

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 17 FEBRUARY 2016, COMMENCING
AT 6.30 PM**

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

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Director Works and Infrastructure
Manager Governance and Business Services
Development Services Manager
Consultant Development Engineer
Strategic Land Use Planning Manager
Principal Strategic Land Use Planner
Acting Recreation Services Manager (Strategic Recreation & Facilities Planner)
Integrated Planning & Strategic Property Manager
Media & Communication Officer
Corporate Administration Officer
Administration Support Officer – Corporate & Community Services

APOLOGY:

MOTION

Moved: Councillor Stapleford

Seconded: Councillor Hawkins

1549

RESOLVED that the apologies tendered on behalf of Councillor Gibson and Troy, for unavoidable absence, be accepted and leave of absence granted.

FOR

AGAINST

Councillor Doherty
Councillor Wrightson
Councillor Olsen
Councillor Ryan
Councillor Stapleford
Councillor Hawkins
Councillor Smith
Councillor Campbell
Councillor Parsons
Councillor Pynsent

Total (10)

Total (0)

CARRIED UNANIMOUSLY

MINUTES:

MOTION

Moved: Councillor Doherty
Seconded: Councillor Campbell

1550

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 3 February 2016, as circulated, be taken as read and confirmed as a correct record.

FOR

Councillor Doherty
Councillor Olsen
Councillor Ryan
Councillor Stapleford
Councillor Hawkins
Councillor Smith
Councillor Campbell
Councillor Parsons
Councillor Pynsent
Total (9)

AGAINST

Councillor Wrightson

Total (1)

CARRIED

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI2/2016

SUBJECT: DISCLOSURES OF INTEREST

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Hawkins
1551

RESOLVED

That Councillors now disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

PE5/2016 – 18/2015/5: Planning Proposal – Buchanan – Councillor Stapleford declared a Non Pecuniary Interest – Significant Conflict for the reason that he knows some of the applicants named in the list and has had dealings with them in the past. Councillor Stapleford advised that he would leave the Chamber and take no part in discussion or voting.

PE4/2016 – Section 82A Application seeking a review of Council's determination to refuse Development Application 2015/227 – 45 Ferguson Street, Cessnock – Councillor Parsons declared a Non Pecuniary Interest – Significant Conflict for the reason that she was previously a part owner of the premises. Councillor Parsons advised that she would leave the Chamber and take no part in discussion or voting.

FOR	AGAINST
Councillor Doherty	
Councillor Wrightson	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

Councillor Parsons declared a Non Pecuniary Interest – Significant Conflict for the reason that she was previously a part owner of the premises. Councillor Parsons left the meeting, the time being 6.35 pm.

Speakers	For/Against Recommendation	Report	Page No.	Duration
Mr G S Douglass	Against Recommendation	PE4/2016 – Section 82A Application seeking a review of Council's determination to refuse Development Application 2015/227 45 Ferguson Street, Cessnock	31	3 Minutes

EXTENSION OF TIME

Moved:
Seconded:

Councillor Ryan
Councillor Hawkins

1552

That an extension of one minute be granted to allow Mr Douglass to complete his presentation.

FOR

Councillor Doherty
Councillor Wrightson
Councillor Ryan
Councillor Stapleford
Councillor Hawkins
Councillor Campbell
Councillor Pynsent

Total (7)

AGAINST

Councillor Olsen
Councillor Smith

Total (2)

CARRIED

Mr William Hurst on behalf of Anstey Street Neighbours and Ferguson Street Petitioners	For Recommendation	PE4/2016 – Section 82A Application seeking a review of Council's determination to refuse Development Application 2015/227 45 Ferguson Street, Cessnock	31	3 Minutes
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PLANNING AND ENVIRONMENT NO. PE4/2016

SUBJECT: SECTION 82A APPLICATION SEEKING A REVIEW OF COUNCIL'S DETERMINATION TO REFUSE DEVELOPMENT APPLICATION 2015/227

45 FERGUSON STREET, CESSNOCK

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Campbell
1553

RESOLVED

1. That Council confirm its refusal of Development Application 2015/227 proposing the installation of four (4) shipping containers to be used for the storage of domestic goods and construction materials at 45 Ferguson Street, Cessnock, pursuant to Section 82A of the Environmental Planning and Assessment Act 1979.
2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Wrightson	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Pynsent	
Total (8)	Total (1)

CARRIED

Councillor Parsons returned to the meeting, the time being 6.57 pm.

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU2/2016

SUBJECT: MOTIONS OF URGENCY

NIL

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE5/2016

SUBJECT: 18/2015/5: PLANNING PROPOSAL - BUCHANAN

Councillor Stapleford declared a Non Pecuniary Interest – Significant Conflict for the reason that he knows some of the applicants named in the list and has dealings with them in the past. Councillor Stapleford left the meeting, the time being 6.58 pm.

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Wrightson
1554
RESOLVED

1. That Council defer progressing the assessment of this “strategic site” identified in the Planning Proposal – Buchanan until such time as the subject site has been considered in the context of the development of the new Cessnock Planning Strategy.
2. That Council advise the Department of Planning and Environment.

FOR	AGAINST
Councillor Doherty	
Councillor Wrightson	
Councillor Olsen	
Councillor Ryan	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

Councillor Stapleford returned to the meeting, the time being 6.58 pm.

PLANNING AND ENVIRONMENT NO. PE6/2016

SUBJECT: STRATEGIC PROPERTY REVIEW - PHASE 2 PROGRESS REPORT - PART 1

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Wrightson
1555
RESOLVED

1. That Council receive and note the information on the progress of the Strategic Property Review.
2. That Council transfer Lot 1210, DP1102977, Stage 8 Vineyard Grove (Parcel ID 505909) to the Property Investment Fund, undertake the preliminary investigation, design and approvals (funded from the Property Investment Fund) and incorporate consideration of the development into the 2016-17 Capital Works Program.
3. That Council vote expenditure, in the March Quarter Budget Review, of \$75,000 for the commencement of preliminary investigation, design and approvals of Vineyard Grove – Stage 8 to be funded from the Property Investment Fund.

FOR	AGAINST
Councillor Doherty	
Councillor Wrightson	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE7/2016

SUBJECT: DECEMBER 2015 QUARTER REVIEW OF 2013-17 DELIVERY PROGRAM AND FIT FOR THE FUTURE IMPROVEMENT PROPOSAL

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Campbell
1556
RESOLVED

1. That Council note the progress in implementing the 2013-17 Delivery Program as at 31 December 2015.
2. That Council note the progress in the implementation of Council's Improvement Proposal and the updated forecasts against the Fit for the Future benchmarks.

FOR	AGAINST
Councillor Doherty	
Councillor Wrightson	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE8/2016

SUBJECT: FIT FOR THE FUTURE REFORM PACKAGE UPDATE

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Stapleford
1557

RESOLVED

1. That Council receives and notes the update on the *Fit for the Future* reform package.
2. That Council receives and notes the information relating to the proposed Phase 1 amendments to the Local Government Act.
3. That Council seek a briefing from a suitably qualified practitioner on the implications in regard to LEP considerations of proposed amendments to the Act and to the Model Code of Conduct for Councillors.

FOR

Councillor Doherty
Councillor Wrightson
Councillor Ryan
Councillor Stapleford
Councillor Hawkins
Councillor Smith
Councillor Campbell
Councillor Parsons
Councillor Pynsent
Total (9)

AGAINST

Councillor Olsen

Total (1)

CARRIED

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC3/2016

SUBJECT: QUARTERLY BUDGET REVIEW STATEMENTS - DECEMBER 2015

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Hawkins
1558

RESOLVED

1. That Council note the December 2015 Quarterly Budget Review Statements were presented to and endorsed by the Audit Committee on 2 February 2016.
2. That Council approve the variations to the income, expenditure and capital budgets as detailed in the December 2015 Quarterly Budget Review Statements.

FOR	AGAINST
Councillor Doherty	
Councillor Wrightson	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC4/2016

SUBJECT: INVESTMENT REPORT - JANUARY 2016

MOTION **Moved:** Councillor Wrightson **Seconded:** Councillor Doherty
1559

RESOLVED

That Council receive the report and note the information.

FOR	AGAINST
Councillor Doherty	
Councillor Wrightson	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC5/2016

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Wrightson
1560

RESOLVED

That Council receive the report and note the information.

FOR	AGAINST
Councillor Doherty	
Councillor Wrightson	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI5/2016

SUBJECT: CONVENT HILL, BRIDGES HILL AND EAST END OVAL MASTERPLAN

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Parsons
1561

RESOLVED

1. That Council place the draft Convent Hill, Bridges Hill and East End Oval Masterplan on public exhibition for a period of twenty eight (28) days and invite public submissions.
2. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Masterplan.

FOR	AGAINST
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Councillor Doherty	
Councillor Wrightson	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI6/2016

SUBJECT: CESSNOCK CYCLING STRATEGY

MOTION **Moved:** Councillor Hawkins **Seconded:** Councillor Stapleford
1562

RESOLVED

1. That Council place the draft Cessnock Cycling Strategy on exhibition for 28 days; and
2. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Cessnock Cycling Strategy.

FOR	AGAINST
Councillor Doherty	
Councillor Wrightson	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI7/2016

**SUBJECT: FEDERAL GOVERNMENT'S BRIDGES RENEWAL PROGRAM -
SUCCESSFUL FUNDING**

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Campbell
1563
RESOLVED

1. That Council accepts the \$4.2M Offer of funding for two successful submissions in Round Two of the Federal Government's Bridges Renewal Program, which comprises the following;
 - Frame Drive Bridge, Abermain \$2.0M;
 - Fosters Bridge, Mount Vincent \$2.2M.
2. That Council commits the required \$4.2M of matching funding through a loan borrowing of \$2M, restricted assets of \$1M and \$1.2M from existing program budgets.
3. That Council's funding commitment be incorporated into the 2016/17, 2017/18 (and potentially 2018/19) budgets pending the finalisation of each individual Project Agreement.
4. That a report be prepared for Councils endorsement prior to taking out the proposed loan or loans.
5. That the General Manager continue to investigate other funding opportunities to lessen the impact on the existing proposed capital works program and the proposed loan, with any opportunities to be reported to Council to consider a change in the funding mix.
6. That the General Manager negotiates the Project Agreements and a further report be provided to advise Council on the outcomes of these negotiations and any subsequent changes to key milestone dates for the delivery of the two projects.
7. That a further newsletter be provided to affected residents updating progress.
8. That a report be incorporated into the Tender Report on the opportunities for engagement of Council Works Department to undertake the work and the processes envisaged to do so.

FOR	AGAINST
Councillor Doherty	
Councillor Wrightson	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ8/2016

SUBJECT: DUFFIE DRIVE ROUNDABOUT UPDATE

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ9/2016

SUBJECT: DUFFY DRIVE INTERSECTION SPEED LIMIT SIGN OBSTRUCTED

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ10/2016

SUBJECT: SOUTH CESSNOCK FLOOD ISSUE - CONSTRUCTION OF BUND WALL

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ11/2016

SUBJECT: ROAD NETWORK PROBLEMS - OAKLEY CREEK ROAD & OTHER ROADWORKS

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ12/2016

SUBJECT: TUCKERS LANE ROAD IMPROVEMENTS

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ13/2016

SUBJECT: COST OF DVD/VIDEO BROKE ROAD WORKS

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ14/2016

**SUBJECT: RV PARK IN THE BRANXTON GRETA SUBREGIONAL LAND USE
STUDY**

The answer was noted.

QUESTIONS FOR NEXT MEETING

Councillor Morgan Campbell

ROUNDAABOUT INTERSECTION OF ABERDARE ROAD & QUARRYBYLONG STREET, ABERDARE

Councillor Campbell asked for an update with regards to Councils letter to the Roads Minister in relation to the suggestion of a round-about being constructed at the intersection of Aberdare Road & Quarrybylong Street, Aberdare.

Councillor Catherine Parsons

RANGER PATROLS AT SCHOOL ZONES

Councillor Parsons asked what the policy is with regard to the visibility of Rangers when they are observing School Drop off zones and do they only observe this particular area and not people who are illegally parking.

Director Planning and Environment answered that it is the practice and instruction to Rangers that they should be visible, especially where they stand, which usually acts as a deterrent to people who are parking in the no stopping zones. Notwithstanding, depending upon how many Rangers we have at a particular school, we have got five between the whole area, if there is more than one certainly if one is visible in one area, one can certainly look at other parking offences at the one time. Where there is only one, they have to prioritise the no stopping zones.

Councillor James Ryan

SUBDIVISION AT THE END OF BAILEYS LANE

Councillor Ryan referred to road work requirements that were removed from a subdivision which is under construction at the end of Baileys Lane and requested that Council be informed of what Capital works are proposed to Baileys Lane to bring the road up to a safe standard, what the cost will be and when the residents can expect the construction of that road to a safe standard as we advised in the DA they would require.

COUNCILLORS REPORTS

NIL

The Meeting Was Declared Closed at 7.36 pm

CONFIRMED AND SIGNED at the meeting held on 2 March 2016

.....**CHAIRPERSON**

.....**GENERAL MANAGER**