

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 21 JUNE 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
 Director Planning and Environment
 Acting Director Corporate and Community Services (Human Resource Manager)
 Director Works and Infrastructure
 Development Services Manager
 Media & Communication Officers
 Economic Development Manager
 Strategic Land Use Planning Manager
 Principal Strategic Land Use Planner
 Senior Strategic Land Use Planner
 Acting Development Services Manager (Team Leader Development Services)
 Integrated Planning & Strategic Property Manager
 Chief Finance Officer
 Management Accountant
 Acting Human Resource Manager (Senior Human Resource Advisor)
 General Managers Executive Assistant
 Director Corporate & Community Services Executive Assistant

APOLOGY: NIL

MINUTES: **MOTION** *Moved:* Councillor Burke
Seconded: Councillor Sander
 260
RESOLVED that the Minutes of the Ordinary Meeting of Council held on 7 June 2017, as circulated, be taken as read and confirmed as a correct record.

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	

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI10/2017

SUBJECT: DISCLOSURES OF INTEREST

RECOMMENDATION

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

WI39/2017 - Minutes of the Dollar for Dollar Committee meeting held 31 May 2017 - Councillor Dagg declared a Non Pecuniary Less than Significant Conflict for the reason that she is a member of one of the recipient organisations. Councillor Dagg advised that she will remain in the Chamber and participate in discussion and voting as the conflict has not influenced her in carrying out his public duty.

CC44/2017 - Hire of Plant and Equipment (T1617-05) – Councillor Dagg declared a Pecuniary Interest for the reason that she is an executive of an organisation which receives sponsorship from one of the recipients. Councillor Dagg advised that she will leave the Chamber and take no part in discussion and voting.

WI39/2017 - Minutes of the Dollar for Dollar Committee meeting held 31 May 2017 - Councillor Gray declared a Non Pecuniary Less than Significant Conflict for the reason that he is a presenter for 2CHR radio. Councillor Gray 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.

WI39/2017 - Minutes of the Dollar for Dollar Committee meeting held 31 May 2017 - Councillor Burke declared a Non Pecuniary Less than Significant Conflict for the reason that his children attends one of the recipients, Cessnock Multi-Purpose Centre. 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.

CC44/2017 - Hire of Plant and Equipment (T1617-05) - Councillor Fitzgibbon declared a Pecuniary Interest for the reason that she has a personal connection with one of the Tenderers. Councillor Fitzgibbon advised that she will leave the Chamber and take no part in discussion and voting.

WI39/2017 - Minutes of the Dollar for Dollar Committee meeting held 31 May 2017 – Mayor Pynsent declared a Non Pecuniary Less than Significant Conflict for the reason that he served on Cessnock City Council with Catherine Parsons who applied for funding through the Abermain Eisteddfod. The Mayor 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 is only a working relationship.

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

NIL

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

NOTICE OF INTENTION NO. NI4/2017

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

PE26/2017 - CODE OF CONDUCT MATTER

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Dagg
261
RESOLVED

1. That Council consider in Confidential Session the following matters in accordance with Section 10A(2)(i) of the Local Government Act 1993:

Report No. PE26/2017 – Code of Conduct Matter as it contains alleged contraventions of any Code of Conduct requirements applicable under Section 440(g).

2. That Council request the Mayor in accordance with Section 253 of the Local Government (General) Regulation 2005 to report on these matters to the meeting in Open Session following completion of the Confidential Session.

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

CARRIED

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU10/2017

SUBJECT: MOTIONS OF URGENCY

NIL

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU10/2017

SUBJECT: CONSIDERATION OF COUNCIL'S ATTENDANCE AT THE 2018 SYDNEY ROYAL EASTER SHOW

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Gray
262
RESOLVED

That Council does not participate in the 2018 Sydney Royal Easter Show.

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. PE27/2017

SUBJECT: BOUNDARY ADJUSTMENT - TWO (2) LOTS INTO TWO (2) LOTS

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

That Council determine Development Application No. 8/2017/116/1, proposing a boundary adjustment - two (2) into two (2) lots, at 2 Anstey Street and 1A George 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.

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

That the report be **DEFERRED** to come back with correct information regarding lot sizes.

FOR	AGAINST
Councillor Olsen	Councillor Dunn
Councillor Doherty	Councillor Stapleford
Councillor Fagg	Councillor Suvaal
	Councillor Fitzgibbon
	Councillor Gray
	Councillor Dagg
	Councillor Burke
	Councillor Sander
	Councillor Lyons
	Councillor Pynsent
Total (3)	Total (10)

The Procedural Motion was **PUT** and **LOST**.

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

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
263
RESOLVED

That Council determine Development Application No. 8/2017/116/1, proposing a boundary adjustment - two (2) into two (2) lots, at 2 Anstey Street and 1A George 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

TERMS OF CONSENT

CONDITIONS OF CONSENT

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2017/116/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Plan Title: Existing Layout – Site Plan File Name: 28776 pSP.dwg Page No: 1 of 2	North Point Surveys (NSW) Pty Ltd	02/03/17
Plan Title: Proposed Subdivision Plan File Name: 28776 PSP.dwg Page No: 2 of 2	North Point Surveys (NSW) Pty Ltd	02/03/17

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

2. CC, PCA & Notice Required

In accordance with the provisions of Section 81A of the *EP&A Act 1979* construction works approved by this consent must not commence until:

- a) A CC has been issued by the consent authority, Council or an accredited certifier; and
- b) A PCA has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*; and
- c) If Council is not the PCA, notify Council no later than two (2) days before building work commences as to who is the appointed PCA; and
- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

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.

3. Inter-allotment Drainage Line

A detailed drainage design shall be prepared for the Inter-allotment Drainage Line to drain proposed Lot:232. The plans must be designed in accordance with Council's 'Engineering Requirements for Development' and be submitted to, and approved by the CA as satisfying this requirement prior to the issue of a CC.

4. Parking – Minimum Requirement

Onsite car parking shall be provided for a minimum of two (2) vehicles and such being set out generally in accordance with Council's Car Parking Code.

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.

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 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. Demolition Proposed

Consent is granted for the demolition of the existing structure labelled 'fibro garage metal roof' on the plan labelled 'existing layout – site plan' prepared by North Point Surveys (NSW) Pty Ltd dated 02/03/2017, currently existing on the Lot 3 Section B DP 6326, subject to strict compliance with the following conditions:

- a) The developer is to notify adjoining residents seven working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
- b) Written notice is to be given to the Council prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number, and licence number of the demolisher.
- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.

- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves, etc). Access to the site must be restricted to authorised persons only, and the site must be secured against unauthorised entry when work is not in progress, or the site is otherwise unoccupied.
- e) Demolition is to be carried out in accordance with the relevant provisions of AS 2601:2001: *Demolition of structures*.
- f) The hours of demolition work are limited to between 7.00am and 5.00pm on Monday to Saturday. No demolition work is to be carried out on Sundays and public holidays.
- g) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of the WorkCover Authority and the Office of Environment and Heritage.
- h) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- i) During demolition, public property (footpaths, roads, reserves, etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition. No materials shall be stockpiled on footpaths or road carriageways.
- j) All vehicles leaving the site with demolition materials must have their loads covered, and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves, etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- k) The burning of any demolished material on site is not permitted, and offenders will be prosecuted.
- l) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense.
- m) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works, and must be maintained at all times.
- n) Prior to demolition, a Work Plan must be prepared in accordance with the relevant provisions of AS 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance, and the disposal methods for hazardous materials.

- o) If the building contains asbestos, an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
 - i) A WorkCover Authority licensed contractor must undertake removal of all asbestos.
 - ii) During the asbestos removal, a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" is to be erected in a visible position on the site to the satisfaction of Council, and AS 2601:2001: *Demolition of structures*.
 - iii) Waste disposal receipts must be provided to Council / CA as proof of correct disposal of asbestos laden waste.
 - iv) All removal of asbestos must comply with the requirements of the WorkCover Authority.

An asbestos clearance certificate prepared by a qualified occupational hygienist must be provided to Council/CA at the completion of the demolition works.

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. Demolition and Construction Hours

Excavation, building, demolition or subdivision work must be restricted to the hours of 7.00am and 5.00pm on Monday to Saturday inclusive. Work is not to be carried out on Sundays and public holidays.

9. Demolition and Construction Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment and Heritage *Noise Guide for Local Government*.

10. 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.

11. 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.

12. Stormwater Runoff

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

13. Demolition

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

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.

14. Inter-allotment Drainage Easement

The applicant shall provide a 1.5m wide inter-allotment drainage easement to drain proposed Lot 232. 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.

15. Access Crossing – Anstey Street

The registered proprietors shall construct and maintain a concrete access crossing from the kerb and gutter in Anstey Street to the property boundary of Lot:231, 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.

16. Car Parking – Completion

Car parking areas shall be completed prior to the issue of an SC.

17. 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.

18. Requirement for a Subdivision Certificate

Prior to the issue of a SC, the applicant shall submit an original plan of subdivision plus six 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 copies
- d) All surveyor’s or engineer’s certification required by the Development Consent.

19. 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 their 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.

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.

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

CARRIED

PLANNING AND ENVIRONMENT NO. PE28/2017

SUBJECT: DRAFT CESSNOCK PLANNING AGREEMENT POLICY

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Dagg
264

RESOLVED

1. That Council note the Background Report on the Review of Planning Agreement Policies and Procedures (Enclosure 1);
2. That Council place the Draft Cessnock Planning Agreement Policy on public exhibition for a minimum period of 28 days (Enclosure 2); and
3. That Council be provided a further report following public exhibition of the draft Cessnock Planning Agreement Policy.

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. PE29/2017

SUBJECT: DRAFT PLANNING AGREEMENT - BATTERY RECYCLING FACILITY

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Dagg
265

RESOLVED

1. That Council publically notify the draft Planning Agreement – Battery Recycling Facility Kurri Kurri for a minimum of 28 days (Enclosure 1).
2. That Council delegate authority to the General Manager to execute the Planning Agreement unless unresolved written objections are received during the exhibition period.

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. PE30/2017

SUBJECT: DRAFT EAST CESSNOCK FLYING-FOX CAMP MANAGEMENT PLAN

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Suvaal
266

RESOLVED

1. That Council place the Draft East Cessnock Flying-fox Camp Management Plan on public exhibition for 28 days.
2. That a report be provided to Council after the public exhibition period to consider any submissions 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

PLANNING AND ENVIRONMENT NO. PE31/2017

SUBJECT: MINUTES OF THE STRATEGIC PROPERTY AND COMMUNITY FACILITIES COMMITTEE HELD 7 JUNE 2017

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Fitzgibbon
267

RESOLVED

1. That the Minutes of the Strategic Property and Community Facilities Committee of 7 June 2017 be adopted as a resolution of the Ordinary Council.
2. That Council adopt the Terms of Reference for the Strategic Property & Community Facilities Committee.
3. That Council endorse the chair determined by the Strategic Property & Community Facilities Committee.
4. That Council note the balance of the Property Investment Fund as at 31 March 2017.
5. That Council notes the background report on the Strategic Property Review.
6. That Council receive and note the information on the progress of the Strategic Property Review.
7. That Council transfer the following properties to the Property Investment Fund and commence the process to reclassify them from community land to operational land:
 - a. Lot 3, DP4927, William St Cessnock (Parcel ID 4115)
 - b. Lot 61, DP263594, Evatt St Pelaw Main (Parcel ID 12393)
 - c. Lot 9, DP259718, Tulloch St East Branxton (Parcel ID 11697)
 - d. Lot 9, DP758576, Cessnock St Kitchener (Parcel ID 14118)
 - e. Lot 10, DP758576, Cessnock St Kitchener (Parcel ID 14117)
 - f. Lot 11, DP758576, Aberdare St Kitchener (Parcel ID 13942)
 - g. Lot 12, DP758576, Aberdare St Kitchener (Parcel ID 13945)
8. That Council transfer the following properties to the Property Investment Fund, commence the process to reclassify them from community land to operational land and investigate the potential to rezone to residential zone R3:
 - a. Lot 18 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 897)
 - b. Lot 17 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 899)
 - c. Lot 16 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 900)
 - d. Lot 15 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 901)
 - e. Lot 14 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 903)
 - f. Lot 13 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 904)
 - g. Lot 12 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 905)
 - h. Lot 11 Sec 46, DP758002, Cessnock St Aberdare (Parcel ID 908)

9. That Council transfer Lot 7, DP5015, Stephen St Cessnock (Parcel ID 2225) to the Property Investment Fund and commence the process to reclassify the site from community land to operational land and rezone in line with surrounding properties.
10. That Council lodge a plan of subdivision for Lot 7, DP1140055 Maitland Street Kurri Kurri (Parcel ID 507711) to separate the land containing the netball courts from the land containing part of the Kurri Kurri Early Childhood Centre.
11. That Council transfer the new lot containing the netball courts to the Property Investment Fund and commence the process to reclassify the site from community land to operational land and investigate rezoning in line with the outcomes of the Kurri Kurri District Masterplan.
12. That Council transfer the following properties to the Property Investment Fund, obtain valuations and authorise the General Manager to negotiate the sale of the property for no less than 95 percent of the valuation obtained:
 - a. Lot 502, DP755215, 2 Quorrobolong Rd Cessnock (Parcel ID 23218)
 - b. Lot 507, DP755215, 10 Quorrobolong Rd Cessnock (Parcel ID 23221)
 - c. Lot 508, DP755215, 12 Quorrobolong Rd Cessnock (Parcel ID 23222)
13. That Council authorise the sale, by private treaty following advertising through local real estate agents, of the following properties:
 - a. Lot 502, DP755215, 2 Quorrobolong Rd Cessnock (Parcel ID 23218)
 - b. Lot 507, DP755215, 10 Quorrobolong Rd Cessnock (Parcel ID 23221)
 - c. Lot 508, DP755215, 12 Quorrobolong Rd Cessnock (Parcel ID 23222)
14. That Council authorise the common seal of Cessnock City Council be affixed to the Transfer of Land between Cessnock City Council and the purchaser/s of the following properties:
 - a. Lot 502, DP755215, 2 Quorrobolong Rd Cessnock (Parcel ID 23218)
 - b. Lot 507, DP755215, 10 Quorrobolong Rd Cessnock (Parcel ID 23221)
 - c. Lot 508, DP755215, 12 Quorrobolong Rd Cessnock (Parcel ID 23222)
15. That Council authorise the Mayor and the General Manager to execute the Transfer of Land between Cessnock City Council and the purchasers of the following properties:
 - a. Lot 502, DP755215, 2 Quorrobolong Rd Cessnock (Parcel ID 23218)
 - b. Lot 507, DP755215, 10 Quorrobolong Rd Cessnock (Parcel ID 23221)
 - c. Lot 508, DP755215, 12 Quorrobolong Rd Cessnock (Parcel ID 23222)

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. PE32/2017

SUBJECT: ADOPTION OF COMMUNITY STRATEGIC PLAN, 2017-21 DELIVERY PROGRAM, RESOURCING STRATEGY AND 2017-18 OPERATIONAL PLAN & BUDGET

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Fitzgibbon
268
RESOLVED

1. That Council adopt the Community Strategic Plan, *Cessnock 2027*, as exhibited.
2. That Council adopt the Resourcing Strategy as exhibited.
3. That Council adopt the 2017-21 Delivery Program, as exhibited with the following amendments:

Deliverables

- Change deliverable 3.3.3 to Continue implementation of the priority projects from the Waste Management Strategy 2014-19 and the EPA Waste Less Recycle More program.
- Amend deliverable 3.3.4 to Update the Waste Management Strategy for the period 2020-24.
- Add deliverable 3.3.5 Continue to implement programs that target litter and illegal dumping.

Measures

- Replace the measure of Library Utilisation with a measure of Library Programs with a target for programs and attendees of greater than the NSW median.
 - Change the target for Environmental Health & Protection Inspections to greater than 80%.
4. That Council adopt the 2017-18 Operational Plan, as exhibited, with the amendments outlined in this report, including:

Actions

- Add action 3.3.1.a Construct and commission the Waste Transfer Facility including a Community Recycling Centre.

Interest on Overdue Rates

- Change the maximum rate of interest payable on overdue rates and charges to 7.5 percent.

Ad Valorem Amount (Cents in the \$)

- Change the ad valorem amount (cents in the \$) for Ordinary Residential Rates to 0.463289.

Setting of Levy for Hunter Catchment Contribution

- Change the levy for the Hunter Catchment Contribution to 0.0110 cents in the dollar on the current land value of the land within the Council area for 2017-18.

Fire & Emergency Services Levy

- Remove the section regarding the Fire & Emergency Services Levy.
5. That Council set the Fees and Charges for 2017-18 as detailed in the Draft Operational Plan with the amendments outlined in this report including:
- Change the fee for Section 603 Certificates to \$80
 - Change the fee for Urgency Processing of Section 603 Certificates to \$90
 - Remove the fee for Fire and Emergency Services Levy application for classification review.
 - Remove the fee for Cessnock Waste Management Centre Processed Concrete and Brick materials
 - Change the fee for Domestic/Household Generated Garden Organics to \$140 per tonne
 - Change the minimum fee for Commercial/Business Generated Garden Organics (Trucks) to \$0.
 - Change the minimum fee for Tree Waste Non-Processable (Large Trunks and Stumps etc). to \$0
 - Remove the fee for Commercial/Business Generated Tree Waste – Box Trailers.
 - Remove the fee for Commercial/Business Generated Tree Waste – Trucks.
 - Change the fee for Special Wastes (By Prior Arrangement Only) to \$405 per tonne and change the minimum fee to \$0.
 - Add a fee for Recyclables – Cardboard of \$140 per tonne.
 - Add a fee for Recyclables - Co-mingled Recyclables of \$140 tonne.
 - Add a fee for Recyclables – E-waste (commercial) of \$140 per tonne.
 - Change the fee for Processable Waste – Domestic clean uncontaminated hard waste to \$140 per tonne and change the minimum fee to \$0.
 - Add a fee for Processable Waste – Commercial clean uncontaminated hard waste of \$170 per tonne and a minimum fee of \$0.
 - Add a fee for Processable Waste – Contaminated hard waste of \$350 per tonne and a minimum fee of \$0.
 - Change the fee for Processable Waste – Cycle Tyres to \$7 per tyre and change the minimum fee to \$0.
 - Change the fee for Processable Waste – Vehicle Tyres to \$20 per tyre and change the minimum fee to \$0.
 - Change the fee for Processable Waste – Wheels (fitted) to \$30 per wheel and change the minimum fee to \$0.
 - Change the fee for Processable Waste – Truck Tyres (up to 1.2m diameter) to \$45 per tyre and change the minimum fee to \$0.
 - Change the fee for Processable Waste – Tractor Tyres (up to 1.2m diameter) to \$50 per tyre and change the minimum fee to \$0.
 - Change the fee for Processable Waste – Shredded Tyres to \$350 per tonne and change the minimum fee to \$0.

6. That the General Manager report back to Council on or before 18 October 2017, a suite of options for Council to consider on raising the funding ratio for Works and Infrastructure as a percentage resembling that optimum level referred to in the April 12 Roads briefing report, which was in the order of a \$10M per annum spend on roads.
7. That a road prioritisation list be included in the report.

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. CC39/2017

SUBJECT: AUTHORISATION OF EXPENDITURE 2017-18

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Dagg
269

RESOLVED

That Council approve the expenditure for the year commencing 1 July 2017 as detailed in the 2017-18 Operational Plan and that funds be voted to meet expenditure in accordance with Clause 211 of the Local Government (General) Regulation 2005.

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. CC40/2017

SUBJECT: MAKING THE RATE 2017-18

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
270
RESOLVED

That Council make the following rates and charges for the year commencing 1 July 2017 to 30 June 2018:

1. Ordinary Rates

The following Ordinary Rates now be made for the year commencing 1 July 2017.

Category	Sub Category	Ad-valorem Amount Cents in \$	Base Amount \$	Base % of Total Rate
Residential		0.463289	430.00	38.54%
Residential	Rural	0.442012	430.00	22.83%
Farmland		0.375040	430.00	17.04%
Farmland	Mixed Use	0.914965	535.00	7.61%
Farmland	Low Intensity	0.442034	430.00	32.51%
Farmland	Business Rural	0.914965	535.00	9.25%
Business		1.848091	535.00	15.11%
Mining		4.470583	1,500.00	0.73%

2. Waste Charges

Council do hereby prescribe and order under Section 496 of the Local Government Act 1993 for rateable land categorised for rating purposes as residential or farmland and situated within the area in which a Domestic Waste Management Service is able to be provided, that the following waste charges be now made for the year commencing 1 July 2017.

Domestic Waste Management Service Charge

Domestic Waste Management Availability Charge ¹	\$67.00
Domestic Waste Management Service Charge ²	\$540.00
Additional Domestic Waste Management Service Charge ³	\$540.00
Additional Domestic Waste Management Service Charge – Recycling	\$55.00
Additional Domestic Waste Management Service Charge – Organics	\$74.00

1. Charge applies to vacant rateable land situated within the area in which a Domestic Waste Management Service is able to be provided
2. Each premise is entitled to one approved mobile waste bin mixed waste service per week and one fortnightly collection of recyclable material for each Domestic Waste Management Service Charge, and one fortnightly collection of organic material for each Domestic Waste Management Service Charge.
3. Each premise is entitled to one approved mobile waste bin mixed waste service per week for each Additional Domestic Waste Management Service Charge.

Council do hereby prescribe and order under Section 501 of the Local Government Act 1993, for land not categorised for rating purposes as residential or farmland and situated within the area in which a Waste Management Service is able to be provided, that the following waste charges be now made for the year commencing 1 July 2017.

Waste Management Service Charge

Waste Management Service Charge (GST inclusive) ¹	\$733.00
Additional Waste Management Service Charge (GST inclusive) ²	\$733.00
Additional Waste Management Service Charge - Recycling	\$55.00
Additional Waste Management Service Charge - Organics	\$74.00

1. Each premise is entitled to one approved mobile waste bin mixed waste service per week and one fortnightly collection of recyclable material for each Waste Management Service Charge. Additionally, each premise is entitled to one fortnightly collection of organic material for each Waste Management Service Charge upon request and justification of needs.
2. Each premise is entitled to one approved mobile waste bin mixed waste service per week for each Additional Waste Management Service Charge.

3. Stormwater Management Services Charges

Council do hereby prescribe and order under Section 496A of the Local Government Act 1993, for land situated within the designated stormwater area, that the following stormwater charges be now made for the year commencing 1 July 2017.

Stormwater Management Service Charge

Stormwater Management Service Charge - Residential	\$25.00
Stormwater Management Service Charge - Residential Strata	\$12.50
Stormwater Management Service Charge - Business	\$25.00 per 350m ² (or part thereof) to a maximum of \$500

4. Interest on Overdue rates and Charges

Council do hereby determine and order, in accordance with Section 566 of the Local Government Act 1993, that if rates and charges are unpaid at the due date, the amount shall be increased by a sum calculated at seven and one half per cent (7½ percent) per annum, simple interest, calculated daily for the year commencing 1 July 2017.

5. Hunter Local Land Services

Council, in accordance with Clauses 36 and 40, Part 4, of the Local Land Services Regulation 2014, prescribes that the rate for the year commencing 1 July 2017 shall be the rate gazetted by the Minister for the Hunter Catchment Contribution for the period 1 July 2017 to 30 June 2018 inclusive being 0.0110c per \$ of rateable land value.

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. CC41/2017

SUBJECT: RATES POLICY SUITE

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Stapleford
271

RESOLVED

1. **That Council considers the amended draft policies:**
 - R5.1 – Granting of Councils’ Rebate Contribution on Pensioner Rates Policy
 - R5.2 – Rates Subsidy to Community Organisation Policy
2. **That Council considers and rescinds the policy:**
 - R5.3 – Waiver of Interest on Rates Policy
3. **That Council places the draft new policies on public exhibition for a period of 28 days. That Council adopts the policies at the conclusion of the exhibition period if no submissions are received:**
 - R5.4 – Debt Collection (Rates, Annual Charges and Sundry Debt) Policy
 - R5.5 – Hardship Policy

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. CC42/2017

SUBJECT: INVESTMENT REPORT - MAY 2017

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Stapleford
272

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. CC43/2017

SUBJECT: REGIONAL PROCUREMENT TENDER FOR THE SUPPLY AND DELIVERY OF HARDWARE (REGPRO031718)

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Fitzgibbon
273
RESOLVED

1. That Council accepts the Regional Procurement tender for the Supply and Delivery of Hardware (REGPRO031718).
2. That J Blackwood and Son Pty Ltd be accepted as the single source supplier to Cessnock City Council under Regional Procurement tender for the Supply and Delivery of Hardware (REGPRO031718) for the period 1 July 2017 to 31 December 2019.
3. That Council review the spending with Blackwood's against other suppliers to determine the appropriateness of the price.

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. CC44/2017

SUBJECT: HIRE OF PLANT AND EQUIPMENT (T1617-05)

Councillor Dagg declare a Pecuniary Interest for the reason that she is an executive of an organisation which receives sponsorship from one of the recipients. Councillor Dagg left the Chamber and took no part in discussion and voting.

Councillor Fitzgibbon declared a Pecuniary Interest for the reason that she has a personal connection with one of the Tenderers. Councillor Fitzgibbon left the Chamber and took no part in discussion and voting.

Councillors Dagg and Fitzgibbon left the Chamber, the time being 7.04pm.

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Suvaal
274

RESOLVED

1. That Council accept the tenders from the following listed Tenderers to a standing offer contract panel for the Hire of Plant and Equipment (T1617-05) from 1 July 2017 to 30 June 2019:

A Plus Contracting Pty Ltd	Ian Rich Asphalt Pty Ltd
Australian Civil & Environmental Services Pty Ltd	J & L Plant Hire Pty Ltd
Base Course Management NSW Pty Ltd	Keegan Civil Pty Ltd
Coates Hire Limited	Kennards Hire Pty Ltd
Conplant Pty Ltd	Lovetts Cessnock Earthmoving
D & S Lock	Mr Diggitt Pty Ltd
Dannenberg Earthmoving Pty Ltd	Newpro Pty Limited
Daracon Contractors Pty Ltd	Rollers Queensland
Double S Industries Pty Ltd	Sharpe Bros (Aust) P/L
Downer EDI Works Pty Ltd	Sherrin Rentals Pty Ltd
Fenech Group Pty Ltd	Specialised Pavement Services Pty Ltd
Fenworx Pty Ltd Trading as Newpave	Stabilcorp Pty Ltd
Goldsprings Equipment Hire Pty Ltd	Stabilised Pavements of Australia Pty Ltd
Hartcher's Water Haulage	Woodbury Civil Pty Ltd

2. That a review be undertaken on how the tenders are carried out.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

Councillors Dagg and Fitzgibbon returned to the meeting, the time being 7.06pm.

CORPORATE AND COMMUNITY NO. CC45/2017

**SUBJECT: T1516-12 WORK HEALTH AND SAFETY MANAGEMENT SYSTEM
TENDER EVALUATION**

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Gray
275
RESOLVED

That Council accept the Tender from DoneSafe Pty Ltd in the amount of \$47,564 (GST inclusive) for the implementation of the WHS system plus a software usage charge of \$165,000 (GST inclusive) over five years for a combined total of \$212,564 (GST inclusive).

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. CC46/2017

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
276

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. WI34/2017

SUBJECT: CEMETERY MOWING & TRIMMING TENDER T1617-04

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
277

RESOLVED

That Council accept the Tender from Caloola Vocational Services Inc. in the lump sum amount of \$302,160 (incl. GST) for Cemetery Mowing and Trimming for the period of 1 July 2017 to 30 June 2020.

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. WI35/2017

SUBJECT: HYDRO ALUMINIUM KURRI KURRI PTY LTD PROPOSED ROAD CLOSURES

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
278

RESOLVED

1. That Council resolve to make an application to NSW Department of Industry - Lands to close those parts of Bishops Bridge Road, McGarva Avenue, Horton Road and Dickson Road (hereafter referred to as Proposed Closed Roads) as indicated in the Property Location Plan in accordance with the provisions of the Roads Act 1993;
2. That Council comply with the provisions of Section 35 of the Roads Act 1993 and the Memorandum of Understanding entered into with the Department of Lands, now the NSW Department of Industry - Lands, with respect to notifications and advertising in the local newspaper;
3. That provided no unresolved submissions are received following notifications and advertising, Council proceed under the provisions of Section 37 of the Roads Act 1993 to advise NSW Department of Industry - Lands to place a notice in the Government Gazette to close the Proposed Closed Roads;
4. That Council authorise the Common Seal of Cessnock City Council to be affixed to the Plan of Road Closure if required;
5. That Council authorise the Mayor and the General Manager to execute the Plan of Road Closure for the Proposed Closed Roads if required;
6. That following successful Gazettal of the closed roads and the land vesting in Council, Council grant to the General Manager delegated authority to negotiate the sale (based on an independent valuation) by private treaty with the adjoining landowner.

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. WI36/2017

SUBJECT: REFORMING OF THE FLOODPLAIN MANAGEMENT COMMITTEE

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Gray
279

RESOLVED

1. That Council appoint representatives from stakeholder agencies being:-
 - Office of Environment & Heritage (one representative)
 - State Emergency Services (two representatives)

2. That Council appoint community representation on the Floodplain Management Committee being:-
 - Craig Schultz - Cessnock
 - Adam Davies – Kurri Kurri

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. WI37/2017

SUBJECT: EASEMENT FOR DRAINAGE OF WATER WITHIN 11 RIDLEY STREET, ABERMAIN

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
280
RESOLVED

1. That Council acquire an easement for the drainage of water being 3m wide on the northern boundary of Lot 313 DP 720687 being 11 Ridley Street, Abermain.
2. That Council authorise the General Manager to negotiate the terms of the easement and prepare the necessary documents for registration at Land and Property Information (LPI).
3. That Council authorise the Common Seal of Cessnock City Council to be affixed to the documents relating to the granting of the easement over Lot 313 DP 720687.
4. That Council authorise the Mayor and/or General Manager to execute the documents relating to the granting of the easement over Lot 313 DP 720687.

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. WI38/2017

**SUBJECT: MINUTES OF LOCAL TRAFFIC COMMITTEE
HELD 29 MAY 2017**

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

That the recommendations of the Local Traffic Committee Meeting of 29 May 2017 be adopted as a resolution of the Ordinary Council being:

1. TC9/2017 - That a pedestrian refuge be installed on Keene Street, Cessnock adjacent to the existing pedestrian laneway as follows:
 - pedestrian island,
 - kerb extensions with kerb ramps,
 - NO STOPPING signage for 7.5m on both approaches, and
 - BB centre line marking for 10m on both approach.

2. TC10/2017 - That traffic facilities be installed on Goulburn Street, Abermain as follows:
 - Children's Crossing and standard signage to replace the existing pedestrian refuge,
 - NO STOPPING signage either side of existing vehicular access crossing, and
 - Line marking of spaces in existing 45° REAR TO KERB parking zone.

3. TC11/2017 - That a GIVE WAY sign be installed on Pokolbin Mountains Road, Pokolbin, 2.1km from Oakey Creek Road, as follows:
 - One R1-2 GIVE WAY sign facing north bound vehicles.

4. TC12/2017 - That GIVE WAY controls be installed at the intersection of Connel Drive and Glen Close with Traders Way, Heddon Greta, as follows:
 - Two R1-2 GIVE WAY signs and supplementary pavement marking, and
 - BB centre line for 10m on each approach to Traders Way.

5. That a load limit be applied on Westcott Street, Cessnock as follows:
 - BRIDGE LOAD LIMIT 12t signs either side of the bridge,
 - BRIDGE LOAD LIMIT AHEAD signs on both approaches, and
 - Heavy Vehicle Detour signs at the intersections of:
 - Wollombi Road and Westcott Street,
 - McGrane Street and Leonard Street, and
 - Wollombi Road and Mount View Road.

AMENDMENT Moved: Councillor Stapleford **Seconded:** Councillor Dunn

That Points 2 to 5 be adopted and Point 1 (TC9/2017) be referred back to the Traffic Committee.

FOR	AGAINST
Councillor Olsen	Councillor Suvaal
Councillor Doherty	Councillor Fitzgibbon
Councillor Dunn	Councillor Burke
Councillor Fagg	Councillor Sander
Councillor Stapleford	Councillor Lyons
Councillor Gray	Councillor Pynsent
Councillor Dagg	
Total (7)	Total (6)

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

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

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Dunn
281
RESOLVED

That Points 2 to 5 be adopted and Point 1 (TC9/2017) be referred back to the Traffic Committee for review.

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

CARRIED

WORKS AND INFRASTRUCTURE NO. WI39/2017

SUBJECT: MINUTES OF THE DOLLAR FOR DOLLAR COMMITTEE MEETING HELD 31 MAY 2017

Councillor Dagg declared a Non Pecuniary Less than Significant Conflict for the reason that she is a member of one of the recipient organisations. Councillor Dagg remained in the Chamber and participated in discussion and voting.

Councillor Gray declared a Non Pecuniary Less than Significant Conflict for the reason that he is a presenter for 2CHR radio. Councillor Gray 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 attends one of the recipients, Cessnock Multi-Purpose Centre. Councillor Burke remained in the Chamber and participated in discussion and voting.

Mayor Pynsent declared a Non Pecuniary Less than Significant Conflict for the reason that he served on Cessnock City Council with Catherine Parsons who applied for funding through the Abermain Eisteddfod. The Mayor remained in the Chamber and participated in discussion and voting.

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Dagg
282

RESOLVED

- 1. That Council adopt the Minutes of the Dollar for Dollar Committee held on 31 May 2017.**
- 2. That Council fund all eligible projects, as per the 'Funding Payable' column listed in the below table.**
- 3. The Committee at its next meeting consider the Community Cultural Grant Scheme and its position on awarding funds as part of future grant rounds to organisations for the purpose of prizes and/or awards.**
- 4. The Community Cultural Grant Scheme Guidelines be reviewed and discussed at the next Dollar for Dollar Committee Meeting with Draft Guidelines to be presented that includes the eligibility of community development projects.**

APPLICANT	PROJECT DESCRIPTION	FUNDING PAYABLE
Abermain Eisteddfod Society	Contribution for trophies and cash prizes for the 100th Abermain Eisteddfod	\$2,370
Central Hunter Community Broadcaster Association 2CHR	Purchase of 4 microphone stands and 3 first aid kits	\$379.50

Cessnock Community and Youth Development	Greta/Branxton/Huntlee community Halloween themed disco to be held at the Branxton Community Hall – project delivery costs including advertising, entertainment and hall hire	\$1,950
Cessnock Multipurpose Children's Centre LTD	Budding Artists – excursions to the Cessnock Regional Art Gallery to participate in art classes to engage children in a variety of art forms	\$2,355.80
Cessnock Regional Art Gallery (CRAG)	CRAG Spring Art Fair, Cessnock Local Government Area Art Prize – prize money for artists	\$2,000
Cessnock Woodturners Inc	Replacement of band saw and includes dust collecting system	\$1,245
Coalfields Heritage Group	Research of Hunter Valley local history with research information to be provided to Cessnock City Library and Sir Edgeworth David Museum to support their collection	\$1,500
Korreil Wonnai Aboriginal Education Consultative Group	Kullaburra Awards Ceremony – sponsorship of 4 youth scholarships	\$1,500
Marthaville Arts and Culture Centre	Promotional sign advertising the Marthaville Arts and Culture Centre	\$559.50
Richmond Vale Railway Museum	Ride on mower and fuel costs	\$2,249
Sculpture in the Vineyards Inc	Sculpture in the Vineyards 2017 – contribution towards marketing, curator and project delivery costs	\$3,000
Towns with Heart	Prize money for artists (Major Award and Regional Award) - 2017 Town of Murals Art Show	\$2,370
Wine Country Music Association	Purchase of 2 x 6m x 3m gazebos plus accessories to enable shelter when performing	\$770.90
Wollombi Valley Arts Council Inc	12 th Emerging Artists Award 2017 – art award prize money	\$2,000
Wollombi Valley Progress Association	9 th Annual Wollombi Lantern Parade – purchase of lantern kits	\$2,150
	TOTAL	\$26,399.70

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. WI40/2017

SUBJECT: NOTES OF THE INQUORATE FLOODPLAIN MANAGEMENT COMMITTEE MEETING HELD ON 26 MAY 2017

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Dagg
283
RESOLVED

1. That Council notes the topics discussed at the Inquorate Floodplain Management Committee held on 26 May 2017.
2. That the feedback provided by the Inquorate Floodplain Management Committee on the Draft Flood Risk Management Policy (Enclosure 1) and Draft Cessnock Development Control Plan Chapter 9 - Development on Flood Prone Land (Enclosure 2) be reviewed and considered for inclusion in the draft documents prior to exhibition.
3. That the Draft Cessnock Flood Risk Management Policy, and Draft Chapter 9 of the Cessnock Development Control Plan 2011 - Development on Flood Prone Land be endorsed by Council for public exhibition (28 days).
4. That a further report be provided to the Floodplain Management Committee outlining the outcomes of the public exhibition, including any submissions received and changes required to the draft documents.
5. That Council adopt the Voluntary House Raising Policy.
6. That Council acknowledge the contribution that Mr Noel Mitchell has made during his tenure on the Committee since 2005.

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

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN28/2017

SUBJECT: LODGEMENT OF DEVELOPMENT APPLICATIONS

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Burke
284

RESOLVED

1. That the General Manager evaluates the effectiveness of the lodgement of development applications through customer service.
2. That a report is received by Council outlining the benefits or otherwise of development applications being specifically lodged through a planner at Customer Service.

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. AQ76/2017

SUBJECT: KERB AND GUTTER STRATEGY

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ77/2017

SUBJECT: GINGERS LANE SPEED LIMIT

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ78/2017

SUBJECT: NORTH ROTHBURY SEWER CONNECTION

The answer was noted.

QUESTIONS FOR NEXT MEETING

Councillor Ian Olsen

MOUNT VIEW ROAD - ROAD WORKS

Councillor Olsen asked how much money has been spent repairing Mount View Road since it was resealed.

Councillor Ian Olsen

RESTRUCTURE

Councillor Olsen asked for a copy of Council's previous structure of staff as well as the new structure of Staff. Also, how many staff positions have been lost, how many staff positions have been reduced in wages and how many staff would have increased their wages.

Councillor Anthony Burke

REAL ESTATE SIGNAGE

Councillor Burke believes the limit of licenced signage is 1 square metre and asked what action is Council taking regarding recent installations of large bill boards by Real Estate Agents from outside the Local Government Area, when local agents are complying with the policy.

CORRESPONDENCE

CORRESPONDENCE NO. CO15/2017

SUBJECT: NEW LOWER HUNTER HOSPITAL -
CORRESPONDENCE FROM CLAYTON BARR'S OFFICE

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Stapleford
285

RESOLVED:

That Council note the correspondence received.

FOR	AGAINST
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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

CORRESPONDENCE NO. CO16/2017

SUBJECT: NEWCASTLE CITY COUNCIL REQUEST FOR CONSIDERATION OF PROHIBITION OF PERFORMING EXOTIC ANIMALS IN CIRCUSES

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Dagg
286
RESOLVED

That Council receive and note the correspondence received from Newcastle City Council.

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 Gray –

Hydro Community Consultative Committee

Councillor Gray advised of his attendance at the Hydro Community Consultative Committee meeting last Thursday and that the plans for the new Containment Cell were extensively discussed and displayed. Councillor Gray advised that it was very state of the art and also that when it is publicly exhibited it should allay the public's fears

Mayor Pynsent

ALGA Conference

Mayor Pynsent attended the ALGA Conference and advised that the motion put forward by our Council in regard to Infrastructure spending to Local Government was endorsed and while interest rates are low throughout Australia it is the optimum time for Governments to be assisting Councils with infrastructure.

There were one hundred motions put forward; the interesting one to him was the very close vote on examining the date of Australia Day - recommendation to the Australian Government to examine if 26 January is the appropriate date.

Mayor Pynsent advised that he voted against the motion regarding the concept of Councils using funds from banks who invest in fossil fuel related entities which was unsuccessful 72-76.

Sister City arrangements and the formalisation of conditions or procedures for the Sister City process throughout Australia. There are agents for Sister City arrangements who are being financially rewarded on success.

There was a motion regarding the use of helium in balloons and celebrations which was to ban the release of helium balloons in public places right across Australia which was not successful but other Councils have banned them which is quite interesting.

The Mayor advised that overall it was a very interesting conference with speakers enlightening the General Manager and himself in regard to Smart Cities and they would both be recommending to the Council that in looking at Council's Kurri Kurri and Cessnock CBD Strategies, Council needs to take on board some of the Smart City concepts and whether they be censored waste receptacles, that there is alert given out when it is full to be emptied and the modern day lighting.

BMW were a sponsor and spoke on electric cars and the stages to get cars without necessarily a complete driver. BMW put between four and five billion dollars into research and development each year.

7.31PM

Confidential reports (closed session)

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Lyons
287

RESOLVED

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

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

8.03PM

Open Session

That the meeting move back into open session and the General Manager reported on the outcome of the Confidential Session.

PLANNING AND ENVIRONMENT NO. PE26/2017

SUBJECT: CONFIDENTIAL - CODE OF CONDUCT MATTER

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

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Lyons
288
RESOLVED

That Council, in consideration of the nature of the conduct, together with all relevant circumstances including the risk of further transgression, take the following actions in accordance with Clause 8.35 of the Procedures for the Administration of the Model Code of Conduct:

1. That Councillor Olsen attend mandatory training in the Code of Conduct and Code of Meeting Practice. Such training should also include education of acceptable standards of behaviour, and that which may be considered misconduct, or otherwise unacceptable. (s8.35(b))
2. That Councillor Olsen be counselled in relation to his behaviour, with the purpose of unambiguously advising him of the unacceptable nature of same and potential consequences for further transgression; realigning expectations of behaviours; and determining future terms of engagement. (s8.35(c))
3. That Council take no action in relation to Recommendation 3 of the Investigation report prepared by Pinnacle Integrity for Cessnock City Council dated 31 May 2017 as it could affect Part 9 of the Procedures for the Administration of the Model Code of Conduct and would serve no useful purpose and risk adverse impact on Council's reputation in a public forum.
4. That Councillor Olsen be formally censured for the breach under section 440G of the Local Government Act 1993 (8.35 (g)) on the grounds that the Code of Conduct has been breached as detailed in the investigation report prepared by Pinnacle Integrity for Cessnock City Council dated 31 May 2017.

FOR	AGAINST
Councillor Stapleford	Councillor Doherty
Councillor Fitzgibbon	Councillor Dunn
Councillor Gray	Councillor Fagg
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Total (7)	Total (3)

CARRIED

The Meeting Was Declared Closed at 8.04pm

CONFIRMED AND SIGNED at the meeting held on 5 July 2017

.....**CHAIRPERSON**

.....**GENERAL MANAGER**