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 23 February 2016

**TIME:** 5.30pm

**VENUE:** Council Chambers
2nd Floor
City Hall
290 King Street
Newcastle NSW 2300

P Chrystal
Acting Interim Chief Executive Officer

**City Administration Centre**
**282 King Street**
**NEWCASTLE NSW 2300**

12 February 2016

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

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

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 151201 Briefing Committee Minutes

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

Minutes of the Briefing Committee Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 1 December 2015 at 5.41pm.

PRESENT
The Lord Mayor (Councillor N Nelmes), Councillors D Clausen D Compton, T Crakanthorp, T Doyle, J Dunn, B Luke, M Osborne, S Posniak, A Robinson and A Rufo.

IN ATTENDANCE
F Cordingley (Interim Chief Executive Officer), G Cousins (Director Corporate Services), G Essex (Acting Director Infrastructure), P Chrystal (Director Planning and Regulatory), F Giordano (Manager Legal and Governance), K Baartz (Communications), A Leach (Council Services/Minutes) and J Redriff (Council and Legal 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 Luke, seconded by Cr Osborne

The apologies submitted on behalf of Councillors Tierney and Waterhouse be received and leave of absence granted.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS
Nil.

BRIEFING COMMITTEE REPORTS

ITEM-14 BR 1/12/15 - JEMENA GASWORKS SITE AT CLYDE STREET HAMILTON

Graham Funch, Project Director Remediation, Jemena and Mr James Davis NSW Accredited Site Auditor conducting the Site Audit on behalf of Jemena for the site gave a briefing to Councillors which outlined the remediation program for the Jemema Gasworks at Clyde Street, Hamilton.
Points covered in the presentation were:

- Currently working towards a modified Remediation Action Plan;
- Ground water treatment along Styx Creek;
- Air sampling program for asbestos (Nil recorded);
- Soil stockpiles covered;
- Declared State Significant Development 29 October 2014;
- Stage 2 remediation works closed out by the second quarter 2018; and
- Site has been issued with a Management Order by the EPA.

Questions from Councillors covered best practice and whether a risk assessment been undertaken of fishing in Throsby Creek and the risk of consuming fish from the creek. Concern was expressed over the delay of the project and it was confirmed no contaminated materials would be taken off site.

Councillors requested to be provided with a copy of the PowerPoint presentation.

**ITEM-15  BR 1/12/15 - URBANGROWTH NSW REVITALISING NEWCASTLE FEEDBACK**

Michael Cassel, UrbanGrowth NSW Program Director and Dianne Knott, UrbanGrowth NSW Community Engagement Manager presented the findings to Council on the results of the Revitalising Newcastle community engagement which was undertaken by UrbanGrowth NSW in partnership with Newcastle City Council throughout September and October 2015.

The consideration of the community engagement plan is an action of the Memorandum of Understanding between UrbanGrowth NSW and Council.

Council endorsed the community engagement plan for the Newcastle Urban Transformation and Transport Plan at the 28 July 2015 Ordinary Council meeting.

That engagement plan outlined the approach to gathering representative community views through the engagement process and the subsequent consideration of community engagement reports.

Urban Growth NSW was on track to release the report in the next week.

- Wickham Interchange
- Acquired The Store
- DA submission by mid June 2016
- How to enhance the interchange as it is
- Design scoping studies commenced.
Questions from Councillors related to geotechnical drilling at Newcastle Station and potential second round contamination as the site was previously a gas works. It was explained that data suggested there was still contamination that needed to be stabilised and to gain a greater understanding. Consultation with an arborist was undertaken to assess impact on the trees which were found to be satisfactory. There was full commitment to remediating the site.

The meeting concluded at 7.14pm
CCL 23/02/16 - MINUTES OF ORDINARY COUNCIL MEETING 8 DECEMBER 2015

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 151208 Ordinary Council meeting minutes

Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at www.newcastle.nsw.gov.au
Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor
City Hall on Tuesday 8 December 2015 at 5.38pm.

PRESENT
The Lord Mayor (Councillor N Nelmes), Councillors D Clausen D Compton,
T Crakanthorp, T Doyle, J Dunn, B Luke, M Osborne, S Posniak, A Robinson, A
Rufo and S Waterhouse.

IN ATTENDANCE
F Cordingley (Interim Chief Executive Officer), G Cousins (Director Corporate
Services), G Essex (Acting Director Infrastructure), P Chrystal (Director Planning and
Regulatory), F Giordano (Manager Council and Legal Services), J Gaynor (Manager
Strategic Planning), A Glauser (Manager Finance), P Nelson (Manager Commercial
Property), G Sainsbury (Manager Projects and Contracts), K Hyland (Manager
Communications and Engagement), K Baartz (Communications Manager),
K Sullivan (Council Services/Minutes) and A Knowles (Council
Services/Webcasting).

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

APOLOGIES

MOTION
Moved by Cr Compton, seconded by Cr Waterhouse

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Lord Mayor
The Lord Mayor declared a non-pecuniary significant interest in Item 128 - 505
Minmi Road Fletcher - Adoption of Amendment to Newcastle Local Environmental
Plan 2012. The Lord Mayor advised that a member of her family was a past member
of the Green Corridor Coalition and that the family member had been today emailing
Councillors advocating a position in respect to this matter. The Lord Mayor stated
that she would absent herself from the Chamber for discussion on the item.
CONFIRMATION OF PREVIOUS MINUTES

CCL 8/12/15 - MINUTES OF PUBLIC VOICE COMMITTEE 17 NOVEMBER 2015
CCL 8/12/15 - MINUTES EXTRAORDINARY COUNCIL MEETING 17 NOVEMBER 2015

MOTION

Moved by Cr Clausen, seconded by Cr Posniak

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

MINUTES OF ORDINARY COUNCIL MEETING HELD 24 NOVEMBER 2015

MOTION

Moved by Cr Clausen, seconded by Cr Posniak

The draft minutes as circulated be taken as read and confirmed subject to the final paragraph noting that Councillor Luke was present in the Council Chamber and standing in the doorway. Carried

LORD MAYORAL MINUTE

ITEM-8 LMM 8/12/15 - NATIONAL GEOGRAPHIC PARTNERSHIP

MOTION

Moved by Lord Mayor Cr Nelmes

Council

a) Explore a partnership with National Geographic.

   Project: 'Smart cities of the world: A National Geographic global initiative'

b) Invites National Geographic to a workshop in February 2016. Carried
REPORTS BY COUNCIL OFFICERS

ITEM-122 CCL 08/12/2015 - CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

MOTION
Moved by Cr Osborne, seconded by Cr Posniak

Council receive and note the annual report on Code of Conduct complaints for the period 1 September 2014 to 31 August 2015 at Attachment A, about Councillors and the General Manager.

Carried

ITEM-126 CCL 08/12/15 - FRANCES STREET / BOSCAWEN STREET, WALLSEND - ROAD HUMP INSTALLATION

MOTION
Moved by Cr Osborne, seconded by Cr Doyle

Council resolves to approve installation of a road hump at the bend of Frances Street/Boscawen Street, Wallsend.

Carried

ITEM-129 CCL 08/12/15 - AMENDMENT TO SECTION 3.02 SINGLE DWELLINGS - NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

MOTION
Moved by Cr Clausen, seconded by Cr Osborne

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

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

Against the Motion: Nil.

Carried
ITEM-133 CCL 08/12/15 - ADOPTION OF SOCIAL STRATEGY 2016-2019

MOTION
Moved by Cr Osborne, seconded by Cr Dunn

1 Adopt the draft Social Strategy 2016-2019 as provided in Attachment A.

2 Rescind the following policy documents as they are superseded by the adoption of the Community Strategic Plan Newcastle 2030 and the draft Social Strategy 2016-2019:
   • Human Services Policy 1994;
   • Community Development Policy 2005; and
   • Senior Novocastrians Policy 2007.

Carried

ITEM-135 CCL 08/12/15 - ADOPTION OF YOUTH WEEK GRANT POLICY

MOTION
Moved by Cr Clausen, seconded by Cr Doyle

Council adopts the Youth Week Grant Policy as provided in Attachment A.

Carried

ITEM-136 CCL 08/12/15 - TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE FOR UPCOMING EVENTS

MOTION
Moved by Cr Doyle, seconded by Cr Rufo

(a) Council approve the temporary suspension of the AFZ for Nobbys Beach car parks 1 and 2, Horseshoe Beach car park and Wharf Road between Nobbys Road roundabout and the Pilot Station on Sunday 20 March 2016 from 6am to midnight for the purpose of Sundae Fundaze Festival at Camp Shortland. This suspension is subject to the event organiser, The Clarendon Hotel, meeting all requirements of the Newcastle Local Area Command (LAC) and Council.

(b) Council approve the temporary suspension of the AFZ in Keightley Lane, Newcastle on Monday 25 April 2016 from 6am to 6pm for the purpose of allowing ANZAC Day activities. This suspension is subject to the event organiser, Newcastle Diggers Club, meeting all requirements of the Newcastle Local Area Command (LAC) and Council.

Carried

At this stage of the meeting, Councillors Rufo and Lord Mayor Cr Nelmes gave notice of late items of business.
ITEM-123 CCL 08/12/15 - NEWCASTLE SHOW HOLIDAY COMMUNITY ENGAGEMENT FEEDBACK

MOTION
Moved by Cr Osborne, seconded by Cr Posniak

Council receives the report.

PROCEDURAL MOTION
Moved by Cr Clausen, seconded by Cr Crakanthorp

The report lay on the table to include previous Council's resolutions. Carried

ITEM-124 CCL 08/12/15 - SUBMISSIONS FOR PROPOSED LEASE OF 33 SAMDON STREET HAMILTON TO ADAMSTOWN PRESCHOOL

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

a) Council resolves to grant a lease for 33 Samdon Street, Hamilton in accordance with Section 47 of the Act to Adamstown Preschool Services (APS) subject to consent by the Minister for Local Government.

b) In accordance with Section 47(6) of the Act Council agrees to forward the following for the Minister’s information:

- a copy of the Heritage Places Plan of Management (PoM) for Gregson Park;
- details of all objections received and a statement setting out, for each objection, Council's decision and the reasons for its decision;
- a statement setting out all the facts concerning the proposal to grant the lease;
- a copy of the newspaper notice of the proposal;
- a statement setting out the terms, conditions, restrictions and covenants proposed to be included in the lease; and
- a statement setting out the manner in which and the extent to which the public's interest would, in the Council's opinion, be affected by the granting of the proposed lease, including the manner in which and the extent to which the needs of the area with respect to community land would, in the Council’s opinion, be adversely affected by the granting of the proposed lease.

c) Upon receiving consent from the Minister for Local Government for the lease to APS, authority be granted to the Interim Chief Executive Officer or his delegate to execute all relevant documentation to effect the transaction. Carried

Councillors Osborne and Doyle requested their names be recorded against.
ITEM-125 CCL 08/12/15 - STREET TREE SELECTION MANUAL

MOTION
Moved by Cr Doyle, seconded by Cr Osborne

A Council resolves to place the Street Tree Selection Manual on public exhibition for a period of 28 days (Attachment A).

B Council receives a public briefing from Council Officers on the Street Tree Master Plan prior to the February 2016 Ordinary Council meeting.

Carried

ITEM-127 CCL 08/12/15 - REVIEW OF COUNCIL GRANT AND SPONSORSHIP POLICIES

MOTION
Moved by Cr Osborne, seconded by Cr Clausen

Council resolves to place the new and amended sponsorship and grant policies on public exhibition during an extended period over December and January.

AMENDMENT
Moved by Lord Mayor Cr Nelmes

The Event Sponsorship Policy, Economic Development Sponsorship Policy and Community Assistance Grant Policy, to incorporate an amended clause in section 9 to read:

'That in the event the panel cannot reach agreement, the panel recommendations be forwarded to Council to determine.'

The mover and seconder accepted the amendment into the motion.

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

Carried

ITEM-128 CCL 08/12/15 - 505 MINMI ROAD FLETCHER - ADOPTION OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

The Lord Mayor had declared a non-pecuniary significant interest in this item. The Lord Mayor left the Chamber at 6.26pm and asked the Deputy Lord Mayor, Cr Osborne, to take the Chair.

MOTION
Moved by Cr Doyle, seconded by Cr Osborne

1 Council resolves not to proceed with the Planning Proposal.

2 Council requests the Minister for Planning and Environment to allow Council to discontinue the proposed amendments.
CITY OF NEWCASTLE
Ordinary Council Meeting 23 February 2016

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

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

Carried

The Lord Mayor returned to the Chamber and resumed the Chair at the conclusion of this item at 6.32pm.

ITEM-130 CCL 08/12/15 - 162A NEWCASTLE ROAD WALLSEND - ENDORSEMENT OF PROPOSED AMENDMENT TO NEWCASTLE LEP 2012

MOTION
Moved by Cr Clausen, seconded by Cr Posniak

Council resolves to:

a) Endorse the attached Planning Proposal (Attachment A), pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, in order to amend Newcastle Local Environmental Plan 2012 for land at 162A Newcastle Road, Wallsend as follows:

i. Amend the Land Zoning Map to rezone part of the site from RE1 Public Recreation to R3 Medium Density Residential;

ii Amend the Height of Buildings Map to include a maximum permissible height of 10 metres over the land proposed to be zoned R3 Medium Density Residential;

iii Amend the Floor Space Ratio (FSR) Map to include a maximum permissible FSR of 0.9 over the land proposed to be zoned R3 Medium Density Residential;

iv Amend the Minimum Lot Size Map to reduce the minimum lot size of 40 hectares to 450m² over the land proposed to be zoned R3 Medium Density Residential; and

v Include the subject land within Part 1 – Land classified or reclassified, as operational land – no interests changed within Schedule 4 Classification and reclassification of public land, as follows:

  • Column 1 to read “Wallsend”
  • Column 2 to read “Lot 110, DP9755, 162A Newcastle Road”.

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

c) Advise the Secretary of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 59(1) of the EP&A Act 1979.
d) Consult with the community and relevant government agencies as instructed by the Gateway Determination, noting that section 29 of the Local Government Act 1993 requires a public hearing to be held in respect of the reclassification of the land.

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

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

Against the Motion: Councillor Doyle.

Carried

ITEM-131 CCL 08/12/15 - FRITH AND GAVEY STREETS MAYFIELD - ENDORSEMENT OF PROPOSED AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

MOTION
Moved by Cr Osborne, seconded by Cr Crakanthorp

Council resolves to:

a) Endorse the attached Planning Proposal (Attachment A), prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend Newcastle LEP 2012 for land at 14-22 Frith Street, 18 and 40 Gavey Street and part of 8A Albert Street as follows:

i. amend the Land Zoning Map to rezone the land from IN3 Heavy Industrial to IN2 Light Industrial

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

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

d) Receive a report back if a written objection is received during consultation with the community as per the requirements of Section 57 of the EP&A Act 1979, otherwise forward the Planning Proposal to the Secretary, Planning and Environment requesting the proposed amendment to Newcastle LEP 2012 be made.
ITEM-132 CCL 08/12/15 - COAL RIVER PRECINCT HERITAGE MASTERPLAN

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

1 Council resolves to provide in-principle support for the inclusion of the Coal River Precinct on the National Heritage List (NHL).

2 Council notes that the 2016-17 operational plan and budget will include a project to prepare a heritage master plan that presents the Coal River Precinct in a way that aligns with related Council activities including the city centre revitalisation program, the Aboriginal Heritage Management Plan, the review of the Destination Management Plan, the Bathers Way program and the walking trails project.

The Lord Mayor requested the motion be recorded as having been carried unanimously.

ITEM-134 CCL 08/12/15 - ENDORSEMENT OF EXHIBITION OF THE DRAFT ACCESS AND INCLUSION (DISABILITY PLAN) 2016-2020

MOTION
Moved by Cr Doyle, seconded by Cr Osborne

Council resolves to:

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

b) Receive a report back on the outcomes of the public exhibition and on how Council can continue to liaise with the disability community in Newcastle about how the city can continue to meet their needs. Such consultation could be through the re-establishment of an access advisory committee.

The Lord Mayor requested the motion be recorded as having been carried unanimously.
ITEM-137 CCL 08/12/15 - URBANGROWTH NSW REVITALISING NEWCASTLE FEEDBACK

Councillor Doyle asked a question on notice requesting further explanation of graphs in section 3.2.3 on pages 32 and 33 of the revitalising Newcastle Engagement Outcomes Report, December 2015.

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

Council receives the reports and notes the outcome of the community consultation.

Carried

The Lord Mayor requested the motion be recorded as having been carried unanimously.

PROCEDINGS IN BRIEF

PROCEDURAL MOTION
Moved by Cr Luke, seconded by Cr Compton

Notice of Motion Item 25 - Notice of Motion to rescind Council Resolution - Item 103 Late Item of Business - CCL 27/10/15 - General Manager's Performance Review (Part A) be dealt with prior to Item 138 - Supplementary Report - Review Instrument of Delegations, as listed on Council's agenda 8 December 2015.

Carried

NOTICES OF MOTION

ITEM-25 NOM 08/12/15 - NOTICE OF MOTION TO RESCIND A COUNCIL RESOLUTION - ITEM 103 LATE ITEM OF BUSINESS - CCL 27/10/15 - GENERAL MANAGER'S PERFORMANCE REVIEW PANEL REPORT (PART A)

In moving the motion, Councillor Luke noted a misprint in the business paper and confirmed the three Councillors moving the rescission motion were himself and Councillors Compton and Rufo.

MOTION
Moved by Cr Luke, seconded by Cr Compton

Council rescinds the motion Part A, as outlined below, of Report of the General Manager's Performance Review Committee that refers to the delegations to the Chief Executive Officer or General Manager and Lord Mayor.
'That Council

1. Rename the role 'General Manager' as the 'Chief Executive Officer'. The role of the Chief Executive Officer will have the same meaning as that of a 'general manager' appointed under the Local Government Act 1993.

2. Adopt the Draft Instrument of Delegations to the Chief Executive Officer (Attachment A). These delegations supersede those adopted on 24 September 2013.

3. Adopt the Draft Instrument of Delegation to the Lord Mayor (Attachment B). These delegations supersede those adopted 24 September 2013.

4. Adopts the updated Organisational Structure (Attachment C).

5. If there were any issues in implementing the delegations, a report be brought back to the November Council meeting.'

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

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

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

The Lord Mayor stated that she was not making allegations against the three Councillors but a statement of fact.


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

The Lord Mayor asked the mover and seconder whether they would accept amending the rescission motion.

PROCEDURAL MOTION
Moved by Cr Compton, seconded by Cr Luke

Council adjourn for three minutes to allow Councillors to consider the amendment to the rescission motion.

Carried

Council adjourned at 7.25pm and reconvened at 7.28pm.
Councillors Luke and Compton stated that they would accept the amendment to the motion.

The Lord Mayor confirmed the motion before the Chair:

Council rescinds Part A (2), (3) and (4) of Item 103 Late Item of Business - CCL 27/10/15 - General Manager's Performance Review Report.

The motion was put to the meeting.

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

Against the Motion: Nil. Carried

REPORTS BY COUNCIL OFFICERS

ITEM-138 CCL 08/12/2015 - SUPPLEMENTARY REPORT - REVIEW INSTRUMENT OF DELEGATIONS

MOTION
Moved by Cr Posniak, seconded by Cr Osborne

1 Council adopts the Instrument of Delegations to the Chief Executive Officer and Lord Mayor at Appendix A of Item 138 with the following minor amendments:

a Amend clause 13 of Schedule 1 of the Instrument of Delegation to the Chief Executive Officer to read: 'the appointment of Senior Staff Contract positions unless prior consultation with Council has occurred (the CEO may make transitional or temporary arrangement);'

b Delete clause 14 of Schedule 1 of the Instrument of Delegations to the Chief Executive Officer.

c Amend clause 3(a) of the Instrument of Delegations to the Lord Mayor to read: 'to act as an official spokesperson of Council'.

d Amend clause 3(c) of the Instrument of Delegations to the Lord Mayor to read: 'provided that before a determination is made that a staff member should so represent Council, the Lord Mayor must consult with the Chief Executive Officer'
e Amend clause 4(a) of the Instrument of Delegations to the Lord Mayor to read as per clause 1.3 of the Instrument of Delegations to the Lord Mayor adopted 24 September 2013 (ie 'to exercise Council's functions under the Chief Executive Officer's Contract of Employment having regard to any functions of a performance review panel or policy in effect."

f Delete clause 5(a)(i) of the Instrument of Delegations to the Lord Mayor.

2 Council adopts the Organisational Structure at Appendix B with amendment to include the 'Lord Mayor and Council' and the 'Lord Mayor's Office' within the Organisational Structure.

3 Council notes that from July 2015 there have been consistent resolutions to review the Instruments of Delegation.

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

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

Carried

NOTICES OF MOTION

ITEM-26 NOM 08/12/15 - NOTICE OF MOTION TO RESCIND A COUNCIL RESOLUTION - ITEM 103 LATE ITEM OF BUSINESS - CCL 27/10/15 - GENERAL MANAGER'S PERFORMANCE REVIEW PANEL REPORT (PART B, C AND D)

MOTION
Moved by Cr Rufo, seconded by Cr Waterhouse


Councillor Posniak raised a point of order that the rescission motion was rejected by the meeting on 27 October 2015 and was out of order in accordance with Council's Code of Meeting Practice.

The Lord Mayor ruled the point of order upheld and the motion out of order.

Councillor Luke moved dissent against the Lord Mayor's ruling.
The motion of dissent was put to the meeting.

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

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

Defeated

The Lord Mayor declared the motion out of order.

**ITEM-27 NOM 08/12/15 - PUBLIC TRANSPORT IN NEWCASTLE**

**MOTION**
Moved by Cr Crakanthorp, seconded by Cr Posniak

That Council

1. Reiterate support for a geographically focused Hunter Transport Authority to provide a governance structure that
   a) allows the region to determine public transport outcomes and
   b) investigates opportunities for further transport reform to support a focus on door-to-door customer journeys through greater focus on interchange and multi-modal integration.

2. Reiterates the importance of collaborating with Transport for NSW to establish an integrated transport management plan for the city and Region as a priority.
   a) that integrates with land-use planning
   b) including forward planning of the next stage of any light rail project, including community consultation on the proposed routes.

3. Supporting the continued public ownership, maintenance and operation of the current Hunter transport services including buses, trains, ferries and hubs/Interchanges.

4. Urges the NSW Government to consult with Newcastle City Council, our residents and community groups prior to any sale, lease, market engagement, public tender or expressions of interest of Newcastle Buses and Ferries.

Newcastle City Council respectfully requests consultation to include information on:

- any benefits of a fully privately operated network
- any cost implications of a privately operated network
- likely impact on employment of existing bus and ferry operators
- engagement with regional transport committees
- guaranteed bus service maintenance or improvement of bus services
- any proposed exclusion of Newcastle Buses and Ferries from tendering to be the provider of the Newcastle Transport Service.
Further, Newcastle City Council acknowledges and appreciates Lake Macquarie City Council’s public support of public ownership, maintenance and operation of Hunter transport services including buses, trains, ferries and hubs/Interchanges

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

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

**Carried**

**ITEM-28 NOM 8/12/15 - OPEN, TRANSPARENT AND ACCOUNTABLE COUNCIL PRACTICES**

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

Council officers prepare a report of draft changes to the current *Code of Meeting Practice* for the February 2016 Ordinary Meeting that investigates the following measures:

1. Make Councillor/staff workshops and briefings open to the public, subject to requirements governing confidential matters.

2. Measures which will allow members of the public to address meetings on agenda items and ask questions at Council meetings, committee meetings and workshops.

3. Public notification of Workshops.

4. Procedures to be followed by the General Manager under current Code of Meeting Practice Clause 19.5 [LG (General) 2005 Regulation 240 (2)]. *The General Manager must not include in the Agenda for any Meeting any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report any such exclusion to the Meeting of the Council.* For example “If the business to be excluded is a Notice of Motion submitted by one or more Councillors, the General Manager must provide written notification to all Councillors of the decision to exclude the business and the relevant reasons, including the specific grounds on which the business would be unlawful, and any legal advice supporting the General Manager’s opinion”.

5. Provision for including the Terms of Reference for Strategic Advisory Committees and other Council Committees in the Code of Meeting Practice.

6. Provisions that will allow Strategic Advisory Committees and Working Parties to make regular reports and recommendations to Council.
ITEM-29 NOM 8/12/15 - TIDYING UP HEADLAND RESERVE KING EDWARD PARK

MOTION
Moved by Cr Doyle, seconded by Cr Osborne

That:

1 Newcastle Council recognises that the site of the Headland Reserve (ex-bowling club site) at King Edward Park is of significant community, cultural, historic and tourist value to the city. As such, it deserves to be tidied up from its current neglected and degraded condition. The site should be returned to public enjoyment through the removal of the existing ineffectual fences and the re-establishment of some basic parkland amenities such as mown grass and the removal of access to informal car-parking on the site.

2 To this end, Council authorises the Interim Chief Executive Officer to liaise with the Minister responsible for Crown land and Officers of the relevant Crown lands department to bring about the basic rehabilitation of this site until such a time as the matter is finally decided.

Carried

The Lord Mayor requested the motion be recorded as having been carried unanimously.

ITEM-30 NOM 8/12/15 - PROTECTING OUR LAND AND OUR WATER

MOTION
Moved by Cr Osborne, seconded by Cr Doyle

That Council write to the Premier of NSW Mike Baird, Minister for Western Sydney, Anthony Roberts, Minister for Industry, Resources and Energy and Scot MacDonald MLC Parliamentary Secretary for the Hunter requesting that the State Government cancel, extinguish or buy back the petroleum exploration licence PEL 458 which is still in operation over most of the Newcastle local government area and a large proportion of the Lake Macquarie and Port Stephens local government areas.

Carried

CONFIDENTIAL REPORTS

PROCEDURAL MOTION
Moved by Cr Posniak, seconded by Cr Doyle

Council proceed into confidential session for discussion on Confidential Items 39 to 41 for the reasons outlined in the business papers.

Carried
Council entered into confidential session at 8.30pm and reconvened at 8.44pm and the Interim Chief Executive Officer announced the detail of the resolutions approved in confidential session.

**ITEM-39 CON 08/12/15 - SUMMERHILL WASTE MANAGEMENT CENTRE ORGANICS PROCESSING FACILITY DEVELOPMENT CONTRACT NO. 2016/099T**

**MOTION**

1. Council resolves to not accept any tender for Contract No. 2016/099T nor enter into negotiations with any party with a view to entering into a contract. The tenders received were deemed not to be financially viable both from a capital expenditure and operational standpoint.

2. Council undertake an investigation to find alternative cost effective solutions for processing of organics.

3. This confidential report relating to the matters specified in s10A(2)(d) of the *Local Government (General) Regulation 2005* be treated as confidential and remain confidential until Council determines otherwise.

*Carried*

The Lord Mayor requested the motion be recorded as having been carried unanimously.

**ITEM-40 CON 08/12/2015 - SUMMERHILL WASTE MANAGEMENT CENTRE LANDFILL CELL 09 CONSTRUCTION CONTRACT NO. 2015/440T**

**MOTION**

1. Council accept the tender of Ditchfield Contracting Pty. Ltd in the amount of $16,374,033 (excluding GST) for Construction of Landfill Cell 9 for Contract No. 2015/440T.

2. Council approves budget in the total amount of $15,024,033 for continuation of the works in FY17, FY18 and FY19.

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

*Carried*

The Lord Mayor requested the motion be recorded as having been carried unanimously.
ITEM-41 CON 8/12/15 - SETTLEMENT OFFER RE STANDARD AND POOR’S CLASS ACTION CLAIM BY COUNCIL

MOTION
Moved by Cr Luke, seconded by Cr Osborne

1 Council to receive the report.

2 Council approves the settlement of the Standard and Poor's Class Action on the basis of the two offers proposed and delegates authority to the Interim Chief Executive Officer to sign the two forms relating to settlement of the Standard and Poor's Class Action on Council's behalf prior to 11 December 2015 deadline for responses.

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

Carried

LATE ITEMS OF BUSINESS

ITEM-139 ANY AND ALL LEGAL ADVICE RECEIVED ON THE RUNNING OF COUNCIL MEETING 27 OCTOBER 2015

The Lord Mayor gave an apology to Councillors Luke, Rufo and Waterhouse.

Councillor Rufo stated that he had taken extreme exception to the accusation by the Lord Mayor in reference to Notice of Motion Item 25. He stated that in his three years as a Councillor he had never released confidential information.

PROCEDURAL MOTION
Moved by Cr Rufo, seconded by Cr Luke

The item of Any and All Legal Advice Received on the running of the Council Meeting 27 October 2015 be heard as a late item of business due to the urgent need for open transparency and the community deserving of information that was supplied to Council that has not been supplied to date.

For the Motion: Councillors Compton, Doyle, Luke, Robinson, Rufo and Waterhouse.

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

The Lord Mayor exercised her casting vote and declared the motion defeated.

Defeated
ITEM-140 COASTAL REVITALISATION CONSULTATIVE COMMITTEE MEMBERSHIP

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

The matter of the Coastal Revitalisation Consultative Committee Membership be heard as a late item of business on the grounds of urgency as the upcoming Committee meeting is scheduled to be held on 17 December 2015 and Council does not have its full complement of three Councillor representatives on the Committee due to Councillor Luke's effective Committee membership termination as a consequence of failing to attend the last three Committee meetings. The other Councillor representatives on the Committee are Councillors Nelmnes and Rufo.

Clause 5.2.5 of the Committee's Terms of Reference provides that a person ceases to be a Committee member 'if a person or an alternative fails to attend three meetings without leave a person ceases to be a Committee member'.

For the last Coastal Revitalisation Consultative Committee meeting, a quorum has not been achievable due to Councillor Brad Luke's absence. No apologies were provided by Councillor Luke to the Committee Chair prior to these scheduled meetings being held. To ensure that the next scheduled Committee meeting to be held on 17 December 2015 can proceed with a quorum it is essential that Council appoint a Councillor to the Coastal Revitalisation Consultative Committee as Councillor Luke's replacement.

Carried

Councillors Compton and Doyle expressed their interest in nominating for membership of the Committee.

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

A That Council appoints Councillor Compton to the Coastal Revitalisation Consultative Committee to replace Councillor Luke whose membership has ceased.

B That Council appoints Councillor Doyle to the Coastal Revitalisation Consultative Committee as an alternate Councillor representative to Councillor Compton.

Carried

The Lord Mayor requested the motion be recorded as having been carried unanimously.

The meeting concluded at 8.59pm.
REPORTS BY COUNCIL OFFICERS

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

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

PURPOSE

The purpose of this report is to initiate the election, by Councillors, of a Deputy Lord Mayor for a term following the expiration of the current Deputy Lord Mayor’s term of office on 23 February 2016.

RECOMMENDATION

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

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

KEY ISSUES

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

4 Councillor Osborne was elected as Deputy Lord Mayor on 24 November 2015.

5 It is appropriate that Council holds an election to fill the vacancy that will exist on 23 February 2016 with the expiration of the term of the current Deputy Lord Mayor, Cr Osborne.

FINANCIAL IMPACT

6 Nil.
COMMUNITY STRATEGIC PLAN ALIGNMENT

7 Nil.

IMPLEMENTATION PLAN/IMPLICATIONS

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

9 Providing for a new term for the Deputy Lord Mayor commencing from the date of the next Ordinary Council Meeting to be held on 23 February 2016 will ensure that there is continuity in the Deputy Lord Mayor's office.

RISK ASSESSMENT AND MITIGATION

10 Whilst it is not essential that a new Deputy Lord Mayor be elected by Council on 23 February 2016, it has been Council's consistent practice during the term of the current Council to have a duly elected Deputy Lord Mayor in order to facilitate the Lord Mayor's functions being able to be carried out in accordance with section 231 of the Act in the event that, for whatever reason, the elected Lord Mayor is prevented by illness, absence or otherwise from exercising any of the Lord Mayor's functions. Having an incumbent Deputy Lord Mayor removes the risk that any of the Lord Mayor's functions may not be able to be carried out should the Lord Mayor be unable or unavailable to carry out the Lord Mayor's functions.

RELATED PREVIOUS DECISIONS

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

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

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

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

CONSULTATION

15 Nil.
OPTIONS

Option 1

16  The recommendation as at Paragraphs 1 and 2. This option ensures that no further elections for a Deputy Lord Mayor are required to be conducted prior to the presently scheduled expiration of the Council's term. This is the recommended option.

Option 2

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

BACKGROUND

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

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

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

Part 1  Preliminary

1  Returning officer

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

2  Nomination

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

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

**ballot** has its normal meaning of secret ballot.

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

Part 2 Ordinary ballot or open voting

4 Application of Part

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

5 Marking of ballot-papers

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

6 Count-2 candidates

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

7 Count-3 or more candidates

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

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

345 Informal ballot-papers

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

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

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

REFERENCES

ATTACHMENTS

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

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

PURPOSE

To submit to Council a Quarterly Budget Review Statement, as at 31 December 2015 in accordance with clause 203 of the Local Government (General) Regulation 2005.

RECOMMENDATION

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

KEY ISSUES

2 The December Quarterly Budget Review Statement includes adjustments required to the budget to reflect trends identified in the actual operating performance for the first half of the 2015/16 financial year. Operational budget variations totaling a positive $3.9m have been identified within the December Quarterly Budget Review Statement. This improves Council’s operating position to an operating surplus of $2.9m forecast at 30 June 2016.

<table>
<thead>
<tr>
<th></th>
<th>2015/16 Adopted Budget $'000</th>
<th>Work in Progress $'000</th>
<th>Adopted Budget Adjustment Sept 2015 $'000</th>
<th>Recommended Budget Adjustment Dec 2015 $'000</th>
<th>Revised 2015/16 Budget $'000</th>
<th>Actual December YTD $'000</th>
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<tr>
<td>Total Operating Revenue</td>
<td>233,044</td>
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<td>Total Operating Expenses</td>
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<td>233,350</td>
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<td>Total Operating Revenue Less Operating Expenditure</td>
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<td>(1,372)</td>
<td>9,858</td>
<td>3,915</td>
<td>2,860</td>
<td>7,385</td>
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<tr>
<td>Total Capital Raising revenue</td>
<td>36,707</td>
<td>0</td>
<td>5,714</td>
<td>0</td>
<td>42,421</td>
<td>20,601</td>
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<tr>
<td>Add back Depreciation</td>
<td>50,242</td>
<td>0</td>
<td>(11,160)</td>
<td>435</td>
<td>39,517</td>
<td>19,545</td>
</tr>
<tr>
<td>Less land &amp; infrastructure donations</td>
<td>(10,081)</td>
<td>(2,976)</td>
<td>(13,057)</td>
<td>(6,529)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funding available for capital expenditure</td>
<td>67,327</td>
<td>(1,372)</td>
<td>1,436</td>
<td>4,350</td>
<td>71,741</td>
<td>41,002</td>
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<td>(4,593)</td>
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<td>Net Loans Borrowings/(Repayments)</td>
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<td>(2,600)</td>
<td>(1,300)</td>
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<td>Net Funds Generated / (Used)</td>
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<td>(3,843)</td>
<td>4,645</td>
<td>6,151</td>
<td>19,303</td>
<td></td>
</tr>
</tbody>
</table>

Note 1: Work in Progress represents WIP from 2014/15 less the expected WIP at June 30, 2016
FINANCIAL IMPACT

3 The analysis below will focus exclusively on the financial impact of budget changes recommended in the December Quarterly Budget Review Statement in regard to operational revenue and expenditure. Key elements of the forecast include:

### Factors improving Operational Financial Position

#### i User charges & fees – increase of $3.1m
Council's Civil Works business unit has been awarded additional and unplanned contracts on state roads for Transport for NSW. This income will be partially offset by additional material costs for the projects.

#### ii Interest – increase of $0.3m
Council's Investment Portfolio continues to return a higher than forecast investment return. Interest Income exceeded budget on a year to date (YTD) basis due to total portfolio holdings being greater than anticipated as a result of improved funding position and a higher actual yield than forecast. The budget has been adjusted to reflect the continuation of this trend for the remainder of the financial year.
iii **Other operating revenue – increase of $1m**
Council has received a rebate from Ausgrid on Energy Usage ($0.6m). In addition the Civic Theatre is producing higher than budgeted revenue.

iv **Employee Costs – decrease of $2.8m**
Council is forecasting lower staff costs due to unfilled vacant positions. These positions are normally filled by short term contractors during the recruiting process. These costs are included in material and contracts.

5 **Factors adversely impacting Operational Financial Position**

i **Materials & contracts – increase of $2.5m**
Additional expenditure is required to deliver the additional project work awarded by NSW Transport (refer paragraph 4.1 above).

<table>
<thead>
<tr>
<th>Item Description</th>
<th>2015/16 Adopted Budget '000</th>
<th>Work in Progress '000</th>
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<tr>
<td>Capital Revenues</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>12 Grants &amp; contributions - Capital</td>
<td>20,207</td>
<td>5,714</td>
<td>25,921</td>
<td>15,829</td>
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<tr>
<td>13 Proceeds from the sale of Assets</td>
<td>16,500</td>
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<td>16,500</td>
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<tr>
<td>Total Capital Raising revenue</td>
<td>36,707</td>
<td>0</td>
<td>5,714</td>
<td>0</td>
<td>42,421</td>
<td>20,601</td>
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<td>Net Surplus/(deficit) after capital revenue</td>
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<td>15,572</td>
<td>3,915</td>
<td>45,281</td>
<td>27,986</td>
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<td>Adjustments for Non Cash Items</td>
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</tr>
<tr>
<td>14 Add back Depreciation</td>
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<td></td>
<td></td>
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<td></td>
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<tr>
<td>16 Asset Renewal</td>
<td>32,841</td>
<td>(2,711)</td>
<td>(310)</td>
<td>(1,820)</td>
<td>28,000</td>
<td>9,992</td>
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<tr>
<td>17 New / Upgrade</td>
<td>25,665</td>
<td>4,646</td>
<td>(117)</td>
<td>(2,246)</td>
<td>27,948</td>
<td>8,404</td>
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<td>18 2012 SRV Priority Projects</td>
<td>9,815</td>
<td>536</td>
<td>(2,782)</td>
<td>(527)</td>
<td>7,042</td>
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<tr>
<td>Total capital spend</td>
<td>68,321</td>
<td>2,471</td>
<td>(3,209)</td>
<td>(4,593)</td>
<td>62,990</td>
<td>20,399</td>
</tr>
<tr>
<td>19 Net Loans Borrowings/(Repayments)</td>
<td>(2,600)</td>
<td>(2,600)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Net Funds Generated / (Used)</td>
<td>(3,594)</td>
<td>(3,843)</td>
<td>4,645</td>
<td>8,943</td>
<td>6,151</td>
<td>19,303</td>
</tr>
</tbody>
</table>

Note 1: Work in Progress represents WIP from 2014/15 less the expected WIP at June 30, 2016

6 **Factors affecting the capital program**

i **Capital Expenses – decrease of $4.6m**
The 2015/16 Capital Works Program has been reviewed against YTD actual delivery and a reduction in the budget by $4.6m is recommended. The reduced budget more accurately reflects the current project delivery schedules over the remainder of the financial year. A detailed breakdown of the budget adjustments are provided in **Attachment A** and summary of key movements in the 2015/16 works program is provided below.
7 Further explanation of some key December adjustments is provided below:

    i Building and Structures - decrease of $1.2m
    The contract for work valued at $0.9m on the Southern Façade of City Hall is still in early stages and the delivery which was planned for 2015/16 will now be rescheduled to next financial year.

    ii City Roads - decrease of $0.5m
    The decrease is due to (1) elements of Council's Road Resurfacing and footpath rehabilitation program being rescheduled and will start in 2016/17 due to additional design work being required and internal resource constraints (The design will be undertaken by external consultants) and (2) a reclassification of some works as operational rather than capital in nature.
iii Waste Management - decrease of $2.2m
As previously reported the 2015/16 budget was based on preliminary cost estimates for a number of significant and complex projects. As more detailed analysis is undertaken on these projects a more accurate assessment of the full project costs and works schedule is being determined. As a result, works previously planned for 2015/16 have been rescheduled for delivery in 2016/17 which requires reductions in the waste program budget for the current year.

iv Hunter St Revitalisation - decrease of $0.6m
Design and implementation of the Civic Centre Public Domain Plans have been rescheduled and will now begin in 2016/17. Infrastructure Planning require further review of drainage, road works and street works included in the project.

8 Current forecasts indicate that New and Upgrade projects which are currently underway or planned will require a commitment of $72.6m from Council over the next three financial years to complete the necessary capital works. The Council also needs to increase the level of capital expenditure on Asset Renewals to in excess of $150m over the same period in order to appropriately reduce the infrastructure backlog. In addition Council is required to maintain its current level of capital expenditure on 2012 SRV Special Projects. This means that the capital works programs for the next three years are already at close to full capacity from both an operational and financial perspective. Accordingly there is very limited capacity to undertake any additional new or upgrade projects over coming years that have not already been identified in the forward programs.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

IMPLEMENTATION PLAN/IMPLICATIONS

10 The adoption of the recommendation will enable ongoing implementation of Council’s adopted 2013-17 Delivery Program and 2015/16 Operational Plan, consistent with the budget revisions detailed in the December Quarterly Budget Review Statement. If the recommended budget adjustments are not approved it will significantly impact on the Council’s ability to undertake the projects outlined in the 2015/16 works program and will ultimately impact on the organisation’s ability to meet the targets outlined in the 2015/16 Operational Plan.
RISK ASSESSMENT AND MITIGATION

11 Adoption by 23 February 2016 will meet legislative obligations to submit a Quarterly Budget Review Statement to Council within two months of the end of each quarter.

RELATED PREVIOUS DECISIONS

12 Adoption of the 2013-17 Delivery Program and 2015/16 Operational Plan on 16 June 2015.

CONSULTATION

13 A workshop was conducted with Council on 16 February 2016 to provide detailed information to Councillors for review and a forum for Councillors to ask questions.

OPTIONS

Option 1

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

Option 2

15 Council resolves to vary the recommendations in the adoption of the report. This will impact on the ability of Council to meet the targets outlined in the 2015/16 Operational Plan. This is not the recommended option.

BACKGROUND

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

REFERENCES

ATTACHMENTS


Distributed under separate cover
ITEM-3 CCL 23/02/16 - EXECUTIVE MONTHLY PERFORMANCE REPORT

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

PURPOSE

To report on Council’s Monthly Performance. This includes:

a) Monthly financial position and year to date (YTD) performance against the 2015/16 Operational Plan as at the end of January 2016.

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

RECOMMENDATION

1 The report be received.

KEY ISSUES

2 At the end of January 2016 the consolidated year to date (YTD) actual operating position is a surplus of $7.9m which represents a positive variance of $6.1m against the budgeted YTD surplus of $1.8m. This budget variance is due to a combination of income and expenditure variances which are detailed in Attachment A. The Full Year Revised Budget for 2015/16 is an operating deficit of $0.1m.

3 The actual January YTD performance is being compared against the revised budget which includes the September Quarterly Budget Review but not the December Quarterly Budget Review adjustments which, pending adoption by Council, will reflect an improved financial performance and stronger funding position.

4 The January YTD position includes $7.9m of revenue items which are either one-off or cannot be applied to meet operational expenditure ($2.9m 2012 SRV revenue, $1.8m consolidation of Newcastle Airport result, $1.2m stormwater management service charge, $1m local roads financial assistance grant and $1m dividend from Lehman Bros). When these items are removed Council’s sustainable underlying operating position at the end of January is balanced.

5 The net funds generated for the YTD as at the end of January 2016 is a surplus of $20.1m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to YTD Revised Budget of $17.7m.
FINANCIAL IMPACT

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

<table>
<thead>
<tr>
<th>Full Year Revised Budget $'000</th>
<th>YTD Revised Budget $'000</th>
<th>YTD Actual Result $'000</th>
<th>Variance $'000</th>
<th>Variance %</th>
<th>Financial Impact +ve / -ve</th>
<th>Commitments $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>231,521 Total Operating Revenue</td>
<td>134,300</td>
<td>137,053</td>
<td>2,753</td>
<td>2%</td>
<td>+</td>
<td>11,415</td>
</tr>
<tr>
<td>231,606 Total Operating Expenses</td>
<td>132,454</td>
<td>129,131</td>
<td>(3,323)</td>
<td>-3%</td>
<td>+</td>
<td>11,415</td>
</tr>
<tr>
<td>Total Operating Revenue Less Operating Expenditure</td>
<td>1,846</td>
<td>7,922</td>
<td>6,076</td>
<td>329%</td>
<td>+</td>
<td></td>
</tr>
<tr>
<td>42,421 Total Capital Raising revenue</td>
<td>22,734</td>
<td>22,458</td>
<td>(276)</td>
<td>-1%</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>26,025 Add Back Non Cash Items</td>
<td>14,922</td>
<td>14,922</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funding available for capital expenditure</td>
<td>39,502</td>
<td>45,302</td>
<td>5,800</td>
<td>15%</td>
<td>+</td>
<td></td>
</tr>
<tr>
<td>68,361</td>
<td>35,600</td>
<td>23,730</td>
<td>(11,870)</td>
<td>-33%</td>
<td>+</td>
<td>6,218</td>
</tr>
<tr>
<td>2,600 Loan Principal Repayment</td>
<td>1,517</td>
<td>1,517</td>
<td>0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4,502 Net Funds Generated / (Used)</td>
<td>2,385</td>
<td>20,055</td>
<td>17,670</td>
<td>741%</td>
<td>+</td>
<td></td>
</tr>
</tbody>
</table>

Note 1 - Actual and Budget results include an estimate for the Newcastle Airport
Note 2 - Adopted Budget revised at the September Quarterly Budget Review
7 **Factors favourably impacting Financial Position**

i **User charges & fees – increase of $1.1m**

Development Application income ($0.6m) and income earned through the Civic Theatre ($0.3m) are ahead of expectations. The Civic Theatre program of shows is returning higher than forecast income and is also generating strong beverage sales (which are disclosed as other revenue in section iii below).

ii **Interest – increase of $0.5m**

Council’s Investment Portfolio continues to return a higher than forecast investment return, primarily due to a higher investment portfolio balance than budgeted.

iii **Other operating revenues – increase of $1.1m**

Council has received a rebate from Ausgrid on Energy Usage ($0.6m). In addition the Civic Theatre beverage sales are categorised as Other income for accounting purposes ($0.2m) (refer section i above).
iv **Materials and Contracts – decrease of $3m**

There is a lower spend on operational asset maintenance and renewal ($2m) as the 2015/16 budgets were significantly increased on prior years to fund the completion of a sustainable level of maintenance. There have been some design delays as well as initial delays in implementing contracts for the additional work however it is expected that the bulk of the work will be delivered full year. In addition to lower spend on general materials and contracts at Summerhill Waste Management Centre (SWMC) due to efficiencies achieved, improved IT implementation and timing delays in operational project work.

8 **Factors adversely impacting Financial Position**

i  **None**

9 At the end of January commitments raised against operating expenses totaled $11.4m. The commitments represent both the work currently being undertaken and awaiting invoice as well as the work planned for the future. Major commitments include:

i  **State Waste Levy – $1.8m**
ii  **Street lighting – $0.3m**
iii  **Road and building maintenance – $4.3m.**

10 The month of January returned an operating surplus of $0.5m compared to Revised Budget deficit of $1.7m. The main drivers of the positive variance to budget are the additional income generated through Council's Development Assessment, a one-off energy rebate and below budget expenditure on asset maintenance and renewal. There are also seasonal factors which will result in both revenue and expense timing variations by month.

![Trend in monthly operating position 2015/16](image)
11 Council’s total capital spend at the end of January is $23.7m. This result is $11.9m below the YTD Revised Budget (which is phased in line with the anticipated work schedule and is consistent with an average spread of costs).

12 Council is forecasting an increase in project expenditure during the final quarter of the financial year and that the full program will be delivered in 2015/16. As the capital work program intensifies Council can expect a flow-on effect into the expenditure line of Materials & Contract for operational project expenses.

13 The 2015/16 financial year has seen Council invest in designing a program of works to be delivered over a multi-year time frame in addition to the works to be delivered within the financial year. This 'pipe-line' of works will increase the efficiency of Council's operations and allow a higher level of project delivery going forward.

14 At the end of January commitments raised against capital work totaled $6.2m. The commitments represent both the work currently being undertaken and awaiting invoice as well as the work planned for the future. Major commitments include:
Building renewal – $0.2m
Commitments relate to the repairs on City Hall as well as the erection of a new roof on the Newcastle Museum.

Road renewal – $0.4m
Commitments include $1m for the contractors rebuilding Shortland Esplanade.

Coastal Revitalisation – $0.1m
Projects undertaken to deliver coastline revitalisation between Nobbys and Newcastle.

Other works
Other major works currently underway include Fleet replacement ($2.1m).

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

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

IMPLEMENTATION PLAN/IMPLICATIONS

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

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

b) Council’s Investment Policy and Strategy, and

c) the Regulation and clause s. 625 of the Act.

RISK ASSESSMENT AND MITIGATION

18 No additional risk mitigation has been identified this month.

RELATED PREVIOUS DECISIONS

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

20 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

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

Option 2

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

BACKGROUND

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

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

25 In response to the internal audit on project management an additional table has been added to the Executive Monthly Performance Report (Attachment A) outlining significant contract variations.

26 In response to a memo from the office of the General Manager an additional table has been added to the Executive Monthly Performance Report (Attachment A) outlining Fees & Charges which have been waived or reduced.

REFERENCES

ATTACHMENTS


Distributed under separate cover
ITEM-4  CCL 23/02/16 - AMENDMENTS TO CODE OF MEETING PRACTICE

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

PURPOSE

To provide a report to Council on possible changes to Council's current Code of Meeting Practice.

RECOMMENDATION

1 Council to note the report.

KEY ISSUES

2 At the Ordinary Council Meeting held on 8 December 2015, Council resolved to receive a report on draft changes to Council's current Code of Meeting Practice (COMP). The points raised in Agenda Item 28 entitled "Open, Transparent and Accountable Council Practices" are separately set out below in bold type with the responses to each point following thereafter.

   **Point 1: Make Councillor/staff workshops and briefings open to the public, subject to requirements governing confidential matters.**

   **Response to point 1:**

   3 Council Briefings are currently open to the public and as a meeting of Councillors they are subject to section 10A of the Local Government Act, thereby allowing these meetings to be closed to discuss confidential matters.

   4 Councillor Workshops are neither a formal meeting of Council nor a decision-making forum. Their purpose is to enable Councillors to be provided with information and updated on matters by Council staff as required.

   5 Clause 13.2.1 of the Division of Local Government Meetings Practice Note dated August 2009 (DLG Meetings Practice Note) relevantly states:

   "Attendance entitlements in the Act and the Regulation apply only to meetings of the council and its committees (made up of councillors only). As workshops are not meetings of the council or such committees the attendance entitlements of councillors and the public do not apply. Despite this every councillor should be invited to workshops."
Further in the last paragraph on page 2 of "Implementation of the Revised Meetings Practice Note" dated 21 May 2010, DLG states:

"Ideally, workshops should be chaired by the general manager or another senior council officer. This will assist in placing workshops in their proper perspective, that is, an information sharing forum, and avoid the appearance of a formal council meeting which carries the attendant risk of de facto decision-making."

If Council were to change the COMP to provide for open workshops, workshops would have to remain open at all times as Clause 13.3.1 of the DLG Meetings Practice Note clearly states that Council cannot rely on section 10A of the Local Government Act (Act) to close a Councillor Workshop to discuss a confidential matter like it can during a formal Council meeting.

As such, the suggested change is contrary to, and inconsistent with, the Meetings Practice Note as Councillors are not entitled to resolve to close a workshop once the workshop has commenced as an open workshop.

The change would also constrain the ability of Council staff to provide Councillors with information about matters outside of a formal Council meeting and further frustrate the ability of Council staff to freely discuss matters with all Councillors prior to a formal Council meeting.

It is not recommended that Council amend the COMP in this regard.

Point 2: Measures which will allow members of the public to address meetings on agenda items and ask questions at Council meetings, committee meetings and workshops.

Response to point 2:

In previously surveying other councils' codes of meeting practice, it was noted each council only has one system in place for public participation/access. Newcastle City Council's Public Voice and Public Briefing sessions provide an opportunity equal to, if not more generous than, the public participation frameworks currently being used at other councils.

As a reminder, Councillors will note that Council already has processes in place to ensure members of the public can address and bring issues to Councillors' attention, including:

- Public Voice sessions
- Public Briefing sessions
- Public exhibition periods for certain matters/documents
- Opportunity for members of the public to contact Councillors directly (via email) and request their ward Councillor put forward particular concerns/points of view at Council meetings.

The existing COMP has adequate provision for members of the public to address Councillors.
Point 3: Public notification of Workshops.

Response to point 3:

14 Refer to the response to point 1.

Point 4: Procedures to be followed by the General Manager under current COMP Clause 19.5 [LG (General) 2005 Regulation 240 (2)]. The General Manager must not include in the Agenda for any Meeting any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report any such exclusion to the Meeting of the Council. For example “If the business to be excluded is a Notice of Motion submitted by one or more Councillors, the General Manager must provide written notification to all Councillors of the decision to exclude the business and the relevant reasons, including the specific grounds on which the business would be unlawful, and any legal advice supporting the General Manager’s opinion”.

Response to point 4:

15 This suggested amendment is inconsistent with Clause 240(2) of the Local Government (General) Regulation (Regulation). Clause 240(2) relevantly provides:

"The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is (or the implementation of the business would be) unlawful. The general manager must report (without giving details of the item of business) any such exclusion to the next meeting of the council".

16 In addition, Section 360(2) of the Act provides that a council may add supplementary provisions to the COMP provided “that they are not inconsistent with them”.

17 On this basis, it is not technically possible to incorporate the suggested amendment in the form proposed as the amendment is inconsistent with Clause 240(2) of the Regulation.

Point 5: Provision for including the Terms of Reference for Strategic Advisory Committees and other Council Committees in the COMP and Point 6: Provisions that will allow Strategic Advisory Committees and Working Parties to make regular reports and recommendations to Council.
Responses to points 5 and 6:

18 Clause 86.1 of the COMP currently provides that Council may establish Advisory Committees by resolution. In addition, the Clause states that "The resolution must include the adoption of a constitution governing the Advisory Committee's operations including membership and terms of reference".

19 Clause 87.1 of the COMP also currently provides "An Advisory Committee must submit reports to Council.....in accordance with the Advisory Committee's constitution".

20 Also relevant is Clause 87.2 of the COMP which states "Council.....may consider the recommendations contained in a report of an Advisory Committee....".

21 The existing COMP adequately addresses these matters.

Point 7: Provision for Council to move into “Committee of the Whole” [Local Government (General) Regulation 259], where it is appropriate.

Response to point 7:

22 "Meeting" is defined in the COMP to include a Committee of Council Meeting (committee of the whole meeting).

24 There is nothing in the COMP preventing Council from moving into a committee of the whole during a Council meeting, as provided for in the Local Government Act, 1993 and Regulation.

25 The COMP adequately addresses this matter.

FINANCIAL IMPACT

26 Costs associated with the review and adoption of a further amended COMP include:

(i) staff time and associated costs in preparing a further Council business paper incorporating an amended COMP in a form suitable to be placed on public exhibition;

(ii) advertising costs associated with the publication of a notice in a local newspaper in respect of a further public exhibition period; and

(iii) staff time and associated costs in preparing an amended COMP; arranging a public exhibition of an amended COMP; preparing a further Council report to report back on the written submissions received, if any, and recommending a final version of the proposed amended COMP for adoption by Council.
COMMUNITY STRATEGIC PLAN ALIGNMENT

27 Open and Collaborative Leadership.

IMPLEMENTATION PLAN/IMPLICATIONS

28 The earliest an amended COMP could be adopted at an Ordinary Council Meeting after complying with the public exhibition and submission requirements of s. 361 of the Act is July 2016. However, this may not provide for sufficient time to properly prepare, consult and ensure adequate resourcing is available for a new public participation policy/process.

29 The Local Government elections are currently scheduled to be held on 10 September 2016. It is expected that Council will go into a “caretaker” period from early August 2016 at the direction of the Office of Local Government. In addition, it needs to be noted that Council is currently in a council merger proposal period.

30 At the Councillor Workshop held on 14 July 2015, Councillors were advised that the Office of Local Government intended to publish a Model Code of Meeting Practice in the same manner it published a Model Code of Conduct.

31 The NSW Government has entered phase one of the development of new Local Government Act. This reform may result in changes to the provisions of the Act relating to the conduct of council meetings (refer to paragraphs 26-28 under the Background section below).

32 Given the above considerations, it is suggested that amendments to the COMP be put on hold until after the next Council election, at which time the implications of any legislative changes may also be known.

RISK ASSESSMENT AND MITIGATION

33 The current COMP is effective and compliant with the Act. As such, there is no risk associated with maintaining the current version of the COMP until the State Government issues the revised Model Code of Meeting Practice later this year.

RELATED PREVIOUS DECISIONS

34 At the Ordinary Council Meeting held on 26 August 2014, Council resolved to place the amended COMP on public exhibition for a period of 42 days.

35 On 30 August 2014, the COMP was placed on public exhibition for a period of 42 days.

36 At the Ordinary Council Meeting held on 9 December 2014, the COMP was put to Council for adoption with only minor changes. Council resolved to not adopt the COMP and requested that a Councillor Workshop be held to outline changes to the COMP.
37 On 10 March 2015, a Councillor Workshop on the changes to COMP was held.

38 At the Ordinary Council Meeting held on 24 March 2015, a further report was put to the elected Council recommending adoption of the COMP as was placed on public exhibition in August 2014. Council resolved that a further Councillor Workshop be held and that this Workshop be open to members of the public.

39 On 14 July 2015 an open Councillor Workshop was held.

CONSULTATION

40 The COMP was placed on public exhibition for a period of 42 days in August 2014.

OPTIONS

Option 1

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

Option 2

42 Council not note the report. This is not the recommended option as Council requested the report.

BACKGROUND

43 On 8 January 2016, the Office of Local Government issued a Circular to Councils announcing the commencement of the consultation process with respect to the first phase of amendments to the Local Government Act, 1993. The first tranche of the released proposed amendments are expressed in broad terms rather than the precise wording of sections of the new proposed Local Government Act. The first phase focuses on governance and the strategic business planning processes of councils.

44 The relevant proposed amendments dealing with Council meetings extracted from page 12 of the Towards New Local Government Legislation Explanatory Paper: proposed Phase 1 amendments are set out below:

“In relation to conduct of meetings, amendments consistent with the following are proposed:

- provide that the Regulation may prescribe a Model Code of Meeting Practice (a Model Meeting Code);
- provide that the Model Meeting Code may include mandated and non-mandatory “best practice” provisions;
- require councils to adopt a Code of Meeting Practice (an adopted meeting code) that at a minimum incorporates the mandated provisions of the Model Meeting Code;
- allow a council’s adopted meeting code to supplement the provisions contained in the Model Meeting Code;
- provide that a provision of a council’s adopted meeting code will be invalid to the extent of any inconsistency with the mandated provisions of Model Meeting Code;
• require council and committee meetings to be conducted in accordance with the council’s adopted meeting code;
• require councils to review and adopt a meeting code within 12 months of each ordinary election; and
• retain the existing requirements under sections 361 - 363 in relation to the adoption and amendment of a meeting code and public consultation in relation to this.

Aspects of the current meetings provisions in the Act and the Regulation will be updated and incorporated into a new Model Meeting Code.”

45 The Explanatory Paper goes on to provide the following background commentary to the proposed amendments:

“Background

The Model Meeting Code will comprise mandatory provisions and non-mandatory best practice provisions. Councils will be required to adopt meetings codes that incorporate the mandatory provisions but will not be obliged to adopt the non-mandatory best practice provisions in order to respond to local requirements. The mandatory provisions will largely incorporate the existing meetings provisions, which will be updated to:

• address existing procedural ambiguities; and
• modernise procedural requirements.

It is expected that the new Code will initially include the provisions relating to meeting processes now found in the Act and Regulation, but be reordered to reflect the order in which events usually occur in meetings”.

REFERENCES

ATTACHMENTS

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

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

PURPOSE

To approve and authorise the affixation of the Council’s seal to a four copies of a tripartite Deed of Indemnity (Deed) between Newcastle City Council, Port Stephens Council and Mr Frank Cordingley in accordance with the requirements of Clause 400(4) of the Local Government (General) Regulation 2005 (Regulation).

RECOMMENDATION

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

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

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

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

KEY ISSUES

2 At the Ordinary Council Meeting held on 7 August 2012, Newcastle City Council (NCC) resolved (in conjunction with shareholder council Port Stephens Council (PSC)) to implement the restructure of Newcastle Airport Limited.

3 At the Extraordinary Council Meeting held on 8 October 2013, Council approved and authorised the execution of the relevant legal documents that implemented the corporate restructure of Newcastle Airport Pty Ltd (NAPL). The corporate restructure legal documents were executed on, and became effective on, 9 October 2013.

4 Mr Frank Cordingley was appointed as a Director of NAPL on 18 January 2016 replacing Mr Gouldthorp. Upon execution by all parties the Deed provides that both NCC and PSC shall indemnify Mr Cordingley in respect of claims subject to the claim not arising from his failure to comply with the duties and obligations imposed on him by NAPL’s corporate governance charter, its constitution or any laws.
5 The provision of such a Deed is a necessary requirement in order to ensure that Mr Cordingley appropriately acts as a director of NAPL and continues to remain as a director of NAPL. This is a common practice in relation to companies that seek to appoint directors onto their boards of directors and is permissible under the Corporations Act, 2001 (Commonwealth).

6 NCC is a 50% shareholder of NAPL, the other 50% shareholder being PSC. NCC is the 100% shareholder of Newcastle Airport Partnership Company 1 Pty Ltd (NAPC 1) and Newcastle Airport Partnership Company 2 Pty Ltd (NAPC 2) which respectively act as the corporate trustees of the Newcastle Airport Partnership Trust 1 and Newcastle Airport Partnership Trust 2. NCC is the sole unit holder in each of the two unit trusts. The two companies are two of the four partners that constitute the Newcastle Airport Partnership (NAP). The other two partners are Newcastle Airport Partnership Company 3 Pty Ltd (NAPC 3) and Newcastle Airport Partnership Company 4 Pty Ltd (NAPC 4) which similarly act as the corporate trustees of the Newcastle Airport Partnership Trust 3 and Newcastle Airport Partnership Trust 4. These latter two companies are wholly-owned by PSC. The four companies comprise all of the four partners of NAP. Mr Cordingley has also been appointed as a Director of NAPC 1, NAPC 2 and NAP, replacing Mr Gouldthorp.

7 The Deed has already been executed by the other parties to the tripartite Deed which have been prepared by Herbert Smith Freehills (NAPL's solicitors). It is in NCC’s interests for the Deed to be executed by it and to approve and authorise its seal being affixed to the Deed in accordance with the requirements of Clause 400(4) of the Regulation.

FINANCIAL IMPACT

8 There is no financial cost associated with NCC’s execution of the Deed. In the event that a legal claim was ever made against Mr Cordingley as an indemnified individual in respect of any alleged failure by him to comply with the duties and obligations imposed on him in his respective capacity as a Director of NAPL, it is expected that NAPL's Directors and Officers Indemnity Insurance Policy would fully cover the financial costs of the claim, thereby protecting NCC and PSC from any financial costs associated with any particular claim and the Deed of Indemnity being called upon. The Deed specifically provides that the indemnity does not apply to the extent:

(i) the claim arises in connection with a failure by Mr Cordingley to comply with the duties and obligations imposed on him by NAPL’s corporate governance charter, NAPL’s constitution or any laws; or

(ii) that proceeds are payable to Mr Cordingley for the relevant claim “under a policy of insurance”.

COMMUNITY STRATEGIC PLAN ALIGNMENT

9 N/A.
IMPLEMENTATION PLAN/IMPLICATIONS

10 No further action is required in order to enable the Deed coming into legal effect.

RISK ASSESSMENT AND MITIGATION

11 Refer to paragraph 8. NAPL has a comprehensive corporate governance charter by which its directors are expected to comply with, in addition to having a formally constituted Board Audit, Risk and Compliance Committee which has oversight of NAPL’s audit, legal compliance and risk management strategies.

RELATED PREVIOUS DECISIONS

12 At the Ordinary Council Meeting held on 28 July 2015 - Approval of affixation of Council Seal to three Deeds of Indemnity in respect of Mr Kirby Clark and Ms June Munro as Directors of NAPL and Mr Peter Cock as CEO of NAPL.

13 At the Ordinary Council Meeting held on 31 March 2015 - Approval of execution of Deed of Indemnity in respect of Mr Wayne Wallis as a Director of NAPL.

14 At the Ordinary Council Meeting held on 8 October 2013 – Approval of execution of NAPL corporate restructure legal documents.

15 At the Ordinary Council Meeting held on 24 September 2013 - Adoption of Instrument of Delegation to Newcastle Airport Ltd.

16 At the Ordinary Council Meeting held on 7 August 2012 - Adoption of Newcastle Airport Ownership Restructure.

CONSULTATION

17 Council staff have consulted with NAPL staff.

OPTIONS

Option 1

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

Option 2

19 Council not adopt the recommendation as at Paragraph 1. This is not the recommended option.
REFERENCES

20 LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - Clause 400

Clause 400 Council seal

(1) The seal of a council must be kept by the mayor or the general manager, as the council determines.

(2) The seal of a council may be affixed to a document only in the presence of:
   (a) the mayor and the general manager, or
   (b) at least one councillor (other than the mayor) and the general manager, or
   (c) the mayor and at least one other councillor, or
   (d) at least 2 councillors other than the mayor.

(3) The affixing of a council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause (2)) attest by their signatures that the seal was affixed in their presence.

(4) The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.

(5) For the purposes of subclause (4), a document in the nature of a reference or certificate of service for an employee of the council does not relate to the business of the council.

ATTACHMENTS

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

REPORT BY: CORPORATE SERVICES
CONTACT: DIRECTOR CORPORATE SERVICES / MANAGER COMMUNICATIONS AND ENGAGEMENT

PURPOSE

To provide a supplementary report to Council following item 123 (Attachment A) being laid on the table at the Ordinary Council Meeting held on 8 December 2015 to include previous Council's resolutions. This supplementary report is to be read in conjunction with Attachment A.

RECOMMENDATION

1 Council to receive the report.

KEY ISSUES

2 On 10 December 2015 Council received a letter from the Newcastle AH&I Association, dated 3 December 2015, informing Council that the Board of the Newcastle Show Holiday Association had made a decision not to pursue a Public Holiday for Friday 4 March 2016. On this basis, and in line with Council's resolution of 9 December 2014, the Council will not be submitting an application to the New South Wales Minister for Industrial Relations for the declaration of this day as a public holiday. The Councillors were informed of this via a Memo to all Councillors from the Interim Chief Executive Officer dated 10 December 2015 (Attachment B).

3 At the Ordinary Council Meeting held on 8 December 2015 Council resolved to lay item 123 Newcastle Show Holiday Community Engagement Feedback Report (Attachment A) on the table to include previous Council's resolutions.

4 At the 22 September 2015 Ordinary Council Meeting Council was requested to consider a Community Engagement Strategy (Strategy) seeking feedback from the Newcastle community regarding Council's resolution to apply to the Minister for Industrial Relations to declare a local public holiday for Newcastle Show on Friday 4 March 2016. The following resolution was endorsed:

A That Council endorses the Newcastle Show Holiday Community Engagement Strategy - Show Holiday 2016 (the Strategy) as outlined in (Attachment A) with an amendment to the tabled titled: "Timetable and budget" on page 6 to include: "Monday 19 October / Inform and Consult / Workers / Letter to Hunter Workers including information on the Survey to facilitate discussion with member groups / $0; and conducts stakeholder consultation in line with the strategy and the guidelines for Local Public Holiday and Local Event Day Applications (the Guidelines) (Attachment B) received from NSW Industrial Relations in August 2014.
B The submissions received by Council in December 2014 be included in the summary of the public response for the purposes of the application (but are not to be counted twice in the event that submissions are received again).

5 The Strategy outlined guiding principles, key messages, stakeholder groups, engagement activities, budget and resourcing. The Strategy was developed in line with Council's City Engagement Charter and Community Engagement Framework and as required under the Guidelines for Local Public Holiday and Local Event Day Applications provided by the NSW Industrial Relations in August 2014 and was consistent with Part A of the Council resolution detailed in paragraph 4 above.

6 The Strategy was implemented throughout October and November 2015. Consistent with this endorsed Strategy a letter was sent to Mr Daniel Wallace of Hunter Workers, a copy of which is included as Attachment C. The response from Hunter Workers is included as Attachment D.

7 As outlined in paragraph 2 above an application for a public holiday will not be submitted by Council. As a result Part B of the resolution referenced at paragraph 4 above cannot be completed, however the details of the submissions received in December 2014, regarding an application for a public holiday for the previous year (ie 2015), were included at paragraph 25 of Attachment A. The table below collates in summary form the results of those submissions with the results generated during the 2015 engagement survey, consistent with the part B of the resolution referenced at paragraph 4 above (note - duplicate submissions have not been included).

<table>
<thead>
<tr>
<th>Submissions Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support for a public holiday application</td>
</tr>
<tr>
<td>389 submissions (inc 379 form letters)</td>
</tr>
</tbody>
</table>

OPTIONS

Option 1

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

Option 2

9 Council does not receive the report. This is not the recommended option.
REFERENCES

ATTACHMENTS

Attachment A:  Item 123 Newcastle Show Holiday Community Engagement Feedback Report as tabled at ordinary Council Meeting of 8 December 2015
Attachment B:  Memo to Councillors dated 10 December 2015
Attachment C:  Letter from NCC to Mr Daniel Wallace, Hunter Workers dated 9 October 2015
Attachment D:  Letter from Hunter Workers to NCC dated 30 October 2015
Attachment A

THE CITY OF NEWCASTLE
Report to Ordinary Council Meeting on 8 December 2015

SUBJECT: CCL 08/12/15 - NEWCASTLE SHOW HOLIDAY COMMUNITY ENGAGEMENT FEEDBACK

REPORT BY: CORPORATE SERVICES
CONTACT: DIRECTOR CORPORATE SERVICES / MANAGER COMMUNICATIONS & ENGAGEMENT

PURPOSE

To table the Newcastle Show Holiday 2016 Community Engagement Feedback Report.

RECOMMENDATION

1 Council receives the report.

KEY ISSUES

2 At the 22 September 2015 Ordinary Council Meeting Council endorsed a Community Engagement Strategy (Strategy) seeking feedback from the Newcastle community including schools, business, workers and residents regarding Council’s resolution to apply to the Minister for Industrial Relations to declare a local public holiday for Newcastle Show on Friday 4 March 2016.

3 The Strategy was implemented throughout October and November 2015 with submissions open from Monday 19 October to Friday 13 November 2015.

4 Details on the results of the engagement are provided in paragraph 14, Attachment A and Attachment B.

FINANCIAL IMPACT

5 Additional advertising, both traditional and online, was booked to ensure key stakeholders had a high level of awareness that feedback was being sought. The additional advertising was online with the Newcastle Herald, a display advertisement with the Newcastle Herald and a display advertisement with the Hunter Business Review. The online advertising had direct links through to the survey for ease of completion. The total advertising campaign spend was $5,623 and will be met from the existing operating budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

6 Open and Collaborative Leadership: A strong local democracy with an actively engaged community and effective partnerships.

IMPLEMENTATION PLAN/IMPLICATIONS

7 Council’s Communications and Engagement Team implemented and reported on the Strategy.
RISK ASSESSMENT AND MITIGATION

8 Two risks were identified in the Strategy: a lack of support from one or more key stakeholders and reputation damage as a result of not engaging with the community and key stakeholders.

9 The mitigation strategies included ensuring Council is provided with a feedback report at the end of the engagement period and increasing the advertising program to ensure broad reach within all stakeholder groups.

RELATED PREVIOUS DECISIONS

10 On 22 September 2015 Council endorsed the Strategy which was to conduct stakeholder consultation in line with the methodology outlined in the Strategy and as required under the Guidelines for Local Public Holiday and Local Event Day Applications (Guidelines) (Attachment C) provided by the NSW Industrial Relations in August 2014.

11 On 24 February 2015 Council resolved, by way of a rescission motion, to make an application to the Minister for Industrial Relations seeking the proclamation of Newcastle Show Holiday on Friday 6 March 2015 as a Local Event Day following the rejection of the application for the day to be declared a Local Public Holiday. Further, Council re-endorsed the Policy to apply to the Minister for the declaration of Newcastle Show Holiday as a Local Public Holiday in future years, in accordance with its resolution of 9 December 2014 (refer paragraph 12 below).

12 On the 9 December 2014, Council resolved to support a Lord Mayoral Minute to make application to the Minister for the declaration of Newcastle Show Holiday as a Local Public Holiday for 2015. In addition the submission of an application to declare Newcastle Show Holiday as a Local Public Holiday in future years is to become the policy of Council and the General Manager was delegated to implement this decision on receipt of future applications from the Association.

CONSULTATION

13 The engagement activities included promotion of participation in a survey via traditional and social media, direct mail/email to key stakeholders including business, schools and banks, flyers in key locations, six drop-in sessions at local branch libraries, direct mail/email to 2,400 Newcastle Voice members and information in Council News which was sent to 54,000 ratepayers.

14 At the end of the exhibition period 2,269 surveys were completed and 60 submissions (including 14 form letters) were received. A summary of the results is provided at Attachment A.

15 A five-point unipolar scale was used, where one was the lowest level of support and five the highest level of support.
16 The survey participation demonstrated 49% of respondents were not supportive at all or not supportive, 6% of respondents were somewhat supportive, 45% were supportive or very supportive.

17 The table below has an overview of the submissions. A list of those who lodged submissions is available in Attachment B.

<table>
<thead>
<tr>
<th>Support for the Public Holiday Application</th>
<th>Opposition to the Public Holiday Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Five submissions received</td>
<td>80 submissions received</td>
</tr>
<tr>
<td>• Three individual letters/email</td>
<td>• Three individuals</td>
</tr>
<tr>
<td>• One business</td>
<td>• 14 form letters</td>
</tr>
<tr>
<td>• One Newcastle Trades Hall/Hunter Unions</td>
<td>• 36 individual businesses</td>
</tr>
<tr>
<td></td>
<td>• Two educational institutions</td>
</tr>
<tr>
<td></td>
<td>including Hunter TAFE</td>
</tr>
<tr>
<td></td>
<td>• One joint submission from</td>
</tr>
<tr>
<td></td>
<td>Newcastle Permanent and Greater</td>
</tr>
<tr>
<td></td>
<td>Building Societies</td>
</tr>
<tr>
<td></td>
<td>• Three individual business</td>
</tr>
<tr>
<td></td>
<td>chamber/association</td>
</tr>
<tr>
<td></td>
<td>• One joint submission representing</td>
</tr>
<tr>
<td></td>
<td>13 business and industry associations</td>
</tr>
</tbody>
</table>

OPTIONS

Option 1

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

Option 2

19 Council does not receive the report. This is not the recommended option.

BACKGROUND

20 The Newcastle Show is an important social and cultural event of special significance to the community within the Newcastle Region. The Show and the Newcastle Show Holiday has a long history over the past 100 years.

21 Up to and including 2011, Council has traditionally supported an application for the Newcastle Show Holiday to be declared a Local Public Holiday.

22 A change in legislation to the Public Holidays Act introduced the Local Event Day as an alternative to the gazetted by the Minister of a public holiday.

23 In 2012, 2013 and 2014 the request for Newcastle Show Holiday to be proclaimed a Local Public Holiday was not supported and by Council resolution an application for a Local Event Day was made to the Minister.
24 In 2015 an application to the Minister for the 2015 Newcastle Show Holiday to be declared a Local Public Holiday was supported by Council but rejected by the Minister and a subsequent application for a Local Event Day was approved.

25 No formal consultation process was undertaken by Council prior to the 2015 application. There was significant media coverage on the issue at the time, late November/early December 2014, which generated a number of unsolicited submissions which were received and collated by the Lord Mayor’s Office. The submissions expressed varying levels of support for the proposal and a summary of the submissions is outlined below. An application for a public holiday for Show Day 2015 was submitted on 26 February 2015 but was not approved by the Minister, however a subsequent approval for a local event day was granted.

<table>
<thead>
<tr>
<th>Support for the Public Holiday Application</th>
<th>Opposition to the Public Holiday Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>384 submissions received</td>
<td>55 submissions received</td>
</tr>
<tr>
<td>• Five individual letters/email</td>
<td>• Including a joint submission</td>
</tr>
<tr>
<td>• 379 form letters</td>
<td>representing Hunter Business</td>
</tr>
<tr>
<td></td>
<td>Chamber, Housing Industry</td>
</tr>
<tr>
<td></td>
<td>Association, Hamilton Chamber of</td>
</tr>
<tr>
<td></td>
<td>Commerce, Wallsend Business Association,</td>
</tr>
<tr>
<td></td>
<td>Throsby Basin Business Chamber, Newcastle</td>
</tr>
<tr>
<td></td>
<td>Now, Property Council of Australia, Hunternet,</td>
</tr>
<tr>
<td></td>
<td>Master Builders Association, AirGroup</td>
</tr>
</tbody>
</table>

REFERENCES

ATTACHMENTS

Attachment A: Newcastle Show Holiday Community Engagement Summary Report
Attachment B: List of Submission Authors
Attachment C: Guidelines for Local Public Holiday and Local Event Day Applications
BACKGROUND

Newcastle City Council has resolved to apply to the Minister for Industrial Relations to declare a local public holiday for Friday 4 March 2016 to coincide with the Newcastle Regional Show which will be held from Friday 4 to Sunday 6 March 2016.

ENGAGEMENT OBJECTIVES

To gauge community support for the proposed Show Day Holiday and to provide opportunities for the community to provide feedback. The feedback received will be submitted with the application to the Minister for Industrial Relations.

OPPORTUNITIES FOR COMMENT

- Community drop in sessions
- Submissions
- Online survey
- Hardcopy survey
- Advertised via Newcastle Herald, both daily and online
- Council website
- Media releases
- Newcastle Voice flyer drop to businesses in Adamstown, Broadmeadow, Benwell, Georgetown, Cockburn Road New Lambton and Islington
- Contact made with business associations, school principals and bank managers.

2269 TOTAL SURVEY PARTICIPANTS

<table>
<thead>
<tr>
<th>GENDER</th>
<th>AGE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1/17 years</td>
</tr>
<tr>
<td>Men</td>
<td>0/3%</td>
</tr>
<tr>
<td>Women</td>
<td>0/3%</td>
</tr>
</tbody>
</table>

PARTICIPANT BREAKDOWN

- Households: 1731
- Businesses: 1156
- Other: 592

Respondents could fall under more than one category.
**Mean Score Interpretation**

Respondents were asked to indicate how supportive they were of Council applying to make Show Day a local public holiday using a five-point scale. Mean scores were calculated for the scale:

- 1.99 or lower = Very low support
- 2.00 – 2.49 = Low support
- 2.50 – 2.99 = Moderately low support
- 3.00 – 3.49 = Moderate support
- 3.50 – 3.99 = Moderately high support
- 4.00 – 4.49 = High support
- 4.50 + = Extremely high support

**How supportive are you of Council applying to make Friday 4 March 2016 a local public holiday in the Newcastle local government area?**

- **Not Supportive (49%)**
  - Impact on small business owners
  - Can not attend on the weekend
  - Show benefits are not local
  - Money goes out of area
  - Tourism will not impact or increase attendance
  - Impact on parents’ decisions on family holidays
  - Not a country town anymore
  - Out of date concept
  - Costs to businesses - penalty rates
  - No interest in show
  - Locals will use the long weekend to leave the area
  - Not worthy of a public holiday
  - Council should have more important things to attend to
  - Insensitivity to community
  - Cost to business outweighs the benefits
  - Just a bad idea

- **Supportive (45%)**
  - Other cities have show days eg. Triennial Eisteddfod, Melbourne Cup
  - Supports the local community
  - Opportunity to attend the show
  - Praise the show
  - Rich tradition of our rural city
  - To de-stress
  - Children enjoy the show
  - Increased attendance at the show
  - Support local businesses that sell at the show
  - A day to celebrate Newcastle - Newcastle Pride Day
  - School children should have the day off to attend the show
  - The show will run at a loss with out a show day holiday
  - Should never have dropped being a local public holiday
  - Connection to the rural aspects of area

**Where to From Here**

The feedback presented in this document will be included with the application to the Minister for Industrial Relations. The application includes all verbatim comments received from the survey, form letters and submissions.
### Attachment B

<table>
<thead>
<tr>
<th>Reference #</th>
<th>Organisation</th>
<th>Support?</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>OT2015/00537</td>
<td>Individual</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>OT2015/00523</td>
<td>Individual</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>OT2015/00587</td>
<td>Individual</td>
<td>Yes</td>
<td></td>
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<tr>
<td>OT2015/00594</td>
<td>Newcastle Trades Hall Council/Hunter Unions</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>OT2015/00734</td>
<td>Nova Credit Union</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>OT2015/00520</td>
<td>Davies Shoes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>OT2015/00334</td>
<td>AOK Health</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>OT2015/00741</td>
<td>Blooms the Chemist Mayfield</td>
<td>No</td>
<td>Form letter</td>
</tr>
<tr>
<td>OT2015/00759</td>
<td>Bridgestone Select Mayfield</td>
<td>No</td>
<td>Form letter</td>
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<tr>
<td>OT2015/00757</td>
<td>DCOMP</td>
<td>No</td>
<td>Form letter</td>
</tr>
<tr>
<td>OT2015/00738</td>
<td>France Family Funerals</td>
<td>No</td>
<td>Form letter</td>
</tr>
<tr>
<td>OT2015/00740</td>
<td>Home Hardware Mayfield</td>
<td>No</td>
<td>Form letter</td>
</tr>
<tr>
<td>OT2015/00784</td>
<td>Individual</td>
<td>No</td>
<td>Form letter</td>
</tr>
<tr>
<td>OT2015/00743</td>
<td>Jon Dickson Guardian Pharmacy</td>
<td>No</td>
<td>Form letter</td>
</tr>
<tr>
<td>OT2015/00742</td>
<td>Mayfield Newsagency</td>
<td>No</td>
<td>Form letter</td>
</tr>
<tr>
<td>OT2015/00747</td>
<td>Michelle's on Victoria</td>
<td>No</td>
<td>Form letter</td>
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<tr>
<td>OT2015/00763</td>
<td>Newcastle Legacy</td>
<td>No</td>
<td>Form letter</td>
</tr>
<tr>
<td>OT2015/00761</td>
<td>Select Pets Mayfield</td>
<td>No</td>
<td>Form letter</td>
</tr>
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<td>OT2015/00764</td>
<td>Sidepocket Expresso</td>
<td>No</td>
<td>Form letter</td>
</tr>
<tr>
<td>OT2015/00825</td>
<td>Stag and Hunter Hotel</td>
<td>No</td>
<td>Form letter</td>
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<tr>
<td>OT2015/00739</td>
<td>Mayfield business (anon)</td>
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<td>Form letter</td>
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<td>OT2015/00770</td>
<td>Newcastle Permanent Building Society</td>
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<td>OT2015/00770</td>
<td>Greater Building Society Ltd</td>
<td>No</td>
<td>Joint submission with NPBS</td>
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<td>OT2015/00525</td>
<td>Hunter Business Chamber</td>
<td>No</td>
<td>Hunter Central Coast and Northern NSW NSW AlGroup</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Master Builders Association of NSW</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Hunternter</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Newcastle NOW</td>
</tr>
<tr>
<td></td>
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<td>Hunter Chapter, Property Council of Australia</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>Newcastle Tourism Industry Group</td>
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<td>Mayfield Business Association</td>
</tr>
<tr>
<td></td>
<td></td>
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<td>New Lambton Chamber of Commerce</td>
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<td>Throsby Basin Business Chamber</td>
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<td>Hamilton Chamber of Commerce</td>
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<td>Warners Bay Chamber of Commerce</td>
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<td>Business Charlestown</td>
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<tr>
<td>OT2015/00710</td>
<td>Alweld</td>
<td>No</td>
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<td>OT2015/00768</td>
<td>ARTC</td>
<td>No</td>
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<td>OT2015/00709</td>
<td>Austube Mills</td>
<td>No</td>
<td></td>
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<td>OT2015/00782</td>
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<td>Reference #</td>
<td>Organisation</td>
<td>Support?</td>
<td>Notes</td>
</tr>
<tr>
<td>--------------</td>
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<td>----------</td>
<td>-------</td>
</tr>
<tr>
<td>OT2015/00431</td>
<td>Cardiff Joinery</td>
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<tr>
<td>OT2015/00532</td>
<td>Custom transportable buildings</td>
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<td></td>
</tr>
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<td>OT2015/00813</td>
<td>Daracon</td>
<td>No</td>
<td></td>
</tr>
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<td>OT2015/00535</td>
<td>Doto Pty Limited</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>OT2015/00327</td>
<td>Earp Bros</td>
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<td></td>
</tr>
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<td>OT2015/00325</td>
<td>Even better health practices</td>
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<td></td>
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<tr>
<td>OT2015/00704</td>
<td>Frontline Hobbies</td>
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<td></td>
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<td>OT2015/00718</td>
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<td>5465064</td>
<td>Hamilton Chamber of Commerce</td>
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<td>OT2015/00336</td>
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<td>OT2015/00736</td>
<td>Independent dental supplies</td>
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<td>OT2015/00331</td>
<td>Individual</td>
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Dear Mr Gouldthorpe,

I am writing regarding applications under the Public Holidays Act 2010 (the Act) for the declaration of local public holidays and local event days for 2016.

The Act permits the Minister for Industrial Relations to declare a local public holiday, or a local event day for the whole or part of the Council's local government area. This may be limited to a particular location in the Council’s area, such as the boundaries of a particular town or a police district in an area nominated by the Council.

The application may request the declaration of a part day local public holiday or local event day to accommodate the holding of an afternoon event. In recent years a number of councils have made applications nominating the times during which a local public holiday is to apply to facilitate the holding of such events.

In determining whether to apply for a local public holiday, or a local event day, it is important that the Council takes into account the costs to businesses and local communities of declaring a local public holiday within the designated area. It is expected that the Council will undertake a public consultation process on the matter, including consultation with relevant stakeholders, such as the local chambers of commerce; local banks; major employers and local schools located within the designated area.

Where it is proposed to request a half-day local public holiday, consideration should be given to the effect which a half-day holiday will have on local schools and on the transport of school students who attend school on that day. In this regard, it is expected that the consultation process with local schools will take account of the transportation arrangements for students on the half-day.

I have attached for the Council's information, guidelines for the making of applications to the Minister for Industrial Relations for the declaration of local public holidays and local event days.
Consistent with past practice, it is proposed to have the Ministerial Orders deeming the 2015 local public holidays and local event days published by the end of December 2014, or by the middle of January 2015.

Should the Council wish to apply for the declaration of a local public holiday or local event day, it will be necessary for the application to be forwarded to me by Friday, 7 November 2014 to enable sufficient time for the application to be processed.

Any inquiries you may have concerning an application for a local public holiday or local event day may be directed to Peter Boland, Legal Officer, NSW Industrial Relations, on telephone number (02) 9020 4628.

Yours sincerely

Vicki Tellor
Executive Director
NSW Industrial Relations

7 August 2014
Guidelines for Local Public Holiday and Local Event Day applications

The following guidelines are provided to assist in the making of applications to the Minister for Industrial Relations for the declaration of local public holidays and local event days under the Public Holidays Act 2010 (NSW).

Under the Public Holidays Act 2010 all local public holidays (including half-days) must be declared by Order of the Minister and published on the NSW legislation website.

In determining whether to apply for a local public holiday or local event day, it is important that the Council be aware of the potential impact the application will have upon businesses and communities located within designated public holiday areas.

Declaration of a Local Public Holiday

In circumstances where a local public holiday is declared by the Minister, a bank located in the designated holiday area will be required to close unless it holds an approval to open on the day under Part 36 of the Retail Trading Act 2005. Shops located within the designated holiday area are free to open without restriction.

Implications for Employers

The public holiday provisions contained in the National Employment Standards of the Fair Work Act 2009 (Cth) apply to local public holidays declared under the Public Holidays Act 2010. This means that all employees irrespective of their former entitlements and whose place of work is within a local public holiday area will be entitled to be absent from work on the day or half-day that is the local public holiday or half holiday. In addition, employees who work on the day or part day may then have an entitlement to penalty rates under a relevant award or enterprise agreement where previously that entitlement may not have existed.

In considering an application to the Minister for a local public holiday or half-day, it is expected that the Council will consult with the affected community and other relevant stakeholders as to the impact of a local public holiday or half holiday on businesses located in the local government area. As part of that consultation, Council may consider the option of a local event day declaration instead of a public holiday or half holiday.

Declaration of a Local Event Day

The capacity for the Minster to declare a local event day or half-day at the request of a local council is also available under the Public Holidays Act 2010. The Minister must be satisfied that the day or part-day is, and will be observed as, a day of special significance to the community in the area concerned.

The declaration of a local event day or half-day does not preclude banks or shops located within the designated holiday area from opening or trading on the day.

Implications for Employers

A declared local event day does not automatically mean that employers in the particular locality are compelled to treat the day as a public holiday. Entitlements to paid leave or penalty rates on a local event day will only arise where agreed to at the workplace level, usually in the form of an enterprise agreement or by contract. This gives some way to
restoring the industrial arrangements that existed prior to changes in the Commonwealth workplace laws.

The application process
An application for a local public holiday or local event day (including a half-day holiday or local event day) should be made in writing to the Executive Director, NSW Industrial Relations, and lodged on or before 7 November 2014.

It would assist us in the processing of the Council's application if the following information and documents were provided:

1. details relating to the specific date, the designated area and, if relevant, the applicable hours during which the public holiday or local event day is to be observed;
2. supporting information provided to the Council and a copy of the Council's resolution authorising the making of the application;
3. details of alternatives considered by the Council including the declaration a local event day;
4. the extent of community consultation undertaken in respect of the proposal;
5. copies of advertisements seeking public comment and a summary of the public's responses; and
6. copies of correspondence to, and responses from, relevant stakeholders, including bank managers; school principals; and chambers of commerce regarding the Council's proposal.

Copies of sections 5 and 6 of the Public Holidays Act 2010 relating to the declaration of local public holidays and local event days have been provided for the information of the Council.

Wendy Telfer
Executive Director
NSW Industrial Relations
Internal Memo

TO: All Councillors
FROM: Interim Chief Executive Officer
DATE: 10 December 2015
SUBJECT: Newcastle 2016 Show Day Public Holiday Application

In accordance with Council's resolution of 9 December 2014, Council has been preparing to submit an application for a public holiday on Friday 4 March 2016 for the Newcastle Show.

Council's resolution of 9 December 2014 stated:

MOTION: (THE LORD MAYOR)

A. That Newcastle City Council apply to the New South Wales Minister for Industrial Relations for the declaration of a full day Show Day for the Friday of the 2015 Newcastle Show; and

B. This decision becomes the policy of Council and the General Manager is to automatically implement this decision on receipt of future applications.

C. Council receives submissions from the community regarding Newcastle Show Holiday up to 31 December 2014.

Carried

The deadline for the submission to the Minister for Industrial Relations, for a Show Day holiday in March 2016, is 11 December 2015.

Today, Council received a letter from the Newcastle AH&I Association (organisers of the Newcastle Regional Show), addressed to the Lord Mayor, stating that the Board of the Newcastle Show Association has decided not to pursue a public holiday for Friday 4 March 2016 (copy of letter attached).

On this basis, and in line with Council's resolution stated above, Council will not proceed to submit an application at this time.

Frank Cordingley

Enc
3rd December, 2015

Cllr Nuatali Nelmes
Lord Mayor
Newcastle City Council
PO Box 489
Newcastle NSW 2300

Dear Councillor Nelmes,

2016 NEWCASTLE SHOW

I wish to advise that after consideration of the results of Council’s public consultation regarding the support for a public holiday for the Show and economic impact on the business community of the Newcastle and Lake Macquarie LGAs, the Board of the Newcastle Show Association has made the decision not to pursue a Public Holiday for Friday, March 4th 2016.

We thank you and Council for undertaking the consultation as requested by us. We have given careful consideration to what is best for the Newcastle Regional Show for the long term.

We are keen to continue our discussion with you regarding the possibility of a ‘Show’ in October as part of a larger event.

The Association thanks you for your support of the Newcastle Regional Show and we trust that we can continue to work together to take the Newcastle Regional Show to a new level for future generations.

Yours sincerely

Brett Gleeson
President

Newcastle A.H. & I. Association Inc.
Newcastle Showground,
PO Box 53, Broadmeadow 2302
Web: www.newcastleshow.com.au

Phone: 02 4951 2085
Fax: 02 4954 6552
ABN: 85 194 285 274
Corporate Services GC KB
Phone: 02 4974 2070

9 October 2015

Daniel Wallace
Hunter Unions
406-408 King Street
Newcastle NSW 2300

Dear Daniel

PUBLIC HOLIDAY APPLICATION FOR NEWCASTLE REGIONAL SHOW 2016

Newcastle City Council has resolved to apply to the Minister for Industrial Relations to
declare a local public holiday for Friday 4 March 2016 to coincide with the Newcastle
Regional Show which will be held from Friday 4 to Sunday 6 March 2016.

As part of the application process Council is required to take into account the costs to
businesses and the local community in declaring a public holiday. To assist in this regard
Council is undertaking extensive consultation with relevant stakeholders in the community.
The feedback from the consultation will be included with the application.

Council will be seeking feedback on the matter from Monday 19 October to Sunday 1
November 2015 and as a key stakeholder your feedback would be much appreciated.

Survey: Complete the online newcastle.nsw.gov.au (live from Monday 19 October)

Submission: Send a submission to mail@ncc.nsw.gov.au or
Attention: Public holiday proposal for Newcastle Show Day
Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

Face to face: Attend a drop-in session at a local library
Tuesday 20 October - 1.30 to 3pm at Hamilton or 5pm to 6.30pm at City
Saturday 24 October - 9.30 to 11am at New Lambton
Monday 26 October - 10 to 11.30am at Mayfield, 1.30 to 3pm at Beresfield or
4 to 5.30pm at Wallsend

Additional information including links to the online survey will be provided via email on
Monday 19 October 2015.

Yours faithfully

Glen Cousins
DIRECTOR CORPORATE SERVICES
Newcastle City Council
PO Box 489
Newcastle NSW 2300

Re: Newcastle Show Holiday

Dear Councillors,

Newcastle Trades Hall Council has a proud history of collectively representing workers, their families and the broader community in the Hunter Valley Region. Today we represent over 66,000 workers within the Hunter Region, the majority of which live within Newcastle and Lake Macquarie.

NTHC supports the Newcastle City Council’s resolution in applying to the Minister for Industrial Relations for a Local Public Holiday on the 4th March 2016 to coincide with the Newcastle Regional Show Day.

Some of our Unions are making submissions and we have encouraged workers in the region to also express their opinion by way of a submission.

The Newcastle Regional Show Day has played a significant role in shaping our region and the community we live in. Encouraging families and the broader community in the celebration of our region with a focus on the things that give meaning to our lives.

If allowed, we can continue to build on our sense of community in celebrating our region by displaying the Hunter Valley’s world class produce.

A Newcastle Show, Food and Wine Festival would invigorate the event, whilst sewing the bonds of community necessary for a healthy, diverse and prosperous society.

Please don’t hesitate to contact either myself or the Newcastle Trades Hall Council Secretary if you have any questions.

In Unity
Leigh Shears

Hunter Unions Organiser
ITEM-8 CCL 23/02/16 - DEVONSHIRE STREET NEWCASTLE WEST - RAINBOW CROSSING

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

PURPOSE

To report on the consideration of installing a rainbow crossing in Devonshire Street, Newcastle West by the Newcastle City Traffic Committee (NCTC).

RECOMMENDATION

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

KEY ISSUES

2 Council at its meeting on 27 October 2015 resolved that a proposal for the installation of a rainbow crossing at Devonshire Street, Newcastle West be forwarded to the NCTC for consideration.

3 A rainbow crossing is similar to a pedestrian crossing with lines installed in rainbow colours. These have been established in a number of cities worldwide to symbolise a commitment to equality. One rainbow crossing was trialed on Oxford Street, Darlinghurst in 2013 and was ultimately removed by the Roads and Maritime Services (RMS) due to safety issues.

4 A report (item no. 521) was tabled to the 16 November 2015 NCTC meeting. The Committee did not support the installation of the rainbow crossing.

5 The NCTC investigated the feasibility of the rainbow crossing in Devonshire Street and the following issues were considered:
   i) The pedestrian crossing is not warranted in Devonshire Street due to low traffic and pedestrian volumes;
   ii) Additional lighting would be required to be installed;
   iii) The street is only 6m wide. The rainbow colors may not be distinct to passing pedestrians or motorists due to the narrow width; and
   iv) The Star Hotel outdoor dining was approved to operate from 11:00am to 10:30pm in Devonshire Street north of King Street. Devonshire Street will be closed to vehicular traffic approximately 12 hours per day and a pedestrian crossing is not necessary.

6 RMS and NSW Police representatives do not support the rainbow crossing in Devonshire Street.
FINANCIAL IMPACT

7 The financial implication will not be able to be determined if the rainbow crossing is not installed.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 The rainbow crossing if installed is to symbolise commitment to equality among the residents of Newcastle. Rainbow crossings have been implemented in other countries. Installation could provide an additional tourist attraction and additional mechanism for place making. However, installation is not in line with the current NSW Australian Standards or Road Rules.

IMPLEMENTATION PLAN/IMPLICATIONS

9 Nil.

RELATED PREVIOUS DECISIONS

10 Council at its meeting on 28 July 2015 considered a Notice of Motion requesting the investigation of possible sites to install the rainbow crossing.

CONSULTATION

11 No consultation has been conducted by Council as no location has been recommended for the installation of the rainbow crossing at this time.

OPTIONS

Option 1

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

Option 2

13 Council requests the NCTC to reconsider the installation of a rainbow crossing in Devonshire Street. This is not the preferred option.

BACKGROUND

14 Background information is set out in Key Issues 2 - 5 of this report.

REFERENCES

ATTACHMENTS

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

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

PURPOSE

To seek Council endorsement to improve road safety on Blue Gum Road between Newcastle Road and Janet Street. This short section of approximately 400m experiences high pedestrian activity as it encompasses a mix of retail, commercial and residential land uses. The proposed 40km/h High Pedestrian Activity (HPA) project is aimed at reducing vehicle speeds, addressing crashes and providing improved pedestrian accessibility.

RECOMMENDATION

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

KEY ISSUES

2 The proposal for the 40HPA and associated traffic calming measures was granted funding of $174,000 in the 2015-16 Federal Black Spot funding program.

3 The concept proposal was tabled to the Newcastle City Traffic Committee (NCTC) on 17 August 2015 (Item 133). The Committee provided in-principle support and recommended to proceed with community consultation. Council also consulted with Roads and Maritime Services (RMS) and received in-principle support prior to undertaking community consultation.

4 The key components of the concept proposal are as follows:

   i) Entry treatment on Blue Gum Road north of Mordue Parade - this would be the start of the proposed 40km/h HPA area for northbound traffic and would be implemented with a cushion and kerb extension. The southbound lane would have a set of two cushions;

   ii) Kerb extension on Blue Gum Road south of Hirst Street - this treatment would channel all traffic into one northbound lane on approach to the proposed raised pedestrian crossing and would also prevent vehicles from parking too close to the signalised intersection. The kerb extension would also facilitate future installation of a signalised pedestrian crossing across the southern approach of the intersection;

   iii) Set of cushions on Blue Gum Road north of William Street - this would be a mid-block treatment to ensure that vehicle speeds do not exceed the desired 40km/h within the section;
iv) Raised Pedestrian Crossing on Blue Gum Road - the existing pedestrian crossing would be upgraded to a raised (wombat) pedestrian crossing for increased pedestrian safety. It would be complimented by a refuge in the centre and kerb extension in the northbound lane; and
v) Entry treatment on Blue Gum Road north of Janet Street - this would be the start of the proposed 40km/h HPA area for southbound traffic and would be implemented with a road hump and kerb extension.

5 Traffic signal modelling to ascertain the impact the of the proposed southern signalised pedestrian crossing on the operational performance of the Blue Gum Road/Hirst Street intersection is currently being investigated. If inclusion of the signalised pedestrian crossing is found feasible then Council would explore potential funding sources for it to be constructed along with other project components.

6 The following key recommendations were made by NCTC on 21 December 2015 (Item 221):

i) Hunter Valley Buses had requested to replace the proposed road humps with cushions as they are more bus and commuter friendly devices. The NCTC supported retention of the hump (raised threshold) north of Janet Street to create appropriate entry treatment and to slow down traffic which is currently travelling at an average 50km/h speed in that section.
ii) NCTC supported replacing the proposed road hump with a set of cushions and a kerb extension north of William Street. The Committee noted that a set of cushions in combination with the kerb extension can be provided to maintain one travel lane in each direction and to ensure that cars are unable to straddle through.
iii) NCTC also supported installation of the southern signalised pedestrian crossing at the Blue Gum Road/Hirst Street intersection, subject to further investigations (modelling) and securing funding.

7 The revised concept proposal, incorporating the above NCTC recommendations, is forwarded for Council approval.

FINANCIAL IMPACT

8 The project was granted funding of $174,000 in the 2015-16 Federal Black Spot funding program. The adopted budget for this project is $174,000.

COMMUNITY STRATEGIC PLAN ALIGNMENT

9 The project is aligned with the "Liveable and Distinctive Built Environment" strategic direction that has an objective of creating "Mixed-use urban villages supported by integrated transport networks". The project supports the targeted community outcome of providing "walkable neighbourhoods".
IMPLEMENTATION PLAN/IMPLICATIONS

10 The project has been granted funding from the 2015-16 Federal Black Spot funding program. Construction of the project is scheduled to commence in March 2016, subject to Council approval, and will be completed before the end of the financial year in accordance with the program's conditions.

RISK ASSESSMENT AND MITIGATION

11 The proposed 40HPA area project is aimed at reducing vehicle speeds, addressing crashes and providing improved pedestrian accessibility. Appropriate signage and line marking will be provided to improve visibility of the proposed traffic calming measures. Fencing will also be installed on both sides of the road humps and cushions to discourage pedestrians from using it as a crossing point.

RELATED PREVIOUS DECISIONS

12 Nil.

CONSULTATION

13 Community consultation was undertaken from 19 October 2015 to 20 November 2015, with approximately 235 leaflets distributed to affected residents, property owners and businesses. Various stakeholders such as public utilities and bus operators were also sent consultation leaflets. The consultation leaflet and plan is shown in Attachment A.

14 Council received 18 responses from residents and businesses out of which 16 are in favour of the proposal and two are against it. Hunter Water Corporation and Hunter Valley Buses have also responded and are in favour of the proposal. The summary of consultation responses is shown in Attachment B. The two objections are:

i) A resident requested to remove the time restricted ‘1P’ parking on the eastern side of Blue Gum Road outside property No. 37. This request was made since southbound through traffic currently passes on the left of right-turning vehicles into the shopping centre and then weaves out to avoid parked cars. Council proposes to retain the time restricted parking since the proposed kerb extensions at the raised pedestrian crossing would prevent southbound through traffic from passing on the left of right-turning vehicles. It was also noted that the parking lane is required to maintain only one southbound lane.

ii) A resident had recommended a completely different scheme involving proposals such as removal of the existing pedestrian crossing, replacement with traffic signals at the Janet Street intersection and installing pedestrian guardrail along both sides of the road. Council proposes to retain the current proposal with a raised pedestrian crossing and traffic calming devices as traffic signals at the Janet Street intersection would not meet RMS warrants.
OPTIONS

Option 1

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

Option 2

16 Council resolves not to approve the proposed 40HPA area and associated traffic calming measures. This is not the recommended option.

BACKGROUND

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

REFERENCES

ATTACHMENTS

Attachment A: Consultation leaflet and plan
Attachment B: Summary of consultation responses
Blue Gum Road between Newcastle Road and Janet Street has recorded 29 crashes, including 9 pedestrian related crashes, between 2008 and 2013. This short section of approximately 400m experiences high pedestrian activity and is also a key bus route providing connection to the city centre and neighbouring suburbs.

Council proposes to implement a 40km/h High Pedestrian Activity (HPA) area along this section to reduce vehicle speeds, address crashes and provide improved pedestrian accessibility. In this regards, Council has recently received funding from Federal Black Spot Program to implement the project by June 2016.

The 40km/h HPA area proposal would be implemented with traffic calming measures intended to provide appropriate entry treatments and to ensure that vehicle speeds do not exceed desired 40km/h within the section.

A plan of the proposal is shown overleaf. The key components of the proposal are as follows:

- **Entry treatment north of Mordue Parade** - This would be start of the proposed 40km/h HPA area for northbound traffic and would be implemented with a cushion and kerb extension. The southbound lane would have a set of two cushions.
- **Kerb extension south of Hirst Street** - This treatment would channel all traffic into one northbound lane on approach to the proposed raised pedestrian crossing.
- **Road hump north of William Street** - This would be a mid-block treatment to ensure that vehicle speeds do not exceed desired 40km/h within the section.
- **Raised Pedestrian Crossing** - The existing pedestrian crossing would be upgraded to a raised (wombat) pedestrian crossing for increased pedestrian safety. It would be complimented by a refuge in the centre and kerb extension in the northbound lane.
- **Entry treatment north of Janet Street** - This would be start of the proposed 40km/h HPA area for southbound traffic and would be implemented with a road hump and kerb extension.

Council welcomes your comments on this proposal and your feedback will shape the final decision made by Council. Council will assume that anyone choosing not to reply to this letter has no objection to the proposal.

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

- **YES**
- **NO**

Please forward written comments by **20 November 2015** to The General Manager, The City of Newcastle, 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 please contact Dipen Nathwani, Traffic Engineer, on 4974 2663.

Name (Optional):  
Address (Mandatory):  
Comments:  

---

**Protecting your privacy:** The City of Newcastle is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and Council policy.  
**Purpose of collecting personal details:** Council is collecting this information to determine the local community’s views and opinions on the proposal outlined.  
**Intended recipients:** Information provided as part of the consultation will be used as part of the investigation into the proposal, and may be included in future reports on the issue.  
**Storage and security:** Information provided will be stored on Council’s database and will be subject to Council’s information and privacy policies.  
**Access:** Individuals can access data to check accuracy by contacting Council.  

**PLEASE NOTE:** When making written comments or submissions to Council, the following information should be considered – Should an objector consider that the disclosure of their name and address would result in detriment to them the words “OBJECTION IN CONFIDENCE” must be stated prominently at the top of the submission. Council may, however, be obliged to release full details of the submission including the name and address under the relevant access to information legislation, even if these words are in the submission.
BLUE GUM ROAD JESMOND
BETWEEN NEWCASTLE ROAD AND JANET STREET
PROPOSED 40KM/H HIGH PEDESTRIAN ACTIVITY AREA
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<td>It is very dangerous even when you are trying to cross the road, they don’t stop.</td>
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<td>Blue Gum Road</td>
<td>TR2015/00088</td>
<td>227073</td>
<td>Yes</td>
<td>The resident is in support of the proposal however would like the project to be extended to the Blue Gum Road roundabout. Please read the attached letter for further information on his recommendations.</td>
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<td>William Street</td>
<td>TR2015/00091</td>
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<td>Yes, I agree with the 40km/h zone for Blue Gum Road.</td>
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<td>Too many accidents, high traffic area.</td>
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<td>Anonymous</td>
<td>TR2015/00123</td>
<td>228705</td>
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<td>I am agree with 40km/h with in the section at Blue Gum Road, Jesmond.</td>
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<td>229025</td>
<td>Yes</td>
<td>To confirm your survey has been provided to all retailers at Stockland Jesmond, we have requested that they contact you directly with any concerns / issues or to provide their comments in relation to the issue at hand. I note that Stockland Jesmond have no objections to changing the speed out the front at Blue Gum Road to 40km/hr in the high pedestrian area. Please note the due date for comments back for this proposal is 20th November 2015 so there is still time for the retailers to contact you.</td>
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</tr>
<tr>
<td>Blue Gum Road</td>
<td>RD2015/00591</td>
<td>229879</td>
<td>Yes</td>
<td>No comments.</td>
</tr>
<tr>
<td>Anonymous</td>
<td>RD2015/00600</td>
<td>229967</td>
<td>Yes</td>
<td>No comments.</td>
</tr>
<tr>
<td>Blue Gum Road</td>
<td>TR2015/00141</td>
<td>229998</td>
<td>No</td>
<td>The resident does not support the proposal. Please read the attached letter for further information on his recommendations.</td>
</tr>
<tr>
<td>Blue Gum Road</td>
<td>TR2015/00149</td>
<td>230801</td>
<td>No</td>
<td>Introducing this proposal will increase traffic congestion that already exists. If we could only drive our cars without the hazards of looking for changes of speed signs, speed humps and pedestrians. Just let us concentrate on driving. There is already too much congestion going on in this small area. You could consider the high barriers in the middle of the road that stop people strolling and jaywalking whilst they dawdle across the roads at inappropriate areas of this street. Similar to what they have as you drive through Charlestown. Which I think works very well.</td>
</tr>
<tr>
<td>William Street</td>
<td>TR2015/00153</td>
<td>230956</td>
<td>Yes</td>
<td>The resident is in favour of the overall proposal however has recommended that we remove the existing '1P' parking zone on the eastern side of the road, north of William Street. Please read the attached letter.</td>
</tr>
<tr>
<td>Address of Respondent</td>
<td>Request No</td>
<td>Process Id</td>
<td>Response</td>
<td>Summary of Comments</td>
</tr>
<tr>
<td>-----------------------</td>
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<td>---------------------</td>
</tr>
<tr>
<td>Hunter Water Corporation, 36 Honeysuckle Drive, Newcastle</td>
<td>TR2015/00089</td>
<td>227089</td>
<td>Yes</td>
<td>Hunter Water has no objections to the reduced speed limit between Newcastle Road and Janet Street Jesmond. There is a water main which may be affected by the proposed cushion and kerb extensions, approximate location shown on the below plan. Please ensure Dial Before You Dig plans are obtained prior to the design being finalised.</td>
</tr>
<tr>
<td>Hunter Valley Buses</td>
<td>TR2015/00096</td>
<td>227631</td>
<td>Yes</td>
<td>HVB in-principle agrees with the need to reduce speed and accidents on the road however it has reservation with road humps being proposed in the project. It has also highlighted other potential improvements that can be included in the project. Please read the attached email.</td>
</tr>
</tbody>
</table>

| Number of owners/occupier consulted | 235 |
| Number of owners/occupier responded | 18 |
| Response to the Consultation (%) | 8% |
| Owners/occupier in favour of the proposal | 16 |
| Owners/occupier against the proposal | 2 |
ITEM-10  CCL 23/02/16 - PATRICK STREET MEREWETHER - PROPOSED PEDESTRIAN FACILITY AND INTERSECTION IMPROVEMENTS AT WATKINS AND FREDERICK STREET INTERSECTIONS

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

PURPOSE

To report on the upgrade to the existing pedestrian crossing in Patrick Street east of Watkins Street to a wombat crossing (combination of raised threshold and pedestrian crossing) and the installation of a pedestrian refuge in Frederick Street to assist pedestrians in crossing the road. The project also includes road resurfacing works and intersection realignment to improve traffic flow at the intersection.

RECOMMENDATION

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

KEY ISSUES

2 The pedestrian crossing in Patrick Street east of Watkins Street has existed for a number of years and assists pedestrians in the Merewether area to cross the road. There were requests from the elderly residents of the retirement complex in Patrick Street that the footpath on the southern side of Patrick Street at the pedestrian crossing is steep and not convenient for pedestrians using a walker or pram.

3 To improve the footpath grade on the southern side of Patrick Street it is recommended to extend the footpath width and raise the pedestrian crossing to address the grade of the footpath.

4 The island between Watkins Street and Frederick Street is to be realigned to narrow the Frederick Street road width. This is to slow Patrick Street traffic turning left onto Frederick Street. Any trees required to be removed will be replaced in accordance with the street tree selection manual.

5 The footpath on the eastern side of Watkins Street between Patrick Street and Buchanan Street will be widened to accommodate the shared path way. This will remove parking in this location to accommodate the shared zone. A design objective of the project is to maximize available parking for residents as set out at paragraph 13.

6 Road resurfacing and replacement of old kerb and gutter will be carried out at this intersection.
FINANCIAL IMPACT

7 The proposed pedestrian facility improvement at the intersection will be funded through S94 contributions at a cost of $130,000. The road rehabilitation works are funded through Major Assets Preservation Program (MAPPS) at a cost of $397,000. The adopted budget for this project is $527,000.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

IMPLEMENTATION PLAN/IMPLICATIONS

9 Approval of the raised threshold and pedestrian refuge are not delegated to council officers and must be referred to Council for final determination. Approval of the raised threshold does not have any implications on existing or future planning policies. The proposal will support Council’s mission to enhance the quality of life by improving the safety of pedestrians, cyclists and other road users.

RISK ASSESSMENT AND MITIGATION

10 The proposed pedestrian facility improvements (wombat crossing and pedestrian refuge) are intended to reduce risk and increase safety for pedestrians. The improvement to the existing pedestrian crossing has been listed on the PAMP program for implementation to address the steepness of the footpath gradient due to complaints from elderly residents of the area.

RELATED PREVIOUS DECISIONS

11 Nil.

CONSULTATION

12 Consultation has been conducted with residents in the area. A copy of the leaflet sent to the residents is shown in Attachment A. The proposed plan was on public exhibition from 26 November to 31 December 2015. Leaflets were distributed to residents and other stakeholders that may be affected by the proposed change.
13 There were 15 responses received during the consultation period, all supporting the proposal, with one resident raising concern about the loss of parking at the corner of Frederick Street and Patrick Street. To minimise the parking loss, the No Stopping restriction on the western side of Frederick Street will be re-adjusted and moved northerly to maximise parking for the residents. The kerb alignment on the eastern side of Frederick Street (just south of Patrick Street) will be re-adjusted to accommodate the parking and travel lane. The summary of resident responses is shown in Attachment B.

14 The other issue that some residents raised is the safety of pedestrians at the intersection of Patrick Street at the Union Street and Mitchell Street intersections. This issue will be investigated separately as it is not part of the project work.

15 Overall there is majority support for the improvement works in Patrick Street at the intersection of Watkins Street and Frederick Street. The plan (per the consultation leaflet) as shown in Attachment A is forwarded for Council's final determination.

OPTIONS

Option 1

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

Option 2

17 Council resolves not to approve the proposed intersection improvements. This is not the recommendation option.

BACKGROUND

18 Background information is set out in the Key Issues Section 2 - 6 of this report.

REFERENCES

ATTACHMENTS

Attachment A: Consultation leaflet and plan
Attachment B: Summary of resident responses
Council is proposing to improve the existing pedestrian crossing in Patrick Street, east of Watkins Street, by incorporating a raised threshold and re-aligning the intersections at Watkins Street and Frederick Street. A plan of the proposal is shown overleaf.

The proposed improvements will slow down Patrick Street traffic approaching the pedestrian crossing, and the pedestrian refuge in Frederick Street will assist pedestrians in crossing the road.

Your feedback is important for Council in making the final decision. Please forward written comments by 31 December 2015 to:

The Interim Chief Executive Officer
Newcastle City Council
Attention: Traffic and Transport
PO Box 489
NEWCASTLE NSW 2300
Fax: 4974 2222; Email: mail@ncc.nsw.gov.au.

For further information please call Ms Jocelyn Cardona, Traffic and Transport Co-ordinator, on 4974 2666.

Do you agree with the proposed changes at the intersection?  YES □  NO □

Name (Optional): _____________________________ Address: ________________________________

Comments:____________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________

Protecting your privacy: Newcastle City Council is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and Council policy. Purpose of collecting personal details: Council is collecting this information to determine the local community’s views and opinions on the proposal outlined. Intended recipients: Information provided as part of the consultation will be used as part of the investigation into the proposal, and may be included in future reports on the issue. Storage and security: Information provided will be stored on Council’s database and will be subject to Council’s information and privacy policies. Access: Individuals can access data to check accuracy by contacting Council.

PLEASE NOTE: When making written comments or submissions to Council, the following information should be considered – Should an objector consider that the disclosure of their name and address would result in detriment to them the words “OBJECTION IN CONFIDENCE” must be stated prominently at the top of the submission. Council may, however, be obliged to release full details of the submission including the name and address under the relevant access to information legislation, even if these words are in the submission.
<table>
<thead>
<tr>
<th>Reference</th>
<th>Address</th>
<th>Do you agree with the proposed changes at the intersection?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>00185</td>
<td>Patrick St</td>
<td>✓</td>
<td>In principle. A couple of questions: 1. How high will the threshold be? 2. Will the parking outside 75 Patrick St remain? 3. Will access to the affected driveways be affected? 4. How long will job take - est? Answers to these questions would be appreciated.</td>
</tr>
<tr>
<td>00198</td>
<td>Patrick St</td>
<td>✓</td>
<td>Agree, also need something done on corner of Patrick/Mitchell/Union St, cars are always speeding. May be speed humps.</td>
</tr>
<tr>
<td>00197</td>
<td>Patrick St</td>
<td>✓</td>
<td>Great idea!</td>
</tr>
<tr>
<td>00235</td>
<td>Patrick St</td>
<td>✓</td>
<td>While we would welcome improvements at this location, I have the following concerns: We currently run routes 310/320 along with both AM and PM school services using Watkins and Patrick Sts via the following routes:- Inbound routes turn left from Watkins St onto Patrick, and Outbound routes turn right from Patrick St onto Watkins St. While both turns are difficult due to the angle of the turn, the inbound left turn is a very difficult turn in a 12.5m bus. I would suggest an onsite meeting with Council in a bus to sort out any potential problems that may arise for our drivers. (Other comments provided).</td>
</tr>
<tr>
<td>00989</td>
<td>Patrick St</td>
<td>✓</td>
<td>We live just along from this intersection. With the increase in traffic we sometimes have difficulty getting out in the morning because some cars go so fast. This proposal will slow them down so making it easier for us to exit our property. We would also like to see some treatment to the Patrick/Union/Mitchell intersection (sketch attached).</td>
</tr>
<tr>
<td>00190</td>
<td>Patrick St</td>
<td>✓</td>
<td>Something needs to be done to slow the traffic in Patrick St, it is a speedway. Coal trucks shud be banned! No one obeys 50K. Existing crossing is dangerous, cars reluctant to stop and because access to crossing is so poor prams, elderly people find it impossible to use. Widening footpath in Watkins St, 201 bus uses this street? Good idea get rid of parking, changes to Frederick St good idea, very dangerous for pedestrians crossing here. Little park needs attention.</td>
</tr>
<tr>
<td>TR2015/002 74</td>
<td>Buchanan Court Residents Group</td>
<td>I write on behalf of the residents of Buchanan Court, which is a self-car retirement complex. Many of our residents do not have cars, and hence use buses and/or walk to the shops at The Junction. The proposed pedestrian refuge in Frederick St will greatly improve safety eg. We cross there when accessing the 201 bus stops to or from Hamilton. We hope changes to the access to the pedestrian crossing will make it possible for people using walking frames to cross there. At present the sloping path is too dangerous. However, most of our pedestrian movements take place crossing Patrick St near Robey St. This is to 1. Access the 310/320 bus stop which is just beyond Robey St 2. Access Robey St in order to walk to The Junction 3. Access the shops in Patrick St near Robey St. Since you have indicated that it is not possible to have another pedestrian crossing at this location, we wonder if it would be possible to have either speed humps or a pedestrian refuge? These would also benefit those children who use Robey St on their way to school and patrons of the shops near Robey St, many of whom have to park on the opposite side of Patrick St. It would also have the effect of slowing traffic as it approaches the changed crossing near Watkins St. We are aware that the intersection of Patrick, Watkins and Frederick Sts is also a dangerous one for the many motorists who use it, as well as pedestrians, and we would suggest that serious consideration be given to building a roundabout there.</td>
<td></td>
</tr>
<tr>
<td>The Junction Public School P &amp; C</td>
<td>We welcome the proposed safety upgrade to the pedestrian crossing at Patrick Street. We do however wish to take this opportunity to flag that we consider the proposed works do not go far enough to meet the safety needs of our school community. (Submission proposed several additional treatments.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TR2016/000 13</td>
<td>Patrick St</td>
<td>We agree the pedestrian crossing needs amendment and approve the slowing of traffic in Patrick Street, however we have serious concerns re the expense versus benefit of re-aligning the intersection of Watkins and Frederick Street. The existing pedestrian refuge in Frederick Street is more than adequate and functions well. Pedestrian flow is very small across the junction of Frederick Street and Patrick Street. Additionally, most vehicles now enter and leave Frederick Street via Helen Street, or drive via Mitchell Street into Union Street to go to the Junction or Marketown which reduces traffic flow through that junction. As such, we do not understand what benefit we are achieving for the cost of building this refuge, when the outcome is reduced car spaces for residents. The refuge appears to be simply a large unattractive cement pad, especially since the trees are to be removed. We would be disappointed to lose the trees on the existing pedestrian refuge. It is so nice to see greenery, especially since council is attempting to enhance this area for bikes and pedestrians. They are very low maintenance. We would also like to request you do not change the footprint of the curb outside 81A Patrick Street please. We are requesting you do not smooth the corner of Frederick Street turning left into Patrick Street. Speeding drivers need to be slowed by sharper corners. In conclusion we would appreciate if you would consider simply resurfacing the existing footprint at the intersection of Frederick Street and Patrick Street, and reconsider the size of the refuge and not remove anymore parking for residents. <strong>Comments:</strong> Re-adjustment to the kerb will be made to provide additional parking along Frederick Street south of Patrick Street.</td>
<td></td>
</tr>
<tr>
<td>ID</td>
<td>Street</td>
<td>Action</td>
<td>Comments</td>
</tr>
<tr>
<td>------</td>
<td>----------</td>
<td>--------</td>
<td>----------</td>
</tr>
<tr>
<td>00251</td>
<td>Patrick St</td>
<td>✓</td>
<td>Should improve pedestrian road crossing to a great extent. Because of the size of houses being built in Buchanan St and the resulting on street parking, a one way traffic system should be implemented. Buchanan St is no more than a narrow access way at present.</td>
</tr>
<tr>
<td>00257</td>
<td>Patrick St</td>
<td>✓</td>
<td>Great idea. I fully support this what about some speed humps in Patrick St too. It is supposed to be a 50km zone but most people speed.</td>
</tr>
<tr>
<td>00258</td>
<td>Patrick St</td>
<td>✓</td>
<td>Could I suggest slowing down the traffic that enters Watkins St at the corner with Patrick St, then travels southwards to the intersection at Helen St. At present drivers invariably accelerate up a rise to about 50 km/h at the intersection with Buchanan St, then engine brake to the stop sign at Helen St, then accelerate again from the stop sign. We get maximum noise from the traffic and some risk of accident. It will only increase with more bikes etc. A few speed bumps and 40 km/h limit should do it. I'd be happy if it was done right now (rather than wait for the whole job).</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>15 0</td>
</tr>
</tbody>
</table>
ITEM-11 CCL 23/02/16 - HOWE STREET / DURHAM ROAD, LAMBTON - PROPOSED TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENTS

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

PURPOSE

Seek Council endorsement to improve road safety at the Howe Street/Durham Road intersection in Lambton. The proposed traffic signal and intersection improvements are aimed at addressing crashes and providing improved pedestrian accessibility and safety.

RECOMMENDATION

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

KEY ISSUES

2 This project was originally proposed in 2009 and at that time included the following key components:

   i) Traffic signals at Howe Street (Hobart Road) and Durham Road intersection;
   ii) Roundabout at Lambton Road and Hobart Road;
   iii) Full closure of Howe Street at Durham Road (northern end);
   iv) Full closure of Howe Street at Durham Road (southern end); and
   v) Full closure of Avondale Road at Lambton Road (eastern side).

3 Council undertook a wide community consultation on the original proposal from 22 September to 30 October 2009, with approximately 1,000 leaflets distributed in the affected area. Around 78% of the respondents were in favour of the proposed traffic signals at Howe Street (Hobart Road) and Durham Road intersection. Around 74% of the respondents also supported the roundabout at the Lambton Road and Hobart Road intersection. There were objections to the proposal and mixed comments particularly from residents of Lambton Road where parking would have been affected by the proposed roundabout. Concerns were also raised on the proposed closure of Howe Street at Durham Road (southern end) as it was used as a detour by traffic on Hobart Road in the event of flooding outside 129 Hobart Road.

4 Following the consultation, Council undertook further investigations into the flooding issues and tabled a revised proposal to the Newcastle City Traffic Committee (NCTC). The revised proposal provided emergency access through the closed section of Howe Street at Durham Road (southern end) by installation of removable bollards. It also included provision of additional parking spaces on Lambton Road for the residents affected by the roundabout proposal.
5 Council undertook a second community consultation on the revised proposal from 3 September to 8 October 2010, with approximately 240 leaflets distributed to residents and businesses directly affected by the revised proposal. Around 75% of respondents were in favour of the proposed traffic signals at the Howe Street (Hobart Road) and Durham Road intersection. However, there were strong objections from residents of Lambton Road to the proposed roundabout at the Lambton Road/Hobart Road intersection.

6 The outcome of the second community consultation and the revised proposal were tabled during the Ordinary Council Meeting on 3 May 2011 for Council's consideration and approval. Council deferred the proposal pending the outcome of a local traffic study.

7 Following completion of the traffic study, Council submitted a revised proposal seeking funding from the 2015-16 Federal Black Spot funding program for the project. The revised proposal included the following key components:

   i) Traffic signals at Howe Street (Hobart Road) and Durham Road intersection;
   ii) Full closure of Howe Street at property no. 21 to form a cul-de-sac; and
   iii) Retaining the intersection of Howe Street and Durham Road open. This is proposed by installing a Stop sign on Howe Street (southern end) and by providing a driveway access on Howe Street (northern end) for the residents of 106 Durham Road and 15-19 Howe Street.

8 The revised proposal for the traffic signal and associated intersection improvements was granted funding of $750,000 in the 2015-16 Federal Black Spot funding program.

9 A community notification leaflet and plan (Attachment A) was distributed to around 150 affected residents and businesses on 30 November 2015. The residents were advised to provide any further comments on the project by 18 December 2015.

10 A total of eight residents responded to the notification letter. Council has considered their concerns and alternative proposals and details are shown in Attachment B.

11 The intention of this project is to address crashes in the immediate vicinity as supported by the majority of residents in the two consultations and it is not anticipated to have adverse impact on traffic circulation in the area. To confirm this, a local traffic study will be carried out after completion of this project.

12 The revised proposal was supported by the NCTC on 21 December 2015 (Item 223). Council has consulted with RMS on various aspects of the project, especially traffic signal design requirements.

**FINANCIAL IMPACT**

13 The project was granted funding of $750,000 in the 2015-16 Federal Black Spot funding program. The adopted budget for this project is $750,000.
COMMUNITY STRATEGIC PLAN ALIGNMENT

14 The project is aligned with the "Connected City" strategic direction that has an objective of creating "Linked networks of cycle and pedestrian paths". The project supports the targeted community outcome of providing "Pedestrian and cycle movement integrated with public transport".

IMPLEMENTATION PLAN/IMPLICATIONS

15 Construction of the project is scheduled to commence in March 2016, subject to Council approval.

RISK ASSESSMENT AND MITIGATION

16 The proposed intersection improvements are aimed at addressing crashes and providing improved pedestrian and cyclist accessibility and safety. Appropriate signage and line marking will be provided to improve visibility of the proposed measures.

RELATED PREVIOUS DECISIONS

17 Council deferred this project at the Ordinary Council Meeting on 3 May 2011.

CONSULTATION

18 Council has previously conducted community consultation in 2009 and 2011. More than 75% of residents were in support of the proposed traffic signal at the Howe Street/Durham Road intersection during both consultations. Council again distributed community notification leaflets to the affected residents on 30 November 2015.

OPTIONS

Option 1

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

Option 2

20 Council resolves not to approve the proposed traffic signal and intersection improvements. This is not the recommended option.

BACKGROUND

21 Background information is set out in the Key Issues paragraphs 2 to 10 of this report.
REFERENCES

ATTACHMENTS

Attachment A: Consultation leaflet and plan
Attachment B: Summary of responses
There have been 27 crashes, including 14 injury crashes, in the immediate vicinity of Howe Street and Durham Road intersection between 2008 and 2013. To address these crashes, council proposed installation of traffic signal and undertook community consultations in 2009 and 2010. More than 75% of the respondents supported the proposal to install traffic signals at the intersection of Howe Street and Durham Road.

Council wishes to advise residents that it has recently been granted funding for installation of traffic signal through the Federal Black Spot Funding Program. The proposed roundabout at the intersection of Lambton Road and Hobart Road has not been included within the current project. Construction works associated with the traffic signal project are anticipated to commence in March 2016.

A plan of the project with key components is shown overleaf.

If you have any concerns regarding this project, please forward written comments by 18 December 2015 to The General Manager, The City of Newcastle, 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 project please contact Dipen Nathwani on 4974 2663.

Name (Optional): Address:

Comments:

Protecting your privacy: The City of Newcastle is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and Council policy. Purpose of collecting personal details: Council is collecting this information to determine the local community’s views and opinions on the proposal outlined. Intended recipients: Information provided as part of the consultation will be used as part of the investigation into the proposal, and may be included in future reports on the issue. Storage and security: Information provided will be stored on Council’s database and will be subject to Council’s information and privacy policies. Access: Individuals can access data to check accuracy by contacting Council.

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Howe Street/ Durham Road Intersection, Lambton
Proposed Traffic Signal and Intersection Treatments
## COUNCIL RESPONSES TO THE RESIDENTS CONCERNS/ ALTERNATIVE PROPOSALS
### HOWE STREET/ DURHAM ROAD INTERSECTION, LAMBTON - PROPOSED INTERSECTION IMPROVEMENTS

<table>
<thead>
<tr>
<th>No.</th>
<th>Council Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>Installation of a roundabout at Howe Street (Hobart Road) and Durham Road intersection</strong> - Council considered the roundabout option in the early stage of design however it was discounted as various geometric problems caused by the number of roads approaching the intersection could not be overcome. Traffic signals are the preferred treatment as they provide safer pedestrian and cyclist crossing facility.</td>
</tr>
<tr>
<td>2</td>
<td><strong>Closure of Durham Road at the median with Howe Street and diverting all westbound and eastbound traffic to a roundabout at Lambton Road and Hobart Road</strong> - Council in November 2000 had proposed a low cost treatment of closing Durham Road at the median with Howe Street. Around 63% of the residents objected to the proposal. Council in 2009 and 2011 also proposed a roundabout at Lambton Road/Hobart Road intersection however this proposal received strong objections from the residents of Lambton Road.</td>
</tr>
<tr>
<td>3</td>
<td><strong>Howe Street, north of Durham Road, be kept open and the alignment improved at its 'Y' intersection as it would provide a flood free passage through the area</strong> - Council has proposed to keep Howe Street, south of Durham Road, open to allow access through the area in case of flooding. The street, north of Durham Road, has been proposed to be closed to address crashes at the existing 'Y' intersection.</td>
</tr>
<tr>
<td>4</td>
<td><strong>Two sections of Howe Street (Hobart Road) between Rosmar Street and Durham Road and between Durham Road and 'Y' intersection be closed</strong> - this option does not address crashes at the intersection but would transfer the problem elsewhere. Howe Street (Hobart Road) has a wider carriageway width than Howe Street (outside property no. 9) and can safely accommodate swept paths of heavy vehicles.</td>
</tr>
<tr>
<td>5</td>
<td><strong>The current proposal relocates the southbound bus stop to the front of property number 129 Hobart Road which gets inundated during floods</strong> - the southbound bus stop is being relocated from its current location north of Durham Road so as to ensure it does not interrupt operation of the proposed traffic signals. In case of flooding, buses would be diverted to alternate route/s along with other traffic.</td>
</tr>
<tr>
<td>6</td>
<td><strong>The relocated southbound bus stop fronting property number 129 Hobart Road would occupy the existing on-street unrestricted parking spaces that are used by visitors of Council's aged unit complex which accommodates ten residents. It has been highlighted that Council does not permit visitors to park within the premises and such a proposal would greatly inconvenience aged residents if they have to walk to visitors’ cars parked at a greater distance</strong> - Council considers the proposed location as the best option since relocating it further south would bring it in close proximity of another southbound bus stop (&gt;130m). Council has clarified with the residents of the aged unit complex that their visitors are permitted to use the property’s off-street parking.</td>
</tr>
<tr>
<td>7</td>
<td><strong>Cars currently park on the western side of Durham Road between Howe Street and the swimming pool entrance which would impact operation of the proposed traffic signal</strong> - a minimum 20m of No Stopping restriction would be implemented on all approaches and departures of the intersection as per standard practice for a signalised intersection in compliance with Road Rules. These restrictions are anticipated to ensure smooth operation of the intersection.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>8</td>
<td><strong>The proposed traffic signals would result in queuing across Rosmar Street and Karoola Road</strong> - the traffic signal modelling, conducted using a recent traffic survey, indicated that queue lengths on Howe Street (south) and Durham Road (east) would not extend beyond the intersection of Rosmar Street and Karoola Road during any peak period. Access to Rosmar Street and Karoola Road is therefore not anticipated to be impacted by the proposed traffic signals.</td>
</tr>
<tr>
<td>9</td>
<td><strong>Closing off access to Howe Street (north of Durham Road) would result in increased traffic and congestion on Lambton Road</strong> - closure of Howe Street (north of Durham Road at property no. 21) is anticipated to divert traffic to Hobart Road through various southern intersections such as Rugby Road, Avondale Road and Tyrone Road. Lambton Road is thus anticipated to witness a net reduction in traffic on approach to Durham Road. The project would in effect make Hobart Road (Howe Street) a main thoroughfare with traffic signals at Durham Road intersection providing safer passage.</td>
</tr>
<tr>
<td>10</td>
<td><strong>The intersections of Lambton Road with Alma Road and Royal Place have not been adequately addressed in the project.</strong> The intersection of Lambton Road with Alma Road already has traffic signals and is under the control of Roads and Maritime Services (RMS). Council will request RMS to consider amending signal phasing times to optimize intersection performance on implementation of this project to accommodate any changes to traffic circulation. The intersection of Lambton Road and Royal Place has witnessed only two injury crashes between 2008 and 2013 and is unlikely to receive funding from the Federal Black Spot program for further improvements. Council will investigate safety at this intersection separately and will recommend any remedial measures and potential internal funding sources if required.</td>
</tr>
</tbody>
</table>
ITEM-12 CCL 23/02/16 - HOWE STREET/MOREHEAD STREET, LAMBTON - PROPOSED INTERSECTION IMPROVEMENTS

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

PURPOSE

Seek Council endorsement to improve road safety at the Howe Street/Morehead Street intersection. The proposed intersection improvements are aimed at addressing crashes and providing improved pedestrian and cyclist accessibility and safety.

RECOMMENDATION

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

KEY ISSUES

2 The proposal for intersection improvements was granted funding of $147,000 in the 2015-2016 Federal Black Spot funding program.

3 The concept proposal was tabled to Newcastle City Traffic Committee (NCTC) on 21 December 2015 (Item 222) and it provided in principle support and recommended to proceed with community consultation. Council had also consulted the RMS and received in principle support prior to undertaking community consultation.

4 The key components of the concept proposal are as follows:

   i) Kerb extension on the north-eastern corner of the intersection to provide a safer left-turn movement and to provide only one southbound lane on Morehead Street for through and left-turning traffic;

   ii) Kerb extensions on Howe Street to bring forward Stop signs and lines and to make the existing pedestrian (zebra) crossing compliant and safer; and

   iii) Pedestrian refuge on Howe Street (north) to provide protection to pedestrians and cyclists.

FINANCIAL IMPACT

5 The project was granted funding of $147,000 in the 2015-2016 Federal Black Spot funding program. The adopted budget for this project is $147,000.
COMMUNITY STRATEGIC PLAN ALIGNMENT

6 The project is aligned with the "Liveable and Distinctive Built Environment" strategic direction that has an objective of creating "Mixed-use urban villages supported by integrated transport networks". The project supports the targeted community outcome of providing "walkable neighbourhoods".

IMPLEMENTATION PLAN/IMPLICATIONS

7 The project has been granted funding from the 2015-16 Federal Black Spot funding program. Construction of the project is scheduled to commence in March 2016, subject to Council approval, and will be completed before the end of the financial year in accordance with the program's conditions.

RISK ASSESSMENT AND MITIGATION

8 The proposed intersection improvements are aimed at addressing crashes and provide improved pedestrian and cyclist accessibility and safety. Appropriate signage and line marking will be provided to improve visibility of the proposed measures.

RELATED PREVIOUS DECISIONS

9 Nil.

CONSULTATION

10 Community consultation was undertaken from 5 January 2016 to 2 February 2016; with approximately 14 leaflets distributed to affected residents, property owners and businesses. Various stakeholders such as public utilities and bus operators were also sent consultation leaflets. The consultation leaflet is shown in Attachment A.

11 Council has received four responses from residents and businesses out of which two are in favour of the proposal and two against. No response has been received from any of the stakeholders. The consultation leaflet included the following statement "Council will assume that any resident choosing not to reply to this letter has no objection to the proposal". The summary of consultation responses is shown in Attachment B.

12 There has been no changes to the concept proposal that was included in the consultation leaflet and the proposal is forwarded for Council approval.

OPTIONS

Option 1

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

15 Council resolves not to approve the proposed improvements. This is not the recommended option.

BACKGROUND

16 Background information is presented in the Key Issues sections 2 to 4 of this report.

REFERENCES

ATTACHMENTS

Attachment A: Consultation leaflet and plan
Attachment B: Summary of consultation responses
Community Consultation

To The Owner/ Occupier

Howe Street and Morehead Street Intersection, Lambton
Proposed Intersection Improvements

5 January 2016

There have been 14 crashes, including 6 injury crashes, at the intersection of Howe Street and Morehead Street between 2008 and 2013. To address these crashes, Council proposes to make intersection improvements and has recently received funding from the Federal Black Spot Program to implement the proposal by June 2016.

A plan of the proposal is shown overleaf. The key components of the proposal are as follows:

- Kerb extension on the north-eastern corner of the intersection - to have a safer left-turn movement and to provide only one southbound lane on Morehead Street for through and left-turning traffic;
- Kerb extensions on Howe Street - to bring forward Stop lines on Morehead Street and to make the existing pedestrian (zebra) crossing compliant and safer;
- Pedestrian refuge on Howe Street (north) - to provide protection to pedestrians and cyclists.

Council welcomes your comments on this proposal and your feedback will shape the final decision made by Council. Council will assume that any resident choosing not to reply to this letter has no objection to the proposal.

Are you in favour of the proposal (please tick)? YES □ NO □

Please forward written comments by 2 February 2016 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 please contact Dipen Nathwani, Traffic Engineer, on 4974 2663.

Name (Optional): ___________________________________ Address (Mandatory): ___________________________________

Comments: ___________________________________________________________ ________________________________

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Protecting your privacy: The City of Newcastle is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and Council policy.

Purpose of collecting personal details: Council is collecting this information to determine the local community’s views and opinions on the proposal outlined. Intended recipients: Information provided as part of the consultation will be used as part of the investigation into the proposal, and may be included in future reports on the issue. Storage and security: Information provided will be stored on Council’s database and will be subject to Council’s information and privacy policies. Access: Individuals can access data to check accuracy by contacting Council.

PLEASE NOTE: When making written comments or submissions to Council, the following information should be considered – Should an objector consider that the disclosure of their name and address would result in detriment to them the words “OBJECTION IN CONFIDENCE” must be stated prominently at the top of the submission. Council may, however, be obliged to release full details of the submission including the name and address under the relevant access to information legislation, even if these words are in the submission.
SUMMARY OF THE CONSULTATION
HOWE STREET/MOREHEAD STREET INTERSECTION, LAMBTON - PROPOSED INTERSECTION IMPROVEMENTS

<table>
<thead>
<tr>
<th>Address of Respondent</th>
<th>Request No</th>
<th>Response</th>
<th>Summary of Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anonymous</td>
<td>TR2016/00049</td>
<td>No</td>
<td>The proposed changes will not alleviate current traffic issues unless the right turn from Howe Street to Morehead Street is addressed and possibly relocate bus stop on Howe Street to the western side of the Howe Street pedestrian crossing. The hazards at this intersection need to be managed or eliminated, traffic lights or roundabout are the obvious solution.</td>
</tr>
<tr>
<td>Pearson Street</td>
<td>TR2016/00105</td>
<td>No</td>
<td>This will severely bottleneck traffic by removing two lanes of traffic to assist pedestrian flow. Best solution is to move the crossing or build traffic lights.</td>
</tr>
<tr>
<td>Howe Street</td>
<td>TR2016/00069</td>
<td>Yes</td>
<td>The resident is in favour of the proposal however has concerns that it does not mitigate cross-traffic crashes that arise when traffic on Morehead Street fail to stop at the intersection. The resident has suggested that painted fluoro yellow speed humps be installed at the intersection on approaches of Morehead Street.</td>
</tr>
<tr>
<td>Howe Street</td>
<td>TR2016/00106</td>
<td>Yes</td>
<td>The resident is in favour of the proposal however has requested to install speed humps on Morehead Street so that traffic notices Stop signs. The resident has requested to omit the proposed kerb extension on the south-east corner of the intersection as it would increase queuing due to high volume of westbound right-turning vehicles and would potentially increase rear-end crashes. The resident has requested that speed limit on Howe Street should be reduced to 50km/h to reduce the number and severity of crashes. The resident has further requested to consider raising the pedestrian crossing to improve safety for residents and to slow down traffic.</td>
</tr>
</tbody>
</table>

| Number of owners/occupier consulted | 14 |
| Number of owners/occupier responded  | 4  |
| Response to the Consultation (%)     | 28%|
| Owners/occupier in favour of the proposal | 2 |
| Owners/occupier against the proposal  | 2 |
ITEM-13  CCL 23/02/16 - BROADMEADOW ROAD / JACKSON STREET, BROADMEADOW - PROPOSED INTERSECTION IMPROVEMENTS AND SHARED PATH

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

PURPOSE

Seek Council endorsement to improve road safety at the Broadmeadow Road/Jackson Street intersection. The proposed intersection improvements and shared path are aimed at addressing crashes and providing improved pedestrian and cyclist accessibility and safety.

RECOMMENDATION

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

KEY ISSUES

2 The proposal for intersection improvements was granted funding of $100,000 in the 2015-2016 NSW Safer Roads funding program.

3 The concept proposal was tabled to Newcastle City Traffic Committee (NCTC) on 21 December 2015 (Item 224) which provided in-principle support and recommended to proceed with community consultation. Council also consulted the RMS and received in-principle support prior to undertaking community consultation.

4 The principal deficiency at the intersection is restriction of sight distance at the eastbound approach of Jackson Street. Sight distance to the south is restricted by the presence of concrete handrails attached to the bridge over the stormwater channel. Sight distance to the north is restricted by industrial/commercial buildings and parked cars on the western side of Broadmeadow Road.

5 The key components of the concept proposal are as follows:
   i) Install Stop signs and lines on the approaches of Jackson Street to compel eastbound and westbound traffic to stop at the intersection before proceeding;
   ii) Remove two unrestricted parking spaces on the western side of Broadmeadow Road by realigning the kerb to improve sight distance to the north for eastbound traffic and to bring forward the Stop line;
   iii) Install a pedestrian refuge on Broadmeadow Road (south) to provide protection to pedestrians and cyclists travelling across the road on the proposed shared path; and
   iv) Install painted chevron markings to improve visibility of northbound traffic for eastbound vehicles and to delineate the proposed refuge.
6 Council has already installed Stop signs and lines on the approaches of Jackson Street as an interim measure until the overall project is implemented.

7 Along with the above Black Spot proposal, Council is also constructing a shared path on the southern side of Jackson Street between Denney Street and Griffiths Road and a children's crossing with kerb extensions outside Hamilton North Public School.

FINANCIAL IMPACT

8 The project was granted funding of $100,000 in the 2015-2016 NSW Safer Roads funding program. The adopted budget for this project is $100,000.

COMMUNITY STRATEGIC PLAN ALIGNMENT

9 The project is aligned with the "Connected City" strategic direction that has an objective of creating "Linked networks of cycle and pedestrian paths". The project supports the targeted community outcome of providing "Active transport for work and leisure".

IMPLEMENTATION PLAN/IMPLICATIONS

10 The project has been granted funding from the 2015-2016 NSW Safer Roads funding program. Construction of the project is scheduled to commence in March 2016, subject to Council approval, and will be completed before the end of the financial year in accordance with the program's conditions.

RISK ASSESSMENT AND MITIGATION

11 The proposed intersection improvements are aimed at addressing crashes and providing improved pedestrian and cyclist accessibility and safety. Appropriate signage and line marking will be provided to improve visibility of the proposed measures.

RELATED PREVIOUS DECISIONS

12 NCTC on 21 December 2015 provided in-principle support to the proposal.

CONSULTATION

13 Community consultation was undertaken from 4 January 2016 to 2 February 2016; with approximately 53 leaflets distributed to affected residents, property owners and businesses. Various stakeholders such as public utilities and bus operators were also sent consultation leaflets. The consultation leaflet and plan is shown in Attachment A.
14 Council has received no responses from residents and businesses. Hamilton Fire Station has sent a favourable response to the proposal. The consultation leaflet included the following statement “Council will assume that any resident choosing not to reply to this letter has no objection to the proposal. The summary of consultation response is shown in Attachment B.

15 There has been no changes to the concept proposal that was included in the consultation leaflet and the proposal is forwarded for Council approval.

OPTIONS

Option 1

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

Option 2

17 Council resolves not to implement the proposed improvements. This is not the recommended option.

BACKGROUND

18 Background information is presented in the Key Issues sections 2 to 7 of this report.

REFERENCES

ATTACHMENTS

Attachment A: Consultation leaflet and plan
Attachment B: Summary of consultation responses
To The Owner/ Occupier

Broadmeadow Road and Jackson Street, Broadmeadow
Proposed Intersection Improvements & Shared Path

4 January 2016

There have been 10 crashes in the immediate vicinity of Broadmeadow Road/ Jackson Street intersection between 2008 and 2013. To address these crashes, Council proposes to make intersection improvements and has recently received funding from the Federal Black Spot Program to implement the proposal by June 2016.

A plan of the proposal is shown overleaf. The key components of the proposal are as follows:

- Remove two unrestricted parking spaces on the western side of Broadmeadow Road by realigning the kerb - to improve sight distance to the north for eastbound traffic and to bring forward Stop line;
- Install a pedestrian refuge on Broadmeadow Road (south) - to provide protection to pedestrians and cyclists travelling across the road on the proposed shared path;
- Install painted chevron markings - to improve visibility of northbound traffic for eastbound vehicles and to delineate the proposed refuge.

Along with the above Black Spot proposal, Council is also constructing a shared path on the southern side of Jackson Street between Denney Street and Griffiths Road and a children's crossing with kerb extensions outside Hamilton North Public School.

Council welcomes your comments on this proposal and your feedback will shape the final decision made by Council. Council will assume that any resident choosing not to reply to this letter has no objection to the proposal.

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

YES ☐ NO ☐

Please forward written comments by 2 February 2016 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 please contact Dipen Nathwani, Traffic Engineer, on 4974 2663.

Name (Optional): __________________________ Address (Mandatory): __________________________

Comments: ____________________________________________________________

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<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Request No</th>
<th>Address of Respondent</th>
<th>Number of owners/occupier consulted</th>
<th>Number of owners/occupier responded</th>
<th>Response to the Consultation (%)</th>
<th>Owners/occupier in favour of the proposal</th>
<th>Owners/occupier against the proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hamilton Fire Station</td>
<td>TR2016/00071</td>
<td>No comments.</td>
<td>53</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
ITEM-14 CCL 23/02/16 - 131 - 133 CROUDACE ROAD ELMORE VALE - ENDORSEMENT OF PROPOSED AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

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

PURPOSE

This report seeks Council's endorsement of a Planning Proposal to commence the statutory process to prepare an amendment to Newcastle Local Environmental Plan (LEP) 2012 to rezone land at 131-133 Croudace Road Elermore Vale (Lots A and B, DP 412510) from R2 Low Density Residential to B2 Local Centre.

RECOMMENDATION

1 Council resolves to:

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

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

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

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

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

as outlined in the Planning Proposal at Attachment A.

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

iii) Advise the Secretary of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 59(1) of the EP&A Act 1979.
iv) Receive a report back if a written objection is received during consultation with the community as per the requirements of Section 57 of the EP&A Act 1979, otherwise forward the Planning Proposal to the Secretary, Planning and Environment requesting the proposed amendment to Newcastle LEP 2012 be made.

KEY ISSUES

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

3 The requested rezoning from R2 Low Density Residential to B2 Local Centre will enable redevelopment of the site for commercial purposes in conjunction with the future redevelopment of the adjoining Elermore Vale commercial centre.

4 While the proposal will result in the loss of approximately 4,000m² of land zoned for low density residential development, some forms of residential accommodation will remain permissible under the proposed zone, such as shoptop housing.

5 It is considered that the potential positive social and economic effects of amalgamating the site with the Elermore Vale Shopping Centre outweigh the loss of residential land by improving the quality and range of services available to the local community.

6 Issues in relation to traffic management as a result of the proposed rezoning may be addressed when the details of a development application are known.

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

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

9 Council is able to recoup from the applicant the costs associated with the preparation of a draft planning proposal, undertaking consultation, and preparation of technical studies, pursuant to Clause 11 of the Environmental Planning and Assessment (EP&A) Regulation 2000.

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

11 Where costs are unable to be recouped partly or in full, work will be undertaken by Council's Strategic Planning Services staff within their current allocated work program and budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

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

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

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

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

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

CONSULTATION

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

19 The Gateway Determination will confirm which State agencies are to be consulted and the consultation requirements, which is envisaged to include a public notice in the Newcastle Herald and publication on Newcastle City Council's website.

OPTIONS

Option 1

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

Option 2

21 Council resolves not to proceed with the Planning Proposal. This is not the recommended option as it would not enable the necessary amendments to allow appropriate redevelopment of the site, or the opportunity for the community to provide feedback on this proposal.

BACKGROUND

22 Council received a request to amend Newcastle LEP 2012 to enable land at 131-133 Croudace Road, Elermore Vale (Lot A and B, DP 412510) to be rezoned from R2 Low Density Residential to B2 Local Centre. The applicant advises that it is intended for the site to be amalgamated (via a separate boundary adjustment process) with Elermore Vale Shopping Centre for future redevelopment. The Planning Proposal will enable a redevelopment of the overall site that will improve the quality and range of services available to the local community, provide employment opportunities and potentially improve connectivity between the site and adjoining recreation land and community uses.
23 The request was considered by Council's internal LEP Advisory Panel, as per Council's 'Local Environmental Plan - Request for Amendment Policy'. The panel consists of a range of experts in various fields who advise on potential issues to be addressed and identify studies required supporting the proposal. There were no objections raised by the Panel to the Planning Proposal. It was determined that matters in relation to traffic management and connections with adjoining sites could be addressed at the development application stage.

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

**ATTACHMENTS**

**Attachment A:** Planning Proposal - Land Adjoining Elermore Vale Shopping Centre - Rezoning from *R2 Low Density Residential* to *B2 Local Centre*

Attachment A distributed under separate cover.
ITEM-15 CCL 23/02/16 - ADOPTION OF THE MULTICULTURAL PLAN 2016 - 2019

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

PURPOSE

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

RECOMMENDATION

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

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

KEY ISSUES

3 On 27 October 2015 Council resolved to:
   i) Place the draft Multicultural Plan as provided in Attachment A on exhibition for 4 weeks.
   ii) Receive a report back on the outcomes of the public exhibition.

4 The draft Multicultural Plan was publicly exhibited for 4 weeks between 2 November 2015 and 30 November 2015. Two written submissions were received (summarised in Attachment B). Both submissions provided positive support for the document.

5 The draft Multicultural Plan 2016-2019 outlines Council's vision, priority areas and partnership opportunities in promoting the principles of multiculturalism. The majority of submissions were positive in their support for the strategic direction and priority areas of the plan.

6 An issue raised was a preference for presenting the draft Plan with a focus on various stakeholder groups within the Newcastle multicultural community. The draft Multicultural Plan was developed within the Multicultural NSW 'Multicultural Planning Framework' and this has provided the starting point and structure for this plan. The focus of the planning framework is to outline the priority areas, strategies and corporate responsibilities for the implementation of the principles of multiculturalism and addresses fundamental 'access and equity' issues.
FINANCIAL IMPACT

7 The draft Multicultural Plan 2016-2019 was developed within existing resources. For new programs, projects and services, the document identifies that funding will be sought through the Council's budget processes or through grant funding when available. This four year document will inform future actions in the Delivery Program and Operational Plan.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 The draft Multicultural Plan 2016-2019 will provide a strategic framework for the delivery of actions that will work towards achieving the community's vision for Newcastle.

9 The draft Multicultural Plan 2016-2019 actions fall primarily within the Community Strategic Plan objectives of:
   i) Vibrant and Activated Public Places
   ii) Caring and Inclusive Community.

IMPLEMENTATION PLAN/IMPLICATIONS

10 The draft Multicultural Plan 2016-2019 has been developed within existing resources. Many of the actions in the plan will be funded through existing Council budgets. For policy review and development or new programs and projects, funding will be sought through the Council's budget processes or through grant funding when available.

RISK ASSESSMENT AND MITIGATION

11 There is no risk in adopting the Strategy. The Multicultural Plan 2016-2019 is an evidence based plan with recommendations supported by extensive background research and community engagement.

RELATED PREVIOUS DECISIONS

12 On 24 March 2015, Council resolved to:

   1 Reaffirm its support for multiculturalism and harmonious integration as set out in the principles and objectives of Council's "Ethnic Affairs Statement 2008 to 2011".

   2 Reaffirm Newcastle City Council's (NCC) commitment to Newcastle as a Welcome City for Refugees.

   3 In keeping with our status as a Welcome City for Refugees NCC will sign the Refugee Welcome Zone Declaration and forward same for Registration with the Refugee Council of Australia.

   4 Council notes that the Council's Ethnic Affairs Policy Statement is under review and will take into account demographic changes in Newcastle's multicultural population.
13 On 27 October 2015 Council considered a report on the draft Multicultural Plan and resolved to:

a) Place the draft Multicultural Plan as provided in Attachment A on exhibition for 4 weeks.

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

CONSULTATION

14 Consultations with external community stakeholders and Council staff were held on 20 May 2015. A broad range of multicultural community service providers, groups and individuals participated in the external stakeholders' workshop held at Jesmond Neighbourhood Centre.

15 A comprehensive engagement plan was developed for the exhibition of the draft Multicultural Plan. A multifaceted approach was undertaken to maximise exposure and included:

i) 4 week exhibition period

ii) Display advertisements in the Newcastle Herald and the Star

iii) Council website

iv) Media release (including Lord Mayor article)

v) Comprehensive distribution of information and email links through various interagency distribution networks and newsletters to key stakeholders, including government agencies, community and industry groups

vi) Documents displayed at Council libraries (Newcastle, Wallsend and Hamilton) and Customer Enquiry Centre

vii) The August Newcastle Interagency theme was the community planning suite of documents, including the draft Multicultural Plan.

16 As a result of the exhibition Council received two written submissions (summarised in Attachment B).

OPTIONS

Option 1

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

Option 2

18 Council resolve not to adopt the draft Multicultural Plan. This would not enable the Council resolution of 24 March 2015 to be implemented effectively nor provide Council the opportunity to invite community and stakeholder feedback on the draft document. This is not the recommended option.
BACKGROUND

19 The approach for the development of this plan has been founded on a range of research and engagement methodologies, including a literature review, demographic analysis and trends in immigration data, review of relevant Council plans and policies, and consultative forums with community stakeholders (community representatives, government and non-government service providers) and Council staff.

20 This Plan builds on previous strategic multicultural plans (Ethnic Affairs Priority Statement 2004-2007 and 2008-2011) which affirmed Council's commitment to multiculturalism and Newcastle as a Welcome Zone for Refugees.

21 Multicultural NSW (formerly known as the Community Relations Commission) provides a range of resources to assist councils to develop and deliver multicultural outcomes through their Multicultural Policies and Services Program (MPSP). The Multicultural NSW 'Multicultural Planning Framework' has provided the starting point and structure for this plan. Also relevant is the Multicultural NSW Harmony in Action, Strategic Plan 2014-17 which supports a 'whole of government' approach.

ATTACHMENTS

Attachment A: Multicultural Plan 2016-2019
Attachment B: Summary of written submissions

Attachments are distributed under separate cover.
ITEM-16  CCL 23/02/16 - ADOPTION OF COUNCIL GRANT AND SPONSORSHIP PROGRAMS

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

PURPOSE

To adopt sponsorship and grant policies following public exhibition. This includes a new policy for the Recreation Facilities Grant Program and amendments to the Events Sponsorship (ESP), Economic Development (EDSP), Community Assistance (CAP) and Place Making (PMP) policies.

RECOMMENDATION

1 Council adopt policies for sponsorship and grant policies set out in Attachments A, B, C, D and E.

KEY ISSUES

2 Council resolved to place amended sponsorship and grant policies on public exhibition at the Ordinary Council meeting in December 2015. The policies were advertised for public comment and no submissions were received.

3 The changes in the documents include:
   i) Update references to relevant Council's strategies including the Economic Development Strategy (adopted September 2015) and Social Strategy (adopted December 2015).
   ii) Revised panel size and to improve objectivity as per the audit recommendations.
   iii) New clause inserted clarifying officers will liaise with applicants to ensure the most appropriate grant or sponsorship program is applied for.
   iv) Clause 7.13 (ESP and EDSP) to specify sponsorship can't be used for furniture, travel, salaries and private expenditure.
   v) Section 7 - include a clause to identify that a preliminary risk assessment may be required for some projects.
   vi) New clause added in section 9, that if the panel cannot reach agreement, the panel recommendations be forwarded to Council to determine.
   vii) Clause 10.5 amended to include reference to Council's Code of Conduct.
   viii) Section 10 - new clause noting that successful applicants are still required to obtain all necessary statutory approvals.
4 In addition, clause 5.5 in the CAP which prohibited applicants from receiving any other kind of Council support in the same financial year for the same event / project / service / activity has been removed given the modest size of the CAP grants. This year, the maximum grant was $5,000.

5 The new draft Recreation Facilities Grant Program policy is consistent with Council's other grant program policies.

FINANCIAL IMPACT

6 There is no financial impact from adopting the amended policies. Council will determine through the annual budget process the budget for each sponsorship and grant program.

COMMUNITY STRATEGIC PLAN ALIGNMENT

7 Sponsorship and grants from Council assist many sectors of the community and help Newcastle to be a caring and inclusive community and create vibrant and activated public places, in a smart and innovative city.

IMPLEMENTATION PLAN/IMPLICATIONS

8 The policy procedures ensure open and transparent processes to allocate sponsorships and grants will be implemented.

RISK ASSESSMENT AND MITIGATION

9 A strong and consistent policy framework across the grants and sponsorship programs will ensure Council meets all requirements of the Local Government Act.

RELATED PREVIOUS DECISIONS

10 Council resolved on 8 December 2015, to place the new and amended Sponsorship and Grant Policies on public exhibition. This included the Events Sponsorship Policy, Economic Development Sponsorship Policy, Community Assistance Grant Policy, Place Making Grant Policy and Recreation Facilities Grant Policy.

CONSULTATION

11 The policies were advertised for 6 weeks between 12 December 2015 and 25 January 2016. No submissions were received.

12 An advertisement was placed in the Newcastle Herald, information placed on Council's website and previous sponsorship and grant recipients were notified.
OPTIONS

Option 1

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

Option 2

14 Council not adopt the amended policies for comment. This is not the recommended option as audit recommendations to improve the processes would not be implemented. This is not the recommended option.

BACKGROUND

15 Council has provided sponsorship and grants in various forms for decades. The policies provide clarity on the purpose, process and audit requirements of the policies.

REFERENCES

ATTACHMENTS

Attachment A: Events Sponsorship Policy
Attachment B: Economic Development Sponsorship Policy
Attachment C: Community Assistance Program Policy
Attachment D: Place Making Grant Policy
Attachment E: Recreation Facilities Grant Policy

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

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

PURPOSE

To seek Council's approval to temporarily suspend the Alcohol Free Zones (AFZ) in Beaumont, Cleary, James, Lindsay and Denison Streets Hamilton from 6am to 8pm on Sunday 13 March 2016 for the purpose of the Beaumont Street Festival 2016.

RECOMMENDATION

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

KEY ISSUES

2 A new Council policy adopted on 24 November 2015, re-established AFZs in locations across the City and required Council approval be sought for the lifting of AFZs when an approved festival or function is held.

3 Any lifting of an AFZ must be under the direction of the LAC. In this instance the proposal for the Beaumont Street Festival 2016 has been considered by LAC and Council officers. The Newcastle LAC supports the lifting of the AFZs subject to the event organiser meeting the conditions placed on the event.

4 Section 645 of the Local Government Act 1993 (Act) provides for Council, by resolution, to allow the temporary suspension of AFZs. The Act and Ministerial Guidelines on Alcohol Free Zones (February 2009) provides a specific procedure which must be followed in relation to suspending AFZs, and this includes a requirement to seek Council’s endorsement. Following the adoption of these suspensions, Council must publish a notice in a local newspaper informing of the suspension that will be in place in Beaumont, Cleary, James, Lindsay and Denison Streets Hamilton from 6am to 8pm on Sunday 13 March 2016 for the purpose of the Beaumont Street Festival 2016.
5 Street signs must be covered immediately on commencement of the timeframe and the covers removed immediately following the suspended time. This is the responsibility of the organiser of the event but will be overseen by Council staff. Liaison with local police both before and after the Council resolution is an essential requirement. This consultation with the police has been undertaken by Council officers and will continue to be undertaken in the lead up to the event.

6 The LAC is satisfied with the management strategies that have been put in place by the event organiser and supports the suspension of the AFZs on this occasion.

FINANCIAL IMPACT

7 The costs associated with advertising of the suspension of AFZ’s are at full cost recovery from the event organisers.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 Lifting of the AFZ for an approved event aligns with the strategic direction Vibrant and Activated Public Places and more specifically the objective of Safe and Activated Places that are used by people day and night.

IMPLEMENTATION PLAN/IMPLICATIONS

9 The responsibility of implementing the suspension of the AFZ lies with the event organiser. Assistance will be provided by Council officers including notification of the suspension in a local newspaper and overseeing covering and uncovering of AFZ signs before and after the event

RISK ASSESSMENT AND MITIGATION

10 Council officers and the LAC work closely with event organisers to ensure harm minimisation and risk mitigation strategies are in place to manage the serving and consumption of alcohol at events. The Event Authorisation issued by Council to the event organiser for the use of the related road / park reserve sets out relevant conditions and consents for the event.

RELATED PREVIOUS DECISIONS

11 Council has previously agreed to suspend the AFZ for the purpose of Beaumont Street community events and festivals. This particular event, previously known as Hamilton's Food and Wine Festival, is an annual event.

CONSULTATION

12 No negative feedback has been received as a result of temporary lifting the AFZs for similar events held in the Hamilton Precinct.
OPTIONS

Option 1

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

Option 2

14 Council resolves not to support the suspension of the AFZs on this occasion. The advantage of this option is that the AFZs and the restrictions associated would remain in place. The disadvantage of this option is that the event would not be able to proceed in its proposed format. This is not the recommended option.

BACKGROUND

15 Council has approved the temporary suspension of the AFZ in the past for events held in Beaumont Street Hamilton, the recent being Newcastle China Week Festival held on 4 October 2015.

REFERENCES

ATTACHMENTS

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

REPORT BY: PLANNING AND REGULATORY
CONTACT: DIRECTOR PLANNING AND REGULATORY/ MANAGER DEVELOPMENT AND BUILDING SERVICES

PURPOSE

To seek Council's approval for the Development Applications Committee meeting to be held on 8 March 2016 in lieu of the scheduled date of 15 March 2016 for the purpose of allowing the Committee to review the determination of a development application (DA 2015/0945) prior to the expiration of the statutory assessment period.

RECOMMENDATION

1 Council approves the Development Applications Committee meeting being held on 8 March 2016 in lieu of the scheduled date of 15 March 2016.

KEY ISSUES

2 On 24 November 2015 Council resolved to adopt the Council meeting schedule for 2016 with DAC meetings to be held on the third Tuesday of every month from February to November 2016.

3 A request pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979 (the Act) has been received seeking a review of Council's refusal to grant consent to development application (DA2015/0945) for a childcare centre at 481 Hunter Street, Newcastle. The request has been called-in by two Councillors and will be determined by the Development Applications Committee (DAC).

4 Section 97 of the Act provides that the applicant has six calendar months after the date of the notice of determination is issued to lodge an appeal to the NSW Land and Environment Court. In this case, the appeal period expires on 13 March 2016.

5 Section 82A (2A) of the Act indicates that a determination of a development application cannot be reviewed after the time period for the making of an appeal has expired (ie. 13 March 2015), unless the applicant has already lodged an appeal and the Court has not finalised the appeal. To date, the applicant has not lodged an appeal.

6 Council's adopted meeting schedule for 2016 provides for Public Voice Committee (PVC) and DAC meetings to be held on 16 February and 15 March 2016.
On 16 February 2016 the applicant and the land owner will address the PVC. Current practice is to have a development application determined by the DAC in the month following the presentations by the applicants and/or objectors to the PVC. This practice allows Council officers to respond to any Councillor requests regarding the development application that may arise from PVC.

The applicant (and the landowner) applied for Public Voice in September 2015, prior to the determination of the development application, and therefore was strongly opposed to a suggestion by a Council officer that she forgo her address to the PVC so the section 82A request could be determined at the February meeting of the DAC.

To enable the applicant to address the PVC in February 2016 and have the section 82A request determined by the DAC in March 2016 it will be necessary to reschedule the date of the DAC meeting a week earlier than adopted by Council.

If the recommendation is not supported, the section 82A request cannot be determined within the statutory time and the applicant's only possible recourse to have the determination of the development application reviewed is to lodge an appeal with the Land and Environment Court.

FINANCIAL IMPACT

The rescheduling of the meeting date of the DAC a week earlier does not have a direct financial impact on the operations of Council. It would, however, save Council considerable costs incurred responding to a possible appeal by the applicant to the Land and Environment Court.

COMMUNITY STRATEGIC PLAN ALIGNMENT

Open and collaborative leadership.

IMPLEMENTATION PLAN/IMPLICATIONS

Nil.

RISK ASSESSMENT AND MITIGATION

The applicant has actively used a website, a social media forum, as well as the local print media to both rally public support for the proposal and criticise Council's refusal of the development application. It is expected that if the section 82A application cannot be determined within the statutory time there will be further adverse commentaries to the detriment of Council's reputation.

RELATED PREVIOUS DECISIONS

On 24 November 2015 Council resolved to adopt the Council meeting schedule for 2016 with DAC meetings to be held on the third Tuesday of every month from February to November 2016.
CONSULTATION

16 Nil.

OPTIONS

Option 1

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

Option 2

18 Council does not adopt the recommendation. This is not the recommended option because the section 82A application will not be able to be determined within the statutory assessment period with a likely adverse impact on Council's reputation and Council will incur costs responding to a possible appeal by the applicant to the Land and Environment Court.

BACKGROUND

19 On 13 October 2015 consent was refused to Development Application No 2015/0945 for the alterations to building, associated site works and change of use from shop to child care premises (20 places) at 481 Hunter Street, Newcastle.

20 On 4 November 2015 the applicant submitted a request pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979 (the Act) seeking a review of Council's determination.

21 The application has been 'called-in' by Councillors Crakanthorp and Osborne and therefore the section 82A request will be determined by the Development Applications Committee (DAC).

22 The request and application were placed on public exhibition for 33 days (ie. 10 December 2015 to 11 January 2016) in accordance with Council's Public Notification Policy. In response, a total of 86 submissions have been received, comprising 85 submissions of support and a submission of objection.

23 The provisions of the Environmental Planning and Assessment Act, 1979 provide that the section 82A request must be determined prior to the expiration on 13 March 2016 of the six month period in which the applicant can lodge an appeal to the Land and Environment Court against Council's refusal of the development application.

24 Council's adopted meeting schedule for 2016 provides for Public Voice Committee and Development Applications Committee meetings to be held on 16 February 2016 and 15 March 2016.
REFERENCES

ATTACHMENTS

Nil
CONFIDENTIAL REPORTS

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

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

PURPOSE

To accept a tender for construction of Empire Park Shade Shelters. The tendered scope of works, includes constructing shelters and facilities in Empire Park. These works will provide shelters complementary to recently completed shelters built along the coast.

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

REASON FOR CONFIDENTIALITY

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

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

- Section 10B(1)(a) and (b) of the Act provides that the discussion of the item in a closed meeting must only:
  (a) include as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
  (b) occur if the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

GROUNDARDS FOR CLOSING PART OF THE MEETING

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

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

A The matter relates to tenders for Empire Park Shade Shelter for Contract No. 2016/208T.

B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
ITEM-3  CON 23/02/16 - STOCKTON BEACH HOLIDAY PARK - FABRICATION AND INSTALLATION OF CAMP KITCHEN CONTRACT NO. 2016/135T

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

PURPOSE

To accept a tender for the supply and installation of a new camp kitchen at the Stockton Beach Holiday Park.

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

REASON FOR CONFIDENTIALITY

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

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

- Section 10B(1)(a) and (b) of the Act provides that the discussion of the item in a closed meeting must only:
  (a) include as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
  (b) occur if the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

GROUND FOR CLOSING PART OF THE MEETING

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

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

A The matter relates to tenders for the Fabrication and Installation of Camp Kitchen\Contract No. 2016/135T.

B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
ITEM-4 CON 23/02/16 - ADMINISTRATION BUILDING EXPANSION - SUMMERHILL WASTE MANAGEMENT CENTRE - CONTRACT NO. 2016/127T

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

PURPOSE

To accept a tender for construction work for the expansion of the Administration Building at Summerhill Waste Management Centre.

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

REASON FOR CONFIDENTIALITY

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

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

- Section 10B(1)(a) and (b) of the Act provides that the discussion of the item in a closed meeting must only:
  (a) include as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
  (b) occur if the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

GROUNDs FOR CLOSING PART OF THE MEETING

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

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

A The matter relates to tenders for Administration Building Expansion - Summerhill Waste Management Centre Contract No. 2016/127T.

B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
ITEM-5  CON 23/02/16 - TENDER FOR CONTRACT 2016/211Q - TREE ASSESSMENT TECHNICAL SERVICES

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

PURPOSE

Council accept two tenders for Tree Assessment Technical Services. This will enable Council to engage a number of consultants to provide high level and rapid tree advice across a range of matters, including the annual proactive inspections program.

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

REASON FOR CONFIDENTIALITY

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

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

- Section 10B(1)(a) and (b) of the Act provides that the discussion of the item in a closed meeting must only:
  (a) include as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
  (b) occur if the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

GROUND FOR CLOSING PART OF THE MEETING

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

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

A The matter relates to tenders for Tree Assessment Technical Services for Contract No 2016/211Q.

B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
ITEM-6 CON 23/02/16 - CITY HALL COMMERCIAL KITCHEN REFURBISHMENT - CONTRACT NO. 2016/156T

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

PURPOSE

To accept a tender for the refurbishment of City Hall Commercial Kitchen. The scope of works includes the design and installation.

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

REASON FOR CONFIDENTIALITY

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

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

- Section 10B(1)(a) and (b) of the Act provides that the discussion of the item in a closed meeting must only:
  (a) include as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
  (b) occur if the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

GROUNDs FOR CLOSING PART OF THE MEETING

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

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

A The matter relates to tenders for City Hall Commercial Kitchen Refurbishment - 2016/156T.

B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
ITEM-7  CON 23/02/16 - NEWCASTLE MUSEUM SHADE FRAME REFURBISHMENT CONTRACT NO. 2016/245T

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

PURPOSE

To accept a tender for the refurbishment of the shade sail frames at Newcastle Museum. The sail cloth was destroyed by the severe weather experienced in the April 2015 storms which collaterally damaged some components of the steel structure and glass weather shield at the topmost of the structure.

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

REASON FOR CONFIDENTIALITY

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

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

- Section 10B(1)(a) and (b) of the Act provides that the discussion of the item in a closed meeting must only:
  (a) include as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
  (b) occur if the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

GROUND FOR CLOSING PART OF THE MEETING

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

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

A The matter relates to tenders for Newcastle Museum Shade Frame Refurbishment - Contract No. 2016/245T.

B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
ITEM-8 CON 23/02/16 - BERESFIELD COMMUNITY CHILDCARE CENTRE PLAYGROUND UPGRADE CONTRACT NO. 2016/020Q

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

PURPOSE

To reject a tender for a playground upgrade at the Beresfield Community Childcare Education Centre (the Centre) which is a Newcastle City Council operated long daycare facility. The Centre contains two outdoor playground areas. Both playground areas are in poor condition and require upgrading. Tenders were called for the construction of the playground upgrades.

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

REASON FOR CONFIDENTIALITY

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

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

- Section 10B(1)(a) and (b) of the Act provides that the discussion of the item in a closed meeting must only:
  (a) include as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
  (b) occur if the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

GROUNDS FOR CLOSING PART OF THE MEETING

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

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

A The matter relates to tenders for Beresfield Community Childcare Education Centre - Playground Upgrade Contract No. 2016/020Q.

B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.