

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 5 OCTOBER 2016, COMMENCING
AT 6.30 PM**

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

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Director Works and Infrastructure
Manager Governance and Business Services
Development Services Manager
Strategic Land Use Planning Manager
Media & Communication Officer
Corporate Governance Officer
Relief Executive Assistant

The Mayor recognised the passing of Mr Simon Eade, Manager Community & Cultural Services Manager.

MINUTES: **MOTION** **Moved:** Councillor Doherty
Seconded: Councillor Stapleford
1
RESOLVED that the Minutes of the Ordinary Meeting of Council held on 7 September 2016, as circulated, be taken as read and confirmed as a correct record.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI16/2016

SUBJECT: DISCLOSURES OF INTEREST

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Gray
2
RESOLVED

PE67/2016 – Planning Proposal – James Street Cessnock – Update – Councillor Lyons declared a Non-Pecuniary Interest – Less Than Significant Conflict for the reason that he rents a house near the proposed development. Councillor Lyons advised that he would remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because he shall receive no benefit or loss from the proposal.

PE66/2016 – DA 8/2016/216/1 Proposing the Subdivision of One (1) Lot into Two (2) Lots – 47 Hall Street, Cessnock – Councillor Suvaal declared a Non-Pecuniary Interest – Less Than Significant Conflict for the reason that he owns property at 29 King Street, Cessnock in the far corner of the map included within the report. Councillor Suvaal advised that he would remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because the development is a significant distance from his property.

PE65/2016 – Hunter and Central Coast Joint Regional Planning Panel Nominations – Mayor Pynsent declared a Non-Pecuniary Interest – Less Than Significant Conflict for the reason that he is a current member of the JRPP. Mayor Pynsent advised that he would remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because this has not affected his decision on this matter.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

NIL

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU16/2016

SUBJECT: MOTIONS OF URGENCY

NIL

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU12/2016

SUBJECT: OATH OR AFFIRMATION OF OFFICE

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Stapleford
3

RESOLVED

That Council notes the oath or affirmation of office that the Mayor and Councillors have pledged prior to the commencement of the 5 October 2016 Ordinary Meeting of Council, as attached (Enclosure 1).

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

GENERAL MANAGER'S UNIT NO. GMU13/2016

SUBJECT: PROPOSAL TO CLOSE COUNCIL OFFICES BETWEEN CHRISTMAS AND NEW YEAR

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

4

RESOLVED

1. That Council close its offices, including Libraries, from 12 noon Friday 23 December 2016 and reopen on Tuesday 3 January 2017.
2. That Council close the Cessnock Performing Arts Centre from 2.00 pm Thursday 22 December 2016 and re-open on Monday 9 January 2017.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

GENERAL MANAGER'S UNIT NO. GMU14/2016

SUBJECT: AUDIT COMMITTEE COUNCILLOR MEMBER

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Doherty
5

RESOLVED

That Council appoint Councillor Dunn as the Councillor member of the Audit Committee.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE65/2016

SUBJECT: HUNTER AND CENTRAL COAST JOINT REGIONAL PLANNING PANEL NOMINATIONS

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Stapleford
6
RESOLVED

1. That Council appoint Councillor Pynsent and Councillor Sander as members and Councillor Stapleford as the alternate, to the Hunter and Central Coast Joint Regional Planning Panel (JRPP) for a period of three (3) years, and advise the JRPP Secretariat of these appointments.
2. That Council's adopted Expenses and Facilities Policy apply to any expenses incurred by members exercising their JRPP responsibilities.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE66/2016

SUBJECT: DA 8/2016/216/1 PROPOSING THE SUBDIVISION OF ONE (1) LOT INTO TWO (2) LOTS

47 HALL STREET, CESSNOCK

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Stapleford
7
RESOLVED

That Council determine Development Application No. 8/2016/216/1 proposing the subdivision of one (1) lot into two (2) lots at 47 Hall Street Cessnock, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by the granting of consent subject to the conditions contained in this report.

CONDITIONS OF CONSENT

SCHEDULE 1

CONDITIONS OF CONSENT

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2016/216/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Plan of Proposed Subdivision, Drawing No. 21229-PROP2.dwg	Marshall Scott	09/08/2016

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of a Construction Certificate.

2. Road – Bond

The applicant shall lodge payment of fees and contributions as follows:-

Based on a road length of approximately 22 metres. Final bond amounts will be levied on accurate dimensions contained within the engineering plans.

- a) Road fees - engineering plan checking and supervision of \$870.00.
- b) A performance bond of a minimum of \$1000 or 5 percent of the contract construction costs, whichever is greater (transferable).
- c) A road maintenance bond of a minimum of \$1000 or 5 percent of the contract construction costs, whichever is greater (refundable).

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. If no contract price is submitted, Council will estimate the value of construction works.

The fees and bonds shall be payable prior to the issue of a CC for the Civil Works and/or release of the Subdivision Certificate and shall be in accordance with Council's adopted fees and charges current at the time of payment.

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 the Subdivision Certificate for the development, the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

3. Stormwater – Detailed Design Requirements

A detailed drainage design shall be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property, and connection to the existing drainage system in accordance with Council's 'Engineering Requirements for Development' (available at Council's offices). Such layout shall include existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the 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 CA as satisfying this requirement prior to the issue of a CC.

4. Roadworks

The registered proprietors of the land shall construct the following for the full frontage of proposed Lot 1 in Hall Street for a distance of approximately 22.0m 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 and gravel road shoulders
- b) Place two (2) coat hot bitumen seal on road shoulders

PRIOR TO COMMENCEMENT OF WORKS

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

5. 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.

6. S.138 Roads Act 1993 Approvals

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.

7. 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.

DURING WORKS

The following conditions are to be complied with during works.

8. Location of Council Pipes

During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

- a) Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works
- b) Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits
- c) Ensure dedicated overland flow paths are satisfactorily maintained through the site

Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage, and the like). All proposed structures and construction activities must be sited fully clear of Council's stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site

If the Council pipeline is uncovered during construction, all work must cease, and the PCA and Council must be contacted immediately for advice. Any damage caused to the Council stormwater drainage system must be immediately repaired in full as directed, and at no cost to Council.

9. 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.

10. 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.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

The following conditions are to be complied with prior to issue of a Subdivision Certificate by Council.

11. Requirement for a Subdivision Certificate

Prior to the issue of a SC, the applicant shall submit an original plan of subdivision plus six (6) copies 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) The 88B instrument plus six (6) copies
- d) All surveyor's or engineer's certification required by the Development Consent

12. Section 94 Contributions Payable

A contribution pursuant to the provisions of Section 94 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 Subdivision Certificate:

Contribution Type	Amount Payable
District Open Space	\$1,297.46
District Community Facilities (Halls)	\$794.68
District Community Facilities (Libraries)	\$212.17
District Community Facilities (Bushfire)	\$59.15
District Roads (Urban Areas)	\$988.84
Studies (Plan Preparation)	\$74.58
Plan Administration	\$282.89
Total	\$3,709.77

A copy of the Section 94 Contributions Plan may be inspected at Council's Customer Service Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's Website at 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.

13. All Services Provided Within Lots

A registered surveyor shall provide certification that all services (eg drainage, stormwater, water supply, gas, electricity, telephone) as constructed are contained within each lot, or within appropriate easements to accommodate such services. The certification is to be provided to the *PCA*, prior to the issue of a Subdivision Certificate.

14. Works-As-Executed Plan

Two (2) copies of a *WAE* Plan prepared by a registered surveyor (both marked up in red), must be submitted to, and approved by, Council clearly showing all aspects of the constructed drainage and / or OSD. The plan must include:

- a) Sufficient levels and dimensions to verify the constructed storage volumes
- b) Location and surface levels of all pits
- c) Invert levels of the tanks, internal drainage line, orifice plates fitted, and levels within the outlet control pit
- d) Finished floor levels of all structures and driveways
- e) Verification that trash screens and/or GPTs have been installed
- f) Locations and levels of any overland flow paths
- g) The *WAE* plan information should be shown on a stamped copy of the approved civil works drawings
- h) Surface levels of pits and surrounding ground levels
- i) Levels of spillways and surrounding kerb
- j) Floor levels of buildings, including garages
- k) Top of kerb levels at the front of the lot
- l) Dimensions of stormwater basins and extent of inundation
- m) Calculation of actual detention storage volume provided

The plan shall be accompanied by a report from the designer stating the conformance, or otherwise, of the as-constructed basins in relation to the approved design.

The *WAE* plan and report shall be submitted to, and approved by, Council prior to the release of the Subdivision Certificate.

15. 88B Certificate Required

The Section 88B instrument will be submitted to Council with all relevant signatures and company seals (where applicable) prior to endorsement of the linen plan of subdivision and issue of the Subdivision Certificate. Alternatively, Council will accept, at its discretion, a copy of the Section 88B instrument with an accompanying letter from the acting solicitor or surveyor giving an undertaking that the Section 88B Instrument will be signed and submitted as presented to Council, unaltered, and registered with the linen plan of subdivision.

16. Section 50 – Hunter Water Board (Corporation) 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 Board (Corporation) Act 1991. Such evidence shall be submitted to Council prior to the release of the final plan of survey for the subdivision and the Subdivision Certificate.

17. Inter-allotment Drainage Easement

The applicant shall provide a 1.5m wide inter-allotment drainage easement to drain proposed Lot 1. Construction of the drainage line, together with the necessary grated yard inlet pits, shall be carried out in accordance with Council’s ‘Engineering Requirements for Development’ - full details shall be submitted to, and approved by, Council prior to release of the Subdivision Certificate.

Note:

- a) A suitable 88B instrument creating the easement, in accordance with the requirements of the *Conveyancing Act 1919*, shall be submitted to Council, prior to endorsement of the surveyor’s transparency.
- b) Construction shall be completed prior to endorsement of the surveyor’s transparency.

18. Roads – Concrete Crossing

The registered proprietors shall construct and maintain a concrete access crossing from the kerb and gutter in Hall Street to the property boundary of proposed lot 1, 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 a SC.

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 1 construction inspection (steel and formwork inspection).

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

19. Roads – Concrete Crossing

The registered proprietors shall construct and maintain a concrete access crossing from the kerb and gutter in Mayfield Street to the property boundary of proposed lot 1, 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 a SC.

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 1 construction inspection (steel and formwork inspection).

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

ONGOING USE

The following conditions are to be complied with as part of the ongoing use of the premises.

20. Stormwater – Impact on Adjoining Land

Filling shall not be placed in such a manner that obstructs natural drainage from adjoining land.

Filling shall not be placed on land in such a manner that surface water will be diverted to adjoining land.

21. Driveways to be Maintained

All access crossings and driveways shall be maintained in good order for the life of the development.

ADVISORY NOTES

a) Other Approvals and Permits

The applicant shall apply to Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits, and/or any other approvals under *Section 68 (Approvals)* of the *Local Government Act, 1993* or *Section 138 of the Roads Act, 1993*.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Dunn	Councillor Dagg
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (2)

CARRIED

PLANNING AND ENVIRONMENT NO. PE67/2016

SUBJECT: 18/2015/4: PLANNING PROPOSAL - JAMES STREET CESSNOCK - UPDATE

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

8

RESOLVED

That Council receive the Report and note the information.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (1)

CARRIED

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC59/2016

SUBJECT: ELECTION OF DEPUTY MAYOR

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

9

RESOLVED

That the election of Deputy Mayor be held and determined by open ballot for the term of office from October 2016 up and until October 2017.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

The General Manager advised the meeting that two (2) nominations had been received those being Councillors Olsen and Stapleford.

Voting was conducted between Councillors Olsen and Stapleford by way of a show of hands

The result of the vote is as follows:-

For Councillor Olsen – Councillors Doherty, Olsen, Dunn (3).

For Councillor Stapleford – Councillors Fagg, Stapleford, Suvaal, Fitzgibbon, Gray, Dagg, Burke, Sander, Lyons, Pynsent (10).

The General Manager advised that Councillor Stapleford was the successful candidate and elected to the position of Deputy Mayor from October 2016 until October 2017.

CORPORATE AND COMMUNITY NO. CC60/2016

SUBJECT: LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - DELEGATES AND VOTING DELEGATES

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Fitzgibbon
10
RESOLVED

1. That Council approve the applications of Councillors Pynsent, Gray, Dagg, Lyons and Stapleford to attend the Local Government NSW Annual Conference.
2. That Council appoints Councillors Pynsent, Gray, Dagg and Lyons as voting delegates to the conference and appoints Councillor Stapleford as alternate delegate to the conference if required.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC61/2016

SUBJECT: SECTION 449 DISCLOSURE OF INTERESTS RETURNS

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Sander
11
RESOLVED

That the report be received and the information noted.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC62/2016

SUBJECT: FINANCIAL ASSISTANCE GRANT 2016-17

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Stapleford
12

RESOLVED

That Council note the budget shortfall of \$130,479 in the Financial Assistance Grant and that appropriate variations be made in the September Quarterly Budget Review.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC63/2016

SUBJECT: INVESTMENT REPORT - AUGUST 2016

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Suvaal
13

RESOLVED

That Council receive the report and note the information.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC64/2016

SUBJECT: TENDER FOR THE SUPPLY AND DELIVERY OF CONCRETE PIPES - (REGPRO171617)

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal

14

RESOLVED

1. That Council accept Regional Procurement Tender for the Supply and Delivery of Concrete Pipes (REGPRO171617).
2. That Holcim (Australia) Pty Ltd t/as Humes be accepted as the single source supplier to Cessnock City Council under Regional Procurement Tender for the Supply & Delivery of Concrete Pipes (REGPRO171617).
3. That Council note the contract term for the Supply and Delivery of Concrete Pipes (REGPRO171617) is from 1 October 2016 to 30 September 2018 with an option for a 12 month contract extension based on satisfactory supplier performance.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC65/2016

SUBJECT: EXTERNAL REPAIRS AND PAINTING OF THE COUNCIL ADMINISTRATION BUILDING

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dunn
15
RESOLVED

That Council vote expenditure of \$151,607 additional to the existing 2016/17 operational budget to be drawn from the Operations and Programs reserve to fund essential external repair and painting works to the Council Administration Building.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI45/2016

**SUBJECT: EVALUATION OF TENDERS FOR T1617/01
GREAT NORTH ROAD, LAGUNA - LEMMING CORNER UPGRADE**

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Lyons
16
RESOLVED

That Council accept the tender from Bolte Civil Pty Ltd in the lump sum amount of \$916,251.70 (including GST) to upgrade Great North Road, Laguna – Lemming Corner

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN7/2016

SUBJECT: ILLEGAL SIGNAGE

MOTION **Moved:** Councillor Olsen **Seconded:** Councillor Doherty

1. That the General Manager require Council to notify all Real Estate agents of their legislative responsibility when erecting advertising signage for the sale of properties.
2. That the General Manager require Council to undertake a 2 week advertising campaign notifying all businesses about the correct procedure for putting up signage that projects over a public road or on public property/road reserves, including A-Frame signs on footpaths.
3. That the General Manager require Council staff to remove all unlawful signage erected on public property/road reserves, as Council staff find them or are notified of them, subject to available resources.
4. That the General Manager require Council to investigate what controls can be put in place to manage the trailer signs that are appearing around town.
5. That a report be brought back to Council in 6 months detailing actions taken in removing unlawful signs and controls for managing trailer signs.

AMENDMENT **Moved:** Councillor Suvaal **Seconded:** Councillor Burke

1. That Council acknowledge the work of Council staff in policing illegal signs under the current policy arrangements.
2. That the General Manager provide a report to Council outlining the issues of illegal signage in the LGA.
3. That the report include the actions necessary to regulate illegal signage and trailer signage under the current policy and a review of the current policy with a view to more efficient regulation.

FOR	AGAINST
Councillor Stapleford	Councillor Olsen
Councillor Suvaal	Councillor Doherty
Councillor Fitzgibbon	Councillor Dunn
Councillor Gray	Councillor Fagg
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (4)

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

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

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
17

RESOLVED

1. That Council acknowledge the work of Council staff in policing illegal signs under the current policy arrangements.
2. That the General Manager provide a report to Council outlining the issues of illegal signage in the LGA.
3. That the report include the actions necessary to regulate illegal signage and trailer signage under the current policy and a review of the current policy with a view to more efficient regulation.

FOR	AGAINST
Councillor Stapleford	Councillor Olsen
Councillor Suvaal	Councillor Doherty
Councillor Fitzgibbon	Councillor Dunn
Councillor Gray	Councillor Fagg
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (4)

CARRIED

BUSINESS WITH NOTICE NO. BN8/2016

SUBJECT: CONVERSION OF SHEDS INTO DWELLINGS

MOTION **Moved:** Councillor Olsen **Seconded:** Councillor Doherty
18

RESOLVED

1. That a review be carried out into sheds being used as dwellings, both lawfully and unlawfully and what development controls might be available to prevent illegal conversions and sheds being used as dwellings.
2. That a report on the review, including options for better controls, come back to Council within six months for consideration.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

QUESTIONS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

QUESTIONS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN NO. QWNG1/2016

SUBJECT: STEPS - CONVENT HILL

FOR COUNCIL'S INFORMATION

QUESTIONS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN NO. QWNG2/2016

SUBJECT: BUS SHELTER - NORTH END COMMUNITY HALL

FOR COUNCIL'S INFORMATION

QUESTIONS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN NO. QWNG3/2016

SUBJECT: KERB AND GUTTERING WORKS

FOR COUNCIL'S INFORMATION

QUESTIONS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN NO. QWNG4/2016

SUBJECT: USER CHARGES/COST RECOVERY POLICY

FOR COUNCIL'S INFORMATION

QUESTIONS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN NO. QWNG5/2016

SUBJECT: ALLANDALE ROAD, CESSNOCK

FOR COUNCIL'S INFORMATION

QUESTIONS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN NO. QWNG6/2016

SUBJECT: DRAIN OVAL AND DOVER STREET DRAINAGE

FOR COUNCIL'S INFORMATION

ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ61/2016

**SUBJECT: INTERSECTION OF GRETA AND COLLIERY STREETS, ABERDARE -
GIVE WAY**

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ62/2016

SUBJECT: BRIDGE - BUCKLAND AVENUE/ MCLEAN STREET

The answer was noted.

QUESTIONS FOR NEXT MEETING

Councillor Mark Lyons

TELSTRA ACCESS PIT OUTSIDE BELLBIRD SCHOOL

Councillor Lyons advised that the Telstra access pit outside Bellbird School is a severe trip hazard and asked that it be looked at.

Councillor Mark Lyons

EXTRA BINS - HOME DIALYSIS PATIENTS

Councillor Lyons asked if extra bins could be provided for people who undertake home dialysis as they have additional disposal needs and other Councils have given these people extra bin pick-ups.

Councillor Ian Olsen

PARKING FINES FOR RESIDENTS

Councillor Olsen referred to a resident who had been sent a fine in the mail for parking their vehicle for a very short period the wrong way at Kearsley and asked why is it that the Rangers fine some residents and not others and why can't they notify the residents first and then if they continually impede the parking then book them.

Councillor Ian Olsen

NEW MAYORAL CAR

Councillor Olsen asked if it was correct that a new Mayoral car, 4WD, was purchased for about \$70,000 and it was purchased from Maitland.

The Mayor advised that the car was purchased by Council not himself.

The General Manager then advised that the replacement of the previous vehicle was held over depending on the outcome of the Mayoral Election. The General Manager also advised that within the policy there are values which cars can be purchased to, which is for all staff, and this vehicle fits into that policy and it was nowhere near \$70,000.

Councillor Darrin Gray

CAMPING AT KURRI KURRI NOSTALGIA FESTIVAL

Councillor Gray referred to the increasing demand for camping at the Kurri Kurri Nostalgia Festival and asked when works to formalise a free camping area at Kurri Central are scheduled.

COUNCILLOR'S REPORTS

NIL

The Meeting Was Declared Closed at 7.01pm

CONFIRMED AND SIGNED at the meeting held on 19 October 2016

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

Oath

I Bob Ryan swear that I will undertake the duties of the office of councillor in the best interests of the people of the Cessnock Local Government Area and the Cessnock City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Signature: Bob Ryan

Date: 5/10/16

Oath

I John A. Fogg swear that I will undertake the duties of the office of councillor in the best interests of the people of the Cessnock Local Government Area and the Cessnock City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Signature:
Date: 5/10/16

Oath


I ANNE MARIE SANDER swear that I will undertake the duties of the office of councillor in the best interests of the people of the Cessnock Local Government Area and the Cessnock City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Signature:*Asander*.....

Date:*5/10/16*.....

Oath

I MARK LYONS swear that I will undertake the duties of the office of councillor in the best interests of the people of the Cessnock Local Government Area and the Cessnock City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Signature: 

Date: 5/10/16

Oath

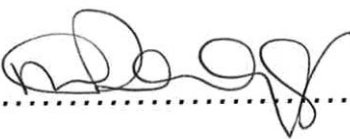
I Anthony Burke swear that I will undertake the duties of the office of councillor in the best interests of the people of the Cessnock Local Government Area and the Cessnock City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Signature: Anthony Burke

Date: 5/10/2016

Oath

I Melanie Dagg swear that I will undertake the duties of the office of councillor in the best interests of the people of the Cessnock Local Government Area and the Cessnock City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Signature: 

Date:
05.10.2016

Oath

I Dianne Fitzgibbon swear that I will undertake the duties of the office of councillor in the best interests of the people of the Cessnock Local Government Area and the Cessnock City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Signature: D. Fitzgibbon

Date: 5.10.16

Oath


I ALLAN JAMES STAPLEFORD swear that I will undertake the duties of the office of councillor in the best interests of the people of the Cessnock Local Government Area and the Cessnock City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Signature: A. J. Stapleford.....

Date: 5/10/2016.....

Affirmation

I Darrin Greay solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Cessnock Local Government Area and the Cessnock City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Signature: 

Date: 5th October 2016

Affirmation

I Ian Olsen solemnly and sincerely
declare and affirm that I will undertake the duties
of the office of councillor in the best interests of the
people of the Cessnock Local Government Area
and the Cessnock City Council and that I will
faithfully and impartially carry out the functions,
powers, authorities and discretions vested in me
under the Local Government Act 1993 or any other
Act to the best of my ability and judgment.

Signature: Ian Olsen.....

Date: 5-10-2016.....

Affirmation


I CR. ROD DOHERTY solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Cessnock Local Government Area and the Cessnock City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Signature: *ROD DOHERTY*

Date: *5/10/2016*

Affirmation

I Jay Surval solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Cessnock Local Government Area and the Cessnock City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Signature: 

Date: 5/10/16

Affirmation

I PAUL FREDERICK THOMAS DUNN solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Cessnock Local Government Area and the Cessnock City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Signature: *[Handwritten Signature]*

Date: *5/10/2016*