



City of
Newcastle



CITY OF NEWCASTLE

Ordinary Council Meeting

Councillors,

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

DATE: Tuesday 25 June 2019

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**

18 June 2019

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ORDINARY COUNCIL MEETING 25 June 2019
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NOTE: ITEMS MAY NOT NECESSARILY BE DEALT WITH IN NUMERICAL ORDER

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 21 MAY 2019

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 190521 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

CITY OF NEWCASTLE

Minutes of the Public Voice Committee Meeting held in the Council Chambers, 2nd Floor, City Hall, 290 King Street, Newcastle on Tuesday 21 May 2019 at 5.30pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors J Church, D Clausen, C Duncan, J Dunn (*arrived 5.35pm*), K Elliott, J Mackenzie, A Robinson (*arrived 5.33pm*), A Rufo, E White and P Winney-Baartz.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), B Smith (Director Strategy and Engagement), F Leatham (Director People and Culture), K Liddell (Director Infrastructure and Property), A Murphy (Director City Wide Services), M Bisson (Manager Planning, Regulatory and Assessment), E Kolatchew (Manager Legal), P Dickson (Chief Information Officer), P McCarthy (Urban Planning Team Co-ordinator), J Honnef, (Senior Urban Planner), J Rigby (Manager Assets and Projects), C Field (Executive Officer, Lord Mayor's Office), M Murray (Policy Officer, Lord Mayor's Office), K Sullivan (Council Services/Minutes) and J Redriff (Council Services/Webcasting).

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

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

APOLOGIES

MOTION

Moved by Cr Rufo, seconded by Cr Mackenzie

The apologies submitted on behalf of Councillors Byrne and Luke be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

PUBLIC VOICE SESSIONS

ITEM-1 PV 21/05/19 - DA2018/00968 - 37 ALFRED STREET, NEWCASTLE EAST - DWELLING ALTERATIONS AND ADDITIONS

Mr Peter Eadie and Mrs Debbie Eadie addressed Council and outlined concerns and objections to the development application.

Mr Robert Bisley, Associate CityPlan on behalf of the DA applicant, addressed Council in support of the development application.

ITEM-2 PV 21/05/19 - NEWCASTLE BIA REVIEW - STAGE 2 - PUBLIC EXHIBITION

An invitation was extended to each of the Business Improvement Associations (BIAs) to present at Public Voice in accordance with Council's resolution of 16 April 2019.

The Lord Mayor stated that the invitation was not taken up by any of the BIAs and therefore there would be no public voice session on this matter. The Chief Executive Officer had advised that the Wallsend BIA did request a meeting and that this occurred on 6 May 2019 and was a positive meeting. Further, that Wallsend BIA expressed a view that they had no objection or questions regarding the new funding model.

Councillor Clausen expressed disappointment that none of the BIAs had taken the opportunity to address Council and tabled a copy of previous correspondence to Council from the President of the Hamilton Business Chamber seeking regular opportunities to directly brief Council.

The meeting concluded at 6.05pm.

MINUTES - BRIEFING COMMITTEE 21 MAY 2019

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 190521 Briefing Committee Minutes

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

CITY OF NEWCASTLE

Minutes of the Briefing Committee Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 21 May 2019 at 6.05pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors J Church, D Clausen, C Duncan, J Dunn, K Elliott, J Mackenzie, A Robinson, A Rufo, E White and P Winney-Baartz.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), B Smith (Director Strategy and Engagement), F Leatham (Director People and Culture), K Liddell (Director Infrastructure and Property), A Murphy (Director City Wide Services), M Bisson (Manager Planning Regulatory and Assessment), E Kolatchew (Manager Legal), P Dickson (Chief Information Officer), P McCarthy (Urban Planning Team Co-ordinator), J Honnef (Senior Urban Planner), J Rigby (Manager Assets and Projects), C Field (Executive Officer, Lord Mayor's Office), M Murray (Policy Officer, Lord Mayor's Office), K Sullivan (Council Services/Minutes) and J Redriff (Council Services/Webcasting).

APOLOGIES

MOTION

Moved by Cr Rufo, seconded by Cr Mackenzie

The apologies submitted on behalf of Councillors Byrne and Luke be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

BRIEFING COMMITTEE REPORTS

ITEM-1 BR 21/05/19 - 41-47 THROSBY STREET WICKHAM - ENDORSEMENT OF AMENDMENT TO NEWCASTLE LEP 2012 AND PROPOSED PLANNING AGREEMENT

Johannes Honnef, Senior Urban Planner, City of Newcastle, Emmanuel Ghobrial, Development Director, FiDEM Property and Construction, Robert Bisley, Associate - Strategy and Development, City Plan, Esther Cheong, Principal - Property Economics and Valuations and Kathy Gresham, Director, EJE Architecture provided a briefing on the proposal, public benefit and principles of value capture.

The meeting concluded at 7.27pm.

MINUTES - ORDINARY COUNCIL MEETING 28 MAY 2019

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 190528 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

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 28 May 2019 at 5.30pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church (*departed at the conclusion of confidential session*), D Clausen, C Duncan, J Dunn, K Elliott (*retired 9.18pm*), J Mackenzie (*departed at the conclusion of confidential session*), E White and P Winney-Baartz.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), B Smith (Director Strategy and Engagement), F Leatham (Director People and Culture), K Liddell (Director Infrastructure and Property), A Murphy (Director City Wide Services), A Jones (Chief Financial Officer), E Kolatchew (Manager Legal), M Bisson (Manager Planning, Regulatory and Assessment), A Abbott (Manager Corporate and Community Planning), J Rigby (Manager Assets and Projects), P Dickson (Chief Information Officer), P McCarthy (Urban Planning Team Coordinator), S Cross (Urban Planner), M Cherry (Debt Management and Rates Manager), K Arnott (Corporate Strategist), T Blignaut (HR Business Partner), J Vescio (Executive Officer, Chief Executive Office), C Field (Executive Officer, Lord Mayor's Office), M Murray (Policy Officer, Lord Mayor's Office), D Mills (Media Officer), K Sullivan (Council Services/Minutes) and A Knowles (Council Services/Webcasting).

PRAYER

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

APOLOGIES

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Church

Councillor Church declared a significant but non-pecuniary interest in Notice of Motion Item 21 - Climate Emergency Declaration, stating that one of his best friends was a senior manager in a coal related company in the Hunter Valley and would manage the conflict by leaving the Chamber and not participate in the vote.

Councillor Elliott

Councillor Elliott declared a significant pecuniary interest in Notice of Motion Item 21 - Climate Emergency Declaration, stating that she was currently consulting to a black coal mining client and would vacate the Chamber and not enter into the discussion or debate.

Lord Mayor, Councillor Nelmes

The Lord Mayor, Councillor Nelmes, declared a non-pecuniary less than significant conflict in Confidential Item 5 - Tender - Asphaltic Concrete Services for Contract No. 2019/252T, stating that one of the nine tenderers was a broader company who her husband worked for, however, the company listed was a separate part of the organisation and she would remain in the Chamber for the discussion.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 9 APRIL 2019

MOTION

Moved by Cr Clausen, seconded by Cr White

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

Carried

MINUTES - ORDINARY COUNCIL MEETING 16 APRIL 2019

MOTION

Moved by Cr Clausen, seconded by Cr White

The draft minutes as circulated be taken as read and confirmed subject to the division on Notice of Motion Item 17 - Shifting the City of Newcastle to 100% Renewable Energy being amended to record Councillor Mackenzie as voting for the motion and Councillor Church recorded as voting against the motion.

Carried

LORD MAYORAL MINUTE

ITEM-7 LMM 28/05/19 - HUNTER STREET MALL RATE RELIEF FROM DEVELOPMENT CONSTRUCTION

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that a number of businesses have contacted City of Newcastle to express concerns regarding current and future trading levels due to construction in Newcastle East, in particular in the Hunter Street Mall;

- 2 Recognises that the level of construction will remain high during the delivery of the Iris Capital East End project and the *Hunter Street Newcastle East End Stage One Streetscape Plan* adopted by Council in April 2018;
- 3 Implements a rate assistance plan designed to assist local small and medium businesses who are feeling financial pressure from ongoing development construction in the Hunter Street Mall and Newcastle's East End.

**Carried
unanimously**

**ITEM-8 LMM 28/05/19 - LOWER HUNTER FREIGHT CORRIDOR
PRIORITISATION**

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes with disappointment recent reports that the Lower Hunter Freight Rail Corridor from Fassifern to Hexham 'appears uncertain' after the approval of a motorsport park at Wakefield by the Hunter and Central Coast Regional Planning Panel;
- 2 Notes that the NSW Liberal Government has previously announced \$14 million in the 2018-19 Budget, \$11.8 million in the 2017-18 Budget and \$14 million in 2016-17 Budget, a combined total of \$39.8 million over the last three Budget cycles, to undertake detailed planning for the Lower Hunter Freight Corridor;
- 3 Noting that Budget Papers reveal that the NSW Government has spent only \$1.59 million of these committed funds, seeks clarification from the NSW Government regarding their commitment to delivering the Lower Hunter Freight Rail Corridor, which they advise will:
 - i) Provide essential rail capacity for passenger and freight train growth across the broader rail network.
 - ii) Increase the efficiency and reliability of the rail network by separating the majority of freight and passenger rail services on the congested area between Fassifern and Newcastle;
 - iii) Enhance urban amenity and liveability in the Newcastle region by removing most of the freight trains from within the urban area and at the Adamstown and Islington Junction level crossings.
- 4 Notes that according to Infrastructure Australia the Lower Hunter Freight Corridor has been identified as one of seven key transport corridors that's protection could save Australia \$11 billion;
- 5 Writes to the Premier, the Planning Minister and the Transport Minister calling on the NSW Government to expedite the preservation of the Lower Hunter Freight Corridor, complete the technical investigations for the project, and deliver this project, as promised over successive Budget cycles;

- 6 Invites the Regional Manager and Coordinator General, Hunter Region, Transport for NSW, to update Council regarding the Lower Hunter Freight Rail Corridor and other significant transport infrastructure projects affecting the Newcastle Local Government Area (LGA) including, but not limited to, the M1 Pacific Motorway extension to Raymond Terrace and the Rankin Park to Jesmond – Newcastle Inner City Bypass Project.

**Carried
unanimously**

ITEM-9 LMM 28/05/19 - LIGHT UP NEWCASTLE STREET TREES INITIATIVE

MOTION

Moved by Lord Mayor, Cr Nelmes

- 1 Supports the installation of LED bud lighting in street trees in business and local centres across the City of Newcastle to create more attractive, safe and exciting streetscapes;
- 2 Develops a best-practice policy and an appropriate application process to ensure installation of appropriate and complying lighting;
- 3 Explores the option of creating a matched grant funding initiative to support the uptake of this opportunity across the city.
- 4 Supports this initiative by exploring further opportunities for decorative lighting on, or in the surrounds of, City assets such as City Hall, Newcastle Art Gallery, Newcastle Museum and Newcastle Libraries.

**Carried
unanimously**

ITEM-10 LMM 28/05/19 - FEDERAL ELECTION RESULTS

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Acknowledges the re-election of the Prime Minister, the Hon. Scott Morrison MP, and the Federal Liberal National Government, following the 18 May 2019 poll;
- 2 Notes new and returning Ministerial portfolio responsibilities for a number of Minister's with responsibility for policy regarding local government, including new Minister for Regional Services, Decentralisation and Local Government, the Hon. Mark Coulton MP, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, the Hon. Michael McCormack MP and Minister for Population, Cities and Urban Infrastructure, the Hon. Alan Tudge MP;

- 3 Congratulates the following local Hunter Members of Parliament on their re-election:
- Sharon Claydon MP, Federal Member for Newcastle
 - Pat Conroy MP, Federal Member for Shortland
 - Joel Fitzgibbon MP, Federal Member for Hunter
 - Meryl Swanson MP, Federal Member for Paterson
- 4 Commits to continuing our collaborative working relationship with the Federal Government and the Federal Labor Opposition for the benefit of the people of the City of Newcastle.

**Carried
unanimously**

REPORTS BY COUNCIL OFFICERS

ITEM-38 CCL 28/05/19 - MARCH QUARTERLY BUDGET REVIEW

MOTION

Moved by Cr White, seconded by Cr Winney-Baartz

That Council:

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

Carried

ITEM-39 CCL 28/05/19 - ENDORSEMENT OF MARCH QUARTERLY PERFORMANCE OF OUR BUDGET (2018-2022 DELIVERY PROGRAM)

MOTION

Moved by Cr Clausen, seconded by Cr White

- 1 That Council receive the March Quarterly Performance on the 2018-2022 Delivery Program as per **Attachment A**.

Carried

ITEM-40 CCL 28/05/19 - EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Clausen, seconded by Cr White

That Council:

- 1 Receives the Executive Monthly Performance report for April 2019.

Carried

ITEM-35 CCL 28/05/19 - CREATE A NEW HERITAGE ITEM FOR THE FORMER CIVIC RAILWAY STATION, NEWCASTLE. ENDORSE AMENDMENT TO THE NEWCASTLE LEP 2012

MOTION

Moved by Cr Duncan, seconded by Cr Mackenzie

1 That Council:

- i) Endorses 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 the NLEP 2012 to create a new heritage item for the former Civic Railway Station, Newcastle.
- ii) Forwards the Planning Proposal to the Minister for Planning for Gateway determination pursuant to Section 3.34 of the EP&A Act.
- iii) Advises the Secretary of the Department of Planning and Environment (DPE) that City of Newcastle (CN) does not seek to exercise delegations for undertaking Section 3.36(1) of the EP&A Act.
- iv) Consults with the community and relevant government agencies as instructed by the Gateway Determination.
- v) Receives a report back to Council on the Planning Proposal as per the requirements of Section 3.34 of the EP&A Act.

For the Motion:

Lord Mayor, Cr Nelmes and Councillors Byrne, Clausen, Church, Duncan, Dunn, Elliott, Mackenzie, White and Winney-Baartz.

Against the Motion:

Nil.

Carried

ITEM-36 CCL 28/05/19 - PROPOSED ROAD CLOSURE AND SALE OF PART OF HILL STREET, JESMOND AND REQUEST FOR REDUCTION OF FEES

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

A That Council:

- 1 Endorse the closure of a 98.2 m² section of road reserve adjacent to Lot 62 DP 1031438, as shown at **Attachment A**.
- 2 Subject to finalisation of the road closure, approve the exchange of the closed road reserve for two sections (total 30.5m²) of the adjacent landowner's property at 1A Hill Street, Jesmond (Lot 62 DP 1031438).

- 3 Subject to the exchange, that the acquired two sections of land be incorporated into the road reserve for enabling adequate widening of the footway in that vicinity of Hill Street, Jesmond.
 - 4 Endorse seeking compensation from the landowner for the sale proceeds – consisting of (a) the 67.7m² land exchange difference in land area at 1A Hill Street, Jesmond (based on Valuer General rates), and (b) seeking full cost recovery of associated fees and charges that accompany the closure and exchange.
 - 5 The revenue received by City of Newcastle from the sale of the land be transferred to the Land and Property Reserve
 - 6 Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the transaction.
- B That Council considering the adjacent landowner's Not for Profit and registered charity status and their valuable community service, approve their request for a waiver of the land compensation and reduction of associated fees and charges (total estimated at \$35,000 excl GST) to \$1 as a show of support for Zara's House.

In addition to moving the motion, Councillor Clausen offered the Chief Executive Officer \$1.00 as payment on behalf of Zara's House for the transfer of the land and asked that this be recorded and receipted in the minutes.

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

**Carried
unanimously**

ITEM-37 CCL 28/05/19 - EXHIBITION OF THE DRAFT FERN BAY AND NORTH STOCKTON STRATEGY

MOTION

Moved by Cr Mackenzie, seconded by Cr Church

That Council:

- 1 Places the Draft Fern Bay and North Stockton Strategy (**Attachment A**), Implementation Plan (**Attachment B**) and Background Investigations (**Attachment C**) on public exhibition for a period of 28 days.
- 2 Receives a report back to Council following the public exhibition period.

PROCEDURAL MOTION

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

Item 37 - Exhibition of the Draft Fern Bay and North Stockton Strategy lay on the table pending a workshop with Councillors at City of Newcastle and potentially Port Stephens Council.

**Carried
unanimously**

ITEM-41 CCL 28/05/19 - REVIEW OF BUSINESS IMPROVEMENT AREAS (BIAS) IN NEWCASTLE IMPLEMENTATION REPORT - CONSIDERATION OF PUBLIC SUBMISSIONS

PROCEDURAL MOTION

Moved by Cr Elliott, seconded by Cr Church

Item 41 - Review of Business Improvement Areas (BIAs) in Newcastle Implementation Report - Consideration of Public Submissions, be heard following completion of the Notices of Motion.

Carried

ITEM-42 CCL 28/05/19 - COUNCIL REPRESENTATION AT THE UNITED NATIONS HIGH LEVEL POLITICAL FORUM JULY 2019

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Byrne

That Council:

- 1 Accepts the invitation to participate in the framework of the 2019 High-Level Political Forum (HLPF) at the UN Headquarters in New York.
- 2 Nominates the Lord Mayor or Deputy Lord Mayor as the City of Newcastle's representative at the HLPF.
- 3 Prior to the HLP, Council Offices organise a workshop with Council's representative and community organisations, including the University, to inform and update the representative and the other participants.
- 4 Following the HLPF, Council holds a briefing to provide community report back.

Carried

NOTICES OF MOTION

ITEM-20 NOM 28/05/19 - OFFSHORE MINING AND SUPPORTING THE FIGHT FOR THE BIGHT

Councillor Elliot declared a significant non-pecuniary interest in Notice of Motion Item 20 - Offshore Mining and Supporting the Fight for the Bight and left the Chamber for discussion on the item.

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That the City of Newcastle:

- 1 Reaffirms its opposition to offshore exploration and mining due to unacceptable environmental impacts, and negative economic impacts on the recreational and commercial fishing and tourism industries.
- 2 Opposes all seismic testing, including the application for 3D seismic testing in PEP11 expected to be submitted in the first half of 2019.
- 3 Opposes the exploration of oil and gas in the Great Australian Bight.
- 4 Writes to the NSW Government to request that the NSW Government:
 - a) Prohibit the processing and transport of gas produced from wells offshore from the NSW coastline to the NSW mainland.
 - b) Prohibit the construction of infrastructure relating to offshore exploration and mining activities in NSW.
- 5 Writes to Equinor and the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) to formally advise them of our opposition to the exploration for oil and gas in the Great Australian Bight.
- 6 Liaise with the Port Stephens, Lake Macquarie and Central Coast Councils to communicate this decision and identify opportunities for collaboration on this matter.

AMENDMENT

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That the City of Newcastle:

- 1 Notes previous opposition to offshore exploration on the grounds of environmental and economic impacts on recreational and commercial fishing and tourism;
- 2 Opposes the exploration of oil and gas in the Great Australian Bight, noting that the Australian Maritime Officers Union (AMOU) have previously commented that the employment opportunities for Australian workers in the exploration activities in the Great Australian Bight may be limited;

- 3 Notes the NSW Government's views regarding offshore gas exploration off the Newcastle Coast, with the then NSW Minister for Resources asserting in February 2018 that the federal approval processes are not robust and do not adequately consider the environmental risks of testing;
- 4 Writes to Equinor and the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) noting considerable community opposition to the exploration for oil and gas in the Great Australian Bight;
- 5 Liaise with the Port Stephens, Lake Macquarie and Central Coast Councils to communicate this decision and identify opportunities for collaboration on this matter.

For the Amendment: Lord Mayor, Cr Nelmes and Councillors Clausen, Duncan, Dunn, White and Winney-Bartz.

Against the Amendment: Councillors Byrne, Church and Mackenzie.

Carried

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

**Carried
unanimously**

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

ITEM-21 NOM 28/05/19 - CLIMATE EMERGENCY DECLARATION

Councillors Church and Elliott left the Chamber for discussion on the item.

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

That the City of Newcastle

- 1 Notes the preceding commitments by the City of Newcastle to addressing climate change, including but not limited to:
 - a) Formally committing to the principles and targets of the Paris Climate Agreement (December 2018);
 - b) Developing pathway to achieve the greenhouse gas (GHG) emissions reductions necessary to align with the principles of the Paris Climate Agreement and a 1.5 degree Celsius outcome, as the foundation for the update and review of the Newcastle 2020 Carbon and Water Management Action Plan in 2019-2020 (December 2018);
 - c) Reviewing the implications of the Taskforce on Climate-Related Financial Disclosures (TCFD) for the City of Newcastle's financial and risk reporting (February 2019); and

- d) Developing a business case on the cost of expanding to 100% of the electricity used across Council's operations produced from renewable sources as part of the Newcastle 2020 Climate Action Plan review (April 2019).
- 2 Acknowledges publicly that we are in a state of climate emergency that requires urgent action by all levels of government; that human induced climate change represents one of the greatest threats to humanity, civilisation, and other species; and that it is still possible to prevent the most catastrophic outcomes if societies take emergency action, including local councils.
- 3 Writes to the Federal and State members for Newcastle and Wallsend, the NSW Environment Minister and the Federal Environment Minister, advising them of Council's resolution and urging them to acknowledge a climate emergency and to act with urgency to address the crisis, including a legislated programs to drive emergency action to reduce greenhouse gas emissions and meet the Paris Agreements targets.
- 4 Writes to all Council members of the Hunter Joint Organisations (Cessnock City Council, Dungog Shire Council, Lake Macquarie City Council, Maitland City Council, MidCoast Council, Muswellbrook Shire Council, Port Stephens Council, Singleton Council and the Upper Hunter Shire Council) advising them of Council's resolution and inviting them to join with us by declaring a climate emergency, developing their own Climate Emergency Plans and advocating to State and Federal Governments as per this resolution.

Councillor Dunn left the Chamber during discussion on the item.

AMENDMENT

Moved by Cr Clausen, seconded by Cr Duncan

That the City of Newcastle:

- 1 Reaffirms the City of Newcastle's commitment to a just economic transition for coal mining communities, including support for investment in hydrogen as an export energy, construction of large-scale renewables and pumped hydro, and manufacturing of electric vehicles;
- 2 Notes the City of Newcastle's actions, not rhetoric, including a City owned 5MW solar farm, and adopted target for net zero emissions;
- 3 Notes that a party, which doesn't accept that global warming is occurring and had 14 different energy policies in the past three years, won the federal election;
- 4 Notes that Bob Brown's 'Adani Convoy' was cited as a key reason for the Liberal Party's victory;
- 5 Recognises that there is a Global Climate Emergency and urgent need for real action on climate change;

- 6 Encourages environmental activists to consider the broader impact of their actions, and work towards building consensus across the political spectrum to address global warming; including raising their concerns directly with the re-elected Federal Liberal National Government;
- 7 Writes to Richard Di Natale calling for the Federal Greens caucus to adopt a pragmatic approach to achieving change, rather than divisive rhetoric which ignores the concerns of impacted communities.

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Byrne

Council vote on the amendment in seriatim as follows:

Part 1: Paragraphs 1, 2 and 5.

Part 2: Paragraphs 3, 4, 6 and 7.

Carried

PART 1

AMENDMENT

Moved by Cr Clausen, seconded by Cr Duncan

That the City of Newcastle:

- 1 Reaffirms the City of Newcastle's commitment to a just economic transition for coal mining communities, including support for investment in hydrogen as an export energy, construction of large-scale renewables and pumped hydro, and manufacturing of electric vehicles:
- 2 Notes the City of Newcastle's actions, not rhetoric, including a City owned 5MW solar farm, and adopted target for net zero emissions:
- 5 Recognises that there is a Global Climate Emergency and urgent need for real action on climate change:

**Carried
unanimously**

PART 2

AMENDMENT

Moved by Cr Clausen, seconded by Cr Duncan

That the City of Newcastle:

- 3 Notes that a party, which doesn't accept that global warming is occurring and had 14 different energy policies in the past three years, won the federal election:

- 4 Notes that Bob Brown's 'Adani Convoy' was cited as a key reason for the Liberal Party's victory;
- 6 Encourages environmental activists to consider the broader impact of their actions, and work towards building consensus across the political spectrum to address global warming; including raising their concerns directly with the re-elected Federal Liberal National Government;
- 7 Writes to Richard Di Natale calling for the Federal Greens caucus to adopt a pragmatic approach to achieving change, rather than divisive rhetoric which ignores the concerns of impacted communities.

Carried

The motion moved by Councillor Mackenzie and seconded by Councillor Duncan, as amended, was put to the meeting.

**Carried
unanimously**

Councillors Church, Dunn and Elliott returned to the Chamber at the conclusion of the item.

Councillor Mackenzie left the Chamber at the conclusion of the item.

ITEM-22 NOM 28/05/19 - CITY WELCOME SIGN UPGRADES

MOTION

Moved by Cr Duncan, seconded by Cr Byrne

That City of Newcastle:

- 1 Recognises that following City of Newcastle's successful re-branding in early 2019, our City entry signage should be updated to provide a more welcoming, modern and dynamic entrance to the City of Newcastle;
- 2 Explores partnerships with Transport: Roads and Maritime Services, Destination NSW, Newcastle Airport, Hunter Central Coast Development Corporation and other partners to develop City Gateway signage at key City of Newcastle entry points;
- 3 Considers a City Welcome Sign competition to encourage community participation, with entrants to provide detailed designs for consideration by a community design judging panel;

- 4 Ensures the integration of Smart City technology in future City Welcome signage, with options to include information sharing, wayfinding, updateable community service and community safety messaging, powered by renewable energy sources.

**Carried
unanimously**

ITEM-23 NOM 28/05/19 - TIGHES HILL COMMUNITY NEEDS ASSESSMENT

As Councillor Mackenzie had not returned to the Chamber, Councillor White moved the Notice of Motion submitted in his name.

MOTION

Moved by Cr White, seconded by Cr Church

That the City of Newcastle

- 1 Notes the resolution of the Council on 13 May 2008 to sell the Tighes Hill School of Arts Building, to transfer the sale proceeds to the Land and Property Reserve and to allocate the funds for the provision of a purpose-built community facility for Tighes Hill and surrounding areas.
- 2 Notes that this resolution did not specify a particular type of community facility or exact location, but did subject the allocation of sale funds to:
 - a) Completion of a comprehensive needs analysis; and
 - b) Adequate consultation with community and other stakeholders.
- 3 Conducts the comprehensive needs assessment, including consultation with community and other stakeholders, for the allocation of these funds as part of the community engagement and consultation to be conducted for the development of the Local Strategic Planning Statement (LSPS) for Tighes Hill and surrounding areas, with a view to the allocation of the net settlement proceeds.

Councillor Mackenzie returned to the Chamber during discussion on the item.

**Carried
unanimously**

REPORTS BY COUNCIL OFFICERS

ITEM-41 CCL 28/05/19 - REVIEW OF BUSINESS IMPROVEMENT AREAS (BIAS) IN NEWCASTLE IMPLEMENTATION REPORT - CONSIDERATION OF PUBLIC SUBMISSIONS

Council returned to discussion on this item at 7.25pm.

Council Services distributed Item 41 - Review of Business Improvement Areas (BIAs) in Newcastle Implementation Report - Consideration of Public Submissions to Councillors.

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Byrne

That Council:

- 1 Consider Parts A, B and C in seriatim.

Carried

PART A

PROCEDURAL MOTION

Moved by Cr Winney-Baartz, seconded by Cr White

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

That:

- 1 Item 41 Confidential **Attachment H** has been classified confidential in accordance with the provisions of the *Local Government Act 1993 (Act)* as follows:
 - a) 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.
 - b) Section 10B(1)(a) and (b) of the Act provides that the discussion of the item in a closed meeting must only:
 - (i) include as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
 - (ii) occur if the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

- 2 Discussion of Item 41 Confidential **Attachment H** take place in a closed session, with the press and public excluded, for the following reasons:
- a) The matter relates to Item 41 and contains information of a confidential nature that could identify and prejudice the parties involved.
 - b) It is contrary to the public interest to discuss confidential nature that could identify and prejudice the parties involved in an open meeting because the information provided to Council 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 in the future. 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 confidentiality, privilege or security.
- 3 Item 41 Confidential **Attachment H** relating to the matters specified in s10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

Carried

Council moved into confidential session at 7.30pm.

During confidential session:

- The Lord Mayor allowed sufficient time for Councillors to read Item 41 - Review of Business Improvement Areas (BIAs) in Newcastle Implementation Report - Consideration of Public Submissions.
- Councillor Elliott left the Chamber at 7.49pm and returned at 7.51pm.
- A procedural motion moved by Councillor Mackenzie and seconded by Councillor Church to lay Item 41 - Review of Business Improvement Areas (BIAs) in Newcastle Implementation Report - Consideration of Public Submissions, on the table pending a legal advice workshop for Councillors so Council could make an informed decision was put to the meeting and declared defeated.
- The Manager Legal collected Item 41 Confidential **Attachment H** at the conclusion of confidential session.

PROCEDURAL MOTION

Moved by Cr Winney-Baartz, seconded by Cr Byrne

Council move back into open Council.

**Carried
unanimously**

Council reconvened in open session at 8.35pm.

PART B

MOTION

Moved by Cr Dunn, seconded by Cr Winney-Baartz

That Council

- 1 Notes the submissions received during the public exhibition period summarised at **Attachment A**.
- 2 Notes that no Business Improvement Association (BIA) applied to present to an invited Public Voice (PV) session on 21 May 2019.
- 3 Endorses a new model for the expenditure of special rate levies within the Newcastle Local Government Area in accordance with the model set out in the AECOM's Review of BIAs in Newcastle (Implementation Report) at **Attachment C**.
- 4 Endorses the Chief Executive Officer to finalise and execute a one-year service arrangement to a maximum of \$100,000 (exc GST) with business improvement associations consistent with this resolution and the model set out in the Implementation Report.
- 5 Authorises the Chief Executive Officer to approve the works, services, facilities or activities to be undertaken by the business improvement associations in accordance with the service arrangement.
- 6 Notes that all special rate levies released must be spent in accordance with the purpose provided in section 495 of the Local Government Act 1993 and more specifically as nominated in CN's Our Budget.
- 7 Notes that special rate levies not released to a business improvement association will be allocated to works, services, facilities or activities in the relevant business district via a contestable funding arrangement.
- 8 Endorses that special rates levied from the New Lambton business district to be allocated via contestable funding.
- 9 Does not enter into a new service arrangement with Newcastle Business Improvement Association on the basis of breaches of the previous Funding and Service Deed of Agreement and ongoing governance concerns.
- 10 Notes the identified breaches of the current Funding and Service Deed of Agreement by Hamilton Chamber of Commerce as detailed in confidential **Attachment H**.
- 11 Terminates the Funding and Service Deed of Agreement with Hamilton Chamber of Commerce effective 29 May 2019 for the reasons set out in confidential **Attachment H**.

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Church

Part B be considered in seriatim.

Defeated

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

Carried

PART C

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

That Council

- 1 Does not enter into a new service arrangement with Hamilton Chamber of Commerce on the basis of breaches of the previous Funding and Service Deed of Agreement and ongoing governance concerns.

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Church

The item lay on the table pending a closed confidential Councillor workshop where we are properly briefed about the legal implications of the information that was provided in Attachment H prior to making a decision of this magnitude.

For the Procedural Motion: Councillors Church, Elliott and Mackenzie.

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

Defeated

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

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

Against the Motion: Councillors Church, Elliott and Mackenzie.

Carried

CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Byrne

Council extend its meeting time by half an hour to conclude business by 10.00pm.

Carried

PROCEDURAL MOTION

Moved by Cr Duncan, seconded by Cr Clausen

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

Carried

Council moved into confidential session at 9.18pm.

Councillor Elliott requested to be excused and retired from the meeting at 9.18pm.

During confidential session:

- Councillor Clausen was absent from the Chamber when the vote was taken on Item 4 - Tender - Supply of Base and Sub Base Materials for Contract No. 2019/251T.
- Council Services distributed Confidential Item 9 - Organisational Change to Councillors.
- The Lord Mayor allowed Councillors sufficient time to read Confidential Item 9 - Organisational Change.
- Council Services collected the report at the conclusion of Confidential Item 9 - Organisational Change.
- Councillors Church and Mackenzie left the meeting at the conclusion of Confidential Item 9 - Organisational Change.

PROCEDURAL MOTION

Moved by Cr White, seconded by Cr Dunn

Council move back into open Council.

**Carried
unanimously**

Council reconvened in open session at 9.33pm and the Chief Executive Officer reported the resolutions of confidential session.

The Lord Mayor noted Council's disappointment at the retirement of Councillors Mackenzie, Elliott and Church before the end of the meeting.

ITEM-2 CON 28/05/19 - TENDER - SUPPLY OF READY MIXED CONCRETE FOR CONTRACT NO. 2019/272T

MOTION

Moved by Cr Dunn, seconded by Cr Byrne

That Council:

- 1 Accept the following tenders for Contract No. 2019/272T - Supply of Ready Mixed Concrete:
 - i) Boral Resources (County) Pty Ltd;
 - ii) Entire Concrete Pty Ltd;
 - iii) Hanson Construction Materials Pty Ltd;
 - iv) Holcim Australia Pty Ltd;
 - v) Hunter Readymixed Concrete Pty Ltd;
 - vi) Hymix Australia Pty Ltd; and
 - vii) Premier Concrete (NSW) Pty Ltd.

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

**Carried
unanimously**

ITEM-3 CON 28/05/19 - TENDER - ELECTRICAL AND COMMUNICATION SERVICES FOR CONTRACT NO. 2019/320T

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Duncan

That Council:

- 1 Accept the following tenders for the provision of electrical and communication services for contract No. 2019/320T:
 - i) Novocastrian Electrical Contractors Pty Ltd;
 - ii) JAG Power & Data Solutions; and
 - iii) REES Electrical Pty Ltd.

- 2 Accept the following tenders for the provision of building control installation and maintenance services for Contract No. 2019/320T:
 - i) Hunter Electrical Services
 - ii) JAG Power & Data Solutions

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

**Carried
unanimously**

ITEM-4 CON 28/05/19 - TENDER - SUPPLY OF BASE AND SUB BASE MATERIALS FOR CONTRACT NO. 2019/251T

MOTION

Moved by Cr Dunn, seconded by Cr Winney-Baartz

That Council:

- 1 Accept the following tenders for Contract No. 2019/251T – Supply of Road Base and Sub Base Materials:
- i) Boral Resources (NSW);
 - ii) SCE Recycling Hunter;
 - iii) Daracon Quarries; and
 - iv) Metromix.
- 2 This confidential report relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**Carried
unanimously**

ITEM-5 CON 28/05/19 - TENDER - ASPHALTIC CONCRETE SERVICES FOR CONTRACT NO. 2019/252T

MOTION

Moved by Cr Dunn, seconded by Cr Byrne

That Council:

- 1 Accept the following tenders for Contract No. 2019/252T – Asphalt Concrete Services:
- i) Colas New South Wales Pty Ltd;
 - ii) Downer EDI Works Pty Ltd;
 - iii) Fenworx Pty Ltd trading as Newport Asphalt;
 - iv) Bitupave Limited trading as Boral Asphalt;
 - v) ANA Industries Pty Ltd;
 - vi) Fulton Hogan Industries Pty Ltd;
 - vii) Ian Rich Asphalt Pty Ltd;
 - viii) Accurate Asphalt & Road Repairs Pty Ltd; and
 - ix) Mr Diggitt Pty Ltd.

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

Carried

ITEM-6 CON 28/05/19 - TENDER - ROAD PAVEMENT REJUVENATION SERVICES FOR CONTRACT NO. 2019/254T

MOTION

Moved by Cr Duncan, seconded by Cr Dunn

That Council:

- 1 Accept the following tenders for Contract No. 2019/254T - Road Pavement Rejuvenation Services for:
- i) Colas Contracting Pty Ltd;
 - ii) BMR Quarries Pty Ltd (Trading as Roadwork Industries); and
 - iii) Fulton Hogan Industries Pty Ltd
- 2 This confidential report relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**Carried
unanimously**

ITEM-7 CON 28/05/19 - TENDER - TYRRELL STREET BRIDGE REPLACEMENT FOR CONTRACT NO. 2019/300T

MOTION

Moved by Cr Dunn, seconded by Cr Byrne

That Council:

- 1 Accept the tender of Civil Mining and Construction Pty Ltd in the amount of \$2,959,834 (excluding GST) for the Tyrrell Street Bridge Replacement for Contract No. 2019/300T.
- 2 This confidential report relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**Carried
unanimously**

ITEM-8 CON 28/05/19 - TENDER - PROCUREMENT OF A GRAND PIANO FOR CONTRACT 2019/404T

MOTION

Moved by Cr Duncan, seconded by Cr Byrne

That Council:

- 1 Reject the tender received for the procurement of a grand piano for Contract No. 2019/404T.
- 2 Authorise CN officers to commence negotiations with the Exclusive Piano Group with a view to entering into a contract for the procurement of a Steinway D-274 grand piano.
- 3 This confidential report relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**Carried
unanimously**

ITEM-9 CON 28/05/19 - ORGANISATIONAL CHANGE

MOTION

Moved by Cr Dunn, seconded by Cr Mackenzie

That Council:

- 1 Establish the Transport and Compliance Service Unit within the Governance Directorate, for the effective delivery of Transport Strategy, Transport Operations and Compliance Services, and approve the position of Manager Transport and Compliance Services in accordance with the requirements of the Local Government Act.
- 2 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 within affected teams.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-41 CCL 28/05/19 - REVIEW OF BUSINESS IMPROVEMENT AREAS (BIAS) IN NEWCASTLE IMPLEMENTATION REPORT - CONSIDERATION OF PUBLIC SUBMISSIONS

The Chief Executive Officer stated that in respect to Part A, there was no recommendation rather a confidential discussion occurred for the purpose of allowing Councillors to make a more fulsome decision for recommendations Part 1 to 11, captured in Part B.

The meeting concluded at 9.42pm.

REPORTS BY COUNCIL OFFICERS

ITEM-43 CCL 25/06/19 - ADOPTION OF 2019/20 OUR BUDGET

REPORT BY: STRATEGY AND ENGAGEMENT
CONTACT: DIRECTOR STRATEGY AND ENGAGEMENT / MANAGER
CORPORATE AND COMMUNITY PLANNING

PURPOSE

To adopt the 2019/20 Our Budget (2018-2022 Delivery Program and 2019/20 Operational Plan) and 2019/20 Fees and Charges Register required under the Local Government Act 1993 (the "Act").

RECOMMENDATION

That Council:

- 1 Adopts the 2019/20 Our Budget at **Attachment A**, and the 2019/20 Fees and Charges Register at **Attachment B**.

KEY ISSUES

- 2 Under section 404 of the Act, 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. The City of Newcastle's (CN) Delivery Program and Operational Plan are combined into one document titled '2019/20 Our Budget' (Attachment A).
- 3 Under section 608 of the Act, councils may charge and recover an approved fee for any services provided. CN's 2019/20 Fees and Charges Register is provided at (Attachment B).
- 4 CN has demonstrated its commitment to financial sustainability in the 2019/20 Our Budget by maintaining a net operating surplus, renewing and maintaining assets in a sustainable range and utilising evidence-based decision making to ensure sound budget management underpinned by its financial governance frameworks.
- 5 The 2019/20 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.

- 6 A highlight of the 2019/20 Our Budget is the \$32m investment in environmental sustainability through the delivery of key initiatives at the Summerhill Waste Management Facility, including expansion of landfill capacity, construction of the Organics Recycling Facility and operational commencement of the new Resource Recovery Centre.
- 7 The draft 2019/20 Our Budget (2018-2022 Delivery Program and 2018/19 Operational Plan) and draft 2019/20 Fees and Charges Register were placed on public exhibition from 17 April to 24 May 2019.
- 8 CN utilised different media formats to inform the community of the public exhibition period including print and online advertising. A video snapshot was created for online and social media which generated 22,700 views.

FINANCIAL IMPACT

- 9 The 2019/20 Our Budget is based on the financial objectives contained within CN’s Long-Term Financial Plan (LTFP) and delivers a net operating surplus, renewal and maintenance of assets within a sustainable range and maintains strong cash reserves to safeguard CN’s financial legacy.
- 10 The operating result budgeted for in the 2019/20 financial year is a surplus of \$11.9m. The operating surplus ensures CN has sufficient financial capacity to maintain the City’s assets at a safe, reliable and sustainable level while still responding to our commitments to the community.

	Adopted Budget 2018/19	Draft Budget 2019/20	Variance
	\$,000	\$,000	\$,000
Total Income	279,669	309,245	29,576
Total Expenditure	273,189	297,294	24,105
Operating Surplus (Deficit) for the year	6,480	11,951	5,471

- 11 The 2019/20 Our Budget includes increased revenues through the 2015 Special Rate Variation and other revenue categories identified in the LTFP, partially offset by the higher operational expenditure required to maintain service levels to community expectations whilst also increasing service delivery, customer experiences and community engagement.
- 12 Operational materials and contracts expenditure is budgeted to provide a sustainable level of services and asset maintenance in addition to providing resources to grow CN's capacity to deliver larger asset renewal programs in the future.

Capital Funding	Adopted Budget 2018/19	Draft Budget 2019/20	Variance
	\$,000	\$,000	\$,000
Capital Funding Sources			
General fund contribution to capital	40,336	48,422	8,086
2012 Special Rate Variation	6,255	7,326	1,071
Stormwater Management Charge	1,972	1,990	18
Grants & contributions - Capital	9,084	12,830	3,746
Proceeds from the sale of Assets	1,620	1,700	80
Funding available for capital expenditure	59,267	72,268	13,001
Capital expenditure			
Asset renewals	32,168	18,102	(14,066)
New / upgrade	32,691	38,998	6,307
2012 SRV Priority Projects	2,694	1,825	(869)
Total capital spend	67,553	58,925	(8,628)
Principal loan repayments / (borrowings)	3,580	3,868	288
Transfer to/(Draw down) on restricted reserves	(11,866)	9,475	21,341

- 13 The capital expenditure budgeted for the 2019/20 financial year is \$58.9m. The total spend on works inclusive of operational and capital expenditure is budgeted at \$81m in the 2019/20 financial year. A list of community projects to be delivered through the 2019/20 works program is included as an appendix to the 2019/20 Our Budget.
- 14 During the year, CN generates cash from operating activities used for the delivery of the works program. It is forecast that \$72.3m will be generated from CN's operations in 2019/20 to fund the budgeted 2019/20 works program. This is the first time in over seven years that CN has budgeted to deliver an Operational Plan without drawing on restricted reserves.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 15 The 2019/20 Our Budget delivers key objectives and actions of the Community Strategic Plan against CN's seven strategic directions.
- 16 This report aligns to the Community Strategic Plan under the strategic direction of 'Open and collaborative leadership' action:
- 7.1a 'Encourage and support long term planning for Newcastle, including implementation, resourcing, monitoring and reporting'.

IMPLEMENTATION PLAN/IMPLICATIONS

- 17 The 2019/20 Our Budget (2018-2022 Delivery Program and 2019/20 Operational Plan) and 2019/20 Fees and Charges Register are required to be adopted by Council by 30 June 2019 following at least a 28-day public exhibition period.
- 18 Our Budget includes actions that will require implementation by CN service units as well as partner agencies.

RISK ASSESSMENT AND MITIGATION

- 19 The development of the financial budget is based on a number of assumptions, including assumptions outside of CN's control that may affect the financial results. The risks associated with these assumptions include:
 - a) Grant funding from State and Federal Governments lower than anticipated.
 - b) Investment returns lower than assumed.
 - c) Contributions, such as section 94 contributions, alter from the level predicted.
 - d) Further cost shifting from government agencies without offsetting revenue.
 - e) Inflation increase against costs higher than anticipated.
 - f) Legislative changes that lower income streams or increase expenditure.
 - g) Natural disasters.
- 20 Implementation of the 2019/20 Our Budget will be carefully monitored, and necessary adjustments implemented through the quarterly budget reviews.
- 21 The 2019/20 Our Budget (2018-2022 Delivery Program and 2019/20 Operational Plan) and 2019/20 Fees and Charges Register are required to be adopted by Council by 30 June 2019. A delay will result in Council not meeting the requirements set out by the Act and Regulation.

RELATED PREVIOUS DECISIONS

- 22 At the Ordinary Council Meeting held on 26 June 2018, Council adopted the 2018-2022 Delivery Program and 2018/19 Operation Plan and the 2018/19 Fees and Charges Register.
- 23 At the Ordinary Council Meeting held on 26 March 2019, Council resolved to endorse the draft amended 2019/20 commercial Schedule of Fees and Charges for Waste Management collection, disposal and associated services being placed on Public Exhibition.
- 24 At the Ordinary Council Meeting held on 25 September 2018, Council adopted the annual financial reporting framework and resolved that a list of community projects would be added as an appendix to the 2019/20 Our Budget.

CONSULTATION

- 25 A Councillor Workshop was held 2 April 2019 (Budget Workshop).
- 26 A Councillor Workshop was undertaken on 11 June 2019 to update Councillors on submissions received during the public exhibition period referred to in Paragraph 22 above. Twenty-four submissions were received and a detailed feedback report on those submissions is included at **Attachment C**.

BACKGROUND

- 27 Under section 404 of the Act, 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.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

- Attachment A:** 2019/20 Our Budget (2018-2022 Delivery Program and 2019/20 Operational Plan)
- Attachment B:** 2019/20 Fees and Charges Register
- Attachment C:** 2019/20 Report on Submissions

Attachments A, B and C distributed under separate cover

ITEM-44 CCL 25/06/19 - MAKING OF THE RATES AND CHARGES FOR 2019/20

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / CHIEF FINANCIAL OFFICER

PURPOSE

Subject to the adoption of the 2019/20 Our Budget (2018-2022 Delivery Program and 2019/20 Operational Plan), the provisions of sections 532 - 535 of the Local Government Act 1993 (Act) requires a Council resolution to make the Rates and Charges for the period 1 July 2019 to 30 June 2020.

RECOMMENDATION

That Council:

- 1 Makes the following rates and charges for the 2019/20 financial year:

RATE	MINIMUM RATE	AD Valorem Amount Cents in \$	BASE AMOUNT		ESTIMATED RATE YIELD P.A. \$'s
			\$	% of Total Rates	
Ordinary Rates					
Residential	Nil	0.238158	777.16	50	101,057,254
Farmland	\$1,045.40	0.304365	Nil	Nil	22,010
Business	\$1,045.40	1.928710	Nil	Nil	41,595,874.
Business Sub-Categories					
Major Commercial Shopping Centre - Kotara	\$1,045.40	3.468848	Nil	Nil	1,547,106
Major Commercial Shopping Centre - Jesmond	\$1,045.40	4.669337	Nil	Nil	607,014.
Major Commercial Shopping Centre - Waratah	\$1,045.40	5.169938	Nil	Nil	427,037
Major Commercial Shopping Centre – Wallsend	\$1,045.40	5.674382	Nil	Nil	486,295
Major Commercial Shopping Centre – The Junction	\$1,045.40	4.018165	Nil	Nil	228,232
Major Commercial Shopping Centre – Inner City	\$1,045.40	2.027248	Nil	Nil	300,134
Suburban Shopping Centres	\$1,045.40	3.285466	Nil	Nil	305,877
Suburban Shopping Centres – Inner City	\$1,045.40	2.461789	Nil	Nil	174,541
Suburban Shopping Centres –	\$1,045.40	4.338140	Nil	Nil	188,709

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Mayfield					
Kotara – Homemaker’s Centre	\$1,045.40	1.495482	Nil	Nil	291,169
Kotara – Homemaker’s Centre - South Zone	\$1,045.40	1.695119			316,987
Kooragang Industrial Coal Zone	\$1,045.40	1.874887	Nil	Nil	660,495
Kooragang North Industrial Coal Zone	\$1,045.40	2.564513	Nil	Nil	1,479,724
Kooragang Industrial Centre - Walsh Point	\$1,045.40	2.017446	Nil	Nil	1,315,375
Kooragang Industrial Centre	\$1,045.40	1.693080	Nil	Nil	1,565,688
Mayfield North Heavy Industrial Centre	\$1,045.40	1.060343	Nil	Nil	629,844
Mayfield North Industrial Centre	\$1,045.40	1.709908	Nil	Nil	447,109
Mayfield North Industrial Centre - Future Development	\$1,045.40	2.149302	Nil	Nil	369,680
Carrington Industrial Port and Coal Zone	\$1,045.40	3.324280	Nil	Nil	1,495,926
Carrington Industrial Centre	\$1,045.40	2.392693	Nil	Nil	1,392,875
Carrington Industrial Port Operations Use	\$1,045.40	2.664498	Nil	Nil	284,222
Broadmeadow Industrial Centre	\$1,045.40	3.903215	Nil	Nil	162,374
Hexham Industrial Centre	\$1,045.40	2.738680	Nil	Nil	946,556
Special Rates					
Hunter Mall	Nil	0.238124	Nil	Nil	92,436
Mayfield Business District	Nil	0.105335	Nil	Nil	74,906
Hamilton Business District - Zone A	Nil	0.200139	Nil	Nil	88,245
Hamilton Business District - Zone B	Nil	0.100069	Nil	Nil	33,480
Hamilton Business District - Zone C	Nil	0.050035	Nil	Nil	14,563
Wallsend Business District - Zone A	Nil	0.394772	Nil	Nil	111,110
Wallsend Business District - Zone B	Nil	0.197386	Nil	Nil	14,439
Wallsend Business District - Zone C	Nil	0.296079	Nil	Nil	25,374
New Lambton Business District	Nil	0.120332	Nil	Nil	15,018
City Centre - City East	Nil	0.292419	Nil	Nil	168,912
City Centre - Darby Street	Nil	0.065605	Nil	Nil	32,821
City Centre - City West (Close Zone)	Nil	0.120828	Nil	Nil	227,636
City Centre - City West (Distant Zone)	Nil	0.060414	Nil	Nil	19,216
City Centre – Tower	Nil	0.292419	Nil	Nil	181,011
City Centre – Mall	Nil	0.292419	Nil	Nil	127,086
City Centre – Civic (Close Zone)	Nil	0.163523	Nil	Nil	101,895
City Centre – Civic (Distant Zone)	Nil	0.081762	Nil	Nil	6,657
TOTAL					159,632,912

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- 2 An Ordinary Rate of zero point two three eight one five eight cents (0.238158c) in the dollar with a 50% base charge of seven hundred and seventy seven dollars and sixteen cents (\$777.16) named **RESIDENTIAL**, apply to all rateable land in City of Newcastle (CN) Local Government Area (LGA) categorised as Residential.
- 3 An Ordinary Rate of zero point three zero four three six five cents (0.304365c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **FARMLAND**, apply to all rateable land in CN LGA categorised as Farmland.
- 4 An Ordinary Rate of one point nine two eight seven one zero cents (1.928710c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS**, apply to all rateable land in CN LGA categorised as Business **except** that rateable land determined to be in the Business Sub-Categories - Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City), Suburban Shopping Centres, Suburban Shopping Centres (Inner City), Suburban Shopping Centre - Mayfield, Kotara, Homemaker’s Centre, Kotara, Homemaker’s Centre - South Zone, Kooragang Industrial Coal Zone, Kooragang North Coal Zone, Kooragang Industrial Centre, Kooragang Industrial Centre - Walsh Point, Mayfield North Heavy Industrial Centre, Mayfield North Industrial Centre, Mayfield North Future Industrial Development Centre, Carrington Industrial Coal Zone, Carrington Industrial Centre, Carrington Industrial Port Operations Use, Carrington Industrial Coal and Port Zone, Broadmeadow Industrial Centre and Hexham Industrial Centre.
- 5 An Ordinary Rate of three point four six eight eight four eight cents (3.468848c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - KOTARA**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Kotara located on a site of greater than eight hectares (80,000m²), providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of forty (40) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Kotara.
- 6 An Ordinary Rate of four point six six nine three three seven cents (4.669337c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - JESMOND**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Jesmond providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets.

This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Jesmond.

- 7 An Ordinary Rate of five point one six nine nine three eight cents (5.169938c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - WARATAH**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Waratah providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Waratah.
- 8 An Ordinary Rate of five point six seven four three eight two cents (5.674382c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - WALLSEND**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Wallsend providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Wallsend.
- 9 An Ordinary Rate of four point zero one eight one six five cents (4.018165c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - THE JUNCTION**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of The Junction providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of fifteen (15) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - The Junction.
- 10 An Ordinary Rate of two point zero two seven two four eight cents (2.027248c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES (INNER CITY)**, apply to all rateable land in CN LGA situated at Newcastle West within the centre of activity defined by Parry, National Park, King and Ravenshaw Streets, being utilised as a Major Commercial Centre (Inner City). "Major Commercial Centre - (Inner City)" being defined as a centre of commercial activity providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores

and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres (Inner City).

- 11 An Ordinary Rate of three point two eight five four six six cents (3.285466c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – SUBURBAN SHOPPING CENTRES**, apply to all rateable land in CN LGA, being utilised as a Suburban Shopping Centre. "Suburban Shopping Centre" being defined as a centre of commercial activity situated on a site of greater than 6000m² which operates and has a dominant use as a Supermarket excepting the land categorised as Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City) or Suburban Shopping Centre - Mayfield. This land is categorised as Sub-category Business - Suburban Shopping Centres.
- 12 An Ordinary Rate of two point four six one seven eight nine cents (2.461789c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – SUBURBAN SHOPPING CENTRES – INNER CITY**, apply to all rateable land in CN LGA, being utilised as an Inner City Suburban Shopping Centre. "Inner City Suburban Shopping Centre" being defined as a centre of commercial activity within the suburb of Newcastle West or Hamilton situated on a site of greater than four thousand and nine hundred square metres (4,900m²) which operates as a Supermarket excepting the land categorised as Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City), Suburban Shopping Centre – Mayfield and Suburban Shopping Centres. This land is categorised as Sub-category Business - Suburban Shopping Centres – Inner City.
- 13 An Ordinary Rate of four point three three eight one four zero cents (4.338140c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – SUBURBAN SHOPPING CENTRE - MAYFIELD** apply to all rateable land in CN LGA within the suburb of at Mayfield, being utilised as a Suburban Shopping Centre. "Suburban Shopping Centre" being defined as a centre of commercial activity situated on a site of greater than 1 Hectare (10,000m²) with a minimum 4,000m² of floorspace which operates as a Supermarket. This land is categorised as sub-category Business – Suburban Shopping Centre - Mayfield.
- 14 An Ordinary Rate of one point four nine five four eight two cents (1.495482c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – KOTARA HOMEMAKER'S CENTRE** apply to all rateable land in CN LGA situated at Kotara, within the centre of activity defined by Lot 501 DP 1174032 and Lots 181 and 182 DP 850168. This land is categorised as sub-category Business – Kotara Homemaker's Centre.

- 15 An Ordinary Rate of one point six nine five one one nine cents (1.695119c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – KOTARA HOMEMAKER'S CENTRE - SOUTH ZONE** apply to all rateable land in CN LGA situated at Kotara, within the centre of activity defined by Lot 220 DP 1014716. This land is categorised as sub-category Business – Kotara Homemaker's Centre - South Zone.
- 16 An Ordinary Rate of one point eight seven four eight eight seven cents (1.874887c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – KOORAGANG INDUSTRIAL COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lot 11 DP 841542, Lot 121 DP 874949, Lot 1 DP 1097327, Lot 5 DP 1097327, Lots 2, 5, 7, 9 DP 775774, Lot 1 DP 775775, Lot 1 DP 869622, Lot 18 DP 1119752. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Kooragang Industrial Coal Zone.
- 17 An Ordinary Rate of two point five six four five one three cents (2.564513c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – KOORAGANG NORTH INDUSTRIAL COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lots 2, 3, 6, 16 DP1119752, Lot 61 DP 1184395, Lot 62 DP 1184943, Lot 16 DP 262783, Lots 8 DP 1119752, Lots 29, 30, 31, 32 and 33 DP 1184229, Lots 4, 5, 6, 10, 11, 12 DP 1207051, Lots 3, 7, 8, 9, 13, 14, 15 DP 1207051 and Lot 22 DP 1155723. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Kooragang North Industrial Coal Zone.
- 18 An Ordinary Rate of two point zero one seven four four six cents (2.017446c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – KOORAGANG INDUSTRIAL CENTRE WALSH POINT** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22 DP 234887, Lots 6, 7 DP 262783, Lots 1, 2, 3 DP 557904, Lot 1 DP575674, Lots 2, 6, 7, 8, 9 DP 775772, Lots 11, 12, 13, 14, 17, 18, 19, 20, 22, 23 DP 775773, Lots 2, 4, 5, 7, 8, 9, 10, 14 DP 775775, Lots 29, 31, 32, 33, 35, 37, 38, 39, 40, 41, 42 DP 775776, Lots 44, 45, 46, 47, 48, 49, 50, 51, 53 DP 775777, Lots 60, 61, 62, 63 DP 802700, Lot 3 DP 858206, Lots 2, 4, 5 DP1015754, Lots 201, 202, 203, 204, 205, 206, 208, 210 DP 1017038, Lots 210, 211 DP 1018949, Lots 520, 521 DP 1018950, Lots 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 DP 1018951, Lots 131, 132 DP 1018952, Lot 362 DP 1104196, Lot 15 DP 1119752, Lot 12, 13 DP 1144748, Lots 1, 2 DP 1184514, Lots 1, 2, 3, 4 DP 1191912, Lots 94, 95 DP 1191913, Lots 41, 42, 43, 44 DP 1193134, Lot 2 DP 1195449, Lots 151, 152, 153 DP 1202468, Lots 91, 92 DP 1202475 and Lot 3 in DP 234288. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act located within this centre of activity which is not sub categorised as Business – Kooragang Industrial Coal Zone or not sub

categorised as Business – Kooragang North Industrial Coal Zone or not sub categorized Business – Kooragang Industrial Centre. This land is categorised as sub-category Business – Kooragang Industrial Centre Walsh Point.

- 19 An Ordinary Rate of one point six nine three zero eight zero cents (1.693080c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – KOORAGANG INDUSTRIAL CENTRE** apply to all ratable land in CN LGA within the centre of activity defined by the suburb of Kooragang. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act located in Kooragang which is not sub categorised as Business – Kooragang Industrial Coal Zone or not sub categorised as Business – Kooragang North Industrial Coal Zone or not sub categorised as Business – Kooragang Industrial Centre Walsh Point. This land is categorised as sub-category Business – Kooragang Industrial Centre.
- 20 An Ordinary Rate of one point zero six zero three four three cents (1.060343c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – MAYFIELD NORTH HEAVY INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land contained within, Lot 225 DP 1013964, Lot 224 DP 1013964, Lot 2 DP 1204573, Lot 2 DP 1184257 and Lot 1 DP 874109 This land is categorised as sub-category Business - Mayfield North Heavy Industrial Centre.
- 21 An Ordinary Rate of one point seven zero nine nine zero eight cents (1.709908c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – MAYFIELD NORTH INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by Lot 10 DP 625019, Lot 1 DP 403544, Lot 1 DP 528411, Lot 2 DP 207307, Lot 3 DP 259009, Lot 1 DP 880225, Lots 1, 2 DP 1177466, Lots 36, 37, 38, 39, 40 DP 1191723 Lots 5, 6 and 7 DP 1204575 and Lot 11 DP 625019. This land is categorised as sub-category Business - Mayfield North Industrial Centre.
- 22 An Ordinary Rate of two point one four nine three zero two cents (2.149302c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – MAYFIELD NORTH INDUSTRIAL CENTRE FUTURE DEVELOPMENT** apply to all rateable land in CN LGA within the centre of activity defined by Lots 41, 42, 43, and 44 in DP 1191982 and Lots 51, 52, 53 and 54 DP 1229869. This land is categorised as sub-category Business - Mayfield North Industrial Centre Future Development.
- 23 An Ordinary Rate of three point three two four two eight zero cents (3.324280c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – CARRINGTON INDUSTRIAL PORT AND COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 1 DP 1044636 Lots 1, 2 DP 1104199, the land contained within Railway Land Lease reference number 115/75/2261, Lots 3, 4 DP 1104199, Lots 1, 2, 3 DP1187068, Lot 30 DP 1190075, Lots 8 and 11 DP 1190231, Lots 13, 14, 15, 16 DP 1190232, Lots 110, 111, 113 DP 1191911,

- Lots 91, 92, 93 DP 1193181, Lots 1, 2, 3 DP 1195231, Lots 219, 220 DP 1195310 . and Lots 1, 2, 3 in DP 1218150. This land is categorised as sub-category Business - Carrington Industrial Coal and Port Zone.
- 24 An Ordinary Rate of two point six six four four nine eight cents (2.664498c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – CARRINGTON INDUSTRIAL PORT OPERATIONS USE** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 11 DP 1023961, Lot 27 DP 842685 Lot 101 DP 1014244, Lot 1014 DP 1143277, Lot 33 DP 1078910 and Lot 1 DP 834572. This land is categorised as sub-category Business - Carrington Industrial Port Operations Use.
- 25 An Ordinary Rate of two point three nine two six nine three cents (2.392693c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – CARRINGTON INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land with an area of greater than than six hundred square metres (600m²) and zoned SP1 – Special Activities under the State Environmental Planning Policy (Three Ports) 2013 and located within the suburb of Carrington and the land known as Lot 1 DP 1097368 excepting that land categorised as Business - Carrington Industrial Coal and Port Zone or the land categorised as Business - Carrington Industrial Port Operations Use. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Carrington Industrial Centre.
- 26 An Ordinary Rate of three point nine zero three two one five cents (3.903215c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – BROADMEADOW INDUSTRIAL** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 221 DP 1012345. This land is categorised as sub-category Business - Broadmeadow Industrial.
- 27 An Ordinary Rate of two point seven three eight six eight zero cents (2.738680c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – HEXHAM INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land wholly or partly contained in a “parcel of land” as defined within the Valuation of Land Act NSW 1916, which is in the majority zoned IN3 Heavy Industrial under the Newcastle Local Environmental Plan 2012 and located within the suburb of Hexham excepting Lots 2 and 3 DP 874409 and Lot 1 DP 90824. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business - Hexham Industrial Centre.
- 28 A Special Rate of zero point two three eight one two four cents (0.238124c) in the dollar named **HUNTER MALL**, apply to part of the rateable land within CN LGA constituted and known as the “Hunter Mall Town Improvement District” as

- defined in **Attachment A** for the purpose of defraying the cost of continuing additional horticultural and cleansing services and street furnishings determined to be of special benefit to the said Hunter Mall Town Improvement District.
- 29 A Special Rate of zero point one zero five three three five cents (0.105335c) in the dollar named **MAYFIELD BUSINESS DISTRICT**, apply to part of the rateable land within CN LGA constituted and known as the "Mayfield Business District" as defined in **Attachment B** for the purpose of defraying the additional cost of promotion, beautification and development of the Mayfield Business District determined to be of special benefit to the said Mayfield Business District.
- 30 A Special Rate of zero point two zero zero one three nine cents (0.200139c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE A**, apply to part of the rateable land within CN LGA constituted and known as the "Hamilton Business District" as defined in **Attachment C** for the purpose of defraying the additional cost of promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District.
- 31 A Special Rate of zero point one zero zero zero six nine cents (0.100069c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE B**, apply to part of the rateable land within CN LGA constituted and known as the "Hamilton Business District" as defined in **Attachment D** for the purpose of defraying the additional cost promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District.
- 32 A Special Rate of zero point zero five zero zero three five cents (0.050035c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE C**, apply to part of the rateable land within CN LGA constituted and known as the "Hamilton Business District" as defined in **Attachment E** for the purpose of defraying the additional cost promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District.
- 33 A Special Rate of zero point three nine four seven seven two cents (0.394772c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE A**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment F** for the purpose of defraying the additional cost promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District.
- 34 A Special Rate of zero point one nine seven three eight six cents (0.197386c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE B**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment G** for the purpose of defraying the additional cost promotion, beautification and development of the

Wallsend Business District determined to be of special benefit to the said Wallsend Business District.

- 35 A Special Rate of zero point two nine six zero seven nine cents (0.296079c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE C**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment H** for the purpose of defraying the additional cost of promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District.
- 36 A Special Rate of zero point one two zero three three two cents (0.120332c) in the dollar named **NEW LAMBTON BUSINESS DISTRICT**, apply to part of the rateable land within CN LGA constituted and known as the "New Lambton Business District" as defined in **Attachment I** for the purpose of defraying the additional cost of promotion, beautification and development of the New Lambton Business District determined to be of special benefit to the said New Lambton Business District.
- 37 A Special Rate of zero point two nine two four one nine cents (0.292419c) in the dollar named **CITY CENTRE - CITY EAST**, apply to part of the rateable land within CN LGA constituted and known as the "City Centre Benefit Area - City East" as defined in **Attachment J** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City East determined to be of special benefit to the said City Centre Benefit Area - City East.
- 38 A Special Rate of zero point zero six five six zero five cents (0.065605c) in the dollar named **CITY CENTRE - DARBY STREET**, apply to part of the rateable land within CN LGA constituted and known as the "City Centre Benefit Area - Darby Street" as defined in **Attachment K** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Darby Street determined to be of special benefit to the said City Centre Benefit Area -Darby Street.
- 39 A Special Rate of zero point one two zero eight two eight cents (0.120828c) in the dollar named **CITY CENTRE - CITY WEST (CLOSE ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the "City Centre Benefit Area - City West" as defined in **Attachment L** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City West (Close Zone) determined to be of special benefit to the said City Centre Benefit Area - City West (Close Zone).
- 40 A Special Rate of zero point zero six zero four one four cents (0.060414c) in the dollar named **CITY CENTRE - CITY WEST (DISTANT ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the "City Centre Benefit Area -City West" as defined in **Attachment M** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City West (Distant Zone) determined to be of special benefit to the said City Centre Benefit Area - City West (Distant Zone).

- 41 A Special Rate of zero point two nine two four one nine cents (0.292419c) in the dollar named **CITY CENTRE - TOWER** apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area - Tower” as defined in **Attachment N** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Tower determined to be of special benefit to the said City Centre Benefit Area - Tower.
- 42 A Special Rate of zero point two nine two four one nine cents (0.292419c) in the dollar named **CITY CENTRE – MALL**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area - Mall” as defined in **Attachment O** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Mall determined to be of special benefit to the said City Centre Benefit Area - Mall.
- 43 A Special Rate of zero point one six three five two three cents (0.163523c) in the dollar named **CITY CENTRE - CIVIC (CLOSE ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area – Civic (Close Zone)” as defined in **Attachment P** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area – Civic (Close Zone) determined to be of special benefit to the said City Centre Benefit Area – Civic (Close Zone).
- 44 A Special Rate of zero point zero eight one seven six two cents (0.081762c) in the dollar named **CITY CENTRE - CIVIC (DISTANT ZONE)**, apply to part of the rateable land within CN LGA constituted and known as the “City Centre Benefit Area –Civic (Distant Zone)” as defined in **Attachment Q** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area – Civic (Distant Zone) determined to be of special benefit to the said City Centre Benefit Area – Civic (Distant Zone).
- 45 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per non-strata title property and twelve dollars and fifty cents (\$12.50) per strata / company title unit for the provision of stormwater management services. This charge applies to all rateable land categorised as Residential not being an exclusion as outlined in Section 496A(2) of the Act as amended.
- 46 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars \$25.00 per three hundred and fifty square metres (350m²) or part thereof, of land area capped at a maximum of \$1,000 for each non-strata title property. This charge applies to all non-strata title or non-company title rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report not being an exclusion as outlined in Section 496A(2) of the Act as amended or an exclusion outlined in paragraph 48.
- 47 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per three hundred and fifty square metres 350m² or part thereof, of land area occupied by the strata scheme, capped at a maximum of \$1,000,

divided between each unit based on the unit entitlement of each business lot divided by the total unit entitlement of strata lots within the scheme. This charge applies to all strata title or company title rateable land categorised as Business where the dominant use of the strata development is for business purposes, not being an exclusion as outlined in Section 496A(2) of the Act as amended.

- 48 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twelve dollars and fifty cents (\$12.50) per three hundred and fifty square metres (350m²) or part thereof, of land area capped at a maximum of \$500 for each non-strata property. This charge shall only apply where a property's storm water is not discharged to a storm water pipeline that is reliant on a downstream network that CN has a proportion of the ownership of, and maintenance responsibility for. This charge applies to non-strata title or non-company title rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report not being an exclusion as outlined in Section 496A(2) of the Act as amended.
- 49 A **DOMESTIC WASTE MANAGEMENT SERVICE CHARGE** of three hundred and forty seven dollars and ninety one cents (\$347.91) for the provision of domestic waste management services for each parcel of rateable land for which the service is available in CN LGA.
- 50 A **BUSINESS WASTE MANAGEMENT SERVICE CHARGE** of two hundred and thirty six dollars and ninety one cents (\$236.91) for the provision of waste management services (other than domestic waste management services), on each parcel of rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report, for which the service is provided or proposed to be provided in CN LGA.

KEY ISSUES

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

FINANCIAL IMPACT

- 52 Making of the Rates and Charges is a statutory requirement to enable rates and charges revenue to be raised and levied as detailed in the 2019/20 Our Budget. The estimated amount of levy to be raised is as per the totals shown in the table within paragraph 1 of this report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 53 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'.

IMPLICATIONS

- 54 In accordance with Section 405 of the Act, Council is required by 30 June each year, to adopt an Operational Plan incorporating CN's Revenue Policy and Rating Structure. This Operational Plan must be adopted by Council prior to the making of the Rates and Charges.
- 55 Sections 532 and 535 of the Act, require Council to make the Rates and Charges by resolution for the period 1 July 2019 to 30 June 2020. These Rates and Charges must be made by 1 August 2019.

RISK ASSESSMENT AND MITIGATION

- 56 Failure to make the 2019/20 Rates and Charges by 1 August 2019 will place CN in breach of the Act (Section 533) and delay the due date for payment of the current years Rates and Charges Notices.

RELATED PREVIOUS DECISIONS

- 57 At the Ordinary Council Meeting held on 16 April 2019, Council resolved to place the draft 2019/20 Our Budget (2018-2022 Delivery Program, 2019/20 Operational Plan and Fees and Charges) on public exhibition for at least 28 days. The documents were subsequently placed on public exhibition from 16 April 2019 to 24 May 2019.
- 58 A Councillor Workshop was held on 11 June 2019 to provide Councillors with feedback received during the public exhibition of the draft 2019/20 Our Budget (2018-2022 Delivery Program and 2019/20 Operational Plan and Fees and Charges).
- 59 The making of the Rates and Charges for the year 2019/20 is subject to Council's adoption of the 2019/20 Our Budget. Should the 2019/20 Our Budget not be adopted by Council, this report should lay on the table until such time as the 2019/20 Our Budget is adopted.

CONSULTATION

- 60 It is a requirement of the Act that CM must not make a rate or charge until it has given public notice of the draft 2019/20 Our Budget and has considered any submission made concerning that plan.
- 61 The draft 2019/20 Our Budget was placed on Public Exhibition from 16 April 2019 to 24 May 2019. This document incorporated details of the proposed rating structure for 2019/20.

- 62 During the public exhibition period, an engagement webpage was set up to receive submission and enable downloading of the draft Our Budget 2019/20 and draft Fees and Charges 2019/20. This site was also publicised using social media (Twitter, Facebook and LinkedIn), through NovoNews, My Local Services app, CN Intranet and Internet, and with print advertising in the Newcastle Herald.
- 63 Hard copies of the documents were also available from the Newcastle library and our Customer Service Counter at CN's administration building.

BACKGROUND

- 64 Subject to the adoption of the rate structure contained within the 2019/20 Our Budget, CN will satisfy the provisions of Section 532 of the Act by making the Rates and Charges for the period 1 July 2019 to 30 June 2020.

OPTIONS

Option 1

- 65 The recommendations as at Paragraphs 1 - 50. This is the recommended option.

Option 2

- 66 Council not adopt the Rates and Charges as detailed in this report. The making of the Rates and Charges for the 2019/20 financial year is subject to the elected Council's adoption of the 2019/20 Our Budget. Should the recommended 2019/20 Our Budget be adopted by Council, this report will formalise the specific Rates in the dollar amounts to apply to CN's Ordinary and Special rates as referenced within the 2019/20 Our Budget. Should the 2019/20 Our Budget not be adopted by Council, this report should lay on the table until such time as the 2019/2020 Our Budget is adopted. Any delay in making the Rates and Charges may also delay the issuing of rate notices which may have a significant negative cash flow impact on CN. This also places CN in a position where it may breach the Act. This option is not recommended.

REFERENCES

ATTACHMENTS

Attachment A: Schedule A - Hunter Mall

Attachment B: Schedule B - Mayfield Business District

Attachment C: Schedule C - Hamilton Business District - Zone A

Attachment D: Schedule D - Hamilton Business District - Zone B

Attachment E: Schedule E - Hamilton Business District - Zone C

Attachment F: Schedule F - Wallsend Business District - Zone A

Attachment G: Schedule G - Wallsend Business District - Zone B

Attachment H: Schedule H - Wallsend Business District - Zone C

Attachment I: Schedule I - New Lambton Business District - Zone A

Attachment J: Schedule J - City Centre - City East

Attachment K: Schedule K - City Centre - Darby Street

Attachment L: Schedule L - City Centre City West (Close Zone)

Attachment M: Schedule M - City Centre City West (Distant Zone)

Attachment N: Schedule N - City Centre - Tower

Attachment O: Schedule O - City Centre - Mall

Attachment P: Schedule P - City Centre - Civic (Close Zone)

Attachment Q: Schedule Q - City Centre - Civic (Distant Zone)

Attachments A to Q

SCHEDULE A

HUNTER MALL

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

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

Also the land contained within the area bounded by Wolfe, Hunter and Thorn Streets and the generally southern boundaries of Deposited Plans Numbers 84634 and 66888.

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

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

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

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

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

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

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

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

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

SCHEDULE B

MAYFIELD BUSINESS DISTRICT

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

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

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

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

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

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

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

Also the land contained within the area bounded by Maitland Road, Barton, Crebert and Kerr Streets with the exception of Lot 190 Deposited Plan (hereafter shown as DP 628828.)

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

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

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

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

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

Also the land contained within the area bounded by Maitland Road, Fawcett, Curtis and Carrington Streets, with the exception of Lot 3 DP 10502, Lot 4 DP 10502 and Lot 1 DP 952024.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



SCHEDULE C

HAMILTON BUSINESS DISTRICT - ZONE A

All those pieces or parcels of land, categorised as Business, situate at Hamilton in the City of Newcastle, Parish of Newcastle, County of Northumberland, State of New South Wales, being land contained within Lot 1 DP 197426, Lot 1 DP 782441, Lot 1 DP 742567, Lot 1 DP 194617 and Lot 222 DP 711826.

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

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

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

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

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

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

Also the land commencing at the intersection of the southern side of Cleary Street and the western side of Beaumont Street and bounded thence by Beaumont and Lindsay Streets southerly and westerly to the southern eastern corner of Lot 112, Deposited Plan 813877, by the eastern and northern boundary of Lot 112, Deposited Plan 813877 northerly and westerly, by the westernmost and northernmost boundaries of Lot 121, Deposited Plan 789989 northerly and easterly to the western side of a Reserve for Access 3.05 wide, by part of the western and southern side of that Reserve for Access also being boundaries of Lot 121, Deposited Plan 789989 southerly and easterly to the south east corner of that Reserve for Access, by the eastern side of that Reserve for Access also being western boundaries of Deposited Plans 789989, 544553, Lots 45 and 46, Deposited Plan 192673, Deposited Plan 710794 and 739091 northerly to the southern side of Cleary Street, by the southern side of Cleary Street easterly to the point of commencement.

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

Also the land commencing at the intersection of the southern side of James Street and the western side of Beaumont Street and bounded thence by Beaumont Street and Tudor Street southerly and westerly to the south western corner of Deposited Plan, 82254, by the western boundaries of Parts Deposited Plan 192809, Deposited Plans 82254, 799981, 195662, 604860, 607058, 207918 and 227306 northerly to James Street, by the southern side of James Street to the point of commencement.



SCHEDULE D

HAMILTON BUSINESS DISTRICT - ZONE B

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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



SCHEDULE E

HAMILTON BUSINESS DISTRICT - ZONE C

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Also the land contained within the area bounded by Lindsay Lawson, Cleary and Elcho Streets.

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



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

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



SCHEDULE F

WALLSEND BUSINESS DISTRICT - ZONE A

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

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

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

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

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

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

Also the land contained within Lot 107 DP 813129.

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

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

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

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

Also the land contained within the area bounded by William, Harris, Tyrrell and Low Streets and the northern boundary of Lot 101 DP 1144916.

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

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



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

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

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

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

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



SCHEDULE G

WALLSEND SPECIAL RATE - ZONE B

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

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

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

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

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

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

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

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

Also the land contained within the area bounded by John and Robert Streets and the northern boundaries of Lot B DP 215067 Lot 1 DP 785573 and Lot 2 DP 227626 and the western boundary of Lot 2 DP 227626.



SCHEDULE H

WALLSEND SPECIAL RATE - ZONE C

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



SCHEDULE I

NEW LAMBTON BUSINESS DISTRICT

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

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

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

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

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

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

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

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

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



SCHEDULE J

CITY CENTRE - CITY EAST

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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



SCHEDULE K

CITY CENTRE - DARBY STREET

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

Also the land contained within the area bounded by Darby Street, Tyrrell Street, the western boundary of Lot 102 Deposited Plan 786055 and Queen Street.

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

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

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

SCHEDULE L

CITY CENTRE - CITYWEST (CLOSE ZONE)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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



SCHEDULE M

CITY CENTRE - CITY WEST (DISTANT ZONE)

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

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

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

SCHEDULE N

CITY CENTRE - TOWER

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

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

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

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

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

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

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

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

SCHEDULE O

CITY CENTRE - MALL

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

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

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

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

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

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

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

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

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

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

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

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

SCHEDULE P

CITY CENTRE - CIVIC (CLOSE ZONE)

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

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

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

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

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

and the western boundaries of Lot 451 in Deposited Plan 748689, Lot 1 in Deposited Plan 770100 and Lot 1 Deposited Plan 1205381.

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

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

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

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

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

SCHEDULE Q

CITY CENTRE - CIVIC (DISTANT ZONE)

All those pieces and parcels of land, categorised as Business situate at Newcastle in the City of Newcastle, Parish of Newcastle, County of Northumberland, State of New South Wales, being the land contained within the area bounded by Wharf Road, Argyle Street, Centenary Road and Merewether Street.



ITEM-45 CCL 25/06/19 - INTEREST ON OVERDUE RATES AND CHARGES 2019/20

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / CHIEF FINANCIAL OFFICER

PURPOSE

To establish the rate of interest to be charged by City of Newcastle (CN) in respect of overdue rates and charges for the 2019/20 rating year.

RECOMMENDATION

That Council:

- 1 Adopts the rate of 7.5% per annum on interest on overdue rates and charges for the 2019/20 rating year.
- 2 Adopts the rate of interest on overdue rates and charges that are deferred against an eligible ratepayer's estate for the 2019/20 rating year be fixed at 3.09% per annum.

KEY ISSUES

- 3 CN has the discretion to set the rate of interest in respect of overdue rates and charges each year. However, it must not exceed the limit specified by the Minister for Local Government (Minister). On 24 April 2019 the Minister advised that the maximum rate of interest payable on overdue rates and charges for the 2019/20 rating year is 7.5% per annum.
- 4 In order to maintain a sufficient deterrent to the late payment of rates and charges it is proposed the maximum rate of interest allowable by the Minister apply to overdue rates and charges. This rate is 7.5% per annum. By comparison, the maximum rate for the 2018/19 year was also 7.5% per annum with this rate resolved for use by Council at the Ordinary Council Meeting held on 26 June 2018.
- 5 At the Ordinary Council Meeting held on 26 June 2018, Council resolved to provide a discounted interest rate on overdue rates and charges deferred against a ratepayer's estate, commensurate with CN's weighted average rate of return earned on surplus cash invested. The discounted rate for the 2018/19 rating year was 2.9% per annum. For the 2019/20 rating year the discounted rate has been determined at 3.09% per annum, which is CN's weighted average rate of return as calculated at 31 May 2019.

FINANCIAL IMPACT

- 6 Imposition of interest on overdue rates and charges will ensure cash flow is maintained and will deter the late payment of debts. Estimated annual income from interest charges is \$250,000 based on historical levels of arrears.

COMMUNITY PLAN STRATEGIC ALIGNMENT

- 7 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 PLANNING / IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

- 9 The Local Government Act 1993 (Act) provides for interest charges to accrue on unpaid rates and charges at the interest rate resolved by Council. Provision is also made within the Act to allow special payment arrangements where ratepayer hardship exists.
- 10 If the rate of interest is set too low there is a risk that it may be considered as a relatively cheap form of finance thereby resulting in an increase in arrears. This situation would disadvantage the majority of ratepayers who pay their rates by the due date. Setting the interest rate at the maximum rate allowable by the Minister mitigates this risk. There are specific provisions available to pensioners and any ratepayers experiencing genuine financial hardship.

RELATED PREVIOUS DECISIONS

- 11 The recommendation contained in this report is consistent with existing practice and follows the adoption of interest on overdue Rates and Charges for 2018/19 at the Ordinary Council Meeting held on 26 June 2018.

CONSULTATION

- 12 The Minister annually establishes the maximum interest rate on overdue rates and charges in accordance with section 566 of the Act. All ratepayers are advised of the applicable rate of interest on their annual Rates and Charges and Instalment Notices. Negotiation of interest free payment periods and waiving of interest charges are options available and were advertised within CN's draft 2019/20 Our Budget (2018-2022 Delivery Program and 2019/20 Operational Plan).

BACKGROUND

Interest Charges

- 13 In respect of eligible pensioners, the current practice provides that interest on overdue rates and charges shall:
- i) Not be applied where the net rates and charges are paid in full in the current year or suitable arrangements to pay are entered into; and
 - ii) Be waived where arrears of net rates and charges are paid in accordance with an arrangement in subsequent years, except as provided for postponement of rates and charges under section 585 of the Act.
- 14 The practice of waiving interest charges for eligible pensioners who make arrangements to pay their rate obligation remains unchanged.

Writing off Accrued Interest

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

Defer Rates and Charges Against Estate

- 16 Ratepayers may, subject to annual written applications and assessment, be eligible to defer the payment of rates and charges, allowing them to accrue against their estates.
- 17 Council previously resolved at the Ordinary Council Meeting held on 26 June 2018 that the deferral of rates and charges against the estate should attract a lower rate of interest somewhat commensurate with CN's investment rate.
- 18 The benchmark used and considered appropriate is CN's weighted average rate of return earned on surplus cash invested. This is currently 3.09% per annum as at 31 May 2019.

OPTIONS

Option 1

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

Option 2

- 20 Council resolves not to adopt the recommendations set out in Paragraphs 1 and 2 and adopts alternate interest rates and different practices for the charging of interest on overdue rates and charges owed by eligible pensioners. This is not the recommended option.

REFERENCES

ATTACHMENTS

Nil.

**ITEM-46 CCL 25/06/19 - MAKING OF THE RATE - HUNTER
CATCHMENT CONTRIBUTION AND COMMISSION FOR THE
YEAR COMMENCING 1 JULY 2019**

**REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / CHIEF FINANCIAL OFFICER**

PURPOSE

To authorise the collection of the Hunter Catchment Contribution at the rate established by the NSW Government's Hunter Local Land Services for the 2019/20 rating year for those rateable assessments for which it is applicable and to endorse the rate of commission, as established by Hunter Local Land Services, to be applied by City of Newcastle (CN) for the collection of the Contribution on their behalf.

RECOMMENDATION

That Council:

- 1 Notes the NSW Government's Hunter Local Land Services has established the Hunter Catchment Contribution rate for the 2019/20 rating year at 0.010970 of a cent in the dollar on all relevant properties within the Newcastle Local Government Area (LGA), with a land value in excess of \$300.
- 2 Adopts the making, levying and collection of the Hunter Catchment Contribution on behalf of Hunter Local Land Services as the rate detailed in Paragraph 1.
- 3 Adopts the rate of commission payable to CN for the collection of the 2019/20 Catchment Contribution at 5% of the Hunter Catchment Contributions collected, as determined by Hunter Local Land Services.

KEY ISSUES

- 4 CN, on behalf of Hunter Local Land Services, is obliged to levy the Hunter Catchment Contribution on all relevant properties within the Newcastle LGA with a land value in excess of \$300 as per requirements of *The Local Land Services Act 2013* and *the Local Land Services Regulation 2014*. Hunter Local Land Services has set the rate in the dollar that will apply to those rateable assessments liable to be charged the catchment contribution at 0.010970 of a cent in the dollar for the 2019/20 rating year.
- 5 The proposed rate of commission, payable by Hunter Local Land Services to CN for acting on their behalf, in the levying and collection of the 2019/20 Hunter Catchment Contribution is 5% of all monies collected, which is the maximum allowable under the legislation and as determined by Hunter Local Land Services.

- 6 In order to comply with legislation, CN must continue to levy the Hunter Catchment Contribution on its annual Rates and Charges Notices. The levy, less the commission payable to CN, is passed on to Hunter Local Land Services. The funds collected by CN on behalf of Hunter Local Land Services are used by this Authority for managing the land, vegetation and water resources within the Hunter Catchment Area. This is done via various rehabilitation and flood mitigation projects.

FINANCIAL IMPACT

- 7 The estimated total levy to be collected from the catchment contribution within the Newcastle LGA is \$2.59 million. Based on the recommendations at Paragraphs 1, 2 and 3, the estimated commission earned by CN and withheld from this levy for the 2019/20 rating year is \$129,500. This is sufficient to cover the administrative costs incurred by CN in collecting and dispersing the levy.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 8 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 PLANNING / IMPLICATIONS

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

RISK ASSESSMENT AND MITIGATION

- 10 Failure to make and levy the 2019/20 Hunter Catchment Contribution by 1 August 2019 will place CN in breach of the *Local Government Act 1993* and the *Local Land Services Regulation 2014*, which may delay the levying of CN's Rates and Charges.

RELATED PREVIOUS DECISIONS

- 11 The Hunter Catchment Contribution has been collected by CN since 1976. This report proposes confirmation of existing practice and follows the adoption of the rate for the previous rating year at the Ordinary Council Meeting held on 26 June 2018.

BACKGROUND

- 12 In accordance with the provisions of the *Local Land Services Regulation 2014* and the *Local Government Act 1993*, CN is required to levy and collect the Hunter Catchment Contribution on behalf of Hunter Local Land Services.
- 13 By Government Gazette dated 24 May 2019, Hunter Local Land Services confirms that the 2019/20 Hunter Catchment Contribution will be 0.010970 of a cent in the dollar. The rate of commission, set by Hunter Local Land Services, payable to CN for the levying and collection of the Hunter Catchment Contribution remains at 5%.

OPTIONS

Option 1

- 14 The recommendations as at Paragraphs 1, 2 and 3. This is the recommended option.

Option 2

- 15 Council resolves not to make and levy the Hunter Catchment Contribution in accordance with the *Local Land Services Regulation 2014*. Failure to make and levy the 2019/20 Hunter Catchment Contribution will place CN in breach of the *Local Government Act 1993*. This is not the recommended option.

REFERENCES

ATTACHMENTS

Nil.

ITEM-47 CCL 25/06/19 - ADOPTION OF THE CODE OF CONDUCT AND ITS ASSOCIATED PROCEDURES

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER LEGAL

PURPOSE

To adopt Codes of Conduct for Councillors, staff and volunteers respectively and associated Procedures for the Administration of the Code of Conduct.

RECOMMENDATION

That Council:

- 1 Adopt the Code of Conduct for Councillors at **Attachment A**;
- 2 Adopt the Code of Conduct for Staff at **Attachment B**;
- 3 Adopt the Code of Conduct for Volunteers at **Attachment C**; and
- 4 Adopt the Procedures for the Administration of the Code of Conduct at **Attachment D**.

KEY ISSUES

- 5 At the Ordinary Council Meeting held on 12 December 2017, Council adopted its current Code of Conduct (**Current Code**) and Procedures for the Administration of the Code of Conduct (**Current Procedures**).
- 6 On 14 December 2018, the Office of Local Government (OLG) prescribed a new *Model Code of Conduct for Councillors / staff / volunteers* (**Model Codes**) and new *Model Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (**Model Procedures**) pursuant to sections 440 and 440AA of the *Local Government Act 1993* (the Act) and regulation 420 of the *Local Government (General) Regulation 2005* (the Regulation). Under the transitional arrangements, Councils are required to adopt the new Model Codes and Model Procedures within 6 months of prescription.
- 7 The provisions of the Model Codes came into effect from 14 June 2019. As part of the implementation, Councillors and staff will be provided with relevant training. Council adopting the Model Codes is an administrative formality.
- 8 To better distinguish between the obligations of Councillors, staff and volunteers, the OLG has produced three versions of the Model Code. It is recommended that City of Newcastle (CN) adopt a specific version of the Model Code for Councillors, staff and volunteers respectively.

- 9 The new Model Codes and Model Procedures give effect to reforms passed by the NSW Parliament to consolidate the prescription of all ethical standards for local government into a single statutory instrument. Previously, ethical standards were derived from three sources: the pecuniary interest provisions of the Act, the Regulation, and the Model Code.
- 10 Where CN does not adopt the Model Codes and Model Procedures, the new models will automatically override any inconsistent provisions of the current Code and Current Procedures through the operation of sections 440(4) and 440AA(4) of the Act.
- 11 In adopting Model Codes and Model Procedures, CN may include provisions that are supplementary to those contained in the Model Codes and Model Procedures and may impose more onerous requirements than those prescribed. No supplementary provisions are recommended.
- 12 The key changes in the Model Codes and Model Procedures include:
 - i) Pecuniary interest provisions previously contained in the Act and Regulation are now included in the Model Codes;
 - ii) New standards relating to discrimination and harassment, bullying, work health and safety, behavior at meetings, access to information and maintenance of Council records;
 - iii) A new ongoing disclosure requirement for Councillors and designated persons requiring disclosure of new interests in returns of interest within three months of becoming aware of them; and
 - iv) Councillors will be required to disclose in their returns of interests whether they are a property developer or close associate of a property developer.
- 13 The key changes in the Model Codes do not result in substantial changes in practice for Councillors and staff.
- 14 At the Ordinary Council Meeting held on 12 December 2017, Council established a panel of conduct reviewers (Conduct Review Panel). As this Conduct Review Panel was established within the last four years, the transitional provisions allow for its continued operation. A new Conduct Review Panel will be established in the next term of Council.

FINANCIAL IMPACT

- 15 The cost to CN for the engagement of external Conduct Reviewers is provided for in CN's adopted Our Budget 2019/20.

COMMUNITY STRATEGIC PLAN ALIGNMENT

16 Open and Collaborative Leadership

7.2a Conduct Council business in an open, transparent and accountable manner.

17 Open and Transparent Governance Strategy

2.1 Maintain a strong ethical culture and a high standard of conduct.

2.2 Clearly defined roles and responsibilities with independence as well as cooperation between all parties.

4.1 Accountable to actions it takes to support a strong governance framework.

IMPLEMENTATION PLAN/IMPLICATIONS

18 Code of Conduct complaints must be assessed against the standards prescribed under the version of the Code of Conduct and Procedures that was in force at the time the conduct of the subject of the complaint is alleged to have occurred.

RISK ASSESSMENT AND MITIGATION

19 Adopting the documents at **Attachments A, B, C and D** will ensure CN meets the standards and requirements outlined in the Act, the Regulation, the Model Codes and the Model Procedures.

RELATED PREVIOUS DECISIONS

20 At the Ordinary Council Meeting held on 12 December 2017 Council adopted the then Model Code of Conduct and Procedures and established the Conduct Review Panel.

CONSULTATION

21 There is no requirement for public exhibition as the Model Codes and Procedures are prescribed by the OLG.

22 Councillors will be provided with a workshop on the key changes brought about by the Model Codes and Model Procedures. Senior staff also received specific training update on the Model Codes and Model Procedures. All staff regularly attend in-house training on the Code of Conduct.

BACKGROUND

23 On 23 October 2017, the OLG released a new draft Model Code and Model Procedures for the purposes of consultation. CN made a submission at that time.

OPTIONS

Option 1

24 The recommendation as at Paragraph 1 – 4. This is the recommended option.

Option 2

25 Council not adopt the documents at **Attachments A, B, C and D**. CN will be bound by the Model Codes and Procedures where they are inconsistent with the Current Code and Procedures. This may cause confusion where multiple documents need to be considered.

REFERENCES

- 26 Model Code of Conduct for Local Councils in NSW
https://www.olg.nsw.gov.au/sites/default/files/Model%20Code%20of%20Conduct%20-2018%20-%20FINAL_0.pdf
- 27 Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW
https://www.olg.nsw.gov.au/sites/default/files/Model%20Code%20of%20Conduct%20Procedures%20-%202018_0.pdf
- 28 OLG Circular No 18-44 / 18 December 2018 – Commencement of the new Model Code of Conduct for Local Councils in NSW and Procedures
<https://www.olg.nsw.gov.au/sites/default/files/18-44.pdf>
- 29 City of Newcastle Code of Conduct
<http://www.newcastle.nsw.gov.au/Newcastle/media/Documents/Strategies,%20Plans%20and%20Policies/Policies/Code-of-Conduct-Policy.pdf>
- 30 City of Newcastle Procedures for the Administration of the Code of Conduct
<http://www.newcastle.nsw.gov.au/Newcastle/media/Documents/Governance%20and%20Council%20Executive%20Services/Administration-of-the-Code-of-Conduct-Procedure.pdf>

ATTACHMENTS

- Attachment A:** Code of Conduct for Councillors
Attachment B: Code of Conduct for Staff
Attachment C: Code of Conduct for Council Committee Members, Delegates of Council and Council Advisors
Attachment D: Procedures for the Administration of the Code of Conduct

Attachments A to D distributed under separate cover

ITEM-48 CCL 25/06/19 - ADOPTION OF COMPLIANCE AND ENFORCEMENT POLICY

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER REGULATORY, PLANNING AND ASSESSMENT

PURPOSE

To adopt the Compliance and Enforcement Policy (Policy).

RECOMMENDATION

That Council:

- 1 Adopts the Compliance and Enforcement Policy at **Attachment A**.

KEY ISSUES

- 2 The Policy provides information to all internal and external stakeholders and interested parties about City of Newcastle's (CN) position on compliance and enforcement matters in the Local Government Area (LGA).
- 3 It outlines how CN conducts compliance and enforcement activities in a fair and equitable manner and establishes a framework to guide the most efficient and effective use of CN resources to achieve the best environmental, health and safety outcomes for the community.
- 4 At the Ordinary Council Meeting in September 2013, Council adopted the current Compliance Policy (Compliance Policy 2013).
- 5 In December 2015, the NSW Ombudsman issued their Model Compliance and Enforcement Model Policy (Model Policy).
- 6 The Model Policy is a useful guide for NSW Councils in the preparation of their own policy and the carrying out of compliance and enforcement functions.
- 7 Key and relevant elements of the Model Policy have been incorporated into the Policy.
- 8 The Policy has also retained key elements of the Compliance Policy 2013 considered relevant to CN's ongoing compliance and enforcement work.

Key changes

- 9 The scope, principles and approach to compliance and enforcement remains largely unchanged between the Compliance Policy 2013 and the Policy. The structure and wording of these sections has been reformatted in line with our current policy template and the Model Policy.
- 10 Part B of the Compliance Policy 2013 focused on Smart Compliance. Smart Compliance is more procedural in nature and therefore this section has not been carried forward into the Policy.
- 11 The key elements of the risk-based approach to compliance and enforcement from the Compliance Policy 2013 have been carried forward into the Policy. Similarly, prioritisation of resources based on risk rating has also been carried forward.
- 12 CN's current approach to the handling of low risk non-compliance matters has been continued in the Policy.

FINANCIAL IMPACT

- 13 There is no financial impact with adoption of the Policy. The approach to compliance and enforcement is in line with CN's current approach.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 14 The Policy aligns with the Newcastle 2030 Community Strategic Plan.

Liveable Built Environment

- 5.1a Protect and promote our unique built and cultural heritage.

Open and Collaborative Leadership

- 7.2a Conduct Council business in an open, transparent and accountable manner.
- 7.4a Continuous improvement in services delivery based on accountability, transparency and good governance.

IMPLEMENTATION PLAN/IMPLICATIONS

- 15 Should Council adopt the Policy, there will be no significant change in CN's compliance and enforcement approach and no need for an implementation plan. Relevant staff will be informed of the commencement of the Policy and appraised of its contents.

RISK ASSESSMENT AND MITIGATION

- 16 The Policy is consistent with and incorporates relevant elements of the NSW Ombudsman's Model Policy and the current Compliance Policy 2013. The adoption and consistent implementation of the Policy will further reduce and mitigate risks to CN in the ongoing compliance and enforcement work undertaken across the LGA.

RELATED PREVIOUS DECISIONS

- 17 The Compliance Policy 2013 was first adopted in September 2013.

CONSULTATION

- 18 The Policy has been reviewed within CN by the Leadership Group and relevant teams, including Environmental Health, Planning Investigations and Rangers, Building and Development as well as Parking Operations.

BACKGROUND

- 20 The Compliance Policy was first adopted in September 2013 and was due for review from August 2018.

OPTIONS

Option 1

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

Option 2

- 22 Council not adopt the Policy. This is not the recommended option.

REFERENCES

ATTACHMENTS

- Attachment A:** Compliance and Enforcement Policy

Attachment A

Policy

Compliance and Enforcement

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1 Purpose

- 1.1 This Policy provides information to all internal and external stakeholders and interested parties about City of Newcastle's (CN) position on compliance and enforcement matters in the local government area.
- 1.2 It outlines how CN conducts compliance and enforcement activities in a fair and equitable manner; and establishes a framework to guide the most efficient and effective use of CN resources to achieve the best environmental, health and safety outcomes for the community.
- 1.3 The Policy is modelled on the NSW Ombudsman's Model Compliance and Enforcement Model Policy. In implementing the Policy, CN will have regard to compliance and enforcement guidelines developed by the NSW Ombudsman.
- 1.4 The compliance and enforcement activities of CN play an important role in achieving [CN's Community Strategic Plan](#) (CSP). The CSP is a shared community vision and it includes a number of key objectives for the city.
- 1.5 This Policy assists CN to achieve the shared objective of protecting and enhancing our environment and ensuring we have a liveable environment.
- 1.6 CN's current compliance and enforcement activities are outlined in [CN's Delivery Program and Operational Plan](#)

2 Scope

- 2.1 This Policy applies to all the compliance and enforcement activities carried out by CN, associated with the broad range of legislation, regulations, guidelines, codes and standards that CN is delegated and responsible to administer and enforce. Specific legislation and delegations are outlined in [CN's register of delegations and authorisations](#)
- 2.2 This includes regulatory functions, including, but not limited to:
 - 2.2.1 development and building control
 - 2.2.2 pollution control
 - 2.2.3 environmental health
 - 2.2.4 public health and safety
 - 2.2.5 animal control
 - 2.2.6 food safety
 - 2.2.7 parking and traffic.

3 Principles

- 3.1 The following principles underpin CN's approach to compliance and enforcement:
 - 3.1.1 Accountable and transparent
 - 3.1.1.1 acting in the best interests of public health and safety and in the best interests of the environment
 - 3.1.1.2 ensuring accountability for decisions to take or not take action
 - 3.1.1.3 acting fairly and impartially and without bias or unlawful discrimination

- 3.1.1.4 providing information about compliance and enforcement priorities and reasons for decisions to improve understanding and certainty and promote trust by the regulated community
- 3.1.1.5 ensuring meaningful reasons for decisions are given to all relevant parties, particularly when there is a departure from this Policy
- 3.1.1.6 acting on any complaints or concerns about the conduct of compliance officers in accordance with CN's complaints management policy and procedures advising people and organisations subject to enforcement action of any avenues available to seek an internal or external review of a decision.
- 3.1.2 Consistent
 - 3.1.2.1 ensuring all compliance and enforcement action is implemented consistently
 - 3.1.2.2 encouraging reports about possible unlawful activity by acting reasonably in response to the circumstances and facts of each matter.
- 3.1.3 Proportional
 - 3.1.3.1 ensuring the level of enforcement action is proportionate to the level of risk and seriousness of the breach
 - 3.1.3.2 making cost-effective decisions about enforcement action
 - 3.1.3.3 taking action to address harm and deter future unlawful activity.
- 3.1.4 Timely
 - 3.1.4.1 ensuring responses to reports alleging unlawful activity and decision making in relation to those is timely.

4 Responsibility

- 4.1 CN receives numerous requests from members of the public, and various other parties and authorities to investigate concerns regarding non-compliant or unlawful activities.
- 4.2 All CN staff who deal with reports alleging unlawful activity are responsible for implementing this Policy. CN staff are also responsible for ensuring that any other possible unlawful activity identified as a result of an inspection, proactive enforcement or other activity is brought to the attention of the appropriate Service unit of CN.
- 4.3 Only CN staff with appropriate delegations can undertake investigations or compliance and enforcement action in relation to this Policy.
- 4.4 CN staff are required to:
 - 4.4.1 treat all relevant parties with courtesy and respect
 - 4.4.2 communicate with all relevant parties and provide feedback on the progress of an investigation and any reasons for delay without compromising the integrity of the investigation
 - 4.4.3 make full and proper records in relation to the assessment and investigation of reports alleging unlawful activity, including reasons for any decisions
 - 4.4.4 inform all relevant parties of reasons for decisions
 - 4.4.5 provide as much information as possible to all relevant parties about the outcomes of investigations to show that adequate and appropriate action was taken and/or is proposed to be taken in response to a report of alleged unlawful activity
 - 4.4.6 provide information to all relevant parties about any avenues to seek an internal or external review of a decision.

5 Responding to concerns about unlawful activity

- 5.1 All concerns received are initially received and assessed by CN's Customer Contact Centre or Records Section in accordance with [CN's Customer Service Request Policy](#). Concerns of a serious nature can be referred immediately to the relevant sections of CN for further assessment and appropriate response.
- 5.2 Decisions about what action should be taken by CN are made at the CN's discretion.
- 5.3 CN will endeavour to manage the expectations of people who report alleged unlawful activity. In the absence of sufficient evidence of unlawful activity, CN may be unable or at its discretion choose not to take further action. CN does not have unlimited resources and powers to deal with reports alleging unlawful activity.
- 5.4 CN expects that people who report allegations of unlawful activity will cooperate and act in good faith in respect of any investigations conducted by CN. This includes:
 - 5.4.1 providing a clear description of the problem (and the resolution sought, if relevant)
 - 5.4.2 giving all available and relevant information to CN, including any new information about the alleged activity that may become known to the person following the making of their report
 - 5.4.3 not giving any information that is intentionally misleading or wrong
 - 5.4.4 cooperating with CN's inquiries and giving timely responses to questions and requests for information
 - 5.4.5 treating CN's staff with courtesy and respect
 - 5.4.6 allowing the investigation to be completed without prematurely taking the matter to other agencies unless referred to by CN.
- 5.5 If these expectations of the individual are not met, CN may need to set limits or conditions on the continuation of the investigation or may need to restrict any further communications with the individual.
- 5.6 Any unreasonable conduct will be dealt with in accordance with the principles of the NSW Ombudsman's Managing Unreasonable Complainant Conduct Manual 2012 and [CN's Customer Complaints Handling Policy](#).

6 Investigating alleged unlawful activity

- 6.1 Not all reports alleging unlawful activity will need to be investigated. A preliminary assessment of all matters will be made to determine the priority for a response, and whether investigation or other action is required.
- 6.2 An investigation of alleged unlawful activity may take a significant amount of time to complete, particularly where the issues are complex.
- 6.3 The objective of the processes CN uses when investigating incidents of alleged unlawful activity is to:
 - 6.3.1 determine the cause of the incident
 - 6.3.2 determine if there has been a contravention of law, policy or standards
 - 6.3.3 gather evidence to the required standard to support any required enforcement action
 - 6.3.4 determine any necessary action to mitigate the possibility of reoccurrence of similar incidents.
- 6.4 Any decision not to investigate an allegation of unlawful activity will be recorded and the reasons for that decision clearly stated.

- 6.5 CN's risk management framework is used to guide the assessment and prioritisation of alleged unlawful activities. CN will prioritise matters on the basis of risk to public safety, human health and/or the environment.
- 6.6 CN's risk rating categories are low, medium, high and extreme.
- 6.7 CN allocates required resources to the investigation of extreme and high-risk activities as first priority over all other requests. Response to medium risk activities are actioned as soon as practical depending on available resources allocated to higher risk investigations.
- 6.8 Low risk activities are only allocated resources when available and after application of any specific procedures for common low risk concerns. Low risk activities include allegations relating to:
- 6.8.1 unauthorised development with low impact
 - 6.8.1.1 signs (with no safety or heritage impacts)
 - 6.8.1.2 building non-compliance
 - 6.8.1.3 home occupation/business/industry
 - 6.8.1.4 family member living in shed / garage / caravan
 - 6.8.2 stormwater nuisance
 - 6.8.3 residential (domestic) noise and odour
 - 6.8.4 dog barking and defecating
 - 6.8.5 cat nuisance.
- 6.9 Specific internal procedures and publicly available information to assist the community have been developed for the following common low risk concerns:
- 6.9.1 [stormwater nuisance \(problem solving between neighbours\)](#)
 - 6.9.2 [nuisance \(barking\) dogs](#)
 - 6.9.3 [neighbourhood \(residential\) noise](#)
- 6.10 Procedures and information provided in relation to these low risk concerns may direct community members to other relevant authorities or agencies that can assist them or to other action that they may choose to take to resolve the matter.
- 6.11 When a dispute between two neighbours is a civil matter, CN will often have no authority to resolve the issue in dispute.
- 6.12 Anonymous reports will be recorded and assessed in a similar manner. However, because it is not possible to seek clarification or additional information about a matter, it may be more difficult to evaluate the allegations and therefore these reports are less likely to warrant investigation.

7 Taking enforcement action

- 7.1 When deciding whether to take enforcement action in relation to a confirmed case of unlawful activity, CN will consider the full circumstances and facts of the matter and the public interest.
- 7.2 The following considerations will assist CN in determining the most appropriate response in the public interest:
- 7.2.1 considerations about the alleged offence and impact, including the nature, extent and severity of the unlawful activity and the seriousness of the breach
 - 7.2.2 considerations about the alleged offender, including any prior warnings or previous enforcement action taken against them, any mitigating or aggravating circumstances

- 7.2.3 considerations about the impact of any enforcement action, including the need to deter any future unlawful activity and whether the costs and benefits of taking formal enforcement action as opposed to taking informal or no action
- 7.2.4 considerations about the potential for remedy, including whether the breach can be easily remedied and whether it is likely consent would have been given for the activity if it had been sought.

8 Options for dealing with confirmed cases of unlawful activity

- 8.1 Enforcement options which may be appropriate for breaches determined to be of low, medium or high significance are set out below. It is important to remember that the following is a guide only and each case must be assessed on the particular circumstances and facts, with any decision being made on the merits.

Enforcement action	Significance of breach		
	High	Medium	Low
Prosecution	*		
Court Order	*		
Penalty Notice	*	*	*
Notice / Order / Direction	*	*	*
Letter requesting undertaking	*	*	*
Negotiated outcome		*	*
Formal caution		*	*
Warning letter		*	*
Record breach			*

- 8.2 In some cases, it may be appropriate to use more than one enforcement option. If initial enforcement action does not achieve a satisfactory outcome, it may be necessary to proceed to a higher level of enforcement response.
- 8.3 All enforcement action will be reviewed and monitored to ensure compliance with any undertakings given by the subject of enforcement action or advice, directions or orders issued by CN. Reports alleging continuing unlawful activity will be assessed and further action taken if necessary.

9 Voluntary compliance

- 9.1 CN encourages voluntary compliance by providing information to specific regulated communities that:
- 9.1.1 removes barriers to compliance, such as lack of knowledge, regarding legislative requirements and responsibilities.
 - 9.1.2 increases awareness and understanding within the regulated community on how to comply, and how levels of compliance are assessed.
 - 9.1.3 outlines the consequences of non-compliance in relation to relevant issues such as loss of reputation, health and safety and environmental impacts, financial penalties and legal action.

10 Role of CN where there is a private certifier

- 10.1 If a private certifier is appointed the Principal Certifying Authority (PCA), CN is not responsible to ensure building and construction compliance. Private certifiers have the power to issue a notice of intention to issue an order to the owner or builder to comply with the conditions of consent or rectify any breaches. A copy of any notice of intention issued by a certifier must be provided to CN.

11 Procedural fairness

- 11.1 CN officers are to act in accordance with the principles of natural justice (or procedural fairness) which include:
- 11.1.1 providing a fair hearing – allowing a person whose interests may be adversely affected by a decision to present their case
 - 11.1.2 impartiality in the decision-making process – officers are to be unbiased and not hold a vested interest in the outcome of a process
 - 11.1.3 decisions based on evidence – decisions must be based on the evidence provided, not on irrelevant issues, and there must be a rational basis upon which the decision maker has decided to accept the evidence as credible
 - 11.1.4 officers are to have regard to the 'good practice' NSW Ombudsman's enforcement guidelines.
- 11.2 In accordance with the NSW Ombudsman's enforcement guidelines, Officers will apply discretion in an impartial, consistent and fair manner, with the public interest in mind. Discretion only extends to the scope and purpose for which delegation is provided.

12 Confidentiality

- 12.1 CN will endeavour to maintain confidentiality of people who report allegations of unlawful activity. People who report allegations of unlawful activity should not expect that their identities will remain confidential from the subject of their report in all circumstances. CN may have to disclose information that identifies them in the following cases:
- 12.1.1 the disclosure is necessary to investigate the matter
 - 12.1.2 their identity has already been disclosed to the subject of their report directly or in a publicly available document
 - 12.1.3 the individual was consulted following receipt of a Government Information (Public Access) Act 2009 application and did not object to the disclosure
 - 12.1.4 the individual consents in writing to their identity being disclosed
 - 12.1.5 the disclosure is required to comply with principles of procedural fairness
 - 12.1.6 the matter proceeds to court.

Annexure A - Definitions

CEO means Chief Executive of the CN and includes their delegate or authorised representative.

References to the Chief Executive Officer are references to the General Manager appointed under the Local Government Act 1993 (NSW).

City of Newcastle (CN) means Newcastle City Council.

Compliance is the act of adhering to, and demonstrating adherence to, laws, regulations, conditions, standards and policies.

Council means the elected Council.

Enforcement activities refer to actions taken in response to contravention of laws, regulations, conditions, standards and policies.

NSW Ombudsman model policy means the Model Compliance and Enforcement Model Policy in the NSW Ombudsman's Enforcement guidelines - December 2015.

Regulated community means a community defined by their common responsibility to comply with particular laws, regulations or policies.

Report alleging unlawful activity refers to an expression of concern or a request for service in relation to alleged unlawful activity, where a response or resolution is explicitly or implicitly expected or legally required.

Unlawful activity refers to any activity or work that has been or is being carried out contrary to the below and/or fails to take required action in order to be compliant with:

- Terms or conditions of a development consent, approval, permit or licence
- An environmental planning instrument that regulates the activities or work that can be carried out on particular land
- A legislative provision regulating a particular activity or work
- A required development consent, approval, permission or licence.

Document control

Policy title	Compliance and Enforcement
Policy owner	Director Governance / Manager Regulatory, Planning and Assessment
Policy expert / writer	Environmental Health Coordinator / Paul McMurray
Associated Procedure Title (if applicable)	Stormwater nuisance (problem solving between neighbours) Nuisance (barking) dogs Neighbourhood (residential) noise
Procedure owner (if applicable)	N/A
Prepared by	Regulatory, Planning and Assessment
Approved by	Elected Council
Date approved	To be completed by Legal
Policy approval form reference	ECM#
Commencement Date	To be completed by Legal
Next revision date (date policy will be revised)	25/06/2022
Termination date	To be completed by Legal (one year post revision date)
Version	Version number (versions mean adopted versions only)
Category	Governance
Keywords	Compliance, regulation, law enforcement, illegal activities
Details of previous versions	The City of Newcastle (September 2013) Compliance Policy
Legislative amendments	N/A
Relevant strategic direction	Protected and Enhanced Environment
Relevant strategy	N/A
Relevant legislation / codes (reference specific sections)	This policy supports CN's compliance and enforcement functions associated with a wide range of legislation and codes see: The City of Newcastle - Register of Delegations and Authorisations

Other related policies / documents / strategies	Newcastle City Council (October 2016) Customer Complaints Handling Policy The City of Newcastle (2010) Customer Service Policy City of Newcastle (March 2019) Internal Review Guidelines for Penalty Notices under the Fines Act 1996
Related forms	N/A
Required on website	Yes
Authorisations	N/A

DRAFT

ITEM-49 CCL 25/06/19 - EXECUTIVE MONTHLY PERFORMANCE REPORT

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / CHIEF FINANCIAL OFFICER

PURPOSE

To report on City of Newcastle's (CN) monthly performance. This includes:

- i) Monthly financial position and year to date (YTD) performance against the 2018/19 Operational Plan as at the end of May 2019.
- ii) 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

That Council:

- 1 Receives the Executive Monthly Performance Report for May 2019.

KEY ISSUES

- 2 At the end of May 2019 the consolidated YTD actual operating position is a surplus of \$27m which represents a positive variance of \$13.3m against the budgeted YTD surplus of \$13.8m. This budget variance is due to a combination of income and expenditure variances which are detailed in **Attachment A**. The full year revised budget for 2018/19 is a surplus of \$11.7m.
- 3 The net funds generated as at the end of May 2019 is a surplus of \$24.8m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD budgeted surplus of \$6.9m. This is primarily due to a timing variance in the delivery of CN'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.
- 4 CN's temporary surplus funds are invested consistent with CN's Investment Policy, Investment Strategy, the Act and Regulations. Details of all CN funds invested under s.625 of the Act are provided in the Investment Policy and Strategy Compliance Report (section 4 of **Attachment A**).

FINANCIAL IMPACT

- 5 The variance between YTD budget and YTD actual results at the end of May 2019 is provided in the Executive Monthly Performance Report.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 6 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

- 7 The distribution of the report and the information contained therein is consistent with:
- i) CN's adopted annual financial reporting framework,
 - ii) CN's Investment Policy and Strategy, and
 - iii) Clause 212 of the Regulation and s.625 of the Act.

RISK ASSESSMENT AND MITIGATION

- 8 No additional risk mitigation has been identified this month.

RELATED PREVIOUS DECISIONS

- 9 At the Ordinary Council Meeting held on 25 September 2018 Council adopted to receive an Executive Monthly Performance Report for July to May no later than one month after the month being reported as part of the annual financial reporting framework.
- 10 The Investment Policy Compliance Report included in the Executive Monthly Performance Report includes a specific confirmation in regard to compliance with part E of the Investment Policy.

CONSULTATION

- 11 A monthly workshop is conducted with the Councillors to provide detailed information and a forum to ask questions.

BACKGROUND

- 12 The presentation of a Monthly Executive Performance Report to Council and a workshop addresses the Council resolution for monthly reporting and exceeds the requirements of the Act.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

ATTACHMENTS

Attachment A: Executive Monthly Performance Report - May 2019

Attachment A distributed under separate cover

NOTICES OF MOTION

ITEM-24 NOM 25/06/19 - PHASE OUT OF GLYPHOSATE

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

PURPOSE

The following Notice of Motion was received on Sunday 2 June 2019 from the abovenamed Councillors.

MOTION

That Council:

- 1 Notes its resolution from September 2018 regarding the use of glyphosate **(Attachment A)**.
- 2 Notes that since this resolution there have been further Court decisions in the United States.
- 3 Notes that a number of NSW Councils, including Fairfield City, Georges River Council, Willoughby, Ku-ring-gai, Sutherland Shire and Waverley Councils, have either banned or are considering banning the use of glyphosate products in their local government areas.
- 4 Notes that while the Australian regulator (the Australian Pesticides and Veterinary Medicines Authority) has indicated that products remain safe to use, provided safety directions are followed, the Andrews Government has commenced a review into its use in Victoria.
- 5 Noting that viable alternatives weedkillers exist for most application, the City of Newcastle should apply the precautionary principle and commence a phases out the use of products containing glyphosate within Council's operations, using alternate methods to control weeds wherever possible.

BACKGROUND

Nil

ATTACHMENTS

Attachment A: Council resolution from 25 September 2018
Attachment B: Sun Herald article, 2 June 2019

Attachment A

ITEM-24 NOM 25/09/18 - GLYPHOSATE AND WEED MANAGEMENT REVIEW

Councillor Mackenzie stated that he wished to move an alternate motion to the Notice of Motion printed in the business papers.

ORIGINAL MOTION

The City of Newcastle

- Notes renewed health and safety concerns about the use of glyphosate for weed management, following a \$US289 million damages claim against Monsanto in August 2018.
- Notes that the City currently uses the glyphosate-based herbicide Roundup for weed control across the local government area, including in park and road maintenance, heavily trafficked areas and within our stormwater catchments.
- Conduct a review of City of Newcastle's weed management plan, including trials of non-chemical methods, to investigate alternative weed control methods that will minimise or eliminate the use of glyphosate or glyphosate-based products, with particular regard to foliar spraying and herbicide use in riparian areas.

ALTERNATE MOTION

MOTION

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

That City of Newcastle

- Notes renewed health and safety concerns about the use of glyphosate for weed management, following a \$US289 million damages claim against Monsanto in August 2018.
- Notes that the City currently uses the glyphosate-based herbicide Roundup for weed control across the local government area, including in park and road maintenance, heavily trafficked areas and within our stormwater catchments.
- Provide a leading practice review of the use of glyphosate or glyphosate-based products in relation to:
 - Work health and safety in use, handling, transport and storage
 - Weed management.

For the Motion:

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

Against the Motion:

Councillor Church.

Carried

Attachment B

Sun-Herald, 2 June 2019, Sydney councils move to ban Roundup weed killer over cancer fears, <https://www.smh.com.au/national/sydney-councils-move-to-ban-roundup-weedkiller-over-cancer-fears-20190524-p51quo.html>

REPORT ON NOTICE OF MOTION - NOM 25/06/19 - PHASE OUT OF GLYPHOSATE

REPORT BY: CITY WIDE SERVICES

CONTACT: DIRECTOR CITY WIDE SERVICES

DIRECTOR COMMENT

Following the Council resolution in September 2018 regarding the use of Glyphosate, City of Newcastle (CN) has trialed several alternative products with the intention of minimising the use of Glyphosate products. These products include:

- Local Safe – Weed Eliminator (mainly Acetic acid)
- Bio Weed (Pine oil based)
- Slasher (Nonanoic Acid / Pelargonic Acid)
- Weed steaming

These products or processes have been used to varying degrees of success. In most instances the products have been more expensive to purchase and more labor intensive to administer. However, it is recognised the long term safety benefits need to be considered within the context of any potential negative effects from the use of Glyphosate.

The use of Glyphosate is used as a last resort and in accordance with WHS operating procedures. However, in a small number of instances it is the only, or best practice option for CN to meet its legislative obligations. Under the NSW Biosecurity Act 2015 Glyphosate is, in specific cases, the only product that is registered for use by the Australian Pesticides and Veterinary Medicines (APVMA) for chemical treatment of identified species. For example, as listed in NSW WeedWise, Pampas Grass has the only registered chemical option being Glyphosate. CN will still need to control such plants to meet its GBD (General Biosecurity Duty) requirements under the Biosecurity Act.

The Victorian Government has initiated a review into how Glyphosate products are used internally in the Victorian Department of Environment, Land, Water and Planning. It will review usage patterns, applicator safety and explore alternatives methods that can be used instead. The review is in line with risk management strategies used for all hazardous chemicals within the Department. The review was initiated as a precaution following events in the United States where groundkeepers, frequently using Glyphosate in their work, have been among successful plaintiffs against Bayer on the grounds that Glyphosate has caused their cancer.

CN will monitor the current Victorian Government review and advice provided by NSW Environmental Protection Authority (EPA) as the body with regulatory powers over pesticide use for specific and sensitive areas and the APVMA who have responsibility for assessing pesticide products and determining whether a product is safe to use. CN will review its operational practices to ensure that they remain consistent with industry standards and best practice.

RECOMMENDATION

That Council:

- 1 Notes its resolution from September 2018 regarding the use of glyphosate.
- 2 Notes that since this resolution there have been further Court decisions in the United States.
- 3 Notes that a number of NSW Councils, including Fairfield City, Georges River Council, Willoughby, Ku-ring-gai, Sutherland Shire and Waverley Councils, have either banned or are considering banning the use of glyphosate products in their local government areas
- 4 Notes that while the Australian regulator (the Australian Pesticides and Veterinary Medicines Authority) has indicated that products remain safe to use, provided safety directions are followed, the Andrews Government has commenced a review into its use in Victoria.
- 5 Phase out the use of Glyphosate, except in exceptional circumstances where our obligations under the NSW Biosecurity Act 2015 require its use.

CONFIDENTIAL REPORTS

ITEM-10 **CON 25/06/19 - TENDER - BIENNIAL SUPPLY OF PRE-CAST
CONCRETE PRODUCTS 2019/245T**

REPORT BY: **INFRASTRUCTURE AND PROPERTY**
CONTACT: **DIRECTOR INFRASTRUCTURE AND PROPERTY /
MANAGER CIVIL CONSTRUCTION AND MAINTENANCE**

REASON FOR CONFIDENTIALITY

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

- Section 10A(2)(d) of the Act provides that Council can close a meeting to consider commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.
- Section 10B(1)(a) and (b) of the Act provides that the discussion of the item in a closed meeting must only:
 - (a) include as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
 - (b) occur if the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

- A The matter relates to tenders for the supply of pre-cast concrete products for Contract No.2019/245T.
- B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers.

This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

- C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
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ITEM-11 CON 25/06/19 - TENDER - BIENNIAL HIRE OF PLANT AND EQUIPMENT 2019/247T

REPORT BY: INFRASTRUCTURE AND PROPERTY
CONTACT: DIRECTOR INFRASTRUCTURE AND PROPERTY /
MANAGER CIVIL CONSTRUCTION AND MAINTENANCE

REASON FOR CONFIDENTIALITY

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

- Section 10A(2)(d) of the Act provides that Council can close a meeting to consider commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.
- Section 10B(1)(a) and (b) of the Act provides that the discussion of the item in a closed meeting must only:
 - (a) include as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
 - (b) occur if the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

GROUND FOR CLOSING PART OF THE MEETING

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

MOTION TO PROCEED

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

- A The matter relates to tenders for the biennial hire of plant, trucks and equipment for Contract No. 2019/247T.
- 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.
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