

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 17 AUGUST 2022, COMMENCING
AT 6.30PM**

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

IN ATTENDANCE: Acting General Manager (Director Corporate and Community Services)
Director Planning and Environment
Acting Director Corporate and Community Services (Human Resources)
Director Works and Infrastructure
Development Services Manager
Strategic Planning Manager
Economic Development & Tourism Manager
Compliance Services Manager
Building Services Team Leader
Help Desk Support Officer
Media & Communication Officer
Corporate Governance Officer
Council Services Administration Officer

The Mayor acknowledged the passing of former Deputy Mayor, George Ellis.

APOLOGY:

MOTION

Moved: Councillor Paynter

Seconded: Councillor Hawkins

221

RESOLVED that the apology tendered on behalf of Councillor Burke, for unavoidable absence, be accepted.

That a Leave of Absence be granted to Councillor Olsen for the period 2 September to 30 September 2022.

FOR

AGAINST

Councillor Jackson

Councillor Moores

Councillor Dunn

Councillor Grine

Councillor Sander

Councillor Hill

Councillor Hawkins

Councillor Paynter

Councillor Watton

Councillor Olsen

Councillor Jurd

Councillor Suvaal

Total (12)

Total (0)

CARRIED UNANIMOUSLY

MINUTES:

MOTION

Moved: Councillor Sander
Councillor Paynter

Seconded:

222

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 20 July 2022 and the Extraordinary Meeting held on 28 July 2022, as circulated, be taken as read and confirmed as a correct record.

FOR

AGAINST

Councillor Jackson
Councillor Moores
Councillor Dunn
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Olsen
Councillor Jurd
Councillor Suvaal

Total (12)

Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI7/2022

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.

PE45/2022 - Development Application No. 8/2022/149/1 seeking to increase the number of children catered for at an existing childcare centre - 112 Lang Street and 89-93 Barton Street, Kurri Kurri - Councillor Hawkins declared a Non Pecuniary Less than Significant Conflict for the reason that his children have on occasion attended this childcare centre. Councillor Hawkins advised that he would remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty as it is not a regular occurrence.

PETITIONS

Nil

ADDRESS BY INVITED SPEAKERS

The following people addressed the meeting of Council:

Speakers	For/Against Recommendation	Report	Page No.	Duration
Jodie Chandler	Against	PE43/2022 – Development Application No: 8/2022/372/1 proposing a Torrens title subdivision of one (1) lot into two (2) lots	87	3 mins

Speakers	For/Against Recommendation	Report	Page No.	Duration
Glen Triebel	For	PE43/2022 – Development Application No: 8/2022/372/1 proposing a Torrens title subdivision of one (1) lot into two (2) lots	87	3 mins

PLANNING AND ENVIRONMENT NO. PE43/2022

SUBJECT: DEVELOPMENT APPLICATION NO. 8/2022/372/1 PROPOSING A TORRENS TITLE SUBDIVISION OF ONE (1) LOT INTO TWO (2) LOTS

39 CONGEWAI STREET, KEARSLEY

MOTION **Moved:** Councillor Jurd **Seconded:** Councillor Olsen
223

RESOLVED

1. That Development Application No. 8/2022/372/1 proposing a Torrens title subdivision of one (1) lot into two (2) lots at 39 Congewai Street, Kearsley, be refused pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, subject to the following reasons for refusal:
 - (i) Proposed Lot 21 does not comply with the minimum lot size.
 - (ii) The development is not in keeping with the local village amenity.
 - (iii) The site is not considered a suitable location for an intensification of development sought.

2. In considering community views, the following is relevant:

All matters raised in the submissions have been taken into consideration including the drainage, infrastructure, permissibility and general amenity issues associated with the application. These matters have been assessed along with the manner in which the development is proposed, and subject to the terms and conditions of the consent, the development is deemed not suitable for approval.

3. 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*.

4. 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 Moores	
Councillor Dunn	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

Speakers	For/Against Recommendation	Report	Page No.	Duration
Rosemary Buddery	Against	PE44/2022 - Development Application No. 8/2021/22142/1 proposing demolition of existing structures and construction of a food and drink premises ('McDonalds') to operate 24 hours a day, 7 days a week - 217-219 Vincent Street, Cessnock	130	3 mins

Councillor Jurd left the meeting, the time being 6.55pm

Councillor Jurd returned to the meeting, the time being 6.58pm

Speakers	For/Against Recommendation	Report	Page No.	Duration
Yannis Comino – SLR Consulting Australia. Clinton Smith – McDonald's Australia Limited	For	PE44/2022 - Development Application No. 8/2021/22142/1 proposing demolition of existing structures and construction of a food and drink premises ('McDonalds') to operate 24 hours a day, 7 days a week - 217-219 Vincent Street, Cessnock	130	3 mins

PLANNING AND ENVIRONMENT NO. PE44/2022

SUBJECT: DEVELOPMENT APPLICATION NO. 8/2021/22142/1 PROPOSING DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A FOOD AND DRINK PREMISES ('MCDONALDS') TO OPERATE 24 HOURS A DAY, 7 DAYS A WEEK

217-219 VINCENT STREET, CESSNOCK

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Watton
224
RESOLVED

That the report be deferred to allow for further discussion with the applicant regarding the building location and the traffic management on the site and impacts on local residents.

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

CARRIED UNANIMOUSLY

Speakers	For/Against Recommendation	Report	Page No.	Duration
Elana Lawrence – the Centre Kurri Kurri	For	PE45/2022 - Development Application No. 8/2022/149/1 seeking to increase the number of children catered for at an existing childcare centre - 112 Lang Street and 89-93 Barton Street, Kurri Kurri	217	3 mins

Councillor Moores left the meeting, the time being 7.10pm

PLANNING AND ENVIRONMENT NO. PE45/2022

SUBJECT: DEVELOPMENT APPLICATION NO. 8/2022/149/1 SEEKING TO INCREASE THE NUMBER OF CHILDREN CATERED FOR AT AN EXISTING CHILDCARE CENTRE

112 LANG STREET AND 89-93 BARTON STREET, KURRI KURRI

Councillor Hawkins declared a Non Pecuniary Less than Significant Conflict for the reason that his children have on occasion attended this childcare centre. Councillor Hawkins remained in the Chamber and participated in discussion and voting.

MOTION **Moved:** Councillor Grine **Seconded:** Councillor Paynter
225

RESOLVED

1. That:

- i. **Development Application No. 8/2022/149/1 seeking to increase the number of children catered for at an existing childcare centre from a maximum of 45 to 120 (OOSH) and from a maximum of 55 to 120 (vacation care), at 112 Lang Street and 89-93 Barton Street, Kurri Kurri be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, subject to the conditions contained in Enclosure 1 attached to this report.**
- ii. **The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:**
 - **Council considers there to be adequate on street parking to this facility.**
 - **Council supports the expansion of capacity to this facility to be of benefit to the community.**

- iii. **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*.**

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

CARRIED UNANIMOUSLY

Speakers	For/Against Recommendation	Report	Page No.	Duration
Mr Jack Peterkin – Perception Planning	Against	PE47/2022 - Heddon Greta - Cliftleigh Corridor Structure Plan – Submission Outcomes and Revised Plan	263	3 mins

Councillor Moores returned to the meeting, the time being 7.14pm

PLANNING AND ENVIRONMENT NO. PE47/2022

SUBJECT: HEDDON GRETA - CLIFTLEIGH CORRIDOR STRUCTURE PLAN - SUBMISSION OUTCOMES AND REVISED PLAN

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Grine
226
RESOLVED

1. **That Council adopts the Heddon Greta – Cliftleigh Corridor Structure Plan, as amended following public exhibition, with the following additional changes:**
 - **Remove the recommendation of the Heddon Greta Hotel & Car Park investigation area from the plan and instead highlight possible small business opportunities surrounding Stanford Rd, south of MR195.**
 - **Change the wording under the ‘Hydro’ heading on pg. 63 to instead read; ‘A new major traffic link from Hart Road at the HEX to MR195/Cessnock Road at Gilleston Heights with support from council for this road to be considered in future as a possible state road alternative link between Kurri Kurri & Maitland’**
 - **Change the wording for dot point 4 under the ‘Other local roads’ on pg. 63 to instead read; ‘Adams St - Heddon St to Young St - reconstruct road with kerb and drainage;’**
 - **Change the wording for dot point 5 under the ‘Other local roads’ on pg. 63 to instead read; ‘Stanford St - Main Rd to Adam St - reconstruct road with kerb and drainage;’**
 - **Change the priority in the second row of the table on pg. 66 from ‘Short to medium’ to ‘Intermediate’ to better align with the community request for fast tracked toilet amenities at Cliftleigh Meadows Park.**
 - **Include an additional dot point to the first row of the table on pg. 67 under ‘Work/Item/Proposal’ for opportunities at Hedleigh Park which reads; ‘Toilets / Amenities’ to better align with the community request for additional toilet amenities within the corridor.**

2. **That Council utilises the revised Heddon Greta – Cliftleigh Corridor Structure Plan and relevant submissions to inform further consultation with Transport for NSW regarding the future planning of Main Road 195.**

3. That Council notifies the persons who made written submissions with regard to the draft plan of Council's decision.

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

CARRIED UNANIMOUSLY

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

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Paynter
227

RESOLVED

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

‡ GMU18/2022	Cessnock City Council Union Picnic Day	85
PE48/2022	Urban Growth Management Plan - Interim Review	320
‡ PE49/2022	Strategic Planning Annual Monitoring Report.....	354
CC63/2022	Disclosures of Interests in Written Returns.....	430
CC64/2022	Minutes of the Aboriginal and Torres Strait Islander Advisory Committee Meeting of the Cessnock City Council held 11 July 2022.....	433
CC66/2022	Procurement Policy.....	445
‡ CC68/2022	Investment Report - July 2022.....	477
WI52/2022	Minutes of Cessnock Local Traffic Committee Meeting held 18 July 2022	566
WI53/2022	Minutes of the Roads Review Committee meeting held on 13 July 2022	594
WI55/2022	Fixing Local Roads Round 4.....	605
‡ CO12/2022	MM05/2022 - Support for Hart Road, North Ramps – Hunter Expressway.....	614

Council adopt the recommendations as printed for those items.

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

CARRIED UNANIMOUSLY

MAYORAL MINUTES 13/2022

BRIDGES HILL PARK TO WINE COUNTRY DRIVE SHARED PATHWAY

MOTION *Moved:* Councillor Suvaal

228

RESOLVED

1. That Council support the proposal by St Phillips Christian College to install traffic lights at the intersection of Wine Country Drive and Lomas Lane as part of its current upgrade plans;
2. That the General Manager investigate an alternative route for the shared pathway to be on the western side of Wine Country Drive between Fleming Street and Lomas Lane;
3. That the General Manager bring a report back to Council detailing the feasibility of the alternative route including estimated costs and potential funding sources;
4. That the General Manager not commence works on the Fleming Street to Lomas Lane section of the shared pathway until after Council considers the report on an alternate route on the western side of Wine Country Drive; and
5. That Council notes the 30 June 2023 as the funding deadline for completion of this project.

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

CARRIED UNANIMOUSLY

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU8/2022

SUBJECT: MOTIONS OF URGENCY

Nil

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU17/2022

SUBJECT: 2022 CESSNOCK STOMP FESTIVAL - IN KIND SUPPORT

MOTION **Moved:** Councillor Hawkins **Seconded:** Councillor Sander

1. That Council supports the 2022 Stomp Festival by providing in-kind and financial support to the value of \$17,304 for waste management, traffic management, event fees and the suspension of the Alcohol-Free Zone; and
2. That Council fund the waste management and traffic management support of \$9,236 from the Tourism Related Activities reserve and use existing recurrent operating budgets to waive Council fees.
3. That Council suspends the operation of the Alcohol-Free Zone in Vincent, Cooper and Charlton Streets, Cessnock between the hours of 6.00am and 6.00pm on Sunday, 30 October 2022

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

1. That Council supports the 2022 Stomp Festival by providing in-kind and financial support to the value of \$17,304 for waste management, traffic management, event fees and the suspension of the Alcohol-Free Zone; and
2. That Council fund the waste management and traffic management support of \$17,304 from the Tourism Related Activities reserve.
3. That Council suspends the operation of the Alcohol-Free Zone in Vincent, Cooper and Charlton Streets, Cessnock between the hours of 6.00am and 6.00pm on Sunday, 30 October 2022

FOR	AGAINST
Councillor Moores	Councillor Jackson
Councillor Paynter	Councillor Dunn
Councillor Watton	Councillor Grine
Councillor Olsen	Councillor Sander
Councillor Jurd	Councillor Hill
	Councillor Hawkins
	Councillor Suvaal
Total (5)	Total (7)

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

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

MOTION

Moved: Councillor Hawkins **Seconded:** Councillor Sander

229

RESOLVED

1. That Council supports the 2022 Stomp Festival by providing in-kind and financial support to the value of \$17,304 for waste management, traffic management, event fees and the suspension of the Alcohol-Free Zone; and
2. That Council fund the waste management and traffic management support of \$9,236 from the Tourism Related Activities reserve and use existing recurrent operating budgets to waive Council fees.
3. That Council suspends the operation of the Alcohol-Free Zone in Vincent, Cooper and Charlton Streets, Cessnock between the hours of 6.00am and 6.00pm on Sunday, 30 October 2022

FOR

Councillor Jackson
Councillor Dunn
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Suvaal

Total (7)

AGAINST

Councillor Moores
Councillor Paynter
Councillor Watton
Councillor Olsen
Councillor Jurd

Total (5)

CARRIED

GENERAL MANAGER'S UNIT NO. GMU18/2022

SUBJECT: CESSNOCK CITY COUNCIL UNION PICNIC DAY

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Paynter
230

RESOLVED

That the report be received and noted with the Union Picnic Day to be held on Friday, 28 October 2022.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE46/2022

SUBJECT: SIX MONTHLY INFRASTRUCTURE CONTRIBUTIONS FINANCIAL REPORT UPDATE

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Grine
231
RESOLVED

That Council notes the information contained within the report is related to Local Infrastructure Contributions as at 30 June 2022.

Councillor Jackson left the meeting, the time being 7.45pmM

Councillor Jackson returned to the meeting, the time being 7.47pmM

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE48/2022

SUBJECT: URBAN GROWTH MANAGEMENT PLAN - INTERIM REVIEW

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Paynter
232

RESOLVED

1. That Council exhibit the Urban Growth Management Plan – Interim Review for a period of 28 days.
2. That a report be brought back to Council outlining any submissions received during the exhibition period.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE49/2022

SUBJECT: STRATEGIC PLANNING ANNUAL MONITORING REPORT

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Paynter
233
RESOLVED

That Council notes the information contained within this report being an overview of residential development activity, employment development activity, land supply and progress of key planning Strategies for the 2021-2022 financial year.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE50/2022

SUBJECT: DEVELOPMENT APPLICATION NO. 8/2021/21642/1 - PROPOSED CONSTRUCTION OF A NEW SINGLE STOREY DWELLING

169 NEW STREET MULBRING

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Jackson
234
RESOLVED

1. **That:**
- (i) **Development Application No. 8/2021/216421 proposing a new dwelling at 169 New Street Mulbring be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, subject to the conditions contained in Enclosure 1 attached to this report.**
- (ii) **The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:**
- **In keeping with the surrounding properties.**
- (iii) **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*.**

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC63/2022

SUBJECT: DISCLOSURES OF INTERESTS IN WRITTEN RETURNS

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Paynter
235
RESOLVED

That Council notes the tabling of the disclosures of interests written returns for the period 1 May 2022 – 31 July 2022 in accordance with Council’s Code of Conduct.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC64/2022

**SUBJECT: MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER
ADVISORY COMMITTEE MEETING OF THE CESSNOCK CITY
COUNCIL HELD 11 JULY 2022**

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Paynter
236
RESOLVED

1. That the Minutes of the Aboriginal and Torres Strait Islander Advisory Committee meeting held on 11 July 2022 be adopted as a resolution of Ordinary Council.
2. That Council notes the Draft Cessnock City Council Aboriginal and Torres Strait Islander Advisory Committee Charter will be further considered at the next Aboriginal and Torres Strait Islander Advisory Committee and once resolved by the Committee will be tabled to Council seeking adoption.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC65/2022

**SUBJECT: LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2022 -
REQUEST FOR ATTENDANCE AND MOTIONS**

Councillor Jurd left the meeting, the time being 7.51pm

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Dunn
237
RESOLVED

1. **That the delegates to attend the Local Government NSW Annual Conference 2022 are the Mayor and Councillors Jackson, Moores, Burke, Sander, Hill, Hawkins, Paynter, Watton and Grine.**
2. **That Council determines the four voting delegates for the Local Government NSW Annual Conference 2022 to be the Mayor and Councillors Jackson, Watton and Hill.**
3. **That the following motions be submitted for referral to the Association for consideration at the Local Government NSW Annual Conference 2022.**

Parking Advocacy - Amendment to Rule 197 of the Road Rules 2014

Motion: That LGNSW advocate for an “exemption” to Rule 197 of the NSW Road Rules 2014 allowing participating Councils to provide for parking on nature strips.

Rationale: Council was required to amend the Parking Enforcement Policy in 2021 to align with requirements under the NSW Road Rules 2014, in particular the requirements of Rule 197 which necessitated the removal of the local 3 metre rule previously in operation. This has contributed to a range of community frustration and perceived inequity in applying a blanket rule across NSW where in some local circumstances the width of the road reserve (nature strip) could safely accommodate local parking changes.

As any Council policy is required to conform to State Government legislation, the ability to have a local rule in place for parking is not able to be provided. Council at the meeting of 15 June 2022 separately resolved to write to the Hon David Elliott MP, Minister of Transport seeking an amendment to the Road Rules 2014 to facilitate the ability for Council to consider such a local rule that has previously operated successfully in the local area.

Code of Conduct Process and Outcome Review

Motion: That LGNSW calls on the Minister for Local Government to make urgent changes to the procedures and legislation relating to Code of Conduct complaints to improve the process, reduce the financial and operational impacts on Councils, and provide for more definitive outcomes where Code of Conduct Complaints relating to Councillors are substantiated.

Rationale: The current Model Procedures for Administration of Code of Conduct Complaints are cumbersome, operationally inefficient and in some cases financially restrictive for Councils. Some Code Complaints take an extended period of time to complete and create conflicts within the organisation for those charged with administering the Complaints, and ultimately for Councillors who may be required to determine an outcome for a fellow Councillor if a complaint is substantiated after a full investigative process. The current system also provides for use of a Code Complaint as a political tool. Then, following an at times extensive and expensive process, there does not seem to be any real consequences for Councillors for breaching the Code of Conduct. Urgent action needs to be implemented to update both the procedures and legislation to fix the current processes for dealing with a Code of Conduct Complaint against a Councillor.

Crown Land Roads Funding

Motion: That LG NSW call on the State Government to fund Crown Lands Department to plan for, resource and repair Crown Roads that are damaged in a Natural Disaster.

Rationale: Crown Lands are the asset owner of Crown Roads around NSW. These roads are widely used by the NSW community to gain access to and from their properties.

Crown Lands position is that they do not manage their roads and do not have the resources. When a Natural Disaster occurs the community are currently left in limbo when Crown Roads are damaged with Crown Lands refusing to repair their assets with the community referred to Councils with the expectation that Councils will do the works. Generally when a Natural Disaster occurs Councils assets are also damaged and Councils are struggling to repair their own roads/infrastructure yet alone Crown Roads as well. The state through TfNSW has substantial resources at its disposal, that could assist Crown Lands in fixing their roads in a timely manner and stop the circle of confusion and frustration for the NSW community.

Councillor Jurd returned to the meeting, the time being 7.54pm

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC66/2022

SUBJECT: PROCUREMENT POLICY

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Paynter
238

RESOLVED

1. That Council places the draft Procurement Policy on public exhibition for a period of 28 days.
2. If there are no public submissions received that the policy be automatically adopted at the end of the exhibition period.
3. Upon policy adoption, the General Managers delegation be updated to reflect the delegated authority as per the Policy.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC67/2022

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
239

RESOLVED

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

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC68/2022

SUBJECT: INVESTMENT REPORT - JULY 2022

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Paynter
240
RESOLVED

That Council receives the Investment Report for July 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 \$75,646,273.

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI50/2022

SUBJECT: BOOTH PARK NETBALL FACILITY CONCEPT PLAN

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Watton
241

RESOLVED

1. That Council adopts the Booth Park Netball Facility Concept Plan
2. That Council notifies those who made submissions of Council's decision.
3. That planning works including concept designs, the development of a business case and detailed designs to Development Application level be completed for the Booth Park Netball Facility in line with NSW Government grant funding received.
4. That Council continues to liaise with key stakeholders including local residents and sporting groups in the development of plans for Booth Park Netball Facility.

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI51/2022

SUBJECT: 2022/23 POOL COMMUNITY CELEBRATIONS AND FREE FAMILY ENTRY VOUCHERS

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Dunn
242

RESOLVED

1. That Council issue a free family pass entry voucher to all children completing the NSW Department of Education intensive Learn to Swim program at Cessnock, Branxton Pools and Kurri Kurri Aquatic Fitness Centre, at a potential lost revenue of \$14,515.
2. That Council undertake free entry and a community celebration take place at Cessnock Pool on Saturday 1 October 2022, Sunday 2 October 2022 and Monday 3 October 2022 to launch the opening of the splash pad at a cost of \$3,681.
3. That free entry and community celebrations take place for Australia Day (26 January 2023) at Cessnock Pool, Branxton Pool and Kurri Kurri Aquatic Centre at a cost of \$4,954.
4. That Council notes the total potential loss of pool entry revenue and other costs from these activities is an estimated total \$23,150.
5. That funding to cover costs to be considered in the next Quarterly Budget Review Statement.
6. That the General Manager contact the Owners of the Wollombi/Laguna community pool with the proposal for a Australia BBQ at their pool with a view to invite the community to a free swim and sausage sizzle.
7. That the General Manager contact Community groups that could run the event.
8. That Costs associated with the event be as per the current resolution (dealt with in the QBRS process).

FOR

AGAINST

Councillor Jackson
Councillor Moores
Councillor Dunn
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Olsen
Councillor Jurd
Councillor Suvaal
Total (12)

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI52/2022

**SUBJECT: MINUTES OF CESSNOCK LOCAL TRAFFIC COMMITTEE MEETING
HELD 18 JULY 2022**

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Paynter
243

RESOLVED

1. **TC23/2022 - That Council authorises the installation of regulatory parking signage on Neath Street, Cessnock in accordance with the Neath Street Cessnock _ Signage Diagram.**
2. **TC24/2022 - That Council authorises the installation of regulatory parking signage on Abermain Street, Weston in accordance with the Abermain Street Weston _ Signage Diagram.**
3. **TC25/2022 - That Council authorises the installation of regulatory parking signage on Yango Street, Cessnock in accordance with the Yango Street Cessnock _ Signage & Line Marking Diagram.**
4. **TC26/2022 - That Council authorises installation of signage and line marking on O'Shea Circuit, Mount View in accordance with the O'Shea Circuit Mount View _ Signage & Line Marking Diagram.**
5. **TC27/2022 - That the submitted plans be returned to the developer for amendments to cycle paths and the inclusion of road widths and proposed bus routes.**
6. **TC28/2022 - That the submitted plans be returned to the developer for amendments to the intersection alignment and warning signage.**
7. **TC29/2022 - That Council authorises the temporary regulation of traffic on Broke Road, McDonalds Road, Thompsons Road, Marrowbone Road and Oakey Creek Road, Pokolbin for the End2End Festival in accordance with Various Roads Polkolbin _ End2End Festival Traffic Control Plans.**
8. **TC30/2022 - That Council note the advice of the Local Traffic Committee regarding the Technical Review of proposed temporary regulation of traffic on various roads within Cessnock, in accordance with the Various Roads Cessnock _ APBGP Traffic Control Plans.**
9. **TC31/2022 - That Council note the advice of the Local Traffic Committee regarding the Technical Review of proposed temporary regulation of traffic on various roads within Wollombi, in accordance with the Various Roads Wollombi _ Wollombi Wild Ride Traffic Control Plans.**
10. **TC32/2022 - That Council authorises the installation of regulatory parking signage & line marking on Nelson Street, Greta in accordance with the Nelson Street Greta _ Signage & Line Marking Diagrams.**

FOR**AGAINST**

Councillor Jackson

Councillor Moores

Councillor Dunn

Councillor Grine

Councillor Sander

Councillor Hill

Councillor Hawkins

Councillor Paynter

Councillor Watton

Councillor Olsen

Councillor Jurd

Councillor Suvaal

Total (12)**Total (0)*****CARRIED UNANIMOUSLY***

WORKS AND INFRASTRUCTURE NO. WI53/2022

SUBJECT: MINUTES OF THE ROADS REVIEW COMMITTEE MEETING HELD ON 13 JULY 2022

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Paynter
244
RESOLVED

That the Minutes of the Roads Review Committee Meeting held on 13 July 2022 be adopted as a resolution of the Ordinary Council.

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI54/2022

SUBJECT: T2021-05 - OAKEY CREEK ROAD SAFETY UPGRADES - TENDER EVALUATION REPORT

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
245

RESOLVED

That Council accepts tender No. T2021-05 from Gleeson Civil Engineering Pty Ltd

FOR

AGAINST

Councillor Jackson
Councillor Moores
Councillor Dunn
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Olsen
Councillor Jurd
Councillor Suvaal
Total (12)

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI55/2022

SUBJECT: FIXING LOCAL ROADS ROUND 4

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Paynter
246
RESOLVED

1. That Council endorses following applications under the Fixing Local Roads Program Round 4:
 - Sandy Creek Road, Quorrobolong – Road rehabilitation.
 - Mount View Road, Cessnock - Road rehabilitation.
 - Mansfield Street, Greta - Road rehabilitation.
 - Old Maitland Road, Sawyers Gully – Sealing of unsealed road.

2. That Council notes that the contribution required of up to \$1.96 million is currently budgeted within the Local Road Renewal budget of the current Delivery Program 2022-26 to cover Councils 25% co-contribution in accordance with the grant application.

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

CARRIED UNANIMOUSLY

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN24/2022

SUBJECT: AIR B&B'S

MOTION **Moved:** Councillor Olsen **Seconded:** Councillor Jurd
247
RESOLVED

That Council contact the Minister for Planning & Homes, Honourable Anthony John Roberts, MP and The State Member for Cessnock, Mr Clayton Barr, MP regarding the increase in the number of homes and units being turned into Air B&B's in the Cessnock Local Government area to discuss the introduction of controls and measures to stop the loss of housing to local residents. Plus also imposing regulations on the change of use of a house or unit into an Air B&B, rating etc as are imposed on motels. Any measures that may be used to stop the loss of housing for local residents. With the high number of homeless and the rising costs of rentals and living expenses that are causing more problems for the region as well as the State.

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

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN25/2022

SUBJECT: SWIMMING POOL BOOKING FEES

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

That Council remove the following charges from the Fees and Charges schedule for the booking of the pool for Swim Clubs:-

- 1) **Swimming Club Annual Fee - \$165.00**
- 2) **Carnival/Fun day booking fee per carnival or event - \$137.00**
- 3) **Any money already paid for this financial year to be returned to the clubs.**

FOR	AGAINST
Councillor Paynter	Councillor Jackson
Councillor Watton	Councillor Moores
Councillor Olsen	Councillor Dunn
Councillor Jurd	Councillor Grine
	Councillor Sander
	Councillor Hill
	Councillor Hawkins
	Councillor Suvaal
Total (4)	Total (8)

The Motion was PUT and LOST

CORRESPONDENCE

CORRESPONDENCE NO. CO12/2022

SUBJECT: MM05/2022 - SUPPORT FOR HART ROAD, NORTH RAMPS - HUNTER EXPRESSWAY

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Paynter
248
RESOLVED

That Council notes the correspondence received from the Hon. Sam Farraway MLC, Minister for Regional Transport and Roads on behalf of the Premier in response to Council's correspondence to the Premier relating to the fast tracking of the Hart Road Northern Ramps infrastructure additions to the Hunter Expressway.

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

CARRIED UNANIMOUSLY

COUNCILLORS' REPORTS

Nil

The Meeting Was Declared Closed at 8.45pm

CONFIRMED AND SIGNED at the meeting held on 21 September 2022

.....**CHAIRPERSON**

.....**GENERAL MANAGER**