

ORDINARY MEETING

MINUTES

12 JULY 2016

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PRESENT

Clr Robert Aitchison
Clr Loretta Baker
Clr Peter Blackmore
Clr Brian Burke
Clr Peter Garnham
Clr Bob Geoghegan
Clr Arch Humphery
Clr Henry Meskauskas
Clr Nicole Penfold
Clr Philip Penfold
Clr Steve Procter
Clr Ken Wethered
Clr Ben Whiting

1 INVOCATION

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

2 ACKNOWLEDGEMENT OF COUNTRY

Clr H Meskauskas read the Acknowledgement of Country.

3 APOLOGIES AND LEAVE OF ABSENCE

Nil

4 DECLARATIONS OF INTEREST

Nil

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held 28 June 2016 be confirmed.

Moved Clr R Aitchison, Seconded Clr B Whiting

CARRIED

6 BUSINESS ARISING FROM MINUTES

Nil

7 MAYORAL MINUTE

Nil

8 WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS

8.1 Acceptance of late item:

21.2 Performance Review - General Manager

Moved Clr K Wethered, Seconded Clr B Burke

CARRIED

9 PUBLIC ACCESS

Mr Steve Beatty representing the Raworth Avenue Action Group spoke **against** Item 11.1 DA 14-2276 Section 96 Modification to increase lot yield in Stage 3 by three (3) additional lots - Lot 102 & 103 DP1208978 & Lot 13 DP1208290 N^o 287 Morpeth Road, N^o 46 Laurie Drive and off Raworth Avenue Raworth. Recommendation: Approval

Mr Mathew Egan representing HDB Town Planning & Design spoke **for** Item 11.1 DA 14-2276 Section 96 Modification to increase lot yield in Stage 3 by three (3) additional lots - Lot 102 & 103 DP1208978 & Lot 13 DP1208290 N^o 287 Morpeth Road, N^o 46 Laurie Drive and off Raworth Avenue Raworth. Recommendation: Approval

COUNCIL RESOLUTION

THAT an extension of one (1) minutes be granted to Mr Mathew Egan.

Moved Clr P Penfold, Seconded Clr B Geoghegan

CARRIED

Mr Peter Bevis representing Mammoth Projects spoke **for** Item 11.2 DA 16-918 Child Care Centre, Lot 222 DP1180673, 50 Ken Tubman Drive, Maitland. Recommendation: Approval

10 GENERAL MANAGER'S REPORTS

10.1 HUNTER PILOT JOINT ORGANISATION

FILE NO:	77/1
ATTACHMENTS:	1. Hunter Councils' draft response to the NSW Government's report 'Towards a new model for regional collaboration'
RESPONSIBLE OFFICER:	David Evans - General Manager
AUTHOR:	David Evans - General Manager
MAITLAND +10	Outcome 18. An efficient and effective Council
COUNCIL OBJECTIVE:	18.3.2 To optimise collaboration with other regional councils to maximise service provision and benefits to Council and the Hunter Region

EXECUTIVE SUMMARY

The NSW Government's Office of Local Government has released the proposed model for Joint Organisations in NSW. The proposed model has been developed from the five pilot Joint Organisations that have been in operation in NSW over the past 18 months, including the Hunter Pilot Joint Organisation.

This report presents Hunter Councils' draft response to the proposed model, for endorsement by Council and as a basis to this Council's submission in response to the proposed model.

OFFICER'S RECOMMENDATION

THAT

1. Council endorse the Hunter Councils' Joint Organisation draft response to the NSW Government's proposed Joint Organisation model; and
2. Maitland City Council makes its own submission in response to the proposed Joint Organisation model, based on the review of the proposed model by Hunter Councils.

COUNCIL RESOLUTION

THAT

1. Council endorse the Hunter Councils' Joint Organisation draft response to the NSW Government's proposed Joint Organisation model; and

- 2. Maitland City Council makes its own submission in response to the proposed Joint Organisation model, based on the review of the proposed model by Hunter Councils.**

Moved Clr B Geoghegan, Seconded Clr H Meskauskas

CARRIED

11 PLANNING, ENVIRONMENT AND LIFESTYLE REPORTS

**11.1 DA 14-2276 SECTION 96 MODIFICATION TO INCREASE LOT YIELD IN STAGE 3 BY THREE (3) ADDITIONAL LOTS - LOT 102 & 103 DP 1208978 & LOT 13 DP1208290 NO. 287 MORPETH ROAD, NO. 46 LAURIE DRIVE AND OFF RAWORTH AVENUE RAWORTH
RECOMMENDATION: APPROVAL**

FILE NO: DA 14-2276

ATTACHMENTS:

1. Locality Plan
2. Development Plan
3. Submissions

RESPONSIBLE OFFICER: Bernie Mortomore - Group Manager Planning, Environment & Lifestyle
David Simm - Manager Development & Environment
Leanne Harris - Development Assessment Coordinator

AUTHOR: Anne Moore - Contract Planner

APPLICANT: HDB Town Planning & Design

OWNER: Mitchells Spares Pty Ltd

PROPOSAL: To increase lot yield in Stage 3 by three (3) additional lots

LOCATION: No. 287 Morpeth Road, No. 46 Laurie Drive & OFF Raworth Avenue Raworth

ZONE: R1 General Residential

EXECUTIVE SUMMARY

A Section 96 Application has been received by Council seeking modification of Development Consent DA 14 – 2276 to increase the lot yield in Stage 3 by three (3) additional lots thereby allowing the creation of fifty three (53) lots within this subdivision. This will require changes to Condition 1 relating to the approved plans, Condition 2 to allow for increased Section 94 contributions given the increase in lot yield and Conditions 18, 19 (c) & (d) and 29 to reference new lot numbers.

The application was notified and advertised from 16 May 2016 to 30 May 2016. During this period twelve (12) submissions were received by Council. The issues raised in all the submissions to Council are addressed in the body of this report. It is considered that the grounds of the objection do not warrant refusal or further modification of this application.

The application has been assessed against the requirements of Section 96(1A), Section 79C of the Environmental Planning and Assessment Act, 1979 and Section 115 of the Environmental Planning and Assessment Regulation and found to be satisfactory. Accordingly, it is recommended that Conditions 1, 2, 18 19 (c) & (d) and 29 be amended.

OFFICER'S RECOMMENDATION

THAT

1. Section 96 Application for modification of Development Application No. 14 - 2276 – Fifty (50) Lot Residential Subdivision at Lots 102 & 103 DP1208978 and Lot 13 DP 1208290, No. 287 Morpeth Road, No. 46 Laurie Drive and off Raworth Avenue Raworth be approved subject to the amended conditions set out in the attached schedule.

PROCEEDINGS IN BRIEF

A motion was moved as follows:

THAT

DA 14-2276 Section 96(1A) Modification to Increase Lot Yield in Stage 3 by Three (3) Additional Lots – Lot 102 & 103 DP1208978 & Lot 13 DP1208290, 287 Morpeth Road, 46 Laurie Drive & off Raworth Avenue, Raworth be refused for the following reasons:

1. The Section 96(1A) Modification is inconsistent with the character and amenity of the surrounding locality, and is not in keeping with the existing lot sizes within the locality.
2. The Section 96(1A) Modification is contrary to the objectives of the R1 General Residential Zone in that the proposed subdivision is out of character and not in keeping with the established lot size to the east and south of Raworth Avenue.
3. The Section 96(1A) Modification will result in a future development outcome that has an unreasonable visual impact for residents in Raworth Avenue.
4. The Section 96(1A) Modification is contrary to the objectives of Chapter C.10 Subdivision of the Maitland Development Control Plan in that it does not provide innovation in subdivision design to create a strong sense of community or result in an integrated approach to street pattern, lot layout and facility provision to create desirable urban environments and character.
5. The Section 96(1A) Modification is contrary to the public interest.

(Clr S Procter/Clr P Penfold)

The motion when put to the meeting was declared carried.

COUNCIL RESOLUTION**THAT**

DA 14-2276 Section 96(1A) Modification to Increase Lot Yield in Stage 3 by Three (3) Additional Lots – Lot 102 & 103 DP1208978 & Lot 13 DP1208290, 287 Morpeth Road, 46 Laurie Drive & off Raworth Avenue, Raworth be refused for the following reasons:

- 1. The Section 96(1A) Modification is inconsistent with the character and amenity of the surrounding locality, and is not in keeping with the existing lot sizes within the locality.**
- 2. The Section 96(1A) Modification is contrary to the objectives of the R1 General Residential Zone in that the proposed subdivision is out of character and not in keeping with the established lot size to the east and south of Raworth Avenue.**
- 3. The Section 96(1A) Modification will result in a future development outcome that has an unreasonable visual impact for residents in Raworth Avenue.**
- 4. The Section 96(1A) Modification is contrary to the objectives of Chapter C.10 Subdivision of the Maitland Development Control Plan in that it does not provide innovation in subdivision design to create a strong sense of community or result in an integrated approach to street pattern, lot layout and facility provision to create desirable urban environments and character.**
- 5. The Section 96(1A) Modification is contrary to the public interest.**

Moved Clr S Procter, Seconded Clr 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:	Clr R Aitchison Clr L Baker Clr B Burke Clr P Garnham Clr A Humphery Clr H Meskauskas Clr N Penfold Clr P Penfold Clr S Procter Clr K Wethered Clr B Whiting	Against:	Clr P Blackmore Clr B Geoghegan
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Amended Conditions

Amended Condition 1

- The proposed subdivision shall be carried out in accordance with the stamped approved plans and documentation as detailed in the following schedule, and any amendments to those plans arising through conditions of this consent.

Plan Ref No.	Sheet No.	Revn No.	Revision Date	Prepared by: (consultant)
14/024	N/A	E	27/04/2016	HDB Town Planning & Design

Amended Condition 2

CONTRIBUTIONS & FEES

- Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Maitland S94 Contributions Plan (City Wide) 2016, an additional contribution of \$20,712 shall be paid to the Council.

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

2016 Citywide Aquatics	3 x \$928	\$2,784.00
2016 Citywide Rec & Open Space	3 x \$775	\$2,325.00
2016 Citywide Multipurpose Centres	3 x \$608	\$1,824.00
2016 Citywide Library Floorspace	3 x \$588	\$1,764.00
2016 Citywide Road & Traffic	3 x \$3,074	\$9,222.00
2016 Citywide Cycleways/Shared Paths	3 x \$ 548	\$1,644.00
2016 Citywide Competition Netball Courts	3 x \$215	\$645.00
2016 Citywide Management/ Administration	3 x \$168	\$ 504.00
		\$20,712

The above contributions rates are indexed, at least annually, with reviewed rates to apply from 1st February each year in accordance with the provisions of the Maitland Section 94 Contributions Plan (Citywide) 2006. 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.
- For extractive industries - annually from the date of issue of development consent.

The above "contribution" condition has been applied to ensure that:

- i) 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 94 of the Environmental Planning and Assessment Act, 1979.*
- ii) Council's administration expenses are met with respect to the processing of the application.*

Amended Condition 18

18. Prior to the issue of the Subdivision Certificate the section of Raworth Ave along the frontages of proposed Lots 306 to 211 shall be widened to provide an 8m wide carriageway. The widening shall include kerb and gutter and road construction with an asphaltic concrete wearing surface, together with all necessary stormwater drainage and infrastructure facilities, in accordance with Council's Manual of Engineering Standards.

Amended Condition 19 c) and d)

19. **Prior to the issue of the Subdivision Certificate** a pedestrian path 1.5m wide, along roads and pathways, shall be provided in the following locations in accordance with Council's Manual of Engineering Standards.
- a) Along the eastern side of Laurie Drive from the existing footpath to the intersection with road 2.
 - b) Along the southern side of road 2.
 - c) **Along the pathway between lots 311 & 211.**
 - d) **Along Raworth Ave from the northern boundary of lot 301 to the pathway between lots 311 & 211.**

Amended Condition 29

29. The section of Raworth Ave fronting proposed lots 306 to 211 shall be widened to provide a 4.5m wide footway from the proposed kerb and gutter to the property boundary. The widening shall be dedicated to Council, at no cost to Council.

**11.2 DA 16-918 CHILD CARE CENTRE, LOT 222 DP1180673, 50 KEN TUBMAN DRIVE, MAITLAND
RECOMMENDATION: APPROVAL**

FILE NO: DA 16-918

ATTACHMENTS:

1. Locality Plan
2. Development Plans
3. Signage Plan
4. Submission

RESPONSIBLE OFFICER: Bernie Mortomore - Group Manager Planning,
Environment & Lifestyle
David Simm - Manager Development & Environment
Leanne Harris - Development Assessment Coordinator

AUTHOR: Tegan Harris - Team Leader Development Assessment

APPLICANT: Peter Bevis / Mammoth Projects Pty Ltd

OWNER: Avalon Rural Holdings Pty Ltd

PROPOSAL: Child Care Centre

LOCATION: 50 Ken Tubman Drive, Maitland

ZONE: B4 Mixed Use

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an assessment of the Development Application (DA) against section 79C of the Environmental Planning & Assessment Act 1979 (NSW). The application is put before Council due to the receipt of one (1) submission during the exhibition period.

The site is located at 50 Ken Tubman Drive, and is legally described as Lot 222 DP1180673. The site is zoned B4 Mixed Use pursuant to the Maitland Local Environmental Plan 2011 (LEP). The proposal seeks consent to erect a childcare centre for 96 child care places employing a total of 16 staff. The hours of operation are 6:30am to 6:30pm Monday to Friday. The site is accessed off Ken Tubman Drive via a private cul-de-sac. Car parking is provided for 23 vehicles.

The proposal does not raise any issues that conflict with the Maitland Local Environmental Plan 2011 or any State Environmental Planning Policies. The proposal generally complies with the Maitland Development Control Plan 2011, with the exception of some minor variations in relation to the proposed car parking numbers and layout on site. Specifically, car parking is required to be provided at a rate of one (1) parking space per four (4) children which results in a need for 24 car parking spaces. As a result of negotiations in relation to pedestrian egress, one car parking space was removed from the plans, thus 23 car parking spaces are provided on site. This also means that only one car parking space,

being an accessible car parking space, is located adjacent to the building entrance. This variation is considered minor in nature and is therefore accepted in this instance.

The proposal was advertised and notified in accordance with Council policy from 11 May 2016 to 25 May 2016. As a result of this process, one submission was received. The issues raised in the submission include:

- Impact on the children from fuel vapours and odour from the adjoining service station;*
- Concerns over the site being flood prone;*
- Acoustic impacts on our property as a result of the development; and*
- We purchased our property on the assumption that nothing would be constructed on site.*

The issues raised in the submission are discussed in detail throughout this report however, it is not considered that they are significant enough to warrant refusal of the proposal.

The proposal is considered to be in the public interest as it provides employment opportunities to Central Maitland, in both the construction and operation phase, and will result in the increased provision of child care places. Site constraints have been suitably addressed and have been managed through site planning and/or the operation of the proposal.

An assessment of the application has been carried out under Section 79C(1) of the Environmental Planning and Assessment Act 1979 (NSW). The proposed development is considered satisfactory in terms of the relevant matters for consideration under the Act and the development application is recommended for approval.

OFFICER'S RECOMMENDATION

THAT

DA 16-918 for a Child Care Centre at 50 Ken Tubman Drive, Lot 222 DP1180673 be approved subject to conditions in the attached schedule.

COUNCIL RESOLUTION

THAT

DA 16-918 for a Child Care Centre at 50 Ken Tubman Drive, Lot 222 DP1180673 be approved subject to conditions in the attached schedule.

Moved Clr B Burke, Seconded Clr R Aitchison

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:

For:	Clr R Aitchison	Against:
	Clr L Baker	
	Clr P Blackmore	
	Clr B Burke	
	Clr P Garnham	
	Clr B Geoghegan	
	Clr A Humphery	
	Clr H Meskauskas	
	Clr N Penfold	
	Clr P Penfold	
	Clr S Procter	
	Clr K Wethered	
	Clr B Whiting	

SCHEDULE OF CONDITIONS

Schedule of Conditions DA 16-918

CHILDCARE CENTRE

Reason for Conditions

The following conditions are applied to:

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

APPROVED PLANS AND DOCUMENTATION

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

Plan Ref No.	Dwg Ref.	Revn No.	Revision Date	Prepared by
Site Context Plan	DA01	0	28.04.16	Insite Architects
Proposed Site & Floor Plan	DA02	B	22.06.16	Insite Architects
Proposed Elevations	DA03	B	22.06.16	Insite Architects
Concept Plan – Play Space	1/2	A	27.06.16	Polygon Landscape Architecture
Concept Plan – Planting	2/2	A	27.06.16	Polygon Landscape Architecture
Proposed Childcare Centre Signage	-	-	-	-

CONTRIBUTIONS & FEES

2. Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Maitland S94A Levy Contributions Plan 2006, a contribution of **\$18,540** shall be paid to the Council.

The above amount may be adjusted at the time of the actual payment, in accordance with the provisions of the Maitland City Council S94A Levy Contributions Plan 2006.

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

- *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 "contribution" condition has been applied to ensure that:

- i) 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 94A of the Environmental Planning and Assessment Act, 1979.
- ii) Council's administration expenses are met with respect to the processing of the application.

HAZARDS

3. The proposal shall comply with the recommendations of the Preliminary Hazard Analysis prepared by Core Engineering Group, Issue 1, dated 16 Jun 2016, as follows:
 - Develop an emergency assembly area in the event of an emergency so that occupants of the child care centre can be marshalled for effective evacuation in the event of an incident. This is recommended to provide and effective areas for the marshalling of the child care centre occupants to ensure all occupants are accounted for prior to evacuation offsite; and
 - An emergency plan, incorporating evacuation procedure, for the child care centre should be developed to ensure readiness for evacuation in the event of incident at the service station.

A copy of the emergency plan shall be submitted to Council **prior to issue of the Occupation Certificate.**

COMPLIANCE

4. The child care centre must not accommodate more than 96 children on the site at any one time.

CERTIFICATES

5. 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.**
6. The applicant shall submit to Council a "*Notice of Commencement*" form at least two (2) days prior to the commencement of construction works.
7. **Prior to the commencement of works** an application for a Construction Certificate shall be submitted to, and be approved by, the Accredited Certifier.
8. **Prior to the issue of an Occupation Certificate** all conditions of development consent shall be complied with.

9. **Prior to occupation of the building** an Occupation Certificate shall be issued by the Principal Certifying Authority.
10. **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.

DESIGN

11. **Prior to the issue of the Construction Certificate** a detailed schedule of building materials, finishes and colour specifications shall be provided to Council for approval. The schedule shall address finishes for all external building materials and fencing adjacent to the eastern boundary and shall include driveway, car parking, and footway surfaces. The detailed schedule of building materials, finishes and colour specifications shall be based on the *External Finishes Schedule* dated 27th April 2016 prepared by Insite Architects submitted with the development application.

LANDSCAPING

12. All landscaped areas of the development shall be maintained in accordance with the approved landscape plan prepared by Polygon Landscape Architecture, Sheets 1-2/2, Rev A, dated 27/06/16. The landscaped areas shall be kept free of parked vehicles, stored goods, waste material, and the like.

HOURS OF OPERATION

13. 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.

CARPARKING

14. Car parking for the development shall be provided in accordance with the approved plans, with a minimum allocation for the development of 23 spaces.
15. All on-site driveways, parking areas and vehicles turning areas shall be constructed with a bitumen sealed granular pavement, segmental pavers, or as reinforced concrete.
16. All parking bays shall be delineated with line-marking and/or signposting.
17. Any proposed or future carpark lighting shall be installed such that there is no light spill or glare beyond the property boundary.

VEHICLE ACCESS

18. **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.

19. Wheel stops are to be provided in accordance with Australian Standard AS2890.1 Off Street Parking to protect adjoining property and fencing around the perimeter of the outdoor play space.

STORMWATER DRAINAGE

20. **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) On-site Detention (OSD) of stormwater that reduces post-developed discharges to pre-developed discharges for the 1, 10 and 100yr ARI critical storm events, and strictly in accordance with **drainage plan number 160213 sheets C01 thru C03 revision 3 dated 21-6-2016 by Greenview Consulting**, and
 - b) Detailed pavement finished surface levels demonstrating 1% conveyance paths to, and 1% inlet capacity into the OSD tank/structure, and
 - c) an emergency overland flow path for major storm events, that is directed to the public drainage system, and
 - d) entrapment of gross pollutants, nutrients and hydrocarbons generated from the contributing ground-surface catchment areas, and
 - e) conveyance where necessary, of stormwater through the site from upstream catchments, (including roads and adjoining properties).
21. **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.
22. **Prior to issue of the Occupation Certificate**, the stormwater-control system shall be constructed in accordance with the approved stormwater drainage plan. A qualified engineer shall supply written certification to the PCA and Council that the constructed system including detention volume and discharge rates achieve the consent requirements for detention.

EROSION CONTROLS

23. 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

24. All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
25. 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

26. 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.
27. 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.
28. 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.

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

SITE CONSIDERATIONS

29. 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.
30. 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 or around the building or neighbouring buildings or onto neighbouring land.

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.

31. 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. (Includes a public road and any other public place).

32. 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.

33. 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.

34. All building refuse on this building site shall be stored in such a manner so as not to cause a nuisance to adjoining properties.

35. The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.

36. No building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.

37. 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.*

38. 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

- 39.** The food preparation area, 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 Australian Standard 4674 for the Design, Construction and Fit-out of Food Premises.

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. Councils Environmental Health Officer is to be given 48 hours notice to inspect the premises prior to the commencement of the business.

Where Council is not nominated as the Principal Certifying Authority a Certificate from an appropriately qualified person confirming compliance with the above legislation and guidelines is to be provided before the issue of the Occupation Certificate.

Prior to occupation and commencement of trade a food business registration (available on Council's website) is to be lodged with Council.

The premises will be incorporated into Councils inspection program.

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, 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), levels should be confirmed, by survey, on formwork and control marks.
- F** 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.

- G** 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.
- H** 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 necessarily meet the requirements of the DDA.
- I** You are advised that any proposed advertising signs are subject to a separate Development Application to Council.
- J** You are advised that the child care centre should not operate during times when a flood warning is issued for the Hunter River.
- K** You are advised that where possible, the premises should be constructed and fit out in accordance with Table 1: Flood Aware Design Requirements for Residential Development on Flood Prone Land of Section B3 Hunter River Floodplain of the Maitland Development Control Plan 2011.

11.3 ANAMBAH URBAN RELEASE AREA - LEP AMENDMENT

FILE NO:	RZ 12/001
ATTACHMENTS:	1. Gateway Determination 2. Submissions 3. Lot Size Maps
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle Ian Shillington - Manager Urban Growth
AUTHOR:	Mark Roser - Strategic Town Planner
MAITLAND +10	Outcome 7. Diverse and affordable housing
COUNCIL OBJECTIVE:	7.2.1 To ensure land and housing choice is consistent with forecast demographic demand

EXECUTIVE SUMMARY

At its meeting of 8 May 2012 Council considered a report on the suitability of preparing a Planning Proposal to amend the Maitland Local Environmental Plan 2011 to facilitate urban development within the Anambah Investigation Area (IA). The report also identified that the preparation of a Structure Plan is beneficial for large investigation areas with multiple landowners and a range of issues. The preparation of the Structure Plan is to ensure that planning does not take place in an ad-hoc, piecemeal fashion and generally identifies a potential land use pattern and broad framework for the development of the area addressing transport planning, development density and patterns, community service planning and environmental outcomes. At this meeting Council resolved to progress the preparation of the draft local environmental plan and draft Structure Plan simultaneously to assist in forming land use decisions for the locality and providing a broad intended future urban structure for early consultation with the community.

A successful Gateway Determination was received on 10 July 2012, which amongst other things identified the consultation process for the Planning Proposal and draft LEP amendment, and encouraged the preparation and exhibition of a Development Control Plan (DCP) or similar strategic document with the Planning Proposal to inform the development of the site. A copy of the Gateway Determination is appended to this report as Attachment 1.

The proposed amendment to the Maitland LEP 2011 and draft Anambah Area Plan, which included the Structure Plan, were publicly exhibited for a period of 51 days from 27 November 2014 to 16 January 2015. In accordance with section 56(2)(d) of the EPA Act 1979, and conditions of the gateway determination, consultation with the following public authorities was undertaken:

- *Department of Trade and Investment (Primary Industries)*
- *Office of Environment and Heritage*

- *Hunter Water Corporation*
- *Office of Environment and Heritage*
- *Rural Fire Service*
- *Roads and Maritime Services*
- *NSW Heritage Council*
- *Transport NSW*

At the conclusion of the exhibition period a total of nineteen (19) submissions were received which included seven (7) government agency submissions, 10 public submissions and two (2) submissions from internal stakeholders. A copy of the submissions is appended to this report as Attachment 2. A summary of the submissions is included in the body of this report.

The purpose of this report is to present to Council the outcomes of the public consultation process for the proposed amendment to the Maitland LEP 2011 and draft Anambah Area Plan and to identify the process to date with a recommendation directing the next steps to be completed.

OFFICER'S RECOMMENDATION

THAT

- 1. In accordance with Section 57 and 58 of the Environmental Planning and Assessment Act 1979, Council consider the submissions received during the public exhibition period and amend the respective zone and lot size maps as recommended in this report.**
- 2. The draft LEP amendment be re-exhibited for a period of 28 days and a further report presented to Council with any submissions received at the conclusion of the exhibition period.**
- 3. The draft Anambah Area Plan be reported to Council once issues identified within the submissions have been adequately addressed.**

COUNCIL RESOLUTION

THAT

- 1. In accordance with Section 57 and 58 of the Environmental Planning and Assessment Act 1979, Council consider the submissions received during the public exhibition period and amend the respective zone and lot size maps as recommended in this report.**
- 2. The draft LEP amendment be re-exhibited for a period of 28 days and a further report presented to Council with any submissions received at the conclusion of the exhibition period.**

- 3. The draft Anambah Area Plan be reported to Council once issues identified within the submissions have been adequately addressed.**

Moved Clr H Meskauskas, Seconded Clr B Geoghegan

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:

For:	Clr R Aitchison	Against:
	Clr L Baker	
	Clr P Blackmore	
	Clr B Burke	
	Clr P Garnham	
	Clr B Geoghegan	
	Clr A Humphery	
	Clr H Meskauskas	
	Clr N Penfold	
	Clr P Penfold	
	Clr S Procter	
	Clr K Wethered	
	Clr B Whiting	

11.4 APPLICATION TO TEMPORARILY LIFT THE ALCOHOL FREE ZONE IN THE RIVERSIDE CAR PARK FOR THE DURATION OF THE MAITLAND AROMA, COFFEE & CHOCOLATE FESTIVAL 2016

FILE NO:	150/11
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle Lynn Morton - Manager Community and Recreation Services
AUTHOR:	Mary Dallow - Community Planning Coordinator
MAITLAND +10	Outcome 3. Iconic events and local festivals
COUNCIL OBJECTIVE:	3.2.1 To attract a diverse range of visitors to the City from the Hunter Region, Sydney and regional NSW

EXECUTIVE SUMMARY

Council has received an application from Council's Events Team to temporarily suspend the Alcohol Free Zone in Riverside Car Park, St Andrews Street (north of High Street), Imperial Lane and the river walk between St Andrews Street, Laneway beside National Australia Bank and the eastern end of the Riverside Car Park during the Maitland Aroma, Coffee & Chocolate Festival on Saturday 13 and Sunday 14 August, 2016.

The proposal was placed on public exhibition for a period of 28 days from 26 May 2016. The Central Hunter Local Area Command was also invited to comment. No submissions were received and hence it is recommended that Council approve the application.

OFFICER'S RECOMMENDATION

THAT

- 1. The Alcohol Free Zone is temporarily suspended between the hours of:**
 - Saturday 13 August 2016, 10.00am – 4.00pm, and**
 - Sunday 14 August 2016, 10.00am – 4.00pm.**
- 2. The covering and uncovering of the Alcohol Free Zone signs are the responsibility of the applicant.**

COUNCIL RESOLUTION

THAT

- 1. The Alcohol Free Zone is temporarily suspended between the hours of:**
 - Saturday 13 August 2016, 10.00am – 4.00pm, and**
 - Sunday 14 August 2016, 10.00am – 4.00pm.**

- 2. The covering and uncovering of the Alcohol Free Zone signs are the responsibility of the applicant.**

Moved Clr P Garnham, Seconded Clr A Humphery

CARRIED

11.5 COMMUNITY GRANTS - SPORTS & ARTS HIGH ACHIEVERS

FILE NO:	10/5/20
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle Lynn Morton - Manager Community and Recreation Services
AUTHOR:	Kelly Baldwin - Administration and Facilities Officer
MAITLAND +10	Outcome 2. Community and recreation services and facilities
COUNCIL OBJECTIVE:	2.1.2 To promote increased participation in social, sporting and recreational activities

EXECUTIVE SUMMARY

This report presents to Council a recommendation to fund a request 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

1. Council approve the following request for funding through the Sports & Arts High Achievers Grant Program as follows:
 - Askil Mathias – International Level – Represent Australia Athletics Championships - \$750.00

COUNCIL RESOLUTION

THAT

1. Council approve the following request for funding through the Sports & Arts High Achievers Grant Program as follows:
 - Askil Mathias – International Level – Represent Australia Athletics Championships - \$750.00

Moved Clr H Meskauskas, Seconded Clr B Whiting

CARRIED

11.6 GREEN STEAM FUND - HUNTER VALLEY STEAMFEST

FILE NO:	35/21/1
ATTACHMENTS:	1. Earthcare Park Submission
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle
AUTHOR:	Rachel MacLucas - Manager Marketing and Communications
MAITLAND +10	Outcome 3. Iconic events and local festivals
COUNCIL OBJECTIVE:	3.1.1 To create an economic, social and cultural benefit to the community through the presentation of a series of sustainable flagship events

EXECUTIVE SUMMARY

As part of the 2016 Hunter Valley Steamfest rail program, ticket holders were provided with the optional opportunity to purchase 'green steam' tickets, which added \$2.00 to the cost of their ticket and was to be used for a locally based, environmental initiative.

This report provides details of the initiative, the process that was undertaken to find a worthy recipient and a recommendation that Earthcare Park be the 2016 recipient of the green steam initiative money.

OFFICER'S RECOMMENDATION

THAT

1. Council donate \$4,700 excluding GST to Earthcare Park from the proceeds of the 'green steam' initiative implemented at Hunter Valley Steamfest 2016.

COUNCIL RESOLUTION

THAT

1. Council donate \$4,700 excluding GST to Earthcare Park from the proceeds of the 'green steam' initiative implemented at Hunter Valley Steamfest 2016.

Moved Clr P Garnham, Seconded Clr K Wethered

CARRIED

12 INFRASTRUCTURE AND WORKS REPORTS

12.1 MAITLAND AROMA FESTIVAL 2016 - TEMPORARY ROAD CLOSURES

FILE NO:	140/5, 222/542, 222/551
ATTACHMENTS:	1. Traffic Control Plan
RESPONSIBLE OFFICER:	Scott Henderson - Coordinator Infrastructure Planning Engineering Chris James - Group Manager Infrastructure & Works
AUTHOR:	Kenneth Splatt - Traffic Officer
MAITLAND +10	Outcome 3. Iconic events and local festivals
COUNCIL OBJECTIVE:	3.1.1 To create an economic, social and cultural benefit to the community through the presentation of a series of sustainable flagship events

EXECUTIVE SUMMARY

As a promotion for the Maitland CBD, the 'Maitland Aroma Coffee and Chocolate Festival' special event is to be held in the Riverside car park on the weekend of 14-15 August 2016. The temporary road closures for this event are presented for approval.

OFFICER'S RECOMMENDATION

THAT the following temporary road closures associated with the Maitland Aroma Festival 2016 be approved:

- 1. 6.00 am Friday 12 August 2016 to midday Monday 15 August 2016:**
 - St Andrews Street - between High Street and riverbank
 - Riverside car park area
 - Stillsbury Lane - between Riverside car park and High Street.
- 2. The temporary road closure devices necessary to affect the temporary road closures also be approved.**
- 3. Temporary 'No Parking' zones be installed between No's 38 - 46 (39 metres) and No's 22-30 (17 metres) in Denman Street Maitland.**
- 4. The following locations for Variable Message Signs be approved:**
 - High Street near Sempill Street Maitland
 - High Street near St Andrews Street Maitland, and
 - Ken Tubman Drive near Quest Apartments Maitland.

COUNCIL RESOLUTION

THAT the following temporary road closures associated with the Maitland Aroma Festival 2016 be approved:

- 1. 6.00 am Friday 12 August 2016 to midday Monday 15 August 2016:**
 - **St Andrews Street - between High Street and riverbank**
 - **Riverside car park area**
 - **Stillsbury Lane - between Riverside car park and High Street.**
- 2. The temporary road closure devices necessary to affect the temporary road closures also be approved.**
- 3. Temporary 'No Parking' zones be installed between No's 38 - 46 (39 metres) and No's 22-30 (17 metres) in Denman Street Maitland.**
- 4. The following locations for Variable Message Signs be approved:**
 - **High Street near Sempill Street Maitland**
 - **High Street near St Andrews Street Maitland, and**
 - **Ken Tubman Drive near Quest Apartments Maitland.**

Moved Clr B Geoghegan, Seconded Clr B Burke

CARRIED

12.2 RECREATIONAL VEHICLE WASTE DUMP POINT

FILE NO:	139/6
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Example Unit 2. Harold Gregson Reserve - Short Stay 3. Visitor Centre Layout
RESPONSIBLE OFFICER:	Chris James - Group Manager Infrastructure & Works
AUTHOR:	Kevin Stein - Manager Infrastructure Design
MAITLAND +10	Outcome 1. Sense of place and pride
COUNCIL OBJECTIVE:	1.1.1 To ensure new residents and visitors to the city feel welcomed through a range of Council initiatives

EXECUTIVE SUMMARY

In 2014 Council resolved to locate a recreational vehicle dump point at Harold Gregson Park.

Investigations into the most suitable location of the waste dump point have been undertaken. Issues with the sewer at Harold Gregson reserve resulted in alternatives to be considered for its proposed location.

It is now proposed that the waste facility be located at the Visitors Information Centre and the short stay parking be located at Harold Gregson Reserve.

OFFICER'S RECOMMENDATION

THAT

1. Council endorse the location of the Visitors Information Centre as the preferred site for the Recreation Vehicle Waste Dump Point with the short stay parking to be located at Harold Gregson Reserve.

COUNCIL RESOLUTION

THAT

1. Council endorse the location of the Visitors Information Centre as the preferred site for the Recreation Vehicle Waste Dump Point with the short stay parking to be located at Harold Gregson Reserve.

Moved Clr S Procter, Seconded Clr R Aitchison

CARRIED

13 ADMINISTRATION AND GOVERNANCE REPORTS

Nil

14 STRATEGY AND PERFORMANCE REPORTS

Nil

15 MAJOR PROJECTS REPORTS

Nil

16 HUMAN RESOURCES REPORTS

Nil

17 ITEMS FOR INFORMATION

17.1 SUBMISSION ON NSW BIODIVERSITY REFORMS

FILE NO:	55/2
ATTACHMENTS:	1. Submission from Hunter Councils
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle David Simm - Manager Development & Environment
AUTHOR:	Deanne Nelson-Pritchard - Coordinator Environmental Strategy & Programs
MAITLAND +10	Outcome 8. Managing the environment and natural resources
COUNCIL OBJECTIVE:	8.1.1 To enhance the quality, amenity and integrity of the natural environment

EXECUTIVE SUMMARY

In May 2016, the Minister for Environment released the biodiversity reforms in response to a 2014 review of current biodiversity legislation.

This report provides the Hunter Councils joint submission on the reforms and implications to Local Government and the current environmental landscape.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

COUNCIL RESOLUTION

THAT the information contained in this Report be noted.

Moved Clr L Baker, Seconded Clr B Burke

CARRIED

17.2 WEED CONTROL AND REVEGETATION AROUND WALKA WATER WORKS

FILE NO:	55/2
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle David Simm - Manager Development & Environment Deanne Nelson-Pritchard - Coordinator Environmental Strategy & Programs
AUTHOR:	Stephen McLeod - Environmental Projects Coordinator
MAITLAND +10	Outcome 8. Managing the environment and natural resources
COUNCIL OBJECTIVE:	8.1.1 To enhance the quality, amenity and integrity of the natural environment

EXECUTIVE SUMMARY

The NSW Environmental Trust has granted Maitland City Council \$82,900.00 to weed and revegetate strategic areas of the State Heritage Register-listed Walka Water Works in Oakhampton Heights. Weed removal from the foreshore and hillside will halt the displacement of native vegetation and create space for substantial revegetation with locally indigenous species. This three year project will help to secure the ecological viability of the Walka bushland and improve the aesthetic value of the scenic walking trails that envelop much of this historically significant site.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

COUNCIL RESOLUTION

THAT the information contained in this Report be noted.

Moved Clr B Whiting, Seconded Clr A Humphery

CARRIED

**17.3 LOCAL TRAFFIC COMMITTEE MEETINGS MAY 2016 AND JUNE 2016
MINUTES**

FILE NO:	140/5
ATTACHMENTS:	1. Local Traffic Committee Meeting May 2016 Minutes 2. Local Traffic Committee Meeting June 2016 Minutes
RESPONSIBLE OFFICER:	Chris James - Group Manager Infrastructure & Works Stephen Hawes - Manager Infrastructure Planning and Development Engineering Scott Henderson - Coordinator Infrastructure Planning Engineering
AUTHOR:	Kenneth Splatt - Traffic Officer
MAITLAND +10	Outcome 5. Moving around our City
COUNCIL OBJECTIVE:	5.1.3 To optimise the connectivity of the transport network

EXECUTIVE SUMMARY

The minutes of Maitland City Council's Local Traffic Committee Meetings held Thursday 5 May 2016 and Thursday 2 June 2016, 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 Clr B Geoghegan, Seconded Clr B Whiting

CARRIED

17.4 CONTRACTUAL CONDITIONS OF SENIOR STAFF

FILE NO:	130/1
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Graeme Tolhurst - Group Manager Administration & Governance
AUTHOR:	Amanda Hillman - Coordinator Governance
MAITLAND +10	Outcome 18. An efficient and effective Council
COUNCIL OBJECTIVE:	18.2.1 To maintain effective and appropriate systems to ensure decision-making is transparent, accessible and accountable

EXECUTIVE SUMMARY

The General Manager is required under Section 339 of the NSW Local Government Act 1993 to report annually to Council on the contractual conditions of senior staff. This report outlines the senior staff positions at Maitland City Council and reports on the contractual conditions of these positions.

OFFICER'S RECOMMENDATION

THAT the report be received and noted.

COUNCIL RESOLUTION

THAT the report be received and noted.

Moved Clr B Burke, Seconded Clr K Wethered

CARRIED

18 NOTICES OF MOTION/RESCISSION

Nil

19 QUESTIONS WITH NOTICE

19.1 MAITLAND YOUTH SPACES STRATEGY

SUBMITTED BY CLR PHILIP PENFOLD

FILE NO: 35/7/4
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: Bernie Mortomore - Group Manager Planning, Environment & Lifestyle

Clr Philip Penfold has asked the following Question With Notice for the Council Meeting being held on Tuesday, 12 July 2016:

On 9 October 2012 this council adopted the "Maitland Youth Spaces Strategy".

The documents outlined detailed actions and a timeline though little has been complete.

Please advise what steps are being taken to get back on track with the full implementation of this adopted strategy.

RESPONSE BY GROUP MANAGER PLANNING, ENVIRONMENT & LIFESTYLE

The Youth Space Strategy (2012) provides a framework to assist Council in its decision making regarding upgrades and improvements to existing youth spaces and the identification of additional facilities warranted due to population growth in the new developing areas of the City. The projected life of the plan is 2012-2030.

The recommendations in the document fall under the two major themes – ‘City Wide Recommendations’ and ‘Locality Specific Recommendations’. It is not proposed to address each of the 122 recommendations contained in the document; a summary of what has been achieved under the themes / actions only is summarised below:

CITY WIDE RECOMMENDATIONS		
1.Motivating People to use the spaces		
REPORT RECOMMENDATIONS SUMMARY	WHAT HAS BEEN DONE	COMMENT
Additional Activities to include - recreation programs, afterschool and holiday activities; events / sports development clinics etc.	<ul style="list-style-type: none"> Partnerships Developed (Council Community Group) delivered Skate park Competition ‘Carve it Up’. Partnership participation no longer possible due to funding cut back by government. Youth Week – 2015/16 Skate Park Festival Thornton Clinics- Australian Sports Commission – poor attendance 	<ul style="list-style-type: none"> Council does not have the resources to organize recreation activities, program and events. This would be desirable to activate our Youth Spaces and other recreational / community building spaces however it would warrant an additional staff In the short term opportunity to secure grant funds and /or partnerships to conduct recreation programs within available Council resources will be optimised.

2. Skate and BMX Park Provision		
REPORT RECOMMENDATIONS SUMMARY	WHAT HAS BEEN DONE	COMMENT
<p>Plan to provide a range of different skate park facilities within at least 10 locations Existing – 6 skate parks , BMX 1 City wide (1) Local Woodberry; Only construct facilities were strong demand- 10 sites by 2030 – 120k pop</p>	<p>Skate Parks</p> <ul style="list-style-type: none"> • East Maitland (Laws Street) – Design Documentation for Tender to be completed 2016, construction 2017. Funding source SRV. • Harold Gregson Reserve – consultation /design documentation 2016/17(subject to available funding) • Lochinvar – District Skate Park factored into Lochinvar S94 Contributions Plan (2016)– Local Planning Area to be located –at the Sportsground Hub • Thornton- Skate park – sum of \$452,700 factored into City Wide Contribution Plan (2016) – site yet to be confirmed. • Farley – Local Skate park factored into Farley Section 94 Contribution Plan (2016) to be located at the Local Sportsground hub • Gillieston Heights – Local skate park to be factored into future Gillieston Heights Section 94 Contribution Plan • Anambah – Local skate park to be factored into future Anambah Section 94 Contribution Plan <p>BMX</p> <ul style="list-style-type: none"> • BMX- City Wide - Metford- <ul style="list-style-type: none"> ○ annual assistance to track surface ○ Floodlighting – upgrading assistance ○ Mowing of track and surrounds ○ Advice – facility planning and upgrades ○ Assistance provided in the staging of State BMX Events • Lochinvar – Local BMX space factored into Lochinvar Section 94 Contribution Plan (2016)to be located at the Local Neighbourhood Sportsground • Anambah – Local BMX Track to be factored into future Anambah Section 94 Contribution Plan 	<ul style="list-style-type: none"> • New Skate Park planned to serve East Maitland/ Green Hills/ Ashtonfield/ Rathluba. Site Investigations and Community Consultation completed. Consultant engaged detailed design and documentation currently in progress • Progression of Harold Gregson subject to available funding <p>The delivery of Youth Spaces – Skate Parks and or BMX Tracks in the new developing areas of the city will be subject to income being received from S94 Developer Contributions and population thresholds being achieved within the catchments.</p>

3. Condition of Facilities & (4) Risk Management		
REPORT RECOMMENDATIONS SUMMARY	WHAT HAS BEEN DONE	COMMENT
<ul style="list-style-type: none"> A maintenance checklist for each park Regular inspections Dedicated annual Maintenance Budget Capital works budget needs to allow for improvements after three or more years and replacement / redevelopment after 5 years 	<ul style="list-style-type: none"> Consultant Enclous engaged to prepare a Condition Report for existing skate parks- reported to Council 2015 Maintenance Checklist completed and in place Regular Inspections undertaken 3 monthly intervals Litter collection fortnightly Annual maintenance budget introduced \$25,000 per annum Capital Works Budget - \$38,000 allocated 2015/16 budget 2018/2019 \$21,065 listed in 2016-2020 Capital Works Program 	The Youth Space Strategy and Condition Report identified the need to review risk and maintenance operations. Systems and procedures have since been introduced to monitor, inspect, maintain the spaces.
<ul style="list-style-type: none"> Provision of paths / tables bubblers , bins shelter / shade Involve users in the process of design, planning and process of construction and management Install signage – safety Implement User code of conduct/ education program of local users 	<ul style="list-style-type: none"> Bubblers provided – Thornton and Metford Skate parks Youth consulted – East Maitland Skate Park as part of the design documentation process. Skate Park signage installed at each of the (6) skate parks; Alcohol Prohibited signage also installed 	Completed Consultation with young people forms an essential component of the design process Completed
5. Planning and Management in conjunction with Users		
<ul style="list-style-type: none"> Facilitate the development of relationships with users/ local action groups/ sports industry, schools/ youth organisations etc. 	<ul style="list-style-type: none"> Liaison maintained but limited ability to resource. 	Subject to available resources
Locality Specific recommendations- Actions completed summarized below		
Maitland Skate Park, Harold Gregson Reserve		
Recommendations - (4 of the 9 recommendations completed)	Status	
Undertake repairs to all the concrete surface, fill in wide joints, divots and all crane hold, replace the asphalt around the transition nosing	Completed	
Clean substances off the skateable surface that may interfere with the smooth passage of the wheels or if it is sticky or slippery	Completed	
Introduce a cleaning and inspection program immediately	Completed	
Sign with information warning and name sign	Completed	
Maitland Sportsground Half Pipe		
Recommendations - (3 of the 3 recommendations completed)	Status	
Undertake minor repairs and resurfacing of the concrete where very rough, and extend one of the platforms to make it more suitable for bike use.	Completed	
Inspect the facility regularly and clean the park and repair damage when required	Completed	
Install a standard information, warning and name sign.	Completed	
Largs Skate Park, Largs		
Recommendations - (3 of the 10 recommendations completed)	Status	
Undertake repairs to all the concrete surface, fill in wide joints, divots, and resurface the slabs that are rough	Completed	
Introduce a cleaning and inspection program immediately	Completed	
Provide additional information and warnings on the sign.	Completed	

Rutherford Youth Space	
Recommendations - (5 of the 14 recommendations completed)	Status
Undertake repairs to all the concrete surface, fill in wide joints, divots, and resurface the slabs that are rough	Completed
Review the need to seal some extra areas of the slope to maintain the slope and limit sand from entering the park	Completed
Introduce a weekly cleaning and inspection program. i.e. clean on Monday, check on Friday, or share the responsibility with users	Completed
Introduce a weekly cleaning and inspection program and repair program immediately	Completed
Edge the grass and regrade along the path, repair the erosion down the grassed bank reseed in places to minimize creep of grass and dirt onto the riding surface	Completed
Metford Skate Park	
Recommendations - (4 of the 15 recommendations completed)	Status
Undertake repairs to all the concrete surface, fill in wide joints, divots, and resurface the slabs of concrete and transitions that are rough	Completed
Introduce a weekly cleaning and inspection program and repair program immediately	Completed
Provide a bubbler	Completed
Provide a sign with information, warnings and disclaimer	Completed
Thornton Skate park	
Recommendations - (5 of the 12 recommendations completed)	Status
Undertake repairs to all concrete surfaces, fill in wide joints, gaps and divots in concrete	Completed
Remove hard material and regrade the dirt ramp and stabilize as a smooth entry in the short term	Completed
Introduce a weekly cleaning and inspection program and repair program immediately	Completed
Provide a sign with information, warnings and disclaimer	Completed
Woodberry Skate Park	
Recommendations - (3 of the 15 recommendations completed)	Status
Repair concrete, gaps, divots and resurface the old ramps or replace these	Completed
Introduce a weekly cleaning and inspection program and repair program immediately	Completed
Provide a sign with information, warnings and disclaimer	Completed

In summary, the above table demonstrates that in accordance with the recommendations contained in the Strategy systems and procedures have been put in place to manage the operational maintenance with regular inspections, checklists and an annual skate park maintenance budget in place.

The document has also served as a basis for the identification of additional youth spaces in the new developing areas of the city. It provides a justification to enable Council to include their provision in the preparation of Section 94 Developer Contribution Plans. Whilst their provision has been factored into various Contribution Plans their timely provision is contingent on the Section 94 Developer Funds being collected and threshold populations being achieved.

What is evident though is that Council's ability to initiate recreation programs, after school activities, vacation programs and sporting clinics is contingent on available resources. In order to deliver the range of programs outlined in the document an addition to the budget would be required to secure a staff position and program funding. This is considered to be a long term action.

The document also identifies a number of improvements to Council's existing skate parks/ youth spaces recommending a number of site upgrades and improvements to all six (6) existing sites. In the 2015/16 capital Works Program the sum of \$38,000 was made available to undertake works at existing sites. In the 2016-2020 Capital Works program a further \$21,065 is listed (2018/2019) for skate park elements. If Council is to achieve the upgrading works required (replacement/ renewal) at each of the existing (6) sites a dedicated program header for Skate Parks should be considered for inclusion in the Capital Works Program providing for an annual funding allocation. It is acknowledged however, that funding is limited and there are a number of competing priorities hence in the absence of additional Capital Works funding it is likely that this aspect of the Strategy will lag.

20 URGENT BUSINESS

Nil

Council moved into the Committee of the Whole at 6.13 pm.

Moved Clr A Humphery Seconded Clr B Geoghegan

CARRIED

Council moved into Closed Session the Committee of the Whole at 6.13 pm.

Moved Clr P Garnham, Seconded Clr N Penfold

CARRIED

21 COMMITTEE OF THE WHOLE

21.1 CONTRACTUAL MATTERS REGARDING COUNCIL INTEREST IN LAND

FILE NO:	P33645
ATTACHMENTS:	1. Location Plan
RESPONSIBLE OFFICER:	Graeme Tolhurst - Group Manager Administration & Governance
AUTHOR:	Frank Shrimpton - Coordinator Professional Services
MAITLAND +10	Outcome 19. A sustainable Council for a sustainable City
COUNCIL OBJECTIVE:	19.2.1 To maintain a contemporary asset policy, asset strategy, and management plans for all Council assets

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

Council has been requested to review and consider contractual terms in regard to land that Council has had an interest in Maitland.

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 will not enforce any right of repurchase of the land and improvements being Lot 1 DP801003 from Maitland Nursery School Incorporated provided that all proceeds of any sale of the land is committed to the establishment of an operating pre-school on an alternate site within Maitland.**
- 2. No further obligation for repurchase or repayment of money will be required of the Maitland Nursery School Incorporated by or to Council once the proceeds of sale of Lot 1 DP801003 have been fully committed to the establishment of an operating pre-school on an alternate approved site.**

- 3. The General Manager is authorised to finalise all matters to give effect to resolution 1 and 2 above.**

Moved Clr A Humphery, Seconded Clr P Penfold

CARRIED

21.2 PERFORMANCE REVIEW - GENERAL MANAGER

FILE NO:	E10430
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Peter Blackmore - Mayor
AUTHOR:	Peter Blackmore - Mayor
MAITLAND +10	Outcome 19. A sustainable Council for a sustainable City
COUNCIL OBJECTIVE:	19.3.1 To nurture a skilled and innovative workforce that delivers optimal service

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).

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. Cr H Meskauskas is Council's nominated representative for the General Manager's 2016 performance review panel.**

Moved Clr L Baker, Seconded Clr R Aitchison

CARRIED

Council resumed into the Open Session at 6.22 pm.

Moved Clr A Humphery, Seconded Clr B Burke

CARRIED

22 COMMITTEE OF THE WHOLE RECOMMENDATIONS

The following resolutions made whilst Council was closed to the public and press were read to the meeting by the General Manager.

COUNCIL RESOLUTION

THAT

- 1. Council will not enforce any right of repurchase of the land and improvements being Lot 1 DP801003 from Maitland Nursery School Incorporated provided that all proceeds of any sale of the land is committed to the establishment of an operating pre-school on an alternate site within Maitland.**
- 2. No further obligation for repurchase or repayment of money will be required of the Maitland Nursery School Incorporated by or to Council once the proceeds of sale of Lot 1 DP801003 have been fully committed to the establishment of an operating pre-school on an alternate approved site.**
- 3. The General Manager is authorised to finalise all matters to give effect to resolution 1 and 2 above.**

Moved Clr A Humphery, Seconded Clr P Penfold

CARRIED

COUNCIL RESOLUTION

THAT

- 1. Cr H Meskauskas is Council's nominated representative for the General Manager's 2016 performance review panel.**

Moved Clr L Baker, Seconded Clr R Aitchison

CARRIED

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

Moved Clr P Garnham, Seconded Clr H Meskauskas

CARRIED

23 CLOSURE

The meeting was declared closed at 6.23 pm.

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Chairperson