

General Manager's Office

5 December 2014



PO Box 489, Newcastle  
NSW 2300 Australia  
Phone 02 4974 2000  
Facsimile 02 4974 2222  
Email [mail@ncc.nsw.gov.au](mailto:mail@ncc.nsw.gov.au)  
[www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)

The Hon Fred Nile MLC  
Committee Chairman  
Legislative Council Committee of Inquiry  
on the Planning Process in Newcastle  
and the Broader Hunter Region  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Sent via email only: [teresa.mcmichael@parliament.nsw.gov.au](mailto:teresa.mcmichael@parliament.nsw.gov.au)

[newcastleplanning@parliament.nsw.gov.au](mailto:newcastleplanning@parliament.nsw.gov.au)

Dear Committee Chairman

**RESPONSE TO QUESTIONS ADDRESSED TO MR KEN GOULDTHORP, GENERAL MANAGER,  
NEWCASTLE CITY COUNCIL**

Reference is made to the Committee's email request dated 25 November 2014 and subsequent letter of 28 November 2014 requesting responses on Friday 5 December 2014. The requested responses to each of the questions are set out below in the same order as posed in the Committee's email:

1. The short answer to this question is no.

Local Government Councillors, unlike the State local Members, undertake their Councillor duties on a part time basis. They are paid only a relatively small annual stipend in recognition of their part time role and most also undertake full time work. Council meetings at Newcastle are therefore conducted outside of normal working hours to facilitate this situation.

A Local Government of Newcastle's size (approximately 160,000 residents, operating budget in excess of \$250 million and in excess of 1,000 staff) receives thousands of communications per week and most correspondents see their particular issue as being very important. It is simply impractical to call an extraordinary meeting of Council and co-ordinate attendance of all Councillors at short notice for each important issue.

The Local Government Act (the Act) was changed in 1993 to segregate the role of Councillors from management and it provides a framework to ensure that important matters can continue to be addressed and Council business conducted with a part time elected Council providing strategic oversight rather than operating as a management committee.

As outlined in my letter of 21 November 2014, in my view responding as I did I respected:

- (i) The invitation of the Committee Chairman as outlined above;
- (ii) The deadlines imposed by the Committee;

- (iii) The elected Council of the City of Newcastle by ensuring a timely response was provided consistent with the decisions reached by resolution of the full elected Council and in place at that time; and
- (iv) Fulfilled my obligations as General Manager of the City of Newcastle as per the Local Government Act.

The written submission that was duly lodged with the Committee was reflective of Council as an organisation and of the resolutions that had been passed by the elected Councillors up until that time. The submission did not contain anything new that had not been previously submitted to NSW Ministers, government departments or agencies and was entirely consistent with the views of Council, as an organisation, and the resolutions that had been previously passed by the elected Council. The Committee must equally appreciate that the elected Council typically holds its Ordinary Council meeting only once per month and in the context of the October meeting, was held on 28 October, 2014, being the week following the deadline for the lodgement of the written submission on 24 October 2014.

2. Section 335 of the Act (not 355 as quoted in the question) states:

**335 Functions of general manager**

*(1) The general manager is generally responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.*

*(2) The general manager has the following particular functions:*

- *to assist the council in connection with the development and implementation of the community strategic plan and the council's resourcing strategy, delivery program and operational plan and the preparation of its annual report and state of the environment report*
- *the day-to-day management of the council*
- *to exercise such of the functions of the council as are delegated by the council to the general manager*
- *to appoint staff in accordance with an organisation structure and resources approved by the council*
- *to direct and dismiss staff*
- *to implement the council's equal employment opportunity management plan.*

*(3) The general manager has such other functions as may be conferred or imposed on the general manager by or under this or any other Act.*

In providing the response to the Commission I fulfilled my obligation under section 335 (1). This is also consistent with section 355 of the Act, which acknowledges that a Council exercises its functions through a range of means, including through its employees, and not solely through the elected Council.

In respect to the second part of question 2, I am not aware that some Councillors have expressed a view that there has not been a delegation to the General Manager that enabled me to respond in the manner that I did.

In accordance with s. 377(1) of the Act, Council resolved, on 24 September 2013, that the General Manager of Council be delegated to exercise and/or perform Council's functions under all acts and

regulations in force and as amended from time to time subject to [any condition or limitation or exclusions not here relevant]. A copy of the Instrument of Delegation to the General Manager is attached. Accordingly, there is no question that I had the requisite authority and responsibility to prepare and lodge the Council submission that was appropriately lodged with the Committee on Friday, 24 October 2014. This conclusion is also unambiguously supported by s. 49 of the Interpretations Act, 1987 (NSW) and the recent judgement handed down by White J on 31 October 2014 in New South Wales Supreme Court case *Newcastle Airport Pty Ltd v Chief Commissioner of State Revenue [2014] NSWSC 1501*.

In light of the above, it follows that I have fully complied with the requirements of section 335(2) of the Act by having acted in accordance with the terms of the Instrument of Delegation to the General Manager.

3. The statement in the question that “at the September and October meetings of Council it was agreed that a letter should be sent to the Minister for Transport, to communicate to her, that cutting the railway line would make it impossible for Council to meet their public transport targets” is a misrepresentation of what actually occurred.

It appears that statement above is a re-presentation, utilising some literary licence, of the following resolution:

**ITEM-82 CCL 23/09/14 - EXHIBITION OF DRAFT NEWCASTLE TRANSPORT STRATEGY**

**MOTION**

*Moved by Cr Crakanthorp, seconded by Cr Doyle*

- 1 *Council place the draft Newcastle Transport Strategy (Attachment A) on public exhibition for a period of 28 days.*
- 2 *That the amended report come back to Council for endorsement following the exhibition period.*
- 3 *Council notes that the goal of increasing public transport use by 400% will be extremely difficult unless the rail line to Newcastle is kept open. That the General Manager write to the NSW Government signalling our commitment to increasing public transport usage and advising that achievement of this goal will be made extremely difficult if the rail line to Newcastle is cut.*

The minutes also record:

*The Deputy Lord Mayor gave note notice of a Rescission Motion in respect of paragraph 3 of the resolution.*

Section 372 (2) of the Act states:

*If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried; the resolution must not be carried into effect until the motion of rescission has been dealt with.*

The submission to the Committee was made by the deadline of 24 October 2014 and prior to the next Council meeting on 28 October at which the motion to rescind was addressed. Consequently the September resolution could not be taken into consideration in the submission.

Additionally, the motion in respect to the Newcastle Transport Strategy did not of itself materially alter Council's position in respect to supporting the State Governments Newcastle Urban Renewal Strategy generally.

4. I have seen a draft broad concept plan of a possible layout of public domain along the corridor. This was produced at a meeting with UrbanGrowth NSW (UGNSW) in the context of discussing of the possibility of establishing a significant regional playground to the northwest of the Newcastle Railway Station. I do not have a copy of the concept plan.

5. I attended two or possibly three meetings with representatives of GPT, HDC and UGNSW in the Lord Mayor's reception room. I believe HDC produced meeting notes. These were not provided to Council members. It is not Council's practice to provide notes or minutes of every meeting attended by the Lord Mayor, General Manager or other staff to the elected Council. Only the minutes of formal Council meetings and Committees are routinely provided to elected Councillors.

6. At the date of lodgement of the submission I was aware that the McCloy Group administrative office was located on King Street and that the former Lord Mayor had an interest in the Lucky Country Hotel on Hunter Street.

7. In my view, no conflict of interest exists with the Lord Mayor introducing a broad based policy position resolution as he did on 25 February 2014 and his ownership of property within the CBD. The resolution of 25 February 2014 introduced by the Lord Mayor Minute merely states a position of the support of economic development and partnering with the New South Wales Government to deliver and support the State Government's Newcastle Urban Renewal Strategy. Furthermore, this was consistent with the general theme of earlier Council decisions adopted from 2008 and not a significant change in direction.

8. No. As advised in question 7 I was not aware of any conflict of interest. Furthermore, the onus is on individual Councillors to determine if they have a conflict or potential conflict. Nothing from my personal experience of working with the former Lord Mayor McCloy ever raised a suspicion that his actions in his capacity as Lord Mayor were motivated by anything other than a genuine desire to advance the best interests of Newcastle.

9. Not applicable. Refer to 8.

10. Refer to the answers to questions 7 and 8.

11. I have located a copy of Council's advertisement for the Executive Assistant – Lord Mayor's Office role that was advertised internally only and which had a closing date of 13 September 2013.

(Refer to the copy attached together with the copy of the Position Description (PD) for that role). The Organisation Context of Position section of the PD does state that the Lord Mayor's Office "manages the political, strategic and tactical day to day business of the incumbent Lord Mayor". It relevantly goes on to state that:

*"The office interfaces with a number of stakeholder groups on behalf of the Lord Mayor including the general public, Newcastle Councillors, Council staff, the media, State and Federal politicians and visiting dignitaries. This multi-faceted portfolio requires a high degree of professionalism."*

The above additional statement puts the Committee's quoted statement in proper context.

The Chief of Staff's more specific position description does not contain any statement in the Organisation Context of Position concerning "political, strategic, and tactical day to day business."

12. The maintenance of Lord Mayor's Office is consistent with the terms of Council's Payment of Expenses and Provision of Facilities to Councillors Policy which complies with the requirements of section 252 of the Local Government Act. Indeed, Council's policy complies with and is based on, and fulfils the requirements of, the Local Government (General) Regulation 2005; Guidelines for the Payment of Expenses and the Provision of Facilities to Lord Mayors and Councillors (October 2009); Circular 27-11 (21 November 2011) Findings from the Review of Councillor Expenses and Facilities Policies and ICAC's November 2002 report – No Excuse for Misuse). Specifically, Clause 23. 2 of Council's Policy states:

*"The General Manager will make Council Officers available to assist the Lord Mayor to attend to Official Business in accordance with Council's organisational structure, budget allocation and the Lord Mayor's delegations."*

I am advised that staffing numbers in the Lord Mayor's Office has remained constant for at least the last 15 years covering the terms of a number of different Lord Mayors.

Likewise, the newly elected Lord Mayor, Councillor Nelmes, has continued to receive access to exactly the same two supporting staff personnel that worked in the previous Lord Mayor's Office. My understanding is that The City of Sydney's Lord Mayor's Office has approximately 23 full time staff personnel and a Chief of Staff, whilst the Parramatta City Council's Lord Mayor's Office has 8 full time staff and a Chief of Staff.

13. Councillor Doyle's Notice of Motion was received by Council staff via email on 7 August 2014 to be included on Council's Agenda for the Ordinary Council Meeting that was scheduled to be held on 26 August 2014.

The then Lord Mayor tendered his written resignation on 17 August 2014. Councillor Doyle's proposed Notice of Motion therefore had been overtaken by subsequent events such that by the time of the Council meeting on 26 August 2014, the issue had become wholly redundant. Councillor Doyle did not raise her request for the Notion of Motion at the Council Meeting held on 26 August 2014.

#### **ADDITIONAL INFORMATION**

Councillor Doyle's testimony given at the Committee of Inquiry's hearing held on 21 November 2014, specifically at page 31 of the uncorrected transcript, that Council failed to do its duty with respect to the handling of the draft State Environmental Planning Policy (Newcastle City Centre) that was gazetted in

July 2014 is categorically incorrect and is a misrepresentation of the true position. My submission dated 24 October 2014 makes this abundantly clear. For the benefit of Committee in its deliberations, attached, is a copy of Council's report and the minutes of the Extraordinary Council meeting held on 25 March 2014 which provides a succinct trail of evidence which is self-explanatory. Councillor Doyle's constant reference to:

*"A mayoral minute, we thought, was just a mayoral minute..."*

is grossly misleading and disingenuous and fails to acknowledge and recognise that Council resolved to approve the Lord Mayoral Minute and it became a validly passed resolution of Council and remains so to-date.

The Committee needs to be aware that the Lord Mayoral Minute – Commitment to the Continuing Revitalisation and Future Prosperity of the City of Newcastle was presented to Council at the Ordinary Council meeting held on 25 February 2014. That minute was put to the Council, and the motion proposed therein adopted by Council by a majority vote of the elected Councillors. As such, the motion became a formal resolution passed by Council.

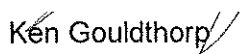
At the subsequent Ordinary Council meeting held on 25 March 2014, Council considered a rescission motion presented via a Notice of Motion signed by Councillors Nelmes, Dunn, Posniak and Crakanthorp, to rescind the earlier Council resolution was considered by Council. That rescission motion was defeated by the majority of Council and the original Council resolution that was adopted on 25 February 2014 was re-affirmed. Council's minutes record the outcome of Council decision as follows:

*"Council decision in respect of Item 1 LMM 25/02/14 – Commitment to the continuing revitalisation and future prosperity of the City Of Newcastle from Ordinary Council meeting 25 February 2014 remains as resolved on that date."*

Finally, at the Extraordinary Council Meeting also held on 25 March 2014, which had been called at the written request of Councillors Doyle and Osborne to, inter alia, request the State Government reopen the public exhibition period for the draft SEPP (Newcastle City Centre), Council did not adopt the proposed motion and again resolved, for a third time, to reaffirm its support for the revitalisation of the Newcastle city centre.

Copies of the relevant extracts of Council's minutes for the meetings held on 25 February 2014 and 25 March 2014 at which Council's resolution arising from the former Lord Mayor's Lord Mayoral Minutes was approved are attached.

Yours sincerely 

  
**GENERAL MANAGER**

**Attachments:**

**Executive Assistant – Lord Mayor’s Office – Advertisement (Internally only)**

**Executive Assistant – Lord Mayor’s Office – Position Description**

**A-B-C-D – Rescission Motion LMM 24 February 2014 City Centre**

**A Copy of the Instrument of Delegation to the General Manager**



cooperation respect excellence wellbeing

## EXECUTIVE ASSISTANT - LORD MAYOR'S OFFICE

Position No: NCC1177

Advertised Internally Only

### The City of Newcastle as an Employer

The City of Newcastle provides a broad range of services to the community. It is a place where customer service is a priority, innovation is encouraged and employee wellbeing is valued. It offers a diverse, challenging and dynamic working environment.

### Do you have what we need?

- Relevant qualification in Business Administration (Diploma or Degree), Office Management and or equivalent level of experience.
- Significant experience in supporting and working with senior executives.

### What will you do?

- Provide high quality, professional, confidential and accurate administrative support to deliver the integration of agreed business outcomes.
- Plan and integrate business activities through managing the Lord Mayor's diary to ensure the efficient day to day running of the office.
- Prepare correspondence and reports that include recommendations to a high standard and monitor all correspondence to ensure accuracy and compliance.

*Please refer to the Position Description for the entire scope of essential and desirable criteria which all applicants must meet, but not address at this stage.*

**Salary:** Circa Total Remuneration Rate \$77,581 pa (including super and leave loading) for a 35 hour week.

**Closing Date:** 4:00pm on Friday 13 September 2013

**Enquiries:** Contact Gillian Summers, Chief of Staff, on (02) 4974 2233.

### HOW TO APPLY

**Please scroll to the bottom of this page to apply online.**

**All applicants must meet the selection criteria.**



**The City of Newcastle proudly promotes the principles of Equal Employment Opportunity.**

**You must have the right to live and work in Australia to apply for this job. Suitable candidates may be placed on an eligibility list for future identical positions for a period of 12 months.**

**The City of Newcastle proudly promotes the values of Cooperation, Respect, Excellence and Wellbeing.**

## POSITION DESCRIPTION

<b>Position Title:</b>	Executive Assistant
<b>Business Group:</b>	Executive Management
<b>Service Element:</b>	Lord Mayor's Office
<b>Salary Point:</b>	SP12
<b>Position Reports To:</b>	Reports to the Chief of Staff for the Lord Mayor
<b>Staff Management:</b>	No direct reports
<b>Budget Responsibility:</b>	\$2,000.00
<b>Date PD Reviewed:</b>	October, 2012

### Organisation Context of Position

The City of Newcastle employs over 1,000 staff and is responsible for a local government area of 214km<sup>2</sup>. Newcastle has a population of 143,000 and is the business and cultural centre of the Hunter region, home to over 560,000 people. In the heart of the Hunter Region, Newcastle City Council has a variety of locations across the City and encompasses 4 Business Groups:

- City Assets
- Liveable City
- Future City
- City Engagement

The Executive Assistant role is working in the Lord Mayor's Office. This Lord Mayor's office manages the political, strategic, and tactical day-to-day business of the incumbent Lord Mayor – a role that is popularly elected by the residents of the Newcastle Local Government area. The office interfaces with a number of stakeholder groups on behalf of the Lord Mayor including the general public, Newcastle Councillors, Council staff, the media, State and Federal politicians and visiting dignitaries. This multi-faceted portfolio requires a high degree of professionalism.

### Code of Conduct

The City of Newcastle Code of Conduct fact sheet outlines key obligations and responsibilities under Councils Code of Conduct. Under the Code of Conduct employees must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions. Employees must treat others with respect at all times and not act in a way that brings Councils into disrepute, improper or unethical or involves intimidation, harassment or abuse.

### Values

Cooperation – We work together as an organisation helping and support each other  
 Respect – We respect diverse views and opinions and act with integrity  
 Excellence – We strive for quality and improvement in everything we do  
 Wellbeing – We develop a safe and supportive environment

### Equal Employment Opportunity

The City of Newcastle is committed to a workplace in which people are treated with fairness, dignity and respect. Council values and understands the importance of quality and diversity in the workplace and has an expectation that all employees will treat each other and members of the community with these principles.

### Occupational Health & Safety

<b>WH&amp;S Level</b>	6
-----------------------	---

For specific WH&S Responsibilities, Authorities & Accountabilities applicable to this position, the position holder shall refer to the WH&S Responsibilities, Authorities & Accountabilities matrix in the WH&S Management System. The person accepting the position will be required to sign off that they have received and understood their WH&S Responsibilities, Authorities & Accountabilities.

## Position Responsibilities

- Provide high quality, professional, confidential and accurate administrative support to deliver the integration of agreed business outcomes.
- Plan and integrate business activities through managing the Lord Mayor's diary to ensure the efficient day to day running of the office.
- Prepare correspondence and reports that include recommendations to a high standard and monitor all correspondence to ensure accuracy and compliance.
- Manage day to day correspondence and communications (such as telephone enquiries, service requests and emails) in relation to the Lord Mayor's responsibilities, including follow up and resolution of routine matters.
- Manage the registration of conferences and seminars for the Lord Mayor's Office including booking of relevant travel and accommodation.
- Manage and organise functions including arranging meetings, appointments and seminars.
- Provide high level customer service on behalf of Council and the Lord Mayor's Office, with both internal and external customers, seeking effective outcomes for all parties.
- Coordinate leave, RDO's and timesheet processes to ensure adequate staffing levels are maintained.
- Assist the Lord Mayor and Chief of Staff to implement the office's goals and objectives in an efficient and customer responsive manner.
- Assist the Chief of Staff in managing the budget including receipts, accounts receivable and accounts payable, using Council's finance system.
- Responsible for being the central knowledge base for all corporate information technology applications (ECM, SIMS, Finance One & NovoPulse), including leading the development and use of effective and efficient administrative systems, benefitting the Lord Mayor's Office.
- Research and collate all necessary briefing materials for meetings, including agenda and minutes required for meetings and functions attended by the Lord Mayor or Chief of Staff.
- Develop, implement and review administrative processes and recommend improvements within the Lord Mayor's Office based on analysis and performance integration to ensure optimal efficiency.
- Any other accountabilities or duties as directed by the Lord Mayor and Chief of Staff which are within the employee's skills and / or competence. Further, attend any training as required by the General Manager/Chief of Staff.
- Participate in project-based work as requested by the Chief of Staff.
- Organise a variety of functions on behalf of the Lord Mayor and Chief of Staff within available resources. This includes, but is not restricted to Australian Citizenship Ceremonies.

## Position Selection Criteria

### Essential

1. Relevant qualification in Business Administration (Diploma or Degree), Office Management and or equivalent level of experience.
2. Significant experience in supporting and working with senior executives.
3. Demonstrated accuracy and speed in typing.
4. Highly developed organisational time management skills with experience in meeting deadlines, attention to detail and dealing with conflicting and varied demands.
5. Strongly developed business writing skills with a demonstrated ability to compile complex correspondence and reports, while ensuring accuracy and compliance.
6. Demonstrated research and analytic skills coupled with a strong ability to problem solve, negotiate and liaise with various internal and external stakeholders.
7. Proven ability to exercise initiative and judgement, to demonstrate self sufficiency, flexibility and confidentiality.
8. Demonstrated advanced skills and knowledge of Microsoft Office Suite and the use of electronic document management systems.
9. Ability to adapt to change in the work environment due to technological development, changes in work procedures and organisational change.

### Highly Desirable

1. Demonstrated capacity to identify and participate in organisational change strategies, service delivery and policy reform.
2. Ability to understand and implement Council policies, procedures and systems relevant to the position.

**ORDINARY COUNCIL MEETING  
9 DECEMBER 2014**

---

**CCL 9/12/14**

**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**ATTACHMENT A – EXTRACT OF THE RESOLUTION PASSED BY THE  
STRATEGIC POLICY COMMITTEE OF COUNCIL ON DECEMBER 2 2008**

## PROCEDURAL MOTION

**RESOLVED:** (Councillor M Jackson

The motion be put.

Councillor Nelmes was then asked to exercise her right of reply.

The motion was then put to the meeting and the Lord Mayor called for a division which resulted as follows:

**For the motion**        The Lord Mayor, Councillors G Boyd, A Buman, S Claydon, B Cook, T Crakanthorp, M Jackson, M King, B Luke, N Nelmes, M Osborne and S Sharpe.

**Against the motion**    Nil.

The motion was declared carried unanimously on the division of twelve votes to nil votes.

**RESOLVED: (COUNCILLORS N NELMES/B COOK)**

A    That Newcastle City Council:

- a)    Affirms our commitment to the revitalisation of the city centre as a key strategic priority for this Council.
- b)    Supports in-principle GPT's proposal to redevelop the Hunter Street Mall and acknowledges the body of work associated with this proposal.
- c)    Acknowledges the decisions regarding the inner city rail line are ultimately a matter for the State Government, who own and operate the infrastructure and land in question.
- d)    Advocates on behalf of the community and seeks State and Federal Governments to provide a viable fully integrated public transport system that considers all options to improve services, access and connectivity.
- e)    Believes that existing rail infrastructure should remain in place until such time as a fully costed and funded alternate plan for a viable integrated public transport system is approved for implementation.
- f)    Supports the retention and continuing utilisation of a dedicated transport corridor (which is currently zoned "transport corridor" by Council) in the inner city and does not support the sale of any land along the existing corridor.
- g)    Recognises the need to provide improved access and connectivity between the foreshore and the city and will work with the State Government to provide additional pedestrian and vehicular crossings across the transport corridor as part of the plan.

**ORDINARY COUNCIL MEETING  
9 DECEMBER 2014**

---

**CCL 9/12/14**

**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**ATTACHMENT B – EXTRACT OF THE RESOLUTION PASSED AT THE  
ORDINARY COUNCIL MEETING HELD ON 25 FEBRUARY 2014**

## CITY OF NEWCASTLE

Ordinary Council Meeting 25 February 2014

Page 3

### CONFIRMATION OF PREVIOUS MINUTES

#### MINUTES - ORDINARY COUNCIL MEETING 10 DECEMBER 2013

##### MOTION

Moved by Cr Doyle, seconded by Cr Osborne

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

**Carried**

### LORD MAYORAL MINUTE

#### ITEM-1 LMM 25/02/14 – COMMITMENT TO THE CONTINUING REVITALISATION AND FUTURE PROSPERITY OF THE CITY OF NEWCASTLE

##### MOTION

Moved by Lord Mayor

- 1 Council is committed to driving the future prosperity of the City of Newcastle by:
  - (a) Fostering and supporting economic development and job creation
  - (b) Partnering with the NSW State government to deliver the Newcastle Urban Renewal Strategy and various catalyst projects and infrastructure initiatives, which will stimulate activity, jobs, development and investment in the City.
  - (c) Supporting the growth of the Port of Newcastle including the proposed Terminal 4, which is essential to ensure the long term benefits of the coal industry are maintained well into the future provided that the environmental concerns have been appropriately and scientifically addressed by the approval authority.
  - (d) Working with UrbanGrowth NSW (the lead NSW State agency for the revitalisation of the City Centre) to deliver significant catalyst projects for the City's revitalisation such as the Hunter Street Mall revitalisation project with The GPT Group, which UrbanGrowth believe "has strong potential to be one of the most exciting and significant urban renewal projects in the country".
  - (e) Noting the NSW State government's decision to lease the Port of Newcastle and supporting its decision to invest some of the proceeds in truncating the heavy rail and establishing a transport interchange at Wickham while consulting with the community about the community's preferred route for light rail.



## CITY OF NEWCASTLE

Ordinary Council Meeting 25 February 2014

Page 4

### POINT OF ORDER

Moved by Cr Osborne

That Part C and Part E be ruled out of order as they relate to State Government matters.

The Lord Mayor ruled against the point of order.

### PROCEDURAL MOTION

Moved by Cr Osborne, seconded by Cr Crakanthorp

The motion be moved in seriatim.

**Defeated  
on casting vote**

The Lord Mayor put the motion.

### PROCEDURAL MOTION

Moved by Cr Nelmes

Move dissent against the Lord Mayor's ruling to put the motion.

**Defeated  
on casting vote**

#### For the Motion:

Lord Mayor, Councillors Compton, Luke, Rufo, Tierney and Waterhouse

#### Against the Motion:

Councillors Crakanthorp, Doyle, Dunn, Nelmes, Osborne and Posniak.

**Carried  
on casting vote**

## REPORTS BY COUNCIL OFFICERS

ITEM-1                    CCL 25/02/14 - EXECUTIVE MONTHLY PERFORMANCE REPORT

### MOTION

Moved by Cr Luke, seconded by Cr Tierney

The report be received.

**Carried**

**ORDINARY COUNCIL MEETING  
9 DECEMBER 2014**

---

**CCL 9/12/14**

**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**ATTACHMENT C – EXTRACT OF THE RESOLUTION PASSED AT THE  
ORDINARY COUNCIL MEETING HELD ON 25 MARCH 2014**

MINUTES OF THE ORDINARY MEETING OF THE CITY OF NEWCASTLE  
TUESDAY 25 MARCH 2014 AT 6.30PM

---

ITEM-3                    **NOM 25/03/14 - RESCISSION MOTION - ITEM-1 LMM 25  
FEBRUARY 2014 - COMMITMENT TO THE CONTINUING  
REVITALISATION AND FUTURE PROSPERITY OF THE  
CITY OF NEWCASTLE**

**COUNCILLORS:    N NELMES, J DUNN, S POSNIAK AND T CRAKANTHORP**

---

**PURPOSE**

*The following Rescission Motion was received on 25 February 2014 from the  
abovementioned Councillors:*

**MOTION**

- 1    That Council's decision in respect of Item-1 LMM 25/02/14 – Commitment to the continuing revitalisation and future prosperity of The City of Newcastle from the Ordinary Council meeting 25 February 2014 be rescinded.
  
- 2    That Council is committed to driving the future prosperity of The City of Newcastle by:
  - (a)    Fostering and supporting economic development and job creation
  
  - (b)    Partnering with the NSW State government to deliver the Newcastle Urban Renewal Strategy and various catalyst projects and infrastructure initiatives, which will stimulate activity, jobs, development and investment in the City.
  
  - (c)    Supporting the growth of the Port of Newcastle which is essential to ensure the long term benefits of the coal industry are maintained well into the future provided that the environmental concerns have been appropriately and scientifically addressed by the approval authority.
  
  - (d)    Working with UrbanGrowth NSW (the lead NSW State agency for the revitalisation of the City Centre) to deliver significant catalyst projects for the City's revitalisation such as the Hunter Street Mall revitalisation project with The GPT Group, which UrbanGrowth believe "has strong potential to be one of the most exciting and significant urban renewal projects in the country". Ensure that any changes in building heights in the east end are publicly exhibited.

MINUTES OF THE ORDINARY MEETING OF THE CITY OF NEWCASTLE  
TUESDAY 25 MARCH 2014 AT 5.30PM

---

- (e) Noting the NSW State government's decision to lease the Port of Newcastle and advocate that the total proceeds from the sale of the port privatisation are spent in the Hunter. Port proceed should address local major infrastructure projects like Stage 5 of the inner city by pass, the Art Gallery redevelopment, inner city car parking, improved public transport with a plan for light rail that encompasses the lower hunter not just 3 stops.

**ATTACHMENTS**

- Attachment A:** Item-1 LMM 25/02/14 - Commitment to the continuing revitalisation and future prosperity of The City of Newcastle.
- Attachment B:** Council's resolution in respect to Item-1 LMM 25/02/14 - Commitment to the continuing revitalisation and future prosperity of The City of Newcastle.

## Attachment A

**SUBJECT: LMM 25/02/14 – COMMITMENT TO THE CONTINUING  
REVITALISATION AND FUTURE PROSPERITY OF THE CITY  
OF NEWCASTLE**

---

### PURPOSE

This is an exciting time for the City of Newcastle. We are seeing increased investment, development and people in our City and this trend is set to increase with many urban renewal projects reaching their delivery stage.

At this time, it is essential that Council signals its commitment to the continuing revitalisation and future prosperity of our City.

### RECOMMENDATION

- 1 Council is committed to driving the future prosperity of the City of Newcastle by:
  - (a) Fostering and supporting economic development and job creation
  - (b) Partnering with the NSW State government to deliver the Newcastle Urban Renewal Strategy and various catalyst projects and infrastructure initiatives, which will stimulate activity, jobs, development and investment in the City.
  - (c) Supporting the growth of the Port of Newcastle including the proposed Terminal 4, which is essential to ensure the long term benefits of the coal industry are maintained well into the future provided that the environmental concerns have been appropriately and scientifically addressed by the approval authority.
  - (d) Working with UrbanGrowth NSW (the lead NSW State agency for the revitalisation of the City Centre) to deliver significant catalyst projects for the City's revitalisation such as the Hunter Street Mall revitalisation project with The GPT Group, which UrbanGrowth believe "has strong potential to be one of the most exciting and significant urban renewal projects in the country".
  - (e) Noting the NSW State government's decision to lease the Port of Newcastle and supporting its decision to invest some of the proceeds in truncating the heavy rail and establishing a transport interchange at Wickham while consulting with the community about the community's preferred route for light rail.

**Attachment B**

**ACTION ITEM**

Ordinary Council  
25 February 2014

**SUBJECT: LMM 25/02/14 – COMMITMENT TO THE CONTINUING  
REVITALISATION AND FUTURE PROSPERITY OF THE CITY  
OF NEWCASTLE**

**MOTION**

Moved by Lord Mayor

- 1 Council is committed to driving the future prosperity of the City of Newcastle by:
  - (a) Fostering and supporting economic development and job creation.
  - (b) Partnering with the NSW State government to deliver the Newcastle Urban Renewal Strategy and various catalyst projects and infrastructure initiatives, which will stimulate activity, jobs, development and investment in the City.
  - (c) Supporting the growth of the Port of Newcastle including the proposed Terminal 4, which is essential to ensure the long term benefits of the coal industry are maintained well into the future provided that the environmental concerns have been appropriately and scientifically addressed by the approval authority.
  - (d) Working with UrbanGrowth NSW (the lead NSW State agency for the revitalisation of the City Centre) to deliver significant catalyst projects for the City's revitalisation such as the Hunter Street Mall revitalisation project with The GPT Group, which UrbanGrowth believe "has strong potential to be one of the most exciting and significant urban renewal projects in the country".
  - (e) Noting the NSW State government's decision to lease the Port of Newcastle and supporting its decision to invest some of the proceeds in truncating the heavy rail and establishing a transport interchange at Wickham while consulting with the community about the community's preferred route for light rail.

**Carried**

## MOTION

Moved by Cr Nelmes, seconded by Cr Crakanthorp

1. Council's decision in respect of Item 1 LMM 25/02/14 – Commitment to the continuing revitalisation and future prosperity of The City of Newcastle from the Ordinary Council meeting 25 February 2014 be rescinded.
2. Council is committed to driving the future prosperity of The City of Newcastle by
  - (a) Fostering and supporting economic development and job creation
  - (b) Partnering with the NSW State government to deliver the Newcastle Urban Renewal Strategy and various catalyst projects and infrastructure initiatives, which will stimulate activity, jobs, development and investment in the City.
  - (c) Supporting the growth of the Port of Newcastle which is essential to ensure the long term benefits of the coal industry are maintained well into the future provided that the environmental concerns have been appropriately and scientifically addressed by the approval authority.
  - (d) Working with UrbanGrowth NSW (the lead NSW State agency for the revitalisation of the City Centre) to deliver significant catalyst projects for the City's revitalisation such as the Hunter Street Mall revitalisation project with The GPT Group, which UrbanGrowth believe 'has strong potential to be one of the most exciting and significant urban renewal projects in the country'. Ensure that any changes in building heights in the east end are publicly exhibited.
  - (e) Noting the NSW State government's decision to lease the Port of Newcastle and advocate that the total proceeds from the sale of the port privatisation are spent in the Hunter. Port proceed should address local major infrastructure projects like Stage 5 of the inner city by pass, the Art Gallery redevelopment, inner city car parking, improved public transport with a plan for light rail that encompasses the lower hunter not just 3 stops.

## PROCEDURAL MOTION

Moved by Cr Doyle, seconded by Cr Osborne

Parts one and two of the motion be moved seriatim.

**Defeated**

MINUTES OF THE ORDINARY MEETING OF THE CITY OF NEWCASTLE  
TUESDAY 25 MARCH 2014 AT 5.30PM

---

The motion moved by Councillors Nelmes and Crakanthorp was put to the meeting.

**Defeated**

Note: Council's decision in respect to Item-1 LMM 25/02/14 – *Commitment to the continuing revitalisation and future prosperity of The City of Newcastle* from the Ordinary Council meeting 25 February 2014 remains as resolved on that date.



**ORDINARY COUNCIL MEETING  
9 DECEMBER 2014**

---

**CCL 9/12/14**

**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**ATTACHMENT D – EXTRACT OF THE RESOLUTION PASSED AT THE  
EXTRAORDINARY COUNCIL MEETING HELD ON 25 MARCH 2014**

## 7 REPORTS TO COUNCIL

ITEM-27 CCL 25/03/14 - URBAN RENEWAL IN NEWCASTLE -  
PROPOSED CHANGES TO THE LEP AND DCP

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

---

### PURPOSE

To provide a response to the request for an extraordinary Council meeting submitted by Councillors Doyle and Osborne (**Attachment A**). The request relates to proposed changes to the Local Environmental Plan and the Development Control Plan.

### RECOMMENDATION

- 1 Council note the report and reaffirm its support for the revitalisation of the Newcastle city centre.

### KEY ISSUES

- 2 Newcastle City Council reinforced its commitment to city centre revitalisation at its meeting on 25 February 2014. The resolution included (full wording at paragraph 19):

*"Partnering with the State Government to deliver the Newcastle Urban Renewal Strategy and various catalyst projects and infrastructure initiatives which will stimulate activity, jobs, development and investment in the city"*

- 3 This marks Council's ongoing commitment to revitalisation evidenced by:
  - Adoption of the Hunter Street Revitalisation Masterplan in December 2010;
  - Commitment of \$3M to city centre projects in 2010-11 budget;
  - Participating with Department for Planning and Infrastructure in the preparation of the Newcastle Urban Renewal Strategy during 2011 to present;
  - Including the city centre as one of four key projects for the city to be funded by a special rate variation;
  - Appointment of a city centre program coordinator in October 2012;
  - Delivery of projects including the Façade Improvement Program, Christmas in the City and various place making initiatives.

MINUTES OF THE EXTRAORDINARY MEETING OF THE CITY OF NEWCASTLE  
TUESDAY 25 MARCH 2014 AT 8.12PM

---

- 4 The current phase of activity commenced in December 2010, when a State Environmental Planning Policy (SEPP) was gazetted including Newcastle as a designated urban renewal area. The SEPP itself did not contain planning or land use controls but marked the initiation of a process to develop appropriate controls specific to Newcastle.
- 5 Planning and Infrastructure staff worked with Council and Hunter Development Corporation staff to develop the draft Newcastle Urban Renewal Strategy (NURS) during 2011-12. Planning and Infrastructure also engaged consultants to investigate and advise on urban design, transport, heritage and economic feasibility. Issues specific to Newcastle CBD were considered including mine subsidence, flooding and connecting the city to the waterfront. Also taken into account were previous studies completed, including the Hunter Street Revitalisation Masterplan adopted by Council in December 2010.
- 6 The draft Newcastle Urban Renewal Strategy (NURS) was released for public comment in December 2012.
- 7 Council considered a draft submission on the NURS at its meeting on 12 March 2013. A workshop was subsequently held to allow Councillors to discuss key issues. Issues raised were incorporated in the draft submission. Opportunity was then provided for Councillors to forward written comments to officers prior to the submission being finalised and submitted. No written comments from Councillors were received.
- 8 Planning and Infrastructure staff briefed Council on key issues raised during the public comment period at a workshop on 18 February 2014 and advised that further changes to the Local Environmental Plan (LEP) would be readvertised. An overview of plans for the GPT and UrbanGrowth landholdings was also presented.
- 9 The instrument to amend the LEP and DCP documents was released by Planning and Infrastructure for public comment on 5 March 2014.
- 10 The proposed changes to the LEP can be summarised as follows:
  - Increasing the floor space ratio on the proposed University of Newcastle city campus site from 4:1 to 5:1
  - Increasing height across parts of the GPT and UrbanGrowth sites from 20m to 65m (no change in FSR)
  - Design competitions will be triggered by developments over 45m (or 13 storeys, or both) or \$5M
  - Expanded objectives for the R4 High Density Residential Zone and B3 Commercial Core zone
  - Deletion of a range of uses in the B3 zone that are not relevant to this part of the city

- 11 The Planning and Infrastructure website ([www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)) contains detailed submissions from both the University and GPT-UrbanGrowth justifying the proposed changes.
- 12 The amended DCP consolidates the three existing city centre controls in the current plan into a single with new acceptable design solutions and/or performance based criteria to ensure appropriate development forms. It recognises eight character areas to ensure local character is retained and enhanced. Council staff have assisted in the preparation of the DCP.
- 13 The Planning and Infrastructure website states that comments on the amended LEP were required by 21 March 2014; and the DCP by 4 April 2014.
- 14 The City of Newcastle along with NSW Planning and Infrastructure received a National award from the Planning Institute of Australia on 18 March 2014 for The Newcastle Urban Renewal Strategy in the category of *Best Planning Ideas Award – Large*.

#### FINANCIAL IMPACT

- 15 There are no direct financial impacts for Council.

#### COMMUNITY STRATEGIC PLAN ALIGNMENT

- 16 City centre revitalisation aligns with the following strategic directions: connected city, vibrant and activated public places; liveable and distinctive built environment; and smart and innovative city.

#### IMPLEMENTATION PLAN/IMPLICATIONS

- 17 The amendment of local environmental plans and development control plans is governed by the requirements of the *Environmental Planning and Assessment Act 1979* and this process is consistent with the Act.

#### RISK ASSESSMENT AND MITIGATION

- 18 Planning and Infrastructure have proposed the changes to the LEP and the proposed DCP following comments received during community consultation on the draft NURS in 2013.

## RELATED PREVIOUS DECISIONS

- 19 On 12 March 2013, Council resolved in relation to Item 14 - Submission on Newcastle Urban Renewal Strategy and Notices of Motion Item 5 - Urban Renewal Strategy Financial Implications and Item 6 - Extension Urban Renewal Strategy Consultation lay on the table to enable written submissions from Councillors on the proposed Council submission in Item 14 by 5.00pm Tuesday 26 March 2013. *(No written comments were received)*.
- 20 On 25 February 2014, in response to a Lord Mayoral Minute, Council resolved:
- Council is committed to driving the future prosperity of the City of Newcastle by:
- (a) Fostering and supporting economic development and job creation.
  - (b) Partnering with the NSW State government to deliver the Newcastle Urban Renewal Strategy and various catalyst projects and infrastructure initiatives, which will stimulate activity, jobs, development and investment in the City.
  - (c) Supporting the growth of the Port of Newcastle including the proposed Terminal 4, which is essential to ensure the long term benefits of the coal industry are maintained well into the future provided that the environmental concerns have been appropriately and scientifically addressed by the approval authority.
  - (d) Working with UrbanGrowth NSW (the lead NSW State agency for the revitalisation of the City Centre) to deliver significant catalyst projects for the City's revitalisation such as the Hunter Street Mall revitalisation project with The GPT Group, which UrbanGrowth believe "has strong potential to be one of the most exciting and significant urban renewal projects in the country".
  - (e) Noting the NSW State government's decision to lease the Port of Newcastle and supporting its decision to invest some of the proceeds in truncating the heavy rail and establishing a transport interchange at Wickham while consulting with the community about the community's preferred route for light rail.

## CONSULTATION

- 21 The draft Newcastle Urban Renewal Strategy was released for public comment between December 2012 and April 2013.
- 22 A Councillor workshop on the draft Newcastle Urban Renewal Strategy was held on 4 April 2013, to allow discussion of key issues prior to a Council submission being lodged.

- 23 Planning and Infrastructure staff held a workshop with Councillors on 18 February 2014, to outline the proposed amendments currently being advertised. Consultants for GPT also provided an overview of their redevelopment plans and talked through the justification for the requested changes.

#### OPTIONS

##### Option 1

- 24 The recommendation as at Paragraph 1.

##### Option 2

- 25 Council not support the proposed changes to the Local Environmental Plan or Development Control Plan. This could negatively impact on city centre development potential and not provide the stimulus required for new investment, development, facilities and employment opportunities for Newcastle. This is not the recommended option.

#### BACKGROUND

- 26 Nil.

#### REFERENCES

#### ATTACHMENTS

- Attachment A Call for Extraordinary Council Meeting from Councillors Doyle and Osborne

Dear Lord Mayor

Pursuant to clauses 7.1.3 and 7.2, of Newcastle Council's Code of Meeting Practice, we, the undersigned, hereby request that you call an Extraordinary Meeting of Newcastle Council as outlined below.

An extraordinary Council Meeting on the draft SEPP (Newcastle City Centre) 2014 and DCP 2012 Amendment (Newcastle City Council) currently on exhibition

The purpose for which we call this meeting is to allow the elected council to:

- Receive an updated briefing, in open council or open committee of the whole, on proposed changes to current land use and planning controls;
- Discuss the potential social, environmental and economic impacts that the proposed changes will have on the City of Newcastle;
- Discuss the potential impact the changes will have on Newcastle's scale, character, built form and heritage; and
- Discuss the potential implications of the proposed changes to Newcastle's LEP and DCP in relation to Council's responsibilities for implementing the new planning instruments.

### **Background**

The changes proposed in the draft amendment to the Urban Renewal SEPP will have a major impact on Newcastle's planning instruments. The proposed changes include altering the controls in Newcastle's LEP for building heights and FSRs throughout the city centre, most dramatically in the Hunter St mall area. These changes to the cityscape differ significantly from those outlined in the *Newcastle Urban Renewal Strategy 2012*.

The draft amendment to the SEPP has been placed on public exhibition for only 16 days, draft changes to the DCP for one month. Council has never met to consider these documents.

The next scheduled ordinary meeting of council does not occur until Tuesday 25 March, which would preclude the elected council from having meaningful discussion and input into these very significant changes to our city's character and future.

**Community consultation**

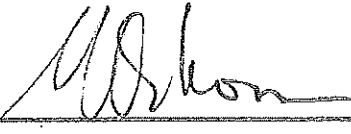
The state government has made much of its intention to consult the community in the strategic preparatory stages of the planning process. Furthermore, in the lead-up to the last election, Barry O'Farrell promised that local decisions would be returned to local councils. He said in 2011 "*NSW Liberal & National Parties are committed to returning local planning powers to local communities (through their councils). We believe that local residents – through councils – are best placed to make local planning decisions affecting their suburbs.*"

The very late and very significant changes to the planning instruments governing Newcastle's city centre have not been agreed to by the community or by their local representatives.

Signed

  
\_\_\_\_\_

and

  
\_\_\_\_\_

date: 13/3/14

date: 12/3/14

Cr Therese Doyle

Cr Michael Osborne

cc General Manager



MINUTES OF THE EXTRAORDINARY MEETING OF THE CITY OF NEWCASTLE  
TUESDAY 25 MARCH 2014 AT 8.12PM

**MOTION:**

Moved by Cr Doyle, seconded by Cr Osborne

That

- 1 Council request the State Government to reopen the public exhibition period for the draft SEPP (Newcastle City Centre) 2014 for at least one month from Friday 28 March 2014.
- 2 The exhibition period for the associated DCP be extended for the same period of time as the draft SEPP.
- 3 Council organise two community briefings before the closing date for submissions on the Newcastle Development Control Plan to:
  - (a) Outline the key changes to the Newcastle Local Environmental Plan 2012 (LEP) that would arise from adoption of the recently exhibited State Environmental Planning Policy Amendment (Newcastle City Centre) 2014, compared with the current LEP 2012 and with the controls proposed in the 2012 Newcastle Urban Renewal Strategy (NURS);
  - (b) Explain how the proposed changes to the Newcastle LEP are reflected in the draft City Centre Development Control Plan currently on exhibition, and how the combination of these two instruments would work together in relation to the future development of the CBD;
  - (c) Clarify the current and future roles of the State Government and Council in relation to these two instruments and their implementation, particularly with respect to the provision of consent. The briefing should also clarify who will be the consent authority for the UrbanGrowth/GPT developments;
  - (d) Describe the extent of Newcastle City Council's future power to change its own LEP for Newcastle City Centre once the SEPP amendment has passed and there is no longer a SEPP governing Newcastle City Centre precinct.

**For the Motion:**

Councillors Grakanthorp, Doyle, Dunn, Nelmes, Osborne and Posniak.

**Against the Motion:**

The Lord Mayor, Councillors Compton, Luke, Robinson, Rufo, Tierney and Waterhouse.

**Defeated**

**MOTION**

Moved by Cr Osborne, seconded by Cr Doyle

That Council conveys its objection to the current Minister for Planning and Infrastructure and to Planning and Infrastructure NSW to those proposed changes to the Newcastle Local Environmental Plan LEP 2012 that will negatively affect Newcastle's build form, character and heritage, namely:

- 1 The change in height restrictions in East End part of the City.
- 2 Any change that adversely affects the protection of public views to and from the Christchurch Cathedral, and
- 3 Changes that add excessive bulk to developments in the Hunter Mall area.

**PROCEDURAL MOTION**

Moved by Cr Nelmes, seconded by Cr Crakanthorp

The Extraordinary Council meeting adjourn to 8 April 2014.

**Defeated**

The motion moved by Councillors Osborne and Doyle was put to the meeting.

**For the Motion:**

Councillors Crakanthorp, Doyle, Dunn, Nelmes, Osborne and Posniak.

**Against the Motion:**

The Lord Mayor, Councillors Compton, Luke, Robinson, Rufo, Tierney and Waterhouse.

**Defeated**

MINUTES OF THE EXTRAORDINARY MEETING OF THE CITY OF NEWCASTLE  
TUESDAY 25 MARCH 2014 AT 8.12PM

---

**MOTION**

Moved by Cr Luke, seconded by Cr Tierney

Council note the report and reaffirm its support for the revitalisation of the Newcastle city centre.

**For the Motion:** The Lord Mayor, Councillors Compton, Luke, Robinson, Rufo, Tierney and Waterhouse.

**Against the Motion:** Councillors Crakanthorp, Doyle, Dunn, Nelmes, Osborne and Posniak.

**Carried**

The meeting concluded at time 8.47pm.

# Instrument of Delegation to the General Manager



On 24 September 2013 the Council of the City of Newcastle (**Council**) resolved that:

- 1 The person who from time to time holds the position of General Manager of Council (**General Manager**) be delegated authority under:
  - 1.1 Section 377 of the *Local Government Act 1993* (**Act**), to exercise and/or perform Council's functions under all acts and regulations in force and as amended from time to time:
    - (a) **Subject to** any condition or limitation specified in **Schedule 1**; and
    - (b) **Excluding** those functions:
      - (i) expressly prohibited from delegation as provided in section 377 of the Act; or
      - (ii) expressly required by legislation to be exercised by resolution of Council.
  - 1.2 Section 68 of the *Noxious Weeds Act 1993*, to exercise and/or perform the functions of the local control authority.
  - 1.3 To exercise and/or perform functions delegated to Council under any instrument of delegation to Council including those set out in **Schedule 2** excluding any functions which may not be sub-delegated under the terms of the delegation.
- 2 The General Manager be delegated any function which is taken to be conferred or imposed on Council pursuant to section 381 of the Act.
- 3 The delegations in this Instrument are subject to, and are to be exercised in accordance with, the requirements of the relevant legislation, any limitations set out in **Schedule 1**, and any resolution of Council.
- 4 All previous delegations of functions the subject of this Instrument be revoked.
- 5 For the purpose of this Instrument, **function** includes powers, authorities and duties and anything ancillary or related to the exercise or performance of that function.

## SCHEDULE 1: LIMITATIONS

- |     |  |
|-----|--|
| (1) | Functions delegated to the Development Applications Committee  |
| (2) | Functions delegated to, and exercised by, the Lord Mayor   |
| (3) | Adopting strategic plans and policies. For the avoidance of doubt, this does not include any policies or plans related to the functions of the General Manager including staff, administrative or operational matters. |
| (4) | Writing off debts, rates or charges of \$10,000 or more  |
| (5) | Determining the permanent organisational structure under section 332(1) of the Act. For the avoidance of doubt, this does not include implementing transitional or temporary arrangements                              |
| (6) | Granting leases and licences over operational land, community land and land where Council is the Crown Reserve Trust Manager with an annual rent of \$150,000 (plus GST) or more                                       |
| (7) | Placing a plan or policy on public exhibition which is required by legislation to be exhibited   |
| (8) | Developing sister city relationships and forming sister city committees.   |

<b>SCHEDULE 2: INSTRUMENTS OF DELEGATION TO COUNCIL</b>		
<b>Delegator</b>	<b>Regarding</b>	<b>Instrument date</b>
Roads Transport Authority	Appointing Council Officers as authorised officers for the purposes of certain sections of the <i>Road Transport (General) Act 2005</i>	16 June 2006
NSW Food Authority	Appointment as enforcement agency under the <i>Food Act 2003</i>	19 June 2008