



City of
Newcastle



CITY OF NEWCASTLE

Ordinary Council Meeting

Councillors,

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

DATE: Tuesday 23 July 2019

TIME: 5.30pm

VENUE: Council Chambers
2nd Floor
City Hall
290 King Street
Newcastle NSW 2300

J Bath
Chief Executive Officer

**City Administration Centre
282 King Street
NEWCASTLE NSW 2300**

16 July 2019

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ORDINARY COUNCIL MEETING 23 July 2019
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FOR DOCUMENTS MARKED 'DISTRIBUTED UNDER SEPARATE COVER' REFER TO COUNCIL'S WEBSITE AT www.newcastle.nsw.gov.au

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

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - ORDINARY COUNCIL MEETING 25 JUNE 2019

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 190625 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

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Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 25 June 2019 at 5.35pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, J Dunn (*arrived 5.50pm*), K Elliott, J Mackenzie, A Robinson and E White.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), B Smith (Director Strategy and Engagement), F Leatham (Director People and Culture), K Liddell (Director Infrastructure and Property), A Murphy (Director City Wide Services), E Kolatchew (Manager Legal), A Jones (Chief Financial Officer), M Bisson (Manager Regulatory, Planning and Assessment), A Abbott (Manager Corporate and Community Planning), K Arnott (Corporate Strategist), S Moore (Manager Business Partnering), K Neveldsen (Interim Governance and Council Executive Support Coordinator), J Vescio (Executive Officer, Chief Executive Office), D Mills (Media Officer), K Sullivan (Council Services/Minutes) and A Knowles (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 Duncan, seconded by Cr Byrne

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

**Carried
unanimously**

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

CONFIRMATION OF PREVIOUS MINUTES

**MINUTES - PUBLIC VOICE COMMITTEE 21 MAY 2019
MINUTES - BRIEFING COMMITTEE 21 MAY 2019
MINUTES - ORDINARY COUNCIL MEETING 28 MAY 2019**

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

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

Carried

LORD MAYORAL MINUTE

ITEM-11 LMM 25/06/19 - OFFSHORE SAND EXTRACTION FOR BEACH NOURISHMENT AT STOCKTON BEACH

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Acknowledges the ongoing coastal erosion at Stockton Beach, and thanks the Stockton Community, through the Stockton Community Liaison Group, for their commitment to seeking a long-term solution to the worsening erosion at Stockton Beach;
- 2 Notes that the University of NSW Water Research Laboratory (WRL) report 'Guidelines for Sand Nourishment: Science and Synthesis for NSW' identifies offshore extraction of sand for beach nourishment as 'probably the only viable method for large scale beach nourishment on the open coast';
- 3 Notes that despite this, the NSW Government's position regarding offshore sand extraction for beach nourishment purposes remains unclear and a significant barrier to the determination of potential management solutions for coastal hazards;
- 4 Writes to the Minister for Local Government, the Hon. Shelley Hancock MP; the Deputy Premier, and Minister for Regional NSW, Industry and Trade, the Hon. John Barilaro MP; the Minister for Planning and Public Spaces; the Hon. Rob Stokes MP, and the Minister for Agriculture, the Hon. Adam Marshall MP, seeking the NSW Government's policy position regarding offshore sand extraction for the purposes of beach replenishment and nourishment;
- 5 Writes to surrounding coastal Local Government Areas (LGAs), including Lake Macquarie City Council and Port Stephens Council, requesting a co-signed letter to seek clarification from the NSW Government regarding their policy position about offshore sand extraction for beach replenishment and nourishment.

**Carried
unanimously**

ITEM-12 LMM 25/06/19 - SOCIAL INFRASTRUCTURE

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Acknowledges that social infrastructure is just as vital for economic prosperity as it is for social wellbeing, and that quality social infrastructure benefits the entire community and plays a significant role in enhancing the lives of people of all ages, backgrounds and abilities.
- 2 Notes that an integrated planning approach to social infrastructure delivery is considered best practice.
- 3 Notes that local government significantly contributes to the provision of social infrastructure through our network of community assets.
- 4 Resources and develops a Social Infrastructure Strategy that provides for the funding, planning and delivery of social infrastructure in a strategic and coordinated way, particularly in the context of a growing and increasingly diverse population.
- 5 Considers in the development of the strategy the refurbishment and renewal of existing community assets as well as the potential development of new services, facilities and places.

**Carried
unanimously**

REPORTS BY COUNCIL OFFICERS

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

MOTION

Moved by Cr White, seconded by Cr Clausen

That Council:

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

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RATE	MINIMUM RATE	AD Valorem Amount Cents in \$	BASE AMOUNT		ESTIMATED RATE YIELD P.A. \$'s
			\$	% of Total Rates	
Ordinary Rates					
Residential	Nil	0.238158	777.16	50	101,057,254
Farmland	\$1,045.40	0.304365	Nil	Nil	22,010
Business	\$1,045.40	1.928710	Nil	Nil	41,595,874.
Business Sub-Categories					
Major Commercial Shopping Centre - Kotara	\$1,045.40	3.468848	Nil	Nil	1,547,106
Major Commercial Shopping Centre - Jesmond	\$1,045.40	4.669337	Nil	Nil	607,014.
Major Commercial Shopping Centre - Waratah	\$1,045.40	5.169938	Nil	Nil	427,037
Major Commercial Shopping Centre – Wallsend	\$1,045.40	5.674382	Nil	Nil	486,295
Major Commercial Shopping Centre – The Junction	\$1,045.40	4.018165	Nil	Nil	228,232
Major Commercial Shopping Centre – Inner City	\$1,045.40	2.027248	Nil	Nil	300,134
Suburban Shopping Centres	\$1,045.40	3.285466	Nil	Nil	305,877
Suburban Shopping Centres – Inner City	\$1,045.40	2.461789	Nil	Nil	174,541
Suburban Shopping Centres – Mayfield	\$1,045.40	4.338140	Nil	Nil	188,709
Kotara – Homemaker's Centre	\$1,045.40	1.495482	Nil	Nil	291,169
Kotara – Homemaker's Centre - South Zone	\$1,045.40	1.695119			316,987
Kooragang Industrial Coal Zone	\$1,045.40	1.874887	Nil	Nil	660,495
Kooragang North Industrial Coal Zone	\$1,045.40	2.564513	Nil	Nil	1,479,724
Kooragang Industrial Centre - Walsh Point	\$1,045.40	2.017446	Nil	Nil	1,315,375
Kooragang Industrial Centre	\$1,045.40	1.693080	Nil	Nil	1,565,688
Mayfield North Heavy Industrial Centre	\$1,045.40	1.060343	Nil	Nil	629,844
Mayfield North Industrial Centre	\$1,045.40	1.709908	Nil	Nil	447,109
Mayfield North Industrial Centre - Future Development	\$1,045.40	2.149302	Nil	Nil	369,680
Carrington Industrial Port and Coal Zone	\$1,045.40	3.324280	Nil	Nil	1,495,926
Carrington Industrial Centre	\$1,045.40	2.392693	Nil	Nil	1,392,875

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Carrington Industrial Port Operations Use	\$1,045.40	2.664498	Nil	Nil	284,222
Broadmeadow Industrial Centre	\$1,045.40	3.903215	Nil	Nil	162,374
Hexham Industrial Centre	\$1,045.40	2.738680	Nil	Nil	946,556
Special Rates					
Hunter Mall	Nil	0.238124	Nil	Nil	92,436
Mayfield Business District	Nil	0.105335	Nil	Nil	74,906
Hamilton Business District - Zone A	Nil	0.200139	Nil	Nil	88,245
Hamilton Business District - Zone B	Nil	0.100069	Nil	Nil	33,480
Hamilton Business District - Zone C	Nil	0.050035	Nil	Nil	14,563
Wallsend Business District - Zone A	Nil	0.394772	Nil	Nil	111,110
Wallsend Business District - Zone B	Nil	0.197386	Nil	Nil	14,439
Wallsend Business District - Zone C	Nil	0.296079	Nil	Nil	25,374
New Lambton Business District	Nil	0.120332	Nil	Nil	15,018
City Centre - City East	Nil	0.292419	Nil	Nil	168,912
City Centre - Darby Street	Nil	0.065605	Nil	Nil	32,821
City Centre - City West (Close Zone)	Nil	0.120828	Nil	Nil	227,636
City Centre - City West (Distant Zone)	Nil	0.060414	Nil	Nil	19,216
City Centre – Tower	Nil	0.292419	Nil	Nil	181,011
City Centre – Mall	Nil	0.292419	Nil	Nil	127,086
City Centre – Civic (Close Zone)	Nil	0.163523	Nil	Nil	101,895
City Centre – Civic (Distant Zone)	Nil	0.081762	Nil	Nil	6,657
TOTAL					159,632,912

- 2 An Ordinary Rate of zero point two three eight one five eight cents (0.238158c) in the dollar with a 50% base charge of seven hundred and seventy seven dollars and sixteen cents (\$777.16) named **RESIDENTIAL**, apply to all rateable land in City of Newcastle (CN) Local Government Area (LGA) categorised as Residential.
- 3 An Ordinary Rate of zero point three zero four three six five cents (0.304365c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **FARMLAND**, apply to all rateable land in CN LGA categorised as Farmland.
- 4 An Ordinary Rate of one point nine two eight seven one zero cents (1.928710c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS**, apply to all rateable land in CN LGA categorised as Business **except** that rateable land determined to be in the Business Sub-Categories - Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres

(Inner City), Suburban Shopping Centres, Suburban Shopping Centres (Inner City), Suburban Shopping Centre - Mayfield, Kotara, Homemaker's Centre, Kotara, Homemaker's Centre - South Zone, Kooragang Industrial Coal Zone, Kooragang North Coal Zone, Kooragang Industrial Centre, Kooragang Industrial Centre - Walsh Point, Mayfield North Heavy Industrial Centre, Mayfield North Industrial Centre, Mayfield North Future Industrial Development Centre, Carrington Industrial Coal Zone, Carrington Industrial Centre, Carrington Industrial Port Operations Use, Carrington Industrial Coal and Port Zone, Broadmeadow Industrial Centre and Hexham Industrial Centre.

- 5 An Ordinary Rate of three point four six eight eight four eight cents (3.468848c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - KOTARA**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Kotara located on a site of greater than eight hectares (80,000m²), providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of forty (40) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Kotara.
- 6 An Ordinary Rate of four point six six nine three three seven cents (4.669337c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - JESMOND**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Jesmond providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Jesmond.
- 7 An Ordinary Rate of five point one six nine nine three eight cents (5.169938c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - WARATAH**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Waratah providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Waratah.
- 8 An Ordinary Rate of five point six seven four three eight two cents (5.674382c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - WALLSEND**, apply to all rateable land in CN LGA, being utilised

as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Wallsend providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Wallsend.

- 9 An Ordinary Rate of four point zero one eight one six five cents (4.018165c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES – THE JUNCTION**, apply to all rateable land in CN LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of The Junction providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of fifteen (15) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres – The Junction.
- 10 An Ordinary Rate of two point zero two seven two four eight cents (2.027248c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES (INNER CITY)**, apply to all rateable land in CN LGA situated at Newcastle West within the centre of activity defined by Parry, National Park, King and Ravenshaw Streets, being utilised as a Major Commercial Centre (Inner City). "Major Commercial Centre – (Inner City)" being defined as a centre of commercial activity providing at least six thousand square metres (6,000m²) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres (Inner City).
- 11 An Ordinary Rate of three point two eight five four six six cents (3.285466c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – SUBURBAN SHOPPING CENTRES**, apply to all rateable land in CN LGA, being utilised as a Suburban Shopping Centre. "Suburban Shopping Centre" being defined as a centre of commercial activity situated on a site of greater than 6000m² which operates and has a dominant use as a Supermarket excepting the land categorised as Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City) or Suburban Shopping Centre - Mayfield. This land is categorised as Sub-category Business - Suburban Shopping Centres.

- 12 An Ordinary Rate of two point four six one seven eight nine cents (2.461789c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – SUBURBAN SHOPPING CENTRES – INNER CITY**, apply to all rateable land in CN LGA, being utilised as an Inner City Suburban Shopping Centre. "Inner City Suburban Shopping Centre" being defined as a centre of commercial activity within the suburb of Newcastle West or Hamilton situated on a site of greater than four thousand and nine hundred square metres (4,900m²) which operates as a Supermarket excepting the land categorised as Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City), Suburban Shopping Centre – Mayfield and Suburban Shopping Centres. This land is categorised as Sub-category Business - Suburban Shopping Centres – Inner City.
- 13 An Ordinary Rate of four point three three eight one four zero cents (4.338140c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – SUBURBAN SHOPPING CENTRE - MAYFIELD** apply to all rateable land in CN LGA within the suburb of at Mayfield, being utilised as a Suburban Shopping Centre. "Suburban Shopping Centre" being defined as a centre of commercial activity situated on a site of greater than 1 Hectare (10,000m²) with a minimum 4,000m² of floorspace which operates as a Supermarket. This land is categorised as sub-category Business – Suburban Shopping Centre - Mayfield.
- 14 An Ordinary Rate of one point four nine five four eight two cents (1.495482c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – KOTARA HOMEMAKER'S CENTRE** apply to all rateable land in CN LGA situated at Kotara, within the centre of activity defined by Lot 501 DP 1174032 and Lots 181 and 182 DP 850168. This land is categorised as sub-category Business – Kotara Homemaker's Centre.
- 15 An Ordinary Rate of one point six nine five one one nine cents (1.695119c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – KOTARA HOMEMAKER'S CENTRE - SOUTH ZONE** apply to all rateable land in CN LGA situated at Kotara, within the centre of activity defined by Lot 220 DP 1014716. This land is categorised as sub-category Business – Kotara Homemaker's Centre - South Zone.
- 16 An Ordinary Rate of one point eight seven four eight eight seven cents (1.874887c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – KOORAGANG INDUSTRIAL COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lot 11 DP 841542, Lot 121 DP 874949, Lot 1 DP 1097327, Lot 5 DP 1097327, Lots 2, 5, 7, 9 DP 775774, Lot 1 DP 775775, Lot 1 DP 869622, Lot 18 DP 1119752. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Kooragang Industrial Coal Zone.

- 17 An Ordinary Rate of two point five six four five one three cents (2.564513c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – KOORAGANG NORTH INDUSTRIAL COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lots 2, 3, 6, 16 DP1119752, Lot 61 DP 1184395, Lot 62 DP 1184943, Lot 16 DP 262783, Lots 8 DP 1119752, Lots 29, 30, 31, 32 and 33 DP 1184229, Lots 4, 5, 6, 10, 11, 12 DP 1207051, Lots 3, 7, 8, 9, 13, 14, 15 DP 1207051 and Lot 22 DP 1155723. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Kooragang North Industrial Coal Zone.
- 18 An Ordinary Rate of two point zero one seven four four six cents (2.017446c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – KOORAGANG INDUSTRIAL CENTRE WALSH POINT** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang being Lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22 DP 234887, Lots 6, 7 DP 262783, Lots 1, 2, 3 DP 557904, Lot 1 DP575674, Lots 2, 6, 7, 8, 9 DP 775772, Lots 11, 12, 13, 14, 17, 18, 19, 20, 22, 23 DP 775773, Lots 2, 4, 5, 7, 8, 9, 10, 14 DP 775775, Lots 29, 31, 32, 33, 35, 37, 38, 39, 40, 41, 42 DP 775776, Lots 44, 45, 46, 47, 48, 49, 50, 51, 53 DP 775777, Lots 60, 61, 62, 63 DP 802700, Lot 3 DP 858206, Lots 2, 4, 5 DP1015754, Lots 201, 202, 203, 204, 205, 206, 208, 210 DP 1017038, Lots 210, 211 DP 1018949, Lots 520, 521 DP 1018950, Lots 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 DP 1018951, Lots 131, 132 DP 1018952, Lot 362 DP 1104196, Lot 15 DP 1119752, Lot 12, 13 DP 1144748, Lots 1, 2 DP 1184514, Lots 1, 2, 3, 4 DP 1191912, Lots 94, 95 DP 1191913, Lots 41, 42, 43, 44 DP 1193134, Lot 2 DP 1195449, Lots 151, 152, 153 DP 1202468, Lots 91, 92 DP 1202475 and Lot 3 in DP 234288. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act located within this centre of activity which is not sub categorised as Business – Kooragang Industrial Coal Zone or not sub categorised as Business – Kooragang North Industrial Coal Zone or not sub categorized Business – Kooragang Industrial Centre. This land is categorised as sub-category Business – Kooragang Industrial Centre Walsh Point.
- 19 An Ordinary Rate of one point six nine three zero eight zero cents (1.693080c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – KOORAGANG INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by the suburb of Kooragang. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act located in Kooragang which is not sub categorised as Business – Kooragang Industrial Coal Zone or not sub categorised as Business – Kooragang North Industrial Coal Zone or not sub categorised as Business – Kooragang Industrial Centre Walsh Point. This land is categorised as sub-category Business – Kooragang Industrial Centre.

- 20 An Ordinary Rate of one point zero six zero three four three cents (1.060343c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – MAYFIELD NORTH HEAVY INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land contained within, Lot 225 DP 1013964, Lot 224 DP 1013964, Lot 2 DP 1204573, Lot 2 DP 1184257 and Lot 1 DP 874109 This land is categorised as sub-category Business - Mayfield North Heavy Industrial Centre.
- 21 An Ordinary Rate of one point seven zero nine nine zero eight cents (1.709908c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – MAYFIELD NORTH INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by Lot 10 DP 625019, Lot 1 DP 403544, Lot 1 DP 528411, Lot 2 DP 207307, Lot 3 DP 259009, Lot 1 DP 880225, Lots 1, 2 DP 1177466, Lots 36, 37, 38, 39, 40 DP 1191723 Lots 5, 6 and 7 DP 1204575 and Lot 11 DP 625019. This land is categorised as sub-category Business - Mayfield North Industrial Centre.
- 22 An Ordinary Rate of two point one four nine three zero two cents (2.149302c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – MAYFIELD NORTH INDUSTRIAL CENTRE FUTURE DEVELOPMENT** apply to all rateable land in CN LGA within the centre of activity defined by Lots 41, 42, 43, and 44 in DP 1191982 and Lots 51, 52, 53 and 54 DP 1229869. This land is categorised as sub-category Business - Mayfield North Industrial Centre Future Development.
- 23 An Ordinary Rate of three point three two four two eight zero cents (3.324280c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – CARRINGTON INDUSTRIAL PORT AND COAL ZONE** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 1 DP 1044636 Lots 1, 2 DP 1104199, the land contained within Railway Land Lease reference number 115/75/2261, Lots 3, 4 DP 1104199, Lots 1, 2, 3 DP1187068, Lot 30 DP 1190075, Lots 8 and 11 DP 1190231, Lots 13, 14, 15, 16 DP 1190232, Lots 110, 111, 113 DP 1191911, Lots 91, 92, 93 DP 1193181, Lots 1, 2, 3 DP 1195231, Lots 219, 220 DP 1195310 . and Lots 1, 2, 3 in DP 1218150. This land is categorised as sub-category Business - Carrington Industrial Coal and Port Zone.
- 24 An Ordinary Rate of two point six six four four nine eight cents (2.664498c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – CARRINGTON INDUSTRIAL PORT OPERATIONS USE** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 11 DP 1023961, Lot 27 DP 842685 Lot 101 DP 1014244, Lot 1014 DP 1143277, Lot 33 DP 1078910 and Lot 1 DP 834572. This land is categorised as sub-category Business - Carrington Industrial Port Operations Use.

- 25 An Ordinary Rate of two point three nine two six nine three cents (2.392693c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – CARRINGTON INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land with an area of greater than than six hundred square metres (600m²) and zoned SP1 – Special Activities under the State Environmental Planning Policy (Three Ports) 2013 and located within the suburb of Carrington and the land known as Lot 1 DP 1097368 excepting that land categorised as Business - Carrington Industrial Coal and Port Zone or the land categorised as Business - Carrington Industrial Port Operations Use. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Carrington Industrial Centre.
- 26 An Ordinary Rate of three point nine zero three two one five cents (3.903215c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – BROADMEADOW INDUSTRIAL** apply to all rateable land in CN LGA within the centre of activity defined by all land within Lot 221 DP 1012345. This land is categorised as sub-category Business - Broadmeadow Industrial.
- 27 An Ordinary Rate of two point seven three eight six eight zero cents (2.738680c) in the dollar with a minimum rate of one thousand and forty five dollars and forty cents (\$1,045.40) named **BUSINESS – HEXHAM INDUSTRIAL CENTRE** apply to all rateable land in CN LGA within the centre of activity defined by all land wholly or partly contained in a “parcel of land” as defined within the Valuation of Land Act NSW 1916, which is in the majority zoned IN3 Heavy Industrial under the Newcastle Local Environmental Plan 2012 and located within the suburb of Hexham excepting Lots 2 and 3 DP 874409 and Lot 1 DP 90824. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business - Hexham Industrial Centre.
- 28 A Special Rate of zero point two three eight one two four cents (0.238124c) in the dollar named **HUNTER MALL**, apply to part of the rateable land within CN LGA constituted and known as the “Hunter Mall Town Improvement District” as defined in **Attachment A** for the purpose of defraying the cost of continuing additional horticultural and cleansing services and street furnishings determined to be of special benefit to the said Hunter Mall Town Improvement District.
- 29 A Special Rate of zero point one zero five three three five cents (0.105335c) in the dollar named **MAYFIELD BUSINESS DISTRICT**, apply to part of the rateable land within CN LGA constituted and known as the “Mayfield Business District” as defined in **Attachment B** for the purpose of defraying the additional cost of promotion, beautification and development of the Mayfield Business District determined to be of special benefit to the said Mayfield Business District.

- 30 A Special Rate of zero point two zero zero one three nine cents (0.200139c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE A**, apply to part of the rateable land within CN LGA constituted and known as the "Hamilton Business District" as defined in **Attachment C** for the purpose of defraying the additional cost of promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District.
- 31 A Special Rate of zero point one zero zero zero six nine cents (0.100069c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE B**, apply to part of the rateable land within CN LGA constituted and known as the "Hamilton Business District" as defined in **Attachment D** for the purpose of defraying the additional cost promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District.
- 32 A Special Rate of zero point zero five zero zero three five cents (0.050035c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE C**, apply to part of the rateable land within CN LGA constituted and known as the "Hamilton Business District" as defined in **Attachment E** for the purpose of defraying the additional cost promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District.
- 33 A Special Rate of zero point three nine four seven seven two cents (0.394772c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE A**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment F** for the purpose of defraying the additional cost promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District.
- 34 A Special Rate of zero point one nine seven three eight six cents (0.197386c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE B**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment G** for the purpose of defraying the additional cost promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District.
- 35 A Special Rate of zero point two nine six zero seven nine cents (0.296079c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE C**, apply to part of the rateable land within CN LGA constituted and known as the "Wallsend Business District" as defined in **Attachment H** for the purpose of defraying the additional cost of promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District.

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

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

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

**Carried
unanimously**

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

MOTION

Moved by Cr Clausen, seconded by Cr White

That Council:

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

**Carried
unanimously**

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

MOTION

Moved by Cr Clausen, seconded by Cr White

That Council:

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

**Carried
unanimously**

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

MOTION

Moved by Cr Clausen, seconded by Cr White

That Council:

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

**Carried
unanimously**

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

MOTION

Moved by Cr Clausen, seconded by Cr White

That Council:

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

Carried

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

MOTION

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

That Council:

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

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

Against the Motion: Councillors Church, Elliott and Robinson.

Carried

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

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

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

PROCEDURAL MOTION

Moved by Cr Elliott, seconded by Cr Church

The item lay on the table and in the interim a closed Councillor Workshop be held.

The Manager Legal advised that a workshop had been scheduled for Tuesday 18 June 2019 however, due to its cancellation the workshop was postponed to Tuesday 9 July 2019.

Councillor Elliott withdrew the procedural motion.

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, Elliott, Mackenzie, Robinson and White.

Against the Motion: Councillor Church.

Carried

NOTICES OF MOTION

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

In moving the motion, Councillor Clausen stated he would move the Officer's recommendation as outlined in the business papers.

MOTION

Moved by Cr Clausen, seconded by Cr Dunn

That Council:

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

**Carried
unanimously**

CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr White, seconded by Cr Dunn

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

Carried

Council moved into confidential session at 6.42pm.

PROCEDURAL MOTION

Moved by Cr Duncan, seconded by Cr Dunn

Council move back into open session.

Carried

Council reconvened in open session at 6.46pm and the Chief Executive Officer reported the resolutions of confidential session.

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

MOTION

Moved by Cr Duncan, seconded by Cr Dunn

That Council:

- 1 Accept the tenders of Holcim (Australia) Pty Ltd, Industrial Building Systems t/as Advanciv, and Reinforced Concrete Pipes Australia (NSW) Pty Ltd and award separate contracts to each based on the respective schedule of rates (unit prices) tendered for Contract No.2019/245T.
- 2 This confidential report relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

Carried

ITEM-11 CON 25/06/19 - TENDER - BIENNIAL HIRE OF PLANT AND EQUIPMENT 2019/247T

MOTION

Moved by Cr White, seconded by Cr Duncan

That Council:

- 1 Accept the 71 tenders as shown at **Attachment A** and award separate contracts to each based on the rates tendered for Contract No 2019/247T.
- 2 This confidential report relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until the Chief Executive Officer determines otherwise.

**Carried
unanimously**

The meeting concluded at 6.49pm.

REPORTS BY COUNCIL OFFICERS

ITEM-50 **CCL 23/07/19 - ENDORSEMENT OF MOTIONS FOR SUBMISSION TO THE 2019 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE**

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

PURPOSE

To endorse motions for submission to the 2019 Local Government NSW (LGNSW) Annual Conference (Conference) and to amend the adopted meeting cycle to allow for attendance at the Conference without conflict with Council meetings.

RECOMMENDATION

That Council:

- 1 Endorse the motions for submission to the 2019 LGNSW Annual Conference as set out at **Attachment A**.
- 2 Amend the meeting cycle for October 2019 with meetings to commence at 5:30pm:

Week 1 – Tuesday (1 October 2019)	No scheduled meetings
Week 2 – Tuesday (8 October 2019)	Committee Meetings and Workshops (as required): <ul style="list-style-type: none"> • Public Voice Committee • Briefings Committee • Development Applications Committee • Councillor Workshops
Week 3 – Tuesday (15 October 2019)	No scheduled meetings (LGNSW Conference)
Week 4 – Tuesday (22 October 2019)	Ordinary Council Meeting
Week 5 – Tuesday (29 October 2019)	No scheduled meetings

KEY ISSUES

- 3 The Conference will be held on 14-16 October 2019 at Warwick Farm. City of Newcastle (CN) is a LGNSW member and as such is entitled to attend, submit motions and vote at the Conference.

- 4 By memo to all Councillors dated 26 June 2019, Councillors were invited to submit expressions of interest in attending the Conference and propose motions for submission to the Conference. Six motions were received for consideration and endorsement as set out at **Attachment A**. Endorsed motions are required to be lodged by 19 August 2019. Attendance at the Conference is provided for in the Councillor Expenses and Facilities Policy.
- 5 The Conference is the annual policy-making event for LGNSW members and is designed for local Councillors to come together to share ideas and debate issues that shape the way LGNSW is governed. The Conference is a significant event for the local government sector where delegates vote on motions which help determine the policies and priorities for LGNSW.
- 6 CN is entitled to seven votes on motions and for positions in the LGNSW Board Elections. Council has delegated authority to the Lord Mayor to determine who will exercise CN's voting rights from among the Councillor attendees. Councillor White attended the 2018 Conference as CN's voting delegate.

FINANCIAL IMPACT

- 7 Councillors attendance at the Conference is provided for within the 2019/20 budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

8 Open and Collaborative Leadership

- 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.

9 Open and Transparent Governance Strategy

- 2 Considered decision-making based on collaborative, transparent and accountable leadership.

IMPLEMENTATION PLAN/IMPLICATIONS

- 10 CN staff will make arrangements on behalf of attending Councillors including registration and travel.

RISK ASSESSMENT AND MITIGATION

- 11 Attendance at the Conference is an opportunity to share ideas and debate issues that shape the way the local government sector functions and is governed.

RELATED PREVIOUS DECISIONS

12 By circulation prior to the 2018 Conference, Councillors endorsed the submission of three motions for consideration at the 2018 LGNSW Annual Conference relating to additional changes to the publication of local government notices; local government veterans employment program; and clarification of the status of City of Newcastle as either regional or metropolitan to provide certainty in relation to funding opportunities.

CONSULTATION

13 Nil.

BACKGROUND

14 Nil.

OPTIONS

Option 1

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

Option 2

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

REFERENCES

17 LGNSW Annual Conference 2019 Motions Submission Guide
<https://lgnsw.org.au/files/imce-uploads/90/LGNSW-Conference-Motions-Submission-Guide.pdf>

18 LGNSW Policy Platform
https://lgnsw.org.au/files/imce-uploads/581/LGNSW_Policy_Platform_-_060719.pdf

19 Councillor Expenses and Facilities Policy
<http://www.newcastle.nsw.gov.au/getmedia/bf215d59-153f-48bd-8615-3fa781f57e54/Councillor-Expenses-and-Facilities-Policy.aspx>

ATTACHMENTS

Item 50 Attachment A: Proposed motions for endorsement for submission to the 2019 LGNSW Annual Conference

Item 50 Attachment A

MOTION 1

COUNCIL NAME **CITY OF NEWCASTLE**

MOTION CATEGORY **ECONOMIC**

TITLE **EMERGENCY SERVICE LEVY**

MOTION WORDING

That Local Government NSW:

- 1) Notes that without consultation the NSW Government has implemented a scheme to fund better workers compensation for the state's firefighters by implementing a new program which charges local governments an increased Emergency Services Levy;
- 2) Reaffirms our commitment to working with the NSW Government to significantly modifying the Emergency Services Levy to ensure it is transparent, equitable and accountable;
- 3) Writes to the Premier calling on the NSW Government to cover the initial additional \$19m increase to local governments for the first year and then for NSW Government to work with NSW local governments to redesign the funding mechanism for the scheme to ensure fairness into the future.

MOTION BACKGROUND

State legislation passed in November 2018 to address a shortfall in workers' compensation, making it easier for firefighters diagnosed with one of 12 specific work-related cancers to access workers compensation entitlements, and was imposed without warning.

The legislation imposes an increase of the Emergency Services Levy to local government.

FUNDAMENTAL PRINCIPLES

The motion does not conflict with the Fundamental Principles.

MOTION 2

COUNCIL NAME **CITY OF NEWCASTLE**

MOTION CATEGORY **ECONOMIC**

TITLE **SECOND CITIES REGIONAL VS METROPOLITAN STATUS**

MOTION WORDING

That Local Government NSW:

1. Notes the continued uncertainty surrounding the status of cities of Local Government areas commonly classified as either 'regional' or 'metropolitan' councils (for example Newcastle and Wollongong councils).
2. Writes to the New South Wales Premier, the Hon. Gladys Berejiklian MP, seeking clarification about regional and metropolitan boundaries in New South Wales.
3. Calls on the New South Wales Government to provide certainty to these local government areas regarding eligibility for grant funding opportunities.

MOTION BACKGROUND

The recent NSW Budget has seen the Hunter be reclassified as 'regional', after being regarded as 'metropolitan' in last year's budget documents, and key strategic NSW Government documents.

Clarity is needed so that Newcastle and Wollongong know what significant grant funding opportunities are available from the NSW Government.

FUNDAMENTAL PRINCIPLES

The motion does not conflict with the Fundamental Principles.

MOTION 3

COUNCIL NAME **CITY OF NEWCASTLE**

MOTION CATEGORY **ECONOMIC**

TITLE **SUPERANNUATION FOR COUNCILLORS**

MOTION WORDING

That Local Government NSW:

- 1) Notes that as a result of Federal and State taxation and local government legislation, elected councillors in NSW are not paid superannuation;
- 2) Notes research from the Association of Superannuation Funds of Australia (ASFA) that the average superannuation balance for women in 2016 was 40% less than that for men.
- 3) Notes that requiring the compulsory payment of superannuation to mayors and councillors in NSW would help bridge the superannuation gender gap and assist in attracting more diversity in local government;
- 4) Notes that at the 2017 Annual Conference, Local Government NSW adopted the following motion:

"That Local Government NSW lobbies the NSW Government and Remuneration Tribunal to make it mandatory that councils make superannuation payments to mayors and councillors and that these payments must be in addition to the stipend paid to elected officials. The superannuation payments would be at the Superannuation Guarantee rate, as determined by the Commonwealth and which varies from time to time. Payments would be made to complying superannuation funds." (2017 LGNSW Annual Conference, Motion No. 80);
- 5) Writes to the Federal and State Ministers and Shadow Ministers for Local Government in support of the Local Government NSW motion, requesting amendment to relevant State and Federal legislation requiring councillors to be paid compulsory superannuation, as has been the case since 1991 for all Australians.

MOTION BACKGROUND

Despite all Australians being entitled to compulsory superannuation since 1991, superannuation payments are currently not mandatory for mayors or councillors.

FUNDAMENTAL PRINCIPLES

The motion does not conflict with the Fundamental Principles.

MOTION 4

COUNCIL NAME **CITY OF NEWCASTLE**

MOTION CATEGORY **ECONOMIC**

TITLE **GLYPHOSATE AND WEED MANAGEMENT**

MOTION WORDING

That Local Government NSW:

- 1) Notes renewed health and safety concerns about the use of glyphosate for weed management;
- 2) Notes that many LGA's currently use glyphosate-based herbicides for weed control, including in park and road maintenance;
- 3) Notes that a number of NSW Councils, including Fairfield City, Georges River Council, Willoughby, Ku-ring-gai, Sutherland Shire and Waverley Councils, have either banned or are considering banning the use of glyphosate products in their local government areas;
- 4) Notes that while the Australian regulator (the Australian Pesticides and Veterinary Medicines Authority) has indicated that products remain safe to use, provided safety directions are followed, the Andrews Government has commenced a review into its use in Victoria;
- 5) Endorses a phase out the use of products containing glyphosate within local government operations, using alternate methods to control weeds wherever possible.

MOTION BACKGROUND

There is considerable health and safety concern in the community, and from local government staff in particular, about the ongoing use of glyphosate for weed control, following recent studies linking the chemicals use to increased risk of cancer.

FUNDAMENTAL PRINCIPLES

The motion does not conflict with the Fundamental Principles.

MOTION 5

COUNCIL NAME **CITY OF NEWCASTLE**

MOTION CATEGORY **GOVERNANCE OF COUNCILS**

TITLE **LOCAL GOVERNMENT ELECTION COSTS**

MOTION WORDING

That Local Government NSW:

- 1) Notes the draft report from IPART titled Review Of Local Government Election Cost which includes a proposed 62% increase to the cost of councils holding elections conducted by the NSW Electoral Commission;
- 2) Notes that IPART has indicated that this would increase the City of Newcastle's costs by more than \$500,000 per election.
- 3) Notes that IPART believes that 'market competition' is needed to reduce the cost of elections as the NSW Electoral Commission are a 'near monopoly'
- 4) Writes to the Premier and NSW Special Minister of State calling for them to intervene and halt the privatisation of democracy, and unjustifiable increases in election costs to ratepayers across NSW.

MOTION BACKGROUND

IPART is reviewing the amount the NSW Electoral Commission can charge councils for administering local government elections in 2020.

The NSW Government looks set to significantly increase the costs to councils for conducting elections, a clearly unjustifiable increase for ratepayers across NSW.

FUNDAMENTAL PRINCIPLES

The motion does not conflict with the Fundamental Principles.

MOTION 6

COUNCIL NAME **CITY OF NEWCASTLE**

MOTION CATEGORY **ENVIRONMENT**

TITLE **OFFSHORE SAND EXTRACTION FOR COASTAL
NOURISHMENT AND REPLENISHMENT**

MOTION WORDING

That Local Government NSW:

- 1) Notes that the University of NSW Water Research Laboratory (WRL) report 'Guidelines for Sand Nourishment: Science and Synthesis for NSW' identifies offshore extraction of sand for beach nourishment as 'probably the only viable method for large scale beach nourishment on the open coast';
- 2) Notes that despite this, the NSW Government's position regarding offshore sand extraction for beach nourishment purposes remains unclear and a significant barrier to the determination of potential management solutions for coastal hazards;
- 3) Writes to the Minister for Local Government, the Hon. Shelley Hancock MP; the Deputy Premier, and Minister for Regional NSW, Industry and Trade, the Hon. John Barilaro MP; the Minister for Planning and Public Spaces; the Hon. Rob Stokes MP, and the Minister for Agriculture, the Hon. Adam Marshall MP, seeking the NSW Government's policy position regarding offshore sand extraction for the purposes of beach replenishment and nourishment.

MOTION BACKGROUND

Coastal hazards, such as beach erosion, are a significant issue for many local government areas in NSW. Management solutions for coastal hazards are varied, but beach replenishment/nourishment is identified as a potential solution for retaining coastal amenity and providing protection without the need for engineered structures. Beach replenishment/nourishment can require large quantities of sand and offshore sand extraction is most likely the only viable pathway for large scale beach nourishment, such as that potentially required for Stockton Beach, on the NSW open coast (WRL Research Report 263 by Carley, J and Cox, R). This is due to limited and decreasing viable terrestrial sand sources for beach replenishment/nourishment.

Beach replenishment/nourishment represents a significant potential management solution to address coastal hazards along the NSW coastline. However, the unclear nature of the NSW State Government's position regarding offshore sand extraction represents a significant barrier to the determination of potential management solutions for coastal hazards. This is particularly relevant for local government undertaking the Coastal Management Plan (CMP) process implemented by the State Government through the Coastal Management Act 2016 and the Coastal Management Manual prepared by Office of Environment and Heritage.

The NSW State Government's policy position regarding offshore sand extraction is of interest to multiple coastal councils and should be clarified prior to investing further resources and time regarding this management option in the CMP process.

FUNDAMENTAL PRINCIPLES

The motion does not conflict with the Fundamental Principles.

ITEM-51 CCL 23/07/19 - SUPPLEMENTARY REPORT - PUBLIC EXHIBITION OF THE CODE OF MEETING PRACTICE

REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER LEGAL

PURPOSE

Provide further information about the status of the new Model Code of Meeting Practice (Model Meeting Code) and the Office of Local Government (OLG) and to recommend a revised Code of Meeting Practice be placed on public exhibition.

RECOMMENDATION

That Council:

- 1 Places the revised Code of Meeting Practice as set out at **Attachment B** on public exhibition for a period of 42 days.

KEY ISSUES

- 2 At the Ordinary Council meeting held on 16 April 2019, the report at **Attachment A** was laid on the table until further information was obtained regarding the status and role of the OLG, noting that at the time the Minister for Planning had assumed responsibility for the administration of the *Local Government Act 1993* (Act), and that under the recent Machinery of Government changes, the OLG has been abolished.
- 3 Consistent with the Machinery of Government changes announced by the Premier, the Governor abolished the OLG with effect from 1 July 2019, transferring all functions to the new Department of Planning, Industry and Environment (DPIE). On 1 May 2019, The Hon Shelley Hancock MP, in her capacity as the Minister for Local Governance, became the Minister responsible for the Act. The changes do not affect the legislative authority of the Model Meeting Code issued by the former OLG.
- 4 References to the OLG in the revised Code of Meeting Practice have been updated to state the DPIE. The *Administrative Arrangements (Administrative Changes – Public Service Agencies) Order 2019* provides that a reference to the former OLG is taken to be a reference to the DPIE, and that all references to the Chief Executive Officer of the OLG are taken to be references to the Secretary of the DPIE. This relates to advice or guidelines provided by the former OLG. This will not have any significant impact on the operation of the Code of Meeting Practice.

- 5 Councillors were advised by an All Councillor Memo dated 20 June 2019 that Councils are not required to adopt a new Code of Meeting Practice until 12 months after the next local government election. Despite this, the provisions of the new Model Meeting Code take precedent over City of Newcastle's (CN) current Code of Meeting Practice (Current COMP) from the Ordinary Council Meeting that was held on 25 June 2019.
- 6 In practice this means that the Current COMP must be read in conjunction with the Model Meeting Code to the extent of any inconsistencies. If the revised Code of Meeting practice is not adopted, this is likely to cause confusion during meetings. It is therefore recommended that the revised Code of Meeting Practice be adopted.
- 7 As is noted in the report at **Attachment A**, key changes resulting from the implementation of the Model Meeting Code in practice include:
 - i) A more detailed process in relation to public representations when closing meetings to be notified in advance whereas previously notice could be given from the floor.
 - ii) Increase in the time for speeches from the existing 3 minutes to provide for 5 minutes (speaking time applies to Ordinary Council Meetings and Extraordinary Council Meetings only).
- 8 The memo also addressed a number of other questions raised by Councillors about the revised Code of Meeting Practice and some further revisions have been included at **Attachment B** as a result:
 - i) Clarification of the Public Voice and Briefing Committee process (refer to clause 17); and
 - ii) Inclusion of provision for the distribution and return of confidential papers when requested (refer to clause 20.5) which is consistent with current practice; and
 - iii) Update to the comments to provide commentary on how the proposed changes will operate in practice.
- 9 Commentary and track changes from the Current COMP is provided at **Attachment C** for the information and reference of Councillors.
- 10 Section 361 of the *Local Government Act 1993* (the Act) provides that the revised Code of Meeting Practice must be placed on public exhibition for a period not less than 28 days with a period of 42 days during which submissions may be made to CN. Following the exhibition period, a report detailing submissions received will be provided to Council along with a final Code of Meeting Practice for adoption.

OPTIONS

Option 1

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

Option 2

12 Council does not proceed with placing the revised Code of Meeting Practice on public exhibition. This is not the recommended option.

REFERENCES

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

ATTACHMENTS

- Item 51 Attachment A:** CCL 16/04/2019 - Exhibition of Code of Meeting Practice
<http://www.newcastle.nsw.gov.au/getattachment/0dac1474-e8ad-4212-9eab-a50de51f8083/Ordinary-Council-Meeting-Agenda.aspx>
- Item 51 Attachment B:** Revised Code of Meeting Practice
- Item 51 Attachment C:** Revised Code of Meeting Practice (with commentary and track changes)

Item 51 Attachment B

Attachment B

**Code of Meeting Practice
Policy**
July 2019

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Part A Preliminary

1 Introduction

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

2 Objectives

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

3 Scope

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

4 Principles

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

Part B Meetings

5 Scheduling of Meetings

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

6 Extraordinary Council Meetings

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

7 Meeting duration and unresolved business

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

8 Councillor participation

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

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

9 Quorum

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

10 Apology and Leave of absence

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

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

11 Order of business

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

12 Decisions

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

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

13 Circumstances that do not invalidate decisions

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

14 Resolving into a Committee of the whole

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

Part C Addressing the Meeting

15 Mode of address

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

16 Questions

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

17 Public Voice and Public Briefings

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

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

Part D Notices, Agendas and Business Papers

18 Notice to Councillors of Meetings

- 18.1 The CEO must send to each Councillor a notice of Meeting specifying the following:
- 18.1.1 location of the Meeting;
 - 18.1.2 time of the Meeting;
 - 18.1.3 date on which the Meeting is to be held; and
 - 18.1.4 business proposed to be transacted at the Meeting (Agenda).
- 18.2 A notice of Meeting in accordance with clause 18.1 must be sent to Councillors:
- 18.2.1 in the case of a Council Meeting or Committee of Council Meeting, at least seven days before the Meeting; or
 - 18.2.2 in the case of an Extraordinary Meeting, at least three days before the Meeting, except where an Extraordinary Council Meeting is called because of an emergency (as determined by the Lord Mayor or CEO), three days' notice is not required.
- 18.3 The notice, Agenda and the Business Papers relating to the Meeting may be given to Councillors in electronic form, if all Councillors have facilities to access the notice, Agenda and Business Papers in that form.
- 18.4

19 Notice to the public of Meetings

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

20 Agenda and Business Papers

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

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

In such circumstances notice will be included on the Agenda.

21 Availability of Agenda and Business Papers to the public

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

22 Late items of business

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

22.3 A motion to consider a late item of business is a Procedural Motion in accordance with Part K.

22.4 Nothing in this section limits the discretion of the Chairperson in respect of Lord Mayoral Minutes provided for in section 47.

23 Report on investigation

23.1 When a report of an investigation conducted under Part 5 Division 1 of the Act is presented to a Meeting in accordance with section 433 of the Act, Council must ensure that the report is:

23.1.1 tabled at that Meeting; and

23.1.2 available for the information of Councillors and members of the public at all reasonable times.

24 Petitions

24.1 If a person would like a petition to be tabled at a Meeting, that person should provide the petition to the CEO by 5pm on the day 12 days before the Meeting or to a Councillor sufficiently in advance of the Meeting.

24.2 A petition should contain the following information:

24.2.1 a clear and concise statement identifying the subject of the petition;

24.2.2 a statement specifying the number of pages of the petition and the number of signatures; and

24.2.3 the full printed name, address, phone number and signature of the person lodging the petition, together with the name of the organisation/group they represent (if the petition is submitted on behalf of an organisation or group).

24.2.4 A copy of the petition, other than information as at 24.2.1 and 24.2.2, will not be included in Council's Business Papers, and therefore will not be made publicly available. A copy of the petition will however, be circulated to the Councillors for their information and/or to assist in performing their civic duty.

25 Lord Mayoral actions

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

Part E Chairperson

26 Chairperson of Meetings

- 26.1 The Chairperson of a Meeting must be:
 - 26.1.1 the Lord Mayor;
 - 26.1.2 the Deputy Lord Mayor; or
 - 26.1.3 if the Lord Mayor and the Deputy Lord Mayor are absent from the Council Meeting or an Extraordinary Council Meeting, a Councillor elected to chair the Meeting by the Councillors present in accordance with section 27.
 - 26.1.4

27 Election of Chairperson

- 27.1 If required, the election of a Chairperson must be:
 - 27.1.1 the first item of business of the Meeting; and
 - 27.1.2 conducted:
 - (a) by show of hands;
 - (b) by the CEO or CN staff member designated by the CEO; or
 - (c) if neither the CEO nor a CN staff member designated by the CEO are present, by the person who called the Meeting or a person acting on their behalf.
- 27.2 If two or more Councillors receive the same number of votes and no other candidate receives a greater number of votes:
 - 27.2.1 the person conducting the election must arrange for the names of the Councillors who have equal numbers of votes to be written on similar slips and then fold the slips to prevent the names from being seen, mix the slips and draw one of the slips at random; and
 - 27.2.2 the Councillor whose name is on the drawn slip is the Chairperson.

28 Precedence of Chairperson

- 28.1 When the Chairperson rises during any Meeting:
 - 28.1.1 any person speaking or seeking to speak must, if standing, immediately resume his or her seat; and
 - 28.1.2 every person present must be silent to enable the Chairperson to be heard without interruption

Part F Meeting Attendance

29 Public

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

30 Councillors, CEO and CN staff

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

31 Exclusion of the CEO or CN staff

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

Part G Closing Meetings

32 Bases for closing Meetings

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

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

33 Motion to close a Meeting

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

34 Public representations

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

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

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

35 Matters not identified as confidential

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

36 Access to Business Papers relating to closed Meetings

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

37 Resolutions passed at closed Meetings

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

Part H Minutes

38 Recording Minutes

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

39 Confirmation of Minutes

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

40 Signature

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

41 Correction of errors

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

Part I – Recording, webcasting and photography

42 Use of mobile phones and recording of Meetings

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

43 Webcasting

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

44 Photography

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

Part J Motions

45 Chairperson's duty with respect to motions

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

46 Lord Mayoral Minute

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

47 Notices of motion

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

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

48 Unacceptable motions

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

49 Repeat motions

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

50 Motions to be seconded

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

51 Motions put without debate or discussion

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

52 Limitations of speeches

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

53 Time for speeches

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

- 53.4 The Meeting may resolve to reduce the duration of speeches to expediate the consideration of business at a Meeting.
- 53.5 This section does not apply if Council resolves itself into a Committee of the whole pursuant to section 14.

54 Absence of mover of notice of motion

- 54.1 If a Councillor who has placed a notice of motion on the Business Papers is absent from a Meeting:
 - 54.1.1 the Chairperson may defer the motion until the next Meeting at which the motion can be considered; or
 - 54.1.2 any other Councillor may move the motion at the Meeting.

55 Amendments

- 55.1 Any Councillor may propose an Amendment to any motion put to a Meeting. An Amendment to a motion must relate to the matter being dealt with in the original motion before the Meeting and must not be a direct negative of the original motion. An Amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the Chairperson.
- 55.2 An Amendment to a motion requires a mover and a seconder. The Amendment must be dealt with before voting on the original motion. Debate is allowed only in relation to the amendment and not the original motion (the original motion is suspended while the Amendment is considered). The mover of an Amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 55.3 An Amendment may become the motion without debate or a vote where it is accepted by mover of the original motion.
- 55.4 If the Amendment is passed, the motion is changed to include the Amendment and this new motion is debated. If the Amendment is not supported, the original motion stays in its original form and debate resumes.
- 55.5 Only one Amendment should be before the Meeting at any time. If several Amendments are proposed, each should be moved, seconded, debated and voted on before the next. Where possible, the Amendments should be put forward and debated in the order in which they affect the original motion.
- 55.6

56 Foreshadowed Motions

- 56.1 A Councillor may advise a Meeting of an intention to put forward a Foreshadowed Motion in relation to the matter the subject of the original motion before the Meeting, without a seconder during debate on the original motion. The Foreshadowed Motion is only to be considered if the original motion is lost or withdrawn and the Foreshadowed Motion is then moved and seconded. If the original motion is carried, the Foreshadowed Motion lapses.
- 56.2 Where an Amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further Amendment that they propose to move after the first Amendment has been dealt with. There is no limit to the number of foreshadowed Amendments that may be put before the Meeting at any time. However, no discussion can take place on foreshadowed Amendments until the previous Amendment has been dealt with and the foreshadowed Amendment has been moved and seconded.
- 56.3 The Chairperson cannot accept a Foreshadowed Motion until the original motion is decided.

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

Part K Procedural Motions

57 General

57.1 All motions provided in this Part are Procedural Motions.

57.2 Procedural Motions:

57.2.1 must be accepted by the Chairperson;

57.2.2 must be seconded unless otherwise provided in this Part; and

57.2.3 can not be amended except to provide clarification.

57.3 Notice requirements in the Code do not apply to Procedural Motions.

58 Motion to recommit a matter

58.1 If during the Meeting a Councillor becomes aware that they have misunderstood a matter on which a vote has already been taken, the Councillor may request that the matter be recommitted.

58.2 The mover of a motion to recommit a matter may speak only to their misunderstanding of the matter and may not speak to the substantive motion, the vote or the resolution.

59 Motion to alter order of business

59.1 The order of business at any Meeting (except an Extraordinary Council Meeting) may be altered if a resolution to that effect is carried.

59.2 Only the mover of a motion to alter the order of business may speak to the motion before it is put. The seconder has no right to address the Meeting and there is no right of reply.

60 Motion that a motion be now put

60.1 A Councillor may move that a motion or amendment be now put:

60.1.1 if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or

60.1.2 if at least two Councillors have spoken in favour of the motion or amendment and at least two Councillors have spoken against it.

60.2 Only the mover of a motion that a motion be now put may speak to the motion before it is put. A seconder is not required.

60.3 If the motion that a motion be now put is passed, the Chairperson must not allow further debate or comment by any person except for the right of reply by the mover of the motion or amendment.

60.4 If a motion that the original motion or amendment be now put is rejected, the Chairperson must allow the debate on the motion or amendment to be resumed.

61 Motion of dissent

61.1 A Councillor may, without notice, move a motion of dissent from a ruling of the Chairperson on a point of order or a question of order except on whether a matter is of great urgency in relation to a late item of business in accordance with clause 22.

61.2 The Chairperson must suspend the business of the Meeting until a decision is made on the motion of dissent.

61.3 Only the mover of a motion of dissent and the Chairperson may speak to the motion before it is put. The mover of a motion of dissent does not have a right of

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

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

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

62 Motion to adjourn a matter

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

63 Motion to adjourn a Meeting

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

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

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

64 Motion to refer the matter

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

65 Motion that the matter be left on the table

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

66 Motion that a motion be voted on in seriatim

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

Part L Rescission

67 Rescinding or altering resolutions

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

Part M Voting

68 Voting entitlements

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

69 Casting vote

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

70 Counting of votes

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

71 Voting by division

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

72 Recording of voting

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

73 Recording of voting on Planning Decisions

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

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

Part N Disclosure Obligations

74 Conflicts of interest – Councillors

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

75 No knowledge

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

76 Allegations of breaches of the Code of Conduct

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

Part O Order

77 Point of order

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

78 Question of order

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

79 Act of disorder

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

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

80 Expulsion from a Meeting

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

81 Removal of persons after expulsion

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

Part P Committees of the Council

82 Establishment

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

83 Membership

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

84 Attendance

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

85 Quorum

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

86 Voting

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

87 Recommendations

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

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

Part Q Advisory Committees

88 Council May Establish Advisory Committees

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

89 Recommendations of Advisory Committees

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

Part R Briefings and Workshops

90 Briefings

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

91 Workshops

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

Appendix A - Definitions

Act means the *Local Government Act 1993*.

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

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

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

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

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

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

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

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

CEO means the Chief Executive Officer of the City of Newcastle and includes their delegate or authorised representative.

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

Chairperson means the Chairperson identified in Part E.

City of Newcastle (CN) means Newcastle City Council.

Code means this Code of Meeting Practice.

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

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

Council means the governing body of City of Newcastle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Document Control

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Policy owner	Chief Executive Officer
Policy expert/writer	Legal and Governance Officer
Associated Procedure Title (if applicable)	N/A
Procedure owner (if applicable)	N/A
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Relevant strategic direction	Open and Collaborative Leadership
Relevant legislation/codes (reference specific sections)	<i>Local Government Act 1993</i> (NSW) <i>Local Government (General) Regulation 2005</i> (NSW) <i>Privacy and Personal Information Protection Act 1998</i> (NSW)
Other related policies/ documents/ strategies	Code of Conduct Effective Communication between Councillors and Staff Policy Public Voice and Public Briefings Policy
Related forms	N/A
Required on website	Yes
Authorisations	N/A

Item 51 Attachment C

Attachment C

Code of Meeting Practice
Policy

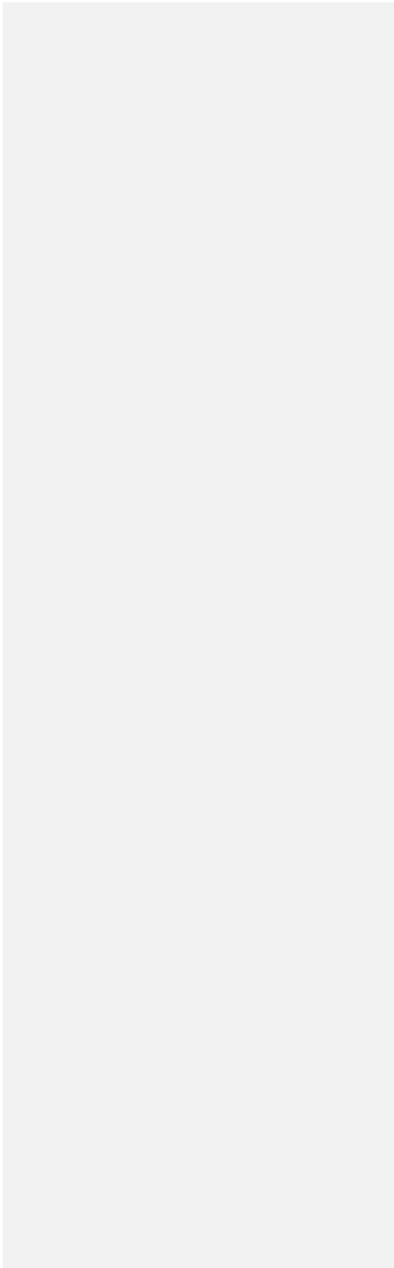
| July 2019

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Part A Preliminary

1 Introduction

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

Commented [A1]: These additions are provided for in the MMC and merely clarify the legislative basis. This is not a substantial change to how the COMP will operate in practice.

Commented [A2]: This paragraph is in the Principles section of the current COMP. It is proposed to wholly replace the Principles section with the mandatory provisions of 2.1 of the MMC (Principles). This paragraph was considered valuable and a suggestion made that it fit best within the introduction section of the revised COMP.

This is not a substantial change to how the COMP will operate in practice.

2 Objectives

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

3 Scope

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

4 Principles

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

Commented [A3]: Clause 2.1 of the MMC which specifically sets out Principles is a mandatory provision and as such is required to be incorporated in the revised COMP.

This is not a substantial change to how the COMP will operate in practice as Principles are the high-level statements. The MMC Principles are not dissimilar to the Principles in the current COMP as can be seen on comparing to the deleted text below.

- ~~4.2 Meetings should be orderly, efficient and earn the respect of the City's ratepayers, residents and visitors.~~
- ~~4.3 Meetings should be held in an environment that facilitates respect for the views of others and having regard to process, reasonableness and fairness.~~
- ~~4.4 Councillors and Council Officers should not publicly reflect adversely on each other.~~
- ~~4.5 Meetings are to be conducted in compliance with policy and legislation:
 - ~~4.5.1 Councillors and Council Officers have an obligation to conduct themselves at Meetings in accordance with the Code of Conduct and accepted standards of behaviour.~~
 - ~~4.5.2 Councillors have an obligation to act and make decisions in accordance with Council's principles as set out in section 8 of the Act.~~
 - ~~4.5.3 Meetings should address matters of policy, strategic direction, resource allocation, statutory decisions and other appropriate Council issues. Meetings should not address the day to day management of Council, which is the responsibility of the Chief Executive Officer (CEO) under the Act.~~
 - ~~4.5.4 Councillors have an obligation to attend, remain at and participate in Meetings wherever possible.~~~~

Part B Meetings

5 Ordinary Council Scheduling of Meetings

- 5.1 Council must meet on at least 10 occasions each calendar year with each Council Meeting being held in a different month. Council may schedule additional Council Meetings, known as Extraordinary Council Meetings.
- 5.2 Council must by resolution adopt a Meeting cycle by the first Council Meeting of each calendar year. The resolution must set out the frequency, time, date and place of Meetings. The Meeting schedule is flexible and Council may amend its adopted Meeting cycle by resolution. The Meeting schedule is flexible. Council will give public notice of the time and place of Meetings by advertising in a local newspaper as well as on Council's website.
- 5.3 Meetings (excluding Inspection Committee Meetings) will be held in the Council Chambers, King Street, Newcastle or such places as may be resolved by Council or nominated by the Lord Mayor.
- 5.4 Where, prior to the commencement of a Meeting, it becomes apparent that a quorum may not be present at the Meeting, or that the safety and welfare of Councillors, Council staff and members of the public may be put at risk by attending the Meeting because of a natural disaster (such as, but not limited to flood or bushfire), the Lord Mayor may, in consultation with the CEO and, as far as is practicable, with each Councillor, cancel the Meeting. Where a Meeting is cancelled, notice of the cancellation must be published on the Council's website and using such other means as will bring notice of the cancellation to the attention of as many people as possible.

Commented [A4]: The title of this section has been amended to more clearly reflect the subject matter. The title is not a mandatory provision of the MMC and the original wording can therefore be retained if Councillors prefer. This is not a substantial change to how the COMP will operate in practice.

Commented [A5]: The additions to this clause reflect the mandatory provisions of clause 3.2 of the MMC. The provisions relating to public notice have been moved to section 18 as considered a better order to the document. This is not a substantial change to how the COMP will operate in practice as this Council has always adopted the meeting cycle by resolution.

Commented [A6]: This clause was deleted as the mandatory provisions of clause 3.2 of the MMC provide that the location of meetings be specified in the resolution of Council when it adopts the meeting cycle each year. It also provides flexibility for a change in meeting location which is likely to occur in the near future. This is not a substantial change to how the COMP will operate in practice. It merely changes the document in which the meeting location is determined.

Commented [A7]: This clause has been moved to section 9 Quorum. It was determined that relocating the provision improved clarity. Councillors may choose to retain the clause in this section of the COMP. This is not a substantial change to how the COMP will operate in practice.

6 Extraordinary Council Meetings

- 6.1 Extraordinary Council Meetings are not only may be held in 'extraordinary' circumstances and can deal with special business or where there is so much business to be dealt with that an additional Meeting is required.
- 6.2 Extraordinary Council Meetings may be held on a scheduled Ordinary Meeting or Committee of Council Meeting night and Meeting may be called by:
 - 6.2.1 by the Lord Mayor; or
 - 6.2.2 by CEO; or
 - 6.2.3 by the Lord Mayor if the Lord Mayor receives a request in writing signed by at least two Councillors, which includes the reason for the request.
- 6.3 If the Lord Mayor receives a request to call an Extraordinary Council Meeting under this section in accordance with clause 6.2.3, the Lord Mayor must call the Meeting as soon as practical and no later than 14 days after receiving the request.
- 6.4 The CEO must give each Councillor notice of an Extraordinary Council Meeting in accordance with as set out in section 18. The notice must contain the reason for calling the Extraordinary Council Meeting.
- 6.5 Extraordinary Council Meetings may only deal with:
 - 6.5.1 matters stated in the notice of the Extraordinary Council Meeting;
 - 6.5.2 Lord Mayoral Minutes if notice of the Lord Mayoral Minute is included in the notice of the Extraordinary Council Meeting; and
 - 6.5.3 late items of business as provided in section 22.

Commented [A8]: Minor amendments have been made to this clause to improve readability including cross referencing being more specific.

7 Meeting duration and unresolved business

- 7.1 The Chairperson must close a Meeting;
 - 7.1.1 at 10:00pm; or

- ~~7.1.2~~ after four hours of Meetings on any one day
~~except where the Meeting resolves to extend the duration of the Meeting.~~
~~7.1 Meetings are to conclude no later than 9.30pm except where a Meeting resolves to extend the duration of the Meeting.~~
 7.2 Any item of business not resolved at the close of the Meeting must be listed as an item of business at the next Meeting of the same type unless the Meeting resolves to adjourn the item of business to another day.

8 Councillor participation

- 8.1 Councillors can only participate in a Meeting if the Councillor is personally present in the Meeting room. A Councillor is present in the Meeting room if that Councillor is in the Meeting room or otherwise in sight of the Meeting (whether or not the Councillor is at the Councillors' table).
- 8.2 When participating in a Meeting, Councillors must:
- 8.2.1 seek the leave of the Chairperson before exiting the Meeting room and indicate to the Chairperson if their absence will be temporary or if they are retiring early from the Meeting;
 - 8.2.2 apologise to the Chairperson if they arrive late; and
 - ~~8.2.3~~ sit at the Councillors' table and not move around the Meeting room or sit in the gallery.
- ~~8.3 Every person present must remain silent while a Councillor is speaking to enable Councillors to be heard without interruption, unless otherwise permitted under this Code.~~

9 Quorum

- ~~9.1~~ The quorum of a Meeting is the majority of Councillors who hold office at the time of the Meeting. Councillors who are suspended from office are not counted for the purpose of quorum.
- ~~9.1.2~~ Clause 9.1 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a Performance Improvement Order issued in respect of Council.
- ~~9.2.3~~ A Meeting must be adjourned if there is no quorum:
- ~~9.3.1~~ at the commencement of the Meeting where the number of apologies received indicates that there will not be a quorum for the Meeting;
 - ~~9.2.19.3.2~~ within 30 minutes of the designated starting time of the Meeting;
 - ~~9.2.29.3.3~~ at any time during the Meeting; or
 - ~~9.2.39.3.4~~ because Councillors leave the Meeting room due to conflicts of interest.
- ~~9.3.4~~ If a Meeting is adjourned because there is no quorum:
- ~~9.3.19.4.1~~ the Chairperson (or in the absence of the Chairperson, the majority of Councillors present or the CEO) must adjourn the Meeting by fixing a time, date and place for the adjourned Meeting to take place; the CEO must ensure the minutes of the Meeting record the circumstances relating to the absence of a quorum and the names of the Councillors present; and
 - ~~9.3.29.4.2~~ the public will be notified of the adjourned Meeting (at minimum on Council's CN's website).
- ~~9.5~~ A Meeting with~~out~~ quorum can be opened but resolutions cannot be passed at a Meeting without quorum.

Commented [A9]: This proposed amendment is intended to simplify the section.
 The amendment will mean that it is clear that Council and Committee Meetings (including a series of meetings in one evening) must conclude by 9.30pm unless Council resolves to extend the time.
 The previous wording was ambiguous. As all Council meetings commenced at 9.30pm, the 4 hour time limit would always be reached at 9.30pm and as such, the reference to 10pm was redundant.
 The finishing time is at the discretion of Council and Councillors may consider a 10pm finish time more appropriate.

Commented [A10]: "Personally" was added to reflect the wording in mandatory clause 5.2 of the MMC. This makes it clear that there are no provisions for Councillors to attend a meeting remotely (e.g. via Skype).

This is not a substantial change to how the COMP will operate in practice as Councillors have always been required to attend in person.

Commented [A11]: This reflects mandatory clauses 6.9(b) and 10.29 of the MMC.

This is not a substantial change to how the COMP will operate in practice as Councillors were required to speak one at a time using their microphone.

Commented [A12]: This reflects mandatory clause 5.10 of the MMC.

We do not expect this to be a common occurrence but would be required to adhere to this if Council was ever issued a Performance Improvement Order.

Commented [A13]: This reflects mandatory clause 5.11(a) of the MMC.

This will mean that where the majority of Councillors are apologies, a decision can be made immediately not to proceed with the meeting.

This is a change to current practice and seems very practical in nature. In the case where Councillors whereabouts is unknown and an apology has not been submitted, the attendees will need to wait 30 minutes before a decision as to the meeting proceeding can be made.

9.6 Where, prior to the commencement of a Meeting, it becomes apparent that a quorum may not be present at the Meeting, or that the safety and welfare of Councillors, CN staff and members of the public may be put at risk by attending the Meeting because of a natural disaster (such as, but not limited to flood or bushfire), the Lord Mayor may, in consultation with the CEO and, as far as is practicable, with each Councillor, cancel the Meeting. Where a Meeting is cancelled, notice of the cancellation must be published on CN's website and using such other means as will bring notice of the cancellation to the attention of as many people as possible.

10 **Apology and Leave of absence**

10.1 All Councillors must make reasonable efforts to attend Meetings of which they are members.

10.2 A Councillor may make an apology if they are unable to attend a Meeting. An apology does not constitute a leave of absence.

40.410.3 A Councillor may request a leave of absence from a Meeting. If possible, the Councillor should indicate the date of the Meeting from which the Councillor intends to be absent and the grounds upon which the leave of absence is being sought.

40.210.4 A Meeting must reasonably consider granting a request and may resolve to grant a Councillor a leave of absence from a Meeting. A motion to grant a Councillor a leave of absence is a Procedural Motion.

10.5 If a Councillor intends to attend a Meeting despite having been granted a leave of absence, the Councillor should (if practical) give the Lord Mayor/Chairperson and CEO at least two days' notice.

10.6 A Councillor's civic office will become vacant if the Councillor is absent from three consecutive Ordinary Council Meetings without prior leave of the Council, or a leave of absence granted by the Council at any of the Meetings concerned, unless the Councillor is absent because they have been suspended from office under the Act, or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA of the Act.

11 **Order of business**

11.1 The general order of business of Council Meetings and Committee Meetings should be:

- 11.1.1 Opening of the Meeting
- 11.1.2 ~~Indigenous Acknowledgement of Country~~ (Chairperson and all present to stand)
- 11.1.3 Prayer (Chairperson and all present to stand)
- 11.1.4 Apologies / Leaves of Absence
- ~~11.1.5 Declaration of conflicts of interest~~
- 11.1.5 Confirmation of minutes of previous Meeting
- 11.1.6 Disclosures of interests
- ~~11.1.6~~ 11.1.7 Lord Mayoral Minutes (Council Meeting only)
- ~~11.1.7~~ 11.1.8 Reports from Committees of the Council (Council Meeting only)
- ~~11.1.8~~ 11.1.9 Reports from Advisory Committees
- ~~11.1.9~~ 11.1.10 Reports from Council CN Officers staff
- ~~11.1.10~~ 11.1.11 Councillor Reports
- ~~11.1.11~~ 11.1.12 Notices of Motion / Questions with Notice

Commented [A14]: This clause is in the current COMP and has been moved from 5.4 above. It also reflects non-mandatory clause 5.14 of the MMC. It was determined that relocating the provision improved clarity.

Councillors may choose to retain the clause at 5.4 above.

This is not a substantial change to how the COMP will operate in practice.

Commented [A15]: This reflects mandatory clause 5.11 of the MMC. This is consistent with one of the principles in our current COMP.

This is not a substantial change to how the COMP will operate in practice.

Commented [A16]: This reflects mandatory clause 5.4 of the MMC. Council always operated on an apology and leave of absence system, however, apologies are not formalised in the current COMP.

This is not a substantial change to how the COMP will operate in practice as Councillors have for many years submitted apologies in addition to requests for leaves of absence.

Commented [A17]: This reflects mandatory clause 5.5 of the MMC.

This is not a substantial change to how the COMP will operate in practice as leaves of absence generally noted the grounds – e.g. work commitments, illness of travel.

Commented [A18]: This reflects mandatory clause 5.6 of the MMC.

This is not a substantial change to practice as leaves of absence were always on the merits.

Commented [A19]: This reflects mandatory clause 5.7 of the MMC.

This is not a substantial change to practice as these provisions were previously contained within the Act and applied to Councillors' attendance.

Commented [A20]: This reflects clause 8.2 of the MMC.

This is not a substantial change to how the COMP will operate in practice and are considered minor points of clarification to ensure consistency with the language in the MMC.

~~11.1.12~~ ~~11.1.13~~ 11.13 Petitions

~~11.1.13~~ ~~11.1.14~~ 11.14 Confidential matters (public excluded)

~~11.1.14~~ ~~11.1.15~~ 11.15 Close of business

~~11.2~~ 11.2 A motion to bring a late item of business in accordance with section 22 may only be considered as the last item on the Agenda, immediately prior to the close of business.

~~11.3~~ 11.3 The order of business at a Meeting may be altered by resolution. A motion to alter the order of business is a Procedural Motion to which only the mover can speak.

~~11.4~~ 11.4 The Chairperson may examine the Agenda with Councillors at any time during the Meeting and deal with items of business that Councillors do not wish to debate in accordance with section 51.

Commented [A21]: This clause is inserted to clarify and cross reference section 21 of this revised COMP. This is not a substantial change to how the COMP will operate in practice.

Commented [A22]: This reflects clauses 8.3 and 8.4 of the MMC. This is not a substantial change to how the COMP will operate in practice as procedural motions have always been used in this way.

12 Decisions

~~12.1~~ 12.1 A decision on an item of business is made by way of Councillors voting on a motion which has been appropriately moved and seconded as required, or as provided for under this Code supported by a majority of votes at a Meeting at which a quorum is present is a decision of Council or the Committee of Council. A motion is successful if it is supported by a majority of votes at the Meeting, subject to a quorum as provided for in section 9 of the Code.

~~12.2~~ 12.2 Notwithstanding clause 12.1, a decision in relation to the election of Chairperson must follow the procedures set out in section 27 of the Code.

~~12.3~~ 12.3 A recommendation made in a CN staff report is, so far as it is adopted by the Meeting, a resolution of a Meeting.

~~12.4~~ 12.4 A recommendation of a Committee of Council is, so far as it is adopted by a Council Meeting, a resolution of Council.

~~12.5~~ 12.5 All decisions will be accurately recorded in the minutes of a Meeting at which the decision is made.

~~12.6~~ 12.6 The CEO is to implement without undue delay the lawful decision of a Meeting.

Commented [A23]: This reflects mandatory clause 17.1 of the MMC and is intended to provide improved clarity. This is not a substantial change to how the COMP will operate in practice but addresses questions about meeting practice that have previously been raised by Councillors to clarify that a decision can only be made by way of voting on a motion (except the election of a Chairperson).

Commented [A24]: This reflects mandatory clauses 9.11 and 9.12 of the MMC. This is not a substantial change to how the COMP will operate in practice and reflects the manner in which Council has always made decisions.

Commented [A25]: This reflects mandatory clause 17.2 of the MMC. This is not a substantial change to how the COMP will operate in practice as decisions have always been recorded in minutes.

Commented [A26]: This reflects mandatory clause 19.12 of the MMC. This is not a substantial change to how the COMP will operate in practice as this is contained within the Act.

13 Circumstances that do not invalidate decisions

13.1 Proceedings at a Meeting are not invalidated because of:

- 13.1.1 a vacancy in a civic office;
- 13.1.2 failure to give notice of the Meeting to any Councillor;
- 13.1.3 any defect in the election or appointment of a Councillor;
- 13.1.4 failure of a Councillor to disclose or properly manage a conflict of interest; or
- 13.1.5 failure to comply with the Code.

Commented [A27]: The title of this section has been amended to more clearly reflect the subject matter.

This is not a substantial change to how the COMP will operate in practice. The title is amended to more clearly reflect the difference between committees of the whole which have delegation and meet as a committee (e.g. DAC) and parts of a meeting where council resolve into committee of the whole to have a more informal discussion.

These clauses reflect mandatory clauses 12.3 and 12.4 of the MMC.

The latter occurs infrequently but remains an option. The reference to the Public Voice Committee is removed from here to avoid confusion but is specifically addressed in section 17.

This is not a substantial change to how the COMP will operate in practice.

14 Resolving into a Committee of Council the whole

~~14.1~~ 14.1 Council may resolve itself into a Committee of the whole at any time during a Meeting, and will do so for the Public Voice Committee.

~~14.2~~ 14.2 No decisions may be made while the Council is sitting as a Committee of Council the whole except where there is an Instrument of Delegation in place.

~~14.3~~ 14.3 A summary of proceedings and any recommendations of a Committee of the whole must be reported by the CEO, or CN staff member designated by the CEO, to a Council Meeting where a motion to adopt the report of the Committee of the whole is required, and the outcome recorded in the minutes of the Meeting.

Part C Addressing the Meeting

15 Mode of address

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

16 Questions

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

17 Public Voice and Public Briefings

- ~~17.1~~ 17.1 Any person seeking to address Council may apply to address either the Public Voice Committee or Briefings Committee.

Commented [A28]: This reflects mandatory clauses 3.14, 3.15 and 3.16 of the MMC.

This is not a substantial change to how the COMP will operate in practice as it provides clarity on the existing clauses relating to questions with or without notice.

This follows the same process as "Notice of motion" and does not change our current practice. It has always been permissible to ask a question as part of a Notice of Motion. However, these mandatory provisions provide greater clarity around this process. A question with notice can be responded to by way of a report contained in the business papers.

During discussion of an agenda item, a Councillor may put a question. If the question is unable to be responded to during the meeting, for example because further consultation may be required, that question will be responded to via Memo as is current practice.

Commented [A29]: This reflects mandatory clause 9.14 and 9.17 of the MMC.

This is not a substantial change to how the COMP will operate in practice as Councillors have always been asked to make contact with staff in advance of Council meetings.

Commented [A30]: This reflects mandatory clause 9.19 of the MMC.

This is not a substantial change to how the COMP will operate in practice merely removing any ambiguity.

Commented [A31]: This is not a substantial change to how the COMP will operate in practice merely ensuring consistency with the recently amended Effective Communication Between Councillors and Staff policy.

17.2 Any requests to address the Public Voice Committee or Briefings Committee will be considered in accordance with CN policies.

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

Commented [A32]: This is supplementary to the MMC.

This is not a substantial change to how the COMP will operate in practice but clarifies the Public Voice process and ensures consistency with the recently amended Public Voice and Public Briefings policy.

The DAC minutes do not need to be reported to Council as there is an instrument of delegation in place.



Part D Notices, Agendas and Business Papers

~~17~~18 Notice of Council Meetings and Committee of Councilors Meetings

~~17.1~~18.1 The CEO must send to each Councilor ~~at least seven days before each Council Meeting and Committee of Council Meeting~~ a notice of Meeting specifying the following:

- ~~17.1.1~~18.1.1 location of the Meeting;
- ~~17.1.2~~18.1.2 time of the Meeting;
- ~~17.1.3~~18.1.3 date on which the Meeting is to be held; and
- ~~18.1.4~~ business proposed to be transacted at the Meeting (Agenda).

18.2 A notice of Meeting in accordance with clause 18.1 must be sent to Councilors:

- 18.2.1 in the case of a Council Meeting or Committee of Council Meeting, at least seven days before the Meeting; or
- 18.2.2 in the case of an Extraordinary Meeting, at least three days before the Meeting, except where an Extraordinary Council Meeting is called because of an emergency (as determined by the Lord Mayor or CEO), three days' notice is not required.

18.3 The notice, Agenda and the Business Papers relating to the Meeting may be given to Councilors in electronic form, if all Councilors have facilities to access the notice, Agenda and Business Papers in that form.

~~18~~ Notice of Extraordinary Council Meetings

~~18.1~~ The CEO must send to each Councilor ~~at least three days before an Extraordinary Council Meeting~~ a notice of Meeting specifying the following:

- ~~18.1.1~~ location of the Meeting;
- ~~18.1.2~~ time of the Meeting;
- ~~18.1.3~~ date on which the Meeting is to be held; and
- ~~18.1.4~~ business proposed to be transacted at the Meeting (agenda);

~~18.4~~ If an Extraordinary Council Meeting is called because of an emergency (as determined by the Lord Mayor or CEO), three days' notice is not required.

~~19~~ Notice to the public of Meetings

~~19.1~~ Council must give notice to the public of the time, date and place of each Meeting, including Extraordinary Meetings. Notice of more than one Meeting may be given in the same notice.

~~19.2~~ Prior to a Meeting taking place, the notice must be published on CN's website, and in such other manner that Council is satisfied is likely to bring notice of Meetings to the attention of as many people as possible.

~~19~~20 Agenda and Business Papers

~~19.1~~20.1 The CEO must ensure the Agenda for a Meeting is prepared as soon as practicable before the Meeting and states:

- ~~19.1.1~~20.1.1 all matters to be dealt with arising out of the proceedings of the former previous Meeting including all unresolved business;
- 20.1.2 if the Lord Mayor is the Chairperson, any matter that the Chairperson proposes, at the time when the Business Paper is prepared, to put to the Meeting as a Lord Mayoral Minute; and

Commented [A33]: It is proposed to merge these two sections to remove unnecessary duplication and provide greater clarity.

This reflects mandatory clause 3.8 of the MMC.

This is not a substantial change to how the COMP will operate in practice as can be seen on comparing the deleted text. Councilors have been receiving electronic business papers since 2012.

Councilors may wish to retain the previous version.

Commented [A34]: This reflects mandatory clauses 3.4 and 3.5 of the MMC.

This is not a substantial change to how the COMP will operate in practice as notice was required under the Act. There is a change to no longer require advertising in a newspaper. Council will be required to advertise through other appropriate channels such as website or possibly social media.

Commented [A35]: This reflects mandatory clause 3.17 of the MMC.

This is not a substantial change to how the COMP will operate in practice as agenda have for some time been distributed to Councilors 7 days before meetings.

~~19.1.220.1.3~~ all matters including matters that are the subject of CN staff reports and reports of Committee Meetings to be considered at the Meeting; and

~~19.1.320.1.4~~ any business of which due notice has been given under section 47.

~~20.2~~ Nothing in clause 20.1 limits the power of the Lord Mayor to put a Lord Mayoral Minute to a Meeting under section 46.

~~19.220.3~~ If in the opinion of the CEO an item of business is a matter that is likely to be considered in a closed part of a Meeting in accordance with Part G:

~~19.2.420.3.1~~ the confidential nature of the item of business and the grounds on which the meeting will be closed is to be indicated on the Agenda;

~~19.2.220.3.2~~ the confidential business may be set out in confidential Business Papers; and

~~19.2.320.3.3~~ the confidential business must be referred to in the general Business Papers prepared for the same Meeting.

~~20.4~~ The CEO must make the Agenda and Business Papers for a Meeting available to Councillors before making the Business Papers available to members of the public.

~~20.5~~ If in the opinion of the CEO, the confidential nature of an item of business listed on Agenda is such that circumstances require the CEO to take additional steps to protect the confidentiality of the item, the CEO may:

~~19.2.420.5.1~~ distribute the Business Papers in hard copy only on the night of the Meeting; and

~~20.5.2~~ require that Councillors return the confidential Business Paper at the conclusion of the Meeting.

~~In such circumstances notice will be included on the Agenda.~~

21 Availability of Agenda and Business Papers to the public

~~21.1~~ The CEO must make the Business Papers available on CN's website as close as possible to the time they are available to Councillors.

~~21.2~~ The CEO must make the Agenda and general Business Papers for a Meeting available to members of the public for inspection as soon as practicable at no cost before and during the Meeting.

~~21.3~~ The CEO will make the Agenda and general Business Papers for a Meeting available to members of the public for taking away at no cost if a request is lodged with CN at least 24 hours prior to the Meeting. Copies may be given or made available in electronic form.

~~21.4~~ Confidential Business Papers will not be made available to the public.

~~21.5~~ The CEO must not include in the Agenda for any Meeting any business of which due notice has been given if, in the opinion of the CEO, the business is (or the implementation of the business would be) unlawful. The CEO must report any such exclusion to the Meeting.

~~21.6~~ During, at the close of a Meeting, or the day after a Meeting, reasonable access must be provided to any person to inspect correspondence or reports laid on the table at, or submitted to, a Meeting that were not available prior to the Meeting, except if in relation to a matter considered in a closed part of a Meeting in accordance with Part G.

~~21.7~~ Clause 20.6 does not apply if the Meeting resolves, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act. Such correspondence or reports

Commented [A36]: This reflects mandatory clause 3.18(c) of the MMC. This is not a substantial change to how the COMP will operate in practice as this is the way Council has always dealt with reports.

Commented [A37]: This reflects mandatory clause 3.19 of the MMC. This is not a substantial change to how the COMP will operate in practice as it clarifies the LMM process already in place.

Commented [A38]: This reflects mandatory clause 3.21 of the MMC. This is not a substantial change to how the COMP will operate in practice as this was previously required by the Act.

Commented [A39]: This clause clarifies current process that in certain circumstances only hard copy Business Papers will be distributed and Councillors may be requested to return the printed papers at the conclusion of the Meeting. Following consultation with the OLG, it is considered that this provision is not inconsistent with the Model Meeting Code.

Commented [A40]: This reflects mandatory clause 3.25 of the MMC. This is not a substantial change to how the COMP will operate in practice. Council has for a long time made papers available on its website within two days of Councillors receiving same.

Commented [A41]: This reflects mandatory clauses 3.23 and 3.26 of the MMC. This is not a substantial change to how the COMP will operate in practice. This is a GIPA requirement and we have always made copies available. Where previously a limited number of copies were printed in advance of a meeting, we will now print on request to ensure that sufficient copies are available.

Commented [A42]: This reflects mandatory clause 19.8 of the MMC. This is not a substantial change to how the COMP will operate in practice as it has been Councils practice to make any documents that are not confidential publicly available.

are to be marked with the applicable relevant provision of section 10A(2) of the Act.

2022 Late items of business

20.422.1 For a Meeting (including an Extraordinary Council Meeting) to consider an item not listed for consideration on the Business Papers:

20.4.422.1.1 the Meeting must pass a motion to have the business transacted at the Meeting; and

20.1.222.1.2 the Chairperson must rule the business proposed to be brought to be of great urgency on the grounds that it requires a decision by Council before the next scheduled Council meeting.

20.222.2 A motion to consider a late item of business at an Extraordinary Council Meeting may only be considered after all other items of the Agenda have been considered.

20.322.3 A motion to consider a late item of business is a Procedural Motion in accordance with section 65 Part K.

20.422.4 Nothing in this section limits the discretion of the Chairperson in respect of Lord Mayoral Minutes provided for in section 47.

2123 Reports of the Office of Local Government on investigation

21.423.1 When a report of ~~the Office of Local Government~~ an investigation conducted under Part 5 Division 1 of the Act is presented to a Meeting in accordance with section 433 of the Act, Council must ensure that the report is:

21.1.423.1.1 tabled at that Meeting; and

21.1.223.1.2 available for the information of Councillors and members of the public at all reasonable times.

2224 Petitions

22.424.1 If a person would like a petition to be tabled at a Meeting, that person should provide the petition to the CEO by 5pm on the day 12 days before the Meeting or to a Councillor sufficiently in advance of the Meeting.

22.224.2 A petition should contain the following information:

22.2.424.2.1 a clear and concise statement identifying the subject of the petition;

22.2.224.2.2 a statement specifying the number of pages of the petition and the number of signatures; and

22.2.324.2.3 the full printed name, address, phone number and signature of the person lodging the petition, together with the name of the organisation/group they represent (if the petition is submitted on behalf of an organisation or group).

22.2.424.2.4 A copy of the petition, other than information as at 24.2.1 and 23.2.2.2, will not be included in Council's Business Papers, and therefore will not be made publicly available. A copy of the petition will however, be circulated to the Councillors for their information and/or to assist in performing their civic duty.

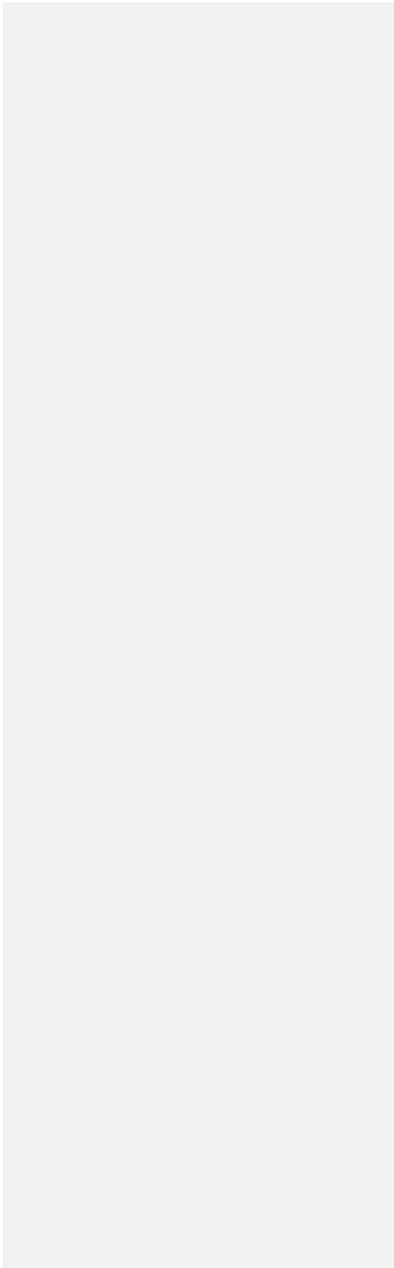
Commented [A43]: This reflects mandatory clause 19.10 of the MMC. This is not a substantial change to how the COMP will operate in practice as it clarifies the maintenance of confidentiality on reports.

Commented [A44]: This reflects mandatory clauses 3.28(b) and 9.3(b) of the MMC. This is not a substantial change to how the COMP will operate in practice as this is contained within the Act.

Commented [A45]: This is intended to provide greater clarity and proposed wording is directly from the Act. This is not a substantial change to how the COMP will operate in practice as there is already provision in the Act.

23.25 Lord Mayoral actions

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



Part E Chairperson

24.26 Chairperson of ~~Extraordinary Council Meetings and Council Meetings~~

~~24.4.26.1~~ The Chairperson of a ~~Council Meeting or an Extraordinary Council Meeting~~ must be:

~~24.1.426.1.1~~ the Lord Mayor;

~~24.1.226.1.2~~ the Deputy Lord Mayor; or

~~24.1.326.1.3~~ if the Lord Mayor and the Deputy Lord Mayor are absent from the Council Meeting or an Extraordinary Council Meeting, a Councillor elected to chair the Meeting by the Councillors present in accordance with section 27.

25 Chairperson of Committee of Council Meetings

~~25.1~~ The Chairperson of a Committee of Council Meeting must be:

~~25.1.1~~ the Lord Mayor;

~~25.1.2~~ the Deputy Lord Mayor;

~~25.1.3~~ if the Lord Mayor and Deputy Lord Mayor do not wish to be Chairperson, a member of the Committee of Council elected by Council; or

~~25.1.426.1.4~~ if Council does not elect such a member, a Councillor member of the Committee of Council elected to chair the Meeting by the Councillors present in accordance with clause 26.

26.27 Election of Chairperson

~~26.4.27.1~~ If required, the election of a Chairperson must be:

~~26.1.427.1.1~~ the first ~~item of~~ business of the Meeting; and

~~26.1.227.1.2~~ conducted:

- (a) by show of hands;
- (b) by the CEO or ~~a Council Officer-CN staff member~~ designated by the CEO; or
- (c) if neither the CEO nor a ~~Council Officer-CN staff member~~ designated by the CEO are present, by the person who called the Meeting or a person acting on their behalf.

~~26.2.227.2~~ If two or more Councillors receive the same number of votes and no other candidate receives a greater number of votes:

~~26.2.427.2.1~~ the person conducting the election must arrange for the names of the Councillors who have equal numbers of votes to be written on similar slips and then fold the slips to prevent the names from being seen, mix the slips and draw one of the slips at random; and

~~26.2.227.2.2~~ the Councillor whose name is on the drawn slip is the Chairperson.

27.28 Precedence of Chairperson

~~27.4.28.1~~ When the Chairperson rises during any Meeting:

~~27.1.428.1.1~~ any person speaking or seeking to speak must, if standing, immediately resume his or her seat; and

Commented [A46]: It is proposed to merge these two sections to remove unnecessary duplication and provide greater clarity.

This is not a substantial change to how the COMP will operate in practice as can be seen on comparing the deleted text.

Councillors may wish to retain the previous version...

~~27.1.2~~~~28.1.2~~ every person present must be silent to enable the Chairperson to be heard without interruption

Part F Meeting Attendance

~~28.2~~~~29~~Public

~~28.1~~~~29.1~~ All Meetings are open to the public except those Meetings (or parts of Meetings) which are by resolution closed to the public as provided in Part G.

~~28.2~~~~29.2~~ The public must act in a respectful manner and in accordance with any directions of the Chairperson.

~~29.3~~ A member of the public is not entitled to be present at a Meeting if that person has been expelled from that Meeting as provided in section ~~80~~.

~~29.4~~ **If a Meeting (or part of a Meeting) is closed to the public in accordance with Part G any person who is not a Councillor who fails to leave the Meeting when requested may be expelled from the Meeting.**

~~29.3~~~~30~~Councillors, CEO and ~~Council Officers~~**CN staff**

~~29.1~~~~30.1~~ All Councillors and the CEO are entitled to attend Meetings.

~~29.2~~~~30.2~~ ~~Council Officers~~**CN staff** may attend Meetings for the purpose of providing information and advice to the Meeting ~~with the approval of the CEO~~.

~~29.3~~~~30.3~~ A Councillor, or any other person, is not entitled to be present at a Meeting if that person has been expelled from that Meeting as provided in section ~~80~~.

~~30.3~~~~1~~Exclusion of the CEO or ~~Council Officer~~**CN staff**

~~30.1~~~~31.1~~ A Meeting may, by resolution, exclude the CEO from part of a Meeting if the matter under consideration relates to:

~~30.1.1~~~~31.1.1~~ the terms and conditions of the CEO's employment; and/or

~~30.1.2~~~~31.1.2~~ any issue related to the CEO's performance of contract.

~~30.2~~~~31.2~~ A Meeting may, by resolution, exclude ~~a Council Officer~~**CN staff** from part of a Meeting if the matter under consideration at that part of the Meeting relates to ~~the Council Officer's~~**CN staff** employment ~~matters~~ or a related issue.

Commented [A47]: This reflects mandatory clause 14.18 of the MMC.

This is not a substantial change to how the COMP will operate in practice as Council has never had an objection to a person leaving the Meeting however this provides a mechanism to require a person to leave.

Part G Closing Meetings

31.3.2 Bases for closing Meetings

31.3.2.1 A Meeting may resolve to close all, or part, of any Meeting which is to consider:

31.3.2.1.1 ~~_____~~ personnel matters concerning particular individuals (other than Councillors);

31.3.2.1.2 ~~_____~~ the personal hardship of any resident or ratepayer;

31.3.2.1.3 ~~_____~~ information that would, if disclosed, confer a commercial advantage on a person with whom ~~the Council~~ CN is conducting (or proposes to conduct) business;

31.3.2.1.4 ~~_____~~ commercial information of a confidential nature that would, if disclosed:

- (a) prejudice the commercial position of the person who supplied it;
- (b) confer a commercial advantage on a competitor of ~~the Council~~ CN; or
- (c) reveal a trade secret.

31.3.2.1.5 ~~_____~~ information that would, if disclosed, prejudice the maintenance of law;

31.3.2.1.6 ~~_____~~ matters affecting the security of the Council, Councillors, ~~Council Officers~~ CN staff or ~~Council~~ CN property;

31.3.2.1.7 ~~_____~~ advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege provided that the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the Meeting;
- (b) are clearly identified in the advice; and
- (c) are fully discussed in that advice; and

31.3.2.1.8 ~~_____~~ information concerning the nature and location of a place or an item of Aboriginal significance on community land; and

31.3.2.1.9 ~~_____~~ alleged contraventions of CN's Code of Conduct.

31.3.2.2 A Meeting may close to the public so much of the Meeting as it comprises a motion to close another part of the Meeting to the public.

31.3.2.3 A Meeting must only remain closed during the discussion of matters referred to in this section if:

31.3.2.3.1 ~~_____~~ closing the Meeting is necessary to preserve confidentiality, privilege or security; and

31.3.2.3.2 ~~_____~~ if the matter concerned is a matter (other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) that on balance is contrary to the public interest.

31.3.2.4 For the purpose of determining whether the discussion of a matter in an open Meeting would be contrary to the public interest, it is irrelevant that:

31.3.2.4.1 ~~_____~~ a person may misinterpret or misunderstand the discussion; or

31.3.2.4.2 ~~_____~~ the discussion of the matter may:

- (a) cause embarrassment to CN, Council, a Committee of Council, Councillors, the CEO or any ~~Council Officer~~ CN staff; or
- (b) ~~_____~~ cause a loss of confidence in CN, Council or a Committee of Council.

Commented [A48]: This reflects mandatory clause 14.1(i) of the MMC.

This is not a substantial change to how the COMP will operate in practice and provides greater clarity in relation to managing privacy.

32.5 For the purpose of determining whether part of a Meeting is to be closed to the public, the Meeting must consider any relevant guidelines issued by the Chief Executive/Secretary of the Department of Planning, Industry and Environment/Office of Local Government.

32.6 Part of a Meeting may be closed to the public without prior identification in the Agenda in accordance with section 19, if:

32.6.1 it becomes apparent during the course of the Meeting that discussion of a particular matter, the item is a matter referred to in clause 32.1; and

31.6.2 after consideration of any public representations made under section 34, the Meeting resolves that further discussion of the matter:

- (a) should not be deferred (because of the urgency of the matter), and
- (b) should take place in a part of the Meeting that is closed to the public.

Commented [A49]: This reflects mandatory clause 14.7 of the MMC.

This is not a substantial change to how the COMP will operate in practice as provisions will remain in force irrespective of any potential restructure of the Office of Local Government. Any further changes would need to be prescribed under the Act

Commented [A50]: This reflects mandatory clause 14.8 of the MMC.

This is not a substantial change to how the COMP will operate in practice as it has always been permissible to move into confidential session if the during discussion the need became apparent. However this now provides for the public representation process to still be applied.

3233 Motion to close a Meeting

32-433.1 A motion to close a Meeting (or part of a Meeting) must indicate:

32-4-133.1.1 the bases for closing the Meeting as provided in section 32; and

32-4-233.1.2 a brief explanation of why discussion of the matter in an open Meeting would be, on balance, contrary to the public interest except if the matter is:

- (a) a personnel matter concerning particular individuals;
- (b) about the personal hardship of a resident or ratepayer; or
- (c) a trade secret.

32-233.2 Only business stated in the motion to close the Meeting may be transacted during the closed Meeting (or part of a Meeting).

32-333.3 The motion to close the Meeting and the bases for the closure must be recorded in the minutes of the Meeting.

3334 Public representations

34.1 Before a Meeting (or part of a Meeting) is closed, members of the public are permitted to make representations to the Meeting about whether the Meeting should be closed to the public.

34.2 Where the matter has been identified in the Agenda of the Meeting under section 32 as a matter that is likely to be considered when the Meeting is closed to the public

34.2.1 in order to make public representations, an application must first be made to Council in the approved form. Applications must be received by 5.00pm two business days before the Meeting at which the matter is to be considered, and

34.2.2 the CEO or designated CN staff member will determine the order of speakers to a maximum of two. If more than two speakers apply to make representations under section 34.1, the CEO or designated CN staff member may request the speakers to nominate from among themselves the persons who are to make representations to the Meeting. If the speakers are not able to agree on whom to nominate to make representations the CEO or designated CN staff member is to determine who will make representations to the Meeting; and

34.2.3 the CEO or designated CN staff member may refuse an application and must give written reasons for a decision to refuse an application.

~~34.3 Where the Meeting proposes to close a Meeting (or part of a Meeting) to the public in circumstances where the matter has not been identified in the Agenda for the Meeting in accordance with section 19 as a matter that is likely to be considered when the Meeting is closed to the public the Chairperson is to invite public representations under clause 34.1 after the motion to close the Meeting (or part of a Meeting) is moved and seconded. The Chairperson is to permit no more than two speakers and determine the order of speakers.~~

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

3435 Matters not identified as confidential

~~34.435.1~~ If a matter has not been identified in the Agenda as being heard in a closed Meeting but it becomes apparent during discussion that the matter is a matter referred to in clause ~~32.1~~, the Meeting must:

~~34.435.1.1~~ consider any public representations;

~~34.435.1.2~~ determine (by resolution) whether the matter is a matter that can be deferred to the next Meeting; and

~~34.435.1.3~~ if the matter cannot be deferred, determine (by resolution) to close the Meeting as provided in this Part.

3536 Access to Business Papers relating to closed Meetings

~~35.436.1~~ Where a Meeting closes any part of a Meeting, the Meeting may determine (by way of resolution) to provide public access to the Business Papers and minutes on a specified date.

~~35.236.2~~ The public must not be provided with access to Business Papers and minutes of a closed Meeting (or part of a Meeting) if the Meeting considered:

~~35.2436.2.1~~ personnel matters concerning particular individuals;

~~35.2236.2.2~~ the personal hardship of any resident or ratepayer;

~~35.2336.2.3~~ a trade secret;

~~35.2436.2.4~~ a matter, which if disclosed, could give rise to an action for a breach of confidence;

~~35.2536.2.5~~ a matter, which if disclosed, would constitute an offence against an Act; or

~~35.2636.2.6~~ part of a draft or adopted plan of management that is the subject of a resolution of confidentiality under section 36DA of the Act.

3637 Resolutions passed at closed Meetings

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

Commented [A51]: This reflects mandatory clauses 14.9-17.17 of the MMC.

This is not a substantial change to how the COMP will operate in practice as we previously had provisions in our COMP. However, this now provides a clearer process for how public representations should be managed.

The application deadline has been suggested to allow for Extraordinary meetings. Councilors may wish to suggest an alternate date and time.

It was suggested that two speakers would be appropriate and a two minute time limit however Councilors may wish to suggest an alternate number of speakers and time limit.

Commented [A52]: This reflects mandatory clause 14.22 of the MMC.

This is not a substantial change to how the COMP will operate in practice as it has always been practice to resume webcasting when Council resolves back into open session.

Part H Minutes

3738 Recording Minutes

~~37-438.1~~ The CEO, or a ~~Council Officer~~ **CN staff member** designated by the CEO, must ensure that **full and accurate minutes of the proceedings of Meetings are kept including recording all motions, amendments and resolutions are recorded in the minutes of a Meeting.**

~~37-238.2~~ The following matters should generally be included in the minutes of a Meeting:

- ~~37-2-438.2.1~~ details of each motion moved and any amendments;
- ~~37-2-238.2.2~~ the names of the mover and seconder of each motion and amendment;
- ~~37-2-338.2.3~~ whether each motion and amendment is passed or lost;
- ~~37-2-438.2.4~~ the circumstances and reasons relating to the absence of a quorum together with the names of the Councillors present;
- ~~37-2-538.2.5~~ the dissenting vote of a Councillor, if requested;
- ~~37-2-638.2.6~~ if a division is called, the names of the Councillors who voted for the motion and against the motion;
- ~~37-2-738.2.7~~ the grounds for closing part of a Meeting to the public; **and**
- 38.2.8** the disclosure of a conflict of interest **and**
- ~~37-2-838.2.9~~ **the conduct of an election and outcome of a vote held under section 27.**

~~37-338.3~~ The CEO, or a Council Officer designated by the CEO, may record a Meeting by way of an electronic recording device as provided in Part I.

3839 Confirmation of Minutes

~~38-439.1~~ A motion proposing the adoption of the minutes as an **full and accurate** statement of the business transacted at the previous Meeting must be dealt with before proceeding to consider other items of business.

~~38-239.2~~ A motion to adopt the minutes of the previous Meeting should be proposed and seconded by Councillors who were present at the Meeting to which the minutes relate.

~~38-339.3~~ Debate relating to a motion to adopt the minutes of the previous Meeting is restricted to the accuracy of the minutes as a true record of the Meeting.

~~39.4~~ Minutes of a Council Meeting may be confirmed at an Extraordinary Council Meeting. Minutes of an Extraordinary Council Meeting may be confirmed at a Council Meeting. Minutes of a Committee of Council Meeting should ordinarily be confirmed at the next Meeting of that Committee of Council.

~~38-439.5~~ **Confirmed minutes must be published on CN's website.**

3940 Signature

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

41 Correction of errors

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

Commented [A53]: This reflects mandatory clauses 17.2 and 19.1 of the MMC.

This is not a substantial change to how the COMP will operate in practice as it has always been Council practice to require full minutes of Meetings.

Commented [A54]: This reflects mandatory clause 6.8 of the MMC.

This is not a substantial change to how the COMP will operate in practice as Council has always recorded the outcome of voting.

Commented [A55]: This reflect mandatory clause 19.7 of the MMC.

This is not a substantial change to how the COMP will operate in practice as Council has for some time published minutes on our website.

Commented [A56]: This reflects mandatory clause 19.6 of the MMC.

This is not a substantial change to how the COMP will operate in practice but clarifies that these matters do not require a resolution of Council.

Part I – Recording, webcasting and photography

4042 Recording Use of mobile phones and recording of Meetings

~~42.1~~ **Record**, for the purpose of this section, refers to recording by any electronic device capable of recording speech including a video camera.

~~40.442.2~~ **Recording a Meeting is recording the Meeting as Webcast and in Minutes and should not be a Recording of any private third party conversations or comments within the Council Chamber Meeting room of Councillors, CN staff, guests or members of the gallery.**

~~40.242.3~~ The CEO, or a **Council Officer-CN staff member** designated by the CEO, may Record a Meeting. Recordings will only be used to ensure the accuracy of the minutes of the Meeting and as required by law.

~~40.342.4~~ Journalists or members of a recognised media organisation may Record the Meeting provided written notice has been lodged with Lord Mayor/Chairperson and CEO by 5pm on the day of the Meeting. A person may be expelled from a Meeting for Recording a Meeting without notice. Recordings may only be used for the purpose of accuracy of reporting as notes for accuracy of minutes or quotes, and are not for broadcast on any channel or device, or to be shared publicly. **Recording a Meeting is recording the Meeting as Webcast and in Minutes and should not be a Recording of any private third party conversations or comments within the Council Chamber of Councillors, staff, guests or members of the gallery.**

~~40.442.5~~ Any other person (including members of the public) may only Record a Meeting with the authority of the Meeting. A person may be expelled from a Meeting for Recording a Meeting without authority.

~~40.542.6~~ Only Councillors, the CEO, **Council Officers-CN staff** designated by the CEO or persons permitted by law are entitled to access Recordings of Meetings.

~~40.642.7~~ Councillors are entitled to listen to or make a copy of the Recording of a Meeting for the purpose of ensuring the accuracy of the minutes of the Meeting or a purpose directly related to that purpose.

~~42.8~~ The Recording of a Meeting must be kept in a safe place for a minimum of 12 months from the date of the Meeting and only be destroyed in accordance with **applicable records management legislation the State Records Act 1998.**

~~42.9~~ **Councillors, CN staff and members of the public must ensure that mobile phones are turned to silent during Meetings.**

4143 Webcasting

~~41.1~~ **Webcast**, for the purpose of this section, refers to the live web transmission of Meetings over the internet.

~~41.243.1~~ **All Meetings will be Webcast on CN's website. The CEO, or a Council Officer designated by the CEO, may Webcast a Meeting. Webcasts will only be used for Webcasting and as required by law. No other person may live stream the proceedings of a Meeting.**

~~41.343.2~~ At the start of each Meeting **that will be Webcast**, the Chairperson must advise the Meeting room that the Meeting will be Webcast **and that those in attendance should refrain from making any defamatory statements.**

~~41.443.3~~ The CEO **must will** ensure:

~~41.4.443.3.1~~ **_____** persons in the Meeting room are advised that the Meeting **may will** be Webcast by providing notification on signs in the Meeting room and such other notices as required; and

Commented [A57]: This has been moved from clause 42.4 to provide greater clarity.

Commented [A58]: This reflects mandatory clause 15.21 of the MMC.

This is not a substantial change to how the COMP will operate in practice as it is general practice and courtesy and we have signage that reminds members of the public of this.

Commented [A59]: The definition has been moved to the Definitions section

Commented [A60]: This reflects mandatory clause 15.19 of the MMC.

This is not a substantial change to how the COMP will operate in practice as Council has webcast meetings since 2010.

Commented [A61]: This reflects mandatory clause 5.21 of the MMC.

This is not a substantial change to how the COMP will operate in practice as the Lord Mayor issues a reminder at the start of meetings and there is relevant signage for members of the public.

41.4.243.3.2 Webcasting is terminated if:

- (a) the Meeting is closed as provided in section in Part G; or
- (b) the CEO or the Meeting are of the opinion that continued Webcasting may prejudice the Meeting or infringe the rights or safety of an individual.

41.4 A copy of the Webcast of each Meeting will be retained on CN's website for two months and may be destroyed in accordance with the State Records Act 1998.

42.44 Photography

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

Commented [A62]: This reflects mandatory clause 5.22 of the MMC.
This is not a substantial change to how the COMP will operate in practice and reinforces appropriate record keeping.

Part J Motions

4345 Chairperson’s duty with respect to motions

43-445.1 The Chairperson must:

43-445.1.1 receive and put to a Meeting any ~~valid-lawful~~ motion that is brought before that Meeting; and

Commented [A63]: This reflects clause 10.5 of the MMC.

43-445.1.2 rule out of order any motion ~~or amendment~~ that is unlawful or the implementation of which would be invalid.

45.2 Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to be rejected.

45.3 ~~Before ruling a motion or amendment out of order, the Chairperson must give the mover an opportunity to clarify or amend the motion or amendment.~~

Commented [A64]: This reflects mandatory clause 10.7 of the MMC.

43-245.4 When a motion contrary to a recommendation of a report of a Committee or Council Officer ~~CN staff~~ is put to a Meeting, the Chairperson must ask the CEO (before the motion is debated) whether there is any legal, technical, operational or procedural reason why the motion should not be carried.

This is not a substantial change to how the COMP will operate in practice as it clarifies current practice that has not been codified.

4446 Lord Mayoral Minute

46.1 The Lord Mayor is entitled to put to a Council or Committee of Council Meeting, without notice, in the form of a written, signed minute (**Lord Mayoral Minute**), any matter ~~that is within the jurisdiction of Council or of which Council has official knowledge and~~ that the Lord Mayor wishes to bring to the attention of the Meeting. The Lord Mayor is entitled to put a Lord Mayoral Minute to an Extraordinary Council Meeting if notice of the Lord Mayoral Minute is included in the notice of the Extraordinary Council Meeting.

Commented [A65]: This reflects clause 9.6 of the MMC.

This is not a substantial change to how the COMP will operate in practice as it has always been provided for in the Act.

44-446.2 ~~A Lord Mayoral Minute must not be used to put without notice matters that are routine and not urgent (where it requires a decision by Council before the next scheduled Ordinary Council Meeting), or matters for which proper notice should be given because of their complexity.~~

Commented [A66]: This reflects mandatory clause 9.9 of the MMC.

44-246.3 The Lord Mayor may move the adoption of a Lord Mayoral Minute without the motion being seconded.

This is not a substantial change to how the COMP will operate in practice for example the Lord Mayor may be included as a Councillor submitting a notice of motion.

44-346.4 A recommendation made in a Lord Mayoral Minute is, so far as adopted by the Meeting, a resolution of the Meeting.

44-446.5 A Chairperson who is not the Lord Mayor is not entitled to put a Lord Mayoral Minute to a Meeting.

4547 Notices of motion

45-447.1 A motion must only be considered at a Meeting if:

45-447.1.1 notice of the motion in writing is received by the CEO by 5pm on the day 12 days before the scheduled Meeting; and

45-447.1.2 notice of the motion has been sent to Councillors in accordance with Part D.

45-247.2 Where the notice of motion requires expenditure of funds on works and/or services other than those already provided for in Council’s current adopted operational plan, the CEO ~~will~~ **may**:

Commented [A67]: This reflects non-mandatory clause 3.12 of the MMC.

45-247.2.1 arrange for the preparation of a report on the availability of funds for implementing the motion if adopted; or

45-247.2.2 defer consideration of the matter by Council pending the preparation of such a report. Councillors will be notified in writing where a matter is to be deferred.

~~45.3.47.3~~ This section does not apply to the consideration of business at a Meeting if the business:

~~45.3.47.3.1~~ is already before or directly relates to a matter that is already before the Meeting;

~~45.3.247.3.2~~ is the election of a Chairperson to preside at the Meeting;

~~45.3.347.3.3~~ is put to the Meeting as a Lord Mayoral Minute; or

~~47.3.4~~ is a motion for the adoption of the recommendations of a Committee of Council.

~~47.4~~ A Councillor may, in writing to the CEO, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the Agenda and Business Paper for the Meeting at which it is to be considered.

~~47.5~~ A Councillor who has submitted a notice of motion under this section may request the Meeting to withdraw the motion when it is before the Meeting. A notice of motion submitted in relation to rescission or altering of motions in accordance with clause 65.1 may only be withdrawn with the consent of all signatories to the notice of motion.

~~47.6~~ A Councillor who has submitted a notice of motion under this section is to move the motion that is the subject of the notice of motion at the Meeting at which it is being considered. Where the Councillor is absent, the provisions of section 54 Absence of mover of notice of motion will apply.

Commented [A68]: This reflects mandatory clause 3.11 of the MMC.

This is not a substantial change to how the COMP will operate in practice and seems very practical in nature.

Commented [A69]: This reflects mandatory clauses 10.3 and 17.9 of the MMC.

This is not a substantial change to how the COMP will operate in practice and seems very practical in nature given that circumstances between the notice of the meeting and meeting may supersede the requirement for a notice of motion.

Commented [A70]: This reflects mandatory clauses 10.2 and 10.4 of the MMC.

This is not a substantial change to how the COMP will operate in practice and seems very practical in nature to enable Council to debate the matters raised.

46.48 Unacceptable motions

~~46.1.448.1~~ The Chairperson may rule that a motion or an amendment is out of order if, in the view of the Chairperson, the proposed motion or amendment:

~~46.1.448.1.1~~ is vague and equivocal in its language;

~~46.1.248.1.2~~ is the direct negative of, or is inconsistent with, a resolution passed by the Meeting;

~~46.1.348.1.3~~ is an amendment which is a direct negative of the motion which it proposes to amend;

~~46.1.448.1.4~~ proposes an action that is unlawful;

~~46.1.548.1.5~~ is outside the authority of the Meeting;

~~46.1.648.1.6~~ contains defamatory statements;

~~46.1.748.1.7~~ is unnecessary in that it proposes a course of action or policy already resolved by the Meeting;

~~46.1.848.1.8~~ is vexatious; or

~~46.1.948.1.9~~ is proposed solely as a way to impede the orderly transaction of business.

~~46.248.2~~ A Councillor may move a motion of dissent to a ruling under this section in accordance with section ~~616.460~~.

47.49 Repeat motions

~~47.149.1~~ A notice of motion having the same effect as a motion rejected by a Meeting may be lodged if less than three months has elapsed since the resolution was rejected and if signed by three councillors.

~~47.249.2~~ If a motion previously rejected by a Meeting is again rejected by a Meeting, no motion to the same effect may be brought to any Meeting within three months of that rejection.

~~47.349.3~~ The provisions of this section may not be evaded by substituting a motion differently worded, but in principle the same.

4850 Motions to be seconded

48-450.1 Unless a seconder is not required in accordance with the Code:

48-4-450.1.1 a motion or amendment cannot be spoken to until it has been seconded; and

48-4-250.1.2 a motion or amendment that is not seconded lapses.

4951 Motions put without debate or discussion

49-451.1 Provided there is no objection from any Councillor present, any motion before a Meeting may be put to the vote without discussion or debate.

5052 Limitations of speeches

50-452.1 A Councillor who moves a motion has:

50-4-452.1.1 the right of first address to the Meeting;

50-4-252.1.2 the right of reply to the motion, which must not address any material or argument that has not already been put to the Meeting; and

50-4-352.1.3 the right to speak to any amendment.

50-252.2 A Councillor who seconds a motion has a right to address the Meeting before the motion is put.

50-352.3 A Councillor (other than the mover of a motion) has the right to speak once to the motion and once on each amendment. A Councillor may not, without the consent of the Meeting, speak more than once to a motion or an amendment. **This does not apply if Council resolves itself into a Committee of the whole pursuant to section 14.**

50-452.4 Ordinarily, Councillors will be permitted to speak to a motion in the order in which they indicate an intention to speak to a motion. However, once the mover of a motion and (unless they choose to hold over their speaking rights) the seconder of a motion have spoken to the motion:

50-4-452.4.1 the Chairperson may enquire of those Councillors wishing to speak whether they are speaking for or against a motion;

50-4-252.4.2 the Chairperson may alternate the speaking order of Councillors, against and for the motion having regard to the order in which Councillors have indicated an intention to speak to a motion; and

52.4.3 once two Councillors have spoken for the motion and two Councillors have spoken against the motion, or no Councillor expresses an intention to speak against the motion, a Procedural Motion that the motion be now put may be moved by any Councillor pursuant to section 606059.

50.5 **Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.**

5153 Time for speeches

51-453.1 A Councillor may not, without the consent of the Meeting, speak for longer than **three-five** minutes at any one time.

51-253.2 If a Councillor asks a question, the time taken for the question to be answered is not included in the **three-five** minutes allowed for the Councillor's address.

53.3 The Chairperson may permit a Councillor, who claims to have been misrepresented or misjudged, to make an additional statement explaining only the misrepresentation or misunderstanding for no longer than an additional **three-five** minutes.

Commented [A71]: This reflects mandatory clauses 10.21, 10.22 and 12.2 of the MMC.

This is not a substantial change to how the COMP will operate in practice as it is clarification that committee of the whole allows for more informal discussion.

Commented [A72]: This reflects mandatory clause 10.30 of the MMC.

This is not a substantial change to how the COMP will operate in practice as it codifies current practice.

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

~~54-353.5 This section does not apply if Council resolves itself into a Committee of the whole pursuant to section 14.~~

Commented [A73]: This reflects mandatory clauses 10.22 and 10.24 of the MMC.

We have consulted extensively with the OLG in relation to the time limit. The time limit is a mandatory provision and must be included.

Commented [A74]: This reflects mandatory clause 12.2 of the MMC.

This is not a substantial change to how the COMP will operate in practice as it is clarification that committee of the whole allows for more informal discussion

5254 Absence of mover of notice of motion

~~52-154.1~~ If a Councillor who has placed a notice of motion on the Business Papers is absent from a Meeting:

~~52-1-154.1.1~~ the Chairperson may defer the motion until the next Meeting at which the motion can be considered; or

~~52-1-254.1.2~~ any other Councillor may move the motion at the Meeting.

5355 Amendments

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

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

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

~~53-155.4~~ If the Amendment is passed, the motion is changed to include the Amendment and this new motion is debated. If the Amendment is not supported, the original motion stays in its original form and debate resumes.

~~53-255.5~~ Only one Amendment should be before the Meeting at any time. If several Amendments are proposed, each should be moved, seconded, debated and voted on before the next. Where possible, the Amendments should be put forward and debated in the order in which they affect the original motion.

~~55.6~~ The Chairperson may rule an amendment to be new business and therefore out of order.

Commented [A75]: This reflects mandatory clauses 10.11, 10.12 and 10.16 of the MMC.

This is not a substantial change to how the COMP will operate in practice as it codifies meeting practice.

5456 Foreshadowed Motions

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

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

~~54-156.3~~ The Chairperson cannot accept a Foreshadowed Motion until the original motion is decided.

~~54-256.4~~ Foreshadowed Motions and foreshadowed Amendments must be dealt with in the order in which they have been brought to the attention of the Meeting. However, Foreshadowed Motions cannot be considered until all foreshadowed Amendments have been dealt with.

~~54-356.5~~ The Chairperson may rule any Foreshadowed Motion to be new business and therefore out of order.

Commented [A76]: This reflect mandatory clauses 10.17, 10.18 and 10.19 of the MMC.
This is not a substantial change to how the COMP will operate in practice as it is provide greater clarity around meeting practice.

Part K Procedural Motions

5557 General

55-457.1 All motions provided in this Part are Procedural Motions.

55-257.2 Procedural Motions:

55-2-457.2.1 must be accepted by the Chairperson;

55-2-257.2.2 must be seconded unless otherwise provided in this Part; and

55-2-357.2.3 can not be amended except to provide clarification.

55-357.3 Notice requirements in the Code do not apply to Procedural Motions.

5658 Motion to recommit a matter

56-458.1 If during the Meeting a Councillor becomes aware that they have misunderstood a matter on which a vote has already been taken, the Councillor may request that the matter be recommitted.

56-258.2 The mover of a motion to recommit a matter may speak only to their misunderstanding of the matter and may not speak to the substantive motion, the vote or the resolution.

5759 Motion to alter order of business

57-459.1 The order of business at any Meeting (except an Extraordinary Council Meeting) may be altered if a resolution to that effect is carried.

57-259.2 Only the mover of a motion to alter the order of business may speak to the motion before it is put. The seconder has no right to address the Meeting and there is no right of reply.

5860 Motion that a motion be now put

58-460.1 A Councillor may move that a motion or amendment be now put:

58-1-460.1.1 if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or

58-1-260.1.2 if at least two Councillors have spoken in favour of the motion or amendment and at least two Councillors have spoken against it.

58-260.2 Only the mover of a motion that a motion be now put may speak to the motion before it is put. A seconder is not required.

58-360.3 If the motion that a motion be now put is passed, the Chairperson must not allow further debate or comment by any person except for the right of reply by the mover of the motion or amendment.

58-460.4 If a motion that the original motion or amendment be now put is rejected, the Chairperson must allow the debate on the motion or amendment to be resumed.

5961 Motion of dissent

59-461.1 A Councillor may, without notice, move a motion of dissent from a ruling of the Chairperson on a point of order or a question of order except on whether a matter is of great urgency in relation a late item of business in accordance with clause 22.

59-261.2 The Chairperson must suspend the business of the Meeting until a decision is made on the motion of dissent.

59-361.3 Only the mover of a motion of dissent and the Chairperson may speak to the motion before it is put. The mover of a motion of dissent does not have a right of

Commented [A77]: This reflects mandatory clause 15.8 of the MMC.

This is not a substantial change to how the COMP will operate in practice as it codifies meeting practice.

Commented [A78]: This amendment reflects the exception in mandatory clauses 3.31 and 9.5 of the MMC.

This is not a substantial change to how the COMP will operate in practice as it provides clarification of how these clauses operate together.

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

~~59-461.4~~ If a motion of dissent is carried, the Chairperson must recommence the suspended business as though the ~~Chairperson's ruling on the point of order had not been made~~ ~~ruling dissented from had not been given~~.

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

Commented [A79]: This reflects clause 15.9 of the MMC.

This is not a substantial change to how the COMP will operate in practice as it merely clarifies the language of the clause.

6062 Motion to adjourn a matter

~~60-462.1~~ A Councillor may move a motion to adjourn a matter under consideration if the Councillor has not exercised their right to speak to the substantive motion before the Meeting.

6463 Motion to adjourn a Meeting

~~64-463.1~~ A Councillor may move a motion to adjourn a Meeting.

~~64-263.2~~ If a Meeting resolves to adjourn the Meeting for 24 hours or less, notice is not required to reconvene the Meeting.

~~64-363.3~~ If a Meeting resolves to adjourn the Meeting for longer than 24 hours, notice for the reconvening of the Meeting must be given as provided in the Act and Regulation.

6264 Motion to refer the matter

~~62-464.1~~ A Councillor may move a motion to refer a matter to a Committee of Council or an Advisory Committee.

6365 Motion that the matter be left on the table

~~63-465.1~~ A Councillor may move a motion that the matter be left on the table if the Councillor has not exercised their right to speak to the substantive motion before the Meeting.

6466 Motion that a motion be voted on in seriatim

~~64-466.1~~ Where a motion comprises multiple parts, a Councillor may move a motion that the matter be voted on in seriatim.

Part L Rescission

65-1-467 Rescinding or altering resolutions

65-1-467.1 A resolution (or part of a resolution) passed by a Meeting may not be rescinded or altered except by a motion to that effect of which notice has been given. The notice of motion must be:

65-1-467.1.1 signed by three Councillors if less than three months has elapsed since the resolution was passed;

65-1-267.1.2 provided to the CEO by 5pm on the day ~~three~~ 12 days before the scheduled Meeting; and

65-1-367.1.3 sent to Councillors in accordance with Part D.

65-267.2 If notice of a motion to rescind a resolution is given at the Meeting at which the resolution was carried, the resolution must not be carried into effect until the rescission motion has been dealt with.

65-367.3 A notice of motion to rescind a resolution which involves the granting of development consent under the *Environmental Planning and Assessment Act 1979* (NSW) (**EP&A Act**) should not be given after that development consent is effective in accordance with the EP&A Act.

65-467.4 If a motion to rescind or alter a resolution is rejected by a Meeting, no motion to the same effect may be brought forward to any Meeting within three months of that rejection.

65-567.5 The provisions of this Part may not be evaded by substituting a motion differently worded but in principle the same.

65-667.6 A motion to which this section applies may be moved on the report of a Committee of Council and any such report must be recorded in the minutes.

65-767.7 The provisions of this Part do not apply to Procedural Motions.

Commented [A80]: This reflect mandatory clause 3.10 of the MMC.

This provides that rescission motions are to be treated as a notice of motion, (under section 47 of this Code) and therefore the timeframe for submission should be consistent.

Part M Voting

6668 Voting entitlements

~~68.1~~ A decision of a Meeting in accordance with section 12, is made by way of voting on a motion which has been appropriately moved and seconded, or as provided for under this Code.

Commented [A81]: This is supplementary to the MMC. It is recommended that this be included to reflect section 12 Decisions in this Code – that decisions are made by way of voting.
Councillors may determine that this is not required.

~~66-468.2~~ Each Councillor is entitled to one vote on each motion put to a Meeting while that Councillor is present in the Meeting room.

~~66-268.3~~ A Councillor who is present in the Meeting room but who fails to vote on a motion put to the Meeting is taken to have voted against the motion.

~~66-368.4~~ A Councillor who is absent from the Meeting room when a vote on a motion is put to the Meeting is not counted as having cast a vote.

~~68.5~~ Voting at a Meeting must be by open means (such as on the voices or by a show of hands or by visible electronic voting system) except in relation to the election of a Deputy Lord Mayor which Council may resolve to be by secret ballot shall be conducted in accordance with the Regulation.

Commented [A82]: This reflects mandatory clause 11.10 of the MMC.
This is not a substantial change to how the COMP will operate in practice as the Regulation provides the specific process in relation to the election of Deputy Lord Mayor.

~~68.6~~ The CEO is not entitled to vote at Meetings.

Commented [A83]: This reflects mandatory clause 5.23 of the MMC.
This is not a substantial change to how the COMP will operate in practice as our CEO is not a member of Council or a Committee of Council where all Councillors are members.

6769 Casting vote

~~67-469.1~~ The Chairperson of a Meeting has in the event of an equality of votes a second or casting vote.

~~69.2~~ Before a Chairperson exercises their second or casting vote, they must have exercised their vote in their own right.

~~69.3~~ Where the Chairperson declines or fails to exercise their second or casting vote, in the event of an equality of votes, the motion being voted on is rejected.

Commented [A84]: This reflects mandatory clause 11.3 of the MMC.
This is not a substantial change to how the COMP will operate in practice as it codifies meeting practice.

6870 Counting of votes

~~68-470.1~~ The decision of the Chairperson about the result of a vote is final unless a Councillor immediately requests a show of hands or two Councillors immediately request a division.

6971 Voting by division

~~69-471.1~~ If two Councillors request voting by division, the Chairperson must ensure that:

~~69-1-471.1.1~~ the division takes place immediately; and

~~69-1-271.1.2~~ each Councillor stands to vote, is identified by name to the Meeting and whether they are for or against the motion.

~~69-271.2~~ The CEO must ensure the names of Councillors who voted for and against the motion are recorded in the Meeting's minutes.

~~71.3~~ Councillors abstaining from voting in a division are taken to have voted against the motion.

72 Recording of voting

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

Commented [A85]: This section reflects mandatory clause 11.6 of the MMC.

7073 Recording of voting on Planning Decisions

~~73.1~~ A division must be called whenever a motion for a Planning Decision is put at a Meeting (including any Meeting that is closed to the public). This is to assist the

This is not a substantial change to how the COMP will operate in practice as this is our current practice.

CEO to keep a register containing the names of the Councillors who voted for and against the motion and described or identified in the register in a manner that enables the description to be obtained from another publicly available document.

Commented [A86]: This reflects mandatory clause 11.14 of the MMC.
This is not a substantial change to how the COMP will operate in practice as our register of voting on planning decisions is made available on our website.



Part N Disclosure Obligations

7474 Conflicts of interest – Councillors

~~74.74.1~~ A Councillor must declare ~~and manage~~ a conflict of interest in accordance with legislation and the Code of Conduct before the matter to which the conflict relates is considered by the Meeting.

~~74.274.2~~ When a Councillor declares a conflict of interest the following must be recorded in the minutes of the Meeting:

~~74.2.74.2.1~~ the details of the declaration (this must also be recorded in the register of disclosures); and

~~74.2.2~~ the ~~manner in which the conflict was managed (including the Councillor's times of departing and returning to the Meeting room (unless the Councillor is not required to leave the Meeting room)).~~

72 Conflicts of interest – other persons

~~72.1~~ If a Council Officer has a pecuniary or significant non-pecuniary interest in a matter before a Meeting and the Council Officer may reasonably be expected to make recommendations on that matter, the Council Officer must declare the interest in writing to the CEO in accordance with the Code of Conduct.

~~72.2~~ If a person addressing a Meeting in a matter has a pecuniary or significant non-pecuniary interest in relation to that matter, that person must disclose that interest to the Meeting.

~~72.374.3~~ The payment of remuneration or fees by Council, a statutory body or the Crown is not a conflict of interest under this section.

7375 No knowledge

~~73.475.1~~ A person (including a Councillor and ~~Council Officer~~ ~~CN staff member~~) does not breach this Part if the person did not know and could not reasonably be expected to have known that the matter under consideration at the Meeting was a matter in which they had a conflict of interest.

7476 Allegations of breaches of the Code of Conduct

~~74.476.1~~ A Councillor must not make allegations of suspected breaches of the Code of Conduct at Meetings.

~~74.276.2~~ An allegation of a breach of the Code of Conduct raised at a Meeting must be referred to the CEO (or Lord Mayor if the allegation is against the CEO) and not debated at the Meeting.

Commented [A87]: This reflects mandatory clause 16.1 of the MMC.

This is not a substantial change to how the COMP will operate in practice as Councillors normally declare any conflict of interest and how they propose to manage it e.g. leaving the Chamber during debate.

Commented [A88]: This reflects mandatory clause 16.1 of the MMC.

This is not a substantial change to how the COMP will operate in practice as our minutes currently demonstrate how Councillors manage any declared conflict of interest.

Commented [A89]: This section is deleted.

It is not provided for in the MMC and conflicts of interest are managed through the Code of Conduct.

Part O Order

7577 Point of order

~~75-477.1~~ A point of order may be raised about any procedural matter relating to the orderly conduct of the Meeting and without limitation may include:

~~75-1-477.1.1~~ Councillors speaking or whispering while another Councillor is addressing the Meeting;

~~75-1-277.1.2~~ verbal interjections;

~~75-1-377.1.3~~ failure to abide by the provisions of the Code;

~~75-1-477.1.4~~ discourtesy to fellow Councillors during a Meeting;

~~75-1-577.1.5~~ exceeding time limits without the agreement of the Meeting;

~~75-1-677.1.6~~ addressing the Meeting without the permission of the Chairperson; or

~~77.1.7~~ any actions or comments that could be considered to be a breach of the Code of Conduct.

~~75-277.2~~ A point of order may not be raised about adherence to the Principles set out in section 4.

~~77.3~~ A Councillor who claims that another person is out of order may call the attention of the Chairperson to the matter and state the provision of the Code they believe has been breached. A point of order does not require a seconder.

78 Question of order

~~78.1~~ The Chairperson may, without the intervention of any Councillor, call a person to order if, in the opinion of the Chairperson, it is necessary to do so.

~~75-378.2~~ The Chairperson must rule on a point of order immediately after it is raised but, before doing so, may invite the opinion of the Meeting by without limitation:

~~75-3-478.2.1~~ providing Councillors with an opportunity to express their view on the point of order; or

~~75-3-278.2.2~~ providing Councillors with an opportunity to indicate, by open means (such as by voices or show of hands), whether they believe the behaviour or matter raised is out of order.

~~75-478.3~~ The Chairperson's ruling on a point of order must be obeyed unless a motion dissenting from the ruling is passed.

7679 Act of disorder

~~76-479.1~~ A Councillor commits an act of disorder if the Councillor at a Meeting:

~~76-1-479.1.1~~ contravenes the Act or Regulation;

~~76-1-279.1.2~~ assaults or threatens to assault another Councillor or person present at the Meeting;

~~76-1-379.1.3~~ moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Meeting or addresses or attempts to address the Meeting on such a motion, amendment or matter;

~~76-1-479.1.4~~ insults or abuses any other Councillor or person;

~~76-1-579.1.5~~ makes personal reflections on or implies improper motives to any other Councillor or person;

Commented [A90]: This reflects mandatory clauses 15.2 and 15.3 of the MMC.

This is not a substantial change to how the COMP will operate in practice but provides clarity that points of order relate to the conduct of meetings.

~~76.1.6~~79.1.6 says or does anything that is inconsistent with maintaining order at the Meeting or is likely to bring the Council or Committee of Council into contempt; or

~~76.1.7~~79.1.7 disturbs the orderly conduct of a Meeting.

~~76.2~~79.2The Chairperson must rule on an act of disorder immediately after it is raised but, before doing so, may invite the opinion of the Meeting by without limitation:

~~76.2.1~~79.2.1 providing Councillors with an opportunity to express their view on the act of disorder; or

~~76.2.2~~79.2.2 providing Councillors with an opportunity to indicate, by open means (such as by voices or show of hands), whether they believe the behaviour or matter raised is an act of disorder.

~~76.3~~79.3If a Councillor has committed an act of disorder, the Chairperson must request the Councillor to:

~~76.3.1~~79.3.1 apologise without reservation for the act of disorder;

~~76.3.2~~79.3.2 withdraw a motion or an amendment which is an act of disorder; and/or

~~76.3.3~~79.3.3 retract the act of disorder.

~~76.4~~79.4If an act of disorder occurs at a Meeting, the Chairperson may adjourn the Meeting for a period of not more than 15 minutes. When the Meeting is reconvened after the adjournment, the Meeting must, on a question put by the Chairperson, decide whether to proceed with the Meeting. The motion to proceed with the Meeting is a Procedural Motion.

~~76.5~~79.5The Chairperson's ruling on an act of disorder must be obeyed unless a motion dissenting the ruling is passed.

~~77~~780 Expulsion from a Meeting

~~77.1~~78.1A Councillor may be expelled from a Meeting by resolution of the Meeting (any Councillor may move a motion) for:

~~77.1.1~~78.1.1 committing an act of disorder under section ~~79~~; and

~~77.1.2~~78.1.2 failing to comply with a direction of the Chairperson pursuant to section ~~79.3~~.

~~77.2~~78.2Any other person may be expelled from a meeting by resolution (a Councillor may move a motion) of the Meeting ~~or by the Chairperson if Council has resolved to authorise the Chairperson to exercise the power of expulsion.~~

~~77.3~~78.3A Meeting may by resolution readmit a Councillor or any other person who was expelled at an earlier part of the Meeting. Such motion may be moved by a Councillor.

~~77.4~~78.4The expulsion of a Councillor from the Meeting does not prevent any other action from being taken against the Councillor for the act of disorder.

~~77.5~~78.5A motion to expel or readmit a Councillor is a Procedural Motion.

~~78~~791 Removal of persons after expulsion

~~78.1~~79.1The Chairperson may order the removal of a Councillor or any other person if they fail to leave the place where a Meeting is being held after being expelled from the Meeting.

~~81.2~~ If a Councillor or any other person fails to leave the place where the Meeting is being held after being expelled from a Meeting, the police may, be called to remove the person from the Meeting place.

Commented [A91]: This reflects mandatory clause 5.18 of the MMC.

This is not a substantial change to how the COMP will operate in practice but provides clarity following recent court matters.

~~79 Censure~~

- ~~79.1 Council may by resolution formally censure a Councillor for misbehaviour. Such a formal censure resolution may only be passed if Council is satisfied that the Councillor has misbehaved on one or more occasions;~~
- ~~79.2 A formal censure resolution may not be passed except by a motion to that effect of which notice has been given in accordance section 17;~~
- ~~79.3 Council must specify in the formal censure resolution the grounds on which it is satisfied that the Councillor should be censured;~~
- ~~79.4 A motion for a formal censure resolution may, without limitation, be moved on the report of a Committee of Council or Advisory Committee, and any such report must be recorded in the minutes of the Meeting;~~

~~80 Suspension~~

- ~~80.1 Where a Councillor's behaviour has:
 - ~~80.1.1 been disruptive over a period, and involved more than one incident of misbehaviour during that period, and the pattern of behaviour during that period is of such a sufficiently serious nature as to warrant the Councillor's suspension; or~~
 - ~~80.1.2 involved one incident of misbehaviour that is of such a sufficiently serious nature as to warrant the Councillor's suspension;~~~~
- ~~Council may by resolution initiate the process for suspension of the Councillor under the Act;~~

Commented [A92]: These sections are deleted.
They are not provided for in the MMC and matters of conduct must be managed through the Code of Conduct.

Part P Committees of the Council

8182 Establishment

~~81-482.1~~ Council may, by resolution, establish such Committees of the Council as it considers necessary.

~~81-282.2~~ Council may delegate any of its functions to a Committee of Council other than those functions identified in section 377 of the Act.

~~81-382.3~~ Council must specify the functions of each Committee of Council on establishing that Committee. Council may from time to time amend those functions.

~~82.4~~ The Meeting cycle for any Committee of Council will be determined from time to time by resolution of Council or the Committee of Council.

8283 Membership

~~82-483.1A~~ Committee of Council is to consist of the Lord Mayor and such other Councillors as are elected or appointed by Council.

~~82-283.2A~~ Councillor ceases to be a member of a Committee of Council if the Councillor (other than the Lord Mayor):

~~82-2-483.2.1~~ has been absent from three consecutive Meetings of the Committee of Council without providing reasons acceptable to the Committee of Council for the member's absences; or

~~82-2-283.2.2~~ has been absent from at least half of the Meetings of the Committee of Council during the immediately preceding calendar year without providing to the Committee of Council acceptable reasons for the member's absences.

~~83.3~~ This section does not apply if all Councillors are members of the Committee of Council.

8384 Attendance

~~83-484.1A~~ Councillor who is not a member of a Committee of Council is entitled to attend and speak at a Meeting of the Committee of Council.

~~84.2~~ A Committee of Council may by resolution permit a Councillor who is not a member of the Committee to give notice of business for inclusion in the Business Papers of the next Meeting of the Committee.

85 Quorum

~~85.1~~ The quorum for a Meeting of the Committee of Council is to be determined by resolution of Council and if not decided, is a majority of the members of the Committee of Council.

~~85.2~~ This section does not apply if all Councillors are members of the Committee of Council.

8486 Voting

~~84-486.1A~~ Councillor who is not a member of the Committee of Council is not entitled to:

~~84-1-486.1.1~~ move or second a motion at Committee of Council Meeting; or

~~84-1-286.1.2~~ vote at the Committee of Council Meeting.

Commented [A93]: This reflects mandatory clause 20.4 of the MMC.

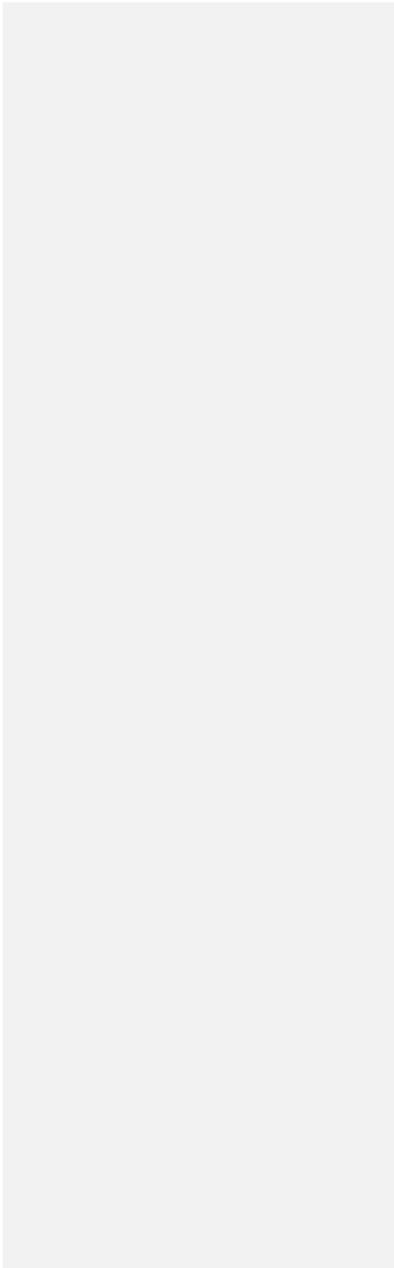
This is not a substantial change to how the COMP will operate in practice as it is our practice that all Councillors are members of Council Committees – Advisory Committees being established under Part Q.

8587 Recommendations

85-187.1 Council may consider the recommendations contained in a report of a Committee of Council either separately or concurrently.

85-287.2 The recommendations of a Committee of Council are, so far as adopted by the Council, resolutions of Council.

|



Part Q Advisory Committees

8688 Council May Establish Advisory Committees

86-488.1 Council may by resolution establish such Advisory Committees as it considers necessary. The resolution must include the adoption of a constituting document (such as a Charter) and Meeting schedule.

86-288.2 The provisions of the Code do not apply to the operation or Meeting procedure of Advisory Committees.

86-388.3 Council may by resolution request that an Advisory Committee create a working party to consider a particular issue or undertake a particular activity.

8789 Recommendations of Advisory Committees

87-489.1 An Advisory Committee must submit reports to Council or a Committee of Council in accordance with the Advisory Committee's constituting document but not less than annually.

87-289.2 Council or a Committee of Council may consider the recommendations contained in a report of an Advisory Committee either separately or all concurrently.

87-389.3 The recommendations of an Advisory Committee are, so far as adopted by the Council (or a Committee of Council), resolutions of the Council (or a Committee of Council).

Part R Briefings and Workshops

8890 Briefings

88-490.1 The CEO may schedule Briefings for any Meeting.

88-290.2 Council or any Committee of Council (insofar as it is delegated the authority to do so) may by resolution request that the CEO schedule a Briefing on an issue. Such resolution must include a clear statement about the subject of the requested Briefing.

88-390.3 As they constitute part of a Meeting, all Briefings are open to the public except those Briefings which are by resolution closed to the public in accordance with Part G.

8991 Workshops

89-491.1 The CEO may schedule Workshops and invite all Councillors to attend.

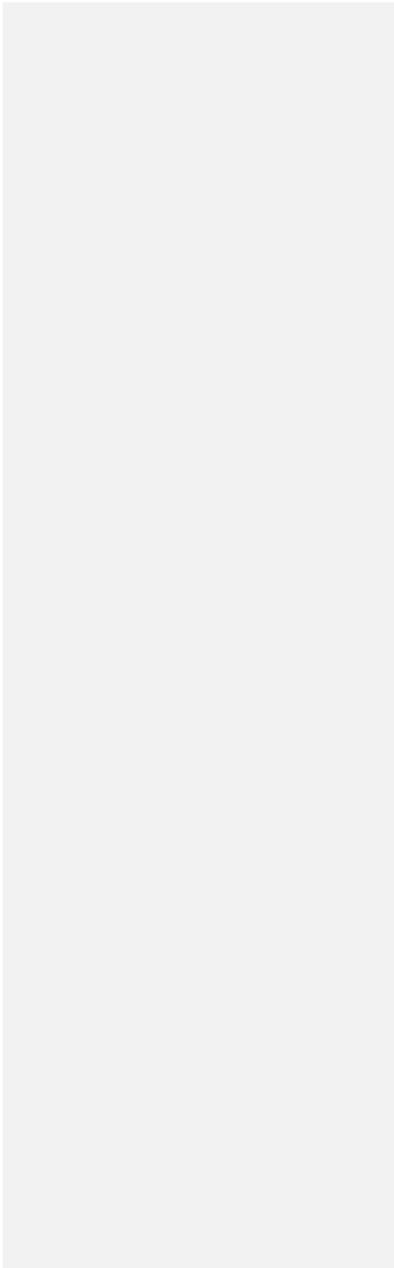
89-291.2 Council or any Committee of Council (insofar as it is delegated the authority to do so) may by resolution request that the CEO schedule a Workshop. The resolution must include a clear statement about the subject of the requested Workshop.

89-391.3 Workshops must not be used for detailed or advanced discussions where agreement is reached and/or a decision is made. No agreement will be sought from Councillors at Workshops.

89-491.4 Workshop briefing papers will contain information but no recommendations. Workshop briefing papers will be made available to all Councillors irrespective of whether they are in attendance at the Workshop.

89-591.5 All Workshops are closed to the public except those Workshops (or parts of the Workshop) which are opened to the public by resolution of Council or a Committee of Council (insofar as it is delegated the authority to do so) or the CEO.

~~89-691.6~~ The provisions of the Code (except this Part) do not apply to the operation or Meeting procedure of Workshops. Meeting procedures at Workshops will be agreed between the Workshop convenor and the participants.



Appendix A - Definitions

Act means the Local Government Act 1993.

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

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

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

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

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

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

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

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

CEO means the Chief Executive Officer of the City of Newcastle and includes their delegate or authorised representative.

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

Chairperson means the Chairperson identified in Part E.

City of Newcastle (CN) means Newcastle City Council.

Code means this Code of Meeting Practice.

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

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

Council means the governing body of Newcastle City Council/City of Newcastle.

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

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

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

Inspection Committee means a Committee of Council constituted to perform site inspections.

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

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

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

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

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

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

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

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

Regulation means the Local Government (General) Regulation 2005.

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

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

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

Commented [A94]: This is not a substantial change to how the COMP will operate in practice as it incorporates the definitions in the MMC with other definitions relevant for this Council.

Document Control

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

ITEM-52 CCL 23/07/19 - EXHIBITION OF DRAFT COMMUNITY PARTICIPATION PLAN

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

PURPOSE

To seek Council endorsement to place the Draft Community Participation Plan, which outlines how and when City of Newcastle (CN) will engage with the community across the planning functions it performs under the *Environmental Planning and Assessment Act 1979*, on public exhibition for a period of 28 days.

RECOMMENDATION

That Council:

- 1 Places the Draft Community Participation Plan (**Attachment A**) on exhibition for a period of 28 days.
- 2 Receives a report back to Council following the public exhibition period.

KEY ISSUES

- 3 Under NSW planning reforms and amended planning legislation, City of Newcastle (CN) is required to prepare a Community Participation Plan (CPP) by 1 December 2019 and to place the Draft CPP on public exhibition for a period of 28 days.
- 4 The Draft CPP details how and when CN will engage with the community across the planning functions it performs under the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). Planning functions include local environmental plan making and making decisions on development applications.
- 5 CN's Draft CPP has been prepared in accordance with sections 2.21(2), 2.23(2) and Schedule 1 of the EP&A Act 1979. It contains principles to guide CN's approach to community participation so that it is:
 - i) Inclusive
 - ii) Committed, genuine and accountable
 - iii) Easy, relevant and transparent
 - iv) Timely and responsive.

- 6 The Draft CPP also sets out minimum public exhibition timeframes for planning projects, plans and applications. The minimum exhibition timeframes are set by the *Environmental Planning and Assessment Regulation 2000*.
- 7 CN's Draft CPP has been guided by the NSW Department of Planning, Industry and Environment's (DPIE) Draft Community Participation Plan (2018), CN's recently adopted Community Engagement Policy (2018) and CN's Public Participation section of the Newcastle DCP 2012. (Section 8).
- 8 Some wording from the notification section of the DCP has been changed and some parts omitted in the Draft CPP to reflect current process and legislation.

FINANCIAL IMPACT

- 9 Work will be undertaken by CN's within current allocated work programs and budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 10 The Draft CPP aligns with the following strategic directions:

Inclusive Community

- 4.1b Support initiatives and facilities that encourage social inclusion and community connections.

Open and Collaborative Leadership

- 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.

IMPLEMENTATION PLAN/IMPLICATIONS

- 11 All public authorities (Councils) are to have a CPP in place by 1 December 2019. Section 8 of the Newcastle DCP 2012 currently sets out CN's requirements for public participation. This section will no longer be required upon adoption of CN's Draft CPP as it is contained within the Draft CPP. When the Draft CPP is reported to Council for adoption, it will also be recommended that this section of the DCP be repealed.
- 12 DPIE does not endorse or approve final CPPs. All final CPPs will be published on the NSW Planning Portal and will be considered valid if the CPP has not been challenged in proceedings commenced in the Land and Environment Court within three months of it being published on the NSW Planning Portal. To ensure compliance and consistency, DPIE will undertake a review and audit of all CPPs in 2020. CN is required to review its CPP periodically.

RISK ASSESSMENT AND MITIGATION

- 13 The Draft CPP has been prepared in accordance with the EP&A Act 1979 and using DPIE's draft CPP as a template. Adherence to the relevant NSW legislation reduces risks associated with community participation in plan and decision making.

RELATED PREVIOUS DECISIONS

- 14 Nil.

CONSULTATION

- 15 A workshop was held with Councillors on 12 March 2019 to discuss the recent legislative updates to the EP&A Act 1979. This included information on the requirements for Councils to prepare a CPP. A further workshop was held with Councillors on 9 July 2019 to discuss the content of the draft CPP.
- 16 The Draft CPP is required to be placed on public exhibition for a minimum of 28 days. Public exhibition will include a number of engagement options (informing and consulting) to support community participation.

BACKGROUND

- 17 CPPs are a new requirement under the EP&A Act 1979. This requirement came into effect on 1 July 2018 and is intended to make it easier for the community to participate in planning matters and be informed on how planning decisions have been made. DPIE have prepared a FAQs sheet to guide preparation of CPPs. This can be viewed at **Attachment B**.

OPTIONS

Option 1

- 18 The recommendation as at Paragraph 1 and 2. This is the recommended option.

Option 2

- 19 Council resolves not to place the Draft CPP on public exhibition. Due to the legislation timeframes for completion of the Plan, this is not the recommended option.

REFERENCES

ATTACHMENTS

- Item 52 Attachment A:** Draft Community Participation Plan
Item 52 Attachment B: FAQs prepared by DPE – Community Participation Plan

Item 52 Attachment A

Community Participation Plan

2019



newcastle.nsw.gov.au



City of
Newcastle

Acknowledgement of Country

City of Newcastle acknowledges the traditional country of the Awabakal and Worimi peoples. We recognise and respect their cultural heritage, beliefs and continuing relationship with the land and that they are the proud survivors of more than two hundred years of dispossession. City of Newcastle reiterates its commitment to addressing disadvantages and attaining justice for Aboriginal and Torres Strait Islander peoples of this community.

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Explanation note

This draft Community Participation Plan has been prepared in accordance with Sections 2.21(2), 2.23(2) and Schedule 1 of the Environmental Planning & Assessment Act 1979, and is guided by:

- Draft Community Participation Plan (2018) – Prepared by the NSW Department of Planning, Industry and Environment
- Community Engagement Policy (2018) - Prepared by City of Newcastle
- Section 8.00 Public Participation of the Newcastle Development Control Plan 2012. prepared by City of Newcastle
- City of Newcastle’s internal engagement practices.

The draft Community Participation Plan will replace Section 8.00 of the Development Control Plan.

Shaping positive change

It is the intent of the City of Newcastle (CN) to engage with the community, using effective engagement practices, on development and plans affecting the future of the city and activities that have significant impact on the community.

The Newcastle 2030 Community Strategic Plan (CSP) 2018-2028 identifies, “Open and Collaborative Leadership: a strong local democracy with an actively engaged community and effective partnerships”, as one of its strategic directions. Within this strategic direction are strategies to:

- provide opportunities for genuine engagement with the community to inform the elected Council’s decision-making; and
- provide clear, consistent, accessible and relevant information to the community.

City of Newcastle recognises the value to be gained by engaging with the community beyond the statutory requirements.

1.00 Community participation in the planning system

Community participation refers to the level or degree to which the community is involved in planning and decision making. The Community Participation Plan (The Plan) covers how and when City of Newcastle (CN) will engage with the community across the planning functions it performs under the Environmental Planning and Assessment Act 1979 (EP&A Act 1979). Planning functions include plan making (such as the preparation of a planning proposal to amend the Newcastle Local Environmental Plan 2012) and making decisions on proposed development.

The level and extent of community participation will vary depending on the community, the nature of the proposal under consideration and potential impacts of the decision. The community includes anyone who is affected by planning in CN.

Recent legislative changes, under the EP&A Act 1979 are intended to enhance opportunities for the community to participate in planning decisions to achieve better planning outcomes. In doing so, The Plan intends to make it easier to be involved and supports:

- input into the Council's decision-making by providing mechanisms for understanding and responding to community opinions and perspectives;
- consistent and clear engagement practices; and
- enhancement of CN's ability to listen, respond and engage with residents and stakeholders and make evidence-based decisions.

1.1 What is our Community Participation Plan?

The Plan contains principles to guide our approach to engagement and sets out minimum public exhibition timeframes (including notification of development applications) as provided under the EP&A Act 1979. **Table 1** lists the planning functions that the Community Participation Plan apply to.

The Department of Planning, Industry and Environment's (DPIE) Draft Community Participation Plan has been used as a template for our Plan.

Table 1: What planning functions does the community participation plan apply to?	
<p>Plan making and strategic planning</p> <p>e.g. amendments to the Local Environmental Plan (Planning Proposals); Development Control Plans; Local Infrastructure Contributions Plans and Planning Strategies.</p>	<p>Strategic planning is an essential aspect of our work where we set the strategic direction, vision and context for planning in CN. It involves planning with our community and integrates social, environmental and economic factors with an area's special attributes. Examples of this work include amendments to or the creation of strategic planning statements or strategies, planning proposals to amend the local environmental plan, updates to the development control plan, local infrastructure contribution plan and planning for catalyst or growth areas.</p>
<p>Development Applications – assessing plans for individual sites.</p>	<p>When making decisions on a proposed development or planning enquiry/proposal, consideration is given to whether proposals are in accordance with strategic priorities including those contained within strategic plans prepared by the DPIE or CN, applicable policies and guidelines.</p>

1.2 Who does this community participation plan apply to?

The Plan is a requirement of the EP&A Act 1979 (see division 2.6 and Schedule 1) and applies to the exercise of planning functions undertaken by CN.

2.00 How can the community participate in the planning system?

2.1 Our community participation objectives

Table 2 lists our community participation objectives and the actions we will take to deliver the objectives. It also provides descriptions of our current practice. The objectives have been developed having regard to the community participation principles set out in Section 2.23(2) of the EP&A Act 1979 (see Appendix A for extract) and CN Community Engagement Policy, 2018.

These objectives will be supported by measurable actions that we will use to:

- further develop specific community participation/engagement/consultation strategies
- embed best practice community participation at CN
- evaluate the effectiveness of our community participation.

Table 2: Community participation objectives

Objectives	Actions	Examples
Community participation is inclusive	<p>Conduct community engagement opportunities in a safe environment.</p> <p>Ensure information is accessible and seek input from groups who may find it difficult to participate in standard engagement activities.</p> <p>Where possible, increase inclusion through diverse communication and engagement initiatives to support people with disability to participate.</p> <p>Prepare information for the community that is relevant, concise, written in plain language and easy to understand.</p> <p>Use best practice engagement methods and techniques.</p>	<p>Community participation opportunities are promoted widely through a variety of channels including email, social media, press releases, digital and print advertisements, editorial features and our website.</p> <p>Printed copies of planning proposals, strategies and draft DCPs are available for viewing at the City library (and in some cases the local library) and CN's Civic Administration Centre. Printed copies of exhibition material for individuals are made available upon request.</p> <p>Auslan Interpreters attend engagement activities where appropriate or at the request of participants. Other communication tools such as easy read documents, which increase access to people with diverse communication requirements will be investigated for identified projects.</p>

Table 2: Community participation objectives		
Objectives	Actions	Examples
Community participation is committed, genuine and accountable	<p>Genuine and proper consideration is given to community input.</p> <p>Regularly review the effectiveness of community engagement.</p> <p>Integrate community input into the evaluation process.</p> <p>Build strong partnerships with the community.</p> <p>Encourage community participation by:</p> <ul style="list-style-type: none"> • keeping the community informed • promoting participation opportunities - seeking community input. <p>Ensure community engagement accurately captures the relevant views of the community.</p> <p>Clearly establish the purpose for engagement and tailor engagement activities to match the:</p> <ul style="list-style-type: none"> • context (e.g. location; type of application; stage of the assessment process; previous engagement undertaken) • scale and nature of the proposal and its impacts • level of community interest • community's preferences about how they would like to participate. <p>Adjust engagement activities (if necessary) in response to community input.</p> <p>Comply with any statutory obligations.</p> <p>Protect privacy and respect confidentiality.</p>	<p>Planning teams have a presence at community engagement activities where appropriate.</p> <p>We undertake evaluation surveys as appropriate and seek feedback from attendees at community sessions.</p> <p>Through community engagement we can understand community concerns and preferred project outcomes.</p> <p>We use a range of technology such as 3D models and interactive maps to make it easier to visualise how a plan or project will look and what it will mean for a local community.</p> <p>We use a variety of digital engagement tools, as well as face to face engagement activities to capture community feedback in a diversity of ways.</p> <p>We feed back to the community results from initial consultations for input to further refine plans.</p>

Table 2: Community participation objectives		
Objectives	Actions	Examples
Community participation is easy, relevant and transparent	<p>Clearly set out the purpose of any engagement and how and when the community can participate.</p> <p>Conversations should be clear on the purpose including what is and is not negotiable.</p> <p>Use visual representations to make it easier to understand the possible impacts of a proposal.</p> <p>Explain how community input was taken into consideration and ensure the response to community input is relevant and proportionate.</p>	<p>Community participation opportunities are advertised through channels including email, social media, press releases, advertisements, editorial features and our website.</p> <p>Specify circumstances when notification of development applications is not required.</p> <p>We track planning proposals and development applications on our website.</p> <p>The community will be provided with the reasons for planning decisions, including how community views have been taken into account.</p>
Community participation is timely and responsive	<p>Start community engagement as early as possible and continue this engagement for an appropriate period.</p> <p>Keep accurate records of engagement activities and community input.</p> <p>Ensure the community has reasonable time to provide input.</p>	<p>Proponents for major developments should consult members of the community affected by the proposal before an application for planning approval is made.</p> <p>We target information sessions and surveys to specific audiences using relevant media.</p> <p>Consultation reports are distributed to community members who participated in the process or signed up for updates, as well as other channels such as our website, social and mainstream media.</p> <p>Our plans, planning proposals or the proposed development may change in response to community feedback.</p> <p>Following determination of a development application or finalising a planning proposal or strategy, all persons who made submissions will be advised in writing of the decision.</p>

2.2 Our approach to community participation

CN recognises and abides by best practice principles developed by the International Association for Public Participation (IAP2). The IAP2 Public Participation Spectrum is a useful tool to help identify and select the appropriate level of public participation, select methods of engagement, and identify a range of tools. The model is values based, decision-oriented and goal-driven.

The Public Participation Spectrum has different levels of participation and the Plan does not prescribe exactly how the community will be engaged for every project or development application. The most appropriate engagement approach will depend on the nature and type of planning project or development application.

CN will consult with the community and keep the community informed of planning matters and applications as required by The Plan. CN will consider submissions received during formal exhibition periods and advise the community of the final decision. In the preparation of planning strategies, CN will involve the community in shaping final decisions.

3.00 What is the role of exhibitions in the planning system?

Opportunities to participate in the planning and assessment process will respond to the nature, scale and likely impact of the proposal/development or project being considered or assessed. **Table 3** refers to the types of notifications. A regular and valuable way for communities to participate in the process is by making a submission on a proposal or development during the formal exhibition stage. Submissions can highlight positive aspects of a plan to be encouraged or raise areas of concern that may require further attention.

A key technique we use to encourage community participation is formal exhibitions. During public exhibition we make available relevant documents that may include a draft of the policy, plan or proposed development that we are seeking community input on.

Table 3: General types of exhibition					
	Notification (if appropriate or as specified as being required in this Plan)	Newspaper advertisement	CN website	Site notice	Viewing options at other venues
Planning proposals	X	X	X		X
Draft development control plans	X	X	X		X
Draft infrastructure contribution plans		X	X		X
Draft local strategic planning statements		X	X		X
Local development	X		X		
Advertised development including nominated integrated development or threatened species development	X	X	X		
Designated development	X	X	X	X	X
Other integrated development	X		X		
Planning Agreements	X	X	X		X

Disclaimer: for any inconsistencies, refer the EP& Act 1979, and EP& A Regulations 2000.

3.1. Public exhibition - for plan making, ie a strategy or planning proposal

As a minimum, exhibition material will be provided on CN's 'Public Exhibition' webpage, Newcastle Customer Contact Centre and at the City Library at 15 Laman Street, Newcastle. For some projects, exhibition material may be available at other library locations. Viewing locations will be detailed on any notification material. Written notice will also be provided to key landowners and affected neighbours.

3.1.1 How to make a submission

Submissions can be made in writing or emailed to mail@ncc.nsw.gov.au by 5pm on the nominated closing date for submissions. Details will be made available on the notification material.

3.2 Public exhibition – for development associated applications

Applications associated with development are displayed on CN's 'application tracking' web page. If you require assistance viewing the documents online during the applicable exhibition period, CN's Customer Contact Centre, will be able to assist. If the documents are available at other locations, it will be specified in the written and published notices. See **Table 4** for further detail.

Depending on the type of development and likely impacts, notification may include:

- an email or letter
- an advertisement in the local newspaper
- notice on CN's website and details of the applications on exhibition will be viewable in 'Application Tracking'
- a site notice – for a proposed designated development.

Types of advertised development applications include:

- demolition or removal of a heritage item
- Nominated integrated development
- demolition or partial demolition of a building or work that is within a heritage conservation area, except where, in the opinion of CN, it is of a minor nature and would not adversely affect the heritage significance of the heritage conservation area.

In forming an opinion to notify adjoining owners and/or occupiers CN will consider the impacts on the following matters:

- obstruction of views
- sunlight
- privacy
- noise, odour, light or other pollution
- visual impact, streetscape and local character
- traffic and access
- ground levels
- stormwater and watercourse issues
- natural and man-made hazards.

3.2.1 How to make a submission

After viewing the information provided on CN's website (see Application Tracking or public exhibitions) and reading the document 'What you need to know about the Development Application Process', if you consider you may be affected by the development, you can make a submission to Council. Submissions should be sent to mail@ncc.nsw.gov.au by 5pm on the nominated closing date for submissions. Persons wishing to obtain more information about an application or applications on a site should contact Council by emailing mail@ncc.nsw.gov.au or by phoning 02 4974 2000 during business hours.

When making a submission in the form of an objection, you should clearly specify the grounds on which you are objecting and the impact the proposed development may have on your property, street or community such as bulk, scale, privacy and solar access.

To qualify as a submission, the submission must:

- be in writing by email or letter
- be submitted within the nominated exhibition time period
- include details of the subject property
- include the application number and description
- include the name, address and daytime telephone number of the author
- be based on planning grounds in support or objection to the proposal. Matters that are not directly relevant will not be taken into consideration in the assessment of the application. In addition, existing issues are generally not matters for consideration.

3.2.2 Applications for modifications

After a development consent has been issued, the applicant, or anyone entitled to act on the applicant's behalf, can apply to CN, or the approval authority, for approval to modify that development consent.

An application to modify a development consent is made under Section 4.55 of the EP& A Act 1979 provided the development is substantially the same. If CN does not agree that the proposed modifications would result in substantially the same development as was originally approved, a new development application will be required to be submitted for assessment.

In general, notification will occur in the same manner as the original development application, including notification to any persons who lodged submissions to previous versions of the application. However, CN may decide that further notification in relation to a proposed amendment is not required if it does not result in a greater environmental impact and the assessing officer is of the opinion that the amended application differs only in minor respects from the original application.

3.2.3 Applications for development that will not be exhibited/notified

The decision to notify an application is considered on a case-by-case basis. However, with the exclusion of development relating to a heritage item or development within a heritage conservation area, the following types of development are considered by CN as being unlikely to warrant public notification:

- alterations or additions to commercial or industrial buildings within a business or industrial zone (respectively), except if the site is in proximity to a dwelling or other activity likely to be affected by the proposal
- changes of use within a business or industrial zone, except if:
 - the proposed use involves sex industry-related activities or
 - the site is in proximity to a dwelling or other activity likely to be affected by the proposal
- single storey dwelling-houses where the allotment area is 450m² or larger
- ground-floor alterations or additions to an existing dwelling
- single storey garages, carports or other residential outbuildings that are at least 600mm clear of property boundaries
- swimming pools and retaining walls associated with a single dwelling house, and that are at least 600mm clear of property boundaries
- internal alterations or renovations
- strata subdivision.

Applications to carry out complying development will not be notified.

3.3 Timeframes for exhibition

Section 2.21(2) of the EP&A Act details the types of proposals that must be considered in The Plan and Schedule 1 sets a minimum exhibition timeframe for most of these proposals. We will always exhibit a proposal for this minimum timeframe and will consider an extended timeframe for exhibition based on the scale and nature of the proposal.

The only requirements in this plan that are mandatory are those set out in **Tables 4 and 5** and these are the same as the mandatory minimum timeframes in Schedule 1 of the EP&A Act.

Table 4: Plan making mandatory exhibition timeframes	
Draft community participation plan	28 days
Planning proposals for local environmental plans subject to a gateway determination	28 days or as specified by the gateway determination which may find, due to the minor nature of the proposal, that no public exhibition is required.
Draft development control plans	28 days
Draft infrastructure contribution plans	28 days
Draft local strategic planning statements	28 days

Table 5: Development assessment mandatory exhibition timeframes	
Application for development consent or a request to review a determination (other than for complying development certificate, for designated development or for State significant development)	14 days (except when legal requirements specify a longer period). In the case of a request for a review, notification or advertisement will occur in the same manner as the original development application, including notification of any persons who lodged submissions to the original application.
Application for development consent or a request to review a determination for 'designated development'	28 days. In the case of a request for a review, notification or advertisement will occur in the same manner as the original development application, including notification of any persons who lodged submissions to the original application.
Application for development consent or a request to review a determination for 'nominated integrated development or threatened species development'	28 days (commencing on the day after the day on which the notice is published). In the case of a request for a review notification or advertisement will occur in the same manner as the original development application, including notification of any persons who lodged submissions to the original application.
Application for development consent or a request to review a determination for all 'other integrated development'	14 days (commencing on the day after the day on which the notice is published). In the case of a request for a review, notification or advertisement will occur in the same manner as the original development application, including notification of any persons who lodged submissions to the original application.
Applications to modify a development application	<p>Notification will occur in accordance with Section 4.55 of the EP&A Act 1979. In summary;</p> <p>Minimum exhibition period:</p> <p>Modifications involving minor error, mis-description or miscalculation applications will not be notified.</p> <p>Modifications involving minimal environmental impact:</p> <p>Applications will generally not be notified. However, if in the opinion of CN the proposed modification has the potential to increase the impact of the development on adjoining or nearby land or development, the application will be notified.</p> <p>Other modifications, including applications which cause increased environmental impact:</p> <p>All persons who were originally notified or made a submission to the previous development application will be notified in accordance with this Plan.</p>

All relevant documents and submissions to be made available on CN's webpage.

Key points

- Timeframes are in calendar days and include weekends.
- CN may resolve to extend the timeframe to accept late submissions
- If the exhibition period is due to close on a weekend or a public holiday CN may extend the exhibition to finish on the first available work day.
- The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.
- Submissions received from the same person will be considered as a single submission.
- Irrespective of the number of submissions received from the occupants of a dwelling, all correspondence will be considered as a single submission.
- With respect to lots within a Strata Scheme, a written notice to the Owners Corporation is taken to be a written notice to the owner or occupier of each lot within the Strata Scheme.
- If the Owners Corporation of a strata subdivided property consents to the lodgement of a development application relating to that strata subdivided property, the owner or occupier of each lot within the Strata Scheme will not be notified of the application. It is the responsibility of the Owners Corporation to set internal decision making processes to include advising lot owners or occupier of each lot.
- Petitions will be considered as a single submission to an application. Irrespective of the number of signatories on a petition.
- Any notification of State Significant projects is completed by the State and not subject to this plan.
- Persons that lodge a submission will receive an acknowledgement letter from CN and be advised when the application is determined.
- Submissions are not confidential and will be placed with documents relating to the application on CN's website.
- Personal information from submissions will be removed in accordance with the Information and Privacy Commission's (IPC) guidelines. A submitter's name and property address are not defined as personal information.
- Submissions received in response to notification will be considered against the statutory requirements and the reasonable development rights of the applicant.
- During the relevant submission period any person may inspect the development application and any accompanying information, and any person may make written submissions to the consent authority with respect to the development application.

Submissions must be lodged with CN by 5pm on the final day of the exhibition period. Consideration of late submissions will be at the discretion of CN.

How to contact us during exhibition:

- email: mail@ncc.nsw.gov.au
- write to us at
282 King Street
(PO Box 489)
Newcastle NSW 2300
- phone us on (02) 4974 2000
- contact the planner responsible for the proposal (details provided on website).

Glossary

Advertised development means development that is defined by this Plan (and includes nominated integrated development) as requiring exhibition.

Contribution plan (or otherwise referred to as a Local Infrastructure Contribution Plan) is a plan developed by CN (and other councils) for the purpose of gaining financial contributions from new development towards the cost of new and upgraded public amenities and/or services required to accommodate the new development.

City of Newcastle (CN) means Newcastle City Council.

Community Engagement means purposeful dialogue between CN and stakeholders in the development and implementation of decisions that affect them. In this Policy, Community Engagement is a broad term that incorporates aspects of stakeholder or public relations, consultation and information campaigns, and includes public participation.

Council means the elected Council.

Development application is a formal application for development that requires consent under the EP&A Act 1979. It consists of a standard application form, supporting technical reports and plans.

Development control plan is a plan that provides detailed planning and design guidelines to support the planning controls in a Local Environmental Plan. It is referred to as a DCP.

Designated development refers to developments that are high impact developments (eg likely to generate pollution) or are located in or near an environmentally sensitive area (eg. a coastal wetland).

Gateway determination is issued following an assessment of the strategic merit of a proposal to amend or create an LEP and allows for the proposal to proceed to public exhibition.

Local environmental plan is an environmental planning instrument developed by a local planning authority, generally a council. A Local Environmental Plan (referred to as a LEP) sets the planning framework for a Local Government Area.

Local development is the most common type of development in NSW, with projects ranging from home extensions to commercial, retail and industrial developments. The Newcastle LEP 2012 and other environmental planning instruments outline developments and land uses that require development consent before the development can take place.

Nominated integrated development or threatened species development (not being Class 1 aquaculture development) means integrated development (not being threatened species development or Class 1 aquaculture development) that requires an approval (within the meaning of section 4.45 of the Act) under:

- a) provision of the Heritage Act 1977 specified in section 4.46 (1) of the Environmental Planning and Assessment Act 1979, or
- b) a provision of the Water Management Act 2000 specified in section 4.46 (1) of the Environmental Planning and Assessment Act 1979, or
- c) a provision of the Protection of the Environment Operations Act 1997 specified in section 4.46 (1) of the Environmental Planning and Assessment Act 1979.

Planning Agreement also known as a voluntary planning agreement is an offer by a developer to CN to dedicate land, make monetary contributions, or provide any other material public benefit, to be used for or applied toward a public purpose.

Planning proposal is a document that explains the intended effect of a proposed LEP and sets out the justification for making that plan.

Public exhibition is a formal exhibition period, when the public can make formal comment for consideration in finalising the proposal or application.

Public notice may include:

- A letter or email.
- An advertisement in the local newspaper.
- Notice on CN's website. Details of the applications on exhibition will be viewable in 'Application Tracking'.
- A site notice – for a proposed designated development.

Stakeholders means anyone (person or group of people) who can be impacted by the results of a decision made by CN, and may include: the community generally, residents, ratepayers, businesses, community organisations, other government agencies and any other body interacting with CN.

Unless stated otherwise, a reference to a section or clause is a reference to a section or clause of this Policy.

Appendix A

Section 2.23 Community participation plans - preparation

Environmental Planning and Assessment Act 1979 No 203

Current version for 1 July 2019 to date (accessed 11 July 2019 at 13:57)

Part 2 > Division 2.6 > Section 2.23

2.23 Community participation plans—preparation

- (1) A planning authority to which this Division applies is required to prepare a community participation plan about how and when it will undertake community participation when exercising relevant planning functions (subject to this section).
Note. Schedule 1 requires a proposed plan to be publicly exhibited for at least 28 days.
- (2) A planning authority is to have regard to the following when preparing a community participation plan:
 - (a) The community has a right to be informed about planning matters that affect it.
 - (b) Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.
 - (c) Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.
 - (d) The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.
 - (e) Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.
 - (f) Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.
 - (g) Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).
 - (h) Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.
- (3) For the purposes of this Division:
 - (a) a community participation plan prepared by the Planning Secretary applies to the exercise of relevant planning functions by the Minister, and
 - (b) a general community participation plan prepared by the Planning Secretary applies to the exercise of relevant planning functions by determining authorities under Division 5.1 (other than councils or prescribed public authorities), and

Environmental Planning and Assessment Act 1979 No 203 [NSW]

- (c) the regulations may provide that the community participation plan of a planning authority applies to the exercise of relevant planning functions by another planning authority and that the other planning authority is not required to prepare its own community participation plan.
- (4) A council need not prepare a separate community participation plan if it includes all the matters required under this section in its plan and strategies under section 402 of the *Local Government Act 1993*.

newcastle.nsw.gov.au

Item 52 Attachment B

FAQs – Community Participation Plan (CPP)

March 2019

This table of frequently asked questions on Community Participation Plans (CPPs) has been composed in response to questions put to the Department of Planning and Environment (the Department). This document will be updated as new questions arise.

Community FAQs

No.	Question	Answer
General Questions		
1	What is a CPP?	<p>A CPP is intended to make it easier for the community to understand how to participate in planning matters in NSW. The requirement to prepare a CPP applies to relevant planning authorities under the Environmental Planning and Assessment Act 1979 (EP&A Act).</p> <p>A CPP must set out how and when a planning authority will engage with its community on the planning functions it performs. A CPP must also set out the minimum public exhibition timeframes relevant to the planning authority that are provided in Schedule 1 to the EP&A Act. All other requirements for a CPP are set out in Division 2.6 of the EP&A Act.</p> <p>It is important to note that a CPP should describe at a high-level, how and when a planning authority engages in its planning functions. It does not need to outline specific engagement strategies for each type of planning proposal or project.</p>
2	What is the status of the Department's CPP?	The Department exhibited a draft CPP on behalf of the Planning Minister and Planning Secretary between October and December 2018. Feedback on the draft was received through community workshops, one-on-one engagement and formal submissions. This feedback is being considered with a view to finalising the Departments CPP.
3	Does the Department's draft CPP cater to the different stages of all projects and proposals?	The Departments CPP describes how and when it engages the community at all stages of the planning process for its planning functions.
4	How can the community get involved in the CPP?	<p>The community can get involved in the development of the Department's CPP and implementation of the measure across NSW by:</p> <ul style="list-style-type: none"> - Emailing the team at legislativeupdates@planning.nsw.gov.au. - Calling the hotline on 1300 305 695 and asking to speak to a CPP project team member. - Contacting your local council or other NSW planning authorities. - Visiting any Service NSW centre where staff will answer any questions you have or connect you to an appropriate officer who can.

FAQs – Community Participation Plan (CPP)

March 2019

No.	Question	Answer
5	How will the Department monitor and evaluate their engagement against the CPP?	<p>The Department intends to monitor and evaluate its engagement activities by reference to the measurable actions outlined for the five community participation objectives in the Department's draft CPP. It is intended that the community will also be able to use these actions to measure and assess the Department's community participation initiatives.</p> <p>Section 2.24(3) of the EP&A Act states that a CPP will be reviewed periodically.</p>
6	What is the Department's role in the implementation of the CPP measure?	In addition to the development of our own CPP, which other planning authorities can use as a template, the Department will assist councils and other planning authorities through an implementation program to develop their CPPs before the deadline of December 2019.
CPP minimum requirements		
7	What are the minimum requirements for a CPP?	<p>The minimum requirements for a CPP include:</p> <ul style="list-style-type: none"> - Detail how and when a planning authority will undertake community participation when exercising relevant planning functions as specified in section 2.21 (2) of the EP&A Act. - Have regard to the community participation principles outlined in section 2.23 (2) of the EP&A Act. - Set out the minimum mandatory public exhibition timeframes and notification requirements for the planning authorities relevant planning functions as per Schedule 1 of the EP&A Act and acknowledge that there are mandatory notification requirements provided in the regulations, the EP&A Act and potentially a CPP. - Be publicly exhibited for a minimum of 28 days. - Be published on the NSW planning portal by 1 December 2019
8	Who needs to prepare a CPP?	<p>Section 2.21(1) of the EP&A Act states that the following planning authorities must prepare a CPP and are subject to the community participation requirements:</p> <ul style="list-style-type: none"> - The Minister for Planning, - The Planning Secretary, - The Greater Sydney Commission, - The Independent Planning Commission,

FAQs – Community Participation Plan (CPP)

March 2019

No.	Question	Answer
		<ul style="list-style-type: none"> - a Sydney district or regional planning panel (See question 9), - a council, - a local planning panel (See question 9), - a determining authority under Part 5, - a public authority. <p>Note: For many public authorities, except councils, the need to prepare a CPP is only triggered where they prepare an environmental impact statement (EIS) under Part 5 of the EP&A Act. This is only likely to occur when another party/body is proposing to carry out the development as in most cases these activities will be State significant infrastructure and dealt with as such under the EP&A Act. Public authorities may still wish to prepare a CPP in case such a situation should arise.</p>
9	Will a separate CPP need to be prepared for local planning panels, Sydney district or regional planning panels?	<p>We note councils undertake the majority of community participation initiatives on behalf of local and regional planning panels and their CPP will address these functions.</p> <p>This is similar to the way that the Planning Secretary's CPP outlines community participation initiatives that the Department undertakes on behalf of the Planning Secretary and the Planning Minister. For this reason, the Department is considering whether a regulation should be made to remove the obligation for these panels to prepare a CPP.</p> <p>If this occurs then the relevant council's CPP will apply to those panels.</p>
10	Can councils include engagement for planning functions not listed in 2.21(2) of the EP&A Act in their CPP?	<p>In addition to the minimum requirements for a CPP, as per 2.22(2) of the EP&A Act, a CPP may also prescribe additional mandatory requirements for community participation.</p> <p>Councils may also wish to outline consultation processes for planning functions that have no mandatory requirement for public exhibition. These could include planning policy initiatives or complying development where consultation is undertaken by the Department in developing the code and not for subsequent complying projects.</p>
11	Do all development applications need to be exhibited for 14 days?	<p>No. Schedule 1 of the EP&A Act states that development application's be exhibited for 14 days unless a planning authority sets a different timeframe in its CPP or states in its CPP that for specified development applications no public exhibition is required for.</p> <p>For example, councils may state in their CPP that no public exhibition is required where a proposal fully complies with their controls.</p>

FAQs – Community Participation Plan (CPP)

March 2019

No.	Question	Answer
12	How can councils have regard to the Community Participation Principles?	<p>When developing a CPP planning authorities demonstrate that they have regard to the community participation principles in Section 2.23(2) of the EP&A Act. The principles are:</p> <ul style="list-style-type: none"> a) The community has a right to be informed about planning matters that affect it. b) Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning. c) Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning. d) The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered. e) Community participation should be inclusive and planning authorities should actively seek views that are representative of the community. f) Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made. g) Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account). h) Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development. <p>These principles are consistent with the model for engagement set by the International Association for Public Participation and represent best practice engagement for planning matters. The Department’s exhibition draft CPP can be used as a template for how to demonstrate regard to the principles in the EP&A Act.</p>



FAQs – Community Participation Plan (CPP)

March 2019

No.	Question	Answer
13	What are the different ways that councils can prepare a CPP?	<p>Councils can meet the CPP requirements in two ways.</p> <p>Option 1 – Rely on or update an existing plan (strategy) under section 402 of the Local Government Act (LG Act)</p> <p>To reduce the need for multiple community documents, councils have the option to use an existing Community Strategic Plan (CSP) or Community Engagement Strategy (CES) under section 402 of the LG Act to satisfy the requirements of a CPP.</p> <p>In most instances it is likely that councils existing CSP or CES will need to be updated to meet the CPP requirements as outlined in Question [3].</p> <p>When amending a CSP or CES to meet the requirements of a CPP it is recommended that a council state in the amended plan or strategy that it has been prepared to satisfy the requirements of a CPP under the EP&A Act and acknowledge which sections are being used to meet the CPP requirements. It is also important that an existing CSP or CES makes it clear that either the entirety or part of the document has been prepared to satisfy the legislative requirements for a CPP and is to be treated as such.</p> <p>The amendments to either the CSP or CES (which will collectively become known as the CPP) must then be exhibited for 28 days in accordance with the minimum public exhibition requirements for a draft CPP in Schedule 1 to the EP&A Act.</p> <p>Option 2 – Prepare a standalone CPP</p> <p>Councils can prepare a standalone CPP and are encouraged to use the Department’s exhibition draft CPP as a template.</p> <p>Councils may contact the legislative updates team with any questions in relation to Option 1 and 2.</p> <p>The Department has worked closely with the Office of Local Government’s community engagement team who are briefed on the CPP requirements. Councils may also consider speaking with their Office of Local Government community engagement representatives for support on their overall engagement strategy.</p>
14	Can councils use their Development Control Plan (DCP) to meet the requirements of a CPP?	<p>No. A DCP cannot be used as a CPP even where a DCP sets out the minimum mandatory exhibition timeframes.</p> <p>Where councils have a DCP or part of a DCP that deals with community participation for their planning functions this material can be used their CPP. In these circumstances once the CPP is made council would then be able to amend that part of the DCP as community participation requirements will be set out in the CPP.</p>



FAQs – Community Participation Plan (CPP)

March 2019

No.	Question	Answer
15	What are the options for non-council planning authorities to prepare their CPP?	All non-council planning authorities that are required to prepare a CPP must prepare a standalone CPP and are encouraged to use the Department's exhibition draft CPP as a template.
16	Will the form, content and procedures for CPPs be prescribed in the regulations?	There is legislative scope to prescribe regulations to set the form, content and procedures for making and publishing CPPs, their amendment and reporting on their implementation. At this stage it is not intended to make any regulations in relation to the form, content and procedures.
CPP engagement and finalisation		
17	What are the exhibition requirements for CPPs?	Draft CPPs, or amendments made to existing plans or strategies prepared under section 402 of the LG Act to meet the CPP requirements, must be exhibited for 28 days as set out in Schedule 1 of the EP&A Act.
18	How do public exhibition requirements in a CPP interact with public consultation conditions in a gateway determination?	<p>A CPP sets out the mandatory minimum public exhibition periods for relevant planning functions. A planning proposal subject to a gateway determination must be exhibited for a minimum period of 28 days or:</p> <ul style="list-style-type: none"> a. If a different period of public exhibition is specified in the gateway determinations for the proposal – the period so specified, or b. If the gateway determination specifies that no public exhibition is required because of the minor nature of the proposal – no public exhibition. <p>Some community consultation requirements may be determined for a planning proposal at a gateway determination. In some circumstances this may be limited to the period of public exhibition. It is recommended planning authorities set out their community consultation approach for planning proposals in their CPP but note these may be subject to the requirements of the gateway determination.</p>
19	When should councils and other planning authorities start preparing their CPP?	<p>All community participation plans must be in place and published on the ePlanning portal by 1 December 2019.</p> <p>The Department recommends commencing development of CPP's in the first half of 2019. This will allow time for their finalisation noting the need to publicly exhibit draft CPPs for a minimum period of 28 days.</p>
20	Does the Department need to endorse or approve a planning authority's CPP?	<p>No. Once a planning authority has developed their finalised CPP it must be published on the NSW planning portal.</p> <p>A CPP will be considered valid if the plan has not been challenged in proceedings commenced in the Land and Environment Court (LEC) within 3 months of it being published on the NSW planning portal.</p>



FAQs – Community Participation Plan (CPP)

March 2019

No.	Question	Answer
21	How will the Department monitor and evaluate a councils CPP?	To ensure compliance and consistency, the Department will undertake a review and audit of CPP's in 2020. Additionally, consideration is being given to the creation of regulations to set requirements for reporting on implementation.

**ITEM-53 CCL 23/07/19 - ADOPTION OF AMENDMENT TO NEWCASTLE
DCP 2012 - SECTION 6.02 HERITAGE CONSERVATION
AREAS**

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

PURPOSE

To adopt amendments to Newcastle Development Control Plan 2012 (NDCP 2012) Section 6.02 Heritage Conservation Areas and associated Section 9.0 Glossary following public exhibition.

RECOMMENDATION

That Council:

- 1 Adopts the draft Section 6.02 Heritage Conservation Areas (**Attachment A**) and associated amendments to Section 9.0 Glossary for inclusion into the NDCP 2012.

KEY ISSUES

- 2 At the Ordinary Council Meeting held on 27 March 2019 Council resolved to endorse the exhibition of amendments to draft Section 6.02 Heritage Conservation Areas of the NDCP 2012 and associated amendments to Section 9.0 Glossary of the NDCP 2012.
- 3 In accordance with this resolution, the amendments to draft Section 6.02 Heritage Conservation Areas and Section 9.0 Glossary were exhibited from 8 April 2019 until 9 May 2019 and four submissions were received in support of the amendments. Refer to **Attachment B** for a summary of the submissions.
- 4 The amendments address matters relating to the classification of buildings within Heritage Conservation Areas (HCAs) as 'neutral' or 'contributory' and to clarify these terms. New provisions are introduced to provide guidance on development application submission requirements when development is within an HCA and a new explanation of building envelope is included.
- 5 The draft amendments to the NDCP 2012 have been further reviewed having regard to the submissions received and to improve formatting and usability. The proposed changes in response to the submissions predominantly relate to controls to better facilitate and strengthen the existing merits-based approach to the assessment of development applications in HCAs.

Further details of proposed changes resulting from the submissions are outlined in **Attachment B** and these are highlighted in blue text within the draft Section 6.02 Heritage Conservation Areas. Refer to **Attachment C** for comparison of definition changes from the current DCP Section 6.02, and the draft NDCP 2012 proposed since due consideration of the submissions. Proposed changes to definitions following exhibition are highlighted in blue text.

FINANCIAL IMPACT

- 6 Work will be undertaken by City of Newcastle (CN) within current allocated work programs and budgets.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 7 The draft amendments to the NDCP 2012 are consistent with the strategic directions of the Newcastle 2030 Community Strategic Plan (CSP), including:

Vibrant and Activated Public Spaces

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

Liveable and Distinctive Built Environment

- 5.1a Protect and promote our unique built and cultural heritage.
- 5.1b Ensure our suburbs are preserved, enhanced and promoted, while also creating opportunities for growth.
- 5.1c Facilitate well designed and appropriate scale development that complements Newcastle's unique character.

IMPLEMENTATION PLAN/IMPLICATIONS

- 8 The process for preparing and amending DCPs and the matters that a DCP may deal with are specified in the *Environmental Planning and Assessment Act 1979* (the Act) and associated Regulation.
- 9 Adoption of the draft amendments to the NDCP 2012 will contribute to ensuring CN's vision, principles and strategies for heritage conservation are implemented through future development proposals.

RISK ASSESSMENT AND MITIGATION

- 10 Adoption of the amended DCP guidelines are required to provide guidance on the envisaged built outcomes on land within HCAs. Adoption of the draft amendments to the NDCP 2012 will contribute to ensuring CN's vision, principles and strategies for heritage conservation are implemented through future development proposals.

RELATED PREVIOUS DECISIONS

- 11 At the Ordinary Council Meeting held on 27 March 2019, Council resolved to exhibit the amended draft NDCP 2012 for 28 days, receive a report on written submissions and identify any further amendments arising from these.

CONSULTATION

- 12 The draft DCP was exhibited for 32 days. The exhibition included provision of the draft NDCP 2012 on CN's website and printed copies at CN's Administration Centre, Newcastle Region Library and Hamilton Library.
- 13 Four written submissions were received during the exhibition period. These represented the views of local residents, a community group, and The National Trust. A summary of the submissions is included at **Attachment B**. The summary outlines the issues raised, a planning response, and resulting actions.

BACKGROUND

- 14 The Review of Heritage Conservation Areas Report (2016) presented the findings of a review of the five existing HCAs across the LGA and investigated a number of potential new HCAs within the LGA, including Hamilton Residential Precinct. The Report also recommended that the Newcastle Development Control Plan section for HCAs be moved from Section 5.0 Environmental Controls to Section 6.0 Locality Specific Controls.
- 15 On 9 November 2018 the amendment to the LEP to create the Glebe Road Federation Cottages HCA was made by the DPE and accordingly on 12 November 2018 Section 6.02 of the NDCP 2012 commenced and replaced Section 5.07 of the NDCP 2012.
- 16 At the Ordinary Council Meeting held on 27 March 2019, Council resolved to adopt amendments to draft Section 6.02 of the NDCP 2012 to include guidance regarding the new HCA for the Hamilton Residential Precinct. The Hamilton Residential Precinct HCA was made by the DPE and accordingly on 21 June 2019 the amended Section 6.02 of the NDCP 2012 commenced and replaced the previous version.

OPTIONS

Option 1

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

Option 2

18 Council resolves not to proceed with the adoption of the amendment to the NDCP 2012. This is not the recommended option as it would result in development proposals being assessed against existing controls which have been identified as requiring clarification and strengthening to achieve optimum outcomes in HCAs.

REFERENCES

ATTACHMENTS

Item 53 Attachment A: Draft Section 6.02 Heritage Conservation Areas and associated Section 9.00 Glossary (for adoption)

Item 53 Attachment B: Summary of submissions to amended draft Section 6.02 – Heritage Conservation Areas of Newcastle Development Control Plan 2012

Item 53 Attachment C: Comparison of definition changes from the current DCP Section 6.02 HCAs and Draft Section 6.02 HCAs (following exhibition)

Item 53 Attachments A to C distributed under separate cover.

ITEM-54 CCL 23/07/19 - SPECIAL BUSINESS RATE EXPENDITURE POLICY

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

PURPOSE

To place the draft Special Business Rate Expenditure Policy (Policy) on public exhibition.

RECOMMENDATION

That Council:

- 1 Place the draft Special Business Rate Policy at **Attachment A** on public exhibition from 24 July to 13 August 2019.

KEY ISSUES

- 2 The Policy provides a framework for City of Newcastle (CN) to utilise Special Business Rate (SBR) monies for promotion, beautification and development of the SBR precincts of City Centre, Hamilton, Mayfield, Wallsend and New Lambton.
- 3 At the Ordinary Meeting on 28 May 2019, Council resolved that special business rate levies not released to a business improvement association(s) will be allocated to works, services, facilities or activities in the relevant business district via a contestable funding program.
- 4 CN has several Grant and Sponsorship policies, however they are not suitable for distribution of contestable funds specific to SBR Precincts given the monies have additional criteria on their use as stated in the 2019/20 Our Budget.
- 5 CN will publish annual guidelines including assessment criteria as at **Attachment B** to support implementation of the competitive EOI process.

FINANCIAL IMPACT

- 6 The 2019/20 Our Budget identifies \$1,242,359 (exc GST) in SBR monies to be levied on 1,382 commercial properties located within five areas:
 - i) City Centre – \$865,234 (exc GST)
 - ii) Hamilton – \$136,288 (exc GST)
 - iii) Mayfield – \$74,906 (exc GST)
 - iv) Wallsend – \$150,913 (exc GST)
 - v) New Lambton - \$15,018 (exc GST).

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 7 This report aligns to the following Newcastle 2030 Community Strategic Plan directions:

Protected Environment

- 2.2b Encourage and support active community participation in local environmental projects.

Vibrant, Safe and Active Public Places

- 3.1c Support and deliver cultural and community programs, events and live music.
- 3.2a Celebrate Newcastle's cultural heritage and diversity.
- 3.2b Celebrate Newcastle's identity by sharing local stories, both historical and contemporary, through arts and cultural programs.
- 3.3a Collaborate with local groups and services to address crime and safety issues.
- 3.3b Plan for a night-time economy, characterised by creativity, vibrancy and safety, that contributes to cultural and economic revitalisation.

Inclusive Community

- 4.1b Support initiatives and facilities that encourage social inclusion and community connections.
- 4.1c Improve, promote and facilitate equitable access to services and facilities.
- 4.2a Ensure people of all abilities can enjoy our public places and spaces.

Smart and Innovative

- 6.1b Attract new business and employment opportunities.
- 6.2b Support and advocate for the small business sector.
- 6.3a Facilitate events that attract visitors and support the local economy and the vibrancy of Newcastle.
- 6.3d Foster a collaborative approach to continue city centre renewal.

Open and Collaborative Leadership

- 7.2c Establish collaborative relationships and advocate for local needs with all stakeholders.
- 7.4a Continuous improvement in services delivery based on accountability, transparency and good governance.
- 7.4b Provide services that deliver on sustainable community service expectations.

IMPLEMENTATION PLAN/IMPLICATIONS

- 8 The Policy ensures open and transparent processes are utilised in the allocation of SBR funding.

RISK ASSESSMENT AND MITIGATION

- 9 The Policy provides a framework to mitigate risk and ensure CN meets all requirements of the Local Government Act 1993.

RELATED PREVIOUS DECISIONS

- 10 At the Ordinary Meeting held on 28 May 2019, Council resolved that special business rate monies not awarded to a business improvement association will be allocated to works, services, facilities or activities in the relevant business district via contestable funding.

CONSULTATION

- 11 A contestable funding model was proposed as part of the implementation report of BIA funding placed on public exhibition for 28 days from 27 April to 25 May 2019. BIAs were invited to a special Public Voice to discuss the funding model but declined the invitation.

BACKGROUND

- 12 CN's role is to collect the SBR monies, manage the operational framework for the local BIA network and ensure it is expended in accordance with the requirements of the Local Government Act 1993. The SBR on select commercial property owners exists in perpetuity and is levied on an annual basis.
- 13 CN between 2011 and 2019 provided all SBR monies to three BIAs and two Chambers of Commerce to manage and deliver positive outcomes for the city consistent with the objectives stated in the City's annual budget. However, a number of inherent issues with this approach were identified, resulting in one BIA seeking to become inactive, and one BIA and one Chamber of Commerce having their funding agreements terminated due to significant breaches.

A second Chamber of Commerce received significant SBR monies despite never signing a funding agreement with CN. As a result, a new model was adopted by Council on 28 May 2019.

OPTIONS

Option 1

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

Option 2

15 Council does not place the Policy on public exhibition. This is not the recommended option.

REFERENCES

ATTACHMENTS

Item 54 Attachment A: Special Business Rate Expenditure Policy

Item 54 Attachment B: Special Business Rate Expression of Interest Guidelines

Item 54 Attachment A

Policy

Special Business Rate Expenditure Policy

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Part A Preliminary

1 Purpose

- 1.1 The purpose of the Special Business Rate Expenditure Policy (the Policy) is to provide a framework for City of Newcastle (CN) to expend Special Business Rate (SBR) monies on Projects for the purpose of promotion, beautification and development of SBR Precincts, being: City Centre/Darby Street, Hamilton, Mayfield, Wallsend and New Lambton.
- 1.2 In accordance with the Local Government Act 1993 (s495(2)), CN has applied a SBR Levy to the SBR Precincts, being rateable lands, which, in CN's opinion:
 - 1.2.1 benefits or will benefit from the works, services, facilities or activities; or
 - 1.2.2 contributes or will contribute to the need for the works, services, facilities or activities; or
 - 1.2.3 has or will have access to the works, services, facilities or activities.
- 1.3 CN is committed to expending the SBR monies for the purpose of promotion, beautification and development of the relevant SBR Precincts in accordance with this Policy.

2 Scope

- 2.1 The Policy applies to the expenditure of SBR monies.
 - 2.1.1 Matters relating to the collection, administration and management of the SBR monies are not applicable to this Policy.

3 Principles

- 3.1 Expenditure of SBR monies will be in accordance with the following principles:
 - 3.1.1 **Provide accountability and transparency** - merit-based provision of support and a system of accountability that complies with the Local Government Act 1993.
 - 3.1.2 **Provide alignment with CN strategies** and CN priorities outlined in the Newcastle 2030 Community Strategic Plan.
 - 3.1.3 **Facilitating active participation by community stakeholders** in the use and development of Public Places.
 - 3.1.4 **Creating safe, vibrant and welcoming Public Places and neighbourhoods** where people feel a strong sense of ownership in their community and a commitment to improving experiences.
 - 3.1.5 **Provide value for money** - considers the value for money received in return for CN's investment.
 - 3.1.6 **Creating Public Places that feel safe** for all, including the most vulnerable in the community.

Part B Expenditure of SBR Monies

4 Allocation of SBR monies

- 4.1 CN will determine, at its discretion, the amount of SBR monies to be made available for expenditure each year in accordance with this Policy, having reference to the amount of SBR monies collected each year and CN's annual budget process.
- 4.2 CN will expend SBR monies via any of the following means, at its discretion:
 - 4.2.1 A service arrangement with a Business Improvement Association (BIA); or
 - 4.2.2 A service arrangement with a BIA Support service; or
 - 4.2.3 A competitive Expression of Interest (EOI) process administered by CN; or
 - 4.2.4 Projects and activities delivered by CN which meet the requirements of this Policy.

5 Program structure

- 5.1 CN will publish annual Guidelines to support implementation of the Policy, including the Assessment Criteria to support the competitive EOI process.
- 5.2 Guidelines will be approved annually by CN Director Strategy and Engagement.
- 5.3 Funding allocated via a competitive EOI process will be required to comply with the SBR Guidelines provided by CN and will be administered by a service agreement.
- 5.4 CN requires all Projects funded via SBR to publicly acknowledge CN.
- 5.5 CN will publish the details of each Project funded via SBRs on CN's website.
- 5.6 CN may host public information session(s) to provide information to prospective applicants about the program.

Part C Eligibility and assessment

6 Eligibility Criteria

- 6.1 Applicants seeking SBR monies via a service arrangement (as outlined in section 4.2.1 or 4.2.2) or a competitive EOI process (as outlined in section 4.2.3) must comply with the following Eligibility Criteria:
 - 6.1.1 Applicants must be a registered organisation with an ABN (or ACN) or Not for Profit organisation. Consideration may be given to applications from individuals where their application is auspiced by, or partnering with, a registered organisation;
 - 6.1.2 The Project must occur in a publicly accessible place within a SBR Precinct. Consideration may be given to Projects within close proximity of a SBR Precinct provided applicants can demonstrate a clear nexus and benefit for the SBR Precinct;
 - 6.1.3 The Project must be for the purpose of promotion, beautification and development of one or more SBR Precincts.

7 Assessment Criteria

- 7.1 Projects that satisfy the Eligibility Criteria set out in section 6 will be scored against Assessment Criteria which will be published by CN in Guidelines each year and which will generally be designed to assess:
 - 7.1.1 Evidence of partnerships between businesses in the SBR Precinct;
 - 7.1.2 How the Project aims to promote, beautify and develop the SBR Precinct, for example through increase in safety or amenity, place activation, economic and business development, innovation and creativity, healthy lifestyles or infrastructure;
 - 7.1.3 How the Project addresses the principles of the Newcastle 2030 Community Strategic Plan;
 - 7.1.4 The relevant capacity and experience of the organisation to successfully complete the Project; and
 - 7.1.5 The extent to which the budget is comprehensive, realistic and provides value for money.

Annexure A Definitions

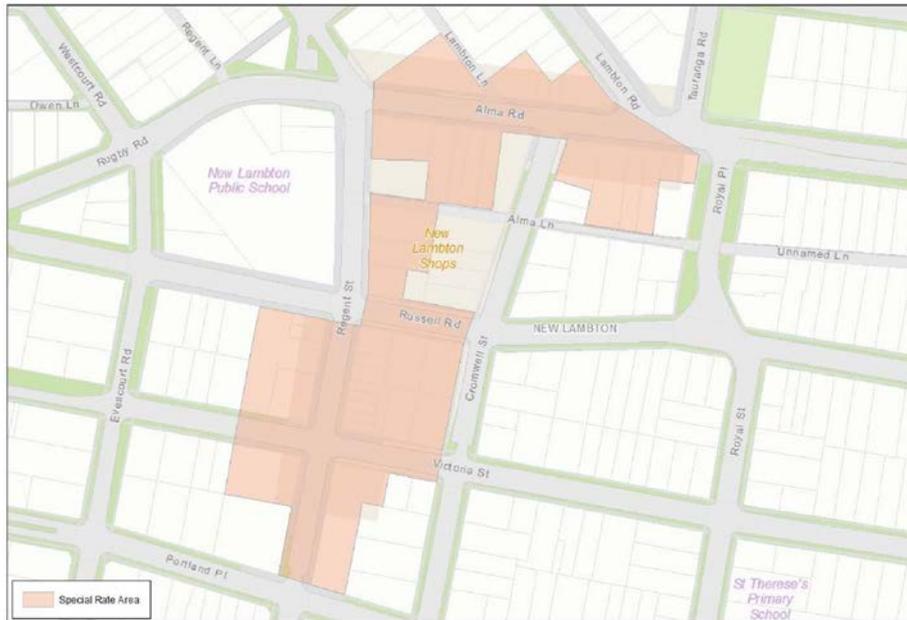
1. **Assessment Criteria** means the method used to evaluate and measure an application.
2. **Business Improvement Association** means an independent organisation representing businesses within a SBR Precinct.
3. **City of Newcastle (CN)** means Newcastle City Council.
4. **Council** means the Elected Council.
5. **Eligibility Criteria** means an attribute that must be complied with.
6. **Expression of Interest (EOI)** process means a request for information that demonstrates capacity to perform a service.
7. **Guidelines** means any Guidelines published in connection with CN's Expression of Interest in any year.
8. **Project** means works, services, facilities, events or activities.
9. **Public Places** means:
 - 9.1 Community land owned by CN;
 - 9.2 land over which CN has care and control; or
 - 9.3 publicly accessible land owned by another government body or property owner where written permission has been granted for a community project accessible to the general public.
10. **SBR Precinct** means the precincts within the Newcastle Local Government Area which pay a Special Business Rate as identified in Annexure B.
11. **Special Business Rate (SBR)** means a special rate as provided in s. 492 of the Local Government Act 1993.
12. Unless stated otherwise, a reference to a section or clause is a reference to a section or clause of this Policy.

Annexure B SBR Precinct Maps

8 Hamilton SBR Precinct Map



9 New Lambton SBR Precinct Map



10 Wallsend SBR Precinct Map



11 City Centre/Darby Street SBR Precinct Map



Document Control

Policy title	Special Business Rate Expenditure Policy
Policy owner	Manager Community and Corporate Planning
Policy expert/writer	Manager Community and Corporate Planning
Associated Procedure Title	N/A
Procedure owner	N/A
Prepared by	Community and Corporate Planning
Approved by	Council
Date approved	To be completed by Legal
Policy approval form reference	ECM#
Commencement Date	To be completed by Legal
Next revision date	30/06/2022
Termination date	To be completed by Legal (one-year post revision date)
Version	1
Category	Administration
Keywords	Special Business Rate Expenditure Policy.
Details of previous versions	N/A
Legislative amendments	N/A
Relevant strategic direction	Vibrant and Activated Public Places
Relevant strategy	Newcastle 2030 Community Strategic Plan
Relevant legislation/codes	Ss.409 and 495 - Local Government Act 1993 (NSW)
Other related policies/ documents/ strategies	Newcastle After Dark 2018 – 2021 Live Music Strategy 2019 – 2022 Cultural Strategy 2016 – 2019 Economic Development Strategy 2016 – 2019 Safe City Plan 2017 – 2020 Disability Inclusion Action Plan 2016 Expression of Interest Guidelines
Related forms	N/A
Required on website	Yes
Authorisations	N/A

Special Business Rate Expenditure Policy
Version 1 Effective July 2019

Item 54 Attachment B

Special Business Rate Expression of Interest Guidelines

newcastle.nsw.gov.au



City of
Newcastle



City of Newcastle
iii



This document provides guidelines for Expressions of Interest (EOI) process to enter into Service Agreements with Businesses and Not for Profit Organisations for the purpose of promotion, beautification and development of the Special Business Rate (SBR) precincts of City Centre/Darby Street, Hamilton, Wallsend and New Lambton.

Suitable projects to be funded via the competitive EOI process include those that:

- Provide positive promotional exposure for Newcastle
- Provide economic benefit through increased tourist visitation and spending
- Support business growth and employment
- Enhance public places that provide for diverse activity and strengthen our social connections
- Celebrate culture, heritage and place
- Contribute to a creative, culturally rich and vibrant community
- Contribute to safe activated places that are used by people day and night
- Demonstrate a welcoming community that looks after each other
- Contribute to active and healthy communities with physical, mental and spiritual wellbeing.

City of Newcastle (CN) commits itself to the following principles:

- Provide accountability and transparency - merit-based provision of support and a system of accountability for the recipient.
- Provide alignment with CN strategies and CN priorities outlined in the Newcastle 2030 Community Strategic Plan.
- Facilitating active participation by community stakeholders in the use and development of Public Places.
- Creating safe, vibrant and welcoming public places and neighbourhoods where people feel a strong sense of ownership in their community and a commitment to improving experiences.
- Provide value for money - considers the value for money received in return for CN's investment
- Creating Public Places that feel safe for all, including the most vulnerable in the community.

1.

Allocation of SBR Funds

Monies will be provided under a competitive expression of interest (EOI) process administered by CN.

- 1.1 The minimum amount of funding per application is \$4,000. The maximum amount of funding for City Centre/Darby Street SBR Precinct is \$500,000 and \$15,000 for Hamilton, Wallsend and New Lambton SBR Precincts.
- 1.2 CN may decide to offer to an applicant an amount less than what is applied for.
- 1.3 If a Service Agreement is entered, applicants are prohibited from seeking additional support (funding or in-kind) from CN for the same project/service/activity.
- 1.4 Multi-year applications will be at the invitation of CN.

2.

Program structure

- 2.1 CN will hold at least one competitive EOI each financial year subject to available funding.
- 2.2 CN will require all successful recipients to publicly acknowledge the City of Newcastle as a project/ event partner. The application form will require information on how this will be achieved (including, for example, the inclusion of CN's logo on advertising and collateral, invitations to events and functions for CN representative/s). For successful applicants, this requirement will be included in the Service Agreement and evidence will be required in the acquittal reporting.
- 2.3 CN will advertise the details of the EOI on CN's website and other forms of public media.
- 2.4 CN may host public information session(s) in connection with an EOI round to provide information to prospective applicants about the SBR process.
- 2.5 CN's Director Strategy and Engagement may determine to allocate a portion of the total funding available each financial year (along with any unexpended or returned funds) for ad hoc applications outside the competitive round(s). If such funding is allocated, it will be advertised on CN's website annually.

3.

Role of the Assessment Panel

- 3.1 An assessment panel will be convened to:
 - 3.1.1 Assess and approve EOIs.
 - 3.1.2 Authorise the payment of SBR funding to successful applicants.

4.

Quorum and attendance at Assessment Panel meetings

- 4.1 A quorum of the Assessment Panel meetings will comprise three of the members provided in Annexure A Clause 3.
- 4.2 The Relevant CN Officer will convene meetings of the Assessment Panel and other CN officers may attend as necessary. Only the Assessment Panel members listed in Annexure A Clause 3 have voting capacity.
- 4.3 All Assessment Panel members and CN officers in attendance must ensure they meet their obligations under the Code of Conduct at all times; as well as obligations under other relevant legislation and SBR Expenditure Policy.

5.

Eligibility Criteria

- 5.1 EOIs must comply with the following eligibility criteria:
 - 5.1.1 Applicants must be a registered organisation with an ABN (or ACN) or Not for Profit organisation;
 - 5.1.2 Applications from businesses must demonstrate partnership with the community;
 - 5.1.3 Applicants must be able to demonstrate that the project will predominantly benefit businesses of the SBR Precinct;
 - 5.1.4 Only one application per project, per financial year, may be successful in obtaining funding from CN;
 - 5.1.5 Applicants must lodge a completed application using CN's EOI Application Form in accordance with these guidelines;

- 5.1.6** The project/service/activity must occur in a publicly accessible place within close proximity of the SBR Precinct;
 - 5.1.7** The project/service/activity must be consistent with the community values defined in the Newcastle 2030 Community Strategic Plan;
 - 5.1.8** The Applicant is responsible for obtaining all regulatory approvals for the project/service/activity;
 - 5.1.9** Applicants must provide evidence that they have appropriate insurances in place if requested by CN;
 - 5.1.10** Applicants must provide evidence that they have obtained the consent of the property owner;
 - 5.1.11** Applicants must meet at least one quarter of the total project cost for applications on private property (as defined in clause 9.3); and
 - 5.1.12** Applications for infrastructure upgrades over \$1,000 must include a minimum of two quotes.
- 5.2** The following are ineligible for funding:
- 5.2.1** Late or incomplete applications;
 - 5.2.2** Funding for administrative functions associated with a project/service/activity;
 - 5.2.3** Applicants who have overdue or non-compliant acquittals from previous funding from CN under any of CN's funding programs;
 - 5.2.4** Events, projects or activities with a religious, political or sectarian purpose, where that purpose may exclude or offend members of the broader community;
 - 5.2.5** EOIs seeking funds for retrospective projects or activities;
 - 5.2.6** General fundraising appeals;
 - 5.2.7** Proposals that duplicate a project, service or activity already existing within the SBR Precinct;
 - 5.2.8** Purchase of land or buildings;
 - 5.2.9** Applications seeking funds for prize money, gifts or awards including gift vouchers;
 - 5.2.10** Applications for events that have previously received funding under any CN grant or sponsorship programs or SBR EOI rounds for a period of 5 years or more;

- 5.2.11 Applications seeking funds for personal benefit such as travel, meal or accommodation costs;
- 5.2.12 Applicants who have an outstanding debt(s) to CN;
- 5.2.13 Applicants who have had a previous Funding or Service Agreement with CN terminated due to a breach of the agreement.
- 5.2.14 Applications for profit generating activities by individuals or companies; and
- 5.2.15 Applications assessed by CN to hold unacceptable risk. Applicants may be required to submit a preliminary risk assessment for any activities with potential high risk. Applicants will be notified of the requirement prior to the assessment process commencing.

6.

Assessment Code

- 6.1 Applications that satisfy the Eligibility Criteria set out in Section 5 will be assessed against the following Assessment Criteria:
 - 6.1.1 Show evidence of local community involvement, interest group and /or local business partnership(s), assessed through the range of groups involved;
 - 6.1.2 Deliver place activation or marketing and promotion, increase safety and/or amenity, assessed through number, age range and diversity of participants and or total audience;
 - 6.1.3 Deliver community benefit to those who live, work and/or recreate in the place through enhancement of community wellbeing, economic and business development, innovation and creativity, healthy lifestyles or community infrastructure assessed through opportunity for community members to be involved or new/refreshed infrastructure provided;
 - 6.1.4 Capacity of the organisation to successfully complete the project (Note: CN may assess all available information regarding the applicant/application and project/service/activity when making this assessment including data from previous projects);
 - 6.1.5 The extent to which the budget is comprehensive, realistic and provides value for money;
 - 6.1.6 The extent which other third-party funds are committed by the applicant which to supplement SBR funds; and
 - 6.1.7 To ensure projects are sustainable, the project has a clear beginning and end or demonstrates that any ongoing or recurrent costs of the project can be met by the applicant once the Service Agreement funding has been expended.

7.

Assessment of Applications

- 7.1 The Relevant CN Officer will conduct a preliminary assessment against the Eligibility and Assessment Criteria set out in Sections 5 and 6 of these guidelines.
- 7.2 The Relevant CN Officer is authorised to amend estimates and projections included in the application prior to assessment, based on information available to CN or CN's experience. Any significant changes should be notified to the applicant with the reasoning documented.
- 7.3 If the applicant does not agree with amendments suggested by the relevant CN officer, the application will still be presented to the Assessment Panel for assessment with information from the Relevant CN Officer as to why amendments are recommended.
- 7.4 The Assessment Panel will be convened to assess applications. The Panel's assessment must be recorded on an evaluation form and retained in CN's records management system.
- 7.5 Following a preliminary assessment, the Relevant CN Officer will present all applications to the Panel with a recommendation on eligibility.
- 7.6 Allocation of funding will be made in accordance with the Panel's assessment results.
- 7.7 Each CN officer involved in the assessment and approval of applications under this section must comply with CN's Code of Conduct, in particular, the provisions covering Conflicts of Interest.
- 7.8 All decisions of CN are final, and no negotiations will be entered into with successful or unsuccessful applicants.

8.

Agreements, payments and acquittals

- 8.1 Payments will be made to applicants in accordance with the milestones agreed with the applicant and documented in the Service Agreement.
- 8.2 All payments under the Service Agreement must be invoiced to CN in accordance with achievement of the milestones documented in the Service Agreement.
- 8.3 All invoices must be received before the end of the financial year in which the Service Agreement was executed.
- 8.4 CN will not be liable for any amounts over and above the funding amount as set out in the Service Agreement.

9.

Notification and Payments

- 9.1 All applicants will be notified of the outcome of their application.
- 9.2 No payments will be made before the Service Agreement is signed by both parties.
- 9.3 Payment will be in accordance with the Service Agreement.
- 9.4 CN officers as outlined in Schedule 1 can authorise payment of SBR funding.
- 9.5 Awarding of funding from CN via a Service Agreement in no way implies any ongoing funding commitment or obligation by CN including for payments for works (including maintenance) delivered outside of the financial year in which the project was agreed to be completed.
- 9.6 Awarding of a Service Agreement does not imply that CN has given any other consent. Applicants should note that many activities require approvals and consents from CN, NSW Police and other state government agencies and that they are wholly responsible for obtaining such approvals. The failure to obtain approvals will void the Service Agreement and may in result in funding being revoked even where works have been completed.

10.

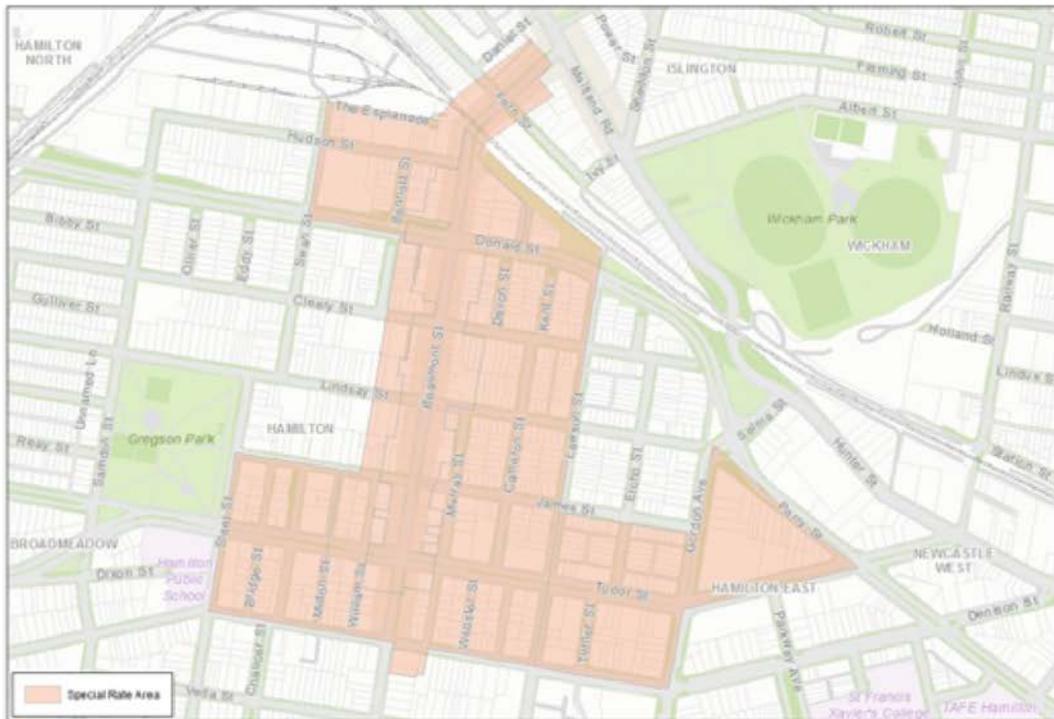
Acquittal Report

- 10.1 Successful applicants must provide a final acquittal report to CN within the timeframe specified in the Service Agreement.
- 10.2 The information required will be specified in the Service Agreement and may include:
 - 10.2.1 Final accounts (audited, if appropriate).
 - 10.2.2 Evidence of how CN was acknowledged during the project.
 - 10.2.3 An assessment of the outcomes realised against the outcomes anticipated or estimated in the EOI application form.
 - 10.2.4 Formal advice of funds not spent (funds not expended for the purpose outlined in the application must be returned to CN).

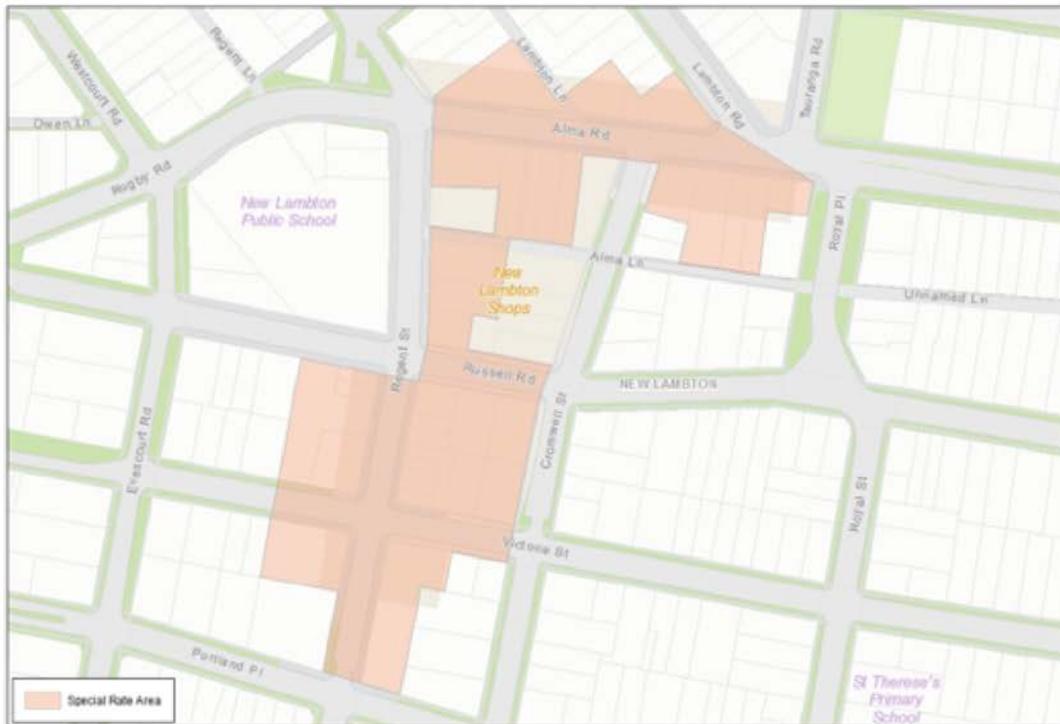
Annexure A - Definitions

- 1 **Service Agreement** means the agreement entered into by CN and an applicant whose Expression of Interest has been successful.
- 2 **Special Business Rate (SBR)** means the special business rate levy paid by businesses within the Special Business Rate Precincts to CN.
- 3 **Assessment Panel** means the panel comprising:
 - 3.1 Lord Mayor (or nominee).
 - 3.2 Director Strategy and Engagement (or nominee).
 - 3.3 Manager Community and Corporate Planning.
 - 3.4 Economic Development Facilitator.
- 4 **SBR Precinct** means the precincts within the Newcastle Local Government Area which pay a Special Business Rate Levy as identified in Annexure B.
- 5 **Public Places** means
 - 9.1 Community land owned by CN;
 - 9.2 Land over which CN has care and control; or
 - 9.3 Publicly accessible land owned by another government body or property owner where written permission has been granted for a community project accessible to the general public.
- 6 **Relevant CN Officer** means the CN employee responsible for administering the SBR Funds.
- 7 **CEO** means Chief Executive Officer of the City of Newcastle and includes their delegate or authorised representative.
- 8 **City of Newcastle (CN)** means Newcastle City Council.
- 9 **Council** means the Elected Council.
- 10 Unless stated otherwise, a reference to a section or clause is a reference to a section or clause of these guidelines.

Annexure B - Hamilton SBR Precinct Map



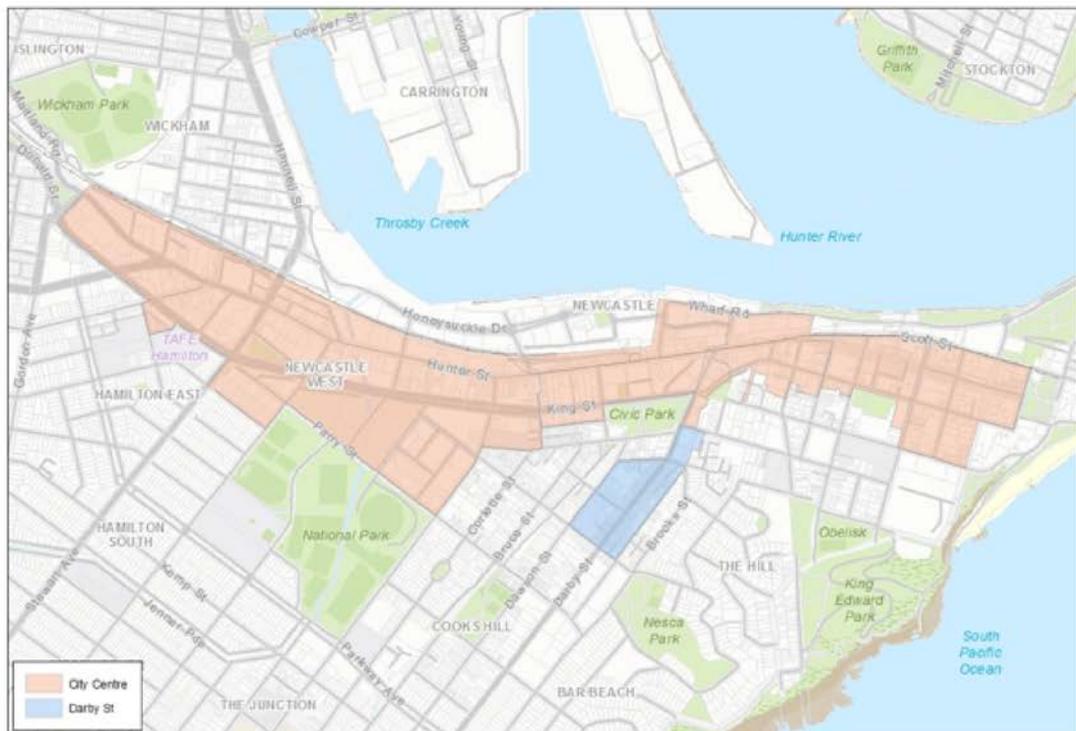
New Lambton SBR Precinct Map



Wallsend SBR Precinct Map



City Centre/Darby Street SBR Precinct Map



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ITEM-55 CCL 23/07/19 - ADOPTION OF THE WEST END STREETScape - STAGE 2 PLAN

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

PURPOSE

To adopt the West End Streetscape - Stage 2 Plan (Plan).

RECOMMENDATION

That Council:

- 1 Resolves to adopt the West End Streetscape - Stage 2 Plan as shown at **Attachment A**.

KEY ISSUES

- 2 The Plan builds on existing documents to provide the necessary detail for design and planning decisions in relation to the precinct's public domain. The key deliverables for the community include:
 - i) improved walkability and connections to public transport;
 - ii) a safe continuous bi-directional cycleway which connects to other shared pathways through the re-alignment of the carriageway; and
 - iii) improved landscaping along with the creation of green nodes and public spaces.
- 3 The public exhibition period resulted in 151 submissions via an online survey, with an additional 109 written responses received. A survey summary report is shown at **Attachment B**. A summary of written responses and proposed actions is shown at **Attachment C**. The reports show there is strong support for the proposed landscape upgrades, the bi-directional cycleway and the placemaking nodes throughout the project area.

FINANCIAL IMPACT

- 4 The Plan was developed within existing resources and will inform future actions in the Delivery Program and Operational Plan. For new programs, projects and services, funding will be sought through City of Newcastle's (CN) budget processes and potential future grant funding.

- 5 The adoption of the Plan does not commit CN to any expenditure. A preliminary cost estimate to install the cycle lane and complete the landscape works is approximately \$15 million. This estimate does not include associated upgrades to services, roads or latent site conditions.
- 6 Detailed design has been budgeted within the 2019/20 Delivery Program. The Plan will be implemented as funding becomes available. It is anticipated that construction will be funded by a mix of special rate variation, s7.12 developer contributions, CN working funds and potential future grant funding.

COMMUNITY STRATEGIC PLAN ALIGNMENT

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

Integrated and Accessible Transport

- 1.1a Support implementation of the regional transport strategy; and
- 1.2a Continue to upgrade, extend and promote cycle and pedestrian networks.

Vibrant, Safe and Active Public Places

- 3.1a Provide quality parkland and recreation facilities that are diverse, accessible and responsive to changing needs.

Inclusive Community

- 4.2c Promote recreation, health and wellbeing programs.

Liveable Built Environment

- 5.2b Plan for an urban environment that promotes active and healthy communities.

IMPLEMENTATION PLAN/IMPLICATIONS

- 8 Implementation of the Plan has been identified within CN's Hunter Street Revitalisation Strategic Framework 2010 (HSRSF), the State Government's Draft Newcastle Urban Renewal Strategy 2012 and the Newcastle Urban Renewal Strategy 2014.
- 9 Actions will be implemented by CN through integration into relevant work programs and operational plans.

RISK ASSESSMENT AND MITIGATION

- 10 There are minimal risks associated with adoption of the Plan. Public interest is expected in relation to some elements of the Plan and its implementation and will be addressed through a communications plan.

RELATED PREVIOUS DECISIONS

- 11 The HSRSF 2010 was adopted by Council on 14 December 2010 with one of the 44 actions being the development of a streetscape plan for the West End. The HSRSF 2010 also identified the West End as a catalyst site in the revitalisation of the city.
- 12 A Notice of Motion considered at the Ordinary Council Meeting of 25 July 2017 (**Attachment D**) related to a recommendation from the Cycling Advisory Committee. Council resolved that the strategy should at a minimum nominate a clear, continuous, linear connection from west to east including from the Wickham interchange to the NeW Space / Civic Precinct, and from there to Parnell Place.
- 13 At the Ordinary Council Meeting held on 28 November 2017, Council endorsed the release of the Draft West End Stage 1 - Public Domain Plan for community consultation for eight weeks.
- 14 At the Ordinary Council Meeting held on 27 March 2018, Council adopted the West End Stage 1 - Public Domain Plan.
- 15 A Notice of Motion on 27 November 2018 - Inner City Cycleway on Hunter Street (**Attachment E**) requested that the draft Plan be placed on public exhibition in February 2019. Exhibition of the draft Plan was endorsed by Council at the Ordinary Meeting held on 26 February 2019.

CONSULTATION

- 16 A Councillor workshop was held on 16 October 2018. Outcomes included revised graphics and that additional consultation with the Cycling Advisory Committee be conducted before the plans were considered for public exhibition. Consultation with the Cycling Advisory Committee took place on 20 December 2018.
- 17 In early February 2019 CN delivered notifications to 207 businesses within the West End prior to exhibition. The notifications advised businesses that the draft Plan would be placed on public exhibition in early 2019.
- 18 On 28 February 2019, 828 letters were sent to business owners and occupiers notifying them of the exhibition dates (4 March to 1 April 2019) and of two community drop-in sessions on 13 March 2019. 41 people attended the drop-in sessions.
- 19 Formal advertisement of the exhibition period occurred in the Newcastle Herald, including two display and one statutory advertisement. Social media and a media release were utilised to prompt the community to have their say on the Plan.

- 20 Hard copies of the Plan were available at the City Administration Centre and Newcastle Regional Library. The exhibition documentation was placed on CN's website.
- 21 The Plan was reviewed and endorsed for adoption by the Newcastle City Traffic Committee (NCTC) on 17 June 2019.

BACKGROUND

- 22 In 2010, CN endorsed the HRSF 2010 which proposed significant changes to Hunter Street. In September 2013, CN exhibited concept plans to upgrade Hunter Street consistent with the HRSF 2010. Proposed changes to the street included:
- i) reduced traffic from four bi-directional lanes to two bi-directional lanes to accommodate improved street amenity;
 - ii) a separated cycleway; and
 - iii) activity zones and parklets.

This plan received a 77% approval rating for the proposed changes.

- 23 Since 2017, CN has been periodically implementing Public Domain Plans (PDP) throughout the city centre. In 2018, the West End Stage 1 and East End Stage 2 PDPs were exhibited and adopted.

OPTIONS

Option 1

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

Option 2

- 25 Council does not resolve to adopt the West End Stage Two Streetscape Plan. This is not the recommended option.

REFERENCES

ATTACHMENTS

- Item 55 Attachment A:** West End Streetscape - Stage 2 Plan
- Item 55 Attachment B:** West End Streetscape - Stage 2 Plan - Public Exhibition Survey Report - April 2019
- Item 55 Attachment C:** West End Streetscape - Stage 2 Plan - Public Exhibition Summary of Written Submissions and Proposed Actions
- Item 55 Attachment D:** Notice of Motion 25/05/17 - Recommendation from the Cycling Advisory Committee
- Item 55 Attachment E:** Notice of Motion 27/11/18 - Inner City Cycleway on Hunter Street

Item 55 Attachments A to E distributed under separate cover.

NOTICES OF MOTION

ITEM-25 NOM 23/07/19 - URBAN HEAT ISLAND RESEARCH PROJECT

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

PURPOSE

The following Notice of Motion was received on Wednesday 10 July 2019 from the abovenamed Councillors.

MOTION

That City of Newcastle:

- 1 Notes that the NSW Government recognises that air temperatures in Cities are expected to increase in the future as a result of climate change and increasing urbanisation;
- 2 Recognises the research conducted by Adapt NSW which indicates that Cities create their own microclimates by influencing the surrounding atmosphere and interacting with climate process and that the most striking characteristic of an urban microclimate is the Urban Heat Island (UHI) effect which sees urban areas become significantly warmer than surrounding areas where there is less green cover and more hard surfaces which absorb, store and radiate heat;
- 3 Notes that Council officers are currently working with our partners at the University of Newcastle (UoN) on a smart city research program examining the urban heat island effect and possible interventions across City of Newcastle;
- 4 Holds a public forum on the research findings of the UHI effect across Newcastle and outlines possible actions that City of Newcastle may be able to take to mitigate urban warming.

BACKGROUND

The phenomenon of higher temperatures in areas with a lot of buildings and pavement is known as the urban heat island effect.

Studies show that Urban Heat Islands are associated with higher pollution and negative health conditions, especially for the elderly, young children and people with lower incomes.

Urban Heat Island (UHI) Effect

Cities create their own microclimates by influencing the surrounding atmosphere and interacting with climate processes.

The most striking characteristic of an urban microclimate is the urban heat island (UHI) effect. The UHI effect represents higher air temperatures in urban areas than those in surrounding non-urban areas (Taha 1997).

In Sydney for example, morning summer surface temperatures in treeless urban areas are on average 12.8°C higher than vegetated non-urban areas (Adams & Smith 2014).

Sources

Adapt NSW: Urban Heat: <https://climatechange.environment.nsw.gov.au/Impacts-of-climate-change/Heat/Urban-heat>

Science Daily: How to reduce extreme heat in city neighbourhoods: <https://www.sciencedaily.com/releases/2019/07/190708154042.htm>

ATTACHMENTS

Nil

ITEM-26 NOM 23/07/19 - REHABILITATION OF THROSBY CREEK

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on Thursday 11 July 2019 from the abovenamed Councillor.

MOTION

That the City of Newcastle:

- 1 Notes the release of the Throsby Creek Catchment Agencies Plan 2019-2024, as a culmination of the work of the Throsby Creek Government Agencies Committee.

- 2 Receives a public briefing from a member of the Throsby Creek Government Agencies Committee and from CN staff as appropriate in relation to:
 - a) CN commitments to strategic actions listed under the Throsby Creek Catchment Plan; and
 - b) Progress on the implementation of the Newcastle City Wide Flood Risk Management Plan Actions and the Strategic Position for the Low-Lying Suburbs.

BACKGROUND

The key planning document for the Throsby Creek's ongoing rehabilitation over the next five years was released in June 2019. The Throsby Creek Catchment Agencies Plan (the Plan) is the revised working document of the Throsby Creek Government Agencies Committee (TCGAC). The Committee is convened by the State Member for Newcastle Tim Crakanthorp and hosted by Hunter Water Corporation. The City of Newcastle is a member of the Committee.

The Plan identifies that all Committee members have a role in progressing the overall Plan while addressing their respective areas of responsibility as outlined in the Plan's register of strategic actions. CN is listed as the lead agency for a number of these actions in the areas of research, policy, on-ground works and land management, and education.

The Plan was developed by staff from Hunter Local Land Services in consultation with TCGAC members and other stakeholders. It reflects the concept of Total Catchment Management (TCM) as per the two preceding plans for the Throsby Creek Catchment; the Throsby Creek TCM Strategy 1989 and the subsequent 2001 TCM Strategy. The previous plans were reviewed by relevant stakeholders with agreed outstanding and ongoing actions incorporated in the Plan.

ATTACHMENTS

Nil

ITEM-27 NOM 23/07/19 - POLLINATOR PLANTING PROGRAM

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on Thursday 11 July 2019 from the abovenamed Councillor.

MOTION

That the City of Newcastle:

Receive a report on the options for amending the City of Newcastle Urban Forestry Policy and Street Tree Selection Manual to improve the provision of pollinator forage on Council-managed land in Newcastle, including bees and native pollinators.

BACKGROUND

The Newcastle Urban Forestry Policy presents a vision of Newcastle as an attractive, liveable city with a thriving urban forest that provides economic, social and environmental benefits as part of Newcastle's essential and valued infrastructure that is managed and cared for by the City and its citizens.

The upcoming review of this policy presents an opportunity to improve the Policy and its associated technical manuals to support planting and management decisions in favour of plants that benefit bees and native pollinators, and to enhance the melliferous resource in various settings across public lands in the landscape.

The 2008 Australian Parliamentary Inquiry into the future of the honeybee industry reported that access to the floral resources on which honeybees depend is one of the two most crucial issues facing the honeybee industry. There is increasing awareness of the threats to honeybees and pollinator populations, and an increasing number of local governments have enacted policies for urban beekeeping. Melliferous planting for enhanced pollen and nectar supply has significant benefits, and for a wide range of insects and animals. Many honeybee-attracting plants such as many of the Australian native species are also great bird attractors, increasing the biodiversity of built environments and adding to ecosystem services. Newcastle's commitment to the urban forest concept allows the city the opportunity to improve the availability of bee forage in an integrated way, rather than with ad hoc plantings that may provide some opportunistic forage.

As a critical public land manager, Council has a key role to play in supporting the survival and enhancement of pollinator species in the city.

ATTACHMENTS

Nil

ITEM-28 NOM 23/07/19 - PUBLIC ACCESS AUDIT OF AUTOMATED EXTERNAL DEFIBRILLATORS

COUNCILLOR: J MACKENZIE

PURPOSE

The following Notice of Motion was received on Thursday 11 July 2019 from the abovenamed Councillor.

MOTION

That the City of Newcastle:

Conduct and publish an audit of publicly accessible automated external defibrillators (AEDs) in the LGA in consultation with Newcastle sporting organisations and community groups which regularly use, hire or license City of Newcastle sporting facilities, to determine the extent of current availability, and future needs, for AEDs at City of Newcastle facilities.

BACKGROUND

An automated external defibrillator (AED) is a small, portable device designed to deliver a controlled electrical shock to a person experiencing certain cardiac arrhythmias. An AED can enhance first aid capabilities and response in conjunction with CPR during an out of hospital cardiac arrest. Modern AEDs have been designed to be used by the general community without formal training, and are equipped with verbal and visual instructions to guide the operator. NSW Health supports placing AEDs in targeted public areas where the device will meet community need, such as shopping centres, airports, casinos and sports and recreational facilities.

Over 33,000 people experience an out of hospital cardiac arrest in Australia every year, less than 9% will survive. The first 5 minutes after a person has a cardiac arrest are the most critical. For every minute that passes, the chance of survival decreases. Defibrillators can be used for certain cardiac arrhythmias which occur in around 20-30 per cent of all cardiac arrests. Early cardiopulmonary resuscitation (CPR) and defibrillation within the first 8-10 minutes can increase the chance of survival by up to 75 per cent.

The NSW Government's Local Sport Defibrillator Grant Program has allocated \$4 million over four years to assist sporting clubs across NSW in the purchase and maintenance of AEDs. Applications under this program is now closed, however a number of Newcastle organisations have been successful in obtaining grants under this program in previous funding rounds.

Under CN hiring policy, sporting clubs and organisations bear liability and all responsibility for their activities as the hirers or licensees of city-owned facilities, including the provision of first aid. There are a number of AEDs under the ownership of community and sporting organisations, although the extent of coverage in Newcastle is unclear.

Findings from the audit proposed in this motion could be made available to the public via the CN website to improve community awareness and public access to AEDs, and also to guide any potential funding program from the City of Newcastle to support the purchase of AEDs in high priority locations.

ATTACHMENTS

Nil

ITEM-29 NOM 23/07/19 - GREGSON PARK PLAN OF MANAGEMENT AND ENHANCEMENTS

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

PURPOSE

The following Notice of Motion was received on Thursday 11 July 2019 from the abovenamed Councillors.

MOTION

That City of Newcastle:

- 1 Notes the historical and cultural significance of Gregson Park, Hamilton, for local Hamilton residents and the broader community;
- 2 Recognises growing community interest in upgrades to Gregson Park, including the playground and open space areas, as well as the former Hamilton Bowling Club site;
- 3 Holds a workshop for Councillors, to outline the Plan of Management process for Gregson Park, including opportunities for the community to provide feedback regarding upgrades and future uses of the park, as well as to advise Councillors of the implications of the *Crown Land Management Act 2018* on Council managed parks and recreation spaces.

BACKGROUND



Gregson Park as we now know it dates back to 20 June 1890, when Mr Alfred Sharp of Newcastle, was selected by the Hamilton Town Council as the winner of a park design competition for Gregson Park, following the subdivision of land formerly owned by A.A. Company.

THE LAYING-OUT OF PARKS.

THE Hamilton Town Council held a special meeting last evening to consider the competitive designs for Gregson Park, for which four or five designers competed. After a long and careful examination, the prize was awarded to Mr. Alfred Sharp, of Newcastle, the designer of the Wickham and Irlington parks plans, which were so much admired.

This little park contains between nine and 10 acres, and is nearly square, with a running stream, known as the Styx Creek, passing through it diagonally from one corner to the other, dividing the park into two triangular portions. This stream has swampy borders for a distance varying from between one quarter chain and one and a-half chains from the channel of the creek, and the designer has widened out this stream into a serpentine lake which keeps well within the borders of the swampy ground. The excavations from this lake will do nicely to fill up the swampy portions remaining, and also to construct two rock faced islands in the lake. At one end ample room has been left for gravel filter beds, should it ever be necessary to cleanse the inflow in times of drought. The outflow at the other end is closed by a sluice gate, which dams in the water and also cuts the lake off from a second watercourse that meets it at the north-eastern corner of the park, and joins the creek within the park borders. This last watercourse, not being quite free from sewage matter, is proposed to be walled in with open training walls of brick in cement mortar, and the banks can then be gently sloped down to it and planted with beds of flowering shrubs. A main path goes meandering round the lake, opening vistas of the lake and islands here and there, and screened from it by trees and shrubs at various points, thus adding to the interest of a walk round it. At the narrowest part of the lake

a rustic bridge spans it which leads to the drinking fountain on one side, and the band rotunda on the other side, which rotunda is flanked by two large promenade lawns having groups of trees judiciously disposed for shelter, or effect.

A main path goes all round the park, at a distance of half a chain from the outer fence; and between that fence and this path are planted lines of trees, single on two sides, and double on the east and south sides, for outer shelter lines. The western triangular part is laid out in a spacious bowling green, and a two-set tennis lawn; and has a central circular plantation, play lawns, and picturesque groupings of foliage. A summer-house, approached by a rustic bridge, is shown on the larger of the two islands on the lake; which will give a quiet retreat for those who like a quiet hour with a book, surrounded by charming water and foliage views. It is proposed to plant those islands with ferns, tree ferns, bamboos, N.Z. flax, yuccas, aloes, plume grasses, &c., so as to make them look foreign and attractive. The islands are so disposed as to force the current of the stream to sweep every part of the lake, so as to prevent any stagnation. The lake is to be stocked with carp to further ensure the sweetness of the water; and the waterweeds, in the shallow parts, are proposed to be kept down by two or three swans, which birds live mainly on these weeds, uprooting them from considerable depths with their long necks. The whole park is made as private as possible; the surrounding streets and houses being shut out by trees and shrubs and various shaped flower beds are interspersed throughout. The plan is one that lays out the ground to the best advantage, using the natural features of the place as stepping stones to its beautification and is highly creditable to its designer. When the park is complete, and the trees are well grown, it will indeed be "a thing of beauty and joy for ever" to the Hamiltonians.

Gregson Park is listed on the NSW Government's Office of Environment and Heritage's State Heritage register, with the following notes:

Statement of significance:

Many older plantings including some more uncommon species for Newcastle survive from the late 19th century / early 20th century Alfred Sharp period. Some later features, memorials and entry gates, are of historical value in themselves.

The park is a major feature within the local area and together with the adjoining road reserves with magnificent Fig Trees, makes a substantial townscape contribution.

Historical Notes:

Part of A.A. Company area of 2,000 acres in 1884. Probably subdivided shortly after as Alfred Sharp is recorded as having won a design competition for Gregson (Hamilton) Park by 1890. Indicated as 'Park' on 1910 plan. Many elements added during earlier 20th Century decades as various memorials.

Source: NSW Government's Office of Environment and Heritage's State Heritage register:

<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2171295>

ATTACHMENTS

Nil