

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 15 MAY 2024, COMMENCING AT
6.30PM**

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

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Director Works and Infrastructure
Chief Financial Officer
Communications & Engagement Manager
Principal Community Engagement Officer
Help Desk Support Officer
Acting Council Services Team Leader (Senior Governance Officer)

Council Prayer:

The Prayer was conducted by Pastor Amanda Francis of New Vine Vineyards Baptist Church.

LEAVE OF ABSENCE:

MOTION **Moved:** Councillor Moores **Seconded:** Councillor Hawkins
749

RESOLVED

That a Leave of Absence be granted to Councillor Sander for the period inclusive of Saturday 18 May to 8 June 2024.

That a Leave of Absence be granted to Councillor Dunn for the period inclusive of 1 July 2024 to 28 July 2024.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

MINUTES:

MOTION

Moved: Councillor Hill
Seconded: Councillor Burke

750

RESOLVED

that the Minutes of the Ordinary Meeting of Council held on 17 April 2024, as circulated, be taken as read and confirmed as a correct record.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI4/2024

SUBJECT: DISCLOSURES OF INTEREST

RECOMMENDATION

That Councillors now disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

CC32/2024 - Minutes of the Confidential Strategic Property & Community Facilities Committee meeting held on 1 May 2024

Councillor Hill declared a Non Pecuniary Interest – Less Than Significant Conflict for the reasons that he is an acquaintance of an individual involved in a group this report relates to. Councillor Hill advised that he would remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because he is able to objectively vote on the matter regardless of his interest.

CC32/2024 - Minutes of the Confidential Strategic Property & Community Facilities Committee meeting held on 1 May 2024

Councillor Grine declared a Non Pecuniary Interest – Less Than Significant Conflict for the reasons that she is an acquaintance of an individual involved in a group this report relates to. Councillor Grine advised that she would remain in the Chamber and participate in discussion and voting as the conflict has not influenced her in carrying out her public duty.

PETITIONS

Nil

ADDRESS BY INVITED SPEAKERS

Nil

CONSIDERATION AND ADOPTION OF ALL REPORTS BY ENGLOBE OR INDIVIDUALLY WITH NOMINATED EXCEPTIONS

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
751

RESOLVED

That having read and considered the reports in the agenda related to items

CC26/2024	March 2024 Review of the 2022-26 Delivery Program	47
‡ CC27/2024	Investment Report - April 2024.....	51
‡ CC28/2024	Disclosures of Interests in Written Returns.....	58

Council adopt the recommendations as printed for those items.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

**NOTICE OF INTENTION TO DEAL WITH MATTERS IN
CONFIDENTIAL SESSION**

NOTICE OF INTENTION NO. NI3/2024

**SUBJECT: NOTICE OF INTENTION TO DEAL WITH MATTERS IN
CONFIDENTIAL SESSION - REPORT CC32/2024 MINUTES OF THE
CONFIDENTIAL STRATEGIC PROPERTY & COMMUNITY FACILITIES
COMMITTEE MEETING HELD ON 1 MAY 2024**

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
752
RESOLVED

That Council considers in Confidential Session the following matters in accordance with Sections 10A (2) (c) of the *Local Government Act 1993*:

- **Report CC32/2024 – Minutes of the Confidential Strategic Property & Community Facilities Committee meeting held on 1 May 2024 as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.**

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES

Nil

MOTIONS OF URGENCY

Nil

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE8/2024

SUBJECT: DEVELOPMENT APPLICATION PERFORMANCE MONITORING REPORT - MARCH 2024

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Paynter
753
RESOLVED

That Council notes the Development Performance Monitoring Report for the March quarter 2023/2024.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC25/2024

**SUBJECT: PROPOSED ACQUISITION OF LAND - 184 WINE COUNTRY DRIVE
NULKABA**

MOTION **Moved:** Councillor Hawkins **Seconded:** Councillor Hill
754
RESOLVED

1. That Council acquires part of Lot 10 DP 251809 for road purposes and compensation payable to the affected landowner to be negotiated with reference to an independent market valuation and in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
2. That in the event the negotiations with the property owner cannot be satisfactorily finalised, Council make application to the Office of Local Government for the approval of the Minister and the Governor to proceed to compulsory acquisition.
3. That Council authorise the General Manager to execute all documents relating to the acquisition and/or documents relating to any application to the Office of Local Government for the approval of the Minister and the Governor for compulsory acquisition if required.
4. On transfer of ownership to Council, the land is to be dedicated as part of the road reserve.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC26/2024

SUBJECT: MARCH 2024 REVIEW OF THE 2022-26 DELIVERY PROGRAM

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
755

RESOLVED

1. That Council notes the progress in implementing the 2022-26 Delivery Program as at 31 March 2024.
2. That Council approves changes to the Operational Plan actions and targets as outlined in the report.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC27/2024

SUBJECT: INVESTMENT REPORT - APRIL 2024

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
756
RESOLVED

That Council receives the Investment Report for April 2024 and notes that:

- **Investments are held in accordance with Council's Investment Policy, which is in accordance with the Ministerial Investment Order.**
- **Council's month end cash and investments balance was \$74,498,860.**

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC28/2024

SUBJECT: DISCLOSURES OF INTERESTS IN WRITTEN RETURNS

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
757
RESOLVED

That Council notes the tabling of the disclosures of interests written returns for the period 1 February 2024 to 30 April 2024 in accordance with Council's Code of Conduct.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC29/2024

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Burke
758

RESOLVED

That Council receives the report and notes the information in the Resolutions Tracking Report.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC30/2024

SUBJECT: QUARTERLY BUDGET REVIEW STATEMENT - QUARTER 3, 31 MARCH 2024

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
759

RESOLVED

1. That Council receives the March 2024 Quarterly Budget Review Statement in accordance with Clause 203 of the Local Government (General) Regulation 2021.
2. That Council approves proposed changes to the 2023-24 operating and capital budgets as presented in the Quarterly Business Report March 2024.

FOR	AGAINST
Councillor Jackson	Councillor Jurd
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
Total (11)	Total (1)

CARRIED

CORPORATE AND COMMUNITY NO. CC31/2024

SUBJECT: MINUTES OF THE STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE MEETING HELD ON 1 MAY 2024

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Paynter
760

RESOLVED

That Council adopts the Minutes of the Strategic Property & Community Facilities Committee meeting held on 1 May 2024 as a resolution of the Ordinary Council.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

COUNCILLOR REPORTS

Nil

Time: 6.51pm

Confidential reports (closed session)

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Dunn
761

RESOLVED

That the meeting move into closed session in order to consider confidential items.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

Time: 7.02pm
Open Session

MOTION **Moved:** Councillor Hawkins **Seconded:** Councillor Paynter
762
RESOLVED

That the meeting move back into open session and The Mayor reported on the outcome.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC32/2024

SUBJECT: MINUTES OF THE CONFIDENTIAL STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE MEETING HELD ON 1 MAY 2024

This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Councillor Hill declared a Non Pecuniary Interest – Less Than Significant Conflict for the reasons that he is an acquaintance of an individual involved in a group this report relates to. Councillor Hill remained in the Chamber and participated in discussion and voting.

Councillor Grine declared a Non Pecuniary Interest – Less Than Significant Conflict for the reasons that she is an acquaintance of an individual involved in a group this report relates to. Councillor Grine remained in the Chamber and participated in discussion and voting.

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Paynter
763
RESOLVED

That Council:

- 1. Undertakes an Expression of Interest process to determine potential uses for lot 31 DP 594396 and lot 2 DP 716009, being Council-owned operational land comprising the former Richmond Main Colliery land and buildings, that outlines the community benefit of the future proposed use of the site.**
- 2. Requests the Expression of Interest results be provided to the Strategic Property and Community Facilities Committee for consideration and advice to Council.**

FOR	AGAINST
Councillor Jackson	Councillor Moores
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (1)

CARRIED

The Meeting Was Declared Closed at 7.04pm

CONFIRMED AND SIGNED at the meeting held on 19 June 2024

.....**CHAIRPERSON**

.....**GENERAL MANAGER**