

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 26 November 2019 at 5.30pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, J Dunn, K Elliott (*arrived 5.32pm*), B Luke, J Mackenzie, A Robinson (*retired 9.08pm*), A Rufo (*retired 9.05pm*) 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), L Duffy (Manager Parks and Recreation), S Gately (Manager Libraries and Learning), S Grierson (Manager Transport and Compliance), A Abbott (Manager Corporate and Community Planning), D Manderson (Manager Civil Construction and Maintenance), J Rigby (Manager Assets and Projects), D Moldrich (Manager Customer Experience), A Vine (Manager Property and Facilities), N Kaiser (Media and Stakeholder Relations Manager), E Dowswell (Media and Communications Advisor), K Arnott (Corporate Strategist), M Murray (Chief of Staff, Lord Mayor's Office), J Vescio (Executive Officer, Chief Executive Office), A Knowles (Council Services/Minutes) and K Sullivan (Council Services/Webcasting).

PRAYER

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

MESSAGE OF ACKNOWLEDGEMENT

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

APOLOGIES

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Duncan

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Luke

Councillor Luke declared a less than significant non-pecuniary conflict of interest in Item 92 – Executive Monthly Performance Report – October 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.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE MEETING 8 OCTOBER 2019

MINUTES - ORDINARY COUNCIL MEETING 22 OCTOBER 2019

MOTION

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

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

Carried

LORD MAYORAL MINUTE

ITEM-24

LMM 26/11/19 - 2019 SUPERCARS NEWCASTLE 500

MOTION

Moved by Cr Nelmes, Lord Mayor

That City of Newcastle:

- 1 Declares Supercars Newcastle 500 2019 event another outright success, with over 154,000 people attending the event, and many local businesses reporting positive trading results, both in the lead up to the event, and right across the weekend;
- 2 Supports the Supercars Newcastle 500 event, noting the significant benefits the event brings to the City of Newcastle, and surrounding Local Government Areas, including positive business trade results and strong exposure of the City as a tourist destination to national and world-wide audiences;
- 3 Notes that businesses including Paymasters Café, East End Bar & Grill, Rosina's Pizza, 23Hundred Café, The Falcon Restaurant, Edmonds & Co, The Grand Hotel, the Great Northern Hotel and Bar Petite, all reported favourable business trading results throughout the event;
- 4 Thanks our City of Newcastle staff who worked or volunteered to ensure the success of the event, particularly those who worked with local businesses across the entire City Centre on the *Enjoy Newcastle* program, aimed at activating the Hunter Street Mall and Civic Park and surrounding precincts;

- 5 Thanks Ka-fey Café owner, Lucy Glover in particular, for collaborating with City of Newcastle staff to develop the *Enjoy Newcastle* program, which activated the Hunter Street Mall, and further supported trade throughout the weekend with activations including a pushcart challenge, live entertainment, pop-up shops, and local food and beverage offerings;
- 6 Notes that Newcastle Transport estimates that over 57,000 people utilised public transport services across the weekend choosing bus, ferry and light rail to travel to and from the Newcastle 500 event, with Newcastle Light Rail particularly popular with public transport users with over 28,800 people catching light rail to get to and from the event;
- 7 Notes that our City of Newcastle Community and Business Leaders fundraising event held at Fort Scratchley successfully raised more than \$27,000 for local domestic and family violence charities *Got Your Back Sista* and *Nova for Women and Children*;
- 8 Notes that the City's annual Community and Business Leaders fundraising events have now contributed over \$61,000 towards domestic and family violence research, advocacy and support since the inaugural Newcastle 500;
- 9 Congratulates Newcastle based artist Mitch Revs, for raising \$35,000 for those affected by the devastating bushfires across NSW, through the auction of a one-off artwork commissioned by Fox Sports, depicting the Newcastle 500 and promoted throughout the event.

AMENDMENT

Moved by Cr Church, seconded by Cr Mackenzie

- 10 Notes that the Supercars Newcastle 500 event comes with a significant cost to the East End residents who carry an unfair burden on behalf of the City and also a significant cost to the City of Newcastle.

For the Amendment: Councillors Church, Elliott, Luke, Mackenzie, Robinson and Rufo.

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

Defeated

The Chair used the casting vote and declared the motion defeated.

AMENDMENT

Moved by Cr Clausen, seconded by Cr Winney-Baartz

- 10 City of Newcastle notes that the Supercars Newcastle 500 comes with an impost to the City of Newcastle and East End residents, and we reiterate our preference that local suppliers be used where possible.

The Lord Mayor, as mover of the motion, accepted the amendment from Councillors Clausen and Winney-Baartz.

The motion moved by the Lord Mayor, as amended, was put to the meeting.

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

Against the Motion: Councillors Elliott and Mackenzie.

Carried

ITEM-25 LMM 26/11/19 - AUSTRALIA'S GATEWAY CITIES REPORT LAUNCH

MOTION

Moved by Cr Nelmes, Lord Mayor

That City of Newcastle:

- 1 Notes that on Monday, 25 November 2019, City of Newcastle joined with City of Wollongong, City of Geelong, the Committee for Geelong, and the Minister for Population, Cities and Urban Infrastructure, the Hon. Alan Tudge MP to launch the *Australia's Gateway Cities: Gateways to Growth* report at Parliament House in Canberra;
- 2 Thanks our City of Newcastle staff for their collaborative approach to producing this report with our partners, including, City of Wollongong, the Committee for Geelong, City of Geelong, Deakin University, the University of Newcastle and the University of Wollongong;
- 3 Notes the significant recommendations of the report, including;
 - a. The further development of the shared interests between City of Newcastle, City of Wollongong and City of Geelong, as Australia's Gateway Cities;
 - b. Infrastructure development with Federal Government support to develop more accessible and sustainable transport connections for both passengers and freight;
 - c. Fostering Innovation and economic growth and diversification through fiscal rebalancing to unlock the latent potential of Australia's Gateway Cities;

- d. Supporting strong and skilled workforces through integrated planning to identify future and emerging workforce skills, particularly for transitioning economies.
- 4 Commends these recommendations to the NSW Government, and the Commonwealth Government, and sends a copy of the report the Prime Minister, the Hon. Scott Morrison MP, Premier of NSW, the Hon. Gladys Berejiklian MP, Deputy Premier and Minister for Regional NSW, Industry and Trade, the Hon. John Barilaro MP, and Minister for Planning and Public Spaces, the Hon. Rob Stokes MP.

**Carried
unanimously**

REPORTS BY COUNCIL OFFICERS

ITEM-84 CCL 26/11/19 - TABLING OF DISCLOSURES BY DESIGNATED PERSONS - 1 AUGUST 2019 TO 31 OCTOBER 2019

MOTION

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That Council:

- 1 Note the tabling of the pecuniary interest returns (for the period 1 August 2019 to 31 October 2019) by the CEO.

**Carried
unanimously**

ITEM-90 CCL 26/11/19 - SEPTEMBER QUARTERLY BUDGET REVIEW

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

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

For the Motion:

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

Against the Motion:

Councillors Church and Elliott.

Carried

3 Adopts the amended Ward Boundary Plan as per the plan (Attachment C).

AMENDMENT

Moved by Cr Church, seconded by Cr Elliott

The boundary between Ward 1 and Ward 2 be amended to include all of Cooks Hill.

Councillor Church withdrew the amendment.

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

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

Against the Motion: Councillor Church.

Carried

ITEM-85 CCL 26/11/19 - ADOPTION OF THE 2020 COUNCIL MEETING CYCLE

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council adopts the following meeting schedule for 2020:

- 1 i) For the period February 2020 to May 2020 with meetings commencing at 6.00pm:

Week 1 – Tuesday	Advisory Committee (Quarterly as scheduled)
Week 2 – Tuesday	Councillor Workshops
Week 3 – Tuesday	Committee Meetings (as required): <ul style="list-style-type: none">• Public Voice Committee• Briefings Committee• Development Applications Committee
Week 4 – Tuesday	Ordinary Council Meeting
Week 5 – Tuesday	No scheduled meetings

ii) For June 2020 with meetings commencing at 6.00pm:

Week 1 – Tuesday	Advisory Committee (Quarterly as scheduled)
Week 2 – Tuesday	Councillor Workshops Committee Meetings (as required): <ul style="list-style-type: none"> • Public Voice Committee • Briefings Committee • Development Applications Committee
Week 3 – Tuesday	No scheduled meeting due to National General Assembly Conference
Week 4 – Tuesday	Ordinary Council Meeting
Week 5 – Tuesday	No scheduled meetings

iii) For the period July 2020 to August 2020 with meetings commencing at 6.00pm:

Week 1 – Tuesday	Advisory Committee (Quarterly as scheduled)
Week 2 – Tuesday	Councillor Workshops
Week 3 – Tuesday	Committee Meetings (as required): <ul style="list-style-type: none"> • Public Voice Committee • Briefings Committee • Development Applications Committee
Week 4 – Tuesday	Ordinary Council Meeting
Week 5 – Tuesday	No scheduled meetings

iv) For September 2020 with the meeting commencing at 6.00pm:

Weeks 1 to 4 - Tuesday	No scheduled meetings due to Council Election
Week 5 – Tuesday (29 September 2020)	Ordinary Council Meeting

v) For the period October 2020 to November 2020 with meetings commencing at 6.00pm:

Week 1 – Tuesday	Advisory Committee (Quarterly as scheduled)
Week 2 – Tuesday	Councillor Workshops
Week 3 – Tuesday	Committee Meetings (as required): <ul style="list-style-type: none"> • Public Voice Committee • Briefings Committee • Development Applications Committee
Week 4 – Tuesday	Ordinary Council Meeting
Week 5 – Tuesday	No scheduled meetings

vi) For December 2020 with meetings commencing at 6.00pm:

Week 1 – Tuesday (1 December 2020)	Committee Meetings (as required): <ul style="list-style-type: none">• Public Voice Committee• Briefings Committee• Development Applications Committee
Week 2 – Tuesday (8 December 2020)	Ordinary Council Meeting
Weeks 3 to 5 - Tuesday	No scheduled meetings

- 2 The location of all meetings will be City Hall until the completion of works at the City Administration Centre, 12 Stewart Avenue Newcastle West.
- 3 For the purposes of the Instruments of Delegation to the Lord Mayor and Chief Executive Officer, Council's 'Recess Period' commences at midnight on Tuesday 10 December 2019 and ceases at midnight Monday 10 February 2020.
- 4 Clarification that Advisory Committee meetings be held on 1st Tuesday as per original resolution
- 5 Extend the term of the four Strategic Advisory Committees beyond September 2020, without overriding their charters (ie Committees to continue into the next term of Council, with Councillor appointees from September 2020 only to be appointed following the 2020 election).

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

**Carried
unanimously**

**ITEM-86 CCL 26/11/19 - MOREHEAD STREET, LAMBTON - UPGRADE
OF PEDESTRIAN CROSSING SOUTH OF ELDER STREET**

MOTION

Moved by Cr Clausen, seconded by Cr Rufo

That Council:

- 1 Approve the proposed upgrade of the existing pedestrian crossing on Morehead Street Lambton near Elder Street to a raised crossing with kerb extensions, as shown at **Attachment A**.

**Carried
unanimously**

ITEM-87

**CCL 26/11/19 - ENDORSEMENT OF AMENDMENT TO
NEWCASTLE LEP 2012 - CREATE NEW HERITAGE ITEM FOR
PARKWAY AVENUE, NEWCASTLE**

MOTION

Moved by Cr Duncan, seconded by Cr Elliott

1 That Council:

- i) Endorses the attached Planning Proposal (**Attachment A**), prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to amend the NLEP 2012 to create a new heritage item for Parkway Avenue, Newcastle.
- ii) Forwards the Planning Proposal to the Minister for Planning for Gateway determination pursuant to Section 3.34 of the EP&A Act.
- iii) Consults with the community and relevant government agencies as instructed by the Gateway Determination.
- iv) Receives a report on the Planning Proposal following the close of the exhibition period.

For the Motion:

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

Against the Motion:

Nil.

**Carried
unanimously**

ITEM-88

CCL 26/11/19 - ENDORSEMENT OF 2018/19 ANNUAL REPORT

MOTION

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

That Council:

- 1 Endorses CN's 2018/19 Annual Report, in respect of the year ended 30 June 2019 and notes the submission of the Report to the NSW Minister for Local Government by 30 November 2019.

For the Motion:

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

Against the Motion:

Councillors Church, Elliott and Rufo.

Carried

Councillor Robinson was absent from the chamber when the vote was taken on this item.

ITEM-89**CCL 26/11/19 - DIGITAL LIBRARY, NEWCASTLE****MOTION**

Moved by Cr Duncan, seconded by Cr Clausen

That Council:

- 1 Resolves to build the Digital Library as shown in the Level 1 plan and renders as at **Attachment A**.

PROCEDURAL MOTION

Moved by Cr Church, seconded by Cr Rufo

Lay this matter on the table pending the outcome of the Library Infrastructure Plan.

Defeated

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

For the Motion:

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

Against the Motion:

Councillor Church.

Carried

NOTICES OF MOTION**ITEM-41****NOM 26/11/19 - CITY OCEAN BATHS REDEVELOPMENT COMMUNITY CONSULTATION****MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

That City of Newcastle:

- 1 Receives community petitions regarding the Expressions of Interest (EOI) process regarding the redevelopment of Newcastle and Merewether Ocean Baths, noting that some petitions contain inaccurate information;
- 2 Notes City of Newcastle's commitment and significant capital investment into coastal revitalisation which to date has delivered more than \$40 million in public improvements and infrastructure renewal¹;
- 3 Notes that Newcastle Ocean Baths and Merewether Ocean Baths pavilions requires significant investment to provide an upgrade befitting these iconic public facilities, despite ongoing investment into capital works and maintenance by City of Newcastle;

- 4 Reiterates that the City of Newcastle has no plans to privatise Newcastle or Merewether Ocean Baths, noting that City of Newcastle is Crown Land Manager of both sites for the Crown Lands Division of the NSW Government, and that under legislation, leases may only be entered into for a maximum period of 21 years;
- 5 Notes that EOI investigations are being undertaken in accordance with the City of Newcastle's adopted Newcastle Coastal Plan of Management 2015;
- 6 Commits to retaining the iconic art-deco façade of Newcastle Ocean Baths, as well as the famous bleacher seating, while improving public amenity by providing improved shade, car parking, disability access, seating, and paving as well as new public change rooms with hot water showers;
- 7 Notes that previous community consultation in 2014 received 550 responses regarding visitation and usage, recommended improvements and preferred commercial or development opportunities at the site; and
- 8 Conducts on-going community consultation with Ocean Baths users and the broader community to help guide future upgrades at Newcastle and Merewether Ocean Baths.

Councillor Clausen tabled a petition "Protect Newcastle Ocean Baths' beautiful Heritage façade and improve our public facilities" on this item.

Councillor Church tabled a link to a petition. The Lord Mayor advised Councillor Church that a hard copy of the petition was required under the Code of Meeting Practice and would need to be provided to Council on Wednesday 27 November 2019.

AMENDMENT

Moved by Cr Mackenzie, seconded by Cr Elliott

- 9 Suspends the call for Expressions of Interest to allow Council to conduct a community consultation with Ocean Baths users and the broader community to help guide future upgrades at Newcastle and Merewether Ocean Baths.

For the Amendment: Councillors Church, Elliott, Mackenzie, Robinson and Rufo.

Against the Amendment: Lord Mayor, Cr Nelmes and Councillors Byrne, Clausen, Duncan, Dunn, Luke and Winney-Baartz.

Defeated

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

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

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

Carried

ITEM-42 NOM 26/11/19 - FASTER RAIL

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

- 1 Reiterates its support for Faster Rail (that is, improving connectivity on the existing Newcastle/Central Coast rail line to reduce rail travel times between the Sydney and Newcastle CBD from 3hrs to at least 2hrs (travel speed of < 200km/hr), as an intermediate option to High Speed Rail (travel speeds of >250 km/hr));
- 2 Notes that the Commonwealth Government provided Transport for NSW with \$5.25m to deliver a business case to explore the Faster Rail option more fully, with a commitment that the business case would be available by mid-2019 **(Attachment A)**;
- 3 Notes its previous unanimous resolution of 24/07/2018 requesting that in addition to considering a 2-hour option, this business case should have also considered the viability of a Faster Train option of 70 minutes or less, based on the recommendations of the Committee for Sydney's Sandstone Megaregion report;
- 4 Writes to Infrastructure Australia and Transport for NSW seeking an update on this project, requesting that a copy of the business case be released publicly, and offering CN's continued advocacy to support the delivery of a Faster Rail connection between Sydney and Newcastle;
- 5 Notes the recent invitation from the Parliament of Australia's House of Representatives Standing Committee on Infrastructure, Transport and Cities to make a submission to the 'Inquiry Into Options for Financing Faster Rail' **(Attachment B)**;
- 6 Makes a submission, prior to the 6 December 2019 closing date, that
 - a notes the difficulty in providing requested feedback without a public business case;
 - b requests consideration of financing options that ensure equity of access, minimise existing and future inequalities, and manage property speculation including general taxation and government borrowing (noting record low bond rates and existing calls from the Reserve Bank of

- Australia for increased Commonwealth investment in productive infrastructure) and value capture; and;
- c notes the lessons from HS2 in the United Kingdom and the need for any Faster Rail or High Speed rail option to be coupled with an inter-regional economic development strategy to ensure that Newcastle does not become a dormitory outer suburb of Sydney; and
- 7 Separately, reiterates its advocacy for improved mobile and WiFi connectivity along the rail journey, and writes to Transport for NSW and the Minister for Transport seeking assurances that the new Inter City Fleet, which arrive in 2019 and 2020, will have its WiFi features enabled, noting discomfort at responses provided to recent Parliamentary Questions on Notice from Minister Constance stating that “*The New Intercity Trains will be WiFi enabled so that we’re in a position to make this feature operational should that decision be taken in the future.*”¹”

**Carried
unanimously**

**ITEM-43 NOM 26/11/19 - EVERY BUILDING COUNTS - A PRACTICAL
PLAN FOR EMISSIONS REDUCTION IN THE BUILT
ENVIRONMENT**

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

That the City of Newcastle:

1. Notes the release of the ‘*Every Building Counts – A practical plan for emissions reduction in the built environment*’ reports by the Property Council of Australia and Green Buildings Council Australia, launched by The Hon Angus Taylor MP, Federal Minister for Energy and Emissions Reduction, on 29 October 2019 (local government version of report at **Attachment A**)
2. Notes that CN is already implementing a number of the report’s key recommendations, including through the smart management of its own assets and infrastructure, through its endorsement of the Paris Agreement, Sustainable Development Goals and New Urban Agenda, its decision to source 100% of its electricity requirements from renewable sources from 1 January 2020, and its commitment to net zero emissions by at least 2050 (consistent with the target set by the adopted Greater Newcastle Metropolitan Plan).
3. Considers the report’s recommendations to expedite the delivery of Net Zero Emission Buildings as part of its the Local Planning Statement and review of the 2020 Carbon and Water Management Action Plan, currently underway
4. Invites the Hunter Regional Director of the Property Council, Ms Anita Hugo and a representative of the Green Building Council of Australia to present to Council on the report and its recommendations at a briefing in early 2020.

As the time was nearing 9.30pm, the Lord Mayor called for an extension of meeting time.

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

Extend the meeting to 9.40pm.

Carried

AMENDMENT

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

5. Writes to the NSW Minister for Planning and Public Spaces, The Honourable Rob Stokes, recommending the Report, and advocating for a review of BASIX and for amendments to the BASIX legislation to allow Local Governments and other consent authorities to apply development standards to residential buildings that may exceed the minimum required by BASIX.

Carried

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

Carried

ITEM-44

NOM 26/11/19 - DEFERRAL OF EXPRESSION OF INTEREST PROCESS FOR NEWCASTLE AND MEREWETHER BATHS

MOTION

Moved by Cr Elliott, seconded by Cr Church

That City of Newcastle:

- 1 Defer the EOI Process for the Newcastle and Merewether Ocean baths;
- 2 Undertake a comprehensive engagement process with the local community, in particular, those most impacted; and
- 3 Utilise the outcomes of the engagement process to better inform a future EOI process.

Councillor Dunn raised a point of order that the motion was out of order as it was a repeat motion.

The Lord Mayor ruled the motion out of order.

ITEM-45**NOM 26/11/19 - EXCLUDED - CITY CHANGE**

This item was excluded in accordance with clause 21.5 of the Code of Meeting Practice which provides "The CEO must not include in the Agenda for any Meeting any business of which due notice has been given if, in the opinion of the CEO, the business is (or the implementation of the business would be) unlawful. The CEO must report any such exclusion to the Meeting. This item is excluded as, in the opinion of the Chief Executive Officer, the implementation of the resolution would be unlawful because it would disclose information that would breach commercial in confidence and confidentiality obligations to third parties.

The meeting concluded at 9.29pm.