

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 19 APRIL 2017, 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  
Acting Director Planning and Environment (Strategic Land Use Planning Manager)  
Director Corporate and Community Services  
Director Works and Infrastructure  
Manager Governance and Business Services  
Media & Communication Officer  
Acting Corporate Governance Officer (Administration Support Officer – Corporate & Community Services)  
Relief Executive Assistant

**APOLOGY:** *NIL*

**MINUTES:** **MOTION** *Moved:* Councillor Doherty  
*Seconded:* Councillor Suvaal  
181  
**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 5 April 2017, as circulated, be taken as read and confirmed as a correct record.

<b>FOR</b>	<b>AGAINST</b>
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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

# **DISCLOSURES OF INTEREST**

## **DISCLOSURES OF INTEREST NO. DI6/2017**

**SUBJECT: DISCLOSURES OF INTEREST**

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### **RECOMMENDATION**

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

**BN16/2017 - 40km/h School Zone - St Phillips Christian College - Wine Country Drive -** Councillor Dunn declared a Non Pecuniary Less Than Significant Conflict for the reason that his daughter attends St Philip's School. Councillor Dunn advised that he will 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 does not affect his ability to perform his role as a Councillor.

**BN16/2017 - 40km/h School Zone - St Philips Christian College - Wine Country Drive -** Councillor Burke declared a Non Pecuniary Less Than Significant Conflict for the reason that his children attend St Philip's School. Councillor Burke advised that he will 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 it won't influence his decision.

**PETITIONS**

NIL

**ADDRESS BY INVITED SPEAKERS**

NIL

**MOTIONS OF URGENCY**

**MOTIONS OF URGENCY NO. MOU6/2017**

**SUBJECT: MOTIONS OF URGENCY**

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NIL

**PLANNING AND ENVIRONMENT**

**PLANNING AND ENVIRONMENT NO. PE15/2017**

**SUBJECT: PLANNING PROPOSAL - CLIFTLEIGH**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Gray  
182

**RESOLVED**

1. That Council request a Gateway determination for the Planning Proposal - Cliftleigh from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979* in relation to the Planning Proposal in Attachment 1.
2. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.
3. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. That Council receive a report back on the Planning Proposal - Cliftleigh if unresolved written objections are received during the consultation with the Community; otherwise forward the Planning Proposal to the Department of Planning and Environment requesting that the plan be made.

<b>FOR</b>	<b>AGAINST</b>
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	
<b>Total (12)</b>	<b>Total (1)</b>

**CARRIED**

**PLANNING AND ENVIRONMENT NO. PE16/2017**

**SUBJECT: CESSNOCK COMMERCIAL PRECINCT PROJECT - PLANNING PROPOSAL AND PUBLIC EXHIBITION OF DRAFT DEVELOPMENT CONTROL PLAN, PUBLIC DOMAIN PLAN AND IMPLEMENTATION PLAN**

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**MOTION**            **Moved:**    Councillor Suvaal            **Seconded:**    Councillor Stapleford  
183

**RESOLVED**

1. That Council place the following documents on public exhibition for a minimum period of six weeks:
  - Draft Cessnock Commercial Precinct chapter of the Cessnock Development Control Plan 2010 (Enclosure 1);
  - Cessnock Commercial Precinct Project Report (Enclosure 2);
  - Cessnock Commercial Precinct Project Background Reports (Enclosure 3); and
  - Cessnock Commercial Precinct Public Domain Plan and DCP Engagement Outcomes Report (Enclosure 4).
2. That Council receive a report back on the exhibition material following the public exhibition period.
3. That Council request a Gateway determination for the Planning Proposal Cessnock Commercial Precinct at Enclosure 5 from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
4. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.
5. That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
6. That Council receive a report back on the Planning Proposal Cessnock Commercial Precinct if unresolved written objections are received during the consultation with the Community; otherwise forward the Planning Proposal to the Department of Planning and Environment requesting that the plan be made.

<b>FOR</b>	<b>AGAINST</b>
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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**CORPORATE AND COMMUNITY**

**CORPORATE AND COMMUNITY NO. CC24/2017**

**SUBJECT: CLASSIFICATION OF COUNCIL OWNED LAND IN ACCORDANCE WITH THE LOCAL GOVERNMENT ACT 1993**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Burke  
185  
**RESOLVED**

**That Council classify public land; Certificates of Title 16/13687 and 17/13687 as “operational” land in accordance with section 31 of the *Local Government Act 1993*.**

<b>FOR</b>	<b>AGAINST</b>
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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**CORPORATE AND COMMUNITY NO. CC25/2017**

**SUBJECT: INVESTMENT REPORT - MARCH 2017**

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**MOTION**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Suvaal  
186

**RESOLVED**

**That Council receive the report and note the information.**

<b>FOR</b>	<b>AGAINST</b>
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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC26/2017**

**SUBJECT: REFLECT RECONCILIATION ACTION PLAN**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Gray  
187

**RESOLVED**

**That Council note the conclusion and outcomes of the one year Cessnock City Council Reflect Reconciliation Action Plan.**

<b>FOR</b>	<b>AGAINST</b>
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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC27/2017**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Dagg  
188  
**RESOLVED**

**That Council receive the report and note the information.**

<b>FOR</b>	<b>AGAINST</b>
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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI23/2017**

**SUBJECT: MINUTES OF LOCAL TRAFFIC COMMITTEE HELD 20 MARCH 2017**

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**MOTION**            **Moved:**    Councillor Gray            **Seconded:**    Councillor Suvaal  
189

#### **RESOLVED**

That Council endorse the recommendations of the Cessnock City Council Local Traffic Committee meeting held on 20 March 2017 for the items TC3/2017, TC4/2017, TC5/2017, TC6/2017, TC7/2017, TC8/2017 being:

1. That centre line be marked on Palmers Lane, Pokolbin as follows:
  - BB double barrier line.
  - for 340m between Nos. 97 and 151.
2. That centre line be marked on Gillards Road Pokolbin as follows:
  - BB double barrier line.
  - from 225m west of intersection with McDonalds Road to the west for 365m.
3. That parking restrictions be installed on Regent Street, Cessnock as follows:
  - C3 unbroken yellow No Stopping line.
  - on the western side between No. 3 and No. 9.
4. That temporary road closures for the regulation of traffic be approved for Cessnock Stomp Festival between: 2am and 10pm Sunday 23 April 2017,
  - for Cooper Street, from Cumberland to Charlton Streets, and
  - for Edward Street from Cumberland to Vincent Street.
5. That existing NO PARKING restrictions be removed from Helena Street, Ellalong as follows:
  - northern side between Rugby Street and Campbell Street.
6. That delineation line marking be installed, as per enclosed line marking plan, on Gingers Lane, Sawyers Gully as follows:
  - BB double barrier centre line.
  - E1 edge line.
  - from Sawyers Gully Road to Frame Drive.
7. That the speed limit on Sawyers Gully Road, Frame Drive and Gingers Lane be referred to the Traffic Committee to consider making it a 60 km zone

<b>FOR</b>	<b>AGAINST</b>
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	
<b>Total (12)</b>	<b>Total (1)</b>

**CARRIED**

**WORKS AND INFRASTRUCTURE NO. WI24/2017**

**SUBJECT: WOLLOMBI FLOOD WARNING SYSTEM DESIGN - UPDATE**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Gray  
190

**RESOLVED**

1. That Council note the report.
2. That Council endorse the submission of a grant application under the NSW Floodplain Management Program 2017 for the design and installation of the Implementation Option 2 - Total Flood Warning System for the Wollombi Valley.
3. If Council is successful in the grant application, that the letter of offer come back to Council for consideration.

<b>FOR</b>	<b>AGAINST</b>
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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI25/2017**

**SUBJECT: RESTART NSW REGIONAL GROWTH - ENVIRONMENT AND TOURISM PROGRAM - CONSIDERATION OF THE RICHMOND VALE RAIL TRAIL PROJECT**

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**MOTION**            **Moved:** Councillor Sander            **Seconded:** Councillor Suvaal  
191  
**RESOLVED**

**That Council submit an EOI application under the Restart NSW Regional Growth – Environment and Tourism Program which supports the Richmond Vale Rail Trail Implementation Project.**

<b>FOR</b>	<b>AGAINST</b>
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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

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

**BUSINESS WITH NOTICE NO. BN16/2017**

**SUBJECT: 40KM/H SCHOOL ZONE - ST PHILIPS CHRISTIAN COLLEGE - WINE COUNTRY DRIVE**

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Councillor Dunn declared a Non Pecuniary Less Than Significant Conflict for the reason that his daughter attends St Philip's School. Councillor Dunn remained in the Chamber and participated in discussion and voting.

Councillor Burke declared a Non Pecuniary Less Than Significant Conflict for the reason that his children attend St Philip's School. Councillor Burke remained in the Chamber and participated in discussion and voting.

**MOTION**      **Moved:** Councillor Fitzgibbon      **Seconded:** Councillor Burke  
192

**RESOLVED**

**The General Manager write to the NSW Minister Roads, Maritime and Freight, the NSW Parliamentary Secretary for the Hunter and the State Member for Cessnock seeking support for the introduction of a 40km/h School Zone on Wine Country Drive, adjacent to St Phillips Christian College.**

<b>FOR</b>	<b>AGAINST</b>
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	
<b>Total (12)</b>	<b>Total (1)</b>

**CARRIED**



**BUSINESS WITH NOTICE NO. BN17/2017**

**SUBJECT: VACANT STAFF POSITIONS IN THE ORGANISATIONAL STRUCTURE**

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**MOTION**      **Moved:** Councillor Olsen      **Seconded:** Councillor Dunn  
193

**RESOLVED**

That the General Manager provide a report to the next Council Meeting answering the following:

1. How many staff positions that are currently funded are vacant?
2. How long they have been vacant?
3. What is the cost of each of these positions?
4. Why haven't they been filled if they have been funded?

<b>FOR</b>	<b>AGAINST</b>
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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**BUSINESS WITH NOTICE NO. BN18/2017**

**SUBJECT: URGENT MEETING TO RESOLVE ROAD MATTERS IN THE CESSNOCK LGA**

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**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Burke  
194  
**RESOLVED**

The General Manager write to the NSW Minister Roads, Maritime and Freight, the NSW Parliamentary Secretary for the Hunter and the State Member for Cessnock requesting an urgent meeting to resolve a number of road issues in the LGA that require support from Roads and Maritime Services.

<b>FOR</b>	<b>AGAINST</b>
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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**ANSWERS TO QUESTIONS FOR NEXT MEETING**

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ51/2017**

**SUBJECT:     TIMER FOR COUNCILLORS**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ52/2017**

**SUBJECT:     TOURISM FUNDING**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ53/2017**

**SUBJECT:     VERNON STREET NETBALL COURTS**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ54/2017**

**SUBJECT:     CROSSINGS OF WOLLOMBI ROAD, WEST CESSNOCK**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ55/2017**

**SUBJECT:     CODE OF MEETING PRACTICE - BUSINESS ARISING FROM  
PREVIOUS MINUTES**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ56/2017**

**SUBJECT: GUM TREES - STONEBRIDGE GOLF CLUB**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ57/2017**

**SUBJECT: GRAFFITI IN THE CITY - MITIGATION MEASURES**

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The answer was noted.

## **QUESTIONS FOR NEXT MEETING**

*Councillor Jay Suvaal*

### **24 HOUR TRADING AT CESSNOCK MCDONALDS**

Is Council aware whether a DA has been lodged for 24 hour trading at Cessnock McDonalds, or if they can check if one is likely to be lodged, as a number of residents and businesses have contacted him regarding this matter.

*Councillor Anne Sander*

### **ROAD RENEWAL AND REHABILITATION DEFINITION**

Can Council officers provide an explanation of what constitutes the difference between renewal and rehabilitation of a road.

*Councillor Anne Sander*

### **DRAINAGE WORKS – FUNDING ALTERNATIVES**

In the Budget, a recurrent funding item for drainage works is always dependent on loan funding. Can we look at this item and find another funding source.

*Councillor Ian Olsen*

### **EXECUTIVE TEAM - MEMBERSHIP**

Can the General Manager advise when HR became part of the Executive Team.

*Councillor Mark Lyons*

### **SHOWGROUNDS – SAFETY INSPECTIONS**

Who is responsible for checking the safety of equipment at Showgrounds, and does Council have any liability in that regard.

*Councillor Mark Lyons*

### **WASTE COLLECTION - MIXED RESIDENTIAL AND BUSINESS ZONES**

What provision is made for rubbish collection in shared residential and business zones.

## **COUNCILLOR REPORTS**

**NIL**

# CORRESPONDENCE

## CORRESPONDENCE NO. CO6/2017

**SUBJECT: WESTON FIRE STATION - RESPONSES TO MAYORAL MINUTE**

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**MOTION**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Suvaal  
195  
**RESOLVED**

**That Council note the correspondence received.**

<b>FOR</b>	<b>AGAINST</b>
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	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

*The Meeting Was Declared Closed at 7.05.pm*

**CONFIRMED AND SIGNED** at the meeting held on 3 May 2017

.....**CHAIRPERSON**

.....**GENERAL MANAGER**