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 August 2017  
**TIME:** 5.30pm  
**VENUE:** Council Chambers  
2nd Floor  
City Hall  
290 King Street  
Newcastle NSW 2300

J Bath  
Interim Chief Executive Officer

City Administration Centre  
282 King Street  
NEWCASTLE NSW 2300  
15 August 2017

**Please note:**

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

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

Council meetings are recorded for the purposes of verifying the accuracy of minutes taken. Only the official minutes may be relied upon as an official record of the meeting. Council may be required to disclose recordings pursuant to the Government Information (Public Access) Act 2009, or where Council is compelled to do so by court order, warrant or subpoena or by any other legislation.
<table>
<thead>
<tr>
<th>Item</th>
<th>Business</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>APOLOGIES/LEAVE OF ABSENCE</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>ORDERS OF THE DAY</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>DECLARATIONS OF PECUNIARY / NON PECUNIARY INTEREST</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>CONFIRMATION OF PREVIOUS MINUTES</strong></td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>MINUTES - ORDINARY COUNCIL MEETING 13 JUNE 2017</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>MINUTES - PUBLIC VOICE COMMITTEE 18 JULY 2017</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>MINUTES - ORDINARY COUNCIL MEETING 25 JULY 2017</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td><strong>LORD MAYORAL MINUTE</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>REPORTS BY COUNCIL OFFICERS</strong></td>
<td>27</td>
</tr>
<tr>
<td>ITEM-86</td>
<td>CCL 22/08/17 - EXECUTIVE MONTHLY PERFORMANCE REVIEW - JULY 2017</td>
<td>27</td>
</tr>
<tr>
<td>ITEM-87</td>
<td>CCL 22/08/17 - ADOPTION OF INVESTMENT AND BORROWING POLICY</td>
<td>33</td>
</tr>
<tr>
<td>ITEM-88</td>
<td>CCL 22/08/17 - FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2017 TO BE REFERRED TO COUNCIL'S AUDITORS</td>
<td>59</td>
</tr>
<tr>
<td>ITEM-89</td>
<td>CCL 22/08/17 - PROPOSED LAND TRANSFER - 299 PACIFIC HIGHWAY MEREWETHER</td>
<td>64</td>
</tr>
<tr>
<td>ITEM-90</td>
<td>CCL 22/08/17 - SUPPLEMENTARY REPORT - OPEN AND TRANSPARENT GOVERNANCE STRATEGY</td>
<td>71</td>
</tr>
<tr>
<td>ITEM-91</td>
<td>CCL 22/08/17 - MCCAFFREY DRIVE, RANKIN PARK - PROPOSED KERB EXTENSION AT ELBROOK DRIVE</td>
<td>73</td>
</tr>
<tr>
<td>ITEM-92</td>
<td>CCL 22/08/17 - ENDORESEMENT OF NEWCASTLE 2030 END OF TERM REPORT 2012-2017</td>
<td>83</td>
</tr>
<tr>
<td>ITEM-93</td>
<td>CCL 22/08/17 - ADOPTION OF THE DRAFT SMART CITY STRATEGY 2017-2021</td>
<td>86</td>
</tr>
</tbody>
</table>
ITEM-94  CCL 22/08/17 - SUPPLEMENTARY REPORT - EXHIBITION OF DRAFT PLANNING AGREEMENT FOR RAIL CORRIDOR LAND BETWEEN WORTH PLACE AND WATT STREET, NEWCASTLE

ITEM-95  CCL 22/08/17 - SUPPLEMENTARY REPORT - EXHIBITION OF AMENDMENT TO SECTION 6.01 NEWCASTLE CITY CENTRE OF NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

ITEM-96  CCL 22/08/17 - SUPPLEMENTARY REPORT - LAND BOUNDED BY MOSBRI CRESCENT AND KITCHENER PARADE THE HILL - AMENDMENT TO NEWCASTLE LEP 2012 (TO BE DISTRIBUTED UNDER SEPARATE COVER)

NOTICES OF MOTION

ITEM-20  NOM 22/08/17 - LAMBTON PARK FENCED OFF LEASH-DOG AREA

ITEM-21  NOM 22/08/17 - NEED FOR UPGRADED COMMUNITY FACILITIES IN JESMOND

ITEM-22  NOM 22/08/17 - AMEND PLANNING PROPOSAL TO PLACE LIGHT RAIL ON THE RAIL CORRIDOR

ITEM-23  NOM 22/08/17 - COUNCIL, DESTINATION NSW AND SUPERCARS CONSULTATION

CONFIDENTIAL REPORTS

ITEM-8  CON 22/08/17 - PROPERTY MATTER - CLARENDON HOTEL LEASE

ITEM-9  CON 22/08/17 - PURCHASE OF HUNTER WATER BUILDING - 679A TO 681 HUNTER STREET, NEWCASTLE WEST

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

MINUTES - ORDINARY COUNCIL MEETING 13 JUNE 2017

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 170613 Ordinary Council Meeting Minutes

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

IN ATTENDANCE
J Bath (Interim Chief Executive Officer), Andrew Glauser (Acting Director Corporate Services), K Liddell (Acting Director Infrastructure), P Chrystal (Director Planning and Regulatory), J Gaynor (Manager Strategic Planning), F Leatham (Acting Manager Human Resources), P McCarthy (Team Coordinator Strategic Planning) K Baartz (Communications Manager), A Knowles (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 Rufo, seconded by Cr Waterhouse

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

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS
The Lord Mayor called for declarations of pecuniary and non-pecuniary interests. There being none the Lord Mayor moved for confirmation of the previous minutes.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - ORDINARY COUNCIL MEETING 9 MAY 2017

MOTION
Moved by Cr Clausen, seconded by Cr Waterhouse

The draft minutes as circulated be taken as read and confirmed.
ITEM-8 LMM 13/06/2017 - LIGHT RAIL EXTENSION AND NETWORK

MOTION
Moved by Lord Mayor, Councillor Nelmes

1. That Council updates the Light Rail extension and light rail network in Council’s “Connecting Newcastle Our Urban Renewal Vision” adopted 22nd March 2016, including with:

2. That Council leads the formation of a working party to deliver on this vision with relevant state agencies (including the Hunter Development Corporation, Urban Growth, Roads and Maritime Services, and Transport for NSW), Keolis Downer and the community.

Carried

Councillor Doyle requested her name be recorded in the minutes as having voted against the motion.
ITEM-57  CCL 13/06/17 - PILOT STUDY TO ESTABLISH LOCAL CHARACTER

MOTION
Moved by Cr Doyle, seconded by Cr Posniak

Council resolves to support the project framework (Attachment A).

Carried Unanimously

ITEM-58  CCL 13/06/17 - RECLASSIFICATION OF LAND AT 21 BRADFORD CLOSE KOTARA - ADOPTION OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

MOTION
Moved by Cr Waterhouse, seconded by Cr Compton

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 Local Environmental Plan 2012 (LEP) to reclassify land at Lot 182 DP 850168, 21 Bradford Close, Kotara, from community to operational.

ii) Forward the Planning Proposal to the Minister for Planning and Environment requesting that a draft Local Environmental Plan be prepared and made pursuant to Section 59(1) of the EP&A Act.

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

For the Motion:  Lord Mayor, Cr Nelmes, Councillors Clausen, Compton, Dunn, Robinson, Rufo and Waterhouse.

Against the Motion:  Councillor Doyle.

Carried
ITEM-59 CCL 13/06/17 - HARRIET STREET AND CHRISTO ROAD WARATAH - ENDORSEMENT OF PROPOSED AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

MOTION
Moved by Cr Waterhouse, seconded by Cr Compton

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 Local Environmental Plan 2012 (LEP) for land at 58-60 Harriet St and 115 Christo Rd, Waratah as follows:

a) Amend the Land Zoning Map to rezone the land from R2 Low Density Residential to R3 Medium Density Residential.

b) Amend the Floor Space Ratio (FSR) Map to amend floor space ratio for the subject sites from 0.75:1 to 0.9:1.

c) Amending the Height of Buildings Map by amending the maximum permitted height for the subject sites from 8.5m to 11m.

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

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

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

Against the Motion: Nil

Carried
NOTICES OF MOTION

ITEM-14 NOM 13/06/17 - COUNCIL ACCEPTS INVITATION TO JOIN CLIMATE COUNCIL’S CITIES POWER PARTNERSHIP

MOTION
Moved by Cr Doyle, seconded by Cr Clausen

Council:

1 Councils supports in principal becoming a partner with the Climate Council’s City Power Partnership.

2 Receives a report at the Ordinary Council Meeting on Tuesday 25 July 2017 outlining how Council can most effectively participate in the partnership, what benefits will accrue to Council and the community from the partnership and how Council can contribute to the work of the partnership.

Carried

The meeting concluded at 6.05pm
CITY OF NEWCASTLE

MINUTES - PUBLIC VOICE COMMITTEE 18 JULY 2017

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 170718 Public Voice 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 Deputy Lord Mayor (Councillor J Dunn), Councillors D Clausen, D Compton, T Doyle (arrived 5.35pm), B Luke, S Posniak, A Robinson, A Rufo and S Waterhouse.

IN ATTENDANCE
J Bath (Interim Chief Executive Officer), A Glauser (Acting Director Corporate Services), K Liddell (Acting Director Infrastructure), P Chrystal (Director Planning and Regulatory), M Blackburn-Smith (Manager Development and Building), E Kolatchew (Acting Manager Legal and Governance), K Baartz (Communications Manager) and K Sullivan (Council Services/Minutes/Webcasting).

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

PRAYER
The Deputy 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 Rufo

The apologies submitted on behalf of Lord Mayor, Cr Nelmes and Councillor Osborne be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS
The Deputy Lord Mayor called for declarations of pecuniary and non-pecuniary interests. There being none the Deputy Lord Mayor moved to items of Public Voice.

PUBLIC VOICE SESSIONS

ITEM-1 PV 18/07/17 - DA2016/01478 - 4 BEACH STREET NEWCASTLE EAST - DEMOLITION OF DWELLING, ERECTION OF THREE STOREY DWELLING AND ASSOCIATED SITE WORKS
Dr Greg Gibbon, Mr Nick Bendit and Mr Howard Sheddon addressed Council and outlined their objections to the development application.

Mr Dave Morris, Applicant and Owner, and Brenton Porter, Architect, addressed Council in support of the Development Application.

**ITEM-2** PV 18/07/17 - DA2017/00185 - 84 CARRINGTON STREET MAYFIELD - ALTERATIONS TO EXISTING DWELLING, ERECTION OF TWO ATTACHED TWO STOREY DWELLINGS, CARPORT, ASSOCIATED SITE WORKS AND THREE LOT STRATA SUBDIVISION

Mr Michael Blaxland addressed Council and outlined his objections to the development application.

On this occasion, an address from the DA Applicant was not provided.

**ITEM-3** PV 18/07/17 - DA2017/00005 - 62 FLEMING STREET WICKHAM - DEMOLITION OF OUTBUILDING AND ERECTION OF THREE STOREY DWELLING

Nil speakers were present to address Council on DA 2017/00005 and the item was withdrawn.

The meeting concluded at 6.27pm.
MINUTES - ORDINARY COUNCIL MEETING 25 JULY 2017

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 170725 Minutes Ordinary Council Meeting

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 (arrived 5.41pm), T Doyle, J Dunn, B Luke, M Osborne, S Posniak, A Robinson and A Rufo.

IN ATTENDANCE
J Bath (Interim Chief Executive Officer), A Glauser (Interim Corporate Services Director), K Liddell (Interim Infrastructure Director), J Gaynor (Acting Director Planning and Regulatory), E Kolatchew (Interim Legal and Governance Manager), B Johnson (Media Officer), K Hyland (Manager Communications and Engagement), A Knowles (Council Services/Minutes) and K Sullivan (Council Services/Webcast).

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.

Remembrance for Mike Slater was noted with great sadness as well as his contributions to the City of Newcastle.

APOLOGIES

MOTION
Moved by Cr Luke, seconded by Cr Compton

The apology submitted on behalf of Councillor Waterhouse be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS
The Lord Mayor called for declarations of pecuniary and non-pecuniary interests.

Councillor Luke
Councillor Luke declared a non-pecuniary less than significant conflict of interest in Item 74 - Executive Monthly Performance Report as it included the Re-investment Surplus Funds Report which mentions multiple financial institutions and many financial institutions that he has dealings with in his business. The declaration is less than significant as he noted he is not involved in determining where funds are invested with and is just receiving a report.
Councillor Clausen
Councillor Clausen declared a non-pecuniary less than significant interest in Item 77 - Low Lying Areas Strategic Position Paper - Results of Public Exhibition. The interest declared was that the report mentioned his employer however Councillor Clausen had no role in the decision making and the reference was an in passing mention.

Councillor Doyle
Councillor Doyle declared a non-pecuniary less than significant interest in Item 81 - Land Bounded by Mosbri Crescent and Kitchener Parade The Hill - Adoption of Amendment to Newcastle Local Environmental Plan 2012 as she resided within the vicinity of the land and would remain in the Chamber for the item.

Lord Mayor
Lord Mayor Councillor Nelmes declared a non-pecuniary less than significant interest in Item 81 - Land Bounded by Mosbri Crescent and Kitchener Parade The Hill - Adoption of Amendment to Newcastle Local Environmental Plan 2012 stating that a former Councillor that the Lord Mayor worked with lived within the vicinity. The Lord Mayor stated that she would remain in the Chamber for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 20 JUNE 2017
MINUTES - BRIEFING COMMITTEE 20 JUNE 2017
MINUTES - ORDINARY COUNCIL MEETING 27 JUNE 2017

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

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

Carried

PROCEEDINGS IN BRIEF

PROCEDURAL MOTION
Moved by Cr Osborne, seconded by Cr Doyle

Council accept the late item of business, Permanent Effective Full Time (EFT) as a matter of urgency as the determination made by the Industrial Relations Commission was only made recently and the organisation made aware Friday 21 July 2017.

The Lord Mayor ruled the matter to be urgent and heard as a late item of business.

The procedural motion moved by Councillors Osborne and Doyle was put to the meeting.  

Carried
LORD MAYORAL MINUTE

ITEM-11 LMM 25/07/17 - UNIVERSITY OF NEWCASTLE'S CENTRE FOR EXCELLENCE FOR EQUITY IN HIGHER EDUCATION'S, CHILDREN'S UNIVERSITY PROGRAM

MOTION
Moved by Lord Mayor Cr Nelmes

That:

1. Council develops a collaborative partnership between the Centre of Excellence for Equity in Higher Education (CEEHE) and the City of Newcastle, to further the growth of the Children's University program throughout the Newcastle Region;

2. Council explores the opportunity for Newcastle to become a Children's University City and to build upon the existing local businesses and community groups engaged with the Children's University program in Newcastle; and

3. Council works with the CEEHE to select learning destinations throughout the Newcastle Local Government Area for accreditation as a Children's University Learning Destination and/or activity.

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

Against the Motion: Councillors Compton, Luke and Rufo.

Carried

ITEM-12 LMM 25/07/17 - DESIGN REVIEW PANEL

MOTION
Moved by Lord Mayor Cr Nelmes

That Council:

Receives a report on the establishment of a Newcastle Design Review Panel that would provide independent and authoritative advice to Council, as well as other decision makers in Newcastle about the design of significant development proposals in the City.

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

Against the Motion: Councillors Compton, Luke and Robinson.

Carried
ITEM-76  CCL 25/07/17 - "LITTLE" KING STREET, NEWCASTLE WEST - PROPOSED RAISED PEDESTRIAN CROSSINGS EAST OFF STEWART AVENUE

MOTION
Moved by Cr Osborne, seconded by Cr Dunn

Council approves the installation of two raised thresholds with kerb extensions in "Little" King Street, Newcastle West east of Stewart Avenue as shown at Attachment A.

Carried

ITEM-78  CCL 25/07/17 - EXHIBITION OF DRAFT AMENDMENT TO SECTION 4.04 SAFETY AND SECURITY OF NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

MOTION
Moved by Cr Osborne, seconded by Cr Clausen

Council resolves to place the draft amended Section 4.04 Safety and Security and consequential amendments to section 9 Glossary of Newcastle Development Control Plan 2012, as provided in Attachment A on public exhibition for 28 days.

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

Against the Motion: Nil.

Carried

ITEM-80  CCL 25/07/17 - ADOPTION OF SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN 2009

MOTION
Moved by Cr Clausen, seconded by Cr Osborne

Council adopt the Section 94A Development Contributions Plan 2009 as outlined in Attachment A in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

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

Against the Motion: Councillor Luke.

Carried
ITEM-84 CCL 25/07/17 - SUBMISSION TO THE INQUIRY INTO THE AUSTRALIAN GOVERNMENT’S ROLE IN THE DEVELOPMENT OF CITIES - LATE ITEM

Councillor Osborne moved the amended recommendation as outlined in the All Councillor Memo to Councillors on 25 July 2017.

MOTION
Moved by Cr Osborne, seconded by Cr Clausen

Council delegate authority to the office of the Lord Mayor and the Interim Chief Executive Officer to finalise the submission on the role of the Australian Government in Cities before the due date of 31 July 2017.

Carried

ITEM-74 CCL 25/07/17 - EXECUTIVE MONTHLY PERFORMANCE REPORT - JUNE 2017

MOTION
Moved by Cr Clausen, seconded by Cr Osborne

The report be received.

Carried

Unanimously

ITEM-75 CCL 25/07/17 - TABLING OF PECUNIARY INTEREST RETURNS

In moving the motion Councillor Clausen proposed a Part 2 to the Officer’s recommendation as printed in the business papers.

MOTION
Moved by Cr Clausen, seconded by Cr Osborne

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

2. Council submits a motion to LGNSW’s upcoming Annual Conference calling on support from LGNSW member councils for modification to Section 449 of the Local Government Act 1993 to provide a mechanism for designation persons to disclose the interests of their spouses/partners and depended children through the annual pecuniary interest returns process.

Carried

unanimously
ITEM-77  CCL 25/07/17 - LOW LYING AREAS STRATEGIC POSITION PAPER - RESULTS OF PUBLIC EXHIBITION

MOTION
Moved by Cr Osborne, seconded by Cr Posniak

Council adopts the Draft Strategic Position Paper for Low Lying Areas as provided in Attachment A.

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

Against the Motion: Councillor Luke.

Carried

ITEM-79  CCL 25/07/17 - ENDORSEMENT FOR EXHIBITION OF DRAFT AFFORDABLE LIVING PLAN

In moving the motion Lord Mayor Councillor Nelmes proposed a Part 2, 3 and 4 to the Officer’s recommendation as printed in the business papers with an amendment to the public exhibition period from 28 days to a period of 60 days.

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

1. Council resolves to place the draft Affordable Living Plan (the draft Plan) as provided in Attachment A, on public exhibition for a period of 60 days.

2. At the conclusion of Public Exhibition, Council hosts a Newcastle Affordable Living Roundtable to review the draft document, submissions received, and to make a recommendation to Council by the ordinary Council meeting in December 2017.

3. The Roundtable is to be open to representatives from local affordable housing providers, community housing providers, NSW Government agencies, Councillors, tenant representatives, academics and others with an interest in furthering affordable housing (including cooperative housing) in Newcastle.

4. The Roundtable should consider additions to the Affordable Living Plan including census data updates as new information becomes available; a clear vision statement and targets for affordable housing supply in Newcastle; and the opportunities to ensure development currently in the pipeline meets best practice for affordable living.

Carried unanimously
MOTION
Moved by Cr Luke, seconded by Cr Compton

Council resolves to:

i) Endorse the attached planning proposal PP_2016_NEWCA_010_00, pursuant to section 55 of the Environmental Planning and Assessment Act 1979 NSW (EP&A Act), in order to amend Newcastle Local Environmental Plan 2012 (LEP) and rezone land bounded by Mosbri Crescent and Kitchener Parade, The Hill that comprises the following land parcels:

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 Department of Planning and Environment (DPE) requesting that a draft LEP be prepared and made pursuant to section 59(1) of the EP&A Act.

iii) Advise the Secretary of the DPE that Council does not seek to exercise delegations for undertaking section 59(1) of the EP&A Act.

iv) Adopt the new draft Section 6.14 - 11 Mosbri Crescent, The Hill of Newcastle Development Control Plan 2012 and provide public notice advising that this development control take effect on the business day following the date upon which the abovementioned amendment to Newcastle LEP 2012 is made.

PROCEDURAL MOTION
Moved by Cr Doyle, seconded by Cr Osborne

The item lay on the table until such time that there is an opportunity for a Public Voice session to be held with both the applicant and the objectors.

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

Against the Procedural Motion: Councillors Compton, Luke, Robinson and Rufo.

Carried
ITEM-82  CCL 25/07/17 - CLIMATE COUNCIL'S CITIES POWER PARTNERSHIP

MOTION
Moved by Cr Doyle, seconded by Cr Osborne

That Council receive the report and the five key actions recommended for Council to pursue under the Cities Power Partnership. The recommended actions selected from the CPP list of pledges are:

i) **Action 1**: Renewable Energy - Open up unused landfill for renewable energy and power Council operations by renewables.

ii) **Action 2**: Energy Efficiency - Roll out LED street-lighting across the Local Government Area (LGA).

iii) **Action 3**: Transport - Providing for adequate cycle lanes (both space and connectivity) in road design and supporting cyclists through providing parking, and end-of-ride facilities (covered, secure bike storage, showers, bicycle maintenance and incentives).

iv) **Action 4**: Transport - Provide fast-charging infrastructure throughout the city at key locations for electric vehicles.

v) **Action 5**: Renewable Energy - Install renewable energy (solar PV and battery storage) on Council buildings for example libraries, sporting grounds and Council offices.

AMENDMENT
Moved by Cr Rufo, seconded by Cr Luke

That Council receive the report and **adopt** the five key actions recommended for Council to pursue under the Cities Power Partnership and the potential cost involved in pursing the initiatives. The recommended actions selected from the CPP list of pledges are:

i) **Action 1**: Renewable Energy - Open up unused landfill for renewable energy and power Council operations by renewables.

ii) **Action 2**: Energy Efficiency - Roll out LED street-lighting across the Local Government Area (LGA).

iii) **Action 3**: Transport - Providing for adequate cycle lanes (both space and connectivity) in road design and supporting cyclists through providing parking, and end-of-ride facilities (covered, secure bike storage, showers, bicycle maintenance and incentives).

iv) **Action 4**: Transport - Provide fast-charging infrastructure throughout the city at key locations for electric vehicles.
v) **Action 5**: Renewable Energy - Install renewable energy (solar PV and battery storage) on Council buildings for example libraries, sporting grounds and Council offices.

Defeated

The Motion moved by Councillors Doyle and Osborne was put to the meeting.

**Carried**

**ITEM-83 CCL 25/07/17 - UNITED NATIONS GLOBAL COMPACT CITIES PROGRAM - AUSTRALIAN CITIES PARTNERSHIP PROGRAM**

**MOTION**
Moved by Lord Mayor Cr Nelmes, seconded by Cr Osborne

Council supports participation in the Australian City Partnerships Program 2017-2019, part of the United Nations Global Compact Cities - Cities Partnership Program.

**Carried**

**LATE ITEMS OF BUSINESS**

**ITEM-85 CCL 25/07/17 - PERMANENT EFFECTIVE FULL TIME (EFT) ESTABLISHMENT**

The Lord Mayor allocated time for Councillors to read the report.

The Interim Chief Executive Officer provided a short briefing.

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

Council notes the increase of budgeted Equivalent Full Time (EFT) employee establishment from 935 to 957 (increase of 22 EFT) as a result of the Industrial Relations Commission agreement in July 2017.

**Carried unanimously**
NOTICES OF MOTION

ITEM-16 NOM 25/07/17 - NEWCASTLE LOVES LIVE MUSIC

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

That Council:

1. Notes that Newcastle has a long and proud history of embracing and fostering the creative arts, in particular, live music. Newcastle has more artists per capita than any other city in Australia.

2. Works with partners to submit an expression of interest to Create NSW, to stage a Live and Local micro-music festival in the Newcastle Local Government Area during 2017/18.

3. Notes that hosting a Live and Local micro-music festival has the potential to benefit the broader Newcastle community by creating jobs, increasing custom for local cafes and business and bringing people of different backgrounds together, as well as providing an opportunity to showcase Newcastle's divers and talented local musicians.

Carried unanimously

ITEM-17 NOM 25/07/17 - RECOMMENDATION FROM THE CYCLING ADVISORY COMMITTEE

MOTION
Moved by Cr Doyle, seconded by Cr Clausen

The Council and its Cycling Advisory Committee note the release of the Newcastle City Centre Cycleway Network Strategy. Council and members of the Cycling Advisory Committee commend Transport for NSW in undertaking this work and recognising the key role of cycleways in a well-functioning city centre. The spatial scope of the network, consideration of end of trip facilities and the emphasis on safe, separated facilities are commended. However, Council and committee members have several concerns and consider that the document has several notable limitations that will detract from an effective outcome.

Council and the Cycling Advisory Committee consider that the strategy should, at a minimum:

1. Nominate a clear, continuous, linear connection from west to east, including from Wickham Interchange to the NewSpace/Civic precinct and from there to Parnell Place.

2. Define clear connections to the Wickham Interchange from all key directions.

Connect to existing cycleways.
3 Ensure that the "pedestrian bridge" at Railway Street west of the Interchange be bike-friendly.

4 Request answers to the following questions:
   i) What standing does the document Newcastle City Centre Cycleway Network Strategy have?
   ii) How will the Newcastle City Centre Cycleway Network Strategy be implemented?
   iii) How will implementation be funded?
   iv) What is the timeframe for implementation of the Newcastle City Centre Cycleway Network Strategy?

5 That Council write to Transport for NSW and the Hunter Development Corporation (as coordinator of Revitalising Newcastle) seeking advice and clarification of matters raised in this motion.

Carried

ITEM-18 NOM 25/07/17 - COMMUTER PARKING

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

That Council:

1 Notes that the NSW Parliament Standing Committee on Transport and Infrastructure is undertaking an inquiry into Commuter Car Parking in NSW.

2 Writes to the Committee requesting that a Hearing be held in Newcastle.

3 Makes a submission to the Inquiry reiterating Council’s support for an integrated transport solution for Newcastle, including:
   a. support for an expanded light rail network connecting the CBD to the University, Hunter Stadium, John Hunter, Airport, and Glendale Interchange
   b. the need for dedicated park and ride facilities to be included in an expanded light rail network (as per Council’s Connecting Newcastle Vision – adopted March 2016)
   c. the integration of active transport such as dedicated cycleways and end of use facilities within new transport infrastructure across the Lower Hunter
   d. the removal of hundreds of inner city car parks including along Hunter Street due to Government’s decision to progress with separated running light rail, and loss of parking to development (such as at the Hunter Development Corporation’s sites in Honeysuckle)
   e. the popularity of the park and ride facility that previously serviced John Hunter Hospital from Hunter Stadium, which has since been removed.

Carried
ITEM-19   NOM 25/07/17 - PERMISSIBLE BUILDING CLADDING

MOTION
Moved by Cr Clausen, seconded by Cr Doyle

That Council:

1 Notes the devastating loss of life following the recent fire at London’s Grenfell Tower, and that the recently added exterior cladding appears to have contributed to the extreme speed with which the fire spread.

2 Conduct a review and reports to Council on permissible building cladding in Newcastle under NSW and Australian regulation, including the existing regulations for fire resistance, and opportunities for Council to stipulate more rigid controls for development to reduce the likelihood of a similar tragedy in Newcastle; and

3 Assesses the feasibility of undertaking an audit of the number of properties in the Newcastle Local Government Area where potentially at-risk aluminium composite panels have been used in external building cladding.

Carried unanimously

The meeting concluded at 8.17pm.
REPORTS BY COUNCIL OFFICERS

ITEM-86 CCL 22/08/17 - EXECUTIVE MONTHLY PERFORMANCE REVIEW - JULY 2017

REPORT BY: CORPORATE SERVICES
CONTACT: INTERIM 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 2017/18 Operational Plan as at the end of July 2017.

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 July 2017 the consolidated YTD actual operating position is a surplus of $2.4m which represents a positive variance of $0.4m against the budgeted YTD surplus of $2m. This budget variance is due to a combination of income and expenditure variances which are detailed in Attachment A. The full year revised budget for 2017/18 is an operating surplus of $4.8m.

3 The July YTD position includes $0.9m of revenue items which are either one-off or cannot be applied to meet operational expenditure ($0.5m 2012 Special Rate Variation revenue, $0.1m consolidation of Newcastle Airport result, $0.2m stormwater management service charge, and $0.1m local road grants which fund capital works). When these items are removed Council’s sustainable underlying operating position at the end of July is a surplus of $1.5m.

4 The net funds generated as at the end of July 2017 is a surplus of $5.5m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD budget of $1.6m. This is primarily due to a timing variance in the delivery of Council’s works program with a higher amount of project expenditure (both capital and operational expenditures) expected to be incurred during the final quarter of the financial year.
### FINANCIAL IMPACT

5 The variance between YTD budget and YTD actual results at the end of July 2017 is provided in the Executive Monthly Performance Report (Attachment A). Key elements are:

<table>
<thead>
<tr>
<th>Full Year Adopted Budget $'000</th>
<th>YTD Adopted Budget $'000</th>
<th>YTD Actual Result $'000</th>
<th>Variance $'000</th>
<th>Variance %</th>
<th>Financial Impact +ve / -ve</th>
</tr>
</thead>
<tbody>
<tr>
<td>260,210 Total Operating Revenue</td>
<td>21,319</td>
<td>22,347</td>
<td>1,028</td>
<td>5%</td>
<td>+</td>
</tr>
<tr>
<td>255,405 Total Operating Expenses</td>
<td>19,318</td>
<td>19,905</td>
<td>587</td>
<td>3%</td>
<td>-</td>
</tr>
<tr>
<td>Total Operating Revenue Less Operating Expenditure</td>
<td>4,805</td>
<td>2,001</td>
<td>2,442</td>
<td>441</td>
<td>22%</td>
</tr>
<tr>
<td>14,403 Total Capital Raising revenue</td>
<td>1,200</td>
<td>2,917</td>
<td>1,717</td>
<td>+</td>
<td>143%</td>
</tr>
<tr>
<td>41,136 Add Back Non Cash Items</td>
<td>3,161</td>
<td>3,153</td>
<td>+</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funding available for capital expenditure</td>
<td>60,344</td>
<td>6,362</td>
<td>8,512</td>
<td>2,150</td>
<td>34%</td>
</tr>
<tr>
<td>68,671 Total capital spend</td>
<td>4,543</td>
<td>2,741</td>
<td>(1,802)</td>
<td>-40%</td>
<td>+</td>
</tr>
<tr>
<td>2,882 Loan Principal Repayment</td>
<td>240</td>
<td>240</td>
<td>0%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(11,209) Net Funds Generated / (Used)</td>
<td>1,579</td>
<td>5,531</td>
<td>3,952</td>
<td>250%</td>
<td>+</td>
</tr>
</tbody>
</table>

Note 1 - Actual and Budget results include an estimate for the Newcastle Airport.
6 Factors favourably impacting Financial Position
   i User charges and fees – increase of $1.4m
   The Summerhill Waste Management Centre has generated above budget income ($0.8m) which is partially offset by an increased State Waste Levy expense ($0.5m). In addition, unplanned revenue has been generated through works at Ironbark Creek on behalf of Hunter Water.

7 Factors unfavourably impacting Financial Position
   i Grants and contributions – decrease of $0.5m
   Six months of the 2017/18 financial assistance grant was paid in advance and recorded against the 2016/17 financial year. It is not yet known what payments will be paid this financial year. Council has acted conservatively and included only the remaining six months of the grant in current estimates.

   ii Other operating expenses – increase of $0.3m
   Expenditure on the NSW State Waste Levy is above budget due to higher than forecast tonnages. The higher levy is offset by above budget income ($0.8m).

   iii Materials & contracts – increase of $0.7m
   There has been an above average level of operational expenditure generated through current road works. This is partially offset by the
scheduling of work in Waste Management ($0.3m), Facilities and Recreation ($0.2m), Civil Works ($0.2m) and Strategic Planning ($0.2m).

8 In the month of July Council received $1.9m more capital grants and contributions than budgeted. This is a timing variance as the main driver is section 94 contributions from on-going development in the city centre which are included in the full year budget.

9 Council’s total capital spend at the end of July is $2.7m. This result is $1.8m below the YTD budget which is typical for Council in July as project work historically has increased as the year progresses. The total project spend inclusive of operational and capital expenditure is $5.6m at the end of July compared with a budget of $5.9m.

10 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

11 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

12 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

13 No additional risk mitigation has been identified this month.

RELATED PREVIOUS DECISIONS

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

15 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”.

16 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

17 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

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

Option 2

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

BACKGROUND

20 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

Attachment A: Executive Monthly Performance Report - July 2017
Distributed under separate cover
ITEM-87 CCL 22/08/17 - ADOPTION OF INVESTMENT AND BORROWING POLICY

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

PURPOSE

To adopt the Investment and Borrowing Policy.

RECOMMENDATION

1 Council adopts the draft Investment and Borrowing Policy (Policy) in the form as at Attachment A and in doing so terminates the previously approved individual Investment Policy and Loan Borrowing Policy.

KEY ISSUES

2 Investment Policy Guidelines issued by the Department of Premier and Cabinet, May 2010, recommend that a Council's investment policy be reviewed, and any amendments, approved by Council resolution annually. The current Investment Policy was adopted on 23 August 2016.

3 In order to reduce the number of policies on issue, Council administration has taken this opportunity, upon the annual review of the Investment Policy, to combine the currently separate Investment Policy and Loan Borrowing Policy into one policy document.

4 The combination of these two financial policies is warranted as Cash and Investments and Borrowings are Council's two main sources of capital that fund the adopted budget now and into the future.

5 Section 625 of the Local Government Act 1993 (NSW) requires Council to invest money that is not, for the time being, required by the Council for any other purpose, only in a form of investment notified by order of the Minister published in the Gazette.

6 The prevailing Local Government Act 1993 (NSW) - Investment Order dated 12 January 2011 (Order) stipulates that all councils should by resolution adopt an investment policy that is consistent with the Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet.

7 The existing Loan Policy was adopted by Council in June 2006. Although the framework and procedures within this document remain relevant and consistent, minor amendments to the document have been required to ensure it remains consistent with legislative requirements, Council's current Policy guidelines and executive structure.
8 The draft Policy at Attachment A includes a significant amount of formatting amendments and minor adjustment to ensure consistency with the organisational structure.

9 A number of key amendments have been proposed to the Policy. Other than primarily administrative changes, the key amendments have focused on the investment section and strengthening the Risk Management Framework. These amendments include the following:
(i) Policy combination and Part A Preliminary

<table>
<thead>
<tr>
<th>Policy Clause</th>
<th>Existing</th>
<th>Proposed</th>
<th>Reason for change</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Policy document</td>
<td>Separate Investment and Borrowing Policies</td>
<td>A combined Investment and Borrowing Policy</td>
<td>Improve the administrative management of Council Policies. The combination of these two financial Policies is warranted as Cash and Investments and Borrowings are Council’s two main sources of capital that fund the adopted budget now and into the future.</td>
</tr>
</tbody>
</table>

(ii) Part B Investments

<table>
<thead>
<tr>
<th>Policy Clause</th>
<th>Existing</th>
<th>Proposed</th>
<th>Reason for change</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. Risk management framework</td>
<td>AAA+ to AAA-</td>
<td>AAA</td>
<td>The existing Policy does not align with Standard and Poors (S&amp;P) standards. The AAA category does not have - or + bands, these only come into effect for AA or lower ratings. This change has no impact upon the risk characteristics of the portfolio.</td>
</tr>
<tr>
<td>7.1 Credit risk framework</td>
<td>AA+ to AA-</td>
<td>AA+ to AA- or Major Banks</td>
<td>There is a real risk that the major banks could get downgraded either due to a change in view on their credit worthiness or because the rating agencies downgrade the Australian Government which S&amp;P has communicated will mean the banks get automatically downgraded to A+. Without the &quot;or Major Banks&quot; clause a downgrade would result in Policy breach as the only remaining AA rated ADIs would be foreign and not held by Council. This amendment ensures Council can retain large holdings in Australia’s strongest ADIs in the event that they have their credit rating downgraded.</td>
</tr>
</tbody>
</table>
### Policy Clause

<table>
<thead>
<tr>
<th>Existing</th>
<th>Proposed</th>
<th>Reason for change</th>
</tr>
</thead>
<tbody>
<tr>
<td>A+ to A-</td>
<td>A+ to A- (and ratings below)</td>
<td>The proposed amendment places a cap on credit risk exposure to A+ or lower, whereas there is no such cap in the existing Policy.</td>
</tr>
<tr>
<td>BBB+ to BBB</td>
<td>BBB+ to BBB (and ratings below)</td>
<td>The aim of this amendment is to improve the structure of these limits to mitigate against excessive credit risk being taken.</td>
</tr>
<tr>
<td>Non Rated category</td>
<td>Non Rated Category and BBB- rated or below</td>
<td>The inclusion of BBB- or lower allows Council a buffer, or a &quot;run-off bucket&quot;, for anything that gets downgraded below BBB. This mitigates against the event of a downgrade and policy breach causing an automatic requirement to exist an investment.</td>
</tr>
<tr>
<td>Maximum exposure limits</td>
<td>Maximum exposure limits</td>
<td>In conjunction with the changes resulting from the addition of the &quot;and ratings below clause&quot; the credit risk framework has actually been tightened.</td>
</tr>
</tbody>
</table>

### Maximum exposure limits

<table>
<thead>
<tr>
<th>Category</th>
<th>AA 80%</th>
<th>A 50%</th>
<th>BBB 40%</th>
</tr>
</thead>
<tbody>
<tr>
<td>AA 100%</td>
<td>A 60%</td>
<td>BBB 50%</td>
<td></td>
</tr>
</tbody>
</table>

Although the individual exposure to category A has increased from 50% to 60% Council can now only hold a maximum of 60% within the A category and those rated below.
Under the conditions of the existing Policy Council could only hold 50% in the A category but could also hold an additional 40% in the BBB category. Therefore 90% was previously allowable in A or below whereas now this is reduced to a 60% limit.

Maximum allocation to BBB has increased from 40% to 50% however additional measures have been taken (outlined below) to actually tighten credit risk exposure and ensure this additional limit does not result in excessive risk in pursuit of additional return.

This proposed change sees the potential for an accidental policy breach removed.

Under the current method a scenario could have arisen whereby 35% was held in the >3yr<5yr category and 10% was held in the >5yr category which is within Policy limits. As time passes the 10% moves into the >3yr<5yr category and the policy would then be in breach even though maturity risk has actually reduced.

This was not the intention of the maturity risk framework this amendment will rectify this issue.

This is an additional layer of protection to the Credit Risk framework of the Policy (Clause 7.1) with the intended aim of mitigating against excessive risk taking within the portfolio.

Credit risk increases as the duration of an investment is extended. These limits will manage these risks. Limiting a new investment in lower rated investments by duration is a prudent way to safeguard against excessive risk taking in pursuit of returns.
### Policy Clause

#### Existing

| Maximum | >1 Year 60% |

| Maximum | >1 Year 70% (maximum of 30% to BBB) |

#### Proposed

| Having amended the Maturity risk framework from being limited by a duration range to limited by maximums mathematically to ensure practical application of the framework the greater than 1 year limit had to be amended from 60% to 70%. |

| To further mitigate against excessive risk an additional exposure limit on BBB rated investments has been included. This proposal limits Council to holding a maximum of 30% in BBB investments of greater than 12 months. |

| This is in addition to proposed Policy limiting new BBB investments to a maximum term of 3 years. |

### Environmentally and Socially Responsible Investments (SRI)

#### 8.1 Environmental and SRI guidelines

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

| The rate of return is at least equal to comparable investments of offer to Council at the time of investment. |

| The change of wording to this clause ensures that Environmental and SRI investments are preferred when rate of return of the SRI investment is at least equal or better (in addition to other existing clauses that remain unchanged). |

| Under the wording of the current Policy the rate of return of the SRI investment was actually required to be greater than that of the standard investment option. |

| It is noted that the existing wording was not the intention of the Policy and from the initial date of inclusion of the clause it has been practically applied in accordance and within the scope of the proposed wording. This amendment will formalise this practical application of the clause. |

### Measurement

#### 10.1 Performance

| KPI for income on investments is |

| KPI for income on investments is benchmarked |

| UBS has sold this index to Bloomberg which is the sole reason for this change. |
### Part C Borrowing

<table>
<thead>
<tr>
<th>Policy Clause</th>
<th>Existing</th>
<th>Proposed</th>
<th>Reason for change</th>
</tr>
</thead>
<tbody>
<tr>
<td>measurement</td>
<td>benchmarked at 0.50% above the 1yr return of the 90 day UBS Australia Bank Bill Index.</td>
<td>at 0.50% above the 1yr return of the 90 day Bloomberg Australia Bank Bill Index.</td>
<td></td>
</tr>
</tbody>
</table>

(ii) Part C Borrowing

<table>
<thead>
<tr>
<th>Policy Clause</th>
<th>Existing</th>
<th>Proposed</th>
<th>Reason for change</th>
</tr>
</thead>
<tbody>
<tr>
<td>13. Definitions</td>
<td>Nil</td>
<td>A listing of key terms defined.</td>
<td>Current Policy does not include definition of key terms. The inclusion of definitions improves the ability to interpret the document.</td>
</tr>
<tr>
<td>15. Principles</td>
<td>Debt service cover ratio of no greater than 4.0%</td>
<td>Debt service cover ratio of greater than 2.0 times, in alignment with OLG benchmark</td>
<td>The methodology applied to measuring and benchmarking Local Governments Debt service cover ratios has been amended by the Office of Local Government (OLG). The existing Policy measured the Debt service cover ratio as a percentage of operating revenue. The proposed methodology reflects the current OLG preference to monitor the Debt Service ratio against the operating position of Council (before capital, excluding interest and depreciation/impairment and amortisation). The Debt service cover ratio contained within the proposed Policy (greater than 2.0 times) aligns to the Local Government benchmark set by the OLG.</td>
</tr>
<tr>
<td>16. Process</td>
<td>Nil</td>
<td>Separate out the clauses relating to relevant legislative requirements.</td>
<td>Ensures that key legislative requirements are clearly communicated and easily identifiable.</td>
</tr>
<tr>
<td>16.1 Legislative Requirements</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16.2 Annual Loan Borrowing Program</td>
<td>Nil</td>
<td>18.2.3 Directions for increasing borrowings outside of the Operational Plan.</td>
<td>Providing a framework for increasing borrowings at any period throughout the year outside the standard practice of disclosure and approval through the Operational Plan.</td>
</tr>
<tr>
<td>16.3 Borrowing by way of Overdraft Limit</td>
<td>Currently Council has an overdraft with its principal banker. This facility is reviewed on an annual basis.</td>
<td>Nil</td>
<td>Council no longer has an approved overdraft in place. It is prudent to retain the remaining 18.3 contents as this clause outlines the framework for Council to pursue an Overdraft limit if required in the future.</td>
</tr>
<tr>
<td>16.4.3 Internal loans</td>
<td>Nil</td>
<td>New clause</td>
<td>This clause defines the additional requirements that apply to an internal loan raised from monies raised by special rate or charge. This clause is new to this Policy.</td>
</tr>
</tbody>
</table>
FINANCIAL IMPACT

10 There are no direct financial costs associated with this recommendation.

11 Investment decisions will continue to be made in accordance with legislative requirements and stated Policy objectives, which remain unchanged.

12 The overall rate of return generated by the investment portfolio will reflect Council's risk tolerance whilst mirroring the performance of the global economy and associated market conditions. Benchmarking is defined within the Policy to monitor the performance of the portfolio.

13 It is not anticipated that the proposed amendments to the Policy will have a direct positive or negative impact upon the rate of return Council generates on its portfolio of investments. The proposed changes, for the large part, are formalising risk limitations that have been informally applied to the management of Council's investments and these amendments will not alter the current investment decision making process.

COMMUNITY STRATEGIC PLAN ALIGNMENT

14 Not applicable.

IMPLEMENTATION PLAN/IMPLICATIONS

15 If adopted, a copy of the finalised Policy document will be made available to the public on Council's website.

16 Review of the adopted Policy will be due within twelve months from the date of this report.

17 Information on Council's investments will continue to be reported to Council on a monthly basis.

RISK ASSESSMENT AND MITIGATION

18 The draft Policy complies with the Section 625 of the Local Government Act 1993 (NSW), the Local Government (General) Regulation 2005, the Order 2011 and the Division of Local Government's Investment Policy Guidelines (May 2010). The Policy ensures officers with delegated authority to manage Council's investments exercise care, diligence and skill that a prudent person would exercise in investing.

19 A risk management framework is inbuilt within the draft Policy that recognises risks associated with Council's investments providing tolerance and permitted exposure levels to these risks. The changes proposed strengthen this risk management framework.
RELATED PREVIOUS DECISIONS

20 At the Council Meeting held on 23 August 2016, Council resolved to adopt the current Policy.

CONSULTATION

21 Consultation has occurred with Council's:

(i) Council's investment advisor;
(ii) Interim Chief Executive Officer and Interim Director Corporate Services (Responsible Accounting Officer);
(iii) Acting Manager Corporate Finance and Treasury Accountant; and
(iv) Acting Manager Legal and Governance.

Option 1

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

Option 2

23 Council does not resolve to adopt the draft Policy. Council has a legislative requirement to review and adopt an investment policy each year. This is not the recommended option.

BACKGROUND

24 Nil.

REFERENCES

Local Government Act 1993 (NSW) - Section 625
Local Government (General) Regulation 2005
Revised Ministerial Investment Order (12 January 2011)
Investment Policy Guidelines, Division of Local Government (May 2010)

ATTACHMENTS

Attachment A: Draft Investment and Borrowing Policy
Newcastle City Council

Policy

Investment and Borrowing Policy
August 2017
## Investment Policy

<table>
<thead>
<tr>
<th>Policy title</th>
<th>Investment and Borrowing Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy owner</td>
<td>Director Corporate Services / Manager Finance</td>
</tr>
<tr>
<td>Prepared by</td>
<td>Finance</td>
</tr>
<tr>
<td>Approved by</td>
<td>Council</td>
</tr>
<tr>
<td>Date approved</td>
<td>To be completed by Legal and Governance</td>
</tr>
<tr>
<td>Version</td>
<td>Version number 7</td>
</tr>
<tr>
<td>Category</td>
<td>Finance</td>
</tr>
<tr>
<td>Keywords</td>
<td>Investments, Risk Management, Interest Rates, Surplus Funds, Legislation, Cash Flow</td>
</tr>
<tr>
<td>Revision date</td>
<td>12 months from date of approval</td>
</tr>
<tr>
<td>Amendments</td>
<td></td>
</tr>
<tr>
<td>Relevant strategic direction</td>
<td>Open and Collaborative Leadership</td>
</tr>
<tr>
<td>Relevant legislation/codes</td>
<td>Local Government Act 1993 (NSW)</td>
</tr>
<tr>
<td></td>
<td>Local Government (General) regulation 2005</td>
</tr>
<tr>
<td></td>
<td>Ministerial Investment Order</td>
</tr>
<tr>
<td></td>
<td>Ministerial Borrowing Order</td>
</tr>
<tr>
<td></td>
<td>Local Government Code of Accounting Practice and Financial Reporting</td>
</tr>
<tr>
<td></td>
<td>Australian Accounting Standards</td>
</tr>
<tr>
<td></td>
<td>Division of Local Government - Investment Policy Guidelines - May 2010</td>
</tr>
<tr>
<td>Related policies/documents</td>
<td>Code of Conduct</td>
</tr>
<tr>
<td></td>
<td>Electronic Mail Usage and Internet Access Policy</td>
</tr>
<tr>
<td></td>
<td>Register of Delegations</td>
</tr>
<tr>
<td></td>
<td>Restricted Assets - reserves management policy</td>
</tr>
<tr>
<td>Related forms</td>
<td>Investments Version 6 (2016, ECM#5042322)</td>
</tr>
<tr>
<td></td>
<td>Loans Borrowing Version 1 (2006, ECM#1486972)</td>
</tr>
</tbody>
</table>
# Table of Contents

Part A  Preliminary ............................................................................................................. 1

1  Purpose .......................................................................................................................... 1

Part B  Investments ............................................................................................................. 2

2  Purpose .......................................................................................................................... 2

3  Definitions ....................................................................................................................... 2

4  Scope ............................................................................................................................... 2

5  Principles ......................................................................................................................... 3

6  Investment Types and Restrictions ................................................................................ 5

7  Risk Management Framework ...................................................................................... 6

8  Environmentally and Socially Responsible Investments (SRI) .......................................... 8

9  Investment Advisor ........................................................................................................ 9

10  Measurement ................................................................................................................ 9

11  Reporting of Investments ............................................................................................ 10

Part C  Borrowing ............................................................................................................... 11

12  Objectives ..................................................................................................................... 11

13  Definitions ................................................................................................................... 11

14  Scope ............................................................................................................................ 11

15  Principles ....................................................................................................................... 11

16  Process .......................................................................................................................... 12

Part D  Policy Review ........................................................................................................ 13
Part A Preliminary

1 Purpose

1.1 The purpose of the Policy is to provide a framework for the investing and borrowing functions of Council.

1.2 The Policy framework will ensure that management of Council’s capital is carried out in a manner that provides due consideration to:

   1.2.1 Legislative requirements;

   1.2.2 Prudent financial management and governance principals;

   1.2.3 Council’s strategic objectives; and

   1.2.4 Risk management and mitigation.
Part B  Investments

2  Purpose

2.1 The purpose of the Investments subsection of the Policy is to provide a framework for the investment function of Council.

3  Definitions

3.1 Authorised Deposit Taking Institution (ADI) means a corporation authorised under the Australian Banking Act 1959. ADIs include banks, building societies and credit unions.

3.2 Non Rated Category means an Australian Prudential Regulation Authority defined Authorised Deposit Taking Institution (ADI) that does not currently have a credit rating from a major recognised credit ratings agency (currently, Standard &Poors, Moody’s or Fitch).

3.3 Long Term Credit Rating means a guide or standard for an investor, which indicates the ability of a debt issuer or debt issue to meet the obligations of repayment of interest and principal over a period greater than one year.

3.4 Delegated Officer means the officers listed at clause 4.1.1.

3.5 Prudent Person means someone who will manage the investment portfolio in a wise, skilful, diligent and careful manner. They always exercise due care in making decisions and act in moderation.

3.6 Maturity Risk means the risk relating to the duration of an investment. The longer the investment term to maturity, the greater the length of exposure and risk to market volatilities.

3.7 Major Banks means ANZ, CBA, NAB and Westpac or any of their wholly owned and guaranteed subsidiary banks carrying the same credit rating as the major bank.

3.8 Liquidity Risk means the risk an investor is unable to redeem the investment at a fair price within a timely period.

3.9 Diversification means setting limits for investing funds with ADIs and Australian Federal, State and Local Governments and any other investments permissible under the Policy.

3.10 Derivative Based Instruments means investments whose value is derived from the performance of underlying market factors, such as interest rates, currency exchange rates, and commodity, credit and equity prices. Derivative investments include structured debt obligations, swaps, futures, options, caps, floors, collars, forwards and a various combination thereof.

3.11 Council means Newcastle City Council.

Unless stated otherwise, a reference to a clause is a reference to a clause of the Policy.

4  Scope

4.1 Delegation of authority

4.1.1 The Chief Executive Officer, the Responsible Accounting Officer and staff with delegated authority (refer to Council’s Register of Delegations and authorisations) are responsible for the day-to-day management of Council’s investments in accordance with this Policy, Council’s Investment Strategy, the

4.1.2 Officers’ delegated authority to manage Council's investments shall be recorded and required to acknowledge they have received a copy of this Policy and understand their obligations in this role.

4.2 Prudent Person standard

4.2.1 The investment portfolio will be managed with the care, diligence and skill that a Prudent Person would exercise. As trustees of public monies, officers are to manage Council's investment portfolio to safeguard the portfolio in accordance with the spirit of this Investment and Borrowing Policy, and not for speculative purposes.

4.3 Ethics and conflicts of interest

4.3.1 Delegated Officers shall refrain from decision making activities that could be perceived as being in conflict with proper management and decision making in relation to the investment portfolio.

4.3.2 Disclosure of any conflict of interest should be made in accordance with Council's Code of Conduct Policy.

4.3.3 Independent advisors are required to declare, prior to engagement or as circumstances arise, any actual or perceived conflict of interest.

5 Principles

5.1 To provide a framework for the investing of Council’s funds at the most favourable rate of interest available to it at the time whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.

5.2 While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity and the return of investment.

5.3 Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.

5.4 Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment.

5.5 Investments are expected to achieve a market average rate of return in line with Council's risk tolerance. Risk tolerance thresholds are identified within clause 8.

5.6 Delegated Officers are to manage the investment portfolio as a hold to maturity investor. Deviation from this method of operation (i.e. sale of an investment prior to maturity) is permissible for either risk management purposes, to meet unforeseen liquidity requirements, or if deemed advantageous to do so.

5.7 All investments are to comply with the following:

5.7.1 Local Government Act 1993 (NSW) - Section 625

5.7.2 Local Government (General) Regulation 2005 (NSW)

5.7.3 Prevailing Ministerial Investment Order

5.7.4 Local Government Code of Accounting Practice and Financial Reporting
5.7.5 Division of Local Government Investment Circulars; and
5.7.6 Australian Accounting Standards.
6 Investment Types and Restrictions

6.1 Authorised investments

6.1.1 Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.

6.1.2 When placing a new investment a minimum of three quotations are to be obtained on comparable investments. If three comparable quotations are unavailable documentary evidence must be recorded justifying how a fair market price was determined and obtained.

6.2 Prohibited investments

6.2.1 In accordance with the Ministerial Investment Order, this Investment and Borrowing Policy prohibits but is not limited to any investment carried out for speculative purposes including:

6.2.1.1 Derivative Based Instruments. Examples: structured debt obligations, swaps, futures, options, caps, floors, collars, forwards;

6.2.1.2 Principal only investments, or securities, that provide potentially nil or negative cash flow. Example: Principal Protected Notes, and

6.2.1.3 Stand-alone securities issued that have underlying futures, options, forward contracts and swaps of any kind.

6.2.2 This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

6.3 Grandfathering

6.3.1 Grandfathering means a situation in which an old rule continues to apply to some existing situations, while a new rule will apply to all future situations.

6.3.2 In situations where compliant investments change to fall outside of either Council’s Investment and Borrowing Policy and/or the prevailing Ministerial Investment Order the delegated officers may continue to hold to maturity (ie Grandfather the investment so long as Grandfathering is permitted under the Ministerial Investment Order), redeem or sell the investment. Such occurrences will be reported to the Elected Council in the monthly report.

6.4 Legal title

6.4.1 When entering into a financial instrument, it is required that Council clearly demonstrate the financial instrument is held in the registered name of Council.
7 Risk Management Framework

7.1 Credit risk framework

7.1.1 Credit Risk means the risk that an investor fails to receive the entire principal and/or interest associated with that investment.

7.1.2 To control the credit quality of the entire portfolio and exposure to individual ADIs, Commonwealth, State of the Commonwealth or Territory or Commonwealth council the following credit framework limits apply:

<table>
<thead>
<tr>
<th>Long Term Credit Rating (Standard and Poors)</th>
<th>Maximum exposure of entire portfolio</th>
<th>Maximum exposure to any one institution</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAA</td>
<td>100%</td>
<td>30%</td>
</tr>
<tr>
<td>AA + to AA – or Major Banks</td>
<td>100%</td>
<td>30%</td>
</tr>
<tr>
<td>A + to A- (and ratings below)</td>
<td>60%</td>
<td>15%</td>
</tr>
<tr>
<td>BBB+ to BBB (and ratings below)</td>
<td>50%</td>
<td>10%</td>
</tr>
<tr>
<td>Non Rated Category and BBB- rated or below</td>
<td>10%</td>
<td>5%</td>
</tr>
<tr>
<td>Government</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

7.1.3 New Investments are to be placed in accordance with the credit risk limits at the time of entering into the transaction.

7.1.4 In the event that an entity is unrated by Standard and Poors but rated by Moody’s and/or Fitch the Standard and Poors equivalent to the lowest Fitch/Moody’s credit rating is to be utilised in the above framework.

7.1.5 Investments in Non Rated Category ADIs are restricted to those institutions with a minimum total asset size of $500m.

7.2 Maturity risk framework

7.2.1 The investment portfolio is to be managed within the following maturity constraints in order to manage Maturity Risk and limit Liquidity Risk, whilst also allowing for Diversification of the portfolio:

<table>
<thead>
<tr>
<th>Term to Maturity</th>
<th>Minimum</th>
<th>Maximum</th>
<th>Minimum rating of Investment at purchase</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;1 Year</td>
<td>30%</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>&gt;1 Year</td>
<td>0%</td>
<td>70% (maximum of 30% to BBB)</td>
<td>BBB</td>
</tr>
<tr>
<td>&gt;3 Years</td>
<td>0%</td>
<td>40%</td>
<td>A</td>
</tr>
<tr>
<td>&gt;5 Years</td>
<td>0%</td>
<td>10%</td>
<td>AA- (or major bank)</td>
</tr>
</tbody>
</table>
7.3 Liquidity guidelines

7.3.1 Delegated Officers are to ensure that combined sufficient funds are retained within Council's general fund and high interest at call account to meet foreseen creditor payments as they fall due with a buffer for reasonable unforeseen payments.

7.4 Diversification guidelines

7.4.1 Delegated Officers are responsible for the continual maintenance of a well-diversified portfolio with respect to institution, term to maturity and product.

7.4.2 The management and monitoring of diversification is via adherence to the specified credit risk limits (8.1.2) and term to maturity limits (8.2.1).
8 Environmentally and Socially Responsible Investments (SRI)

8.1 Environmental and SRI guidelines

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

8.1.1.1 The investment is compliant with legislation and Investment and Borrowing Policy objectives and parameters, and

8.1.1.2 The rate of return is at least equal to comparable investments on offer to Council at the time of investment.

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

8.1.3 Council’s criteria to an SRI are those which direct investment towards the socially and/or environmentally productive activities listed below:

<table>
<thead>
<tr>
<th>Environmentally productive activities are considered to be:</th>
<th>Socially productive activities are considered to be:</th>
</tr>
</thead>
<tbody>
<tr>
<td>resource efficiency-especially water and energy</td>
<td>fair trade and provision of a living wage</td>
</tr>
<tr>
<td>renewable energy</td>
<td>human health and aged care</td>
</tr>
<tr>
<td>production of environmentally friendly products</td>
<td>equal opportunity employers, and those that support the values of communities, indigenous peoples and minorities</td>
</tr>
<tr>
<td>recycling, and waste and emissions reduction</td>
<td>provision of housing, especially affordable housing</td>
</tr>
</tbody>
</table>

8.1.4 Avoid investment in the socially and/or environmentally harmful activities listed below:

<table>
<thead>
<tr>
<th>Environmentally harmful activities are considered to be:</th>
<th>Socially harmful activities are considered to be:</th>
</tr>
</thead>
<tbody>
<tr>
<td>production of pollutants, toxins and greenhouse gases (either in Australia or abroad)</td>
<td>abuse of Human Rights and Labour Rights</td>
</tr>
<tr>
<td>habitat destruction, especially destruction of forests and marine eco-systems</td>
<td>involvement in bribery/corruption</td>
</tr>
<tr>
<td>nuclear power</td>
<td>production or supply of armaments</td>
</tr>
<tr>
<td>uranium mining</td>
<td>manufacture of alcohol, tobacco or gambling products</td>
</tr>
</tbody>
</table>
9 Investment Advisor

9.1 Investment advisor selection

9.1.1 Council's investment advisor must be licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the Investment and Borrowings Policy.

9.1.2 The investment advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments that they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed. This confirmation is required prior to entering into a contract with the advisor.

10 Measurement

10.1 Performance measurement

10.1.1 The Key Performance Indicator (KPI) for income on investments is benchmarked at 0.50% above the 1 year return of the 90 day Bloomberg Australian Bank Bill Index or its successor or equivalent index.

10.1.2 Actual performance is measured using the weighted average return of the investment portfolio over a historical 12 month period. This is measured on a rolling monthly basis to coincide with monthly reporting.

10.1.3 The returns generated on Grandfathered Investments will be regularly reviewed by an independent financial advisor by benchmarking and assessing their market value. The market value is to be assessed once a month to coincide with monthly reporting.
11 Reporting of Investments

11.1 General reporting

11.1.1 Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.

11.1.2 The documentary evidence must provide Council legal title to the investment.

11.1.3 All investments are to be appropriately recorded in Council’s financial records and reconciled on at least a monthly basis.

11.2 Monthly reporting

11.2.1 Council must comply with clause 212 of the Local Government (General) Regulation 2005.

11.2.2 Clause 212 of the Regulation requires that the delegated officer:

11.2.2.1 Provide the elected council with a written report (setting out details of all money that council has invested under section 625 of the Act) to be presented in one ordinary meeting of the elected council held in the month.

11.2.2.2 Include in the report a certificate as to whether or not investments have been made in accordance with the Act, the regulations and the Council’s Investment and Borrowing Policy.

11.2.2.3 The report must be made up to the last day of the month immediately preceding the meeting.

11.2.3 In addition, the monthly report will detail actual performance of the investment portfolio in comparison to budgeted interest return and KPI, and percentage exposure against those limits outlined within this Policy.

11.3 Annual reporting

11.3.1 Certificates must be obtained from the financial institutions confirming the amounts of investments held on Council’s behalf as at 30 June each year and reconciled to the Investment Register.

11.3.2 As at 30 June each year an independent financial assessment of the value of all investments classified as being available for sale is to be received.
Part C  Borrowing

12 Objectives
12.1 To provide a framework and procedures for:
   12.1.1 Determination and funding of Council’s Annual Loan Borrowing Program;
   12.1.2 Determination of an appropriate debt service level;
   12.1.3 Borrowing by way of overdraft limit; and
   12.1.4 Internal loans.

13 Definitions
13.1 Internal Loans refers to those monies transferred within Council to cover identified projects, where the money is to be repaid to the restricted fund from a specified source.
13.2 Reserve funds refers to those funds which have either an external restriction (legislative or otherwise) or an internal restriction (Council adopted resolution to hold monies for a specific purpose) governing the management and future application of these funds.
13.3 Debt Service cover ratio is calculated in accordance with the prevailing Local Government Code of Accounting Practice and Financial Reporting.
13.4 New money borrowings are broadly defined to include the entire range or financing arrangements available to Council. These include conventional loans, deferred payment arrangements, finance leases and any other forms of raising new capital funds.

14 Scope
14.1 Council’s external borrowing is subject to the Local Government Act 1993, the Local Government (General) Regulation 2005 and the approval of the Minister for Local Government.

15 Principles
15.1 Council commits itself to the following principles:

   15.1.1 New borrowing for capital works purposes should only occur when Council deems the annual debt service expense to be affordable in the context of the annual management planning process and Council’s long term financial capacity.

   15.1.2 It is considered that Council maintain a Debt service cover ratio in alignment with the Office of Local Government benchmark. As at the date of the Policy the benchmark for Debt service cover is set at greater than 2.0 times.
16 Process

16.1 Legislative Requirements

16.1.1 The borrowing of loan funds by Local Government authorities is regulated under Section 621-624 of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

16.1.2 Section 377 of the Local Government Act 1993 empowers only the elected Council with the power to approve the borrowing of loan funds. This function of Council cannot be delegated.

16.1.3 Council is required to advise the Chief Executive Officer, Office of Local Government, of amounts borrowed at the time loans are taken out in accordance with clause 230 of the Local Government (General) Regulation 2005.

16.1.4 The Minister for Local Government has issued a Ministers Borrowing Order imposing restrictions on borrowings by councils.

16.2 Annual Loan Borrowing Program

16.2.1 As part of the annual Operational Plan process Council shall initially determine its proposed loan borrowing program and disclose any proposed new money borrowings.

16.2.2 Subsequent to this approval the Council Chief Executive Officer shall negotiate and raise loan funds on the most financially attractive terms and conditions for Council.

16.2.3 Where there is a requirement to increase borrowings during the financial year, not included in the annual Operational Plan, council should advise TCORP by resubmitting the Borrowing Return with an additional comment on the purpose of the increased borrowings. The additional borrowings are to be resolved by Council prior to resubmitting.

16.3 Borrowing by way of Overdraft Limit

16.3.1 Section 622 of the Local Government Act 1993 allows Council to borrow by way of an overdraft or loan or by any other means approved by the Minister.

16.3.2 As at the date of Policy approval Council does not have an Overdraft facility in place nor does it have any intention to pursue one. Should the requirement for an Overdraft facility arise approval will be sought in accordance with the guidelines established within this Policy.

16.4 Internal loans

16.4.1 An internal loan from reserve funds is a funding option that can be considered by Council to finance projects in lieu of borrowing externally.

16.4.2 In accordance with Council’s Reserve Funds Policy internal borrowing should only be considered where:

16.4.2.1 The cash funds in reserve are not required over the period of the loan; and

16.4.2.2 The rate of interest is market competitive and a disciplined repayment plan is established by agreed loan instalments.

16.4.3 In accordance with Section 410 of the Local Government Act 1993 money raised by special rates or charges that is not yet required for the purpose for which it was received may be lent (by way of internal loan) for use for any other purpose if, and only if, its use for that purpose is approved by the Minister. This requirement is not imposed for internal loans from any other source of funds.
Part D Policy Review

17.1 This Policy will be reviewed at least once a year or as required in the event of legislative changes.

17.2 The Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this Policy.

17.3 Any amendment to the Policy must be by way of Council resolution.
ITEM-88 CCL 22/08/17 - FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2017 TO BE REFERRED TO COUNCIL’S AUDITORS

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

PURPOSE

Council’s Financial Statements for the year ended 30 June 2017 must be prepared and referred to the Council’s auditors, NSW Audit Office, for audit in accordance with section 413 of the Local Government Act 1993 (Act).

RECOMMENDATION

1 That Council notes the preparation of its Financial Statements for the year ended 30 June 2017 are underway and upon completion they will be referred for audit in accordance with the requirements of s. 413 (1) of the Act.

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

KEY ISSUES

3 Council is required under s. 413(1) of the Act to prepare Financial Statements each year, and refer them for audit. Section 413 (2) of the Act requires that the Financial Statements must include:

(a) A General Purpose Financial Statement;

(b) Any other matter prescribed by the regulations; and

(c) A statement in the approved form by the Council as to its opinion on the General Purpose Financial Statements and Special Purpose Financial Statements (Attachments A and B).

4 Attached to this report (Attachments A and B) are the statements which the Lord Mayor, a Councillor, the Interim Chief Executive Officer and the Responsible Accounting Officer must sign in accordance with s. 413(2)(c) of the Act, to confirm that the Financial Statements have been prepared in accordance with the applicable legislation, regulations, accounting standards and reporting codes.

5 The audit will commence on 11 September 2017. When the audit is finalised a full report will be made to Councillors, as soon as practicable, detailing all the relevant findings together with the auditors’ opinion on the financial statements.
6 In accordance with s. 416(1) of the Act, the audit of the Financial Statements must be completed and a copy of those Financial Statements, together with Attachments A and B signed in accordance with the recommendation at Paragraph 2 must be provided to the Office of Local Government by no later than 31 October 2017. The Office of Local Government has written to Council emphasising the necessity to meet this timeframe.

FINANCIAL IMPACT

7 The Council’s Operational Plan includes a budget amount of $89,390 for the cost of the external audit of the 2016/17 Financial Statements. The current cost estimate provided by the auditors is $112,650 which is higher than the previous budget estimate due to the introduction of the NSW Audit Office.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 Nil.

IMPLEMENTATION PLAN/IMPLICATIONS

9 This matter has no specific policy implications for Council however the legislative deadlines and the proposed timeline for the completion of the audit of the Financial Statements are as follows:

(a) 22 August 2017 – Council authorises the relevant statements to be signed in accordance with the recommendation at Paragraph 2 above.

(b) 11 September 2017 – External Audit commences.

(c) 10 October 2017 – Closed Councillor Workshop on draft Financial Statements for the year ended 30 June 2017 undertaken by Council officers with the external audit partner in attendance.

(d) 12 October 2017 - Draft Financial Statements provided to Audit Committee for review.

(d) 24 October 2017 – Completed signed Financial Statements and audit report for the year ended 30 June 2017 presented at the Ordinary Council Meeting.

(e) 31 October 2017 – Final date for Financial Statements for the year ended 30 June 2017 to be submitted to the Office of Local Government and the Australian Bureau of Statistics in accordance with s. 417(5) of the Act.

10 The external auditors presented their schedule and provided an update on the audit plan and their progress to the Audit Committee at its meeting of 8 June 2017. They will provide a further update to the Audit Committee at the forthcoming meeting on 12 October 2017. The draft Financial Statements will be presented to Councillors at a closed workshop to be held on 10 October 2017.
RISK ASSESSMENT AND MITIGATION

11 There is a risk that the Council’s Financial Statements may not have been prepared in accordance with the relevant legislation. This risk is mitigated by ensuring that the Financial Statements are referred to the Council's external auditors, the Audit Office of NSW, for audit in accordance with s. 413 of the Act.

RELATED PREVIOUS DECISIONS

12 At the Ordinary Council Meeting of 27 July 2016 Council resolved to receive a report on the unaudited preliminary financial position for the 2015/16 financial year compared to the 2015/16 Operational Plan.

CONSULTATION

13 Not applicable.

OPTIONS

Option 1

14 The recommendation as at Paragraphs 1 and 2 in order to ensure compliance with s. 413 of the Act. This is the recommended option.

Option 2

15 The recommendations as at Paragraphs 1 and 2 are not endorsed. This will result in a breach of s. 413 of the Act. This option is not recommended.

BACKGROUND

16 This report and its associated approval by way of Council resolution will ensure that the Statement by Councillors and Management made pursuant to s. 413(2)(c) of the Act is approved and signed by the relevant parties in order to complete the process for lodgment of the audited Financial Statements with the Office of Local Government by 31 October 2017.

REFERENCES

ATTACHMENTS

Attachment A: Statement by Councillors and Management made pursuant to s. 413(2) of the Act – General Purpose Financial Statements for the year ended 30 June 2017.

Attachment B: Statement by Councillors and Management made pursuant to s. 413(2) of the Act - Special Purpose Financial Statements for the year ended 30 June 2017.
Newcastle City Council
General Purpose Financial Statements
for the year ended 30 June 2017
Statement by Councillors & Management

Statement by Councillors and Management made pursuant to Section 413(2)(c) of the Local Government Act 1993 (NSW) (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:
- the Local Government Act 1993 (NSW) (as amended) and the regulations made thereunder,
- the Australian Accounting Standards and professional pronouncements, and

To the best of our knowledge and belief, these statements:
- present fairly the Council’s operating result and financial position for the year
- accord with Council’s accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.
Signed in accordance with a resolution of Council made on 22 August 2017.

______________________________  ______________________________
Lord Mayor                          Councillor

______________________________  ______________________________
Interim Chief Executive Officer     Responsible Accounting Officer
Newcastle City Council

Special Purpose Financial Statements
for the year ended 30 June 2017

Statement by Councillors and Management
made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached Special Purpose Financial Statements have been prepared in accordance with:

* the NSW Government Policy Statement ‘Application of National Competition Policy to Local Government’;
* the Local Government Code of Accounting Practice and Financial Reporting;
* the NSW Office of Water Best-Practice Management of Water and Sewerage Guidelines.

To the best of our knowledge and belief, these financial statements:

* present fairly the operating result and financial position for each of Council’s declared business activities for the year, and
* accord with Council’s accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 22 August 2017.

________________________      ________________________
Lord Mayor                      Councillor

________________________      ________________________
Interim Chief Executive Officer  Responsible Accounting Officer
ITEM-89  CCL 22/08/17 - PROPOSED LAND TRANSFER - 299 PACIFIC HIGHWAY MEREWETHER

REPORT BY:  CORPORATE SERVICES
CONTACT:  INTERIM DIRECTOR CORPORATE SERVICES / MANAGER PROPERTY SERVICES

PURPOSE

This report seeks Council authority to accept of a parcel of National Parks & Wildlife Services (NPWS) land adjacent to Glenrock State Conservation Area (Attachment A). The land is required for road purposes and could provide future opportunity for the development of facilities to meet the needs of recreational cyclists and walkers.

RECOMMENDATION

1  Council resolves to accept the proposed transfer of National Parks & Wildlife Services land being lot 1 in the draft plan to subdivide lot 5 in DP 1016931. In accordance with section 31 of the Local Government Act 1993, the land is to be classified as operational land. Authorisation to accept the land is subject to completion of acquisition due diligence and amendment of the proposed subdivision plan to formally dedicate part of the land for public road purposes.

KEY ISSUES

2  A Council road (Fernleigh Loop) terminates at the boundary of the subject land with Council-maintained road surfacing extending onto and through the lot despite not being currently owned by Council (Attachment B). The section of road on the NPWS land provides a link between the Council road and City Road (the main thoroughfare into the city from the south east). This section of the road is also regularly used by members of the public to access an internal road entrance to Glenrock State Conservation Area (Glenrock SCA). A strip of land will still separate the subject land from City Road (Lot 6 DP1016931), however this land is owned by RMS, zoned SP2 Infrastructure and reserved for future road purposes (Attachment C).

3  The local mountain biking community regularly uses the subject land to access Glenrock SCA and Council has been approached regarding provision of a facility and services for recreational cyclists and walkers. Acquisition of the land presents an opportunity to investigate future development of the area not required for road purposes (~5,000 square metres) to meet the needs of these users. If the land is acquired an Expression of Interest for recreational cycling facilities can be conducted. Council has already received one unsolicited proposal but a competitive process is required.
4 The proposed transfer was internally reviewed and subsequently referred to Council's Infrastructure Planning Team. Infrastructure Planning reviewed existing and future road service requirements in the immediate locale of the subject land and determined that it is in Council's interest to accept the proposed transfer. The existing road is critical to ensuring safe access to houses in this area. If the road was closed due to development of the land, the only alternative access via Faul Street is inadequate and it is intended to expressly condition the transfer to require part of the land be dedicated for public road purposes. The land is zoned E3 Environmental Management and public roads are permitted with consent.

FINANCIAL IMPACT

5 There are no significant transaction costs related to transfer of the land. Future expenditure associated with roadworks or development for community use would be subject to further investigations and approval through Council budget processes. Maintenance of the existing road can be accommodated within existing resources and street lighting costs are already funded by Council.

COMMUNITY STRATEGIC PLAN ALIGNMENT

6 The transfer would facilitate dedication of a section of local road regularly used by recreational cyclists to access Glenrock SCA and is consistent with objectives of the Newcastle Community Strategic Plan, the Newcastle Cycling Strategy and principles of Bicycle Network Provision.

IMPLEMENTATION PLAN/IMPLICATIONS

7 The subject land is required to formalise a section of the local road network currently used for public road purposes and maintained by Council. Future roadworks pertaining to the site area would be scheduled and approved through the usual internal processes. Any other site development would be subject to further investigations and Council approval.

RISK ASSESSMENT AND MITIGATION

8 There is no statutory or significant impact on other projects, political or personal injury risk associated with accepting transfer of the subject land. Dedication of the existing road addresses potential liability issues associated with current informal use.

RELATED PREVIOUS DECISIONS

9 There are no previous decisions related to the matter.

CONSULTATION

10 The proposed land transfer was considered and endorsed by the Asset Advisory Committee (AAC) at a meeting held on 18 May 2017.
OPTIONS

Option 1

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

Option 2

12 Council rejects the proposed transfer. This is not the recommended option.

BACKGROUND

13 In July 2015, NPWS contacted Council to formalise prior discussions to finalise the transfer of part of a larger parcel of land previously transferred to their agency by the Commonwealth. NPWS had determined that only part of the land was suitable for integrating into the Glenrock SCA and was seeking to transfer the remainder to Council, allowing the land to be used to create community use opportunities. A follow-up letter was received in February this year (Attachment D). This letter cited NPWS understanding that Council had previously viewed the proposal positively and sought to progress subdivision and transfer of land to Council.

14 In accordance with the Internal Review of Council Land Policy, proposed land transfers and other forms of acquisition must be internally reviewed by a panel of staff specialists with the panel's recommendations submitted to Council's Executive Management Team (EMT) for further consideration and direction. EMT endorsed taking the matter to AAC which has occurred.

REFERENCES

ATTACHMENTS

Attachment A: Proposed plan of subdivision
Attachment B: Existing local road network
Attachment C: Land use zoning
Attachment D: NPWS letter 13 February 2017
Attachment B - Existing local road network
Mr Peter Chrystal  
Interim Chief Executive Officer  
Newcastle City Council  
PO Box 489  
NEWCASTLE NSW 2300

Dear Mr Chrystal

Acquisition of land for addition to national parks estate and part transfer to Council

Land within Newcastle local government area was recently transferred from the Commonwealth to the Minister for the Environment to be managed under the National Parks and Wildlife Act 1974 (NPW Act). The land (lot 5 DP 1016931), known as 299 Pacific Highway Merewether, adjoins Glenrock State Conservation Area (SCA), as shown in the attached map.

The land formed part of an abandoned highway that was no longer required by the Commonwealth. Options for its future management were discussed with NPWS as it adjoins national parks estate. NPWS assessed the land and determined that only the eastern vegetated section to be suitable for addition to Glenrock SCA. NPWS proposed transfer of the remainder of the land to Newcastle City Council in a letter dated 8/7/2015. In reply Council agreed to accept the proposal which would provide a number of opportunities for the community.

NPWS is currently seeking to progress subdivision of the land as indicated by Lots 1 and 2 in the attached map. Lot 1 is to be transferred to Newcastle City Council at nil cost as previously agreed, and Lot 2 is to be added to Glenrock SCA.

Lot 2 will be reserved under the NPW Act as state conservation area, which will accommodate the interests of Department of Industry - Resources and Energy, who identified the potential of coal and petroleum resources. This reserve category is reviewed every five years and the long-term intent of NPWS is to protect Glenrock SCA as national park.

NPWS will be in further contact with Council regarding the transfer process. If you wish to discuss the subdivision, transfer or addition of land to the national parks estate please contact Allan Peatman on 9585 6381 or by email allan.peatman@environment.nsw.gov.au.

Any specific matters regarding land management should be directed to the NPWS Manager Lower Hunter Area, Doug Beckers on ph 4320 4239.

Yours sincerely,

[Signature]

PAUL DONNELLY  
Team Leader Land Assessments  
Reserve Establishment

PO Box 1987 Hurstville BC NSW 1481  
43 Bridge Street, Hurstville NSW 1481  
Tel: (02) 9585 5000  
Fax: (02) 9585 5044  
ABN 30 841 367 271  
www.nationalparks.nsw.gov.au
ITEM-90 CCL 22/08/17 - SUPPLEMENTARY REPORT - OPEN AND TRANSPARENT GOVERNANCE STRATEGY

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

PURPOSE

At the Ordinary Council meeting held on 28 March 2017, the report at Attachment A was laid on the table pending the referral of the Open and Transparent Governance Strategy (Strategy) to a committee of Councillors and relevant staff to amend the Strategy to more closely reflect Council's commitment to open, accountable and transparent governance.

RECOMMENDATION

1 Council approves the placement of the draft Open and Transparent Governance Strategy as set out at Attachment B, on public exhibition, during the period between 28 August 2017 to 23 October 2017.

2 Council adopts the Communications and Engagement Plan - Open and Transparent Governance Strategy as set out at Attachment C.

3 Council staff to present a final Strategy in a report to Council after taking into account the submissions and feedback from the public exhibition period and community consultation as detailed in paragraph 2 above.

KEY ISSUES

4 In response to the Council resolution of 28 March 2017, the following actions have occurred:

(a) Councillors Doyle and Clausen nominated to be part of the committee.

(b) The then ICEO nominated the Executive Management Team and the then Governance and Council Executive Support Coordinator to be part of the committee.

(c) The committee met on 30 May 2017 to discuss amendments to the Strategy.

(d) Council staff made the amendments to the Strategy and discussed the amendments at a further committee meeting held on 11 August 2017.

5 A summary of amendments incorporated into the Strategy are set out at Attachment D.
OPTIONS

Option 1

The recommendation as at Paragraphs 1-3. This is the recommended option.

Option 2

Council does not proceed with placing the draft Open and Transparent Governance Strategy on public exhibition or adopting the Communications and Engagement Plan Open and Transparent Governance Strategy. This is not the recommended option.

REFERENCES

ATTACHMENTS

Attachment A: CCL 28/03/2017 - Exhibition of Open and Transparent Governance Strategy

Attachment B: Amended Open and Transparent Governance Strategy

Attachment C: Communications and Engagement Plan - Open and Transparent Governance Strategy

Attachment D: Summary of amendments

To be distributed under separate cover
ITEM-91 CCL 22/08/17 - MCCAFFREY DRIVE, RANKIN PARK - PROPOSED KERB EXTENSION AT ELBROOK DRIVE

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

PURPOSE

To approve the proposed kerb extension on the southern side of McCaffrey Drive, west of Elbrook Drive, and extension of the westbound left-turn slip lane.

RECOMMENDATION

1 Approve the proposed kerb extension and westbound left-turn slip lane extension on McCaffrey Drive, Rankin Park, as shown at Attachment A.

KEY ISSUES

2 There have been a total of five reported crashes at the McCaffrey Drive / Elbrook Drive intersection in the ten year period (2005 - 2016).

3 Council had appointed an external consultant to undertake a Road Safety Evaluation (RSE) including Existing Road/Traffic Scheme Audit and Crash Investigation and Treatment Report.

4 The treatments identified by the RSE were tabled at the Newcastle City Traffic Committee (NCTC) meeting on 19 September 2016 (Item 133). The NCTC supported the following treatments to mitigate crashes and to improve sight distance and safety at the intersection:
   i) Installation of a kerb extension on the southern side of McCaffrey Drive west of Elbrook Drive,
   ii) Implementation of No Stopping restrictions on the southern side of McCaffrey Drive to the driveway of 301 McCaffrey Drive, and
   iii) Extension of the westbound left-turn slip lane on McCaffrey Drive by approximately 50 metres, and implementation of No Stopping restrictions.

5 The proposal also includes construction of a concrete footpath and implementation of part-time 15 minute parking restrictions on the western side of Elbrook Drive along the pre-school frontage to facilitate drop-off and pick-up of children. Bus Zone restrictions will also be implemented at the bus stop on the northern side of McCaffrey Drive to prevent parking of vehicles.
6 Council conducted community consultation from 22 May 2017 to 23 June 2017. Consultation leaflets were distributed / posted to approximately 12 property owners, residents and the preschool. The leaflets were also posted to various stakeholders such as bus operators, police, fire brigade, ambulance services and utility providers. The consultation leaflet is shown in Attachment B.

7 Council has received eight responses out of which three are in favour and five are against the proposal. The summary of consultation responses and resident letters are shown in Attachment C.

8 Some residents have suggested the following key alternate solutions for the intersection to improve safety. Council's comments for the respective solutions are included.

   i) The proposed No Stopping restriction should terminate east of the driveway of 303 McCaffrey Drive as vehicles parked west of the driveway do not impede sight lines for drivers turning right off Elbrook Drive.

      **Council comment:** Parked vehicles outside 301 and 303 McCaffrey Drive will obstruct visibility to the existing chevron alignment markers associated with the bend.

   ii) Provide an eastbound through lane and a right-turn bay on McCaffrey Drive at the intersection to protect right-turning traffic.

      **Council comment:** The carriageway is 12.8m wide and would not be able to accommodate three travel lanes and parking on both sides. Parking on one side will need to be removed or the carriageway widened by approximately 1.5 metres to retain parking on both sides. The carriageway widening would require relocation of utilities at significant cost and will not be proceeding.

   iii) Realign the northern kerbside at the intersection to straighten the bend and improve safety.

      **Council comment:** This would require carriageway widening and relocation of utilities at significant cost and will not be proceeding.

   iv) Install traffic calming devices and reduce the speed limit on McCaffrey Drive.

      **Council comment:** McCaffrey Drive is a sub-arterial regional road linking two State roads (Lookout Road and Lake Road). Traffic calming devices on a 60 km/hr road are not appropriate as it may lead to further crashes. Speed zone review is a matter for the RMS to consider and implement.

   v) Remove right turn movements at the intersection to improve safety.

      **Council comment:** This was one of the recommendations of the RSE however it was not supported by the NCTC in September 2016 until the actual traffic redistribution due to the inner city bypass project is ascertained on its completion.
vi) Implement No Parking restrictions in the laneway off Elbrook Drive as it is anticipated that drivers will park there due to the proposed restricted parking on McCaffrey Drive and Elbrook Drive.

**Council comment:** The sealed laneway is approximately 5m wide and no vehicles were observed parked during site inspections. There is no kerb and gutter on the northern side and there is no gap between the property fences and kerb on the southern side. Elbrook Drive was observed to have spare on-street parking capacity. Council will investigate No Parking restrictions in the laneway in future if necessary.

vii) Extend eastbound left-turn lane on McCaffrey Drive at Lookout Road intersection by using existing sealed shoulder widths to reduce congestion.

**Council comment:** The location is out of scope for this project. The 2-3 metres wide sealed shoulder on McCaffrey Drive serves as a marked on-street cycle lane. Extension of the left-turn lane will require carriageway widening and occupying this shoulder.

9 The proposal, following community consultation, was tabled to the NCTC on 17 July 2017 (Item 140). The Committee was recommended to consider supporting the resident's proposal to terminate the No Stopping restrictions east of the driveway of 303 McCaffrey Drive. Parked vehicles outside 301 and 303 McCaffrey Drive are not anticipated to impede sight lines for drivers turning right off Elbrook Drive and visibility obstruction to the two chevron alignment markers could be considered a low risk. The Committee supported the proposal along with the suggested reduction in No Stopping restrictions and recommended referral to Council for final determination.

**FINANCIAL IMPACT**

10 The RSE and project design were funded through Council's Operational budget. The estimated construction cost of the project is $40,000.00.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

11 The project is aligned with the strategic direction of 'Connected City' whereby "transport networks and services will be well connected and convenient. Walking, cycling and public transport will be viable options for the majority of our trips." The project delivers the objective of "linked networks of cycle and pedestrian paths".

**IMPLEMENTATION PLAN/IMPLICATIONS**

12 The project is anticipated to be delivered as part of Council's Operational budget for Financial Year 2017-18.
RISK ASSESSMENT AND MITIGATION

13 The project is anticipated to mitigate crashes and improve sight distance and safety at the intersection. The proposed concrete footpath on the western side of Elbrook Drive fronting the preschool will improve safety during drop-off and pick-up of children. The work will be undertaken in accordance with the relevant Austroads and RMS guidelines.

RELATED PREVIOUS DECISIONS

14 Nil.

CONSULTATION

15 Community consultation was conducted with the affected property owners, residents and the preschool from 22 May 2017 to 23 June 2017. An advertisement was published in the Newcastle Herald on 27 May 2017 seeking comments from the wider community by 23 June 2017.

OPTIONS

Option 1

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

Option 2

17 The recommendation for the proposed kerb extension and westbound left-turn slip lane extension is not adopted by Council. No action to be taken. This is not the recommended option.

BACKGROUND

18 Background information is presented in the Key Issues sections 2 to 9 of this report.

REFERENCES

ATTACHMENTS

Attachment A: Signpostering and line marking plan
Attachment B: Consultation leaflet
Attachment C: Summary of consultation responses
Community Consultation

To The Owner / Occupier

McCaffrey Drive, Rankin Park
Proposed Kerb Extension at Elbrook Drive

22 May 2017

There have been a total of five reported crashes at the McCaffrey Drive / Elbrook Drive intersection in the ten year period (2005 - 2016). Considering this, Council appointed an external consultant to conduct a Road Safety Evaluation (RSE) to identify mitigation measures. The site observations during the RSE identified that westbound drivers in McCaffrey Drive were indicating to turn left but actually proceeded through the intersection creating confusion for drivers exiting Elbrook Drive. It was also noted that visibility for drivers exiting Elbrook Drive is reduced by parked vehicles along the pre-school frontage and to the east of the intersection.

The treatments identified by the RSE were tabled at the Newcastle City Traffic Committee (NCTC) meeting on 19 September 2016. The NCTC supported the following treatments to mitigate crashes and to improve sight distance and safety at the intersection:

- Installation of a kerb extension on the southern side of McCaffrey Drive west of Elbrook Drive,
- Implementation of No Stopping restrictions on the southern side of McCaffrey Drive to the driveway of 301 McCaffrey Drive, and
- Extension of the westbound left-turn slip lane on McCaffrey Drive by approximately 50m, and implementation of No Stopping restrictions.

The proposal also includes construction of a concrete footpath and implementation of part-time 15 minute parking restrictions on the western side of Elbrook Drive along the pre-school's frontage to facilitate drop-off and pick-up of children. Bus Zone restrictions will also be implemented at the bus stop on the northern side of McCaffrey Drive to prevent vehicles parking, in accordance with the road rules.

A concept plan of the proposal is attached. The proposed plan and consultation responses will be tabled at the next available NCTC meeting for consideration. Council welcomes your comments on this proposal and your feedback will shape the final decision. Council will assume that any resident / business choosing not to reply to this leaflet has no objection to the proposal.

Are you in favour of the proposal (please tick)?

YES ☐ NO ☐

Please forward written comments by 23 June 2017 to The Interim Chief Executive Officer, Newcastle City Council, Attention: Transport & Traffic, PO Box 489, NEWCASTLE NSW 2300 or email: mail@ncc.nsw.gov.au. Phone: 4974 2000, Fax: 4974 2222. For further information about the proposal contact Dipen Nathwani, Traffic Engineer, on 4974 2683.

Name: ____________________________________________ Address (Mandatory): ________________________________________________

Comments: ________________________________________________________________________________________________________________________________
**CONSULTATION SUMMARY**

**MCCAFFREY DRIVE, RANKIN PARK - PROPOSED KERB EXTENSION AT ELBROOK DRIVE**

<table>
<thead>
<tr>
<th>Owner/Occupier Responses</th>
<th>Address of Respondent</th>
<th>Request No</th>
<th>Response</th>
<th>Summary of Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cambridge Drive (non-resident owner)</td>
<td>TR2017/00843</td>
<td>No</td>
<td>The proposed changes will restrict access to the property due to the proposed No Stopping restriction on McCaffrey Drive as it will not allow tenants to access the front door. The changes on the opposite side of McCaffrey Drive are not suitable to tenants as they have small children including a 2-year-old. Unless Council allows tenants to park on the footpath they will not be able to accept deliveries, receive mail, and when the tenants change they will not be able to have their furniture removed or delivered to the property. While the respondent agrees that changes need to be made to this part of the street, it is believed traffic needs to be slowed to 40 km/hr around the intersection due to the pre-school. The suggestion is a roundabout at the intersection as it will allow traffic to easily exit Elbrook Drive.</td>
<td></td>
</tr>
<tr>
<td>McCaffrey Drive</td>
<td>TR2017/00900 TR2017/00919</td>
<td>No</td>
<td>The resident is concerned that the proposal does not address daily 'near-misses' that occur at the intersection between eastbound motorists and motorists waiting to turn right into Elbrook Drive. The resident suggested providing an eastbound through lane and a right-turn bay on McCaffrey Drive at the intersection to protect right-turning motorists. The resident also recommended extending the eastbound left-turn lane on McCaffrey Drive at Lookout Road intersection by using existing sealed shoulder widths to reduce congestion during peak hours.</td>
<td></td>
</tr>
<tr>
<td>McCaffrey Drive</td>
<td>TR2017/00963</td>
<td>No</td>
<td>The resident submitted the response along with an independent report by an external consultant. The resident has recommended that the proposed No Stopping restrictions on the southern side should terminate east of the driveway of 303 McCaffrey Drive as vehicles parked west of the driveway do not impede sight lines for drivers turning right of Elbrook Drive. The resident also recommended that realigning the northern kerbside of McCaffrey Drive at the intersection to straighten the bend and improve safety. The external consultant's report supports the installation of kerb extension however reiterates reduction of No Stopping restrictions fronting the two concerned properties.</td>
<td></td>
</tr>
<tr>
<td>Elbrook Drive</td>
<td>TR2017/00946 TR2017/00964</td>
<td>Yes</td>
<td>The resident is in favour of the proposal however would like to see No Parking restrictions implemented in the service lane at the rear of 1 Elbrook Drive, as people will use this area to park now that parking has been removed from out the front of the childcare centre. No Parking restrictions will also need to be enforced.</td>
<td></td>
</tr>
</tbody>
</table>
**McCaffrey Drive**

<table>
<thead>
<tr>
<th>TR2017/00961</th>
<th>No</th>
</tr>
</thead>
</table>
| The resident does not support the proposal and highlights that the two major issues affecting McCaffrey Drive and subsequently the intersection of Elbrook Drive are excessive speed and dramatically increased traffic volume. However this is not isolated to this intersection and it is applicable to many side streets off McCaffrey Drive. The resident does not support the proposed No Stopping restrictions west of Elbrook Drive as it would remove on-street parking for the residents and would compel staff/parents to park further west on McCaffrey Drive or elsewhere on Elbrook Drive. The increased traffic volume on Elbrook Drive will add to the original issue of right-turning traffic from Elbrook Drive. The resident also does not support extension of the left-turn slip lane citing that motorists enter McCaffrey Drive from Elbrook Drive in a reckless and unsafe manner even though sometimes there are no parked vehicles on either side of the intersection. Reducing the parking for residents will be detrimental, unnecessary and will result in four properties without on-street parking. This could potentially cause residents to park on the northern side of McCaffrey Drive resulting in major traffic flow issues heading eastbound (including near the bus stop). It will also increase the number of cars parked in the access lane further east up McCaffrey Drive and potentially force pedestrians to cross a busy main road. The resident has recommended removing right turn movements at the intersection and installing speed humps on McCaffrey Drive.

**McCaffrey Drive**

<table>
<thead>
<tr>
<th>TR2017/00965</th>
<th>No</th>
</tr>
</thead>
</table>
| The resident does not agree with the proposal put forward. Elbrook Drive would become more congested with traffic and there will be no parking for residents. People will have to park on the other side of the road and would endanger more people crossing the busy road. Crashes occur at the intersection because of bad choices the drivers make and not because they cannot see at all. The resident exits Elbrook Drive many times a day and has not had a problem.

**McCaffrey Drive**

<table>
<thead>
<tr>
<th>TR2017/00986</th>
<th>Yes</th>
</tr>
</thead>
</table>
| The resident is in favour of the proposal including the kerb extension, signage for restricted parking, new footpath and revised kerb ramps. The residents are in favour because they see the necessity for increased sight distances and less confusion for traffic entering and leaving Elbrook Drive. Additional measures for calming traffic speed might be considered, such as speed humps, or an alternative roundabout. Consideration may be given to an Armco style protective barrier behind the new kerb extension, as a measure of protection for the children in the preschool. Also, consideration may be given to revising the 60km/hour speed limit downwards in McCaffrey Drive as cars tend to exceed that limit despite the speed camera and because stopping distances are increased going downhill.

**Elbrook Drive**

<table>
<thead>
<tr>
<th>TR2017/00993</th>
<th>Yes</th>
</tr>
</thead>
</table>
| The respondent thinks that these changes will benefit the area greatly and reduce risk of accidents. The residents are not concerned if the 15 minute parking proposal is not implemented.
<table>
<thead>
<tr>
<th>Number of owners/occupier consulted</th>
<th>12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of owners/occupier responded</td>
<td>8</td>
</tr>
<tr>
<td>Response to the Consultation (%)</td>
<td>67%</td>
</tr>
<tr>
<td>Owners/occupier in favour of the proposal</td>
<td>3</td>
</tr>
<tr>
<td>Owners/occupier against the proposal</td>
<td>5</td>
</tr>
</tbody>
</table>
ITEM-92 CCL 22/08/17 - ENDORSEMENT OF NEWCASTLE 2030 END OF TERM REPORT 2012-2017

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

PURPOSE

To endorse the Newcastle 2030 End of Term Report 2012-2017 (Attachment A), which reports on Council's delivery of the Newcastle 2030 Community Strategic Plan, during the current Council term.

RECOMMENDATION


KEY ISSUES

2 The End of Term Report provides an end-of-term update on Council's implementation and progress in achieving the community indicators and objectives identified in the Newcastle 2030 Community Strategic Plan (CSP).

3 This report is a requirement under the NSW Local Government Act 1993, and forms part of Council's Integrated Planning and Reporting (IP&R) Framework.

4 The previous report went to the Ordinary Council Meeting held on 23 August 2016, however on 30 August 2016 the OLG released Circular No 16-28 Annual and end-of-term reporting requirements for Councils with deferred elections, which stated that Councils whose ordinary elections have been deferred by Ministerial order will have their end of term reports deferred and that this report must be tabled at the meeting immediately prior to the deferred election date.

5 Essential Element 1.10 of the NSW Division of Local Government’s Integrated Planning and Reporting Guidelines requires this report to be presented at the final meeting of the Council term.

FINANCIAL IMPACT

6 Endorsing this report does not commit Council to any expenditure.

COMMUNITY STRATEGIC PLAN ALIGNMENT

7 This report aligns with all seven strategic directions identified in the CSP, in particular Open and Collaborative Leadership.
IMPLEMENTATION PLAN/IMPLICATIONS

8 The *NSW Office of Local Government IP&R Guidelines* state that an End of Term report is due at the last meeting of Council prior to an ordinary election (every 4 years), which reports on the objectives established by the CSP. The report evaluates progress in achieving the Plan's objectives during the Council term.

9 This report is used to inform the development of the next CSP and the incoming Council's Delivery Program. Sections of this End of Term Report will be included in Council's next Annual Report due for publication in November 2017.

RISK ASSESSMENT AND MITIGATION

10 This report ensures Council meets its requirements under the NSW IP&R Framework and *Local Government Act 1993*, s428 (2).

RELATED PREVIOUS DECISIONS

11 At the Ordinary Council Meeting held on 23 August 2016, Council resolved that:

   *Council endorses the Newcastle 2030 End of Term Report 2016.*

12 At the Ordinary Council Meeting held on 25 June 2013, Council resolved that:

   *Council resolves to endorse the Newcastle 2030 Community Strategic Plan (Revised 2013).*

13 At the Ordinary Council Meeting held on 21 August 2012, Council resolved that:

   *Council receives and endorses the Newcastle 2030 State of the City Report 2012.*

14 At the Ordinary Council Meeting held on 15 March 2011, Council resolved that:

   *Council endorses the revised draft 10-year Newcastle Community Strategic Plan.*

CONSULTATION

15 Content for the report was provided by a range of internal and external stakeholders. The report included input from a broad cross-section of Council business units delivering services, programs and assets. If endorsed by Council, the report will be published on Council's website after 9 September 2017 to ensure the regulated period is observed.
OPTIONS

Option 1

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

Option 2

17 Council does not endorse the *Newcastle 2030 End of Term Report 2012-2016*. This is not the recommended option.

BACKGROUND

18 This is the third report tracking Council's progress since Council endorsed the initial CSP in March 2011 and a revised CSP in June 2013. The first report of this kind was titled *Newcastle 2030 State of the City Report*, and was endorsed by Council at the Ordinary Council Meeting held in August 2012, at the end of the previous Council term. A link to the *State of the City Report* is provided below.


19 A range of community indicators were developed to measure Council's progress towards delivering the CSP. Each indicator is measured using data collected by Council, government and / or community-based agencies. There are 37 community indicators; Council is directly responsible for delivering the service, facility or program for 15 indicators.

REFERENCES

ATTACHMENTS

Attachment A: Newcastle 2030 End of Term Report 2012-2017

To be distributed under separate cover
ITEM-93  CCL 22/08/17 - ADOPTION OF THE DRAFT SMART CITY STRATEGY 2017-2021

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

PURPOSE

To adopt the Newcastle Smart City Strategy 2017-2021 following a six week public exhibition period.

RECOMMENDATION

1 Council resolves to adopt the Newcastle Smart City Strategy 2017-2021 as provided in Attachment A.

KEY ISSUES

2 The draft Newcastle Smart City Strategy 2017-2021 (the Strategy) was placed on public exhibition for a period of six weeks as per the Council resolution of the Ordinary Council Meeting held on 23 May 2017. The exhibition period extended from Monday 29 May 2017 to Monday 10 July 2017.

3 The Strategy was extensively promoted to the community, businesses, industry and government as well as internally to staff. This occurred across a range of mediums including email, newspaper, hard copy, events and social media. Communications materials aimed at general audiences were developed specifically for the exhibition period including an 'At a Glance' brief version, and a smart city Infographic.

4 The Strategy exhibition piloted Council's newly acquired digital consultation platform Engagement HQ as the central mechanism. Utilising survey and ideas wall applications, the site was visited 2,390 times with the Strategy, infographic and 'At a Glance' being downloaded 1,310 times.

5 Council staff were distributed information about the Strategy through an article in the regular internal staff e-newsletter NovoNews. A briefing presented by the Interim Chief Executive Officer and Smart City Coordinator was attended by 220 staff.

6 More information on the exhibition period promotional channels and engagements can be found under heading Consultation.
7 As a result of the exhibition period, 74 submissions were received and analysed by Council staff. Feedback contained in these submissions was overwhelmingly positive, with the vast majority of comments referencing actions or objectives that are already contained in the Strategy. There were some negative comments received however these related to other high-profile city projects and not this Strategy. Feedback and responses are documented in Attachment B.

8 Amendments to the Strategy were made based on feedback received through the exhibition period. Predominantly amendments were minor and related to phrasing for clarity or to more effectively articulate strategic intentions and objectives.

9 A theme emerging from the exhibition feedback was the absence of water management as an explicit focus in the strategy. This was considered by Council officers and a number of changes to the Strategy were made, including the inclusion of new actions, to address Council's approach to smart water management more directly.

10 The Strategy was also improved to reflect an increased emphasis on safety and security, more coordinated promotion of Newcastle's transition to a smart city, and facilitating change in the community.

11 In consultation key partners, some projects have been redeveloped in order to account for exhibition feedback considered to represent missed opportunities. These projects include:

(i) Smart City Infrastructure 1.6

Pilot smart crime prevention applications with key city partners including Newcastle Police to improve community safety and security.

(ii) Greener Places 1.1


(iii) Greener Places 1.5

Pilot with CSIRO predictive electric hot water heating and storage in key Council facilities to improve energy and water efficiency.

(iv) Sustainable Energy 3.6

Investigate opportunities with State and Federal governments to facilitate loan finance accelerating uptake of community solar, battery storage and electric vehicles.

(vi) City Image 5.2

Undertake strategic smart city marketing campaigns which leverage city alumni networks as ambassadors.
FINANCIAL IMPACT

12 The Strategy was developed within existing resources. This document will inform future actions in the Delivery Program and Operational Plan.

COMMUNITY STRATEGIC PLAN ALIGNMENT

13 The Strategy has potential ‘whole-of-organisation’ benefits and aligns with the following objectives of Newcastle 2030:

1.1 Effective and integrated public transport.

1.3 A transport network that encourages energy and resource efficiency.

2.1 Greater efficiency in the use of resources.

3.1 Public places that provide for diverse activity and strengthen our social connections.

3.3 Safe and activated places that are used by people day and night.

4.3 A creative, culturally rich and vibrant community.

5.4 Best practice energy and water efficient buildings and infrastructure.

6.2 A culture that supports and encourages innovation and creativity at all levels.

6.3 A thriving city that attracts people to live, work, invest and visit.

7.3 Active citizen engagement in local planning and decision-making processes and a shared responsibility for achieving our goals.

IMPLEMENTATION PLAN/IMPLICATIONS

14 The Strategy outlines a program of work across 24 strategies that has been developed within existing resources. Actions will be implemented by business units across Council, and be integrated into relevant work programs and operational plans. For new programs and projects, funding will be sought through the usual budget processes or through external grant funding when available.

15 A Smart City Advisory Committee has been established as outlined in the Lord Mayoral Minute "Smart and Innovative City" endorsed by Council on 28 June 2016.

RISK ASSESSMENT AND MITIGATION

16 Media interest is expected and will be addressed as it arises through a communications plan recently finalised.
RELATED PREVIOUS DECISIONS

17 ITEM-56 CCL 23/05/17 - Endorsement of exhibition of the draft Newcastle Smart City Strategy 2017-2021.

Moved by Cr Compton, seconded by Cr Osborne

Council resolves to:

i) Place the draft Newcastle Smart City Strategy 2017-2021 (Strategy) as provided in Attachment A on public exhibition for 6 weeks.

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

Carried Unanimously

CONSULTATION

18 The Strategy was placed on public exhibition for a six week period. Activities to promote the exhibition period included:

(i) Requests for submissions, particularly from key stakeholder groups and partner agencies.

(ii) Newspaper and online advertisements seeking community feedback.

(iii) A media release targeting local and national media in particular online technology publications.

(iv) A targeted social media campaign.

(v) A program of attending relevant events to promote the strategy and invite comment through the exhibition period.

19 Emails including links to Engagement HQ were sent to a distribution list of 720 contacts spanning local, national and international organisations and governments. Key partners in the smart city initiative also promoted the exhibition period through their member lists. These organisations include University of Newcastle (UON), Hunter DiGiT, Newcastle NOW, Ai Group, AusIndustry, CSIRO, Eighteen04, Hunter Business Chamber, HunterNET, the Lunaticks Society and the Business Centre.

20 Formal advertisement of the exhibition period occurred in the Newcastle Herald as per Council exhibition period guidelines including two display and one statutory advertisements in the Newcastle Herald and a full page display in Newcastle Weekly. An article by the Lord Mayor was also published in The Newcastle Star (‘Smart city closer than you think’).
A media release for the Strategy and related technology applications was sent out during the public exhibition period resulting in coverage across mainstream local and national media including Newcastle Herald, and many online technology media properties including Gizmodo, IOT Australia, Technology Decisions and more.

A social media campaign across Facebook and Twitter showcased different smart city elements and prompted users to visit the Engagement HQ website. The targeting was very broad to reach as many people as possible from ages 17 to 75+ and within 32kms of the Newcastle CBD. This campaign achieved 59,469 impressions, and 1,569 engagements (likes / shares / comments).

A range of local and national conferences and industry-specific events were attended or had a member of the smart city team presenting throughout the public exhibition period. These included several Australian Smart Communities Association events, Newcastle Tourism Industry Group meeting, Hunter Business Chamber events, Newcastle Innovation planning workshop, Developing the Hunter and Central Coast Conference, Federal Government Smart City Masterclass and The Lunaticks Society Open City Data Meet Up. This resulted in 415 Draft Smart City Strategy or 'At a Glance' hard copy documents distributed.

**OPTIONS**

**Option 1**

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

**Option 2**

Council resolve not to adopt the draft Newcastle Safe City Plan. This is not the recommended option.

**BACKGROUND**

The Newcastle 2030 vision for Newcastle is to be a smart, liveable and sustainable city. The Newcastle Smart City Initiative was established by Newcastle City Council in 2015, to maximise opportunities presented through integrated technology and data, and smart ecosystem economic development activities in sectors including technology, advanced manufacturing and digital economy.

Rapid progress in the Newcastle Smart City Initiative, including success in winning NSW Government funding through the Hunter Infrastructure Investment Fund for the $17.8m collaborative Hunter Innovation Project, has necessitated development of a strategic plan to guide decision making for this important city project.

The Strategy is a four year framework outlining the key priorities and actions to be delivered by Council in its commitment to leading Newcastle’s transition to a smart and innovative city.
29 The Strategy is structured around six key focus areas with the following objectives:

(i) Smart Governance

A global city with coordinated leadership and collaboration across government, industry and business that leads the way and connects with its citizens.

(ii) Smart Environment

A city that uses technology to ensure a cleaner and more sustainable future.

(iii) Smart Living

A city that makes life easier for everyone, which uses smart technology in its public places, and that develops new ways of connecting people and improving city amenity.

(iv) Smart Mobility

A city with connected technology-enabled infrastructure for multiple modes of mobility that innovates towards future transport modes and prioritises walking and cycling.

(v) Smart People

A city that invests in people and attracts talent to the area that creates opportunities through emerging smart technologies and that enables everyone to participate.

(vi) Smart Economy

A city that invests in innovation and provides a roadmap and infrastructure to support business outcomes and attract industry and investment in smart sectors.

REFERENCES

ATTACHMENTS

Attachment A: Newcastle Smart City Strategy 2017-2021

Attachment B: Public Submissions Report

To be distributed under separate cover
ITEM-94  CCL 22/08/17 - SUPPLEMENTARY REPORT - EXHIBITION OF DRAFT PLANNING AGREEMENT FOR RAIL CORRIDOR LAND BETWEEN WORTH PLACE AND WATT STREET, NEWCASTLE

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

PURPOSE

To provide a supplementary report to Council following Item 51 - Exhibition of draft Planning Agreement for Rail Corridor land between Worth Place and Watt Street Newcastle (see Attachment A) being laid on the table at the Ordinary Council Meeting held on 9 May 2017 to seek further updates from the NSW Government.

RECOMMENDATION

1 Council resolves to place the draft Newcastle Urban Rail Transformation Program Planning Agreement (Attachment D) on public exhibition for 28 Days.

KEY ISSUES

2 At the Ordinary Council Meeting held on 9 May 2017, Council resolved to lay both Item 50 - Exhibition of Draft Amendment to Section 6.01 Newcastle City Centre of Newcastle Development Control Plan 2012 (DCP) and Item 51 - Exhibition of draft Planning Agreement for Rail Corridor land between Worth Place and Watt Street Newcastle, on the table pending the following:

"That both motions applying to Item 50 - Exhibition of Draft Amendment to Section 6.01 Newcastle City Centre of Newcastle Development Control Plan 2012 and Item 51 - Exhibition of Draft Planning Agreement for Rail Corridor Land Between Worth Place and Watt Street Newcastle, lay on the table until Council:


"PART C:
Require the following commitments prior to a report to back to Council under Part B v) (receive a report back on the Planning Proposal, including draft planning agreement, following the public exhibition as per the requirements of Section 57 of the EP&A Act.) of this motion:

1. The NSW Government develops a comprehensive, evidence based plan for public transport and active transport in the Lower Hunter consistent with achieving Council’s current transport targets including:

a. An update of the Regional Transport Plan with clear objectives to be achieved for Public Transport in the region and
b. A revised Traffic Report of traffic impacts in the CBD based on:

i. Current and forecast land use development proposals for the CBD.

ii. The Integrated Transport Plan for the CBD.

iii. The Parking Strategy being prepared by Transport for NSW (TfNSW).

iv. The Active transport Strategy Plan being prepared by TfNSW and NCC including cycleways and pedestrian access.

c. A comparison between the land use assumptions used in the REF compared with rezoning proposal.

d. An integrated transport plan setting out the detailed operational arrangements for Buses and Ferries in conjunction with the proposed Light Rail and such plans conclusively establish that the corridor land is not needed for transport purposes.

2. A legislative commitment from the NSW Government that all proceeds from Newcastle Urban Transformation Project will be reinvested into the revitalisation of Newcastle."

2. Negotiations are undertaken with the State Government (UrbanGrowth and HDC) to maximise provision of affordable housing through the draft planning agreement.

3. A community engagement plan be developed for the planning proposal outlining how consultation will be undertaken."

3 A briefing was provided to Councillors by the Executive Director Future Transport, Contract Manager Transport for NSW and Executive Director Local Planning, Department of Planning and Environment at Council's Briefing Committee Meeting held on 20 June 2017.

4 Council has also received correspondence from the Hon Anthony Roberts MP, Minister for Planning relating to the hypothecation of funds from the development of the corridor see Attachment B.

5 A status report has been provided from the Revitalising Newcastle Program Director in response to the Council resolution of the Ordinary Council Meeting held on 9 May 2017, which, among other matters, agrees to increase the affordable housing provision within the draft Planning Agreement. See Attachment C.
6 A copy of the revised draft planning agreement reflecting the increase in affordable housing from 5% to a minimum of 10% of total residential development is provided at Attachment D.

7 Council staff have prepared a draft engagement plan for the planning proposal. See Attachment E.

8 The gateway determination for the rail corridor planning proposal noted that Council's resolution included matters relating to transport planning that are beyond the scope of the LEP amendment process and that Council should progress these matters with Transport for NSW and UrbanGrowth NSW directly.

9 The gateway determination also included advice that the Department supported Council's approach to place the draft DCP and planning agreement on public exhibition with the planning proposal provided it did not delay the exhibition.

10 A copy of this advice and gateway determination is provided at Attachment F.

OPTIONS

Option 1

10 The recommendation at paragraph 1. This is the recommended option.

Option 2

11 Council not adopt the recommendation at paragraph 1. This is not the recommended option.

REFERENCES

ATTACHMENTS

Attachment A: Original report and Attachment A of CCL 09/05/17 - Exhibition of draft Planning Agreement for Rail Corridor Land between Worth Place and Watt Street Newcastle

Attachment B: Correspondence from the Hon Anthony Roberts MP, Minister for Planning

Attachment C: Status Report from the Revitalising Newcastle Program Director

Attachment D: Revised Draft Urban Rail Transformation Program Planning Agreement

Attachment E: Council's Draft Engagement Plan

Attachment F: Gateway Determination from the Department of Planning and Environment

Attachments are distributed under separate cover.
ITEM-95 CCL 22/08/17 - SUPPLEMENTARY REPORT - EXHIBITION OF AMENDMENT TO SECTION 6.01 NEWCASTLE CITY CENTRE OF NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

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

PURPOSE

To provide a supplementary report to Council following Item 50 - Exhibition of draft amendment to Section 6.01 Newcastle City Centre of Newcastle Development Control Plan 2012 (DCP) (at Attachment A) being laid on the table at the Ordinary Council Meeting held on 9 May 2017 to seek further updates from the NSW Government.

RECOMMENDATION

1 Council resolves to place the draft amendment to Newcastle Development Control Plan 2012 (DCP) Section 6.01 Newcastle City Centre (Attachment A) on public exhibition for 28 days.

KEY ISSUES

2 At the Ordinary Council Meeting held on 9 May 2017, Council resolved to lay both Item 50 - Exhibition of Draft Amendment to Section 6.01 Newcastle City Centre of Newcastle Development Control Plan 2012 and Item 51 - Exhibition of draft Planning Agreement for Rail Corridor land between Worth Place and Watt Street in the Newcastle, on the table pending the following:

"That both motions applying to Item 50 - Exhibition of Draft Amendment to Section 6.01 Newcastle City Centre of Newcastle Development Control Plan 2012 and Item 51 - Exhibition of Draft Planning Agreement for Rail Corridor Land Between Worth Place and Watt Street Newcastle, lay on the table until Council:

1. Receives a report on progress of Council’s unanimous motion of 13 October 2016 (Part C).

PART C:

Require the following commitments prior to a report to back to Council under Part B v) (receive a report back on the Planning Proposal, including draft planning agreement, following the public exhibition as per the requirements of Section 57 of the EP& A Act.) of this motion:

1. The NSW Government develops a comprehensive, evidence based plan for public transport and active transport in the Lower Hunter consistent with achieving Council’s current transport targets including:
a. An update of the Regional Transport Plan with clear objectives to be achieved for Public Transport in the region and

b. A revised Traffic Report of traffic impacts in the CBD based on:

i. Current and forecast land use development proposals for the CBD.

ii. The Integrated Transport Plan for the CBD.

iii. The Parking Strategy being prepared by Transport for NSW (TfNSW).

iv. The Active transport Strategy Plan being prepared by TfNSW and NCC including cycleways and pedestrian access

c. A comparison between the land use assumptions used in the REF compared with rezoning proposal.

d. An integrated transport plan setting out the detailed operational arrangements for Buses and Ferries in conjunction with the proposed Light Rail and such plans conclusively establish that the corridor land is not needed for transport purposes.

2. A legislative commitment from the NSW Government that all proceeds from Newcastle Urban Transformation Project will be reinvested into the revitalisation of Newcastle."

2. Negotiations are undertaken with the State Government (UrbanGrowth and HDC) to maximise provision of affordable housing through the draft planning agreement.

3. A community engagement plan be developed for the planning proposal outlining how consultation will be undertaken."
6 Council staff have prepared a draft engagement plan for the planning proposal. See Attachment D.

7 The gateway determination for the rail corridor planning proposal noted that Council's resolution included matters relating to transport planning that are beyond the scope of the LEP amendment process and that Council should progress these matters with Transport for NSW and UrbanGrowth NSW directly.

8 The gateway determination also included advice that the Department supported Council's approach to place the draft DCP and planning agreement on public exhibition with the planning proposal provided it did not delay the exhibition.

9 A copy of this advice and gateway determination is provided at Attachment E.

OPTIONS

Option 1

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

Option 2

11 Council not adopt the recommendation at paragraph 1. This is not the recommended option.

REFERENCES

ATTACHMENTS

Attachment A: Original Report and Attachments of CCL 09/05/17 - Exhibition of Draft Amendment to Section 6.01 Newcastle City Centre of Newcastle Development Control Plan 2012

Attachment B: Correspondence from the Hon Anthony Roberts MP, Minister for Planning

Attachment C: Status Report from the Revitalising Newcastle Program Director

Attachment D: Council's Draft Engagement Plan

Attachment E: Gateway Determination from the Department of Planning and Environment.

Attachments are distributed under separate cover.
NOTICES OF MOTION

ITEM-20 NOM 22/08/17 - LAMBTON PARK FENCED OFF LEASH-DOG AREA

COUNCILLORS: D CLAUSEN, N NELMES, J DUNN AND S POSNIAK

PURPOSE

The following Notice of Motion was received on 10 August 2017 from the abovementioned Councillors:

MOTION

Council:

1 Notes its previous resolution of 26 April 2017 requiring Council to investigate the development of a fenced dog park in Lambton Park. At the 26 April meeting, Council accepted a petition with more than 107 signatories calling for a fully fenced dog off-leash area for play, exercise, socialisation and training in Lambton Park.

2 Notes that Council has made available funding in the current financial year (2017/18) to deliver new fenced dog off-leash facilities across the City.

3 Receives an update on the status of investigations at Lambton Park, and expected timeframes for the delivery of new fenced off-leash area.

4 Receives an additional petition with a further 124 signatories [Cr Clausen to table at Ordinary Council meeting on 22 August].

BACKGROUND

More than 230 residents have signed a petition calling on Council to deliver a fenced off-leash area for dogs in Lambton Park. Many of these residents attended a public event in the Park in late July hosted by the Lambton Residents Group:
Council has previously resolved to investigate installing a fenced off-leash area in Lambton Park (see NOM-10 26/04/17 below).

<table>
<thead>
<tr>
<th>ITEM-10</th>
<th>NOM 26/04/17 - FULLY FENCED DOG OFF LEASH AREA FOR PLAY, EXERCISE, SOCIALISATION AND TRAINING - LAMBTON PARK</th>
</tr>
</thead>
<tbody>
<tr>
<td>MOTION</td>
<td>Moved by Cr Clausen, seconded by Cr Dunn</td>
</tr>
<tr>
<td></td>
<td>That Council:</td>
</tr>
<tr>
<td>1</td>
<td>Accepts the attached petition (Attachment A) with 107 signatories calling for a fully fenced dog off leash area for play, exercise, socialisation and training in Lambton Park.</td>
</tr>
<tr>
<td>2</td>
<td>Notes the success of Council’s Pups in the Park initiative held on 10 December 2016 in Lambton Park</td>
</tr>
<tr>
<td>3</td>
<td>Considers the development of a fenced dog park in Lambton Park alongside similar requests for Connelly Park in Carrington, Novocastrian Park in New Lambton and Waratah Park in Waratah as per the unanimous Notice of Motion carried 20 December 2016 (Item 22 NOM 13/12/16 – Increased Dog Leash Free Areas including Enclosed Areas).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROCEDURAL MOTION</th>
<th>Moved by Cr Rufo, seconded by Cr Luke</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The matter lay on the table until the current review of Off Leash Dog Areas has been completed.</td>
</tr>
</tbody>
</table>

Defeated

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

Carried
ATTACHMENTS

Attachment A: NOM 10 – 26/04/17 – Fully Fenced Dog Off Leash Area for Play, Exercise, Socialisation and Training – Lambton Park
ITEM-10: NOM 26/04/17 - FULLY FENCED DOG OFF LEASH AREA FOR PLAY, EXERCISE, SOCIALISATION AND TRAINING – LAMBTON PARK

COUNCILLORS: D CLAUSEN, N NELMES, J DUNN, S POSNIAK

PURPOSE

The following Notice of Motion was received on 13 April 2017 from the abovementioned Councillors:

MOTION

That Council:

1. Accepts the attached petition (Attachment A) with 107 signatories calling for a fully fenced dog off leash area for play, exercise, socialisation and training in Lambton Park.


3. Considers the development of a fenced dog park in Lambton Park alongside similar requests for Connelly Park in Carrington, Novocastrian Park in New Lambton and Waratah Park in Waratah as per the unanimous Notice of Motion carried 20 December 2016 (Item 22 NOM 13/12/16 – Increased Dog Leash Free Areas including Enclosed Areas).
BACKGROUND

At the Ordinary Council Meeting on 24 May 2016, Council carried the following motion:

That Council:

1. Notes that Officers are presently undertaking a review of the Sportsland Plan of Management which is intended to be publicly exhibited in the third quarter of 2016 as part of a new Community Land Plan of Management.

2. Requests that public consultation on the new Community Land Plan of Management consider the implementation of a time restricted off-leash area at Novocastrian Park, New Lambton. Consultation should include dog owners, park neighbours and other park users such as sports users.

At the Ordinary Council Meeting of 22 November 2016, Council received a petition with 96 signatories calling for a dedicated off-leash area for Waratah Park, Waratah.

At the Adjourned Ordinary Council Meeting on 20 December 2016, Council unanimously carried the following motion:

That Council, as a priority:

1. Review the number of Dog Leash Free Areas across the city, with a focus on enclosed off leash areas and the aim to increase the number of designated areas to meet the growing demand.

2. Report to the April 2017 meeting with a draft Community Land Plan of Management to be placed on public exhibition, to outline the timeframe to roll out the new Dog Leash Free Areas (including enclosed areas) and to include any necessary expenditure in the 2017-18 Council Budget process such a draft Community Land Plan of Management to include consideration of specific sportsgrounds/ovals to be used as time-restricted Dog Leash Free Areas including Connelly Park in Carrington, Novocastrian Park in New Lambton and Waratah Park in Waratah.

The Law Society of NSW provides a comprehensive background note on the benefits of Off Leash areas:

Community Health Considerations

There is persuasive evidence that pet ownership has beneficial effects on humans’ physical and psychological health, reducing anxiety related illness, increasing stress coping mechanisms and alleviating feelings of loneliness and social isolation. Walking a dog can provide invaluable socialisation and exercise for the owner as well as the dog, and for these reasons, responsible exercise of dogs in leash free areas should be facilitated.

There is further evidence that socialisation of dogs can significantly decrease stress related aggression towards both people and other dog. It is necessary that socialisation be a continual process throughout the life of the dog.
Whilst "puppy training classes" provide invaluable exposure for young animals, there are fewer options available for the socialisation of older dogs. Leash free parks can fill this role, becoming focal points for dog owners and allowing dogs to interact with each other in a way that is least stressful, as the animals have the ability to move freely.

Regular exercise of dogs is known to decrease excessive barking and other forms of antisocial behaviour, such as digging and escaping – common neighbourhood problems in urban areas. Off-lead exercising of dogs is also more beneficial to the animal’s physical and mental health than on-lead walking.

**Current Legislative Provisions**

We submit that current legislative provisions adequately address concerns that may be raised about the designation of certain parks as off-lead at all times.

The *Companion Animals Act 1998* (NSW) (CAA) currently provides legal remedies for irresponsible animal ownership by setting out the duties of pet owners and providing corresponding penalties for breach of those duties.

**ATTACHMENTS**

**Attachment A:** Petition titled ‘Submission for consideration by Newcastle Council for a fully fenced dog off-lead area for play, exercise, socialisation and training with 107 signatories’
SUBMISSION FOR CONSIDERATION BY NEWCASTLE COUNCIL FOR A FULLY FENCED DOG OFF LEASH AREA FOR PLAY, EXERCISE, SOCIALISATION & TRAINING
YOU WANT US TO BE SOCIALLY ACCEPTABLE, HAPPY AND WELL ADJUSTED.........

WE NEED YOUR HELP TO ACHIEVE THAT AIM....

AT THE TIME OF WRITING THERE IS NO SAFE OFF LEASH PLACE FOR US (AND THAT AFFECTS YOUR SAFETY AND OUR FUTURE) TO PLAY OFF LEASH, TO LEARN AND PRACTICE OBEDIENCE...

IF YOU CAN CONSIDER THIS REQUEST WE WOULD BE MOST GRATEFUL, WELL BEHAVED, HAPPY AND THAT IN TURN WILL MAKE OUR OWNERS AND THE WHOLE COMMUNITY WELL PLEASED WITH US
SUBMISSION FOR A FENCED LEASH FREE AREA IN LAMBTON PARK

I understand Newcastle Council has 17 leash free areas but not one is fenced which calls in to account the safety for the dogs and also any person or child who could accidently or unknowingly wander into these areas. In fact I believe that one of these areas – North Lambton enables access to the childrens play area.

It is also a hazard for humans with a fear of dogs wanting to use or cross these areas which they will do and often, albeit accidentally, cause chaos. This has a catch 22 effect in that having no area for dogs to run free and socialize, humans become blasé or frustrated in attempts to train and socialize their dogs and allow them off lead in parks not allocated as leash free. This can create considerable concern, particularly from the elderly, children and disabled members of the community.

I would like to propose an area of Lambton Park be considered by council as a leash free area. Lambton Park is much used as it is large and central to a few suburbs. It also allows for considerable safe parking so encourages both close living residents and those further away. It is also a very beautiful, well cared park with some beautiful gardens and play areas, picnic places and more recently even exercise equipment. The Lambton Residents Group looks after the park with pride and they are very watchful for misuse of any of the facilities, anti social behavior and vandalism so it is with confidence that I believe such a fenced leash free area would work favourably for all.
Lambton Park has an area which I believe would be perfect for a fenced leash free area. It is probably one of the only areas of the park little used except as a walkway between Karoola Road and Howe-Lambton Road. This area is between the Bowling club and the Swimming pool.

I have attempted to draw a proposed fenced area in this vicinity. It would not disrupt current use for those who wish to walk from east to west in the park nor any current vehicle access. It would make a lot of dogs and their owners safe and happy and probably encourage more people to this amazing park.

I have spoken to quite a number of people when walking and they dearly wish there was a safe lease free area in this park where their dogs could play and socialize and the owners could feel happy knowing they have done the right thing allowing their dogs freedom to grow, play and learn.

I understand that Lake Macquarie Council have just approved a fully fenced Leah Free area at Speers Point. It would be wonderful if we could have one as well.

Mary Webster
32 Pearson Street
Lambton 2299
0407495623

A member of Lambton Residents Group which supports this submission
BASIC OUTLINE OF SUGGESTED AREA

Fence line inside current footpath

Diagonal fence from north corner footpath to just past tree furthest west

Fence/gate from end of diagonal fence to 10th (from west end) main pool fence bollard
WHETHER OR NOT ADDITIONAL FENCING WOULD BE REQUIRED DOWN THE POOL FENCE LINE WOULD BE SUBJECT TO RISK ASSESSMENT AND IS DEBATABLE. BUT PERHAPS SOME SMALLER BARRIER (SHRUBS) COULD BE USED SHOULD THERE BE CONCERNS AS RESULT OF A RISK ASSESSMENT, THERE DOES NOT APPEAR TO BE A PROBLEM CURRENTLY WITH THE POOL FENCE AND PASSING DOGS – EVEN A NUMBER OFF LEAD – BUT ADMITTEDLY THOSE THAT ARE ON LEASH ARE ABLE TO BE CONTROLLED HOWEVER IF DOGS HAVE A PLAY AREA THEY ARE LESS INTERESTED IN THINGS ON THE OTHER SIDE OF THE FENCE AND HUMANS IN THE POOL SHOULD BE CONTROLLED!!
ITEM-21  NOM 22/08/17 - NEED FOR UPGRADED COMMUNITY FACILITIES IN JESMOND

COUNCILLORS: D CLAUSEN, N NELMES, J DUNN, S POSNIAK, T DOYLE AND M OSBORNE

PURPOSE

The following Notice of Motion was received on 10 August 2017 from the abovementioned Councillors:

MOTION

That Council:

1. Reaffirms its commitment as a Refugee Welcome Zone (Attachment A).

2. Notes its commitment to produce a Community Facilities Strategy for implementation under the adopted Social Strategy. A key commitment of the Social Strategy is that Council “will invest in and promote community facilities and services [that] deliver benefits to the community and provide opportunities for improved levels of physical activity and social interaction.”

3. Receives the comprehensive issues report “The view from the West – Planning for successful refugee integration in Western Newcastle” (Attachment B) which recommends Council partner with the State Government to redevelop the Jesmond Neighborhood Centre to address the urgent need for expanded community facilities to support a range of programs delivered by non-for-profits that support Newcastle’s growing refugee and migrant communities.

4. Notes letters of support for the re-development of the Jesmond Neighborhood Centre have been received from:
   a) The University of Newcastle (Attachment C)
   b) Navitas (Attachment D)
   c) Northern Settlement Services (Attachment E)
   d) NSW Service for Treatment and Rehabilitation of Torture and Trauma Survivors (Attachment F)
   e) Toogee Martial Arts (Attachment G)
   f) Zara’s House (Attachment H)
   g) Newcastle Video Moviemakers (Attachment I)
   h) Residents and active users of the Centre (Attachment J)

5. Prioritise the completion of a draft Community Facilities Strategy for public exhibition, reflecting community feedback, and the clear need to provide upgraded community facilities to service the changing needs of the Greater Jesmond and Wallsend communities.
BACKGROUND

Nil

ATTACHMENTS

Attachment A: Refugee Welcome Zone Commitment
Attachment B: Bridget Noonan (2017), The view from the West – Planning for successful refugee integration in Western Newcastle, ConnectAbility Australia Inc
Attachment C: Letter of support from the Deputy Vice Chancellor International, University of Newcastle
Attachment D: Letter of support from Navitas
Attachment E: Letter of support from Northern Settlement Services
Attachment F: Letter of support from the NSW Service for Treatment and Rehabilitation of Torture and Trauma Survivors
Attachment G: Letter of support from Toogee Martial Arts
Attachment H: Letter of support from Zara's House
Attachment I: Letter of support Newcastle Video Moviemakers Inc
Attachment J: Letters of support from local residents and active users of the Centre
Attachment A

The City of Newcastle declares its Local Government Area as a Refugee Welcome Zone

This declaration is a commitment in spirit to:
• welcoming refugees into our community,
• upholding the human rights of refugees,
• demonstrating compassion for refugees and
• enhancing cultural and religious diversity in our community.

Councillor Nuatali Nelmes
LORD MAYOR OF NEWCASTLE

Date 28 May 2015
1.

**Issues Report**

The View from the West-Planning For Successful Refugee Inclusion in Western Newcastle

By- Bridget Noonan

Position- Manager/Community Development Worker

Project- Jesmond Neighbourhood Centre (FACS Community Builders Program)

Organisation- ConnectAbility Australia Inc

Phone: 0249798555

Email- BridgetN@connectabilityaus.org.au

Date- 28/05/2017

**Introduction**

Over the past 4 years the number of Refugee’s choosing to settle in Jesmond and surrounding suburbs* has surged. Jesmond is the heart of the Afghan, Iraqi and Syrian communities and also is home to a diversity of Africans, international students and migrants. The Jesmond area is attractive to the CALD community due to the high number of lower cost rental housing created by the demand from Newcastle University students and the networks that the international student community bring to the area. Other convenient features are the presence of a shopping centre, the public transport options, local schools and the proximity of places of worship.

As the community development worker based in this suburban area and working from the only locally based funded community service I have been in the unique position of observing the settlement process of the different waves of refugees and how the wider community has received them. I would like to share some of my observations, concerns and recommendations. The following points are shared in the spirit that in order to successfully include refugees in the broader society of Western Newcastle over the next 20 years there needs to be a plan that is resourced by all levels of government and that emerges from the communities that live in the west of Newcastle and call this area home.

There are a series of structural issues to do with the centralised nature of government services, the inner suburb location of community services and local and state government planning and funding allocations that need to be addressed. There is also an issue to do with the policy approach toward settlement of refugee and migrant communities which has the effect of keeping the people segregated in migrant only networks and fails to look at the society in the settlement areas as a whole.

*Suburbs with Refugee residents: North Lambton, Jesmond, Birmingham Gardens, Shortland, Wallsend. These suburbs also have a significant number of international students and migrants living in them.*
2.

**Summary of Plan to Successfully Include the CALD Community in Western Newcastle**

1. The Role of Newcastle Council in Developing and Resourcing Western Newcastle Communities.
2. The Role of the Department of Family and Community Services in Supporting Children, Families and Youth in Western Newcastle.
3. Developing the Service Sector in Western Newcastle To Respond to the Medium and Long term Needs of the CALD Community.
5. Not Re-inventing The Wheel-Regional Areas Learning From the Sydney Experience

**1. The Role of Newcastle Council in Developing and Resourcing Western Newcastle Communities**

To date Newcastle Council has struggled to respond to the growing CALD community in the Western suburbs and also to the social service needs of residents generally in this area. Over the past 5 years the council has been affected by waves of internal re-structures, financial problems, unstable senior management roles, unstable elected leadership and mass redundancies of staff. These issues have meant that the business units of council have not been functioning well. One of the problems is how the business units are structured and a lack of integration between parts of council that need to collaborate in order to deliver outcomes. An example is the planning for new facilities and upgrades doesn’t appear to be connected to the Council’s social plans, demographic data or policy directions. There is also a culture of Council basing the focus of development activities on the inner city and neglecting the needs of residents in the outer suburbs. Council also needs to play a bigger role in influencing the planning process behind government service provision and funding allocation in Newcastle with Health NSW services in particular being centralised in the city and a lack of FACS funding in the West.

**Recommendations**

- That the state government work with the councillors of Newcastle Council to prompt a process of organisational change with the view to improving infrastructure, economic, social and cultural investment in the suburbs in and around Jesmond and Wallsend.
- That the state government partners with Newcastle Council to fund a re-development of Jesmond Neighbourhood Centre to address the urgent need for community facilities in the area.

**2. The Role of the Department of Family and Community Services in Supporting Children, Families and Youth in Western Newcastle**

The western suburbs of Newcastle are chronically under-resourced by FACS for both the mainstream community and the CALD community. There is only one community development worker for an area bound by North Lambton, Shortland, Wallsend and Elermore Vale. There are no youth workers or youth facilities in this area and there are no
child and family workers. There is also only two early intervention CALD family support programs with two workers that cover the whole of Newcastle and are based in Hamilton. Similarly there is only one CALD youth worker who is funded for 2 days a week to cover all of Newcastle and is based at Lambton.

### Recommendations

- That FACS contract new Child, Youth and Family Programs based at Jesmond Neighbourhood centre covering the Jesmond and Wallsend area.
- That FACS increase the CALD family support services that Northern Settlement Services provide and that the program be based in the Jesmond area.
- That FACS increase the CALD Youth & Family funding that the Multi-cultural Neighbourhood Centre has to be able to provide a service for more than 2 days a week.

### 3. Developing the Service Sector in Western Newcastle To Respond to the Medium and Long term Needs of the CALD Community

As the refugee and migrant communities in Jesmond and Wallsend are likely to live in the western areas for many years there is a need to build the knowledge of local community services, health providers, community members and business owners. These services will be operating long after the settlement funding ceases and it is important that planning and action occurs now to develop the culture, objectives, policies and service delivery of community agencies and businesses to be able to work effectively with refugees and migrants.

### Recommendations

- That the state government provide a time limited grant to deliver Education & training sessions about refugee communities to services, school officials, health providers, business owners and interested members of the public in the Western area of Newcastle. That the project include training and advice in how to provide a culturally inclusive and accessible service and business.

### 4. Promoting Long Term Social Cohesion and Wellbeing In and Around Jesmond

Jesmond is a suburb that has a large number of low income residents. There are refugees, migrants, international students, Australian students, public housing tenants, boarding house tenants, single mothers, Aboriginals, drug users, seniors, the mentally ill and young people who are unemployed. Jesmond has a number of long standing social problems that have never been addressed. There is a significant number of injecting drug users that live in the cheap rental housing and public housing. There is an ongoing problem with drug dealing in the public housing which brings drug addicts into the area and there are drug associated criminal activities such as break and enters, theft and assault. Connected to this is an issue of youth delinquency with a constant small but active collection of teens who live in the public housing. There are no youth services or facilities in Jesmond or development workers to address the needs of the public housing tenants who live in two large estates on either
side of the suburb. Also of concern in Jesmond is the presence of residents with serious mental illness and co-morbidity conditions. There are no mental health services in the western area and the nearest service is in the city centre which many Jesmond residents struggle to access as they are living in poverty on the disability pension and often can’t afford a bus fare.

For refugee settlement to succeed in Jesmond these broader issues must be addressed by local and state government agencies.

<table>
<thead>
<tr>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>• That the Housing minister direct the Newcastle Housing NSW office to investigate with the police the longterm drug dealing that occurs in the Mayo St, Yale Close and Heaton St Public Housing complexes with the intent to shut it down and prosecute tenants who are dealing to discourage others.</td>
</tr>
<tr>
<td>• That the police minister direct Newcastle police to prioritise shutting down the drug dealing in rental properties in Jesmond.</td>
</tr>
<tr>
<td>• That Health NSW establish a drug and alcohol service in Wallsend so Western Newcastle drug users have access to a service.</td>
</tr>
<tr>
<td>• That Health NSW place a Needle and Syringe program into Wallsend.</td>
</tr>
<tr>
<td>• That Health NSW provide place based mental health services that cover Jesmond and Wallsend.</td>
</tr>
<tr>
<td>• That Housing NSW be funded to provide a Housing Communities Program (HCP) worker to develop and improve the public housing estates in Jesmond and Wallsend.</td>
</tr>
</tbody>
</table>

The other matter to do with social cohesion in Jesmond is addressing the relationship between the CALD community and the established Australian born community. There is a need for regular social functions and initiatives that provide positive experiences of contact between the new and old communities. The sector requires resources to implement strategies that reduce the dynamic of ‘white flight’ occurring in the Jesmond area. There is already evidence that this is happening with many white Jesmond families choosing to send their children to primary schools in other suburbs as the two Jesmond schools are seen as ‘too ethnic’. This year our service organised the first Harmony Day Festival in Jesmond but we struggled to find resources to put it on. A grant to Multi-cultural NSW was awarded for only $1000. Members of the local public have asked for more park events in central Jesmond that bring together the local people.

<table>
<thead>
<tr>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>• That multi-cultural NSW be directed to prioritise grants for regional settlement areas for events and initiatives that are place based in the area of settlement (not just in the same town).</td>
</tr>
<tr>
<td>• That the government consider awarding a 3 year grant to develop monthly markets in Heaton Park, Jesmond that features the goods of refugee &amp; Australian artisans and caterers with the aim of building social capital and cohesion.</td>
</tr>
</tbody>
</table>
5. **Not Re-inventing The Wheel - Regional Areas Learning From the Sydney Experience**

Sydney and in particular Western and South-Western Sydney have been receiving large numbers of diverse migrants and refugees since the Second World War. In terms of social and infrastructure planning Newcastle can learn from the Sydney experience. The issues that Western Newcastle face now are the issues that Western Sydney faced in the 1980’s albeit on a smaller scale. The lack of infrastructure, the structural problems in planning and resource allocation, the inner suburb centric focus of government and services and a growing CALD population in a formerly white Australian dominated area. Sydney has experienced refugee and migrant entrants from Afghanistan, Iraq and Syria for decades and it seems reasonable to exchange strategies with Sydney CALD and community services. Migrant services in Sydney have been addressing all the common issues that arise in CALD service provision for decades and there are many innovative approaches that could be adopted in Newcastle. Innovative strategies around domestic violence, preventing youth alienation, child protection and developing economic opportunities have all been implemented in Sydney many times over.

**Conclusion**

As there are no funded peak community agencies in Newcastle that carry out sector wide planning and advocacy there is significant shortfalls in government funding servicing communities in the Western areas. Many people in Newcastle are supportive of our city providing a welcoming home for refugees and the West of Newcastle has a lot to offer these communities. With some strategic resources from all levels of government we can make the West a best practice area for refugee settlement with thriving, well connected communities with high levels of social cohesion and well-being. The human services sector as a whole (mainstream and CALD services) need to speak up and come together to represent the important needs of their communities. Sorting out Western Newcastle is a priority and I invite you to be involved.

<table>
<thead>
<tr>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>• That a steering committee of key stakeholders in the future of Western Newcastle is formed to lobby for more local and state government funds and services.</td>
</tr>
</tbody>
</table>
### Summary of Recommendations

#### 1. Recommendations - Role of Newcastle Council in Developing Western Newcastle
- That the state government work with the councillors and CEO of Newcastle Council to prompt a process of organisational change with the view to improving infrastructure, social and cultural investment in the suburbs in and around Jesmond and Wallsend.
- That the state government partners with Newcastle Council to fund a re-development of Jesmond Neighbourhood Centre to address the urgent need for community facilities in the area.

#### 2. Recommendations - Role of FACS in Providing Services in Western Newcastle
- That FACS contract new services to support the CALD and mainstream communities in Jesmond specifically with Child, Family and Youth Programs.
- That these services be placed based in Jesmond to provide the Western suburb communities with access and ownership.

#### 3. Recommendations - Developing Western Newcastle Services
- That the state government provide a time limited grant to deliver Education & training sessions about refugee communities to services, school officials, health providers, business owners and interested members of the public in the Western area of Newcastle. That the project include training and advice in how to provide a culturally inclusive and accessible service and business.

#### 4. Recommendations - Building Social Cohesion in Jesmond
- That the Housing minister direct the Newcastle Housing NSW office to investigate with the police the longterm drug dealing that occurs in the Mayo St, Yale Close and Heaton St Public Housing complexes with the intent to shut it down and prosecute tenants who are dealing to discourage others.
- That Health NSW establish a drug and alcohol service in Wallsend so Western Newcastle drug users have access to a service.
- That Health NSW place a Needle and Syringe program into Wallsend.
- That Health NSW provide place based mental health services that cover Jesmond and Wallsend.
- That Housing NSW be funded to provide a Housing Communities Program (HCP) worker to develop and improve the public housing estates in Jesmond and Wallsend.
7.

- That multi-cultural NSW be directed to prioritise grants for regional settlement areas for events and initiatives that are place based in the local area of settlement (not just in the same town).

- That the government consider awarding a 3 year grant to develop monthly markets in Heaton Park, Jesmond that features the goods of refugee & Australian artisans and caterers with the aim of building social capital and cohesion.

**Recommendations- The Future**

- That a steering committee of key stakeholders in the future of Western Newcastle is formed to lobby for more local and state government funds and services.
MRS WINNIE ELEY
DEPUTY VICE-CHANCELLOR (INTERNATIONAL AND ADVANCEMENT)

Telephone: +61 2 4985 4373
Email: Winnie.Eley@newcastle.edu.au

28 June 2017

Ms Bridget Noonan
Manager/Community Development Worker
Jesmond Neighbourhood Centre
44 Mordue Parade
Jesmond NSW 2299

Re: Jesmond Neighbourhood Centre Re-development

Dear Bridget,

It was lovely to meet with you on June 15 and hear about the community advocacy work that the Jesmond Neighbourhood Centre undertakes, and as such, I am writing to support the concept of a new re-development for the Centre.

The Centre’s unwavering support for the partners and children of international students in Jesmond, as well as multi-cultural activities for primary school children, are a testament to the dedication of people such as yourself to improve the lives of those newly arrived to Newcastle. Student associations are likewise fortunate to have a safe and welcoming place to hold their meetings and celebrations, and I look forward to hearing about further initiatives the Centre undertakes.

On behalf of the University of Newcastle, please accept my heartfelt support for your lobbying efforts to secure funding for re-development of the Centre.

Yours sincerely,

[Signature]

Winnie Eley (Mrs)
Deputy Vice-Chancellor
International and Advancement
5 May 2017

Bridget Noonan
Manager/Community Development Worker
44 Mordue Parade, Jesmond 2299

Letter of support for extension of Jesmond Neighbourhood Centre

Newcastle has a proud history of welcoming refugee families and individuals, providing community support and social inclusion. Over the past years, the large majority of refugee families to Newcastle have chosen to settle in the Jesmond area, for a variety of reasons including accessible public transport, commercial outlets and proximately to places of worship. This trend has of course impacted on the local government support services in the area, most remarkably the Jesmond Neighbourhood Centre. In addition, there is no indication that this trend will cease.

The current centre has long provided a safe and accessible space for various multicultural groups to gather. Migrant women (and men) most often do not have cars and rely on walking or public transport. Women’s groups, multicultural playgroups and English language support for newly arrived refugee children all take place at the Centre. In addition, many refugee and migrant support services rely heavily on the space to run their programs, which include women’s/men’s health, healthy family relationships (including DV) and aspects of Australian culture.

In recent times however, all support services have reported that the facilities no longer capable of meeting their needs in full, especially those working with migrant women and their children. There is an absolute need for a separate area to provide childcare and a larger hall is required. Currently there is no capacity to run more than one program at a time.

The Centre is currently unable to accommodate new programs that relate to emerging issues, in particular programs for multicultural young people. The service sector is committed to improving the opportunities and outcomes for multicultural young people in NSW, and all young people from refugee and migrant backgrounds should be able to access the support and opportunities they need to be active participants in Australian society. Due to its location, the Jesmond Neighbourhood Centre is the obvious first choice as a hub for these programs.

ConnectAbility provides an essential role in providing services to local refugee families, especially women and children. For this to continue, and flourish, purpose built facilities are essential. I invite you to contact me for any further information you may require.

Kind regards,

Helen Larkin
Case Manager
Navitas English, HSS Hunter
9th May 2017

To Whom It May Concern,

Northern Settlement Services (NSS) strongly supports the request for Jesmond Neighbourhood Centre to redevelop and expand its facilities at Mordue Parade Jesmond.

NSS makes regular use of the Jesmond Neighbourhood Centre for activities including Harmony Day, Afghan Women’s Group, Multicultural Girls’ Youth Group and various information sessions and training programs.

Jesmond is a good location for work with refugee background communities as many of them initially settle there and have children in the local schools. Due to the significant numbers of children from multicultural backgrounds in Jesmond, three of the five Homework Centres NSS run are based in schools in the Jesmond area – Jesmond Public School, Heaton Public School and Callaghan Senior College.

The Neighbourhood Centre’s location at the edge of Heaton Park adds to its value as an indoor/outdoor venue for activities and events, but the inside facilities of the centre are limited.

We are very pleased to hear about the proposed redevelopment and expansion of Jesmond Neighbourhood Centre and endorse the significant community value of the centre to the diverse multicultural community of Jesmond and surrounds.

If you require any further information please feel free to contact me on 4969 3399.

Yours sincerely,

Lulu Tantos

CEO
9th May 2017

To Whom it may concern,

The Service for the Treatment and Rehabilitation of Torture and Trauma Services (STARTTS) would like to express support for the re-development of the Jesmond Neighbourhood Centre. Our service regularly hires the venue for refugee community related programs such as the ‘Families in Cultural Transition’ program, Refugee community consultations and cultural celebrations and events. This is because Jesmond is the main settlement area for refugees in the Newcastle area.

A larger area for community meetings would be recommended as well as an upgraded children’s space that is separate from parents so that parents can engage in identified programs of need whilst children are in a safe and engaging venue. A larger hall would support refugee and multicultural consultations that take place as a result of new arrival programs and a functioning and updated kitchen.

Thank you for taking the time to read this expression of support and thank you to Newcastle City Council for providing venues that support the community.

Kind regards

Jo McGregor

Jo McGregor
STARTTS - Service for the Treatment and Rehabilitation of Torture and Trauma Survivors
Hunter | Neurological Occupational Therapist | Community Development Officer Refugees | Families in Cultural Transition Programs | Youth Camps | Schools Programs

Tighes Hill Tafe, Building M, Room MG.05
P: 0249237190 | M: 0477342627
E: jo.mcgregor@sswahs.nsw.gov.au

I pay my respect and acknowledge Aboriginal people as the traditional owners of the land which I work and live on.
Instructor Leanne Rance

8/05/2017

To Whom it may Concern,

My Name is Leanne Rance and I am the Instructor of our Jesmond Dojang which is held at the Jesmond Neighbourhood Centre. Our club has been working at the Jesmond hall for many years. We find it a great location for our students and we have a large number of students ranging in ages and in different ethnic backgrounds. Our Jesmond dojang is a very multicultural group of students all from the local area.

We are however finding that the facility is in a great location yet is becoming too small for us as we are continuing to grow in the area. We are in a position where we will need to look at options for us to continue to grow since the hall is becoming too small for us.

It’s a great location and if the hall was that bit bigger it would be able to be utilized for so much more.

Kind Regards

Sabumnim Leanne Rance

0407578798
4th May 2017

Mayor Nelmes and Newcastle Councillors

Dear Friends

I am writing to support the concept of a new enlarged Neighbourhood Centre for Jesmond.

I believe that the current centre can barely function in our local area due both to its small size, the unfortunate design of the common spaces, and most significant to all, the great demands placed on it by our local community.

Jesmond has in the past few years become ‘refugee and migrant central’ for Newcastle, but there are very few services available – no local library, a tiny neighbourhood centre, aged and disability care services are located elsewhere, little indoor space is available to celebrate as communities. We still have land to spare in the nearby parks. Late most afternoons the families gather on the open grasslands. In bad weather (hot or wet) there is nowhere to go.

Zara’s House Refugee Women’s Centre is across the road in Mordue Parade from the Neighbourhood Centre in a 12 metre room with no facilities either for children to play. We rely on the Neighbourhood Centre’s facilities only 6 days a month – because we cannot be fitted in any other time. If a new centre is provided I am sure that there could be a dedicated space for the children’s care.

I urge you to consider our community’s need and fund our new and enlarged Neighbourhood Centre. Many thanks.

Sister Diana Sableben (Projects Co-ordinator – Zara’s House Refugee Women’s Centre)
Subject: Letter of Support for Jesmond Neighbourhood Centre

Date: 10th May, 2017

To Whom it May Concern,

Newcastle Video Moviemakers Club Inc. has been holding its monthly meetings at Jesmond Neighbourhood Centre for approx the last 3 years. We meet on the first Wednesday of the month and host between 20-35 members and guests. Our main activities include viewing short films produced by our members, discussions on film-making techniques and demonstrations of various film-making equipment.

Recently we have worked with JNC management to have a motorised drop-down projection screen installed on-site (funded by our club) to make our set-up easier. This screen is available for other users that utilise the appropriate care while operating it.

The addition of a complementary, built-in, sound system would provide additional benefits for our club and other users of this screen and also for other activities within the room. Acoustics in the room are not ideal but could possibly be rectified to some extent without a huge expenditure. Perhaps both these issues could be considered in any future budgeting decision making.

Apart from those few sound related short comings we have enjoyed using these facilities for our activities each month, and hope to continue with this arrangement in the foreseeable future.

On behalf of our club and it's members, I would like to offer our thanks to the staff of the centre for assisting us in our activities. We are just a small part of the many groups in the local community that call this facility home.

Geoff Peel,  
Secretary - Newcastle Video Moviemakers Inc.  
Home: 02 49680977  
Mobile: 0422471353  
Email: leepback1@gmail.com
Newcastle Video Moviemakers Inc.
Est. 1988
Wafa Alghailani
4/9 Streeton, Place
Lambton, 2299

24/07/2017

I am a local resident and I am writing about the need to re-develop Jesmond Neighbourhood Centre. I attend English class and the multi-cultural playgroup at the centre. My children also attend the school holiday programs. I have been coming to the centre for the past 2.5 years.

With our English class the class is held in the hall and the children are minded in the same room. This creates a lot of noise that can make it hard to hear the teacher and each other. It would be good if there was a separate room to mind the children in and there was a classroom built. It would also be good if there was a bigger playground with more children’s equipment.

If you can help Bridget Noonan talk to Newcastle Council about funding a bigger centre I would support this.

Yours
Sincerely

Wafa Alghailani
Mahisti Artin

½2 Harwood Close
Jesmond 2299
30/07/2017

I am a local resident and I am writing about the need to re-develop Jesmond Neighbourhood Centre. I attend English class at the centre and have been attending this program for the past 2 years. I also attend social functions with the Afghan community on the weekends from time to time.

What I have noticed is needed at the centre is a classroom to hold the English classes in and a separate childcare room. It is very noisy in the hall when the children are playing in the same room as the English classes. Some women in my community have stopped coming to the English classes because it is too noisy for them to understand the teacher with the children playing in the same room. I also would like to learn to use computers at the centre and we need a computer room with desk top computers. I know that there are other women in my community who would also like to learn to use computers and live in Jesmond. With our communities weekend social functions it would be good if the Hall was bigger and the playground had more equipment.

I would appreciate it if you could work with the management of the centre to talk to Newcastle Council about re-building the centre and making it easier to use with better facilities.

Yours

Sincerely

Mahisti Artin
Hung-Yu Chen
1/21 Robert St
Jesmond 2299

24/07/2017

I am a local Jesmond resident and I am writing about the need to re-develop Jesmond Neighbourhood Centre. I attend English class at the centre and I am new to Australia. I am anticipating that I will be attending classes at this centre for as long as I need to, to improve my English.

What I have noticed is needed at the centre is a classroom to hold the English classes in and a separate childcare room. It is very noisy in the hall when the children are playing in the same room as the English classes. I would like to attend more English classes a week but there is not enough rooms to hold additional classes in. If there was a classroom just for English lessons we would be able to come multiple times a week. It would also be good if there was a computer room with internet so the English class students could check their understanding of the phrases after the class while they can remember them.

I would appreciate it if you could work with the management of the centre to talk to Newcastle Council about re-building the centre and making it easier to use with more facilities.

Yours
Sincerely

Hung-Yu Chen
Hung-Yu Chen
logy Kunnel
60 Moore St
Birmingham Garden, 2287

24/07/2017

I am a local resident in Birmingham Gardens and I am writing about the need to re-develop Jismond Neighbourhood Centre. I attend English class at the centre and I have been coming for the past 6 months.

What I have noticed is needed at the centre is a classroom to hold the English classes in and a separate childcare room. I find that it is difficult to concentrate in the class when the children are playing in the same room.

I would appreciate it if you could work with the management of the centre to talk to Newcastle Council about re-building the centre and making it easier to use with more rooms.

Yours
Sincerely

Logy Kunnel
Yinhuan Wang

33 Moore St

Birmingham Garden, 2287

24/07/2017

I am a local resident in Birmingham Gardens and I am writing about the need to re-develop Jesmond Neighbourhood Centre. I attend English class at the centre and I have been coming for the past 9 months.

What I have noticed is needed at the centre is a classroom to hold the English classes in and a separate childcare room. I find that it is difficult to hear in the class when the children are playing in the same room. I would also like to learn to use computers and it would be good if there was a computer room in the centre.

I would appreciate it if you could work with the management of the centre to talk to Newcastle Council about re-building the centre and making it easier to use with more rooms.

Yours

Sincerely

Yinhuan Wang
Zohra Rahimi

4/3 Harvard Close
Asmond, 2299

24/07/2017

I am a local resident in Jesmond and I am writing about the need to re-develop Jesmond Neighbourhood Centre. I attend English class at the centre and I have been coming for the past 2 years. I also attend the centre for the Afghan women's social group, the Families In Cultural Transition Group and I attend social function on the weekends with my community. My Afghan community use Jesmond Neighbourhood Centre a lot as it is our local community centre and most Afghan people live in the Jesmond area.

What I have noticed is needed at the centre is a classroom to hold the English classes in and a separate childcare room. I would also like to learn to use computers and it would be good if there was a computer room in the centre. The hall also needs to be bigger for our social functions and we would like more playground equipment for our children. The parking lot is too small for the number of cars when there is a social function on the weekend.

I would appreciate it if you could work with the management of the centre to talk to Newcastle Council about re-building the centre and making it better to use with more rooms and space.

Yours

Sincerely

[Signature]

Zohra Rahimi
ITEM-22 NOM 22/08/17 - AMEND PLANNING PROPOSAL TO PLACE LIGHT RAIL ON THE RAIL CORRIDOR

COUNCILLORS: T DOYLE AND M OSBORNE

PURPOSE

The following Notice of Motion was received on 10 August 2017 from the abovementioned Councillors:

MOTION

Council resolves that prior to the Draft Plan for Rail Corridor Land Between Worth Place and Watt Street Newcastle being placed on public exhibition, Council will do whatever is necessary to amend the Draft Plan so that the land affected will be zoned so as to:

a enable rails to be installed on, and light rail vehicles to operate on the Rail Corridor from Worth Place to Newcastle Station, and

b require that, where necessary to enable an effective rail service on the Rail Corridor, any buildings on the rail route from Worth Place to Newcastle Station are to be constructed so that all light rail vehicles can pass underneath those buildings.

BACKGROUND

Part A
As revealed in Document 71, Transport for NSW [Transport] advised the then State Government that light rail in Hunter Street is not the best option because of:

- “space constraints, … which would limit footpath space, impact on outdoor event spaces, entertainment and dining opportunities and street greening and cycleways and key urban renewal initiatives of interest to the Newcastle community”,
- “higher road network impacts, and increased road and light rail travel times”,
- “removal of street parking, loading zones, taxi ranks which will impact businesses on an ongoing basis”
- “higher costs, greater delivery risks and greater impacts on local businesses”

Light rail in the corridor, however, according to the same Document 71:

- “is more cost effective [by around $100 million] and provides a faster and more reliable journey for light rail customers”
- “will minimise impact on the traffic network minimise delivery risks and be delivered within the existing budget.”
Nothing in the briefing by the Transport for NSW representative at Council on the 20 June 2017 demonstrated that the above serious problems foreseen in Document 71 have been overcome.

Council will have the responsibility, at ratepayer's expense, to overcome these problems. Council and the community, including the business community, deserve to be presented with conclusive evidence beyond a reasonable doubt that the problems foreseen by Transport have been overcome. The Rezoning Plan for the corridor must not be placed on public exhibition nor proceeded with in any way until such evidence has been presented and accepted unreservedly by the community.

**Part B**

Council’s resolution of 13 October 2016 imposes certain commitments on the government before rezoning can be considered by Council, compliance with which was designed to overcome Council and community concerns which include the serious problems outlined in Part A above.

Council will have the responsibility, at ratepayer's expense, to overcome these problems.

Accordingly, Council has a responsibility to ensure that government delivers on those commitments in such a comprehensive and quantifiable way that Council and the community would be in no doubt that their implementation will overcome the very serious problems which prompted Council to impose them in the first place.

These commitments include:

1. The NSW Government develops a comprehensive evidence based plan for public transport and active transport in the Lower Hunter consistent with achieving Council’s current transport targets, including:
   a. An update of the Regional Transport Plan with clear objectives to be achieved for Public Transport in the region and
   b. A revised Traffic Report of traffic impacts in the CBD based on:
      • Current and forecast land use and development proposals for the CBD.
      • An integrated Transport Plan for the CBD.
      • A Parking Strategy.
      • An Active Transport Strategy Plan being prepared by Transport for NSW and NCC including cycleways and pedestrian access
   c. A comparison between the land use assumptions used in the REF compared with rezoning proposal.
   d. An integrated evidence-based transport plan setting out detailed operational arrangements for Buses and Ferries in conjunction with the proposed light rail and such plans conclusively establish that the rail corridor land is not needed for transport purposes.

2. A legislative commitment from the NSW Government that all proceeds from Newcastle Urban Transformation Project will be reinvested in the revitalisation of Newcastle.
3 Negotiations are undertaken with the State Government and instrumentalities [Urban Growth and HDC] to maximise provision of affordable housing through the draft planning agreement.

4 A community engagement plan is developed for the planning proposal outlining how consultation will be undertaken.

Part C
Traffic engineer Ron Brown had advised Councillors prior to the Briefing by Transport for NSW [Transport] on 20th June 2017 that the Government Report had addressed only three out of nine traffic related commitments. Furthermore, two of those three explanations were unacceptable because they had not been integrated with other elements required to ensure that the CBD has a practical and effective transport system.

The parking strategy has many flaws and does not appear to take into account several developments already at Development application stage.

Likewise the cycling strategy does not integrate with the parking strategy and will impact traffic management.

Part D

- The Government’s only possibly relevant response to compliance with the commitments was that the Greater Newcastle Future Transport Plan would be released in draft in the fourth quarter of the year. Commendable as that may be, that draft will include trams running in Hunter and Scott Streets, so it will do nothing to relieve the traffic and other problems created by trams running in Hunter/Scott Streets.

- Likewise in the presenter’s reference to the Newcastle Transit Plan nothing substantial was produced about the major commitment to conduct an evidence based study to prove conclusively that the rail corridor is not needed for transport, even though it is the very crux of the Government’s commitments. Given the enormity of the problems arising from trams in Hunter Street which could largely be resolved by running light rail in the corridor, it would not be expected that it could be proved conclusively that the rail corridor is not needed for transport.

- Accordingly it would be wrong to place the Plan to rezone the rail corridor for development on Public Exhibition or proceed in any way with rezoning of the rail corridor, when the most likely outcome of a study is that the rail corridor is needed for transport.

- The fact that the Government was demonstrably unable to comply adequately with all the traffic related commitments is itself evidence that the rail corridor is needed for transport.
Part F

1. It is the proposal to run light rail in Hunter and Scott streets which gives rise to most of the problems outlined, so if the light rail route through Hunter and Scott Streets is removed many problems will be resolved.

2. There is too much uncertainty about the problems of extreme traffic congestion, increased journey time, parking problems and severe disruption to business during construction being able to be resolved if trams were to operate in Hunter and Scott streets.

The community would be in a better position to comment meaningfully on the proposed rezoning proposal if they knew, when it goes on public exhibition, that the light rail will operate in the rail corridor and not in Hunter Street. The community would be more likely to accept some development on the rail corridor if they were confident that the problems caused by light rail operating in Hunter Street were largely eliminated and that a more effective transport mode would be operating on the rail corridor.

3. If the Draft Planning Agreement for Rail corridor land is amended prior to going on exhibition to allow and require light rail to run on the rail corridor under buildings this can be implemented sooner and for less cost and will largely overcome the extreme traffic congestion, parking problems, increased journey time and severe disruption to business during relocation of underground services and construction in Hunter Street.

4. The commitments of the government required by Council resolution of 13th October 2016 are more likely to be met by the government abandoning light rail in Hunter Street and switching the light rail route to the corridor under buildings.

5. This would enable Council to achieve its urban renewal objectives for Hunter Street of cycleways, street trees, wider footpaths, outdoor dining, and car parking provision.

ATTACHMENTS

Nil
ITEM-23 NOM 22/08/17 - COUNCIL, DESTINATION NSW AND SUPERCARS CONSULTATION

COUNCILLORS: T DOYLE AND M OSBORNE

PURPOSE

The following Notice of Motion was received on 10 August 2017 from the abovementioned Councillors:

MOTION

Noting that:
1 Council resolved, at its meeting of 22 November 2016 to implement a consultation process as follows:

That Council, in collaboration with Destination NSW and Supercars Australia, conducts a series of consultation and information sessions with residents of Newcastle East regarding the Supercars event that is to happen in Newcastle during 2017.
These consultation and information meetings should cover:
1 Council's role in the event,
2 The proposed route,
3 Vehicle access, including emergency vehicles,
4 Governance of noise control and abatement measures,
5 Agency responsibilities
6 Long term road safety management
7 Benefits to local community and Council from this event,
8 Potential environmental effects on heritage buildings.
9 Potential effects on parkland

2 The consultative process has failed on several occasions to answer the questions or requests of residents and small businesses

Council resolves to:

1 Review the consultation process that has occurred so far and rectify the process so that affected residents and small businesses are included in a respectful discussion where all voices are heard and responded to in a timely fashion.
2 Communicate Council's concerns regarding the failures of communication to both Destination NSW and Supercars.
3 find an alternative, more suitable venue for subsequent Supercars race events in Newcastle and the Hunter.
At the time when Council agreed to support the Supercars event being held in the Newcastle Local Government Area, little was known about the implications of staging an event such as this in residential streets.

Furthermore, when the event was proposed, Councillors believed that significant economic benefits would come to the city with the arrival of spectators and national and international coverage “showcasing” Newcastle. However, no rigorous business plan or cost/benefit analysis has been prepared, nor have any plans to conduct such an analysis been offered by either Destination NSW or Supercars.

There was no consultation at all with residents and small businesses before the decision was taken to locate the circuit through Newcastle East. When consultations first began with the residents, the actual location of the circuit was not negotiable. The final route was the most expensive option in terms of social, environmental and historic loss.

Neither were there were any detailed plans of the management of risks prepared for residents to discuss at the consultation sessions when these were arranged. Rather, residents came to these sessions full of distress and outrage, demanding answers to questions Supercars, DNSW and NCC had not even identified as a risk.

To date ‘consultation’ has consisted of information sessions rather than consultations, where residents have been given sketchy information about the likely impact of the construction work and the event itself.

Sessions have not been well organised. On-line appointments excluded many people without the skills or ability to access the internet. Residents in Watt St (on the track), and in Church St who require access via Watt St to get to their cars, did not even receive letter drops informing them of sessions. No notifications appear to have been made to owners of rented houses, or to houses where there was no letterbox.

Contradictory and inconsistent information about construction times, the need for night work, the size of the resident only zone, alternative parking solutions, concert venues, access to beaches, the likely presentation of a noise mitigation plan and whether or how noise would be monitored has been given by consultants to residents.

Residents have been unable to get relevant information about the health risks raised by doctors, including the potential for pollution from the construction phase and the race to severely effect asthma sufferers, particularly children. Attempts to determine people with special needs have been ad hoc and restricted to some public housing complexes. Some of the residents told neighbours they did not want to complain, or raise any concerns about their health needs because they might be moved away from their homes.

There has been no information about how appropriate services will be delivered.

Information "Fact Sheets" published on-line read more like promotional material than objective information. They neglect to identify any negative aspects of the event. They veil the truth about the event.
The Report by the Acting Director, Planning and Regulatory on the Notice of Motion for the meeting of the 26 April this year “Council withdrawal of support for the supercars event” stated that “the current track has been approved by both” the Federation Internationale De L'Automobile (FIA), and the Confederation of Australian Motorsport (CAMS). Yet, Councillors have been given no evidence that the track has been approved by either of these bodies. Indeed the usual practice for CAMS is to approve the track only once it is finished.

The only approval from the minister has been the naming of Supercars as the race promoter. The works approval has been authorised by Destination NSW before the race and the period of the race have been declared.

Even now, just 15 weeks from the proposed event, many residents are still largely uninformed about how the event will impact on them, and what they will need to do in order to have support needs met and protect their families and pets. No authority will make a public statement attesting to the safety of residents or otherwise. Recent statements from destination NSW are saying residents must make up their own minds about their safety and whether they should stay in their homes. Perhaps that would be easier if they had enough information to make an informed decision.

Emergency response times will be impacted by the event. Destination NSW and Supercars has refused to provide residents with information about egress and access on the grounds that it is ‘sensitive information’. The event is being treated as a disaster management plan, but the main stakeholders, the residents, have no information about it.

One of the worst examples of the lack of information is the refusal from Supercars to authorise an Environmental Noise Assessment. From the beginning, Supercars, Destination NSW and Council assured residents that there would be a noise mitigation plan put in place. However this has not eventuated. Instead residents have told month after month that there is a noise management plan being worked on with acoustic engineers and the results would be made available ‘when they were ready’ - or ‘at a later date’.

The most recent correspondence from DNSW tells residents that they now have a noise management plan and that it is being distributed to ‘stakeholders’ for feedback. There is no recognition that residents are also stakeholders; the stakeholders who will be directly impacted upon by the noise of this event. Residents have been asking for a copy of this report for months so that they can have it peer reviewed by an independent acoustic engineer.

At the most recent MERWG meeting, members were so enraged by Supercars continual refusal to make their noise report available, that they voted unanimously to disband MERWG if Supercars did not produce the report for peer review at the next MERWG meeting.

Under Safework legislation, business owners are responsible for their workers health and safety. Noise levels in businesses near the circuit will either mean they must close or operate with effective ear protection. In many cases that would be impossible.
Safework has also been notified of breaches of conditions of consent during construction, relating to traffic management and hazards, unsafe asbestos removal, fencing not fit for purpose and failure to provide airborne dust prevention measures. There is a huge problem with dust and dirt penetrating homes and causing a spike in respiratory conditions.

Even something as simple as the responsibilities of each agency is shrouded in mystery. When asked to respond to residents’ questions, authorities often ‘pass the buck’ and refer residents to someone else. The result is that residents have no clear understanding of which agency is responsible for what. It is unclear as to which agency is monitoring and supervising the work.

The loss of trees and parkland for this race is unprecedented. The city has been denuded of street trees, tracts of park and large areas of public recreational land.

As the Christmas/New Year holiday season begins, Newcastle’s iconic suburb will be ravaged.

The circuit is routed through and alongside regional coastal park and fragile dune areas. Volunteers have spent years stabilising the dunes between Nobby's Reserve and Horseshoe Beach and planting endemic species. Long-term and permanent changes will occur on this sensitive coastal peninsula as a result of the infrastructure required for these events.

When the Christmas season arrives, families, visitors and tourists will be confronted by an ugly, decimated landscape. Contractors and council workers will be on their holiday break and will not return to work until the end of January. February is hot and dry and it is highly unlikely that the grass and gardens will recover in that harsh period of time from the end of the race in November to mid-March.

This scene will be repeated for years to come, and tourists and families will go elsewhere for the holiday period. So the Destination NSW objective to increase overnight stays in Newcastle, especially in holiday time, is destined to fail.

The City Centre of Newcastle has limited accommodation. An even smaller volume of that accommodation is surplus to normal requirements.

Occupancy rates are high so the Supercar event will be of very small net benefit. Those promoting the event will need to consider the economic disruption caused by the displacement of normal accommodation users.

The Central Hunter is more likely to be capable of providing commercial accommodation. The event package is promoting Charlestown as the accommodation location, with travel ex Sydney Airport and daily coach travel to the race. This will not benefit Newcastle LGA. If Lake Macquarie, Maitland, Port Stephens, Cessnock and others are to be major beneficiaries then they should be sharing the costs and contributing cash and kind to support the event. Why were venues in their area not considered?
As a result of the race, many activities, agencies and venues will close down.

The following have been forced to close either prior to and during the event or throughout the event: Nobbys surf school, nippers at two beaches, board and boogey board riding carnivals/competitions, regular fun runs, all triathlons, park run, park Fitness training, East End Mothers Group, Catholic Church services, Family Community Services, Community Disability Centre, Fort Scratchley, Family Law Court, numerous cafes and businesses, Pacific Park community markets, Christchurch Cathedral services, all bookings for the Regional Foreshore Park (weddings, parties), bookings for the Newcastle and Nobby's Surf Clubs (weddings, parties), Convict Stockade and Lumber Yard and the Lock Up Gallery.

They were things the community valued. They were the things that defined the social fabric of the East End. They are the things this event has destroyed. They delivered long term economic benefits to the city. Those economic benefits were distributed broadly across a multitude of community and business programs. This event will funnel profits to large private corporations and a few hospitality-based businesses that will still be able to operate outside the precinct under Safework legislation. These things are closing or have closed due to the race.

Newcastle East was a pedestrian friendly area with a speed limit of 40km/h and a wide range of traffic calming devices. It seems inconceivable, that high-speed vehicles would be encouraged to race through streets more suited to walkers and bike riders. Car-hoon activity has increased since the announcement of the race. Residents and visitors are being subjected to incidents of dangerous driving, burn-outs and drag racing in the streets. Local police can confirm this.

Rather than racing on safer purpose-built circuits, Supercars officials say that this kind of danger “is in our DNA”. The Supercar franchise glamorises and promotes thrill-seeking and highly dangerous driving in suburban streets, and in cars that look very much like ours. It glorifies illegal street racing in a broader sense. Many young people die in their own Falcons and Commodores emulating the feats of the professional drivers.

It goes against the hard-won gains from dedicated public health campaigns over many years (by the RTA, police and health professionals for safer driver attitudes), and will be seen as a cultural norm for the next generation.

The appeal of this circuit is all about how it will look on TV. But Supercars need a circuit you can race on, not one that just drives past things that are interesting. That lesson should have been learnt when the V8s went to Canberra.

To race in narrow residential streets with houses just a couple of metres away, will require slower cornering and slow sections on the short residential streets. By nature of the narrow, hidden streets, the race will be more like a single-file procession.

Patrons have few observation vantage points. Those that have a poor spectator experience will simply vote with their feet, not only harming the prospect of subsequent events, but also harming other locations and other motorsport events.
Competitors and support people will in the main, travel mostly in cars and motorsport support vehicles.

Hamilton Station will be of little transport benefit. It is not close to the venue and is remote from the origin of most event patrons. The transport issues are readily solvable by relocating the track to a site that is, by transport measures, high quality, low-cost, very efficient and non-disruptive.

Patrons will arrive at the race zone by shuttle or on foot. They will have to park in outlying suburbs and catch buses into the peninsula. There are only two roads into and out of Newcastle East. Access is only from the west. Organisers claim there will be crowds of up to 160,000 attending the event. The city is gridlocked when 8,000 attend the Anzac Service on the peninsula.

The most appropriate outcome for Newcastle and the Hunter is a permanent Motor Racing Venue. Hunter motor racing enthusiasts have been lobbying for more than 60 years to have a dedicated permanent venue for racing. Research has shown that a permanent venue is the only way of achieving value for money in a motor racing event. Events can be held all year round with no detrimental affect on the city due to closures and installation of temporary infrastructure. The cost of repeatedly installing, then removing a temporary circuit would easily cover the cost of building a permanent one on land zoned for such events.

The Newcastle East Heritage Conservation area is the most inappropriate location for an event such as this. The decision was made hastily, without due diligence based on dubious claims by a private corporation that will benefit from a great injection of public money. The terrible consequences for the heritage of the city, the community, the beaches and the Foreshore are only dawning on the constituents of greater Newcastle.

**ATTACHMENTS**

Nil
CONFIDENTIAL REPORTS

ITEM-8 CON 22/08/17 - PROPERTY MATTER - CLARENDON HOTEL LEASE

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

REASON FOR CONFIDENTIALITY

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

Section 10A(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Section 10B(1)(a) and (b) the discussion of the item in a closed meeting:

a - only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.

and

b - the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

GROUND FOR CLOSING PART OF THE MEETING

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

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

A  The matter relates to Section 10A(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

B  The closed session involves:

the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

C  Details of the current rent and outgoings arrangements between the parties are contained in the report. Security to be provided by the Lessee for the performance of the Lease provisions is also included.
ITEM-9 CON 22/08/17 - PURCHASE OF HUNTER WATER BUILDING - 679A TO 681 HUNTER STREET, NEWCASTLE WEST

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

REASON FOR CONFIDENTIALITY

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

Section 10A(2)(d)commercial information of a confidential nature that would, if disclosed:

(ii) confer a commercial advantage on a competitor of the council

GROUNDS FOR CLOSING PART OF THE MEETING

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

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

A The matter relates to

Section 10A(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed

(i) prejudice the commercial position of the person who supplied it

(ii) confer a commercial advantage on a competitor of the Council

B The closed session involves

(i) only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.

(ii) the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

C The matter to be discussed contains details of Council’s reasons for acquiring the property and the amount of consideration Council is prepared to pay for the property. It is contrary to the public interest to discuss the matter in an open meeting because the information is sensitive commercial and strategic information and it could provide a commercial advantage to any other party interested in purchasing the property.