MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 16 AUGUST 2023, COMMENCING AT 6.30PM

- **PRESENT:** His Worship the Mayor, Councillor J Suvaal (in the Chair) and Councillors Dunn, Jurd, Hawkins, Olsen, Burke, Moores, Jackson, Watton, Sander, Grine, Hill, Paynter.
- IN ATTENDANCE: General Manager Director Planning and Environment Acting Director Corporate and Community Services (Chief Financial Officer) Director Works and Infrastructure Acting Chief Financial Officer (Governance and Council Services Coordinator) Strategic Planning Manager Economic Development & Tourism Manager Communications & Engagement Manager Help Desk Support Officer Council Services Senior Administration Officer Council Services Team Leader

APOLOGY:

MINUTES:	MOTION	Moved:	Councillor Sander
		Secondea	Councillor Moores

540

Nil

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 19 July 2023, as circulated, be taken as read and confirmed as a correct record.

FOR	AGAINST	
Councillor Jackson		
Councillor Dunn		
Councillor Burke		
Councillor Moores		
Councillor Grine		
Councillor Sander		
Councillor Hill		
Councillor Hawkins		
Councillor Paynter		
Councillor Watton		
Councillor Olsen		
Councillor Jurd		
Councillor Suvaal		
Total (13)	Total (0)	

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI7/2023

SUBJECT: DISCLOSURES OF INTEREST

RECOMMENDATION

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

WI27/2023 Tender T2023-27 – Wollombi Road upgrade – Preliminary Engineering

Councillor Jurd declared a Non Pecuniary Interest Less than Significant Conflict for the reason that Councillor Jurd works part-time for a salon located on Wollombi Road. Councillor Jurd advised that she will remain in the Chamber and participate in the discussion and voting as the conflict will not influence her way of voting.

PETITIONS

Nil

ADDRESS BY INVITED SPEAKERS

Councillor Jurd declared a Non Pecuniary Interest Less than Significant Conflict for the reason that Councillor Jurd works part-time for a salon located on Wollombi Road. Councillor Jurd remained in the Chamber and participated in the discussion and voting.

The following person has been invited to address the meeting of Council:

Speakers	Company	For / Against	Report	Page No.	Duration
Naomi	Choice	Against	WI27/2023 - Tender T2023-	92	3 mins
Smith	Chiropractic	_	27 - Wollombi Road Upgrade		
	-		- Preliminary Engineering		

EXTENSION OF TIME

Moved: Seconded: Councillor Hawkins Councillor Dunn

541

RESOLVED

That an extension of time of one minute be granted to Naomi Smith to complete her presentation.

FOR	AGAINST
Councillor Jackson Councillor Dunn Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

WORKS AND INFRASTRUCTURE NO. WI27/2023

SUBJECT: TENDER T2023-27 - WOLLOMBI ROAD UPGRADE - PRELIMINARY ENGINEERING

MOTION Moved: Councillor Hill Seconded: Councillor Sander

That Council accepts the tender (T2023-27) from Kellogg Brown & Root Pty Ltd for the lump sum of \$1,682,704.93 (including GST) for the Preliminary Engineering of the Wollombi Road Upgrade, over Stages 1 and 2.

AMENDMENT Moved: Councillor Olsen Seconded: Councillor Jurd

That the report be deferred until consultation with all residents and business owners in the area is carried out and a report provided to Council.

Councillor Olsen moved a Point of Order in regards to Councillor Hawkins' comments and asked for an apology.

The Mayor advised that Councillor Hawkins made a comment "you have to ask the Councillors that voted against funding the Ring Road, why they voted against the Ring Road" he did not hear the word liar used and the Mayor ruled the Point of Order as Out of Order.

Councillor Olsen moved a Motion of Dissent on the Mayor's ruling in regards to the Point of Order.

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

Total (3)

The Motion of Dissent was **PUT** and **LOST**.

Seconded: Councillor Jurd

That the report be deferred until consultation with all residents and business owners in the area is carried out and a report provided to Council.

FOR	AGAINST
Councillor Paynter	Councillor Jackson
Councillor Watton	Councillor Dunn
Councillor Olsen	Councillor Burke
Councillor Jurd	Councillor Moores
	Councillor Grine
	Councillor Sander
	Councillor Hill
	Councillor Hawkins
	Councillor Suvaal
Total (4)	Total (9)

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

Councillor Olsen moved a Point of Order in regard to the Mayor closing debate and then continuing to speak.

The Mayor advised that he did not close debate, as if he had done so he would not have allowed Councillor Olsen to ask a question.

Councillor Olsen moved a Motion of Dissent on the Mayor's ruling.

500	ACAINOT
FOR	AGAINST
Councillor Watton	Councillor Jackson
Councillor Olsen	Councillor Dunn
Councillor Jurd	Councillor Burke
	Councillor Moores
	Councillor Grine
	Councillor Sander
	Councillor Hill
	Councillor Hawkins
	Councillor Paynter
	Councillor Suvaal
Total (3)	Total (10)
	. ,

The Motion of Dissent was **PUT** and **LOST**

Moved:

That Council accepts the tender (T2023-27) from Kellogg Brown & Root Pty Ltd for the lump sum of \$1,682,704.93 (including GST) for the Preliminary Engineering of the Wollombi Road Upgrade, over Stages 1 and 2.

Councillor Hill

FOR	AGAINST
Councillor Jackson	Councillor Paynter
Councillor Dunn	Councillor Watton
Councillor Burke	Councillor Olsen
Councillor Moores	Councillor Jurd
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Suvaal	
Total (9)	Total (4)

CARRIED

Councillor Jurd left the meeting, the time being 7:58pm

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

MOTI 543	ON	Moved:	Councillor Dunn	Seconded:	Councillor Burke	
RESC	DLVED					
That	having rea	d and con	sidered the report in t	he agenda rel	ated to items	
‡	CC47/202	23 Ir	nvestment Report - July	2023		17
‡	CC49/202	23 D	isclosures of Interests i	n Written Retu	rns	19
‡	CC51/202	23 R	esolutions Tracking Re	port		21

Council adopt the recommendations as printed for those items.

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

MAYORAL MINUTES

BUSINESS NO. MM5/2023

SUBJECT: BELLBIRD MINE DISASTER 100TH ANNIVERSARY

MOTION Moved: Councillor Suvaal 544 RESOLVED

- 1. That Council notes that on 1 September 1923, 21 local miners perished as a result of a fire at Bellbird Colliery.
- 2. That Council notes on 1 September 2023 there will be a memorial service commemorating the 100th Anniversary of the Bellbird Mine Disaster held at Bellbird Miners Memorial Park, at the corner of Wollombi Road and Kendall Street, Bellbird commencing at 11am.
- 3. That Council notes various commemorative events are planned by Cessnock Council for the Bellbird disaster centenary.
- 4. That the General Manager investigate the option of naming new streets in the Bellbird area after the 21 miners that lost their lives.

Councillor Jurd returned to the meeting, the time being 7:58 pm

FOR	AGAINST	
Councillor Jackson		
Councillor Dunn		
Councillor Burke		
Councillor Moores		
Councillor Grine		
Councillor Sander		
Councillor Hill		
Councillor Hawkins		
Councillor Paynter		
Councillor Watton		
Councillor Olsen		
Councillor Jurd		
Councillor Suvaal		
Total (13)	Total (0)	

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU7/2023

SUBJECT: MOTIONS OF URGENCY

Nil

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU5/2023

SUBJECT: MINUTES OF THE COMMUNITY ENGAGEMENT, AWARDS AND GRANTS COMMITTEE MEETING HELD 12 JULY 2023

MOTION	Moved:	Councillor Hill	Seconded:	Councillor Burke
545				
RESOLVED				

That Council endorse the recommendations of the Community Engagement, Awards and Grant Committee to offer opportunities for induction into the Freeman of the City of Cessnock in recognition of achievement and contribution to fields of endeavor.

FOR	AGAINST	
Councillor Jackson		
Councillor Dunn		
Councillor Burke		
Councillor Moores		
Councillor Grine		
Councillor Sander		
Councillor Hill		
Councillor Hawkins		
Councillor Paynter		
Councillor Watton		
Councillor Olsen		
Councillor Jurd		
Councillor Suvaal		
Total (13)	Total (0)	

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE27/2023

SUBJECT: HUNTER ESTUARY COASTAL MANAGEMENT PROGRAM - STAGE 1 SCOPING STUDY

MOTION	Moved:	Councillor Hill	Seconded:	Councillor Grine	
546					
RESOLVED					

That Council endorses the Hunter Estuary Coastal Management Program- Stage 1 Scoping Study.

FOR	AGAINST
Councillor Jackson	Councillor Watton
Councillor Dunn	Councillor Jurd
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Olsen	
Councillor Suvaal	
Total (11)	Total (2)

PLANNING AND ENVIRONMENT NO. PE28/2023

SUBJECT: ROTARY PARK KURRI KURRI COLOURED LIGHTING SYSTEM

MOTIONMoved:Councillor GrineSeconded:547RESOLVED

That Council allocates \$50,000 from the Miscellaneous & Property Reserve (Tourism Related Projects Reserve) to install an automated coloured lighting system within Rotary Park, Kurri Kurri.

Councillor Hill

FOR	AGAINST
Councillor Jackson	Councillor Olsen
Councillor Dunn	Councillor Jurd
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
Total (11)	Total (2)

PLANNING AND ENVIRONMENT NO. PE29/2023

SUBJECT: COMPREHENSIVE DCP REVIEW - DRAFT CHAPTERS: ADMINISTRATION AND LEGISLATIVE CONTEXT AND CENTRES -FOR EXHIBITION

MOTION	Moved:	Councillor Burke	Seconded:	Councillor Paynter
548				-
RESOLVED				

- 1. That Council place draft Chapters "Introduction and Legislative Context and Development Base Provisions-Centres" of the Cessnock Development Control Plan 2010 on public exhibition for a period of 28 days.
- 2. That Council receive a further report following the public exhibition of the draft Chapters of Cessnock Development Control Plan 2010.

FOR	AGAINST
Councillor Jackson	Councillor Olsen
Councillor Dunn	Councillor Jurd
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
Total (11)	Total (2)
()	

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC44/2023

SUBJECT: CONSIDERATION OF COUNCILLOR NUMBERS - 2024 COUNCIL ELECTIONS

MOTION	Moved:	Councillor Hill	Seconded:	Councillor Sander	
549					
RESOLVED					

That Council determines the number of Councillors to be maintained at 13 (one of whom is the Mayor) for the term of office to commence following the next ordinary election.

FOR	AGAINST	
Councillor Jackson		
Councillor Dunn		
Councillor Burke		
Councillor Moores		
Councillor Grine		
Councillor Sander		
Councillor Hill		
Councillor Hawkins		
Councillor Paynter		
Councillor Watton		
Councillor Olsen		
Councillor Jurd		
Councillor Suvaal		
Total (13)	Total (0)	

CORPORATE AND COMMUNITY NO. CC45/2023

SUBJECT: WARD BOUNDARIES - ADJUSTMENT TO ENROLMENTS

MOTION 550	Moved:	Councillor Hill	Seconded:	Councillor Sander
RESOLVED				

- 1. That Council acknowledges that a ward elector enrolment variation of greater than 10% currently exists with the variation as at 20 June 2023 being 24%.
- 2. That Council determines the preferred ward boundary option 3 as circulated by a Councillor Memo 16 August 2023 and seek NSW Electoral Commission endorsement to commence public exhibition of the proposed ward redistribution.
- 3. That Council on receipt of endorsement from the NSW Electoral Commission, commence public exhibition and report back to Council for final determination.

FOR	AGAINST	
Councillor Jackson		
Councillor Dunn		
Councillor Burke		
Councillor Moores		
Councillor Grine		
Councillor Sander		
Councillor Hill		
Councillor Hawkins		
Councillor Paynter		
Councillor Watton		
Councillor Olsen		
Councillor Jurd		
Councillor Suvaal		
Total (13)	Total (0)	

CORPORATE AND COMMUNITY NO. CC46/2023

SUBJECT: LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2023 -REQUEST FOR ATTENDANCE AND MOTIONS

MOTI 551	-	Moved:	Councillor Hill	Seconded:	Councillor Sander	
RESO	LVED					
1.			-		ocal Government NSW a Hill, Grine and Dunn.	
2.	That Council determines that the voting delegates for the Local Government NSW Annual Conference 2023 as Mayor Suvaal, Councillors Hill, Grine and Dunn.					
3.	Assoc		•		nitted for referral to the ernment NSW Annual	
	F	OR		AGAINST		
	C	ouncillor Jack	son			
	C	ouncillor Duni	n			
	C	ouncillor Burk	e			
	-	ouncillor Moo				
	-	ouncillor Grin	-			
	_	ouncillor Sand	der			
	_	ouncillor Hill				
	_	ouncillor Haw	-			
		ouncillor Payr ouncillor Watt				
	_	ouncillor Vall				
	_	Suncillor Jurd				
	-	ouncillor Suva				
	<u> </u>					

Total (0)

Councillor Watton left the meeting, the time being 8:10pm

CARRIED UNANIMOUSLY

Total (13)

CORPORATE AND COMMUNITY NO. CC47/2023

SUBJECT: INVESTMENT REPORT - JULY 2023

MOTIONMoved:Councillor DunnSeconded:Councillor Burke552RESOLVED

That Council receives the Investment Report for July 2023 and notes that:

- Investments are held in accordance with Council's Investment Policy, which is in accordance with the Ministerial Investment Order.
- Council's month end cash and investments balance was \$73,436,237.

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

CORPORATE AND COMMUNITY NO. CC48/2023

SUBJECT: CARRY FORWARDS AND REVOTES

MOTION	Moved:	Councillor Hill	Seconded:	Councillor Paynter
553				
RESOLVED				

That Council approve the following additions to the 2023-24 budget:

- Carry forward operating expenditure totaling \$207,356 as outlined in the report.
- Carry forward capital expenditure of \$3,522,895 for capital projects commenced prior to 30 June 2023 as outlined in the report.
- Revote of capital expenditure of \$1,039,696 for capital programs as outlined in the report.

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

CORPORATE AND COMMUNITY NO. CC49/2023

SUBJECT: DISCLOSURES OF INTERESTS IN WRITTEN RETURNS

MOTION Moved: Councillor Dunn 554

Seconded: Councillor Burke

RESOLVED

That Council notes the tabling of the disclosures of interests written returns for the period 1 May – 31 July 2023 in accordance with Council's Code of Conduct.

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

CORPORATE AND COMMUNITY NO. CC50/2023

SUBJECT: MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE MEETING HELD ON 21 JULY 2023

MOTIO 555 RESO	ON DLVED	Moved:	Cound	illor Hill	S	econde	d: C	Councillor (Grine	
1.	That the	Minutes	of the	Aboriginal	and	Torres	Strait	Islander	Committe	e

- meeting held on 21 July 2023 be adopted as a resolution of Ordinary Council.2. That Council adopts the revised Aboriginal and Torres Strait Islander
- 3. The Council receives and notes the Aboriginal and Torres Strait Islander Committee Performance Review and that the approved performance review report will be included in the Annual Report.
- 4. That Council acknowledges that a national referendum will be held to formally recognise Aboriginal and Torres Strait Islander peoples in the Australian Constitution.
- 5. That Council support the community to make an informed decision at the referendum by making available at Cessnock Library Branch, Kurri Kurri Library Branch, Cessnock City Council Administration Building and on its social media sites, Australian Government voice.gov.au fact sheets and the Official AEC referendum site including the wording of the referendum question and constitutional amendment, and how will an Aboriginal and Torres Strait Islander Voice to Parliament work.
- 6. That Council promote to the community the importance of registering on the Australian Electoral Commission (AEC) to have a say on the Voice to Parliament.

Councillor Watton returned to the meeting, the time being 8:22pm

Committee Charter.

FOR	AGAINST
Councillor Jackson	Councillor Dunn
Councillor Burke	Councillor Moores
Councillor Grine	Councillor Olsen
Councillor Sander	Councillor Jurd
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
Total (9)	Total (4)

CORPORATE AND COMMUNITY NO. CC51/2023

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTIONMoved:Councillor DunnSeconded:556RESOLVED

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

Councillor Burke

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

CORPORATE AND COMMUNITY NO. CC52/2023

SUBJECT: TENDER T2023-16 CONCRETE FOOTPATH CONSTRUCTION AND KERBS

MOTION 557	Moved:	Councillor Burke	Seconded:	Councillor Sander
RESOLVED				

- 1. That Council accept the Tender panel of suppliers below in no order of preference for T2023-16 Concrete Footpath Construction and Kerbs.
 - All Kerbs & Concrete Pty Ltd
 - Bolla Contracting
 - Bulga Civil Earthmoving and Concreting
 - Civil and Sons
 - Conex Group Pty Ltd
 - Kingsline Pty Ltd
 - NSW Building and Civil Pty Ltd
 - State Civil Pty Ltd
- 2. That Council notes the contract term for T2023-16 Concrete Footpath Construction and Kerbs is 27 September 2023 to 27 September 2025 (2 years) with an option for 1x one-year extension based on satisfactory supplier performance.

FOR	AGAINST	
Councillor Jackson		
Councillor Dunn		
Councillor Burke		
Councillor Moores		
Councillor Grine		
Councillor Sander		
Councillor Hill		
Councillor Hawkins		
Councillor Paynter		
Councillor Watton		
Councillor Olsen		
Councillor Jurd		
Councillor Suvaal		
Total (13)	Total (0)	

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI28/2023

SUBJECT: KITCHENER POPPETHEAD PARK PLAN OF MANAGEMENT

MOTION Moved: Councillor Hawkins *Seconded:* Councillor Burke 558 *RESOLVED*

- 1. That Council adopt the Kitchener Poppethead Park Plan of Management pursuant to section 40 of the *Local Government Act 1993* in accordance with 3.23(6) of the *Crown Land Management Act 2016.*
- 2. That a copy of the Kitchener Poppethead Park Plan of Management be forwarded to the Department of Planning and Environment Crown Lands.
- 3. That Council notifies those who made submissions of Council's decision.

FOR	AGAINST
Councillor Jackson	
Councillor Dunn	
Councillor Burke	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

The Meeting Was Declared Closed at 8:26pm

CONFIRMED AND SIGNED at the meeting held on 20 September 2023

.....CHAIRPERSON

.....GENERAL MANAGER

Nil