

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 4 MARCH 2020, COMMENCING AT
6.30 PM**

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

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Director Works and Infrastructure
Acting Development Services Manager (Team Leader Development Services)
Acting Environment & Waste Services Manager (Sustainability Officer)
Senior Media & Communication Officer
Corporate Governance Officer

**APOLOGY/LEAVE
OF ABSENCE:**

MOTION

Moved: Councillor Fitzgibbon

Seconded: Councillor Suvaal

1184

RESOLVED that the apology tendered on behalf of Councillor Olsen, for unavoidable absence, be accepted and leave of absence granted.

Councillor Dagg's Leave of Absence for 4 March 2020 is noted.

FOR

AGAINST

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

Total (11)

Total (0)

CARRIED UNANIMOUSLY

MINUTES:

MOTION

Moved: Councillor Burke
Seconded: Councillor Suvaal

1185

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 19 February 2020, as circulated, be taken as read and confirmed as a correct record.

FOR

AGAINST

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

Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI3/2020

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.

WI20/2020 - Minutes of Local Traffic Committee 17 February 2020 - Councillor Burke declared a Non Pecuniary Less Than Significant Conflict for the reason that he is a Town Coordinator and Stomp Festival Organiser. Councillor Burke 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 influence his decision.

MM2/2020 Volunteer Firefighters Thank You Event - Councillor Fagg declared a Non Pecuniary Less Than Significant Conflict for the reason that his wife is a prominent member of the Rothbury RFS. Councillor Fagg 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.

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

NIL

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

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

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

NI1/2020	Notice of Intention to Deal with matters in Confidential Session. WI22/2019 - Minutes of the Confidential Session of the Floodplain Management Committee meeting of 19 February 2020.....	47
PE10/2020	Development Application 8/2019/235/1 - Fourteen (14) lot residential subdivision to occur in two (2) phases - 21 Main Road, Cliftleigh	71
‡ CC18/2020	Exclusion of Item from the Agenda.....	103
WI17/2020	Paynes Crossing Road, Paynes Crossing - Evaluation of Tender No T1920-06 Paynes Crossing Bridge Replacement	127
WI18/2020	Scholey & Quarrybylong Streets, Cessnock - Naming of Lane	136
WI20/2020	Minutes of Local Traffic Committee 17 February 2020.....	147
WI21/2020	Minutes of Extraordinary Floodplain Management Committee 19 February 2020	182
‡ CO2/2020	Wollombi Community Bus Service.....	190
‡ CO3/2020	Weston Fire Station Land Transfer to Council	192

Council adopt the recommendations as printed for those items.

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION

NOTICE OF INTENTION NO. NI1/2020

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

**WI22/2019 - MINUTES OF THE CONFIDENTIAL SESSION OF THE
FLOODPLAIN MANAGEMENT COMMITTEE MEETING OF 19
FEBRUARY 2020**

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1186
RESOLVED

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

Report No. WI22/2019 – Minutes of the Confidential Session of the Floodplain Management Committee Meeting of 19 February 2020 as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

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

Total (11)

Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES

MAYORAL MINUTES NO. MM2/2020

SUBJECT: VOLUNTEER FIREFIGHTERS THANK YOU EVENT

Councillor Fagg declared a Non Pecuniary Less Than Significant Conflict for the reason that his wife is a prominent member of the Rothbury RFS. Councillor Fagg remained in the Chamber and participate in discussion and voting.

MOTION **Moved:** Councillor Pynsent
1187

RESOLVED

1. That the General Manager organise an event to thank the Rural Fire Fighter Brigades in the Cessnock LGA and all agencies within the Incident Management Team for their outstanding work in the 2019/2020 fire season.
2. That the event be held before 30 June, 2020
3. That the event be funded under the joint NSW and Commonwealth Government Funded Bushfire Community Resilience and Economic Recovery Funds: Phase 1.

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU3/2020

SUBJECT: MOTIONS OF URGENCY

NIL

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU3/2020

SUBJECT: HUNTER JOINT ORGANISATION

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
1188

RESOLVED

That Council approves a budget allocation in the 2020/21 Operational Plan of \$47,200 for the membership fee for the Hunter Joint Organisation for financial year 2020/21.

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE10/2020

SUBJECT: DEVELOPMENT APPLICATION 8/2019/235/1 - FOURTEEN (14) LOT RESIDENTIAL SUBDIVISION TO OCCUR IN TWO (2) PHASES

21 MAIN ROAD, CLIFTLEIGH

MOTION
1189
RESOLVED

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

1. That:

- (i) Development Application No. 8/2019/235/1 proposing a fourteen (14) lot residential subdivision to occur in two (2) phases at 21 Main Road, Cliftleigh (Lot 104 DP 1254893 in a subdivision of Lot 1200 DP 1250232), be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, subject to the conditions contained in this report.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:
 - The proposed subdivision is consistent with the Planning Proposal (Reference No. 18/2016/1) considered/endorsed by Council at its meeting of 19 April 2017 and Planning Gateway Determination (Reference No. 17/06073), to rezone the subject land from zone RE1 – Public Recreation to zone R2 – Low Density Residential, under the provisions of the Cessnock Local Environmental Plan 2011.
 - The proposal is a permitted land use in zone R2 under the Cessnock Local Environmental Plan 2011.
 - The proposal is consistent with the provisions of the Cessnock Development Control Plan, Part D Chapter 1 – Subdivision Guidelines.
 - The proposal incorporates measures to ensure that the development does not result in any adverse impacts on the natural and built environments.
 - The subject land is considered suitable for the proposed development as it is located within an established Urban Release Area (URA), and is subject to site specific planning controls with which it complies.
 - The proposal is considered to maintain the public interest.

(iii) In considering community views, the following is relevant:

- The development has been assessed as satisfactory with respect to likely impacts on local amenity and streetscape.
- The development will not have an adverse impact upon the availability of public open space within the Cliftleigh Precinct.
- Due consideration has been given to the impact of the development on the local traffic network and connections to Main Road 195, Cliftleigh, and it is considered that the proposed development will not result in adverse traffic impacts.
- Biodiversity impacts of the proposal have been assessed and satisfactory measures established to offset any likely impact.

(iv) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 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.

CONDITIONS OF CONSENT

SCHEDULE 1

TERMS OF CONSENT

1. Phased Approval

This consent does not authorise the carrying out of development on any part of the site concerned unless conditions of consent to carry out development specific to each previous phase have been completed.

The phases of the proposed development are summarised as follows:

Phase	DEVELOPMENT WORKS
Phase 1	Subdivision of Lots 1 – 11 and Lot 13
Phase 2	Subdivision of Lot 12 and Lot 14 (the residual lot)

ALL PHASES

2. General Terms of Approval

All General Terms of Approval issued by Subsidence Advisory NSW and NSW RFS shall be complied with prior, during and at the completion of the development, as required.

The General Terms of Approval include the following:

a) NSW RFS (Reference Number D19/1489, dated 4 June 2019).

- b) Subsidence Advisory NSW (Reference Number TSUB B19-00611).

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

3. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2019/235/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Proposed Phased Plan of Subdivision Ref 07/0174	Monteath & Powys	April 2019
Proposed Plan of Subdivision, Appendices Plans B – G ref 07/0174	As Above	April 2019

Document Title	Prepared By	Dated
Statement of Environmental Effects Ref 07/0174	Monteath & Powys	April 2019
Bushfire Threat Assessment Report	Bushfire Planning Australia	April 2019
Concept Civil Engineering Report Ref – NE190052.	Acor Consultants	April 2019
Hunter Water Corporation – Formal requirements ref 2019-388	Hunter Water	29 March 2019

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

PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE (SWC)

4. Local Traffic Committee Approval

Any application involving the installation of, or amendment to, regulatory signage, linemarking and/or traffic control devices, will require approval of the Council Local Traffic Committee. Full details shall be submitted to, and approved by the Council Local Traffic Committee, prior to the issue of any SWC, and subsequent Section 138 Roads Act Approval.

5. Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a SWC.

6. Road – Fees

The applicant shall lodge payment of fees and contributions as follows:-

Based on a road length of approximately 135 metres. Final fee amounts will be levied on accurate dimensions contained within the engineering plans.

- a) Road fees - engineering plan checking and supervision in accordance with Councils adopted fees and charges current at the time of payment.

- b) Road fees – PCA supervision in accordance with Councils adopted fees and charges current at the time of payment.

The fees shall be payable prior to the issue of a SWC / Section 138 for the Civil Works and shall be in accordance with Council's adopted fees and charges current at the time of payment.

7. Road – Road Widening Requirement (Tarrango Street)

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, Council prior to issue of a SWC for the civil works.

- a) Construct 8m wide sealed pavement.
- b) Construct kerb and guttering along boundary.
- c) Construct a permanent turning circle with 8.5m radius at the end of Tarrango Street within the lot boundary.
- d) Place two (2) coat hot bitumen seal on new work.
- e) Construct drainage works as necessary.

8. Stormwater Drainage in Road Reserve

An engineering design of 1 in 100 year ARI, prepared by a qualified practising Civil Engineer, must be provided to the CA prior to the issue of a SWC. The detailed design must be prepared/ amended to make provision for the following:

- a) The design must include all proposed stormwater drainage works in the public road reserve
- b) The design must include all proposed stormwater drainage works in the public road reserve; generally in accordance with the stormwater drainage concept plan on prepared by Accor Consultants and dated 01/04/2019.
- c) Council's piped stormwater drainage system in Tarrango must be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit must be installed. The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 5 year Average Recurrence Interval storm event, and the inlet pit must have a lintel with a minimum length of 2400mm
- d) Stormwater design in accordance with the relevant requirements of Austroads and all AS's
- e) The design must include provision of suitable signposting and line marking.

The design must be certified by a suitably qualified Civil Engineer and be provided prior to the issue of a SWC.

The design must be submitted to, and approved by Council in writing in accordance with Section 138 of the Roads Act 1993 prior to the issue of a SWC. The applicant must consult with Council in relation to the design of all works in the public road reserve.

Note: For certain traffic and road works, the design may need to be approved by Council's Local Traffic Committee and/or the RMS prior to Council issuing an approval.

9. Stormwater – Detailed Design Requirements

A detailed drainage design shall be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property, and connection to the existing drainage system in accordance with Council's 'Engineering Requirements for Development' (available at Council's offices). Such layout shall include existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development.

The plans submitted in association with the SWC application are to demonstrate compliance with this requirement. The plans are to be approved by the CA as satisfying this requirement prior to the issue of a SWC.

10. Street Lighting Design

Prior to the issue of a SWC, submit to Council for approval plans and specifications for a proposed lighting design prepared by a Level 3 Ausgrid Accredited Service Provider which complies with the following design brief:-

Street lighting standards:-

- Ausgrid's NS119 Street Lighting Design and Construction, and
- AS/NZS 60598.2.3 Particular requirements – Luminaries for road and street lighting.

Street lighting design requirements:-

- Unpainted galvanised light poles and associated fittings;
- Minimum of 20 year design life for all lighting components and structures, and
- Best practice energy efficient LED luminaries to meet Council's participation in the IPART Energy Saving Scheme for Public Lighting.

Street lighting level standards for minor collector and local roads (residential):-

- AS/NZ 1158 Lighting for roads and public spaces, and
- AS/NZ 1158 Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements.

Street lighting level standards for arterial and major roads (Traffic Route Lighting):-

- AS/NZ 1158 Lighting for roads and public spaces, and
- AS/NZ 1158 Part 1.1: Vehicular traffic (Category V) lighting – Performance and design requirements.

PRIOR TO THE COMMENCEMENT OF WORKS

11. Construction and Traffic Management Plan

The applicant must prepare a Construction Management and Traffic Management Plan incorporating the following matters. The plan must be submitted to and approved by the CA as satisfying these matters prior to the commencement of works.

- a) A plan view of the entire site and frontage roadways indicating:
- i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
 - iii) The locations of proposed work zones in the frontage roadways.
 - iv) Location of any proposed crane, concrete pump, truck standing areas on and off the site.
 - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
 - vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - vii) An onsite parking area for employees, tradespersons and construction vehicles as far as possible.
 - viii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
 - ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
 - x) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer.
- b) During excavation, demolition and construction phases, noise generated from the site must be controlled.
- c) All site works must comply with the work health and safety requirements of the New South Wales WorkCover Authority.
- d) During excavation, demolition and construction phases, toilet facilities are to be provided on site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
- e) All traffic control plans must be in accordance with the RMS publication Traffic Control Worksite Manual and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of six (6) weeks prior to the proposed activity being undertaken.

12. Soil and Water Management Plan

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

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

13. Public Liability Insurance

Any person or contractor undertaking works on public property must take out Public Risk insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within, public property. The Policy is to note, and provide protection for Cessnock City Council as an interested party, and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property. The insurance shall also note the location and the risk.

14. S.138 Roads Act 1993 Approvals

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

15. Soil and Water Management Plan Implemented

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

16. Relocation of Services

The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

17. Road – Bonds

The applicant shall pay the following:-

- a) A performance and maintenance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater. To be held by council for a period of 12 months.

It will be necessary for the applicant to submit evidence of the contract price of all construction works in order for Council to assess accurate bond amounts.

The bond shall be payable prior to the issue of a *Section 138* approval.

The bond may be used to meet any costs referred to above, and on application being made to the Council by the person who provided the bond, any balance remaining is to be refunded to, or at the direction of, that person. If no application is made to the Council for a refund of any balance remaining of the bond within 6 years of the date of issue of practical completion for the development, the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

During Works

18. Approved Plans Kept On Site

A copy of the approved plans must be kept on site for the duration of site works and be made available upon request

19. Location of Council Pipes

During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

- a) Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works
- b) Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits
- c) Ensure dedicated overland flow paths are satisfactorily maintained through the site

Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage, and the like). All proposed structures and construction activities must be sited fully clear of Council's stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site

If the Council pipeline is uncovered during construction, all work must cease, and the PCA and Council must be contacted immediately for advice. Any damage caused to the Council stormwater drainage system must be immediately repaired in full as directed, and at no cost to Council.

20. Construction Vehicles

Construction material and vehicles shall not be placed on public footpaths. The use of footpaths or roadways shall be undertaken in accordance with the prevailing kerbside restrictions, the Australian Road Rules and Council's Parking Code.

21. Virgin Fill to be Used

All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste, and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities, and which do not contain sulphate ores or soils.

22. Stormwater – Impact on Adjoining Land – Natural Drainage

Filling shall not be placed in such a manner that natural drainage from adjoining land will be obstructed.

23. Stormwater – Impact on Adjoining Land – Surface Water

Filling shall not be placed on land in such a manner that surface water will be diverted to adjoining land.

24. Implementation of Soil and Water Management Plan

The requirements of the Soil and Water Management Plan must be maintained at all times during the works, and any measures required by the Soil and Water Management Plan shall not be removed until the site has been stabilised.

Materials from the site are not to be tracked into the road by vehicles entering or leaving the site. At the end of each working day, any dust/dirt or other sediment shall be swept off the road and contained on the site, and not washed down any stormwater pit or gutter.

The sediment and erosion control measures are to be inspected daily, and defects or system failures are to be repaired as soon as they are detected.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

The following conditions are to be complied with prior to issue of a Subdivision Certificate by Council.

25. Requirement for a Subdivision Certificate

Prior to the issue of a SC, the applicant shall submit an original plan of subdivision plus six (6) copies for Council's endorsement. The plan of subdivision must show street names and house numbering as allocated by Council. The following details are also to be submitted:

- a) Evidence that all conditions of Development Consent have been satisfied
- b) Evidence of payment of all relevant fees
- c) The 88B instrument plus six (6) copies
- d) All surveyor's and engineer's certification required by the Development Consent

- e) Evidence that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the Hunter Water Board (Corporation) Act 1991.
- f) Provide certification that all services (drainage, stormwater, water supply, gas, electricity, telephone) are contained within each lot, or within appropriate easements to accommodate such services.

26. Planning Agreement

In accordance with Section 93I(3) of the *EP&A Act 1979*, the Voluntary Planning Agreement signed by the developer in respect of the *DA* the subject of this consent, must be satisfied prior to the issue of a *SC*. The terms of the Voluntary Planning Agreement must thereafter, be adhered to.

A Bank Guarantee / Bond for the amount agreed by Council to cover the cost of the works involved in the Voluntary Planning Agreement shall be submitted to Council prior to the issue of a *SWC*. The Bank Guarantee shall be registered with Council and a stamped copy recording the receipt of the Guarantee by Council shall be produced for the *PCA* prior to the issue of a *SC*.

27. All Services Provided Within Lots

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

28. Works-As-Executed Plan

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

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

m) Calculation of actual detention storage volume provided

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

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

29. 88B Certificate Required

The Section 88B instrument will be submitted to Council with all relevant signatures and company seals (where applicable) prior to endorsement of the linen plan of subdivision and issue of the Subdivision Certificate. Alternatively, Council will accept, at their discretion, a copy of the Section 88B instrument with an accompanying letter from the acting solicitor or surveyor giving an undertaking that the Section 88B Instrument will be signed and submitted as presented to Council, unaltered, and registered with the linen plan of subdivision.

30. Public Road Dedication

Prior to the issue of the Subdivision Certificate, a dedication of the road widening on Tarrango Street must be made to Council as a public road.

A survey plan, prepared by a registered surveyor, of the proposed land to be dedicated and one of the remnant lands must be submitted to Council, prior to registration with NSW Land and Property Information.

Council will not accept the dedication of any land unless it is in a suitable state for its proposed use. A certificate from a registered auditor to this effect will need to be submitted to Council if the land has been used for any purposes that may lead to contamination.

31. Inter-allotment Drainage Easement

The applicant shall provide a 1.5m wide inter-allotment drainage easement to drain those lots that do not fall to the road. Construction of the drainage line, together with the necessary grated yard inlet pits, shall be carried out in accordance with Council's 'Engineering Requirements for Development' - full details shall be submitted to, and approved by, Council prior to release of the Subdivision Certificate.

Note:

A suitable 88B instrument creating the easement, in accordance with the requirements of the *Conveyancing Act 1919*, shall be submitted to Council, prior to endorsement of the surveyor's transparency.

Construction shall be completed prior to endorsement of the surveyor's transparency.

32. Section 50 – Hunter Water Board (Corporation) Act 1991

Evidence shall be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the Hunter Water Board (Corporation) Act 1991. Such evidence shall be submitted to Council prior to the release of the final plan of survey for the subdivision and the Subdivision Certificate

33. Telecommunications

Prior to the issue of SC the developer must provide documentary evidence to the CA that the telecommunications carrier is satisfied that the fibre ready facilities are fit for purpose and an agreement has been made with the carrier for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all premises/individual lots.

34. Quality Assurance

Prior to issue of a SC, the applicant is to submit a digital copy of all test results confirming compliance with Council's development engineering requirements.

PHASE 2

35. 88B Certificate Required – Road Widening Main Road 195.

The Section 88B instrument will be submitted to Council with all relevant signatures and company seals (where applicable) prior to endorsement of the linen plan of subdivision and issue of the Subdivision Certificate.

The Section 88B is to adopt road widening over proposed lot 13 in accordance with the requirements of Transport for NSW.

Alternatively, Council will accept, at their discretion, a copy of the Section 88B instrument with an accompanying letter from the acting solicitor or surveyor giving an undertaking that the Section 88B Instrument will be signed and submitted as presented to Council, unaltered, and registered with the linen plan of subdivision.

ADVISORY NOTES

1. Responsibility for Other Consents/Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC18/2020

SUBJECT: EXCLUSION OF ITEM FROM THE AGENDA

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1190

RESOLVED

That Council notes that, as assessed by the General Manager, the received notice of motion did not conform to the rules governing referrals of matter to the Regional Traffic Committee, and could therefore not be included on the agenda for the Council meeting held on 4 March 2020.

FOR	AGAINST
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Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	

Total (11)

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI16/2020

SUBJECT: PUBLIC EXHIBITION OF DRAFT 2020-25 WASTE AND RESOURCE RECOVERY STRATEGY

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Gray
1191
RESOLVED

1. That the draft 2020-25 Waste and Resource Strategy be amended to remove the following points in the Section 6 Action plan:
 - 3.2;
 - 3.4, 3.4.a. & 3.4.b.; and
 - 6.1.
2. That Council places the amended draft 2020-25 Waste and Resource Recovery Strategy on public exhibition for a minimum of 28 days and invite public submissions.
3. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final 2020-25 Waste and Resource Recovery Strategy.
4. That a Councillor Workshop be held in early 2021 to consider the progress of the Strategy and a report be returned to Council to consider any changes that may be required to the Strategy prior to Council undertaking any community consultation.

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI17/2020

**SUBJECT: PAYNES CROSSING ROAD, PAYNES CROSSING - EVALUATION OF
TENDER NO T1920-06 PAYNES CROSSING BRIDGE REPLACEMENT**

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1192
RESOLVED

1. That Council accepts the tender from Waeger Constructions Pty Ltd in the lump sum amount of \$2,117,406 (including GST) for T1920-06 – Paynes Crossing Bridge Replacement.
2. That Council allocates \$500,000 from the Bridge Replacement Reserve to allow acceptance of the tender.

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI18/2020

SUBJECT: SCHOLEY & QUARRYBYLONG STREETS, CESSNOCK - NAMING OF LANE

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1193
RESOLVED

1. That Council notes the proposed name of Felicia Lane for the existing unnamed lane between Scholey and Quarrybylong Streets, Cessnock in accordance with Council's adopted *Policy No.S35.2 – Streets - Listing of Names for Use in Naming of Streets* and the provisions of Section 162 of the *Roads Act 1993*.
2. That Council authorises the General Manager to notify and advertise the proposed name in accordance with the provisions of Clause 7 of the *Roads Regulation 2018*.
3. That, provided no contrary submissions are received following notification and advertising of the proposed name, Council authorises the General Manager to proceed with the proposed name by seeking gazettal as required by the provisions of Clause 7 of the *Roads Regulation 2018*.

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI19/2020

SUBJECT: MINUTES OF ROADS REVIEW COMMITTEE OF 14 FEBRUARY 2020

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
1194

RESOLVED

1. That the Minutes of the Roads Review Committee of 14 February 2020 be adopted as a resolution of the Ordinary Council.
2. That the committee reconsider the issue raised by Councillor Dunn at the next committee meeting.

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI20/2020

SUBJECT: MINUTES OF LOCAL TRAFFIC COMMITTEE 17 FEBRUARY 2020

Councillor Burke declared a Non Pecuniary Less Than Significant Conflict for the reason that he is a Town Coordinator and Stomp Festival Organiser. Councillor Burke remained in the Chamber and participated in discussion and voting.

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1195

RESOLVED

That the Minutes of the Local Traffic Committee Meeting of 17 February 2020 be adopted as a resolution of the Ordinary Council.

- 1. TC5/2020 - That Council notes consent from Transport for NSW for the temporary regulation of traffic for the Lovedale Long Lunch in accordance with Various Roads Lovedale _ Lovedale Long Lunch Traffic Control Plans.**
- 2. TC6/2020 - That Council authorises installation of regulatory parking signage on Rawson Street, Kurri Kurri in accordance with the Rawson Street Kurri Kurri _ Signage Diagram.**
- 3. TC7/2020 - That Council authorises installation of signage and line marking at the intersection of Leconfield Road, Branxton Street and Hollingshed Street, Greta in accordance with the Leconfield Road Greta _ Signage & Line Marking Diagram.**
- 4. TC8/2020 - That Council authorises installation of line marking at the intersection of Averys Lane and unnamed road, Heddon Greta in accordance with the Averys Lane Heddon Greta _ Line Marking Diagram.**
- 5. TC9/2020 - That Council defers consideration of the installation of line marking on Buchanan Road, Buchanan, until a compliant design plan is provided and reviewed.**
- 6. TC10/2020 - That Council notes the conditional consent from Transport for NSW for the temporary regulation of traffic for the Cessnock Stomp Festival.**

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

	Total (0)
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CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI21/2020

SUBJECT: MINUTES OF EXTRAORDINARY FLOODPLAIN MANAGEMENT COMMITTEE 19 FEBRUARY 2020

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1196
RESOLVED

That the Minutes of the Extraordinary Floodplain Management Committee of 19 February 2020 be adopted as a resolution of the Ordinary Council.

FLOCLM4/2020 - That Council notes that preparation of the *Cessnock City Wide Flood Study* is in progress.

FLOCLM5/2020:

1. That Council notes the findings of the *Draft Heddon Greta Minor Study and Concept Design*.
2. That Council endorses a grant application under the NSW Floodplain Management Program to fund flood mitigation works in the upper catchment to address over floor flooding in Clift Street, Heddon Greta.
3. That Council defers the previously planned drainage works lower in the catchment, which sought to address yard inundation in Cooper Street, Heddon Greta.
4. That Council renegotiates the existing Deed of Agreement with the owner of 12 Cooper Street, Heddon Greta.
5. That Council lists investigation and augmentation of street drainage between Main Road and Bowden Street for inclusion in the Delivery Program 2021-25 to alleviate over floor flooding in Trenchard Street, Heddon Greta.
6. That Council considers updating s10.7 Planning Certificates once the final *Heddon Greta Minor Study and Concept Design* is adopted.

FOR

AGAINST

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

Total (0)

CARRIED UNANIMOUSLY

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN6/2020

SUBJECT: COMMUNITY RESILIENCE FUNDING LAGUNA AND WOLLOMBI VILLAGE

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Suvaal
1197
MOTION

That the General Manager bring back a report on the possible placement of two large water tanks for protection of the Wollombi Village and one large tank at Laguna.

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN7/2020

**SUBJECT: ADDITIONAL INFORMATION IN QUARTERLY REVIEW OF THE
 DELIVERY PROGRAM**

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Suvaal
1198
MOTION

That the General Manager add to the quarterly review of the Delivery Program the number of unsealed roads that have been serviced in that quarter and the percentage all up so that Councillors know where we are up to on our Delivery Program and whether adjustments need to be made to the budget the following year.

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORRESPONDENCE

CORRESPONDENCE NO. CO2/2020

SUBJECT: WOLLOMBI COMMUNITY BUS SERVICE

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1199

RESOLVED

That the correspondence from the Parliamentary Secretary for Regional Transport on behalf of the Minister for Transport and Roads, regarding the provision of a regular bus service for the Wollombi community be noted, and that Transport for NSW currently does not support an extension to the existing school based service as Rover Motors does not consider such a service viable.

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORRESPONDENCE NO. CO3/2020

SUBJECT: WESTON FIRE STATION LAND TRANSFER TO COUNCIL

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1200

RESOLVED

That the correspondence from the Minister for Police and Emergency Services, The Hon. David Elliott MP forwarded by Mr Clayton Barr MP State Member for Cessnock, in relation to transfer of the land and infrastructure from Weston Fire Station to Council be noted.

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

COUNCILLOR'S REPORTS

NIL

6.58PM

Confidential reports (closed session)

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1201

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

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

7.00PM

Open Session

The meeting moved back into open session and the General Manager reported on the outcome.

WORKS AND INFRASTRUCTURE NO. WI22/2020

SUBJECT: MINUTES OF THE CONFIDENTIAL EXTRAORDINARY FLOODPLAIN MANAGEMENT COMMITTEE 19 FEBRUARY 2020

This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Gray
1202
RESOLVED

That the Minutes of the Confidential Extraordinary Floodplain Management Committee of 19 February 2020 be adopted as a resolution of the Ordinary Council.

- 1. That Council notes that the joint community meeting with stakeholder agencies was held on the 25 November 2019 to engage with the South Cessnock community.**
- 2. That Council notes the advice from Subsidence Advisory NSW that it is prepared to contribute towards the cost of construction of a bund wall and diversion channel.**
- 3. That Council supports development of the Detailed Design for the bund wall and diversion channel, and subsequent submission in March 2020 of an application for funding under the NSW Floodplain Management Program.**
- 4. That Council pursues further liaison with Subsidence Advisory NSW to progress its offer, including details of implementation and coordination with any NSW Floodplain Management Program application.**

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

The Meeting Was Declared Closed at 7.01pm

CONFIRMED AND SIGNED at the meeting held on 18 March 2020

.....**CHAIRPERSON**

.....**GENERAL MANAGER**