

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 20 FEBRUARY 2019, COMMENCING
AT 6.30PM**

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

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Director Works and Infrastructure
Strategic Planning Manager
Strategic Planner
Finance and Administration Manager
Governance and Council Support Coordinator
Management Accountant
Media & Communication Officer
Corporate Governance Officer

APOLOGY: **NIL**

MINUTES: **MOTION** **Moved:** Councillor Dagg
Seconded: Councillor Suvaal

751

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 6 February 2019, as circulated, be taken as read and confirmed as a correct record, with the following amendment in relation to Questions for Next Meeting, where Councillor Olsen's question on the Crossing at Cessnock High was in relation to how was it possible to man a job that was not on the current list of works.

FOR

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (13)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI2/2019

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.

CC7/2019 – Request for Fee Waiver for Use of Cessnock Performing Arts Centre from Cancer Council – Councillor Burke declared a Non Pecuniary Interest – Significant Conflict for the reason that he is involved in the event as a volunteer. Councillor Burke advised that he would leave the Chamber and take no part in discussion and voting.

GMU2/2019 – Cessnock Correctional Centre Access Road – Outcome of meetings with the Member for Cessnock and Community Representatives of the Cessnock Correctional Centre Community Consultative Committee - Councillor Suvaal declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that his sister works for Justice Health on this site. Councillor Suvaal advised that he would remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because it will not affect her working situation.

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

The following people addressed the meeting of Council:

Councillor Suvaal declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that his sister works for Justice Health on this site. Councillor Suvaal remained in the Chamber and participated in discussion and voting.

Speakers	For / Against	Report	Page No.	Duration
Gary Johnson	For	GMU2/2019 - Cessnock Correctional Centre Access Road - Outcome of Meetings with the Member for Cessnock and community representatives of the Cessnock Correctional Centre Community Consultative Committee	Supp Agenda	3 mins

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU2/2019

SUBJECT: **CESSNOCK CORRECTIONAL CENTRE ACCESS ROAD - OUTCOME OF MEETINGS WITH THE MEMBER FOR CESSNOCK AND COMMUNITY REPRESENTATIVES OF THE CESSNOCK CORRECTIONAL CENTRE COMMUNITY CONSULTATIVE COMMITTEE**

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Sander
752
RESOLVED

1. That Council note the outcomes of the meeting held with the community members of the Cessnock Correctional Centre Community Consultative Committee regarding the road access to the Correctional Centre.
2. That Council note the meeting with the Member for Cessnock, Clayton Barr MP has been arranged for 9.00am Thursday morning 21 February 2019.
3. That Council restate its preferred option in regards to access to the Cessnock Correctional Centre being:
 - that the access to the Cessnock Correctional Centre at Lindsay Street/Mavis Street be closed
 - that a new access is created via direct route from Wine Country Drive onto land owned by Hunter New England Health through the land owned by Corrective Services NSW and the Cessnock Correctional Centre
 - that this position is predicated on the reduction of impact on local roads and that any access to the Correctional Facility, existing or new, should be via the State Road network.

4. That Council write to the Premier the Hon Gladys Berijikian MP, the Minister for Corrections the Hon David Elliott MP, the Leader of the Opposition Michael Daley MP, the Member for Cessnock Clayton Barr MP, the Shadow Minister for Corrections Guy Zangari MP, candidates for the seat of Cessnock and the Cessnock Correctional Centre Community Consultative Committee in regards to access to the Cessnock Correctional Centre;
- Advising Councils position on the access to the Correctional Centre.
 - Requesting a written response as to reasons why access to the Correctional Centre cannot be via a direct route from the Correctional Centre through State Government owned land onto Wine Country Drive.
 - Seeking a commitment from the both the Government and Opposition in support of Councils position on the access to the Correctional Centre.
5. That a report come back to Council to the first Council meeting in March with the outcomes of the meetings and correspondence listed above.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

Jo-Ann Smith	Against	PE4/2019 - Planning Proposal to reclassify and rezone various Properties at Aberdare, Cessnock, East Branxton and Kitchener	95	3 mins
--------------	---------	---	----	--------

Withdrew from speaking.

Graham Smith	Against	CC6/2019 - Richmond Main Colliery Progress Report	205	3 mins
--------------	---------	---	-----	--------

CORPORATE AND COMMUNITY NO. CC6/2019

SUBJECT: RICHMOND MAIN COLLIERY PROGRESS REPORT

MOTION **Moved:** Councillor Gray **Seconded:** Councillor Burke
753

RESOLVED

1. That Council note the progress of actions for Richmond Main Colliery.
2. That Council note the Richmond Main Preservation Co-operative Society Limited tenure over buildings in Precinct B ends 28 February 2019 and includes the Locomotive Shed and Store and Power House Store buildings.
3. That the General Manager write to Richmond Main Preservation Co-operative Society Limited confirming the end of their tenure for occupation and operations within Precinct B buildings advising end date of 28 February 2019.
4. That Council proceed with implementing the advice provided by its insurer with installing hazard signage on buildings located within Precinct B of Richmond Main Colliery advising restricted access.
5. That in the preparation of a licence agreement between Council and the Richmond Main Preservation Co-operative Society Limited for use of areas at Richmond Main Colliery, Council continue to progress the resolutions determined at its meeting held 21 November 2018:
 - a) That Council, in not currently being able to fund the remediation works required for the Locomotive Shed and Store and/or Power House Store buildings, commence discussions with the Richmond Main Preservation Co-operative Society Limited Board to establish the feasibility of members of the Society and its community partners undertaking the building repair works in accordance with the Structural Assessment Building Report, and once works are completed to a standard agreed by Council, the Society be allowed to re-occupy the buildings for operational purposes as part of a licence agreement.
 - b) That Council note grounds maintenance within Precinct B and C has historically been undertaken by the Richmond Main Preservation Co-operative Society Limited and permitting ongoing access to these Precincts for this purpose will be discussed with the Society as part of a new licence agreement.
6. That the General Manager convene a meeting between the senior management team and the Board of the Society with the aim of defining a clear path towards restoring access to those areas of Precincts B and C which are essential to the safe and viable operation of the site.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CONSIDERATION AND ADOPTION OF ALL REPORTS BY ENGLOBE OR INDIVIDUALLY WITH NOMINATED EXCEPTIONS

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
754
RESOLVED

That having read and considered the reports in the agenda related to items

- PE4/2019 Planning Proposal to reclassify and rezone various properties at Aberdare, Cessnock, East Branxton and Kitchener.
- CC10/2019 Draft Code of Meeting Practice
- CC11/2019 Draft Code of Conduct and Procedures
- CC12/2019 Dedication of land for road widening - Proposed Lot 3 DP 1249763 - 21 Main Road Cliftleigh
- CC13/2019 Grant Funding Leverage Reserve - Consideration of Allocation
- CC14/2019 Investment Report - January 2019
- CC15/2019 Resolutions Tracking Report
- WI7/2019 Tender (T1819-06) Veterans Memorial Park Playground Design and Construct
- WI8/2019 Minutes of the Local Traffic Committee - 17 December 2018

Council adopt the recommendations as printed for those items.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

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

NOTICE OF INTENTION NO. NI1/2019

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

**PE6/2019 - REPORT FROM COMMISSIONER OF FIRE AND RESCUE
NSW IN RELATION TO LOT B DP 947427 119 MCDONALDS ROAD,
POKOLBIN**

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Dagg
755
RESOLVED

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

Report No. PE6/2019 - Report from Commissioner of Fire and Rescue NSW in relation to Lot B DP 947427 119 McDonalds Road, Pokolbin – as it deals with information that would, if disclosed, prejudice the maintenance of law.

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

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES

MAYORAL MINUTES NO. MM2/2019

SUBJECT: REVIEW OF COUNCILS DUAL OCCUPANCY CONTROLS

MOTION **Moved:** Councillor Pynsent

756

RESOLVED

1. That the General Manager make arrangements as a matter of priority to undertake the following planning actions to prevent poor planning outcomes from the clustering of dual occupancy development in the Cessnock Local Government Area:
 - a. Take immediate action to amend the Kurri Kurri District Strategy Consequential Amendments Planning Proposal to introduce a 600m2 minimum lot size for Dual Occupancy Development; and
 - b. In the short term, incorporate and discuss issues relating to Dual Occupancy Development in the drafting of the Cessnock City Planning Strategy; and
 - c. Amend the Cessnock City Development Control Plan 2010 to strengthen specific controls, including design, access arrangement and introducing a site landscape area requirement
2. That the planning actions required to prevent clustering of dual occupancy development be prioritised, resourced and funded from the Planning and Environment Directorate budget.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU2/2019

SUBJECT: MOTIONS OF URGENCY

NIL

DEFERRED BUSINESS

DEFERRED BUSINESS NO. DEF2/2019

SUBJECT: 18/2018/3 - PLANNING PROPOSAL 27 & 29 LANG STREET, KURRI KURRI.
REQUEST FOR GATEWAY DETERMINATION

MOTION **Moved:** Councillor Gray **Seconded:** Councillor Burke
757
RESOLVED

1. That Council not proceed with 18/2018/3 - Planning Proposal 27 & 29 Lang Street, Kurri Kurri for the following reasons:

- The proposal would result in an additional permitted use which is likely to cause unacceptable land use conflict and amenity impact, including noise, odour and traffic to residents in the R2 low density residential zone;
- The proposal would result in an additional permitted use for a service station that will further exacerbate the existing traffic issues at the intersection of Heddon Street and Lang Street, Kurri Kurri;
- The proposal would result in an additional permitted use for a service station that will detract from the adopted Kurri Kurri District Strategy by locating a business and possible ancillary uses that is likely to compete with and detract from existing businesses and services in the Kurri Kurri Town Centre;
- The location of the proposal is likely to negatively impact the commercial centre of Kurri Kurri by drawing customers away from the Centre.

2. That Council notify the proponent of this decision.

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

CARRIED

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE4/2019

SUBJECT: **PLANNING PROPOSAL TO RECLASSIFY AND REZONE VARIOUS PROPERTIES AT ABERDARE, CESSNOCK, EAST BRANXTON AND KITCHENER**

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
758
RESOLVED

1. That Council note the outcomes of the community consultation, including NSW Government agency submissions, public exhibition and public hearing for the Planning Proposal - Reclassification and rezoning of properties at Aberdare, Cessnock, East Branxton and Kitchener.
2. That Council proceed with the amended Planning Proposal – Reclassification and rezoning of properties at Aberdare, Cessnock, East Branxton and Kitchener and forward to the Minister of Planning and Environment with the recommendation that the plan be made pursuant to Section 3.36 of the *Environmental Planning and Assessment Act 1979*.
3. That Council notify NSW Government Agencies and members of the public who made a submission, and the NSW Department of Planning and Environment, of its decision.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE5/2019

SUBJECT: AMENDMENT TO CLIFBLEIGH URBAN PRECINCT PLANNING AGREEMENT

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Fitzgibbon
759
RESOLVED

1. That Council prepare a draft Deed of Variation for the Clifbleigh Urban Precinct Planning Agreement in accordance with the offer from Winten Property Group.
2. That Council publicly notify the draft Deed of Variation for a minimum period of 28 days in accordance with the provisions of the Environmental Planning and Assessment Act 1979.
3. That Council delegate authority to the General Manager to execute the Planning Agreement unless unresolved written objections are received during the exhibition period.
4. That Council develop a Master Plan that fits the 2031: A Vision for the Future Community Infrastructure Community Plan, within 6 months, for a staged development of a multi purpose community centre, to enable Council to apply for grant funding, identify funding sources and a funding model.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC7/2019

SUBJECT: REQUEST FOR FEE WAIVER FOR USE OF CESSNOCK PERFORMING ARTS CENTRE FROM CANCER COUNCIL

Councillor Burke declared a Non Pecuniary Interest – Significant Conflict for the reason that he is involved in the event as a volunteer. Councillor Burke left the Chamber and took no part in discussion and voting.

Councillor Burke left the meeting, the time being 7.12pm

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Sander
760
RESOLVED

1. That Council in accordance with its Sponsorship & Fee Waiving Policy waive fees of \$2,819 for use of Cessnock Performing Arts Centre for Cancer Council event Stars of the Hunter Valley.
2. That Council accept an amended premium sponsorship package offered by the Cancer Council for the following items only;
 - Full page advertisement and article in the event program
 - Opportunity to play a promotional video during the event
 - Prominent logo placement on all marketing materials, posters, flyers and invitations
3. That Council decline the following items offered as part of the premium sponsorship package offered by the Cancer Council.
 - 4 complimentary tickets to the event
 - Invitation to Stars of the Hunter Valley wrap party

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

CARRIED UNANIMOUSLY

Councillor Burke returned to the meeting, the time being 7.12pm

CORPORATE AND COMMUNITY NO. CC8/2019

SUBJECT: DECEMBER 2018 QUARTERLY REVIEW OF 2017-21 DELIVERY PROGRAM

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Fitzgibbon
761
RESOLVED

1. That Council note the progress in implementing the 2017-21 Delivery Program as at 31 December 2018.
2. That Council note the following change to the Traffic Facilities Program:
Add: CFT-2019-007 Lovedale and Wilderness Road intersection and design.
3. That Council note the progress of carryover deliverables.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC9/2019

SUBJECT: QUARTERLY BUDGET REVIEW STATEMENTS - DECEMBER 2018

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Suvaal
762

RESOLVED

1. That Council note the December 2018 Quarterly Budget Review Statements were presented to and endorsed for presentation to the Council by the Audit and Risk Committee on 5 February 2019.
2. That Council approve the variations to the income, expenditure and capital budgets as detailed in the December 2018 Quarterly Budget Review Statements.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC10/2019

SUBJECT: DRAFT CODE OF MEETING PRACTICE

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
763

RESOLVED

1. That Council place the Draft Code of Meeting Practice on public exhibition for 28 days, and if no relevant submissions are received that the Draft Code of Meeting Practice be adopted upon the finalisation of the public exhibition period.
2. That Council adopt the proposed General Order of Business for Council Meetings as outlined in this report.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC11/2019

SUBJECT: DRAFT CODE OF CONDUCT AND PROCEDURES

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
764

RESOLVED

1. That Council place the draft Model Code of Conduct for Local Councils in NSW and Model Procedures for the administration of the Model Code of Conduct for Local Councils in NSW on public exhibition for 28 days.
2. That Council adopt the draft Model Code of Conduct for Local Councils in NSW and Model Procedures for the administration of the Model Code of Conduct for Local Councils in NSW if no relevant submissions are received with effect from 1 May 2019.
3. That all Councillors attend mandatory training on the new draft Model Code of Conduct for Local Councils in NSW and Model Procedures for the administration of the Model Code of Conduct for Local Councils in NSW.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC12/2019

SUBJECT: DEDICATION OF LAND FOR ROAD WIDENING - PROPOSED LOT 3 DP 1249763 - 21 MAIN ROAD CLIFBLEIGH

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
765
RESOLVED

1. That Council agree to the dedication of Land required for road widening (being an area of 4311m² and part of Lot 9491 DP 1225029, Main Road Clifbleigh) as public road;
2. That Council authorise the execution of a licence to the Roads & Maritime Services for the temporary use of part of the land for a compound site;
3. That Council consent to the Roads & Maritime Services commencing road works within the land identified for road widening pending the dedication of the land as public road;
4. That Council authorise the Common Seal of Cessnock City Council to be affixed to documents necessary for the dedication of the Land as public road;
5. That Council authorise the Mayor and the General Manager to execute the documents necessary for the dedication of the land as public road

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC13/2019

SUBJECT: GRANT FUNDING LEVERAGE RESERVE - CONSIDERATION OF ALLOCATION

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
766
RESOLVED

That the reserved funds of \$795,450 be retained and used as leverage for matching funds for future grant funding opportunities and a report be presented to Council within six months if the funds have not been allocated to a specific purpose or successful funding opportunity.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC14/2019

SUBJECT: INVESTMENT REPORT - JANUARY 2019

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
767

RESOLVED

That Council receive the report and note the information.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC15/2019

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
768

RESOLVED

That Council receive the report and note the information.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI6/2019

SUBJECT: FINANCIAL SUSTAINABILITY INITIATIVES

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Burke
769

RESOLVED

1. That Council notes the information provided in the report.
2. That the General Manager continues to manage and monitor the implementation of Council's adopted Financial Sustainability Initiative (FSI) projects through the Integrated Planning & Reporting framework.
3. That a further report on the status of the FSI projects be provided to Council in June 2019.

Councillor Doherty left the meeting, the time being 07:20 PM

FOR	AGAINST
Councillor Dunn	Councillor Olsen
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (1)

CARRIED

WORKS AND INFRASTRUCTURE NO. WI7/2019

**SUBJECT: TENDER (T1819-06) VETERANS MEMORIAL PARK PLAYGROUND
DESIGN AND CONSTRUCT**

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
770
RESOLVED

That Council accept the tender (T1819-06) from Scape Constructions Pty Ltd in the lump sum of \$473,000 (including GST) for the design and construct of Veterans Memorial Park Playground.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI8/2019

**SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE
17 DECEMBER 2018**

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
771
RESOLVED

That the Minutes of the Local Traffic Committee of 17 December 2018 be adopted as a resolution of the Ordinary Council being:

1. **TC55/2018** - That Council authorise installation of GIVE WAY signs and line marking in Brown Street, Mathieson Street, Pillar Street and Crossing Street, Bellbird in accordance with the Brown Street, Bellbird _ Signage & Line Marking Diagram.
2. **TC56/2018** - That Council install a GIVE WAY sign, advance warning signs and line marking at the approaches to the single lane bridge on Hetton Street, Bellbird in accordance with the Hetton Street, Bellbird_ Signage & Line Marking Diagram.
3. **TC57/2018** - That Council install regulatory parking signage on North Avenue, Cessnock, in place of the existing disabled parking space, in accordance with North Avenue, Cessnock _ Signage Diagram.
4. **TC58/2018** - That Council install a Loading Zone on Percy Street, Cessnock, in accordance with the Percy Street, Cessnock _ Signage Diagram.
5. **TC59/2018** - That Council install regulatory parking signage on Hickey Street, Cessnock in accordance with the Hickey Street, Cessnock _ Signage Diagram.
6. **TC60/2018** - That Council install line marking on Bowen Street, Branxton in accordance with the Bowen Street, Branxton _ Line Marking Diagram.
7. **TC61/2018** - That Council note that the existing 6 tonne load limit applied to Whitebridge Road, Mulbring in response to culvert deterioration, has been removed following the replacement of the damaged culverts.

FOR**AGAINST**

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (13)

Total (0)

CARRIED UNANIMOUSLY

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN2/2019

SUBJECT: BUS SHELTERS

Councillor Doherty returned to the meeting, the time being 7.22pm

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Burke
772

RESOLVED

1. That Council provides adequate footpaths in and around any newly installed bus shelters within the LGA to provide unhindered access to and from these shelters for all residents.
2. That Council develops a suitable capital works program to retrospectively address similar concerns at existing bus shelter sites which are currently not fully accessible.
3. That a report come back to Council regarding the impact of the resolution within the Capital Works Program.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ12/2019

SUBJECT: CCTV FOR CEMETERIES

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ13/2019

SUBJECT: CROSSING AT CESSNOCK HIGH SCHOOL

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ14/2019

SUBJECT: WOLLOMBI ROAD SECTION OF TRAFFIC STRATEGY

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ15/2019

SUBJECT: SMOKE FREE ZONES VINCENT STREET, CESSNOCK

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ16/2019

SUBJECT: ROADWORKS AND UPGRADE OF CESSNOCK CBD

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ17/2019

SUBJECT: WASTE ON FOOTPATHS

The answer was noted.

QUESTIONS FOR NEXT MEETING

Councillor Anne Sander

KURRI KURRI COMMUNITY CENTRE

Councillor Sander asked for an update on the Kurri Kurri Community Centre.

Councillor Mark Lyons

MAINTENANCE OF PRIVATE CAR PARKS

Councillor Lyons asked if Council can encourage the owners of private car parks to maintain them to a safe standard.

Councillor Mark Lyons

CESSNOCK TAFE GROUND MAINTENANCE

Councillor Lyons asked if Council can contact Cessnock TAFE regarding the standard of maintenance on their grounds in terms of lawns etc.

Councillor Di Fitzgibbon

COMPLYING DEVELOPMENT MEMBERSHIP

Councillor Fitzgibbon asked if Council had had any reply from the Complying Development Expert Panel regarding Council's membership request.

Councillor Ian Olsen

RESPONSE TO QUESTIONS

Councillor Olsen referred to 2 questions that were asked of the Director Works & Infrastructure on 2 January and 20 January and asked when he would receive a response.

COUNCILLORS REPORTS

Councillor Dagg

Association of Mining Related Councils.

Councillor Dagg advised of her attendance at the Association of Mining Related Councils meeting where work began on updating the Association's Coal Seam Gas Policy, not an issue relevant to our Council, but one that is very important to the State. There was a presentation by Adam Seale, Shadow Minister for Industrial Relations and Energy and the Environment who was updating the Association on the work that Labor was doing in relation to a Resources for Regions Policy.

Councillor Lyons

Austar Community Consultation Committee

Councillor Lyons advised of his attendance at the Austar Community Consultation Committee and advise that works have commenced after the tragic accident last year and they are still investigating what scale of works will be happening in the future regarding the fault lines. They will also be contacting Council to arrange some time in March for a Councillor Inspection of the Mine.

7.33pm

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Fitzgibbon
773
RESOLVED

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

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

7.34PM

Open Session

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

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE6/2019

SUBJECT: **REPORT FROM COMMISSIONER OF FIRE AND RESCUE NSW IN RELATION TO LOT B DP 947427 119 MCDONALDS ROAD, POKOLBIN**
This matter is considered to be confidential under Section 10A(2) (e) of the Local Government Act, as it deals with information that would, if disclosed, prejudice the maintenance of law.

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Dagg
774
RESOLVED

1. That Council note the correspondence dated 28 January 2019 on behalf of the Commissioner of Fire and Rescue NSW.
2. That Council in accordance with Schedule 5, Part 8, Section 17 of the *Environmental Planning and Assessment Act 1979*,
 - A. Acknowledge receipt of a fire inspection report and recommendations on behalf of the Commissioner of Fire and Rescue NSW in relation to Ben Ean Winery, Lot B DP 947427 119 McDonalds Road Pokolbin, and
 - B. Determine to follow up the matters raised in accordance with Council's Compliance and Enforcement Policy by seeking voluntary compliance in the first instance, and if compliance is not achieved with the recommendations of Fire and Rescue NSW by 30 April 2019, then to consider issuing a fire safety order requiring statutory compliance; and
 - C. Give notice of Council's determination to the Commissioner of Fire and Rescue NSW.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

The Meeting Was Declared Closed at 7.35pm

CONFIRMED AND SIGNED at the meeting held on 6 March 2019

.....**CHAIRPERSON**

.....**GENERAL MANAGER**