

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 14 DECEMBER 2022, COMMENCING  
AT 6.30PM**

**PRESENT:** His Worship the Mayor, Councillor J Suvaal (in the Chair) and Councillors Dunn, Jurd, Hawkins, Olsen, Burke, Moores, 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)  
Human Resource Manager  
Development Services Manager  
Strategic Planning Manager  
Economic Development & Tourism Manager  
Acting Infrastructure Manager (Principal Development Engineer)  
Help Desk Support Officer  
Media & Communication Coordinator  
Corporate Governance Officer  
Senior Business Support Officer

**LEAVE OF ABSENCE:** That the Leave of Absence granted to Councillor Jackson, be noted.

**MINUTES:** **MOTION** *Moved:* Councillor Sander  
*Seconded:* Councillor Moores  
354  
**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 16 November 2022, as circulated, be taken as read and confirmed as a correct record.

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**DISCLOSURES OF INTEREST**

**DISCLOSURES OF INTEREST NO. DI11/2022**

**SUBJECT: DISCLOSURES OF INTEREST**

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NIL

**PETITIONS**

NIL

## **ADDRESS BY INVITED SPEAKERS**

The following people addressed the meeting of Council:

<b>Speakers</b>	<b>For/Against Recommendation</b>	<b>Report</b>	<b>Page No.</b>	<b>Duration</b>
Mr Heath Bonnefin, Land Specialists Pty Ltd – representing applicant.	Against	PE70/2022 - Development Application 8/2021/21939/1 Proposing a 327 lot subdivision to occur in 3 phases - 33 Government Road, Cessnock	92	3 mins

**EXTENSION OF TIME**

**Moved:**  
**Seconded:**

Councillor Hawkins  
Councillor Sander

355

**RESOLVED**

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

**FOR**

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

**Total (11)**

**AGAINST**

Councillor Olsen

**Total (1)**

**CARRIED**

**EXTENSION OF TIME**

**Moved:**  
**Seconded:**

Councillor Hawkins  
Councillor Sander

356

**RESOLVED**

**That a further extension of 1 minute be given to the speaker to complete his presentation.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	Councillor Olsen
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (1)</b>

**CARRIED**

**PLANNING AND ENVIRONMENT NO. PE70/2022**

**SUBJECT: DEVELOPMENT APPLICATION 8/2021/21939/1 PROPOSING A 327 LOT SUBDIVISION TO OCCUR IN 3 PHASES**

**33 GOVERNMENT ROAD, CESSNOCK**

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

**1. That:**

- (i) Development Application No. 8/2021/21939/1 proposing a 327 lot subdivision to occur in 3 phases at Lot 33, DP 1004648, 33 Government Road Cessnock, be refused pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, for the reasons contained in this report.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:
- Insufficient information has been submitted in order to undertake a full assessment of the development;
  - The proposal does not comply with the provisions of Clause 6.1 of the *Cessnock Local Environmental Plan 2011*. Accordingly, Council has no ability to grant consent to the proposal;
  - Council is unable to lawfully consent to the proposed access through community land under the provisions of the *Local Government Act 1993*. In the absence of these access points, the subdivision has no legal and physical access; and
  - The proposal is inconsistent with the provisions of Chapter E.12 Government Road Precinct of the Cessnock Development Control Plan 2010.
- (iii) In considering community views, the following is relevant:
- The application was publicly exhibited in accordance with Council's Community Participation Plan resulting in one (1) submission being received.
  - The issues raised in the submission may be relevant to the proposal, however, insufficient information has been submitted to enable a comprehensive assessment of the application. Accordingly, it has not been possible to draw informed conclusions as to the relevance of the issues identified by the objector.
- (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.

**MOTION**            **Moved:**    Councillor Olsen            **Seconded:**    Councillor Jurd  
357  
**RESOLVED**

**That the report be deferred to the February 2023 Council meeting**

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	Councillor Burke
Councillor Dunn	Councillor Grine
Councillor Hawkins	Councillor Sander
Councillor Paynter	Councillor Hill
Councillor Watton	Councillor Suvaal
Councillor Olsen	
Councillor Jurd	
<b>Total (7)</b>	<b>Total (5)</b>

**CARRIED**

Speakers	For/Against Recommendation	Report	Page No.	Duration
Paul and Jodie Chandler	Against	PE71/2022 - Section 8.2 Review of Determination in respect of Council's decision to refuse Development Application No. 8/2022/372/1, proposing a two (2) lot Torrens Title subdivision - 39 Congewai Street, Kearsley	125	3 mins

**EXTENSION OF TIME**

358

**Moved:**  
**Seconded:**

Councillor Hill  
Councillor Hawkins

**RESOLVED**

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

**FOR**

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

**AGAINST**

Councillor Olsen

**Total (1)**

**CARRIED**

Mr Martin Ball – representing applicant/owners	For	PE71/2022 - Section 8.2 Review of Determination in respect of Council's decision to refuse Development Application No. 8/2022/372/1, proposing a two (2) lot Torrens Title subdivision - 39 Congewai Street, Kearsley	125	3 mins
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**PLANNING AND ENVIRONMENT NO. PE71/2022**

**SUBJECT: SECTION 8.2 REVIEW OF DETERMINATION IN RESPECT OF COUNCIL'S DECISION TO REFUSE DEVELOPMENT APPLICATION NO. 8/2022/372/1, PROPOSING A TWO (2) LOT TORRENS TITLE SUBDIVISION**

**39 CONGEWAI STREET, KEARSLEY**

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Dunn  
359  
**RESOLVED**

1. That:

- (i) The Section 8.2 Review of Determination in respect of Council's decision to refuse Development Application No. 8/2022/372/1 proposing a two (2) lot Torrens Title subdivision at 39 Congewai Street, Kearsley, be approved pursuant to Sections 8.2, 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 application can be lawfully determined within the review period which concludes on 24 February 2023.
  - The proposed amendments to the application are such that the development is considered substantially the same development as that which was originally considered and determined by Council.
  - The amended proposal, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instrument, being the *Cessnock Local Environmental Plan 2011*.
  - The amended proposal, subject to the recommended conditions, is consistent with the objectives of the *Cessnock Development Control Plan 2010*.
  - Subject to the recommended conditions, the amended proposal will be provided with adequate essential services, as required under the *Cessnock Local Environmental Plan 2011*.



- The amended proposal is considered to be of an appropriate scale and form for the site, and is consistent with the character of the locality.
- The amended proposal, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The amended proposal is a suitable and planned use of the site, and its approval is consistent with the public interest.

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

All matters raised in the submissions have been taken into consideration including drainage, infrastructure, suitability and general amenity issues associated with the application. These matters have been assessed in conjunction with the development proposed, and subject to the terms and conditions of the consent, the development is deemed suitable for approval.

(iv) The details contained above be publicly notified pursuant to Section 2.22 and Section 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.

<b>FOR</b>	<b>AGAINST</b>
Councillor Dunn	Councillor Moores
Councillor Burke	Councillor Olsen
Councillor Grine	Councillor Jurd
Councillor Sander	Councillor Suvaal
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
<b>Total (8)</b>	<b>Total (4)</b>

**CARRIED**

## **CONDITIONS OF CONSENT**

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1. **General Terms of Approval**

All General Terms of Approval issued by the NSW Rural Fire Service dated 19 November 2022 shall be complied with prior, during and at the completion of the development, as required.

A copy of the General Terms of Approval is attached to this determination notice.

## 2. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2022/372/2 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Plan of Proposed Subdivision Ref No. 23280-2 DET	Marshall Scott Pty Ltd	29.08.2022

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

## 3. SWC, PC & Notice Required

In accordance with the provisions of Section 6.6 and 6.7 (cf previous Section 81A) of the *EP&A Act 1979* construction works approved by this consent must not commence until:

- a) A SWC has been issued by a Certifier (being Council or a registered certifier); and
- b) A PC has been appointed by the person having benefit of the development consent; and
- c) If Council is not the PC, notify Council no later than two (2) days before building work commences as to who is the appointed PC; and
- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

## PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

The following conditions are to be complied with prior to the issue of a Subdivision Works Certificate by Council.

## 4. Cessnock City Wide Development Contributions Plan

A contribution pursuant to the provisions of Section 7.11 of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of any SWC:

Fee Code	Cessnock District Catchment	
	Contribution Type	Amount Payable
800	Open Space and recreation facilities	\$8,147.96
801	Community Facilities	\$1,262.94

802	Cycleway Facilities	\$7,788.60
803	Roads and Traffic	\$1,449.42
804	Plan Administration	\$322.87
	<b>Total</b>	<b>\$18,971.80</b>

A copy of the *Cessnock City Wide Infrastructure Contributions Plan* may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au).

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan. This amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

Any party intending to act on this consent should contact Council prior to the date of payment to determine the indexed amount payable.

#### 5. Amended Plans Required

The plans submitted in association of the *SWC* application must incorporate the following amendments:

- a) Necessary pits and pipes are required to be shown on the plan to demonstrate collection and discharge of surface runoff from Lot 22 to the legal point of discharge.

The plans must be submitted to and approved by the Certifier as satisfying these required amendments prior to the issue of the *SWC*.

#### 6. Car Parking - Residential

The design of the vehicular access for both Lots and off street parking facilities for the existing dwelling must comply with *AS 2890.1:2004 Parking Facilities – Off-Street Car Parking*. Details demonstrating compliance with this Standard are to be included on the plans submitted in association with a *SWC* application.

A design certificate satisfying these requirements is to be issued by a suitably qualified professional engineer and submitted to the Certifier prior to the issue of a *SWC*.

#### 7. Stormwater – Detailed Design Requirements

A detailed drainage design shall be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property, and connection to the existing drainage system in accordance with Council's 'Engineering Requirements for Development' (available at Council's offices). Such layout shall include existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development.

The plans submitted are to demonstrate compliance with this requirement and be approved by the Certifier prior to the issue of a *SWC*.

#### 8. Access Construction – Requirements

The registered proprietor of the land shall construct a 3m wide concrete battle axe handle with upright kerb from the front site boundary to the usable portion of proposed Lot 22.

Necessary drainage pits and pipes to be installed within the concrete driveway to ensure collection and discharge of surface water to Congewai Street in accordance with Council's 'Engineering Requirements for Development' to serve the subdivision.

#### **9. Section 50 – Hunter Water Act 1991**

Evidence shall be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the *Hunter Water Act 1991*.

Such evidence shall be submitted to Council prior to the release of the final plan of survey for the subdivision and the *SWC*.

### **PRIOR TO COMMENCEMENT OF WORKS**

**The following conditions are to be complied with prior to the commencement of works on the subject site/**

#### **10. Erection of Signs**

Prior to the commencement of building works, subdivision work or demolition work, a sign must be erected in a prominent position on the site on which the work is being carried out. The sign must state:

- a) the name, address and telephone number of the principal certifier for the work;
- b) the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside of working hours; and
- c) state that unauthorised entry to the work site is prohibited.

The sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

#### **11. Public Liability Insurance**

Any person or contractor undertaking works on public property must take out Public Risk insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within, public property. The Policy is to note, and provide protection for Cessnock City Council as an interested party, and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property. The insurance shall also note the location and the risk.

#### **12. S138 Roads Act Approvals**

Under Section 138 of the *Roads Act 1993*, should any work on the verge, footpath, or public road reserve be required, a S138 Roads Act Approval will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The S138 application is to be submitted to, and approved by, Council prior to works commencing.

### **13. Relocation of Services**

The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. In the event that existing services are required to be relocated the proprietor shall make application to obtain any necessary approval from the relevant service authority prior to commencement of any works.

## **DURING WORKS**

**The following conditions are to be complied with during works.**

### **14. Construction Hours**

Excavation, building or subdivision work must be restricted to the hours of 7.00am and 5.00pm on Monday to Saturday inclusive. Work is not to be carried out on Sundays and public holidays.

### **15. Construction Noise**

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority document *Noise Guide for Local Government*.

### **16. Location of Council Pipes**

During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

- a) Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works;
- b) Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits;
- c) Ensure dedicated overland flow paths are satisfactorily maintained through the site.

Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage, and the like). All proposed structures and construction activities must be sited fully clear of Council's stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site.

If the Council pipeline is uncovered during construction, all work must cease, and the PC and Council must be contacted immediately for advice. Any damage caused to the Council stormwater drainage system must be immediately repaired in full as directed, and at no cost to Council.

### **17. Erosion and Sediment Controls**

The control of erosion, and the prevention of silt discharge into drainage systems and waterways, will be necessary in accordance with Council's 'Engineering Requirements for Development', and Landcom's Soils and Construction Manual - April 2004. Erosion control measures are to be implemented prior to the commencement of any

earthworks, and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

**18. Stormwater Runoff**

Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

**19. Waste Management**

Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.

**20. Building Materials On Site**

All building materials, plant and equipment are to be placed on the building site. Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways, public reserves, etc.

**PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**

**The following conditions are to be complied with prior to issue of a Subdivision Certificate by Council.**

**21. Requirement for a Subdivision Certificate**

Prior to the issue of a SC, the applicant shall submit an original plan of subdivision in an electronic format for Council's endorsement.

The plan of subdivision must show street names and house numbering as allocated by Council. The following details are also to be submitted:

- a) Evidence that all conditions of Development Consent have been satisfied;
- b) Evidence of payment of all relevant fees;
- c) All surveyor's or engineer's certification required by the Development Consent;
- d) Lot numbers to correspond with street numbering;
- e) Evidence that the battle axe driveway has been completed in accordance with this consent;
- f) Evidence that the car parking area within proposed Lot 21 has been completed in accordance with this consent.
- g) Evidence that an external clothes line is provided within the rear yard of the dwelling within proposed Lot 21.

**22. All Services Provided Within Lots**

A registered surveyor shall provide certification that all services (eg drainage, stormwater, water supply, gas, electricity, telephone) as constructed are contained

within each lot, or within appropriate easements to accommodate such services. The certification is to be provided to the *PC*, prior to the issue of a *SC*.

**23. Access Road – Completion**

The access battle axe driveway shall be completed prior to issue of a *SC*.

**24. Car Parking – Completion**

Car parking area within proposed Lot 21 shall be completed prior to the issue of a *SC*.

**25. Bitumen Crossing**

The registered proprietors shall construct and maintain two (2) bitumen sealed access crossings, of a minimum width of 3m, from the edge of the road formation in Congewai Street to the boundaries of proposed Lots 21 & 22, in accordance with Council's 'Engineering Requirements for Development' and *AS 2890.1*. A S138 Roads Act approval is required from Council prior to any construction commencing within the road reserve. The access crossing is required to be constructed prior to the issue of a *SC*.

Construction of the crossing will require inspections to be undertaken by Council. The applicant shall pay Council engineering site supervision fees in accordance with Council's current Fees & Charges, prior to the inspections being undertaken.

The initial fee will facilitate approval of the application and one (1) construction inspection (gravel in place but prior to sealing of the crossing).

A final inspection will be required upon completion of the driveway and restoration of all disturbed footway areas. (A separate fee will be required to be paid when the final inspection is booked.). Should further inspections become necessary as a result of unsatisfactory or defective works, additional inspection fees will be charged (\$200.00 per inspection).

The applicant is to advise Council at least 48 hours prior to inspection of works within the footpath and/or road reserve.

**26. Fencing**

Prior to the issue of a *SC*, a 1.8-metre-high solid sheet metal or lapped timber paling fence must be installed between the proposed Lots to ensure privacy (along the battle-axe driveway and at the rear of proposed Lot 21).

Any other side or rear boundary fencing is to be erected in accordance with the *Dividing Fencing Act 1991* and where possible to a height of 1.8 metres.

**ONGOING USE**

**The following conditions are to be complied with as part of the ongoing use of the premises.**

**27. Stormwater – Impact on Adjoining Land**

Any works shall not be undertaken in such a manner that obstructs natural drainage from adjoining land.

Any works shall not be undertaken in such a manner that surface water will be diverted to adjoining land.

**28. Driveways to be Maintained**

All access crossings and driveways shall be maintained in good order for the life of the development.

**ADVISORY NOTES**

**A. “DIAL BEFORE YOU DIG” DIAL 1100**

Before any excavation work starts, contractors and others should phone the “Dial Before You Dig” service to access plans/information for underground pipes and cables. [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au)

**B. Dividing Fences**

The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.

**C. Other Approvals and Permits**

The applicant shall apply to Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits, and/or any other approvals under *Section 68 (Approvals)* of the *Local Government Act, 1993* or *Section 138 of the Roads Act, 1993*.

**CARRIED UNANIMOUSLY**



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

**MOTION**            **Moved:**    Councillor Burke            **Seconded:**    Councillor Grine  
360

### **RESOLVED**

*that having read and considered the reports in the agenda related to items*

NI7/2022	Notice of Intention to Deal with matters in Confidential Session. Report CC96/2022 - Black Creek Channel Land Acquisition .....	70
MM17/2022	Minutes of the Organisational and General Managers Performance Review Committee Meeting Held on 9 November 2022.....	20
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‡ CC100/2022	Misuse of Council Resources - March 2023 State Election, and Notification Relating to Illegally Place Election Signage on Public Land .....	199
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WI78/2022	Minutes of the Roads Review Committee meeting held on 30 November 2022.....	240
‡ CO23/2022	CC58/2022 - Accounting Treatment - Rural Fire Service Fleet .....	243
‡ CO24/2022	LGNSW 2022 Special Conference - Response to Resolution 85 – Hon. Wendy Tuckerman MP - Stormwater Levy Review Motion 2 June 2021 Report FLOCLM11/2021 .....	245

***Council adopt the recommendations as printed for those items.***

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

***CARRIED UNANIMOUSLY***

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

**NOTICE OF INTENTION NO. NI7/2022**

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

**REPORT CC96/2022 - BLACK CREEK CHANNEL LAND  
ACQUISITION**

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**MOTION**        **Moved:**    Councillor Burke        **Seconded:**    Councillor Grine  
361

**RESOLVED**

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

Report CC96/2022 – Black Creek Channel Land Acquisition as the report 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.

2.        That Council requests the Mayor in accordance with Clause 14.22 of Councils Code of Meeting Practice to report on these matters to the meeting in Open Session following completion of the Confidential Session.

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **MAYORAL MINUTES**

### **MAYORAL MINUTES NO. MM17/2022**

**SUBJECT: MINUTES OF THE ORGANISATIONAL AND GENERAL MANAGERS PERFORMANCE REVIEW COMMITTEE MEETING HELD ON 9 NOVEMBER 2022**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine  
362  
**RESOLVED**

**That the Minutes of the Organisational and General Managers Performance Review Committee of 9 November 2022 be adopted as a resolution of the Ordinary Council.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**MAYORAL MINUTES NO. MM18/2022**

**SUBJECT: MINUTES OF THE ORGANISATIONAL AND GENERAL MANAGERS PERFORMANCE REVIEW COMMITTEE MEETING HELD ON 30 NOVEMBER 2022**

---

**MOTION**      **Moved:**    Councillor Suvaal  
363  
**RESOLVED**

- 1. That the Minutes of the Organisational and General Managers Performance Review Committee of 30 November 2022 be adopted as a resolution of the Ordinary Council.**
- 2. That the Minutes be updated and Councillors Olsen, Burke and Paynter to be moved into the Present Section.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	Councillor Olsen
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (1)</b>

**CARRIED**

**MAYORAL MINUTES NO. MM19/2022**

**SUBJECT: SECTION 88 WASTE LEVY CHARGES**

---

**MOTION**            **Moved:**    Councillor Suvaal  
364

**RESOLVED**

1.     That Council reaffirms its support for the return of 100% of section 88 Domestic Waste Management Service Charge (the "waste levy") funds to be returned to local government for reinvestment in recycling facilities, landfill diversion, community education, technology improvements and circular economy opportunities.
2.     That Council notes that Cessnock City Council is liable for the metropolitan levy rate of \$151.60 per tonne of landfill, compared to the regional levy rate of \$87.30 per tonne, a \$64.30 per tonne difference.
3.     That Council acknowledges analysis undertaken by Council officers that shows an additional \$5.5 million has been paid by Cessnock ratepayers over the past decade due our categorisation by the NSW Government.
4.     That Council notes the waste levy is a large percentage of the cost (over \$64m in the last decade) of waste disposal by Council, with an average of \$5m currently being paid in levy contributions annually. Council received only \$95,000 in the Better Waste & Recycling Fund for the same period [noting this ended at the last financial year with no indication that there will be any further funding (non-contestable) replacing it] to Cessnock City Council to fund its resource recovery projects, which is the actual intention of the levy.
5.     That Council writes to the Premier and Opposition Leader calling on them to commit to the full return of 100% of the waste levy to local councils to fund waste diversion from landfill initiatives such as those outlined in 2020-25 Waste and Resource Recovery Management Strategy.

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**MAYORAL MINUTES NO. MM20/2022**

**SUBJECT: SUBDIVISION AND DEVELOPMENT IN VILLAGES**

---

**MOTION**      **Moved:**    Councillor Suvaal  
365

**RESOLVED**

1.      **That Council notes the information contained within this report.**
2.      **That the General Manager continues to investigate ways to protect our rural villages and increase the minimum lot size and bring a report back to Council following finalisation of the current Villages Master and Public Domain Plans.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**MOTIONS OF URGENCY**

**MOTIONS OF URGENCY NO. MOU12/2022**

**SUBJECT: MOTIONS OF URGENCY**

---

NIL

## **GENERAL MANAGER'S UNIT**

### **GENERAL MANAGER'S UNIT NO. GMU32/2022**

**SUBJECT: MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 8 NOVEMBER 2022**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine  
366  
**RESOLVED**

**That the Minutes of the Audit and Risk Committee Meeting held 8 November 2022 be adopted as a resolution of the Ordinary Council.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**GENERAL MANAGER'S UNIT NO. GMU33/2022**

**SUBJECT: AUDIT AND RISK COMMITTEE INDEPENDENT CHAIR**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine  
367

**RESOLVED**

**That Council notes the re-appointment of the Independent Chair of the Audit and Risk Committee.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**GENERAL MANAGER'S UNIT NO. GMU34/2022**

**SUBJECT: ANNUAL CODE OF CONDUCT COMPLAINTS REPORT**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Hill  
368  
**RESOLVED**

**That Council notes the Annual Code of Conduct Complaints Report for the period 1 September 2021 to 31 August 2022.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**GENERAL MANAGER'S UNIT NO. GMU35/2022**

**SUBJECT: RE-DETERMINATION OF COUNCIL'S ORGANISATION STRUCTURE**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Hill  
369  
**RESOLVED**

1. That following review and consultation with the General Manager, Council has determined that the existing three (3) directorate organisational structure under the General Manager will remain.
2. That the senior staff positions within Council remain unchanged being the General Manager, Director of Corporate and Community Services, Director of Planning and Environment and the Director of Works and Infrastructure.

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	Councillor Olsen
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (1)</b>

**CARRIED**

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE72/2022**

**SUBJECT: APPOINTMENT OF COUNCIL EXTERNAL ALTERNATE MEMBERS TO THE HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine  
370  
**RESOLVED**

1. That Council endorses two external alternate members to represent Council and participate in any briefings and meetings scheduled for the Regional Planning Panel in respect of any Development Application, S4.55 Application, and Planning Proposal in circumstances where a member has declared a conflict of interest, for a period of three years, and advise the RPP Panel Secretariat of these appointments.
2. That the General Manager determine which external alternate member will represent Council in circumstances where a member has declared a conflict of interest, taking into account their area/s of expertise.

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE73/2022**

**SUBJECT: OUTCOME OF PUBLIC EXHIBITION OF PLANNING PROPOSAL  
18/2022/2/1 TO AMEND CESSNOCK LOCAL ENVIRONMENTAL  
PLAN 2011 RURAL ZONES RU2 AND RU5.**

---

**MOTION**            **Moved:**    Councillor Hill            **Seconded:**    Councillor Burke  
371

**RESOLVED**

1. That Council endorses the Planning Proposal as an amendment to the Cessnock Local Environmental Plan 2011.
2. That the Council notify those persons who made submissions of Council's decision.
3. That Council add a Clause 1.8A Savings Provision into the Draft Cessnock Local Environmental Plan amendments of Planning Proposal 18/2022/2/1, to preserve development applications lodged but not determined before the finalisation of this plan.

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE74/2022**

**SUBJECT: COMPREHENSIVE LEP REVIEW 2022 - PLANNING PROPOSAL  
18/2022/4 HERITAGE THEME**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine  
372  
**RESOLVED**

**That Council endorse the Planning Proposal 18/2022/4 - Administrative Amendments to Schedule 5 Environmental Heritage and Associated Maps and request an expedited amendment from the Department of Planning and Environment pursuant to Section 3.22 of the *Environmental Planning and Assessment Act 1979*.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**PLANNING AND ENVIRONMENT NO. PE75/2022**

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

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
373  
**RESOLVED**

**That Council receives and notes the Development Performance Monitoring Report for the September quarter 2022/23.**

*Councillor Hill left the meeting, the time being 7.51 pm*

*Councillor Hill returned to the meeting, the time being 7.53 pm*

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **CORPORATE AND COMMUNITY**

### **CORPORATE AND COMMUNITY NO. CC95/2022**

**SUBJECT: RENT RELIEF - CESSNOCK AIRPORT**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine  
374  
**RESOLVED**

**That Council approve rent relief to existing Airport licence and lease holders for a total of one month, for a total of \$25,560.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC97/2022**

**SUBJECT: COUNCIL RECESS PERIOD - DELEGATION TO MAYOR AND GENERAL MANAGER**

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

1. That Council be in recess from 15 December 2022 to 31 January 2023.
2. That Council pursuant to Section 377 of the *Local Government Act 1993*, delegate authority to the Mayor and the General Manager jointly to exercise any function of Council during the recess period.
3. That a list of matters considered, if any, under such delegated authority be submitted for Council's information to the February 2023 meeting.

**AMENDMENT**      **Moved:** Councillor Olsen      **Seconded:** Councillor Jurd

1. That Council be in recess from 15 December 2022 to 9 January 2023.
2. That Council pursuant to Section 377 of the *Local Government Act 1993*, delegate authority to the Mayor and the General Manager jointly to exercise any function of Council during the recess period.
3. That a list of matters considered, if any, under such delegated authority be submitted for Council's information to the February 2023 meeting.
4. That any other issues needing approval an extra ordinary meeting be called of the full Council.

**FOR**

Councillor Paynter  
Councillor Watton  
Councillor Olsen  
Councillor Jurd

**Total (4)**

**AGAINST**

Councillor Moores  
Councillor Dunn  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Suvaal

**Total (8)**

The Amendment was PUT and LOST.

The Motion was then PUT and CARRIED.

**MOTION**

**Moved:** Councillor Burke

**Seconded:** Councillor Hill

375

**RESOLVED**

1. That Council be in recess from 15 December 2022 to 31 January 2023.
2. That Council pursuant to Section 377 of the *Local Government Act 1993*, delegate authority to the Mayor and the General Manager jointly to exercise any function of Council during the recess period.
3. That a list of matters considered, if any, under such delegated authority be submitted for Council's information to the February 2023 meeting.

**FOR**

Councillor Moores  
Councillor Dunn  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Suvaal  
**Total (8)**

**AGAINST**

Councillor Paynter  
Councillor Watton  
Councillor Olsen  
Councillor Jurd  
  
**Total (4)**

**CARRIED**

**CORPORATE AND COMMUNITY NO. CC98/2022**

**SUBJECT: 2024 LOCAL GOVERNMENT ELECTION - ENGAGEMENT OF NSW ELECTORAL COMMISSIONER**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine  
376  
**RESOLVED**

**That Council resolves:**

1. pursuant to s. 296(2) and (3) of the Local Government Act 1993 that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. pursuant to s. 296(2) and (3) of the Local Government Act 1993, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. pursuant to s. 296(2) and (3) of the Local Government Act 1993, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC99/2022**

**SUBJECT: REVIEW OF PRIVACY MANAGEMENT PLAN 2022**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine  
377

**RESOLVED**

1. That Council place the draft Privacy Management Plan 2022 on public exhibition for a period of 28 calendar days.
2. That a further report be presented at a Council meeting following the public exhibition period for consideration of any relevant submissions.
3. That Council adopt the draft Privacy Management Plan 2022 the day after the public exhibition period concludes if no relevant submissions are received.
4. That Council revokes the Privacy Management Plan 2020 from the date the revised draft is adopted.

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC100/2022**

**SUBJECT: MISUSE OF COUNCIL RESOURCES - MARCH 2023 STATE ELECTION, AND NOTIFICATION RELATING TO ILLEGALLY PLACE ELECTION SIGNAGE ON PUBLIC LAND**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine  
378  
**RESOLVED**

1. That Council notes the obligations of Councillors, staff and other Council officials in relation to the use of Council resources and electoral material in the lead up to the March 2023 State elections.
2. That the community, election candidates and electoral parties in the 2023 State election are aware that Council intends to use any and all avenues available under relevant legislation, including the issuing of penalty notices, for illegally placed election signage on public land.

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC101/2022**

**SUBJECT: DISCLOSURES OF INTERESTS IN WRITTEN RETURNS**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine  
379

**RESOLVED**

**That Council notes the tabling of the disclosures of interests written returns for the period 1 August 2022 – 31 October 2022 in accordance with Council's Code of Conduct.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**CORPORATE AND COMMUNITY NO. CC102/2022**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine  
380  
**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC103/2022**

**SUBJECT: INVESTMENT REPORT - NOVEMBER 2022**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine  
381  
**RESOLVED**

**That Council receives the Investment Report for November 2022 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 \$80,627,703.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI74/2022**

**SUBJECT: 2021/22 KURRI KURRI AQUATIC AND FITNESS CENTRE  
PERFORMANCE REVIEW**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine  
382  
**RESOLVED**

**That Council notes the performance of Belgravia Health & Leisure Group Pty Ltd in respect to Year 3 of the contract for the management of the Kurri Kurri Aquatic & Fitness Centre.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI75/2022**

**SUBJECT: CESSNOCK LGA HALL BOOKING/MANAGEMENT**

---

**MOTION**      **Moved:** Councillor Watton      **Seconded:** Councillor Burke  
383  
**RESOLVED**

1. That Council notes the information contained within the report with regard to the implications and resourcing requirements required to overhaul the current practices has adopted relating to hall bookings, maintenance and potential promotions;
2. That Council completes a hall booking trial using the Bookeasy system at four community halls; and
3. That if the hall booking trial is successful, that Council implements the Bookeasy system at all community halls in consultation with the s355 volunteer management committees as resources allow.

*Councillor Hawkins left the meeting, the time being 8.04 pm*

*Councillor Hawkins returned to the meeting, the time being 8.05 pm*

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI76/2022**

**SUBJECT: MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING HELD 21 NOVEMBER 2022.**

---

**MOTION**            **Moved:**    Councillor Burke            **Seconded:**    Councillor Sander  
384  
**RESOLVED**

That the Minutes of the Cessnock Local Traffic Committee Meeting of 21 November 2022 be adopted as a resolution of the Ordinary Council.

- **TC43/2022 – That Council note the advice of the Local Traffic Committee regarding the Technical Review of proposed temporary regulation of traffic on Dalwood and McMullins Roads in East Branxton, in accordance with the Dalwood Road East Branxton \_ The Bike Traffic Control Plans.**
- **TC44/2022 - That Council authorises installation of regulatory parking and intersection controls on various roads within Huntlee, in accordance with Various Roads North Rothbury Stages 1 to 4 \_ Signage & Line Marking Diagrams.**
- **TC45/2022 – That Council authorises installation of regulatory parking and intersection controls on various roads within Huntlee, in accordance with Various Roads North Rothbury Stages 35 to 38 & 41 \_ Signage & Line Marking Diagrams.**
- **TC46/2022 - That Council authorises installation of intersection controls at Kesterton Rise, North Rothbury in accordance with the Kesterton Rise North Rothbury \_ Signage & Line Marking Diagram.**
- **TC47/2022 - That Council authorises installation of regulatory parking and intersection controls on various roads within Huntlee, in accordance with Various Roads Rothbury ARIA Stage 1 \_ Signage & Line Marking Diagram.**
- **TC48/2022 - That Council authorises the installation of a children’s crossing, regulatory parking controls and associated signage and line marking on Branxton Street, Nulkaba in accordance with the Branxton Street Nulkaba \_ Signage & Line Marking Diagram.**
- **TC49/2022 - That Council authorises the installation of regulatory signage and line marking on Roads MC04 & MC09, Bellbird in accordance with the Various Roads Bellbird \_ Signage & Line Marking Diagram.**
- **TC50/2022 – That Council authorises the installation of a pedestrian refuge and associated signage and line marking on Ferguson Street, Cessnock in accordance with the Ferguson Street Cessnock \_ Signage & Line Marking Diagram.**
- **TC51/2022 - That Council authorises the installation of line making on Mount View Road, Cessnock in accordance with the Mount View Road Cessnock \_ Line Marking Diagram.**

- **TC52/2022 - That Council authorises the installation of shared path signage and line marking on various streets, in the Cessnock LGA in accordance with the Shared Path Projects \_ Signage & Line Marking Diagram.**
- **TC53/2022 - That Council authorises the installation of intersection controls including associated signage and line marking on Station Street and Scott Street, Weston in accordance with the Station & Scott Streets Weston \_ Signage & Line Marking Diagram.**
- **TC54/2022 - That Council resolves that, in accordance with the Cessnock Local Traffic Committee Terms of Reference, the 2023 meeting dates for the Cessnock Local Traffic Committee are:**
  - **20 February 2023**
  - **20 March 2023**
  - **17 April 2023**
  - **15 May 2023**
  - **19 June 2023**
  - **17 July 2023**
  - **21 August 2023**
  - **18 September 2023**
  - **16 October 2023**
  - **20 November 2023**
  - **18 December 2023**

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

***CARRIED UNANIMOUSLY***

**WORKS AND INFRASTRUCTURE NO. WI77/2022**

**SUBJECT: EXTRA ORDINARY MINUTES OF CESSNOCK LOCAL TRAFFIC COMMITTEE MEETING 8 DECEMBER 2022**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine  
385  
**RESOLVED**

**That the Minutes of the Cessnock Local Traffic Committee Meeting of 8 December 2022 be adopted as a resolution of the Ordinary Council.**

- **TC55/2022 - 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 \_ Traffic Control Plan.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI78/2022**

**SUBJECT: MINUTES OF THE ROADS REVIEW COMMITTEE MEETING HELD ON 30 NOVEMBER 2022**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine  
386  
**RESOLVED**

**That the Minutes of the Roads Review Committee Meeting held on 30 November 2022 be adopted as a resolution of the Ordinary Council.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**WORKS AND INFRASTRUCTURE NO. WI79/2022**

**SUBJECT: BRANXTON TO GRETA SHARED PATHWAY**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Hill  
387  
**RESOLVED**

1. That Council notes that TfNSW have given approval to utilise traffic lanes on the New England Highway for the Branxton to Greta Cycleway.
2. That Council resolves to use the alignment as agreed with TfNSW.
3. That Council will be provided additional information via Councillor Memo after the meeting with TfNSW of 12 December 2022.

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	Councillor Jurd
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (1)</b>

**CARRIED**

## **CORRESPONDENCE**

### **CORRESPONDENCE NO. CO23/2022**

**SUBJECT: CC58/2022 - ACCOUNTING TREATMENT - RURAL FIRE SERVICE FLEET**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine  
388  
**RESOLVED**

**That Council notes the correspondence received from the State Member for Cessnock Clayton Barr MP and the Member for Balmain Jamie Parker MP in response to the accounting treatment of RFS fleet assets.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORRESPONDENCE NO. CO24/2022**

**SUBJECT: LGNSW 2022 SPECIAL CONFERENCE - RESPONSE TO  
RESOLUTION 85 - HON. WENDY TUCKERMAN MP - STORMWATER  
LEVY REVIEW MOTION 2 JUNE 2021 REPORT FLOCLM11/2021**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine  
389  
**RESOLVED**

That Council notes the correspondence to Darriea Turley AM, President LGNSW received from the Hon. Wendy Tuckerman MP, Minister for Local Government in response to Resolutions raised at the LGNSW Special Conference 2022, and in particular Resolution 85– Review of the Stormwater Management Services Charge submitted by Council.

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **COUNILLORS REPORTS**

Councillor Moores

### **Austar Mine Meeting**

Councillor Moores reported on his attendance at the Austrar Mine meeting and advised that they have donated their annual fees to the community, those being:-

Aberdare Pre-School \$2,645  
Bellbird Pre-School \$5,000  
Cessnock Public School \$13,200  
Cessnock District Netball Association \$500  
Kitchener Public School \$5,840  
Cessnock Community Leo Club \$1,000

Austar advised that they would still be donating to the community going forward.

Councillor Hill

### **Blackhill and Buttai Quarry Committees**

Councillor Hill advised that the Buttai quarry discussed the more active quarry in our LGA area which is run by Daracon and as we can all understand with Councils huge focus on repairing roads around the LGA, that quarry is seeing a huge demand in resources to be shipped out. Earlier in the year, with the assistance of Councillor Grine and myself we pursued some more information for the operator of that quarry to look at increasing their allowance of truck movements to and from the quarry as they have had such a large increase in the demand for material. In regards to rehabilitation of the quarry they are seeing successful regrowth.

In regards to the Blackhill quarry it is slightly less operational as they have tapped their most useful material from that quarry and they are also undergoing extensive rehabilitation works. There are a number of active residents from the Blackhill and Buttai community that are involved with the Committees and they are always ensuring that the quarries are operating within their guidelines.

8.28pm

**Confidential reports (closed session)**

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine  
390  
**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

*Councillor Grine left the meeting, the time being 8.29 pm*

*Councillor Grine returned to the meeting, the time being 8.30 pm*

8.44pm

**Open Session**

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

**CORPORATE AND COMMUNITY NO. CC96/2022**

**SUBJECT: BLACK CREEK CHANNEL LAND ACQUISITION**

*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.*

**MOTION**            **Moved:**    Councillor Burke            **Seconded:**    Councillor Grine  
391  
**RESOLVED**

1.     **That Council authorise purchase of the following land required for the Cessnock Commercial Precinct Public Domain Plan:**
  - **Wollombi Road Cessnock - Lot E DP 384895;**
  - **47- 49 Vincent Street Cessnock - Lot F DP 354733;**
  - **47- 49 Vincent Street Cessnock - Lot G DP 347929;**
  - **47- 49 Vincent Street Cessnock - Lot H DP 384894.**
  
2.     **That Council delegates authority to the General Manager to extend a Letter of Offer to the landowner and negotiate voluntary agreement to purchase the land in accordance with independent valuation; and**
  
3.     **That Council delegates authority to the General Manager to execute all relevant documentation to affect the transaction.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	Councillor Olsen
Councillor Dunn	Councillor Jurd
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
<b>Total (10)</b>	<b>Total (2)</b>

**CARRIED**

*The Meeting Was Declared Closed at 8.45pm*

**CONFIRMED AND SIGNED** at the meeting held on 15 February 2023

.....CHAIRPERSON

.....GENERAL MANAGER