

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 15 MARCH 2023, COMMENCING AT
6.30PM**

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

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Acting Director Works and Infrastructure (Infrastructure Manager)
Development Services Manager
Strategic Planning Manager
Economic Development & Tourism Manager
Acting, Infrastructure Manager (Principal Engineer Development Services)
Help Desk Support Officer
Help Desk Support Officer
Acting Media & Communication Officer (Community Engagement Officer)
Acting, Executive Assistant Corporate & Community Services

**APOLOGY / LEAVE
OF ABSENCE:**

MOTION

Moved: Councillor Sander
Seconded: Councillor Hill

417

RESOLVED

That the apologies tendered on behalf of Councillors Olsen and Dunn, for unavoidable absence, be accepted.

That a Leave of Absence be granted to Councillor Dunn from 3 April to 21 April 2023.

That a Leave of Absence be granted to Councillor Paynter from 24 May to 22 June 2023.

FOR

AGAINST

Councillor Jackson
Councillor Burke
Councillor Moores
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Jurd
Councillor Suvaal

Total (11)

Total (0)

CARRIED UNANIMOUSLY

MINUTES:

MOTION

Moved: Councillor Burke
Seconded: Councillor Sander

418

RESOLVED

That the Minutes of the Ordinary Meeting of Council held on 15 February 2023, as circulated, be taken as read and confirmed as a correct record.

FOR

AGAINST

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

Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI2/2023

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.

PE10/2023 - Hunter Valley Destination Management Plan 2022 – 2030 -

Councillor Burke declared a Non Pecuniary Less Than Significant Conflict for the reason that Cessnock Chamber was part of the consultation. Councillor Burke advised that he will remain in the Chamber and participate in the discussion and voting as the conflict will not influence his way of voting.

PETITIONS

Nil

ADDRESS BY INVITED SPEAKERS

The following people addressed the meeting of Council:

Speakers/ Company	For / Against	Report	Page No.	Duration
Craig Sheridan	Against	PE6/2023 - Development Application No. 8/2022/103/1 proposing construction of a multi-dwelling housing development comprising the construction of two (2) new dwellings at the rear of the existing dwelling, followed by a three (3) Lot Strata Title subdivision - 22 Sixth Street, Cessnock	51	3 mins

EXTENSION OF TIME

419

Moved:

Councillor Moores

Seconded:

Councillor Hawkins

RESOLVED

That an extension of 1 minute be given to the speaker to complete his presentation.

FOR

AGAINST

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

Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE6/2023

SUBJECT: **DEVELOPMENT APPLICATION NO. 8/2022/103/1 PROPOSING
CONSTRUCTION OF A MULTI-DWELLING HOUSING
DEVELOPMENT COMPRISING THE CONSTRUCTION OF TWO (2)
NEW DWELLINGS AT THE REAR OF THE EXISTING DWELLING,
FOLLOWED BY A THREE (3) LOT STRATA TITLE SUBDIVISION
22 SIXTH STREET, CESSNOCK**

MOTION **Moved:** Councillor Jurd **Seconded:** Councillor Hill

1. That:

- (i) Development Application No. 8/2022/103/1 proposing construction of a multi-dwelling housing development comprising the construction of two (2) new dwellings at the rear of the existing dwelling, followed by a three (3) lot strata title subdivision at 22 Sixth Street Cessnock, be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, subject to the conditions contained in this report.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:

 - The proposal is a permitted land use in the R3 Medium Density zone under the *Cessnock Local Environmental Plan 2011*,
 - The proposal is consistent with the objectives of the R3 Medium Density zone under the *Cessnock Local Environmental Plan 2011*,
 - The proposal satisfies the provisions of Clause 5.3 of the *Cessnock Local Environmental Plan 2011*,
 - The proposal is consistent with the relevant provisions contained within the relevant State Environmental Planning Policies,
 - The proposal is generally compliant with the provisions of the *Cessnock Development Control Plan 2010*, and any variations are considered minor and justified,
 - The proposal incorporates adequate measures to ensure the development will not result in any adverse impacts on the natural and built environments,

- The proposal incorporates adequate measures to ensure the development will not result in any adverse impacts on the social and economic locality,
- The proposal is suited to the site, having regard to the prevailing character of development in the area, and
- The proposal is considered to be consistent with the public interest.

(iii) In considering community views, the following is relevant:

- The development proposed will have an acceptable impact on the amenity of the area,
- The proposed development will provide additional housing stock within the locality, and
- Some of the concerns in respect to the proposed development can be addressed via the imposition of conditions of consent.

(iv) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

FOR	AGAINST
Councillor Burke	Councillor Jackson
Councillor Grine	Councillor Moores
Councillor Sander	Councillor Hill
Councillor Hawkins	Councillor Paynter
Councillor Suvaal	Councillor Watton
	Councillor Jurd
Total (5)	Total (6)

The motion was PUT and LOST.

MOTION

420

Moved: Councillor Paynter**Seconded:** Councillor Hill**RESOLVED****That the item be recommitted.****FOR****AGAINST**

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

Total (0)**CARRIED UNANIMOUSLY****MOTION**

421

Moved: Councillor Hill**Seconded:** Councillor Jurd**RESOLVED****That:**

(i) Development Application No. 8/2022/103/1 proposing construction of a multi-dwelling housing development comprising the construction of two (2) new dwellings at the rear of the existing dwelling, followed by a three (3) lot strata title subdivision at 22 Sixth Street Cessnock, be refused pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, for the following reasons:

- The proposed development is not consistent with the character of the locality;
- The proposal does not comply with respect to the provision of private open space, as required in accordance with the Cessnock DCP 2020;
- The proposal does not make provision for a visitor parking space, as required in accordance with the Cessnock DCP 2020;
- The site is not considered suitable for the proposed development; and
- The proposal is not in the public interest.

(iii) In considering community views, the following is relevant:

The issues raised in the objections lodged with Council are considered justified, including:

- the proposal is an overdevelopment of the site and not compatible with the character and scale of development in the locality;
- the proposal does not comply with the provisions of the Cessnock DCP 2010 in respect of private open space;
- the two-storey nature of the proposed development will result in overlooking of the adjoining property; and
- the height of the proposed development will exceed the height of surrounding development and dominate the skyline).

(iv) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*.

2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

FOR	AGAINST
Councillor Jackson	Councillor Burke
Councillor Moores	Councillor Grine
Councillor Hill	Councillor Sander
Councillor Paynter	Councillor Hawkins
Councillor Watton	Councillor Suvaal
Councillor Jurd	
Total (6)	Total (5)

CARRIED

Speakers/ Company	For / Against	Report	Page No.	Duration
Stewart Walker	For	BN5/2023 - Millfield Road and Eleventh Avenue, Millfield - Intersection Review	188	3 mins

EXTENSION OF TIME

422

Moved:

Seconded:

Councillor Paynter

Councillor Moores

RESOLVED

That an extension of 1 minute be given to the speaker to complete his presentation.

FOR

Councillor Jackson
Councillor Burke
Councillor Moores
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Jurd
Councillor Suvaal

Total (11)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN5/2023

**SUBJECT: MILLFIELD ROAD AND ELEVENTH AVENUE, MILLFIELD -
INTERSECTION REVIEW**

MOTION **Moved:** Councillor Jurd **Seconded:** Councillor Paynter
423
RESOLVED

That the General Manager forward a request to the Traffic Committee to reassess the Intersection of Millfield Road and 11th Avenue for safety concerns that residents have over the position of the stop sign, the vegetation and the speed of traffic.

- 1. Stop sign moved from Millfield Road to 11th Avenue**
- 2. Safety barrier around the intersection to protect residents and their property**

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

Speakers/ Company	For / Against	Report	Page No.	Duration
Jessica Alder	For	BN6/2023 - Smart Cities and Six Cities Regional	190	3 mins

EXTENSION OF TIME

Moved:

Councillor Jurd

Seconded:

Councillor Paynter

424

RESOLVED

That an extension of 1 minute be given to the speaker to complete her presentation.

FOR

AGAINST

Councillor Jackson
Councillor Burke
Councillor Moores
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Jurd
Councillor Suvaal

Total (11)

Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN6/2023

SUBJECT: SMART CITIES AND SIX CITIES REGIONAL

MOTION **Moved:** Councillor Jurd **Seconded:** Councillor Watton

That the General Manager bring a report back to council regarding 'Smart Cities' and the advantages and disadvantages to the community. In the report we require:

- 1. Has Cessnock already signed up to join the Smart Cities transformation?**
- 2. If we are already a member, who authorised this? When? And why hasn't the community been consulted on this and what's involved?**
- 3. What is the cost to the residents? Including prior to signing up, to current and future.**
- 4. How will this impact the lives of the residents?**
- 5. Will this mean we will be part of the six cities region zoning?**
- 6. That the General Manager provide a report on what 15 Minute Cities entails and what is the cost and impact on development, processes and anticipated impact on residential lifestyle.**

FOR

Councillor Watton
Councillor Jurd

Total (2)

AGAINST

Councillor Jackson
Councillor Burke
Councillor Moores
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Suvaal

Total (9)

The motion was PUT and LOST

Councillor Jackson left the meeting, the time being 07:48 PM

Councillor Jackson returned to the meeting, the time being 07:55 PM

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

MOTION
425

Moved: Councillor Burke

Seconded: Councillor Sander

RESOLVED

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

Officers Reports

GMU1/2023	Minutes of the Community Engagement, Awards and Grants Committee Meeting of 2 December 2022	16
# GMU2/2023	Minutes of the Audit and Risk Committee Meeting held 7 February 2023	17
PE9/2023	Australian Noise Exposure Forecast Map Update for LEP	20
# PE11/2023	Conflict of Interest Policy – Dealing with Conflicts of Interest	
	Throughout the Development Process	22
# PE12/2023	Development Application Performance Monitoring Report – December 2022	23
# CC11/2023	Minutes of the Strategic Property & Community Facilities Committee Meeting held 8 February 2023	25
# CC12/2023	Investment Report - February 2023	26
# CC13/2023	Resolutions Tracking Report	27
# CC14/2023	Exclusion of Item from the Agenda	28
# WI7/2023	Footpath from Mulbring Street to Colliery Street, Aberdare	32
# CO2/2023	Section 88 Waste Levy Charges	40

Council adopt the recommendations as printed for those items.

FOR

AGAINST

Councillor Jackson
Councillor Burke
Councillor Moores
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Jurd

Councillor Suvaal
Total (11)

Total (0)

CARRIED UNANIMOUSLY

Councillor Hawkins left the meeting, the time being 08:09 PM

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

NOTICE OF INTENTION NO. NI2/2023

**SUBJECT: NOTICE OF INTENTION TO DEAL WITH MATTERS IN
CONFIDENTIAL SESSION.**

**REPORT GM3/2023 - CODE OF CONDUCT BREACH BY
COUNCILLOR OLSEN - CONSIDERATION OF FINAL
INVESTIGATION REPORT AND RECOMMENDATION OF FORMAL
CENSURE**

WITHDRAWN

MAYORAL MINUTES

NIL

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU2/2023

SUBJECT: MOTIONS OF URGENCY

Nil

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU1/2023

SUBJECT: MINUTES OF THE COMMUNITY ENGAGEMENT, AWARDS AND GRANTS COMMITTEE MEETING OF 2 DECEMBER 2022

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
426
RESOLVED

That the minutes be received and adopted for the Community Engagement, Awards and Grants Committee meeting held on 2 December 2022.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

GENERAL MANAGER'S UNIT NO. GMU2/2023

SUBJECT: MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 7 FEBRUARY 2023

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
427

RESOLVED

That the Minutes of the Audit and Risk Committee Meeting held 7 February 2023 be adopted as a resolution of the Ordinary Council.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE7/2023

**SUBJECT: PLANNING PROPOSAL - 259 & 261 AVERYS LANE, BUCHANAN
(LOT 10 DP 1085485) - OUTCOMES OF COMMUNITY
CONSULTATION**

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

428

RESOLVED

1. That Council endorse the Planning Proposal as an amendment to the Cessnock Local Environmental Plan 2011.
2. That Council seek the Secretary's agreement that the Planning Proposal is consistent with Section 9.1 Ministerial Directions 3.1 Conservation Zones, 4.3 Planning for Bushfire Protection and 4.4 Remediation of Land, or where inconsistent, is of minor significance and justified by a study prepared in support of the Planning Proposal.

FOR

AGAINST

Councillor Jackson
Councillor Burke
Councillor Moores
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Jurd
Councillor Suvaal

Total (11)

Total (0)

CARRIED UNANIMOUSLY

Councillor Hawkins returned to the meeting, the time being 08:11 pm

PLANNING AND ENVIRONMENT NO. PE8/2023

SUBJECT: OUTCOME OF EXHIBITION HUNTLEE DCP

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
429

RESOLVED

That Council adopt amended Chapter E17, Huntlee, of the Cessnock Development Control Plan 2010 as presented at Enclosure 1.

FOR	AGAINST
Councillor Jackson	Councillor Moores
Councillor Burke	Councillor Watton
Councillor Grine	Councillor Jurd
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Suvaal	
Total (8)	Total (3)

CARRIED

Councillor Grine left the meeting, the time being 08:15 pm

Councillor Grine returned to the meeting, the time being 08:17 pm

PLANNING AND ENVIRONMENT NO. PE9/2023

SUBJECT: AUSTRALIAN NOISE EXPOSURE FORECAST MAP UPDATE FOR LEP

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
430

RESOLVED

1. That Council request a Gateway Determination for the Australian Noise Exposure Forecast Planning Proposal from the Department of the Planning and Environment pursuant to Section 3.34 of the *Environmental Planning and Assessment Act, 1979*;
2. That Council request authorisation under Section 3.31 of the *Environmental Planning and Assessment Act, 1979* to act as the local plan-making authority to make the Local Environmental Plan;
3. That Council undertake consultation with public authorities and the community as conditioned by the Department of Planning and Environment's Gateway determination; and
4. That Council receive a further report following community consultation of the Planning Proposal.

FOR

AGAINST

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

Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE10/2023

SUBJECT: HUNTER VALLEY DESTINATION MANAGEMENT PLAN 2022 - 2030

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
431

RESOLVED

That Council adopts the Hunter Valley Destination Management Plan 2022 - 2030 and Hunter Valley Destination Management Plan Situational Analysis 2022, as exhibited, with amendments outlined in this report.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

Councillor Moores left the meeting, the time being 08:22 pm

Councillor Moores returned to the meeting, the time being 08:26 pm

PLANNING AND ENVIRONMENT NO. PE11/2023

SUBJECT: CONFLICT OF INTEREST POLICY – DEALING WITH CONFLICTS OF INTEREST THROUGHOUT THE DEVELOPMENT PROCESS

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
432

RESOLVED

1. That Council adopts the draft Conflict of Interest Policy – Dealing with Conflicts of Interest Throughout the Development Process.
2. That Council revokes the following policies:
 - Council as the applicant and/or owner in respect of a Development Application, Section 96 Application, and/or Section 82A Application (adopted 6 March 2013)
 - Lodgement of a Development Application, Section 96 Application, Section 82A Application and/or other Application by a Council Official (adopted 6 March 2013)

FOR

AGAINST

Councillor Jackson
Councillor Burke
Councillor Moores
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Jurd
Councillor Suvaal

Total (11)

Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE12/2023

**SUBJECT: DEVELOPMENT APPLICATION PERFORMANCE MONITORING
REPORT - DECEMBER 2022**

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
433

RESOLVED

That Council receives and notes the Development Performance Monitoring Report for the December quarter 2022/23 in particular the 99% approval rate for Development Applications which is consistent with previous reporting periods.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC10/2023

SUBJECT: 2023 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT -
COUNCILLOR ATTENDANCE AND CONSIDERATION OF MOTIONS

MOTION **Moved:** Councillor Grine **Seconded:** Councillor Hill
434
RESOLVED

That Council considers requests to attend the 2023 National General Assembly of Local Government and determine voting delegate for the Assembly as Mayor Suvaal and that Councillor Jackson attend as non-voting delegate.

FOR	AGAINST
Councillor Jackson	Councillor Jurd
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
Total (10)	Total (1)

CARRIED

CORPORATE AND COMMUNITY NO. CC11/2023

**SUBJECT: MINUTES OF THE STRATEGIC PROPERTY & COMMUNITY
FACILITIES COMMITTEE MEETING HELD 8 FEBRUARY 2023**

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
435

RESOLVED

1. That the Minutes of the Strategic Property and Community Facilities Committee meeting of 8 February 2023 be adopted as a resolution of the Ordinary Council.
2. That in regards to 62 Cessnock Street Aberdare that Council maintains the current resolution to be accepted by the end of March 2023 at which time the offer to Aberdare Pre School Inc will lapse.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC12/2023

SUBJECT: INVESTMENT REPORT - FEBRUARY 2023

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
436

RESOLVED

That Council receives the Investment Report for February 2023 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 \$80,245,203.**

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC13/2023

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
437

RESOLVED

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

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC14/2023

SUBJECT: EXCLUSION OF ITEM FROM THE AGENDA

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
438

RESOLVED

That Council notes that as assessed by the General Manager, the received notice of motion would have been unlawful as it is in effect, the making of a complaint, namely that the employees are not acting lawfully or honestly, nor exercising a reasonable degree of care and diligence in carrying out their functions under the Local Government Act 1993 nor under the Environmental Planning and Assessment Act 1979 (per cl. 3.2 of the Model Code of Conduct). Using this process to make a complaint is not in accordance with the "Procedures for the Administration of the Model Code of Conduct" and could therefore not be included on the agenda for the Council meeting held on 15 March 2023.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI4/2023

SUBJECT: TENDER T2023-13 KURRI KURRI TOWN CENTRE UPGRADE

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Grine
439

RESOLVED

1. That Council accepts the tender from Glascott Landscaping and Civil Pty Ltd in the lump sum amount of \$3,078,659.83 (including GST).
2. That Council allocates the \$92,423 (excluding GST) budget shortfall plus up to 15% contingency of the contract price to be allocated as required, from the 2023/24 capital works program.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI5/2023

SUBJECT: TENDER T2022-10 WATAGAN CREEK BRIDGE AND WESCOTT BRIDGE REPLACEMENT

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
440

RESOLVED

1. That Council reject Tender T2022-10 – Watagan Creek Bridge #1 and Westcott Bridge replacement in accordance with Part 7, Division 4, Clause 178 of the *Local Government (General) Regulation 2021* (Acceptance of tenders) 3e.
2. That Council enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.
3. That Council delegate authority to the General Manager to award the project with a suitable outcome.

FOR

AGAINST

Councillor Jackson
Councillor Burke
Councillor Moores
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Jurd
Councillor Suvaal

Total (11)

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI6/2023

**SUBJECT: ENGINEERING GUIDELINES FOR DESIGN & CONSTRUCTION -
APPROVAL FOR PUBLIC EXHIBITION**

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
441

RESOLVED

1. That the draft Engineering Guidelines for Design and Construction be placed on public exhibition for a period of 28 days and a report be returned to Council for determination.
2. That Councillors be offered a briefing on the engineering guidelines.

FOR

AGAINST

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

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI7/2023

SUBJECT: FOOTPATH FROM MULBRING STREET TO COLLIERY STREET, ABERDARE

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
442

RESOLVED

1. That Council notes the provided cost estimates for construction of a concrete pathway on the northern side of Aberdare Road, from Mulbring Street to Colliery Street, Aberdare.
2. That Council notes that construction of a concrete pathway on Aberdare Road, from Mulbring Street to Colliery Street, Aberdare, is a component of a larger pathway construction project, for which contributions are being collected under the adopted City-Wide Infrastructure Contributions Plan 2020, with an anticipated delivery timeframe of 2027– 2031.
3. That Council notes that pathway construction priorities in each ward were previously resolved by Council at its Ordinary Meeting of 18 November 2020 – WI85/2020 as being:
 - Ward A: Millfield - Rose Hill Estate to Wollombi Road via Crawfordville Park, estimated cost \$360,000;
 - Ward B: Cessnock - Public School to Bridges Hill Park via Quarrybylong Street, estimated cost \$525,000;
 - Ward C: Greta - Railway Station to High Street via Nelson Street, estimated cost \$500,000; and
 - Ward D: Pelaw Main – Log of Knowledge Park to Neath Street, estimated cost \$514,000.
4. That Council notes that the adopted Delivery Program 2022-26 commits to a Pathways Construction Program with allocated project funding to the value of \$20,033,201.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI8/2023

**SUBJECT: CONSIDERATION OF LOCAL TRAFFIC COMMITTEE
RECOMMENDATION - EVENT APPLICATION AIR SHOW**

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
443

RESOLVED

That subject to lodgment of the required application and full payment of fees and the recommendation of the Local Traffic Committee (meeting 20 March 2023), Council endorse the regulation of traffic for the Airshow Event scheduled for 25 and 26 March 2023.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

Councillor Jurd left the meeting, the time being 08:36 pm

Councillor Jurd returned to the meeting, the time being 08:37 pm

WORKS AND INFRASTRUCTURE NO. WI9/2023

SUBJECT: MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING HELD 20 FEBRUARY 2023.

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
444

RESOLVED

That the Minutes of the Cessnock Local Traffic Committee Meeting of 20 February 2023 be adopted as a resolution of the Ordinary Council.

- **TC1/2023 - That Council authorises the temporary regulation of traffic on Paynes Crossing Road, Wollombi for the Wollombi Public Holiday Markets events in accordance with the Paynes Crossing Road Wollombi _ Wollombi Markets Traffic Control Plans.**
- **TC2/2023 - That Council authorises the temporary regulation of traffic for the Red Hot Summer and Rod Stewart Concerts on Broke Road and McDonalds Road, Pokolbin in accordance with Broke & McDonalds Roads Pokolbin _ Concerts Traffic Control Plans.**
- **TC3/2023 - That Council authorises the temporary regulation of traffic for the Kurri Kurri Nostalgia Festival event in accordance with the Various Roads Kurri Kurri _ Nostalgia Festival Traffic Control Plans.**
- **TC4/2023 - That Council authorises the installation of regulatory parking signage on Haverty Avenue, North Rothbury in accordance with the Haverty Avenue North Rothbury _ Signage Diagram.**
- **TC5/2023 – That Council authorises the installation of intersection controls, line marking and road closures at Kerlew, Pinchen and Occident Streets, Nulkaba, in accordance with the enclosed Kerlew, Pinchen & Occident Streets Nulkaba _ Signage & Line Marking Diagrams.**
- **TC6/2023 - That Council note the advice of the Local Traffic Committee regarding the Technical Review of a proposed shared zone in Dowlan Lane, Cessnock as shown in the Dowlan Lane Cessnock _ Shared Zone Diagram.**

FOR

AGAINST

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

Total (0)

CARRIED UNANIMOUSLY

Councillor Watton left the meeting, the time being 08:53 pm

Councillor Jackson left the meeting, the time being 08:55 pm

Councillor Hill left the meeting, the time being 08:55 pm

Councillor Watton returned to the meeting, the time being 08:55 pm

Councillor Jackson returned to the meeting, the time being 08:58 pm

Councillor Hill returned to the meeting, the time being 08:59 pm

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN4/2023

SUBJECT: *ORDINARY COUNCIL MEETING COMMENCEMENT TIME*

MOTION **Moved:** Councillor Grine **Seconded:** Councillor Paynter

1. That Council publicly exhibition its intention to amend the Code of Meeting Practice, in accordance with section 631 of the *Local Government Act 1993*, by amending clause 3.1 to:

3.1 Ordinary meetings of the Council will be held in the Council Chambers on the third Wednesday of each month commencing at 5.30pm, with the exception of the December meeting being held on the second Wednesday and there is no scheduled meeting held in January.

2. That Council receive a report following the exhibition period.

FOR	AGAINST
Councillor Jackson	Councillor Burke
Councillor Grine	Councillor Moores
Councillor Sander	Councillor Hill
Councillor Hawkins	Councillor Paynter
	Councillor Watton
	Councillor Jurd
	Councillor Suvaal
Total (4)	Total (7)

The motion was PUT and LOST.

BUSINESS WITH NOTICE NO. BN7/2023

SUBJECT: REMEMBERING OUR COAL MINERS WALK

DEFERRED

BUSINESS WITH NOTICE NO. BN8/2023

**SUBJECT: PERMANENT SECURITY CCTV CAMERAS - PEACE PARK WESTON
- MILLER PARK**

MOTION **Moved:** Councillor Watton **Seconded:** Councillor Jurd

1. That the General Manager research appropriate, relevant grants that may be able to assist in further protecting these community assets with appropriate surveillance technology (similar to Bridges Hill Park)
2. That the General Manager prepare a report which will include all associated installation + maintenance costs of said surveillance technology, in comparison to estimated cost trajectories relating to ongoing vandalism / damage repairs (should no interventions be taken).

AMENDMENT **Moved:** Councillor Hill **Seconded:** Councillor Sander

That Council direct the General Manager to:

- Identify funding opportunities for crime prevention solutions or monitoring (installation of CCTV) where a cost benefit analysis confirms it will provide an operational cost saving.
- Consult with NSW Police (Cessnock Local Area Command) in relation to the effectiveness of CCTV and the identification of priority locations across the LGA for potential implementation following grant funding applications.
- Consider the development of a CCTV Policy to protect community assets.

FOR	AGAINST
Councillor Jackson	Councillor Jurd
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
Total (10)	Total (1)

The amendment was PUT and CARRIED and as such became the motion.

The motion was then PUT and CARRIED.

MOTION

445

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

That Council direct the General Manager to:

- Identify funding opportunities for crime prevention solutions or monitoring (installation of CCTV) where a cost benefit analysis confirms it will provide an operational cost saving.
- Consult with NSW Police (Cessnock Local Area Command) in relation to the effectiveness of CCTV and the identification of priority locations across the LGA for potential implementation following grant funding applications.
- Consider the development of a CCTV Policy to protect community assets.

FOR

Councillor Jackson
Councillor Burke
Councillor Moores
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Suvaal

Total (10)**AGAINST**

Councillor Jurd

Total (1)**CARRIED**

Councillor Paynter left the meeting, the time being 09:42 pm

Councillor Paynter returned to the meeting, the time being 09:45 pm

CORRESPONDENCE

CORRESPONDENCE NO. CO2/2023

SUBJECT: SECTION 88 WASTE LEVY CHARGES

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
446

RESOLVED:

That Council notes the correspondence received from The Hon James Griffin MP, Minister for Environment and Heritage on behalf of the Premier, The Hon Dominic Perrottet MP, regarding waste levy charges for Council.

FOR	AGAINST
Councillor Jackson	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

QUESTIONS FOR NEXT MEETING

NIL

COUNCILLOR REPORTS

NIL

The Meeting Was Declared Closed at 9.47pm

CONFIRMED AND SIGNED at the meeting held on 19 APRIL 2023

.....**CHAIRPERSON**

.....**GENERAL MANAGER**