

**ORDINARY MEETING**

**MINUTES**

**8 OCTOBER 2019**

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## **PRESENT**

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

## **1 INVOCATION**

The General Manager, David Evans read the customary prayer at the commencement of the meeting.

## **2 ACKNOWLEDGEMENT OF COUNTRY**

Cr N Penfold read the Acknowledgement of Country.

## **3 APOLOGIES AND LEAVE OF ABSENCE**

Nil

## **4 DECLARATIONS OF INTEREST**

Cr D Ferris declared a significant non-pecuniary interest in Item 11.1 DA 18-1761 proposed boarding house with 28 self-contained boarding rooms (affordable rental housing) - Lot 2 DP 736275, 85 Church Street, Maitland due to the proponent being a friend.

Cr M Griffin declared a less than significant non-pecuniary interest in Item 12.1 Section 356 Sports & Arts High Achievers Grant Program due to one of the applicants being a family friend through the same church.

Cr N Penfold declared a significant non-pecuniary interest in Item 12.1 Section 356 Sports & Arts High Achievers Grant Program due to a friendship with parents of a recommended recipient.

Cr P Penfold declared a significant non-pecuniary interest in Item 12.1 Section 356 Sports & Arts High Achievers Grant Program due to a friendship with parents of a recommended recipient.

## **5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held 24 September 2019 be confirmed.

**Moved Cr R Aitchison, Seconded Cr B Whiting**

**CARRIED**

The division resulted in 13 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 B Mitchell	
	Cr N Penfold	
	Cr P Penfold	
	Cr K Ranadive	
	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**

Nil

## 9 PUBLIC ACCESS

**Albert Becerra** representing Church Street Developments spoke **For** Item 11.1 - DA 18-1761 Proposed boarding house with 28 self-contained boarding rooms (affordable rental housing) - Lot 2 DP 736275, 85 Church Street, Maitland.  
Recommendation: Approval

**Shane Boslem** representing McCloy Group spoke **For** Item 11.2 - DA 18-2019 Seniors Housing - 49 dwellings and associated community facilities at 'Heritage Parc' – Part Lot 6 DP270823, 62 Grand Parade Rutherford Recommendation: Approval

**Joshua Hodges** representing The Cosmic Endeavour Trust spoke **For** Item 11.3 - DA 19-313 One (1) into Two (2) Lot Torrens Title Subdivision, demolition of garage/construction of a carport and construction of an eight (8) unit, Two (2) storey Boarding House (Affordable Housing) - Lot 2 DP 793753, 3 Fairview Street, Rutherford Recommendation: Approval

**Gordon Barnfield** representing himself spoke **Against** Item 11.3 - DA 19-313 One (1) into Two (2) Lot Torrens Title Subdivision, demolition of garage/construction of a carport and construction of an eight (8) unit, Two (2) storey Boarding House (Affordable Housing) - Lot 2 DP 793753, 3 Fairview Street, Rutherford Recommendation: Approval

**James Davis** representing himself spoke **Against** Item 11.3 - DA 19-313 One (1) into Two (2) Lot Torrens Title Subdivision, demolition of garage/construction of a carport and construction of an eight (8) unit, Two (2) storey Boarding House (Affordable Housing) - Lot 2 DP 793753, 3 Fairview Street, Rutherford Recommendation: Approval

### COUNCIL RESOLUTION

THAT an extension of one (1) minute be granted to James Davis

Moved Cr M Griffin, Seconded Cr P Penfold

CARRIED

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## 10 GENERAL MANAGER'S REPORTS

### 10.1 CUSTOMER EXPERIENCE REVIEW

<b>FILE NO:</b>	29/52
<b>ATTACHMENTS:</b>	1. Draft Customer Experience Plan 2. Draft Guiding Principles
<b>RESPONSIBLE OFFICER:</b>	David Evans - General Manager Rachel MacLucas - Executive Manager Vibrant City
<b>AUTHOR:</b>	William Stuart - Digital Innovation Specialist
<b>MAITLAND +10</b>	Outcome 16. Community participation in decision-making
<b>COUNCIL OBJECTIVE:</b>	16.1.2 To provide contemporary and responsive citizen services to our community

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#### EXECUTIVE SUMMARY

*In November 2018, Council commenced a review of its Customer Service function as an action item from the 2018/19 Delivery Program, starting with a series of internal workshops. Over the subsequent months Council appointed a consultant, Think Startup, who has worked closely with the organisation and the community to complete the review and make recommendations on the overall customer experience offered by Maitland City Council.*

*After considerable review internally and completion of community focus groups, the draft Customer Experience Plan is ready to be placed on public exhibition. In parallel with the Customer Service Review, a series of draft Guiding Principles for the organisation have been developed and are now being presented to Council for adoption*

#### OFFICER'S RECOMMENDATION

##### THAT

1. The draft Customer Experience Plan be placed on public exhibition for 28 days.
2. A further report, including the final Customer Experience Plan along with details of any identified resourcing or financial implications, be presented to Council upon completion of the formal exhibition period.
3. Council adopt the draft Guiding Principles for the organisation and commence roll out over the coming months.



**COUNCIL RESOLUTION**

**THAT**

- 1. The draft Customer Experience Plan be placed on public exhibition for 28 days.**
- 2. A further report, including the final Customer Experience Plan along with details of any identified resourcing or financial implications, be presented to Council upon completion of the formal exhibition period.**
- 3. Council adopt the draft Guiding Principles for the organisation and commence roll out over the coming months.**

**Moved Cr H Meskauskas, Seconded Cr K Ranadive**

**CARRIED**

The division resulted in 13 for and 0 against, as follows:

<b>For:</b>	<b>Cr R Aitchison</b>	<b>Against:</b>
	<b>Cr L Baker</b>	
	<b>Cr D Ferris</b>	
	<b>Cr P Garnham</b>	
	<b>Cr M Griffin</b>	
	<b>Cr S Halliday</b>	
	<b>Cr H Meskauskas</b>	
	<b>Cr B Mitchell</b>	
	<b>Cr N Penfold</b>	
	<b>Cr P Penfold</b>	
	<b>Cr K Ranadive</b>	
	<b>Cr B Whiting</b>	
	<b>Cr M Yarrington</b>	

Cr D Ferris left the Chambers at 6.02 pm

## **11 PLANNING AND ENVIRONMENT**

### **11.1 DA 18-1761 PROPOSED BOARDING HOUSE WITH 28 SELF CONTAINED BOARDING ROOMS (AFFORDABLE RENTAL HOUSING) - LOT 2 DP 736275, 85 CHURCH STREET, MAITLAND RECOMMENDATION: APPROVAL**

**FILE NO:** DA 18-1761

**ATTACHMENTS:**

1. Locality Plan
2. Concept Plan
3. Development Plans - Architectural & Landscape (under separate cover)
4. Round 1 Submissions
5. Round 2 Submissions
6. DCP 2011 Section - C4 Heritage Conservation

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

**AUTHOR:** Belinda Martin - Senior Development Planner

**APPLICANT:** NICK PERKS

**OWNER:** CHURCH BLOCK PTY LTD AND CALY PTY LTD

**PROPOSAL:** BOARDING HOUSE WITH 28 SELF CONTAINED BOARDING ROOMS (AFFORDABLE RENTAL HOUSING) AND FORMALISATION OF CAR PARKING (CALEDONIAN HOTEL)

**LOCATION:** 85 Church Street, Maitland (Lot 2 DP736275 – Construction of Boarding House) and formalization of car parking (Caledonian Hotel) on Lot 1 DP55029 and Lot 1 DP736275.

**ZONE:** B4 Mixed Use Zone

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#### **EXECUTIVE SUMMARY**

*A development application has been lodged with Council seeking consent for the construction of a boarding house on land zoned B4 Mixed Use at 85 Church Street, Maitland. The building is proposed as three storeys (with an additional upper attic level) containing 28 self-contained boarding rooms: six (6) of which can accommodate up to 2 residents each with the remaining twenty two (22) rooms designed as single rooms. Each of the rooms includes private facilities (kitchenette and en-suite bathroom) and 18 rooms have a private balcony area. The development includes associated car parking, bicycle and motor bike parking, landscaping and communal open space areas.*

*An on-site Manager's residence is also proposed as part of the development and is located at ground level with a separate private open space allocation and a single car parking space.*

*The development will provide accommodation for low and moderate income working singles and couples, tertiary students & apprentices, young people leaving home, retirees and pensioners who seek affordable and flexible accommodation close to employment and services.*

*The site is currently vacant and used for car parking for the adjacent Caledonian Hotel. As part of this development application, Council has required the Applicant to relocate and formalize car parking for the Caledonian Hotel back onto its own site in compliance with the Hotel's previous consent conditions for provision of six (6) car parks.*

*The application has been lodged under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 which aims to facilitate delivery of new affordable rental housing through this Policy. Boarding Houses are a permissible use in the B4 Mixed Use zone as the Policy encourages affordable rental housing in accessible locations.*

*The subject site and the Caledonian hotel are not listed as individual items of heritage significance under the Maitland Local Environmental Plan 2011 ('MLEP 2011') but are located within the Church Street Precinct in the Central Maitland Heritage Conservation Area and within proximity to individually listed items of state and local significance. Accordingly, a Statement of Heritage Impact (SHI) has been submitted to address the context of the design in this Precinct including consideration of potential archaeological evidence of previous land uses on the site given the trading history of the Caledonian Hotel and the significance of Church Street in Maitland.*

*The application was placed on public notification between 24 September and 08 October 2018 and fifteen (15) submissions were received in opposition to the development and one (1) submission in support. The application was again re-notified with amendments (reduction in units from 40 to 28) between 3 June 2019 and 17 June 2019 and twelve (12) submissions were received in opposition to the development, one of which has been withdrawn.*

*Key issues raised relate to an overdevelopment of the site; alteration of the historic character of the Maitland Heritage Conservation Area as a result of the development; impacts of traffic generation/car parking, privacy and solar access concerns; inadequate landscaping; waste pickup and storage problems; impacts on the quality of life for existing residents together with safety concerns related to uncertainty over likely tenants of the boarding house and the visual degradation of this high order street. The submissions are considered in detail in the submissions section of this report.*

*The application has been through a re-design process from that originally lodged with Council, with an overall reduction in the number of boarding house rooms from 40 – 28, resulting in a development that has been substantially reduced in terms of bulk and scale*

*and a development that has resulted in increased amenity and the provision of required car parking on the land.*

*The current amended application seeks to achieve a higher order use on the land which is consistent with the revitalization outcomes for Central Maitland as detailed in the Central Maitland Structure Plan. The site is ideally located in close proximity to public transport and within walking distance to the commercial precinct of Central Maitland to deliver new affordable housing as provided for under the Affordable Rental Housing Policy.*

*The application has been assessed against the requirements of Section 4.15 of the Environmental Planning & Assessment Act 1979 and is considered satisfactory subject to the conditions of consent attached in the schedule to this report.*

## **OFFICER'S RECOMMENDATION**

### **THAT**

- 1. Council approve DA 18-1761 for construction of a Boarding House (28 rooms) at 85 Church Street, Maitland (Lot 2, DP 736275) and six (6) hotel car parks (Caledonian Hotel) on Lot 1, DP 55029 and Lot 1, DP 736275.**

## **PROCEEDINGS IN BRIEF**

A motion was moved.  
(Cr H Meskauskas / Cr R Aitchison)

THAT Council refuse DA 18-1761 for construction of a Boarding House (28 rooms) at 85 Church Street, Maitland (Lot 2, DP 736275) and six (6) hotel car parks (Caledonian Hotel) on Lot 1, DP 55029 and Lot 1, DP 736275 for the following reasons:

1. The proposal is inconsistent with the existing and likely future character of the local area;
2. The site is not suitable for the proposed development as it will result in unacceptable impacts on the amenity of the local area;
3. The proposed development will result in adverse social and economic impacts;
4. The proposed development is not in the Public Interest having regard to the issues raised in the submissions made by local residents.

## **COUNCIL RESOLUTION**

**THAT Council refuse DA 18-1761 for construction of a Boarding House (28 rooms) at 85 Church Street, Maitland (Lot 2, DP 736275) and six (6) hotel car parks (Caledonian Hotel) on Lot 1, DP 55029 and Lot 1, DP 736275 for the following reasons:**

1. The proposal is inconsistent with the existing and likely future character of the local area;
2. The site is not suitable for the proposed development as it will result in unacceptable impacts on the amenity of the local area;
3. The proposed development will result in adverse social and economic impacts;
4. The proposed development is not in the Public Interest having regard to the issues raised in the submissions made by local residents.

Moved Cr H Meskauskas, Seconded Cr R Aitchison

**CARRIED**

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

The division resulted in 11 for and 1 against, as follows:

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

Cr D Ferris returned to the Chambers at 6.21 pm.

**11.2 DA 18-2019 SENIORS HOUSING - 49 DWELLINGS AND ASSOCIATED COMMUNITY FACILITIES AT 'HERITAGE PARC' - PART LOT 6 DP270823, 62 GRAND PARADE RUTHERFORD  
RECOMMENDATION: APPROVAL**

**FILE NO:** DA 18-2019

**ATTACHMENTS:**

1. Related Masterplans (under separate cover)
2. Development Plans (under separate cover)
3. SEPP Compliance Table

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

**AUTHOR:** Robyn Hawes - Urban Release Area Coordinator

**APPLICANT:** McCloy Group

**OWNER:** Heritage Parc Pty Ltd

**PROPOSAL:** Seniors housing – 49 dwellings and associated community facilities within an overall Community Title Subdivision (Precinct 3)

**LOCATION:** Lot 6 DP270823, 62 Grand Parade Rutherford

**ZONE:** RE2 Private Recreation

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**EXECUTIVE SUMMARY**

*Heritage Parc is a community title subdivision currently under development for residential accommodation, comprising primarily a mix of standard residential lots and seniors living developments.*

*Council will recall that the Hunter and Central Coast Joint Regional Planning Panel (JRPP) granted consent to a seniors housing development comprising 99 self-contained dwellings on part of this site in 2018 (DA 17-2505).*

*This application seeks consent to extend this approved retirement complex by a further 47 dwellings, to a total number of 146 self-contained dwellings over the two development applications, supported by a community centre and associated infrastructure.*

*As a result, the number of residential lots within the community title subdivision will reduce by a further 31 lots within Precinct 3. In total, the proposed development will reduce the overall lot yield within the community title subdivision to a total of 363 development lots and the number of dwellings will increase to 587: 361 residential lots, 80 dwellings under DA 17-1137 "Oak Tree" and 146 dwellings under the combined DA 17-2505 and this application.*

*Two (2) related amended applications have also been lodged with Council and will be processed under delegation. These applications seek consent to amend DA 17-2505 to align with this development application before Council for determination and an amendment to the masterplan subdivision approved under DA 08-2357 to create a larger superlot to accommodate the expanded footprint for the combined retirement complex.*

*The application is lodged under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP). The application has been assessed against the relevant provisions in the Seniors SEPP and found to be satisfactory.*

*The application is identified as integrated development as it is identified as bush fire prone land that requires a Bush Fire Safety Authority from NSW Rural Fire Service for a 'special fire protection purpose'. NSW RFS has issued their General Terms of Approval subject to a number of conditions that are included in the recommended schedule attached to this report.*

*The site is also identified as being flood prone land in the Maitland Development Control Plan 2011 (DCP) being inundated during the Probable Maximum Flood event (PMF) but located above the Flood Planning Level (1% AEP) set for residential accommodation. Detailed flooding information provided by the applicant has demonstrated a satisfactory design response and a level of commitment to prepare and administer emergency evacuation plans in the event of any flood event.*

*The application was notified and advertised from 17 December 2018 – 04 January 2019. No submissions were received. The application is reported to Council for determination as the cost of development exceeds the limits of officer delegations.*

*The application has been assessed against the relevant heads of consideration under section 4.15(1) in the Environmental Planning and Assessment Act 1919 and found to be satisfactory subject to the recommended schedule of conditions.*

## **OFFICER'S RECOMMENDATION**

### **THAT**

- 1. Development consent be granted to DA 18-2019 for a seniors housing development comprising 49 dwellings, a community centre and associated infrastructure on Part Lot 6 DP270823, 62 Grand Parade, Rutherford subject to the recommended schedule of conditions attached to this assessment report.**

**COUNCIL RESOLUTION**

**THAT**

- 1. Development consent be granted to DA 18-2019 for a seniors housing development comprising 49 dwellings, a community centre and associated infrastructure on Part Lot 6 DP270823, 62 Grand Parade, Rutherford subject to the recommended schedule of conditions attached to this assessment report.**

**Moved Cr M Griffin, Seconded Cr S Halliday**

**CARRIED**

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

The division resulted in 11 for and 2 against, as follows:

<b>For:</b>	<b>Cr R Aitchison</b>	<b>Against:</b>	<b>Cr D Ferris</b>
	<b>Cr L Baker</b>		<b>Cr H Meskauskas</b>
	<b>Cr P Garnham</b>		
	<b>Cr M Griffin</b>		
	<b>Cr S Halliday</b>		
	<b>Cr B Mitchell</b>		
	<b>Cr N Penfold</b>		
	<b>Cr P Penfold</b>		
	<b>Cr K Ranadive</b>		
	<b>Cr B Whiting</b>		
	<b>Cr M Yarrington</b>		



## 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.*

### APPROVED PLANS AND DOCUMENTATION

- 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)
Cover Sheet (2017067)	DA-001	F	11.03.19	Jackson Teece
Masterplan – Extension	DA-004	H	15.04.19	Jackson Teece
Staging Plan - Extension	DA-005	F	15.04.19	Jackson Teece
Independent Living Unit-Type B (attached)	DA-101	C	11.03.19	Jackson Teece
Independent Living Unit – Type C (attached)	DA-102	C	11.03.19	Jackson Teece
Independent Living Unit – Type D (attached)	DA-103	C	11.03.19	Jackson Teece
Independent Living Unit – Type E (attached)	DA-104	C	11.03.19	Jackson Teece
Independent Living Unit – Type F (attached)	DA-106	C	11.03.19	Jackson Teece
Independent Living Unit – Type G (attached)	DA-108	C	11.03.19	Jackson Teece
Independent Living Unit – Type G (detached)	DA-109	C	11.03.19	Jackson Teece
Street Elevations	DA-301	B	20.11.18	Jackson Teece

External Materials	DA-500	C	11.03.19	Jackson Teece
Community centre Stage	DA-114	B	22.05.19	Jackson Teece
Community Centre - Elevations	DA-115	B	30.08.19	Jackson Teece
Landscape plans – Title Page	LP01	B	19.11.18	Moir Landscape Architecture
Landscape Master Plan	LP04	B	19.11.18	Moir Landscape Architecture
Concept Plan - 1	LP05	B	19.11.18	Moir Landscape Architecture
Concept Plan - 2	LP06	B	19.11.18	Moir Landscape Architecture
Landscape Sections	LP07	B	19.11.18	Moir Landscape Architecture
Planting Palette	LP09	B	19.11.18	Moir Landscape Architecture
Coversheet – Civil Works	C013079.02-DA210	B	17.10.18	Costin Roe
Staging Plan	C013079.02-DA215	C	22.11.18	Costin Roe
Erosion and Sediment Control Plan	C013079.02-DA220	C	22.11.18	Costin Roe
Site Grading Plan	C013079.02-DA231	C	22.11.18	Costin Roe
Site Grading Cut and Fill Plan	C013079.02-DA232	C	22.11.18	Costin Roe
Bulk Earthworks Sections	C013079.02-DA235	B	17.10.18	Costin Roe
Concept Civil Works Plan	C013079.02-DA240	C	22.11.18	Costin Roe
Civil Works Details	C013079.02-DA245	B	17.10.18	Costin Roe

## CONTRIBUTIONS & FEES

- Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, and the Maitland Section 94 Contributions Plan (Citywide) 2016, a contribution of \$199,776 shall be paid to the Council.

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

Facility	32 x 2 B/Room Units	17 x 3 B/Room Units	Total 49 Units
City Wide Aquatics (Seniors)	\$16,320	\$10,523	\$26,843
Citywide Competition Netball Courts (Seniors)	\$3,776	\$2,431	\$6,207
City Wide Recreation & Open Space (Seniors)	\$13,632	\$8,789	\$22,421
City Wide Multipurpose Centre Floorspace (Seniors)	\$10,720	\$6,902	\$17,622
City Wide Library Floor Space (Seniors)	\$10,336	\$6,681	\$17,017
City Wide Road & Traffic Facilities (Seniors)	\$54,080	\$34,884	\$88,964
City Wide Cycleways/Shared Paths (Seniors)	\$9,632	\$6,222	\$15,854
City Wide Plan Management/Administration (Seniors)	\$2,944	\$1,904	\$4,848
<b>Total</b>	<b>\$121,440</b>	<b>\$78,336</b>	<b>\$199,776</b>

The above contributions are indexed, at least annually, with reviewed rates to apply from 1<sup>st</sup> 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.

### COMPLIANCE

3. In accordance with Clause 18 of SEPP (Housing For Seniors or People With a Disability) 2004, occupation of the residential units shall be limited to '*seniors*' being people aged 55 years or more, or '*people with a disability*' being people of any age who, as a result of an intellectual, physical, psychiatric or sensory impairment, either permanently or for an extended period, have substantially limited opportunities to

enjoy a full or active life and people who live in the same household with *seniors* or *people with a disability*.

4. **Prior to occupation of the development**, a restriction as to user must be registered against the title of the property in accordance with section 88E of the Conveyancing Act 1919:
  - a) limiting the use of any accommodation on the property to the categories of persons referred to in Condition 3 above; and
  - b) requiring the provision of a community bus service referenced in condition 5 below, to be provided upon occupation of the first dwelling and for the life of the development. A copy of the draft instrument shall be provided to the Council for review and approval prior to its registration.
5. **Prior to the issue of the first Occupation Certificate**, a Plan of Management outlining services to be provided to residents that takes into account the staging of the development including the operation of a community bus service to and from the development during daylight hours at least three times each day Monday to Friday and which provides for weekend coverage in accordance with clause 26 of SEPP (Housing for Seniors or People with a Disability) 2004 shall be submitted to Council.
6. **Prior to the issue of the first Occupation Certificate** for a self-contained dwelling, a Flood Management Plan and Flood Safety Strategy shall be prepared, detailing a flood safety and egress plan to be followed in an identified flood event. The relevant Plan and Strategy shall be incorporated into the Community Management Statement.
7. The development shall comply with the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

## CERTIFICATES

8. **Prior to the commencement of works** an application for a Construction Certificate shall be submitted to, and be approved by, the Accredited Certifier.
9. **Prior to the issue of an Occupation Certificate** for each stage of the development all relevant conditions of development consent for each respective stage shall be complied with.
10. **Prior to occupation of a building** an Occupation Certificate shall be issued by the Principal Certifying Authority.

## STAGING SEQUENCE

11. The proposed development is to be carried out in accordance with the sequencing as shown on the approved Staging Plan with the following amendments and/or requirements:
  - (a) Stage 1 of the Community Centre is to be constructed within Stage 1 of the overall development.
  - (b) **Prior to a Construction Certificate** being issued for Stage 2, the Occupation Certificate must be issued for the Community Centre.

- (c) A temporary community facility is to be provided within Stage 1 and remain operational until such time as the permanent Community Centre (Stage 1) is completed and operational.
12. **Prior to the issue of a Construction Certificate** for Stage 1, evidence shall be provided to Council that the plan of subdivision approved pursuant to DA 08-2357 (as amended) has been registered, creating:
- The development lot (proposed Lot 2201);
  - Public road access to the site from Grand Parade; and
  - Legal point of discharge for stormwater from the development lot (3.0m wide easement) through to the road network in DA 08-2357.
13. The applicant shall submit to Council, “*Notice of Appointment of the Principal Certifying Authority*” at least two (2) days **prior to the commencement of construction works**.
14. The applicant shall submit to Council a “Notice of Commencement” form at least two (2) days **prior to the commencement of construction works**.
15. **Prior to issue of the Construction Certificate**, a Compliance Certificate under Section 50 of the Hunter Water Act 1991, for this development, shall be submitted to the Accredited Certifier.
16. (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.

## ARCHAEOLOGY

17. Prior to, or during construction, identification of any potential archaeological deposit likely to contain Aboriginal artefacts, shall cause construction works to cease. Application shall be made by a suitably qualified Archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics. A copy of such a permit, shall be submitted to Council.

## ACOUSTICS

18. The development shall comply with the *DA Acoustic Assessment* (Renzo Tonin & Associates, TE188-15F02, 16 October 2018).
19. **Prior to issue of the Construction Certificate**, details of the proposed acoustic treatments to be installed to Dwelling No's. 101, 112, 115, 116, 119, 122 and 313 and 1.8m high acoustic boundary fencing along the southern and eastern boundary of Lot 101 as recommended by the approved *DA Acoustic Assessment* shall be submitted to the principal certifying authority for approval.
20. **Prior to issue of an Occupation Certificate** for Dwelling No's 101, 112, 115, 116, 119, 122 and 313, certification is to be submitted to the principal certifying authority that the internal acoustic measurements meet the acoustic requirements of clause 87 in State Environmental Planning Policy (Infrastructure) 2007 and the external acoustic measurements for Lot 101 meet the recommendations in the approved *DA Acoustic Assessment*.

## BUSHFIRE

21. The development shall comply with the General Terms of Approval issued by NSW Rural Fire Service dated 31 January 2019 as follows:

### Asset Protection Zone

1. At the commencement of building works, or the issue of a subdivision certificate (whichever comes first) and in perpetuity, the entire property shall be managed as an Inner Protection Area (IPA) for a distance of 100 metres, as identified in the report prepared by Firebird ecoSultants dated October 2018 (Figure 4-1: Asset Protection Zone Map). Management of this IPA shall be as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

### Water and Utilities

2. The provision of water, electricity and gas services are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
  - Fire hydrant spacing, sizing and pressures shall comply with Australian Standard AS 2419.1-2005 'Fire hydrant installations'.
  - Fire hydrants shall not be located within any road carriageway.

### Access

3. Internal roads shall comply with the acceptable solutions detailed in section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

4. A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014' and Australian Standard AS 3745-2010 'Planning for Emergencies in Facilities'.

Landscaping

5. Future landscaping to the site is required to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

## LANDSCAPING

22. All landscaped areas of the development shall be maintained in accordance with the approved landscape plan. The landscaped areas shall be kept free of parked vehicles, stored goods, garbage or waste material and the like.
23. Landscaping of the site is to be carried out in accordance with the approved Landscape Plans and to be completed in accordance with each respective stage.
24. The pedestrian walking track is to connect with the same pedestrian walking track constructed under DA08-2357.

## BOUNDARY FENCING

25. The common boundary between the development site and lots in Stage 23 associated with DA08-2357 shall be fenced to a minimum height of 1.5m and appropriate residential height and standard as detailed in the Community Management Statement for the community title subdivision.

## CARPARKING

26. Car parking for the development shall be provided in accordance with the approved plans, with a minimum allocation for the development of sixty-eight (68) resident spaces.
27. All driveways, parking areas and vehicles turning areas shall be constructed with a bitumen or segmental paver surface (on a granular pavement base), or as reinforced concrete.
28. All parking bays shall be delineated. "Visitor parking" spaces shall be signposted.

## VEHICLE ACCESS

29. **Prior to issue of an Occupation Certificate** the driveway connecting the site to the public road network from the edge of the road pavement shall be constructed, in accordance with an approved design and Council's Manual of Engineering Standards.

## CIVIL WORKS

30. **Prior to issue of a Construction Certificate** for the internal roads and drainage works, an engineering design shall be prepared for approval.

31. Fire hydrants shall be provided to the development in accordance with the requirements of the *Water Management (General) Regulation 2018*, and the NSW Fire and Rescue 'Fire hydrants for minor residential development'.

## ROADS

32. The internal road configuration and construction details shall be determined by an engineer and shall provide for the following:
- a) Carriageway widths that cater for the projected traffic volumes, parking requirements and vehicle manoeuvrability
  - b) Necessary infrastructure including a suitable pavement with an asphaltic concrete or reinforced concrete wearing surface
  - c) Internal roads shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

## STORMWATER DRAINAGE

33. **Prior to issue of the Construction Certificate**, a detailed stormwater drainage plan shall be prepared and designed in accordance with Council's Manual of Engineering Standards. The design shall be generally based on the stormwater drainage concept layout plan by Costin Roe (C013079.02 – DA40, Issue M, 10/07/19) and provide for the following stormwater requirements:
- a) A major/minor system shall be provided to convey stormwater within and from upstream of the site.
  - b) Detailed pavement finished surface levels demonstrating 1% conveyance paths to, and 1% inlet capacity into the OSD tank/structure, and
  - c) Structural certification is required for underground detention systems where expected traffic loads are likely, and,
  - d) an emergency overland flow path for major storm events, that is directed to the public drainage system, and
  - e) entrapment of gross pollutants, nutrients and hydrocarbons generated from the contributing ground-surface catchment areas.

## FLOODING

34. The floor level of all habitable rooms is to be a minimum of 500mm above the 1 in 100 year AEP flood level on the subject land.

## EROSION CONTROLS

35. 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

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

## SITE CONSIDERATIONS



37. 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.
38. 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.
39. 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).
40. 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.
41. 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.
42. 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.

- 43.** 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.
- 44.** 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.*
- 45.** All building materials, plant and equipment shall be contained wholly within the development site.
- 46.** 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.
- 47.** 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.
- B** 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.
- C** You are advised that, prior to pouring of internal concrete driveways and kerbs which act as surface depression storage for the stormwater detention (and/or surfaces which divert runoff to those storage areas), formwork set-out and levels should be confirmed.

**11.3 DA 19-313 ONE (1) INTO TWO (2) LOT TORRENS TITLE SUBDIVISION, DEMOLITION OF GARAGE/CONSTRUCTION OF A CARPORT AND CONSTRUCTION OF AN EIGHT (8) UNIT, TWO (2) STOREY BOARDING HOUSE (AFFORDABLE HOUSING) - LOT 2 DP 793753, 3 FAIRVIEW STREET, RUTHERFORD  
RECOMMENDATION: APPROVAL**

**FILE NO:** DA 19-313

**ATTACHMENTS:**

1. Locality Plan
2. Subdivision Plan
3. Development Plans (under separate cover)
4. Operational Management Plan
5. Submissions

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

**AUTHOR:** Belinda Martin - Senior Development Planner

**APPLICANT:** Cosmic Endeavour Pty Ltd

**OWNER:** Cosmic Endeavour Pty Ltd

**PROPOSAL:** One (1) into Two (2) Lot Torrens Title Subdivision, demolition of garage/construction of a carport and construction of an eight (8) unit, two (2) storey Boarding House (Affordable housing).

**LOCATION:** 3 Fairview Street, Rutherford (Lot 2, DP 793753)

**ZONE:** R1 General Residential zone

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**EXECUTIVE SUMMARY**

*The development application proposes demolition of the existing garage, and the construction of a Boarding House at 3 Fairview Street, Rutherford. The proposal also retains the existing dwelling on the site but includes a Torrens Title subdivision to excise the existing dwelling from the lot proposed for the Boarding House. Construction of a carport for the existing dwelling will also be required given demolition of the existing garage. The building includes eight (8) self contained dwelling units with private facilities (kitchenette, bathroom, bedroom and private north facing deck/courtyard areas) together with communal shared facilities and associated car parking.*

*The land is legally described as Lot 2, DP 793753 and is 1092m<sup>2</sup> in size. The site is zoned R1 General Residential pursuant to Maitland Local Environmental Plan 2011 (MLEP 2011). Boarding Houses are a permissible use in the R1 General Residential zone.*

*The application has been lodged under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 which aims to facilitate delivery of new affordable rental housing through this Policy.*

*The application was placed on public notification for two weeks closing on 8 May 2019 and a total of three (3) submissions were received in opposition to the development with one submission attaching a petition of 55 signatures. The key issues raised relate to the site context and character of the area, the density proposed, car parking, traffic generation, open space, amenity and visual impact.*

*The proposal is in the public interest as it will provide for additional housing. The development is an important addition to the supply of accommodation in the local area and is an alternative form of accommodation. Whilst the proposal will have some minor impact on the area (noting the land currently contains one dwelling), the proposal provides for a positive social and economic benefit for the community, the provision of additional housing and employment for local tradespeople. Moreover, the issues raised in objection to the proposal do not warrant refusal of the application or can be readily addressed through the conditions contained in the schedule attached to this report (including compliance with the Plan of Management for the Boarding House).*

*The application has been assessed against the requirements of Section 4.15 of the Environmental Planning & Assessment Act, 1979 and is considered satisfactory. Accordingly, it is recommended the application be approved subject to appropriate conditions of consent.*

## **OFFICER'S RECOMMENDATION**

### **THAT**

- 1. Council approve Development Application 19-313 for One (1) into Two (2) Lots Torrens Title Subdivision, demolition of the existing garage and construction of a carport together with construction of a Boarding House (Affordable Housing Units) and associated car parking on Lot 2, DP 793573, 3 Fairview Street, Rutherford.**

## **PROCEEDINGS IN BRIEF**

A motion was moved.  
(Cr H Meskauskas / Cr P Penfold)

THAT Council refuse Development Application 19-313 for One (1) into Two (2) Lots Torrens Title Subdivision, demolition of the existing garage and construction of a carport together with construction of a Boarding House (Affordable Housing Units) and associated car parking on Lot 2, DP 793573, 3 Fairview Street, Rutherford for the following reasons:

1. The proposal is inconsistent with the existing and likely future character of the local area;
2. The site is not suitable for the proposed development as it will result in unacceptable impacts on the amenity of the local area;
3. The proposed development will result in adverse social and economic impacts;
4. The proposed development is not in the Public Interest having regard to the issues raised in the submissions made by local residents.

### **COUNCIL RESOLUTION**

**THAT Council refuse Development Application 19-313 for One (1) into Two (2) Lots Torrens Title Subdivision, demolition of the existing garage and construction of a carport together with construction of a Boarding House (Affordable Housing Units) and associated car parking on Lot 2, DP 793573, 3 Fairview Street, Rutherford for the following reasons:**

1. **The proposal is inconsistent with the existing and likely future character of the local area.**
2. **The site is not suitable for the proposed development as it will result in unacceptable impacts on the amenity of the local area.**
3. **The proposed development will result in adverse social and economic impacts.**
4. **The proposed development is not in the Public Interest having regard to the issues raised in the submissions made by local residents.**

**Moved Cr H Meskauskas, Seconded Cr P Penfold**

**CARRIED**

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

The division resulted in 11 for and 2 against, as follows:

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

Cr P Penfold  
Cr K Ranadive  
Cr B Whiting

**11.4 DA 19-402 – CHILD CARE CENTRE (EARLY EDUCATION AND CARE FACILITY - 144 PLACES), LOT 1301 DP1167029, 26 REDWOOD DRIVE, GILLIESTON HEIGHTS**  
**RECOMMENDATION: APPROVAL**

**FILE NO:** DA 19-402

**ATTACHMENTS:**

1. Locality Plan
2. Development Plans (under separate cover)
3. Applicant's Application for Exemption from Development Contributions
4. Submission

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

**AUTHOR:** Belinda Martin - Senior Development Planner

**APPLICANT:** Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle

**OWNER:** Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle

**PROPOSAL:** Child Care Centre (Early Education and Care Facility) – 144 places

**LOCATION:** 26 Redwood Drive, Gillieston Heights (Lot 1301, DP 1167029)

**ZONE:** R1 General Residential Zone

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#### EXECUTIVE SUMMARY

*Development consent is being sought for a proposed child care centre and associated works including car park, outdoor play area and landscaping. The site is within the Gillieston Heights Urban Release Area (URA) and the land is identified on the URA Precinct Plan as being located within Stage 2 of the eastern precinct and within the general area identified for a proposed primary school. The future primary school is to be located behind the child care centre however no development application (DA) has been lodged for the school as yet.*

*The child care centre is intended to cater for 144 children. The 144 place facility will deliver long day care services to the following age groups:*

- 0-2 years – 24 places;
- 2 years – 30 places;
- 3 years – 40 places; and
- 4-5 years – 50 places.

*The facility is proposed to operate Monday to Friday between 6.30am and 6.30pm at Lot 1301, DP 1167029, Gillieston Heights. The development will operate on a rotating staff roster of 39 persons.*

*The proposed building is single storey and designed to cater for children aged 0-5 years. The development will incorporate indoor and outdoor play areas, nappy change, bottle preparation/activity areas, cot room, kitchen, office/reception, laundry, drying area, plant area, staff verandah and associated amenities. Vehicular access to the site will be available via a new 'entrance only' driveway off Saddlers Drive and an 'exit only' driveway in Redwood Drive, creating one-way traffic flow. Thirty six (36) car parking spaces including one (1) accessible space will be provided and this area includes 8 pick up and drop down spaces as part of the 36 spaces provided.*

*The site contains no vegetation other than grasses and a landscape plan has been provided with the development application. The plan includes extensive plantings of trees, shrubs and ground covers that will ensure the development addresses the streetscape. It is also noted that there are currently additional trees planted in the Council road reserve which will assist to supplement the generous landscaping provided.*

*The applicant is the Trustees of the Catholic Diocese of Maitland-Newcastle, which is a registered charity (ABN 62089182027). The operator of the proposed facility will be St Nicholas Early Education which is also a registered charity (ABN 91728324316). St Nicholas Early Education operates as a not for profit service which delivers services to children including early childhood services.*

*The application was notified and advertised between 29 May 2019 and 12 June 2019 and one (1) submission has been received. The key issues arising from the submissions raise concern in regard to this Child Care Centre of 144 places being in close proximity to two already approved Child Care Centres (not yet constructed) and the ability of three child care centres to be sustainable within the Gillieston Heights subdivision.*

*The subject site is zoned R1 General Residential zone pursuant to Maitland Local Environmental Plan 2011 (MLEP 2011) and a proposed child care centre is permissible with the consent of Council. The proposal satisfies the provisions of State Environmental Planning Policy (SEPP - Educational Establishments & Child Care Facilities) 2017, and Section C.2 - Child Care Centres and other relevant areas of Council's DCP as discussed throughout this report.*

*The application has been assessed against the requirements of Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 (as amended) and is considered satisfactory. Accordingly, it is recommended the application be approved subject to the conditions attached to this report.*

## **OFFICER'S RECOMMENDATION**

**THAT:**



1. Development Application No. 19-402 – Child Care Centre (144 places) and associated works at Lot 1301, DP 1167029, Redwood Drive, Gillieston Heights be approved subject to the conditions set out in the attached schedule.
2. Section 7.12 contributions for this development be waived as the applicant meets the exemption criteria in Clause 7 of the Section 7.12 Plan and is a not for profit organisation carrying out development with an underlying philosophy of community service.

**COUNCIL RESOLUTION**

**THAT:**

1. Development Application No. 19-402 – Child Care Centre (144 places) and associated works at Lot 1301, DP 1167029, Redwood Drive, Gillieston Heights be approved subject to the conditions set out in the attached schedule.
2. Section 7.12 contributions for this development be waived as the applicant meets the exemption criteria in Clause 7 of the Section 7.12 Plan and is a not for profit organisation carrying out development with an underlying philosophy of community service.

**Moved Cr B Mitchell, 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 13 for and 0 against, as follows:

<b>For:</b>	Cr R Aitchison	<b>Against:</b>
	Cr L Baker	
	Cr D Ferris	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr H Meskauskas	
	Cr B Mitchell	
	Cr N Penfold	
	Cr P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

## SCHEDULE OF CONDITIONS

### DA 19-402 – CHILD CARE CENTRE (144 PLACES) GILLIESTON HEIGHTS

#### 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.*

#### APPROVED PLANS AND DOCUMENTATION

- 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)
<b>Architectural Plans</b>				
Drawing and Register cover page (not stamped)	DA000	A	30.4.19	QOH Architects - Early Learning Centre Gillieston Heights - Lot 1301, DP 1167029
Site Plan	DA100	B	25.7.19	QOH Architects - Early Learning Centre Gillieston Heights - Lot 1301, DP 1167029
Ground Floor Plan	DA200	B	19.7.19	QOH Architects - Early Learning Centre Gillieston Heights - Lot 1301, DP 1167029
Elevations (north and south)	DA300	A	30.4.19	QOH Architects - Early Learning Centre Gillieston Heights - Lot 1301, DP 1167029
Elevations (east and west)	DA301	A	30.4.19	QOH Architects - Early Learning Centre Gillieston Heights - Lot 1301, DP 1167029
Sections (AA/BB)	DA350	A	30.4.19	QOH Architects - Early Learning Centre Gillieston Heights - Lot 1301, DP 1167029
Accessibility Plan	DA920	A	30.4.19	QOH Architects - Early Learning Centre Gillieston

				Heights - Lot 1301, DP 1167029
Sections (C & D)	DA351	A	19.7.19	QOH Architects - Early Learning Centre Gillieston Heights - Lot 1301, DP 1167029
Section E	DA352	A	25.7.19	QOH Architects - Early Learning Centre Gillieston Heights - Lot 1301, DP 1167029
Perspectives (not to be stamped)	DA950 DA 951 DA952 DA953 DA954	A	30.4.19	QOH Architects - Early Learning Centre Gillieston Heights - Lot 1301, DP 1167029
Materials Schedule	DA961	A	30.4.19	QOH Architects - Early Learning Centre Gillieston Heights - Lot 1301, DP 1167029
Signage Schedule	DA971	A	30.4.19	QOH Architects - Early Learning Centre Gillieston Heights - Lot 1301, DP 1167029
<b>Landscape Plans</b>				
Drawing register (not stamped)				Terras Landscape Architects
Landscape detail	L101	D	15/4/19	Terras Landscape Architects
Planting Palette	L102	D	15/4/19	Terras Landscape Architects
Play space areas	L201	D	15/4/19	Terras Landscape Architects
<b>Engineering Plans</b>				
Drawing register (not stamped)				Birzulis Associates - Gillieston Heights Catholic Education Precinct
Stormwater Drainage Concept Plan	SW1.02	DA1	Nov 18	Birzulis Associates - Gillieston Heights Catholic Education Precinct
Stormwater details	SW103	DA1	Nov 18	Birzulis Associates - Gillieston Heights Catholic Education Precinct

Erosion and Sediment Control Plan	SW1.04	DA1	Nov 18	Birzulis Associates – Gillieston Heights Catholic Education Precinct
Civil and External Works Plan	C1.01	DA1	Nov 18	Birzulis Associates – Gillieston Heights Catholic Education Precinct
Civil and External Works Details (sheet 1)	C1.02	DA1	Nov 18	Birzulis Associates – Gillieston Heights Catholic Education Precinct
Civil and External Works Details (sheet 2)	C1.03	DA1	Nov 18	Birzulis Associates – Gillieston Heights Catholic Education Precinct
MCC requirement details	C1.04	DA1	Nov 18	Birzulis Associates – Gillieston Heights Catholic Education Precinct
Bulk cut and fill plan	BE1.01	DA1	Nov 2018	Birzulis Associates – Gillieston Heights Catholic Education Precinct
<b>Documents</b>				
Traffic and Parking Assessment			April 19	InTersect Traffic – Lot 1031, DP 1167029, Redwood Drive, Gillieston Heights
BCA Access solutions			24.4.19	BCA Access Solutions

## COMPLIANCE

- The child care centre must not accommodate more than (144) children on the site at any one time. The facility shall not be used to accommodate children overnight.

## CERTIFICATES

- The applicant shall submit to Council a *“Notice of Appointment of the Principal Certifying Authority”* at least two (2) days prior to the commencement of construction works.
- The applicant shall submit to Council a *“Notice of Commencement”* form at least two (2) days prior to the commencement of construction works.
- Prior to the commencement of works an application for a Construction Certificate shall be submitted to, and be approved by, the Accredited Certifier.
- Prior to the issue of an Occupation Certificate all conditions of development consent shall be complied with.

7. Prior to occupation of the building an Occupation Certificate shall be issued by the Principal Certifying Authority.
8. Prior to issue of the Construction Certificate, a Compliance Certificate under Section 50 of the Hunter Water Act 1991 for this development, shall be submitted to the Accredited Certifier.

#### **CONTAMINATION**

9. In the event of any undisclosed or unidentified contamination being found on site or any potentially contaminating infrastructure or soils being identified during works, a qualified and experienced consultant must inspect, review and advise on remediation or mitigation prior to construction proceeding.

#### **LANDSCAPING**

10. Landscaping shall be implemented/installed in accordance with the approved landscape plans and documentation. In addition, the two street trees to be removed for creation of access and egress should be replanted on the site.

All landscaping at the time of planting shall be a minimum of 0.5m to ensure its maximum height can be achieved. Landscaping must be completed prior to the issue of an Occupation Certificate.

All landscaped areas of the development shall be maintained in accordance with the approved landscape plan and in good condition at all times. The landscaped areas shall be kept free of parked vehicles, stored goods, waste material, and the like.

#### **HOURS OF OPERATION/OPERATIONAL PLAN**

11. The hours of operation are to be in accordance with those stated in the submitted Statement of Environmental Effects, being:
  - Monday to Friday 6.30am to 6.30pm.
  - Other internal operations such as cleaning, preparation and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.
12. The outdoor play areas shall only be used between the hours of 7am and 6pm Monday to Friday when the centre is operational. These outdoor play areas are to be used on a staggered basis to ensure that not all children are in these outdoor play areas at the one time.

13. An Operational Plan shall be provided to Council prior to the issue of the Construction Certificate. The Operational Plan must comply with the requirements of the National quality Framework for Child Care Centres.

#### ACOUSTIC/NOISE

14. The development shall be undertaken and shall implement all the recommendations contained in the Acoustic report prepared by Reverb Acoustics dated May 2019.

An appropriately qualified Acoustic Consultant shall review the mechanical plant associated with the development at design and construction stage (when final plant selections have been made) to ensure compliance with the necessary standards. All external items of air conditioning and plant are to be screened or positioned in such a manner as not to detract from the visual presentation of the building.

Upon completion of the works the Acoustic Consultant shall certify to the Private Certifying Authority that the works have been completed in accordance with the requirements of the development and the report.

15. Equipment associated with the development must not be used in such a manner that it emits noise (including plant room noise, stereos/music equipment, air conditioning units etc) that can be heard within a habitable room in any residential premises (regardless of whether any door or window to that room is open) at the following times:

- Before 8am or after 6pm Monday to Friday.
- The premises is not approved for use on the weekend.

16. There shall be no interference with the amenity of the neighbourhood by reason of the emission of any 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.

#### LIGHTING

17. All lighting should meet the minimum Australian and New Zealand standards. The lights should be low glare, vandal resist and free from obstructions. Security and sensor lighting is to be provided within the proposed car park and around the building in accordance with the Australian Standard for Public Lighting of streets, car parks, and pedestrian areas.

Lighting of the development shall be installed such that there is no light spill or glare beyond the property boundary. The lighting should be designed, and installed, to include appropriate shielding and orientation of the light fixtures, so as not to give rise to obtrusive light, interfere with traffic safety or detract

from the amenity of the surrounding area in accordance with Australian Standard AS 4282: 1997 Control of Obtrusive effects of Outdoor Lighting.

### **SIGNAGE**

18. Any advertisement shall relate to the approved development or premises situated on that land and comply with Section C6 – Outdoor Advertising in Council’s Development Control Plan 2011 and State Environmental Planning Policy No 64. Any proposed illumination shall be of a low halo type illumination only and comply with the requirements of Australian standard 4282:1997 – Control of the obtrusive effects of outdoor lighting.

### **CARPARKING**

19. Car parking for the development shall be provided in accordance with the approved plans, with a minimum allocation for the development of thirty six (36) spaces, including one accessible space.
20. All on-site driveways, parking areas and vehicles turning areas shall be designed in accordance with AS 2890 and constructed with a bitumen sealed granular pavement, segmental pavers, or as reinforced concrete.
21. All parking bays shall be delineated with line-marking and/or signposting.

### **VEHICLE ACCESS**

22. Prior to commencement of construction of the 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).
23. Prior to issue of the Occupation Certificate the driveway layout and profile shall be constructed in concrete (heavy duty), in accordance with Council’s Manual of Engineering Standards, which include the retention of (or if damaged reconstruction as plain concrete of) any existing footpath, and with reference to Council’s information document *“Footway Crossings (Driveways)”*.

### **STORMWATER DRAINAGE**

24. A detailed drainage design shall be prepared for the disposal of roof and surface water from the site, including any natural run off currently entering the property in accordance with approved concept stormwater drainage plan and Council’s Manual of Engineering Standards.

The detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing

appropriate for the development are to be prepared by an engineer suitably qualified and experienced in the field of hydrology and hydraulics.

The drainage design is to be submitted to and approved by the accredited Principal Certifying Authority prior to the issue of a Construction Certificate for the development.

All construction works associated with the drainage design shall be completed prior to the issue of any Occupation Certificate for the development.

25. Prior to issue of the Construction Certificate, the construction details in accordance with Council's Manual of Engineering Standards shall be provided for the following stormwater requirements:
- a) an emergency overland flow path for major storm events, that is directed to the public drainage system, and
  - b) entrapment of gross pollutants, nutrients and hydrocarbons generated from the contributing ground-surface catchment areas, and
  - c) conveyance where necessary, of stormwater through the site from upstream catchments, (including roads and adjoining properties).
26. 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.

## EARTHWORKS

27. Filling material shall be limited to the following:
- (a) Virgin excavated natural material (VENM);
  - (b) Excavated natural material (ENM) certified as such in accordance with the *Protection of the Environment Operations (Waste) Regulations 2005*;
  - (c) Material subject to a Waste exemption under Clause 51 and 51A Protection of the Environment Operations (Waste) Regulations 2005 and recognised by the NSW Environment Protection Authority as being 'fit for the purpose' with respect to the development, the subject of this application.

*Note: under no circumstances shall contaminated fill material including, but not limited to putrescible wastes, (such as timber, paper, green waste, food etc), oil products (including petrol, bitumen, asphaltic concrete etc), plastic, and the like, be deposited on the land unless expressly authorised by this development consent.*

28. Where ENM, or material the subject of a waste recovery exemption is used, the applicant shall ensure that detailed records are kept identifying the source of the material and its composition. Such records are to be provided to



Council upon completion of the filling. A copy of the current development consent for the site to which the material is proposed to be distributed must be provided to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

29. Within 30 days of completion of filling the Applicant shall submit to Council a Validation report prepared in accordance with EPA requirements by a qualified geotechnical engineer confirming that the completed filling works (addressing both material type, compaction and stabilisation) has been undertaken in accordance with the approved development application documentation and associated consent conditions.

#### **ENVIRONMENTAL CONTROLS/NOISE**

30. During the extraction, removal and transportation of material associated with the work the person having the benefit of the consent shall ensure that airborne dust is contained within the work site or transport vehicles, and does not impact on the amenity of the surrounding environment. Dust control measures (eg., fine water spraying) shall be employed during excavation and construction works to prevent the emission of dust and other impurities into the surrounding environment. Dust control measures shall be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
31. The use and occupation of the premises, including all plant and equipment installed, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997 (NSW)*. In this regard:
- Mechanical plant and equipment (eg., air conditioning etc) shall be designed and located to minimise noise and nuisance; and
  - The owner of the site in conjunction with the operator of the site shall take all necessary steps to ensure the operation of the communal garden areas does not create an environmental nuisance.
32. The development shall be undertaken in accordance with the requirements of the Acoustic report of Spectrum Acoustics dated July 2019, except as modified by these conditions of consent. Demonstrated compliance with Acoustic measures is to be certified by an Accredited Acoustic Consultant and provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

#### **EROSION CONTROLS**

33. 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". These measures must also be regularly checked and maintained throughout the construction period, to ensure that soil material does not leave the construction site and enter drainage lines and waterways.

## BUILDING CONSTRUCTION

34. All building work shall be carried out in accordance with the provisions of the Building Code of Australia and Australian Standard AS 1428.1 – Design for Access & Mobility.
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.

## SERVICES & EQUIPMENT

36. Upon completion of the building BUT prior to its occupation, a Final Fire Safety Certificate with respect to each critical and essential fire safety measure installed in the building shall be submitted to Council. Such certificates shall be prepared in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation, 2000.
37. A copy of the Fire Safety Schedule and Fire Safety Certificate shall be prominently displayed in the building in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation, 2000.
38. A Fire Safety Statement in respect of each required essential and/or critical fire safety measure installed within the building shall be submitted to Council and the NSW Fire Commissioner annually (or at a more frequent interval for supplementary statements).

Statements shall be prepared and issued in accordance with Division 5 of Part 9 of the Environmental Planning and Assessment Regulation, 2000. Note that monetary penalties may apply for failure to lodge a fire safety statement within the prescribed timeframe.

Statements to the NSW Fire Commissioner are to be submitted electronically to [afss@fire.nsw.gov.au](mailto:afss@fire.nsw.gov.au).

Standard forms and further information for lodging Fire Safety Statements may be downloaded from Councils website.

## SITE CONSIDERATIONS

39. All excavations and backfilling shall be executed safely, in accordance with appropriate professional standards and shall be properly guarded and protected to prevent the works from being dangerous to life or property.

40. 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.

Where a retaining wall is planned for this purpose and such wall requires consent (refer to State Environmental Planning Policy -Exempt and Complying Development Codes, 2008) plans and specifications of the wall shall be approved by Council and/or an accredited certifier.

*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.*

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.

41. If an excavation extends below the level of the base of the footings of a building/structure on an adjoining allotment of land, the person causing the excavation to be made.

- i) Must preserve and protect the building/structure from damage, and
- ii) If necessary, must underpin and support the building/structure in an approved manner, and
- iii) Must, at least 7 days before excavating below the level of the base of the footings of a building/structure 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/structure 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. (Note: this includes a public road and any other public place).

42. If the work:

- i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- ii) involves the enclosure of a public place

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

43. Approved toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. The provision of toilet facilities in accordance with this Clause must be completed before any other work is commenced.
44. All building refuse on this building site shall be stored in such a manner so as not to cause a nuisance to adjoining properties.
45. The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure to a licensed landfill authority.
46. No building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.
47. A sign must be erected in a prominent position on the work:
  - i) stating that unauthorised entry to work site is prohibited, and
  - ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted during work hours.

Any such sign is to be removed when the work has been completed.

*Note: This condition does not apply to:*

- i) building work carried out inside an existing building, or*
  - ii) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.*
48. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.

#### **FOOD PREPARATION AREA CONTROLS**

49. The premises, including the construction and installation of all equipment, fixtures and fittings must comply with the requirements of The Food Act 2003, Food Regulation 2004, Food Standards Code and Australia Standard 4674 for the Design, Construction and Fit-out of Food Premises. In this regard the developers attention is drawn to the following aspects:-
  - If Council is nominated as the Principal Certifying Authority, details of compliance are to be included in the plans and specifications for the

construction Certificate. Council's Environmental Health Officer is to be given 48 hours notice to inspect the premises prior to commencement of the business.

- Prior to commencement of food preparation for commercial purposes the business is to be registered with Council.

## NATIONAL QUALITY FRAMEWORK FOR CHILD CARE CENTRES

50. The development must comply with the requirements of the National quality Framework for Child Care Centres.

### 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 for 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 in regard to potential soil erosion from the construction site, such pollution of the environment is an offence under the Protection of the Environment & Operations (POEO) Act and may incur infringement fines.
- C. You (or the owner) are advised to notify Council in writing, of any existing damage to the street infrastructure (including landscaping) along the frontage of the property, prior to commencement of construction. The absence of such notification signifies that no damage exists. Where necessary repairs are carried out by Council, the owner of the property shall be held liable for the cost of those repairs.
- D. 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.
- E. You are advised that further consent for a driveway across the footway verge must be obtained. *Inspections* of works (eg formwork & reinforcement MUST be carried out by Council. (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.
- F. You are advised that the issue of this development consent does not amount to a release, variation or modification by Council of any 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.

- G. You are advised that compliance with the requirements of the Disability Discrimination Act (DDA) applies to works on this site. It should be noted that compliance with the Building Code of Australia does not necessary meet the requirements of the DDA.
- H. The developer is responsible for the full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by the proposal. Such utilities include water, sewerage, drainage, power, communications, footways, kerb and gutter and other associated infrastructure.
- I. Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage must be informed in accordance with Section 89A of the National Parks & Wildlife Act, 1974 (as amended). Works affecting Aboriginal 'objects' on the site must not continue until the Office of Environment & Heritage has been informed. Aboriginal 'objects' must be managed in accordance with the National Parks & Wildlife Act 1974.

**11.5 IN PRINCIPLE APPROVAL FOR WORKS IN KIND - RECREATION FACILITY -  
RAYMOND TERRACE ROAD CHISHOLM**

<b>FILE NO:</b>	<b>103/41/39</b>
<b>ATTACHMENTS:</b>	<b>Nil</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Matthew Prendergast - Group Manager Planning &amp; Environment Robyn Hawes - Urban Release Area Coordinator</b>
<b>AUTHOR:</b>	<b>Anne Humphries - Development Contributions Administrator</b>
<b>MAITLAND +10</b>	<b>Outcome 2. Community and recreation services and facilities</b>
<b>COUNCIL OBJECTIVE:</b>	<b>2.1.1 To plan for a broad range of community, recreation and leisure infrastructure and services that meets the needs of a growing community</b>

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**EXECUTIVE SUMMARY**

*The purpose of this report is for Council to endorse the preparation of a Works in Kind Agreement (WIK) that also varies the adopted approach for 'pooling of funds' as outlined in the Thornton North Section 94 Contributions Plan 2008 (Section 94 Plan).*

*Allam Property Group has lodged an application with Council for a WIK to undertake bulk earth works and half width road construction associated with the delivery of playing fields and a playground within the developing 'Sophia Waters' residential subdivision on Raymond Terrace Road at Chisholm.*

*The neighbourhood sports fields and playground are identified in the Thornton North Section 94 Contributions Plan 2008 (Section 94 Plan) to support the incoming population within the Thornton North Urban Release Area (URA).*

*A further report on the details of the WIK will be provided to Council at the conclusion of the negotiation process.*

**OFFICER'S RECOMMENDATION**

**THAT**

- 1. Council endorse the preparation of a Works in Kind Agreement for the delivery of earth works and half width road construction at Raymond Terrace Road, Chisholm;**
- 2. In accordance with Council's Material Public Benefit/Works in Kind Policy a further report be presented to Council detailing the terms of the proposed Works in Kind Agreement.**

**COUNCIL RESOLUTION**

**THAT**

- 1. Council endorse the preparation of a Works in Kind Agreement for the delivery of earth works and half width road construction at Raymond Terrace Road, Chisholm;**
- 2. In accordance with Council's Material Public Benefit/Works in Kind Policy a further report be presented to Council detailing the terms of the proposed Works in Kind Agreement.**

**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 13 for and 0 against, as follows:

<b>For:</b>	<b>Cr R Aitchison</b>	<b>Against:</b>
	<b>Cr L Baker</b>	
	<b>Cr D Ferris</b>	
	<b>Cr P Garnham</b>	
	<b>Cr M Griffin</b>	
	<b>Cr S Halliday</b>	
	<b>Cr H Meskauskas</b>	
	<b>Cr B Mitchell</b>	
	<b>Cr N Penfold</b>	
	<b>Cr P Penfold</b>	
	<b>Cr K Ranadive</b>	
	<b>Cr B Whiting</b>	
	<b>Cr M Yarrington</b>	



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## 11.6 IN PRINCIPLE APPROVAL FOR WORKS IN KIND AT THE INTERSECTION OF WOLLOMBI ROAD AND NEW ENGLAND HIGHWAY RUTHERFORD

<b>FILE NO:</b>	103/41/42
<b>ATTACHMENTS:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Matthew Prendergast - Group Manager Planning & Environment Robyn Hawes - Urban Release Area Coordinator
<b>AUTHOR:</b>	Anne Humphries - Development Contributions Administrator
<b>MAITLAND +10</b>	Outcome 4. Well-planned and integrated infrastructure
<b>COUNCIL OBJECTIVE:</b>	4.1.1 To improve the way we move around the city by integrating land use and transport planning

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### EXECUTIVE SUMMARY

*The purpose of this report is for Council to endorse the preparation of a Works in Kind Agreement (WIK) that varies the adopted approach for 'pooling of funds' as outlined in the Farley Section 94 Contributions Plan 2015 (Farley s94 Plan).*

*Wollombi Road Pty Limited has lodged an application to enter into a WIK with Council for the delivery of traffic signals and civil works at the intersection of Wollombi Road and New England Highway, Rutherford. The intersection works are necessary to facilitate development of the Farley Urban Release Area (URA), which is subject to a 150 lot release threshold imposed by Roads and Maritime Services before the intersection upgrade is required.*

*The intersection works are identified in the Farley Section 94 Contributions Plan 2015 (Section 94 Plan) to support the incoming population within the Farley URA.*

*A further report on the details of the WIK will be provided to Council at the conclusion of the negotiation process.*

### OFFICER'S RECOMMENDATION

#### THAT

- Council endorse the preparation of a Works in Kind Agreement for the delivery of traffic signals and civil works at the intersection of Wollombi Road and New England Highway, Rutherford;**
- In accordance with Council's Material Public Benefit/Works in Kind Policy a further report be presented to Council detailing the terms of the proposed Works in Kind Agreement.**

**COUNCIL RESOLUTION**

**THAT**

- 1. Council endorse the preparation of a Works in Kind Agreement for the delivery of traffic signals and civil works at the intersection of Wollombi Road and New England Highway, Rutherford;**
- 2. In accordance with Council's Material Public Benefit/Works in Kind Policy a further report be presented to Council detailing the terms of the proposed Works in Kind Agreement.**

**Moved Cr H Meskauskas, Seconded Cr B Whiting**

**CARRIED**

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

The division resulted in 13 for and 0 against, as follows:

<b>For:</b>	<b>Cr R Aitchison</b>	<b>Against:</b>
	<b>Cr L Baker</b>	
	<b>Cr D Ferris</b>	
	<b>Cr P Garnham</b>	
	<b>Cr M Griffin</b>	
	<b>Cr S Halliday</b>	
	<b>Cr H Meskauskas</b>	
	<b>Cr B Mitchell</b>	
	<b>Cr N Penfold</b>	
	<b>Cr P Penfold</b>	
	<b>Cr K Ranadive</b>	
	<b>Cr B Whiting</b>	
	<b>Cr M Yarrington</b>	

Cr M Griffin, Cr N Penfold & Cr P Penfold left the Chambers at 7.04 pm.

## **12 CULTURE, COMMUNITY AND RECREATION**

### **12.1 SECTION 356 SPORTS & ARTS HIGH ACHIEVERS GRANT PROGRAM**

<b>FILE NO:</b>	10/5/19
<b>ATTACHMENTS:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Judy Jaeger - Group Manager Culture, Community & Recreation Laurie D'Angelo - Manager Community and Recreation
<b>AUTHOR:</b>	Silva Gevorkyan - Administration Assistant
<b>MAITLAND +10</b>	Outcome 2. Community and recreation services and facilities
<b>COUNCIL OBJECTIVE:</b>	2.3.2 To identify and deliver relevant and targeted community education projects

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#### **EXECUTIVE SUMMARY**

*This report presents to Council a recommendation to fund requests for financial assistance under Councils Sports & Arts High Achievers Grant Program in accordance with Section 356 of the Local Government Act.*

#### **OFFICER'S RECOMMENDATION**

**THAT Council approve the following requests for funding through the Sports & Arts High Achievers Grant Program as follows:**

- 1. Hayden Hackney – Asia Pacific Rugby League Confederation – International Level – \$750.00**
- 2. Marnie Fullerton – NSW Combined High Schools Sports Association – National Level – \$450.00**
- 3. Kurt Livens – Hororata Oceanic Highland Games Championship – International Level – \$750.00**
- 4. Kendra Brewer – Australian Goalball Championships – National Level – \$450.00**
- 5. Jack Brewer – Australian Goalball Championships – National Level – \$450.00**
- 6. Michael Owen – Australian Under 18 Softball Championships – National Level – \$450.00**
- 7. Molly Smith – Australian Goalball Championships – National Level – \$450.00**

**COUNCIL RESOLUTION**

**THAT Council approve the following requests for funding through the Sports & Arts High Achievers Grant Program as follows:**

- 1. Hayden Hackney – Asia Pacific Rugby League Confederation – International Level – \$750.00**
- 2. Marnie Fullerton – NSW Combined High Schools Sports Association – National Level – \$450.00**
- 3. Kurt Livens – Hororata Oceanic Highland Games Championship – International Level – \$750.00**
- 4. Kendra Brewer – Australian Goalball Championships – National Level – \$450.00**
- 5. Jack Brewer – Australian Goalball Championships – National Level – \$450.00**
- 6. Michael Owen – Australian Under 18 Softball Championships – National Level – \$450.00**
- 7. Molly Smith – Australian Goalball Championships – National Level – \$450.00**

**Moved Cr H Meskauskas, Seconded Cr K Ranadive**

**CARRIED**

The division resulted in 10 for and 0 against, as follows:

<b>For:</b>	<b>Cr R Aitchison</b>	<b>Against:</b>
	<b>Cr L Baker</b>	
	<b>Cr D Ferris</b>	
	<b>Cr P Garnham</b>	
	<b>Cr S Halliday</b>	
	<b>Cr H Meskauskas</b>	
	<b>Cr B Mitchell</b>	
	<b>Cr K Ranadive</b>	
	<b>Cr B Whiting</b>	
	<b>Cr M Yarrington</b>	

Cr M Griffin, Cr P Penfold & Cr N Penfold returned to the Chambers at 7.06pm.

## **13 INFRASTRUCTURE AND WORKS REPORTS**

### **13.1 BITTER & TWISTED BOUTIQUE BEER FESTIVAL 2019 - TEMPORARY ROAD CLOSURE**

<b>FILE NO:</b>	<b>140/5</b>
<b>ATTACHMENTS:</b>	<b>1. Traffic Control Plan</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Chris James - Group Manager Infrastructure &amp; Works Kevin Stein - Manager Engineering &amp; Design Scott Henderson - Coordinator Infrastructure Planning Engineering</b>
<b>AUTHOR:</b>	<b>Alison Marshall - Road Safety Officer</b>
<b>MAITLAND +10</b>	<b>Outcome 3. Iconic events and local festivals</b>
<b>COUNCIL OBJECTIVE:</b>	<b>3.2.1 To attract a diverse range of visitors to the City from the Hunter Region, Sydney and regional NSW</b>

#### **EXECUTIVE SUMMARY**

*Council's Events Team is seeking approval to temporarily close a section of John Street, East Maitland to vehicular traffic for the Bitter and Twisted Beer Festival 2 and 3 November 2019 at Maitland Gaol. The temporary road closures and traffic management for this event is presented to Council for approval.*

#### **OFFICER'S RECOMMENDATION**

**THAT for the duration of the Bitter and Twisted Beer Festival – 6.00am to 8.00pm Saturday 2 and Sunday 3 November 2019:**

- 1. John Street, East Maitland be temporarily closed to vehicular traffic. The temporary closure will extend from the Morpeth Road roundabout to just east of the main entrance of Maitland Gaol**
- 2. A temporary Disability Parking Zone will be installed on John Street just east of the Gaol administration car park exit driveway**
- 3. A temporary Taxi Zone will be installed on John Street just east of the Disability Parking Zone**
- 4. The installation of the regulatory road closure devices and signs to affect the proposed road closures also be approved.**

**COUNCIL RESOLUTION**

**THAT for the duration of the Bitter and Twisted Beer Festival – 6.00am to 8.00pm Saturday 2 and Sunday 3 November 2019:**

- 1. John Street, East Maitland be temporarily closed to vehicular traffic. The temporary closure will extend from the Morpeth Road roundabout to just east of the main entrance of Maitland Gaol**
- 2. A temporary Disability Parking Zone will be installed on John Street just east of the Gaol administration car park exit driveway**
- 3. A temporary Taxi Zone will be installed on John Street just east of the Disability Parking Zone**
- 4. The installation of the regulatory road closure devices and signs to affect the proposed road closures also be approved.**

**Moved Cr P Garnham, Seconded Cr M Griffin**

**CARRIED**

The division resulted in 13 for and 0 against, as follows:

<b>For:</b>	Cr R Aitchison Cr L Baker Cr D Ferris Cr P Garnham Cr M Griffin Cr S Halliday Cr H Meskauskas Cr B Mitchell Cr N Penfold Cr P Penfold Cr K Ranadive Cr B Whiting Cr M Yarrington	<b>Against:</b>
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## 13.2 MAITLAND TRIATHLON & SUMMER RUN - MORPETH - TEMPORARY ROAD CLOSURES

<b>FILE NO:</b>	140/5, 222/560, 222/480
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. Course Layout</li> <li>2. Swim Course Layout</li> <li>3. Bike Course Layout</li> <li>4. Run Course Layout</li> <li>5. TCP Event</li> </ol>
<b>RESPONSIBLE OFFICER:</b>	<p>Chris James - Group Manager Infrastructure &amp; Works  Kevin Stein - Manager Engineering &amp; Design  Scott Henderson - Coordinator Infrastructure Planning Engineering</p>
<b>AUTHOR:</b>	Alison Marshall - Road Safety Officer
<b>MAITLAND +10</b>	Outcome 3. Iconic events and local festivals
<b>COUNCIL OBJECTIVE:</b>	3.2.3 To re-invigorate and consolidate Morpeth's position as one of the Hunter's premier tourism destinations

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### EXECUTIVE SUMMARY

*H-Events Pty Ltd proposes to present the Maitland Triathlon and Summer Run event to be held in Morpeth on Sunday 10 November 2019. A Traffic Management Plan for this event has been submitted to Council. The purpose of this report is to seek approval for the temporary regulation of traffic to hold this event.*

### OFFICER'S RECOMMENDATION

#### THAT

Council approval be given to the temporary road closure and partial road closures in association with the running of the Maitland Triathlon and Summer Run to be held Sunday 10 November 2019 in Morpeth and surrounding areas:

1. From 5.30am to 1.30pm:
  - Temporary Road Closure - Queens Wharf Road.
2. From 5.30am to 11.30am – Cycle leg:
  - Temporary Partial Road Closure - Eastbound lane only of Swan Street from Tank Street to Robert Street. Westbound lane to be maintained for vehicle use.
  - Temporary Partial Road Closure with controlled local vehicle access only –

Swan Street, Edwards Street, Duckenfield Road and McFarlanes Road.

**3. From 7.30am to 12.30pm – Running leg:**

- Steamer St and Queens Wharf Rd (extended) – controlled local vehicle access only.

**4. The installation of the road closure devices and signs to effect the proposed road closures also to be approved.**

**COUNCIL RESOLUTION**

**THAT**

Council approval be given to the temporary road closure and partial road closures in association with the running of the Maitland Triathlon and Summer Run to be held Sunday 10 November 2019 in Morpeth and surrounding areas:

**1. From 5.30am to 1.30pm:**

- Temporary Road Closure - Queens Wharf Road.

**2. From 5.30am to 11.30am – Cycle leg:**

- Temporary Partial Road Closure - Eastbound lane only of Swan Street from Tank Street to Robert Street. Westbound lane to be maintained for vehicle use.
- Temporary Partial Road Closure with controlled local vehicle access only – Swan Street, Edwards Street, Duckenfield Road and McFarlanes Road.

**3. From 7.30am to 12.30pm – Running leg:**

- Steamer St and Queens Wharf Rd (extended) – controlled local vehicle access only.

**4. The installation of the road closure devices and signs to effect the proposed road closures also to be approved.**

Moved Cr B Whiting, Seconded Cr R Aitchison

**CARRIED**



The division resulted in 13 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 B Mitchell	
	Cr N Penfold	
	Cr P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

## **14 STRATEGY, PERFORMANCE AND BUSINESS SYSTEMS REPORTS**

### **14.1 DISCLOSURE OF INTEREST RETURNS**

<b>FILE NO:</b>	35/1/2 and 35/1/3
<b>ATTACHMENTS:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Leah Flint - Group Manager Strategy Performance and Business Systems
<b>AUTHOR:</b>	Louise Rampling - Senior Governance Officer
<b>MAITLAND +10</b>	Outcome 17. An efficient and effective Council
<b>COUNCIL OBJECTIVE:</b>	17.2.1 To maintain effective and appropriate systems to ensure decision-making is transparent, accessible and accountable

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#### **EXECUTIVE SUMMARY**

*This report presents the Disclosure of Interest Returns for:*

- 1. Councillors and designated persons for the period 1 July 2018 to 30 June 2019; and*
- 2. New designated persons appointed after 30 June 2019.*

#### **OFFICER'S RECOMMENDATION**

**THAT the information contained in this Report be noted**

#### **COUNCIL RESOLUTION**

**THAT the information contained in this Report be noted**

**Moved Cr P Garnham, Seconded Cr B Whiting**

**CARRIED**

The division resulted in 13 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 B Mitchell	
	Cr N Penfold	
	Cr P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

## 14.2 CLASSIFICATION OF DRAINAGE RESERVES

<b>FILE NO:</b>	<b>84/13</b>
<b>ATTACHMENTS:</b>	<b>Nil</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Leah Flint - Group Manager Strategy Performance and Business Systems</b>
<b>AUTHOR:</b>	<b>Barbara Thomson - Senior Property Advisor, Business Systems, Property &amp; Governance</b>
<b>MAITLAND +10</b>	<b>Outcome 18. A Council for now and future generations</b>
<b>COUNCIL OBJECTIVE:</b>	<b>18.3.2 To ensure workplace systems and processes are efficient and effective</b>

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### EXECUTIVE SUMMARY

*The proposed resolution for the classification of Drainage Reserves as Operational Land has been on public exhibition for 28 days with no submissions received.*

### OFFICER'S RECOMMENDATION

**THAT**

- 1. All Drainage Reserves vested in Council on registration of subdivision plans be classified as Operational Land.**

### COUNCIL RESOLUTION

**THAT**

- 1. All Drainage Reserves vested in Council on registration of subdivision plans be classified as Operational Land.**

**Moved Cr H Meskauskas, Seconded Cr B Whiting**

**CARRIED**

The division resulted in 13 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 B Mitchell	
	Cr N Penfold	
	Cr P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

## **15 WORKPLACE CULTURE AND SAFETY**

### **15.1 UNITED SERVICES UNION PICNIC DAY 2019**

<b>FILE NO:</b>	<b>130/25</b>
<b>ATTACHMENTS:</b>	<b>Nil</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Tiffany Allen - Executive Manager Workplace Culture and Safety</b>
<b>AUTHOR:</b>	<b>Linda McLaren - Executive Officer</b>
<b>MAITLAND +10</b>	<b>Outcome 17. An efficient and effective Council</b>
<b>COUNCIL OBJECTIVE:</b>	<b>17.2.1 To maintain effective and appropriate systems to ensure decision-making is transparent, accessible and accountable</b>

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#### **EXECUTIVE SUMMARY**

*The United Services Union has approached Council to hold the Annual Picnic on Friday 13 December, 2019. The Committee is seeking a donation toward the picnic. Last year the Council donated \$6,000, and it is recommended that \$6,000 be donated this year.*

#### **OFFICER'S RECOMMENDATION**

##### **THAT**

- 1. The Union Picnic Day be held on Friday, 13 December 2019.**
- 2. Council donate \$6,000 under Section 356 to the Union Picnic Committee.**

#### **COUNCIL RESOLUTION**

##### **THAT**

- 1. The Union Picnic Day be held on Friday, 13 December 2019.**
- 2. Council donate \$6,000 under Section 356 to the Union Picnic Committee.**

**Moved Cr B Whiting, Seconded Cr P Garnham**

**CARRIED**

The division resulted in 13 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 B Mitchell	
	Cr N Penfold	
	Cr P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

**16 VIBRANT CITY**

Nil



## **17 ITEMS FOR INFORMATION**

### **17.1 LOCAL TRAFFIC COMMITTEE MEETING MINUTES - SEPTEMBER 2019**

<b>FILE NO:</b>	<b>140/5</b>
<b>ATTACHMENTS:</b>	<b>1. LTC Minutes - September 2019</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Chris James - Group Manager Infrastructure &amp; Works Kevin Stein - Manager Engineering &amp; Design Scott Henderson - Coordinator Infrastructure Planning Engineering</b>
<b>AUTHOR:</b>	<b>Alison Marshall - Road Safety Officer</b>
<b>MAITLAND +10</b>	<b>Outcome 5. Moving around our City</b>
<b>COUNCIL OBJECTIVE:</b>	<b>5.1.4 To improve the efficiency of movement throughout the City</b>

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#### **EXECUTIVE SUMMARY**

*The minutes of Maitland City Council's Local Traffic Committee Meeting held Thursday 5 September 2019 are attached for Council's information.*

#### **OFFICER'S RECOMMENDATION**

**THAT the information contained in this Report be noted.**

#### **COUNCIL RESOLUTION**

**THAT the information contained in this Report be noted.**

**Moved Cr H Meskauskas, Seconded Cr S Halliday**

**CARRIED**

The division resulted in 13 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 B Mitchell	
	Cr N Penfold	
	Cr P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

**18 NOTICES OF MOTION/RESCISSION**

Nil

## 19 QUESTIONS WITH NOTICE

### 19.1 STATUS UPDATE ON PROSPECTIVE SALE - WEBLANDS STREET

SUBMITTED BY CR PHILIP PENFOLD

**FILE NO:** 103/8/2/2/18  
**ATTACHMENTS:** Nil  
**RESPONSIBLE OFFICER:** Leah Flint - Group Manager Strategy Performance and Business Systems

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Cr Philip Penfold has asked the following Question With Notice for the Council Meeting being held on 8 October 2019:

*Please advise of the status of the prospective sale of Council land off Weblands Street and Denton Park Drive.*

#### RESPONSE BY GROUP MANAGER

At its meeting on 17 November 2017, Council resolved that;

1. St Philip's Christian College be thanked for their offer and advised that Council will not proceed with their offer as detailed in their letter of 18 June 2017 at this time on the basis of seeking best value to Council and the community.
2. Council seek to ensure best value is achieved for the Council and its community and progress the following strategy for the council-owned operational land at Lot 1490 DP 1005639 and Lot 14 DP 730416 Weblands Street, Aberglasslyn:
  - a) Arrange updated market valuation on the basis of highest and best use across varying scenarios including (but not limited to) the following:
    - the two lots individually (ie valued as two development sites)
    - the two lots combined (ie valued as one development site)
    - varying levels of remediation, for example :
      - valuation of site 'as is' including existing contaminated land issues as 'base case'
      - full remediation to achieve 'clean' site
      - partial remediation to enable limited development
  - b) Arrange for independent analysis and assessment of cost-effective options for partial or full remediation of the site
  - c) Conduct an ecological assessment of the land, prepare a notional tree retention plan for consideration in development

- d) Consider the outcome of above assessments, reports, costs and options to determine best value (cost/benefit) for remediation and preferred ecological parameters for the site
- e) Undertake works to address cost-effective remediation and other matters based on the outcome of the above analysis and considerations
- f) Conduct a formal expression of interest/tender process for sale of the site, with offers to be invited on two options:
  - Option 1: Sale of Lot 1490 DP 1005639 and Lot 14 DP 730416 Weblands Street, Aberglasslyn as two separate lots for individual sale
  - Option 2: Sale of the two lots together as one development site
- g) Funding be considered in the next Budget Review for works outlined in points b) and c) above.

To date, items 1 and 2(a)(b)(c) have been completed. The remainder of the actions in item 2 need to be finalised. Given the financial and confidential nature of the possible sale options, a Committee of the Whole report will be prepared and presented to Council before the end of the year to provide a more comprehensive update.

**20 URGENT BUSINESS**

Nil

Council moved into the Committee of the Whole at 7.12 pm.

Moved Cr M Griffin, Seconded Cr B Whiting

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 7.13 pm

Moved Cr B Whiting, Seconded Cr K Ranadive

CARRIED

## 21 COMMITTEE OF THE WHOLE

### 21.1 CONSIDERATION OF TENDERS - SUPPLY AND DELIVERY OF MOBILE GARBAGE BINS AND BIN PARTS

FILE NO:	61/16
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	David Simm - Manager Development & Environment Matthew Prendergast - Group Manager Planning & Environment
AUTHOR:	Elfi Blackburn - Waste Services Coordinator
MAITLAND +10	Outcome 17. An efficient and effective Council
COUNCIL OBJECTIVE:	17.3.2 To optimise collaboration with other regional councils to maximise service provision and benefits to Council and the Hunter Region

*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

*Regional Procurement recently called tenders for the Supply and Delivery of Mobile Garbage Bins and Bin Parts as an agent for four participating member Councils.*

*This report provides information on the evaluation process completed for tenders received for Contract T661920HUN Supply and Delivery of Mobile Garbage Bins and Bin Parts.*

#### 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 accept the tender from The Trustee for WRS Trust t/a Mastec for Contract T661920HUN Supply and Delivery of Mobile Garbage Bins and Bin Parts for a period of two years, commencing on 1 October 2019 at the rates outlined in this document.**

**2. Provisions are allowed for a twelve month contract extension option until 30 September 2022 based on satisfactory supplier performance.**

**Moved Cr R Aitchison, Seconded Cr D Ferris**

**CARRIED**

The division resulted in 13 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 B Mitchell	
	Cr N Penfold	
	Cr P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	



## 21.2 PERFORMANCE REVIEW - GENERAL MANAGER

<b>FILE NO:</b>	<b>E10430</b>
<b>ATTACHMENTS:</b>	<b>Nil</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Loretta Baker - Mayor</b>
<b>AUTHOR:</b>	<b>Linda McLaren - Executive Officer</b>
<b>MAITLAND +10</b>	<b>Outcome 18. A Council for now and future generations</b>
<b>COUNCIL OBJECTIVE:</b>	<b>18.3.1 To nurture a skilled and innovative workforce that delivers optimal service</b>

*THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows: (a) personnel matters concerning particular individuals (other than councillors).*

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### EXECUTIVE SUMMARY

*The purpose of this report is to facilitate the nomination of a Council representative to the panel for the annual performance review of the General Manager.*

### 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:*

*(a) personnel matters concerning particular individuals (other than councillors).*

### COUNCIL RESOLUTION

**THAT**

- 1. Council nominated Cr B Mitchell as its representative for the General Manager's 2019 Performance Review Panel.**

**Moved Cr K Ranadive, Seconded Cr B Whiting**

**CARRIED**

The division resulted in 13 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 B Mitchell	
	Cr N Penfold	
	Cr P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

Council resumed into Ordinary Council at 7.17 pm.

Moved Cr M Griffin, Seconded Cr B Mitchell

CARRIED

## **22 COMMITTEE OF THE WHOLE RECOMMENDATIONS**

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

### **21.1 Consideration of Tenders - Supply and Delivery of Mobile Garbage Bins and Bin Parts**

COMMITTEE RECOMMENDATION

THAT

1. Council accept the tender from The Trustee for WRS Trust t/a Mastec for Contract T661920HUN Supply and Delivery of Mobile Garbage Bins and Bin Parts for a period of two years, commencing on 1 October 2019 at the rates outlined in this document.
2. Provisions are allowed for a twelve month contract extension option until 30 September 2022 based on satisfactory supplier performance.

Moved Cr R Aitchison, Seconded Cr D Ferris

CARRIED

### **21.2 PERFORMANCE REVIEW - GENERAL MANAGER**

COMMITTEE RECOMMENDATION

THAT

1. Council nominated Cr B Mitchell as its representative for the General Manager's 2019 Performance Review Panel.

Moved Cr K Ranadive, Seconded Cr B Whiting

CARRIED

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

**Moved Cr M Griffin, Seconded Cr R Aitchison**

**CARRIED**

**23 CLOSURE**

The meeting was declared closed at 7.19 pm.

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Chairperson