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 14 March 2017

TIME: 5.30pm

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

F Cordingley
Acting Interim Chief Executive Officer

City Administration Centre
282 King Street
NEWCASTLE NSW 2300

7 March 2017

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## CONTENTS

<table>
<thead>
<tr>
<th>Item</th>
<th>Business</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>APOLOGIES/LEAVE OF ABSENCE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ORDERS OF THE DAY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DECLARATIONS OF PECUNIARY / NON PECUNIARY INTEREST</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CONFIRMATION OF PREVIOUS MINUTES</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>MINUTES - ORDINARY COUNCIL MEETING 20 DECEMBER 2016</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>MINUTES - ORDINARY COUNCIL MEETING HELD 14 FEBRUARY 2017</td>
<td>19</td>
<td></td>
</tr>
<tr>
<td>LORD MAYORAL MINUTE</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>REPORTS BY COUNCIL OFFICERS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ITEM-15</td>
<td>CCL 14/03/17 - APPLICATION TO THE MINISTER NOT TO FILL</td>
<td>25</td>
</tr>
<tr>
<td>ITEM-16</td>
<td>CCL 14/03/17 - SUMMERHILL WASTE MANAGEMENT CENTRE PROPOSED FEES AND CHARGES 2017/2018</td>
<td>30</td>
</tr>
<tr>
<td>ITEM-17</td>
<td>CCL 14/03/17 - 4 MAYO STREET JESMOND - WITHDRAWAL OF PROPOSED AMENDMENT TO NEWCASTLE LEP 2012</td>
<td>41</td>
</tr>
<tr>
<td>ITEM-18</td>
<td>CCL 14/03/17 - SECTION 7.09 ADVERTISING AND SIGNAGE - ADOPTION OF AMENDMENT TO NEWCASTLE DEVELOPMENT CONTROL PLAN 2012</td>
<td>46</td>
</tr>
<tr>
<td>ITEM-19</td>
<td>CCL 14/03/17 - SECTION 7.06 STORMWATER - ADOPTION OF AMENDMENTS TO NEWCASTLE DEVELOPMENT CONTROL PLAN 2012</td>
<td>50</td>
</tr>
<tr>
<td>NOTICES OF MOTION</td>
<td>55</td>
<td></td>
</tr>
<tr>
<td>ITEM-7</td>
<td>NOM 14/03/17 - COUNCIL'S SUPPORT FOR MAYFIELD BOWLING CLUB AND DANGAR PARK AS OPEN SPACE PROTECTED FROM PRIVATE DEVELOPMENT</td>
<td>55</td>
</tr>
</tbody>
</table>

REPORT ON NOTICE OF MOTION ITEM 7 - COUNCIL'S SUPPORT FOR MAYFIELD BOWLING CLUB AND DANGAR PARK AS OPEN SPACE PROTECTED FROM PRIVATE DEVELOPMENT

*(TO BE DISTRIBUTED UNDER SEPARATE COVER)*
CONFIDENTIAL REPORTS

ITEM-2  CON 14/03/17 - CONFIDENTIAL PROPERTY MATTER - COMPULSORY ACQUISITION OF CROWN LANDS FOR ROAD PURPOSES

ITEM-3  CON 14/03/17 - CONFIDENTIAL REPORT - SIGNIFICANT CIVIL WORKS RENEWAL OPPORTUNITY (TO BE DISTRIBUTED UNDER SEPARATE COVER)

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

MINUTES - ORDINARY COUNCIL MEETING 20 DECEMBER 2016

The adopted minutes of the Ordinary Council Meeting held on 20 December 2016 are resubmitted to Council for the purpose of seeking Council approval to adopt a corrected version of the procedural motion tabled by the Lord Mayor regarding the Lord Mayoral Minute on the appointment of an Interim Chief Executive Officer.

The draft minutes of the Ordinary Council Meeting held on 20 December 2016 were adopted by Council at the Ordinary Council Meeting held on 24 January 2017 as follows:

That the Lord Mayoral Minute on the appointment of an Interim Chief Executive Officer lay on the table until the next Ordinary Council Meeting, and that the matter be referred to the Office of Local Government for review.....

The tabled procedural motion on 20 December 2016 was as follows:

That the Lord Mayoral Minute on the appointment of an Interim Chief Executive Officer lay on the table until the next Ordinary Council Meeting, and that the matter be referred to an independent Office of Local Government accredited conduct reviewer for review....

The corrected version of the minutes are now attached for adoption by Council including the five previously omitted words as bolded and underlined above (see page 7 of the Ordinary Council Meeting Agenda 14 March 2017).

RECOMMENDATION

The revised and corrected draft minutes of the Ordinary Council Meeting held on 20 December 2016 as circulated be taken as read and confirmed.

ATTACHMENTS

Attachment A: 161220 Ordinary Council Meeting Minutes

Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at www.newcastle.nsw.gov.au
MINUTES - ORDINARY COUNCIL MEETING 20 DECEMBER 2016 THAT WAS RECONVENED AFTER THE ADJOURNED ORDINARY COUNCIL MEETING HELD ON 13 DECEMBER 2016.

The meeting was held in the Council Chambers, 2nd Floor City Hall on Tuesday 20 December 2016 at 6.36pm.

PRESENT
The Lord Mayor (Councillor N Nelmes), Councillors D Clausen, T Doyle, J Dunn, B Luke (retired at 7.30pm), M Osborne, S Posniak and A Rufo.

IN ATTENDANCE
P Chrystal (Interim Chief Executive Officer), G Cousins (Director Corporate Services), F Cordingley (Director Infrastructure), A Baxter (Acting Director Planning and Regulatory), M Blackburn-Smith (Manager Development & Building Services), F Giordano (Manager Governance and Legal), N Baker (Chief of Staff), K Hyland (Manager Communications and Engagement), B Johnson (Media Officer), A Leach (Council Services/Minutes) and A Knowles (Council Services/Webcasting).

Mr Stephen Blackadder, Blackadder Associates.

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

PROCEDURAL MOTION
Moved by Cr Clausen, seconded by Cr Posniak

Council recommite apologies for this meeting. 

Carried

MOTION
Moved by Cr Osborne, seconded by Cr Posniak

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

Carried

Councillor Dunn left the Chamber at 6.38pm and returned at 6.40pm
PROCEDURAL MOTION
Moved by Cr Nelmes

The Lord Mayoral Minute on the appointment of an Interim Chief Executive Officer lay on the table to the next Ordinary Council Meeting and that the matter be referred to an independent Office of Local Government accredited Conduct Reviewer for review, noting that the independent recruiter Stephen Blackadder who has more than thirty years' experience in local government, has attended Council on two evenings to outline the process, and has additionally provided a detailed written report addressing Councillor concerns. The Conduct reviewer is to additionally investigate actions by Councillors relating to the reported conversations between ..., ..., and ..., prior to interviews and the fact that none of these 'concerns' were raised by ... during the process and the removal of confidential information from Council Chambers to ensure compliance with the requirements of the Local Government Act, Council's Code of Contact and Code of Meeting Practice.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-105 CCL 13/12/16 - ADOPTION OF AMENDED MEETING SCHEDULE FOR APRIL 2017

MOTION
Moved by Cr Osborne, seconded by Cr Clausen

That Council:

1. Amend its Ordinary Council Meeting schedule for the first and second quarters of 2017 so that:
   a) Council meets on the fourth Tuesday in January;
   b) Council meets on the second and fourth Tuesday in February, March, May and June; and
   c) Council meets on the last Wednesday (26\textsuperscript{th}) of April (to prevent a clash with school holidays and ANZAC Day).

Carried
ITEM-106 CCL 13/12/16 - TABLING OF PECUNIARY INTEREST RETURNS

MOTION
Moved by Cr Clausen, seconded by Cr Osborne
That Council notes the pecuniary interest returns as tabled by the Interim Chief Executive Officer for the period 1 July 2016 and 31 October 2016. Carried

MOTION
Moved by Cr Posniak, seconded by Cr Osborne
That Council receive and note Council's Code of Conduct Statistics Report for the period 1 September 2015 to 31 August 2016 at Attachment A. Carried

ITEM-107 CCL13/12/16 - CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

MOTION
Moved by Cr Posniak, seconded by Cr Osborne
That Council receive and note Council's Code of Conduct Statistics Report for the period 1 September 2015 to 31 August 2016 at Attachment A. Carried

ITEM-108 CCL 13/12/16 - AUDIT REPORT COMMITTEE AND INTERNAL AUDIT ANNUAL REPORT

MOTION
Moved by Cr Posniak, seconded by Cr Doyle
That Council receives the Audit Committee and internal audit annual report for the 2015/2016 financial year. Carried

ITEM-109 CCL 13/12/16 - PROPOSED ROAD CLOSURE AND SALE OF PART OF LAND OFF NEWCOMEN STREET, NEWCASTLE

MOTION
Moved by Cr Osborne, seconded by Cr Clausen
1 (i) Council endorses the closure of the end of the lane off Newcomen Street, Newcastle, adjacent to Lot 1 DP 981842;
(ii) Subject to receiving approval for the road closure from the Crown (NSW Department of Primary Industries - Crown Lands), Council approves the sale of the parcel of land to the adjoining owner for $60,000 (plus GST) as determined by an independent certified valuer. All costs including legal, survey and service relocation will be borne by the applicant;

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

(iv) The revenue received by Council from the sale of the land be transferred to the Land and Property Reserve.

Carried

ITEM-110 CCL 13/12/16 - ADOPTION OF HUNTER ESTUARY COASTAL ZONE MANAGEMENT PLAN

MOTION
Moved by Cr Osborne, seconded by Cr Posniak

Council adopts the Hunter Estuary Coastal Zone Management Plan (Attachment A).

Carried

ITEM-111 CCL 13/12/16 - WESTERN CORRIDOR DISTRICT SPORT AND RECREATION COMPLEX

MOTION
Moved by Cr Osborne, Cr Doyle

The item lay on the table until the status of the land is clarified.

Carried

ITEM-112 CCL 13/12/16 - ADOPTION OF THE GENERAL COMMUNITY USE PLAN OF MANAGEMENT

MOTION
Moved by Cr Posniak, seconded by Cr Osborne

The draft GCU PoM (Attachment A) be adopted in accordance with s.40 of the Local Government Act 1993.

Carried
ITEM-113 CCL 13/12/16 - ADOPTION OF THE NEWCASTLE SAFE CITY PLAN 2017 - 2020

MOTION
Moved by Cr Posniak, seconded by Cr Clausen

Council resolves to adopt the Newcastle Safe City Plan 2017 - 2020 (Plan) as provided in Attachment A.

Carried

ITEM-114 CCL 13/12/16 - AMENDMENT TO NEWCASTLE DCP 2012 - NEW SECTION RESIDENTIAL ACCOMMODATION

MOTION
Moved by Cr Clausen, seconded by Cr Doyle

1. Council resolves to place the draft amendments to Newcastle Development Control Plan 2012 (DCP), incorporating a new Section 3.03 Residential Accommodation as provided in Attachment A and consequential amendments to Part 3 Land Use Specific Provisions, Part 6 Locality Specific Provisions and Part 7 Development Provisions of the DCP, as provided in Attachment B, on public exhibition for a minimum of 28 days.

2. That Council receive a workshop on the proposal and feedback at the end of the public exhibition period.

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

Against the Motion: Nil.

Carried
ITEM-115 CCL 13/12/16 - RECLASSIFICATION OF LAND AT 21 BRADFORD CLOSE KOTARA

MOTION
Moved by Cr Dunn, seconded by Cr Posniak

1 Council resolves to:

i) Endorse the attached planning proposal (Attachment A), pursuant to section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act), in order to amend Newcastle Local Environmental Plan 2012 (LEP) for land at 21 Bradford Close, Kotara as follows:

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

- Column 1 to read “Kotara”
- Column 2 to read “Lot 182, DP 850168”

ii) Forward the planning proposal to the Minister for Planning and Environment (DPE) for Gateway Determination pursuant to section 56 of the EP&A Act.

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

iv) Receive a report back on the planning proposal following completion of the required consultation and noting section 29 of the Local Government Act 1993 requires a public hearing to be held in respect of the reclassification of land.

For the Motion: Lord Mayor, Cr Nelmes and Councillors Clausen, Dunn, Luke, Posniak and Rufo.

Against the Motion: Councillors Doyle and Osborne. Carry
ITEM-116 CCL 13/12/16 - RECLASSIFICATION AND REZONING OF LAND AT 162A NEWCASTLE ROAD WALLSEND

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

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 reclassify land at 162A Newcastle Road, Wallsend, described as Lot 110 DP 9755, from community to operational and to rezone the land from RE1 Public Recreation to R3 Medium Density Residential.
   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.

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

Against the Motion: Nil.

Carried

ITEM-117 CCL 13/12/16 - REPORT ON COUNCIL ATTENDANCE AT UNITED NATIONS CONFERENCE ON HOUSING AND SUSTAINABLE URBAN DEVELOPMENT

MOTION
Moved by Cr Osborne, seconded by Cr Clausen

1 Council resolves to receive the report on the conference.

2 The United Nations (UN) New Urban agenda (NUA) and sustainable development goals be considered in the preparation of the next Newcastle City Council community strategic plan.

Carried
NOTICES OF MOTION

ITEM-18 NOM 13/12/16 - OPEN AND TRANSPARENT GOVERNANCE STRATEGY

MOTION
Moved by Cr Doyle, seconded by Cr Osborne

That Council:
1 A workshop regarding the Strategy will be held during February 2017 with input from the Office of Local Government (OLG), the New South Wales Ombudsman, and the Independent Commission Against Corruption.

2 That a communications plan will be developed regarding the Strategy, following the proposed Councillor workshop that communications plan to include:
   A include the wording of councils decision on public exhibition as soon as possible, seeking relevant feedback, comment, ideas and suggestions from the community on the matters raised in that resolution, and on any other matters related to an effective "Open and Transparent Governance Strategy".

   B Council develop an appropriate Newcastle Voice survey seeking similar feedback, comment, ideas and suggestions from the community during this period.

   C Council conduct community workshops to foster community discussion on Council’s governance and to gain further community input into Council’s Governance Strategy.

3. That a draft Strategy and supporting communications plan be presented to the Ordinary Council Meeting on 28 February 2017.

   Carried unanimously
MOTION
Moved by Cr Doyle, seconded by Cr Osborne

Council resolves to:

1. Develop guidelines designed to complement Council’s *Cultural Strategy 2016–2019* and clearly define how funds can be distributed to those community arts groups who demonstrate capacity to advance the city’s cultural landscape.

2. Allocate, within its next four-year planning cycle, provision for ongoing budgetary support with a sum of $200,000 per annum to this Community Arts Development Program.

AMENDMENT
Moved by Cr Clausen

That Council resolves to:

1. Develop guidelines designed to complement Council’s *Cultural Strategy 2016-2019* and clearly define how funds can be distributed to those community art groups who demonstrate capacity to advance the City’s cultural landscape.

2. A workshop be held preferably in February but no later than March to discuss budget within the next four year planning cycle for this Community Arts Development Program, noting the *Growing Sustainable Arts and Cultural Organisations in Newcastle* policy presently being drafted for presentation to Council in March 2017.

The mover and seconder accepted the amendment provided it included that the workshop be held *no later than* March. The amendment became the motion before the Chair.

MOTION
Moved by Cr Doyle, seconded by Cr Osborne

That Council resolves to:

1. Develop guidelines designed to complement Council’s *Cultural Strategy 2016-2019* and clearly define how funds can be distributed to those community art groups who demonstrate capacity to advance the City’s cultural landscape.

2. A workshop be held preferably in February no later than March to discuss budget within the next four year planning cycle for this Community Arts Development Program, noting the *Growing Sustainable Arts and Cultural Organisations in Newcastle* policy presently being drafted for presentation to Council no later than March 2017.

Carried
ITEM-20 NOM 13/12/16 - OPEN AND TRANSPARENT GOVERNANCE - LIFTING THE CORPORATE VEIL

MOTION
Moved by Cr Osborne, seconded by Cr Doyle

1. That Council write to the Premier, the Minister for Local Government, and local State MPs, to encourage them to amend the Local Government Act 1993 to require companies that have dealings with councils across NSW to disclose transparency details of their directors and significant stakeholders;

2. Include on the agenda for the workshop with Councillors process as part of the Open and Transparent Governance Strategy during February 2017 to include:

   a) Establishing procedure that ensures the highest level of transparency, accountability and probity in our City's governance by requiring that anyone who has dealings with Council through a Corporate entity (including through tenders, consultancies, development applications, planning agreements etc) provide sufficient company details so that names and addresses of all Directors and Major or significant beneficiary stakeholders are identified,

   b) Options to publish in a Public Register the details of the nature of the dealings with Council, the Corporate entity involved, and the Directors and major or significant beneficiary shareholders.

   Carried
ITEM-21 NOM 13/12/16 - RE-ESTABLISHMENT OF COUNCIL’S CYCLING WORKING PARTY AND CONVERT TO ADVISORY COMMITTEE

MOTION
Moved by Cr Doyle, seconded by Cr Osborne

1 Notes this report;
2 Establish the Cycling Advisory Committee;
3 Approves the Cycling Advisory Committee Charter in the form as attached at Attachment A; and
4 Council appoints Councillors Clausen, Doyle and Luke as Council’s representatives on the Cycling Advisory Committee.

Carried

Councillor Luke gave notice that he had to retire from the Chamber and took leave of the meeting at 7.30pm.

ITEM-22 NOM 13/12/16 - INCREASING DOG LEASH FREE AREAS INCLUDING ENCLOSED AREAS

MOTION
Moved by Cr Osborne, seconded by Cr Doyle

That Council, as a priority:

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

2. Review the Sportsland Plan of Management, as part of the proposed new Community Land Plan of Management, to allow specific ovals to be used as time-restricted Dog Leash Free Areas (for example, sunrise to 9am, and 5pm to sunset), including regularising the arrangement that was recently in place at Connelly Park in Carrington.

3. Report back to the April 2017 meeting with a draft Community Land Plan of Management to be placed on public exhibition, to outline the timeframe to roll out the new Dog Leash Free Areas (including enclosed areas) and to include any necessary expenditure in the 2017-18 Council Budget process.
AMENDMENT
Moved by Cr Nelmes,

That Council, as a priority:

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

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

The mover and seconder accepted the amendment which became the motion before the Chair.

MOTION
Moved by Cr Osborne, seconded by Cr Doyle

That Council, as a priority:

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

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

Carried unanimously
CONFIDENTIAL REPORTS

ITEM-37 CON 13/12/16 - CONTRACT FOR FURTHER INVESTIGATION OF FORMER WARATAH GASWORKS SITE - CONTRACT NO. 2017/222T

MOTION
Moved by Cr Clausen, seconded by Cr Osborne

Council move into confidential session at 7.47pm.  

Carried

Council reconvened into open session at 8.02pm.

MOTION
Moved by Cr Clausen, seconded by Cr Osborne

1 Council resolves to:

i) Authorise the Interim Chief Executive Officer (Interim CEO) to award Contract 2017/222T for $307,500 (exc GST) to AECOM Australia Pty Ltd (AECOM) for a further detailed site contamination investigation of the former Waratah Gasworks site.

ii) Decide in accordance with s.55(3)(i) of the Local Government Act (Act) that by reason of the extenuating circumstances a satisfactory result would not be achieved by inviting tenders for that contract.

iii) State for the purposes of s.55(3)(i) of the Act the reasons for that decision are as follows:

a) AECOM are the recognised industry experts in gasworks investigation and rehabilitation and currently hold much of the relevant information with respect to this former gasworks site; and

b) In order to promptly manage and respond to any risks the investigations need to be carried out expeditiously.

2 This confidential report relating to the matters specified in sections and 10A(2)(d) of the Act be treated as confidential and remain confidential until Council determines otherwise.

Carried

The meeting concluded at 8.05pm
MINUTES - ORDINARY COUNCIL MEETING HELD 14 FEBRUARY 2017

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 170214 Ordinary Council Meeting Minutes

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

IN ATTENDANCE
F Cordingley (Acting Interim Chief Executive Officer), G Cousins (Director Corporate Services), K Liddell (Acting Director Infrastructure), A Baxter (Acting Director Planning and Regulatory), F Giordano (Manager Legal and Governance), J Gaynor (Manager Strategic Planning), M Blackburn-Smith (Manager Development and Building), K Hyland (Manager Communications and Engagement), B Johnson (Media Officer) and K Sullivan (Council Services/Minutes/Webcasting).

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

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

PRESENTATION
Graham Barrie - 50 Years of Service to Newcastle City
Council resolved on 24 January 2017 to award a Service Medal commemorating 50 years of service with Newcastle City Council to Graham Barrie having joined the Printing office in January 1965 as a 15 year old apprentice.

The Lord Mayor presented the Service Medal to Mr Barrie and Councillors officially thanked him for his dedication and incredibly long record of employment with Council.

APOLOGIES

MOTION
Moved by Cr Osborne, seconded by Cr Clausen

The apology submitted on behalf of Councillor Luke be received.  

Carried

Councillor Rufo enquired whether Councillor Luke was an apology or leave of absence.

The Lord Mayor stated Councillor Luke was an apology.
Councillor Rufo stated that he was of the understanding Councillor Luke had requested a leave of absence in writing to the Lord Mayor and Acting Interim Chief Executive Officer.

The Lord Mayor indicated that Councillor Rufo would need to move the item be recommitted.

**MOTION**
Moved by Cr Rufo, seconded by Cr Waterhouse

The apologies be recommitted.  

**MOTION**
Moved by Cr Rufo, seconded by Cr Waterhouse

Councillor Luke be granted leave of absence.  

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

There being none the Lord Mayor moved for confirmation of the minutes.

**CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - BRIEFING COMMITTEE HELD 6 DECEMBER 2016**
**MINUTES - PUBLIC VOICE COMMITTEE 6 DECEMBER 2016**
**MINUTES - ORDINARY COUNCIL MEETING HELD 24 JANUARY 2017**

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

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

**REPORTS BY COUNCIL OFFICERS**

**ITEM-2  CCL 14/02/16 - EXECUTIVE MONTHLY PERFORMANCE REPORT - DECEMBER 2016**

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

The report be received.
ITEM-3  CCL 14/02/17 - DEED OF INDEMNITY FOR NEW COMPANY
SECRETARY OF NEWCASTLE AIRPORT PTY LTD

MOTION
Moved by Cr Waterhouse, seconded by Cr Tierney

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

(i) the affixation of Council’s seal to the Deed of Indemnity to be entered into between Newcastle City Council, Port Stephens Council and Ms Anne Peters; and

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

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

Carried
Unanimously

ITEM-4  CCL 14/02/17 - NEWCASTLE EAST BUILDING HEIGHTS - ADOPTION OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

The Acting Director Planning and Regulatory tabled a memo recommending that Item 4 - Newcastle East Building Heights - Adoption of Amendment to Newcastle Local Environmental Plan, be deferred to the Ordinary Council meeting of 28 February 2017 to address planning issues associated with new ownership of the GPT / UrbanGrowth NSW lands. The issues of concern related to possible anomalies with recommended building heights and the new owner being afforded procedural fairness to fully consider the amendments.

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

The item lay on the table for consideration at the next scheduled Ordinary Council Meeting to be held on 28 February 2017 to enable planning issues to be resolved.

Carried

CONFIDENTIAL REPORTS

PROCEDURAL MOTION
Moved by Cr Waterhouse, seconded by Cr Tierney

Council proceed into confidential session for discussion on Confidential Items 1 for the reasons outlined in the business papers.

Carried

Council resolved to enter into confidential session at 5.52pm.
The Director Corporate Services left the Chamber for discussion on Confidential Property Matter - Sale of AA Company House at 195 Denison Street, Hamilton.

During confidential session Councillor Compton declared a significant pecuniary interest in Item 1 - Confidential Property Matter - Sale of AA Company House at 195 Denison Street, Hamilton and left the Chamber for determination of the item. He stated that he had been interested in purchasing the property for a family member and would absent himself from Chamber for determination of the item.

PROCEDURAL MOTION
Moved by Cr Osborne, seconded by Cr Rufo

Council move into open session.

Carried

Councillor Compton and the Director Corporate Services returned to the Chamber following confidential session.

Council resumed at 5.55pm and the Acting Interim Chief Executive Officer reported on the outcome of confidential session.

ITEM-1 CON 14/02/17 - CONFIDENTIAL PROPERTY MATTER - SALE OF AA COMPANY HOUSE AT 195 DENISON STREET, HAMILTON

MOTION
Moved by Cr Waterhouse, seconded by Cr Posniak

1 To authorise the sale of 195 Denison Street Hamilton following the Expression of Interest process for an amount that is within 90% of the valuation referred to in this report.

2 If sale of 195 Denison Street Hamilton is not satisfactorily achieved under point 1, the property be sold by public auction to the highest bidder with Council requiring that the purchaser complies with the terms of the revised Conservation Management Plan 2015. Council will enforce this requirement by registering on title a public positive covenant under Section 88E of the Conveyancing Act.

3 To direct the reinvestment of net proceeds of sale from either point 1 or point 2 in Council heritage projects as follows:

   i) $20,000 to be allocated to an interpretation and building plaquing program for Hamilton which highlights the history of the Australian Agricultural Company; and

   ii) all remaining funds are to be allocated to the Cathedral Park revitalisation project.

4 To delegate authority to the Interim Chief Executive Officer to execute all relevant documentation to effect the transaction.
5 Confidentiality is to remain on the item until contracts have been settled.

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

Carried

Councillor Osborne requested his name be recorded as having voted against the motion.

The meeting concluded at 5.58pm.
REPORTS BY COUNCIL OFFICERS

ITEM-15  CCL 14/03/17 - APPLICATION TO THE MINISTER NOT TO FILL THE CASUAL VACANCY IN THE OFFICE OF A WARD 1 COUNCILLOR

REPORT BY: ACTING INTERIM CHIEF EXECUTIVE OFFICER
CONTACT: ACTING INTERIM CHIEF EXECUTIVE OFFICER

PURPOSE

The purpose of this report is to seek Council approval to apply to the Minister for Local Government requesting that the casual vacancy in the office of the Ward 1 Councillor created by the resignation of Cr Tierney on 28 February 2017 not be filled.

RECOMMENDATION

That Council:

1. Endorses the lodgement of an application with the Minister for Local Government (Minister) in accordance with s. 294(2)(a) of the Local Government Act, 1993 that the Minister order that the casual vacancy in the office of the Ward 1 Councillor not be filled; and

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

KEY ISSUES

3. S. 234(1)(b) of the Local Government Act, 1993 (the Act) provides that a civic office becomes vacant if the holder resigns the office by writing addressed to the general manager. The phrase "civic office" is defined in the Act to mean the office of a councillor. S. 291 of the Act provides that if a casual vacancy occurs in a civic office, the office is to be filled by a by-election, subject to the provisions of Part 5 of the Act.

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

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

7 The NSW Premier announced on 14 February 2017 that the previously announced council merger proposal involving Newcastle City Council and Port Stephens Council would not be proceeding. It is now expected that the local government election for the City of Newcastle Local Government Area will be held on Saturday, 9 September 2017 based on the information set out in the letter from the Minister for Local Government dated 25 February 2017 (refer to Attachment A).

FINANCIAL IMPACT

8 The NSW Electoral Commission (NSWEC) has notified Council that a prospective By-Election for the Ward 1 Councillor would indicatively cost of the order of $200,000 (inclusive of GST). The incurring of such a significant monetary cost is difficult to justify on the grounds that a local government election is expected to be held on Saturday, 9 September 2017. Council has not budgeted for such costs for a By-election in its 2016/17 Operational Plan and Delivery Program.

COMMUNITY STRATEGIC PLAN ALIGNMENT

9 Not applicable.

IMPLEMENTATION PLAN/IMPLIEDATIONS

10 Council can continue to function with its remaining complement of 11 Councillors, including the Lord Mayor, until the date of the expected local government election to be held in September 2017.

11 Should Council wish to proceed with a By-Election for a Ward 1 Councillor as set out in Option 2 at paragraph 17, a date within the three month period from 28 February 2017 would need to be selected. Saturday, 27 May 2017, would be the last opportunity for strict compliance with s. 292. NSWEC's preference, if a by-election were to be held, would be to aim for one of the later Saturdays in May 2017, namely, Saturday, 27, or 20 or 13 May 2017. In the end, this is a logistical/planning matter for NSWEC to deal with and Council would be guided by NSWEC's advice and recommendations as to the most appropriate date. NSWEC is responsible for facilitating the Minister's approval for any delayed by-elections.

RISK ASSESSMENT AND MITIGATION

12 Not applicable.
RELATED PREVIOUS DECISIONS

13 Council resolved at the Ordinary Council Meeting held on 22 November 2016 to apply to the Minister for Local Government to dispense with the holding of a Ward 2 Councillor By-Election following the expiration of Cr Crakanthorp’s term of office in late October 2016.

14 Council resolved in November 2014 to hold a By-election in February 2015 for the vacant office of Ward 3 Councillor arising from the resignation of Cr Nelmes in late November 2014 as a Ward 3 Councillor after Cr Nelmes was the declared the winner of the Lord Mayoral By-Election at that time. Given the period of time to the then next scheduled local government election in September 2016 was at that time greater than 18 months, s. 294(1) of the Act was not applicable and hence the holding of a By-Election for the Ward 3 Councillor was appropriate.

CONSULTATION

15 Council staff have consulted with the NSWEC in respect of the indicative cost for conducting a By-election for the Ward 1 Councilor.

OPTIONS

Option 1

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

Option 2

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

(a) an election arrangement be entered into for the NSW Electoral Commissioner to administer the By-election for a Ward 1 Councillor to fill the casual vacancy occurring by reason of the resignation of former Cr Tierney on 28 February 2017;

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

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

(ii) Council approves the expenditure of up to $200,000 (inclusive of GST) in respect of the conduct of this proposed By-Election and consequently approves an amendment to Council's 2016/17 Operational Plan and Delivery Program to include an amount of $200,000 to cater for the unplanned expenditure.

This is not the recommended option.
REFERENCES

ATTACHMENTS

The Hon. Gabrielle Upton MP
Minister for the Environment
Minister for Local Government
Minister for Heritage

Cnr Neatall Neaves
Lord Mayor
Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

Dear Cnr Neaves,

Decision not to proceed with proposed merger

As you will no doubt be aware, the Premier, Deputy Premier and I announced on 14 February 2017 that the NSW Government will proceed with merger proposals in the Sydney metropolitan area only, and also that the Government will not proceed with mergers in regional NSW.

I hereby formally advise you that I have made a decision not to recommend to the Governor of NSW that the proposal to merge Newcastle City and Port Stephens councils be implemented.

This means your council will continue to stand alone. Local Government elections for your council will take place on 9 September 2017.

Looking ahead, I look forward to receiving advice from your council regarding how it will strive to provide the best possible services, infrastructure and value for money to its residents and ratepayers.

Yours sincerely,

Gabrielle Upton MP
Minister for the Environment
Minister for Local Government
Minister for Heritage

25.2.17
ITEM-16 CCL 14/03/17 - SUMMERHILL WASTE MANAGEMENT CENTRE PROPOSED FEES AND CHARGES 2017/2018

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

PURPOSE

The purpose of this report is to seek Council approval to place on public exhibition proposed changes to Council's Waste Management Fees and Charges for 2017/18. The proposed changes cover the following matters:

i) Commercial Waste Management Collections, Disposals and associated services Fees and Charges for the 2017/2018 financial year;
ii) Pricing incentives to encourage participation in the separation of materials for recycling;
iii) Sale prices for recovered materials;
iv) Criteria for the waiver or reduction of fees and charges for Waste Management services and disposal, and
v) Delegation to the Chief Executive Officer or delegate, to determine appropriate waivers or reductions of Fees and Charges according to certain criteria.

RECOMMENDATION

1 Council endorses the draft amended 2017/2018 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 approves the adoption of the 2017/2018 commercial Schedule of Fees and Charges for Waste Management collection, disposal and associated services as set out 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 2017. Adopting the Schedule of Fees and Charges before 1 June 2017 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 continue to have a direct financial impact on waste management activities. These drivers continue to significantly increase the cost of waste management, the landfill Waste Levy alone has risen to an expected $138.50 per tonne for 2017/18. 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 2017/18 Schedule of Fees and Charges with most recycling options having no increase in 2017/18.

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 (i) commercial waste (ii) hardship and (iii) not for profit charitable organisations. The proposal includes a delegation to the Chief Executive Officer 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 For the commercial waste and collections category, the objective for the proposal is to provide a range of turnover or volume based prices that will maintain or grow market share and achieve financial objectives. These larger volumes are necessary to maintain a lower cost base and competitive pricing.

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

11 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 (SWMC) by way of sales revenue, reduction in levy payments and the preservation of available landfill void space.

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

13 For the commercial waste categories the proposal will provide a range of turnover or volume based prices that will maintain or grow market share and achieve financial objectives.

14 The Community Assistance Plan (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

15 The recommendation aligns with following Community Strategic Plan directions:

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

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

“7.4b - Ensure long term financial sustainability through short, medium and long term financial planning”.

IMPLEMENTATION PLAN/IMPLICATIONS

16 The Schedule of Fees and Charges is required to be adopted by Council at the latest, by 31 May 2017 following a 28 day public exhibition period. A delay in endorsement of this report will impact on the time available to collate and incorporate 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.

17 Council will write to all account customers notifying the amended fees, a notice will be displayed at SWMC 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.
18 The recommendation, if adopted, will enable Council to finalise competitive negotiations to secure market share for commercial waste. It will also allow Council to pursue other commercial opportunities in order to achieve Operational Plan financial objectives.

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

RISK ASSESSMENT AND MITIGATION

20 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 and improve customer relationship management.

RELATED PREVIOUS DECISIONS

21 On 2 March 2016 Council adopted the 2016/17 Waste Management Schedule of Fees and Charges. No comments were received and therefore the Schedule of Fees and Charges was adopted with no further report to Council required.

CONSULTATION

22 Both commercial and residential users of SWMC have expressed the need for better publication and promotion of waste fees prior to implementation.

23 Consultation has been and continues to be, undertaken with SWMC’s major clients. Feedback from clients was consistent; they requested stable pricing which encourages exceeding a level of tonnes per month. This is considered the most easily understood and predictable approach to structuring turnover or volume based pricing for waste inputs and material sales.

24 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

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

Option 2

26 Council alters or changes the recommendations outlined in 1 above. This is not the recommended option.
BACKGROUND

27 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.

28 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.

REFERENCES

ATTACHMENTS

Attachment A: Draft Amended Schedule of Fees and Charges for Summerhill Waste Management Centre 2017/18
## Attachment A

### WASTE MANAGEMENT

<table>
<thead>
<tr>
<th>REF.</th>
<th>FEE OR CHARGE</th>
<th>RECEIPT CODE</th>
<th>DESCRIPTION</th>
<th>PRICING POLICY</th>
<th>GST</th>
<th>FEE OR CHARGE GST Inclusive</th>
<th>FEE OR CHARGE GST Inclusive</th>
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<tr>
<td>123 Waste Disposal and Recycling</td>
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<td><strong>Type Of Waste</strong></td>
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</tr>
<tr>
<td>100% Garden Waste - excluding stumps (no food)</td>
<td>T29 per tonne</td>
<td>M 10%</td>
<td>129.00</td>
<td>129.00</td>
<td></td>
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<tr>
<td>100% Garden Waste - excluding stumps (no food) (minimum charge)</td>
<td>per tonne</td>
<td>M 10%</td>
<td>22.00</td>
<td>22.00</td>
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<tr>
<td>General Solid Waste - Mixed</td>
<td>T29 per tonne</td>
<td>M 10%</td>
<td>270.00</td>
<td>275.00</td>
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<td>General Solid Waste - Mixed (minimum charge)</td>
<td>per tonne</td>
<td>M 10%</td>
<td>46.00</td>
<td>46.00</td>
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<tr>
<td>Soil - Virgin Excavated Natural Material (VENM) (Strict conditions apply)</td>
<td>T29 per tonne</td>
<td>M 10%</td>
<td>183.00</td>
<td>186.00</td>
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<tr>
<td>Soil - Virgin Excavated Natural Material (VENM) (minimum charge)</td>
<td>per tonne</td>
<td>M 10%</td>
<td>31.00</td>
<td>31.00</td>
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<tr>
<td>Clean Bricks, Tiles, Concrete</td>
<td>T29 per tonne</td>
<td>M 10%</td>
<td>152.00</td>
<td>152.00</td>
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<tr>
<td>Clean Bricks, Tiles, Concrete (minimum charge)</td>
<td>per tonne</td>
<td>M 10%</td>
<td>26.00</td>
<td>26.00</td>
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<td>General Solid Waste - Special or Difficult</td>
<td>T29 per tonne</td>
<td>M 10%</td>
<td>375.00</td>
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<tr>
<td>General Solid Waste - Special or Difficult (minimum charge)</td>
<td>per tonne</td>
<td>M 10%</td>
<td>64.00</td>
<td>64.00</td>
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<tr>
<td>Mixed Road Base Wastes (Sand, Gravel, Stones, Concrete, minimal Asphalt)</td>
<td>T29 per tonne</td>
<td>M 10%</td>
<td>152.00</td>
<td>152.00</td>
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<tr>
<td>Mixed Road Base Wastes (Sand, Gravel, Stones, Concrete, minimal Asphalt) (minimum charge)</td>
<td>per tonne</td>
<td>M 10%</td>
<td>26.00</td>
<td>26.00</td>
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<tr>
<td>Clean Asphalt (no coal tar)</td>
<td>T29 per tonne</td>
<td>M 10%</td>
<td>96.00</td>
<td>96.00</td>
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<tr>
<td>Clean Asphalt (no coal tar) (minimum charge)</td>
<td>per tonne</td>
<td>M 10%</td>
<td>16.00</td>
<td>16.00</td>
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<tr>
<td>Clean Concrete (Non rebar - non structural, minimal reo. Max 500mm)</td>
<td>T29 per tonne</td>
<td>M 10%</td>
<td>61.00</td>
<td>61.00</td>
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<tr>
<td>Clean Concrete (Non rebar - non structural, minimal reo. Max 500mm) (minimum charge)</td>
<td>per tonne</td>
<td>M 10%</td>
<td>10.00</td>
<td>10.00</td>
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<tr>
<td>Clean Concrete - Structural (With rebar or significant reo. Max 500mm)</td>
<td>T29 per tonne</td>
<td>M 10%</td>
<td>71.00</td>
<td>71.00</td>
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<tr>
<td>Clean Concrete - Structural (With rebar or significant reo. Max 500mm) (minimum charge)</td>
<td>per tonne</td>
<td>M 10%</td>
<td>12.00</td>
<td>12.00</td>
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<tr>
<td>Wood - Clean, untreated</td>
<td>T29 per tonne</td>
<td>M 10%</td>
<td>193.00</td>
<td>193.00</td>
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<td>Wood - Clean, untreated (minimum charge)</td>
<td>per tonne</td>
<td>M 10%</td>
<td>33.00</td>
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<tr>
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<td>M 10%</td>
<td>51.00</td>
<td>51.00</td>
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<tr>
<td>Recyclables - Separated (Domestic Dry Clean Card, Paper, Bottles, Cans) (minimum charge)</td>
<td>per tonne</td>
<td>M 10%</td>
<td>9.00</td>
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<td>Recyclables - Mixed (Domestic Dry Clean Card, Paper, Bottles, Cans)</td>
<td>T29 per tonne</td>
<td>M 10%</td>
<td>112.00</td>
<td>112.00</td>
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<td>Recyclables - Mixed (Domestic Dry Clean Card, Paper, Bottles, Cans) (minimum charge)</td>
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<td>M 10%</td>
<td>19.00</td>
<td>19.00</td>
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<tr>
<td>Scrap Metal (Whitegoods - exc fridges, car parts, bikes, steel, Aluminium)</td>
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<td>Scrap Metal (Whitegoods - exc fridges, car parts, bikes, steel, Aluminium) (Households only)</td>
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<tr>
<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>
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<tr>
<td>Electrical Waste (TV's, Computers, Printers/Scanners, Fans, Phones, VCR'S, DVD Players, Radios/Stereos, Power Tools, Kitchen Appliances, Vacuum Cleaners, Heaters etc.) (Households only)</td>
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<tr>
<td>Electrical Waste (TV's, Computers, Printers/Scanners, Fans, Phones, VCR'S, DVD Players, Radios/Stereos, Power Tools, Kitchen Appliances, Vacuum Cleaners, Heaters etc.) (Commercial Customers)</td>
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**Note:** GST is included in all pricing. Fees are subject to change without notice.
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<tr>
<th>REF.</th>
<th>FEE OR CHARGE</th>
<th>RECEIPT CODE</th>
<th>DESCRIPTION</th>
<th>PRICING POLICY</th>
<th>GST</th>
<th>FEE OR CHARGE GST Inclusive</th>
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<td>2017-2018</td>
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The following charges will be in addition to tonnage charge if included in mixed load

**Tyres:**

- Small - Off Rim: T29 each M 10% 13.00 14.00
- Small - On Rim: T29 each M 10% 22.00 24.00
- Medium - Off Rim: T29 each M 10% 18.00 19.50
- Medium - On Rim: T29 each M 10% 29.00 31.00
- Large - Off Rim: T29 each M 10% 30.00 32.00
- Large - On Rim: T29 each M 10% 35.00 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

**Product List - Materials for Sale (All grades & sizes are nominal)**

- Crushed Recycled Road Base 0-25mm: T29 per tonne M 10% 33.50 35.00
- Crushed Sandstone 0-25mm: T29 per tonne M 10% 33.50 35.00
- Crushed Recycled Aggregate 7-15mm: T29 per tonne M 10% 36.50 38.00
- Crushed Recycled Aggregate 15-25mm: T29 per tonne M 10% 36.00 37.50
- Crushed Recycled Aggregate 25-50mm: T29 per tonne M 10% 36.50 38.00
- Crushed Recycled Aggregate 50-100mm: T29 per tonne M 10% 31.00 32.50
- Crushed Sandstone 0-7mm: T29 per tonne M 10% 42.00 42.00
- Sandstone Rocks - Various Sizes: T29 per tonne M 10% 30.50 32.00
- Turf Underlay: T29 per tonne M 10% 41.00 41.00
- Ungraded General Fill - VENM: T29 per tonne M 10% 14.00 15.50
- minimum charge: M 10% 18.00 20.00
- minimum charge: M 10% 19.00 21.00
- minimum charge: M 10% 24.00 24.00
### Other Items

<table>
<thead>
<tr>
<th>REF.</th>
<th>FEE OR CHARGE</th>
<th>RECEIPT CODE</th>
<th>DESCRIPTION</th>
<th>PRICING POLICY</th>
<th>GST</th>
<th>FEE OR CHARGE GST Inclusive</th>
<th>FEE OR CHARGE GST Inclusive</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Hire of Frank Rigby Room</td>
<td>LGA 1993, 5608</td>
<td>Full Day</td>
<td>M 10%</td>
<td></td>
<td>365.00</td>
<td>365.00</td>
</tr>
<tr>
<td></td>
<td>- Full Day</td>
<td>T29</td>
<td>per day</td>
<td>M 10%</td>
<td></td>
<td>365.00</td>
<td>365.00</td>
</tr>
<tr>
<td></td>
<td>- Half Day</td>
<td>T29</td>
<td>per half day</td>
<td>M 10%</td>
<td></td>
<td>165.00</td>
<td>165.00</td>
</tr>
<tr>
<td></td>
<td>- Casual (short term internal hire attracts nil fee)</td>
<td>T29</td>
<td>per hour</td>
<td>M 10%</td>
<td></td>
<td>55.00</td>
<td>55.00</td>
</tr>
<tr>
<td></td>
<td>Customer account reprints and enquiries (Account Customers)</td>
<td>T29</td>
<td>first enquiry</td>
<td>M N/A</td>
<td>Free</td>
<td>Free</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Customer reprints and enquiries (Other Customers)</td>
<td>T29</td>
<td>all enquiries</td>
<td>M 10%</td>
<td></td>
<td>5.00</td>
<td>5.00</td>
</tr>
</tbody>
</table>

### 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

<table>
<thead>
<tr>
<th>125 Garbage Fees</th>
<th>LGA 1993, 5608</th>
</tr>
</thead>
</table>

#### Wheeled Container Service - 140 litre residual waste - Kerbside

<table>
<thead>
<tr>
<th>Size</th>
<th>Mon-Fri 1-4 weekly services</th>
<th>Mon-Fri 5-8 weekly services</th>
<th>Mon-Fri 9 and over</th>
<th>Saturday &amp; Sunday</th>
</tr>
</thead>
<tbody>
<tr>
<td>140 litre</td>
<td>T30 per annum F GST Free</td>
<td>T30 per annum F GST Free</td>
<td>T30 per annum F GST Free</td>
<td>T30 per annum F GST Free</td>
</tr>
<tr>
<td>140 litre</td>
<td>510.00</td>
<td>537.00</td>
<td>527.00</td>
<td>517.00</td>
</tr>
<tr>
<td>New service</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Wheeled Container Service - 240 litre residual waste - Kerbside

<table>
<thead>
<tr>
<th>Size</th>
<th>Mon-Fri 1-4 weekly services</th>
<th>Mon-Fri 5-8 weekly services</th>
<th>Mon-Fri 9 and over</th>
<th>Saturday &amp; Sunday</th>
</tr>
</thead>
<tbody>
<tr>
<td>240 litre</td>
<td>T30 per annum F GST Free</td>
<td>T30 per annum F GST Free</td>
<td>T30 per annum F GST Free</td>
<td>T30 per annum F GST Free</td>
</tr>
<tr>
<td>240 litre</td>
<td>624.00</td>
<td>637.00</td>
<td>633.00</td>
<td>646.00</td>
</tr>
<tr>
<td>New service</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Wheeled Container Service - 660 litre residual waste - Kerbside

<table>
<thead>
<tr>
<th>Size</th>
<th>Mon-Fri 1-4 weekly services</th>
<th>Mon-Fri 5-8 weekly services</th>
<th>Mon-Fri 9 and over</th>
<th>Saturday &amp; Sunday</th>
</tr>
</thead>
<tbody>
<tr>
<td>1100 litre</td>
<td>T30 per annum F GST Free</td>
<td>T30 per annum F GST Free</td>
<td>T30 per annum F GST Free</td>
<td>T30 per annum F GST Free</td>
</tr>
<tr>
<td>1100 litre</td>
<td>3052.00</td>
<td>3060.00</td>
<td>3105.00</td>
<td>3120.00</td>
</tr>
<tr>
<td>REF.</td>
<td>FEE OR CHARGE DESCRIPTION</td>
<td>RECEIPT CODE</td>
<td>GST</td>
<td>FEE OR CHARGE INCLUSIVE 2016-2017</td>
</tr>
<tr>
<td>----------</td>
<td>----------------------------</td>
<td>--------------</td>
<td>-----------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td></td>
<td>Wheeled Container Service - 240 litre residual waste - KERBSIDE - UPGRADE</td>
<td>T30 per service</td>
<td>F GST Free</td>
<td>271.00</td>
</tr>
<tr>
<td></td>
<td>Wheeled Container Service - 240 litre greenwaste - KERBSIDE additional service</td>
<td>T30 per service</td>
<td>F GST Free</td>
<td>100.00</td>
</tr>
<tr>
<td></td>
<td>Miscellaneous</td>
<td>T30 per cancellation</td>
<td>F GST Free</td>
<td>65.00</td>
</tr>
<tr>
<td></td>
<td>User Pays Recycling Service - additional services</td>
<td>T30 per annum</td>
<td>F GST Free</td>
<td>100.00</td>
</tr>
<tr>
<td></td>
<td>Bulkwaste Services Kerbside (Additional to Rated Services)</td>
<td>T30 per load up to 2 cubic metres</td>
<td>F GST Free</td>
<td>177.00</td>
</tr>
<tr>
<td></td>
<td>Special Event Bin Hire - RESIDUAL WASTE</td>
<td>T30 per load up to 12 bins</td>
<td>M GST 10%</td>
<td>231.00</td>
</tr>
<tr>
<td></td>
<td>Special Event Bin Hire - RECYCLING</td>
<td>T30 per service</td>
<td>M GST 10%</td>
<td>21.00</td>
</tr>
<tr>
<td></td>
<td>240 litre Recycling bin, standard service day</td>
<td>T30 per annum</td>
<td>F GST Free</td>
<td>100.00</td>
</tr>
<tr>
<td></td>
<td>360 litre Recycling bin, standard service day</td>
<td>T30 per annum</td>
<td>F GST Free</td>
<td>120.00</td>
</tr>
<tr>
<td></td>
<td>660 litre Recycling bin, standard service day</td>
<td>T30 per annum</td>
<td>F GST Free</td>
<td>860.00</td>
</tr>
<tr>
<td></td>
<td>1100 litre Recycling bin, standard service day</td>
<td>T30 per annum</td>
<td>F GST Free</td>
<td>1010.00</td>
</tr>
<tr>
<td></td>
<td>Upgrade Standard 240 litre Recycling bin to 360 litre Recycling bin (DWMSC properties only) - admin costs</td>
<td>T30 one off fee</td>
<td>F GST Free</td>
<td>25.00</td>
</tr>
<tr>
<td></td>
<td>Special Event Bin Hire - RESIDUAL WASTE</td>
<td>T30 per service</td>
<td>M GST 10%</td>
<td>71.00</td>
</tr>
<tr>
<td></td>
<td>Special Event Bin Hire - RECYCLING</td>
<td>T30 per service</td>
<td>M GST 10%</td>
<td>16.00</td>
</tr>
<tr>
<td></td>
<td>240 litre Recycling bin, standard service day</td>
<td>T30 per annum</td>
<td>F GST Free</td>
<td>120.00</td>
</tr>
<tr>
<td></td>
<td>360 litre Recycling bin, standard service day</td>
<td>T30 per annum</td>
<td>F GST Free</td>
<td>860.00</td>
</tr>
<tr>
<td></td>
<td>660 litre Recycling bin, standard service day</td>
<td>T30 per annum</td>
<td>F GST Free</td>
<td>1010.00</td>
</tr>
<tr>
<td></td>
<td>1100 litre Recycling bin, standard service day</td>
<td>T30 per annum</td>
<td>F GST Free</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Service Charges of Event bins - 240 litre bin - bins emptied from kerbside location</td>
<td>T30 per service</td>
<td>M GST 10%</td>
<td>16.00</td>
</tr>
<tr>
<td></td>
<td>Service Charges of Event bins - 360 litre bin - bins emptied from kerbside location</td>
<td>T30 per service</td>
<td>M GST 10%</td>
<td>24.00</td>
</tr>
<tr>
<td></td>
<td>Service Charges of Event bins - 660 litre bin - bins emptied from kerbside location</td>
<td>T30 per service</td>
<td>M GST 10%</td>
<td>44.00</td>
</tr>
<tr>
<td></td>
<td>Service Charges of Event bins - 1100 litre bin - bins emptied from kerbside location</td>
<td>T30 per service</td>
<td>M GST 10%</td>
<td>71.00</td>
</tr>
<tr>
<td></td>
<td>Wheeled Container Service - Misc. Sizes and Types</td>
<td>T30</td>
<td>M GST 10%</td>
<td>POA</td>
</tr>
</tbody>
</table>
The Chief Executive Officer, or delegate, may, at their discretion, negotiate an appropriate rate for waste collected, deposited or material sales that falls within the following categories:

For Commercial waste clients as follows:

<table>
<thead>
<tr>
<th>Service and/or Waste Type</th>
<th>Criteria</th>
</tr>
</thead>
</table>
| Waste Collections         | Any customer who requires additional services over and above the basic domestic waste collection services having regard to:  
  - the number of additional services required  
  - the scope and frequency of additional services required  
  - the suitability of the premises, access and/or waste types presented  
  - the best interests of Council |
| Waste inputs              | Account holders who present waste valued in excess of $150,000 and having regard to:  
  - volumes presented and waste composition  
  - any other relevant commercial or operational considerations  
  - the best interests of Council |
| Material outputs          | Account holders who purchase materials valued in excess of $10,000 and having regard to:  
  - volumes purchased  
  - any other relevant commercial or operational considerations  
  - the best interests of Council |

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:

Category one – financial hardship

If a written application is made for the reduction or waiver of a waste associated fee, the Chief Executive Officer, or delegate, may reduce or waive that fee if the Chief Executive Officer or delegate, is satisfied that:

i) the payment of the fee would cause the person genuine financial hardship;  
ii) the waste was generated within the Newcastle local government area, and  
iii) having regard to the principles of social justice, equity and fairness the fee should be reduced or waived.

NOTE: Council will only consider reducing or waiving fees in this category in extreme circumstances.

Category two – Not for Profit or Charitable Organisations

If a written application or an internal recommendation is made for the reduction or waiver of a waste management fee, the Chief Executive Officer or delegate, may reduce or waive that fee if the Chief Executive Officer or delegate, is satisfied that:
i) the organisation making the application is a Not for Profit or Charitable Organisation that is registered or has an office or operational facility within the Newcastle local government area;

ii) the organisation received an authorisation from New South Wales Environmental Protection Agency to waive the application of the Landfill Levy;

iii) the waste was generated within the Newcastle local government area;

iv) the reduction or waiving of the fee is within Council’s allocated budget, and

v) having regard to the principles of social justice, equity and fairness the fee should be reduced or waived.
ITEM-17 CCL 14/03/17 - 4 MAYO STREET JESMOND - WITHDRAWAL OF PROPOSED AMENDMENT TO NEWCASTLE LEP 2012

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

PURPOSE

This report seeks Councils endorsement to not proceed with planning proposal PP_2016_NEWCA_001_00 - 4 Mayo Street, Jesmond (part of Maclure Reserve).

RECOMMENDATION

1 Council resolves to forward planning proposal PP_2016_NEWCA_001_00 (Attachment A) to the Minister for Planning and Environment with a request to not proceed under section 58(4) of the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act).

KEY ISSUES

2 Council resolved to commence the Local Environmental Plan (LEP) amendment process to reclassify and rezone part of Maclure Reserve to allow for its sale and residential development at its meeting on 24 November 2015. Council also resolved to receive a report on the outcomes of the public exhibition.

3 The gateway determination was originally issued on 1 March 2016. The gateway determination combined the planning proposals for 162A Newcastle Road, Wallsend and the planning proposal for part of Maclure Reserve, both being Council proposals to reclassify and rezone land. Council requested that the gateway determination be amended so that each planning proposal could be treated separately. The amended gateway determination allowing the two proposals to be treated separately was issued on 29 July 2016.

4 The gateway determination required consultation with the Office of Environment and Heritage prior to public exhibition for Maclure Reserve. This consultation occurred and no objections were raised to the planning proposal.

5 The planning proposal was publicly exhibited from 22 August 2016 to 19 September 2016. Six submissions were received objecting to the loss of parkland.

6 A public hearing was conducted as per the Local Government Act 1993 (NSW) (the Act). The public hearing was independently facilitated and eight people attended the hearing. A copy of the report, prepared by the independent facilitator, is attached to the planning proposal (Attachment A).
Key concerns raised at the public hearing related to increased residential density in the area, such as the potential height and bulk of future development, traffic and parking, flooding constraints, equity and fairness in relation to the distribution of parkland in the local government area and the potential impacts on health and overall wellbeing should the parkland be rezoned for residential development.

A Preliminary Contamination Assessment was undertaken. The findings of the report conclude that the part of the site proposed to be rezoned was filled sometime between 1976 and 1990. Samples of the fill material taken from the site returned elevated levels of hydrocarbons. Due to the contamination assessment results remediation of the site would be required prior to any development. Due to these findings, Council has requested that the planning proposal be withdrawn.

Council's Facilities and Recreation Unit is undertaking further investigations of Maclure Reserve to better understand the level and extent of contamination and determine the best method to manage the site, including remediation, if required. These further investigations are a separate matter to the planning proposal.

FINANCIAL IMPACT

Not proceeding with the planning proposal means that the land will not be reclassified and rezoned or able to be sold.

COMMUNITY STRATEGIC PLAN ALIGNMENT

The preparation and processing of the attached draft planning proposal has been in accordance with the strategic direction 'Open and Collaborative Leadership' as 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".

IMPLEMENTATION PLAN/IMPLICATIONS

Preparation of the planning proposal was undertaken in accordance with Council's LEP - 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 for amending an LEP.
RISK ASSESSMENT AND MITIGATION

14 The process for 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 complied with the requirements of the original Gateway determination issued on 1 March 2016 and amended on 29 July 2016. Further detail of the community consultation undertaken is outlined in Part 5 - Community Consultation of the planning proposal (Attachment A).

16 Not proceeding with the planning proposal will allow Council to properly identify what, if any, risks the contaminated land poses, reduce risks associated with contaminated fill material and costs associated with any future potential rezoning to allow for residential development. Rezoning of the site is not proposed at this time.

RELATED PREVIOUS DECISIONS

17 At the Ordinary Council Meeting held on 24 November 2015 Council resolved to:

PART A

a) Endorse the attached planning proposal (Attachment A), pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, in order to amend Newcastle Local Environmental Plan 2012 for land at Part 4 Mayo Street Jesmond, as follows:

i. Amend the Land Zoning Map to rezone part of the site from RE1 Public Recreation to R2 Low Density Residential.

ii Amend the Height of Buildings Map to include a maximum permissible height of 8.5 metres over the land proposed to be zoned R2 Low Density Residential.

iii Amend the Floor Space Ratio (FSR) Map to include a maximum permissible FSR of 0.75 over the land proposed to be zoned R2 Low Density Residential.

iv Amend the Minimum Lot Size Map to reduce the minimum lot size of 40 hectares to 450m2 over the land proposed to be zoned R2 Low Density Residential.

v Amend the Minimum Lot Size Map to reduce the minimum lot size of 40 hectares to 4000m2 over the land to remain RE1 Public Recreation.
vi Include the subject land within Part 2 – Land classified or reclassified, as operational land – interests changed within Schedule 4 Classification and reclassification of public land, as follows:

- Column 1 to read “Jesmond”
- Column 2 to read “Part of Lot 20 DP 230341, being the land in Zone R2 Low Density Residential and part of 4 Mayo Street”.
- Column 3 to read “Easement for sewage pipeline (R906718) as noted on Certificate of Title Folio Identifier 20/10396”.

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

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

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

e) Receive a report back on the planning proposal following completion of the required consultation.

PART 2

A report be presented to Council proposing local park improvements including to the remaining sections of Maclure Reserve and nearby Heaton Park.

CONSULTATION

18 The outcomes of the public hearing and submissions received during the public exhibition period are documented in Attachment A. In summary, six submissions were received, all of which objected to the planning proposal. The eight attendees at the public hearing also expressed strong objection to the planning proposal.

OPTIONS

Option 1

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

Option 2

20 Council resolves to not withdraw the planning proposal. This is not the recommended option. The community’s concerns regarding the disposal of land would need to be met along with a management plan, including costs to remediate the site for residential purposes.
BACKGROUND

21 At the Ordinary Council Meeting held on 9 December 2014 Council resolved to further investigate the reclassification, rezoning and sale of six parcels of Council owned land that had been identified as being surplus to Council and community needs. This included Maclure Reserve.

22 In June 2015 City Plan Services lodged a request on behalf of Newcastle City Council to amend Newcastle Local Environmental Plan 2012 (LEP) to allow a part of Maclure Reserve to be reclassified from Community to Operational and rezoned from RE1 Public Recreation to R2 Low Density Residential. This was reported to Council on 24 November 2015.

REFERENCES

ATTACHMENTS

Attachment A: Planning proposal - 4 Mayo Street, Jesmond - part of Maclure Reserve

Attachment A is distributed under separate cover.
ITEM-18 CCL 14/03/17 - SECTION 7.09 ADVERTISING AND SIGNAGE - ADOPTION OF AMENDMENT TO NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

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

PURPOSE

The purpose of this report is to advise Council of the outcomes of the public exhibition of the draft amended Section 7.09 Advertising and Signage of the Newcastle Development Control Plan 2012 (DCP), and seek a Council resolution to adopt the amended Section 7.09 Advertising and Signage as provided in Attachment A.

RECOMMENDATION

1 Council adopts the amended Section 7.09 Advertising and Signage of the Newcastle Development Control Plan 2012 as set out in Attachment A.

KEY ISSUES

2 Amendments are proposed to the advertising and signage section of the DCP to ensure consistency with current State Environmental Planning Policies (SEPP); as well as review, reform and amend planning controls for heritage conservation areas.

3 The principal amendments to the recently exhibited amended Section 7.09 Advertising and Signage include:
   i) Rename to Section 7.09 Advertising and Signage.
   ii) New format which includes an easy to use table that lists relevant signage types and associated controls.
   iii) Inclusion of key precincts for commercial areas within heritage conservation areas and associated controls.
   iv) Amendments to the general design criteria.
   v) Repeal of the Outdoor Advertising technical manual.

4 No submissions were received during the exhibition period, however, further consultation was undertaken with Council's Development and Building Services Unit. As part of these discussions the following controls were identified as requiring review:
i) Size of flush wall signs.  
ii) Dimensions for under awning and protruding wall signs.

5 Section 7.09 Advertising and Signage proposes a maximum 20% of the total wall area for flush wall signs in all zones. However, this is inconsistent with the exempt development controls under SEPP Exempt and Complying Development 2008 (Codes SEPP), which provides separate controls for flush wall signs in commercial and industrial zones. Separate controls for the size of flush wall signs in commercial and industrial areas are now proposed, to ensure the controls reflect the aims of this section of the DCP and are consistent with the Codes SEPP. The control is proposed to be amended as follows:

"c) Is not more than 10% of wall area in commercial zones.  
d) Is not more than 20% of wall area in industrial zones (including land to which the Three ports SEPP applies).  
e) For all other land use zones, size to be considered on merit."

6 Section 7.09 Advertising and Signage includes specific depth/width and height dimensions for under awning and protruding wall signs. However, the Codes SEPP does not include specific depth or height dimensions. As the DCP provides other controls for under awning signs which provide adequate guidance for these types of signs, the inclusion of specific height and depth criteria is not considered necessary. Deletion of the height and depth criteria is also consistent with the controls for these types of signs detailed in the Codes SEPP.

7 The changes outlined above are shown in red text in Attachment A.

FINANCIAL IMPACT

8 The proposed amendments do not have a direct financial impact on the operations of Council.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

10 The amendments are also consistent with the strategic directions of Council’s Local Planning Strategy by reviewing advertising/signage guidelines for commercial centres to ensure attractive and vibrant streetscapes.

IMPLEMENTATION PLAN/IMPLICATIONS

11 The process for preparing and amending DCPs and the matters that a DCP may deal with are specified in the Environmental Planning and Assessment Act 1979 (the Act) and associated Regulation. The Act and Regulation require a relevant planning authority to prepare a DCP and that the DCP be placed on public exhibition for at least 28 days.
12 Following consideration of submissions, the Council may approve the DCP (with or without amendments) or decide not to proceed with the DCP. In this case, it is recommended that Council proceed with the DCP as amended.

RISK ASSESSMENT AND MITIGATION

13 There are no risks to Council in the proposed amendments to the DCP as the legal process is being followed.

14 Existing authorized signage that may not comply as a result of the proposed amendments to the DCP, will remain as approved development.

RELATED PREVIOUS DECISIONS

15 The draft amendments were considered by at the Ordinary Council Meeting held on 22 November 2016, where Council resolved to:

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

CONSULTATION

16 The draft amended Section 7.09 Advertising and Signage was placed on public exhibition for a period of six weeks from 5 December 2016 to 23 January 2017 (Note: In line with Council's public notification policy the exhibition period was extended by 2 weeks due to advertising over the Christmas holidays). During this time no submissions were received.

17 During the exhibition period consultation was undertaken with Council's Development and Building Services Unit. Minor issues relating to controls for flush wall and under awning / protruding wall signs were raised. Amendments to these controls to address the issues raised have been made as discussed above.

OPTIONS

Option 1

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

Option 2

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

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

21 In late 2014, it was identified that there was a high level of unauthorised signage across the Council area. In 2015, a project team was formed to identify issues relating to unauthorised signage. It was identified as part of this project that this section of the DCP was not consistent with current State legislation, nor provided adequate controls for the desired outcomes relating to signage, especially within the City Centre.

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

REFERENCES

ATTACHMENTS

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

Attachment A distributed under separate cover.
ITEM-19 CCL 14/03/17 - SECTION 7.06 STORMWATER - ADOPTION OF
AMENDMENTS TO NEWCASTLE DEVELOPMENT CONTROL
PLAN 2012

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

PURPOSE

The purpose of this report is to advise Council of the outcomes of the public
exhibition of the proposed amendments to Section 7.06 Stormwater and Section
9.00 Glossary of Newcastle Development Control Plan 2012 (DCP). This report
seeks a resolution of Council to adopt the draft amended DCP as provided in
Attachment A.

RECOMMENDATION

1 Council adopts the amendments to Section 7.06 Stormwater and Section 9.00
Glossary of the DCP as set out in Attachment A.

KEY ISSUES

2 The exhibited amendments to the DCP are primarily aimed at clarifying the
guidelines applying to development within wetland catchments. These
wetlands are currently identified under State Environmental Planning Policy 14
- Coastal Wetlands (SEPP 14). However, wetland mapping will soon be
transferred to the new Coastal Management SEPP and SEPP 14 will be
repealed.

3 Some amendments are proposed to the exhibited DCP to address comments
received during the exhibition period, changes in other legislation and improve
the clarity of the controls. The exhibited amendments are shown in red text and
the additional changes are shown in blue text in Attachment A. The changes
do not alter the intent or nature of the controls and include:

i) An additional objective has been added to the 'Clause 7.06.02 - All
Development' to assist understanding of the requirements for stormwater
management within coastal wetland catchments. The additional objective is:

"To clearly define the stormwater management requirements for
development located in coastal wetland catchments and minimise the
impacts of stormwater run-off on coastal wetlands."
ii) Additional notes have been added to the controls for 'water storage in coastal wetland catchments' to explain that the table is a 'deemed to comply' solution. Alternative solutions, such as the installation of subdivision scale onsite detention systems, can be used to reduce the individual site storage requirements.

iii) References to 'SEPP 14 wetlands' have been amended to 'coastal wetlands' due to the imminent repeal of SEPP 14 and replacement with the Coastal Management SEPP. This term is consistent with the Coastal Management SEPP.

iv) The savings provisions have been amended to be consistent with the current standard DCP wording and to allow the adopted amendments to be applied to applications lodged but not yet determined.

v) Additional definitions have been added and / or amended.

vi) Various changes have been made to the wording of controls to improve clarity and remove grammatical errors.

vii) Clauses in 7.06.03 Infrastructure have been amended to clarify the intent of the requirements.

FINANCIAL IMPACT

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

COMMUNITY STRATEGIC PLAN ALIGNMENT

5 The proposed amendments align with the strategic directions of the Community Strategic Plan for a 'Protected and Enhanced Environment' in that they seek to protect wetlands of State and international significance. The amendments also support the strategic directions of a 'Liveable and Distinctive Built Environment' as they support best practice in water efficiency for buildings.

IMPLEMENTATION PLAN/IMPLICATIONS

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

7 Following consideration of submissions, the Council may approve the DCP (with or without amendments) or decide not to proceed with the DCP. In this case it is recommended that Council proceed with the DCP as amended.
RISK ASSESSMENT AND MITIGATION

8 There are no risks to Council in the proposed amendments to the DCP. The legal process outlined in the Act for making a DCP is being followed.

RELATED PREVIOUS DECISIONS

9 At the Ordinary Council Meeting held on 28 June 2016, Council resolved to place the draft amendments to Section 7.06 Stormwater and Section 9.00 Glossary of Newcastle Development Control Plan 2012 as provided in Attachment A on public exhibition for a period of four weeks.

CONSULTATION

10 The draft amendments to Section 7.06 Stormwater and Section 9.00 Glossary of the DCP were placed on public exhibition for 28 days from 18 July 2016 to 15 August 2016.

11 During the exhibition period, a request for an extension of time to make a submission was received by Council. After receipt of the submission, further discussions were held with the submitter and additional information was reviewed.

12 A summary of the issues raised in the submission and Council's response are provided below:

i) It is unclear why the changes have been proposed

The existing Section 7.06 Stormwater of the Newcastle DCP 2012 already contains provisions relating to stormwater management within wetland catchments. However, through the assessment of development applications it became apparent that the requirements for developments within coastal wetland catchments were not clear to applicants or consultants. The changes to the DCP have been proposed to improve the clarity of the stormwater requirements for developments within coastal wetland catchments.

An additional objective has been added to 'Clause 7.06.02 - All Development', to assist understanding of the stormwater management requirements for developments within coastal wetland catchments.

ii) Small lots (<400m²) will be unable to fit the required 10kL tank

It is acknowledged that it will be difficult to install large rainwater tanks on small lots without significantly adding to the cost of the development, as large water tanks would likely need to be installed below ground. The tank sizes proposed within the DCP are a 'deemed to comply' solution. The DCP makes allowance for 'alternative solutions', such as onsite detention systems, constructed at the subdivision stage, to reduce the on lot rainwater tank size. Additional clauses have been inserted to clarify that alternative solutions may be used to reduce the on lot rainwater tank size.
iii) Health *concerns associated with re-use of tank water*

It is proposed to require rainwater tanks to be plumbed to outside taps, laundry taps and the hot water service. This is consistent with NSW Health Guidelines on the use of rainwater.

*iv) Clarify purpose of CCTV requirements*

The submission of CCTV footage and a report for all new drainage works is required to complement Council's records of CCTV across the city to assist with operation and ongoing maintenance of stormwater infrastructure.

**OPTIONS**

**Option 1**

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

**Option 2**

14 Council not proceed with the draft amendments to the DCP. This is not the recommended option. Issues raised during the public exhibition have been adequately addressed by the recommended changes to the draft DCP.

**BACKGROUND**

15 The existing Section 7.06 Stormwater of the DCP was developed after extensive consultation with internal staff and industry and provides best practice for water sensitive urban design.

16 The existing Section 7.06 Stormwater already contains provisions relating to stormwater management for development located within catchments draining into coastal wetlands. The purpose of these provisions is to facilitate protection of the existing water regimes within the receiving coastal wetlands from increased development. In particular, the quantity of stormwater entering these sensitive catchments needs to be maintained as closely as possible to existing conditions to maintain health of the ecosystem. For example, these provisions apply to the Hexham Wetlands catchment which is experiencing increased development through new subdivisions within Fletcher and further development proposed within Minmi. It has been identified through the assessment of development applications that further clarity is required within the DCP to guide future development within these sensitive catchments.
REFERENCES

ATTACHMENTS

Attachment A: Proposed amended Section 7.06 Stormwater and Section 9.00 Glossary

Attachment A distributed under separate cover.
NOTICES OF MOTION

ITEM-7 NOM 14/03/17 - COUNCIL'S SUPPORT FOR MAYFIELD BOWLING CLUB AND DANGAR PARK AS OPEN SPACE PROTECTED FROM PRIVATE DEVELOPMENT

COUNCILLORS: T DOYLE AND M OSBORNE

PURPOSE

The following Notice of Motion was received on 2 March 2017 from the abovementioned Councillors:

MOTION

Noting that

• The Mayfield Bowling Club on the north end of Dangar Park is on public land that has been reserved since 1918 as land for “public parks or grounds for public recreation or as places for bathing.”

• An extraordinary meeting of the Mayfield Bowling Club was held on 8 January 2017 to authorise the club’s Board of Directors to “negotiate and use their discretion to allocate finances on the Clubs (sic) behalf for the possible redevelopment, lease, sale or acquisition of part or parts of the site located at 2A Ingall St Mayfield.”

Council:

1 States its strong and unambiguous support for all parts of Dangar Park, including the Mayfield Bowling Club land, to remain as a public park, free from commercial or private development.

2 Confirms its opposition to any sale, lease or other disposition of any of the public land on which the Mayfield Bowling Club site is located, and

3 Opposes the use of any part of the Mayfield Bowling Club site for commercial, residential or other private development that sees any of the site used for a purpose other than that for which it was reserved in 1918.

4 Reaffirms its belief that the provision of affordable housing is a priority issue for council planning but should not be at the expense of public parks and recreation reserves.
BACKGROUND

Mayfield Bowling Club’s plan to develop bowling green 3 for housing

Mayfield Bowling Club (MBC), like many clubs of its kind, is facing financial difficulties. As a means of alleviating these problems, it has successfully proposed to its members that its executive engage a property development consultant, Touchstone Property Solutions (TPS), to advise them on developing their currently unused Bowling Green 3 for the purposes of developing senior housing units, which they could then sell on.

Thus, it appears that the MBC is in the process of entering into a commercial arrangement with property developer TPS to build a three storey SEPP5 residential building on green 3 of the club. The MBC is part of Dangar Park and, as Crown Land in the heavily populated suburb of Mayfield, is a key public recreation resource for the community at large.

Concerned members of the community believe it is important that this vital open space is maintained for future generations – as was contemplated by the park’s original owner, Albert Dangar, who dedicated the land to Waratah Council for the community in 1911.

A residential development of any type does not meet the requirement for the land to be used for the purpose of public recreation and should therefore not be permissible under the current legislation.

NB: it is understood that Clubs NSW facilitated the arrangement between MBC and TPS. This site is considered to be a test case for Clubs NSW and TPS.

Dedication as Parkland

The land on which the Mayfield Bowling Cub sits is part of the original parcel of land that was dedicated by Albert Augustus Dangar to “the Council of the Municipality of Waratah” on the 11th October 1911.

The whole block, including the land currently occupied by the Mayfield Bowling Club, was proclaimed as a public park and named “Dangar Park” by the Governor of NSW on the 14th August 1918.

Zoning

Mayfield Bowling sits on land that is currently leased Crown Land and is zoned RE2. The permissible uses are described in the Newcastle LEP 2012 as Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
2 Permitted without consent

Environmental facilities; Environmental protection works; Home occupations

3 Permitted with consent

Amusement centres; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Dwelling houses; Emergency services facilities; Entertainment facilities; Flood mitigation works; Food and drink premises; Function centres; Helipads; Home-based child care; Jetties; Kiosks; Marinas; Markets; Moorings; Neighbourhood shops; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Signage; Water recreation structures.

4 Prohibited

Pubs; Any other development not specified in item 2 or 3

Copies of the Dedication of 16 October 2011, Transfer of Dangar Park to Crown Land and Proclamation of 30 August 1918 are attached. Copies of the letters from Mayfield Bowling Club will be available.

ATTACHMENTS

- Transfer of Dangar Park to Crown Lands
- Mayfield Bowling Club Perpetual Lease & Conditions Applying
- Original Dedication from Albert Dangar 16.12.1911
NOTIFICATION OF RESUMPTION OF LAND UNDER THE "PUBLIC WORKS ACT, 1912".

IT is hereby notified and declared by His Excellency the Governor, in accordance with the advice of the Executive Council, that so much of the land hereunder described as is Crown Land has been appropriated, and so much thereof as the property of persons other than the Commonwealth has been resumed under the "Public Works Act, 1912", for the following public purposes, namely, for the establishment of a Public Recreation Ground at Wararata, parish of Newcastle, county of Northumberland, and is vested in the Minister for Lands as constructing a statue or monument on behalf of His Majesty.—Dated the tenth day of July, one thousand nine hundred and eighteen. (Ms. 1918-6,168) (l.s.) W. E. DAVIDSON, Governor.

By His Excellency's Command, W. G. ASHFORD, Minister for Lands.

DESCRIPTION OF LAND REFERRED TO.

All that piece of land containing 11 acres 1 rood, situated in the parish of Newcastle, county of Northumberland, and shown on plan deposited for Lands at Newcastle, three, Sydney, numbered 6,639, as "Danger Park." [157]

[222] Department of Lands, Sydney, 12th July, 1918.

IT is hereby notified, for public information, that, in accordance with the provisions of the Public Trusts Act, 1897, His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the appointment of the undersigned gentlemen as Trustees, respectively, for the portions of land hereinafter particularly mentioned, namely:—

Reserve No. 52,792 at Rosevale, Wiseman's Ferry, county of Northumberland, about 23 acres, notified 10th May, 1918, for Refuge in Time of Famine:—


The portion of Reserve No. 48,598 at Gosford, notified 22nd January, 1913, for Cemetery, set apart for Baptist Burial Ground:—


Reserve No. 30,518 at Roum Mill, area 10 acres, notified 27th January, 1900, for Public Recreation:—


[227] Department of Lands, Sydney, 12th July, 1918.

W. G. ASHFORD, Minister for Lands.

NOTIFICATION OF CLOSING OF UNNECESSARY ROADS.

IT is hereby notified, for public information, that, in accordance with the provisions of the Public Works Act, 1912, His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the removal of the undersigned gentlemen, who have left the district, from their positions as Trustees respectively of the portions of land hereinafter particularly mentioned, and they are hereby removed accordingly:—

Mr. J. Cottrell from his position as a Trustee of Reserve No. 30,518, at Roum Mill, area 10 acres, notified 27th January, 1900, for Public Recreation. [Misc. 1918-4,109]

Messrs. W. Turner and A. Wiltshire from their positions as Trustees of Mechanics' Institute Site at Carrolie, area 2 acres, dedicated 13th November, 1894. [Misc. 1918-4,907]

W. G. ASHFORD, Minister for Lands.

[247] Department of Lands, Sydney, 12th July, 1918.

ROADS DECLARED TO BE PUBLIC ROADS UNDER SECTION 18, "PUBLIC WORKS ACT, 1902."

IT is hereby notified, for public information, that, under the provisions of 18th section of the "Public Works Act, 1902," the roads hereunder described shall be and are hereby declared to be public roads, and dedicated to the public accordingly.

W. G. ASHFORD, Minister for Lands.

DESCRIPTION.

Roads 100 links wide on the north of portions 22, 23, 24—reserved road 100 links wide within portion 2—road 100 links wide on north of portions 6, 25, and 26, boundary road separating portion 26 from portion 25, and boundary road of variable width separating portion 26 from portion 36; also boundary roads 100 links and variable in width separating portions 19 and 20 from portions 17 and 18, and Ellenborough River, parish of Myall, county of Macquarie, Hastings Shire, as shown on plan catalogued K. 13,434-13,435.

W. G. ASHFORD, Minister for Lands.

[248] Department of Lands, Sydney, 12th July, 1918.

NOTIFICATION OF CLOSING OF UNNECESSARY ROADS.

IT is hereby notified, for public information, that, in accordance with the provisions of the 20th section of the "Public Roads Act, 1902," the roads hereunder described, which are now no longer required, are hereby closed, and the lands comprised therein freed and discharged from any rights of the public or any person to the same as highways.

W. G. ASHFORD, Minister for Lands.

DESCRIPTION.

The unnecessary boundary roads separating portions 158, 140, 117, 119 from portions 191, 160, 184, 124, and 125, and reserved road within portion 125. Unnecessary boundary roads separating portions 140, 141, 142, and 59 from portion 156; end of road, portion 141; end of road, portions 17 and 139; boundary roads on north and south of portion 140; boundary roads on east of portion 143, west and north of portion 144, and north of portion 45; boundary roads on east of portion 59 and 57; north and east of portion 170; and boundary road on west of portion 164, all within North Batangaro Stock Farm—parish of Nanami, county of Ashburton, Horo Shire.

[Roads 1917-23-3]

The unnecessary boundary road separating portions 158, 140, 117 from portions 191, 160, 184, 124, and 125, and reserved road within portion 125. Unnecessary boundary roads separating portions 140, 141, 142, and 59 from portion 156; end of road, portion 141; end of road, portions 17 and 139; boundary roads on north and south of portion 140; boundary roads on east of portion 143, west and north of portion 144, and north of portion 45; boundary roads on east of portion 59 and 57; north and east of portion 170; and boundary road on west of portion 164, all within North Batangaro Stock Farm—parish of Nanami, county of Ashburton, Horo Shire.

[Roads 1917-23-3]
NOTIFICATION OF ACQUISITION OF LAND UNDER SECTION 157, CROWN LANDS CONSOLIDATION ACT.

It is hereby notified, for public information, that, in accordance with the provisions of the Public Trusts Act, 1857, His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the appointment of the mentioned gentlemen as Trustees respectively of the portions of land hereinafter particularised, namely:—

Reserve No. 62,766 at Picnic Island, Lake Illawarra, area 7 acres 1 rood, notified 21st October, 1914, for Public Recreation:—

Messrs. Thomas James and Alfred East (in lieu of Mr. E. Aitken, resigned, and Mr. J. Buckley, removed).

[Misc. 1918-6-218]

Reserve No. 60,276 at Picnic Island, Lake Illawarra, area 7 acres 1 rood, notified 29th April, 1915, for Show Ground (Addition):—

Messrs. William Todd, John Skinner, and Denis Joseph Maloney.

[Misc. 1918-6-298]

Reserve No. 52,909 at Boomi, area about 154 acres, notified 10th July, 1918, for Racecourse and Athletic Sports (Addition):—

Samuel Beighton, Ernest Richard Keen, Robert David Layton, Edward Sullivan, John Carmody, Edward Henry Keen, and Daniel McIntyre Allan.

[W. G. ASHFORD, Minister for Lands.


It is hereby notified, for public information, that, in accordance with the provisions of the Public Parks Act, 1912, His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the appointment of the mentioned gentleman as a Trustee of Erskineville Park, Erskineville:—

George James Stokes, Esquire (in lieu of Mr. F. Russell, deceased).

[W. G. ASHFORD, Minister for Lands.

[1931] Department of Lands, Sydney, 30th August, 1918.

It is hereby notified, for public information, that, in accordance with the provisions of the Public Parks Act, 1912, His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the appointment of the mentioned gentleman as a Trustee of Erskineville Park, Erskineville:—

George James Stokes, Esquire (in lieu of Mr. F. Russell, deceased).

[W. G. ASHFORD, Minister for Lands.
NOTIFICATION OF GRANTING OF SPECIAL LEASE IN PERPETUITY

THE Special Lease in Perpetuity of the land specified in the annexed Schedule has been granted to the undermentioned organization.

The lease is subject to the provisions of the Crown Lands Consolidation Act, 1913, and the Regulations thereunder, and to the special conditions, provisions, exceptions, covenants, and reservations set out at the foot of the Schedule.

Any amounts which have been paid in excess will be refunded upon application to the Secretary, Department of Lands. If not claimed, the amounts will be appropriated to future charges as they fall due.

Any amounts payable by the lessee must be paid to the Secretary, Department of Lands. A notice calling for payment will shortly be issued by the Secretary, Department of Lands.

Non-payment will render the lease liable to forfeiture, and should forfeiture be declared all moneys lodged with the application will become forfeited to the Crown.

Notices calling for payment of amounts falling due in the future will be issued prior to the date upon which such amounts become due and payable.

JANICE CROSO, Minister for Natural Resources.

SCHEDULE

<table>
<thead>
<tr>
<th>Reg. No. of papers</th>
<th>No. of lease</th>
<th>Name and address of lessee</th>
<th>Situation and area of land</th>
<th>Purpose of lease</th>
<th>Term of Lease</th>
<th>Annual rent</th>
<th>(1) Stamp duty</th>
<th>(2) Balance of expenses</th>
<th>Rent for use and occupation prior to commencement of lease</th>
<th>Subsidiary accounts</th>
<th>City</th>
</tr>
</thead>
<tbody>
<tr>
<td>MD63 H 882</td>
<td>1983-19</td>
<td>Mayfield Bowling Club Co-op. Ltd., 2A Ingall Street, Mayfield 2304.</td>
<td>Parish Newcastle, County Northumberland, being lot 3197, D.P. 720701, of 6 551 square metres.</td>
<td>Erection of buildings (club house) and recreation (bowling greens).</td>
<td>1 Jan., 1984 to perpetuity.</td>
<td>$860.00</td>
<td>$1 (1) 3.00</td>
<td>(2) 111.50</td>
<td>$80.50 (a)</td>
<td>6</td>
<td>Newcastle.</td>
</tr>
</tbody>
</table>

a Survey fee of $580.50 was paid on 20th December, 1984, Receipt No. G6738.

NOTIFICATION OF GRANTING OF SPECIAL LEASE IN PERPETUITY—continued

SPECIAL CONDITIONS, PROVISIONS, EXCEPTIONS, COVENANTS AND RESERVATIONS

Special Lease 1983-19, Newcastle, Mayfield Bowling Club Co-op. Ltd.—The lease shall be subject to conditions 1, 5, 9, 10, 12, 24 to 26, 35, 59, 65 and 67 of Regulation 106 and to the following special conditions:

(a) The rent shall be paid in advance to the Lands Office, Maitland or to the Secretary, Department of Lands, Sydney, on or before 19th January each year.

(b) The lessee doth hereby covenant with Her Most Gracious Majesty, Queen Elizabeth II and the Minister to indemnify and keep indemnified Her Majesty, Her Heirs or Successors and the Minister or her successors in office against all claims for injury, loss or damage suffered by any person or body lawfully using or being upon the land the subject of this lease or any adjoining land of Her Majesty or the Minister and against all liabilities for costs, charges and expenses incurred by Her Majesty, Her Heirs or Successors and by the Minister or her successors in office in respect of the claim of any such person or body.
CONDITIONS UNDER REGULATION 106

Special Lease Application No. 1983/19 Land District Newcastle

By Mayfield Bowling Club Co-operation Limited.

The lease shall be subject to conditions Nos. 1, 5, 9, 10, 12, 24 to 26, 28, 59, 65 and 67 of Regulation 106 (as set out in the following pages) and to the Special Condition(s) hereunder:

(a) The rent shall be paid in advance to Lands Office Maitland or to the Under Secretary for Lands, Sydney, on or before 19th January, each year.

(b) The lessee doth hereby covenant with Her Most Gracious Majesty, Queen Elizabeth II and the Minister to indemnify and keep indemnified Her Majesty, Her Heirs or Successors and the Minister or his successors in office against all claims for injury, loss or damage suffered by any person or body lawfully using or being upon the land the subject of this lessee or any adjoining land of Her Majesty or the Minister and against all liabilities for costs, charges and expenses incurred by Her Majesty, Her Heirs or Successors and by Minister or his successors in office in respect of the claim of any such person or body.
1. A breach of any of the conditions shall render the lease liable to forfeiture.

2. The rent for each year shall be paid in advance to the Crown Land Agent of the District, or to the Under Secretary for Lands, Sydney, on or before the 31st December of the year preceding that for which it is due.

3. The area leased is exclusive of any roads, streets, or lanes within its boundaries.

4. The lease shall not confer any right to purchase the land.

5. The land leased shall be used only for the purposes for which the lease is granted.

6. The lease shall extend one year from the date of notification in the Gazette of the granting of the lease, unless the land leased shall expire under the Statute of limitations in all cases where the lessor has been given, the movable improvements or structures or material, as the case may be, shall be removed within such time as the Minister may specify.

7. The right is reserved to the Minister to terminate the lease upon giving the lessee not less than one year's notice in writing to terminate the lease upon the expiration of the foregoing reserved right, no compensation will be allowed in respect of such

8. Upon forfeiture, surrender, expiration of the period of the lease, or termination of the lease by the Minister, all improvements on the land shall become the property of the Crown, and no compensation shall be payable therefor: Provided that on application from such land any movable improvements effected by him or at his expense: Provided further that, if directed by the Minister in all cases where the lessee has been given, the movable improvements or structures or material, as the case may be,

9. The lessee shall not remove any fixed improvements from the land leased during the currency of the lease, except with the consent of the Minister in writing, the consent of the Minister first obtained.

10. The lessee shall pay all rates and taxes and all fees and charges under the Local Government Act, 1919, as amended by subsequent Acts, upon the land leased during the currency of the lease.

11. All rights (except residence on land under cultivation) which are conferred by any Mining Act or Acts of New South Wales, with respect to Crown Lands, are reserved with respect to the land leased.

12. The lessee shall hold and use the land leased bona fide in his or her own interest, and shall not transfer, except by way of mortgage, or release of mortgage, assign or otherwise in any way deal with the lease or any part thereof, except with the consent in writing of the Minister first obtained.

13. The lessee shall keep all improvements, the property of the Crown, upon the land leased, in good repair during the currency of the lease, fair wear and tear excepted.

14. The right is reserved to the Minister to withdraw from the lease at any time, and from time to time, any land required for mining or any mining purpose, or for any public purpose, and the lessee shall not be entitled to any compensation whatsoever therefore, or for surrender. In the event of any withdrawal as aforesaid, the lease shall be cancelled, subject to the approval of the Minister, to the land so withdrawn. The amount of such compensation shall be ascertained by multiplying a sum representing the fair value of the lease, in case of withdrawal, and lease shall not agree as to the amount of compensation as aforesaid the matter shall be submitted for determination of the Local Board; and the decision of the Board or the Land and Valuation Court, on appeal shall be final and conclusive.

15. All rights conferred upon the public in the terms of any reservation in regard to the land leased are reserved.

16. The lessee shall not interfere with the right of the public to the use of any roads, streets, lanes or tracks within the land leased.

17. If the lease be for grazing purposes only, the leased land may be cultivated to the extent necessary for the growth and spread of pasturage grasses, but no further.

18. The lessees shall throughout the currency of the lease effectually destroy or cause to be destroyed all of any of the following on the land leased, viz: Bushfieild burn, smegorora burn, African box thorn, Mexican poppy, prickly pear, barny pear, St. John's wort, acacia, wattle, and other scrub, undergrowth, and such plants or weeds as are, or may from time to time he declared noxious under the Local Government Act, 1919, as amended by subsequent Acts, in all municipalities and shires, or in the particular municipality or shire in which the land leased, or any part of it, is situated.

19. The lessee shall take effective steps to keep the land leased free from foxes, rabbits, and other noxious animals during the currency of the lease.

20. During the whole currency of the lease the lessee shall be open to the operation of miners' rights and business licences without interference or annoyance by the lessee, and the lessee shall post at each place of access to the land leased calico notices indicating, for public information, that such land is subject to the operation of miners' rights. Such notices shall be erected and maintained to the satisfaction of the District Surveyor.

21. The lessee shall when fencing the land leased and at any future time when required by the Minister, provide, and subsequently maintain convenient gates of access for the use of miners and persons authorised to obtain timber or other material from such land.

22. Mining operations may be carried on upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below the same and metals and minerals may be removed therefrom and Her Majesty the Queen and the Government by way of injunctive or otherwise in respect of or be liable for any damage whatsoever occasioned by the sitting down of subsidence or otherwise by reason of Her Majesty the Crown or any person on behal of Her Majesty or the said Government or any person on or after the date of the said Government or any lease or operations or having searched for worked won or removed or now or hereafter carrying on mining operations in so far as the same may infringe the rights of the lessee or any other person or land or minerals under it or from the lands lying beneath the land hereby leased or any part thereof to or in under or from or any other lands of such other lands and by reason of the acts and matters aforesaid or in the course thereof Her Majesty the Crown reserves the liberty and any lease or lessee as aforesaid to from time to time let down or to take up without payment of any compensation whatsoever any part of the land hereby leased and/or of the surface thereof.

23. The lease shall enter into residence on the land leased within a period of six months from the date of notification in the Gazette of the granting of the lease. "Residence" for the purpose of this condition shall be deemed to be continuous and bona fide

24. The lessee shall not reside nor permit any other person to reside on the land leased.

25. Any buildings erected on the land leased shall be painted by the lessee with not less than two (2) coats of paint within twelve (12) months after the notification in the Gazette of the granting of the lease, or after the date of erection, whichever is the later. Painting required by this condition shall be renewed at reasonable intervals, no interval to exceed five (5) years.
26. The lessee shall not erect or permit any person to erect any buildings on the land leased except in accordance with plans and specifications approved by the Council of the local government area within which the buildings are proposed to be erected.

27. Should kerbing and/or guttering and/or paving be constructed along the frontage of the land leased and a contribution towards the cost thereof be made by the Crown, interest thereon shall be paid by the lessee to the Crown at the rate of 6 per centum per annum during the remainder of the term of the lease.

28. The lessee shall use the sanitary service (if any) provided by the Council of the local government area within which the land leased is situated.

29. The lessee shall erect gates on roads within the land leased when and where directed by the District Surveyor for public use and shall maintain same together with approaches thereto in good order to the satisfaction of the District Surveyor.

30. The lessee shall not erect or permit any person to erect any structure, except such gates as may be authorised, on roads within the land leased, and shall not cultivate or use such roads for any purpose not compatible with the use of the road by the public.

31. The Crown shall not be responsible to the lessee or his successors in title for provision of access to the land leased.

32. The right is reserved to the public of free access along the bank of the watercourse adjoining the land leased.

33. The right is reserved to the Crown and duly authorised bodies and authorised employees thereof to enter upon the land leased without any material and equipment at any time and from time to time for the purpose of constructing or maintaining any duly authorised work which shall interfere with the erection and maintenance of works envisaged in accordance with the purpose of such easement and compatible with the object thereof.

34. The lessee shall not erect or effect within the site of any defined or designed easement any buildings, excavations or other works which shall interfere with the erection and maintenance of works envisaged in accordance with the purpose of such easement and compatible with the object thereof.

35. The lessee shall indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses incurred in respect of any incident or injury which may arise out of the respects which have been observed by the lessee or that any such accident or injury shall arise from any act or thing which he may be licensed or compelled to do hereunder.

36. The lessee shall not interfere with by ringbarking or otherwise any trees or saplings upon the land leased except under the authority of a permit issued under the provisions of the Forestry Act, 1916, as amended by subsequent Acts and Regulations thereunder, timber and other matter upon buildings and other purposes upon such land as the District Surveyor may approve, provided that such grant in respect of granting such permit may be dispensed with when ringbarking or destruction of timber is necessary with a view to cultivation writing of the land to be cultivated is defined, and that not less than three weeks' notice in the local Forestry Office.

37. Notwithstanding any other condition annexed to the lease the lessee shall carefully preserve all timber, scrub, vegetative cover and any regeneration thereof (excluding annual plants) on the following parts of the land leased:

(a) between the banks of and within strips at least one chain wide along each bank of any creek and/or defined watercourse;

(b) within strips at least one and a half chains wide on each side of the centre line of any depression, the sides of which have slopes in excess of one (vertically) in four (horizontally) i.e., approximately 14 degrees;

(c) where the slopes are steeper than one (vertically) in three (horizontally) i.e., approximately 18 degrees;

(d) within strips not less than three chains wide along the tops of any ranges and main ridges.

In accordance with the foregoing condition of this clause the lessee shall preserve on so much of the land leased as is not used for agricultural purposes, preferably in well distributed clumps or strips, not less than an average of seven trees (where possible, honey to be determined by the Minister to be useful or necessary for soil conservation or erosion mitigation purposes or for shade and shelter.

38. The lessee shall preserve on the land leased an average of not less than seven matured or semi-matured trees of honey producing value to each acre for shade, shelter and honey provision.

39. Notwithstanding any other condition annexed to the lease the lessee shall not interfere with by ringbarking or otherwise any forestry crop or maintenance of works under the provisions of the Forestry Act, 1916, as amended by subsequent Acts and regulations thereunder, the lessee shall ascertain from the District Forestor which class and type of timber shall be preserved under this condition and the lessee shall not interfere with such timber in any way.

40. The lessee shall not carry out any burning off of the land leased except with the consent of the Minister in writing first obtained and in accordance with the requirements of the Bush Fires Act, 1949, as amended by subsequent Acts. Any consent granted in accordance with this condition shall be subject to such conditions as the Minister may impose.

41. The lessee shall not overstock the land leased either wholly or in part, the decision as to overstocking to rest with the Minister. Should the Minister deem it necessary for maintenance of pastures or preservation of the fertility of such land or for promotion of pastoral improvement and the lessee shall notify the lessee of the maximum number of stock that may be released on such land or specially specified periods and on such further conditions as the Minister may determine. The lessee shall furnish such returns relative to the stocking of such land as the Minister may require.

42. If at any time so directed by the Minister, the lessee shall, on such part or parts of the land leased as shall be specified in the direction adopt and maintain such agricultural or pasture improvement practices and irrigate such soil erosion control structures as the Minister may in such direction specify in the interests of soil conservation and the mitigation or prevention of erosion.

43. If at any time so directed by the Minister, the lessee shall, on such part or parts of the land leased as shall be specified in the direction refrain from agricultural practices for such periods as the Minister may in such direction specify.

44. The lessee shall not remove or permit any person to remove gravel, stone, clay, shells, or other material for the purpose of sale from the land leased unless he be the holder of a quarry license under regulations made under the Crown Lands Consolidation Act, 1913, Surveyor, take from the land such gravel, stone, clay, shells, or other material for building and other purposes upon such land as may be required by him as lessee.

45. The lessee shall not interfere with or permit any person to interfere with the masts in connection with the trigonometrical triangulation network erected on the land leased and the unauthorised right of access to such station by authorised persons, and also the right to clear such lines to other such stations is reserved at all times.

46. The right is reserved to duly authorised persons to enter on the land leased and to clear sight lines and carry out any necessary work for mapping purposes.
47. The lessee shall take all necessary precautions to preserve the trigonometrical station on the land leased and the cairn, marks and other works which might be erected on such station.

48. The lessee shall not erect or permit any person to erect any structures or obstacles and shall not plant or permit any person to plant any trees on the land leased which would make observations to and from trigonometrical stations difficult to effect.

49. Subject to tenant right, if any, held by the person who was the holder of any former lease over the land leased in any improvements effected during the currency of that lease, all improvements upon the land shall upon forfeiture, surrender, expiration of the period of this lease or termination of this lease by the Minister become the property of the Crown, and no compensation shall be payable therefore, but upon application within one month of such forfeiture, surrender, expiration or termination, the Minister may permit the former lessee to remove any moveable improvements effected by him or at his expense. In all cases where such permission has been given the improvements shall be removed within such time as the Minister may specify.

50. A conviction of the lessee under the Public Health Act, 1902, or the Dairy Produce Inspection Act, 1902, as amended by subsequent Acts respectively, will render the lease liable to forfeiture.

51. A conviction of the lessee under the Public Health Act, 1902, the Noxious Weeds Act, 1902, or the Cattle Slaughtering and Disposal of Dead Animals Act, 1902, as amended by subsequent Acts respectively, will render the lease liable to forfeiture.

52. The right is reserved to the Minister to at once terminate the lease if he is of the opinion that the purpose for which it is granted is not being carried out in a cleanly manner, or is being carried out in a manner offensive to persons in the neighbourhood, or in a manner such as to be a nuisance or injurious or dangerous to health.

53. The lessee shall not interfere with rifle practice by members of duly constituted Rifle Clubs or the Commonwealth Military Forces on the land leased.

54. The lessee shall not be entitled to charge rent for the use of the rifle range or any part thereof.

55. The lessee shall indemnify and keep indemnified the Crown whether in right of the State of New South Wales or the Commonwealth of Australia, from and against all actions, suits, claims and demands of whatsoever nature in respect of any accident or injury to any person or property, resultant upon rifle practice upon the rifle range on the land leased, and shall, without right of compensation, accept all risks to which he or his property may be exposed by reason of the existence of such rifle range.

56. No compensation shall be paid to the lessee for any accident or injury to the lessee or his property resulting either directly or indirectly from operations on the rifle range on the land leased.

57. The lessee shall erect any structure proposed to be erected on the land leased to the satisfaction of the Minister, and shall keep such structure and any existing structure in good order, and efficient and sanitary condition and in a thorough state of repair and from rats and mice through to the satisfaction of the Minister.

58. The lessee shall take all necessary steps to have the land leased declared a "Holiday Cabin District" under the provisions of Part VIII of Ordinance 71 under the Local Government Act, 1919, as amended by subsequent Acts, and shall erect all buildings on the land leased in conformity with those provisions.

59. In the conditions annexed to the lease the expression "The Minister" means the Minister for Lands, and any power, authority, duty or function conferred or imposed upon the Minister by or under such conditions may be exercised or performed either by the Minister or by such officers of the Department of Lands as the Minister may from time to time approve.

60. For the purpose of application of rent the term of the lease shall be divided into periods. The first period shall expire on 31st December next after the expiration of 4 years from the date of commencement of the lease, and each succeeding period shall be for 5 years or for any unexpired term of less than 5 years at the expiration of any period. The rent for the second and each succeeding period may be reagreed upon either reference by the Minister or at the request of the lessee made during the first 6 months of the affected period.

61. Any part of a reserve for travelling stock, camping or water supply within the land leased shall, during the whole currency of the lease, be open to the use of bona fide travellers, travelling stock, tenants and carriers without interference or annoyance by lessee and the lessee shall post in conspicuous places theron notice boards indicating for public information the purpose of such reserve. In fencing the lease, the lessee shall provide gates and other facilities for the entrance and exit of travelling stock, tenants and others; such notice boards, gates and facilities to be erected and maintained to the satisfaction of the Stock Inspector. The lease shall not overstock, wholly or in part, the area leased within such reserve; the decision as to overstocking to rest with the Minister.

62. The lessee shall not erect on the land leased any structural improvements other than fencing required under the conditions of the lease.

63. The lessee shall not interfere with by ring barking or otherwise any trees or saplings on the land leased.

64. The lease shall within one (1) year from the date of notification in the Gazette of the granting of the lease, or such further period as the Minister may allow, erect a dwelling on the land leased.

65. Upon forfeiture, surrender or other determination of the lease, all improvements on the land leased which are not the subject of tenant-right or rights of the Crown, and no compensation shall be payable therefore; Provided that on application within one (1) month after such forfeiture, surrender or other determination, the Minister may permit the former lessee to remove from such land any moveable improvements effected by him or at his expense: Provided further that, if directed by the Minister in writing to do so, the former lessee shall remove any structure or material from the land at his own cost and without compensation. In all cases where such permission or direction has been given, the movable improvements or structures or material, as the case may be, shall be removed within such time as the Minister may specify.

66. The right is reserved to the Minister to withdraw from the lease at any time, and from time to time, any land required for mining or any mining purpose, or for any public purpose, and the lessee shall not be entitled to any compensation whatsoever thereof, or for reversion. In the event of any withdrawal as aforesaid, the lessee shall be entitled, subject to the approval of the Minister, to remove any movable improvements, or to a fair and reasonable compensation for his interest in any improvements belonging to him on the land so withdrawn. In case the Minister and lessee shall not agree as to the amount of compensation as aforesaid the matter shall be submitted for the determination of the Local Land Board; and the decision of the Board or the Land and Valuation Court, on appeal, shall be final and conclusive.

67. Should kerbing and/or guttering and/or paving be constructed along the frontage of the land leased and a contribution towards the cost thereby be made by the Crown, the lessee shall pay to the Crown the amount of such contribution within three (3) months of being called upon to do so, or in equal annual installments over such period as the Minister may allow with interest added at the rate of four per centum (4% per annum).

68. For the purpose of application of rent the extended term of the lease shall be divided into periods. The first period shall be for 5 years and each succeeding period shall be for 5 years or for any unexpired term of less than 5 years at the expiration of any period. The rent for the second and each succeeding period may be reagreed upon either reference by the Minister or at the request of the lessee made during the first 6 months of the affected period.
DEDICATION OF LAND.

I, ALBERT AUGUSTUS DANGAR of Barossa Whittingham in the State of New South Wales, Grazier being registered as the proprietor of an estate in fee simple of the residue of the land comprised in Certificate of Title dated the first day of February one thousand nine hundred and eight registered volume 1842, folio 173, DO HEREBY DEDICATE to THE COUNCIL OF THE MUNICIPALITY OF WARRATAH for the purpose of a Public Park, ALL THAT piece of land containing eleven acres one rod situated in the Parish of Newcastle County of Northumberland and shown on Plan Deposited in the Land Titles Office No. 6659 as "Dangar Park" and I DO ALSO DEDICATE to the said The Council of the Municipality of Warratah for drainage purposes ALL THAT piece of land situated as aforesaid extending from Park Street to Harr Street as shown on the said Deposited Plan No. 6659 and thereon marked "Dedicated for Drainage purposes".

IN WITNESS whereof I have hereunto signed my name this sixteenth day of October, one thousand nine hundred and eleven.

Witness to the signature of
Albert Augustus Dangar.

Accepted by the Council of the Municipality of Warratah this sixteenth day of October, 1911.

Witness to the signature of
Mayor
Council Clerk.
DEDICATION OF LAND.

I, ALBERT AUGUSTUS DANGAR of Barooona Whittingham in the State of New South Wales, Grazer being registered as the proprietor of an estate in fee simple of the residue of the land comprised in Certificate of Title dated the first day of February, one thousand nine hundred and eight, registered volume 1848, folio 173, DO HEREBY DEDICATE to THE COUNCIL OF THE MUNICIPALITY OF WARATAH for the purpose of a Public Park ALL THAT piece of land containing Eleven acres one rod situated in the Parish of Newcastle County of Northumberland and shown on Plan Deposited in the Land Titles Office No 6069 as "Dangar Park", AND I DO ALSO DEDICATE to the said The Council of the Municipality of Waratah for drainage purposes ALL THAT piece of land situated as aforesaid extending from Park Street to Hann Street as shown on the said Deposited Plan No 6069 and thereon marked "Dedicated for Drainage purposes".

IN WITNESS WHEREOF I have hitherto signed my name this 12th day of October, one thousand nine hundred and eleven.

 Witness to the signature of
Albert Augustus Dangar.

Accepted by the Council of the Municipality of Waratah this 16th day of October, 1911

 Witness to the signature of
Mayor
Council Clerk.
Deed of Grant for Public Lodges by
Redevelopment of Land for Public Purposes

Parcels of Land on 10 October

The Council of the Municipality of

Particulars entered in Register Book
10/11/11 at 11 December 11

1st 11 of December 11

B

JAN, 1912.
CONFIDENTIAL REPORTS

ITEM-2 CON 14/03/17 - CONFIDENTIAL PROPERTY MATTER - COMPULSORY ACQUISITION OF CROWN LANDS FOR ROAD PURPOSES

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

REASON FOR CONFIDENTIALITY

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

Section 10A(2)(g) - advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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

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

and

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

GROUND FOR CLOSING PART OF THE MEETING

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

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

A The matter relates to section 10(2)(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

B The closed session involves:

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

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

C Litigation is currently on foot in this matter and the report considers legal advice. Therefore, the report should not be disclosed to the public on the grounds that it is confidential and subject to legal professional privilege. The disclosure of the legal advice could constitute a waiver by Council of the legal professional privilege in respect of the legal advice and could therefore prejudice Council's legal position.
ITEM-3 CON 14/03/17 - CONFIDENTIAL REPORT - SIGNIFICANT CIVIL WORKS RENEWAL OPPORTUNITY

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

REASON FOR CONFIDENTIALITY

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

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

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

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

A The matter relates to a commercial in confidence agreement with a NSW Government agency.

B It is contrary to the public interest to discuss this agreement in an open meeting because the information provided to Council by the NSW Government agency is provided on the basis that it will be treated by Council as commercial-in-confidence. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.