

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 2 AUGUST 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  
Director Corporate and Community Services  
Director Works and Infrastructure  
Strategic Land Use Planning Manager  
Acting Business Support and Customer Relations Manager  
Media & Communication Officer  
Corporate Governance Officer  
Relief Executive Assistant

**MINUTES:** **MOTION** **Moved:** Councillor Burke  
**Seconded:** Councillor Sander  
323  
**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 19 July 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>
<b>CARRIED UNANIMOUSLY</b>	

# **DISCLOSURES OF INTEREST**

## **DISCLOSURES OF INTEREST NO. DI13/2017**

**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.**

**WI55/2017 - 2017 Kurri Kurri Community Festival Sponsorship** - Councillor Doherty declared a Non Pecuniary Interest – Significant Conflict for the reason that he is a member of the Kurri Kurri District Business Chamber and sits on the Festival Committee. Councillor Doherty advised that he would leave the Chamber and take no part in discussion and voting.

**WI55/2017 - 2017 Kurri Kurri Community Festival Sponsorship** - Councillor Burke declared a Non Pecuniary Less Than Significant conflict for the reason that he is a member of the Kurri Rotary Club who are participating in the event. Councillor Burke 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 will not affect his way of voting.

**WI55/2017 - 2017 Kurri Kurri Community Festival Sponsorship** – The Mayor declared a Non Pecuniary Less Than Significant conflict for the reason that he is a member of the Kurri Rotary who are participating in the event. The Mayor 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 does not affect his decision making.

**PETITIONS**

**NIL**

**ADDRESS BY INVITED SPEAKERS**

**NIL**

# MOTIONS OF URGENCY

## MOTIONS OF URGENCY NO. MOU13/2017

**SUBJECT: MOTIONS OF URGENCY**

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### RECOMMENDATION

**That Councillors now indicate if there are any matters of urgency which they believe should be conducted at this meeting of Council.**

Councillor Burke

1. That Council call on the community to support and engage in missing persons week. To familiarise themselves with those missing in our local area and report information to crime stoppers.
2. That the Council prepare a media release to the community on missing persons week focusing on local missing person Dylan Dickie and any other local missing person in this area.

*The Mayor put the Urgency Motion to the vote.*

<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>

*The Mayor ruled the Motion as Urgent and will be dealt with at the conclusion of all other business.*

**CARRIED**

# PLANNING AND ENVIRONMENT

## PLANNING AND ENVIRONMENT NO. PE41/2017

**SUBJECT: REVISED POLICY - COMPLIANCE AND ENFORCEMENT POLICY**

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**MOTION**      **Moved:** Councillor Dagg      **Seconded:** Councillor Burke  
324

**RESOLVED**

1. That Council place the revised Compliance and Enforcement Policy on public exhibition for 28 days.
2. That following the public exhibition period, Council receive a further report addressing any public submissions and subsequent amendments to the revised policy for its consideration and adoption.
3. That a Councillor briefing be held before a further report comes back to Council.
4. That the revised Compliance and Enforcement Policy be amended to include that a warning be given in the first instance for minor parking infringements near residential areas
5. That the revised Compliance and Enforcement Policy be amended to include that high visibility enforcement take place in school zones with a warning being given in the first instance.

<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**

**PLANNING AND ENVIRONMENT NO. PE42/2017**

**SUBJECT: LODGEMENT OF DEVELOPMENT APPLICATIONS**

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**MOTION**      **Moved:** Councillor Dagg      **Seconded:** Councillor Burke  
325

**RESOLVED**

**That Council receives and notes the report.**

<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**

**PLANNING AND ENVIRONMENT NO. PE43/2017**

**SUBJECT: HUNTLEE PLANNING AGREEMENT - DEED OF VARIATION**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Dagg  
326

**RESOLVED**

1. That Council publicly notify the Draft Deed of Variation to the Planning Agreement for Huntlee Stage 1 for a minimum period of 28 days.
2. That Council delegate authority to the General Manager to execute the Deed of Variation unless unresolved written objections are received during the notification period.

<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. WI55/2017

**SUBJECT: 2017 KURRI KURRI COMMUNITY FESTIVAL SPONSORSHIP**

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*Councillor Burke declared a Non Pecuniary Less Than Significant conflict for the reason that he is a member of the Kurri Rotary Club who are participating in the event. Councillor Burke remained in the Chamber and participated in discussion and voting.*

*The Mayor declared a Non Pecuniary Less Than Significant conflict for the reason that he is a member of the Kurri Rotary who are participating in the event. The Mayor remained in the Chamber and participated in discussion and voting.*

*Councillor Doherty declared a Non Pecuniary Interest – Significant Conflict for the reason that he is a member of the Kurri Kurri District business Chamber and sits on the Festival Committee. Councillor Doherty left the Chamber and took no part in discussion and voting.*

*Councillor Doherty left the meeting, the time being 6.47pm*

**MOTION**            **Moved:** Councillor Suvaal            **Seconded:** Councillor Burke  
327

**RESOLVED**

1. **That Council supports the ‘Kurri Kurri Community Festival’ on 21 October 2017 by providing the following in-kind support:**
  - **Waiving of fees for the use of Rotary Park**
  - **Assistance with waste services and cleaning of toilets.**
2. **That a full acquittal be presented to Council including expenditure and crowd numbers.**

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

**CARRIED UNANIMOUSLY**

*Councillor Doherty returned to the meeting, the time being 6.49pm*



**WORKS AND INFRASTRUCTURE NO. WI56/2017**

**SUBJECT: RESTART NSW RESOURCES FOR REGIONS PROGRAM - EXPRESSIONS OF INTEREST**

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**MOTION**      **Moved:** Councillor Dagg      **Seconded:** Councillor Gray

That Council endorses the submission of five (5) EOI applications under the Restart NSW - Resource for Regions program for the following projects:

1. Branxton to Greta Cycleway
2. Cessnock to Kurri Kurri – HEX Cycleway
3. Bridges Hill, Convent Hill and East End Oval Upgrade
4. Cessnock Airport Upgrade
5. Cessnock CBD Revitalisation (Stage 2)

**AMENDMENT**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Olsen

That Council endorses the submission of five (5) EOI applications under the Restart NSW - Resource for Regions program for the following prioritised projects:

1. Cessnock Airport Upgrade
2. Cessnock CBD Revitalisation (Stage 2)
3. Abbotsford Street Bridge
4. Branxton to Greta Cycleway
5. Cessnock to Kurri Kurri – HEX Cycleway

**FOR**

Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Stapleford

**Total (4)**

**AGAINST**

Councillor Olsen  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent

**Total (9)**

The Amendment was **PUT** and **LOST**.

**AMENDMENT Moved:** Councillor Olsen **Seconded:** Councillor Dunn

That Council endorses the submission of five (5) EOI applications under the Restart NSW - Resource for Regions program for the following prioritised projects:

1. Cessnock Airport Upgrade
2. Cessnock CBD Revitalisation (Stage 2)
3. Abbotsford Street Bridge
4. Bridges Hill, Convent Hill and East End Oval Upgrade
5. Cessnock to Kurri Kurri – HEX Cycleway

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

The Amendment was **PUT** and **LOST**.

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

That Council endorses the submission of six (6) EOI applications under the Restart NSW - Resource for Regions program for the following prioritised projects:

1. Cessnock Airport Upgrade
2. Branxton to Greta Cycleway
3. Cessnock to Kurri Kurri – HEX Cycleway
4. Bridges Hill, Convent Hill and East End Oval Upgrade
5. Cessnock CBD Revitalisation (Stage 2)
6. Abbotsford Street Bridge

<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>

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  
328  
**RESOLVED**

That Council endorses the submission of six (6) EOI applications under the Restart NSW - Resource for Regions program for the following prioritised projects:

- 1.    **Cessnock Airport Upgrade**
- 2.    **Branxton to Greta Cycleway**
- 3.    **Cessnock to Kurri Kurri – HEX Cycleway**
- 4.    **Bridges Hill, Convent Hill and East End Oval Upgrade**
- 5.    **Cessnock CBD Revitalisation (Stage 2)**
- 6.    **Abbotsford Street Bridge**

*Councillor Dagg left the meeting, the time being 7.09pm*

*Councillor Dagg returned to the meeting, the time being 7.10pm*

<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. BN34/2017**

**SUBJECT: REGULATION OF NUMBER OF DOGS AND CATS ON RESIDENTIAL PROPERTIES**

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**MOTION**            **Moved:** Councillor Burke            **Seconded:** Councillor Suvaal  
329  
**RESOLVED**

1. That the General Manager report to Council on strategies to regulate the number of dogs and cats kept in a residential block.
2. That the report examines methods other Councils adopt to regulate dogs and cats under the Companion Animals Act 1998 and other relevant legislation.

<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. BN35/2017**

**SUBJECT: NSW GOVERNMENT FUNDING FOR TOURIST ROUTE 33 - WOLLOMBI ROAD - WOLLOMBI TO BELLBIRD**

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

330

**RESOLVED**

1. That the General Manager write to the NSW Minister Roads, Maritime and Freight, the NSW Parliamentary Secretary for the Hunter and Central Coast, the State Member for Cessnock and Taylor Martin MLC seeking funding assistance to repair and upgrade Tourist Route 33, particularly between Wollombi and Bellbird.
2. That the General Manager ensures that all available grants are applied for.
3. Council seek further assistance from the various associations surrounding our complete LGA, for example the Chambers of Commerce, the Motoring Association, the various State Emergency Services and other Members of Parliament to assist Council in seeking funding assistance to upgrade Tourist Route 33.

<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. BN36/2017**

**SUBJECT: MOUNT VIEW ROAD, CESSNOCK**

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**MOTION**            **Moved:** Councillor Olsen            **Seconded:** Councillor Dunn  
331

**RESOLVED**

1. That the General Manager bring a report back to a Council meeting within 3 months with costing of replacing the bridge (next to Old Police Boys Club) and upgrading of Mount View Road, Cessnock from Wollombi Road to the roundabout at Vineyard Grove Cessnock for completion in the 2017-21 Delivery Program.
2. That Council not commence any major works on Mount View Road until Corrective Services have completed the alternate access to the Cessnock Correctional Centre.
3. That the General Manager make representations to the Minister for Corrections Services to expedite the process in constructing an alternate access into the Cessnock Correctional Centre.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	Councillor Stapleford
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
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. BN37/2017**

**SUBJECT: QUARRYBYLONG STREET, CESSNOCK**

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**MOTION**            **Moved:** Councillor Olsen            **Seconded:** Councillor Dunn  
332

**RESOLVED**

**That the General Manager bring a report back to a Council meeting within 3 months with costing of formalising the footpath with Kerb and Guttering and installation of a concrete path for Quarrybylong Street, Cessnock from Aberdare Road to Northcote Street for completion in the 2017-21 Delivery Program.**

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

**CARRIED**

**ANSWERS TO QUESTIONS FOR NEXT MEETING**

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ86/2017**

**SUBJECT: CESSNOCK AND KURRI KURRI AQUATIC CENTRE**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ87/2017**

**SUBJECT: PLANNING AGREEMENTS**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ88/2017**

**SUBJECT: SISTER CITY RELATIONSHIPS**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ89/2017**

**SUBJECT: AFTER HOURS EMERGENCY CONTACT NUMERS**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ90/2017**

**SUBJECT: SANDY CREEK ROAD**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ91/2017**

**SUBJECT: COUNCIL ADVERTISED POSITIONS**

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The answer was noted.



## **QUESTIONS FOR NEXT MEETING**

*Councillor Anne Sander*

### **TIMEFRAME FOR NEW LEP**

Councillor Sander asked for a timeframe for Council's new Local Environmental Plan.

*Councillor Anne Sander*

### **CESSNOCK SIGN - TESTERS HOLLOW**

Councillor Sander asked if Council officers could find and reinstall the Cessnock City Council sign at Testers Hollow following the completion of roadworks on the northern side.

*Councillor Ian Olsen*

### **CONDITIONS OF CONSENT**

Councillor Olsen asked if Council could ensure that Private Certifiers are imposing the same rules as Council.

*Councillor Ian Olsen*

### **RESPONSE TIMES TO QUESTIONS**

Councillor Olsen asked the General Manager how long do you expect your staff to respond to a question from Council as he has one still outstanding from 5 weeks ago.

*Councillor Di Fitzgibbon*

### **CARPARK RESURFACING/REHABILITATION**

Councillor Fitzgibbon referred to the 2017-21 Delivery Program page 54 listing named Carpark Resurfacing/Rehabilitation and asked if Council could identify which carparks are on the list.

## CORRESPONDENCE

### CORRESPONDENCE NO. CO20/2017

**SUBJECT:** **RESPONSE TO COUNCIL'S LETTER OF 6 MARCH 2017 - PROVISION OF SEWERAGE SERVICES TO NORTH ROTHBURY**

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

333

**RESOLVED:**

**That the correspondence be noted.**

<b>FOR</b>	<b>AGAINST</b>
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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. CO21/2017**

**SUBJECT: HERITAGE LISTING NOMINATIONS**

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**MOTION**      **Moved:** Councillor Dagg      **Seconded:** Councillor Suvaal  
334  
**RESOLVED**

**That the correspondence be noted.**

<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**

## **URGENCY MOTION**

*Councillor Anthony Burke*

### **NATIONAL MISSING PERSONS WEEK**

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

335

### **RESOLVED**

1.     **That Council call on the community to support and engage in missing persons week. To familiarise themselves with those missing in our local area and report information to crime stoppers.**
  
2.     **That the Council prepare a media release to the community on missing persons week focusing on local missing person Dylan Dickie and any other local missing person in this area.**

<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**

## **COUNCILLOR'S REPORTS**

Councillor Gray

Cessnock/Kurri Kurri Health Committee

Councillor Gray reported on his attendance at the Cessnock/Kurri Kurri Health Committee and reported that Cessnock Hospital is part of a pilot program on health literacy across the Lower Hunter and the 2 pilot programs are with Inverell and Cessnock. That 60% of Local Government Area have low literacy levels and thus low health literacy and it is hard for Doctors to communicate with citizens with levels being so low. Cessnock registers significant more disadvantage higher than average percentage of Aboriginal and Torres Straight Islander people living in and around the centre, higher percentage of young people under the age of 14, higher than average rate of people with a profound severe disability and also low rates of GP services available. Something quite significant was high rates of chronic disease 61% over 18 has 1 or more chronic illness, high rates of obesity, mothers smoking during pregnancy and high rates of emergency department presentations.

Councillor Dagg

Branxton Community Workshop

Councillor Dagg thanked Council staff for attending and holding community workshop in Branxton. Engage with community and get their feedback in terms of moving forward with DCP and providing a cohesive plan for the Branxton area.

*The Meeting Was Declared Closed at 7.53pm*

**CONFIRMED AND SIGNED** at the meeting held on 16 August 2017

.....**CHAIRPERSON**

.....**GENERAL MANAGER**