



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 24 September 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 September 2019

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**ORDINARY COUNCIL MEETING
24 September 2019**

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NOTE: ITEMS MAY NOT NECESSARILY BE DEALT WITH IN NUMERICAL ORDER

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - ORDINARY COUNCIL MEETING 27 AUGUST 2019

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 190827 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

Attachment A

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 27 August 2019 at 5.47pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne (*arrived 5.59pm*), D Clausen, C Duncan, J Dunn (*left the chamber 7.10pm*), B Luke, E White and P Winney-Baartz.

IN ATTENDANCE

K Liddell (Acting Chief Executive Officer), D Clarke (Director Governance), B Smith (Director Strategy and Engagement), F Leatham (Director People and Culture), A Murphy (Director City Wide Services), D Guest (Acting Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), A Jones (Chief Financial Officer), A Abbott (Manager Corporate and Community Planning), K Hyland (Manager Major Events and Corporate Affairs), J Vescio (Executive Officer, Chief Executive Office), M Murray (Policy Officer, Lord Mayor's Office), C Field (Executive Officer, Lord Mayor's Office), L Duffy (Manager Parks and Recreation), S Gately (Manager Libraries and Learning), S Grierson (Manager Transport and Compliance), T Uren (Manager Waste Services), K Neveltsen (Interim Governance and Council Executive Support Coordinator), D Mills (Media Officer), A Knowles (Council Services/Minutes) and K Sullivan (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.

MESSAGE OF ACKNOWLEDGEMENT

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

APOLOGIES

MOTION

Moved by Cr Luke

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

As there was no seconder, the motion moved by Councillor Luke lapsed.

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That apologies be noted for Councillors Church, Elliott, Mackenzie, Robinson and Rufo and that leave of absences be granted to Councillors Mackenzie and Rufo.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Luke

Councillor Luke declared a less than significant non-pecuniary conflict of interest in Item 68 - Executive Monthly Performance Report - July as the item included the re-investment of Surplus Funds Report which mentions multiple financial institutions that he had dealings with in his business. The declaration is less than significant as he noted he was not involved in determining where funds are invested and was just receiving a report.

Councillor Clausen

Councillor Clausen declared a less than significant non-pecuniary interest in Lord Mayoral Minute Item 15 - Revocation of Freeman of the City and Citizen of the Year awarded to Graeme Lawrence as he had been introduced to the former Dean Lawrence by a number of members of the congregation and had met with him on a number of occasions. The nature of the relationship was less than significant, and Councillor Clausen stated he would remain in the Chamber for discussion on the item.

Councillor Duncan

Councillor Duncan declared a less than significant non-pecuniary interest in Lord Mayoral Minute Item 15 - Revocation of Freeman of the City and Citizen of the Year awarded to Graeme Lawrence as her role with the ABC over many years involved many interviews and conversations. The matter was less than significant, and Councillor Duncan stated she would remain in the Chamber for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE MEETING 16 JULY 2019

MINUTES - ORDINARY COUNCIL MEETING 23 JULY 2019

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

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

Carried

LORD MAYORAL MINUTE

ITEM-15 LMM 27/08/19 - REVOCATION OF FREEMAN OF THE CITY AND CITIZEN OF THE YEAR AWARDED TO GRAEME LAWRENCE

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that both Freeman of the City and Citizen of the Year accolades are presented to well respected community members who display high standards of personal conduct and behaviour at all times and who have provided the uppermost level of service to Newcastle and the community;
- 2 Notes that former Dean of Newcastle Graeme Lawrence has been convicted of the aggravated sexual assault of a 15-year-old boy;
- 3 Formally revokes the 2004 Citizen of the Year accolade and rescinds the 2007 Lord Mayoral Minute to confer the Freeman of the City award on Graeme Lawrence.

For the Motion:

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

Against the Motion:

Nil.

**Carried
unanimously**

ITEM-16 LMM 27/08/19 - CITY OF NEWCASTLE ORGANICS RECYCLING

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that the City of Newcastle is currently looking to invest significantly into a Summerhill Organics Recycling Facility, which will be able to recycle 50,000 tonnes of organic waste each year;
- 2 Notes that when completed, such a facility would allow for the collection of organic waste as part of City of Newcastle's Green Bin kerbside waste collection;
- 3 In the interim period, explores opportunities to promote community composting, including grants for compost bins and worm farms and a potential option to provide a centralised organic waste collection point, as part of the EPA's *Waste Less Recycle More* funding;

- 4 Commits to maintaining a weekly general waste collection service for Newcastle residents.

**Carried
unanimously**

**ITEM-17 LMM 27/08/19 - POPULATION PROJECTIONS FOR GREATER
NEWCASTLE**

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that the NSW Department of Planning, Industry and Environment (DPIE) predict that the NSW population will grow by 2.71 million people between 2011 and 2036; while at the same time predicting that the population of the Greater Newcastle Metropolitan Area will increase by 116,000 between 2016 and 2036;
- 2 Notes the recently released Regional Australia Institute report, *Regional Population Growth: Are We Ready?* suggests that Greater Newcastle's population could increase by more than 1.2 million by 2056 if a regional growth plan was adopted by governments to more widely distribute the future settlement pattern;
- 3 Writes to Minister for Planning and Public Spaces, the Hon. Rob Stokes MP, asking for a review of the population projections for the Greater Newcastle Metropolitan Area, to ensure that appropriate planning is undertaken for service and infrastructure delivery for the community.

**Carried
unanimously**

ITEM-18 LMM 27/08/19 - INFRASTRUCTURE PRIORITY LIST UPDATE 2020

MOTION

Moved by Lord Mayor, Cr Nelmes

- 1 Notes that Infrastructure Australia's Infrastructure Priority List of nationally significant investments provides decision makers with advice and guidance on specific infrastructure investments that will underpin Australia's continued prosperity.
- 2 Notes Greater Newcastle and the Hunter Region's contribution to the national economy as the largest regional economy in Australia, ranking above Tasmania, the Northern Territory and the Australian Capital Territory in terms of economic output and driving around 28 per cent of regional NSW's total economic output and is the largest regional contributor to the State's gross domestic product;

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- 3 Notes that Infrastructure Australia Chief Executive Officer, Romilly Madew AO, has written to the City of Newcastle, seeking a submission for the next update of the Infrastructure Priority List, which will be published in February 2020.
- 4 Prepares a submission for consideration for the 2020 Infrastructure Priority List publication, outlining projects of significance to the City of Newcastle, and the Greater Newcastle Metropolitan Area (as outlined in the Greater Newcastle Metropolitan Plan 2036), the engine room of the New South Wales economy; including:
 - a. Lower Hunter Freight Corridor
 - i. Beresfield-Black Hill logistics hub (Greater Newcastle Metropolitan Plan Catalyst site)
 - ii. Light Rail extension
 - b. Newcastle Airport expansion (Greater Newcastle Metropolitan Plan Catalyst site)
 - i. Code E Runway upgrade
 - ii. Freight road and rail passenger links
 - iii. Special activation precinct
 - c. Port of Newcastle diversification (Greater Newcastle Metropolitan Plan Catalyst site)
 - i. Freight, road and rail connections
 - ii. Beresfield-Black Hill logistics hub (Greater Newcastle Metropolitan Plan Catalyst site)
 - d. Broadmeadow Sports and Entertainment Precinct (Greater Newcastle Metropolitan Plan Catalyst site)
 - i. National entertainment and sporting events
 - ii. Commonwealth Games
 - iii. Higher density housing
 - iv. Light Rail extension
 - e. Cultural Infrastructure
 - i. Newcastle Art Gallery Expansion project – to display and protect a nationally recognised collection of over 6,600 works currently valued at \$95 million.
 - f. Active Transport (walking and cycling) access in Newcastle CBD and surrounds
 - i. Richmond Vale Rail Trail

**Carried
unanimously**

REPORTS BY COUNCIL OFFICERS

ITEM-58 CCL 27/08/19 - ADOPTION OF REVISED INVESTMENT AND BORROWING POLICY

MOTION

Moved by Cr Byrne, seconded by Cr Clausen

That Council:

- 1 Adopts the revised Investment and Borrowing Policy (Policy) as at **Attachment A.**

**Carried
unanimously**

ITEM-59 CCL 27/08/19 - FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2019 TO BE REFERRED TO COUNCIL'S AUDITORS

MOTION

Moved by Cr Byrne, seconded by Cr Winney-Baartz

That Council:

- 1 Notes the preparation of CN's Financial Statements for the year ended 30 June 2019 are underway and upon completion they will be referred to CN's auditors, NSW Audit Office, for audit in accordance with the requirements of s.413(1) of the Act.
- 2 Authorises the Lord Mayor, a Councillor, the Chief Executive Officer and the Responsible Accounting Officer to sign the relevant statements in accordance with s.413(2) of the Act at the conclusion of the external audit (**Attachments A and B**).

**Carried
unanimously**

ITEM-60 CCL 27/08/19 - ADOPTION OF PUBLIC VOICE AND PUBLIC BRIEFING POLICY

MOTION

Moved by Cr Byrne, seconded by Cr Winney-Baartz

That Council:

- 1 Adopts the revised Public Voice and Public Briefing Policy.

**Carried
unanimously**

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**ITEM-61 CCL 27/08/19 - SECTION 7.12 NEWCASTLE LOCAL
INFRASTRUCTURE CONTRIBUTIONS PLAN 2019**

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

- 1 Adopt the Section 7.12 Local Infrastructure Contributions Plan 2019
(Attachment A).

For the Motion:

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

Against the Motion:

Councillor Luke.

Carried

**ITEM-62 CCL 27/08/19 - GORDON AVENUE, HAMILTON SOUTH -
INSTALLATION OF PEDESTRIAN REFUGE AND KERB BUILDOUT
NEAR ALEXANDER STREET**

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Luke

That Council:

- 1 Approve the installation of a pedestrian refuge and kerb extensions in Gordon
Avenue, Hamilton South near Alexander Street.

**Carried
unanimously**

ITEM-66 CCL 27/08/19 - ANZAC DAY SPONSORSHIP

MOTION

Moved by Cr Byrne, seconded by Cr White

That Council:

- 1 Approves a three-year sponsorship agreement for \$75,000 (excluding GST) per
annum with RSL to deliver three key ANZAC events, conditional on
requirements including annual acquittals.

**Carried
unanimously**

ITEM-67 CCL 27/08/19 - ADOPTION OF REVISED CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW POLICY

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Adopts the revised CEO Performance Review Policy as at **Attachment A.**
Carried

ITEM-68 CCL 27/08/19 - EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Clausen, seconded by Cr White

That Council:

- 1 Receives the Executive Monthly Performance Report for July 2019.
**Carried
unanimously**

ITEM-57 CCL 27/08/19 - WARD BOUNDARY PLAN AMENDMENTS ON PUBLIC EXHIBITION

MOTION

Moved by Lord Mayor Cr Nelmes, seconded by Cr Clausen

A That Council:

- 1 Place the Proposed Ward Boundary Plan (Attachment A) together with the Review of Ward Boundaries Community Discussion Paper (Attachment B) on public exhibition for a period of 42 days.
- 2 Receives a report back to Council following the public exhibition period.

B That Council:

- 1 Notes the Local Government Ward reforms being proposed by the Andrews Government in Victoria aimed at improving Councillor accountability, equity and democracy, and writes to the NSW Minister for Local Government requesting consideration of similar reforms to S224A(9) of the NSW Local Government Act.

PROCEDURAL MOTION

Moved by Cr Luke, seconded by Cr Byrne

Council vote on parts A and B in seriatim.

Carried

PART A

MOTION

Moved by Lord Mayor Cr Nelmes, seconded by Cr Clausen

That Council:

- 1 Place the Proposed Ward Boundary Plan (Attachment A) together with the Review of Ward Boundaries Community Discussion Paper (Attachment B) on public exhibition for a period of 42 days
- 2 Receives a report back to Council following the public exhibition period

**Carried
unanimously**

PART B

MOTION

Moved by Lord Mayor Cr Nelmes, seconded by Cr Clausen

- 1 Council notes the Local Government Ward reforms being proposed by the Andrews Government in Victoria aimed at improving Councillor accountability, equity and democracy, and writes to the NSW Minister for Local Government requesting consideration of similar reforms to S224A(9) of the NSW Local Government Act.

Carried

ITEM-63 CCL 27/08/19 - NEWCASTLE WRITERS FESTIVAL SPONSORSHIP

MOTION

Moved by Cr Duncan, seconded by Cr Byrne

That Council:

- 1 Approves a three-year sponsorship agreement with Newcastle Writers Festival for \$40,000 per annum (\$30,000 value-in-kind and \$10,000 cash), conditional on annual acquittals.

For the Motion:

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

Against the Motion:

Councillor Luke.

Carried

ITEM-64 CCL 27/08/19 - ADOPTION OF SPECIAL BUSINESS RATE EXPENDITURE POLICY

MOTION

Moved by Cr Clausen, seconded by Cr Dunn

That Council:

- 1 Adopts the Special Business Rate Expenditure Policy as at **Attachment A**.

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

Against the Motion: Councillor Luke.

Carried

ITEM-65 CCL 27/08/19 - ELECTRICITY TENDER

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Approves delegation under section 377 of the Local Government Act (1993) for the CEO to enter into new electricity contracts for CN and accept the tender recommendation from a public tender process for these contracts.
- 2 Provides approval for CN to move to 100% renewable electricity supply for CN operations from 2020, subject to confirmation of cost effectiveness through CN procurement processes.

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

Against the Motion: Councillor Luke.

Carried

NOTICES OF MOTION

ITEM-30 NOM 27/08/19 - OUTDOOR DINING POLICY

In moving the motion, Councillor Clausen stated he was moving the recommendation of Council officers as outlined in the business papers.

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Notes that a report will be submitted to Council for consideration by December 2019 recommending the adoption of a revised CN Outdoor Dining Policy, incorporating relevant elements of the SBC Policy, including a proposal to waive application fees for Outdoor Trading Permits from 1 January 2020, whilst retaining the existing fee for the installation of permanent footpath markers.

**Carried
unanimously**

ITEM-31 NOM 27/08/19 - YOUTH MOCK COUNCIL

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Clausen

That Council:

- 1 Notes and congratulates the Newcastle Youth Council on the Youth Mock Council held in May 2019;
- 2 Notes that the Youth Mock Council developed and adopted the following motions:
 - a. Funding for a Youth LGBTIQ Mental Health Program – Attachment A
 - b. Environment – Netting on Drains – Attachment B
 - c. Improved Public Spaces for People with Disabilities – Attachment C;
- 3 Shares these motions with the relevant Strategic Advisory Committees and Government Agencies

Carried

ITEM-32 NOM 27/08/19 - SEXISM AND HOMOPHOBIA

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Luke

That Council move Item 32 - Sexism and Homophobia to the end of the agenda.

**Carried
unanimously**

ITEM-33 NOM 27/08/19 - INNER-CITY AND NEWCASTLE EAST CYCLEWAY

MOTION

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

That Council

- 1 Notes the current lack of safe, separated cycleways from Union Street in Newcastle West to the University of Newcastle NeW Space, Hunter Street Mall and through to Newcastle East.
- 2 Notes that the Newcastle Cycling Strategy and Action Plan, and the Newcastle City Centre Cycleway Network Strategy both propose an east-west separated cycleway spine on Hunter Street as part of an inner-city cycleway network.
- 3 Notes the high level of community support for cycleways component of the West End Stage 2 Streetscape Plan as agreed by CoN at the July Ordinary meeting of Council. These concept plans included reduced traffic lanes to accommodate a separated cycleway, but noted that a future separated cycleway connection to CBD and Newcastle East was beyond the scope of the plan.
- 4 Undertake a detailed investigation, planning and design process to identify an appropriate route from the Hunter/Union Streets intersection to Newcastle East for the construction of a separated cycleway (Inner City Bike Lanes Investigation). This city-wide assessment to determine the potential of route sections will prioritise physically separated facilities and continuity.

Carried

ITEM-34 NOM 27/08/19 - FLORENCE AUSTRAL - OUR FORGOTTEN DIVA

In moving the motion, Councillor Duncan advised she was moving the recommendation of Council officers as outlined in the business papers.

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council request that the Community and Culture Advisory Committee consider appropriate mechanisms for recognising the contributions of Florence Austral to both Newcastle and the broader arts community.

PROCEDURAL MOTION

Moved by Cr Luke

That the item lay on the table until the next Ordinary Council meeting.

As there was no seconder, the motion moved by Councillor Luke lapsed.

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

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

Against the Motion: Councillor Luke.

Carried

ITEM-32 NOM 27/08/19 - SEXISM AND HOMOPHOBIA

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That City of Newcastle

- 1 Notes the letter received from the United Services Union (USU), on behalf of the employees of City of Newcastle (**Attachment A**);
- 2 Notes that sexism and homophobia are never acceptable in any workplace, including at City Hall or in the Council Chamber during meetings, which require a number of staff to attend to administer;
- 3 Reiterates its commitment to equality, and preventing homophobia and sexism;
- 4 Notes that the new OLG Model Codes restricts the use of censure provisions;
- 5 Joins City of Newcastle employees in condemning in the strongest possible terms language and behaviour that is sexist and homophobic, including recent comments attributed to Councillor Allan Robinson.

Councillor Dunn left the Chamber at approximately 7.10pm.

Councillor Luke stated that he had taken legal advice in respect to this matter and would not participate in the discussion. Councillor Luke left the Chamber at 7.11pm.

The Lord Mayor noted that with Councillor Luke's departure from the Chamber the meeting was inquorate.

PROCEDURAL MOTION

Moved by Cr Byrne, seconded by Cr Winney-Baartz

Council adjourn for five minutes to determine if any other Councillors will be attending the meeting.

Carried

Councillor Luke returned to the Chamber and Council reconvened at 7.17pm.

The Lord Mayor stated that the meeting was quorate.

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After the meeting was reconvened, the mover and seconder amended the motion to remove Part 5 from the motion.

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That City of Newcastle

- 1 Notes the letter received from the United Services Union (USU), on behalf of the employees of City of Newcastle (**Attachment A**);
- 2 Notes that sexism and homophobia are never acceptable in any workplace, including at City Hall or in the Council Chamber during meetings, which require a number of staff to attend to administer;
- 3 Reiterates its commitment to equality, and preventing homophobia and sexism;
- 4 Notes that the new OLG Model Codes restricts the use of censure provisions;

PROCEDURAL MOTION

Moved by Cr Winney-Baartz, seconded by Cr Byrne

That Council lay the motion on the table until the next Ordinary Council meeting.

Carried

The meeting concluded at 7.34pm

MINUTES - PUBLIC VOICE COMMITTEE MEETING 20 AUGUST 2019

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 190820 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

Attachment A

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 20 August 2019 at 5.30pm.

PRESENT

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

IN ATTENDANCE

K Liddell (Acting Chief Executive Officer), D Clarke (Director Governance), B Smith (Director Strategy and Engagement), F Leatham (Director People and Culture), Jo Rigby (Acting Director Infrastructure and Property), A Murphy (Director City Wide Services), D Guest (Acting Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), J Vescio (Executive Officer, Chief Executive Office), M Murray (Policy Officer, Lord Mayor's Office), A Knowles (Council Services/Minutes) and J Redriff (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.

MESSAGE OF ACKNOWLEDGEMENT

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

APOLOGIES

MOTION

Moved by Cr Byrne, seconded by Cr Winney-Baartz

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

PUBLIC VOICE SESSIONS

ITEM-1 PV 20/08/19 - DA2018/01251 - 150 DARBY STREET, COOKS HILL - MIXED USE, ONE COMMERCIAL AND 9 SHOPTOP HOUSES

Ms Louisa Connors and Ms Anne Pell addressed Council and outlined concerns and objections to the development application.

Mr Duncan Sproul, Macphail and Sproul Architects on behalf of the DA applicant, addressed Council in support of the development application.

ITEM-2 PV 20/08/19 - DA2018/01191 - 144 MARYLAND DRIVE, MARYLAND - ALTERATIONS/ADDITIONS TO MARYLAND SHOPPING CENTRE & NEW TAVERN

Mr Kieran Rooney on behalf of Maryland Care and Education Centre and Mr Danny Ristevski addressed Council and outlined concerns and objections to the development application.

Mr Alistair Young, representing Maryland Shopping Centre tenants and Mr Gavan Reynolds on behalf of the DA applicant, addressed Council in support of the development application.

ITEM-3 PV 20/08/19 - DA2015/0876.02 - 29 LAMAN STREET COOKS HILL - CHANGES TO FLOOR PLAN LAYOUT, WINDOWS & ELEVATIONS

Mr Glen Burgess and Professor John Aitken addressed Council and outlined concerns and objections to the development application.

Stuart Clarke, Oceania Clarke and Mr Chris Speek, Valley Planning on behalf of the DA applicant, addressed Council in support of the development application.

The meeting concluded at 7.44pm

REPORTS BY COUNCIL OFFICERS

ITEM-69 CCL 24/09/19 - ADOPTION OF CODE OF MEETING PRACTICE

REPORT BY: GOVERNANCE

CONTACT: DIRECTOR GOVERNANCE / ACTING MANAGER LEGAL

PURPOSE

To adopt City of Newcastle's (CN) Code of Meeting Practice.

RECOMMENDATION

That Council:

- 1 Adopts the Code of Meeting Practice at **Attachment A**.

KEY ISSUES

- 2 On 14 December 2018, a Model Code of Meeting Practice (Model Meeting Code) was prescribed under the *Local Government (General) Regulation 2005* (the Regulation) containing mandatory and non-mandatory provisions.
- 3 Council is required to adopt a Code of Meeting Practice (COMP) that incorporates the mandatory provisions of the Model Meeting Code.
- 4 Section 361 of the *Local Government Act 1993* (the Act) provides that the COMP must be placed on public exhibition for a period not less than 28 days with a period of 42 days during which submissions may be made to CN.
- 5 A public exhibition was undertaken from 27 July 2019 to 6 September 2019. No submissions from the public were received during the public exhibition period and therefore no changes have been made to the COMP.

FINANCIAL IMPACT

- 6 CN's adopted Our Budget 2019/20 provides for arrangements for Council meetings. There is no budget implication in adopting the revised COMP.

COMMUNITY STRATEGIC PLAN ALIGNMENT

7 Open and Collaborative Leadership

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

7.3a Provide opportunities for genuine engagement with the community to inform Council's decision-making.

- 7.3b Provide clear, consistent, accessible and relevant information to the community.

8 Open and Transparent Governance Strategy

- 8a Clear line of communications between members of the public and Councillors.
- 8b Established system for the efficient, effective and orderly conduct of meetings.

IMPLEMENTATION PLAN/IMPLICATIONS

- 9 The adopted COMP will be made available for Council meetings and updated on CN's website.

RISK ASSESSMENT AND MITIGATION

- 10 Adopting the Code of Meeting Practice ensures Council complies with the Act, the Regulation and the Model Meeting Code.

RELATED PREVIOUS DECISIONS

- 11 At the Ordinary Council Meeting held on 23 July 2019, Council resolved to place the Code of Meeting Practice on public exhibition for 42 days.

CONSULTATION

- 12 A public exhibition process for a period of 42 days was undertaken inviting submissions from members of the public. No submissions were received during the period.
- 13 No consultation with Advisory Committees was required.

BACKGROUND

- 14 On 14 December 2018, a Model Code of Meeting Practice (Model Meeting Code) was prescribed under the Regulation.

OPTIONS

Option 1

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

Option 2

- 16 Council does not adopt the revised Code of Meeting Practice. This is not the recommended option.

REFERENCES

- 17 Model Code of Meeting Practice for Local Councils in NSW
<https://www.olg.nsw.gov.au/sites/default/files/Model%20Code%20of%20Meeting%20Practice%20for%20Local%20Councils%20in%20NSW%202018.pdf>
- 18 Current Code of Meeting Practice
<http://www.newcastle.nsw.gov.au/getmedia/ce37bd4e-2d35-483f-b231-d1ef693f424e/Code-of-Meeting-Practice-Policy-adopted-26-Jun-2018-corrected-11-Jul-2018.aspx>
- 19 Local Government Act 1993
<https://www.legislation.nsw.gov.au/#/view/act/1993/30>
- 20 Administrative Arrangements (Administrative Changes – Public Service Agencies) Order 2019
https://gazette.legislation.nsw.gov.au/so/download.w3p?id=Regulation_2019_2019-159.pdf (see page 9)

ATTACHMENTS

Item 69 Attachment A: Code of Meeting Practice

Item 69 Attachment A:

Code of Meeting Practice Policy

September 2019

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Part A Preliminary

1 Introduction

- 1.1 The Code of Meeting Practice (**Code**) is made under section 360 of the Local Government Act 1993 (**Act**), the Local Government (General) Regulation 2005 (**Regulation**) and incorporates the mandatory provisions of the prescribed Model Code of Meeting Practice for Local Councils in NSW (**Model Meeting Code**).
- 1.2 The Code must be interpreted in a manner that is consistent with the Act, the Regulation and the Model Meeting Code. In the event of any inconsistency, the Act, Regulation, or Model Meeting Code (as the case may be) prevails to the extent of the inconsistency.
- 1.3 If a specific matter is not addressed in the Act, the Regulation, the Model Meeting Code, or the Code, the matter must be administered in accordance with a ruling from the Chairperson having regard to advice provided by the Department of Planning, Industry and Environment and/or relevant City of Newcastle (**CN**) staff.
- 1.4 Meetings should address matters of policy, strategic direction, resource allocation, statutory decisions and other appropriate Council issues. Meetings should not address the day to day management of CN, which is the responsibility of the Chief Executive Officer (CEO) under the Act.

2 Objectives

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

3 Scope

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

4 Principles

- 4.1 City of Newcastle (CN) commits itself to the following:
 - 4.1.1 **Transparent** – Decisions are made in a way that is open and accountable.
 - 4.1.2 **Informed** – Decisions are made based on relevant, quality information.
 - 4.1.3 **Inclusive** – Decisions respect the diverse needs and interests of the local community.
 - 4.1.4 **Principled** – Decisions are informed by the principles prescribed under Chapter 3 of the Act.
 - 4.1.5 **Trusted** – The community has confidence that Councillors and CN staff act ethically and make decisions in the interests of the whole community.
 - 4.1.6 **Respectful** – Councillors, CN staff and meeting attendees treat each other with respect. Councillors and CN staff are obliged to conduct themselves in accordance with the Code of Conduct.
 - 4.1.7 **Effective** – Meetings are well organised, effectivly run and skillfully chaired.
 - 4.1.8 **Orderly** – Councillors, CN staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Part B Meetings

5 Scheduling of Meetings

- 5.1 Council must meet on at least 10 occasions each calendar year with each Council Meeting being held in a different month. Council may schedule additional Council Meetings, known as Extraordinary Council Meetings.
- 5.2 Council must by resolution adopt a Meeting cycle by the first Council Meeting of each calendar year. The resolution must set out the frequency, time, date and place of Meetings. The Meeting schedule is flexible and Council may amend its adopted Meeting cycle by resolution.

6 Extraordinary Council Meetings

- 6.1 Extraordinary Council Meetings may be held in 'extraordinary' circumstances and can deal with special business or where there is so much business to be dealt with that an additional Meeting is required.
- 6.2 Extraordinary Council Meetings may be held on a scheduled Ordinary Meeting or Committee of Council Meeting night and may be called by:
 - 6.2.1 the Lord Mayor; or
 - 6.2.2 CEO; or
 - 6.2.3 the Lord Mayor if the Lord Mayor receives a request in writing signed by at least two Councillors, which includes the reason for the request.
- 6.3 If the Lord Mayor receives a request to call an Extraordinary Council Meeting in accordance with clause 6.2.3, the Lord Mayor must call the Meeting as soon as practical and no later than 14 days after receiving the request.
- 6.4 The CEO must give each Councillor notice of an Extraordinary Council Meeting in accordance with section 18. The notice must contain the reason for calling the Extraordinary Council Meeting.
- 6.5 Extraordinary Council Meetings may only deal with:
 - 6.5.1 matters stated in the notice of the Extraordinary Council Meeting;
 - 6.5.2 Lord Mayoral Minutes if notice of the Lord Mayoral Minute is included in the notice of the Extraordinary Council Meeting; and
 - 6.5.3 late items of business as provided in section 22.

7 Meeting duration and unresolved business

- 7.1 Meetings are to conclude no later than 9.30pm except where a Meeting resolves to extend the duration of the Meeting.
- 7.2 Any item of business not resolved at the close of the Meeting must be listed as an item of business at the next Meeting of the same type unless the Meeting resolves to adjourn the item of business to another day.

8 Councillor participation

- 8.1 Councillors can only participate in a Meeting if the Councillor is personally present in the Meeting room. A Councillor is present in the Meeting room if that Councillor is in the Meeting room or otherwise in sight of the Meeting (whether or not the Councillor is at the Councillors' table).
- 8.2 When participating in a Meeting, Councillors must:
 - 8.2.1 seek the leave of the Chairperson before exiting the Meeting room and indicate to the Chairperson if their absence will be temporary or if they are retiring early from the Meeting;

- 8.2.2 apologise to the Chairperson if they arrive late; and
 - 8.2.3 sit at the Councillors' table and not move around the Meeting room or sit in the gallery.
- 8.3 Every person present must remain silent while a Councillor is speaking to enable Councillors to be heard without interruption, unless otherwise permitted under this Code.

9 Quorum

- 9.1 The quorum of a Meeting is the majority of Councillors who hold office at the time of the Meeting. Councillors who are suspended from office are not counted for the purpose of quorum.
- 9.2 Clause 9.1 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a Performance Improvement Order issued in respect of Council.
- 9.3 A Meeting must be adjourned if there is no quorum:
- 9.3.1 at the commencement of the Meeting where the number of apologies received indicates that there will not be a quorum for the Meeting,
 - 9.3.2 within 30 minutes of the designated starting time of the Meeting;
 - 9.3.3 at any time during the Meeting; or
 - 9.3.4 because Councillors leave the Meeting room due to conflicts of interest.
- 9.4 If a Meeting is adjourned because there is no quorum:
- 9.4.1 the Chairperson (or in the absence of the Chairperson, the majority of Councillors present or the CEO) must adjourn the Meeting by fixing a time, date and place for the adjourned Meeting to take place; the CEO must ensure the minutes of the Meeting record the circumstances relating to the absence of a quorum and the names of the Councillors present; and
 - 9.4.2 the public will be notified of the adjourned Meeting (at minimum on CN's website).
- 9.5 A Meeting without quorum can be opened but resolutions cannot be passed at a Meeting without quorum.
- 9.6 Where, prior to the commencement of a Meeting, it becomes apparent that a quorum may not be present at the Meeting, or that the safety and welfare of Councillors, CN staff and members of the public may be put at risk by attending the Meeting because of a natural disaster (such as, but not limited to flood or bushfire), the Lord Mayor may, in consultation with the CEO and, as far as is practicable, with each Councillor, cancel the Meeting. Where a Meeting is cancelled, notice of the cancellation must be published on CN's website and using such other means as will bring notice of the cancellation to the attention of as many people as possible.

10 Apology and Leave of absence

- 10.1 All Councillors must make reasonable efforts to attend Meetings of which they are members.
- 10.2 A Councillor may make an apology if they are unable to attend a Meeting. An apology does not constitute a leave of absence.
- 10.3 A Councillor may request a leave of absence from a Meeting. If possible, the Councillor should indicate the date of the Meeting from which the Councillor intends to be absent and the grounds upon which the leave of absence is being sought.

- 10.4 A Meeting must reasonably consider granting a request and may resolve to grant a Councillor a leave of absence from a Meeting. A motion to grant a Councillor a leave of absence is a Procedural Motion.
- 10.5 If a Councillor intends to attend a Meeting despite having been granted a leave of absence, the Councillor should (if practical) give the Lord Mayor/Chairperson and CEO at least two days' notice.
- 10.6 A Councillor's civic office will become vacant if the Councillor is absent from three consecutive Ordinary Council Meetings without prior leave of the Council, or a leave of absence granted by the Council at any of the Meetings concerned, unless the Councillor is absent because they have been suspended from office under the Act, or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA of the Act.

11 Order of business

- 11.1 The general order of business of Council Meetings and Committee Meetings should be:
 - 11.1.1 Opening of the Meeting
 - 11.1.2 Acknowledgement of Country (Chairperson and all present to stand)
 - 11.1.3 Prayer (Chairperson and all present to stand)
 - 11.1.4 Apologies / Leaves of Absence
 - 11.1.5 Confirmation of minutes of previous Meeting
 - 11.1.6 Disclosures of interests
 - 11.1.7 Lord Mayoral Minutes (Council Meeting only)
 - 11.1.8 Reports from Committees of Council (Council Meeting only)
 - 11.1.9 Reports from Advisory Committees
 - 11.1.10 Reports from CN staff
 - 11.1.11 Councillor Reports
 - 11.1.12 Notices of Motion / Questions with Notice
 - 11.1.13 Petitions
 - 11.1.14 Confidential matters (public excluded)
 - 11.1.15 Close of business
- 11.2 A motion to bring a late item of business in accordance with section 22 may only be considered as the last item on the Agenda, immediately prior to the close of business.
- 11.3 The order of business at a Meeting may be altered by resolution. A motion to alter the order of business is a Procedural Motion to which only the mover can speak.
- 11.4 The Chairperson may examine the Agenda with Councillors at any time during the Meeting and deal with items of business that Councillors do not wish to debate in accordance with section 51.

12 Decisions

- 12.1 A decision on an item of business is made by way of Councillors voting on a motion which has been appropriately moved and seconded as required, A motion is successful if it is supported by a majority of votes at the Meeting.
- 12.2 Notwithstanding clause 12.1, a decision in relation to the election of Chairperson must follow the procedures set out in section 27.
- 12.3 A recommendation made in a CN staff report is, so far as it is adopted by the Meeting, a resolution of a Meeting.

- 12.4 A recommendation of a Committee of Council is, so far as it is adopted by a Council Meeting, a resolution of Council.
- 12.5 All decisions will be accurately recorded in the minutes of a Meeting at which the decision is made.
- 12.6 The CEO is to implement without undue delay the lawful decision of a Meeting.

13 Circumstances that do not invalidate decisions

- 13.1 Proceedings at a Meeting are not invalidated because of:
 - 13.1.1 a vacancy in a civic office;
 - 13.1.2 failure to give notice of the Meeting to any Councillor;
 - 13.1.3 any defect in the election or appointment of a Councillor;
 - 13.1.4 failure of a Councillor to disclose or properly manage a conflict of interest;
or
 - 13.1.5 failure to comply with the Code.

14 Resolving into a Committee of the whole

- 14.1 Council may resolve itself into a Committee of the whole at any time during a Meeting.
- 14.2 No decisions may be made while the Council is sitting as a Committee of the whole except where there is an Instrument of Delegation in place.
- 14.3 A summary of proceedings and any recommendations of a Committee of the whole must be reported by the CEO, or CN staff member designated by the CEO, to a Council Meeting where a motion to adopt the report of the Committee of the whole is required, and the outcome recorded in the minutes of the Meeting.

Part C Addressing the Meeting

15 Mode of address

- 15.1 Any person addressing a Council Meeting or Extraordinary Council Meeting must stand. Any person addressing a Committee of Council Meeting may remain seated.
- 15.2 Any person addressing a Meeting must:
 - 15.2.1 address Councillors by their official designation (such as Lord Mayor, Deputy Lord Mayor, Chairperson or Councillor);
 - 15.2.2 address the Councillors not the gallery; and
 - 15.2.3 address and speak to a member of the public or CN staff member by their designation (that is, Mr, Ms or honorary title).

16 Questions

- 16.1 A Councillor may, by way of notice of motion submitted in accordance with section 47, ask a question for response by the CEO about the performance or operations of CN.
- 16.2 A Councillor is not permitted to ask a question with notice submitted in accordance with clause 16.1 that comprises a complaint against, or implies wrongdoing by, the CEO or a CN staff member.
- 16.3 The CEO, or CN staff member designated by the CEO, may respond to a question with notice submitted in accordance with clause 16.1 by way of a report included in the Business Papers for the Meeting or orally at the Meeting.
- 16.4 During a Meeting, a Councillor may put a question in relation to the relevant item of business:
 - 16.4.1 through the Chairperson, to another Councillor;
 - 16.4.2 through the Chairperson, to the CEO; or
 - 16.4.3 with the permission of the Chairperson and the CEO, to CN staff present at the Meeting. Councillor interactions with CN staff must comply with CN policies.
- 16.5 If a question is put to a person without notice in accordance with clause 16.1, that person may choose to take the question on notice to enable reference to be made to other persons or to documents and provide a response to the next Meeting.
- 16.6 During Meetings, Councillors must put questions directly, succinctly and without argument or discussion on the question.
- 16.7 If, in the view of the Chairperson, a question is not correctly put, the Chairperson may rule the question out of order.
- 16.8 The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or CN staff.
- 16.9 Routine or non-urgent requests for information should be referred as a Councillor Service Request in accordance with CN policies.

17 Public Voice and Public Briefings

- 17.1 Any person seeking to address Council may apply to address either the Public Voice Committee or Briefings Committee.
- 17.2 Any requests to address the Public Voice Committee or Briefings Committee will be considered in accordance with CN policies.

17.3 The Public Voice Committee and Briefings Committee are Committees of the Whole and the minutes of these meetings are reported to the next Council Meeting.

Part D Notices, Agendas and Business Papers

18 Notice to Councillors of Meetings

- 18.1 The CEO must send to each Councillor a notice of Meeting specifying the following:
- 18.1.1 location of the Meeting;
 - 18.1.2 time of the Meeting;
 - 18.1.3 date on which the Meeting is to be held; and
 - 18.1.4 business proposed to be transacted at the Meeting (Agenda).
- 18.2 A notice of Meeting in accordance with clause 18.1 must be sent to Councillors:
- 18.2.1 in the case of a Council Meeting or Committee of Council Meeting, at least seven days before the Meeting; or
 - 18.2.2 in the case of an Extraordinary Meeting, at least three days before the Meeting, except where an Extraordinary Council Meeting is called because of an emergency (as determined by the Lord Mayor or CEO), three days' notice is not required.
- 18.3 The notice, Agenda and the Business Papers relating to the Meeting may be given to Councillors in electronic form, if all Councillors have facilities to access the notice, Agenda and Business Papers in that form.

19 Notice to the public of Meetings

- 19.1 Council must give notice to the public of the time, date and place of each Meeting, including Extraordinary Meetings. Notice of more than one Meeting may be given in the same notice.
- 19.2 Prior to a Meeting taking place, the notice must be published on CN's website, and in such other manner that Council is satisfied is likely to bring notice of Meetings to the attention of as many people as possible.

20 Agenda and Business Papers

- 20.1 The CEO must ensure the Agenda for a Meeting is prepared as soon as practicable before the Meeting and states:
- 20.1.1 all matters to be dealt with arising out of the proceedings of the previous Meeting including all unresolved business;
 - 20.1.2 if the Lord Mayor is the Chairperson, any matter that the Chairperson proposes, at the time when the Business Paper is prepared, to put to the Meeting as a Lord Mayoral Minute;
 - 20.1.3 all matters including matters that are the subject of CN staff reports and reports of Committee Meetings to be considered at the Meeting; and
 - 20.1.4 any business of which due notice has been given under section 47.
- 20.2 Nothing in clause 20.1 limits the power of the Lord Mayor to put a Lord Mayoral Minute to a Meeting under section 46.
- 20.3 If in the opinion of the CEO an item of business is a matter that is likely to be considered in a closed part of a Meeting in accordance with Part G:
- 20.3.1 the confidential nature of the item of business and the grounds on which the meeting will be closed is to be indicated on the Agenda;
 - 20.3.2 the confidential business may be set out in confidential Business Papers; and

- 20.3.3 the confidential business must be referred to in the general Business Papers prepared for the same Meeting.
 - 20.4 The CEO must make the Agenda and Business Papers for a Meeting available to Councillors before making the Business Papers available to members of the public.
 - 20.5 If in the opinion of the CEO, the confidential nature of an item of business listed on Agenda is such that circumstances require the CEO to take additional steps to protect the confidentiality of the item, the CEO may:
 - 20.5.1 distribute the Business Paper in hard copy only on the night of the Meeting; and
 - 20.5.2 require that Councillors return the Business Paper at the conclusion of the Meeting.
- In such circumstances notice will be included on the Agenda.

21 Availability of Agenda and Business Papers to the public

- 21.1 The CEO must make the Business Papers available on CN's website as close as possible to the time they are available to Councillors.
- 21.2 The CEO must make the Agenda and general Business Papers for a Meeting available to members of the public for inspection as soon as practicable at no cost before and during the Meeting.
- 21.3 The CEO will make the Agenda and general Business Papers for a Meeting available to members of the public for taking away at no cost if a request is lodged with CN at least 24 hours prior to the Meeting. Copies may be given or made available in electronic form.
- 21.4 Confidential Business Papers will not be made available to the public.
- 21.5 The CEO must not include in the Agenda for any Meeting any business of which due notice has been given if, in the opinion of the CEO, the business is (or the implementation of the business would be) unlawful. The CEO must report any such exclusion to the Meeting.
- 21.6 During, at the close of a Meeting, or the day after a Meeting, reasonable access must be provided to any person to inspect correspondence or reports laid on the table at, or submitted to, a Meeting that were not available prior to the Meeting, except if in relation to a matter considered in a closed part of a Meeting in accordance with Part G.
- 21.7 Clause 20.6 does not apply if the Meeting resolves, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act. Such correspondence or reports are to be marked with the applicable relevant provision of section 10A(2) of the Act.

22 Late items of business

- 22.1 For a Meeting (including an Extraordinary Council Meeting) to consider an item not listed for consideration on the Business Papers:
 - 22.1.1 the Meeting must pass a motion to have the business transacted at the Meeting; and
 - 22.1.2 the Chairperson must rule the business proposed to be brought to be of great urgency on the grounds that it requires a decision by Council before the next scheduled Council meeting.
- 22.2 A motion to consider a late item of business at an Extraordinary Council Meeting may only be considered after all other items of the Agenda have been considered.

- 22.3 A motion to consider a late item of business is a Procedural Motion in accordance with Part K.
- 22.4 Nothing in this section limits the discretion of the Chairperson in respect of Lord Mayoral Minutes provided for in section 47.

23 Report on investigation

- 23.1 When a report of an investigation conducted under Part 5 Division 1 of the Act is presented to a Meeting in accordance with section 433 of the Act, Council must ensure that the report is:
 - 23.1.1 tabled at that Meeting; and
 - 23.1.2 available for the information of Councillors and members of the public at all reasonable times.

24 Petitions

- 24.1 If a person would like a petition to be tabled at a Meeting, that person should provide the petition to the CEO by 5pm on the day 12 days before the Meeting or to a Councillor sufficiently in advance of the Meeting.
- 24.2 A petition should contain the following information:
 - 24.2.1 a clear and concise statement identifying the subject of the petition;
 - 24.2.2 a statement specifying the number of pages of the petition and the number of signatures; and
 - 24.2.3 the full printed name, address, phone number and signature of the person lodging the petition, together with the name of the organisation/group they represent (if the petition is submitted on behalf of an organisation or group).
 - 24.2.4 A copy of the petition, other than information as at 24.2.1 and 23.2.2, will not be included in Council's Business Papers, and therefore will not be made publicly available. A copy of the petition will however, be circulated to the Councillors for their information and/or to assist in performing their civic duty.

25 Lord Mayoral actions

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

Part E Chairperson

26 Chairperson of Meetings

26.1 The Chairperson of a Meeting must be:

26.1.1 the Lord Mayor;

26.1.2 the Deputy Lord Mayor; or

26.1.3 if the Lord Mayor and the Deputy Lord Mayor are absent from the Council Meeting or an Extraordinary Council Meeting, a Councillor elected to chair the Meeting by the Councillors present in accordance with section 27.

26.1.4

27 Election of Chairperson

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

27.1.1 the first item of business of the Meeting; and

27.1.2 conducted:

(a) by show of hands;

(b) by the CEO or CN staff member designated by the CEO; or

(c) if neither the CEO nor a CN staff member designated by the CEO are present, by the person who called the Meeting or a person acting on their behalf.

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

27.2.1 the person conducting the election must arrange for the names of the Councillors who have equal numbers of votes to be written on similar slips and then fold the slips to prevent the names from being seen, mix the slips and draw one of the slips at random; and

27.2.2 the Councillor whose name is on the drawn slip is the Chairperson.

28 Precedence of Chairperson

28.1 When the Chairperson rises during any Meeting:

28.1.1 any person speaking or seeking to speak must, if standing, immediately resume his or her seat; and

28.1.2 every person present must be silent to enable the Chairperson to be heard without interruption

Part F Meeting Attendance

29 Public

- 29.1 All Meetings are open to the public except those Meetings (or parts of Meetings) which are by resolution closed to the public as provided in Part G.
- 29.2 The public must act in a respectful manner and in accordance with any directions of the Chairperson.
- 29.3 A member of the public is not entitled to be present at a Meeting if that person has been expelled from that Meeting as provided in section 80.
- 29.4 If a Meeting (or part of a Meeting) is closed to the public in accordance with Part G any person who is not a Councillor who fails to leave the Meeting when requested may be expelled from the Meeting.

30 Councillors, CEO and CN staff

- 30.1 All Councillors and the CEO are entitled to attend Meetings.
- 30.2 CN staff may attend Meetings for the purpose of providing information and advice to the Meeting with the approval of the CEO.
- 30.3 A Councillor, or any other person, is not entitled to be present at a Meeting if that person has been expelled from that Meeting as provided in section 80.

31 Exclusion of the CEO or CN staff

- 31.1 A Meeting may, by resolution, exclude the CEO from part of a Meeting if the matter under consideration relates to:
 - 31.1.1 the terms and conditions of the CEO's employment; and/or
 - 31.1.2 any issue related to the CEO's performance of contract.
- 31.2 A Meeting may, by resolution, exclude CN staff from part of a Meeting if the matter under consideration at that part of the Meeting relates to CN staff employment matters or a related issue.

Part G Closing Meetings

32 Bases for closing Meetings

- 32.1 A Meeting may resolve to close all, or part, of any Meeting which is to consider:
- 32.1.1 personnel matters concerning particular individuals (other than Councillors);
 - 32.1.2 the personal hardship of any resident or ratepayer;
 - 32.1.3 information that would, if disclosed, confer a commercial advantage on a person with whom CN is conducting (or proposes to conduct) business;
 - 32.1.4 commercial information of a confidential nature that would, if disclosed:
 - (a) prejudice the commercial position of the person who supplied it;
 - (b) confer a commercial advantage on a competitor of CN; or
 - (c) reveal a trade secret.
 - 32.1.5 information that would, if disclosed, prejudice the maintenance of law;
 - 32.1.6 matters affecting the security of the Council, Councillors, CN staff or CN property;
 - 32.1.7 advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege provided that the advice concerns legal matters that:
 - (a) are substantial issues relating to a matter in which the Meeting;
 - (b) are clearly identified in the advice; and
 - (c) are fully discussed in that advice; and
 - 32.1.8 information concerning the nature and location of a place or an item of Aboriginal significance on community land; and
 - 32.1.9 alleged contraventions of CN's Code of Conduct.
- 32.2 A Meeting may close to the public so much of the Meeting as it comprises a motion to close another part of the Meeting to the public.
- 32.3 A Meeting must only remain closed during the discussion of matters referred to in this section if:
- 32.3.1 closing the Meeting is necessary to preserve confidentiality, privilege or security; and
 - 32.3.2 if the matter concerned is a matter (other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) that on balance is contrary to the public interest.
- 32.4 For the purpose of determining whether the discussion of a matter in an open Meeting would be contrary to the public interest, it is irrelevant that:
- 32.4.1 a person may misinterpret or misunderstand the discussion; or
 - 32.4.2 the discussion of the matter may:
 - (a) cause embarrassment to CN, Council, a Committee of Council, Councillors, the CEO or any CN staff; or
 - (b) cause a loss of confidence in CN, Council or a Committee of Council.
- 32.5 For the purpose of determining whether part of a Meeting is to be closed to the public, the Meeting must consider any relevant guidelines issued by the Secretary of the Department of Planning, Industry and Environment.

- 32.6 Part of a Meeting may be closed to the public without prior identification in the Agenda in accordance with section 19, if:
 - 32.6.1 it becomes apparent during the course of the Meeting that discussion of a particular matter, the item is a matter referred to in clause 32.1; and
 - 31.6.2 after consideration of any public representations made under section 34, the Meeting resolves that further discussion of the matter:
 - (a) should not be deferred (because of the urgency of the matter), and
 - (b) should take place in a part of the Meeting that is closed to the public.

33 Motion to close a Meeting

- 33.1 A motion to close a Meeting (or part of a Meeting) must indicate:
 - 33.1.1 the bases for closing the Meeting as provided in section 32; and
 - 33.1.2 a brief explanation of why discussion of the matter in an open Meeting would be, on balance, contrary to the public interest except if the matter is:
 - (a) a personnel matter concerning particular individuals;
 - (b) about the personal hardship of a resident or ratepayer; or
 - (c) a trade secret.
- 33.2 Only business stated in the motion to close the Meeting may be transacted during the closed Meeting (or part of a Meeting).
- 33.3 The motion to close the Meeting and the bases for the closure must be recorded in the minutes of the Meeting.

34 Public representations

- 34.1 Before a Meeting (or part of a Meeting) is closed, members of the public are permitted to make representations to the Meeting about whether the Meeting should be closed to the public.
- 34.2 Where the matter has been identified in the Agenda of the Meeting under section 32 as a matter that is likely to be considered when the Meeting is closed to the public
 - 34.2.1 in order to make public representations, an application must first be made to Council in the approved form. Applications must be received by 5.00pm two business days before the Meeting at which the matter is to be considered; and
 - 34.2.2 the CEO or designated CN staff member will determine the order of speakers to a maximum of two. If more than two speakers apply to make representations under section 34.1, the CEO or designated CN staff member may request the speakers to nominate from among themselves the persons who are to make representations to the Meeting. If the speakers are not able to agree on whom to nominate to make representations the CEO or designated CN staff member is to determine who will make representations to the Meeting; and
 - 34.2.3 the CEO or designated CN staff member may refuse an application and must give written reasons for a decision to refuse an application.
- 34.3 Where the Meeting proposes to close a Meeting (or part of a Meeting) to the public in circumstances where the matter has not been identified in the Agenda for the Meeting in accordance with section 19 as a matter that is likely to be considered when the Meeting is closed to the public the Chairperson is to invite public representations under clause 34.1 after the motion to close the Meeting (or part of

a Meeting) is moved and seconded. The Chairperson is to permit no more than two speakers and determine the order of speakers.

- 34.4 Public representations must be limited to two minutes per person and this time limit is to be strictly enforced by the Chairperson. Speakers must confine their representations to whether the Meeting (or part of a Meeting) should be closed to the public. If a speaker digresses to irrelevant matters, the Chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the Chairperson, the speaker will not be further heard.

35 Matters not identified as confidential

- 35.1 If a matter has not been identified in the Agenda as being heard in a closed Meeting but it becomes apparent during discussion that the matter is a matter referred to in clause 32.1, the Meeting must:
- 35.1.1 consider any public representations;
 - 35.1.2 determine (by resolution) whether the matter is a matter that can be deferred to the next Meeting; and
 - 35.1.3 if the matter cannot be deferred, determine (by resolution) to close the Meeting as provided in this Part.

36 Access to Business Papers relating to closed Meetings

- 36.1 Where a Meeting closes any part of a Meeting, the Meeting may determine (by way of resolution) to provide public access to the Business Papers and minutes on a specified date.
- 36.2 The public must not be provided with access to Business Papers and minutes of a closed Meeting (or part of a Meeting) if the Meeting considered:
- 36.2.1 personnel matters concerning particular individuals;
 - 36.2.2 the personal hardship of any resident or ratepayer;
 - 36.2.3 a trade secret;
 - 36.2.4 a matter, which if disclosed, could give rise to an action for a breach of confidence;
 - 36.2.5 a matter, which if disclosed, would constitute an offence against an Act; or
 - 36.2.6 part of a draft or adopted plan of management that is the subject of a resolution of confidentiality under section 36DA of the Act.

37 Resolutions passed at closed Meetings

- 37.1 If a Meeting passes a resolution during a Meeting (or part of a Meeting) that is closed to the public, the Chairperson must make the resolution publicly available as soon as practical after the Meeting (or part of the Meeting) has ended during a part of the Meeting that is webcast in accordance with section 43.

Part H Minutes

38 Recording Minutes

- 38.1 The CEO, or a CN staff member designated by the CEO, must ensure that full and accurate minutes of the proceedings of Meetings are kept including recording all motions, amendments and resolutions .
- 38.2 The following matters should generally be included in the minutes of a Meeting:
- 38.2.1 details of each motion moved and any amendments;
 - 38.2.2 the names of the mover and seconder of each motion and amendment;
 - 38.2.3 whether each motion and amendment is passed or lost;
 - 38.2.4 the circumstances and reasons relating to the absence of a quorum together with the names of the Councillors present;
 - 38.2.5 the dissenting vote of a Councillor, if requested;
 - 38.2.6 if a division is called, the names of the Councillors who voted for the motion and against the motion;
 - 38.2.7 the grounds for closing part of a Meeting to the public;
 - 38.2.8 the disclosure of a conflict of interest; and
 - 38.2.9 the conduct of an election and outcome of a vote held under section 27.
- 38.3 The CEO, or a Council Officer designated by the CEO, may record a Meeting by way of an electronic recording device as provided in Part I.

39 Confirmation of Minutes

- 39.1 A motion proposing the adoption of the minutes as an full and accurate statement of the business transacted at the previous Meeting must be dealt with before proceeding to consider other items of business.
- 39.2 A motion to adopt the minutes of the previous Meeting should be proposed and seconded by Councillors who were present at the Meeting to which the minutes relate.
- 39.3 Debate relating to a motion to adopt the minutes of the previous Meeting is restricted to the accuracy of the minutes as a true record of the Meeting.
- 39.4 Minutes of a Council Meeting may be confirmed at an Extraordinary Council Meeting. Minutes of an Extraordinary Council Meeting may be confirmed at a Council Meeting. Minutes of a Committee of Council Meeting should ordinarily be confirmed at the next Meeting of that Committee of Council.
- 39.5 Confirmed minutes must be published on CN's website.

40 Signature

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

41 Correction of errors

- 41.1 The confirmed minutes of a Meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the Meeting.

Part I – Recording, webcasting and photography

42 Use of mobile phones and recording of Meetings

- 42.1 **Record**, for the purpose of this section, refers to recording by any electronic device capable of recording speech including a video camera.
- 42.2 Recording a Meeting is recording the Meeting as Webcast and in Minutes and should not be a Recording of any private third party conversations or comments within the Meeting room of Councillors, CN staff, guests or members of the gallery.
- 42.3 The CEO, or a CN staff member designated by the CEO, may Record a Meeting. Recordings will only be used to ensure the accuracy of the minutes of the Meeting and as required by law.
- 42.4 Journalists or members of a recognised media organisation may Record the Meeting provided written notice has been lodged with Lord Mayor/Chairperson and CEO by 5pm on the day of the Meeting. A person may be expelled from a Meeting for Recording a Meeting without notice. Recordings may only be used for the purpose of accuracy of reporting as notes for accuracy of minutes or quotes, and are not for broadcast on any channel or device, or to be shared publicly.
- 42.5 Any other person (including members of the public) may only Record a Meeting with the authority of the Meeting. A person may be expelled from a Meeting for Recording a Meeting without authority.
- 42.6 Only Councillors, the CEO, CN staff designated by the CEO or persons permitted by law are entitled to access Recordings of Meetings.
- 42.7 Councillors are entitled to listen to or make a copy of the Recording of a Meeting for the purpose of ensuring the accuracy of the minutes of the Meeting or a purpose directly related to that purpose.
- 42.8 The Recording of a Meeting must be kept in a safe place for a minimum of 12 months from the date of the Meeting and only be destroyed in accordance with the State Records Act 1998.
- 42.9 Councillors, CN staff and members of the public must ensure that mobile phones are turned to silent during Meetings.

43 Webcasting

- 43.1 All Meetings will be Webcast on CN's website. No other person may live stream the proceedings of a Meeting.
- 43.2 At the start of each Meeting, the Chairperson must advise the Meeting room that the Meeting will be Webcast and that those in attendance should refrain from making any defamatory statements.
- 43.3 The CEO will ensure:
 - 43.3.1 persons in the Meeting room are advised that the Meeting will be Webcast by providing notification on signs in the Meeting room and such other notices as required; and
 - 43.3.2 Webcasting is terminated if:
 - (a) the Meeting is closed as provided in section in Part G; or
 - (b) the CEO or the Meeting are of the opinion that continued Webcasting may prejudice the Meeting or infringe the rights or safety of an individual.
- 43.4 A copy of the Webcast of each Meeting will be retained on CN's website for two months and may be destroyed in accordance with the State Records Act 1998.

44 Photography

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

Part J Motions

45 Chairperson's duty with respect to motions

- 45.1 The Chairperson must:
 - 45.1.1 receive and put to a Meeting any lawful motion that is brought before that Meeting; and
 - 45.1.2 rule out of order any motion or amendment that is unlawful or the implementation of which would be invalid.
- 45.2 Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to be rejected.
- 45.3 Before ruling a motion or amendment out of order, the Chairperson must give the mover an opportunity to clarify or amend the motion or amendment.
- 45.4 When a motion contrary to a recommendation of a report of a Committee or CN staff is put to a Meeting, the Chairperson must ask the CEO (before the motion is debated) whether there is any legal, technical, operational or procedural reason why the motion should not be carried.

46 Lord Mayoral Minute

- 46.1 The Lord Mayor is entitled to put to a Council or Committee of Council Meeting, without notice, in the form of a written, signed minute (**Lord Mayoral Minute**), any matter that is within the jurisdiction of Council or of which Council has official knowledge and that the Lord Mayor wishes to bring to the attention of the Meeting. The Lord Mayor is entitled to put a Lord Mayoral Minute to an Extraordinary Council Meeting if notice of the Lord Mayoral Minute is included in the notice of the Extraordinary Council Meeting.
- 46.2 A Lord Mayoral Minute must not be used to put without notice matters that are routine and not urgent (where it requires a decision by Council before the next scheduled Ordinary Council Meeting), or matters for which proper notice should be given because of their complexity.
- 46.3 The Lord Mayor may move the adoption of a Lord Mayoral Minute without the motion being seconded.
- 46.4 A recommendation made in a Lord Mayoral Minute is, so far as adopted by the Meeting, a resolution of the Meeting.
- 46.5 A Chairperson who is not the Lord Mayor is not entitled to put a Lord Mayoral Minute to a Meeting.

47 Notices of motion

- 47.1 A motion must only be considered at a Meeting if:
 - 47.1.1 notice of the motion in writing is received by the CEO by 5pm on the day 12 days before the scheduled Meeting; and
 - 47.1.2 notice of the motion has been sent to Councillors in accordance with Part D.
- 47.2 Where the notice of motion requires expenditure of funds on works and/or services other than those already provided for in Council's current adopted operational plan, the CEO may:
 - 47.2.1 arrange for the preparation of a report on the availability of funds for implementing the motion if adopted; or
 - 47.2.2 defer consideration of the matter by Council pending the preparation of such a report. Councillors will be notified in writing where a matter is to be deferred.

- 47.3 This section does not apply to the consideration of business at a Meeting if the business:
- 47.3.1 is already before or directly relates to a matter that is already before the Meeting;
 - 47.3.2 is the election of a Chairperson to preside at the Meeting;
 - 47.3.3 is put to the Meeting as a Lord Mayoral Minute; or
 - 47.3.4 is a motion for the adoption of the recommendations of a Committee of Council.
- 47.4 A Councillor may, in writing to the CEO, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the Agenda and Business Paper for the Meeting at which it is to be considered.
- 47.5 A Councillor who has submitted a notice of motion under this section may request the Meeting to withdraw the motion when it is before the Meeting. A notice of motion submitted in relation to rescission or altering of motions in accordance with clause 65.1 may only be withdrawn with the consent of all signatories to the notice of motion.
- 47.6 A Councillor who has submitted a notice of motion under this section is to move the motion that is the subject of the notice of motion at the Meeting at which it is being considered. Where the Councillor is absent, the provisions of section 54 Absence of mover of notice of motion will apply.

48 Unacceptable motions

- 48.1 The Chairperson may rule that a motion or an amendment is out of order if, in the view of the Chairperson, the proposed motion or amendment:
- 48.1.1 is vague and equivocal in its language;
 - 48.1.2 is the direct negative of, or is inconsistent with, a resolution passed by the Meeting;
 - 48.1.3 is an amendment which is a direct negative of the motion which it proposes to amend;
 - 48.1.4 proposes an action that is unlawful;
 - 48.1.5 is outside the authority of the Meeting;
 - 48.1.6 contains defamatory statements;
 - 48.1.7 is unnecessary in that it proposes a course of action or policy already resolved by the Meeting;
 - 48.1.8 is vexatious; or
 - 48.1.9 is proposed solely as a way to impede the orderly transaction of business.
- 48.2 A Councillor may move a motion of dissent to a ruling under this section in accordance with section 61.

49 Repeat motions

- 49.1 A notice of motion having the same effect as a motion rejected by a Meeting may be lodged if less than three months has elapsed since the resolution was rejected and if signed by three councillors.
- 49.2 If a motion previously rejected by a Meeting is again rejected by a Meeting, no motion to the same effect may be brought to any Meeting within three months of that rejection.
- 49.3 The provisions of this section may not be evaded by substituting a motion differently worded, but in principle the same.

50 Motions to be seconded

- 50.1 Unless a seconder is not required in accordance with the Code:
- 50.1.1 a motion or amendment cannot be spoken to until it has been seconded; and
 - 50.1.2 a motion or amendment that is not seconded lapses.

51 Motions put without debate or discussion

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

52 Limitations of speeches

- 52.1 A Councillor who moves a motion has:
- 52.1.1 the right of first address to the Meeting;
 - 52.1.2 the right of reply to the motion, which must not address any material or argument that has not already been put to the Meeting; and
 - 52.1.3 the right to speak to any amendment.
- 52.2 A Councillor who seconds a motion has a right to address the Meeting before the motion is put.
- 52.3 A Councillor (other than the mover of a motion) has the right to speak once to the motion and once on each amendment. A Councillor may not, without the consent of the Meeting, speak more than once to a motion or an amendment. This does not apply if Council resolves itself into a Committee of the whole pursuant to section 14.
- 52.4 Ordinarily, Councillors will be permitted to speak to a motion in the order in which they indicate an intention to speak to a motion. However, once the mover of a motion and (unless they choose to hold over their speaking rights) the seconder of a motion have spoken to the motion:
- 52.4.1 the Chairperson may enquire of those Councillors wishing to speak whether they are speaking for or against a motion;
 - 52.4.2 the Chairperson may alternate the speaking order of Councillors, against and for the motion having regard to the order in which Councillors have indicated an intention to speak to a motion; and
 - 52.4.3 once two Councillors have spoken for the motion and two Councillors have spoken against the motion, or no Councillor expresses an intention to speak against the motion, a Procedural Motion that the motion be now put may be moved by any Councillor pursuant to section 60.
- 52.5 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

53 Time for speeches

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

53.4 The Meeting may resolve to reduce the duration of speeches to expediate the consideration of business at a Meeting.

53.5 This section does not apply if Council resolves itself into a Committee of the whole pursuant to section 14.

54 Absence of mover of notice of motion

54.1 If a Councillor who has placed a notice of motion on the Business Papers is absent from a Meeting:

54.1.1 the Chairperson may defer the motion until the next Meeting at which the motion can be considered; or

54.1.2 any other Councillor may move the motion at the Meeting.

55 Amendments

55.1 Any Councillor may propose an Amendment to any motion put to a Meeting. An Amendment to a motion must relate to the matter being dealt with in the original motion before the Meeting and must not be a direct negative of the original motion. An Amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the Chairperson.

55.2 An Amendment to a motion requires a mover and a seconder. The Amendment must be dealt with before voting on the original motion. Debate is allowed only in relation to the amendment and not the original motion (the original motion is suspended while the Amendment is considered). The mover of an Amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.

55.3 An Amendment may become the motion without debate or a vote where it is accepted by mover of the original motion.

55.4 If the Amendment is passed, the motion is changed to include the Amendment and this new motion is debated. If the Amendment is not supported, the original motion stays in its original form and debate resumes.

55.5 Only one Amendment should be before the Meeting at any time. If several Amendments are proposed, each should be moved, seconded, debated and voted on before the next. Where possible, the Amendments should be put forward and debated in the order in which they affect the original motion.

55.6

56 Foreshadowed Motions

56.1 A Councillor may advise a Meeting of an intention to put forward a Foreshadowed Motion in relation to the matter the subject of the original motion before the Meeting, without a seconder during debate on the original motion. The Foreshadowed Motion is only to be considered if the original motion is lost or withdrawn and the Foreshadowed Motion is then moved and seconded. If the original motion is carried, the Foreshadowed Motion lapses.

56.2 Where an Amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further Amendment that they propose to move after the first Amendment has been dealt with. There is no limit to the number of foreshadowed Amendments that may be put before the Meeting at any time. However, no discussion can take place on foreshadowed Amendments until the previous Amendment has been dealt with and the foreshadowed Amendment has been moved and seconded.

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

- 56.4 Foreshadowed Motions and foreshadowed Amendments must be dealt with in the order in which they have been brought to the attention of the Meeting. However, Foreshadowed Motions cannot be considered until all foreshadowed Amendments have been dealt with.
- 56.5 The Chairperson may rule any Foreshadowed Motion to be new business and therefore out of order.

Part K Procedural Motions

57 General

- 57.1 All motions provided in this Part are Procedural Motions.
- 57.2 Procedural Motions:
 - 57.2.1 must be accepted by the Chairperson;
 - 57.2.2 must be seconded unless otherwise provided in this Part; and
 - 57.2.3 can not be amended except to provide clarification.
- 57.3 Notice requirements in the Code do not apply to Procedural Motions.

58 Motion to recommit a matter

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

59 Motion to alter order of business

- 59.1 The order of business at any Meeting (except an Extraordinary Council Meeting) may be altered if a resolution to that effect is carried.
- 59.2 Only the mover of a motion to alter the order of business may speak to the motion before it is put. The seconder has no right to address the Meeting and there is no right of reply.

60 Motion that a motion be now put

- 60.1 A Councillor may move that a motion or amendment be now put:
 - 60.1.1 if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or
 - 60.1.2 if at least two Councillors have spoken in favour of the motion or amendment and at least two Councillors have spoken against it.
- 60.2 Only the mover of a motion that a motion be now put may speak to the motion before it is put. A seconder is not required.
- 60.3 If the motion that a motion be now put is passed, the Chairperson must not allow further debate or comment by any person except for the right of reply by the mover of the motion or amendment.
- 60.4 If a motion that the original motion or amendment be now put is rejected, the Chairperson must allow the debate on the motion or amendment to be resumed.

61 Motion of dissent

- 61.1 A Councillor may, without notice, move a motion of dissent from a ruling of the Chairperson on a point of order or a question of order except on whether a matter is of great urgency in relation a late item of business in accordance with clause 22.
- 61.2 The Chairperson must suspend the business of the Meeting until a decision is made on the motion of dissent.
- 61.3 Only the mover of a motion of dissent and the Chairperson may speak to the motion before it is put. The mover of a motion of dissent does not have a right of

reply and the Chairperson must put the motion of dissent to the Meeting immediately after the Chairperson has spoken to it.

61.4 If a motion of dissent is carried, the Chairperson must recommence the suspended business as though the ruling dissented from had not been given.

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

62 Motion to adjourn a matter

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

63 Motion to adjourn a Meeting

63.1 A Councillor may move a motion to adjourn a Meeting.

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

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

64 Motion to refer the matter

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

65 Motion that the matter be left on the table

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

66 Motion that a motion be voted on in seriatim

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

Part L Rescission

67 Rescinding or altering resolutions

- 67.1 A resolution (or part of a resolution) passed by a Meeting may not be rescinded or altered except by a motion to that effect of which notice has been given. The notice of motion must be:
- 67.1.1 signed by three Councillors if less than three months has elapsed since the resolution was passed;
 - 67.1.2 provided to the CEO by 5pm on the day 12 days before the scheduled Meeting; and
 - 67.1.3 sent to Councillors in accordance with Part D.
- 67.2 If notice of a motion to rescind a resolution is given at the Meeting at which the resolution was carried, the resolution must not be carried into effect until the rescission motion has been dealt with.
- 67.3 A notice of motion to rescind a resolution which involves the granting of development consent under the *Environmental Planning and Assessment Act 1979* (NSW) (**EP&A Act**) should not be given after that development consent is effective in accordance with the EP&A Act.
- 67.4 If a motion to rescind or alter a resolution is rejected by a Meeting, no motion to the same effect may be brought forward to any Meeting within three months of that rejection.
- 67.5 The provisions of this Part may not be evaded by substituting a motion differently worded but in principle the same.
- 67.6 A motion to which this section applies may be moved on the report of a Committee of Council and any such report must be recorded in the minutes.
- 67.7 The provisions of this Part do not apply to Procedural Motions.

Part M Voting

68 Voting entitlements

- 68.1 A decision of a Meeting in accordance with section 12, is made by way of voting on a motion which has been appropriately moved and seconded, or as provided for under this Code.
- 68.2 Each Councillor is entitled to one vote on each motion put to a Meeting while that Councillor is present in the Meeting room.
- 68.3 A Councillor who is present in the Meeting room but who fails to vote on a motion put to the Meeting is taken to have voted against the motion.
- 68.4 A Councillor who is absent from the Meeting room when a vote on a motion is put to the Meeting is not counted as having cast a vote.
- 68.5 Voting at a Meeting must be by open means (such as on the voices or by a show of hands or by visible electronic voting system) except in relation to the election of a Deputy Lord Mayor which shall be conducted in accordance with the Regulation.
- 68.6 The CEO is not entitled to vote at Meetings.

69 Casting vote

- 69.1 The Chairperson of a Meeting has in the event of an equality of votes a second or casting vote.
- 69.2 Before a Chairperson exercises their second or casting vote, they must have exercised their vote in their own right.
- 69.3 Where the Chairperson declines or fails to exercise their second or casting vote, in the event of an equality of votes, the motion being voted on is rejected.

70 Counting of votes

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

71 Voting by division

- 71.1 If two Councillors request voting by division, the Chairperson must ensure that:
 - 71.1.1 the division takes place immediately; and
 - 71.1.2 each Councillor stands to vote, is identified by name to the Meeting and whether they are for or against the motion.
- 71.2 The CEO must ensure the names of Councillors who voted for and against the motion are recorded in the Meeting's minutes.
- 71.3 Councillors abstaining from voting in a division are taken to have voted against the motion.

72 Recording of voting

- 72.1 A Councillor who has voted against a motion put at a Meeting (including any Meeting that is closed to the public) can request the CEO ensure that the Councillor's dissenting vote is recorded in the minutes.

73 Recording of voting on Planning Decisions

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

against the motion and described or identified in the register in a manner that enables the description to be obtained from another publicly available document.

Part N Disclosure Obligations

74 Conflicts of interest – Councillors

- 74.1 A Councillor must declare and manage a conflict of interest in accordance with legislation and the Code of Conduct before the matter to which the conflict relates is considered by the Meeting.
- 74.2 When a Councillor declares a conflict of interest the following must be recorded in the minutes of the Meeting:
 - 74.2.1 the details of the declaration (this must also be recorded in the register of disclosures); and
 - 74.2.2 the manner in which the conflict was managed (including the Councillor's times of departing and returning to the Meeting room (unless the Councillor is not required to leave the Meeting room)).

75 No knowledge

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

76 Allegations of breaches of the Code of Conduct

- 76.1 A Councillor must not make allegations of suspected breaches of the Code of Conduct at Meetings.
- 76.2 An allegation of a breach of the Code of Conduct raised at a Meeting must be referred to the CEO (or Lord Mayor if the allegation is against the CEO) and not debated at the Meeting.

Part O Order

77 Point of order

- 77.1 A point of order may be raised about any procedural matter relating to the orderly conduct of the Meeting and without limitation may include:
- 77.1.1 Councillors speaking or whispering while another Councillor is addressing the Meeting;
 - 77.1.2 verbal interjections;
 - 77.1.3 failure to abide by the provisions of the Code;
 - 77.1.4 discourtesy to fellow Councillors during a Meeting;
 - 77.1.5 exceeding time limits without the agreement of the Meeting;
 - 77.1.6 addressing the Meeting without the permission of the Chairperson; or
 - 77.1.7 any actions or comments that could be considered to be a breach of the Code of Conduct.
- 77.2 A point of order may not be raised about adherence to the Principles set out in section 4.
- 77.3 A Councillor who claims that another person is out of order may call the attention of the Chairperson to the matter and state the provision of the Code they believe has been breached. A point of order does not require a seconder.

78 Question of order

- 78.1 The Chairperson may, without the intervention of any Councillor, call a person to order if, in the opinion of the Chairperson, it is necessary to do so.
- 78.2 The Chairperson must rule on a point of order immediately after it is raised but, before doing so, may invite the opinion of the Meeting by without limitation:
- 78.2.1 providing Councillors with an opportunity to express their view on the point of order; or
 - 78.2.2 providing Councillors with an opportunity to indicate, by open means (such as by voices or show of hands), whether they believe the behaviour or matter raised is out of order.
- 78.3 The Chairperson's ruling on a point of order must be obeyed unless a motion dissenting from the ruling is passed.

79 Act of disorder

- 79.1 A Councillor commits an act of disorder if the Councillor at a Meeting:
- 79.1.1 contravenes the Act or Regulation;
 - 79.1.2 assaults or threatens to assault another Councillor or person present at the Meeting;
 - 79.1.3 moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Meeting or addresses or attempts to address the Meeting on such a motion, amendment or matter;
 - 79.1.4 insults or abuses any other Councillor or person;
 - 79.1.5 makes personal reflections on or implies improper motives to any other Councillor or person;
 - 79.1.6 says or does anything that is inconsistent with maintaining order at the Meeting or is likely to bring the Council or Committee of Council into contempt; or

- 79.1.7 disturbs the orderly conduct of a Meeting.
- 79.2 The Chairperson must rule on an act of disorder immediately after it is raised but, before doing so, may invite the opinion of the Meeting by without limitation:
 - 79.2.1 providing Councillors with an opportunity to express their view on the act of disorder; or
 - 79.2.2 providing Councillors with an opportunity to indicate, by open means (such as by voices or show of hands), whether they believe the behaviour or matter raised is an act of disorder.
- 79.3 If a Councillor has committed an act of disorder, the Chairperson must request the Councillor to:
 - 79.3.1 apologise without reservation for the act of disorder;
 - 79.3.2 withdraw a motion or an amendment which is an act of disorder; and/or
 - 79.3.3 retract the act of disorder.
- 79.4 If an act of disorder occurs at a Meeting, the Chairperson may adjourn the Meeting for a period of not more than 15 minutes. When the Meeting is reconvened after the adjournment, the Meeting must, on a question put by the Chairperson, decide whether to proceed with the Meeting. The motion to proceed with the Meeting is a Procedural Motion.
- 79.5 The Chairperson's ruling on an act of disorder must be obeyed unless a motion dissenting the ruling is passed.

80 Expulsion from a Meeting

- 80.1 A Councillor may be expelled from a Meeting by resolution of the Meeting (any Councillor may move a motion) for:
 - 80.1.1 committing an act of disorder under section 79; and
 - 80.1.2 failing to comply with a direction of the Chairperson pursuant to section 79.3.
- 80.2 Any other person may be expelled from a meeting by resolution (a Councillor may move a motion) of the Meeting or by the Chairperson if Council has resolved to authorise the Chairperson to exercise the power of expulsion.
- 80.3 A Meeting may by resolution readmit a Councillor or any other person who was expelled at an earlier part of the Meeting. Such motion may be moved by a Councillor.
- 80.4 The expulsion of a Councillor from the Meeting does not prevent any other action from being taken against the Councillor for the act of disorder.
- 80.5 A motion to expel or readmit a Councillor is a Procedural Motion.

81 Removal of persons after expulsion

- 81.1 The Chairperson may order the removal of a Councillor or any other person if they fail to leave the place where a Meeting is being held after being expelled from the Meeting.
- 81.2 If a Councillor or any other person fails to leave the place where the Meeting is being held after being expelled from a Meeting, the police may, be called to remove the person from the Meeting place.

Part P Committees of the Council

82 Establishment

- 82.1 Council may, by resolution, establish such Committees of the Council as it considers necessary.
- 82.2 Council may delegate any of its functions to a Committee of Council other than those functions identified in section 377 of the Act.
- 82.3 Council must specify the functions of each Committee of Council on establishing that Committee. Council may from time to time amend those functions.
- 82.4 The Meeting cycle for any Committee of Council will be determined from time to time by resolution of Council or the Committee of Council.

83 Membership

- 83.1 A Committee of Council is to consist of the Lord Mayor and such other Councillors as are elected or appointed by Council.
- 83.2 A Councillor ceases to be a member of a Committee of Council if the Councillor (other than the Lord Mayor):
 - 83.2.1 has been absent from three consecutive Meetings of the Committee of Council without providing reasons acceptable to the Committee of Council for the member's absences; or
 - 83.2.2 has been absent from at least half of the Meetings of the Committee of Council during the immediately preceding calendar year without providing to the Committee of Council acceptable reasons for the member's absences.
- 83.3 This section does not apply if all Councillors are members of the Committee of Council.

84 Attendance

- 84.1 A Councillor who is not a member of a Committee of Council is entitled to attend and speak at a Meeting of the Committee of Council.
- 84.2 A Committee of Council may by resolution permit a Councillor who is not a member of the Committee to give notice of business for inclusion in the Business Papers of the next Meeting of the Committee.

85 Quorum

- 85.1 The quorum for a Meeting of the Committee of Council is to be determined by resolution of Council and if not decided, is a majority of the members of the Committee of Council.
- 85.2 This section does not apply if all Councillors are members of the Committee of Council.

86 Voting

- 86.1 A Councillor who is not a member of the Committee of Council is not entitled to:
 - 86.1.1 move or second a motion at Committee of Council Meeting; or
 - 86.1.2 vote at the Committee of Council Meeting.

87 Recommendations

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

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

Part Q Advisory Committees

88 Council May Establish Advisory Committees

- 88.1 Council may by resolution establish such Advisory Committees as it considers necessary. The resolution must include the adoption of a constituting document (such as a Charter) and Meeting schedule.
- 88.2 The provisions of the Code do not apply to the operation or Meeting procedure of Advisory Committees.
- 88.3 Council may by resolution request that an Advisory Committee create a working party to consider a particular issue or undertake a particular activity.

89 Recommendations of Advisory Committees

- 89.1 An Advisory Committee must submit reports to Council or a Committee of Council in accordance with the Advisory Committee's constituting document but not less than annually.
- 89.2 Council or a Committee of Council may consider the recommendations contained in a report of an Advisory Committee either separately or all concurrently.
- 89.3 The recommendations of an Advisory Committee are, so far as adopted by the Council (or a Committee of Council), resolutions of the Council (or a Committee of Council).

Part R Briefings and Workshops

90 Briefings

- 90.1 The CEO may schedule Briefings for any Meeting.
- 90.2 Council or any Committee of Council (insofar as it is delegated the authority to do so) may by resolution request that the CEO schedule a Briefing on an issue. Such resolution must include a clear statement about the subject of the requested Briefing.
- 90.3 As they constitute part of a Meeting, all Briefings are open to the public except those Briefings which are by resolution closed to the public in accordance with Part G.

91 Workshops

- 91.1 The CEO may schedule Workshops and invite all Councillors to attend.
- 91.2 Council or any Committee of Council (insofar as it is delegated the authority to do so) may by resolution request that the CEO schedule a Workshop. The resolution must include a clear statement about the subject of the requested Workshop.
- 91.3 Workshops must not be used for detailed or advanced discussions where agreement is reached and/or a decision is made. No agreement will be sought from Councillors at Workshops.
- 91.4 Workshop briefing papers will contain information but no recommendations. Workshop briefing papers will be made available to all Councillors irrespective of whether they are in attendance at the Workshop.
- 91.5 All Workshops are closed to the public except those Workshops (or parts of the Workshop) which are opened to the public by resolution of Council or a Committee of Council (insofar as it is delegated the authority to do so) or the CEO.
- 91.6 The provisions of the Code (except this Part) do not apply to the operation or Meeting procedure of Workshops. Meeting procedures at Workshops will be agreed between the Workshop convenor and the participants.

Appendix A - Definitions

Act means the *Local Government Act 1993*.

Act of disorder means an action described in section 79 of this Code.

Advisory Committee means a committee established by resolution of Council, whose purpose is to provide guidance and make recommendations to Council within a particular area of expertise. Its members can consist of community members, members of key stakeholder groups and/or Councillors.

Agenda means the business proposed to be transacted at a Meeting.

Amendment in relation to an original motion, means a proposed alteration or addition to that motion

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

Business day means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales.

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

Briefing means a presentation on a specified topic by the CEO, CN staff or invited persons followed by an opportunity for Councillors to ask questions regarding the topic.

CEO means the Chief Executive Officer of the City of Newcastle 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)*.

Chairperson means the Chairperson identified in Part E.

City of Newcastle (CN) means Newcastle City Council.

Code means this Code of Meeting Practice.

Code of Conduct means the respective Codes adopted by resolution of Council being the Code of Conduct for Councillors; Code of Conduct for Staff; or Code of Conduct for Council Committee Members, Delegates of Council and Council Advisors, as the case may be..

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

Council means the governing body of City of Newcastle.

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

Division means a request by two Councillors under section 71 of this Code requiring the recording of the names of the Councillors who voted both for and against a motion.

Foreshadowed Motion in relation to an original motion, means a proposed motion that is only to be considered if the original motion is rejected.

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

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

Open voting means voting on the voices or by a show of hands or by a visible electronic voting system or similar means.

Performance Improvement Order means an order issued under section 438A of the Act.

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

- a) a development application;
 - b) an environmental planning instrument;
 - c) a development control plan; or
 - d) a development contribution plan
- but not including the making of an order under Division 9.3 of Part 9 of that Act.

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

Quorum means the minimum number of councillors or committee members necessary to conduct a meeting.

Regulation means the *Local Government (General) Regulation 2005*.

Webcast means an audio visual broadcast of a Meeting transmitted across the internet concurrently with the Meeting.

Workshop means an informal gathering to provide information to Councillors on issues. Workshops may involve Councillors, the CEO, CN staff and other invited persons. Only section 90 of the Code applies to Workshops.

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

Document Control

Policy title	Code of Meeting Practice
Policy owner	Chief Executive Officer
Policy expert/writer	Legal and Governance Officer
Associated Procedure Title (if applicable)	N/A
Procedure owner (if applicable)	N/A
Prepared by	Legal
Approved by	Elected Council
Date approved	TBA
Policy approval form reference	ECM# 5605282
Commencement Date	TBA
Next revision date (date policy will be revised)	30/06/2021
Termination date	30/06/2022
Version	Version # 6
Category	Council
Keywords	code, Meeting, Council, committee, chair, Code of Meeting
Details of previous versions	Code of Meeting Practice ECM# 3678462
Legislative amendments	Supersedes Code of Meeting Practice dated 26/06/2018
Relevant strategic direction	Open and Collaborative Leadership
Relevant legislation/codes (reference specific sections)	<i>Local Government Act 1993 (NSW)</i> <i>Local Government (General) Regulation 2005 (NSW)</i> <i>Privacy and Personal Information Protection Act 1998 (NSW)</i>
Other related policies/ documents/ strategies	Code of Conduct Effective Communication between Councillors and Staff Policy Public Voice and Public Briefings Policy
Related forms	N/A
Required on website	Yes
Authorisations	N/A

ITEM-70 CCL 24/09/19 - ADOPTION OF BOUNDARY ADJUSTMENTS TO COOKS HILL, THE HILL AND HAMILTON SOUTH HERITAGE CONSERVATION AREAS

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

PURPOSE

To adopt amendments to the Newcastle Local Environmental Plan 2012 following exhibition.

RECOMMENDATION

That Council:

- 1 Endorse the Planning Proposal (**Attachment A**) to amend the Newcastle Local Environmental Plan 2012 (NLEP 2012) to make boundary adjustments to the existing Cooks Hill, The Hill and Hamilton South Garden Suburb Heritage Conservation Areas (HCAs).
- 2 Forward the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) requesting that a draft NLEP 2012 be prepared and made pursuant to Section 3.36(1) of the Environmental, Planning and Assessment Act (EP&A Act).
- 3 Advise the Secretary of the DPIE that City of Newcastle (CN) does not seek to exercise delegations for undertaking the plan making steps pursuant to Section 3.36(1) of the EP&A Act.

KEY ISSUES

- 4 At the Ordinary Council Meeting held on 11 December 2018, Council resolved to endorse the Planning Proposal to adjust the boundaries of the existing Cooks Hill, Hamilton South Garden Suburb and The Hill HCAs.
- 5 In accordance with the Council resolution, the Planning Proposal was forwarded to the Minister for Planning for Gateway Determination pursuant to Section 3.34 of the EP&A Act.
- 6 On 6 May 2019 Gateway Determination was issued by DPIE. The Planning Proposal was updated in accordance with the conditions of the Gateway determination. This included:
 - i) Consideration of the Greater Newcastle Metropolitan Plan in relation to the delivery of infill housing opportunities within existing urban areas.

- ii) The omission of 63 Denison Street and the properties on Ada Street in response to a site altered by recent development.
 - iii) CN is to include both the existing and proposed heritage development control plan provisions as part of the Planning Proposal exhibition package.
 - iv) The Planning Proposal must be made publicly available on exhibition for a minimum of 28 days.
- 7 The Planning Proposal was exhibited from 27 May 2019 until 25 June 2019. Eight submissions were received, six supported the proposal and two submissions raised concerns.
- 8 A detailed summary of submissions and the response to issues is provided at **Attachment B**.
- 9 Several submissions in support of the Planning Proposal raised concerns that the planning process to extend the boundaries of the HCAs has taken too long, and in the intervening period heritage has been lost to development. Conversely submissions objecting to the Planning Proposal raised concerns that the additional controls which will apply in an HCA will restrict owner's ability to develop. No changes are proposed in relation to these issues, which are subject to detailed responses.

FINANCIAL IMPACT

- 10 Work will be undertaken by CN within their current allocated work program and budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 11 The Planning Proposal is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan (CSP), including:

Vibrant and Activated Public Spaces

- 3.2a Celebrate Newcastle's cultural heritage and diversity.
- 3.2b Celebrate Newcastle's identity by sharing local stories, both historical and contemporary, through arts and cultural programs.

Liveable and Distinctive Built Environment

- 5.1a Protect and promote our unique built and cultural heritage.
- 5.1b Ensure our suburbs are preserved, enhanced and promoted, while also creating opportunities for growth.

- 5.1c Facilitate well designed and appropriate scale development that complements Newcastle's unique character.

IMPLEMENTATION PLAN/IMPLICATIONS

- 12 The preparation of the Planning Proposal was undertaken in accordance with CN's Local Environmental Plan – Request for Amendment Policy (2012). This policy identifies CN's processes and responsibilities in applying the requirements of Part 3 of the EP&A Act for amending an LEP.

RISK ASSESSMENT AND MITIGATION

- 13 The Planning Proposal has been prepared in accordance with relevant legislation and DPIE Practice Notes. Adherence to the legislative framework and the timeframes provided by the Gateway Determination reduces the risk to CN by ensuring changes to the boundaries of existing Cooks Hill, Hamilton South Garden Suburb and the Hill HCAs can be made in the correct manner.

RELATED PREVIOUS DECISIONS

- 14 Council resolved to endorse the Review of Heritage Conservation Areas Report at the Ordinary Council Meeting held on 28 June 2016.
- 15 Council resolved to endorse the Planning Proposal to adjust the boundaries of the existing Cooks Hill, Hamilton South Garden Suburb and The Hill HCAs as recommended in the Review of Heritage Conservation Areas Report at the Ordinary Council Meeting held on 11 December 2018.

CONSULTATION

- 16 The Planning Proposal was exhibited for 30 days in accordance with the Gateway Determination. The Planning Proposal was exhibited on CN's website and printed copies provided at CN's Administration Centre, Newcastle Region Library and Hamilton Library.
- 17 Eight written submissions were received during the exhibition period. These represented the views of local residents, a community group, and The National Trust. The detailed summary of submissions and responses outlines the issues raised and CN's response.

BACKGROUND

- 18 The Review of Heritage Conservation Areas Report June 2016 reviewed the boundaries of existing HCAs. It recommended Cooks Hill HCA be adjusted to remove a block in Darby Street between Tooke and Parry Streets and expand the boundary to include a small section around Anzac and Kitchener Parade.
- 19 It also recommended the northern boundary of Hamilton South HCA be expanded to include properties on the north side of Denison Street and 302-

308 Parkway Avenue, and The Hill HCA be expanded to include High and Bingle Streets, as well as a small section of Anzac Parade. A site location plan is attached at **Attachment C**.

OPTIONS

Option 1

20 The recommendation as at Paragraphs 1, 2 and 3. This is the recommended option.

Option 2

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

REFERENCES

ATTACHMENTS

Item 70 Attachment A: Planning Proposal - Boundary Adjustments to Cooks Hill, Hamilton South Garden Suburb and The Hill Heritage Conservation Areas

Item 70 Attachment B: Summary of Submissions and Responses

Item 70 Attachment C: Site Location and Existing Heritage Plan

Item 70 Attachments A, B and C distributed under separate cover.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 8 The Plan aligns with the following Newcastle 2030 Community Strategic Plan directions:

Liveable Built Environment

5.4b Plan, provide and manage infrastructure that continues to meet community needs.

IMPLEMENTATION PLAN/IMPLICATIONS

- 9 Acquisition of the property will be managed by CN's Infrastructure and Property Directorate with assistance from CN's Legal Services. It is anticipated that the exchange of contracts will take place in late 2019.

RISK ASSESSMENT AND MITIGATION

- 10 There are no foreseeable risks associated with accepting the transfer of the property.

RELATED PREVIOUS DECISIONS

- 11 Nil

CONSULTATION

- 12 Not applicable.

BACKGROUND

- 13 HCCDC acquired the rail corridor from Wickham to Newcastle for the purposes of constructing the Light Rail corridor and other commercial development. HCCDC have previously dedicated the land adjacent to the subject property for community use and the subject property is surplus to their needs.

OPTIONS

Option 1

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

Option 2

- 15 The elected Council resolve not to acquire the land. This outcome would result in an opportunity foregone to expand public parking provision in the CBD at no cost to CN. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 71 Attachment A: Location Drawing – 250 Scott Street, Newcastle

Item 71 Attachment A



ITEM-72 CCL 24/09/19 - 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:

- a) Monthly financial position and year to date (YTD) performance against the 2019/20 Operational Plan as at the end of August 2019.
- b) Investment of temporary surplus funds under section 625 of the Local Government Act 1993 (Act), submission of report in accordance with the Act and clause 212 of the Local Government (General) Regulation 2005 (Regulation).

RECOMMENDATION

That Council:

- 1 Receives the Executive Monthly Performance Report for August 2019.
- 2 Resolves to receive only the current month's Schedule of Investments as part of the Executive Monthly Performance Report.

KEY ISSUES

- 3 At the end of August 2019 the consolidated YTD actual operating position is a surplus of \$5.8m which represents a positive variance of \$5.2m against the budgeted YTD surplus of \$0.6m. 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 2019/20 is a surplus of \$12m.
- 4 The net funds generated as at the end of August 2019 is a surplus of \$7.3m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD budgeted surplus of \$1.5m. 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.
- 5 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**).

- 6 The Executive Monthly Performance Report includes a Schedule of Investments (Schedule). A Council resolution of 30 May 1995 required the Schedule to include new placements and maturities from the two previous meetings of Council, in addition to the current month. The current report complies with this resolution however the Schedule will be revised for future reports so that only the current month's new and matured investments are included.

FINANCIAL IMPACT

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

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 PLAN/IMPLICATIONS

- 9 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

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

RELATED PREVIOUS DECISIONS

- 11 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.
- 12 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.

- 13 A Council resolution of 30 May 1995 required the Schedule to include new placements and maturities from the two previous meetings of Council, in addition to the current month.

CONSULTATION

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

BACKGROUND

- 15 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

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

Option 2

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

REFERENCES

ATTACHMENTS

- Item 72 Attachment A:** Executive Monthly Performance Report - August 2019
Distributed under separate cover

NOTICES OF MOTION

**ITEM-32 SUPPLEMENTARY NOTICE OF MOTION - NOM 27/08/19 -
SEXISM AND HOMOPHOBIA**

COUNCILLORS: D CLAUSEN AND C DUNCAN

PURPOSE

To reconvene debate on Notice of Motion Item 32 - Sexism and Homophobia which was laid on the table at the Ordinary Council Meeting on 27 August 2019.

MOTION

That City of Newcastle

- 1 Notes the letter received from the United Services Union (USU), on behalf of the employees of City of Newcastle (**Attachment A**);
- 2 Notes that sexism and homophobia are never acceptable in any workplace, including at City Hall or in the Council Chamber during meetings, which require a number of staff to attend to administer;
- 3 Reiterates its commitment to equality, and preventing homophobia and sexism; and
- 4 Notes that the new OLG Model Codes restricts the use of censure provisions.

BACKGROUND

Nil.

ATTACHMENTS

Supplementary NOM Item 32 Attachment A:

NOM 27/08/19 - Sexism and Homophobia and Letter to Lord Mayor from United Services Union

Supplementary NOM Item 32 Attachment A - Original Motion

ITEM-32 **NOM 27/08/19 - SEXISM AND HOMOPHOBIA**

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

PURPOSE

The following Notice of Motion was received on Thursday 15 August 2019 from the abovenamed Councillors.

MOTION

That City of Newcastle

- 1 Notes the letter received from the United Services Union (USU), on behalf of the employees of City of Newcastle (**Attachment A**);
- 2 Notes that sexism and homophobia are never acceptable in any workplace, including at City Hall or in the Council Chamber during meetings, which require a number of staff to attend to administer;
- 3 Reiterates its commitment to equality, and preventing homophobia and sexism;
- 4 Notes that the new OLG Model Codes restricts the use of censure provisions;
- 5 Joins City of Newcastle employees in condemning in the strongest possible terms language and behaviour that is sexist and homophobic, including recent comments attributed to Councillor Allan Robinson.

BACKGROUND

Nil.

ATTACHMENTS

NOM Item 32 Attachment A: Letter to Lord Mayor from United Services Union

NOM Item 32 Attachment A:



United Services Union

Level 7, 321 Pitt St, Sydney NSW 2000

p (02) 9265 8211 | e united@usu.org.au

f (02) 9261 2265 | Support Team 1300 136 604

Our ref 150819lh.rr

15 August 2019

Lord Mayor Nuatali Nelmes
City of Newcastle
PO Box 489
NEWCASTLE NSW 2300

By email lordmayor@ncc.nsw.gov.au
jbath@ncc.nsw.gov.au
mail@ncc.nsw.gov.au

Dear Lord Mayor Nelmes

RE COUNCILLOR ROBINSON'S ALLEGED HOMOPHOBIC AND SEXIST COMMENTS

The United Services Union (the USU) represents many hundreds of City of Newcastle employees. The Union movement has a long history of being at the forefront of ensuring a safe workplace free from all forms of discrimination and to promote inclusiveness of all workers.

There has been significant discussion by our members regarding the recent conduct and comments of Councillor Allan Robinson. Councillor Robinson's alleged homophobic and sexist comments have been covered by national media and most likely damage the City of Newcastle's reputation and standing within an increasingly diverse community. The USU is proud to represent a diverse City of Newcastle workforce, and has historically been supportive of the actions taken by Council to demonstrate its commitment to equality.

This is also incongruent with principles and endeavours the USU has strived to engage in a positive and successful industrial relationship with the City of Newcastle and the wider community.

An example of our previous endeavours has been the successful resolution of the City of Newcastle Enterprise Agreement in late 2018. This occurred without any industrial action or disputes engaged throughout the negotiation process.

New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union

New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch of the Australian Services Union

Regional Offices: Newcastle, Wollongong

Satellite Offices: Armidale, Bathurst, Canberra, Dubbo, Grafton, Hay, Port Macquarie, Wagga Wagga

ABN: 95 571 805 442

Key outcomes and commitments resolved in the Enterprise Agreement process included items 2-6 as direct extracts from **Clause 4 – What is our Commitment? – City of Newcastle Enterprise Agreement 2019:-**

1. Acknowledgement of Country (a Local Government and Industry first)
2. *Value and respect inclusion and the diversity of our workforce*
3. *Prevent and eliminate all forms of unlawful discrimination (such as discrimination on the basis of age, disability, family responsibilities, gender, race and sexual preference)*
4. *Support and focus on gender equity. This means in particular - providing equal pay for equal work, committing to a merit based organisational structure and working hard to increase the number of women in senior leadership roles.*
5. *We are proud of the fact that Joy Cummings was Australia's first female Lord Mayor from 1974-1984;*
6. *Take our obligations under work health and safety legislation very seriously. Ensuring the health, safety and wellbeing of our people and providing a safe, secure and injury free workplace as our priority*

These alleged comments and actions of Cr Robinson are obviously not consistent with Council, the Union, workers and the broader community views or expectations.

The Union is also very concerned the exposure of these alleged behaviours and comments are made at Council meetings or functions where our members (Council employees) are exposed within their workplace.

The Union is currently representing our state-wide membership (over 30,000) in discussions over changes and amendments to the current NSW Local Government Code of Conduct. These reported behaviours and comments are clearly offensive where any other employee of a Local Government entity would be investigated or potentially sanctioned against this code and the relevant Award, NSW Local Government (State) Award 2017. This could range from disciplinary action and up to termination of employment.

The Union now formally requests the Lord Mayor and Council to instigate a process in accordance with the NSW Local Government Code of Conduct to address this alleged appalling behaviour. We also request the CEO take sufficient action to ensure our members are not exposed to any incidents in connection with their duties at any future Council meeting, function or reception.

The Union also clearly condemns these developments and/or allegations and request the following to occur:

- 1) Condemns in the strongest terms the various derogatory, homophobic, and sexist comments allegedly made by, and attributed to, Councillor Allan Robinson, including in the Council Chamber and the media (**Attachments A, B, C and D**).
-

3

- 2) Notes that employees of Council would be subject to severe workplace sanctions, including termination, if they were to conduct themselves in a similar manner.
- 3) Notes that the alleged comments damage the reputation of the City of Newcastle and our members employed at Council.
- 4) Notes that more 700 residents have signed a petition calling on Councillor Robinson to be removed from Civic Office.
- 5) Notes that the Lord Mayor, Labor and Greens Councillors have publicly condemned Cr Robinson's language. The Union also notes that the Newcastle Independent and Liberal Councillors have repeatedly failed to denounce Cr Robinson's homophobic and sexist language.
- 6) Notes Councillor Robinson's alleged repeat history of poor behaviour, including fines from Maitland City Council for illegally burning demolition waste, which potentially put our Maitland City Council USU members and the community at risk (**Attachment E**).
- 7) Writes to the City of Newcastle Councillors requesting that an investigation commence in accordance with the NSW Local Government Code of Conduct and if proven to be factual a censure motion denouncing the behaviour should occur.
- 8) We call upon the CEO Mr Jeremy Bath to take all necessary actions to ensure no future workers of City of Newcastle are exposed to these comments and behaviours at any future Council meeting, function or reception.

Your support and action is requested to resolve this matter.

Therefore, it would be appreciated, if you are agreeable to the above request, a written response is provided to the Union with the next appropriate Council meeting or when this request to the CEO will be progressed. Any subsequent updates provided by the CEO and/or Council be forwarded to the Union in writing so we can inform our membership.

Yours sincerely



Steve Donley
Acting General Secretary

Cc Elected Councillors, the City of Newcastle
Mr Jeremy Bath, Chief Executive Officer, the City of Newcastle

Enclosures – Attachments A to E

Attachment A
Newcastle Herald, Thursday 25 July 2019, page 3

Sexism angers councillors

BY MICHAEL PARRIS

ALLAN Robinson was accused of bullying and misogyny after comparing a female councillor with "Jessie the Elephant" during another unsavoury debate over Newcastle Airport directors' fees.

Cr Robinson, an independent, repeated his strong criticism of lord mayor Natalie Nelmes in March after she used her casting vote when the council appointed her to a \$50,000-a-year position on the airport's boards.

At one point during Tuesday's debate, Cr Nelmes upheld a point of order from fellow Labor councillor Carol Duncan that Cr Robinson's attacks were bringing the council into disrepute.

Cr Robinson interjected: "It's a very widely used word, isn't it, into disrepute. What is into disrepute? How shallow is that? And, you know, some people have got more hide than Jessie the Elephant and look like that."

Cr Duncan: "I object to that comment on the part of

Cr Robinson, his insinuation of the appearance of the lord mayor."

Cr Robinson: "It wasn't the lord mayor I was talking about."

The comments revived memories of the retired jockey and *Footy Show* regular referring to former councillor Stephanie Posniak as "beefcake" in 2015.

He retracted that comment under pressure from Cr Nelmes, who was also lord mayor in 2015, but he also came under fire for "offen-

sive" comments in a radio interview at the same time.

The council's legal department reviewed his behaviour but did not take action.

On Tuesday, Cr Robinson referred to the Newcastle-based domestic violence charity Got Your Back Sisters "Back Your Sister, or whatever it is" during the debate.

He responded to *Newcastle Herald* questions on Wednesday about his comments with an expletive-laden rant about Cr Nelmes and Cr Duncan.

Cr Nelmes said Cr Robinson's behaviour in the debate was misogynistic and "workplace bullying".

"I try to ignore it, but ultimately it does affect you personally and professionally," she said.

Cr Duncan said Cr Robinson's words were "utterly unacceptable" and a "disservice to anyone thinking of making a contribution to public life, especially women".

The matter before the council on Tuesday was about entering into deeds of

indemnity for directors and officers of the airport, which is owned jointly by Newcastle and Port Stephens councils.

Cr Robinson asked Cr Nelmes whether Port Stephens mayor Ryan Palmer was also receiving \$50,000 for sitting on the airport's two boards and called on her to donate her fee to charity.

Cr Palmer told the *Newcastle Herald* that his \$50,000 would be redirected into mayoral funds for him to distribute to community groups and charities.

Attachment B
Newcastle Herald, Friday 26 July 2019, page 3

Deputy slams Robbo taunt

BY MICHAEL PARRIS

DEPUTY lord mayor Declan Clausen, the target of "homophobic" taunts by Newcastle councillor Allan Robinson, has called on the former *Footy Show* star to resign.

Cr Clausen added his voice to Labor condemnation of Cr Robinson after the retired jockey compared a female councillor with "Jessie the elephant" during a debate on Tuesday night.

Cr Robinson has repeatedly used a provocative

moniker for Cr Clausen in the chamber and added an overtly sexual connotation to the term in a phone interview with the *Newcastle Herald* on Wednesday.

The term he uses is not a common pejorative for homosexuals, but Cr Clausen said he was being targeted because of his sexuality.

"I'm proud to be the openly gay deputy lord mayor of a community that had the highest yes vote of any non-capital city in Australia," Cr Clausen said, referring to



Cr Allan Robinson

the same-sex marriage referendum in 2017.

"The Newcastle I know is a welcoming and increasingly

diverse community.

"The fact Cr Robinson's fellow independent councillors don't call him out on his relentless sexism and homophobia is appalling."

Cr Clausen, who is part of the council's Labor majority, said Cr Robinson was "unfit to serve on council and should resign" or be cut from the independents' ticket at next year's council election.

When asked on Thursday if he had a problem with homosexuals, Cr Robinson said via email: "I have no prob-

lem with women hencing [sic] the sexist story ... I have problems with ... people who plonk themselves on boards then pay themselves.

"I have no problems with p--fs. I have one work for me and I'm very good friends with three p--fs who I'm proud to say they are my friends. I have serious problems with people who want to spend \$40k or \$60k of ratepayers' money on painting rainbow coloured crossings on concrete."

Cr Robinson, earlier at-

tracted criticism from lord mayor Nuairi Nelmes and fellow Labor councillor Carol Duncan after he said during a debate on Tuesday that "some people have got more hide than Jessie the elephant and look like that".

Cr Robinson had criticised Cr Nelmes for accepting \$50,000 to sit on the Newcastle Airport board.

In 2015, he was the subject of an internal investigation after referring to then councillor Stephanie Posniak as "beefcake" in a meeting.

Attachment C

The Guardian, Friday 26 July 2019

<https://www.theguardian.com/australia-news/2019/jul/26/newcastle-councillor-faces-calls-to-quit-over-allegations-of-homophobic-bullying>

Newcastle councillor faces calls to quit over allegations of homophobic bullying
Former jockey Alan Robinson repeatedly used a common homophobic slur when contacted by Guardian Australia

[Michael McGowan](#)

[@mmcgowan](#)

Fri 26 Jul 2019 07:44 BST Last modified on Fri 26 Jul 2019 08:49 BST



City of Newcastle councillor Alan Robinson has been accused of 'relentless sexism and homophobic bullying'. Photograph: Mick Tsikas/ AAP

A local councillor in [New South Wales](#) is facing calls to resign over allegations of "relentless sexism and homophobic bullying" after he sent an email to a journalist in which he referred to a fellow councillor as a "poof".

Allan Robinson, a councillor in the city of Newcastle, repeatedly used the homophobic slur in an email to a Newcastle Herald journalist while denying an allegation he had made homophobic remarks about the city's deputy mayor, Declan Clausen.

"I have no problems with poofs," he wrote in the email.

"I have one work for me and I'm very good friends with three poofs who I'm proud to say they are my friends."

Robinson, a former jockey and one-time presenter on the NRL Footy Show, has been a councillor in Newcastle since 2012 when he was a close ally of the former lord mayor, the developer and Independent Commission Against Corruption target Jeff McCloy.

It's not the first time he has made offensive remarks about fellow councillors. In 2015, he was the subject of an internal investigation after he [referred to a fellow councillor as a "beefcake" during a council debate](#).

And earlier this week, during a council debate, he is reported to have compared a female councillor to an elephant, saying: "some people have got more hide than Jessie the elephant and look like that", [the Newcastle Herald reports](#).

Clausen accused Robinson of "relentless sexism and homophobic bullying", and called on him to resign.

"I'm proud to be the openly gay deputy lord mayor of a community that had the highest 'yes' vote of any non-capital city in Australia," Clausen said in a statement.

"The Newcastle I know is a welcoming and increasingly diverse community.

"Such behaviour would simply not be tolerated in any other workplace.

"If he cannot change his behaviour, Robinson should resign."

He was responding to questions about Robinson's comments in his email to the Herald journalist. Guardian Australia has not seen a copy of the email, but in a phone interview Robinson read out its contents in full, then repeated the term a number of times.

He then made several other homophobic remarks, while denying they were offensive.

"Why should it be offensive?" he said.

"If you're a fucking poof, you're a poof."

When asked about allegations of sexism, Robinson said he had "no problem with women".

Attachment D
Newcastle Herald, 30 October 2015

NEWCASTLE
HERALD
VOICE OF THE HUNTER

OCTOBER 30 2015 - 10:10PM

Cr Robinson slammed for "offensive, sexist" comments

□ JASON GORDON



Cr Allan Robinson, left, is in hot water after referring to Cr Stephanie Posniak, right as "beefcake".

A BAD week for Newcastle council has continued with councillor Allan Robinson coming under fire for a tirade of "offensive and sexist" abuse directed at some of his colleagues.

The former jockey's comments have been referred to the council's legal department for review, while several councillors are considering formal complaints.

Cr Robinson, well known for his colourful language and outspoken ways, referred to Cr Stephanie Posniak as "beefcake" during heated debate on Tuesday that preceded the council's controversial sacking of general manager Ken Gouldthorp.

He was asked to retract the comment by lord mayor Nuatali Nelmes.

"I'll retract the comment that I seem to have annoyed you with," was his response. But it was his on-air comments to KOFM's David Collins that have landed him in deeper hot water.

Speaking about Cr Nelmes, he encouraged Collins' listeners to "see the damage that this vicious, vindictive woman with power has done".

The lord mayor was "just a puppet for a party" who "hangs around old cronies that used to be on the council and achieved nothing".

"She's disgraceful," Cr Robinson said, took credit for things she didn't do and would recruit a new general manager "who will have to be the most uneducated freak because he'll be one of her crew".

"Deputy mayor Michael Osborne "goes on about being open and transparent" but was "as open and transparent as wet cardboard", he added.

Cr Nelmes, who is in Geneva to sign an agreement with the United Nations training organisation, said "there's no place for those types of comments in the debate".

"Obviously, Tuesday night was very difficult for all councillors," she said.

"It's very disappointing that some have made this personal. I have not engaged in that and I won't."

Cr Osborne said the council's code of conduct specified that councillors should not be disrespectful or "get into public slanging matches".

Cr Posniak said she had "a pretty tough skin" but was more angry about the inappropriateness of his comments, and that two radio hosts "appeared to be encouraging him".

"We have some pretty heated discussions within the Labor Party and there's not too much I haven't heard, but when Cr Robinson goes on radio describing some of the women on council as 'some of the most ordinarist [sic] women you'd ever meet', then that's a problem.

"He says a lot that is very offensive. It's not like he's in a pub with his mates, he's in a council chamber where he's supposed to be doing a job that people elected him to do."

Cr Robinson was unmoved by the complaints against him or the potential legal action.

"They've just sacked a very good general manager for no reason and that'll cost the ratepayers a fortune but they're more worried about what I said on radio," he said.

"They don't scare me with their code of conduct stuff. I've had 111 suspensions [as a jockey]. If they want to fight I won't be backing away."

Attachment E
The Maitland Mercury, 3 October 2016



OCTOBER 3 2016 - 7:00AM

Maitland council fines Newcastle councillor and celebrity jockey Allan Robinson for illegally burning waste

□ DONNA SHARPE



DUMPED: Newcastle councillor and celebrity jockey Allan Robinson. Maitland City Council has fined Newcastle councillor and celebrity jockey Allan Robinson for illegally burning building demolition waste on a property at Louth Park.

Fire and Rescue NSW and Maitland council's development and environment manager David Simm have confirmed that Mr Robinson has been issued with fines, including one for \$1000, for burning the waste.

Mr Simm said agencies had been called to "Parkview" at 57 Ross Lane, Louth Park. The property is owned by Robbor Pty Ltd, which has a Warabrook address.

Fairfax Media was unable to contact Mr Robinson for comment.

Both agencies confirmed air-conditioning units, building panelling and treated pine logs had been set alight on the property.

A spokesman for Fire and Rescue NSW said the major concern had been the burning of treated pine logs, which contain arsenic and give off toxic gasses when set alight.

He said firefighters had to wear breathing apparatus to avoid toxic fumes at the site.

The spokesman said FRNSW had attended the Louth Park property six times since April.

On one occasion police were called to order the removal of a truck parked across a gate, which prevented access to the site.

The FRNSW spokesman said calls to the site had tied up resources and, at times, more than one brigade was involved.

“Mr Robinson has come on site when we have been there and has been told by officers what he can and can’t burn,” the spokesman said.

Mr Simm said the council had issued Mr Robinson with fines, including one totalling about \$1000.

“The fines relate to the burning of certain building waste, which should be disposed of at our Mount Vincent waste disposal facility,” Mr Simm said.

“The burning of treated pine logs is a definite no-no. We have had to deal with a number of issues with Mr Robinson in this regard and if the offences keep occurring then there will be an order to go to court.”

Maitland councillor Henry Meskauskas, who flagged the problem with Mr Simm, said that as a civic leader, Mr Robinson should know better.

“As a councillor you would think he would understand the rules and regulations,” Cr Meskauskas said.

“If he wants to burn stuff he should abide by the proper procedures, and get out of Maitland and do it in Newcastle where he belongs.”

REPORT ON SUPPLEMENTARY NOTICE OF MOTION - NOM 27/08/19 - SEXISM AND HOMOPHOBIA

REPORT BY: EXECUTIVE MANAGEMENT

CONTACT: CHIEF EXECUTIVE OFFICER

CHIEF EXECUTIVE OFFICER COMMENT

At the Ordinary Council meeting of 27 August 2019, Notice of Motion Item 32 - Sexism and Homophobia was moved by Councillor Clausen and seconded by Councillor Duncan.

That City of Newcastle

- 1 *Notes the letter received from the United Services Union (USU), on behalf of the employees of City of Newcastle (**Attachment A**);*
- 2 *Notes that sexism and homophobia are never acceptable in any workplace, including at City Hall or in the Council Chamber during meetings, which require a number of staff to attend to administer;*
- 3 *Reiterates its commitment to equality, and preventing homophobia and sexism; and*
- 4 *Notes that the new OLG Model Codes restricts the use of censure provisions.*

A procedural motion, moved by Councillor Winney-Baartz and seconded by Councillor Byrne, to lay the motion on the table until the next Ordinary Council meeting was resolved.

Council is now in a position to reconvene debate on Notice of Motion Item 32 - Sexism and Homophobia and make a determination.

ITEM-35 NOM 24/09/19 - FEDERAL INFRASTRUCTURE SPENDING

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

PURPOSE

The following Notice of Motion was received on Thursday 12 September 2019 from the abovenamed Councillors.

MOTION

That Council:

1. Notes that in the most recent quarter, the Australian economy recorded its lowest rate of growth since the Global Financial Crisis (GFC);
2. Notes the repeat comments from the Reserve Bank Governor calling for the Commonwealth Government to increase federal infrastructure spending;
3. Notes that the Commonwealth Government has access to record low borrowing rates for infrastructure investment;
4. Notes Council's record infrastructure spend in 2018-19 as an outstanding local result, delivering wider economic benefits, and notes that Council does not have fiscal tools of the Commonwealth Government;
5. Writes to the Prime Minister, Scott Morrison, calling on the Commonwealth Government to act on the RBA Governor's advice by speeding up infrastructure spending, especially outside of Sydney and Melbourne, including by prioritising Commonwealth investment on the Lower Hunter Freight Corridor, Newcastle Airport Expansion, Port of Newcastle diversification, Broadmeadow Sports and Entertainment Precinct, Newcastle Art Gallery Expansion, and active transport, as per City of Newcastle's recent submission to the Commonwealth Infrastructure Priority List.

BACKGROUND

Nil.

ATTACHMENTS

NOM Item 35 Attachment A:

Sydney Morning Herald, 7 September 2019, RBA's Philip Lowe calls for increase in infrastructure spending

NOM Item 35 Attachment B:

Lord Mayoral Minute, August 2019, Infrastructure Priority List:

<http://www.newcastle.nsw.gov.au/getattachment/f2660428-80ee-4678-9268-756988a3d643/Item-18-LMM-Infrastructure-Priority-List-Update-20.aspx>

NOM Item 35 Attachment A

The Sydney Morning Herald

EXCLUSIVE BUSINESS THE ECONOMY INFRASTRUCTURE BOOM

RBA's Philip Lowe calls for increase in infrastructure spending

By Peter Hartcher
September 7, 2019 – 5.00am



TODAY'S TOP STORIES

CHINESE INFLUENCE

Gladys Liu's Beijing confession deepens dispute over loyalty

SEPTEMBER 11 ATTACKS

At 9/11 memorial, Trump vows to strike back with more than nuclear power if US is attacked again

EDUCATION

UNSW rockets up global rankings as China links help lift Australian unis

BREXIT CHAOS

Boris Johnson broke the law by suspending Parliament, court rules

Reserve Bank governor Philip Lowe is calling for a major spending program on infrastructure including rail, bridges and roads across Australia in direct opposition to the views of Prime Minister Scott Morrison.

Mr Morrison said this week that the federal government was "starting to hit our head on the ceiling in terms of how much infrastructure work you can get under way at any one time".





RBA governor Philip Lowe says a truce in the US-China trade war could see the global economy rebound quickly. ALEX ELLINGHAUSEN

But Dr Lowe said, "I think we can do more" in an interview with *The Sydney Morning Herald* and *The Age*.

The economy this week [was revealed to be at its weakest in a decade](#). Amid calls to stimulate growth by stepping up infrastructure investment, Mr Morrison said the government was doing everything it could. That included asking the states to bring projects forward, he said.

Dr Lowe, however, said that there was scope for more new projects as well as more spending on maintaining existing public infrastructure.

"Right at the moment there is limited capacity to do more mega projects in Sydney and Melbourne but there is capacity elsewhere in the country to do significant projects, and also capacity to do a series of smaller projects," he said in the interview conducted for a [profile](#) published in Saturday's *Good Weekend* magazine.

"Part of infrastructure investment is actually maintaining road, rail, bridges right across the country. It has the other advantage of making sure infrastructure spending is spread across the country and not just centralised in Sydney and Melbourne. There is capacity in some areas."

"The resolution of the [trade war] uncertainty is the number one priority at the macro level."

RBA Governor Philip Lowe

The head of Australia's central bank also said that resolving the trade war between the US and China was the "number one priority" for the world economy.

"It's affected the investment climate around the world. Because businesses are very nervous about investing in capital because they don't know what the tariff regime is going to look like, and they also don't know what the tech landscape is going to look like," Dr Lowe said.

"Is it OK to have Chinese components in your factory or not? When businesses are uncertain, they sit on their hands."

The governor said that the dispute could start to harm employment: "It's having a first-order effect right now. If the uncertainty is not resolved, around the world employment growth slows as well as investment."

On the other hand, an early resolution could lead to a quick turnaround in the world economy: "If uncertainty gets resolved, given that there's been under-investment in capital formation for a while and interest rates are low, the situation could pick up quite quickly. So the resolution of the uncertainty is the number one priority at the macro level."

Independent economist Saul Eslake said that the disagreement between the Reserve Bank and the government was set to continue: "It's barely quarter-time," he said.

He said that "there is already quite a lot of infrastructure going on, but the national accounts this week show that while infrastructure spending is at a high level, the rate of growth in that spending is diminishing".

He said there was a case for bringing forward state and federal projects planned to be built over the next 10 years.

The Master Builders Association agrees with the Reserve Bank. It said last week that "even though we supposed to be on the cusp of an infrastructure boom, engineering construction activity has not been this weak since the GFC.

"It's a clear sign that governments are not moving fast enough to advance infrastructure commitments to the construction phase," the association's economist Shane Garrett said.

The clashing opinions are part of a widening divergence between the Morrison government and the central bank over how to generate growth.



Peter Hartcher



Peter Hartcher is political editor and international editor of The Sydney Morning Herald.
