



## 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 28 April 2020

**TIME:** Following the Development Applications Committee

**VENUE:** Audio Visual platform Zoom

J Bath  
Chief Executive Officer

**City Administration Centre  
12 Stewart Avenue  
NEWCASTLE WEST NSW 2302**

22 April 2020

### **Please note:**

*Meetings of City of Newcastle (CN) are webcast. CN accepts no liability for any defamatory, discriminatory or offensive remarks or gestures made during the meeting. Opinions expressed or statements made by participants are the opinions or statements of those individuals and do not imply any form of endorsement by CN. Confidential matters will not be webcast.*

*The electronic transmission is protected by copyright and owned by CN. No part may be copied or recorded or made available to others without the prior written consent of CN. Council may be required to disclose recordings where we are compelled to do so by court order, warrant or subpoena or under any legislation. Only the official minutes constitute an official record of the meeting.*

*Authorised media representatives are permitted to record meetings provided written notice has been lodged. A person may be expelled from a meeting for recording without notice. Recordings may only be used for the purpose of accuracy of reporting and are not for broadcast, or to be shared publicly. No recordings of any private third party conversations or comments of anyone within the Chamber are permitted.*

*Please note, to ensure compliance with Public Health Orders regarding COVID-19, Council meetings will be conducted remotely via audio-visual link until further notice. This is in accordance with Council's resolution of 24 March 2020, and amendments to the Local Government Act. Any requirements under the Act or Code of Meeting Practice for councillors to physically attend meetings and for members of the public to be permitted to attend meetings will be satisfied if attendance is by way of an audio-visual link.*



**ORDINARY COUNCIL MEETING  
28 April 2020**

**CONTENTS**

<b>Item</b>	<b>Business</b>	<b>Page</b>
	<b>APOLOGIES/LEAVE OF ABSENCE</b>	
	<b>ORDERS OF THE DAY</b>	
	<b>DECLARATIONS OF PECUNIARY / NON-PECUNIARY INTEREST</b>	
	<b>CONFIRMATION OF PREVIOUS MINUTES</b>	5
	MINUTES - PUBLIC VOICE COMMITTEE MEETING 17 MARCH 2020	5
	MINUTES - BRIEFING COMMITTEE MEETING MINUTES 17 MARCH 2020	9
	MINUTES - ORDINARY COUNCIL MEETING 24 MARCH 2020	12
	<b>LORD MAYORAL MINUTE</b>	33
ITEM-5	LMM 28/04/20 - PROTECTING CITY OF NEWCASTLE JOBS	33
ITEM-6	LMM 28/04/20 - ICLEI OCEANIA - CITIESWITHNATURE AUSTRALIA INITIATIVE	40
ITEM-7	LMM 28/04/20 - LGNSW - COVID-19 FINANCIAL SUPPORT	47
	<b>REPORTS BY COUNCIL OFFICERS</b>	50
ITEM-18	CCL 28/04/20 - PRACTICE NOTE: CODE OF MEETING PRACTICE	50
ITEM-19	CCL 28/04/20 - ICLEI REGIONAL EXECUTIVE COMMITTEE 2021 - 2024	57
ITEM-20	CCL 28/04/20 - EXECUTIVE MONTHLY PERFORMANCE REPORT	66
	<b>NOTICES OF MOTION</b>	69
ITEM-9	NOM 28/04/20 - EXTENDED POWERS OF PLANNING MINISTER	69

**CITY OF NEWCASTLE**

Ordinary Council Meeting 28 April 2020

Page 4

**CONFIDENTIAL REPORTS**

71

ITEM-5 CON 28/04/20 - TENDER - ORGANICS PROCESSING FACILITY  
2019/144T

71

ITEM-6 CON 28/04/20 - CODE OF CONDUCT MATTER (***DISTRIBUTED  
UNDER SEPARATE COVER***)

***Business Paper to be distributed on the night in accordance  
with the Code of Meeting Practice, cl 20.5.)***

**FOR DOCUMENTS MARKED 'DISTRIBUTED UNDER SEPARATE COVER' REFER  
TO COUNCIL'S WEBSITE AT [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)**

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

**CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - PUBLIC VOICE COMMITTEE MEETING 17 MARCH 2020**

**RECOMMENDATION**

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

**ATTACHMENTS**

**Attachment A:** 200317 Public Voice Committee 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](http://www.newcastle.nsw.gov.au)*

CITY OF NEWCASTLE

**Minutes of the Public Voice Committee Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street Newcastle on Tuesday 17 March 2020 at 6.02pm.**

---

**PRESENT**

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

**IN ATTENDANCE**

J Bath (Chief Executive Officer), D Clarke (Director Governance), B Smith (Director Strategy and Engagement), F Leatham (Director People and Culture), A Jones (Interim Director City Wide Services), J Rigby (Manager Assets and Projects), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), K Hyland (Manager Major Events and Corporate Affairs), M Murray (Chief of Staff, Lord Mayor's Office), K Simpson (Senior Project Planner), A Knowles (Council Services/Minutes) and K Sullivan (Council Services/Webcasting).

**MESSAGE OF ACKNOWLEDGEMENT**

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

**PRAYER**

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

**APOLOGIES**

**MOTION**

Moved by Cr Rufo, seconded by Cr Byrne

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

**Carried**

**DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS**

**Councillor Elliott**

Councillor Elliott declared a non-pecuniary less than significant interest in Item 1 – DA2019/01146 – 106 Gosford Road, Adamstown as a presenter was known to her and remained in the Chamber for discussion on the item.

**Councillor Winney-Baartz**

Councillor Winney-Baartz declared a non-significant, non-pecuniary interest in Item 2 – DA2019/01255 – 25 Llewellyn Street, Merewether as she resided close to the property and managed the conflict by remaining in the Chamber for discussion on the item.

**PUBLIC VOICE SESSIONS**

**ITEM-1 PV 17/03/20 - DA2019/01146 - 106 GOSFORD ROAD, ADAMSTOWN - MULTI DWELLING HOUSING - DEMOLITION OF DWELLINGS AND OUTBUILDINGS ERECTION 12 ATTACHED UNITS AND 12 LOT STRATA SUBDIVISION**

Mr Andrew Biller and Ms Kathy Rowarth addressed Council and outlined concerns and objections to the development application. Mr Nathan Farr, Plan Centre on behalf of the DA applicant addressed Council in support of the development application.

Councillor Church questioned how issues raised during Public Voice sessions were considered. The Manager Regulatory, Planning and Assessment confirmed that issues raised were considered and included in the assessment reports prepared for the Development Applications Committee.

**ITEM-2 PV 17/03/20 - DA2019/01255 - 25 LLEWELLYN STREET, MEREWETHER - VETERINARY HOSPITAL - CHANGE OF USE FROM A COMMERCIAL PREMISE**

Ms Erin Daniel, Perception Planning and Ms Felicity Cole, Merewether Veterinary Clinic on behalf of the DA applicant addressed Council in support of the development application.

**ITEM-3 PV 17/03/20 - DA2019/00603 - 26 SMITH STREET, HAMILTON SOUTH - DWELLING HOUSE - ALTERATIONS AND ADDITIONS TO DWELLING AND ANCILLARY STRUCTURE**

Ms Kathy Hartigan addressed Council and outlined concerns and objections to the development application. Mr Andrew Doring, Doring Design and Ms Linda Babic Heritas Architecture on behalf of the DA applicant, addressed Council in support of the development application.

**ITEM-4 PV 17/03/20 - SAVE OUR OCEAN BATHS - CONTRACT 2020/152E AND 2020/157E**

Ms Penelope Maxwell and Ms Jessica Miller addressed Council outlining their concerns and comments in relation to the Newcastle Ocean Baths redevelopment.

Ms Kristy Simpson, Senior Project Planner, City of Newcastle addressed Council and provided an update on the Newcastle Ocean Baths and Merewether Ocean Baths revitalisation projects.

## **CITY OF NEWCASTLE**

Ordinary Council Meeting 28 April 2020

Page 8

Councillor Elliott questioned how much City of Newcastle spent on the last Merewether Ocean Baths upgrade, which included changing of the blocks. The Director Infrastructure and Property took the question on notice.

**The meeting concluded at 9.08pm.**



**MINUTES - BRIEFING COMMITTEE MEETING MINUTES 17 MARCH 2020**

**RECOMMENDATION**

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

**ATTACHMENTS**

**Attachment A:** 200317 Briefing Committee 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](http://www.newcastle.nsw.gov.au)*

**CITY OF NEWCASTLE**

**Minutes of the Briefing Committee Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street Newcastle on Tuesday 17 March 2020 at 9.13pm.**

---

**PRESENT**

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

**IN ATTENDANCE**

J Bath (Chief Executive Officer), D Clarke (Director Governance), B Smith (Director Strategy and Engagement), F Leatham (Director People and Culture), A Jones (Interim Director City Wide Services), J Rigby (Manager Assets and Projects), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), K Hyland (Manager Major Events and Corporate Affairs), M Murray (Chief of Staff, Lord Mayor's Office), S Hart (Emergency Management Coordinator), A Knowles (Council Services/Minutes) and K Sullivan (Council Services/Webcasting).

**APOLOGIES**

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Elliott

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

**Carried**

**DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS**

Nil.

**BRIEFING COMMITTEE REPORTS**

**ITEM-1 BR 17/03/20 - CITIES LEADERSHIP INSTITUTE HEALTH INNOVATION**

The briefing was postponed.

**ITEM-2 BR 17/03/20 – CITY OF NEWCASTLE ACTIONS IN RESPONSE TO COVID-19**

**PROCEDURAL MOTION**

Moved by Cr Clausen, seconded by Cr Rufo

The matter of the City of Newcastle actions in response to COVID-19 be heard as a late item of business in accordance with the Code of Meeting Practice, Section 16 which states,

- 16.1 Any Meeting (including an extraordinary Meeting) may consider any item not listed for consideration on the Business Papers only if:  
16.1.1 A motion is passed to have the business transacted at the Meeting; and  
16.1.2 The business proposed to be brought forward is ruled by the Chairperson to be of great urgency.
- 16.2 A motion to consider a late item of business at an extraordinary meeting may only be considered after the business notified in the agenda for the meeting has been disposed of.
- 16.3 Only the mover of a motion to consider a late item of business may speak to it and no further discussion will be allowed.
- 16.4 A motion to consider a late item of business is a Procedural Motion.
- 16.5 Nothing in this clause 16 limits the discretion of the Chairperson pursuant to clause 35.

**Carried  
unanimously**

A briefing was presented by Jeremy Bath CEO, Fiona Leatham Director People and Culture, and Stephen Hart Emergency Management Coordinator.

**PROCEDURAL MOTION**

Moved by Cr Clausen, seconded by Cr Rufo

Council extend the duration of the meeting until 10.00pm.

**Carried  
unanimously**

**PROCEDURAL MOTION**

Moved by Cr Elliott, seconded by Cr Rufo

Council extend the duration of the meeting for a further 30 minutes.

**Carried**

**The meeting concluded at 10.26pm.**

**MINUTES - ORDINARY COUNCIL MEETING 24 MARCH 2020**

**RECOMMENDATION**

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

**ATTACHMENTS**

**Attachment A:** 200324 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](http://www.newcastle.nsw.gov.au)*

**CITY OF NEWCASTLE**

**Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 24 March 2020 at 6.04pm.**

---

**PRESENT**

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

**IN ATTENDANCE**

J Bath (Chief Executive Officer), D Clarke (Director Governance), K Liddell (Director Infrastructure and Property), F Leatham (Director People and Culture), A Jones (Interim Director City Wide Services), E Kolatchew (Manager Legal), S Moore (Acting Chief Financial Officer), M Bisson (Manager Regulatory, Planning and Assessment), A Abbott (Manager Corporate and Community Planning), S Massey (Economic Development Facilitator), K Sullivan (Council Services/Minutes/Webcasting) and A Knowles (Council Services).

**MESSAGE OF ACKNOWLEDGEMENT**

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

**PRAYER**

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

**PROCEEDINGS IN BRIEF**

The Lord Mayor stated that advice from the Emergency Response Team in respect to COVID-19, was to comply with NSW Health guidelines that the meeting should be no longer than two hours duration.

**APOLOGIES**

**MOTION**

Moved by Cr Rufo, seconded by Cr Luke

The apology submitted on behalf of Councillor Robinson be received and accepted and leave of absence granted.

**Carried**

**DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS**

Nil.

**CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - EXTRAORDINARY COUNCIL MEETING 11 FEBRUARY 2020**

**MINUTES - PUBLIC VOICE MEETING 18 FEBRUARY 2020**

**MINUTES - ORDINARY COUNCIL MEETING 25 FEBRUARY 2020**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

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

**Carried  
unanimously**

**LORD MAYORAL MINUTE**

**ITEM-4 LMM 24/03/20 - CORONAVIRUS (COVID-19) COMMUNITY AND ECONOMIC RESILIENCE RESPONSE**

**MOTION**

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

That City of Newcastle:

- 1 Receives a briefing from the City of Newcastle COVID-19 Planning Team, that meets daily, on the activation of our Emergency Management Action Plan (EMAP) aligned with state and national emergency plans, at this Ordinary Council meeting of 24 March 2020;
- 2 **Part A:**
  - 1 Commends our local doctors, nurses and health care workers for their immense efforts to stop the spread of Coronavirus (COVID-19), particularly workers at John Hunter Hospital and our all our health facilities, for their incredible efforts to keep Novocastrians as safe and healthy as possible during this difficult time of global uncertainty;
  - 2 Recognises that COVID-19 will have a significant impact on our community wellbeing and the local economy of Newcastle, with many people potentially isolated for periods of time, small businesses facing supply chain issues and substantially reduced economic activity, with the unemployment rate likely to rise;
  - 3 Develops a Community and Economic Resilience package, to assist Novocastrians through this period of unprecedented disruption;
  - 4 Recognises that the health, safety and wellbeing of our workforce is paramount;

- 5 Thanks NSW Police Local Area Commanders, Superintendent Brett Greentree, Newcastle Local Area Command and Superintendent Danny Sullivan, Lake Macquarie Local Area Command, for their collaboration on the City's emergency response, through the Local Emergency Management Committee;
- 6 Notes that we are working in collaboration with government partners, including NSW Health, who are the lead agency responding to COVID-19;
- 7 Notes that we are working within the Local Emergency Management Committee - with NSW Police, NSW Fire Brigade, SES, Health, and Transport for NSW to ensure that our city is adequately equipped and prepared;
- 8 Notes that we continue to liaise with partners including the Office of Local Government, neighbouring councils, the University of Newcastle, Port of Newcastle and the Newcastle Airport to ensure consistent information is shared with our community;

**3. Part B**

Following a number of State, National and International measures being announced, that City of Newcastle:

- 1 Recognises the significant first phase of stimulus measures and boosted income support measures that have been announced by the NSW and Federal Governments, aimed at supporting individuals, families, businesses and not-for-profit organisations;
- 2 Calls on the Federal Government to suspend mutual obligations requirements for accessing income support, including JobSeeker Payment (Newstart), Work for the Dole, Community Development Program (CDP) and ParentsNext, while noting that waiting periods to access income support payments have been waived.
- 3 Calls on the NSW Government to immediately increase the NSW Mandatory Pensioner Rebates on Council Rates, currently fixed at only \$250, which has not been increased by the NSW Government for 27 years, since it was introduced in 1993;
- 4 Calls on the Federal Government to follow the lead of the United Kingdom, by guaranteeing to pay at least 80 per cent of the wages of those who have lost their jobs because of COVID-19, up to \$5000 per month;
- 5 Calls on the Federal Government to investigate the implementation of a Universal Basic Income - a system where everyone receives a standard amount of money regardless of their current work status - to ensure that all Australian's have access to basic necessities, during, and after the COVID-19 global pandemic;

- 6 Calls on the NSW and Federal Governments to initiate a temporary eviction moratorium, including directions to NSW Police and court officers to not carry out or allow any evictions and the immediate cessation of public and community housing providers eviction proceedings against their tenants;
- 7 Asks both the NSW and Federal Governments to consider the nationalisation, or renationalisation, of key industries and organisations, including but not limited to, manufacturing of essential medical equipment such as respirators and face masks, private hospital emergency departments, aviation, shipping, public transport, energy and utilities, telecommunications and high-speed internet infrastructure, banking, vocational education and training, basic and essential food production and cleaning services for government buildings;
- 8 Calls on Minister for Local Government to amend clause 5.2 of the model meeting code of practice to allow Councillors to participate in a meeting of council by electronic means during a pandemic where public health considerations make this appropriate including where a Councillor is required to be in isolation.

**PROCEDURAL MOTION**

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

The Lord Mayoral Minute Parts 1, 2 (Part A) and 3 (Part B) be dealt with in seriatim.

**Carried**

**MOTION**

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

That City of Newcastle:

- 1 Receives a briefing from the City of Newcastle COVID-19 Planning Team, that meets daily, on the activation of our Emergency Management Action Plan (EMAP) aligned with state and national emergency plans, at this Ordinary Council meeting of 24 March 2020;

**Carried  
unanimously**

Council received a briefing on the COVID-19 Community and Economic Resilience Package from Ashlee Abbott, Manager Corporate and Community Planning, Scott Moore, Acting Chief Financial Officer and Simon Massey, Economic Development Facilitator.



**MOTION**

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

**PART A**

- 1 Commends our local doctors, nurses and health care workers for their immense efforts to stop the spread of Coronavirus (COVID-19), particularly workers at John Hunter Hospital and our all our health facilities, for their incredible efforts to keep Novocastrians as safe and healthy as possible during this difficult time of global uncertainty;
- 2 Recognises that COVID-19 will have a significant impact on our community wellbeing and the local economy of Newcastle, with many people potentially isolated for periods of time, small businesses facing supply chain issues and substantially reduced economic activity, with the unemployment rate likely to rise;
- 3 Adopts the COVID-19 Community and Economic Resilience Package (**Attachment A**) with the Phase 1 and Phase 2 budget changes to be forecast and included in the March Quarterly Budget Review and 2020/21 Our Budget;
- 4 Recognises that the health, safety and wellbeing of our workforce is paramount;
- 5 Thanks NSW Police Local Area Commanders, Superintendent Brett Greentree, Newcastle Local Area Command and Superintendent Danny Sullivan, Lake Macquarie Local Area Command, for their collaboration on the City's emergency response, through the Local Emergency Management Committee;
- 6 Notes that we are working in collaboration with government partners, including NSW Health, who are the lead agency responding to COVID-19;
- 7 Notes that we are working within the Local Emergency Management Committee - with NSW Police, NSW Fire Brigade, SES, Health, and Transport for NSW to ensure that our city is adequately equipped and prepared;
- 8 Notes that we continue to liaise with partners including the Office of Local Government, neighbouring councils, the University of Newcastle, Port of Newcastle and the Newcastle Airport to ensure consistent information is shared with our community;

**Carried  
unanimously**

**MOTION**

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

**PART B**

Following a number of State, National and International measures being announced, that City of Newcastle:

- 1 Recognises the significant first phase of stimulus measures and boosted income support measures that have been announced by the NSW and Federal Governments, aimed at supporting individuals, families, businesses and not-for-profit organisations;
- 2 Calls on the Federal Government to suspend mutual obligations requirements for accessing income support, including JobSeeker Payment (Newstart), Work for the Dole, Community Development Program (CDP) and ParentsNext, while noting that waiting periods to access income support payments have been waived.
- 3 Calls on the NSW Government to immediately increase the NSW Mandatory Pensioner Rebates on Council Rates, currently fixed at only \$250, which has not been increased by the NSW Government for 27 years, since it was introduced in 1993;
- 4 Calls on the Federal Government to follow the lead of the United Kingdom, by guaranteeing to pay at least 80 per cent of the wages of those who have lost their jobs because of COVID-19, up to \$5000 per month;
- 5 Calls on the Federal Government to investigate the implementation of a Universal Basic Income - a system where everyone receives a standard amount of money regardless of their current work status - to ensure that all Australian's have access to basic necessities, during, and after the COVID-19 global pandemic;
- 6 Calls on the NSW and Federal Governments to initiate a temporary eviction moratorium, including directions to NSW Police and court officers to not carry out or allow any evictions and the immediate cessation of public and community housing providers eviction proceedings against their tenants;
- 7 Asks both the NSW and Federal Governments to consider the nationalisation, or renationalisation, of key industries and organisations, including but not limited to, manufacturing of essential medical equipment such as respirators and face masks, private hospital emergency departments, aviation, shipping, public transport, energy and utilities, telecommunications and high-speed internet infrastructure, banking, vocational education and training, basic and essential food production and cleaning services for government buildings;

- 8 Calls on Minister for Local Government to amend clause 5.2 of the model meeting code of practice to allow Councillors to participate in a meeting of council by electronic means during a pandemic where public health considerations make this appropriate including where a Councillor is required to be in isolation.

**PROCEDURAL MOTION**

Moved by Cr Church, seconded by Cr Luke

Part B be dealt with seriatim.

**Carried**

Councillor Mackenzie pointed out that part 8 was redundant with the Office of Local Government proposing changes to the *Local Government Act 1993* that would allow councils to meet and make decisions via electronic means.

Councillor Elliott proposed that the words 'and commend' be added to part 1 of the motion so that it read as follows:

*Following a number of State, National and International measures being announced, that City of Newcastle:*

- 1 Recognises and commend the significant first phase of stimulus measures and boosted income support measures that have been announced by the NSW and Federal Governments, aimed at supporting individuals, families, businesses and not-for-profit organisations;*

The Lord Mayor accepted the above-mentioned changes.

Councillor Clausen gave notice of a Part C to the motion in respect to part 8 of Part B.

**MOTION**

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

**PART B**

Following a number of State, National and International measures being announced, that City of Newcastle:

- 1 Recognises and commend the significant first phase of stimulus measures and boosted income support measures that have been announced by the NSW and Federal Governments, aimed at supporting individuals, families, businesses and not-for-profit organisations;

**Carried  
unanimously**

**MOTION**

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

**PART B**

Following a number of State, National and International measures being announced, that City of Newcastle:

- 2 Calls on the Federal Government to suspend mutual obligations requirements for accessing income support, including JobSeeker Payment (Newstart), Work for the Dole, Community Development Program (CDP) and ParentsNext, while noting that waiting periods to access income support payments have been waived.

**Carried**

**MOTION**

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

**PART B**

Following a number of State, National and International measures being announced, that City of Newcastle:

- 3 Calls on the NSW Government to immediately increase the NSW Mandatory Pensioner Rebates on Council Rates, currently fixed at only \$250, which has not been increased by the NSW Government for 27 years, since it was introduced in 1993;

**Carried  
unanimously**

**MOTION**

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

**PART B**

Following a number of State, National and International measures being announced, that City of Newcastle:

- 4 Calls on the Federal Government to follow the lead of the United Kingdom, by guaranteeing to pay at least 80 per cent of the wages of those who have lost their jobs because of COVID-19, up to \$5000 per month;

**Carried**

**MOTION**

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

PART B

Following a number of State, National and International measures being announced, that City of Newcastle:

- 5 Calls on the Federal Government to investigate the implementation of a Universal Basic Income - a system where everyone receives a standard amount of money regardless of their current work status - to ensure that all Australian's have access to basic necessities, during, and after the COVID-19 global pandemic;

**Carried**

**MOTION**

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

PART B

Following a number of State, National and International measures being announced, that City of Newcastle:

- 6 Calls on the NSW and Federal Governments to initiate a temporary eviction moratorium, including directions to NSW Police and court officers to not carry out or allow any evictions and the immediate cessation of public and community housing providers eviction proceedings against their tenants;

**Carried**

**MOTION**

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

PART B

Following a number of State, National and International measures being announced, that City of Newcastle:

- 7 Asks both the NSW and Federal Governments to consider the nationalisation, or renationalisation, of key industries and organisations, including but not limited to, manufacturing of essential medical equipment such as respirators and face masks, private hospital emergency departments, aviation, shipping, public transport, energy and utilities, telecommunications and high-speed internet infrastructure, banking, vocational education and training, basic and essential food production and cleaning services for government buildings;

**Carried**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

**PART C**

That:

- 1 On the basis of current public health advice, Council immediately varies its adopted Meeting Schedule by:
  - a Cancelling or postponing all non-essential in-person Advisory Committee meetings until public health orders are lifted;
  - b Cancelling in-person Public Voice meetings, and consider alternative electronic means of facilitating Public Voice until public health orders are lifted;
  - c To reduce unnecessary meetings, scheduling Development Application Committee (DAC) meetings to be held on the same night as scheduled Ordinary Council Meetings; and
  - d Proceeds with scheduled Ordinary Council Meetings in April and May 2020, with agendas limited as far as practicable to urgent matters requiring the elected Council's approval.
- 2 Notes that, today, Council has received advice from the Office of Local Government regarding proposed changes to the *Local Government Act 1993* that would allow it to meet and make decisions via electronic means rather than face-to-face. Legislative amendments are presently before the NSW Parliament.
- 3 Pending the passage of this legislation through the Parliament, Royal Assent, and implementation by the Minister for Local Government / OLG, that Council takes all necessary steps to enable upcoming scheduled Ordinary Council Meetings to occur in an audio-visual electronic form allowed by the change in legislation.
- 4 In the event that there are further changes to public health advice, or an order by legislation or government authority, that prevent Council from being able to meet (in person or in an electronic form), Council enters into a 'Recess Period' until the public health advice or order is lifted, and that:
  - a Council decisions be exercised in consultation with the Council in accordance with the Section 6 of the adopted Instrument of Delegation to the Lord Mayor;

and

- b The Instrument of Delegation to the Chief Executive Officer be amended to allow for the CEO to vary existing Council service that would have overall negative implications for Council in terms of cost or service in order to comply with any public health advice, legislation or government orders, after consultation with the Lord Mayor and Council where reasonably possible.

**PROCEDURAL MOTION**

Moved by Cr Church, seconded by Cr Luke

Part C be dealt with seriatim.

**Defeated**

The motion moved by Councillor Clausen and seconded by Councillor Mackenzie, relating to Part C, was put to the meeting.

**Carried**

**DECLARATION OF PECUNIARY/NON-PECUNIARY INTERESTS**

**Councillor Luke**

Councillor Luke declared a less than significant non-pecuniary conflict of interest in Item 17 – Executive Monthly Performance Report 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.

**RE-ORDER OF COUNCIL REPORTS BY COUNCIL STAFF**

**PROCEDURAL MOTION**

Moved by Cr Clausen, seconded by Cr Luke

Due to the restricted time limitation proposed to deal with reports by staff, they be dealt with in order of priority.

**Carried**

**REPORTS BY COUNCIL OFFICERS**

**ITEM-15 CCL 24/03/20 - PUBLIC EXHIBITION OF DRAFT OUR BUDGET 2020/21 (DELIVERY PROGRAM 2018 - 2022 AND OPERATIONAL PLAN 2020/21) AND DRAFT FEES AND CHARGES 2020/21**

**MOTION**

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

That Council:

- 1 Resolves to place the draft 2020/21 Our Budget (2018-2022 Delivery Program and 2020/21 Operational Plan) as at **Attachment A** and the draft 2020/21 Fees and Charges Register as at **Attachment B** on public exhibition for at least 28 days prior to final consideration by Council.

**PROCEDURAL MOTION**

Moved by Cr Church, seconded by Cr Luke

The matter lay on the table for a month. That City of Newcastle put before the public a much more detailed and closer examination of where the budget forecasts in terms of expenditure might be in light of decisions that have already been made tonight.

**Defeated**

The motion moved by Lord Mayor, Councillor Nelmes and seconded by Councillor Clausen was put to the meeting.

**For the Motion:**

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

**Against the Motion:**

Councillors Church and Elliott.

**Carried**

**REPORTS BY COUNCIL OFFICERS**

When moving the procedural motion, Councillors Clausen and Mackenzie confirmed they were moving the alternate recommendation in relation to Item 13 as outlined in a memo circulated to all Councillors dated 24 March 2020.

**PROCEDURAL MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

The following reports by Council Officers be moved as a block:

- Item 16 - Proposed Road Closures - 35 Robert Street and 22 Annie Street, Wickham



- Item 14 - Adoption of Fern Bay and North Stockton Strategy
- Item 17 - Executive Monthly Performance Report
- Item 13 - Appointment of Voting Delegate for the 2020 National General Assembly of Local Government and Endorsement of Motions

**Carried**

**ITEM-16 CCL 24/03/20 - PROPOSED ROAD CLOSURES - 35 ROBERT STREET AND 22 ANNIE STREET, WICKHAM**

**MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Endorse the closure of two sections of the John Street road reserve adjacent to Lot 100 DP 808303, subject to receiving approval from the Crown - NSW Department of Planning, Industry and Environment.
- 2 Approve the sale of the 157m<sup>2</sup> parcel of land (**Attachment A**) to the adjoining owners of Lot 101 DP808303 for \$85,000 (plus GST). The proposed purchase price is based on an independent valuation of the land following the road closure and has been agreed upon by all parties.
- 3 Approve the sale of the 139m<sup>2</sup> parcel of land (**Attachment B**) to the adjoining owner of Lot 100 DP 808303 for \$80,000 (plus GST). The proposed purchase price is based on an independent valuation of the land following the road closure and has been agreed upon by all parties.
- 4 Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the transactions.
- 5 Endorse the sale revenue be transferred to City of Newcastle's 'Works Program: Specific Projects' internal reserve.

**For the Motion:**

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

**Against the Motion:**

Nil.

**Carried**

**ITEM-14 CCL 24/03/20 - ADOPTION OF FERN BAY AND NORTH STOCKTON STRATEGY**

**MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Adopts the Fern Bay and North Stockton Strategy (**Attachment A**), and Implementation Plan (**Attachment B**).

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

**Against the Motion:** Nil.

**Carried**

**ITEM-17 CCL 24/03/20 - EXECUTIVE MONTHLY PERFORMANCE REPORT**

**MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Receives the Executive Monthly Performance Report for February 2020.

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

**Against the Motion:** Nil.

**Carried**

**ITEM-13 CCL 24/03/20 - APPOINTMENT OF VOTING DELEGATE FOR THE 2020 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT AND ENDORSEMENT OF MOTIONS**

**MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Endorse the motions for submission to the 2020 Australian Local Government Association's National General Assembly as set out at **Attachment B**.

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

**Against the Motion:** Nil.

**Carried**

## **NOTICES OF MOTION**

When moving the procedural motion, Councillors Clausen and Mackenzie confirmed they were moving the Officer's recommendation for items 6 and 7 as outlined in the Business Papers.

### **PROCEDURAL MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

The following Notices of Motion be moved as a block:

- Item 4 - Submission to Review Disability Inclusion Act 2014
- Item 5 - The Future for Waste
- Item 6 - Support for Wildlife Carers
- Item 7 - Social Infrastructure: The Community Pantry

**Carried**

### **ITEM-4 NOM 24/03/20 - SUBMISSION TO REVIEW DISABILITY INCLUSION ACT 2014**

#### **MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That City of Newcastle:

- 1 Prepares a submission to the NSW Government's Review of the Disability Inclusion Act.
- 2 That the submission includes but not be limited to:
  - a) Support for ongoing funding to Newcastle based disability advocacy organisations (including Disability Advocacy NSW and Community Disability Alliance Hunter);
  - b) Concern regarding the lack of NSW Government funding to implement the mandated Disability Inclusion Action Plans, that are required under the Act;
  - c) The impacts of the changing demographic profile of Newcastle, including its ageing population, which increases pressure on local government to provide accessible services without any additional Government funding;
  - d) Any relevant feedback from stakeholders, including from CN's Access Inclusion Advisory Committee.

**Carried  
unanimously**

**ITEM-5 NOM 24/03/20 - THE FUTURE FOR WASTE**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That City of Newcastle:

- 1 Notes the long-awaited release of two Issues Papers (Cleaning Up Our Act – The Future for Waste and Resource Recovery in NSW & Redirecting the Future of Plastic in NSW) by the NSW Government on 8 March 2020 (Attached)
- 2 Notes that City of Newcastle paid \$32.7 million in the s88 waste levy in the last financial year, and received \$176,290 in NSW Waste Less, Recycle More grants (equal to just 0.6% of waste levy paid).
- 3 That Council makes a submission to both Issues Papers, consistent with its previously adopted positions, encouraging:
  - a. State funding to support waste avoidance and recovery, including grants to support councils with major capital investments (including by reinvesting the \$800 million S88 Waste Levy into recycling);
  - b. The development of a local circular economy, and support for local manufacturing using recycled product;
  - c. Deliver consistent education campaigns to promote waste avoidance and recycling;
  - d. Introduce producer responsibility schemes for problematic materials.

**Carried  
unanimously**

**ITEM-6 NOM 24/03/20 - SUPPORT FOR WILDLIFE CARERS**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That City of Newcastle

- 1 Commends the NSW Government on the creation of The Wildlife Heroes Bushfire Emergency Fund 2019 grant program, funded through its Environmental Trust and managed by the Foundation for National Parks & Wildlife, noting its explicit aims to support wildlife volunteers to respond to emergencies (financially, organisationally, psychologically) and to improve wildlife group emergency response capacity long-term.
- 2 Notes the important work undertaken by volunteer wildlife carers to rehabilitate wildlife and writes to wildlife carers in order to establish how CN employees can utilise a maximum of two days (or four half days) from their Personal Leave balance per year to support this program and attend a genuine volunteer opportunity.

- 3 Notes the important work undertaken by CN's own Blackbutt Reserve volunteers who focus on animal care, education activities, maintenance around and the operation of the Blackbutt Kiosk in conjunction with the Blackbutt Plan of Management.
- 4 Works with Softys Clubhouse to assist with the identification of the relevant insurance for volunteers participating in a Caring for Carers program. Further that it works with Softys Clubhouse on the identification of a suitable CN administered grants program that could provide financial support towards the relevant volunteer insurance.
- 5 Work with Softys Clubhouse to assist them in seeking an exemption from waste fees at Summerhill Waste Management Centre, consistent with the requirements for the NSW Community Service Exemption (CSE) from the NSW waste levy for eligible waste collected or received through community services or activities.

**Carried  
unanimously**

**ITEM-7 NOM 24/03/20 - SOCIAL INFRASTRUCTURE: THE COMMUNITY PANTRY**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That City of Newcastle

- 1 Notes the ongoing work of the Council to address homelessness, including the resolution of the 27 February 2018 Ordinary Council Meeting in support of the Ending Homelessness Pledge, and the resolution of the 10 December 2019 Ordinary Council Meeting to refer the development of a homelessness and heatwave program to the Strategy and Innovation Advisory Committee.
- 2 Notes the resolved LMM from June 2019 Ordinary Council Meeting to resource and develop a Social Infrastructure Strategy.
- 3 In consultation and collaboration with Newcastle's network of SHS providers, identify potential uses of CN community assets for the distribution of outreach hampers, parcels and vouchers.
- 4 Explores resources and guidance on CN's website to inform the community about grassroots initiatives aimed at helping homeless people.

**Carried  
unanimously**

**CONFIDENTIAL REPORTS**

**ITEM-2 CON 24/03/20 - PROPERTY MATTER**

**PROCEDURAL MOTION**

Moved by Cr Luke, seconded by Cr Duncan

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

**Carried**

Council moved into confidential session at 7.46pm.

**PROCEDURAL MOTION**

Moved by Cr Rufo, seconded by Cr Luke

Council move out of confidential session.

**Carried**

Council reconvened at 7.49pm and the Chief Executive Officer reported the outcomes of confidential session.

**MOTION**

Moved by Cr Duncan, seconded by Cr Mackenzie

That Council:

- 1 Acquires Lot 8 DP1251435 at 280 Hunter Street, Newcastle on the commercial terms outlined in this report.
- 2 Delegates to the Chief Executive Officer authority to execute all relevant documentation to affect the transaction.
- 3 Publicly notifies the proposal to classify the acquired land as Operational Land in accordance with Section 34 of the Local Government Act 1993.
- 4 If no public submissions are received objecting to the classification proposal then the property is classified as Operational.
- 5 This confidential report relating to the matters specified in s10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**Carried  
unanimously**

**LATE ITEMS OF BUSINESS**

**ITEM-8 NOM 24/03/2020 - LATE ITEM - COVID-19**

The Lord Mayor stated that she had been informed by the Chief Executive Officer that a late item of business had been submitted by Councillors Church, Elliott, Robinson and Rufo

The Notice of Motion was noted as being a matter of urgency due to the subject matter relating to COVID-19.

The Lord Mayor ruled that the business proposed was of great urgency on the grounds that it was required to go before Council prior to the next scheduled meeting.

The Chief Executive Officer tabled a report on the late item, COVID-19.

**MOTION**

Moved by Cr Church, seconded by Cr Elliott

That City of Newcastle

- 1 Defer for three months the payment of the fourth-rate notice in this financial year for residents and businesses to provide people with immediate relief.
- 2 Provide pensioners with an additional \$100 rebate, to be deducted from their last rate notice for the 19/20 financial year.
- 3 Provide free green waste drop off at the Summerhill waste management centre for the remainder of the 19/20 financial year
- 4 Re-introduce the discount on parking through the Easy Park app until the end of this financial year.

Councillor Clausen raised a point of order stating that point one, defer rates, was unlawful, consistent with advice provided in the report from the Chief Executive Officer that Council should not consider a motion that could not be implemented based on advice from the Office of Local Government.

The Lord Mayor upheld the point of order and removed point one.

Councillor Clausen gave notice of a foreshadowed motion.

The Lord Mayor confirmed the motion before the Chair as follows:

*That City of Newcastle*

- 1 *Provide pensioners with an additional \$100 rebate, to be deducted from their last rate notice for the 19/20 financial year.*
- 2 *Provide free green waste drop off at the Summerhill waste management centre for the remainder of the 19/20 financial year.*
- 3 *Re-introduce the discount on parking through the Easy Park app until the end of this financial year.*

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

**Defeated**

**MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

The City of Newcastle proposes to freeze the current hourly parking rate at \$4.00 which was proposed to increase by \$1.00 in the 2020/21 budget. This equates to a \$1.4m saving to anyone using paid parking, both app and non-app users.

**Carried  
unanimously**

Councillors Luke and Rufo left the meeting at 8.11pm.

**The meeting concluded at 8.12pm.**



**LORD MAYORAL MINUTE**

**ITEM-5**

**LMM 28/04/20 - PROTECTING CITY OF NEWCASTLE JOBS**

---

**MOTION**

That City of Newcastle:

- 1 Notes that with more than 1,200 staff, City of Newcastle is a significant local employer of a highly valued, diverse and expert staff, who ensure a high level of service to the community;
- 2 Thanks City of Newcastle staff for continuing to deliver for our community through the COVID-19 global pandemic, which has brought much uncertainty and disruption to many aspects of our day-to-day lives;
- 3 Commits to doing all that we can, in close consultation with the United Services Union, to protect our workers from job losses being experienced across local government in Australia;
- 4 Commends the United Services Union, for their advocacy to protect Council jobs across New South Wales, particularly those jobs in rural and regional areas where local councils can often be the largest employers and are also crucial to supporting a wide range of local businesses in these communities;
- 5 Notes that through our Community and Economic Resilience Response, City of Newcastle will invest millions in initiatives aimed at supporting local people, businesses and our City of Newcastle workforce through the COVID-19 pandemic;
- 6 Notes that in the recession of the early 1990s the Federal Keating Government created the Local Government Capital Works Program which was instrumental in protecting council jobs and getting people back into work;
- 7 Raises deep concern that currently, NSW Local Government employees are not covered by the Federal Government scheme – the JobKeeper subsidy - to offer certain employers \$1,500 per fortnight to retain their employees for the next six months;
- 8 Calls on both the Federal Government and NSW Government to commit to protecting Council jobs, by ensuring that local government is included in any future COVID-19 economic survival measures introduced, noting that stimulus and investment of this kind would not only create legacy community infrastructure, but also sustain local services, employment and drive local economies;

- 9 Writes to the Prime Minister, the Hon. Scott Morrison MP, calling on the Federal Government to expand eligibility for the JobSaver Payment, to include local government employees, as a safety net for all Council workers across the nation during the COVID-19 pandemic.

**BACKGROUND**

**Key points from ABC:**

- Hundreds of local government staff across Australia have been stood down due to the coronavirus pandemic, including at City of Sydney.
- The Prime Minister says local councils do not qualify for the JobKeeper scheme and it is the responsibility of the states to support them
- More cuts are expected — ABC is reporting that it is estimated 30 per cent of WA's local government workforce could have positions terminated without access to the JobKeeper program

**Source: ABC News – ‘Local councils stand down hundreds of employees as they are not eligible for COVID-19 JobKeeper program’ – 7 April 2020.**

**MEDIA RELEASE FROM THE NSW OPPOSITION:**

GREG WARREN MP  
**LABOR SHADOW MINISTER FOR LOCAL GOVERNMENT**

**THOUSANDS OF JOBS IN RURAL AND REGIONAL NSW  
ON THE LINE AS MINISTER REFUSES TO ACT**

The Minister for Local Government’s failure to demand a better deal for the local government sector could destroy the livelihoods of thousands of people in rural and regional NSW.

NSW Labor has described Berejiklian Local Government Minister Shelley Hancock as a ‘hypocrite’, as she lectures financially struggling councils to keep employees on while refusing to deliver the stimulus they need.

During an interview last week, Ms Hancock conceded: “The local government sector has been severely impacted by COVID-19 and it could get a lot worse,” continuing by saying councils should: “do your utmost to retain your workforce”.

Shadow Minister for Local Government Greg Warren was bemused by the comments given the state government’s refusal to introduce a stimulus package for councils throughout the state – an initiative NSW Labor has repeatedly called for.

Mr Warren urged the Minister to stop sitting on the fence and demand the Treasurer and Premier formulate and deliver a much-needed stimulus package for councils.

The stimulus would not only provide councils with a much-needed financial injection, but it would also help fast-track shovel-ready projects and ensure employees remained in the workforce.

“Councils are bleeding money in an effort to soften the impact of COVID-19 on their communities,” Mr Warren said.

“Most are dipping into their cash reserves to do so, but as we know there are a lot of councils who simply don’t have the ability to do this for an extended period of time – or at all.

“If the Minister doesn’t deliver the stimulus funding councils need to stay afloat it’s people who will wind up paying with their jobs.

“Stimulus would provide councils with a much-needed financial injection, keep people in a job, maintain services and fast-track ‘shovel-ready’ projects.”

“In some cases, councils – particularly in rural and regional NSW – are the biggest employer in their community.

“If the state government supports councils through this COVID-19 crisis then councils can support their communities – it’s that simple.

“The Minister implored councils to do their utmost to retain the workforce – it would be beneficial for thousands of people if the Minister heeded her own advice.

“The Minister needs to do her job so thousands of other people can keep theirs.”

**DANIEL MOOKHEY MLC  
LABOR SHADOW MINISTER FOR FINANCE AND SMALL BUSINESS**

**GREG WARREN MP  
LABOR SHADOW MINISTER FOR LOCAL GOVERNMENT**

## **LOCAL COUNCIL SUPPORT MUST BE IN FUTURE ECONOMIC SURVIVAL PACKAGE**

NSW Labor says local councils must be included in any future NSW COVID-19 economic survival measures introduced by the government.

Many councils throughout the state – particularly in rural and regional NSW – are the biggest employer in their local community.

Any impacts on those councils would have a direct effect on residents throughout those communities.

Local councils have a number of economic levers they can pull to maintain employment and support struggling communities.

Whether that is through service provision, community programs or construction of shovel ready infrastructure projects.

Stimulus and investment of this kind would not only create legacy community infrastructure, but also sustain local services, employment and drive local economies.

Labor's call was led by Shadow Local Government Minister Greg Warren, Shadow Minister for Finance and Small Business Daniel Mookhey and Shadow Treasurer Walt Secord.

Mr Warren said: "We need to work with the Local Government to create jobs at a local level.

"In the recession of the early 1990s the Keating government created the Local Government Capital Works Program which was instrumental in getting people back into work.

"We want to see sensible measures that encourage Local Governments to start projects and create jobs.

"Every dollar that directly feeds into local communities helps to create and sustain jobs growth – something that is crucial during these turbulent times.

"So far the Berejiklian Government has failed to invest in NSW councils. Now more than ever, they should be working with this vital third branch of government to support local communities.

"Local Government is perfectly placed to provide well managed and cost-effective outcomes for communities, particularly in terms of capital works as they already have the frameworks in place – that is why councils must be included in any future economic stimulus package."

Mr Mookhey added: "local councils are often the largest employer in regional communities, but they also support a wide-range of smaller businesses.

"This means that pay packets continue to flow and smaller businesses see that benefit."

The Berejiklian Government has announced two inadequate economic survival packages which do not go nearly far enough. A proper economic survival package should include:

- Guaranteeing the jobs of the tens of thousands of casuals working for the NSW Government;

- Establishing a comprehensive one-off fund to hire the sudden unemployed and casuals so they can assist with the safe delivery of assistance and support to essential services and help the vulnerable;
- Grants and loans to small and medium-sized businesses;
- Grants and loans for businesses to adjust or re-direct manufacturing for medical, emergency and related supplies required for the COVID-19 crisis;
- Additional adequate funding for community organisations to ensure the most vulnerable can continue to access food, shelter and support; and
- Creation of a local government fund partnership post-COVID to support local jobs through local shovel-ready infrastructure projects.

**MEDIA RELEASE FROM THE FEDERAL OPPOSITION:**

**JASON CLARE MP  
SHADOW MINISTER FOR HOUSING AND HOMELESSNESS  
SHADOW MINISTER FOR REGIONAL SERVICES, LOCAL GOVERNMENT AND  
TERRITORIES**

**CORONAVIRUS: UP TO 45,000 COUNCIL JOBS AT RISK**

**7 April 2020**

The coronavirus has led to closure of many council facilities putting up to 45,000 jobs at risk.

Currently ineligible for the JobKeeper package local councils are already laying off thousands of employees.

Sutherland Shire Council, in the Prime Minister's own electorate, has already stood down 260 casual workers.

Councils receive revenue from two main sources; fees for community facilities, like pools and community halls, and the rates they charge for garbage, roads and park maintenance.

With most community facilities closed, councils face a significant loss in revenue. Blacktown Council alone is losing 1.7 million per month in fees for services they have had to close.

With many councils about to issue rate notices, revenue will also be massively under pressure as the economic impact of the coronavirus hits ratepayers.

Many councils are preparing for a greater level of rate defaults, or deferrals of rates, to help ratepayers.

The federal government has said that help for councils and their staff is a matter for the states.

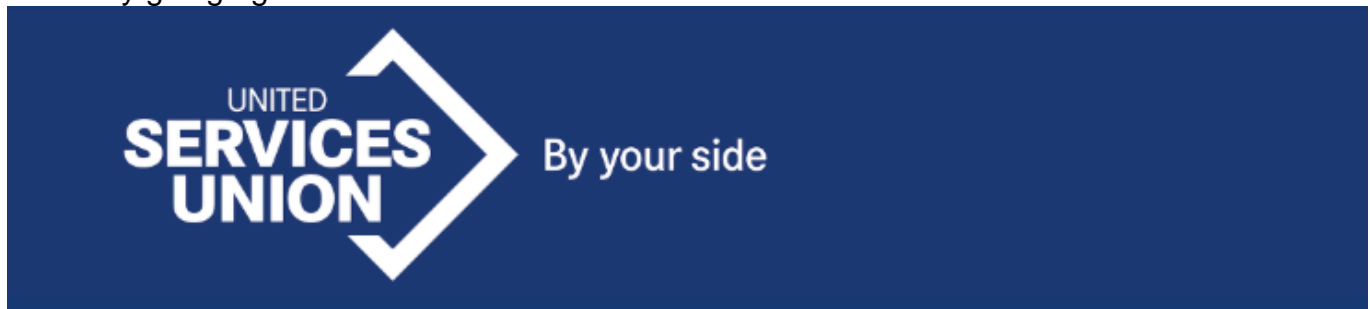
The fact is councils and council workers need the help of both federal and state governments.

There are a number of ways this problem can be fixed.

Any solution should involve a commitment of no job losses and rate relief to those that need it.

Local government is the level of government closest to every Australian. The people it employs and the services it provides are the backbone of our local communities.

Not only are councils important now, they will be incredibly important as we come out of this crisis. They will drive the community infrastructure projects to get this economy going again.



We all know that we are in an unprecedented, difficult time. But it is not the time for any local government worker to be stood down or let go.

Local government workers form an essential part of community support and deliver a wide range of essential services.

Local Government workers are at the frontline during national disasters, and in the aftermath, always the first to provide the support that is required. There is no more shining example of this than during the recent bushfires.

We have been extremely concerned that local government workers who are there for their communities are now being left out in the cold.

This is why we are calling on the Federal Government to take urgent action to secure local government jobs and support to communities.

We have written to the Prime Minister and State Government to ask for urgent assistance to keep all local council workers in paid employment throughout this crisis.

It is critical that Councils have sufficient funding to retain their workforce to deliver the essential services needed as we get through, and recover from, COVID-19 and its massive impacts on people and our local communities.

We want local government employees to know that we are doing everything we can to keep people in jobs and to support all of our members throughout this difficult time.

Local government workers keep our communities running during:

- Bushfires
- Drought
- COVID-19

Now is not the time to stand these workers down. Our communities need them.

We are calling for the following:

- A Federal Government direction to local councils to retain all current full-time, part time and casual employees, and if necessary, train and redeploy staff to sectors where support is needed in response to COVID-19;
- An urgent stimulus package to Local Government;
- A review of the decision to leave Councils out of the JobKeeper arrangements;
- Financial assistance, access to funding and grant variations to enable councils to focus on supporting their communities and preserving jobs through this crisis;
- Where rate relief is contemplated or implemented, the Government should fund councils to ensure there is no loss in revenue that goes towards councils delivering support to their communities, during the crisis and recovery stages.

Graeme Kelly OAM

**General Secretary**

**United Services Union**

**RELATED PREVIOUS DECISIONS:**

- LMM – 24/03/20 – CORONAVIRUS (COVID-19) COMMUNITY & ECONOMIC RESILIENCE RESPONSE

**ATTACHMENTS**

Nil

**ITEM-6                      LMM 28/04/20 - ICLEI OCEANIA - CITIESWITHNATURE  
AUSTRALIA INITIATIVE**

---

**MOTION**

That City of Newcastle:

- 1 Notes our longstanding relationship with ICLEI (Local Government for Sustainability) dating back to the Pathways to Sustainability Conference held in Newcastle in 1997 and subsequently by the development of local strategies and solutions through the Cities for Climate Protection Program, the Global Covenant of Mayors for Climate and Energy and through development of practical implementation programs for Local Government in Australia and New Zealand.
- 2 Accepts ICLEI Oceania's invitation to become a Pioneer City for the new CitiesWithNature (CWN) Australia Initiative, aimed at recognising and enhancing the value of nature in and around cities across the world, noting that this initiative provides a shared platform for cities and their partners to engage and connect, working with shared commitment towards a more sustainable urban world.

**BACKGROUND**

**ICLEI CitiesWithNature Initiative**

ICLEI launched the global CitiesWithNature (CWN) initiative in Montréal in 2018.

CWN is a unique partnership initiative founded by ICLEI, IUCN and The Nature Conservancy that provides an online platform to connect cities and subnational governments, researchers, practitioners, partners, and urban communities to share, learn from and inspire each other.

Based on the earlier ICLEI Local Action for Biodiversity program, it provides an amazing array of guidance tools, resources, peer-learning and events to promote the importance of "bringing nature back into our cities".

CWN promotes all forms of nature-based solutions and highlights the many benefits of bringing our urban residents closer to nature – mental and physical health and wellbeing, social connections, urban cooling and climate change adaptation, clean air and water, liveability and economic sustainability.

CitiesWithNature is endorsed by the Secretariat of the Convention on Biological Diversity as the official engagement platform for cities and subnational governments to share and report on their actions and commitments to the Post-2020 Global Biodiversity Framework.



While any local government authority can register immediately on the CWN website and benefit from our global offerings free of charge, we are now very pleased to announce that a specially designed CWN program is about to be introduced to Australia. To help ICLEI design a high value program specially tailored for Australian conditions, we would like to invite the City of Newcastle to become one of our Pioneer Cities.

### **Benefits of being a Pioneer City**

You will be one of a small group of councils working with ICLEI during 2020 to co-design a support package specially tailored to the needs of Australian local governments. We know that many Australian councils have already made significant progress in introducing urban greening and nature-based solutions, so it is important that CWN Australia recognises this progress and helps councils to assess their current status and to identify the sort of guidance and support which will be of most benefit for your next steps.

Pioneer Cities will benefit from:

- Participating in and learning from a research project conducted by Swinburne University
- and ICLEI titled “ Mapping the knowledge and governance needs for implementing nature-based solutions in Australian Cities ”
- Helping to co-design an Australian Resource Guide to best meet your needs
- Positioning your Council as a CitiesWithNature role model
- Participation in webinars and a national event towards the end of 2020
- Peer-to-peer learning and best practice exchange through the international CWN Network
- Aligning your efforts with the international Convention for Biodiversity

### **What will it cost?**

There will be no charge to ICLEI members to become a Pioneer City.

The Pioneer Cities will also be asked to advise ICLEI on the development of future technical support modules and events, and to also advise on realistic costings for such support elements for 2021 and beyond. More information about the ICLEI CitiesWithNature Initiative can be found here: <https://cwn.iclei.org/>

### **RELATED PREVIOUS DECISIONS:**

- LMM – 24/10/2017 Global Covenant of Mayors for Climate and Energy (ICLEI Oceania).
- LMM – 31/1/2006 – ICLEI World Congress Cape Town South Africa

**ATTACHMENTS**

**Lord Mayoral Minute Item 6 Attachment A**

17/03/20 - Letter to Lord Mayor Nuatali Nelmes inviting City of Newcastle to become a Pioneer Council for CitiesWithNature Australia.

**Lord Mayoral Minute Item 6 Attachment B**

17/03/20 - CitiesWithNature brochure

Lord Mayoral Minute Item 6 Attachment A



**Oceania**  
PO 24263  
Level 8, 225 Bourke St,  
Melbourne VIC 3001, Australia  
Ph: +61 (0)3 9639 8688  
ABN 66 089 145 433

17 March 2020

**Lord Mayor Nuatali Nelmes**  
**City of Newcastle**

Dear Lord Mayor Nelmes,

Invitation to become a Pioneer Council for **CitiesWithNature Australia**

You may be aware that ICLEI launched the global CitiesWithNature (CWN) initiative in Montréal in 2018. CWN is a unique partnership initiative founded by ICLEI, IUCN and The Nature Conservancy that provides an online platform to connect cities and subnational governments, researchers, practitioners, partners, and urban communities to share, learn from and inspire each other.

Based on the earlier ICLEI Local Action for Biodiversity program, it provides an amazing array of guidance tools, resources, peer-learning and events to promote the importance of “bringing nature back into our cities”. <https://cwn.iclei.org/>

CWN promotes all forms of nature-based solutions and highlights the many benefits of bringing our urban residents closer to nature – mental and physical health and wellbeing, social connections, urban cooling and climate change adaptation, clean air and water, liveability and economic sustainability.

CitiesWithNature is endorsed by the Secretariat of the Convention on Biological Diversity as the official [engagement platform](#) for cities and subnational governments to share and report on their actions and commitments to the Post-2020 Global Biodiversity Framework.

While any local government authority can register immediately on the CWN website and benefit from our global offerings free of charge, we are now very pleased to announce that a specially designed CWN program is about to be introduced to Australia. To help ICLEI design a high value program specially tailored for Australian conditions, we would like to invite the City of Newcastle to become one of our Pioneer Cities.

**Benefits of being a Pioneer City**

You will be one of a small group of councils working with ICLEI during 2020 to co-design a support package specially tailored to the needs of Australian local governments. We know that many Australian councils have already made significant progress in introducing urban greening and nature-based solutions, so it is important that CWN Australia recognises this progress and helps councils to assess their current status and to identify the sort of guidance and support which will be of most benefit for your next steps.



CitiesWithNature



Pioneer Cities will benefit from:

- participating in and learning from a research project conducted by Swinburne University and ICLEI titled *"Mapping the knowledge and governance needs for implementing nature-based solutions in Australian Cities"*
- Helping to co-design an Australian Resource Guide to best meet your needs
- Positioning your Council as a CitiesWithNature role model
- Participation in webinars and a national event towards the end of 2020
- Peer-to-peer learning and best practice exchange through the international CWN Network
- Aligning your efforts with the international Convention for Biodiversity

**What will it cost?**

There will be no charge to ICLEI members to become a Pioneer City. A council which is not currently an ICLEI member will be asked to pay a nominal fee of \$2,500 or alternatively may decide to join/re-join ICLEI. The Pioneer Cities will also be asked to advise ICLEI on the development of future technical support modules and events, and to also advise on realistic costings for such support elements for 2021 and beyond.

We would also encourage clusters of councils to consider joining CitieswithNature and are happy to discuss fee/membership options with you.

**How do we become a Pioneer City?**

Please register your interest by clicking on this [link](#) and providing basic contact details for the relevant people or sections in your Council.

ICLEI will then contact you again soon with more details of your proposed participation and to arrange your financial contribution if applicable. Please note that you can opt out of the Pioneer Cities group at this stage if you wish.

We would be very happy to discuss further how the City of Newcastle can participate. Please contact Steve Gawler or Mr Phani Harsha on 03 96398688 or email [steve.gawler@iclei.org](mailto:steve.gawler@iclei.org).

Sincerely

Steve Gawler  
Regional Director  
ICLEI Oceania

Attached:  
Cities With Nature Brochure





Lord Mayoral Minute Item 6 Attachment B

**COMING TO AUSTRALIA 2020**

# WELCOME TO CitiesWithNature

**Now, more than ever, there is a need to unite and embrace nature, reconnect communities with nature, become CitiesWithNature!**

Become part of this unique initiative that recognizes and enhances the value of nature in and around cities across the world. It provides a **shared platform** for cities and their partners to **engage and connect**, working with shared commitment towards a more sustainable urban world.

**WHY JOIN?** **JOIN THE JOURNEY** →

**Become a Pioneer Council**

- Participate in needs assessment
- Help co-design the Australian Resource Guide
- Position your council as a Cities With Nature Role Model

Interested?  
Contact Steve Gawler  
steve.gawler@iclei.org  
(03) 9639 8688

**CitiesWithNature**

REGISTRY

Community Hub

Knowledge & Research Hub

Commitment Platform

<https://cwn.iclei.org>

IUCN I.C.L.E.I. Local Governments for Sustainability The Nature Conservancy

# *Your Nature Pathway* CitiesWithNature

*Connecting, sharing and learning to design with nature*

Cities will be **guided on a journey** of exploration and inspiration, sharing with and learning from other cities

**Tools** from leading **global organizations**, as well as **cities**, will be integrated along the Pathway

Gain access to **events, resources, case studies, best practice models** and **knowledge sharing**



**ITEM-7                      LMM 28/04/20 - LGNSW - COVID-19 FINANCIAL SUPPORT**

---

**MOTION**

That City of Newcastle:

- 1     Calls on the Federal Government and NSW Government to urgently deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.
  
- 2     Calls for the packages to include the following measures:
  - Increasing Financial Assistance Grants payments to 1% to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
  - Immediate financial assistance to support council employees, especially in early education and care.
  - Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs.
  - Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.
  - Ensuring that City of Newcastle is not deemed ineligible for any future grant or stimulus funding due to our status as metropolitan or regional, given the ongoing uncertainty that exists regarding this matter between the State and Federal Governments.
  
- 3     Commends the NSW and Federal Governments on their stewardship during this crisis and commits to working in partnership to protect community health and sustain local economies through this crisis.
  
- 4     Writes to the Federal Member for Newcastle, Sharon Claydon MP, Prime Minister, the Hon. Scott Morrison MP, State Member for Newcastle, Tim Crakanthorp MP, NSW Premier the Hon. Gladys Berejiklian MP, Federal Treasurer the Hon. Josh Frydenberg MP, NSW Treasurer the Hon. Dominic Perrottet MP, NSW Local Government Minister the Hon. Shelley Hancock MP, Federal Minister for Local Government, the Hon. Mark Coultan, Federal Opposition Leader the Hon. Anthony Albanese, NSW Opposition Leader Jodi McKay MP, Federal Shadow Minister for Local Government, Jason Clare MP and NSW Shadow Minister for Local Government, Greg Warren MP to confirm their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.

- 5 Endorses Local Government NSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for the local government sector.
- 6 Advises LGNSW President Linda Scott of the passage of this Lord Mayoral Minute.

**BACKGROUND:**

On Friday, April 2020, President of Local Government NSW (LGNSW), wrote to City of Newcastle asking that we endorse the campaign to support the local government sector through the COVID-19 pandemic, which is being coordinated by LGNSW and the Australian Local Government Association (ALGA).

Subsequently, I ask all Councillors to support the local government sector's campaign for assistance in dealing with the health and economic crisis caused by the COVID-19 pandemic.

City of Newcastle is already suffering the consequences of the COVID-19 pandemic, with many of our services to the community closed, and significant financial implications for the City's balance sheet.

I am recommending that we support the campaign, which is being coordinated on behalf of the NSW sector by Local Government NSW (LGNSW) and at a national level by the Australian Local Government Association (ALGA).

City of Newcastle has faced increased costs and at the same time is experiencing declining revenue as more and more ratepayers are forced into financial hardship. The impacts are rapidly escalating.

I commend our staff for doing everything possible to provide support and deliver the services needed to protect community health and keep our communities running during these difficult times. The wellbeing, safety and livelihoods of our staff and our community is our top priority.

However, if additional assistance is not provided, we may be forced to further review service levels, infrastructure maintenance and staff arrangements.

It is critical that the local government sector receives adequate funding and resources to coordinate and deliver the goods and services needed as we navigate through the new challenges presented by COVID-19 and its massive impacts on people and our local economies.

Council needs urgent financial assistance from the Federal Government and NSW State Government to maintain infrastructure, services and employment as well as funding to give councils the capacity to provide hardship assistance to the community.



The measures listed below would be effective and simple to implement:

- Increasing Financial Assistance Grants payments to 1% to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
- Immediate financial assistance to support council employees, especially in early education and care.
- Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs. Existing Federal funding programs include the Roads to Recovery, Bridges Renewal and Road Safety Blackspots programs. State programs include Fixing Local Roads, Fixing Country Bridges and the Stronger Country Communities programs.
- Further, that City of Newcastle is not deemed ineligible for any future grant or stimulus funding due to our status as metropolitan or regional, given the ongoing uncertainty that exists regarding this matter between the State and Federal Governments.
- Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.

## **ATTACHMENTS**

Nil

**REPORTS BY COUNCIL OFFICERS**

**ITEM-18**                      **CCL 28/04/20 - PRACTICE NOTE: CODE OF MEETING PRACTICE**

**REPORT BY:**                **GOVERNANCE**  
**CONTACT:**                 **DIRECTOR GOVERNANCE / MANAGER LEGAL**

---

**PURPOSE**

To receive a Practice Note to the Code of Meeting Practice (COMP) to provide for Council meetings to be held remotely by audio-visual link.

**RECOMMENDATION**

That Council:

- 1 receive the Practice Note to the Code of Meeting Practice, as set out at **Attachment A**.

**KEY ISSUES**

- 2 On 25 March 2020 amendments were made with immediate effect to the Local Government Act 1993 (Act) to allow councils to meet remotely, to assist them to manage the risk of transmission of the COVID-19 virus at their meetings and to ensure compliance with Public Health Orders in relation to the COVID-19 pandemic.
- 3 Amendments have been made to the Act to temporarily modify the application of existing provisions of the Act and councils' codes of meeting practice. Any requirements under the Act or councils' codes of meeting practice for councillors to physically attend meetings and for members of the public to be permitted to attend meetings, will be satisfied if attendance is by way of an audio-visual link in accordance with section 747A of the Act.
- 4 The Office of Local Government (OLG) requires councils to take all necessary steps to enact the changes, however councils are not required to make amendments to their codes of meeting practice to give effect to this.
- 5 For abundance of clarity, the Practice Note to the COMP, as set out at **Attachment A**, has been prepared to provide guidance on the practical delivery of remote meetings to enable Council to meet its legislative obligations. The Code of Meeting Practice as set out at **Attachment B** remains unchanged and the two documents should be read together.
- 6 The amendment to the provisions of the Act are valid for six months and may be extended for up to 12 months by regulation. The Practice Note will operate for as long as the amended provisions of the Act remain in force.

**FINANCIAL IMPACT**

- 7 CN's adopted Our Budget 2020/21 provides for arrangements for Council meetings. There is no budget implication in adopting the Practice Note to the COMP.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

**8 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.

**9 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**

- 10 The Practice Note to the COMP and will be made available for Council meetings and updated on CN's website.

**RISK ASSESSMENT AND MITIGATION**

- 11 CN's adopted COMP ensures Council complies with the Act, Regulation and the Model Meeting Code. As no amendments are required to the COMP, there is little risk to Council in adopting the Practice Note designed to provide clarity.

**RELATED PREVIOUS DECISIONS**

- 12 At the Ordinary Council Meeting held on 24 September 2019, Council adopted the Code of Meeting Practice.

**CONSULTATION**

- 13 No public exhibition process is required as there is no amendment to the COMP.
- 14 No consultation with Advisory Committees was required.

**BACKGROUND**

15 The OLG has provided advice to councils on the requirements to comply with the amendments to the Act, as set out in OLG circular 20-09 Compliance with social distancing requirements to limit the spread of the COVID-19 virus at council and committees meetings, as set out at **Attachment C**.

**OPTIONS**

**Option 1**

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

**Option 2**

17 Council not adopt the Practice Note to the COMP. This will not negate the requirement for Council to meet in accordance with the requirements of the Act. The Practice Note is designed for practical guidance only and is not a legal requirement. This is not the recommended option.

**REFERENCES**

Nil

**ATTACHMENTS**

**Item 18 Attachment A:** Practice Note to the Code of Meeting Practice

**Item 18 Attachment B:** Code of Meeting Practice

**Item 18 Attachment C:** Office of Local Government Circular 20-09 Compliance with social distancing requirements to limit the spread of the COVID-19 virus at council and committee meetings

Item 18 Attachment A

**Practice Note:  
Code of Meeting Practice**



---

In relation to the COVID-19 pandemic, on 25 March 2020 amendments were made with immediate effect to the Local Government Act 1993 (the Act) to allow councils to meet remotely, to assist them to manage the risk of transmission of the COVID-19 virus at their meetings and to ensure compliance with Public Health Orders.

Councils are required to take all necessary steps to enact the changes in accordance with the advice of the Office of Local Government (OLG) [20-09 Compliance with social distancing requirements to limit the spread of the COVID-19 virus at council and committee meetings](#)

This Practice Note provides for the practical delivery of Meetings remotely, and provides clarity in relation to consequential temporary amendments to the CN Code of Meeting Practice (COMP) to enable Council to meet its legislative requirements.

**The CN Code of Meeting Practice (COMP) must be read in conjunction with this Practice Note to ensure compliance with the legislation as amended.**

**This Practice Note will operate for a period of six months but may be extended to 12 months by regulation if required.**

**1. AMENDMENT OF MEETING SCHEDULE**

---

At its meeting on 24 March 2020, Council resolved on the basis of current public health advice, to immediately vary its adopted Meeting Schedule by:

- (a) Cancelling or postponing all non-essential in-person Advisory Committee meetings until public health orders are lifted;
- (b) Cancelling in-person Public Voice meetings, and consider alternative electronic means of facilitating Public Voice until public health orders are lifted;
- (c) To reduce unnecessary meetings, scheduling Development Application Committee (DAC) meetings to be held on the same night as scheduled Ordinary Council Meetings; and
- (d) Proceeds with scheduled Ordinary Council Meetings in April and May 2020, with agendas limited as far as practicable to urgent matters requiring the elected council's approval.

**Refer COMP: section 5: Scheduling of Meetings, section 11: Order of business, section 17: Public Voice and Public Briefings**

## 2. MEETINGS TO BE CONDUCTED REMOTELY

---

All references to 'Meeting' or 'Meeting room' or 'Council Chamber' within the COMP should be interpreted as operating within the platform identified to support meeting remotely using audio-visual link.

The amendment to the Act provides that any requirement that Councillors attend a Meeting is satisfied if the Meeting is held remotely using audio-visual links. This means that Councillors are now able to participate in meetings by an audio-visual link instead of attending person.

CN will continue to livestream Council and Committee of Council Meetings (excluding when parts of the Meeting are Closed).

**Refer COMP: section 8: Councillor Participation; section 43 Webcasting**

## 3. PUBLIC ATTENDANCE AND AVAILABILITY OF AGENDA AND BUSINESS PAPERS

---

CN satisfies the requirements under section 10 of the Act that members of the public be permitted to attend Meetings, by holding Meetings remotely using audio-visual links and livestreaming Meetings using an audio-visual link.

Following the temporary closure of CN's Customer Contact Centre to in-person visits, Agenda and Business Papers are available on CN's website only. No paper copy Agenda or Business Papers will be made available to the public while Meetings are held remotely.

**Refer COMP: section 21 Availability of Agenda and Business Papers to the public, section 29 Public; section 43 Webcasting**

## 4. CONDUCT OF COUNCILLORS DURING REMOTE MEETINGS

---

While Meetings are held remotely, Councillors will not be required to stand.

Councillors continue to be obliged to disclose and appropriately manage conflicts of interest they may have in matters being considered at meetings. Councillors continue to be obliged to remove themselves from the consideration of matters in which they have a pecuniary or significant non-pecuniary conflict of interest.

**Refer COMP: section 8 Councillor participation, section 15: Mode of address; section 74 Conflicts of interest - Councillors**

## 5. VOTING

---

Voting will continue to be conducted by voice, show of hand or by division as required using appropriate processes that support open and transparent decision-making.

**Refer COMP: section 27 Election of Chairperson; section 68 Voting entitlements; section 70 Counting of votes; section 71 Voting by division**

## 6. CONFIDENTIALITY AND CLOSING MEETINGS

---

Councils continue to be able to close Meetings to the public under section 10A of the Act. Where Councillors participate in Meetings held remotely by audio-visual links, they continue to be obliged to protect any confidential information considered at the Meeting. Where Meetings are closed to the public Councillors must ensure that they participate in the Meeting in in such a way that the Meeting content cannot be seen or heard by anyone else.

Given that Meetings are currently being held remotely, Public representations prior to the closure of a Meeting are temporarily suspended.

Confidential Business Papers will only be provided to Councillors in electronic form at the time of discussion and will be unavailable after the closed session has concluded, accessed through the password protected Councillor portal.

**Refer COMP: section 20 Agenda and Business Papers; section 32 Bases for closing Meetings; section 34 Public representations**

## 7. PETITIONS

---

Petitions will only be received in electronic format while this Practice Note is in operation.

**Refer COMP: section 24 Petitions**

## 8. SIGNING THE MINUTES

---

CN recognises that current Public Health Orders may present some restrictions and in order to prioritise the health and safety of our employees and Councillors, the provisions of section 40 will be adhered to as closely as possible but will not invalidate a decision of Council.

**Refer CSOMP: section 40 Signature**

## 9. PHOTOGRAPHY

---

Where Meetings are held remotely using audio-visual links, photography or the extraction of still images from any Meeting held remotely is not permitted except with the prior approval of the Lord Mayor/Chairperson.

**Refer COMP: section 44 Photography**

**Item 18 Attachment B**

<https://www.newcastle.nsw.gov.au/Newcastle/media/Documents/Legal%20and%20Governance/Code-of-Meeting-Practice-Policy-V6-September-2019.pdf>

**Item 18 Attachment C**

[20-09 Compliance with social distancing requirements to limit the spread of the COVID-19 virus at council and committee meetings](#)



**ITEM-19 CCL 28/04/20 - ICLEI REGIONAL EXECUTIVE COMMITTEE  
2021 - 2024**

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

---

**PURPOSE**

To endorse the nomination of the Lord Mayor for the ICLEI (Local Governments for Sustainability) Oceania regional executive committee (RexCom).

**RECOMMENDATION**

That Council:

- 1 Endorses the nomination of the Lord Mayor for the ICLEI Oceania regional executive committee.

**KEY ISSUES**

- 2 City of Newcastle (CN) has a long association with ICLEI dating back to the Pathways to Sustainability Conference held in Newcastle in 1997 and subsequently by the development of local strategies and solutions through the Cities for Climate Protection Program, the Global Covenant of Mayors for Climate and Energy and through development of practical implementation programs for Local Government in Australia and New Zealand.
- 3 ICLEI Oceania has opened nominations for the ICLEI Oceania regional executive committee. Nomination information provided includes a Call for Candidates (**Attachment A**), the Terms of Reference (**Attachment B**) and the Application Form (**Attachment C**).

**FINANCIAL IMPACT**

- 4 There is no fee to nominate or be a member of the ICLEI Oceania RexCom.

**COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 5 CN's endorsement of the Lord Mayor to nominate for the ICLEI Oceania RexCom is consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan including:

**Protected Environment**

- 2.1b Investigate and implement renewable energy technologies.
- 2.1c Encourage energy and resource efficiency initiatives.

- 2.3a Ensure decisions and policy response to climate change remains current and reflects community needs.
- 2.3b Support individuals and communities to prepare respond and recover from emergency events.

**Open and Collaborative Leadership**

- 7.2a Conduct Council business in an open, transparent and accountable manner.
- 7.2b Provide timely and effective advocacy and leadership on key community issues.
- 7.2c Establish collaborative relationships and advocate for local needs with all stakeholders.

**IMPLEMENTATION PLAN/IMPLICATIONS**

- 6 CN staff will make arrangements on behalf of the Lord Mayor including ensuring nomination documentation is completed during the applicable nomination period.

**RISK ASSESSMENT AND MITIGATION**

- 7 Councillors are covered under CN's Personal Accident Insurance Policy for all travel related to professional development and official duties, as per the terms, conditions, limits and exclusions of the policy wording.

**RELATED PREVIOUS DECISIONS**

- 8 Lord Mayoral Minute – 24/10/2017 Global Covenant of Mayors for Climate and Energy (ICLEI Oceania).
- 9 Lord Mayoral Minute – 31/1/2006 – ICLEI World Congress Cape Town South Africa.

**CONSULTATION**

Nil.

**BACKGROUND**

- 10 ICLEI (Local Governments for Sustainability) is a global network of more than 1,750 local and regional governments committed to sustainable urban development. Active in more than 100 countries, they aim to influence sustainability policy and drive local action for low emission, nature-based, equitable, resilient and circular development.

- 11 CN has a long association with ICLEI dating back to the Pathways to Sustainability Conference held in Newcastle in 1997 and subsequently by the development of local strategies and solutions through the Cities for Climate Protection Program, the Global Covenant of Mayors for Climate and Energy and through development of practical implementation programs for Local Government in Australia and New Zealand.
- 12 The ICLEI governance structure ensures member cities and towns have their say on local strategy and the strategic vision and actions of ICLEI Global. Every three years ICLEI members elect representatives to their local RexComs. All members of the nine RexComs shall form the ICLEI Council.
- 13 The elections for the 2021 - 2024 Committees are being held across the world this year and CN has been encouraged to endorse the Lord Mayor for nomination to join the ICLEI Oceania RexCom.

## **OPTIONS**

### **Option 1**

- 14 Council adopted the recommendation as shown at Paragraph 1. This is the recommended option.

### **Option 2**

- 15 Council adopts an alternative recommendation. This is not the recommended option.

## **REFERENCES**

## **ATTACHMENTS**

- Item 19 Attachment A:** ICLEI Oceania, Call for Candidates, April 2020  
**Item 19 Attachment B:** ICLEI Oceania, Terms of Reference, April 2020  
**Item 19 Attachment C:** ICLEI Oceania, Application Form, April 2020

**Item 19 Attachment A**

---



**ICLEI OCEANIA REGIONAL EXECUTIVE COMMITTEE  
2021 - 2024**

**Call for Candidates**

**Nominate for the ICLEI Oceania regional executive committee (RexCom) election**

The ICLEI governance structure ensures member cities and towns have their say not only on local strategy but also the strategic vision and actions of ICLEI Global. Every three years ICLEI members elect representatives to their local regional executive committees (RexComs), which in turn nominate a member onto the global executive committee (GexCom). All members of the nine RexComs shall form the ICLEI Council. The Council is responsible for the election of the Global Executive Committee Portfolio Seats, the approval of the ICLEI Strategic Plan, and for approving any amendments to the ICLEI Charter.

The elections for the 2021 - 2024 Committees are being held across the world this year.

**Structure of RexCom**

The ICLEI Oceania RexCom will have five members, ideally one from the Pacific, one from New Zealand and three from Australia. Each RexCom member is encouraged to take on a portfolio from:

- Climate Change and Low Carbon
- Urban Resilience and Disaster Risk Reduction
- Urban nature, biodiversity, health
- Sustainable Development Goals
- Circular Economy
- Pacific Islands and remote communities

The RexCom may also appoint additional persons with special expertise for designated portfolios. The final decision on portfolios will be made after the first meeting of the Global Executive Committee.

**Eligibility**

In order to be eligible to nominate for RexCom, one should be an elected or appointed political leader from an eligible ICLEI Member within the region, and preferably with Council endorsement. If elected, candidates must be prepared to sign the Code of Honour.

**Timeline**

6 April - 4 May	Call for Candidates
During May	Review of candidates
1 – 29 June	Voting
12 August	First meeting of new RexCom to elect “regional seat” to GexCom



**Candidacy and Election Process**

The Call for Candidates will open on 6 April 2020 and will close on 4 May 2020. Persons wishing to nominate must complete the candidate application form and return by mail or email to:

Steve Gawler, Regional Director ICLEI Oceania  
PO Box 24263, Melbourne, VIC, 3000, Australia, Email [steve.gawler@iclei.org](mailto:steve.gawler@iclei.org)

The following documents are provided:

- Candidate Application Form
- Terms of Reference
- Code of Honour
- Link to Election Video (YouTube)

## Item 19 Attachment B



## Terms of Reference for the ICLEI Regional Executive Committees (RexCom) 2020

### 1. General

1.1. A Regional Executive Committee (RexCom) for the 2021-2024 term shall be established in the following ICLEI Regions by the end of September 2020:

- Africa
- East Asia
- Europe and West Asia
- Mexico, Central America and the Caribbean
- North America
- Oceania
- South America
- South Asia
- Southeast Asia

*Reference: Charter 4.2.1*

1.2. The RexCom should act as a high level strategic leadership, advisory and representation body, preferably consisting of political leaders from ICLEI Members within the region.

*Reference: Charter 4.4.1*

1.3. Each RexCom should consist of three or five members; each member can be assigned to a specific portfolio. A certain number of special advisor positions can be open. Two of the RexCom members shall be elected Chair and Vice-Chair.

*Reference: Charter 4.2.4 ; By-laws 4.2.3*

1.4. The RexCom is elected for a three year term.

*Reference: Charter 4.2.6*

1.5. The ensemble of the RexComs forms the ICLEI Council.

*Reference: Charter 4.2.8*

### 2. Role

2.1. The RexCom represents ICLEI Membership from the relevant ICLEI Region and makes decision on policy to be applied in the region.

*Reference: Charter 4.2.3.*

2.2. The RexCom supports the implementation of the ICLEI Strategic Plan

*Reference: Charter 4.2.7*

2.3. RexCom members shall make necessary arrangements to meet with ICLEI Regional Director at least once a year.

*Reference: Charter 4.2.7. , 4.9. ; By-laws 4.2.8.a*

2.4. The RexCom shall designate a regional representative to the ICLEI Global Executive Committee (GexCom) from among its ranks. The designated member should make necessary arrangements (including financially) to take part in GexCom's meetings, usually once per year at an ICLEI international event.

*Reference: Charter 4.2.2*

2.5. As part of the Council, RexCom members participate in the definition of the general direction for the Association and in the amendment of the ICLEI Charter and By-laws. The Council also elects the GexCom. Members of the RexComs shall also ensure they attend Council meetings. For the 2021 – 2024 term, the regular meeting of the Council will take place in Malmö, Sweden in April 2021, on the occasion of the ICLEI World Congress 2021.

*Reference: Charter 3.1.2 & 3.3 ; By-laws 3.3*

### **3. Eligibility**

In order to be eligible to be part of the RexCom, one should:

3.1. preferably be an elected or appointed political leader from an eligible ICLEI Member within the region.

Note: eligible, meaning not a suspended ICLEI Member

*Reference: Charter 4.4.1*

3.2. be willing to sign and act according to the Code of Honor

*Reference: Charter 4.4.2 ; By-laws 4.4.2*

3.3. submit the appropriate candidacy documents in due time, responding to the call for candidates.

*Reference: By-laws 4.2.4*

### **4. Designation**

4.1. A list of candidates for the RexCom should be proposed from among candidacies received by the Regional Director and the ICLEI Secretary General, after appropriate consultations with the incumbent RexCom, and/or Members in the region.

*Reference: Charter 4.4.2 ; By-laws 4.2.4*

4.2. The proposed composition for the RexCom should then be submitted to a vote by ICLEI Members in the region. The vote should be open for at least four weeks. Only votes submitted by Members who are not more than one year in arrears for the payment of their membership fee shall be considered valid.

*Reference: By-laws 4.2.4.g & 4.2.4.h*

4.3. At the expiry of the election period, should the quorum be reached, the proposed composition of the Council should be considered approved and the RexCom elected. The results should then be submitted to the ICLEI President for review. After verification by the President, the President, Secretary General and Regional Director communicate the establishment of the RexCom and declare the commencement date of its term.

*Reference: By-laws 4.2.4.i, 4.2.4.j, 4.2.4.k & 4.2.4.l*

### **5. Resignation**

5.1. A RexCom member can resign from this position by providing a written document to the President, Secretary General, Chair of the Regional Executive Committee and/or Regional Director.

*Reference: By-laws 4.4.1.a*

5.2. Should a RexCom member lose their position within the government of the ICLEI Member they represent, they shall resign from the RexCom, unless they receive endorsement from the Mayor of the ICLEI Member they represented to remain in the position and this recommendation is approved by the remaining RexCom members.

*Reference: By-laws 4.4.1.b & 4.4.1.c*

**Item 19 Attachment C**

---



**ICLEI RexCom Candidate Application**  
**2021 - 2024**

*Please complete and submit by 4 May 2020*

Name:

Current position (mayor or councilor) and term of office:

Name of Council (financial ICLEI Member):

Work Address:

Street Address:

Address Line 2:

City:

State / Province / Region:

Postal / Zip Code Country:

Work telephone number:

Work Email:

Declaration of Candidacy

- I hereby stand as a candidate for the ICLEI RexCom election.
- I hereby attest that all information provided in this application is truthful.





**Application**

Please provide your answers below and submit by 4 May 2020. The information herewith will be used in the official ballot materials.

1. Please provide a description of your professional experience and its relevance to the work of ICLEI Oceania:

2. Please indicate your areas of interest or expertise by checking one or more boxes below:

- Climate Change and Low Carbon
- Resilience and Disaster Risk Reduction
- Urban Nature, biodiversity
- Sustainable Development (SDGs and New Urban Agenda)
- Pacific Islands
- Advocacy

Please indicate if you have a preference for one of the areas ticked areas:

3. In 300 words or less, please provide a statement below explaining why you are submitting your candidacy for a RexCom position. Please include the experience, leadership, resources and skills you would contribute during your term in office. This statement will be used in the official ballot materials.

**ITEM-20                      CCL 28/04/20 - 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 March 2020.
- 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 March 2020.

**KEY ISSUES**

- 2 At the end of March 2020 the consolidated YTD actual operating position is a surplus of \$12.8m which represents a positive variance of \$6.5m against the budgeted YTD surplus of \$6.3m. 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 as at the December quarterly review is a surplus of \$4.1m.
- 3 The net funds generated as at the end of March 2020 is a surplus of \$11.5m (after capital revenues, expenditure and loan principal repayments). This is a positive variance to the YTD budgeted position of \$0.5m. 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.
- 4 CN's temporary surplus funds are invested consistent with CN's Investment Policy, Investment Strategy, the Act and Regulations. Details of all CN funds invested under s.625 of the Act are provided in the Investment Policy and Strategy Compliance Report (section 4 of **Attachment A**).

- 5 The financial results contained in this report have been affected by economic factors from the COVID-19 outbreak. CN has experienced lower than anticipated revenues while also planning additional expenditure to address community needs. These trends are evident in the YTD reporting and are likely to worsen over the final quarter of the financial year. The financial impact of COVID-19 will be quantified and reported to Council in the March Quarterly Budget Review Statement in May 2020.

### **FINANCIAL IMPACT**

- 6 The variance between YTD budget and YTD actual results at the end of March 2020 is provided in the Executive Monthly Performance Report.

### **COMMUNITY STRATEGIC PLAN ALIGNMENT**

- 7 This report aligns to the Community Strategic Plan under the strategic direction of 'Open and collaborative leadership' action:

*7.4b 'ensure the management of Council's budget allocations and funding alternatives are compliant with Council policy and relevant legislation to ensure the long-term financial sustainability of the organisation.'*

### **IMPLEMENTATION PLAN/ IMPLICATIONS**

- 8 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**

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

### **RELATED PREVIOUS DECISIONS**

- 10 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.
- 11 The Investment Policy Compliance Report included in the Executive Monthly Performance Report includes a specific confirmation in regard to compliance with part E of the Investment Policy.

**CONSULTATION**

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

**BACKGROUND**

13 The inclusion of a monthly Executive Performance Report to the Council and a workshop addresses the Council resolution for monthly reporting and exceeds the requirements of the Act.

**OPTIONS**

**Option 1**

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

**Option 2**

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

**REFERENCES**

**ATTACHMENTS**

**Item 20 Attachment A:** Executive Monthly Performance Report – March 2020

**Item 20 Attachment A distributed under separate cover**

**NOTICES OF MOTION**

**ITEM-9                      NOM 28/04/20 - EXTENDED POWERS OF PLANNING MINISTER**

**COUNCILLOR:        J MACKENZIE**

---

**PURPOSE**

*The following Notice of Motion was received on 21 April 2020 from the abovenamed Councillor.*

**MOTION**

That the City of Newcastle:

- 1     Writes to Premier Gladys Berejiklian, Treasurer Dominic Perrottet the Minister for Planning Rob Stokes MP to:
  - a)    Express its opposition to the recent changes to the Environmental Planning and Assessment Act which grant the Minister unprecedented powers to override planning decisions made by local councils, Planning Panels, the Independent Planning Commission;
  - b)    Noting the Minister's Order allowing extended building and demolition work on weekends and public holidays, request the NSW Government provide extra funding for local Councils to monitor building sites during the extended working hours to monitor the observance of social distancing, as well as the noise emitted from these sites on the weekend, and;
  - c)    Request further detail and full disclosure regarding the proposed changes outlined in the Media Release from Treasurer Perrottet and Minister Stokes on 3<sup>rd</sup> April 2020, such as fast-tracking State Significant Developments and greater Ministerial discretion.
- 2     Reaffirms its commitment to transparency and open governance, acknowledging that:
  - a)    planning decisions should be community led and that local councils are best placed to make decisions about planning that is appropriate for their local area and constituents;
  - b)    planning decisions have long term implications and even in times of crisis, planning approvals should consider the impact of development on the environment, local communities or neighbouring residents;
  - c)    existing oversight powers are in place to ensure best possible planning outcomes; and

- d) the extension of permissible construction hours has the potential to severely disrupt compulsory work and learn from home arrangements, and public health and wellbeing generally.

## **BACKGROUND**

The State Government has amended section 10.17 of the Environmental Planning and Assessment Act (EPA Act) to give the government unprecedented powers to override planning decisions during the COVID 19 pandemic for at least the next 6 to 12 months.

Under the legislation, the NSW Planning Minister can authorise development to be carried out on land without the need for any approval under the Act or consent from any person.

Orders made by the NSW Planning Minister will have effect regardless of any environmental planning instrument or development consent.

This means that decisions made by local councils or regional planning panels can be overruled by the Planning Minister for any reason or no reason at all. These approvals cannot be reversed when the pandemic is over.

The NSW Treasurer and Minister for Planning issued a media release on 3 April 2020 foreshadowing further changes to the *Environment Planning and Assessment Act 1979* in order to fast-track development.

## **ATTACHMENTS**

### **Notice of Motion Item 9 Attachment A**

Jobs boost through fast-tracked planning, Minister Rob Stokes, April 3 2020

<https://www.planning.nsw.gov.au/News/2020/Jobs-boost-through-fast-tracked-planning-system>

**CONFIDENTIAL REPORTS**

**ITEM-5                      CON 28/04/20 - TENDER - ORGANICS PROCESSING FACILITY  
2019/144T**

**REPORT BY:                INFRASTRUCTURE AND PROPERTY  
CONTACT:                 DIRECTOR INFRASTRUCTURE AND PROPERTY /  
MANAGER ASSETS AND PROJECTS**

**REASON FOR CONFIDENTIALITY**

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

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

**GROUND FOR CLOSING PART OF THE MEETING**

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

**MOTION TO PROCEED**

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

- A The matter relates to tenders for the Organics Processing Facility - Design and Construction - Contract 2019/144T.
- B It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers.

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

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