ORDINARY COUNCIL MEETING
12 DECEMBER 2017

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

REPORTS BY COUNCIL OFFICERS

ITEM-137  CCL 12/12/17 - ADOPTION OF THE OPEN AND TRANSPARENT GOVERNANCE STRATEGY
Attachments A to D

ITEM-138  CCL 12/12/17 - ADOPTION OF INSTRUMENTS OF DELEGATION
Attachments A to C

ITEM-139  CCL 12/12/17 - ADOPTION OF THE CODE OF CONDUCT AND ITS ASSOCIATED PROCEDURES AND THE CODE OF CONDUCT PANEL
Attachments A to C

ITEM-142  CCL 12/12/17 - UNIVERSITY TO NEWCASTLE CITY CENTRE CYCLEWAY - MAUD STREET MID-BLOCK SIGNALS
Attachments A to E

ITEM-145  CCL 12/12/17 - RAIL CORRIDOR LAND - ADOPTION OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012, DEVELOPMENT CONTROL PLAN 2012 AND PLANNING AGREEMENT
Attachments A to I - Distributed under Separate Cover
CCL 12/12/17

ADOPTION OF THE DRAFT OPEN AND TRANSPARENT GOVERNANCE STRATEGY

Attachment A: Open and Transparent Governance Strategy
Attachment B: Survey responses
Attachment C: Summary of relevant submissions and feedback
Attachment D: Workshop report

DISTRIBUTED UNDER SEPARATE COVER
CCL 12/12/17
ADOPTION OF THE OPEN AND TRANSPARENT GOVERNANCE STRATEGY

Attachment A: Open and Transparent Governance Strategy
Open and Transparent Governance Strategy
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Preliminary

Introduction and context

In accordance with the Local Government Act 1993 (NSW) (Act), every council in NSW is required to adopt a Community Strategic Plan (CSP).

The CSP represents the highest level of strategic planning undertaken by Council. It is a shared community vision developed to inform policies and actions over the next ten years. There is an extensive community engagement process to identify long term objectives of the community and the strategies to achieve those objectives to meet levels of service the community expects.

As the CSP is a shared community vision, not all actions are within the responsibility of Council and this is clearly articulated in the document.

CSPs are required to address the quadruple bottom line - that is social, environmental, civic leadership issues and governance. The CSP commits Council to seven strategic directions (ensuring it meets its quadruple bottom line):

Strategic directions for Newcastle

A Connected City
A Protected and Enhanced Environment
Vibrant and Activated Public Places
A Caring and Inclusive Community
A Liveable and Distinctive Built Environment
A Smart and Innovative City
Open and Collaborative Leadership

What is Open and Collaborative Leadership?

Open and Collaborative Leadership is one of seven key strategic directions. The objectives of Open and Collaborative Leadership and the basis of this Strategy are:

- Integrated, sustainable long term planning for Newcastle and the Region.
- Considered decision-making based on collaborative, transparent and accountable leadership.
- Active citizen engagement on local planning and decision-making processes and a shared responsibility for achieving goals.
- A local government organisation of excellence.
The Governance Framework

Governance are those high level processes and behaviours that ensure an organisation performs by achieving its intended purpose and conforms by complying with all relevant laws codes and ethics while meeting community expectations of probity, accountability and transparency.

Ensuring Council has a sound governance framework in place underpins Open and Collaborative Leadership and is essential to provide the community with confidence that:

- Council is legally compliant and acts on an ethical basis.
- Council's decision-making processes are open and transparent and made in the best interests of all stakeholders.
- Council is and is seen to be a good corporate citizen.

Council's governance framework and key governance policies include:

- Audit Committee Charter
- Code of Conduct
- Code of Meeting Practice
- Community Engagement Strategy
- Enterprise Risk Framework
- Fraud and Corruption and Control Strategy
- Interaction between Councillors and Staff Policy
- Internal Reporting Policy - Public Interest Disclosures
- Office of Local Government Model of Code of Conduct
- Code of Meeting Practice
- Payment of Expenses and provision of facilities to Councillors Policy
- Policy framework (including all of Council policies which are of a high quality and effective)
- Privacy Management Plan
- Public Voice Policy.

All documents are available on Council's website or by request.

Purpose

The purpose of this Strategy is to document the action Council takes or will take to achieve Open and Collaborative Leadership through a governance framework which:

- guides Councillors and staff on the principles to ensure the community has trust and confidence in the decisions made by Council; and
- ensures all processes and decisions are made openly and transparently.
Principles

Council commits itself to the following principles:

- **Equity** - fairness in decision-making, prioritising and allocation of resources, particularly for those in need. Everyone should have a fair opportunity to participate in the future of the community. The planning process should take particular care to involve and protect the interests of people in vulnerable circumstances.

- **Participation** - maximum opportunity to genuinely participate in decisions affecting their lives.

- **Transparency** - people should have access to the information they need to understand government planning and decision-making processes in order to participate in an informed way.

- **Active citizenship** - people are able to exercise their rights and responsibilities in a balanced way within our democratic society. Individuals and groups are encouraged to take a role in the community and are empowered with the skills, support and the opportunity to shape and influence the decisions that affect our community now and into the future.

Council is also committed to the principles of the Act as set out in Appendix A.

Definitions

1.1 **Act** means the *Local Government Act 1993* (NSW).

1.2 **Council** means Newcastle City Council.

1.3 **Councillor** means a person elected or appointed to civic office as a member of the governing body of Council, including the Lord Mayor.

1.4 **Chief Executive Officer (CEO)** means the CEO of Council and includes their delegate or authorised representative (and also includes references to the Interim CEO and General Manager).

1.5 **Executive Management Team** means Council CEO and Directors who are the next most senior in the organisation.

1.6 **Senior staff** means those Council employees reporting directly to Directors who manage a Business Unit.

1.7 **GIPA** means the *Government Information (Public Access) Act 2009* (NSW).

1.8 **Regulation** means the Local Government (General) Regulation 2005.

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

Objective 1: Integrated, sustainable long term planning for Newcastle and the Region

The Integrated Planning and Reporting (IP&R) legislation was introduced by the NSW State Government in 2009 and sets the requirements for all councils to lead the development of long term plans for their city and community.

The IP&R framework allows councils to build plans of appropriate size, scale and content for their communities. The most important thing is that the Council’s CSP, and the
implementation structures that support it, are fit for purpose and appropriate to their communities.

The IP&R framework ensures councils provide effective and efficient services to meet the diverse needs of all of the community. Council is required under the Act to undertake a comprehensive planning and reporting process as outlined below:

The IP&R process underpins Council's actions in relation to Council's openness, collaboration, leadership and governance through:

- providing a clear picture for Council's future on how and where Council commits its time, money and resources;
- financial planning to ensure the level of service expected by the community can be met;
- a strong commitment by the Lord Mayor, Councillors, the CEO and all staff to the process; and
- community engagement to ensure objectives and levels of service meets the community's expectations.

The CSP is Council's key strategic document and is supported by:

- Delivery Program - how Council contributes to achieving its strategic outcome over the next four years.
- Operational Plan - supports our Delivery Program and outlines in more detail the actions that Council will undertake in that year and allocates the necessary resources.
- Fees and Charges - outlines fees for all user-pay services, including car parking charges, swimming centre fees, footway restaurant fees, parks and recreational fees and building certificate fees.
- Resourcing Strategies - shows our consideration of the staff, assets and money required to deliver Council's four year objectives and annual actions, as outlined in the Delivery Program and Operational Plan.
- Annual Report - provides a yearly summary of Council's performance and statutory reporting.
- End of Term report - reflects the progress of Councillors and the committed Council's workforce towards achieving the CSP goals over the four year Council term.

## Strategy and actions

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<th>Strategy</th>
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<tr>
<td>1.1 Identify and document the main priorities and aspirations of the</td>
<td>Develop and deliver an updated CSP in partnership with state agencies, community groups and individuals. Council must ensure social justice is achieved by:</td>
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| community                                                                | • Ensuring that a broad range of community members have input into developing the CSP  
• Specifically consulting with those groups whose voice is often not heard in community discussions  
• Testing the objectives of the CSP against the principles by checking whether the objectives are fair, if they exclude any person, organisation or group if anyone would be disadvantaged by the decisions  
• Ensuring that the CSP is adequately informed by sound social research and needs analysis.  

In communicating the CSP Council needs to show how community engagement informed the goals, priorities and strategies in the CSP while demonstrating that the CSP is a shared long term plan for the community and Council, not simply the vision of the councillors or council staff.  

Timeframe: By 30 June in the year following a Local Government election.  

Act s.402(1)                                                                                                                                                                                                                       |
| 1.2 Develop a Resourcing Strategy which must include provision for       | The CSP provides a vehicle for each community to express its long term aspirations. However, these aspirations will not be achieved without sufficient resources – time, money, assets and people – to carry them out. The Resourcing Strategy is a critical link when it comes to translating strategic objectives into actions.  

The integrated nature of the plans means that they will be developed concurrently, with cross-referencing and adjustment as the development of each plan progresses.  

The plans will identify that Council does not have |
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<td>full responsibility for implementing or resourcing all of the community aspirations identified in the CSP.</td>
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<td>Act s.403</td>
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<td>1.3 Maintain long term financial</td>
<td>Develop and adopt a long term financial plan incorporating Council's current financial position, strategies and assumptions (including economic assumptions) and that analyses the potential financial impact of a number of alternate future funding scenarios to assist in determining the most appropriate course of action. This course of action which will support the service delivery level required by the community while ensuring the long term financial sustainability of the organisation.</td>
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<td>sustainability</td>
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<td>1.4 Ensure Asset Management</td>
<td>As custodian, councils are responsible for effectively accounting for and managing these assets and having regard for the long term and cumulative effects of the decisions. This is a core function of councils and is reflected in the principles set out in sections 8C of the Act (refer to Appendix A).</td>
</tr>
<tr>
<td>Strategy and Plans capture community</td>
<td>Council should establish the goals and objectives for asset management in terms of providing a platform for service delivery, integrate asset management with Council’s strategic planning, maximise value for money by adoption of lifecycle costing, combined with performance measurement, and promote sustainability to protect the needs of future generations.</td>
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<td>expectations for both service and</td>
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<td>value and supports inter-generational</td>
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<td>equity principles.</td>
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<td>1.6 Identify and predict workforce</td>
<td>Develop and adopt a Workforce Management Plan to ensure Council has planned for the unforeseeable future (next four years) and is able to meet the objectives of the CSP.</td>
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<td>issues in order to ensure resourcing</td>
<td>The Workforce Management Plan is a continuous process of matching workforce requirements to organisational objectives in delivering the CSP, as well as analysing and forecasting the human resource implications when undertaking particular</td>
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<td>to meet the objective of Council's CSP.</td>
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<td>operational or strategic activities. In developing and maintaining the Workforce Management Plan consideration has been given to both internal and external factors that may affect Council’s ability to meet its current and future workforce needs. These factors include an ageing population, identified skills shortages, past recruiting experience, Council’s financial position and also the expectations of the community.</td>
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<tr>
<td>1.7 Clearly detail and be accountable for the actions taken to achieve the objective of the CSP.</td>
<td>Council uses the CSP, and resourcing options to prepare a four year Delivery Program for its term of office. Develop and deliver a four year Delivery Program detailing the actions Council will prioritise in a four year period which are aligned with achieving the objectives of the CSP.</td>
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<tr>
<td>1.8 Account to the public for the expenditure of public monies and for the efficient and effective operation of Council</td>
<td>Develop an annual report detailing:  - Progress on the Delivery Program  - Financial performance  - Asset reporting  - Governance and Planning Act 2016  - Legal proceedings  - Contracts awarded  - Private works and financial assistance  - Details of external bodies, companies and</td>
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| partnerships | Council adopts a Code of Conduct based on the Model Code of Conduct published by the Office of Local Government. This is a mandatory requirement.  

The Code of Conduct sets out ethical and behavioural standards to be complied with by Councillors, Council staff, Administrators, conduct reviewers and delegates of Council.  

Councillors, the CEO and Council's senior staff are expected to demonstrate, through both their words and actions, commitment to that Code of Conduct.  

All staff are expected to comply with the Code of Conduct. |

Details of overseas trips by Councillors and staff  
Details of mayoral and Councillor fees, expenses and facilities  
Total remuneration of the CEO  
Stormwater levies  
Companion animals  
Equal employment opportunity Management Plan |

A copy of the Council's Annual Report is available on Council's website.

Objectives:

Objective 2: Considered decision-making based on collaborative, transparent and accountable leadership

Council is committed to being ethical which is supported by a transparent and accountable approach to doing business. Council is also committed to collaborative leadership to promote efficient and effective decision-making.

Collaborative leadership and good governance is underpinned by the principle that the Councillors, the Lord Mayor, the CEO and staff have different and clearly defined roles and responsibilities as defined in the Act (refer to Appendix B). An understanding of the roles, together with effective relationships between the Lord Mayor, the Councillors, the CEO and staff are essential elements of good governance.

Mutual respect and a good working relationship between all parties are fundamental to collaborative leadership and achieving good governance.

Strategy and Actions

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| 2.1 Maintain a strong ethical culture and a high standard of conduct | Council adopts a Code of Conduct based on the Model Code of Conduct published by the Office of Local Government. This is a mandatory requirement.  

The Code of Conduct sets out ethical and behavioural standards to be complied with by Councillors, Council staff, Administrators, conduct reviewers and delegates of Council.  

Councillors, the CEO and Council's senior staff are expected to demonstrate, through both their words and actions, commitment to that Code of Conduct.  

All staff are expected to comply with the Code of Conduct. |
### 2.2 Clearly defined roles and responsibilities with independence as well as cooperation between all parties

The Act clearly defines the role of the Lord Mayor, Councillors, elected Council and the CEO (refer to Appendix B for further information).

Effective governance relies on the acceptance and independence of the different roles of the Lord Mayor, Councillors, the CEO and staff.

Council adopts an Interaction between Councillors and Staff Policy to support the Code of Conduct and ensure an appropriate level of independence between Councillors and staff.

An effective relationship between the Lord Mayor and Councillors promotes the successful delivery of the strategic directions as well as the reputation of Council.

The Lord Mayor and CEO work closely together and the relationship is characterised by openness and good communication, with each keeping the other informed about important and relevant issues.

Members of staff report to the CEO and are not subject to direction by Councillors. The CEO is the link between Councillors and Council staff.

Act ss. 223, 226, 232, 335 & 352(1)

### 2.3 Effective management structure

The elected Council determines the organisation structure at a ‘senior staff’ level with the structure they put in place providing for Council to meet its goals and objectives.

Consistent with the Act, the CEO is responsible for determining the organisation structure below a senior level (a copy of the organisation structure is available on Council's website).

Act s. 332

### 2.4 Clear and considered decision-making processes to ensure

The elected Council delegates to the CEO functions of Council except those precluded from delegation.
decisions made by Council are in the best interests of the community and consistent with the Council's CSP. under the Act or those functions the elected Council consider should be carried by them. The CEO in turn delegates functions to staff at appropriate levels of the organisation structure so the day to day work of Council can be carried out. This includes financial delegations to ensure financial decisions are appropriately made and there is a system of accountability.

The delegations framework demonstrates the trust the elected Council places in the CEO and staff for decision-making. The CEO is responsible for ensuring that all delegations are consistently enacted consistent in line with Council policy as Council policies provide guidance to staff to enable the for appropriate decisions to be made.

The CEO is responsible and accountable for ensuring that the Council receives quality and timely reports for matters that fall outside his/her delegations. The reports contain all relevant information, options, clear recommendations as well as details on the alignment with the Council's strategic objectives and financial impacts. This to ensure Council can make informed and appropriate decisions.

Councillors are entitled to put forward alternatives to the recommendations provided by Council staff through the CEO. All decisions must be supported by reason and align with the Council's CSP.

All decisions are made at an appropriate level and are supported by a sound financial and risk analysis, as well as being consistent with the CSP.

Clear and transparent decision-making ensures integrity in the decisions made by the elected Council and Council staff and support transparency and accountability.

Act ss. 377 & 378

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<th>2.5</th>
<th>Support and commitment to education and training</th>
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<td>Education and training for both Councillors and staff to ensure they appropriately understand their governance obligations is important to Council.</td>
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<td>All Councillors are required to complete an education and induction program on election (generally every four years and regardless of whether they are new Councillors or re-elected) and ongoing professional development training. This is to ensure Councillors have an appropriate level of skills and experience required to properly fulfil their responsibilities in accordance with the Regulation.</td>
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<td>Council supports continuous education and professional development programs for Councillors. The budget to allow Councillors attend ongoing professional development is provided for in Council's Payment of Expenses and Provision of Facilities to Councillors policy.</td>
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Council is committed to educating staff at all levels through formal established training programs, including:

- senior management induction program covering governance matters that all senior managers are required to attend on commencement of employment at Council;
- staff induction program covering governance issues that all staff are required to attend upon commencement of employment at Council; and
- provision of a training budget per staff member to support staff in ongoing training and education relevant to their roles.

Council has an established governance training program for staff at all levels endorsed by the Executive Management Team. The adopted training program includes all relevant aspects of governance depending on the level within the organisation.

Objective 3: Active citizen engagement on local planning and decision-making processes and a shared responsibility for achieving goals

Council is committed to citizen engagement which commences with the community strategic planning process. Council recognises that community engagement is an important part of local democracy, fostering community cohesion, pride of place and participation in civic life.

Once the key strategic objectives of the community are established, Council takes an open and transparent approach to all of its activities and ensures the delivery of efficient and effective decisions, facilities and services that meet the community's expectations on a financially sustainable basis. This demonstrates a shared responsibility for achieving the goals of the entire community.

Council acknowledges it is accountable to the community and is committed to improving community engagement by proactively making information available to keep the community informed, while and engaging with the community on key issues and matters of significance in the Local Government Area.

Strategy and actions

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<td>3.1 Being open and transparent with regards to Council's community engagement activities.</td>
<td>Council undergoes significant community consultation as part of the development and adoption of the CSP. The CSP is supported by a specific Community Engagement Strategy. Community engagement for the CSP is the key way the community can become involved in setting the strategic direction of Council. Once the CSP is adopted, Councillors and Council staff are empowered to implement the strategies and goals established in consultation with the community.</td>
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<td>Council also adopts a Community Engagement Framework and a Community Engagement Policy to provide for openness and transparency with Council's community engagement activities as well as being accessible, inclusive and actively seeking input into decision-making.</td>
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<td>Councillors and staff recognise that decisions are improved by engaging residents and other stakeholder groups. Within Council's ability to finance and resource, Council commits to conduct transparent and inclusive engagement processes that are responsive and accountable.</td>
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<td>Council assigns a high priority to appropriately involving residents and other stakeholders early on and throughout the process, especially when the decision(s) impact on their lives. Council recognises and complies with the practices developed by the International Association for Public Participation. The IAP2 Public Participation Spectrum helps identify and select the appropriate level of public participation, select methods of engagement and identify a range of tools.</td>
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<td>Community engagement is defined in many different ways depending on context. For Council, community engagement is the primary way we build community awareness and understanding, and gain better insights into community opinion. The information shared with Council by residents is used to assist with ensuring services and facilities best meet their needs.</td>
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<td>Council is currently expanding its community engagement program to empower residents to be further involved in the decision-making process. Methods the engagement team employ when undertaking engagement activities include:</td>
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<td>• Online surveys</td>
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<td>• Geo mapping tool surveys</td>
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<td>• Focus groups</td>
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<td>• Facilitated workshops</td>
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<td>• Intercept surveys</td>
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<td>• Information sessions</td>
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<td>There are constantly evolving tools that are being developed in the engagement space to better target hard to reach community groups as well as make the engagement experience as attractive and accessible as possible. Council staff will continue to review many of these tools for potential use across Council's planning and service provision initiatives.</td>
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| Diverse community engagement with a broad
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<td>section of the community is important as Council (Councillors and staff) have a responsibility to act in the best interests of all residents in the Newcastle local government area.</td>
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<tr>
<td>3.2 Provision of public access to Council meetings and business papers</td>
<td>All Ordinary Council meetings as well as the Development Applications Committee, Public Voice Committee and Briefing Committee meetings are open to the public unless required to be closed in accordance with the Act. Council makes its business papers available on Council's website in advance of Council meetings as well as in hard copy from Council's City Administration Centre. Minutes of all open Council meetings are also made available to the public via Council's website.</td>
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<tr>
<td>3.3 Clear line of communications between members of the public and Councillors</td>
<td>Councillors' contact details including email address and telephone numbers are listed on Council's website to allow members of the public to directly communicate with Councillors. Members of the public may raise issues with Councillors at any time. As business papers are released to members of the public in advance of Council meetings, members of the public can email or speak to Councillors about issues scheduled to go before the elected Council prior to a Council meeting. Where members of the public have issues or concerns of strategic significance they wish to present to Councillors, they may apply under Council's Public Voice Policy to address the elected Council in open session. Where members of the public have issues or concerns in respect of a development application that is to go before the elected Council at a Development Applications Committee, they, and the applicant for the DA, will be provided with an invitation to address the elected Council in a Public Voice session. The main objective of the Public Voice Policy is to provide members of the community with the opportunity to address Councillors on matters falling within the jurisdiction of Council that are of a strategic nature. Council's PV policy and the relevant application form are available on Council's website. Public Voice sessions can cover a broad range of issues including those related to development applications where the elected Council is the decision maker as well as other strategic issues. Applications for Public Voice are generally only rejected/deferred where:</td>
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| • there is a timing issue and/or other forms of communication are appropriate; or  
• the topic of discussion is outside of Council's jurisdiction and Council is not in a position to make a decision on the matter (Council would generally guide the applicant to the relevant body or if the dispute is of a private nature (such as tree dispute on private land), Council may suggest some alternative courses of action such as mediation through the Community Justice Centre; |

Council will consider changes to the Code of Meeting Practice and/or Public Voice Policy to provide for the implementation of a system to allow members of the public to address Council on a meeting night before a Council meeting.

A summary of Public Voice topics previously presented by members of the public to Councillors is available on Council's website.

| 3.4 Open and accessible government information as well as a commitment to the protection of privacy | Under the GIPA Act, Council is required and committed to:  
• making open access information that it is required under the GIPA Act available on its website or one way free of charge (fees are applicable to formal GIPA requests);  
• proactively publishing more information on Council's website than is legally required and improve efficient release of information;  
• processing all informal requests for information efficiently and effectively; and  
• processing all formal access applications within the statutory timeframes and in compliance with the GIPA Act. |

The CEO ensures the provision of detailed and timely information to Councillors relevant to the discharge of their civic functions while still maintaining appropriate level of independence between the elected Council and staff.

Council will ensure it meets the highest level of public disclosure regarding all dealings with Council Officials while also meeting its obligations under the relevant privacy legislation and Council's Privacy Management Plan.

Council will ensure that its procedures meet the highest level of transparency, accountability and probity, and comply with the requirements of all current legislation.

Whilst Council is committed to releasing
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<td>information, such disclosure will be done where there is public interest to do so, in accordance with the GIPA Act. This means that some personal or commercial in confidence business information may not be disclosed where there is no public interest to do so.</td>
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| 3.5 Open and transparent disclosures | A standing item on every Council meeting agenda is the disclosure of conflict of interests requiring Councillors to make a disclosure to the meetings about any conflicts they have in relation to any items on the Council meeting agenda. The Councillors’ conflict of interests declarations are recorded in the minutes. Council staff are also required to declare in writing to their manager any conflict of interests that arise in the course of their conducting duties. Where Councillors or staff declare a pecuniary or significant non-pecuniary interest, they must remove themselves from the decision-making process (for example, Councillors are required to leave the Council Chamber and not vote on the matter; staff must step aside and another staff member will be responsible for the decision-making). Councillors, senior staff and other staff members with decision-making functions are required to complete an annual pecuniary interest return, disclosing to the CEO:  
- property;  
- income;  
- significant gifts;  
- significant contributions to travel;  
- shares of and positions held in companies (if remunerated for such positions);  
- positions in trade unions and professional / business associations;  
- debts; and  
- discretionary disclosures (any disclosures that do not "fit" in other sections).  
Act ss. 442-449  
Councillors and staff are also required to declare all gifts given to them and these declarations are kept on Council’s gift register. Council will publish the following, at least quarterly, in respect of the diaries of the Lord Mayor and the Executive Management Team (including the CEO):  
- The date and purpose of meetings. |
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| • Organisations or individuals attending (provided consent is given).  <br>The publication will not include:  
• details of internal meetings with staff; or  
• meetings where individual attendees do not consent to having their personal information published and the publication of such information is considered not to be in the public interest.  
Council's Manager Legal and Governance will have access to the Lord Mayor and CEO's diaries to ensure openness and transparency is balanced against Council's obligations to protect the privacy of individuals.  
Council's practice of open dairies is intended to be consistent with the NSW Government's practice for publishing ministers' dairies. |  |
| 3.6 Consideration of the community's advice on Council issues | Council may establish advisory committees by resolution of Council. The purpose of these committees is to provide guidance and make recommendations to the elected Council within a particular area of expertise. Many of the committees have community members or members of key stakeholder groups as well as Councillors as members.  
The committees meet to discuss issues that fall within their area of expertise and make recommendations back to the elected Council.  
The elected Council adopts a constituting document for each of the committees setting out, including but not limited to:  
• responsibilities/ terms of reference;  
• membership;  
• meeting frequency and agenda items;  
• committee authority; and  
• reporting obligations.  
The elected Council, by resolution, nominates Councillor representatives to the committee where the constituting document provides for Councillor members.  
At the time of the development of this strategy Council has in place seven Strategic Advisory Committees as set out in Annexure C.  
Council will include advisory committee meeting cycles in the meeting schedule adopted by the elected Council under the Code of Meeting Practice on the next occasion it is adopted or as |
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<tr>
<td></td>
<td>determined by the elected Council from time to time. The agenda and minutes of these meetings and their membership will be published on Council's website unless they contain personal information, commercially sensitive information, or information in confidence. <strong>Council also has a number of Business Improvement Associations (BIAs) for the purpose of expenditure and oversight of special benefit rates from businesses within each nominated commercial centre.</strong> BIAs are required to report annually to Council's Audit Committee as well as publicise annual business plans and financial summaries and activity reports on Council's website.</td>
</tr>
<tr>
<td>3.7 Councillor participation on community issues</td>
<td>Councillors are nominated to, and currently sit on, approximately 48-10 externally constituted community committees which are wide ranging in focus and scope. These are set out in Annexure D. These committees do not come under the oversight of Council and are subject to their own individual governance arrangements. The appointment to external community committees allows Councillors to further engage with and understand community needs. Councillors can bring matters before the elected Council by way of a Notice of Motion.</td>
</tr>
</tbody>
</table>
| 3.8 Effective complaints handling focussed on customer service improvements | Council adopts a Customer Complaints Handling Policy to ensure:  
  - Council responds to complaints in a timely, consistent and cost-effective way.  
  - The boosting of public confidence and perception of the quality of the services provided by Council.  
  - Complaints information and statistics are used to deliver quality improvements in services and the way in which it handles complaints.  
  - Complaints are escalated internally and will be reviewed by Council's Legal and Governance team where members of the community remain dissatisfied after the initial review of their complaint. A review of the complaint by Council's CEO may also be offered to the community member should they be dissatisfied with the response from Council's Legal and Governance Team. Members of the public can escalate complaints to |
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<td>the NSW Ombudsman, at any time, where they are dissatisfied with Council's response. The role of the NSW Ombudsman is to make sure agencies, such as local councils and their staff do their jobs properly, and are meeting their responsibilities to the community.</td>
</tr>
</tbody>
</table>
Objective 4: A local government organisation of excellence

Well-functioning local government is a key element in helping the community achieve the objectives of the CSP. The organisation is committed to the principles of continuous improvement in order to increase the efficiency and effectiveness of service delivery on a financially sustainable basis.

Council encourages a positive workplace culture and promotes a strong governance framework.

Council has a number of overarching, policy and procedure documents supporting good governance and providing appropriate guidance to support Council as an organisation of excellence.

Strategy and actions

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<tr>
<th>Strategy</th>
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<tr>
<td>4.1</td>
<td>Council will establish a Governance Committee made up of Councillor and independent members. The purpose of the Governance Committee will be to:</td>
</tr>
<tr>
<td></td>
<td>• oversee the development of Council’s governance policies and policy framework;</td>
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<td></td>
<td>• review Council’s Codes of Conduct at regular intervals to ensure consistency with the Model Code of the Office of Local Government, including Council’s approach to:</td>
</tr>
<tr>
<td></td>
<td>o managing conflicts of interest; and</td>
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<td></td>
<td>o secondary employment.</td>
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<td></td>
<td>• review and endorse staff awareness programs on Code of Conduct, fraud and corruption prevention and public interest disclosures;</td>
</tr>
<tr>
<td></td>
<td>• review and monitor Council’s effectiveness in handling customer complaints (including making recommendations for changes to process or procedure);</td>
</tr>
<tr>
<td></td>
<td>• review and monitor Council’s Fraud and Corruption Prevention Plan; and</td>
</tr>
<tr>
<td></td>
<td>• review and monitor Council’s Integrated Planning and Reporting Framework.</td>
</tr>
<tr>
<td></td>
<td>The Governance Committee will report periodically to Council as provided in a Governance Committee Charter adopted by the elected Council.</td>
</tr>
</tbody>
</table>

4.2 Established system for the efficient, effective and orderly conduct of meetings

The elected Council adopts a Code of Meeting Practice from time to time based on the requirements within the Act and Regulation. The Code of Meeting Practice, provides for, including but not limited to:

• adopting a meeting cycle for regular Council meetings;
<table>
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<th>Strategy</th>
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<tr>
<td>• provision of notice of Council meetings and means by which Councillors can add items to the Council meeting agenda;</td>
<td></td>
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<tr>
<td>• publicly advertising the dates and times of Council meetings;</td>
<td></td>
</tr>
<tr>
<td>• the timeframes and form for the issuing of agendas and business papers by the CEO to Councillors and the public;</td>
<td></td>
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<tr>
<td>• approval of minutes at the next Council meeting and the signing of minutes by the Lord Mayor;</td>
<td></td>
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<tr>
<td>• voting on items of business in Council meetings;</td>
<td></td>
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<tr>
<td>• quorum at meetings;</td>
<td></td>
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<tr>
<td>• the attendance of the public at meetings, except where meetings must be closed to the public in accordance with the Act;</td>
<td></td>
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<tr>
<td>• the requirement to vote by division and record the voting by individual Councillors on planning instrument matters; and</td>
<td></td>
</tr>
<tr>
<td>• Councillors declaring conflicts of interest at Council meetings.</td>
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</tbody>
</table>

Council will consider further amendments to the Code of Meeting Practice to support this strategy when the Office of Local Government release their model Code of Meeting Practice, including exploring options to allow members of the public to ask questions to the presenter and/or Councillor during a Councillor briefing session.

4.3 Improve fraud and corruption control
Council has an adopted Fraud and Corruption Control Strategy that provides:

- an integrated and overarching strategy to control fraud and corruption risk at Council;
- guidance on all fraud and corruption management activities including the adoption of a Fraud and Corruption Control Strategy which has regularly updated tracking actions taken by Council to prevent fraud and corruption; and
- a mechanism for evaluation and continuous improvement of fraud and corruption management activities at Council through the Fraud and Corruption Control Plan.

4.4 Council takes steps to ensure it appropriately identifies and manages serious wrong-doing
Council adopts an internal reporting policy from time to time (at least once per council term) based on the NSW Ombudsman's model internal reporting policy. It provides for:

- procedures for reporting serious wrongdoing to appropriate levels of management or to Council's Legal and Governance team (for
<table>
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<tr>
<th>Strategy</th>
<th>Action</th>
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</table>
| 4.5 Promote an organisation that eliminates or minimises risk | Council supports and is committed to risk management. Council adopts and maintains a risk management framework and Risk Management Committee to appropriately identify and manage:  
- business and financial risks, including fraud and corruption;  
- risk management plans for projects or undertakings;  
- business continuity planning; and  
- emerging risks.  
The Risk Management Committee reviews risk and insurance related initiatives which provide for risk awareness and mitigation strategies to be implemented where appropriate. |
| 4.6 Ensure accountability for public money and high levels of service, governance, quality, professional conduct and compliance with professional standards and other legislative requirements | Council is required under the Act to ensure external audits of its financial reports are carried out in accordance with accounting standards.  
The Auditor-General is the auditor for Council but it may appoint a person or a firm to act on its behalf.  
Act s. 415, s.422  
Council adopts and maintains an audit committee in accordance with statutory obligations and recognised best practice. The Audit, [Risk and Improvement] Committee is made up of independent and Councillor members. The Committee reports periodically to Council as provided in the Committee Charter adopted by the elected Council.  
The objective of the Audit Committee is to provide independent assurance and assistance to Council on risk management, fraud control, governance, financial, and legal and regulatory obligations.  
The Audit Committee is responsible for:  
acting as a forum for communication between the Council, executive management, internal audit and external audit; and  
providing oversight of Council's internal audit activity. |
Appendix A - Guiding principles

Exercise of functions generally

The following general principles apply to the exercise of functions by councils:

(a) Councils should provide strong and effective representation, leadership, planning and decision-making.
(b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
(c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
(d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
(e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
(f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
(g) Councils should work with others to secure appropriate services for local community needs.
(h) Councils should act fairly, ethically and without bias in the interests of the local community.
(i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

Decision-making

The following principles apply to decision-making by councils (subject to any other applicable law):

(a) Councils should recognise diverse local community needs and interests.
(b) Councils should consider social justice principles.
(c) Councils should consider the long term and cumulative effects of actions on future generations.
(d) Councils should consider the principles of ecologically sustainable development.
(e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

Community participation

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

Principles of sound financial management

The following principles of sound financial management apply to councils:

(a) Council spending should be responsible and sustainable, aligning general revenue and expenses.
(b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
(c) Councils should have effective financial and asset management, including sound policies and processes for the following:

(i) performance management and reporting
(ii) asset maintenance and enhancement
(iii) funding decisions
(iv) risk management practices.

(d) Councils should have regard to achieving intergenerational equity, including ensuring the following:

(i) policy decisions are made after considering their financial effects on future generations
(ii) the current generation funds the cost of its services.

Integrated planning and reporting principles that apply to councils

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by councils:

(a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.
(b) Councils should identify strategic goals to meet those needs and aspirations.
(c) Councils should develop activities, and prioritise actions, to work towards the strategic goals.
(d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within Council resources.
(e) Councils should regularly review and evaluate progress towards achieving strategic goals.
(f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
(g) Councils should collaborate with others to maximise achievement of strategic goals.
(h) Councils should manage risks to the local community or area or to the council effectively and proactively.
(i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.

Act s. 8-8C
Appendix B - Roles and responsibilities

Lord Mayor

The role of the Lord Mayor is to:

- be the leader of Council and a leader in the local community;
- advance community cohesion and promote civic awareness;
- be the principal member and spokesperson of the elected Council, including representing the views of Council as to its local priorities;
- exercise, in cases of necessity, the policy-making functions of the elected Council between meetings of the Council;
- preside at Council meetings;
- ensure that Council meetings are conducted efficiently, effectively and in accordance with the Act;
- ensure the timely development and adoption of the strategic plans, programs and policies of Council;
- promote the effective and consistent implementation of the strategic plans, programs and policies of Council;
- promote partnerships between Council and key stakeholders;
- advise, consult with and provide strategic direction to the CEO in relation to the implementation of the strategic plans and policies of Council;
- in conjunction with the CEO, ensure adequate opportunities and mechanisms for engagement between Council and the local community;
- carry out the civic and ceremonial functions of the Lord Mayor's Office;
- represent Council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level;
- in consultation with Councillors, lead performance appraisals of the CEO; and
- exercise any other functions of the council that Council determines.

Act s. 226
Elected Council/Councillors

- The role of the elected Council is to:
  - direct and control the affairs of Council in accordance with the Act;
  - provide effective civic leadership to the local community;
  - ensure as far as possible the financial sustainability of Council;
  - ensure as far as possible that Council acts in accordance with the principles set out in the Act and the plans, programs, strategies and polices adopted by the elected Council;
  - develop and endorse the CSP, delivery program and other strategic plans, programs, strategies and policies adopted by the elected Council;
  - determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of Council’s resources to implement the strategic plans (including the CSP) of Council and for the benefit of the local area;
  - keep under review the performance of Council, including service delivery;
  - make decisions necessary for the proper exercise of Council’s regulatory functions;
  - determine the process for appointment of the CEO by the elected Council and to monitor the CEO’s performance;
  - determine the senior positions within the organisation structure of Council;
  - consult regularly with community organisations and other key stakeholders and keep them informed of Council’s decisions and activities;
  - be responsible for ensuring that Council acts honestly, efficiently and appropriately; and
  - consult with the CEO in directing and controlling the affairs of Council.

- The role of Councillors as individuals is to:
  - be an active and contributing member of the elected Council;
  - make considered and well informed decisions as a member of the elected Council;
  - participate in the development of the integrated planning and reporting framework;
  - represent the collective interests of residents, ratepayers and the local community;
  - facilitate communication between the local community and the elected Council;
  - uphold and represent accurately the policies and decisions of the elected Council;
  - make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

Act ss. 223, 232, 227, 282

- Councillors are required to take an oath or affirmation: (as provided in the Act):
Oath: I [name of councillor] swear that I will undertake the duties of the office of councillor in the best interests of the people of [name of council area] and the [name of council] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Affirmation: I [name of councillor] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of [name of council area] and the [name of council] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Act ss. 223, 232, 233A
Chief Executive Officer

- The role of the CEO is to:
  - conduct the day-to-day management of Council in accordance with the strategic plans, programs, strategies and policies adopted by the elected Council;
  - implement, without undue delay, lawful decisions of the elected Council;
  - advise the Lord Mayor and the Councillors on the development and implementation of the strategic plans, programs, strategies and policies adopted by the elected Council;
  - advise the Lord Mayor and the Councillors on the appropriate form of community consultation on the strategic plans, programs, strategies and policies adopted by the elected Council and other matters related to Council;
  - prepare, in consultation with the Lord Mayor and the Councillors, Council’s CSP, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report;
  - ensure that the Lord Mayor and the Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions;
  - exercise any of the functions of Council that are delegated by the elected Council to the CEO;
  - appoint staff in accordance with the organisation structure determined under Chapter 11 of the Act and the resources approved by the elected Council;
  - direct and dismiss staff;
  - implement Council’s annual Operational Plan, Delivery Program and workforce management strategy; and
  - provide any other functions that are conferred or imposed on the CEO by or under this or any other Act.

   Act ss. 335, 377, 378

Senior Staff

- Senior staff are responsible for providing timely advice to the CEO within their specific areas of responsibility, as required, on the progress of projects/activities and work.
- They are also responsible for ensuring that their team's and individual work plans support the achievement of the Council's strategic goals.

Appendix C - Advisory Committees (as at date of adoption of this strategy)

1. Asset Advisory Committee
2. Guraki Aboriginal Advisory Committee
3. Youth Council
4. Floodplain Risk Management Committee
5. Coastal Revitalisation Advisory Working Party
7. Environment Advisory Committee

These are not committees constituted under s. 355 of the Act.

Appendix D - External community committees (as at date of adoption of this strategy)

1. Building Better Cities Housing Management and Development Committee
2. Cooperative Library Advisory Committee
3. Fort Scratchley Historical Society's Management Committee
4. Hexham and Kooragang Project Steering Committee
5. Hunter and Central Coast Joint Regional Planning Panel
6. Hunter Community Reference Group of the Hunter Central Rivers Catchment Management Authority
7. Hunter Region SLSA Helicopter Rescue Services Board
8. Hunter Sports Centre Inc
9. Hunter Water Corporation Consultative Forum
10. Lower Hunter Councils Transport Group
11. NSW Association of Mining Related Councils
12. NSW Metropolitan Public Libraries Association
13. Newcastle Art Gallery Foundation Board
14. Newcastle Bushfire Management Committee
15. Newcastle Catchment Management Forum
16. Newcastle City Traffic Committee
17. Newcastle Maritime Museum Society
18. Northern Settlement Services Management Committee

These are not committees constituted under s. 355 of the Act.
CCL 12/12/17
ADOPTION OF THE OPEN AND TRANSPARENT GOVERNANCE STRATEGY

Attachment B: Survey Responses
Survey Responses
28 August 2017 - 23 October 2017

Open and Transparent Governance Strategy

Newcastle Your Say
Project: Open and Transparent Governance Strategy

VISITORS
34

CONTRIBUTORS
10
0 Registered
0 Unverified
10 Anonymous

RESPONSES
10
0 Registered
0 Unverified
10 Anonymous
| Q1. First name: | [Redacted] |
| Q2. Family name: | [Redacted] |
| Q3. Email address: | [Redacted] |
| Q4. Submitting on behalf of: | Myself |
| Q5. Organisation or business name: | not answered |
| Q6. Upload your submission document OR provide feedback in the space below: | no closed meetings. All council meetings documented |
| Q7. Upload your submission here: | not answered |
Looking at how Berlin builds whole swathes of medium high rise apartments situated in park land WITH NO ROADS to mess things up and served by the Underground and for cross town traffic bus routes obviates the need for the car it would be nice of Newcastle could start building/developing this city for people first Dump the car. Do away with mindless nature land desecration with spread-out suburbia More units. More connectivity. Less pollution. thanks
| Q1. First name: | [Redacted] |
| Q2. Family name: | [Redacted] |
| Q3. Email address: | [Redacted] |
| Q4. Submitting on behalf of: | Myself |
| Q5. Organisation or business name: | not answered |

**Q6. Upload your submission document OR provide feedback in the space below:**

My husband and I live in the [Redacted] [Redacted] We would like to see the area of rail corridor opposite us and up to the old Newcastle station used for recreational purposes. A children's sensory play area, tennis courts and basketball courts similar to Prince Alfred park in Sydney. These areas would be of a great asset to those choosing to visit Newcastle as well as a regular form of relaxation for local residents. Another wonderful essential fact would be the uninterrupted views of our beautiful harbour still visible while people enjoy playing on the used but not abused former rail corridor.

| Q7. Upload your submission here: | not answered |
Q1. First name: [REDACTED]

Q2. Family name: [REDACTED]

Q3. Email address: [REDACTED]

Q4. Submitting on behalf of: Myself

Q5. Organisation or business name: not answered

Q6. Upload your submission document OR provide feedback in the space below:

the government and the town has made me homeless for 10 months walking all day to exhaustion no bed the government will not let me have my own belongings in my own home has drugged me under the mental health makes me talk to & call 1800 numbers giving me fines but will not let me rent & live in my own home alone.

Q7. Upload your submission here: not answered
Q1. First name: 

Q2. Family name: 

Q3. Email address: 

Q4. Submitting on behalf of: Myself

Q5. Organisation or business name: not answered

Q6. Upload your submission document OR provide feedback in the space below:

Dear selecting persons. I want to come along and get involved simply because I love Newcastle, and want to see it grow and evolve. I am interested in community and business. Thank you, and I hope to see you soon.

Q7. Upload your submission here: not answered
Q1. First name: [hidden]

Q2. Family name: [hidden]

Q3. Email address: [hidden]

Q4. Submitting on behalf of: Organisation or business

Q5. Organisation or business name: Democracy by MiVote

Q6. Upload your submission document OR provide feedback in the space below:
not answered

Open and Transparent Governance Submission

for

Newcastle City Council

To: Newcastle City Council
By: MiVote
Prepared By: [Redacted]
Contact Details: [Redacted]
Date: 1 October 2017
## Contents

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Background .............................................................................................................................. 3  
Objectives ................................................................................................................................. 4  
Technology ............................................................................................................................... 4  
Newcastle City Council Strategic Objectives ........................................................................... 5  
Leasing and Licensing ............................................................................................................. 8  
Strategic Partnerships ............................................................................................................. 8  
Appendix A; MiVote Governance Framework ......................................................................... 10
Introduction

Newcastle City Council has a vision for 2030; one that incorporates a strong democracy with an actively engaged community.

MiVote is a social movement that advocates and provisions for improved democracy and sustainable corporate governance in the use of their custom technology platform that enables collaborative decision-making akin to a participatory democracy process.

We do this by using our team of expert researchers to examine the history and impact of topical issues which are then framed into future potential policy directions which the community may vote on. For example, when considering Melbourne City Council’s Plan for Melbourne, 2030, we might ask the community whether they would prefer any of the four following strategic directions:

- **Transport infrastructure**: broader-reaching public transport, increased transport links, cycle routes, pavements or roads, investment made to improving hygiene and maintenance of public transport.
- **Arts and culture**: increased funding made to community groups, increasing the number of licences issued to public performers, decreasing the cost of permit applications for fairs, fetes and festivals.
- **Natural resources**: increasing the number of green spaces, facilitating increased water storage and upgrading water capture systems, implementing urban vehicle emission caps.
- **Safety**: liaising with Victoria Police regarding community policing, monitoring street-lamp servicing, designing awareness campaigns for late-night travellers.

The results of this polling may then be used by decision-makers to inform public policy.

Background

MiVote is an incubated project of Centre for the Future (www.cftf.co). After six years of developing the model in collaboration with United States political agents, political scientists at Stanford University, former Australian Prime Ministers and senior Australian political advisors from local government, state and federal levels, we launched in 2016.

We host a mechanism for improved democratic consultation. Our method of information-gathering, expert consultation, strategic framing and membership voting has broad application; from garnering agreement to agenda items at Parent Teacher Association meetings, facilitating anonymous whistleblowing to voting on staged project implementation.
The movement that operates on our platform is centred around several principles, that we believe improve democratic functioning and representation in politics:

- **Transparency**: MiVote facilitates the transparent storage and transmission of data and publication of monies.
- **Integrity**: our blockchain platform is secure, auditable and immutable. We believe the community ought to have faith in what we say.
- **Neutrality**: the provision of information is rigorously parsed for bias. When researching the issues that populate our voting platform our ethics and governance process ensures no opportunity for influence or policy capture.
- **Community representation**: our governance structure includes consultation and long-term engagement with expert committees; youth, industry, indigenous, LGBTI and disability, to name but a few (please see Annex A for full information). In so doing, we are reassured our council is fully advised and our research is consultative.

**Objectives**

MiVote believes we have the technology to facilitate the open and transparent governance that Newcastle City Council seeks and the operating principles that would support an enduring strategic partnership. The following paragraphs indicate how Newcastle City Council could use the MiVote platform to achieve their strategic objectives.

**Technology**

MiVote’s technology platform is custom. Designed in 2016 in collaboration with BRW Fastest 100 Winners, B2Cloud, we use an open-source blockchain platform to facilitate secure, immutable, auditable storage and transmission of data.

Blockchain technology is most commonly associated with the digital cryptocurrency called Bitcoin, but corporations and governments are beginning to research and develop blockchains for their ability to drive business efficiencies, harmonise government data registries, improve regulatory compliance and permit the secure storage of data for open-data publication.

Indeed, a recent report written by CSIRO’s Data61 indicates the Australian Securities Exchange has begun collaborating with Digital Asset holdings to research blockchains for use in the clearing and settlement system for the Australian equity market. Additionally, research by Deloitte’s Centre for the edge indicates nine in twelve Western governments are investing in blockchain research to understand the future business implications of blockchain technology. In using our platform to achieve your strategic objectives Newcastle City Council would be ahead of the trend and establishing a versatile and sustainable technology architecture.
In support of our submission, the New Zealand government have recently been piloting government-as-a-platform, which makes certain data and decision rules of government open and available digitally and for use by others through an orderly and reliable platform.

This method of operation enables civic and private sector actors alike to deliver convenience, function and service to meet the broad spectrum of public needs that government struggle to achieve congruently and cost-effectively. For all levels of government this offers benefits that include increased and sustainable stakeholder engagement, short-term cashable savings and averted costs. Trials by the New Zealand government show reduced call centre contact, lower staff contact and more rapid processing of community requests. The interoperable, multimodal nature of blockchain technology offers platform benefits with options for scalability into growing regions, increased numbers of stakeholders and greater demands on service delivery.

Newcastle City Council Strategic Objectives
<table>
<thead>
<tr>
<th>Objective</th>
<th>Strategic Goal</th>
<th>Success Indicators</th>
<th>Action</th>
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</thead>
<tbody>
<tr>
<td>Integrated, sustainable long-term planning for Newcastle and the region.</td>
<td>1.1</td>
<td>Identify and document the main priorities and aspirations of the community</td>
<td>MiVote is a cost-free platform for members to engage with - we support understanding the needs of the community and empowering them to effectively articulate their voice.</td>
</tr>
<tr>
<td></td>
<td>3.6</td>
<td>Consideration of the community’s advice on Council issues</td>
<td>Our social research team is formed of seven part and full-time researchers, all post-graduate educated. They consult with subject-matter experts and our committees to learn and deliver robust and sustainable research to our diverse membership base. Stakeholder votes may be used to inform future strategic policy-making.</td>
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<td></td>
<td>3.7</td>
<td>Councillor participation on community issues</td>
<td></td>
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<tr>
<td>Active citizen engagement on local planning and decisionmaking processes and a shared responsibility for achieving goals</td>
<td>3.1</td>
<td>Being open and transparent with regard to Council’s community engagement activities</td>
<td>MiVote’s secure cloud-based platform enables the storage of council plans. Our low barriers to entry mean all community members are able to sight plans and be involved in the decision-making process – an internet connection and a mobile ‘phone are all that is required. Interrelationships between council’s existing engagement strategies (such as surveys) are low—cost to implement and our platforms can facilitate the publication of the results of focus groups and</td>
</tr>
</tbody>
</table>

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MiVote’s secure cloud-based platform enables the storage of council plans. Our low barriers to entry mean all community members are able to sight plans and be involved in the decision-making process – an internet connection and a mobile ‘phone are all that is required. Interrelationships between council’s existing engagement strategies (such as surveys) are low—cost to implement and our platforms can facilitate the publication of the results of focus groups and...
<table>
<thead>
<tr>
<th>3.2</th>
<th>Provision of public access to Council meetings and business papers</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.3</td>
<td>Clear line of communications between members of the public and Councillors</td>
</tr>
<tr>
<td>3.4</td>
<td>Open and accessible government information as well as a commitment to the protection of privacy</td>
</tr>
<tr>
<td>3.5</td>
<td>Open and transparent disclosures.</td>
</tr>
</tbody>
</table>

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

Designed as a method of direct democracy, we have the functionality to host council members on our platform for citizens to engage directly with.

Papers may be published, linked to councillors with direct mechanisms of engagement regarding those papers prior to meetings.

Triggering an application for action under the Public Voice Policy may also be organised under the scounsellor with the option for this to be published for community transparency.

Our secure technology enables the safe publication and download of any and all council documentation, whether that be for community consultation or council meetings.

Blockchain’s immutable protocols mean the community can be reassured each document maintains its original integrity and has not been tampered with and council members can be certain

workshops. Our cloud platform makes understanding easy for non-English speakers using Google Translate.
<table>
<thead>
<tr>
<th></th>
<th>Established system for the efficient, effective and orderly conduct of meetings.</th>
<th>votes made on agenda items are anonymous. Such technological operating principles lend themselves to audit and compliance functions and improve likely performance again reporting processes such as whistleblowing.</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1.</td>
<td>Improve fraud and corruption control.</td>
<td>Furthermore, establishing an unhackable platform prepares Newcastle City Council for future Commonwealth impositions such as open-data requirements that may be made upon them.</td>
</tr>
<tr>
<td>4.3</td>
<td>Council takes steps to ensure it appropriately identifies and manages serious wrong-doing.</td>
<td></td>
</tr>
<tr>
<td>4.4</td>
<td>Promote an organisation that eliminates or minimises risk.</td>
<td></td>
</tr>
<tr>
<td>4.5</td>
<td>Ensure accountability for public money and high levels of service, governance, quality, professional conduct and compliance with professional standards and other legislative requirements</td>
<td></td>
</tr>
<tr>
<td>4.6</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Leasing and Licensing

The MiVote platform is leased and licensed through Horizon State ([https://horizonstate.com](https://horizonstate.com)). For information regarding pricing and licence terms please apply to in the first instance.

### Strategic Partnerships

Horizon State has formally partnered with SAP and is launching an Initial Coin Offering on 2nd October 2017.
MiVote is proudly supported by the Foundation for Young Australians.
Appendix A; MiVote Governance Framework

Council / Board / Directors (Min 3, Max 18)
- 14 members (minimum 12)
- Up to 3 members from Global Chapters (2 year terms)
- 3 Nominated by Advisory Committees (2 year terms)
- 3 Honorary Directors (6 month terms)
- 3 Elected by the Company Members
- 4 Elected by the voting constituency - elected by the Company Members (2 year terms)
- Council Chair - selected by Council Members (2 year term)
- Council Chair can not serve more than 2 consecutive terms

Company Members (Min 3, Max 50)
- Minimum 50 members (minimum 3)
- Up to 40 members from local chapters (2 year terms)
- Up to 24 members elected by the Council
- 10 Permanent Advisory Committee Members (elected by the Board)
- Up to 10 members, elected by the voting constituency (2 year terms)

Advisory Board (10 Members)
- Members are appointed at the Chair of each advisory committee
- Membership/decides the 2 rotating council positions

Advisory Committees
- Migrant Communities
- Rural
- Youth
- Gender Equality
- Indigenous
- LGBTQI
- Industry
- Disability
- Elderly
- Public Service
- Policy Working Groups (non-permanent*)
- Justice
- Health
- Education
- Housing
- Defence
- Environment
- Jobs
- STEAM
- Infrastructure
- Economy
- Chair can not serve 3 consecutive terms
- Advisory committee members selected by the Committee Chair and ratified by the Council
- Appointed Chair of each Committee selected by Council and reflected by the Company Members

Voting Constituency
- All Registered MiVoters are for that geographical chapter
Thank you!

For further information please visit: [www.mivote.org.au](http://www.mivote.org.au)

Or telephone [removed] on [removed]
Q1. First name: [Masked]
Q2. Family name: [Masked]
Q3. Email address: [Masked]
Q4. Submitting on behalf of: Organisation or business
Q5. Organisation or business name: Hamilton CHamber
Q6. Upload your submission document OR provide feedback in the space below:
not answered
To Whom It May Concern:

Submission for BIAs to be included in the Open and Transparent Governance Strategy

I write as President of the Hamilton Business Chamber (Hamilton NOW BIA) in relation to Council’s Open and Transparent Governance Strategy that is currently on public exhibition.

I have observed Council’s interactions with the Business Improvement Associations (BIAs) over some years, and believe that there is more that can be done to ensure that the 6 BIAs that receive recurrent funding from Newcastle City Council are more accountable to the elected council, and ultimately to the ratepayers of Newcastle.

I would propose that:

1 BIA Business Plans should be presented to the elected Council is an open session each year. Business plans are currently presented to the Council administration by the July each year for the Special Rate Levy to be issued for the following next 12 months, however they are not reported to the elected body or community. My proposal would provide Councillors and the broader community with a greater understanding of what each BIA are doing in there elected ward and the wider City of Newcastle

2 Prior to the presentation of the BIA Business Plans, each BIA should be asked to provide a public voice presentation or briefing to the elected Council to share their business plan and 3 goals for the next 12 months, and to talk openly with the elected council as to how we can work with one another to support business efforts in each ward

3 A Committee of Council should be established to look at the wider BIA city problems, to look across BIAs to determine how we can work more cooperatively together, including consideration of combining some of the special rates to work cooperatively to spend more wisely and be more accountable

4 Council to nominate Councillor representatives to each BIA to attend regular meetings to hear from BIA members and report back to Council meetings.

I would have very happy to discuss this submission further, including at any workshops held on the Open and Transparent Governance Strategy.

Yours sincerely
Council invited objections to the overdevelopment of 12 x 2-storey units on 6 Wade St Adamstown Hts. Somehow the units became 3-storey (10 metres high) at the boundary with picture windows & balconies overlooking neighbours. We were not offered any opportunity to object to this even worse development detracting from our sunlight, privacy & general lifestyle. Not open and transparent, really sneaky, and inconsiderate of existing residents. No councillors or council officers living here obviously.
Dear Sir I wish to lodge a submission in relation to the Council's Consultation document 'Open and Transparent Governance Strategy'. This is a welcome initiative by Council and is overdue. The current practices and procedures, as evidenced by our experience dealing with council officials, as been anything but open and transparent. Council's practices currently lack procedural fairness and have resulted, in our case, an unjust and unfair outcome. This is unacceptable to us, and should be unacceptable to the community. Something needs to be done. I have worked in a local council, with councils and with state and federal bureaucracies for over fifty years. Without doubt, the NCC is by far the most delinquent bureaucracy in terms of openness and transparency that I have encountered. Council procedures need a total revamp.

The question in my mind is whether this review goes far enough. A further issue that needs addressing within the NCC is the culture. It is all very well for Council to produce documents, but if there is no cultural change in the behaviour of council officials, then there will be no material change to outcomes. In our experience, council officials have: - shown contempt for the law by disregarding the public consultation provisions of the EP & A (1979) Act - were contemptuous of our input into the planning consultation process - have used provisions of the GIPA to unfairly delay release of Council documents to frustrate our efforts to get a fair outcome - knowingly included factually incorrect information in Council documents to achieve a decision that officials desired - adopted practices that were procedurally unfair. As a consequence of council officials actions and decisions, we have been deleteriously impacted to the point that our dwelling is compromised so much so that it is almost unliveable. Something needs to be done to protect the broader community and I commend the council for this initiative. However, I recommend that council ensure that all officials are required to participate in a cultural change programme to ensure that this new approach is embedded in the culture of the organisation. I would pleased to elaborate on any of the above points and can be contacted on [redacted], Regards [redacted]
The rail corridor should not be built on but kept as open space and preferably be used for transport or at least future transport needs. If there MUST be any buildings, they should be minimal and only for the use of the general public. Historic buildings etc should be protected and valued, used as museums or art galleries. Community groups consultations should also be valued, not the opinions of business groups who will profit personally from their agenda.
CCL 12/12/17
ADOPTION OF THE OPEN AND TRANSPARENT GOVERNANCE STRATEGY

Attachment C: Summary of relevant submissions and feedback
# ATTACHMENT C - SUMMARY OF RELEVANT SUBMISSIONS AND FEEDBACK

## TABLE 1 - Summary of relevant submissions

The following is a summary of the relevant submissions received and Council's proposed actions in response:

<table>
<thead>
<tr>
<th>Public submission</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Respondent No. 1</td>
<td></td>
</tr>
</tbody>
</table>
| "no closed meetings. All council meetings documented" | No proposed amendment to the Strategy. The Strategy provides for the following with respect to this submission:  
3.2 Provision of public access to Council meetings and business papers.  
"All Ordinary Council meetings as well as the Development Applications Committee, Public Voice Committee and Briefing Committee meetings are open to the public unless required to be closed in accordance with the Act. Council makes its business papers available on Council's website in advance of Council meetings as well as in hard copy from Council's City Administration Centre. Minutes of all open Council meetings are also made available to the public via Council's website." |
| Respondent No. 8  |
| Not being offered any opportunity to object to a development application. | This submission is addressed in the Strategy and therefore no proposed amendment to the Strategy. The Strategy provides for the following with respect to this submission:  
3.3 Clear line of communications between the members of the public and Councillors  
"Where members of the public have issues or concerns in respect of a development application that is to go before the elected Council at a Development Applications Committee, they, and the applicant for the Development Application (DA), will be provided with an invitation to address the elected Council in a Public Voice (PV) session. The main objective of the PV Policy is to provide members of the community with the opportunity to address Councillors on matters within the jurisdiction of Council that are of a strategic nature. Council's PV Policy and the relevant application form are available on Council's website. PV sessions can cover a broad range of issues." |
including those related to development applications where the elected Council is the decision maker as well as other strategic issues."

<table>
<thead>
<tr>
<th>Respondent No. 9</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;The current practices and procedures, as evidence by our experience dealing with council officials, has been anything but open and transparent. There is no cultural change in the behavior of council officials [to promote open and transparent governance] therefore there is no material change to outcomes. Council needs to ensure that all council officials are required to participate in a cultural change program to ensure that the spirit of the Strategy is implemented&quot;</td>
</tr>
</tbody>
</table>

One amendment (see text in red) has been incorporated within clause 2.1 of the Strategy in response to this submission:

2.1 Maintain a strong and ethical culture, and a high standard of conduct

"Council adopts a Code of Conduct based on the Model Code of Conduct (Model Code) published by the Office of Local Government, This is a mandatory requirement.

The Code of Conduct sets out ethical and behavioral standards to be complied with by Council Officials."

"To improve the workplace and organisational culture, Council has introduced a "Blue Bus" training program which is designed to build awareness and understanding of how attitudes, behaviours and mindsets impact the way people work together. The "Blue Bus" training program aims to provide a common language through open collaboration across Council for Council officials to recognise, talk about and work towards a more constructive culture.

At the time of the adoption of the Strategy, 95% of Council staff have already attended the "Blue Bus" training program, with Councillors being scheduled to attend in 2018."

2.5 Support and commitment to education and training

"Education and training for both Councillors and staff to ensure they appropriately understand their governance obligations is important to Council. All Councillors are required to complete an education and induction program on election (generally every four years and regardless of whether they are new Councillors or re-elected) and ongoing professional development training. This is to ensure Councillors have an appropriate level of skills and experience required to properly fulfil their responsibilities in accordance with the Regulation.

Council supports continuous education and professional development programs for Councillors. A budget to allow Councillors attend ongoing professional development is provided for in Council's Payment of Expenses and Provision of Facilities to Councillors policy.

Council is committed to educating staff at all levels through formal
established training programs, including:

- senior management induction program covering governance matters that all senior managers are required to attend on upon commencement of employment at Council;
- staff induction program covering governance issues that all staff are required to attend upon commencement of employment at Council; and
- provision of a training budget per staff member to support staff in ongoing training and education relevant to their roles.

Council has an established governance training program for staff at all levels endorsed by the Executive Management Team. The adopted training program includes all relevant aspects of governance depending on the level within the organisation."

3.5 Open and transparent disclosures

"A standing item on every Council meeting agenda is the disclosure of conflict of interests requiring Councillors to make a disclosure to the meetings about any conflicts they have in relation to any items on the Council meeting agenda. The Councillors' conflict of interests declarations are recorded in the minutes.

Council staff are also required to declare in writing to their manager any conflict of interests that arise in the course of conducting their duties.

Where Councillors or staff declare a pecuniary or significant non-pecuniary interest, they must remove themselves from the decision-making process (for example, Councillors are required to leave the Council Chamber and not vote on the matter; staff must step aside and another staff member will be responsible for the decision-making).

Councillors, senior staff and other staff members with decision-making functions are required to complete an annually pecuniary interest return disclosing to the CEO:

- property;
- income;
- significant gifts;
- significant contributions to travel;
- shares of and positions held in companies (if remunerated for such positions);
- positions in trade unions and professional / business associations;
- debts; and
- discretionary disclosures (any disclosures that do not "fit" in other sections.
<table>
<thead>
<tr>
<th>No.</th>
<th>Respondent No. 10</th>
<th>Proposed amendment to the Strategy.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>&quot;Community groups consultations should also be valued, not the opinions of business groups who will profit personally from their agenda.&quot;</td>
<td>No proposed amendment to the Strategy.</td>
</tr>
<tr>
<td></td>
<td>Councillors and staff are also required to declare all gifts given to them and these declarations are kept on Council's gift register.&quot;</td>
<td>The Strategy provides for the following with respect to this submission:</td>
</tr>
</tbody>
</table>

**3.3 Clear line of communications between the members of the public and Councillors**

"Where members of the public have issues or concerns of strategic significance they wish to present to Councillors, they may apply under Council's Public Voice Policy to address the elected Council in open session.

Where members of the public have issues or concerns in respect of a development application that is to go before the elected Council at a Development Applications Committee, they, and the applicant for the DA, will be provided with an invitation to address the elected Council in a Public Voice session."

**3.6 Consideration of the communities advice on Council issues**

"The purpose of these committees is to provide guidance and make recommendations to the elected Council within a particular area of expertise. Many of the committees have community members or members of key stakeholder groups as well as Councillors as members.

The committees meet to discuss issues that fall within the area of expertise and make recommendations back to the elected Council." |

<table>
<thead>
<tr>
<th>No.</th>
<th>Respondent No 7</th>
<th>Proposed amendment to the Strategy.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1)</td>
<td>Business Improvement Associations (BIAs) Business Plans to be presented to the elected Council.</td>
<td>The following amendment has been incorporated within clause 3.6 of the Strategy in response to this submission:</td>
</tr>
<tr>
<td>2)</td>
<td>Prior to the presentation of the BIA Business Plans, each BIA to share their business plan in</td>
<td>&quot;Council also has a number of Business Improvement Associations (BIAs) for the purpose of expenditure and oversight of special benefit rates from businesses within each nominated commercial centre.</td>
</tr>
<tr>
<td></td>
<td>The following amendment has been incorporated within clause 3.6 of the Strategy in response to this submission:</td>
<td>BIAs are required to report annually to Council's Audit Committee as well as publicise annual business plans and financial summaries and activity reports on Council's website.&quot;</td>
</tr>
</tbody>
</table>
3) A BIA advisory committee to be established.

4) Council to nominate Councillor representatives to each BIA to attend regular meetings and report back to Council the discussion held during these meetings.
Table 2 - Summary of relevant feedback

The following is a summary of the relevant feedback received and Council's proposed actions in response:

<table>
<thead>
<tr>
<th>Activity and Feedback from attendees</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>How often would you access the diary of the CEO and Lord Mayor?</td>
<td>No proposed amendment to the Strategy.</td>
</tr>
<tr>
<td>Attendees responded that they would like to access the diary of the CEO's and the Lord Mayor on a monthly basis or quarterly.</td>
<td>The Strategy provides for the following with respect to this feedback:</td>
</tr>
<tr>
<td>3.5 Open and transparent disclosures</td>
<td>&quot;Council will publish, at least quarterly, in respect of the diaries of the Lord Mayor and the Executive Management Team (including the CEO) …&quot;</td>
</tr>
<tr>
<td>How often do you think the public should be invited to address Councillors?</td>
<td>No proposed amendment to the Strategy.</td>
</tr>
<tr>
<td>The feedback received was equally split between two Public Voice (PV) sessions per month and one Public Voice Session per month.</td>
<td>The Strategy provides for the following with respect to this feedback:</td>
</tr>
<tr>
<td>3.3 Clear line of communications between members of the public and Councillors</td>
<td>&quot;Councillors' contact details, including email address and telephone numbers, are listed on Council's website to allow members of the public to directly communicate with Councillors.</td>
</tr>
<tr>
<td>Members of the public may raise issues with Councillors at any time. As business papers are released to members of the public in advance of Council meetings, members of the public can email or speak to Councillors about issues scheduled to go before the elected Council prior to a Council meeting.</td>
<td>Where members of the public have issues or concerns of strategic significance they wish to present to Councillors, they may apply under Council's Public Voice Policy to address the elected Council in open session.</td>
</tr>
<tr>
<td>With respect to awareness of the PV process, all participants</td>
<td>Where members of the public have issues or concerns in respect of a</td>
</tr>
</tbody>
</table>
were aware of the nature of the sessions prior to the workshop. However, feedback revealed that there may be a need for the process to “feel approachable for those in the community that are not the most confident, eloquent.”

<table>
<thead>
<tr>
<th>What topic(s) would you be likely to address Council on?</th>
</tr>
</thead>
<tbody>
<tr>
<td>The feedback received was a very diverse range of topics including a request for support regarding curfew on cats, future event, environmental issues and the most common theme being Development Applications (DAs)</td>
</tr>
</tbody>
</table>

| development application that is to go before the elected Council at a Development Applications Committee, they, and the applicant for the DA, will be provided with an invitation to address the elected Council in a PV session."

"Council’s PV Policy and the relevant application form is available on Council’s website."

"Council will consider changes to the Code of Meeting Practice and/or Public Voice Policy to provide for the implementation of a system to allow members of the public to address Council on a meeting night before a Council meeting."

No proposed amendment to the Strategy.

The Strategy provides for the following with respect to this feedback:

3.3 Clear line of communications between members of the public and Councillors

"… Where members of the public have issues or concerns of strategic significance they wish to present to Councillors, they may apply under Council’s PV Policy to address the elected Council in open session.

Where members of the public have issues or concerns in respect of a DA that is to go before the elected Council at a Development Applications Committee, they, and the applicant for the DA, will be provided with an invitation to address the elected Council in a PV session.

The main objective of the PV Policy is to provide members of the community with the opportunity to address Councillors on matters within the jurisdiction of Council that are of a strategic nature."

"Council will consider changes to the Code of Meeting Practice and/or Public Voice Policy to provide for the implementation of a system to allow members of the public to address Council on a meeting night before a Council meeting."
**What do you think is not effective about the way Councillors communicate with the public?**

- "We often feel that certain councillors are not justifying their actions appropriately and not revealing the full extent of their dealing with certain lobby groups, private corporations (including developers) and PR companies…"

- "Not enough time being given on controversial matters happening in the community…"

The issues raised with respect to this question are operational in nature and the Strategy provides for the following with respect to this feedback:

### 3.5 Open and transparent disclosures

In addition to feedback addressed above with respect to the Lord Mayor's diary being published on Council's website, "a standing item on every Council meeting agenda is the disclosure of conflict of interests requiring Councillors to make a disclosure to the meetings about any conflicts they have in relation to any items on the Council meeting agenda. The Councillors' conflict of interests declarations are recorded in the minutes.

Where Councillors or staff declare a pecuniary or significant non-pecuniary interest, they must remove themselves from the decision-making process (for example, Councillors are required to leave the Council Chamber and not vote on the matter).

Councillors, senior staff and other staff members with decision-making functions are required to complete an annual pecuniary interest return, disclosing to the CEO:

- property;
- income;
- significant gifts;
- significant contributions to travel;
- shares of and positions held in companies (if remunerated for such positions);
- positions in trade unions and professional / business associations;
- debts; and
- discretionary disclosures (any disclosures that don't "fit" in other sections).

Councillors and staff are also required to declare all gifts given to them and these declarations are kept on Council's gift register."

### 3.6 Consideration of the community's advice on Council issues

"Council may establish advisory committees by resolution of Council. The purpose of these committees is to provide guidance and make recommendations to the elected Council within a particular area of expertise. Many of the committee members have community members or members of key stakeholder groups as well as Councillors as members."
The committees meet to discuss issues that fall within their area of expertise and make recommendations back to the elected Council.

The elected Council adopts a constituting document for each of the committees…"

"The elected Council, by resolution, nominates Councillor representatives to the committee where the constituting document provides for Councillor members.

At the time of the development of this strategy Council has in place seven Strategic Advisory Committees"

3.7 Councillor participation on community issues

"Councillors are nominated to, and currently sit on, approximately 10 externally constituted community committees which are wide ranging in focus and scope."

"These committees do not come under the oversight of Council and are subject to their own individual governance arrangements.

The appointment to external community committees allows Councillors to further engage with and understand community needs. Councillors can bring matters before the elected Council by way of submitting a Notice of Motion."

2.5 Support and commitment to education and training

"All Councillors are required to complete an education and induction program on election (generally every four years and regardless of whether they are new Councillors or re-elected) and ongoing professional development training. This is to ensure Councillors have an appropriate level of skills and experience required to properly fulfil their
Council supports continuous education and professional development programs for Councillors. A budget to allow Councillors attend ongoing professional development is provided for in Council’s Payment of Expenses and Provision of Facilities to Councillors Policy”.
<table>
<thead>
<tr>
<th>What are your ideas for efficient/effective communication between Councillors and the public?</th>
</tr>
</thead>
<tbody>
<tr>
<td>- The ability &quot;to register complaints/issues so that they could be followed upon&quot;;</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No proposed amendment to the Strategy.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Strategy provides for the following with respect to this feedback:</td>
</tr>
<tr>
<td><strong>3.8 Effective complaints handling focused on customer service improvements</strong></td>
</tr>
<tr>
<td>&quot;Council adopts a Customer Complaints Handling Policy to ensure:</td>
</tr>
<tr>
<td>• Council responds to complaints in a timely, consistent and cost-effective way.</td>
</tr>
<tr>
<td>• The boosting of public confidence and perception of the quality of the services provided by Council.</td>
</tr>
<tr>
<td>• Complaints information and statistics are used to deliver quality improvements in services and the way in which it handles complaints.</td>
</tr>
<tr>
<td>• Complaints are escalated internally and will be reviewed by Council's Legal and Governance team where members of the community remain dissatisfied after the initial review of their complaint.</td>
</tr>
<tr>
<td>A review of the complaint by Council's CEO may also be offered to the community member should they be dissatisfied with the response from Council's Legal and Governance Team.</td>
</tr>
<tr>
<td>Members of the public can escalate complaints to the NSW Ombudsman, at any time, where they are dissatisfied with Council's response.</td>
</tr>
<tr>
<td>The role of the NSW Ombudsman is to make sure agencies, such as local councils and their staff do their jobs properly, and are meeting their responsibilities to the community.&quot;</td>
</tr>
<tr>
<td><strong>3.4 Open and accessible government information as well as a commitment to the protection of privacy</strong></td>
</tr>
<tr>
<td>&quot;Under the GIPA Act, Council is required and committed to:</td>
</tr>
<tr>
<td>• making open access information that it is required under the GIPA Act available on its website or one way free of charge (fees are applicable to formal GIPA requests);</td>
</tr>
<tr>
<td>• proactively publishing more information on Council's website than is legally required and improve efficient release of information;</td>
</tr>
<tr>
<td>• processing all informal requests for information efficiently and</td>
</tr>
</tbody>
</table>
- "avoid locking into contracts/events without fully collaborating with the community first."

...effectively; and

- processing all formal access applications within the statutory timeframes and in compliance with the GIPA Act.

The CEO ensures the provision of detailed and timely information to Councillors is relevant to the discharge of their civic functions while still maintaining appropriate level of independence between the elected Council and staff.

Council will ensure it meets the highest level of public disclosure regarding all dealings with Council Officials while also meeting its obligations under the relevant privacy legislation and Council's Privacy Management Plan.

Council will ensure that its procedures meet the highest level of transparency, accountability and probity, and comply with the requirements of all current legislation.

Whilst Council is committed to releasing information, such disclosure will be done where there is public interest to do so, in accordance with the GIPA Act. This means that some personal or commercial in confidence business information may not be disclosed where there is no public interest to do so."

3.1 Being open and transparent with regards to Council's engagement activities

"Council undergoes significant community consultation as part of the development and adoption of the CSP. The CSP is supported by a specific Community Engagement Strategy. Community engagement for the CSP is the key method by which the community can become involved in setting the strategic direction of Council.

Once the CSP is adopted, Councillors and Council staff are empowered to implement the strategies and goals established in consultation with the community.

Council also adopts a Community Engagement Framework and a Community Engagement Policy to provide for openness and transparency with Council's community engagement activities as well as being accessible, inclusive and actively seeking input into decision-making."

"Within Council's ability to finance and resource, Council commits to conducting transparent and inclusive engagement processes that are responsive and accountable.

Council assigns a high priority to appropriately involving residents and
other stakeholders early on and throughout the process, especially when the decision(s) impact on their lives. Council recognises and complies with the practices developed by the International Association for Public Participation. The IAP2 Public Participation Spectrum helps identify and select the appropriate level of public participation, select methods of engagement and identify a range of tools."

"Council is currently expanding its community engagement program to empower residents to be further involved in the decision-making process. Methods the engagement team employ when undertaking engagement activities include:

- Online surveys;
- Geo mapping tool surveys;
- Focus groups;
- Facilitated workshops;
- Intercept surveys; and
- Information sessions."

"Council staff will continue to review many of these tools for potential use across Council’s planning and service provision initiatives."
CCL 12/12/17
ADOPTION OF THE OPEN AND TRANSPARENT GOVERNANCE STRATEGY

Attachment D: Workshop Report
Open and Transparent Governance Strategy
Workshop 4 October 2017
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1 Introduction

Our vision for Newcastle in 2030 is that we will have strong local democracy with an actively engaged community and effective partnerships.

Open and collaborative leadership provides the foundation for excellent governance with a shared approach to delivering strategic outcomes.
To help guide this style of leadership and ensure community confidence in decisions made by Newcastle City Council, we have developed a draft open and transparent governance strategy.

The draft strategy is an important tool to ensure we are addressing social, environmental, economic and civic issues in an inclusive and effective process and highlights four guiding principles.

**Equity** - fairness in Council's decision-making, prioritising and allocation of resources

**Participation** - maximising opportunities for the community to participate in decisions affecting their lives

**Transparency** - providing access to information the community needs to understand Council's planning and decision-making processes

**Active citizenship** - ensuring people can exercise their rights and responsibilities in a balanced way within our democratic society.

The development of this document arose from a Council Resolution NOM 28/06/2016. The draft strategy was on public exhibition from Monday 28 August until Monday 23 October 2017.

### 1.1 Objectives

The workshop objectives were to gain further feedback with regard to the following topics; Open Diaries, Public Voice, Councillor Communication and Committees.
2 Methodology

2.1 Research approach

This study falls under the consult category of the IAP2 framework endorsed in Council’s Community Engagement Framework.

Figure 1 Public Participation Spectrum, International Association of Public Participation

2.2 Promotion

The workshop was promoted extensively in the following ways, despite the relatively low level of attendance from residents:

- Council enews
- Council website and carousel on homepage
- Media release
- Facebook and twitter posts
- Linked in
- Flyers and posters distributed to Council facilities and local businesses
- Newcastle Herald print and online
- Newcastle Weekly
- Novo News (staff newsletter)
- Internal Council staff intranet
3 Workshop feedback

The workshop was held Wednesday 4 October from 6 to 8pm. In total, 10 people attended the workshop, three of whom were Councillors (Councillor Duncan, Councillor White and Councillor Mackenzie). The Councillors were there as observers and did not participate in the workshop activities. One participant also excused themselves prior to completion of the workshop.

3.1 Activity One - Open Diaries

Participants were asked about how often they would access open diaries of the Lord Mayor and CEO, these results are provided in table 1 and table 2. Council is currently looking at opening both diaries retrospectively. Some participants suggested that having them open all the time would be more useful, as then the community can choose to attend the same events if open to the public.

When asked how often they would access the CEO’s diary four participants selected monthly and two selected a couple of times a year.

**Table 1 Open diaries - CEO**

<table>
<thead>
<tr>
<th>How often would you access the diary of the CEO?</th>
<th>Never</th>
<th>A couple of times a year</th>
<th>Monthly</th>
<th>Weekly</th>
<th>Daily</th>
<th>Not sure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

When asked how often they would access the Lord Mayor’s diary four participants selected monthly, one selected a couple of times a year and one selected not sure.

**Table 2 Open diaries - Lord Mayor**

<table>
<thead>
<tr>
<th>How often would you access the diary of the Lord Mayor?</th>
<th>Never</th>
<th>A couple of times a year</th>
<th>Monthly</th>
<th>Weekly</th>
<th>Daily</th>
<th>Not sure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>
3.2 Activity two - Public Voice

Under certain circumstances residents and ratepayers are provided the opportunity to voice their opinions or concerns directly to Councillors during a Public Voice session at a Council meeting.

The purpose of the Public Voice Session is to:

- Allow Council to hear directly from affected parties of their concerns regarding proposed developments and also to hear from the developers in response.
- Allow individuals or organisations to present information about issues relevant to local government.
- Promote balanced decision making.

Participants were asked to provide feedback regarding awareness, frequency and what topics they would be likely to address at a Public Voice session.

All participants were aware of public voice sessions prior to the workshop (n=6).

When participants were asked about frequency, three selected twice per month and three monthly. Participants were able to provide comments surrounding their response, these are provided in table 3.

Table 4 (over page) outlines the topics that the participants would be likely to address Council on.

**Table 3 Public Voice frequency**

<table>
<thead>
<tr>
<th>Frequency (select)</th>
<th>Comments:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Twice per month</td>
<td></td>
</tr>
<tr>
<td>Monthly (current)</td>
<td></td>
</tr>
<tr>
<td>Monthly (current)</td>
<td>Issue is one of expectation management. Potentially false hope: &quot;The council will do what I tell them. Give me what I ask for.&quot;</td>
</tr>
<tr>
<td>Twice per month</td>
<td>Ensure it feels approachable for those in the community that are not the most confident, eloquent.</td>
</tr>
<tr>
<td>Monthly (current)</td>
<td></td>
</tr>
<tr>
<td>Twice per month</td>
<td></td>
</tr>
</tbody>
</table>
### Table 4 Public Voice topics

<table>
<thead>
<tr>
<th>What topic/s would you be likely to address council on?</th>
</tr>
</thead>
<tbody>
<tr>
<td>all topics</td>
</tr>
<tr>
<td>Developments - Public &amp; Private; Future code changes; Budget strategies; Future events Council could organise in local community; Environmental issues; Maintenance of infrastructure</td>
</tr>
<tr>
<td>Policy; Strategy; Commend works staff  <em>(this last point was difficult to read - may not be this precisely)</em></td>
</tr>
<tr>
<td>Transport issues &amp; developments; Parks, playgrounds &amp; development of parks &amp; encroachment on parkland; Arts &amp; cultural issues; Lack of public consultation in planning major events &amp; developments; The pedestrian crossing being blocked off to free moving pedestrians in front of the council; Heritage issues; Construction work issues</td>
</tr>
<tr>
<td>Building structures; Environment; Transport; Promotion of Area; Visitors to City</td>
</tr>
<tr>
<td>Possible support for curfew on cats</td>
</tr>
</tbody>
</table>
3.3 Activity three - Councillor Communication

Participants were asked what is not effective about the way the Councillors communicate with the public, table 5 outlines the responses. During the workshop participants commented that they would not necessarily think to contact their Councillors with issues/questions/concerns.

<table>
<thead>
<tr>
<th>What do you think is not effective about the way Councillors communicate with the public... (Orange sticky note)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not enough time being given on controversial matters happening in the community &amp; media exposure before decisions are made by Councillors. Too much State Government control against community wishes &amp; Councillors not fighting more strongly to overturn these decisions by working more closely with residents.</td>
</tr>
<tr>
<td>1. Delay in gaining information required. 2. Not available to communicate at time of problem. 3. Offices not on bus route. Re easy access, travel. 4. Not understanding the problem that is important to the public. 5. Stating problems are out of their control and not taking it further. 6. Unable to solve problems/require satisfactory to public.</td>
</tr>
<tr>
<td>Previous councillors in my ward (Ward 2) had NO information about what they were doing, only contact info e.g. in free neighbourhood newsletter. I did look for stuff online but no particular issues were highlighted in any form by ward's councillors - e.g. lack of information on what councillors are doing in the ward and why.</td>
</tr>
<tr>
<td>We often feel that certain councillors are not justifying their actions appropriately &amp; not revealing the full extent of their dealing with certain lobby groups, private corporations (including developers) &amp; PR companies. They are not listening to residents' genuine concerns with regards to developments on public lands including parklands, Supercar development etc. Feeling like as a member of the public certain councillors don't care about you &amp; aren't listening.</td>
</tr>
<tr>
<td>Not effective because...*Danger again of expectations: Councillors can 'fix' things. Perception of power. *Not their role!? De facto lobbyists? *Question adequacy of councillor knowledge. *Councillor motivation is voter popularity - how to ensure they act as impartial and independent communication channels?</td>
</tr>
</tbody>
</table>
After participants identified what was not effective about Councillor Communication they were asked to suggest ways to improve the process.

Table 6 Councillor Communication - ideas

<table>
<thead>
<tr>
<th>What are your ideas for efficient/effective communication between councillors and the public? (Pink sticky note)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Telephone communication - access urgency. 2. Early appointments for discussion meeting. 3. Solving request/problems efficiently. 4. Customer service. When I was fully occupied the rule was:- Efficiency. You picked up a document you dealt with it you filed it. <del>Job complete</del> You did not put it in the too hard basket. Acknowledge complaint, query, question etc. as a priority? e.g. by text, email, phone call, appointment, letter etc. Ask for feedback. Good customer service. A way to register complaints/issues so you can follow up on actions. Organised plans into the future for any events/developments. Casual meet &amp; greet events between councillors &amp; public for different themes. An 'ideas factory' on social media or on the council’s website for people to put forward ideas. Council to show appreciation for feedback. Council to minimise need for public to be doing the work by using internal channels to put forward ideas/complaints to appropriate staff/councillors. Council to provide information as freely as possible when public seek GIPA request etc. Council should take an adaptive management approach so they can be prepared to actually consider and act on community concerns; avoid locking into contracts/events without fully collaborating with the community first. Use public spaces as a way to communicate proposals that may be of interest to the public who frequent that area; get better at targeting relevant people to collaborate with. Be strong &amp; independent from the state &amp; willing to take community concerns to the state &amp; make them feel accountable. Practical understanding of what customer service and excellence mean!!! Customer service is effective listening/reflecting back &amp; empathy &amp; RESPONSIVENESS. NOT false promises/expectations! Excellence is nothing more than doing the basics, the ordinary, EXTORDINARILY well!</td>
</tr>
</tbody>
</table>
3.4 Activity four - Committees

The final activity regarded Council committees; we asked if anyone in the room would be interested in joining any groups (see figure 2 for list of advisory committees) and posed a problem to attendees - How to increase attendance at committee meetings and asked for them to come up with ideas. These responses are provided in table 7.

Figure 2 Advisory committees

Table 7 Committee meetings - Low attendance improvement ideas

<table>
<thead>
<tr>
<th>Problem: Low attendance at the committee meetings</th>
</tr>
</thead>
<tbody>
<tr>
<td>What to do: Come up with as many ideas as you can on your sticky notes to address this problem. (Red sticky note)</td>
</tr>
<tr>
<td>Dinner meetings. Specific time factor for meeting important.</td>
</tr>
<tr>
<td>Low attendance can be improved by combining with social dinner meetings. Contacting and liaising with local community groups on issues Council needs assistance with. Approaching more retirees for their assistance.</td>
</tr>
<tr>
<td>Put info about committee needing people in successive issues of Council News. What do these committees do?</td>
</tr>
<tr>
<td>1. Ask the non-attendees why? 2. Review/revise time &amp; venue of meetings. 3. Consider making payment/reimbursement for attending. E.g. fund child minding. 4. Make terms shorter - make it clear only people with the interest/time to attend are appointed.</td>
</tr>
<tr>
<td>Understanding of how to contribute the committees - different levels of commitment. Social media around committees - explanation of how they work &amp; what themes are covered &amp; how to get involved. Included relevant activities etc. to make it more fun &amp; interactive.</td>
</tr>
</tbody>
</table>

3.5 Where to from here

The public exhibition period was from Monday 28 August to 23 October 2017. After this period the Legal and Governance team will review feedback from the community, adjust the document where fitting and take to Council for adoption.
CCL 12/12/17
ADOPTION OF INSTRUMENTS OF DELEGATIONS

Attachment A: Instrument of Delegation to the Lord Mayor dated 12 December 2017
In accordance with and Subject to section 377 and Section 379 of the Local Government Act 1993 (Act) and as a matter of policy, Council delegates to the Lord Mayor, on an ongoing basis, the following functions (to be exercised in a manner consistent with Council’s policies and decisions as applicable from time to time), additional to those contained in the Act:

DELEGATIONS

1. Leadership and General Policy Direction
   a) to be the leader of the Council and a leader in the local community;
   b) to advise, consult and provide strategic direction to the Chief Executive Officer, except as otherwise provided by the Act.

2. Management of Council meetings and business
   a) to preside at Council meetings;
   b) the authority to call and schedule meetings of Council and Council Committees, briefings of Councillors and inspections by Councillors in accordance with the requirements of Council’s Code of Meeting Practice;
   c) to request the Chief Executive Officer to include items on the agendas for all meetings of Council and Council Committees, subject to the Act and the Local Government (General) Regulation 2005 and any other Act or Regulation. Provided that if the Council has by resolution determined that a specific item should be placed on its agenda, the function exercised under this delegation must be exercised in accordance with that resolution.

Lord Mayor - Instrument of Delegations
3. External relations and representations

a) to act as the official spokesperson of the elected Council;

b) to determine:
   i. who should represent Council on external organisations and committees and inter-agency working parties, where Council has not determined a representative; and
   ii. who should represent Council at civic ceremonial and social functions, where the Lord Mayor is unable to attend and Council has not determined its representative,

   Provided that before a determination is made that a staff member should so represent Council, the Lord Mayor must consult with the Chief Executive Officer;

c) to determine Council’s representation, and who will exercise Council’s Local Government NSW (LGNSW) voting rights whether directly or through subsequent delegations to the Councillor attendees.

d)  

4. Organisational Accountability and Performance Management

a) to exercise Council’s functions under the Chief Executive Officer's Contract of Employment having regard to any functions of a performance review panel or policy in effect;

b) to obtain external legal advice in relation to the appointment, conduct and performance of the Chief Executive Officer, and related issues;

b) to conduct dispute resolution with the Chief Executive Officer in accordance with clause 17 of the Standard Contract of Employment General Managers of Local Councils in New South Wales;

c) to negotiate and settle terms of a contract of employment with the Chief Executive Officer including determining the appropriate remuneration, bonuses and incentives in accordance with relevant Council resolutions (as required), the Chief Executive Officer’s Contract of Employment and relevant Council policies;

d) to advise and provide strategic direction in relation to the implementation of strategic plans and Policy of Council (to ensure sound governance and accountability structures for the performance of the organisation) and to oversee the performance of the Chief Executive Officer (and, through the Chief Executive Officer, the performance of the organisation and program areas within the organisation);

e) to settle performance standards, and plan, and carry out performance reviews, of the Chief Executive Officer, in accordance with any performance review panel or policy in effect;

e) to accept the resignation of the Chief Executive Officer;

g) to appoint a Director as an Acting Chief Executive Officer from time to time as might be required by the absence of the Chief Executive Officer for any reason and (except due to annual leave) such appointment is to be subject to a Council resolution;

h) to take other administrative action in connection with the Chief Executive Officer's Contract of Employment including but not limited to the approval of annual leave;
5. Authority to Obtain Legal Services

6.

7. to discuss Council’s legal position with the Chief Executive Officer, as appropriate:

8.

9. (i) where there is an inconsistency (such as to settle court proceedings where Council’s prospects are poor) if it is in Council’s interest to do so and the Lord Mayor has been so advised (by the Chief Executive Officer, delegate, or external counsel).
6. Mayoral and Civic Role
Staffing and structure of the Lord Mayor's office

a) In respect of the Lord Mayor's Office (LMO), to:

i. (i) determine the structure of the LMO;

ii. (ii) determine the number and description of all staff positions;

iii. allocate expenditure of the LMO within its overall budget;

iv. (iii) be fully and formally consulted in respect of the appointment (or dismissal) of all staff;

v. (iv) to allocate tasks on a day to day basis;

in consultation with the Chief Executive Officer.

(b) to determine requests for the waiver or reduction of fees in accordance with Council's adopted budget and pre-determined categories.

7. General authority of Council during a Recess Periods

a) Where there are grounds to support that a decision of the elected Council cannot be delayed to exercise, during a Recess Periods of Council, to exercise the powers, authorities, duties and functions of the elected Council other than:

i. (i) the functions reserved to by the elected Council itself by in accordance with Section 377 and Section 379 of the Local Government Act 1993;

ii. (ii) those powers and functions delegated to the Chief Executive Officer by Council resolution from time to time

b) Where the decision relates to a determination of applications for development consent under the Environmental Planning and Assessment Act 1979 (development application) that would have otherwise been determined by the Development Applications Committee, the Lord Mayor is authorised to co-determine the development application with the Chief Executive Officer in accordance with the process set down in the Chief Executive Officer's Instrument of Delegation.

b) This authority is with such delegations to be effective from midnight on the day of the last Council meeting prior to the a Recess Period as approved by the Council, up to the time of commencement of the first meeting at the conclusion of the Recess Period, subject to:

i. such delegations are to be exercised following receipt by the Lord Mayor of reports or other business papers in a form similar to the form of reports or other business papers normally submitted to Council or a Council Committee;

ii. those reports or other business papers are to be circulated to Councillors at least three business days prior to the exercise of delegations;

iii. where written objections by three Councillors on any one item are received by the Lord Mayor, stating relevant reasons for objection, the item is to be deferred until the next relevant Committee meeting of Council and

iv. any such decisions made by the Lord Mayor pursuant to such delegation is to be
reported to the next meeting of Council.

This clause does not limit the Lord Mayor’s authority pursuant to section 226(d) of the Act to exercise in the cases of necessity, the policy-making functions of the governing body of Council between meetings of Council.

INTERPRETATION OF DELEGATIONS

a) This instrument of delegation should be construed as operating in a manner which is valid and within the powers conferred on the Council under the Act;

c) references to the Chief Executive Officer are references to means the General Manager appointed under the Act;

d) Preferences to the decisions of Council are means references to decisions made by the elected Council from time to time;

e) Policy/Preferences to policies of the Council are means references to policies adopted by the elected Council from time to time;

f) Recess Period means a period of time where Council has, by resolution of Council, specifically determined a break in Council's ordinary meeting schedule. A Recess Period does not include:

i. the time between meetings (an extraordinary meeting can be called where decisions are required to be made as a matter of urgency); or

the time between Council terms (that is the period between the day of the last ordinary council meeting and the date of declaration of a new elected Council);

g) This instrument of delegation should be construed as:

b) operating in a manner which is valid and within the powers conferred on the Council under the Local Government Act;

a) 1993;

c) 1993;

d) these delegations are not intended to not limiting the Lord Mayor’s ability to carry out such other functions and exercise such other powers as the Council may determine from time to time or as may be functions of the Lord Mayor under the Act.

All previous delegations of functions the subject of this Instrument of Delegation are revoked.
Instrument of Delegation to the Lord Mayor

In accordance with and subject to section 377 of the Local Government Act 1993 (Act), Council delegates to the Lord Mayor, on an ongoing basis, the following functions:

DELEGATIONS

1. Leadership and policy direction
   a) to be the leader of the Council and a leader in the local community;
   b) to advise, consult and provide strategic direction to the Chief Executive Officer, except as otherwise provided by the Act.

2. Management of Council meetings and business
   a) to preside at Council meetings;
   b) to call and schedule meetings of Council and Council Committees, briefings of Councillors and inspections by Councillors;
   c) to request the Chief Executive Officer to include items on the agendas for all meetings of Council and Council Committees, subject to the Act and the Local Government (General) Regulation 2005 and any other act or regulation. Provided that if the Council has by resolution determined that a specific item should be placed on its agenda, the function exercised under this delegation must be exercised in accordance with that resolution;

3. External relations and representations
   a) to act as the official spokesperson of the elected Council;
   b) to determine:
      i. who should represent Council on external organisations and committees and inter-agency working parties, where Council has not determined a representative; and
      ii. who should represent Council at civic ceremonial and social functions, where the Lord Mayor is unable to attend and Council has not determined its representative,

        Provided that before a determination is made that a staff member should so represent Council, the Lord Mayor must consult with the Chief Executive Officer.

   c) to determine who will exercise Council’s Local Government NSW (LGNSW) voting rights from among the Councillor attendees.

4. Organisational Accountability and Performance Management
   a) to exercise Council's functions under the Chief Executive Officer's Contract of Employment having regard to any functions of a performance review panel or policy in effect;
   b) to obtain external legal advice in relation to the appointment, conduct and performance of the Chief Executive Officer, and related issues;
c) to negotiate and settle terms of a contract of employment with the Chief Executive Officer including determining the appropriate remuneration, bonuses and incentives in accordance with relevant Council resolutions (as required), the Chief Executive Officer's Contract of Employment and relevant Council policies;

d) to advise and provide strategic direction in relation to the implementation of strategic plans and Policy of Council (to ensure sound governance and accountability structures for the performance of the organisation) and to oversee the performance of the Chief Executive Officer (and, through the Chief Executive Officer, the performance of the organisation and program areas within the organisation);

e) to settle performance standards, and plan, and carry out performance reviews, of the Chief Executive Officer, in accordance with any performance review panel or policy in effect;

f) to accept the resignation of the Chief Executive Officer;

g) to appoint a Director as an Acting Chief Executive Officer from time to time as might be required by the absence of the Chief Executive Officer for any reason;

h) to take other administrative action in connection with the Chief Executive Officer's Contract of Employment including but not limited to the approval of annual leave;

5. Staffing and structure of the Lord Mayor's office

a) In respect of the Lord Mayor's Office (LMO), to:
   i. determine the structure;
   ii. determine the number and description of all staff positions;
   iii. allocate expenditure of the LMO within its overall budget;
   iv. be fully and formally consulted in respect of the appointment (or dismissal) of all staff;
   v. allocate tasks on a day to day basis;

in consultation with the Chief Executive Officer.

(b) to determine requests for the waiver or reduction of fees in accordance with Council's adopted budget and pre-determined categories.

6. General authority of Council during a Recess Period

a) Where there are grounds to support that a decision of the elected Council cannot be delayed during a Recess Period, to exercise the functions of the elected Council other than:

   i. the functions reserved by the elected Council itself in accordance with section 377 of the Act;
   ii. those powers and functions delegated to the Chief Executive Officer.

b) Where the decision relates to a determination of applications for development consent under the Environmental Planning and Assessment Act 1979 (development application) that would have otherwise been determined by the Development Applications Committee, the Lord Mayor is authorised to co-determine the development application with the Chief Executive Officer in accordance with the process set down in the Chief Executive Officer's Instrument
of Delegation.

c) This authority is effective from midnight on the day of the last Council meeting prior to the
Recess Period, up to the time of commencement of the first meeting at the conclusion of
the Recess Period, subject to:

i. such delegations are to be exercised following receipt by the Lord Mayor of reports
or other business papers in a form similar to the form of reports or other business
papers normally submitted to Council or a Council Committee;
ii. those reports or other business papers are to be circulated to Councillors at least
three business days prior to the exercise of delegations;
iii. where written objections by three Councillors on any one item are received by the
Lord Mayor, stating relevant reasons for objection, the item is to be deferred until the
next relevant meeting of Council; and
iv. any such decisions made by the Lord Mayor pursuant to such delegation is to be
reported to the next meeting of Council.

This clause does not limit the Lord Mayor's authority pursuant to section 226(d) of the Act to exercise in
the cases of necessity, the policy-making functions of the governing body of Council between meetings of
Council.

INTERPRETATION

a) **Chief Executive Officer** means the General Manager appointed under the Act;
b) **Decisions of Council** means decisions made by the elected Council from time to time;
c) **Policy/Policies of the Council** means references to policies adopted by the elected Council
from time to time;
d) **Recess Period** means a period of time where Council has, by resolution of Council,
specifically determined a break in Council's ordinary meeting schedule. A Recess Period
does not include:
i. the time between meetings (an extraordinary meeting can be called where decisions
are required to be made as a matter of urgency); or

e) the time between Council terms (that is the period between the day of the last ordinary
council meeting and the date of declaration of a new elected Council).

This Instrument of Delegation should be construed as:

a) operating in a manner which is valid and within the powers conferred on Council under
the Act;
b) not limiting the Lord Mayor's ability to carry out such other functions and exercise such other
powers as the Council may determine from time, to time or as may be functions of the Lord
Mayor under the Act.

*All previous delegations of functions the subject of this Instrument of Delegation are
revoked.*
ORDINARY COUNCIL MEETING
12 DECEMBER 2017

CCL 12/12/17
ADOPTION OF INSTRUMENTS OF DELEGATIONS

Attachment B: Instrument of Delegation to the Interim Chief Executive Officer dated 12 December 2017
A. This Instrument of Delegation recognises that certain powers and functions are conferred on the Chief Executive Officer under Section 377-335 of the Local Government Act 1993 (Act), including the day-to-day management of Council, and delegates to the person holding the position of Chief Executive Officer from time to time Council’s functions under the Act and all other acts and regulations in force and as amended from time to time conferring functions on Council subject to any conditions or limitations in Schedule 1.

B. Pursuant and subject to section 377 of the Act, Council delegates to the person holding the position of Chief Executive Officer from time to time Council’s functions under the Act and all other acts and regulations in force and as amended from time to time conferring functions on Council subject to any conditions or limitations in Schedule 1.

SCHEDULE 1: LIMITATION OF FUNCTIONS DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER

GENERAL

1. The functions which are required by or under the Act or by or under any other Act or instrument to be performed/exercised by the governing body of the Council, this includes but is not limited to the functions listed in section 377 (1) of the Act;

2. Functions and authorities delegated to the Lord Mayor or matters referred to Committees of Council including the Development Applications Committee;

POLICY AND PROCEDURE

3. The power to make or amend Council Policy;

4. The release for public exhibition and comment of any plan or policy, which is required by legislation to be exhibited;

5. The exercise of authorities and functions in a manner not consistent with the policies and decisions of Council, or reasonable and lawful direction of the Lord Mayor;

BUDGET AND RESOURCE ALLOCATION

6. Approving Council’s budget;

7. The setting of priorities for Major Projects and Major Asset Preservation Programs;

8. Variation to Major Projects (projects exceeding $5m) exceeding an amount of 10% above the...
approved project budget;

9. the approval of the final design in relation to any new capital works item and any other capital works item specified by Council in the budget approval process where the budget exceeds $5m;

10. the awarding of contracts for any tender called pursuant to section 55 (1) of the Act where the value is greater than $1m;
120. determination of applications for donations to charities, cultural and other organisations except in accordance with a resolution of Council or policy approved by Council; and

113. writing off bad debts or waiving fees and charges, for amounts above $10,000 (including GST);
ORGANISATIONAL STRUCTURE AND PERSONNEL MATTERS

123. the approval of the organisation structure at Director level, except for transitional or temporary arrangements;

134. the appointment of Senior Staff Contract positions unless prior consultation with Council has occurred, (the CEO may make transitional or temporary arrangements);

145. entering into an new enterprise agreement except after consultation with Council; and

156. approve any overseas travel including all related expenses and Council related business attended subject to the expenditure being reported in Council's annual report (as such a Council resolution is required to approve overseas travel).

COUNCIL OPERATIONS AND SERVICES

156. carrying out new non-core services not already approved by Council;

167. variation of any existing Council service that would have overall negative implications for Council in terms of cost or service delivery;

178. setting or altering the Schedule of Fees and Charges, except in accordance with the relevant categories as determined within the Council's Operational Plan;

LEGAL PROCEEDINGS

189. the giving of instructions to Council's legal representatives to commence legal proceedings in the NSW Supreme or Federal Courts, except in relation to an urgent injunction proceedings and after consultation with the Lord Mayor where practical and possible (provided that the status of all NSW Supreme and Federal Court proceedings will be reported to Council);

1920. the giving of instructions in legal proceedings contrary to a resolution of Council except in planning or regulatory appeals where instructions can be given to resolve an appeal;

PROPERTY, LAND USE AND RELATED MATTERS

204. granting of approvals to occupy and use public land (as defined in the Act), crown land or any other land managed by Council except approvals:

i. with a maximum rental or fee not exceeding $150,000 per annum and a term (all leases with a term exceeding 5 years entered into under delegated authority by the Chief
Executive Office (or delegate) will be reported to the elected Council on a quarterly basis;

i. involving the erection of a hoarding for a period not exceeding 5 years and which conform to Council’s policy on hoardings; or

ii. relating to a temporary use of public land (as defined in the Act) or crown land (including parks and open spaces) not exceeding forty consecutive days; or

iii. with such approvals being reported to Council in the Quarterly Report.

212. adoption of a plan of management for community land;
CULTURAL

223. the development or formation of relationships with other cities, including sister city agreements;

234. the approval of civic and ceremonial events;

245. the granting of civic honours;

PLANNING AND DEVELOPMENT

256. determination of applications for development consent under the Environmental Planning and Assessment Act 1979 (development application) that are to be referred to the Development Applications Committee.

Limitation 256 does not apply during a Recess Period where the Instrument of Delegation to the Development Applications Committee is placed on hold, in which case the determination of all development applications is delegated jointly to the Lord Mayor and Chief Executive Officer (except those limited by relevant legislation) provided:

i. such delegation is exercised following receipt by the Lord Mayor and Chief Executive Officer of reports or other business papers in a form similar to the form of reports or other business papers normally submitted to Council or a Council Committee;

ii. those reports or other business papers are to circulated to Councillors at least three business days prior to the exercise of delegations;

iii. where written objections by three Councillors on any one item are received by the Lord Mayor or Chief Executive Officer, stating relevant reasons for objection, the item is to be deferred until the next relevant Development Applications Committee meeting of Council; and

iv. any such decisions made by the Lord Mayor and Chief Executive Officer pursuant to such delegation is to be reported to the next meeting of Council.
This Instrument of Delegation:

a) Recognises Section 68 of the Noxious Weeds Act 1993 and delegates authority to the Chief Executive Officer to exercise and/or perform the functions of the local control authority.

b) Recognises that the Chief Executive Officer may be delegated any function which is taken to be conferred or imposed on Council pursuant to section 381 of the Act.

c) Notes that the delegations in this Instrument are subject to, and is to be exercised in accordance with, the requirements of the relevant legislation and any limitations set out in Schedule 4, and any resolution of Council.

d) Is not intended to limit the Chief Executive Officer's ability to carry out such other functions and exercise such other powers as the Council may determine from time to time or as may be functions of the Chief Executive Officer under the Act.

e) Should be construed as operating in a manner which is valid and within the powers conferred on the Council under the Local Government Act.

d) Interprenetation

OF DELEGATIONS

a) Recess Period means a period of time where Council has by resolution of Council specifically determines a break in Council's ordinary meeting schedule. A Recess Period does not include:

   (i) The time between meetings (an extraordinary meeting can be called where decisions are required to be made as a matter of urgency).
   (ii) The time between Council terms (that is the period between the day of the last ordinary Council meeting and the date of declaration of a new elected Council).

   (iii) Chief Executive Officer means the General Manager appointed under the Local Government Act 1993.

   (iv) References to the decisions of Council means decisions made by the elected Council from time to time.

   (v) References to policies of Council means policies adopted by the elected Council from time to time.
All previous delegations of functions the subject of this Instrument are revoked.
A. This Instrument of Delegation recognises that certain functions are conferred on the Chief Executive Officer under section 335 of the Local Government Act 1993 (Act), including the day-to-day management of Council.

B. Pursuant and subject to section 377 of the Act, Council delegates to the person holding the position of Chief Executive Officer from time to time Council’s Functions under the Act and all other acts and regulations in force and as amended from time to time conferring Functions on Council subject to any conditions or limitations in Schedule 1.

SCHEDULE 1: LIMITATION OF FUNCTIONS DELEGATED TO THE CHIEF EXECUTIVE OFFICER

GENERAL

1. the functions which are required by or under the Act or by or under any other act or instrument to be exercised by the governing body of the Council, this includes but is not limited to the functions listed in section 377 (1) of the Act;

2. functions and authorities delegated to the Lord Mayor;

POLICY AND PROCEDURE

3. the power to make or amend Council Policy;

4. the release for public exhibition and comment of any plan or policy, which is required by legislation to be exhibited;

5. the exercise of functions in a manner not consistent with the policies and decisions of Council, or reasonable and lawful direction of the Lord Mayor;

BUDGET AND RESOURCE ALLOCATION

6. approving Council’s budget;

7. the setting of priorities for Major Projects and Major Asset Preservation Programs;

8. variation to Major Projects (projects exceeding $5m) exceeding an amount of 10% above the approved project budget;

9. the approval of the final design in relation to any new capital works item and any other capital works item specified by Council in the budget approval process where the budget exceeds $5m;

10. the awarding of contracts for any tender called pursuant to section 55 (1) of the Act where the value is greater than $1m;
11. writing off bad debts or waiving fees and charges, for amounts above $10,000 (including GST);

ORGANISATIONAL STRUCTURE AND PERSONNEL MATTERS

12. the approval of the organisation structure at Director level, except for transitional or temporary arrangements;

13. the appointment of Senior Staff Contract positions unless prior consultation with Council has occurred, (the CEO may make transitional or temporary arrangements);

14. entering into a new enterprise agreement except after consultation with Council;

COUNCIL OPERATIONS AND SERVICES

15. carrying out new non-core services not already approved by Council;

16. variation of any existing Council service that would have overall negative implications for Council in terms of cost or service delivery;

17. setting or altering the Schedule of Fees and Charges, except in accordance with the relevant categories as determined within the Council’s Operational Plan;

LEGAL PROCEEDINGS

18. the giving of instructions to Council’s legal representatives to commence legal proceedings in the NSW Supreme or Federal Courts, except in relation to an urgent injunction proceedings and after consultation with the Lord Mayor where practical and possible (provided that the status of all NSW Supreme and Federal Court proceedings will be reported to Council);

19. the giving of instructions in legal proceedings contrary to a resolution of Council except in planning or regulatory appeals where instructions can be given to resolve an appeal;

PROPERTY, LAND USE AND RELATED MATTERS

20. granting of approvals to occupy and use public land (as defined in the Act), crown land or any other land managed by Council except approvals:

   i. with a maximum rental or fee not exceeding $150,000 per annum and a term (all leases with a term exceeding 5 years entered into under delegated authority by the Chief Executive Office (or delegate) will be reported to the elected Council on a quarterly basis);

   ii. relating to a temporary use of public land (as defined in the Act) or crown land (including parks and open spaces) not exceeding forty consecutive days; or

   iii. with such approvals being reported to Council in the Quarterly Report.
21. adoption of a plan of management for community land;

**CULTURAL**

22. the development or formation of relationships with other cities, including sister city agreements;

23. the approval of civic and ceremonial events;

24. the granting of civic honours;

**PLANNING AND DEVELOPMENT**

25. determination of applications for development consent under the Environmental Planning and Assessment Act 1979 (development application) that are to be referred to the Development Applications Committee.

Limitation 25 does not apply during a Recess Period where the Instrument of Delegation to the Development Applications Committee is placed on hold, in which case the determination of all development applications is delegated jointly to the Lord Mayor and Chief Executive Officer (except those limited by relevant legislation) provided:

i. such delegation is exercised following receipt by the Lord Mayor and Chief Executive Officer of reports or other business papers in a form similar to the form of reports or other business papers normally submitted to Council or a Council Committee;

ii. those reports or other business papers are to be circulated to Councillors at least three business days prior to the exercise of delegations;

iii. where written objections by three Councillors on any one item are received by the Lord Mayor or Chief Executive Officer, stating relevant reasons for objection, the item is to be deferred until the next relevant Development Applications Committee meeting of Council; and

iv. any such decisions made by the Lord Mayor and Chief Executive Officer pursuant to such delegation is to be reported to the next meeting of Council.
This Instrument of Delegation:

a) Recognises that the Chief Executive Officer may be delegated any function which is taken to be conferred or imposed on Council pursuant to section 381 of the Act.

b) Is subject to, and is to be exercised in accordance with, the requirements of the relevant legislation and any resolution of Council.

c) Is not intended to limit the Chief Executive Officer’s ability to carry out such other functions and exercise such other powers as the Council may determine from time to time or as may be functions of the Chief Executive Officer under the Act.

d) Should be construed as operating in a manner which is valid and within the powers conferred on the Council under the Act.

INTERPRETATION

a) **Recess Period** means a period of time where Council has by resolution of Council specifically determines a break in Council's ordinary meeting schedule. A Recess Period does not include:

(i) The time between meetings (an extraordinary meeting can be called where decisions are required to be made as a matter of urgency).

(ii) The time between Council terms (that is the period between the day of the last ordinary Council meeting and the date of declaration of a new elected Council).

(iii) **Chief Executive Officer** means the General Manager appointed under the Act.

(iv) **Decisions of Council** means resolutions made by the elected Council from time to time.

(v) **Policy/Policies of Council** means policies adopted by the elected Council from time to time.

*All previous delegations of functions the subject of this Instrument are revoked.*
CCL 12/12/17
ADOPTION OF INSTRUMENTS OF DELEGATIONS

Attachment C: Instrument of Delegation to the Development Applications Committee dated 12 December 2017
On 24 September 2013 the Council of the City of Newcastle (Council) resolved that:

1 The Development Applications Committee (DAC), which is a committee of the whole established by Council under section 260 of the Local Government (General) Regulation 2005 (NSW) be delegated authority to determine development applications under the Environmental Planning and Assessment Act 1979 (NSW) (subject to limitations in Schedule 1) if:

1.1 the development application has an estimated cost exceeding $10 million;

1.2 Council has received 25 or more individual written objections emanating from individual households, during the formal notification period, to the development application that Council has been unable to resolve in discussions with the objectors or that Council has been unable to address by appropriate conditions to the development application;

1.3 Council Officers recommend approval of a development application which conflicts with Council’s adopted objectives and policies except where the conflict is minor and strict compliance would be unreasonable or unnecessary; or

1.34 two or more Councillors submit a request in writing that the development application be determined by the Development Applications Committee.

2 The delegations in this Instrument are subject to, and are to be exercised in accordance with, the requirements of the relevant legislation and any resolution of Council.

3 All previous delegations of functions the subject of this Instrument be revoked.

4 For the purpose of this Instrument, function includes powers, authorities and duties and anything ancillary or related to the exercise or performance of that function.

**INTERPRETATION**

a) **Recess Period** means a period of time where Council has, by resolution of Council, specifically determined a break in Council’s ordinary meeting schedule. A Recess Period does not include:

i. the time between meetings (an extraordinary meeting can be called where decisions are required to be made as a matter of urgency); or

ii. the time between Council terms (that is the period between the day of the last ordinary council meeting and the date of declaration of a new elected Council).

**Schedule 1: Limitations**
The delegations under this Instrument of Delegation during Council’s Christmas Recess Period, (being the period between the last DAC meeting of the calendar year and the first DAC meeting of the following calendar year)
Instrument of Delegation to the Development Applications Committee

1 The Development Applications Committee (DAC), which is a committee of the whole established by Council under section 260 of the Local Government (General) Regulation 2005 (NSW) be delegated authority to determine development applications under the Environmental Planning and Assessment Act 1979 (NSW) (subject to limitations in Schedule 1) if:

1.1 the development application has an estimated cost exceeding $10 million;

1.2 Council has received 25 or more individual written objections emanating from individual households, during the formal notification period, to the development application that Council has been unable to resolve in discussions with the objectors or that Council has been unable to address by appropriate conditions to the development application;

1.3 two or more Councillors submit a request in writing that the development application be determined by the Development Applications Committee.

2 The delegations in this Instrument are subject to, and are to be exercised in accordance with, the requirements of the relevant legislation and any resolution of Council.

3 All previous delegations of functions the subject of this Instrument be revoked.

4 For the purpose of this Instrument, function includes powers, authorities and duties and anything ancillary or related to the exercise or performance of that function.

INTERPRETATION

a) Recess Period means a period of time where Council has, by resolution of Council, specifically determined a break in Council's ordinary meeting schedule. A Recess Period does not include:

i. the time between meetings (an extraordinary meeting can be called where decisions are required to be made as a matter of urgency); or

ii. the time between Council terms (that is the period between the day of the last ordinary council meeting and the date of declaration of a new elected Council).

Schedule 1: Limitations

The delegations under this Instrument of Delegation during Council’s Recess Period.
ORDINARY COUNCIL MEETING
12 DECEMBER 2017

CCL 12/12/17
ADOPTION OF CODE OF CONDUCT AND ITS ASSOCIATED PROCEDURES AND THE CODE OF CONDUCT PANEL

Attachment A: Code of Conduct
Policy

Code of Conduct

Newcastle City Council

Insert Date
## Code of Conduct Policy

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<td>Policy expert/writer</td>
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<td>- <em>Election Funding, Expenditure and Disclosures Act 1981 (NSW)</em> Ss 84, 86</td>
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<td>- <em>Health Records and Information Privacy Act 2002 (NSW)</em>;</td>
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# Code of Conduct Policy

| Related policies/documents | Interaction between Councillors and Staff Policy  
|                           | Code of Meeting Practice  
|                           | Media Policy  
| Related forms             | Pecuniary Interest Declaration  
|                           | Non-Pecuniary Interest Declaration  
| Required on website       | Yes  
| Authorisations            | Functions authorised under this policy including Council Officers authorised to perform the function.  

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Part 1  Introduction

Introduction into the Model Code of Conduct

The Model Code of Conduct for Local Councils in NSW (Model Code of Conduct) is made for the purposes of section 440 of the Local Government Act 1993 (Act). Section 440 of the Act requires every council to adopt a Code of Conduct that incorporates the provisions of the Model Code of Conduct. For the purposes of section 440 of the Act, the Model Code of Conduct comprises all parts of this document.

Councillors, administrators, members of staff of Council, independent conduct reviewers, members of council committees including a conduct review committee, and delegates of Council must comply with the applicable provisions of Council’s Code of Conduct in carrying out their functions as Council Officials. It is the personal responsibility of Council Officials to comply with the standards in the Code of Conduct and regularly review their personal circumstances with this in mind.

Failure by a Councillor to comply with the standards of conduct prescribed under this Code of Conduct constitutes misconduct for the purposes of the Act. The Act provides for a range of penalties that may be imposed on Councillors for misconduct, including suspension or disqualification from civic office. A Councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with Council's Code of Conduct may give rise to disciplinary action.
Part 2  Purpose

Council's Code of Conduct sets the minimum requirements of conduct for Council Officials in carrying out their functions (as prescribed by the Regulation).

The purpose of the Code of Conduct is to assist Council Officials to:

- understand the standards of conduct that are expected of them;
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence; and
- act in a way that enhances public confidence in the integrity of local government.
Part 3 General conduct obligations

General conduct

3.1 You must not conduct yourself, in carrying out your functions, in a manner that is likely to bring Council or holders of civic office into disrepute. Specifically, you must not act in a way that:

   a) contravenes the Act, associated Regulations, Council’s relevant administrative requirements and policies;

   b) is detrimental to the pursuit of the charter of a Council’s Principles;

   c) is improper or unethical;

   d) is an abuse of power or otherwise amounts to misconduct;

   e) causes, comprises or involves intimidation, harassment or verbal abuse;

   f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment; or

   g) causes, comprises or involves prejudice in the provision of a service to the community.

3.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other relevant legislation.

3.3 You must treat others with respect at all times.

Fairness and equity

3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

3.5 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and discrimination

3.6 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to, harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

Development decisions

3.7 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.
3.8 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

**Binding caucus votes**

3.9 You must not participate in binding caucus votes in relation to matters to be considered at a Council or committee meeting.

3.10 For the purposes of clause 3.9, a binding caucus vote is a process whereby a group of Councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the elected Council or Committee meeting, irrespective of the personal views of individual members of the group on the merits of the matter before the elected Council or committee.

3.11 Clause 3.9 does not prohibit Councillors from discussing a matter before the elected Council or committee prior to considering the matter in question at a Council or committee meeting, or from voluntarily holding a shared view with other Councillors on the merits of a matter.

3.12 Clause 3.9 does not apply to a decision to elect the Lord Mayor or Deputy Lord Mayor, or to nominate a person to be a member of a committee.
Part 4  Conflict of Interests

What is a Conflict of Interests?

4.1 A Conflict of Interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.

4.2 You must avoid or appropriately manage any Conflict of Interests. The onus is on you to identify a Conflict of Interests and take the appropriate action to manage the conflict in favour of your public duty.

4.3 Any Conflict of Interests must be managed to uphold the probity of Council decision-making. When considering whether or not you have a Conflict of Interests, it is always important to think about how others would view your situation.

4.4 Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

4.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

4.6 A person will also be taken to have a pecuniary interest in a matter if that person’s spouse or de facto partner, or a relative of the person, or a partner, or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter.

Managing pecuniary Conflict of Interests

4.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:

   a) Councillors and Designated Persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties;

   b) Councillors and members of committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter; and

   c) Designated Persons immediately declare, in writing, any pecuniary interest.

4.8 Designated Persons are defined at section 441 of the Act, and include, but are not limited to, the CEO and other senior staff of Council.

4.9 Where you are a member of staff of Council, other than a Designated Person (as defined by section 441), you must disclose in writing to your supervisor or the CEO, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.
What are non-pecuniary interests?

4.10 Non-pecuniary interests are private or personal interests the Council Official has that do not amount to pecuniary interests as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

4.11 The political views of a Councillor do not constitute a private interest.

Managing non-pecuniary Conflict of Interests

4.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

4.13 If a disclosure is made at a Council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.2.

4.14 How you manage a non-pecuniary Conflict of Interests will depend on whether or not it is significant.

4.15 As a general rule, a non-pecuniary Conflict of Interests will be significant where a matter does not raise a pecuniary interest but it involves:

   a) a relationship between a Council Official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person’s spouse, current or former spouse or partner, de facto or other person living in the same household;

   b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship; or

   c) an affiliation between the Council Official and an organisation, sporting body, club, corporation or association that is particularly strong.

4.16 If you are a Council Official, other than a member of staff of Council, and you have disclosed that a significant non-pecuniary Conflict of Interests exists, you must manage it in one of two ways:

   a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another Council Official; and

   b) have no involvement in the matter, by absenting yourself from, and not taking part in, any debate or voting on the issue as if the provisions in section 451(2) of the Act apply.

4.17 If you determine that a non-pecuniary Conflict of Interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.
4.18 If you are a member of staff of Council, the decision on which option should be taken to manage a non-pecuniary Conflict of Interests must be made in consultation with your manager.

4.19 Despite clause 4.16(b), a Councillor who has disclosed that a significant non-pecuniary Conflict of Interests exists may participate in a decision to delegate Council’s decision-making role to Council staff through the CEO, or appoint another person or body to make the decision in accordance with the law. This applies whether or not Council would be deprived of a quorum if one or more Councillors were to manage their Conflict of Interests by not voting on a matter in accordance with clause 4.16(b) above.

Reportable political donations

4.20 Councillors should note that matters before Council involving political or campaign donors may give rise to a non-pecuniary Conflict of Interests.

4.21 Where a Councillor has received or knowingly benefitted from a reportable political donation:

   a) made by a major political donor in the previous four years, and
   b) where the major political donor has a matter before Council,

then the Councillor must declare a non-pecuniary Conflict of Interests, disclose the nature of the interest, and manage the Conflict of Interests in accordance with clause 4.16(b).

4.22 For the purposes of this Part:

   a) a reportable political donation is a reportable political donation for the purposes of section 86 of the *Election Funding, Expenditure and Disclosures Act 1981* (NSW),
   b) a major political donor is a major political donor for the purposes of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981* (NSW).

4.23 Councillors should note that political donations below $1,000, or political donations to a registered political party or group by which a Councillor is endorsed, may still give rise to a non-pecuniary Conflict of Interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.

4.24 If a Councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 4.21, that Councillor is not prevented from participating in a decision to delegate Council’s decision-making role to Council staff through the CEO, or appointing another person or body to make the decision in accordance with the relevant legislation (see clause 4.19 above).
Loss of quorum as a result of compliance with this Part

4.25 Where a majority of Councillors are precluded under this Part from consideration of a matter, Council or the committee must resolve to delegate consideration of the matter in question to another person.

4.26 Where a majority of Councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the Councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary Conflict of Interests.

4.27 The Chief Executive will only exempt a Councillor from complying with a requirement under this Part where:

   a) compliance by Councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
   b) the matter relates to the exercise of a function of Council that may not be delegated under section 377 of the Act.

4.28 Where the Chief Executive exempts a Councillor from complying with a requirement under this Part, the Councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.

4.29 A Councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary Conflict of Interests in the matter, is permitted to participate in consideration of the matter, if:

   a) the matter is a proposal relating to:
      i. the making of a principal environmental planning instrument applying to the whole or a significant part of Council’s area, or
      ii. the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of Council’s area, and
   b) the non-pecuniary conflict of interests arises only because of an interest that a person has in that person's principal place of residence, and
   c) the Councillor declares any interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

Other business or employment

4.30 If you are a member of staff of Council considering outside employment or contract work that relates to the business of the Council or that might conflict with your Council duties, you must notify and seek the approval of the CEO in writing.

4.31 As a member of staff, you must ensure that any outside employment or business you engage in will not:

   a) conflict with your official duties;
b) involve using confidential information or Council resources obtained through your work with Council;

c) require you to work while on Council duty; or

d) discredit or disadvantage Council.

Personal dealings with Council

4.32 You may have reason to deal with Council in your personal capacity (for example, as a ratepayer, recipient of a Council service or applicant for a consent granted by Council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
Part 5  Personal benefit

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Gifts and benefits

5.1 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from Council.

5.2 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Token gifts and benefits

5.3 Generally speaking, token gifts and benefits include:

a) free or subsidised meals, beverages or refreshments provided in conjunction with:
   i. the discussion of official business,
   ii. Council work related events such as training, education sessions, workshops,
   iii. Conferences,
   iv. Council functions or events,
   v. social functions organised by groups, such as committees and community organisations,

b) invitations to and attendance at local social, cultural or sporting events;

c) gifts of single bottles of reasonably priced alcohol to individual Council Officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address);

d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers; or

e) prizes of token value.

Gifts and benefits of value

5.4 Notwithstanding clause 5.3, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.
How are offers of gifts and benefits to be dealt with?

5.5 You must not:

a) seek or accept a bribe or other improper inducement;

b) seek gifts or benefits of any kind;

c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty;

d) accept any gift or benefit of more than token value; or

e) accept an offer of cash or a cash-like gift, regardless of the amount.

5.6 For the purposes of clause 5.5(e) a "cash-like gift" includes, but is not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.

5.7 Where you receive a gift or benefit of more than a token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Lord Mayor or the CEO. The recipient, supervisor, Lord Mayor or CEO must ensure that any gifts or benefits of more than a token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to Council, unless the nature of the gift or benefit makes this impractical.

Improper and undue influence

5.8 You must not use your position to influence other Council Officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A Councillor will not be in breach of this clause where they seek to influence other Council Officials through the appropriate exercise of their representative functions.

5.9 You must not take advantage (or seek to take advantage) of your status or position with, or of functions you perform for, Council in order to obtain a private benefit for yourself or for any other person or body.
Part 6  Relationship between Council Officials

Obligations of Councillors and Administrators

6.1 For the purposes of the Act, each Council is a body politic. The Councillors or Administrator/s are the governing body of the Council. The governing body has the responsibility of directing and controlling the affairs of the Council in accordance with the Act and is responsible for policy determinations, for example, those relating to workforce policy.

6.2 Councillors or Administrators must not:

a) direct Council staff, other than by giving appropriate direction to the CEO, in the performance of Council’s functions by way of Council or committee resolution, or by the Lord Mayor or Administrator exercising their power under section 226 of the Act;

b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of Council or a Delegate of Council in the exercise of the functions of the member or delegate;

c) contact a member of the staff of Council on Council related business unless in accordance with the policy and procedures governing the interaction of Councillors and Council staff that have been authorised by Council and the CEO; or

d) contact or issue instructions to any of Council’s contractors or tenderers, including Council’s legal advisers, unless by the Lord Mayor or Administrator exercising their power under section 226 of the Act. This does not apply to Council’s external auditors or the chair of Council’s Audit Committee who may be provided with any information by individual Councillors reasonably necessary for the external auditor or Audit Committee to effectively perform their functions.

Obligations of staff

6.3 The CEO is responsible for the efficient and effective operation of Council’s organisation and for ensuring the implementation of the decisions of the elected Council without delay.

6.4 Members of staff of Council must:

a) give their attention to the business of Council while on duty;

b) ensure that their work is carried out efficiently, economically and effectively;

c) carry out lawful directions given by any person having authority to give such directions;

d) give effect to the lawful decisions, policies, and procedures of the elected Council, whether or not the staff member agrees with or approves of them; and
e) ensure that any participation in political activities outside the service of Council does not conflict with the performance of their official duties.

**Obligations during meetings**

6.5 You must act in accordance with Council’s Code of Meeting Practice and the Regulations during Council and committee meetings.

6.6 You must show respect to the chair, other Council Officials and any members of the public present during Council and committee meetings or other formal proceedings of Council.

**Inappropriate interactions**

6.7 You must not engage in any of the following inappropriate interactions:

a) Councillors and Administrators approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues.

b) Council staff approaching Councillors and Administrators to discuss individual or operational staff matters other than broader workforce policy issues.

c) Council staff refusing to give information that is available to other Councillors to a particular Councillor.

d) Councillors and Administrators who have lodged a development application with Council, discussing the matter with Council staff in staff-only areas of Council.

e) Councillors and Administrators being overbearing or threatening to Council staff.

f) Councillors and Administrators making personal attacks on Council staff in a public forum.

g) Councillors and Administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make.

h) Council staff providing ad hoc advice to Councillors and Administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.

i) Council staff meeting with applicants or objectors alone and/or outside office hours to discuss applications or proposals.

j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by Council’s CEO or, in the case of the Lord Mayor or Administrator, exercising their power under section 226 of the Act.
Part 7 Access to information and Council resources

Councillor and Administrator access to information

7.1 The CEO and Public Officer are responsible for ensuring that members of the public, Councillors and Administrators can gain access to the documents available under the Government Information (Public Access) Act 2009.

7.2 The CEO must provide Councillors and Administrators with information sufficient to enable them to carry out their civic office functions.

7.3 Members of staff of Council must provide full and timely information to Councillors and Administrators sufficient to enable them to carry out their civic office functions and in accordance with Council procedures.

7.4 Members of staff of Council who provide any information to particular Councillor in the performance of their civic duties must also make it available to any other Councillor who requests it and in accordance with Council procedures.

7.5 Councillors and Administrators who have a private (as distinct from civic) interest in a document of Council have the same rights of access as any member of the public.

Councillors and Administrators to properly examine and consider information

7.6 Councillors and Administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with Council’s Principles.

Refusal of access to documents

7.7 Where the CEO and Public Officer determine to refuse access to a document sought by a Councillor or Administrator they must act reasonably. In reaching this decision, they must take into account whether or not the document sought is required for the Councillor or Administrator to perform their civic duty (see clause 7.2). The CEO or Public Officer must state the reasons for the decision if access is refused.

Use of certain Council information

7.8 In regards to information obtained in your capacity as a Council Official, you must:

a) only access Council information needed for Council business;

b) not use that Council information for private purposes;

c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with Council; and

d) only release Council information in accordance with established Council policies and procedures, and in compliance with relevant legislation.
Use and security of confidential information

7.9 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.

7.10 In addition to your general obligations relating to the use of Council information, you must:

a) protect confidential information;

b) only release confidential information if you have authority to do so;

c) only use confidential information for the purpose it is intended to be used;

d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person;

e) not use confidential information with the intention to cause harm or detriment to Council or any other person or body; and

f) not disclose any information discussed during a confidential session of a Council meeting.

Personal Information

7.11 When dealing with Personal Information you must comply with:

a) the Privacy and Personal Information Protection Act 1998 (NSW);

b) the Health Records and Information Privacy Act 2002 (NSW);

c) the Information Protection Principles and Health Privacy Principles;

d) Council’s privacy management plan; and

e) the Privacy Code of Practice for Local Government.

Use of Council resources

7.12 You must use Council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment), unless this use is lawfully authorised and proper payment is made where appropriate.

7.13 Union delegates and consultative committee members may have reasonable access to Council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:

a) the representation of members with respect to disciplinary matters;

b) the representation of employees with respect to grievances and disputes; and
c) functions associated with the role of the local consultative committee.

7.14 You must be scrupulous in your use of Council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.

7.15 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

7.16 You must not use Council resources, property or facilities for the purpose of assisting your Election Campaign or the Election Campaign of others, unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

7.17 You must not use Council letterhead, Council crests and other information that could give the appearance it is official Council material for:

a) the purpose of assisting your Election Campaign or the Election Campaign of others, or

b) for other non-official purposes.

7.18 You must not convert any property of Council to your own use unless properly authorised.

7.19 You must not use Council’s computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to Council buildings

7.20 Councillors and Administrators are entitled to have access to the Council chamber, Committee room, Lord Mayor’s office (subject to availability), Councillors’ rooms, and public areas of Council’s buildings during normal business hours and for meetings. Councillors and Administrators needing access to these facilities at other times must obtain authority from the CEO.

7.21 Councillors and Administrators must not enter staff-only areas of Council buildings without the approval of the CEO (or delegate), or as provided in the procedures governing the interaction of Councillors and Council staff.

7.22 Councillors and Administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence Council staff decisions.
Part 8 Maintaining the integrity of the Code of Conduct

8.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of the Code of Conduct or its administration.

Complaints made for an improper purpose

8.2 You must not make a complaint, or cause a complaint to be made, under the Code of Conduct for an improper purpose.

8.3 For the purposes of clause 8.2, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

   a) to intimidate or harass another Council Official;
   b) to damage another Council Official’s reputation;
   c) to obtain a political advantage;
   d) to influence a Council Official in the exercise of their official functions or to prevent or disrupt the exercise of those functions;
   e) to influence Council in the exercise of its functions or to prevent or disrupt the exercise of those functions;
   f) to avoid disciplinary action under the Code of Conduct;
   g) to take reprisal action against a person for making a complaint under the Code of Conduct except as may be otherwise specifically permitted under the Code of Conduct;
   h) to take reprisal action against a person for exercising a function prescribed under the procedures for the administration of the Code of Conduct except as may be otherwise specifically permitted under the Code of Conduct; and
   i) to prevent or disrupt the effective administration of the Code of Conduct.

Detrimental action

8.4 You must not take detrimental action, or cause detrimental action to be taken, against a person substantially in reprisal for a complaint they have made under the Code of Conduct, except as may be otherwise specifically permitted under the Code of Conduct.

8.5 You must not take detrimental action, or cause detrimental action to be taken, against a person substantially in reprisal for any function they have exercised under the Code of Conduct, except as may be otherwise specifically permitted under the Code of Conduct.
8.6 For the purposes of clauses 8.4 and 8.5 detrimental action is an action causing, comprising or involving any of the following:

a) injury, damage or loss;
b) intimidation or harassment;
c) discrimination, disadvantage or adverse treatment in relation to employment;
d) dismissal from, or prejudice in, employment; or
e) disciplinary proceedings.

**Compliance with requirements under the Code of Conduct**

8.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Code of Conduct.

8.8 You must comply with a reasonable and lawful request made by a person exercising a function under the Code of Conduct.

8.9 You must comply with a practice ruling made by the Division of Local Government.

8.10 Where you are a Councillor or the CEO, you must comply with any Council resolution requiring you to take action as a result of a breach of the Code of Conduct.

**Disclosure of information about the consideration of a matter under the Code of Conduct**

8.11 You must report breaches of the Code of Conduct in accordance with the reporting requirements under the Code of Conduct.

8.12 You must not make allegations of suspected breaches of the Code of Conduct at Council meetings or in other public forums.

8.13 You must not disclose information about the consideration of a matter under the Code of Conduct except for the purposes of seeking legal advice unless the disclosure is otherwise permitted under the Code of Conduct.

**Complaints alleging a breach of this part**

8.14 Complaints alleging a breach of this Part by a Councillor, the CEO or an Administrator are to be made to the Division of Local Government.

8.15 Complaints alleging a breach of this Part by other Council Officials are to be made to the CEO.
Part 9 Definitions

In the Model Code of Conduct the following definitions apply:

- **Act** means the *Local Government Act 1993* (NSW).
- **Administrator** means an Administrator of a Council appointed under the Act other than an Administrator appointed under section 66.
- **General Manager** means Council's Chief Executive Officer of Newcastle City Council and includes their delegate or authorised representative. References to the CEO are references to the General Manager appointed under the Act.
- **Chief Executive** means the Chief Executive of the Division of Local Government or Department of Premier and Cabinet.
- **Code of Conduct** means this Code of Conduct and the associated procedures for the administration of the Code of Conduct as prescribed by the Regulation.
- **Committee** means a Council committee.
- **Conflict of Interests** means where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- **Council Committee** means a Committee established by resolution of Council.
- **Council Committee Member** means a person other than a Councillor or member of staff of a Council who is a member of a Committee.
- **Council Official** means Councillors, members of staff of Council, Administrators, Committee members, conduct reviewers and Delegates of Council.
- **Councillor** means a person elected or appointed to civic office and includes the Lord Mayor.
- **Delegate of Council** means a person (other than a Councillor or member of staff of a Council) or body, and the individual members of that body, to whom a function of the Council is delegated.
- **Designated Person** means a person as defined in section 441 of the Act.
- **Election Campaign** includes Council, State and Federal Election Campaigns.
- **Personal Information** means information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion.
- **Regulation** means the *Local Government (General) Regulation 2005*.
- **You** means a Council Official.
CCL 12/12/17
ADOPTION OF CODE OF CONDUCT AND ITS ASSOCIATED PROCEDURES AND THE CODE OF CONDUCT PANEL

Attachment B: Procedures for the Administration of the Code of Conduct

DISTRIBUTED UNDER SEPARATE COVER
Administration of the Code of Conduct
## Administration of the Code of Conduct Procedure

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             | Code of Conduct Procedure V2 - ECM # 3712499 |
                               | Local Government (General) Regulation 2005 (NSW) Clause 193, 194  
                               | Public Interest Disclosures Act 1994 (NSW) |
| Related policies/documents | Code of Meeting Practice  
                             | Media Policy  
                             | Interaction between Councillors and Staff Policy  
                             | Internal Reporting - Public Interest Disclosures Policy |
| Related forms | Pecuniary Interest Declaration  
                | Non-Pecuniary Interest Declaration |
| Authorisations | Functions authorised under this policy including Council Officers |
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Part 1 Introduction

Introduction

The Model Code of Conduct Procedures for Local Councils in NSW (Model Code Procedures) are prescribed for the purposes of the administration of the Model Code of Conduct for Local Councils in NSW (Model Code). The Model Code and Model Code Procedures are made under sections 440 and 440AA respectively of the Local Government Act 1993 (Act) and the Local Government (General) Regulation 2005 (Regulation).

Sections 440 and 440AA of the Act require every council to adopt a Code of Conduct and Procedures for the administration of the Code of Conduct that incorporate the provisions of the Model Code and Model Code Procedures respectively.

In adopting procedures for the administration of their adopted codes of conduct, councils may supplement the Model Code Procedures. However provisions of a council’s adopted procedures that are not consistent with those prescribed under the Model Code Procedures will have no effect.
Part 2  Definitions

Definitions

For the purposes of the Procedures, the following definitions apply:

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

**Administrator** means an Administrator of a Council appointed under the Act other than an Administrator appointed under section 66.

**General Manager** means Chief Executive Officer of Newcastle City Council and includes their delegate or authorised representative. References to the CEO are references to the General Manager appointed under the Act.

**Code of Conduct** means a Code of Conduct adopted under section 440 of the Act.

**Code of Conduct complaint** means a complaint that alleges conduct on the part of a Council Official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the Council's Code of Conduct.

**Complainant** means a person who makes a Code of Conduct complaint.

**Complainant Councillor** means a Councillor who makes a Code of Conduct complaint.

**Complaints Coordinator** means a person appointed by the CEO under these procedures as a Complaints Coordinator.

**Conduct Review Committee** means the committee provided for in Part 6.

**Conduct Reviewer** means a person appointed under these procedures to review allegations of breaches of the Code of Conduct by Councillors or the CEO.

**Council** means Newcastle City Council.

**Council Committee** means a committee established by resolution of Council.

**Council Committee Member** means a person other than a Councillor or member of staff of Council who is a member of a Council Committee.

**Council Official** means Councillors, members of staff of Council, Administrators, Council Committee Members, Conduct Reviewers and Delegates of Council.

**Councillor** means a person elected or appointed to civic office and includes the Lord Mayor.

**Delegate of Council** means a person (other than a Councillor or member of staff of Council) or body and the individual members of that body to whom a function of Council is delegated.

**The Division Office** means the Division Office of Local Government of Local Government, Department of Premier and Cabinet.

**Internal Reporting Policy** means the Internal Reporting - Public Interest Disclosures Policy.

**Investigator** means a Conduct Reviewer or Conduct Review Committee.

**The Regulation** means the *Local Government (General) Regulation 2005 (NSW).*
**Subject Person**

means a person whose conduct is the subject of investigation by a Conduct Reviewer or Conduct Review Committee under these procedures.
Part 3  Administration Framework

The establishment of a panel of Conduct Reviewers

3.1 Council must by resolution establish a panel of Conduct Reviewers.

3.2 Council may by resolution enter into an arrangement with one or more other Councils to share a panel of Conduct Reviewers.

3.3 The panel of Conduct Reviewers is to be established following a public expression of interest process.

3.4 An expression of interest for members of Council’s panel of Conduct Reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.

3.5 To be eligible to be a member of a panel of Conduct Reviewers, a person must, at a minimum, meet the following requirements:

   a) have an understanding of local government;

   b) have knowledge of investigative processes including, but not limited to, procedural fairness requirements and the requirements of the Public Interest Disclosures Act 1994 (NSW) (PID Act);

   c) have knowledge and experience of one or more of the following:

      i. investigations;

      ii. law;

      iii. public administration;

      iv. public sector ethics; or

      v. alternative dispute resolution, and

      vi. meet the eligibility requirements for membership of a panel of Conduct Reviewers under clause 3.6.

3.6 A person is not eligible to be a member of the panel of Conduct Reviewers if they are:

   a) a Councillor;

   b) a nominee for election as a Councillor;

   c) an Administrator;

   d) an employee of Council;

   e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly;
f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly; or

g) a person who has a conviction for an indictable offence that is not an expired conviction.

3.7 A person is not precluded from being a member of Council’s panel of Conduct Reviewers if they are a member of another council’s panel of Conduct Reviewers.

3.8 A panel of Conduct Reviewers established under this Part is to have a term of up to four years.

3.9 Council may terminate the panel of Conduct Reviewers at any time by resolution.

3.10 When the term of the Conduct Reviewers concludes or is terminated, Council must establish a new panel of Conduct Reviewers in accordance with the requirements of this Part.

3.11 A person who was a member of a previous panel of Conduct Reviewers established by Council may be a member of subsequent panels of Conduct Reviewers established by Council.

The appointment of Complaints Coordinators

3.12 The CEO must appoint a member of staff of the Council to act as a Complaints Coordinator. Where practicable, the Complaints Coordinator should be a senior and suitably qualified member of staff.

3.13 The CEO may appoint other members of staff to act as Alternative Complaints Coordinator.

3.14 The CEO must not undertake the role of Complaints Coordinator.

3.15 The person appointed as Complaints Coordinator or alternate Complaints Coordinator must also be a nominated Disclosures Coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the PID Act.

3.16 The role of the Complaints Coordinator is to:

a) coordinate the management of complaints made under the Code of Conduct;

b) liaise with and provide administrative support to a Conduct Reviewer or Conduct Review Committee;

c) liaise with the Division Office; and

d) arrange the annual reporting of Code of Conduct complaints statistics.
Part 4  How May Code of Conduct complaints be made?

What is a Code of Conduct complaint?

4.1 For the purpose of these procedures, a Code of Conduct complaint is a complaint that alleges conduct on the part of a Council Official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the Code of Conduct.

4.2 Only Code of Conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a Code of Conduct complaint are to be dealt with under Council’s routine complaints management processes.

When must a Code of Conduct complaint be made?

4.3 A Code of Conduct Complaint must be made within three months of the alleged conduct occurring or within three months of the Complainant becoming aware of the alleged conduct.

4.4 A complaint made after 3 months may only be accepted if the CEO, or, in the case of a complaint about the CEO, the Lord Mayor, is satisfied that there are compelling grounds for the matter to be dealt with under the Code of Conduct.

How may a Code of Conduct complaint about a Council Official other than the CEO be made?

4.5 All Code of Conduct complaints, other than those relating to the CEO, are to be made to the CEO in writing.

4.6 Where a Code of Conduct complaint about a Council Official, other than the CEO cannot be made in writing, the complaint must be confirmed with the Complainant in writing as soon as possible after the receipt of the complaint.

4.7 In making a Code of Conduct complaint about a Council Official, other than the CEO, the Complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

4.8 The CEO, or where the complaint is referred to a Conduct Reviewer, the Conduct Reviewer, must consider the Complainant’s preferences in deciding how to deal with the complaint.

4.9 Notwithstanding clauses 4.5 and 4.6, where the CEO becomes aware of a possible breach of the Code of Conduct, he or she may initiate the process for consideration of the matter under these procedures without a written complaint.
How may a Code of Conduct complaint about the CEO be made?

4.10 Code of Conduct complaints about the CEO are to be made to the Lord Mayor in writing.

4.11 Where a Code of Conduct complaint about the CEO cannot be made in writing, the complaint must be confirmed with the Complainant in writing as soon as possible after the receipt of the complaint.

4.12 In making a Code of Conduct complaint about the CEO, the Complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

4.13 The Lord Mayor, or where the complaint is referred to a Conduct Reviewer, the Conduct Reviewer, must consider the Complainant’s preferences in deciding how to deal with the complaint.

4.14 Notwithstanding clauses 4.10 and 4.11 where the Lord Mayor becomes aware of a possible breach of the Code of Conduct by the CEO, he or she may initiate the process for consideration of the matter under these procedures without a written complaint.
Part 5 How Are Code Of Conduct Complaints Managed?

How are Code of Conduct complaints about staff (other than the CEO) to be dealt with?

5.1 The CEO is responsible for making enquiries or causing enquiries to be made into Code of Conduct complaints about members of staff of Council and for determining the outcome of such complaints.

5.2 Where the CEO decides not to make enquiries into a Code of Conduct complaint about a member of staff, the CEO must give the Complainant reasons in writing for their decision.

5.3 Without limiting clause 5.2, the CEO may decide not to enquire into the Code of matter on grounds that the complaint is trivial, frivolous, vexatious or is not made in good faith.

5.4 Enquiries made into staff conduct that might give rise to disciplinary action must occur in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness, including the right of an employee to be represented by their union.

5.5 Sanctions for staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are Code of Conduct complaints about Delegates of Council and Council Committee Members to be dealt with?

5.6 The CEO is responsible for making enquiries or causing enquiries to be made into Code of Conduct complaints about Delegates of Council and Council Committee Members and for determining the outcome of such complaints.

5.7 Where the CEO decides not to make enquiries into a Code of Conduct complaint about a Delegate of Council or a Council Committee Member, the CEO must give the Complainant reasons in writing for their decision.

5.8 Without limiting clause 5.7, the CEO may decide not to enquire into the Code of matter on grounds that the complaint is trivial, frivolous, vexatious or is not made in good faith.

5.9 Sanctions for Delegates of Council and/or members of Council Committees depend on the severity, scale and importance of the breach and may include one or more of the following:

a) censure;

b) requiring the person to apologise to any person or organisation adversely affected by the breach;

c) prosecution for any breach of the law;

d) removing or restricting the person’s delegation; or
e) removing the person from membership of the relevant Council Committee.

5.10 Prior to imposing a sanction against a Delegate of Council or a Council Committee Member under clause 5.9, the CEO, or any person making enquiries on behalf of the CEO, must comply with the requirements of procedural fairness. In particular:

a) the substance of the allegation (including the relevant provision/s of Council’s Code of Conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation;

b) the person must be given an opportunity to respond to the allegation; and

c) the CEO must consider the person’s response in deciding whether to impose a sanction under clause 5.9.

How are Code of Conduct complaints about Conduct Reviewers to be dealt with?

5.11 The CEO must refer all Code of Conduct complaints about Conduct Reviewers to the Division Office for its consideration.

5.12 The CEO must notify the Complainant of the referral of their complaint in writing.

5.13 The CEO must implement any recommendation made by the Division Office as a result of its consideration of a Code of Conduct complaint about a Conduct Reviewer.

How are Code of Conduct complaints about Administrators to be dealt with?

5.14 The CEO must refer all Code of Conduct complaints about Administrators to the Division Office for its consideration.

5.15 The CEO must notify the Complainant of the referral of their complaint in writing.

How are Code of Conduct complaints about Councillors to be dealt with?

5.16 The CEO must refer the following Code of Conduct complaints about Councillors to the Division Office:

a) complaints alleging a breach of the pecuniary interest provisions of the Act;

b) complaints alleging a failure to comply with a requirement under the Code of Conduct to disclose and appropriately manage conflicts of interests arising from reportable political donations;

c) complaints alleging a breach of Part 8 of the Code of Conduct relating to the maintenance of the integrity of the Code of Conduct; or
d) complaints which are the subject of a special complaints management arrangement with the Division Office under clause 5.40.

5.17 Where the CEO refers a complaint to the Division Office under clause 5.16, the CEO must notify the Complainant of the referral in writing.

5.18 Where the CEO considers it to be practicable and appropriate to do so, the CEO may seek to resolve Code of Conduct complaints about Councillors, other than those requiring referral to the Division Office under clause 5.16, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the Complaints Coordinator under clause 5.20.

5.19 Where the CEO resolves a Code of Conduct complaint under clause 5.18 to the CEO’s satisfaction, the CEO must notify the Complainant in writing of the steps taken to resolve the complaint and this will finalise the consideration of the matter under these procedures.

5.20 The CEO must refer all Code of Conduct complaints about Councillors other than those referred to the Division Office under clause 5.16 or resolved under clause 5.18 to the Complaints Coordinator.

How are Code of Conduct complaints about the CEO to be dealt with?

5.21 The Lord Mayor must refer the following Code of Conduct Complaints about the CEO to the Division Office:

a) complaints alleging a breach of the pecuniary interest provisions of the Act;

b) complaints alleging a breach of Part 8 of the Code of Conduct relating to the maintenance of the integrity of the Code of Conduct; and

c) complaints which are the subject of a special complaints management arrangement with the Division Office under clause 5.40.

5.22 Where the Lord Mayor refers a complaint to the Division Office under clause 5.21, the Lord Mayor must notify the Complainant of the referral in writing.

5.23 Where the Lord Mayor considers it to be practicable and appropriate to do so, he or she may seek to resolve Code of Conduct complaints about the CEO, other than those requiring referral to the Division Office under clause 5.21, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the Complaints Coordinator under clause 5.25.

5.24 Where the Lord Mayor resolves a Code of Conduct complaint under clause 5.23 to the Lord Mayor’s satisfaction, the Lord Mayor must notify the Complainant in writing of the steps taken to resolve the complaint and this will finalise the consideration of the matter under these procedures.
5.25 The Lord Mayor must refer all Code of Conduct complaints about the CEO other than those referred to the Division Office under clause 5.21 or resolved under clause 5.23 to the Complaints Coordinator.

Referral of Code of Conduct complaints to external agencies

5.26 The CEO, Lord Mayor, a Conduct Reviewer or Conduct Review Committee may, at any time, refer a Code of Conduct complaint to an external agency or body such as, but not limited to, the Division Office, the Independent Commission Against Corruption, the NSW Ombudsman or the Police for its consideration, where they consider such a referral is warranted.

5.27 Where the CEO, Lord Mayor, a Conduct Reviewer or Conduct Review Committee refers a complaint to an external agency or body under clause 5.26, they must notify the Complainant of the referral in writing where it is appropriate for them to do so.

5.28 Referral of a matter to an external agency or body will finalise consideration of the matter under the Code of Conduct unless Council is subsequently advised otherwise by the referral agency or body.

Disclosure of the identity of Complainants

5.29 In dealing with matters under these procedures, information that identifies or tends to identify Complainants is not to be disclosed unless:

a) the Complainant consents in writing to such disclosure;

b) it is generally known that the Complainant has made the complaint as a result of the Complainant having voluntarily identified themselves as the person who made the complaint;

c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed;

d) a Conduct Reviewer or Conduct Review Committee is of the opinion that disclosure of the information is necessary to investigate the matter effectively; or

e) it is otherwise in the public interest to do so.

5.30 Clause 5.29 does not apply to Code of Conduct complaints made by Councillors about other Councillors or the CEO.

5.31 Where a Councillor makes a Code of Conduct complaint about another Councillor or the CEO and the Complainant Councillor considers that compelling grounds exist which would warrant information that identifies or tends to identify them as the Complainant not to be disclosed, they may request in writing that such information not be disclosed.

5.32 A request made by a Complainant Councillor under clause 5.31 must be made at the time they make a Code of Conduct complaint and must state the grounds upon which the request is made.
5.33 The CEO or Lord Mayor or, where the matter is referred, a Conduct Reviewer or Conduct Review Committee must consider a request made under clause 5.31 before disclosing information that identifies or tends to identify the Complainant Councillor however they are not obliged to comply with the request.

5.34 Where a Complainant Councillor makes a request under clause 5.31, the CEO or Lord Mayor or, where the matter is referred, a Conduct Reviewer or Conduct Review Committee will notify the Councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

**Code of Conduct complaints made as public interest disclosures**

5.35 Code of Conduct complaints that are made as public interest disclosures under the PID Act are to be managed in accordance with the requirements of the PID Act, Council’s Internal Reporting Policy and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

5.36 For a Code of Conduct complaint to be dealt with as a public interest disclosure, the Complainant must state at the outset and in writing at the time of making the complaint that it is made as a public interest disclosure.

5.37 Where a Councillor makes a Code of Conduct complaint about another Councillor or the CEO as a public interest disclosure, before the matter may be dealt with under these procedures, the Complainant Councillor must consent in writing to the disclosure of their identity as the Complainant.

5.38 Where a Complainant Councillor declines to consent to the disclosure of their identity as the Complainant under clause 5.37, the CEO or the Lord Mayor must refer the complaint to the Division Office for consideration. Such a referral must be made in accordance with section 26 of the PID Act.

**Special complaints management arrangements**

5.39 The CEO may request in writing that the Division Office enter into a special complaints management arrangement with Council in relation to Code of Conduct complaints made by or about a person or persons.

5.40 Where the Division Office receives a request under clause 5.39, it may agree to enter into a special complaints management arrangement where it is satisfied that the number or nature of Code of Conduct complaints made by or about a person or persons has:

a) imposed an undue and disproportionate cost burden on Council’s administration of its Code of Conduct;

b) impeded or disrupted the effective administration by Council of its Code of Conduct; or

c) impeded or disrupted effective functioning of the Council.
5.41 A special complaints management arrangement must be in writing and must specify the following:

a) the Code of Conduct complaints the arrangement relates to; and

b) the period during which the arrangement will be in force.

5.42 The Division Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.

5.43 While a special complaints management arrangement is in force, an officer of the Division Office (the assessing Division Office of Local Governmental officer) must undertake the preliminary assessment of the Code of Conduct complaints specified in the arrangement in accordance with the requirements of these procedures except as provided by clause 5.44 below.

5.44 Where, following a preliminary assessment, the assessing Division Office of Local Governmental officer determines that a Code of Conduct complaint warrants investigation by a Conduct Reviewer or a Conduct Review Committee, the assessing Division Office of Local Governmental officer will notify the Complaints Coordinator in writing of their determination and the reasons for their determination. The Complaints Coordinator must comply with the recommendation of the assessing Division Office of Local Governmental officer.

5.45 Prior to the expiry of a special complaints management arrangement, the Division Office will, in consultation with the CEO, review the arrangement to determine whether it should be renewed or amended.

5.46 A special complaints management arrangement will expire on the date specified in the arrangement unless it is renewed under clause 5.45.
Part 6 Preliminary Assessment

Referral of Code of Conduct complaints to Conduct Reviewers

6.1 The Complaints Coordinator must refer all Code of Conduct complaints about Councillors or the CEO submitted to the Complaints Coordinator within 21 days of receipt of a complaint by the CEO or the Lord Mayor.

6.2 For the purposes of clause 6.1, the Complaints Coordinator will refer a complaint to a Conduct Reviewer selected from:
   a) a panel of Conduct Reviewers established by Council; or
   b) a panel of Conduct Reviewers established by an organisation approved by the Chief Executive of the DivisionOffice.

6.3 In selecting a suitable Conduct Reviewer, the Complaints Coordinator may have regard to the qualifications and experience of members of the panel of Conduct Reviewers.

6.4 A Conduct Reviewer must not accept the referral of a Code of Conduct complaint where:
   a) they have a conflict of interests in relation to the matter referred to them;
   b) a reasonable apprehension of bias arises in relation to their consideration of the matter;
   c) they or their employer has entered into one or more contracts with Council in the two years preceding the referral and they or their employer have received or expect to receive payments under the contract or contracts of a cumulative value that exceeds $100K; or
   d) at the time of the referral, they or their employer are Council’s legal service providers or are a member of a panel of legal service providers appointed by Council.

6.5 For the purposes of clause 6.4(a), a Conduct Reviewer will have a conflict of interests in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 4.1 of the Model Code of Conduct).

6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the Conduct Reviewer might not bring an impartial and unprejudiced mind to the matter referred to the Conduct Reviewer.

6.7 Where the Complaints Coordinator refers a matter to a Conduct Reviewer, they will provide the Conduct Reviewer with a copy of the Code of Conduct complaint and any other information relevant to the matter held by Council.
6.8 The Complaints Coordinator must notify the Complainant in writing that the matter has been referred to a Conduct Reviewer and advise them which Conduct Reviewer the matter has been referred to.

**Preliminary assessment by a Conduct Reviewer**

6.9 The Conduct Reviewer is to undertake a preliminary assessment of a complaint referred to them by the Complaints Coordinator for the purposes of determining how the complaint is to be managed.

6.10 The Conduct Reviewer may determine to do one or more of the following in relation to a complaint referred to them by the Complaints Coordinator:

   a) to take no action;

   b) to resolve the complaint by alternative and appropriate means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology;

   c) to refer the matter back to the CEO or, in the case of a complaint about the CEO, the Lord Mayor, for resolution by alternative and appropriate means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, or apology;

   d) to refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Division Office or the Police;

   e) to investigate the matter; or

   f) to recommend that the Complaints Coordinator convene a Conduct Review Committee to investigate the matter.

6.11 In determining how to deal with a matter under clause 6.10, the Conduct Reviewer must have regard to the complaint assessment criteria prescribed under clause 6.27.

6.12 The Conduct Reviewer may make such enquiries the Conduct Reviewer considers to be reasonably necessary to determine what option to exercise under clause 6.10.

6.13 The Conduct Reviewer may request the Complaints Coordinator to provide such additional information the Conduct Reviewer considers to be reasonably necessary to determine what option to exercise in relation to the matter under clause 6.10. The Complaints Coordinator will, as far as is reasonably practicable, supply any information requested by the Conduct Reviewer.

6.14 The Conduct Reviewer must refer to the Division Office any complaints referred to him or her that should have been referred to the Division Office under clauses 5.16 and 5.21.

6.15 The Conduct Reviewer must determine to take no action on a complaint that is not a Code of Conduct complaint for the purposes of these procedures.

6.16 Where the Conduct Reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.10, paragraphs (a), (b) or (c), they must
provide the Complainant with written notice of their determination and provide reasons for it, which will finalise the consideration of the matter under these procedures.

6.17 Where the Conduct Reviewer refers a complaint to another agency or body, they must notify the Complainant of the referral in writing where it is appropriate for them to do so.

6.18 The Conduct Reviewer may only determine to investigate a matter or to recommend that a Conduct Review Committee be convened to investigate a matter, where they are satisfied as to the following:

   a) that the complaint is a Code of Conduct Complaint for the purposes of these procedures;

   b) that the alleged conduct, on its face, is sufficiently serious to warrant investigation; and

   c) that the matter is one that could not or should not be resolved by alternative means.

6.19 The Conduct Reviewer may only determine to recommend that a Conduct Review Committee be convened to investigate a matter after consulting with the Complaints Coordinator and where they are satisfied that it would not be practicable or appropriate for the matter to be investigated by a sole Conduct Reviewer.

6.20 The Conduct Reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the Complaints Coordinator.

6.21 The Conduct Reviewer is not obliged to give prior notice to, or to consult with, any person before making a determination in relation to their preliminary assessment of a complaint except as may be specifically required under these procedures.

**Referral back to the CEO or Lord Mayor for resolution**

6.22 Where the Conduct Reviewer determines to refer a matter back to the CEO or to the Lord Mayor to be resolved by alternative and appropriate means, they must write to the CEO or, in the case of a complaint about the CEO, to the Lord Mayor, recommending the means by which the complaint may be resolved.

6.23 The Conduct Reviewer must consult with the CEO or Lord Mayor prior to referring a matter back to them under clause 6.22.

6.24 The CEO or Lord Mayor may decline to accept the Conduct Reviewer’s recommendation. Where the CEO or Lord Mayor declines to do so, the Conduct Reviewer may determine to deal with the complaint by other alternative means under clause 6.10.

6.25 Where the Conduct Reviewer refers a matter back to the CEO or Lord Mayor under clause 6.22, the CEO or, in the case of a complaint about the CEO, the Lord Mayor, is responsible for implementing or overseeing the implementation of the Conduct Reviewer’s recommendation.

6.26 Where the Conduct Reviewer refers a matter back to the CEO or Lord Mayor under clause 6.22, the CEO, or, in the case of a complaint about the CEO, the Lord Mayor, must
advise the Complainant in writing of the steps taken to implement the Conduct Reviewer’s recommendation once these steps have been completed.

**Complaints assessment criteria**

6.27 In undertaking the preliminary assessment of a complaint, the Conduct Reviewer may have regard to the following considerations:

a) whether the complaint is a Code of Conduct complaint;

b) whether the complaint is trivial, frivolous, vexatious or not made in good faith;

c) whether the complaint discloses prima facie evidence of a breach of the Code of Conduct;

d) whether the complaint raises issues that would be more appropriately dealt with by another agency or body;

e) whether there is or was an alternative and satisfactory means of redress available to the Complainant in relation to the conduct complained of;

f) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation or apology;

g) whether the issue/s giving rise to the complaint have previously been addressed or resolved;

h) whether the conduct complained of forms part of a pattern of conduct;

i) whether there were mitigating circumstances giving rise to the conduct complained of;

j) the seriousness of the alleged conduct;

k) the significance of the conduct or the impact of the conduct for Council;

l) how much time has passed since the alleged conduct occurred; or

m) such other considerations that the Conduct Reviewer considers may be relevant to the assessment of the complaint.
Part 7  Operations of Conduct Review Committees

Operation of Conduct Review Committees

7.1 Where a Conduct Reviewer recommends that the Complaints Coordinator convene a Conduct Review Committee to investigate a matter, the Conduct Reviewer must notify the Complaints Coordinator of their recommendation and the reasons for their recommendation in writing.

7.2 The Complaints Coordinator must convene a Conduct Review Committee comprising three Conduct Reviewers selected from:

   a) a panel of Conduct Reviewers established by Council; or

   b) a panel of Conduct Reviewers established by an organisation approved by the Chief Executive of the DivisionOffice.

7.3 In selecting suitable Conduct Reviewers for membership of a Conduct Review Committee convened under clause 7.2 the Complaints Coordinator may have regard to the following:

   a) the qualifications and experience of members of the panel of Conduct Reviewers; and

   b) any recommendation made by the Conduct Reviewer about the membership of the committee.

7.4 The Conduct Reviewer who made the preliminary assessment of the complaint must not be a member of a Conduct Review Committee convened under clause 7.2.

7.5 A member of a panel of Conduct Reviewers may not be appointed to a Conduct Review Committee where they would otherwise be precluded from accepting a referral of the matter to be considered by the committee under clause 6.4.

7.6 Where the Complaints Coordinator convenes a Conduct Review Committee, they will advise the Complainant in writing that the committee has been convened and will provide details about the membership of the committee.

7.7 Where, after a Conduct Review Committee has been convened, a member of the committee becomes unavailable to participate in further consideration of the matter, the Complaints Coordinator may appoint another person from a panel of Conduct Reviewers to replace them.

7.8 Meetings of a Conduct Review Committee may be conducted in person or by teleconference.

7.9 The members of the Conduct Review Committee must elect a chairperson of the committee.

7.10 A quorum for a meeting of the Conduct Review Committee is two members.

7.11 Business is not to be conducted at any meeting of the Conduct Review Committee unless a quorum is present.
7.12 If a quorum is not present at a meeting of the Conduct Review Committee, it must be
adjourned to a time and date that is specified.

7.13 Each member of the Conduct Review Committee is entitled to one vote in relation to a
matter. In the event of an equality of votes being cast, the chairperson will have a casting
vote.

7.14 If the vote on a matter is not unanimous, then this should be noted in the report of the
Conduct Review Committee in which it makes its determination in relation to the matter.

7.15 The chairperson may make a ruling on questions of procedure and the chairperson’s
ruling is to be final.

7.16 The Conduct Review Committee may only conduct business in the absence of the public.

7.17 The Conduct Review Committee must maintain proper records of its proceedings.

7.18 The Complaints Coordinator will undertake the following functions in support of a Conduct
Review Committee:

a) provide procedural advice where required;

b) ensure adequate resources are provided including secretarial support;

c) attend meetings of the Conduct Review Committee in an advisory capacity;

and

d) provide advice about Council’s processes where requested.

7.19 The Complaints Coordinator must not be present at, or in sight of a meeting of, the
Conduct Review Committee where it makes its final determination in relation to the
matter.

7.20 The Conduct Review Committee may adopt procedures governing the conduct of its
meetings that supplement these procedures. However any procedures adopted by the
committee must not be inconsistent with these procedures.
Part 8    Investigations

What matters may a Conduct Reviewer or Conduct Review Committee investigate?

8.1 A Conduct Reviewer or Conduct Review Committee (Investigator) may investigate a Code of Conduct complaint that has been referred to them by the Complaints Coordinator and any matters related to or arising from that complaint.

8.2 Where an Investigator identifies further separate possible breaches of the Code of Conduct that are not related to, or arise from, the Code of Conduct complaint that has been referred to them, they are to report the matters separately in writing to the CEO, or, in the case of alleged conduct on the part of the CEO, to the Lord Mayor.

8.3 The CEO or the Lord Mayor is to deal with a matter reported to them by an Investigator under clause 8.2 as if it were a new Code of Conduct complaint in accordance with these procedures.

How are investigations to be commenced?

8.4 The Investigator must at the outset of their investigation provide a written notice of investigation to the Subject Person. The notice of investigation must:
   a) disclose the substance of the allegations against the Subject Person;
   b) advise of the relevant provisions of the Code of Conduct that apply to the alleged conduct;
   c) advise of the process to be followed in investigating the matter;
   d) invite the Subject Person to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the Investigator in the notice; and
   e) provide the Subject Person the opportunity to address the Investigator on the matter within such reasonable time specified in the notice.

8.5 The Subject Person may, within 14 days of receipt of the notice of investigation, request in writing that the Investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An Investigator will only be obliged to provide such information that the Investigator considers reasonably necessary for the Subject Person to identify the substance of the allegation against them.

8.6 An Investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the Subject Person in relation to the matter referred to them.

8.7 Where an Investigator issues an amended notice of investigation, they will provide the Subject Person with a further opportunity to make a written submission in response to the amended notice of investigation within 28 days or such other reasonable period specified by the Investigator in the amended notice.
8.8 The Investigator must also, at the outset of their investigation, provide written notice of the investigation to the Complainant, the Complaints Coordinator and the CEO, or in the case of a complaint about the CEO, to the Lord Mayor. The notice must:

a) advise them of the matter the Investigator is investigating; and

b) in the case of the notice to the Complainant, invite them to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the Investigator in the notice.

Written and oral submissions

8.9 Where the Subject Person or the Complainant fails to make a written submission in relation to the matter within the period specified by the Investigator in their notice of investigation or amended notice of investigation, the Investigator may proceed to prepare their draft report without receiving such submissions.

8.10 The Investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.

8.11 Prior to preparing a draft report, the Investigator must give the Subject Person an opportunity to address the Investigator on the matter being investigated. The Subject Person may do so in person or by telephone.

8.12 Where the Subject Person fails to accept the opportunity to address the Investigator within the period specified by the Investigator in the notice of investigation, the Investigator may proceed to prepare a draft report without hearing from the Subject Person.

8.13 Where the Subject Person accepts the opportunity to address the Investigator in person, they may have a support person or legal advisor in attendance. The support person or legal advisor will act in an advisory or support role to the Subject Person only. They must not speak on behalf of the Subject Person or otherwise interfere with or disrupt proceedings.

8.14 The Investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

8.15 Investigations are to be undertaken without undue delay.

8.16 Investigations are to be undertaken in the absence of the public and in confidence.

8.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.

8.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.

8.19 An Investigator may request that the Complaints Coordinator provide such further information that the Investigator considers may be reasonably necessary for them to
establish the facts of the matter. The Complaints Coordinator will, as far as is reasonably practicable, provide the information requested by the Investigator.

**Referral or resolution of a matter after the commencement of an investigation**

8.20 At any time after an Investigator has issued a notice of investigation and before they have issued a draft report, an Investigator may determine to:

a) resolve the matter by alternative and appropriate means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology;

b) refer the matter to the CEO, or in the case of a complaint about the CEO, to the Lord Mayor, for resolution by alternative and appropriate means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology; or

c) refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Division Office or the Police.

8.21 Where an Investigator determines to exercise any of the options as prescribed by clause 8.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.

8.22 Where an Investigator determines to exercise any of the options under clause 8.20 after the commencement of an investigation, they may by written notice to the Subject Person, the Complainant, the Complaints Coordinator and the CEO, or in the case of a complaint about the CEO the Lord Mayor, discontinue their investigation of the matter.

8.23 Where the Investigator discontinues their investigation of a matter under clause 8.22, this will finalise the consideration of the matter in accordance with these procedures.

8.24 An Investigator is not obliged to give prior notice to, or to consult with, any person before making a determination to exercise any of the options under clause 8.20 or to discontinue their investigation except as may be specifically required under these procedures.

**Draft investigation reports**

8.25 When an Investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.

8.26 The Investigator must provide their draft report to the Subject Person and invite them to make a written submission in relation to it within 28 days or such other reasonable period specified by the Investigator.

8.27 Where the Investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to
make a written submission in relation to it within 28 days or such other reasonable period specified by the Investigator.

8.28 The Investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.

8.29 The Investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. Where as a result of making further enquiries, the Investigator makes any material change to their proposed report that makes new adverse comment about the Subject Person or an affected person, they must provide the Subject Person, or affected person as the case may be, with a further opportunity to make a written submission in relation to the new adverse comment.

8.30 Where the Subject Person or an affected person fails to make a written submission in relation to the draft report within the period specified by the Investigator, the Investigator may proceed to prepare and issue their final report without receiving such submissions.

8.31 The Investigator may accept written submissions in relation to the draft report received outside the period specified by the Investigator at any time prior to issuing their final report.

**Final investigation reports**

8.32 Where an Investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 8.22.

8.33 An Investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

8.34 The Investigator’s final report must:

a) make findings of fact in relation to the matter investigated, and

b) make a determination that the conduct investigated either:

   i. constitutes a breach of the Code of Conduct; or

   ii. does not constitute a breach of the Code of Conduct; and

   c) provide reasons for the determination.

8.35 Where the Investigator determines that the conduct investigated constitutes a breach of the Code of Conduct, the Investigator may make one or more of the following recommendations:

a) that Council revise any of its policies or procedures;

b) that the Subject Person undertake any training or other education relevant to the conduct giving rise to the breach;

c) that the Subject Person be counselled for their conduct;
d) that the Subject Person apologise to any person or organisation affected by
the breach in such a time and form specified by the recommendation;

e) that findings of inappropriate conduct be made public;

f) in the case of a breach by the CEO, that action be taken under in
accordance with the CEO’s employment contract for the breach;

g) in the case of a breach by a Councillor, that the Councillor be formally
censured for the breach in accordance with section 440G of the Act;

h) in the case of a breach by a Councillor, that Council resolves as follows:
   i. that the Councillor be formally censured for the breach under section
      440G of the Act, and
   ii. that the matter be referred to the Division Office for further action in
       accordance with the misconduct provisions of the Act.

8.36 Where the Investigator determines that the conduct investigated does not constitute a
breach of the Code of Conduct, the Investigator may make one or more of the following
recommendations:

   a) that Council revise any of its policies or procedures; or

   b) that a person or persons undertake any training or other education.

8.37 In making a recommendation under clause 8.35, the Investigator may have regard to the
following:

   a) the seriousness of the breach;

   b) whether the breach can be easily remedied or rectified;

   c) whether the Subject Person has remedied or rectified their conduct;

   d) whether the Subject Person has expressed contrition;

   e) whether there were any mitigating circumstances;

   f) the age, physical or mental health or special infirmity of the Subject Person;

   g) whether the breach is technical or trivial only;

   h) any previous breaches;

   i) whether the breach forms part of a pattern of conduct;

   j) the degree of reckless intention or negligence of the Subject Person;

   k) the extent to which the breach has affected other parties or Council as a
      whole;
l) the harm or potential harm to the reputation of Council or local government arising from the conduct;

m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny;

n) whether an educative approach would be more appropriate than a punitive one;

o) the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action; or

p) what action or remedy would be in the public interest.

8.38 At a minimum, the Investigator’s final report must contain the following information:

a) a description of the allegations against the Subject Person;

b) the relevant provisions of the Code of Conduct that apply to the alleged conduct investigated;

c) a statement of reasons as to why the Conduct Reviewer considered that the matter warranted investigation;

d) a statement of reasons as to why the Conduct Reviewer considered that the matter was one that could not or should not be resolved by alternative means;

e) where the matter is investigated by a Conduct Review Committee, a statement as to why the matter was one that warranted investigation by a Conduct Review Committee instead of a sole Conduct Reviewer;

f) a description of any attempts made to resolve the matter by use of alternative means;

g) the steps taken to investigate the matter;

h) the facts of the matter;

i) the Investigator’s findings in relation to the facts of the matter and the reasons for those findings;

j) the Investigator’s determination and the reason for that determination; and

k) any recommendations.

8.39 The Investigator must provide a copy of their report to the Complaints Coordinator, the Subject Person and the Complainant.

8.40 Where the Investigator has determined that there has not been a breach of the Code of Conduct, the Complaints Coordinator must provide a copy of the Investigator’s report to the CEO or, where the report relates to the CEO’s conduct, to the Lord Mayor and this will finalise consideration of the matter under these procedures.
8.41 Where the Investigator has determined that there has been a breach of the Code of Conduct and makes a recommendation or recommendations under clause 8.35, paragraph (a), the Complaints Coordinator must provide a copy of the Investigator's report to the CEO. Where the CEO agrees with the recommendation/s, the CEO is responsible for implementing the recommendation/s.

8.42 Where the Investigator has determined that there has been a breach of the Code Conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (b) or (c), the Complaints Coordinator must provide a copy of the Investigator's report to the CEO or, where the report relates to the CEO's conduct, to the Lord Mayor. The CEO is responsible for arranging the implementation of the recommendation/s where the report relates to a Councillor's conduct. The Lord Mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the CEO's conduct.

8.43 Where the Investigator has determined that there has been a breach of the Code of Conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (d) to (h), the Complaints Coordinator must, where practicable, arrange for the Investigator's report to be reported to the next ordinary Council meeting for Council's consideration unless the meeting is to be held within the four weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary Council meeting following the election.

Consideration of the final investigation report by Council

8.44 The role of the elected Council in relation to a final investigation report is to impose a sanction where an Investigator determines that there has been a breach of the Code of Conduct and where he or she makes a recommendation in their final report under clause 8.35, paragraphs (d) to (h).

8.45 The elected Council is to close its meeting to the public to consider the final investigation report where it is permitted to do so under section 10A of the Act.

8.46 Where the Complainant is a Councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The Complainant Councillor may absent themselves without making any disclosure of interests in relation to the matter unless otherwise required to do so under the Act or the Code of Conduct.

8.47 Prior to imposing a sanction, the elected Council must provide the Subject Person with an opportunity to make an oral submission to the elected Council. The Subject Person is to confine their submission to addressing the Investigator's recommendation/s.

8.48 Once the Subject Person has completed their oral submission they must absent themselves from the Council meeting and, where they are a Councillor, take no part in any discussion or voting on the matter.

8.49 The elected Council must not invite oral submissions from other persons for the purpose of seeking to rehear evidence previously considered by the Investigator.

8.50 Prior to imposing a sanction, the elected Council may by resolution:

a) request that the Investigator make additional enquiries and/or provide additional information to it in a supplementary report; or
b) seek an opinion by the Division Office in relation to the report.

8.51 The elected Council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the Investigator or an opinion from the Division Office.

8.52 The Investigator may make additional enquiries for the purpose of preparing a supplementary report.

8.53 Where the Investigator prepares a supplementary report, they must provide copies of it to the Complaints Coordinator who will provide a copy each to Council, the Subject Person and the Complainant.

8.54 The Investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the Complaints Coordinator.

8.55 The Council is only required to provide the Subject Person a further opportunity to address it on a supplementary report where the supplementary report contains new information that is adverse to them.

8.56 Council may by resolution impose one or more of the following sanctions on a Subject Person:

a) that the Subject Person apologise to any person or organisation affected by the breach in such a time and form specified by the resolution;

b) that findings of inappropriate conduct be made public;

c) in the case of a breach by the CEO, that action be taken under the CEO’s contract for the breach;

d) in the case of a breach by a Councillor, that the Councillor be formally censured for the breach under section 440G of the Act;

e) in the case of a breach by a Councillor:

i. that the Councillor be formally censured for the breach under section 440G of the Act; and

ii. that the matter be referred to the Division Office for further action under the misconduct provisions of the Act.

8.57 The elected Council is not obliged to adopt the Investigator’s recommendation/s. Where the elected Council does not adopt the Investigator’s recommendation/s, it must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.

8.58 The elected Council may, by resolution, impose a sanction on the Subject Person under clause 8.56 different to the sanction recommended by the Investigator in their final report.

8.59 Where the elected Council resolves not to adopt the Investigator’s recommendation/s, the Complaints Coordinator must notify the Division Office of the elected Council’s decision and the reasons for it.
Part 9  Rights of Review

Failure to comply with a requirement under these procedures

9.1 Where any person believes that a person has failed to comply with a requirement prescribed under these procedures, they may, at any time prior to the elected Council’s consideration of an Investigator’s final report, raise their concerns in writing with the Division Office.

Practice rulings

9.2 Where a Subject Person and an Investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Division Office to make a ruling on a question of procedure (a practice ruling).

9.3 Where the Division Office receives a request in writing for a practice ruling, the Division Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the Investigator, where that person is different.

9.4 Where the Division Office makes a practice ruling, all parties are to comply with it.

9.5 The Division Office may decline to make a practice ruling. Where the Division Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the Investigator, where that person is different.

Requests for review

9.6 A person who is the subject of a sanction imposed under Part 8 of these procedures, other than one imposed under clause 8.56, paragraph (e), may, within 28 days of the sanction being imposed, seek a review of the Investigator’s determination and recommendation by the Division Office.

9.7 A review under clause 9.6 may be sought on the following grounds:
   a) that the Investigator has failed to comply with a requirement under these procedures; or
   b) that the Investigator has misinterpreted or misapplied the standards of conduct prescribed under the Code of Conduct; or
   c) that the elected Council has failed to comply with a requirement under these procedures in imposing a sanction.

9.8 A request for a review made under clause 9.6 must be made in writing and must specify the grounds upon which the person believes the Investigator or the elected Council has erred.

9.9 The Division Office may decline to conduct a review, where the grounds upon which the review is sought are not sufficiently specified.
9.10 The Division Office may undertake a review of a matter without receiving a request under clause 9.6.

9.11 The Division Office will undertake a review of the matter on the papers. However, the Division Office may request that the Complaints Coordinator provide such further information that the Division Office considers reasonably necessary for it to review the matter. The Complaints Coordinator must, as far as is reasonably practicable, provide the information requested by the Division Office.

9.12 Where a person requests a review under clause 9.6, the Division Office may direct the elected Council to defer any action to implement a sanction. The elected Council must comply with a direction to defer action by the Division Office.

9.13 The Division Office must notify the person who requested the review and the Complaints Coordinator of the outcome of the Division's Office's review in writing and the reasons for its decision. In doing so, the Division Office may comment on any other matters the Division Office considers to be relevant.

9.14 Where the Division Office considers that the Investigator or the elected Council has erred, the Division Office may recommend that a decision to impose a sanction under these procedures be reviewed.

9.15 In the case of a sanction implemented by the CEO or Lord Mayor under clause, where the Division Office recommends that the decision to impose a sanction be reviewed:

a) the Complaints Coordinator must provide a copy of the Division’s determination in relation to the matter to the CEO or the Lord Mayor;

b) the CEO or Lord Mayor must review any action taken by them to implement the sanction;

c) the CEO or Lord Mayor must consider the Division’s recommendation in doing so.

9.16 In the case of a sanction imposed by the elected Council by resolution under clause 8.56, where the Division Office recommends that the decision to impose a sanction be reviewed:

a) the Complaints Coordinator must, where practicable, arrange for the Division’s Office’s determination to be tabled at the next ordinary Council meeting unless the meeting is to be held within the four weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary Council meeting following the election; and

b) the elected Council must:

i. review its decision to impose the sanction;

ii. consider the Division’s Office’s recommendation in doing so; and

iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.
9.17 Where having reviewed its previous decision in relation to a matter under clause 9.16 the elected Council resolves to reaffirm its previous decision, it must state in its resolution its reasons for doing so.
Part 10 Procedural Irregularities

Procedural Irregularities

10.1 A failure to comply with these procedures does not, on its own, constitute a breach of the Code of Conduct except as may be otherwise specifically provided under the Code of Conduct.

10.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:

   a) the non-compliance is isolated and/or minor in nature;
   b) reasonable steps are taken to correct the non-compliance; or
   c) reasonable steps are taken to address the consequences of the non-compliance.
Part 11 Practice Directions

Practice Directions

11.1 The Division Office may at any time issue a practice direction in relation to the application of these procedures.

11.2 The Division Office will issue practice directions in writing, by circular to all Councils.

11.3 All persons performing a function prescribed under these procedures must consider the Division’s Office’s practice directions when performing the function.
12.1 The Complaints Coordinator must arrange for the following statistics to be reported to the elected Council within 3 months of the end of September of each year:

a) the total number of Code of Conduct complaints made about Councillors and the CEO under the Code of Conduct in the year to September;

b) the number of Code of Conduct complaints referred to a Conduct Reviewer;

c) the number of Code of Conduct complaints finalised by a Conduct Reviewer at the preliminary assessment stage and the outcome of those complaints;

d) the number of Code of Conduct complaints investigated by a Conduct Reviewer;

e) the number of Code of Conduct complaints investigated by a Conduct Review Committee;

f) without identifying particular matters, the outcome of Code of Conduct complaints investigated by a Conduct Reviewer or Conduct Review Committee in accordance with these procedures;

g) the number of matters reviewed by the Division Office and, without identifying particular matters, the outcome of the reviews; and

h) the total cost of dealing with Code of Conduct complaints made about Councillors and the CEO in the year to September, including staff costs.

12.2 The Council is to provide the Division Office with a report containing the statistics referred to in clause 12.1 within 3 months of the end of September of each year.
Part 13  Confidentiality

13 Confidentiality

13.1 Information about Code of Conduct complaints, the management and investigation of Code of Conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
CCL 12/12/17
ADOPTION OF CODE OF CONDUCT AND ITS ASSOCIATED
PROCEDURES AND THE CODE OF CONDUCT PANEL

Attachment C: Panel of Conduct Reviewers
### APPLICATIONS (IN ALPHABETICAL ORDER) RECEIVED FOR PLACEMENT ON REGIONAL CODE OF CONDUCT REVIEW PANEL 2017

Please note:

1. These summaries do not provide all information supplied by each applicant. Please refer to individual applications for full details of each proposal prior to any decision in regard to panel selection.
2. Data in the table below is derived solely from the EOIs lodged by the respective organisations / individuals.
3. Applicants are required to detail actual and potential conflicts of interest in regard to Code of Conduct investigations. Each council is responsible for ensuring the accuracy and currency of any such assertions.
4. Councils may have varying requirements in regard to insurance. It would be necessary to check coverage at the time of potential engagement for a task – especially beyond the life of any documentary evidence supplied in an EOIs.
5. Placement on the Regional Panel is not an offer of paid engagement nor is it a guarantee of selection by a Council for its own Panel. Councils are not required to select any or all of the Panel Members for their own Panels.

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<tr>
<td>Australian Workplace Training and Investigations</td>
<td>Phil O'Brien</td>
<td>26 Oakdale Place Baulkham Hills NSW 2153</td>
<td><strong>AWPTI</strong> – workplace investigations Sydney and through-out NSW, QLD and Victoria. Investigations for misconduct, bullying, harassment &amp; sexual harassment, discrimination, complaint and grievance. Principal Phil O'Brien - Workplace misconduct investigator, qualified Lawyer and university lecturer in Law and Human Resources subjects and a former member of the NSW Police.</td>
</tr>
<tr>
<td>BAL Lawyers</td>
<td>Gabrielle Sullivan</td>
<td>9th floor Canberra House 40 Marcus Clarke Street Canberra ACT 2601</td>
<td><strong>Bradley Allen Love Lawyers</strong> - Canberra based. Its core practice areas of commercial and business law, real estate law, local government law, planning and environmental law, employment law, estate planning and business succession, and commercial litigation. <strong>John Wilson</strong> - Legal Director - workplace complaints/grievances and behaviour-related inquiries, code of conduct and administration investigations, etc.</td>
</tr>
<tr>
<td></td>
<td>Ian Meagher</td>
<td>40 Marcus Clarke Street Canberra ACT 2601</td>
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<td></td>
<td>John Wilson</td>
<td>26 Oakdale Place Baulkham Hills NSW 2153</td>
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| **BDO (Binder Dijker Otte)** Australia | Adam Simms | C/o 1 Margaret Street Sydney NSW 2000 | Based in the Sydney CBD, BDO Sydney has 43 partners and 300 professional staff providing the full breadth of accounting, tax and advisory services. BDO regularly conducts investigations in:  
  - Grievances and allegations of bullying and harassment  
  - Theft or misappropriation of assets  
  - Accounts payable fraud  
  - Conflicts of interest in the procurement process  
  - Receipt of unauthorised gifts or hospitality by employees  
  - Unauthorised release or theft of corporate information or intellectual property. |
| **CT Management Group** | Alicia Wynne | 10-12 Church Street North Geelong VIC 3215 | CT Management Group - Victoria, Queensland and Tasmania offices. Chairman: Hon. Jeff Kennett A.C.  
20 years experience.  
**Investigations, Mediation & Dispute Resolution:**  
**Workplace investigations:**  
  - Bullying, harassment and discrimination incidents  
  - Code of conduct breaches  
  - Employee versus employer allegations and disputes  
  - Disciplinary and grievance procedure support  
  - Performance management and reclassification disputes  
**Council investigations:**  
  - Council and Councillor conduct investigations  
  - Behavioural conduct investigations  
  - Code of conduct breaches  
  - Local Government Act compliance issues  
  - Conflicts of interest  
  - Procurement and sale of land processes  
  - Community complaints  
  - Audit assessments |
| **Centium Group** | Phil O'Toole | PO Box 43 Darlinghurst NSW 1300 | Centium Group -  
Over 30 years experience.  
Centium assists public, private and not for profit sector entities manage all forms of misconduct, including fraud, corruption, and misuse of authority and resources.  
Our team of investigators has extensive experience in conducting investigations across the broad range of workplace misconduct, including:  
  - Bullying  
  - Harassment  
  - Discrimination  
  - Assault  
  - Reportable conduct  
  - Misuse of authority  
  - Unauthorised access of information  
  - Misuse of resources  
  - Misuse of social media and other data sources/digital mediums  
  - Fraud  
  - Corruption |
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| **Lambourne Partners** | Paul Quealey | Level 1  
52 Hudson Street  
Hamilton NSW 2303 | **Lambourne Partners** - is a diversified Newcastle based accounting firm.  
*No references to misconduct investigations or Local Government experience.* |
| **KordaMentha** | Phillip Hoskin | Chifley Tower  
Level 5, 2 Chifley Square  
Sydney NSW 2000 | **KordaMentha** - Asia-Pacific adviser in forensic, real estate, corporate advisory and restructuring.  
*Est 2002.*  
*Services include:*  
- Governance, Conduct and Culture  
- Public Sector Advisory  
- Investigations, corruption and fraud risk management  
- Breaches of internal codes of conduct and policies, including bullying and harassment. |
| **Mediate Today** | Robert Lopich | PO Box 419  
Shellharbour NSW 2529 | **Mediate Today** - amongst the first organisations to be appointed in 2012 / 2013 as a member of a pool of Code of Conduct Reviewers (*the Regional Pool*). Re-appointed in the second round of appointments commencing in 2016.  
*Appointed as Code of Conduct reviewers for the following Councils:*  
Fairfield City, Blacktown City, Holroyd City, Camden, Willoughby City, North Sydney, Wollondilly Shire, Ku-ring-gai, Lane Cove, Wyong Shire, Hunter Councils, Gosford City, Norfolk Island Regional.  
*Since the introduction of the system of external Code of Conduct Reviewers, the principals have gained substantial experience in assessing Code of Conduct complaints, interviewing parties in relation to such complaints, dealing with issues of procedural fairness and other relevant considerations as well as the preparation of professionally considered and presented Outcomes Reports for Councils.* |
| **Nemesis Consultancy** | Peter Moroney | Unit 5, 5-7 Lone Pine Place  
Smeaton Grange NSW 2567 | **Nemesis Consultancy** - Disciplinary Investigations (Code of Conduct / Bullying / Harassment).  
*Can manage the entire disciplinary investigation process from receiving and documenting a complaint through to developing an allegation letter, interviewing parties and finalising the investigation with a detailed written report.* |
| **Pinnacle Integrity** | Shane White  
Natalie Shearer  
Belinda Nolan | Zenith Towers, Level 20, 821 Pacific Highway Chatswood NSW 2067 | **Pinnacle Integrity** - Large client base of Private Sector companies, and Local & State Government bodies.  
*Experienced in Workplace Investigations and Grievance Handling.*  
*Assist to resolve workplace issues such as conflict of interests, bullying, sexual harassment, fraud, other criminal and code of conduct matters.* |
| **PKF Forensic and Risk** | Wayne Gilbert | Level 8, I O'Connell Street  
Sydney NSW 2000 | **PKF Australia** - Accountants and Business Advisors - Australia wide.  
*Conduct investigation when fraudulent, corrupt and unethical behaviour impacts business.* |
| **Quadrant Management Systems** | Chris Stratten | 4/100 Brighton Avenue  
Toronto NSW 2283 | [will provide in due course] |
| **Robert Ball** | Robert Ball | 26 Ambrose Street  
Carey Bay NSW 2283 | [will provide in due course] |
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| SWAAB Attorneys              | Cecilia Rose    | 91 Roland Avenue Wahroonga NSW 2076 | **SWAAB Attorneys** - Sydney based  
*No information on their website about Code of Conduct, misconduct investigations, etc.  
[will provide in due course]*                                                                                                                                                                                                                                                                                                                                                                             |
| TressCox Lawyers             | Peta Tumpey     | Level 16, MLC Centre 19 Martin Place Sydney NSW 2000 | **TressCox Lawyers** - Sydney based  
*Peta Tumpey* is a Code of Conduct Reviewer on four NSW Local Government Code of Conduct committees.  
*Mary Grace has undertaken more than 60 workplace investigations for clients in the areas of bullying and harassment, misconduct, client/customer complaints and breaches of Codes of Conduct and internal organisational policies.*                                                                                                                                                                                                                                                   |
| Winton Consulting            | Clare Dunnicliff| PO Box 208 Maitland NSW 2320        | **Winton Consulting** - Maitland based  
*Mary Grace has undertaken more than 60 workplace investigations for clients in the areas of bullying and harassment, misconduct, client/customer complaints and breaches of Codes of Conduct and internal organisational policies.*                                                                                                                                                                                                                                                   |
| Workplace Investigations     | Vince Scopelliti| 72 Faraday Street Carlton VIC 3053  | **WISE Workplace** - Australia wide - Sydney office  
*Full investigation services for fraud and corruption, misused of authority, bullying, harassment and discrimination.  
Investigations and advice on workplace misconduct in Victoria since 1999.  
Sydney based investigator has professional experience in Workplace misconduct and case management - Bullying and harassment, theft, fraud, discrimination, sexual harassment - grievance and complaint management.*                                                                                                                                                                                                                                                |
| Workdynamic Australia        | Jane Wright     | Level 3, 32 Martin Place Sydney NSW 2000 | **Workdynamic Australia** - Sydney based.  
*Core business is employment law and workplace investigation.  
Senior associate appears to have experience on public sector investigations, with past 10 years focussed on workplace misconduct matter in NSW.*                                                                                                                                                                                                                                             |
CCL 12/12/17
UNIVERSITY TO NEWCASTLE CITY CENTRE CYCLEWAY - MAUD STREET MID-BLOCK SIGNALS

Attachment A: University to Newcastle City Centre Cycleway - Maud Street Mid-block Signals Revised Traffic Plan
MAUD STREET, WARATAH
PROPOSED MID-BLOCK SIGNALS
REVISED TRAFFIC PLAN
UNIVERSITY TO NEWCASTLE CITY CYCLEWAY

LEGEND
- EXISTING NO STOPPING
- EXISTING CONDITIONAL NO STOPPING
- EXISTING PARKING TO BE RETAINED
- EXISTING BUS ZONE
- PROPOSED NO STOPPING

NEW TRAFFIC SIGNALS TO PROVIDE A SAFE CROSSING FOR PEDESTRIANS AND CYCLISTS

PROPOSED PARKING CHANGES TO ACCOMMODATE RIGHT TURN BAYS

SHARED PATHWAY

SIGNALISED CROSSING. REFER TO INSET

VERA ST - LEFT IN ONLY AT MAUD ST

PRINCE ST - LEFT IN/OUT AT MAUD ST

EXISTING NO STOPPING
EXISTING CONDITIONAL NO STOPPING
EXISTING PARKING TO BE RETAINED
EXISTING BUS ZONE
PROPOSED NO STOPPING

VERA STREET

PRINCE STREET

QUEEN STREET

MAUD STREET

LORNA STREET

KING STREET
CCL 12/12/17
UNIVERSITY TO NEWCASTLE CITY CENTRE CYCLEWAY - MAUD STREET MID-BLOCK SIGNALS

Attachment B: Exhibition Brochure - Maud Street, Waratah - Proposed Traffic Changes
What do we have now?
The cycleway between the University of Newcastle (Callaghan) and the Newcastle City Centre is a key regional route in Newcastle’s cycling network. Travelling west from Waratah Station, the route is currently on road on Prince Street, crossing Maud Street at a refuge and then continuing on Vera Street to connect to the off-road University cycleway. Maud Street carries in excess of 20,000 vehicles per day and the busy crossing of Maud Street is not suitable for novice riders.

In the wider area:
• Traffic is ‘rat running’ between Lorna Street and Maud Street via Queen Street and King Street or Vera Street.
• Traffic is ‘rat running’ between Maud Street and Turton Road via Prince Street.
• Traffic is performing illegal right turns into and out of Prince Street.

What is proposed?
Council is proposing changes in the vicinity of Maud Street, Prince Street and Vera Street Waratah, to improve safety for pedestrians and cyclists using the University to Newcastle City cycling route.

Maud Street:
• Signals on Maud Street between Prince Street and Vera Street via Queen Street and King Street or Vera Street.
• Signage in advance of the Maud Street overbridge for southbound traffic.

Prince Street:
• No right turn into and out of Prince Street at Maud Street (as existing).
• No left turn into Prince Street to prevent ‘rat running’ from the north and west to Turton Road, through local roads in Waratah.
• Kerb extensions and kerb ramps.

Vera Street:
• No entry or exit to/from Vera Street at Maud Street to address ‘rat running’ between Lorna Street and Maud Street and to minimise risks at the signals.
• Speed reduction to 40km/h.

King Street:
• No exit from King Street to Maud Street to address ‘rat running’ between Lorna Street and Maud Street.
• Speed reduction to 40km/h.

Queen Street:
• Modifications to the intersection of Queen Street and Lorna Street to incorporate right turn bays to accommodate diverted traffic, mostly residents, which would have otherwise turned right into Vera Street, and to improve safety by reducing the potential for crashes associated with right-turning vehicles.
• Extension of ‘No Stopping’ on Queen Street to accommodate right turn bays.
• Raised threshold treatment (flat top speed hump) at entry to Queen Street.
• Speed reduction to 40km/h to improve safety for all road users and improve residential amenity.

Future planning
Council is investigating a proposal to redirect the cycleway route away from the busy Maud Street crossing and into the rail corridor off Prince Street, near Alfred Street. The route is proposed to run under the rail bridge along the rail corridor to meet the cycleway west of Vera Street. This is a long term solution requiring further investigation and funding and is not part of the current exhibition.
LEGEND

EXISTING NO STOPPING

EXISTING CONDITIONAL NO STOPPING

EXISTING PARKING TO BE RETAINED

EXISTING BUS STOP

PROPOSED NO STOPPING

MAUD STREET, WARATAH - PROPOSED TRAFFIC CHANGES
Proposed mid-block signals, 40km/h local traffic area and associated traffic calming for University to Newcastle City cycleway
To The Business Owner/Property Owner/Resident

Maud Street, Waratah - Proposed traffic changes
Mid-block signals, 40km/h local traffic area and associated traffic calming for University to Newcastle City cycleway

Please review the plan on the previous pages and answer the questions below to assist Council in determining measures to be implemented. Additional comments are welcome. The proposed changes are on exhibition from 17 July 2017 to 14 August 2017.

Please provide feedback by 5pm Monday 14 August 2017. Comments can be made via Council’s website at newcastle.nsw.gov.au (under the ‘Community’ tab, go to ‘Get Involved’, then ‘Have Your Say’), or by forwarding written comments to: Newcastle City Council, Attention: Dipen Nathwani, PO Box 489, NEWCASTLE NSW 2300 or email: mail@ncc.nsw.gov.au (marked Attention Dipen Nathwani). For further information please contact Dipen Nathwani, Traffic Engineer, on telephone 4974 2663.

Name (Optional): ________________________________________________________________________________________________________
Address: _______________________________________________________________________________________________________________

1. Do you use this area as:
   - A motorist
   - A cyclist
   - A pedestrian
   - Other
   Yes     No

2. Please indicate your agreement with the proposed measures to improve safety for pedestrians and cyclists on the University to Newcastle City route and to reduce ‘rat-running’ through local streets:

   - Mid-block signals on Maud Street
   - No entry or exit to/from Vera Street at Maud Street
   - No left turn into Prince Street
   - No exit from King Street to Maud Street
   - 40km/h local traffic area in Queen, King and Vera Streets
   - Entry treatment (flat top speed hump) at Queen Street

   Comments: _____________________________________________________________________________________________________________
   _______________________________________________________________________________________________________________________
   _______________________________________________________________________________________________________________________
   _______________________________________________________________________________________________________________________

3. Please indicate your agreement with proposed changes to improve the safety of the Queen Street/Lorna Street intersection:

   - Right turn bays and extension of ‘No Stopping’ to improve safety

   Comments: _____________________________________________________________________________________________________________
   _______________________________________________________________________________________________________________________
   _______________________________________________________________________________________________________________________
   _______________________________________________________________________________________________________________________

Protecting your privacy: Newcastle City Council is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and Council policy. Purpose of collecting personal details: Council is collecting this information to determine the local community’s views and opinions on the proposal outlined. Intended recipients: Information provided as part of the consultation will be used as part of the investigation into the proposal, and may be included in future reports on the issue. Storage and security: Information provided will be stored on Council’s database and will be subject to Council’s information and privacy policies. Access: Individuals can access data to check accuracy by contacting Council.

PLEASE NOTE: When making written comments or submissions to Council, the following information should be considered - Should an objector consider that the disclosure of their name and address would result in detriment to them the words ‘OBJECTION IN CONFIDENCE’ must be stated prominently at the top of the submission. Council may, however, be obliged to release full details of the submission including the name and address under the relevant access to information legislation, even if these words are in the submission.
CCL 12/12/17
UNIVERSITY TO NEWCASTLE CITY CENTRE CYCLEWAY - MAUD STREET MID-BLOCK SIGNALS

Attachment C: Exhibition - Maud Street, Waratah - Summary of Submissions
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Maud Street, Waratah - Exhibition - Proposed Traffic Changes - Summary of Submissions Page 2
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**Maud Street, Waratah - Exhibition - Proposed Traffic Changes - Summary of Submissions**

Page 3
Maud St Respondent considers that he exit from King Street onto Maud St is the best and safest access to respondent's driveway.

Strongly Agree

Strongly Agree

Maud St Respondent states that no entry/exit from Vera St at Maud St will hamper residents and cause difficulty catching taxis.

Don't Know

Maud Street, Waratah - Exhibition - Proposed Traffic Changes - Summary of Submissions Page 4
143 OT2017/02994 Yes Yes No No Strongly Agree Disagree Strongly Disagree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent considers the rail corridor proposal is the best solution and should be a priority.

144 OT2017/02995 Yes No No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent suggests building a cycleway in the rail corridor instead of a mid-block closure because it would be safer and more feasible.

145 OT2017/02996 No Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports the proposal for Queen St/Lorna St as most dangerous in Newcastle, noting prevalence of illegal turns from Prince St and request placement of camera. Respondent commends NCC for efforts to improve cycling conditions.

146 OT2017/02997 Yes Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent notes that the junction is very difficult to cross and it is crucial that traffic not enter adjoining streets at speed.

147 OT2017/02998 Yes Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent notes that the junction is very difficult to cross and it is crucial that traffic not enter adjoining streets at speed.

148 OT2017/03000 Yes Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports installing cameras to monitor traffic but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

149 OT2017/03001 Yes Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

150 OT2017/03002 Yes Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent considers exit from Vera St would be fine but entry is problematic and that a lighted crossing on north side of Vera St and path to Prince St would be the safest solution.

151 OT2017/03003 Yes Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent notes that condition of Bridge St is not suitable for regular use by heavy vehicles.

152 OT2017/03004 No Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

153 OT2017/03005 Yes Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

154 OT2017/03006 Yes Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

155 OT2017/03007 Yes Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

156 OT2017/03008 Yes Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

157 OT2017/03009 No Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

158 OT2017/03010 No Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

159 OT2017/03011 Yes No No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

160 OT2017/03012 Yes Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

161 OT2017/03013 Yes No No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

162 OT2017/03014 No Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

163 OT2017/03015 No No No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

164 OT2017/03016 Yes Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

165 OT2017/03017 No Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

166 OT2017/03018 No Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

167 OT2017/03019 Yes Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

168 OT2017/03020 No No No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

169 OT2017/03021 Yes No No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

170 OT2017/03022 Yes No No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

171 OT2017/03023 No Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

172 OT2017/03024 No Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

173 OT2017/03025 Yes No Yes No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

174 OT2017/03026 Yes Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

175 OT2017/03027 Yes Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.

176 OT2017/03028 Yes Yes No No Strongly Agree Agree Agree Agree Agree Agree Agree Agree Agree Agree No Respondent supports improving roads for cyclists but does not support reduction in speed limits and impeding motorists, as such measures may frustrate drivers and increase potential for accidents.
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<td>Respondent notes high use of King St as a rat run and states that there have been many near misses and that it is only a matter of time before a fatality occurs.</td>
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<td>Respondent notes high use of King St as a rat run and states that there have been many near misses and that it is only a matter of time before a fatality occurs.</td>
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<td>Respondent requests that consideration is given to a roundabout at Queen St/Lorna St. Respondent states that at peak times, traffic queues across Queen St, preventing traffic turning out of Queen St towards the University and that no provision has been made to relieve this situation. Respondent supports extension of 'No Stopping' but not right turn bays.</td>
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<td>Respondent considers that changes should be made. Respondent states that fire from University Dr through Warabrook to Midland Rd should have been implemented.</td>
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<td>Respondent states that these interim measures must not prevent urgent construction of the flyover in the rail corridor. Respondent considers measures will serve the local community well, but that the volume of cycle traffic using the cycleway needs free flowing infrastructure of the underpass and that the underpass will be a crucial element in the attraction to tourists of riding the Richmond Vale train all the way from the Honeydew foreshore. Respondent notes that numerous studies show the public want to feel safer on local streets and that the proposed measures will improve the quality of local streets.</td>
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<td>Respondent considers proposed measures are ‘over the top’, not required and without basis.</td>
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<td>Respondent considers that the proposal changes for Queen St will mean more congestion on Maud and Lorna Sts. Respondent considers that the proposal changes will inconvenience residents hugely, extending commuting time. Respondent supports targeted changes (in rail corridor) should be implemented. Respondent supports measures at Queen St/Lorna St if they can be implemented independently of other proposals.</td>
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<td>Respondent considers that implementing of cycle and pedestrian crossing at Maud St should be Council's highest priority and that the proposal, well thought out solution to a difficult problem, should be implemented as soon as possible while a better long-term solution is being developed.</td>
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Maud Street, Waratah - Exhibition - Proposed Traffic Changes - Summary of Submissions
Notes:
1. Questions correspond to those on the exhibition brochure:
   Q1: Do you use this area as a) motorist b) cyclist c) pedestrian d) other?
   Q2: Please indicate your agreement with the proposed measures:
   Q2a Mid-block signals on Maud Street
   Q2b No entry or exit to/from Vera Street at Maud Street
   Q2c No left turn into Prince Street
   Q2d No exit from King Street to Maud Street
   Q2e 40km/h local traffic area in Queen, King and Vera Street
   Q2f Entry treatment (flat top speed hump) at Queen Street
   Q3 Right turn bays and extension of 'No Stopping' to improve safety
CCL 12/12/17
UNIVERSITY TO NEWCASTLE CITY CENTRE CYCLEWAY - 
MAUD STREET MID-BLOCK SIGNALS

Attachment D: Project Report - Maud Street, Waratah - Proposed Traffic Changes
Project Report
29 May 2017 - 24 August 2017

Newcastle Your Say
Maud Street, Waratah - Proposed traffic changes

Visitors Summary

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Highlights

TOTAL VISITS 1.5 k
MAX VISITORS PER DAY 311
NEW REGISTRATIONS 0

ENGAGED VISITORS 181
INFORMED VISITORS 551
AWARE VISITORS 1.3 k

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Newcastle Your Say: Summary Report for 29 May 2017 to 24 August 2017

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Page 3 of 7

Powered by engagementhq
QANDA

Q&A

| VISITORS  | 143 | CONTRIBUTORS | 1 | CONTRIBUTIONS | 1 |

No Responses
ENGAGEMENT TOOL: SURVEY TOOL

Tool title/name: Survey

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Do you use this area as a:

Optional question

Question options
(Click items to hide)
- Motorist
- Cyclist
- Pedestrian
- Other

- Motorist: 134
- Cyclist: 113
- Pedestrian: 66
- Other: 19
Please indicate your agreement with the proposed measures to improve safety for pedestrians and cyclists on the University to Newcastle City route and to reduce 'rat-running' through local streets:

Optional question

Question options
(Click items to hide)
- Strongly Disagree
- Disagree
- Neutral
- Agree
- Strongly Agree
- Unsure

100 200

Mid-block signals on Maud Street

No entry or exit to/from Vera Street at Maud Street

No left turn into Prince Street

No exit from King Street to Maud Street

40km/h local traffic area in Queen, King and Vera Streets

Entry treatment (flat top speed hump) at Queen Street
Please indicate your agreement with proposed changes to improve the safety of the Queen Street/Lorna Street intersection:

Optional question

Question options
(Click items to hide)
- Strongly disagree
- Disagree
- Neutral
- Agree
- Strongly Agree
- Unsure

Right turn bays and extension of 'No Stopping' to improve safety
CCL 12/12/17
UNIVERSITY TO NEWCASTLE CITY CENTRE CYCLEWAY - MAUD STREET MID-BLOCK SIGNALS

Attachment E: Key themes and issues raised in submissions
MAUD STREET WARATAH - KEY THEMES AND ISSUES RAISED IN SUBMISSIONS

i) The proposed changes will mean that the only exit for residents of Vera, King and Queen Streets will be Queen Street and Lorna Street intersection. Respondents indicate that lengthy delays are currently experienced and the proposed changes will increase delays.

Comment:
Noted and acknowledged. It is proposed to modify the project to retain existing movements at King Street and entry into Vera Street from Maud Street. Feedback from residents indicated general support for establishment of a local traffic area. It is recommended that further consultation be undertaken with residents of Vera, King, Queen and Lorna Streets for feedback on specific devices and their placement.

ii) Access to properties on Maud Street (89 - 95) is severely restricted. Dangerous manoeuvres would be required if the proposals were to be implemented.

Comment:
Note and acknowledged. It is proposed to modify the project to retain existing movements at King Street and entry into Vera Street from Maud Street, to allow circulation by these residents.

iii) The proposed signals will increase congestion.

Comment:
Noted and acknowledged. The proposed signals are required to provide a safe crossing point for pedestrians and cyclists. Signals should only activate when requested by pedestrians and cyclists, and should have minimum delay on activation. This is the key element of the project.

iv) Some respondents requested that signals or a roundabout be considered for Queen Street and Lorna Street intersection.

Comment:
This is a difficult intersection. The proposed measures (right turn bays and extension of 'No Stopping' do not preclude future modifications. Further investigation is required, however, this is outside the scope of the project.

v) At peak times, traffic queues across Queen Street, preventing traffic turning out of Queen Street towards the University.

Comment:
Noted and acknowledged. Further investigation of potential improvements to this intersection is warranted. Proposed modifications to the project will allow traffic to exit from King Street to the signals at Maud Street and Lorna Street intersection.

vi) Rat-running is not occurring.

Comment:
While traffic counts undertaken in Vera and King Streets were relatively low, the figures for Prince Street indicate that it is being used as a shortcut. For the survey conducted between 9 May 2017 and 17 May 2017, the average speed eastbound on Prince Street
was 51km/h and the 85th percentile speed 59km/h. Numerous submissions noted use of Prince Street in particular, as a preferred shortcut to avoid the signals at Maud and Lorna Streets. Further investigation of measures to slow traffic on Prince Street is required.

vii) Rat-running is occurring.

Comment:
Noted and agreed. Traffic surveys indicate the Prince Street, in particular, is used as a shortcut.

viii) Speed bumps should be installed instead of disallowing left turn into Prince Street.

Comment:
Noted. It is not recommended to proceed with restrictions on the left turn into Prince Street at this point. Further investigation of measures to slow traffic and reduce rat-running on Prince Street is required.

ix) Link road (University Drive to Maitland Road) should be built.

Comment:
Council officers understand that land acquired by RMS for preservation of a road corridor from Industrial Drive, through Warabrook, across the rail line and east of Ray Watt Oval to join University Drive at Queen Street, has since been sold.

x) The cycleway in the rail corridor should be implemented as soon as possible.

Comment:
Council officers are seeking formal approval ARTC for shared use of the maintenance track in the rail corridor, and having previously gained in-principle approval, have progressed design of the shared path. The relatively high cost of upgrade and uncertainty regarding timing and funding for construction mean that an alternative solution to the difficult crossing of Maud Street is required in the short term. Most importantly, alternative access will still be required, as the maintenance track will be subject to outages. Multiple submissions rejected the proposal for mid-block signals, indicating preference for the in-corridor proposal. Though the exhibition documentation noted that this proposal was being progressed, the need for alternative provision (i.e. mid-block signals) in both the short-term and the long-term, was not well-communicated.

xi) No left turn at Prince St will force traffic onto narrower, quieter streets.

Comment:
Noted and acknowledged as a potential impact. This has been excluded from the revised plan. Further investigation of measures to slow traffic on Prince Street is required.

xii) Cyclists and pedestrians should cross at the existing signals.

Comment:
Key principles of cycleway and pedestrian network planning are directness, legibility and connectivity. Council has adopted ambitious targets for increased mode share to walking and cycling. Attempting to force cyclists and pedestrians to go out of their way will not encourage more riding and will likely be unsuccessful. Further, footpaths on Maud Street are narrow and not designated as shared paths and high traffic volume on Maud Street renders it unsuitable for all but experienced, confident riders.
Several submissions noted concern regarding the placement of the entry treatment at Queen Street, due to limited opportunities (time gaps) to enter and exit to/from Queen Street and the impediment posed by the raised threshold.

Comment:
Noted. Overall, there was support for implementation of a local traffic area and speed reduction. It is proposed that further consultation be undertaken with residents to determine the type and location of devices.