

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 18 OCTOBER 2023, COMMENCING
AT 6:30PM**

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

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Director Works and Infrastructure
Strategic Planning Manager
Acting Development Services Manager (Principal Development Planner)
Economic Development & Tourism Manager
Communications & Engagement Manager
Principal Community Engagement Officer
Help Desk Support Officer
Council Services Team Leader

LEAVE OF ABSENCE: Leave of Absence granted to Councillor Jackson from 18 August 2023 to 14 November 2023 inclusive noted.

Leave of Absence granted to Councillor Dunn for the 18 October 2023 meeting noted.

MINUTES:

MOTION **Moved:** Councillor Hill
Seconded: Councillor Sander
596

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 20 September 2023, as circulated, be taken as read and confirmed as a correct record.

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

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI9/2023

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.

WI34/2023 – Minutes of the Local Traffic Committee Meeting held 18 September 2023
– Councillor Burke declared a Pecuniary Interest for the reason that he is the organiser of the Cessnock Stomp Festival. Councillor Burke advised that he would leave the Chamber and not take part in discussion and voting.

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

NIL

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

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
597

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

NI6/2023	Notice of Intention to Deal with Matters in Confidential Session - Report PE38/2023 - Class 1 appeal (2023/00286474) in the NSW Land and Environment Court against the refusal of Development Application No. 8/2021/21939/1 proposing a 327 lot subdivision and residue lot to occur in three (3) phases 35, 0 and 31 Government Road (Lot 35 DP 1288491, Lot 34 DP 1004648 and Lot 2 DP 1067096), Cessnock.....61
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Council adopt the recommendations as printed for those items.

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

CARRIED UNANIMOUSLY

6.36PM

Confidential reports (closed session)

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

598

RESOLVED

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

FOR

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

Total (11)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

6.58PM

Open Session

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

PLANNING AND ENVIRONMENT NO. PE38/2023

SUBJECT: CLASS 1 APPEAL (2023/00286474) IN THE NSW LAND AND ENVIRONMENT COURT AGAINST THE REFUSAL OF DEVELOPMENT APPLICATION NO. 8/2021/21939/1 PROPOSING A 327 LOT SUBDIVISION AND RESIDUE LOT TO OCCUR IN THREE (3) PHASES

35, 0 AND 31 GOVERNMENT ROAD (LOT 35 DP 1288491, LOT 34 DP 1004648 AND LOT 2 DP 1067096), CESSNOCK

This matter is considered to be confidential under Section 10A(2) (g) of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
599
RESOLVED

1. **That Council notes:**
 - a. **Receipt of an appeal (Reference No. 2021/00286474), in the NSW Land and Environment Court against the refusal of Development Application No. 8/2021/21939/1.**
 - b. **The attached prospects of success prepared by Council's solicitors in respect of the appeal (Reference No. 2021/00286474), relating to Development Application No. 8/2021/21939/1.**
2. **That Council delegates the management of the appeal (Reference No. 2021/00286474), relating to Development Application No. 8/2021/21939/1, to the General Manager, including to defend the appeal and if appropriate, enter into Consent Orders or a Section 34 agreement.**

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

CARRIED UNANIMOUSLY

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

NOTICE OF INTENTION NO. NI6/2023

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

**REPORT PE38/2023 - CLASS 1 APPEAL (2023/00286474) IN THE
NSW LAND AND ENVIRONMENT COURT AGAINST THE REFUSAL
OF DEVELOPMENT APPLICATION NO. 8/2021/21939/1 PROPOSING
A 327 LOT SUBDIVISION AND RESIDUE LOT TO OCCUR IN THREE
(3) PHASES**

**35, 0 AND 31 GOVERNMENT ROAD (LOT 35 DP 1288491, LOT 34 DP
1004648 AND LOT 2 DP 1067096), CESSNOCK**

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
600
RESOLVED

1. That Council considers in Confidential Session the following matters in accordance with Sections 10A (2) (g) of the *Local Government Act 1993*:
 - Report PE38/2023 – Class 1 appeal (2023/00286474) in the NSW Land and Environment Court against the refusal of Development Application No. 8/2021/21939/1 proposing a 327 lot subdivision and residue lot to occur in three (3) phases, 35, 0 and 31 Government Road (Lot 35 DP 1288491, Lot 34 DP 1004648 and Lot 2 DP 1067096), Cessnock as the report deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. That Council requests the Mayor in accordance with Clause 14.21 of Councils Code of Meeting Practice to report on these matters to the meeting in Open Session following completion of the Confidential Session.

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

CARRIED UNANIMOUSLY

MAYORAL MINUTES

NIL

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU9/2023

SUBJECT: MOTIONS OF URGENCY

NIL

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU8/2023

SUBJECT: MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 6 SEPTEMBER 2023

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
601
RESOLVED

That the Minutes of the Audit and Risk Committee Meeting held 6 September 2023 be adopted as a resolution of the Ordinary Council.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE34/2023

SUBJECT: RECLASSIFICATION OF LOT AT HARLE STREET POST EXHIBITION REPORT

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
602
RESOLVED

That Council reclassify Lot 11 Section B DP 4748 (94 Harle Street, Abermain) from Operational Land to Community Land pursuant to Section 33 of the *Local Government Act, 1993*.

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE35/2023

SUBJECT: LOCAL INFRASTRUCTURE CONTRIBUTIONS UPDATE

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Burke
603
RESOLVED

That Council notes the information contained within this report.

Councillor Moores left the meeting, the time being 7.13pm

Councillor Moores returned to the meeting, the time being 7.19pm

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE36/2023

**SUBJECT: VISITOR ECONOMY GRANTS AND SPONSORSHIP PROGRAM
2023/2024 ROUND 1 APPLICATIONS**

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
604
RESOLVED

That Council endorses the following funding bids to attract events under Round 1 of the 2023/2024 Visitor Economy Grants and Sponsorship Program:

- 1. 2023 Postie Bike Grand Prix Documentary Sponsorship of \$5,000,**
- 2. 2023 Wine Country Talent Quest Sponsorship of \$1,500,**
- 3. 2024 Wildlife Park Community Day Sponsorship of \$10,000, and**
- 4. 2024 Wavemaker National Conference Sponsorship of \$7,500.**

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

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE37/2023

SUBJECT: DEVELOPMENT APPLICATION PERFORMANCE MONITORING REPORT - JUNE 2023

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
605
RESOLVED

That Council receives and notes the Development Performance Monitoring Report for the financial year to date June quarter 2022/23.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC63/2023

**SUBJECT: PROPOSED DRAINAGE EASEMENT - 16 CRUICKSHANK STREET,
BELLBIRD HEIGHTS**

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Burke
606

RESOLVED

- 1. That Council authorises the General Manager to acquire by private agreement an easement in gross to drain water burdening lot 5 in DP 7684. Compensation payable to the affected landowner to be negotiated with reference to an independent market valuation and in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.**
- 2. That in the event the negotiations with the property owner cannot be satisfactorily finalised, Council make application to the Office of Local Government for the approval of the Minister and the Governor to proceed to compulsory acquisition.**
- 3. That Council authorise the General Manager to execute all documents relating to the acquisition and/or documents relating to any application to the Office of Local Government for the approval of the Minister and the Governor for compulsory acquisition if required.**

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC64/2023

SUBJECT: WARD BOUNDARIES - ADJUSTMENT TO ENROLMENTS

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
607

RESOLVED

1. That Council determines the ward boundary adjustments, as set out at Table 2.
2. That Council notes that the NSW Electoral Commission will be advised of the ward boundary adjustments for implementation for the 2024 election.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC65/2023

SUBJECT: ADOPTION OF PUBLIC INTEREST DISCLOSURES POLICY

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
608
RESOLVED

That Council adopt the Public Interest Disclosures Policy 2023, and rescinds the Internal Reporting – Public Interest Disclosures Policy 2019.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC66/2023

SUBJECT: PRIVACY MANAGEMENT PLAN 2023

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
609

RESOLVED

1. That Council places the revised Privacy Management Plan 2023 on public exhibition for a period of 28 calendar days.
2. That Council adopts the revised Privacy Management Plan 2023 the day after the public exhibition period concludes, if no unresolved submissions are received.
3. That Council rescinds the version adopted on 18 January 2023 from the date the revised Privacy Management Plan 2023 is adopted.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC67/2023

SUBJECT: DISCLOSURE OF INTEREST IN WRITTEN RETURNS

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
610
RESOLVED

That Council notes the tabling of the annual disclosures of interests in written returns the period of 1 July 2022 – 30 June 2023 by the General Manager, in accordance with Council's Code of Conduct.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC68/2023

SUBJECT: TENDER - T372324HUN SUPPLY AND DELIVERY ROAD BASE MATERIALS

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
611

RESOLVED

1. That Council reject the Regional Procurement Tender T372324HUN Road Base Material as the two suppliers nominated by the Regional Procurement tender will not support the operational requirements of Council.
2. That Council delegate the General Manager, as per section 7 clause 178(e) of the *Local Government (General) Regulations 2021*, to negotiate with any person, whether or not the person was a tenderer, with a view to entering into a contract for the required materials.

FOR	AGAINST
Councillor Moores	Councillor Olsen
Councillor Burke	Councillor Jurd
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
Total (9)	Total (2)

CARRIED

CORPORATE AND COMMUNITY NO. CC69/2023

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
612
RESOLVED

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

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC70/2023

SUBJECT: INVESTMENT REPORT - SEPTEMBER 2023

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
613
RESOLVED

That Council receives the Investment Report for September 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 \$74,054,683.**

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI33/2023

SUBJECT: LGA WIDE COAL MINING HERITAGE STUDY

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Grine
614

RESOLVED

That Council endorse the completion of a study into the Coal Mining Heritage of the LGA with the purpose of completing due diligence around opportunities to recognise locally significant coal mining heritage in and around infrastructure and open space projects and allocate the recommended budget from existing works Operational Budget and that in the absence of existing funding sources, the project be considered for inclusion in the 24/25 Operational Plan.

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI34/2023

SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD 18 SEPTEMBER 2023

Councillor Burke declared a Pecuniary Interest for the reason that he is the organiser of the Cessnock Stomp Festival. Councillor Burke left the Chamber and took no part in discussion and voting.

Councillor Burke left the meeting, the time being 7.33pm

MOTION **Moved:** Councillor Hawkins **Seconded:** Councillor Sander
615
RESOLVED

That the Minutes of the Cessnock Local Traffic Committee Meeting of 18 September 2023 be adopted as a resolution of the Ordinary Council.

- **TC47/2023 - That Council authorises the temporary regulation of traffic on Wollombi Road, Vincent Street, Edward Street, Cooper Street and Charlton Street, Cessnock for the Stomp Festival in accordance with Various Roads Cessnock CBD _ Stomp Festival TCP's.**
- **TC48/2023 - That Council authorises the temporary regulation of traffic on Broke Road, McDonalds Road, Gillards Road, Halls Road and Wine Country Drive, Pokolbin for the Grapevine Gathering in accordance with Various Roads Pokolbin _ Grapevine Gathering TGS.**
- **TC49/2023 - That Council notes that the General Manager, under sub-delegation from Council, authorises the installation of regulatory signage and line marking on Vintage Drive Pokolbin, in accordance with the Vintage Drive Pokolbin _ Signage & Line Marking Diagram.**

FOR	AGAINST
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

Councillor Burke returned to the meeting, the time being 7.33pm

COUNCILLORS REPORTS

Mayor

Director Planning and Environment

The Mayor advised that this was the last meeting for the Director of Environment and Planning, Mr Peter Mickleson and thanked him on behalf of Council and residents for his commitment to the area and his support and wished him all the best for his future endeavours.

The Meeting Was Declared Closed at 7.34pm

CONFIRMED AND SIGNED at the meeting held on 15 November 2023

.....**CHAIRPERSON**

.....**GENERAL MANAGER**