

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 23 OCTOBER 2019, COMMENCING
AT 6.30 PM**

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

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Director Works and Infrastructure
Development Services Manager
Acting Health & Building Manager (Building Services Team Leader)
Recreation & Community Facilities Coordinator
Sustainability Officer
Media & Communication Officer
Corporate Governance Officer

**APOLOGY & LEAVE
OF ABSENCE:**

MOTION	Moved: Councillor Dunn Seconded: Councillor Stapleford
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1015
RESOLVED that the apology tendered on behalf of Councillor Fagg for unavoidable absence, be accepted and leave of absence granted.

That the Leave of Absence for Councillors Burke, Gray and Dagg be noted.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

MINUTES:

MOTION

Moved: Councillor Fitzgibbon
Seconded: Councillor Suvaal

1016

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 2 October 2019, as circulated, be taken as read and confirmed as a correct record.

FOR

AGAINST

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (9)

Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI20/2019

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.

CC88/2019 - Request for Easement over Council land Jeffery Park, 24 Congewai Street Kearsley Lot 2882 DP 1158212 – Councillor Sander declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that she believes that the applicant was a member of the ALP and former Mayor of Cessnock City Council. Councillor Sander advised that she will remain in the chamber and participate in discussion and voting as the conflict has not influenced her in carrying out her public duty.

CC88/2019 - Request for Easement over Council land Jeffery Park, 24 Congewai Street Kearsley Lot 2882 DP 1158212 – Councillor Suvaal declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that he believes that the applicant was a member of the ALP and former Mayor of Cessnock City Council. Councillor Suvaal 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 he does not have a personal friendship with the applicant.

BN27/2019 - Gaol Access – Councillor Suvaal declared a Non Pecuniary Interest Less Than Significant conflict for the reason that his sister is a Justice Health Employee at the Goal. Councillor Suvaal advised that he will remain the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because it has not impact on her employment.

CC88/2019 - Request for Easement over Council land Jeffery Park, 24 Congewai Street Kearsley Lot 2882 DP 1158212 – Councillor Fitzgibbon declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that she believes that the applicant was a member of the ALP and former Mayor of Cessnock City Council. Councillor Fitzgibbon advised that she will remain in the chamber and participate in discussion and voting as the conflict has not influenced her in carrying out her public duty because the applicant is not a personal friend of hers.

CC85/2019 - Tender No. T1819-15 - Plant Hire – Councillor Fitzgibbon declared a Non Pecuniary Interest Significant Conflict for the reason that she is friends with two of the families who own companies on the list, therefore it could not reasonably be regarded her decision was not influenced by this. Councillor Fitzgibbon advised that she will leave the chamber and take no part in discussion and voting.

CC88/2019 - Request for Easement over Council land Jeffery Park, 24 Congewai Street Kearsley Lot 2882 DP 1158212 – Councillor Lyons declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that he believes that the applicant was a member of the ALP and former Mayor of Cessnock City Council. Councillor Lyons advised that he will remain in the chamber and participate in discussion and voting as the conflict has not influenced him in carrying out her public duty.

CC88/2019 - Request for Easement over Council land Jeffery Park, 24 Congewai Street Kearsley Lot 2882 DP 1158212 – the Mayor declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that he believes that the applicant was a member of the ALP and former Mayor of Cessnock City Council. The Mayor advised that he will remain in the chamber and participate in discussion and voting as the conflict has not influenced him in carrying out her public duty as the proponent is not a personal friend of his.

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

NIL

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

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1017

RESOLVED that having read and considered the reports in the agenda related to items:-

NI11/2019	Notice of Intention to Deal with matters in Confidential Session. CC91/2019 - Cessnock Airport - Hangar Dispute	27
PE68/2019	Fees and Charges Amendment - Building, Regulatory and Library Services	29
CC86/2019	Council Submissions to IPART Reports.....	63
CC89/2019	Request for Easement for stormwater over Council land part of Branxton Park 4 John Rose Avenue, Branxton Lot 2 DP 1049557	134
‡ CC90/2019	Resolutions Tracking Report.....	141
WI73/2019	NSW Sustainable Communities Tidy Towns Awards Weekend ..	207
WI74/2019	Tender No. T1920-02 - Investigation of Potential Contamination of Council's Former Waste Sites	212
‡ CO25/2019	Seeking Support for Funding to Implement the Cessnock LGA Traffic & Transport Strategy 2018 High Priority Projects	310

Council adopt the recommendations as printed for those items.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

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

NOTICE OF INTENTION NO. NI11/2019

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

CC91/2019 - CESSNOCK AIRPORT - HANGAR DISPUTE

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1018
RESOLVED

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

Report No. CC91/2019 – Cessnock Airport – Hangar Dispute as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

2. That Council requests the Mayor in accordance with Clause 14.21 of Councils Code of Meeting Practice 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 Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU18/2019

SUBJECT: MOTIONS OF URGENCY

NIL

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE68/2019

SUBJECT: FEES AND CHARGES AMENDMENT - BUILDING, REGULATORY AND LIBRARY SERVICES

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1019
RESOLVED

1. That Council adopts the correct fees that are set by regulations (fee type F).
2. That Council places on public exhibition for 28 days the proposed amendments to Council's adopted fees and charges that are not subject to regulations, (fee types A, D, E, G) to allow for public submissions prior to consideration of adopting the amended fees.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE69/2019

**SUBJECT: COUNCIL SUBMISSION TO BETTER REGULATION DIVISION
REGARDING THE DRAFT BUILDING AND DEVELOPMENT
CERTIFIERS REGULATION 2019**

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Fitzgibbon
1020
RESOLVED

1. That Council endorses the submission to the Better Regulation Division regarding the draft Building and Development Certifiers Regulation 2019.
2. That Council forwards a copy of this submission to the State Member, Mr Clayton Barr MP.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

PROCEDURAL MOTION

Moved:

Councillor Suvaal

Seconded:

Councillor Fitzgibbon

1021

RESOLVED that the Council move into Closed Session to allow Council's legal representative to address Council.

FOR

AGAINST

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (9)

Total (0)

CARRIED UNANIMOUSLY

PROCEDURAL MOTION

Moved:

Councillor Lyons

Seconded:

Councillor Sander

1022

RESOLVED that the meeting move back into Open Session.

FOR

AGAINST

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (9)

Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE70/2019

SUBJECT: CLASS 1 APPEAL (2019/275377) IN THE NSW LAND AND ENVIRONMENT COURT AGAINST THE DEEMED REFUSAL OF DEVELOPMENT APPLICATION NO. 8/2017/460/1 PROPOSING A TORRENS TITLE SUBDIVISION TO CREATE 269 RESIDENTIAL LOTS, 2 SUPER LOTS AND 3 RESIDUE LOTS - TENNANT STREET (LOT 3 DP 597226), BELLBIRD

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Stapleford
1023
RESOLVED

1. That Council notes that the applicant has commenced an appeal against the deemed refusal of Development Application No. 8/2017/460/1 by the Hunter and Central Coast Regional Planning Panel, and that the Hunter and Central Coast Regional Planning Panel has been notified of the appeal.
2. That Council notes the attached estimate of costs prepared by Council's solicitors in respect of Land and Environment Court Appeal, No. 2019/275377 (relating to Development Application No. 8/2017/460/1).
3. That Council notes that Council officers will forward an assessment report in respect of Development Application No. 8/2017/460/1, to the Hunter and Central Coast Regional Planning Panel for consideration/determination, when prepared.
4. That Council delegates the management of Land and Environment Court Appeal, No. 2019/275377 (relating to Development Application No. 8/2017/460/1) to the General Manager, including the ability to enter into a Section 34 agreement, subject to the direction and control of the Hunter and Central Coast Regional Planning Panel.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE71/2019

SUBJECT: CLASS 1 APPEAL (2019/275365) IN THE NSW LAND AND ENVIRONMENT COURT AGAINST THE DEEMED REFUSAL OF DEVELOPMENT APPLICATION NO. 8/2017/459/1 PROPOSING A TORRENS TITLE SUBDIVISION TO CREATE 286 RESIDENTIAL LOTS, 2 SUPER LOTS AND A RESIDUE LOT - RUBY STREET (LOT: 1 DP: 327785, LOT: 1 DP: 328498 AND LOT 1 DP: 597226), BELLBIRD

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Stapleford
1024

RESOLVED

1. That Council notes that the applicant has commenced an appeal against the deemed refusal of Development Application No. 8/2017/459/1 by the Hunter and Central Coast Regional Planning Panel, and that the Hunter and Central Coast Regional Planning Panel has been notified of the appeal.
2. That Council notes the attached estimate of costs prepared by Council's solicitors in respect of Land and Environment Court Appeal, No. 2019/275365 (relating to Development Application No. 8/2017/459/1).
3. That Council notes that Council officers will forward an assessment report in respect of Development Application No. 8/2017/459/1, to the Hunter and Central Coast Regional Planning Panel for consideration/determination, when prepared.
4. That Council delegates the management of Land and Environment Court Appeal, No. 2019/275365 (relating to Development Application No. 8/2017/459/1) to the General Manager, including the ability to enter into a Section 34 agreement, subject to the direction and control of the Hunter and Central Coast Regional Planning Panel.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC85/2019

SUBJECT: TENDER NO. T1819-15 - PLANT HIRE

Councillor Fitzgibbon declared a Non Pecuniary Interest Significant Conflict for the reason that she is friends with two of the families who own companies on the list, therefore it could not reasonably be regarded her decision was not influenced by this. Councillor Fitzgibbon left the chamber and took no part in discussion and voting.

Councillor Fitzgibbon left the meeting, the time being 6.45pm

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Stapleford
1025

RESOLVED

1. That Council accepts the Tenders for Plant Hire (T1819-15) being in the following categories in no order of preference as a panel:
 - a. Dry Hire
 - Coates Hire Operations
 - Kennards Hire Pty Ltd
 - Conplant Pty Ltd
 - Lovetts Cessnock Earthmoving
 - b. Wet Hire
 - Hartchers Water Haulage
 - J & L Plant Hire Pty Ltd
 - Dannenberg Earth Moving
 - Lovetts Cessnock Earthmoving
 - Mitchell Bros Earthmoving
 - Roses Earthmoving T/A Kuhaca Pty Ltd
 - T & D Earthworks Pty Ltd
 - Woodbury Civil
2. That Council note the contract term for Tender for Plant Hire (T1819-15) is from 1 October 2019 to 30 September 2022 with an option for two 12-month contract extension based on satisfactory supplier performance.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (8)	Total (0)

CARRIED UNANIMOUSLY

Councillor Fitzgibbon returned to the meeting, the time being 6.46pm

CORPORATE AND COMMUNITY NO. CC86/2019

SUBJECT: COUNCIL SUBMISSIONS TO IPART REPORTS

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1026

RESOLVED

That Council endorses the proposed submissions to be made in response to the following final reports prepared by the Independent Pricing and Regulatory Tribunal:

1. A review of reporting and compliance burdens on local government; and
2. A review of local government compliance and enforcement.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC87/2019

SUBJECT: INVESTMENT REPORT - SEPTEMBER 2019

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Lyons
1027

RESOLVED

That Council receives the report and notes:

- Investments are held in accordance with Council's Investment Policy which accords with the Ministerial Investment Order; and
- Council's month end balance was \$41,269,809, year to date interest earned to 30 September was \$205,301 and the interest earned for September was \$66,963.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC88/2019

**SUBJECT: REQUEST FOR EASEMENT OVER COUNCIL LAND JEFFERY PARK,
24 CONGEWAI STREET KEARSLEY LOT 2882 DP 1158212**

Councillor Sander declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that she believes that the applicant was a member of the ALP and former Mayor of Cessnock City Council. Councillor Sander remained in the Chamber and took part in discussion and voting.

Councillor Suvaal declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that he believes that the applicant was a member of the ALP and former Mayor of Cessnock City Council. Councillor Suvaal remained in the Chamber and took part in discussion and voting.

Councillor Fitzgibbon declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that she believes that the applicant was a member of the ALP and former Mayor of Cessnock City Council. Councillor Fitzgibbon remained in the Chamber and took part in discussion and voting.

Councillor Lyons declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that he believes that the applicant was a member of the ALP and former Mayor of Cessnock City Council. Councillor Lyons remained in the Chamber and took part in discussion and voting.

The Mayor declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that he believes that the applicant was a member of the ALP and former Mayor of Cessnock City Council. The Mayor remained in the Chamber and took part in discussion and voting.

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Stapleford
1028
RESOLVED

That Council consents to the granting of an easement benefiting Lot 156 DP 755215 burdening Council land being Lot 2882 DP 1158212 for connection to Hunter Water sewer infrastructure subject to the following:

- a) **That Council gives landowners consent for the lodgment of a development application that includes a proposed easement for sewer main over the Council land;**
- b) **The easement to be located generally on the western boundary of Lot 2882 DP 1158212 and in accordance with the proposed sewer easement plan;**
- c) **That the sewer main infrastructure be constructed underground within the easement that also benefits Cessnock City Council;**
- d) **That Council delegates to the General Manager the power to negotiate the terms for the granting of an easement including the location and compensation that is subject to an independent valuation;**

- e) That Council advises the Applicant that all costs associated with the granting of the easement including survey, registration costs, Council's reasonable legal and valuation costs be borne by the benefiting property owner;
- f) That Council authorises the Common Seal of Cessnock City Council to be affixed to documents relating to the granting of the easement, and
- g) That Council authorises the Mayor and General Manager to execute the documents relating to the granting of the easement.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC89/2019

SUBJECT: REQUEST FOR EASEMENT FOR STORMWATER OVER COUNCIL LAND PART OF BRANXTON PARK 4 JOHN ROSE AVENUE, BRANXTON LOT 2 DP 1049557

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1029
RESOLVED

That Council consents to the granting of an easement benefiting the Owner's Land (Folio identifiers 672/1003593, 1/1094098, 2/1094098, 3/1094098 and 34/70289 burdening Council land being Lot 2 DP 1049557 for storm water purposes subject to the following:

- a) That Council provides landowners consent for the lodgment of a s4.55 application to amend an existing development approval for DA8/2011/400/2 regarding the proposed easement for storm water.
- b) The easement to be 4m wide, located on the northern boundary of Lot 2 DP 1049557 in accordance with plan of proposed easement and the storm water drainage infrastructure be constructed underground within the easement connecting to the existing waterway in accordance with the development consent ;
- c) That Council delegates to the General Manager the power to negotiate the terms for the granting of an easement including compensation that is subject to an independent valuation;
- d) That Council advises the Owners that all costs associated with the granting of the easement including survey, registration costs, Council's reasonable legal and valuation costs be borne by the benefiting property owner;
- e) That Council authorises the Common Seal of Cessnock City Council to be affixed to documents relating to the granting of the easement, and
- f) That Council authorises the Mayor and General Manager to execute the documents relating to the granting of the easement.

FOR

AGAINST

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (9)

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC90/2019

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1030

RESOLVED

That Council receives the report and notes the information in the Resolutions Tracking Report.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI71/2019

SUBJECT: 2018/19 AQUATIC SEASON REVIEW

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

1. That Council notes the financial impact of offering a subsidized or free intensive water safety programs in January 2020 is in the order of \$4480, assuming a 100% participation rate across four classes each day for ten days.
2. That Council notes the timing of the proposed introduction of the learn to swim program, in line with the Outdoors Pools Service Improvement Project, has been delayed due to difficulty in recruiting appropriate staff.
3. That Council notes school holiday intensive water safety lessons at Branxton and Cessnock Pools are scheduled to commence from 6 January to 17 January 2020.

AMENDMENT **Moved:** Councillor Fitzgibbon **Seconded:** Councillor Sander

1. That Council notes the financial impact of offering a subsidized or free intensive water safety programs in January 2020 is in the order of \$4480, assuming a 100% participation rate across four classes each day for ten days.
2. That Council notes the timing of the proposed introduction of the learn to swim program, in line with the Outdoors Pools Service Improvement Project, has been delayed due to difficulty in recruiting appropriate staff.
3. That Council notes school holiday intensive water safety lessons at Branxton and Cessnock Pools are scheduled to commence from 6 January to 17 January 2020.
4. That if the School Holiday Intensive Water Safety program is covered by the Community Swimming Grants program and if Council is successful, Council consider offering the service as subsidised or free and a further report come to Council once the grant has been determined.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (8)	Total (1)

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

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

MOTION **Moved:** Councillor Fitzgibbon **Seconded:** Councillor Sander
1031

RESOLVED

1. That Council notes the financial impact of offering a subsidized or free intensive water safety programs in January 2020 is in the order of \$4480, assuming a 100% participation rate across four classes each day for ten days.
2. That Council notes the timing of the proposed introduction of the learn to swim program, in line with the Outdoors Pools Service Improvement Project, has been delayed due to difficulty in recruiting appropriate staff.
3. That Council notes school holiday intensive water safety lessons at Branxton and Cessnock Pools are scheduled to commence from 6 January to 17 January 2020.
4. That if the School Holiday Intensive Water Safety program is covered by the Community Swimming Grants program and if Council is successful, Council consider offering the service as subsidised or free and a further report come to Council once the grant has been determined.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI72/2019

SUBJECT: ABERMAIN SCHOOL OF ARTS

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Suvaal
1032

RESOLVED

1. That Council notes the steps required to relocate the Sir Edgeworth David Memorial Museum to the Abermain School of Arts.
2. That Council notes the relocation of Sir Edgeworth David Memorial Museum to the Abermain School of Arts is not currently listed as an action in the 2019-20 Operational Plan.
3. That the General Manager, in consultation with stakeholders in the Abermain School of Arts, investigate an interim short term licence to enable Sir Edgeworth David Memorial Museum to relocate to that facility.
4. That the General Manager prepares a report for the second meeting in November outlining the costs involved in preparing the interim short term licence and the funding source.

FOR

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (9)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI73/2019

SUBJECT: NSW SUSTAINABLE COMMUNITIES TIDY TOWNS AWARDS WEEKEND

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1033
RESOLVED

That Council endorses the attendance of the Mayor Councillor Pynsent, Councillor Dunn and Councillor Gray (including partners to the dinner) to the 2019 NSW Sustainable Communities Tidy Towns Awards weekend to be held in Cessnock from 1 to 3 November 2019.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI74/2019

SUBJECT: TENDER NO. T1920-02 - INVESTIGATION OF POTENTIAL CONTAMINATION OF COUNCIL'S FORMER WASTE SITES

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1034
RESOLVED

That Council accept the tender from Progressive Risk Management for a lump sum of \$359,102.04 (including GST) to undertake:

1. Detailed site investigations, including installation of groundwater and gas monitoring wells and sampling and analysis of one monitoring event, for the six high risk sites.
2. Ongoing monitoring, including sampling and analysis of two additional monitoring events for groundwater, surface water and gas monitoring at the six high risk sites.
3. Development of Remediation Action Plan, including an estimated costing of remediation works, for the Former Sanitary Depot at Kurri Kurri.
4. Validation of remedial works at the Former Sanitary Depot at Kurri Kurri.
5. That the project be funded from the Waste Reserve as outlined in the Financial Implications section of the report.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI75/2019

SUBJECT: LOCAL TRAFFIC COMMITTEE MINUTES 16 SEPTEMBER 2019

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Fitzgibbon
1035

RESOLVED

That the Minutes of the Local Traffic Committee of 16 September 2019 be adopted as a resolution of the Ordinary Council.

1. TC33/2019 – That Council authorise the installation of GIVE WAY signage on Lomas Lane, Nulkaba in accordance with the Lomas Lane Nulkaba Signage Diagram.
2. TC34/2019 – That Council authorise the installation of GIVE WAY controls on De Beyers Road and Grady Road, Pokolbin, in accordance with the De Beyers & Grady Road Signage & Line Marking Diagram.
3. TC35/2019 – That Council authorise the installation of regulatory parking signage on Cumberland Street, Cessnock in accordance with the Cumberland Street Cessnock – Signage Diagram.
4. TC36/2019 – That Council authorise the installation of regulatory parking signage on Darwin Street, Cessnock, in accordance with the Darwin Street Cessnock Bus Zone Removal Diagram.
5. TC37/2019 – That Council authorise the installation of BUS ZONE signage on Jurd Street, Cessnock in accordance with the Jurd Street Cessnock Signage & Line Marking Diagram.
6. TC38/2019 – That Council authorise the installation of regulatory signage on View Street, Cessnock in accordance with the View Street Cessnock Signage Diagram.
7. TC39/2019 – That Council authorise the temporary regulation of traffic on Great North Road, Murrays Run Road, and Watagan Creek Road, Laguna, in accordance with the Various Roads Laguna Gravel Grit Laguna Traffic Control Plans.
8. TC40/2019 – That Council authorise the temporary regulation of traffic on Camp Road, Greta, in accordance with the Camp Road Greta Silky Oak Festival Traffic Control Plans.
9. TC41/2019 – That Council authorise the installation of regulatory parking signage on King Street, Abermain, in accordance with the King Street Abermain Amended Line Marking & Signage Diagram.

That in addition to the adoption of the Minutes of the Local Traffic Committee:

10. The General Manager investigate disability parking at the following locations – Weston CBD near local post office and chemist. Centrelink at Kurri Kurri in Barton Street and Post Office in Lang Street, Kurri Kurri.

11. **The General Manager conduct an audit of the taxi ranks in the whole of the LGA to identify if these ranks are being used.**

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI76/2019

SUBJECT: TOMALPIN STREET, KEARSLEY - SCHOOL ZONE INVESTIGATION AND DESIGN

MOTION **Moved:** Councillor Fitzgibbon **Seconded:** Councillor Suvaal
1036
RESOLVED

1. That Council upgrades pedestrian and car parking facilities in the school zone on the eastern side of Tomalpin Street, Kearsley, by installing the treatments outlined in Option 1 of the report, being:
 - Concrete pathway between Mulbring Street and the school' pedestrian access gate;
 - A 25m (parallel parking) school-zone-timed, Kiss and Ride area;
 - 13 x Rear to Kerb 90° angle parking spaces; and
 - 1 x Mobility Scheme Parking Space.
2. That Council notes that the proposed \$120,000 upgrade of Tomalpin Street, Kearsley is currently not funded in the 2019/20 Operational Plan.
3. That the project be included in the 2019/2020 Operational Plan and be funded from the Civil Works Reserve and Council considers repayment to this Reserve as part of the development of the Operational Plan 2020/2021.
4. That the work is to be undertaken and completed over the Christmas School Holiday period 2019/2020.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI77/2019

SUBJECT: TENDER NO. T1819-17 - WATERMAIN RELOCATION IN GINGERS LANE, WESTON

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Stapleford
1037
RESOLVED

That Council accepts the tender from Murphy McCarthy & Associates Pty Ltd in the lump sum and schedule of rates amount of \$304,879 (including GST) for T1819-17 – Watermain Relocation in Gingers Lane, Weston.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN26/2019

SUBJECT: WESTON FIRE AND RESCUE STATION

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Suvaal
1038

RESOLVED

1. That the General Manager writes to the Minister for Police and Emergency Services, The Hon. David Elliott, MP seeking the following;
 - NSW Government support to keep the Weston Fire Station open, pending an investigation into suitable options to enhance the attractiveness of being a retained fire fighter so as to encourage more community members to join local brigades.
 - A written commitment from the NSW Government that if Weston Fire Station is to be closed, the building and infrastructure on site in Swanson Street, Weston be transferred to Council to be used as a Community Asset, with one option being to re-open the station as an RFS facility.
2. That a copy of the correspondence be sent to the Member for Cessnock, Mr Clayton Barr MP and Mr Taylor Martin MLC.
3. That Council supports any review which improves conditions and incentives for retaining retained fire fighters.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN27/2019

SUBJECT: GAOL ACCESS

Councillor Suvaal declared a Non Pecuniary Interest Less Than Significant conflict for the reason that his sister is a Justice Health Employee at the Goal. Councillor Suvaal remained the Chamber and participated in discussion and voting.

MOTION

That Council contact the State Government Minister for Police and Emergency Services, The Hon David Elliott MP and ask him to supply a design of the preferred access road and a commitment to complete that road within 6 months, otherwise Council may be left with no option but to close the Lindsay Street access due to the excess traffic and damage to local roads.

The Motion lapsed for want of a Secunder.

ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ97/2019

SUBJECT: KURRI KURRI COMMUNITY CENTRE

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ98/2019

SUBJECT: BLUE GUM ROAD - TOURIST ENTRY SIGN

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ99/2019

SUBJECT: CRUICKSHANK STREET, BELLBIRD - DRAINAGE

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ100/2019

SUBJECT: AIRPORT MASTER PLAN

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ101/2019

SUBJECT: COOPER STREET, CESSNOCK - WORKS

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ102/2019

SUBJECT: GOLDEN BEAR GOLF DEVELOPMENT

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ103/2019

SUBJECT: LINDSAY STREET, CESSNOCK - CLOSURE

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ104/2019

SUBJECT: MILLER PARK MASTERPLAN

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ105/2019

SUBJECT: CARMICHAEL PARK MASTERPLAN AND BELLBIRD NORTH SECTION 7.11 PLAN

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ106/2019

SUBJECT: LIST OF MASTERPLANS

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ107/2019

SUBJECT: ST PHILIP'S COLLEGE MASTERPLAN

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ108/2019

SUBJECT: ABBOTSFORD STREET BRIDGE

The answer was noted.

CORRESPONDENCE

CORRESPONDENCE NO. CO25/2019

**SUBJECT: SEEKING SUPPORT FOR FUNDING TO IMPLEMENT THE
CESSNOCK LGA TRAFFIC & TRANSPORT STRATEGY 2018 HIGH
PRIORITY PROJECTS**

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1039
RESOLVED

That the correspondence be noted.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

COUNCILLOR'S REPORTS

Councillor Olsen

Facebook Page

It has been brought to my attention that one of my posts on my Facebook page, Ian Olsen, Independent Councillor Ward B Cessnock, has upset a staff member from Council and I should apologise for these remarks.

I don't make comments on my Facebook page to attack any one person, however, at my request, and with the approval of the complainant, the person was made known to me.

To Council's Construction Team Leader, and I apologise for not saying his name properly, Greg Vodopianoff, I apologise.

At no time were these comments attacking any one person on Council and never would be. I am making comments about issues that are important to the residents. I very rarely get any objection to me calling it as I see it. I comment on what is happening with your council. Unfortunately, at times some people think I am making remarks about them.

I have adjusted the comments that have upset this person on my Facebook page.

To minimise any future concerns, Council has been good enough to provide me with a training program to improve how I make my comments.

I look forward to continuing my Facebook page and keeping locals up to date with what is happening with their Council.

I enjoy my role as a Councillor and keeping people informed and listening to them is part of what I do. I hope to continue on with my page into the future without having people taking issues with my opinions.

Mayor

LGNSW Conference

The Mayor reported on his attendance at the LGNSW Conference with Councillors Dagg, Dunn and Suvaal and the General Manager.

The motion that was adopted by this Council was also very similar to a motion from Kiama Council and working with the Mayor of Kiama extra words were added to the motion that they had put up, those being "including Councillors" so in the make-up of the JRPP that the external people still include Councillors. The motion was adopted overwhelmingly by the conference and wait until it becomes an action from Local Government NSW.

The Conference overall was very enlightening, great speakers, about 120 motions that were debated. It was also announced at the last session of the Conference that Cessnock will host the LGNSW Conference in 2020 at the Crowne Plaza.

7.38PM

Confidential reports (closed session)

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Suvaal
1040

RESOLVED that the meeting move into Closed Session in order to consider confidential items.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

7.40PM

Open Session

The meeting moved back into Open Session and the General Manager reported on the outcome.

CORPORATE AND COMMUNITY NO. CC91/2019

SUBJECT: CESSNOCK AIRPORT - HANGAR DISPUTE

This matter is considered to be confidential under Section 10A(2) (g) of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Stapleford
1041
RESOLVED

That Council authorises the General Manager to progress the legal proceedings relating to the hangar and airport subdivision, brought by 123259932 Pty Limited.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

The Meeting Was Declared Closed at 7.40pm

CONFIRMED AND SIGNED at the meeting held on 6 November 2019

.....**CHAIRPERSON**

.....**GENERAL MANAGER**