

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 21 FEBRUARY 2024, 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 and Paynter.

**IN ATTENDANCE:** General Manager  
 Director Planning and Environment  
 Director Corporate and Community Services  
 Director Works and Infrastructure  
 Chief Financial Officer  
 Governance & Council Support Coordinator  
 Strategic Planning Manager  
 Infrastructure Manager  
 Communications & Engagement Manager  
 Principal Community Engagement Officer  
 Help Desk Support Officer  
 Executive Assistant Corporate & Community Services

**Council Prayer:**

The Prayer was conducted by The Reverend Nicole Baldwin of Cessnock Anglican Church.

**MINUTES:**

**MOTION**

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

671

**RESOLVED**

That the Minutes of the Ordinary Meeting of Council held on 13 December 2023, as circulated, be taken as read and confirmed as a correct record.

**FOR**

**AGAINST**

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

**Total (13)**

**Total (0)**

**CARRIED UNANIMOUSLY**

## **DISCLOSURES OF INTEREST**

### **DISCLOSURES OF INTEREST NO. DI1/2024**

**SUBJECT: DISCLOSURES OF INTEREST**

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**BN2/2024 - Wollombi Road Forum** - Councillor Jurd declared a Non Pecuniary Interest + less than significant conflict for the reason that she works at a business located on Wollombi Road, Cessnock. Councillor Jurd advised that she would remain in Chamber and participate in discussion and voting as the conflict would not be relevant to her decision.

## **PETITIONS**

Nil

## ADDRESS BY INVITED SPEAKERS

The following people addressed the meeting of Council:

Speakers / Company	For / Against	Report	Page No.	Duration
Brett Wild - Hunter Anzac Memorial Ltd	For	W11/2024 - T2024-01 - Branxton to Greta Shared Pathway Stage 3	92	3 mins

### EXTENSION OF TIME

**Moved:** Councillor Hawkins  
672

**Seconded:** Councillor Paynter

**RESOLVED** That an extension of time of one minute be granted to Brett Wild to complete his presentation.

#### FOR

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

**Total (13)**

#### AGAINST

**Total (0)**

**CARRIED UNANIMOUSLY**

### EXTENSION OF TIME

**Moved:** Councillor Hawkins  
673

**Seconded:** Councillor Moores

**RESOLVED** That a further extension of time of one minute be granted to Brett Wild to complete his presentation.

#### FOR

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

**Total (12)**

#### AGAINST

Councillor Olsen

**Total (1)**

**CARRIED**

**WORKS AND INFRASTRUCTURE NO. WI1/2024**

**SUBJECT: T2024-01 - BRANXTON TO GRETA SHARED PATHWAY STAGE 3**

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**MOTION**      **Moved:** Councillor Sander      **Seconded:** Councillor Hill  
674

**RESOLVED**

1. That Council rejects tender (T2024-01) from Civil & Sons Pty Ltd for a lump sum of \$3,665,279 excluding GST as the tender does not meet the budgeted amount.
2. That Council as per section 7 clause 178(f) of the *Local Government (General) Regulation 2021*, carry out the requirements of the proposed contract itself.

*Councillor Jurd left the meeting, the time being 06:44 PM*

*Councillor Jurd returned to the meeting, the time being 06:45 PM*

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
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 (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

The following people addressed the meeting of Council:

Speakers	For / Against	Report	Page No.	Duration
Tracey Harrington	For	BN2/2024 - Wollombi Road Forum	103	3 mins

**EXTENSION OF TIME**

**Moved:** Councillor Hawkins **Seconded:** Councillor Paynter  
675

**RESOLVED** That an extension of time of one minute be granted to Tracey Harrington to complete her presentation.

FOR	AGAINST
Councillor Jackson	
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 (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**EXTENSION OF TIME**

**Moved:** Councillor Hawkins **Seconded:** Councillor Moores  
676

**RESOLVED** That a further extension of time of one minute be granted to Tracey Harrington to complete her presentation.

FOR	AGAINST
Councillor Jackson	
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 (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**BUSINESS WITH NOTICE NO. BN2/2024**

**SUBJECT: WOLLOMBI ROAD FORUM**

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*Councillor Jurd declared a Non Pecuniary Interest + less than significant conflict for the reason that she works at a business located on Wollombi Road, Cessnock. Councillor Jurd remained in Chamber and participated in discussion and voting.*

**MOTION**      **Moved:**    Councillor Watton      **Seconded:**    Councillor Olsen

**That:**

- 1. A councillor briefing be organised at the next available date for Councillors to be briefed on the Wollombi Road Project initial design investigation**
- 2. Council note that a review for environmental factors will go to exhibition after the briefing for the community and other stakeholders to provide comments and/or feedback**
- 3. Council note that the project team will continue to engage with the community and stakeholders throughout the public exhibition period**
- 4. In addition to point 3, council is to organise three public forum meetings over three separate weekends regarding the Wollombi Road Upgrade once the relevant reports are completed and reported to Council**
- 5. The councillors, mayor and all other relevant staff involved, including the general manager, attend the public forums concerning the Wollombi Road Upgrade. The project design team should also be in attendance.**
- 6. All concerned residents should be encouraged to attend and participate in the meetings to receive the same information, at the same location/s and time/s.**

*Councillor Jurd left the meeting, the time being 07:55 PM*

*Councillor Jurd returned to the meeting, the time being 07:57 PM*

*Councillor Hill left the meeting, the time being 07:59 PM*

*Councillor Hill returned to the meeting, the time being 08:00 PM*

**AMENDMENT Moved:** Councillor Moores      **Seconded:** Councillor Burke  
677

**RESOLVED**

**That Council:**

- 1. Requests the General Manager to organise a Councillor Briefing on Wednesday 13<sup>th</sup> March to be briefed on the Wollombi Road Upgrade project preliminary design investigation and community engagement plan.**
- 2. Notes that the Review of Environmental Factors will go on public exhibition after the briefing for the community and stakeholders to provide comment/feedback on the proposed works.**
- 3. Notes that the project team will continue to engage with the community and stakeholders throughout the public exhibition period using the options and tools available highlighted in the Wollombi Road Upgrade Community and Consultation Engagement Plan which is aligned with Council's Community Participation Plan.**
- 4. Requests the General Manager ensure all residents have the opportunity to access the same information regarding the Wollombi Road Upgrade Project by holding multiple, large scale, community information sessions for residents and businesses, and that Councillors be invited to attend these sessions.**

**FOR**

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

**Total (10)**

**AGAINST**

Councillor Watton  
Councillor Olsen  
Councillor Jurd

**Total (3)**

The Amendment was PUT and CARRIED.

The Amendment now becomes the Motion.

**MOTION**  
678

**Moved:** Councillor Moores

**Seconded:** Councillor Burke

**RESOLVED**

**That Council:**

1. **Requests the General Manager to organise a Councillor Briefing on Wednesday 13<sup>th</sup> March to be briefed on the Wollombi Road Upgrade project preliminary design investigation and community engagement plan.**
2. **Notes that the Review of Environmental Factors will go on public exhibition after the briefing for the community and stakeholders to provide comment/feedback on the proposed works.**
3. **Notes that the project team will continue to engage with the community and stakeholders throughout the public exhibition period using the options and tools available highlighted in the Wollombi Road Upgrade Community and Consultation Engagement Plan which is aligned with Council's Community Participation Plan.**
4. **Requests the General Manager ensure all residents have the opportunity to access the same information regarding the Wollombi Road Upgrade Project by holding multiple, large scale, community information sessions for residents and businesses, and that Councillors be invited to attend these sessions.**

**FOR**

Councillor Jackson  
Councillor Moores  
Councillor Dunn  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Paynter  
Councillor Suvaal  
**Total (10)**

**AGAINST**

Councillor Watton  
Councillor Olsen  
Councillor Jurd  
  
**Total (3)**

**CARRIED**

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

**MOTION**            **Moved:**    Councillor Dunn            **Seconded:**    Councillor Burke  
679

**RESOLVED**

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

**OFFICERS REPORTS**

‡	CC6/2024	Australian Local Government Association 2024 National General Assembly - Request for Attendance and Motions .....	21
‡	CC7/2024	Investment Report - December 2023 .....	22
‡	CC8/2024	Investment Report - January 2024 .....	23
‡	CC10/2024	Resolutions Tracking Report.....	25

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
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 (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

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

## **NOTICE OF INTENTION NO. NI1/2024**

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

**REPORT GMU1/2024 - CODE OF CONDUCT: CONSIDERATION OF FINAL INVESTIGATION REPORT AND RECOMMENDATION OF FORMAL CENSURE - COUNCILLOR JURD.**

**REPORT GMU2/2024 - CODE OF CONDUCT: CONSIDERATION OF FINAL INVESTIGATION REPORT AND RECOMMENDATION OF FORMAL CENSURE - COUNCILLOR OLSEN.**

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**MOTION**            **Moved:**    Councillor Hill            **Seconded:**    Councillor Sander  
680  
**RESOLVED**

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

Report GMU1/2024 – Code of Conduct: Consideration of Final Investigation Report and Recommendation of Formal Censure – Councillor Jurd.

Report GMU2/2024 – Code of Conduct: Consideration of Final Investigation Report and Recommendation of Formal Censure – Councillor Olsen.

As the report contains alleged contraventions of any code of conduct requirements applicable under section 440.

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.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Watton
Councillor Moores	Councillor Olsen
Councillor Dunn	Councillor Jurd
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Suvaal	
<b>Total (10)</b>	<b>Total (3)</b>

**CARRIED**

# MAYORAL MINUTES

## MAYORAL MINUTES NO. MM1/2024

**SUBJECT: COST SHIFTING TO LOCAL COUNCILS**

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**MOTION**      *Moved:*    Councillor Suvaal  
681

**RESOLVED**

1.      That Council receive and notes the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year;
2.      That Council provide a copy of the cost shifting report on Council's website so that our communities can access it; and
3.      That Council write to the NSW Premier, NSW Treasurer, NSW Minister for Local Government and State Member for Cessnock, requesting that they urgently address these costs through a combination of regulatory reform, budgetary provision and appropriate funding.

*Councillor Hawkins left the meeting, the time being 08:12 pm*

*Councillor Hawkins returned to the meeting, the time being 08:13 pm*

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Jurd
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (1)</b>

**CARRIED**

**MAYORAL MINUTES NO. MM2/2024**

**SUBJECT: MINUTES OF THE COMMUNITY ENGAGEMENT AWARDS AND GRANTS COMMITTEE 21 NOVEMBER 2023**

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

682

**RESOLVED**

**That the minutes of the meeting of the Council Initiated Awards Committee held on 21 November 2023 be received and noted.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
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 (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**MAYORAL MINUTES NO. MM3/2024**

**SUBJECT: MINUTES OF THE ORGANISATIONAL AND GENERAL MANAGER'S REVIEW COMMITTEE MEETING OF 8 FEBRUARY 2024**

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**MOTION**      **Moved:**    Councillor Suvaal  
683

**RESOLVED**

**That the Minutes of the Organisational and General Manager's Performance Review Committee of 8 February 2024 be adopted as a resolution of the Ordinary Council.**

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

**CARRIED**

## MOTIONS OF URGENCY

### MOTIONS OF URGENCY NO. MOU1/2024

**SUBJECT: MOTIONS OF URGENCY**

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**MATTER OF URGENCY – PEDESTRIAN REFUGE – ALLANDALE ROAD, CESSNOCK**

**Moved:** Councillor Jurd

**Seconded:** Councillor Olsen

684

**RESOLVED**

**That the matter of urgency regarding the pedestrian refuge at Allandale Road, Cessnock, be discussed at the end of the meeting.**

*Councillor Jackson left the meeting, the time being 08:43 pm*

*Councillor Jackson returned to the meeting, the time being 08:45 pm*

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
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 (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**MATTER OF URGENCY – HUNTER COMMUNITY ALLIANCE**

**Moved:** Councillor Olsen

**Seconded:** Councillor Jurd

A matter of urgency was raised asking the Mayor to provide a report to council at the 20 March 2024 meeting answering questions regarding the Hunter Community Alliance.

The Mayor ruled that the motion was not urgent.

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE1/2024**

**SUBJECT: 174 - 178 LANG STREET, KURRI KURRI - DRAFT PLANNING AGREEMENT**

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**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Grine  
685  
**RESOLVED**

1. That Council publicly notify the Draft Planning Agreement for a minimum period of 28 days.
2. That Council publicly notify the Road Closure for a minimum of 28 days.
3. That Council delegate authority to the General Manager to execute the Planning Agreement unless unresolved written objections are received during the notification period.
4. That Council delegate authority to the General Manager to proceed with the road closure unless unresolved written objections are received during the notification period.

*Councillor Moores left the meeting, the time being 08:45 pm*

*Councillor Moores returned to the meeting, the time being 08:47 pm*

*Councillor Olsen left the meeting, the time being 08:49 pm*

*Councillor Olsen returned to the meeting, the time being 08:50 pm*

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
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 (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## CORPORATE AND COMMUNITY

### CORPORATE AND COMMUNITY NO. CC1/2024

**SUBJECT: LAND ACQUISITION - SOUTH CESSNOCK BUND WALL**

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**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Sander  
686  
**RESOLVED**

That Council authorise the following actions to purchase Crown land required for the South Cessnock Flood Mitigation Scheme Bund Wall project:

- Application to the Minister and the Governor for approval to acquire (part) lot 3 DP 1145540 by compulsory process under section 186(1) of the *Local Government Act 1993*;
- Compulsory acquisition of (part) lot 3 DP 1145540 for flood mitigation purposes in accordance with requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*;
- On transfer of ownership to Council, the land is classified as operational land.
- Request the Mayor and General Manager advocate to the Hon. Steve Kamper MP, Minister for Lands and Property and Mr Clayton Barr MP, Member for Cessnock, to transfer the land to council at nil cost.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
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 (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC2/2024**

**SUBJECT: ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2023**

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**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Sander  
687

**RESOLVED**

1. That the Annual Financial Statements, incorporating the Auditor's Reports for the year ended 30 June 2023, be received and the information be noted.
2. That Council notes the Audit Office of NSW issued a qualified audit opinion with respect to the year ended 30 June 2023 due to Council not recognising Rural Fire Service fleet assets in the General Purpose Financial Statements, which aligns to the existing Policy Position and Council resolution relating to this matter.
3. That Council reaffirms its position in regards to not recognising RFS fleet assets; that RFS fleet assets are not controlled by Council; that rural firefighting equipment is vested in, under the control of and the property of the State and notes the significant sector wide campaign on this issue.
4. That Council reaffirms its complete support of and commitment to local RFS brigades and that Councils position in regards to asset recognition does not impact on that support or the volunteers within the LGA.

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

**CARRIED**

*Councillor Hawkins left the meeting, the time being 08:54 pm*

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

**CORPORATE AND COMMUNITY NO. CC3/2024**

**SUBJECT: COUNCIL RECESS PERIOD - DECISIONS MADE UNDER DELEGATED AUTHORITY**

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**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Dunn  
688  
**RESOLVED**

**That Council notes that during the recess period of Council, the Mayor and General Manager under delegated authority exercised the following decisions of Council:**

- **Tender T2024-11 Cessnock Regional Skatepark**

**At the Ordinary Council meeting on 13 December 2023, Trinity Skateparks Pty Ltd (Trinity) was awarded the Tender. Trinity have advised that, due to scheduling conflicts, they have declined to proceed with the tender.**

**Decision: Award of Tender T2024-11 to Trinity Skateparks Pty Ltd be rescinded as the preferred tendered has declined to proceed with the tender; and that Tender T2024-11 be awarded to Convic Pty Ltd for the lump sum of \$2,183,721.58 (including GST) for the replacement of Cessnock Regional Skatepark.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
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 (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC4/2024**

**SUBJECT: DECEMBER 2023 REVIEW OF THE 2022-26 DELIVERY PROGRAM**

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**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Burke  
689

**RESOLVED**

1. That Council notes the progress in implementing the 2022-26 Delivery Program as at 31 December 2023.
2. That Council approves changes to the 2023-24 Operational Plan actions and targets as outlined in the report.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
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 (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC5/2024**

**SUBJECT: QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2023**

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**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Sander  
690

**RESOLVED**

1. That Council receives the December 2023 Quarterly Budget Review Statement in accordance with Clause 203 of the Local Government (General) Regulation 2021.
2. That Council notes that the December 2023 Quarterly Budget Review Statement reflects a forecast operating surplus for the year of \$37.1m or (\$6.9m) deficit excluding capital income.
3. That Council notes that the December 2023 Quarterly Budget Review Statement reflects a forecast capital expenditure budget of \$75.4m.
4. That council approves proposed changes to the 2023-24 operating and capital budgets as presented in the quarterly business report December 2023, except that the Greta – Branxton cycleway project budget be retained at \$1m.
5. That Council notes that the Quarterly Budget Review Statement forecasts four of the six key performance indicators will exceed Office of Local Government benchmarks.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Jurd
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (1)</b>

**CARRIED**

**CORPORATE AND COMMUNITY NO. CC6/2024**

**SUBJECT: AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2024  
NATIONAL GENERAL ASSEMBLY - REQUEST FOR ATTENDANCE  
AND MOTIONS**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
691  
**RESOLVED**

1. That Councillors wishing to attend the Australian Local Government Association 2024 National General Assembly make an application to attend the annual conference to the General Manager by 1 March 2024 so that Council can determine attendees at the meeting of 20 March 2024.
2. That Councillors consider possible motions for the conference and that they be provided to the General Manager by 1 March 2024 for consideration/endorsement by Council at the meeting of 20 March 2024.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
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 (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC7/2024**

**SUBJECT: INVESTMENT REPORT - DECEMBER 2023**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
692

**RESOLVED**

**That Council receives the Investment Report for December 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 \$86,057,432.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
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 (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC8/2024**

**SUBJECT: INVESTMENT REPORT - JANUARY 2024**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
693

**RESOLVED**

**That Council receives the Investment Report for January 2024 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 \$82,315,146.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
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 (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC9/2024**

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

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**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Sander  
694  
**RESOLVED**

**That Council notes the tabling of the disclosures of interests written returns for the period 1 November 2023 and 31 January 2024 in accordance with Council's Code of Conduct.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
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 (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC10/2024**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
695

**RESOLVED**

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

**FOR**

**AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI2/2024**

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

---

**MOTION**      **Moved:** Councillor Hawkins      **Seconded:** Councillor Paynter  
696  
**RESOLVED**

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

- **TC57/2023 – That Council authorises the temporary regulation of traffic for the Kurri Kurri Nostalgia Festival event in accordance with the Various Roads Kurri Kurri \_ Nostalgia Festival TCP's.**
- **TC58/2023 – That Council authorises the temporary regulation of traffic on Paynes Crossing Road, Wollombi for the Wollombi Public Holiday Markets events in accordance with the Paynes Crossing Road Wollombi \_ Wollombi Markets Traffic Control Plans.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
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 (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

# **BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN**

## **BUSINESS WITH NOTICE NO. BN1/2024**

**SUBJECT: MOUNTAIN BIKE TRAILS**

---

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

- 1. That Council form a committee to plan and design Mountain bike trails in the LGA to encourage more tourism to the area and support locals who are involved in the sport.**
- 2. That the committee should consist of at least one councillor, staff members and invite residents who participate in the sport to apply so we can use their expertise and knowledge of the local area.**

*Councillor Grine left the meeting, the time being 09:15 PM*

*Councillor Paynter left the meeting, the time being 09:15 PM*

*Councillor Grine returned to the meeting, the time being 09:17 PM*

*Councillor Paynter returned to the meeting, the time being 09:18 PM*

*Councillor Jackson left the meeting, the time being 09:24 PM*

**AMENDMENT**      **Moved:** Councillor Hill      **Seconded:** Councillor Burke  
697

**That Council note:**

- 1. The Trails Reference Group has been formed from the Trails Strategy to assess, manage and endorse mountain bike trail proposals within the LGA to ensure alignment with the vision and objectives set within the Trails Strategy.**
- 2. Any recommendations for current and future mountain bike trails be referred to the Trails Reference Group.**
- 3. Request the General Manager work with the Trails Reference Group to amend the terms of reference to allow Councillors to attend future meetings.**

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

The Amendment was PUT and CARRIED.

The Amendment now becomes the Motion.

**MOTION**  
698

**Moved:** Councillor Hill

**Seconded:** Councillor Burke

**RESOLVED**

1. That Council notes the Trails Reference Group has been formed from the Trails Strategy to assess, manage and endorse mountain bike trail proposals within the LGA to ensure alignment with the vision and objectives set within the Trails Strategy.
2. That any recommendations for current and future mountain bike trails be referred to the Trails Reference Group.
3. That Council request the General Manager work with the Trails Reference Group to amend the terms of reference to allow Councillors to attend future meetings.

**FOR**

Councillor Dunn  
Councillor Burke  
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**

*Councillor Jackson returned to the meeting, the time being 09:28 PM*

## **MOTIONS OF URGENCY**

### **MOTIONS OF URGENCY NO. MOU1/2024**

#### **MATTER OF URGENCY – PEDESTRIAN REFUGE – ALLANDALE ROAD, CESSNOCK**

**Moved:** Councillor Jurd

**Seconded:** Councillor Olsen

1. That Council does not proceed with the installation of the pedestrian refuge at Allandale Road, Cessnock until a meeting is held on site with the following invited:
  - Residents of the area
  - Staff involved with the project
  - Mayor and councillors
2. After the meeting a report come back to council for approval

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	Councillor Jackson
Councillor Paynter	Councillor Dunn
Councillor Watton	Councillor Burke
Councillor Olsen	Councillor Grine
Councillor Jurd	Councillor Sander
	Councillor Hill
	Councillor Hawkins
	Councillor Suvaal
<b>Total (5)</b>	<b>Total (8)</b>

*The Matter of Urgency was PUT and LOST*

## **COUNCILLOR REPORTS**

Nil

9:48PM

**Confidential reports (closed session)**

**MOTION**            **Moved:**    Councillor Burke            **Seconded:**    Councillor Grine  
699

**RESOLVED**

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

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

*Councillor Jurd left the meeting, the time being 9:52 PM*

*Councillor Jurd returns to the meeting, the time being 9:55 PM*

*Councillor Jurd left the meeting, the time being 10:01 PM*

*Councillor Olsen left the meeting, the time being 10:18 PM*

*Councillor Jurd returns to the meeting, the time being 10:19 PM*

*Councillor Olsen returns to the meeting, the time being 10:20 PM*

*Councillor Olsen left the meeting, the time being 10:25 PM*

*Councillor Olsen returns to the meeting, the time being 10:30 PM*

**CARRIED**

**EXTENSION OF TIME****Moved:**  
**Seconded:**Councillor Burke  
Councillor Dunn

700

**RESOLVED**

That Council endorses the extension of meeting time until the end of the report from confidential session.

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

**CARRIED**

10.31pm

**Open Session**

**MOTION**      **Moved:** Councillor Grine      **Seconded:** Councillor Sander  
701

**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
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 (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**GENERAL MANAGER'S UNIT NO. GMU1/2024**

**SUBJECT: CODE OF CONDUCT: CONSIDERATION OF FINAL INVESTIGATION REPORT AND RECOMMENDATION OF FORMAL CENSURE - COUNCILLOR JURD**

*This matter is considered to be confidential under the report contains alleged contraventions of any code of conduct requirements applicable under section 440*

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**MOTION**

702

**RESOLVED**

**Moved:** Councillor Dunn

**Seconded:** Councillor Hill

1. That Council receives and notes the Final Investigation Report in relation to a Code of Conduct complaint against Councillor Jurd provided by separate confidential enclosure.
2. That the oral submission from Councillor Jurd addressing the investigators recommendation be received and noted.
3. That Council accepts the findings in the Final Investigation Report that Councillor Jurd breached clauses 3.1, 3.2, 3.3, 3.7, 3.8, 3.10, 7.2, 7.6 and 8.21 of the Code of Conduct by:
  - a. by making statements in the public domain via social media that inferred Council staff were not telling the truth; and
  - b. by making statements in the public domain via social media that a reasonable and informed person would find belittling and harassment; and
  - c. by knowingly conducting herself in an improper and unethical manner; and
  - d. by acting contrary to Council's administrative policies.
4. That Council, in accordance with section 440G of the Local Government Act, and based on the findings and recommendation in the Final Investigation Report, formally censures Councillor Jurd for:
  - a. breaching clause 3.1 of the Code on the grounds that Councillor Jurd conducted herself in a matter that:
    - i. bought Cessnock City Council or other Council officials into disrepute;
    - ii. is contrary to statutory requirements or the Council's administrative requirements or policies,
    - iii. is improper or unethical,
    - iv. is an abuse of power,
    - v. causes, comprises or involves intimidation or verbal abuse, and
    - vi. constitutes harassment or bullying behaviour under this Code, or is unlawfully discriminatory;
  - b. breaching clause 3.2 of the Code on the grounds that Councillor Jurd did not act lawfully or honestly and exercise a reasonable degree of care and diligence in carrying out her functions;

- c. breaching clause 3.3 of the Code on the grounds that Councillor Jurd did not consider issues consistently, promptly and fairly and did not deal with matters in accordance with established procedures, in a non-discriminatory manner;
- d. breaching clause 3.7 of the Code on the grounds that Councillor Jurd engaged in “harassment” by demonstrating behaviour towards a person that:
  - i. is not wanted by the person,
  - ii. offends, humiliates or intimidates the person, and
  - iii. creates a hostile environment.
- e. breaching clauses 3.8 and 3.10 of the Code on the grounds that Councillor Jurd engaged in bullying behaviour towards others including the following behaviour that may involve:
  - i. aggressive, threatening or intimidating conduct
  - ii. belittling or humiliating comments
  - iii. spreading malicious rumours
  - iv. teasing, practical jokes or ‘initiation ceremonies’
  - v. exclusion from work-related events
  - vi. unreasonable work expectations, including too much or too little work, or work below or beyond a worker’s skill level
  - vii. displaying offensive material
  - viii. pressure to behave in an inappropriate manner.
- f. breaching clause 7.2 of the Code on the grounds that Councillor Jurd conducted herself in a manner where she must not:
  - i. direct Council staff other than by giving appropriate direction to the General Manager by way of Council or committee resolution, or by the Mayor or administrator exercising their functions under section 226 of the LGA
  - ii. in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the staff member or delegate
- g. breaching clause 8.21 of the Code on the grounds that Councillor Jurd misused social media to post or share comments, photos, videos, electronic recordings or other information that:
  - i. compromises your capacity to perform your official duties in an unbiased manner
  - ii. has the potential to have a negative impact on your working relationships within the Council or with external parties
  - iii. is offensive, humiliating, threatening or intimidating to other Council officials or those that deal with the Council
  - iv. has the capacity to damage the Council’s reputation or contains content about the Council that may be misleading or deceptive
  - v. contains allegations of suspected breaches of this Code or information about the consideration of a matter under the Procedures, or
  - vi. could be perceived to be an official comment on behalf of the Council where you have not been authorised to make such comment.

**5. That Council refer the matter to the Office of Local Government for further action under the misconduct provisions of the Local Government Act.**

6. That the Mayor write to the Office of Local Government outlining the reasons for referral.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Paynter
Councillor Moores	Councillor Watton
Councillor Dunn	Councillor Olsen
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Suvaal	
<b>Total (9)</b>	<b>Total (3)</b>

**CARRIED**

**GENERAL MANAGER'S UNIT NO. GMU2/2024**

**SUBJECT: CODE OF CONDUCT: CONSIDERATION OF FINAL INVESTIGATION REPORT AND RECOMMENDATION OF FORMAL CENSURE - COUNCILLOR OLSEN**

*This matter is considered to be confidential under the report contains alleged contraventions of any code of conduct requirements applicable under section 440*

---

**MOTION**

703

**RESOLVED**

**Moved:** Councillor Hill

**Seconded:** Councillor Dunn

1. That Council receives and notes the Final Investigation Report in relation to a Code of Conduct complaint against Councillor Olsen provided by separate confidential enclosure.
2. That the oral submission from Councillor Olsen addressing the investigators recommendation be received and noted.
3. That Council accepts the findings in the Final Investigation Report that Councillor Olsen breached clauses 3.1, 3.2, 3.3, 3.7, 3.8, 3.10, 7.2, 7.6 and 8.21 of the Code of Conduct by:
  - a. by making statements in the public domain via social media that inferred Council staff were not telling the truth; and
  - b. by making statements in the public domain via social media that a reasonable and informed person would find belittling and harassment; and
  - c. by knowingly conducting himself in an improper and unethical manner; and
  - d. by acting contrary to Council's administrative policies.
4. That Council, in accordance with section 440G of the Local Government Act, and based on the findings and recommendation in the Final Investigation Report, formally censures Councillor Olsen for:
  - a. breaching clause 3.1 of the Code on the grounds that Councillor Olsen conducted himself in a matter that:
    - i. brought Cessnock City Council or other Council officials into disrepute;
    - ii. is contrary to statutory requirements or the Council's administrative requirements or policies,
    - iii. is improper or unethical,
    - iv. is an abuse of power,
    - v. causes, comprises or involves intimidation or verbal abuse, and
    - vi. constitutes harassment or bullying behaviour under this Code, or is unlawfully discriminatory;
  - b. breaching clause 3.2 of the Code on the grounds that Councillor Olsen did not act lawfully or honestly and exercise a reasonable degree of care and diligence in carrying out his functions;

- c. breaching clause 3.3 of the Code on the grounds that Councillor Olsen did not consider issues consistently, promptly and fairly and did not deal with matters in accordance with established procedures, in a non-discriminatory manner;
- d. breaching clause 3.7 of the Code on the grounds that Councillor Olsen engaged in “harassment” by demonstrating behaviour towards a person that:
  - i. is not wanted by the person,
  - ii. offends, humiliates or intimidates the person, and
  - iii. creates a hostile environment.
- e. breaching clauses 3.8 and 3.10 of the Code on the grounds that Councillor Olsen engaged in bullying behaviour towards others including the following behaviour that may involve:
  - i. aggressive, threatening or intimidating conduct
  - ii. belittling or humiliating comments
  - iii. spreading malicious rumours
  - iv. teasing, practical jokes or ‘initiation ceremonies’
  - v. exclusion from work-related events
  - vi. unreasonable work expectations, including too much or too little work, or work below or beyond a worker’s skill level
  - vii. displaying offensive material
  - viii. pressure to behave in an inappropriate manner.
- f. breaching clause 7.2 of the Code on the grounds that Councillor Olsen conducted himself in a manner where he must not:
  - i. direct Council staff other than by giving appropriate direction to the General Manager by way of Council or committee resolution, or by the Mayor or administrator exercising their functions under section 226 of the LGA
  - ii. in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the staff member or delegate
- g. breaching clause 8.21 of the Code on the grounds that Councillor Olsen misused social media to post or share comments, photos, videos, electronic recordings or other information that:
  - i. compromises your capacity to perform your official duties in an unbiased manner
  - ii. has the potential to have a negative impact on your working relationships within the Council or with external parties
  - iii. is offensive, humiliating, threatening or intimidating to other Council officials or those that deal with the Council
  - iv. has the capacity to damage the Council’s reputation or contains content about the Council that may be misleading or deceptive
  - v. contains allegations of suspected breaches of this Code or information about the consideration of a matter under the Procedures, or
  - vi. could be perceived to be an official comment on behalf of the Council where you have not been authorised to make such comment.

**5. That Council refer the matter to the Office of Local Government for further action under the misconduct provisions of the Local Government Act.**

**6. That the Mayor write to the Office of Local Government outlining the reasons for referral.**

*Councillor Hawkins left the meeting, the time being 10:37 PM*

*Councillor Jurd left the meeting, the time being 10:37 PM*

*Councillor Jurd returned to the meeting, the time being 10:38 PM*

*Councillor Hawkins returned to the meeting, the time being 10:39 PM*

*Councillor Hill left the meeting, the time being 10:39 PM*

*Councillor Hill returned to the meeting, the time being 10:41 PM*

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

**CARRIED**

*The Meeting Was Declared Closed at 10:42pm*

**CONFIRMED AND SIGNED** at the meeting held on 20 MARCH 2024

.....**CHAIRPERSON**

.....**GENERAL MANAGER**