

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 16 JUNE 2021, COMMENCING AT
6.30 PM**

PRESENT: His Worship the Mayor, Councillor R Pynsent (in the Chair) and Councillors Olsen, Doherty, Dunn, Fagg, Stapleford, Suvaal, Fitzgibbon, Gray, Burke, Sander and Lyons.

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Director Works and Infrastructure
Strategic Planning Manager
Economic Development & Tourism Manager
Chief Finance and Administration Manager
Finance Operations and Administration Coordinator
Senior Media & Communication Officer
Corporate Governance Officer

APOLOGY: **NIL**

MINUTES: **MOTION** **Moved:** Councillor Stapleford
Seconded: Councillor Gray
1702
RESOLVED that the Minutes of the Ordinary Meeting of Council held on 19 May 2021, as circulated, be taken as read and confirmed as a correct record.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI5/2021

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.

PE33/2021 – Planning Proposal – 8 Kerlew Street and 39 Pinchen Street, Nulkaba - Councillor Fitzgibbon declared a Pecuniary Interest for the reason that she has an indirect interest in the area that could be impacted by this proposal. Councillor Fitzgibbon advised that she would leave the Chamber and take no part in discussing and voting.

WI44/2021 - Cessnock, Kurri Kurri and Weston CBD - Endorsement of consultation for Alcohol Free Zones – Councillor Burke declared a Pecuniary Interest for the reason that he has and will in the future apply for alcohol zone exceptions for events held in Cessnock. Councillor Burke advised that he would leave the Chamber and take no part in discussion and voting.

PETITIONS

Councillor Sander

Dalwood Road Footpath

Councillor Sander presented a petition from the residents of East Branxton in regard to the provision of safety of children accessing Branxton Public School from Dalwood Road.

ADDRESS BY INVITED SPEAKERS

NIL

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

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1703

RESOLVED

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

NI5/2021	Notice of Intention to Deal with matters in Confidential Session. Report No. CC48/2021 - Cessnock Airport - Hangar Dispute	62
CC41/2021	Tender T2021-07 Cemetery Mowing and Trimming.....	146
CC42/2021	Investment Policy	153
CC44/2021	Draft Youth Engagement Strategy 2021-2025	168
‡ CC45/2021	Investment Report - May 2021	174
‡ CC46/2021	Disclosures of Interests in Written Returns	182
‡ WI40/2021	Trails Reference Group	259
‡ CO11/2021	Ellalong Lagoon - MM6/2021	320

Council adopt the recommendations as printed for those items.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION

NOTICE OF INTENTION NO. NI5/2021

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

**REPORT NO. CC48/2021 - CESSNOCK AIRPORT - HANGAR
DISPUTE**

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray

1704

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 No. CC48/2021 – Cessnock Airport – Hangar Dispute 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.

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 Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES

MAYORAL MINUTES NO. MM7/2021

SUBJECT: VARTY PARK AND THE WESTON BEARS PARK MASTERPLAN

MOTION **Moved:** Councillor Pynsent

1705

RESOLVED

- 1. That the General Manager convenes a meeting with representatives of Weston Bears Junior Football Club and Weston Bears Senior Football Club to discuss Planning Proposal 18/2019/1 regarding the rezoning and reclassification of Varty Park and the Weston Bears Park Masterplan.**
- 2. That a report be presented at the July 2021 Council Meeting outlining the outcomes of this meeting.**

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU5/2021

SUBJECT: MOTIONS OF URGENCY

NIL

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU9/2021

SUBJECT: ALTERNATE REVENUE OPPORTUNITIES

MOTION **Moved:** Councillor Gray **Seconded:** Councillor Dunn
1706

RESOLVED

That the report be deferred for consideration in the next Delivery Program.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

GENERAL MANAGER'S UNIT NO. GMU10/2021

SUBJECT: NSW REGIONAL GROWTH FUND GRANT OPPORTUNITIES

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Gray
1707

RESOLVED

1. That Council approves the lodgement of applications under the NSW Government's Resource for Regions Round Eight Program, being the following in priority order;
 - a) Booth Park Netball Courts Concept Design, Kurri Kurri
 - b) Millfield Skatepark Extension, Millfield
 - c) Weston Bears Park Planning and Construction Design, Weston
 - d) Carmichael Park BMX Track, Bellbird
 - e) Rotary Park Accessibility and Amenities Upgrade, Kurri Kurri
 - f) Weston Town Centre Upgrade Detailed Design
 - g) Cessnock CBD Revitalisation Laneway Upgrade
 - h) Youth Express Virtual Jobs Program

2. That Council approves the lodgement of applications under the NSW Government's Stronger Country Communities Round Four Program, being the following in priority order;
 - a. Hunter Valley Visitor Information Centre Park and Concert Area
 - b. Miller Park Netball Facility Upgrade, Branxton
 - c. Manning Park Leash Free Dog Area, Cessnock
 - d. Maybury Peace Park Playspace Upgrade
 - e. Cessnock Performing Arts Centre Accessible Entrance

3. That Council authorises the General Manager to amend the application list and priorities if feedback received from the program administrators necessitates change.

4. That funding from the Cessnock CBD Revitalisation Laneway Upgrade is to go to Booth Park Netball Courts Concept Design, Kurri Kurri.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

GENERAL MANAGER'S UNIT NO. GMU11/2021

SUBJECT: MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 12 MAY 2021

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
1708
RESOLVED

That the Minutes of the Audit and Risk Committee Meeting held 12 May 2021 be adopted as a resolution of the Ordinary Council.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE32/2021

SUBJECT: ANIMAL IMPOUNDING SERVICES

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Suvaal
1709
RESOLVED

1. That Council notes the urgent requirement to provide an Animal Impounding Facility in order for the Council to meet its obligations under the *Companion Animal Management Act 1998*.
2. That Council endorses the actions taken to date and proposed to be undertaken to secure a suitable Animal Impounding Facility for Council.
3. That Council notes the estimate of probable costs of \$4 million, which is likely to be needed for the delivery of an Animal Impounding Facility.
4. That Council notes the funding for the capital costs of an Animal Management Facility will need to be included in the 2021-22 Budget by way of a Council resolution once the costs and funding sources have been identified
5. That Council authorises the General Manager to continue to progress all actions needed to secure the establishment of an Animal Impounding Facility as a matter of urgency.

FOR	AGAINST
Councillor Olsen	Councillor Doherty
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (1)

CARRIED

PLANNING AND ENVIRONMENT NO. PE33/2021

SUBJECT: PLANNING PROPOSAL - 8 KERLEW STREET AND 39 PINCHEN STREET, NULKABA

Councillor Fitzgibbon declared a Pecuniary Interest for the reason that she has an indirect interest in the area that could be impacted by this proposal. Councillor Fitzgibbon left the Chamber and took no part in discussing and voting

Councillor Fitzgibbon left the meeting, the time being 6.48pm

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Stapleford
1710

RESOLVED

- 1. That Council endorses the Planning Proposal as an amendment to the Cessnock Local Environmental Plan 2011.**
- 2. That Council notifies the one submitter of the Council's decision.**

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (10)	Total (1)

CARRIED

Councillor Fitzgibbon returned to the meeting, the time being 6.49pm

PLANNING AND ENVIRONMENT NO. PE34/2021

SUBJECT: EXHIBITION OF DRAFT ENVIRONMENTAL ZONING FRAMEWORK REPORT

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Suvaal
1711

RESOLVED

1. That Council places the draft Environmental Zoning Framework Report on public exhibition for a period of twenty-eight (28) days.
2. That Council receives a further report following public exhibition of the draft Environmental Zoning Framework Report.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE35/2021

**SUBJECT: DEVELOPMENT APPLICATION PERFORMANCE MONITORING
REPORT - MARCH QUARTER 2020-2021**

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Fitzgibbon
1712
RESOLVED

That Council receives and notes the Development Performance Monitoring Report for March quarter 2020/21.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC39/2021

SUBJECT: ADOPTION OF THE 2021-22 OPERATIONAL PLAN & BUDGET

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Sander
1713
RESOLVED

1. That Council notes the draft Operational Plan forecasts a \$490,625 operating surplus before capital grants and contributions, and the forecast cash position surplus is \$229,345.
2. That Council notes the feedback obtained from residents, the impacts of Council resolutions and the internal reviews during the public exhibition period as outlined in the report.
3. That Council adopts the 2021-22 Operational Plan, as exhibited, with the amendments outlined in this report, including:

2021-22 Budget

- Increase in capital grants and contributions of \$5,655,382.
- Decrease in other expenses of \$60,874.
- Increase of \$1,748,859 in materials and contracts.

2021-22 Capital Works Program

Amend the 2021-22 Capital Works Program as detailed below:

Community Buildings Construction Program (CBC)

- **Add** CBC-2022-001 Laguna Community Hall – Bushfire Disaster Preparedness Upgrades \$40,000
- **Add** CBC-2022-002 Wollombi Community Hall – Bushfire Disaster Preparedness Upgrades \$20,000

Pool Facilities Renewal Program (RFP)

- **Amend** RFP-2020-004 Cessnock Pool, Splash Pad. Increase current funding allocation to \$1,018,567

Cessnock Civic Revitalisation Program (RRC)

- **Add** RCC-2022-001 Cessnock CBD, Civic Precinct Upgrade Stage 2 Library Shared Zone - Phase 2 Detailed Design, Phase 3 Construct \$808,298

Drainage Construction Program (CDR)

- **Remove** CDR-2022-005 Hamilton St Abernethy - Phase 1 Investigate & Design
- **Amend** CDR-2022-006 Whitburn & York Streets Greta, Phase 1 Investigate & Design. Increase funding allocation to \$31,921

Recreation Facilities Construction Program (CFR)

- **Decrease funding:** CFR-2021-009 Millfield Skate Park - Decrease funding to \$88,570

- **Add CFR-2022-007 Cessnock Regional Skate Park, Detailed Design \$98,002**
- **Add CFR-2022-008 Carmichael Park BMX Facility, Detailed Design \$59,149**

Bridge Construction Program (CBS)

- **Increase funding CBS-2018-005 Kline Street, Weston, Bridge Replacement Phase 2 Detailed Design, Phase 3 Construct to \$1,337,282**
- **Add CBS-2022-002 Watagan Creek #1, Laguna, Bridge Replacement - Phase 2 Detailed Design, Phase 3 Construct \$676,870**
- **Add CBS-2022-003 Westcott Street, Cessnock, Bridge Replacement - Phase 2 Detailed Design, Phase 3 Construct \$668,641**

Local Road Renewal Program (RRL)

- **Add RRL-2018-010 Mount View Rd, Cessnock, Renew road from Barrett to Links - Stage 2 Phase 1 Investigate & design, Phase 2 Detailed design, Phase 3 Construct \$352,753**
- **Add RRL-2020-005 Aberdare St, Kitchener, Renew Stage 2 from Abermain to Abernethy - Phase 2 Detailed Design, Phase 3 Construct \$98,267**
- **Add RRL-2022-004 Deasy's Road Pokolbin, Renew Road Stage 2 - Phase 2 Detailed Design, Phase 3 Construct \$151,945**

Pathways Construction Program (CPW)

- **Increase CPW-2018-005 Branxton to Greta Cycleway - Phase 2 Detailed Design, Phase 3 Construct to \$2,498,763**
- **Add CPW-2022-001 Millfield – Rose Hill Estate to Wollombi Road via Crawford Park - Phase 1 Investigate & design, Phase 2 Detailed design, Phase 3 Construct \$377,950**
- **Add CPW-2022-002 Greta, Railway Station to High Street via Nelson Street**
- **Phase 1 Investigate & design, Phase 2 Detailed design, Phase 3 Construct \$524,930**
- **Add CPW-2022-003 Pelaw Main, Log of Knowledge Park to Neath Street - Phase 1 Investigate & design, Phase 2 Detailed design, Phase 3 Construct \$539,628**

Traffic Facilities Program (CFT)

- **Add CSB-2022-002 Various, City Wide Bus Stop Connection Pathways - Phase 1 Investigate & design, Phase 2 Detailed design, Phase 3 Construct \$276,294**

Safer Roads Program (CRR)

- **Add CRR-2020-002 George Downes Drive Bucketty, Road Safety Improvements - Phase 1 Investigate & Design, Phase 2 Detailed Design, Phase 3 Construct \$1,700,773**

Pre-Construction Design Program (DCP)

Add DCP-2022-001 Infrastructure Pre-Construction Design \$311,100

Add DCP-2022-002 Open Space & Community Facilities Pre-Construction Design \$51,004

2021-22 Objectives and Actions

Amend the 2021-22 objectives as detailed below:

Remove action

3.1.7.c Identify and categorise natural waterways and riparian land.

Target:

Undertake waterways mapping and condition assessment.

Remove action

3.1.9.a Implement high priority projects from the Swamp/Fishery Creek Floodplain Risk Management Plan through progressing installation of Flood Warning System and promotion of the House raising scheme.

Target:

Support Abermain Landcare weed removal and rehabilitation of Swamp Creek. Seek grant funding for construction of the Abermain and Weston Flood Warning System.

Remove action

3.1.9.b Implement high priority projects from the Cessnock City/Black Creek Floodplain Risk Management Plan through progressing installation of Flood Warning System and promotion of the House raising scheme.

Target:

Seek funding opportunities for the construction of the Cessnock Flood Warning System.

Promote the Voluntary House Raising via correspondence with eligible property owners.

Change action target

4.1.4.a Investigate and design the following high priority project from the Cycling Strategy.

Target:

Cessnock to Nulkaba shared pathway via Cessnock Public School, Bridges Hill Playground and Manning Park.

Interest on Overdue Rates

The rate of interest payable on overdue rates and charges is:

- six per cent (6%) per annum, simple interest, calculated daily for the period 1 July 2021 to 30 June 2022.

Expected Rate Yields

Amend the expected rate yields as below:

Rate Type	Rate	Base	Est Yield
Residential	0.454145	430.00	28,912,230
Residential – Rural	0.377286	430.00	3,540,585
Farmland	0.321122	430.00	2,309,495
Farmland – Mixed Use	0.824059	535.00	181,805
Farmland – Business Rural	0.824059	535.00	146,616
Business	1.758843	535.00	6,446,403
Mining	3.796108	1500.00	1,437,266
Total			42,974,400

- 4. That Council sets the Fees and Charges for 2021-22 as detailed in the 2021-22 Operational Plan, as exhibited, with the amendments outlined below:**

Section	Proposed Change
Copies of Endorsed Certificates	Delete proposed fees. Reason: Copies of certificates/council records are available via GIPA request. Fee is now redundant

Registration of Certificates with Council	<p>Delete proposed fees.</p> <p>Reason: Legislation change requiring registering of certificates to be made via NSW Planning Portal. Fee is now redundant.</p>
Building Information Certificate Fee	<p>Delete urgency fee.</p> <p>Reason: Due to legal advice and procedural changes in determination of BIC's, payment of an urgency fee is not appropriate where the BIC relates to unauthorised development.</p>
Building Line Variation Fees	<p>Delete proposed fees.</p> <p>Reason: Changes to Council Policy removed the ability for the building line to be varied outside the legislated DA process.</p>
Waste Management Charges	<p>Removal of all fees associated with Greta Transfer Station.</p> <p>Reason: The facility is closed (Refer to Report WI22/2021 21 April 2021 Council meeting)</p>
Review or Amend Fire Safety Schedule	<p>Addition of new fees: Up to 500m2 - \$265 Over 500m2 – 2000m2 - \$380 Over 2000m2 – by quotation</p> <p>Reason: Legislative changes have resulted in Council being asked by building owners to conduct a review of Council records and buildings for the purposes of issuing a new/amended fire safety schedule. Council has no fee for this service</p>
Damage Deposits – Complying Development Certificates – Works over \$25,000	<p>Complying Development Damage deposit processing fee - \$200 Bond - \$3,000</p> <p>Reason: The increase in new developments and associated S138 works, Council requires security bonds to make good any damage caused during construction works of new dwellings.</p>

- That consideration be given to Cruikshank Street be moved to Stage 3 and Keelendi Road be moved to Stage 2 in the next Operational Plan and the funding be sourced from the 7.11 funds.

FOR

Councillor Doherty
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (11)

AGAINST

Councillor Olsen

Total (1)

CARRIED

CORPORATE AND COMMUNITY NO. CC40/2021

SUBJECT: MAKING THE RATE 2021-22

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Stapleford
1714
RESOLVED

That Council make the following rates and charges for the year commencing 1 July 2021 to 30 June 2022:

1. Ordinary Rates

The following Ordinary Rates now be made for the year commencing 1 July 2021.

Category	Sub Category	Ad-valorem Amount Cents in \$	Base Amount \$	Base % of Total Rate
Residential		0.454145	430.00	34.94%
Residential	Rural	0.377286	430.00	19.16%
Farmland		0.321122	430.00	15.99%
Farmland	Mixed Use	0.824059	535.00	7.06%
Farmland	Business Rural	0.824059	535.00	9.85%
Business		1.758843	535.00	12.68%
Mining		3.796108	1,500.00	0.52%

2. Waste Charges

Council do hereby prescribe and order under Section 496 of the *Local Government Act 1993* for rateable land categorised for rating purposes as residential or farmland and situated within the area in which a Domestic Waste Management Service is able to be provided, that the following waste charges be now made for the year commencing 1 July 2021.

Domestic Waste Management Service Charge

Domestic Waste Management Availability Charge ¹	\$74.00
Domestic Waste Management Service Charge ²	\$627.00
Additional Domestic Waste Management Service Charge ³	\$627.00
Additional Domestic Waste Management Service Charge – Recycling	\$75.00
Additional Domestic Waste Management Service Charge – Organics	\$75.00

1. Charge applies to vacant rateable land situated within the area in which a Domestic Waste Management Service is able to be provided.
2. Each premise is entitled to one approved mobile waste bin mixed waste service per week, one fortnightly collection of recyclable material and one fortnightly collection of organic material for each Domestic Waste Management Service Charge.
3. Each premise is entitled to one approved mobile waste bin mixed waste service per week for each Additional Domestic Waste Management Service Charge.

Council do hereby prescribe and order under Section 501 of the *Local Government Act 1993*, for land not categorised for rating purposes as residential or farmland and

situated within the area in which a Waste Management Service is able to be provided, that the following waste charges be now made for the year commencing 1 July 2021.

Waste Management Service Charge

Waste Management Service Charge (GST inclusive) ¹	\$826.00
Additional Waste Management Service Charge (GST inclusive) ²	\$826.00
Additional Waste Management Service Charge - Recycling	\$75.00
Additional Waste Management Service Charge - Organics	\$75.00

1. Each premise is entitled to one approved mobile waste bin mixed waste service per week and one fortnightly collection of recyclable material for each Waste Management Service Charge. Each premise is also entitled to one fortnightly collection of organic material for each Waste Management Service Charge upon request and justification of needs.
2. Each premise is entitled to one approved mobile waste bin mixed waste service per week for each Additional Waste Management Service Charge.

3. Stormwater Management Services Charges

Council do hereby prescribe and order under Section 496A of the *Local Government Act 1993*, for land situated within the designated stormwater area, that the following stormwater charges be now made for the year commencing 1 July 2021.

Stormwater Management Service Charge

Stormwater Management Service Charge - Residential	\$25.00
Stormwater Management Service Charge - Residential Strata	\$12.50
Stormwater Management Service Charge - Business	\$25.00 per 350m ² (or part thereof) to a maximum \$500

4. Interest on Overdue rates and Charges

Council do hereby determine and order, in accordance with Section 566 of the *Local Government Act 1993*, that if rates and charges are unpaid at the due date, the amount shall be increased by a sum calculated at:

- six per cent (6%) per annum, simple interest, calculated daily for the period 1 July 2021 to 30 June 2022.

5. Hunter Local Land Services

Council, in accordance with Clauses 36 and 40, Part 4, of the *Local Land Services Regulation 2014*, prescribes that the rate for the year commencing 1 July 2021 shall be the rate gazetted by the Minister for the Hunter Catchment Contribution for the period 1 July 2021 to 30 June 2022 inclusive being 0.00946 of a cent in the dollar of rateable land value.

FOR

Councillor Doherty
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (11)

AGAINST

Councillor Olsen

Total (1)

CARRIED

CORPORATE AND COMMUNITY NO. CC41/2021

SUBJECT: TENDER T2021-07 CEMETERY MOWING AND TRIMMING

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1715

RESOLVED

1. That Council accepts Caloola Vocational Services INC Tender for T2021-07 Cemetery Mowing and Trimming.
2. That Council notes the contract term for Tender T2021-07 Cemetery Mowing and Trimming is 1 July 2021 to June 30 2024 (3 years) with an option for 2 x 1 year extensions based on satisfactory contractor performance.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC42/2021

SUBJECT: INVESTMENT POLICY

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1716

RESOLVED

1. That Council notes the proposed changes to the current Investment Policy including revisions to maximum investment limits to exclude the main operating account from counterparty limits, addition of NSW Treasury Corporation as investment advisor and other minor changes.
2. That Council adopts the revised Investment Policy accordance with the Office of Local Government "Investment Policy Guidelines", the Local Government Act 1993 and the Local Government (General) Regulation 2005.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC43/2021

SUBJECT: POLICY REVIEW 2021 - REVOCATION OF POLICIES

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Gray
1717
RESOLVED

That Council revokes the following Policies.

- 1. Councillors Expense Claims Procedure (2000)**
- 2. Fringe Tax Benefits Policy (2002)**
- 3. Travel and Accommodation Policy (2010)**
- 4. Roads Closures associated with Filming Proposals (2001)**

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC44/2021

SUBJECT: DRAFT YOUTH ENGAGEMENT STRATEGY 2021-2025

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1718

RESOLVED

1. That Council places the draft Youth Engagement Strategy 2021-2025 on public exhibition for a period of 28 days and invite public submissions.
2. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Youth Engagement Strategy 2021-2025.

FOR

AGAINST

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (12)

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC45/2021

SUBJECT: INVESTMENT REPORT - MAY 2021

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1719
RESOLVED

That Council receives the Investment Report for May 2021 and notes that:

- Investments are held in accordance with Council's Investment Policy, which accords with the Ministerial Investment Order.
- Council's month end balance was \$51,908,022, year to date interest earned to 31 May was \$336,882 and interest earned for May 2021 was \$18,888.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC46/2021

SUBJECT: DISCLOSURES OF INTERESTS IN WRITTEN RETURNS

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1720
RESOLVED

That Council notes the tabling of the disclosures of interests written returns for the period 1 February 2021 – 30 May 2021 in accordance with Council's Code of Conduct.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC47/2021

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Gray
1721
RESOLVED

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

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI38/2021

SUBJECT: AIRPORT POLICY AND NEW AIRPORT OPERATIONAL USER GUIDELINE

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Dunn
1722

RESOLVED

1. That Council place the draft Cessnock Airport Operational Policy on public exhibition for 28 days.
2. That Council receives a further report for consideration noting any submissions received during the exhibition period.
3. That Council note the draft Cessnock Airport Operational User Guideline.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI39/2021

SUBJECT: DRAFT OFF LEASH DOG EXERCISE AREA PLAN

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Suvaal
1723

RESOLVED

1. That Council places the draft Off Leash Dog Exercise Area Plan on public exhibition for a minimum period of 28 days and invite public submissions.
2. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Off Leash Dog Exercise Area Plan.
3. That Hall Park and Miller Park be moved from being decommissioned as a Dog Exercise Area and are to be placed in the proposed list to be retained.
4. That the Bridges Hill Off Leash Dog Exercise Area be fenced.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI40/2021

SUBJECT: TRAILS REFERENCE GROUP

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1724

RESOLVED

That Council note the information provided within this report on the establishment of a Trails Reference Group.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI41/2021

SUBJECT: PRACTICE CRICKET NET AT CRAWFORDVILLE PARK, MILLFIELD

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Suvaal

1. That Council notes the information provided within the report that the cost of the practice cricket net is estimated at \$38,000.
2. That the money from the Tourism Funding be used to pay for the \$38,000 for the cricket nets.

AMENDMENT **Moved:** Councillor Fitzgibbon **Seconded:** Councillor Gray

That the General Manager report back with funding opportunities for funding the installation of the cricket nets at Crawfordville Park including \$7.11 contributions.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

The Amendment was **PUT** and **CARRIED** and as such became the Motion.

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

MOTION **Moved:** Councillor Fitzgibbon **Seconded:** Councillor Gray

1725

RESOLVED

That the General Manager report back with funding opportunities for funding the installation of the cricket nets at Crawfordville Park including \$7.11 contributions.

FOR	AGAINST
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	

	Total (0)
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CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI42/2021

SUBJECT: HAMILTON STREET & UNFORMED LANEWAY, ABERNETHY - DRAINAGE INVESTIGATION

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Suvaal
1726

RESOLVED

1. That Council notes the outcome of stormwater management investigations.
2. That Council notes emergency maintenance works undertaken to improve stormwater management in the vicinity of Hamilton Street and Hamilton Lane, Abernethy.
3. That Council notes the limitations associated with Crown road ownership in Abernethy.
4. That the General Manager write to the State Member for Cessnock, informing him of the contents of the report WI42/2021, and request that he take up the issue with the relevant Minister and the department of crown lands.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI43/2021

SUBJECT: BUS SHELTER DESIGN

MOTION **Moved:** Councillor Gray **Seconded:** Councillor Dunn
1727

RESOLVED

1. That Council adopts the proposed Bus Shelter Concept design as shown in Enclosure 1.
2. That Council authorises the public exhibition of the Draft Bus Shelters Policy.

FOR

AGAINST

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (12)

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI44/2021

SUBJECT: CESSNOCK, KURRI KURRI AND WESTON CBD - ENDORSEMENT OF CONSULTATION FOR ALCOHOL FREE ZONES

Councillor Burke declared a Pecuniary Interest for the reason that he has and will in the future apply for alcohol zone exceptions for events held in Cessnock. Councillor Burke left the Chamber and took no part in discussion and voting.

Councillor Burke left the meeting, the time being 7.22pm

MOTION **Moved:** Councillor Gray **Seconded:** Councillor Suvaal
1728
RESOLVED

- 1. That Council undertakes a consultation process on Alcohol Free Zones in the Cessnock, Kurri Kurri and Weston Central Business Districts.**
- 2. That a further report be presented to Council after the conclusion of the consultation period.**

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

Councillor Burke returned to the meeting, the time being 7.23pm

WORKS AND INFRASTRUCTURE NO. WI45/2021

**SUBJECT: MINUTES OF THE CESSNOCK LOCAL TRAFFIC COMMITTEE
MEETING HELD 17 MAY 2021**

MOTION **Moved:** Councillor Gray **Seconded:** Councillor Stapleford
1729
RESOLVED

That the Minutes of the Cessnock Local Traffic Committee Meeting of 17 May 2021 be adopted as a resolution of the Ordinary Council.

- 1. TC24/2021 - That Council authorises installation of intersection controls at the intersection of Cooma Street and Melbourne Street with Goulburn Street, Abermain, in accordance with the Cooma Street Signage & Line Marking Diagram.**
- 2. TC25/2021 - That Council authorises the installation of regulatory parking signage on Allworth Street, Kurri Kurri in accordance with the Allworth Street Kurri Kurri _ Signage Diagram.**
- 3. TC26/2021 - That Council authorises the installation of regulatory parking signage and line marking on Cumberland Street, Cessnock in accordance with the Cumberland Street Cessnock _ Alternate Signage & Line Marking Diagram.**
- 4. TC27/2021 - That Council authorises the installation of regulatory parking signage on Coolalta Drive, Nulkaba in accordance with the Coolalta Drive Nulkaba _ Signage Diagram.**
- 5. TC28/2021 - That Council authorises the installation of regulatory parking signage & line marking on Pinchen Street and Austral Street, Nulkaba in accordance with the Pinchen Street Nulkaba _ Signage & Line Marking Diagram.**
- 6. TC29/2021 - That Council authorise the temporary regulation of traffic for the Winery Running Festival on Lovedale Road, Wilderness Road, and Talga Road, Lovedale in accordance with Various Roads Lovedale _ Winery Running Festival TCP's.**

FOR

Councillor Olsen
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (11)**AGAINST**

Councillor Doherty

Total (1)***CARRIED***

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN13/2021

SUBJECT: 7.11 CITY WIDE CONTRIBUTIONS PLAN REGISTER

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Stapleford
1730
RESOLVED

- 1. That the General Manager bring back to council a breakup up of the Citywide Contributions plan by Sect 7.11 per current development and VPAs per development. Outlining amounts currently collected and what is planned to be spent over the coming year from the 7.11 fund.**
- 2. What is being done to have a public register available for the public to access to a “City Wide Register of Contributions”.**

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN14/2021

SUBJECT: REPEAL OF PARKING ENFORCEMENT POLICY

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
1731
RESOLVED

1. That Council notes the confusion in the community regarding the changes from solely aligning Council's previous parking policy with the requirements of NSW government legislation;
2. That Council notes that parking rules are set by the NSW State Government under legislation including the Road Rules 2014, the Road Transport Act 2013, Roads Act 1993 and the Roads Transport (General) Regulation 2013; and
3. That Council requests the General Manager provide a report to the next Council meeting outlining the steps required to repeal the Cessnock City Council Parking Enforcement Policy dated 17 February 2021, including any ramifications of such action.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN15/2021

SUBJECT: VICTORIA PARK, GRETA

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Fitzgibbon
1732

RESOLVED

1. That Council acknowledges the objections by the community of Greta to Victoria Park 35 Water Street Greta being considered for reclassification from community to operational land in the Planning Proposal 18/2019/1 - Rezoning and Reclassification.
2. That the General Manager pursuant to Section 3.35 of the Environmental and Assessment Act 1979, vary Planning Proposal 18/2019/1/1 -proposed rezoning and reclassification of Council owned land - by excluding the proposed rezoning and reclassification of 35 Water Street Greta known as Victoria Park.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORRESPONDENCE

CORRESPONDENCE NO. CO11/2021

SUBJECT: ELLALONG LAGOON - MM6/2021

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1733
RESOLVED

That Council notes the correspondence received from the Chief Executive Officer of the Biodiversity Conservation Trust in relation to Ellalong Lagoon.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

COUNCILLOR REPORTS

Councillor Doherty

Kurri Kurri Hospital

Councillor Doherty advised of an interview that has been secured with himself and Councillor Sander with The Hon. Brad Hazzard, Minister for Health and Medical Research in relation to the future of Kurri Kurri Hospital.

Councillor Doherty would like to also thank Mr Clayton Barr MP, Member for Cessnock for ensuring that the face to face meeting was secured.

7.43PM

Confidential reports (closed session)

MOTION **Moved:** Councillor Gray **Seconded:** Councillor Suvaal
1734
RESOLVED

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

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

7.59PM

Open Session

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

CORPORATE AND COMMUNITY NO. CC48/2021

SUBJECT: CESSNOCK AIRPORT - HANGAR DISPUTE

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 Dunn **Seconded:** Councillor Suvaal
1735
RESOLVED

That Council authorises the General Manager to progress the legal proceedings relating to the hangar and airport subdivision, brought by 123259932 Pty Limited out outlined in the report in Option 1.

FOR	AGAINST
Councillor Dunn	Councillor Olsen
Councillor Fagg	Councillor Doherty
Councillor Stapleford	Councillor Fitzgibbon
Councillor Suvaal	Councillor Sander
Councillor Gray	
Councillor Burke	
Councillor Lyons	
Councillor Pynsent	
Total (8)	Total (4)

CARRIED

The Meeting Was Declared Closed at 8.01pm

CONFIRMED AND SIGNED at the meeting held on 21 July 2021

.....**CHAIRPERSON**

.....**GENERAL MANAGER**