussed.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES OF EXTRAORDINARY COUNCIL MEETING 9 FEBRUARY 2016
MINUTES PUBLIC VOICE COMMITTEE 16 FEBRUARY 2016
MINUTES BRIEFING COMMITTEE 16 FEBRUARY 2016
MINUTES ADJOURNED BRIEFING COMMITTEE 23 FEBRUARY 2016
(RECONVENED FROM 16/02/16)
MINUTES ORDINARY COUNCIL MEETING 23 FEBRUARY 2016

MOTION
Moved by Cr Osborne, seconded by Cr Rufo

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

REPORTS BY COUNCIL OFFICERS

ITEM-29 CCL 22/03/16 - ADOPTION OF THE DRAFT DISABILITY ACCESS AND INCLUSION PLAN

PROCEDURAL MOTION
Moved by Cr Luke, seconded by Cr Rufo

Council move Item 29 Adoption of the Draft Disability Access and Inclusion plan to the first item on the agenda. Carried

PROCEDURAL MOTION
Moved by Cr Osborne, seconded by Cr Doyle

That Council deal with Notice of Motion Item 1 Publication of Connecting Newcastle in conjunction with Item 28 Connecting Newcastle. Defeated
MOTION
Moved by Cr Doyle, seconded by Cr Osborne

1 Council adopt the Draft Disability Action Plan including a new action - strategy 6(e) Facilitate specialist training for identified technical staff for access auditing and compliance with relevant codes and standards.

2 That Council receives a report on establishing a Council Access Committee as a working group of Council, reporting direct to Council and comprising relevant council officers, three Councillors, three community representatives and representatives of relevant community and advocacy groups.

Carried Unanimously

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

MOTION
Moved by Cr Clausen, seconded by Cr Rufo

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).

Carried

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.
- Declared Councillor Dunn elected as Deputy Lord Mayor for a period 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.
ITEM-21  CCL 22/03/16 - MOTIONS AND ATTENDANCE AT THE NATIONAL GENERAL ASSEMBLY

MOTION
Moved by Cr Posniak, seconded by Cr Robinson

1 Council determines the Councillors to attend the 2016 Australian Local Government Association's National General Assembly of Local Government.

2 Council nominates Councillor Clausen to attend.

4 Council nominates Councillor Clausen as Council's voting delegate.  

Carried

ITEM-22  CCL 22/03/16 - EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION
Moved by Cr Compton, seconded by Cr Crakanthorp

The Executive Monthly Performance Report be received.

Carried

The Lord Mayor requested Council note that the forecast budget surplus for 2015/16 was $2.9 million and the underlying surplus was $0.7 million and thanked the staff for their hard work in achieving this result.

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

MOTION
Moved by Cr Compton, seconded by Cr Crakanthorp

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

Carried

ITEM-24  CCL 22/03/16 - ASSET MANAGEMENT POLICY

MOTION
Moved by Cr Doyle, seconded by Cr Osborne

Council place the revised Asset Management Policy (Version 3) as at Attachment A on public exhibition for 28 days and invite public submissions.

Carried

Councillor Luke foreshadowed the officer's recommendation in the report.
ITEM-25 CCL 22/03/16 - PROPOSED WASTE MANAGEMENT FEES AND CHARGES 2016/2017

MOTION
Moved by Cr Dunn, seconded by Cr Osborne

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 with the following change made to paragraph 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 $133.10). These external drivers and annual Consumer Price Index increases form the basis for cost increases in the proposed Schedule of Fees and Charges._

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.

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

_Against the Motion:_ Councillors Luke and Tierney.

_Carried_
ITEM-26 CCL 22/03/16 - NEWCASTLE ART GALLERY FOUNDATION
MEMORANDUM OF UNDERSTANDING

MOTION
Moved by Cr Posniak, seconded by Cr Dunn

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.

AMENDMENT
Moved by Cr Tierney, seconded by Cr Luke

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

- Paragraph 14 delete the words "intended to be" so that paragraph 14 of the memorandum of Understanding reads as; "The Gallery is the sole beneficiary of the Foundations work"

- Paragraph 17 change to "it is acknowledged that the operation of the Art Gallery is the responsibility of the Council, the strategic direction and operations of all Council owned cultural facilities will be included in Councils Strategic and Operational Plan following consultation with all significant stakeholders including the Foundation"

- Paragraph 21 delete and renumber remaining paragraphs.

Amendment defeated

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

Against the Motion: Councillors Luke and Tierney.

Motion carried
ITEM-27 CCL 22/03/16 - REGIONAL COLLABORATION - NOMINATION FOR REPRESENTATIVE ON THE PUBLIC LIBRARIES CENTRAL EAST ZONE COMMITTEE

MOTION
Moved by Cr Osborne, seconded by Cr Posniak

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

Carried

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

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

Council endorse the Connecting Newcastle document as at Attachment 1.

Carried

Councillor Luke retired from the Chamber at 6.49pm and returned at 6.50pm.

FORESHADOWED MOTION
Moved by Cr Doyle, seconded by Cr Osborne

Part A

That Council

1. Notes the the Connecting Newcastle document as at Attachment 1; and

2. Notes that Connecting Newcastle is nor a plan or a policy endorsed by Council.

Part B

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.

**PROCEDURAL MOTION**

Moved by Cr Tierney, seconded by Cr Luke

Lay the item on the table until Council receives a workshop on the items raised in Councillor Doyle’s foreshadowed motion.

Procedural motion defeated

The motion moved by the Lord Mayor and Councillor Robinson was put to the meeting.

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

**Against the Motion:** Councillors Doyle, Luke, Osborne and Tierney. Carried

**ITEM-30  CCL 22/03/16 - SUBMISSION ON DRAFT HUNTER REGIONAL PLAN**

**MOTION**

Moved by Cr Crankanthorp, seconded by Cr Dunn

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.

2. That Council include on page 11 of the submission (at page 125 of the business paper) under Point 2.10 - Other Matters - Heritage, the following additional paragraph to Part B:
Council resolved on 8 December 2015 to provide "In-Principle" support for the inclusion of the Coal River Precinct on the National Heritage List (NHL). It has also committed funds towards a project to prepare a heritage master plan that presents the Coal River Precinct in a way that aligns with related Council activities including the City Centre Revitalisation Program, the Aboriginal Heritage Management Plan, the review of the Destination Management Plan, the Bathers Way program and the Walking Trails project. This is an important area for Newcastle and the Hunter Region and the Hunter Regional Growth Plan and Plan for Growing Hunter City should reference this Coal River Precinct in a specific direction and action relating to identifying, protecting and managing items and areas of significance across the Hunter.

3 That Council include the following changes to the submission:

Page 4 - Part A - of Point 1.4 Grow Australia's next major city

- Change Part A from "could be referred to as Metro Newcastle" to "should be referred to as Metro Newcastle"

- Page 4 - Part B - "it acknowledges the geographical area of Metro Newcastle" add the words "Southern Port Stephens to Northern Lake Macquarie"

Part 1.2 C Operation and Delivery of the Plan

- Consideration should be given to the establishment of a Greater Newcastle Commission similar to the Sydney Commission - change "Hunter" to "Metro Newcastle area".

Carried

ITEM-31 CCL 22/03/16 - ADOPTION OF GUR AKI ABORIGINAL ADVISORY COMMITTEE CHARTER

MOTION
Moved by Cr Doyle, seconded by Cr Clausen

Council adopts the revised Guraki Aboriginal Advisory Committee Charter in the form as attached at (Attachment A) and add Terms of Reference.4.1.2 "and to matters of cultural and heritage significance to Aboriginal and Torres Strait Islander Peoples".

Carried

ITEM-32 CCL 22/03/16 - YOUTH COUNCIL ANNUAL REPORT

MOTION
Moved by Cr Clausen, seconded by Cr Doyle


Carried
NOTICES OF MOTION

ITEM-1 NOM 22/03/16 - PUBLICATION OF CONNECTING NEWCASTLE

The Lord Mayor referred to Clause 46.1.7 of the Code of Meeting Practice and stated that the Notice of Motion was unnecessary in that it proposed a course of action or policy already resolved by the Meeting and ruled the Notice of Motion out of order.

CONFIDENTIAL REPORTS

MOTION

Moved by Cr Rufo, seconded by Cr Posniak

Council proceed into confidential session for discussion on Confidential Items 9 and 10 for the reasons outlined in the business papers.

Carried

Council moved into confidential session at 7.20pm and reconvened into open session at 7.28pm and the Interim Chief Executive Officer announced the detail of the resolutions approved in confidential session.

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

MOTION

1. Council accepts the tender of GHD Pty Ltd in the amount of $399,801 (excluding GST) for the Richmond Vale Rail Trail EIS and concept design Contract No. 2016/067T.

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

MOTION

1 Council rejects all tenders for the Aquatic Facilities Condition Report for Contract No. 2016/136T as the tenders do not have the expertise or capacity to fully address all aspects of the scope of work.

2 Council authorises the Interim Chief Executive Officer to enter into negotiations with specialist service providers with a view to execute a contract to undertake the Aquatic Facilities Condition Report.

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

Carried

The meeting concluded at 7.31pm
CITY OF NEWCASTLE
Ordinary Council Meeting 26 April 2016

REPORTS BY COUNCIL OFFICERS

ITEM-33 CCL 26/04/16 - CORRECTION TO COUNCIL MINUTES 8 DECEMBER 2015

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

PURPOSE

To correct the minutes from the Ordinary Council Meeting held on 8 December 2015 to ensure Council meets the requirements of section 375 of the Local Government Act and the minutes accurately reflect the proceedings of the meeting.

RECOMMENDATION

1 Council correct the minutes from the Ordinary Council Meeting of 8 December 2015 - Item 138 Supplementary Report - Review of Instrument of Delegations by removing the words 'as advised by the Acting Interim Chief Executive Officer' (as was amended at the Ordinary Council Meeting held 23 February 2016) and replace with 'as the Lord Mayor understood it to be' (as recommended in the ICEO's memo to Councillors dated 16 March 2016).

KEY ISSUES

2 At the Ordinary Council Meeting held on 23 February 2016, on a motion moved by Cr Clausen and seconded by Cr Dunn, Council resolved as follows:

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 to Item 138 - 08/12/15 - Supplementary Report - Review Instrument of Delegations.

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.

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.

3 Following the meeting, Council staff checked the audio recording of the Ordinary Council Meeting of 8 December 2015 and prepared a transcript of the relevant part of the meeting. Subsequently, the Interim Chief Executive Officer issued a memo to Councillors noting that the amendments made to the minutes at the Ordinary Council Meeting of 23 February 2016 were not accurate and consequently recommended that Council correct these minutes. This recommendation was made on the basis of section 375 of the Local Government Act 1993 (Act) which provides that councils must ensure that accurate minutes are kept of the proceedings of council meetings.

4 Unfortunately, no action was taken at the Ordinary Council Meeting held on 22 March 2016 in accordance with the recommendation in the memo to Councillors. This report seeks to facilitate the remedial action that remains outstanding for implementation by Council.

FINANCIAL IMPACT

5 Nil.

COMMUNITY STRATEGIC PLAN ALIGNMENT

6 Nil.

IMPLEMENTATION PLAN/IMPLICATIONS

7 Nil.

RISK ASSESSMENT AND MITIGATION

8 If the minutes of the Ordinary Council Meeting of 8 December 2015 are not corrected as recommended in this report, Council will be in breach of s.375 of Act.

RELATED PREVIOUS DECISIONS

9 At the Ordinary Council Meeting held on 23 February 2016, Council resolved as is set out in paragraph 2.

CONSULTATION

10 Nil.
OPTIONS

Option 1

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

Option 2

12 Council does not adopt the recommendation as at Paragraph 1. This is not the recommended option as Council will not be meeting the statutory compliance requirements of s.375 of the Act, which states councils must ensure that accurate minutes are kept of the proceedings of council meetings.

BACKGROUND

13 Nil.

REFERENCES

ATTACHMENTS

Nil.
ITEM-35  CCL 26/04/16 - EXECUTIVE MONTHLY PERFORMANCE
REPORT - MARCH 2016

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 March 2016.

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

RECOMMENDATION

1. The report be received.

KEY ISSUES

2. At the end of March 2016 the consolidated year to date (YTD) actual operating position is a surplus of $9.2m which represents a positive variance of $4m against the budgeted YTD surplus of $5.3m. 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 March YTD position includes $9.3m of revenue items which are either one-off or cannot be applied to meet operational expenditure ($3.7m 2012 SRV revenue, $1.9m consolidation of Newcastle Airport result, $1.5m stormwater management service charge, $1.2m 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 March is balanced.

4. The net funds generated for the YTD as at the end of March 2016 is a surplus of $29.9m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to YTD Revised Budget of $16.7m.
### FINANCIAL IMPACT

5 The variance between YTD Revised Budget and YTD Actual Results at the end of March 2016 is provided in the Executive Monthly Performance Report (Attachment A). Key elements are:

<table>
<thead>
<tr>
<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>
<th>Commitments $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>236,210 Total Operating Revenue</td>
<td>175,276</td>
<td>176,504</td>
<td>1,228</td>
<td>1%</td>
<td>+</td>
<td></td>
</tr>
<tr>
<td>233,350 Total Operating Expenses</td>
<td>169,997</td>
<td>167,256</td>
<td>(2,741)</td>
<td>-2%</td>
<td>+</td>
<td>21,183</td>
</tr>
<tr>
<td>Total Operating Revenue Less Operating Expenditure</td>
<td>2,860</td>
<td>167,256</td>
<td>3,970</td>
<td>75%</td>
<td>+</td>
<td></td>
</tr>
<tr>
<td>42,421 Total Capital Raising revenue</td>
<td>35,852</td>
<td>30,454</td>
<td>(5,398)</td>
<td>-15%</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>26,460 Add Back Non Cash Items</td>
<td>19,772</td>
<td>19,772</td>
<td>()</td>
<td>()</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funding available for capital expenditure</td>
<td>71,741</td>
<td>60,902</td>
<td>(1,428)</td>
<td>-2%</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>62,990 Total capital spend</td>
<td>45,767</td>
<td>27,664</td>
<td>(18,103)</td>
<td>-40%</td>
<td>+</td>
<td>12,652</td>
</tr>
<tr>
<td>2,600 Loan Principal Repayment</td>
<td>1,950</td>
<td>1,950</td>
<td>()</td>
<td>0%</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>6,151 Net Funds Generated / (Used)</td>
<td>13,185</td>
<td>29,860</td>
<td>16,675</td>
<td>126%</td>
<td>+</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
6 Factors favourably impacting Financial Position
   i User charges & fees – increase of $0.4m
      Development Application income ($0.3m) is ahead of expectations.
   
   ii Interest – increase of $0.6m
      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 $1.6m
      There is a lower spend on operational asset maintenance and renewal ($1.7m) 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 and while expenditure is expected to increase over the June quarter it is likely the full year expenditure will be below budget.

7 Factors adversely impacting Financial Position
   i None
At the end of March commitments raised against operating expenses totaled $21.2m. 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* – $9.5m  
ii  *Street lighting* – $0.6m  
iii  *Road and building maintenance* – $7.8m.

The month of March returned a balanced operating position where income earned was equal to operational expenditure. The balanced position was in-line with the Revised Budget. 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 the monthly operating position to reflect a deficit in line with budget expectations.

![Trend in monthly operating position 2015/16](image)
10 Council's total capital spend at the end of March is $27.7m. This result is $18.1m below the YTD Revised Budget (which is phased in line with the anticipated work schedule). The total operational expenditure incurred in relation to the corporate projects at the end of March is $9.6m, $0.7m below the YTD Revised Budget.

11 Council is forecasting an increase in project expenditure during the final quarter of the financial year however longer than expected planning and design times will result in the capital program being delivered over a longer timeframe than anticipated in the budget. It is expected that in addition to the work in progress forecast in the September and December Quarterly Budget Review Statements another $15m of work from the 2015/16 program will still be in progress at 30 June 2016 with completion scheduled in future years. 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 future years.
13 At the end of March commitments raised against capital work totaled $12.6m. In addition to the capital commitments there is also $7.3m of operational commitments raised against the projects. 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 – $6.4m**
   Commitments include $5m in relation to works on the southern façade of City Hall, of which $1.0m is expected to be incurred in the 2015/16 financial year.

ii **Road renewal – $0.6m**
   Commitments include $0.6m for planned crack sealing.

iii **Environmental asset renewal – $2.3m**
   Commitments represent $0.8m of work planned on Council's stormwater management systems, work on Ironbark creek ($0.8m) and street tree planting ($0.4m).

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:

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

ii) Council’s Investment Policy and Strategy, and

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

RISK ASSESSMENT AND MITIGATION

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

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

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 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 Customer Service section. This will be refined as Council develops a more detailed and comprehensive customer service solution with integrated tracking of customer requests through to completion in conjunction with the implementation of the Customer Contact Centre.

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-36 CCL 26/04/16 - TABLING OF PECUNIARY INTEREST RETURNS (COMMENCING EMPLOYEES)

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

PURPOSE

For the Interim Chief Executive Officer to table pecuniary interest returns received from designated persons who commenced employment with Council since the tabling of pecuniary interest returns on 27 October 2015.

RECOMMENDATION

1 Council to note the pecuniary interest returns as tabled by the Interim Chief Executive Officer.

KEY ISSUES

2 Section 449(1) of the Local Government Act 1993 (NSW) (Act) requires Councillors and designated persons to lodge a pecuniary interest return in the form prescribed by the Local Government (General) Regulation 2005 (NSW) within three months after becoming a councillor or designated person.

3 Section 441 of the Act provides that designated persons are:
   • the general manager;
   • other senior staff of the council; and
   • a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person’s duty as a member of staff or delegate and the person’s private interest.

4 Section 450A of the Act requires the Chief Executive Officer to keep a register of returns lodged and to table the returns at a meeting of Council.

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

6 Not applicable.

COMMUNITY STRATEGIC PLAN ALIGNMENT

7 Open and collaborative leadership.

IMPLEMENTATION PLAN/IMPLICATIONS

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

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

RISK ASSESSMENT AND MITIGATION

10 Not applicable.

RELATED PREVIOUS DECISIONS

11 Pecuniary interest returns were last tabled at Council’s meeting on 27 October 2015.

CONSULTATION

12 Not applicable.

OPTIONS

Option 1

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

Option 2

14 The Interim Chief Executive Officer does not table the pecuniary interest returns. This is not the recommended option as this does not comply with Section 449(1) of the Act.

BACKGROUND

15 Not applicable.
REFERENCES

ATTACHMENTS

Nil.
ITEM-37  CCL 26/04/16 - EXHIBITION OF DRAFT COUNCIL STREET COOKS HILL INFRASTRUCTURE REHABILITATION DESIGN

REPORT BY:  INFRASTRUCTURE
CONTACT:  ACTING DIRECTOR INFRASTRUCTURE / MANAGER PROJECTS AND CONTRACTS

PURPOSE

For endorsement of the preferred design option for rehabilitation works for Council Street (Darby to Dawson Streets) Cooks Hill. The works include the rehabilitation of all road, footpath, drainage and tree assets.

RECOMMENDATION

1  Council endorses Option 1, the preferred design option, for Council Street Cooks Hill being Council Street one way (westbound from Darby Street to Bruce Street).

2  Council place the preferred design option on public exhibition for a period of four weeks.

KEY ISSUES

3  Council Street in its current condition has a number of major infrastructure issues including:
   i)  Failed drainage lines between Dawson and Bruce Streets due to fig tree root interaction;
   ii)  Current inundation issues within a number of properties along Council Street and at the Glovers Lane intersection;
   iii)  Footway and kerb and gutter failure due to fig tree root interactions;
   iv)  Private property damage due to the fig tree root and branch interaction;
   v)  Sections of the parking lane in Council Street, Darby to Bruce Street, is not fit for purpose due to the fig trees and fig tree root interaction; and
   vi)  Existing road block in Council Street restricts traffic flow and causes congestion. The current road layout does not comply with current road design standards.
FINANCIAL IMPACT

4 The estimated cost of construction for the rehabilitation works is approximately $2,000,000 based on preliminary designs. The works will be funded by MAPP ENV - Stormwater and Road funding in 2016/2017 and are included in the draft budget for that year.

5 This project is an integrated project delivery, with new infrastructure including stormwater, road and trees. This is considered to be the most cost effective method to undertake the required infrastructure renewal works.

6 The preparation of the design development and construction documentation will be undertaken by Newcastle City Council. Construction will be tendered to an external contractor to minimise delays and disruption to residents and retail traders.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

IMPLEMENTATION PLAN/IMPLICATIONS

8 Following community consultation in March 2015 and a Council Street workshop held on 27 June 2015, two design options were presented to the residents at a further Council Street workshop held on 28 November 2015:

   i) Option 1 - Council Street one way (westbound from Darby Street to Bruce Street). This option has 45 degree angle parking on the north side and parallel parking on the southern side of the street; and

   ii) Option 2 - Council Street one way (westbound from Darby Street to Dawson Street) + two way (Dawson to Bruce Street). This option has 45 degree angle parking on the north side and parallel parking on the southern side of the street from Darby to Dawson Street. From Dawson Street to Bruce Street there is parallel parking on both sides of the street.

9 In an informal vote by the residents at the Council Street Workshop on 25 November 2015, Option 1 was the preferred option by the majority for the following reasons:

   i) This design addressed the majority of the issues identified at the first Council Street workshop held on 27 June 2015;

   ii) The planting of nineteen medium size trees could be achieved compared to fifteen medium and four small trees in option 2;

   iii) An increase of fourteen car spaces compared to seven additional car spaces in option 2;
iv) A contraflow bicycle lane on the northern side of the street from Darby Street to Bruce Street, which also allows street sweeper access, was also considered a positive feature to some residents; and

v) All other key features of the design options were similar.

**RISK ASSESSMENT AND MITIGATION**

10 The major risks associated with this project and mitigation measures are as follows:

**Traffic impacts of Option 1**

11 A number of residents at the community workshop expressed concern in regard to the removal of the existing road block in Council Street and its impact on the traffic in the area.

12 The proposal for one way traffic (westbound) and angle parking in Council Street (Option 1) was discussed and supported in principle at a Traffic Committee Meeting on 19 October 2015 (prior to the community consultation).

13 Further traffic investigations were undertaken by a consultant and Council believes that undertaking the proposed traffic changes to Council Street will have an improved impact upon the operation of the local road network.

**Existing mature trees in Council Street**

14 On 23 September 2015 the City Arborist undertook a Tree Assessment and Infrastructure Works Test on the existing trees in Council Street and advised that it was not feasible to retain the trees and construct the new infrastructure works.

**Managing community expectation**

15 To manage community expectation on this project Council has undertaken a number of community consultations from gutter talks to community workshops with Council Street residents.

**Flood Study**

16 A Cooks Hill Drainage catchment analysis was undertaken in 2015 and identified a number of issues in the catchment and provided recommendation for improvement. Option 1 design has been modelled and will have a positive impact reducing overland flows from Darby Street. Further modelling will be undertaken as the detailed design work progresses.

17 Drainage improvements recommended in the above study are needed to be implemented to achieve greater benefits in the Cooks Hill catchment.
RELATED PREVIOUS DECISIONS

18 A Councillor Workshop was held on 21 July 2015 to discuss Cooks Hill Infrastructure works. The briefing presented the issues of tree roots damaging pipes, insurance claims, subsequent costs and drainage issues.

CONSULTATION

19 Council undertook a number of "gutter talk" discussions in the Cooks Hill catchment area in March 2015. These discussions identified resident concerns including storm water, traffic and tree issues in the area.

20 To fulfill Council’s commitment for consultation as identified at the "gutter talk" discussions, two community workshops were conducted with the residents at Council Street.

21 Workshop 1 was held on 27 June 2015 to inform the residents of the need to undertake the work and to obtain community input to inform the concept design.

22 Workshop 2 was held on 28 November 2015 to present 2 design options to the residents of Council Street. In an informal vote by the residents Option 1 as the preferred option.

OPTIONS

Option 1

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

Option 2

24 Option 2 - Council Street one way (westbound from Darby Street to Dawson Street) two way (Dawson to Bruce Street). This option is not preferred by the Council Street residents primarily as this option has less car parks and less tree canopy than Option 1. This is not the recommended option.

BACKGROUND

25 Due to the size and multidisciplinary elements involved, the project has been undertaken in a staged process.

26 Stage 1 (2013) delivered a concept plan which involved preliminary investigations and consultation for each of the major project elements to identify key issues, constraints and opportunities.

27 Stage 2 (2014-2015) involved further investigations and consultation to test the feasibility of the concept plan and development of the detailed design.

28 Stage 3 (2016-2017) will see the completion of the tender documentation and the construction of the works in Council Street, Bruce to Dawson Streets followed by Dawson to Darby Street.
29 This project has been included for delivery to address the following identified issues:

i) Flooding and stormwater management issues in the Cooks Hill catchment that discharge through the Glovers Lane drainage line;

ii) Programmed road and footpath rehabilitation works for the retail precinct of Darby Street and the residential interface at Council Street;

iii) Road safety issues and a high volume of pedestrian activity;

iv) Traffic circulation to meet competing demands; and

v) Tree management for both private and public infrastructure interaction.

ATTACHMENTS

Attachment A: Option 1: One-way/45 both ends (plan and section)
Attachment B: Option 2: Combined one way + two way option (plan and section)
ITEM-38  CCL 26/04/16 - STATION STREET WICKHAM, ROAD RECONFIGURATION AND ONE-WAY TRAFFIC FLOW

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

PURPOSE

To approve a revised configuration of Station Street including one-way traffic flow and associated improvements in the Wickham area. Transport for NSW has engaged consultants to build a new transport interchange at Wickham.

RECOMMENDATION

1 Council approves the road configuration changes and one-way traffic flow east to west of Station Street from Charles Street to Railway Street as part of the Wickham Transport Interchange Project.

2 Council approves projects identified in Paragraphs 4 and 8 of this report on the basis that these projects are fully funded by Transport for NSW through the Wickham Transport Interchange project.

KEY ISSUES

3 Transport for NSW (TfNSW) has prepared the Wickham Precinct Transport Study (Study) to analyse the traffic and transport access requirements for the Wickham Transport Interchange (WTI). A fundamental element of the new WTI project is the reconfiguration of Station Street from Charles Street to Railway Street that includes changing Station Street to one-way traffic flow from Charles Street to Union Street. The project has undertaken extensive consultation as part of the TfNSW Review of Environmental Factors (REF) process. The Study also identifies the impact of the Station Street changes to the Wickham road network. The Study is included in the full summary report submitted to the Newcastle City Traffic Committee (NCTC) in February 2016 as shown in Attachment A.

4 TfNSW proposed changes in Station Street as depicted in the plans at Attachment A (Station Street design, Page 7) are summarised as follows:

   i) Charles Street road narrowing, new driveway to McCarroll’s dealership car park, new kerb and gutter.

   ii) Station Street road configuration between Railway Street and Charles Street includes narrowing the width of Station Street to accommodate the facilities needed for the Wickham Interchange.

   iii) Station Street one way traffic flow east to west between Charles Street and Union Street.

   iv) Wickham Street intersection upgrade at Station Street.
v) Union Street intersection upgrade at Station Street.

vi) Removal of parking on the northern side between Railway Street and Charles Street, Station Street retention of parking on the southern side and provision of new ramp and stairs for station access, footpath widening, kerb and gutter, kiss and ride facilities, taxi stand and shelters.

vii) Construction of a fully accessible pedestrian overbridge and lifts, landscaping and 18 car parking spaces on the southern side of Station Street.

viii) Wombat pedestrian crossings in Station Street at the Railway Street end and the Charles Street end.

ix) The creation of a way finding plan for the area.

5 There are 70 existing unrestricted parking spaces combined on both sides of Station Street between Railway Street and Charles Street. The WTI proposal will retain 18 parking spaces on the southern side of Station Street and eight parking spaces for the kiss and ride, taxi and loading zone areas. In the future, if these eight spaces are insufficient to cater for the proposed purposes, some of the 18 car parking spaces could be converted for kiss and ride facilities.

6 There will be no public transport buses in Station Street. Buses will be encouraged to pick up and drop off passengers along Hunter Street. In addition, it is recommended that Station Street be zoned as an 8 Tonne Light Traffic Thoroughfare.

7 Council has provided comment on the proposal and the Study expressing concern over the many assumptions in the Study and the lack of sufficient detail in the report. Council Officers noted that the WTI not only impacts on the Station Street frontage but will also impact traffic and safety within the Wickham road network. These concerns include increased circulation on the Wickham road network, increased traffic at the Albert and Railway Street intersection, and Throsby Street as well as increased pedestrian movements and walkability in the area. Therefore, Council negotiated with Transport for NSW to include further works in the Wickham area as part of the WTI project. Council's correspondence to TfNSW is provided at Attachment B.

8 Negotiation between Council and TfNSW has resulted in a commitment of $1.5M in funding to enable the majority of additional projects requested by Council to be completed. (Attachment C). Consultation on outstanding projects requested by Council Officers is continuing.

The additional works to be funded by TfNSW from the $1.5M include:

i) Construction of a new footpath along the northern side of Station Street.

ii) New footpath on Union Street between Throsby and Station Streets.

iii) The installation of speed cushions in Throsby Street west of Hannell Street.
iv) Construction of a roundabout at the Railway and Albert Street intersection.

v) Additional pedestrian crossing (wombat crossing) at Throsby Street near Union Street.

9 Further improvements have been requested by Wickham residents such as neighbourhood landscaping, further traffic calming, and other street beautification items. Council cannot insist that TfNSW fund these requests as these have no nexus to the WTI project. Council is currently undertaking a Wickham Master Plan for this area which will capture and incorporate requests and issues raised by residents.

FINANCIAL IMPACT

10 The proposed works at Station Street and other locations in the Wickham area as part of the WTI project will be funded by TfNSW. There is no financial impact to Council in carrying out these works as part of TfNSW’s WTI project.

COMMUNITY STRATEGIC PLAN ALIGNMENT

11 The proposed work is aligned with the Strategic direction of a “Connected City” whereby “transport network and services will be well connected and convenient. Walking and cycling will be viable options for the majority of our trips”.

IMPLEMENTATION PLAN/IMPLICATIONS

12 Approval of the road configuration changes and one-way traffic flow in Station Street are not delegated to council officers and must be referred to Council for final determination. Approval is necessary for the continuation of the WTI planning and design process to proceed. The proposed works associated with the WTI project will support Council’s mission to enhance the quality of life by improving safety for road users.

RISK ASSESSMENT AND MITIGATION

13 The proposed road configuration, traffic and pedestrian facility improvements are intended to increase residential amenity in the Wickham area while reducing risk and increasing safety for pedestrians and other road users.

RELATED PREVIOUS DECISIONS

14 The WTI Project was assessed and approved in accordance with the Environmental Planning and Assessment Act 1979. As part of this process the WTI REF included the detailed traffic impact assessment, a fundamental element of the project is the inclusion of Station Street in the WTI project. The Station Street reconfiguration and associated works is one of the important components of the WTI project.
 TfNSW proposals have been discussed at the NCTC at its February and March meetings in 2016. On 21 March 2016, the NCTC supported the recommendation in principle for the proposed one-way traffic change in Station Street Wickham, together with other recommended facilities for the Wickham area, on condition that TfNSW contribute the agreed $1.5 million toward construction. This support was also subject to Newcastle City Council approval of the final construction plans prior to commencement of works to address required guidelines and technical issues.

CONSULTATION

 Consultation was carried out by TfNSW through its consultant, Laing O'Rourke, for the WTI Project. Consultation included the changes proposed for Station Street as highlighted in the REF. Consultation was carried out with stakeholders including Newcastle City Council officers, community members and other relevant government agencies and stakeholder groups on the interchange design and changes to parking on the surrounding roads.

 Key issues raised during consultation were:

 i) Residential parking as a priority in the area.

 ii) Pedestrian crossings at the corner of Railway Street and Station Street.

 iii) The pedestrian overbridge over the railway line to assist pedestrians to connect to Railway Street.

 Further consultation was conducted by TfNSW as detailed in Attachment A (Consultation, Page 5) of their report.

 In February 2016, Laing O'Rourke (TfNSW consultant) door knocked residents in the Wickham area and advised of the proposed changes in Station Street. The consultant's staff provided feedback and answers to some of the residents questions.

 A briefing to Council by TfNSW is scheduled to be held on 17 May 2016 to provide an update on both the WTI and Light Rail projects.

OPTIONS

Option 1

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

Option 2

 Council does not approve the proposed changes in Station Street and other associated works. This is not the recommendation option.
BACKGROUND

23 The background information is detailed in the report submitted by TfNSW (Laing O'Rourke) (Attachment A).

ATTACHMENTS

Attachment A: Transport for NSW's Consultant, Laing O'Rourke - Wickham Transport Interchange: Connection points - roads and pathways (Submission to the Newcastle City Traffic Committee)

Attachment B: Newcastle City Council's letter to Transport for NSW dated 25 January 2016 Wickham Transport Study.


Attachments are distributed under separate cover.

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

PURPOSE

The purpose of this report is to advise Council of the proposed establishment of a 24 hour new Alcohol Prohibited Area (APA) in Hamilton Train Station Park and to seek endorsement for the establishment of this new APA.

RECOMMENDATION

1 That Council approves the establishment of the Hamilton Train Station Park as a 24 hour Alcohol Prohibited Area (Attachment A).

KEY ISSUES

2 APAs currently exist across the City of Newcastle (Attachment B), however, due to the Local Government Amendment (Confiscation of Alcohol) Act 2010, APAs in Newcastle must now be established following the public consultation processes set out under the Ministerial Guidelines on Alcohol Free Zones (2009). APAs are an important tool in assisting Council and stakeholders in managing alcohol in public spaces. The establishment of Hamilton Train Station Park as an APA was requested by the NSW Police Newcastle Local Area Command (LAC).

3 Provision for the establishment of APAs has been made under s.632A of the Local Government Act 1993 in accordance with the Ministerial Guidelines on Alcohol Free Zones (2009). Council endorsement of the APA renewal process supports the aim of assisting local governments and local police in managing alcohol related anti-social behaviour and promoting safety in public spaces. Once adopted, these APAs will remain active until repealed or suspended by Council.

4 The location of this APA is based on feedback from the NSW Police, an analysis of crime statistics of the area and feedback from the Hamilton Business Improvement Association. Since the truncation of the railway line from Newcastle to Hamilton on 26 December 2014, there has been a significant increase in anti-social behaviour at this location. From January 2015 - May 2015, there was an increase of 12.1% in recorded crime in Hamilton. These figures are shown in a letter of support received by Council from the LAC as part of the consultation process for this APA.

5 The proposed APA will be effective 24 hours a day, seven days a week and excludes the area of the car park and footpath adjacent to the Hamilton Train Station Park as these are already established Alcohol Free Zones.
6 No objections have been received from those consulted regarding the establishment of Hamilton Train Station Park as an APA.

FINANCIAL IMPACT

7 The financial impact of approving a new APA relates to production and installation of additional signage, estimated at $3,500. This cost will be covered under the current Community Safety budget funded in this year's budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 The establishment of APAs are part of a broader strategy to manage alcohol related crime and anti-social behaviour and is directly aligned with the following objective of the Community Strategic Plan (Newcastle 2030):

   Vibrant and Activated Public Spaces
   3.3c create streetscapes and public places that are clean and attractive, where people feel safe

IMPLEMENTATION PLAN/IMPLICATIONS

9 As part of Council's Community Assets and Open Space Policy, a key objective is to provide multi-purpose, functional, safe and innovative places and spaces that are equitably distributed across the local government area with the key principle that these areas should be safe and secure. APAs can assist in promoting the legitimate use of public spaces by prohibiting the consumption of alcohol which can often lead to users of the space feeling unsafe.

10 The proposed establishment of the APA falls under Council's Alcohol Management Strategy 2010-13, and remains a key aspect of Council's approach to delivering safe and attractive public places. There is an existing budget available to complete the associated works.

RISK ASSESSMENT AND MITIGATION

11 The appropriate consultation has taken place in accordance with the Ministerial Guidelines on Alcohol Free Zones 2009 and the Local Government Act 1993. The proposal was also placed on public exhibition for a period of 30 days from 18 January 2016 - 16 February 2016. No objections were received. APAs are generally supported by the community as they provide the police with the powers to address issues of public consumption of alcohol and associated anti-social behaviours.

RELATED PREVIOUS DECISIONS

12 Previously, Council has not needed to approve an APA within the Newcastle Local Government Area due to legislation outlining appropriate conduct in public spaces such as parks as set out in the Local Government Act prior to 2010.
CONSULTATION

13 As part of the consultation process, as per the Ministerial Guidelines on Alcohol Free Zones (2009), letters were distributed to the relevant local area business associations, liquor accords, Local Aboriginal Land Councils, the NSW Anti-Discrimination Board, the LAC and all relevant community groups. Council received a letter of confirmation from the NSW Anti-Discrimination Board and a letter of support from a local resident. A summary of submissions is included in this report in Attachment C.

14 A letter of support was also received from the LAC, detailing the current strategies in place to address the alcohol-related issues at Hamilton Train Station Park and the utility of these zones in giving the police increased ability to address these issues (refer to Attachment D).

OPTIONS

Option 1

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

Option 2

16 That Council not establish a new APA. This is not the recommended option.

BACKGROUND

17 Community consultations undertaken by Council indicate that community safety is considered an important issue of concern for Newcastle residents. APA are a useful tool when included as part of a broader strategy to manage alcohol related crime and anti-social behaviour. APAs can promote public safety in public places thereby encouraging the legitimate use of areas such as parks and reserves.

18 Section 632A of the Local Government Act 1993 provides Council with the power to declare a new APA. APA can be declared in any public place as defined under part 4 of s.632A of the Local Government Act 1993.

19 APAs provide Police and Council officers with the power to address issues of public intoxication and anti-social behaviour. Anyone consuming alcohol in an APA can be given a warning and the confiscation or tipping out of alcohol can take place at the discretion of enforcement officers.
20 Once adopted, an APA must be advertised in a newspaper circulating in the area that includes the APA, and will become effective seven days from the date of advertisement. Adequate signage along the perimeter of the area and at adequate intervals within the area with appropriate dates must also be present for the APA to become effective. The restrictions placed on the public consumption of alcohol through APA can be lifted through consideration of a report to Council and a resolution to suspend the restrictions for the requested period of time. Currently, APAs fall under Council's Alcohol Management Strategy (2010-2013) which is in the process of being renewed as the Newcastle After Dark Strategy.

ATTACHMENTS

Attachment A: Map of proposed location of Alcohol Prohibited Area
Attachment B: List of existing Alcohol Prohibited Areas in Newcastle LGA
Attachment C: Summary of Submissions
Attachment D: Letter of support dated 11 March 2016 from Newcastle Police Local Area Command
ATTACHMENT A - MAP OF PROPOSED LOCATION OF ALCOHOL PROHIBITED AREA
ATTACHMENT B - LIST OF EXISTING ALCOHOL PROHIBITED AREAS

The following parks and reserves are alcohol prohibited areas:

Cooks Hill and The Hill

- Nesca Park
- Centennial Park

Newcastle West

- Birdwood Park (24 hours)
- Little Birdwood Park (24 hours)

Newcastle

- Foreshore Park
- Pacific Park
- Enterprise Park
- Civic Park

Newcastle East

- King Edward Park
- Newcastle South Beach (Skate Park 24 hours)
- Newcastle South Beach Promenade

Bar Beach

- Empire Park (Skate Park 24 hours)

The Junction

- Rowland Park

Hamilton

- Gregson Park (not including Hamilton Bowling Club)

Hamilton South

- District Park (not including Broadmeadow Magic Football Club)
- Darling Street Oval

Merewether

- Dixon Park
- Jefferson Park
- Foreshore opposite Jefferson Park
Wallsend

- Federal Park
- Rotunda Park

Waratah

- Waratah Park

Mayfield

- Dangar Park (Skate Park 24 hours)

Islington

- Islington Park

Adamstown

- Adamstown Park

Maryland

- Grange Avenue Reserve (Skate Park 24 hours)

Elermore Vale

- Elermore Park (Skate Park 24 hours)

Stockton

- Skate Park (24 hours)

Birmingham Gardens

- Heaton Park (Skate Park 24 hours)

New Lambton

- Regent Park

Alcohol prohibited areas operate between the hours of 8pm and 8am unless stated otherwise.
## ATTACHMENT C - SUMMARY OF SUBMISSIONS

Proposal to implement Alcohol Prohibited Area at Hamilton Train Station Park - Summary of Submissions

<table>
<thead>
<tr>
<th>No.</th>
<th>Reference</th>
<th>Summary of Submission</th>
<th>Comment / Proposed Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>4792906</td>
<td>Letter from the NSW Anti-Discrimination Board in support provided proper public consultation was followed.</td>
<td>Letter of acknowledgement sent.</td>
</tr>
<tr>
<td>2</td>
<td>4800705</td>
<td>Letter from resident in support of APA and concerns around similar anti-social issues occurring in Wickham once interchange is installed.</td>
<td>No response no address provided. Noted.</td>
</tr>
<tr>
<td>3</td>
<td>4824525</td>
<td>Letter of support from Acting Superintendent of Newcastle LAC detailing anti-social behaviour issues at Hamilton and the need for an APA in this location. Late submission.</td>
<td>Letter of acknowledgement sent.</td>
</tr>
</tbody>
</table>
ATTACHMENT D: Letter of support dated 11 March 2016 from Newcastle Police Local Area Command

Ms Jennifer Randall
Community Safety Facilitator
Newcastle City Council

24hr Alcohol Prohibited Area - Hamilton Train Station Park

On 26 December 2016 the Newcastle Rail Line was truncated causing the closure of Newcastle and Civic Railway Stations, causing trains to terminate at Hamilton Railway Station.

Since this time Newcastle City Command have received a number of reports from members of the business community, including Hamilton Business Chamber indicating that there has been an increase in vagrants congregating in the vicinity of the Hamilton Railway Station.

A comparison of reported crime in the area between the period of January – May 2015 for the same period in 2014 records an overall increase from 92 incidents in 2014 to 111 incidents in 2015. This equates to an increase of 12.1% of reported crime.

In response to this information police have been regularly tasked to conduct patrols and high visibility operations which has detected an increase of 'homeless persons' drinking alcohol and loitering in close proximity to the railway station.

Newcastle City Command with Newcastle City Council established a 'Homeless Persons Working Group' in partnership with Matthew Talbot Hostel, Wesley Mission, Samaritans, St Vincent de Paul, Catholic Care, Baptist Care and Housing NSW. This working group is focusing on the incidents of homelessness in the Newcastle City area, including the area in and around Hamilton Railway Station in a view to provide suitable accommodation and reduce crime incidents associated with this issue.

Regardless of these initiatives and action taken to date, police generally have limited power to move persons on who may be loitering in the area and/or consuming alcohol. Having the Hamilton Train Station Park area declared a Alcohol Prohibited Area would significantly increase police powers to take action and respond to public safety issues when reported.

Submitted for information.

Steve Laksa
A/Superintendent
A/Commander
Newcastle City Command
11 March 2016

Local Area Command
Newcastle City
Level 1, 30 Harriot Street, Waratah NSW 2298
Telephone 0249265501 Facsimile 0249265511 E.Net 60501 EFax 70732 TTY 9211 3776 (Hearing/Speech Impaired)
ITEM-40 CCL 26/04/16 - ADOPTION OF NEWCASTLE YOUTH COUNCIL COMMITTEE CHARTER

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

PURPOSE

The purpose of this report is to recommend adoption by Council of the revised Newcastle Youth Council Committee Charter (Attachment A).

RECOMMENDATION

1 Council adopts the revised Newcastle Youth Council Committee Charter (Attachment A).

KEY ISSUES

2 The draft Newcastle Youth Council (NYC) Committee Charter was placed on public exhibition from Monday 29 February to Monday 28 March 2016. Two submissions were received (Attachment B).

3 Changes made to the draft NYC Committee Charter included changes requested at CCL 27/10/15, listed at Item 10 of this report. No changes to the draft Charter resulted from the two submissions received during the public exhibition period.

FINANCIAL IMPACT

4 NYC has an annual operational budget of $4,085. NYC also manages an annual budget of $6,075 allocated to National Youth Week grants which consists of $3,000 in Council operating funds and $3,075 in NSW State Government Funding from the NSW Office of Communities (Youth).

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

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

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

6 Facilitation of NYC is based on the NYC Committee Charter.

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

RISK ASSESSMENT AND MITIGATION

8 The NYC Committee Charter will ensure Council is actively engaging with young people. It will also provide clarity in the role of Council officers to ensure delivery of identified strategic actions, and monitoring and evaluation of outcomes in an annual report. The NYC Annual Report will be provided to Council in respect of each year ending 30 June.

RELATED PREVIOUS DECISIONS

9 CCL 27/10/15 - Council places the Newcastle Youth Council Committee Charter on public exhibition for 28 days with the following modifications:

a Insertion of new clause 10.2: "The Chairperson may use the title "Youth Mayor"

b Amendment to clause 13.2.4: "Invitees approved by the General Manager or Facilitator including new members and applicants and individuals on the eligibility list (as defined in 8.4"

c Rephrase clause 19.2: "Youth Council may also provide reports to Council's General Manager"

d Amendment to clause 22.1: "The Lord Mayor and General Manager are the official spokespersons for the Council, in accordance with Council's Media Policy. No member of Youth Council should speak to the media or members of the public on behalf of Council.

e Insertion of clause 22.2: "The Chairperson is the official spokesperson of the Committee and may make media comment in consultation with the Facilitator and Council's Manager Communication and Engagement"

Council receives a report back on the outcomes of the public exhibition.

Council congratulates Youth Mayor Ella Reed on her appointment to the Commonwealth Youth Council, and wishes her success on behalf of the City in relation to her standing for election as Vice-Chair - Inclusion and Engagement of the Commonwealth Youth Council.
CONSULTATION

12 Initial consultation undertaken included:

i) Internal stakeholder discussions.

ii) Discussions with current NYC members.

iii) Discussions with local youth sector support agencies.

iv) Interviews with ten local government youth council / advisory committee facilitators.

13 The NYC Committee Charter was initially advertised on 18 January 2016 to 15 February 2016. Council staff realised that the incorrect version of the Charter went on public exhibition; the correct version of the Charter was re-advertised from 29 February 2016 to 28 March 2016. Two submissions were received during the initial exhibition period. No submissions were received during the second exhibition period.

OPTIONS

Option 1

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

Option 2

15 Council does not adopt the revised Newcastle Youth Council Committee Charter. This is not the recommended option.

BACKGROUND

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

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

Attachment A: Newcastle Youth Council Committee Charter 2016

Attachment B: Newcastle Youth Council Committee Charter - Summary of Submissions

Attachments A and B distributed under separate cover.
ITEM-41  CCL 26/04/16 - ADOPTION OF AMENDMENT TO SECTION 3.02 SINGLE DWELLINGS - NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

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

PURPOSE

The purpose of this report is to advise Council on the outcomes of the public exhibition of the draft amended Section 3.02 Single Dwellings of the Newcastle Development Control Plan (DCP) 2012 and seek a Council resolution to adopt the amended Section 3.02 Single Dwellings as provided in Attachment A.

RECOMMENDATION

1 Council adopts the amended Section 3.02 Single Dwellings and Ancillary Development of the Newcastle DCP 2012 in the form as set out in (Attachment A).

KEY ISSUES

2 Amendments are proposed to the single dwellings section of the Newcastle Development Control Plan (DCP) 2012 to clarify the intent of the guidelines and to streamline the assessment for ancillary development for single dwellings. The proposed changes have been advertised. Submissions received are discussed under the consultation heading.

3 Amendments to the single dwellings section of the DCP were adopted by Council in October 2014 and took effect from November 2014. These amendments established performance criteria and acceptable solutions for each of the planning controls (for example, building envelope, setbacks, landscaping). The performance criteria provide a statement of the outcome that the planning controls are to achieve. The acceptable solutions are agreed ways to satisfy the performance criteria. A development application that complies with all the acceptable solutions can be moved more quickly through the assessment process.

4 Since the amendments in 2014, Council officers have identified some of the new controls require clarification, particularly in relation to the acceptable solutions. It has also been identified that some common types of ancillary development such as carports and garages do not easily satisfy the acceptable solutions for the principal dwelling. This is creating unnecessary delays for these simple forms of development.

5 The principal amendments under the recently exhibited amended Section 3.02 Single Dwellings include:

   i) Renamed to Section 3.02 Single Dwellings and Ancillary Development, to reflect that it also applies to other structures related to single dwellings.
ii) Introduce additional categories of ancillary development for carports / garages, detached studios and secondary dwellings.

iii) Minor amendments and reformatting to clarify the intent of the controls, particularly the acceptable solutions, applying to the principal dwelling.

iv) Clarification of open space requirements.

6 During exhibition further consultation was undertaken with Council's Development and Building Services Unit in relation to the acceptable solution for upper level rear setback. Council officers are being asked by development proposals to consider variations to the upper level rear setback, based upon merit assessment against the performance criteria, and that the design outcomes are still considered reasonable. Therefore there is opportunity to reduce the upper level rear setback to enable more developments to be able to comply with an acceptable solution to streamline the assessment process.

7 The current DCP acceptable solution requires a 3m rear setback for ground level with a 10m rear setback to upper levels for narrower sites (under 10m wide) and 8m upper level setback for wider sites (over 10m), or an average of existing adjoining development, whichever is the lesser distance. These setbacks are consistent with the SEPP. It is important to note that the SEPP does not have any additional controls for managing overshadowing or view impacts, controls which are in the DCP, and hence relies on generous setbacks to manage any potential impact. The DCP, with suitable controls for managing overshadowing / view impacts, is therefore capable of effectively managing a reduced upper level setback when compared to the SEPP.

8 Nevertheless, it is still important that an acceptable solution must facilitate a relatively low impact development. It is also important that the different acceptable solutions work together to avoid conflict of controls. For example, the acceptable solution for rear setbacks should, in-principle, also facilitate acceptable privacy, overshadowing and the like.

9 A review of other Council's DCP controls in terms of rear setback controls show a progressively increased setback as building height increases. Certainly some increased upper level setback is important from a bulk and scale perspective to relate to the performance criteria for side and rear setbacks (refer Section 3.02.04 of Attachment A), in particular:

Development is of a bulk and scale that:

b) does not create overbearing development for adjoining dwelling houses and their private open space;

c) does not impact on the amenity and privacy of residents in adjoining dwelling houses

10 Having regard to these matters, further changes are proposed to Section 3.02 Single Dwellings and Ancillary Development (Attachment A), summarised as follows:
i) Minimum 3m rear setback at ground level.

ii) Minimum upper level setback of 6m for both narrow and wide lots, or the average of adjoining, whichever is the lesser.

iii) Rear setback diagram (Figure 6) has been amended to reflect the above setbacks.

11 This amended acceptable solution for upper level rear setback still provides for an acceptable transition in bulk and scale, and also correlates with the acceptable solution for privacy separation, being 12m between upper level windows of opposing dwellings, as each dwelling is setback 6m from the rear boundary. Unlike complying development a development application, subject to the DCP guidelines, would still be required to consider overshadowing and view sharing impacts to ensure acceptable amenity.

12 A development that falls outside the acceptable solution setback can always seek to satisfy the performance criteria as a merit assessment. This is a legitimate approach to development assessment with this flexibility importantly enabling innovative design that can respond to context rather than simply complying with generic numerical solutions.

13 Some minor reformatting has also been undertaken to the amended Section 3.02, including renumbering of figures (see Attachment A).

FINANCIAL IMPACT

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

COMMUNITY STRATEGIC PLAN ALIGNMENT

15 The proposed amendments align with the Liveable and Distinctive Built Environment strategic direction of the Community Strategic Plan.

16 The amendments are also consistent with the strategic directions of Council's Local Planning Strategy by facilitating more efficient housing delivery and therefore affordability.

IMPLEMENTATION PLAN/IMPLICATIONS

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

18 Following consideration of submissions, the Council may approve the DCP (with or without amendments) or decide not to proceed with the DCP.
RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

20 On 8 December 2015 Council resolved:

Council resolves to place the draft amendments to Section 3.02 Single Dwellings of Newcastle Development Control Plan 2012 as provided in Attachment A on public exhibition for 28 days.

CONSULTATION

21 The draft amended Section 3.02 Single Dwellings and Ancillary Development was placed on public exhibition for 28 days from 18 January 2016 to 15 February 2016. During this time one internal submission and one external submission was received.

22 The internal submission identified scope to reduce the upper level rear setback to enable more streamlined development assessment. This was discussed previously under Key Issues.

23 The external submission raised concern that secondary dwellings will not require any additional car parking. It was contended that this creates additional on-street parking congestion in front of other properties.

24 The proposed acceptable solution for secondary dwellings is consistent with State Environmental Planning Policy (Affordable Rental Housing) 2009. Under this policy, a Council cannot refuse consent for a secondary dwelling if no additional parking is to be provided on site. The acceptable solution under the DCP therefore cannot require additional parking for a secondary dwelling. It does, however, require that parking be maintained for the principal dwelling on the site. No further change is proposed.

OPTIONS

Option 1

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

Option 2

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

27 The previous amendment to the single dwellings section of the DCP was adopted by Council on 28 October 2014, and commenced operation on 10 November 2014. The intent of this amendment was to make the guidelines more consistent with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, while still allowing a flexible, merit based assessment of development applications.

28 Through the assessment of development applications against the amended guidelines, Council officers have identified opportunities to clarify the intent of the DCP guidelines that could assist with more efficient processing of applications.

ATTACHMENTS

Attachment A: Amended Section 3.02 Single Dwellings and Ancillary Development

Distributed under separate cover.
ITEM-42 CCL 26/04/16 - DUAL NAMING RECOMMENDATION TO THE GEOGRAPHIC NAMES BOARD

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

PURPOSE

The purpose of this report is for Council to re-endorse the following eight Aboriginal landform names to be put forward to the NSW Geographical Names Board (GNB) for approval.

i) Nobbys Head - Whibayganba
ii) Flagstaff Hill - Tahlibihn Point
iii) Pirate Point (Stockton) - Burraybihngarn
iv) Port Hunter (Newcastle Harbour, The Basin, Throsby Basin, North Harbour, Port Waratah and Fullerton Cove) - Yohaaba
v) Hunter River - Coquun
vi) Shepherds Hill - Khanterin
vii) Ironbark Creek - Toohnbing
viii) Hexham Swamp - Burraghihnbihng

RECOMMENDATION

1 Council re-endorse the eight Aboriginal dual names for landforms as proposed by Council's Guraki Aboriginal Advisory Committee.

KEY ISSUES

2 The Aboriginal dual naming project was developed in 2012 by Council's Guraki Aboriginal Advisory Committee and has support in both the Aboriginal and non-Aboriginal communities of Newcastle. Council endorsed the eight place names in September 2013 and following community exhibition, the names were referred to the GNB in 2014.

3 Aboriginal place names require the approval of the GNB in order to be formally recorded and recognised. The GNB prescribes the process for the research, community engagement and gazettal in assigning place names to geographical features in NSW. Council has followed this process in the development of the Aboriginal dual naming project in Newcastle.

4 In August 2015 the GNB resolved to exhibit the Council endorsed place names and pronunciations for 28 days in August 2015. Eleven submissions were received by the GNB during the exhibition, of which six were in favour of the naming proposal as exhibited. A number of naming suggestions were contained in three of the five submissions tabled against the proposal. Two other objections offered no sound evidence for discontinuing the proposal.
5. The GNB provided all received submissions to Council for comment and the staff view formed was that the small number of objections did not outweigh the extensive research and community engagement undertaken to arrive at the proposed spellings.

6. On 24 November 2015 the GNB met to consider the dual naming proposal and it was determined that whilst the Board supported the proposal in principle, endorsement of the exhibited place names by Council was required. Council wrote to the NSW Minister of Finance, Services and Property in December 2015 requesting that the GNB approve the proposal as submitted given the lengthy time delays to this project within the GNB and that Council had already endorsed the dual naming proposal.

7. The NSW Minister for Finance, Services and Property (responsible for GNB) wrote to Council in March 2016 requesting another resolution of Council to support the proposed place name spellings.

FINANCIAL IMPACT

8. The 2015/16 budget includes $50,000 for the design and installation of the dual name signage and on-line interpretation and pronunciation for Council's website. Given the significant delay in approval from the GNB, the majority of this funding will need to be carried forward into 2016/17 budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

9. The Newcastle community strongly supports the need to raise awareness of local Aboriginal and Torres Strait Islander culture and heritage. Council's ongoing commitment to these matters is recognised in Newcastle 2030:

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

IMPLEMENTATION PLAN/IMPLICATIONS

10. Implementation of the dual name signage proposal will be the responsibility of Council’s Strategic Planning Services Unit. Other business units that will have a key role include Council's Communications and Engagement Unit and Signwriting Unit.

RISK ASSESSMENT AND MITIGATION

11. The delivery of the Aboriginal dual naming proposal focuses on raising community awareness and celebrating Newcastle's rich Aboriginal culture. The dual naming proposal is consistent with the NSW Government's Dual Naming Policy 2001 for geographical features and cultural sites.
RELATED PREVIOUS DECISIONS

12 On 24 September 2013, Council resolved to:

"Council endorses the Guraki Committee’s application to the New South Wales Geographical Names Board to dual name Nobby’s Headland, Flagstaff Hill, Pirate Point, Port Hunter, Hunter River (South Channel), Shephards Hill, Ironbark Creek and Hexham Swamp."

CONSULTATION

13 Following the project's endorsement by the Guraki Committee in 2012, a suitably qualified linguist was engaged to further research and develop the proposal for presentation to Council and the GNB.

14 A facilitated community workshop, attended by 18 representatives from Newcastle Aboriginal organisations, was held on 27 May 2012 at Yamuloong Cultural Centre. Following this workshop a report outlining the proposed Aboriginal names was put to Council for consideration at the Ordinary Council meeting of 24 September 2013 and was endorsed by Council.

15 Subsequent to this resolution advice was received by Council from the GNB that included a number of suggested alternative place name spellings for the eight landforms. These suggested alternatives were considered by the contracted linguist and put to a facilitated community workshop held on 2 December 2014 (12 attendees). At this meeting it was resolved to proceed with the spellings endorsed by Council based on the historical research undertaken in developing the proposal.

16 On 24 March 2015 a third community workshop was held to finalise the place name pronunciations before submission to the GNB.

OPTIONS

Option 1

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

Option 2

18 Council does not endorse the eight Aboriginal names for landforms as recommended by Council’s Guraki Committee. This is not the recommended option.

BACKGROUND

19 The Aboriginal dual naming project was first endorsed by Council’s Guraki Aboriginal Advisory Committee at a meeting held on 2 April 2012. The Guraki Committee is a formal committee of Council created for the purpose of providing advice to Council on Aboriginal and Torres Strait Islander culture and heritage.
ATTACHMENTS

Nil
ITEM-43  CCL 26/04/16 - EXHIBITION OF THE SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN 2009

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

PURPOSE

The purpose of this report is to obtain a Council resolution to place the Draft Section 94A Development Contributions Plan 2009 (Draft Section 94A Plan) (Attachment A) on public exhibition pursuant to clause 28 of the Environmental Planning and Assessment Regulation 2000.

RECOMMENDATION

1  Council resolves to place the Draft Section 94A Development Contributions Plan 2009 on public exhibition for 28 days.

KEY ISSUES

2  An amendment has been made to the Draft Section 94A Plan to:
   i)  continue the 2% city centre levy for a further 12 months;
   ii) modify the area where the plan applies;
   iii) revise the schedule of works;
   iv) update the list of Council exemptions, and
   v)  make other minor amendments to ensure it meets current legislative requirements.

3  Part B of Council's section 94A Plan came into force in 2008 which levies development in the Newcastle City Centre. The section 94A levy for the city Centre in 2008 was 3% of the estimated cost of development. Between 2008 and 2012 Council received $2,444,839 in respect of City Centre Section 94A development contributions.

4  In April 2013 Council resolved to reduce the city centre contributions from 3% to 2%, until the end of the current Council term. The contributions were reduced to encourage new development within the city centre. Since reducing the levy to 2% Council has received $2,879,280 in City Centre Section 94A contributions.

5  Given the uncertainty surrounding Council amalgamations and the timing of the next Local Government election, it is proposed to extend the reduction in contributions to the end of the next financial year, that is, until 30 June 2017.
6 Council has two development contribution plans:

   i) the Western Corridor Section 94 Plan 2013 that applies to residential development (only) in the Western Corridor; and

   ii) the Section 94A Plan that currently applies to the rest of the Local Government Area (LGA).

7 The Section 94A Plan is being amended to apply to the entire LGA to ensure that appropriate development contributions can be levied on developments that do not pay S94 contributions under Council’s Western Corridor S94 Plan, that is, to enable contributions to be levied on commercial and industrial development within the Western Corridor.

8 The change to the Draft Section 94A Plan will predominately capture non residential development in the Western Corridor area, where the value of the proposed development exceeds $100,000.

9 Council has in the past received submissions requesting that the cost of mine subsidence remediation be removed from the calculation of the section 94A levy. To date, investigation of this matter by Council has been deferred while the State government completed its investigations into how it would assist with mine rehabilitation in the city centre.

10 In November 2015, the $17 million "Newcastle Mines Grouting Fund" was opened by the Minister for Planning and Environment. This fund is administered by the Hunter Development Corporation. The fund establishes a rate per square metre for grouting work and requires an approved Mine Remediation Strategy.

11 Section 94A development contributions are calculated as a percentage of the cost of development. Clause 25J of the Environmental Planning and Assessment Regulation 2000 sets out what costs can and cannot be included when calculating the cost of development. The cost of remediation of land is included as a development cost in the Regulations, although Council is able to exempt the cost from the calculation if it sees fit.

12 The cost of grouting can be in the millions of dollars thereby substantially increasing the cost of development.

13 An audit of city centre development approvals issued by Council since 2010 found that a cost for mine subsidence remediation (grouting) had not been included in the estimated cost of any of the development applications and was not being included in the calculation of the Section 94A levy.
14 To formalise this practise and complement the State government's Newcastle Mines Grouting Fund, the following exemption has been added to Section 7 of the Draft Section 94A Plan:

   i) The remediation and grouting of land affected by mine subsidence where the development has an approved mine remediation strategy from the MSB. The exemption does not extend to the cost of investigation and consultancy engagements such as specialist consultants, exploratory drilling, design, modelling, project management, establishment, preliminaries and the like.

15 The following two exemptions have also been included within Section 7 of the Draft Section 94A Plan. These types of developments have generally already paid a Section 94 contribution and therefore Council does not levy them again:

   i) development for the purpose of a single dwelling on a single allotment; and

   ii) development for the purpose of alterations and additions to an existing dwelling.

16 The updates to the work schedule and general review of the plan made minor changes to the wording and format of the plan; amendments to the plan have been noted in red.

FINANCIAL IMPACT

17 The majority of the projects included in the Draft Section 94A Plan are expected to be fully funded by development contributions and therefore the projects are unlikely to commence until sufficient development contributions have been collected to fund the projects. Inclusion of a project in the Schedule is not a commitment by Council to the project; it is a list of potential projects only. Projects must be listed if Section 94A funds are to be used to construct them.

COMMUNITY STRATEGIC PLAN ALIGNMENT

18 The preparation and processing of the attached Draft Section 94A Plan aligns to all seven strategic directions by providing community benefits through the delivery of community infrastructure to new and existing communities. The Draft Section 94A Plan is anticipated to deliver upgrades to community and recreation facilities, provide new cycleway links, traffic and transport upgrades and aid in the revitalisation of the city centre.

IMPLEMENTATION PLAN/IMPLICATIONS

19 The exhibition and implementation of the Draft Section 94A Plan will be in accordance with the Environmental Planning Assessment Act 1979 and accompanying Regulation. The Act and Regulation identify the process and responsibilities for preparing, exhibiting and adopting a development contribution plan.
RISK ASSESSMENT AND MITIGATION

20 The Draft Section 94A Plan has been prepared in accordance with relevant legislation and Department of Planning and Environment Practice Notes. Adherence to the legislative framework reduces the risk to Council by ensuring Section 94A funds are levied, collected, spent and accounted for in the correct manner.

RELATED PREVIOUS DECISIONS

21 The current version of the Section 94A Plan was adopted by Council on 25 August 2015.

22 On 9 April 2013 Council adopted the amended Section 94A Plan that included the reduction in city centre development contributions from 3% to 2%.

CONSULTATION

23 Consultation has occurred with relevant internal stakeholders. External consultation will be undertaken during the public consultation process.

OPTIONS

Option 1

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

Option 2

25 Council resolves not to proceed with the public exhibition of the Draft Section 94A plan. This option is not recommended as it does not allow amendments to be made to the plan to ensure its consistency with relevant legislation. This is not the recommended option.

BACKGROUND

26 Council adopted the Newcastle Section 94A Plan in 2006. At the time the Plan applied to the entire Local Government area excluding the city centre and Blue Gum Hills which were levied under Development Contributions Plan 1, 2005. Following gazettal of the Newcastle City Centre Local Environmental Plan in 2008 the Department of Planning amended Council’s Section 94A Plan to include Part B which imposes a levy on the cost of all new development within the City Centre Local Environmental Plan area. Part B of the plan collects funds for a variety of projects outlined in the City Centre Civic Schedule of Works.

27 The Section 94A Plan is kept under regular review.
ATTACHMENTS

Attachment A: Draft Section 94A Development Contributions Plan

Distributed under separate cover.
ITEM-44 CCL 26 04 2016 - PUBLIC ART MANAGEMENT MODELS

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

PURPOSE

The purpose of this report is to seek endorsement of a Public Art Management Framework in the form as provided in Attachment A.

RECOMMENDATION

1 Council resolves to:

   i) Adopt the included Public Art Management Framework in the form as provided in Attachment A

   ii) Appoint up to three Councillor Representatives to the Public Art Reference Group.

KEY ISSUES

2 On 27 October 2015, Council resolved to appoint Councillors Dunn, Doyle, Posniak and Rufo to the Public Art Advisory Committee, and for these Councillors together with officers to meet to discuss and revise the Public Art Advisory Committee Charter to ensure it is updated to reflect current Committee practices.

3 The Newcastle City Council Public Art Advisory Committee Constitution (originally adopted in March 2002) constitutes the Committee as a 15 person committee made up of Councillors, Officers and Community members. Feedback on the operational efficiency of this Committee indicates that it was a single management framework that struggled to achieve a quorum which consisted of 'half plus one' and to reach agreement of works being considered.

4 The proposed Public Art Management Framework within this report is informed by comprehensive industry research and feedback from the Councillor representative discussions and by the Councillor Workshop held on 15 March 2016.

5 The proposed Public Art Management Framework aligns with the objectives of the earlier Newcastle City Council Public Art Advisory Committee Constitution (adopted March 2002) while providing a more sustainable and manageable approach. The proposed Framework supports the engagement of suitably qualified professionals and ensures there is community engagement and transparency in decision-making while also providing appropriate governance of artist and curatorial selections and accountability for external investment. It includes Councillors, Officers and Community representation.
FINANCIAL IMPACT

6 Adoption of the Public Art Management Framework will be undertaken within the existing 2015/16 operational budget and provision is made for necessary budget in the proposed 2016/17 operational budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

7 The Public Art Framework responds to the Newcastle 2030 Community Strategic Plan primarily within the strategic objectives of:

Open and Collaborative Leadership

8 The Framework is also consistent with the Cultural Strategy 2016-2019 and is the first stage of achieving Action 8.1:

Re-establish a Public Art program based on Council endorsed policy.

IMPLEMENTATION PLAN/IMPLICATIONS

9 The Public Art Management Framework will be implemented within existing resources and oversee the Public Art budget including maintenance. Future projects not within current budgets have been timed for future budget periods, and funding will be sought through the usual budget processes or through sponsorship or donations where appropriate and available.

RISK ASSESSMENT AND MITIGATION

10 There is no risk to Council in adopting the Public Art Management Framework.

RELATED PREVIOUS DECISIONS

11 On 27 October 2015, Council resolved to appoint Councillors Dunn, Doyle, Posniak and Rufo to the Public Art Advisory Committee, and for these Councillors together with officers to meet to discuss and revise the Public Art Advisory Committee Charter to ensure it is updated to reflect current Committee practices.

CONSULTATION

12 The development of the Public Art Management Framework has been informed by research into models for managing both public and private development of public art and specifically looking at case studies of three cities: Hobart, Perth and Darwin.

OPTIONS

Option 1

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

14 Council not adopt the Public Art Management Framework. This is not the recommended option.

BACKGROUND

15 Prior to the Council resolution made on 27 October 2015, the Cultural Director had engaged an external Public Art expert to provide advice on relevant models to manage both public and private development of Public Art, including models for public consultation and decision making. The consultant has extensive experience working for government at both local and state levels around Australia, as well as private enterprise, advising on and managing Public Art development.

16 Two meetings with Councillors were held with the consultant, the first to explore a range of management models that Councils and state agencies have used to provide best practice governance and structure to the development, approval, delivery and maintenance of Public Art, and the second to discuss and review a proposed management framework for Newcastle.

17 Research into successful models of Public Art Management highlights that Committees need to be small and focused and are most efficient where there is a structure that supports separate, however interconnected, groups individually responsible for strategic planning, project implementation and on-going management of Public Art.

ATTACHMENTS

Attachment A: Proposed Public Art Management Framework
Attachment A: Proposed Public Art Management Framework

BACKGROUND

Public Art is an art form. It is a specialist art practice that involves a range of skilled professionals throughout the entire process. It can be permanent, temporary or ephemeral.

Public Art is accessible in the public domain, outside the confines of a gallery or museum. It is site-specific, not mass-produced or a reproduction of an original artwork or a previous unrealised concept design. In other words, it is unique.

Public art is created by specific acknowledged artists and craftspeople, and may be created in a collaborative process involving architects, planners and members of the community.

Artists that work in the public realm require the ability to respond to a project brief, including its physical environment and / or social context to create a site-specific artwork.

Successful public art projects are achieved by engaging public art professionals to plan, curate and deliver projects in consultation with internal and external stakeholders.

PROPOSED PUBLIC ART MANAGEMENT FRAMEWORK

The following proposed structure is recommended for inclusion in Newcastle City Council Public Art Policy. The management structure includes small focused committees / working groups with an appropriate mix of representation from Councillors, arts workers and internal stakeholders.

The proposed Public Art Management Framework is comprised of:

1. Public Art Working Group (internal representation)
2. Public Art Reference Group (external representation)
3. Public Art Coordinator (fixed term contract initially)
4. Panel of Providers (skilled professionals register)
The proposed management framework supports the engagement of professionals and ensures there is community engagement and transparency in decision-making regarding public art processes. It provides appropriate governance of artist and curatorial selections and accountability for external investment.

1. **Public Art Reference Group (PARG)**

Recommendation: Establish a flexible external reference group structure that can respond to different public art opportunities in an efficient and considered manner.

The external reference group / committee should have up to eight members including up to three Councillors, three community members (Traditional Owners, historians and cultural representatives), the CEO or delegate, and a member of NCC’s Public Art Working Group. This committee is structured to expand to include a project specific community representative.

The role of the PARG is to provide recommendations to NCC’s Public Art Working Group on:

- Strategic guidance around social, cultural protocols, heritage and curatorial issues including:
  - Cultural and aesthetic appropriateness of proposed public art projects.

- Key recommendations at specific gateways including:
  - Upfront assessments, site identification, artist selections, curatorial appointments, themes and community engagement strategies.

The PARG meets annually or as required as part of the project consultation process.

Selection of community representatives should be through an Expression of Interest (EOI) process with clear selection criteria defined in the Public Art Policy.
Management of this process is to be delegated to the Director of Planning and Regulatory.

2. Public Art Working Group (PAWG)

Recommendation: Establish an internal working group that ensures projects align with Council’s goals and objectives and maintains transparency in decision-making regarding public art processes.

The structure of the PAWG includes 6 members from different business areas within Council relevant to public art including Cultural Development, Facilities and Recreation, Public Domain, Planning and Economic Development.

The role of the PAWG is to oversee the implementation of the Public Art Policy and projects delivered by Council. This includes:

- Identifying locations, budget allocations and prioritised initiatives.
- Liaising with Newcastle Art Gallery Acquisition Committee on donations of sculptures as Public Art.
- Overseeing conservation and curatorial management plan.
- Reviewing resourcing options for each project.
- Allocating and endorsing budgets for each project in line with Council procurement policies.
3. **Public Art Coordinator**

Recommendation: Establish a position of Public Art Coordinator to manage Public Art including maintenance of the City’s assets however delay this appointment for 12 months and in the interim undertake the role through a fixed term contract to establish the systems within Council in consultation with the PAWG including overseeing the EOI process for the Panel and Providers and PARG.

The role of the Public Art Coordinator includes providing expert advice and reports to the Working Group and administrative support to Reference Group.

The Public Art Coordinator would administrate the selection process of both curators and / or artists sourced through Panel of Providers register.

The Coordinator would be responsible for drafting project / artist briefs for opportunities based on recommendations from the Reference and Working Groups and oversee commissioning process and review contractual agreements.

4. **Panel of Providers**

Recommendation: Establish a Panel of Providers for efficient access to experienced Public Art professionals (curators, managers, artists and fabricators) and have been through a review process prior to registration.

A Panel of Providers incorporates the best aspects of both a limited competition and direct engagement while offering transparency and accountability. As the commissioning process can be expensive and inefficient it is recommended that a panel of skilled professionals is established through an EOI process.

The selection based on criteria or accreditation established by the Public Art Working Group. Curators may present artists not currently registered for public art project however they would need to register before being engaged on a project.
PUBLIC ART COMMISSIONING APPROVAL PROCESS

STAGE ONE
PROJECT BRIEF
DEVELOPED BY CO-ORDINATOR
Reviewed and Approved by Public Art Reference Group
Reviewed and Approved by Public Art Working Group
APPROVAL GATEWAY
Presented to Council for final approval

STAGE TWO
SHORTLIST
PUBLIC ART CURATOR AND/OR ARTISTS
Reviewed and Approved by Public Art Working Group

STAGE THREE
CONCEPT DESIGN/DESIGN DEVELOPMENT PRESENTATION
Reviewed and Approved by Public Art Working Group and Reference Group
APPROVAL GATEWAY
Presented to Council for final approval

STAGE FOUR
COMMISSIONING INSTALLATION
Reviewed and Approved by Public Art Working Group
SIGN OFF
ITEM-45  CCL 26/04/16 - HERITAGE AMENDMENTS - ENDORSEMENT OF PROPOSED AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

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

PURPOSE

This report seeks Council's endorsement of a Planning Proposal to commence the statutory process to prepare an amendment to Newcastle Local Environmental Plan (LEP) 2012 in order to address various heritage matters as outlined in Attachment A.

RECOMMENDATION

1  Council resolves to:
   
   i)  Endorse the attached Planning Proposal (Attachment A), prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend Newcastle LEP 2012 in order to address various heritage matters.

   ii)  Forward the Planning Proposal to the Minister for Planning and Environment for Gateway Determination pursuant to Section 56 of the EP&A Act 1979.

   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, otherwise forward the Planning Proposal to the Secretary, Planning and Environment requesting the proposed amendment to Newcastle LEP 2012 be made.

KEY ISSUES

2  The planning proposal details the amendments required in order to address a number of heritage matters that have been identified in the Newcastle LEP 2012.

3  The proposed amendments include corrections to Schedule 5 Environmental Heritage and the Heritage Maps of Newcastle LEP 2012 that address such matters as:

   i)  inclusion of "interiors notation" for all relevant heritage items, including proposed listings.

   ii)  removal of two items from Part 1 of Schedule 5.
iii) change in the level of significance of items where the items have either been nominated to be on the State Heritage Register or have been included on the State Heritage Register.

iv) amendment to various item names and or addresses / property descriptions to better reflect the item.

v) six items are proposed to be included as new Part 1 Heritage Items.

vi) four items are proposed to be added as "Part 3 - Archaeological Sites" in Schedule 5 of the Newcastle LEP 2012.

4 The Planning Proposal was prepared in accordance with Department of Planning and Environment's (DPE) guidelines and Council's Local Environmental Plan - Request for Amendment Policy.

5 If endorsed by Council, the Planning Proposal will be forwarded to the Minister for Planning and Environment for Gateway Determination. Gateway Determination will confirm whether the State government provides in principle support for the Planning Proposal and identify what further technical studies and community consultation are required prior to the proposed amendments being made.

6 Strategic Planning staff recommend that Council do not seek delegations under Section 59(1) of the EP&A Act 1979 given the added impost on Council resources without any additional influence on the outcomes. These delegations obligate Council to prepare the final reporting, drafting and mapping in order for the Minister of Planning and Environment to 'make' the proposed amendments to Newcastle LEP 2012. Where Council does not exercise these delegations, Planning and Environment undertakes these requirements.

FINANCIAL IMPACT

7 As the planning proposal has been initiated by Council, fees have not been collected to recoup costs. The work will be undertaken by Council's Urban Planning Team within their current allocated work program and budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 The preparation and processing of the attached draft Planning Proposal aligns to the strategic direction ‘Open and Collaborative Leadership’ identified within the Newcastle Community Strategic Plan 2030.
9 Compliance with the LEP amendment process, in particular Section 57 of the EP&A Act 1979, will assist in achieving the strategic objective; "Consider decision-making based on collaborative, transparent and accountable leadership" and the identified strategy 7.2b, which states: "Provide opportunities for genuine representative community engagement in local decision making" as identified within the Newcastle 2030 Community Strategic Plan.

10 The Planning Proposal is consistent with Council's Heritage Strategy 2013-2017 which includes actions in relation to assessing potential heritage items and undertaking housekeeping reviews of the Heritage Schedule to the Newcastle LEP 2012.

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

13 Newcastle LEP 2012 was adopted by Council on 21 June 2011.

CONSULTATION

14 The Planning Proposal outlines the level of consultation required as per DPE NSW guidelines ‘Preparing Local Environmental Plans’. The proposal is considered a low impact proposal, meaning it is consistent with the pattern of surrounding land use zones and / or land uses, is consistent with the strategic planning framework, presents no issues with regard to infrastructure servicing, is not for a principal LEP and does not reclassify public land. The planning proposal is therefore proposed to be exhibited for 28 days to allow appropriate consultation with the property owners, unless otherwise advised by the Gateway Determination.

15 The Gateway Determination will confirm which State agencies are to be consulted and the consultation requirements, which is envisaged to include a public notice in the Newcastle Herald, publication on Newcastle City Council's web page and written notification to affected property owners.
OPTIONS

Option 1

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

Option 2

17 Council resolves not to proceed with the Planning Proposal. This is not the recommended option as it would not enable the necessary amendments to allow efficient administration of the LEP.

BACKGROUND

18 Council staff identified a number of matters that require amendment to the Heritage schedules and maps of Newcastle LEP 2012. As a result, a planning proposal has been prepared to resolve these matters.

19 The Planning Proposal (Attachment A) provides the necessary justification to satisfy Council that the proposed amendment to Newcastle LEP 2012 can be endorsed and forwarded to Planning and Environment to seek Gateway Determination.

ATTACHMENTS

Attachment A: Planning Proposal - Heritage Amendments

Attachment is distributed under separate cover.
NOTICES OF MOTION

ITEM-2 NOM 26/04/16 - URBANGROWTH / COUNCIL CONSULTATION

COUNCILLORS: T DOYLE AND M OSBORNE

PURPOSE

The following Notice of Motion was received on 14 April 2016 from the abovementioned Councillors:

MOTION

That Council invite community representatives, Dr Patricia Gillard and Fred Dumbrell to present their comments about UrbanGrowth’s Engagement Outcomes Report December 2015, related user research and how they could be used in transport planning for the city and region, at the next Public Voice session of Tuesday 17th May, 2016.

BACKGROUND

Public Voice is currently the single mechanism through which the public may address Council on issues of public concern. The purpose of Council’s Public Voice Policy is “to enable members of the public to formally address Council meetings during designated ‘public voice sessions’”. In this instance the Public Voice presentation would come under the definition of a Leading Issues Session: ‘a public voice session reserved for short presentations on significant issues of a general, strategic or policy nature’. (See Public Voice Policy page 3)

Presenters:
Dr Patricia Gillard is a Conjoint Professor at the School of Design, Communication and IT, University of Newcastle, and is Principal of Coppice Research (coppice.com.au), a consultancy based in Newcastle. Dr Gillard will discuss UrbanGrowth’s Engagement Outcomes report and other recent research for its uses to ensure excellent transport policy and an outstanding public transport system for the region.

Fred Dumbrell is a resident of the Silk House development in Hunter Street, a member of Newcastle Inner City Residents Alliance (NICRA) and a spokesperson for Access Newcastle Foreshore, a subcommittee of NICRA. Mr Dumbrell will voice the concerns of this group of residents about both the light rail route and proposed developments along the rail corridor. Mr Dumbrell will also present results of an analysis, completed by his group, of the written submissions made to the joint UrbanGrowth/Newcastle City Council community consultation process.

ATTACHMENTS

Nil
ITEM-3 NOM 26/04/16 - NO BUSINESS IN ABUSE

COUNCILLORS: M OSBORNE AND T DOYLE

PURPOSE

The following Notice of Motion was received on 14 April 2016 from the abovementioned Councillors:

MOTION

That Council expresses its respect for the fundamental human rights of asylum seekers.

Therefore Newcastle City Council.

1 Agrees, in principle, to only support and/or contract companies, institutions and organisations that do not support or profit from practices which abuse the fundamental human rights of asylum seekers. A company that is not abusive is one which¹:

a) Has zero tolerance for child abuse, in policy and practice;
b) Respects people's fundamental rights to freedom from arbitrary and indefinite detention;
c) Does not treat people in a cruel, inhumane or degrading manner;
d) Commits to transparency and independent monitoring to ensure these principles are upheld.

2 Commission a report mapping Newcastle City Council’s exposure to Broadspectrum and its associated entities. The report shall include:

a) A list of all current contracts and investments with Broadspectrum and Wilson Security;
b) The possibility of future contracts and investments with Broadspectrum and Wilson Security;
c) The possibility and legality of Newcastle City Council excluding Broadspectrum and Wilson Security from any future contracts, tenders or other business dealings.
d) Recommendations to Newcastle Council for appropriate action in relation to the above.

3 Newcastle City Council review its procurement policy to incorporate the four principles of the No Business in Abuse (NBIA) pledge, thereby excluding from future contracts, tenders or business dealings any companies involved in Australia’s offshore and onshore immigration processing system that fail to meet the NBIA pledge requirements.

¹ The full text of the No Business in Abuse pledge is included below.
BACKGROUND

Overwhelming evidence indicates systemic abuse of asylum seekers’ human rights is occurring within Australia’s immigration processing system. We know that this system is administered by companies, in contravention of the obligations upon all business enterprises to respect fundamental human rights as set out within the UN Guiding Principles on Business and Human Rights.

The preamble to the United Nations’ Universal Declaration of Human Rights calls on “every individual and every organ of society” to promote and respect human rights. This council is an important institution in our community, and takes this responsibility seriously - to lead by example in encouraging responsible business practices and the adherence to human rights standards.

It is therefore incumbent on Newcastle City Council to consider its business relationships with companies who hold contracts in Australia’s system of mandatory detention, and the impact these companies’ activities are having on asylum seekers and refugees.

In light of the recent publication of a No Business in Abuse report detailing the complicity of Broadspectrum (formerly Transfield Services) and its security subcontractor Wilson Security in gross human rights abuses occurring within Australia’s offshore detention regime, it is particularly incumbent on Newcastle City Council to better understand its business relationships with Broadspectrum and its associated entities.

THE NO BUSINESS IN ABUSE PLEDGE DEFINES A COMPANY THAT IS NOT ABUSIVE AS ONE WHICH:

Has Zero Tolerance for Child Abuse, in policy and practice

The overarching finding of the Australian Human Rights Commission Inquiry ‘Forgotten Children’, was that the prolonged, mandatory detention of asylum seeker children causes them significant mental and physical illness and developmental delays, in clear violation of the Convention on the Rights of the Child. Many medial authorities have termed these practices child abuse.

In addition, children are at increased risk of physical and sexual abuse in detention. Numerous incidents of abuse of children have been outlined in the Australian Government-commissioned independent review by Phillip Moss, and submitted as evidence to the Senate Select Committee on the conditions of detention on Nauru.

The Royal Commission on Institutional Responses to Child Abuse has said that “institutions operating without accountability, or with accountability only to themselves,” those “operating in physically isolated places,” and having operational

---

2 Business In Abuse: Broadspectrum’s complicity in gross human rights abuses within Australia offshore detention regime, October 2015, No Business In Abuse.
5 The Senate, Parliament of Australia, “Select Committee on the Recent Allegations Relating to Conditions and Circumstances at the Regional Processing Centre in Nauru: Taking Responsibility; Conditions and Circumstances at Australia’s Regional Processing Centre in Nauru” (Commonwealth of Australia, August 2015).
or funding systems beyond the range of normal scrutiny were all factors that significantly increased the risk of child abuse. All Australians detention facilities fit these indicators, in particular those operating offshore and in remote parts of Australia.

On the basis of findings such as these, the consistent recommendation of domestic and international authorities has been to immediately release all children and their families from detention. However, to date, children remain in both offshore and onshore immigration detention. No business enterprise can support these systems, without also supporting child abuse.

Respects people’s fundamental rights to freedom from arbitrary and indefinite detention

Liberty is a fundamental human right, recognised in major human rights instruments including the International Covenant on Civil and Political Rights, Article 9 of which states “No one shall be subjected to arbitrary arrest or detention.” Arbitrary detention is considered a gross human rights abuse, and, where it occurs as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack, can amount to a crime against humanity as outlined in Article 7 of the Rome Statute of the International Criminal Court.

The current system of detaining asylum seekers in offshore and onshore centers clearly amounts to arbitrary detention and deprivation of liberty, a finding confirmed numerous times by domestic and international human rights bodies. It is considered such because the system currently:

- Is mandatory and automatic;
- Is prolonged, open-ended and indefinite;
- does not provide a robust and transparent individual assessment mechanism to determine whether the detention of each person is necessary, reasonable or proportionate; and
- does not provide for anyone deprived of their liberty to be able to challenge their detention in a court. To comply with Article 9(4) of the ICCPR, that court must have the power to order the person’s release if their detention is found to be arbitrary and in breach of article 9(1) of the ICCPR.

No business enterprise should be complicit in a system of arbitrary detention.

Does not treat people in a cruel, inhumane or degrading manner

All people have a fundamental right to humane treatment in detention (Article 10, International Covenant on Civil and Political Rights) and a right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment (Article 7, International Covenant on Civil and Political Rights and Articles 1 and 16 of the UN Convention Against Torture). The current system of offshore and onshore detention has been found to amount to a breach of the aforementioned articles. In the latest finding, in 2015, the UN Special Rapporteur on Torture stated that “by failing to provide adequate detention conditions; end the practice of detention of children; and put a stop to the escalating violence and tension at the Regional Processing Centre,

---

has violated the right of the asylum seekers, including children, to be free from torture or cruel, inhuman or degrading treatment, as provided by articles 1 and 16 of the [Convention Against Torture].\textsuperscript{7}

No business enterprise should support the cruel, inhumane and degrading treatment of people within Australia’s offshore and onshore immigration detention system.

\textbf{Commits to transparency and independent monitoring to ensure these principles are upheld.}

Independent monitoring, and the ability of detainees to make complaints to independent monitors, is essential for the prevention of torture and the protection of other human rights in detention. This is recognised in many international and regional human rights instruments and in Australian legislation.\textsuperscript{8} All immigration detention facilities should allow monitoring by independent bodies, including the Commonwealth Ombudsman, the Australian Human Rights Commission, the United Nations High Commissioner for Refugees, Amnesty International and Australian Red Cross. The purpose of this monitoring includes ensuring that immigration detention facilities are administered in accordance with international obligations and with relevant statutory requirements. Detainees must be able to communicate freely and in full confidentiality with monitoring bodies and any other person of their choosing, including legal representatives and members of the media.

There has been no public monitoring of Australia’s offshore detention facilities since 2013, and any visits by independent bodies have been in secret, without public release of findings. Authorities such as the UN Special Rapporteur on the Human Rights of Migrants, and non-government organisations such as Amnesty International have consistently expressed concern at the lack of independent monitoring and access to the detention centres.\textsuperscript{9}

No business enterprise should enter into a situation in which it is unable to guarantee transparency and independent monitoring, to ensure fundamental human rights are being respected.

\textbf{ATTACHMENTS}

\textit{Nil}

\textsuperscript{7} Juan E. Mendez, “Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” March 6, 2015.

\textsuperscript{8} See \textit{Interpretive instruments}: OPCAT 4, 12, 14, 15, 19, 21; Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ‘Guidelines on national preventive mechanisms’, 9 December 2010; SMR 55; UNRJ/DL 72-74; BOP 29; UNHCR Guidelines 10. \textit{National law}: Ombudsman Act, s 5, 9, 14, 15; Migration Act part 8 C; Australian Human Rights Commission Act s 13.

ITEM-4 NOM 26/04/16 - LIGHT RAIL

COUNCILLORS: T DOYLE AND M OSBORNE

PURPOSE

The following Notice of Motion was received on 14 April 2016 from the abovementioned Councillors:

MOTION

1 That Council express its concern to the State Government regarding the following aspects of the light rail system and route proposed in its Review of Environmental Factors:

   • deferral of consideration of streetscapes and cycleways until a later date, rather than integrating planning for all aspects of the revitalization process;
   • failure to consider options that include using the length of the rail corridor for transport purposes;
   • lack of clear long-term planning and commitment to extending the light rail system to key destinations such as Callaghan campus of the University, John Hunter Hospital, Hunter Stadium and the airport;
   • failure to analyse and consider the 285 submissions made by community members to the UrbanGrowth/ NCC Community Engagement

2 That Council Officers prepare a report and draft submission for the Ordinary Council meeting of Tuesday 24th May 2016 to the Minister for Transport, Andrew Constance and Transport for NSW.

BACKGROUND

Nil.

ATTACHMENTS

Nil
CONFIDENTIAL REPORTS

ITEM-11 CON 26/04/16 - CONTRACT FOR PROVISION OF ORGANISATIONAL CULTURE TRANSFORMATION PROGRAM - CONTRACT NO. 2016/455T

REPORT BY: CORPORATE SERVICES
CONTACT: DIRECTOR CORPORATE SERVICES / MANAGER HUMAN RESOURCES

PURPOSE

To obtain Council’s approval to enter into a contract for $188,500 (exc GST) for the provision of an Organisational Culture Transformation Program pursuant to section 55(3)(i) of the Local Government Act 1993 (Act).

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

A  The matter relates to section 10A(2)(d) of the Act as it involves the consideration of commercial information that has been provided to Council on the basis that it will be treated as commercial-in-confidence. It is contrary to the public interest to release this information as the information supplied includes sensitive commercial information that would, if disclosed, prejudice the commercial position of the person who supplied it. This would lead to a reduction in the supply of information relevant to Council's decision; and

B  The closed session will involve only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
ITEM-12 CON 26/04/16 - CONSIDERATION OF SALE OF AA COMPANY HOUSE THROUGH PUBLIC TENDER

REASON FOR CONFIDENTIALITY

This report has been classified confidential in accordance with the provisions of the Local Government Act 1993 as follows:

- Section 10A(2)(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) 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 a recommendation to dispose of land and buildings at 195 Denison Street Hamilton by expression of interest (EOI).

B It is contrary to the public interest to discuss the matter in an open meeting because the information provided to Council is sensitive commercial information which would provide a commercial advantage to any person making an offer to purchase the property and may lead to a reduction in final sale price.

C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
ITEM-13  CON 26/04/16 - EVENTS MANAGEMENT SOFTWARE SOLUTION CONTRACT NO. 2016/325T

REPORT BY: CORPORATE SERVICES
CONTACT: DIRECTOR CORPORATE SERVICES / MANAGER INFORMATION TECHNOLOGY

PURPOSE

To appoint a new service provider to supply, install, commission and support replacement software solution to Council's existing Event Management system.

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

REASON FOR CONFIDENTIALITY

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

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

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

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

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 Events Management Software Solution for Contract No. 2016/325T.

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-14  CON 26/04/16 - NEWCASTLE WAR MEMORIAL CULTURAL CENTRE - WINDOW UPGRADE AND STRUCTURAL WORKS CONTRACT NO. 2016/388T

REPORT BY: INFRASTRUCTURE
CONTACT: ACTING DIRECTOR INFRASTRUCTURE / MANAGER PROJECTS AND CONTRACTS

PURPOSE

To accept a tender for the Newcastle War Memorial Cultural Centre – Window Upgrade and Structural Works.

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.

GROUNDS FOR CLOSING PART OF THE MEETING

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

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

A  The matter relates to tenders for the Newcastle War Memorial Cultural Centre – Window Upgrade and Structural Works Contract No. 2016/388T.

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-15 CON 26/04/16 - SUMMERHILL WASTE MANAGEMENT CENTRE - WHOLE OF LIFE PLAN, ENVIRONMENTAL CONSULTANT CONTRACT NO. 2015/419T

REPORT BY: INFRASTRUCTURE
CONTACT: ACTING DIRECTOR INFRASTRUCTURE / MANAGER PROJECTS AND CONTRACTS

PURPOSE

To accept a tender for the preparation of the Summerhill Waste Management Centre Landfill Whole of Life Plan.

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 preparation of the Summerhill Waste Management Centre Landfill Whole of Life Plan Contract No. 2015/419T.

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-16 CON 26/04/16 - NEWCASTLE CITY COUNCIL ADMINISTRATION BUILDING FACADE REPAIR AND DRIVEWAY UPGRADE CONTRACT NO. 2016/317T

REPORT BY: INFRASTRUCTURE
CONTACT: ACTING DIRECTOR INFRASTRUCTURE / MANAGER PROJECTS AND CONTRACTS

PURPOSE

To accept a tender for the Newcastle City Council Administration Building Façade Repair and Driveway Upgrade.

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 Newcastle City Council Administration Building Façade Repair and Driveway Upgrade Contract No. 2016/317T.

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.