

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 19 APRIL 2023, COMMENCING AT  
6.30PM**

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

**IN ATTENDANCE:** General Manager  
Director Planning and Environment  
Director Corporate and Community Services  
Director Works and Infrastructure  
Development Services Manager  
Strategic Planning Manager  
Economic Development and Tourism Manager  
Infrastructure Manager  
People and Culture Manager  
Chief Financial Officer  
Media & Communication Officer  
Help Desk Support Officer  
Executive Assistant Corporate and Community Services  
Executive Assistant to the Mayor

**Council Prayer:**

Council Prayer was led by Christopher Hawkins from New Gokula.

The Mayor acknowledged the sudden passing of Mrs Dixie Moores, wife of Councillor John Moores and offered Councils condolences.

A minutes silence was held as a mark of respect.

**APOLOGY:**

**MOTION**

**Moved:** Councillor Hill

**Seconded:** Councillor Sander

447

**RESOLVED** That the Leave of Absence previously granted submitted by Councillor Dunn be noted.

That an apology from Councillors Burke be accepted.

**FOR**

**AGAINST**

Councillor Jackson

Councillor Moores

Councillor Grine

Councillor Sander

Councillor Hill

Councillor Hawkins

Councillor Paynter

Councillor Watton

Councillor Olsen

Councillor Jurd

Councillor Suvaal

**Total (11)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**MOTION**            **Moved:**    Councillor Hawkins  
**Seconded:** Councillor Grine

448

**RESOLVED** That a Leave of Absence be granted to Councillor Sander for the period 14 May 2023 to 24 May 2023.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**MINUTES:**

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

449

**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 15 March 2023, as circulated, be taken as read and confirmed as a correct record.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Olsen
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
<b>Total (10)</b>	<b>Total (1)</b>

**CARRIED**

## **DISCLOSURES OF INTEREST**

### **DISCLOSURES OF INTEREST NO. DI3/2023**

**SUBJECT: DISCLOSURES OF INTEREST**

---

#### **RECOMMENDATION**

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

**CC20/2023 MINUTES OF THE COMMUNITY ENGAGEMENT, AWARDS AND GRANTS COMMITTEE MEETING HELD ON 15 MARCH 2023**

Councillor Hawkins declared a Non Pecuniary Interest - Less Than Significant Conflict for the reason that his child attends one of the schools receiving a grant. Councillor Hawkins advised that he will remain in the Chamber and participate in the discussion and voting as he has no role at the school and is not a member of this committee.

**CC20/2023 MINUTES OF THE COMMUNITY ENGAGEMENT, AWARDS AND GRANTS COMMITTEE MEETING HELD ON 15 MARCH 2023**

Mayor Suval declared a Non Pecuniary Interest - Significant Conflict for the reason that his children attend Cessnock Multipurpose Children's Centre (CMCC) and his wife is a voluntary board director for CMCC.

Mayor Suvaal advised he would leave the chambers and take no part in discussion or voting.

## PETITIONS

Nil

## ADDRESS BY INVITED SPEAKERS

Nil

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

**MOTION**            **Moved:** Councillor Hill            **Seconded:** Councillor Paynter  
450  
**RESOLVED**

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

PE14/2023	Planning Proposal - Reclassify and rezone various lots in Bellbird and Abermain .....	19
CC18/2023	Councillor training and development.....	28
‡ CC19/2023	Resolutions Tracking Report .....	29
‡ CC22/2023	Investment Report - March 2023 .....	33
W114/2023	Tender T2023-10 Millfield Rural Fire Service Station Construction .....	40

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

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

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

## **NOTICE OF INTENTION NO. NI3/2023**

**SUBJECT: NOTICE OF INTENTION TO DEAL WITH MATTERS IN  
CONFIDENTIAL SESSION - REPORT GMU3/2023 – CODE OF  
CONDUCT BREACH BY COUNCILLOR OLSEN - CONSIDERATION  
OF FINAL INVESTIGATION REPORT AND RECOMMENDATION OF  
FORMAL CENSURE**

---

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Sander  
451

**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 GMU3/2023 – Code of Conduct Breach by Councillor Olsen - Consideration of Final investigation Report and Recommendation of Formal Censure 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 Paynter
Councillor Moores	Councillor Watton
Councillor Grine	Councillor Olsen
Councillor Sander	Councillor Jurd
Councillor Hill	
Councillor Hawkins	
Councillor Suvaal	
<b>Total (7)</b>	<b>Total (4)</b>

**CARRIED**

## **MAYORAL MINUTES**

NIL

## **MOTIONS OF URGENCY**

### **MOTIONS OF URGENCY NO. MOU3/2023**

**SUBJECT: MOTIONS OF URGENCY**

---

#### **RECOMMENDATION**

That Councillors now indicate if there are any matters of urgency which they believe should be conducted at this meeting of Council.

A Motion of Urgency relating to DA8/2022/045/1 was put forward and was ruled as unlawful as the consent had already been issued.

## **RESCISSION MOTIONS**

### **RESCISSION MOTIONS NO. RM1/2023**

**SUBJECT: PE6/2023 - DEVELOPMENT APPLICATION NO. 8/2022/103/1 PROPOSING CONSTRUCTION OF A MULTI-DWELLING HOUSING DEVELOPMENT COMPRISING THE CONSTRUCTION OF TWO (2) NEW DWELLINGS AT THE REAR OF THE EXISTING DWELLING, FOLLOWED BY A THREE (3) LOT STRATA TITLE SUBDIVISION AT 22 SIXTH STREET, CESSNOCK.**

---

**MOTION**                      **Moved:**    Councillor Hill                      **Seconded:**    Councillor Sander  
452

#### **RESOLVED**

That Resolution (421) to Report PE6/2023 for refusal of Development Application No. 8/2022/103/1 proposing construction of a multi-dwelling housing development comprising the construction of two (2) new dwellings at the rear of the existing dwelling, followed by a three (3) Lot Strata Title subdivision at 22 Sixth Street, Cessnock.

be rescinded.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Moores
Councillor Grine	Councillor Paynter
Councillor Sander	Councillor Watton
Councillor Hill	Councillor Olsen
Councillor Hawkins	Councillor Jurd
Councillor Suvaal	
<b>Total (6)</b>	<b>Total (5)</b>

**CARRIED**

**MOTION**

453

**RESOLVED**

**Moved:** Councillor Hill

**Seconded:** Councillor Grine

**1. That:**

- (i) **Development Application No. 8/2022/103/1 proposing construction of a multi- dwelling housing development comprising the construction of two (2) new dwellings at the rear of the existing dwelling, followed by a three (3) lot strata title subdivision at 22 Sixth Street Cessnock, be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, subject to the conditions contained in this report.**
- (ii) **The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:**
- **The proposal is a permitted land use in the R3 Medium Density zone under the *Cessnock Local Environmental Plan 2011*,**
  - **The proposal is consistent with the objectives of the R3 Medium Density zone under the *Cessnock Local Environmental Plan 2011*,**
  - **The proposal satisfies the provisions of Clause 5.3 of the *Cessnock Local Environmental Plan 2011*,**
  - **The proposal is consistent with the relevant provisions contained within the relevant State Environmental Planning Policies,**
  - **The proposal is generally compliant with the provisions of the *Cessnock Development Control Plan 2010*, and any variations are considered minor and justified,**
  - **The proposal incorporates adequate measures to ensure the development will not result in any adverse impacts on the natural and built environments,**
  - **The proposal incorporates adequate measures to ensure the development will not result in any adverse impacts on the social and economic locality,**
  - **The proposal is suited to the site, having regard to the prevailing character of development in the area, and**
  - **The proposal is considered to be consistent with the public interest.**
- (iii) **In considering community views, the following is relevant:**
- **The development proposed will have an acceptable impact on the amenity of the area,**
  - **The proposed development will provide additional housing**

stock within the locality, and

- Some of the concerns in respect to the proposed development can be addressed via the imposition of conditions of consent.

(iv) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

2. Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Moores
Councillor Grine	Councillor Paynter
Councillor Sander	Councillor Watton
Councillor Hill	Councillor Olsen
Councillor Hawkins	Councillor Jurd
Councillor Suvaal	
<b>Total (6)</b>	<b>Total (5)</b>

**CARRIED**

## CONDITIONS OF CONSENT

---

### SCHEDULE 1

#### CONDITIONS OF CONSENT

#### TERMS OF CONSENT

##### 1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2022/103/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

<b>Plan Reference</b>	<b>Drawn By</b>	<b>Dated</b>
Drawing No: 1574 Sheets – DA00 – DA08 Rev B	ACM Landmark	10.2.23
Plan of Subdivision Ref: 210124 Sheets 1 and 2	Gregory John Smith	28.1.22

<b>Document Reference</b>	<b>Drawn By</b>	<b>Dated</b>
Noise and Vibration Assessment	Spectrum Acoustics	17.8.22



## 2. General Terms of Approval

All General Terms of Approval issued by the NSW Rural Fire Service dated 16 December 2022 shall be complied with prior, during and at the completion of the development, as required.

A copy of the General Terms of Approval is attached to this determination notice.

## 3. CC, PC & Notice Required

In accordance with the provisions of Section 6.6 and 6.7 of the *EP&A Act 1979* construction works approved by this consent must not commence until:

- a) A *CC* has been issued by a Certifier (being Council or a registered certifier); and
- b) A *PC* has been appointed by the person having benefit of the development consent; and
- c) If Council is not the *PC*, notify Council no later than two (2) days before building work commences as to who is the appointed *PC*; and
- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

## 4. BCA Compliance

Pursuant to Section 4.17(11) of the *EP&A Act 1979* all building work must be carried out in accordance with the requirements of the *BCA*.

## 5. BASIX Certificate

Development shall be undertaken strictly in accordance with all commitments specified in the current BASIX certificate.

## PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

**The following conditions are to be complied with prior to the issue of a Construction Certificate:**

### 6. Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a *CC*.

### 7. Section 7.11 Contributions Payable

A contribution pursuant to the provisions of Section 7.11 of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of a *CC*:

Fee  
Type  
Code  
810  
811  
812  
813  
814

<b>Contribution Type</b>	<b>Amount Payable</b>
Open Space and Recreation Facilities	\$15,849.52
Community Facilities	\$2,456.69
Cycleway Facilities	\$15,150.49
Roads and Traffic	\$2,819.44
Plan Administration	\$628.05
<b>Total</b>	<b>\$36,904.19</b>

A copy of Council's City Wide Infrastructure Contributions Plan 2020 may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au).

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

## **8. Stormwater – Discharge (General)**

The applicant shall collect all roof and stormwater runoff from the impervious areas on site, and any other drainage entering the site, and discharge it to Council's satisfaction in accordance with Council's 'Engineering Requirements for Development'.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of the CC.

## **9. Section 50 – Hunter Water Act 1991**

Evidence shall be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the Hunter Water Act 1991. Such evidence shall be submitted to Council prior to the issue of the CC.

## **10. Local Traffic Committee Approval**

Any application involving the installation of, or amendment to, regulatory signage, linemarking and/or traffic control devices, will require approval of the Council Local Traffic Committee. Full details shall be submitted to council for approval by the Council Local Traffic Committee, prior to the issue of a CC, and subsequent Section 138 Roads Act Approval.

## **11. Retaining Walls**

Where a retaining wall is in excess of 600mm in height and/or within 900mm of a property boundary, separate detailed drawings are to be submitted in conjunction with the CC, specifying wall heights, heights of retaining walls, proposed mounding and stabilisation treatment, and landscaping for the elevations of the building.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of a CC.

## **12. Road – Construction Requirements**

The applicant/developer shall construct the following works for the full frontage of Lot 12 (Evans Street to Sixth Street intersection) in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to the release of the S138 Roads Act Approval.

- a) Construct kerb and gutter along Lot 12 frontage (Evans Street)
- b) Construct 6.0m wide road pavement for approx. 45m
- c) Construct 8.5m radius cul-de-sac pavement
- d) Place Asphalt on new pavement works
- e) Top dress and turf footpath
- f) Construct necessary drainage works\
- g) Install necessary signage to indicate end of road / no through road

## **13. Road - Fees**

The applicant shall lodge payment of fees as follows:-

- a) Road fees - engineering plan checking
- b) Road fees – PC certification of works

Final fee amounts will be levied on accurate dimensions contained within the engineering plans.

The fees shall be payable prior to the issue of a *CC / Section 138* for the Civil Works and shall be in accordance with Council's adopted fees and charges current at the time of payment.

## **14. Bedroom Windows – First Floor**

The CC plans are to be amended to identify all north facing bedroom windows on the first floor of the proposed new building (being both Units 1 and 2) as being constructed utilising obscure glazing, along with a minimum sill height of 1500mm above the relative finished floor level.

## **15. Amended Plans – Obscure glazing of Windows**

The CC plans are to be amended to identify all bedroom and living room windows for Unit 2 to satisfy the minimum glazing requirements indicated in the submitted acoustic report prepared by Spectrum Acoustics dated 17 August 2022 (Ref: 212205R/29845).

## **PRIOR TO COMMENCEMENT OF WORKS**

**The following conditions are to be complied with prior to the commencement of works on the subject site/s:**

### **15. PC Signage and Contact Details**

Prior to the commencement of works, a sign must be erected in a prominent position on the site on which the proposal is being carried out. The sign must state:

- a) Unauthorised entry to the work site is prohibited.
- b) The name of the principal contractor (or person in charge of the site) and a telephone number on which that person may be contacted at any time for business purposes and including outside working hours.
- c) The name, address and telephone number of the *PC* for the work.

Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

### **16. Home Building Act Requirements**

Pursuant to Section 4.17(11) (cf previous s 80A) of the *EP&A Act 1979*, where the development involves residential building work for which the Home Building Act 1989 requires a contract on insurance to be in force in accordance with Part 6 of that Act, building work authorised by this consent must not commence until such a contract of insurance has been obtained and is in force.

Residential building work must not be carried out unless the *PC* for the development to which the work relates (not being the council) has given the council written notice of the following information:

- a) in the case of work for which a principal contractor is required to be appointed:
  - i) the name and licence number of the principal contractor, and
  - ii) the name of the insurer by which the work is insured under Part 6 of that Act
- b) in the case of work to be done by an owner-builder:
  - i) the name of the owner-builder, and
  - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information required by (a) or (b) becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the updated information.

This condition does not apply in relation to Crown building work that is certified, in accordance with Section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

### **17. Relocation of Services**

The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works.

Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

#### **18. Public Liability Insurance**

Any person or contractor undertaking works on public property must take out Public Risk insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within, public property. The Policy is to note, and provide protection for Cessnock City Council as an interested party, and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property. The insurance shall also note the location and the risk.

#### **19. Section 138 Roads Act**

Under Section 138 of the Roads Act 1993, should any work on the verge, footpath, or public road reserve be required, a S138 Roads Act Approval will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The S138 application is to be submitted to, and approved by, Council prior to works commencing.

#### **20. Road - Bonds**

The applicant shall pay the following:-

- a) A performance and maintenance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater. To be held by council for a period of 12 months.

It will be necessary for the applicant to submit evidence of the contract price of all construction works in order for Council to assess accurate bond amounts.

The bond shall be payable prior to the issue of a *Section 138* approval.

The bond may be used to meet any costs referred to above, and on application being made to the Council by the person who provided the bond, any balance remaining is to be refunded to, or at the direction of, that person. If no application is made to the Council for a refund of any balance remaining of the bond within 6 years of the date of issue of practical completion for the development, the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

#### **21. Tree Removal**

No more than one week prior to tree removal, trees must be inspected by a qualified and experienced ecologist to determine whether any nests are present, and if so, what species occupies the nests.

### **DURING WORKS**

**The following conditions are to be complied with during works:**

#### **22. Construction Hours**

Excavation, building or subdivision work must be restricted to the hours of 7.00am and 5.00pm on Monday to Saturday inclusive. No work is to be carried out on Sundays and public holidays.

### **23. Erosion and Sediment Controls**

The control of erosion, and the prevention of silt discharge into drainage systems and waterways, will be necessary in accordance with Council's "Engineering Requirements for Development", and Landcom's Soils and Construction Manual - April 2004. Erosion control measures are to be implemented prior to the commencement of any earthworks, and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

### **24. Stormwater Runoff**

Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

### **25. Waste Management**

Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.

### **26. Demolition Works**

All demolition works are to be carried out in accordance with *AS 2601-2001 "Demolition of structures"*, with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc, should be handled, conveyed and disposed of in accordance with guidelines and requirements from SafeWork NSW. Disposal of asbestos material at Council's Waste Depot requires prior arrangement for immediate landfilling.

### **27. Tree Removal**

If the trees to be cleared contain active nests, then a qualified and experienced ecologist must supervise the clearing of the tree to ensure that the tree can be lowered slowly and carefully to the ground and care can be given to any fauna present.

## **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

**The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of an Occupation Certificate.**

### **28. All Services Provided**

Certification that all services as required (eg water supply, gas, electricity, telephone, sewer), are available to the site, shall be submitted to the *PC* prior to issue of an *OC*.

### **29. Roads – Concrete Crossing**

The registered proprietors shall construct a concrete access crossing from the kerb and gutter in Sixth Street to the existing dwelling and from the kerb and gutter in Evans Street for proposed units 1 and 2 to the property boundary in accordance with Council's "Engineering Requirements for Development" and AS 2890.1. A S138 Roads Act Approval is required from Council prior to any construction commencing within the road reserve. The access crossing is required to be constructed prior to the issue of an *OC* for the whole of the building. Where a Partial *OC* is issued the crossing shall be completed within six (6) months from the date of the Partial *OC*.

Construction of the crossing will require inspections to be undertaken by Council. The applicant shall pay Council engineering site supervision fees in accordance with Council's current Fees & Charges, prior to the inspections being undertaken.

The initial fee will facilitate approval of the application and one (1) construction inspection (gravel in place but prior to sealing of the crossing).

A final inspection will be required upon completion of the driveway and restoration of all disturbed footway areas. (A separate fee will be required to be paid when the final inspection is booked.) Should further inspections become necessary as a result of unsatisfactory or defective works, additional inspection fees will be charged in accordance with Council's current Fees & Charges.

The applicant is to advise Council at least 48 hours prior to inspection of works within the footpath and/or road reserve.

### **30. Drainage Works**

All drainage works required to be undertaken in accordance with this consent shall be completed prior to issue of an *OC* for the development.

### **31. Finish of Excavated &/or Filled Areas Around Site**

The excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.

### **32. Completion of Roadworks**

Prior to the issue of an *OC*, the *PC* must ensure that all approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with Council's S138 Roads Act Approval.

Works-as-Executed plans of the extent of roadworks, including any component of the stormwater drainage system that is to revert to Council, certified by a registered surveyor, together with certification by a qualified practising Civil Engineer, to verify that the works have been constructed in accordance with the approved design and relevant AS, must be provided to Council prior to the issue of an *OC*.

The Works-as-Executed plan(s) must show the as-built details in comparison to those shown on the plans approved with the road works permit. All relevant levels and details indicated must be marked in red on a copy of the Council stamped plans.

### **33. Drainage Works**

All drainage works required to be undertaken in accordance with this consent shall be completed prior to issue of an *OC* for the development.

### **34. Retaining Walls and Drainage**

All drainage works required to be undertaken in accordance with this consent shall be completed prior to issue of an *OC* for the development.

### **35. Fencing**

The following fencing will be required to be constructed prior to issue of the OC:

- 1800mm high solid fencing along the northern and eastern boundaries of the site (height to be measured from the top of the retaining wall/s);
- 1800mm high solid fencing internally to be located on the boundaries between proposed Lots 1, 2 and 3 (excluding the front building setbacks).

### **PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**

**The following conditions are to be complied with, prior to issue of a Subdivision Certificate.**

### **36. Requirement for a Subdivision Certificate**

Prior to the issue of a SC, the applicant shall submit an original plan of subdivision in an electronic format for Council's endorsement.

The plan of subdivision must show street names and house numbering as allocated by Council. The following details are also to be submitted:

- a) Evidence that all conditions of Development Consent have been satisfied.
- b) Evidence of payment of all relevant fees.
- c) Lot numbers to correspond with street numbering.
- d) A copy of the final OC for the development.



## PLANNING AND ENVIRONMENT

### PLANNING AND ENVIRONMENT NO. PE13/2023

**SUBJECT:** 18 2020 5 - PLANNING PROPOSAL TO GRANT A DWELLING ENTITLEMENT FOR LOT 686 DP 619758, KNOWN AS 0 BLACK HILL ROAD, BLACK HILL

---

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

1. That Council endorse the Planning Proposal to grant a dwelling entitlement on Lot 686 DP619758 with the following change:
  - a. To add an additional permitted use under schedule 1 of the Cessnock Local Environmental Plan 2011 to grant a dwelling entitlement for lot 686 619758
2. That Council request the Department of Planning and Environment make the amendment to the Cessnock Local Environmental Plan 2011.

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

That the report be deferred.

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	Councillor Jackson
Councillor Watton	Councillor Grine
Councillor Olsen	Councillor Sander
Councillor Jurd	Councillor Hill
	Councillor Hawkins
	Councillor Paynter
	Councillor Suvaal
<b>Total (4)</b>	<b>Total (7)</b>

**The procedural motion was PUT and LOST**

**The MOTION was then PUT**

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

454

**RESOLVED**

1. That Council endorse the Planning Proposal to grant a dwelling entitlement on Lot 686 DP619758 with the following change:
  - a. To add an additional permitted use under schedule 1 of the Cessnock Local Environmental Plan 2011 to grant a dwelling entitlement for lot 686 619758
2. That Council request the Department of Planning and Environment make the amendment to the Cessnock Local Environmental Plan 2011.

**FOR**

Councillor Jackson  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Paynter  
Councillor Suvaal  
**Total (7)**

**AGAINST**

Councillor Moores  
Councillor Watton  
Councillor Olsen  
Councillor Jurd  
  
**Total (4)**

***CARRIED***

**PLANNING AND ENVIRONMENT NO. PE14/2023**

**SUBJECT: PLANNING PROPOSAL - RECLASSIFY AND REZONE VARIOUS LOTS IN BELLBIRD AND ABERMAIN**

---

**MOTION**      **Moved:**    Councillor Hill      **Seconded:**    Councillor Paynter  
455

**RESOLVED**

1. That Council resolves to reclassify Lots 9, 10 and 11 Section B DP 4748 (94 Harle Street, Abermain) from Operational Land to Community Land pursuant to Section 33 of the *Local Government Act, 1993*.
2. That Council requests a Gateway determination for a Planning Proposal from the NSW Department of Planning and Environment pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979* to:
  - a. rezone part of Lot 3 DP 624793 (Carmichael Park, Bellbird) from RE1 Public Recreation to RE2 Private Recreation;
  - b. reclassify part of Lot 3 DP 624793 (Carmichael Park, Bellbird) from Community Land to Operational land; and
  - c. rezone Lot 11 Section B DP 4748 (94 Harle Street, Abermain) from R2 Low Density Residential to RE1 Public Recreation.
3. That Council requests authorisation under Section 3.31 of the *Environmental Planning and Assessment Act 1979* to act as the local plan-making authority to make the Local Environmental Plan.
4. That Council undertakes consultation with public authorities and the community as determined by the Gateway Determination.
5. That Council undertake the necessary Public Hearing and public notification requirements for the proposed reclassifications of Council owned land, pursuant to the provisions of Sections 29 and 34 of the *Local Government Act, 1993*.
6. That Council receives a report back on the outcomes of the community consultation and findings of the Public Hearing and any submissions received in response to the notification of the reclassifications.

**FOR**

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

**Total (11)**

**AGAINST**

**Total (0)**

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE15/2023**

**SUBJECT: DCP 2010 - DRAFT CHAPTER E20 HYDRO KURRI KURRI**

---

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Sander  
456

**RESOLVED**

1. That Council place draft Chapter E20 - Hydro Kurri Kurri of the Cessnock Development Control Plan 2010 on public exhibition for a minimum period of 28 days.
2. That Council receive a further report following public exhibition of the draft Chapter E20 - Hydro Kurri Kurri of the Cessnock Development Control Plan 2010.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE16/2023**

**SUBJECT: POST EXHIBITION COMMUNITY PARTICIPATION PLAN**

---

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Hawkins  
457

**RESOLVED**

**That Council adopt the revised Community Participation Plan.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Moores
Councillor Grine	Councillor Paynter
Councillor Sander	Councillor Watton
Councillor Hill	Councillor Olsen
Councillor Hawkins	Councillor Jurd
Councillor Suvaal	
<b>Total (6)</b>	<b>Total (5)</b>

**CARRIED**

Councillor Hawkins left the meeting, the time being 07:41 pm  
Councillor Hawkins returned to the meeting, the time being 07:42 pm

**PLANNING AND ENVIRONMENT NO. PE17/2023**

**SUBJECT: VISITOR ECONOMY GRANTS AND SPONSORSHIP PROGRAM  
2022/2023 ROUND 2 APPLICATIONS**

---

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Grine  
458

**RESOLVED**

**That Council endorses the following funding bids to attract events under Round 2 of the Council Visitor Economy Grants and Sponsorship Program:**

- a. **2023 Bushland Festival Sponsorship of \$10,000,**
- b. **2024 Webex Golf Players Series Hunter Valley Sponsorship of \$10,000,**
- c. **Monthly Cessnock Markets Sponsorship of \$8,000 to fund family friendly entertainment,**
- d. **\$1,000 to fund a Cessnock CBD Busking trial,**
- e. **Marketing support of \$5,000 to promote live music venues located in Abermain, Neath and Weston, and**
- f. **\$5,000 for 2023 Industrial Relations Society Annual Conference sponsorship.**

**FOR**

**AGAINST**

Councillor Jackson  
Councillor Moores  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Paynter  
Councillor Watton  
Councillor Olsen  
Councillor Jurd  
Councillor Suvaal  
**Total (11)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY**

**CORPORATE AND COMMUNITY NO. CC15/2023**

**SUBJECT: DONATIONS UNDER SECTION 356 - RATES SUBSIDY POLICY**

---

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

459

**RESOLVED**

1. That Council applies a 50% Rates Subsidy for the following Assessments in accordance with the Rates Subsidy Policy effective for the 2023-24 rating year.

Assessment	Organisation	Location
5173	Cessnock Masonic Hall	Cessnock
17178	Country Womens Association NSW	Cessnock
59204	Cessnock Homing Pigeon Club	Cessnock
123596	Trustees Masonic Hall	Paxton
139378	Weston Pre-School	Weston
139907	Masonic Holdings Limited	Weston
158337	Cessnock Clay Target Gun Club	Cessnock
198655	Aberdare Pre-School	Aberdare
252916	Richmond Vale Preservation Co-op Society	Kurri Kurri
275529	Cessnock Pistol Club	Cessnock
286674	Branxton Preschool	Branxton
176263	Greta Pre-School Kindergarten	Greta
197467	Cessnock Rifle Club Inc	Cessnock

2. That Council does not apply a rates subsidy for the 2023-24 rating year for the following assessments given the activities of gambling and liquor sales that occur on these premises, and the applications do not meet requirements under the Rates Subsidy Policy, in particular Section 4.1.4 requiring the applicant to demonstrate that its values are compatible with Council's values and Section 3.2.2 that the key objectives of the organisation need to be in accordance with the Community Strategic Plan.

Assessment	Organisation	Location
156810	Bellbird Park Bowling Club Ltd	Bellbird
238824	Branxton Golf Club Ltd	Branxton

3. That the General Manager write to each applicant advising of Council's decision according to the Rates Subsidy Policy.

**FOR**

Councillor Jackson  
 Councillor Moores  
 Councillor Grine  
 Councillor Sander

**AGAINST**



Councillor Hill  
Councillor Hawkins  
Councillor Paynter  
Councillor Watton  
Councillor Olsen  
Councillor Jurd  
Councillor Suvaal  
**Total (11)**

**Total (0)**

***CARRIED UNANIMOUSLY***

**CORPORATE AND COMMUNITY NO. CC16/2023**

**SUBJECT: REVISED UNREASONABLE CUSTOMER CONDUCT POLICY**

---

**MOTION**      **Moved:** Councillor Sander      **Seconded:** Councillor Hill  
460

**RESOLVED**

1. That Council places the revised Unreasonable Customer Conduct Policy on public exhibition for a period of 28 calendar days.
2. That Council adopts the revised Unreasonable Customer Conduct Policy the day after the public exhibition period concludes, if no unresolved submissions are received.
3. That Council rescinds the Unreasonable Customer Conduct Policy 2019 from the date the revised Unreasonable Customer Conduct Policy is adopted.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Olsen
Councillor Moores	Councillor Jurd
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
<b>Total (9)</b>	<b>Total (2)</b>

**CARRIED**

**CORPORATE AND COMMUNITY NO. CC17/2023**

**SUBJECT: APPOINTMENT OF COUNCILLOR MEMBERS TO COMMITTEES**

---

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Grine  
461

**RESOLVED**

1. That Council appoints Councillor Jurd as a Delegate to the Aboriginal and Torres Strait Islander Committee for the current Council term;
2. That Council appoints Councillor Sander as a Delegate and appoints Councillor Grine as an Alternate Delegate to the Community Engagement, Awards and Grants Committee for the current Council term.
3. That Council notes the resignation of Councillor Watton from the Roads Review Committee and appoints Councillor Moores as a Delegate and Councillor Hill as an Alternate Delegate.
4. That Council notes the resignation of Councillor Jurd from the Hunter Valley Wine and Tourism Alliance and appoints Councillor Jackson as a Delegate for the remainder of the Council term.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC18/2023**

**SUBJECT: COUNCILLOR TRAINING AND DEVELOPMENT**

---

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Paynter  
462

**RESOLVED**

1. That Council adopts the revised Councillor Training and Development Policy.
2. That Council notes the Councillor professional development plan template.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC19/2023**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

---

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Paynter  
463

**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC20/2023**

**SUBJECT: MINUTES OF THE COMMUNITY ENGAGEMENT, AWARDS AND GRANTS COMMITTEE MEETING HELD ON 15 MARCH 2023**

Mayor Suvaal declared a Non-Pecuniary Interest - Significant Conflict for the reason that his children attend Cessnock Multipurpose Children's Centre (CMCC) and his wife is a voluntary board director for CMCC. The Mayor left the Chamber and took no part in discussion or voting.

Councillor Hawkins declared a Non Pecuniary Interest - Less Than Significant Conflict for the reason that his child attends one of the schools receiving a grant. Councillor Hawkins remained in the Chamber and took part in discussion and voting.

**MOTION**            **Moved:**    Councillor Hill            **Seconded:**    Councillor Paynter  
464  
**RESOLVED**

1. That the Minutes of the Community Engagement, Awards and Grants Committee Meeting held on 15 March 2023 be adopted as a resolution of the Ordinary Council.
2. That Council provides funds through the Schools Environment Dollar for Dollar Grants Program to:
  - Mount View High School in the amount of \$1,000
  - Stanford Merthyr Infants School in the amount of \$500
  - Holy Spirit Primary School, Kurri Kurri in the amount of \$462.16
  - Kurri Kurri Public School in the amount of \$500
  - St Patrick's Primary School in the amount of \$500
  - Cessnock Public School in the amount of \$500
  - Cessnock Multipurpose Children's Centre (Dudley Street) in the amount of \$200
  - Nulkaba Educational Preschool in the amount of \$200
  - Cessnock Multipurpose Children's Centre (Hall Street) in the amount of \$200
  - Little Treasures Childcare in the amount of \$200
  - Goodstart Early Learning Cessnock in the amount of \$200
3. That Council provides funds through the Sustainable Communities - Tidy Towns Dollar for Dollar Program to:
  - Cessnock Tidy Towns in the amount of \$2,071.66.
  - North Rothbury Tidy Towns Frederick Street Bushcare Sub Committee in the amount of \$5,000.
4. That Council roll forward the remaining funds of \$3,928.34 into the CECI program.
5. That Council provides funds through the Tidy Town Community Environmental Care Initiatives grant scheme to Weston Heritage and Tidy Town in the amount of \$3,897.11.

6. That Council provides funds through the Community Facilities - Dollar for Dollar Grant Scheme – Round 2 to:
  - Branxton Community Hall s355 Committee in the amount of \$2,255.
  - Cessnock Multipurpose Children’s Centre in the amount of \$1,270.
  - Kurri Retired Mineworkers Association in the amount of \$2,500.
  - Weston Civic Centre s355 Committee in the amount of \$8,800.
  - Wollombi Community Hall s355 Committee in the amount of \$227.
7. That Council absorbs the surplus funding of \$3,341 into the general fund.
8. That Council provides funds through the Sporting Facilities - Dollar for Dollar Grant Scheme – Round 2 to:
  - Abermain Weston Hawks Rugby League Football Club in the amount of \$4,010.
  - Mulbring Tennis Club section 355 Committee in the amount of \$431.
9. That Council absorbs the surplus funding of \$3,169 into the general fund.
10. That the General Manager writes to all applicants advising them of the outcome of their application and thanking them for their ongoing support and commitment to the enhancement of Council’s community and sporting facilities.
11. That Council revokes the Dollar for Dollar Grant Guidelines.
12. That Council adopts the Community, Sporting and Environment Grant Guidelines with amendments discussed at the meeting.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
<b>Total (9)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

Councillor Jurd left the meeting, the time being 07:59 pm  
 Mayor Suvaal left the meeting and vacated the Chair, the time being 07:59 pm  
 The Deputy Mayor assumed the Chair, the time being 07:59pm  
 The Deputy Mayor vacated the Chair, the time being 08:01pm  
 Mayor Suvaal returned to the meeting and assumed the Chair, the time being 08:01 pm  
 Councillor Jurd returned to the meeting, the time being 08:01 pm

**CORPORATE AND COMMUNITY NO. CC21/2023**

**SUBJECT: NOTES OF THE INQUORATE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD 17 MARCH 2023**

---

**MOTION**      **Moved:** Councillor Grine      **Seconded:** Councillor Hill  
465  
**RESOLVED**

**That the notes of the inquorate meeting of the Aboriginal and Torres Strait Islander Committee held on 17 March 2023 be noted.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Paynter
Councillor Moores	Councillor Watton
Councillor Grine	Councillor Olsen
Councillor Sander	Councillor Jurd
Councillor Hill	
Councillor Hawkins	
Councillor Suvaal	
<b>Total (7)</b>	<b>Total (4)</b>

**CARRIED**



**CORPORATE AND COMMUNITY NO. CC22/2023**

**SUBJECT: INVESTMENT REPORT - MARCH 2023**

---

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Paynter  
466  
**RESOLVED**

**That Council receives the Investment Report for March 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 \$75,805,095.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC23/2023**

**SUBJECT: PLACEMENT OF INTEGRATED PLANNING AND REPORTING DOCUMENTS ON PUBLIC EXHIBITION**

---

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

That Council places the draft 2023-24 Operational Plan, Revenue Policy, and Statement of Fees and Charges on public exhibition for 28 days in accordance with Section 405 of the *Local Government Act 1993*.

That a briefing be held for Councillors at the next available briefing date.

**PROCEDURAL MOTION**      **Moved:** Councillor Paynter  
**Seconded:** Councillor Moores

That the report be deferred for 7 days.

<b>FOR</b>	<b>AGAINST</b>
Councillor Moores	Councillor Jackson
Councillor Paynter	Councillor Grine
Councillor Watton	Councillor Sander
Councillor Olsen	Councillor Hill
Councillor Jurd	Councillor Hawkins
	Councillor Suvaal
<b>Total (5)</b>	<b>Total (6)</b>

**The motion was PUT and LOST**

The MOTION was then **PUT** and **CARRIED**

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Sander  
467  
**RESOLVED**

1. That Council places the draft 2023-24 Operational Plan, Revenue Policy, and Statement of Fees and Charges on public exhibition for 28 days in accordance with Section 405 of the *Local Government Act 1993*.
2. That a briefing be held for Councillors at the next available briefing date.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Olsen
Councillor Moores	Councillor Jurd
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
<b>Total (9)</b>	<b>Total (2)</b>

**CARRIED**

**WORKS AND INFRASTRUCTURE**

**WORKS AND INFRASTRUCTURE NO. WI10/2023**

**SUBJECT: MINUTES OF THE ROADS REVIEW COMMITTEE MEETING HELD ON 8 MARCH 2023**

---

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Grine  
468

**RESOLVED**

**That the Minutes of the Roads Review Committee Meeting held on 8 March 2023 be adopted as a resolution of the Ordinary Council.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI11/2023**

**SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD 20 MARCH 2023**

---

**MOTION**      **Moved:**    Councillor Hill                      **Seconded:**    Councillor Sander  
469

**RESOLVED**

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

- **TC7/2023 - That Council authorises the temporary regulation of traffic on Lovedale Road, Wilderness Road and Talga Road, Lovedale for the Lovedale Long Lunch, in accordance with Various Roads Lovedale \_ Lovedale Long Lunch Traffic Control Plans**
- **TC8/2023 - That Council authorises the temporary regulation of traffic on Wine Country Drive, Broke Road, Lovedale Road, De Beyers Road, Col Turnbull Parade and Grady Road, Pokolbin, Lomas Lane Nulkaba, Averys Lane Heddon Greta, and Mount View Road Cessnock for the Hunter Valley Airshow from 7am to 7pm, Saturday 25 March 2023 & Sunday 26 March 2023, in accordance with the Various Roads Pokolbin \_ Hunter Valley Airshow Traffic Guidance Schemes.**
- **TC9/2023 - That Council authorises the removal of Bus Zone signage on Minmi Street, Stanford Merthyr, in accordance with the Minmi Street Stanford Merthyr \_ Signage Removal Diagram.**
- **TC10/2023 - That Council authorises the installation of regulatory parking controls on Wickham Street, Stanford Merthyr, in accordance with the Wickham Street Stanford Merthyr \_ Signage Diagram.**
- **TC11/2023 – That Council authorises the installation of regulatory parking signage on Yango Street, Cessnock in accordance with the Yango Street Cessnock \_ Signage & Line Marking Diagram.**
- **TC12/2023 - That Council authorises the installation of regulatory parking signage on Drinan Street, Branxton, in accordance with the Drinan Street Branxton \_ Signage Diagram.**
- **TC13/2023 - That Council authorises the installation of a pedestrian refuge and associated signage and line marking on Millfield Road, Millfield in accordance with the Millfield Road Millfield \_ Signage & Line Marking Diagram.**
- **TC14/2023 - That Council authorises the installation of regulatory signage and line marking on Bouquet Drive and Mountain Ridge, Bellbird, in accordance with the Bouquet Drive Bellbird \_ Signage & Line Marking Diagram.**
- **TC15/2023 - That Council authorises installation line marking on Camp Road, Greta, in accordance with the Camp Road Greta \_ Line Marking Diagram.**

**FOR****AGAINST**

Councillor Jackson

Councillor Moores

Councillor Grine

Councillor Sander

Councillor Hill

Councillor Hawkins

Councillor Paynter

Councillor Watton

Councillor Olsen

Councillor Jurd

Councillor Suvaal

**Total (11)****Total (0)*****CARRIED UNANIMOUSLY***

**WORKS AND INFRASTRUCTURE NO. WI12/2023**

**SUBJECT: TENDER Q2022-177 MOUNT VIEW ROAD REHABILITATION**

---

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Hawkins  
470

**RESOLVED**

1. That Council accepts the full scope tender/quote from Woodbury Civil Pty Ltd in the lump sum amount of \$3,823,119.90 (including GST)
2. That Council allocates \$2,665,452.88 excluding GST budget shortfall to the 2023/24 capital works program.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

Councillor Jackson left the meeting, the time being 08:16 pm  
Councillor Jackson returned to the meeting, the time being 08:18 pm

**WORKS AND INFRASTRUCTURE NO. WI13/2023**

**SUBJECT: TENDER T2023-06 CESSNOCK AIRPORT RURAL FIRE SERVICE WORKS**

---

**MOTION**      **Moved:** Councillor Sander      **Seconded:** Councillor Hill  
471

**RESOLVED**

1. That Council reject the tender T2023-06 – Cessnock Airport Rural Fire Service in accordance with Part 7, Division 4, Clause 178 of the *Local Government (General) Regulation 2021* (Acceptance of tenders) 3e, and
2. That Council enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender, and.
3. That Council delegate authority to the General Manager to award the project if a suitable outcome is achieved.

**FOR**

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

**Total (11)**

**AGAINST**

**Total (0)**

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI14/2023**

**SUBJECT: TENDER T2023-10 MILLFIELD RURAL FIRE SERVICE STATION CONSTRUCTION**

---

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Paynter  
472

**RESOLVED**

**That Council accepts the tender (T2023-10) from Precise Build for the lump sum of \$1,018,263.94 (including GST) for the Millfield Rural Fire Service New Station Build.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**WORKS AND INFRASTRUCTURE NO. WI15/2023**

**SUBJECT: NAMING OF BMX FACILITY AT CARMICHAEL PARK**

---

**MOTION**      **Moved:** Councillor Moores      **Seconded:** Councillor Hawkins  
473

**RESOLVED**

1. That Council supports the proposal to name the upgraded BMX Facility within Carmichael Park the “Neville Tomlinson BMX Facility”.
2. That Council place the naming proposal “Neville Tomlinson BMX Facility” on public exhibition for 28 days.
3. If no submissions are received, that suitable signage be installed following the completion of the planned upgrade to the BMX Facility.
4. In line with the Geographic Names Board Place Naming Policy, the Board be notified of the BMX Facility name to ensure the name, position and origin is recorded in the Spatial Services’ Digital Topographic Database and the name shown on maps, where relevant.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

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

### **BUSINESS WITH NOTICE NO. BN7/2023**

**SUBJECT: REMEMBERING OUR COAL MINERS WALK**

---

**MOTION**            **Moved:**    Councillor Olsen            **Seconded:**    Councillor Jurd  
474

#### **RESOLVED**

- That the General Manager investigate the possibility of creating a Coal Miners Memorial Walk between Cessnock and Abermain. The walk should include:
  - 1) A large sign similar to the Aluminium Smelter on Hart Road to show the start of the memorial when entering Cessnock from Neath.
  - 2) Plaques and stories of those that have lost their lives in the industry
  - 3) History of our heritage in the coal mining industry
  - 4) Council will consider consultation with the Sir Edgeworth David Memorial Museum and the Mining and Energy Union.
- The report be returned to Council.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **COUNCILLORS REPORTS**

Councillor Hawkins

### **BlazeAid Cessnock, February to April 2023.**

Situated in Crawfordville Park, Millfield.

#### **Volunteers through camp: 46**

Joined and assisted by the Mayor, Jay Suvaal and Ward A Councillor James Hawkins on 30 March, 2023.

#### **Properties Registered: 38**

34 properties were completed. 4 properties were unable to be completed due to access or property owners unable to supply materials.

#### **Cumulative work days: 436 day**

**Fencing:** 13.65 kilometres.

**Cleared:** 11.64 kilometres.

**Longest time on any one job:** 8 days.

**Average Age:** 69

The works included:

- Erecting 326 ¼ split post across many properties.
- Installing many strainers of all types.
- Hanging old and new Gates.
- Creek crossing now redesigned and secure.
- Post & Rail fencing.
- Assisting Farmers, primary producers, Vineyards, Hobby Farmers, standard household properties. Many ageing property owners or falling health.

Cessnock Camp closed on 1<sup>st</sup> April 2023

#### **Special thanks to:**

Max and Judy Robbins- Camp Coordinators

CCC for organising infrastructure that enabled the volunteers to be comfortable while staying at camp.

Melissa Boucher, Community Recovery Officer.

\*Worked tirelessly to bring BlazeAid to Cessnock.

\*Coordination of property owners to register for assistance.

\*Overseeing the camp, assisted Judy for the duration of the camp.

\*Continuing to assist in finding suitable permanent HUB for BlazeAid in the Hunter.

Kylie Wallace Singleton Council- liaison with Melissa from Singleton end.

Millfield Hall Committee.

Linda Nairn, Hall Manager.

\*excellent assistance- local social media, donations, equipment-freezer for camp.

Local Community Services for their time and camaraderie.

\*Red Cross, Cessnock Men's Shed, Rotary Cessnock, Rotary Maitland and Raymond Terrace, Paxton Vegie Hub. And many more...

BlazeAid CEO Melissa Jones, and also Debbie Buttler from BlazeAid head office for their continued support throughout the camp.

**BlazeAid are a team of dedicated volunteers who give their time and expertise to assist communities effected by natural disasters, Bushfires, Floods and Droughts. We at Cessnock City Council wish to express our sincere thanks to everyone involved in the Millfield Camp 2023.**

Councillor Jurd left the meeting, the time being 08:39 PM

Councillor Jurd returned to the meeting, the time being 08:40 PM

Councillor Hill left the meeting, the time being 08:40 PM

Councillor Hill returned to the meeting, the time being 08:41 PM

8.46PM

**Confidential reports (closed session)**

**MOTION**            **Moved:**    Councillor Hill            **Seconded:**    Councillor Grine  
475  
**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 Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
<b>Total (9)</b>	<b>Total (2)</b>

**CARRIED**

During discussion and debate on Report GMU3/2023 – Code of Conduct Breach by Councillor Olsen – Consideration of final investigation Report and Recommendation of Formal Censure - all staff left the Chambers. Councillor Olsen also left the Chamber and was not involved in debate or voting.

9.31pm

**Confidential reports (open session)**

**MOTION**            **Moved:**    Councillor Hawkins            **Seconded:**    Councillor Hill  
476  
**RESOLVED**

That the meeting move into open session.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**GENERAL MANAGER'S UNIT NO. GMU3/2023**

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

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

**MOTION**            **Moved:**    Councillor Hill                    **Seconded:**    Councillor Grine  
477

**RESOLVED**

1. That the investigation report into the Code of Conduct matter concerning Councillor Olsen provided by separate confidential enclosure be received and noted.
2. That the oral submission from Councillor Olsen addressing the investigators recommendation be received and noted.
3. That Council adopt the recommendation made by the investigator in the investigation report.
4. That Councillor Olsen be formally censured in accordance with clause 440G of the Local Government Act for breaching clauses 3.1 (a), (e) and (g) of the Cessnock City Council Code of Conduct and that the matter be referred to the Office of Local Government for further action under the misconduct provisions of the Local Government Act.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Paynter
Councillor Moores	Councillor Watton
Councillor Grine	Councillor Jurd
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Suvaal	
<b>Total (7)</b>	<b>Total (3)</b>

**CARRIED**

*The Meeting Was Declared Closed at 9.33pm*

**CONFIRMED AND SIGNED** at the meeting held on 17 MAY 2023

.....CHAIRPERSON

.....GENERAL MANAGER