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

J Bath  
Interim Chief Executive Officer

City Administration Centre  
282 King Street  
NEWCASTLE NSW 2300

20 June 2017

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# ORDINARY COUNCIL MEETING
## 27 June 2017

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

MINUTES - PUBLIC VOICE COMMITTEE 16 MAY 2017

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 170516 Public Voice Committee Minutes

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

IN ATTENDANCE
J Bath (Interim Chief Executive Officer), G Cousins (Director Corporate Services), K Liddell (Acting Director Infrastructure), P Chrystal (Director Planning and Regulatory), E Kolatchew (Acting Manager Legal and Governance), M Blackburn-Smith (Manager Development and Building), J Gaynor (Manager Strategic Planning), Nathanial Bavinton (Smart City Coordinator) and A Knowles (Council Services/Minutes/Webcast).

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

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

APOLOGIES

MOTION
Moved by Cr Rufo, seconded by Cr Doyle

The apologies submitted on behalf of Councillors Dunn, Luke and Robinson be received and leave of absences granted.

Carried

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

Councillor S Posniak
Councillor Posniak declared a less than significant non-pecuniary interest as one of the Public Voice presenters, Ms Lyndall Ryan, was a member of the same Labor Party branch.

Councillor D Compton
Councillor Compton declared a non-pecuniary, less than significant conflict of interest as his building firm was from time to time called to tender on projects for EJE Architecture, noting that one of the Public Voice presenters, Mr Barney Collins, was Director of EJE Architecture. Councillor Compton remained in the Chamber for the matter as he was not tendering on the items being discussed.
PUBLIC VOICE SESSIONS

ITEM-1 PV 16/05/17 - DA 2015/10304 - 123 KING STREET NEWCASTLE - ALTERATIONS AND ADDITIONS TO BUILDING FOR ADAPTIVE RE-USE AS SIX STOREY MIXED USE DEVELOPMENT WITH THREE COMMERCIAL TENANCIES, PARKING AT GROUND LEVEL AND TWENTY FIVE RESIDENTIAL UNITS


Mr Barney Collins, from EJE Architecture and Mr John Carmody representing the DA Applicant addressed Council in support of the Development Application.

ITEM-2 PV 16/05/17 - DA2016/01283 - 65, 71-73 & 75 BRUNKER ROAD BROADMEADOW - DEMOLITION OF BUILDINGS, ERECTION OF FOUR STOREY MULTI-UNIT DEVELOPMENT WITH 38 RESIDENTIAL UNITS, 42 GROUND FLOOR PARKING BAYS AND ASSOCIATED SITE WORKS.

Ms Jenny Sceponavic and Mr Paul Colley addressed Council in relation to the Development Application.

Mr Michael Noonan, Development Manager GWH Build and Ms Helen Shepherd, Town Planner GWH Build, representing the DA Applicants, addressed Council in support of the Development Application.

Councillor Osborne suggested the applicants and Councillor Officers review the overshadowing concerns raised.

Council requested that the parties consider mediation as an option.

The meeting concluded at 6.58pm
MINUTES - BRIEFING COMMITTEE 16 MAY 2017

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 170516 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
PRESENT
The Lord Mayor (Councillor N Nelmes), Councillors D Clausen, D Compton, T Doyle, M Osborne, S Posniak, A Rufo and S Waterhouse.

IN ATTENDANCE
J Bath (Interim Chief Executive Officer), G Cousins (Director Corporate Services), K Liddell (Acting Director Infrastructure), P Chrystal (Director Planning and Regulatory), E Kolatchew (Acting Manager Legal and Governance), M Blackburn-Smith (Manager Development and Building), J Gaynor (Manager Strategic Planning), Nathanial Bavinton (Smart City Coordinator) and A Knowles (Council Services/Minutes/Webcast).

APOLOGIES

MOTION
Moved by Cr Rufo, seconded by Cr Doyle

The apologies submitted on behalf of Councillors Dunn, Luke and Robinson be received and leave of absence granted. Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS
The Lord Mayor called for declarations of pecuniary and non-pecuniary interests. There being none, the Lord Mayor moved to the Briefing Committee presentation.

BRIEFING COMMITTEE REPORTS

ITEM-5 BR 16/05/17 - NEWCASTLE SMART CITY STRATEGY

Nathanial Bavinton, Council's Smart City Coordinator, provided a briefing on the development of the Newcastle Smart City Strategy 2017-2012 (Strategy) ahead of the Report going to Council on 23 May 2017 for endorsement to go on Public Exhibition.

An outline was given around the projects background, the project itself, initial engagement process and its relationship to other key projects within the Newcastle Smart City Initiative.

Councillors provided feedback on the presentation noting the significant body of work that had been undertaken to develop the draft Strategy.
MOTION
Moved by Cr Osborne, seconded by Cr Compton

The briefing be received.  

Carried

The meeting concluded at 7.52pm.
MINUTES - ORDINARY COUNCIL MEETING 23 MAY 2017

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 170523 Minutes of Ordinary Council Meeting

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

IN ATTENDANCE
J Bath (Interim Chief Executive Officer), G Cousins (Director Corporate Services), K Liddell (Acting Director Infrastructure), P Chrystal (Director Planning and Regulatory), E Kolatchew (Acting Manager (Legal and Governance), J Gaynor (Manager Strategic Planning), P McCarthy (Team Co-ordinator Strategic Planning), N Bavinton (Smart City Co-ordinator), A Glauser (Manager Finance), K Hyland (Manager Communications and Engagement), B Johnson (Media Officer, K Sullivan (Council Services/Minutes) and A Knowles (Council Services/Webcasting).

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

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

APOLOGIES

MOTION
Moved by Cr Compton, seconded by Cr Doyle

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

Carried

PROCEEDINGS IN BRIEF
The Lord Mayor welcomed Jeremy Bath, recently appointed Interim Chief Executive Officer, to his first Ordinary Council meeting.

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

There being none the Lord Mayor then moved for confirmation of the minutes.
CONFIRMATION OF PREVIOUS MINUTES

CCL 23/05/17 - MINUTES PUBLIC VOICE COMMITTEE 18 APRIL 2017
CCL 23/05/17 - MINUTES BRIEFING COMMITTEE 18 APRIL 2017

MOTION
Moved by Cr Clausen, seconded by Cr Osborne

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

Carried

CCL 23/05/17 - MINUTES ORDINARY COUNCIL MEETING 26 APRIL 2017

MOTION
Moved by Cr Clausen, seconded by Cr Osborne

The draft minutes as circulated be taken as read and confirmed subject to the following:

a) Inserting the word "Carried" on page 19 (at the end of Item 45 CCL 26/04/17 - Draft Community Land Plan of Management Public Exhibition);

b) Amending the following text "A legislative commitment…" to be in italics on page 23, paragraph 2 of Part C (Item 46-26/04/17 - BBC Committee Recommendation); and

c) Inserting an apostrophe in the quoted section for the word "ratepayer's" on the final line on page 27 of recommendation 2 (Item 11-NOM 26/04/17 Open and transparent Governance - State Government Taxes and Levies - 2017/18).

d) Amending recommendation 1 on page 27 (Item 11 NOM 26/04/17 Open and transparent Governance - State Government Taxes and Levies - 2017/18) to read:

That Council adopts the motion Council notes the as amended by the recommendation in the Director's comments report.

Carried
LORD MAYORAL MINUTE

ITEM-8 LMM 23/05/17 - CORRESPONDENCE FROM TRANSPORT FOR NSW - COUNCIL RESOLUTION OF 9 MAY 2017 - EXHIBITION OF DRAFT PLANNING AGREEMENT FOR RAIL CORRIDOR LAND BETWEEN WORTH PLACE AND WATT STREET NEWCASTLE

MOTION
Moved by Lord Mayor, Cr Nelmes

Council note correspondence received from Transport for NSW regarding Council's resolution of 9 May 2017 with respect to the review of the NSW Long Term Master Plan and their offer to provide a briefing to Council on the status of planning work.

Officers to co-ordinate a briefing with TfNSW as soon as practicable.

Carried Unanimously

REPORTS BY COUNCIL OFFICERS

ITEM-52 CCL 23/05/17 - EXECUTIVE MONTHLY PERFORMANCE REPORT - APRIL

MOTION
Moved by Cr Osborne, seconded by Cr Dunn

The report be received.

Carried Unanimously

ITEM-53 CCL 23/05/17 - QUARTERLY BUDGET REVIEW STATEMENT - MARCH

MOTION
Moved by Cr Doyle, seconded by Cr Clausen

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

Carried
ITEM-54 CCL 23/05/17 - ADOPTION OF RELATED PARTY DISCLOSURE POLICY

MOTION
Moved by Cr Osborne, seconded by Cr Posniak

Council adopts the draft Related Party Disclosure Policy at Attachment A. Carried Unanimously

ITEM-55 CCL 23/05/17 - 1 ORDNANCE STREET, NEWCASTLE - CONSIDERATION TO PREPARE A PLANNING PROPOSAL TO AMEND NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

MOTION
Moved by Cr Doyle, seconded by Cr Osborne

Council resolves to prepare a planning proposal to amend Schedule 1 - Additional permitted uses of the Newcastle Local Environmental Plan 2012 (LEP) by removing Item 1 Use of certain land at 1 Ordnance Street, Newcastle.

Councillor Compton enquired whether Council was aware of any action by the previous applicant to challenge the decision of the Court and if so would Council be a party to that action if Council were to remove the proposed sections from Schedule 1.

Councillor Compton, noting a lease was currently in place, made a further enquiry:

1) what would be the outcome should Council remove Schedule 1 from the LEP; and

2) what impact would it have on a possible action by the applicant or on their further negotiations.

The Lord Mayor requested the questions be taken on notice.

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

Against the Motion: Nil. Carried
ITEM-56  CCL 23/05/17 - ENDORSEMENT OF EXHIBITION OF THE DRAFT NEWCASTLE SMART CITY STRATEGY 2017-2021

Council Officers were acknowledged and thanked for their efforts in preparing the strategy.

MOTION
Moved by Cr Compton, seconded by Cr Osborne

Council resolves to:

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

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

Carried Unanimously

The meeting concluded at 5.59pm.
REPORTS BY COUNCIL OFFICERS

ITEM-60  CCL 27/06/17 - EXECUTIVE MONTHLY PERFORMANCE REPORT - MAY 2017

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

PURPOSE

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

a) Monthly financial position and year to date (YTD) performance against the 2016/17 Operational Plan as at the end of May 2017.

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

RECOMMENDATION

1 The report be received.

KEY ISSUES

2 At the end of May 2017 the consolidated YTD actual operating position is a surplus of $14.9m which represents a positive variance of $4.8m against the budgeted YTD surplus of $10.1m. 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 2016/17 is an operating surplus of $5.3m.

3 The May YTD position includes $10.1m of revenue items which are either one-off or cannot be applied to meet operational expenditure ($4.9m 2012 Special Rate Variation revenue, $1.3m consolidation of Newcastle Airport result, $1.8m stormwater management service charge, $1.4m local road grants which fund capital works and $0.7m for the recoupment of prior year losses). When these items are removed Council’s sustainable underlying operating position at the end of May is a surplus of $4.8m.

4 The net funds generated as at the end of May 2017 is a surplus of $21.6m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD revised budget of $13.3m. This is primarily due to a timing variance in the delivery of Council’s works program with a higher amount of project expenditure (both capital and operational expenditures) expected to be incurred during the final quarter of the financial year.
### Financial Impact

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

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<tr>
<th>Full Year Revised Budget</th>
<th>YTD Revised Budget</th>
<th>YTD Actual Result</th>
<th>Variance</th>
<th>Variance %</th>
<th>Financial Impact</th>
<th>Commitments</th>
</tr>
</thead>
<tbody>
<tr>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>%</td>
<td>+ve / -ve</td>
<td>$'000</td>
</tr>
<tr>
<td>254,675 Total Operating Revenue</td>
<td>233,465</td>
<td>233,374</td>
<td>(91)</td>
<td>0%</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>249,374 Total Operating Expenses</td>
<td>223,326</td>
<td>218,494</td>
<td>(4,832)</td>
<td>-2%</td>
<td>+</td>
<td>3,492</td>
</tr>
<tr>
<td>Total Operating Revenue Less Operating Expenditure</td>
<td>5,301</td>
<td>4,741</td>
<td>47%</td>
<td>+</td>
<td></td>
<td></td>
</tr>
<tr>
<td>32,204 Total Capital Raising revenue</td>
<td>29,520</td>
<td>30,215</td>
<td>695</td>
<td>2%</td>
<td>+</td>
<td></td>
</tr>
<tr>
<td>31,759 Add Back Non Cash Items</td>
<td>28,503</td>
<td>28,106</td>
<td>-</td>
<td>+</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Funding available for capital**

<table>
<thead>
<tr>
<th>$'000</th>
<th>69,264 expenditure</th>
<th>68,162</th>
<th>73,201</th>
<th>5,039</th>
<th>7%</th>
<th>+</th>
<th>-</th>
</tr>
</thead>
<tbody>
<tr>
<td>63,695 Total capital spend</td>
<td>57,540</td>
<td>49,247</td>
<td>(8,293)</td>
<td>-14%</td>
<td>+</td>
<td>29,821</td>
<td></td>
</tr>
<tr>
<td>2,600 Loan Principal Repayment</td>
<td>2,383</td>
<td>2,383</td>
<td>0%</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2,999 Net Funds Generated / (Used)</td>
<td>8,239</td>
<td>21,571</td>
<td>13,332</td>
<td>162%</td>
<td>+</td>
<td>33,313</td>
<td></td>
</tr>
</tbody>
</table>

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**Note 1** - Actual and Budget results include an estimate for the Newcastle Airport

**Note 2** - Budget revised at March 2017
6 Factors favourably impacting Financial Position

i Employee costs – decrease of $2.5m
Lower than forecast staff costs due to general vacancies including $0.8m relating to Civil Works and a timing variance in the delivery of training ($0.4m).

ii Materials & contracts – decrease of $2m
There is a timing variance in the delivery of Council's road maintenance ($0.8m) and building trades ($0.2m) programs that is expected to be caught up in June. In addition there has been lower than forecast operational costs due to the scheduling of project work in Strategic Planning ($0.4m) and Waste Management ($0.1m).

iii Net loss from disposal of assets – decrease of $0.4m
The residual book value of assets subject to renewal work is required under Australian Accounting Standards to be written off. There is a positive YTD variance in the value of these write-offs caused by a timing variance in the delivery of the asset renewal program. It is still forecast that both the renewal program and net loss from disposal of assets will be met at the end of the financial year.

7 At the end of May commitments raised against operating expenses totalled $3.5m. The commitments represent both the work currently being undertaken and awaiting invoice as well as the work planned and contracted for the future.

8 The month of May returned an operating surplus of $2.1m which is $0.4m above the revised monthly budget of $1.7m. The main driver of the positive variance was the timing of Civil Works road maintenance. It is expected that the final month of the year, June, will return to deficit as there is usually an upswing in Council's project program and suppliers bring in outstanding invoices prior to the end of the financial year.

Trend in monthly operating position 2016/17

[Graph showing trend in monthly operating position from July to June 2016/17]
CITY OF NEWCASTLE

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9 Council’s total capital spend at the end of May is $49.2m. This result is $8.3m below the YTD revised budget. The total works spend inclusive of operational and capital expenditure is $64.4m at the end of May compared with a revised budget of $75.9m.

10 At the end of May, commitments raised against capital work totalled $29.8m. The commitments represent both the work currently being undertaken and awaiting invoice as well as the work planned for the future. Major commitments include:

i Building renewal – $9.8m
Commitments include $6.3m in relation to works on the southern façade of City Hall.

ii Environmental asset renewal – $1.9m
Commitments include $1.3m of work planned on Council’s stormwater management systems.
iii **Coastal revitalisation – $5.5m**
Commitments include $4.6m for the delivery of works on the Shortland Esplanade section of Bathers Way.

iv **Waste Projects – $5.6m**
Commitments include the contract to design and construct the next waste cell (cell 9) required at Summerhill Waste Management Centre ($4.7m).

11 Council’s project program typically increases over the final quarter of the year with June historically recording double the expenditure of an average month. For June 2017 this increase in project expenditure could equate to a spend of $10m and bring the full year project spend to $75m, a record for this Council. The higher spend for June would include an additional $5m operational costs leading to an operational deficit for the month of June as forecast in the March Quarterly Budget Review.

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

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

13 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**

14 The distribution of the report and the information contained therein is consistent with:
i) Council’s resolution to receive monthly financial position and performance result on a monthly basis,

ii) Council's Investment Policy and Strategy, and

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

RISK ASSESSMENT AND MITIGATION

15 No additional risk mitigation has been identified this month.

RELATED PREVIOUS DECISIONS

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

17 At the Ordinary Council Meeting held on 26 April 2016 Council resolved the following:

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

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

CONSULTATION

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

OPTIONS

Option 1

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

Option 2

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

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

REFERENCES

ATTACHMENTS

Attachment A: Executive Monthly Performance Report - May 2017

Distributed under separate cover
ITEM-62  CCL 27/06/17 - MAKING OF THE RATES AND CHARGES FOR 2017/18

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

PURPOSE

Subject to the adoption of the 2017/18 Operational Plan, the provisions of sections 532 - 535 of the Local Government Act 1993 (Act) requires a Council resolution to make the Rates and Charges for the period 1 July 2017 to 30 June 2018.

RECOMMENDATION

1 Council makes the following rates and charges for the 2017/18 financial year:

<table>
<thead>
<tr>
<th>RATE</th>
<th>MINIMUM RATE</th>
<th>AD Valorem Cents in $</th>
<th>BASE AMOUNT</th>
<th>ESTIMATED RATE YIELD P.A.$'s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ordinary Rates</td>
<td></td>
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## CITY OF NEWCASTLE

Ordinary Council Meeting 27 June 2017

### Kotara – Homemaker's Centre - South Zone
- Amount: $896.30
- Rate: 1.451925
- Nil
- Nil
- $271,510

### Kooragang Industrial Coal Zone
- Amount: $896.30
- Rate: 1.605894
- Nil
- Nil
- $565,734

### Kooragang North Industrial Coal Zone
- Amount: $896.30
- Rate: 2.196587
- Nil
- Nil
- $1,267,431

### Kooragang Industrial Centre - Walsh Point
- Amount: $896.30
- Rate: 1.728006
- Nil
- Nil
- $1,126,660

### Kooragang Industrial Centre
- Amount: $896.30
- Rate: 1.450175
- Nil
- Nil
- $1,460,918

### Mayfield North Heavy Industrial Centre
- Amount: $896.30
- Rate: 0.908217
- Nil
- Nil
- $539,481

### Mayfield North Industrial Centre
- Amount: $896.30
- Rate: 2.049414
- Nil
- Nil
- $382,067

### Mayfield North Industrial Centre - Future Development
- Amount: $896.30
- Rate: 1.840943
- Nil
- Nil
- $316,642

### Carrington Industrial Coal and Port Zone
- Amount: $896.30
- Rate: 2.847350
- Nil
- Nil
- $1,281,308

### Carrington Industrial Centre
- Amount: $896.30
- Rate: 2.049414
- Nil
- Nil
- $1,169,267

### Carrington Industrial Port Operations Use
- Amount: $896.30
- Rate: 2.282223
- Nil
- Nil
- $243,445

### Broadmeadow Industrial Centre
- Amount: $896.30
- Rate: 3.343226
- Nil
- Nil
- $139,078

### Hexham Industrial Centre
- Amount: $896.30
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### Special Rates

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**TOTAL** 135,790,185
2 An Ordinary Rate of zero point two zero one one zero cents (0.201110c) in the dollar with a 50% base charge of six hundred and seventy one dollars and twenty two cents ($671.22) named **RESIDENTIAL**, apply to all rateable land in The City of Newcastle Local Government Area (LGA) categorised as Residential.

3 An Ordinary Rate of zero point three two nine two nine two cents (0.329292c) in the dollar with a minimum rate of eight hundred and ninety six dollars and thirty cents ($896.30) named **FARMLAND**, apply to all rateable land in The City of Newcastle LGA categorised as Farmland.

4 An Ordinary Rate of one point six six eight one zero cents (1.66810c) in the dollar with a minimum rate of eight hundred and ninety six dollars and thirty cents ($896.30) named **BUSINESS**, apply to all rateable land in The City of Newcastle LGA categorised as Business except that rateable land determined to be in the Business Sub-Categories - Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City), Suburban Shopping Centres, Suburban Shopping Centres (Inner City), Suburban Shopping Centre - Mayfield, Kotara, Homemaker’s Centre, Kotara, Homemaker’s Centre - South Zone, Kooragang Industrial Coal Zone, Kooragang North Coal Zone, Kooragang Industrial Centre, Kooragang Industrial Centre - Walsh Point, Mayfield North Heavy Industrial Centre, Mayfield North Industrial Centre, Mayfield North Future Industrial Development Centre, Carrington Industrial Coal Zone, Carrington Industrial Centre, Carrington Industrial Port Operations Use, Carrington Industrial Coal and Port Zone, Broadmeadow Industrial Centre and Hexham Industrial Centre.

5 An Ordinary Rate of two point nine seven one one seven seven cents (2.971177c) in the dollar with a minimum rate of eight hundred and ninety six dollars and thirty cents ($896.30) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - KOTARA**, apply to all rateable land in The City of Newcastle LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Kotara located on a site of greater than eight hectares (80,000m²), providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of thirty (30) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Kotara.

6 An Ordinary Rate of three point nine nine four three three cents (3.999433c) in the dollar with a minimum rate of eight hundred and ninety six dollars and thirty cents ($896.30) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - JESMOND**, apply to all rateable land in The City of Newcastle LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Jesmond providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20)
specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Jesmond.

7 An Ordinary Rate of four point four two eight two one zero cents (4.428210c) in the dollar with a minimum rate of eight hundred and ninety six dollars and thirty cents ($896.30) named BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - WARATAH, apply to all rateable land in The City of Newcastle LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Waratah providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Waratah.

8 An Ordinary Rate of four point eight six zero two eight six cents (4.860286c) in the dollar with a minimum rate of eight hundred and ninety six dollars and thirty cents ($896.30) named BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - WALLSEND, apply to all rateable land in The City of Newcastle LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Wallsend providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major COMMERCIAL SHOPPING CENTRES - WALLSEND.

9 An Ordinary Rate of three point four four one six nine one cents (3.441691c) in the dollar with a minimum rate of eight hundred and ninety six dollars and thirty cents ($896.30) named BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES – THE JUNCTION, apply to all rateable land in The City of Newcastle LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of The Junction providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of fifteen (15) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres – The Junction.

10 An Ordinary Rate of one point seven three six four zero zero cents (1.736400c) in the dollar with a minimum rate of eight hundred and ninety six dollars and thirty cents ($896.30) named BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES (INNER CITY), apply to all rateable land in The City of Newcastle LGA situated at Newcastle West within the centre of activity defined by Parry, National Park, King and Ravenshaw Streets, being utilised as a Major Commercial Centre (Inner City). "Major Commercial Centre – (Inner City)" being defined as a centre of commercial activity providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres (Inner City).
11 An Ordinary Rate of two point eight one four one zero two cents (2.814102c) in the dollar with a minimum rate of eight hundred and ninety six dollars and thirty cents ($896.30) named BUSINESS – SUBURBAN SHOPPING CENTRES, apply to all rateable land in The City of Newcastle LGA, being utilised as a Suburban Shopping Centre. “Suburban Shopping Centre” being defined as a centre of commercial activity situated on a site of greater than 6000m² which operates and has a dominant use as a Supermarket excepting the land categorised as Major Commercial Shopping Centres – Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres – Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City) or Suburban Shopping Centre - Mayfield. This land is categorised as Sub-category Business - Suburban Shopping Centres.

12 An Ordinary Rate of two point one zero eight six zero four cents (2.108604c) in the dollar with a minimum rate of eight hundred and ninety six dollars and thirty cents ($896.30) named BUSINESS – SUBURBAN SHOPPING CENTRES – INNER CITY, apply to all rateable land in The City of Newcastle LGA, being utilised as an Inner City Suburban Shopping Centre. “Inner City Suburban Shopping Centre” being defined as a centre of commercial activity within the suburb of Newcastle West or Hamilton situated on a site of greater than four thousand and nine hundred square metres (4,900m²) which operates as a Supermarket excepting the land categorised as Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres – Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City), Suburban Shopping Centre – Mayfield and Suburban Shopping Centres. This land is categorised as Sub-category Business - Suburban Shopping Centres – Inner City.

13 An Ordinary Rate of three point seven one five seven five two cents (3.715752c) in the dollar with a minimum rate of eight hundred and ninety six dollars and thirty cents ($896.30) named BUSINESS – SUBURBAN SHOPPING CENTRE - MAYFIELD apply to all rateable land in The City of Newcastle LGA within the suburb of at Mayfield, being utilised as a Suburban Shopping Centre. “Suburban Shopping Centre” being defined as a centre of commercial activity situated on a site of greater than 1 Hectare (1,000m²) which operates as a Supermarket. This land is categorised as sub-category Business – Suburban Shopping Centre - Mayfield.

14 An Ordinary Rate of one point two eight zero nine two eight cents (1.280928c) in the dollar with a minimum rate of eight hundred and ninety six dollars and thirty cents ($896.30) named BUSINESS – KOTARA HOMEMAKER’S CENTRE apply to all rateable land in The City of Newcastle LGA situated at Kotara, used for commercial purposes, within the centre of activity defined by Lot 501 DP 1174032 and Lot 181 DP 850168. This land is categorised as sub-category Business – Kotara Homemaker’s Centre.
15 An Ordinary Rate of one point four five one nine two five cents (1.451925c) in the dollar with a minimum rate of eight hundred and ninety six dollars and thirty cents ($896.30) named BUSINESS – KOTARA HOMEMAKER’S CENTRE - SOUTH ZONE apply to all rateable land in The City of Newcastle LGA situated at Kotara, used for commercial purposes, within the centre of activity defined by Lot 220 DP 1014716. This land is categorised as sub-category Business – Kotara Homemaker’s Centre - South Zone.

16 An Ordinary Rate of one point six zero five eight nine four cents (1.605894c) in the dollar with a minimum rate of eight hundred and ninety six dollars and thirty cents ($896.30) named BUSINESS – KOORAGANG INDUSTRIAL COAL ZONE apply to all rateable land in The City of Newcastle LGA within the centre of activity defined by the suburb of Kooragang being Lot 11 DP 841542, Lot 121 DP 874949, Lot 1 DP 1097327, Lot 5 DP 1097327, Lots 2, 5, 7, 9 DP 775774, Lot 1 DP 775775, Lot 1 DP 869622, Lot 18 DP 1119752. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Kooragang Industrial Coal Zone.

17 An Ordinary Rate of two point one nine six five eight seven cents (2.196587c) in the dollar with a minimum rate of eight hundred and ninety six dollars and thirty six dollars and thirty cents ($896.30) named BUSINESS – KOORAGANG NORTH INDUSTRIAL COAL ZONE apply to all rateable land in The City of Newcastle LGA within the centre of activity defined by the suburb of Kooragang being Lots 2, 3, 6, 16 DP1119752, Lot 61 DP 1184395, Lot 62 DP 1184943, Lot 16 DP 262783, Lots 8 DP 1119752, Lots 29, 30, 32 and 33 DP 1184229, Lots 4, 5, 6, 10, 11, 12 DP 1207051, Lots 3, 7, 8, 9, 13, 14, 15 DP 1207051 and Lot 22 DP 1155723. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Kooragang North Industrial Coal Zone.

18 An Ordinary Rate of one point seven two eight zero zero six cents (1.728006c) in the dollar with a minimum rate of eight hundred and ninety six dollars and ninety six dollars and thirty cents ($896.30) named BUSINESS – KOORAGANG INDUSTRIAL CENTRE WALSH POINT apply to all rateable land in The City of Newcastle LGA within the centre of activity defined by the suburb of Kooragang being Lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22 DP 324887, Lots 6, 7 DP 262783, Lots 1, 2, 3 DP 557904, Lot 1 DP 575674, Lots 2, 6, 7, 8, 9 DP 775772, Lots 11, 12, 13, 14, 17, 18, 19, 20, 22, 23 DP 775773, Lots 2, 4, 5, 7, 8, 9, 10, 14 DP 775775, Lots 29, 31, 32, 33, 35, 37, 38, 39, 40, 41, 42 DP 775776, Lots 44, 45, 46, 47, 48, 49, 50, 51, 53 DP 775777, Lots 60, 61, 62, 63 DP 802700, Lot 3 DP 858026, Lots 2, 4, 5 DP 1015754, Lots 201, 202, 203, 204, 205, 206, 208, 210 DP 1017038, Lots 210, 211 DP 1018949, Lots 520, 521 DP 1018950, Lots 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 DP 1018951, Lots 131, 132 DP 1018952, Lot 186 DP 1104196, Lot 15 DP 1119752, Lot 12, 13 DP 1144748, Lots 1, 2 DP 1184514, Lots 1, 2, 3, 4, 4 DP 1191912, Lots 94, 95 DP 1191913, Lots 41, 42, 43, 44 DP 1193134, Lot 2 DP 1195449, Lots 151, 152, 153 DP 1202468, Lots 91, 92 DP 1202475 and Lot 3 in DP 234288. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act located within this centre of activity.
which is not sub categorised as Business – Kooragang Industrial Coal Zone or not sub categorised as Business – Kooragang North Industrial Coal Zone or not sub categorized Business – Kooragang Industrial Centre. This land is categorised as sub-category Business – Kooragang Industrial Centre Walsh Point.

19 An Ordinary Rate of one point four zero one seven five cents (1.450175c) in the dollar with a minimum rate of eight hundred and ninety six dollars and thirty cents ($896.30) named BUSINESS – KOORAGANG INDUSTRIAL CENTRE apply to all rateable land in The City of Newcastle LGA within the centre of activity defined by the suburb of Kooragang. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act located in Kooragang which is not sub categorised as Business – Kooragang Industrial Coal Zone or not sub categorised as Business – Kooragang North Industrial Coal Zone or not sub categorised as Business – Kooragang Industrial Centre Walsh Point. This land is categorised as sub-category Business – Kooragang Industrial Centre.

20 An Ordinary Rate of zero point nine zero eight two one seven cents (0.908217c) in the dollar with a minimum rate of eight hundred and thirty cents ($896.30) named BUSINESS – MAYFIELD NORTH HEAVY INDUSTRIAL CENTRE apply to all rateable land in The City of Newcastle LGA within the centre of activity defined by all land contained within, Lot 225 DP 1013964, Lot 224 DP 1013964, Lot 2 DP 1204573, Lot 2 DP 1184257 and Lot 1 DP 874109 This land is categorised as sub-category Business - Mayfield North Heavy Industrial Centre.

21 An Ordinary Rate of one point four six one one five two cents (1.461152c) in the dollar with a minimum rate of eight hundred and thirty cents ($896.30) named BUSINESS – MAYFIELD NORTH INDUSTRIAL CENTRE apply to all rateable land in The City of Newcastle LGA within the centre of activity defined by Lot 10 DP 625019, Lot 1 DP 403544, Lot 1 DP 528411, Lot 2 DP 207307, Lot 3 DP 259009, Lot 1 DP 880225, Lots 1, 2 DP 1177466, Lots 36, 37, 38, 39, 40 DP 1191723 and Lot Pt 1 DP 207307. This land is categorised as sub-category Business - Mayfield North Industrial Centre.

22 An Ordinary Rate of one point eight four zero nine four three cents (1.840943c) in the dollar with a minimum rate of eight hundred and ninety six dollars and thirty cents ($896.30) named BUSINESS – MAYFIELD NORTH INDUSTRIAL CENTRE FUTURE DEVELOPMENT apply to all rateable land in The City of Newcastle LGA within the centre of activity defined by Lots 41, 42, 43, 44, 45 in DP 1191982. This land is categorised as sub-category Business - Mayfield North Industrial Centre Future Development.

23 An Ordinary Rate of two point eight four seven three five zero cents (2.847350c) in the dollar with a minimum rate of eight hundred and ninety six dollars and thirty cents ($896.30) named BUSINESS – CARRINGTON INDUSTRIAL COAL AND PORT ZONE apply to all rateable land in The City of Newcastle LGA within the centre of activity defined by all land within Lot 1 DP 1044636 Lots 1, 2 DP 1104199, the land contained within Railway Land Lease
24 An Ordinary Rate of two point two two two two three cents (2.282223c) in the dollar with a minimum rate of eight hundred and ninety six dollars and thirty cents ($896.30) named BUSINESS – CARRINGTON INDUSTRIAL PORT OPERATIONS USE apply to all rateable land in The City of Newcastle LGA within the centre of activity defined by all land within Lot 11 DP 1023961, Lot 27 DP 842685 Lot 101 DP 1014244, Lot 1014 DP 1143277, Lot 33 DP 1078910 and Lot 1 DP 834572. This land is categorised as sub-category Business - Carrington Industrial Coal and Port Zone.

25 An Ordinary Rate of two point zero four nine four one four cents (2.049414c) in the dollar with a minimum rate of eight hundred and ninety six dollars and thirty cents ($896.30) named BUSINESS – CARRINGTON INDUSTRIAL CENTRE apply to all rateable land in The City of Newcastle LGA within the centre of activity defined by all land with an area of greater than than six hundred square metres (600m²) zoned SP1 – Special Activities under the State Environmental Planning Policy (Three Ports) 2009 and located within the suburb of Carrington and the land known as Lot 1 DP 1097368 excepting that land categorised as Business - Carrington Industrial Coal and Port Zone or the land categorised as Business - Carrington Industrial Port Operations Use. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Carrington Industrial Centre.

26 An Ordinary Rate of three point three four three two two six cents (3.343226c) in the dollar with a minimum rate of eight hundred and ninety six dollars and thirty cents ($896.30) named BUSINESS – BROADMEADOW INDUSTRIAL apply to all rateable land in The City of Newcastle LGA within the centre of activity defined by all land within Lot 221 DP 1012345. This land is categorised as sub-category Business - Broadmeadow Industrial.

27 An Ordinary Rate of two point three four five seven seven zero cents (2.345770c) in the dollar with a minimum rate of eight hundred and ninety six dollars and thirty cents ($896.30) named BUSINESS – HEXHAM INDUSTRIAL CENTRE apply to all rateable land in The City of Newcastle LGA within the centre of activity defined by all land wholly or partly contained in a “parcel of land” as defined within the Valuation of Land Act NSW 1916, which is zoned IN3 Heavy Industrial under the Newcastle Local Environmental Plan 2012 and located within the suburb of Hexham excepting Lots 2 and 3 DP 874409 and Lot 1 DP 90824. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business - Hexham Industrial Centre.

28 A Special Rate of zero point two two six five one cents (0.22651c) in the dollar named HUNTER MALL, apply to part of the rateable land within The City
of Newcastle LGA constituted and known as the “Hunter Mall Town Improvement District” as defined in Attachment A for the purpose of defraying the cost of continuing additional horticultural and cleansing services and street furnishings determined to be of special benefit to the said Hunter Mall Town Improvement District.

29 A Special Rate of zero point one zero zero two six zero cents (0.100260c) in the dollar named MAYFIELD BUSINESS DISTRICT, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the “Mayfield Business District” as defined in Attachment B for the purpose of defraying the additional cost of promotion, beautification and development of the Mayfield Business District determined to be of special benefit to the said Mayfield Business District.

30 A Special Rate of zero point one nine zero four nine six cents (0.190496c) in the dollar named HAMILTON BUSINESS DISTRICT - ZONE A, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the “Hamilton Business District” as defined in Attachment C for the purpose of defraying the additional cost of promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District.

31 A Special Rate of zero point zero nine five two four eight cents (0.095248c) in the dollar named HAMILTON BUSINESS DISTRICT - ZONE B, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the “Hamilton Business District” as defined in Attachment D for the purpose of defraying the additional cost of promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District.

32 A Special Rate of zero point zero four seven six two four cents (0.047624c) in the dollar named HAMILTON BUSINESS DISTRICT - ZONE C, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the “Hamilton Business District” as defined in Attachment E for the purpose of defraying the additional cost of promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District.

33 A Special Rate of zero point three seven five seven five one cents (0.375751c) in the dollar named WALLSEND BUSINESS DISTRICT - ZONE A, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the “Wallsend Business District” as defined in Attachment F for the purpose of defraying the additional cost of promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District.

34 A Special Rate of zero point one eight seven eight seven six cents (0.187876c) in the dollar named WALLSEND BUSINESS DISTRICT - ZONE B, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the “Wallsend Business District” as defined in Attachment G for the purpose of defraying the additional cost of promotion, beautification and
development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District.

35 A Special Rate of zero point two eight one three cents (0.281813c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE C**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the “Wallsend Business District” as defined in Attachment H for the purpose of defraying the additional cost of promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District.

36 A Special Rate of zero point one one four three cents (0.114534c) in the dollar named **NEW LAMBTON BUSINESS DISTRICT**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the “New Lambton Business District” as defined in Attachment I for the purpose of defraying the additional cost of promotion, beautification and development of the New Lambton Business District determined to be of special benefit to the said New Lambton Business District.

37 A Special Rate of zero point two seven eight three cents (0.278329c) in the dollar named **CITY CENTRE - CITY EAST**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the “City Centre Benefit Area - City East” as defined in Attachment J for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City East determined to be of special benefit to the said City Centre Benefit Area - City East.

38 A Special Rate of zero point zero six four four cents (0.062444c) in the dollar named **CITY CENTRE - DARBY STREET**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the “City Centre Benefit Area - Darby Street” as defined in Attachment K for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Darby Street determined to be of special benefit to the said City Centre Benefit Area - Darby Street.

39 A Special Rate of zero point one one five zero six cents (0.115006c) in the dollar named **CITY CENTRE - CITY WEST (CLOSE ZONE)**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the “City Centre Benefit Area - City West” as defined in Attachment L for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City West (Close Zone) determined to be of special benefit to the said City Centre Benefit Area - City West (Close Zone).

40 A Special Rate of zero point zero five seven three cents (0.057503c) in the dollar named **CITY CENTRE - CITY WEST (DISTANT ZONE)**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the “City Centre Benefit Area - City West” as defined in Attachment M for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City West (Distant Zone).
41 A Special Rate of zero point two seven eight three two nine cents (0.278329c) in the dollar named **CITY CENTRE - TOWER** apply to part of the rateable land within The City of Newcastle LGA constituted and known as the “City Centre Benefit Area - Tower” as defined in **Attachment N** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Tower determined to be of special benefit to the said City Centre Benefit Area - Tower.

42 A Special Rate of zero point two seven eight three two nine cents (0.278329c) in the dollar named **CITY CENTRE – MALL**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the “City Centre Benefit Area - Mall” as defined in **Attachment O** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Mall determined to be of special benefit to the said City Centre Benefit Area - Mall.

43 A Special Rate of zero point one five five six four four cents (0.155644c) in the dollar named **CITY CENTRE - CIVIC (CLOSE ZONE)**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the “City Centre Benefit Area – Civic (Close Zone)” as defined in **Attachment P** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area – Civic (Close Zone) determined to be of special benefit to the said City Centre Benefit Area – Civic (Close Zone).

44 A Special Rate of zero point zero seven seven eight two two cents (0.077822c) in the dollar named **CITY CENTRE - CIVIC (DISTANT ZONE)**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the “City Centre Benefit Area – Civic (Distant Zone)” as defined in **Attachment Q** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area – Civic (Distant Zone) determined to be of special benefit to the said City Centre Benefit Area – Civic (Distant Zone).

45 **A STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars ($25.00) per non-strata property and twelve dollars and fifty cents ($12.50) per Strata/Company Title unit for the provision of stormwater management services. This charge applies to all rateable land categorised as Residential not being an exclusion as outlined in Section 496A(2) of the Act as amended.

46 **A STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars ($25.00) per three hundred and fifty square meters (350m²) or part thereof, of land area capped at a maximum of $1,000 for each non-strata property. This charge applies to all non-strata or non-company title rateable land categorised as Business not being an exclusion as outlined in Section 496A(2) of the Act as amended.
47 **A STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars ($25.00) per three hundred and fifty square meters 350m² or part thereof, of land area occupied by the strata scheme, capped at a maximum of $1,000, divided between each unit based on the unit entitlement of each business lot divided by the total unit entitlement of strata lots within the scheme. This charge applies to all strata or company title rateable land categorised as Business where the dominant use of the strata development is for business purposes, not being an exclusion as outlined in Section 496A(2) of the Act as amended.

48 **A DOMESTIC WASTE MANAGEMENT SERVICE CHARGE** of three hundred and forty dollars and nine cents ($340.09) for the provision of domestic waste management services for each parcel of rateable land for which the service is available in The City of Newcastle LGA.

49 **A BUSINESS WASTE MANAGEMENT SERVICE CHARGE** of two hundred and thirty one dollars and fifty one cents ($231.58) for the provision of waste management services (other than domestic waste management services), on each parcel of rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report, for which the service is provided or proposed to be provided in The City of Newcastle LGA.

**KEY ISSUES**

50 This report formalises the specific rates in the dollar amounts to apply to Council’s Ordinary and Special Rates. Additionally specific charge amounts for waste and storm water management purposes are recommended for adoption.

**FINANCIAL IMPACT**

51 Making of the Rates and Charges is a statutory requirement to enable rates and charges revenue to be raised and levied as detailed in the 2017/18 Operational Plan. The estimated amount of levy to be raised is as per the totals shown in the table within paragraph 1 of this report.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

52 The levying of the 2017/18 Ordinary and Special Rates and Charges will enable revenue generation to assist in delivering the seven community strategic directions and associated objectives over the next year.

**IMPLICATIONS**

53 In accordance with Section 405 of the Act, Council is required by 30 June each year, to adopt an Operational Plan incorporating Council’s Revenue Policy and Rating Structure. This Operational Plan must be adopted by Council prior to the making of the Rates and Charges.
Sections 532 and 535 of the Act, require Council to make the Rates and Charges by resolution for the period 1 July 2017 to 30 June 2018. These Rates and Charges must be made by 1 August 2017.

RISK ASSESSMENT AND MITIGATION

Failure to make the 2017/18 Rates and Charges by 1 August 2017 will place Council in breach of the Act (Section 533) and delay the due date for payment of the current years Rates and Charges Notices.

RELATED PREVIOUS DECISIONS

At the Ordinary Council Meeting held on 26 April 2017, Council resolved to place the draft 2013-2018 Delivery Program, draft 2017/18 Operational Plan and draft 2017/18 Fees and Charges on public exhibition from 1 May 2017 to 29 May 2017.

A Councillor Workshop was held on 13 June 2017 to provide Councillors with feedback received during the public exhibition of the revised 2013-2018 draft Delivery Program, the draft 2017/18 Operational Plan and the draft 2017/18 Fees and Charges.

The making of the Rates and Charges for the year 2017/18 is subject to the Council's adoption of the 2017/18 Operational Plan. Should the Operational Plan not be adopted by Council, this report should lay on the table until such time as the 2017/18 Operational Plan is adopted.

CONSULTATION

It is a requirement of the Act that Council must not make a rate or charge until it has given public notice of the draft 2017/18 Operational Plan and has considered any submission made concerning that plan.

The draft 2017/18 Operational Plan was placed on Public Exhibition from 1 May 2017 to 29 May 2017. This document incorporated details of the proposed rating structure for 2017/18.

Information about the draft 2017/18 Operational Plan and the revised draft 2013-2018 Delivery Program was the subject of an advertising campaign including print and online materials. Additionally a video snapshot was created for online and social distribution and a range of editorial pieces for both internal and external audiences.

Posters providing information regarding the exhibition of the revised draft 2013-2018 Delivery Program, the draft 2017/18 Operational Plan and the draft 2017/18 Fees and Charges were displayed at Council facilities and libraries.
OPTIONS

Option 1

63 The recommendations as at Paragraphs 1 - 49. This is the recommended option.

Option 2

64 Council not adopt the Rates and Charges as detailed in this report. The making of the Rates and Charges for the 2017/18 financial year is subject to the elected Council’s adoption of the 2017/18 Operational Plan. Should the recommended 2017/18 Operational Plan be adopted by Council, this report will formalise the specific Rates in the dollar amounts to apply to Council’s Ordinary and Special rates as referenced within the 2017/18 Operational Plan. Should the 2017/18 Operational Plan not be adopted by Council, this report should lay on the table until such time as the 2017/2018 Operational Plan is adopted. Any delay in making the Rates and Charges may also delay the issuing of rate notices which may have a significant negative cash flow impact on Council. This also places Council in a position where it may breach the Act. This option is not recommended.

BACKGROUND

65 Subject to the adoption of amounts and rate structure contained within the 2017/18 Operational Plan, Council will satisfy the provisions of Section 532 of the Act by making the Rates and Charges for the period 1 July 2017 to 30 June 2018.

REFERENCES

ATTACHMENTS

Attachment A: Schedule A - Hunter Mall
Attachment B: Schedule B - Mayfield Business District
Attachment C: Schedule C - Hamilton Business District - Zone A
Attachment D: Schedule D - Hamilton Business District - Zone B
Attachment E: Schedule E - Hamilton Business District - Zone C
Attachment F: Schedule F – Wallsend Business District - Zone A
Attachment G: Schedule G – Wallsend Business District - Zone B
Attachment H: Schedule H – Wallsend Business District - Zone C
Attachment I: Schedule I - New Lambton Business District - Zone A
Attachment J: Schedule J – City Centre - City East
Attachment K: Schedule K – City Centre - Darby Street
Attachment L: Schedule L – City Centre City West (Close Zone)
Attachment M: Schedule M – City Centre City West (Distant Zone)
Attachment N: Schedule N - City Centre - Tower
Attachment O: Schedule O - City Centre - Mall
Attachment P: Schedule P - City Centre - Civic (Close Zone)
Attachment Q: Schedule Q - City Centre - Civic (Distant Zone)
SCHEDULE A

HUNTER MALL

All those pieces or parcels of land being categorised as Business, situate at Newcastle in the City of Newcastle, Parish of Newcastle, County of Northumberland, State of New South Wales, being the area bounded by Hunter, Perkins, King and Brown Streets, and

Also the land contained within the area bounded by Hunter, Wolfe, King and Perkins Streets excluding the land contained in Deposited Plan Number 336771.

Also the land contained within the area bounded by Wolfe, Hunter and Thorn Streets and the generally southern boundaries of Deposited Plans Numbers 843694 and 68888.

Also the land contained within the area bounded by Hunter, Morgan, Laing and Thorn Streets being Lot 3 Deposited Plan Number 600274.

Also the land contained within the area bounded by Laing, Morgan, King and Thorn Streets.

Also the land contained within the area bounded by Morgan Street, the southern side of Hunter and Newcomen Streets and the southern boundaries of part allotment 101 and Deposited Plans Numbers 77846 and 388647.

Also the land contained within the area bounded by Scott, Newcomen, Hunter, Morgan, Keightley and Market Streets excluding the land contained in Deposited Plan Number 81672.

Also the land commencing at the intersection of the southern side of Scott Street with the western side of Market Street and bounded thence by Market and Keightley Streets southerly and westerly to the southwestern corner of Deposited Plan Number 447806 by the western boundary of Deposited Plan Number 447806 northerly to Scott Street, thence by Scott Street easterly to the point of commencement being the land as shown in Deposited Plan Number 447806.

Also the land contained within the area bounded by Hunter, Morgan, Keightley and Market Streets being Lot 2 Deposited Plan Number 600274.

Also the land contained within the area bounded by Hunter, Market, Keightley and Thorn Streets being Lot 1 Deposited Plan Number 600274.

Also the land commencing at the intersection of the southern side of Scott Street with the eastern side of Wolfe Street and bounded by Scott Street easterly to the northeastern corner of Deposited Plan Number 926822 by part to the eastern boundary of Deposited Plan Number 926822 southerly to the northern side of Keightley Street, thence by Thorn, Hunter and Wolfe Streets southerly westerly and northerly to the point of commencement.

Also the land contained within the area bounded by Hunter, Wolfe, Scott and Perkins Streets.
SCHEDULE B

MAYFIELD BUSINESS DISTRICT

All those pieces or parcels of land, categorised as Business, situate at Mayfield in the City of Newcastle, Parish of Newcastle, County of Northumberland, State of New South Wales, being the area bounded by Maitland Road, Wenthi Street, Buruda Street and Tourle Street, and

Also the land contained within the area bounded by Maitland Road, Tourle, Winchester and Windeyer Streets.

Also the land contained within the area bounded by Maitland Road, Windeyer, Winchester and Gamack Streets.

Also the land contained within the area bounded by Maitland Road, Gamack, John and Edmund Streets.

Also the land contained within the area bounded by Maitland Road, Edmund, John and Woodstock Streets.

Also the land contained within the area bounded by Maitland Road, Woodstock, Crebert and Elizabeth Streets.

Also the land contained within the area bounded by Maitland Road, Elizabeth, Crebert and Barton Streets.

Also the land contained within the area bounded by Maitland Road, Barton, Crebert and Kerr Streets with the exception of Lot 190 Deposited Plan (hereafter shown as DP 628826.)

Also the land contained within the area bounded by Maitland Road, Kerr, Regent and Hanbury Streets.

Also the land contained within the area bounded by Maitland Road, Hanbury, Dora and Victoria Streets.

Also the land contained within the area bounded by Maitland Road, Victoria, Dora and Church Streets.

Also the land contained within the area bounded by Maitland Road, Church, Thomas and Havelock Streets, with the exception of Lot 148 and Lot 149 DP 975643.

Also the land contained within the area bounded by Maitland Road, Havelock, Curtis and Fawcett Streets, with the exception of that southern part of Lot 75, Section L, DP 975643 now known as number 2 Fawcett Street, Mayfield.
Also the land contained within the area bounded by Maitland Road, Fawcett, Curtis and Carrington Streets, with the exception of Lot 3 DP 10502, Lot 4 DP 10502 and Lot 1 DP 952024.

Also the land contained within the area bounded by Maitland Road, Carrington, Park and Ingall Streets.

Also the land contained within the area bounded by Maitland Road, Ingall, Mounter and Tarin Streets, with the exception of Lot 1 DP 973066.

Also the land contained within the area bounded by Maitland Road, Tarin, Mounter and O’Mara Streets.

Also the land contained within the area bounded by Maitland Road, O’Mara, Mounter, Clara and Selwyn Streets, with the exception of Lot 3, Section A, DP 2703.

Also the land contained within the area bounded by Maitland Road, Burnett, Adrian and Stedman Streets.

Also the land contained within the area bounded by Maitland Road, Gordon, Adrian and Burnett Streets.

Also the land contained within the area bounded by Maitland Road, Frith, Adrian and Gordon Streets.

Also the land contained within the area bounded by Maitland Road, Wilson, Waratah and Frith Streets.

Also the land contained within the area bounded by Maitland Road, Fitzroy, Waratah and Wilson Streets.

Also the land contained within the area bounded by Maitland Road, Denison, Waratah and Fitzroy Streets, with the exception of Lot 2 DP 554930, Lot A DP 386717, Lot 1 DP 515060 and Lot 2 DP 515060.

Also the land contained within the area bounded by Maitland Road, Baker, Waratah and Denison Streets, with the exception of the northern part of Lot 102 DP 787973 now known as number 3 Baker Street Mayfield.

Also the land contained within the area bounded by Maitland Road, Hanbury, Waratah and Baker Streets.

Also the land contained within the area bounded by Maitland Road, Roe, James, Rawson and Hanbury Streets.

Also the land contained within the area bounded by Maitland Road, Valencia, Barclay and Roe Streets.
Also the land contained within the area bounded by Maitland Road, Nile, Newcastle and Valencia Streets.

Also the land contained within the area bounded by Maitland Road, Corona and Myola Streets, the western boundary of Lot 1 DP 737648 Villiers Street and Nile Street.

Also the land contained within the area bounded by Maitland Road, Silsoe, Myola and Corona Streets.

Also the land contained within the area bounded by Maitland Road, the north western side of the railway land known as the Port Waratah Branch Line, the northern side of Litchfield Park, the western side of Litchfield Park, Myola and Silsoe Streets.

Also the land contained within the area bounded by Hanbury, Macquarie, Baker and Waratah Streets.

Also the land contained within the area bounded by Hanbury, Silsoe, Sunnyside, York and Macquarie Streets.

Also the land contained within the area bounded by Hanbury, York and Sunnyside Streets.

Also the land contained within the area bounded by Hanbury, Rawson, May and Macquarie Streets.

Also the land contained within the area bounded by Hanbury, Macquarie, Rawson and Wilkinson Streets.

Also the land contained within the area bounded by Hanbury, Wilkinson, Rawson and Sunderland Streets.

Also the land contained within the area bounded by Hanbury, Sunderland, Rawson and Braye Streets.
SCHEDULE C

HAMILTON BUSINESS DISTRICT - ZONE A

All those pieces or parcels of land, categorised as Business, situate at Hamilton in the City of Newcastle, Parish of Newcastle, County of Northumberland, State of New South Wales, being land contained within Lot 1 DP 197426, Lot 1 DP 782441, Lot 1 DP 742567, Lot 1 DP 194617 and Lot 222 DP 711626.

Also the land contained within Lot 4 DP 584533, Lot 12 DP 554939, Lot 1 DP 195437, Lot A DP 163114, Lot B DP 163114, Part Lot 4 Section S DP 258906, Part Lots 4/5 Section S DP 258906 and Lot 5 DP 258906.

Also the land commencing at the intersection of the southern side of Donald Street and the eastern side of Beaumont Street and bounded thence by Beaumont and Cleary Streets southerly and easterly to the south eastern corner of Lot 1, Deposited Plan 195067 also being the western side of a lane 3.05m wide, by the western side of that lane northerly to the north eastern corner of Lot 1, Deposited Plan 744828, by the northern side of that lane and Lot 5, Deposited Plan 112686 easterly, by the eastern boundaries of Deposited Plans 583863, 74659, 744839, 599309 and 810933 northerly to Donald Street, by the southern side of Donald Street westerly to the point of commencement and also the land commencing at the intersection of the southern side of Cleary Street and the eastern side of Beaumont Street and bounded thence by Beaumont and Lindsay Streets southerly and easterly to the south eastern corner of Lot 10, Deposited Plan 730856, by the eastern boundary of Lot 10, Deposited Plan 730856 northerly, by the northern most boundary of Lot 10, Deposited Plan 730856 and the southern most boundary of a reserve for access westerly to the south eastern corner of Lot 1, Deposited Plan 742106, by the eastern boundary of Deposited Plan 742106, 718498 and 736899 generally northerly to Cleary Street, by the southern side of Cleary Street westerly to the point of commencement.

Also the land contained within the area bounded by Lindsay, Beaumont, James and Murray Streets excluding Deposited Plans 735441, 713317, 194444, 195277 and part 151701.

Also the land contained within the area bounded by James, Beaumont, Tudor and Murray Streets excluding, Deposited Plans 159807, 710235 and 600287.

Also the land contained within SP 62579 and Lot 100 DP 624615.

Also the land commencing at the intersection of the southern side of Donald Street and the western side of Beaumont Street and bounded thence by Beaumont and Cleary Streets, southerly and westerly to the south eastern corner of Lot 1, Deposited Plan 515659, by the eastern and northern boundary of Lot 1, Deposited Plan 515659 northerly and westerly, by the western most boundary of Lot 2, Deposited Plan 515659 and Lot 1, Deposited
Plan 745138 northerly, by part of the northern boundary of Lot 1, Deposited Plan 745138 easterly to the south west corner of Lot 111, Deposited Plan 803640 also being the eastern side of a passage or right of way, by the eastern side of that passage or right of way northerly to the north western corner of Lot 1, Deposited Plan 780954 also being the southern side of Donald Street, by the southern side of Donald Street easterly to the point of commencement.

Also the land commencing at the intersection of the southern side of Cleary Street and the western side of Beaumont Street and bounded thence by Beaumont and Lindsay Streets southerly and westerly to the southern eastern corner of Lot 112, Deposited Plan 813877, by the eastern and northern boundary of Lot 112, Deposited Plan 813877 northerly and westerly, by the westernmost and northermost boundaries of Lot 121, Deposited Plan 789989 northerly and easterly to the western side of a Reserve for Access 3.95 wide, by part of the western and southern side of that Reserve for Access also being boundaries of Lot 121, Deposited Plan 789989 southerly and easterly to the south east corner of that Reserve for Access, by the eastern side of that Reserve for Access also being western boundaries of Deposited Plans 789989, 544553, Lots 45 and 46, Deposited Plan 192673, Deposited Plan 710794 and 739091 northerly to the southern side of Cleary Street, by the southern side of Cleary Street easterly to the point of commencement.

Also the land commencing at the intersection of the southern side of Lindsay Street and the western side of Beaumont Street and bounded thence by Beaumont Street and James Street southerly and westerly to the south western corner of Lot 77, Deposited Plan 700187, by the western boundary of Lot 77, Deposited Plan 700187 northerly, by part of the northern boundary of the abovementioned lot easterly to the south western corner of Part Lot 6, Section B, Deposited Plan 192809 currently known as House No. 100 Beaumont Street, by the western boundaries of No. 100 Beaumont Street, Deposited Plans 799752, 780749 and 797858 northerly to Lindsay Street, by the southern side of Lindsay Street easterly to the point of commencement.

Also the land commencing at the intersection of the southern side of James Street and the western side of Beaumont Street and bounded thence by Beaumont Street and Tudor Street southerly and westerly to the south western corner of Deposited Plan, 82254, by the western boundaries of Parts Deposited Plan 192809, Deposited Plans 82254, 799981, 195662, 604660, 607058, 207918 and 227306 northerly to James Street, by the southern side of James Street to the point of commencement.
SCHEDULE D

HAMILTON BUSINESS DISTRICT - ZONE B

All those pieces or parcels of land, categorised as Business, situate at Hamilton in the City of Newcastle, Parish of Newcastle, County of Northumberland, State of New South Wales, being the area bounded by Hudson Street, Swan Street, The Esplanade, Great Northern Railway and Beaumont Street.

Also the land contained within the area partly bounded by Fern and Beaumont Streets being Lot 1 Deposited Plan 75464.

Also the land contained within the area partly bounded by Fern and Beaumont Streets to the north eastern boundary of Part Lot 6 Section F DP 192801 thence to southern boundary of the unnamed laneway.

Also the land contained within the area partly bounded by Fern and Beaumont Streets to the north eastern boundary of Lot B DP 153014 thence to part of the northern boundary of the Lot 1 DP 600440 and to the northern boundary of lot 1 DP 783168.

Also the land contained within the area bounded by Donald, Swan, Hudson and Bennett Streets.

Also the land contained within the area bounded by Donald, Bennett, Hudson and Beaumont Streets excluding the land described in Zone A.

Also the land contained within the area bounded by Donald, Beaumont and Hudson Streets, Public Reserve and Eva Street excluding the land described in Zone A.

Also the land contained within the area bounded by Donald and Eva Streets and Public Reserve.

Also the land contained within the area bounded by Donald, Beaumont, Cleary and Bennett Streets excluding the land described in Zone A.

Also the land contained within the area bounded by Donald, Devon, Cleary and Beaumont Streets excluding the land described in Zone A.

Also the land contained within the area bounded by Beaumont Street, the southern side of Cleary Street to the north western corner of Lot 1 Dp 194848 thence by the western boundary of DP 194848 to the northern boundary of Lot D DP 447913 thence by the western boundary of DP 447913 to the northern side of Lindsay Street thence easterly to the intersection of Beaumont Street excluding the land described in Zone A.
Also the land contained within the area bounded by Cleary, Cameron, Lindsay and Beaumont Streets excluding the land described in Zone A.

Also the land contained within the area bounded by Beaumont Street, the southern side of Lindsay Street to the north western boundary of Lot 1 DP 995927 thence by the western boundary of DP 995927 to the northern boundary of Lot 1 DP 782007 thence by the western boundary of DP 782007 to the northern side of James Street thence easterly to the intersection of Beaumont Street;

Also the land contained within the area bounded by Lindsay, Murray, James and Beaumont Streets excluding the land described in Zone A.

Also the land contained within the area bounded by James, William, Tudor and Milton Streets.

Also the land contained within the area bounded by James, Beaumont, Tudor and William Streets excluding the land described in Zone A.

Also the land contained within the area bounded by James, Murray, Tudor and Beaumont Streets excluding the land described in Zone A.

Also the land contained within the area bounded by James, Cameron, Tudor and Murray Streets.

Also the land contained within the area bounded by James, Cameron, Tudor and Cameron Streets.

Also the land contained within the area bounded by Tudor, William, Denison and Milton Streets.

Also the land contained within the area bounded by Tudor, Beaumont, Denison and William Streets excluding the land described in Zone A.

Also the land contained within the area bounded by Tudor, Murray, Denison and Beaumont Streets excluding the land described in Zone A.

Also the land contained within the area bounded by Tudor, Webster, Denison and Murray Streets.

Also the land contained within the area bounded by Tudor, Crompton, Denison and Webster Streets.

Also the land contained within the area bounded by Tudor, Lawson, Denison and Crompton Streets.
SCHEDULE E

HAMILTON BUSINESS DISTRICT - ZONE C

All those pieces or parcels of land, categorised as Business, situate at Hamilton in the City of Newcastle, Parish of Newcastle, County of Northumberland, State of New South Wales, being the area bounded by Gordon Avenue, Denison, Turner and Tudor Streets.

Also the land contained within the area bounded by Turner, Denison, Lawson and Tudor Streets.

Also the land contained within the area bounded by Milton, Denison, Chaucer and Tudor Streets.

Also the land contained within the area bounded by Chaucer, Denison, Bridge and Tudor Streets.

Also the land contained within the area bounded by Bridge, Denison, Steel and Tudor Streets.

Also the land contained within the area bounded by Tudor, Steel, James and Bridge Streets.

Also the land contained within the area bounded by Tudor, Bridge, James and Chaucer Streets.

Also the land contained within the area bounded by Tudor, Chaucer, James and Milton Streets.

Also the land contained within the area bounded by Tudor, Lawson, James and Eicho Streets.

Also the land contained within the area bounded by Tudor, Eicho, James Streets and Gordon Avenue.

Also the land contained within the area bounded by Parry Street, Gordon Avenue and Tudor Street.

Also the land contained within the area bounded by James, Eicho, Lindsay Streets and Gordon Avenue.

Also the land contained within the area bounded by James, Lawson, Lindsay and Eicho Streets.

Also the land contained within the area bounded by Steel Street the eastern boundary of Lot DP and Lots A and B DP and in a westerly direction to the intersection of Lindsay and Steel Streets.
Also the land contained within the area bounded by Lindsay Lawson, Cleary and Elcho Streets.

Also the land contained within the area bounded by Lindsay, Elcho Cleary Streets, Gordon Avenue and Donald Street.

Also the land contained within the area bounded by Cleary, Wilson and Donald Streets.

Also the land contained within the area bounded by Cleary, Lawson, Donald and Wilson Street.
SCHEDULE F

WALLSEND BUSINESS DISTRICT - ZONE A

All those pieces or parcels of land being Business as defined in Section 518 of the Local Government Act, 1993, situate at Wallsend in the City of Newcastle, Parish of Newcastle, County of Northumberland, State of New South Wales, being such Business land contained within the centre of activity being the area bounded by Tyrrell Street, Nelson Street, Kemp Street and Low Street, and.

Also the land contained within the area bounded by Tyrrell, Nelson, Dan Rees and Council Streets.

Also the land contained within the area bounded by Tyrrell, Council, Dan Rees Streets and the eastern boundary of the area resumed for storm water channel purposes with the exception of all that part of Lot 51 DP 843945 which is bounded by Council Street, the southern boundary of Lot 1 DP 18215, part of the eastern boundary of the said stormwater channel and the northern boundary of Lot 13 DP 554147.

Also the land contained within the area bounded by Cowper, Brooks, Metcalfe and Campbell Streets.

Also the land contained within the area bounded by Cowper, Metcalfe, Campbell and Murnin Streets.

Also the land contained within the area bounded by Cowper, Irving, Murnin and Campbell Streets.

Also the land contained within Lot 107 DP 813129.

Also the land contained within the area bounded by Dan Rees, Kemp, Low and Cowper Streets and the eastern boundary of Lot 107 DP 813129.

Also the land contained within the area bounded by Low, Kemp and Cowper Streets and the southern and eastern boundaries of Lot 1 DP 232822.

Also the land contained within the area bounded by Robert, George, Kemp and Low Streets.

Also the land contained within the area bounded by Robert, Low and George Streets.

Also the land contained within the area bounded by Charles, Harris and Tyrrell Streets and the western boundaries of Lots 107, 109 and 110 DP 238198.
Also the land contained within the area bounded by Charles, Harris and William Streets and the eastern and northern boundaries of Lot 33 Sec C and the northern and part of the western boundary of Lot 8 Sec C.

Also the land contained within the area bounded by William and Harris Streets and the northern boundaries of part Lots 1, 2 and 3 Sec C DP 111245.

Also the land contained within the area bounded by Tyrrell, Nelson, Boscawen and Harris Streets.

Also the land contained within Lot 20 DP 63875 and Lot 1 DP 738503 known as number 68 Nelson Street Wallsend.

Also the land contained within the area bounded by Cross, Clark and Nelson Streets and the splayed northern boundary of the area resumed for stormwater channel purposes with the exception of Lot 100 DP 825711 known as number 3 Cross Street Wallsend and Lot 6 Sec E DP 977871 known as number 7 Cross Street Wallsend.

Also the land contained within the area bounded by Tyrrell, Council and Nelson Streets and the western boundary of Lot 8 Sec A DP 977871.

Also the land contained within the area bounded by Bunn, Nelson, Council and the eastern boundary of Lot 5 Sec A DP 770396.

Also the land contained within the area bounded by Bunn, Council, Tyrrell Streets and the eastern boundaries of Lot 12 Sec A DP 111245 and Lot 71 DP 551112.

All of the land contained within Lots 1 and 2 Sec A DP 111245 and Lots 1 and 2 DP 212934.
SCHEDULE G

WALLSEND SPECIAL RATE - ZONE B

All those pieces or parcels of land being Business as defined in Section 518 of the Local Government Act, 1993, situate at Wallsend in the City of Newcastle, Parish of Newcastle, County of Northumberland, State of New South Wales, being such Business land contained within the centre of activity being the area bounded by Bunn, Kokera, Bousfield and Boundary Streets.

Also the land contained within the area bounded by Boundary, Devon, Tyrrell and Bunn Streets.

Also the land contained within the area bounded by Tyrrell, Bunn, Nelson and Devon Streets.

Also the land contained within the area bounded by Nelson, Devon, Ranclaud and Clark Streets.

Also the land contained within Lot 100 DP 825711 and Lot 6 Sec E DP 977871.

Also the land contained within Lots 20, 22 and 26 DP 21951 Lot 122 DP 619031 Lots 1 and 2 DP 394152 Lot 1 DP 249008 and Pt Lot 12 DP 516075.

Also the land contained within the area bounded by George, James, John and the western boundaries of Lots 100 DP 830522 and Lot 1 DP 215847.

Also the land contained within the area bounded by George, Robert, James and John Streets.

Also the land contained within the area bounded by John and Robert Streets and the northern boundaries of Lot B DP 215067 Lot 1 DP 785673 and Lot 2 DP 227626 and the western boundary of Lot 2 DP 227626.
SCHEDULE H

WALLSEND SPECIAL RATE - ZONE C

All those pieces or parcels of land being Business as defined in Section 518 of the Local Government Act, 1993, situate at Wallsend in the City of Newcastle, Parish of Newcastle, County of Northumberland, State of New South Wales, being such Business land contained within the centre of activity being all the land contained within Lot 51 DP 843945.
SCHEDULE 1

NEW LAMBERTON BUSINESS DISTRICT - ZONE A

All those pieces or parcels of land categorised as being Business as defined in Section 518 of the Local Government Act, 1993, situate at New Lambton in the City of Newcastle, Parish of Newcastle, County of Northumberland, State of New South Wales, being such Business land contained within the centre of activity being the area bounded by Victoria Street, Regent Street, Portland Place and Evescourt Road, and

Also the land contained within the area bounded by Victoria Street, Cromwell Street, Portland Place and Regent Street.

Also the land contained within the area bounded by Victoria Street, Evescourt Road, Regent Street and Russell Road.

Also the land contained within the area bounded by Victoria Street, Cromwell Street, Regent Street and Russell Road.

Also the land contained within the area bounded by Alma Lane, Cromwell Street, Regent Street and Russell Road.

Also the land contained within the area bounded by Alma Lane, Cromwell Street, Regent Street and Alma Road.

Also the land contained within the area bounded by Alma Lane, Cromwell Street, Royal Place and Alma Road.

Also the land contained within the area bounded by Lambton Lane, Rugby Road, Regent Street and Alma Road.

Also the land contained within the area bounded by Lambton Lane, Rugby Road, Lambton Road and Alma Road.
SCHEDULE I

CITY CENTRE - CITY EAST

All those pieces or parcels of land, categorised as Business, situate at Newcastle in The City of Newcastle, Parish of Newcastle, County of Northumberland, State of New South Wales, being the area bounded by Hunter, Newcomen, Scott and Bolton Streets.

Also the land contained within the area bounded by Hunter, Bolton, Scott and Watt Streets being the area bounded by Hunter, Watt, Scott and Pacific Streets, and also the land contained within the area bounded by Hunter, Bolton, King and Newcomen Streets.

Also the land contained within the area bounded by Hunter, Watt, King and Bolton Streets.

Also the land contained within the area bounded by Hunter, Pacific, King and Watt Streets.

Also the land contained within the area bounded by King, Bolton, Church and Newcomen Streets with the exception of Lot 1 Deposited Plan 709455, Part Lot 73 DP 63392 and the land in DP 301980.

Also the land contained within the area bounded by King, Watt, Church and Bolton Streets.

Also the land contained within the area bounded by Hunter, Perkins, Scott and Wolfe Streets.

Also the land contained within the area bounded by Hunter, Wolfe, Scott, Market, Keightley and Thorn Streets.

Also the land contained within the area bounded by Hunter, Thorn, Keightley and Market Streets.

Also the land contained within the area bounded by Hunter, Market, Keightley and Morgan Streets.

Also the land contained within the area bounded by Hunter, Morgan, Keightley, Market, Scott and Newcomen Streets.

Also the land contained within the area bounded by Hunter, Wolfe, King and Perkins Streets.

Also the land contained within the area bounded by Hunter, Thorn, King and Wolfe Streets.
Also the land contained within the area bounded by Hunter, Morgan, Laing and Thorn Streets.

Also the land contained within the area bounded by Hunter, Newcomen, King and Morgan Streets.

Also the land contained within the area bounded by King, Thorn, Laing, and Morgan Streets.

Also the land commencing at the intersection of the eastern side of Perkins Street with the southern side of King Street and bounded thence easterly by the southern side of King Street to Wolfe Street, thence southerly by the western side of Wolfe Street to the northern side of a Right of Way known as Noster Place, thence westerly by the northern side of Noster Place to the eastern boundary of Lot 100 Deposited Plan 812931, thence westerly by the southern boundary of Lot 100 Deposited Plan 812931 to the eastern boundary of Lot 4 Deposited Plan 511096, thence northerly by the eastern boundary to the northern boundary of Lot 4 Deposited Plan 511096, thence westerly by the northern boundary of Lot 4 Deposited Plan 511096 to the eastern side of Perkins Street thence northerly by the eastern side of Perkins Street to the point of commencement.

Also the land commencing at the intersection of the southern side of King Street with the western side of Newcomen Street and bounded thence southerly by the western side of Newcomen Street to the north east corner of Lot 4 Deposited Plan 594939, thence westerly by the northern boundary of Lot 4 Deposited Plan 594939, thence northerly by the western boundaries of Part Allotment 90, Allotments 91,92, 93 and 95 City of Newcastle (Deposited Plan 54152) to the southern side of King Street, thence easterly by the southern side of King Street to the point of commencement.

Also the land contained within Strata Plan 21188 being known as No 342 Hunter Street.

Also the land contained within Lot 1 Deposited Plan 615094 being No 336 Hunter Street.

Also the land contained within the area bounded by Wharf Road, the eastern boundary of Lot 1 Deposited Plan 747803, the former Great Northern Railway and Argyle Street.

Also the land contained within the area bounded by Hunter, Crown, King and Darby Streets.

Also the land contained within the area bounded by Hunter, Brown, King and Crown Streets.

Also the land contained within the area bounded by Hunter, Perkins, King and Brown Streets.
Also the land commencing at the intersection of the southern side of King Street with the western side of Brown Street and bounded thence southerly by the western side of Brown Street to the northern side of a private lane known as Congregational Lane, thence westerly by the northern side of Congregational Lane, thence southerly by the eastern boundaries of Strata Plan 14504 and Lot 1012 Deposited Plan 577948, thence westerly by part of the southern boundary of Lot 1012 Deposited Plan 577948, thence southerly by the eastern most boundary of Lot 1 Deposited Plan 531497, thence westerly by the southern boundary of Lot 1 Deposited Plan 531497, thence southerly by part of the eastern boundary of Lot 25 Deposited Plan 786533, thence westerly by the southern boundary of Lot 25 Deposited Plan 786533, thence northerly by the western boundary of Lot 25 Deposited Plan 786533 to the southern side of King Street, thence generally easterly by the southern side of King Street to the point of commencement.

Also the land commencing at the intersection of the eastern side of Brown Street with the southern side of King Street and bounded thence easterly by the southern side of King Street to Perkins Street, thence southerly by the western side of Perkins Street to the southern boundary of Lot 2 Deposited Plan 565144, thence, westerly by the northern side of Carlton Street, thence northerly by the eastern most boundary of Lot 1 Deposited Plan 822197, thence westerly by part of the southern boundary of Deposited Plan 64384 to the eastern side of Brown Street, thence northerly by the eastern side of Brown Street to the point of commencement.
SCHEDULE K

CITY CENTRE - DARBY STREET

All those pieces or parcels of land, categorised as Business, situate at Newcastle in the City of Newcastle, Parish of Newcastle, County of Northumberland, State of New South Wales, being the land commencing at the intersection of the eastern side of Darby Street with the southern side of King Street and bounded thence easterly by the southern side of King Street, part of the northern boundary of Lot 2 Deposited Plan 514776 and Lot 1 Deposited Plan 120163, thence southerly by the eastern boundaries of Lots 1 and 2 Deposited Plan 120163 and Part Lot A Deposited Plan 402271, thence westerly by the northern boundary of Lot 150 Deposited Plan 582406, thence southerly by the western boundary of Lot 150 Deposited Plan 582406 to the northern side of Tyrrell Street, thence westerly by the northern side of Tyrrell Street, thence northerly by the eastern side of Darby Street to the point of commencement.

Also the land contained within the area bounded by Darby Street, Tyrrell Street, the western boundary of Lot 102 Deposited Plan 786555 and Queen Street.

Also the land commencing at the intersection of the northern side of Bull Street with the eastern side of Darby Street and bounded thence northerly by the eastern side of Darby Street, thence westerly by the southern side of Queen Street to the western boundary of the private lane, thence generally southerly by the western boundary of that private lane and the western boundary of a private lane as shown on Deposited Plan 95076, thence easterly by the northern boundary of Lot 114 Deposited Plan 702624, thence southerly by the western boundary of Railway Street, thence westerly by the southern most boundary of Lot 2 Deposited Plan 346454, thence southerly by the eastern boundaries of Lot 1 Deposited Plan 741902 and Lot 1 Deposited Plan 740217, thence easterly by a northern boundary of Lot 1 Deposited Plan 740217, thence southerly by the western side of Railway Street, thence westerly by the southern boundary of Lot 1 Deposited Plan 740217, thence southerly by the eastern boundaries of Lots 262, 263, 264 and 265 Deposited Plan 615688 and Lot 1 Deposited Plan 60745, thence easterly by the northern boundary of Lot 1 Deposited Plan 732964, thence southerly by the eastern boundary of Lot 1 Deposited Plan 732964, thence easterly by the southern boundary of Lot 1 Deposited Plan 711571, thence southerly by the western side of Railway Street, thence westerly by the southern boundary of Lot 1 Deposited Plan 779210, thence southerly by the western boundary of Deposited Plan 321534, thence easterly by the northern boundary of Lot 2 Deposited Plan 112771, thence southerly by the western side of Railway Street, thence westerly by the northern boundary of Lot 1 Deposited Plan 780544, thence southerly by the eastern boundaries of Lot 1 Deposited Plan 780544, Part Lot 30 Deposited Plan 978941, Lot 1 Deposited Plan 738649 and the western side of a private lane to Bull Street, thence westerly by the northern side of Bull Street to the point of commencement.

Also the land commencing at the intersection of the southern side of Queen Street with the western side of Darby Street and bounded thence southerly by the western side of Darby Street, thence westerly by the northern side of
Council Street, thence northerly by the western boundaries of Lot 1 Deposited Plan 784154 and Lot 1 Deposited Plan 741680, thence westerly by the southern boundary of Lot 1 Deposited Plan 742501 thence northerly by the western boundaries of Lot 1 Deposited Plan 742501 and Lot 70 Deposited Plan 706980, thence easterly by the southern boundary of Strata Plan 20224, thence northerly by the eastern boundaries of Strata Plan 20224 and Lot 13 Deposited Plan 251602, the western boundaries of Lot 8 Deposited Plan 251602, Lot 1 Deposited Plan 745048 and Lot 204 Deposited Plan 631586, thence easterly by the northern boundary of Lot 203 Deposited Plan 631586, thence northerly by the western boundary of Lot 3 Deposited Plan 741688, thence easterly by the northern boundary Lot 3 Deposited Plan 741688, thence northerly by the eastern most boundary of Deposited Plan 798130 to the southern side of Queen Street, thence easterly by the southern side of Queen Street to the point of commencement.

Also the land commencing at the intersection of the southern side of Council Street with the western side of Darby Street and bounded thence southerly by the western side of Darby Street, thence westerly by the northern side of Bull Street, thence northerly by the eastern boundary of No 28 Bull Street being Part Lot 16 Section G Deposited Plan 978941, thence westerly by the southern boundary of Lot 1 Deposited Plan 714722, thence northerly by the western boundaries of Lot 1 Deposited Plan 741722 and Lots 142 and 141 Deposited Plan 740376, thence westerly by a southern boundary of Lot 141 Deposited Plan 740376, thence northerly by the eastern side of Dawson Street, thence easterly by the northern boundary of Lot 141 Deposited Plan 740376, thence northerly by the western boundaries of Lot 2 Deposited Plan 779300, Lot 1 Deposited Plan 780698, Part Lot 12 Section G Deposited Plan 978941 and Lots 1 and 2 Deposited Plan 741985 to Council Street, thence easterly by the southern boundary of Council Street to the point of commencement.
SCHEDULE I

CITY CENTRE - CITYWEST (CLOSE ZONE)

All those pieces and parcels of land, categorised as Business, situate at Newcastle in the City of Newcastle, Parish of Newcastle, County of Northumberland, State of New South Wales, being the area bounded by Hunter Street, (also known as Mailland Road) to the Northern prolongation of Selma Street, the former Great Northern Railway and Railway Street.

Also the land contained within the area bounded by Hunter Street, Railway Street, Tighes Street, the former Great Northern Railway, Stewart Avenue, Beresford Lane and Cooper Street.

Also the land contained within the area bounded by Hunter Street, Cooper Street, Beresford Lane and Stewart Avenue.

Also the land contained within the area bounded by Hunter Street, Stewart Avenue, Beresford Lane and Florence Street.

Also the land contained within the area bounded by Beresford Street, Hannell Street, Beresford Lane and Stewart Avenue.

Also the land contained within the area bounded by Hunter Street, Florence Street, Beresford Lane and Hannell Street.

Also the land contained within the area bounded by Hunter Street, Hannell Street, the former Great Northern Railway and Worth Place.

Also the land contained within the area bounded by Hunter, Denison, Parry and Tudor Streets.

Also the land contained within the area bounded by Hunter, Wood, Parry and Denison Streets.

Also the land contained within the area bounded by Hunter Street, Stewart Avenue, Parry Street and Wood Street.

Also the land contained within the area bounded by Hunter Street, National Park Street, King Street and Stewart Avenue.

Also the land contained within the area bounded by Hunter, Steel, King and National Park Streets.

Also the land contained within the area bounded by Hunter Street, Devonshire Street, King Street and Steel Street.

Also the land contained within the area bounded by Hunter Street, Union Street, King Street and Devonshire Street
Also the land contained within the area bounded by King, National Park and Parry Streets.

Also the land commencing at the intersection of the eastern side of Stewart Avenue with the southern side of Parry Street and bounded thence easterly by the southern side of Parry Street to the western boundary of Lot A DP 158805, thence southerly by the western boundary of Lot A DP 158805, thence westerly by the southern boundaries of Deposited Plans 32614, 741790, 797031 and 736327 to the eastern side of Stewart Avenue, thence northerly by the eastern side of Stewart Avenue to the point of commencement.

Also the land contained within the area bounded by King, Steel, Parry and National Park Streets.

Also the land contained within the area bounded by King, Ravenshaw, Parry and Steel Streets.

Also the land contained within the area bounded by King, Union, Bull and Ravenshaw Streets with the exceptions of the land in Deposited Plan 95195.

Also the land bounded by Union, Hunter, Laman and the eastern boundary of lot 1 Deposited Plan 67823, part of the northern boundary of lot 1 in Deposited Plan 87872, the eastern boundary of lot 1 in Deposited Plan 1010094 and the western boundaries of lot 451 in Deposited Plan 748689, lot 1 in Deposited Plan 770100 and lot 1 Deposited Plan 1205381.
SCHEDULE M

CITY CENTRE - CITY WEST (DISTANT ZONE)

All those pieces or parcels of land, categorised as Business, situate at Newcastle in the City of Newcastle, Parish of Newcastle, County of Northumberland, State of New South Wales, being the area bounded by Parry, Arnott, Bull and Union Streets.

Also the land contained within the area bounded by Parry, Ravenshaw, Hall and Arnott Streets.

Also the land contained within the area bounded by Ravenshaw, Bull, Dick and Hall Streets.
SCHEDULE N

CITY CENTRE - TOWER

All those pieces or parcels of land, categorised as Business, situate at Newcastle in the City of Newcastle, Parish of Newcastle, County of Northumberland, State of New South Wales, being the land contained within Strata Plan 21188 being known as No 342 Hunter Street.

Also the land contained within Lot 1 Deposited Plan 615094 being No 336 Hunter Street.

Also the land contained within the area bounded by Wharf Road, the eastern boundary of Lot 1 Deposited Plan 747803, the former Great Northern Railway and Argyle Street.

Also the land contained within the area bounded by Hunter, Crown, King and Darby Streets.

Also the land contained within the area bounded by Hunter, Brown, King and Crown Streets.

Also the land contained within the area bounded by Hunter, Perkins, King and Brown Streets.

Also the land commencing at the intersection of the southern side of King Street with the western side of Brown Street and bounded thence southerly by the western side of Brown Street to the northern side of a private lane known as Congregational Lane, thence westerly by the northern side of Congregational Lane, thence southerly by the eastern boundaries of Strata Plan 14504 and Lot 1012 Deposited Plan 577948, thence westerly by part of the southern boundary of Lot 1012 Deposited Plan 577948, thence southerly by the eastern most boundary of Lot 1 Deposited Plan 531497, thence westerly by the southern boundary of Lot 1 Deposited Plan 531497, thence southerly by part of the eastern boundary of Lot 25 Deposited Plan 786533, thence westerly by the southern boundary of Lot 25 Deposited Plan 786533, thence northerly by the western boundary of Lot 25 Deposited Plan 786533 to the southern side of King Street, thence generally easterly by the southern side of King Street to the point of commencement.

Also the land commencing at the intersection of the eastern side of Brown Street with the southern side of King Street and bounded thence easterly by the western side of Perkins Street to the southern boundary of Lot 2 Deposited Plan 565144, thence, westerly by the northern side of Carlton Street, thence northerly by the eastern most boundary of Lot 1 Deposited Plan 822197, thence westerly by part of the southern boundary of Deposited Plan 64384 to the eastern side of Brown Street, thence northerly by the eastern side of Brown Street to the point of commencement.
SCHEDULE O

CITY CENTRE - MALL

All those pieces or parcels of land, categorised as Business, situate at Newcastle in the City of Newcastle, Parish of Newcastle, County of Northumberland, State of New South Wales, being the land contained within the area bounded by Hunter, Perkins, Scott and Wolfe Streets.

Also the land contained within the area bounded by Hunter, Wolfe, Scott, Market, Keightley and Thorn Streets.

Also the land contained within the area bounded by Hunter, Thorn, Keightley and Market Streets.

Also the land contained within the area bounded by Hunter, Market, Keightley and Morgan Streets.

Also the land contained within the area bounded by Hunter, Morgan, Keightley, Market, Scott and Newcomen Streets.

Also the land contained within the area bounded by Hunter, Wolfe, King and Perkins Streets.

Also the land contained within the area bounded by Hunter, Thorn, King and Wolfe Streets.

Also the land contained within the area bounded by Hunter, Morgan, Laing and Thorn Streets.

Also the land contained within the area bounded by Hunter, Newcomen, King and Morgan Streets.

Also the land contained within the area bounded by King, Thorn, Laing, and Morgan Streets.

Also the land commencing at the intersection of the eastern side of Perkins Street with the southern side of King Street and bounded thence easterly by the southern side of King Street to Wolfe Street, thence southerly by the western side of Wolfe Street to the northern side of a Right of Way known as Noster Place, thence westerly by the northern side of Noster Place to the eastern boundary of Lot 100 Deposited Plan 612931, thence westerly by the southern boundary of Lot 100 Deposited Plan 812931 to the eastern boundary of Lot 4 Deposited Plan 511096, thence northerly by the eastern boundary to the northern boundary of Lot 4 Deposited Plan 511096, thence westerly by the northern boundary of Lot 4 Deposited Plan 511096 to the eastern side of Perkins Street thence northerly by the eastern side of Perkins Street to the point of commencement.
Also the land commencing at the intersection of the southern side of King Street with the western side of Newcomen Street and bounded thence southerly by the western side of Newcomen Street to the north east corner of Lot 4 Deposited Plan 594939, thence westerly by the northern boundary of Lot 4 Deposited Plan 594939, thence northerly by the western boundaries of Part Allotment 90, Allotments 91, 92, 93 and 95 City of Newcastle (Deposited Plan 54152) to the southern side of King Street, thence easterly by the southern side of King Street to the point of commencement.
SCHEDULE P

CITY CENTRE - CIVIC (CLOSE ZONE)

All those pieces and parcels of land, categorised as Business, situate at Newcastle in the City of Newcastle, Parish of Newcastle, County of Northumberland, State of New South Wales, being the area bounded by Hunter Street, Worth Place, Lane adjoining the former Great Northern Railway and the eastern boundary of Lot 8 Deposited Plan 18256.

Also the land contained within the area bounded by Hunter Street, the western boundary of Lot 100 Deposited Plan 809262, the former Great Northern Railway and Merewether Street.

Also the land contained within the area bounded by Hunter Street, Merewether Street, the former Great Northern Railway and the eastern boundary of Lot 101 Deposited Plan 546335.

Also the land contained within the area bounded by Merewether Street, Centenary Road, Argyle Street and the former Great Northern Railway.

Also the land contained within the area bounded by Hunter Street, Union Lane, King Street and the eastern boundary of Lot 1 Deposited Plan 67823, part of the northern boundary of Lot 1 in Deposited Plan 87872, the eastern boundary of Lot 1 in Deposited Plan 1010094 and the western boundaries of Lot 451 in Deposited Plan 748689, Lot 1 in Deposited Plan 770100 and Lot 1 Deposited Plan 1205381.

Also the land contained within the area bounded by Hunter Street, Auckland Street, King Street and Union Lane.

Also the land commencing at the intersection of the eastern side of Auckland Street with the southern side of Hunter Street and bounded thence on the southern side of Hunter Street easterly to the western boundary of a private road known as Wheeler Place, thence southerly by that western side of Wheeler Place to the northern boundary of a private road known as Christie Street, thence westerly by that northern side of Christie Street, a northern boundary of Lot 1 Deposited Plan 225689 and the northern boundary of Lot 2 Deposited Plan 225689 to the eastern side of Auckland Street, thence northerly by that eastern side of Auckland Street to the point of commencement.

Also the land contained within the area bounded by Hunter, Burwood and King Streets and the private road known as Wheeler Place.

Also the land contained within the area bounded by Hunter, Darby, King and Burwood Streets.

Also the land contained within the area bounded by King, Auckland and Gibson Streets, and the western boundary of Lot 451 DP 748689.
SCHEDULE Q

CITY CENTRE - CIVIC (DISTANT ZONE)

All those pieces and parcels of land, categorised as Business situate at Newcastle in the City of Newcastle, Parish of Newcastle, County of Northumberland, State of New South Wales, being the land contained within the area bounded by Wharf Road, Argyle Street, Centenary Road and Merewether Street.
ITEM-63 CCL 27/06/17 - MAKING OF THE RATE - HUNTER CATCHMENT CONTRIBUTION AND COMMISSION FOR THE YEAR COMMENCING 1 JULY 2017

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

PURPOSE

To authorise the collection of the Hunter Catchment Contribution at the rate established by NSW Government - Hunter Local Land Services for the 2017/18 rating year for those rateable assessments for which it is applicable and to endorse the rate of commission, as established by the Hunter Local Land Service, to be applied by Council for the collection of the Contribution on their behalf.

RECOMMENDATION

1 (a) Council notes that Hunter Local Land Services has established the Hunter Catchment Contribution rate for the 2017/18 rating year at 0.011000 of a cent in the dollar on all relevant properties within the Newcastle Local Government Area (LGA), with a land value in excess of $300.

(b) Council endorses the levying and collection of the Hunter Catchment Contribution on behalf of Hunter Local Land Services as the rate detailed in Paragraph 1(a) above.

2 Council endorses the rate of commission payable to Council for the collection of the 2017/18 Catchment Contribution at 5% of Hunter Catchment Contributions collected, as determined by Hunter Local Land Services.

KEY ISSUES

3 Council, on behalf of Hunter Local Land Services, is obliged to levy the Hunter Catchment Contribution on all relevant properties within the Newcastle LGA with a land value in excess of $300 as per requirements of The Local Land Services Act 2013 and the Local Land Services Regulation 2014. Hunter Local Land Services has set the rate in the dollar that will apply to those rateable assessments liable to be charged the catchment contribution at 0.011000 for the 2017/18 rating year.

4 The proposed rate of commission, payable by Hunter Local Land Services to Council for acting on their behalf, in the levying and collection of the 2017/18 Hunter Catchment Contribution is 5% of all monies collected, which is the maximum allowable under the legislation.
In order to comply with legislation, Council must continue to levy the Hunter Catchment Contribution on its annual Rates and Charges Notices. The levy, less the commission payable to the Council, is passed on to Hunter Local Land Services.

**FINANCIAL IMPACT**

The estimated total levy to be collected from the catchment contribution is $2.59 million. Based on the recommendations at Paragraphs 1 and 2, the estimated commission earned by Council and withheld from this levy for the 2017/18 rating year is $129,500. This is sufficient to cover the administrative costs incurred by Council in collecting and dispersing the levy.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

N/A.

**IMPLEMENTATION PLANNING / IMPLICATIONS**

The provisions of the Local Land Services Regulation 2014 require Council to collect this levy on behalf of Hunter Local Land Services. Information relating to the Hunter Catchment Contribution is outlined each year on Council's annual Rates and Charges Notices.

**RISK ASSESSMENT AND MITIGATION**

Failure to make the 2017/18 Hunter Catchment Contribution by 1 August 2017 will place Council in breach of the Local Government Act 1993 and the Local Land Services Regulation 2014, which may delay the levying of Council's rates and charges.

**RELATED PREVIOUS DECISIONS**

The Hunter Catchment Contribution has been collected by Council since 1976. This report proposes confirmation of existing practice and follows the adoption of the rate for the previous rating year at the Ordinary Council Meeting held on 28 June 2016.

**OPTIONS**

**Option 1**

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

**Option 2**

Council resolves not to levy the Hunter Catchment Contribution in accordance with the Local Land Services Regulation 2014. Failure to make the 2017/18 Hunter Catchment Contribution by 1 August 2017 will place Council in breach of the Local Government Act 1993. This is not the recommended option.
BACKGROUND

13 In accordance with the provisions of the Local Land Services Regulation 2014 and the Local Government Act 1993, Council is required to levy and collect the Hunter Catchment Contribution on behalf of Hunter Local Land Services.

14 By Government Gazette dated 19 May 2017, Hunter Local Land Services confirms that the 2017/18 Hunter Catchment Contribution will be 0.011000 of a cent in the dollar. The rate of commission, set by Hunter Local Land Services, payable to Council for the levying and collection of the Hunter Catchment Contribution remains at 5%.

15 The funds collected by Council on behalf of Hunter Local Land Services are used by this Authority for managing the land, vegetation and water resources within the Hunter Catchment Area. This is done via various rehabilitation and flood mitigation projects.

REFERENCES

ATTACHMENTS

Nil.
ITEM-64 CCL 27/06/17 - WRITE-OFF OF SUNDARY DEBT

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

PURPOSE

In accordance with Council’s Debt Management Policy and Procedures and clause 213 of the Local Government (General) Regulation 2005 approval is sought to write-off a sundry debt owed by a company which has been placed into liquidation.

RECOMMENDATION

1 Council resolve to write-off of an outstanding account totalling $42,960.85 relating to unpaid rectification works costs, as set out in Attachment A.

KEY ISSUES

2 Council was forced to undertake rectification works in early 2013 to a large section of footpath due to public safety concerns. These works were required after development works undertaken by the debtor, as identified in Attachment A, left the surface uneven and in an unsafe state. On-going action by Council’s Legal Services and Debt Management Teams has been unable to successfully recoup costs incurred.

3 Recovery of the subject debt has been attempted by both Council’s Debt Management and Legal Services Teams. The subject debtor is now in liquidation. The appointed liquidator HoskingHurst Pty Ltd advises that investigations into the affairs of the Company are complete and no commercial benefit will be derived from any further recovery action. Additionally, they advise that there will be no distribution to unsecured creditors.

4 The subject debt totals $42,960.85. This report recommends the write-off of this amount as the cost of recovery in these circumstances is no longer cost effective. In accordance with the provisions of clause 213 of the Local Government (General) Regulation 2005, this amount may be written-off only by resolution of the Council.

FINANCIAL IMPACT

5 The outstanding amount of $42,960.85 has already been included in the Provision for Doubtful Debts. Writing-off of the debt will impact Council’s Balance Sheet, with a decrease in the value of Council’s sundry debtors as well as a reduction in the Provision for Doubtful Debts.

COMMUNITY STRATEGIC PLAN ALIGNMENT

6 N/A.
IMPLEMENTATION PLAN/IMPLICATIONS

7 The implementation of the recommendation is consistent with Council’s Debt Management Policy and Procedures and clause 213 of the Local Government (General) Regulation 2005.

RISK ASSESSMENT AND MITIGATION

8 Debt Recovery action has been implemented in accordance with the guidelines contained within Council’s Debt Management Policy and Procedures.

9 All reasonable attempts to recover the debt have been conducted and given the position of the subject debtor, with no distribution to unsecured creditors, it is no longer cost effective to continue to seek to recover the debt.

RELATED PREVIOUS DECISIONS

10 N/A.

CONSULTATION

11 All debts written-off are reported to Council's Audit Committee.

OPTIONS

Option 1

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

Option 2

13 Council decides not to write-off this debt and to continue recovery action. This is not a cost effective action and is not recommended.

BACKGROUND

14 In late 2011 the debtor took out a Road Opening Permit to open the concrete and brick paved footway in Scott Street Newcastle for the connection of power to a nearby unit development. The power connection works were completed however final restoration of the footway was ineffective and public safety was at risk.

15 Council then carried out restoration works to remedy the situation and sought payment from the debtor accordingly to cover its costs. These works were finalised in early 2013.
16 The investigation of the debtor's affairs indicates the debtor was placed into Administration in August 2012 and subsequently into Liquidation in February 2014. To date all recovery action has been unsuccessful. The appointed liquidator HoskingHurst Pty Ltd has advised no dividend is payable to any unsecured creditor.

17 The provisions of clause 213 of the Local Government (General) Regulation 2005 allow the subject debt to be written-off only by resolution of the Council. A debt can only be written off if the debt cannot be lawfully recovered, or as a result of a Court decision, or it is not cost effective to recover the debt.

REFERENCES

ATTACHMENTS

Attachment A: Details of the subject Debt
## Sundry Debts Greater Than $10,000 to be Written Off

<table>
<thead>
<tr>
<th>Name</th>
<th>Account No</th>
<th>Amount</th>
<th>Description</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planelec Service Pty Ltd</td>
<td>713003</td>
<td>$42,960.85</td>
<td>Repair concrete and brick paved footway</td>
<td>Debtor in Liquidation. Liquidator advises Nil dividend payable</td>
</tr>
</tbody>
</table>
ITEM-65 CCL 27/06/17 - INTEREST ON OVERDUE RATES AND CHARGES 2017/18

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

PURPOSE

To establish the rate of interest to be charged by Council in respect of overdue rates and charges for the 2017/18 rating year.

RECOMMENDATION

1 Council adopts the rate of 7.5% per annum on interest on overdue rates and charges for the 2017/18 rating year. This is the maximum allowable by the Minister for Local Government.

2 The rate of interest on overdue rates and charges that are deferred against an eligible ratepayer’s estate for the 2017/18 rating year be fixed at 3.1% per annum.

KEY ISSUES

3 Council has the discretion to set the rate of interest in respect of overdue rates and charges each year. However, it must not exceed the limit specified by the Minister for Local Government (Minister). The Minister has advised that the maximum rate of interest payable on overdue rates and charges for the 2017/18 rating year is 7.5% per annum.

4 In order to maintain a sufficient deterrent to the late payment of rates and charges it is proposed the maximum rate of interest allowable by the Minister apply to overdue rates and charges. This rate is 7.5% per annum. By comparison, the maximum rate for the 2016/17 year was 8% per annum with this rate resolved for use by Council at the Ordinary Council Meeting held on 28 June 2016.

5 Council also continues to provide a discounted interest rate on overdue rates and charges deferred against a ratepayer’s estate. The discounted rate for the 2016/17 rating year was 3.45% pa. For the 2017/18 rating year the discounted rate has been determined at 3.1% pa. Council has previously resolved that the deferral of rates and charges against a ratepayer’s estate should attract a lower rate of interest commensurate with Council’s weighted average rate of return earned on surplus cash invested.

FINANCIAL IMPACT

6 Imposition of interest on overdue rates and charges will ensure cash flow is maintained and will deter the late payment of debts. Estimated annual income from interest charges is $270,000 based on historical levels of arrears.
COMMUNITY PLAN STRATEGIC ALIGNMENT

7 N/A.

IMPLEMENTATION PLANNING / IMPLICATIONS

8 The collection of overdue rates and charges is undertaken by existing Council staff as an integral part of their daily activities.

RISK ASSESSMENT AND MITIGATION

9 The Local Government Act 1993 (Act) provides for interest charges to accrue on unpaid rates and charges at the interest rate resolved by Council. Provision is also made within the Act to allow special payment arrangements where ratepayer hardship exists.

10 If the rate of interest is set too low there is a risk that it may be considered as a relatively cheap form of finance thereby resulting in an increase in arrears. This situation would disadvantage the majority of ratepayers who pay their rates by the due date. Setting the interest rate at the maximum rate allowable by the Minister mitigates this risk. There are specific provisions available to pensioners and any ratepayers experiencing genuine financial hardship.

RELATED PREVIOUS DECISIONS

11 The recommendation contained in this report is consistent with existing practice and follows the adoption of interest on overdue rates and charges for 2016/17 at the Ordinary Council Meeting held on 28 June 2016.

CONSULTATION

12 The Minister annually establishes the maximum interest rate on overdue rates and charges in accordance with section 566 of the Act. All ratepayers are advised of the applicable rate of interest on their annual Rates and Charges Instalment Notices. Negotiation of interest free payment periods and waiving of interest charges are options available and were advertised within Council’s draft 2017/18 Operational Plan.

OPTIONS

Option 1

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

14 Council resolves not to adopt the recommendations set out in Paragraphs 1 and 2 and adopts alternate interest rates and different practices for the waiving of interest charges for eligible pensioners. This is not the recommended option.

BACKGROUND

Interest Charges

15 In respect of eligible pensioners, the current practice provides that interest on overdue rates and charges shall:

- Not be applied where the net rates and charges are paid in full in the current year or suitable arrangements to pay are entered into; and
- Be waived where arrears of net rates and charges are paid in accordance with an arrangement in subsequent years, except as provided for postponement of rates and charges under section 585 of the Act.

16 The practice of waiving interest charges for eligible pensioners who make arrangements to pay their rate obligation remains unchanged.

Writing off Accrued Interest

17 The Act provides that special payment arrangements may be implemented and interest charges be waived where these charges cause hardship to the ratepayer, or where circumstances exist that the late payment of the outstanding rates and charges was caused by reasons beyond the control of the ratepayer. Council’s policy is consistent with these requirements.

Defer Rates and Charges Against Estate

18 Ratepayers may, subject to annual written applications and assessment, be eligible to defer the payment of rates and charges, allowing them to accrue against their estates.

19 Council previously resolved at the Ordinary Council Meeting held on 28 June 2016 that the deferral of rates and charges against the estate should attract a lower rate of interest somewhat commensurate with Council’s investment rate.

20 The benchmark used and considered appropriate is Council’s weighted average rate of return earned on surplus cash invested. This is currently 3.1% per annum as at 30 April 2017.

21 Where the applicant is an eligible pensioner they are required to submit an annual application for the mandatory pensioner rebate, thereby, reducing the amount outstanding by up to $250.00 per year.
REFERENCES

ATTACHMENTS

Nil.
ITEM-66 CCL 27/06/17 - ANNUAL FEES FOR LORD MAYOR AND COUNCILLORS 2017/18

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

PURPOSE

To determine the annual fees payable to Councillors and the Lord Mayor for the 2017/18 financial year.

RECOMMENDATION

1 Council approves:

   (i) an increase of [ ]% to the annual fees payable to the Lord Mayor in accordance with s. 249(1) of the Local Government Act 1993 (Act);

   (ii) an increase of [ ]% to the annual fees payable to Councillors in accordance with s. 248(1) of the Act; and

   (iii) the payment in the increased annual fees to the Lord Mayor and the Councillors be effective from the first full pay period in the 2017/18 financial year.

KEY ISSUES

2 The Local Government Remuneration Tribunal (Tribunal) released its Annual Report and Determination for fees paid to Councillors and Mayors dated 12 April 2017 (refer to the copy of the report as attached at Attachment A). The Tribunal's report considers that an increase of 2.5% to annual fees for Councillors and Mayors is appropriate for the 2017/18 financial year.

3 The Office of Local Government issued a Circular to councils on 10 May 2017 notifying councils of the availability of the Tribunal's Report and noted that the Tribunal had determined a 2.5% increase in Councillor fees.

4 Council may increase the annual fees for the Lord Mayor and Councillors up to the maximum limit as determined by the Tribunal of $95,000 for the Lord Mayor and $30,500 for Councillors in respect of the 2017/18 financial year. An increase to the maximum limit would equate to an increase of 24.3% for the Lord Mayor and 16.5% for Councillors.

5 The Industrial Relations of NSW is yet to release the increase in rates of pay for Council employees however, increase in rates of pay is expected to be within the range of 2-2.8%.
CITY OF NEWCASTLE
Ordinary Council Meeting 27 June 2017

FINANCIAL IMPACT

6 The financial impact of options is set out in the table below:

<table>
<thead>
<tr>
<th></th>
<th>Councillor Fee ($)</th>
<th>Lord Mayor Fee ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current rates</td>
<td>$26,213</td>
<td>$76,397</td>
</tr>
<tr>
<td>2.5% increase (recommended)</td>
<td>$26,868</td>
<td>$78,307</td>
</tr>
<tr>
<td>16.5% increase (maximum)</td>
<td>$30,500</td>
<td>n/a</td>
</tr>
<tr>
<td>24.3% increase (maximum)</td>
<td>n/a</td>
<td>$95,000</td>
</tr>
</tbody>
</table>

7 Applying the 2.5% increase to the current annual fee payable to Councillors results in a revised annual fee of $26,868 from 1 July 2017. Similarly, applying the 2.5% increase to the current annual fee payable to the Lord Mayor results in a revised annual fee of $78,307 payable from 1 July 2017. The Lord Mayor receives both fees therefore, the total annual fees payable to the Lord Mayor amount to $105,175.

8 Alternatively, applying the Tribunal's maximum annual fee payable to Councillors means that the revised annual fee would be $30,500, effective from 1 July 2017. Applying the Tribunal's maximum annual fee payable to the Lord Mayor means that the revised annual fee would be $95,000, effective from 1 July 2017. The total of the combined maximum annual fees payable to the Lord Mayor would amount to $125,500.

9 The draft 2017/18 budget includes an increase of 2.5% to the annual fees for the Lord Mayor and Councillors. If Council were to approve the maximum limit(s), an increase in budget would need to occur to reflect the additional funding as follows:

- $47,216 for Councillors; and
- $18,603 for Lord Mayor.

COMMUNITY STRATEGIC PLAN ALIGNMENT

10 Open and Collaborative Leadership: strategic objective 7.4b to ensure that all expenditure relating to the Lord Mayor and Councillors is compliant with Council policy and relevant legislation and regulations to ensure the long term financial sustainability of the organisation.

IMPLEMENTATION PLAN/IMPLICATIONS

11 The 2017/18 budget provides for an increase of 2.5% to the annual fees for the Lord Mayor and Councillors. An increase of up to 2.5% to Councillor fees will not impact other policies or programs. An increase in excess of 2.5% will impact other policies and programs.

RISK ASSESSMENT AND MITIGATION

12 Council must determine the fees payable to the Lord Mayor and Councillors within the range specified by the Local Government Remuneration Tribunal.
RELATED PREVIOUS DECISIONS

13 At the Ordinary Council Meeting held on 24 June 2014 Council adopted a 2.5% increase to annual Councillor fees for the 2014/15 financial year.

14 At the Ordinary Council Meeting held on 26 May 2015 Council adopted a 0% increase to annual Councillor fees for the 2015/16 financial year. The Council resolved that a report be prepared for presentation to Council to reallocate the 3% budgeted for Councillor fees to develop a Wallsend Town Centre Masterplan, including but not limited to:

- Pedestrian and footpath upgrades;
- Façade improvement scheme; and
- Road and bridge works.

15 At the Ordinary Council Meeting held on 28 June 2016 Council adopted:

(i) an increase of 2.5% to the annual fees payable to the Lord Mayor in accordance with s. 249(1) of the Local Government Act 1993 (Act);

(ii) an increase of 2.5% to the annual fees payable to Councillors in accordance with s. 248(1) of the Act;

(iii) the payment to the Lord Mayor of the increased annual fee payable to the mayor as provided for in accordance with s. 249(1) of the Act and the payment to the Lord Mayor of the increased annual fee payable to Councillors in accordance with 248(1) of the Act, as provided for in s. 249(2) of the Act; and

(iv) the payment in the increased annual fees to the Lord Mayor and the Councillors be effective from the first full pay period in the 2016/17 financial year.

CONSULTATION

16 N/A.

OPTIONS

Option 1

17 The recommendation as at Paragraphs 1 (i) - (iii). This is the recommended option.

Option 2

18 Council determines not to approve an increase in annual fees payable to the Lord Mayor and Councillors. This is not the recommended option.

BACKGROUND

19 Council has the power, under s. 248 and 249 of the Act, to fix an annual fee for Councillors and the Lord Mayor in accordance with the appropriate determination of the Local Government Remuneration Tribunal.
20 The history of Lord Mayor/Councillor annual fee increases for the last seven years is set out below:

<table>
<thead>
<tr>
<th>Year</th>
<th>Lord Mayor Fee ($)</th>
<th>Councillor Fee ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016/17</td>
<td>76,397</td>
<td>26,213</td>
</tr>
<tr>
<td>2015/16</td>
<td>74,534</td>
<td>25,574</td>
</tr>
<tr>
<td>2014/15</td>
<td>74,534</td>
<td>25,574</td>
</tr>
<tr>
<td>2013/14</td>
<td>72,716</td>
<td>24,950</td>
</tr>
<tr>
<td>2012/13</td>
<td>72,716</td>
<td>24,950</td>
</tr>
<tr>
<td>2011/12</td>
<td>70,942</td>
<td>24,341</td>
</tr>
<tr>
<td>2010/11</td>
<td>68,083</td>
<td>23,360</td>
</tr>
</tbody>
</table>

REFERENCES

ATTACHMENTS

Attachment A: Annual Report and Determination of the Local Government Remuneration Tribunal
Local Government Remuneration Tribunal

Annual Report and Determination

Annual report and determination under sections 239 and 241 of the Local Government Act 1993

12 April 2017

NSW Remuneration Tribunals website
Local Government Remuneration Tribunal

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Local Government Remuneration Tribunal

Executive Summary

The Local Government Remuneration Tribunal (the Tribunal) is required to report to the Minister for Local Government by 1 May each year as to its determination of categories and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

Categories

Since the making of the 2016 determination a number of councils have been amalgamated resulting in the creation of 20 new councils. The impact of those structural changes is an overall reduction in the number of councils in NSW from 152 to 128. This significant change has prompted a review of the existing categories and the allocation of councils into each of those categories.

In undertaking the review the Tribunal examined the existing categories, a range of statistical and demographic data and considered the views of councils and Local Government NSW. Having regard to that information the Tribunal has determined a categorisation model which differentiates councils primarily on the basis of their geographic location. Other factors which differentiate councils for the purpose of categorisation include population, the sphere of the council’s economic influence and the degree of regional servicing.

In accordance with section 239 of the Local Government Act 1993 (LG Act) the categories of general purpose councils are determined as follows:

**Metropolitan**
- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

**Non-metropolitan**
- Regional City
- Regional Strategic Area
- Regional Rural
- Rural
Local Government Remuneration Tribunal

The determination provides for the retention of five existing categories (some with new titles) and the creation of two new categories. Each council is allocated into one of the categories based on the criteria outlined on pages 12 to 15 of the report.

Fees

The majority of councils will receive an increase of 2.5 per cent only which is consistent with the government’s wages policy. Six existing councils will be eligible for increases of more than 2.5 per cent as those councils have been categorised into a higher or new category on the basis of the revised criteria.

The 20 new councils have been placed in one of the existing or new categories. These 20 councils replaced 44 former councils. The scale of the new councils means that the majority of these new councils will be eligible for fees that are higher than those paid to the former entities. However, the significant reduction in the number of councils from 152 to 128 has resulted in an estimated maximum saving on the overall cost of councillor fees in NSW of approximately $2.5M.
Local Government Remuneration Tribunal

Section 1 Introduction

1. Section 239 of the LG Act provides for the Tribunal to determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.

2. Section 241 of the LG Act provides for the Tribunal to determine, not later than 1 May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.

3. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission. The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.

4. The Tribunal’s determinations take effect from 1 July in each year. The Tribunal’s Report and Determination of 2016, made on 29 March 2016, provided a general increase of 2.5 per cent which was consistent with the Government’s policy on wages.

5. Since the making of the 2016 determination there has been a reduction in the number of councils in NSW from 152 to 128. In response to this significant change the Tribunal will review the categories and the allocation of each council and mayoral offices into those categories, pursuant to section 239 of the LG Act.

Section 2 Local Government Reform

Update on council amalgamations

6. The NSW Government has been working with local councils since 2011 to create stronger councils and strengthen local communities.

7. On 12 May 2016 the NSW Government announced the formation of 19 new councils. The proclamation of the new Bayside Council occurred on 9 September 2016 following
Local Government Remuneration Tribunal

the conclusion of legal action in the Court of Appeal. This took the total number of new councils created in 2016 to 20.

8. The decision to create new councils follows four years of extensive community and industry consultation and independent research and analysis which found a strong case for reform.

9. Detailed information on the reform process and progress to date can be found on the Fit for the Future and Stronger Councils websites.

10. On 14 February 2017, the Government announced that all merged councils in NSW will remain in place and the proposed formation of a further five new councils in Sydney would proceed, subject to the outcome of court proceedings. However, there will be no further regional council mergers.

Amendments to the Local Government Act 1993

11. The LG Act was amended in July 2016 to insert sub-clauses (3) and (4) into section 242A to clarify the intent of the impact of the government’s wages policy on a determination which may change the category of a council as follows:

242A Tribunal to give effect to declared government policy on remuneration for public sector staff

(1) In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 when making or varying awards or orders relating to the conditions of employment of public sector employees.

(2) The policies referred to in subsection (1) do not include any policy that provides for increases in remuneration based on employee-related savings.

(3) This section does not apply to a determination by the Remuneration Tribunal that changes the category of a council or mayoral office (whether or not the effect of the change is to increase the range of amounts payable to the councillors and mayor of a council).

(4) To avoid doubt, this section extends to a determination of the minimum and maximum amounts payable for a category in existence when the determination is made.

12. The impact of these amendments to the LG Act is outlined in section 4 of this report.
Local Government Remuneration Tribunal

Section 3  Review of Categories

Scope of review

13. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last reviewed the categories during the 2015 annual review.

14. Since the making of the 2016 determination there has been an overall reduction in the number of councils from 152 to 128. This significant change has prompted a review of the existing categories and the allocation of councils into each of those categories.

15. In determining categories the Tribunal is required to have regard to the following matters that are prescribed in section 240 of the LG Act:

```
240 (1)

• the size of areas
• the physical terrain of areas
• the population of areas and the distribution of the population
• the nature and volume of business dealt with by each Council
• the nature and extent of the development of areas
• the diversity of communities served
• the regional, national and international significance of the Council
• such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government
• such other matters as may be prescribed by the regulations.```

16. The Tribunal is tasked with determining a categorisation model in which councils with the largest number of features in common can be grouped together for remuneration purposes. This is not straightforward as each council has challenges and issues which are unique.

17. The existing categories group councils primarily on the basis of their geographic location (predominantly metropolitan or rural). Categories are then further differentiated on other factors including population, the sphere of the council’s economic influence and the council’s degree of regional servicing.
Local Government Remuneration Tribunal

18. The Tribunal reviewed this model having regard to a large amount of statistical material, including population and financial data, demographic indicators and indicators of regional significance. The Tribunal found that while the existing criteria continue to provide an equitable and transparent model by which to differentiate councils for the purposes of determining remuneration, there existed some scope to refine these criteria to address a number of categorisation anomalies and to better reflect the composition of councils post amalgamations.

19. In considering a new model the Tribunal sought to improve consistency and transparency in the determination of categories and the allocation of councils into each of those categories. Having considered the existing and new councils, the Tribunal identified a number of councils that specifically warranted either recategorisation into an existing category or a new category.

20. The current model provides for the councils of Newcastle, Wollongong, Central Coast (former Wyong and Gosford) and Lake Macquarie to be grouped with councils in the Sydney Metropolitan Area. These councils are not located in what is generally defined as the Sydney Metropolitan Area and the categorisation did not adequately reflect their regional status. Having assessed the characteristics of these councils the Tribunal was of the preliminary view that the categories should differentiate metropolitan and non-metropolitan councils. On that basis two new categories were proposed for the regional group to accommodate these councils.

21. In respect of the larger metropolitan councils, amalgamations in the Sydney metropolitan area have resulted in a significant number of councils with populations of greater than 200,000. The 2016 determination provided for the Council of the City of Parramatta to be categorised in the same category (Metropolitan City) as Newcastle and Wollongong City Councils. The proposal to move Newcastle and Wollongong into the non-metropolitan group necessitated a re-think of the categorisation for Parramatta City Council having regard to its status in the metropolitan region. The Tribunal found that Parramatta City Council was significantly differentiated from other large metropolitan councils on the basis of its secondary CBD status as recognised by the State Government. On this basis a new category of Major CBD was proposed for Parramatta City Council.

22. Prior to seeking the views of Local Government NSW (LGNSW) and councils the Tribunal’s preliminary view was that most of the existing categories should be retained but there
Local Government Remuneration Tribunal

should also be some new categories to reflect the evolving shape of local government in NSW. The proposed model was as follows:

Metropolitan

- Principal CBD
- Major CBD
- Metropolitan Major
- Metropolitan Centre
- Metropolitan

Regional

- Regional City
- Regional Strategic Centre
- Regional Rural
- Rural

23. To test this model the Tribunal wrote to all mayors in November 2016 advising of the commencement of the 2017 Annual Review. In doing so the Tribunal advised councils of its intention to the revise the existing categorisation model following examination of the list of existing and new councils. To assist councils in making their submissions the Tribunal outlined its preliminary thinking on a proposed model for metropolitan and non-metropolitan councils as follows:

"Metropolitan

Five metropolitan categories are proposed. The existing Principal City category is proposed to be retained for Sydney City Council and renamed Principal CBD. Major City is proposed to be abolished and a new category created for Parramatta City Council. The Tribunal’s preliminary thinking is that this category will be titled Major CBD. The existing Metropolitan Major, Metropolitan Centre and Metropolitan categories will be retained for the new and remaining existing councils.

Non-metropolitan

Four non-metropolitan categories are proposed. A new Regional City category will be created for Newcastle and Wollongong City Councils. A new Regional Strategic Centre category will be created for Central Coast and Lake
Local Government Remuneration Tribunal

Macquarie Councils. The existing Regional Rural and Rural categories will be retained for other new and remaining councils.

County Councils

The Tribunal does not intend to make any change to the categorisation of county councils and will retain the existing categories of Water and Other.”

24. The Tribunal also outlined its approach to the criteria for categorising councils into the proposed metropolitan and non-metropolitan categories as follows:

“The Tribunal’s 2009 annual determination outlines the characteristics for the existing categories. At this stage the Tribunal intends to adopt a similar approach and will determine descriptors for the proposed categories for the purposes of classifying councils into the categories. Population is likely to remain a determining factor for differentiating categories of councils. The Tribunal will also have regard to the matters prescribed in section 240 of the LG Act.”

25. The Tribunal invited submissions on the proposed categorisation model, criteria for the allocation of councils into the categories, fees for the proposed categories and any other matters.

26. The Tribunal also wrote to the President of LGNSW in similar terms, and subsequently met with the President and Chief Executive of LGNSW. The Tribunal wishes to place on record its appreciation to the President and Chief Executive for meeting with the Tribunal.

Submissions received - categorisation

27. In response to this review the Tribunal received 28 submissions from individual councils and a submission from LGNSW. A summary of the key points is below.

Categorisation

28. Approximately half of the submissions (46 per cent) supported the proposed categories with no variation or supported the proposed categories with variations to titles or the number of categories. The balance of the submissions (54 per cent) did not express a view in respect to the proposed categorisation model.
Local Government Remuneration Tribunal

29. In respect to variations put forward in submissions, the LGNSW requested that the proposed “Major CBD” and “Metropolitan Major” be merged and called “Metropolitan Major” and an additional category be created called “Special/Interim”. The “Metropolitan Major” category would include councils with a population of at least 250,000 and/or that met other specified indicators that set them apart from other metropolitan councils. The “Special/Interim” category would apply on an interim basis to councils that demonstrate special attributes/circumstances that are out of the ordinary, for example high population growth.

30. Council submissions requested additional categories such as a “Metropolitan Growth Centre” or “Metropolitan Major – Growth Centre” for councils dealing with high growth; “Metropolitan Gateway” for councils that connect the regions to metropolitan areas; and “Peri-Urban” for councils that interface between urban and rural areas.

Criteria

31. A number of submissions referred to the criteria provided in section 240 of the LG Act, either noting or stating the criteria remain relevant (18 per cent) or suggesting that additional criteria to those provided in section 240 is required (50 per cent). Other submissions explained how their individual council performed against the section 240 criteria (29 per cent). The balance of the submissions did not express a view in respect to the criteria for categorisation (18 per cent).

32. The LGNSW suggested that the criteria need to be expanded to include a wider range of factors such as the level of disadvantage an area suffers, annual growth rate of an area (relative to population) and expenditure of an area.

33. Council submissions suggested additional criteria such as status as a NSW Evocity; the nature of a council’s business, for example some do not provide water and sewerage services; level of economic activity in a local government area; specific population thresholds; resident/councillor ratio and planning significance in terms of Government targets.

34. Councils were also asked to provide submissions on the matter of fees. Comments relating to fees are outlined in section 4.
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Findings - categorisation

35. The Tribunal is appreciative of the number of submissions received and the effort made in those submissions to comment on the proposed categorisation model and to provide further suggestions for consideration. Given the broad support the Tribunal will determine the categories as proposed with a number of minor variations which in part reflect the feedback received.

36. Since seeking the views of councils the Tribunal has reconsidered the titles of the former metropolitan categories being Metropolitan Major, Metropolitan Centre and Metropolitan. The Tribunal found that these titles did not adequately describe the characteristics of the councils in those groups or articulate the difference between them. The Tribunal has determined that the three categories will be retained but that they will be re-titled Metropolitan Large, Metropolitan Medium and Metropolitan Small. The primary determinant for categorisation into these groups will be population.

37. The Tribunal also considers that the title of Regional Strategic Centre is more appropriately titled Regional Strategic Area. The two councils to be categorised into this group are local government areas which represent a large number of townships and communities of varying scale.

38. The revised model which will form the basis of this determination is as follows:

**Metropolitan**
- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

**Non-metropolitan**
- Regional City
- Regional Strategic Area
- Regional Rural
- Rural

39. The criteria for each of the categories are outlined below. As with the previous categories the predominant factor to guide categorisation is population. Other common features of councils within those categories are also broadly described. These criteria
Local Government Remuneration Tribunal

have relevance when population alone does adequately reflect the status of one council compared to others with similar characteristics. In some instances the additional criteria will be significant enough to warrant the categorisation of a council into a group with a higher population threshold.

40. There is no significant change to the categorisation of county councils. A proclamation was published in the NSW Government Gazette No 52 of 22 June 2016 dissolving the Richmond River County Council and Far North Coast and the transferring their functions and operations to Rous County Council with effect 1 July 2016. County councils continue to be categorised on the basis of whether they undertake water and/or sewerage functions or administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the Noxious Weeds Act 1993.

Criteria for categories

The following criteria will apply to each of the categories:

<table>
<thead>
<tr>
<th>Principal CBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney’s primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney’s sphere of economic influence is the greatest of any local government area in Australia.</td>
</tr>
</tbody>
</table>

The CBD is also host to some of the city’s most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city’s historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney’s hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD’s importance as home to the country’s major business centres and public facilities of state and national importance. The Lord Mayor’s responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW. |
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Major CBD
The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As an secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety has been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

Metropolitan Large
Councils categorised as Metropolitan Large will typically have a minimum population of 200,000.

Other features may include:
- total operating revenue exceeding $200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.
### Local Government Remuneration Tribunal

**Metropolitan Medium**

Councils categorised as Metropolitan Medium will typically have a minimum population of 100,000.

Other features may include:

- total operating revenue exceeding $100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

**Metropolitan Small**

Councils categorised as Metropolitan Small will typically have a population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than $150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

**Regional City**

Councils categorised as Regional City will typically have a population above 150,000. These councils are metropolitan in nature with major residential, commercial and industrial areas. These Councils typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development.

These councils provide a full range of higher order services and activities along with arts, culture, recreation and entertainment facilities to service the wider community and broader region. These councils typically also contain ventures which have a broader State and national focus which impact upon the operations of the council.

Newcastle City Council and Wollongong City Councils are categorised as Regional City.
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Regional Strategic Area
Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Rural category on the basis of their significant population. Councils categorised as Regional Strategic Area will typically have a population above 200,000. These councils contain a mix of urban and rural settlements. They provide a range of services and activities including business, office and retail uses, along with arts, culture, recreation and entertainment facilities to service the wider community. These councils host tertiary education campuses and health facilities.

While councils categorised as Regional Strategic Area may have populations which exceed those of Regional City, they would not typically provide the same range of regional services or have an equivalent sphere of economic influence.

Central Coast Council and Lake Macquarie Council are categorised as Regional Strategic Area.

Regional Rural
Councils categorised as Regional Rural will typically have a minimum population of 20,000.

Other features which distinguish them from other non-metropolitan councils include:
- a major town or towns with the largest commercial component of any location in the surrounding area
- a significant urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages or may be located on or close to the coast with high levels of population and tourist facilities
- provide a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- regional services to the wider community through principal referral hospitals, tertiary education services and major regional airports
- these councils may also attract large visitor numbers to established tourism ventures.

Rural
Councils categorised as Rural will typically have a population below 20,000.

Other features which distinguish them from other non-metropolitan councils include:
- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

County Councils - Water
County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

County Councils - Other
County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the Noxious Weeds Act 1993.
Local Government Remuneration Tribunal

41. These criteria will be included in future determinations as an appendix to ensure they are readily accessible.

Allocation of council into categories

42. In accordance with section 239 of the LG Act the Tribunal is required to allocate each of the councils into one of the categories. The allocation of councils is outlined in the determination under section 6.

43. In determining the allocation of councils into these categories the Tribunal found that that there were certain councils that could warrant categorisation into another category based on additional criteria. The Tribunal notes that a number of metropolitan and non-metropolitan councils have or are expected to experience significant development and population growth in the future. A number of these local government areas have been identified in the State Government’s key planning strategies and include Camden and The Hills councils. The Tribunal acknowledges the additional responsibilities these and other councils may face now and in the future, however for the initial categorisation these councils have been categorised primarily on the basis of their population. The Tribunal will continue to monitor these and other councils to determine the appropriateness of the allocation of councils and the categorisation model for future determinations.

Section 4 Fees

Scope of review

44. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 (IR Act), when making or varying awards or orders relating to the conditions of employment of public sector employees.

45. The current policy on wages pursuant to section 146C(1)(a) of the IR Act is articulated in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2014 (the Regulation). The effect of the Regulation is that public sector wages cannot increase by
Local Government Remuneration Tribunal

more than 2.5 per cent, and this includes the maximum and minimum fees payable to
councillors and mayors and chairpersons and members of county councils.

46. The LG Act was amended in July 2016 to insert sub-clauses (3) and (4) into section 242A to
clarify the intent of the impact of the government’s wages policy on a determination
which may change the category of a council as follows:

242A    Tribunal to give effect to declared government policy on remuneration for public
sector staff

(1) In making a determination, the Remuneration Tribunal is to give effect to the same
policies on increases in remuneration as those that the Industrial Relations Commission is
required to give effect to under section 145C of the Industrial Relations Act 1996 when
making or varying awards or orders relating to the conditions of employment of public sector
employees.

(2) The policies referred to in subsection (1) do not include any policy that provides for
increases in remuneration based on employee-related savings.

(3) This section does not apply to a determination by the Remuneration Tribunal that
changes the category of a council or mayoral office (whether or not the effect of the change
is to increase the range of amounts payable to the councillors and mayor of a council).

(4) To avoid doubt, this section extends to a determination of the minimum and maximum
amounts payable for a category in existence when the determination is made.

47. Those amendments make clear that the minimum and maximum fees applicable to the
existing categories cannot be increased by more than 2.5 per cent. The Tribunal is
however able to determine that a council can be placed in another existing or a new
category with a higher range of fees without breaching the government’s wage policy.
These changes provided the Tribunal with greater flexibility in reviewing fees for existing
and new councils.

Submissions received - Fees

48. A number of submissions supported an increase in fees either by no less than 2.5 per
cent or by an unspecified amount (25 per cent of responses). Several submissions
suggested an alternative fee model (11 per cent) or made other general comments (29
per cent). The balance of submissions did not express a view in respect to fees (36 per
cent).
Local Government Remuneration Tribunal

49. The LGNSW submitted that the Tribunal must increase fees by no less than 2.5 per cent being of the view that fees have already fallen behind comparable roles. Also, that the fee structure fails to recognise the work of councillors and is often inadequate to attract and retain people with the necessary skills and expertise. The LGNSW also made reference to the changes to the LG Act that have expanded the role of the governing body (section 223) and mayors and councillors (sections 226 and 232). These points were also put forward in several council submissions along with requests that fees account for additional duties performed as members of a joint organisation.

50. In respect to alternative fee models several councils requested the Tribunal to consider a fee model similar to those applying to local governments in Victoria or Queensland; that fees are calculated as a percentage of the salary payable to members of the NSW Parliament; or that fees be benchmarked against the remuneration for the Principal CBD category.

Findings - Fees

51. The Tribunal is required to have regard to the Government’s wages policy when determining the increase to apply to the maximum and minimum fees that apply to councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.

52. The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and had regard to budgetary limitations imposed by the Government’s policy of rate pegging, and finds that the full increase of 2.5 per cent is warranted. The 2.5 per cent increase will apply to the minimum and the maximum of the ranges for all existing categories.

53. The new categories have their remuneration ranges determined for the first time in this determination. As an initial determination the ranges for the new categories are not subject to the wages policy, however any future increase will be impacted in accordance with section 242A(4) of the LG Act.

54. The minimum and maximum fees for the new categories have been determined having regard to the relativities that exist between the existing groups.

55. For the category of Major CBD the maximum councillor fee is set at approximately 85 per cent of maximum councillor fee for Principal CBD. The maximum mayoral fee is set at
Local Government Remuneration Tribunal

approximately 50 per cent of the maximum mayoral fee for Principal CBD. The minimum fees for both councillors and mayors are set at the same as that determined for the Metropolitan Large.

56. For the category of Regional City the maximum councillor fee is set at approximately 80 per cent of maximum councillor fee for Principal CBD. The maximum mayoral fee is set at approximately 45 per cent of the maximum mayoral fee for Principal CBD. The minimum fees for both councillors and mayors are set at the same as that determined for the Regional Strategic Area.

57. The minimum and maximum fees payable to the category of Regional Strategic Area will be the same as those payable to Metropolitan Large.

Impact of fee increase and new categories

58. The majority of councils will receive an increase of 2.5 per cent only.

59. Six councils will be eligible for increases of more than 2.5 per cent as those councils have been categorised into a higher or new category on the basis of the revised criteria.

60. The twenty new councils have been placed in one of the existing or new categories. These twenty councils replaced forty-four former councils. The scale of the new councils means that the majority of these new councils will be eligible for fees that are higher than those paid to the former entities. However, the significant reduction in the number of councils from 152 to 128 has resulted in an estimated maximum saving on the overall cost of councillor fees in NSW of approximately $2.5 M.

Section 5 Other matters

Fees for Deputy Mayors

61. Several council submissions requested that the Tribunal review the remuneration payable to Deputy Mayors (14 per cent). It was suggested that the remuneration be increased to reflect the additional duties undertaken or that elected deputy mayors receive an allowance based on a percentage of the councillor fee.

62. Councils have raised the matter of separate fees for Deputy Mayors on previous occasions and the Tribunal notes that it has previously determined that there is no provision in the
Local Government Remuneration Tribunal

LG Act to empower the Tribunal to determine a separate fee or fee increase for Deputy Mayors. The method for determining separate fees, if any, for a Deputy Mayor are provided in section 249 of the LG Act as follows:

249 Fixing and payment of annual fees for the mayor
(1) A council must pay the mayor an annual fee.
(2) The annual fee must be paid in addition to the fee paid to the mayor as a councillor.
(3) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.
(4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.
(5) A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor’s annual fee.”

Conclusion

63. The Tribunal’s determinations have been made with the assistance of the two Assessors - Mr Ian Reynolds and Mr Tim Hurst. The allocation of councils into each of the categories, pursuant to section 239 of the LG Act, is outlined in Determination No. 1. The maximum and minimum fees paid to councillors and mayors and members and chairpersons of county councils, pursuant to section 241 of the LG Act, is outlined in Determination No. 2.

64. On 14 February 2017, the Government announced that the proposed formation of a further five new councils in Sydney would proceed, subject to the outcome of court proceedings.

65. The Tribunal may need to consider the categorisation of further new councils following the conclusion of legal action. Should this occur prior to the making of the 2018 determination the Minister may direct the Tribunal to make a special determination(s) in accordance with section 242 of the LG Act.

The Local Government Remuneration Tribunal

Signed

Dr Robert Lang

Dated: 12 April 2017
### Section 6 Determinations

**Determination No. 1 - Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2017**

**Table 1: General Purpose Councils - Metropolitan**

<table>
<thead>
<tr>
<th>Principal CBD (1)</th>
<th>Major CBD (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney</td>
<td>Parramatta</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Metropolitan Large (8)</th>
<th>Metropolitan Medium (9)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blacktown</td>
<td>Bayside</td>
</tr>
<tr>
<td>Canterbury-Bankstown</td>
<td>Campbelltown</td>
</tr>
<tr>
<td>Cumberland</td>
<td>Georges River</td>
</tr>
<tr>
<td>Fairfield</td>
<td>Hornsby</td>
</tr>
<tr>
<td>Liverpool</td>
<td>Ku-ring-gai</td>
</tr>
<tr>
<td>Northern Beaches</td>
<td>Inner West</td>
</tr>
<tr>
<td>Penrith</td>
<td>Randwick</td>
</tr>
<tr>
<td>Sutherland</td>
<td>Ryde</td>
</tr>
<tr>
<td></td>
<td>The Hills</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Metropolitan Small (11)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burwood</td>
</tr>
<tr>
<td>Camden</td>
</tr>
<tr>
<td>Canada Bay</td>
</tr>
<tr>
<td>Hunters Hill</td>
</tr>
<tr>
<td>Lane Cove</td>
</tr>
<tr>
<td>Mosman</td>
</tr>
<tr>
<td>North Sydney</td>
</tr>
<tr>
<td>Strathfield</td>
</tr>
<tr>
<td>Waverley</td>
</tr>
<tr>
<td>Willoughby</td>
</tr>
<tr>
<td>Woollahra</td>
</tr>
</tbody>
</table>
## Local Government Remuneration Tribunal

### Table 2: General Purpose Councils – Non-Metropolitan

<table>
<thead>
<tr>
<th>Regional City (2)</th>
<th>Regional Strategic Area (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newcastle</td>
<td>Central Coast</td>
</tr>
<tr>
<td>Wollongong</td>
<td>Lake Macquarie</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Regional Rural (37)</th>
<th>Rural (57)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albury</td>
<td>Balranald</td>
</tr>
<tr>
<td>Armidale</td>
<td>Bellingen</td>
</tr>
<tr>
<td>Ballina</td>
<td>Berrigan</td>
</tr>
<tr>
<td>Bathurst</td>
<td>Bland</td>
</tr>
<tr>
<td>Bega</td>
<td>Blayney</td>
</tr>
<tr>
<td>Blue Mountains</td>
<td>Bogan</td>
</tr>
<tr>
<td>Broken Hill</td>
<td>Bourke</td>
</tr>
<tr>
<td>Byron</td>
<td>Brewarrina</td>
</tr>
<tr>
<td>Cessnock</td>
<td>Carrathool</td>
</tr>
<tr>
<td>Clarence Valley</td>
<td>Central Darling</td>
</tr>
<tr>
<td>Coffs Harbour</td>
<td>Cobar</td>
</tr>
<tr>
<td>Dubbo</td>
<td>Coolamon</td>
</tr>
<tr>
<td>Eurobodalla</td>
<td>Coonamble</td>
</tr>
<tr>
<td>Goulburn Mulwaree</td>
<td>Cootamundra-Gundagai</td>
</tr>
<tr>
<td>Griffith</td>
<td>Cowra</td>
</tr>
<tr>
<td>Hawkesbury</td>
<td>Dunrobin</td>
</tr>
<tr>
<td>Kempsey</td>
<td>Edward River</td>
</tr>
<tr>
<td>Kiama</td>
<td>Federation</td>
</tr>
<tr>
<td>Lismore</td>
<td>Forbes</td>
</tr>
<tr>
<td>Lithgow</td>
<td>Gilgandra</td>
</tr>
<tr>
<td>Maitland</td>
<td>Glen Innes Severn</td>
</tr>
<tr>
<td>Mid-Coast</td>
<td>Greater Hume</td>
</tr>
<tr>
<td>Mid-Western</td>
<td>Gunnedah</td>
</tr>
<tr>
<td>Orange</td>
<td>Gwydir</td>
</tr>
<tr>
<td>Port Macquarie-Hastings</td>
<td>Hay</td>
</tr>
<tr>
<td>Port Stephens</td>
<td>Hilltops</td>
</tr>
<tr>
<td>Queanbeyan-Palmerang</td>
<td>Inverell</td>
</tr>
<tr>
<td>Richmond Valley</td>
<td>Junee</td>
</tr>
<tr>
<td>Shellharbour</td>
<td></td>
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<tr>
<td>Shoalhaven</td>
<td></td>
</tr>
<tr>
<td>Singleton</td>
<td></td>
</tr>
<tr>
<td>Snowy Monaro</td>
<td></td>
</tr>
<tr>
<td>Tamworth</td>
<td></td>
</tr>
<tr>
<td>Tweed</td>
<td></td>
</tr>
<tr>
<td>Wagga Wagga</td>
<td></td>
</tr>
<tr>
<td>Wingecarribee</td>
<td></td>
</tr>
<tr>
<td>Wollondilly</td>
<td></td>
</tr>
</tbody>
</table>
### Local Government Remuneration Tribunal

#### Table 3: County Councils

<table>
<thead>
<tr>
<th>Water (5)</th>
<th>Other (7)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Tablelands</td>
<td>Castlereagh-Macquarie</td>
</tr>
<tr>
<td>Goldenfields Water</td>
<td>Central Murray</td>
</tr>
<tr>
<td>Mid-Coast</td>
<td>Hawkesbury River</td>
</tr>
<tr>
<td>Riverina Water</td>
<td>New England Tablelands</td>
</tr>
<tr>
<td>Rous</td>
<td>Southern Slopes</td>
</tr>
<tr>
<td></td>
<td>Upper Hunter</td>
</tr>
<tr>
<td></td>
<td>Upper Macquarie</td>
</tr>
</tbody>
</table>
Local Government Remuneration Tribunal

Determination No. 2 - Determination Pursuant to Section 241 of Fees for Councillors and Mayors

Pursuant to s.241 of the Local Government Act 1993, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2017 are determined as follows:

Table 4: Fees for General Purpose and County Councils

<table>
<thead>
<tr>
<th>Category</th>
<th>Councillor/Member Annual Fee</th>
<th>Mayor/Chairperson Additional Fee*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal CBD</td>
<td>26,310</td>
<td>38,580</td>
</tr>
<tr>
<td>Major CBD</td>
<td>17,540</td>
<td>32,500</td>
</tr>
<tr>
<td>Metropolitan Large</td>
<td>17,540</td>
<td>28,950</td>
</tr>
<tr>
<td>Metropolitan Medium</td>
<td>13,150</td>
<td>24,550</td>
</tr>
<tr>
<td>Metropolitan Small</td>
<td>8,750</td>
<td>19,310</td>
</tr>
<tr>
<td>General Purpose Councils – Metropolitan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regional City</td>
<td>17,540</td>
<td>30,500</td>
</tr>
<tr>
<td>Regional Strategic Area</td>
<td>17,540</td>
<td>28,950</td>
</tr>
<tr>
<td>Regional Rural</td>
<td>8,750</td>
<td>19,310</td>
</tr>
<tr>
<td>Rural</td>
<td>8,750</td>
<td>11,570</td>
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<tr>
<td>County Councils</td>
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<td></td>
</tr>
<tr>
<td>Water</td>
<td>1,740</td>
<td>9,650</td>
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<tr>
<td>Other</td>
<td>1,740</td>
<td>5,770</td>
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</tbody>
</table>

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

The Local Government Remuneration Tribunal

Signed

Dr Robert Lang

Dated: 12 April 2017
ITEM-67  CCL 27/06/17 - RENAMING OF THE NATIONAL PARK ATHLETICS TRACK

REPORT BY:  INFRASTRUCTURE
CONTACT:  ACTING DIRECTOR INFRASTRUCTURE / MANAGER FACILITIES AND RECREATION

PURPOSE

The National Park Athletics Facility has recently been redeveloped with upgrades to the amenities, floodlights, perimeter fencing, car park, central grass field and the resurfacing of the athletics track. The Newcastle Athletics Field Management Inc (NAFMI) requested Council to rename the entire facility as the Fearnley Dawes Athletics Centre. However, based on the Geographical Naming Boards NSW (GNB) guidelines, this report is seeking Council's approval to rename the track only as the Fearnley Dawes Athletics Track.

RECOMMENDATION

1 Council approve the naming of the athletics track only as the Fearnley Dawes Athletics Track.

KEY ISSUES

2 The Geographical Names Board of NSW (GNB) provides guidelines for the naming of places (see Attachment A). The naming of these requires both Council approval and subsequent GNB approval. For the naming of local facilities the GNB approval is not required but GNB recommend that Council utilise the same guidelines for facility naming.

3 These guidelines state that if a facility is to be named after person/s, there needs to be a record of outstanding achievement in the community, strong community support and that the person/s should be deceased. They recommend not to name facilities after living person/s as past experience has proven that this can create a vexing division within the community, and that this should only be done in very exceptional circumstances.

4 The NAFMI, requested Council to rename the National Park Athletics Facility as the Fearnley Dawes Athletics Centre (see Attachment B for an aerial map of the site). Council staff provided written advice that this application would not be supported as it is in direct opposition to GNB's guidelines for commemorative naming, that is, naming a feature after a living person.

5 As an alternative Council advised that they may support renaming of the athletics track only. This allows the National Park Athletics Facility to continue to maintain the feature name, but allows the track to be renamed after Paralympians Kurt Fearnley and Christie Dawes and recognise their achievements. While Fearnley and Dawes are not deceased, renaming a facility such as the track is an alternative suggested by GNB.
6 The National Park Athletics Facility is currently home to both athletics and football, with contributions made by both groups and Council to redevelop the entire site. It is believed that the renaming of the track only is supportive of the Paralympians and directly related to their training and achievements and does not take away from the other functions that this facility provides, for example, a football facility.

FINANCIAL IMPACT

7 There is no financial impact on the naming of the track as the Fearnley Dawes Athletics Track.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 The proposed renaming of the track is in alignment with one strategic direction, public places that provide for diverse activity and strengthen our social connections.

IMPLEMENTATION PLAN/IMPLICATIONS

9 The renaming of the track only is in line with the Geographical Names Board of NSW (GNB) recommendations that only specific community facilities such as a building or oval may be named after a living person.

RISK ASSESSMENT AND MITIGATION

10 The recent opening of the National Park Athletics Facility, gained media coverage as being officially named the Fearnley Dawes Athletics Centre. The naming of the entire facility requires Council approval. At the time of the opening, Council approval had not been received and Council staff advised NAFMI that the facility could not be named the Fearnley Dawes Athletics Centre for the opening.

11 In addition Council staff had provided written correspondence that they would not support an application to rename the National Park Athletics Facility based on GNB guidelines, and would only support renaming part of the facility, such as the track.

RELATED PREVIOUS DECISIONS

12 There are no related previous decisions

CONSULTATION

13 Consultation has been undertaken with the Newcastle Athletics Field Management Committee Inc to advise that only the track, or a part of the facility could be named in recognition of Kurt Fearnley and Christie Dawes contribution, not the entire facility.
OPTIONS

Option 1

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

Option 2

15 Council not name the athletics track as the Fearnley Dawes Athletics Track. This is not the recommended option.

Option 3

16 Council rename the entire facility as requested, the Fearnley Dawes Athletics Centre. This option does not meet the GNBs guidelines, as it is not believed that there are exceptional circumstances to provide this approval. This is not the recommended option.

BACKGROUND

17 Over the past two years Council, Cooks Hill Football Club and the Newcastle Athletics Field Management Committee Inc have undertaken various works to improve that National Park Athletics Facility. Council has spent significant funding on upgrading the amenities, floodlights and car park and replacing the perimeter fencing. Cooks Hill Football Club has invested funding in improving the grass field located in the centre of the track, and the amenities design. The Newcastle Athletics Field Management Committee Inc were successful in receiving an $800,000 state government grant to resurface the athletics track, provide a dedicated wheelchair lane and ancillary sports equipment.

18 Contributions from all of these groups illustrates the continued multi-purpose use of this facility.

REFERENCES

ATTACHMENTS

Attachment A: Geographical Names Board (GNB) Commemorative Naming Facts Sheet
Attachment B: Aerial map of the National Park Athletics Facility
Commemorative naming

The Geographical Names Board of New South Wales (GNB) has the role of assigning names to places and natural features. The GNB’s guidelines and procedures are aimed at ensuring community input, giving all interested parties a say in naming decisions and minimising duplication of names.

The end result is a clear community identification of what name applies to which place or feature and to enable clear communication in times of emergency, for delivery of services and, in many cases, as a reminder of our history.

The GNB seeks to recognise outstanding achievement in the community by commemoratively naming relevant geographical features. Acts of bravery, community service and exceptional accomplishment by both individuals and groups are grounds for this recognition.

The GNB has bestowed honours of this nature on many individuals and groups. Returned service men and women, famous sporting identities, educators, industry leaders, former elected civic officials, famous Aboriginals, community leaders and everyday Australians have all been commemorated in this fashion.

The most vexing naming decisions arise when features are named after people, especially those still living. The GNB’s experience is that proposals of this kind invariably lead to division in the community.

Most jurisdictions around the world prohibit the use of names of living persons and apply severe restrictions to the use of the name of any deceased person. For example, the United States Board on Geographic Names "will not consider names that commemorate or may be construed to commemorate living persons".

The Australian guidelines talk of ascribing names of living persons 'only in very exceptional circumstances'. These guidelines were born from long experience.

Therefore, the GNB strongly recommends that local councils do not propose names to name features to honour living persons. Alternatives are to use commemorative plaques or naming a particular community facility such as a building or oval after the person to be commemorated.

The GNB’s primary directive is to give precedence in using names of Aboriginal origin associated with the feature or a name with an historical background in the area of the feature. Local councils are encouraged to use these long standing practices wherever possible.

In all naming proposals, local councils are encouraged to undertake consultation with the community prior to submitting a proposal to the GNB. This is no different to existing participatory procedures adopted by councils on a wide range of issues aimed at achieving an equitable solution brokered by the local council for the benefit of the community.

Completing the Commemorative Naming form

Email or post the completed form along with any supporting documentation to:

The Secretary
Geographical Names Board
PO Box 143
Bathurst NSW 2795
T: 1800 025 700
T: +61 2 6332 8214
E: SS-GNB@finance.nsw.gov.au
www.gnb.nsw.gov.au
Commemorative naming form

Background information - proposed geographical name commemorating a person

If any details are unavailable, please explain.

Proposed geographical name

Full name of the person being commemorated

Who suggested this name

Date of birth

Date of death

Occupation

Last residence

Person’s association with the feature to be named and main contribution(s) to local community

(Limit of 1000 characters. If insufficient space please attach separate page to the Commemorative naming form)

Source of above information

Submit

Please attach any supporting documents to your email
Attachment B

National Park Athletics Facility

DISCLAIMER: Although great care has been taken in the preparation of these documents/maps, The City of Newcastle makes no representation or warranty as to the accuracy or completeness of any information contained in them. The City of Newcastle accepts no responsibility for any mistakes, errors, omissions or inaccuracies in these documents/maps or for loss or damage resulting from reliance on any information provided.

Scale: 1:2,000 00
at A4
ITEM-68 CCL 27/06/17 - COOKS HILL SURF LIFE SAVING CLUB - FUNDING CONTRIBUTION

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

PURPOSE

At the Ordinary Council Meeting held on 28 February 2017 Council resolved to hypothecate $150,000 of Coastal revitalisation funds to the Cooks Hill Surf Club refurbishment and requested a report back to Council detailing Council funded building works.

RECOMMENDATION

1 Council receives this report.

KEY ISSUES

2 Under the 2016/2017 Financial Year Budget, Council committed $250,000 from the Building and Structures (BAS) program towards the refurbishment of the Cooks Hill Surf Club. This refurbishment was being undertaken by the Cooks Hill Surf Life Saving Club (CHSLSC) under a Development Application (DA), approved in August 2011. The works are funded by the CHSLSC, with Council's contribution going towards the costs associated with the improvements and connections to the public domain.

3 Council entered into a Memorandum of Understanding (MOU) with CHSLSC. This MOU detailed the commitment by CHSLSC to manage the construction contractor, financial management, compliance with all DA requirements, and engagement of Webber Architects for construction services. Under the MOU Council is committed to payment of all costs associated with the external public domain up to the $250,000 committed to the project. These funds are paid based on the submission of invoices from CHSLSC based off claims made by the construction contractor.

4 Under the initial DA approval prior to works, the project was commenced to allow for "lock-up" of the new building, with no provision for occupation. Following the commencement of works, CHSLSC have lodged a S96 Application to amend the scope of works to allow the new building to obtain occupation certification. Due to the increased scope of works under the S96 approval, the cost of the project has extended beyond the CHSLSC original budget. As per the 28 February 2017 Council Meeting, Council supported the provision of an additional $150,000 to the project to assist CHSLSC in achieving occupation.
5 CHSLSC has provided Council officers with records of all variation costs as submitted by the construction contractor. These variations included works under the S96 Application towards the occupation certification of the new building. The costs as stated are consistent with what would be expected for competitive commercial construction works. The total value of the variation costs are in excess of the additional $150,000 provided by Council. CHSLSC will need to obtain additional funding through public grants, contributions, and private funding sources to complete these works.

6 Of the additional $150,000 provided by Council, $70,000 is for external public domain works. This amount is to be claimed against the invoices for works complete as per the original $250,000 contribution. The remaining $80,000 is to be provided as a lump sum payment to CHSLSC to cover costs of internal works towards the building achieving the desired occupation certification.

FINANCIAL IMPACT

7 The additional funding committed by Council will be sourced from the Coastal Revitalisation Program. This will complement the original commitment sourced from the BAS program.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 This project will contribute to a number of Council strategies under the Newcastle 2030 Community Strategic Plan, and will contribute to the following strategic objectives: Caring and Inclusive Community; Vibrant & Activated Public Places; Liveable & Distinctive Built Environment.

IMPLEMENTATION PLAN/IMPLICATIONS

9 The refurbishment of the Cooks Hill Surf Lifesaving Club is a noted component of several relevant strategic documents including the Strategic Asset Management Plan, the Coastal Revitalisation Masterplan, and the Coastal Building Improvement Plan (draft).

RISK ASSESSMENT AND MITIGATION

10 The provision of the additional funding by Council toward the refurbishment will assist CHSLSC in achieving operational occupation of the new building. This will reduce the risk associated with negative public perception of having a significant new building remaining in a non-operational capacity for an unconfirmed period of time.

11 The new building incorporates several improved access considerations, including an accessible pathway linking the new building with the Memorial Drive footway/Bathers Way, ramped access at the mid-pavilion level through to the Bar Beach domain, and a graded access at the lower sea wall level. This will provide much greater connectivity through the precinct, which will be complemented by the upgrades planned for the Bar Beach public domain under the coastal revitalisation program.
RELATED PREVIOUS DECISIONS

12 At the Ordinary Council Meeting on 28 February 2017 Council resolved to revise the December Quarterly Budget Review Statement to decrease coastal revitalisation from $1,000,000 to $850,000 and hypothecates $150,000 towards the coastal building and structures budget, in particular, the refurbishment of Cooks Hill Surf Club.

13 The project is constrained by the Notice of Determination for Development Application 11/0043, and the Conditions of the Memorandum of Understanding in Respect of Cooks Hill SLSC Redevelopment.

CONSULTATION

14 This proposal has not been subject to any formal consultation process.

OPTIONS

Option 1

15 The recommendation as at Paragraph 1 – this is the preferred recommendation.

Option 2

16 Council request additional information to be returned for review detailing the full costs of the additional works associated with the S96 Approval.

BACKGROUND

17 CHSLSC has achieved several significant milestones in the construction to date including the completion of all stabilisation and foundation works; reinforcement of the sea wall and construction of the lower promenade slab, erection of precast external walls, pouring of internal floor slabs, installation of external windows and doors, first level external stairs, resolution of existing services to allow for required upgrades and connections, and completion of external blockwork retaining walls.

18 The S96 Approval to allow the occupation of the new building includes items such as completion of internal male and female amenities, completion of fire protection requirements, DDA compliant access from Memorial Drive, inclusion and completion of an internal lift, amendments to the amenities in the existing building to allow for mechanical ventilation, and upgrades to the internal stairs and adjacent mid-level Club spaces (see Attachment A).

REFERENCES

ATTACHMENTS

Attachment A: Section 96 Modification Plans
ITEM-69  CCL 27/06/17 - PLATT STREET, WARATAH - PROPOSED UPGRADE TO EXISTING ZEBRA / CHILDREN'S CROSSING

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

PURPOSE

To approve the proposed upgrade to existing zebra / children's crossing on Platt Street, Waratah, fronting Corpus Christi Primary School.

RECOMMENDATION

1  Approve the proposed upgrade to existing zebra / children's crossing on Platt Street, Waratah, as shown at Attachment A.

KEY ISSUES

2  The concerned section of Platt Street is a two lane two-way local road with a posted speed limit of 50 km/h. Corpus Christi Primary School is located at the south-western corner of the Platt Street and Alfred Street intersection.

3  There is an existing combined zebra crossing and children's crossing located approximately 25m west of the intersection. It is understood that school children use the crossing up to four times daily to access the playground on the northern side of the street. The crossing is non-compliant and has been listed for an upgrade in Council's Pedestrian Access and Mobility Plan (PAMP).

4  A previous concept proposal, involving relocation of the eastbound bus stop to the west of upgraded crossing, was supported by the Newcastle City Traffic Committee (NCTC) on 17 October 2011 (Item 206) subject to consultation with the school and church before implementation.

5  It is understood that the school and church did not support the previous concept proposal as it would have resulted in the loss of all parking spaces on the northern side due to the relocation of the bus stop and the proposed No Stopping restrictions.

6  Council conducted a radar traffic survey on Platt Street, west of Grove Street, in August 2016. The survey result indicated that the average and 85th percentile speed of traffic is 47 km/h and 55 km/h respectively. The average daily traffic volume is 1,753 vehicles per day.
7 Considering the objection for the previous concept proposal, Council has prepared a revised proposal involving the following key works:

i) Upgrade the existing zebra / children's crossing to a 75mm high raised threshold crossing;
ii) Provide kerb extensions on both sides of the crossing to narrow the carriageway width;
iii) Relocate upgraded crossing approximately 6.8m west of the existing location;
iv) Retain eastbound bus stop on the northern side at the existing location; and
v) Street lighting and drainage upgrades.

8 The upgraded crossing is proposed to be relocated in order to retain the eastbound bus stop at the existing location. This will facilitate safe bus manoeuvres into the bus stop and is anticipated to improve children's safety as the crossing point will be staggered from the school and playground gates.

9 The NCTC had provided in-principle support for the proposal on 20 March 2017 (Item 40) and recommended commencing community consultation.

10 Council conducted a community consultation from 24 April 2017 to 26 May 2017. The consultation leaflets were distributed / posted to approximately 15 property owners, residents and businesses. The leaflets were also posted to various stakeholders such as bus operators, police, fire brigade, ambulance services and utility providers. The consultation leaflet is shown at Attachment B.

11 The signposting and linemarking plan, following the community consultation, was tabled to, and recommended by the NCTC on 19 June 2017 (Item 102).

FINANCIAL IMPACT

12 The project design has been part-funded with a grant of $25,000 from the NSW Government's 2016-17 Active Transport (Walking and Cycling) program. The preliminary estimated construction cost of the project is $358,900 and this amount has been included in the operational budget for 2017/18.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

IMPLEMENTATION PLAN/IMPLICATIONS

14 Council has submitted a grant nomination in the NSW Government's 2017-18 Active Transport (Walking and Cycling) program to fund 50% of the estimated construction cost.
RISK ASSESSMENT AND MITIGATION

15 The project will provide improved pedestrian and cyclist accessibility, amenity and safety. The work will be undertaken in accordance with the relevant Austroads and RMS guidelines.

RELATED PREVIOUS DECISIONS

16 Nil.

CONSULTATION

17 A community consultation was conducted with the affected property owners and residents from 24 April 2017 to 26 May 2017. An advertisement was published in the local newspaper on 22 April 2017 seeking comments from the wider community by 26 May 2017.

18 Council received only one response to the proposal. Council's Traffic Engineer has spoken to the school principal requesting to submit a consultation response. The school has not formally submitted a response however has verbally indicated that it is supportive of the proposal due to the safety improvements. It also raised concern with the shortening of 5 minute parking zone on the southern side of the street. The summary of consultation responses is shown in Attachment C.

**Council response:** The proposed kerb extension will result in shortening of the 5 minute parking zone by 3.3m on the southern side and a gain of 1.4m unrestricted parking zone on the northern side. Council considers that safety improvement provided by the proposal outweighs the concern regarding minor loss of kerbside parking.

OPTIONS

Option 1

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

Option 2

20 The recommendation for the proposed upgrade to the crossing is not adopted by Council. No action to be taken. This is not the recommended option.

BACKGROUND

21 Background information is presented in the Key Issues sections 2 to 11 of this report.
REFERENCES

ATTACHMENTS

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

Community Consultation

To The Owner / Occupier

PLATT STREET, WARATAH
Proposed Upgrade to Existing Zebra / Children’s Crossing

24 April 2017

Council proposes to upgrade the existing zebra / children’s crossing outside Corpus Christi Primary School on Platt Street to a raised threshold crossing with kerb extensions to improve safety. The proposed upgrade will involve the following key works:

- Upgrade the existing zebra / children’s crossing to a 75mm raised threshold crossing
- Provide kerb extensions on both sides of the crossing to narrow the carriageway width
- Relocate upgraded crossing approximately 6.8m west of the existing location
- Retain eastbound bus stop on the northern side at the existing location
- Street lighting and drainage upgrades

The upgraded crossing is proposed to be relocated in order to retain the eastbound bus stop at the existing location. This will facilitate safe bus manoeuvres into the bus stop and is anticipated to improve children’s safety as the crossing point will be staggered from the school and playground gates. The proposal does not result in loss of parking spaces on the northern side. The existing 5 minute parking zone on the southern side would be shortened by approximately 4m to accommodate the kerb extension.

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

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

YES ☐ NO ☐

Please forward written comments by 26 May 2017 to The Interim Chief Executive Officer, Newcastle City Council, Attention: Transport & Traffic, PO Box 489, NEWCASTLE NSW 2300 or email: mail@ncc.nsw.gov.au. Phone: 4974 2000, Fax: 4974 2222. For further information about the proposal please contact Dipen Nathwani, Traffic Engineer, on 4974 2663.

Name: __________________________________________ 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.
### SUMMARY OF THE CONSULTATION

**PLATT STREET, WARATAH - PROPOSED UPGRADE TO EXISTING ZEBRA / CHILDREN'S CROSSING**

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<tr>
<th>Owner/Occupier Responses</th>
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<td><strong>Address of Respondent</strong></td>
<td><strong>Request No</strong></td>
</tr>
<tr>
<td>Platt Street</td>
<td>TR2017/00817</td>
</tr>
</tbody>
</table>

| Number of owners/occupier consulted | 15 |
| Number of owners/occupier responded | 1 |
| Response to the Consultation (%) | 7% |
| Owners/occupier in favour of the proposal | 1 |
| Owners/occupier against the proposal | 0 |
ITEM-70 CCL 27/06/17 - JOHN T BELL DRIVE, MARYLAND PROPOSED PEDESTRIAN REFUGES

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

PURPOSE

To approve the proposed pedestrian refuges on John T Bell Drive, Maryland, at Boundary Road and McNaughton Avenue intersections and the proposed kerb extensions outside Maryland Public School.

RECOMMENDATION

1 Approve the proposed pedestrian refuges and kerb extensions on John T Bell Drive, Maryland, as shown at Attachment A.

KEY ISSUES

2 John T Bell Drive is a two lane two-way road forming T-intersections with Boundary Road and McNaughton Avenue. It is a local road with a posted speed limit of 50 km/h.

3 Maryland Public School is located at the north-eastern corner of the John T Bell Drive and Boundary Road intersection. A children's crossing with kerb blisters is located approximately 55m east of the intersection.

4 Council is currently reconstructing carriageway, kerb and guttering on John T Bell Drive between Boundary Road and McNaughton Avenue. The project involves narrowing the carriageway width from 12.8m to 11.9m for the full length of the road. The road narrowing has been proposed so as to minimise impacts on the roots of established street trees during carriageway reconstruction and to extend the anticipated lifespan of new kerb and guttering.

5 As part of the above project, Council proposes to construct pedestrian refuges on John T Bell Drive at the Boundary Road and McNaughton Avenue intersections. The proposed pedestrian refuges are anticipated to improve pedestrian and cyclist accessibility, amenity and safety.

6 No Stopping restrictions associated with the proposed refuges will also be implemented at both locations in accordance with the Roads and Maritime Services (RMS) guideline. This will require minor alteration to existing 15 minute parking spaces on the northern side outside the school as well as removal of some unrestricted parking spaces at the remaining locations.
7 The kerb blisters at the children's crossing outside the school will also be replaced with kerb extensions in accordance with the RMS guideline. The proposed kerb extensions will be approximately 1.75m wide, similar to the existing kerb blisters. The carriageway width between the proposed kerb extensions will be widened slightly to 8.4 metres, currently 8.2 metres, in order to allow 4.2 metres lane widths in each direction. This will enable shortening of the existing school-time restricted No Stopping restrictions on both approaches to the crossing.

8 The Newcastle City Traffic Committee (NCTC) had provided in-principle support for the proposal on 10 April 2017 (Item 59) and recommended commencing community consultation.

9 The signposting and line marking plan, following the community consultation, was tabled to the NCTC on 19 June 2017 (Item 103). The recommendation of the NCTC has been provided in a separate memo for Council's consideration.

FINANCIAL IMPACT

10 The carriageway reconstruction is currently being delivered and is funded through the Council's Operational budget. The two refuges and kerb extensions will be delivered along with the above project.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

IMPLEMENTATION PLAN/IMPLICATIONS

12 The two refuges and kerb extensions will be delivered along with the ongoing carriageway reconstruction project.

RISK ASSESSMENT AND MITIGATION

13 The project will provide improved pedestrian and cyclist accessibility, amenity and safety. The work will be undertaken in accordance with the relevant Austroads and RMS guidelines.

RELATED PREVIOUS DECISIONS

14 Nil.
CONSULTATION

15 Community consultation was conducted with the affected property owners and residents from 24 April 2017 to 26 May 2017. An advertisement was published in the local newspaper on 22 April 2017 seeking comments from the wider community by 26 May 2017.

16 Consultation leaflets were distributed / posted to 14 property owners and residents as well as the school. The leaflets were also posted to various stakeholders such as bus operators, police, fire brigade, ambulance services and utility providers. The consultation leaflet is shown at Attachment B.

17 Council has received four responses to the proposal. One response is in favour and the remaining three are against the proposal. The school has not responded to the consultation despite repeated requests. The summary of consultation responses is shown in Attachment C.

18 One of the residents who objected is unhappy with the proposal to convert existing school-time No Stopping restriction into full-time No Stopping restriction on the southern side of the road fronting his property. The proposal would mean that his visitors will be unable to park in front of his property even outside of the school peak periods.

OPTIONS

Option 1

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

Option 2

20 The recommendation for the proposed pedestrian refuges and kerb extensions is not adopted by Council. No action to be taken. This is not the recommended option.

BACKGROUND

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

REFERENCES

ATTACHMENTS

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

To The Owner / Occupier

JOHN T-BELL DRIVE, MARYLAND
Proposed Pedestrian Refuges

24 April 2017

Council is currently reconstructing carriageway, kerb and guttering on John T-Bell Drive between Boundary Road and McNaughton Avenue. As part of the above project, Council proposes to construct pedestrian refuges on John T-Bell Drive at Boundary Road and McNaughton Avenue intersections.

The proposed pedestrian refuges are anticipated to improve pedestrian and cyclist accessibility and safety. No Stopping restrictions will be implemented at both locations in accordance with the Roads and Maritime Services (RMS) guideline. This will require minor alteration to existing 15 minute parking spaces on the northern side outside Maryland Public School as well as removal of some unrestricted parking spaces on the remaining locations.

The kerb blisters at the children’s crossing outside the school will also be replaced with kerb extensions in accordance with the RMS guideline. This will enable shortening of the existing school-time restricted No Stopping restrictions on both approaches to the crossing.

A concept plan of the proposal is attached for reference. The plan and consultation responses will be tabled to the next available Newcastle City Traffic Committee for consideration. Council welcomes your comments on this proposal and your feedback will shape the final decision. Council will assume that any resident / business choosing not to reply to this letter has no objection to the proposal.

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

Please forward written comments by 26 May 2017 to The Interim Chief Executive Officer, Newcastle City Council, Attention: Transport & Traffic, PO Box 489, NEWCASTLE NSW 2300 or email: mail@ncc.nsw.gov.au. Phone: 4974 2000, Fax: 4974 2222. For further information about the proposal please contact Dipen Nathwani, Traffic Engineer, on 4974 2683.

Name: ___________________________ Address (Mandatory): ___________________________

Comments: ___________________________

______________________________
______________________________

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

**JOHN T BELL DRIVE, MARYLAND - PROPOSED PEDESTRIAN REFUGE AND KERB EXTENSIONS AT BOUNDARY ROAD**

<table>
<thead>
<tr>
<th>Owner/Occupier Responses</th>
<th>Request No</th>
<th>Response</th>
<th>Summary of Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>John T Bell Drive</td>
<td>TR2017/00602/00626</td>
<td>No</td>
<td>The resident strongly objects to the proposed changes to the school crossing which is in front of his home. The resident is concerned that the one parking space adjoining the crossing is proposed to be removed. A full-time No Stopping zone will be implemented due to which his visitors will not be able to park in front of his property. The resident feels that the existing school crossing is quite safe and a raised crossing with couple of speed humps would improve it.</td>
</tr>
<tr>
<td>John T Bell Drive</td>
<td>TR2017/00783</td>
<td>No</td>
<td>The resident would like to formally object to the concept plan. The resident finds the relocation of signage to be a higher safety risk to the public and him, and the planned changes to parking also to be of no benefit to the public.</td>
</tr>
<tr>
<td>John T Bell Drive</td>
<td>TR2017/00790</td>
<td>No</td>
<td>The resident acknowledges that the proposal will improve safety however overlooks impact on the residents. The existing school-time No Stopping restrictions along the property frontage are often ignored by parents and visitors to the school. There have also been occasions when vehicles have been parked on our driveway (private property) and across the driveway. Introduction of full-time No Stopping restrictions will further exacerbate the situation as parking will become premium and lead to more illegal parking instances. The resident is also concerned about the amount of time it will take to construct the proposed changes as the ongoing work on John T Bell Drive near McNaughton Avenue has taken considerable time. The resident is therefore concerned with impeded vehicular access to the property. The resident is also concerned that the proposed ‘Keep Left’ signs will be erected on the concrete refuge island which will act as ‘launch pads’ for hoons who regularly drive at excessive speeds on Boundary Road and into John T Bell Drive.</td>
</tr>
<tr>
<td>John T Bell Drive</td>
<td>TR2017/00643</td>
<td>Yes</td>
<td>The resident is in favour of the proposed pedestrian refuges. The resident welcomes any changes to the intersection at McNaughton Avenue. The resident sees this proposal as having two benefits: 1) It provides refuge for pedestrians crossing the road, and 2) It will serve as an obstacle to prevent hoon type behaviour i.e. speeding around the corner.</td>
</tr>
</tbody>
</table>
The resident has also requested that Council look into the introduction of speed humps along the road to stop drivers using it as a speedway. The resident witnesses on a daily basis how drivers start at McNaughton Avenue and speed down the hill towards the school/oval and vice versa coming up the hill.

| Number of owners/occupier consulted | 14 |
| Number of owners/occupier responded | 4 |
| Response to the Consultation (%) | 29% |
| Owners/occupier in favour of the proposal | 1 |
| Owners/occupier against the proposal | 3 |
ITEM-71  CCL 27/06/17 - EXHIBITION OF AMENDMENT TO SECTION 5.03 TREE AND VEGETATION MANAGEMENT OF NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

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

PURPOSE

The purpose of this report is to outline a proposed amendment to Section 5.03 Tree and Vegetation Management of Newcastle Development Control Plan 2012 (DCP), and to seek a resolution of Council to place the draft amendment on public exhibition.

RECOMMENDATION

1 Council resolves to place the draft amendment to Newcastle Development Control Plan 2012 (DCP) Section 5.03 Tree and Vegetation Management as provided in Attachment A on public exhibition for 28 days.

KEY ISSUES

2 Amendments are proposed to the Section 5.03 Tree and Vegetation Management of Newcastle DCP.

3 The main amendments proposed to Section 5.03 Tree and Vegetation Management of the Newcastle DCP are:

i) Changes to the structure of this section of the DCP.

The structure of this section of the DCP has been altered to separate the requirements for the removal or pruning of trees on private land from trees on public land, and clearly identify that only Council can undertake pruning or removal of trees on public land. Within each of these parts, controls and design considerations are split into those relating to applications solely for tree removal and those where tree removal is associated with other development.

ii) Clarify when approval is needed to prune or remove a tree on private land and identify the appropriate approval pathway.

The amendments aim to make it easier for the community to identify when approval is required to remove or prune a tree or shrub, and to identify the appropriate approval pathway. Flowcharts have been prepared which summarise the tree removal and tree pruning process and to help a person decide whether or not they need approval to remove or prune a tree and the type of approval needed.
iii) Simplify the complying development tree removal process.

The complying development application process is proposed to be amended to better support the goals and objectives of the Newcastle Urban Forest Policy and to simplify the processes and costs to landowners associated with tree removal. Although the actual cost of a complying development application for tree removal is minimal, currently each application must include a report prepared by a qualified arborist, and this adds significant cost to the application.

4 The proposed changes to the complying development application process will allow the removal of up to three trees, without the need to include an arborist report, provided the land owner also plants at least one new tree on the site. Applications that propose the removal of more than three trees, or where no replacement planting is proposed, will need to be accompanied by an arborist report. The arborist report will need to confirm that it is necessary for the trees to be removed due to unacceptable risk, property damage, diseased condition or suppressed growth.

FINANCIAL IMPACT

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

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

IMPLEMENTATION PLAN/IMPLICATIONS

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

8 Following consideration of submissions, the Council may approve the DCP (with or without amendments) or decide not to proceed with the DCP.

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

10 There are no previous related decisions.
CONSULTATION

11 Initial consultation has been undertaken within Council's Infrastructure Planning and Strategic Planning units. The community will be consulted during the public exhibition period.

OPTIONS

Option 1

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

Option 2

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

BACKGROUND

14 Section 5.03 Tree Management of the Newcastle DCP outlines the requirements for the removal or pruning of trees and vegetation. The DCP provides the detail required by Clause 5.9 of the Newcastle Local Environmental Plan 2012 (LEP) relating to the preservation of trees or vegetation.

15 Prior to the adoption of the Standard Instrument LEP and Clause 5.9, tree removal and tree pruning were undertaken as complying development under Newcastle LEP 2003. The complying development provisions for tree removal and tree pruning were transitioned to LEP 2012.

16 The adoption of the Standard Instrument clause 5.9 - *Preservation of trees or vegetation*, also required revisions to be made to the tree management provisions of the DCP, so that it could satisfy the requirements of clause 5.9. Issues have been identified with the application of the DCP since its adoption in 2012. The amendments have been proposed to clarify and address the issues that have been identified and discussed in this report.

17 Although tree removal can be undertaken as complying development, this does not permit large scale clearing of sites. To be complying development, the tree removal has to meet a number of pre-determined standards. The application must also be supported by a report from a qualified arborist that demonstrates that the trees to be removed pose an unacceptable risk, are resulting in property damage, or are diseased or have suppressed growth.

REFERENCES

ATTACHMENTS

Attachment A: Draft Amended Section 5.03 Tree and Vegetation Management - Newcastle Development Control Plan 2012
Attachment A

5.03 Tree and Vegetation Management

Amendment history

<table>
<thead>
<tr>
<th>Version Number</th>
<th>Date Adopted by Council</th>
<th>Commencement Date</th>
<th>Amendment Type</th>
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<tbody>
<tr>
<td>1</td>
<td>15/11/2011</td>
<td>15/06/2012</td>
<td>New</td>
</tr>
<tr>
<td>2</td>
<td>28/05/2013</td>
<td>10/06/2013</td>
<td>Amended</td>
</tr>
<tr>
<td>3</td>
<td>27/08/2013</td>
<td>16/09/2013</td>
<td>Amendment (Newcastle University Callaghan Campus)</td>
</tr>
<tr>
<td>4</td>
<td>27/09/2016</td>
<td>24/10/2016</td>
<td>Amended</td>
</tr>
<tr>
<td>5</td>
<td>TBC</td>
<td>TBC</td>
<td>Amended</td>
</tr>
</tbody>
</table>

Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

Land to which this section applies

This section applies to all land under Newcastle Local Environmental Plan 2012 and to land outside of the Port of Newcastle lease area to which State Environmental Planning Policy (Three Ports) 2013 applies.

Development (type/s) to which this section applies

This section deals with preservation of trees and vegetation in conjunction with Clause 5.9 of the Newcastle Local Environmental Plan 2012.

This section applies to all prescribed trees located on private land, or prescribed trees within 5m of a development site, or that are likely to be affected by infrastructure works carried out in association with a development proposal.

Note 1: A tree or other vegetation prescribed in the DCP requires approval to ringbark, cut down, lop, top, remove, injure or wilfully destroy.

Note 2: A tree or other vegetation which is not prescribed in the DCP may have work undertaken without development consent.

Note 3: Tree removal may be able to be undertaken as complying development under Newcastle Local Environmental Plan 2012.

Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- Newcastle Local Environmental Plan 2012
- NSW Noxious Weeds Act 1993
In the event of any inconsistency between this section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.
Note 2: Section 74E (3) of the Environmental Planning and Assessment Act 1979 enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

Related sections
The following sections of this DCP may also apply to development to which this section applies:
• 7.02 Landscape, Open Space and Visual Amenity.

Associated technical manuals
• Newcastle Urban Forest Technical Manual, The City of Newcastle (check Council website for current version)

Additional information
• Newcastle Urban Forest Background Paper, 2007, Newcastle City Council
• Newcastle Urban Forest Policy, 2008, Newcastle City Council
• Street Tree Selection Manual, 2016, Newcastle City Council
• Australian Standard AS 4373-2007 Pruning of amenity trees
• Australian Standard AS 4970-2009 Protection of trees on development sites
• Planning for Bushfire Protection – NSW Rural Fire Service 2006
• WorkCover Authority of NSW – Amenity Tree Industry: Code of Practice
• Landscape Management Implementation Plan Callaghan Campus, 3 September 2012, prepared by Ecological Australia for the University of Newcastle

Definitions
A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.00 - Glossary, of this plan, and include:
• Bushland - is a complex of native vegetation consisting of trees and understory made up of shrubs and grasses. There may be some weed invasion of the bushland, however this does not change the definition.
• Circumference breast height - the girth of the supporting stem of a tree at a height of 1.4m above ground level (existing) measured at the trunk centre, and so as to contain the outermost projection of any flanges or buttresses.
• Development footprint - the area of ground to be covered by structures, including pathways and driveways.
• Greenfield estate - land that has been subdivided with consideration of the controls listed in this DCP for greenfield sites.
• Greenfield site - undeveloped land that has been identified, through land use zoning, as having potential for future urban, commercial or industrial development. It is generally found on the fringes of existing developed areas and may contain a large amount of existing vegetation.
**Infill development** - new urban development within existing developed areas. Often involves a more intensive use of the site. Infill development may encompass housing, retail, business, education, community service, and industrial activities.

**Noxious Weeds** - trees and plant species declared as ‘noxious weeds’ within the Newcastle local government area, under the *NSW Noxious Weeds Act 1993*.

**Park Tree** - A public tree located in a park managed by Council. These are generally mown areas but may have some pockets of trees with understory.

**Prescribed Tree** - Prescribed trees are defined in section 5.03.01. Clause 5.9 of the Newcastle Local Environmental Plan applies to prescribed trees. Approval is required from Council to prune/remove prescribed trees in accordance with the controls outlined in this section of the Newcastle Development Control Plan.

**Public Tree** - trees/shrubs located on land managed by Council (trees under Council's care and control).

**Shrub** - a woody perennial plant that is generally smaller than a tree species at maturity and has many main stems or trunks.

**Street tree** - Public trees within the road reserve... These have been surveyed and mapped by Council.

**Street tree vacancy site** - sites identified by Council for future tree planting. The sites have been identified from analysis of the Local Government Area based on criteria in the Tree Asset Management System (TAMS). The information on locations of street tree vacancy sites is available on request from Council.

**Tree** - a long lived woody perennial plant greater than 3m height (or will be at maturity), with one or relatively few main stems or trunks.

**Tree retention values** - weighted combination of tree sustainability and landscape significance used to determine how retainable a tree/s is to guide the site analysis and site planning stages of development. Tree retention values are determined using the following three steps further outlined within the Newcastle Urban Forest Technical Manual:
1. Assess Tree Sustainability
2. Assess Landscape Significance
3. Weigh Sustainability and Landscape Significance.

**Undesirable species** - tree species listed in the Newcastle Urban Forest Technical Manual that are unsuitable for replanting.

**Aims of this section**

1. To identify prescribed trees.
2. To achieve the objectives of the Newcastle Urban Forest Policy 2008 for development on private land.
3. To ensure all development considers existing trees on the development site and surrounding sites.
4. To promote the retention of existing trees and provide opportunities for appropriate tree growth.
5. To ensure that tree canopy cover is considered in the design of development.
6. To provide guidelines for the management of trees.
5.03.01 Prescribed Trees

Objectives

1. To define the trees/vegetation which are prescribed in accordance with clause 5.9(2) of the Newcastle LEP 2012, and which require approval from Council for removal.

Controls

General controls applying to all development to which this section applies

1. The following trees/vegetation require approval from Council prior to removal or pruning:

   (a) native vegetation that is, or comprises part of, a threatened species, population or ecological community listed in the Threatened Species Conservation Act 1995, or Fisheries Management Act 1994, or

   (b) a tree that is a heritage listed item, or that is or forms part of an Aboriginal object or within a place of Aboriginal significance, or

   (c) a tree that is required to be retained or planted as a condition of a complying development certificate or development consent, or

   (d) a tree that was planted as a replacement tree, or

   (e) all native understorey (includes shrubs, grasses) that is part of a bushland complex, or

   (f) all trees and shrubs, regardless of size, on land managed by a public authority including Council, or

   (g) any other tree/shrub, including those in Heritage Conservation Areas, that is not prescribed in (a) to (f) above.

Note: All trees and shrubs within Council’s road reserve are prescribed trees and the maintenance or removal of these trees can only be undertaken by Council.

5.03.02 Exemptions

Objectives

1. To identify the circumstances when a tree or shrub on private land can be removed or pruned without the prior consent of Council.

Controls

Note 1: These exemptions do not apply to trees or shrubs on land managed by a public authority including Council.

Note 2: Council is satisfied that the following exemptions are of a minor nature and would not adversely affect the heritage significance of a Heritage Conservation Area. The exemptions listed in this section therefore apply to trees located within a Heritage Conservation Area.
Note 3: Applications for tree removal on private land in relation to bushfire 10/50 rules are to be submitted to the NSW Rural Fire Service and do not require Council Approval.

The following controls apply to the removal of trees or shrubs on private land (see Figure 1)

1. Consent is not required to remove a tree or shrub listed in clause 5.03.01 1 (excluding (f)) if:
   
   (a) the tree or shrub poses an immediate risk to life or property due to a demonstrated sudden change to its structure as a result of severe storm or wind events, and meets the requirements of section 3.3 of the Urban Forest Technical Manual, and
   
   (b) if the storm damaged tree is a heritage listed item and Council is notified within 5 working days of the tree removal, by supplying the completed form in appendix 6 of the Urban Forest Technical Manual.

Note: Trees or shrubs on public land cannot be removed in these circumstances. If a tree or shrub on public land appears to be damaged by a storm, it must be referred to council who will carry out the required works.

2. Consent is not required to remove a tree or shrub listed in clause 5.03.01 1 (g) if:
   
   (a) the tree is less than 3m in height, or with a circumference at breast height (1.4m above ground level) less than 450mm for a single trunk tree, or less than 300mm for each trunk of a multi-trunk tree, or
   
   (b) the shrub is less than 5m in height, or
   
   (c) the tree or shrub is located within 3m of the wall of an existing principal building (excluding carports, garages, pergolas, fences, retaining walls and the like) on the land on which it is situated or on adjacent privately owned land (where the land owners consent for the works has been obtained), or
   
   (d) the tree or shrub is a declared noxious weed under the Noxious Weeds Act 1993, or
   
   (e) the tree or shrub is native vegetation previously planted for agriculture, agroforestry, forestry, horticulture or woodlot purposes.

The following controls apply to the pruning of trees or shrubs on private land (see Figure 2)

3. Consent is not required to prune a tree or shrub listed in clause 5.03.01 1 (c), (d), or (g) if:
   
   (a) for a tree (or shrub greater than 5m in height):
      
      (i) landowners consent has been obtained, and
      
      (ii) the pruning is undertaken in accordance with the Australian Standard AS4373 - 2007, and
(iii) a pruning specification is completed in accordance with section 2 of the Urban Forest Technical Manual, or

Note: An application to Council is not required for this pruning. However, pruning must be undertaken by a suitably qualified arborist, and the pruning specification must be kept by the landowner. See Part A, section 2.0 of the Urban Forest Technical Manual for further detail.

(b) for pruning of individual branches from a tree/shrub that overhangs a dwelling:

(i) the pruning is to remove branches that are within 1m of the dwelling, and

(ii) the pruning does not alter the overall shape or structure of the tree, and

(iii) the branches removed are not greater than 100mm in diameter, and

(iv) the final cut is at a branch collar or appropriate growth point (see section 2.3 Urban Forest Technical Manual), or

Note: An application to Council is not required for this pruning. A pruning specification is not required for this pruning.

(c) the height of the shrub/s is less than 5m, and

(i) it is maintained without reducing the height, or

(ii) is pruned for the purposes of hedging, topiary, clearing of driveways or formal pathways, or similar.
Figure 1 - Do I need approval to remove a tree or shrub?

Is the tree or vegetation to be removed on Council owned land (e.g. is it located in the road reserve outside the front of your property, or in a public park)?

- Yes
- No

Only Council can remove the tree. Please submit a Customer Request to Council.

Is the tree or vegetation any of the following:
- A threatened species, population or endangered ecological community?
- A heritage listed item or Aboriginal object?
- A tree that is required to be kept as a condition of a development approval?
- A tree that was planted as a replacement tree?
- Native understorey that is part of a bushland complex?
- Located on land managed by Council or another public authority?

- Yes
- No

Approval from Council is required to remove the tree or vegetation.

Is the tree or vegetation:
- Posing an immediate risk to life or property due to a demonstrated sudden change to its structure as a result of storm/wind?
- A tree less than 3m in height, or with a circumference at breast height less than 400mm for a single trunk tree, or less than 360mm for each trunk of a multi-trunk tree?
- A shrub less than 5m in height?
- A Tree or shrub, where the trunk is within 3m of the wall of an existing principal dwelling on your land or adjacent privately owned land?
- A declared noxious weed?
- Native vegetation previously planted for agriculture, agroforestry, forestry, horticulture or woodlot purposes?

- No
- Yes

No approval is required from Council to remove the tree or shrub.

Note: if a tree that is posing an immediate risk to life is to be removed, the Storm Damaged Proforma should be filled out and returned to the owner for a period of at least 2 years. If the tree is a heritage listed item, the Storm Damaged Proforma must be forwarded to Council within 5 working days of tree removal.

Approval from Council is required to remove the tree.
Figure 2 - Do I need approval from Council to prune a tree or shrub?

Is the tree or vegetation to be pruned on Council owned land (e.g. is it located in the road reserve out the front of your property, or in a public park)?

Yes

Only Council can prune the tree. Please submit a Customer Request to Council.

No

Is the tree or vegetation:
- A threatened species, population, or endangered ecological community?
- A heritage listed item or Aboriginal object?
- Native understorey that is part of a bushland complex?

Yes

Approval is required.

No

Pruning can be undertaken provided that it:
- does not alter the overall shape or structure of the tree, and
- the branches removed are <100mm in diameter, and
- the final cut is at a branch collar or appropriate growth point.

Yes

Pruning can be undertaken provided that:
- it is maintained without reducing the height of the shrub, or
- is for the purposes of hedging, topiary or similar.

No

Is the pruning limited to individual branches from a tree/shrub that is within 1m of a dwelling, pathway or driveway?

Yes

No

Is the pruning of a shrub <5m tall?

Yes

Is the pruning of a tree (or shrub >5m in height) being undertaken with a pruning specification prepared in accordance with Australian Standard AS 4373-2007?

Yes

Approval is required.

No

No approval is required.
5.03.03 Trees and vegetation on private land

A. Tree removal not associated with development

The following controls apply to the removal of trees or shrubs on private land that is not associated with any other work that requires development consent.

Objectives

1. To ensure tree and vegetation removal meets the Urban Forest Policy goals and objectives of sustaining and maximising canopy cover on an intergenerational basis.

2. To ensure tree/vegetation removal is carried out in accordance with best practice methods.

3. To justify removal or damage to existing trees and outline compensatory measures to offset such loss.

General controls applying to the removal of trees or shrubs on private land that is not associated with any other work that requires development consent

Controls

1. For removal of a Heritage listed tree (item), or a tree within a Heritage Conservation Area (that does not meet the exemptions outlined in 5.03.02), a completed Heritage Minor Works Notification form is to be submitted to Council for assessment.

   Note: The Heritage Minor Works Notification form can be obtained from Council’s website.

2. A development application is to be submitted to Council for consideration of the removal of trees that are:

   (a) native vegetation that is, or comprises part of, a threatened species, population or ecological community listed in the Threatened Species Conservation Act 1995, or Fisheries Management Act 1994, or

   (b) part of an Aboriginal object or within a place of Aboriginal significance, or

   (c) native understorey (includes shrubs, grasses) that is part of a bushland complex.

3. The selection and location of replacement tree planting/s is to be undertaken in accordance with section 8 and 9 of the Urban Forest Technical Manual, and is to be undertaken on the same lot as the removed tree. Where space permits, the preferred planting location is within the front setback of the property. The planting location is to take into account the location of services and other infrastructure, and is to be offset a minimum 1.5m from the front boundary when planted within the front setback.
Figure 2 - What type of approval do I need from Council for tree removal or pruning?

Is the removal/pruning of a tree or vegetation that is:
- A threatened species, population, or endangered ecological community?
- A heritage listed item or Aboriginal object?
- Native understorey that is part of a bushland complex?

Yes

A development application will need to be submitted to Council.

No

Is the removal/pruning of a tree/shrub that is a listed heritage item, or is located within a Heritage Conservation Area?

Yes

A Heritage Minor Works Notification will need to be submitted to Council.

No

Will 3 or less trees be removed, and at least 1 new replacement tree be planted on the lot?

Yes

A complying development certificate application will need to be submitted to Council.
An Arborist’s report is not required.

No

A complying development certificate application will need to be submitted to Council.
An Arborist’s report is required

Note: Any other proposed works including ringbarking, topping, topping, or wilfully destroying a prescribed tree/shrub will require a development application to be submitted to Council.
The following controls apply to the removal of up to three (3) trees or shrubs on privately owned land and the planting of at least one (1) replacement tree on the land.

**Note 1:** In accordance with clause 5.9(3) of the Newcastle LEP 2012 an approval is required from Council to remove prescribed trees/vegetation on privately owned land. This may be undertaken in the form of a complying development application or a development application.

**Note 2:** This complying development certificate application process may apply to land managed by public authorities other than Council, where the public authority’s relevant legislation does not provide for tree removal.

**Note 3:** Schedule 3 of the Newcastle LEP 2012 details the conditions of complying development certificate for tree removal. In addition, to be complying development, the site must meet the general provisions for complying development contained in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

4. Where it is proposed to remove up to three (3) trees and plant at least one (1) tree (with additional replacement trees as space permits) with a suitable tree species on the same site, a complying development certificate application for tree removal is to include the following:

   (a) a completed complying development application form A (see Council’s website); and

   (b) a site map which identifies the location of the tree/s to be removed and the location of replacement plantings in relation to the principle building and other ancillary structures; and

   (c) the botanical and common name of the replacement tree species.

   **Note:** An arborist report of any kind is not required under this section.

The following controls apply to all other complying development certificate applications for the removal of trees on privately owned land.

5. Where it is proposed to remove more than three (3) trees, or where no replacement tree planting is proposed, a complying development certificate application for tree removal is to include the following:

   (a) a site map which identifies the location of the tree/s to be removed, and location of replacement plantings (where proposed) in relation to the principle building and other ancillary structures; and

   (b) the botanical and common name of the replacement tree species.

   (c) a completed complying development Tree Assessment Form (see Appendix 7 of the Urban Forest Technical Manual) from a consulting arborist (AQF5) that:

      (i) demonstrates that at least one of the tree assessment tests under Part A section 3.4.3 of the Urban Forest Technical Manual has been met, and

      (ii) is prepared in accordance with Part A, section 6 of the Urban Forest Technical Manual.
B. Tree removal associated with development

The following controls apply to the removal of trees or shrubs on private land associated with other works that require development consent.

Objectives

1. To ensure that tree/vegetation removal meets the Urban Forest Policy goals and objectives of sustaining and maximising canopy cover on an intergenerational basis.
2. Ensure existing tree/vegetation is identified and assessed in the development process.
3. Incorporate new street and park trees into the greenfield subdivision design.
4. Incorporate native vegetation into the subdivision design.
5. Ensure retention of trees on existing greenfield estate lots is undertaken in a responsible manner.
6. To ensure retained public trees are protected during demolition or construction

General controls applying to all development on individual lots (excluding greenfield sites)

1. Where the development (including any ancillary development, or associated excavation) affects trees located on the lot, or where the trunk of a tree is located within 5m of the development (including any ancillary development or associated excavation) footprint the following information is to be submitted with the development application:

(a) a report from a consulting arborist (AQF5) that:

(i) incorporates a tree retention value assessment in accordance with section 4.1 of the Urban Forest Technical Manual, and

(ii) defines tree protection zone offsets and protection requirements in accordance with section 7 of Urban Forest Technical Manual, and

(iii) is prepared in accordance with Part A, section 6 of the Urban Forest Technical Manual.

(b) where it is demonstrated that the development design cannot retain trees, a landscape concept plan for the site that identifies suitable locations and species for compensatory tree planting within the site.

Note: Where space permits, the preferred planting location is within the front of the property. The planting location should take into account services and other infrastructure. Planting is to be offset a minimum 1.5m from the front property boundary.

(c) where the proposed development will impact on more than 1000m² of bushland, or where the development will impact on trees or bushland within a riparian corridor, a flora and fauna assessment prepared by a suitably qualified consultant is to be submitted with the development application. An arborist report is not required for these areas.
Note: Tree retention value assessments are not required for development that has a total footprint greater than 2ha. Assessment requirements for sites of this size are incorporated into the greenfield site controls below.

2. Trees retained as part of a development consent must be protected in accordance with the tree protection plan during the demolition and construction phase.

The following controls apply to development of greenfield sites

Note: Greenfield sites are defined as undeveloped land that has been identified, through land use zoning, as having potential for future urban, commercial or industrial development. It is generally found on the fringes of existing developed areas and may contain a large amount of existing vegetation.

3. A development application for a development of a greenfield site is to include:

(a) a detailed site plan and report that identifies:

(i) vegetation to be retained, and defines tree protection zone offsets and protection requirements in accordance with section 7 of Urban Forest Technical Manual, and

(ii) defined bushfire asset protection zones and relationship to vegetation to be retained, and

(iii) the location of habitat trees (to be retained and removed), and

(iv) a separate plan layer identifying locations of proposed street and park tree plantings, and nominated species selected in accordance with Council's Street Tree Selection Manual 2016.

(b) a flora and fauna assessment prepared by a suitably qualified and experienced ecological consultant, where the development will impact on 1000m² or more of bushland, or where the development will impact on trees or bushland within a riparian corridor.

(c) a report prepared by a consulting arborist (AQF5) where individual trees are to be retained on residential zoned lots or public land that:

(i) includes a Tree Impact Assessment, which assesses the condition of the trees, determines the impacts from clearing of adjacent vegetation, and identifies trees suitable for retention, and

(ii) identifies individual trees along fringes of bushland that are compromised by the development works and require removal, and

(iii) defines tree protection zone offsets and protection requirements in accordance with section 7 of Urban Forest Technical Manual, and

(iv) is prepared in accordance with Part A, section 6 of the Urban Forest Technical Manual.

Note: Arborist’s reports do not need to assess bushland, other than as outlined in clause 1(c)(i) above.
4. Greenfield sites with a total site area greater than 2 hectares are to have a minimum of 25% of the site area preserved for the retention or provision of native bushland. Trees on residential lots are excluded from the 25% vegetation calculation. Priority for native bushland retention should be given to the communities of highest ecological value as identified in the flora and fauna report. Land set aside for stormwater detention basins, roads, and other infrastructure associated with the development will not be included in the calculations of the area set aside for native bushland.

5. If the site is generally devoid of native vegetation or contains degraded lands, the development is to include the restoration of at least 25% of the site area to native bushland.

C. Pruning of trees and vegetation on private land

The following controls apply to the pruning of trees and vegetation that cannot be undertaken in accordance with the exempt provisions in the DCP (see section 5.03.02).

1. For pruning of a Heritage listed tree (item), or a tree within a Heritage Conservation Area (that does not meet the exemptions outlined in 5.03.02), the following information is to be submitted to Council:
   (a) a completed Heritage Minor Works Notification form (see Councils website), and
   (b) a pruning specification prepared by an arborist with minimum AQF 3 qualification (see section 2 and Appendix 5 of the Urban Forest Technical Manual).

2. A development application is to be submitted to Council for pruning of trees that are:
   (a) native vegetation that is, or comprises part of, a threatened species, population or ecological community listed in the Threatened Species Conservation Act 1995, or Fisheries Management Act 1994, or
   (b) part of an Aboriginal object or within a place of Aboriginal significance, or
   (c) native understorey (includes shrubs, grasses) that is part of a bushland complex.

3. A development application to ringbark, top, lop, injure or wilfully destroy (other than tree removal) a prescribed tree or shrub, is to include a report from a consulting arborist (AQF5) that:
   (a) incorporates a tree retention value assessment in accordance with section X of the Urban Forest Technical Manual, and
   (b) demonstrates why there is no alternative to the activity, and that there is no risk to life or property, and that the activity will not adversely affect the tree/shrub.
   (c) is prepared in accordance with Part A, section 6 of the Urban Forest Technical Manual.

Note: Council will generally not support applications to ringbark, top, lop, remove, injure or wilful destruction of trees/vegetation.
5.03.04 Trees and vegetation on public land

A. Public tree pruning and removal not associated with development

Objectives

1. To ensure tree and vegetation management meets the Urban Forest Policy goals and objectives of sustaining and maximising canopy cover on an intergenerational basis.

2. To ensure existing public trees are retained except where it can be demonstrated that no practical alternative is available.

3. To ensure pruning and retention of public trees is carried out in accordance with best practice methods and relevant Australian Standards.

Controls

The following controls apply to the removal or pruning of trees or shrubs on public land that is not associated with any other works that require development consent:

1. Public tree maintenance activities including pruning and removal can only be undertaken by Council.

   Note: Requests for inspection of public trees by Council can be made via Council’s website or customer service centre.

2. Inspections will be undertaken by Council’s arborists who will determine appropriate works in accordance with relevant Australian Standards, City Wide Maintenance Policy, Urban Forest Technical Manual and Best Practice.

3. All public tree maintenance activities are undertaken by Council in accordance with relevant Australian Standards, City Wide Maintenance Policy, Urban Forest Technical Manual and Best Practice.

B. Public tree pruning and removal associated with development

Objectives

1. To ensure tree and vegetation management meets the Urban Forest Policy goals and objectives of sustaining and maximising canopy cover on an intergenerational basis.

2. To ensure public trees and public tree vacancy sites are considered in the design of the development.

3. To ensure existing public trees are retained except where it can be demonstrated that no practical alternative is available to allow for efficient development of the site.

4. To ensure retained public trees are protected during demolition or construction.
Controls

The following controls apply to the removal or pruning of trees or shrubs on public land associated with other works that require development consent:

1. Where a public tree is located within 5m of the development property boundary the following information is to be submitted with the development application:
   (a) identify the location of public trees and vacancies within 5m of the property boundary on site plans (contact Council to obtain location/s of public tree vacancies), and
   (b) consider design options and feasibility to achieve the required offsets in accordance with Part B, section 2 of Council’s Urban Forest Technical Manual, and

2. Council will specify the tree protection requirements for public trees that are to be retained as part of the conditions of consent.

Note: Public trees are assessed by Council and an Arborist report is not required to consider impacts on public trees.

5.03.05 Newcastle University Callaghan Campus

Objectives

1. To improve the quality of vegetation on the Callaghan Campus.
2. To maintain the ‘bushland campus’ identity of the Callaghan Campus.
3. To ensure appropriate regeneration works are undertaken for vegetation which is removed or pruned for the purpose of a development.

Controls

The following controls apply to all land identified as the University of Newcastle Callaghan Campus as identified in Map 1.
1. Compensatory works for the removal and pruning of vegetation is to be undertaken in accordance with the provisions for the Callaghan Campus in the Urban Forest Technical Manual. The works are to be undertaken in a specific Bushland Management Zone as identified in the Landscape Management Implementation Plan Callaghan Campus 3 September 2012. The management zone where compensatory works will be undertaken is to be nominated in the development application.

Note: The provisions in this DCP and the Urban Forest Technical Manual do not apply to development which will have a ‘significant impact’ under section 5A of the Environmental Planning and Assessment Act 1979, or development which is significant under the Environmental Protection and Biodiversity Conservation Act 1999. Provisions of relevant State and Commonwealth legislation apply in these cases.
ITEM-72  CCL 27/06/17 - ADOPTION OF SECTION 7.11 DEVELOPMENT ADJOINING LANEWAYS OF NEWCASTLE DEVELOPMENT CONTROL PLAN

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

PURPOSE

The purpose of this report is to advise Council of the outcomes of the public exhibition of the proposed Section 7.11 Development Adjoining Laneways of the Newcastle Development Control Plan 2012 (DCP), and seek a Council resolution to adopt the proposed Section 7.11 Development Adjoining Laneways as provided in Attachment A.

RECOMMENDATION

1 Council adopts the amendments to Section 7.11 Development Adjoining Laneways of the Newcastle Development Control Plan 2012 (DCP) as provided in Attachment A.

KEY ISSUES

2 It is proposed to amend the DCP to include a new section - 7.11 Development Adjoining Laneways. This section will include guidelines for development adjoining laneways and laneway construction standards.

3 The inclusion of development guidelines and construction standards for laneways will benefit Council and the community by:
   i) Ensuring the community has easy access to information about development design requirements adjacent to laneways and the laneway upgrading requirements.
   ii) Providing a consistent approach to the assessment of development adjacent to laneways and the upgrading of the laneway.
   iii) Ensuring new development adjacent to laneways can be appropriately serviced.

4 The proposed Section was publicly exhibited from 10 April 2017 to 15 May 2017.

5 No submissions were received during the exhibition period however, further consultation was undertaken with Council's Development and Building Services Unit and Infrastructure Planning Unit. As part of these discussions it was identified that construction standards for particular (Type C) laneways required further review.
6 In this regard, the construction standards previously outlined under Section 7.11.03 have been removed from the proposed DCP. These construction standards, along with standard drawings, will be available on Council's website for information and guidance. However, any laneway upgrades which may be required as part of a development application will be determined on merit referring to Council's standard drawings.

7 The proposed Section has been amended to provide Type C laneways with the option to have access via the primary road frontage, or via a laneway. Where access from a laneway is sought construction upgrade of the laneway may be required in line with Council's standard drawings.

8 Performance Criteria and Acceptable Solutions addressing stormwater, owners consent and development standards are now addressed under Section 7.11.02 - Design Criteria.

9 The changes outlined above are shown in red text in Attachment A.

FINANCIAL IMPACT

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

COMMUNITY STRATEGIC PLAN ALIGNMENT

11 The proposed amendments align with the Connected City direction of the Community Strategic Plan, in particular to maintain and enhance safe local road networks.

12 The proposed amendments align with the Liveable and Distinctive Built Environment direction of the Community Strategic Plan, in particular to ensure good quality, publicly accessible development with active street frontages.

13 The amendments are also consistent with the strategic directions of Council's Local Planning Strategy by facilitating integrated land use and transport.

IMPLEMENTATION PLAN/IMPLICATIONS

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

15 Following consideration of submissions, the Council may approve the DCP (with or without amendments) or decide not to proceed with the DCP. In this case, it is recommended that Council proceed with the DCP as proposed.
RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

17 At the Ordinary Council Meeting held on 28 March 2017 Council resolved to place draft amendments to the DCP on public exhibition for 28 days, incorporating a new Section 7.11 Development Adjoining Laneways and amendments to Section 9.00 Glossary.

CONSULTATION

18 The draft Section 7.11 Development Adjoining Laneways was placed on public exhibition for a period of four (4) weeks from 10 April 2017 to 15 May 2017. During this time no submissions were received.

19 During the exhibition period consultation was undertaken with Council's Development and Building Services Unit and Infrastructure Planning Unit. Issues relating to construction standards were raised. Amendments have been made to these controls to address the issues raised as discussed in this report and shown in red text in Attachment A.

OPTIONS

Option 1

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

Option 2

21 Council not proceed with the draft Section to the DCP. This is not the recommended option.

BACKGROUND

22 There are currently more than 900 laneways in the Newcastle Local Government Area (LGA) which vary in width, standard of construction and the services provided. Some of the laneways were first constructed in the mid 1800's and many have not been designed to accommodate frequent vehicular traffic. Development adjoining laneways and the associated intensification of use of the laneway is causing issues including infrastructure failure, drainage problems, poor safety and security, and difficulty in accessing waste collection.

23 A large number of residential properties in the LGA have a secondary frontage to a laneway at the rear of the property. The growth in population and demand in affordable housing types such as secondary dwellings, has seen a vast increase in development adjacent to laneways.
24 There is currently an 'ad-hoc' approach to the design and assessment of works adjoining laneways and the upgrading works that are required.

25 In many cases, Council has required developers to maintain access to the primary street for property identification, mail box position, waste collection and emergency services vehicles. However, buildings are often designed to face the laneway (eg. front door and habitable windows) and there is increasing pressure from new residents of these developments for Council to upgrade the laneway so that it can be used as the primary street frontage.

26 A consistent approach to developments adjoining laneways, along with laneway construction standards, is required to ensure appropriate development outcomes, as well as forward planning for stormwater disposal, waste collection, access and maintenance.

REFERENCES

ATTACHMENTS

Attachment A: Draft Section 7.11 Development Adjoining Laneways
7.11 Development Adjoining Laneways

Amendment history

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Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

Land to which this section applies

This section applies to all land within which residential accommodation is permissible with consent under Newcastle Local Environmental Plan 2012 and which adjoins a laneway.

Development (type/s) to which this control applies

This control applies to all development consisting:

- Commercial premises
- Industry
- Residential accommodation and ancillary development

Note: Residential accommodation is defined in the Newcastle Local Environmental Plan 2012

Residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following:

- attached dwellings,
- boarding houses,
- dual occupancies,
- dwelling houses,
- group homes,
- hostels,
- multi dwelling housing,
- residential flat buildings,
- rural workers’ dwellings,
- secondary dwellings,
- semi-detached dwellings,
- seniors housing,
- shop top housing,
- but does not include tourist and visitor accommodation or caravan parks.
Related sections

The following sections of this DCP will also apply to development to which this section applies:

- 7.03 Traffic, Parking and Access
- 7.04 Movement Networks

The following sections of this DCP may also apply to development to which this section applies:

- 3.01 Subdivision
- 3.02 Single Dwellings and Ancillary Development
- 3.03 Residential Development
- 3.10 Commercial Uses
- 3.13 Industrial Development

Applicable environmental planning instruments and legislation

The provisions of the Newcastle Local Environmental Plan 2012 also applies to development applications to which this section applies.

In the event of any inconsistency between this section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the Environmental Planning and Assessment Act 1979 enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

Associated technical manual/s

- Standard Drawings, Newcastle City Council.

Additional information

Nil

Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.0 Glossary, of this plan, and include:

- Carriageway - that portion of a road or bridge devoted to the use of vehicles, inclusive of shoulders and auxiliary lanes.
- Footpath - the paved area in a footway.
- Footway - that part of the road reserve between the carriageway and the road reserve boundary, reserved for the movement of pedestrians and cyclists. It may also accommodate utilities, footpaths, stormwater flows, street lighting poles and plantings.
Laneway – means a narrow road and is either a:

(i) Council Laneway - a laneway that has been dedicated as public road or one which Council has resolved to accept responsibility for 'care and control'.

(ii) Private Laneway - a laneway that is not a council laneway.

Road/Street reserve - the land incorporating the full width from property line to opposite property line.

Aims of this section

1. To define the various types of laneways found within the Newcastle Local Government Area (LGA).
2. To ensure new development has safe, useable access to streets and services by defining the circumstances where a laneway is suitable for use as the primary street frontage.
3. To provide guidelines for the consistent design and setbacks of development adjoining laneways.
4. To define the minimum construction standards for each type of laneway.
5. To ensure that laneways are developed in a consistent manner and function as serviced roads.
6. To encourage natural surveillance, and suitable street lighting to improve the safety of laneways that are suitable for use as a primary street frontage.

7.11.01 Laneway types

Laneways across Newcastle LGA are categorised into three (3) types as listed in Table 1 below:

Table 1: Laneway types

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<th>Type</th>
<th>Road Reserve Width</th>
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<tr>
<td>Type A</td>
<td>Less than 3m</td>
<td>Pedestrian use only</td>
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<tr>
<td>Type B</td>
<td>3m - 6m</td>
<td>Vehicular (light vehicle) only</td>
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<td>Type C</td>
<td>Greater than 6m</td>
<td>Pedestrian and vehicular use</td>
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Note: Refer to Council's website for construction standards for each laneway type

7.11.02 Design criteria

Performance criteria

1. Development has safe, useable access to streets and services.
2. Development has demonstrated legal access to laneways.
3. Laneways are consistent with public laneway standards.
4. Laneways are suitable for their intended function.

3-5. Development adjoining a Type A or B laneway has a setback and design that reinforces the function of the laneway as a secondary frontage and reinforces the primary street frontage as the principal street address.

4-6. Development adjoining a Type C laneway has setbacks compatible with the intended local streetscape, and provides natural surveillance of the street.

5-7. Street lighting is appropriate to the scale and use of the laneway, and provides opportunity for natural surveillance from adjoining developments.

Acceptable solutions

1. The laneway has been dedicated to Council and meets, or is capable of being upgraded at no cost to Council, the relevant construction standard.

   Note: A person may seek the dedication of a laneway in accordance with Council’s Lanes, Roads and Footway Ownership Policy.

2. For private laneways, the written consent of the laneway owner is provided for its use and upgrading.

3. Laneways may be used for stormwater disposal, where a connection to an existing drainage system is available.

3. 4. Residential accommodation on a lot with a boundary to a Type A or Type B laneway:

   (a) is setback a minimum of 3m from the boundary with the laneway. Where the laneway forms a side boundary, the minimum setback is 2m.

   Note: Refer to Section 3.02 of this DCP for setbacks for ancillary development.

   (b) ensures the side of the building fronting the laneway does not contain the principal entrance to a dwelling and has the appearance of a side or rear facade.

   (c) has an access handle to the primary street frontage that is:

      (i) at least 3m wide where vehicular and pedestrian access is required; or

      (ii) at least 1m wide where pedestrian access only is required.

   (d) makes suitable provision for waste collection and mail delivery from the primary street frontage.

4. 5. Residential accommodation on a lot with a boundary to a Type C laneway:

   (a) is setback 3m from the boundary with the laneway. Where the laneway forms a side boundary the minimum setback is 2m.

   Note: Activation zones (as defined in Section 3 of this DCP) may only be considered for developments with front setbacks 4.5m or greater.
(b) has garages or carports setback a minimum of 5.5m from the boundary with the laneway.

(c) ensures dwellings have a covered front door and a window to a habitable room facing the laneway.

(d) has provision for vehicular and pedestrian access; waste collection; and mail delivery from the laneway, where it meets the minimum construction standards for a Type C laneway (see Council’s website for construction standards).

Note: If the laneway cannot satisfy Type C construction standards an access handle to the primary road frontage will be required compliant with widths specified in 4 (c) above.

Street lighting is provided or upgraded within the laneway adjacent to development.

Note: Extent of any required street lighting works to the laneway is to be determined by Council in association with a development application. All works are to be undertaken at no cost to Council.

7.11.03 Construction standards

Performance criteria

1. Laneways are consistent with public laneway standards.

2. Laneways are suitable for their intended function.

Acceptable solutions

1. Laneways meet the development standards detailed in Figures 1, 2, & 3 below, and applicable Council Standard Drawings.

Note: extent of any required upgrade works to the laneway is to be determined by Council in association with a development application and to be undertaken at no cost to Council.

2. Evidence of owners consent for use and any required construction upgrading works of private laneways is provided with the development application.

3. Laneways may be used for stormwater disposal, where a connection to an existing drainage system is available.

Figure 1: Type A Laneway (cross-section)
LANEWAY TYPE A (I) - PEDESTRIAN ONLY
Laneway Type A (ii) - Vehicle (Historic Situations Only)
Figure 3: Type C Laneway (Cross-section)
### Amendment History

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**Aboriginal cultural heritage** - means Aboriginal objects and declared Aboriginal places as defined under the National Parks and Wildlife Act, 1974.

**Aboriginal objects** as: any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

**Aboriginal place** means any place declared to be an Aboriginal place under Section 84.

**Absorption trench** - a trench excavated into the ground for the purpose of storing an initial volume of rainfall before that water seeps into the soil in which the trench is excavated.

**Act of prostitution** - has the meaning ascribed to it under Section 20 of the Summary Offences Act, 1958.

**The Act** - the Environmental Planning and Assessment Act 1979.

**Active solar energy systems** - systems which combine the sun's energy with local climatic conditions to achieve thermal comfort inside buildings with the use of mechanical devices. An example is sub-floor heating which uses a pump to circulate hot water from a tank through the floor and back to solar collectors.

**Activity centres** - areas where commercial, retail and entertainment facilities are focused.

**Activity nodes** - see Activity centres.

**Accessible path of travel** - a continuous accessible path of travel is an uninterrupted part of travel to or within a building, providing access to all required facilities. It does not incorporate any step, stairway, turnstile, revolving door, escalator or other impediment which would prevent it from being safely negotiated by people with disabilities.

**Adaptable Housing** - refers to the means of designing a house/unit that enables easy and relatively cheap adaptation to make it comply fully with access standards (refer AS 4299 Adaptable Housing - Class C). This housing is designed in such a way that it can be easily modified in the future to meet changing needs of occupants.
**Landmarks** - prominent or distinguishing buildings or features by which people orient themselves and identify places within the City.

**Landscaped area** - has the same meaning as in the Newcastle Local Environmental Plan 2012.

Note: The Landscape Area is defined as a part of the site used for growing plants, grasses and trees, is open to the sky but does not include any building, structure or hard paved area. The landscaped area should be designed in such a way that is free of conflicts with infrastructure, services and drainage pipes.

Under this DCP paving wider than 1m, impervious or otherwise, will not be considered as landscaping. Structures include, but are not limited to, such features as air conditioning systems, awnings, cubby houses, decks, fixed clotheslines, garden sheds, hot water systems, LPG storage tanks, patios, swimming pools, tennis courts, verandahs, water tanks (eg. rainwater) and the like.

1 The first metre (ie. 1m) of a landscape area which falls under an awning, overhang, undercroft (or similar) may be included within the landscape area calculations where it forms part of continuous landscape area 3m wide or greater, with the remaining larger portion being open to the sky and the development is supported by a comprehensive landscape plan (ie. ‘2m plus 1m’) (see Figure 1-Landscape area and awnings).

**Figure 1: Landscape area and awnings**

Lane - a publicly accessible narrow street that is open to the sky and which provides permanent pedestrian and/or vehicle connections through the city fabric at all hours.

**Laneway** - means a narrow road and is either a: i. **Council Laneway** - a laneway that has been dedicated as public road or one which Council has resolved to accept responsibility for 'care and control'. ii. **Private Laneway** - a laneway that is not a council laneway.
ITEM-73  CCL 27/06/17 - ADOPTION OF SECTION 3.03 RESIDENTIAL DEVELOPMENT OF NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

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

PURPOSE

The purpose of this report is to advise Council of the outcomes of the public exhibition of the proposed amendments to Newcastle Development Control Plan 2012 (DCP) to incorporate a new Section 3.03 Residential Development and consequential amendments to various other parts of the DCP. This report seeks a resolution of Council to adopt the draft amended DCP as provided in Attachments A and B.

RECOMMENDATION

1 Council adopt the amendments to Newcastle Development Control Plan 2012 (DCP) to rescind the following sections:

   i)  3.03 Dual Occupancy and Semi-Detached Dwellings
   ii) 3.04 Attached Dwellings and Multi Dwelling Housing
   iii) 3.05 Residential Flat Buildings
   iv) 3.06 Boarding Houses and Group Homes
   v) 3.07 Caravan Parks
   vi) 3.08 Seniors Housing
   vii) 7.01 Building Design Criteria

and incorporate a new Section 3.03 Residential Development as provided in Attachment A and associated amendments to Part 3 Land Use Specific Provisions, Part 6 Locality Specific Provisions, Part 7 Development Provisions and Part 9 Glossary, as provided in Attachment B.

KEY ISSUES

2 A number of amendments have been proposed to the exhibited draft DCP to address issues raised in submissions and by Council's development officers. The amendments to the exhibited version are shown in red text in Attachment A and blue text in Attachment B. The main changes include:
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i) simplifying the explanation of acceptable solutions.

ii) creation of a new 'frontage' control to clearly identify the frontage width requirements in the R2 Low Density Residential Zone and to retain the existing frontage requirements in the R3 Medium Density, R4 High Density and B4 Mixed Use zones.

iii) reduce the minimum side and rear setback for the R3/R4/B4 zones to be consistent with the objectives of these zones.

iv) separation and grouping of various controls to make it clearer which controls apply to various forms of residential development.

v) introduction of additional controls for dual occupancies consistent with the draft Medium Density Design Guide.

vi) amendments to the car parking table to exclude dual occupancies from the need to provide a specific visitor car parking space, consistent with current requirements.

3 A key issue raised in the two external submissions was an objection to the proposed 18m frontage requirement for multi dwelling housing in the form of row housing and the potential impact on housing affordability. This issue was also raised at a Public Voice meeting held on 18 April 2017.

4 Newcastle City Council is unique in allowing all forms of residential development within the R2 Low Density Residential zone. Allowing a variety of dwelling types in all residential zones is a good way to provide a diverse housing supply. However, the scale of new development should be consistent with the objectives of the R2 Low Density Residential Zone and respond to the desired local character.

5 Council does not currently apply a minimum frontage width to development in the R2 zone but does apply a 15m frontage width in the R3, R4 and B4 zones. The purpose of the minimum frontage width in the R3, R4 and B4 zones is to prevent the creation of isolated lots that cannot be developed for higher density forms of development. The proposed 18m frontage width in the R2 zone is intended to provide a site area for medium density forms of development that are better able to reflect the low density residential character and ensure sites are able to meet all of the associated design criteria. In particular:

i) increased minimum landscaped area from 25% to 30%.

ii) inclusion of a 1m wide landscaped area between the driveway and the side boundary.

iii) inclusion of a 2.5m landscaped setback between habitable windows and driveways / internal laneways.
6 The DCP amendments have regard to the draft Medium Density Design Guide (draft MDDG) prepared by the Department of Planning and Environment. Although the draft MDDG does not prescribe a minimum site frontage, Appendix 5 of the draft MDDG contains 'Recommended Principal Controls for Different Types'. For 'Multi Dwelling Housing - Row Housing' it is noted that:

"Generally a minimum lot width of 17-20m is needed to efficiently plan the site".

7 Other Councils use a variety of mechanisms to control medium density forms of development such as site coverage, frontage width and / or site area requirements. Where a Council uses a frontage width control for multi dwelling housing, it is generally 18m or greater. For example, frontage widths for multi dwelling housing in other local government areas include:

i) Lake Macquarie Council - 18m in the R3 Medium Density Residential Zone (not permitted in the R2 Low Density Residential Zone).

ii) Ryde Council - 20m in the R2 Low Density Residential Zone.

iii) Hornsby Council - 30m in the R3 Medium Density Residential Zone (not permitted in the R2 Low Density Residential Zone).

8 It is proposed to retain the 18m frontage width requirement in the R2 Low Density Residential zone to ensure all other design criteria can be met and so that medium density forms of development better reflect the surrounding low density residential character.

9 In addition, the DCP is a performance based development control plan. As such, Council may support a development on a lot that has a lesser frontage width where the applicant can demonstrate that the development meets all of the performance criteria.

FINANCIAL IMPACT

10 The proposed amendments do not have a direct financial impact on the operations of Council. The provision of clear and consistent development guidelines for residential development has an indirect benefit through more efficient processing of development applications. Keeping Council's development controls under regular review to ensure they remain up to date and efficient should assist in minimising costs for those in the housing industry which ultimately assists in housing delivery and affordability.

COMMUNITY STRATEGIC PLAN ALIGNMENT

11 The proposed amendments align with the Liveable and Distinctive Built Environment strategic direction of the Community Strategic Plan.
12 The amendments are also consistent with the strategic directions of Council's Local Planning Strategy by facilitating more efficient housing delivery and therefore affordability.

IMPLEMENTATION PLAN/IMPLICATIONS

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

14 Following consideration of submissions, the Council may approve the DCP (with or without amendments) or decide not to proceed with the DCP. In this case, it is recommended that Council proceed with the DCP as amended.

15 The draft DCP contains savings provisions so that the DCP, if adopted, will only apply to development applications lodged after the DCP comes into force.

16 Further amendments may be required if Council chooses to adopt the Medium Density Design Guidelines when they are finalised by the Department of Planning and Environment.

RISK ASSESSMENT AND MITIGATION

17 There are no risks to Council in the proposed amendments to the DCP.

RELATED PREVIOUS DECISIONS

18 At the Ordinary Council Meeting held on 13 December 2016, Council resolved to place the draft amendments to the Newcastle DCP 2012 incorporating a new Section 3.03 Residential Accommodation and consequential amendments to various other parts of the DCP, on public exhibition for 28 days.

CONSULTATION

19 The draft amended DCP was exhibited between 16 January 2017 and 27 February 2017. Two public submissions were received during the exhibition period. Feedback was also received from Council's development officers and the Urban Design Consultative Group.

20 A summary of the issues raised in the submissions and Council's response are provided in Attachment C. Paragraphs 3 to 9 address the principal issue raised in the submissions.
OPTIONS

Option 1

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

Option 2

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

BACKGROUND

23 In 2015, Council adopted the Local Planning Strategy (LPS) to guide the future growth and development of the Newcastle City Council area. The LPS adopted the ‘Residential Growth Precincts’ as a key component in planning for residential growth across the city. In the interest of achieving a more compact sustainable urban form, a range of residential standards was nominated depending on proximity to commercial centres or train stations / transport corridors. Achieving greater housing densities in these locations also supports housing affordability as it addresses factors other than purchasing cost that influence affordability, including transport and access to jobs and services.

24 Most R2 Low Density Residential zoned land is nominated as being within the 'limited growth precinct'. However, over the last few years, medium density development within the R2 Low Density Residential Zone / limited growth precinct has increased, with two-storey multi dwelling row housing being the most common form. A review of development applications for multi dwelling development in the R2 and R3 zones received between 2012 - 2016 shows that 60% of development applications have been for development within the R2 Low Density Residential Zone / limited growth precinct. It is likely that more development is occurring in these areas because:

i) land is cheaper to buy than in the more dense areas closer to centres and transport.

ii) multi dwelling development in the form of row housing can currently be undertaken without the need to consolidate with an adjoining lot. In contrast, many of the lots in the R3 zone require consolidation to achieve the minimum frontage width required for redevelopment.

iii) the floor space ratio is generous for a low density residential zone.

iv) there are limited DCP controls for medium density forms of development within the R2 zone (eg. no specified side or rear setbacks).
Development officers have also raised concerns that the development controls for residential development, particularly multi dwelling housing in the R2 Low Density Residential Zone, are resulting in development that is inconsistent with the zone objectives and the character of the surrounding area. Many development applications for multi dwelling development in the R2 Low Density Residential Zone attract substantial objections with the common concerns being development that is out of character with the surrounding area, privacy and overlooking impacts, visual impacts and car parking issues.

The LEP and the DCP are the primary planning tools used to implement the strategies and actions identified in the LPS. The controls proposed in the residential development section of the DCP will not have a significant impact on housing affordability as all forms of residential development will still remain permissible within the R2 Low Density Residential Zone. For lots with frontages less than 18m, other forms of medium density housing, such as dual occupancies, attached dwellings and manor houses will be possible.

REFERENCES

ATTACHMENTS

Attachment A: Draft Section 3.03 Residential Development.


Attachment C: Summary of issues raised in submissions and Council response.

Attachments are distributed under separate cover.
NOTICES OF MOTION

ITEM-15 NOM 27/06/17 - THROSBY CREEK ACTION PLAN

COUNCILLORS: S POSNIAK, J DUNN AND N NELMES

PURPOSE

The following Notice of Motion was received on 15 June 2017 from the abovementioned Councillors:

MOTION

That Council

1 Notes the work undertaken by the Throsby Creek Government Agencies Committee in developing a Throsby Catchment Action Plan 2018-2024.

2 Commits resources to work collaboratively and to focus on this project with other agencies in delivering agreed actions in financial year 2017/18 and beyond.

BACKGROUND

The Throsby Creek Government Agencies Committee was re-established in August 2015 to provide cooperative leadership from the numerous agencies with responsibilities for the status of Throsby Creek. The Committee is chaired by the Member for Newcastle, and includes representatives from Newcastle City Council, Hunter Water, Roads and Maritime Services, Hunter Local Land Services, Port of Newcastle, TAFE, Port Waratah Coal Services, Lake Macquarie City Council and representatives of the community. Council has been an active participant since its establishment.

Led by Hunter Local Land Services, the Committee in consultation with the community has undertaken a detailed review of the Throsby Total Catchment Management Strategy from 2001. The updated plan, Throsby Catchment Action Plan 2018-2024, outlines the work required of all agencies to deliver on the community’s long-term goal to improve the amenity and health of Throsby Creek.

Council plays an important leadership role in the delivery of outcomes for Throsby Creek, and continued work alongside other agencies will delivery significant outcomes. An example of this success has been the re-naturalisation of Lambton Ker-Ria Creek (within the Throsby Creek Catchment) in partnership with City Serve and Hunter Water.
Council has been an active participant in the establishment of the Throsby Creek Government Agencies Committee (TCGAC). In keeping with the adopted Committee Terms of Reference Council currently commits staff and resources to regular Committee meeting attendance and engagement in collaborative activity including the recent review of the Throsby Total Catchment Management Strategy (2001) and the current development of a Throsby Catchment Action Plan 2018-2024.

In keeping with the identified Throsby Creek Catchment priorities Council is also engaged in the delivery of a Throsby Creek Sediment Strategy collaboratively with Hunter Local Land Services (HLLS) and Hunter Water Corporation (HWC). The outcomes of the sediment investigation will further refine all partners’ actions identified Throsby Catchment Action Plan 2018-2024 to improve the health and performance of Throsby Creek.

RECOMMENDATION

The Council Notice of Motion (NOM) recommendations be amended as follows.

That Council:

1 Notes the work undertaken by the Throsby Creek Government Agencies Committee in developing a Throsby Catchment Action Plan 2018-2024, and

2 Notes that resources will continue to be committed to work collaboratively and to focus on this project with other agencies in delivering agreed actions in FY 2017/18 and beyond.