

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 15 FEBRUARY 2023, COMMENCING
AT 6.30PM**

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

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Acting Director Works and Infrastructure (Infrastructure Manager)
Development Services Manager
Acting Strategic Planning Manager (Senior Strategic Planner)
Acting Infrastructure Manager (Principal Engineer Development Services)
Chief Financial Officer
Help Desk Support Officer
Acting Media & Communication Officer (Community Engagement Officer)
Acting Executive Assistant Corporate & Community Services (Senior Business Support Officer)

APOLOGY: Nil

MINUTES:

MOTION

Moved:

Councillor Burke

Seconded:

Councillor Sander

392

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 14 December 2022, as circulated, be taken as read and confirmed as a correct record.

FOR

AGAINST

Councillor Jackson

Councillor Dunn

Councillor Burke

Councillor Moores

Councillor Grine

Councillor Sander

Councillor Hill

Councillor Hawkins

Councillor Paynter

Councillor Watton

Councillor Olsen

Councillor Jurd

Councillor Suvaal

Total (13)

Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI1/2023

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.

PE5/2023 - Comprehensive Local Environmental Plan and Development Control Plan Review - Temporary Uses (including temporary events) – Councillor Burke declared a Non Pecuniary Less Than Significant Conflict for the reason that he has previously and will continue to in the future be part of community events in the Cessnock Area. Councillor Burke advised that he will remain in the Chamber and participate in the discussion and voting as the conflict will not influence his way of voting.

PETITIONS

Councillor Dunn presented a petition regarding the care and maintenance of Jacaranda Grove & Camellia Close Elrington on behalf of Mr Gregg Kitson.

ADDRESS BY INVITED SPEAKERS

Speakers	For/Against Recommendation	Report	Page No.	Duration
Jim Hunter – Capital Corporation	For	PE4/2023 Planning Proposal - Lovedale Integrated Tourist Development	103	3 mins

Speakers	For/Against Recommendation	Report	Page No.	Duration
Stephen Leathley – The Vintage/Stevens Group	Against	PE4/2023 Planning Proposal - Lovedale Integrated Tourist Development	103	3 mins

PLANNING AND ENVIRONMENT NO. PE4/2023

SUBJECT: PLANNING PROPOSAL - LOVEDALE INTEGRATED TOURIST DEVELOPMENT

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
393

RESOLVED

That Council endorse the Planning Proposal in relation to Lots 2-4 DP 869651, Lot 11 DP 1187663 and Lot 1 DP 1233030 as an amendment to Clause 7.11 of Cessnock Local Environmental Plan 2011 as follows:

- (i) ***This clause applies to land at Wine Country Drive, Pokolbin, being Lots 2–4, DP 869651, Lot 11, DP1187663 and Lot 1 DP1233030.***
- (ii) **Development consent must not be granted to any development on land to which this clause applies unless—**
 - a) **The consent authority is satisfied that the development is integrated tourist development, and**
 - b) **the total number of permanent residential dwellings on that land does not exceed 640, and**
 - c) **the total number of tourist and visitor accommodation units on that land does not exceed 300.**
- (iii) **Registration of the plan of subdivision for the first 200 residential lots shall not occur until a Compliance Certificate under section 6.4(e)(iv) of the Environmental Planning and Assessment Act 1979 has been issued for the golf course and club house confirming that it is completed in accordance with the concept approval and relevant development consent.**
- (iv) **In this clause—**
integrated tourist development means a development that contains a mix of both permanent residential dwellings and one or more of the following uses: tourist and visitor accommodation; tourist-oriented land uses such as outdoor recreation facilities (e.g., golf courses); food and drink premises; function centres; any development that is ordinarily incidental or ancillary to such uses.

FOR

AGAINST

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

Total (0)

CARRIED UNANIMOUSLY

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

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
394

RESOLVED

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

Officer’s Reports

‡CC5/2023	Council Recess Period - Decisions Made Under Delegated Authority	18
‡CC7/2023	Investment Report - December 2022.....	20
‡CC8/2023	Investment Report - January 2023	21

Council adopt the recommendations as printed for those items.

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

CARRIED UNANIMOUSLY

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

NOTICE OF INTENTION NO. NI1/2023

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

**REPORT WI3/2023 - OLD MAITLAND ROAD, SAWYERS GULLY -
LAND ACQUISITION.**

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
395

RESOLVED

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

Report WI3/2023 – Old Maitland Road, Sawyers Gully – Land Acquisition as the report deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

2. That Council requests the Mayor in accordance with Clause 14.22 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 Jackson
Councillor Dunn
Councillor Burke
Councillor Moores
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Olsen
Councillor Jurd
Councillor Suvaal
Total (13)

Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES

NIL

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU1/2023

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.

Councillor Olsen

That a vote of no confidence be put to the Director of Planning and Environment, Peter Mickleson and the General Manager, Ken Liddell.

Mayor Suvaal

The Mayor ruled that the motion was not urgent.

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE1/2023

**SUBJECT: DEVELOPMENT APPLICATION NO. 8/2021/21939/1 PROPOSING A 327 LOT SUBDIVISION AND RESIDUE LOT TO OCCUR IN 3 PHASES
35, 0 AND 31 GOVERNMENT ROAD, CESSNOCK**

MOTION
396
RESOLVED

Moved: Councillor Burke **Seconded:** Councillor Hill

1. That:

- (i) Development Application No. 8/2021/21939/1 proposing a 327 lot subdivision and residue lot to occur in 3 phases at Lot 35 DP 1288491, Lot 34 DP 1004648 and Lot 2 DP 1067096, 35, 0 and 31 Government Road Cessnock, be refused pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, for the reasons contained in this report.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:
 - Landowners' consent has not been submitted for all affected parcels of land. Council has no ability to grant consent to the proposal in the absence of landowners' consent;
 - The proposal does not comply with the provisions of Clause 6.1 of the *Cessnock Local Environmental Plan 2011*. Council has no ability to grant consent to the proposal in the absence of compliance with Clause 6.1;
 - Insufficient information has been submitted in order to undertake a full assessment of the development; and
 - The proposal is inconsistent with the provisions of Chapter E.12 Government Road Precinct of the Cessnock Development Control Plan 2010.
- (iii) In considering community views, the following is relevant:
 - The application was publicly exhibited in accordance with Council's Community Participation Plan resulting in one (1) submission being received.
 - The issues raised in the submission may be relevant to the proposal, however, insufficient information has been submitted to enable a comprehensive assessment of the application. Accordingly, it has not been possible to draw informed conclusions as to the relevance of the issues identified by the objector.

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

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

CARRIED UNANIMOUSLY

REASONS FOR REFUSAL

An assessment of the application has been carried out in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. The proposal is considered to be inconsistent with the matters for consideration under the Act. Accordingly, the application is recommended for refusal based on the reasons outlined below:

1. Insufficient information has been submitted to allow a full assessment of the application including:
 - a. Clause 34A Agreement is not in place to offset the requirements of the *Biodiversity Conservation Regulation 2017*,
 - b. The flood assessment does not state if roads will be constructed at the Flood Planning Level (FPL), 1% AEP Storm Post-Development Conditions – Flood Velocity map for eastern catchment,
 - c. A suitable Traffic Impact Assessment including an assessment of the access and impact of the development on existing intersections, and
 - d. Landowners' consent to lodge the application over all land where works are proposed.
2. The proposed development fails to provide evidence that satisfactory arrangements are in place for the provision of State public infrastructure in accordance with Clause 6.1 Arrangements for Designated State Public Infrastructure of the *Cessnock Local Environmental Plan 2011* (Section 4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).

3. The proposed development in its current form is inconsistent with the requirements of Chapter D.1 Subdivision Guidelines of the Cessnock Development Control Plan 2010 for the following reason:
 - a. Access via a tight corner is considered to be unsafe (Section 1.7.4 Local street design).

4. The proposed development in its current form is inconsistent with the requirements of Chapter E.12 Governmnet Road Precinct of the Cessnock Development Control Plan 2010 for the following reasons:
 - a. The proposed development fails to demonstrate roads above the FPL and a velcocity map for the eastern catchment (Section 12.3.2 Stormwater and flood management),
 - b. The application has not adequately addressed impacts on biodiversity as a result of the proposed development, or that suitable offset arrangements are in place (Section 12.3.3 Flora and Fauna Management),

5. The subject site is not considered suitable for the following reasons:
 - a. Insufficient information has been submitted in order to determine the full impact of flood waters and flood safe access,
 - b. Access to the proposed subdivision is not considered to be appropriate and presnets a road safety concern, and
 - c. Arrangements are not in place to offset the impact of the development on biodiversity, resulting in an unacceptable impact on biodiversity present on the site (Section 4.15(1)(c) *Environmental Planning and Assessment Act 1979*).

6. The porposed development is not considered to be in the public interest (Section 4.15(1)(e) *Environmental Planning and Assessment Act 1979*).

PLANNING AND ENVIRONMENT NO. PE2/2023

SUBJECT: POST EXHIBITION COMMUNITY PARTICIPATION PLAN

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
397

RESOLVED

That the adoption of the revised Community Participation Plan be deferred until a Councillor briefing/workshop has taken place.

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

CARRIED

PLANNING AND ENVIRONMENT NO. PE3/2023

SUBJECT: DRAFT CLIMATE CHANGE RESILIENCE PLAN - PUBLIC EXHIBITION

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
398

RESOLVED

1. That Council place the draft Climate Change Resilience Plan on public exhibition for a minimum period of 28 days.
2. That Council receive a further report following public exhibition of the draft Climate Change Resilience Plan.

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

CARRIED

Councillor Jackson left the meeting, the time being 06:57 pm

Councillor Hill left the meeting, the time being 07:03 pm

Councillor Hill returned to the meeting, the time being 07:05 pm

Councillor Jackson returned to the meeting, the time being 07:10 pm

PLANNING AND ENVIRONMENT NO. PE5/2023

SUBJECT: COMPREHENSIVE LOCAL ENVIRONMENTAL PLAN AND DEVELOPMENT CONTROL PLAN REVIEW - TEMPORARY USES (INCLUDING TEMPORARY EVENTS)

Councillor Burke declared a Non Pecuniary Less Than Significant Conflict for the reason that he has previously and will continue to in the future be part of community events in the Cessnock Area. Councillor Burke remained in the Chamber and participated in the discussion and voting.

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Dunn
399
RESOLVED

That Council

- 1. Request a gateway determination for the Planning Proposal “Temporary Uses” from the Department of Planning and Environment pursuant to the Environmental Planning and Assessment Act 1979.**
- 2. Request authorisation under s3.31 of the Environmental Planning and Assessment Act 1979 to act as the local plan-making authority.**
- 3. Place the draft Planning Proposal on exhibition as determined by the Department of Planning and Environment Gateway determination.**
- 4. Place the draft Cessnock Development Control Plan Chapter “Temporary Uses” on exhibition concurrently with the planning proposal.**
- 5. Receive a report back on the Planning Proposal and Development Control Plan amendment.**

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

CARRIED

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC1/2023

SUBJECT: MINUTES OF THE COMMUNITY ENGAGEMENT, AWARDS AND GRANTS COMMITTEE MEETING HELD 14 DECEMBER 2022

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Hill
400
RESOLVED

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

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

CARRIED UNANIMOUSLY

Councillor Hawkins left the meeting, the time being 07:27 pm

Councillor Hawkins returned to the meeting, the time being 07:28 pm

CORPORATE AND COMMUNITY NO. CC2/2023

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

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Dunn
401

RESOLVED

1. That Council notes the progress in implementing the 2022-26 Delivery Program as at 31 December 2022.
2. That Council approves changes to the Operational Plan actions and targets as outlined in the report.
3. That the General Manager provide a memo to Councillors advising on the ability to re-include works on Sandy Creek Road Quorrobolong and Deakin Street Kurri Kurri in 2022-23 Operational Plan.

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

CARRIED

Councillor Jackson left the meeting, the time being 07:42 pm

Councillor Jackson returned to the meeting, the time being 07:44 pm

Councillor Grine left the meeting, the time being 08:03 pm

CORPORATE AND COMMUNITY NO. CC3/2023

SUBJECT: QUARTERLY BUDGET REVIEW STATEMENT - Q2 DECEMBER 2022

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
402
RESOLVED

1. That Council receives the Quarterly Budget Review Statement Q2 December 2022 in accordance with Clause 203 of the Local Government (General) Regulation 2021.
2. That Council notes that the Quarterly Budget Review Statement Q2 December 2022 reflects a forecast operating surplus for the year of \$28.5m or a deficit of \$5.2m excluding capital income.
3. That Council notes that the Quarterly Budget Review Statement Q2 December 2022 reflects a forecast capital expenditure budget of \$56.7m.
4. That Council approves proposed changes to the 2022-23 operating and capital budgets as presented in the Quarterly Budget Review Statement Q2 December 2022.
5. That Council notes that the Quarterly Budget Review Statement forecasts five of the six key performance indicators will exceed Office of Local Government benchmarks.

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

CARRIED

Councillor Grine returned to the meeting, the time being 08:04 pm

Councillor Jurd left the meeting, the time being 08:05 pm

Councillor Jurd returned to the meeting, the time being 08:06 pm

CORPORATE AND COMMUNITY NO. CC4/2023

SUBJECT: NOTES OF THE INQUORATE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE MEETING HELD 2 DECEMBER 2022

MOTION **Moved:** Councillor Grine **Seconded:** Councillor Burke
403

RESOLVED

That the notes of the inquorate meeting of the Aboriginal and Torres Strait Islander Committee held on 2 December 2022 be noted.

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

CARRIED

CORPORATE AND COMMUNITY NO. CC5/2023

SUBJECT: COUNCIL RECESS PERIOD - DECISIONS MADE UNDER DELEGATED AUTHORITY

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
404

RESOLVED

That Council notes that during the recess period of Council, the Mayor and General Manager did not determine any matters under the delegated authority.

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC6/2023

SUBJECT: BI-ANNUAL COMPLAINT HANDLING REPORT - JULY-DECEMBER 2022

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
405

RESOLVED

That Council notes the Bi-annual Complaint Handling Report for the period 1 July to 31 December 2022 and that of the 18 complaints received 5 were substantiated, and that in the same reporting period there were 56 registered compliments received in relation to Councils operations and interactions with the public.

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

CARRIED

CORPORATE AND COMMUNITY NO. CC7/2023

SUBJECT: INVESTMENT REPORT - DECEMBER 2022

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
406
RESOLVED

That Council receives the Investment Report for December 2022 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 \$76,967,901.**

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC8/2023

SUBJECT: INVESTMENT REPORT - JANUARY 2023

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
407
RESOLVED

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

- **Investments are held in accordance with Council's Investment Policy, which is in accordance with the Ministerial Investment Order.**
- **Council's month end cash and investments balance was \$74,856,306.**

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

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC9/2023

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Burke
408
RESOLVED

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

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI1/2023

SUBJECT: KURRI KURRI NOSTALGIA FESTIVAL - MARCH 2023

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Grine
409
RESOLVED

That Council supports the Kurri Kurri Nostalgia Festival on 24, 25 and 26 March 2023, by providing in-kind support valued at \$11,040, as detailed in the report for the following services: waste management, park management and amenity management.

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

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI2/2023

SUBJECT: PUBLIC SPACES LEGACY PROGRAM - BRIDGES HILL PARK TO NULKABA SHARED PATH

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Grine
410

RESOLVED

1. That Council note that Wine Country Drive (MR-220) is a Classified State Road, managed by Transport for NSW (TfNSW), including approvals for the provision of pedestrian infrastructure.
2. That Council note that significant site constraints impede installation of shared path on the western side of Wine Country Drive across the frontage of the BP service station.
3. That Council note that TfNSW preference is for the shared path to transition from the western side of Wine Country Drive to the eastern side, in the vicinity of Fleming Street.
4. That Council note that TfNSW advised that any decision they make with respect to the application from St Philip's Christian College for the future installation of traffic control signals at the intersection of Wine Country Drive and Lomas Lane, will be determined on the basis of relevant intersection analysis/modelling and is completely independent of any consideration relating to Council's proposed shared path project.
5. That Council note the potential requirement for the return of the Public Spaces Legacy Program project funding in the event of failure to deliver critical elements of the project.
6. That Council authorise the resumption of construction of the shared path on the eastern side of Wine Country Drive, from the vicinity of Fleming Street, subject to approval of final design by TfNSW.

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

CARRIED

Councillor Hill left the meeting, the time being 08:27 pm

Councillor Hill returned to the meeting, the time being 08:29 pm

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN1/2023

SUBJECT: COUNCILLOR ATTENDANCE VIA ZOOM FOR BRIEFINGS

MOTION **Moved:** Councillor Olsen **Seconded:** Councillor Jurd
411

RESOLVED

1. That Council note that Clause 3.38 of the Code of Meeting Practice provides that Pre-meeting briefing sessions may be held by audio-visual means.
2. That the General Manager implement a process to allow Councillors to attend a Pre-meeting briefings sessions by audio-visual means in certain circumstances and that the process be communicated to Councillors.

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

CARRIED

BUSINESS WITH NOTICE NO. BN2/2023

SUBJECT: RESPONSES TO COUNCILLOR REQUESTS

MOTION **Moved:** Councillor Olsen **Seconded:** Councillor Paynter
412

That Councillors be provided with written answers to all requests submitted even if they are operational.

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

THE MOTION WAS PUT AND LOST

BUSINESS WITH NOTICE NO. BN3/2023

SUBJECT: MEMORIAL ON FOOTBRIDGE IN MANNING PARK

MOTION **Moved:** Councillor Olsen **Seconded:** Councillor Jurd
413

RESOLVED

That the General Manager communicate with the family, by formal letter, to make an application in accordance with the Policy to customer enquiries for place naming or memorial placing.

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

CARRIED

CORRESPONDENCE

CORRESPONDENCE NO. CO1/2023

**SUBJECT: OLG RESPONSE - CODE OF CONDUCT COMPLAINTS REFERRED 31
OCTOBER 2022**

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Grine
414

RESOLVED:

That Council notes the confidential letter dated 12 December 2022 received from the Office of Local Government (OLG), in response to the outcome of two Code of Conduct matters referred to the OLG on 31 October 2022 against Councillor Olsen and that the OLG have made the decision in regards to Councillor Olsen's conduct.

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

CARRIED UNANIMOUSLY

COUNCILLORS REPORTS

NIL

9:17PM

Confidential reports (closed session)

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
415

RESOLVED

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

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

CARRIED UNANIMOUSLY

9.35PM

Open Session

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

WORKS AND INFRASTRUCTURE NO. WI3/2023

SUBJECT: OLD MAITLAND ROAD, SAWYERS GULLY - LAND ACQUISITION
This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Hill
416

RESOLVED

1. That Council authorises purchase of (part) 1519 Old Maitland Road Sawyers Gully and (part) 1601 Old Maitland Road Sawyers Gully for public road infrastructure purposes;
2. That Council delegates authority to the General Manager to extend a Letter of Offer to the landowners and negotiate agreement to purchase the land in accordance with independent valuations; and
3. That Council delegates authority to the General Manager to execute all relevant documentation to affect the transactions.

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

CARRIED UNANIMOUSLY

Councillor Jackson left the meeting, the time being 09:21 pm

Councillor Jackson returned to the meeting, the time being 09:24 pm

The Meeting Was Declared Closed at 9:36pm

CONFIRMED AND SIGNED at the meeting held on 15 March 2023

.....**CHAIRPERSON**

.....**GENERAL MANAGER**