

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 6 JUNE 2018, COMMENCING AT  
6.30 PM**

**PRESENT:** His Worship the Mayor, Councillor R Pynsent (in the Chair) and Councillors Doherty, Dunn, Fagg, Stapleford, Suvaal, Fitzgibbon, Gray, Dagg, Burke, Sander and Lyons.

**IN ATTENDANCE:** Acting General Manager (Director Works and Infrastructure)  
Director Planning and Environment  
Director Corporate and Community Services  
Acting Director Works and Infrastructure (Works and Operations Manager)  
Development Services Manager  
Strategic Planning Manager  
Economic Development Manager  
Senior Strategic Planner  
Manager Open Space & Community Facilities  
Recreation & Community Facilities Co-ordinator  
Strategic Recreation & Community Facilities Planner  
Internal Auditor  
Senior Media & Communication Officer  
Corporate Governance Officer

**LEAVE OF  
ABSENCE /  
APOLOGIES:**

**MOTION**                      **Moved:** Councillor Fitzgibbon  
**Seconded:** Councillor Suvaal

491  
**RESOLVED** that the Leave of Absence tendered on behalf of Councillor Olsen from 5 June 2018 to 8 July 2018 be accepted.

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

**CARRIED UNANIMOUSLY**

**MOTION**

**Moved:** Councillor Burke  
**Seconded:** Councillor Fitzgibbon

492

**RESOLVED** that Councillor Sander be granted a Leave of Absence from 5 July 2018 to 10 August 2018.

**FOR**

**AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**

**MINUTES:**

**MOTION**

**Moved:** Councillor Burke

**Seconded:** Councillor Dagg

493

**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 16 May 2018, as circulated, be taken as read and confirmed as a correct record.

**FOR**

**AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**

# **DISCLOSURES OF INTEREST**

## **DISCLOSURES OF INTEREST NO. DI9/2018**

**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.**

**PE35/2018 – Cessnock Local Environmental Plan 2011 - Planning Proposal to rezone land at Cliftleigh from RE1 Public Recreation to R2 Low Density Residential –** Councillor Gray declared a Non Pecuniary Interest - Significant Conflict for the reason that a family friend owns 43 Main Road, Cliftleigh. Councillor Gray advised that he would leave the Chamber and take no part in discussion and voting.

**WI42/2018 – Fees and Charges for Markets held on Council land –** Councillor Gray declared a Non Pecuniary Less than Significant Conflict for the reason that he regularly holds a stall at the Kurri Kurri Markets. 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 because it does not affect his vote.

**PE33/2018 – Development Application 8/2017/438/1 proposing a 24 lot subdivision - 23 Phillips Lane, NULKABA –** Councillor Fitzgibbon declared a Non Pecuniary Significant Conflict for the reason that she is a part owner of adjoining land. Councillor Fitzgibbon advised that she would leave the Chamber and take no part in discussion and voting.

**WI42/2018 – Fees and Charges for Markets held on Council land –** Councillor Burke declared a Non Pecuniary Interest - Less than Significant Conflict for the reason that he is associated with organisation who are involved in markets. Councillor Burke advised that he will remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because there is no impact in his role and will not influence his decision.

**WI41/2018 - 2017/2018 Aquatic Season Review –** Councillor Burke declared a Non Pecuniary Interest – Less Than Significant Conflict for the reason that he works for the Cessnock Chamber of Commerce. Councillor Burke advised that he will remain in the chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because it will not affect my ability to vote.

**WI40/2018 – Miller Park Masterplan –** Councillor Dagg declared a Non Pecuniary Interest - Significant Conflict for the reason that she is a board member of one of the affected user groups. Councillor Dagg advised that she would leave the chamber and take no part in discussion and voting.

## ***PETITIONS***

NIL

## **ADDRESS BY INVITED SPEAKERS**

The following people addressed the meeting of Council:

| <b>Speakers</b>  | <b>For / Against</b>   | <b>Report</b>  | <b>Page No.</b> | <b>Duration</b> |
|------------------|------------------------|--|-----------------|-----------------|
| Mrs Linda Carter | Against Recommendation | PE32/2018 - Development Application 8/2017/148/1 - Extension of Trading Hours of the McDonald's Drive-thru Facility to Allow 24 Hours, 7 Days a Week Trading for a 12 Month Trial Period<br><br>12-14 Allandale Road, Cessnock | 58              | 3 mins          |

**EXTENSION OF TIME**

**Moved:**

Councillor Burke

**Seconded:**

Councillor Fitzgibbon

494

**RESOLVED** that an extension of 1 minute be given to allow Mrs Carter to complete her presentation.

**FOR**

**AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**

**MOTION**

495

**Moved:** Councillor Burke**Seconded:** Councillor Sander**RESOLVED** that Council allow a second speaker against Report No PE32/2018.**FOR**

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

**AGAINST****Total (0)****CARRIED UNANIMOUSLY**

|                 |                        |  |    |        |
|-----------------|------------------------|--|----|--------|
| Mr Ronald Eason | Against Recommendation | PE32/2018 - Development Application 8/2017/148/1 - Extension of Trading Hours of the McDonald's Drive-thru Facility to Allow 24 Hours, 7 Days a Week Trading for a 12 Month Trial Period<br><br>12-14 Allandale Road, Cessnock | 58 | 3 mins |
|-----------------|------------------------|--|----|--------|

**EXTENSION OF TIME**

496

**Moved:**

Councillor Doherty

**Seconded:**

Councillor Suvaal

**RESOLVED** that an extension of 1 minute be given to allow Mr Eason to complete his presentation.**FOR**

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

**AGAINST****Total (0)****CARRIED UNANIMOUSLY**

|  |                    |  |    |        |
|--|--------------------|--|----|--------|
| Mr Patrick Quinlan & Ms Sarah Kevin representing McDonalds | For Recommendation | PE32/2018 - Development Application 8/2017/148/1 - Extension of Trading Hours of the McDonald's Drive-thru Facility to Allow 24 Hours, 7 Days a Week Trading for a 12 Month Trial Period<br><br>12-14 Allandale Road, Cessnock | 58 | 3 mins |
|--|--------------------|--|----|--------|

**EXTENSION OF TIME**

**Moved:**  
**Seconded:**

Councillor Suvaal  
Councillor Gray

497

**RESOLVED** that an extension of 1 minute be given to allow Mr Quinlan & Ms Kevin to complete their presentation.

**FOR**

**AGAINST**

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

**Total (0)**

**CARRIED UNANIMOUSLY**



**PLANNING AND ENVIRONMENT NO. PE32/2018**

**SUBJECT: DEVELOPMENT APPLICATION 8/2017/148/1 - EXTENSION OF TRADING HOURS OF THE MCDONALD'S DRIVE-THRU FACILITY TO ALLOW 24 HOURS, 7 DAYS A WEEK TRADING FOR A 12 MONTH TRIAL PERIOD**

**12-14 ALLANDALE ROAD, CESSNOCK**

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**MOTION**      **Moved:** Councillor Fitzgibbon      **Seconded:** Councillor Dagg  
498

**RESOLVED**

1. That Council determine Development Application No. 8/2017/148/1 proposing the extension of trading hours of the McDonald's drive-thru facility to allow for 24 hours, 7 days a week trading for a 12 month trial period, at 12-14 Allandale Road (Lot 101 DP 828724) Cessnock, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by refusing to grant consent for the following reasons:
  1. The proposed extension of trading hours for the 12 month trial is likely to have a significant impact on the amenity of adjoining residential properties with respect to acoustic privacy, traffic, security and safety.
  2. The proposed development does not adequately address potential adverse social impacts such as increases in anti-social behavior, criminal activity and public order incidents.
  3. The Social Impact Assessment submitted with the application was not prepared in accordance with chapter C8 of the Cessnock Development Control Plan 2010.
  4. The subject land is not considered to be suitable for the proposed development given its location adjacent to an established residential area and motel development.
  5. The proposal is not considered to be in the public interest.
2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

**FOR****AGAINST**

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

**Total (0)**

***CARRIED UNANIMOUSLY***

Councillor Fitzgibbon declared a Non Pecuniary Significant Conflict for the reason that she is a part owner of adjoining land. Councillor Fitzgibbon left the Chamber and took no part in discussion and voting.

Councillor Fitzgibbon left the meeting, the time being 7.07pm

|                     |                    |  |    |        |
|---------------------|--------------------|--|----|--------|
| Mr Stephen Leathley | For Recommendation | PE33/2018 - Development Application 8/2017/438/1 proposing a 24 lot subdivision<br><br>23 Phillips Lane, Nulkaba | 93 | 3 mins |
|---------------------|--------------------|--|----|--------|

### **PLANNING AND ENVIRONMENT NO. PE33/2018**

**SUBJECT: DEVELOPMENT APPLICATION 8/2017/438/1 PROPOSING A 24 LOT SUBDIVISION**

**23 PHILLIPS LANE, NULKABA**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
499  
**RESOLVED**

1. That Council determine Development Application No. 8/2017/438/1 proposing a 24 lot subdivision at 23 Phillips Lane, Nulkaba, pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979*, by the granting of consent subject to receipt of confirmation from the NSW Department of Planning and Environment that satisfactory arrangements have been made in respect of Clause 6.1 of Cessnock Local Environmental Plan 2011, and the conditions contained in this report.
2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

## **CONDITIONS OF CONSENT**

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### **SCHEDULE 1**

Within twenty-four months from the date of determination the proponent shall submit the following information/documentation, to the satisfaction of Council:

- *Evidence of the creation of 'Super Lot B', via consent 8/2009/268 is provided via release of the subdivision certificate.*

This consent will not operate until the applicant satisfies Council that the matter/s listed above have been complied with. Upon satisfactory evidence being provided that the matter/s listed above have been satisfied, Council will give notice to the applicant of the date from which the consent operates.

**Note:** Pursuant to section 4.45 of the Environmental Planning and Assessment Act 1979, this consent will lapse if the Applicant fails to satisfy the Council as to the matters listed in this deferred commencement condition within twenty-four months from the date of determination.

**SCHEDULE 2 –**  
**CONDITIONS OF CONSENT APPLICABLE AFTER SATISFACTION OF DEFERRED**  
**COMMENCEMENT CONDITION IN SCHEDULE 1**

**TERMS OF CONSENT**

**CONDITIONS OF CONSENT**

**1. General Terms of Approval**

All General Terms of Approval issued by the NSW RFS (dated 5 September 2017) shall be complied with prior, during and at the completion of the development, as required.

A copy of the General Terms of Approval is attached to this determination notice.

**2. Approved Plans and Documents**

Development must be carried out strictly in accordance with DA No. 8/2017/438/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

| <b>Plan Reference</b>   | <b>Drawn By</b>              | <b>Dated</b> |
|---|------------------------------|--------------|
| Plan of Subdivision of proposed lot 224 (Part of Lot 3 DP 1201274), sheet 1 of 1. | Surveyor: Andrew Edward Daly | Undated      |

| <b>Document Title</b>              | <b>Prepared By</b>                                | <b>Dated</b> |
|------------------------------------|---|--------------|
| Statement of Environmental Effects | Insite Planning                                   | August 2017  |
| Concept Stormwater Management Plan | Northrop  | 25 July 2017 |
| Bushfire Hazard Assessment Report  | Building Code & Bushfire Hazard Solutions Pty Ltd | 28 July 2017 |
| Traffic Impact Assessment          | Intersect Traffic                                 | July 2017    |

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

**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. Amended Plans Required**

The plans submitted in association of the CC application must incorporate the following:

- a) The plans are to include the details of the road to be constructed within the proposed road reserve. The plans are to be prepared in accordance with Council's Engineering Requirements for Development.

- b) The plans are to include the details of the proposed drainage system. The Plans are to show pipe sizes, grades, pit invert levels and surface levels. The plans are to be prepared in accordance with Council's Engineering Requirements for Development.
- c) The plans are to include details of the proposed access handles to access the proposed lots 409, 412, 413, 416, 417, 418 and 419. The plans are to be prepared in accordance with Council's Engineering Requirements for Development.

The plans must be submitted to and approved by the CA as satisfying these required amendments prior to the issue of the CC.

#### **4. Street Trees**

Prior to the issue of a CC, a Street Tree Planting Plan shall be submitted to and approved by Council.

Prior to submission of the Street Tree Planting Plan, the applicant is required to schedule a meeting with the relevant Council Officer to discuss species and location requirements relating to street trees. A fee is payable for this service in accordance with Council's adopted Fees and Charges.

#### **5. Payment of Fee**

Prior to the issue of a CC, Council imposes a requirement to lodge landscape plans which detail the introduction, removal or relocation of street trees. Vegetation and Civic Spaces Coordinator will recommend species and location requirements of the street trees as a condition of planning approval. Prior to Issue of subdivision certificate council officers will conduct inspections at both development consent stage as well as at completion stage to ensure compliance, in accordance with councils fees and charges at a fee of \$122.50 per hour minimum.

#### **6. Stormwater – Detailed Design Requirements**

The applicant shall provide an inter-allotment drainage easement to drain all Lots required to be drained by an inter-allotment drainage line. 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 CC.

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.

## **PRIOR TO COMMENCEMENT OF WORKS**

**The following conditions are to be complied with prior to the commencement of works on the subject site/s.**

### **7. Soil and Water Management Plan**

The applicant must prepare a Soil and Water Management Plan, being compatible with the Construction Management and Traffic Management Plan referred to in this Development Consent and incorporating the following matters. The plan must be submitted to and approved by the CA as satisfying these matters prior to the commencement of works.

- a) Minimise the area of soils exposed at any one time
- b) Conservation of top soil
- c) Identify and protect proposed stockpile locations
- d) Preserve existing vegetation. Identify revegetation technique and materials
- e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner
- f) Control surface water flows through the site in a manner that:
  - i) Diverts clean-runoff around disturbed areas
  - ii) Minimises slope gradient and flow distance within disturbed areas
  - iii) Ensures surface run-off occurs at non erodible velocities
  - iv) Ensures disturbed areas are promptly rehabilitated.
- g) Sediment and erosion control measures in place before work commences
- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
- i) Details of drainage to protect and drain the site during works.

### **8. S138 Roads Act Approvals**

Under Section 138 of the *Roads Act 1993*, should any work on the verge, footpath, or public road reserve be required, a S138 Roads Act Approval will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The S138 application is to be submitted to, and approved by, Council prior to works commencing.

### **9. Soil and Water Management Plan Implemented**

The requirements of the Soil and Water Management Plan shall be in place prior to the commencement of demolition works and/or construction works and shall be maintained throughout the demolition and/or construction process.

## **DURING WORKS**

**The following conditions are to be complied with during works.**

### **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; and
- 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, so as to cause a nuisance to adjoining property owners.

## **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.**

### **13. Road Construction**

Prior to the issue for the SC, construction of the road serving the subdivision approved via development consent 8/2009/268/5 is to be completed to the satisfaction of Council.

### **14. Internal road construction**

Prior to the issue of the SC, the construction of all access handles is to be completed to the satisfaction of Council.

## 15. Requirement for a Subdivision Certificate

Prior to the issue of a SC, the applicant shall submit an original plan of subdivision plus six (6) 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 (6) copies; and
- d) All surveyor's or engineer's certification required by the Development Consent.

## 16. Inspection and Payment of Fee Relating to Street Trees

Prior to the issue of an SC, Council will undertake an inspection of the street tree planting to ensure compliance with the approved Street Tree Planting Plan, for which a fee is payable in accordance with Council's adopted Fees and Charges.

## 17. S94 Contributions Plan – Nulkaba

A contribution pursuant to the provisions of Section 7.11 (cf previous s 94) of the *EP&A Act 1979* for the services detailed, and for the amount detailed, must be made to Council prior to the issue of a SC:

| <b>Contribution Type</b>                    | <b>Amount Payable</b> |
|---|-----------------------|
| Open Space Recreational Sporting Facilities | \$43,830.18           |
| Community Facilities                        | \$55,299.59           |
| Road and Traffic Facilities                 | \$55,299.59           |
| Plan Management Administration              | \$2,886.50            |
| <b>Total</b>                                | <b>\$157,315.86</b>   |

A copy of the Section 94 Contributions Plan – Nulkaba may be inspected at Council's Customer Service Section, Administrative Building, Vincent Street, Cessnock or can be accessed on Council's Website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au)

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

## 18. All Services Provided Within Lots

A registered surveyor shall provide certification that all services (eg. drainage, stormwater, water supply, gas, electricity, telephone) as constructed are contained within each lot, or within appropriate easements to accommodate such services. The certification is to be provided to the PCA, prior to the issue of a Subdivision Certificate.

## 19. Works-As-Executed Plan

Two (2) copies of a WAE Plan prepared by a registered surveyor (both marked up in red), must be submitted to, and approved by, Council clearly showing all aspects of the constructed drainage and / or OSD. The plan must include:



- a) Sufficient levels and dimensions to verify the constructed storage volumes;
- b) Location and surface levels of all pits;
- c) Invert levels of the tanks, internal drainage line, orifice plates fitted, and levels within the outlet control pit;
- d) Finished floor levels of all structures and driveways;
- e) Verification that trash screens and/or GPTs have been installed;
- f) Locations and levels of any overland flow paths;
- g) The *WAE* plan information should be shown on a stamped copy of the approved civil works drawings;
- h) Surface levels of pits and surrounding ground levels;
- i) Levels of spillways and surrounding kerb;
- j) Floor levels of buildings, including garages;
- k) Top of kerb levels at the front of the lot;
- l) Dimensions of stormwater basins and extent of inundation; and
- m) Calculation of actual detention storage volume provided.

The plan shall be accompanied by a report from the designer stating the conformance, or otherwise, of the as-constructed basins in relation to the approved design.

The *WAE* plan and report shall be submitted to, and approved by, Council prior to the release of the Subdivision Certificate.

## **20. 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.

## **21. Road Dedication**

The proposed road within the subdivision shall be dedicated as a public road at no cost to Council. The public road shall be delineated on the final plan of subdivision submitted with the application for a Subdivision Certificate.

## **22. Section 50 – Hunter Water 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 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.

**ONGOING USE**

The following conditions are to be complied with as part of the ongoing use of the premises.

**23. 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.

**24. Road – Advice**

The applicant is advised that Council will not accept responsibility for the road access. In this respect, the care, control and maintenance thereof, is the sole responsibility of the user/s, in perpetuity.

| <b>FOR</b>            | <b>AGAINST</b>    |
|-----------------------|-------------------|
| Councillor Doherty    | Councillor Suvaal |
| Councillor Dunn       |                   |
| Councillor Fagg       |                   |
| Councillor Stapleford |                   |
| Councillor Gray       |                   |
| Councillor Dagg       |                   |
| Councillor Burke      |                   |
| Councillor Sander     |                   |
| Councillor Lyons      |                   |
| Councillor Pynsent    |                   |
| <b>Total (10)</b>     | <b>Total (1)</b>  |

**CARRIED**

*Councillor Fitzgibbon returned to the meeting, the time being 7.14pm*

*Councillor Gray declared a Non Pecuniary Interest - Significant Conflict for the reason that a family friend owns 43 Main Road, Cliftleigh. Councillor Gray left the Chamber and took no part in discussion and voting.*

*Councillor Gray left the meeting, the time being 7.14pm*

|  |     |  |     |        |
|--|-----|--|-----|--------|
| Mr Daniel Corbett representing various residents | For | PE35/2018 - Cessnock Local Environmental Plan 2011 - Planning Proposal to rezone land at Cliftleigh from RE1 Public Recreation to R2 Low Density Residential | 142 | 3 mins |
|--|-----|--|-----|--------|

**EXTENSION OF TIME**

**Moved:**

Councillor Stapleford

**Seconded:**

Councillor Suvaal

500

**RESOLVED** that an extension of 1 minute be given to Mr Corbett to complete his presentation.

**FOR**

**AGAINST**

Councillor Doherty  
 Councillor Dunn  
 Councillor Fagg  
 Councillor Stapleford  
 Councillor Suvaal  
 Councillor Fitzgibbon  
 Councillor Dagg  
 Councillor Burke  
 Councillor Sander  
 Councillor Lyons  
 Councillor Pynsent  
**Total (11)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE35/2018**

**SUBJECT: CESSNOCK LOCAL ENVIRONMENTAL PLAN 2011 - PLANNING PROPOSAL TO REZONE LAND AT CLIFTLEIGH FROM RE1 PUBLIC RECREATION TO R2 LOW DENSITY RESIDENTIAL**

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

501

**RESOLVED**

1. That Council endorse the revised Planning Proposal to rezone Part of Lot 9492 DP1225029 and part of Lot 20 DP 1175757 to R2 Low Density Residential Zone and apply a minimum lot size of 450m<sup>2</sup> as an amendment to the *Cessnock Local Environmental Plan 2011*.
2. That Council notify people who made submissions of Council's decision.

| <b>FOR</b>            | <b>AGAINST</b>   |
|-----------------------|------------------|
| Councillor Doherty    |                  |
| Councillor Dunn       |                  |
| Councillor Fagg       |                  |
| Councillor Stapleford |                  |
| Councillor Suvaal     |                  |
| Councillor Fitzgibbon |                  |
| Councillor Dagg       |                  |
| Councillor Burke      |                  |
| Councillor Sander     |                  |
| Councillor Lyons      |                  |
| Councillor Pynsent    |                  |
| <b>Total (11)</b>     | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

*Councillor Darrin Gray returned to the meeting, the time being 7.19pm*

## **CONSIDERATION AND ADOPTION OF ALL REPORTS BY ENGLOBO OR INDIVIDUALLY WITH NOMINATED EXCEPTIONS**

**MOTION**                      **Moved:**    Councillor Burke                      **Seconded:**    Councillor Sander  
502

### **RESOLVED that the following reports:-**

|            |  |
|------------|--|
| NI2/2018   | Notice of Intention to Deal With Matters in Confidential Session -   |
| MM4/2018   | Cessnock Hall of Fame  |
| GMU13/2018 | Minutes of the Audit Committee Meeting held 1 May 2018   |
| PE34/2018  | Cessnock Local Environmental Plan 2011 – Planning proposal to rezone land at 71 Branxton Street, Greta from RU2 Rural Landscape to R2 Low Density Residential and to reduce the minimum lot size from 40ha to 4520m2 |
| CC39/2018  | Minutes of the Aboriginal and Torres Strait Islander Committee of Cessnock City Council held on 18 May 2018  |
| WI38/2018  | Community Sponsorship & Fee Waiving Policy   |
| WI39/2018  | Contract for Supply of Electricity to Small Sites  |
| WI42/2018  | Fees and Charges for Markets held on Council land  |
| CO17/2018  | Former Wollombi Public School Site   |
| CO18/2018  | Hunter Joint Organisation  |

**Be dealt with englobo.**

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

**CARRIED UNANIMOUSLY**

**MOTION**  
503

**Moved:** Councillor Burke

**Seconded:** Councillor Sander

**RESOLVED that Report Numbers:-**

|            |  |
|------------|--|
| NI2/2018   | Notice of Intention to Deal With Matters in Confidential Session -   |
| MM4/2018   | Cessnock Hall of Fame  |
| GMU13/2018 | Minutes of the Audit Committee Meeting held 1 May 2018   |
| PE34/2018  | Cessnock Local Environmental Plan 2011 – Planning proposal to rezone land at 71 Branxton Street, Greta from RU2 Rural Landscape to R2 Low Density Residential and to reduce the minimum lot size from 40ha to 4520m2 |
| CC39/2018  | Minutes of the Aboriginal and Torres Strait Islander Committee of Cessnock City Council held on 18 May 2018  |
| WI38/2018  | Community Sponsorship & Fee Waiving Policy   |
| WI39/2018  | Contract for Supply of Electricity to Small Sites  |
| WI42/2018  | Fees and Charges for Markets held on Council land  |
| CO17/2018  | Former Wollombi Public School Site   |
| CO18/2018  | Hunter Joint Organisation  |

**Be resolved as recommended.**

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

**CARRIED UNANIMOUSLY**

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

**NOTICE OF INTENTION NO. NI2/2018**

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

**PE36/2018 - MINUTES OF THE STRATEGIC PROPERTY AND  
COMMUNITY FACILITIES MEETING HELD 9 MAY 2018**

**PE37/2018 - VINEYARD GROVE STAGE 8 DEVELOPMENT**

---

**MOTION**            **Moved:** Councillor Burke            **Seconded:** Councillor Sander  
504

**RESOLVED**

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

Report Numbers PE36/2018 – Minutes of the Strategic Property and Community Facilities Meeting held 9 May 2018 and PE37/2018 – Vineyard Grove Stage 8 Development as they deal with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council.

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.

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

**CARRIED UNANIMOUSLY**

# MAYORAL MINUTES

## MAYORAL MINUTES NO. MM4/2018

**SUBJECT: CESSNOCK HALL OF FAME**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
505

**RESOLVED**

**That Council endorse the removal of Philip Wilson from the Cessnock City Hall of Fame.**

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

**CARRIED UNANIMOUSLY**



**MOTIONS OF URGENCY**

**MOTIONS OF URGENCY NO. MOU9/2018**

**SUBJECT: MOTIONS OF URGENCY**

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NIL

## GENERAL MANAGER'S UNIT

### GENERAL MANAGER'S UNIT NO. GMU12/2018

**SUBJECT: GROWING LOCAL ECONOMIES FUNDING - CESSNOCK AIRPORT UPGRADE APPLICATION**

---

**MOTION**            **Moved:** Councillor Burke            **Seconded:** Councillor Dagg  
506  
**RESOLVED**

1. That Council endorse the submission of an Expression of Interest for the Cessnock Airport Upgrade project with a total project cost of \$7,622,000 that includes a co-contribution from Council of approximately \$1,905,500.
2. That Council accept the funding offer from the NSW Government to fund the preparation of a Business Case to support the full application to the Growing Local Economies funding stream, should the Expression of Interest proceed to the next stage.
3. That a further report describing the Business Case and Councils funding arrangements for the co-contribution, be considered by Council prior to the submission of a full application to the Growing Local Economies funding stream, should the Expression of Interest proceed to the next stage.

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

**CARRIED UNANIMOUSLY**

**GENERAL MANAGER'S UNIT NO. GMU13/2018**

**SUBJECT: MINUTES OF THE AUDIT COMMITTEE MEETING HELD 1 MAY 2018**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
507

**RESOLVED**

- 1. That the Minutes of the Audit Committee Meeting of 1 May 2018 be adopted as a resolution of the Ordinary Council.**
- 2. That Council endorse the Strategic Internal Audit Plan 2018 – 2021 and the Annual Internal Audit Plan 2018 – 2019.**

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

**CARRIED UNANIMOUSLY**

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE34/2018**

**SUBJECT: CESSNOCK LOCAL ENVIRONMENTAL PLAN 2011 - PLANNING PROPOSAL TO REZONE LAND AT 71 BRANXTON STREET, GRETA FROM RU2 RURAL LANDSCAPE TO R2 LOW DENSITY RESIDENTIAL AND TO REDUCE THE MINIMUM LOT SIZE FROM 40HA TO 450M2.**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
508

#### **RESOLVED**

1. That Council include the area bounded by Branxton and Water Streets and Leconfield Road, Greta as an area for investigation within the new Cessnock City Wide Planning Strategy.
2. That Council, subject to the inclusion of the site in the new draft Cessnock City Wide Planning Strategy, sends the draft Planning Proposal to the Department of Planning and Environment requesting a Gateway determination.

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

**CARRIED UNANIMOUSLY**

## **CORPORATE AND COMMUNITY**

### **CORPORATE AND COMMUNITY NO. CC39/2018**

**SUBJECT: MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE OF CESSNOCK CITY COUNCIL HELD ON 18 MAY 2018**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
509  
**RESOLVED**

1. That the Minutes of the Aboriginal and Torres Strait Islander Committee held on 18 May 2018 be adopted as a resolution of the Ordinary Council.
2. That on the Gateway signage in areas where no concerns have been raised, an Acknowledgement of Country be incorporated onto the signs and the wording be 'Wonnarua Country'.

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

**CARRIED UNANIMOUSLY**

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI37/2018**

**SUBJECT: DRAFT POLICY FINANCIAL ASSISTANCE FOR THE DISPOSAL OF WASTE (CHARITABLE AND NOT FOR PROFIT ORGANISATIONS)**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Fitzgibbon  
510  
**RESOLVED**

1. That Council place the draft Policy Financial Assistance for the Disposal of Waste (charitable and not for profit organisations) on public exhibition for a period of 28 days, and if there are no significant public submissions received, that the policy be automatically adopted at the end of the exhibition period and that the proposed fees be included in Council's Fees and Charges for 2018/19
2. That Council works with charities in the Cessnock LGA to implement strategies to minimise the amount of waste they need to dispose of, and implement a community education campaign that educates the public about what items are suitable, and not suitable, for donating to charity

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

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI38/2018**

**SUBJECT: COMMUNITY SPONSORSHIP & FEE WAIVING POLICY**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
511

**RESOLVED**

That Council place the draft Community Sponsorship and Fee Waiving Policy on public exhibition for a period of 28 days and if there are no significant public submissions received that the policy be automatically adopted at the end of the exhibition period.

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

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI39/2018**

**SUBJECT: CONTRACT FOR SUPPLY OF ELECTRICITY TO SMALL SITES**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
512

**RESOLVED**

**That Council enter into a retail energy supply contract with Next Business Energy for a 24 month contract term for the supply of electricity to its small sites commencing 1 July 2018.**

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

**CARRIED UNANIMOUSLY**



## WORKS AND INFRASTRUCTURE NO. WI40/2018

**SUBJECT: MILLER PARK MASTERPLAN**

---

*Councillor Dagg declared a Non Pecuniary Interest - Significant Conflict for the reason that she is a board member of one of the affected user groups. Councillor Dagg left the Chamber and took no part in discussion and voting.*

*Councillor Dagg left the meeting, the time being 7.26pm*

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Gray  
513

### **RESOLVED**

1. That Council adopt the draft Miller Park Masterplan with addition of a third cricket wicket.
2. That Council notify persons who made a submission during the public exhibition period of Council's decision.
3. That Council makes provision for the implementation of the draft Miller Park Masterplan in consideration of priority and available resources including grant funding and development contributions.
4. That a draft Masterplan for Greta Central Oval be developed as a priority project in the 2018/2019 financial year.

| <b>FOR</b>            | <b>AGAINST</b>   |
|-----------------------|------------------|
| Councillor Doherty    |                  |
| Councillor Dunn       |                  |
| Councillor Fagg       |                  |
| Councillor Stapleford |                  |
| Councillor Suvaal     |                  |
| Councillor Fitzgibbon |                  |
| Councillor Gray       |                  |
| Councillor Burke      |                  |
| Councillor Sander     |                  |
| Councillor Lyons      |                  |
| Councillor Pynsent    |                  |
| <b>Total (11)</b>     | <b>Total (0)</b> |

### **CARRIED UNANIMOUSLY**

*Councillor Dagg returned to the meeting, the time being 7.27pm*

**WORKS AND INFRASTRUCTURE NO. WI41/2018**

**SUBJECT: 2017/2018 AQUATIC SEASON REVIEW**

---

*Councillor Burke declared a Non Pecuniary Interest – Less Than Significant Conflict for the reason that he works for the Cessnock Chamber of Commerce. Councillor Burke remained in the Chamber and took part in discussion and voting.*

**MOTION**            **Moved:** Councillor Fitzgibbon    **Seconded:** Councillor Gray  
514

**RESOLVED**

1.    That Council note the information contained within the report.
2.    That Council offer up to ten free family fun days at the Cessnock and Branxton Outdoor Pools and the Kurri Kurri Aquatic Centre during the 2018/2019 financial year, commencing on the first Sunday of Christmas school holidays and ending the last Sunday in February.
3.    That Council increase the aquatics budget by \$40,000 for the 2018/2019 financial year.
4.    That Branxton Pool and Cessnock Pool close at 12 noon on 24 December and 31 December each year.
5.    That the Council work with Chambers of Commerce in the marketing of the Outdoor Pools Service Improvement Projects and Free Family Fun Days.

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

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI42/2018**

**SUBJECT: FEES AND CHARGES FOR MARKETS HELD ON COUNCIL LAND**

---

*Councillor Gray declared a Non Pecuniary Less than Significant Conflict for the reason that he regularly holds a stall at the Kurri Kurri Markets. Councillor Gray remained in the Chamber and participated in discussion and voting.*

*Councillor Burke declared a Non Pecuniary Interest - Less than Significant Conflict for the reason that he is associated with organisation who are involved in markets. Councillor Burke remained in the Chamber and participated in discussion and voting.*

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
515

**RESOLVED**

**That Council notes the information contained within the report.**

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

**CARRIED UNANIMOUSLY**

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

### **BUSINESS WITH NOTICE NO. BN14/2018**

**SUBJECT:       INSTALLATION OF FOOTPATHS AND PRAM RAMPS IN ASSOCIATION WITH DEVELOPMENT**

---

**MOTION**       **Moved:**   Councillor Fitzgibbon   **Seconded:**   Councillor Burke  
516  
**RESOLVED**

That Council undertakes a review of the Cessnock (2010) Development Control Plan (DCP) and associated *Engineering Guidelines for Development*, and consider including in the revised DCP a requirement to install footpath and pram ramps in all situations where kerb and guttering is required as part of a development.

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

**CARRIED UNANIMOUSLY**

**BUSINESS WITH NOTICE NO. BN15/2018**

**SUBJECT: COUNCILLOR ACCESS TO CUSTOMER REQUEST MANAGEMENT SYSTEM (CRM'S)**

---

**MOTION**      **Moved:** Councillor Gray      **Seconded:** Councillor Dagg  
517  
**RESOLVED**

That the General Manager investigate the logistics and costs of giving Councillors access to the Customer Request Management System for historic research and policy development purposes and present this report to a Councillor briefing in July 2018.

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

**CARRIED UNANIMOUSLY**

**BUSINESS WITH NOTICE NO. BN16/2018**

**SUBJECT: WE WON'T WAIT - PAID DOMESTIC VIOLENCE LEAVE POLICY**

---

**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Burke  
518

**RESOLVED**

1. That Council support the “We Won’t Wait!” campaign to end domestic violence.
2. That the General Manager bring back to Council a policy for consideration to implement paid domestic violence leave for employees based on the United Services Union’s policy “We won’t wait: Paid Domestic Violence Leave Policy”.
3. That this report and policy come back to Council by the end of July 2018.
4. That Council calls on everyone in the Cessnock LGA to help stop domestic violence in the community.

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

**CARRIED UNANIMOUSLY**

**BUSINESS WITH NOTICE NO. BN17/2018**

**SUBJECT: COUNCILLOR NOTIFICATION OF DEVELOPMENT APPLICATIONS AND UPCOMING WORKS**

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**MOTION**      **Moved:** Councillor Dagg      **Seconded:** Councillor Burke  
519  
**RESOLVED**

**That Council extend to all Councillors an 'opt-in' or 'opt-out' program to notify Councillors of notified development applications and upcoming works.**

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

**CARRIED UNANIMOUSLY**

**ANSWERS TO QUESTIONS FOR NEXT MEETING**

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ49/2018**

**SUBJECT: GUARD RAIL AT MAYBURY PEACE PARK BRIDGE**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ50/2018**

**SUBJECT: BAILEYS LANE ROADWORKS**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ51/2018**

**SUBJECT: LOSS OF CARPARKING SPACES AT WOOLWORTHS CARPARK**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ52/2018**

**SUBJECT: KURRI KURRI AMBULANCE HALL WORKS**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ53/2018**

**SUBJECT: KURRI KURRI COMMUNITY CENTRE WORKS**

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The answer was noted.



**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ54/2018**

**SUBJECT: BUCKLAND AVENUE/HENDERSON AVENUE AND MARLTON STREET**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ55/2018**

**SUBJECT: VINTAGE BALANCE LANDS**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ56/2018**

**SUBJECT: HANDOVER - NEW ENGLAND HIGHWAY/MAITLAND STREET,  
BRANXTON**

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The answer was noted.

## **QUESTIONS FOR NEXT MEETING**

Councillor Sander

Kurri Kurri Ambulance Hall

Councillor Sander asked when the repairs to the Ambulance Hall at Kurri Kurri are completed, what activities will be utilising this Community facility.

Councillor Sander

Briefing - Incomplete Scheduled Works

Councillor Sander asked if a briefing could be scheduled before the end of June to advise what works Council will not complete and need to move into the next financial year.

Councillor Gray

Installation of Traffic Lights Heddon Greta

Councillor Gray asked for an update on the installation of traffic lights at Hebburn Street at Heddon Greta.

Councillor Burke

WI41/2018 – 2017/2018 Aquatic Season Review

Councillor Burke asked if the midday closure at Christmas and the Staff Picnic Day could be added to the report.

Councillor Lyons

CBD Free Wi-Fi Project

Councillor Lyons asked for an update on the Cessnock CBD free wi-fi project.

## **CORRESPONDENCE**

### **CORRESPONDENCE NO. CO17/2018**

**SUBJECT: FORMER WOLLOMBI PUBLIC SCHOOL SITE**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
520

**RESOLVED:**

**That Council note the correspondence received.**

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

**CARRIED UNANIMOUSLY**

**CORRESPONDENCE NO. CO18/2018**

**SUBJECT: HUNTER JOINT ORGANISATION**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
521

**RESOLVED:**

**That Council note the correspondence received.**

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

**CARRIED UNANIMOUSLY**

7.52PM

**Confidential reports (closed session)**

**MOTION**            **Moved:** Councillor Burke            **Seconded:** Councillor Stapleford  
522

**RESOLVED** that the meeting move into closed session in order to consider confidential items.

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

**CARRIED UNANIMOUSLY**

7.54PM

**Open Session**

The meeting moved back into open session and the General Manager reported on the outcomes of the Closed Session.

**PLANNING AND ENVIRONMENT NO. PE36/2018**

**SUBJECT: MINUTES OF THE STRATEGIC PROPERTY AND COMMUNITY FACILITIES MEETING HELD 9 MAY 2018**

*This matter is considered to be confidential under Section 10A(2) (c) (di) (dii) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Dagg  
523

**RESOLVED**

1. That the Minutes of the Strategic Property and Community Facilities Committee Meeting held on the 9 May 2018 be adopted as a resolution of the Ordinary Council.
2. That the Committee meet for a site inspection at 2pm on June 13, 2018 on site at Hebburn Estate.
3. That the Committee meet at 3.15pm on June 13, 2018 in the Ante Room for the next meeting of the Strategic Property Committee.

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

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE37/2018**

**SUBJECT: VINEYARD GROVE STAGE 8 DEVELOPMENT**

*This matter is considered to be confidential under Section 10A(2) (c) (di) (dii) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

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

524

**RESOLVED**

1. That Council note the information contained within this report.
2. That Council approve the funding of \$3,885,000 to undertake the Vineyard Grove Stage 8 Development with funding being collected from:
  - Property Investment Fund \$75,000 – 2017/18 existing allocation
  - Property Investment Fund \$40,000 – 2018/19 new allocation
  - Internal Borrowings \$3,770,000 – 2019 new allocation

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

**CARRIED UNANIMOUSLY**

## **COUNCILLORS REPORTS**

Councillor Dagg

Subsidence Advisory NSW

I recently took part in the meeting of the Mine Subsidence Board held 30 May 2018.

We received an update on the Newcastle Mines Grouting Fund, rezoning of Bargo in the southern coalfields, contentious claims and recurring pothole sites. I note SANSW will shortly be undertaking training with Cessnock Council staff to advise them on how best to deal with recurring potholes. SANSW responds to approximately ten mine subsidence related potholes per month. Potholes represent a significant risk to public safety and a targeted, proactive approach to mitigation and risk management is a priority for the agency. Additionally, the agency is continuing to prepare for the discontinuance of s15B certificates for compliance from the coal mine subsidence compensation framework. Discontinuance of s15B certificates from 1 January 2019 will not impact the right of property owners to claim compensation from the Fund for damage to improvements which comply with SANSW requirements. Legislative amendment is recommended to extend the discretion of the SANSW Chief Executive to allow compensation claims for damage to protect unwitting property owners. A draft policy has been created to detail this process and as a Board Member I will be reviewing that document prior to the next meeting with a view to considering the potential liability of councils once these changes come into effect.

Councillor Gray

Bushfire Management Committee Meeting

Councillor Gray advised of his attendance at the Bushfire Management Committee Meeting where the following areas have been nominated to be burnt between 2018 – 2019 Hazard Reduction Cycle – Heddon Street, Kurri Kurri; Crown Land at Kearsley; Wilkinson's Place near Kearsley; Yango National Park at Bagnalls Creek; Yango National Park at Sandy Creek; the Werakata National Park at Pelton; First Street in the Werakata National Park, Weston and Harlt Street and church Street, Weston

Councillor Lyons

Austar Community Consultation Committee

Councillor Lyons advised that the Mine is solving some geological problems in the B6 section of the mine which means that mining in that section has been stopped. B7 Section will not be mined. Union has been kept in close contact with what is happening and there will not be any job losses. Community member and employee Gary Mulhearn has moved and was farewelled. Councillor Lyons also asked if Councillors could have an inspection of the mine.



*The Meeting Was Declared Closed at 7.59pm*

**CONFIRMED AND SIGNED** at the meeting held on 20 June 2018

.....**CHAIRPERSON**

.....**GENERAL MANAGER**