

**MINUTES OF EXTRAORDINARY COUNCIL MEETING OF THE CESSNOCK CITY
COUNCIL HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 9 FEBRUARY 2022,
COMMENCING AT 6.30PM**

PRESENT: His Worship the Mayor, Councillor J Suvaal (in the Chair) and Councillors Dunn, Jurd, Hawkins, Olsen, Burke, Moores, Jackson, Watton, Sander, Grine, Hill, Paynter.

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Director Works and Infrastructure
Media & Communication Officer
Corporate Governance Officer

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. PPD11/2022

SUBJECT: DISCLOSURES OF INTEREST

NIL

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU1/2022

SUBJECT: OATH OR AFFIRMATION OF OFFICE

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
1

RESOLVED

That Council notes the oath or affirmation of office pledged prior to the commencement of the first meeting of Council by Mayor Suvaal and Councillors Olsen, Burke, Dunn, Sander, Moores, Grine, Hawkins, Jackson, Paynter, Jurd, Hill and Watton.

FOR	AGAINST
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC1/2022

SUBJECT: ELECTION OF DEPUTY MAYOR - 2022/2023

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
2
RESOLVED

That the election of Deputy Mayor be held and determined by open ballot by a show of hands with the term of office to be from 9 February 2022 until the September 2022 Ordinary meeting.

FOR	AGAINST
Councillor Suvaal	Councillor Moores
Councillor Jackson	Councillor Dunn
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (11)	Total (2)

CARRIED

The Director Corporate and Community Services advised the meeting that 2 nominations had been received those being Councillors Burke and Moores.

Voting was conducted between Councillors Burke and Moores by way of a show of hands.

The result of the vote is as follows:

For Councillor Burke – Councillors Burke, Grine, Sander, Hill, Hawkins and Suvaal

For Councillor Moores – Councillors Jackson, Moores, Dunn, Paynter, Watton, Olsen and Jurd

The Director Corporate and Community Services advised that Councillor Moores was the successful candidate and elected to the position of Deputy Mayor from 8 February 2022 until the September 2022 Ordinary meeting.

CORPORATE AND COMMUNITY NO. CC2/2022

SUBJECT: 2021 LOCAL GOVERNMENT ELECTION - CASUAL VACANCY IN CIVIC OFFICE - COUNTBACK OPTION

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
3

RESOLVED

1. That pursuant to Section 291A (1) (b) of the Local Government Act 1993 (the Act) Cessnock City Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act.
2. That the General Manager notify the NSW Electoral Commission of the Council decision within 7 days of the decision.

FOR	AGAINST
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC3/2022

SUBJECT: SCHEDULE OF ORDINARY MEETINGS OF COUNCIL FOR 2022

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Hawkins
4
RESOLVED

That Council adopts the schedule of Ordinary Meetings of Council for 2022:

16 February 2022
16 March 2022
20 April 2022
18 May 2022
15 June 2022
20 July 2022
17 August 2022
21 September 2022
19 October 2022
16 November 2022
14 December 2022

FOR	AGAINST
Councillor Suvaal	Councillor Olsen
Councillor Jackson	Councillor Jurd
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Total (11)	Total (2)

CARRIED

CORPORATE AND COMMUNITY NO. CC4/2022

SUBJECT: COUNCIL COMMITTEE STRUCTURE AND APPOINTMENT OF DELEGATES AND REPRESENTATIVES

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine

1. That Council adopts the following Internal and Statutory Committees for the Term of Council:

Internal Committees

- Aboriginal and Torres Strait Islander Committee (Mayor + 2 Councillors)
- Section 355 (Tidy Towns & Halls) Committees (No Councillors)

Statutory Committees

- Audit, Risk and Improvement Committee (Mayor + 1 Councillor)
- Floodplain Management Committee (Mayor + 2 Councillors)
- Local Traffic Committee (1 Councillor)
- Organisational and General Manager's Performance Review Committee (Mayor + 4 Councillors)

2. That Council seeks expressions of interest for community representation on the Aboriginal and Torres Strait Islander Committee and the Floodplain Management Committee.
3. That Council appoints the community representatives listed in Table 1 of Enclosure 1 to the respective Section 355 Committees as volunteers for the care, control and management of Council's community and recreation facilities, other Council owned and controlled land, and any appropriate programs and initiatives in line with Council's policies or approvals.
4. That Council authorises the General Manager to execute the Instrument of Delegation in a form of a deed with each of the appointed community representatives for each of the respective Section 355 Committees.
5. That Council authorises the management of the Section 355 Committees to be in accordance with the Instrument of Delegation and in accordance with any other practices and procedures adopted by the General Manager.
6. That Council determines delegates and alternates for the Internal, Statutory and External Committees as per the table below.
7. That Council notes that the following Committees ceased to exist at the end of the previous term of Council:
- Dollar For Dollar Grants Committee (Mayor + 2 Councillors)
 - Council Initiated Awards Committee (Mayor + 2 Councillors)
 - Roads Review Committee (Mayor + 4 Councillors)
 - Strategic Property and Community Facilities Committee (Mayor + 3 Councillors)

AMENDMENT Moved: Councillor Olsen **Seconded:** Councillor Paynter

That the make up of the Organisational & General Manager's Review committee be as follows:-

Mayor: Suvaal
Councillor: Burke
Councillor: Olsen
Councillor: Jurd
Councillor: Dunn
Councillor: Sander (alternate)

FOR	AGAINST
Councillor Moores	Councillor Suvaal
Councillor Paynter	Councillor Jackson
Councillor Watton	Councillor Dunn
Councillor Olsen	Councillor Burke
Councillor Jurd	Councillor Grine
	Councillor Sander
	Councillor Hill
	Councillor Hawkins
Total (5)	Total (8)

The Amendment was **PUT** and **LOST**.

The Motion was then **PUT** and **CARRIED**.

MOTION Moved: Councillor Burke **Seconded:** Councillor Grine

5

RESOLVED

1. That Council adopts the following Internal and Statutory Committees for the Term of Council:

Internal Committees

- Aboriginal and Torres Strait Islander Committee (Mayor + 2 Councillors)
- Section 355 (Tidy Towns & Halls) Committees (No Councillors)

Statutory Committees

- Audit, Risk and Improvement Committee (Mayor + 1 Councillor)
- Floodplain Management Committee (Mayor + 2 Councillors)
- Local Traffic Committee (1 Councillor)
- Organisational and General Manager's Performance Review Committee (Mayor + 4 Councillors)

2. That Council seeks expressions of interest for community representation on the Aboriginal and Torres Strait Islander Committee and the Floodplain Management Committee.
3. That Council appoints the community representatives listed in Table 1 of Enclosure 1 to the respective Section 355 Committees as volunteers for the care, control and management of Council's community and recreation

facilities, other Council owned and controlled land, and any appropriate programs and initiatives in line with Council's policies or approvals.

4. That Council authorises the General Manager to execute the Instrument of Delegation in a form of a deed with each of the appointed community representatives for each of the respective Section 355 Committees.
5. That Council authorises the management of the Section 355 Committees to be in accordance with the Instrument of Delegation and in accordance with any other practices and procedures adopted by the General Manager.
6. That Council determines delegates and alternates for the Internal, Statutory and External Committees as per the table below.
7. That Council notes that the following Committees ceased to exist at the end of the previous term of Council:
 - Dollar For Dollar Grants Committee (Mayor + 2 Councillors)
 - Council Initiated Awards Committee (Mayor + 2 Councillors)
 - Roads Review Committee (Mayor + 4 Councillors)
 - Strategic Property and Community Facilities Committee (Mayor + 3 Councillors)

FOR	AGAINST
Councillor Suvaal	Councillor Moores
Councillor Jackson	Councillor Paynter
Councillor Dunn	Councillor Watton
Councillor Burke	Councillor Olsen
Councillor Grine	Councillor Jurd
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Total (8)	Total (5)

CARRIED

Internal Committees

1	Name:	Aboriginal and Torres Strait Islander Committee
	Membership:	Three Councillors
	Recommendation:	Council to nominate: Mayor: Suvaal Councillor: Watton Councillor: Grine Councillor: Burke (alternate)

Statutory Committees

1	Name:	Audit Risk and Improvement Committee
	Membership:	Two Councillors
	Recommendation:	Council to nominate: Mayor: Suvaal Councillor: Paynter Councillor: Dunn (alternate)
2	Name:	Floodplain Management Committee
	Membership:	The Mayor and two Councillors
	Recommendation:	Council to nominate: Mayor: Suvaal Councillor: Jackson Councillor: Olsen Councillor: Sander (alternate)
3	Name:	Traffic Committee
	Membership:	One Councillor plus one alternate member
	Recommendation:	Councillor: Hawkins Councillor: Olsen (alternate)
4	Name:	Organisational & General Manager's Review Committee
	Membership:	Mayor plus four Councillors
	Recommendation:	Council to nominate: Mayor: Suvaal Councillor: Burke Councillor: Olsen Councillor: Sander Councillor: Dunn Councillor: Jurd (alternate)

External Committees

1	Name:	Austar Coal Mine Consultative Committee
	Membership:	One Councillor and one alternate representative
	Recommendation:	Council to nominate: Councillor: Moores Councillor: Hill (alternate)
2	Name:	Cessnock/Kurri Kurri Local Health Advisory Committee
	Membership:	One Councillor and one alternate representative
	Recommendation:	Council to nominate: Councillor: Sander Councillor: Jackson (alternate)
3	Name:	Lower Hunter and Hunter Bush Fire Management Committee
	Membership:	One Councillor and one alternate representative
	Recommendation:	Council to nominate: Councillor: Jackson Councillor : Jurd (alternate)
4	Name:	Public Libraries NSW (Central East Zone) Committee
	Membership:	One Councillor and one alternate representative
	Recommendation:	Council to nominate: Councillor: Hill Mayor: Suvaal (alternate)
5	Name:	Hawkesbury/Nepean Catchment Management Authority Local Government Advisory Committee
	Membership:	One Councillor and one alternate representative
	Recommendation:	Council to nominate: Councillor: Burke Councillor: Dunn (alternate)
6	Name:	Hunter Water Consultative Committee
	Membership:	One Councillor and one alternate representative
	Recommendation:	Council to nominate: Councillor: Jackson Councillor: Sander (alternate)
7	Name:	Buttai Quarry Consultative Committee
	Membership:	One Councillor and one alternate representative
	Recommendation:	Council to nominate: Councillor: Grine Councillor: Hill (alternate)

8	Name:	Blackhill Quarry Consultative Committee
	Membership:	One Councillor and one alternate representative
	Recommendation:	Council to nominate: Councillor: Hill Councillor: Grine (alternate)
9	Name:	Cessnock Correctional Centre Consultative Committee
	Membership:	Mayor
	Recommendation:	Membership defined as per Charter
10	Name:	Hunter Joint Organisation
	Membership:	Mayor
	Recommendation:	Membership defined as per Charter
11	Name:	Hunter Valley Wine and Tourism Alliance
	Membership:	Mayor, General Manager and one other (eg Councillor, member of community)
	Recommendation:	Council to nominate: Councillor: Jurd
12	Name:	Hunter Resource Recovery
	Membership:	General Manager and Mayor Suvaal
	Recommendation:	Membership defined as per Charter
13	Name:	Hydro Community Reference Group
	Membership:	One Councillor and one alternate representative
	Recommendation:	Council to nominate: Councillor: Grine Councillor: Watton (alternate)
14	Name:	Lower Hunter Community Reference Group of the Hunter Local Land Services
	Membership:	One Councillor and one alternate representative
	Recommendation:	Council to nominate: Councillor: Jackson Councillor: Hill (alternate)
15	Name:	Greater Blue Mountains World Heritage Area Advisory Committee
	Membership:	One Councillor
	Recommendation:	Council to nominate: Councillor: Burke

16	Name:	Hunter and Central Coast Joint Regional Planning Panel (JRPP)
	Membership:	Two Councillors and two alternate Councillors Two independent members (appointed until November 2022)
	Recommendation:	Council to nominate: Mayor: Suvaal Councillor: Sander Councillor: Burke (alternate) Councillor: Jackson (alternate)

CORPORATE AND COMMUNITY NO. CC5/2022

SUBJECT: REVIEW OF DELEGATIONS - SECTION 380 OF THE LOCAL GOVERNMENT ACT 1993

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke

6

RESOLVED

1. **That Council delegates the functions in accordance with the Instrument of Delegation to the Mayor attached to this report as Enclosure 1 with the amendment to Schedule 1.**

Schedule1: Delegated Functions, point 2 to remove the below wording:
~~Authority, in the cases of emergency where it is not practical to wait for the next scheduled meeting of the Council,~~ to exercise such functions of the Council as necessary in the situations, except those functions listed under Section 377 of the Act. This delegation applies only to those functions properly held by the Council and does not extend to statutory functions of the General Manager under Section 335 of the Act.

2. **That Council delegates the functions in accordance with the Instrument of Delegation to the General Manager attached to this report as Enclosure 2.**

3. **That Council delegates the functions of the Mayor to the Deputy Mayor with the general limitations that the Deputy Mayor may only exercise these Functions:**

- a) at the request of the Mayor; or
- b) if the Mayor is prevented by illness, absence or otherwise from exercising these functions; or
- c) if there is a casual vacancy in the office of Mayor.

4. **That Council appoints the three Directors (Planning & Environment, Works and Infrastructure and Corporate and Community Services) to act in the capacity of the General Manager as nominated by the General Manager in each instance, in the absence of the General Manager, and that such appointment ceases upon the return to work of the General Manager.**

5. **That any person acting as General Manager pursuant to this resolution has all the functions, delegations and sub-delegations given to the General Manager by the Council.**

FOR**AGAINST**

Councillor Suvaal
Councillor Jackson
Councillor Moores
Councillor Dunn
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Olsen
Councillor Jurd
Total (13)

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC6/2022

SUBJECT: LOCAL GOVERNMENT NSW 2022 SPECIAL CONFERENCE - DELEGATES AND VOTING DELEGATES

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Dunn
7

RESOLVED

1. That Council determines Mayor Suvaal and Councillors Sander, Burke and Paynter as delegates to attend the 2022 Local Government NSW Special Conference.
2. That Council determines Mayor Suvaal and Councillors Sander, Burke and Paynter as the voting delegates for the 2022 Local Government NSW Special Conference.
3. That Council notes the previously endorsed motion seeking an increase in the NSW Stormwater Levy for submission to the 2020 Local Government NSW Special Conference.

FOR	AGAINST
Councillor Suvaal	
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

The Meeting Was Declared Closed at 7.06pm

CONFIRMED AND SIGNED at the meeting held on

.....**CHAIRMAN**

.....**GENERAL MANAGER**