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 1 May 2018  
**TIME:** 5.30pm  
**VENUE:** Council Chambers  
2nd Floor  
City Hall  
290 King Street  
Newcastle NSW 2300

J Bath  
Chief Executive Officer  

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

24 April 2018

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

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

MINUTES - PUBLIC VOICE COMMITTEE 20 MARCH 2018

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 180320 Public Voice Committee Minutes

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

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

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

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

APOLOGIES

MOTION
Moved by Cr Luke, seconded by Cr White

The apologies submitted on behalf of Councillors Byrne, Clausen, Duncan and Elliott be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS
Nil.
PUBLIC VOICE SESSION

ITEM-1 PV 20/03/18 - DA2017/01388 - 109 MAITLAND ROAD MAYFIELD - DEMOLITION OF FOOD AND DRINK PREMISES DWELLING AND OUTBUILDINGS ERECTION OF FOOD AND DRINK PREMISES ASSOCIATED CAR PARKING LANDSCAPING AND SIGNAGE

Mrs Monica Maybury addressed Council and outlined the objections to the development application.

Mr Stephen O'Connor and Ms Gabrielle Kingston-Yates from Koby Development and Property Consultants (KDC) representing the applicant addressed Council in support of the development application.

The meeting concluded at 6.23pm
MINUTES - BRIEFING COMMITTEE 20 MARCH 2018

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 180320 Briefing Committee Minutes

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

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

APOLOGIES

MOTION
Moved by Cr Luke, seconded by Cr White

The apologies submitted on behalf of Councillors Byrne, Clausen, Duncan and Elliott be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil

BRIEFING COMMITTEE REPORTS

ITEM-1 BR 20/03/18 - CLYDE STREET HAMILTON REMEDIATION PROJECT - JEMENA

Mr David Virtue, Project Manager Clyde Street Remediation Project provided a briefing to Council on Jemena’s strategy to remediate the site per the NSW Environmental Protection Agency (EPA) requirements to reduce risk to human health and the environment.

The presentation outlined the history and former usage of the site and included how this contributed to its contamination.

Jemena's progress and forward plan of the project works was outlined to Councillors and included the relevant government and associated authority approval stages. Council was advised that the project was scheduled to commence in late 2018 with anticipated completion in 2020.
Mr Virtue stated that their strategy had been endorsed by both NSW EPA and the Site Auditor; furthermore they encourage the community to contact the organisation to learn more about the project and all necessary contact details were available on their website.

Councillors raised a number of questions regarding what Jemena was planning for the site, what investigations had or had not been undertaken for its potential use apart from IN2 (Industrial Light) zoning and had options been considered for better usage such as residential or recreational spaces.

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

The briefing be received. **Carried**

**ITEM-2 BR 20/03/18 - NEWCASTLE NOW**

Mr Michael Neilson, Executive Manager Newcastle Now and Mr Edward Duc, Chairman Newcastle Now provided a briefing to Council on its history, original inception, operation guidelines and Newcastle Now's current status as a Business Improvement Association (BIA).

Mr Neilson outlined the organisation's aim to support business activity in the City Centre. Current priorities to include a Business Support Program, After Dark Economy, Walkable City and Data Collection were provided to Council noting that these priorities were being delivered through consultation with the community and local businesses.

A number of Councillors raised questions in relation to the breakdown and allocation of revenue received and how it was allocated and applied to staffing costs. Further queries were made in relation to the use of grant funding and how it was directed to projects, programs and resources and why Council was being asked to undertake tasks that the BIA should be undertaking.

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

The briefing be received **Carried**

The meeting concluded at 7.59pm.
MINUTES - ORDINARY COUNCIL MEETING 27 MARCH 2018

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 180327 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 M Byrne, J Church, D Clausen, C Duncan, J Dunn, K Elliott, B Luke, J Mackenzie, A Robinson, A Rufo, E White and P Winney-Baartz.

IN ATTENDANCE
J Bath (Chief Executive Officer), A Baxter (Interim Director Corporate Services), K Liddell (Director Infrastructure), P Chrystal (Director Planning and Regulatory), E Kolatchew (Interim Manager Legal and Governance), J Gaynor (Manager Strategic Planning), F Leatham (Interim Human Resources Manager), B Johnson (Media Officer), N Keene (Communications Officer), M Murray (Policy Officer), C Field (Executive Officer - Lord Mayor's Office), C Dunnicliff (Winton Consulting) 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.

APOLOGIES
Nil.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Brad Luke
Councillor Luke declared a non-pecuniary less than significant conflict of interest in Item 20 - Executive Monthly Performance Report as it included the re-investment Surplus Funds Report which mentions multiple financial institutions that he had dealings with in his business. The declaration is less than significant as he noted he was not involved in determining where funds are invested and was just receiving a report.

WELCOME
The Lord Mayor welcomed members of the Kotara Ventura Group to the meeting.
CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 20 FEBRUARY 2018
MINUTES - ORDINARY COUNCIL MEETING 27 FEBRUARY 2018

MOTION
Moved by Cr Clausen, seconded by Cr Elliott

The draft minutes as circulated be taken as read and confirmed subject to Councillor Elliott's non-pecuniary interest in respect to Item 3 - Notice of Motion - Offshore Coal, Oil and Gas Exploration and Mining, Ordinary Council Meeting 27 February 2018 being reworded as follows:

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

Carried

LORD MAYORAL MINUTE

ITEM-3 LMM 27/03/18 - THE STATUS OF THE CITY OF NEWCASTLE

MOTION
Moved by Cr Nelmes, Lord Mayor

That Newcastle City Council:

1 Notes the continued uncertainty surrounding the status of the City of Newcastle, where the City is classified as either as a 'regional' or 'metropolitan';
2 Writes to the New South Wales Premier, the Hon. Gladys Berejiklian MP, seeking clarification about regional and metropolitan boundaries in New South Wales, emphasising Newcastle's status as an emerging global City;
3 Calls on the New South Wales Government to provide certainty to the City of Newcastle regarding eligibility for grant funding opportunities by acknowledging Newcastle's role as the State's second City.

Carried unanimously
ITEM-4  LMM 27/03/18 - THE 80TH ANNIVERSARY OF THE DECLARATION OF
THE CITY OF GREATER NEWCASTLE

MOTION
Moved by Cr Nelmes, Lord Mayor

That Newcastle City Council:

1 Notes that 1 April, 2018, marks the 80th Anniversary of the declaration of the City of Greater Newcastle on 1 April, 1938;
2 Recognises the contribution of Arthur H. Griffith, John D. Fitzgerald, Robert G. Kilgour, William M. Shedden, and Eric J. Spooner, who were instrumental figures in the establishment of the City of Greater Newcastle;
3 Marks this important Anniversary across our cultural facilities throughout 2018/19;
4 Engages with NSW State Archives & Records to develop a comprehensive historical record of the City of Newcastle.

Councillor Clausen requested that the background of the minute and the accompanying attachment Greater Newcastle Act 1937 (Attachment A) be included in the minutes.

Carried unanimously

Background:

Newcastle was founded in 1801, abandoned and re-established in 1804 as a penal settlement and the Nation’s first profitable source of coal and cedar for the emerging Colony. Prior to 1843 The Governor of New South Wales was in charge of all governmental responsibilities. In Newcastle, these orders were carried out by appointed military commanders.

When Newcastle ceased to be a penal settlement and the region became open to free settlers in the 1820s, it soon became apparent that the colonial government could not provide adequate local services, and therefore the opportunity emerged to establish municipal district councils (NSW Department of Education and Training, 2004).

The first local councils in New South Wales were incorporated under the provisions of the Imperial Act of 1842. From 1843 individual councils were established and administered by a government-appointed warden. (State Records Authority of New South Wales, 2008)

Published in the NSW Government Gazette of 10 October 1843 was the Charter dated 27 September 1843 with a notification from the Governor of a Letters Patent incorporating the inhabitants of a number of districts including the Newcastle District Council to be administered by a Warden and six Councillors. The first Warden was Mr Alexander Walter Scott, and the Councillors were William Croasdill, George Brooks, William Brooks, Lancelot Edward Threlkeld, Simon Kemp and Henry Boyce.
The Newcastle District Council’s functions were to distribute the allocation of Government funds for the purposes of road repairs and bridges especially in Newcastle’s case, the Iron Bark Bridge (Goold, n.d, 5).

Due to public disquiet as to the Sydney centric distribution of Government funds, The Municipalities Act of 1858 provided for a system of incorporation that could be granted to townships on the proviso that a petition of at least 50 signed householders was received. The Governor could then proclaim the municipality. (Larcombe, 1973, p.261)

A ‘municipality’ is a legal instrument defined in 1858 to define an area of land for the purposes of local government no larger than 10 square miles and with a minimum population of 500. A ‘borough’ is the area containing inhabitants that is incorporated under that legal instrument. A ‘borough’ was originally defined as a place with houses, a step up from a ‘town’, but not as big as a ‘city’.

On the 27 October 1858 the Municipalities Act was passed by the NSW Government. The first meeting of Newcastle’s inhabitants to discuss the provisions of the Act was held on the 8 November 1858. It was a success, with a petition being sent to the Governor of the intention of the district’s 2,400 inhabitants calling for the township to become a municipality. (Goold, n.d, 5)

The Proclamation by His Excellency Sir William Thomas Denison that created The Municipality of Newcastle was officially signed at Government House Sydney on the 7 June 1859, and published the following day in the NSW Government Gazette. (Goold, n.d, 7 and NSW Government Gazette, 1859, 1293-1294)

Each municipality was to be governed by an elected Council of 6-9 members. Newcastle was incorporated in 1859 and its first elected Mayor was Mr James Hannell. Three Wards were proclaimed; The City Ward to be governed by 9 councillors, The Macquarie Ward and the Honeysuckle Ward consisting of 5 councillors each. The Municipality of Newcastle existed under that title from 8 June 1859 – 22 Dec 1867.

The original meetings were held in the old courthouse building that originally occupied the site on the corner of Hunter and Bolton Streets; it was demolished to build Newcastle Post Office.

From 1884 onwards the meetings were held in the Council Chambers in Watt Street (still existing and now occupied by the United Services Club).

As the population grew, residents from surrounding mining townships began petitioning for their own townships to be incorporated under the Municipalities Act of 1858. These included Wallsend (1874); Plattsburg (1876); Hamilton, Lambton, Wickham and Waratah (1871); Adamstown and Merewether (1885); Carrington (1887); New Lambton and Stockton (1889). (Windross & Ralston, 1897, p.35).

The Municipality of Newcastle became The Borough of Newcastle on the 23 December 1867 after The Municipalities Act of 1867.
The Act came into force in order to avoid legal difficulties that arose between the administration of urban and rural areas. Under the new Act rural and urban areas would be divided into municipal districts which could not be less than 500 people (rural units) and municipal boroughs with a population that could not be less than 1,000 (urban units). (Larcombe, 1976, p.150) The Municipalities Act of 1867 declared that the existing 35 municipalities, of which Newcastle was one, be legally constituted as boroughs. Each would be governed by elective councils of 6-12 aldermen, and if divided into wards were to have three representatives for each. (Larcombe, 1976, p.158)

Huntington in his ‘History of Newcastle and the Northern District’, (which was a history of Newcastle published as a serial in the Newcastle Herald from 1897-1898), said that the boundaries of Newcastle were proclaimed back on the 14 December 1858 under the Towns Police Act, and that the city boundaries proclaimed later on the 20 March 1885 were identical to them. Newcastle was proclaimed a borough on the 14 September 1886. The wards, which were called City, Honeysuckle and Belmore were proclaimed on the 14 September 1886. (Huntington, pp. 209-210)

The boundaries of the Newcastle Local Government Area have been progressively expanding over time.

The biggest expansion occurred in 1938 when the City absorbed eleven (11) surrounding suburban municipalities.

**The City of Greater Newcastle**

On the 1st April 1938 the City of Greater Newcastle came into being after the Greater Newcastle Act 1937.

The idea for a greater Newcastle had originally been proposed in the 1890s and reached wider public discussion in February 1901 when the local State politician Arthur Griffith (1861-1946) suggested that if all the councils of Newcastle were to amalgamate a grant of 30,000 pounds (twice the municipal income of the time) would be provided to assist the process. The idea was furthered over the next thirty years by its champions John D. Fitzgerald (1862-1924), Robert G Kilgour (1867-1938) President of the Greater Newcastle League, William M. Shedden (1862-1933) and finally Eric J. Spooner (1891- 1952) who was instrumental in bringing it to fruition through the Greater Newcastle Act that became law on the 15th December 1937 (Docherty, 1983, pp143-153).

In 'Sesquicentenary of Local Government in Newcastle', it is noted that 'No full length substantial history exists for the City of Newcastle nor of its Council. Therefore this modest administrative history is a preliminary first step towards a more comprehensive history'.

Source:

Mr Gionni Di Gravio, Archivist, Cultural Collections, University Library, University of Newcastle: Sesquicentenary of Local Government in Newcastle:

REPORTS BY COUNCIL OFFICERS

ITEM-21  CCL 27/03/18 - SIX MONTHLY REVIEW OF 2013-2018 DELIVERY PROGRAM

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

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

Carried unanimously

ITEM-27  CCL 27/03/18 - 1 ORDNANCE STREET NEWCASTLE - ADOPTION OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENT PLAN 2012

MOTION
Moved by Cr Mackenzie, seconded by Cr White

Council resolves to:

i) Endorse the attached Planning Proposal (Attachment A), pursuant to section 55 of the Environmental Planning and Assessment Act 1979 NSW (EP&A Act), to amend Newcastle Local Environmental Plan 2012 (LEP) in order to remove from Schedule 1 the additional permitted use as a function centre and kiosk with associated car parking and landscaping at 1 Ordnance Street Newcastle (Lot 3109 DP 755247).

ii) Forward the planning proposal to the Department of Planning and Environment (DPE) requesting that a draft Local Environmental Plan be prepared and made pursuant to section 59(1) of the EP&A Act.

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

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

Against the Motion: Nil.

Carried
ITEM-30  CCL 27/03/18 - TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE, KEIGHTLEY LANE NEWCASTLE

MOTION
Moved by Cr Dunn, seconded by Cr Duncan

Council approve the temporary suspension of the Alcohol Free Zone (AFZs) for Keightley Lane Newcastle from 6am to 6pm on Wednesday 25 April 2018 for the purpose of allowing ANZAC Day activities. This suspension is subject to the event organiser, Newcastle Diggers Club, meeting all requirements of the Newcastle Local Area Command (LAC) and Council.

For the Motion: Lord Mayor, Cr Nelmes, Councillors Byrne, Church, Clausen, Duncan, Dunn, Mackenzie, Luke, Robinson, Rufo, White and Winney-Baartz.

Against the Motion: Councillor Elliott.

Carried

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

MOTION
Moved by Cr Mackenzie, seconded by Cr Duncan

Council resolves to:

i) Endorse the attached Planning Proposal (Attachment A), prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend Newcastle LEP 2012 to create a Heritage Conservation Area for the Glebe Road Federation Cottages on the following land:

   a) Lot 1 DP 7356435, Lots 10 DP 1049694, Lot 1 DP 1188026, Lot 0 SP 0053274, and Lots 112 to 117 and 120 to 121 DP 95005, Nos 53 - 75 Glebe Road, The Junction.

   b) Lot 11 DP 1049694, 4 Watkins Street, The Junction.

ii) Forward the Planning Proposal to the Minister for Planning for Gateway determination pursuant to Section 3.34 of the EP&A Act.

iii) Advise the Secretary of the Department of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 3.36(1) of the EP&A Act.

iv) Consult with the community and relevant government agencies as instructed by the Gateway determination.
v) Place draft Section 6.02 Heritage Conservation Areas of the DCP on public exhibition for a minimum period of 28 days, concurrently with the Planning Proposal.

vi) Receive a report back on the Planning Proposal and draft Development Control Plan guidelines as per the requirements of Section 3.34 of the EP&A Act.

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

Against the Motion: Councillor Luke.

Carried

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

MOTION
Moved by Cr Dunn, seconded by Cr Duncan

The report be received.

For the Motion: Lord Mayor, Cr Nelmes, Councillors Byrne, Clausen, Duncan, Dunn, Mackenzie, White and Winney-Baartz.

Against the Motion: Councillors Church, Elliott, Luke, Robinson and Rufo.

Carried

ITEM-22 CCL 27/03/18 - EXHIBITION OF DONATIONS PROGRAM POLICY

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

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

B Develops a Council wide policy for in-kind donations and support (including waiving of fees and charges, venue hire, complimentary waste collection) to ensure probity, transparency and appropriate acknowledgement of all Council support.

Carried unanimously
ITEM-23 CCL 27/03/18 - MOTIONS AND ATTENDANCE AT THE 2018 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

1 Council determines Councillor representation at the 2018 Australian Local Government Association's National General Assembly (NGA) of Local Government.

2 Council approves Councillors White, Duncan and Winney-Baartz to attend the 2018 Australian Local Government Association's NGA of Local Government.

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

In moving the motion, Councillor Clausen requested that Council submit a motion to the NGA based on the unanimous Lord Mayoral Minute of 27 March 2018 on *The Status of the City of Newcastle*. The motion should focus on the need for a coherent national city policy, a coherent policy about the important role of second tier cities like Newcastle, and a consistent national definition of what constitutes 'regional' and 'metropolitan'.

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

Carried

ITEM-24 CCL 27/03/18 - EXHIBITION OF REVISED CODE OF MEETING PRACTICE

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

1 Council notes the NSW Government's August 2016 amendments to the *Local Government Act 1993* which provide for a Model Code of Meeting Practice. The Office of Local Government has circulated two draft versions of the code, with consultation on the most recent draft closing on Friday 16 March 2018.

2 Council places both the revised Interim Code of Meeting Practice (*Attachment A - Council Papers*) incorporating all proposed changes (except proposed clause 11.3 which is to be amended to say "...give the Lord Mayor/Chairperson and CEO...", clause 12.1.7, clause 17.7, clause 41.1 be amended to say "...lodged with Lord Mayor/Chairperson and CEO...") AND the draft Office of Local Government Model Code of Meeting Practice (*Attachment 2*) on public exhibition for a period of 31 March 2018 to 11 May 2018.

3 Council receives a report back following public exhibition of the draft Codes, and is kept updated of any additional information from the Office of Local Government on the introduction of a Model Code of Meeting Practice.
Attachment

1  Circular No 17-40 / 6 December 2017 - Consultation on the draft Model Code of Meeting Practice for Local Councils in NSW

2  Model Code of Meeting Practice for Councils in NSW - December 2017

PROCEDURAL MOTION
Moved by Cr Luke, seconded by Cr Rufo

Council adjourn for a five minute recess to read the proposed changes.  Carried

Council adjourned at 6.33pm and reconvened at 6.38pm.

The motion moved by Councillor Clausen and seconded by Councillor Winney-Baartz was put to the meeting.  Carried

ITEM-25  CCL 27/03/18 - BERESFIELD SWIMMING CENTRE UPDATE

MOTION
Moved by Cr Dunn, seconded by Cr Byrne

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

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

Against the Motion:  Nil.  Carried unanimously
ITEM-26 CCL 27/03/18 - SUMMERHILL WASTE MANAGEMENT CENTRE
PROPOSED FEES AND CHARGES 2018/19

The Lord Mayor tabled Charities - Fee Waiver in respect to this item.

MOTION
Moved by Cr Dunn, seconded by Cr Clausen

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

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

Carried unanimously

ITEM-28 CCL 27/03/18 - WEST END STAGE ONE - PUBLIC DOMAIN - PUBLIC EXHIBITION OUTCOMES

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

Council resolves to:

Adopt the West End Stage One - Public Domain Plan as provided in Attachment A.

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

Against the Motion: Nil.

Carried

ITEM-29 CCL 27/03/18 - EAST END STAGE ONE - STREETSCAPE PLAN - PUBLIC EXHIBITION

MOTION
Moved by Cr White, seconded by Cr Church

Council approves release of the Draft East End Stage One - Streetscape Plan (the Plan) as outlined in Attachment A for public exhibition for 4 weeks.
ITEM-31 CCL 27/03/18 - ENDORSEMENT FOR PUBLIC EXHIBITION OF THE DRAFT NEWCASTLE AFTER DARK STRATEGY

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

Council resolves to:

i) Place the draft Newcastle After Dark Strategy (the Strategy) as provided in Attachment A on public exhibition for 6 weeks.

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

FOR THE MOTION: Lord Mayor, Cr Nelmes, Councillors Byrne, Church, Clausen, Duncan, Dunn, Elliott, Luke, Mackenzie, Robinson, Rufo, White and Winney-Baartz.

AGAINST THE MOTION: Nil.

Carried

NOTICES OF MOTION

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

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

That Council:

1 Notes that Council currently owns and maintains more than 970km of footpath across the Newcastle Local Government Area, with a value of $110 million.

2 Notes that by adopting Option 3 Special Rates Variation in 2015, Council provided $15million more in funding to address unfunded pedestrian and local traffic improvements across the City.

3 Notes that Council’s current delivery of footpath renewal is prioritised through the Pedestrian Access Mobility Plan (PAMP) hierarchy after contact from residents.
4 Prepares a proactive Footpath Strategy to guide investment in the delivery of new footpaths across the city over the duration of the next Community Strategic Plan based on the principles of the PAMP hierarchy, and considers the opportunities available to further expedite the delivery of footpaths across the Local Government Area.

Carried unanimously

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

MOTION
Moved by Cr Church, seconded by Cr White

That Newcastle Council:

- Consult with Mayfield Skate Park users and their parents to identify possible improvements to existing skating infrastructure in Dangar Park.
- Create a scope of works and budget estimates to deliver these improvements in stages beginning in the next financial year.

Carried unanimously

CONFIDENTIAL REPORTS

PROCEDURAL MOTION
Moved by Cr Dunn, seconded by Cr Duncan

Council move into confidential session for the reasons outlined in the Business Papers.

Carried

Council resolved into confidential session at 7.30pm.

During confidential session:

- At 7.34pm, all Council staff left the Chamber with the exception of the Chief Executive Officer, Interim Manager Human Resources, Interim Manager Legal and Governance and Consultant, Clare Dunnicliff, Winton Consulting in respect to Item 4 - Organisation Redesign and Structure
- A procedural motion was moved by Councillors Dunn and Clausen to move into Committee of the Whole to receive a briefing from the Chief Executive Officer in respect to Item 4 - Organisation Redesign and Structure and carried
- As the time was nearing 9.15pm, a procedural motion was moved by Councillors Clausen and Mackenzie to move out of confidential Committee of the Whole and into the confidential Council meeting in order to move a procedural motion to extend the meeting.
- Councillors Mackenzie and Clausen moved a procedural motion to extend the meeting beyond 9.30pm to conclude the briefing and Confidential Item 4 and the motion was carried
• A procedural motion was moved by Councillors Clausen and White to move out of the confidential Council meeting and into Committee of the Whole to complete the briefing and carried
• A procedural motion was moved by Councillors Duncan and Dunn to reconvene the confidential Council meeting at 10.20pm and carried
• A procedural motion was moved by Councillors Clausen and Winney-Baartz to reconvene open Council and carried

At this stage of the meeting the Policy Officer and Meetings Secretary returned to the meeting.

Council reconvened at 10.25pm and the Chief Executive Officer reported the resolutions of confidential session with regard to Item 3 - Confidential Item 3 - Reduction in Outdoor Trading Fees Due to Light Rail Construction and Item 4 - Organisation Redesign and Structure

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

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

Council, noting the unique circumstances with regard to outdoor dining impacts of the light rail construction works along Hunter and Scott Streets, resolves to:

i) Authorise the Chief Executive Officer (CEO) to waive the Outdoor Trading Fees incurred by six business owners operating within the Newcastle Central Business District for a 12 month period commencing from 1 July 2018 and concluding on 30 June 2019. Additionally that fees be waived for a single affected business for the period 1 January 2018 to 30 June 2018.

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

Carried unanimously

ITEM-4 CON 27/03/18 - ORGANISATION REDESIGN AND STRUCTURE

MOTION
Moved by Lord Mayor, Cr Nelmes, seconded by C Byrne

1 Council receives a briefing from the Chief Executive Officer on the organisation design and structure.

2 Council determines an organisation structure and senior staff positions as at Attachment A in accordance with the requirements of the Local Government Act and notes the engagement of McArthur for recruitment purposes.

3 The Chief Executive Officer reports to Council in six months providing an update on the organisation structure implementation.
4 This confidential report relating to the matters specified in s10A(2)(a) of the Local Government Act 1993 be treated as confidential and remain confidential until Councillors are advised by the Chief Executive Officer that the new structure has been communicated to all staff.

For the Motion: Lord Mayor, Cr Nelmes, Councillors Byrne, Church, Clausen, Duncan, Dunn, Mackenzie, White and Winney-Baartz.

Against the Motion: Councillors Elliott, Luke, Robinson and Rufo. Carried

The meeting concluded at 10.27pm.

Attachment A Lord Mayoral Minute Item 4 - The 80th Anniversary of The Declaration of The City of Greater Newcastle - Greater Newcastle Act 1937
(2) Subsection one of this section shall be deemed to have commenced on the first day of January, one thousand nine hundred and twenty-two.

GREATER NEWCASTLE ACT.

Act No. 20, 1937.

An Act to unite the City of Newcastle and certain other areas and parts of areas and to constitute the united area as a city; to provide for the division of the united area into wards; to confer and impose certain powers, authorities, duties and functions upon the Council of the united area; to repeal the Newcastle District Abattoir and Sale-yards Act, 1912, and certain other Acts; to amend the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 15th December, 1937.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Greater Newcastle Act, 1937."

   (2) This Act shall be read and construed with the Local Government Act, 1919, as amended by subsequent Acts.

   (3)
Interpretation.

2. In this Act, unless the context or subject matter otherwise indicates or requires—

"Appointed day" means the first day of March one thousand nine hundred and thirty-eight or such later day as may be proclaimed by the Governor.

"Commission" means the Greater Newcastle Electoral Commission appointed under this Act.

"Greater Newcastle" means the City of Greater Newcastle constituted by this Act.

"Greater Newcastle Council" means the Council of the City of Greater Newcastle.

"Local Government Act" means the Local Government Act, 1919, as amended by subsequent Acts.

PART II.

CONSTITUTION OF CITY OF GREATER NEWCASTLE.

3. (1) Upon the appointed day the City of Newcastle, together with the municipalities referred to in the First Schedule to this Act, and the part of the Shire of Tarro described in Part I of the Second Schedule to this Act, the part of the Shire of Lake Macquarie described in Part II of the Second Schedule to this Act, shall, without further or other authority than this Act, be united and shall be constituted an area within the meaning of the Local Government Act.

(2) Such area shall be a city and shall be described as the City of Greater Newcastle.

(3) The provisions of the Local Government Act shall to the extent to which they are not inconsistent with this Act, apply to and in respect of the City of Greater Newcastle.

(4) Upon the appointed day—

(a) the part of the Shire of Tarro described in Part I of the Second Schedule to this Act shall cease to be a part of the Shire of Tarro;

(b) the council of such shire shall be deemed to be the council of that shire as altered by the taking away of the part referred to in Part I of the Second Schedule to this Act; and

(c) no reconstitution of the council or the area of the Shire of Tarro shall be necessary.
(5) Upon the appointed day—

(a) the part of the Shire of Lake Macquarie described in Part II of the Second Schedule to this Act shall cease to be a part of the Shire of Lake Macquarie;

(b) the council of such shire shall be deemed to be the council of that shire as altered by the taking away of the part referred to in Part II of the Second Schedule to this Act; and

(c) no reconstitution of the council or the area of the Shire of Lake Macquarie shall be necessary.

(6) (a) The union of the areas and parts of areas referred to in subsection one of this section, and the constitution of Greater Newcastle under this section shall be deemed to be an exercise of the power conferred upon the Governor by paragraph (a) of section sixteen of the Local Government Act, and the provisions of that Act (except section twenty) shall, to the extent to which provision is not otherwise made in this Act, apply as if on the date of the commencement of this Act, a proclamation had been issued by the Governor under the said paragraph (e) of section sixteen providing for the union of the areas and parts of areas referred to in subsection one of this section on the appointed day, and the constitution on that day of Greater Newcastle.

(b) For the purpose of giving effect to the provisions of this Act, any proclamation which the Governor is authorised to make under section twenty-one of the Local Government Act, may be made at any time either before or after the appointed day.

PART III.

Constitution of Greater Newcastle Council.

DIVISION 1.—Aldermen and first election.

Aldermen and wards.


(2) Greater Newcastle shall be divided into seven wards.

(3) The respective wards of Greater Newcastle shall be represented on the Greater Newcastle Council by an equal number of aldermen.

5. (1) The first election of aldermen for the Greater Newcastle Council (in this Act referred to as the first election) shall be held on a day to be proclaimed by the Governor:

Provided that such first election shall be held before the appointed day.

(2) The office of an alderman elected at such first election shall—

(a) commence on the appointed day;

(b) become vacant on the day appointed by or under the Local Government Act for the next ordinary election of aldermen under that Act after the appointed day or on the occurrence of an extraordinary vacancy, whichever first happens.

(3) (a) For the purposes only of this subsection Greater Newcastle shall be deemed to have been constituted upon the date of the first election, and the persons elected at the first election shall be deemed to be aldermen of the Greater Newcastle Council, and the provisions of the Local Government Act and the ordinances thereunder to the extent to which they are applicable, shall apply accordingly.

(b) During the period commencing on the date of the first election and ending on the appointed day, the powers and functions of the Greater Newcastle Council shall be limited to the matters and things following that is to say—

(i) the election of a mayor;

(ii) the provision of an office for the Greater Newcastle Council;

(iii) the appointment of servants of the Greater Newcastle Council and the organisation of the staff of servants, but only so far as such appointment and organisation are necessary before the appointed day;
(iv) the preparation, performance and carrying into effect of all such acts, matters and things as in the opinion of the Greater Newcastle Council are necessary or expedient in order to enable that council to exercise and discharge on and after the appointed day all or any of the powers, authorities, duties and functions conferred and imposed on the Greater Newcastle Council by or under this Act.

(c) The first meeting of the Greater Newcastle Council during the period commencing on the date of the first election and ending on the appointed day shall be convened by the Minister by notice in the Gazette. The notice shall specify the date, hour and place of such meeting.

(d) The Minister may by notice in the Gazette specify the date, or the time during or within which the mayor shall be elected pursuant to paragraph (b) of this subsection.

(4) Upon the appointed day the person elected as mayor pursuant to paragraph (b) of this section shall become the mayor of Greater Newcastle for all purposes and shall hold his office as mayor under and subject to the provisions of the Local Government Act.

Division 2.—Greater Newcastle Electoral Commission.

6. (1) There shall be a Greater Newcastle Electoral Commission which shall consist of three members who shall be appointed by the Governor by notification published in the Gazette.

(2) One of the members so appointed shall be the Electoral Commissioner for New South Wales.

(3) The office of a member of the Commission shall be tenable for the period specified in the notification and if necessary for such extended period to be specified in a further notification as the Governor may deem proper for the carrying out by the Commission of the powers and duties conferred and imposed upon it by this Act.

(4) At any sitting of the Commission the Electoral Commissioner for New South Wales shall, when present, be Chairman; and in his absence the members present shall appoint one of themselves to be Chairman as occasion may require.

(5) At any sitting of the Commission two members shall form a quorum; and in the event of an equality of votes the Chairman shall have a casting vote in addition to his original vote.

(6) For the purposes of carrying out the powers and duties conferred and imposed on the Commission by this Act the Commission shall have the powers and immunities of a Commissioner, and the Chairman of the Commission shall have the powers of a chairman within the meaning of Division 1 of Part II of the Royal Commissions Act, 1923-1934, and the provisions of that Act, with the exception of section thirteen and of Division 2 of Part II shall, mutatis mutandis, apply to any witness or person summoned by or appearing before the Commission.

(7) For the purposes of carrying out the powers and duties conferred and imposed on the Commission by this Act the Commission may, with the approval of the Minister of the Department concerned, make use of the services of any of the officers and employees of the public service, including members of the police force; and it shall be the duty of the council of the City of Newcastle and of each municipality and shire referred to in the First Schedule and the Second Schedule to this Act, and of every officer and servant of any such council to furnish such information and afford such assistance as the Commission may require for the purposes aforesaid.

Division 3.—Division into wards.

7. (1) It shall be the duty of the Commission and it is hereby directed to divide the proposed area of Greater Newcastle into seven wards, and to determine the boundaries of the wards.

(2) Such division and determination shall be made as soon as practicable after the commencement of this Act.

(3) The Commission shall report to the Governor the boundaries of the wards as determined by it and shall recommend names to be assigned by the Governor to such wards.

(4) The Governor shall, by proclamation published in the Gazette, set out the names of such wards and the boundaries thereof, and upon such publication those wards.
Preparation of rolls.

9. (1) It shall be the duty of the Commission, and it is hereby directed to prepare an original roll of electors for the City of Greater Newcastle.

(2) Such roll shall be prepared as soon as practicable after the publication in the Gazette pursuant to section seven of this Act of the proclamation dividing Greater Newcastle into wards.

10. (1) The Commission shall prepare such roll in accordance with the provisions of this section.

(2) Rolls shall be prepared separately for each ward; and the rolls for all the wards shall, taken together, be the original roll for Greater Newcastle.

(3) The Commission shall compile a list in respect of each ward of Greater Newcastle proclaimed under this Act, and shall include in such list the name of every person who is enrolled on the roll prepared during the year one thousand nine hundred and thirty-seven for the City of Newcastle or for any municipality or shire referred to in the First Schedule or the Second Schedule to this Act, and who would be qualified for enrolment on the roll for that ward, if the City of Greater Newcastle had already been constituted, and such ward had already been duly proclaimed under the Local Government Act as a ward of that City.

(4) Such list shall be in or to the effect of the form prescribed by or under the Local Government Act for an original roll of electors, and shall contain the information required by that form so far as such information is set out in any roll referred to in subsection three of this section.

(5) The Commission shall forthwith cause a fair copy to be made of the list so compiled for each ward, and shall certify to the correctness of the same.

(6) The list for a ward so certified shall for the purpose of the carrying out of the first election be the roll of electors for that ward.

(7) On and from the appointed day each roll of electors for a ward so prepared shall be deemed to have been prepared under and in accordance with the Local Government Act as a roll of electors for that ward.

(8) On and from the date upon which the preparation by the Commission under this Division of the rolls...
of electors for all the wards of Greater Newcastle is completed, the following provisions shall have effect—

(a) a person who immediately before such date possesses a qualification for enrolment on the roll of electors for B riding of the Shire of Tarro, and who possesses that qualification in respect of a parcel of land which is situated within the part of that shire described in Part I of the Second Schedule to this Act shall cease to hold the qualification for enrolment in respect of that parcel of land on the roll of electors for the said riding;

(b) a person who immediately before such date possesses a qualification for enrolment on the roll of electors for B riding of the Shire of Lake Macquarie, and who possesses that qualification in respect of a parcel of land which is situated within the part of that shire described in Part II of the Second Schedule to this Act, shall cease to hold the qualification for enrolment in respect of that parcel of land on the roll of electors for the said riding.

Division 5.—First election.

11. (1) Subject to this Act—

(a) the first election shall be carried out under and in accordance with the Local Government Act and the ordinances made thereunder, except ordinance ten, which relates to postal voting in shires, and Ordinance 10A, which relates to proportional representation;

(b) the Local Government Act and the ordinances made thereunder, except Ordinance ten and Ordinance 10A, shall apply to and in respect of the first election.

(2) (a) For the purposes of the first election the Governor may appoint a returning officer.

(b) The provisions of the Local Government Act and the ordinances thereunder relating to the returning officer for an election shall, mutatis mutandis, apply to and in respect of the returning officer appointed under this section.

(3) The Minister shall notify in the Gazette "the office of the council" for the purpose of the first election.

(4) The expenses incurred in carrying out the first election shall, when certified under the hand of the returning officer, be paid by the Colonial Treasurer.

The amount of such expenses shall be repaid by the Greater Newcastle Council within six months after the account therefor is rendered to that council by the Colonial Treasurer.

(5) For the purposes of carrying out the first election the returning officer may, with the approval of the Minister of the Department concerned, make use of the services of any of the officers and employees of the public service, including members of the police force; and it shall be the duty of the council of the City of Newcastle and of each municipality and shire referred to in the First Schedule and the Second Schedule to this Act, and of every officer and servant of any such council to furnish such information and afford such assistance as the returning officer may require for the purposes aforesaid.

Division 6.—Method of voting at elections of Greater Newcastle Council.

12. The Local Government Act is amended—

(a) by inserting at the end of subsection four of section seventy-three, the following proviso:—

Provided that in the case of a contested election of aldermen for the City of Greater Newcastle (including the first election of aldermen for the City of Greater Newcastle to be held pursuant to Part III of the Greater Newcastle Act, 1937) the following provisions shall have effect:—

(a) The ballot-papers for the election shall be in or to the effect of the form set out in Schedule Five to this Act.
(b) An elector shall record his vote on a ballot-paper as follows:—He shall vote for candidates by placing the figure “1” in the square opposite the name of the candidate for whom he votes as his first preference and by placing the figures “2,” “3,” “4” (and so on as the case requires) in the squares respectively opposite the names of so many other candidates as will, with the candidate for whom he votes as his first preference, complete the prescribed number.

The elector may, in addition, indicate the order of his preference for as many more candidates as he pleases by placing in the squares respectively opposite their names other figures next in numerical order after the figures already placed by him on the ballot-paper.

In this paragraph “the prescribed number” means a number equal to twice the number of the candidates to be elected, plus one, or, if there are fewer candidates than that number, the total number of candidates.

(c) The method of counting the votes to ascertain the result of the election shall be as prescribed in Schedule Six to this Act.

(d) A ballot-paper shall be informal and shall be rejected at the count if—

(i) it is not authenticated by the initials of the returning officer or in such other manner as may be prescribed; or

(ii) the figure “1” standing alone indicating a first preference for some candidate is not placed on the ballot-paper; or

(iii) the figure “1” standing alone indicating a first preference is placed opposite the name of more than one candidate; or

(iv) it has upon it any mark or writing by which in the opinion of the returning officer the voter can be identified; or

(v) it has no vote indicated on it or it does not indicate the voter’s first preference for one candidate and his consecutive preferences for so many other candidates as will with the candidate for whom he votes as his first preference, be equal in number to the prescribed number as defined in paragraph (b) of this proviso.

(e) A ballot-paper shall not be informal for any reason other than the reasons specified in paragraph (d) of this proviso, but shall be given effect to according to the voter’s intention, so far as his intention is clear.

(f) Notwithstanding anything to the contrary in this proviso at any election at which only one candidate is to be elected, and at which there are not more than two candidates, a ballot-paper shall not be informal by reason only of the fact that the voter has indicated his vote by placing in one square the figure “1” or a cross, and by leaving the other square blank, and in that case the cross shall be deemed to be equivalent to the figure “1.”

(b) by inserting next after Schedule Four the following new Schedules:—

SCHEDULE FIVE.

City of Greater Newcastle.

BALLOT-PAPER.

Election of [Aldermen (or an Alderman)] on the day of , 19—, for Ward of the City of Greater Newcastle.

Sec. 73 (4).
The number of aldermen to be elected is

### Directions

In marking his vote on this ballot-paper the voter must place in the squares respectively opposite the names of at least [here insert the number which represents twice the number of aldermen to be elected plus one, or if the number of candidates is less than that number, the total number of candidates,] candidates, the figures "1," "2," "3," "4," and so on up to and inclusive of the number [here insert the number which represents twice the number of aldermen to be elected plus one, or if the number of candidates is less than that number, the total number of candidates] so as to indicate the order of his preference for such candidates, and if there are any more candidates may, in addition, indicate the order of his preference for as many of them as he pleases by placing in the squares respectively opposite their names other figures next in numerical order after those already used by him.

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### SCHEDULE SIX

**City of Greater Newcastle.**

**Method of Counting Votes at Contested Elections.**

**Division 1.**

Sec. 78 (4). Where one candidate only is to be elected at an election in any ward the votes shall be counted and the result of the election ascertained by the returning officer, or under his direction and supervision, in accordance with the following provisions:

(a) The unjected ballot-papers shall be arranged under the names of the respective candidates by placing in a separate parcel all those on which a first preference is indicated for the same candidate.

(b) The total number of first preferences given for each candidate on such ballot-papers shall then be counted.

(c) The candidate who has received the largest number of first preference votes shall, if that number constitutes an absolute majority of votes, be elected.

(d) If no candidate has received an absolute majority of first preference votes, a second count shall be made.

(e) On the second count the candidate who has received the fewest first preference votes shall be excluded, and each unexhausted ballot-paper counted to him shall be counted to the candidate next in the order of the voter’s preference.

(f) If a candidate then has an absolute majority of votes, he shall be declared elected, but if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the fewest votes and counting each of his unexhausted ballot-papers to the continuing candidate next in the order of the voter’s preference shall be repeated until one candidate has received an absolute majority of votes.

(g) The candidate who has received an absolute majority of votes shall be declared elected.

**Division 2.**

Where two candidates are to be elected at an election in any ward the votes shall be counted and the result of the election ascertained by the returning officer, or under his direction and supervision, in accordance with the following provisions:

(a) One of the candidates shall be elected in accordance with the provisions of Division 1 of this Schedule.

(b) All the unjected ballot-papers shall be rearranged under the names of the respective candidates in accordance with the first preference indicated thereon, except that each ballot-paper on which a first preference for the elected candidate is indicated shall be placed in the parcel of the candidate next in the order of the voter’s preference.

(c) The number of ballot-papers in the parcel of each candidate shall then be counted and the total number of votes so counted to each candidate shall be ascertained.

(d) If a candidate then has an absolute majority of votes he shall be elected, but if no candidate then has an absolute majority of votes, the count shall proceed as provided in paragraphs (d), (e) and (f) of Division 1 of this Schedule, until one candidate has received an absolute majority of votes:

Provided that in the application of paragraphs (d) and (e) of Division 1 of this Schedule, any reference to first preference votes shall be read as a reference to all the votes counted to a candidate in pursuance of this Division.
Greater Newcastle Act.

No. 20, 1937.

(e) The candidate who has received an absolute majority of votes shall be elected.

Division 3.

Where three candidates are to be elected at an election in any ward two of the candidates shall be elected in accordance with the provisions of Division 1 and Division 2 of this Schedule.

The third candidate shall be elected in the manner provided in Division 2 of this Schedule as regards the election of the second candidate:

Provided that a ballot-paper on which a first preference for any elected candidate is marked shall be placed in the parcel of the continuing candidate next in the order of the voter's preference.

Division 4.

1. In the process of counting under Division 1, or Division 2, or Division 3, as the case may be, of this Schedule, exhausted ballot-papers shall be set aside as finally dealt with and shall henceforth not be taken into account in the election of a candidate under that particular Division.

2. (a) When a candidate is elected or excluded, each ballot-paper counted to him shall be deemed to be exhausted if there is not indicated upon it a next preference for one continuing candidate.

(b) "Next preference" in paragraph (a) of this rule includes the first of the subsequent preferences marked on the ballot-paper which is not given to an elected or excluded candidate; Provided that where there is a break in the consecutive numbering of preferences marked on a ballot-paper (other than a break necessitating the rejection of the ballot-paper as informal in pursuance of subparagraph (v) of paragraph (d) of the proviso to subsection four of section seventy-three of this Act), only those preferences preceding the break shall be taken into account.

3. (a) If on any count two or more candidates have an equal number of votes and one of them has to be excluded, the returning officer shall determine by lot between them which of them shall be excluded.

(b) If in the final count for the election of a candidate, two candidates have an equal number of votes, the returning officer shall decide by his casting vote which shall be elected; but except as provided in this paragraph he shall not vote at the election.

4. In this Schedule—

"Continuing candidate" means a candidate not already elected or excluded from the count.

"An absolute majority of votes" means a greater number than one-half of the whole number of ballot-papers other than informal and exhausted ballot-papers. The casting vote of the returning officer given in pursuance of paragraph (b) of Rule 3 of this Division of this Schedule shall be included in reckoning an absolute majority of votes.

"Unrejected ballot-papers" means all ballot-papers not rejected as informal.

"Determine by lot" means determine in accordance with the following directions:—

The names of the candidates concerned having been written on similar slips of paper, and the slips having been folded so as to prevent identification, and mixed and drawn at random, the candidate or candidates shall, for the purpose of exclusion from the count, be excluded in the order in which their names are drawn.

PART IV.

SPECIAL PROVISIONS AS TO COUNCILS.

13. The triennial ordinary election of aldermen for the City of Newcastle and for the municipalities referred to in the First Schedule to this Act, directed under the Local Government Act to be held on the eighteenth day of December one thousand nine hundred and thirty-seven, shall not be held.

14. The mayors and aldermen of the City of Newcastle and of the municipalities referred to in the First Schedule to this Act, in office immediately before the eighteenth day of December one thousand nine hundred and thirty-seven, may, subject to the provisions of the Local Government Act, remain in such office until the appointed day.

This section shall not be construed to render any such alderman who is otherwise qualified ineligible for election as an alderman of Greater Newcastle.

15. (1) It shall not be lawful for the council of the City of Newcastle or of any of the municipalities referred to in the First Schedule to this Act to make and levy any rate for the year one thousand nine hundred and thirty-eight except with the approval of the Governor.
It shall not be lawful for the council of the Shire of Tarro or for the council of the Shire of Lake Macquarie to levy, on land within that part of the shire described in the Second Schedule to this Act, the general rate made by the council of the shire for the year one thousand nine hundred and thirty-eight, except with the approval of the Governor.

Where any such approval is given, a notification thereof shall be published in the Gazette.

(2) (a) The Greater Newcastle Council shall for the year one thousand nine hundred and thirty-eight and for the year one thousand nine hundred and thirty-nine make and levy rates as follows:—

(i) in respect of that portion of Greater Newcastle which was, immediately before the appointed day, comprised within the area of the City of Newcastle—a rate equivalent in amount to the amount of the general rate made and levied for the year one thousand nine hundred and thirty-seven in respect of that area;

(ii) in respect of those portions respectively of Greater Newcastle which were, immediately before the appointed day, comprised within the municipalities referred to in the First Schedule to this Act—rates equivalent in amount to the respective amounts of the general rate made and levied for the year one thousand nine hundred and thirty-seven in respect of each of those municipalities;

(iii) in respect of those portions respectively of Greater Newcastle which, immediately before the appointed day, formed part of the Shire of Tarro and of the Shire of Lake Macquarie—rates equivalent in amounts to the respective amounts of the general rates made and levied for the year one thousand nine hundred and thirty-seven in respect of each of those shires.

(b) The rates made and levied under this subsection for the years one thousand nine hundred and thirty-eight and one thousand nine hundred and thirty-nine shall be deemed for all purposes of the Local Government Act to be the general rates for those years respectively made and levied by the Greater Newcastle Council under the said Act.

16. Upon the appointed day the council of the City of Newcastle and the council of each municipality referred to in the First Schedule to this Act shall, by virtue of this section, be dissolved.

PART V.
TRANSFER OF RIGHTS, LIABILITIES, PROPERTY AND SERVANTS.

17. (1) On and from the appointed day the following provisions shall, subject to this Act, have effect:—

(a) All real and personal property and all right and interest therein and all management and control of any land or thing which, immediately before the appointed day, is vested in or belongs to the council of the City of Newcastle or of any of the municipalities referred to in the First Schedule to this Act shall vest in and belong to the Greater Newcastle Council.

No attornment by a lessee of any land vested in the Greater Newcastle Council by this section shall be necessary.

(b) All rates, moneys, liquidated and unliquidated claims which, immediately before the appointed day, are payable to or recoverable by the council of the said city or of any of the said municipalities shall respectively be rates, moneys, liquidated and unliquidated claims payable to or recoverable by the Greater Newcastle Council.

(c) All suits, actions, and proceedings pending immediately before the appointed day at the suit of the council of the said city or of any of the said municipalities shall respectively be suits, actions, and proceedings pending at the suit of the Greater Newcastle Council.

(d)
Greater Newcastle Act. No. 20, 1837.

(d) All contracts, agreements, and undertakings entered into with and all securities lawfully given to or by the council of the said city or of any of the said municipalities and in force immediately before the appointed day shall be deemed to be contracts, agreements, and undertakings entered into with and securities given to or by the Greater Newcastle Council.

(e) The Greater Newcastle Council may pursue the same remedies for the recovery of any such rates, moneys, and claims, and for the prosecution of such suits, actions and proceedings as if the same had originally been payable to and recoverable by or instituted at the suit of the Greater Newcastle Council.

(f) The Greater Newcastle Council may enforce and realise any security or charge existing immediately before the appointed day in favour of the council of the said city or of any of the said municipalities in respect of any such rates, moneys, and claims, as if such security or charge were existing in favour of the Greater Newcastle Council.

(g) All debts due and money's payable by the council of the said city or of any of the said municipalities and all claims liquidated or unliquidated recoverable against any such council shall be debts due and money's payable by and claims recoverable against the Greater Newcastle Council.

(h) All debts of the council of the said city or of any of the said municipalities existing immediately before the appointed day shall be secured over the revenue of the Greater Newcastle Council in the same way and to the same extent in every respect as such debts are immediately before the appointed day secured over the revenues of the council of the said city or of any such municipality, and the priority of security in the revenue of the Greater Newcastle Council shall be as prescribed by the Local Government Act, or by any law for the time being in force relating thereto.

(i) Where for the fulfilment of its obligations or undertakings the council of the said city or of any of the said municipalities is required by law to levy loan rates, and/or local loan rates, and/or local rates, the Greater Newcastle Council shall be deemed to be subject to the like requirements, and in respect thereof the provisions of the Local Government Act, relating to such rates, shall apply.

(2) Without prejudice to the generality of subsection one of this section, all rights, powers, authorities, duties, obligations, and functions which, immediately before the appointed day, are vested in or belong to the council of the City of Newcastle or of any of the municipalities referred to in the First Schedule to this Act, shall, upon and from the appointed day, vest in and belong to and be exercised and discharged by the Greater Newcastle Council.

(3) All ordinances, proclamations, notifications, rules, regulations, and by-laws in force immediately before the appointed day and applicable within the whole or any part of the City of Newcastle or any of the municipalities referred to in the First Schedule to this Act, or the part of the shire of Tarro described in Part I of the Second Schedule to this Act, or the part of the shire of Lake Macquarie described in Part II of the Second Schedule to this Act, shall, to the extent to which they are not inconsistent with this Act or with any ordinance or proclamation made thereunder, continue to be in force and to be so applicable, but may be amended or repealed in accordance with the law for the time being in force.

18. (1) On the appointed day all persons who immediately before such day were servants of the council of the City of Newcastle or of any of the municipalities referred to in the First Schedule to this Act—

(a) shall be transferred to the service of the Greater Newcastle Council; and

(b)
(b) shall become servants of the Greater Newcastle Council and shall be paid salary or wages at the rates at which they were employed immediately before the appointed day until such salaries or wages are varied or altered by the Greater Newcastle Council; and

c) shall be deemed to have been appointed and employed by the Greater Newcastle Council under the provisions of the Local Government Act.

The persons so transferred shall, on and from the appointed day, until otherwise directed by the Greater Newcastle Council, continue to perform the duties which attached to their employment immediately before the appointed day.

(2) Where any condition of employment of any person so transferred to the Greater Newcastle Council is at the date of his transfer regulated by an award or industrial agreement, such condition shall continue to be so regulated until an award by which the Greater Newcastle Council is bound is made by a competent tribunal, or such condition is regulated by an industrial agreement to which the Greater Newcastle Council is a party.

(3) The period of service with the council of one or more cities, municipalities or shires under the Local Government Act of any person so transferred shall, upon such transfer, be counted as service with the Greater Newcastle Council for the purposes of this or any other Act or of any ordinance, regulation or by-law or of the terms and conditions of any staff agreement or of any award or agreement made under the Industrial Arbitration Act, 1912, as amended by subsequent Acts.

(4) The transfer of any person under this section shall not affect any right to leave of absence accrued prior to such transfer.

(5) If the employment of any person transferred under this section is terminated by the Greater Newcastle Council otherwise than for misconduct within a period of two years from the date of his transfer, the Greater Newcastle Council shall grant to him a gratuity equivalent to the amount of three weeks' salary or wages for each year of service, such salary or wages being reckoned on the average of the salary or wages paid to him during the fifty-two weeks immediately preceding the termination of his employment.

This subsection shall apply only to a person who has been employed continuously by the council of any one or more cities, municipalities or shires under the Local Government Act for a period of not less than five years immediately preceding the appointed day.

(6) Where a person who is transferred under this section was engaged by the council of the City of Newcastle or of any of the municipalities referred to in the First Schedule to this Act under a subsisting contract of service which provides for payment of compensation in the event of the termination of his employment, and the employment of such person is, before the expiration of the period of the contract, terminated by the Greater Newcastle Council otherwise than in accordance with the terms of such contract, the Greater Newcastle Council shall pay to such person the amount of compensation provided for in the contract, and, if the amount of such compensation be less than the amount that would be payable to such person under subsection five of this section, shall also pay to him a gratuity equivalent to the difference.

A person who is entitled to receive any compensation or compensation and gratuity under this subsection shall not be deemed entitled to receive a gratuity under subsection five of this section.

(7) The provisions of the Local Government (Superannuation) Act, 1927-1935, shall continue to apply to and in respect of any person transferred under this section in like manner and to the same extent as the said Act would have applied if this Part of this Act had not been enacted.

(8) The Local Government Act is amended by inserting in paragraph (a) of subsection one of section forty-one of Act No. 10 of 1919, ninety-five after the word "Act," the words "or any Act conferring powers or imposing duties on the council."
Dn'tION

PART VI.
ADDITIONAL POWERS AND FUNCTIONS.

DIVISION 1.—Preliminary.

19. In addition to the powers authorities duties and functions which may be exercised and discharged by the Greater Newcastle Council by or under the Local Government Act or any other Act, the Greater Newcastle Council may exercise and discharge the powers authorities duties and functions conferred and imposed upon it by or under this Part of this Act.

DIVISION 2.—Newcastle District Abattoir Board.

20. (1) This section shall commence upon the date upon which the City of Greater Newcastle is constituted an area within the meaning of the local Government Act pursuant to section three of this Act.

The date upon which the said city is so constituted is in this section referred to as the "prescribed date."

(2) In this Division of this Part "the appointed day" means the first anniversary of the prescribed date.

(3) The persons who, immediately before the prescribed date, hold office as members of the Newcastle District Abattoir Board shall, subject to the Newcastle District Abattoir and Sale-yards Act, 1912, as amended by subsequent Acts and as modified by this section, continue to hold office as such members until the appointed day.

(4) No triennial general election of members of the said Board, under section three of the Newcastle District Abattoir and Sale-yards Act, 1912, as amended by subsequent Acts, shall be held during the period commencing on the prescribed date and ending on the appointed day.

(5) The Newcastle District Abattoir and Sale-yards Act, 1912, as amended by subsequent Acts, is amended by omitting from subsection two of section four all words from the commencement of that subsection down to and including the words "extraordinary vacancy."

(6) Where an extraordinary vacancy in the office of a member of the said Board occurs at any time during the period commencing on the prescribed date and ending on the appointed day, the vacancy shall be filled by an alderman of the Greater Newcastle Council appointed in that behalf by a resolution of the said Council.

(7) Any moneys borrowed by the said Board pursuant to section thirteen of the Newcastle District Abattoir and Sale-yards Act, 1912, as amended by subsequent Acts, after the prescribed date, shall be a charge upon the rates and revenues of the City of Greater Newcastle and upon the revenues and sinking fund of the said Board.

(8) The Newcastle District Abattoir and Sale-yards Act, 1912, as amended by subsequent Acts, is further amended—

(a) by inserting at the end of section fourteen the following new subsection—

(6) In this section—

"Municipality" includes the City of Greater Newcastle.

"Council" includes the Council of the City of Greater Newcastle.

(b) by omitting section sixteen;

(c) by inserting in paragraph (a) of subsection one of section nineteen immediately after the word "Health" the words "or by a person who is an inspector under the Meat Industry Act, 1915-1934, or by a person approved by the Metropolitan Meat Industry Commissioner."

(d) by omitting from paragraph (b) of subsection one of section nineteen the words "and shall pay the prescribed fee" and by inserting in lieu thereof the words "but no fee shall be charged";

(e) by inserting at the end of section twenty-one the following new subsection:

(4) In this section—

"Municipality" includes the City of Greater Newcastle.

"Council"
(f) by inserting at the end of section twenty-five the following new subsection:

(4) If the employment of any such officer or servant is terminated by the Board otherwise than for misconduct at any time during the period commencing on the prescribed date and ending on the appointed day the Board shall pay to him out of its funds a gratuity equivalent to the amount of three week’s salary or wages for each year of service such salary or wages being reckoned on the average of the salary or wages paid to him during the fifty-two weeks immediately preceding the termination of his employment.

This subsection shall apply only to a person who has been employed continuously by the Board for a period of not less than five years immediately preceding the prescribed date.

In this subsection the expressions “prescribed date” and “appointed day” shall have the meanings ascribed to them respectively in Division 2 of Part VI of the Greater Newcastle Act, 1937.

The provision of funds for the purpose of meeting any liability imposed on the Board by this subsection shall be deemed to be an authorised purpose or object of the Board.

21. (1) Upon the appointed day—

(a) the Acts mentioned in the Third Schedule to this Act, to the extent therein expressed, shall, by virtue of this section, be repealed;

(b) the Newcastle District Abattoir Board shall, by virtue of this section, be dissolved;

(c) the members of the Newcastle District Abattoir Board shall cease to hold office as such members.

(2) On and from the appointed day the following provisions shall, subject to this Act, have effect:

(a) All real and personal property and all right and interest therein and all management and control of any land or thing which, immediately before the appointed day, is vested in or belongs to the Newcastle District Abattoir Board, shall vest in and belong to the Greater Newcastle Council.

(b) No attornment by a lessee of any land vested in the Greater Newcastle Council by this section shall be necessary.

(c) All moneys and liquidated or unliquidated claims which, immediately before the appointed day, are payable to or recoverable by the said Board, shall respectively be moneys and liquidated or unliquidated claims payable to or recoverable by the Greater Newcastle Council.

(d) All suits, actions, and proceedings pending immediately before the appointed day at the suit of the said Board shall respectively be suits, actions and proceedings pending at the suit of the Greater Newcastle Council.

(e) All contracts, agreements and undertakings entered into with and all securities lawfully given to or by the said Board, and in force immediately before the appointed day shall be deemed to be contracts, agreements, and undertakings entered into with and securities given to or by the Greater Newcastle Council.

(f) The Greater Newcastle Council may pursue the same remedies for the recovery of any such moneys and claims, and for the prosecution of such suits, actions and proceedings as the said Board might have done but for this Act.

(g) The Greater Newcastle Council may enforce and realise any security or charge existing immediately before the appointed day in favour of the said Board, in respect of any such moneys.
and claims as if such security or charge were existing in favour of the Greater Newcastle Council.

(h) All debts due and moneys payable by the said Board, and all claims liquidated or unliquidated recoverable against the said Board shall be debts due and moneys payable by and claims recoverable against the Greater Newcastle Council.

22. (1) On and from the appointed day the Greater Newcastle Council shall maintain, control and manage the abattoir and cattle sale-yards vested in it under this Division.

(2) The maintenance, control and management by the Greater Newcastle Council of such abattoir and sale-yards shall be a trading undertaking of that Council within the meaning of the Local Government Act, and that Act shall apply accordingly.

(3) Such abattoir shall be deemed to have been provided and established by the Greater Newcastle Council under the Local Government Act, and such cattle sale-yards shall be deemed to have been provided and established by that Council as a public cattle market under that Act, and the provisions of that Act shall apply to and in respect of such abattoir and cattle yards.

23. (1) On the appointed day all persons who, immediately before such day, were officers and servants of the Newcastle District Abattoir Board—

(a) shall be transferred to the service of the Greater Newcastle Council; and

(b) shall become servants of the Greater Newcastle Council and shall be paid salary or wages at the rates at which they were employed immediately before the appointed day until such salaries or wages are varied or altered by the Greater Newcastle Council; and

(c) shall be deemed to have been appointed and employed by the Greater Newcastle Council.

The persons so transferred shall, on and from the appointed day, until otherwise directed by the Greater Newcastle Council, continue to perform the duties which attached to their employment immediately before the appointed day.

(2) Where any condition of employment of any person so transferred to the Greater Newcastle Council is, at the date of his transfer, regulated by an award or industrial agreement, such condition shall continue to be so regulated until an award by which the Greater Newcastle Council is bound is made by a competent tribunal or such condition is regulated by an industrial agreement to which the Greater Newcastle Council is a party.

(3) The period of service with the Newcastle District Abattoir Board of any person transferred under this section shall, upon such transfer, be counted as service with the Greater Newcastle Council for the purposes of this or any other Act, or of any ordinance, regulation or by-law or of the terms and conditions of any staff agreement, or of any award or agreement made under the Industrial Arbitration Act, 1912, as amended by subsequent Acts.

(4) The transfer of any person under this section shall not affect any right to leave of absence accrued prior to such transfer.

(5) If the employment of any person transferred under this section is terminated by the Greater Newcastle Council otherwise than for misconduct within a period of two years from the date of his transfer, the Greater Newcastle Council shall grant to him a gratuity equivalent to the amount of three weeks' salary or wages for each year of service, such salary or wages being reckoned on the average of the salary or wages paid to him during the fifty-two weeks immediately preceding the termination of his employment.

This subsection shall apply only to a person who has been employed continuously by the Newcastle District Abattoir Board for a period of not less than five years immediately preceding the appointed day.

(6) Where a person who is transferred under this section was engaged by the Newcastle District Abattoir Board under a subsisting contract of service which provides for payment of compensation in the event of the termination...
Greater Newcastle Act.

(9) Any person so transferred, who, upon such transfer, does not become a permanent servant within the meaning of the Local Government (Superannuation) Act, 1927-1935, shall retain the same rights and privileges, if any, in relation to payments from any superannuation scheme and pension fund or other fund of a like character as if he had continued to be an officer or servant of the Newcastle District Abattoir Board during the period of his service with the Greater Newcastle Council.

(10) Any person so transferred who, upon such transfer, or at any time thereafter, becomes a permanent servant within the meaning of the Local Government (Superannuation) Act, 1927-1935, shall not apply to or in respect of any person who makes such election as aforesaid.

(11) No person so transferred shall be entitled to claim benefits under this Act, as well as under any other Act, ordinance, by-law, or resolution in respect of the same period of service.

24. On and from the appointed day—

(a) all by-laws made under the Newcastle District Abattoir and Sale-yards Act, 1912, as amended by subsequent Acts, and in force immediately before the appointed day, so far as they are not inconsistent with this Division of this Part of this Act, shall continue in force but may be repealed by ordinances made under the Local Government Act;

(b)
(b) any reference, in such by-laws or in any Act, or other instrument, to the Newcastle District Abattoir Board shall be construed as a reference to the Greater Newcastle Council;

(c) the Local Government Act is amended by inserting at the end of subsection two of section four hundred and sixty-one (as inserted by this Act) the words "and in the case of the council of the City of Greater Newcastle shall also include power to do all or any of the following matters and things:—

(i) to establish, maintain, conduct and control works for canning, curing and smoking meat;

(ii) to purchase cattle and meat;

(iii) to sell, either on its own behalf or on behalf of any other person, cattle and meat, including bacon, ham, sausages, saveloys and other smallgoods manufactured or prepared from a carcase or any portion thereof."

(d) the Local Government Act is further amended by inserting after section four hundred and sixty-four the following new sections:—

464a. Sections four hundred and sixty-three and four hundred and sixty-four shall not apply to or in respect of the City of Greater Newcastle or the council of the City of Greater Newcastle.

464b. (1) This section shall apply to and in respect of the City of Greater Newcastle and the council of the City of Greater Newcastle.

(2) (a) The Governor may notify in the Gazette and in two local newspapers that, on and after a day therein mentioned, it shall not be lawful within the City to slaughter, otherwise than in the abattoir of the council, for the purpose of any trade or business, any animal (other than rabbits, poultry or game) to be used within the City for the food of man and which is derived from any animal (other than rabbits, poultry or game) slaughtered in New South Wales but outside the City, unless—

(a) the animal has been slaughtered at the abattoir established under the Meat Industry Act, 1915-1934, or at premises which are licensed or deemed to be licensed by The Metropolitan Meat Industry Commissioner under section 21 of the said Act; and

(b) such animal has been inspected at the time of slaughter and passed as fit for human consumption by a person who is an inspector appointed by the Council or by a person who is an inspector under
under the Meat Industry Act, 1915-1934, or a person approved by The Metropolitan Meat Industry Commissioner.

(4) (a) The Council shall cause to be inspected the carcases of all animals (other than rabbits, poultry or game) slaughtered within or brought into the City to be used therein for the food of man, and shall affix thereto or imprint thereon such marks as may be deemed expedient and shall do all things that are necessary or expedient for carrying out such inspection, and may charge such fees therefor as are prescribed, but, save as provided in subsection five of this section, no such fees shall be charged in respect of any carcase or part of a carcase brought into the City from any part of New South Wales outside the City.

(b) Any inspector duly authorised in that behalf by the Council shall condemn any carcase or part of a carcase which in his opinion is unfit for human consumption.

c) Any carcase or part of a carcase which is condemned in pursuance of this subsection shall become the absolute property of the Council which shall pay the owner thereof such reasonable compensation as the Council may determine.

(5) Any person bringing or causing to be brought into the City from any part of New South Wales outside the City any carcase or part of a carcase which is to be used within the City for the food of man and which is derived from any animal (otherwise than rabbits, poultry or game) slaughtered in New South Wales but outside the city, shall cause the same to be taken to the abattoir of the Council or to some place approved by the Board of Health for inspection by the person authorised in that behalf by the Council; and if any such carcase or part thereof is taken to the said abattoir such person shall pay the prescribed fee for the use of any facilities or room at the abattoir; but no such fee shall be in excess of the reasonable value of such use.

Division 3.—Transfer of certain transport functions.

25. In this Division—

"Commissioner" means the Commissioner for Road Transport and Tramways.

"Newcastle Transport District" means the district defined by the Governor pursuant to section eleven of the Transport Act, 1930, by proclamation published in Government Gazette Number one hundred and fifty-two of the tenth day of October one thousand nine hundred and thirty.

26. (1) The Governor may—

(a) by proclamation published in the Gazette, vest in the Greater Newcastle Council on and from a date specified in the proclamation all the powers, authorities, duties and functions of the Commissioner exercisable in respect of the Newcastle Transport District in relation to tramways (including trackless trolleys) and the conduct of transport services;

(b) by the same or a subsequent proclamation vest in the Greater Newcastle Council on and from a date specified in the proclamation all the powers, authorities, duties and functions of the Commissioner exercisable in respect of the Newcastle Transport District in relation to the control of the running of privately owned motor omnibus services, the registration, control and regulation under the Transport Act, 1930, of motor omnibuses and other public vehicles, and the licensing, control and regulation under such Act of the drivers and conductors of motor omnibuses and other public vehicles.

Nothing in this subsection shall be construed to apply in any way to any of the powers, authorities, duties or functions of the Commissioner exercisable in relation to the registration, control or regulation of motor vehicles or the licensing, control or regulation of the drivers thereof under the Motor Traffic Act, 1909-1930, or the licensing...
(2) Any power, authority, duty or function vested in the Greater Newcastle Council under this section shall be exercised by that Council throughout the whole of the Newcastle Transport District.

(3) Any power, authority, duty or function which is transferred to the Greater Newcastle Council under this section shall thereafter be exercised and performed by that Council and not by the Commissioner.

27. (1) A proposal to the Governor to exercise any power conferred by section twenty-six of this Act may be submitted to the Minister by the Greater Newcastle Council, and no such power shall be exercised except upon a proposal so submitted.

(2) If the Minister considers it desirable that any such proposal should be proceeded with, he may give such notices, institute such inquiries and cause such conferences to be held, arrangements to be made and entered into, and steps to be taken as he may think necessary or convenient.

28. Where any power, authority, duty or function is vested in the Greater Newcastle Council by a proclamation made under this Division of this Part of this Act, the following provisions shall apply as on and from the date upon which such proclamation takes effect, namely:

(a) A reference express or implied in any Act or other instrument to the Commissioner or an officer or employee of the Commissioner shall, in the application of that Act or instrument to or in respect of the Newcastle Transport District in relation to the power, authority, duty or function so transferred, be construed as a reference to the Greater Newcastle Council or to a servant of that Council.

(b) All assets, funds, accounts, rights and liabilities (including the capital indebtedness to the State of the Commissioner) vested in or incurred by the Commissioner in respect of his transport services in the Newcastle Transport District shall be vested in or transferred to the Greater Newcastle Council.

(c) Any regulation in any way affecting or relating to the power, authority, duty or function so transferred and in force immediately before the proclamation takes effect shall, if not inconsistent with this Division, continue in force within the Newcastle Transport District, but may be repealed or amended by regulations made in that behalf under the Transport Act, 1930.

(d) Any registration certificate for a public vehicle and any license for the driver or conductor of a public vehicle granted by the Commissioner under the Transport Act, 1930, in respect of the Newcastle Transport District and in force immediately before the date upon which the proclamation takes effect shall continue in force until the date of expiry thereof unless it is sooner suspended or cancelled.

29. (1) For the purposes of this Division the Governor may, at any time, by proclamation or proclamation—

(a) Make such special provision as he may deem necessary for or with respect to the amount of any liabilities transferred to the Greater Newcastle Council under this Division, which constituted part of the capital indebtedness to the State of the Commissioner, and for or with respect to the payment of interest on and instalments of such amount to the Colonial Treasurer.

(b) Provide for the continuance of suits, actions and proceedings pending immediately before the date upon which the proclamation takes effect in relation to any assets, funds, accounts, rights or liabilities vested in or transferred to the Greater Newcastle Council under this Division.
(c) Make such provision as he may deem necessary, having regard to any such vesting or transfer of assets, funds, accounts, rights and liabilities, for or with respect to any contracts, agreements, and undertakings entered into with and securities given to or by the Commissioner.

(d) Make such provision as he may deem necessary, having regard to any such vesting or transfer of assets, funds, accounts, rights and liabilities, for or with respect to the pursuit of remedies, the prosecution of suits, actions and proceedings, the enforcement and realisation of securities or charges, and the recovery of liquidated and unliquidated claims and of debts due and moneys payable.

(e) Make such provision as he may deem necessary, having regard to the powers, authorities, duties and functions vested in the Greater Newcastle Council under this Division, for the transfer, temporarily or otherwise, of all or any of the officers and employees of the Commissioner to the service of the Greater Newcastle Council.

(f) Provide for the retention, having and enjoyment by any officer or employee so transferred of the rights, privileges and concessions referred to in the proclamation and for the continued application of any award or industrial agreement by which the employment of any such officer or employee was regulated immediately before such transfer.

(g) Generally make such provision for or with respect to any matter or thing as may be necessary or convenient to enable full effect to be given to the vesting of any power, authority, duty or function in the Greater Newcastle Council or to any matter indicated or referred to in this section.

(2) Any such proclamation shall have the force of law.

30. (1) The Greater Newcastle Council and the Commissioner shall arrange and adjust all matters connected with or arising out of any vesting in or transfer to such Council of the assets, funds, accounts, rights and liabilities of the Commissioner effected by any proclamation made under this Division of this Part of this Act, or which are necessary or convenient to be arranged or adjusted to give effect to any such vesting or transfer.

(2) The Commissioner and the Greater Newcastle Council may agree that the Commissioner may perform any services for the Greater Newcastle Council or the Greater Newcastle Council may perform any services for the Commissioner in connection with the construction or repair of any plant or equipment upon such terms of payment or otherwise as may be arranged.


(a) by omitting the second proviso to subsection one of section six;

(b) by omitting subsection two of the same section.

(2) The Transport Act, 1930, as amended by subsequent Acts, is amended—

(a) by inserting at the end of section fifteen the following new subsection:

(3) (a) A public motor vehicle shall not be registered under this Act unless it is registered under the Motor Traffic Act, 1909-1930.

(b) The driver of a public motor vehicle shall not be licensed under this Act unless he is licensed under the Motor Traffic Act, 1909-1930.

(b) by inserting in paragraph (w) of subsection one of section two hundred and sixty-four after the word "Act" the words "subject to such exemptions or partial exemptions as may be specified."

(3) The Transport Act, 1930, as amended by subsequent Acts, is further amended—

(a) by omitting subsection two of section one hundred and seventy and by inserting in lieu thereof the following subsection:

(2) (a) Service license fees charged under this Act shall be paid to the Public Vehicles Fund.
(b) All fees (except service license fees) charged under this Act in respect of districts other than the district defined under section eleven of this Act shall be paid to the Road Transport and Traffic Fund.

(c) All fees (except service license fees) charged under this Act in respect of the district defined as aforesaid shall be paid to an appropriate fund established by or under the Greater Newcastle Act, 1937.

(b) by omitting paragraph (c) of subsection one of section two hundred and two and by inserting in lieu thereof the following paragraph:

(c) all fees (except service license fees) charged under this Act in respect of districts other than the district defined under section eleven of this Act.

(4) This section shall commence upon the date upon which a proclamation pursuant to paragraph (b) of subsection one of section twenty-six of this Act takes effect.

PART VII.

MISCELLANEOUS.

32. (1) The production of—
(a) a copy of the Gazette containing any proclamation, notification, ordinance, regulation, by-law, order, direction or notice purporting to be made or given under this Act;
(b) a copy of any printed paper purporting to be or to contain any proclamation, notification, ordinance, regulation, by-law, order, direction or notice made or given under this Act and purporting to be printed by the Government Printer;
(c) a copy purporting to be a true copy of any order, direction, or notice made by the Greater Newcastle Council and purporting to be certified as such under the hand of the Mayor or proper servant of the Council;

33. (1) If the Greater Newcastle Council or any official member thereof neglects or refuses to do anything which by or under this Act it or he is directed or required to do, it or he shall for any such offence be liable to a penalty not exceeding fifty pounds.

(2) If any servant of the Greater Newcastle Council neglects or refuses to do anything which by or under this Act he is directed or required to do, he shall for any such offence be liable to a penalty not exceeding five pounds.

34. The Local Government Act is amended—
(a) by inserting at the end of section three hundred and fifty-eight the following new subsection:

(2) The council may subsidise technical education institutions.

(b) by inserting in section three hundred and sixty, see 358,
(e) by inserting in section four hundred and eighty-three after the word "area" the words "or of any place outside the area but in the vicinity thereof";

(d) by inserting at the end of section four hundred and sixty-one the following new subsections:

(2) The powers conferred on the council by subsection one of this section shall include power to do all or any of the following matters and things—

(a) to provide, manage and control works for preserving, chilling or freezing meat;

(b) to sell meat on behalf of any other person;

(c) to export meat on behalf of any person and sell the same in any place on behalf of such person, and enter into all contracts and do all things that it may deem necessary or expedient for exporting or selling as aforesaid;

(d) to deliver or contract to deliver to any person any meat from an abattoir of the council;

(e) to make such arrangements as it thinks fit with regard to the purchase, collection and disposal of offal or other matter and apply any manufacturing process thereto and convert it into a merchantable article and sell the same.

(3) In this section "offal" includes blood, refuse, portions of meat, hides, skins, hair, hoofs and horns or other portions of any animal which are not ordinarily used for the food of man.

(e) (i) by omitting from subsection one of section four hundred and sixty-four the word "proclamation" and by inserting in lieu thereof the word "ordinances";

(ii) by omitting subsection two of the same section.

35. In addition to the disqualifications for a civic office prescribed in the Local Government Act, a person who is an officer or servant of the Hunter District Water Supply and Sewerage Board shall be disqualified for a civic office with the Greater Newcastle Council; and the provisions of the Local Government Act shall apply to and in respect of any person so disqualified as if he were disqualified for a civic office under subsection two of section thirty of that Act.

36. (1) The Greater Newcastle Council may borrow by way of ordinary loan any sums necessary to meet any liability imposed on the Greater Newcastle Council by subsection five or subsection six of section eighteen of this Act or by subsection five or subsection six of section twenty-three of this Act.

(2) The provisions of the Local Government Act relating to borrowing by a council by way of ordinary loan shall apply to and in respect of any borrowing by the Greater Newcastle Council under this section.

(3) Without prejudice to the generality of subsection two of this section, the provisions of section one hundred and ninety-seven of the Local Government Act shall apply to and in respect of any advance made to the Greater Newcastle Council under this section.

(4) The approval of the Governor of an ordinary loan raised by the Greater Newcastle Council under this section shall, for the purposes of any security in respect of that loan, be conclusive evidence that the Greater Newcastle Council is authorised to borrow the amount mentioned in the instrument of approval.

37. (1) The Greater Newcastle Council may from time to time appoint standing or special committees, and may remit to such committees any matters for consideration, or inquiry, or management, or regulation; and may delegate to any such committee any of the powers and duties by this Act conferred or imposed upon the Greater Newcastle Council, except the powers to borrow money, to make a rate, to execute a deed or contract, or to institute an action.

(2) A person may be appointed a member of a committee under this section, notwithstanding that he may not be a member of the Greater Newcastle Council.
Greater Newcastle Act.

No. 20, 1937.

(3) Where a person who is not a member of the Greater Newcastle Council is appointed a member of a committee he shall be deemed to be a co-opted member of the committee and may participate in the deliberations and discussions of the committee in common with the other members thereof, but he shall not vote on any question which is before the committee for determination.

38. Every committee to which any powers or duties are delegated as aforesaid may, without confirmation by the Greater Newcastle Council, exercise or perform the same in like manner and with the same effect as that Council could itself have exercised or performed the same.

39. Every such committee shall be subject in all things to the control of the Greater Newcastle Council, and shall carry out all directions, general or special, of that Council given in relation to such committee or its affairs.

40. The Greater Newcastle Council may appoint a member of any such committee to be the permanent chairman thereof; and if no such appointment is made, the committee may make the appointment. Such Council may from time to time remove such chairman and appoint another in his stead.

41. The Greater Newcastle Council may from time to time discharge, alter, continue, or reconstitute any committee appointed by it.

42. (1) This section shall commence on the appointed day.

(2) The Fire Brigades Act, 1909-1927, is amended by omitting from Part II of Schedule One the names of the following country municipalities, that is to say—

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Town</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adamstown</td>
<td>Newcastle</td>
</tr>
<tr>
<td>Carrington</td>
<td>Stockton</td>
</tr>
<tr>
<td>Hamilton</td>
<td>Wallsend</td>
</tr>
<tr>
<td>Lambton</td>
<td>Waratah</td>
</tr>
<tr>
<td>Lambton, New</td>
<td>Wickham</td>
</tr>
<tr>
<td>Merewether</td>
<td></td>
</tr>
</tbody>
</table>

and by inserting in such Part of such Schedule after the name "Grafton South" the name "Greater Newcastle."

(3) The enactment of subsection two of this section shall not affect the tenure of office of the Member of the Board of Fire Commissioners of New South Wales who was elected on the twenty-third day of February, one thousand nine hundred and thirty-seven, in accordance with the provisions of the Fire Brigades Act, 1909-1927, by the councils of the municipalities and shires mentioned in Part II of Schedule One of that Act.

43. (1) This section shall commence on the appointed day.

(2) The elected members of the Hunter District Water Supply and Sewerage Board in office immediately before the commencement of this Act shall, subject to the Hunter District Water and Sewerage Act, 1892-1928, continue to hold office until the thirty-first day of December, one thousand nine hundred and thirty-eight.

Such elected members shall thereupon cease to hold office, and shall not be entitled to compensation by reason of their removal from office.

Any such elected member shall, if otherwise qualified, be eligible for election as an elected member of the said Board.

(3) If an extraordinary vacancy occurs in the office of an elected member of the Hunter District Water Supply and Sewerage Board before the thirty-first day of December, one thousand nine hundred and thirty-eight, the Governor may appoint some person to fill the vacancy until the said date.

(4) The Hunter District Water and Sewerage Act, 1892-1928, is amended—

(a) by omitting from section seven the words "one thousand nine hundred and twenty-four" and by inserting in lieu thereof the words "one thousand nine hundred and thirty-eight";

(b) by omitting from subsection one of section fourteen the words "one thousand nine hundred and twenty-four" and by inserting in lieu thereof the words "one thousand nine hundred and thirty-eight";
(c) by omitting the First Schedule and by inserting in lieu thereof the following Schedule:—

FIRST SCHEDULE.

<table>
<thead>
<tr>
<th>Constituency</th>
<th>Area</th>
<th>No. of Members to be returned</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>Greater Newcastle</td>
<td>Five</td>
</tr>
<tr>
<td>Second</td>
<td>Lake Macquarie, Tarro</td>
<td>One</td>
</tr>
<tr>
<td>Third</td>
<td>West Maitland, East Maitland, Morpeth, Bolwarra, Raymond Terrace, Port Stephens</td>
<td>One</td>
</tr>
<tr>
<td>Fourth</td>
<td>Cessnock, Kearsley</td>
<td>One</td>
</tr>
</tbody>
</table>

44. The Governor may, by proclamation in the Gazette before or after the time at or during or within which anything may or shall be done in pursuance of this Act or extend such time or may validate anything done after such time or done irregularly in matter of form.

PART VIII.
ORDINANCES.

Ordinances.

45. (1) Ordinances may be made under and in accordance with the Local Government Act in relation to all or any of the following matters or matters incidental thereto:—

(a) Any of the powers, authorities, duties or functions conferred or imposed on the Greater Newcastle Council by or under this Act.
(b) Any of the powers conferred or duties imposed by this Act upon the Governor or the Minister.
(c) Any matter mentioned in this Act.
(d) Any matter which is necessary or convenient to be prescribed for giving effect to this Act.
(e) Generally for carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of subsection one of this section any such ordinance may require the Greater Newcastle Council to establish a particular fund in respect of any activity of the Greater Newcastle Council, and may specify the assets of which any such fund is to consist and the purposes to which any such fund may be applied.

FIRST SCHEDULE,

Adamstown.
Carrington.
Hamilton.
Lambton.
New Lambton.
Wickham.

For the purposes of this Schedule and of the constitution of the City of Greater Newcastle, the Municipality of Waratah shall be deemed to include portion 349, parish of Newcastle, county of Northumberland, and the Municipalities of Waratah and Wickham shall be deemed to include the area of thirty-four acres two rods vested in the Broken Hill Proprietary Company Limited by section four of the Newcastle Iron and Steel Works Act, 1912.

SECOND SCHEDULE.

PART I.
Part of the Shire of Tarro to be included in Greater Newcastle.
DESCRIPTION.

Parishes of Newcastle and Hexham, county of Northumberland—Commencing on the generally southern boundary of the Shire of Tarro at its intersection with the right bank of Ironbark Creek; and bounded thence by that bank of that creek generally north-easterly to the right bank of the Hunter River (South Channel); by that bank of that river generally south-easterly to the aforesaid generally southern boundary of the Shire of Tarro at the north-easterly corner of portion 96, parish of Newcastle, and by boundaries of the Shire southerly, generally westerly, northerly and westerly to the point of commencement.

PART II.
Part of the Shire of Lake Macquarie to be included in Greater Newcastle.
DESCRIPTION.

Parish of Newcastle, county of Northumberland—Commencing on the generally northern boundary of the Shire of Lake Macquarie at the
the southernmost south-eastern corner of the Municipality of Adamstown; and bounded thence by part of the generally southern boundary of the parish of Newcastle easterly, southerly and generally easterly to the high-water mark of the South Pacific Ocean; by that high-water mark generally north-easterly to the generally eastern boundary of the Shire of Lake Macquarie at the southernmost corner of the Municipality of Merewether; and by boundaries of the Shire northerly, generally westerly, north-westerly and southerly to the point of commencement.

THIRD SCHEDULE.

<table>
<thead>
<tr>
<th>No. of Act</th>
<th>Short Title</th>
<th>Extent to which Repealed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1912, No. 49 ... Newcastle District Abattoir and Sale-yards Act, 1912.</td>
<td>The whole.</td>
<td></td>
</tr>
<tr>
<td>1915, No. 63 ... Newcastle District Abattoir and Sale-yards Further Amendment Act, 1915.</td>
<td>The whole.</td>
<td></td>
</tr>
<tr>
<td>1919, No. 34 ... Newcastle District Abattoir and Sale-yards Amendment Act, 1919.</td>
<td>The unrepealed portion.</td>
<td></td>
</tr>
<tr>
<td>1919, No. 41 ... Local Government Act, 1919 ...</td>
<td>The words &quot;or the Newcastle District Abattoirs and Sale-yards Act, 1912,&quot; occurring in subsection two of section four hundred and sixty. Paragraph (a) of subsection five of section six hundred and fifty-four.</td>
<td></td>
</tr>
<tr>
<td>1926, No. 21 ... Newcastle District Abattoir and Sale-yards (Amendment) Act, 1926.</td>
<td>The whole.</td>
<td></td>
</tr>
<tr>
<td>1931, No. 18 ... Newcastle District Abattoir and Sale-yards (Amendment) Act, 1931.</td>
<td>The whole.</td>
<td></td>
</tr>
</tbody>
</table>

CLOSER SETTLEMENT (AMENDMENT) ACT.

Act No. 21, 1937.

An Act to make provision for the assessment or determination of the value of land to be acquired in certain circumstances for the purposes of Closer Settlement; to make further provision with respect to interest and instalments on settlement purchases; for these and other purposes to amend the Closer Settlement Acts, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 15th December, 1937.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Closer Settlement (Amendment) Act, 1937."

2. The Closer Settlement (Amendment) Act, 1907, is amended—

(a) (i) by omitting from paragraph (b) of subsection one of section three the words "and of the improvements thereon respectively.");

(ii) by omitting from paragraph (d) of the same subsection the words "if the value of the residue exceeds twenty thousand pounds or not, and whether it will be depreciated in value" and by inserting in lieu thereof the words "the estimated value of the residue thereof and whether the value of such residue will be depreciated"; (iii)
CITY OF NEWCASTLE
Ordinary Council Meeting 01 May 2018

REPORTS BY COUNCIL OFFICERS

ITEM-33 CCL 01/05/18 - EXECUTIVE MONTHLY PERFORMANCE REPORT - MARCH 2018

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

PURPOSE

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

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

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

RECOMMENDATION

1 The report be received.

KEY ISSUES

2 At the end of March 2018 the consolidated YTD actual operating position is a deficit of $1m which represents a positive variance of $5.5m against the budgeted YTD deficit of $6.5m. This budget variance is due to a combination of income and expenditure variances which are detailed in Attachment A. The full year revised budget for 2017/18 is a balanced operating position.

3 The March YTD position includes $7.8m of revenue items which are either one-off or cannot be applied to meet operational expenditure ($4.3m 2012 Special Rate Variation revenue, $1.4m consolidation of Newcastle Airport result, $1.5m stormwater management service charge, and $0.6m local road grants which fund capital works).

4 The net funds generated as at the end of March 2018 is a surplus of $3.7m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD budgeted deficit of $5.6m. This is primarily due to a timing variance in the delivery of Council’s works program with a higher amount of project expenditure (both capital and operational expenditures) expected to be incurred during the final quarter of the financial year.
FINANCIAL IMPACT

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

<table>
<thead>
<tr>
<th>Full Year Revised Budget</th>
<th>YTD Revised Budget $'000</th>
<th>YTD Actual Result $'000</th>
<th>Variance $'000</th>
<th>Variance %</th>
<th>Financial Impact +ve / -ve</th>
</tr>
</thead>
<tbody>
<tr>
<td>273,789 Total Operating Revenue</td>
<td>201,947</td>
<td>203,339</td>
<td>1,392</td>
<td>1%</td>
<td>+</td>
</tr>
<tr>
<td>273,778 Total Operating Expenses</td>
<td>208,429</td>
<td>204,360</td>
<td>(4,069)</td>
<td>-2%</td>
<td>+</td>
</tr>
</tbody>
</table>

Total Operating Revenue Less Operating Expenditure (6,482) (1,021) 5,461 -84% +

21,386 Total Capital Raising revenue 16,040 17,051 1,012 6% +

42,851 Add Back Non Cash Items 31,433 31,435 2 +

Funding available for capital expenditure 40,991 47,465 6,475 16% +

54,945 Total capital spend 44,400 41,594 (2,806) -6% +

2,882 Loan Principal Repayment 2,162 2,162 0% -

6,421 Net Funds Generated / (Used) (5,571) 3,710 9,281 -167% +

Note 1 - Actual and Budget results include an estimate for the Newcastle Airport
6 Factors favourably impacting Financial Position

i User charges and fees – increase of $1.2m
The Summerhill Waste Management Centre has generated above budget income of $0.5m. Council is also earning higher revenue through parking meters.

ii Other operating revenues – increase of $0.4m
Council has generated higher revenue through fines and regulations than anticipated.

iii Materials & Contracts – decrease of $4.2m
Expenditure generated by the 2017/18 works program is below the YTD budget at the end of March.

7 Factors unfavourably impacting Financial Position

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

<table>
<thead>
<tr>
<th>Full Year Revised Budget $'000</th>
<th>YTD Revised Budget $'000</th>
<th>YTD Actual Result $'000</th>
<th>Variance $'000</th>
<th>Variance %</th>
<th>Financial Impact %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Revenues</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18,838 Grants &amp; contributions - Capital</td>
<td>14,129</td>
<td>14,861</td>
<td>733</td>
<td>5%</td>
<td>+</td>
</tr>
<tr>
<td>2,548 Proceeds from the sale of Assets</td>
<td>1,911</td>
<td>2,190</td>
<td>279</td>
<td>15%</td>
<td>+</td>
</tr>
<tr>
<td>21,386 Total Capital Raising revenue</td>
<td>16,040</td>
<td>17,051</td>
<td>1,012</td>
<td>6%</td>
<td>+</td>
</tr>
<tr>
<td>Net Surplus/(deficit) after capital revenue</td>
<td>9,558</td>
<td>16,030</td>
<td>6,473</td>
<td>68%</td>
<td>+</td>
</tr>
<tr>
<td>Adjustments for Non Cash Items</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>41,422 Add back Depreciation</td>
<td>30,361</td>
<td>30,363</td>
<td>2</td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td>6,029 Add back loss on Disposal</td>
<td>4,522</td>
<td>4,522</td>
<td>0</td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td>(4,600) Less land &amp; infrastructure donations</td>
<td>(3,450)</td>
<td>(3,450)</td>
<td>0</td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td>Funding available for capital expenditure</td>
<td>64,248</td>
<td>47,465</td>
<td>6,475</td>
<td>16%</td>
<td>+</td>
</tr>
<tr>
<td>Capital Expenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22,641 Asset renewals</td>
<td>21,124</td>
<td>23,711</td>
<td>2,587</td>
<td>12%</td>
<td>-</td>
</tr>
<tr>
<td>14,134 2012 SRV Priority Projects</td>
<td>11,011</td>
<td>8,378</td>
<td>(2,633)</td>
<td>-24%</td>
<td>+</td>
</tr>
<tr>
<td>7,493 New / upgrade</td>
<td>7,081</td>
<td>3,842</td>
<td>(3,239)</td>
<td>-46%</td>
<td>+</td>
</tr>
<tr>
<td>10,677 Non-Infrastructure Projects</td>
<td>5,184</td>
<td>5,663</td>
<td>479</td>
<td>9%</td>
<td>-</td>
</tr>
<tr>
<td>54,945 Total capital spend</td>
<td>44,400</td>
<td>41,594</td>
<td>(2,806)</td>
<td>-6%</td>
<td>+</td>
</tr>
<tr>
<td>2,882 Loan Principal Repayment</td>
<td>2,162</td>
<td>2,162</td>
<td>0</td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td>6,421 Net Funds Generated / (Used)</td>
<td>(5,571)</td>
<td>3,710</td>
<td>9,281</td>
<td>-167%</td>
<td>+</td>
</tr>
</tbody>
</table>

Note 1 - Actual and Budget results include an estimate for the Newcastle Airport.
8  At the end of March Council has received $0.7m more capital grants and contributions than budgeted. This is a timing variance as the main driver is section 94 contributions from on-going development in the city centre which are included in the full year budget.

9  Council’s total capital spend at the end of March is $41.6m. This result is below the YTD budget of $44.4m. The total project spend inclusive of operational and capital expenditure is $66.7m as at the end of March compared with a budget of $73.2m.

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

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

IMPLEMENTATION PLAN/IMPLICATIONS

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

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

   ii) Council’s Investment Policy and Strategy, and

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

RISK ASSESSMENT AND MITIGATION

13  No additional risk mitigation has been identified this month.

RELATED PREVIOUS DECISIONS

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

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

   The report be received with the addition of a compliance report on Council’s adopted clauses on ethical and social responsibility set out in Council’s Investment Policy to be included under the section “Investment Policy Compliance Report”.
16 The Investment Policy Compliance Report included in the Executive Monthly Performance Report has been amended to include a specific confirmation in regard to compliance with part E of the Investment Policy.

CONSULTATION

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

OPTIONS

Option 1

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

Option 2

19 Council resolves to vary the recommendation in receiving the report. This is not the recommended option.

BACKGROUND

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

REFERENCES

ATTACHMENTS

Attachment A: Executive Monthly Performance Report - March 2018
Distributed under separate cover
ITEM-34  CCL 01/05/18 - EXHIBITION OF DRAFT 2018/19 OUR BUDGET AND DRAFT 2018/19 FEES AND CHARGES REGISTER

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

PURPOSE

To place the draft 2018/19 Our Budget (2018-2022 Delivery Program and 2018/19 Operational Plan) (Attachment A) and the draft 2018/19 Fees and Charges Register (Attachment B) on public exhibition for 28 days as required under the Local Government Act 1993.

RECOMMENDATION

1 Council places the draft 2018/19 Our Budget (2018-2022 Delivery Program and 2018/19 Operational Plan) and the draft 2018/19 Fees and Charges Register on public exhibition for 28 days prior to final consideration by Council.

KEY ISSUES

2 Under section 404 of the Local Government Act 1993 councils must have a Delivery Program detailing the principal activities it will undertake to achieve the objectives identified in the Community Strategic Plan. Councils are also required to have an annual Operational Plan adopted by the beginning of each financial year which outlines the planned activities for the year as part of the Delivery Program. This year, for the first time, Council will be combining the Delivery Program and Operational Plan into one document to show a more integrated approach. The document will be known as the 2018/19 Our Budget.

3 Under section 608 of the Local Government Act 1993, Council may charge and recover an approved fee for any services it provides. Council’s draft 2018/19 Fees and Charges Register is provided at Attachment B.

4 Financial sustainability is a focus of the draft 2018/19 Our Budget and this is achieved by maintaining a net operating surplus, renewing and maintaining assets in a sustainable range and utilising evidence based decision making and good governance.

5 The draft 2018/19 Our Budget includes the approved Special Rate Variation (2015 SRV) of 8% increase in general rate income for a five year period 2015/16 to 2019/20.
FINANCIAL IMPACT

6 The draft 2018/19 Our Budget has been developed based on the Budget Principles adopted by Council on 18 April 2013 as well as focusing on the renewal of infrastructure assets and restricting debt levels so that Council's net financial liabilities ratio is below 40%.

7 The operating result budgeted for the 2018/19 financial year is a surplus of $6.5m. The operating surplus ensures Council has sufficient financial capacity to maintain the city's assets at a safe, reliable and sustainable level while still responding to our commitments to community.

<table>
<thead>
<tr>
<th></th>
<th>Adopted Budget 2017/18</th>
<th>Draft Budget 2018/19</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Income</td>
<td>$,000</td>
<td>$,000</td>
<td>$,000</td>
</tr>
<tr>
<td>Total Expenditure</td>
<td>260,210</td>
<td>279,662</td>
<td>19,452</td>
</tr>
<tr>
<td>Operating Surplus (Deficit) for the year</td>
<td>255,405</td>
<td>273,189</td>
<td>17,784</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4,805</td>
<td>6,473</td>
<td>1,668</td>
</tr>
</tbody>
</table>

8 The draft 2018/19 Our Budget includes increased revenues through the 2015 Special Rate Variation increment in-line with the Long Term Financial Plan. However this is offset by higher operational expenditure associated with a record works program of $100m.

9 Operational materials and contracts expenditure is budgeted at the level required to provide a sustainable level of asset maintenance in addition to providing the resources to grow Council's capacity to deliver larger asset renewal programs in the future.
10 The capital expenditure budgeted for the 2018/19 financial year is $67.6m which is consistent with the level of expenditure budgeted to be capitalised in the 2017/18 financial year. The total spend on works inclusive of operational and capital expenditure is budgeted at $100m in the 2018/19 financial year which is $10m more than the $90m works program planned in the 2017/18 Operational Plan.

11 During any given year Council generates cash from its operating activities. This cash is used as a funding source for the works program. It is forecast that $59.3m will be generated from Council's operations to fund the budgeted 2018/19 works program which will result in a net draw down on previously restricted cash of $11.9m.

COMMUNITY STRATEGIC PLAN ALIGNMENT

12 The draft 2018/19 Our Budget (2018-2022 Delivery Program and 2018/19 Operational Plan) and draft 2018/19 Fees and Charges Register have been developed as a requirement of the Local Government Act 1993 and Local Government (General) Regulation 2005. These documents outline how Council will deliver on the seven strategic directions contained in the Newcastle 2030 Community Strategic Plan.
IMPLEMENTATION PLAN/IMPLICATIONS

13 The draft 2018/19 Our Budget (2018-2022 Delivery Program and 2018/19 Operational Plan) and draft 2018/19 Fees and Charges Register are required to be adopted by Council by 30 June 2018 following a 28 day public exhibition period. A delay in endorsement of this report will impact on the time available to collate and incorporate community feedback to ensure adoption of the final report by the deadline.

RISK ASSESSMENT AND MITIGATION

14 The development of the financial budget is based on a number of assumptions, including assumptions that are outside of Council’s control. This may potentially affect the financial results. The risks associated with these assumptions include:

a) Grant funding from State and Federal Governments is lower/higher than anticipated.

b) Investment returns are lower/higher than assumed.

c) Contributions, for example s94, alter from the level predicted.

d) Further cost shifting from other Government agencies without offsetting revenue.

e) Inflation increase against costs higher than anticipated.

f) Legislative changes that may lower income streams or increase expenditure.

g) Natural disasters.

15 Implementation of the financial budget will be carefully monitored and necessary adjustments implemented through the quarterly budget review statement.

RELATED PREVIOUS DECISIONS

16 At the Ordinary Council Meeting held on 27 June 2017, Council adopted the 2013-2018 Delivery Program and 2017/18 Operation Plan and the 2017/18 Fees and Charges Register.

17 At the Ordinary Council Meeting held on 27 March 2018, Council resolved:

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

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

18 Council adopted Budget Principles for the development of the 2013-14 Operational Plan, Four Year Delivery Program and Ten Year Financial Plan on 18 April 2013.

CONSULTATION

19 One Councillor Budget Workshops were held on 10 April 2018.

20 Subject to endorsement of the recommendation detailed at Paragraph 1 above the draft 2018/19 Our Budget (2018-2022 Delivery Program and the 2018/19 Operational Plan) and draft 2018/19 Fees and Charges Register will be placed on public exhibition for 28 days and the community feedback received will be considered prior to finalising the documents.

OPTIONS

Option 1

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

Option 2

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

BACKGROUND

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

REFERENCES

ATTACHMENTS

Distributed under separate cover
Attachment B: Draft 2018/19 Fees and Charges Register
ITEM-35 CCL 01/05/18 - YOUTH COUNCIL REPORT 2016/2017

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

PURPOSE

To provide a report to Council on the achievements of the Newcastle Youth Council during 2016/2017.

RECOMMENDATION


KEY ISSUES

2 In accordance with the Newcastle Youth Council Committee Charter - June 2016, NYC is required to provide an annual report to the elected Council.

FINANCIAL IMPACT

3 In 2016/2017 NYC was provided with a budget of $4,946 for operational purposes and a further $6,075 to allocate grants for Youth Week events. The Youth Week funding is provided on a matched funding basis with NSW Department of Family and Community Services.

4 The NYC Committee budgets were expended as below:

<table>
<thead>
<tr>
<th>Adopted Budget</th>
<th>Categories</th>
<th>Expenditure 2016/2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>$4,946.00</td>
<td>Youth Frontiers Project Support</td>
<td>$250.00</td>
</tr>
<tr>
<td></td>
<td>Youth Week Promotions</td>
<td>$182.00</td>
</tr>
<tr>
<td></td>
<td>Facilitation of Committee</td>
<td>$526.00</td>
</tr>
<tr>
<td></td>
<td>Total grant allocation</td>
<td>$3,988.00</td>
</tr>
<tr>
<td>$6,075.00</td>
<td>Youth Week Grants</td>
<td>$6000.00</td>
</tr>
<tr>
<td></td>
<td>Youth Week Promotion</td>
<td>$75.00</td>
</tr>
<tr>
<td></td>
<td>Total grant allocation</td>
<td>$6,075.00</td>
</tr>
</tbody>
</table>

MEETING ATTENDANCE

5 Meeting attendance for 2016/2017 shown below.
OVERVIEW OF ACTIVITIES 2016/2017

6 Key NYC achievements in the 2016/2017 financial year included:

i) Newcastle City Council was awarded the NSW Government National Youth Week *Most Innovative Youth Week Program 2017* award.

ii) Provided grant funding for six Youth Week 2017 events.

iii) Social media presence improved with introduction of a Social Media Officer on this committee. Youth Council now have 370 followers on Facebook, up 170 on last year.

iv) Held the inaugural Midnight Sounds (Midnight Café) event.

v) Hosted a NYC Planning Day. NYC and Port Stephens Youth Advisory Panel participated.

vi) The NYC Chairperson was a member of the judging panel for the Newcastle 2017 Australia Day Awards.

RESPONSIBILITIES OF COMMITTEE

7 The NYC has completed a self-assessment against its current Committee Responsibilities (Section 5, Newcastle Youth Council Committee Charter) as below:

<table>
<thead>
<tr>
<th>Objective</th>
<th>Related issues</th>
<th>Resolutions/outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Aim to engage young people in Local Government</em></td>
<td>Encouraging young people to attend Committee meetings.</td>
<td>Eight meetings were held during 2016/17. Promotion of NYC and recruitment occurred through the NYC Facebook page and word of mouth.</td>
</tr>
<tr>
<td><strong>Raise awareness of youth issues</strong></td>
<td>Social media</td>
<td>Using Facebook as a tool for improving awareness of youth issues, while increasing youth awareness of NCC projects and programs that affect local youth.</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>-------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| **Allocate Youth Week grants as per Council's Youth Week Grant Policy** | Youth Week 2017 | NYC members were involved in allocation of grant funds, event facilitation and community engagement.  
NYC funded six Youth Week events worth $6,000.00.  
Over 300 participants attended local events, including a young leaders' forum, graffiti workshops, photography and art exhibitions to raise awareness of disability and mental health issues. |
| **Guide implementation of the Newcastle 2030 Community Strategic Plan** | Vibrant and Activated Public Places | Encouraging use of our public spaces through the distribution of Youth Week grants to facilitate activities for young people. |
| | Caring and Inclusive Community | Participating and supporting projects and initiatives that focus on youth engagement. |
| | Open and Collaborative Leadership | NYC members are invited to comment and participate in NCC projects and programs that affect local youth. |
| **Assist in the development and implementation of social strategies for Newcastle City Council** | Engaging young people in Local Government decision making process | NYC members were informed and asked to comment on Council strategies, including input into the revision of the *Newcastle 2030 Community Strategic Plan* and engagement regarding the Rail Corridor Rezoning. |
| **Assist Council to prepare applications for youth related grants** | | NYC did not prepare any grant applications in 2016/2017 financial year. |
Support Council in a manner that is consistent with Council values and decisions of Council.

NYC operated under the strategic directions outlined within the Newcastle 2030 Community Strategic Plan (Revised 2013) and in a manner consistent with Council's values and decisions.

COMMENT FROM THE CHAIRPERSON

8 "This year NYC was successful in launching a new project, that had been in the works for a while, Midnight Cafe. It was a great opportunity for the young people involved to learn vital event planning and organisational skills, whilst navigating the regulations of local government. The event had a diverse range of truly talented acts. During 2017, NYC also coordinated an award winning Youth Week, with ambassadors at multiple events. Ideas for initiatives for 2017 were included in broader Council plans or occurred through other agencies, such as earn and return recycling points and a greater emphasis on sustainability. Social media engagement increased this year. The Committee's membership transitioned once again". Christy Mullen, NYC Chairperson.

COMMUNITY STRATEGIC PLAN ALIGNMENT

9 NYC projects aligned with Newcastle 2030 Community Strategic Plan key Strategic Directions:

i) Vibrant and Activated Public Places

ii) Caring and Inclusive Community

iii) Open and Collaborative Leadership

IMPLEMENTATION PLAN/IMPLICATIONS

10 There are no adverse implications in Council receiving the NYC Annual Report 2016/2017.

RISK ASSESSMENT AND MITIGATION

11 Risk assessments were undertaken for all events that NYC participated in.

12 Committee members are required to undergo a volunteer induction to ensure they perform their role within legislative guidelines, and in a safe, efficient and effective manner.
RELATED PREVIOUS DECISIONS

13 At the Ordinary Council Meeting held on 24 October 2017 Council appointed Councillors Clausen, Winney-Baartz and Duncan as representatives to the NYC Committee.

14 At the Ordinary Council Meeting held on 28 March 2017 Council received the Newcastle Youth Council Annual Report for 2015/2016.

15 At the Ordinary Council Meeting held on 4 December 2012 Council established the Youth Council.

CONSULTATION

16 The NYC Annual Report was developed in consultation with NYC's previous and current Chairperson.

OPTIONS

Option 1

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

Option 2

18 Council does not receive the Newcastle Youth Council Annual Report for 2016/2017. This is not the recommended option.

BACKGROUND

19 NYC Committee is an Advisory Committee of Council.

20 The objective of the Committee is to seek to engage young people in Local Government and to provide advice to Council regarding youth issues in the Newcastle LGA.

21 The Jeder Institute facilitated a Planning Day for NYC in September 2016. NYC and Port Stephens Youth Advisory Panel participated, in recognition of a potential Council merger and to gain a broader view of the issues facing young people in our local community. Whilst the proposed merger did not proceed, this cross-boundary collaborative planning approach led to improved information sharing and local youth engagement. The planning decisions made on this day were to guide NYC's project delivery for 2016/2017. NYC established five key projects for delivery during 2016/2017, these include:

i) Increasing social media presence - Improve Youth Council page on Council's website and diversify social media presence. Achieved.

iii) Midnight Café - Run a pilot for a non-alcoholic social night with live music for young people in Newcastle. *Achieved.*

iv) Chinese Community Engagement - Collaborate with local stakeholders to encourage inclusion of Newcastle’s young Chinese community at local events and in Council's planning and community engagement. *Under review.*

v) Reverse Vending Machines - NYC to work with Council on promoting the reverse vending machine project. *Achieved and ongoing.*

REFERENCES

ATTACHMENTS

Attachment A: Report on Newcastle Youth Council Planning Day
NEWCASTLE YOUTH COUNCIL PLANNING DAY 2016
Facilitated by Bron Dyason, Jeder Institute

CHECK IN
To welcome each other into the space, and get to know each other a bit, we sat in circle, and did a check in. Our gifts as leaders are:

- Ability to motivate people
- Inspiring others
- Confidence
- Assisting others
- Easy to talk to
- Communication
- Passion
- Enthusiasm
- Diplomacy
- Caring and positive
- Knowledge of conflict resolution
- Working well in teams
- Determination
- Embracing diversity
- Interest in others
- Willingness to learn

OBSERVE
Using seven design principles and a simple method, World Café is a powerful social technology for engaging people in conversations that matter, offering an effective antidote to the fast-paced fragmentation and lack of connection in today’s world. World Café is based on the understanding that conversation is the core process that drives personal, business, and organisational life. To kick off the day, to get to know each other and to start discovering what matters to all of us, we did some rounds of World Café. The results are below!

What matters to young people?

- Health & Wellbeing: mental, physical, emotional health. Having access to support, sport, culture and expression
- The Environment: both the natural & man-made environment- and it’s sustainability, infrastructure, facilities and youth spaces
- Helping & contributing to the world

1 | Newcastle Youth Council Planning Day
• Opportunities - through technology, education, jobs, entertainment, and growth
• Community - people around us and community safety

**What does our world need more of?**
• Diversity
• Equity, Equality, & Justice
• Tolerance
• Access - to education, employment, technology, health care, resources and services, & transport
• Opportunities
• Respect
• Knowledge / awareness & education
• Unity
• Compassion & Kindness

**DISCOVER**

Open Space (Technology) is a simple way to run productive conversations. Everyone was asked a simple question - "What idea for the future of young people would I like to talk more about?" Any young people, who had a conversation topic, wrote that topic down, put it up on the board, and sat in a location where others could come and join them in their conversation. Below is a bit of an overview of some of the insights that came out of each topic:

**Non-alcoholic social events**
This is an idea that’s not limited to music events. It will support local businesses, artists and individuals. This conversation was good because it brought out common enthusiasm.

**Chinese culture in Newcastle**
This conversation was about how Chinese involvement is becoming more prominent in Newcastle.

**Mental Health & Wellbeing**
Your sense of wellbeing should not define what you do. Everyone has experiences. All your thoughts and ideas about mental health create knowledge and understanding. Anyone can talk about it! People in this conversation were grateful for the time and space to talk, think and express ideas.

**Volunteering**
Volunteering benefits everyone - individuals, families, communities. We need to facilitate participation in volunteering, perhaps through some school programs. Opportunities to volunteer have allowed some to give back, learn new skills, meet new people, develop identity and feel a sense of accomplishment.

**Community engagement**
Social media presence needs to be engaging and effective. It could be a good idea to have a website with current events and workshops on it, and visit some schools to recruit people as well as spread local information. We would like to provide young people with access to current information and opportunities! We are grateful for this conversation because we have identified a point of need in the community and we are given an opportunity to assist young people to reach out.

**Leadership**
We need young leaders, as well as more programs to grow young leadership.
REFLECT

To reflect on what young people want to get out of their time on Newcastle Youth Council, and everyone’s own commitment to projects and leadership, we did an activity called ‘triads’. Triads is where people join groups of three people - one person is a storyteller, one a listener, and one is an observer. Each person tries each different role, and shares their story of leadership and commitment.

<table>
<thead>
<tr>
<th>Name of Youth Council member</th>
<th>How they show leadership &amp; commitment to the Youth Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Riordan</td>
<td>Interest in leadership</td>
</tr>
<tr>
<td></td>
<td>Likes having a position in leadership</td>
</tr>
<tr>
<td></td>
<td>Interest in politics</td>
</tr>
<tr>
<td></td>
<td>Want to be part of a broader influence and make decisions</td>
</tr>
<tr>
<td>Isobel</td>
<td>Passion &amp; drive to make change</td>
</tr>
<tr>
<td></td>
<td>Recognise the work that is required</td>
</tr>
<tr>
<td></td>
<td>Great listener to ideas</td>
</tr>
<tr>
<td></td>
<td>Gains personal pride</td>
</tr>
<tr>
<td></td>
<td>Shows fairness and diplomacy in groups settings</td>
</tr>
<tr>
<td></td>
<td>Adaptable to diverse situations</td>
</tr>
<tr>
<td>Amber</td>
<td>Guidance of members and projects</td>
</tr>
<tr>
<td></td>
<td>Coordination of Youth Council members</td>
</tr>
<tr>
<td>Maddie</td>
<td>Mutual respect for ideas</td>
</tr>
<tr>
<td></td>
<td>Wants to be involved in a project</td>
</tr>
<tr>
<td></td>
<td>Goal to contribute to community and work as part of a team</td>
</tr>
<tr>
<td>Christy</td>
<td>Encourage others</td>
</tr>
<tr>
<td></td>
<td>Considerate of all views and committed to making them come to fruition</td>
</tr>
<tr>
<td></td>
<td>Personal and educational sacrifices</td>
</tr>
<tr>
<td>Nick</td>
<td>Hearing new perspectives</td>
</tr>
<tr>
<td></td>
<td>Strive to make Newcastle a better place</td>
</tr>
<tr>
<td></td>
<td>Passion for a bi-lingual society</td>
</tr>
<tr>
<td>Jacob</td>
<td>Advocacy</td>
</tr>
<tr>
<td></td>
<td>Selflessness</td>
</tr>
<tr>
<td></td>
<td>Getting actively involved</td>
</tr>
<tr>
<td></td>
<td>Community engagement</td>
</tr>
<tr>
<td>Jack</td>
<td>Has been part of other Youth Councils</td>
</tr>
<tr>
<td></td>
<td>Has skills and knowledge to bring to NYC</td>
</tr>
<tr>
<td></td>
<td>Been part of projects in the past</td>
</tr>
<tr>
<td>Jackson</td>
<td>Resilience and leadership skills from past experiences</td>
</tr>
<tr>
<td></td>
<td>Committed to the future of NYC</td>
</tr>
<tr>
<td></td>
<td>Learning from others</td>
</tr>
</tbody>
</table>

ACT

This is where Newcastle Youth Council made some decisions on the projects they will deliver and partner in, in the 2016/17 year. Everyone who hosted a group received a template to put their ideas into. The feedback from these groups is in the Strategic Plan Document.

CHECK OUT

Checkout wrapped up the day and showed gratitude to each other for our time together.
ITEM-36 CCL 01/05/18 - CITIES LEADERSHIP INSTITUTE MEMBERSHIP REPORT

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

PURPOSE

To seek endorsement from Council to rejoin the Cities Leadership Institute as a member for 2018/19.

RECOMMENDATION

1 Council approves continued membership of the Cities Leadership Institute for 12 months.

KEY ISSUES

2 The Cities Leadership Institute (CLI) is a not-for-profit organisation dedicated to building the capacity of Australian leaders to think and act strategically about urban issues. The CLI provides, produces and shares expert, non-partisan and timely advice for Australia’s civic, business and community leaders on issues related to the design, construction, and management of urban environments.

3 The CLI has provided many benefits to Newcastle City Council over the last 3 years of membership. In the last twelve months the CLI have provided background research and support for the Business Improvement Association review, assisted in preparation of a city deal, provided free attendance of four staff at 2 international masterclasses and organised the 2017 International Exchange on Smart Cities. The CLI have used their global reach and international networks to provide Council with the world's best practice across this range of projects.

4 The CLI will provide the following key benefits for the 2018/19 membership period:
   
   
   ii) Australian Domestic Exchange on Smart Cities - June 2018.
   
   iii) International Expert Visit (Kip Harkness - City of San Jose) - August 2018.
   
   
   v) Review of reports, plans and programs as required.
vi) Consultation, advisory services and access to international experts as required.

5 A more detailed description of the services provided by CLI are outlined in:

i) The letter requesting the membership of Newcastle City Council (Attachment A).

ii) The 2018 CLI program overview (Attachment B).

FINANCIAL IMPACT

6 Membership fee for CLI is $25,000 (ex-GST) for the 2018/19 membership year. Funding is available from the Hunter Street Revitalisation Project, economic revitalisation sub-project.

COMMUNITY STRATEGIC PLAN ALIGNMENT

7 The Newcastle 2030 Community Strategic Plan strongly supports the need for improved urban spaces and an innovative smart city. The CLI provides advice, support and opportunities across the following strategic directions:

Vibrant and active public places

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

Liveable and Distinct Built Environment

(5.2) Mixed-use urban villages supported by integrated transport networks.

(5.3) Greater diversity of quality housing for current and future community needs.

Smart and innovative City

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

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

IMPLEMENTATION PLAN/IMPLICATIONS

8 Implementation is undertaken in conjunction with the CLI team based on the 2018/19 program (Attachment B). The 2018/19 program is regularly reviewed to ensure the program is delivering value for Council.

RISK ASSESSMENT AND MITIGATION

9 No significant risks are associated with the endorsement of the membership to CLI.
RELATED PREVIOUS DECISIONS

10 Council has previously endorsed two US study tours with the CLI in the reports:

i) CCL 24/11/15 - FUTURE CITIES PROGRAM 2015 US STUDY TOUR.

ii) CCL 24/10/17 - CITIES LEADERSHIP INSTITUTE US TOUR PROGRAM 2017 - PARTICIPATION BY CITY OF NEWCASTLE.

CONSULTATION

11 The CLI and attendees on the smart city tour have provided a briefing BR 10/04/18 - CITIES LEADERSHIP INSTITUTE US SMART CITIES TOUR 2017 to Council outlining the benefits and learnings associated with the study tour and being a member of CLI.

OPTIONS

Option 1

12 The recommended option as at paragraph 1. This is the recommended option.

13 Not continue to be a member of the CLI. This is not the recommended option.

BACKGROUND

14 Newcastle City Council have had a long standing relationship with the CLI and will be entering the fourth year of membership if we become members of CLI for 2018/19. That is, two years under the former Future Cities Institute (as part of the United States Studies Centre) and two years as the Cities Leadership Institute.

REFERENCES

ATTACHMENTS

Attachment A: Letter to Newcastle City Council for Membership

Attachment B: 2018 Program CLI - Final
Cnr Nualali Nelmes
Lord Mayor
City of Newcastle
PO Box 489
Newcastle NSW 2300

27 February 2018

Dear Lord Mayor,

The Cities Leadership Institute and City of Newcastle

The Cities Leadership Institute is pleased to have worked with the City of Newcastle over 2017 to support the delivery of programs and initiatives for the Newcastle community.

From reviewing the submission into the Australian Government’s Role in the development of cities, supporting the development of a potential City Deal and reviewing and researching business improvement associations, valuable progress has been made.

It also it pleasing to see the continued achievements of the City of Newcastle in relation to smart cities and the contribution and benefit of your participation in the International Exchange on Smart Cities.

In 2018 the Cities Leadership Institute will be continuing to conduct a range of services and programs to support Australian cities build their capacity to deliver for their communities.

We invite the City of Newcastle to continue as a member of the Cities Leadership Institute. This membership enables you and your organisation to have access to the CLI platform of services of Strategic Advice, Delivery Support, Knowledge Advancement and Insights.

Based on our recent discussions we have developed a customized membership package of these services and a tailored program to address the current needs of the City of Newcastle. This includes support for the development of a Newcastle City Deal aligned with the Greater Newcastle Metropolitan Plan, review of report on Business Improvement Associations including international benchmarking and support to enhance the City’s international reputation.

In terms of smart cities, CLI will be hosting international experts in this field creating the opportunity for workshops, forums and public speaking events for Newcastle. We also will be leading an Australian Domestic Exchange on Smart Cities in June 2018 creating the opportunity to have a coordinated visit to Newcastle to showcase and build on the City’s progress on integrating and leveraging technology and innovation.
In September 2018 the CLI International Exchange will focus on creating best practice Health and Innovation Precincts and how cities can improve the health and wellbeing of its citizens. This will no doubt have relevance given the strategic value for Newcastle and the inclusion of new economic and knowledge centres at John Hunter and Calvary Mater hospitals and the University of Newcastle and research campus in the Greater Newcastle Metropolitan Plan.

As you are aware membership of the Cities Leadership Institute also provides Councillors and nominated Council Officers access to CLI programs, research, international guests and our new Urban Leaders Boardroom Lunch Series.

Your customized CLI Membership Package and Program is outlined in Schedule 1 of the enclosed Membership Agreement. A copy of the Cities Leadership Institute 2018 Program is also enclosed.

The Cities Leadership Institute is pleased to work with you in what will no doubt be a productive and transformational year for the City of Newcastle.

To ensure that we continue to provide you with the advice, support, knowledge and insights you need we will review your Membership Program on a quarterly basis.

Thank you again for your ongoing support and contribution to build and transform Australian cities and being a valuable member of a national community of urban leaders and experts to lead your community into the future.

Should you have any questions or comments please do not hesitate to contact me directly on 0419 411 801 or via email at koregan@citiesleadership.com.

Yours sincerely,

Katherine O'Regan
Executive Director, Cities Leadership Institute

Professor Edward Blakely
Director, Cities Leadership Institute
CITIES LEADERSHIP INSTITUTE

The Cities Leadership Institute (CLI) is a not-for-profit dedicated to building the capacity of Australian leaders to think and act strategically about urban issues. We believe that to make cities, towns and communities great places, leaders need to build their knowledge and experience to meet the ever-changing challenges of urban life.

CLI provides, produces and shares expert, non-partisan and timely advice for Australia’s civic, business and community leaders on issues related to the design, construction, and management of urban environments.

Our members, partners and followers form a national community of urban leaders and experts ready to improve communities.

2018 PROGRAM

CLI has developed a platform of services focused on:

- Strategic Advice
- Delivery support
- Knowledge Advancement
- Insights

Key programs in 2018 include:

Urban Leaders Boardroom Lunch Series April - November (invite only)

This series aims to generate high-level discussion on four critical topics affecting cities and communities across Australia with decision-makers and influencers in government, industry and academia.

* Dates may change *

National and international speakers will share their insights from extensive research in the field. Topics include:

- Housing Affordability and Alternative Models
- Smart cities - Smart Councils
- Future of Transport - Local Communities
- Promoting Health and Innovation in our Cities

Australian Domestic Exchange on Smart Cities - June

This immersive four day Exchange will take Australian urban leaders from the public and private sector across the country to explore and connect with cities successfully leveraging technology to improve citizens’ lives and communities.

International Expert Visit - August

Over a week, we will host an international expert on cities for a series of public talks, workshops and member masterclasses.

International Exchange on Health and Innovation in Cities, United States - September

Over nine days, we will lead a delegation of Australian urban leaders to the US to explore best-practices in creating health and innovation precincts, and improving citizens’ mental and physical health.

CONTACT US

Contact us to register your interest in participating in our 2018 program.

(02) 6007 4442 info@citiesleadership.com
@cli_eu citiesleadership.com
ITEM-37  CCL 01/05/18 - ENDORSEMENT OF DRAFT NEWCASTLE 2030 COMMUNITY STRATEGIC PLAN (REVISED 2018) FOR PUBLIC EXHIBITION

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

PURPOSE

The purpose of this report is to seek endorsement to place the draft Newcastle 2030 Community Strategic Plan (Revised 2018) on public exhibition.

RECOMMENDATION

1 Place the draft Newcastle 2030 Community Strategic Plan (Revised 2018) (Attachment A) on public exhibition for 28 days.

KEY ISSUES

2 Each Local Government Area (LGA) in NSW must have a community strategic plan (CSP) that has been developed and endorsed by the Council. A CSP is a plan that identifies the main priorities and aspirations for the future of the LGA covering a period of at least 10 years from when the plan is endorsed.

3 Each newly elected Council must review their CSP before 30 June in the year following local government elections.

4 The CSP is a core element in Council's Integrated Planning and Reporting (IP&R) Framework. The requirement for Councils to develop the processes and elements within the IP&R Framework is contained in clause 402 of the NSW Local Government Act 1993.

5 The CSP has been updated based on outcomes of community engagement undertaken from late May 2017 to early November 2017. The key revisions include:

   i) Modification of the Vision Statement

   ii) Minor wording changes to the seven strategic directions

   iii) Updated objectives and strategies that better reflect the changing needs of our community and the role of Council and other stakeholders in implementation of the plan.

FINANCIAL IMPACT

6 Exhibition of the draft Newcastle 2030 Community Strategic Plan (Revised 2018) will be undertaken within the existing operational budget.
COMMUNITY STRATEGIC PLAN ALIGNMENT

7 The review of the CSP provides the basis for ongoing alignment of Council’s decision-making processes, strategies and activities with the aspirations of the Newcastle community. It directly contributes to achieving Open and Collaborative Leadership.

IMPLEMENTATION PLAN/IMPLICATIONS

8 The strategies in the draft CSP (Revised 2018) will assist in shaping the strategic framework for Council’s operations through development of Council’s core strategies, our four-year Delivery Plan and one-year Operational Plan.

9 The Lord Mayor and Councillor roles and responsibilities in the implementation of the CSP are outlined in the Integrated Planning and Reporting Manual for Local Government in NSW, Planning a sustainable future, March 2013, p.g.11.

RISK ASSESSMENT AND MITIGATION

10 Ongoing communication and stakeholder involvement will be critical to the implementation of the CSP. It is proposed that the Newcastle 2030 web portal be expanded to track progress towards the vision and provide a hub to share future initiatives and activities during the implementation, monitoring and reporting phases.

RELATED PREVIOUS DECISIONS

11 At the Ordinary Council Meeting held on 9 May 2017 Council endorsed the Community Engagement Strategy for the Newcastle 2030 Community Strategic Plan subject to the following amendment:

On page 11 of The Draft Community Engagement Strategy, add new paragraphs to the end of the paragraph under the heading “Submissions”.

- When calling or advertising for public submissions, Council will note that all submissions will be made public unless there is a specific request for a submission to remain confidential.

- All submissions received during the public exhibition period will be published on the relevant part of the Council’s website, unless non-publication or anonymity has been requested by the person or body making the submission.

- Council officers will produce a summary of all issues raised in submissions and provide a response to each of these issues.

12 At the Ordinary Council Meeting held on 25 June 2013 Council resolved to endorse the Newcastle 2030 Community Strategic Plan (Revised 2013).

13 At the Ordinary Council Meeting held on 15 March 2011 Council resolved to endorse the inaugural Newcastle 2030 Community Strategic Plan.
CONSULTATION

14 In accordance with the *Local Government Act 1993*, the review of the CSP required the development and implementation of a community engagement strategy (*Division of Local Government Manual Essential Element 1.11*).

15 Council endorsed the *Community Engagement Strategy for the Newcastle 2030 CSP* in May 2017 and is now available online at https://www.newcastleyoursay.com.au/Better-together (and click on the word 'more'). The engagement strategy was implemented from late May 2017 to early November 2017.

16 The *Newcastle 2030 Community Strategic Plan Update Community Engagement Outcomes Report - Volume 1 and Volume 2* was presented to Council at a Councillors Workshop held on 13 March 2018 and the report detailing all the findings was published on Council's website on 15 March 2018. Volume 1 was distributed to Councillors at the March 2018 Workshop, Volume 2 is now available online at https://www.newcastleyoursay.com.au/Better-together

17 Approximately 2,700 community members participated in engagement activities, including surveys, workshops (community and stakeholder), events, digital ideas wall, a budget simulator, visioning competition and service priorities posters.

18 The outcomes of the community engagement indicated community support for the Newcastle 2030 vision and strategic objectives, and have assisted Council to refine the key strategies that contribute to achieving the 2030 vision.

19 The community will have further opportunities to contribute to the draft CSP when it is placed on public exhibition.

OPTIONS

Option 1

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

Option 2

21 Council resolves not to place the *draft Newcastle 2030 Community Strategic Plan (Revised 2018)* on public exhibition. This is not the recommended option.

BACKGROUND

22 Council's inaugural Newcastle 2030 Community Strategic Plan (2011) and the associated community engagement strategy were acknowledged by the Division of Local Government as best practice and promoted for use as leading examples to other Councils.
23 Since endorsement of the inaugural CSP in 2011, there has been increasing community and stakeholder awareness of the need to align actions with the strategies set out in this Plan. This has resulted in stronger collaborations and positive community outcomes.

REFERENCES

ATTACHMENTS

Attachment A: Draft Newcastle 2030 Community Strategic Plan (Revised 2018)

Attachment A distributed under separate cover.
ITEM-38  CCL 01/05/18 - SANCTUARY ESTATE, FLETCHER - ENDORSEMENT OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

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

PURPOSE

This report seeks Council's endorsement of a Planning Proposal to commence the statutory process to prepare an amendment to Newcastle Local Environmental Plan 2012 (NLEP) to amend zoning, building height, floor space ratio and heritage maps for land within the Sanctuary Estate Fletcher.

RECOMMENDATION

1 Council resolves to:
   i) Endorse the attached Planning Proposal (Attachment A), prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to amend Newcastle Local Environmental Plan 2012 as outlined in the following table:

<table>
<thead>
<tr>
<th>Property</th>
<th>Current zoning</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>280 Minimi Rd</td>
<td>Part E2 &amp; part R2</td>
<td>E2</td>
</tr>
<tr>
<td>15 Threkeld</td>
<td>R2</td>
<td>E2</td>
</tr>
<tr>
<td>41 Threkeld</td>
<td>Part E2 &amp; part R2</td>
<td>E2</td>
</tr>
<tr>
<td>20 Tulkaba St</td>
<td>R2</td>
<td>E2</td>
</tr>
<tr>
<td>30 Tulkaba St</td>
<td>R2</td>
<td>E2</td>
</tr>
<tr>
<td>40 Tulkaba St</td>
<td>Part E2 &amp; part R2</td>
<td>E2</td>
</tr>
<tr>
<td>11 Bulbul</td>
<td>Part E2 &amp; part R2</td>
<td>E2</td>
</tr>
<tr>
<td>37 Bulbul Cres</td>
<td>R2</td>
<td>E2</td>
</tr>
<tr>
<td>77 Bulbul Cres</td>
<td>R2</td>
<td>E2</td>
</tr>
<tr>
<td>6A Katal St</td>
<td>R2</td>
<td>E2</td>
</tr>
<tr>
<td>18 Kekul St</td>
<td>R2</td>
<td>E2</td>
</tr>
<tr>
<td>14 Kural Cres</td>
<td>Part E2 &amp; part R2</td>
<td>E2</td>
</tr>
<tr>
<td>50 Kural Cres</td>
<td>Part E2 &amp; part R2</td>
<td>E2</td>
</tr>
<tr>
<td>25 Awabakal Dr</td>
<td>Part E2 &amp; part R2</td>
<td>E2</td>
</tr>
<tr>
<td>18 Adeline Cres</td>
<td>Part E2 &amp; part R2</td>
<td>E2</td>
</tr>
<tr>
<td>29 Threkeld Cres</td>
<td>R2 &amp; E2</td>
<td>RE1</td>
</tr>
<tr>
<td>25 Konara Cres</td>
<td>R2</td>
<td>RE1</td>
</tr>
<tr>
<td>45 Kurraka Dr</td>
<td>R2</td>
<td>RE1</td>
</tr>
<tr>
<td>55 Kurraka Dr</td>
<td>R2</td>
<td>RE1</td>
</tr>
</tbody>
</table>

* includes a heritage listing on Schedule 5 of NLEP
ii) Forward the Planning Proposal to the Minister for Planning and Environment for Gateway Determination pursuant to Section 3.34 of the EP&A Act.

iii) Advise the Secretary for Planning and Environment that Council does not seek to exercise delegations for undertaking Section 3.36 of the EP&A Act.

iv) Receive a report back if a written objection is received during consultation with the community as per the requirements of Section 3.34 of the EP&A Act, otherwise forward the Planning Proposal to the Secretary, for Planning and Environment requesting the proposed amendment to the NLEP be made.

KEY ISSUES

2 This land is largely currently zoned R2 Low Density Residential. The Planning Proposal seeks to rezone the land from R2 Low Density Residential to zones appropriate to each lots intended use, as well as apply relevant planning controls in relation to building height, floor space ratio and minimum lot size.

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

4 The objective of the Planning Proposal is to correctly zone land that was dedicated to Council from Landcom as part of the subdivision of Sanctuary Estate Fletcher. This dedication of land (mainly for public reserve) is a result of previous development consent (DA1997/0555) and associated Voluntary Planning Agreement (Sanctuary Estate Planning Agreement).

5 The Planning Proposal seeks to list Heritage Parks 1 and 2, as items of Local Heritage significance on Schedule 5 Environmental Heritage, Part 3 Archaeological sites, of the NLEP and rectify minor zoning anomalies.

6 If endorsed by Council, the Planning Proposal will be forwarded to the DPE for Gateway Determination. Gateway Determination will confirm initial support for the Planning Proposal, and identify what further technical studies and community consultation are required prior to the proposed amendment being determined.

FINANCIAL IMPACT

7 All costs associated with processing the proposal can be met within the current budget.
COMMUNITY STRATEGIC PLAN ALIGNMENT

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

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

LOCAL PLANNING STRATEGY

10 The Local Planning Strategy (LPS) is Council's comprehensive land use strategy to guide the future growth and development of Newcastle to 2030 and beyond. The Planning Proposal is consistent with the visions and objectives of the LPS as detailed in the provided Planning Proposal (Attachment A).

IMPLEMENTATION PLAN/IMPLICATIONS

11 The preparation of the attached 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

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

RELATED PREVIOUS DECISIONS

13 At the Ordinary Council Meeting held on 21 June 2011 Council adopted the Newcastle Local Environmental Plan 2012.

14 Development Consent (DA1997/0555) was issued for the development of Sanctuary Estate on 16 October 1998.

CONSULTATION

15 The Planning Proposal outlines the level of consultation required as per Planning NSW guidelines 'Preparing Local Environmental Plans'. The Planning Proposal will be exhibited in accordance with the requirements of section 3.34 of the EP&A Act and section 29 of the Local Government Act.

16 The Gateway Determination will confirm which state agencies must be consulted on the Planning Proposal.
17 Owners of properties at 19, 21, 23 and 25 Mowane Street, Fletcher were contacted by letter regarding the proposed rezoning of their land from B1 Neighbourhood Centre to R2 Low Density Residential. No submissions have been received to date. Owners will also have the opportunity to lodge a submission during the exhibition of the planning proposal.

OPTIONS

Option 1

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

Option 2

19 Council resolves not to proceed with the Planning Proposal. This is not the recommended option.

BACKGROUND

20 In October 2016, a modification to DA1997/0555 (Sanctuary Estate) was issued by Council. As part of the modification, Council exhibited and entered into a Planning Agreement (Sanctuary Estate Planning Agreement) with Landcom that required Landcom to:

i) Construct a multipurpose community centre co-located with a local level sporting complex, including car parking.

ii) Make a monetary contribution towards the provision of a regional cycleway link.

iii) Construct two park lands / playgrounds.

iv) Dedicate to Council two Aboriginal Cultural Heritage Parks.

v) Construct two Sanctuary Estate entry statements on each of the developments’ two entry roads off Minmi Road.

21 An Aboriginal Cultural Heritage Management Plan for the Sanctuary Estate was submitted under DA1997/0555, followed with an updated Aboriginal Cultural Heritage Management Plan - Sanctuary, Fletcher in 2014. Aboriginal Heritage Conservation Areas (known as Aboriginal Heritage Parks 1 and 2) at 25 Konara Crescent and 29 Threkeld Crescent, were identified during the development assessment process.

22 The parks have since been established as public recreation areas within the Estate. With the support of the Awabakal Committee, the Planning Proposal seeks to list each park as items of Local Heritage Significance under Schedule 5 Environmental Heritage, Part 3 Archaeological sites of the NLEP.

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

ATTACHMENTS

Attachment A: Planning Proposal – Sanctuary Estate Fletcher

Attachment A distributed under separate cover.
NOTICES OF MOTION

ITEM-8 NOM 01/05/18 - PROTECTING THE CITY OF NEWCASTLE'S HERITAGE

COUNCILLORS: C DUNCAN, D CLAUSEN, J DUNN, M BYRNE, P WINNEY-BAARTZ, E WHITE AND N NELMES

PURPOSE

The following Notice of Motion was received on 19 April 2018 from the abovenamed Councillors.

MOTION

Council:
1. Establishes a Newcastle Heritage Working Party, to implement and update Council's Heritage Strategy;
2. Identifies previous Heritage Studies that have been prepared for sites across the City of Newcastle since 2000;
3. Identifies any additional areas which may benefit from inclusion as Heritage Conservation Areas, including areas of industrial heritage significance;

BACKGROUND

Newcastle is not just Australia’s sixth largest city; it is also Australia’s second oldest city with permanent European settlement from 1804.

Newcastle is also a city with a significant Aboriginal history with archaeological evidence of habitation by local tribes dating back 6,500 years. Indeed, Peter Douglas, the archaeologist who worked on the site of the Palais identified the many thousands of artefacts found on the site and describing it as being of ‘high to exceptional cultural and scientific significance’. We need to ensure that we learn about and promote this rich heritage not just to Novocastrians, but to Australians and to international audiences.

Newcastle’s development has largely come on the back of coal and industry, enabled by the city’s location as a safe, navigable, deep-water port. This port enabled the creation and development of the coal industry and coal supply, then of the smelting of steel and vast international exports of both which continue to this day. We are all well aware of the importance of the coal and steel in the creation of Newcastle’s iconic BHP steelworks - for generations the major employer of Novocastrians and their families, the company that supported a huge number of immigrants to Newcastle who have also enriched our cultural life and heritage.
The Tighes Hill area was once home to a 22-acre site that was home to the Sydney Soap and Candle Company - winning international awards for their products. This company was subsequently sold to one of the world’s largest companies now known as Unilever.

The Lever organisation began in the UK in 1885, the same year that Charles Upfold started making soap and candles in Tighes Hill. The Levers established the business in Sydney in 1889 and bought Charles Upfold’s company after WWI.

Newcastle’s history is that of a maritime city - not just through the export of coal and steel, but through the city’s rich history of shipbuilding. Once the home of the State Dockyard you would now struggle to recognise the significant maritime history that we have.

Newcastle’s contribution to Australian theatre is also of considerable importance with one of the oldest theatre districts in Australia. The Victoria Theatre - fortunately not demolished but awaiting its next life - is the oldest theatre still standing in NSW and contains the oldest and largest surviving fly tower in Australia. The Victoria hosted theatre, vaudeville and cinema but was the most advanced and prestigious theatre in Australia in its time.

The City of Newcastle is currently undergoing a much-needed revitalisation, an incredible project that will see an entire new city emerge from its history of industry, thanks to the leadership of this Labor Council. We are about to blossom as a truly international city, but we need to ensure that we work actively to ensure that all aspects of our history and heritage are recognised and incorporated into the ways that we make decisions in our city.

Our Heritage Cultural Areas report includes areas such as The Hill, Hamilton South Garden Suburb, Cooks Hill, Hamilton, and Newcastle East. But the City of Newcastle's rich history is also found in Waratah and Wickham, Wallsend and Stockton, Carrington and Mayfield, New Lambton and Merewether. We need to identify record and protect areas of heritage significance in these areas by ensuring that they, too, are included in our Heritage Cultural Areas.

There is a significant future economic gain to be made by the city should it recognise, develop and promote its history. We have an incredible story to tell, a truly Australian story, and we do ourselves and those who come after us a great disservice if we do not act and invest now to not just save the odd building, but to work towards including heritage as woven into our development and economic future.
The Wickham School of Arts
A prime example of significant heritage in Newcastle, that would appear to be under threat from current urban renewal projects, is the Wickham School of Arts.

The School of Arts movement and Mechanics' Institutes occupied a central place in many towns and suburbs throughout Newcastle, Lake Macquarie and Maitland in the 19th century. This was also in a physical sense (Heaton.B.et al.1997), as the buildings were a source of pride and community esteem.

Heaton talks of the Mechanics' Institute as a nineteenth century attempt to address a range of social, political, educational and economic issues, with particular emphasis on the education of the working class. Heaton states that at their peak, 39 of them in the lower Hunter. She continues "whether the building which housed the movement bore the name "Mechanics Institute" or "school of Arts" or "Literary Institute" or "Athenaeum", there were similarities between them worldwide." (op.cit.,3).

Of special historic significance to the City of Newcastle's institutes, the Mine managers were pivotal to the foundations of the institutes in mining areas. The architecture of the institutes was reflective of their important role in the community.

Greg Preston observes that "the architecture of the buildings of the Mechanics' Institute highlight the derivative nature of the movement, which is inseparable from civic pride and prestige...Townships erected the largest and most impressive structures that their budgets would stand."
University of Newcastle historian Dr Ann Hardy notes that there are only 3 examples of Schools of Arts and Mechanics Institutes left in the Newcastle Local Government Area. She states that "Wickham School of Arts has aesthetic (architectural), historic and social heritage significance. One aspect of its significance is that it was patronised by writer Henry Lawson when he lived and worked in Wickham. This has been verified in his writings.

The cultural significance is certainly enhanced by association with Henry Lawson, for this reason the building is likely to have state significance in terms of its social heritage significance.


ATTACHMENTS

Nil.
CONFIDENTIAL REPORTS

ITEM-5 CON 01/05/18 - CONFIDENTIAL PROPERTY MATTER - NEWCASTLE AIRPORT EXPANSION LAND ACQUISITION

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

REASON FOR CONFIDENTIALITY

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

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

Section 10A(2)(d): commercial information of a confidential nature that would, if disclosed:
(i) prejudice the commercial position of the person who supplied it;

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

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

and

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

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

A The matter relates to:
Section 10A(2)(c): information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;

Section 10A(2)(d): commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it.

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.
ITEM-6 CON 01/05/18 - BUILDING BETTER CITIES COMMITTEE
AFFORDABLE HOUSING TENDER RECOMMENDATION

REPORT BY: PLANNING AND REGULATORY
CONTACT: INTERIM DIRECTOR PLANNING AND REGULATORY /
ACTNG MANAGER STRATEGIC 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 tenders for Newcastle City Council Building Better cities
Affordable Housing Expression of Interest for Contract No: 2017/048E.

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