Ordinary Council Meeting

Councillors,

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

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

P Chrystal
Interim Chief Executive Officer

City Administration Centre
282 King Street
NEWCASTLE NSW 2300

11 November 2016

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ITEM-102 CCL 22/11/16 - STREETSAFE NIGHT-TIME OUTREACH PROGRAM

ITEM-103 CCL 22/11/16 - EXHIBITION OF DRAFT AMENDMENT TO NEWCASTLE DEVELOPMENT CONTROL PLAN 2012 - SECTION 7.09 OUTDOOR ADVERTISING AND SIGNAGE

ITEM-104 CCL 22/11/16 - 26 EDITH STREET WARATAH (WRIGHTSON RESERVE) AND RD 20435 - ENDORSEMENT OF PROPOSED AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

NOTICES OF MOTION

NOTE: NOTICES OF MOTION RECEIVED ON THE AFTERNOON PRIOR TO THE EARLY RELEASE DATE OF THE COUNCIL AGENDA ARE TO BE DISTRIBUTED UNDER SEPARATE COVER

CONFIDENTIAL REPORTS

Nil

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

MINUTES - BRIEFING COMMITTEE HELD 10 OCTOBER 2016

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 161010 Briefing Committee Minutes

Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at www.newcastle.nsw.gov.au
Minutes of the Briefing Committee Meeting held in the Council Chambers, 2nd Floor City Hall on Monday 10 October 2016 at 5.32pm

PRESENT
The Lord Mayor (Councillor N Nelmes), Councillors D Clausen D Compton (arrived at 5.44pm), T Crakanthorp, T Doyle, J Dunn, M Osborne, S Posniak, A Robinson, A Rufo, L Tierney and S Waterhouse.

IN ATTENDANCE
F Cordingley (Interim Chief Executive Officer), K Liddell (Acting Director Infrastructure), P Chrystal (Director Planning and Regulatory), F Giordano (Manager Legal and Governance), K Hyland (Manager Communications and Engagement), K Baartz (Communications), P McCarthy (Team Coordinator, Strategic Planning), S Masia (Senior Urban Planner), K Edson (Executive Assistant to Director Planning & Regulatory), A Leach (Council Services/Minutes) and A Knowles (Council Services/Webcasting).

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

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

APOLOGIES

MOTION
Moved by Cr Osborne, seconded by Cr Rufo
The apologies submitted on behalf of Councillor Luke be received and leave of absence granted.
Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Tierney
Councillor Tierney declared a non-significant non-pecuniary interest in the item and said her employer attended and participated in one of the consultation sessions conducted by UrbanGrowth NSW.
BRIEFING COMMITTEE REPORTS

ITEM-1 CCL 27/09/16 - ENDORSEMENT OF PROPOSED AMENDMENT TO LOCAL ENVIRONMENTAL PLAN 2012 - RAIL CORRIDOR LAND BETWEEN WORTH PLACE AND WATT STREET NEWCASTLE

Michael Cassel, Program Director, UrbanGrowth NSW provided a briefing to Council on the community centered engagement conducted by UrbanGrowth NSW in the lead up to the planning proposal.

Patricia McCarthy, Team Coordinator, Strategic Planning and Steven Masia, Senior Urban Planner, Strategic Planning gave a presentation to Council on the points of difference between the Planning Proposal and Council's proposal, proposed building heights and envelopes and the steps involved in the planning proposal process.

Councillors were given the opportunity to ask questions.

Questions related to the formation of an integrated transport plan, remediation costs included in the planning proposal, designs for Civic and Newcastle Stations and fabric of the structures and to what extent restoration would be required.

The meeting concluded at 7.05pm.
RECOMMENDATION

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

ATTACHMENTS

Attachment A: 161010 Public Voice Meeting Minutes

Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at www.newcastle.nsw.gov.au
PRESENT
The Lord Mayor (Councillor N Nelmes), Councillors D Clausen, D Compton, T Crakanthorp (retired at 8.38pm), T Doyle, J Dunn, M Osborne, S Posniak, A Robinson, A Rufo, L Tierney and S Waterhouse.

IN ATTENDANCE
F Cordingley (Interim Chief Executive Officer), K Liddell (Acting Director Infrastructure), P Chrystal (Director Planning and Regulatory), F Giordano (Manager Legal and Governance), K Hyland (Manager Communications and Engagement), P McCarthy (Team Coordinator, Strategic Planning), S Masia (Senior Strategist Urban Planning), K Baartz (Manager Communications), A Leach (Council Services/Minutes) and A Knowles (Council Services/Webcasting).

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

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

APOLOGIES

MOTION
Moved by Cr Osborne, seconded by Cr Compton

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

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Tierney
Councillor Tierney declared a non-significant non-pecuniary interest in the item and said her employer attended and participated in one of the consultation sessions conducted by UrbanGrowth NSW.

PUBLIC VOICE SESSIONS

CCL 27/09/16 - ENDORSEMENT OF PROPOSED AMENDMENT TO LOCAL ENVIRONMENTAL PLAN 2012 - RAIL CORRIDOR LAND BETWEEN WORTH PLACE AND WATT STREET NEWCASTLE
MOTION
Moved by Cr Doyle, seconded by Cr Clausen

Edward Duc from Newcastle NOW, Daniel Wallace, Secretary Trades Hall Council and Scott Dibben, local business owner be permitted to address Council.

Carried

Fred Dumbrell, Patricia Gillard, Professor Howard Dick, Ron Brown, David Stewart, Edward Duc, Daniel Wallace and Scott Dibben gave presentations to Council which opposed amending the Newcastle Local Environmental Plan 2012 for Rail Corridor Land between Worth Place and Watt Street in the Newcastle City Centre.

Andrew Fletcher, Michael Rabbit, Arthur Ryan, Scott Sharpe, Alana Dagwell, and James Thomson gave presentations to Council which supported amending the Newcastle Local Environmental Plan 2012 for Rail Corridor Land between Worth Place and Watt Street in the Newcastle City Centre.

The meeting concluded at 8.53pm.
MINUTES - PUBLIC VOICE COMMITTEE 18 OCTOBER 2016

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 161018 Public Voice Committee Minutes

Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at www.newcastle.nsw.gov.au
PRESENT
The Lord Mayor (Councillor N Nelmes), Councillors D Compton (arrived 5.45pm),

IN ATTENDANCE
F Cordingley (Interim Chief Executive Officer), A Glauser (Acting Director Corporate
Services), P Chrystal (Director Planning and Regulatory), M Blackburn-Smith
(Manager Development and Building), F Giordano (Manager Legal and
Governance), and K Sullivan (Council Services/Minutes/Webcasting).

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

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

APOLOGIES

MOTION
Moved by Cr Luke, seconded by Cr Posniak

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

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Luke
Councillor Luke declared a non pecuniary significant conflict of interest in Item 1 - DA
2014/0296 - 18 Bond Street Newcastle - Erection of Three Storey Dwelling indicating
that the objector was an employee of a financial institution with which he had a
number of dealings.  He stated that he received regular briefings from Mr Kinloch
and would leave the Chamber for the presentation.

Councillor Compton
Councillor Compton declared a non-pecuniary less than significant interest in the
Development Applications process generally.  He indicated that his company was a
selective tenderer for architectural firms that operated in the Newcastle Local
Government area that could be selected to undertake building projects from time to
time.
PUBLIC VOICE SESSIONS

ITEM-1 PV REPORT - DA 2014/0296 - 18 BOND STREET, NEWCASTLE - ERECTION OF THREE STOREY DWELLING

An application has been received seeking consent to erect a three storey dwelling. The proposal was originally notified to neighboring properties for fourteen days in accordance with Council's policy and fifteen public submissions were received.

The application was also notified as "nominated integrated development" for thirty days under the requirements of the EPAA and two submissions were received in response. One Public Voice request was received during the notification period.

Alistair Kinloch addressed Council and outlined various concerns regarding the proposal.

Mr Kinloch concluded that mediation was applied for however the proponents had declined.

Garry Fielding, of City Planner Newcastle addressed the Committee on behalf of the proponents explaining the merits of the development application.

Councillors raised questions on a number of different matters including the dominance of the top floor and what concessions had been made by the proponents to reduce impact on view sharing, rear and side setbacks, building envelope encroachments, privacy screening on the western boundary, open space and heritage input by Council Officers.

In respect of heritage input, the Manager Development and Building advised that the Heritage Council's comments and recommendations would take precedence.

The Lord Mayor referred to DA 2008/115 and the previous subdivision of the land. The Lord Mayor enquired who had been the proponent and the number of lots subdivided.

The Manager Development and Building stated that he would take the question on notice.

ITEM-2 PV REPORT - DA 2015/0540 - 18 NERIGAI CLOSE, ELERMORE VALE - ERECTION OF TWENTY FIVE ATTACHED TWO STOREY DWELLINGS, ASSOCIATED SITE WORKS AND TWENTY SIX LOT STRATA SUBDIVISION

An application has been received seeking consent for the construction of twenty-five (25) two storey townhouses, strata subdivision, tree removal and associated site works.

The proposed development is 'integrated' development and requires approval from Department of Primary Industries (Office of Water), Mine Subsidence Board and NSW Rural Fire Service.
Josie Bailey addressed Council and outlined various concerns regarding the proposal.

Katrina Wark specifically spoke on the ecological survey and other environmental matters.

**ITEM-3 PV REPORT - DA 2016/00159 - 46 KILGOUR AVENUE, MEREWETHER - TWO STOREY DWELLING, ASSOCIATED SWIMMING POOL AND SITE WORKS**

An application has been received seeking consent to erect a two storey dwelling, associated swimming pool and site works.

The original proposal was notified to neighbouring properties for fourteen days in accordance with the provisions of Newcastle DCP 2012 and eight public submissions were received objecting to the proposal. It is noted three submissions were received from the same address. One Public Voice request was received during the notification period.

Samantha Alford addressed Council and outlined various concerns regarding the proposal.

Kevin Hoffman, of Kevin Hoffman and Design and Barney Collins, EJE Architecture, addressed the Committee on behalf of the proponents explaining the merits of the development application.

Councillors raised questions on a number of different matters including obstruction of view from the objector's property, floor to ceiling heights, non-compliance with the covenant over the property, Bather's Way and the constraints of the property.

A site inspection was requested by Councillors.

The meeting concluded at 7.33pm.
MINUTES - BRIEFING COMMITTEE HELD 18 OCTOBER 2016

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 161018 Briefing Committee Minutes

Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at www.newcastle.nsw.gov.au
Minutes of the Briefing Committee Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 18 October 2016 at 7.33pm.

PRESENT

IN ATTENDANCE
F Cordingley (Interim Chief Executive Officer), A Glauser (Acting Director Corporate Services), P Chrystal (Director Planning and Regulatory), F Giordano (Manager Legal and Governance) and K Sullivan (Council Services/Minutes/Webcasting).

APOLOGIES

MOTION
Moved by Cr Rufo, seconded by Cr Robinson

The apologies submitted on behalf of Councillors Clausen, Crakanthorp, Dunn and Osborne and Waterhouse be received and leave of absence granted. Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Luke
Councillor Luke declared a non-pecuniary less than significant conflict of interest in Item 7 - Adoption of 2015/16 Annual Financial statements indicating a family member had a contract to commence employment with PricewaterhouseCoopers (Council's auditor).

Councillor Luke
Councillor Luke declared a less than significant conflict of interest in Item 7 - Adoption of 2015/16 Annual Financial Statements indicating that a family member worked for the company Pitcher and Partners who carried out council audits.

He stated that a member of the public could view the company as a perceived competitor and as Council was receiving a briefing and not appointing an auditor he considered the conflict less than significant. Councillor Luke stated that if a decision was required in the future to appoint an auditor he would leave the Chamber for the discussion.
ITEM-7 18/10/16 BC - ADOPTION OF 2015/16 ANNUAL FINANCIAL STATEMENTS

Council will be reviewing the Annual Financial Statements and Notes to the Accounts for 2015/16, together with the Auditor's Report for adoption at the Ordinary Council Meeting on 25 October 2016.

The briefing on the Annual Financial Statements was presented by Caroline Mara, Partner, PricewaterhouseCoopers (PWC). Ms Mara spoke on the conduct and outcomes of the audit.

The key elements of the report covered:

- The procedures that were followed and based on those procedures PWC formed an opinion the financial reports were presented fairly.
- Council achieved an operating surplus before capital contributions for 2015/16 (as was the cash for 2014/15).
- Council's cash position increased to $312m from $274m and highlighted an increase in the amount of restricted funds.
- Council restrictions now have a broader scope and include funds required for works carried forward.
- It was noted that Council met, and in many instances, significantly exceeded Office of Local Government benchmarks for the performance indicators presented in the PWC report.

The meeting concluded at 7.41pm.
MINUTES - ORDINARY COUNCIL MEETING HELD 25 OCTOBER 2016

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 161025 Ordinary Council Meeting Minutes

Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at www.newcastle.nsw.gov.au
Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street Newcastle on Tuesday 25 October 2016 at 5.33pm.

PRESENT

IN ATTENDANCE
F Cordingley (Interim Chief Executive Officer), G Cousins (Director Corporate Services), K Liddell (Acting Director Infrastructure), P Chrystal (Director Planning and Regulatory), F Giordano (Manager Legal and Governance), A Glauser (Manager Finance), K Baartz (Manager Communications), N Baker (Chief of Staff), A Leach (Council Services/Minutes) and K Sullivan (Council Services/Webcasting).

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

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

APOLOGIES

MOTION
Moved by Cr Osborne, seconded by Cr Posniak

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor T Doyle
Councillor Doyle declared a non-pecuniary less than significant interest in Item 91 CCL 25/10/16 - Land bounded by Mosbri Crescent and Kitchener Parade The Hill - endorsement of amendment to Newcastle Local Environmental Plan 2012 and Development Control Plan 2012 and said that she resided within the vicinity of the land.
Councillor T Crakanthorp
Councillor Crakanthorp declared a non-pecuniary less than significant interest in Item-91 CCL 25/10/16 - Land bounded by Mosbri Crescent and Kitchener Parade The Hill - endorsement of amendment to Newcastle Local Environmental Plan 2012 and Development Control Plan 2012 and said that a close friend and associate resided within the vicinity of the land.

Councillor S Posniak
Councillor Posniak declared a non-pecuniary less than significant interest in Item-91 CCL 25/10/16 - Land bounded by Mosbri Crescent and Kitchener Parade The Hill - endorsement of amendment to Newcastle Local Environmental Plan 2012 and Development Control Plan 2012 and said that a close friend and associate resided within the vicinity of the land.

Councillor N Nelmes
Councillor Nelmes declared a non-pecuniary less than significant interest in Item-91 CCL 25/10/16 - Land bounded by Mosbri Crescent and Kitchener Parade The Hill - endorsement of amendment to Newcastle Local Environmental Plan 2012 and Development Control Plan 2012 and said that a former Councillor and associate resided within the vicinity of the land.

Councillor B Luke
Councillor Luke declared a non-pecuniary less than significant conflict of interest in Item-86 CCL 25/10/16 - Adoption of 2015/16 Annual financial statements and said a family member had a contract to work with Council’s auditor PriceWaterhouseCoopers next year. He further said that another family member worked for Pitcher and Partners who conduct council audits. Councillor Luke stated that if a decision was required in the future to appoint an auditor he would leave the Chamber for the discussion.

Councillor B Luke
Councillor Luke declared a non-pecuniary less than significant conflict of interest in Item-87 Executive Monthly Performance Report as Council may invest with businesses he is associated with. Councillor Luke said the interest was less than significant as the report to Council was to be received and he was not involved in any decision making processes.
CONFIRMATION OF PREVIOUS MINUTES

MINUTES OF DEVELOPMENT APPLICATIONS COMMITTEE 20 SEPTEMBER 2016
MINUTES OF ORDINARY COUNCIL MEETING HELD 27 SEPTEMBER 2016
MINUTES OF EXTRAORDINARY COUNCIL MEETING 13 OCTOBER 2016

MOTION
Moved by Cr Crakanthorp, seconded by Cr Doyle

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

LORD MAYORAL MINUTE

ITEM-8 LMM 25/10/16 - THANKING COUNCILLOR CRAKANTHORP - END OF TERM ACKNOWLEDGMENT

MOTION
Moved by Cr Nelmes,

That Council:

Recognise and thank Councillor Tim Crakanthorp for his contribution to the City of Newcastle during his term from 2008 to 2016. Carried

REPORTS BY COUNCIL OFFICERS

ITEM-86 CCL 25/10/16 - ADOPTION OF 2015/16 ANNUAL FINANCIAL STATEMENTS

MOTION
Moved by Cr Doyle, seconded by Cr Posniak

Council receives and adopts Council’s Financial Statements and accompanying notes, in respect of the year ended 30 June 2016, together with the Auditor’s Report (Attachment A). Carried

ITEM-87 CCL 25/10/16 - EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION
Moved by Cr Osborne, seconded by Cr Dunn

The report be received. Carried

ITEM-88 CCL 25/10/16 - TABLING OF PECUNIARY INTEREST RETURNS
MOTION
Moved by Cr Osborne, seconded by Cr Rufo

Note the tabling of the register of pecuniary interest returns (for the period 1 July 2015 to 30 June 2016) by the Interim Chief Executive Officer in accordance with s. 450A of the Local Government Act 1993 (NSW).

Carried

ITEM-89 CCL 25/10/16 - ADOPTION OF YOUNG STREET CARRINGTON RECONSTRUCTION PLANS

MOTION
Moved by Cr Luke, seconded by Cr Posniak

Council endorse design option number two for the Young Street Carrington local centre (Attachment A Final Plan).

Council endorse the provision of angle parking on one side of Young Street Carrington, between Victoria Street and the threshold north of Hargrave Street, in conjunction with on-road cycle lanes (Attachment B).

PROCEDURAL MOTION
Moved by Cr Doyle

The item lay on the table until the plans for the bike lane north of Victoria Street have been finalised pending resolution of the bike lane through discussion with the Engineers associated with Council's cycling plan.

Defeated

PROCEDURAL MOTION
Moved by Cr Osborne

The item lay on the table until Council receives feedback from local residents regarding the design.

Defeated

The motion moved by Councillors Luke and Posniak was put to the meeting.

Carried

Crs Doyle and Osborne requested their names be recorded as voting against the motion.
ITEM-90  CCL 25/10/16 - THE NEWCASTLE SAFE CITY PLAN 2017-2020

MOTION
Moved by Cr Osborne, seconded by Cr Doyle

Council resolves to:

i) Place the draft Newcastle Safe City Plan as provided in Attachment A on public exhibition for a period of 4 weeks.

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

Carried

ITEM-91  CCL 25/10/16 - LAND BOUNDED BY MOSBRI CRESCENT AND KITCHENER PARADE THE HILL - ENDORSEMENT OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012 AND DEVELOPMENT CONTROL PLAN 2012

MOTION
Moved by Cr Luke, seconded by Cr Waterhouse

1 Council resolves to:

i) Endorse the attached Planning Proposal (Attachment A), prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend Newcastle LEP 2012 to enable medium density residential development on the following land bounded by Mosbri Crescent and Kitchener Parade, The Hill:

   a) SP6373, SP3058, Lots 10, 12, 13 DP 216346 and Lot 1 DP204077, Nos 1 - 17 Mosbri Crescent, and

   b) Lot 8 DP216346, SP19610 and Lot 62 DP522440, Nos. 31, 37 and 41 Kitchener Parade, The Hill.

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

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

iv) Consult with the community and relevant government agencies as instructed by the gateway determination.

v) Place the draft Section 6.14 - 11 Mosbri Crescent, The Hill to the Newcastle Development Control Plan 2012, as provided in Attachment B, on public exhibition for a minimum period of 28 days, concurrently with the Planning Proposal.
vi) Receive a report back on the Planning Proposal and draft Development Control Plan guidelines as per the requirements of Section 57 of the EP&A Act.

PROCEDURAL MOTION  
Moved by Cr Osborne, seconded by Cr Doyle

Item lay on the table pending a Councillor workshop with Council officers.

For the Motion: Lord Mayor Councillor Nelmes and Councillors Crakanthorp, Doyle, Dunn, Osborne and Posniak


Carried

ITEM-92  CCL 25/10/16 - APPOINTMENT OF REPLACEMENT INTERIM CHIEF EXECUTIVE OFFICER

MOTION  
Moved by Cr Dunn, seconded by Cr Doyle

PART A

Council:
1 Approves the appointment of Director Peter Chrystal as Interim Chief Executive Officer (ICEO) of Council, together with all delegations accorded to that role pursuant to the Instrument of Delegation to the CEO dated 8 December 2015, to succeed Mr Frank Cordingley in that role, with effect from Thursday, 27 October 2016 for a temporary period of up to 12 months.

2 Notes that, in accordance with the requirements of section 351(2) of the Local Government Act (the Act), Mr Cordingley’s contract cannot be extended beyond the initial temporary period of 12 months; and

3 Approves the appointment of Director Peter Chrystal as ICEO on exactly the same terms and conditions (consistent with those of the DLG Standard Contract of Employment for General Managers of Local Councils in New South Wales) and on the same remuneration applicable to Mr Cordingley’s contract of employment for the ICEO role, noting that, unless the term of appointment of internal Director - Peter Chrystal as ICEO subsequently needs to be the subject of an extension, that Peter Chrystal will ultimately return to his current substantive role as Director, Planning & Regulatory immediately after the expiration of his temporary contract of employment as ICEO.
4 Adopts the recommendation as at Paragraphs 1 - 3 as a short term measure to enable the establishment of an Interim CEO Recruitment Panel for the purposes of running a merit selection process for an Interim CEO, including exploring the external market. The purpose would be to appoint an Interim CEO for up to 12 months.

5 Appoints a recruitment panel tonight and that panel to meet no later than Friday 4 November 2016.

Councillor Luke gave notice of a foreshadowed motion that being the officer's recommendation with the insertion of Director Peter Chrystal's name in the square brackets.

Councillor Osborne requested the mover and seconder include a Part B to the motion thanking the ICEO for their service to Council and to the City of Newcastle. The mover and seconder accepted the addition to the motion. The motion became:

**PART A**

Council:

1 Approves the appointment of Director Peter Chrystal as Interim Chief Executive Officer (ICEO) of Council, together with all delegations accorded to that role pursuant to the Instrument of Delegation to the CEO dated 8 December 2015, to succeed Mr Frank Cordingley in that role, with effect from Thursday, 27 October 2016 for a temporary period of up to 12 months.

2 Notes that, in accordance with the requirements of section 351(2) of the Local Government Act (the Act), Mr Cordingley's contract cannot be extended beyond the initial temporary period of 12 months; and

3 Approves the appointment of Director Peter Chrystal as ICEO on exactly the same terms and conditions (consistent with those of the DLG Standard Contract of Employment for General Managers of Local Councils in New South Wales) and on the same remuneration applicable to Mr Cordingley's contract of employment for the ICEO role, noting that, unless the term of appointment of internal Director - Peter Chrystal as ICEO subsequently needs to be the subject of an extension, that Peter Chrystal will ultimately return to his current substantive role as Director, Planning & Regulatory immediately after the expiration of his temporary contract of employment as ICEO.

4 Adopts the recommendation as at Paragraphs 1 - 3 as a short term measure to enable the establishment of an Interim CEO Recruitment Panel for the purposes of running a merit selection process for an Interim CEO, including exploring the external market. The purpose would be to appoint an Interim CEO for up to 12 months.

5 Appoints a recruitment panel tonight and that panel to meet no later than Friday 4 November 2016.
PART B

Council thanks the Interim Chief Executive Officer, Mr Frank Cordingley, for his service to Council and to the City of Newcastle.

PROCEDURAL MOTION
Moved by Cr Waterhouse, seconded by Cr Luke

Vote parts A and B in seriatim.

Carried

MOTION
Moved by Cr Dunn, seconded by Cr Doyle

PART A

Council:
1 Approves the appointment of Director Chrystal as Interim Chief Executive Officer (ICEO) of Council, together with all delegations accorded to that role pursuant to the Instrument of Delegation to the CEO dated 8 December 2015, to succeed Mr Frank Cordingley in that role, with effect from Thursday, 27 October 2016 for a temporary period of up to 12 months.

2 Notes that, in accordance with the requirements of section 351(2) of the Local Government Act (the Act), Mr Cordingley's contract cannot be extended beyond the initial temporary period of 12 months;

3 Approves the appointment of Director Peter Chrystal as ICEO on exactly the same terms and conditions (consistent with those of the DLG Standard Contract of Employment for General Managers of Local Councils in New South Wales) and on the same remuneration applicable to Mr Cordingley's contract of employment for the ICEO role, noting that, unless the term of appointment of internal Director - Peter Chrystal as ICEO subsequently needs to be the subject of an extension, that Peter Chrystal will ultimately return to his current substantive role as Director, Planning and Regulatory, immediately after the expiration of his temporary contract of employment as ICEO.

4 Adopts the recommendation as at Paragraphs 1 - 3 as a short term measure to enable the establishment of an Interim CEO Recruitment Panel for the purposes of running a merit selection process for an Interim CEO, including exploring the external market. The purpose would be to appoint an Interim CEO for up to 12 months; and

5 Appoints an ICEO Recruitment Panel tonight and that Panel is to meet no later than Friday 4 November 2016.
For the Motion: Lord Mayor, Councillor Nelmes and Councillors Crakanthorp, Doyle, Dunn, Osborne, Posniak


Carried

The Lord Mayor exercised her casting vote and declared the motion carried

MOTION
Moved by Cr Dunn, seconded by Cr Doyle

Part B

Council thank the Interim Chief Executive Officer, Mr Frank Cordingley for his service to Council and to the City of Newcastle.

Carried

Councillor Doyle nominated the Lord Mayor, Councillor Nelmes and Councillors Osborne and Compton to make up the recruitment panel.

Councillor Compton declined the nominations due to work commitments.

Councillor Luke nominated Councillor Rufo who accepted the nomination.

MOTION
Moved by Cr Dunn, seconded by Cr Doyle

PART C

Council appoints the Lord Mayor, Councillor Nelmes and Councillors Osborne and Rufo as the three members of the ICEO Recruitment Panel.

Carried

The meeting concluded at 6.39pm
REPORTS BY COUNCIL OFFICERS

ITEM-93  CCL 22/11/16 - 2015/16 ANNUAL REPORT

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

PURPOSE

In accordance with the provisions of section 428 of the Local Government Act 1993 (Act) and clause 217 of the Local Government (General) Regulation 2005 (Regulation), Council's 2015/16 Annual Report is submitted for consideration by Council.

RECOMMENDATION

1 That Council receives Newcastle City Council's 2015/16 Annual Report in respect of the year ended 30 June 2016 and notes that it will be submitted to the NSW Minister for Local Government by 30 November 2016.

KEY ISSUES

2 In order to comply with s. 428 of the Local Government Act 1993 and clause 217 of the Local Government (General) Regulation 2005, Council is required to complete the preparation of its Annual Report by 30 November 2016, provide a copy to the Minister for Local Government and place a copy on the Council’s website. In addition, the Annual Report is required to report Council's achievement in implementing its Delivery Program and the effectiveness of the principal activities undertaken.

FINANCIAL IMPACT

3 A budget of $2,000 was identified in the 2015/16 Operational Plan for the production of the document and it is expected that the actual costs of preparing Council's Annual Report will remain within budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

4 Newcastle City Council's 2015/16 Annual Report documents Council’s performance against the seven strategic directions outlined within the Newcastle 2030 Community Strategic Plan.

IMPLEMENTATION PLAN/IMPLICATIONS

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

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

RELATED PREVIOUS DECISIONS


8 Adoption of the audited 2015/16 Annual Financial Statements at the Ordinary Council Meeting held on 25 October 2016.

9 Adoption of the Council's End of Term Report at the Ordinary Council Meeting held on 23 August 2016.

CONSULTATION

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

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

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

OPTIONS

Option 1

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

Option 2

14 Council resolves not to receive the 2015/16 Annual Report. This is not the recommended option.

BACKGROUND

15 Newcastle City Council's 2015/16 Annual Report has been prepared in accordance with the relevant legislation and documents Council's achievements against the strategic objectives and performance measures outlined in the 2013-2017 Delivery Program and 2015/16 Operational Plan, as required by the Act.
16 The Annual Report addresses the seven key focus areas identified in the Newcastle 2030 Community Strategic Plan: Connected City, Protected and Enhanced Environment, Vibrant and Activated Public Places, Caring and Inclusive Community, Liveable and Distinctive Built Environment, Smart and Innovative City and Open and Collaborative Leadership.

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

18 Council's audited Financial Statements for the year ended 30 June 2016 will be submitted as an attachment with the 2015/16 Annual Report to the Minister for Local Government.

REFERENCES

ATTACHMENTS

Attachment A: Newcastle City Council’s 2015/16 Annual Report Distributed under separate cover
ITEM-94 CCL 22/11/16 - EXECUTIVE MONTHLY PERFORMANCE REPORT - OCTOBER 2016

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

PURPOSE

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

a) Monthly financial position and year to date (YTD) performance against the 2016/17 Operational Plan as at the end of October 2016.

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

RECOMMENDATION

1 The report be received.

KEY ISSUES

2 At the end of October 2016 the consolidated YTD actual operating position is a surplus of $4.1m which represents a positive variance of $1.7m against the budgeted YTD surplus of $2.5m. This budget variance is due to a combination of income and expenditure variances which are detailed in Attachment A. The full year adopted budget for 2016/17 is an operating surplus of $5.4m.

3 The October YTD position includes $3.9m of revenue items which are either one-off or cannot be applied to meet operational expenditure ($1.8m SRV revenue, $0.9m consolidation of Newcastle Airport result, $0.7m stormwater management service charge, $0.5m local road grants which fund capital works). When these items are removed Council’s sustainable underlying operating position at the end of October is a surplus of $0.3m.

4 The net funds generated as at the end of October 2016 is a surplus of $1.5m (after capital revenues, expenditure and loan principal repayments). This is a negative variance to the YTD adopted budget of $2.8m. This is primarily due to higher than budgeted project expenditure (both capital and operational expenditures) as Council's work program delivers ahead of budget.
### FINANCIAL IMPACT

5 The variance between YTD adopted budget and YTD actual results at the end of October 2016 is provided in the Executive Monthly Performance Report (Attachment A). Key elements are:

<table>
<thead>
<tr>
<th>Full Year</th>
<th>YTD Adopted Budget</th>
<th>YTD Actual Result</th>
<th>Variance</th>
<th>Variance %</th>
<th>Financial Impact</th>
<th>Commitments $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td></td>
<td>+ve / -ve</td>
<td></td>
</tr>
<tr>
<td>246,494 Total Operating Revenue</td>
<td>82,557</td>
<td>83,010</td>
<td>453</td>
<td>1%</td>
<td>+</td>
<td></td>
</tr>
<tr>
<td>241,076 Total Operating Expenses</td>
<td>80,067</td>
<td>78,866</td>
<td>(1,201)</td>
<td>-2%</td>
<td>+</td>
<td>4,702</td>
</tr>
<tr>
<td>5,418 Operating Expenditure</td>
<td>2,490</td>
<td>4,144</td>
<td>1,654</td>
<td>66%</td>
<td>+</td>
<td></td>
</tr>
<tr>
<td>14,321 Total Capital Raising revenue</td>
<td>4,774</td>
<td>3,292</td>
<td>(1,482)</td>
<td>-31%</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>39,248 Add Back Non Cash Items</td>
<td>12,878</td>
<td>13,101</td>
<td>223</td>
<td>+</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funding available for capital</td>
<td>60,833</td>
<td>20,756</td>
<td>21,472</td>
<td>3%</td>
<td>+</td>
<td>-</td>
</tr>
<tr>
<td>64,352 Total capital spend</td>
<td>17,078</td>
<td>19,128</td>
<td>2,050</td>
<td>12%</td>
<td>-</td>
<td>28,846</td>
</tr>
<tr>
<td>2,600 Loan Principal Repayment</td>
<td>867</td>
<td>867</td>
<td>0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(6,119) Net Funds Generated / (Used)</td>
<td>2,812</td>
<td>1,477</td>
<td>(1,335)</td>
<td>-47%</td>
<td>-</td>
<td>33,548</td>
</tr>
</tbody>
</table>

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

   **i Interest on investments – increase of $0.6m**
   Interest Income exceeded budget due to total portfolio holdings being greater than anticipated and interest rate higher than forecast.

   **ii Employee costs – decrease of $1m**
   Lower than forecast staff costs due to timing of the project program ($0.2m), the timing of training courses ($0.4m) and general vacancies.

   **iii Materials & contracts – decrease of $1.5m**
   Lower than forecast operational costs due to the scheduling of project work in Strategic Planning ($0.6m), Cultural Facilities ($0.3m) and IT ($0.4m).

7 Lower than previously budgeted expenditure related to Transport for NSW contracts due to a lower volume of orders placed ($0.3m). The lower cost is offset by lower income ($0.6m).

8 The infrastructure works program generated higher than anticipated material expenditure due to the mix of contractors and internal staff working on operational projects. The additional material expenditure was partially offset by lower salaries as internal staff were capitalised.

9 **Factors adversely impacting Financial Position**

   **i User charges & fees – decrease of $0.3m**
   Lower than previously budgeted income related to Transport for NSW contracts due to a lower volume of orders placed ($0.6m). The lower income is partially offset by lower material expenditure ($0.3m).

   **ii Depreciation – increase of $0.2m**
   As reported in the 2015/16 financial statements, changes to useful lives and the estimated cost base of other structures identified in the recent asset revaluation has resulted in a higher depreciation charges than were originally budgeted for FY 2016/17.

   **iii Other operating expenses – increase of $0.7m**
   Expenditure on the NSW State Waste Levy is higher than anticipated due to soil that has been accepted at the Summerhill Waste Management Centre (SWMC) site ($0.9m). This is a timing variance and Council will receive a credit as the soil is expected to be taken off-site under a contract to supply Maitland waste centre with capping soil.

   **iv Net loss on disposal of assets – increase of $0.3m**
   The residual book value of an asset is written off (disposed) when the asset is renewed. The level of asset disposal becomes clearer as detailed planning of projects progresses and works commence. The forecast loss on disposal will become more accurate as the year progresses, however at this stage of the year the asset renewal program is generating a higher than budgeted level of asset write-off expense.
10 At the end of October commitments raised against operating expenses totalled $4.7m. The commitments represent both the work currently being undertaken and awaiting invoice as well as the work planned for the future.

11 The month of October returned an operating surplus of $0.6m which is in line with the adopted budget. The main variances were lower income through SWMC and Transport for NSW contracts which was offset by higher than budgeted interest income.

$,000s

Trend in monthly operating position 2016/17
Council’s total capital revenue at the end of October is below the YTD adopted budget by $1.5m. The variance is largely related to timing as it is hard to predict when they will be received. The full year budget is still expected to be met.

Council’s total capital spend at the end of October is $19.1m. This result is $2.1m above the YTD adopted budget. The total works spend inclusive of operational and capital expenditure is $24.1m at the end of October compared with an adopted budget of $23.4m.

At the end of October, commitments raised against capital work totaled $28.8m. The commitments represent both the work currently being undertaken and awaiting invoice as well as the work planned for the future. Major commitments include:

i **Building renewal – $5.5m**

Commitments include $3.4m in relation to works on the southern façade of City Hall and $0.3m for the War Memorial Cultural Centre.
ii **Environmental asset renewal – $7m**
Commitments include $2.6m for completion of a sea wall at South Newcastle, $1.9m for the Stockton seawall, $0.7m for the Merewether sea wall and $1.4m of work planned on Council's stormwater management systems.

iii **Waste Projects – $10.5m**
Commitments include the contract to design and construct the next waste cell (cell 9) required at SWMC ($9.6m).

15 Council’s temporary surplus funds are invested consistent with Council’s Investment Policy, Investment Strategy, the Act and Regulations. Details of all Council funds invested under s. 625 of the Act are provided in the Investment Policy and Strategy Compliance Report (section 4 of Attachment A).

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

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

**IMPLEMENTATION PLAN/IMPLICATIONS**

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

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

ii) Council’s Investment Policy and Strategy, and

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

**RISK ASSESSMENT AND MITIGATION**

18 No additional risk mitigation has been identified this month.

**RELATED PREVIOUS DECISIONS**

19 Council resolved to receive a report containing Council’s financial performance on a monthly basis.
20 At the Ordinary Council Meeting held on 26 April 2016 Council resolved the following:

The report be received with the addition of a compliance report on Council’s adopted clauses on ethical and social responsibility set out in Council’s Investment Policy to be included under the section “Investment Policy Compliance Report”.

21 The Investment Policy Compliance Report included in the Executive Monthly Performance Report has been amended to include a specific confirmation in regard to compliance with part E of the Investment Policy.

CONSULTATION

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

OPTIONS

Option 1

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

Option 2

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

BACKGROUND

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

REFERENCES

ATTACHMENTS

Distributed under separate cover
ITEM-95 CCL 22/11/16 - QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2016

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

PURPOSE

To provide Council with the Quarterly Budget Review Statement as at 30 September 2016, in accordance with clause 203 of the Local Government (General) Regulation 2005.

RECOMMENDATION

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

KEY ISSUES

2. The September Quarterly Budget Review Statement includes adjustments required to the budget to reflect trends identified in the actual operating performance for the first quarter of the 2016/17 financial year. Operational budget variations totaling $0.8m have been identified within the September Quarterly Budget Review Statement. These changes will result in a decrease in Council's budgeted annual operating surplus from $5.4m to $4.6m for the year ended 30 June 2016.

3. The net funds budgeted to be used in the financial year 2016/17 has been decreased by $0.6m to $5.5m as the main operational variances are of a non-cash nature and do not impact Council's ability to fund works.
The analysis below will focus exclusively on the financial impact of budget changes recommended in the September Quarterly Budget Review Statement in regard to operational revenue and expenditure. Key elements of the forecast include:

<table>
<thead>
<tr>
<th></th>
<th>2016/17 Adopted Budget $'000</th>
<th>Recommended September 2016 $'000</th>
<th>Projected year end result $'000</th>
<th>Actual YTD $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Operating Revenue</td>
<td>246,494</td>
<td>(221)</td>
<td>246,273</td>
<td>61,314</td>
</tr>
<tr>
<td>Total Operating Expenses</td>
<td>241,076</td>
<td>550</td>
<td>241,626</td>
<td>57,580</td>
</tr>
<tr>
<td>Total Operating Revenue Less</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Expenditure</td>
<td>5,418</td>
<td>(771)</td>
<td>4,647</td>
<td>3,734</td>
</tr>
<tr>
<td>Total Capital Raising revenue</td>
<td>14,321</td>
<td>367</td>
<td>14,688</td>
<td>2,950</td>
</tr>
<tr>
<td>Add Back Non Cash Items</td>
<td>41,094</td>
<td>1,468</td>
<td>42,562</td>
<td>10,274</td>
</tr>
<tr>
<td><strong>Funding available for capital expenditure</strong></td>
<td><strong>60,833</strong></td>
<td><strong>1,064</strong></td>
<td><strong>61,897</strong></td>
<td><strong>16,958</strong></td>
</tr>
<tr>
<td>Total capital spend</td>
<td>64,352</td>
<td>470</td>
<td>64,822</td>
<td>13,249</td>
</tr>
<tr>
<td>Loan Principal Repayment</td>
<td>2,600</td>
<td>2,600</td>
<td>2,600</td>
<td>650</td>
</tr>
<tr>
<td><strong>Net Funds Generated / (Used)</strong></td>
<td><strong>(6,119)</strong></td>
<td>594</td>
<td><strong>(5,525)</strong></td>
<td><strong>3,059</strong></td>
</tr>
</tbody>
</table>

FINANCIAL IMPACT
Factors favourably impacting Financial Position

i  **Interest on investments – increase of $0.6m**
Interest Income is forecast to exceed budget due to total portfolio holdings being greater than anticipated.

ii  **Materials & contracts – decrease of $0.8m**
Expenditure related to Transport for NSW contracts is forecast to be $0.8m lower than previously budgeted due to a lower volume of orders placed. This is offset by lower income ($1m).

iii  **Other operating expenses – decrease of $0.2m**
There is forecast savings to expenditure on insurance and electricity.

Factors adversely impacting Financial Position

i  **Grants & contributions – decrease of $0.8m**
The general component of the Federal Financial Assistance Grant received is $0.8m lower than previously budgeted. The State Government's freeze on the total grant program across all councils was reflected in the 2016/17 Adopted Budget. However the distribution of grants across the state is based on population demographic models and Newcastle Council's share of the grant was lower than originally expected.
ii **Depreciation – increase of $0.7m**

The 2016/17 depreciation expense is forecast to be higher than previously budgeted due to changes to useful lives and the estimated cost base of other structures identified in the recent asset revaluation, which was completed after the 2016/17 budget had been adopted.

iii **Net loss from disposal of assets – increase of $0.8m**

The value remaining on an asset is written off (disposed) when the asset is renewed. It is forecast that the 2016/17 asset renewal program will generate an additional $0.8m of asset write off expense than budgeted. The level of asset disposal becomes clearer as detailed planning of projects is undertaken or works commence and the forecasted loss on disposal will become more accurate as the year progresses.

<table>
<thead>
<tr>
<th></th>
<th>2016/17 Adopted Budget</th>
<th>Recommended September 2016</th>
<th>Projected year end result</th>
<th>Actual YTD</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Capital Revenues</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants &amp; contributions - Capital</td>
<td>11,821</td>
<td>367</td>
<td>12,188</td>
<td>2,707</td>
</tr>
<tr>
<td>Proceeds from the sale of Assets</td>
<td>2,500</td>
<td>2,500</td>
<td>243</td>
<td></td>
</tr>
<tr>
<td>Total Capital Raising revenue</td>
<td>14,321</td>
<td>367</td>
<td>14,688</td>
<td>2,950</td>
</tr>
<tr>
<td><strong>Net Surplus/(deficit) after capital revenue</strong></td>
<td><strong>19,739</strong></td>
<td><strong>(404)</strong></td>
<td><strong>19,335</strong></td>
<td><strong>6,684</strong></td>
</tr>
<tr>
<td><strong>Adjustments for Non Cash Items</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Add back Depreciation</td>
<td>40,776</td>
<td>668</td>
<td>41,444</td>
<td>10,193</td>
</tr>
<tr>
<td>Add back loss on Disposal</td>
<td>1,846</td>
<td>800</td>
<td>2,646</td>
<td>463</td>
</tr>
<tr>
<td>Less land &amp; infrastructure donations</td>
<td>(1,528)</td>
<td>(1,528)</td>
<td>(382)</td>
<td></td>
</tr>
<tr>
<td><strong>Funding available for capital expenditure</strong></td>
<td><strong>60,833</strong></td>
<td><strong>1,064</strong></td>
<td><strong>61,897</strong></td>
<td><strong>16,958</strong></td>
</tr>
<tr>
<td><strong>Capital Expenses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asset renewals</td>
<td>28,688</td>
<td>6,182</td>
<td>34,870</td>
<td>7,006</td>
</tr>
<tr>
<td>2012 SRV Priority Projects</td>
<td>7,410</td>
<td>(2,237)</td>
<td>5,173</td>
<td>1,615</td>
</tr>
<tr>
<td>New / upgrade</td>
<td>16,739</td>
<td>(3,086)</td>
<td>13,653</td>
<td>3,615</td>
</tr>
<tr>
<td>Non-Infrastructure Projects</td>
<td>11,515</td>
<td>(389)</td>
<td>11,126</td>
<td>1,013</td>
</tr>
<tr>
<td>Total capital spend</td>
<td>64,352</td>
<td>470</td>
<td>64,822</td>
<td>13,249</td>
</tr>
<tr>
<td>Loan Principal Repayment</td>
<td>2,600</td>
<td></td>
<td>2,600</td>
<td>650</td>
</tr>
<tr>
<td><strong>Net Funds Generated / (Used)</strong></td>
<td><strong>(6,119)</strong></td>
<td><strong>594</strong></td>
<td><strong>(5,525)</strong></td>
<td><strong>3,059</strong></td>
</tr>
</tbody>
</table>

7 **Factors impacting the capital program**

i **Grants & contributions – increase of $0.4m**

It is forecast that Council will receive an additional $0.3m of grants to support our parks in the 2016/17 financial year which was not previously budgeted.
ii **Total capital expenditure – increase of $0.5m**

The 2016/17 Capital Works Program has been reviewed to align with priorities that arose during the quarter and Council's capacity to deliver works. The revised program is in line with the strategic direction of increasing asset renewal to sustainable levels and addressing the infrastructure backlog with forecast spending on the renewal program increasing substantially for 2016/17.

8 The total program has remained in line with the Adopted Budget however the rescheduling of individual projects has resulted in a minor increase in forecast capital expenditure ($0.5m) offset by an equivalent reduction in operational costs.

9 Detailed breakdown of the budget adjustments are provided in Attachment A and summary of key movements in the 2016/17 works program is provided below.
### Works program summary

**Result for the financial period ending 30 September, 2016**

<table>
<thead>
<tr>
<th>Adopted 2016/17 Works Program Budget $,000</th>
<th>Works Program</th>
<th>Represented by</th>
<th>Recommended September 2016 QBRS $,000</th>
<th>Projected year end result 2016/17 $,000</th>
<th>Actual YTD $,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>40,205</td>
<td>Asset Renewal</td>
<td>6,537</td>
<td>46,742</td>
<td>9,421</td>
<td></td>
</tr>
<tr>
<td>13,994</td>
<td>Non - Infrastructure Projects</td>
<td>(60)</td>
<td>13,934</td>
<td>2,061</td>
<td></td>
</tr>
<tr>
<td>17,916</td>
<td>New Assets</td>
<td>(2,728)</td>
<td>15,188</td>
<td>4,650</td>
<td></td>
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<tr>
<td>9,893</td>
<td>Special Rate Variation Projects</td>
<td>(3,761)</td>
<td>6,132</td>
<td>1,985</td>
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<tr>
<td>82,008</td>
<td>Total Works Program</td>
<td>(12)</td>
<td>81,996</td>
<td>18,117</td>
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<tr>
<td>13,600</td>
<td>Asset Renewal</td>
<td>-</td>
<td></td>
<td></td>
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<tr>
<td>13,699</td>
<td>Building and Structures</td>
<td>(1,597)</td>
<td>12,003</td>
<td>2,928</td>
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<tr>
<td>12,906</td>
<td>City Roads</td>
<td>2,680</td>
<td>16,379</td>
<td>3,038</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Environment</td>
<td>5,454</td>
<td>18,360</td>
<td>3,455</td>
<td></td>
</tr>
<tr>
<td>40,205</td>
<td>Total Asset Renewal</td>
<td>6,537</td>
<td>46,742</td>
<td>9,421</td>
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<tr>
<td>8,798</td>
<td>Non - Infrastructure Projects</td>
<td>-</td>
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<tr>
<td>2,320</td>
<td>Fleet Replacement</td>
<td>-</td>
<td>8,798</td>
<td>457</td>
<td></td>
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<tr>
<td>1,749</td>
<td>IT</td>
<td>2,320</td>
<td>748</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1,127</td>
<td>Strategic</td>
<td>1,749</td>
<td>541</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minor Capital</td>
<td>(60)</td>
<td>1,067</td>
<td>315</td>
<td></td>
</tr>
<tr>
<td>13,994</td>
<td>Total Non - Infrastructure</td>
<td>(60)</td>
<td>13,934</td>
<td>2,061</td>
<td></td>
</tr>
<tr>
<td>3,901</td>
<td>Built Infrastructure</td>
<td>1,652</td>
<td>5,553</td>
<td>1,654</td>
<td></td>
</tr>
<tr>
<td>14,015</td>
<td>Waste</td>
<td>(4,380)</td>
<td>9,635</td>
<td>2,996</td>
<td></td>
</tr>
<tr>
<td>17,916</td>
<td>Total New Assets</td>
<td>(2,728)</td>
<td>15,188</td>
<td>4,650</td>
<td></td>
</tr>
<tr>
<td>993</td>
<td>Hunter St Revitalisation</td>
<td>(231)</td>
<td>762</td>
<td>259</td>
<td></td>
</tr>
<tr>
<td>4,025</td>
<td>Coastal Revitalisation</td>
<td>(1,273)</td>
<td>2,752</td>
<td>812</td>
<td></td>
</tr>
<tr>
<td>4,375</td>
<td>Cycleways</td>
<td>(2,046)</td>
<td>2,329</td>
<td>836</td>
<td></td>
</tr>
<tr>
<td>500</td>
<td>Blackbutt</td>
<td>(211)</td>
<td>289</td>
<td>78</td>
<td></td>
</tr>
<tr>
<td>9,893</td>
<td>Total 2012 SRV - Priority Projects</td>
<td>(3,761)</td>
<td>6,132</td>
<td>1,985</td>
<td></td>
</tr>
</tbody>
</table>

Note: The Budget above is inclusive of operational and capital works

9. **Project funding requirements**
   
   i. **City roads – increase of $2.7m**
   
   Additional resources have been allocated to the roads program to deliver works supporting emerging priorities including the Wickham Transport Interchange ($1.5m) and the inner city road network.
ii Environment – increase of $5.4m
The 2016/17 program has been increased to include required work on Newcastle's seawalls at Stockton ($2.5m), South Newcastle ($1.8m) and Merewether ($1.5m).

iii Built Infrastructure – increase of $1.7m
The 2016/17 program has been increased to include priority work on road improvements at Minmi Road ($0.6m) and Durham Road traffic signals ($0.5m).

iv Waste – decrease of $4.4m
The works program at the Summerhill Waste Management Centre has been reduced as projects scheduled for delivery in the financial year 2016/17 have been rescheduled to start later with expenditure to fall in later years. The main project change is the design and construction of landfill cell 9 which has had $1.5m rescheduled to 2017/18 with the remaining $7.6m still expected to be delivered this year.

v 2012 SRV - Priority projects – decrease of $3.8m
The works program has been reduced as resources have been reallocated to other key projects in asset renewal including new work on the Scholey Street Rail Bridge. The Coastal Revitalisation program was reduced by $1.3m as segments of Bathers Way were rescheduled to 2017/18. In addition, work valued at $1.4m on the Broadmeadow to Newcastle cycleway that was planned for delivery in 2016/17 has been delayed as changes to design are implemented with delivery now expected in a future year.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

IMPLEMENTATION PLAN/IMPLICATIONS

11 The adoption of the recommendation will enable ongoing implementation of Council’s adopted 2013-17 Delivery Program and 2016/17 Operational Plan in a cost effective and efficient manner. If the recommended budget adjustments are not approved it will significantly impact on the Council's ability to undertake the projects outlined in the 2016/17 works program (as adjusted in the September Quarterly Review Statement) and will ultimately impact on the organisation's ability to meet the current and future years Operational Plans.
RISK ASSESSMENT AND MITIGATION

12 Adoption by 22 November 2016 will meet legislative obligations to submit a Quarterly Budget Review Statement to Council within two months of the end of each quarter.

RELATED PREVIOUS DECISIONS

13 Adoption of the 2013-17 Delivery Program and 2016/17 Operational Plan on 28 June 2016.

CONSULTATION

14 A workshop was conducted with Council on 15 November 2016 to provide detailed information to Councillors for review and a forum for Councillors to ask questions.

OPTIONS

Option 1

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

Option 2

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

BACKGROUND

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

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

REFERENCES

ATTACHMENTS

Attachment A Quarterl y Budget Review Statement – September 2016
Distributed under separate cover
PURPOSE

The purpose of this report is to seek Council approval to apply to the Minister for Local Government requesting that the casual vacancy in the office of the Ward 2 Councillor created by the expiration of the term of office for Cr Crakanthorp not be filled.

RECOMMENDATION

1 That Council:

   Endorses the lodgement of an application with the Minister for Local Government (Minister) in accordance with s. 294(2)(a) of the Local Government Act, 1993 that the Minister order that the casual vacancy in the office of the Ward 2 Councillor not be filled; and

2 Delegates authority to the Interim Chief Executive Officer to prepare and sign the s. 294(2)(a) application on behalf of Council and to lodge the application with the Minister.

KEY ISSUES

3 The Local Government Act, 1993 (the Act) provides that in such cases of a councillor becoming a member of the NSW Parliament, the councillor can continue to remain in the office of councillor for a period of two years from the date of election as a State MP. Former Cr Crakanthorp's term of office as a Ward 2 Councillor with Newcastle City Council expired on Saturday, 29 October 2016.

4 The Act provides that a by-election to fill a casual vacancy in the office of a councillor is to be held on a Saturday that falls not later than 3 months after the vacancy occurs. The Minister has the authority to extend this period for up to 28 days if the Minister is of the opinion that it would be impractical or inconvenient to hold a by-election as provided for by s. 292.

5. S. 294(1) of the Act deals with dispensing with by-elections in the circumstances where a casual vacancy occurs in the office of a councillor within 18 months of the date for the next ordinary election for the councillors for the relevant local government area. Specifically, s. 294(2) of the Act provides that in this circumstance, it is open for the council to make an application to the Minister that the Minister order that the casual vacancy not be filled.
On 12 April 2016, the Minister signed a Ministerial Order that, inter alia, the 10 September 2016 local government elections for Newcastle City Council be postponed for a period of 12 months after the date of the Ministerial Order noting that Newcastle City Council was currently in a merger proposal period pending the Minister's decision on whether to proceed with the proposed merger with Port Stephens Council or otherwise.

The NSW Government has not announced a timetable for finalising proposed council mergers.

FINANCIAL IMPACT

The NSW Electoral Commission (NSWEC) has notified Council that a prospective By-election for the Ward 2 Councillor would indicatively cost of the order of $175,000 (inclusive of GST). The incurring of such a significant monetary cost is difficult to justify on the grounds that a local government election is due in April 2017 (ie in less than 6 months' time). Council has not budgeted for such costs for a By-election in its 2016/17 Operational Plan and Delivery Program.

COMMUNITY STRATEGIC PLAN ALIGNMENT

Not applicable.

IMPLEMENTATION PLAN/IMPLICATIONS

Council can, in the intervening period while it awaits the NSW Government's decision on the merger proposal, continue to function with its remaining complement of 12 Councillors, including the Lord Mayor.

Should Council wish to proceed with a By-election for a Ward 2 Councillor as set out in Option 2 at paragraph 16, a date within the three month period from 29 October 2016 would need to be selected. Saturday, 28 January 2017 would be the last opportunity for strict compliance with s. 292. Due to the school holiday period, NSWEC's preference, if a by-election were to be held, would be to aim for Saturday, 25 February 2017. In the end, this is a logistical/planning matter for NSWEC to deal with and Council would be guided by NSWEC's advice and recommendations as to the most appropriate date. NSWEC is responsible for facilitating the Minister's approval for delayed by-elections.

RISK ASSESSMENT AND MITIGATION

Not applicable.
RELATED PREVIOUS DECISIONS

13 Council resolved in November 2014 to hold a By-election for the Ward 3 Councillor, following the resignation of Cr Nelmes in November 2014 as a Ward 3 Councillor after being declared the winner of the Lord Mayoral By-election at that time. Given the period of time to the next scheduled local government election in September 2016 at that time was greater than 18 months, s. 294(1) of the Act was not applicable and hence the holding of a by-election for the Ward 3 Councillor was appropriate.

CONSULTATION

14 Council staff have consulted with the NSWEC in respect of the indicative cost for conducting a By-election for the Ward 2 Councillor.

OPTIONS

Option 1

15 The recommendation as at Paragraphs 1 – 2. This is the recommended resolution.

Option 2

16 (i) Council resolves pursuant to ss. 296(2) and (4) of the Local Government Act (NSW) that:

(a) an election arrangement be entered into for the NSW Electoral Commissioner to administer the By-election for a Ward 2 Councillor to fill the casual vacancy occurring by reason of the expiration of the term of office of former Cr Crakanthorp on 29 October 2016;

(b) such electoral arrangement be entered into by contract between the NSW Electoral Commissioner and the Council; and

(c) the Interim Chief Executive Officer be delegated authority to negotiate and execute the contract on Council's behalf for the NSW Electoral Commissioner to administer the By-election;

(ii) Council approves the expenditure of up to $175,000 in respect of the conduct of this proposed By-Election and consequently approves an amendment to Council's 2016/17 Operational Plan and Delivery Program to include an amount of $175,000 to cater for the unplanned expenditure.

This is not the recommended option.
REFERENCES

ATTACHMENTS

Nil.
ITEM-97 CCL 22/11/16 - ADOPTION OF COUNCIL MEETING SCHEDULE FOR 2017

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

PURPOSE

For council to adopt a council meeting schedule for 2017.

RECOMMENDATION

1. That Council:

Adopts the following meeting schedule for 2017 with scheduled meetings to commence from 5.30pm:

(a) For the period February to November 2017:

<table>
<thead>
<tr>
<th>Week 1 – Tuesday</th>
<th>No scheduled meetings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Week 2 – Tuesday</td>
<td>Councillor Workshops</td>
</tr>
</tbody>
</table>
| Week 3 – Tuesday | Committee Meetings (as required):
|                  | • Public Voice Committee |
|                  | • Briefings Committee  |
|                  | • Development Applications Committee |
| Week 4 – Tuesday | Ordinary Council Meeting |
| Week 5 – Tuesday | No scheduled meetings |

(b) For December 2017:

| Week 1 – Tuesday (5 December 2017) | Committee Meetings (as required):
|                                   | • Public Voice Committee |
|                                   | • Briefings Committee |
|                                   | • Development Applications Committee |
| Week 2 – Tuesday (12 December 2017) | Ordinary Council Meeting |
| Week 3 – Tuesday (19 December 2017) | No scheduled meetings |
| Week 4 – Tuesday (26 December 2017) | No meetings - Christmas break |
KEY ISSUES

2 Section 365 of the Local Government Act 1993 (NSW) (Act) provides that Council must meet at least ten times per year, with each meeting being in a different month.

3 The recommended meeting schedule is consistent with Council's 2016 meeting schedule of two Council meeting nights (one ordinary meeting and one committee meeting) and one workshop night per month and also complies the requirements of s. 365 of the Act. This schedule has worked well in practice.

4 Newcastle City Council is in a current merger proposal period. If a merger were announced, a further amended meeting schedule is required to be adopted by the new council.

FINANCIAL IMPACT

5 The recommended 2017 meeting schedule is consistent with Council's 2016 meeting schedule and requires a similar budget allocation.

COMMUNITY STRATEGIC PLAN ALIGNMENT

6 Open and collaborative leadership.

IMPLEMENTATION PLAN/IMPLICATIONS

7 In accordance with the requirements in the Act, Council advertises the meeting dates and times in the Newcastle Herald on a regular, monthly, basis.

RISK ASSESSMENT AND MITIGATION

8 The recommended meeting schedule is consistent with the Act and Council's Code of Meeting Practice.

RELATED PREVIOUS DECISIONS


CONSULTATION

10 N/A.

OPTIONS

Option 1

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

12 Any alternative meeting schedule proposal for 2017 put forward by Councillors provided that it allows for ten council meetings, with each meeting being in a different month. This is not the recommended option.

BACKGROUND

Nil.

REFERENCES

Nil.

ATTACHMENTS

Nil.
ITEM-98 CCL 22/11/16 - SAMDON STREET, HAMILTON - PROPOSED PEDESTRIAN REFUGES AND SPEED CUSHIONS BETWEEN DONALD AND BELFORD STREETS

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

PURPOSE

To seek Council approval to install pedestrian refuges, speed cushions and kerb extensions in Samdon Street between Donald Street and Tudor Street. This will assist pedestrians in crossing Samdon Street safely and to slow down traffic.

RECOMMENDATION

That Council approve:

1. the pedestrian refuges in Samdon Street south of Cleary and Lindsay Street as well as in Lindsay Street east of Samdon Street, as shown in Attachment A, and

2. the speed cushions in Samdon Street between Donald Street and Tudor Street and kerb extensions in Samdon Street at the Tudor Street intersection as shown in Attachment A.

KEY ISSUES

3. A number of requests have been received from residents and parents of children of the nearby school for pedestrian facilities in Samdon Street. There were also concerns of speeding along Samdon Street and it being used as a short cut to and from Donald and Tudor Streets.

4. Pedestrian surveys showed that installation of a pedestrian crossing in Samdon Street does not meet the warrant in accordance with the Australia Standard requirements. There were less pedestrian numbers recorded than are required for a warrant and thus pedestrian refuges are proposed instead. The pedestrian survey also noted that the recommended location south of Cleary Street and south of Lindsay Street are the locations most often used by pedestrians to cross. The proposed pedestrian refuges will assist pedestrians to cross in two stages while looking for vehicles in each direction.

5. Samdon Street is a collector road in the Newcastle Road Hierarchy Plan, it is also used as a 'rat ran' from Tudor Street to Donald Street and vice versa. It carries an average of 5,717 vehicles per day (7 day period). The weekday average is 6,611 vehicles per day (vpd) and the weekend average is 3,695 vpd.

6. The speed survey indicated that northbound traffic travels an average of 47 km/h and southbound traffic travels at 48 km/h. The 85th percentile speed of northbound traffic is 54 km/h and southbound traffic is 55 km/h.
7 There were 16 crashes recorded from July 2010 to March 2016 in Samdon Street between the Donald Street and Tudor Street intersection.

8 The concept plan included in the leaflet to stakeholders (Attachment A), shows the location of the proposed pedestrian and traffic facilities in Samdon Street.

FINANCIAL IMPACT

9 The majority of the proposed works along Samdon Street will be funded through the capital program in 2017/2018 and 2018/2019. The pedestrian refuges could be funded through the Roads and Maritime Services (RMS) funded Active Transport Program and submissions have been forwarded to RMS to seek funding for 50 percent share of the design component being $29,000 for 2017/2018.

COMMUNITY STRATEGIC PLAN ALIGNMENT

10 The proposed work is aligned with the Strategic direction of “Connected City” whereby “transport network and services will be well connected and convenient. Walking and cycling will be viable options for the majority of our trips”. The proposal will increase safety for pedestrians in Samdon Street due to improved pedestrian facilities and reduced speed.

IMPLEMENTATION PLAN/IMPLICATIONS

11 Approval of the installation of pedestrian refuges and speed cushions is not delegated to Council Officers and must be referred to Council for final determination. Approval of the pedestrian refuges does not have implications on the existing or future planning process. The proposal will support Council’s mission to enhance the quality of life by improving the safety of road users.

RISK ASSESSMENT AND MITIGATION

12 The proposed pedestrian facilities installation is intended to reduce risk and increase safety for pedestrians. The proposed project has been endorsed and recommended by the Newcastle City Traffic Committee (NCTC) to address the ongoing safety concerns of residents in the area.

RELATED PREVIOUS DECISIONS

13 The matter has been considered by the NCTC at its 18 July 2016 (item no. 109) and 19 September 2016 (item no. 141) meetings. The Committee endorsed the proposal.

CONSULTATION

14 Community consultation was conducted with the residents of Hamilton in the vicinity of Samdon Street. Leaflets (Attachment B) were distributed to residents, non-resident owners and stakeholders such as Ambulance, Police, Fire Brigade and the Newcastle Cycleway Movement for comment.
15 A total of 59 responses have been received with the majority of responses supporting the proposal. Seven responses were against the proposal, mainly to the installation of the speed cushions and the noise they would generate. A summary of the responses received is shown in Attachment C. Key resident concerns and comments:

16 Overall there is a majority of support for the proposal in Samdon Street. The plan as shown in (Attachment A) is forwarded for Council's final determination.

OPTIONS

Option 1

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

Option 2

18 Do not approve the proposed pedestrian and traffic facilities as specified as at paragraphs 1 and 2. This is not the recommended option.

BACKGROUND

19 Background information is shown in the Key Issues Section 3 - 8 of this report.

REFERENCES

ATTACHMENTS

Attachment A: Samdon Street Plan
Attachment B: Consultation leaflet
Attachment C: Summary of resident responses
SAMDON STREET, HAMILTON - PROPOSED PEDESTRIAN REFUGES AND SPEED CUSHIONS BETWEEN DONALD AND TUDOR STREETS

Proposed speed cushions north of Cleary Street

Existing street light post

Proposed pedestrian refuge south of Cleary Street

Proposed speed cushions between Gulliver and Lindsay Streets

Existing street light post

Proposed pedestrian refuge in Lindsay Street

Proposed pedestrian refuge north of Buchanan Street

Proposed speed cushions between Buchanan and Reay Streets

Existing street light post

Proposed kerb extension at Tudor Street intersection

Note: Drawing not to scale. Conceptual plan only and exact location of the devices will be accurately determined in the detailed design.
SAMDON STREET, HAMILTON - PROPOSED PEDESTRIAN REFUGES AND SPEED CUSHIONS BETWEEN DONALD AND TUDOR STREETS

DONALD STREET

Cleary Street

Bibby Street

Gulliver Street

Lindsay Street

Buchanan Street

Reay Street

Tudor Street

TUDOR STREET

Gregson Park

PROPOSED SPEED CUSHIONS NORTH OF CLEARY STREET

EXISTING STREET LIGHT POST

PROPOSED PEDESTRIAN REFUGE SOUTH OF CLEARY STREET

PROPOSED SPEED CUSHIONS BETWEEN GULLIVER AND LINDSAY STREETS

EXISTING STREET LIGHT POST

PROPOSED PEDESTRIAN REFUGE IN LINDSAY STREET

PROPOSED PEDESTRIAN REFUGE NORTH OF BUCHANAN STREET

PROPOSED SPEED CUSHIONS BETWEEN BUCHANAN AND REAY STREETS

EXISTING STREET LIGHT POST

PROPOSED KERB EXTENSION AT TUDOR STREET INTERSECTION

NOTE: DRAWING NOT TO SCALE. CONCEPTUAL PLAN ONLY AND EXACT LOCATION OF THE DEVICES WILL BE ACCURATELY DETERMINED IN THE DETAILED DESIGN.
To The Resident / Owner

Samdon Street, Hamilton
Proposed pedestrian refuges and speed cushions between Donald and Belford Streets

22 July 2016

Council has received a number of requests for the installation of pedestrian facilities in Samdon Street, Hamilton due to heavy traffic volume and speed issues.

Council investigated the matter and traffic and pedestrian counts indicated that a pedestrian zebra crossing in Samdon Street will not meet the Roads and Maritime Services (RMS) criteria for installation. Pedestrian refuges can be considered instead to improve pedestrian safety.

Pedestrian refuges and speed cushions are proposed in Samdon Street, as shown on the plan overleaf.

Council is seeking comments on this proposal. Your feedback on the questions below is important to assist Council in making a final decision. If there are no responses from residents/owners Council will assume there are no objections to the proposal.

Please forward written comments by 26 August 2016 to The Interim Chief Executive Officer, Newcastle City Council, Attention: Traffic and Transport, PO Box 489, NEWCASTLE NSW 2300 or email: mail@ncc.nsw.gov.au, Phone: 4974 2000, Fax: 4974 2222.

For further information please contact Jocelyn Cardona, Council Traffic Engineer, on telephone 4974 2666.

Name: ________________________________

Address: ________________________________

Do you agree with the proposed pedestrian refuges in Samdon Street? YES [ ] NO [ ]

Do you agree with the proposed speed cushions in Samdon Street? YES [ ] NO [ ]

Further 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 policy. 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 objection 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.
## Attachment C

### Board Meeting: Samdon Street, Hamilton - Proposed Pedestrian Refuge Islands and Speed cushions between Donald and Belford Streets

**Summary of Resident Responses**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Address</th>
<th>Do you agree with the proposed pedestrian refuge islands in Samdon St?</th>
<th>Do you agree with the proposed speed cushions in Samdon St?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>TR201600043</td>
<td>Sandon St</td>
<td>✓</td>
<td>✓</td>
<td>Absolutely agree. We have observed that speeding is rife and the street is used as a through road. This will help make it safer for young children walking to Gregory Park and Hamilton Public School.</td>
</tr>
<tr>
<td>TR201600054</td>
<td>Bilby St</td>
<td>✓</td>
<td>✓</td>
<td>Strong agreement. Support to add pedestrian refuge at Lindsay St west of Sandon St. Cold draws traffic there.</td>
</tr>
<tr>
<td>TR201600065</td>
<td>Lindsay St</td>
<td>✓</td>
<td>✓</td>
<td>We would encourage that these works be undertaken as soon as possible to ensure pedestrians have safe access when crossing Sandon St.</td>
</tr>
<tr>
<td>TR201600083</td>
<td>Cleary St</td>
<td>✓</td>
<td>✓</td>
<td>These changes will make it much safer to enter/exit Gregory Park as Sandon St has become common place for speeding cars.</td>
</tr>
<tr>
<td>TR201600083</td>
<td>Sandon St</td>
<td>✓</td>
<td>✓</td>
<td>I am finding it difficult to imagine a pedestrian refuge between Guilliver and Cleary Sts. There is not much distance between these two streets and there is a major entry/exit point for residents and there are triple garages with double garages which would relate to more than 30 cars going in and out so depending on the placement of a refuge, it would entail all of these rate payers having no extra (but just a little noise) going into the driveway/road. Having the speed cushions where proposed between Cleary and Guilliver would surely help in reducing car speed. Or reduce the distance between those speed cushions. The other proposed refuge would not impact on any one way. However, I do agree that something should be done about slowing down the enormous amount of traffic using this street.</td>
</tr>
<tr>
<td>TR201600083</td>
<td>Buchanan St</td>
<td>✓</td>
<td>✓</td>
<td>Comments. Received and left message that proposal won’t impact driveway access to No. 21.</td>
</tr>
<tr>
<td>TR201600076</td>
<td>Sandon St</td>
<td>✓</td>
<td>✓</td>
<td>Can also see parking on each south west corner. There are some issues when turning into Sandon.</td>
</tr>
<tr>
<td>TR201600076</td>
<td>Cleary St</td>
<td>✓</td>
<td>✓</td>
<td>I cross Sandon St each morning and afternoon. It is extremely hard to see the traffic when vary 4 wheel drive parks on the side of the road. Having refuge would help this and make it safer to cross.</td>
</tr>
<tr>
<td>TR201600083</td>
<td>Buchanan St</td>
<td>✓</td>
<td>✓</td>
<td>No comment.</td>
</tr>
<tr>
<td>TR201600083</td>
<td>Gothic St</td>
<td>✓</td>
<td>✓</td>
<td>Thank you from local residents. This is a very welcome change.</td>
</tr>
<tr>
<td>TR201600083</td>
<td>Guilliver St</td>
<td>✓</td>
<td>✓</td>
<td>According to the sign at Guilliver St intersection there is supposed to be a 5 tone weight limit on Samdon St. This limit is generally ignored and numerous heavy vehicles use the connecting road.</td>
</tr>
<tr>
<td>TR201600083</td>
<td>Sandon St</td>
<td>✓</td>
<td>✓</td>
<td>No comment.</td>
</tr>
<tr>
<td>TR201600083</td>
<td>Guilliver St</td>
<td>✓</td>
<td>✓</td>
<td>No comment.</td>
</tr>
<tr>
<td>TR201600083</td>
<td>Cleary St</td>
<td>✓</td>
<td>✓</td>
<td>Pedestrian crossings are a very good idea, particularly if located near Cleary St and Lindan St. I would like to see pedestrian crossing at all four corners on Lindsay St to enable people with prams, kids in cars, mobility devices etc. to cross.</td>
</tr>
</tbody>
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**Newcastle City Traffic Committee**

Monday 19 September 2016

and mobile speeders to enter Gregory Park. The proposal to build a children’s centre in Gregory Park may result in an increased number of people with young children in strollers using the park. Another difficulty in crossing Sandon St, particularly at the Cleary St intersection, is that leaving the footpath and standing on the road, I often do this when accompanied by a toddler. This is further complicated when cars park too close to the corner. Can a yellow line be added to encourage people to park legally? |

TR201600087 | Hamilton PS - P & C Assoc | ✓ | ✓ | Thank you for requesting feedback on the proposed changes to Sandon St relating to pedestrian refuges and speed cushions. This is a great outcome for our school community who reside in the surrounding areas and we are happy to endorse the installation of the pedestrian facilities. Thank you for seeking our opinion. |

TR201600083 | Sandon St | ✓ | ✓ | Thank you very much. |

TR201600083 | Guilliver St | ✓ | ✓ | I am willing to allow my support for the proposed refuges and speed cushions between Donald and Belford Sts on Sandon St. Plus the narrowing of Tudor St east of Sandon St. This will make getting to the park and walking to school much safer for my young children and myself. Thank you very much for taking our requests so seriously. It is a wonderful outcome. |

TR201600083 | Sandon St | ✓ | ✓ | No comment. |

TR201600083 | Buchanan St | ✓ | ✓ | Crossing Sandon St causes my family a significant degree of stress every day. We are thrilled to hear these measures are being taken to reduce the risk to our kids friends and neighbors. Thank you! |

TR201600083 | Guilliver St | ✓ | ✓ | While I support installation of traffic calming devices to reduce traffic speed in Sandon St and make crossing the road easier, I would like to see the location of the refuge reviewed so that they provide better connection between Gregory Park, the surrounding streets and the coffee shop on Samdon St. Specifically, one pedestrian refuge should be provided on Samdon St just south of Lindsay St to align with the northwest entrance to Gregory Park and to provide connectivity between the park and the coffee shop on Samdon St. This is the most utilised intersection/crossing point on the whole of Samdon St, other than the lights at either end, and rarely warrants further traffic analysis and intersection improvements. Additionally, the refuge shown just north of Buchanan St is poorly located and should be shifted to between Buchanan and flexy. Thank you for addressing this issue and improving our safety. |

TR201600083 | Donald St | ✓ | ✓ | I agree with the proposed pedestrian refuges and speed cushions and think this is a fantastic idea. I am writing because I am unsure whether this pedestrian refuge design includes ramp access for the adjacent garages? If not then I think that this is a necessary addition. I find it extremely difficult crossing Samdon and Lindsay Sts with my children/pet dogs and getting on and off of garages is a big part of the problem. Thank you for addressing this issue and improving our safety. |

TR201600083 | internet | ✓ | ✓ | No comment. |

TR201600083 | Sandon St | ✓ | ✓ | I congratulate Council on resolving the safety issue that has existed for quite some time now and acting on it in an appropriate manner. The solution cannot come soon enough and will greatly help to improve the safety of the community. |

TR201600083 | Bilby St | ✓ | ✓ | Would it be possible to install speed humps or ways of marking the side streets safer? As in the streets Bilby to Cleary to Guilliver etc. Thank you. |

TR201600083 | Buchanan St | ✓ | ✓ | I take children to school and it is very difficult to cross Sandon St, there are some motorists that speed along well over the 50km limit. I would be very pleased if this proposal goes ahead. |

TR201600083 | Guilliver St | ✓ | ✓ | Good idea - trying can be hazardous at times. |

TR201600083 | Cleary St | ✓ | ✓ | I strongly agree with these proposals. Samdon St has become a race strip between Tudor and Donald Sts. Very busy with many near misses when trying to enter Samdon from X streets and cross Samdon on both. Thank you. |

TR201600083 | Sandon St | ✓ | ✓ | Young boy strapped car outside our house only last night. The need for a pedestrian crossing located Tudor St and Sandon St is screaming. Spoke to boy’s father this morning. Son is in ICU still. Is it
<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description</th>
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<tbody>
<tr>
<td>141</td>
<td>Street: Samson St, Hamilton</td>
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<tr>
<td><strong>ANNEXURE B</strong></td>
<td></td>
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<tr>
<td>Page 3 of 5</td>
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**TR26/01/1052** Buchanan St  
I strongly support the proposal for traffic calming measures to be installed along Buchanan St. With two young children at Hamilton Public School that visit various green spaces, pedestrian safety is very critical. Many cars are also using this road by and large, and it is always a concern for our children. Thank you for your consideration.

**TR26/01/1053** Cleary St  
I agree with the recommendation to install speed cushions on Cleary St. It is a busy street with many businesses and it is important to reduce speeds to ensure pedestrian safety.

**TR26/01/1055** Guider St  
No comment.

**TR26/01/1058** Blackall St  
Yes, I agree with the proposals for speed cushions and pedestrian refuge islands.

**TR26/01/1062** Samson St  
I strongly support the proposal for traffic calming measures to be installed along Samson St. With two young children at Hamilton Public School that visit various green spaces, pedestrian safety is very critical. Many cars are also using this road by and large, and it is always a concern for our children. Thank you for your consideration.

**TR26/01/1083** Bibby St  
No comment.

**TR26/01/1085** Bibby St  
I fully support the proposals. I regularly walk about 8-9am and by the time I am returning home the traffic in Samson St is very heavy. Many cars are also going too fast for the road and times and currents I am surprised that an elderly person or child has not been in an accident crossing the roads morning and evening.

**TR26/01/1073** Crookwell St  
We are very excited to see that pedestrian activity will be supported around Crookwell St. I was a little upset to see that pedestrian crossing (on the north-west corner of the carpark where lots of people cross to the carpark area) to get to tennis courts (etc) has not been allocated but the recommendations should be seen as improvements. Thank you, Council.

**TR26/01/1054** Lawson St  
No comment.

**TR26/01/1058** Lindsay St  
I am a parent with 4 children attending Hamilton Public School. We live on Lindsay St and find crossing Samson St to get to Gregson Park a very anxious time. Vehicles tend to drive too fast and in order to see oncoming traffic I need to stand on the road. On more than one occasion I have almost been hit by a vehicle overtaking a turning vehicle. This intersection is extremely dangerous and our family is in full support of the implementation of speed cushions as a matter of urgency.

**TR26/01/1067** Everson St  
A proper crossing really is needed!

**TR26/01/1068** Troedale St  
I am writing to show my support of the proposed pedestrian refuge and speed cushions on Samson St. Hamilton. Any improvements to slow traffic down on this busy street would be a great improvement. Attempting to cross Samson St to gain access to Gregson Park (and beyond) with prams and children crossing, on bikes is extremely difficult and dangerous with a majority of vehicles traveling much faster than the signed speeds. The proposed measures would greatly improve the safety of our Hamilton community.

**TR26/01/152** Hamilton resident  
I am writing in support of implementing new safety measures close to Hamilton Public School near Samson St. I also want to repeat Council put in new traffic slowings measures on Lindsay St Hamilton between Beaumont St and Stretton St. I wish to request a 40 zone be established with clearer signage (the current 50 sign near Beaumont St outside the medical centre is somewhat obscured and inappropriate) so it is clear that the pedestrian crossing and shops and cars traveling 50 would be encouraging the heavy flow of pedestrians and car traffic.

**NEWCASTLE CITY TRAFFIC COMMITTEE**

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<tr>
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<td>Page 4 of 5</td>
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**TR26/01/1134** Rees St  
Any attempt to limit traffic speed on Rees St will be appreciated.

**TR26/01/1136** Bibby St  
Very happy with these proposals.

**TR26/01/1138** Lindsay St  
The pedestrian refuge in exactly the right position - east to see traffic from both directions.

**TR26/01/1126** Rowan Cr, Merewether  
Agree with both if kept as depicted. If islands or speed hump locations move will lose some agreement.

**TR26/01/1110** Samson St  
No comment.

**TR26/01/1006** Buxton Street  
We confirm we are happy with the proposed plans for Samson St to make it safer for all to cross.

**TR26/01/1012** Rees St  
These measures see vital for the safety of our community.

**TR26/01/1181-01109** Rees St  
The pedestrian refuge is definitely needed as crossing Samson St and the surrounding cross streets can be quite hazardous. I don’t feel that speed is such an issue but the speed humps would also make it easier for pedestrians to cross.

**TR26/01/1186** Lindsay St  
I wholeheartedly support the proposal shown. Perhaps because Samson St joins two higher speed roads (Donald & Belford). Traffic tends to flow down Samson St at excessive speeds. The proposed speed cushions and refuge will be crucial to lowering the risk of injury and possibly death. Keep up the good work.

**TR26/01/1061** Lindsay St  
In short I strongly agree with the need for this. My son was recently hospitalised following being hit by a car crossing Samson St so I have personal experience with this. A large volume of cars travel too fast down this street and a large number of children cross the road to get to the park or get to school. This proposal’s essential to help children cross safely.

**TR26/01/1097** Samson St  
I believe pedestrian refuge would be sufficient to help pedestrians cross the road.

**TR26/01/1098** Cleary St  
No comment.

**TR26/01/1012** Lindsay St  
UNNECESSARY! My above suggestion is very efficient and safe. Motorists are sick of speed cushions/humps.

**TR26/01/1011** Samson St  
The speed cushions create a great amount of noise as the firemen cars/trucks equipment crashes up and down on the trains - my mother has these near her home, makes for lots of noise - a bicycle and motorbike hazard in itself.

**TR26/01/1009** Bibby St  
Speed cushions will only add to the noise problem, have spoken to other home owners who have speed cushions in their streets and they hate them. I feel pedestrian refuge is really needed in Samson St as it is pretty scary trying to cross the road to get to the park. Thank you.

**TR26/01/1064** Cleary St  
Placing speed humps on important connecting roads is a bad idea. While they do force lower average speeds, the negatives are: 1. increased noise and pollution from the continual braking and acceleration of motor vehicles 2. Hazards for cyclists 3. Increased congestion and risk of collision near braking vehicles 4. Increased maintenance costs of roads and vehicles 5. Limitation of pedestrian and low-cycling users of the roads 6. Encourages increased movements in neighboring streets. Smooth, steady speeds are the cleanest, quickest and safest way. Drivers have the opportunity to be observant of the conditions rather than the next speed hump.

**SUGGESTION:**  
Why not employ trained speed displays that illuminate only for offenders, at the same time capturing and reporting registration ID?  
Advantages:
<table>
<thead>
<tr>
<th>Item No.</th>
<th>Buchanan St</th>
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<tbody>
<tr>
<td>TR2015/1291</td>
<td>We do not agree with the proposal for pedestrian refuge and speed cushions. We understand that Council observed no more than 18 people crossing Samdon St during the peak period at school times. With parking at a premium and the current traffic noise on Samdon St as well as the observed pedestrian numbers, we do not see the benefit of the proposed refuge and speed cushions. However, we would like Council to consider a proposed school zone speed limit of 40 km on the perimeter streets of Gregson Park.</td>
<td></td>
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<table>
<thead>
<tr>
<th>Item No.</th>
<th>Samdon St</th>
<th></th>
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<tbody>
<tr>
<td>TR20/6/01168 &amp; 01174</td>
<td>We note several potential issues with the proposed pedestrian refuge south of Cleary St. The pedestrian refuge appears to deny access to 31 Samdon St driveway, affecting approximately 30 residents' vehicles. A right turn from Samdon St into the driveway appears impeded forcing residents to go completely around the block. There is a well patronised coffee shop on the corner of Golliver and Samdon Sts that has parked cars outside its premises on Samdon St and pedestrians proceeding across the road in this vicinity of the proposed speed cushions; surely this would be a better location for the pedestrian refuge currently proposed to be south of Cleary St! Suggests that Council relocate the proposed pedestrian refuge south of Cleary St to north of Lindsay St for pedestrian use in crossing from the coffee shop and PO north on Samdon St. This would save the cost of one speed cushion and be at least as effective positioning of the pedestrian refuge.</td>
<td></td>
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</table>

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<thead>
<tr>
<th>Item No.</th>
<th>Lindsay St</th>
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<tbody>
<tr>
<td>TR20/6/01226</td>
<td>We would encourage that these works be undertaken as soon as possible to ensure pedestrians have safe access when crossing Samdon St. Please be advised as we live here and see this everyday on the corner off Lindsay and Samdon opposite Gregson Park cars race by and overtake. There is NO room for this, very scary.</td>
<td></td>
</tr>
</tbody>
</table>

| TOTAL | 56 | 1 | 50 | 7 |
ITEM-99  CCL 22/11/16 - ADOPTION OF NEWCASTLE COASTAL ZONE MANAGEMENT PLAN

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

PURPOSE

The purpose of this report is to seek Council's adoption of the draft Newcastle Coastal Zone Management Plan (Attachment A), and endorsement of the accompanying technical reference documents entitled the Newcastle Coastal Zone Hazard Study (WBM 2014) (Attachment B) and Newcastle Coastal Zone Management Study (WBM 2014) (Attachment C).

RECOMMENDATION

1 Council adopts the Newcastle Coastal Zone Management Plan (Attachment A) and endorses the Newcastle Coastal Zone Hazard Study (Attachment B) and Newcastle Coastal Zone Management Study (Attachment C).

KEY ISSUES

2 The draft Newcastle Coastal Zone Management Plan and accompanying Newcastle Coastal Zone Hazard and Management Studies were placed on public exhibition for a period of 21 days from Wednesday 12 October to Tuesday 1 November 2016. During the public exhibition period, a community presentation was held at the Stockton Surf Club on Wednesday 26 October 2016. The response to submissions received during the exhibition period is contained in Appendix E of the draft Newcastle Coastal Zone Management Plan (see Attachment A).

3 In 2016, the NSW Government announced that councils would no longer have access to funding under the Coastal Grants Program unless the council has a coastal zone management plan that has been certified by the Minister for Planning. Council is therefore proposing to seek Ministerial certification of the Newcastle Coastal Zone Management Plan.

4 The draft Newcastle Coastal Zone Management Plan is required to be forwarded to the Minister for certification before December 2016. If it does not meet this deadline Council would have to revise the draft plan to meet the requirements of the new Coastal Management Act 2016, which is expected to commence early in 2017. This revision would take a number of years to complete (as all three documents would require revision and extensive Community and NSW Government consultation). Council would not be able to request funding to undertake this additional work.
FINANCIAL IMPACT

5 The proposed actions in the draft Newcastle Coastal Zone Management Plan will be undertaken as funding and resources allow. Adoption of the Plan would allow Council to apply for funding under the NSW Government's Coastal Grants Program. Earlier this year, the NSW Government announced that $83.6 million would be made available in funding over the next five years for this purpose.

COMMUNITY STRATEGIC PLAN ALIGNMENT

6 The draft Newcastle Coastal Zone Management Plan is consistent with the Community Strategic Plan Strategies: Protected and Enhanced Environment, Vibrant and Activated Public Places, and Liveable and Distinctive Built Environment.

IMPLEMENTATION PLAN/IMPLICATIONS

7 A number of the management actions can be undertaken with minimal costs as they can be absorbed within existing staff time. Management actions requiring funding will be identified in Council's Delivery Program and annual Operational Plans, allowing Council to undertake the actions as funding/resources allow.

RISK ASSESSMENT AND MITIGATION

8 The draft Newcastle Coastal Zone Management Plan outlines Council's proposed response to managing priority coastal issues. The plan focusses on the management of coastal hazards (eg. coastal erosion, inundation and cliff/slope stability). Section 733(3)(b) of the Local Government Act 1993, as to be amended by the Coastal Management Act 2016, will exempt Council from liability in respect of the preparation and adoption of a coastal management program under the Coastal Management Act 2016 (and the preparation and making of a coastal zone management plan under the Coastal Protection Act 1979 that is continued in effect by operation of Clause 4 of Schedule 3 to the Coastal Management Act 2016).

RELATED PREVIOUS DECISIONS

9 A Councillor Workshop was held on 19 June 2012 to outline the outcomes of the Newcastle Coastal Zone Hazard and Management Studies.

CONSULTATION

10 The draft Newcastle Coastal Zone Management Plan was placed on public exhibition for a period of 21 days, and a community presentation was held at Stockton on Wednesday 26 October 2016 during the public exhibition period. Fifteen submissions were received. Twelve of the fifteen submissions requested the protection and restoration of the old ladies baths in Merewether. One submission commented on the management of the Merewether National Surfing Reserve and two submissions commented on the proposed management options for Stockton Beach. Appendix E of the Newcastle
Coastal Zone Management Plan outlines Council's response to the submissions received.

11 Council also previously presented to the Environmental Advisory Committee on 6 June 2012 on the outcomes of the Newcastle Coastal Zone Hazard and Management Studies.

OPTIONS

Option 1

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

Option 2

13 Council does not adopt the Newcastle Coastal Zone Management Plan, or endorse the accompanying Newcastle Coastal Zone Hazard and Management Studies. This is not the recommended option.

BACKGROUND

14 In 2003, Council adopted the Newcastle Coastline Management Plan (Umwelt).

15 In 2011, the NSW Government made a number of amendments to the Coastal Protection Act 1979. In response, Council engaged consultants WBM to commence the preparation of the Newcastle Coastal Zone Hazard and Management Studies. These technical reference documents were made available for viewing during the public exhibition period. Council may use these technical reference documents for planning and development purposes, hence endorsement of the documents has been requested.

16 In 2016, Council considered the findings of the hazard and management studies and prepared the draft Newcastle Coastal Zone Management Plan.

17 The Coastal Management Plan is likely to be proclaimed to commence operative effect in early 2017.

REFERENCES

ATTACHMENTS

Attachment A: Draft Newcastle Coastal Zone Management Plan
Attachment B: Newcastle Coastal Zone Hazard Study
Attachment C: Newcastle Coastal Zone Management Study

Attachments distributed under separate cover.
ITEM-100 CCL 22/11/16 - UNNAMED LANEWAY, ISLINGTON - PROPOSED ONE WAY TRAFFIC FLOW IN LANEWAY EAST OF IVY STREET

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

PURPOSE

To seek Council approval for a change the two-way traffic flow in the unnamed laneway east of Ivy Street, Islington to one-way traffic flow in an eastbound direction.

RECOMMENDATION

1 Council approve the change of two-way traffic flow to one-way traffic flow in an eastbound direction in the unnamed laneway off Fern Street east of Ivy Street, Islington.

KEY ISSUES

2 The unnamed laneway east of Ivy Street, Islington behind properties 18-28 Maitland Road will be referred to in this report as the 'laneway'.

3 Early this year, Transport for NSW (TfNSW) removed the trees at the boundary of the laneway and RailCorp land. Residents raised concerns on the changes as the trees acted as a noise barrier between the houses and the rail line and narrowed the laneway making it unattractive to bypassing traffic or vehicles using it as a short cut.

4 The residents, through the TfNSW representative, requested the laneway be formally made one-way to reduce the conflict of two-way traffic in the narrow 5m laneway.

5 TfNSW is liaising with the residents on other strategies/solutions such as the type of fencing/barriers to be installed between the laneway and the Rail Corp boundary.

6 Consultation was conducted with the residents in the area. A copy of the leaflet and the summary of resident responses are set out in Attachment A.

7 There were five responses received, three in support and two with comments on issues related to parking and traffic conflict in the nearby area.

8 One comment raised the issue of the fencing encroaching a few centimetres on the roadway. This will be addressed when TfNSW replaces the fencing on the boundary line as part of the Wickham Transport Interchange Project.
FINANCIAL IMPACT

9 Implementation of the one-way traffic flow will be carried out by using signposting and line marking only.

COMMUNITY STRATEGIC PLAN ALIGNMENT

10 This investigation is aligned with the "Caring and Inclusive Community" strategic direction that states "a thriving community where diversity is embraced, everyone is valued and has the opportunity to contribute and belong".

IMPLEMENTATION PLAN/IMPLIEDATIONS

11 The approval of the one-way traffic flow change is not delegated to council officers and must be referred to Council for final determination. Approval of the proposed change does not have any implication for existing or future planning policies, or Council projects. The proposal will support Council's mission to enhance the quality of life by improving the safety of road users, particularly pedestrians, and improve access for residents and businesses in the laneway.

RISK ASSESSMENT AND MITIGATION

12 The proposed traffic flow change is intended to increase access for residents, pedestrian safety and discourage bypassing traffic. The difference in risk from the current condition to the proposed condition is not significant as the laneway traffic volume is very low and the road is narrow, which encourages a low speed environment.

RELATED PREVIOUS DECISIONS

13 The Newcastle City Traffic Committee (NCTC), at the 19 September 2016 meeting (item no. 142), endorsed the proposal to change the traffic flow to one-way eastbound direction, and forward to Council for final determination.

CONSULTATION

14 Consultation has been conducted with residents and businesses in the area. The proposed one-way eastbound traffic flow was put to consultation from 12 July 2016 to 19 August 2016. Leaflets were distributed to residents/businesses and other stakeholders that may be affected by the change. Only a small number of responses were received as there are only a few residents and businesses that access the laneway. The leaflet stated that "if there are no responses received from residents/businesses, Council will assume there is no objection to the proposal".
OPTIONS

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

Option 2

16 Council resolves to make no changes to traffic flow at this point in time. This is not the recommended option.

BACKGROUND

17 Background information is shown in Key Issues section 2 to 8 of this report.

REFERENCES

ATTACHMENTS

Attachment A: Consultation leaflet and summary of consultation responses
To The Resident / Owner

Unnamed laneway between Maitland Road and Fern Street, Islington
Proposed one-way traffic flow (eastbound)

12 July 2016

Council has received a number of requests to change the laneway between Maitland Road and Fern Street (east of Ivy Street) Islington, to a one-way traffic flow to reduce vehicle conflict.

A one-way eastbound traffic flow is proposed for the laneway, as shown on the sketch overleaf. There are no parking changes proposed.

Council is seeking comments on this proposal. Your feedback on the question below is important to assist Council in making a final decision. If there are no responses from residents/owners, Council will assume there are no objections to the proposal.

Please forward written comments by 19 August 2016 to The Interim Chief Executive Officer, Newcastle City Council, Attention: Traffic and Transport, PO Box 489, NEWCASTLE NSW 2300 or email: mail@ncc.nsw.gov.au, Phone: 4974 2000, Fax: 4974 2222.

For further information please contact Jocelyn Cardona, Council Traffic Engineer, on telephone 4974 2666.

Name: ________________________________

Address: ______________________________

Do you agree with the proposed one-way eastbound traffic flow in the laneway? YES ☐ NO ☐

Further 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 may 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.
Laneway east of Ivy Street between Fern Street and Maitland Road
Proposed one-way traffic flow eastbound direction

Proposed one-way traffic flow
at the laneway eastbound direction

Note: No proposed changes to the parking restrictions in the laneway

12 July 2016
<table>
<thead>
<tr>
<th>Reference</th>
<th>Address</th>
<th>Do you agree with the proposed one-way eastbound traffic flow in the laneway?</th>
<th>COMMENTS</th>
</tr>
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<tbody>
<tr>
<td></td>
<td></td>
<td>YES</td>
<td>No comment.</td>
</tr>
<tr>
<td>TR2016/01076</td>
<td>Maitland Rd</td>
<td>✓</td>
<td>Lane-way to be signed with a 20 km/h speed limit 2 x speed bumps to be installed. Parking to be on fence side of fence only. Lane-way is used for delivery vans to business therefore should remain 6 metre wide from end to end. At present fence encroaches No 10 &amp; 12 by 500mm and No 22 by 600mm.</td>
</tr>
<tr>
<td>TR2016/01054</td>
<td>Maitland Rd</td>
<td>✓</td>
<td>Please include slow speed limit (20 km/h)? and if possible speed bumps. We OK with speed bump location at boundary of 26 and 22.</td>
</tr>
<tr>
<td>TR2016/01146</td>
<td>Maitland Rd</td>
<td>✓</td>
<td>Parking? If in the area, please HELP. We have lost parking on Fern St due to buses now using it all Hamilton Station, also the bus stop at Maitland Rd at Wauham Park we lost parking there that stop never gets used. I also feel you need to give consideration to the extra traffic that will be entering the laneway via by SP?? Already congested heavily.</td>
</tr>
<tr>
<td>TR2016/01152</td>
<td>Business</td>
<td></td>
<td>We have had no issues with the traffic conflict in the last 3 years, and have the most vehicles and on-street parking. The proposal is particularly irksome for travel to Beaumont St as it imposes unnecessary intersection and traffic lights, plus it will be impossible to police. This appears to be a solution looking for a problem!</td>
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<td>TOTAL</td>
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REPORT BY:  PLANNING AND REGULATORY
CONTACT:  ACTING DIRECTOR PLANNING AND REGULATORY / MANAGER STRATEGIC PLANNING

PURPOSE

At the Ordinary Council meeting held on Tuesday 25 October 2016, Council considered a report on a Planning Proposal to amend the Newcastle LEP 2012 to enable medium density residential development on land bounded by Mosbri Crescent and Kitchener Parade, The Hill. The original report is provided at Attachment A.

At that meeting Council resolved to:

Item lay on the table pending a Councillor workshop with Council officers.

Council officers will deliver a briefing to the Briefing Committee meeting on 15 November 2016.

RECOMMENDATION

1  Council resolves to:

   i)  Endorse the attached Planning Proposal (Attachment A of CCL 25/10/16), prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend Newcastle LEP 2012 to enable medium density residential development on the following land bounded by Mosbri Crescent and Kitchener Parade, The Hill:

      a)  SP6373, SP3058, Lots 10, 12, 13 DP 216346 and Lot 1 DP204077, Nos 1 - 17 Mosbri Crescent, and

      b)  Lot 8 DP216346, SP19610 and Lot 62 DP522440, Nos. 31, 37 and 41 Kitchener Parade, The Hill.

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

   iii)  Advise the Secretary of the Department of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 59(1) of the EP&A Act.
iv) Consult with the community and relevant government agencies as instructed by the gateway determination.

v) Place the draft Section 6.14 - 11 Mosbri Crescent, The Hill to the Newcastle Development Control Plan 2012, as provided in Attachment B of CCL 25/10/16, on public exhibition for a minimum period of 28 days, concurrently with the Planning Proposal.

vi) Receive a report back on the Planning Proposal and draft Development Control Plan guidelines as per the requirements of Section 57 of the EP&A Act.

KEY ISSUES
2 Discussed in the original report, CCL 25/10/16, provided at Attachment A.

FINANCIAL IMPACT
3 Discussed in the original report, CCL 25/10/16, provided at Attachment A.

IMPLEMENTATION PLAN/IMPLIEDNATIONS
4 Discussed in the original report, CCL 25/10/16, provided at Attachment A.

RISK ASSESSMENT AND MITIGATION
5 Discussed in the original report, CCL 25/10/16, provided at Attachment A.

RELATED PREVIOUS DECISIONS
6 At the Ordinary Council meeting held on Tuesday 25 October 2016, Council considered a report on a Planning Proposal to amend the Newcastle LEP 2012 to enable medium density residential development on land bounded by Mosbri Crescent and Kitchener Parade, The Hill. The original report is provided at Attachment A.

7 Council resolved that:

Item lay on the table pending a Councillor workshop with Council officers.

8 The matter was considered by the Briefing Committee at its meeting on 15 November 2016.
OPTIONS

Option 1

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

Option 2

10 Council resolves not to proceed with the Planning Proposal and associated draft DCP guidelines. This is not the recommended option.

BACKGROUND

11 Council has received a request to amend the Newcastle LEP 2012 in order to enable the land at 11 to 17 Mosbri Crescent, The Hill to be developed from its current use as television studios to medium density housing. This site has been occupied by the NBN television studios since the 1950s. The current buildings are the equivalent of two to five-storeys in height. The submitted request outlines that technological changes within the television industry associated with the introduction of digital television have made the site no longer suitable for use as a television studio. The Nine Network Australia advise that they are relocating the NBN facilities to a new purpose built facility at a yet to be determined site within the Newcastle metropolitan area, preferably within the Newcastle CBD.

12 Upon reviewing this request it was identified that it was logical to expand the scope of the Planning Proposal to include the adjoining land to the west, also bounded by Mosbri Crescent and Kitchener Parade, from low density residential to medium density residential.

ATTACHMENTS


Attachments distributed under separate cover.
Attachment A

SUBJECT: CCL 25/10/16 - LAND BOUNDED BY MOSBRI CRESCENT AND KITCHENER PARADE THE HILL - ENDORSEMENT OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012 AND DEVELOPMENT CONTROL PLAN 2012

REPORT BY: PLANNING AND REGULATORY

CONTACT: DIRECTOR PLANNING AND REGULATORY / MANAGER STRATEGIC PLANNING

PURPOSE

This report seeks Council's endorsement of a Planning Proposal to commence the statutory process to prepare an amendment to Newcastle Local Environmental Plan (LEP) 2012 to amend the zoning, building heights and floor space ratio maps on land bounded by Mosbri Crescent and Kitchener Parade, The Hill (including the NBN television studio site).

RECOMMENDATION

1 Council resolves to:

   i) Endorse the attached Planning Proposal (Attachment A), prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend Newcastle LEP 2012 to enable medium density residential development on the following land bounded by Mosbri Crescent and Kitchener Parade, The Hill:

      a) SP6373, SP3058, Lots 10, 12, 13 DP 216346 and Lot 1 DP204077, Nos 1 - 17 Mosbri Crescent, and

      b) Lot 8 DP216346, SP19610 and Lot 62 DP522440, Nos. 31, 37 and 41 Kitchener Parade, The Hill.

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

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

   iv) Consult with the community and relevant government agencies as instructed by the gateway determination.
CITY OF NEWCASTLE
Ordinary Council Meeting 22 November 2016
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v) Place the draft Section 6.14 - 11 Mosbri Crescent, The Hill to the Newcastle Development Control Plan 2012, as provided in Attachment B, on public exhibition for a minimum period of 28 days, concurrently with the Planning Proposal.

vi) Receive a report back on the Planning Proposal and draft Development Control Plan guidelines as per the requirements of Section 57 of the EP&A Act.

KEY ISSUES

2 The land is currently zoned R2 Low Density Residential. The objective of the Planning Proposal (Attachment A) is to enable the land to be developed for medium density housing. The Planning Proposal details the amendment recommended to Newcastle LEP 2012 in order to achieve the intended outcomes. Furthermore, the Planning Proposal documents the issues considered in assessing the appropriateness of the proposed amendments.

3 Council received a request to amend Newcastle LEP 2012 to enable the land at 11 to 17 Mosbri Crescent, The Hill (NBN television studios site) to be developed from its current use as television studios to medium density housing. Upon reviewing this request it was identified that it was logical to expand the scope of the Planning Proposal to include the adjoining land to the west, also bounded by Mosbri Crescent and Kitchener Parade, from low density residential to medium density residential. The property owners of these eight additional parcels were contacted to ascertain their desire to have their land included under a proposal, and one letter in support was received. The Proposal has included these additional properties, with further consultation to be undertaken during the exhibition period.

4 The Planning Proposal was prepared in accordance with the NSW Department of Planning and Environment guidelines and Council’s Local Environmental Plan – Request for Amendment Policy.

5 If endorsed by Council, the Planning Proposal will be forwarded to the Minister for Planning for a Gateway determination. The Gateway determination will confirm initial support for the Planning Proposal, and identify any further technical studies and community consultation required prior to the proposed amendments being finalised and reported to Council for determination.

6 The Planning Proposal has been informed by a comprehensive Urban Design Study, prepared by consultants for the proponent (provided at Attachment A to the Planning Proposal, distributed under separate cover). The Study developed a masterplan for 11 to 17 Mosbri Crescent (NBN television studios site) to demonstrate the ability of the site to support medium density development. The master plan has been reviewed by Council's Urban Design Consultative Group (UDCG) and after some refinements, is supported in principle. The built form recommendations have been accommodated within the Planning Proposal. Some further design refinement to future development
Building heights and floor space ratios (FSRs) are proposed for 11 to 17 Mosbri Crescent (NBN television studio site) based upon the master plan. Building heights vary across the site. Fronting Mosbri Crescent and the southern boundary a maximum 12m (measured above ground level) is nominated, which would accommodate up to four-storeys. Four specified sites have been nominated a maximum reduced level (RL) to more specifically limit the maximum height limit. These RLs are proposed for the three taller buildings under the master plan fronting Kitchener Parade and to the eastern boundary, allowing up to a seven-storey building in the north-east corner (RL56.8), but only four-storey above street level. Given the large drop in elevation from Kitchener Parade into the site, a height above ground level control would not provide sufficient certainty as to the built form outcome. In this case, the actual level of the roof RL (desired at three to four-storeys above street level) is a more important design aspect than the number of floors able to be accommodated between this maximum RL and the ground below. A further building form on Mosbri is also nominated a RL, however this still results in four-storey scale. Due to ground elevation changes, a RL in this location controls the built form more appropriately than a height above ground. The FSR for the 11 to 17 Mosbri Crescent (NBN television studio site) is proposed at 1.5:1, under which the master plan indicatively predicts some 190 dwellings could be achievable.

The development controls proposed for the additional parcels (west of the NBN television studio site) are 11m maximum height and maximum FSR of 0.9:1, being generally consistent with the standard controls for an R3 Medium Density Residential zone.

In addition to proposed changes to the LEP outlined under the Planning Proposal, the masterplan concept for 11 to 17 Mosbri Crescent will also be implemented through site specific DCP guidelines. The draft Section 6.14 - 11 Mosbri Crescent, The Hill to the Newcastle DCP 2012 (Attachment B) will control aspects such as building footprints, setbacks, access and landscaping. It also controls the size of habitable rooftop access areas to minimise bulk and scale of roof top forms. In accordance with Section 21A of the Environmental Planning and Assessment Regulations 2000 the draft DCP guidelines have been reviewed by Council’s UDCG and comments considered when finalising the draft DCP. The draft DCP guidelines are also consistent with the Apartment Design Guidelines for residential flat buildings prepared by the NSW Department of Planning and Environment. It is intended that the masterplan and the draft DCP guidelines will be exhibited concurrently with the Planning Proposal, should it proceed through Gateway.

There are no listed items of environmental heritage on site. However, the Newcastle East Public School site opposite Kitchener Parade to the north is a listed heritage item, as is Arcadia Park to the east. The Hill heritage conservation area adjoins to the east and north. As outlined above, the Proposal has been informed by a masterplan that has considered heritage.
Council's Heritage Officer reviewed the master plan and was satisfied that a three to four-storey scale at street level was appropriate, as provided for under the Planning Proposal (Attachment A).

FINANCIAL IMPACT

11 Work will be undertaken by Council’s Strategic Planning staff within their current allocated work program and budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

12 Council adopted the Newcastle 2030 Community Strategic Plan in February 2011, as revised in 2013. The planning proposal primarily aligns to the strategic directions identified within the Newcastle 2030 Community Strategic Plan, including:

   i) Open and Collaborative Leadership - Compliance with the LEP amendment process, in particular section 57 – community consultation of the Environmental Planning and Assessment (EP&A) Act 1979, will assist in achieving the strategic objective; “Consider decision-making based on collaborative, transparent and accountable leadership” and the identified strategy 7.2b, which states: “Provide opportunities for genuine and representative community engagement in local decision making”.

   ii) Liveable and Distinctive Built Environment - the proposal supports the strategic objective for "Greater diversity of quality housing for current and future community needs”. Also the heights across the site have been managed to achieve the strategic objective "A built environment that maintains and enhances our sense of identity".

Local Planning Strategy (LPS)

13 Appendix A of the Local Planning Strategy (LPS) provides the neighbourhood visions and objectives for The Hill, which recognise redevelopment opportunities subject to consideration of character, including the city skyline along ridge tops.

Neighbourhood Vision:

i) The amenity and heritage character of The Hill will be conserved while supporting new opportunities for expanding population in select areas.

Objectives:

i) Facilitate medium density housing in appropriate locations that respects the existing heritage character of the area.

   a) Protect the character of the city skyline along ridge tops.

   b) Protect and enhance public open space.
14 A specific action of the LPS (under Section 4.1.2) recommends investigating an R3 Medium Density zone for the parcel occupied by the existing NBN television studios.

15 The site is within the walkable catchment to Darby Street. Having regard to the zoning directions under the LPS, an R3 Medium Density zone is appropriate and the relatively large area and ‘bowl like’ topography of the parcel containing the existing NBN television studios, allows it to physically accommodate additional development beyond the standard R3 Medium Density Residential zone controls, being a height of 10m and FSR of 0.9:1.

IMPLEMENTATION PLAN/IMPLICATIONS

16 The preparation of the attached Planning Proposal (Attachment A) was undertaken in accordance with Council’s Local Environmental Plan – Request for Amendment Policy (2012). This policy identifies Council’s processes and responsibilities in applying the requirements of Part 3 of the EP&A Act 1979 for amending an LEP.

17 Should Council resolve to place the draft section to the DCP on public exhibition, the correct legal process will be followed for amending DCPs. The outcomes of the public exhibition will be reported to Council along with the Planning Proposal.

RISK ASSESSMENT AND MITIGATION

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

19 Justification has been provided for the formal LEP amendment request within the Planning Proposal at Attachment A.

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

RELATED PREVIOUS DECISIONS

21 Nil.

CONSULTATION

22 Council's UDCG have been consulted during the preparation of the Planning Proposal. Their advice (Attachment C) has been incorporated into the development of the proposed LEP controls and DCP guidelines.
23 Consultation with stakeholders (including the community) will occur in accordance with the Minister's requirements following Gateway Determination.

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

25 The Gateway Determination will confirm the consultation requirements, however, it is envisaged that this will include at a minimum public notice in the Newcastle Herald, publication on the Newcastle City Council web page and letters to owners of properties affected by the proposal (including those owners who have already been consulted), along with adjoining and nearby property owners.

OPTIONS

Option 1

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

Option 2

27 Council resolves not to proceed with the Planning Proposal and associated draft DCP guidelines. This is not the recommended option.

BACKGROUND

28 Council has received a request to amend Newcastle LEP 2012 in order to enable the land 11 to 17 Mosbri Crescent, The Hill to be developed from its current use as television studios to medium density housing. This site has been occupied by the NBN television studios since the 1950s. The current buildings are the equivalent of two to five-storeys in height. The submitted request outlines that technological changes within the television industry associated with the introduction of digital television have made the site no longer suitable for use as a television studio. The submitted request indicates that Nine Network Australia are proposing to relocate the NBN facilities to a new purpose built facility at a yet to be determined site within the Newcastle metropolitan area, preferably within the Newcastle CBD.

29 An Urban Design Study was requested by Council officers to demonstrate that the proposed R3 Medium Density Residential zoning for the site and accompanying changes to height and FSR could produce a high quality residential development that complements the surrounding topography and built form.
30 The Urban Design Study developed a masterplan for 11 to 17 Mosbri Crescent (NBN television studio site) comprising five separate building forms. The masterplan has been reviewed by Council's Heritage Officer and Council's UDCG. The masterplan was supported in principle with some recommended reduction in height to the three taller residential flat buildings (Buildings A, B and D under the scheme). The reduction in height was considered necessary to provide an improved 'human scale' streetscape, nominally three to four-storeys above the respective street level, thereby relating better to adjoining developments, along with respecting the adjoining heritage items and heritage conservation areas.

31 There is a large drop in elevation from the north-east boundary of the site with retaining walls within the site accommodating the significant drop. This results in the site having a 'bowl like' shape and allows for a seven-storey building to have a four-storey appearance from street level. This massing will sit comfortably within the context of this area. The proposed height will also protect ridgelines (as recommended under Council's Local Planning Strategy) and ensure existing westerly views from King Edward Park, including from the Obelisk lookout, would be largely unaffected.

REFERENCES

ATTACHMENTS


Note: Urban Design Study for 11 Mosbri Crescent, The Hill (Attachment A to the Planning Proposal)


Attachment C: Report from Urban Design Consultative Group

Attachments are distributed under separate cover.
ITEM-102  CCL 22/11/16 - STREETSAFE NIGHT-TIME OUTREACH PROGRAM

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

PURPOSE

To update Council on the outcomes of the pilot night-time outreach project called Streetsafe and advise of the continuation of the program.

RECOMMENDATION

1 That Council:
   i) Notes the Streetsafe Pilot Project Evaluation contained at (Attachment A) and
   ii) Notes the continuation of the official Streetsafe Project for a further 12 month period commencing in November 2016.

KEY ISSUES

2 Streetsafe is a drug and alcohol-related harm minimisation project in collaboration with the Salvation Army and New South Wales Police Newcastle Local Area Command (NLAC).

3 Outcomes for the Streetsafe Pilot Project were measured using structured surveys recording observational data of both qualitative and quantitative nature. The Pilot was evaluated by Council officers at the end of the nine month pilot period and includes recommendations for the future operation of the program and for ongoing evaluation mechanisms.

4 The evaluation of the Streetsafe Pilot Project indicated that this project was successful in achieving its desired objectives. Crime data supplied by NSW Police indicated an overall decrease in alcohol-related crime (28.7%) between November 2015 and July 2016 when compared to the same time period in 2014/2015. The largest significant reductions in alcohol related offences over this time period compared with the same time period in 2014/2015 included a 67.5% reduction in street offences and a 26% reduction in resist / hinder officer.
5 Further data gathered during the Pilot Project indicated that there were 162 recorded significant engagements where some form of assistance was provided to intoxicated persons (an average of approximately 5 per night). During the pilot period, 95 bottles of water, 1,800 lollipops, 180 pairs of thongs and 39 vomit bags were distributed, and only 27 people required basic first aid to be administered. A total of 8 people utilised the pilot's Safe Space. This included 2 people who utilised the space while it was located at Union Street, and 6 who utilised the mobile Safe Space.

6 Streetsafe volunteers provided assistance to clients in getting home, providing transport using the Streetsafe van on 23 occasions and contacting friends or family of people on 27 occasions. Other services included providing a phone charge, and directional information regarding transport services to get people home or calling a taxi.

FINANCIAL IMPACT

7 The funding support from Council for the establishment of the Streetsafe Pilot was $10,000 and was met through the existing operational budget.

8 A new funding agreement will be established to support the Streetsafe Program for a further 12 months, with a contribution from Council to the value of $31,524. This money is available within the adopted 2016/17 budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

9 This collaboration project aligns with CSP 3:3 Safe and activated places that are used by people day and night.

IMPLEMENTATION PLAN/IMPLICATIONS

10 The Streetsafe Program will be delivered over a 12 month period from October 2016. It will continue to operate on Saturday nights between the hours of 11pm - 4am, however the footprint will be expanded to include Beaumont Street, Hamilton. Salvation Army volunteers will be in contact with Police dispatch to coordinate activities.

11 The project will be coordinated from the ‘Safe Space’ which houses the administration and dispatch functions, and which includes a recovery and triage facility. The Safe Space is entirely managed by the Salvation Army and is to be placed in a visible location at 291 King Street, Newcastle.

12 Newcastle City Council's commitments to the project are to:

i) Provide funding support for the Streetsafe Project to the amount noted above and at the times stipulated within the funding agreement.

ii) Support the Streetsafe Project through waiving of event licensing fees in accordance with Council policy.
iii) Support the Streetsafe Project through development and distribution of promotional collateral and other such information materials to inform the community and businesses of the presence, purposes and outcomes of the project. Any such material will comply with NSW Police Force's (NSWPF) media and sponsorship policies.

iv) Continue to develop and coordinate an evaluation program to record and measure a number of performance indicators established in consultation with the NSWPF, Salvation Army and other stakeholders moving forward.

v) Work in partnership with NLAC and the Salvation Army to engage external stakeholders to enhance the safety initiatives contained herein.

RISK ASSESSMENT AND MITIGATION

13 Risks associated with the project have been assessed and mitigated in an existing MoU signed by all three partner agencies.

14 Volunteers working within the Street Teams or other aspects of delivery of the Safe Streets program are recognised as employees of the Salvation Army for insurance purposes. They are fully covered for workplace health, safety, insurance and compensation by the Salvation Army.

RELATED PREVIOUS DECISIONS

15 In October 2015, Council resolved to note the Streetsafe Pilot Project beginning in November 2015 and to request a report back at the end of the trial period regarding the outcomes of the Streetsafe Pilot Project.

CONSULTATION

16 The initial decision to support night time outreach programs in the Newcastle Alcohol Management Strategy 2010-13 (AMS) was grounded in community consultation and overseen by the then Safety and Crime Prevention Advisory Committee. The Streetsafe project is a continuation of this strategic program. It has been developed in close consultation with the NLAC and is modelled on the successful programs operating in Hobart and Sydney.

OPTIONS

Option 1

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

Option 2

18 Council could choose not to adopt the recommendations. This is not the recommended option.
BACKGROUND

19 Council's adoption of the Safe Newcastle Alcohol Management Strategy 2010-2013 (AMS) led to the support of community organisations to provide night-time outreach services in the Newcastle City Centre and Hamilton.

20 In 2015, the Salvation Army Oasis Hunter made representation to Council seeking to support on-going Council efforts to improve safety and amenity and to collaboratively reduce alcohol related harms in the nightlife and entertainment precincts of the City Centre.

21 The Salvation Army proposed to pilot test the implementation of a night-time outreach model developed in Melbourne as the Youth Street Teams Project, and since implemented in Hobart and in Sydney as the 'Safe Space and Take Kare Ambassador Program'.

22 The Streetsafe Pilot Project delivered by the Salvation Army provided night-time outreach to vulnerable and isolated people engaging in the night-time economy in Newcastle.

REFERENCES

ATTACHMENTS

Attachment A: Streetsafe Pilot Project Evaluation
Attachment A

Streetsafe Pilot Project Evaluation
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Executive Summary

Introduction

The Streetsafe Project is a night-time outreach program designed to assist intoxicated young people in the Newcastle CBD on Saturday nights using assertive outreach. It is a collaborative initiative aimed at improving safety and amenity within the Newcastle CBD by alleviating the burden of drug and alcohol related harms on emergency services, from issues relating to excessive consumption of drugs and alcohol, alcohol related assault and other anti-social behaviours fuelled by intoxication. This safety initiative is a partnership comprised of The Salvation Army, Newcastle City Council and the Newcastle Local Area Command of NSW Police. The Pilot commenced on 31 October 2015, running for an 8 month period on Saturday nights between 11pm and 4am. Although the Pilot period is now finished, the Streetsafe Team continues to provide outreach on Saturday nights in Newcastle.

The Salvation Army Streetsafe program was established in response to concerns for the safety of intoxicated young people at night in the Newcastle CBD, stemming from a long history of alcohol-related anti-social behaviour in Newcastle. The Pilot involved multiple Streetsafe teams of 3 to 4 volunteers who positively engage with vulnerable and intoxicated young people who are out in the city. 'Street Teams' of Salvation Army volunteers engaging with participants in the Newcastle night-time economy to provide resources and achieve drug and alcohol-related harm minimisation objectives. Engagements involve both approaching people who are displaying visible signs of intoxication, and being approached by people who would like to know what the program is about, or who require assistance for themselves or a friend. Streetsafe teams hand out water, lollipops, thongs, vomit bags and blankets. Teams assist people in reaching public transport to get home, provide them with a safe place to recuperate and can also perform basic first aid or phone an ambulance if required.

A Safe Space was also provided by the Salvation Army for intoxicated people to utilise. The aim of this space was to provide a place for intoxicated people to rest and recuperate under supervision so as to alleviate the burden on emergency services.

Streetsafe Teams utilise their training during engagements with intoxicated people to assess levels of intoxication and levels of vulnerability to harms including drug and alcohol related, violent assault, sexual assault, theft and other injury. This allows volunteers to formulate and action appropriate responses to each situation, including the provision of first aid, assisting the intoxicated person by removing them from potentially harmful situations and taking them to the 'Safe Space' or providing
transport or assistance in engaging public transport to get home, or calling upon emergency services such as Police and Ambulance where necessary.

Salvation Army volunteers are in radio contact with Police dispatch to coordinate activities. The Streetsafe teams are able to act as capable guardians on the street, which deters anti-social behaviour, and can report any issues immediately to the Police where necessary. The Streetsafe Project also provides an appropriate opportunity for Salvation Army Volunteers to refer vulnerable people to various services including homelessness services and drug and alcohol counselling services.

**Program and Evaluation Methodology**

The program involved approximately 15 volunteers in total, including three street teams with four volunteers per team, plus two drivers and a night coordinator. On Saturday nights between 10:30pm and 3:30am, two teams provide outreach to vulnerable and intoxicated young people. The teams work in shifts of 1.5 to 2 hours, with three shifts across the night (10:30 - 12:30, 12:30 - 2, 2 - 3:30). Generally, two teams are on the street at any given time, with one team focused on Newcastle East End and the other team focused on Newcastle West, Honeysuckle, Darby and Civic precincts. The final team is assigned to the Safe Space, which is located on King St.

Streetsafe Teams recorded engagements which ranged anywhere from speaking to people on the street, to handing out water bottles, to more serious engagements which involved assessing people for levels of intoxication and risk of becoming victims of crime, providing assistance to respond to this appropriately and then recording these engagements with both quantitative data and a qualitative description of the engagement. The number of resources handed out was measured through Survey Monkey.

The evaluation tool was reviewed halfway through the Pilot to allow for any adjustments so as to ensure that the tool was effective in measuring the outcomes and the outputs of the program against the key deliverables. In the first 3 months of the Pilot, the survey allowed for the collection of information around the number and type of significant engagements. However, this method was adapted 3 months into the Pilot to allow for the recording of less significant engagements, to capture a broader picture of the outcomes of the program.

The Streetsafe Pilot project was measured using a repeated survey which collected both quantitative and qualitative data. Streetsafe teams were provided with hand-held devices such as smart-phones or tablets to complete an electronic survey using the Survey Monkey platform. This allowed the evaluation of the program against the Key Performance Indicators (KPI) 3, 4 and 5 (see below).

The Program set out to measure identified Key Performance Indicators, including:
1. Improvement of safety and amenity in relation to alcohol related harms
2. Reduction of people at risk of alcohol related harms and anti-social behaviours
3. Number of people positively engaged and practical assistance offered
4. Provide a safe place for intoxicated people
5. Provision of referral pathways to vulnerable people

Streetsafe volunteers typically filled out the survey after each engagement, with data entered being observational.

A Streetsafe Steering Committee was formed at the conception of the project and consisted of The Manager of Oasis Hunter, The Salvation Army, The Crime Manager of NSW Police, Newcastle City Command and both the Community Safety Facilitator and Smart City Coordinator of Newcastle City Council. This steering committee was convened on a monthly basis to provide feedback and progress updates on the Pilot, with a meeting half-way through to officially review the Pilot and consider any suggestions for adapting the Pilot to better achieve the desired outcomes and key deliverables.

Crime data was collected for period of October 30, 2015 to June 30, 2016 to establish a baseline to compare against the crime data from the Pilot period. Crime categories measured included assault, intoxicated person, and malicious damage, resist / hinder / assault officer, robbery, sexual offences including sexual assault, indecent assault and other sexual offences, stealing and street offences. Additionally, baseline data was collected in this time period relating to proactive police powers utilised including the power to move on persons and the power to person search.

Together, these measures gave an indication of the level of impact of the Streetsafe Pilot Program on achieving the intended outcomes.

Key Issues

During the Streetsafe Pilot Program, some key issues were identified, with some being resolved along the way, and others addressed in the recommendations in this report.

Volunteers

The interaction between emergency services and the volunteers was positive, with the Streetsafe Teams sometimes being first on the scene and assisting with first-aid and calling in emergency services. For example, a Streetsafe Team witnessed a car accident and provided first aid and later assisted investigating Police officers.
The Safe Space

During the first 3 months of the trial, the Salvation Army provided a ‘Safe Space’ located in the Oasis Building on Union Street, Newcastle. The purpose of this space was to relieve pressure on Police and other emergency services by providing an area where intoxicated people could rest and recover, rather than having emergency services utilise their resources to care for these people and potentially ensure that they arrive home safely. However, this space was under-utilised and was moved to a more visible location on King Street for the remainder of the Pilot. Other resources for this program include 2 vehicles which allowed Street Team coordinators to respond to assistance requests with flexibility and a mobile bus which was utilised as the Safe Space during the second half of the program.

During the first half of the Program, the Safe Space presented a project risk where the volunteers allocated to the space were not being actively engaged and were experiencing issues transitioning from the space to engaging effectively with people on the street once the team rotated. This was addressed through the transition of the Safe Space from the Union Street location inside the Oasis office building to King Street which was visible location on the street and allowed volunteers to interact consistently with people throughout the night. This also assisted in addressing the issue that clients were reluctant to come to an unidentified location which was not close-by and around transporting people to this space.

Although Police were aware that the Safe Space was in operation, they did not utilise this space for intoxicated people to recover. This limited the efficacy of the program in terms of reducing the impact of intoxicated persons on law enforcement, as the service was not utilised to its full capacity.

Evaluation Limitations

Although the evaluation mechanism was able to effectively measure the outputs of the program, it was not suitable to assess the impact of the program against a broader range of social outcomes including the impact of each intervention on each participant, licensed premises, security staff and the broader cost implications for the community, particularly for those cases identified as being at high-risk of harm. The evaluation tool did not measure the long term impact of the program on the individual.

The level of risk for each crime type was not accurately ascertained for every engagement. Volunteers were unable to suitably assess the level of risk of each crime type due to a lack of establishment of identifying parameters. Additionally, the continual prompting for volunteers to report engagement meant that volunteers were
more likely to over-estimate the level of risk rather than accurately identify or under-estimate. These are classified as instrument errors.

The number of engagements reported declined towards the end of the pilot period due to factors such as fatigue and the issue of workers recording a summary of an interaction or recording what should be a qualitative or more meaningful engagement using a quantitative figure which does not allow the capture of complex phenomena and creates a risk that the accurate recording of the effects of the program are somewhat distorted. Additionally, the use of smartphones to report on the Survey Monkey interface was found to be cumbersome for volunteers, who were often required to multitask, continuing to work whilst filling out the survey.

There appeared to be inconsistencies in the data collection, where rather than entering the quantitative data, it has been entered in the qualitative boxes which require de-clustering to establish the quantitative figure for numbers of engagements, resources used and types of engagements.

The Impact

During the Pilot period, there were 162 recorded significant engagements, an average of approximately 5 per night. This average decreased in the second half of the Pilot, going from 7 engagements per night, to 5, representing an overall decrease in engagements towards the end of the Pilot period. To date, 60 volunteers have been trained and actively involved with the program.

Of the people engaged, 64% were female and 70% were aged 18 - 25 followed by 20% aged 26 - 35. The majority of major engagements 40% occurred in the Newcastle West Precinct, followed closely by 36% occurring in the Civic Precinct and 27% occurring within the Darby Street Precinct.

During the Pilot period, 95 bottles of water, 1800 lollipops, 180 pairs of thongs, 39 vomit bags were distributed, and only 27 people required basic first aid to be administered. A total of 8 people utilised the Safe Space. This included 2 people who utilised the space while it was located at Union Street, and 6 who utilised the mobile Safe Space. Streetsafe Volunteers provided assistance to clients in getting home, providing transport using the Streetsafe van on 23 occasions, contacting friends or family of people on 27 occasions. Other services included providing a phone charge and providing directions and information regarding transport services to get people home or calling a taxi.

Volunteers were asked to determine the levels of risk for certain incidents for each client that was engaged with. Volunteers determined that 10.7% of respondents or 16 people were at "serious risk" of assault, with 55.3% at "minor risk" and in 9 cases, or 6% assaults occurred. Of the total number engaged 2% at risk of assault were deemed to be at risk of domestic violence related assault.
Those at serious risk of sexual assault was deemed to be 4.7% or 7 people, with 1 sexual assault recorded as having taken place. A significant number of people were deemed to be at "minor risk" of sexual assault (44.3%).

A total of 50 people were deemed to be at risk of some form of injury. This included 62% being at risk of a road-related injury for example stumbling into traffic, and 38% were at risk of another form of injury; these were coded into the following categories:

- Physical illness caused by intoxication (14%)
- At risk of falling (12%)
- At risk of becoming involved in a violent altercation (4%)
- At risk of lacerations from broken glass on the ground (8%)

Volunteers were provided with clear parameters to determine level of risk of theft. 45 people were identified as being at risk of theft (32%).
**Assistance and Consumables**

The type of other assistance provided during the pilot is detailed below:

- Basic first aid (27)
- Contact Ambulance (5)
- Contact Police (7)
- Charging mobile phones (not specifically recorded – only if related to other support provided)
- De-escalate conflict (14)
- Contact parent / relative / friend (27)
- Help find friends (24)
- Chupa Chups (approx. 1,800 TBC)
- Thongs (approx. 180 pairs TBC)
- Water (approx. 1,600 TBC)
- Vomit bags were also handed out to those who appeared highly intoxicated to reduce the instances of vomit on the street (39)
- Provided transport home or to other transport (23)
- Organised transport (54)
- Provided emotional support (46)
- Refer to or escort to accommodation (13)
- Escort to Safe Space (7)
Total Number of Persons Referred to Services

During the Pilot period, participants were assessed by the trained volunteers and referred to services where appropriate. A total of 147 people were referred to some form of service or link, with the most common being transportation home, followed by contacting family / friends or relatives to assist the person. During this period, 10 people were referred to specialist homelessness support services.
Anecdotal Evidence
The trial received very positive feedback received from council and police representatives, hotel staff and security personnel, as well as the people that we meet and assist on the street each week. Selected case studies highlight the benefit of the program in delivering safer outcomes and reducing drug and alcohol related harms in the Newcastle CBD at night time. The following are summaries of selected significant incidents which occurred during the Pilot Program.

De-escalation of conflict

Streetsafe Volunteers noticed a potential fight starting on the opposite side of the road. Staff intervened once the two groups had begun to separate, engaging one group in conversation in order to allow the second group to move away. (22 May, 2016, 2:18am)

Streetsafe Team observed 10 men looking hostile; one man was being held up against a fence. Team pulled the marked van up nearby and called the Police to alert them of the situation. The men began to disband. Streetsafe team monitored the situation, asking the men if they were ok and the men indicated that they were. (06 March, 2016, 3:42am).

guards at the premises after it appeared that there was some verbal abuse occurring. Volunteer provided first air to the young man, however one laceration appeared to require stitches. The Team escorted the young man to the taxi rank nearby and persuaded him to go to the hospital to get medical attention and have his details recorded. The young man said that he had called the police and was waiting for them to arrive, however the Team informed him that the hospital could record his details once he arrived. (4 March, 2016, 2:56am).

Vulnerable to sexual assault

Streetsafe Team found girl unresponsive at King Street McDonalds. Her phone could not be located, it was in possession of a stranger who had left town. Streetsafe Team transported the girl home as she “was not in good sorts”. (6 March, 2016, 3:45am).
StreetSafe Team observed a girl standing in the middle of the road (not in the process of crossing) on Darby St. Team approach the girl who at this stage was sitting on the bonnet of a car with two men. These men were identified as RSA Marshal working at a nearby licensed premises as they were wearing the RSA Marshal uniform. The StreetSafe Team offered the girl water and enquired about how they would be getting home. The girl appeared to be intoxicated and was short with the volunteer. The RSA Marshals advised that they would walk the girl home. Volunteers identified that this situation made them uncomfortable and so decided to observe the three people from a distance as the girl began to walk home, followed closely by the two men. The StreetSafe Coordinator was called and asked to drive past in the van to observe the situation, while the volunteers walked behind the three people. By the time the volunteers caught up to the group, the girl had moved into a car park. The two men were standing in front of the girl, who had her back to a wire fence and her arms up in the air. The Coordinator made his presence known by stepping into the lit driveway and the girl walked away. The men continued to follow the girl up the road. The Coordinator followed in the van and again intervened in the situation which appeared to be very unsafe for the girl. The Coordinator asked the girl if she was ok, and if she felt safe. She responded that she did not want anyone’s help, however when offered, she accepted the assistance of the two female volunteers to walk her home. The two RSA Marshals were provided with a lift back to their vehicle by the Coordinator. The girl began to act erratically and appeared to be affected by drugs. She began running, crossed Reserve Road and proceeded into King Edward Park, where the female volunteers attempted to keep up with her, as they were concerned for her welfare. However the volunteers lost sight of the girl, who had dropped her bag while she was running and fell down an embankment due to a lack of light in the park. One volunteer observed the fall and tended to her promptly, ensuring that she stayed still and providing basic first aid. When the rest of the team arrived, it was noted that she had sustained significant injury to her left knee as well as abrasions to her right knee, elbows and chest. The volunteer observed the girl hit her chin on the gutter when she fell. The girl was assessed for first aid needs, and it was determined that an ambulance was required, and so one was called. During this time, the coordinators attempted to contact the Police after previously being unable to, and attended the Police Station, however the girl was disoriented and concerned about the situation and ran down the street. Volunteers caught up to her and managed to get the girl to stay put, however it was determined that minimal interaction with her was best due to her state. Approximately 15 minutes later, the Police arrived. Officers then called an ambulance to attend. The girl was escorted to the hospital, and requested that one of the female volunteers go with her to the hospital. (16 November, 2015)
Vulnerable to theft

Streetsafe Team observed a 15 year old girl sitting along in Hunter St Mall. The girl was approached by a 50+ year old male. It did not appear that the male knew the girl. The man sat beside the girl and struck up a conversation. The Team observed for a short period before approaching the individuals. The male volunteer started a conversation with the male while the female volunteer spoke to the girl. The volunteers established that the girl was homeless with nowhere to stay for the night. The girl took the opportunity to separate herself from the man. (31 January, 2016 - 3:47am)

Streetsafe Team spotted an unconscious man in his twenties near the Maritime Centre with his valuables clearly visible. The team provided first aid to ensure that he was ok and moved his valuables so that they were concealed on his person. The team later returned to the man, saw that he was again unconscious and woke him up and provided him with water. (21 February, 2016 - 2:41am)

Two girls had their handbags stolen whilst sitting in Civic Park. Streetsafe Team were able to able them search for their belongings and return them to the girls. (20 December 2016 - 3:49am)

Vulnerable to traffic injury

Young man had been found by a group of other males who expressed concern for his welfare. The young man was very unstable and almost walked out in front of traffic. The Streetsafe Team attempted to walk the young man home, however he was too unstable and fell. The volunteers arranged for the Streetsafe Van to take the young man home safely. (10 January, 2016 - 1:43am)

Crime Data Analysis

It should be noted that the crime data supplied by Police provides an overview of crime levels within the designated time periods and are potentially impacted by a number of other activities occurring during the same time period, with the Streetsafe Pilot Project being just one of these variables.

An analysis of data supplied by NSW Police indicated that there was an overall decrease in alcohol related crime of 28.7% between November 2015 - July 2016 compared to the same time period in 2014 / 2015. Crime types analysed included
assault, intoxicated persons, malicious damage, resist / hinder police officer, robbery, sexual offences (sexual assault, indecent assault, other), stealing and street offences.

The largest significant reductions in alcohol related offences over this time period compared with the same time period in 2014 / 2015 included a 67.5% reduction in street offences and a 26% reduction in resist / hinder officer. Further, there was an overall reduction in the execution of proactive policing powers in alcohol-related incidents including move on and person searches of 29.6%. These figures, in conjunction with the qualitative data collected, demonstrate that the program made some contribution in reducing the burden of alcohol related harms on police.

Discussion

Results indicate that the Streetsafe Pilot Program had a measurable impact on minimising immediate drug and alcohol-related harm during its operation and in reducing the burden of alcohol related harms on the Police. This was demonstrated through the significant number of engagements and assistance provided to people on Saturday nights that had been adversely affected by alcohol or drugs. Additionally, the reduction of burden on emergency services such as Police is evidenced through the analysis of crime data and the qualitative data capture which indicates Streetsafe interventions had a positive impact on de-escalating conflict or intervening in situations where risk of sexual assault, theft or injury were predicted, which reduced people’s vulnerability to these drug and alcohol related harms and anti-social behaviours.

Streetsafe provided a safe place for intoxicated people to rest and recuperate, however this was underutilised by the Police. This is an area for consideration into the future. A significant number of people were positively engaged by Streetsafe Volunteers. It is reasonable to assume that this had an immediate impact on perceptions of safety in Newcastle’s night time economy. However, consideration should be given to measuring these impacts.

A number of people were referred to other services including homelessness services, transport and emergency services. These referrals have the potential to create a sustained positive impact on the person’s life. Although one-off interventions have a significant impact on immediate circumstances, consideration should be given to how to increase referral to services or how to follow-up at a later date to offer referral to other services. The referral to services during the pilot indicates that the outcomes of the program may have been broader than minimising drug and alcohol related harms, where the linking of people into specialist homelessness services or temporary accommodation has the potential to provide positive outcomes for that person in the long term. Consideration should be given as to how to
accurately measure these outcomes in future. This would assist us in further assessing the programs impact.

Information collected through the evaluation demonstrated that the model was successful in achieving the key deliverables. Additionally, the presence of the Streetsafe Volunteers is an important element in contributing to Newcastle City Council’s 2030 Strategic Vision to create Safe and Vibrant Public Places and a Caring and Inclusive Community.

Recommendations

The Streetsafe Program should continue with consideration to the following recommendations;

1. The scope of the evaluation tool should be broadened to appropriately measure the wider social outcomes of the program using Social Return on Investment.

2. Clear parameters and guidelines should be developed to assist volunteers in identifying levels of risk for each crime type. This should be explained during training and the training should be refreshed at regular intervals to emphasise the importance of assessing and recording engagements with accuracy.

3. Consider replicating the model in other late night entertainment precincts, particularly Hamilton.

4. Identify more efficient processes for the recording and reporting of data to ensure that incidents are captured that most accurately reflect the nature of what is happening. This could include electronic means of capturing data.

5. Consideration should be given to incentivising participants to engage again with the Salvation Army, post-intervention to further measure the outcomes of the program.

6. Consideration should be given regarding how to increase the use of the Safe Space by emergency services, particularly the Police, to decrease the burden of alcohol-related harms on this service.

7. Perceptions of safety within Newcastle and Hamilton should be a specific measured outcome of the program.

8. Review training materials regularly and identify potential areas where more training is required: i.e. First Aid; Conflict Resolution.
9. Seek out opportunities for sponsorship from other organisations not necessarily operating in the city at night but with a vested interest in the ongoing safety and amenity of the public domain.

10. Explore opportunities for closer involvement with other agencies concerned with the long term effects of alcohol and drug use.

11. Identify the means by which vulnerable groups could be educated about the risks associated with alcohol and recreational drug use with the focus on harm prevention.

12. Consider developing a marketing campaign to secure sponsorship of the program on an ongoing basis.

What’s Next?

The program will continue to operate on Saturday nights in the City Centre, with potential to expand the reach of the program to other areas within the Newcastle LGA.

Sponsorship will be sought to fund the ongoing operation of the program after the 2016/17 financial year.

Consultants from Price Waterhouse Coopers will be engaged to assist in the development of an evaluation tool to more accurately measure social outcomes of the program going forward. This will allow a full Social Return on Investment evaluation in 2017.
ITEM-103  CCL 22/11/16 - EXHIBITION OF DRAFT AMENDMENT TO NEWCASTLE DEVELOPMENT CONTROL PLAN 2012 - SECTION 7.09 OUTDOOR ADVERTISING AND SIGNAGE

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

PURPOSE

The purpose of this report is to outline proposed amendments to the Newcastle Development Control Plan 2012 (DCP) and obtain a resolution of Council to place the draft amendments on public exhibition for a period of four weeks.

RECOMMENDATION

1 Council resolves to place draft amendments to Section 7.09 Advertising and Signage and Section 9.00 Glossary of Newcastle Development Control Plan 2012, as provided in Attachment A, on public exhibition for a period of four weeks.

KEY ISSUES

2 The existing Section 7.09 Outdoor Advertising and Signage of the DCP has not been reviewed for a number of years and is not consistent with current State Environmental Planning Policies (SEPPs) (ie. SEPP 64 - Advertising and Signage or SEPP Exempt and Complying Development). The proposed amendments seek to update the section and address any inconsistencies with State planning instruments.

3 Managing a proliferation of signage within commercial and industrial areas has become an increasingly challenging issue for Council’s Development Assessment and Regulatory Services units. As many of Newcastle’s commercial precincts are within heritage conservation areas, this also raises the importance of good design and careful siting of signage to minimise impacts on the heritage significance of these areas.

4 This amendment proposes to update the existing controls within Section 7.09 Outdoor Advertising and Signage to address signage development within heritage conservation areas. The proposed amendment identifies key commercial precincts within Newcastle’s heritage conservation areas. Each precinct has a set of controls which addresses, conserving / protecting heritage significance of areas, establishing a uniform and cohesive approach to signage, and also encouraging development which reflects the existing / desired character of the area.
5 The proposed amendment seeks to repeal the current Outdoor Advertising Technical Manual and list all objectives and controls within a new Section 7.09 Advertising and Signage of the DCP.

6 The amended Section proposes a new format, which includes an easy to use table that lists relevant signage types (including new forms such as LED / electronic message signs) and their associated controls.

FINANCIAL IMPACT

7 The proposed amendments do not have a direct financial impact on the operations of Council. The provision of development guidelines has an indirect benefit through more efficient processing of development applications.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 The proposed amendments align with the strategic direction of the Community Strategic Plan for a ‘Liveable and Distinctive Built Environment’ in that it seeks to preserve and enhance Newcastle’s historic streetscapes and unique village centres.

IMPLEMENTATION PLAN/IMPLICATIONS

9 Should Council resolve to place the draft amendments to the DCP on public exhibition, the correct legal process will be followed for amending development control plans. The outcomes of the public exhibition will be reported back to Council.

RISK ASSESSMENT AND MITIGATION

10 There are no risks to Council in the proposed amendments to the DCP. The legal process is being followed. The recommended public exhibition period of 28 days is consistent with the plan making requirements under the Act.

RELATED PREVIOUS DECISIONS

11 The Newcastle DCP 2012 was adopted by Council in November 2012.

CONSULTATION

12 Discussions were held with team members from Development and Building Services and Regulatory Services to develop the draft revised guidelines. The wider community will be consulted during the public exhibition period.

13 Consultation with the public and development industry groups such as Business Improvement groups, planning consultants and sign makers will be undertaken during the exhibition period.
OPTIONS

Option 1

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

Option 2

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

BACKGROUND

16 The DCP was adopted by Council in November 2012. There were no amendments made at that time to the controls for Outdoor Advertising and Signage. This section of the DCP has therefore remained unchanged for a number of years. State planning legislation has changed during this time resulting in an updated SEPP 64 - Advertising and Signage, and the inclusion of a Signage Division within the SEPP Exempt and Complying Development.

17 In late 2014, it was identified that there was a high level of unauthorised signage across the LGA. In 2015, a project team was formed to identify issues relating to unauthorised signage (ie. Regulatory Services and Development and Building DA Assessment). It was identified as part of this process that this section of the DCP was not consistent with current State Legislation, nor provided adequate controls for the desired outcomes relating to signage, especially within the City Centre.

18 The amendment of this section of the DCP was identified as a high priority given the inconsistencies in State legislation, the increase in undesirable signage types such as LED / electronic message signs and flags / banners, and a desired uniform approach to signage within the City Centre.

ATTACHMENTS

Attachment A: Draft Section 7.09 Advertising and Signage and Draft Section 9.00 Glossary

Attachment is distributed under separate cover.
ITEM-104  
CCL 22/11/16 - 26 EDITH STREET WARATAH (WRIGHTSON RESERVE) AND RD 20435 - ENDORSEMENT OF PROPOSED AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

REPORT BY:  
PLANNING AND REGULATORY

CONTACT:  
ACTING DIRECTOR PLANNING AND REGULATORY / MANAGER STRATEGIC PLANNING

PURPOSE

This report seeks Council’s endorsement of a Planning Proposal to commence the statutory process to prepare amendments to Newcastle Local Environmental Plan 2012 (LEP).

The Planning Proposal is in relation to land that Council owns at 26 Edith Street Waratah (Wrightson Reserve) and RD 20435 (portion of road adjacent to Wrightson Reserve) and involves the reclassification and rezoning of the land of 26 Edith Street Waratah and to resolve a zoning anomaly at RD 20435.

RECOMMENDATION

1 Council resolves to:
   
   i) Endorse the attached Planning Proposal (Attachment A), pursuant to Section 55 of the Environmental Planning and Assessment (EP&A) Act 1979, in order to amend Newcastle Local Environmental Plan 2012 for land at 26 Edith Street, Waratah and RD 20435, as follows:

   a) Amend the Land Zoning Map to rezone Wrightson Reserve from RE1 Public Recreation to SP2 Health Services Facility and rezone RD 20435 from RE1 Public Recreation to R2 Low Density Residential;

   b) Amend the Height of Buildings Map for RD 20435 to include a maximum building height of 8.5 metres;

   c) Amend the Floor Space Ratio (FSR) Map for RD 20435 to include a maximum permissible FSR of 0.75;

   d) Amend the Minimum Lot Size Map to remove the minimum lot size for Wrightson Reserve and reduce the minimum lot size of 40 hectares to 450m² for RD 20435; and

   e) Include the subject land within Part 2 – Land classified or reclassified, as operational land – interests changed within Schedule 4 Classification and reclassification of public land, as follows:

   • Column 1 to read “Waratah”
ii) Forward the Planning Proposal to the Minister for Planning and Environment for Gateway Determination pursuant to Section 56 of the *EP&A Act 1979*.

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

iv) Consult with the community and relevant government agencies as instructed by the Gateway Determination, noting that section 29 of the Local Government Act 1993 requires a public hearing to be held in respect of the reclassification of the land.

v) Receive a report back on the Planning Proposal following completion of the required consultation.

**KEY ISSUES**

2 The Planning Proposal (Attachment A) was prepared in accordance with the Department of Planning and Environment guidelines and Council’s Local Environmental Plan – Request for Amendment Policy.

3 Council resolved on 9 December 2014 to endorse the preparation of a Planning Proposal to enable the rezoning and reclassification of 26 Edith Street Waratah (Wrightson Reserve). Upon further investigation of the site a zoning anomaly was identified on part of Edith Street adjacent to Wrightson Reserve. To ensure the anomaly is appropriately corrected, it has also been included in the Planning Proposal.

4 The proposed change of zone from RE1 Public Recreation to SP2 Health Services Facility for 26 Edith Street Waratah will allow the future development of the site to be used for medical or other services relating to the maintenance, improvement and restoration of health or the prevention of disease and treatment of injury and includes the following uses:

i) a medical centre
ii) community health service facilities
iii) health consulting rooms
iv) patient transport facilities, including helipads and ambulance facilities
v) hospital.

5 The proceeds of any future sale of 26 Edith Street Waratah will be credited to the Land and Property Reserve and used to fund future recreation projects.
6 If endorsed by Council, the Planning Proposal will be forwarded to the Minister for Planning and Environment for Gateway Determination. Gateway Determination will confirm initial support for the draft Planning Proposal, and identify what further technical studies and community consultation are required prior to the proposed amendments being determined.

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

FINANCIAL IMPACT

8 Fees (as outlined within Council’s Fees and Charges Register) will be applied in accordance with Council’s LEP Request for Amendment Policy (2012). That is, prescribed fees apply to all formal requests, except where required for the provision of public infrastructure or as a result of correcting a minor anomaly.

9 All costs associated with processing the proposal can be met within the current budget.

10 Any proceeds from the future sale of 26 Edith Street Waratah will be credited to the Land and Property Reserve.

COMMUNITY STRATEGIC PLAN ALIGNMENT

11 The preparation and processing of the attached draft Planning Proposal aligns to the strategic direction ‘Open and Collaborative Leadership’ identified within the Newcastle 2030 Community Strategic Plan.

12 Compliance with the LEP amendment process, in particular, Section 57 of the EP&A Act 1979, will assist in achieving the strategic objective; “Consider decision-making based on collaborative, transparent and accountable leadership” and the identified strategy 7.2b, which states: “Provide opportunities for genuine and representative community engagement in local decision making” as identified within the Newcastle 2030 Community Strategic Plan.

IMPLEMENTATION PLAN/IMPLICATIONS

13 The preparation of the attached Planning Proposal was undertaken in accordance with Council’s Local Environmental Plan - Request for Amendment Policy (2012). This policy identifies Council’s processes and responsibilities in applying the requirements of Part 3 of the EP&A Act 1979 for amending an LEP.
RISK ASSESSMENT AND MITIGATION

14 The process of amending an LEP is prescribed by Part 3 of the *EP&A Act 1979*. Adherence to the legislative framework reduces the risk to both applicant and Council by ensuring that a Planning Proposal is considered with regard to relevant strategic planning documents and is determined in an appropriate timeframe.

RELATED PREVIOUS DECISIONS

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

16 Council resolved at the Ordinary Meeting held on 9 December 2014 to endorse all required property actions to enable appropriate land zoning and reclassification of the property.

CONSULTATION

17 The Planning Proposal outlines the level of consultation required as per the Planning NSW guidelines ‘Preparing Local Environmental Plans’. The Planning Proposal will be exhibited in accordance with the requirements of section 57 of the *EP&A Act 1979* and section 29 of the *Local Government Act 1993*. The proposal will be placed on public exhibition for a minimum of 28 days.

18 A public hearing will be required to be held because the proposal is reclassifying land from Community to Operational. In accordance with the Department of Planning Circular (PN 16-001) the public hearing will be held after the close of the exhibition period. Public notice of the public hearing will be published at least 21 days before the start of the public hearing.

19 The Gateway Determination will confirm which State agencies must be consulted on the Planning Proposal.

OPTIONS

Option 1

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

Option 2

21 Council resolves not to proceed with the Planning Proposal. This is not the recommended option.
BACKGROUND

22 In 2010 Council commissioned a review of open space throughout the local government area. This review suggested the potential reclassification and disposal of 38 open space parcels of various sizes subject to further site specific investigations. A detailed review of these shortlisted parcels was undertaken which assessed the various uses and functions of the land. The assessment concluded that due to the significant number of constraints on the land, only 12 land parcels could be considered for potential reclassification and disposal.

23 26 Edith Street, Waratah was listed as one of the 12 properties that potentially could be disposed of. A report recommending the rezoning, reclassification and disposal of six Council owned properties was reported to Council on 9 December 2014. Council resolved to proceed with further investigations of three of these properties including 26 Edith Street Waratah. This planning proposal has been developed in response to the Council resolution of 9 December 2014.

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

25 The Planning Proposal (Attachment A) provides the necessary justification to satisfy Council that the proposed amendment to LEP may be endorsed and forwarded to NSW Planning and Environment to seek Gateway Determination.

REFERENCES

ATTACHMENTS

Attachment A: Planning Proposal - 26 Edith Street Waratah and RD 20435

Attachment is distributed under separate cover.