



10 October 2024

To All Councillors

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993, that an Extraordinary Meeting of Council will be held in the Council Chambers on Wednesday, 16 October, 2024 at 6.30pm, for the purposes of transacting the undermentioned business.

**AGENDA:**

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## ***Principles for Local Government***

### **Exercise of functions generally**

The following general principles apply to the exercise of functions by Councils:

- a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- e) Councils should work co-operatively with other Councils and the State government to achieve desired outcomes for the local community.
- f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- g) Councils should work with others to secure appropriate services for local community needs.
- h) Councils should act fairly, ethically and without bias in the interests of the local community.
- i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

### ***Council's Values***

- Integrity
- Accountability
- Respect
- Excellence
- Teamwork

### ***Our Community's Vision***

Cessnock will be a cohesive and welcoming community living in an attractive and sustainable rural environment with a diversity of business and employment opportunities supported by accessible infrastructure and services which effectively meet community need.

*Cessnock – thriving, attractive and welcoming.*

### ***Our Community's Desired Outcomes***

- A connected, safe and creative community.
- A sustainable and prosperous economy.
- A sustainable and healthy environment.
- Accessible infrastructure, facilities and services.
- Civic Leadership and effective governance.



### ***Council adopted Model Code of Conduct***

Council adopted its current Code of Conduct on 1 November 2022. This Code provides details of statutory requirements and gives guidance in respect of the way in which pecuniary and conflict of interest issues must be disclosed. Councillors took an oath or affirmation at the commencement of their term of office under section 233A of the *Local Government Act 1993* (NSW) and are therefore obligated under Council's Code of Conduct to disclose and appropriately manage their conflicts of interest.

Generally, the Code outlines the following issues:

1. Councillors are under an obligation at law to disclose any interest they may have in any matter before the Council as soon as practicable and to refrain from being involved in any consideration or to vote on any such matter where required and out outlined in the Code of Conduct.
2. Councillors must disclose any interest in any matter noted in the business paper prior to or at the opening of the meeting.
3. The nature of the interest shall be included in the disclosure.
4. Councillors shall immediately and during the meeting disclose any interest in respect of any matter arising during the meeting which is not referred to in the business paper.
5. All disclosures of interest shall be recorded in the minutes of the meeting.
6. All disclosures of interest shall as far as is practicable be given in writing.
7. Any member having a pecuniary or non-pecuniary significant conflict of interest shall leave the meeting and remain absent while the subject of the interest is being considered by Council.
8. The meeting shall not discuss any matter in which a Councillor has a pecuniary or non-pecuniary significant conflict of interest while the Councillor is present at the meeting.



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**Disclosures Of Interest**

**Report No. PPD11/2024**

**Corporate and Community Services**



**SUBJECT:** *DISCLOSURES OF INTEREST*

**RESPONSIBLE OFFICER:** *Chief Finance Officer - Matthew Plumridge*

**RECOMMENDATION**

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

**SUMMARY**

The provisions of Chapter 14 of the Local Government Act, 1993 regulate the way in which Councillors and nominated staff of council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions, voting on that matter, and require that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

**ENCLOSURES**

There are no enclosures for this report.

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Report No. CC63/2024

Corporate and Community Services



**SUBJECT:** *ELECTION OF DEPUTY MAYOR - 2024/2025*

**RESPONSIBLE OFFICER:** *Governance and Council Support Coordinator - Keri Neveltsen*

### **SUMMARY**

Council may elect a Deputy Mayor who would assume all the duties and powers of the Mayor in their absence.

### **RECOMMENDATION**

1. That Council vote on the recommendation in seriatim.
2. That Council elect a Deputy Mayor for a term of office of 12 months and set the annual fee applicable to the term of the appointment at \$1,200.
3. That Council elect a Deputy Mayor by Open Voting.
4. That Council note the declaration of the Returning Officer that [insert name of Councillor] is elected as Deputy Mayor for the term of office 17 October 2024 to the day prior to the Ordinary Council meeting in September 2025.

### **BACKGROUND**

The *Local Government Act 1993* (the Act) provides that Councillors may elect a person from among their number to be the Deputy Mayor, to assume the duties of the Mayor if they are prevented by illness, absence or otherwise from exercising a function under the Act.

There is no statutory requirement for the election of a position of Deputy Mayor. If Council decides to elect a Deputy Mayor, the term and the method of election to be used needs to be resolved. Council has historically elected a Deputy Mayor for a term of (generally) twelve months.

### **REPORT/PROPOSAL**

The election of, and term of the Deputy Mayor is determined by resolution of Council. Council needs to be cognisant of s290(1) of the Act when determining the term of the Deputy Mayor. This is to align with local government elections normally held in the month of September. Accordingly, the proposed term of office is adjusted to account for this and means that future terms will run September – September.

The election of the Deputy Mayor must be conducted in accordance with section 394 and Schedule 7 of the *Local Government (General) Regulation 2021* (the Regulation) as summarised:

1. The General Manager (or a person appointed by the General Manager) is the Returning Officer.

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2. A nomination is to be made in writing by two or more Councillors, one of whom may be the nominee. The nominee must indicate consent to the nomination in writing.
3. The nomination form has been provided as **Enclosure 1** and is to be delivered or sent to the Returning Officer.
4. The Returning Officer will announce the names of the nominees at the Council meeting at which the election is to be held.
5. If only one Councillor is nominated, that Councillor is elected. If more than one Councillor is nominated, Council must resolve how the election will be undertaken. It is recommended that this be by way of Open Voting, meaning a show of hands or similar means.
6. The Returning Officer shall conduct the election of Deputy Mayor and declare the result of the election.

**OPTIONS**

1. Council decides not to elect a Deputy Mayor.
2. Council decides to elect a Deputy Mayor, subject to:
  - 2.1 Term of Office
    - for a 12 month period
    - for the remainder of the Mayoral term
    - for another designated term
  - 2.2 Method of Election
    - by preferential ballot
    - by ordinary ballot
    - by open voting (show of hands)

**CONSULTATION**

N/A

**STRATEGIC LINKS**

**a. Delivery Program**

This reports links to the Community Strategic Plan theme of "*Civic Leadership and Effective Governance*", in particular Objective 5.1 Fostering and supporting community leadership.

**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

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**b. Financial Implications**

The fee payable to the Deputy Mayor must be paid from the annual allocation to the Mayor in accordance with section 249(5) of the Act, with the fee for 2024-25 recommended to be set at \$1,200.

**c. Legislative Implications**

Section 231 of the Act provides that Councillors may elect a person from among their number to be the Deputy Mayor. Schedule 7 of the Regulation outlines the election process.

Section 290(1)(b) of the Act states that an election of a mayor (or deputy mayor), if it is not the first election of the term, nor an election to fill a casual vacancy, must occur during the month of September. Therefore, the term of office is adjusted to account for this.

**d. Risk Implications**

N/A

**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

**CONCLUSION**

The Act provides for the election of a Councillor to be the Deputy Mayor if that suits the functions of the Council. Council needs to determine if it is to elect a Deputy Mayor, the term and the method of election to be used.

**ENCLOSURES**

- [1](#) Deputy Mayor Nomination Form 2024/25

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Report No. CC64/2024

Corporate and Community Services



**SUBJECT:** *2024 LOCAL GOVERNMENT ELECTION - CASUAL VACANCY IN CIVIC OFFICE - COUNTBACK OPTION*

**RESPONSIBLE OFFICER:** *Governance and Council Support Coordinator - Keri Neveltsen*

### **SUMMARY**

Following the 2024 local government elections, Council has the option of using a countback of votes cast at the last ordinary election to fill casual vacancies occurring in the offices of Councillors in the first 18 months after the election.

### **RECOMMENDATION**

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 14 September 2024 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the NSW Electoral Commission of the Council decision within 7 days of the decision.

### **BACKGROUND**

Council has the ability to determine to use the countback option from the 2024 election results to fill a casual vacancy in civic office if it occurs within 18 months of the election. In this way the need to hold a by-election is avoided should a casual vacancy occur. Council needs to determine this immediately following the election as the first Council meeting.

### **REPORT/PROPOSAL**

To exercise the option of using a countback to fill casual vacancies occurring in the first 18 months following the election, Council must, at its first meeting after the election, to use a countback to fill casual vacancies. If Council does not resolve this at the first meeting after the election, any casual vacancies will be required to be filled through a by-election.

However, a by-election must be used to fill casual vacancies where:

- the councillor who vacated office was elected at an election using the optional preferential voting system (i.e. elections where only one civic office is required to be filled such as the election of popularly elected mayors), or
- the councillor was elected at an uncontested election.

A by-election must be used to fill these vacancies.

It is recommended that Council resolve to use a countback to fill any relevant vacancies in the office of Councillor that may occur in the first 18 months of the Council term, as the countback process will be at a considerably lower cost than the cost of holding a by-election. The estimated cost for the by-election could be expected to be in excess of \$120,000.

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In using the countback, new candidates would not be able to run for Council as part of the countback process.

Countback Process

The Countback election will be run using exactly the same ballot papers and the same voting count system as the general election.

The Countback election is run with all ineligible candidates (eg councillors who have vacated their seat) being disregarded and their preferences reallocated accordingly. As an example, if the first candidate in a group was originally elected and is vacating their seat, the Above The Line preferences for that group would be allocated to the second candidate in that group, as would any Below The Line preferences that marked the first candidate in that group a 1 and the second candidate in that group a 2.

When the countback election is conducted, the same number of candidates will be “elected” as there were vacancies at the general election (because the same voting count system is used). Of these, the first newly “elected” candidate (ie not a sitting councillor) will be the candidate to be actually elected.

If a non-participating candidate (ie a candidate who did not want to be considered for election in this Countback election) was elected, their status is changed to ineligible and the countback is run again – this newly ineligible candidate will be disregarded and their preferences reallocated accordingly, per above. This process will continue until an eligible candidate is elected.

A countback election must be completed within 49 days, and applications for candidates to participate is open for 10 days.

If there are no eligible candidates, an attendance by-election must be held. If there is only one eligible candidate, that candidate is elected. If there are multiple eligible candidates, a countback election is conducted.

**OPTIONS**

1. Council fill casual vacancies by countback election. **This is the preferred option.**
2. Should a casual vacancy occur in the first 18 months, Council proceed to a by-election.

**CONSULTATION**

General Manager

**STRATEGIC LINKS**

**a. Delivery Program**

This report is linked to the Community’s Desired Outcome Objective 5 “Civic Leadership and Effective Governance”.

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**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

NA

**b. Financial Implications**

The 2024 election cost is expected to exceed \$500,000. Whilst the cost for a by-election would be lower, the anticipated cost would still be substantial, and likely exceed \$120,000.

**c. Legislative Implications**

The *Local Government Act 1993 (NSW)* (the Act) and *Local Government (General) Regulation 2021* includes provisions for when a casual vacancy occurs and requirements for a by-election. This option is in accordance with section 291A of the Act.

**d. Risk Implications**

N/A

**e. Other Implications**

N/A

**CONCLUSION**

Council is required to decide immediately following the 2024 elections if it wishes to use the countback option to fill a casual vacancy in civic office in the 18 months immediately following the election. Otherwise, an attendance by-election would be required to fill such a casual vacancy.

**ENCLOSURES**

There are no enclosures for this report.

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Report No. CC65/2024

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**SUBJECT:** ***INSTRUMENTS OF DELEGATION TO THE MAYOR AND GENERAL MANAGER***

**AUTHOR:** ***Governance and Council Support Coordinator - Keri Neveldsen***

### **SUMMARY**

The purpose of this report is to enable the elected Council to assign to the Mayor and General Manager delegable functions, powers and duties.

### **RECOMMENDATIONS**

1. That Council delegates the functions, powers and duties in accordance with the Instrument of Delegation to the Mayor attached to this report as Enclosure 1.
2. That Council delegates the functions, powers and duties 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.
3. That Council delegates the functions, powers, duties, authorities and appointments in accordance with the Instrument of Delegation to the General Manager attached to this report as Enclosure 2.
4. That Council authorises the Director Planning & Environment, Director Works & Infrastructure, or Director Corporate and Community Services to act in the capacity of General Manager in the absence of the General Manager during periods of leave, as nominated by the General Manager in each instance.

### **BACKGROUND**

Section 380 of the *Local Government Act 1993 (NSW)* (Act) requires Council to review all delegations during the first 12 months of each term of office.

Section 377 of the Act sets out the functions that Council may not delegate – these are functions reserved for exercise by the elected Council. Section 378 of the Act permits the General Manager to delegate any of the functions of the General Manager, other than the power of delegation itself.

### **REPORT**

This report proposes to delegate functions to the Mayor and the General Manager as set out in the Instruments of Delegation attached to this report.

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Delegating functions is necessary and justified to ensure the operations of Council can be carried out appropriately and without undue delay. The flexibility of delegating functions aligns with position roles and responsibilities and ensures that Council is adaptable, can address matters of technical detail, and is able to respond to the needs of the community.

Mayor

The Act sets out the role of the Mayor and the proposed Instrument of Delegation to the Mayor sets out the power and authority to perform certain functions within the scope of that role.

Deputy Mayor

It is proposed to delegate the functions of the Mayor to the Deputy Mayor with the general limitation 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.

General Manager

Section 377 of the Act allows the Council to delegate, by Council resolution, authority to the General Manager to make most of the decisions and perform most of the functions required for Council to operate on a day to day basis.

A person appointed temporarily to act in the capacity of the General Manager assumes all the functions and delegations as set out in the instrument of Delegation to the General Manager. This report proposes to appoint the three Directors (Planning & Environment, Works and Infrastructure and Corporate and Community Services) to act in the capacity of the General Manager, in the absence of the General Manager, and that such appointment ceases upon the return to work of the General Manager.

Staff

The General Manager is able to sub-delegate functions to staff. These delegations and authorisations support Council's processes to facilitate efficiency and effectiveness and provide for a system of accountability.

Reporting

Council retains ultimate authority of delegations through this process and Council's Audit, Risk and Improvement Committee is responsible for ensuring there are appropriate policies and procedures in place for the management and exercise of delegations.

**CONSULTATION**

General Manager  
Director Corporate & Community Services  
Governance Coordinator  
Senior Legal and Governance Officer

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## **STRATEGIC LINKS**

### **a. Delivery Program**

This report is linked to the Community Strategic Plan Cessnock 2027, specifically, the key objective of *Civic Leadership and Effective Governance*.

### **b. Other Plans**

N/A

## **STATUTORY IMPLICATIONS**

### **a. Policy and Procedural Implications**

The delegation of functions under the Act allows the Council organisation to be efficiently and effectively managed. Council supports these devolved functions by adopting policies on a wide range of issues to provide guidance to the General Manager and staff in carrying out their duties.

### **b. Financial Implications**

N/A

### **c. Legislative Implications**

The delegations to the Mayor meet the requirements of Section 226 of the Act (the role of the Mayor).

The delegations to the General Manager meet the requirements of Section 377(1) and Section 335 of the Act.

### **d. Risk Implications**

Council subscribes to the Hunter Council's Local Government Legal Delegations Database. This tool is designed to assist local councils to ensure that their delegation documents are prepared correctly and are kept up to date in accordance with the latest legislation.

The Delegations Database, including the schedule of legislative functions has been drafted by lawyers from Local Government Legal and is updated when legislation is amended, enacted, or repealed. This allows for Council to ensure that its delegations of authority, appointment of authorised persons, and authority cards are up-to-date and lawful. Subscribing Council's will be notified when the schedule of legislative functions is amended, so a council can elect when to amend its delegations.

### **e. Other Implications**

N/A

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### **OPTIONS**

Option 1 – Council may wish to vary the terms of some elements of the proposed delegations but in doing so should consider any legislative implications and the impacts on the efficient operation of the Council.

Option 2 – Council may wish to delay the adoption of Instruments of Delegation in which case a further report would be required within 12 months following the election and the current Instruments of Delegation to the Mayor and General Manager remain in force.

### **CONCLUSION**

The delegations proposed for the Mayor and General Manager in this report will facilitate the effective functioning of the Council in accordance with the principles of the Act.

### **ENCLOSURES**

- 1 Mayor Delegation
- 2 General Manager Delegations

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**SUBJECT:** ***APPOINTMENT OF REPRESENTATIVES TO EXTERNAL COMMITTEES***

**RESPONSIBLE OFFICER:** ***Governance and Council Support Coordinator - Keri Neveltsen***

### **SUMMARY**

Council participates, and is represented, on a number of external committees or groups at the request of various organisations. At the commencement of a new Council term following a local government election, these committees and groups seek nominations for participation.

These bodies maintain their own Terms of Reference and reporting requirements and do not fall under the control of Council. However, participation ensures that Council has an opportunity to be appraised of issues of community concern, and to contribute to decision making in these areas. Council may nominate our Councillors to be representatives on such external Committees.

### **RECOMMENDATION**

1. That Council recognises the contribution of current and former Councillor's who represented Council on external committees.
2. That Council seeks nominations for, and appoints Councillor members and alternates to the following external committees for the current Council term:
  - a) *[insert name of Councillor Delegate]* as Council's representative to the Austar Coal Mine Community Consultative Committee.
  - b) *[insert name of Councillor Delegate]* as Council's representative to the Blackhill Quarry Consultative Committee.
  - c) *[insert name of Councillor Delegate]* as Council's representative to the Buttai Quarry Consultative Committee.
  - d) *[insert name of Councillor Delegate]* as Council's representative and *[insert name of Councillor Delegate]* as alternate representative to the Hunter Water Customer and Community Advisory Group.
  - e) *[insert name of Councillor Delegate]* to the Lower Hunter and Hunter Bushfire Management Committee.
  - f) *[insert name of Councillor Delegate]* to the Lower Hunter Zone District Liaison Committee.
  - g) *[insert name of Councillor Delegate]* as Council's representative and *[insert name of Councillor Delegate]* as alternate representative to the Public Libraries NSW (Central East Zone) Committee.

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h) *[insert name of Councillor Delegate]* as Council's representative along with the Mayor, and *[insert name of Four (4) Councillor Delegates]* as alternate representatives to the Sydney District and Regional Planning Panels - Hunter and Central Coast Regional Planning Panel.

3. That Council authorises the General Manager to appoint staff to any external committees that have vacancies following the election of Councillors.

**BACKGROUND**

The purpose of this report is to review the various external committees in which Council and its delegates are involved, and seeks nominations from Councillors for the forthcoming term.

External committees are managed by organisations external to Council and as a result they do not come under the oversight of Council and are subject to their own individual governance arrangements.

Representation on these committees provides an important opportunity to present local government views and input, as well as advocate and influence policy outcomes. The appointment to external committees allows Councillors to further engage with and understand community needs. In summary, external committees play a critical role in:

- Promoting an integrated approach to service delivery and advocacy,
- Building relationships with external stakeholders,
- Improving consultation and engagement with the local community, and
- Addressing local government area concerns.

At the commencement of each Council term, Councillors are invited to participate on a number of such committees. The number of representatives/delegates, meeting cycle and term of membership is determined by each individual committee.

Whilst Councillors and staff may be asked to follow external guidelines of conduct related to those committees, they are still obligated to comply with Council's Code of Conduct and not bring Council into disrepute when attending such committees.

For each committee, the relevant Council directorate will provide record keeping support where relevant.

**REPORT/PROPOSAL**

The following external committees will require Councillor nominations for participation:

- Austar Coal Mine Consultative Committee,
- Blackhill Quarry Consultative Committee,
- Buttai Quarry Consultative Committee,
- Hunter Water Customer and Community Advisory Group,
- Lower Hunter and Hunter Bush Fire Management Committee,
- Lower Hunter Zone District Liaison Committee,
- Public Libraries NSW (Central East Zone) Committee, and

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- Sydney District and Regional Planning Panels – Hunter and Central Coast Regional Planning Panel.

A summary of each external committee and the current governing document for each have been provided in **Enclosure 1**. The governing document outlines how such committees perform in line with best practice principles in order to achieve good governance.

Councillor membership on external committees will cease the day prior to a scheduled local government election of the current Council term, or if a Councillor resigns or otherwise ceases to be a Councillor, where not otherwise noted by the committees governing document.

Councillor membership is subject to the terms of each external committee's constitution or governing document.

**OPTIONS**

Option 1 – As per the Recommendation. **This is the preferred option.**

Option 2 – Councillors resolve to not continue the membership of some, or all of the external committees provided above and in **Enclosure 1**.

**CONSULTATION**

General Manager

Directors

Managers and staff connected with various Committees

Governance Team

External Committees

**STRATEGIC LINKS**

**a. Delivery Program**

The appointment of Councillors as representatives to external committees is consistent with Council's Delivery Program objectives, with an emphasis on Outcome 5: Civic leadership and effective governance Committee encouraging participation and consultation in the wider community.

**b. Other Plans**

Nil.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil. External Committees of Council maintain their own Terms of Reference.

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**b. Financial Implications**

External committees are not controlled or resourced by Council. Councillor expenses for attendance at external committee meetings is covered by the Councillor Facilities and Expenses Policy.

**c. Legislative Implications**

Nil

**d. Risk Implications**

Nil

**e. Other Implications**

Councillor interaction with the community and participation in matters that concern the community increases their familiarity with pressing issues and trending expectations. Consequently, Councillors are able to build on the trust the community and link to Council strategies and plans.

Councillor non-attendance at Committee meetings will impact the quorum, and may result in committee meetings being inquorate.

**CONCLUSION**

It is recommended that Council nominate delegates and alternates to the various external committees listed.

**ENCLOSURES**

- 1 Enclosure 1 - Summary of External Committees

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Report No. CC67/2024

Corporate and Community Services



**SUBJECT:** *COUNCILS INTERNAL COMMITTEE STRUCTURE AND APPOINTMENT OF REPRESENTATIVES*

**RESPONSIBLE OFFICER:** *Governance and Council Support Coordinator - Keri Neveldsen*

### **SUMMARY**

The elected Council is responsible for making decisions concerning a variety of matters. To assist Council with effective decision-making and operations, the elected Council may utilise an internal Committee structure and appoint Councillors to those committees.

### **RECOMMENDATION**

1. That Council established the following Committees and adopts their respective governing Charters in Enclosure 1:
  - a) Aboriginal and Torres Strait islander Advisory Committee.
  - b) Council Initiated Awards Committee,
  - c) Floodplain Risk Management Committee,
  - d) Grants Advisory Committee,
  - e) Local Traffic Committee, and
  - f) Organisational and General Manager's Performance Review Panel.
2. That Council notes the statutory Audit, Risk and Improvement Committee and its governing Charter in Enclosure 1.
3. That Council appoints Councillors to the following committees/panels:

Committee	Councillor member/s	Alternate member/s
Aboriginal and Torres Strait Islander Advisory Committee	<i>[Insert Name of Councillor] [Insert Name of Councillor] [Insert Name of Councillor]</i>	N/A
Audit, Risk and Improvement Committee	<i>[Insert Name of Councillor] who is a non-voting member and cannot be the Mayor</i>	N/A
Council Initiated Awards Committee	<i>[Insert Name of Councillor] [Insert Name of Councillor]</i>	<i>[Insert Name of Councillor] [Insert Name of Councillor]</i>
Floodplain Risk Management Committee	<i>[Insert Name of Councillor] [Insert Name of Councillor]</i>	N/A
Grants Advisory Committee	<i>[Insert Name of Councillor] [Insert Name of Councillor] [Insert Name of Councillor]</i>	<i>[Insert Name of Councillor] [Insert Name of Councillor]</i>
Local Traffic Committee	<i>[Insert Name of Councillor] who will also be Chairperson</i>	<i>[Insert Name of Councillor]</i>
General Manager's Organisational and General Managers'	<i>[Insert Name of Councillor]</i>	N/A

## Corporate and Community

Report No. CC67/2024

## Corporate and Community Services



Performance Review Panel		
4.	That Council delegates the care, control and management of Council's community and recreation facilities, other Council owned and controlled land, to relevant Section 355 Committees.	
5.	That Council authorises the management of the Section 355 Committees to be in accordance with any practices and procedures adopted by the General Manager.	
6.	That Council authorises the General Manager to execute documents confirming the delegated functions with each of the appointed community representatives for each of the respective Section 355 Committees in accordance with any practices and procedures.	
7.	That Council establishes the following Section 355 Committees: <ul style="list-style-type: none"> <li>a) Abermain Plaza Hall,</li> <li>b) Abermain School of Arts</li> <li>c) Branxton Community Hall,</li> <li>d) Crawfordville Community Hall,</li> <li>e) Ellalong Community Hall,</li> <li>f) Former Greta Council Chambers,</li> <li>g) Former Great Courthouse</li> <li>h) Greta Arts and Sports Community Hall,</li> <li>i) Kearsley Community Hall,</li> <li>j) Kurri Kurri Senior Citizens Hall,</li> <li>k) Laguna Community Hall,</li> <li>l) Marthaville Arts and Cultural Centre,</li> <li>m) Mulbring Park Tennis Court,</li> <li>n) North Cessnock Community Hall,</li> <li>o) Pokolbin Community Hall,</li> <li>p) Weston Civic Centre, and</li> <li>q) Wollombi Community Hall.</li> </ul>	
8.	That Council recognises the contribution of current and former Councillors and community representatives on Council committees.	

**BACKGROUND**

The *Local Government Act 1993 (NSW)* (Act) describes the legislative framework in respect to how Council can exercise its functions in relation to a wide variety of community-based services and facilities and by way of resolution, Council may delegate the exercise of functions.

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**REPORT/PROPOSAL**

Council's committee framework provides a mechanism for community input into decision-making and assists the elected Council in exercising its functions. This framework includes various committees that report to the elected Council including:

1. Committees of Council – where only Councillors are members of the committee and the committee operates in accordance with Council's Code of Meeting Practice;
2. Advisory Committees – which are normally established by Council to provide specialist advice to Council and align with Council's Community Strategic Plan and operate in accordance with the approved Charter;
3. Statutory Committees – these are required under legislation and may have a set Charter or Council may adopt a Charter and operate to fulfil specific statutory requirements;
4. Section 355 Committees – which operate under legislative delegation and typically align with the management of community halls and sporting facilities and operate in accordance with the practices and procedures adopted by the General Manager; and

In addition, Councillors are invited to participate in External Committees where the care and control of the committee is outside of Council, but provides an alternate mechanism for Council to engage with other organisations.

Committees of Council

Council does not have any established Committees of Council.

Advisory Committees

These committees are usually established without delegations. This means that they make recommendations to Council on their area of expertise. These include the Aboriginal and Torres Strait Islander, Council Initiated Awards Committee, and Grants Advisory Committee.

Council will be reviewing its processes for the awarding of grants to ensure that processes are open, equitable and transparent and this may result in future changes to the committee structure in which case a further report will be provided to the elected Council.

The Organisational and General Manager's Performance Review Panel operates in accordance with the Office of Local Government's (OLG) *Guidelines for the Appointment and Oversight of the General Manager* (Guidelines) and the delegation of Council. The OLG advises this is not a Committee of Council. The Charter is consistent with the Guidelines that recommend that the Panel consist of the Mayor, Deputy Mayor and two Councillors – one nominated by the Council and one nominated by the General Manager. The Councillor term of appointment is for 12 months.

Statutory Committees

The Audit, Risk and Improvement Committee is a requirement under the Act and Regulations. This sets out that Councillor membership is a non-voting member and not the Mayor and must meet the eligibility criteria. The composition is designed to provide independent oversight to the elected Council and exercise specific functions under the Act. The Mayor and other Councillors may attend to observe the meeting.

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The Floodplain Risk Management Committee is established under the guidance of the Department of Planning Industry and Environment who oversee a state-wide Floodplain Risk Management Framework.

The Local Traffic Committee is not a committee within the meaning of the *Local Government Act 1993* (NSW) and is established under the Instrument of Delegation from Transport for NSW and must operate within the relevant guidelines. Membership comprises four members including a representative from Council (who is the normally the Chairperson), NSW Police, Transport for NSW and the local State Member of Parliament. It is primarily a technical review committee that is required to advise the Council on traffic related matters.

Section 355 Committees

These committees are established to exercise Council's functions in respect of management of sporting or community facilities and are delegated these functions under section 355 of the Act.

Where these have been disbanded, they predominantly involved activities conducted on Council land where works management is already in place and are funded by self-sourcing donations or grant funding, ultimately the committees were not operating due to lack of membership or were deemed more suitable under Council's volunteer structure.

Councillor representation and membership term

As provided for in the relevant Charters, the Mayor is automatically a member of some committees including the Council Initiated Awards Committee (Chairperson), Floodplain Risk Management Committee (Chairperson), Grants Advisory Committee (Chairperson) and this does not require separate appointment by Council.

The Mayor (Chairperson) and Deputy Mayor are both automatically members of the Organisational and General Manager's Performance Review Panel.

The appointment of Councillors and alternates in the recommendation is based on the membership set out in the relevant Charter.

Unless noted otherwise in the governing documents, Councillor membership is generally for the term of Council and will cease the day prior to a scheduled local government election of the current Council term, or if a Councillor resigns or otherwise ceases to be a Councillor.

**OPTIONS**

Nil

**CONSULTATION**

General Manager

Directors

Managers and staff connected with various Committees

Governance Team

**Corporate and Community**

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**STRATEGIC LINKS**

**a. Delivery Program**

Committee participation and consultation is consistent with Council's Delivery Program objectives, with an emphasis on Outcome 5: Civic leadership and effective governance Committee encouraging participation and consultation in the wider community.

**b. Other Plans**

Nil.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

All committees noted in this report, except for external committees, will perform in accordance with their Charters, their Instruments of Delegations and/or any practices and procedures adopted by the General Manager.

Relevant internal staff supporting each committee will ensure the appropriate onboarding of Councillors.

**b. Financial Implications**

Existing committee operations are provided for under Council's financial budget.

**c. Legislative Implications**

While the establishment of some committees is optional, Council must establish a Floodplain Risk Management Committee and the Local Traffic Committee at a minimum to ensure legislative compliance. The Audit, Risk & Improvement Committee has already been established.

**d. Risk Implications**

All of the Charters, Instruments of Delegation and relevant committee practices and procedures adopted by Council and the General Manager embody:

- the principles of the OLG's model Code of Meeting Practice where appropriate,
- the expectation of members to abide by Council's Code of Conduct and other policies, as appropriate
- principles of fraud control and corruption prevention; and
- any other risk management controls and measures.

Clear and transparent committee processes encourage greater diversity of consideration and input for matters which the elected Council may be making decisions on.

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**e. Other Implications**

Involving the Community in Council's decision making and policy making is a key element in Council's Community Strategic Plan.

Councillor non-attendance at Committee meetings will impact the quorum, and may result in committee meetings being inquorate.

The more Councillors are able to interact with the community and participate in matters that concern the community, the more familiar they will become of the pressing issues and trending expectations. Consequently, Councillors will be able to build on the trust the community puts on them and the Council administration.

**CONCLUSION**

It is recommended that Council adopt the Committee structure proposed and appoint representatives to the various Committees listed.

**ENCLOSURES**

- 1 Internal Committees - Committee Charters

Corporate and Community

Report No. CC68/2024

Corporate and Community Services



**SUBJECT:** *SCHEDULE OF ORDINARY MEETINGS OF COUNCIL FOR 2025*

**AUTHOR:** *Governance and Council Support Coordinator - Keri Neveldsen*

### **SUMMARY**

This report outlines the proposed schedule of Ordinary Meetings of Council for the 2025 calendar year.

### **RECOMMENDATION**

**That Council adopts the schedule of Ordinary Meetings of Council for 2025:**

<b>19 February 2025</b>	<b>19 March 2025</b>	<b>16 April 2025</b>
<b>21 May 2025</b>	<b>18 June 2025</b>	<b>16 July 2025</b>
<b>20 August 2025</b>	<b>17 September 2025</b>	<b>15 October 2025</b>
<b>19 November 2025</b>	<b>10 December 2025</b>	

### **BACKGROUND**

Council is required to set scheduled dates for the Ordinary Meetings of Council for the forthcoming year. Meetings for the remainder of 2024 have already been set with meetings scheduled to be held on 23 October, 20 November, and 11 December 2024.

### **REPORT**

Council is required to adopt an annual schedule of meeting dates in accordance with section 365 of the *Local Government Act 1993* (the Act). This requires Council to meet a minimum of 10 times per year, each time in a different month.

In accordance with Council's Code of Meeting Practice, meetings are scheduled on the third Wednesday of each month, with the exception of December where the meeting is held on the second Wednesday and there is no scheduled meeting in January. Council can amend the frequency and/or times of meetings by resolution, or can change the pattern by amending its Code of Meeting Practice.

Council needs to set meeting dates for 2025, and the recommendation to this report sets out the dates proposed for monthly meetings. There are no conflicts with public holidays or the 2025 Local Government NSW Annual Conference scheduled for 23-25 November 2025.

Should there be urgent business arising outside of any scheduled calendar of meetings, and that business is outside the delegations of the General Manager and Mayor, an Extraordinary Council Meeting can be called in accordance with the Code of Meeting Practice.

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Additionally, within 12 months of a local government election, Council must review its existing Code of Meeting Practice and adopt a revised Code (with or without changes) subject to public exhibition requirements. If changes are proposed and adopted then the schedule of meetings dates may need to be altered at that time. A report has been prepared for the October 2024 Ordinary Council meeting for Council to consider the Code of Meeting Practice.

**OPTIONS**

Nil

**CONSULTATION**

Executive

**STRATEGIC LINKS**

**a. Delivery Program**

This reports links to the Community Strategic Plan theme of “*Civic Leadership and Effective Governance*”.

**b. Other Plans**

N/A

**STATUTORY IMPLICATIONS**

**a. Policy and Procedural Implications**

Any proposed changes to the pattern of meetings may require a change to the Code of Meeting Practice.

**b. Financial Implications**

N/A

**c. Legislative Implications**

Section 365 of the Act requires Council to meet at least 10 times each year, each time in a different month. Section 9(1) of the Act requires Council to give notice to the public of the time, date and place of each of its meetings.

**d. Risk Implications**

N/A.

**e. Other Implications**

N/A

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***CONCLUSION***

This report seeks Council's adopted of the meeting schedule for 2025.

***ENCLOSURES***

There are no enclosures for this report.

Corporate and Community

Report No. CC69/2024

Corporate and Community Services



**SUBJECT:** ***LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - DELEGATES AND VOTING DELEGATES***

**RESPONSIBLE OFFICER:** ***Governance and Council Support Coordinator - Keri Neveltsen***

### **SUMMARY**

The Local Government NSW (LGNSW) Annual Conference 2024 is scheduled to be held at the Tamworth from 17-19 November 2024. The purpose of this report is to confirm Councillor attendance and determine the voting delegates.

### **RECOMMENDATION**

1. That Council determines the delegates to attend the Local Government NSW Annual Conference 2024 as [insert name of Councillor], [insert name of Councillor], [insert name of Councillor], and [insert name of Councillor].
2. That Council determines the voting delegates for the Local Government NSW Annual Conference 2024 as [insert name of Councillor], [insert name of Councillor], [insert name of Councillor], and [insert name of Councillor].

### **BACKGROUND**

Council usually determines attendees and voting delegates to the Local Government NSW Annual Conference following an application process and subsequent consideration at a later Council meeting. Council is entitled to four voting delegates however there is no restriction on the number of Councillors able to attend.

Due to the local government elections being held in September 2024, the makeup of Councillors and those interested in attending the conference could not be determined prior to the early bird registration closing date. As an interim measure preliminary registrations were made for four councillors (Report CC46/2024 - 21 August 2024), subject to confirmation by Council.

### **REPORT/PROPOSAL**

LGNSW provided information regarding the 2024 Annual Conference to be held at the Tamworth Regional Entertainment and Conference Centre from 17 – 19 November 2024. Details on the conference are available via this link [2024 | LGNSW](#).

Normally an extended Councillor nomination process would be undertaken. For this year, early bird registration closed 25 September 2024 and due to the Council elections being held in September, registration including accommodation of four Councillor attendees was undertaken on an interim basis. Council may choose to send more or fewer delegates.

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Following the declaration of the election, Councillors were invited to submit expressions of interest to attend the conference. Nominations to attend the conference were to be returned to the General Manager by close of business Monday 15 October 2024 so that Council could consider its delegates and voting delegates at the first meeting after the elections.

**OPTIONS**

Attendance at the LGNSW Conference is not mandatory, however the conference is conducted by the peak industry association and attendance and participation is considered to be vital in an effective and representative advocacy industry body.

Council may elect to send any number of attendees (subject to registration/accommodation availability). Council is only entitled to a maximum of four voting delegates.

**CONSULTATION**

Executive  
Councillors

**STRATEGIC LINKS**

**a. Delivery Program**

This reports links to the Community Strategic Plan theme of “*Civic Leadership and Effective Governance*”, in particular Objective 5.1 Fostering and supporting community leadership.

**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Attendance to the LGNSW Annual Conference is in accordance with Council’s Councillor Expenses and Facilities Policy.

**b. Financial Implications**

Funding is made available for attendance in the Councillor’s conference budget. The approximate cost per delegate is \$3,000 including transport, accommodation, conference/workshop registration and meals.

**c. Legislative Implications**

N/A

**d. Risk Implications**

N/A

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**e. Other Implications**

N/A

**CONCLUSION**

This report seeks Council to determine attendees and voting delegates for the LGNSW Annual Conference 2024.

**ENCLOSURES**

- [1](#) Conference Attendance Nomination Form