

ORDINARY MEETING

MINUTES

24 SEPTEMBER 2019

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	INVOCATION.....	4
2	ACKNOWLEDGEMENT OF COUNTRY.....	4
3	APOLOGIES AND LEAVE OF ABSENCE	4
4	DECLARATIONS OF INTEREST	4
5	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	5
6	BUSINESS ARISING FROM MINUTES	5
7	MAYORAL MINUTE	5
8	WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS.....	6
9	PUBLIC ACCESS	6
10	OFFICERS REPORTS	7
10.1	ELECTION OF DEPUTY MAYOR.....	7
10.2	ADMINISTRATION OF THE SEPTEMBER 2020 ELECTIONS.....	10
10.3	DA 18-1916 CONSTRUCTION OF THREE (3) ADDITIONAL DWELLINGS AND COMMUNITY TITLE SUBDIVISION - ONE (1) INTO SEVEN (7) - LOT 114 DP1213455, 25 VANTAGE COURT BOLWARRA RECOMMENDATION: APPROVAL.....	13
10.4	DA 18-2029 DWELLING (TWO STOREY), REMOVAL OF 6 TREES - LOT 2 DP1176275, 47 MELROSE STREET, LORN RECOMMENDATION: APPROVAL	25
10.5	DRAFT COMMUNITY PARTICIPATION PLAN.....	33
10.6	STRONGER COUNTRY COMMUNITIES FUND (ROUND 3).....	35
11	POLICY AND FINANCE COMMITTEE	38
11.1	STATEMENT OF INVESTMENTS AS AT 31 AUGUST 2019.....	38
11.2	FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2019.....	40
11.1	STATEMENT OF INVESTMENTS AS AT 31 AUGUST 2019.....	43

11.2	FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2019.....	43
12	NOTICES OF MOTION/RESCISSION	45
13	QUESTIONS WITH NOTICE	46
13.1	MORPETH BICENTENARY.....	46
14	URGENT BUSINESS.....	47
15	COMMITTEE OF THE WHOLE	48
15.1	PROVISION OF LABOUR HIRE SERVICES	48
15.2	CONSIDERATION OF TENDERS - MAITLAND TOWN HALL CLOCK TOWER RESTORATION WORKS	50
15.3	LOT 3 DP 790460, 56 KYLE STREET, RUTHERFORD	52
16	COMMITTEE OF THE WHOLE RECOMMENDATIONS	54
16.1	PROVISION OF LABOUR HIRE SERVICES	54
16.2	CONSIDERATION OF TENDERS - MAITLAND TOWN HALL CLOCK TOWER RESTORATION WORKS	54
16.3	LOT 3 DP 790460, 56 KYLE STREET, RUTHERFORD	55
17	CLOSURE.....	55

PRESENT

Cr Robert Aitchison
Cr Loretta Baker, Mayor
Cr Donald Ferris
Cr Peter Garnham
Cr Mitchell Griffin
Cr Sally Halliday
Cr Henry Meskauskas
Cr Nicole Penfold
Cr Philip Penfold
Cr Ben Whiting
Cr Mike Yarrington

1 INVOCATION

Pastor Roger Burgess read the customary prayer at the commencement of the meeting.

2 ACKNOWLEDGEMENT OF COUNTRY

Cr D Ferris read the Acknowledgement of Country.

3 APOLOGIES AND LEAVE OF ABSENCE

COUNCIL RESOLUTION

THAT the apologies received from Cr B Mitchell & Cr K Ranadive be accepted.

Moved Cr B Whiting, Seconded Cr D Ferris

CARRIED

4 DECLARATIONS OF INTEREST

Nil

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held 10 September 2019 be confirmed.

Moved Cr R Aitchison, Seconded Cr S Halliday

CARRIED

The division resulted in 11 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr D Ferris	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr H Meskauskas	
	Cr N Penfold	
	Cr P Penfold	
	Cr B Whiting	
	Cr M Yarrington	

6 BUSINESS ARISING FROM MINUTES

Nil

7 MAYORAL MINUTE

Nil

8 WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS

8.1 Amendment to Schedule of Conditions No. 15 Item 10.3 DA 18-1916 Construction of Three (3) Additional Dwellings and Community Title Subdivision - One (1) into Seven (7) - Lot 114 DP1213455, 25 Vantage Court Bolwarra.

Original condition no. 15 - Prior to the issue of the Occupation Certificate, all fencing along the northern elevation shall be acoustic fencing and installed with written agreement of adjoining owners (**Lots 133 - 141**) to a height of 2.4m (1.8 fence plus 600mm privacy screen), submitted to Council for approval and constructed at the developers cost.

Amended condition no. 15 - Prior to the issue of the Occupation Certificate, all fencing along the northern elevation shall be acoustic fencing and installed with written agreement of adjoining owners (**No's 133 - 141 Bolwarra Park Drive**) to a height of 2.4m (1.8 fence plus 600mm privacy screen), submitted to Council for approval and constructed at the developers cost.

8.2 Attachment to Item 10.5 Draft Community Participation Plan

Attachment handed out at the meeting as it was missed from Agenda.

Moved Cr B Whiting, Seconded Cr H Meskauskas

CARRIED

9 PUBLIC ACCESS

Nil

10 OFFICERS REPORTS

10.1 ELECTION OF DEPUTY MAYOR

FILE NO:	35/2 & 35/7
ATTACHMENTS:	1. Local Government (General) Regulation 2005 - Schedule 7 2. Nomination form
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Louise Rampling - Senior Governance Officer
MAITLAND +10	Outcome 17. An efficient and effective Council
COUNCIL OBJECTIVE:	17.2.1 To maintain effective and appropriate systems to ensure decision-making is transparent, accessible and accountable

EXECUTIVE SUMMARY

The purpose of this report is to initiate the process for the election of a Deputy Mayor for a period of one (1) year until September 2020.

OFFICER'S RECOMMENDATION

THAT

- 1. Council determine whether or not it will elect a Deputy Mayor.**
- 2. Should Council resolve to elect a Deputy Mayor, Council:**
 - a. conduct an election of Deputy Mayor in accordance with the *Local Government (General) Regulation 2005, Schedule 7*;**
 - b. determine whether the election of Deputy Mayor is to proceed by way of:**
 - (i) preferential ballot,**
 - (ii) ordinary ballot, or**
 - (iii) open voting; and**
 - c. determine any fee payable to the Deputy Mayor for such time as the Deputy Mayor acts in the office of the Mayor, noting that the amount of the fee so paid must be deducted from the Mayor's annual fee.**

PROCEEDINGS IN BRIEF

Mr Jon Dundas was announced as the Returning Officer for the election of the Deputy Mayor.

A motion was moved THAT:

1. Council elect a Deputy Mayor;
2. Council conduct voting by ordinary ballot;
3. The fee payable to the Deputy Mayor be zero.

COUNCIL RESOLUTION

THAT Council

1. Council elect a Deputy Mayor;
2. Conduct voting by show of hands;
3. The fee payable to the Deputy Mayor be zero.

Moved Cr P Penfold, Seconded Cr M Griffin

CARRIED

The division resulted in 11 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr D Ferris	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr H Meskauskas	
	Cr N Penfold	
	Cr P Penfold	
	Cr B Whiting	
	Cr M Yarrington	

Mr Dundas then called for nominations for Deputy Mayor.

Cr P Penfold was nominated by Cr P Garnham, seconded Cr M Yarrington. The nomination form was received by the Returning Officer. Cr P Penfold confirmed his acceptance of the nomination.

Cr H Meskauskas was nominated by Cr D Ferris, seconded by Cr B Whiting. The nomination form was received by the Returning Officer. Cr H Meskauskas confirmed his acceptance of the nomination.

Mr Dundas advised Council that he would draw the names out of the ballot box to determine the order of names to be put to the vote. This resulted in Cr P Penfold being first, Cr H Meskauskas being second.

In moving to the vote, Mr Dundas requested confirmation that the method of voting intended by the motion was to be by show of hands. This was confirmed by Cr P Penfold.

The vote resulted in 6 votes for Cr P Penfold and 5 votes for Cr H Meskauskas, as follows:

Cr P Penfold	Cr P Garnham	Cr H Meskauskas	Cr R Aitchison
	Cr M Griffin		Cr L Baker
	Cr S Halliday		Cr D Ferris
	Cr N Penfold		Cr H Meskauskas
	Cr P Penfold		Cr B Whiting
	Cr M Yarrington		

Cr P Penfold was therefore elected as Deputy Mayor for the period to September 2020.

Following the election of the Deputy Mayor, Cr R Aitchison sought permission to speak. Permission was given by the Mayor. Cr M Griffin raised a point of order, which was overruled by the Mayor. Cr M Griffin then moved a motion of dissent, which when put to the meeting was carried.

The division resulted in 6 for and 5 against, as follows:

For:	Cr P Garnham	Against:	Cr R Aitchison
	Cr M Griffin		Cr L Baker
	Cr S Halliday		Cr D Ferris
	Cr N Penfold		Cr H Meskauskas
	Cr P Penfold		Cr B Whiting
	Cr M Yarrington		

10.2 ADMINISTRATION OF THE SEPTEMBER 2020 ELECTIONS

FILE NO:	47/25
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Chris James - Group Manager Infrastructure & Works Leah Flint - Group Manager Strategy Performance and Business Systems Jon Dundas - Manager Business Systems Property & Governance
AUTHOR:	Louise Rampling - Senior Governance Officer
MAITLAND +10	Outcome 17. An efficient and effective Council
COUNCIL OBJECTIVE:	17.2.1 To maintain effective and appropriate systems to ensure decision-making is transparent, accessible and accountable

EXECUTIVE SUMMARY

Council is required to make a decision on the administration of the 2020 Maitland local government election.

At its meeting of 26 February 2019, it was resolved that 'Council's decision on the 2020 election be made prior to 1 January 2020, following the completion of the IPART review and provision of cost estimates by the NSW Electoral Commission.'

However, since this time the Local Government Act 1993 has been amended, requiring Councils to make a decision on the administration of the 2020 election on or before 1 October 2019.

IPART issued its final report to the Minister for Local Government on 30 August 2019, with the NSW Government's response to the report released on 18 September 2019. As at 19 September 2019 (the date of finalising this report), a cost estimate had not been provided to Council by the NSW Electoral Commission.

Thus, given the above, the intention of the 26 February 2019 resolution to consider cost estimates by the NSW Electoral Commission prior to engaging an electoral services provider is not possible.

Given consideration of all factors discussed in this report (being changes to preference counting, re-counting and countbacks), it is proposed that Council proceed with a commitment to engage with the NSW Electoral Commissioner, and choose not to participate in Regional Procurement's Local Government Election Services tender.

OFFICER'S RECOMMENDATION

THAT

1. **Regional Procurement be advised that Council will not participate in their Local Government Election Services Tender to provide election services for the period 1 April 2019 to 31 March 2024;**
2. **Pursuant to section 296(2), (3) and (5A) of the *Local Government Act 1993*, that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of Council;**
3. **Pursuant to section 296(2), (3) and (5A) of the *Local Government Act 1993*, as applied and modified by section 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of Council;**
4. **Pursuant to section 296(2), (3) and (5A) of the *Local Government Act 1993*, as applied and modified by section 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of Council; and**
5. **The contract with the Electoral Commissioner be entered into on or before 1 January 2020.**

COUNCIL RESOLUTION

THAT

1. **Regional Procurement be advised that Council will not participate in their Local Government Election Services Tender to provide election services for the period 1 April 2019 to 31 March 2024;**
2. **Pursuant to section 296(2), (3) and (5A) of the *Local Government Act 1993*, that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of Council;**
3. **Pursuant to section 296(2), (3) and (5A) of the *Local Government Act 1993*, as applied and modified by section 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of Council;**
4. **Pursuant to section 296(2), (3) and (5A) of the *Local Government Act 1993*, as applied and modified by section 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of Council; and**
5. **The contract with the Electoral Commissioner be entered into on or before 1 January 2020.**

Moved Cr H Meskauskas, Seconded Cr R Aitchison

CARRIED

The division resulted in 11 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr D Ferris	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr H Meskauskas	
	Cr N Penfold	
	Cr P Penfold	
	Cr B Whiting	
	Cr M Yarrington	

**10.3 DA 18-1916 CONSTRUCTION OF THREE (3) ADDITIONAL DWELLINGS AND COMMUNITY TITLE SUBDIVISION - ONE (1) INTO SEVEN (7) - LOT 114 DP1213455, 25 VANTAGE COURT BOLWARRA
RECOMMENDATION: APPROVAL**

FILE NO:	DA 18-1916
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Locality Plan 2. Development Plans (under separate cover) 3. Submissions
RESPONSIBLE OFFICER:	<p>Matthew Prendergast - Group Manager Planning & Environment</p> <p>Leanne Harris - Development Assessment Coordinator</p>
AUTHOR:	Amanda Wells - Town Planner
APPLICANT:	Perception Planning
OWNER:	Minelink Pty Limited
PROPOSAL:	Construction of Three (3) Additional Dwellings and Community Title Subdivision – One (1) into Seven (7) Lots
LOCATION:	Lot 114 DP1213455, 25 Vantage Court Bolwarra
ZONE:	R1 General Residential

EXECUTIVE SUMMARY

The purpose of this report is to seek Council approval for the construction of three (3) additional dwellings and seven lot community title subdivision on land identified as Lot 114 DP1213455, No. 25 Vantage Court Bolwarra and to provide Council with an assessment of the proposed development to enable determination of the Development Application DA 18-1916. This report is provided to Council on the basis that five (5) objections of the proposal were received during the notification process.

The subject land is zoned R1 General Residential under the Maitland Local Environmental Plan 2011. The proposal is defined as 'multi dwelling housing' and 'subdivision – community title' and is permissible within the R1 zone subject to Council consent. The proposal is consistent with the objectives of the zone as it will provide for a variety of housing types and densities for the housing needs of the community.

The site has a land area of 6181m² and contains three (3) existing dwellings which were approved pursuant to DA16-1428 in 2016. The land is accessed via the end of a cul-de-sac on Vantage Court. The surrounding land uses are predominately residential, with land to the east and south east environmentally zoned.

The application was notified for a period of fourteen days from 26th November 2018 until 10th December 2018. During the notification timeframe five (5) submissions were received which raised concern regarding:

- *Traffic/vehicular movements;*
- *Privacy impacts;*
- *Flora and fauna impacts;*
- *Fencing;*
- *Timeframe for construction;*
- *Character of the area and scale of development;*
- *Visual impacts;*
- *Perceived property values;*
- *Dust impacts;*
- *Encroachment to wetlands and flood effected areas; and*
- *Proximity to public infrastructure.*

These potential impacts have been considered during the assessment of the application. Appropriate conditions of consent are considered to be sufficient to manage any impacts to the locality. The concerns raised are not considered significant enough to warrant refusal of the proposed development.

An assessment of the proposal has been undertaken against Section 4.15 of the Environmental Planning and Assessment Act 1979 (NSW) and is considered appropriate for the following reasons:

- *The proposal is permitted with consent within the R1 General Residential zone and is consistent with the relevant objectives of the zone;*
- *The proposal has been assessed against the objectives and requirements of the Maitland Development Control Plan 2011, specifically Part C – Design Guidelines, C.8 Residential Design, C.10 Subdivision and C.11 Vehicular Access and Car Parking, and is considered to be generally consistent; and*
- *The proposal has been assessed against the relevant heads of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 2919 (NSW) and is considered to meet the objectives and requirements.*

Accordingly, it is recommended that the application for the construction of an additional three (3) dwellings and community title subdivision – one (1) into seven (7) at Lot 114 DP1213455, 25 Vantage Court Bolwarra, be approved subject to the conditions set out in the attached schedule.

OFFICER'S RECOMMENDATION

That DA 18-1916 for the Construction of Three (3) Additional Dwellings and Community Title Subdivision – One (1) into Seven (7) Lots at Lot 114 DP1213445, 25 Vantage Court Bolwarra be approved subject to conditions set out in the attached schedule.

COUNCIL RESOLUTION

That DA 18-1916 for the Construction of Three (3) Additional Dwellings and Community Title Subdivision – One (1) into Seven (7) Lots at Lot 114 DP1213445, 25 Vantage Court Bolwarra be approved subject to conditions set out in the attached schedule.

Moved Cr B Whiting, Seconded Cr P Garnham

CARRIED

The Mayor in accordance with Section 375A of the Local Government Act 1993 called for a division.

The division resulted in 10 for and 1 against, as follows:

For:	Cr R Aitchison	Against:	Cr S Halliday
	Cr L Baker		
	Cr D Ferris		
	Cr P Garnham		
	Cr M Griffin		
	Cr H Meskauskas		
	Cr N Penfold		
	Cr P Penfold		
	Cr B Whiting		
	Cr M Yarrington		

SCHEDULE OF CONDITIONS

Reason for Condition(s)

The following condition(s) have been applied to the development, subject of this consent, to ensure that the development meets the requirements of the NSW Environmental Planning and Assessment Act 1979, the NSW Environmental Planning and Assessment Regulation 2000, and the various policies and development controls of Maitland City Council and other government agencies relevant to the development being undertaken.

MULTI-DWELLING HOUSING & COMMUNITY TITLE SUBDIVISION

Reason for Conditions

The following conditions are applied to:

- *Confirm and clarify the terms of Council's Approval;*
- *Identify minor modifications and additional requirements that will result in improved compliance, development and environmental outcomes; and*
- *Draw to the attention of the applicant and owner their responsibility to comply with the requirements of various legislation including but not limited to the Environmental Planning and Assessment Act, 1979, Local Government Act 1993; relevant Regulations; Building Code of Australia, Australian Standards and Local Policies relating to development works, building construction and protection and enhancement of public health and the environment.*

APPROVED PLANS AND DOCUMENTATION

1. The development shall be carried out in accordance with the stamped approved plans and documentation as detailed in the following schedule and any amendments arising through conditions to this consent or as shown in red colour on the plans.

Plan Ref No.	Sheet No.	Revn No.	Revision Date	Prepared by: (consultant)
18-065	A101, A102	3	12-9-19	CAD Design & Draft
18-065	A400, A401, A403 – A408, A500, A501, A503 – A508 A600, A601, A603 – A608	1	30-10-18	CAD Design & Draft
18-065	A402, A502, A602	2	10-12-18	CAD Design & Draft
180105-DA	3 – 4	-	September 2019	Green Space Planning Co.

20180271	DA11.01, DA.11.02, DA.12.01,	C	12.0919	RGH Consulting Group
Location Diagram	1	-	-	Thomas Campbell
Detail Plan	2	-	-	Thomas Campbell
Community Property Plan	3	-	-	Thomas Campbell

CONTRIBUTIONS & FEES

2. Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Maitland City Wide Section 94 Contributions Plan 2016, a contribution of \$21,960 shall be paid to the Council.

The contribution is calculated from Council's adopted Section 94 Contributions Plan in the following manner:

Facility	1 Lot	3 Lots
2016 CW Aquatics Facilities	\$984	\$2,952
2016 CW Competition Netball Courts Maitland Park	\$228	\$684
2016 CW Recreation & Open Space Facilities	\$822	\$2,466
2016 CW Multipurpose Centre Floor Space	\$645	\$1,935
2016 CW Library Floor Space	\$623	\$1,869
2016 CW Road & Traffic Facilities	\$3,259	\$9,777
2016 CW Cycleways/Shared Paths	\$581	\$1,743
2016 CW Plan Management/Administration	\$178	\$534
Total	\$7,320	\$21,960

The above contributions are indexed, at least annually, with reviewed rates to apply from 1st February each year in accordance with the provisions of the Maitland City Wide Section 94 Contributions Plan 2016. Please refer to Council's web page for the current rates applicable.

Payment of the above amount shall apply to Development Applications as follows:

- Subdivision only – prior to issue of the Subdivision Certificate
- Building work only – prior to issue of the Construction Certificate
- Subdivision and building work – prior to the issue of the Construction Certificate, or Subdivision Certificate, whichever occurs first.
- Where no Construction Certificate is required – prior to issue of an Occupation Certificate

The above condition has been applied to ensure that:

- a) Where the proposed development results in an increased demand for public amenities and services, payment towards the cost of providing these facilities/services is made in accordance with Council's adopted contributions plan prepared in accordance with the provisions of Section 7.11 of the Environmental Planning and Assessment Act, 1979.
 - b) Council's administration expenses are met with respect to the processing of the application.
3. Prior to issue of the Subdivision Certificate, by Council, an original administration sheet and four copies of the survey plans, shall be submitted to Council, together with the payment of the applicable Subdivision Certificate fee current at the date of issue.
 4. Prior to the issue of the Subdivision Certificate, "house numbering" and "subdivision certificate" fees, in accordance with Council's *Schedule of Fees and Charges*, shall be paid to Council.

CERTIFICATES

5. Prior to the commencement of works an application for a Construction Certificate shall be submitted to, and be approved by, the Accredited Certifier.
6. Prior to issue of the Construction Certificate and/or Subdivision Certificate (whichever occurs first), a Compliance Certificate under Section 50 of the Hunter Water Act 1991, for this development, shall be submitted to the Accredited Certifier.
7. Prior to the issue of an Occupation Certificate all conditions of development consent shall be complied with.
8. Prior to occupation of the building an Occupation Certificate shall be issued by the Principal Certifying Authority.
9. The applicant shall submit to Council, "*Notice of Appointment of the Principal Certifying Authority*" at least two (2) days prior to the commencement of (building) construction works.
10. The applicant shall submit to Council a "Notice of Commencement" form at least two (2) days prior to the commencement of construction works.
11. (1) Building work that involves residential building works (within the meaning of the Home Building Act, 1989) must not be carried out unless

the principal certifying authority for the development to which the work relates:

- (a) in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the licence has complied with the requirements of Part 6 of that Act, or
 - (b) in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
- (2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act, 1989, that states that a person is the holder of an insurance policy issued for the purposes of this clause, is sufficient evidence that the person has complied with the requirements of that part.

LANDSCAPING

- 12. Prior to the issue of an Occupation Certificate, all landscaped areas of the development shall be installed in accordance with the approved landscape plan, with a minimum of 40% mature plantings. The landscaped areas shall be kept free of parked vehicles, stored goods, garbage or waste material and the like.
- 13. No tree exceeding 3 metres in height or having a branch spread of 3 metres or more in diameter is to be removed from the subject land unless:
 - i) The removal is essential in order for the development under this consent to proceed; and
 - ii) Consent to the removal of the tree(s) has been granted by Council in accordance with Clause 5.9AA of the Maitland Local Environmental Plan 2011.

VISUAL AND ACOUSTIC PRIVACY

14. Prior to the issue of the Construction Certificate, details of privacy screening on the northern return of verandah of Unit 1 and Unit 4 shall be submitted to Council for approval.
15. Prior to the issue of the Occupation Certificate, all fencing along the northern elevation shall be acoustic fencing and installed with written agreement of adjoining owners (No's 133 – 141 Bolwarra Park Drive) to a height of 2.4m (1.8 fence plus 600mm privacy screen), submitted to Council for approval and constructed at the developers cost.

CARPARKING

16. Car parking for the development shall be provided in accordance with the approved plans.
17. All driveways, parking areas and vehicles turning areas shall be constructed with a segmental paver surface (on a concrete sub-base), or as reinforced concrete.

STORMWATER DRAINAGE

18. Prior to the issue of the Construction Certificate for the building works, the subdivision Construction Certificate works regarding the replacement of the stormwater pipeline as per DA2016/1428 shall be completed to the satisfaction of that PCA.
19. Prior to issue of the Construction Certificate, the construction details shall be provided for the following stormwater requirements:
 - i. *Minimum of 238m³ of On-Site Detention (OSD) of stormwater,*
 - ii. *An emergency overland flow path for major storm events,*
 - iii. *Stormwater quality treatment train to meet the water quality treatment targets, and*strictly in accordance with drainage plan number 20180271 – DA.3.01 revision C dated 18/04/19 by RGH Consulting Group, and the design and construction to Council's Manual of Engineering Standards.
20. Prior to Occupation or Operation of the development, a *Stormwater System Maintenance Procedure Plan* shall be prepared by an engineer, detailing a regular maintenance programme for pollution control devices, covering inspection, cleaning and waste disposal, a copy of which shall be supplied to the owner/operator and to Maitland City Council for supply of future owners as needed.

21. Prior to issue of the Occupation Certificate, the stormwater-control system shall be constructed in accordance with the approved stormwater drainage plan. A qualified engineer shall supply written certification to the PCA and Council that the constructed system including detention volume and discharge rates achieve the consent requirements for detention.

LAND TITLE

22. An easement shall be created under Section 88B of the Conveyancing Act, and in accordance with Council's Manual of Engineering Standards, to cover the inter-allotment stormwater drainage line.
23. An easement shall be created under Section 88B of the Conveyancing Act, and in accordance with Council's Manual of Engineering Standards, to cover the Public Drainage System. The redundant (pipeline) easement in favour of council shall be extinguished.
24. An easement for Right of Carriageway shall be created under Section 88B of the Conveyancing Act, and in accordance with Council's Manual of Engineering Standards, to cover the access handle and driveway pavement to permit Council to access and maintain the public drainage system. The easement shall indemnify council from damage to the driveway pavement.
25. The authority empowered to release, vary or modify interallotment drainage easements required by this consent, shall be nominated as "the owners of the lots burdened and benefitted, only with the consent of Maitland City Council".
26. Prior to the issue of the Subdivision Certificate the developer is to enter into an updated Indemnity Agreement with the Council to provide garbage collection from within the site.
27. A Restriction To User shall be created under Section 88B of the Conveyancing Act to ensure that no fence shall be erected or permitted to remain erected on the eastern boundaries of proposed Lot 5, Lot 6 and Lot 7, which share a common boundary with an allotment with an environmental zone, unless such fence is an open style post and wire rural standard fence. Maitland City Council is to be nominated as the Authority to release, vary or modify this restriction.

EROSION CONTROLS

28. The property shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind or "vehicle tracking".

BUILDING CONSTRUCTION

29. All building work shall be carried out in accordance with the provisions of the Building Code of Australia (BCA).

SITE REQUIREMENTS

30. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

31. All excavated and/or filled areas are to be retained or battered and suitably drained so as to prevent any subsidence of the area and constructed so as to deny any flow of water into the building.

Note: The submission of a separate Development Application is not required for a retaining wall associated with this approval and indicated on the approved plans.

A Construction Certificate is required for all retaining walls which exceed 900mm in height. Construction details for retaining walls may be included with the Construction Certificate application for the building.

All proposed retaining walls, including any excavation, footings, drainage and backfill shall be contained within the property boundaries. Retaining walls and associated earthworks shall not impede or redirect the natural flow of surface water from adjoining properties in a manner that creates nuisance.

32. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- (i) Must preserve and protect the building from damage, and
- (ii) If necessary, must underpin and support the building in an approved manner, and
- (iii) Must, at least seven (7) days before excavating below the level of the base of the footings or a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (Includes a public road and any other public place).

33. The applicant is required to notify Council in writing prior to commencing building operations, of any existing damage to kerbing and guttering and/or footpath paving associated with the subject Lot. The absence of such

notification signifies that no damage exists and the applicant shall therefore be liable for the cost of the repair of any damage to kerbing and guttering or footpath paving which may be necessary after completion of the building operation.

34. A temporary toilet shall be provided on site from the time of commencement of building work to ensure that adequate sanitary provisions are provided and maintained on the building site for use by persons engaged in the building activity. The number of toilets provided shall be 1 toilet per twenty persons or part thereof employed on the site. The temporary toilet is to be connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.
35. Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:
- a. 7.00am to 6.00pm Monday to Friday
 - b. 7.00am to 5.00pm Saturday

Any work performed on Sunday's or Public Holidays that may cause offensive noise, as defined under the Protection of the Environment Operations Act, is prohibited. Minor works (such as hand sanding, painting, digging and the like) is permitted between the hours of 9.00am to 5.00pm. Power operated tools are not permitted to be used.

36. All waste shall be contained within a secure enclosure or bin.
37. Waffle pods, if used in the construction of the building, shall not be delivered to the site unless wrapped or securely tied. The waffle pods are to be secured on-site to prevent scattering by wind. Off-cuts and unused pods must be wrapped in plastic or similar material and removed from the site immediately upon completion of slab construction.
- Note: Where building materials and/or refuse is found to have caused pollution beyond the boundaries of the development site (eg. blown off-site by wind), the Council may issue infringement notices / fines as prescribed under the Protection of the Environment Operations Act 1997.*
38. All building materials, plant and equipment shall be contained wholly within the development site.
39. The Principal Contractor (or Owner/Builder) shall erect a sign in a prominent position on the site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work. The sign shall also display the name, address and telephone number of the Principal Contractor for the work (or Owner/Builder) and shall state that unauthorized entry to the site is prohibited. The sign must be maintained

while the work is being carried out and is to be removed when the work is completed.

40. The site shall be cleared of all building refuse and spoil immediately upon completion of the building.

ADVICES

The following advice is limited in scope and should not be understood to encompass all areas of responsibility of the consent holder, relating to the development.

- A. You are advised that where underground works within the road reserve are required or necessary for supply of services (such as water, sewer, electricity, gas) further consent for a "Road Opening" must be obtained from Council. Refer to Council's form "*Application for Registration to Open Roads/Footpaths*".
- B. You are advised that all works associated with the Construction Certificate (CC) for the *inter-allotment drainage and/or driveway corridor* requires inspections by the Principal Certifying Authority (PCA - being Council) as set out in the Manual of Engineering Standards, and that a (*Construction*) *Certification Fee* applies in accordance with Council's Fees and Charges.
- C. You are advised that for the driveway works on the footway verge, inspection by Council is required (eg formwork & reinforcement). See Council's "*Application to Construct Private Works on Footway*".
- D. You are advised that prior to construction of the driveway corridor, utility services and/or their conduits should be installed along the full corridor length.
- E. You are advised that the issue of this development consent does not negate the responsibility of the land owner in respect to any restriction, covenant or easement applicable to this property and that Council will not be held responsible when action on this consent results in any loss or damage by way of breach of matters relating to title of the property.
- F. You are advised that there may be design matters in relation to the drainage *concept* plan that warrant further attention prior to the issue of the Construction Certificate.

**10.4 DA 18-2029 DWELLING (TWO STOREY), REMOVAL OF 6 TREES - LOT 2
DP1176275, 47 MELROSE STREET, LORN
RECOMMENDATION: APPROVAL**

FILE NO: DA 18-2029

ATTACHMENTS:

1. Locality Plan
2. Development Plans (under separate cover)
3. Submissions

RESPONSIBLE OFFICER: Matthew Prendergast - Group Manager Planning & Environment
David Simm - Manager Development & Environment
Leanne Harris - Development Assessment Coordinator

AUTHOR: Adrian Quinn - Town Planner

APPLICANT: Poppy Bevan

OWNER: Daniel Robert Wisemantel and Megan Louise Wisemantel

PROPOSAL: Dwelling house (two-storey) and removal of 6 trees

LOCATION: 47 Melrose Street LORN

ZONE: R1 General residential

EXECUTIVE SUMMARY

The purpose of this report is to seek Council approval for the development of a two-storey dwelling and removal of six trees.

The matter is reported to Council due to 4 submissions being received during the notification period.

The proposed dwelling is compatible with its heritage surrounds employing sympathetic forms, colours materials and landscaping. The dwelling design is sympathetic to the area and results in a suitable presentation to all elevations. It borrows somewhat from older styles and reads as a cottage at the ground level with gables, a chimney, symmetric window layout and pergolas presenting as the foremost structure (as viewed from Melrose St). A broken ridge shape will present to the surrounding properties at the upper level roof peak, with the double storey weatherboard-clad upper level presenting to the north and south and gable ends presenting to the east and west. 6 trees are proposed to be removed, all of which are to be replaced.

The proposed development is considered acceptable in terms of the relevant matters for consideration under the Act and the development application is recommended for approval.

OFFICER'S RECOMMENDATION

THAT

1. DA18-2029 for a dwelling house (two-storey) and removal of 6 trees at 47 Melrose Street Lorn is approved subject to the conditions provided in the attached schedule.

COUNCIL RESOLUTION

THAT

1. DA18-2029 for a dwelling house (two-storey) and removal of 6 trees at 47 Melrose Street Lorn is approved subject to the conditions provided in the attached schedule.

Moved Cr P Garnham, Seconded Cr M Griffin

CARRIED

The Mayor in accordance with Section 375A of the Local Government Act 1993 called for a division.

The division resulted in 10 for and 1 against, as follows:

For:	Cr R Aitchison	Against:	Cr S Halliday
	Cr L Baker		
	Cr D Ferris		
	Cr P Garnham		
	Cr M Griffin		
	Cr H Meskauskas		
	Cr N Penfold		
	Cr P Penfold		
	Cr B Whiting		
	Cr M Yarrington		

Schedule of conditions DA/2018/2029

DWELLING (Development Application only)

Reason for conditions

The following conditions are applied to:

- Confirm and clarify the terms of Council's Approval;
- Identify minor modifications and additional requirements that will result in improved compliance, development and environmental outcomes; and
- Draw to the attention of the applicant and owner their responsibility to comply with the requirements of various legislation including but not limited to the Environmental Planning and Assessment Act, 1979, Local Government Act 1993; relevant Regulations; Building Code of Australia, Australian Standards and Local Policies relating to development works, building construction and protection and enhancement of public health and the environment.

APPROVED PLANS AND DOCUMENTATION

1. The development shall be carried out in accordance with the stamped approved plans and documentation as detailed in the following schedule and any amendments arising through conditions to this consent or as shown in red colour on the plans

Plan reference	Sheet no.	Revn	Date	Prepared by: (consultant)
Schedule of colours and materials, location plan, PBDS102	200	D	16/09/2019	Poppy Bevan Design Studio
Site plan, (<i>for Hunter Water Corporation stamp purposes only</i>)	201	A	27/11/2018	Received from Poppy Bevan
Site plan (<i>marked-up in red by Council</i>), PBDS102	201	D	16/09/2019	Poppy Bevan Design Studio
Ground floor plan, PBDS102	203	D	16/09/2019	Poppy Bevan Design Studio
First floor plan, PBDS102	204	D	16/09/2019	Poppy Bevan Design Studio
North elevation, PBDS102	301	D	16/09/2019	Poppy Bevan Design Studio
East elevation, PBDS102	302	D	16/09/2019	Poppy Bevan Design Studio
South elevation, PBDS102	303	D	16/09/2019	Poppy Bevan Design Studio
West elevation, PBDS102	304	D	16/09/2019	Poppy Bevan Design Studio
Landscaping plan (<i>marked-up by Council in red</i>), PBDS102	401	D	16/09/2019	Poppy Bevan Design Studio

Tree removal plan, PBDS102	402	D	16/09/2019	Poppy Bevan Design Studio
Heritage Impact Statement, P19-196	-	B	24/08/2019	Placemark Consultants
BASIX certificate, 975765S	-	-	12/11/2018	Partners Energy Management
Site waste minimisation and management plan	-	-	Received 10/12/2018	Poppy Bevan
Email from applicant/owner requesting landscaping species substitution	-	-	Received 12/08/2019	Daniel Wisemantel, Poppy Bevan

CERTIFICATES

2. A Construction Certificate is to be obtained **prior to commencing construction works**. The Construction Certificate application is to include detailed plans and specifications for the construction of the building/structure.
3. The applicant shall submit to Council a "Notice of Commencement" form at least two (2) days **prior to the commencement of construction works**.
4. The development or any portion of the development shall not be used or occupied until an Occupation Certificate or Interim Occupation Certificate has been issued. Where Council is nominated as the Principal Certifying Authority Occupation Certificate applications must be accompanied by the required fee and all associated information and certifications. To ensure occupation or use of the development can occur in a timely fashion, the occupation certificate application should be submitted at the same time as the final inspection is being requested.
5. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
6. (1) Building work that involves residential building work (within the meaning of the Home Building Act, 1989) must not be carried out unless the Principal Certifying Authority (PCA) for the development to which the work relates:
 - (a) in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the license has complied with the requirements of Part 6 of that Act, or
 - (b) in the case or work to be done by any other person;
 - (i) has been informed in writing of the person's name and owner-builder permit, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of

owner-builder work in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

- (2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act, 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that part.

STORMWATER DRAINAGE

7. Final discharge of collected stormwater runoff shall be piped, in accordance with Council's *Manual of Engineering Standards* to:
- the street gutter with a "kerb adaptor" (see Council's Standard Drawing), or
 - an absorption trench constructed in accordance with Council's Manual of Engineering Standards and standard drawing SD052, or
 - as otherwise approved by Council.

Any stormwater pipes across the footway shall be "100mm sewer grade" and shall be under-bored beneath any existing concrete path or alternatively by the removal of complete slab segments between joints, and replaced in concrete to Council's standards, dowelled to the existing path and finished similar to the adjoining surface.

8. **As part of the documentation for a Construction Certificate application**, a suitable overland flow path is to be shown from the rainwater tank and absorption trench to the natural gully that avoids the footings of buildings, tree root zones and minimises soil scouring and other nuisance to neighbouring properties or structures.

SITE CONSIDERATIONS

9. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.
10. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having benefit of the development consent:
- Must preserve and protect the building from damage, and
 - If necessary, must underpin and support the building in an approved manner, and
- The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land (including a public road and any other public place).
11. The Principal Contractor (or Owner/Builder) shall erect a sign in a prominent position on the site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work. The sign shall also display the name, address and telephone number of the Principal Contractor for the work (or Owner/Builder) and shall state that unauthorised entry to the site is prohibited. The sign must be

maintained while the work is being carried out and is to be removed when the work is completed.

12. Approved toilet facilities are to be provided, at or in the vicinity of the work site on which the work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Toilet facilities in accordance with this Clause must be provided prior to commencement of any works on the site.
13. Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:
 - a. 7.00am to 6.00pm Monday to Friday
 - b. 7.00am to 5.00pm Saturday

Any work performed on Sundays or Public Holidays that may cause offensive noise, as defined under the Protection of the Environment Operations Act, is prohibited. Minor works (such as hand sanding, painting, digging and the like) is permitted between the hours of 9.00am to 5.00pm. Power operated tools are not permitted to be used.

14. Waffle pods, if used in the construction of the building, shall not be delivered to the site unless wrapped or securely tied. The waffle pods are to be secured on-site to prevent scattering by wind. Off-cuts and unused pods must be wrapped in plastic or similar material and removed from the site immediately upon completion of slab construction.

Note: Where building materials and/or refuse is found to have caused pollution beyond the boundaries of the development site (eg. blown off-site by wind), the Council may issue infringement notices / fines as prescribed under the Protection of the Environment Operations Act 1997.

15. The site is to be cleared of all building refuse and spoil immediately after completion of the building.
16. No building materials, plant, equipment, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath or outside the boundaries of the development site.
17. Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.

Note: Where building materials and/or refuse is found to have caused pollution beyond the boundaries of the development site, the Council may issue infringement notices / fines as prescribed under the Protection of the Environment Operations Act 1997.
18. The property shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind or "vehicle tracking".

VEHICLE ACCESS

19. **Prior to issue of an Occupation Certificate** the driveway shall be constructed, in accordance with Council's Manual of Engineering Standards, which includes the retention of (or if damaged reconstruction as Morpeth Mix concrete of) any existing footpath, and with reference to Council's information document "*Footway Crossings (Driveways)*".

20. Prior to commencement of construction of any driveway crossing on the public footway verge, the works shall have been approved by Council. An application form, "*Application To Construct Private Works On Footway*" shall be submitted to Council, together with the appropriate fee (for each driveway).

HERITAGE

21. All external posts shall have minimum square section dimension of 115 x 115mm.
22. All posts shall be of timber construction.
23. Should any Aboriginal artefacts be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance in this area is to stop immediately and the National Parks and Wildlife Service of NSW should be informed in accordance with the *National Parks and Wildlife Act 1974*. Further works shall not occur until the necessary approvals/permits have been obtained.
24. Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*. Additional assessment and approval may be required prior to works continuing in the affected area(s) depending on the nature and extent on the nature of the discovery.

TREE REMOVAL, PRUNING AND PRESERVATION

25. All trees shall be retained on the site with the exception of those trees marked for removal on the approved tree removal plan.
26. The removed trees are to be replaced by the planting of 6 trees (as per approved landscaping plan).
27. Any pruning shall be carried out in accordance with Australian Standard AS4373-2007 – Pruning of Amenity Trees and shall not exceed 20% of the crown of the tree within a period of 2 years.
28. The landscaped areas of the development are not to be used for the purposes of parking, storage or any other function unless otherwise consented to by the Council.

ADVICES

The following advices are limited in scope and should not be understood to encompass all areas of responsibility of the consent holder, relating to the development.

- A The owner should note that the issue of this development consent does not amount to a release, variation or modification by Council of any covenant applicable to this property and that any action taken by the applicant in accordance with the consent which results in any loss or damage by way of breach of the covenant will not be the responsibility of Council.
- B You are advised that any damage to the existing street infrastructure (including landscaping) at the property frontage resulting from construction of your development must be repaired to

Council's standards. Where repairs are carried out by Council, the person responsible for the damage shall be held liable for the cost of those repairs.

- C** You are advised that for the driveway works on the footway verge, inspection by Council is required (eg formwork & reinforcement). Where a footpath exist across the driveway, the path must remain undisturbed, or if damaged or inadequate, replaced with a plain concrete finish. See Council's "*Application to construct private works on footway*". You should contact Council (ph. 49 34 9700), giving at least 24 hours' notice for inspections.
- D** You are advised that where underground works within the public road are required or necessary for supply of services (such as water, sewer, electricity, gas), further consent for a "*Road Opening*" must be obtained from Council. All road pavement crossings are to be under-bored.
- E** You are advised that where building activity cannot avoid occupation of the public road reserve, (such as, for the erection of hoarding, scaffolding, partial closure) the responsible person must gain separate approval from Council for the occupation.
- F** Standard Drawings referred to in this consent may be obtained on Council's website within the document "*Manual of Engineering Standards*". Note that drawings on the website are revised from time to time.
- G** "Morpeth Mix" is a locally devised concrete mix that consists of river pebbles in place of crushed blue metal with an oxide mix of 5kg yellow, 2kg 610 Brown to 1 cubic metre of concrete which provides an earthy colour (Note: the tint, 'paperbark' is a good equivalent). When the concrete has reached its initial set, shape with a steel trowel (once only) and give a light finish with a hair broom. This produces an attractive, aged look rather than a stark, grey concrete finish and enhances the appearance of the property and the area.

10.5 DRAFT COMMUNITY PARTICIPATION PLAN

FILE NO:	29/4
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Matthew Prendergast - Group Manager Planning & Environment Rachel MacLucas - Executive Manager Vibrant City
AUTHOR:	Andrew Neil - Manager Strategic Planning Alysia Norris - Strategic Engagement Officer
MAITLAND +10	Outcome 16. Community participation in decision-making
COUNCIL OBJECTIVE:	16.1.1 To ensure community input into Council decision-making is regular and active, with equitable opportunities for residents to share their views

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider the draft Maitland Community Participation Plan (CPP) as required under the Environmental Planning and Assessment Act 1979. The CPP will set out Council's approach for encouraging the community to have their say on planning and development assessment matters in the Maitland Local Government Area. It is designed to be an easy to use guide for the community to know when and how they can provide input into planning decisions that could impact them and the future of our city.

This report recommends public exhibition of the draft Community Participation Plan for a minimum of 28 days in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

OFFICER'S RECOMMENDATION**THAT**

- 1. The draft Community Participation Plan be exhibited for community comment for 28 days in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*; and**
- 2. A further report detailing any community feedback received be presented to Council at the conclusion of the exhibition period.**

COUNCIL RESOLUTION

THAT

- 1. The draft Community Participation Plan be exhibited for community comment for 28 days in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*; and**
- 2. A further report detailing any community feedback received be presented to Council at the conclusion of the exhibition period.**

Moved Cr B Whiting, Seconded Cr P Garnham

CARRIED

The division resulted in 11 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr D Ferris	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr H Meskauskas	
	Cr N Penfold	
	Cr P Penfold	
	Cr B Whiting	
	Cr M Yarrington	

10.6 STRONGER COUNTRY COMMUNITIES FUND (ROUND 3)

FILE NO:	65/30
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Kathleen Morris - Manager Integrated Planning and Reporting
MAITLAND +10	Outcome 18. A Council for now and future generations
COUNCIL OBJECTIVE:	18.1.1 To ensure the principles of sustainability underpin Council's financial, economic, social, governance and environmental decision-making

EXECUTIVE SUMMARY

The Stronger Country Communities Fund was announced in 2017 as part of the NSW Government's \$1.3 billion Regional Development Framework.

Under Round 1 of the funding, which was focused on improving community facilities, Council was successful in receiving \$1.5 million to deliver improvements to Bakers Brickyard Playground at Raworth, and two stages of the shared pathway on Cessnock Road from Gillieston Heights to Maitland.

In Round 2, which was focused on community and sporting infrastructure, Council was again successful, receiving \$1.8 million to deliver shade structures at four local playgrounds, fencing and mowing strips at A&D Lawrence Oval, upgraded change rooms at Lochinvar Sports Complex, a car park at Metford Recreation Reserve, additional lighting at Maitland Croquet courts 3 and 4 and upgrades to seven netball courts at Maitland Park.

Round 3 of the program is now open with a funding pool of \$100 million, to support community and youth programs and infrastructure, with at least \$50 million in total funding set aside for youth related projects.

Funding guidelines require that projects are valued at between \$50,000 and \$1 million, projects over \$1 million require 25% co-contribution. Applications must include at least 50% of requested funding to be towards youth related programs or infrastructure. Projects must be commenced within 12 months and delivered within three years from the receipt of funding.

A major change under this round is that local not-for-profit and community organisations can directly apply for funding.

After thorough consideration of the guidelines and capacity to manage and deliver projects, it is recommended that Council proceed with lodgement of three applications for funding, being the Robins Oval Grandstand Refurbishment (community project), Woodberry Youth Space (youth project) and Youth Space Activation Program (youth project).

Applications are due Friday 27 September 2019, with outcomes announced from January 2020.

OFFICER'S RECOMMENDATION

THAT

- 1. Council make application to the NSW Government for grant funding under the Stronger Country Communities Fund (Round 3) for the following projects:**
 - **Robins Oval Grandstand Refurbishment (community project);**
 - **Woodberry Youth Space (youth project);**
 - **Youth Space Activation Program (youth project).**
- 2. A further report be provided to Council once the result of the applications are known.**

COUNCIL RESOLUTION

THAT

- 1. Council make application to the NSW Government for grant funding under the Stronger Country Communities Fund (Round 3) for the following projects:**
 - **Robins Oval Grandstand Refurbishment (community project);**
 - **Woodberry Youth Space (youth project);**
 - **Youth Space Activation Program (youth project).**
- 2. A further report be provided to Council once the result of the applications are known.**

Moved Cr M Griffin, Seconded Cr R Aitchison

CARRIED

The division resulted in 11 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr D Ferris	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr H Meskauskas	
	Cr N Penfold	
	Cr P Penfold	
	Cr B Whiting	
	Cr M Yarrington	

Council moved into Policy & Finance Committee at 6 pm

Moved Cr D Ferris, Seconded Cr R Aitchison

CARRIED

11 POLICY AND FINANCE COMMITTEE

11.1 STATEMENT OF INVESTMENTS AS AT 31 AUGUST 2019

FILE NO:	82/2
ATTACHMENTS:	1. Council's holdings as at 31 August 2019 (Attachment A) 2. Investment portfolio at a glance (Attachment B)
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems Annette Peel - Manager Finance & Risk
AUTHOR:	Emily Lasky - Compliance Accountant
MAITLAND +10	Outcome 18. A Council for now and future generations
COUNCIL OBJECTIVE:	18.1.1 To ensure the principles of sustainability underpin Council's financial, economic, social, governance and environmental decision-making

EXECUTIVE SUMMARY

Clause 212 of the Local Government (General) Regulation 2005 requires Council to report on its investments.

OFFICER'S RECOMMENDATION

THAT

- 1. The report indicating Council's Funds Management position be received and noted.**
- 2. The certification of the Responsible Accounting Officer be noted and the report adopted.**

COUNCIL RESOLUTION

THAT

- 1. The report indicating Council's Funds Management position be received and noted.**
- 2. The certification of the Responsible Accounting Officer be noted and the report adopted.**

Moved Cr H Meskauskas, Seconded Cr N Penfold

CARRIED

The division resulted in 11 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr D Ferris	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr H Meskauskas	
	Cr N Penfold	
	Cr P Penfold	
	Cr B Whiting	
	Cr M Yarrington	

11.2 FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2019

FILE NO:	2/8/24
ATTACHMENTS:	1. Statement by General Manager and Responsible Accounting Officer
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Michael Burfitt - Chief Financial Officer
MAITLAND +10	Outcome 18. A Council for now and future generations
COUNCIL OBJECTIVE:	18.1.1 To ensure the principles of sustainability underpin Council's financial, economic, social, governance and environmental decision-making

EXECUTIVE SUMMARY

Council has prepared the financial statements for the year ended 30 June 2019, to be referred to Council's auditors for audit in accordance with Section 413 of the Local Government Act, 1993.

OFFICER'S RECOMMENDATION

THAT

1. In accordance with Section 413(2)(c) of the *Local Government Act, 1993* (NSW) (as amended) the following statement of Council be adopted:
 - (a) The attached General Purpose Financial Statements have been prepared in accordance with:
 - The *Local Government Act 1993* (NSW) (as amended) and the Regulations made thereunder.
 - The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board.
 - The Local Government Code of Accounting Practice and Financial Reporting.
 - (b) To the best of our knowledge and belief, these Statements:
 - present fairly the Council's operating result and financial position for the year, and
 - accord with Council's accounting and other records.
 - (c) We are not aware of any matter that would render this report false or misleading in any way.

-
2. In accordance with the Local Government Code of Accounting Practice and Financial Reporting the following statement of Council be adopted:
- (a) The attached Special Purpose Financial Statements have been prepared in accordance with:
- NSW Government Policy Statement *"Application of National Competition Policy to Local Government"*.
 - Division of Local Government Guidelines *"Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality"*.
 - The Local Government Code of Accounting Practice and Financial Reporting.
 - The NSW Office of Water *"Best-Practice Management of Water Supply and Sewerage Guidelines"*.
- (b) To the best of our knowledge and belief, these reports:
- present fairly the operating result and financial position for each of Council's declared Business Activities for the year, and
 - accord with Council's accounting and other records.
- (c) We are not aware of any matter that would render the reports false or misleading in any way.

COUNCIL RESOLUTION

THAT

1. In accordance with Section 413(2)(c) of the *Local Government Act, 1993* (NSW) (as amended) the following statement of Council be adopted:
- (a) The attached General Purpose Financial Statements have been prepared in accordance with:
- The *Local Government Act 1993* (NSW) (as amended) and the Regulations made thereunder.
 - The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board.
 - The Local Government Code of Accounting Practice and Financial Reporting.
- (b) To the best of our knowledge and belief, these Statements:
- present fairly the Council's operating result and financial position for the year, and

- accord with Council’s accounting and other records.
- (c) We are not aware of any matter that would render this report false or misleading in any way.
2. In accordance with the Local Government Code of Accounting Practice and Financial Reporting the following statement of Council be adopted:
- (a) The attached Special Purpose Financial Statements have been prepared in accordance with:
- NSW Government Policy Statement *“Application of National Competition Policy to Local Government”*.
 - Division of Local Government Guidelines *“Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality”*.
 - The Local Government Code of Accounting Practice and Financial Reporting.
 - The NSW Office of Water *“Best-Practice Management of Water Supply and Sewerage Guidelines”*.
- (b) To the best of our knowledge and belief, these reports:
- present fairly the operating result and financial position for each of Council’s declared Business Activities for the year, and
 - accord with Council’s accounting and other records.
- (c) We are not aware of any matter that would render the reports false or misleading in any way.

Moved Cr B Whiting, Seconded Cr S Halliday

CARRIED

The division resulted in 11 for and 0 against, as follows:

For:	Cr R Aitchison Cr L Baker Cr D Ferris Cr P Garnham Cr M Griffin Cr S Halliday Cr H Meskauskas Cr N Penfold Cr P Penfold Cr B Whiting Cr M Yarrington	Against:
------	--	----------

Council resumed into Ordinary Council at 6.04 pm.

Moved Cr M Griffin, Seconded Cr B Whiting

CARRIED

The following recommendations made whilst Council was in Policy & Finance Committee were read to the meeting by the General Manager.

Moved Cr M Griffin, Seconded Cr D Ferris

CARRIED

11.1 Statement of Investments as at 31 August 2019

COMMITTEE RECOMMENDATION

THAT

1. The report indicating Council's Funds Management position be received and noted.
2. The certification of the Responsible Accounting Officer be noted and the report adopted.

Moved Cr H Meskauskas, Seconded Cr N Penfold

CARRIED

11.2 Financial Statements for the year ended 30 June 2019

COMMITTEE RECOMMENDATION

THAT

1. In accordance with Section 413(2)(c) of the *Local Government Act, 1993* (NSW) (as amended) the following statement of Council be adopted:
 - (a) The attached General Purpose Financial Statements have been prepared in accordance with:
 - The *Local Government Act 1993* (NSW) (as amended) and the Regulations made thereunder.

- The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board.
 - The Local Government Code of Accounting Practice and Financial Reporting.
- (b) To the best of our knowledge and belief, these Statements:
- present fairly the Council's operating result and financial position for the year, and
 - accord with Council's accounting and other records.
- (c) We are not aware of any matter that would render this report false or misleading in any way.
2. In accordance with the Local Government Code of Accounting Practice and Financial Reporting the following statement of Council be adopted:
- (a) The attached Special Purpose Financial Statements have been prepared in accordance with:
- NSW Government Policy Statement *"Application of National Competition Policy to Local Government"*.
 - Division of Local Government Guidelines *"Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality"*.
 - The Local Government Code of Accounting Practice and Financial Reporting.
 - The NSW Office of Water *"Best-Practice Management of Water Supply and Sewerage Guidelines"*.
- (b) To the best of our knowledge and belief, these reports:
- present fairly the operating result and financial position for each of Council's declared Business Activities for the year, and
 - accord with Council's accounting and other records.
- (c) We are not aware of any matter that would render the reports false or misleading in any way.

Moved Cr B Whiting, Seconded Cr S Halliday

CARRIED

A motion was moved that the Committee's recommendations be adopted.

Moved Cr M Griffin, Seconded Cr D Ferris

CARRIED

12 NOTICES OF MOTION/RESCISSION

Nil

13 QUESTIONS WITH NOTICE

13.1 MORPETH BICENTENARY

SUBMITTED BY CR MITCHELL GRIFFIN

FILE NO: 35/87
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: David Evans - General Manager

Cr Mitchell Griffin has asked the following Question With Notice for the Council Meeting being held on 24 September 2019.

Can Council provide an update on the formation of the committee for the Morpeth Bicentenary as per the January 2019 resolution.

RESPONSE BY EXECUTIVE MANAGER VIBRANT CITY

Following the Notice of Motion in January 2019, a question was raised about whether November 2021 was the appropriate date to be commemorating the bicentenary of Morpeth. Following extensive investigation, it has been confirmed that this date is suitable and, as such, over the next couple of months, Council will move forward with establishing the Working Group through an Expression of Interest process, which will include expanded representation in line with the response from January.

Once this process is completed, a report will be presented back to Council by November to confirm the committee and outline the planning process from there. It is anticipated one meeting would be held this year noting that for the remainder of this Council term, the Working Group would undertake preliminary scoping to form options for how the commemoration might look.

In 2020, these options would be further refined and developed into a project proposal, which would be presented to the next term of Council for endorsement to proceed, including adoption of any funding allocation that may be required to undertake the commemoration.

14 URGENT BUSINESS

Nil

Council moved into the Committee of the Whole at 6.05 pm.

Moved Cr M Griffin, Seconded Cr Sally Halliday

CARRIED

Council moved into Closed Session of the Committee of the Whole for the reasons specified in the Agenda, and closed the meeting to the public at 6.05 pm.

Moved Cr M Griffin, Seconded Cr Sally Halliday

CARRIED

15 COMMITTEE OF THE WHOLE

15.1 PROVISION OF LABOUR HIRE SERVICES

FILE NO:	130/67/1
ATTACHMENTS:	1. Tender Evaluation Report
RESPONSIBLE OFFICER:	Tiffany Allen - Executive Manager Workplace Culture and Safety
AUTHOR:	Simone Bartley - Business Partner Human Resources
MAITLAND +10	Outcome 18. A Council for now and future generations
COUNCIL OBJECTIVE:	18.3.2 To ensure workplace systems and processes are efficient and effective

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

EXECUTIVE SUMMARY

Regional Procurement ran a tender for the provision of labour hire services to participating Hunter Councils member councils. This was undertaken in accordance with Clause 166(a) of the Local Government (General) Regulation 2005. The purpose of this report is to consider the tender recommendation of acceptance of the successful tenderers that met Maitland City Council's requirements.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows:

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

COUNCIL RESOLUTION

THAT

- Council accept the tenders of DOB Enterprises Pty Ltd t/a MBC Recruitment & MBC Labour Hire, Forsythes Recruitment Holdings Pty Ltd t/a Forsythes Recruitment and Labour Co-operative Pty Ltd t/as LabourCo for Category 1: Labour Hire (Blue Collar) and appoint these as a resource to provide Council with blue collar labour hire for the period 1 October 2019 to 30 June 2022, with the option of two (2) x 12 month extensions based on satisfactory**

performance.

2. Council accept the tenders of DOB Enterprises Pty Ltd t/a MBC Recruitment & MBC Labour Hire, Randstad Pty Ltd, Forsythes Recruitment Holdings Pty Ltd t/a Forsythes Recruitment and Labour Co-operative Pty Ltd t/as LabourCo for Category 2: Labour Hire (White Collar) and appoint these as a resource to provide Council with white collar labour hire for the period 1 October 2019 to 30 June 2022, with the option for two (2) x 12 month extensions based on satisfactory performance.
3. Council not appoint a panel for recruitment services.

Moved Cr D Ferris, Seconded Cr P Garnham

CARRIED

The division resulted in 11 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr D Ferris	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr H Meskauskas	
	Cr N Penfold	
	Cr P Penfold	
	Cr B Whiting	
	Cr M Yarrington	

15.2 CONSIDERATION OF TENDERS - MAITLAND TOWN HALL CLOCK TOWER RESTORATION WORKS

FILE NO:	2018/137/1453
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Chris James - Group Manager Infrastructure & Works
AUTHOR:	Graeme Matthews - Manager Projects & Services
MAITLAND +10	Outcome 6. Built heritage and sustainable development
COUNCIL OBJECTIVE:	6.3.1 To continue the revitalisation of the Maitland Town Hall to maximise the potential benefits to, and usage by, the community

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows: (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

EXECUTIVE SUMMARY

At its meeting of 28 August 2018 Council resolved to call tenders for the Maitland Town Hall clock tower restoration works. Tenders were called and closed on the 2 May 2019. Three tenders were received and assessed by a tender review panel.

At its meeting of 23 July 2019 Council resolved not to accept any of the tenders, and to enter into negotiations with the two highest ranked tenderers with a view to entering into a contract for a revised scope of work.

This report provides details of the negotiation process & the assessment of the submissions from each contractor.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows:

(d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

COUNCIL RESOLUTION

THAT

- 1. Council enters into a contract with HBS Group Pty Ltd for the amount of**

\$668,236 including GST (\$607,487 excluding GST) for the restoration works of the Maitland Town Hall Clock Tower.

- 2. The common seal of Council be affixed to the contract documents.**

Moved Cr M Griffin, Seconded Cr M Yarrington

CARRIED

The division resulted in 11 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr D Ferris	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr H Meskauskas	
	Cr N Penfold	
	Cr P Penfold	
	Cr B Whiting	
	Cr M Yarrington	

15.3 LOT 3 DP 790460, 56 KYLE STREET, RUTHERFORD

FILE NO: P19010
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: David Evans - General Manager
AUTHOR: Judy Jaeger - Group Manager Culture, Community & Recreation
MAITLAND +10 Outcome 2. Community and recreation services and facilities
COUNCIL OBJECTIVE: 2.1.3 To maintain community, recreation and leisure facilities to meet user needs

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

EXECUTIVE SUMMARY

Council requested a report regarding Lot 3 DP790460 being 56 Kyle Street Rutherford at the meeting of 9 July 2019.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows:

(g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

COUNCIL RESOLUTION

That a report be presented to Council at its second meeting in October.

Moved Cr P Penfold, Seconded Cr M Griffin

CARRIED

The division resulted in 11 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr D Ferris	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr H Meskauskas	
	Cr N Penfold	
	Cr P Penfold	
	Cr B Whiting	
	Cr M Yarrington	

Council resumed into Ordinary Council at 6.13pm.

Moved Cr D Ferris, Seconded Cr S Halliday

CARRIED

16 COMMITTEE OF THE WHOLE RECOMMENDATIONS

The Acting General Manager read the Recommendation from the Committee of the Whole/Closed Session as follows:

16.1 Provision of Labour Hire Services

COMMITTEE RECOMMENDATION

THAT

1. Council accept the tenders of DOB Enterprises Pty Ltd t/a MBC Recruitment & MBC Labour Hire, Forsythes Recruitment Holdings Pty Ltd t/a Forsythes Recruitment and Labour Co-operative Pty Ltd t/as LabourCo for Category 1: Labour Hire (Blue Collar) and appoint these as a resource to provide Council with blue collar labour hire for the period 1 October 2019 to 30 June 2022, with the option of two (2) x 12 month extensions based on satisfactory performance.
2. Council accept the tenders of DOB Enterprises Pty Ltd t/a MBC Recruitment & MBC Labour Hire, Randstad Pty Ltd, Forsythes Recruitment Holdings Pty Ltd t/a Forsythes Recruitment and Labour Co-operative Pty Ltd t/as LabourCo for Category 2: Labour Hire (White Collar) and appoint these as a resource to provide Council with white collar labour hire for the period 1 October 2019 to 30 June 2022, with the option for two (2) x 12 month extensions based on satisfactory performance.
3. Council not appoint a panel for recruitment services.

Moved Cr D Ferris, Seconded Cr P Garnham

CARRIED

16.2 Consideration of Tenders - Maitland Town Hall Clock Tower Restoration Works

COMMITTEE RECOMMENDATION

THAT

1. Council enters into a contract with HBS Group Pty Ltd for the amount of \$668,236 including GST (\$607,487 excluding GST) for the restoration works of the Maitland Town Hall Clock Tower.
2. The common seal of Council be affixed to the contract documents.

Moved Cr M Griffin, Seconded Cr M Yarrington

CARRIED

16.3 Lot 3 DP 790460, 56 Kyle Street, Rutherford

COMMITTEE RECOMMENDATION

THAT

A report be presented to Council at its second meeting in October.

Moved Cr P Penfold, Seconded Cr M Griffin

CARRIED

Council resolved that the recommendations of the Closed Session of Committee of the Whole be adopted.

Moved Cr M Griffin, Seconded Cr M Yarrington

CARRIED

The division resulted in 11 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr D Ferris	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr H Meskauskas	
	Cr N Penfold	
	Cr P Penfold	
	Cr B Whiting	
	Cr M Yarrington	

17 CLOSURE

The meeting was declared closed at 6.16 pm.

.....
Chairperson