

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 16 NOVEMBER 2016,
COMMENCING AT 6.30 PM**

PRESENT: His Worship the Mayor, Councillor R Pynsent (in the Chair) and Councillors Olsen, Doherty, Dunn, Fagg, Stapleford, Suvaal, Fitzgibbon, Gray, 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
Consultant Development Engineer
Senior Planning Assessment Officer
Chief Financial Officer
Management Accountant
Integrated Planning & Strategic Property Manager
Recreation Services Manager
Strategic Recreation & Facilities Planner
Strategic Asset Planning Manager
Media & Communication Officer
Corporate Governance Officer
Relief Executive Assistant

MINUTES:

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

46

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 2 November 2016, as circulated, be taken as read and confirmed as a correct record, with the following amendment being made to Q79/2016:-

Councillor Olsen Question – Frame Drive Bridge – Weight Limits should read:-

“whether Council would be considering a weight limit on Gingers Lane once the new Frame Drive Bridge and surrounding roads are constructed?”

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. DI19/2016

SUBJECT: DISCLOSURES OF INTEREST

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

PE77/2016 - DA 8/2016/287/1 proposing Partial Demolition of Existing Building and Construction of a Worker's Accommodation Building Containing five (5) bedrooms and shared facilities 39 Lovedale Road, Lovedale – Councillor Gray declared a Non-Pecuniary – Less Than Significant Conflict for the reason that his daughter in-law is an employee at Crowne Plaza. Councillor Gray 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 it doesn't have any impact on the decisions he makes.

MM5/2016 – Cessnock Correctional Centre – Councillor Olsen declared a Non Pecuniary - Less Than Significant Conflict for the reason that he is employed at Cessnock Correctional Centre. Councillor Olsen 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 as the progress of this site will have no bearing on my position.

PE77/2016 - DA 8/2016/287/1 proposing Partial Demolition of Existing Building and Construction of a Worker's Accommodation Building Containing five (5) bedrooms and shared facilities 39 Lovedale Road, Lovedale – Councillor Dagg declared a Non Pecuniary - Significant Conflict for the reason that a business owned by a close relative provides services for the proponent for which they receive payment. Councillor Dagg advised that she would leave the Chamber and take no part in discussion and voting.

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

The following people addressed the meeting of Council:

Speakers	Report	Page No.	Duration
Mr Geoff Allan Forsyths Chartered Accountants	CC71/2016 - Financial Statements for the Year Ended 30 June 2016	143	

CORPORATE AND COMMUNITY NO. CC71/2016

SUBJECT: FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2016

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
47
RESOLVED

That the Annual Financial Statements incorporating the Auditor's Reports for the year ended 30 June 2016 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

PROCEDURAL MOTION

Moved:

Councillor Olsen

Seconded:

Councillor Doherty

That the meeting go into Suspension of Standing Orders to allow the 3 listed applicants to address Council.

FOR

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Fagg
Councillor Fitzgibbon

Total (5)

AGAINST

Councillor Stapleford
Councillor Suvaal
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (8)

The Motion was **PUT** and **LOST**

Dennis Moore on behalf of Cessnock Pool Users Group	WI49/2016 - Cessnock Aquatic Centre Feasibility & Design Report	194	3 mins
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EXTENSION OF TIME

Moved:
Seconded:

Councillor Suvaal
Councillor Burke

48

RESOLVED

That an extension of 1 minute be granted to allow Mr Moore to complete his address.

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

WORKS AND INFRASTRUCTURE NO. WI49/2016

SUBJECT: CESSNOCK AQUATIC CENTRE FEASIBILITY & DESIGN REPORT

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Sander
49

RESOLVED

1. That Council acknowledges the draft Cessnock Aquatic Centre Feasibility and Design Report.
2. That Council be briefed on the process that has been followed to date including the 2014 Aquatics Needs Analysis; the 2016 Cessnock Aquatic Centre Feasibility and Design Report; Councillor Briefings and Council Reports.
3. That Council considers a further report outlining facility options that exclude the need for a Special Rate Variation.

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

MAYORAL MINUTES

MAYORAL MINUTES NO. MM4/2016

SUBJECT: COUNCIL INITIATED AWARDS COMMITTEE

MOTION **Moved:** Councillor Pynsent

50

RESOLVED

That the Deputy Mayor, Councillor Stapleford and Councillor Burke be the Councillor representatives in addition to the Mayor for the Council Initiated Awards Committee.

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

MAYORAL MINUTES NO. MM5/2016

SUBJECT: CESSNOCK CORRECTIONAL CENTRE

Councillor Olsen declared a Non Pecuniary - Less Than Significant Conflict for the reason that he is employed at Cessnock Correctional Centre. Councillor Olsen remained in the Chamber and participated in discussion and voting.

MOTION **Moved:** Councillor Pynsent

51

RESOLVED

1. That Council urgently write to the Hon. David Elliott, MP, Minister for Corrections, to clearly outline:
 - A. Council's serious concerns and dissatisfaction over the failure of the Review of Environmental Factors (REF) to achieve a satisfactory outcome regarding access to the expanded Cessnock Correctional Centre, and seeking to resolve the issue of transport, traffic and access as soon as possible.
 - B. Council's current position in relation to access to the expanded Cessnock Correctional Centre, particularly:
 - a) that access to the proposed expanded State facility be via direct routes to the State road network; and
 - b) that local roads paid for by Cessnock ratepayers should not shoulder the significant financial and maintenance burden of the significant expansion of this State facility.
2. That Council continue to actively lobby the relevant Ministers and NSW Government agencies and work with them to achieve a better transport, traffic and site access outcome which reflects Council's position and which does not burden ratepayers of Cessnock City Local Government Area with the demands of State infrastructure.
3. That the General Manager make arrangements for further assessment of the Review of Environmental Factors regarding the expansion of Cessnock Correctional Centre by 1000 beds, and a further report on any issues or impacts be brought back to Council 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***

Councillor Olsen moved a Point of Order claiming Councillor Suvaal called him a liar.

The Mayor advised that he did not hear the word liar used by Councillor Suvaal and ruled the Point of Order as Out of Order.

Councillor Olsen moved dissent from the Mayor's ruling.

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 (12)

Total (1)

The Motion of Dissent was ***PUT*** and ***LOST***

MAYORAL MINUTES NO. MM6/2016

**SUBJECT: FORMAL ACKNOWLEDGEMENT OF EMERGENCY SERVICES -
CESSNOCK BUSH FIRES NOVEMBER 2016**

MOTION **Moved:** Councillor Pynsent

52

RESOLVED

1. That Council formally acknowledge and thank all of the emergency services personnel, and supporting service volunteers, for their efforts in protecting the Cessnock Community from the Race Course Road and Heddon Greta Bush Fires on 5 and 6 November 2016;

2. That Council includes recognition of the emergency services personnel who fought in the November fires or any other natural disaster that may occur, at the Australia Day 2017 Celebration.

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

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU19/2016

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 Council discuss what will be sent into the Enquiry into the Bat Issue at East Cessnock.

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 Mayor ruled the matter as urgent and will be dealt with at the conclusion of the Ordinary Agenda.

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU15/2016

SUBJECT: COUNCIL'S ROLE IN CHRISTMAS - CBD DECORATIONS AND COUNCIL CHRISTMAS APPEAL

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

1. That Council establishes an annual Council Christmas Appeal.
2. That \$10,000 be allocated to a Christmas decoration rebate program for businesses in Branxton, Cessnock, Kurri Kurri and Wollombi CBD precincts, to funded from within existing operational budget areas.
3. That Council seek support from the Cessnock, Kurri Kurri, Branxton/Greta and Wollombi Chambers to facilitate a best dressed Christmas shopfront competition.

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

1. That Council establishes an annual Council Christmas Appeal.
2. That Council writes to Cessnock, Kurri Kurri, Branxton/Greta and Wollombi chambers before the end of November 2016 asking for ideas and support for a Main Street Christmas Decoration Start Up Plan for 2017.
3. That Council purchases and installs as an interim measure under the guidance of the General Manager solar LED bud lights in appropriate Main Street locations in Kurri Kurri, Cessnock, Branxton/Greta and Wollombi as a cost effective Christmas decoration trial to a maximum cost of \$5,000.

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)

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

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

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

53

RESOLVED

1. That Council establishes an annual Council Christmas Appeal.
2. That Council writes to Cessnock, Kurri Kurri, Branxton/Greta and Wollombi chambers before the end of November 2016 asking for ideas and support for a Main Street Christmas Decoration Start Up Plan for 2017.
3. That Council purchases and installs as an interim measure under the guidance of the General Manager solar LED bud lights in appropriate Main Street locations in Kurri Kurri, Cessnock, Branxton/Greta and Wollombi as a cost effective Christmas decoration trial to a maximum cost of \$5,000.

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

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE77/2016

SUBJECT: DA 8/2016/287/1 PROPOSING PARTIAL DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A WORKER'S ACCOMMODATION BUILDING CONTAINING FIVE (5) BEDROOMS AND SHARED FACILITIES

39 LOVEDALE ROAD, LOVEDALE

Councillor Gray declared a Non-Pecuniary – Less Than Significant Conflict for the reason that his daughter in-law is an employee at Crowne Plaza. Councillor Gray remained in the Chamber and participated in discussion and voting.

Councillor Dagg declared a Non Pecuniary - Significant Conflict for the reason that a business owned by a close relative provides services for the proponent for which they receive payment. Councillor Dagg left the Chamber and took no part in discussion and voting.

Councillor Dagg left the meeting, the time being 7.56pm

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Stapleford
54

RESOLVED

- 1. That Council determine Development Application No. 8/2016/287/1 proposing the partial demolition of existing building and construction of a worker's accommodation building containing five (5) bedrooms and shared facilities at Lot 3, DP1073823, 39 Lovedale Road, Lovedale, pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, by refusing to grant consent for the reasons detailed in this report.**
- 2. That the General Manager be delegated to investigate and commence proceedings if necessary, to have the existing building demolished in accordance with Council's adopted Compliance and Enforcement Policy.**

REASONS FOR REFUSAL

Development Application 8/2016/287/1 proposing the partial demolition of existing building and construction of a workers accommodation building containing five (5) bedrooms and shared facilities at 39 Lovedale Road, Lovedale, is refused for the following reasons:

1. The subject site is not suitable for the proposed development for the following reasons:
 - a. The subject site is located within a high hazard floodway.
 - b. Intensification of habitable development within a high hazard floodway will result in increased risks to life and property (Section 79C(1)(c) *Environmental Planning and Assessment Act, 1979*).

2. The development is inconsistent with the *Cessnock Local Environmental Plan, 2011* specifically the objective of the RU4 Primary Production Small Lots zone, as the development fails to maintain the ecological sustainability of the Vineyards District as a result of the APZ's requirements to protect the development in the event of a bushfire which conflicts with the Controlled Activity Approval to rehabilitate the bank of Black Creek adjacent to the development site (Section 79C(1)(a)(i) *Environmental Planning and Assessment Act, 1979*).
3. The development is inconsistent with the *Cessnock Local Environmental Plan, 2011* specifically Clause 7.3 Flood Planning for the following reasons:
 - a. The development of the site is not compatible with the lands high risk flood hazard.
 - b. Intensification of development will increase the potential flood affectation of other properties in vicinity of the subject site.
 - c. The development cannot incorporate appropriate measures to manage risk to life from flood (Section 79C(1)(a)(i) *Environmental Planning and Assessment Act, 1979*).
4. The proposed development is inconsistent with Chapter E.3 Vineyards District of the Cessnock Development Control Plan 2010. Specifically, the development fails to meet the objectives of Chapter E.3 Vineyards District of the Cessnock DCP 2010; is not considered to be suitably sited having regard to the proximity of the development to Black Creek; and fails to meet the side setback requirements (Section 79C(1)(a)(iii) *Environmental Planning and Assessment Act, 1979*).
5. The proposed development is not in the public interest (Section 79C(1)(e) *Environmental Planning and Assessment Act, 1979*).

FOR

AGAINST

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

Total (12)

Total (0)

CARRIED UNANIMOUSLY

Councillor Dagg returned to the meeting, the time being 7.58pm

PLANNING AND ENVIRONMENT NO. PE78/2016

**SUBJECT: DEVELOPMENT APPLICATION PERFORMANCE MONITORING
SEPTEMBER QUARTER 2016**

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Stapleford
55
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

PLANNING AND ENVIRONMENT NO. PE79/2016

SUBJECT: ANNUAL REPORT 2015-16

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Suvaal
56

RESOLVED

That Council post a copy of the Annual Report 2015-16 on Council's website and notify the Minister for Local Government.

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

PLANNING AND ENVIRONMENT NO. PE80/2016

SUBJECT: SEPTEMBER 2016 QUARTER REVIEW OF 2013-17 DELIVERY PROGRAM AND FIT FOR THE FUTURE IMPROVEMENT PROPOSAL

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Stapleford
57
RESOLVED

1. That Council note the progress in implementing the 2013-17 Delivery Program as at 30 September 2016.
2. That Council note the progress in the implementation of Council's Improvement Proposal and the updated forecasts against the Fit for the Future benchmarks.

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. CC72/2016

SUBJECT: QUARTERLY BUDGET REVIEW STATEMENTS - SEPTEMBER 2016

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Suvaal
58

RESOLVED

1. That Council note the September 2016 Quarterly Budget Review Statements were presented to and endorsed by the Audit Committee on 8 November 2016.
2. That Council approve the variations to the income, expenditure and capital budgets as detailed in the September 2016 Quarterly Budget Review Statements.

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 NO. CC73/2016

SUBJECT: INVESTMENT REPORT - OCTOBER 2016

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Burke
59

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. CC74/2016

SUBJECT: TENDER EVALUATION REPORT - T1516/9 SMARTFORMS DIGITAL DATA SOLUTION

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

60

RESOLVED

1. That Council decline to accept all tenders for Tender No. T1516-09 - Smartforms Digital Data Solution.
2. That Council not call for fresh tenders and cancel the proposal for the contract.
3. That Tenderers are formally advised of Council's decision.

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. CC75/2016

SUBJECT: REGIONAL PROCUREMENT TENDER FOR THE SUPPLY AND DELIVERY OF MOBILE GARBAGE BINS AND PARTS (T191617HUN)

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Lyons

61

RESOLVED

1. That Council accept Regional Procurement Tender for the Supply and Delivery of Mobile Garbage Bins and Parts (T191617HUN).
2. That SULO MGB Australia Pty Ltd be accepted as the single source supplier to Cessnock City Council under Regional Procurement Tender for the Supply and Delivery of Mobile Garbage Bins and Parts (T191617HUN)
3. That Council note the contract term for the Supply and Delivery of Mobile Garbage Bins and Parts (T191617HUN) 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. CC76/2016

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
62

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

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI50/2016

SUBJECT: CONTINUATION OF THE HUNTER REGIONAL ILLEGAL DUMPING SQUAD

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Stapleford
63
RESOLVED

1. That Council provides in principle commitment to continue its involvement with the Hunter Regional Illegal Dumping Squad subject to receiving the required funding from the NSW Government's Waste Less Recycle More Program;
2. In the event that full funding is not provided by the NSW Government to cover the operational cost of the Squad, a further report be brought back to Council to consider its position with respect to ongoing participation in the initiative.

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. BN17/2016

SUBJECT: WESTON JUNIOR FOOTBALL CLUB RELOCATION FROM VARTY PARK TO WESTON PARK

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Dagg

64

RESOLVED

1. That Council consider a report on a review of the 2008 Council adopted Masterplan for Weston Bears Park to confirm that the recommendations and costings associated with works identified within the Masterplan, are still current.
2. That Council consider a report on the options that would allow the sale of Varty Park, the proceeds from which would be restricted to the development of Weston Bears Park.
3. That funding for the redevelopment of Weston Bears Park also be sought from the NSW State and Federal Governments.

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

ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ75/2016

SUBJECT: IMPOUND COSTS - ENQUIRY REGARDING PAYMENT PLANS

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ76/2016

SUBJECT: EDUCATION FOR RESIDENTS REGARDING PARKING IN KEARSLEY

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ77/2016

SUBJECT: REGULATION OF BABY CHANGING ROOMS IN CBD

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ78/2016

SUBJECT: TRAFFIC FLOW

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ79/2016

SUBJECT: THE BASIN REDEVELOPMENT

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ80/2016

SUBJECT: PARKING SIGNS WITHIN CESSNOCK CBD

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ81/2016

SUBJECT: FLOODING - SOUTH CESSNOCK AREA

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ82/2016

SUBJECT: FRAME DRIVE BRIDGE - WEIGHT LIMITS

The answer was noted.

QUESTIONS FOR NEXT MEETING

Councillor Rod Doherty

INTERNAL SERVICE REVIEW - REQUEST FOR UPDATE

Councillor Doherty asked for a report on the Internal Service Review that is currently being undertaken.

Councillor Rod Doherty

CESSNOCK COUNCIL ORGANISATIONAL STRUCTURE

Councillor Doherty asked when Councillors will be given the opportunity to review the structure of Council?

Councillor Ann Sander

HEBBURN ESTATE - REQUEST FOR UPDATE

Councillor Sander asked for an update on Hebburn Estate Weston and what is its future.

Councillor Ann Sander

STRATEGIC PROPERTY REVIEW - UPDATE REQUEST

Councillor Sander asked what the status is of Council's Strategic Property Review?

Councillor Mark Lyons

HAZARDOUS PRIVATE CAR PARKS AND RIGHTS OF WAY

Councillor Lyons asked what Council could do in regard to improving hazardous private car parks and rights of way?

Councillor Mark Lyons

AUSTAR GUARDRAIL AT KITCHENER

Councillor Lyons asked for an update on the Austar Guardrail at Kitchener.

Councillor Ian Olsen

HUNTER COUNCILS MINUTES

Councillor Olsen asked if there have been any Hunter Council meetings and when would Council be getting a report.

Councillor Ian Olsen

DONATIONS FUND - SPONSORSHIP OF SPORT

Councillor Olsen referred to the previous Donations Fund which was stopped and asked why Council sponsored some players, by paying for their shirts, to play touch football.

CORRESPONDENCE

CORRESPONDENCE NO. CO5/2016

SUBJECT: CESSNOCK CORRECTION CENTRE - RESPONSES UPDATE

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Gray
65
RESOLVED

That Council note the correspondence received.

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

COUNCILLOR'S REPORTS

Councillor Lyons

Austar Consultative Committee

Councillor Lyons reported on his attendance at the Austar Consultative Committee meeting and advised that it was a very productive meeting. Councillor Lyons was briefed on the operations and how they integrate with affected land holders and the community in general as well as minimising environmental and noise issues. Austar advised that they have EPA approvals until 2030 and employ over 200 full time employees. Austar also advised that they review the rigorous environmental controls in terms of dust abatement, water release and dealing with contaminants on the site and the Committee were quite satisfied with the way in which they were dealing with those. An example of their consultation with the community would be 4 years ago when they were undergoing an expansion they received 14 complaints from neighbours and during the most recent round of expansions they had only received 4 complaints. Austar also has their community grants program which has been very popular.

MATTER OF URGENCY

Moved:
Seconded:

Councillor Olsen
Councillor Dunn

That all Councillors get their opportunity to have their say before lunch time tomorrow and by 5pm tomorrow night Councillors get a copy of the report that is going off to the Committee so that they can review it.

AMENDMENT Moved: Councillor Suvaal **Seconded:** Councillor Lyons

1. That Council notes that the very short time frame provided by the Commonwealth Government's *Standing Committee on Environment and Energy Inquiry into Flying Fox Management in the Eastern States* has prevented the opportunity for a full submission to be provided to the elected Council to consider before the Committee's submission period closes on 18 November 2016.
2. That Council notes that Council staff will make a submission, in consultation with Hunter Councils, to the *Standing Committee on Environment and Energy Inquiry into Flying Fox Management in the Eastern States*, and that prior to the staff submission being lodged, a copy of the submission be provided to Councillors for reference.
3. That Council make a brief submission to the *Standing Committee on Environment and Energy Inquiry into Flying Fox Management in the Eastern States* as follows:
 - a) The impact on local residents of the flying foxes at the East Cessnock Flying Fox Camp is significant and is worthy of further review by the Council before making a submission to the Inquiry;
 - b) That given the significant impact on residents at East Cessnock, it is considered more than reasonable for Council to request the Committee provide an extension of time to enable the elected Council to consider the matter and provide an endorsed and informed submission.
4. That Council send a representative(s) to the Standing Committee's Public Roundtable Hearing in Canberra on 24 November 2016 in an effort to contribute to this important national issue and ensure Cessnock City Council's concerns are heard.

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)

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 Lyons
66

RESOLVED

1. That Council notes that the very short time frame provided by the Commonwealth Government’s *Standing Committee on Environment and Energy Inquiry into Flying Fox Management in the Eastern States* has prevented the opportunity for a full submission to be provided to the elected Council to consider before the Committee’s submission period closes on 18 November 2016.
2. That Council notes that Council staff will make a submission, in consultation with Hunter Councils, to the *Standing Committee on Environment and Energy Inquiry into Flying Fox Management in the Eastern States*, and that prior to the staff submission being lodged, a copy of the submission be provided to Councillors for reference.
3. That Council make a brief submission to the *Standing Committee on Environment and Energy Inquiry into Flying Fox Management in the Eastern States* as follows:
 - c) The impact on local residents of the flying foxes at the East Cessnock Flying Fox Camp is significant and is worthy of further review by the Council before making a submission to the Inquiry;
 - d) That given the significant impact on residents at East Cessnock, it is considered more than reasonable for Council to request the Committee provide an extension of time to enable the elected Council to consider the matter and provide an endorsed and informed submission.
4. That Council send a representative(s) to the Standing Committee’s Public Roundtable Hearing in Canberra on 24 November 2016 in an effort to contribute to this important national issue and ensure Cessnock City Council’s concerns are heard.

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

CARRIED UNANIMOUSLY

The Meeting Was Declared Closed at 8.33pm

CONFIRMED AND SIGNED at the meeting held on 14 December 2016

.....**CHAIRPERSON**

.....**GENERAL MANAGER**