

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 7 MAY 2014, COMMENCING  
AT 6.30 PM**

**PRESENT:** His Worship the Mayor, Councillor R Pynsent (in the Chair) and Councillors Gibson, Troy, Doherty, Wrightson, Olsen, Ryan, Stapleford, Hawkins, Smith, Campbell, Parsons and Maybury.

**IN ATTENDANCE:** General Manager  
Director Planning and Environment  
Director Corporate and Community Services  
Director Works and Infrastructure  
Development Services Manager  
Economic Development Manager  
Acting Manager Governance and Business Services  
Strategic Landuse Planning Manager  
Corporate Administration Officer  
General Manager's Executive Assistant

**MINUTES:** **MOTION** **Moved:** Councillor Maybury  
**Seconded:** Councillor Parsons

870  
**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 16 April 2014, as circulated, be taken as read and confirmed as a correct record with the following amendment being made:

“Councillor Morgan Campbell left the meeting at 7.47 pm and did not participate in the closed session.

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	Councillor Ryan
Councillor Troy	
Councillor Doherty	
Councillor Wrightson	
Councillor Olsen	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (1)</b>

**CARRIED**

**DISCLOSURES OF INTEREST**

**DISCLOSURES OF INTEREST NO. DI8/2014**

**SUBJECT: DISCLOSURES OF INTEREST**

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NIL

## PETITIONS

NIL

### ADDRESS BY INVITED SPEAKERS

Speakers	Representing	Report	Page No.	Duration
Mr Mark Daniels	Binnorie Dairy (Applicant)	PE67/2014 – Section 96(1A) Application proposing to modify Development Consent 8/2013/27/1 seeking to delete Condition No's 21, 22, 45, 46 and 47 which require the construction of various roadworks/upgrades	251	3 Mins

#### EXTENSION OF TIME

871

**Moved:**

Councillor Gibson

**Seconded:**

Councillor Hawkins

#### RESOLVED

That an extension of 1 minute be given to allow completion of presentation.

#### FOR

Councillor Gibson  
Councillor Troy  
Councillor Doherty  
Councillor Wrightson  
Councillor Olsen  
Councillor Ryan  
Councillor Stapleford  
Councillor Hawkins  
Councillor Smith  
Councillor Campbell  
Councillor Parsons  
Councillor Maybury  
Councillor Pynsent  
**Total (13)**

#### AGAINST

**Total (0)**

#### CARRIED UNANIMOUSLY

**PLANNING AND ENVIRONMENT NO. PE67/2014**

**SUBJECT: SECTION 96(1A) APPLICATION PROPOSING TO MODIFY DEVELOPMENT CONSENT 8/2013/27/1 SEEKING TO DELETE CONDITION NOS. 21, 22, 45, 46 AND 47 WHICH REQUIRE THE CONSTRUCTION OF VARIOUS ROADWORKS/UPGRADES**

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**MOTION**      **Moved:** Councillor Parsons      **Seconded:** Councillor Wrightson  
872  
**RESOLVED**

**That the report be *DEFERRED* and a site inspection to be carried out.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Troy	
Councillor Doherty	
Councillor Wrightson	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

Mr Denis Martin	Martin Building Services (Applicant/Owner)	PE69/2014 - Section 96(1A) Application proposing to modify Development Consent 8/2013/600/1 seeking to delete Condition No. 28 which requires the construction of kerb, gutter and road shoulder	284	3 Mins
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**EXTENSION OF TIME**

873

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

Councillor Ryan  
Councillor Gibson

**RESOLVED**

**That an extension of 1 minute be given to allow completion of presentation.**

FOR	AGAINST
Councillor Gibson	
Councillor Troy	
Councillor Doherty	
Councillor Wrightson	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE69/2014**

**SUBJECT: SECTION 96(1A) APPLICATION PROPOSING TO MODIFY DEVELOPMENT CONSENT 8/2013/600/1 SEEKING TO DELETE CONDITION NO. 28 WHICH REQUIRES THE CONSTRUCTION OF KERB, GUTTER AND ROAD SHOULDER**

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**MOTION**      **Moved:** Councillor Parsons      **Seconded:** Councillor Wrightson  
874  
**RESOLVED**

**That the report be deferred and a site inspection be carried out.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Troy	Councillor Gibson
Councillor Doherty	
Councillor Wrightson	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (1)</b>

**CARRIED**

Mr John Outram	Self, Mrs L Brady & Mrs J O'Donnell (Objectors)	PE70/2014 – Review of Determination – Section 82A Application seeking a Review of Development Application 8/2013/526/1 proposing an Animal Breeding and Training Establishment and an Outdoor Recreation Facility	298	3 Mins
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**PLANNING AND ENVIRONMENT NO. PE70/2014**

**SUBJECT: REVIEW OF DETERMINATION - SECTION 82A APPLICATION SEEKING A RREVIEW OF DEVELOPMENT APPLICATION 8/2013/526/1 PROPOSING AN ANIMAL BREEDING AND TRAINING ESTABLISHMENT AND AN OUTDOOR RECREATION FACILITY**

**MOTION**            **Moved:** Councillor Ryan            **Seconded:** Councillor Olsen

1. That Council confirm its determination of Development Application 8/2013/526/1, which granted approval to an animal breeding and training establishment (involving the use of land for horse breeding, agistment and an equestrian riding school) and an outdoor recreation facility at 814 Buchanan Road, Buchanan, pursuant to Section 82A of the Environmental Planning and Assessment Act 1979); and
2. That Council notify in writing the persons who made a submission with regard to the Section 82A Application, of Council's decision.

**AMENDMENT**    **Moved:** Councillor Gibson            **Seconded:** Councillor Troy

1. That Council approve the Section 82A Application seeking a review of Development Application 8/2013/526/1, which granted approval to an animal breeding and training establishment (involving the use of land for horse breeding, agistment and an equestrian riding school) and an outdoor recreation facility at 814 Buchanan Road, Buchanan, pursuant to Section 82A of the Environmental Planning and Assessment Act 1979), and modify Condition 5 to read as follows:

*The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to and approved by the Council prior to release of the S138 Roads Act Approval with works to be completed prior to the use or occupation of the development.*

1. Construct a driveway treatment in accordance with the "Driveway Concept Layout Plan" Job Number NL130490, Drawing Number CSK1,

Revision 1 dated 7/11/13 prepared by Northrop.

2. Place two (2) coat hot bitumen seal on new works.
  3. Construct drainage works as necessary.
2. That Council notify in writing the persons who made a submission with regard to the Section 82A Application, of Council's decision

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	Councillor Olsen
Councillor Troy	Councillor Ryan
Councillor Doherty	Councillor Smith
Councillor Wrightson	Councillor Campbell
Councillor Maybury	Councillor Parsons
Councillor Hawkins	Councillor Stapleford
	Councillor Pynsent
<b>Total (6)</b>	<b>Total (7)</b>

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

The motion was then **PUT** and **CARRIED**.

**MOTION**      **Moved:** Councillor Ryan      **Seconded:** Councillor Olsen  
875  
**RESOLVED**

1. That Council confirm its determination of Development Application 8/2013/526/1, which granted approval to an animal breeding and training establishment (involving the use of land for horse breeding, agistment and an equestrian riding school) and an outdoor recreation facility at 814 Buchanan Road, Buchanan, pursuant to Section 82A of the Environmental Planning and Assessment Act 1979); and
2. That Council notify in writing the persons who made a submission with regard to the Section 82A Application, of Council's decision.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	Councillor Gibson
Councillor Ryan	Councillor Troy
Councillor Stapleford	Councillor Doherty
Councillor Smith	Councillor Wrightson
Councillor Campbell	Councillor Hawkins
Councillor Parsons	Councillor Maybury
Councillor Pynsent	
<b>Total (7)</b>	<b>Total (6)</b>

**CARRIED**



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

All reports were nominated for discussion.

**MOTIONS OF URGENCY**

**MOTIONS OF URGENCY NO. MOU8/2014**

**SUBJECT: MOTIONS OF URGENCY**

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NIL

# RESCISSION MOTION

## RESCISSION MOTIONS NO. RM2/2014

**SUBJECT: DEVELOPMENT APPLICATION NO. 8/2013/679/1**

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*Councillor Bryce Gibson left the meeting, the time being 7:03 pm*

*Councillor Bryce Gibson returned to the meeting, the time being 7:05 pm*

*Councillor Graham Smith left the meeting, the time being 7:05 pm*

*Councillor Graham Smith returned to the meeting, the time being 7:07 pm*

**MOTION**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Olsen  
876

### **RESOLVED**

1. That Council determine Development Application No. 8/2013/679/1 proposing a temporary music festival on the 23, 24 and 25 May 2014 at 60 Mitchells Road, Mount View, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to the following:
  - a) The temporary music festival shall be held on 19, 20 and 21 September 2014;
  - b) Imposition of all conditions contained in this report, with the exception of:
    - i. **Amendment to Condition 2 which shall read as follows:**  
  
*'Approval for the temporary event and associated camping is granted from Friday 19 September 2014 to Sunday 21 September 2014 for a maximum of 1,500 attendees. Setup for the event shall occur from Wednesday 17 September 2014 and dismantling shall occur until Monday 22 September 2014'.*
    - ii. **Amendment to Condition 3 which shall read as follows:**  
  
*All amplified music shall cease at 11.00 pm each day the event operates.*
    - iii. **Imposition of a new Condition (7a) which shall read as follows:**  
  
*'The proponent is to supply noise limiting devices or automatic volume control/electronic sound level noise attenuation system to ensure the maximum decibel levels are not exceeded at any time during the event where amplified music or sound is emitted. In the event the maximum decibel levels are exceeded, the amplified music or sound shall be automatically shut off'.*
    - iv. **Amendment to Condition 45(d)(i) which shall read as follows:**

- (i) A Bush Fire Emergency Evacuation Plan is to be prepared in accordance with the NSW Rural Fire Service document **Guide of Developing a Bush Fire Emergency Evacuation Plan**, and approved by the RFS prior to the event taking place.

v. **Amendment to Condition 46 which shall read as follows:**

**An amended Traffic Management Plan shall be provided to and reported to the Council for approval not less than 28 days prior to the event addressing the following:**

- **Provision of water carts for the purposes of dust suppression on Mount View and Mitchells Roads for the duration of the event.**
- **Provision of traffic controllers / marshals on Mount View Road while heavy vehicles are entering and leaving the site and during the bump in and bump out phases of the event. Particular emphasis shall be given to the constrained areas on Mount View Road to minimise conflict between heavy vehicles and existing road users.**
- **Vehicles must be able to enter and exit the site without queuing onto Mitchells Road or affecting traffic in Mount View Road.**

2. Council notify in writing the persons who made a submission with regard to the proposed development, of Council’s decision.

FOR	AGAINST
Councillor Wrightson	Councillor Gibson
Councillor Olsen	Councillor Troy
Councillor Ryan	Councillor Doherty
Councillor Stapleford	Councillor Hawkins
Councillor Smith	Councillor Campbell
Councillor Parsons	Councillor Maybury
	Councillor Pynsent
<b>Total (6)</b>	<b>Total (7)</b>

The Rescission Motion was **PUT** and **LOST**.

## **DEFERRED BUSINESS**

### **DEFERRED BUSINESS NO. PE66/2014**

**SUBJECT: PLANNING PROPOSAL - BLACK HILL**

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**MOTION**                      **Moved:** Councillor Ryan                      **Seconded:** Councillor Troy

1. That Council not proceed with the rezoning of the Roman Catholic land at Black Hill for the following reasons:-
  - a) That the Council has not been provided with a report that is sufficiently accurate to enable it to proceed with the rezoning.
  - b) The report provided to Council is inaccurate in 3 ways:
    - The report portrays that community consultation has occurred, when in fact it only reports on community consultation conducted by Catholic Church with selected residents
    - The report secondly portrays that bio banking will occur and suggest that the E2 conservation zones have achieved a certain level of conservation when that is not in fact the case.
    - The report to Councillors suggests that traffic issues can be dealt with later when in fact the RMS have objected to the proposal and have suggested that the material provided with it is not accurate enough.
2. That Council delegate authority to the General Manager to review Report No EE66/2014 and remove reference to misleading information about community consultation and the level of community support for the proposed rezoning.

Councillor Ryan moved dissent from the Mayor's ruling that Councillor Campbell's amendment was a direct negative of the motion.

Councillor Ryan spoke in regard to the Motion of Dissent.

**MOTION**

877

**RESOLVED**

**The Mayor's ruling be upheld.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Stapleford	Councillor Gibson
Councillor Hawkins	Councillor Troy
Councillor Smith	Councillor Doherty
Councillor Campbell	Councillor Wrightson
Councillor Parsons	Councillor Olsen
Councillor Maybury	Councillor Ryan
Councillor Pynsent	
<b>Total (7)</b>	<b>Total (6)</b>

**CARRIED**

**AMENDMENT Moved:** Councillor Campbell **Seconded:** Councillor Maybury

1. That Council note that Planning & Infrastructure (formally NSW Department of Planning and Infrastructure) has granted an extension for finalisation of the Planning Proposal to 16 December 2014.
2. That Council exhibit the Planning Proposal to rezone Lot 1131 DP 1057179 John Renshaw Drive and Black Hill Road, Black Hill (the land) from RU2 Rural Landscape to IN1 General Industrial and E2 Environmental Conservation in accordance with the Gateway Determination and Council's statutory obligation.
3. That Council endorse the draft Voluntary Planning Agreement for public notification for a period of 35 days subject to the following matters being resolved to the satisfaction of the General Manager:
  - a) Clarification of the recipient of the environmental offset development contributions; and
  - b) The proponent agreeing to include in the draft VPA a commitment to identify dwelling envelopes and Asset Protection Zones for the proposed lots in the southern sector of the land proposed for rezoning to E2 - Environmental Conservation.
4. That Council delegate authority to the General Manager to determine the adequacy of resolution of the matters outlined in Part 2 and 3 above and thereby enable public exhibition to proceed.
5. That a community consultation meeting occur with Council hosting the consultation meeting and that the report on this consultation meeting be included in the next report that is considered by Council. That the Community Groups be able to give a presentation.

<b>FOR</b>	<b>AGAINST</b>
Councillor Wrightson	Councillor Gibson
Councillor Olsen	Councillor Troy
Councillor Stapleford	Councillor Doherty
Councillor Hawkins	Councillor Ryan
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
<b>Total (9)</b>	<b>Total (4)</b>

The amendment was **PUT** and **CARRIED** and as such became the motion.

The motion was then **PUT** and **CARRIED**.

**MOTION**            **Moved:**    Councillor Campbell    **Seconded:**    Councillor Maybury  
878

**RESOLVED**

1.    That Council note that Planning & Infrastructure (formally NSW Department of Planning and Infrastructure) has granted an extension for finalisation of the Planning Proposal to 16 December 2014.
2.    That Council exhibit the Planning Proposal to rezone Lot 1131 DP 1057179 John Renshaw Drive and Black Hill Road, Black Hill (the land) from RU2 Rural Landscape to IN1 General Industrial and E2 Environmental Conservation in accordance with the Gateway Determination and Council’s statutory obligation.
3.    That Council endorse the draft Voluntary Planning Agreement for public notification for a period of 35 days subject to the following matters being resolved to the satisfaction of the General Manager:
  - a)    Clarification of the recipient of the environmental offset development contributions; and
  - b)    The proponent agreeing to include in the draft VPA a commitment to identify dwelling envelopes and Asset Protection Zones for the proposed lots in the southern sector of the land proposed for rezoning to E2 - Environmental Conservation.
4.    That Council delegate authority to the General Manager to determine the adequacy of resolution of the matters outlined in Part 2 and 3 above and thereby enable public exhibition to proceed.
5.    That a community consultation meeting occur with Council hosting the consultation meeting and that the report on this consultation meeting be included in the next report that is considered by Council. That the Community Groups be able to give a presentation.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	Councillor Gibson
Councillor Stapleford	Councillor Troy
Councillor Hawkins	Councillor Doherty
Councillor Smith	Councillor Wrightson
Councillor Campbell	Councillor Ryan
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
<b>Total (8)</b>	<b>Total (5)</b>

**CARRIED**

**PROCEDURAL MOTION** *Moved:* Councillor Hawkins  
*Seconded:* Councillor Maybury

879

**RESOLVED**

**That report WI2/2014 be brought forward.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	Councillor Gibson
Councillor Wrightson	Councillor Troy
Councillor Olsen	
Councillor Ryan	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (2)</b>

**CARRIED**

**WORKS AND INFRASTRUCTURE NO. WI2/2014**

**SUBJECT: T1314/08 REFURBISH CRAWFORDS BRIDGE, CONGEWAI RD,  
CONGEWAI**

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**MOTION Moved:** Councillor Ryan **Seconded:** Councillor Hawkins

That Council accept Tender No 5 from Timber Restoration Systems Pty Ltd in the Lump Sum total amount of \$186,738.40 excluding GST for T1314/08 Refurbish Crawfords Bridge, Congewai Road, Congewai.

**AMENDMENT Moved:** Councillor Stapleford **Seconded:** Councillor Wrightson

That Council does not refurbish timber bridges and that Council look at the next cheapest tender which was for a concrete bridge.

<b>FOR</b>	<b>AGAINST</b>
Councillor Wrightson	Councillor Gibson
Councillor Stapleford	Councillor Troy
	Councillor Doherty
	Councillor Olsen
	Councillor Ryan
	Councillor Hawkins
	Councillor Smith
	Councillor Campbell
	Councillor Parsons
	Councillor Maybury
	Councillor Pynsent
<b>Total (2)</b>	<b>Total (11)</b>

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

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

**MOTION Moved:** Councillor Ryan **Seconded:** Councillor Hawkins

880

**RESOLVED**

That Council accept Tender No 5 from Timber Restoration Systems Pty Ltd in the Lump Sum total amount of \$186,738.40 excluding GST for T1314/08 Refurbish Crawfords Bridge, Congewai Road, Congewai.



**FOR**

Councillor Gibson  
Councillor Troy  
Councillor Doherty  
Councillor Olsen  
Councillor Ryan  
Councillor Hawkins  
Councillor Smith  
Councillor Campbell  
Councillor Parsons  
Councillor Maybury  
Councillor Pynsent

**Total (11)****AGAINST**

Councillor Wrightson  
Councillor Stapleford

**Total (2)*****CARRIED***

## GENERAL MANAGER'S UNIT

### GENERAL MANAGER'S UNIT NO. GMU1/2014

**SUBJECT: REPORT OF THE CESSNOCK CITY COUNCIL MAJOR PROJECTS COMMITTEE MEETING HELD ON 17 MARCH 2014**

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**MOTION**      **Moved:** Councillor Ryan      **Seconded:** Councillor Olsen  
881

#### **RESOLVED**

1. That Council accept and note the minutes of the Cessnock City Council Major Projects Committee from its meeting held on 17 March 2014.
2. That the Director Planning and Environment update the Committee on the Hydro site at each meeting and also on the Golden Bear Proposal.
3. That a Councillor Briefing be organised to allow Council's Design Engineer to brief Councillors on the Vineyards Roads Project.
4. Destination 2030

That a visit to Taree Council be organised inviting representatives from Cessnock City Council.

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Troy	
Councillor Doherty	
Councillor Wrightson	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**GENERAL MANAGER'S UNIT NO. GMU2/2014**

**SUBJECT: REPORT ON THE HUNTER VALLEY VISITOR ECONOMY DESTINATION MANAGEMENT PLAN**

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Councillor Allan Stapleford left the meeting not to return, the time being 7:44 pm.

**MOTION**            **Moved:** Councillor Ryan            **Seconded:** Councillor Campbell  
882

**RESOLVED**

1. That Council adopt the Hunter Valley Visitor Economy Destination Management Plan; and
2. That Council undertake implementation of projects and programs within the Hunter Valley Visitor Economy Destination Management Plan when resources and funding permits.

<b>FOR</b>	<b>AGAINST</b>
Councillor Ryan	Councillor Gibson
Councillor Hawkins	Councillor Troy
Councillor Smith	Councillor Doherty
Councillor Campbell	Councillor Wrightson
Councillor Maybury	Councillor Olsen
Councillor Pynsent	Councillor Parsons
<b>Total (6)</b>	<b>Total (6)</b>

The Mayor used his casting vote and the motion was carried.

**CARRIED**

**GENERAL MANAGER'S UNIT NO. GMU3/2014**

**SUBJECT: PORT TO PORT MOUNTAIN BIKE EVENT: REQUEST FOR SUPPORT**

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*Councillor Cordelia Troy left the meeting, the time being 7:49 pm*

**MOTION**      **Moved:** Councillor Ryan      **Seconded:** Councillor Olsen  
883

**RESOLVED**

**That Council support the Port to Port MTB in-kind with the provision of Bollards and Barriers and assisted marketing.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Doherty	
Councillor Wrightson	
Councillor Olsen	
Councillor Ryan	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE68/2014**

**SUBJECT: SECTION 96(1) APPLICATION PROPOSING TO MODIFY DEVELOPMENT CONSENT 8/2013/259/1, SEEKING THE AMENDMENT OF CONDITION 37**

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**MOTION**            **Moved:** Councillor Ryan            **Seconded:** Councillor Doherty  
884  
**RESOLVED**

That Council determine the Section 96(1) Application proposing to modify Development Consent 8/2013/259/1, seeking the amendment of Condition No. 37, in accordance with Section 96(1) of the Environmental Planning and Assessment Act 1979, by the granting of consent as described within this report.

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Doherty	
Councillor Wrightson	
Councillor Olsen	
Councillor Ryan	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE71/2014**

**SUBJECT: ENVIRONMENTAL STRATEGY & MANAGEMENT COMMITTEE  
MEETING - MINUTES 16 APRIL 2014**

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**MOTION**      **Moved:** Councillor Ryan      **Seconded:** Councillor Wrightson  
885  
**RESOLVED**

1. That Council accept and note the minutes of the Environmental Strategy and Management Committee Meeting held on 16 April 2014.
2. That Council staff investigate bird watching sites on traveling stock routes and prepare a report for the committee to consider.

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Doherty	
Councillor Wrightson	
Councillor Olsen	
Councillor Ryan	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY**

**CORPORATE AND COMMUNITY NO. CC1/2014**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

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*The Economic Development Manager, the time being 7.50 pm.*

**MOTION**      **Moved:** Councillor Ryan      **Seconded:** Councillor Wrightson  
886  
**RESOLVED**

**That Council receive the report and note the information.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Doherty	
Councillor Wrightson	
Councillor Olsen	
Councillor Ryan	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

*Councillor Cordelia Troy returned to the meeting, the time being 7:52 pm*

**CORPORATE AND COMMUNITY NO. CC2/2014**

**SUBJECT: REPORT OF THE CESSNOCK CITY COUNCIL LITIGATION  
OVERSIGHT COMMITTEE MEETING HELD ON 9 APRIL 2014**

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**MOTION**      **Moved:** Councillor Ryan      **Seconded:** Councillor Maybury  
887  
**RESOLVED**

**That Council accept and note the Minutes of the Cessnock City Council Litigation Oversight Committee meeting held on 9 April 2014.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Troy	
Councillor Doherty	
Councillor Wrightson	
Councillor Olsen	
Councillor Ryan	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



# **WORKS AND INFRASTRUCTURE**

## **WORKS AND INFRASTRUCTURE NO. WI1/2014**

**SUBJECT: BLACK BEAN TREE 36 KLINE STREET WESTON**

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**MOTION**      **Moved:** Councillor Ryan      **Seconded:** Councillor Olsen

1. That Councillors thank the officers for the report.
2. That Council note that the residents want the tree to remain.
3. That the funds identified in Option 4 be put back into the deliberations for 2014/15 draft budget.

**AMENDMENT**      **Moved:** Councillor Gibson      **Seconded:** Councillor Troy

**That the healthy Black Bean tree remain.**

*Development Services Manager left the meeting 7.57 pm*

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	Councillor Olsen
Councillor Troy	Councillor Ryan
Councillor Doherty	
Councillor Wrightson	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
<b>Total (10)</b>	<b>Total (2)</b>

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

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

**MOTION**            **Moved:** Councillor Gibson            **Seconded:** Councillor Troy  
888  
**RESOLVED**

**That the healthy Black Bean tree remain at 36 Kline Street, Weston..**

<b>FOR</b>	<b>AGAINST</b>
Councillor Gibson	
Councillor Troy	
Councillor Doherty	
Councillor Wrightson	
Councillor Olsen	
Councillor Ryan	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

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

**BUSINESS WITH NOTICE NO. BN5/2014**

**SUBJECT: ANNUAL CITY/COUNTRY RUGBY LEAGUE MATCH**

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**MOTION**      **Moved:** Councillor Campbell      **Seconded:** Councillor Hawkins  
889

**RESOLVED**

**That Council write to the National Rugby League expressing our continued interest in hosting the annual City/Country match, and seeking feedback on why our past bids have been unsuccessful.**

*Strategic Land Use Planning Manager left the meeting 8.00 pm*

<b>FOR</b>	<b>AGAINST</b>
Councillor Hawkins	Councillor Gibson
Councillor Smith	Councillor Troy
Councillor Campbell	Councillor Doherty
Councillor Parsons	Councillor Wrightson
Councillor Maybury	Councillor Olsen
Councillor Pynsent	Councillor Ryan
<b>Total (6)</b>	<b>Total (6)</b>

The Mayor used his casting vote and the motion was carried

**CARRIED**

**ANSWERS TO QUESTIONS FOR NEXT MEETING**

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ47/2014**

**SUBJECT: KITCHENER POPPET HEAD RECYCLE BINS**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ48/2014**

**SUBJECT: UNREGISTERED MOTOR BIKES - GOVERNMENT CIRCUIT KEARSLEY**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ49/2014**

**SUBJECT: STAFF SAFETY**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ50/2014**

**SUBJECT:     FOURTH STREET WESTON BRIDGE**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ51/2014**

**SUBJECT:     FLOODING - WATER STREET GRETA**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ52/2014**

**SUBJECT:     HUNTER EXPRESSWAY SIGNAGE**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ53/2014**

**SUBJECT:     SOUND QUALITY IN COUNCIL CHAMBERS**

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**QUESTIONS FOR NEXT MEETING**

*Councillor Ian Olsen*

**STAFF SAFETY**

Councillor Olsen referred to his previous question in regard to Staff safety and asked does anyone enforce the Safe Work statements for filling pot holes.

*Councillor Ian Olsen*

**MOTORBIKES IN SOUTH CESSNOCK**

Councillor Olsen advised that he had been approached by a resident of South Cessnock concerned about the motorbikes that are being ridden on the pathway behind netball courts in Vernon Street heading towards Bunnings as a child was almost run over and asked that the matter be investigated.

*Councillor James Ryan*

**GIPPA REQUEST**

Councillor Ryan referred to the refusal of a GIPPA request by Black Hill residents for supporting documents that accompany the Planning Proposal and which would be available when the proposal is placed on public exhibition. Councillor Ryan asked for a memo to be provided stating the reasons for the refusal.

*Councillor Rod Doherty*

**OMISSION OF SPEAKER**

Councillor Doherty requested the General Manager investigate the reasons for the omission of a speaker at tonight’s meeting.

## **COUNCILLORS REPORTS**

Councillor Bob Pynsent

Anzac Day Services

The Mayor thanked those Councillors that attended the Anzac Day Services and the feedback received from the RSL was nothing but positive and approximately 16 services were attended.

Councillor Graham Smith

Public Libraries Funding Campaign

Councillor Smith provided an update on Library funding submission and 14503 signatures on the state wide petition as received by the executive office. The number of signatures received has passed the threshold for debate in the Lower House of Parliament.

*The Meeting Was Declared Closed at 8.13 pm*

**CONFIRMED AND SIGNED** at the meeting held on 21 May 2014.

.....**CHAIRPERSON**

.....**GENERAL MANAGER**