THE CITY OF NEWCASTLE

Ordinary Council Meeting

Councillors,

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

DATE: Tuesday 27 March 2018
TIME: 5.30pm
VENUE: Council Chambers
2nd Floor
City Hall
290 King Street
Newcastle NSW 2300

J Bath
Chief Executive Officer

City Administration Centre
282 King Street
NEWCASTLE NSW 2300

20 March 2018

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## CONTENTS

<table>
<thead>
<tr>
<th>Item</th>
<th>Business</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>APOLOGIES/LEAVE OF ABSENCE</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>ORDERS OF THE DAY</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>DECLARATIONS OF PECUNIARY / NON PECUNIARY INTEREST</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>CONFIRMATION OF PREVIOUS MINUTES</strong></td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>MINUTES - PUBLIC VOICE COMMITTEE 20 FEBRUARY 2018</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>MINUTES - ORDINARY COUNCIL MEETING 27 FEBRUARY 2018</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td><strong>LORD MAYORAL MINUTE</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>REPORTS BY COUNCIL OFFICERS</strong></td>
<td>26</td>
</tr>
<tr>
<td>ITEM-20</td>
<td>CCL 27/03/18 - EXECUTIVE MONTHLY PERFORMANCE REPORT - FEBRUARY 2018</td>
<td>26</td>
</tr>
<tr>
<td>ITEM-21</td>
<td>CCL 27/03/18 - SIX MONTHLY REVIEW OF 2013-2018 DELIVERY PROGRAM</td>
<td>31</td>
</tr>
<tr>
<td>ITEM-22</td>
<td>CCL 27/03/18 - EXHIBITION OF DONATIONS PROGRAM POLICY</td>
<td>34</td>
</tr>
<tr>
<td>ITEM-23</td>
<td>CCL 27/03/18 - MOTIONS AND ATTENDANCE AT THE 2018 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT</td>
<td>42</td>
</tr>
<tr>
<td>ITEM-24</td>
<td>CCL 27/03/18 - EXHIBITION OF REVISED CODE OF MEETING PRACTICE</td>
<td>70</td>
</tr>
<tr>
<td>ITEM-25</td>
<td>CCL 27/03/18 - BERESFIELD SWIMMING CENTRE UPDATE</td>
<td>105</td>
</tr>
<tr>
<td>ITEM-26</td>
<td>CCL 27/03/18 - SUMMERHILL WASTE MANAGEMENT CENTRE PROPOSED FEES AND CHARGES 2018/19</td>
<td>110</td>
</tr>
<tr>
<td>ITEM-27</td>
<td>CCL 27/03/18 - 1 ORDNANCE STREET NEWCASTLE - ADOPTION OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENT PLAN 2012</td>
<td>119</td>
</tr>
<tr>
<td>ITEM-28</td>
<td>CCL 27/03/18 - WEST END STAGE ONE - PUBLIC DOMAIN - PUBLIC EXHIBITION OUTCOMES</td>
<td>144</td>
</tr>
<tr>
<td>ITEM-29</td>
<td>CCL 27/03/18 - EAST END STAGE ONE - STREETSCAPE PLAN - PUBLIC EXHIBITION</td>
<td>148</td>
</tr>
</tbody>
</table>
ITEM-30  CCL 27/03/18 - TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE, KEIGHTLEY LANE NEWCASTLE

ITEM-31  CCL 27/03/18 - ENDORSEMENT FOR PUBLIC EXHIBITION OF THE DRAFT NEWCASTLE AFTER DARK STRATEGY

ITEM-32  CCL 27/03/18 - GLEBE ROAD FEDERATION COTTAGES HERITAGE CONSERVATION AREA - ENDORSEMENT OF AMENDMENT TO NEWCASTLE LEP 2012 AND NEWCASTLE DCP 2012

NOTICES OF MOTION

ITEM-6  NOM 27/03/18 - FOOTPATH DELIVERY

ITEM-7  NOM 27/03/18 - MAYFIELD SKATE PARK

CONFIDENTIAL REPORTS

ITEM-3  CON 27/03/18 - REDUCTION IN OUTDOOR TRADING FEES DUE TO LIGHT RAIL CONSTRUCTION

ITEM-4  CON 27/03/18 - ORGANISATIONAL REDESIGN

FOR DOCUMENTS MARKED 'DISTRIBUTED UNDER SEPARATE COVER' REFER TO COUNCIL'S WEBSITE AT www.newcastle.nsw.gov.au

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

MINUTES - PUBLIC VOICE COMMITTEE 20 FEBRUARY 2018

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 180220 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 M Byrne, J Church, D Clausen, C Duncan, J Dunn, K Elliott, B Luke, J Mackenzie, A Robinson, A Rufo, E White and P Winney-Baartz.

IN ATTENDANCE
J Bath (Chief Executive Officer), A Baxter (Interim Director Corporate Services), K Liddell (Director Infrastructure), P Chrystal (Director Planning and Regulatory), E Kolatchew (Interim Manager Legal and Governance), M Blackburn-Smith (Manager Development and Building), M Murray (Policy Officer), B Johnson (Media Officer), A Knowles (Council Services/Minutes) and J Redriff (Council Services/Webcast).

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

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

APOLOGIES
Nil.

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

Councillor Luke
Councillor Luke declared a non-pecuniary, significant conflict of interest in Item 2 DA2017/00253 - 39 Scenic Drive Merewether as he was approached by an objector who was known to him and managed the conflict by removing himself from the Chamber during the presentation on the item.

Councillor Rufo
Councillor Rufo declared a non-pecuniary, significant conflict of interest in Item 2 DA2017/00253 - 39 Scenic Drive Merewether, as Councillor Rufo had close relationships with objectors to the Development Application and managed the conflict by removing himself from the Chamber during the presentation on the item.

Councillor Elliott
Councillor Elliott declared a less than significant, non-pecuniary interest in Item 3 - DA2017/00436 - 13 Andrea Close Wallsend as Councillor Elliott resided within the vicinity and remained in the Chamber for the presentation.
PUBLIC VOICE SESSIONS

ITEM-1 PV 20/02/18 - DA 2017/00789 - 9 BELFORD STREET, BROADMEADOW - ALTERATIONS TO BUILDING FOR CHANGE OF USE TO DWELLING, ERECTION OF FIVE THREE STOREY ATTACHED DWELLINGS ASSOCIATED SITE WORKS AND ONE LOT INTO SIX LOT SUBDIVISION

Mr Paul Shearston and Ms Amanda Hinds outlined their objections to the development application.

Mr Wade Morris (SNL Building Constructions P/L) and Mr Warrant Haasnoot, Architect, on behalf of the applicant addressed Council in support of the Development Application.

Councillor Luke and Councillor Rufo removed themselves from the Chamber at 6:05pm prior to the next agenda item.

ITEM-2 PV 20/02/18 - DA 2017/00253 - 39 SCENIC DRIVE MEREWETHER - ALTERATIONS AND ADDITIONS TO DWELLING

Mr George Angus and Mr Graeme Vennell addressed Council and outlined their objections to the development application.

Mr Stephen Barr (Bar Property and Planning) and Mr Andrew Doring (Doring Design) addressed Council on behalf of the applicant in support of the development application.

Councillor Luke and Councillor Rufo returned to the Chamber at 6.37pm at the conclusion of the agenda item.

ITEM-3 PV 20/02/18 - DA 2017/00436 - 13 ANDREA CLOSE WALLSEND - DEMOLITION OF DWELLING AND OUTBUILDING, ERECTION OF FIVE ATTACHED TWO-STOREY DWELLINGS AND ASSOCIATED SITE WORK

Ms Sue Robinson and Mr John Watson both addressed Council and outlined their objections to the development application.

Mr Matthew Brown (Director Perception Planning P/L) and Mr Chris White (Kingston Properties) addressed Council on behalf of the applicant in support of the development application.
ITEM-4 PV 20/02/18 - DA 2016/01401 - 21 PARNELL PLACE NEWCASTLE EAST - ALTERATIONS TO BUILDING FOR ADAPTIVE RE-USE TO RESIDENTIAL FLAT BUILDING (23 UNITS) AND ASSOCIATED CAR PARKING

Ms Susan Gray addressed Council and outlined her objection to the development application.

Mr Jason Harman (Land Development Solutions P/L) and Mr Barney Collins, Architect (EJE Architecture) both addressed Council in support of the application.

The meeting concluded at 7.44pm
MINUTES - ORDINARY COUNCIL MEETING 27 FEBRUARY 2018

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 180227 Ordinary Council Meeting

Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at www.newcastle.nsw.gov.au
PRESENT
The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, J Dunn, K Elliott, B Luke, J Mackenzie, A Rufo, E White and P Winney-Baartz.

IN ATTENDANCE
J Bath (Chief Executive Officer), A Baxter (Interim Director Corporate Services), K Liddell (Director Infrastructure), J Gaynor (Manager Strategic Planning), B Johnson (Media Officer), E Kolatchew (Interim Manager Legal and Governance), M Murray (Policy Officer), C Field (Executive Officer - Lord Mayors Office), A Leach (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 Rufo, seconded by Cr Luke

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

Defeated

Councillor Clausen requested it be recorded in the minutes that he was an apology for the wedding of a colleague and made the following statement:

'Lord Mayor, I request your indulgence. By being in attendance at this evening’s Council meeting, I am unable to attend the wedding of our local government colleague, Cessnock City Councillor Mark Lyons. At 5.30pm this evening Mark will be marrying his long-term partner Daniel at the Cessnock Local Courts.

Mark is an advocate for equality and his leadership in regional NSW must be commended. Sixty four per cent of his community in the federal electorate of Hunter returned a 'yes' vote for marriage equality at the recent postal plebiscite. Activism from local elected representatives like Mark helped deliver the overwhelming yes vote which made marriage equality law.

As a city that stands for quality, I would ask that our best wishes for Mark and Daniel be recorded in the minutes and I wish them the very best as they embark on their life together as a legally married couple.'
DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Brad Luke
Councillor Luke declared a non-pecuniary less than significant conflict of interest in Item 4 - Executive Monthly Performance Report as it included the re-investment Surplus Funds Report which mentions multiple financial institutions that he had dealings with in his business. The declaration is less than significant as he noted he was not involved in determining where funds are invested and was just receiving a report.

Councillor John Church
Councillor Church declared a conflict of interest both significant and pecuniary in Item-2 Confidential Property Matter and stated he would give further detail of the conflict of interest during confidential session.

WELCOME

The Lord Mayor introduced and welcomed to The City of Newcastle a delegation from the Kenyan Public Service Commission for the Australian Awards Fellowship Program including the Vice Chairman of the Board, Peter Nkuraiya, CEO Alice Otwala, Head of Research and Policy Analysis and Alumni of the University of Newcastle Dr Sylvester Obongo and from the University of Newcastle Professor Jim Jose, Mr David Wise, Associate Professor Graham Brewer and Dr Patricia Johnson who were integral in obtaining a DEFAT grant which made the delegation's visit possible.

The Lord Mayor acknowledged and welcomed former Lady Mayoress Wendy Heys and her family to the Chamber.

PRESENTATION

The Lord Mayor presented a 15 year Service Award to former Councillor and Deputy Lord Mayor Michael Osborne for service to The City of Newcastle. The Lord Mayor read a statement of former Councillor Osborne's many achievements whilst in office and thanked him on behalf of The City of Newcastle.
CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 5 DECEMBER 2017
MINUTES - ORDINARY COUNCIL MEETING 12 DECEMBER 2017
MINUTES - EXTRAORDINARY COUNCIL MEETING 23 JANUARY 2018

MOTION
Moved by Cr Clausen, seconded by Cr Mackenzie

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

Carried

LORD MAYORAL MINUTE

ITEM-2 LMM 27/02/18 - THE NEWCASTLE AND HUNTER ENDING HOMELESSNESS PLEDGE

PROCEDURAL MOTION
Moved by Cr Elliott, seconded by Cr Luke

Council be permitted a five minute recess to allow Councillors to read the two Lord Mayoral Minutes tabled at the meeting.

Carried

Council went into recess at 5.54pm and reconvened at 5.59pm.

MOTION
Moved by Lord Mayor, Cr Nelmes

That Newcastle City Council:

1. Ratifies the Newcastle and Hunter Ending Homelessness Pledge and commits to working toward actions that reduce homelessness in Newcastle and the Hunter Region; and

2. Publishes a copy of The Pledge on appropriate communications channels, advising our partners, and the community, that we support the Newcastle and Hunter Ending Homelessness Pledge.

Carried unanimously
ITEM-3  LMM 27/02/18 - ESTABLISHMENT OF A COMMITTEE FOR GREATER NEWCASTLE

MOTION
Moved by Lord Mayor, Cr Nelmes

That Newcastle City Council:

1. Supports the establishment of a Committee for Greater Newcastle, to advise on metropolitan-scale collaboration between community, industry and government;

2. Works with partners, including the NSW Department of Planning and Environment, and the Committee for Cities and Regions Secretariat to establish the vision and structure of a Committee for Greater Newcastle; and

3. Notes that establishing a Committee for Greater Newcastle is an important mechanism aimed at enhancing collaborative governance and driving the emergence of Newcastle as a metropolitan city on the global stage.

Carried unanimously

REPORTS BY COUNCIL OFFICERS

ITEM-3  CCL 27/02/18 - QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2017

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

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

In response to a question from Councillor Church regarding Part 4 and the timescale for current liabilities, the Director Corporate Services indicated he would take the question on notice.

PROCEDURAL MOTION
Moved by Cr Elliott, seconded by Cr Church

Lay the item on the table until the next Ordinary Council Meeting.

Defeated

Following a question from Councillor Elliott regarding whether Council was required to notify the elected Council if a contract had a $200,000 or 20% variation, the Lord Mayor indicated that Council staff would take the question on notice.
ITEM-4  CCL 27/02/18 - EXECUTIVE MONTHLY PERFORMANCE REPORT - JANUARY 2018

MOTION
Moved by Cr Winney-Baartz, seconded by Cr Dunn

The report be received.

Carried

ITEM-5  CCL 27/02/18 - APPOINTMENT OF COUNCILLOR REPRESENTATIVES TO EXTERNAL COMMITTEES

MOTION
Moved by Cr Clausen, seconded by Cr Winney-Baartz

PART A

1 That Council appoints representatives as follows:

<table>
<thead>
<tr>
<th>Councillor/s appointed</th>
<th>External Committee</th>
<th>Term of membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillor Winney-Baartz</td>
<td>Hunter Sports Centre Incorporated</td>
<td>27 February 2018 to 11 September 2020</td>
</tr>
<tr>
<td>Councillor MacKenzie</td>
<td>Newcastle Bush Fire Coordinating Committee</td>
<td>27 February 2018 to 11 September 2020</td>
</tr>
<tr>
<td>Councillor Byrne and Councillor Winney-Baartz</td>
<td>Lower Hunter Councils Transport Group</td>
<td>27 February 2018 to 11 September 2020</td>
</tr>
</tbody>
</table>

2 That the Chief Executive Officer appoints staff representatives to the Newcastle Bushfire Coordinating Committee and the Lower Hunter Councils Transport Group (in addition to the Councillor representative/s) for the period 27 February 2018 to 11 September 2020.

3 Council staff write to the chairperson of each of the above advising of the new Councillor members/representative(s) and the term of their membership.

4 Council does not appoint a Councillor member to the NSW Association of Mining Related Councils.
PART B

1 Council notes that the Chief Executive Officer is presently undertaking a review of the corporate structure as required under Section 333 of the Local Government Act 1993.

2 That the composition and structure of advisory committees be reviewed following the completion of this review to ensure effective Councillor and community input into decisions, and appropriate oversight and governance of the organisation.

Carried

ITEM-6 CCL 27/02/18 - TABLING OF PECUNIARY INTEREST RETURNS FOR THE PERIOD OF 1 NOVEMBER 2017 TO 31 JANUARY 2018

MOTION
Moved by Cr Luke, seconded by Cr Mackenzie

Council to note the pecuniary interest returns as tabled by the Chief Executive Officer received from designated persons between 1 November 2017 and 31 January 2018.

Carried

ITEM-7 CCL 27/02/18 - ANNUAL AUDIT COMMITTEE AND INTERNAL AUDIT REPORT

MOTION
Moved by Cr Mackenzie, seconded by Cr Dunn

That Council:

(a) receives the Audit Committee and internal audit annual report for the 2016/17 financial year; and

(b) adopts the revised Audit Committee Charter, as shown at Attachment A.

Carried

ITEM-8 CCL 27/02/18 - AFFIXING COUNCIL'S SEAL TO DEEDS OF INDEMNITY FOR LOUISE HICKS (NAPLS SECRETARY)

MOTION
Moved by Cr Mackenzie, seconded by Cr Byrne

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

(a) the affixation of Council's seal to the Deed of Indemnity to be entered into between Newcastle City Council, Port Stephens Council and Ms. Louise Hicks; and
(b) The witnessing of the affixation of Council's seal to the Deed of Indemnity in the presence of:

(i) The Lord Mayor and the Chief Executive Officer (CEO), or
(ii) at least one Councillor (other than the Lord Mayor) and the Chief Executive Officer, or
(iii) the Lord Mayor and at least one Councillor, or
(iv) at least two Councillors other than the Lord Mayor,

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

Carried

ITEM-9   CCL 27/02/18 - CROWN LAND MANAGEMENT IN THE NEWCASTLE LOCAL GOVERNMENT AREA

Councillor Rufo retired from the Chamber at 6.34pm and returned at 6.35pm.

MOTION
Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

A) Notes the outcome of the Expression of Interest (EOI) to the Department of Industry's Land Negotiation Program and the proposed program of work in relation to Crown Land categorisation and Plan of Management revisions; and

B) Write to the Department of Industry seeking the reasons for the unsuccessful EOI, the criteria upon which the decision was made and what the future prospects are for negotiating alternative arrangements for the management of Crown Land in the Local Government Area.

Carried unanimously

ITEM-10  CCL 27/02/18 - MCCAFFREY DRIVE, RANKIN PARK - PROPOSED UPGRADE TO EXISTING ZEBRA / CHILDREN'S CROSSING NORTH OF SPENCER STREET

MOTION
Moved by Cr Winney-Baartz, seconded by Cr Byrne

Approve the proposed upgrade of the existing pedestrian crossing on McCaffrey Drive, Rankin Park as shown at Attachment A.

Carried unanimously
ITEM-11 CCL 27/02/18 - MAITLAND ROAD, MAYFIELD - INVESTIGATION INTO POTENTIAL PEDESTRIAN REFUGES AND INTERSECTION REALIGNMENTS AT SEVEN INTERSECTIONS

MOTION
Moved by Cr Winney-Baartz, seconded by Cr White

Council refer proposals for a pedestrian refuge at the intersection of Woodstock Street with Maitland Road Mayfield and a raised pedestrian crossing at the intersection of Tourle Street with Maitland Road Mayfield to the Newcastle City Traffic Committee for consideration.

Carried unanimously

ITEM-12 CCL 27/02/18 - SUBMISSION ON DRAFT GREATER NEWCASTLE METROPOLITAN PLAN

MOTION
Moved by Lord Mayor, Cr Nelmes, seconded by Cr Winney-Baartz

Council endorses the draft submission at Attachment A (including the table) to be made by the Lord Mayor and the Chief Executive Officer on the Draft Greater Newcastle Metropolitan Plan for lodgment with the Department of Planning and Environment.

Councillor Clausen distributed a copy of The Australian Industry Group's response to the Draft Greater Newcastle Metropolitan Plan 2036 to Councillors.

Carried unanimously

ITEM-13 CCL 27/02/18 - ADOPTION OF COMMUNITY GRANT AND SPONSORSHIP POLICIES

MOTION
Moved by Cr Clausen, seconded by Cr Mackenzie

1 Council adopts the Events Sponsorship Program policy, the Economic Development Sponsorship policy and the Community Place Making policy.

2 Council rescinds the existing Place Making Grant and Community Assistance Grant policies.

Carried unanimously
ITEM-14  CCL 27/02/18 - EXHIBITION OF DRAFT SECTION 6.03 WICKHAM OF NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

MOTION
Moved by Cr White, seconded by Cr Duncan

1 Council resolves to:

i) Publicly exhibit the draft DCP for 28 days in accordance with the requirements of Clause 18 of the Environmental Planning and Assessment Regulation 2000.

ii) Receive a report on written feedback provided by stakeholders during the public exhibition period and any further amendments arising from these as per Clause 21 of the Environmental Planning and Assessment Regulation 2000.

Following a question from Councillor Duncan whether the relevant and appropriate controls were in place with regard to protecting the social and industrial heritage of Wickham, the Manager Strategic Planning indicated she would take the question on notice.

For the Motion: The Lord Mayor and Councillors Byrne, Church, Clausen, Duncan, Dunn, Elliott, Luke, Mackenzie, Rufo, Winney-Baartz and White

Against the Motion: Nil.

Carried

ITEM-15  CCL 27/02/18 - EXHIBITION OF THE DRAFT ABORIGINAL HERITAGE MANAGEMENT STRATEGY

MOTION
Moved by Cr Mackenzie, seconded by Cr White

Council resolves to:

i) Place the draft Aboriginal Heritage Management Strategy Attachment A on public exhibition for 4 weeks.

ii) Receive a report back on the outcomes of the public exhibition. Carried unanimously
ITEM-16  CCL 27/02/18 - HUNTER ESTUARY COASTAL ZONE MANAGEMENT PLAN (NOVEMBER 2017)

MOTION
Moved by Cr Mackenzie, seconded by Cr White

Adopt the Draft Hunter Estuary Coastal Zone Management Plan 2017 (Attachment A) and endorse submission of the Plan to the Minister for Environment for the purposes of certification.

Carried

ITEM-17  CCL 27/02/18 - BUILDING BETTER CITIES HOUSING AND DEVELOPMENT COMMITTEE BUSINESS PLAN 2016/2017

MOTION
Moved by Cr White, seconded by Cr Mackenzie

Council receives the BBC Housing and Development Committee Business Plan 2016/17 (incorporating the Annual Report).

Carried

ITEM-18  CCL 27/02/2018 - GLOBAL COVENANT OF MAYORS FOR CLIMATE AND ENERGY INCLUDING COUNCIL MEASURES UPDATE - RESPONSE TO LMM 24 OCTOBER 2017

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

1 That Council applies to become a member of the International Council for Local Environmental Initiatives, and commit to the requirements of the Global Covenant of Mayors for Climate and Energy.

2 That Council notes the positive results of ongoing measures that Council is undertaking to measure and reduce greenhouse gas emissions.

3 That Council receives an annual update on the City's commitments to the Global Covenant of Mayors for Climate and Energy.

For the Motion: The Lord Mayor and Councillors Byrne, Church, Clausen, Duncan, Dunn, Elliott, Mackenzie, Rufo, Winney-Baartz and White

Against the Motion: Councillor Luke.

Carried
ITEM-19  CCL 27/02/18 - NOMINATION FOR MEMBERSHIP OF A HUNTER JOINT ORGANISATION OF COUNCILS

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

1 That Council informs the Minister for Local Government (Minister) of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation.

2 That the Joint Organisation includes Newcastle City Council and any two or more of the following councils as additional members of the Joint Organisation: Cessnock, Dungog, Lake Macquarie, Maitland, MidCoast, Muswellbrook, Port Stephens, Singleton or Upper Hunter.

3 That the Lord Mayor and Chief Executive Officer take all necessary steps to finalise Council’s Joint Organisation Nomination – Forming a Joint Organisation Checklist including finalisation of membership with preference to form a Joint Organisation with the five Lower Hunter Council's based on our joint advocacy to deliver the Greater Newcastle Metropolitan Plan.

4 That before 23 March 2018, the Chief Executive Officer provides the Minister with a copy of this resolution and Council’s Joint Organisation Nomination – Forming a Joint Organisation Checklist.

5 That, on the expiry of a period of 28 days from the making of this resolution, the Chief Executive Officer informs the Minister whether this resolution has been rescinded.

Carried unanimously

NOTICES OF MOTION

ITEM-2  NOM 27/02/18 - CARRINGTON PARKLANDS CONCEPT PLAN

MOTION
Moved by Cr White, seconded by Cr Church

That Newcastle City Council:

Seek funding within the 2018/2019 Operation Plan to commence community engagement towards the future development of a Carrington Parkland Concept Plan.

Carried unanimously
Councillor Elliott stated that she worked for a company currently undertaking seismic testing offshore from Melbourne and declared a non-pecuniary interest and retired from the Chamber for this item.

MOTION
Moved by Cr Mackenzie, seconded by Cr Byrne

That Council:

1. Reaffirms its opposition to both offshore exploration and mining activity due to unacceptable environmental impacts, and negative economic impacts on the recreational and commercial fishing and tourism industries.

2. Makes a formal submission to the NSW Government and the Federal Government to request:
   a. The current approval for exploration activity associated with Petroleum Exploration Permit 11 (PEP 11) be reviewed based on a full assessment of the environmental impact of both the exploration activity and the potential mining activity associated with this approval; and
   b. That future offshore oil and gas development on the NSW Coast from Illawarra to Port Stephens be prohibited.

3. Liaise with the Port Stephens, Lake Macquarie and Central Coast Councils to communicate this decision and identify opportunities for collaboration on this matter.

Councillor Church indicated that he would be abstaining from the vote due to his belief that the motion was a matter for State Government. The Lord Mayor advised that in Council's Code of Meeting Practice abstaining from a vote would be recorded as voting in the negative.

Councillor Duncan gave notice of a foreshadowed motion. The Lord Mayor advised that as it was similar to the motion before the Chair it could be moved as an amendment.

AMENDMENT
Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council:

1. Notes previous opposition to offshore exploration on the grounds of environmental and economic impacts on recreational and commercial fishing and tourism.
2. Makes a formal submission to the NSW Government and the Federal Government to request:

The current approval for exploration activity associated with Petroleum Exploration Permit 11 (PEP 11) be reviewed based on a full assessment of the environmental and economic impacts of the exploration activity associated with this approval.

3. Notes the NSW Government's Minister for Resources, Energy and Utilities, the Hon. Don Harwin MLC, has publically opposed exploration off the Newcastle coast, asserting that federal approval processes are not robust and do not adequately consider the environment risks of testing, while the Federal Government's National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), under direction of the Federal Minister for Resources, has approved exploration.

4. Writes to Federal Minister for Resources, Senator the Hon. Matthew Canavan, seeking Minister Canavan's guarantee that Minister Harwin's comments are incorrect, and his assurance that exploration will have no negative impacts on the local environment, marine life or industry around Newcastle.

The amendment moved by Councillor Duncan and seconded by Councillor Winney-Baartz was put to the meeting.

Carried

The motion moved by Councillors Mackenzie and Byrne, as amended, was put to the meeting.

Carried unanimously

Councillor Elliott returned to the Chamber at the conclusion of this item.

ITEM-4 NOM 27/02/18 - HAMILTON CONCEPT MASTER PLAN FOR JAMES STREET PLAZA

MOTION
Moved by Cr Duncan, seconded by Cr Clausen

That Newcastle City Council:

1. Develops a Hamilton Concept Masterplan, focussing initially on James Street Plaza and noting that the approximate cost will be a minimum $20,000 plus possible Crime Prevention through Environmental Design (CPTED) and heritage reviews and if the BIA can contribute $10,000, this project can be put in next year's budget.
2. Explores the need for an assessment of CPTED techniques to improve amenity and safety at James Street Plaza; and

3. Council consults with the Hamilton BIA through the development of the concept plan taking into consideration the BIA's views and experience.

Carried unanimously

ITEM-5 NOM 27/02/18 - NEWCASTLE CITY COUNCIL LIVE MUSIC STRATEGY

Councillor Duncan tabled a letter from Brian and Jo Lizotte, owners of Lizotte's live music venue addressed to Councillor Duncan and Tim Crakanthorp MP, Member for Newcastle regarding "Lizotte's continued role in Newcastle live music and entertainment".

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

That Newcastle City Council:

1. Notes that the City of Newcastle has a proud and rich history of celebrating and promoting live music;
2. Notes that the City of Newcastle's night time economy is now worth $1.4 billion and employs over 12,000 people, including many in the live music industry;
3. Supports the creation of a Newcastle Local Live Music Industry Advisory Group to advise all three tiers of government on policy development aimed at supporting the growth and sustainability of Newcastle's live music industry;
4. Embeds a commitment to a vibrant live music scene in the next iteration of the Community Strategic Plan (CSP) and works to finalise the draft Newcastle After Dark Night-time Economy Strategy, including a detailed Live Music Strategy, guided by best practice local government principles for live music policy as developed by the New South Wales Government's Live Music Office;
5. Implements actions to achieve the protection of the Newcastle live music industry and the Newcastle night-time economy including changes to S149 Certificates and consideration of Acoustic Privacy Conditions; and
6. Develops a process to make available Council owned venues like the Civic Playhouse and City Hall Banquet Room for in-kind use on certain days by live music providers catering for all-ages gigs.

The action plan and its recommendations could be considered by the City of Newcastle for adoption and implementation.
For the Motion: The Lord Mayor and Councillors Byrne, Church, Clausen, Duncan, Dunn, Elliott, Luke, Mackenzie, Rufo, Winney-Baartz and White

Against the Motion: Nil.

Carried

CONFIDENTIAL REPORTS

PROCEDURAL MOTION
Moved by Cr White, seconded by Cr Winney-Baartz

Council move into confidential session for the reasons outlined in the business papers.

Carried

Council moved into confidential session at 8.15pm.

ITEM-2 CON 27/02/18 - CONFIDENTIAL PROPERTY MATTER - ROAD CLOSURE AND SALE OF ROAD RESERVE ADJOINING LOT 1 DP 715924

During confidential session:
• Councillor Church declared a significant pecuniary interest in Item 2 - Confidential Property Matter - Road Closure and Sale of Road Reserve Adjoining Lot 1 DP 715924 and retired from the Chamber at 8.17pm.
• A procedural motion was moved by Councillors Duncan and Byrne to reconvene open Council and carried.

Council reconvened at 8.19pm and the Interim Chief Executive Officer reported the resolution of confidential session with regard to Item 2 Confidential Property Matter - Road closure and sale of Road Reserve Adjoining LOT 1 DP 715924.

MOTION
Moved by Cr Mackenzie, seconded by Cr Dunn

1 (a) Council endorses the closure of the road reserve adjoining Lot 1 DP 715924;

(b) Subject to receiving approval for the road closure from the Crown (NSW Department of Industry - Crown Lands and Water), Council approves the sale of the parcel of land to the adjoining owner for the valuation determined by an independent certified valuer. All costs including legal, survey and service relocation will be borne by the applicant;

(c) Authority be granted to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the transactions; and

(d) The revenue received by Council from the sale of the land be transferred to the Land and Property Reserve.
2 This confidential report relating to the matters specified in s. 10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until Council determines otherwise.

Carried unanimously

The meeting concluded at 8.20pm
REPORTS BY COUNCIL OFFICERS

ITEM-20 CCL 27/03/18 - EXECUTIVE MONTHLY PERFORMANCE REPORT - FEBRUARY 2018

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

PURPOSE

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

a) Monthly financial position and year to date (YTD) performance against the 2017/18 Operational Plan as at the end of February 2018.

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 February 2018 the consolidated YTD actual operating position is a deficit of $2.4m which represents a positive variance of $0.3m against the budgeted YTD deficit of $2.7m. This budget variance is due to a combination of income and expenditure variances which are detailed in Attachment A. The full year revised budget for 2017/18 is a balanced operating position.

3 The February YTD position includes $7m of revenue items which are either one-off or cannot be applied to meet operational expenditure ($3.9m 2012 Special Rate Variation revenue, $1.3m consolidation of Newcastle Airport result, $1.3m stormwater management service charge, and $0.5m local road grants which fund capital works). When these items are removed Council’s sustainable underlying operating position at the end of February is a deficit of $9.4m.

4 The net funds generated as at the end of February 2018 is a surplus of $2.2m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD budgeted deficit of $2.6m. This is primarily due to a timing variance in the delivery of Council's works program with a higher amount of project expenditure (both capital and operational expenditures) expected to be incurred during the final quarter of the financial year.
FINANCIAL IMPACT

5 The variance between YTD budget and YTD actual results at the end of February 2018 is provided in the Executive Monthly Performance Report (Attachment A). Key elements are:

<table>
<thead>
<tr>
<th>Full Year Revised Budget $'000</th>
<th>YTD Revised Budget $'000</th>
<th>YTD Actual Result $'000</th>
<th>Variance $'000</th>
<th>Variance %</th>
<th>Financial Impact +ve / -ve</th>
</tr>
</thead>
<tbody>
<tr>
<td>273,789 Total Operating Revenue</td>
<td>181,186</td>
<td>181,837</td>
<td>651</td>
<td>0%</td>
<td>+</td>
</tr>
<tr>
<td>273,778 Total Operating Expenses</td>
<td>183,915</td>
<td>184,270</td>
<td>355</td>
<td>0%</td>
<td>-</td>
</tr>
<tr>
<td>Total Operating Revenue Less 11 Operating Expenditure</td>
<td>(2,729)</td>
<td>(2,433)</td>
<td>296</td>
<td>-11%</td>
<td>+</td>
</tr>
<tr>
<td>21,386 Total Capital Raising revenue</td>
<td>14,257</td>
<td>15,653</td>
<td>1,395</td>
<td>10%</td>
<td>+</td>
</tr>
<tr>
<td>42,851 Add Back Non Cash Items</td>
<td>28,095</td>
<td>28,102</td>
<td>7</td>
<td>-1%</td>
<td>+</td>
</tr>
<tr>
<td>Funding available for capital expenditure</td>
<td>64,248</td>
<td>39,623</td>
<td>1,698</td>
<td>4%</td>
<td>+</td>
</tr>
<tr>
<td>54,945 Total capital spend</td>
<td>40,314</td>
<td>37,167</td>
<td>(3,147)</td>
<td>-8%</td>
<td>+</td>
</tr>
<tr>
<td>2,882 Loan Principal Repayment</td>
<td>1,921</td>
<td>1,921</td>
<td>0%</td>
<td>-1%</td>
<td>-</td>
</tr>
<tr>
<td>6,421 Net Funds Generated / (Used)</td>
<td>(2,613)</td>
<td>2,233</td>
<td>4,845</td>
<td>-185%</td>
<td>+</td>
</tr>
</tbody>
</table>

Note 1 - Actual and Budget results include an estimate for the Newcastle Airport.
i **User charges and fees – increase of $0.4m**
Council is earning higher revenue through development applications.

ii **Other operating revenues – increase of $0.3m**
Council has generated higher revenue through fines and regulations than anticipated.

7 **Factors unfavourably impacting Financial Position**

i **Other operating expenses – increase of $0.9m**
Expenditure on the NSW State Waste Levy is above budget due to higher than forecast tonnages.

<table>
<thead>
<tr>
<th></th>
<th>Full Year Revised Budget $'000</th>
<th>YTD Revised Budget $'000</th>
<th>YTD Actual Result $'000</th>
<th>Variance $'000</th>
<th>Variance %</th>
<th>Financial Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Capital Revenues</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18,838 Grants &amp; contributions - Capital</td>
<td>12,559</td>
<td>13,849</td>
<td>1,290</td>
<td>10%</td>
<td>+</td>
<td></td>
</tr>
<tr>
<td>2,548 Proceeds from the sale of Assets</td>
<td>1,699</td>
<td>1,804</td>
<td>105</td>
<td>6%</td>
<td>+</td>
<td></td>
</tr>
<tr>
<td><strong>Total Capital Raising revenue</strong></td>
<td>21,386</td>
<td>14,257</td>
<td>15,653</td>
<td>1,395</td>
<td>10%</td>
<td>+</td>
</tr>
<tr>
<td><strong>Net Surplus/(deficit) after capital revenue</strong></td>
<td>21,397</td>
<td>11,528</td>
<td>13,219</td>
<td>1,691</td>
<td>15%</td>
<td>+</td>
</tr>
<tr>
<td><strong>Adjustments for Non Cash Items</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>41,422 Add back Depreciation</td>
<td>27,142</td>
<td>27,149</td>
<td>7</td>
<td>0%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6,029 Add back loss on Disposal</td>
<td>4,019</td>
<td>4,019</td>
<td>0</td>
<td>0%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4,600) Less land &amp; infrastructure donations</td>
<td>(3,067)</td>
<td>(3,067)</td>
<td>0</td>
<td>0%</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Funding available for capital expenditure</strong></td>
<td>64,248</td>
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<td>41,321</td>
<td>1,698</td>
<td>4%</td>
<td>+</td>
</tr>
<tr>
<td><strong>Capital Expenses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22,641 Asset renewals</td>
<td>20,101</td>
<td>21,273</td>
<td>1,172</td>
<td>6%</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>14,134 2012 SRV Priority Projects</td>
<td>9,921</td>
<td>7,673</td>
<td>(2,248)</td>
<td>-23%</td>
<td>+</td>
<td></td>
</tr>
<tr>
<td>7,493 New / upgrade</td>
<td>5,932</td>
<td>3,397</td>
<td>(2,535)</td>
<td>-43%</td>
<td>+</td>
<td></td>
</tr>
<tr>
<td>10,677 Non-Infrastructure Projects</td>
<td>4,360</td>
<td>4,824</td>
<td>464</td>
<td>11%</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Total capital spend</strong></td>
<td>54,945</td>
<td>40,314</td>
<td>37,167</td>
<td>(3,147)</td>
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<td>0</td>
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<td></td>
<td></td>
</tr>
<tr>
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<td>6,421</td>
<td>(2,613)</td>
<td>2,233</td>
<td>4,845</td>
<td>-185%</td>
<td>+</td>
</tr>
</tbody>
</table>

**Note 1** - Actual and Budget results include an estimate for the Newcastle Airport.
8 At the end of February Council has received $1.3m more capital grants and contributions than budgeted. This is a timing variance as the main driver is section 94 contributions from on-going development in the city centre which are included in the full year budget.

9 Council’s total capital spend at the end of February is $37.1m. This result is below the YTD budget of $40.3m. The total project spend inclusive of operational and capital expenditure is $61.7m at the end of February compared with a budget of $66.3m.

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

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

IMPLEMENTATION PLAN/IMPLICATIONS

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

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

   ii) Council’s Investment Policy and Strategy, and

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

RISK ASSESSMENT AND MITIGATION

13 No additional risk mitigation has been identified this month.

RELATED PREVIOUS DECISIONS

14 At the Ordinary Council Meeting held on 27 November 2012 Council resolved to receive a report containing Council’s financial performance on a monthly basis.
15 At the Ordinary Council Meeting held on 26 April 2016 Council resolved the following:

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

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

CONSULTATION

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

OPTIONS

Option 1

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

Option 2

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

BACKGROUND

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

REFERENCES

ATTACHMENTS

Attachment A: Executive Monthly Performance Report - February 2018
Distributed under separate cover
ITEM-21  CCL 27/03/18 - SIX MONTHLY REVIEW OF 2013-2018 DELIVERY PROGRAM

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

PURPOSE

To provide a report to Council outlining progress on the principal activities detailed in the 2013-2018 Delivery Program, in accordance with the provision of Section 404(5) of the Local Government Act 1993 (Act).

RECOMMENDATION

1  The Six Month Progress Report on the 2013-2018 Delivery Program, as per Attachment A be received.

KEY ISSUES

2  To comply with s. 404(5) of the Act, Council must ensure that regular progress reports are completed as to its progress with respect to the principal activities detailed in the 2013-2018 Delivery Program. The Act requires progress reports to be provided at least every six months.

FINANCIAL IMPACT

3  Staff time associated with the preparation of the report will be met from existing operational budgets. There are no other direct financial implications arising from the report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

4  The Six Month Progress Report outlines Council's performance against the seven strategic directions documented within the Newcastle 2030 Community Strategic Plan.

IMPLEMENTATION PLAN/IMPLICATIONS

5  The Six Month Progress Report meets Council's statutory obligations to report on Council's progress on the 2013-2018 Delivery Program.

RISK ASSESSMENT AND MITIGATION

6  Not applicable.
RELATED PREVIOUS DECISIONS

7 At the Ordinary Council Meeting held on 27 June 2017 Council resolved to adopt the revised 2013-2018 Delivery Program and 2017/18 Operational Plan.

8 At the Ordinary Council Meeting held on 24 October 2017 Council resolved to adopt the audited 2016/17 Annual Financial Statements.

9 At the Ordinary Council Meeting held on 28 November 2017 Council resolved to receive the 2016/17 Annual Report.

CONSULTATION

10 Staff from the relevant Business Units within Council have provided input into the Six Month Progress Report as required.

11 Best practice reports from other councils have been used as a reference source to help guide the structure of the Six Month Progress Report.

OPTIONS

Option 1

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

Option 2

13 Council resolves not to receive the Six Month Progress Report. This is not the recommended option.

BACKGROUND

14 The Delivery Program is required to be prepared every four years following a local government general election. The Delivery Program, Operational Plan and other Integrated Planning and Reporting documents are subsequently required to be reviewed annually and adopted by 30 June of the relevant year.

15 The Six Month Progress Report has been prepared to report Council's progress against the strategic objectives and performance measures outlined in the 2013-2018 Delivery Program, as required by the Act.

16 The Six Month Progress Report addresses the seven key focus areas identified in the Community Strategic Plan: Connected City, Protected and Enhanced Environment, Vibrant and Activated Public Places, Caring and Inclusive Community, Liveable and Distinctive Built Environment, Smart and Innovative City and Open and Collaborative Leadership.
REFERENCES

ATTACHMENTS

Attachment A: Six Month Progress on the Delivery Program 2013-18
Distributed under separate cover
ITEM-22  CCL 27/03/18 - EXHIBITION OF DONATIONS PROGRAM POLICY

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

PURPOSE

To place the draft Donations Program Policy (draft Policy) on public exhibition for the period 4 April 2018 to 4 May 2018.

RECOMMENDATION

1 Council approves the placement of the draft Donations Program Policy at Attachment A, on public exhibition, for the period 4 April 2018 and 4 May 2018.

KEY ISSUES

2 Council receives requests for donations from time to time and in the absence of an established framework Council has not been able to meet such requests despite there being a clear and legitimate community need.

3 Establishing a donations framework is in line with the practices of many other councils in NSW including Lake Macquarie and Port Stephens.

4 The draft Policy is required to be publicly exhibited and adopted by Council in accordance with sections 356 and 377 of the Local Government Act 1993.

5 Council will adopt a budget for donations as part of the annual budget process.

6 The draft Policy provides for the Chief Executive Officer (CEO) to determine individual allocation of donations based on eligibility criteria as follows:

   (i) donations less than $2,500 in consultation with the Lord Mayor; and
   (ii) donations greater than $2,500 on recommendation from an established panel and in consultation with the Lord Mayor.

FINANCIAL IMPACT

7 Council will determine an annual budget for donations each financial year.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 The Donations Program Policy is a document supporting Council’s Community Strategic Plan (CSP). Specifically, it supports the objectives of the strategic directions of Vibrant and Activated Public Places, Caring and Inclusive Community, and Open and Collaborative Leadership.
IMPLEMENTATION PLAN/IMPLICATIONS

9 The adoption of a Donations Program Policy will enable Council to make donations to registered charities while still complying with its legal and statutory obligations.

10 Council staff will present a final draft in a report to Council after taking into account submissions and feedback received during the public exhibition process. The budget for donations will be adopted as part of Council’s standard annual budgeting process.

RISK ASSESSMENT AND MITIGATION

11 There are no significant risks to Council in implementing the Policy.

RELATED PREVIOUS DECISIONS

12 Nil.

CONSULTATION

13 On 13 March 2018 a Councillor Workshop on the draft Policy was undertaken.

14 It is proposed that the draft Policy will be placed on public exhibition on 4 April 2018 until 4 May 2018.

OPTIONS

Option 1

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

Option 2

16 Council does not proceed with placing the draft Policy on public exhibition. This is not the recommended option.

BACKGROUND

17 Until now Council has not had a Donations Program Policy in place. There are currently limited opportunities for community based charitable organisations to apply for financial assistance other than through the structured grants program.

REFERENCES

ATTACHMENTS

Attachment A: Draft Donations Program Policy
Donations Program Policy

Newcastle City Council
March 2018
**Donations Program Policy**

<table>
<thead>
<tr>
<th>Policy title</th>
<th>Donations Program Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy owner</td>
<td>Director Corporate Services</td>
</tr>
<tr>
<td>Policy expert/writer</td>
<td>Manager Finance</td>
</tr>
<tr>
<td>Prepared by</td>
<td>Finance</td>
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<tr>
<td>Approved by</td>
<td>Council</td>
</tr>
<tr>
<td>Date approved</td>
<td>To be completed by Legal and Governance</td>
</tr>
<tr>
<td>Policy approval form reference</td>
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</tr>
<tr>
<td>Commencement Date</td>
<td>To be completed by Legal and Governance</td>
</tr>
<tr>
<td>Next revision date (date policy will be revised)</td>
<td>Date the policy is due for revision</td>
</tr>
<tr>
<td>Termination date</td>
<td>To be completed by Legal and Governance (one year post next revision date)</td>
</tr>
<tr>
<td>Version</td>
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</tr>
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<td>Details of previous versions</td>
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<td>Legislative amendments</td>
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<tr>
<td>Relevant strategic direction</td>
<td>Vibrant and Activated Public Places</td>
</tr>
<tr>
<td>Relevant legislation/codes (reference to specific sections)</td>
<td>Local Government Act 1993 - Section 356</td>
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<td>Required on website</td>
<td>Yes</td>
</tr>
<tr>
<td>Authorisations</td>
<td>Yes</td>
</tr>
</tbody>
</table>


# Table of Contents

**Part A**  Preliminary

2  Purpose

3  Definitions

4  Scope

5  Principles

**Part B**  Request, assessment and payment

6  Funding limits

7  Eligibility Criteria

8  Assessment and approval of requests

9  Payments and tax invoice

10  Reporting
Part A  Preliminary

1.1 Council acknowledges the contributions made by charitable organisations in the Local Government Area (LGA) and where possible commits limited funds to help these organisations achieve their objectives.

2 Purpose

2.1 The purpose of this policy is to:
   2.1.1 establish a consistent, equitable and transparent process for responding to requests for Donations;
   2.1.2 ensure all requests are given equitable consideration;
   2.1.3 ensure the funding of Donations represent value for money for Council;
   2.1.4 ensure funds provided by Council to charitable organisations are allocated in the most effective and accountable manner; and
   2.1.5 ensure this policy and associated procedures comply with the Local Government Act 1933 - Section 356 (1), (2) and (3).

3 Definitions

3.1 Donation is a financial contribution made by Council without consideration or conditions other than the Donation must be used in accordance with Council’s objectives and have a demonstrated benefit to the community.

3.2 Council means Newcastle City Council

3.3 Charitable organisation means a registered charity as listed on the ACNC Register.

4 Scope

4.1 This Policy applies to all requests for Donations.

5 Principles

5.1 Council commits itself to the following principles:
   5.1.1 Accountability and transparency - the Policy provides a framework for the transparent and merit-based provision of support and a system of accountability; and
   5.1.2 Equality - equitable assessment of each request received;

Part B Request, assessment and payment

6 Funding limits

6.1 Council resources are limited and not all requests will be funded.

6.2 Council does not guarantee to fund any Donation to the full amount requested.
6.3 The elected Council determines the budget for Donations and sets a minimum and maximum amount annually as part of the Operations process.
6.4 When the annual budgetary limit is reached, no further requests will be considered.
6.5 Applications will be assessed as per Annexure A.
6.6 Where a Donation is approved, this is not to be taken as an ongoing commitment to funding for following years.
6.7 Requests will be considered on a financial year basis, and organisations may apply once per financial year.
6.5 To ensure equality consideration of Donations, organisations receiving two consecutive years of funding will not be considered for the following two years.
6.6 Donations will not be considered after 30 June in the year of a Council Election.

7 Eligibility Criteria

7.1 To be eligible, requests must:
7.1.1 Be on the Donations Program Request Form, and all sections must be completed.
7.1.2 Demonstrate a link to the Newcastle LGA, and any proposed activity must take place in the Newcastle LGA.
7.1.3 Be submitted by a registered charity organisation.
7.1.4 Demonstrate how the Donation will benefit the people of Newcastle and be aligned to Council’s Community Strategic Plan.
7.1.5 Not be from a Government Department, with the exception of educational institutions proposing an event that is open to students throughout the Newcastle LGA, and/or brings students from throughout the region to the City, and benefits the wider Newcastle community.
7.1.6 Not be from individuals, commercial businesses or political parties.

8 Assessment and approval of requests

8.1 Requests must demonstrate how the Donation meets the eligibility criteria in section 7.
8.2 Requests will be reviewed and approved as per Annexure A, and an Assessment Panel will be established and made up of:
8.2.1 Manager Finance; and
8.2.2 two other Council staff representatives nominated by the Manager Finance.

9 Payments and tax invoice

9.1 Upon authorisation from Council’s Chief Executive Officer, the successful applicant will supply Council with a valid Tax Invoice for the authorised amount.
9.2 All invoices must be received before the end of the financial year in which the donation was awarded and the activity held.

10 Reporting

10.1 Organisations receiving funding will be required to complete a brief statement of account within 30 days of the expenditure of the donation, including a photograph if possible.

10.2 This information will be tabled in an annual report to Council.

Annexure A

<table>
<thead>
<tr>
<th>Request for Donation</th>
<th>Authority</th>
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</thead>
<tbody>
<tr>
<td>Applications less than $2,500</td>
<td>Chief Executive Officer in consultation with the Lord Mayor</td>
</tr>
<tr>
<td>Applications greater than $2,500</td>
<td>Chief Executive Officer on recommendation from the Assessment Panel in consultation with the Lord Mayor</td>
</tr>
</tbody>
</table>
ITEM-23  CCL 27/03/18 - MOTIONS AND ATTENDANCE AT THE 2018 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

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

PURPOSE

To determine Council's participation in and attendance at the 2018 Australian Local Government Association's (ALGA) National General Assembly (NGA) of Local Government.

RECOMMENDATION

1 Council determines whether a Councillor or Councillors will attend the 2018 Australian Local Government Association's National General Assembly (NGA) of Local Government.

2 Council approves [insert name/s] to attend the 2018 Australian Local Government Association's NGA of Local Government.

3 If Council determines and approves that more than one Councillor will attend the NGA, Council nominates and approves Councillor [insert name/s] as Council's voting delegate at the NGA.

KEY ISSUES

4 The theme of this year's NGA is ‘Australia's Future: Make it Local'.

5 Council is entitled to one voting delegate in the debating session. If more than one Councillor attends, Council will need to determine who the voting delegate will be.

6 Councillors were invited by memo to submit Motions to the 27 March 2018 Ordinary Council Meeting for endorsement. Motions are required to be lodged to the ALGA by 11.59pm Friday 30 March 2018.

7 The NGA of Local Government call for Motions discussion paper is provided at Attachment A, with the Program and Registration paper provided at Attachment B.
FINANCIAL IMPACT

9 Councillor(s) attendance at the NGA will be funded from the relevant Councillor’s Professional Development Budget. There is an annual limit (financial year) of $5,000 for professional development for each Councillor, including registration, travel, accommodation and materials.

10 Approximate costs per Councillor attending:

<table>
<thead>
<tr>
<th>Registrations</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
</table>
| Registration fee (early bird - payment received by 4 May 2018) | Includes:  
- attendance at all General Assembly sessions  
- Morning tea, lunch and afternoon tea as per the General Assembly program  
- One ticket to the Welcome Drinks, Sunday  
- General Assembly satchel and materials | $969 |

<table>
<thead>
<tr>
<th>Day registration fees</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Attendance at all General Assembly sessions on the day of registration</td>
<td>$529 (Mon and Tues)</td>
</tr>
<tr>
<td></td>
<td>Morning tea, lunch and afternoon tea as per the General Assembly program on that day</td>
<td>$320 (Wed)</td>
</tr>
<tr>
<td></td>
<td>General Assembly satchel and materials</td>
<td></td>
</tr>
</tbody>
</table>

| Regional Development Forum registration fee | Sunday 17 June 2018 | $445 |

<table>
<thead>
<tr>
<th>Social Functions</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Networking dinner</td>
<td>Monday 18 June 2018 at the National Arboretum Canberra - Village Centre</td>
<td>$100</td>
</tr>
<tr>
<td>General Assembly dinner</td>
<td>Tuesday 19 June 2018 at the Australian Institute of Sport - Arena of the AIS</td>
<td>$130</td>
</tr>
</tbody>
</table>
Accommodation & Sustenance

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 nights</td>
<td>Accommodation costs range from $200 to $365 per night</td>
<td>$1460 (maximum cost)</td>
</tr>
<tr>
<td>Sustenance</td>
<td>$150 per day (up to $2,000 per Councillor per year)</td>
<td>$600</td>
</tr>
</tbody>
</table>

Travel

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fly</td>
<td>Newcastle to Canberra including transfer costs</td>
<td>$400 flights plus $100 transfers</td>
</tr>
<tr>
<td>Train</td>
<td>Train from Newcastle to Canberra via Sydney</td>
<td>$170</td>
</tr>
<tr>
<td></td>
<td>Sunday $2.60 plus $56.49 economy class/$79.54 First Class</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Return Wednesday $7.70 plus $56.49 economy class/$79.54</td>
<td></td>
</tr>
<tr>
<td>Bus</td>
<td>Newcastle to Canberra via Sydney</td>
<td>$148</td>
</tr>
<tr>
<td>Private vehicle</td>
<td>Estimated reimbursement at $0.677/km (return distance is approximately 875km)</td>
<td>$600</td>
</tr>
</tbody>
</table>

Total cost

* Calculation is an estimate based on early bird registration and maximum cost of travel and accommodation. $4,304

11 On 24 February 2017, Councillors received a memo regarding the 2017 NGA and were advised to check with Council Services as to whether their individual Professional Development budget would cover the cost.

COMMUNITY STRATEGIC PLAN ALIGNMENT

12 Open and Collaborative Leadership.

IMPLEMENTATION PLAN/IMPLICATIONS

13 Council staff will make all arrangements on behalf of attending Councillor/s.
RISK ASSESSMENT AND MITIGATION

14 This is an opportunity to contribute to the development of national government policy.

RELATED PREVIOUS DECISIONS

15 At the Ordinary Council Meeting held on 22 March 2016, Council determined Councillor Clausen to attend the NGA and nominated Councillor Clausen as Council's voting delegate.

16 At the Ordinary Council Meeting held on 28 February 2017, Council determined Councillor Doyle to attend the NGA and nominated Councillor Doyle as Council's voting delegate.

CONSULTATION

17 Nil.

OPTIONS

Option 1

18 Council adopts the recommendation as shown at Paragraphs 1 - 3. This is the recommended option.

Option 2

19 Council adopts an alternative recommendation.

BACKGROUND

20 Refer to previous decisions.

REFERENCES

ATTACHMENTS

Attachment A: National General Assembly of Local Government Call for Motions Discussion Paper
Attachment B: National General Assembly of Local Government - Program and Registration Paper
National General Assembly of Local Government
Call for Motions Discussion Paper

Australia’s Future, Make it Local

The purpose of this discussion paper is to provide guidance to councils for the development of Motions for debate at the 2018 National General Assembly. The paper provides an overview of policy areas in which the NGA has well-established positions and identifies potential new and emerging policy areas which are being developed by ALGA and require detailed consideration. Councils are particularly encouraged to submit Motions on these policy areas.

Highlighting the issues below contributes to implementing ALGA’s Strategic Plan 2017-2020 and its objectives to:

- strengthen Local Government in the areas of financial sustainability; delivering services in regional cities; infrastructure; and innovation and digital transformation, as well as,
- facilitating collaboration between state and territory associations in Local Government’s role in Indigenous policy issues, scale and capacity; women in Local Government; and diversity in representation.

Criteria for Motions

Motions must meet the following criteria:

- be relevant to the work of local government nationally
- be consistent with the theme of the NGA
- complement or build on the policy objectives of your state and territory local government association
- be submitted by a council which is a financial member of their state or territory local government association
- propose a clear action and outcome
- not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Your Opportunity

The primary focus of all Motions should be to strengthen the capacity of local government to provide services and infrastructure in Australia. Providing clear actions within areas that are still emerging provides councils with an opportunity to influence the development of ALGA policy and advocacy by ALGA on federal election commitments.
Emerging Issues

Councils across Australia are constantly being asked to do more with less. Changing community needs, including ageing populations, technological advancements and changing economic circumstances, are a challenge for all communities.

Analysis suggests that a Commonwealth election may well be called between August 2018 and May 2019. The 2018 NGA therefore provides an important opportunity to progress Local Government issues in the Federal agenda. Below are some critical areas in which Local Government needs to consider the role it can in local communities on the national stage. In particular, the 2018 NGA is calling for Motions that provide clear policy advice and/or policy initiatives that will help Local Government to address the following policy challenges:

Housing Affordability

Housing affordability is a major challenge in many communities. The Commonwealth frequently asserts that housing affordability is a problem because of the supply of housing. As such there has been a focus on planning reform.

Motions are called for on ways to improve housing supply and improve land use planning and associated local government infrastructure to support increased housing supply.

Financial Sustainability – Oppose Cost Shifting

In 2005 The House of Representatives Inquiry into Cost Shifting from States onto Local Government estimated that cost shifting amounted to between $500m - 1.4b annually. This includes regulatory and other services that Local Government provided on behalf of states without adequate compensation.

Motions are called for on ways to reduce cost shifting from states and the Commonwealth on to Local Government and on areas of regulatory reform and services that Local Government could provide efficiently and effectively on behalf of states or the Commonwealth if appropriately funded.

Innovation and Digital Transformation – Smart Communities

Technological advancements are changing the way councils communicate with citizens and deliver services and infrastructure.

Motions are called for on ways to improve the ability of councils to support their community to understand and benefit from digital transformation, ways to improve data, protect privacy and increase security of council-held data.

Harmonising Local Government Data

National Local Government data is held in a variety of places and is often of variable quality. National advocacy on behalf of Local Government needs a strong evidence base. ALGA has been working with JRA on the State of the Assets project which collects data on the quality and condition of all local government assets. Increasingly, councils are being required to provide data to third parties.

Motions are called for on ways to improve the collection of local government data, how data could be better linked across the sector, and ways to improve the quality of data.
Cyber Security

Recent malware attacks have highlighted the vulnerability of business and government computer systems. Strong measures are required to ensure that all Australians and Australian businesses and governments are aware of the risks and take appropriate measures to ensure cyber security.

Motions are called for on ways to improve local government cyber security.

Environment

Local Government plays a critical role in environmental management, with actions often embedded into other day to day operations as well as included in economic management considerations.

Motions are called for on what should be national priorities and on ways to improve environmental management systems, waste management, product stewardship and biodiversity.

Regional Development

Local Government plays a critical role in regional development, with an active role working with neighbouring councils, industry, state government agencies, community and other key stakeholders to set and achieve regional goals.

Motions are called for on ways to improve regional policy approaches, funding ideas on regional sustainability and equity.

Motions should be lodged electronically using the online form available on the NGA webpage at: alga.asn.au. All Motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and the endorsement of your Council.

Motions should be received by ALGA no later than 11:59pm on Friday 30 March 2018.
Established ALGA Policy Areas

Financial Assistance Grants

Adequate and appropriate Local Government services and infrastructure are critical to all communities. The Commonwealth Financial Assistance Grants are important to all councils. Success has been achieved in the last 12 months by restoration of the indexation of the Financial Assistance Grants (FAGs). ALGA’s priority in this area is to continue advocating for FAGs funding to be increased to a level equal to at least one per cent of commonwealth taxation revenue.

Freight Strategy

Local government manages around 75 per cent of Australia’s local roads network. These roads were generally built decades ago and today are required to carry increasing amounts of freight, including higher productivity vehicles. Poor and unsafe roads are a barrier to increased productivity. ALGA’s priority is the promotion and development of a freight strategy with funding of $200m per year for five years to address first and last mile access issues, leading to an increase in local, regional and national productivity.

Roads to Recovery

The Roads to Recovery Program provides councils with essential additional funding to help address the backlog of maintenance and renewal of local roads. Success was achieved with Roads to Recovery by having the expiration date removed and essentially creating an ongoing program. Further work in this area is being undertaken to ensure Roads to Recovery funding is permanently doubled.

Additional Local Roads Funding for South Australia

Additional funding for South Australian local roads to address an anomaly in FAGs ceased in 2014. It was reinstated in 2017–18 but only for two years. The focus is now on securing ongoing additional funding for South Australian local roads, indexed annually in line with FAGs.

Climate Change Plans

Many councils are addressing or wish to address climate change. With the important role Local Government can play helping the Australian Government to achieve internationally agreed climate change targets, a priority has been placed on supporting councils to work with local businesses and communities to implement local and regional Climate Change Adaptation Plans.

Indigenous

Addressing Indigenous disadvantage across Australia is a priority for all Australian governments. Advocacy is about closing the gap between Indigenous and non-Indigenous Australians in the areas of housing, health, early childhood development, education, economic participation and remote service delivery.

Community Infrastructure

Funding support for community infrastructure will enable all local councils to plan and deliver adequate and appropriate community infrastructure. ALGA is urging political parties to commit to specific local government community infrastructure funding at the level of $300 million per annum over the next four years.
Attachment B

NGA18
National General Assembly
of Local Government

AUSTRALIA’S FUTURE
MAKE IT LOCAL

17–20 June 2018 // Canberra

Program + Registration
Register online www.alga.asn.au

AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION
President’s Message

Welcome to the Australian Local Government Association’s 2018 National General Assembly – Australia’s largest and most influential gathering of Local Government councillors, mayors, chairs and officials.

Our theme for this year’s NGA – Australia’s future makes it local – reflects not just the wide scope and importance of Local Government, but its ability to influence and affect fundamental change and improvement at the community level.

The 2018 theme also hints at the strong possibility a federal election being called later this year or early next. That being the case, Local Government will need to be ready and able to speak up on behalf of our constituents.

ALGA and the State and Territory Local Government Associations are already well advanced in their election advocacy strategies, but this conference will provide important input into the fine-tuning of those plans.

A significant number of motions will be put to the Assembly, generating lively, vigorous and constructive debate. And, thanks to the introduction of keypad voting machines – a first for a National General Assembly – there’ll be less time wasted on procedural matters and more time available for the things that matter: ideas, discussion, persuasion and consensus.

All of the motions that are supported at the NGA are submitted to the ALGA Board for consideration and, ultimately, to advance the cause of Local Government and the communities we seek to serve.

The program for this year’s NGA is extensive, with multiple streams of specialist presentations for you to select from, and a range of keynote speakers to inform and inspire us.

Not surprisingly for a NGA that’s being staged with a federal election in the wings, our expert panels will also boast plenty of individuals with insider views of Capital Hill.

Whilst the temperatures in the nation’s capital may be decidedly brisk at this time of the year, I offer you a very warm welcome to the Australian Local Government Association’s 25th National General Assembly.

I encourage you to meet new colleagues, to listen to experts and specialists, participate in discussions and to learn from the very best we have gathered on your behalf.

Enjoy the experience, and take home ideas and inspiration to help make your communities the very best they can be.

“...make it local – reflects not just the wide scope and importance of Local Government, but its ability to influence and affect fundamental change and improvement at the community level.”

Mayor David O’Loughlin
ALGA President
Contents

President’s Message .................................................. 2
Platinum Sponsors ................................................... 3
Provisional Program ............................................... 4
Regional Cooperation & Development Forum 2018 .......... 5
Key Dates .............................................................. 6
Motions for Debate ................................................. 6
Voting Procedures ................................................... 6
Speaker Profiles ...................................................... 7
NGA 2018 Charity: Enormity – National Coat Day ........ 13
Associated Events .................................................... 13
General Registration Details ..................................... 14
Social Function and Venue Information ...................... 15
Coach Transfers ...................................................... 16
Car Parking ............................................................ 16
Partner Tours .......................................................... 17
Accommodation ....................................................... 17
Registration Form .................................................... 19

Platinum Sponsors

McArthur
Best People Fit

JLT

Australian Government
Department of Infrastructure,
Regional Development and Cities

BM

Service NSW

Wood Solutions

PFRA

GREENFRAC
 Systems

Innovative Lighting Solutions

National General Assembly of Local Government // NGA18 // 3
## Provisional Program

### Sunday 17 June
5:00pm  Service NSW
Welcome Reception
National Convention Centre

### Monday 18 June
9:00am  Opening Ceremony
9:20am  Mayor David O’Loughlin,
ALGA President’s Opening
9:30am  The Hon Malcolm Turnbull MP,
Prime Minister (invited)
10:00am  Morning Tea
10:30am  🔄 Keynote Speaker —
David Speers,
Political Editor, SKY NEWS
The Australian Political Landscape
11:00am  🔄 Keynote Speaker —
Virginia Haussegger AM,
Australian Journalist, Media Commentator
The Case of Gender Diversity in Local Government
11:30am  🔄 Panel Session —
Changing Political Culture
12:30pm  Lunch
1:30pm  🔄 Panel Session —
Balancing Innovation and the Public interest
2:00pm  Afternoon Tea
3:30pm  🔄 Debate on Motions
4:30pm  Mr Stephen Jones MP,
Shadow Minister for Regional Services, Territories and
Local Government (invited)
5:00pm  Close
7:00pm  Networking Dinner —
National Forum

### Tuesday 19 June
9:00am  🔄 Keynote Speaker —
Bernard Salt AM,
Author and Columnist
Population and the Policy Imperative
9:45am  🔄 Panel Session —
Building Tomorrow’s Communities: Livability
10:30am  Morning Tea
11:00am  🔄 Debate on Motions
12:30pm  Lunch
1:30pm  🔄 Concurrent Sessions —
• Energy and Climate Change
• Art and Culture
• Digital Technology
• Recycling and Waste
3:00pm  Afternoon Tea
3:30pm  🔄 Debate on Motions
4:30pm  The Hon Bill Shorten MP,
Leader of the Opposition (invited)
5:00pm  Close
7:00pm  NGA Dinner — Australian Institute of Sport

### Wednesday 20 June
9:00am  Setting ALGA’s Election Priorities
9:30am  🔄 Panel of Mayors —
Local Government and the Federal Election
10:30am  Morning Tea
11:00am  🔄 Panel Session —
How to Create Resilient Local Communities
12:30pm  ALGA President’s Close
Collaboration: A catalyst for success

The 2018 Regional Forum will bring together noted regional campaigners, academics, industry innovators and government officials to explore the challenges of successful collaboration, as a catalyst for region-scale prosperous metropolitan, regional and rural community growth.

Collaborative case studies and models will be shared, along with practical tools for delegates to test and disseminate within their own regions upon their return.

Once again, this year’s State of the Regions Report, prepared in partnership between ALGA and the National Institute of Economic and Industry Research, will be launched with opportunities to discuss the data arising in the energy sector as well as international influences on local government at region-wide scales. The Forum also aims to prompt lively discussion about some of the country’s most vulnerable household types – metro- and non-metro – and the crucial services delivery role and pressures at the local government level.

Preliminary Program

<table>
<thead>
<tr>
<th>Sunday 17 June</th>
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<tbody>
<tr>
<td>9:30am</td>
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<td>9:40am</td>
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<td>3:00pm</td>
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<tr>
<td>3:30pm</td>
</tr>
<tr>
<td>4:00pm</td>
</tr>
</tbody>
</table>
Key Dates

- Submission of Motions for Debate – By 11:59pm Friday 30 March 2018
- Early Bird Registration – On or before Friday 4 May 2018
- Standard Registration – On or before Friday 1 June 2018
- Late Registration – After Friday 1 June 2018

Motions for Debate

The NGA is an important opportunity for you and your council to influence the national policy agenda. The primary focus of all motions should be to strengthen the capacity of local government to provide services and infrastructure in Australia.

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. Be relevant to the work of local government nationally
2. Be consistent with the theme of the NGA
3. Complement or build on the policy objectives of your state and territory local government association
4. Be submitted by a council which is a financial member of their state or territory local government association
5. Propose a clear action and outcome
6. Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

To assist you to identify motions that address the 2018 theme, “Australia’s Future: Make it Local”, the Australian Local Government Association Secretariat has prepared a short discussion paper and it is available on the NGA Website: www.alga.asn.au

Motions should be submitted electronically via the online form at: www.alga.asn.au/tecms/forms/motions_2018/ and should be received by the Australian Local Government Association no later than Friday 30 March 2018. For more information contact ALGA on (02) 6122 9400.

Voting Procedures

Each council is entitled to one voting delegate in debating sessions. Councils will need to determine who their voting delegate will be. Electronic voting keypads can be collected at the assembly.
Speaker Profiles

The Hon Malcolm Turnbull MP

Prime Minister of Australia
Malcolm Turnbull became the 29th Prime Minister of Australia on 15 September 2015 and was sworn in for a second term on 19 July 2016.

Mr Turnbull was elected to Federal Parliament as the Member for Wentworth in 2004. Since entering public life, Mr Turnbull has held a number of parliamentary positions including Shadow Treasurer, Parliamentary Secretary to the Prime Minister with responsibility for national water policy and Minister for Environment and Water Resources.

He was Leader of the Opposition from 16 September 2008 to 1 December 2009 and was later Shadow Minister for Communications and Broadband.

Most recently, Mr Turnbull was Minister for Communications from 18 September 2013 to 21 September 2015.

Malcolm was educated at Vaulease Public School and Sydney Grammar School and graduated from Sydney University with a BA LLB. He was awarded a Rhodes Scholarship and completed a further law degree at Oxford.

He is married to Lucy, and has two adult children, Alex and Daisy, and two grandchildren, Jack and Isla.

The Hon Bill Shorten MP

Bill Shorten is the Federal Member for Maribyrnong and was elected leader of the Australian Labor Party and Leader of the Opposition on 13 October 2013.

Mr Shorten completed a Bachelor’s degree in Arts and Law from Monash University, as well as an MBA from the Melbourne Business School.

Bill has since worked as a union organiser, union secretary, as a member of the ACTU executive, as a Member of Parliament and as a Minister in a Labor Government.

As a senior member of the Rudd/Gillard Labor Governments, Bill played a key role in securing a number of historic reforms including establishing the National Disability Insurance Scheme and increasing universal superannuation to 12 per cent.

As Minister for Workplace Relations, Bill continued the Labor Government’s ongoing commitment to a fair and productive workplace relations system and during his time as Minister for Education helped secure the Better Schools reforms.

Prior to entering Parliament, Bill worked at the Australian Workers’ Union, holding key leadership positions including State Secretary of the AWU Victoria Branch from 1998 to 2006 and National Secretary from 2001 to 2007.
The Hon Dr John McVeigh MP

John McVeigh was declared as the Federal Member for Groom on 22 July, 2016.
He was sworn in as the Minister for Regional Development, Territories and Local Government on December 20, 2017.
Before his elevation to Cabinet, he was a member of the Joint Standing Committee on Foreign Affairs, Defence and Trade, the Joint Committee of Public Accounts and Audit, and the Standing Committees on Industry, Innovation Science and Resources, and Agriculture and Water Resources.

John also chaired the Coalition’s Policy Committee for Industry, Innovation, Science and Northern Australia and was the chair of the Federal Government’s Select Committee on Regional Development and Decentralisation.

He was previously a Councillor on the Toowoomba Regional Council from 2008 to 2012 where he held the Corporate Services Portfolio and Chaired the Audit Committee.

John has a Bachelor of Business (Marketing & Economics) (University of Southern Queensland), Master of Business Administration (Bond University) and a PhD in Agribusiness Management (University of Queensland).

John is proud to live with his wife, Anita, and six children in Toowoomba and is passionate about the role that regional Queensland will play in the future of our nation.

Mr Stephen Jones MP

Stephen Jones is the Federal Member for Whitlam and Shadow Minister for Regional Services, Territories and Local Government and Regional Communications.

Stephen was first elected to the Federal Parliament in 2010 representing the Southern Illawarra seat of Throsby. He was re-elected at the 2013 election and elected to the re-named seat of Whitlam in the 2016 election.

He holds a Bachelor of Arts degree from the University of Wollongong and a Bachelor of Laws degree from Macquarie University.

Prior to entering the Federal Parliament, he worked as a community worker for various front line disability services, youth and health services and as a lawyer with the Australian Council of Trade Unions (ACTU) and as the Secretary of the Community and Public Sector Union (CPSU).
Virginia Haussegger AM

Virginia Haussegger AM is a gender diversity advocate and communication specialist. She is also an award-winning television journalist, writer and commentator, whose extensive media career spans more than 25 years.

Virginia has reported from around the globe for leading current affairs programs on Channel 9, the Seven Network and the ABC. For 15 years (2001-2016) she anchored the ABC’s flagship TV News in Canberra. She is widely published, both as a former columnist with the Canberra Times, and a regular contributor to the Sydney Morning Herald and The Age.

In 2016 Virginia was appointed Director of a new, national gender equality initiative, the 50/50 by 2030 Foundation, at the University of Canberra’s Institute for Governance and Policy Analysis (IGPA), where she is an Adjunct Professor.

She has run a series of co-design workshops with local government leaders focused on diversity strategies and increasing the representation of women in leadership positions. Virginia also runs a suite of Masterclasses on Strategic Communication and Persuasive Presentation.

In 2017 she launched an innovative gender equality news media platform, Broad-Agenda, and currently serves as Chief Editor.

In 2004 Virginia was made a Member of the Order of Australia (AM) for service to the community, as an advocate for women’s rights and gender equality, and to the media.

Virginia has served on a number of boards and committees including: UN Women National Committee Australia; the Snowy Hydro SouthCare Trust; and the Australia Forum Steering Committee. She currently sits on the Board of the ACT Government’s Cultural Facilities Corporation; Women in Media Canberra; Our Watch, Media Advisory Committee; and is Patron of the Canberra Rape Crisis Centre.
David Speers is Political Editor at SKY NEWS and anchor of agenda-setting political programs SPEERS and SPEERS ON SUNDAY on SKY NEWS LIVE.

David is one of Australia’s most respected political journalists and interviewers, leading the SKY NEWS Walkley and Logie award-winning political news coverage.

David joined SKY NEWS as Political Editor in 2000 and has seen the channel grow to become the unrivalled destination for political and national affairs coverage in Australia.

He has been chosen to host Leaders’ debates and forums at the last five federal elections and covered the last four Presidential elections in the United States.

Between elections David is one of the busiest and best connected correspondents in Canberra.

He has interviewed numerous world leaders, including US President George W. Bush at the White House and travelled extensively reporting from China, India, Afghanistan, Indonesia and Europe.

In 2014 David was awarded Australia’s highest journalism honour, a Walkley Award for his global headline-making “What is Metadata” interview with the Australian Attorney General. He received his second Walkley award in 2015 for his “The Fixer” interview featuring then Minister for Education and Training Christopher Pyne.

In 2016 David and the SKY NEWS Political team were recognised with both a Walkley and TV Week Logie award for the team’s outstanding coverage of the 2016 Federal Election.

David is also the recipient of the 2016 Kennedy Award for Most Outstanding Political Reporting, the 2017 AACTA Best Presenter Award and the winner of more than 10 ASTRA Awards for excellence in broadcast journalism.

David served for three years as President of the Parliamentary Press Gallery. He has also served as a Director of the National Press Club since 2005.

Prior to joining SKY NEWS, David worked as a Political Reporter for a number of radio stations in Canberra and at New South Wales Parliament in Sydney.
Bernard Salt

Bernard Salt, a former partner at KPMG, is one of the most well-known writers, media personalities, and business advisors in Australia. Used to large crowds and the cameras, Bernard has the uncanny ability to explain even the most complex ideas in a way that everyone in the room can understand. Well-spoken, engaging, and enlightening, a business event featuring Bernard is sure to be a hit.

In business, Bernard’s specialties lie in tracking and understanding demographic and social changes in his country of origin and the rest of the world, including the United States, New Zealand, and Asia. He focuses on the evolution of consumer cultures and the most recent generation will fit into today’s world, and how companies can get the most out of their customer base and employees.

Bernard writes two weekly columns for The Australian newspaper that deal with social, generational and demographic matters, and has authored six books, the most recent was published in 2020 titled More Decent Obsessions: The small things that tell the big picture. His other books include, The Big Shift: Welcome to the Third Australian Culture, The Big Picture: Man Drought, Why are there so many single women in their 30s?, what is it with Generation Y? and lastly, Decent Obsessions: Why it’s okay to sweat the small stuff. He routinely appears as a commentator on a variety of television shows in Australia, including Business Sunday, A Current Affair, 60 Minutes, Today Tonight, Today Show, and Nightline.

Bernard’s unique skill is to take the latest data and then transfer it into a highly entertaining, very informative and above all else extremely relevant presentation on what the future environment will be for both businesses and individuals.

Saul Eslake

Saul Eslake worked as an economist in the Australian financial markets for more than 25 years, including as Chief Economist at McIntosh Securities (a stockbroking firm) in the late 1980s, Chief Economist (International) at National Mutual Funds Management in the early 1990s, as Chief Economist at the Australia 6 New Zealand Banking Group (ANZ) from 1995 to 2009, and as Chief Economist (Australia & New Zealand) for Bank of America Merrill Lynch from 2011 until June 2015.

In between these last two positions he was Director of the Productivity Growth program at the then newly-established Grattan Institute, a “think tank.”

In July 2015 Saul set up his own economics consultancy business, operating out of Hobart, and in April 2016 took up a part-time position as a Vice-Chancellor’s Fellow at the University of Tasmania.

Saul is a member of the Australian Parliamentary Budget Officer’s Expert Advisory Panel and is on the Advisory Board of Jamieson Coote (Bonds), a Melbourne-based specialist bond investment manager.

Saul is a non-executive director of Hydro Tasmania, an energy business owned by the Tasmanian State Government, and of Housing Choices Australia Ltd, a not-for-profit provider of affordable rental housing.

He is also the Chairman of “Ten Days on the Island”, Tasmania’s biennial state-wide multi-arts festival.

Saul has a first class honours degree in Economics from the University of Tasmania, and a Graduate Diploma in Applied Finance and Investment from the Securities Institute of Australia. In December 2012 he was awarded an Honorary LL.D degree by the University of Tasmania. He has also completed the Senior Executive Program at Columbia University’s Graduate School of Business in New York.
Katherine O'Regan has over 30 years' experience in developing and implementing growth strategies for business and government. Having served as a Chief of Staff and Advisor to Federal and State Government Ministers and Deputy Mayor, Woolliama Municipal Council where she served as a Councillor for five years, Katherine has unique insights into the policy, process and priorities of government.

This is complimented by a corporate executive career centred on the banking, financial and property sectors where she gained experience in public private partnerships, corporate transactions and mergers and acquisitions.

In 2013 Katherine established her own consultancy firm providing strategic advice to government and business specialising in developing innovative solutions to the challenges and priorities facing cities and communities. Katherine has led forums and workshops, written policy submissions and articles, and advocated for change for clients including NSW Small Business Commissioner's small business friendly Councils and regional activation programs; the NSW Department of Industry's Future Towns Program; energy start-up Star Scientific and the Australian Banking Association.

In 2017 Katherine was appointed Executive Director of the Cities Leadership Institute a not for profit dedicated to building the capacity of urban leaders to make cities, towns and communities great places.

Katherine holds a Bachelor of Applied Science, Masters of Business Administration and a Masters of US Studies (with merit) and is Director of leading public policy think tank, The Sydney Institute and Chair of her local Chamber of Commerce.
NGA 2018 Charity

Enormity – National Coat Day

Enormity is a not for profit, community based teenage committee.

Enormity started “Coat Day” 20 years ago when one of the member’s friends became homeless and they “borrowed” a coat from the back of their mentor’s car. This opened Enormity’s eyes as to a community need and the collection of public donated coats began, “Coat Day”. Enormity has collected around 99,200 coats in that time and with the assistance of charitable agencies such as St Vincent de Paul, Salvation Army and Devonport’s Gran’s Van all have redistributed to the homeless and those in need.

Homelessness can affect all members of our community including the young or old, families or single people, Aboriginal people or people from culturally diverse backgrounds resulting in great social and economic costs to the individual and the community as a whole.

Enormity has for a long time worked towards helping those in need by providing the simplest basic need of warmth and protection from the elements of winter – warm coats and clothing.

In year 2000, former Prime Minister John Howard launched our campaign nationally by donating his own coat. Since then Prime Ministers Kevin Rudd, Julia Gillard, Tony Abbott and last year Malcolm Turnbull have also donated a coat.

‘Coat Day’ is held annually on the 1st Saturday in July, this year being Saturday 7th July 2018. Please bring a coat to donate at the 2018 Local Government National General Assembly. Your donation of a winter coat will help someone who is sleeping rough. Collection will be available through the entirety of the conference, 17-20 June 2018.

Associated Events

Australian Local Government Women’s Association Breakfast

Monday 18 June 2018 – 7:00am—8:15am

The ALGWA National President is pleased to invite members, friends and colleagues to our Annual Networking Breakfast as part of the National General Assembly.

The hot Outback Breakfast will be held from 7:00-8:15am on Monday 18 June.

Speaker: Cr Always Friedersdorff, President of the National Rural Women’s Coalition, (NRWC) freshly returned from addressing the UN and participation on issues faced by rural women.

Seating is strictly limited; find booking details on www.algwa.net.au
### General Registration Details

#### General Assembly Registration Fees

- **Registration Fees – Early bird**
  - $969.00
  - (Payment received by Friday 4 May 2018)

- **Registration Fees – Standard**
  - $1,290.00
  - (Payment received on or before Friday 1 June 2018)

- **Registration Fees – Late**
  - $1,429.00
  - (Payment received after Friday 1 June 2018)

#### Day Registration Fees

- Monday 18 June 2018
  - $529.00
- Tuesday 19 June 2018
  - $529.00
- Wednesday 20 June 2018
  - $320.00

#### Sunday Regional Development Forum Registration Fees (Sunday 17 June 2018)

- **Forum Only**
  - $445.00
  - NGA Delegate
  - $245.00
  - (Delegates attending the Regional Forum and the NGA are entitled to this discount)

#### Accompanying Partners Registration Fees

- **Accompanying Partners Registration Fee**
  - $280.00

#### General Assembly Registration Includes

- Attendance at all General Assembly sessions
- Morning tea, lunch and afternoon tea as per the General Assembly program
- One ticket to the Welcome Drinks, Sunday
- General Assembly satchel and materials

#### Day Registration Includes

- Attendance at all General Assembly sessions on the day of registration
- Morning tea, lunch and afternoon tea as per the General Assembly program on that day
- General Assembly satchel and materials

#### Accompanying Partners Registration Includes

- 1 ticket to the Welcome Reception, Sunday 17 June
- Day tour Monday 18 June
- Day tour Tuesday 19 June
- Lunch with General Assembly Delegates on Wednesday 20 June
Payment Procedures
Payment can be made by:
- Credit card – MasterCard and Visa
- Cheque made payable to ALGA
- Electronic Funds Transfer:
  Bank: Commonwealth
  Branch: Curtin BSB No. 062905
  Account No. 10097760
NOTE: If paying via EFT you must quote your transaction reference number on the registration form.

Cancellation Policy
All alterations or cancellations to your registration must be made in writing and will be acknowledged by email. Notification should be sent to:
Conference Co-ordinators
PO Box 4994, CHISHOLM ACT 2605
Facsimile: (02) 6292 0002
E-mail: conference@enefco.com.au

An administration charge of $110.00 will be made to any participant cancelling before Friday, 4 May 2018. Cancellations received after Friday 4 May 2018 will be required to pay full registration fees. However, if you are unable to attend, substitutes are welcome at no additional cost.

By submitting your registration you agree to the terms of the cancellation policy.

Privacy Disclosure
ALGA collects your personal contact information in its role as a peak body for local government. ALGA may disclose your personal contact information to the sponsors of the event for the purposes of commercial business opportunities. If you consent to ALGA using and disclosing your personal contact information in this way, please tick the appropriate box on the registration form.

Importantly, your name may also be included in the General Assembly List of Participants. You must tick the appropriate box on the registration form if you wish your name to appear in this list.

Photographs
During the National General Assembly there will be a contracted photographer. The photographer will take images during the sessions and social functions. If you have your picture taken it is assumed that you are giving consent for ALGA to use the image.

Images may be used for print and electronic publications.

Canberra Weather in June
Winter days in Canberra are characterised by clear sunny skies but the days are cool at around 12-15C and temperatures do drop to 3C on average in the evenings, so be sure to bring a warm jacket. Mornings can be foggy so keep this in mind when booking flights. It is best to avoid early arrivals or departures in case of delays due to fog.

Social Function and Venue Information

Social Functions
Welcome Reception and Exhibition Opening
Sponsored by:

Sunday 17 June 2018
Venue: National Convention Centre
The Welcome Reception will be held in the exhibition hall and foyer.
- 5:00-7:00 pm
- $50.00 per person for day delegates and guests
- No charge for full registered delegates
- No charge for registered accompanying partners

Dress code: smart casual

Networking Dinner
Sponsored by:

Monday 18 June 2018
Venue: National Arboretum Canberra
The dinner is being held in the Village Centre.
- 7:00-11:00 pm
- $100.00 per person

Dress code: smart casual

The Monday night dinner takes on a new format as we take it offsite to the multi-million dollar National Arboretum. Enjoy the stunning Canberra landscape whilst having the opportunity to network with delegates from other councils and organisations.
General Assembly Dinner
Tuesday 19 June 2018

Venue: Australian Institute of Sport
The dinner is being held in the Arena of the AIS.

- 7:00-11:00 pm
- $130 per person

Dress code: Lounge suit/collar and tie for men and cocktail style for women.

With Parliament House undergoing renovations this year, we are excited to take delegates to the Australian Institute of Sport, the country’s elite and award-winning sports precinct. Tickets to the General Assembly Annual Dinner are always highly sought after and therefore booking early is highly recommended to ensure your place.

Note: Bookings are accepted in order of receipt.

General Assembly Business Sessions
Monday 18 June 2018 to Wednesday 20 June 2018

Venue: National Convention Centre
All plenary sessions will be held in the Royal Theatre at the National Convention Centre.

Dress code: Smart casual

Exhibition
Sunday 17 June 2018 to Wednesday 20 June 2018

Venue: National Convention Centre
The exhibition is being held in the Exhibition Hall of the National Convention Centre.

Dress code: Smart casual

Coach Transfers

Welcome Reception and Exhibition Opening – Sunday 17 June 2018
Coaches will collect delegates from all General Assembly hotels (except Crowne Plaza) at approximately 4:45pm. The return coaches will depart at 7:00pm.

General Assembly Dinner – Australian Institute of Sport – Tuesday 19 June 2018
Coaches will collect delegates from all General Assembly hotels at approximately 6:45pm. A return shuttle service will operate between 10:30pm and 11:45pm.

Daily Shuttles to and from the National Convention Centre
A shuttle service between all General Assembly hotels (except Crowne Plaza) and the National Convention Centre will operate between 8:00am and 8:30am. Return shuttles will depart the National Convention Centre at 5:30pm.

Networking Dinner – National Arboretum Canberra – Monday 18 June 2018
Coaches will collect delegates from all General Assembly hotels at approximately 6:45pm. A return shuttle service will commence at 10:15pm.

Car Parking
Parking for delegates is available underneath the National Convention Centre for a cost of approximately $15.00 per day. Alternatively, voucher public parking is available 300m from the Centre at a cost of approximately $15.70 per day. The voucher machines accept either coins or credit cards (Visa or MasterCard).
Partner Tours

Monday 18 June 2018

Monday Partner Tour: Behind the Scenes of our Capital

Take a glimpse behind the scenes of two of Canberra’s iconic locations. The day will start with an intimate tour of Government House to see where Cabinet ministers are sworn in and the Governor General welcomes visitors like the Queen and heads of states.

After lunch we have an exclusive tour of The Royal Military College, including the Army Officer training course, the cadet mess, and some of the historical and ceremonial areas within the College grounds.

Tuesday 19 June 2018

Tuesday Partner Tour: Diamonds and Decadence

We start today with a high tea at Adore Tea where we’ll experience a variety of teas from simple black teas to incredible flowering teas paired with sweet and savoury foods with a twist.

The afternoon will be spent at the National Gallery of Australia to experience the confirmed Cartier Exhibition. This is showcasing some of the most exquisite jewels from the renowned French jeweller including the Queen’s “Halo” tiara, the engagement ring of Princess Grace of Monaco and costumes from the Ballet Russes, as well as displays of sketches and the tools of Cartier's trade.

Accommodation

Crowne Plaza
1 Binara Street, Canberra

The Crowne Plaza is adjacent to the Convention Centre and only a short walk from restaurants, bars and the main shopping district. Featuring a contemporary design, the Crowne Plaza provides guests with an outdoor pool, sauna, health/fitness centre, 24 hour reception, room service, concierge, undercover parking for a fee and onsite dining at the RedSalt Restaurant. All rooms are non-smoking and include free WiFi, climate control, air-conditioning, tea/coffee making facilities and a minibar.

Twin option at the hotel consists of two double beds.

Superior Room: $315 per night single/wind/double

Deluxe Room: $365 per night single/twin/double

Avenue Hotel
80 Northbourne Avenue, Canberra

The Avenue Hotel is one of the newest options in Canberra and offers guests both studio and apartment style rooms. The hotel is a 15-20 minute walk from the Convention Centre and has an onsite restaurant and bar. 24 hour reception, room service, gymnasium, undercover parking (charges apply per night) and guest lounge. All rooms have king size beds, rainfall showers, balconies, mini bar and free WiFi. The apartments also have a fully functioning kitchen.

Twin option is only available in the Superior rooms and consists of two single beds.
Superior King Rooms: $250 per night single/twin/double
1 Bedroom Apartments: $310 per night single/double

Waldorf
2 Akuna Street, Canberra
Located in the heart of Canberra’s CBD, the Waldorf is only a five minute walk from the National Convention Centre. This hotel has 24 hour reception and provides guests with a gymnasium, indoor heated lap pool, room service and onsite dining at the Waldorf on London Restaurant. All rooms have kitchen and laundry facilities, en-suite, dining table and chairs, complimentary cable TV, pay per view movies and high speed internet service (for a fee). The 1 bedroom apartments also offer a separate lounge/dining area.
Twin option at the hotel consists of two single beds. Additional costs will apply if more than 2 guests are within the one room.
Studio Apartment: $200 per night single/twin/double
1 Bedroom Apartment: $220 per night single/twin/double

Mantra
84 Northbourne Avenue, Canberra
Mantra on Northbourne is centrally located within the CBD and approximately a 15 - 20 minute walk from the National Convention Centre. The hotel features underground parking (for a fee), a 24 hour reception, a heated indoor pool, sauna, fully-equipped gymnasium and an onsite restaurant and bar. All rooms offer individually controlled air-conditioning, WIFI (for a fee), pay per view movies, mini bar, tea/coffee making facilities, hairdryer and complimentary toiletries. 1 bedroom apartments also offer a separate lounge and dining area, kitchen and a fully equipped laundry.
Bedding configuration in a hotel room is one king or two single beds and a 1 bedroom apartment has one queen or two singles.
Hotel Room: $230 per night single/twin/double
1 Bedroom Apartment: $270 per night single/twin/double

Medina Apartment Hotel
James Court
74 Northbourne Avenue, Canberra
The Medina Apartment Hotel James Court is approximately a 15-20 minute walk from the National Convention Centre and is close to cafes, restaurants, gyms and shopping. The hotel offers reception, undercover parking (for a charge), outdoor heated swimming pool, sauna, gymnasium and a restaurant delivery service. All rooms feature private balconies, climate controlled air-conditioning, separate lounge/dining areas, free WIFI, spa bath, mini bar, fully equipped kitchen facilities and an in-room safe.
Twin option consists of two single beds.
Note: Reception operates between the hours of 6:30am and 11:00pm
1 Bedroom Apartment: $215 per night single/twin/double
2 Bedroom Apartment: $285 per night single/twin/double

Qt Hotel
1 London Circuit, Canberra
The Qt Hotel is a modern hotel with boutique style furnishings, central to the city and a 10 minute walk to the National Convention Centre. The hotel offers guests a 24 hour reception and room service, an onsite restaurant and bar, parking for a daily charge plus an onsite barber shop. All rooms have now been upgraded to have king beds, with other facilities include a balcony, rainfall showers, free WIFI, pay per view movies, mini bar, hairdryer, iron and ironing board.
Twin option at the hotel consists of two single beds.
Standard Room: $249 per night single/twin/double
## Registration Form

Register online www.alga.asn.au

**NGA18**

National General Assembly of Local Government 17–19 June 2018
Australian Local Government Association ABN 31 008 613 876

### PERSONAL DETAILS

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How did you find out about the General Assembly?  
☐ ALGA  ☐ State/Territory Association  ☐ Council  ☐ Other:  

### PRIVACY DISCLOSURE

☐ I DO consent to my name appearing in the 2018 General Assembly List of Participants booklet (name, organisation and state only disclosed) as outlined in the privacy disclosure on page 15.

☐ I DO consent to ALGA disclosing my personal contact information as outlined in the privacy disclosure on page 15.

### REGISTRATION FEES

**GENERAL ASSEMBLY REGISTRATION FEES**

Please note registration does not include attendance to the Regional Cooperation and Development Forum.

| PAYMENT RECEIVED | REGISTRATION FEE |sthrough 4 May 2018 | | $969.00  
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<td>DAY REGISTRATION FEES</td>
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**REGIONAL CO-OPERATION AND DEVELOPMENT FORUM REGISTRATION FEES (SUNDAY 17 JUNE)**

| REGISTRATION FEE | | |
| REGISTRATION FEE FOR REGISTRATION | $445.00 |
| GENERAL ASSEMBLY DELEGATE Registration fee | $245.00 |
| STATE OF THE REGIONS REPORT 2018–19 (Single licence) | $260.00 |
| STATE OF THE REGIONS REPORT 2018–19 (Organisational licence) | $720.00 |

**ACCOMPANYING PARTNER REGISTRATION FEES**

| AMOUNT | |
|---------| |
| REGISTERED ACCOMPANYING PARTNER | Name for badge: | $280.00 |

### SOCIAL FUNCTIONS INCLUDED IN FEES

One ticket to each of the following functions is included in the full General Assembly registration fee:

1. Welcome Reception and Exhibition Opening (Sunday 17 June 2018)
2. Behind the Scenes of our City (Monday 18 June 2018)
3. Diamonds and Decadence (Tuesday 19 June 2018)

### REGISTERED DELEGATES AND PARTNERS

Welcome Reception and Exhibition Opening (Sunday 17 June 2018)

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**REGISTRATION FORM CONTINUES OVER THE PAGE**
OPTIONAL SOCIAL FUNCTIONS

Tickets to these functions are not included in the General Assembly registration fee or accompanying partners registration fee. To purchase tickets to any of the following functions please indicate the number required and the total amount payable.

NETWORKING DINNER, Arboretum (Monday 18 June 2018) Number of tickets ___________ at $100.00 each Total $ ___________

GENERAL ASSEMBLY DINNER, Australian Institute of Sport (Tuesday 19 June 2018) **NUMBERS STRICTLY LIMITED**

Number of tickets ___________ at $139.00 Each Total $ ___________

SPECIAL REQUIREMENTS

E.G. DIETARY MOBILITY... 

REGISTRATION AND SOCIAL FUNCTION PAYMENT DETAILS

☐ Enclosed is my cheque made payable to ALGA Conference Account

☐ Please issue an invoice. (Invoices are automatically issued on receipt of registrations)

☐ I have paid via an Electronic Funds Transfer to the ‘ALGA Conference Account’. Transaction reference number ___________

ALGA ACCOUNT: Bank: Commonwealth Branch: Curtin BSB NO: 062905 ACCOUNT NO: 1009760

☐ Please charge my credit card Mastercard Visa

CREDIT CARD ___________ Grand total $ ___________

CARD HOLDERS NAME ___________ SIGNATURE ___________

EXPIRY DATE ___________ IS THIS A CORPORATE CARD? YES NO

ACCOMMODATION DETAILS

Please indicate your preference from 1 to 5

CROWNE PLAZA

SUPERIOR ROOM $315
DELUXE ROOM $365

AVENUE HOTEL

SUPERIOR ROOM $260
1 BEDROOM APARTMENT $310

MANTRA

HOTEL ROOM $216
1 BEDROOM APARTMENT $276

MEDINA APARTMENT - HOTEL JAMES COURT

1 BEDROOM APARTMENT $215
2 BEDROOM APARTMENT $285

NOVOTEL

STANDARD ROOM $280
EXECUTIVE ROOM $315

GT HOTEL

STANDARD ROOM $249

WALDORF

STUDIO APARTMENT $200
1 BEDROOM APARTMENT $220

Please note your credit card details are required to guarantee your room. Neither Conference Co-ordinators nor the hotel will make any charges against your credit card unless you fail to give a minimum of twenty one (21) days notice in writing of your cancellation. All cancellations will be acknowledged in writing by Conference Co-ordinators. Full payment of your account will be required at the time of your departure. The rates quoted are per room per night.

DATE OF ARRIVAL ___________

DATE OF DEPARTURE ___________

SHARING WITH ___________

ESTIMATED TIME OF ARRIVAL ___________

☐ I understand my credit card details are given as a guarantee of my arrival and to ensure my room will be held until my nominated arrival time. No charge for accommodation will be made against this card unless I fail to give a minimum of twenty one (21) days notice of cancellation in writing to Conference Co-ordinators.

Mastercard Visa Amex

CREDIT CARD NUMBER ___________

CARD HOLDERS NAME ___________

SIGNATURE ___________

EXPIRY DATE ___________

IS THIS A CORPORATE CARD? YES NO

Return form to Conference Co-ordinators, PO Box 4994 Civic Centre ACT 2601. Email nga@centco.com.au
ITEM-24  CCL 27/03/18 - EXHIBITION OF REVISED CODE OF MEETING PRACTICE

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

PURPOSE

To place a revised Code of Meeting Practice as set out at Attachment A on public exhibition.

RECOMMENDATION

1 Council places the revised Code of Meeting Practice at Attachment A on public exhibition for the period 31 March 2018 to 11 May 2018.

KEY ISSUES

2 Key Council policies are required to be adopted by the elected Council within the first 12 months of each term.

3 Section 361 of the Local Government Act 1993 (NSW) (Act) provides that Council must place on public exhibition for a period of 42 days a revised Code of Meeting Practice.

4 The following amendments are included in the revised Code of Meeting Practice, as shown at Attachment A (changes tracked):

(a) minor wording changes for closer alignment with the Office of Local Government’s (OLG) revised Meeting Practice Note, No 16, August 2009 and current terminology (for example change from General Manager to Chief Executive Officer (CEO));

(b) ability for the Lord Mayor, in consultation with the CEO to cancel a meeting because of a natural disaster (such as, but not limited to flood or bushfire), or it becomes apparent prior to the Meeting commencing that a quorum may not be present at the Meeting;

(c) Public Voice as the first item of business;

(d) recognised media permitted to sound record Council meetings for accuracy of reporting;

(e) clarification that the police must be called in cases where any person refuses to leave the Council Chamber after being expelled (it is not appropriate for staff or a Councillor to physically remove a person from the Council Chamber); and

(f) Notice of Motion that require expenditure of funds additional to funds already included in Council’s adopted operational plan to be supported by a report by staff (ie a Director’s comment).
FINANCIAL IMPACT

5 N/A.

COMMUNITY STRATEGIC PLAN ALIGNMENT

6 Open and collaborative leadership.

IMPLEMENTATION PLAN/IMPLICATIONS

7 Council staff will make arrangements to place the revised Code of Meeting Practice on public exhibition.

8 Council staff will present a final Code of Meeting Practice in a report to the elected Council after taking into account the submissions received during the public exhibition period.

RISK ASSESSMENT AND MITIGATION

9 If the revised Code of Meeting Practice is placed on public exhibition and subsequently adopted, Council will comply with the Act and the Local Government (General) Regulation 2005.

RELATED PREVIOUS DECISIONS

10 At the Ordinary Council Meeting held on 12 March 2013, Council adopted the current Code of Meeting Practice.

CONSULTATION

11 The public exhibition process provides for a period of consultation with the public.

OPTIONS

Option 1

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

Option 2

13 Council does not proceed with placing the amended Code of Meeting Practice on public exhibition. This is not the recommended option.

BACKGROUND

14 On 6 December 2017, the OLG released new draft Model Code of Meeting Practice for the purposes of consultation. Once the OLG finalises the Model draft, councils will be required to adopt the new amended version in due course. This is not expected to occur until mid to late 2018.
REFERENCES

ATTACHMENTS

Attachment A: Revised Code of Meeting Practice
Attachment A

Newcastle City Council

Policy

Code of Meeting Practice

Date: March 2018
# Code of Meeting Practice

<table>
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<td>Prepared by</td>
<td>Governance and Council Services, Local and Governance</td>
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<tr>
<td>Amendments</td>
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<td>Related policies/documents</td>
<td>Interaction between Councillors and Staff Policy</td>
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<td>Public Voice Policy</td>
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<td>Related forms</td>
<td>N/A</td>
</tr>
</tbody>
</table>
### Table of Contents

Part A Preliminary ............................................................................................................. 2  
1 Introduction ................................................................................................................... 2  
2 Objectives ..................................................................................................................... 2  
3 Scope .............................................................................................................................. 2  
4 Principles ....................................................................................................................... 2  
5 Definitions ..................................................................................................................... 2  
Part B Meetings ............................................................................................................... 4  
6 Ordinary Council Meetings ......................................................................................... 4  
7 Extraordinary Council Meetings .................................................................................. 4  
8 Meeting duration and unresolved business ............................................................... 5  
9 Councillor participation ............................................................................................... 5  
10 Quorum ......................................................................................................................... 5  
11 Leave of absence ......................................................................................................... 5  
12 Order of business ........................................................................................................ 6  
13 Decisions ....................................................................................................................... 6  
14 Circumstances that do not invalidate decisions ....................................................... 6  
Part C Addressing the Meeting ..................................................................................... 7  
15 Mode of address ......................................................................................................... 7  
16 Questions ..................................................................................................................... 7  
Part D Notices, agendas and Business Papers ............................................................. 7  
17 Notice of Council Meetings and Committee of Council Meetings.......................... 8  
18 Notice of Extraordinary Council Meetings .............................................................. 8  
19 Agenda and Business Papers ..................................................................................... 8  
20 Late items of business ................................................................................................ 9  
21 Reports of the Division of Local Government ........................................................ 9  
22 Petitions ....................................................................................................................... 9  
23 Lord Mayorial actions ............................................................................................... 9  
Part E Chairperson ....................................................................................................... 9  
24 Chairperson of Extraordinary Council Meetings and Council Meetings ................. 10  
25 Chairperson of Committee of Council Meetings .................................................... 10  
26 Election of Chairperson ........................................................................................... 10  
27 Precedence of Chairperson ...................................................................................... 10  
Part F Meeting Attendance ........................................................................................... 11  
28 Public ........................................................................................................................... 11  
29 Councillors, General Manager, CEO and Council Officers ..................................... 11  
30 Exclusion of the General Manager, CEO or Council Officer ................................ 11  
Part G Closing Meetings .............................................................................................. 11  
31 Bases for closing Meetings ....................................................................................... 11  
32 Motion to close a Meeting ....................................................................................... 12  
33 Public representations ............................................................................................. 13  
34 Matters not identified as confidential ................................................................... 13  
35 Access to Business Papers relating to closed Meetings ........................................ 13  
36 Resolutions passed at closed Meetings .................................................................. 13  
Part H Minutes ............................................................................................................. 13  
37 Recording Minutes ................................................................................................... 14  
38 Confirmation of Minutes .......................................................................................... 14  
39 Signature .................................................................................................................... 14  
Part I – Recording, webcasting and photography ........................................................ 14  
40 Recording ................................................................................................................... 14  
41 Webcasting ............................................................................................................... 15  
42 Photography .............................................................................................................. 15
<table>
<thead>
<tr>
<th>Part J</th>
<th>Motions</th>
</tr>
</thead>
<tbody>
<tr>
<td>43</td>
<td>Chairperson’s duty with respect to motions</td>
</tr>
<tr>
<td>44</td>
<td>Lord Mayoral Minute</td>
</tr>
<tr>
<td>45</td>
<td>Notices of motion</td>
</tr>
<tr>
<td>46</td>
<td>Unacceptable motions</td>
</tr>
<tr>
<td>47</td>
<td>Repeat motions</td>
</tr>
<tr>
<td>48</td>
<td>Motions to be seconded</td>
</tr>
<tr>
<td>49</td>
<td>Motions put without debate or discussion</td>
</tr>
<tr>
<td>50</td>
<td>Limitations of speeches</td>
</tr>
<tr>
<td>51</td>
<td>Time for speeches</td>
</tr>
<tr>
<td>52</td>
<td>Absence of mover of notice of motion</td>
</tr>
<tr>
<td>53</td>
<td>Amendments</td>
</tr>
<tr>
<td>54</td>
<td>Foreshadowed Motions</td>
</tr>
<tr>
<td>Part K</td>
<td>Procedural Motions</td>
</tr>
<tr>
<td>55</td>
<td>General</td>
</tr>
<tr>
<td>56</td>
<td>Motion to recommit a matter</td>
</tr>
<tr>
<td>57</td>
<td>Motion to alter order of business</td>
</tr>
<tr>
<td>58</td>
<td>Motion that a motion be now put</td>
</tr>
<tr>
<td>59</td>
<td>Motion of dissent</td>
</tr>
<tr>
<td>60</td>
<td>Motion to adjourn a matter</td>
</tr>
<tr>
<td>61</td>
<td>Motion to adjourn a Meeting</td>
</tr>
<tr>
<td>62</td>
<td>Motion to refer the matter</td>
</tr>
<tr>
<td>63</td>
<td>Motion that the matter be left on the table</td>
</tr>
<tr>
<td>64</td>
<td>Motion that a motion be voted on in seriatim</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part L</th>
<th>Rescission</th>
</tr>
</thead>
<tbody>
<tr>
<td>65</td>
<td>Rescinding or altering resolutions</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part M</th>
<th>Voting</th>
</tr>
</thead>
<tbody>
<tr>
<td>66</td>
<td>Voting entitlements</td>
</tr>
<tr>
<td>67</td>
<td>Casting vote</td>
</tr>
<tr>
<td>68</td>
<td>Counting of votes</td>
</tr>
<tr>
<td>69</td>
<td>Voting by division</td>
</tr>
<tr>
<td>70</td>
<td>Recording of voting on Planning Decisions</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part N</th>
<th>Disclosure Obligations</th>
</tr>
</thead>
<tbody>
<tr>
<td>71</td>
<td>Conflicts of interest – Councillors</td>
</tr>
<tr>
<td>72</td>
<td>Conflicts of interest – other persons</td>
</tr>
<tr>
<td>73</td>
<td>No knowledge</td>
</tr>
<tr>
<td>74</td>
<td>Allegations of breaches of the Code of Conduct</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part O</th>
<th>Order</th>
</tr>
</thead>
<tbody>
<tr>
<td>75</td>
<td>Point of order</td>
</tr>
<tr>
<td>76</td>
<td>Act of disorder</td>
</tr>
<tr>
<td>77</td>
<td>Expulsion from a Meeting</td>
</tr>
<tr>
<td>78</td>
<td>Removal of persons after expulsion</td>
</tr>
<tr>
<td>79</td>
<td>Censure</td>
</tr>
<tr>
<td>80</td>
<td>Suspension</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part P</th>
<th>Committees of the Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>81</td>
<td>Establishment</td>
</tr>
<tr>
<td>82</td>
<td>Membership</td>
</tr>
<tr>
<td>83</td>
<td>Attendance</td>
</tr>
<tr>
<td>84</td>
<td>Voting</td>
</tr>
<tr>
<td>85</td>
<td>Recommendations</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part Q</th>
<th>Advisory Committees</th>
</tr>
</thead>
<tbody>
<tr>
<td>86</td>
<td>Council May Establish Advisory Committees</td>
</tr>
<tr>
<td>87</td>
<td>Recommendations of Advisory Committees</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part R</th>
<th>Briefing and Workshops</th>
</tr>
</thead>
<tbody>
<tr>
<td>88</td>
<td>Briefings</td>
</tr>
<tr>
<td>89</td>
<td>Workshops</td>
</tr>
</tbody>
</table>
Part A Preliminary

1 Introduction
1.1 The Code of Meeting Practice (Code) is made under the Local Government Act 1993 (Act) and the Local Government (General) Regulation 2005 (Regulation).
1.2 The Code must be interpreted in a manner that is consistent with the Act and the Regulation. In the event of any inconsistency, the Act or Regulation (as the case may be) prevails to the extent of the inconsistency.
1.3 If a specific matter is not addressed in the Act, the Regulation or the Code, the matter must be administered in accordance with a ruling from the Chairperson having regard to advice provided by the Division Office of Local Government and/or relevant Council Officers.

2 Objectives
2.1 The object of the Code is to provide for the convening and conduct of Meetings.

3 Scope
3.1 The Code applies to Council Meetings, Extraordinary Council Meetings and Committee of Council Meetings.

4 Principles
4.1 Meetings are to be conducted with efficiency and respect to all:
4.2 Meetings should be orderly, efficient and earn the respect of the City’s ratepayers, residents and visitors.
4.3 Meetings should be held in an environment that facilitates respect for the views of others and having regard to process, reasonableness and fairness.
4.4 Councillors and Council Officers should not publicly reflect adversely on each other.
4.5 Meetings are to be conducted in compliance with policy and legislation:
   4.5.1 Councillors and Council Officers have an obligation to conduct themselves at Meetings in accordance with the Code of Conduct and accepted standards of behaviour.
   4.5.2 Councillors have an obligation to act and make decisions in accordance with Council's charter-principles as set out in section 8 of the Act.
   4.5.3 Meetings should address matters of policy, strategic direction, resource allocation, statutory decisions and other appropriate Council issues. Meetings should not address the day to day management of Council, which is the responsibility of the General Manager/CEO under the Act.
   4.5.4 Councillors have an obligation to attend, remain at and participate in Meetings wherever possible.

5 Definitions
5.1 Advisory Committee means a committee established by resolution of Council whose purpose is to provide guidance and make recommendations to the elected Council within a particular area of expertise. Its members can consist of community members, members of key stakeholder groups and/or Councillors appointed by The...
City of Newcastle of which not all members are Councillors. Only Part P of the Code applies to Advisory Committees.

5.2 Apology means notification that a Councillor will not be attending a Meeting. An apology does not amount to a leave of absence.

5.3 Business Papers means any documents relating to the agenda items of a Meeting.

5.4 Briefing means a presentation on a specified topic by the General Manager/CEO, Council Officers or invited persons followed by an opportunity for Councillors to ask questions regarding the topic.

5.5 CEO means the Chief Executive Officer/General Manager of The City of Newcastle City Council.

5.5.6 Chairperson means the Chairperson identified in Part E.

5.5.7 Code of Conduct means the Code of Conduct adopted by Council.

5.5.8 Committee of Council means a committee of the whole which all members are Councillors as provided by clause 260-259 of the Regulation.

5.5.9 Council means the governing body of The City of Newcastle City Council.

5.5.10 Councillor means a person elected or appointed to civic office as a member of the governing body of Council and includes the Lord Mayor.

5.5.11 Foreshadowed Motion means a motion that relates to the motion currently before the Meeting.

5.11 General Manager means the General Manager of The City of Newcastle.

5.12 Inspection Committee means a Committee of Council constituted to perform site inspections.

5.13 Meeting means a Council Meeting, Extraordinary Council Meeting and a Committee of Council Meeting. A specific reference to a Council Meeting, Extraordinary Council Meeting or a Committee of Council Meeting means the clause, section or Part applies only to that specific type of Meeting.

5.14 Minister means the New South Wales Government Minister responsible for Local Government.

5.15 Planning Decision means a decision made in the exercise of a function of Council under the Environmental Planning and Assessment Act 1979 (NSW) including a decision relating to:

5.15.1 a development application;
5.15.2 an environmental planning instrument;
5.15.3 a development control plan; or
5.15.4 a development contribution plan.

5.16 Procedural Motion means a motion that is not a substantive motion of business before the Meeting.

5.17 Workshop means an informal gathering to provide information to Councillors on issues. Workshops may involve Councillors, the General Manager/CEO, Council Officers and other invited persons. Only Part Q.R of the Code applies to Workshops.

Unless stated otherwise, a reference to a clause, section or Part is a reference to a clause, section or Part of the Code.
Part B Meetings

6 Ordinary Council Meetings

6.1 Council must meet on at least 10 occasions each calendar year with each Council Meeting being held in a different month. Council may schedule additional Council Meetings, known as Extraordinary Council Meetings.

6.2 Council must adopt a Meeting cycle by the first Council Meeting of each calendar year. Council may amend its adopted Meeting cycle by resolution. The Meeting schedule is flexible.

6.3 Council will give public notice of the time and place of Meetings by advertising in a local newspaper as well as on Council’s website.

6.4 Where, prior to the commencement of a Meeting, it becomes apparent prior to the Meeting commencing that a quorum may not be present at the Meeting, or that the safety and welfare of Councillors, Council staff and members of the public may be put at risk by attending the Meeting because of a natural disaster (such as, but not limited to flood or bushfire), the Lord Mayor may, in consultation with the CEO and, as far as is practicable, with each Councillor, cancel the Meeting. Where a Meeting is cancelled, notice of the cancellation must be published on the Council’s website and using such other means as will bring notice of the cancellation to the attention of as many people as possible.

7 Extraordinary Council Meetings

7.1 Extraordinary Council Meetings are not only held in “extraordinary” circumstances and can deal with special business or where there is so much business to be dealt with that an additional Meeting is required.

7.2 Extraordinary Council Meetings may be held on a scheduled Ordinary Meeting or Committee Meeting night and Council Meetings may be called:

- by the Lord Mayor;
- by the General Manager/CEO; or
- by the Lord Mayor if the Lord Mayor receives a request in writing signed by at least two Councillors, which includes the reason for the request.

7.3 If the Lord Mayor receives a request to call an Extraordinary Council Meeting under this section, the Lord Mayor must call the Meeting as soon as practical and no later than 14 days after receiving the request.

7.4 The General Manager/CEO must give each Councillor notice of an Extraordinary Council Meeting as set out in section 194B. The notice must contain the reason for calling the Extraordinary Council Meeting.

7.5 Extraordinary Council Meetings may only deal with:

- matters stated in the notice of the Extraordinary Council Meeting;
- Lord Mayor Minutes if notice of the Lord Mayor’s Minute is included in the notice of the Extraordinary Council Meeting; and
- late items of business as provided in section 213B.
8 Meeting duration and unresolved business

8.1 The Chairperson must close a Meeting:

8.1.1 at 10:00pm; or

8.1.2 after four hours of Meetings on any one day

except where the Meeting resolves to extend the duration of the Meeting.

8.2 Any item of business not resolved at the close of the Meeting must be listed as an item of business at the next Meeting of the same type unless the Meeting resolves to adjourn the item of business to another day.

9 Councillor participation

9.1 Councillors can only participate in a Meeting if the Councillor is present in the Meeting room. A Councillor is present in the Meeting room if that Councillor is in the Meeting room or otherwise in sight of the Meeting (whether or not the Councillor is at the Councillors' table).

9.2 When participating in a Meeting, Councillors must:

9.2.1 seek the leave of the Chairperson before exiting the Meeting room and indicate to the Chairperson if their absence will be temporary or if they are retiring early from the Meeting;

9.2.2 apologise to the Chairperson if they arrive late; and

9.2.3 sit at the Councillors’ table and not move around the Meeting room or sit in the gallery.

10 Quorum

10.1 The quorum of a Meeting is the majority of Councillors who hold office at the time of the Meeting. Councillors who are suspended from office are not counted for the purpose of quorum.

10.2 A Meeting must be adjourned if there is no quorum:

10.2.1 within 30 minutes of the designated starting time of the Meeting;

10.2.2 at any time during the Meeting; or

10.2.3 because Councillors leave the Meeting room due to conflicts of interest.

10.3 If a Meeting is adjourned because there is no quorum:

10.3.1 the Chairperson (or in the absence of the Chairperson, the majority of Councillors present or the General Manager CEO) must adjourn the Meeting by fixing a time, date and place for the adjourned Meeting to take place; and

10.3.2 the General Manager CEO must ensure the minutes of the Meeting record the circumstances relating to the absence of a quorum and the names of the Councillors present, and

10.3.3 the public will be notified of the adjourned Meeting (at minimum on Council’s website).

11 Leave of absence

11.1 A Councillor may request a leave of absence from a Meeting. If possible, the Councillor should indicate the date of the Meeting from which the Councillor intends to be absent.
11.2 A Meeting may resolve to grant a Councillor a leave of absence from a Meeting. A motion to grant a Councillor a leave of absence is a Procedural Motion.

11.3 If a Councillor intends to attend a Meeting despite having been granted a leave of absence, the Councillor should (if practical) give the General Manager at least two days’ notice.

12 **Order of business**

12.1 The order of business of Council Meetings and Committee Meetings should be:

12.1.1 Opening of the Meeting
12.1.2 Indigenous acknowledgement (Chairperson and all present to stand)
12.1.3 Prayer (Chairperson and all present to stand)
12.1.4 Apologies / Leaves of Absence
12.1.5 Declaration of conflicts of interest
12.1.6 Confirmation of minutes of previous Meeting
42.4.8.12.1.7 Public Voice Committee
42.4.7.12.1.8 Lord Mayoral Minutes
42.4.8.12.1.9 Reports from Committees of the Council (Council Meeting only)
42.4.8.12.1.10 Reports from Advisory Committees
42.4.8.12.1.11 Reports from Council Officers
42.4.4.4.12.1.12 Councillor Reports
42.4.8.12.1.13 Notices of Motion
42.4.4.4.12.1.14 Petitions
42.4.4.4.12.1.15 Confidential matters (public excluded)
42.4.4.4.12.1.16 Close of business

12.2 The Chairperson may examine the agenda with Councillors at any time during the Meeting and deal with items of business that Councillors do not wish to debate in accordance with section 504B.

13 **Decisions**

13.1 A decision supported by a majority of votes at a Meeting at which a quorum is present is a decision of Council or the Committee of Council.

14 **Circumstances that do not invalidate decisions**

14.1 Proceedings at a Meeting are not invalidated because of:

14.1.1 a vacancy in a civic office;
14.1.2 failure to give notice of the Meeting to any Councillor;
14.1.3 any defect in the election or appointment of a Councillor;
14.1.4 failure of a Councillor to disclose or properly manage a conflict of interest; or
14.1.5 failure to comply with the Code.

15 **Resolving into a Committee of Council**

15.1 Council may resolve itself into a Committee of the whole at any time during a Meeting, and will do so for the Public Voice Committee.
Part C Addressing the Meeting

4616 Mode of address

45-116.1 Any person addressing a Council Meeting or Extraordinary Council Meeting must stand. Any person addressing a Committee of Council Meeting may remain seated.

45-116.2 Any person addressing a Meeting must:
- address Councillors by their official designation (such as Lord Mayor, Deputy Lord Mayor, Chairperson or Councillor);
- address the Councillors not the gallery; and
- address and speak to a member of the public by their designation (that is, Mr, Ms or honorary title).

4617 Questions

46-117.1 A Councillor may:
- through the Chairperson, put a question to another Councillor;
- through the Chairperson, put a question to the General Manager/CEO;
- put a question to a Council Officer present at the Meeting. Council officer interactions with Council Officers must comply with Council’s policies.

46-117.2 If practical, reasonable notice should be given to a person to whom a question is put by providing the question in writing to the Chairperson and General Manager/CEO prior to the Meeting. If a question is put to a person without reasonable notice, that person may choose to take the question on notice and provide a response at a later time.

46-117.3 Councillors must put questions directly, succinctly and without argument or discussion on the question.

46-117.4 If, in the view of the Chairperson, a question is not correctly put, the Chairperson may rule the question out of order.

46-117.5 The Chairperson may limit discussion on any reply or refusal to reply to a question.

17.6 Routine or non-urgent requests for information should be referred to the General Manager/CEO’s Office and not considered at Meetings.

46-617.7 Questions will be recorded in the minutes.

Part D Notices, agendas and Business Papers
Note of Council Meetings and Committee of Council Meetings

The General Manager/CEO must send to each Councillor at least seven days before each Council Meeting and Committee of Council Meeting a notice of the Meeting specifying the following:

- location of the Meeting;
- time of the Meeting;
- date on which the Meeting is to be held; and
- business proposed to be transacted at the Meeting (agenda).

Notice of Extraordinary Council Meetings

The General Manager/CEO must send to each Councillor at least three days before an Extraordinary Council Meeting a notice of Meeting specifying the following:

- location of the Meeting;
- time of the Meeting;
- date on which the Meeting is to be held; and
- business proposed to be transacted at the Meeting (agenda).

If an Extraordinary Council Meeting is called because of an emergency (as determined by the Lord Mayor or General Manager/CEO), three days' notice is not required.

Agenda and Business Papers

The General Manager/CEO must ensure the agenda for a Meeting states:

- all matters to be dealt with arising out of the proceedings of the former Meeting including all unresolved business;
- if the Lord Mayor is the Chairperson, any matter that the Chairperson proposes, at the time when the Business Paper is prepared, to put to the Meeting as a Lord Mayor's Minute; and
- any business of which due notice has been given.

If in the opinion of the General Manager/CEO an item of business is a matter that is likely to be considered in a closed part of a Meeting in accordance with Part G:

- the confidential nature of the item of business is to be indicated on the agenda;
- the confidential business may be set out in confidential Business Papers; and
- the confidential business must be referred to in the general Business Papers prepared for the same Meeting.

The General Manager/CEO must make the agenda and Business Papers available to Councillors before making the Business Papers available to members of the public.

The General Manager/CEO must make the agenda and general Business Papers for a Meeting available to members of the public at no cost before and during the Meeting. Confidential Business Papers will not be made available to the public.

The General Manager/CEO must not include in the agenda for any Meeting any business of which due notice has been given if, in the opinion of the General Manager/CEO, the business is (or the implementation of the business would be) unlawful. The General Manager/CEO must report any such exclusion to the Meeting.

Code of Meeting Practice – Version 5: 27 March 2018
Late items of business

For a Meeting (including an Extraordinary Council Meeting) to consider an item not listed for consideration on the Business Papers:

1. The Meeting must pass a motion to have the business transacted at the Meeting; and

2. The Chairperson must rule the business proposed to be brought to be of great urgency.

A motion to consider a late item of business at an Extraordinary Council Meeting may only be considered after all other items of the agenda have been considered.

A motion to consider a late item of business is a Procedural Motion.

Nothing in this section limits the discretion of the Chairperson in respect of Lord Mayoral Minutes provided for in section 4244.

Reports of the Division Office of Local Government

When a report of the Division Office of Local Government is presented to a Meeting in accordance with section 433 of the Act, Council must ensure that the report is:

1. Tabled at the Meeting; and

2. Available for the information of Councillors and members of the public at all reasonable times.

Petitions

If a person would like a petition to be tabled at a Meeting, that person should provide the petition to the General Manager CEO by 9am on the day 12 days before the Meeting or to a Councillor sufficiently in advance of the Meeting.

A petition should contain the following information:

1. A clear and concise statement identifying the subject of the petition;

2. A statement specifying the number of pages of the petition and the number of signatures; and

3. The full printed name, address, phone number and signature of the person lodging the petition, together with the name of the organisation/group they represent (if the petition is submitted on behalf of an organisation/group).

A copy of the petition, other than information as at 23.2.1 and 23.2.2, will not be included in Council's Business Papers, and therefore will not be made publicly available. A copy of the petition will however, be circulated to the Councillors for their information and/or to assist in performing their civic duty.

Lord Mayoral actions

If in cases of necessity the Lord Mayor has exercised a policy making function of Council between Meetings, the Lord Mayor must report his or her actions to the next Meeting.

Part E Chairperson
Chairperson of Extraordinary Council Meetings and Council Meetings

2425.1.1 The Chairperson of a Council Meeting or an Extraordinary Council Meeting must be:

24.1.25.1.1 the Lord Mayor;
24.1.25.1.2 the Deputy Lord Mayor; or
24.1.25.1.3 if the Lord Mayor and the Deputy Lord Mayor are absent from the Council Meeting or an Extraordinary Council Meeting, a Councillor elected to chair the Meeting by the Councillors present in accordance with section 2726.

Chairperson of Committee of Council Meetings

2626.1 The Chairperson of a Committee of Council Meeting must be:

26.1.26.1.1 the Lord Mayor;
26.1.26.1.2 the Deputy Lord Mayor;
26.1.26.1.3 if the Lord Mayor and Deputy Lord Mayor do not wish to be Chairperson, a member of the Committee of Council elected by Council; or
26.1.26.1.4 if Council does not elect such a member, a Councillor member of the Committee of Council elected to chair the Meeting by the Councillors present in accordance with clause 2726.

Election of Chairperson

2627.1 If required, the election of a Chairperson must be:

26.1.27.1.1 the first business of the Meeting; and
26.1.27.1.2 conducted:

(a) by show of hands;
(b) by the General Manager/CEO or a Council Officer designated by the General Manager/CEO; or
(c) if neither the General Manager/CEO nor a Council Officer designated by the General Manager/CEO are present, by the person who called the Meeting or a person acting on their behalf.

2627.2 If two or more Councillors receive the same number of votes and no other candidate receives a greater number of votes:

26.2.27.2.1 the person conducting the election must arrange for the names of the Councillors who have equal numbers of votes to be written on similar slips and then fold the slips to prevent the names from being seen, mix the slips and draw one of the slips at random; and
26.2.27.2.2 the Councillor whose name is on the drawn slip is the Chairperson.

Precedence of Chairperson

2728.1 When the Chairperson rises during any Meeting:

27.1.28.1.1 any person speaking or seeking to speak must, if standing, immediately resume his or her seat; and
27.1.28.1.2 every person present must be silent to enable the Chairperson to be heard without interruption.
Part F Meeting Attendance

2629 Public
28.2 All Meetings are open to the public except those Meetings (or parts of Meetings) which are by resolution closed to the public as provided in Part G.
28.229.2 The public must act in a respectful manner and in accordance with any directions of the Chairperson.
28.3 A member of the public is not entitled to be present at a Meeting if that person has been expelled from that Meeting as provided in section 78F.

2930 Councillors, General Manager CEO and Council Officers
29.1 All Councillors and the General Manager CEO are entitled to attend Meetings.
29.2 Council Officers may attend Meetings for the purpose of providing information and advice to the Meeting.
29.3 A Councillor, or any other person, is not entitled to be present at a Meeting if that person has been expelled from that Meeting as provided in section 78F.

3031 Exclusion of the General Manager CEO or Council Officer
30.1 A Meeting may, by resolution, exclude the General Manager CEO from part of a Meeting if the matter under consideration relates to:
30.1.1 the terms and conditions of the General Manager CEO’s employment; and/or
30.1.2 any issue related to the General Manager CEO’s performance of contract.
31.2 A Meeting may, by resolution, exclude a Council Officer from part of a Meeting if the matter under consideration at that part of the Meeting relates to the Council Officer’s employment or a related issue.

Part G Closing Meetings

3432 Bases for closing Meetings
34.1 A Meeting may resolve to close all, or part, of any Meeting which is to consider:
34.1.1 personnel matters concerning particular individuals (other than Councillors);
34.1.2 the personal hardship of any resident or ratepayer;
34.1.3 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;
34.1.4 commercial information of a confidential nature that would, if disclosed:
   (a) prejudice the commercial position of the person who supplied it;
(b) confer a commercial advantage on a competitor of the Council; or
(c) reveal a trade secret.

34.1.632.15 information that would, if disclosed, prejudice the maintenance of law;
34.1.632.16 matters affecting the security of the Council, Councillors, Council Officers or Council property;
34.1.632.17 advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege provided that the advice concerns legal matters that:
(a) are substantial issues relating to a matter in which the Meeting;
(b) are clearly identified in the advice; and
(c) are fully discussed in that advice; and
34.1.632.18 information concerning the nature and location of a place or an item of Aboriginal significance on community land.

34.1.632.2 A Meeting may close to the public so much of a Meeting as it comprises a motion to close another part of the Meeting to the public.
34.1.632.3 A Meeting must only remain closed during the discussion of matters referred to in this section if:
34.1.632.3.1 closing the Meeting is necessary to preserve confidentiality, privilege or security; and
34.1.632.3.2 if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) that on balance is contrary to the public interest.

34.1.632.4 For the purpose of determining whether the discussion of a matter in an open Meeting would be contrary to the public interest, it is irrelevant that:
34.1.632.4.1 a person may misinterpret or misunderstand the discussion; or
34.1.632.4.2 the discussion of the matter may:
(a) cause embarrassment to Council, a Committee of Council, Councillors, the General Manager/CEO or any Council Officer; or
(b) cause a loss of confidence in Council or a Committee of Council.

32.33 Motion to close a Meeting
32.4.33.1 A motion to close a Meeting (or part of a Meeting) must indicate:
32.4.33.1.1 the bases for closing the Meeting as provided in section 32.334; and
32.4.33.1.2 a brief explanation of why discussion of the matter in an open Meeting would be, on balance, contrary to the public interest except if the matter is:
(a) a personnel matter concerning particular individuals;
(b) about the personal hardship of a resident or ratepayer; or
(c) a trade secret.

32.33.2 Only business stated in the motion to close the Meeting may be transacted during the closed Meeting (or part of a Meeting).
32.33.3 The motion to close the Meeting and the bases for the closure must be recorded in the minutes of the Meeting.
Public representations

Before a Meeting (or part of a Meeting) is closed, members of the public are permitted to make representations to the Meeting about whether the Meeting should be closed to the public.

The Chairperson must determine the number of public representations to be made to the Meeting taking into consideration the importance of the issue and the level of public interest.

Public representations must be limited to two minutes per person unless Council resolves to extend this time.

Matters not identified as confidential

If a matter has not been identified in the agenda as being heard in a closed Meeting but it becomes apparent during discussion that the matter is a matter referred to in clause 32.134.1, the Meeting must:
1. consider any public representations;
2. determine (by resolution) whether the matter is a matter that can be deferred to the next Meeting; and
3. if the matter cannot be deferred, determine (by resolution) to close the Meeting as provided in this Part.

Access to Business Papers relating to closed Meetings

Where a Meeting closes any part of a Meeting, the Meeting may determine (by way of resolution) to provide public access to the Business Papers and minutes on a specified date.

The public must not be provided with access to Business Papers and minutes of a closed Meeting (or part of a Meeting) if the Meeting considered:
1. personnel matters concerning particular individuals;
2. the personal hardship of any resident or ratepayer;
3. a trade secret;
4. a matter, which if disclosed, could give rise to an action for a breach of confidence;
5. a matter, which if disclosed, would constitute an offence against an Act, or
6. part of a draft or adopted plan of management that is the subject of a resolution of confidentiality under section 36DA of the Act.

Resolutions passed at closed Meetings

If a Meeting passes a resolution during a Meeting (or part of a Meeting) that is closed to the public, the Chairperson must make the resolution publicly available as soon as practical after the Meeting (or part of the Meeting) has ended.

Part H Minutes
37.38 Recording Minutes

37.38.1 The General Manager CEO, or a Council Officer designated by the General Manager CEO, must ensure that all motions, amendments and resolutions are recorded in the minutes of a Meeting.

37.38.2 The following matters should generally be included in the minutes of a Meeting:

37.2.38.2.1 the details of each motion moved and any amendments;
37.2.38.2.2 the names of the mover and seconder of each motion and amendment;
37.2.38.2.3 whether each motion and amendment is passed or lost;
37.2.38.2.4 the circumstances and reasons relating to the absence of a quorum together with the names of the Councillors present;
37.2.38.2.5 the dissenting vote of a Councillor, if requested;
37.2.38.2.6 if a division is called, the names of the Councillors who voted for the motion and against the motion;
37.2.38.2.7 the grounds for closing part of a Meeting to the public; and
37.2.38.2.8 the disclosure of a conflicts of interest.

37.38.3 The General Manager CEO, or a Council Officer designated by the General Manager CEO, may record a Meeting by way of an electronic recording device as provided in Part I.

38.39 Confirmation of Minutes

38.39.1 A motion proposing the adoption of the minutes as an accurate statement of the business transacted at the previous Meeting must be dealt with before proceeding to consider other items of business.

38.39.2 A motion to adopt the minutes of the previous Meeting should be proposed and seconded by Councillors who were present at the Meeting to which the minutes relate.

38.39.3 Debate relating to a motion to adopt the minutes of the previous Meeting is restricted to the accuracy of the minutes as a true record of the Meeting.

38.39.4 Minutes of a Council Meeting may be confirmed at an Extraordinary Council Meeting. Minutes of an Extraordinary Council Meeting may be confirmed at a Council Meeting. Minutes of a Committee of Council Meeting should ordinarily be confirmed at the next the next Meeting of that Committee of Council.

39.40 Signature

49.1 The minutes of the previous Meeting must be signed and dated by the Chairperson at the subsequent Meeting after they have been confirmed as being an accurate record.

Part I – Recording, webcasting and photography

40.41 Recording

40.41.1 Record, for the purpose of this section, refers to recording by any electronic device capable of recording speech including a video camera.
41.2 The General Manager CEO, or a Council Officer designated by the General Manager CEO, may record a Meeting. Recordings will only be used to ensure the accuracy of the minutes of the Meeting and as required by law.

41.1 Journalists or members of a recognised media organisation may record the Meeting if written notice has been lodged with Council’s Manager Communications and Engagement by 5pm on the day of the Meeting. A person may be expelled from a Meeting for recording a Meeting without notice. Recordings may only be used for the purpose of accuracy of reporting as notes for accuracy of minutes or quotes, and are not for broadcast on any channel or device, or to be shared publicly. Recording a Meeting is recording the Meeting as Webcast and in Minutes and should not be a Recording of any private, third party conversations or comments within the Council Chamber of Councillors, staff, guests or members of the gallery.

40.241.2 Any other person (including members of the public) may only record a Meeting with the authority of the Meeting. A person may be expelled from a Meeting for recording a Meeting without authority.

30.441.3 Only Councillors, the General Manager CEO, Council Officers designated by the General Manager CEO or persons permitted by law are entitled to access Recordings of Meetings.

40.441.4 Councillors are entitled to listen to or make a copy of the Recording of a Meeting for the purpose of ensuring the accuracy of the minutes of the Meeting or a purpose directly related to that purpose.

40.441.5 The Recording of a Meeting must be kept in a safe place for a minimum of 12 months from the date of the Meeting and only be destroyed in accordance with applicable records management legislation.

444 Webcasting

444.1 Webcast, for the purpose of this section, refers to the live web transmission of Meetings over the internet.

444.2 The General Manager CEO, or a Council Officer designated by the General Manager CEO, may Webcast a Meeting. Webcasts will only be used for Webcasting and as required by law.

444.3 At the start of each Meeting that will be Webcast, the Chairperson must advise the Meeting room that the Meeting will be Webcast.

444.4 The General Manager CEO must ensure:

444.4.1 persons in the Meeting room are advised that the Meeting may be Webcast by providing notification on signs in the Meeting room and such other notices as required; and

444.4.2 Webcasting is terminated if:

(a) the Meeting is closed as provided in section in Part G, or

(b) the General Manager CEO or the Meeting are of the opinion that continued Webcasting may prejudice the Meeting or infringe the rights or safety of an individual.

42 Photographs

43.1 Photography in the Council Chamber is generally allowed except as restricted by the relevant legislation. The Chairperson may direct any person in the Council Chamber who is in breach of legislation to refrain from taking photographs.
Part J Motions

4344 | Chairperson’s duty with respect to motions
4344.1 The Chairperson must:
4344.1.1 receive and put to a Meeting any valid motion that is brought before that Meeting; and

4344.1.2 rule out of order any motion that is unlawful or the implementation of which would be invalid.

4344.2 Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to be rejected.

4344.3 When a motion contrary to a recommendation of a report of a Committee or Council Officer is put to a Meeting, the Chairperson must ask the General Manager/CEO (before the motion is debated) whether there is any legal, technical, operational or procedural reason why the motion should not be carried.

4445 | Lord Mayoral Minute
4445.1 The Lord Mayor is entitled to put to a Council or Committee of Council Meeting, without notice, in the form of a written, signed minute (Lord Mayoral Minute), any matter that the Lord Mayor wishes to bring to the attention of the Meeting. The Lord Mayor is entitled to put a Lord Mayoral Minute to an Extraordinary Council Meeting if notice of the Lord Mayoral Minute is included in the notice of the Extraordinary Council Meeting.

4445.2 The Lord Mayor may move the adoption of a Lord Mayoral Minute without the motion being seconded.

4445.3 A recommendation made in a Lord Mayoral Minute is, so far as adopted by the Meeting, a resolution of the Meeting.

4445.4 A Chairperson who is not the Lord Mayor is not entitled to put a Lord Mayoral Minute to a Meeting.

4546 | Notices of motion
4546.1 A motion must only be considered at a Meeting if:
4546.1.1 notice of the motion in writing is received by the General Manager/CEO by 5 pm on the day 12 days before the scheduled Meeting; and

4546.1.2 notice of the motion has been sent to Councillors in accordance with Part D.

45.2 Where the notice of motion requires expenditure of funds on works and/or services other than those already provided for in Council’s current adopted operational plan, the CEO will:
45.2.1 arrange for the preparation of a report on the availability of funds for implementing the motion if adopted; or

45.2.2 defer consideration of the matter by Council pending the preparation of such a report. Councillors will be notified in writing where a matter is to be deferred.

4546.3 This section does not apply to the consideration of business at a Meeting if the business:
4546.3.1 is already before or directly relates to a matter that is already before the Meeting.
46.4.246.3.2 Is the election of a Chairperson to preside at the Meeting;
46.4.246.3.3 Is put to the Meeting as a Lord Mayoral Minute; or
46.4.246.3.4 Is a motion for the adoption of the recommendations of a Committee of Council.

Unacceptable motions

46.4.247.1 The Chairperson may rule that a motion or an amendment is out of order if, in the view of the Chairperson, the proposed motion or amendment:
46.4.247.1.1 Is vague and equivocal in its language;
46.4.247.1.2 Is the direct negative of, or is inconsistent with, a resolution passed by the Meeting;
46.4.247.1.3 Is an amendment which is a direct negative of the motion which it proposes to amend;
46.4.247.1.4 Proposes an action that is unlawful;
46.4.247.1.5 Is outside the authority of the Meeting;
46.4.247.1.6 Contains defamatory statements;
46.4.247.1.7 Is unnecessary in that it proposes a course of action or policy already resolved by the Meeting;
46.4.247.1.8 Is vexatious; or
46.4.247.1.9 Is proposed solely as a way to impede the orderly transaction of business.

46.4.247.2 A Councillor may move a motion of dissent to a ruling under this section in accordance with section 60.06.

Repeat motions

46.4.248.1 A notice of motion having the same effect as a motion rejected by a Meeting may be lodged if less than three months has elapsed since the resolution was rejected and is signed by three councillors.

46.4.248.2 If a motion previously rejected by a Meeting is again rejected by a Meeting, no motion to the same effect may be brought to any Meeting within three months of that rejection.

46.4.249.3 The provisions of this section may not be evaded by substituting a motion differently worded, but in principle the same.

Motions to be seconded

46.4.249.1 Unless a seconder is not required in accordance with the Code:
46.4.249.1.1 A motion or amendment cannot be spoken to until it has been seconded; and
46.4.249.1.2 A motion or amendment that is not seconded lapses.

Motions put without debate or discussion

46.4.250.1 Provided there is no objection from any Councillor present, any motion before a Meeting may be put to the vote without discussion or debate.

Limitations of speeches

50.4.451.1 A Councillor who moves a motion has:
50.4.451.1.1 the right of first address to the Meeting;
50.4.451.1.2 the right of reply to the motion, which must not address any material or argument that has not already been put to the Meeting; and
50.4.451.1.3 the right to speak to any amendment.

50.2.51.2 A Councillor who seconds a motion has a right to address the Meeting before the motion is put.
50.2.51.3 A Councillor (other than the mover of a motion) has the right to speak once to the motion and once on each amendment. A Councillor may not, without the consent of the Meeting, speak more than once to a motion or an amendment.

64.4.451.4.1 Ordinarily, Councillors will be permitted to speak to a motion in the order in which they indicate an intention to speak to a motion. However, once the mover of a motion and (unless they choose to hold over their speaking rights) the seconder of a motion have spoken to the motion:
50.4.451.4.2 the Chairperson may enquire of those Councillors wishing to speak whether they are speaking for or against a motion;
50.4.451.4.3 the Chairperson may alternate the speaking order of Councillors, against and for the motion having regard to the order in which Councillors have indicated an intention to speak to a motion; and
50.4.451.4.3 once two Councillors have spoken for the motion and two Councillors have spoken against the motion, or no Councillor expresses an intention to speak against the motion, a Procedural Motion that the motion be now put may be moved by any Councillor pursuant to section 285b.

54.52 Time for speeches
54.1.452.1 A Councillor may not, without the consent of the Meeting, speak for longer than three minutes at any one time.
54.2.52.2 If a Councillor asks a question, the time taken for the question to be answered is not included in the three minutes allowed for the Councillor's address.
54.3.52.3 The Chairperson may permit a Councillor, who claims to have been misrepresented or misjudged, to make an additional statement explaining only the misrepresentation or misunderstanding for no longer than an additional three minutes.

52.53 Absence of mover of notice of motion
52.1.53.1 If a Councillor who has placed a notice of motion on the Business Papers is absent from a Meeting:
52.1.53.1.1 the Chairperson may defer the motion until the next Meeting at which the motion can be considered; or
52.1.53.1.2 any other Councillor may move the motion at the Meeting.

63.54 Amendments
63.1.54.1 Any Councillor may propose an amendment to any motion put to a Meeting.
63.2.54.2 An amendment to a motion requires a mover and a seconder. The amendment must be dealt with before voting on the original motion. Debate is allowed only in relation to the amendment and not the original motion (the original motion is suspended while the amendment is considered).
63.3.54.3 If the amendment is passed, the motion is changed to include the amendment and this new motion is debated. If the amendment is not supported, the original motion stays in its original form and debate resumes.
only one amendment should be before the meeting at any time. If several amendments are proposed, each should be moved, seconded, debated and voted on before the next. Where possible, the amendments should be put forward and debated in the order in which they affect the original motion.

The Chairperson may rule an amendment to be new business and therefore out of order.

**Foreshadowed Motions**

A Councillor may advise a meeting of an intention to put forward a Foreshadowed Motion.

The Chairperson cannot accept a Foreshadowed Motion until the original motion is decided.

Foreshadowed Motions must be dealt with in the order in which they have been brought to the attention of the Meeting.

The Chairperson may rule any Foreshadowed Motion to be new business and therefore out of order.
Part K Procedural Motions

5556 General
55.456.1 All motions provided in this Part are Procedural Motions.
55.456.2 Procedural Motions:
   55.2.156.2.1 must be accepted by the Chairperson;
   55.2.256.2.2 must be seconded unless otherwise provided in this Part; and
   55.2.356.2.3 cannot be amended except to provide clarification.
55.456.3 Notice requirements in the Code do not apply to Procedural Motions.

5657 Motion to recommit a matter
56.457.1 If during the Meeting a Councillor becomes aware that they have misunderstood a matter on which a vote has already been taken, the Councillor may request that the matter be recommitted.
56.457.2 The mover of a motion to recommit a matter may speak only to their misunderstanding of the matter and may not speak to the substantive motion, the vote or the resolution.

5758 Motion to alter order of business
57.458.1 The order of business at any Meeting (except an Extraordinary Council Meeting) may be altered if a resolution to that effect is carried.
57.458.2 Only the mover of a motion to alter the order of business may speak to the motion before it is put. The seconder has no right to address the Meeting and there is not right of reply.

5859 Motion that a motion be now put
58.459.1 A Councillor may move that a motion or amendment be now put.
   58.1.459.1.1 If the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or
   58.2.459.1.2 If at least two Councillors have spoken in favour of the motion or amendment and at least two Councillors have spoken against it.
58.459.2 Only the mover of a motion that a motion be now put may speak to the motion before it is put. A seconder is not required.
58.459.3 If the motion that a motion be now put is passed, the Chairperson must not allow further debate or comment by any person except for the right of reply by the mover of the motion or amendment.
58.459.4 If a motion that the original motion or amendment be now put is rejected, the Chairperson must allow the debate on the motion or amendment to be resumed.

5960 Motion of dissent
59.459.1 A Councillor may move a motion of dissent from a ruling of the Chairperson.
59.459.2 The Chairperson must suspend the business of the Meeting until a decision is made on the motion of dissent.
59.459.3 Only the mover of a motion of dissent and the Chairperson may speak to the motion before it is put. The mover of a motion of dissent does not have a right of reply and the Chairperson must put the motion of dissent to the Meeting immediately after the Chairperson has spoken to it.
If a motion of dissent is carried, the Chairperson must recommence the suspended business as though the Chairperson’s ruling on the point of order had not been made.

If, as a result of the ruling overturned by the motion of dissent, any motion or business had been discharged as out of order, the Chairperson must restore the motion or business to the agenda and proceed in accordance with the Code.

**Motion to adjourn a matter**

A Councilor may move a motion to adjourn a matter under consideration if the Councilor has not exercised their right to speak to the substantive motion before the Meeting.

**Motion to adjourn a Meeting**

A Councilor may move a motion to adjourn a Meeting.

If a Meeting resolves to adjourn the Meeting for 24 hours or less, notice is not required to reconvene the Meeting.

If a Meeting resolves to adjourn the Meeting for longer than 24 hours, notice for the reconvening of the Meeting must be given as provided in the Act and Regulation.

**Motion to refer the matter**

A Councilor may move a motion to refer a matter to a Committee of Council or an Advisory Committee.

**Motion that the matter be left on the table**

A Councilor may move a motion that the matter be left on the table if the Councilor has not exercised their right to speak to the substantive motion before the Meeting.

**Motion that a motion be voted on in seriatim**

Where a motion comprises multiple parts, a Councilor may move a motion that the matter be voted on in seriatim.

**Rescission**

A resolution (or part of a resolution) passed by a Meeting may not be rescinded or altered except by a motion to that effect of which notice has been given. The notice of motion must be:

- signed by three Councillors if less than three months has elapsed since the resolution was passed;
- provided to the General Manager/CEO by 5pm on the day three days before the scheduled Meeting; and
- sent to Councillors in accordance with Part D.

If notice of a motion to rescind a resolution is given at the Meeting at which the resolution was carried, the resolution must not be carried into effect until the rescission motion has been dealt with.
A notice of motion to rescind a resolution which involves the granting of development consent under the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act) should not be given after that development consent is effective in accordance with the EP&A Act.

If a motion to rescind or alter a resolution is rejected by a Meeting, no motion to the same effect may be brought forward to any Meeting within three months of that rejection.

The provisions of this Part may not be evaded by substituting a motion differently worded but in principle the same.

A motion to which this section applies may be moved on the report of a Committee of Council and any such report must be recorded in the minutes.

The provisions of this Part do not apply to Procedural Motions.

Part M Voting

Voting entitlements

Each Councillor is entitled to one vote on each motion put to a Meeting while that Councillor is present in the Meeting room.

A Councillor who is present in the Meeting room but who fails to vote on a motion put to the Meeting is taken to have voted against the motion.

A Councillor who is absent from the Meeting room when a vote on a motion is put to the Meeting is not counted as having cast a vote.

Voting at a Meeting must be by open means (such as on the voices or by a show of hands) except in relation to the election of a Deputy Lord Mayor which Council may resolve to be by secret ballot.

Casting vote

The Chairperson of a Meeting has in the event of an equality of votes a second or casting vote.

Before a Chairperson exercises their second or casting vote, they must have exercised their vote in their own right.

Counting of votes

The decision of the Chairperson about the result of a vote is final unless a Councillor immediately requests a show of hands or two Councillors immediately request a division.

Voting by division

If two Councillors request voting by division, the Chairperson must ensure that:

- the division takes place immediately, and
- each Councillor is identified by name to the Meeting and whether they are for or against the motion.

The General Manager/CEO must ensure the names of Councillors who voted for and against the motion are recorded in the Meeting's minutes.

Councillors abstaining from voting in a division are taken to have voted against the motion.
Recording of voting on Planning Decisions

A division must be called whenever a motion for a Planning Decision is put at a Meeting (including any Meeting that is closed to the public). This is to assist the General Manager/CEO to keep a register containing the names of the Councillors who voted for and against the motion.

Part N Disclosure Obligations

Conflicts of interest – Councillors

A Councillor must declare a conflict of interest in accordance with legislation and the Code of Conduct before the matter to which the conflict relates is considered by the Meeting.

When a Councillor declares a conflict of interest the following must be recorded in the minutes of the Meeting:

- the details of the declaration (this must also be recorded in the register of disclosures); and
- the Councillor’s times of departing and returning to the Meeting room (unless the Councillor is not required to leave the Meeting room).

Conflicts of interest – other persons

If a Council Officer has a pecuniary or significant non-pecuniary interest in a matter before a Meeting and the Council Officer may reasonably be expected to make recommendations on that matter, the Council Officer must declare the interest in writing to the General Manager/CEO in accordance with the Code of Conduct.

If a person addressing a Meeting in a matter has a pecuniary or significant non-pecuniary interest in relation to that matter, that person must disclose that interest to the Meeting.

The payment of remuneration or fees by Council, a statutory body or the Crown is not a conflict of interest under this section.

No knowledge

A person (including a Councillor and Council Officer) does not breach this Part if the person did not know and could not reasonably be expected to have known that the matter under consideration at the Meeting was a matter in which they had a conflict of interest.

Allegations of breaches of the Code of Conduct

A Councillor must not make allegations of suspected breaches of the Code of Conduct at Meetings.

An allegation of a breach of the Code of Conduct raised at a Meeting must be referred to the General Manager/CEO (or Lord Mayor if the allegation is against the General Manager/CEO) and not debated at the Meeting.
Part O Order

**Point of order**

A point of order may be raised about any procedural matter relating to the orderly conduct of the Meeting and without limitation may include:

- Councillors speaking or whispering while another Councillor is addressing the Meeting;
- verbal interjections;
- failure to abide by the provisions of the Code;
- discourtesy to fellow Councillors during a Meeting;
- exceeding time limits without the agreement of the Meeting;
- addressing the Meeting without the permission of the Chairperson; or
- any actions or comments that could be considered to be a breach of the Code of Conduct.

A Councillor who claims that another person is out of order may call the attention of the Chairperson to the matter.

The Chairperson may, without the intervention of any Councillor, call a person to order if, in the opinion of the Chairperson, it is necessary to do so.

The Chairperson must rule on a point of order immediately after it is raised but, before doing so, may invite the opinion of the Meeting by without limitation:

- providing Councillors with an opportunity to express their view on the point of order; or
- providing Councillors with an opportunity to indicate, by open means (such as by voices or show of hands), whether they believe the behaviour or matter raised is out of order.

The Chairperson's ruling on a point of order must be obeyed unless a motion disentitling from the ruling is passed.

**Act of disorder**

A Councillor commits an act of disorder if the Councillor at a Meeting:

- contravenes the Act or Regulation;
- assaults or threatens to assault another Councillor or person present at the Meeting;
- moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Meeting or addresses or attempts to address the Meeting on such a motion, amendment or matter;
- insults or abuses any other Councillor or person;
- makes personal reflections on or implies improper motives to any other Councillor or person;
- says or does anything that is inconsistent with maintaining order at the Meeting or is likely to bring the Council or Committee of Council into contempt; or
- disturbs the orderly conduct of a Meeting.

The Chairperson must rule on an act of disorder immediately after it is raised but, before doing so, may invite the opinion of the Meeting by without limitation.

Code of Meeting Practice – Version 5 27 March 2018
76.2.77.2.1 providing Councillors with an opportunity to express their view on the act of disorder; or
76.2.77.2.2 providing Councillors with an opportunity to indicate, by open means (such as by voices or show of hands), whether they believe the behaviour or matter raised is an act of disorder.
76.3.77.3. If a Councillor has committed an act of disorder, the Chairperson must request the Councillor to:
76.3.77.3.1 apologise without reservation for the act of disorder;
76.3.77.3.2 withdraw a motion or an amendment which is an act of disorder; and/or
76.3.77.3.3 retract the act of disorder.
76.4.77.4 If an act of disorder occurs at a Meeting, the Chairperson may adjourn the Meeting for a period of not more than 15 minutes. When the Meeting is reconvened after the adjournment, the Meeting must, on a question put by the Chairperson, decide whether to proceed with the Meeting. The motion to proceed with the Meeting is a Procedural Motion.
76.5.77.5 The Chairperson's ruling on an act of disorder must be obeyed unless a motion dissenting the ruling is passed.

77.78 Expulsion from a Meeting
77.78.1 A Councillor or any other person may be expelled from a Meeting by resolution of the Meeting (any Councillor may move a motion) for:
77.78.1.1 committing an act of disorder under section 77.78; and
77.78.1.2 failing to comply with a direction of the Chairperson pursuant to section 77.73.
78.1 Any other person may be expelled from a meeting by resolution (a Councillor may move a motion) of the Meeting.
77.2.1 A Councillor or any other person may be expelled from a Meeting by:
77.2.1.1 by the Chairperson if the Meeting has by resolution authorised the Chairperson to exercise the power of expulsion.
77.2.2 A Councillor may move a motion to expel a Councillor or any other person from a Meeting.
77.2.3 A Meeting may by resolution readmit a Councillor or any other person who was expelled at an earlier part of the Meeting. Such motion may be moved by a Councillor.
77.2.4 The expulsion of a Councillor from the Meeting does not prevent any other action from being taken against the Councillor for the act of disorder.
77.2.5.5 A motion to expel or readmit a Councillor is a Procedural Motion.

78.79 Removal of persons after expulsion
78.1.1 The Chairperson may order the removal of a Councillor or any other person if they fail to leave the place where a Meeting is being held after being expelled from the Meeting.
78.2.1.2 If a Councillor or any other person fails to leave the place where the Meeting is being held after being expelled from a Meeting, a police officer may, or any person authorised for the purpose by Council, the Committee of Council or the General
Censure

79.1.1 Council may by resolution formally censure a Councillor for misbehaviour. Such a formal censure resolution may only be passed if Council is satisfied that the Councillor has misbehaved on one or more occasions.

79.3.1 A formal censure resolution may not be passed except by a motion to that effect of which notice has been given in accordance with section 18.4.

79.3.3 Council must specify in the formal censure resolution the grounds on which it is satisfied that the Councillor should be censured.

79.4.4 A motion for a formal censure resolution may, without limitation, be moved on the report of a Committee of Council or Advisory Committee, and any such report must be recorded in the minutes of the Meeting.

Suspension

80.1.1 Where a Councillor's behaviour has:

80.1.1.1 been disruptive over a period, and involved more than one incident of misbehaviour during that period, and the pattern of behaviour during that period is of such a sufficiently serious nature as to warrant the Councillor's suspension; or

80.1.2 involved one incident of misbehaviour that is of such a sufficiently serious nature as to warrant the Councillor's suspension.

81.1.3 Council may by resolution initiate the process for suspension of the Councillor under the Act.
Part P Committees of the Council

Establishment

84.182.1 Council may, by resolution, establish such Committees of the Council as it considers necessary.

84.182.2 Council may delegate any of its functions to a Committee of Council other than those functions identified in section 377 of the Act.

84.182.3 Council must specify the functions of each Committee of Council on establishing that Committee. Council may from time to time amend those functions.

84.182.4 The Meeting cycle for any Committee of Council will be determined from time to time by resolution of Council or the Committee of Council.

Membership

82.258.1 A Committee of Council is to consist of the Lord Mayor and such other Councillors as are elected or appointed by Council.

82.258.2 A Councillor ceases to be a member of a Committee of Council if the Councillor (other than the Lord Mayor):

82.258.2.1 has been absent from three consecutive Meetings of the Committee of Council without providing reasons acceptable to the Committee of Council for the member’s absences; or

82.258.2.2 has been absent from at least half of the Meetings of the Committee of Council during the immediately preceding calendar year without providing the Committee of Council acceptable reasons for the member’s absences.

82.258.3 This section does not apply if all Councillors are members of the Committee of Council.

Attendance

83.184.1 A Councillor who is not a member of a Committee of Council is entitled to attend and speak at a Meeting of the Committee of Council.

83.184.2 A Committee of Council may by resolution permit a Councillor who is not a member of the Committee to give notice of business for inclusion in the Business Papers of the next Meeting of the Committee.

Voting

84.185.1 A Councillor who is not a member of the Committee of Council is not entitled to:

84.185.1.1 move or second a motion at Committee of Council Meeting; or

84.185.1.2 vote at the Committee of Council Meeting.

Recommendations

84.185.1 Council may consider the recommendations contained in a report of a Committee of Council either separately or concurrently.

86.2 The recommendations of a Committee of Council are, so far as adopted by the Council, resolutions of Council.

Code of Meeting Practice – Version 5: 27 March 2018
CITY OF NEWCASTLE

Ordinary Council Meeting 27 March 2018

Page 103

Part Q Advisory Committees

8687 Council May Establish Advisory Committees

86.487.1. Council may by resolution establish such Advisory Committees as it considers necessary. The resolution must include the adoption of a constitution constituting document (such as a Charter) and Meeting schedule governing the Advisory Committee's operations including membership and terms of reference.

86.487.2. The provisions of the Code do not apply to the operation or Meeting procedure of Advisory Committees.

86.487.3. Council may by resolution request that an Advisory Committee create a working party to consider a particular issue or undertake a particular activity.

8788 Recommendations of Advisory Committees

87.488.1. An Advisory Committee must submit reports to Council or a Committee of Council in accordance with the Advisory Committee's constitution constituting document but not less than annually.

87.488.2. Council or a Committee of Council may consider the recommendations contained in a report of an Advisory Committee either separately or all concurrently.

88.3. The recommendations of an Advisory Committee are, so far as adopted by the Council (or a Committee of Council), resolutions of the Council (or a Committee of Council).
Part R Briefings and Workshops

<table>
<thead>
<tr>
<th>8886 Briefings</th>
</tr>
</thead>
<tbody>
<tr>
<td>88.489.1 The General Manager/CEO may schedule Briefings for any Meeting.</td>
</tr>
<tr>
<td>88.489.2 Council or any Committee of Council (insofar as it is delegated the authority to do so) may by resolution request that the General Manager/CEO schedule a Briefing on an issue. Such resolution must include a clear statement about the subject of the requested Briefing.</td>
</tr>
<tr>
<td>88.489.3 As they constitute part of a Meeting, all Briefings are open to the public except those Briefings which are by resolution closed to the public in accordance with Part G.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>8899 Workshops</th>
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<tr>
<td>89.490.1 The General Manager/CEO may schedule Workshops and invite all Councillors to attend.</td>
</tr>
<tr>
<td>89.490.2 Council or any Committee of Council (insofar as it is delegated the authority to do so) may by resolution request that the General Manager/CEO schedule a Workshop. The resolution must include a clear statement about the subject of the requested Workshop.</td>
</tr>
<tr>
<td>89.490.3 Workshops must not be used for detailed or advanced discussions where agreement is reached and/or a decision is made. No agreement will be sought from Councillors at Workshops.</td>
</tr>
<tr>
<td>89.490.4 Workshop briefing papers will contain information but no recommendations. Workshop briefing papers will be made available to all Councillors irrespective of whether they are in attendance at the Workshop.</td>
</tr>
<tr>
<td>89.490.5 All Workshops are closed to the public except those Workshops (or parts of the Workshop) which are opened to the public by resolution of Council or a Committee of Council (insofar as it is delegated the authority to do so) or the General Manager/CEO.</td>
</tr>
<tr>
<td>89.4 The provisions of the Code (except this Part) do not apply to the operation of the Meeting procedure of Workshops. Meeting procedures at Workshops will be agreed between the Workshop convenor and the participants.</td>
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</tbody>
</table>
ITEM-25  CCL 27/03/18 - BERESFIELD SWIMMING CENTRE UPDATE

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

PURPOSE

To report on the investigation into potential upgrades to Beresfield Swimming Centre (BSC) including but not limited to additional shading, additional shaded seating, children’s water activities and water park.

RECOMMENDATION

1 Council allocate funds within the 2018/2019 budget for additional shade and seating, and the replacement of three giant inflatables at Beresfield Swimming Centre.

KEY ISSUES

2 BSC provides recreational services to a catchment area including Beresfield and Tarro in the Newcastle Local Government Area (LGA) and Woodberry and Thornton in the adjoining Maitland LGA.

3 Assessment of facilities at BSC found that there are opportunities to provide additional seating and shade (Attachment A). Further, the existing children’s play giant inflatables used for water activities were identified for replacement. The main inflatable has failed and was decommissioned in early January 2018. The remaining two inflatables are nearing the end of useful life. The cost of the proposed improvements and inflatables is $44,200 excluding GST.

4 Initial estimates for water parks (water play area) vary greatly depending on size and activities but are in the order of $500,000 to $2m. There may be an option to develop a water park by repurposing the existing ‘babies’ pool to a zero depth facility. Industry standards in relation to water safety suggest that the current water levels of this pool are too deep for the addition of play facilities and extensive rework would be required. Further work would be required to progress this option.

5 The 'babies' pool is well used and at this stage the level of community support for the repurposing of this facility is not known.

6 A dry playground was constructed in 2008.

7 At present no inland pools in the Newcastle LGA, with the exception of Lambton provide water parks. Lambton is the regional level facility and has significantly higher usage with an attendance of 191,330 in 2016/2017. BSC usage for the same period was 44,275.
8 The Newcastle City Council Aquatic Centre's Strategic Condition and Planning Assessment Report dated August 2017 (The Report) has identified significant renewal work required at all five inland pools to maintain the current level of service.

9 BSC is approximately 50 years old and consists of 210 maintainable assets that have an estimated replacement value of approximately $5.9m. The Report states that approximately 60% of these assets have exceeded their useful life and are at a very high (43%) or high (15%) business risk of failure. The estimated replacement cost of these assets alone exceeds $2.5m. The report concludes that renewal work required at BSC between 2017 and 2035 is approximately $6m.

10 Officers are preparing an Aquatic Strategy for Council's five inland pools.

FINANCIAL IMPACT

11 Provision of the proposed additional seating and shade facilities, and replacement of the three giant inflatables will cost approximately $44,200 excluding GST. These works are currently unfunded.

COMMUNITY STRATEGIC PLAN ALIGNMENT

12 This project aligns with two Community Strategic Plan strategies:

   i) 3.3c Increase opportunities for active and passive recreational use of the city's parks, inland pools and Blackbutt Reserve through the provision of attractive, safe and accessible spaces and amenities.

   ii) 4.2a Ensure the community has access to needed services and facilities, particularly those most in need.

IMPLEMENTATION PLAN/IMPLICATIONS

13 It is anticipated that this project would be undertaken during the 2018/2019 financial year, if approved by Council.

RISK ASSESSMENT AND MITIGATION

14 Development of a water park at BSC would increase operational costs including increased maintenance and renewal costs.

15 BSC is a local level facility. The appropriate level of infrastructure development for local level pools has not been quantified. Potential overdevelopment of new infrastructure at local community pools may have ongoing financial impacts including deferment of renewal works.

16 To mitigate these risks, it is recommended that infrastructure development standards be established for local pools in conjunction with the Aquatic Strategy.
RELATED PREVIOUS DECISIONS

17 At the Ordinary Council Meeting of 24 October 2017 Council considered a Notice of Motion and resolved to:

1 Amend the operating hours of the Beresfield Swimming Centre (BSC) for the 2017/2018 season to:

<table>
<thead>
<tr>
<th>Period</th>
<th>Mon - Sun</th>
<th>Sat - Sun</th>
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<tbody>
<tr>
<td>23 September 2017 to 29 October 2017</td>
<td>6am - 6pm</td>
<td>6am - 6pm</td>
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<tr>
<td>30 October 2017 to 18 March 2018</td>
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<td>6am - 7pm</td>
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<tr>
<td>19 March 2018 to 29 April 2018</td>
<td>6am - 6pm</td>
<td>6am - 6pm</td>
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</tbody>
</table>

with associated costs to be addressed through the Quarterly Budget Review process.

2 Implement the changes in operating hours at BSC as soon as possible and notify relevant stakeholders.

3 Investigate upgrades to BSC including but not limited to additional shading, additional shaded seating, children’s water activities, a water park and report back to Council.

CONSULTATION

18 Consultation has occurred with staff at the facility.

OPTIONS

Option 1

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

Option 2

20 Do nothing. This is not the recommended option.
BACKGROUND

21 BSC is 40 years old and requires renewal investment to maintain the current level of service.

22 A number of minor improvements have occurred since its construction including shade, pool inflatables, solar heating and a dry playground.

23 BSC opens approximately 30 weeks of the year, from the start of the September school holiday period to the end of the April school holiday period.

REFERENCES

ATTACHMENTS

Attachment A: Proposed additional shade and seating plan
Beresfield Swimming Centre

Key

- Yellow: 3 proposed new shade structures (see also photos 1 & 2)
- Green: 4 proposed new Picnic tables under shade at deep end & near dry playground (see photos 3 & 4)
- Blue: 3 proposed new Extra bench seats (like what you can see in photo 2)
- Grey: New Shade installed in 2017 not shown (see the newly installed shade in photo 2)
- Red: Proposed new weather proof awning 15m x 1.5m
ITEM-26 CCL 27/03/18 - SUMMERHILL WASTE MANAGEMENT CENTRE PROPOSED FEES AND CHARGES 2018/19

REPORT BY: INFRASTRUCTURE
CONTACT: DIRECTOR INFRASTRUCTURE / MANAGER WASTE MANAGEMENT

PURPOSE
To seek Council approval to place on public exhibition proposed changes to Council's Waste Management Fees and Charges for 2018/19.

RECOMMENDATION
1 Council endorses the draft amended 2018/2019 commercial Schedule of Fees and Charges for Waste Management collection, disposal and associated services at Attachment A being placed on public exhibition for 28 days.

2 Council approve the adoption of the 2018/2019 commercial Schedule of Fees and Charges for Waste Management collection, disposal and associated services at Attachment A, if no significant adverse submissions are received during the public exhibition period. If significant adverse comments are received then a further report to Council seeking approval will be required at the end of the public exhibition period.

KEY ISSUES
3 The Schedule of Fees and Charges once adopted will need to be implemented by 1 July 2018. Adopting the Schedule of Fees and Charges before 1 June 2018 will allow Council time to provide sufficient notification to commercial and internal customers and provide educational materials to residents within the domestic ‘waste calendar’. Adopting the Schedule of Fees and Charges prior to the Council’s Delivery and Operational Plan and overall Fees and Charges avoids last minute uncertainty in customers’ budgets and reduces potential conflict at the Summerhill Weighbridge.

4 External influences and legislative changes (particularly environmental compliance) continue to have a direct financial impact on waste management activities. These drivers continue to significantly contribute to the cost of waste management, the landfill Waste Levy alone is expected to be $141.00 per tonne for 2018/19. These external drivers and annual Consumer Price Index increases form the basis for cost increases in the proposed Schedule of Fees and Charges.

5 The adoption of a wider range of products and recycling incentives in the Schedule of Fees and Charges continues to be popular and has encouraged source separation of recyclable materials. This range of options has been continued in the 2018/19 Schedule of Fees and Charges with most recycling options having no increase in 2018/19.
6 Council sometimes considers it appropriate to waive, reduce or negotiate these fees in cases of hardship or to support charitable organisations or to attract commercial waste. This is permissible under section 610E of the Local Government Act 1993 (NSW):

(1) A Council may waive payment of, or reduce, a fee (whether expressed as an actual or a maximum amount) in a particular case if the Council is satisfied that the case falls within a category of hardship or any other category in respect of which the council has determined payment should be so waived or reduced.

(2) However, a Council must not determine a category of cases under this section until it has given public notice of the proposed category in the same way as it is required to give public notice of the amount of a proposed fee under section 610F (2) or (3).

7 The proposal includes the ability to waive or reduce fees in categories for hardship and not for profit and/or charitable organisations. The proposal includes a delegation to the Chief Executive Officer (or delegate) to determine appropriate waiver, reductions or negotiation in fees after a set of criteria have been applied to each category.

8 It is appropriate that Council is able to consider waiving or reducing fees and charges in circumstances where Council is satisfied that the payment of the fee would cause a person genuine financial hardship, having regard to the principles of social justice, equity and fairness.

9 Council, through its Community Assistance Plan, (CAP) can provide support for charitable organisations, which typically undertake resource recovery and recycling activity yet still need to dispose their residual waste to landfill.

FINANCIAL IMPACT

10 It is expected that the changes in the structure and methodology behind the incentives for recycling will maintain the overall financial performance of the Summerhill Waste Management Centre by way of sales revenue, reduction in levy payments and the preservation of available landfill void space.

11 The total amount of any fees waived or reduced because of hardship is anticipated to be small and have minimal impact on overall revenues.

12 The CAP will fund (up to approximately $100,000) for eligible not for profit charities. The application of this assistance is strictly controlled to ensure funds are available to a wide range of charities and not for profit organisations.
COMMUNITY STRATEGIC PLAN ALIGNMENT

13 The recommendation aligns with following Community Strategic Plan directions:

i) 2.1a Improve waste minimisation and recycling practices in homes, workplaces, development sites and public places”.

ii) 4.1a Provide support to community organisations to improve their ability to plan and deliver appropriate and accessible services to the community”.

iii) 7.4b Ensure long term financial sustainability through short, medium and long term financial planning”.

IMPLEMENTATION PLAN/IMPLICATIONS

14 The Schedule of Fees and Charges is required to be adopted by Council at the latest, by 31 May 2018 following a 28 day public exhibition period. A delay in endorsement of this report will impact on the time available to collate and incorporate any community feedback to ensure adoption of the final report by the deadline and, the subsequent publication and promotion of the Waste Management Schedule of Fees and Charges prior to the deadline.

15 Council will write to all account customers notifying the amended fees, a notice will be displayed at Summerhill detailing the Schedule of Fees and Charges and implementation date and the adopted fees and charges will be incorporated into the residents ‘waste calendar’ along with other educational items regarding recycling and waste management.

16 Eligibility for Hardship and Not for Profit Charitable Categories will be determined through a strictly controlled application and assessment process.

RISK ASSESSMENT AND MITIGATION

17 Adopting the Waste Management Schedule of Fees and Charges at least a month before implementation will reduce the risk of adverse reaction at the weighbridge, improve customer relationship management and, allow the timely printing and distribution of the waste calendar.

RELATED PREVIOUS DECISIONS

18 At the Ordinary Council Meeting held on 14 March 2017 Council adopted the 2017/18 Waste Management Schedule of Fees and Charges. No comments were received and therefore the Schedule of Fees and Charges were adopted with no further report to Council required.

CONSULTATION

19 Both commercial and residential users of Summerhill have expressed the need for better publication and promotion of waste fees prior to implementation.
Consultation has been, and continues to be, undertaken with Summerhill Waste Management Centre's major clients. Commercial waste producers and purchasers of recovered materials require the ability to approach each waste or product stream with pricing that reflects the type of material and quantity required. Pricing also needs to consider items such as vehicle types, timescales for delivery, quantity per day, site resources required, void space consumed, density of materials, site operational requirements, material composition, environmental risks and additional plant or equipment. Each of these aspects will have an impact on the cost of disposal and therefore the price charged.

**OPTIONS**

**Option 1**

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

**Option 2**

Council alters or changes the recommendations outlined in Option 1. This is not the recommended option.

**BACKGROUND**

The ongoing effect of the NSW Government's annually increasing levy imposed under Section 88 of the Protection of the Environment Operations Act 1997, will contribute to market volatility for waste disposal in NSW. Capacity is required to negotiate reductions in fees and charges for commercial bulk waste in order to achieve Council's long term financial objectives.

The Local Government Act 1993 (NSW) requires Council to have in place approved price categories and processes to manage and support the waiver or reduction of fees and charges on the grounds of hardship and other categories.

If no significant adverse submissions are received during the public exhibition period (as at Paragraph 2) confirmation will be provided to Councillors by memo.

**REFERENCES**

**ATTACHMENTS**

Attachment A: Draft Amended Schedule of Fees and Charges for Summerhill Waste Management Centre 2018/19
<table>
<thead>
<tr>
<th>REF.</th>
<th>FEE OR CODE</th>
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<td>Clean Concrete (No rebar - non structural, minimal reo. Max 500mm)</td>
<td>T29 per tonne M</td>
<td></td>
<td></td>
<td></td>
<td>61.00</td>
<td>61.00</td>
</tr>
<tr>
<td></td>
<td>minimum charge M</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>10.00</td>
<td>10.00</td>
</tr>
<tr>
<td></td>
<td>Clean Concrete - Structural (With rebar or significant reo. Max 500mm)</td>
<td>T29 per tonne M</td>
<td></td>
<td></td>
<td></td>
<td>71.00</td>
<td>71.00</td>
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<tr>
<td></td>
<td>minimum charge M</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>12.00</td>
<td>12.00</td>
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<tr>
<td></td>
<td>Wood - Clean, untreated</td>
<td>T29 per tonne M</td>
<td></td>
<td></td>
<td></td>
<td>193.00</td>
<td>193.00</td>
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<td></td>
<td>minimum charge M</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>33.00</td>
<td>33.00</td>
</tr>
<tr>
<td></td>
<td>Recyclables - Separated (Domestic Dry Clean Card, Paper, Bottles, Cans)</td>
<td>T29 per tonne M</td>
<td></td>
<td></td>
<td></td>
<td>51.00</td>
<td>51.00</td>
</tr>
<tr>
<td></td>
<td>minimum charge M</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>9.00</td>
<td>9.00</td>
</tr>
<tr>
<td></td>
<td>Recyclables - Mixed (Domestic Dry Clean Card, Paper, Bottles, Cans)</td>
<td>T29 per tonne M</td>
<td></td>
<td></td>
<td></td>
<td>112.00</td>
<td>112.00</td>
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<tr>
<td></td>
<td>minimum charge M</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>19.00</td>
<td>19.00</td>
</tr>
<tr>
<td></td>
<td>Scrap Metal (Whitgoods - exc fridges, car parts, bikes, steel, Aluminium)</td>
<td></td>
<td>M</td>
<td>N/A</td>
<td></td>
<td>Free</td>
<td>Free</td>
</tr>
<tr>
<td></td>
<td>Community Recycling Centre - Residential Household Hazardous &amp; Problem Waste (core materials)</td>
<td>T29</td>
<td>M</td>
<td>N/A</td>
<td></td>
<td>Free</td>
<td>Free</td>
</tr>
<tr>
<td></td>
<td>Electrical Waste (TV's, Computers, Printers/Scanners, Fans, Phones, VCR's, DVD Players, Radios/Stereos, Power Tools, Kitchen Appliances, Vacuum Cleaners, Heaters etc.)</td>
<td>Household only</td>
<td>M</td>
<td>N/A</td>
<td></td>
<td>Free</td>
<td>Free</td>
</tr>
<tr>
<td></td>
<td>Electrical Waste (TV's, Computers, Printers/Scanners, Fans, Phones, VCR's, DVD Players, Radios/Stereos, Power Tools, Kitchen Appliances, Vacuum Cleaners, Heaters etc.)</td>
<td>Commercial Customers</td>
<td></td>
<td></td>
<td></td>
<td>210.00</td>
<td>210.00</td>
</tr>
</tbody>
</table>
### The following charges will be in addition to tonnage charge if included in mixed load

**Tyres:**
- Small - Off Rim: T29 each M 10% 14.00 14.00
- Small - On Rim: T29 each M 10% 24.00 24.00
- Medium - Off Rim: T29 each M 10% 19.50 19.50
- Medium - On Rim: T29 each M 10% 31.00 31.00
- Large - Off Rim: T29 each M 10% 32.00 32.00
- Large - On Rim: T29 each M 10% 37.50 37.50

**Mattresses:**
- Single/Double: T30 each F GST Free 35.00 35.00
- Queen/King: T30 each F GST Free 41.00 41.00
- Batteries - Lead Acid (dry cell batteries - Free): T30 each F GST Free 10.00 10.00
- Gas Bottles: T30 each F GST Free 25.00 25.00

**Fridges:**
- Gassed: T30 each F GST Free 35.00 35.00
- Degassed: T30 each F GST Free 16.00 16.00

### I24 Product List - Materials for Sale (grades and sizes available on enquiry)

<table>
<thead>
<tr>
<th>REF.</th>
<th>FEE OR CHARGE</th>
<th>RECEIPT CODE</th>
<th>DESCRIPTION</th>
<th>PRICING POLICY</th>
<th>GST FEE OR CHARGE</th>
<th>GST INCLUSIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>T29</td>
<td>Recycled Concrete Aggregate various sizes, from per tonne</td>
<td>M 10%</td>
<td>42.00 35.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>minimum charge</td>
<td>M 10%</td>
<td>20.00 20.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>T29</td>
<td>Crushed Rock Aggregate various sizes, from per tonne</td>
<td>M 10%</td>
<td>35.00 35.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>minimum charge</td>
<td>M 10%</td>
<td>19.00 20.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>T29</td>
<td>Sandstone Rocks - Various Sizes per tonne</td>
<td>M 10%</td>
<td>32.00 32.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>minimum charge</td>
<td>M 10%</td>
<td>23.00 20.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>T29</td>
<td>Turf Underlay per tonne</td>
<td>M 10%</td>
<td>41.00 41.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>minimum charge</td>
<td>M 10%</td>
<td>23.00 23.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>T29</td>
<td>Ungraded General Fill - VENM per tonne</td>
<td>M 10%</td>
<td>15.50 15.50</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>minimum charge</td>
<td>M 10%</td>
<td>23.00 23.00</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Other Items**

- Hire of Frank Rigby Room
  - LGA 1993, S608
  - Full Day: T29 per day M 10% 365.00 365.00
  - Half Day: T29 per half day M 10% 165.00 165.00
  - Casual (short term internal hire attracts nil fee): T29 per hour M 10% 55.00 55.00

**Customer account reprints and enquiries (Account Customers)**
- First enquiry: T29 M N/A Free Free
- Additional enquiries: M 10% 4.00 4.00

**Customer reprints and enquiries (Other Customers)**
- All enquiries: T29 M 10% 5.00 5.00

### Notes
1. Payments made by Credit Card will attract a 0.75% (GST incl) surcharge
2. Some or all of the items listed may not be available or acceptable due to operating requirements or product availability
3. Site Management reserves the right to refuse to receive and/or load vehicles at any time and/or for any reason
## WASTE AND COMMERCIAL COLLECTIONS

### Garbage Fees

<table>
<thead>
<tr>
<th>REF.</th>
<th>FEE OR CHARGE</th>
<th>RECEIPT CODE</th>
<th>DESCRIPTION</th>
<th>PRICING POLICY</th>
<th>GST Inclusive</th>
<th>FEE OR CHARGE GST Inclusive Rounded</th>
</tr>
</thead>
<tbody>
<tr>
<td>125</td>
<td>Garbage Fees</td>
<td>LGA 1993, S608</td>
<td>Wheeler Container Service - 140 litre residual waste - KERBSIDE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>140 litre ) Mon-Fri - 1 to 4 weekly services</td>
<td>T30 per annum</td>
<td>F GST Free</td>
<td>545.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>140 litre ) Mon-Fri - 5 to 8 weekly services</td>
<td>T30 per annum</td>
<td>F GST Free</td>
<td>527.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>140 litre ) Mon-Fri - 9 and over</td>
<td>T30 per annum</td>
<td>F GST Free</td>
<td>517.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Saturday &amp; Sunday</td>
<td>T30 per annum</td>
<td>F GST Free</td>
<td>612.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Wheeler Container Service - 240 litre residual waste - KERBSIDE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>240 litre ) Mon-Fri - 1 to 4 weekly services</td>
<td>T30 per annum</td>
<td>F GST Free</td>
<td>672.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>240 litre ) Mon-Fri - 5 to 8 weekly services</td>
<td>T30 per annum</td>
<td>F GST Free</td>
<td>646.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>240 litre ) Mon-Fri - 9 and over</td>
<td>T30 per annum</td>
<td>F GST Free</td>
<td>633.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Saturday &amp; Sunday</td>
<td>T30 per annum</td>
<td>F GST Free</td>
<td>834.00</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Wheeler Container Service - 660 litre residual waste - KERBSIDE</td>
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<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>660 litre service ) Mon-Fri</td>
<td>T30 per annum</td>
<td>F GST Free</td>
<td>1750.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Saturday &amp; Sunday</td>
<td>T30 per annum</td>
<td>F GST Free</td>
<td>1970.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Wheeler Container Service - 1100 litre residual waste - KERBSIDE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1100 litre service ) Mon-Fri</td>
<td>T30 per annum</td>
<td>F GST Free</td>
<td>2750.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Saturday &amp; Sunday</td>
<td>T30 per annum</td>
<td>F GST Free</td>
<td>3060.00</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Wheeler Container Service - 240 litre residual waste - KERBSIDE - UPGRADE</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Service cost for increased domestic waste bin to 240L (Upgrade from standard 140 litre bin)</td>
<td>T30 per service</td>
<td>F GST Free</td>
<td>275.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Wheeler Container Service - 240 litre greenwaste - KERBSIDE additional service</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Excess greenwaste bin (240 litre additional green waste bin, standard service day only)</td>
<td>T30 per service</td>
<td>F GST Free</td>
<td>100.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Miscellaneous</td>
<td>Cancellation fee to cover administration costs</td>
<td>T30 per cancellation</td>
<td>F GST Free</td>
</tr>
<tr>
<td>REF.</td>
<td>FEE OR CHARGE</td>
<td>RECEIPT CODE</td>
<td>DESCRIPTION</td>
<td>PRICING POLICY</td>
<td>GST</td>
<td>FEE OR CHARGE</td>
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<tr>
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<td></td>
<td></td>
<td></td>
<td>Inclusive</td>
<td></td>
<td></td>
<td>2017-2018</td>
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<td></td>
<td></td>
<td></td>
<td>Rounded</td>
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<td></td>
<td></td>
<td></td>
<td>Inclusive</td>
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<td></td>
<td></td>
<td></td>
<td>Rounded</td>
<td></td>
<td></td>
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<tr>
<td>User Pays Recycling Service - additional services</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>240 litre Recycling bin, standard service day</td>
<td>T30</td>
<td>per annum</td>
<td>F</td>
<td>GST Free</td>
<td>100.00</td>
<td>101.50</td>
</tr>
<tr>
<td>360 litre Recycling bin, standard service day</td>
<td>T30</td>
<td>per annum</td>
<td>F</td>
<td>GST Free</td>
<td>120.00</td>
<td>121.80</td>
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<tr>
<td>660 litre Recycling bin, standard service day</td>
<td>T30</td>
<td>per annum</td>
<td>F</td>
<td>GST Free</td>
<td>860.00</td>
<td>880.00</td>
</tr>
<tr>
<td>1100 litre Recycling bin, standard service day</td>
<td>T30</td>
<td>per annum</td>
<td>F</td>
<td>GST Free</td>
<td>1010.00</td>
<td>1025.15</td>
</tr>
<tr>
<td>Upgrade Standard 240 litre Recycling bin to 360 litre Recycling bin (DWMSC properties only) - admin costs</td>
<td>T30</td>
<td>one off fee</td>
<td>F</td>
<td>GST Free</td>
<td>25.00</td>
<td>25.75</td>
</tr>
<tr>
<td>Cancellation fee to cover admin costs (no refund for removal of service due to contamination)</td>
<td>T30</td>
<td>per cancellation</td>
<td>F</td>
<td>GST Free</td>
<td>65.00</td>
<td>66.95</td>
</tr>
<tr>
<td>Bulkwaste Services Kerbside (Additional to Rated Services)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pickup and disposal (up to 2 cubic metres of eligible material, collected as per the regular schedule)</td>
<td>T30</td>
<td>up to 2 cubic metres</td>
<td>F</td>
<td>GST Free</td>
<td>215.00</td>
<td>221.45</td>
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<tr>
<td></td>
<td>T30</td>
<td>per additional cubic metre</td>
<td>F</td>
<td>GST Free</td>
<td>110.00</td>
<td>113.30</td>
</tr>
<tr>
<td>Special Event Bin Hire - RESIDUAL WASTE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Delivery and removal of Bins (240 litre bins) - bins delivered to central / single location</td>
<td>T30</td>
<td>Per load up to 12 bins</td>
<td>M</td>
<td>GST 10%</td>
<td>240.00</td>
<td>247.20</td>
</tr>
<tr>
<td>Delivery and removal of Bins (660 litre &amp; 1100 litre bins) - bins delivered to central / single location</td>
<td>T30</td>
<td>Per load up to 2 bins</td>
<td>M</td>
<td>GST 10%</td>
<td>240.00</td>
<td>247.20</td>
</tr>
<tr>
<td>Service Charges of Event bins - 240 litre bin - bins emptied from kerbside location</td>
<td>T30</td>
<td>per service</td>
<td>M</td>
<td>GST 10%</td>
<td>18.90</td>
<td>19.50</td>
</tr>
<tr>
<td>Service Charges of Event bins - 660 litre bin - bins emptied from kerbside location</td>
<td>T30</td>
<td>per service</td>
<td>M</td>
<td>GST 10%</td>
<td>51.85</td>
<td>53.40</td>
</tr>
<tr>
<td>Service Charges of Event bins - 1100 litre bin - bins emptied from kerbside location</td>
<td>T30</td>
<td>per service</td>
<td>M</td>
<td>GST 10%</td>
<td>77.60</td>
<td>79.95</td>
</tr>
<tr>
<td>Special Event Bin Hire - RECYCLING</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service Charges of Event bins - 240 litre bin - bins emptied from kerbside location (inc. delivery &amp; removal)</td>
<td>T30</td>
<td>per service</td>
<td>M</td>
<td>GST 10%</td>
<td>29.25</td>
<td>29.70</td>
</tr>
<tr>
<td>Service Charges of Event bins - 360 litre bin - bins emptied from kerbside location (inc. delivery &amp; removal)</td>
<td>T30</td>
<td>per service</td>
<td>M</td>
<td>GST 10%</td>
<td>56.00</td>
<td>56.85</td>
</tr>
<tr>
<td>Service Charges of Event bins - 660 litre bin - bins emptied from kerbside location (inc. delivery &amp; removal)</td>
<td>T30</td>
<td>per service</td>
<td>M</td>
<td>GST 10%</td>
<td>57.25</td>
<td>58.10</td>
</tr>
<tr>
<td>Service Charges of Event bins - 1100 litre bin - bins emptied from kerbside location (inc. delivery &amp; removal)</td>
<td>T30</td>
<td>per service</td>
<td>M</td>
<td>GST 10%</td>
<td>64.75</td>
<td>65.75</td>
</tr>
<tr>
<td>Wheeled Container Service - Misc. Sizes and Types</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Different sizes, types and delivery methods other than those listed in this schedule</td>
<td>M</td>
<td>GST 10%</td>
<td>POA</td>
<td>POA</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Established categories for reduction or waiving of fees

Section 610E of the Local Government Act 1993 allows Council to waive payment of, or reduce a fee in a particular case if it is satisfied that the case falls within a category of hardship or any other category that Council has determined.

Council has determined that fees may be waived or reduced in the following categories:

<table>
<thead>
<tr>
<th>Category one – financial hardship</th>
<th>Council may reduce or waive fees in cases where the applicant provides evidence that the payment of the fee will impose significant financial hardship.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In determining eligibility on the basis of significant hardship, Council will:</td>
</tr>
<tr>
<td></td>
<td>1. Apply the criteria used by the Department of Human Services (Centrelink); and</td>
</tr>
<tr>
<td></td>
<td>2. Require the applicant to provide reasonable proof of financial hardship which may include details of assets, income and living expenses, and such other information required to make a valid assessment.</td>
</tr>
</tbody>
</table>

| Category two - charity | Council may reduce or waive fees in where the applicant is a registered charity and the fee is for a service that will enable the provision of charitable services to Newcastle City Council's community. |

<table>
<thead>
<tr>
<th>Category three – illness or death (library overdue charges and pool season passes/tickets only)</th>
<th>Council may reduce or waive fees in cases where the applicant provides evidence that the charge was incurred because of:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Serious illness of a customer or the customer’s immediate family member;</td>
</tr>
<tr>
<td></td>
<td>2. Serious accident involving the customer or the customer’s immediate family member;</td>
</tr>
<tr>
<td></td>
<td>3. Death of a customer or the customer’s immediate family member; and</td>
</tr>
<tr>
<td></td>
<td>In determining eligibility on the basis of illness or death, Council will require the customer to present:</td>
</tr>
<tr>
<td></td>
<td>1. Medical certificate; or</td>
</tr>
<tr>
<td></td>
<td>2. Statutory declaration.</td>
</tr>
</tbody>
</table>

Application and assessment

For the waiving or reduction of fees, applicants must apply to Council in writing (using Council's standard form). Council Officers with delegated authority will assess and make determinations on requests for the waiver or reduction of fees in accordance with the following principles:

- Compliance with relevant legislation
- Fairness, consistency and equity
- Transparency
ITEM-27 CCL 27/03/18 - 1 ORDNANCE STREET NEWCASTLE - ADOPTION OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENT PLAN 2012

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

PURPOSE

This report outlines the outcomes of the community consultation and seeks Council endorsement of the Planning Proposal to amend Newcastle Local Environmental Plan 2012 to remove from Schedule 1 the additional permitted use as a function centre and kiosk with associated car parking and landscaping at 1 Ordnance Street Newcastle.

RECOMMENDATION

1 Council resolves to:
   i) Endorse the attached Planning Proposal (Attachment A), pursuant to section 55 of the Environmental Planning and Assessment Act 1979 NSW (EP&A Act), to amend Newcastle Local Environmental Plan 2012 (LEP) in order to remove from Schedule 1 the additional permitted use as a function centre and kiosk with associated car parking and landscaping at 1 Ordnance Street Newcastle (Lot 3109 DP 755247).
   ii) Forward the planning proposal to the Department of Planning and Environment (DPE) requesting that a draft Local Environmental Plan be prepared and made pursuant to section 59(1) of the EP&A Act.
   iii) Advise the Secretary of the DPE that Council does not seek to exercise delegations for undertaking section 59(1) of the EP&A Act.

KEY ISSUES

2 In accordance with Council's previous resolution at the Ordinary Council Meeting held on 24 October 2017, Council sought Gateway determination from the Minister for Planning and Environment.

3 The Gateway determination (Attachment B) was issued on 29 November 2017. This allocated the planning proposal with identifier PP_2017_NEWCA_005_00 and identified the level of consultation required with public authorities and the community (public exhibition).

4 The outcomes of the public authority consultations are reported within the Planning Proposal (Attachment A). No objections have been raised to the Planning Proposal by the public authorities.
Planning Proposal PP_2017_NEWCA_005_00 was publicly exhibited from 22 January 2018 until 6 February 2018.

During the exhibition period Council received 166 submissions in support of the Planning Proposal and one submission objecting to the proposal.

The objection received by Council was on the basis that the land is subject to two undetermined Aboriginal Land Claims, and the proposed amendment could significantly impact on the land at a future date should it come into private ownership. The submission requested deferral of the Planning Proposal until the determination of the Aboriginal Land Claims.

Advice regarding the objection was sought from Council's Legal Services Team who confirmed that the Planning Proposal can proceed in accordance with the Gateway Determination issued by the Department of Planning and Environment.

If the Aboriginal Land Claim was successful the land would likely no longer be in public ownership. The permissible uses and relevant planning controls may be reviewed at that time subject to separate consideration by Council. As such the Planning Proposal is not considered to impact on the future use of the land as outlined in the objection received by Council.

There are no significant financial impacts in relation to finalising this Planning Proposal. The Urban Planning team will continue to progress the Planning Proposal through the formal LEP amendment process within existing operational budgets.

The preparation and processing of the attached Planning Proposal aligns with the strategic direction 'Open and Collaborative Leadership' identified within the Newcastle Community Strategic Plan 2030.

Compliance with the LEP amendment process, in particular section 57 of the EP&A Act has assisted in achieving the strategic objective to "consider decision-making based on collaborative, transparent and accountable leadership" and the identified strategy 7.2b to "provide opportunities for genuine and representative community engagement in local decision making".

The Planning Proposal was prepared having regard to the DPE's 'A guide to preparing planning proposals' and will be finalised in accordance with the DPE's 'A guide to preparing local environmental plans'.
RISK ASSESSMENT AND MITIGATION

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

15 Council has adhered with the requirements of the gateway determination issued on 29 November 2017. Further detail of the community consultation undertaken is outlined in Part 5 - Community Consultation of the Planning Proposal at Attachment A.

RELATED PREVIOUS DECISIONS

16 At the Ordinary Council Meeting held on 23 May 2017, Council resolved to prepare a Planning Proposal to amend Schedule 1 - Additional permitted uses of the Newcastle LEP 2012 by removing Item 1 Use of certain land at 1 Ordnance Street, Newcastle.

17 At the Ordinary Council Meeting held on 24 October 2017, Council resolved to endorse the Planning Proposal to commence the statutory process to amend the Newcastle LEP 2012.

CONSULTATION

18 The Planning Proposal was exhibited for 14 days from 22 January 2018 to 6 February 2018, as required by the DPE Gateway Determination.

19 One submission was received objecting to the proposal and 166 submissions were received in support of the proposal. Of the submissions in support of the proposal, the majority were a form response requiring only the addition of the name and address of the submittor.

20 The issues raised in the submission objecting to the proposal have been discussed in the 'Key Issues' section of the report.

OPTIONS

Option 1

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

Option 2

22 Council not proceed with the Planning Proposal. This is not the recommended option.
BACKGROUND

23 At the Ordinary Council Meeting held on 10 November 2011 Council approved DA 2010/1735 for a function centre, kiosk and associated car parking and landscaping at 1 Ordnance Street, Newcastle.

24 On 11 May 2015 the Land and Environment Court ruled that the plan of management prepared by the Department of Lands for the King Edward Park Headland Reserve, which permitted the function centre, was invalid and that the development of the land for this purpose was therefore not permissible.

25 Friends of King Edward Park presented to Councillors at the Public Voice Committee on 20 June 2017, supporting Council's resolution of 23 May 2017 to prepare a Planning Proposal to remove the use of the site as a function centre from Schedule 1 of the Newcastle LEP 2012. As part of the presentation, Friends of King Edward Park suggested that Council write to the Planning Minister requesting the LEP amendment be made following the expedited process allowed under Section 73A of the EP&A Act.

26 Council staff wrote to the Planning Minister requesting advice on whether the Minister would consider amending the LEP under Section 73A of the EP&A Act. The Planning Minister advised that Section 73A was only for use in minor amendments and was not appropriate to use in this instance. A planning proposal was subsequently prepared by Council.

27 The Planning Proposal endorsed by Council at the Ordinary Council Meeting held on 24 October 2017 was submitted to the DPE on 2 November 2017. A Gateway Determination was issued by the DPE on 29 November 2017.

REFERENCES

ATTACHMENTS

Attachment A: Planning Proposal to Amend Newcastle LEP 2012 - remove from Schedule 1 the additional permitted use as a function centre and kiosk with associated car parking and landscaping at 1 Ordnance Street Newcastle (Lot 3109 DP 755247)

Attachment B: Gateway Determination
PLANNING PROPOSAL

1 Ordnance Street Newcastle

Version 3.0 - Adoption

March 2018

For enquiries please call 4974 2881.

For more information visit:
www.newcastle.nsw.gov.au
CONTENTS

Introduction .................................................................................................................. 1
Summary of proposal ................................................................................................... 1
Background ................................................................................................................. 1
Site.............................................................................................................................. 1
Part 1 - Objectives or intended outcomes ................................................................. 4
Part 2 - Explanation of provisions ............................................................................ 4
Part 3 - Justification .................................................................................................. 5
  Section A - Need for the planning proposal ......................................................... 5
  Section B - Relationship to strategic planning framework ......................... 6
  Section C - Environmental, social and economic impact .......................... 11
  Section D - State and Commonwealth interests ....................................... 14
Part 4 - Mapping ..................................................................................................... 15
Part 5 - Community consultation ............................................................................ 16
Part 6 - Project timeline ......................................................................................... 17
Introduction

This planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (NSW). It explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making the plan.

‘A guide to preparing planning proposals’ has been used to guide and inform the preparation of this planning proposal.

The planning proposal may evolve over time due to various reasons, such as feedback during exhibition. It will be updated at key stages in the plan making process.

Summary of proposal

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Amend Schedule 1 to remove the additional permitted use as a function centre and kiosk with associated car parking and landscaping.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Details</td>
<td>Lot 3109 DP 755247, 1 Orndance St Newcastle</td>
</tr>
<tr>
<td>Applicant Details</td>
<td>Newcastle City Council</td>
</tr>
</tbody>
</table>

Background

The additional permitted use for a function centre and kiosk at 1 Orndance Street, Newcastle, was included in Schedule 1 at the time the Newcastle Local Environmental Plan 2012 (LEP) was gazetted. This was to ensure that uses permitted under the previous LEP (2003) were still permitted by the new LEP 2012.

Subsequent court proceedings successfully challenged the validity of the use of the land for a function centre. It is therefore considered that the use should no longer remain on Schedule 1.

Site

The proposal relates to land at Lot 3109 DP 755247, 1 Orndance St Newcastle, which is a 0.65 ha part of the larger King Edward Park. The site is located within the north eastern corner of King Edward Park. It has frontage to Orndance Street to the north, York Drive and Reserve Road to the west, Shortland Esplanade and the Pacific Ocean are located directly to the east (see Figure 1 Local context of the site).

The site is zoned RE1 Public Recreation and is located within The Hill Heritage Conservation Area (see Figure 2 Aerial view of the site).

The topography of the site is generally flat, but the land immediately to the east slopes downwards towards the ocean and to King Edward Park to the south. The site has previously been used as a bowling club and although there are no longer any buildings on the site, the ‘Newcastle City Bowling Club Memorial Gates and Fence Piers’ remain in a prominent position. The gates and piers are listed on the Commonwealth Heritage list (non-statutory) and the site
has been nominated for listing on the State Heritage Register, as part of the larger King Edward Park. There is no significant vegetation on the site.

Figure 1 - Local context of the site
Figure 2 - Aerial view of the site

Figure 3 - 1 Ordinance Street with the 'Newcastle City Bowling Club Memorial Gates and Fence Piers' along the northern boundary
Part 1 - Objectives or intended outcomes

To amend the Newcastle Local Environmental Plan 2012 to remove the additional permitted use of a function centre and kiosk at 1 Ordnance St Newcastle.

Part 2 - Explanation of provisions

The proposed outcome will be achieved by amending schedule 1 of the Newcastle Local Environmental Plan 2012 by deleting item 1 which states:

1 Use of certain land at 1 Ordnance Street, Newcastle

(1) This clause applies to land at 1 Ordnance Street, Newcastle, being Lot 3109, DP 755247
(2) Development for the purpose of a function centre and kiosk with associated car parking and landscaping is permitted with development consent.

There are no changes required to the LEP maps.
Part 3 - Justification

Section A - Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is a result of a decision of the Land and Environment Court [NSW LEC 40089 of 2012] that found that the plan of management prepared by the Department of Lands for the King Edward Park Headland Reserve was invalid and that the development of the land for the purposes of 'function centre' was not permissible, as it was not authorised by a valid plan of management.

Background

In June 2012 the Newcastle LEP 2012 was gazetted consistent with the standard LEP template. Council converted the Newcastle Local Environmental Plan 2003 into the standard LEP format under a "best match" approach and endeavoured to keep land use tables consistent so that there was no change in prohibited or permissible uses as a result of the conversion to the LEP standard template.

The 6(a) Open Space and Recreation Zone in Newcastle Local Environmental Plan 2003 permitted with consent 'any development allowed by a plan of management under the Local Government Act 1993 or Crown Lands Act 1989'.

Council could not transfer this provision into the Standard LEP land use table. In order to ensure that uses permitted under the Newcastle Local Environmental Plan 2003 remained permissible under the new LEP, the use for a function centre was placed in Schedule 1 as an additional permitted use.

On 10 November 2011 Council approved DA 2010/1735 for a function centre, kiosk and associated car parking and landscaping at 1 Ordnance Street, Newcastle.

On 11 May 2015 the Court released its decision that the plan of management prepared by the Department of Lands for the King Edward Park Headland Reserve was invalid and that the development of the land for the purposes of 'function centre' was not permissible as it was not authorised by a valid plan of management.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, amending the Newcastle LEP 2012 is considered the best means of achieving the objectives of the planning proposal.
Section B - Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Hunter Regional Plan 2036

The Hunter Regional Plan 2036 is the NSW government’s plan to guide land use planning and infrastructure priorities and decisions over the next 20 years. The plan identifies regionally important natural resources, transport networks and social infrastructure and provides a framework to guide more detailed land use plans, development proposals and infrastructure funding decisions. The plan includes overarching directions, goals and actions as well as specific priorities for each local government area in the Hunter region.

The planning proposal is consistent with Goal 3 - Thriving Communities, in particular Direction 18: “Enhance access to recreational facilities and connect open spaces”.

4. Is the planning proposal consistent with a council’s local strategy or other local strategic plan?

Newcastle 2030 Community Strategic Plan

The Newcastle Community Strategic Plan (CSP) reflects the community’s vision for the city and is Council’s guide for action. It contains the strategies to be implemented and the outcomes that will indicate achievement of the defined goals. Council adopted the Newcastle 2030 Community Strategic Plan in February 2011. It was revised and updated in 2013. The following relevant strategic directions and their objectives from the Newcastle CSP are addressed in relation to this planning proposal.

Open and Collaborative Leadership

The planning proposal primarily aligns with the strategic direction ‘Open and Collaborative Leadership’ identified within the Newcastle 2030 Community Strategic Plan.

Compliance with the LEP amendment process, in particular section 57 – Community Consultation of the EP&A Act 1979, will assist in achieving the strategic objective to “Consider decision-making based on collaborative, transparent and accountable leadership” and the identified strategy 7.2b to “Provide opportunities for genuine and representative community engagement in local decision making”.
Local Planning Strategy

The Local Planning Strategy (LPS) is a comprehensive land use strategy to guide the future growth and development of Newcastle. The Strategy implements the land use directions from the Newcastle 2030 Community Strategic Plan and underpins the Newcastle Local Environmental Plan 2012. The Strategy was adopted by Council in 2015. It has not yet been endorsed by the Secretary of the Department of Planning and Environment.

A specific action of the LPS for recreation land is to ensure that permissible land uses are consistent with the zone directions. Preliminary advice from the NSW Department of Industry - Lands suggests that the current RE1 - Public Recreation zone provides a sufficient range of land uses for any future development on the site.
5. *Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?*

An assessment of the planning proposal against the relevant SEPPs is provided in the table below.

**Table 1 - Consideration of State Environmental Planning Policies**

<table>
<thead>
<tr>
<th>Name of SEPP</th>
<th>Applicable</th>
<th>Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPP No. 1 - Development Standards</td>
<td>No</td>
<td></td>
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<tr>
<td>SEPP No. 14 - Coastal Wetlands</td>
<td>No</td>
<td></td>
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<tr>
<td>SEPP No. 21 - Caravan Parks</td>
<td>No</td>
<td></td>
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<tr>
<td>SEPP No. 26 - Littoral Rainforests</td>
<td>No</td>
<td></td>
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<tr>
<td>SEPP No. 30 - Intensive Agriculture</td>
<td>No</td>
<td></td>
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<tr>
<td>SEPP No. 33 - Hazardous and Offensive Development</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP No. 36 - Manufactured Home Estates</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP No. 44 - Koala Habitat Protection</td>
<td>Yes</td>
<td>The SEPP applies to the entire LGA, however, the land is urban and does not consist of areas of koala habitat.</td>
</tr>
<tr>
<td>SEPP No. 55 - Remediation of Land</td>
<td>Yes</td>
<td>Council’s records identify the site as potentially contaminated. However, previous contamination investigations undertaken in relation to the development application found that tested contaminants were below relevant assessment criteria. Exceedances of NEPM Ecological Investigation Levels were not considered necessary for remediation. See Section C - 8.</td>
</tr>
<tr>
<td>SEPP No. 62 - Sustainable Aquaculture</td>
<td>No</td>
<td></td>
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<tr>
<td>SEPP No. 64 - Advertising and Signage</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP No. 65 - Design Quality of Residential Apartment Development</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP No. 71 - Coastal Protection</td>
<td>Yes</td>
<td>The subject land is within the coastal zone. The planning proposal is acceptable in relation to the matters for consideration specified under Clause 8 as applying to the preparation of a draft LEP.</td>
</tr>
<tr>
<td>SEPP (Affordable Rental Housing) 2009</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP (Building Sustainability Index: BASIX) 2004</td>
<td>No</td>
<td></td>
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<tr>
<td>SEPP (Educational Establishments and Child Care Facilities) 2017</td>
<td>No</td>
<td></td>
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<tr>
<td>SEPP (Housing for Seniors or People with a Disability) 2004</td>
<td>No</td>
<td></td>
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<tr>
<td>SEPP (Exempt and Complying Development Codes) 2008</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP (Infrastructure) 2007</td>
<td>No</td>
<td>May apply to future development</td>
</tr>
</tbody>
</table>
### 6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

An assessment of the planning proposal against the relevant Ministerial Directions is provided in the table below.

<table>
<thead>
<tr>
<th>Section 117 Directions</th>
<th>Applicable</th>
<th>Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Employment and Resources - no employment and resource directions are applicable</td>
<td></td>
<td></td>
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<tr>
<td>2. Environment and Heritage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1 Environment Protection Zones</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>2.2 Coastal Protection</td>
<td>Yes</td>
<td>The planning proposal is consistent with this direction.</td>
</tr>
<tr>
<td>2.3 Heritage Conservation</td>
<td>Yes</td>
<td>The site is within &quot;The Hill&quot; Heritage Conservation Area and has been included in a nomination for State heritage listing of the Newcastle Recreation Reserve (King Edward Park). The existing Clause 5.10 of the Newcastle LEP 2012 contains provisions that are sufficient to conserve the heritage significance of the site. See also Section C - 8.</td>
</tr>
<tr>
<td>2.4 Recreation Vehicle Areas</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>3. Housing, Infrastructure and Urban Development - no housing, infrastructure and urban development directions are applicable</td>
<td></td>
<td></td>
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<tr>
<td>4. Hazard and Risk</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.1 Acid Sulfate Soils</td>
<td>Yes</td>
<td>The land is Class 5. The planning proposal is consistent with this direction.</td>
</tr>
<tr>
<td>4.2 Mine Subsidence and Unstable Land</td>
<td>Yes</td>
<td>The land is within the Newcastle Mines Subsidence District. The planning proposal is consistent with this direction.</td>
</tr>
<tr>
<td>4.3 Flood Prone Land</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>4.4 Planning for Bushfire Protection</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>5. Regional Planning</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.10 Implementation of Regional Plans</td>
<td>Yes</td>
<td>The Hunter Regional Plan 2036 applies to the land. The planning proposal is consistent with this direction.</td>
</tr>
<tr>
<td>6. Local Plan Making</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.1 Approval and Referral Requirements</td>
<td>Yes</td>
<td>The planning proposal is consistent with this direction.</td>
</tr>
<tr>
<td>Section 117 Directions</td>
<td>Applicable</td>
<td>Consistency</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>------------</td>
<td>-------------------------------------------------------</td>
</tr>
<tr>
<td>6.2 Reserving Land for Public</td>
<td>Yes</td>
<td>The planning proposal is consistent with this direction.</td>
</tr>
<tr>
<td>Purposes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.3 Site Specific Provisions</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>
Section C - Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The land does not contain critical habitat or threatened species, populations or ecological community, or their habitats.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Land/site contamination

The site has been identified as potentially contaminated. As part of the assessment of the previous function centre development application, contamination reports were submitted and considered by Council. Council's Compliance Services Unit provided the following comments:

"The Preliminary Contamination Report undertaken by Coffey Environments, dated 19 November 2010, identified three Areas of Environmental Concern (AEC) with the potential to contain Chemicals of Concern (CoC).

The Phase 2 Contamination Report undertaken by Environmental Auditors, dated 22 July 2011, conducted a review of the Preliminary Contamination Report, the regional geological and hydro geological information, and any contamination notices found under relevant legislation. A site inspection was conducted with soil samples from 18 boreholes collected and analysed for potential contaminants identified in the Preliminary Contamination Report. The potential contaminants investigated included heavy metals, TPH, BTEX, PAH, OCP, OPP, PCB and asbestos.

All contaminants tested for in the Phase 2 Contamination Report were either below detection or below the relevant site assessment criteria according to the National Environment Protection Council (1999) "Assessment of Site Contamination" and the National Environmental health Forum (NEHF) Soil Investigation Levels for "parks, recreational open space, playing fields including secondary schools' use. Reference to the NSW Environment Protection Authority (EPA) (1994) "Guidelines for Assessing Service Station Sites" was made in assessing the TPH and BTEX results.

Exceedances of the NEPM Ecological Investigation Levels were encountered at three sample locations, with elevated zinc and mercury levels recorded in the shallow filling being potentially photosotoxic to sensitive plant species. Considering a number of factors and the local conditions and potential impacts, the exceedances are not considered as justification for remediation in this case.

There were no asbestos fragments observed within the fill materials encountered, suggesting that the fill used on the site predates asbestos use. There was evidence of asbestos sheeting (bonded cemented) used around the two bowling green boundary perimeters. The asbestos sheets were described as intact and in good condition with no visible fragments observed."
**Heritage Impacts**

The site is within 'The Hill' Heritage Conservation Area and has been nominated for listing on the State Heritage Register, as part of the larger Newcastle Recreation Reserve (King Edward Park). The nomination includes the following statement of significance:

The Newcastle Recreation Reserve is potentially of state heritage significance in its demonstration of activities and processes of importance in the history of NSW. The Reserve includes sites of known cultural significance to the Awabakal people, and was the scene of important early interactions with Europeans. The Reserve is a rare example in NSW of a comparatively undeveloped inner city natural, Aboriginal and European landscape influenced by convict labour and recorded by important colonial artists. The Reserve may be of state heritage significance for its inclusion of Themede grasslands, an endangered ecological community.

The Reserve is potentially of state significance for its convict associations, including the grazing of government stock by convict shepherds; the construction of an early windmill; and the provision of the Bogey Hole and The Horseshoe access path. The convict mine workings demonstrate the transition between public sector and private sector operations, while The Obelisk demonstrates early public sector intervention in coastal navigation. The Bogey Hole and Horseshoe as later developed exemplify early sea bathing activities, together with the transition between gendered and ungendered bathing.

The Reserve may be of state heritage significance for its association with important historical and community events and commemorations, and also for its association with important Federation-era, pre-War and wartime defence installations that demonstrate progress in armaments technology during the Twentieth Century. The Shepherds Hill structures, in particular, have an apparently unique importance in their occupation by all three Services. Strongly associated with Major James Thomas Morisset, a figure of importance in the history of NSW, the Reserve is specially associated with Biraban, an Awabakal man, and with Rev. Lancetot Threlkeld, a missionary and scholar of great importance to knowledge of Aboriginal cultures. The cliff face and cliff top called Yi-ran-na-li contributes to the way of life, traditions and belief system of the Awabakal people, and is representative of the Dreaming.

The Reserve is potentially of state heritage significance in its setting, which incorporates coastal hills, headlands, gullies and sea cliffs with wide views across the lower Hunter Valley and the ocean. It has the principal characteristics of a nineteenth century belvedere park in the Picturesque style, demonstrating Victorian and Edwardian technical achievement, philosophy and customs, as well as continuity and change in the cultural landscape of NSW recreation reserves. The Reserve may have local significance for its association with the development in Newcastle of the sports of lawn bowls and tennis.

The convict-related and defence-related heritage items within the Reserve may be of state heritage significance in providing archaeological and other information as to convict coal workings, as to which there is as yet comparatively little knowledge. The defence relics at The Obelisk and beneath the King Edward Park Headland Reserve are also little known, and like those of the Shepherds Hill Defence Group may be of state heritage significance for their potential to supply information as to the development of Federation era and WWII defence technology.
Removing the function centre use will not impact on the nomination for listing on the State Heritage Register. As the site is within ‘The Hill’ Heritage Conservation Area, the existing Clause 5.10 of the Newcastle LEP 2012, would apply to any proposed development on the site.

Other

There are no other environmental effects as a result of the planning proposal.

9. Has the planning proposal adequately addressed any social and economic effects?

There are no social or economic effects as a result of the planning proposal. Removing the use of a ‘function centre’ will take away a potential income generating use. However, a range of other income generating uses are permitted with consent in the RE1 Public Recreation zone. These uses include kiosks, markets, registered clubs and restaurants or cafes.
Section D - State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

No infrastructure is required as the proposal seeks to remove an additional permitted use.

11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation, under section 56(2)(d) of the Environmental Planning and Assessment Act 1979, has occurred with the following public authorities as required by the Gateway Determination issued 29 November 2017:

**NSW Department of Industry - Lands**

Council wrote to the NSW Department of Industry - Lands on the 7 December 2017. The Department provided advice on the 12 December 2017 and advised:

"The Department has no objection to the removal of item 1 from Schedule 1 of the Newcastle LEP 2012. The Department is satisfied that the current zoning of RE1 - Public Recreation provides a sufficient range of uses for any future development of the site."

**Awabakal Local Aboriginal Land Council**

Council also wrote to the Awabakal Local Aboriginal Land Council on the 7 December 2017. Comments were requested by the 12 January 2018 and it was noted that if no response was received, Council would assume that there were no objections to the planning proposal. No response was received from the Awabakal Local Aboriginal Land Council.
Part 4 - Mapping

The planning proposal does not seek to amend any maps within Newcastle LEP 2012.
Part 5 - Community consultation

The planning proposal is considered as low impact in accordance with the Department of Planning and Environment’s guidelines, ‘A guide to preparing local environmental plans’.

The planning proposal was exhibited for 14 days between the 22 January and the 6 February 2018. A notice advising of the exhibition was placed in the Newcastle Herald on Saturday 20 January 2018.

During the exhibition period Council received 166 submissions in support of the Planning Proposal and one submission objecting to the proposal.

The objection received by Council was on the basis that the land is subject to two undetermined Aboriginal Land Claims, and the proposed amendment could significantly impact on the land at a future date should it come into private ownership. The submission requested deferral of the planning proposal until the determination of the Aboriginal Land Claims.

Advice regarding the objection was sought from Council’s Legal Services Team who confirmed that the Planning Proposal can proceed in accordance with the Gateway Determination issued by the Department of Planning and Environment.

If the Aboriginal Land Claim was successful the land would likely be rezoned from RE1 Public Recreation to a more suitable zone, as the land would no longer be in public ownership. The permissible uses and relevant planning controls would be reviewed at this time and therefore, the Planning Proposal is not considered to significantly impact on the future use of the land as outlined in the objection received by Council.
### Part 6 - Project timeline

The plan making process is shown in the timeline below. It will be undertaken in accordance with the Gateway determination.

<table>
<thead>
<tr>
<th>Task</th>
<th>Planning Proposal Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Dec 17</td>
</tr>
<tr>
<td>Issue of Gateway determination</td>
<td></td>
</tr>
<tr>
<td>Consult with required State Agencies*</td>
<td></td>
</tr>
<tr>
<td>Exhibition of Planning Proposal*</td>
<td></td>
</tr>
<tr>
<td>Review of submissions and preparation of report to</td>
<td></td>
</tr>
<tr>
<td>Council</td>
<td></td>
</tr>
<tr>
<td>Report to Council following exhibition</td>
<td></td>
</tr>
<tr>
<td>Planning Proposal sent back to the Department</td>
<td></td>
</tr>
<tr>
<td>requesting that the draft LEP be prepared.</td>
<td></td>
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</tbody>
</table>

* Additional time has been allowed for these tasks due to Christmas office closures and school holidays.
Gateway Determination

Planning Proposal (Department Ref: PP_2017_NEWCA_005_00): amend Schedule 1 of the Newcastle Local Environmental Plan 2012 (LEP) to remove an additional permitted use for 1 Ordnance Street, Newcastle (King Edward Headland Reserve) as a function centre and kiosk with associated car parking and landscaping.

I, the Director Regions, Hunter, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and Assessment Act, 1979 (the Act) that an amendment to the Newcastle Local Environmental Plan (LEP) (2012) to remove Item 1 from Schedule 1 should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

   (a) the planning proposal is classified as low impact as described in A guide to preparing local environmental plans (Department of Planning and Environment 2016) and must be made publicly available for a minimum of 14 days; and
   (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment 2016).

2. Consultation is required with the following public authorities and organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:

   - NSW Department of Industry – Lands
   - Awabakal Local Aboriginal Land Council

   Each public authority/organisation is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The timeframe for completing the LEP is to be 6 months following the date of the Gateway determination.

Dated 29th day of November 2017

Monica Gibson  
Director Regions, Hunter  
Planning Services  
Department of Planning and Environment  
Delegate of the Minister for Planning
ITEM-28  
CCL 27/03/18 - WEST END STAGE ONE - PUBLIC DOMAIN - PUBLIC EXHIBITION OUTCOMES

REPORT BY:  
PLANNING AND REGULATORY

CONTACT:  
DIRECTOR PLANNING AND REGULATORY / MANAGER

PURPOSE

To report on the eight week public exhibition period and seek Council's support to adopt the West End Stage One - Public Domain Plan.

RECOMMENDATION

1 Council resolves to:

   i) Adopt the West End Stage One - Public Domain Plan as provided in Attachment A.

KEY ISSUES

2 The draft West End Stage One - Public Domain Plan (the Plan) was placed on public exhibition for a period of eight weeks as per the Council resolution at the Ordinary Council Meeting held on 28 November 2017 from Monday 11 December 2017 to Monday 12 February 2018.

3 The Plan was promoted across a range of mediums including radio, newspaper, hard copy and social media. Council's online exhibition portal included a questionnaire to encourage engagement during the exhibition period. A copy of the Plan was also placed in the Newcastle City Council central administration building and Newcastle Library.

4 The exhibition period resulted in 35 submissions and 1 late submission. Feedback contained in these submissions was overwhelmingly positive. There were some suggestions that can be addressed in the detailed design phase of the project. There was a small number of negative comments related to tree removal, cycling infrastructure and traffic lanes. No amendments to the Plan are required based on the exhibition period feedback. A summary of feedback and responses are documented in Attachment B.

5 The Plan's emphasis on lighting, safety and security, resonated with one particular personal submission. The submission talked about the murder of their father in Burwood Park in 1980 and that they wish to have a tree planted or similar acknowledgement in his honor.
6 The key considerations in the detailed design phase are:

i) Some additional shade measures for Birdwood Park.

ii) Additional play elements in both Birdwood Park and Little Birdwood Park.

iii) Investigating further road upgrades at the King and National Park Street intersection including the potential removal of the left hand turn slip lane.

FINANCIAL IMPACT

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

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 The Newcastle 2030 Community Strategic Plan strongly supports the need for improved public spaces and an innovative city. The key themes and objectives that relate to the Plan are:

Connected City

i) Promote the benefits of public transport, walking and cycling.

ii) Develop a network of safe, linked cycle and pedestrian paths integrated with key destinations and green space.

iii) Give greater priority to cyclists and pedestrians in transport planning to enhance safety and encourage travel behavior change.

Vibrant and active public places

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

Smart and innovative City

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

IMPLEMENTATION PLAN/IMPLICATIONS

9 The Plan has been developed within existing resources. Actions will be implemented by the Infrastructure Directorate at Council, and be integrated into relevant work programs and operational plans. Funding will be sought through the usual budget processes or through external grant funding when available.
RISK ASSESSMENT AND MITIGATION

10 There are no corporate risks associated with the Plan. Media interest is expected and will be addressed as it arises through a communications plan.

RELATED PREVIOUS DECISIONS

11 The Hunter Street Revitalisation Masterplan Strategy (Strategy) was endorsed by Council at the Ordinary Council Meeting held on 14 December 2010 and the development of a public domain plan for the West End was one of the 44 actions listed in the Plan. The Strategy also identified the West End as a catalyst project in the revitalisation of the city.

12 ITEM-129 CCL 28/11/17 - PUBLIC EXHIBITION OF DRAFT WEST END STAGE ONE - PUBLIC DOMAIN PLAN

MOTION

Moved by Cr White, seconded by Cr Church

Council approves release of the Draft West End Stage One - Public Domain Plan as outlined in Attachment A for community consultation for 8 weeks.

City Hall, Newcastle on Tuesday, 28 November 2017 at 5.35pm.

Carried unanimously

CONSULTATION

13 The Plan was placed on public exhibition for an eight week period as outlined in paragraph 4.

14 Formal advertisement of the exhibition period occurred in the Newcastle Herald as per Council exhibition period guidelines including two display and one statutory advertisements in the Newcastle Herald and a full page display in the Newcastle Weekly. In addition, the Newcastle Herald published a story on the Plan on 29 November 2017 and the Lord Mayor had an interview on ABC radio.

15 A social media campaign across Facebook, Twitter and Newcastle NOW database prompted that people have their say on the Plan.

16 A mail out to residents within the West End was undertaken and email notification to people who attended the stakeholder and public consultation.

17 A direct flyer drop to businesses within the area was undertaken by the City Centre Revitalisation Team encouraging feedback on the Plan.
OPTIONS

Option 1

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

Option 2

19 Council resolve not to adopt the *West End Stage One - Public Domain Plan*. This is not the recommended option.

BACKGROUND

20 Council unanimously adopted the Hunter Street Revitalisation Masterplan (HSRM) Strategic Framework (Framework) at the Ordinary Council Meeting held on 14 December 2010. The Framework identifies the West End as a catalyst project in the revitalisation of the city.

21 The State Government’s Newcastle Urban Renewal Strategy (2012) and Newcastle Urban Renewal Strategy (2014) also recognise the location as a catalyst area.

REFERENCES

ATTACHMENTS

Attachment A: West End Stage One - Public Domain Plan

Attachment B: Summary of feedback received from the exhibition period

To be distributed under separate cover
ITEM-29  CCL 27/03/18 - EAST END STAGE ONE - STREETSCAPE PLAN - PUBLIC EXHIBITION

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

PURPOSE

To present the Draft East End Stage One - Streetscape Plan for consideration by Council to place on public exhibition.

RECOMMENDATION

1 Council approves release of the Draft East End Stage One - Streetscape Plan (the Plan) as outlined in Attachment A for public exhibition for 4 weeks.

KEY ISSUES

2 The Plan provides a detailed outline of the streetscape improvements in the East End Precinct covering the former mall area of Hunter Street, Market Street and the associated laneways. The Plan builds on existing planning documents to provide the necessary detail for good design and planning decisions for the precinct. This is critical as the East End precinct has significant development proposed adjacent to the streetscape.

3 Streetscape plans are normally placed on public exhibition through the Traffic Committee process. This streetscape plan should be considered by Council as it provides a new design for the former Newcastle mall precinct.

4 The principles underlying the Plan are:

   i) Formalising Hunter Street as a traditional low speed streetscape including curb and gutter, wide pedestrian spaces, formalised parking spaces, succession planting of new trees, pedestrian crossings and bi-directional cycleway.

   ii) Making accessibility a priority by placing an integrated access ramp into Market Street.

   iii) Market Street improvements to provide formal outdoor dining spaces, informal seating and gathering space and strong north-south connections to the light rail, Market Street Lawn and waterfront.

   iv) Strengthen and improve pedestrian connections and priority in the laneways without compromising vehicular access where required.

   v) Improved pedestrian connection to King Street and Cathedral Park through the redesign of the Morgan Street steps including generous and wide stair connection, planted terrace and seating and improved lighting.
vi) The streetscapes will include smart city elements showcasing Council's vision to become a premier smart city.

vii) Address anti-social behavior through CPTED principles embedded into the proposed streetscape design.

5 This plan is critical to provide a coordinated streetscape plan for use by Council and adjacent developers. The major development applications currently being considered through Council will utilise this Plan to ensure consistency of treatments where developers are constructing streetscape.

FINANCIAL IMPACT

6 The draft Plan does not commit Council to any expenditure. A quantity surveyor (QS) report will be prepared once the Plan is adopted. This will provide an accurate assessment of the potential cost of the improvements to the East End.

7 The adopted East End Stage One - Streetscape Plan will be funded by a mix of Special Rate Variation funds, Section 94A developer contributions, Council working funds and future grant submissions that Council will prepare for the area.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 The Newcastle 2030 Community Strategic Plan strongly supports the need for improved public spaces and an innovative city. The key themes and objectives that relate to the Plan are:

Connected City

i) Promote the benefits of public transport, walking and cycling.

ii) Develop a network of safe, linked cycle and pedestrian paths integrated with key destinations and green space.

iii) Give greater priority to cyclists and pedestrians in transport planning to enhance safety and encourage travel behavior change.

Vibrant and active public places

iv) Public places that provide for diverse activity and strengthen our social connections.
**Smart and innovative City**

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

**IMPLEMENTATION PLAN/IMPLICATIONS**

9 The development and implementation of the Plan has been identified within the Hunter Street Revitalisation Strategic Framework (2010) and the draft Newcastle Urban Renewal Strategy (2012) and Newcastle Urban Renewal Strategy (2014). The delivery of the Plan will inform Council's four-year delivery plan.

**RISK ASSESSMENT AND MITIGATION**

10 There is minimal risk in approving the public exhibition of the Plan. Once the Plan has been on public exhibition then it will be brought back to Council with a report on submissions, recommended changes to the Plan and a plan for final adoption.

**RELATED PREVIOUS DECISIONS**

11 The Hunter Street Revitalisation Masterplan Strategy (Strategy) was endorsed by Council in December 2010 and the development of a streetscape plan for the East End was one of the 44 actions listed in the Plan. The Strategy also identified the East End as a catalyst site in the revitalisation of the city.

**CONSULTATION**

12 A Councillor Workshop was held on 13 March 2018 to provide Council with an overview of the Plan.

13 Consultation on the Plan will include advertisements in the local newspapers, Council's website and social media channels. A report on submissions will be prepared to accompany the final Plan to Council. Four weeks is the recommended exhibition period.

**OPTIONS**

Option 1

14 The recommended option as at paragraph 1. This is the recommended option.

Option 2

15 Council does not support the exhibition of the Draft East End Stage One - Streetscape Plan. This is not the recommended option.
BACKGROUND

16 Council unanimously adopted the Hunter Street Revitalisation Masterplan (HSRM) Strategic Framework at the Ordinary Council Meeting held on 14 December 2010. The Strategy identified the East End as a catalyst project.


REFERENCES

ATTACHMENTS

Attachment A: Draft East End Stage One - Streetscape Plan

To be distributed under separate cover
ITEM-30 CCL 27/03/18 - TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE, KEIGHTLEY LANE NEWCASTLE

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

PURPOSE

To seek Council's approval to temporarily suspend the Alcohol Free Zone (AFZ) in Keightley Lane, Newcastle from 6am to 6pm Wednesday 25 April 2018 for the purpose of allowing ANZAC Day activities.

RECOMMENDATION

1 Council approve the temporary suspension of the Alcohol Free Zone (AFZs) for Keightley Lane Newcastle from 6am to 6pm on Wednesday 25 April 2018 for the purpose of allowing ANZAC Day activities. This suspension is subject to the event organiser, Newcastle Diggers Club, meeting all requirements of the Newcastle Local Area Command (LAC) and Council.

KEY ISSUES

2 A Council policy adopted on 24 November 2015, re-established AFZs in locations across the City and required approval from Council to lift any AFZs when an approved festival or function is held.

3 Any lifting of an AFZ must be under the direction of the NSW Police. In this instance the proposal for 2018 ANZAC Day activities has been considered by the LAC and Council officers. The NSW Police supports the lifting of the AFZ subject to Newcastle Diggers Club meeting the conditions placed on the event.

4 Section 645 of the Local Government Act 1993 (Act) provides for Council, by resolution, to allow the temporary suspension of AFZs. The Act and Ministerial Guidelines on Alcohol Free Zones (February 2009) provides a specific procedure which must be followed in relation to suspending AFZs, and this includes a requirement to seek Council’s endorsement. Following the adoption of this suspension, Council must publish a notice in the local newspaper informing of the suspension that will be in place for this event.

5 Street signs must be covered immediately on commencement of the timeframe and the covers removed immediately following the suspended time. This will be the responsibility of the event organiser. Liaison with the NSW Police both before and after the Council resolution is an essential requirement. This consultation with the NSW Police has been undertaken by Council officers and will continue in the lead up to the event.
6 The NSW Police are satisfied with the management strategies that have been put in place by the event organiser, Newcastle Diggers Club, and supports the suspension of the AFZ on this occasion.

FINANCIAL IMPACT

7 The cost associated with advertising of the suspension of AFZ is within the allocated event budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

IMPLEMENTATION PLAN/IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

10 Council officers and the NSW Police will work closely with the event organiser to ensure harm minimisation and risk mitigation strategies are in place to manage the serving and consumption of alcohol at events.

RELATED PREVIOUS DECISIONS

11 Council has previously agreed at the Ordinary Council Meeting held on 28 February 2017 and at the Ordinary Council Meeting held on 8 December 2015 to suspend the AFZ in Keightley Lane Newcastle for the annual ANZAC Day activities.

CONSULTATION

12 Formal consultation is not deemed necessary due to the nature of the planned event. It is worth noting that no negative feedback has been received as a result of the temporary suspension of the AFZs for this event held in previous years.
OPTIONS

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

Option 2
14 Council resolves not to support the suspension of the AFZs on this occasion. This is not the recommended option.

BACKGROUND
15 Newcastle Diggers Club successfully manages ANZAC Day activities annually.

REFERENCES

ATTACHMENTS
Nil
ITEM-31 CCL 27/03/18 - ENDORSEMENT FOR PUBLIC EXHIBITION OF THE DRAFT NEWCASTLE AFTER DARK STRATEGY

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

PURPOSE

To advise Council of the development of the draft Newcastle After Dark Strategy (Attachment A) and seek endorsement to place the document on public exhibition.

RECOMMENDATION

1 Council resolves to:
   i) Place the draft Newcastle After Dark Strategy (the Strategy) as provided in Attachment A on public exhibition for 6 weeks.
   ii) Receive a report back on the outcomes of the public exhibition.

KEY ISSUES

2 The Newcastle 2030 vision for Newcastle is to be a smart, liveable and sustainable city. The growth and effective management of the city at night is a central dimension of Council's objectives and the community's aspirations around vibrant and activated public places, and smart and innovative city.

3 The Newcastle night-time economy is significant at a national and regional scale; presently it is the sixth largest night-time economy in the country, accounting for 5.4% of the total Newcastle economy ($1.358 billion in 2015).

4 The Strategy is Newcastle's first specific strategy for guiding the development of the city's night-time economy. It broadens the kinds of night-time activities and city planning issues that fall within the scope of a strategy for the night-time economy.

5 The Newcastle night-time economy encapsulates all kinds of cultural and economic activity after dark. Activity occurs throughout the city evening and into the late night. The Strategy aims to steer and encourage all night-time activity in ways that position it as a positive element in the revitalisation of Newcastle.

6 The Strategy will deliver outcomes across six key strategic priorities that together provide a comprehensive framework for understanding and managing the city at night. These six priorities maintain the recent focus on ensuring the safety of nightlife participants, but also acknowledge that creative, inclusive, vibrant and diverse city nightlife has many additional benefits related to residential amenity, tourist visitation, activation, employment and city image.
The six key priority areas have the following objectives:

i) Strategic Alcohol Management
   To prevent and mitigate the harmful and anti-social impacts of irresponsible supply and consumption of alcohol.

ii) Night-time Economic Development
    To encourage and enable a sustainable, safe and diverse night-time economy.

iii) Night-time Design
     To design, implement and maintain safe, attractive and engaging public night-time spaces.

iv) Cultural Participation and Activation
    To enable and support the city after dark as a site of diverse participation in cultural production and consumption.

v) Regulation, Planning and Licensing
    To establish and promote a policy and planning framework that enables and supports the Newcastle After Dark vision

vi) Research and Evaluation
    To implement research and evaluation programs for guiding innovation and monitoring outcomes.

Newcastle City Council has led and participated in many night-time economy planning and strategic activities over the last decade that have culminated in this Strategy. The outcome of this extensive and long term collaborative engagement with key stakeholders proposes a range of new approaches that aim to build on what has been achieved in the city over the last decade.

A comprehensive stakeholder engagement and research process, including analysis of previous studies, surveys, workshops, stakeholder meetings and night walks have gone into identifying the issues and challenges to which the Strategy responds, and associated approaches to a Newcastle at night that is both safe and vibrant.
10 This draft Strategy supports these objectives through a program of initiatives focused on live music and performance including:

i) specific activities around industry engagement;

ii) policy frameworks to support live music venues and manage amenity conflicts, and;

iii) providing pathways and opportunities for musician and performer development.

FINANCIAL IMPACT

11 Exhibition of the Strategy will be undertaken within the existing operational budget. Annual budget allocations for the implementation of the adopted Strategy will be sought through the usual budget processes.

COMMUNITY STRATEGIC PLAN ALIGNMENT

12 The Strategy aligns with the following objectives of Newcastle 2030:

1.1 Effective and integrated public transport

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

3.2 Culture, heritage and place are valued, shared and celebrated

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

4.3 A creative, culturally rich and vibrant community

5.2 Mixed use urban villages supported by integrated transport networks

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

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

7.1 Integrated, sustainable long-term planning for Newcastle and the Region

IMPLEMENTATION PLAN/IMPLICATIONS

13 The Strategy has been developed within existing resources. For new programs and projects, funding will be sought through the usual budget processes or through external grant funding when available.

RISK ASSESSMENT AND MITIGATION

14 There are no corporate risks associated with the exhibition of the Strategy.
RELATED PREVIOUS DECISIONS

15 At the Extraordinary Council Meeting held on 23 January 2018 Council endorsed the submission of the submission to the review of liquor licence conditions in Newcastle being undertaken by the NSW Independent Liquor and Gaming Authority.

16 At the Ordinary Council Meeting held on 27 February 2018 Council endorsed the following recommendations:

Notes that Newcastle City Council has a proud and rich history of celebrating and promoting live music;

i) Notes that Newcastle City Council's night time economy is now worth $1.4 billion and employs over 12,000 people, including many in the live music industry;

ii) Supports the creation of a Newcastle Local Live Music Industry Advisory Group to advise all three tiers of government on policy development aimed at supporting the growth and sustainability of Newcastle's live music industry;

iii) Embeds a commitment to a vibrant live music scene in the next iteration of the Community Strategic Plan (CSP) and works to finalise the draft *Newcastle After Dark: Night-time Economy Strategy*, including a detailed Live Music Strategy, guided by best practice local government principles for live music policy as developed by the New South Wales Government's Live Music Office;

iv) Implements actions to achieve the protection of the Newcastle live music industry and the Newcastle night-time economy including changes to S149 Certificates and consideration of Acoustic Privacy Conditions; and

v) Develops a process to make available Council owned venues like the Civic Playhouse and City Hall Banquet Room for in-kind use on certain days by live music providers catering for all-ages gigs.

CONSULTATION

17 The Strategy was prepared using a staged stakeholder engagement process. This included:

i) Desktop review of research, consultation and reports conducted and commissioned by Newcastle City Council between 2009 - 2017 (listed in the Strategy).


iii) Participation in the National Local Government Drug and Alcohol Advisory Committee (NLGDAAC) allowing national practice benchmarking.
iv) Hosting the NLGDAAC group for a two day symposium.

v) Participating in the establishment of the Night-time Economy Council's Committee with NSW local Councils to further establish and share best practice.


vii) A community event hosted by Ideas Bombing targeted at the creative industries and youth demographics featuring 72 participants.

viii) Social Services consultation with 31 organisations.

ix) Three strategic workshops addressing priorities and potential programs attended by 83 individuals representing 53 organisations.

x) A series of five hosted night walks through precincts and workshops aimed at precinct-level consultation and planning attended by 92 participants.

xi) A series of presentations, workshops and feedback sessions with key stakeholders including NSW Police, Liquor and Gaming NSW, Hunter New England Health, Newcastle Now, Hamilton Business Chamber, Mayfield Business Group, Scentre Group Management (Kotara Westfield), Newcastle Tourism Industry Group, CBD Liquor Accord and Hamilton Liquor Accord.

xii) A live music roundtable with representatives of the live music industry, artists, venues and local, state and federal government representatives.

18 The Strategy is proposed to be exhibited for a six week period. This will enable introduction of the vision and key ideas of the Strategy to key stakeholders and the general community, and to provide an avenue for constructive feedback.

19 The proposed six week exhibition period will include:

i) Advertisement of exhibition period across local print newspapers inviting comment through traditional and digital channels.

ii) Online consultation program on key aspects of the draft Strategy through Engagement HQ.

iii) On display at branches of the Newcastle Regional Library.

iv) Direct distribution to a wide range of key stakeholders, peak associations and a database of participants from prior consultation events.

v) Internal promotion and engagement via intranet.

20 The Strategy will be updated to reflect relevant feedback before returning to Council for adoption.
OPTIONS

Option 1

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

Option 2

22  Council resolves not to exhibit the draft *Newcastle After Dark Strategy*. This is not the recommended option.

REFERENCES

ATTACHMENTS

Attachment A:  *Draft Newcastle After Dark Strategy*

Attachment A distributed under separate cover.
ITEM-32 CCL 27/03/18 - GLEBE ROAD FEDERATION COTTAGES HERITAGE CONSERVATION AREA - ENDORSEMENT OF AMENDMENT TO NEWCASTLE LEP 2012 AND NEWCASTLE DCP 2012

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

PURPOSE

This report seeks Council's endorsement of a planning proposal to commence the statutory process to prepare an amendment to Newcastle Local Environmental Plan 2012 (LEP) and Newcastle Development Control Plan 2012 (DCP) for the Glebe Road Federation Cottages Heritage Conservation Area.

RECOMMENDATION

1 Council resolves to:
   i) Endorse the attached Planning Proposal (Attachment A), prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend Newcastle LEP 2012 to create a Heritage Conservation Area for the Glebe Road Federation Cottages on the following land:
      a) Lot 1 DP 7356435, Lots 10 DP 1049694, Lot 1 DP 1188026, Lot 0 SP 0053274, and Lots 112 to 117 and 120 to 121 DP 95005, Nos 53 - 75 Glebe Road, The Junction.
      b) Lot 11 DP 1049694, 4 Watkins Street, The Junction.
   ii) Forward the Planning Proposal to the Minister for Planning for Gateway determination pursuant to Section 3.34 of the EP&A Act.
   iii) Advise the Secretary of the Department of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 3.36(1) of the EP&A Act.
   iv) Consult with the community and relevant government agencies as instructed by the Gateway determination.
   v) Place draft Section 6.02 Heritage Conservation Areas of the DCP on public exhibition for a minimum period of 28 days, concurrently with the Planning Proposal.
   vi) Receive a report back on the Planning Proposal and draft Development Control Plan guidelines as per the requirements of Section 3.34 of the EP&A Act.
KEY ISSUES

2 On 28 June 2016 at the Ordinary Council Meeting, Council considered the Review of Heritage Conservation Areas Report. The report presented the findings of a review of the five existing Heritage Conservation Areas (HCAs) across the Newcastle Local Government Area (LGA) and investigated a number of potential new HCAs within the LGA including Glebe Road Federation Cottages.

3 The review defined the current heritage significance of each area, produced desired future character statements, assessed the appropriateness of boundaries, examined the relevant planning controls and identified items that contributed to or detract from each area and documented what the community valued about these areas.

4 The Review of Heritage Conservation Areas Report included a list of recommendations, including preparation of the attached Planning Proposal and the draft Development Control Plan.

5 The Glebe Road Federation Cottages are categorised by a uniform group of single storey cottages 'bookended' by a two storey development. The land is currently zoned R3 Medium Density Residential which is incompatible with the heritage significance of the site. The Planning Proposal proposes to designate the site as a Heritage Conservation Area, as well as, removing the floor space ratio and maximum building height.

6 Council does not currently apply numeric building height or floor space ratio controls to its HCAs given these controls do not adequately dictate the desired building envelope outcomes, nor would they necessarily result in a built form that respects the character and significance of the existing building stock. The objective of the Planning Proposal (Attachment A) is to ensure the heritage significance of the existing and desired future character of the site is protected.

7 The Review of Heritage Conservation Areas Report also recommends that the Newcastle Development Control Plan section for HCAs be moved from Section 5.0 Environmental Controls to Section 6.0 Locality Specific Controls.

8 Section 6.02 of the DCP has been prepared to guide development within the site. The draft DCP will provide further guidance on site specific matters such as Statement of Heritage Significance and Statement of Desired Future Character, and will continue to provide guidance contained within the existing DCP Section 5.07 on matters applicable to all conservation areas such as alterations and additions, materials and details, accommodating vehicles, fencing, gardens, subdivision and infill development. It is intended to exhibit the draft DCP guidelines concurrently with the Planning Proposal. The draft DCP is included as Attachment B.
FINANCIAL IMPACT

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

COMMUNITY STRATEGIC PLAN ALIGNMENT

10 The Planning Proposal is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan (CSP), including:

- Vibrant and Activated Public Spaces
- Livable and Distinctive Built Environment

11 A detailed discussion of the Planning Proposal and its relationship with the CSP is provided within the planning proposal.

Local Planning Strategy (LPS)

12 The LPS is Council's comprehensive land use strategy to guide the future growth and development of Newcastle to 2030 and beyond. The LPS seeks to ensure development will protect culture, heritage and place and aims to ensure the built environment will maintain and enhance the City's identity by protecting and enhancing heritage buildings, streetscapes, views and key features, as well as, encouraging building innovation that respects the scale and bulk of the existing urban fabric. The Planning Proposal is consistent with the strategic directions of the LPS relating to heritage.

13 A detailed discussion of the Planning Proposal and its relationship with the LPS is provided within the Planning Proposal.

IMPLEMENTATION PLAN/IMPLICATIONS

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

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

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

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

18 Justification has been provided for the formal LEP amendment request within the Planning Proposal.

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

RELATED PREVIOUS DECISIONS


CONSULTATION

21 Consultation with stakeholders (including the community) will occur in accordance with the Minister’s requirements following Gateway determination.

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

23 The Gateway determination will confirm the consultation requirements, however, it is envisaged that this will include, at a minimum, public notice in the Newcastle Herald, publication on the Newcastle City Council web page and letters to owners of adjoining and nearby properties.

OPTIONS

Option 1

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

Option 2

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

26 In 2004, Hunter History Consultants Pty Ltd did a brief historical analysis of the surrounding dwellings at Glebe Road, The Junction to accompany a development application proposal for the demolition of a dwelling at 55 Glebe Road and replacement with two, two storey townhouses with attached single garages (DA 2003/0499). This application was refused by Council.

27 In 2005, the Land and Environment Court handed down a judgment that supported Council's refusal of the development application for demolition of the dwelling (P D Anderson Holdings Pty Ltd v Newcastle City Council [2005] NSWLEC 17). The reason was partly attributed to the observation that the area had potential heritage significance as a group of intact Federation houses. In refusing the appeal, the judgement concluded:

"There is real evidence that there is heritage significance in the streetscape, and cultural significance in the early origins of the subdivision, and the row of houses, and there is particular reference to the cultural significance of the existing house on No. 55 Glebe Road. The Council is in the process of examining that."

28 The court also found that because the houses are relatively intact they could be considered fine representative examples of the era of construction - ie. between 1909 and 1915. The court noted:

"The reasons the streetscape is valuable also relates to heritage matters the respondent said. In this aspect:

(1) The land on which the row of houses stand was the first residential subdivision by the pioneering AA Company at The Junction.

(2) The consistency, aesthetic form, scale, detail, alignment and remnant external finishes of the row of houses are intact and demonstrate the early Federation cottage form of detached working persons’ houses. Each house in the row had contributory significance for the whole row."

29 The court also noted that one of the dwellings, No 55 Glebe Road, was shown to have important historical associations with RJ Kilgour, a past Mayor of Merewether, and whose son was the first to enlist locally in 1915 for the First World War. The judgement states "...there is a strong association with a prominent person of the locality and WWI. There was cultural heritage value in the existing house itself".

30 In addition to the group at 55 to 75 Glebe Road, 53 Glebe Road and 4 Watkins Street are recommended to be included within the heritage conservation area planning proposal as these two properties 'bookend' and complete this clearly defined street block at Watkins Street with significant impact on its existing and desired future character and setting.
Early consultation has been undertaken by Council in February 2016 to March 2016 as part of the Review of Conservation Areas Report process for the site. A number of methods of community consultation were undertaken, including a community voice public survey, meetings, newsletters, online activities, phone calls, emails and community information and feedback sessions. During this process the Review of Heritage Conservation Areas report for the site was made available for comment. The process and outcomes of early consultation is documented in the Consultation Report (which is attached to the Planning Proposal). Council adopted the report at the Ordinary Council Meeting held on 28 June 2016.

REFERENCES

ATTACHMENTS

Attachment A: Planning Proposal - Glebe Road Federation Cottages Heritage Conservation Area

Attachment B: Draft Section 6.02 - Heritage Conservation Areas

All attachments distributed under separate cover.
NOTICES OF MOTION

ITEM-6 NOM 27/03/18 - FOOTPATH DELIVERY

COUNCILLORS: D CLAUSEN, M BYRNE, C DUNCAN, J DUNN, N NELMES, E WHITE AND P WINNEY-BAARTZ

PURPOSE

The following Notice of Motion was received on 15 March 2018 from the abovenamed Councillors.

MOTION

That Council:

1 Notes that Council currently owns and maintains more than 970km of footpath across the Newcastle Local Government Area, with a value of $110 million.

2 Notes that by adopting Option 3 Special Rates Variation in 2015, Council provided $15million more in funding to address unfunded pedestrian and local traffic improvements across the City.

3 Notes that Council’s current delivery of footpath renewal is prioritised through the Pedestrian Access Mobility Plan (PAMP) hierarchy after contact from residents.

4 Prepares a proactive Footpath Strategy to guide investment in the delivery of new footpaths across the city over the duration of the next Community Strategic Plan based on the principles of the PAMP hierarchy, and considers the opportunities available to further expedite the delivery of footpaths across the Local Government Area.

BACKGROUND

Consecutive Councils have ensured that Novocastrians have access to high quality footpaths, kerb and guttering. Today Newcastle City Council is responsible for more than 1489km of kerb and gutter, and 972km of footpath.

Unfortunately, however, there are areas across the City which do not have access to footpaths. This is noted by our communities as a significant concern, with the delivery of footpaths and cycleways consistently rated as a top priority by our residents.

Council has taken significant steps to address this community desire, including by adopting Option 3 of the 2015 SRV, which is increasing funding to pedestrian and local traffic improvements by more than $15million. Council invests $200 per metre in the delivery of new footpaths.
This increase does not however completely address known unfunded priorities, and there is an opportunity to further expand the delivery of footpaths.

This motion proposes that Council proactively map the LGA to identify a program of footpath works for consecutive years. This increases the equity of current footpath delivery, moving away from reactive delivery based on enquiries from residents. Neighbouring Councils, such as Lake Macquarie and Port Stephens, have produced detailed Footpath Strategies to guide their footpath investment (Attachment A).

ATTACHMENTS


Distributed under separate cover
ITEM-7 NOM 27/03/18 - MAYFIELD SKATE PARK

COUNCILLORS: J CHURCH, J MACKENZIE, E WHITE AND A ROBINSON

PURPOSE

The following Notice of Motion was received on 15 March 2018 from the abovenamed Councillors.

MOTION

That Newcastle Council:

- Consult with Mayfield Skate Park users and their parents to identify possible improvements to existing skating infrastructure in Dangar Park.
- Create a scope of works and budget estimates to deliver these improvements in stages beginning in the next financial year.

BACKGROUND

Mayfield Skate Park in Dangar Park is an important recreational asset that is used widely by youth in Mayfield and surrounding suburbs. A significant volume of skaters, scooters and BMX riders frequents the park from outside the LGA via the Waratah train station. The facility has served the needs of this community for many years, but both the increasing popularity of these sports and the park itself has created limitations on the existing infrastructure.

A number of the young people who use the site are at the stage of competing in the Australian Scooter Association (ASA), but are limited in their opportunities for skill development to some extent by the limited scope of facilities at the site. Similarly, the size of the park has not kept pace with its popularity, leading to over-crowding with the potential for collisions and accidents. Ancillary facilities including shelter and water and seating are lacking at the location. When compared with similar facilities in the Newcastle LGA such as Wallsend, Bar Beach and the planned improvements at Stockton, as well as skate parks in nearby council areas such as Cessnock, the Mayfield Skate Park is not of a sufficient standard for its expanding user base.

Skateboarders, scooter riders and their parents have approached councillors to consider a range of possible upgrades, which may include, but not be limited to:

- A new quarter pipe
- A new 2 level half pipe
- A quarter roll-in
- Shade shelter
- Bubbler and garbage bins
These proposals are consistent with a move toward establishing Mayfield as a
district park with the capacity to provide for a number of styles (street, ramp,
transition), abilities and ages ranges. Ward 1 Councillors White, Mackenzie and
Church and Ward 4 Councillor Robinson visited the site as part of an informal
consultation on March 14, and were pleased to note the large number of children
aged between 8 and 16 using the facility responsibly and under supervision from
parents.

Mayfield is a thriving suburb attracting young families. This is an outdoor sporting
activity which enhances the amenity of young people in Mayfield and which
promotes a healthy lifestyle. Newcastle Council has recently recognised the
significant benefits attributed to the provision of community recreational spaces and
facilities and their contribution to community well-being. This proposal is consistent
with the City of Newcastle Parkland and Recreation Strategy, especially the
commitment to enhancing public recreation areas in key strategic growth locations
within the Newcastle LGA. Improved facilities at this high use recreation precinct
provide opportunities to co-locate with other youth orientated facilities in an area with
an identified need for such programs.

ATTACHMENTS

Attachment A       Letter from Mark Blundell
Dear Newcastle Councillors,

I am writing this email on behalf of the local kids at Mayfield skate park who would really like their park extended & more equipment installed. Mayfield Skate Park at Dangar Park on the corner of Maitland Road & Carrington Street Mayfield.

Due to the popularity of Scootering around the world scooter/skate/bike parks are becoming more common as well necessary for the physical development of the children & the associated individual sports.

The Mayfield skate park has been a great park for many years but with the introduction of Wallsend & Merewether skate parks being more advanced in design, the local kids have asked me to see if we could install a few more pieces of equipment to align it with these other parks.

Mayfield is a thriving suburb & now has lot more people interested in these types of sports but the other parks are just too far away for the young kids to travel to.

I do a fair bit of travelling for work around the state & I have been noticing the skate parks that are in these other cities & towns. The kids are right when that say that they need Mayfield skate park to be upgraded, in order for them to improve with their sport. Also, with the limited size of the park & equipment it becomes overcrowded & has the potential for more collisions & accidents than the other parks.

Some of these kids are at the stage of competing in the Australian Scooter Association, I think this demonstrates how determined & committed they are.

On behalf of the local kids of Mayfield we thank you.

Please do not hesitate to contact me at your convenience if you require further information.

Yours Sincerely

Mark Blundell
Example of Proposed Halfpipe
CONFIDENTIAL REPORTS

ITEM-3  CON 27/03/18 - REDUCTION IN OUTDOOR TRADING FEES DUE TO LIGHT RAIL CONSTRUCTION

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

REASON FOR CONFIDENTIALITY

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

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

- Section 10B(1)(a) and (b) of the Act provides that the discussion of the item in a closed meeting must only:

  (a) include as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and

  (b) occur if the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

GROUNDS FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

A The matter relates to section 10A(2)(d) of the Act as it involves the consideration of commercial information that has been provided to Council on the basis that it will be treated as commercial-in-confidence. It is contrary to the public interest to release this information as the information supplied includes sensitive commercial information that would, if disclosed, prejudice the commercial position of the person who supplied it. This would lead to a reduction in the supply of information relevant to Council's decision; and

B The closed session will involve only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
ITEM-4 CON 27/03/18 - ORGANISATIONAL REDESIGN

REPORT BY: CHIEF EXECUTIVE OFFICER
CONTACT: CHIEF EXECUTIVE OFFICER

PURPOSE

To consider Council’s organisational structure pursuant to section 333 of the Local Government Act, which provides:

*The organisation structure may be re-determined by the council from time to time. It must be re-determined within 12 months after any ordinary election of the council.*

REASON FOR CONFIDENTIALITY

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

(a) Section 10A(2)(a) of the Act provides that Council can close a meeting to consider personnel matters concerning particular individuals (other than Councillors).

(b) Section 10B(1)(a) of the Act provides that the discussion of the item in a closed meeting must only include as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.

GROUNDС FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

(a) The matter relates to section 10A(2)(a) of the Act – personnel matters concerning particular individuals;

(b) The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and

(c) Council is required to determine the organisational structure. This structure impacts particular individuals within the organisation and should remain confidential until those individuals have been consulted.