

MINUTES:

MOTION

Moved: Councillor Lyons
Seconded: Councillor Burke

338

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 2 August 2017, as circulated, be taken as read and confirmed as a correct record.

FOR

AGAINST

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

Total (0)

CARRIED UNANIMOUSLY

The Director of Corporate & Community Services presented to the Mayor on behalf of the Council the 2016 RH Dougherty Award for Innovation in Special Events which was announced on the 3 August at the Local Government NSW Awards in Sydney.

The RH Dougherty Awards aim to recognise and encourage a greater understanding and communication by councils to their local communities and we are proud to have done just that.

The Cessnock City Seniors Festival theme was *Love Life* and our local program offered 45 events and activities for local seniors across the region, which attracted over 1,500 participants.

Council worked closely with the Seniors Week Advisory Committee, over 30 local organisations and the Cessnock City Senior Citizen of the Year to put the program together and this award is a great recognition of all the hard work that went in and the Director congratulated everyone involved.

The Cessnock Youth Week Organising Committee should also be very proud as they were acknowledged as a finalist for the Best Youth Week 2017 at the Local Government Awards.

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI14/2017

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.

PE44/2017 - DA 8/2017/160/1 Proposing Construction of a Multi-Dwelling Development – Councillor Fitzgibbon declared a Non Pecuniary Interest – Significant Conflict for the reason that a proponent is a family friend. Councillor Fitzgibbon advised that she would leave the Chamber and take no part in discussion and voting.

PE45/2017 - Modification Under Section 75W to Existing Approvals Seeking Consent for the Purpose of Operating Thermal Processing Equipment for the Processing of Medical and Other Wastes in Conjunction with an Existing Facility ('Weston Aluminium') - 129 Mitchell Avenue, Kurri Kurri – Councillor Fitzgibbon declared a Non Pecuniary Interest – Significant Conflict for the reason that a proponent is a family friend. Councillor Fitzgibbon advised that she would leave the Chamber and take no part in discussion and voting.

PE44/2017 - DA 8/2017/160/1 Proposing Construction of a Multi-Dwelling Development – Councillor Doherty declared a Non Pecuniary Interest – Significant Conflict for the reason that his daughter works for Urban Living. Councillor Doherty advised that he would leave the Chamber and take no part in discussion and voting.

PE45/2017 - Modification Under Section 75W to Existing Approvals Seeking Consent for the Purpose of Operating Thermal Processing Equipment for the Processing of Medical and Other Wastes in Conjunction with an Existing Facility ('Weston Aluminium') - 129 Mitchell Avenue, Kurri Kurri – Councillor Doherty declared a Non Pecuniary Interest – Less Than Significant Conflict for the reason that the owner of Weston Aluminium is a member of the Kurri Kurri District Business Chamber. Councillor Doherty advised that he would remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because he has no direct interest that would influence his voting and affect him in doing his civic duty.

PE44/2017 - DA 8/2017/160/1 Proposing Construction of a Multi-Dwelling Development – Councillor Olsen declared a Non Pecuniary Interest – Less Than Significant Conflict for the reason that the one of the developers allowed him to erect a sign on his property during the last Council elections. Councillor Olsen advised that he would remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty.

WI58/2017 - Minutes of Local Traffic Committee Held 17 July 2017 – Mayor Pynsent declared a Non Pecuniary Interest – Significant Conflict for the reason that he is a Director of Cessnock Leagues Club. Mayor Pynsent advised that he would leave the Chamber and take no part in discussion and voting.

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

Alicia Peattie on behalf of Mr Geoff Boyd & Mr Paul Paynter	Against Recommendation	PE44/2017 - DA 8/2017/160/1 Proposing Construction of a Multi-dwelling Development	28	3 Mins
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The Speaker withdraw the request to address.

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU14/2017

SUBJECT: MOTIONS OF URGENCY

NIL

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE44/2017

SUBJECT: DA 8/2017/160/1 PROPOSING CONSTRUCTION OF A MULTI-DWELLING DEVELOPMENT

Councillor Fitzgibbon declared a Non Pecuniary Interest – Significant Conflict for the reason that a proponent is a family friend. Councillor Fitzgibbon left the Chamber and took no part in discussion and voting.

Councillor Doherty declared a Non Pecuniary Interest – Significant Conflict for the reason that his daughter works for Urban Living. Councillor Doherty left the Chamber and took no part in discussion and voting.

Councillor Olsen declared a Non Pecuniary Interest – Less Than Significant Conflict for the reason that the one of the developers allowed him to erect a sign on his property during the last Council elections. Councillor Olsen remained in the Chamber and participated in discussion and voting.

Councillors Fitzgibbon and Doherty left the meeting, the time being 6.38pm

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Gray
339

RESOLVED

That Council defer the report to a future meeting to provide an opportunity for the applicant to meet with staff and to address the concerns over the application.

FOR	AGAINST
Councillor Olsen	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

Councillor Doherty returned to the meeting, the time being 6.38pm

PLANNING AND ENVIRONMENT NO. PE45/2017

**SUBJECT: MODIFICATION UNDER SECTION 75W TO EXISTING APPROVALS
SEEKING CONSENT FOR THE PURPOSE OF OPERATING THERMAL
PROCESSING EQUIPMENT FOR THE PROCESSING OF MEDICAL AND
OTHER WASTES IN CONJUNCTION WITH AN EXISTING FACILITY
(‘WESTON ALUMINIUM’)**

129 MITCHELL AVENUE, KURRI KURRI

Councillor Fitzgibbon declared a Non Pecuniary Interest – Significant Conflict for the reason that a proponent is a family friend. Councillor Fitzgibbon left the Chamber and took no part in discussion and voting.

Councillor Doherty declared a Non Pecuniary Interest – Less Than Significant Conflict for the reason that the owner of Weston Aluminium is a member of the Kurri Kurri District Business Chamber. Councillor Doherty remained in the Chamber and participated in discussion and voting.

MOTION Moved: Councillor Sander **Seconded:** Councillor Doherty
340
RESOLVED

That Council endorses the draft submission for forwarding to the NSW Department of Planning and Environment.

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

Councillor Fitzgibbon returned to the meeting, the time being 6.39pm

PLANNING AND ENVIRONMENT NO. PE46/2017

**SUBJECT: DEVELOPMENT APPLICATION PERFORMANCE MONITORING
REPORT - JUNE 2017 QUARTER**

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Gray
341
RESOLVED

That Council receives the report and notes the information.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC51/2017

SUBJECT: SUPPLY AND DELIVERY OF STATIONERY REGPRO021718

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Lyons
342

RESOLVED

That Council decline the Regional Procurement Tender for Supply and Delivery of Stationery (REGPRO 021718) and call for quotations for the supply and delivery of stationery for a period until 30 June 2018, with quotations to be obtained in accordance with Council's Procurement Policy.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC52/2017

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Burke
343

RESOLVED

1. That Council receive the report and note the information.
2. That Council note that PE32/2017, Page 86 point 6 is not complete and PE20/2017, Page 82 point 5 has not been completed and both actions should be reopened and marked as incomplete.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC53/2017

SUBJECT: INVESTMENT REPORT - JULY 2017

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Gray
344

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 Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC54/2017

SUBJECT: REVOTING OF EXPENDITURE FROM 2016-17 TO 2017-18

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Suvaal
345

RESOLVED

1. That Council authorise the revoting of expenditure from 2016-17 to 2017-18 being:

	Council Funds	Section 94 Funds	Loan Funds	Grants	Total Revotes
Local Road Renewal Program	49,100			94,600	143,700
Bridge Construction Program	18,000				18,000
Drainage Program	5,200		153,300	824,700	983,200
Pathways Construction Program	64,300			104,500	168,800
Total Roads, Bridges & Drainage	136,600		153,300	1,023,800	1,313,700
Recreation Buildings Renewal Program	62,400				62,400
Recreation Facilities Construction Program	12,100				12,100
Community Buildings Renewal Program	28,200				28,200
Cessnock Civic Precinct Revitalisation Project	30,000	1,400		165,000	196,400
Total Recreation Services	132,700	1,400	0	165,000	299,100
Cemeteries Construction Program	41,100				41,100
Total Other Projects	41,100	0	0	0	41,100
Total Revotes – All sources	310,400	1,400	153,300	1,188,800	1,653,900

2. That a policy on Council's annual expenditure revotes be brought to Council for adoption. This policy will aim to promote:
- Early identification of expenditure revotes through the use of the quarterly budget review process.
 - The treatment of expenditure revotes as 'Reserve Movements' so that estimated budget surpluses or deficits are accurately forecast at any point in time.
 - The effective limitation, where practicable, of expenditure revotes in any given financial year.

FOR**AGAINST**

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

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI57/2017

SUBJECT: RESTART NSW FIXING COUNTRY ROADS - ROUND THREE

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Stapleford
347
RESOLVED

That Council endorses the submission of three applications under the Restart NSW – Fixing Country Roads (Round 3) program for the following:

- 1. Paynes Crossing Bridge;**
- 2. Mount Vincent to Millfield (via Sandy Creek Road) Upgrade;**
- 3. Bridge and Route Load Assessments.**

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI58/2017

**SUBJECT: MINUTES OF LOCAL TRAFFIC COMMITTEE
HELD 17 JULY 2017**

Mayor Pynsent declared a Non Pecuniary Interest – Significant Conflict for the reason that he is a Director of Cessnock Leagues Club. Mayor Pynsent left the Chamber and took no part in discussion and voting.

*Mayor Pynsent vacated the chair and left the meeting, the time being 6.57pm
Councillor Stapleford assumed the chair, the time being 6.57pm*

MOTION **Moved:** Councillor Gray **Seconded:** Councillor Sander
348
RESOLVED

That the recommendations of the Local Traffic Committee Meeting of 17 July 2017 be adopted as a resolution of the Ordinary Council being:

1. **TC18/2017** – That double barrier (BB) lines be marked on Rothbury Street, Morgan Street and Washery Road as follows:
 - 10m on each approach to the intersections.
 - 10m between the Morgan Street and Washery Road intersections.

2. **TC19/2017** – That existing NO STOPPING zones be modified on Government Road, Weston as follows:
 - Relocate the existing NO STOPPING sign 25m to the north on the eastern side.
 - Replace the existing double arrow NO STOPPING sign outside number 46 with a left arrow NO STOPPING sign.
 - Replace the existing double arrow NO STOPPING sign outside number 48 with a right arrow NO STOPPING sign.

3. **TC20/2017** – That signage and pavement marking be installed on Darwin Street, Cessnock as follows:
 - An ALL TRAFFIC LEFT ONLY (symbolic) sign at exit from Cessnock Leagues Club.
 - A left turn pavement arrow on the vehicle access crossing from Cessnock Leagues Club to Darwin Street.

4. **TC21/2017** – That angle parking zone signs be installed on Great North Road, Laguna as follows:
 - 90° ANGLE PARKING REAR TO KERB signs in the off-street parking area adjacent Laguna Public School.
 - 90° ANGLE PARKING REAR TO KERB signs on the western side, between Laguna Public School access road and the southern driveway of the Great Northern Trading Post.

5. **TC22/2017** – That existing signs and line marking be removed from on Barton Street, Kurri Kurri and signs and line marking be installed at 179 Lang Street, Kurri Kurri as follows:
 - Cross hatch pavement marking of two parking bays.

- Two MAIL ZONE signs.

6. That a formal review of the proposed Keene Street pedestrian refuge be considered at the next Local Traffic Committee Meeting.

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

CARRIED UNANIMOUSLY

Councillor Stapleford vacated the chair, the time being 6.59pm

Mayor Pynsent returned to the meeting and assumed the chair, the time being 6.59pm

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN38/2017

SUBJECT: NARROW ROADS - FOOTPATH PARKING

MOTION **Moved:** Councillor Fitzgibbon **Seconded:** Councillor Burke
349

RESOLVED

That the General Manager investigate the possibility of allowing residents to park their vehicles with 2 wheels on the footpath in residential precincts that have narrow roads and rolled edge kerbs.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN39/2017

SUBJECT: POLICE

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Sander
350

RESOLVED

1. That the General Manager write to the Central Hunter Command thanking them for their continuous efforts in our local community.
2. That the General Manager writes to the NSW Premier The Hon. Gladys Berejiklian MP, Minister for Police The Hon. Troy Grant MP and the Member for Cessnock Clayton Barr MP calling on the State Government to provide a new Police Station in both Cessnock and Kurri Kurri, and:
 - i. That the letter also questions what resources will be provided to Central Hunter Command to support the strain on the Cessnock Community with the expansion of Cessnock Correctional Facility.
 - ii. That the letter question when will the State Government provide more police officers and resources to the Cessnock LGA to continue to allow Cessnock area to be a safer community.
 - iii. That the letter include up to date crime statistics to support points i. and ii.
3. That in corresponding with the Premier and Police Minister, the issue of Greta and Branxton townships being included in the Central Hunter Command be included.
4. That the General Manager promote this campaign.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN40/2017

SUBJECT: POOL FEES

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

That the General Manager brings a report back to Council prior to setting of the 2018/19 Budget with the effects of removing all charges for entry to Cessnock and Branxton pools.

FOR	AGAINST
Councillor Olsen	Councillor Doherty
Councillor Dunn	Councillor Fagg
	Councillor Stapleford
	Councillor Suvaal
	Councillor Fitzgibbon
	Councillor Gray
	Councillor Burke
	Councillor Sander
	Councillor Lyons
	Councillor Pynsent
Total (2)	Total (10)

The Motion was PUT and LOST.

BUSINESS WITH NOTICE NO. BN41/2017

SUBJECT: POOL OPENING HOURS

MOTION **Moved:** Councillor Olsen **Seconded:** Councillor Dunn
351

RESOLVED

That the General Manager investigates how we can allow having the Cessnock and Branxton pools open for longer hours on nights of extreme heat to encourage all local residents to utilise these facilities.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ92/2017

SUBJECT: REAL ESTATE SIGNAGE

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ93/2017

SUBJECT: LEP

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ94/2017

SUBJECT: CESSNOCK SIGN - TESTERS HOLLOW

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ95/2017

SUBJECT: CONDITIONS OF CONSENT

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ96/2017

SUBJECT: CARPARK RESURFACING / REHABILITATION

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ97/2017

SUBJECT: RESPONSE TIMES TO QUESTIONS

The answer was noted.

QUESTIONS FOR NEXT MEETING

Councillor Rod Doherty

WOODBURY QUARRY COMMUNITY REFERENCE GROUP MEETING

Councillor Doherty asked has the Woodbury Quarry Community Reference Group met as yet and if so, when.

Councillor Rod Doherty

AIR BNB IN CESSNOCK LGA

Councillor Doherty asked if Council is doing anything to regulate Air BNB listings as there appears to be some 500 beds being marketed in the Cessnock LGA.

Councillor Ian Olsen

COST OF LEGAL REPRESENTATION TO COUNCIL FOR CENSURE MOTION

Councillor Olsen asked what the cost to Council of legal representation into the investigation for the censure motion against himself as he has not received a response as yet.

Councillor Mark Lyons

HANDBALL COURTS

Councillor Lyons asked do we have any hand ball courts in the Local Government Area and what is the rough cost of creating handball courts.

Councillor Mark Lyons

ELECTRIC VEHICLE RECHARGE POINTS

Councillor Lyons asked if there are any electric vehicle recharge points in the Local Government Area.

Councillor Di Fitzgibbon

STREET TREE STRATEGY OR POLICY

Councillor Fitzgibbon asked does Council currently have a street tree strategy or policy and is so, can it be circulated.

Councillor Di Fitzgibbon

SECTION 94 CONTRIBUTIONS

Councillor Fitzgibbon asked how much money from Section 94 contributions is earmarked for road improvements and kerb and guttering in the Nulkaba Contributions Plan for projects approved prior to December 2016.

Councillor Darrin Gray

HEDDON GRETA ROUNDABOUT & COMMUTER CAR PARK

Councillor Gray asked whether the Director of Works & Infrastructure could circulate to Councillors the concept plans for the design and costing for the Heddon Greta roundabout and commuter car park that has been presented.

CORRESPONDENCE

CORRESPONDENCE NO. CO22/2017

SUBJECT: **POSSIBLE RELOCATION OF HARNESS RACING TO CESSNOCK
LOCAL GOVERNMENT AREA - RESPONSE FROM CLAYTON BARR,
MP MEMBER FOR CESSNOCK**

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Sander
352
RESOLVED

That Council note the correspondence indicating support for Council's position.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

COUNCILLOR'S REPORTS

NIL

The Meeting Was Declared Closed at 7.40pm

CONFIRMED AND SIGNED at the meeting held on 6 September 2017

.....**CHAIRPERSON**

.....**GENERAL MANAGER**