

ORDINARY MEETING

MINUTES

25 OCTOBER 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 read the customary prayer at the commencement of the meeting.

2 ACKNOWLEDGEMENT OF COUNTRY

Clr A Humphery read the Acknowledgement of Country.

3 APOLOGIES AND LEAVE OF ABSENCE

NIL

4 DECLARATIONS OF INTEREST

Mayor Peter Blackmore declared a less than significant non-pecuniary interest in Item 10.1 DA 15-2853 Alterations & Additions to Existing Health Services Facility (Maitland Private Hospital), Demolition of Two Dwellings and Car Park - Lot 102 DP1010923, Lots 4 & 5, DP245545, 175 Chisholm Road and 9 & 11 Molucca Close, Ashtonfield and Item 10.4 DA 16-1592 Educational Establishment (1,200 Place 7-Stream Catholic High School) - Lot 1 DP1220220, 24 Heritage Drive, Chisholm as he is a member of the joint Regional Planning Panel (JRPP) and intend to be at the meeting of the JRPP to determine this matter.

Mayor Peter Blackmore intends to listen to debate on the matter but not participate and will leave the meeting while voting is conducted.

Clr Bob Geoghegan declared a less than significant non-pecuniary interest in Item 10.1 DA 15-2853 Alterations & Additions to Existing Health Services Facility (Maitland Private Hospital), Demolition of Two Dwellings and Car Park - Lot 102 DP1010923, Lots 4 & 5, DP245545, 175 Chisholm Road and 9 & 11 Molucca Close, Ashtonfield and Item 10.4 DA 16-1592 Educational Establishment (1,200 Place 7-Stream Catholic High School) - Lot 1 DP1220220, 24 Heritage Drive, Chisholm as he is a member of

the joint Regional Planning Panel (JRPP) and intend to be at the meeting of the JRPP to determine this matter.

Clr Bob Geoghegan intends to listen to debate on the matter but not participate and will leave the meeting while voting is conducted.

Clr Ben Whiting declared a pecuniary interest in Item 10.4 DA 16-1592 Educational Establishment (1,200 Place 7-Stream Catholic High School) - Lot 1 DP1220220, 24 Heritage Drive, Chisholm as he is employed by the applicant.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held 11 October 2016 be confirmed.

Moved Clr P Garnham, Seconded Clr A Humphery

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 items:

15.2 Turton Street Culvert - Approval for Additional Works

15.3 Purchase of Land at East Maitland

Moved Clr B Burke, Seconded Clr S Procter

CARRIED

9 PUBLIC ACCESS

Danny Fritsch representing Jacqueline & Danny Fritsch spoke against Item 10.6 DA 16-2057 - Masonry Entry, Fence & Landscaping Ancillary to an Existing Dwelling - Lot 61 DP 825042, No. 470 Louth Park Road Louth Park

COUNCIL RESOLUTION

THAT an extension of one (1) minutes be granted to Danny Fritsch.

Moved Clr B Whiting, Seconded Clr L Baker

CARRIED

Harry Collins representing himself spoke for Item 10.6 DA 16-2057 - Masonry Entry, Fence & Landscaping Ancillary to an Existing Dwelling - Lot 61 DP 825042, No. 470 Louth Park Road Louth Park

NOTE:

Items 10.1 & 10.4 dealt with concurrently.

Deputy Mayor Ken Wethered chaired the meeting while Items 10.1 & 10.4 were being discussed/voted on.

Mayor Peter Blackmore and Clr Bob Geoghegan left the chambers at 5.40pm.

10 OFFICERS REPORTS

10.1 DA 15-2853 ALTERATIONS & ADDITIONS TO EXISTING HEALTH SERVICES FACILITY (MAITLAND PRIVATE HOSPITAL), DEMOLITION OF TWO DWELLINGS AND CAR PARK - LOT 102 DP1010923, LOTS 4 & 5, DP245545, 175 CHISHOLM ROAD AND 9 & 11 MOLUCCA CLOSE, ASHTONFIELD

FILE NO:	DA 15-2853
ATTACHMENTS:	1. JRPP Assessment Report 2. Development Plans (under seperate cover)
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:	Doug Sneddon Planning Pty Ltd
OWNER:	Vital Healthcare Australian Property Pty Ltd
PROPOSAL:	Alterations and Additions to Existing Health Services Facility (Maitland Private Hospital), Demolition of Two Dwellings and Car Park
LOCATION:	Lot 102 DP1010923 and Lots 4 & 5, DP245545, 175 Chisholm Road and 9 & 11 Molucca Close
ZONE:	R1 General Residential

EXECUTIVE SUMMARY

Council is in receipt of a Development Application for Alterations and Additions to an Existing Health Services Facility (Maitland Private Hospital) and Car Park at Lot 102 DP1010923 and Lots 4 & 5, DP245545, 175 Chisholm Road and 9 & 11 Molucca Close. The DA was lodged at Council on 22 December 2015.

The site is located on the corner of Chisholm Road and the New England Highway. It is zoned R1 General Residential pursuant to the Maitland local Environmental Plan 2011, and is mapped as being bushfire prone. The proposal seeks consent for:

- *Construction of a new 25 bed surgical ward on Lot 102 DP 1010923 above hospital additions completed under DA 14-582 incorporating a gymnasium, administration area and mechanical plant room;*
- *Various internal alterations to existing hospital, including;*

- *Minor alterations to level 1 to accommodate an Intensive Care Unit (9 beds) and extension to Chemotherapy ward (7 chairs); and*
- *Minor additions to the ground floor including new recovery areas.*
- *Demolition of existing dwelling houses at Lots 4 and 5 DP 245542, 9 and 11 Molucca Close, and construction of a new 28 space car park accessed via existing hospital internal roadways.*

The application is defined under Maitland Local Environmental Plan 2011 as a health services facility which is a permissible use in the zone and is considered to be consistent with the zone objectives. The application is Integrated Development under the Environmental Planning and Assessment Act 1979 (NSW) and General Terms of Approval from the NSW RFS have been received.

The application will be reported to the Hunter and Central Coast Joint Planning Panel for determination because of its classification as a health services facility and the value of works being over \$5 million, therefore triggering Cl6(b) Sch4A Environmental Planning & Assessment Act 1979 (NSW) Private infrastructure and community facilities. It is proposed that the application be determined at the JRPP meeting on the 17 November 2016.

The DA was initially advertised and notified for a period of 14 days in accordance with Council policy from 11 January 2016 to 25 January however, due to complaints from residents regarding the timing of the notification it was extended to 1 February 2016. As a result of this process, three (3) submissions were received. It is noted that one submitter put in multiple submissions and had continued discussions with Council throughout the assessment process however, for the purposes of Council's assessment it has been counted as one submission.

Throughout Council's assessment process, a number of concerns were raised regarding the impact of the proposed car park within the streetscape of Molucca Close, both from an acoustic and visual perspective, and the interaction with the immediate adjoining properties. The applicant advised in correspondence dated 5 October 2016 that "acquisition options for no.s 3, 5, 7, 9, 11 and 13 Molucca Close have now been exercised by Vital Healthcare Property Trust and the conveyancing/land transfer process has commenced. Under this arrangement, the acquisition of these properties by the trust is certain." Evidence of ownership or property transfer has not yet been provided by the applicant for any of these properties. As such, the assessment report has been prepared on the basis that these properties have not been acquired by the hospital.

The development has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979 and is considered satisfactory. It is recommended that the application be approved subject to conditions. It is recommended that Council make written submission to the Hunter and Central Coast Joint Regional Panel indicating its support to the proposal in accordance with the report submitted by staff.

OFFICER'S RECOMMENDATION

- 1. THAT Council make a written submission to the Hunter and Central Coast Joint Regional Panel indicating its support to the proposal in accordance**

with the report submitted by staff.

COUNCIL RESOLUTION

- 1. THAT Council make a written submission to the Hunter and Central Coast Joint Regional Panel indicating its support to the proposal in accordance with the report submitted by staff.**

Moved Clr P Garnham, Seconded Clr A Humphery

CARRIED

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

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

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

**10.2 DA 16-1428 ONE (1) INTO THREE (3) LOT TORRENS TITLE SUBDIVISION AND CONSTRUCTION OF A NEW DWELLING ON EACH LOT - LOT 114 DP1213455, 25 VANTAGE COURT BOLWARRA
RECOMMENDATION: APPROVAL**

FILE NO:	DA 16-1428
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Locality Plan 2. Development Plans 3. Submissions
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle David Simm - Manager Development & Environment Leanne Harris - Development Assessment Coordinator
AUTHOR:	Amanda Wells - Town Planner
APPLICANT:	Hoover Group Pty Ltd
OWNER:	Minelinx Pty Limited
PROPOSAL:	One (1) into Three (3) Lot Torrens Title Subdivision and Construction of a New Dwelling on each Lot
LOCATION:	Lot 114 DP1213455, 25 Vantage Court Bolwarra
ZONE:	R1 General Residential

EXECUTIVE SUMMARY

Development consent is sought from Council for the construction of three (3), three (3) bedroom detached medium density dwellings and Torrens Title Subdivision one (1) into three (3) lots, on land identified as Lot 114, DP1213455, No.25 Vantage Court, Bolwarra.

The subject land is zoned R1 Residential under the Maitland Local Environmental Plan 2011 (LEP). 'Multi dwelling housing' is a permissible form of development in the R1 Residential zone with Council consent. The proposal is consistent with the objectives of the zone as it will provide a variety of housing types and densities in order to provide for the housing needs of the community.

The site has a land area of 6181m², is vacant and has no significant vegetation on site. The site is accessed via the end of a cul-de-sac on Vantage Court. The surrounding land uses are predominately residential, with land to the east/south-east zoned E3 Environmental Management.

The application was notified for a period of 14 days from 29 June 2016 until 13 July 2016 during which time three (3) objections were received. The submissions raised concerns in relation to:

- *Privacy;*

- *Building height;*
- *Loss of views;*
- *Future development;*
- *Materials;*
- *Window positioning;*
- *Property value; and*
- *Fencing materials.*

Some of these matters have been subsequently addressed in the final set of plans now presented to Council. All of the issues raised are addressed in the main body of the report and are not considered to represent sufficient grounds for refusal of the application.

An assessment of the proposal has been undertaken against Section 79C of the Environmental Planning and Assessment Act 1979 (NSW) and is considered to be appropriate for the following reasons:

- *The proposal is permitted with consent within the R1 General Residential zone and is consistent with the relevant objectives of the zone; and*
- *The proposal has been assessed against the requirements of the Maitland City Wide Development Control Plan 2011 (MDCP 2011), specifically Part C – Design Guidelines, C.8 ‘Residential Design’, C.10 ‘Subdivision’ and C.11 ‘Vehicular Access and Car Parking’ and assessed against the relevant heads of consideration pursuant to Section 79C of the Environmental Planning & Assessment Act 1979 (NSW) and is considered appropriate.*

Accordingly, it is recommended that the application for Multi-Dwelling – 3 x 3 Bedroom Detached Dwellings and Torrens Title Subdivision – 1 into 3 lots, be approved by Council subject to conditions in the attached schedule.

OFFICER’S RECOMMENDATION

That DA16-1428 for a One (1) into Three (3) Lot Torrens Title Subdivision and Construction of a New Dwelling on each Lot on Lot 114 DP1213455, 25 Vantage Court Bolwarra, be approved subject to conditions in the attached schedule.

COUNCIL RESOLUTION

That DA16-1428 for a One (1) into Three (3) Lot Torrens Title Subdivision and Construction of a New Dwelling on each Lot on Lot 114 DP1213455, 25 Vantage Court Bolwarra, be approved subject to conditions in the attached schedule.

Moved Clr S Procter, Seconded Clr H Meskausaks

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

MULTI-DWELLING HOUSING AND TORRENS TITLE SUBDIVISION

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)
Lot 1	L1/02 – L1/03, L1/05 – L1/07	E	17.10.16	Hoover Group Design & Development
Lot 2	L2/02 – L2/03, L2/05 – L2/07	D	28.09.16	Hoover Group Design & Development
Lot 3	L3/02 – L3/03, L3/05 – L3/07	D	28.09.16	Hoover Group Design & Development
J977	S01-S03	2	09-07-16	P.K Civil & Structural Engineering P/L

CONTRIBUTIONS & FEES

- Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Maitland City Wide Section 94 Contributions Plan 2016, a contribution of \$13,808 shall be paid to the Council.

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

	3 bedroom	Total
2016 City Wide Aquatics	2 x \$928	\$1,856
2016 City Wide Competition Netball Courts	2 x \$215	\$430
2016 City Wide Rec & Open Space	2 x \$775	\$1,550
2016 City Wide Multipurpose Centres	2 x \$608	\$1,216

2016 City Wide Library Floor Space	2 x \$588	\$1,176
2016 City Wide Road & Traffic	2 x \$3,074	\$6,148
2016 City Wide Cycleways/Shared Paths	2 x \$548	\$1,096
2016 City Wide Plan Management/Administration	2 x \$168	\$336
		\$13,808

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 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.*
- *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.*

3. Prior to the issue of the Subdivision Certificate, "house numbering" and "subdivision certificate" fees, in accordance with Council's *Schedule of Fees and Charges*, shall be paid to Council.

CERTIFICATES

4. Prior to the commencement of works an application for a Construction Certificate shall be submitted to, and be approved by, the Accredited Certifier.
5. 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.
6. 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. 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.
9. The applicant shall submit to Council a "Notice of Commencement" form at least two (2) days prior to the commencement of construction works.
10.
 - (1) Building work that involves residential building works (within the meaning of the Home Building Act, 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:
 - (a) in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the licence has complied with the requirements of Part 6 of that Act, or
 - (b) in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
 - (2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act, 1989, that states that a person is the holder of an insurance policy issued for the purposes of this clause, is sufficient evidence that the person has complied with the requirements of that part.

LANDSCAPING

11. 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.

CARPARKING

12. All driveways, parking areas and vehicles turning areas shall be constructed with a segmental paver surface (on a concrete sub-base), or as reinforced concrete.

VEHICLE ACCESS

13. 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).
14. Prior to issue of the Subdivision Certificate the driveway shall be constructed, in accordance with Council's Manual of Engineering Standards, which includes the retention of (or if damaged reconstruction as plain concrete of) any existing footpath, and with reference to Council's information document *"Footway Crossings (Driveways)"*.
15. Prior to the issue of the Subdivision Certificate a concrete driveway within the "handle" of "battle-axe" lots and including the proposed garbage storage area shall be provided in accordance with Council's Manual of Engineering Standards.
16. Prior to the issue of the Subdivision Certificate the shaded area of the driveway as shown on Plan L1/03 is to be constructed in concrete (heavy duty) in accordance with Council's Manual of Engineering Standards.

STORMWATER DRAINAGE

17. 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:
 - On-site Detention (OSD) and inter-allotment drainage system 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 J977 S01 revision 2 dated 9-7-2016 by PK CIVIL and STRUCTURAL ENGINEERING P/L, and
 - a) Detailed pavement finished surface levels demonstrating 1% conveyance paths to, and 1% inlet capacity into the OSD tank/structure, and
 - b) Structural certification is required for underground detention systems where expected traffic loads are likely.

18. Final discharge of collected stormwater runoff shall be piped, in accordance with Council's Manual of Engineering Standards to the interallotment drainage system (drainage easement),
19. Prior to commencement of construction of any inter-allotment drainage, a Construction Certificate for the works shall be issued, being a design prepared in accordance with Council's Manual of Engineering Standards.
20. Prior to the issue of the Subdivision Certificate all stormwater drainage works and associated infrastructure facilities, shall be provided in accordance with Council's Manual of Engineering Standards and in accordance with the approved Construction Certificate.

SUBDIVISION

21. Prior to issue of the Subdivision Certificate, original plans and/or documents of survey/title, and four copies, shall be submitted to Council.
22. Prior to the issue of a Subdivision Certificate:
 - a) The dwellings shall have reached lock up stage; and
 - b) A report/plan shall be provided from a Registered Surveyor showing that:
 - The setback of the buildings from the adjacent and proposed boundaries meets the requirements of the BCA; and
 - All service lines are wholly contained within their respective lots or an appropriate Easement or Easements have been shown on the plan of survey and suitably described in the 88B instrument; or
 - c) A restriction on the title of the lots, under Section 88B of the Conveyancing Act, shall be created which restricts the development of the land to that which is approved within this consent (DA 16-1428).

Note: This condition is redundant where an Occupation Certificate has been issued for each of the dwellings.

LAND TITLE

23. An easement shall be created under Section 88B of the Conveyancing Act, and in accordance with Council's Manual of Engineering Standards, to cover the inter-allotment stormwater drainage line.
24. An easement for access and services shall be created under Section 88B of the Conveyancing Act to cover the garbage storage and collection area

25. The authority empowered to release, vary or modify easements required by this consent, shall be nominated as "the owners of the lots burdened and benefitted, only with the consent of Maitland City Council".
26. A Restriction To User shall be created under Section 88B of the Conveyancing Act to ensure that no fence shall be erected or permitted to remain erected on the eastern boundaries of proposed Lot 1, Lot 2 and Lot 3, which share a common boundary with an allotment with an environmental zone, unless such fence is an open style post and wire rural standard fence. Maitland City Council is to be nominated as the Authority to release, vary or modify this restriction.
27. Prior to the issue of the Subdivision Certificate the developer is to enter into an Indemnity Agreement with the Council to provide garbage collection from within the site.

EROSION CONTROLS

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

BUILDING CONSTRUCTION

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

SITE CONSIDERATIONS

30. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.
31. All excavated and/or filled areas are to be retained or battered and suitably drained so as to prevent any subsidence of the area and constructed so as to deny any flow of water into 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.

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

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

33. The applicant is required to notify Council in writing prior to commencing building operations, of any existing damage to kerbing and guttering and/or footpath paving associated with the subject Lot. The absence of such notification signifies that no damage exists and the applicant shall therefore be liable for the cost of the repair of any damage to kerbing and guttering or footpath paving which may be necessary after completion of the building operation.
34. A temporary toilet shall be provided on site from the time of commencement of building work to ensure that adequate sanitary provisions are provided and maintained on the building site for use by persons engaged in the building activity. The number of toilets provided shall be 1 toilet per twenty persons or part thereof employed on the site. The temporary toilet is to be connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.
35. Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:
- a. 7.00am to 6.00pm Monday to Friday
 - b. 7.00am to 5.00pm Saturday

Any work performed on Sunday's or Public Holidays that may cause offensive noise, as defined under the Protection of the Environment Operations Act, is prohibited. Minor works (such as hand sanding, painting, digging and the

like) is permitted between the hours of 9.00am to 5.00pm. Power operated tools are not permitted to be used.

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

ADVICES

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

- A. You are advised that where underground works within the road reserve are required or necessary for supply of services (such as water, sewer, electricity, gas) further consent for a "Road Opening" must be obtained from Council.

Refer to Council's form "*Application for Registration to Open Roads/Footpaths*".

- B. You are advised that a "Drainage Plan Assessment fee for the stormwater detention system may be applicable in accordance with Council's Fees and Charges prior to the issue of the Construction Certificate.

- C. You are advised that all works associated with the Construction Certificate (CC) for the *inter-allotment drainage and/or driveway corridor* requires inspections by the Principal Certifying Authority (PCA - being Council) as set out in the Manual of Engineering Standards, and that a *(Construction) Certification Fee* applies in accordance with Council's Fees and Charges.
- D. You are advised that for the driveway works on the footway verge, inspection by Council is required (eg formwork & reinforcement). See Council's "*Application to Construct Private Works on Footway*").
- E. You are advised that prior to construction of the driveway corridor, utility services and/or their conduits should be installed along the full corridor length.
- F. You are advised that the issue of this development consent does not negate the responsibility of the land owner in respect to any restriction, covenant or easement applicable to this property and that Council will not be held responsible when action on this consent results in any loss or damage by way of breach of matters relating to title of the property.
- G. You are advised that the driveway on the northern boundary of proposed Lot 1 shall have a finished surface level of not more than + or - 300 mm from existing ground level.
- H. The driveway maneuvering area to the driveway on Proposed Lot 1 should not exceed 6.25% cross fall within the turning areas. A maximum of 12.5% positive grade into the garage shall not be exceeded.

**10.3 DA 16-1554 DEMOLITION OF FIVE(5) BUILDINGS - LOT 1 DP 710944, LOT 3301 DP 1204896, LOT 331 DP 528669, LOT 200 DP 880990, LOT 3471 DP 1204917 NOS. 13 -19 ABBOT STREET & NO. 191 HIGH STREET MAITLAND
RECOMMENDATION: APPROVAL**

FILE NO: DA 16-1554

ATTACHMENTS:

1. Locality Plan
2. Preliminary Road Design Concept
3. Demolition Plan & Photos
4. 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: Pulver Cooper & Blackley

OWNER: Maitland City Council

PROPOSAL: Demolition of Five (5) Buildings

LOCATION: Nos. 13- 19 Abbot Street & No. 191 High Street Maitland

ZONE: B4 Mixed Use Zone

EXECUTIVE SUMMARY

Development consent is being sought from Council for the demolition of five (5) buildings at Nos.13- 19 Abbot Street being described as single storey cottages and No. 191 High Street Maitland being occupied by a single storey industrial style building. These buildings are owned by Maitland City Council and are now all unoccupied and have been fenced off to stop squatting and further vandalism occurring. Demolition of these buildings is necessary to facilitate the widening of Abbot Street in association with the upgrading of Athel D'Ombra Drive.

The subject site is zoned B4 Mixed Business under Maitland Local Environmental Plan 2011 and demolition is permissible with consent of Council. These sites are not identified as items of environmental heritage, although the area is designated within the Maitland Heritage Conservation Area and subject to provisions of Clause 5.10 Heritage Conservation of Maitland Local Environmental Plan (LEP) 2011.

The application was advertised and notified from 11 July to 25 July 2016. During this period one (1) submission was received by Council with the Maitland & District Historical Society submitting a submission after the public notification period. The issues raised by the objectors are addressed within the body of the report and it is considered that the grounds of objection do not warrant refusal or modification of the application.

To ensure that the heritage significance of these buildings is appropriately recorded and documented and to provide the community with an overview of the early development of Central Maitland, archival recording of the extant structures is recommended prior to demolition works commencing on site to mitigate the loss of these contributory items and is a standard procedure for buildings within a heritage conservation area.

The application has been assessed against the requirements of Section 79C of the Environmental Planning and Assessment Act, 1979 and is considered satisfactory provided archival recording and archaeological monitoring is undertaken during the demolition phase. Accordingly, it is recommended the application be approved subject to attachment of appropriate conditions.

OFFICER'S RECOMMENDATION

THAT

- 1. Development Application No.16-1554 for Demolition of Five (5) Buildings at Lot 1 DP 710944, Lot 3301 DP 1204896, Lot 331 DP 528669, Lot 200 DP 880990 & Lot 3471 DP 1204917 Nos. 13, 15, 17 & 19 Abbot Street and No. 191 High Street Maitland be approved subject to the conditions set out in the attached schedule.**

COUNCIL RESOLUTION

THAT

- 1. Development Application No.16-1554 for Demolition of Five (5) Buildings at Lot 1 DP 710944, Lot 3301 DP 1204896, Lot 331 DP 528669, Lot 200 DP 880990 & Lot 3471 DP 1204917 Nos. 13, 15, 17 & 19 Abbot Street and No. 191 High Street Maitland be approved subject to the conditions set out in the attached schedule.**

Moved Clr B Burke, Seconded Clr L Baker

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

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)
Abbot Street Maitland Proposed Demolition Plan & Sedimentation Plan	-	-	June 2016	Maitland City Council

CONTAMINATION

- All demolition works are to be carried out in accordance with Australian Standard AS 2601-2001.
- In the event of an undisclosed or unidentified contamination being found on-site or any potentially contaminating infrastructure including soils (e.g. staining, odours, asbestos) being identified during works, a qualified and experienced consultant must inspect, review and advise on remediation or mitigation. Council must be notified if this occurs and must be provided with any resulting reports and recommendations.
- Where any demolition, alteration or renovation works encounter asbestos or products containing asbestos, then the materials encountered shall be managed in accordance with the provisions of the NSW Work Cover Authority.
- Prior to commencement of any demolition works a Remediation Action Plan is to be prepared and submitted to Council addressing the following recommendations of the Phase 1 Contamination Assessment Report prepared by GHD dated June 2016:
 - Removal of drums/building materials, rubbish and potential asbestos containing materials (PACM) fragments identified on lots;
 - Sampling of selected areas to assess potential for contamination associated with potential fill materials, illegal dumping, PACM, lead paint and pest and weed control;
 - Undertake a hazardous buildings and material survey of structures on the lots that may be demolished as part of the redevelopment (with the exception of No 191 High Street) which has already been completed).
- During and after demolition works have been completed on site further sampling of any soil stockpiles and sampling of soils underneath structures to assess the potential for contamination is necessary. In the event of any contamination of soils, etc. being

identified then a further Remediation Action Plan and Validation Plan shall be prepared by a qualified consultant and submitted to Council.

7. All waste material that arises as a result of the works shall be classified according to the NSW EPA Guidelines prior to removal from the site.
8. All waste material must be disposed of at a facility approved for that purpose.
9. Vehicles being loaded or unloaded must stand wholly within the premises. Vehicles are not to be loaded or unloaded at the kerb side or across the public footpath.

HERITAGE

10. Prior to the commencement of any demolition works on site, a photographic archival recording shall be undertaken in accordance with the NSW Heritage Office Heritage Information Series, '*How to Prepare Archival Records of Heritage Items*' and '*Photographic Recording of Heritage Items Using Film or Digital Capture*'. The recording shall be undertaken by a suitably experienced heritage specialist in the field. Four copies of the recording shall be produced for distribution to the NSW Heritage Office, the State Library of NSW, Maitland City Council and the owner within three 3 months of the on-site recording work being completed.
11. All demolition and site processes shall be monitored by an appropriately qualified archaeologist/historian and any material evidence exposed in the course of the demolition archivally recorded. This is to include a detailed assessment and inventory of all remnant removable items (e.g. the Victorian stove, overhead cranes, conveyor belts and industrial machinery) within existing buildings on the site. A report of the recording and monitoring process shall be drafted by the archaeologist in accordance with the guidelines and criteria published by the NSW Heritage Office. A copy of this archival recording shall be forwarded to Council within three (3) months of the completion of demolition works.
12. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics are discovered, work must cease in the affected area(s) and the Heritage Council of NSW or its delegate must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
13. Further details shall be provided to Council prior to commencement of works on the site of how the existing sandstone kerb and guttering is to be protected during demolition works and details of how this sandstone may be reused and/or relocated within the proposed realignment of Abbot Street

TREE REMOVAL, PRUNING AND PRESERVATION

14. All trees shall be retained on the site with the exception of the existing camphor laurel tree upon No. 191 High Street.

SITE CONSIDERATIONS

15. 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.

16. 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.

17. 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.*

18. Demolition material shall be recycled and or reused as far as is practicable and any demolition waste disposed of only at an authorised landfill facility.

19. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.

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

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

22. The proposed development and associated works are to comply with the requirements of NSW Work Cover Authority.

23. Sediment controls must be installed prior to demolition or construction taking place.

ADVICES

A. You are advised with respect to presentation and submission of the archival recording, the following requirements are identified (digital format is assumed):

- **A photographic report**

A brief report or introduction should be provided which explains the purposes of the report and gives a description of the subject, as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record. The report should also contain catalogue sheets, photographic plan (see notes below), and any supplementary maps or plans.

- **Thumbnail Image Sheets**

A set of thumbnail image sheets (e.g. A4 page with six images by six images) showing images and reference number. The thumbnail sheets should be processed with archivally stable inks or archivally acceptable photographic paper and cross referenced to catalogue sheets.

- **CD**

A CD or DVD containing electronic image files saved as TIFF files with associated metadata, and cross-referenced to catalogue sheets.

- **Prints**

One full set of 10.5x14.8cm (A6) prints OR, if a large project, a representative set of selected images processed with archivally stable inks on archivally acceptable photographic paper.

The report should be presented in a suitable archival binder and slipcase, and all storage of individual components must be in archival quality packaging suitable for long term storage

- **Photographic Plan**

A plan of the site, each building and of each space within the building should be obtained and each image or frame exposed should be entered directly on that plan. Each entry should show the position of the camera and the direction in which it was fired. The nomenclature should be identical to that used for the catalogue sheets. Normally, a map of the site or a plan of a building should be lodged with the catalogue sheet. The plan should have a north point which can be true north or a nominal north. The plan should show the sequence in which the photographs were taken.

- **Catalogue Sheets**

Each image must be catalogued. By adopting a set sequence the catalogue recording is much simpler. Digital images have a unique image file number. The catalogue sheet is typed and becomes the image catalogue. With digital recording the catalogue sheet should be stored with the thumbnail image sheet and the CD-R disc. Digital recording catalogue sheets need to list site name, date, photographer's name, camera type and lenses, image file number, and a description of each image.

B. You are advised that the Local Des Darcy Committee should be informed of the information contained within the Heritage Impact Statement and the Baseline Archaeological Assessment prepared by City Plan Heritage Pty Ltd in respect to the location of the Ascot Stadium plaque upon No. 35 Abbot Street

- C. All salvageable items of heritage should be recycled and offered for reuse or storage. In this respect you are advised to have further discussions with the Maitland & District Historical Society or any other interested group regarding possible museum displays and interpretative projects.

Clr B Whiting left the chambers at 5.47pm.

10.4 DA 16-1592 EDUCATIONAL ESTABLISHMENT (1,200 PLACE 7-STREAM CATHOLIC HIGH SCHOOL) - LOT 1 DP1220220, 24 HERITAGE DRIVE, CHISHOLM

FILE NO:	DA 16-1592
ATTACHMENTS:	<ol style="list-style-type: none"> 1. JRPP Assessment Report 2. Development Plans (under seperate cover)
RESPONSIBLE OFFICER:	<p>Bernie Mortomore - Group Manager Planning, Environment & Lifestyle Leanne Harris - Development Assessment Coordinator David Simm - Manager Development & Environment</p>
AUTHOR:	Tegan Harris - Team Leader Development Assessment
APPLICANT:	SHAC
OWNER:	The Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle
PROPOSAL:	Educational Establishment
LOCATION:	24 Heritage Drive, Chisholm
ZONE:	R1 General Residential

EXECUTIVE SUMMARY

Council is in receipt of a Development Application (DA) for an Educational Establishment (1,200 Place 7-Stream Catholic High School) at 24 Heritage Drive, Chisholm, being Lot 1 DP 1220220. The DA was lodged at Council on 05 July 2016. The site is zoned R1 General Residential pursuant to the Maitland Local Environmental Plan 2011. The cost of works is \$39,946,500 (inclusive of GST).

The application is to be submitted to the Hunter and Central Coast Joint Regional Planning Panel (HCC JRPP) for determination because of its classification as a 'Educational Establishment' and the value of works being over \$5 million, therefore triggering Clause 6 of Schedule 4A of the Environmental Planning & Assessment Act 1979 (NSW). A JRPP meeting is scheduled for 17 November 2016.

The site is located within the Thornton North Urban Release Area and comprises approximately 7.924 hectares. The High School is proposed to occupy the northern portion of the site. The existing St Aloysius Primary School is positioned in the southern portion of the site. Stage 1 of the primary school is complete, with the school operating at a capacity of 383 students in 2016. The primary school has consent for 630 students with 42 full time equivalent staff, as well as additional buildings on site (DA 13-1109). Council have recently approved an application for a 77 place child care centre within the south-east corner of the site accessed of Tigerhawk Drive.

Existing sewer, water and telecommunications are provided to the site boundary along

Heritage Drive, which will be maintained and extended internally for connection to the main school buildings. A new substation will be required to be constructed on site to service the proposal.

The school will have a staged enrolment, commencing in 2018, with the site targeting to be at full capacity by 2025. The proposed internal floor area of the high school is 12,884m². At its full capacity the school will cater for 1,200 students, and have a staff body of 120. The school will generally operate from 8:00am to 4:00pm Monday to Friday, but will have community use facilities included within it which would extend these hours of operation to include weekday nights and weekend activities. The proposal seeks consent to stage the development over 4 stages.

The proposal is permissible within the R1 zone and compliant with the relevant planning instruments. The proposal will impact on the built form of the locality which is primarily residential however, the proposal has been design to accommodate the site constraints, including topography. The proposal is of high architectural merit and will present favorably to Heritage Drive. The primary potential impact as a result of the proposal is traffic and access. This is discussed in detail within the attached assessment report, however, it is considered that the operation of the proposal will not result in any significant impacts.

The proposal was advertised and notified in accordance with Council policy from 18 July 2016 to 1 August 2016. As a result of this process, no submissions were received. The application was referred to NSW Rural Fire Service, NSW Roads and Maritime Service and Ausgrid, and comments from these agencies provided.

The development has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979 (NSW) as detailed in the attached report, and is considered satisfactory. Accordingly, it is recommended that the application be approved subject to conditions.

OFFICER'S RECOMMENDATION

THAT Council make a written submission to the Hunter and Central Coast Joint Regional Panel indicating its support to the proposal in accordance with the report submitted by staff.

COUNCIL RESOLUTION

THAT Council make a written submission to the Hunter and Central Coast Joint Regional Panel indicating its support to the proposal in accordance with the report submitted by staff.

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

Moved Clr A Humphery, Seconded Clr B Burke

CARRIED

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

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

For:	Clr R Aitchison	Against:
	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	

Mayor Peter Blackmore, Clr Bob Geoghegan and Clr Ben Whiting returned to the chambers at 5.49pm.

**10.5 DA 16-2092 CHANGE OF USE TO RECREATION FACILITY (INDOOR) -
DANCE STUDIO - LOT 6 SP79437, 6/34 HINKLER AVENUE RUTHERFORD.
RECOMMENDATION: APPROVAL**

FILE NO: DA 16-2092

ATTACHMENTS: 1. Locality Plan
2. Development Plan

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

AUTHOR: Amanda Wells - Town Planner

APPLICANT: ESS Australia Pty Ltd

OWNER: Peter Kirsop

PROPOSAL: Change of Use to Recreation Facility (Indoor) – Dance
Studio

LOCATION: Lot 6 SP79437, 6/34 Hinkler Avenue Rutherford

ZONE: B5 Business Development

EXECUTIVE SUMMARY

Development consent is sought from Council for the change of use of an existing building to a Recreational Facility (Indoor) to be used as a dance studio on land identified as Lot 6 SP79437, Unit 6, 34 Hinkler Avenue Rutherford. The subject land is zoned B5 Business Development under the Maitland Local Environmental Plan 2011 (MLEP). 'Recreation Facility (indoor)' is a permissible form of development in the B5 zone with Council consent. The proposal is consistent with the objectives of the zone which aim to provide a variety of business uses and minimize conflict between land uses. The site has a land area of 5683m² and contains twelve (12) units across four (4) buildings. The site has two access points, one from Hinkler Avenue and one from Shipley Drive. The surrounding land uses comprise of industrial and business premises.

The application was notified for a period of 14 days from 19 September 2016 until 3 October 2016. During this timeframe, zero (0) submissions were received. It is noted that one phone call was received seeking clarification as to the use, however no objection was lodged. The matter is reported to Council for determination on the basis that car parking does not meet Council's adopted standards.

An assessment of the proposal has been undertaken against Section 79C (1) of the Environmental Planning and Assessment Act 1979 (NSW) and is considered to be appropriate for the following reasons:

- *The proposed Recreation Facility (Indoor) is a business that operates predominately outside typical business hours, and as such is unlike to generate significant impacts upon adjoining land uses or land within land uses of adjoining areas;*
- *The proposed use is permitted with consent within the B5 Business Development zone under the Maitland Local Environmental Plan 2011; and*
- *The proposal has been assessed against the provisions and requirements of the Maitland Local Environmental Plan 2011, Maitland Development Control Plan 2011, specifically C.1 'Accessible Living' and C.11 'Vehicular Access and Car Parking' and assessed against the relevant heads of consideration pursuant to Section 79C (1) of the Environmental Planning and Assessment Act 1979 (NSW) and is considered appropriate.*

Accordingly, it is recommended that the application for Change of Use – Recreation Facility (Indoor), be approved by Council subject to conditions in the attached schedule.

OFFICER'S RECOMMENDATION

That DA16-2092 for the Change of Use to Recreation Facility (Indoor) – Dance Studio, at Lot 6 SP79437, 6/34 Hinkler Avenue Rutherford, be approved subject to conditions in the attached schedule.

COUNCIL RESOLUTION

That DA16-2092 for the Change of Use to Recreation Facility (Indoor) – Dance Studio, at Lot 6 SP79437, 6/34 Hinkler Avenue Rutherford, be approved subject to conditions in the attached schedule.

Moved Clr H Meskauskas, Seconded Clr K Wethered

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
COMMERCIAL – DANCE STUDIO**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.	Rev'n No.	Revision Date	Prepared by: (consultant)
Proposed Dance Studio	1	A	-	ESS Australia Pty Ltd

CERTIFICATES

- 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 issue of an Occupation Certificate all conditions of development consent shall be complied with.
- Prior to occupation of the building an Occupation Certificate shall be issued by the Principal Certifying Authority.

OPERATION

- The hours of operation of the activity shall be confined to within the following times:

Monday to Friday	4pm to 9pm
Saturday	9am to 3pm
- The maximum number of students within the premises at one time shall be limited to 15.

BUILDING CONSTRUCTION

7. All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
8. 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

9. 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.
10. 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.
11. 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.

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 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.

- B. You are advised that any proposed advertising signs are subject to a separate Development Application to Council.

**10.6 DA 16-2057 - MASONRY ENTRY, FENCE & LANDSCAPING ANCILLARY TO AN EXISTING DWELLING - LOT 61 DP 825042, NO. 470 LOUTH PARK ROAD LOUTH PARK
RECOMMENDATION: REFUSAL**

FILE NO: DA 16-2057

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: Jacqueline Fritsch

OWNER: Jacqueline Fritsch

PROPOSAL: Masonry entry, fence & landscaping ancillary to an existing dwelling

LOCATION: 470 Louth Park Road Louth Park

ZONE: R5 Large Lot Residential

EXECUTIVE SUMMARY

Development consent is sought from Council for a masonry entry feature, 1.8m high black chain mesh fence and landscaping being ancillary to an existing dwelling along the primary street frontage at No. 470 Louth Park Road Louth Park. The subject site is occupied by an existing approved single storey brick dwelling with driveway provided off Louth Park Road.

A Notice of Intention to serve orders under the Environmental Planning and Assessment Act and Local Government Act was issued by Council on 23 August 2016 for works undertaken upon the subject site without development consent including the masonry entry and fencing along Louth Park Road. This development application has been lodged with Council in response to this notice.

The site is zoned R5 Large Lot Residential under Maitland Local Environmental Plan (LEP) 2011 and a dwelling is permissible with consent of Council. Fencing and the masonry entry are not separately defined and considered to be ancillary development to the dwelling.

Fencing is generally considered to be 'exempt development' and no development consent is necessary from Council where development standards of State Environmental Planning Policy (Exempt and Complying Development Code) (SEPP) are satisfied. In this case, the fencing does not satisfy the development standards of Division 18 Fences in that parts of

the masonry entry structure are greater than 1.8m in height and extend for more than 3m from the entrance to the property and the fence is not of post and wire or post and rail construction.

The application was notified from 14th September 2016 to 28 September 2016. During this period nine (9) submissions were received by Council. These submissions raised objections primarily in respect to the fence and masonry entry having been constructed without Council approval, the visual impact of the fencing and non compliance with provisions of Maitland DCP applying to fencing within Louth Park.

Accordingly the application has been assessed against the requirements of Section 79C of the Environmental Planning and Assessment Act, 1979 and is considered unsatisfactory given the objections raised to the application, visual impacts of this masonry entry feature and chain mesh fencing and non compliance with fencing provisions of Maitland Development Control Plan (DCP) 2011 – Louth Park Urban Release Area and therefore refusal of this application is recommended as set out below.

OFFICER'S RECOMMENDATION

THAT

1. DA 16 - 2057 for masonry entry, fence and landscaping ancillary to an existing dwelling at Lot 61, DP 825042 No. 470 Louth Park Road Louth Park be refused for the following reasons:
 1. The proposal does not satisfy the following Clause of the Maitland Local Environmental Plan 2011 pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979:
 - i) Clause 2.3 - Zone objectives and Land Use Table;
 2. The proposal does not satisfy the following part of the Maitland Development Control Plan 2011 pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979:
 - i) Section F10 – Part F10 – Urban Release Areas 2011 – Louth Park in terms of fencing along Louth Park Road, insufficient and inappropriate landscaping and visual amenity;
 3. The masonry entry feature and fencing will adversely impact onto the landscape and visual character of this large lot residential locality pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979;
 4. It has not been demonstrated that proposed fencing along the Louth Park Road frontage of the site is suitable for this locality pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979.
 5. The proposal is not considered to be in the public interest pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979.
2. Orders be issued by Council officers pursuant to the *Environmental Planning and Assessment Act, 1979* to demolish the masonry entry and fencing within 30 days

of this resolution or proceedings within the Land and Environment Court for removal will be commenced by Council.

COUNCIL RESOLUTION

THAT

1. DA 16 - 2057 for masonry entry, fence and landscaping ancillary to an existing dwelling at Lot 61, DP 825042 No. 470 Louth Park Road Louth Park be refused for the following reasons:
 1. The proposal does not satisfy the following Clause of the Maitland Local Environmental Plan 2011 pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979:
 - i) Clause 2.3 - Zone objectives and Land Use Table;
 2. The proposal does not satisfy the following part of the Maitland Development Control Plan 2011 pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979:
 - i) Section F10 – Part F10 – Urban Release Areas 2011 – Louth Park in terms of fencing along Louth Park Road, insufficient and inappropriate landscaping and visual amenity;
 3. The masonry entry feature and fencing will adversely impact onto the landscape and visual character of this large lot residential locality pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979;
 4. It has not been demonstrated that proposed fencing along the Louth Park Road frontage of the site is suitable for this locality pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979.
 5. The proposal is not considered to be in the public interest pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979.
2. Orders be issued by Council officers pursuant to the *Environmental Planning and Assessment Act, 1979* to demolish the masonry entry and fencing within 30 days of this resolution or proceedings within the Land and Environment Court for removal will be commenced by Council.

Moved Clr A Humphery, Seconded Clr H Meskauskas

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 Clr L Baker Clr P Blackmore	Against:	
------	---	----------	--

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

**10.7 DA 16-2139 DEMOLITION OF WATER RESERVOIR AND EARTHWORKS -
LOT 1 DP1218029 THOMPSON STREET, EAST MAITLAND
RECOMMENDATION: APPROVAL**

FILE NO: DA 16-2139

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: Roxy White - Town Planner

APPLICANT: Lardhil Pty Ltd

OWNER: Lardhil Pty Ltd

PROPOSAL: Demolition of Water Reservoir and Earthworks

LOCATION: Thompson Street, EAST MAITLAND
Lot 1 DP1218029

ZONE: R1 General Residential

EXECUTIVE SUMMARY

Council is in receipt of a development application (DA) for demolition and earthworks to remove an existing concrete water reservoir located at Lot 1 in DP1218029 also known as Thompson Street, East Maitland and return the land to its original profile. The purpose of this report is to provide an assessment of the proposal against the heads of consideration pursuant to s79C of the Environmental Planning & Assessment Act 1979 (NSW) to enable determination of the DA.

The application is before Council due to the receipt of two (2) submissions during the exhibition process.

The subject site is located at Thompson Street, East Maitland and is legally described as Lot 1 DP1218029. The land is zoned R1 General Residential under the Maitland Local Environmental Plan 2011 and is identified as Class 5 Acid Sulphate Soils. The Lot has a total area of 7306sqm and has a 77m frontage to Thompson Street and a battle-axe handle with a 4.5m frontage to Maize Street.

The proposal was advertised and notified for a period of 14 days from 14th of September to the 28th September and received two (2) submissions during this period. These have been addressed in the report accordingly.

The proposal is likely to result in some interim, minor impacts within the locality typical of construction and demolition activities. These impacts will be restricted during the demolition and earthwork phases of this proposal. These potential impacts are anticipated to be temporary in nature, during normal construction hours and are considered to not be significant enough to warrant refusal of the application.

An assessment of the application has been carried out under Section 79C(1) of the Environmental Planning and Assessment Act, 1979 as amended. 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 subject to conditions.

OFFICER'S RECOMMENDATION

THAT

- 1. DA 16-2139 for the demolition of an existing water reservoir and associated earthworks, be approved subject to the conditions as set out in the Schedule attached to this report.**

COUNCIL RESOLUTION

THAT

- 1. DA 16-2139 for the demolition of an existing water reservoir and associated earthworks, be approved subject to the conditions as set out in the Schedule attached to this report.**

Moved Clr B Burke, Seconded Clr K Wethered

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

DEMOLITION & EARTHWORKS

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)
16170 - Demolition Plan	L01	1	12.09.16	Geoff Craig & Associates
Report on Preliminary Contamination Assessment	CGS48982217	0	24.08.16	Cardno Geotech Solutions

CONTAMINATION

- All demolition works are to be carried out in accordance with Australian Standard AS 2601-2001.
- In the event of an undisclosed or unidentified contamination being found on-site or any potentially contaminating infrastructure (e.g. underground storage tanks) or soils (e.g. staining, odours, asbestos) being identified during works, a qualified and experienced consultant must inspect, review and advise on remediation or mitigation prior to further construction proceeding. Council must be notified if this occurs and must be provided with any resulting reports and recommendations.
- Where any demolition, alteration or renovation works encounter asbestos or products containing asbestos, then the materials encountered shall be managed in accordance with the provisions of the NSW Work Cover Authority.

SITE CONSIDERATIONS

5. All excavations and backfilling must be executed safely, in accordance with appropriate professional standards and be properly guarded and protected to prevent them from being dangerous to life or property.
6. Any mobile plant equipment shall be stored within construction fencing, wholly within the subject property boundaries during the proposed works.
7. 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.

8. 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.

9. 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.*

10. Demolition material shall be recycled as far as is practicable and any demolition waste disposed of only at an authorised landfill facility.

11. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.
12. The site is to be cleared of all building refuse and spoil immediately after completion.
13. No building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.
14. The applicant is required to notify Council in writing prior to commencing demolition works, of any existing damage to kerbing and guttering and/or footpath paving the absence of such notification shall signify that no damage exists and that the applicant will be liable for the cost of the reinstatement of any damage to kerbing and guttering or footpath paving which may be necessary after completion of the demolition works.

EARTHWORKS

15. The owner/occupier shall ensure that access to the landfill site is restricted and monitored to prevent the unauthorised deposition of material.
16. Filling material, shall be limited to the virgin excavated natural material (VENM);
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.
17. All putrescible wastes, (including timber, paper, green waste, food etc), oil products (including petrol, bitumen, asphaltic concrete etc), plastic, and the like, are not permitted for fill purposes.
18. At the completion of filling the applicant shall submit to the Council a validation report prepared in accordance with EPA requirements by a qualified geotechnical consultant 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.
19. All grass and topsoil on the proposed affected excavation areas shall be stripped and stockpiled for re-use on the finished surface and batters.
20. Filling material shall be:
 - contained within the property boundaries
 - stabilised against erosion upon final placement with topsoil and grass (seed or turf), or by similar means

- graded evenly to shed stormwater runoff to an existing overland flow path
- provided with stable, maintainable batter slopes not steeper than 1 (vertical) in 4 (horizontal)

STORMWATER DRAINAGE

21. Fill material shall not obstruct any local watercourse, flow path or drain, that is within or that enters the site, without provision for conveyance, within the site, of stormwater flows through or around the proposed fill area, including adequate protection against erosion.

PROTECTION OF THE ENVIRONMENT

22. No open burning of materials will be allowed. Prompt action shall be taken to extinguish any fire.

ADVICES

- A 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.
- B You are advised that damage to existing roads (including footpaths and kerb/gutters) and drainage as a result of construction works may incur rectification costs.
- C You are advised that if the fill is not placed as “controlled fill” for the purpose of a possible future building on the filling, engineer designed structural foundations will be required.
- D You are advised that the responsibility for deposition of material remains with owner/occupier.

10.8 CERTIFICATION OF THE HUNTER ESTUARY COASTAL ZONE MANAGEMENT PLAN

FILE NO:	55/8
ATTACHMENTS:	1. Draft Hunter Estuary Coastal Zone Management Plan
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 9. Our local rivers and floodplains
COUNCIL OBJECTIVE:	9.3.1 To contribute to the reestablishment of native vegetation on river banks and plains

EXECUTIVE SUMMARY

Maitland City Council previously adopted the Hunter Estuary Coastal Zone Management Plan in 2009, in collaboration with Newcastle City Council and Port Stephens Council. At the time of adoption the Coastal Protection Act 1979 was under review and Council did not seek certification of the plan. Due to funding implications the plan is now required to be certified by the Minister for Planning, and a revised draft plan is provided to Council for endorsement prior to placing on public exhibition for a period of 21 days.

OFFICER'S RECOMMENDATION

THAT

- 1. Council endorse placing the draft Hunter Estuary Coastal Zone Management Plan on public exhibition for a period of 21 days.**

COUNCIL RESOLUTION

THAT

- 1. Council endorse placing the draft Hunter Estuary Coastal Zone Management Plan on public exhibition for a period of 21 days.**

Moved Clr L Baker, Seconded Clr S Procter

CARRIED

10.9 THE FUTURE OF MAITLAND GAOL - UPDATE

FILE NO:	60/1
ATTACHMENTS:	Nil
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:	3.2.2 To maintain Maitland Gaol's position as one of the iconic tourism attractions of the Hunter Region

EXECUTIVE SUMMARY

In September 2014, Council adopted a report on the future of Maitland Gaol, which saw Council reaffirm its in principle support for the operation and ongoing development of Maitland Gaol as an iconic tourism attraction for the city. The report also determined to seek State Government support for undertaking and funding an Infrastructure Assessment Survey and Report, to commence negotiations with the State Government in relation to finalising lease and maintenance arrangements and that a report be presented to a future meeting of Council meeting to advise on the outcomes.

This report provides an update on the current status of these activities and recommends a preferred course of action to move towards resolving the matter of Council's long term tenure of Maitland Gaol.

OFFICER'S RECOMMENDATION

THAT

1. The report is received and noted.
2. Council officially write to the NSW Department of Industries – Lands to express its preference of pursuing the option of a reserve for the long term tenure of Maitland Gaol.

COUNCIL RESOLUTION

THAT

1. The report is received and noted.
2. Council officially write to the NSW Department of Industries – Lands to express its preference of pursuing the option of a reserve for the long term tenure of Maitland Gaol.

Moved Clr P Garnham, Seconded Clr R Aitchison

CARRIED

Council moved into Policy & Finance Committee at 6.07pm

Moved: Clr B Geoghegan

Seconded: Clr N Penfold

11 POLICY AND FINANCE COMMITTEE

11.1 COUNCIL SERVICES AND FACILITIES - CHRISTMAS AND NEW YEAR POLICY

FILE NO:	35/1
ATTACHMENTS:	1. Draft Council Services and Facilities - Christmas and New Year Policy 2016
RESPONSIBLE OFFICER:	Graeme Tolhurst - Group Manager Administration & Governance
AUTHOR:	Melissa Ingles - Officer Governance & Grants
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

A review of the Closure of Council Facilities – Christmas and New Year Policy has been conducted and found only minor amendments were required in order to improve the communication of the policy message. The most significant of these amendments is the change to the title of the policy.

OFFICER'S RECOMMENDATION

THAT

1. The Closure of Council Facilities – Christmas and New Year Policy 2013 be rescinded.
2. The draft Council Services and Facilities – Christmas and New Year Policy 2016 (attachment 1) be adopted.

COUNCIL RESOLUTION

THAT

1. The Closure of Council Facilities – Christmas and New Year Policy 2013 be rescinded.
2. The draft Council Services and Facilities – Christmas and New Year Policy 2016 (attachment 1) be adopted.

Moved Cllr L Baker, Seconded Cllr P Penfold

CARRIED

11.2 REVIEW OF COUNCILLOR RECORD KEEPING POLICY

FILE NO:	118/1
ATTACHMENTS:	1. Draft Councillor Record Keeping Policy 2016
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

Councillors are required under the State Records Act 1998, to register records they create or receive that relate to the business of Council. In December 2013 Council adopted the Councillor Record Keeping Policy which sets out the requirements and the process for registering Councillor Records into Council's record keeping system. This policy has been reviewed in accordance with Council's policy review cycle and the revised policy is presented for adoption by Council.

OFFICER'S RECOMMENDATION

THAT

- 1. Council rescind the Councillor Record Keeping Policy 2013.**
- 2. Council adopt the Councillor Record Keeping Policy 2016.**

COUNCIL RESOLUTION

THAT

- 1. Council rescind the Councillor Record Keeping Policy 2013.**
- 2. Council adopt the Councillor Record Keeping Policy 2016.**

Moved Cllr B Burke, Seconded Cllr L Baker

CARRIED

11.3 PRESENTATION OF FINANCIAL STATEMENTS AND AUDITOR'S REPORTS FOR THE YEAR ENDED 30 JUNE 2016

FILE NO:	2/8/22
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Graeme Tolhurst - Group Manager Administration & Governance
AUTHOR:	Phil Freeman - Manager Finance
MAITLAND +10	Outcome 19. A sustainable Council for a sustainable City
COUNCIL OBJECTIVE:	19.1.1 To ensure the principles of sustainability underpin Council's financial, economic, social and environmental decision-making

EXECUTIVE SUMMARY

Section 419 of the Local Government Act, 1993 requires Council to present its financial reports, together with the auditor's reports, to the public.

OFFICER'S RECOMMENDATION

THAT

1. The financial reports, together with the auditor's reports, for the year ended 30 June 2016 be presented to the public.

COUNCIL RESOLUTION

THAT

1. The financial reports, together with the auditor's reports, for the year ended 30 June 2016 be presented to the public.

Moved Clr B Geoghegan, Seconded Clr H Meskauskas

CARRIED

11.4 STATEMENT OF INVESTMENTS AS AT SEPTEMBER 2016

FILE NO:	82/2
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Graeme Tolhurst - Group Manager Administration & Governance
AUTHOR:	Mark Ackland - Compliance Accountant
MAITLAND +10	Outcome 19. A sustainable Council for a sustainable City
COUNCIL OBJECTIVE:	19.1.1 To ensure the principles of sustainability underpin Council's financial, economic, social and environmental decision-making

EXECUTIVE SUMMARY

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

OFFICER'S RECOMMENDATION

THAT

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

COUNCIL RESOLUTION

THAT

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

Moved Clr B Geoghegan, Seconded Clr N Penfold

CARRIED

Council resumed into Ordinary Council at 6.11pm.

Moved Clr K Wethered, Seconded Clr B Geoghegan

CARRIED

The General Manager read the Recommendations from the Policy & Finance Committee

Moved Clr A Humphery, Seconded Clr L Baker

CARRIED

12 NOTICES OF MOTION/RESCISSION

13 QUESTIONS WITH NOTICE

14 URGENT BUSINESS

Council moved into the Committee of the Whole at 6.12 pm.

Moved Clr K Wethered, Seconded Clr L Baker

CARRIED

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

Moved Clr B Whiting, Seconded Clr K Wethered

CARRIED

15 COMMITTEE OF THE WHOLE

15.1 CONSIDERATION OF TENDERS - COMPUTER RENEWAL

FILE NO:	31/28/1
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Jon Dundas - Manager Administration and IT Graeme Tolhurst - Group Manager Administration & Governance
AUTHOR:	Kevin Boots - Team Leader ICT Client Enablement
MAITLAND +10	Outcome 19. A sustainable Council for a sustainable City
COUNCIL OBJECTIVE:	19.3.2 To ensure workplace systems and processes are efficient and effective

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows: (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 called tenders for the supply of replacement desktop computer equipment that has reached the end of its lifecycle. The vendor selected is to provide suitable high quality enterprise grade computer equipment and provide implementation\configuration services for the equipment provided.

It is recommended that Adnet Technology Australia Pty Ltd be awarded the contract.

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

- Council accepts the tender of Adnet Technology Australia Pty Ltd in the amount of \$324,073.20 (GST inclusive) for the replacement of Desktop Computer Equipment and provision of implementation\configuration services.**

2. The Common Seal of Council be affixed to the contract documents.

Moved Clr R Aitchison, 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 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	

15.2 TURTON STREET CULVERT - APPROVAL FOR ADDITIONAL WORKS

FILE NO:	137/1/97
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Graeme Matthews - Manager Infrastructure Projects and Building Services
AUTHOR:	Graeme Matthews - Manager Infrastructure Projects and Building Services
MAITLAND +10	Outcome 5. Moving around our City
COUNCIL OBJECTIVE:	5.1.1 To provide and maintain local roads and related infrastructure based on sound asset management principles

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

Works are currently underway to complete concrete repairs to the concrete box culverts in Turton Street, East Maitland.

The removal of silt from the culvert and high pressure cleaning has revealed that the surfaces of much of the culvert cells is porous and should be treated with a protective coating and waterproofing to extend the life of the culverts.

This report provides details of initial investigations, the procurement process and works being undertaken and is reported to Committee of the Whole.

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 protective measures to treat the concrete box culverts at Turton Street, East Maitland be approved in the sum of \$53,077.66 incl GST. The works are to be undertaken by Marine & Civil Maintenance concurrent with culvert repairs in progress.

Moved Clr P Garnham, Seconded Clr B Burke

CARRIED

15.3 PURCHASE OF LAND AT EAST MAITLAND

FILE NO:	P44574 & P44197
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Mt Vincent Road Map of DP1103879 2. Tew Property Consultants: Lot 1012 in Deposited Plan 1103879
RESPONSIBLE OFFICER:	Graeme Tolhurst - Group Manager Administration & Governance
AUTHOR:	Graeme Tolhurst - Group Manager Administration & Governance
MAITLAND +10	Outcome 8. Managing the environment and natural resources
COUNCIL OBJECTIVE:	8.2.1 To reduce the reliance on landfill by increasing avoidance, resource recovery, waste minimisation and community education

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

EXECUTIVE SUMMARY

The purpose of this report is to advise Council of issue relating to the alignment of a road in East Maitland, and to provide option/s in relation to resolution of the issue.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

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

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

COUNCIL RESOLUTION

THAT

- 1. Maitland City Council make an offer to purchase the land between DP1103879 and the old fence line on the western side of Lot 1012, being approximately 2900m² as per this report, and the General Manager be authorised to negotiate the purchase within the terms outlined in the report;**
- 2. If agreement cannot be reached, Maitland City Council compulsorily acquires the property as detailed above;**

3. **The Common Seal of Council be affixed to all documents in relation to the acquisition of the subject land.**

Moved Clr P Penfold, Seconded Clr P Garnham

CARRIED

Council resumed into the Open Session at 6.4.3 pm.

Moved Clr A Humphery, Seconded Clr S Procter

CARRIED

16 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.

15.1 CONSIDERATION OF TENDERS - COMPUTER RENEWAL

COUNCIL RESOLUTION

THAT

1. Council accepts the tender of Adnet Technology Australia Pty Ltd in the amount of \$324,073.20 (GST inclusive) for the replacement of Desktop Computer Equipment and provision of implementation\configuration services.
2. The Common Seal of Council be affixed to the contract documents.

Moved Clr R Aitchison, Seconded Clr P Penfold

CARRIED

15.2 TURTON STREET CULVERT - APPROVAL FOR ADDITIONAL WORKS

COUNCIL RESOLUTION

THAT protective measures to treat the concrete box culverts at Turton Street, East Maitland be approved in the sum of \$53,077.66 incl GST. The works are to be undertaken by Marine & Civil Maintenance concurrent with culvert repairs in progress.

Moved Clr P Garnham, Seconded Clr B Burke

CARRIED

15.3 PURCHASE OF LAND AT EAST MAITLAND

COUNCIL RESOLUTION

THAT

1. Maitland City Council make an offer to purchase the land between DP1103879 and the old fence line on the western side of Lot 1012, being approximately 2900m² as per this report, and the General Manager be authorised to negotiate the purchase within the terms outlined in the report;

2. If agreement cannot be reached, Maitland City Council compulsorily acquires the property as detailed above;
3. The Common Seal of Council be affixed to all documents in relation to the acquisition of the subject land.

Moved Clr P Penfold, Seconded Clr P Garnham

CARRIED

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

Moved Clr H Meskauskas, Seconded Clr B Whiting

CARRIED

17 CLOSURE

The meeting was declared closed at 6.45pm.

.....
Chairperson