

**ORDINARY MEETING**

**MINUTES**

**22 NOVEMBER 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**

Pastor Roger Burgess of the Maitland Evangelical Church and Maitland Ministers Association read the customary prayer at the commencement of the meeting.

## **2 ACKNOWLEDGEMENT OF COUNTRY**

Clr Loretta Baker read the Acknowledgement of Country.

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

It was acknowledged that the General Manager, David Evan, is absent from this meeting as he is currently on leave. Bernie Mortomore is Acting General Manager.

## **4 DECLARATIONS OF INTEREST**

Clrs Philip & Nicole Penfold declare a pecuniary interest in Item 10.12 Commercial Terms of Licence to Occupy Council Land in Maitland Park as Clr P Penfold is the Secretary Manager of the subject property.

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

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held 8 November 2016 be confirmed.

**Moved Clr K Wethered, Seconded Clr H Meskauskas**

**CARRIED**

## **6 BUSINESS ARISING FROM MINUTES**

**7 MAYORAL MINUTE**

**8 WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS**

8.1 Acceptance of amendment to recommendation 3 - Item 10.1 Annual Report 2015/16. The date is incorrect. The correct recommendation should read:

“The Office of Local Government is advised and sent a website link to the Annual Report by 30 November **2016**.

**Moved Clr N Penfold, Seconded Clr P Garnham**

**CARRIED**

## **9 PUBLIC ACCESS**

Matthew de Witt representing Anglican Care spoke for Item 10.2 DA 16-2359 Demolition of Existing Dwelling and Tree/Vegetation Removal - Lot 4 DP513051, 58 David Avenue, Tenambit.

Alan Mayall representing himself spoke for Item 10.3 DA 12-3005 Residential Subdivision - 97 Residential Lots and 1 Drainage Reserve - Lot 12 DP1195444, 530 Robert Road Lochinvar.

Jan McDonald representing Carrie's Place Inc. spoke for Item 10.8 Requests for Council to support domestic violence initiatives.

### **COUNCIL RESOLUTION**

**THAT an extension of one (1) minute be granted to Jan McDonald.**

**Moved Cllr B Whiting, Seconded Cllr A Humphery  
CARRIED**

Jan Davis representing herself spoke against Item 10.10 Response to Martins Creek Quarry Environmental Impact Statement.

### **COUNCIL RESOLUTION**

**THAT an extension of one (1) minute be granted to Jan Davis.**

**Moved Cllr L Baker, Seconded Cllr R Aitchison  
CARRIED**

## **10 OFFICERS REPORTS**

### **10.1 ANNUAL REPORT 2015/16**

|                             |  |
|-----------------------------|--|
| <b>FILE NO:</b>             | <b>35/33/18</b>  |
| <b>ATTACHMENTS:</b>         | <b>1. Annual Report 2015-16 (Under Separate Cover)</b>   |
| <b>RESPONSIBLE OFFICER:</b> | <b>Leah Flint - Executive Manager Strategy &amp; Performance</b>   |
| <b>AUTHOR:</b>              | <b>Rhonda Skelton - Organisational Integration &amp; Performance Specialist</b>  |
| <b>MAITLAND +10</b>         | <b>Outcome 18. An efficient and effective Council</b>  |
| <b>COUNCIL OBJECTIVE:</b>   | <b>18.1.1 To see Council's integrated planning and reporting recognised by the community, Council and the NSW State Government</b> |

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#### **EXECUTIVE SUMMARY**

*The purpose of this report is to formally submit the Annual Report 2015-16 to Council, as required by Section 428 of the Local Government Act, 1993.*

*Along with detailing the activities and achievements of the year and providing the statement of audited financial accounts for 2015-16, the Annual Report provides a mechanism of accountability to the community through ensuring open and transparent reporting on Council's performance.*

*Whilst there are statutory content requirements, the Annual Report has been prepared as a community focused report, allowing the community to easily see the services provided and projects completed by Council in the course of the year.*

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

**THAT**

- 1. Council adopt the Annual Report 2015-16;**
- 2. The Annual Report 2015-16 is published on Council's website;**
- 3. The Office of Local Government is advised and sent a website link to the Annual Report by 30 November 2015.**

#### **COUNCIL RESOLUTION**

**THAT**



1. Council adopt the Annual Report 2015-16;
2. The Annual Report 2015-16 is published on Council's website;
3. The Office of Local Government is advised and sent a website link to the Annual Report by 30 November 2016.

Moved Clr B Geoghegan, Seconded Clr P Garnham

**CARRIED**

**10.2 DA 16-2359 DEMOLITION OF EXISTING DWELLING AND TREE/VEGETATION REMOVAL - LOT 4 DP513051, 58 DAVID AVENUE, TENAMBIT**

**RECOMMENDATION: APPROVAL**

|                             |   |
|-----------------------------|---|
| <b>FILE NO:</b>             | <b>DA 16-2359</b>   |
| <b>ATTACHMENTS:</b>         | <b>1. Locality Plan<br/>2. Concept Masterplan<br/>3. Submissions</b>  |
| <b>RESPONSIBLE OFFICER:</b> | <b>Bernie Mortomore - Group Manager Planning,<br/>Environment &amp; Lifestyle<br/>David Simm - Manager Development &amp; Environment<br/>Leanne Harris - Development Assessment Coordinator</b> |
| <b>AUTHOR:</b>              | <b>Belinda Martin - Town Planner</b>  |
| <b>APPLICANT:</b>           | <b>Anglican Care</b>  |
| <b>OWNER:</b>               | <b>Anglican Care</b>  |
| <b>PROPOSAL:</b>            | <b>Demolition of Existing dwelling and Tree/Vegetation removal</b>  |
| <b>LOCATION:</b>            | <b>58 David Avenue, Tenambit</b>  |
| <b>ZONE:</b>                | <b>R1 General Residential</b>   |

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**EXECUTIVE SUMMARY**

*Development Consent is sought for Demolition of an existing dwelling and Tree/Vegetation removal on the land. The clearing of the land is proposed by the Applicant to assist with survey works and design of future development on the land away from the existing watercourse/riparian area on the site. Vegetation to the rear of the land in the area of the drainage water course and sewer pipe is not proposed to be removed and this area will remain in its natural state. Future proposed development on the land will be the subject of a separate Development Application, however, at this stage future development is potentially proposed to be a Seniors Housing Development as indicated in the draft concept plan submitted with the Development Application (see Attachment 2).*

*The Development Application was lodged with Council on 10 October 2016 and was placed on public exhibition between 19 October 2016 and 2 November 2016. Three (3) submissions were received during the exhibition of the development proposal with the following key issues raised:*

- Concern regarding removal of vegetation, (in particular the original native vegetation), clearing of the land in order to survey to an 'appropriate standard', retention of existing dual access, traffic safety issues, removal of habitat for animals and cumulative environmental impact of vegetation removal which will*

*ultimately impact upon the amenity and quality of life for existing residents in the area.*

*The site is within a residential area of Tenambit and is adjacent to land at 16 and 22 Collinson Street, Tenambit which is also owned by the Applicant and subject to construction of an approved Seniors Housing development – 35 Units (DA – 06-2255). In addition, a modified development was approved in April 2016 to improve site layout, building design and vehicular access and include one additional unit making a total of 36 Units.*

*The site falls from approximately RL 34 in the south western corner of the land to approximately RL 26 in the vicinity of the watercourse and sewer pipe.*

*The site whilst containing a small area of Endangered Ecological Community ('EEC') - Spotted Gum *Corymbia maculata* and Narrow-leaved Ironbark *Eucalyptus crebra* trees also contains a large amount of exotic species, weed infestation and degraded soils and vegetation. The application has been submitted with a Due Diligence Ecological Assessment and Flora and Fauna assessment which identifies the small patch of EEC is below the threshold requirement for retention and that removal of this vegetation will not be of a significant impact removing the requirement for the provision of a Species Impact Statement ('SIS').*

*The proposal is considered to be in the public interest as it will provide land for future development. In addition, the application is consistent with the R1 General Residential zoning of the land and the expected development to occur within the area.*

*The development application has been assessed against the relevant heads of consideration under the Environmental Planning and Assessment Act 1979 and is found to be satisfactory. The development will not cause adverse impacts to the environment nor will removal of the small area of EEC cause a significant impact to the species and any habitat on the land. The application has demonstrated compliance with most of the relevant controls, and where variations exist, has demonstrated that no significant amenity impacts will arise, subject to the imposition and compliance with recommended conditions of consent.*

## **OFFICER'S RECOMMENDATION**

**THAT**

- 1. Development Application No 16-2359 for Demolition of Existing Dwelling and Tree/Vegetation removal on Lot 4, DP 513051, No 58 David Avenue, Tenambit be approved subject to the schedule of conditions contained in this report.**

## **COUNCIL RESOLUTION**

**THAT**

- 1. Development Application No 16-2359 for Demolition of Existing Dwelling and Tree/Vegetation removal on Lot 4, DP 513051, No 58 David Avenue, Tenambit be approved subject to the schedule of conditions contained in this report.**

**Moved Clr K Wethered, Seconded Clr P Garnham**

**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 Conditions

The following conditions are applied to:

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

### APPROVED PLANS AND DOCUMENTATION

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

| Plan/Doc Ref No.                                       | Date      | Prepared by:<br>(consultant)                                   |
|--|-----------|--|
| Due Dilligence Ecology assessment – Desktop assessment | 29.3.2016 | WSP Parsons Brinckerhoff                                       |
| Due Dilligence Ecology Assessment                      | 24.2.2016 | Stefan Rose, Senior Ecologist, Biosis Newcastle Resource Group |
| Flora and Fauna report and Assessment of Significance  | 29.8.2016 | Stefan Rose, Senior Ecologist, Biosis Newcastle Resource Group |

### Limits of Consent

2. Development Consent is granted for Demolition and Tree/Vegetation removal only. Tree/Vegetation removal is only approved to occur west of the existing riparian drainage/waterway and sewer infrastructure on the land. No Tree/Vegetation removal is to occur east of the riparian drainage/waterway area without separate development consent from Council in accordance with Clause 5.9 of LEP 2011 for removal of any other trees or native vegetation. This includes application for the removal of any understorey vegetation or the stripping of ground cover vegetation that is outside the area approved for tree/vegetation removal.
3. No bulk earthworks (including excavation, levelling and filling works) are to occur on the land without separate development consent from Council.
4. 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". An

Erosion and Sediment Control Plan (ESCP) shall be submitted to and approved by the Principal Certifying Authority **prior to commencement of works**.

5. **Prior to any works commencing**, containment of the building (demolition) waste materials shall be provided within the boundaries of the site, above natural ground level, by a screened area of silt stop fabric or shade cloth. The enclosure or bin shall be regularly cleaned to ensure proper containment of the demolition wastes generated on the site. Appropriate provision is to be made to prevent wind blown rubbish escaping from the containment. Removal of materials is to occur to a Licensed Landfill Authority.

#### DEMOLITION

6. All demolition works are to be carried out in accordance with Australian Standard AS 2601-2001.

#### CONTAMINATION

7. 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. In addition, removal of the Asparagus fern must be undertaken to a Licensed Landfill Authority.
8. 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.
9. The site has been identified as a Potential Acid Sulfate soils class 5 area which may be within 500m of an adjacent class of Acid Sulfate soils. Should any soil disturbance through removal of Trees encroach below 2m in depth below the natural ground level for a volume greater than one tonne it is the responsibility of the Applicant to ensure that such measures are implemented to comply with the NSW Potential Acid Sulfate Soils Manual and Maitland Development Control Plan 2011.

#### ECOLOGY:

10. The following Recommendations contained in the Ecologist Flora and Fauna Assessment, Biosis dated 29 August 2016 listed below are to be complied with at all times:
  - (a) A qualified, experienced wildlife spotter-catcher should attend the site during vegetation clearing while the trees are being removed to check for any nests and relocate/rescue any displaced fauna;
  - (b) Soil transportation is to be minimised to and from the site to reduce the spread of weeds and any soil pathogens;
  - (c) One noxious weed, Asparagus Fern, was identified in the study area (Table 1). Appropriate measures should be implemented to minimise the spread of this species. During vegetation removal or disturbance, all parts of the weed must be removed from the site and disposed of at an appropriate facility, and any propagules must be prevented from spreading into adjacent habitat;
  - (d) Appropriate erosion and sediment control measures should be implemented to avoid sedimentation of receiving water bodies or other indirect impacts to surrounding

biodiversity values. In particular, ensure protection of habitat in the watercourse to the east of the subject site by appropriate sediment and hydrological management. Any bare soil created should be covered with mulch and/or jute mattings/logs to facilitate vegetation regeneration.

11. The removal of the Trees/Vegetation should be carried out by an arborist, or a person suitably qualified in that field.
12. A copy of this consent must be held on site while the work is being carried out and made available for inspection, upon request, by Council officers.
13. Unless otherwise approved by Council in writing, all works identified in this consent 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.
14. During the extraction, removal and transportation of material associated with the works, the person having the benefit of the consent shall ensure that airborne dust is contained within the work site or transport vehicles, and does not impact on the amenity of the surrounding environment. Management controls and practises shall be maintained to the satisfaction of Council and the Principal Certifying Authority.
15. 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.

## **ADVICES**

### **Mature Trees**

Mature trees in the area of the site west of the riparian drainage/watercourse (where practicable) should be retained as part of future masterplanning on the site in order to assist in reducing the necessary for future replacement of lost native vegetation on the site. In this regard, Council will require that any future development on the land includes replacement planting of lost native species (EEC) and revegetation and landscaping. Part of this will include rehabilitation and regeneration of the riparian drainage/watercourse to restore its health and take advantage of the natural biota on the site.

### **Bushfire Hazard reduction**

Bushfire hazard reduction should be implemented where necessary to manage degraded and overgrown vegetation.

### **Aboriginal Relics**

Should any Aboriginal relics be discovered on the site then all disturbance of the area shall cease immediately and the NSW Office of Environment & Heritage shall be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. All necessary approvals from the NSW Office of Environment & Heritage shall be provided to Council before works recommence.

**10.3 DA 12-3005 RESIDENTIAL SUBDIVISION - 97 RESIDENTIAL LOTS AND 1 DRAINAGE RESERVE - LOT 12 DP1195444, 530 ROBERT ROAD LOCHINVAR  
RECOMMENDATION: APPROVAL**

|                             |   |
|-----------------------------|---|
| <b>FILE NO:</b>             | <b>DA 12-3005</b>   |
| <b>ATTACHMENTS:</b>         | <ol style="list-style-type: none"> <li><b>1. Locality Plan</b></li> <li><b>2. Development Plans</b></li> <li><b>3. Submissions</b></li> </ol>   |
| <b>RESPONSIBLE OFFICER:</b> | <b>Bernie Mortomore - Group Manager Planning,<br/>Environment &amp; Lifestyle<br/>David Simm - Manager Development &amp; Environment<br/>Leanne Harris - Development Assessment Coordinator</b> |
| <b>AUTHOR:</b>              | <b>Robyn Hawes - Senior Development Planner</b>   |
| <b>APPLICANT:</b>           | <b>Christopher Road Pty Ltd c/- PCB</b>   |
| <b>OWNER:</b>               | <b>Christopher Road Pty Ltd</b>   |
| <b>PROPOSAL:</b>            | <b>97 residential lots and a drainage reserve</b>   |
| <b>LOCATION:</b>            | <b>lot 12 DP1195444 – 530 Robert Road Lochinvar</b>   |
| <b>ZONE:</b>                | <b>Zone R1 General Residential</b>  |

**EXECUTIVE SUMMARY**

*Proposed is the subdivision of Lot 12 DP1195444 at No. 530 Robert Road, Lochinvar into 97 residential lots and a drainage reserve.*

*Land at Lochinvar was rezoned and identified as an Urban Release Area (URA) in 2011. Part 6 in the Maitland LEP 2011 (MLEP) applies to any land identified as an URA in the MLEP. Relevant clauses require satisfactory arrangements to be made for designated state infrastructure, the provision of public utility infrastructure when required and the adoption of a Development Control Plan before development consent can be issued for subdivision.*

*All these requirements have been met. A Satisfactory Arrangement Certificate was issued by the NSW Department of Planning and Environment on 30/07/15. Hunter Water Corporation has advised that satisfactory arrangements are in place for the delivery of reticulated services to the subdivision when required. The Lochinvar URA DCP chapter in the Maitland DCP2011 and associated Lochinvar Section 94 Contributions Plan (S94 CP) are both in force.*

*Widening of Robert Road and Christopher Road, Lochinvar (including associated half road construction) has been identified in the DCP to cater for the increased traffic flows through existing streets in this location as a direct result of this development. Similarly, some minor works are required at the intersection of Robert Road and the New England Highway to formalise the left turn into Robert Road. These works will be undertaken*



*under a Works Authorisation Deed (WAD) with the NSW Roads and Maritime Service as the relevant roads authority.*

*The proposal is identified as 'integrated development' as it requires a Controlled Activity Approval from NSW DPI – Water in relation to works within waterfront land. General Terms of Approval have been issued in this regard.*

*The original application was lodged prematurely in 2012 before Council had adopted a DCP for the Lochinvar URA and was deferred for some time. As a result, an amended application was lodged in 2014 following adoption of the relevant DCP and associated S94 CP. A number of minor amendments have been submitted during the assessment process, in consultation with Council officers and as a direct result from amendments to the Lochinvar DCP and associated S94 CP in March 2016. The current application is identified as Revision B, 25/10/2016.*

*The application has been assessed against the relevant matters for consideration under section 79C(1) in the Environmental Planning and Assessment Act 1979 and is considered to be satisfactory, subject to compliance with the recommended schedule of conditions.*

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

**THAT DA12-3005 for subdivision of Lot 12 DP1195444 at No. 530 Robert Road, Lochinvar into 97 residential lots and a drainage reserve be approved, subject to conditions of consent in the attached schedule.**

#### **COUNCIL RESOLUTION**

**THAT DA12-3005 for subdivision of Lot 12 DP1195444 at No. 530 Robert Road, Lochinvar into 97 residential lots and a drainage reserve be approved, subject to conditions of consent in the attached schedule.**

**Moved Clr H Meskauskas, Seconded Clr S Procter**

**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<br>Clr L Baker<br>Clr P Blackmore<br>Clr B Burke<br>Clr P Garnham<br>Clr B Geoghegan<br>Clr A Humphery<br>Clr H Meskauskas | Against: |
|------|--|----------|

Clr N Penfold  
Clr P Penfold  
Clr S Procter  
Clr K Wethered  
Clr B Whiting

## SCHEDULE OF CONDITIONS

### Reason for Conditions

The following conditions are applied to:

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

### APPROVED PLANS AND DOCUMENTATION

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

| Plan Ref No.                    | Sheet No. | Revn No. | Revision Date | Prepared by: (consultant) |
|---------------------------------|-----------|----------|---------------|---------------------------|
| Proposed Subdivision            |           |          | 22/08/16      | PCB                       |
| Cover Sheet                     | 1         | B        | 25/10/16      | PCB                       |
| General Arrangement Plan        | 2         | B        | 25/10/16      | PCB                       |
| Erosion & Sediment Control Plan | 3         | B        | 25/10/16      | PCB                       |
| Bulk Earthworks Plan            | 4         | B        | 25/10/16      | PCB                       |
| Typical Sections – Roads        | 5         | B        | 25/10/16      | PCB                       |
| Long Sections – Roads           | 6-9       | B        | 25/10/16      | PCB                       |
| Stormwater and Catchment Plan   | 10        | B        | 25/10/16      | PCB                       |
| Basin Plan and Details          | 11        | B        | 25/10/16      | PCB                       |
| Retaining Wall Plan and Detail  | 12        | B        | 25/10/16      | PCB                       |
| Utilities Plan                  | 13        | B        | 25/10/16      | PCB                       |

### CONTRIBUTIONS & FEES

2. Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Lochinvar S94 Contribution Plan 2013, a contribution of \$2,255,220 shall be paid to the Council.

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

| Facility                          | Per Lot | Total     |
|-----------------------------------|---------|-----------|
|                                   | 1       | 96        |
| Lochinvar Recreation & Open Space | \$7,729 | \$741,984 |

|  |          |             |
|--|----------|-------------|
| Lochinvar Community Facilities           | \$2,472  | \$237,312   |
| Lochinvar Road & Traffic Facilities      | \$4,527  | \$434,592   |
| Lochinvar Cycleways/Shared Paths         | \$765    | \$73,440    |
| Lochinvar Stormwater Management          | \$1,191  | \$114,336   |
| City Wide Aquatics                       | \$928    | \$89,088    |
| Citywide Competition Netball Courts      | \$215    | \$20,640    |
| City Wide Recreation & Open Space        | \$775    | \$74,400    |
| City Wide Road & Traffic Facilities      | \$3,074  | \$295,104   |
| City Wide Cycleways/Shared Paths         | \$548    | \$52,608    |
| Lochinvar Plan Management/Administration | \$556    | \$53,376    |
| <u>Total</u>                             | \$22,780 | \$2,186,880 |

The above contributions rates are indexed, at least annually, with reviewed rates to apply from 1st February each year in accordance with the provisions of the Maitland Section 94 Contributions Plan (Citywide) 2006. Please refer to Council's web page for the current rates applicable.

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

- Subdivision only - prior to issue of the Subdivision Certificate.
- Building work only - prior to issue of the Construction Certificate.
- Subdivision and building work - prior to the issue of the Construction Certificate, or Subdivision Certificate, whichever occurs first.
- Where no construction certificate is required - prior to issue of an Occupation Certificate.
- For extractive industries - annually from the date of issue of development consent.

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

- i) Where the proposed development results in an increased demand for public amenities and services, payment towards the cost of providing these facilities/services is made in accordance with Council's adopted contributions plan prepared in accordance with the provisions of section 94 of the Environmental Planning and Assessment Act, 1979.
- ii) Council's administration expenses are met with respect to the processing of the application.

3. **Prior to the issue of a Subdivision Certificate**, written evidence must be provided to Council from NSW Department of Planning and Environment specifying that the Development Contribution required for any part of the Land to which this subdivision certificate relates has been complied with.  
(Note: This requirement forms part of the Planning Agreement and is a restriction on the issue of a Subdivision Certificate within the meaning of section 109J(1)(c1) of the Environmental Planning and Assessment Act 1979).
4. **Prior to the issue of a Subdivision Certificate**, "house numbering" and "subdivision certificate" fees, in accordance with Council's *Schedule of Fees and Charges*, shall be paid to Council.

## CERTIFICATES & REPORTS

5. **Prior to issue of a Subdivision Certificate**, original plans and/or documents of survey/title, and four copies, shall be submitted to Council.
6. **Prior to issue of a Subdivision Certificate**, a copy of a report prepared by a geotechnical engineer shall be submitted to Council:
  - classifying each lot in accordance with Australian Standards AS 2870, and

- verifying that compaction of any approved fill-material on the lots is in accordance with AS3798 employing “level 1” inspection and testing.

7. **Prior to issue of a Construction Certificate for earthworks or road construction**, application (together with a plan) shall be made, and submitted to Council, for road names. The suggested names shall offer options, which shall be supported with reasons (historical or otherwise) for the chosen names.

#### UTILITY SERVICES

8. Underground water, sewerage, telecommunications and electrical power services shall be reticulated for each lot in accordance with the service provider’s requirements.

9. Street and pathway lighting shall be provided in accordance with the requirements of Council and the power supply authority:

- Generally based on Australian Standard AS 1158 categories P5,
- providing lighting for public pathways,
- providing “cut-off” luminaries (such as “Aeroscreen” or similar)
- Lighting shall be provided in the road reserve at each end of the (detention basin) footpath adjacent to Lots 133 and 301 to light the footpath.

10. Any necessary alterations to public utility installations being at the developer’s expense and to the requirements of both Council and the relevant authority.

11. **Prior to issue of a Subdivision Certificate**, a Compliance Certificate under Section 50 of the Hunter Water Act 1991 for this development shall be submitted to Council.

*Note: Where the proponent enters into an interim arrangement with Hunter Water for the provision of temporary sewerage disposal a copy of the agreement between Hunter Water and the proponent shall also be provided to the Council prior to the issue of the Subdivision Certificate.*

12. **Prior to issue of a Subdivision Certificate**, documentary evidence from the suppliers of electrical power, and communications (and including gas if applicable), confirming that satisfactory arrangements have been made for the installation of infrastructure services, shall be submitted to Council.

#### FLORA & FAUNA

13. No tree clearing is to be undertaken on site unless it is carried out in the presence of a suitably qualified and experienced fauna handler to ensure that any displaced native fauna can be taken into care and dealt with appropriately.

#### VEGETATION & LANDSCAPING

14. **Prior to the issue of a Construction Certificate for road construction**, a detailed “landscape plan”, in accordance with Council’s tree planting guidelines and Manual of Engineering Standards shall be submitted to Council for approval. The plan shall:

- a) be in accordance with the approved Proposed Subdivision Plan as listed in Condition 1 and designed by a suitably accredited landscape architect

- b) be of a design and construction standard that minimises ongoing maintenance costs to council and is maintainable by the council ride-on machinery.
- c) Street trees shall have a minimum pot size of 45 Litres (desirably minimum height of 1.5m at time of planting) include details of the type of species, and their height and spread at maturity.

Landscaping of any existing or proposed public land shall include:

- d) A minimum of 3.0m, maximum 1V:5H slope, couch turfed strip along adjoining private property boundaries for boundary maintenance purposes
- e) Show construction details of any fencing/bollards/barriers/lighting items approved in the landscape concept plan
- f) where approved landscaping adjoins pedestrian paths/corridors, the plants shall be positioned at least 1.0m offset to the edge

Landscaping of drainage basin and/or bio-retention systems

- g) A robust and resilient design that can withstand the potential flooding impacts within the drainage reserve/corridors

**15. Prior to the issue of a Subdivision Certificate** the applicant shall provide to the Council either:

- h) A copy of a 'landscape maintenance agreement' with a qualified landscape contractor to secure maintenance of the landscape plantings for a period of not less than 2 years in accordance with the approved landscape plan; or
- i) Provide a landscape maintenance bond to the Council for the maintenance of the landscape plantings for a period of not less than 2 years in accordance with the approved landscape plan.

**Note:** *The applicant shall provide three quotations from qualified landscape consultants for the landscape maintenance work and the amount of the bond is to be determined having regard to these quotations.*

**16. Prior to the issue of a Subdivision Certificate** all landscaping shall be undertaken in accordance with the approved landscape plan(s).

**17. Prior to the issue of a Subdivision Certificate** the site shall be cleared of all trees:

- within the road reserve
- along proposed lot boundaries
- within approved building "envelopes"

**18. Prior to commencement of works**, an approved eradication report for noxious and environmental weeds shall be provided to, and approved by council by a suitably qualified professional. The report shall include any proposed public reserve, drainage reserve and/or creek waterways.

**19. Prior to issue of a Subdivision Certificate**, noxious and environmental weeds shall be destroyed or removed from within the proposed public reserve and/or creek

waterways, in accordance with the requirements of an approved eradication report. Certification shall be provided by a suitably qualified professional.

## DEMOLITION

20. All demolition works are to be carried out in accordance with Australian Standard AS 2601-2001.

## SITE MANAGEMENT - ENVIRONMENTAL

21. **Prior to the issue of a Construction Certificate for Stage 1**, a copy of an Aboriginal Heritage Impact Permit (AHIP) issued under section 90 of the National Parks and Wildlife Act 1974 shall be submitted to Council.
22. **Prior to the issue of a Construction Certificate for Stage 1**, all potential land contaminants identified in the Preliminary Contamination Assessment Report (*JM Environments*, 31/10/14) are to be removed from the site and disposed of as General Solid Waste at Council's Waste Management Facility. Receipt documentation is to be provided to Council to verify that potential contaminants have been disposed of in accordance with Council's requirements.
23. In the event that site works expose further potential land contaminants (such as odorous or stained soils or asbestos), works must cease and further advice be obtained from a suitably qualified consultant on appropriate action before proceeding. Any such event must be reported to Council as soon as possible after the event has occurred.
24. **Prior to the issue of a Construction Certificate** for any part of the site requiring a Controlled Activity Approval under the Water Management Act 2000, a copy of the approval is to be provided to Council.
25. The development shall comply with the General Terms of Approval issued by NSW Office of Water (15/01/15) as attached to the Schedule of Conditions.

## RETAINING WALLS

26. No retaining walls are approved within existing or future dedicated public land including road reserves. All batters shall comply with the 'desirable' requirements as listed in Council's Manual of Engineering Standards.

Retaining walls on common boundaries shall be in accordance with the approved Retaining Wall Plan and Detail (Sheet 11). No walls shall exceed 1.5m in height.

## NSW ROADS & MARITIME SERVICES

27. The development shall comply with the requirements of the NSW Roads & Maritime Services (14 September 2015) as follows:
- The existing CHR Type right turn treatment for vehicles turning right into Robert Road from the NEH shall be retained and an AUL Type treatment shall be provided for left turning vehicles at the intersection of the NEH and Robert Road. The AUL type intersection shall be designed and constructed in accordance with the *Austrroads Guide to Road Design 2010 (with Roads and Maritime supplements)* to the satisfaction of Roads and Maritime and Council.

- As road works are required on the NEH, Roads and Maritime will require the developer to enter into a Works Authorisation Deed (WAD) with Roads and Maritime. Roads and Maritime would exercise its powers and functions of the road authority, to undertake roads works in accordance with Sections 64, 71, 72 and 73 of the Roads Act, as applicable, for all works under the WAD.

(Note: The conditions of consent set by Council do not guarantee Roads and Maritime's final consent to the specific road work, traffic control facilities and other structures or works, for which it is responsible, on the road network. Roads and Maritime must provide a final consent for each specific change to the classified (State) road network prior to the commencement of any work).

- The WAD shall be executed prior to issuing any construction certificate for the proposed development.
- All road works under the WAD shall be completed prior to issuing any subdivision certificate for the proposed development.

(Note: The WAD process, including acceptance of design documentation and construction, can take a considerable amount of time. The developer should be aware of this and allow sufficient lead time within the project development program to accommodate this process. It is, therefore, suggested that the developer work through this process as soon as possible with Roads and Maritime).

- All works associated with the proposed subdivision shall be carried out at full cost to the developer and at no cost to Roads and Maritime or Council, to Roads and Maritime and Council requirements.

## TRAFFIC AND TRANSPORT

**28. Prior to the issue of a Subdivision Certificate**, the subdivision construction shall be carried out in the numerically consecutive stages as shown on the Proposed Subdivision Plan. Specific works shall be completed by the following thresholds:

- a) Gregory Road extension to be constructed to the boundary with Lot 3 DP1218389 by the release of 50 lots (i.e. by Stage 2 )
- b) Easement for drainage of water over Lot 506 (drainage reserve) to benefit council at Stage 1.

**29. Prior to the issue of a Subdivision Certificate**, kerb and gutter and road construction with an asphaltic concrete wearing surface of all proposed roads, together with all necessary stormwater drainage and infrastructure facilities, shall be provided in accordance with Council's Manual of Engineering Standards.

**30. Prior to the issue of a Subdivision Certificate for Stage 1**, the New England Highway and Robert Road intersection shall be constructed providing (but not limited to):

- a) a concrete kerb return shall be constructed at the intersection of the New England Highway and Robert Road to facilitate left turn entering off the highway. Sealed pavement and ancillary works shall be provided for a



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Robert Road kerb alignment offset 6.0m from the centre of the Robert Road road reserve. A Roads Act Approval shall be obtained.

31. **Prior to the issue of a Subdivision Certificate**, the following works shall be provided within the existing road reserve(s):
- a) Half width road including kerb and guttering, verge formation, ancillary drainage and a minimum 6 metre wide sealed half road pavement across the full frontage of the site in Robert Road. The kerb shall be offset 6.0m from the centre of the existing road reserve.
  - b) Half width road including kerb and guttering, verge formation, ancillary drainage and a sealed road pavement across the full frontage of the site in Christopher Road. The kerb shall be offset 5.5m from the centre of the existing road reserve (except for the transition taper from 12m to 11m at the Robert Rd intersection).
  - c) A shared pedestrian/cycle path 2.5m wide, along the full frontage of Christopher Road
  - d) A pedestrian path 1.5m wide along the full frontage of Robert Road
  - e) Other footpaths in accordance with MOES
  - f) Any ancillary works required as part of the development
  - g) Adjustment of ancillary drainage and utilities required as part of the road works
32. **Prior to the issue of a Subdivision Certificate**, the following subdivision works shall be provided within the subject site in accordance with Council's Manual of Engineering Standards:
- a) Internal roads, drainage and pathways
  - b) Road 1 - a 1.5m wide pedestrian path shall be relocated onto the south-western side to extend along the full frontage of the road including the drainage reserve.
  - c) A pedestrian path 1.5m wide offset 1.0m off the boundary with Lot 133 and Lot 301 boundary shall link the Road 1 and Robert Road footpaths, including pram ramps, all above the 1% flow depth
  - d) Ancillary roadside furniture and safety devices including fencing, signage, guide posts, chevrons, directional arrows and guard rail.
33. **Prior to issue of the relevant Construction Certificate or Roads Act Approval**, all (traffic) Regulatory linemarking and signage shall be approved by **Council's Local Traffic Committee**. *Note: Please allow three months from lodgement for the LTC process.* All recommendations of the committee shall be incorporated into construction certificate and/or Roads Act Approval works. The works to be approved include:
- a) "Four-way" cross intersections shall identify priority requirements for Robert Road and Gregory Road including any line marking or signage
  - b) All regulatory line marking and regulatory signage
  - c) 'No through road' signage for the Christopher Road dead-end
34. **Prior to the issue of a Subdivision Certificate**, temporary turning heads, relevant signage and markers for all terminating roads shall be provided. Turning heads shall be a 10.0m minimum radius and provided in accordance with council's Manual of Engineering Standards.
35. **Prior to issue of a Construction Certificate**, any major utilities facilities, (water sewer, telecommunications items larger than individual lot scale provisions) shall be clearly shown on the construction drawings. Offsets from items such as road

reserves, footpaths or retaining walls shall be shown demonstrating no impacts/encroachment into those adjoining items clear-zone requirements.

### **STORMWATER DRAINAGE**

- 36.** A drainage design shall be prepared by a suitably qualified and experienced drainage engineer, in accordance with Council's Manual of Engineering Standards. The major system requirements shall include, but not limited to, the following:
- a) in accordance with Flooding and stormwater strategy report No. 76214 dated October 216 by PCB Consultants
  - b) A major/minor stormwater drainage system catering for discharge from contributing catchment areas in their ultimate developed state
  - c) A stormwater detention system to reduce post-developed discharges to pre-developed discharges, for the critical storm up to and including the 1% AEP ("100 year") event. The drainage strategy shall adhere to the extended storm durations as mentioned in the revised Lochinvar Urban Release Area Flood Study by ADW Johnson. Additionally, the detention implications provided by the existing farm dam shall be incorporated into the new system as part of the parameters for the pre development flow criteria
  - d) A stormwater water quality system to collect gross pollutants, nutrients generated from the contributing local catchment areas in their ultimate developed state
- 37.** Specific drainage requirements shall include:
- a) Provision of  $Q_{100}$  flow depths, freeboard, and velocity depth ratios shown on the construction plans at relevant locations for overland flowpaths on road and drainage corridors
  - b) The existing farm dam shall be decommissioned.
  - c) A geotechnical report and civil engineers design shall be provided for the new basin including any required clay core or equivalent.
  - d) Interallotment and drainage provided to adjoining upstream properties
  - e) Interallotment drainage provided to required internal lots
  - f) The Christopher Road culvert shall not create increased ponding depths for the upstream property for all critical storms up to and including the 1%AEP.
- 38.** A suitably qualified geotechnical engineer shall supervise the decommissioning of the existing farm dam to ensure any contamination is identified and actioned appropriately. Where contamination is found during the decommissioning, an action plan is to be provided to, and approved by council, prior to undertaking the decontamination works.

39. **Prior to issue of the subdivision certificate for stage 1**, certification from a suitably qualified geotechnical engineer shall be provided confirming that any contamination at the decommissioned farm dam site has been removed.
40. **Prior to issue of a Subdivision Certificate**, the detention/water quality system shall be dedicated to council at Stage 5 of the development. The requirements include:
- a) An easement to drain water shall be placed over the drainage corridor/system benefiting council and any adjoining upstream lots.
  - b) A positive covenant shall be placed over the detention/water quality system requiring the lot owner to maintain the detention and water quality system until the basin is dedicated as drainage reserve
  - c) A positive covenant shall require the lot owner to hold \$10 million public liability for the drainage and detention system until it is dedicated as drainage reserve
  - d) The authority to release vary or modify the easements/covenants above shall be nominated as 'the lots burdened and benefited only with the written consent of Maitland City Council'
  - e) Prior to the dedication of the drainage reserve to council, the lot owner shall request a handover inspection and undertake any works to provide an 'as new system' to the satisfaction of the PCA (council).
41. **Prior to issue of a Subdivision Certificate**, a Maintenance Management Plan for the stormwater detention/retention systems shall be prepared by a suitably qualified and experienced person, shall be submitted to, and accepted as satisfactory by Council.

## EROSION CONTROL

42. **Prior to the issue of a Construction Certificate**, a Soil and Water Management Plan shall be submitted to Council for approval, in accordance with Council's Manual of Engineering Standards and "Managing Urban Stormwater – Soils & Construction" 2004 Manual. The Plan is to be prepared by a suitably qualified professional detailing temporary and permanent measures to be installed. The Plan is to include an analysis of the susceptibility of soil to erosion and is to be submitted with the Engineering plans. All erosion and sediment control measures undertaken on the site are to conform to the specifications and standards contained in the relevant Manual.

## CIVIL WORKS - CERTIFICATION

43. **Prior to issue of a Construction Certificate** for the road, drainage, public landscaping and civil works, an engineering design shall be prepared for approval, in accordance with Council's Manual of Engineering Standards, and this consent.
44. **Prior to issue of a Subdivision Certificate**, all necessary works required for compliance with this consent and the Construction Certificate shall be provided in accordance with Council's Manual of Engineering Standards. Confirmation of works shall include:
- a) Confirmation that the construction certificate works have been completed
  - b) Confirmation from the road authority for any Roads Act Approval requirements
  - c) Work-as-executed drawings, utilities plans, electronic files are provided to council

- d) Geotechnical testing (pavement, concrete, etc) and inspection certification is provided
- e) Geotechnical certification of the detention basin works (including any clay core requirements)

#### **LAND TITLE**

*(Note: Lot numbers quoted in "Land Title" conditions refer to the approved plan. Any requirements for specified lots within nominated reports must be cross-referenced with the approved plan.)*

- 45. Road widening 5.0m wide along the full frontage of the subject site to Robert Road and 6.0m wide along the full frontage to Christopher Road is to be dedicated to Council as public road, at no cost to Council. The road widening to both roads is to be dedicated to Council in Stage 1 to facilitate the orderly expansion of utilities and road network in the Lochinvar URA.
- 46. The land containing the proposed stormwater basin and associated overland flow paths shall be dedicated to Council as drainage reserve, at no cost to Council.
- 47. The proposed public roads shall be dedicated to Council, at no cost to Council.
- 48. Easements for stormwater drainage, in accordance with Council's Manual of Engineering Standards, under Section 88B of the Conveyancing Act 1919, shall be created over pipes, overland flow paths, final discharge structures, stormwater control devices, and stormwater dispersal areas where they occur on land other than public land.
- 49. The authority empowered to release, vary or modify inter-allotment drainage easements shall be nominated as "the lots burdened and benefitted, only with the consent of Maitland City Council".

#### **ADVICES**

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

- A** 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, in accordance with the EP&A Act, (sec.109F) payment of the building industry Long Service Leave levy, where applicable, must be paid prior to issue of any Construction Certificate.
- C** You are advised to record and notify Council in writing, of any existing damage to the street infrastructure (including landscaping) in the vicinity of proposed works associated with this consent, prior to commencement of construction. The absence of such notification signifies that no damage exists. Where necessary repairs are carried out by Council, the owner of the development property shall be held liable for the cost of those repairs.
- D** 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.

## General Terms of Approval

for work requiring a controlled activity approval  
under s91 of the Water Management Act 2000

**Our Reference:** 20 ERM2014/1137  
**Site Address:** 530 Roberts Road, Lochinvar. Lot 12 DP 1195444  
**DA Number:** DA-12-3005  
**LGA:** Maitland City Council

| Number                                 | Condition  |
|--|--|
| <b>Plans, standards and guidelines</b> |  |
| 1                                      | <p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA-12-3005 and provided by Council:</p> <p>(i) Statement of Environmental Effects for Proposed Torrens Title Subdivision of 1 into 99 Residential Lots. 530 Roberts Road, Lochinvar. Dated November 2014, Prepared by Pulver Cooper Blackley Pty Ltd.</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p> |
| 2                                      | <p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top water level of dams or the bank of the watercourses identified.</p>  |
| 3                                      | <p>The consent holder must prepare or commission the preparation of:</p> <p>(i) Civil Construction Plans<br/> (ii) Vegetation Management Plan<br/> (iii) Erosion and Sediment Control Plan</p>   |
| 4                                      | <p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at <a href="http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx">www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx</a></p> <p>(i) Vegetation Management Plans<br/> (ii) Riparian Corridors<br/> (iii) In-stream works<br/> (iv) Outlet structures</p>  |
| 5                                      | <p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.</p>  |
| <b>Rehabilitation and maintenance</b>  |  |
| 6                                      | <p>The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.</p>  |

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)

26 Honeysuckle Drive NEWCASTLE NSW 2300 | PO Box 2213 DANGAR NSW 2309  
Telephone (02) 4904 2500 | Facsimile (02) 4904 2503 | e [information@water.nsw.gov.au](mailto:information@water.nsw.gov.au) | ABN 72 189 919 072

**Our Reference:** 20 ERM2014/1137  
**Site Address:** 530 Roberts Road, Lochinvar. Lot 12 DP 1195444  
**DA Number:** DA-12-3005  
**LGA:** Maitland City Council

| Number                               | Condition  |
|--------------------------------------|--|
| 7                                    | The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.   |
| <b>Reporting requirements</b>        |  |
| 8                                    | The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.   |
| <b>Security deposits</b>             |  |
| 9                                    | The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to the NSW Office of Water as and when required.  |
| <b>Access-ways</b>                   |  |
| 10                                   | The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.  |
| <b>Disposal</b>                      |  |
| 11                                   | The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.  |
| <b>Drainage and Stormwater</b>       |  |
| 12                                   | The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.   |
| <b>Erosion control</b>               |  |
| 13                                   | The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised. |
| <b>River bed and bank protection</b> |  |
| 14                                   | The consent holder must establish a riparian corridor along Tributaries of Lochinvar Creek in accordance with a plan approved by the NSW Office of Water.  |
| <b>END OF CONDITIONS</b>             |  |

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## 10.4 PUBLIC EXHIBITION MORPETH CEMETERY CONSERVATION MANAGEMENT STRATEGY

|                             |  |
|-----------------------------|--|
| <b>FILE NO:</b>             | <b>P29599 P33900 P33901 P33902</b>   |
| <b>ATTACHMENTS:</b>         | <b>1. Morpeth Cemetery Conservation<br/>Management Strategy (under seperate cover)</b>   |
| <b>RESPONSIBLE OFFICER:</b> | <b>Bernie Mortomore - Group Manager Planning,<br/>Environment &amp; Lifestyle<br/>Chris James - Group Manager Infrastructure &amp; Works</b> |
| <b>AUTHOR:</b>              | <b>Clare James - Heritage Officer<br/>Chris McGrath - Manager Infrastructure Strategy &amp;<br/>Works Programming</b>                        |
| <b>MAITLAND +10</b>         | <b>Outcome 1. Sense of place and pride</b>   |
| <b>COUNCIL OBJECTIVE:</b>   | <b>1.1.2 To enhance and promote the city's rich heritage</b>   |

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### EXECUTIVE SUMMARY

A Conservation Management Strategy for the Morpeth Cemetery has been prepared to guide Council in the site's maintenance, protection, interpretation, management and continued use as an operational cemetery.

The Strategy was undertaken by Long Blackledge Architects. It is an action rising out of Council's 2013 Cemetery Strategy which recommends the completion of Conservation Management Plans for all Council cemeteries. (4.1.3). Recent conservation management plans in place for other cemeteries include the Maitland Jewish Cemetery and the Glebe Cemetery.

This is the first detailed heritage investigation which has been undertaken for the cemetery. It has been assessed to have outstanding historic and townscape significance, documenting European settlement, development and growth in the Morpeth community for over a century and a half. It is also an integral part of the planned town of Morpeth.

### OFFICER'S RECOMMENDATION

#### THAT

1. The Morpeth Cemetery Conservation Management Strategy be placed on public exhibition for a three week period.
2. Following the public exhibition period, a report be put to Council to adopt the Morpeth Cemetery Conservation Management Strategy.

### PROCEEDINGS IN BRIEF

A Motion was moved

THAT

1. The Morpeth Cemetery Conservation Management Strategy be placed on public exhibition until 27 January 2017.
2. Following the public exhibition period, a report be put to Council to adopt the Morpeth Cemetery Conservation Management Strategy.

(Clrs S Procter/L Baker)

The motion when put to the meeting was declared carried.

### **COUNCIL RESOLUTION**

**THAT**

1. The Morpeth Cemetery Conservation Management Strategy be placed on public exhibition until 27 January 2017.
2. Following the public exhibition period, a report be put to Council to adopt the Morpeth Cemetery Conservation Management Strategy.

**Moved Clr S Procter, Seconded Clr L Baker**

**CARRIED**



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## 10.5 RELEASE OF THE HUNTER REGIONAL PLAN 2036 AND DISCUSSION PAPER - SPECIAL INFRASTRUCTURE CONTRIBUTION PLAN

|                             |  |
|-----------------------------|--|
| <b>FILE NO:</b>             | 103/159  |
| <b>ATTACHMENTS:</b>         | <ol style="list-style-type: none"> <li>1. Letter from Department of Planning &amp; Environment 20 October 2016</li> <li>2. Discussion Paper - Special Infrastructure Contribution Plan</li> <li>3. Hunter Regional Plan 2036</li> <li>4. Submission</li> </ol> |
| <b>RESPONSIBLE OFFICER:</b> | Bernie Mortomore - Group Manager Planning, Environment & Lifestyle   |
| <b>AUTHOR:</b>              | Ian Shillington - Manager Urban Growth   |
| <b>MAITLAND +10</b>         | Outcome 4. Well-planned and integrated infrastructure  |
| <b>COUNCIL OBJECTIVE:</b>   | 4.2.1 To ensure that long term plans for growth are supported by appropriate infrastructure plans for public utilities, transport, and community and recreation facilities   |

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### EXECUTIVE SUMMARY

*On 14 October 2016 the State Government released the Hunter Regional Plan 2036. This follows the earlier release of the draft Hunter Regional Plan and draft Plan for Growing Hunter City for public comment in late 2015. There were a number of submissions on the draft Plans including by Council and as a result a range of changes have been made to the final Plan. The Government has more recently released the Discussion Paper for the proposed Special Infrastructure Contribution Plan for public comment. The Discussion Paper includes a number of projects in the Maitland LGA, however it is considered that a number of additional projects should also be included. It is recommended that the attached submission be lodged with the Department to highlight the extent of future development in the Maitland LGA and the subsequent infrastructure requirements.*

### OFFICER'S RECOMMENDATION

#### THAT

1. Council note the direction and contents of the Hunter Regional Plan 2036.
2. Council lodge the attached submission to the Department of Environment and Planning on the Hunter Regional Plan 2036 Discussion Paper – Special Infrastructure Contribution Plan.

---

### COUNCIL RESOLUTION

**THAT**

- 1. Council note the direction and contents of the Hunter Regional Plan 2036.**
- 2. Council lodge the attached submission to the Department of Environment and Planning on the Hunter Regional Plan 2036 Discussion Paper – Special Infrastructure Contribution Plan.**

**Moved Clr B Geoghegan, 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:

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

## 10.6 ANAMBAH URBAN RELEASE AREA - LEP AMENDMENT

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

---

### EXECUTIVE SUMMARY

*At its meeting of 12 July 2016 Council considered a report on the exhibition and consultation process for the Anambah Urban Release Area (URA) Local Environmental Plan (LEP) amendment. The report addressed submissions received and included recommendations to amend the zone and lot size maps in response to issues raised in the submissions. As a result of the proposed amendments Council resolved to re-exhibit the draft plan for 28 days, which included notifications to all submission makers of the initial exhibition process.*

*At the conclusion of the re-exhibition period a total of six (6) submissions were received. The six (6) submissions were received from government agencies and are appended to this report as Attachment 1:*

- Transport NSW*
- Office of Environment and Heritage*
- Rural Fire Service*
- Department of Primary Industries (Resources and Energy)*
- Department of Primary Industries (Water)*
- Hunter Water Corporation*

*The purpose of this report is to present to Council the outcomes of the public consultation process for the proposed amendment to the Maitland LEP 2011, including minor amendments to the draft zone and lots size maps in response to the submissions.*

### OFFICER'S RECOMMENDATION

**THAT**

- 1. In accordance with Section 57 and 58 of the Environmental Planning and Assessment Act 1979, Council consider the submissions received during the**

public exhibition period and amend the respective zone and lot size maps as recommended in this report.

2. In accordance with section 59 of the Environmental Planning and Assessment Act 1979, Council submit the planning proposal to the Department of Planning and Environment requesting the Minister make the LEP amendment.

#### **COUNCIL RESOLUTION**

#### **THAT**

1. In accordance with Section 57 and 58 of the Environmental Planning and Assessment Act 1979, Council consider the submissions received during the public exhibition period and amend the respective zone and lot size maps as recommended in this report.
2. In accordance with section 59 of the Environmental Planning and Assessment Act 1979, Council submit the planning proposal to the Department of Planning and Environment requesting the Minister make the LEP amendment.

**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    |          |

**10.7 PLANNING PROPOSAL TO AMEND SCHEDULE 1 OF THE MAITLAND LOCAL ENVIRONMENTAL PLAN 2011 TO INCLUDE RECREATION FACILITY (OUTDOOR) - MOTORCYCLING FACILITY ON LAND AT 56 KYLE STREET, RUTHERFORD DESCRIBED AS LOT 3 DP790460**

|                             |   |
|-----------------------------|---|
| <b>FILE NO:</b>             | <b>103/156</b>  |
| <b>ATTACHMENTS:</b>         | <b>1. Planning Proposal</b>   |
| <b>RESPONSIBLE OFFICER:</b> | <b>Bernie Mortomore - Group Manager Planning,<br/>Environment &amp; Lifestyle<br/>Ian Shillington - Manager Urban Growth</b>                          |
| <b>AUTHOR:</b>              | <b>Rob Corken - Strategic Town Planner</b>  |
| <b>MAITLAND +10</b>         | <b>Outcome 2. Community and recreation services and facilities</b>  |
| <b>COUNCIL OBJECTIVE:</b>   | <b>2.1.1 To provide a broad range of active and passive recreation services and community facilities that meet the needs of the growing community</b> |

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**EXECUTIVE SUMMARY**

*Council has received a request from Motorcycling NSW to use land at Kyle Street, Rutherford for motorcycling activities. The land is owned by Council and it has been used for motorcycling activities in the past.*

*The land is zoned E3 Environmental Management in the Maitland Local Environmental Plan 2011 (MLEP2011). Recreation Facility (Outdoor) is not permitted in that zone. To permit this use on the site an amendment to the MLEP2011 is required.*

*A preliminary assessment has been undertaken and the use of the land for motorcycling purposes is generally supported. An amendment to Schedule 1 of the MLEP2011 is the preferred option to allow the use to occur on this site.*

*The purpose of this report is to seek Council's support to request to a gateway determination from the Minister for Planning.*

*If a Gateway Determination is issued, the application will be processed under Division 4B of the Environmental Planning and Assessment Act 1979 which allows for the concurrent processing of the rezoning and the development application.*

**OFFICER'S RECOMMENDATION**

**THAT**

1. Pursuant to s56 of the Environmental Planning and Assessment Act 1979, Council forwards the attached planning proposal to the Minister for Planning requesting a gateway determination.
2. Council undertakes exhibition of the planning proposal and the development application in accordance with s72K of the Environmental Planning and Assessment Act 1979.

#### **COUNCIL RESOLUTION**

#### **THAT**

1. Pursuant to s56 of the Environmental Planning and Assessment Act 1979, Council forwards the attached planning proposal to the Minister for Planning requesting a gateway determination.
2. Council undertakes exhibition of the planning proposal and the development application in accordance with s72K of the Environmental Planning and Assessment Act 1979.

**Moved Clr A Humphery, Seconded Clr B Geoghegan**

**CARRIED**

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

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

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

## 10.8 REQUESTS FOR COUNCIL TO SUPPORT DOMESTIC VIOLENCE INITIATIVES

|                             |   |
|-----------------------------|---|
| <b>FILE NO:</b>             | 35/5/16   |
| <b>ATTACHMENTS:</b>         | 1. Letter from Ms McDonald<br>2. Letter from Jenny Aitchison MP   |
| <b>RESPONSIBLE OFFICER:</b> | Bernie Mortomore - Group Manager Planning,<br>Environment & Lifestyle<br>Lynn Morton - Manager Community and Recreation<br>Services |
| <b>AUTHOR:</b>              | Mary Dallow - Community Planning Coordinator  |
| <b>MAITLAND +10</b>         | Outcome 1. Sense of place and pride   |
| <b>COUNCIL OBJECTIVE:</b>   | 1.1.4 To develop and support community partnerships<br>designed to increase benefits and create a sense of<br>community             |

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### EXECUTIVE SUMMARY

*Council has received correspondence from Jan McDonald, CEO of Carrie's Place Domestic Violence and Homelessness Services Inc. seeking Council's support for a number of initiatives targeting domestic violence within the Maitland Local Government Area (LGA).*

*Council Officers are currently in the final stages of developing a Social Sustainability Strategy (SSS). Consultation for the SSS identified domestic violence as an issue across sectors within the community. To demonstrate its opposition to domestic violence, it is proposed to develop a strategic direction within the SSS document around the areas of domestic violence and homelessness.*

*On 28th September Council received correspondence from Jenny Aitchison MP, Member for Maitland requesting advice from Council of whether there is a suitable location on Council land to support the planting of a tree along with the installation of a plaque and seat to provide a reflective space for victims of domestic violence.*

*A potential site on the river bank at Maitland/Lorn has been identified and Council Officers should enter into discussions to finalise a location.*

### OFFICER'S RECOMMENDATION

#### THAT

- 1. As part of its commitment to oppose the use of violence and intimidation, Council agree to develop a position on domestic violence, investigate potential partnerships/initiatives and strategically address the issue of**

**domestic violence within a local government context through the development of the Social Sustainability Strategy.**

- 2. Council recognise and support White Ribbon Day 2016.**
- 3. Council agree to the request by Ms Jenny Aitchison MP, State Member for Maitland to support the initiative of the Maitland Domestic Violence Committee to provide a space for reflection for victims of domestic violence.**
- 4. Council Officers enter into discussions to discuss the suitability of the recommended site on the river bank at Maitland/Lorn.**

#### **PROCEEDINGS IN BRIEF**

A Motion was moved

THAT

1. Maitland City Council not condone Domestic Violence and write to the Attorney General and look at the severity of the sentencing for Domestic Violence.
2. As part of its commitment to oppose the use of violence and intimidation, Council agree to develop a position on domestic violence, investigate potential partnerships/initiatives and strategically address the issue of domestic violence within a local government context through the development of the Social Sustainability Strategy.
3. Council recognise and support White Ribbon Day 2016.
4. Council agree to the request by Ms Jenny Aitchison MP, State Member for Maitland to support the initiative of the Maitland Domestic Violence Committee to provide a space for reflection for victims of domestic violence.
5. Council Officers enter into discussions to discuss the suitability of the recommended site on the river bank at Maitland/Lorn.

(Clrs L Baker/B Whiting)

The motion when put to the meeting was declared carried.

#### **COUNCIL RESOLUTION**

**THAT**

- 1. Maitland City Council not condone Domestic Violence and write to the Attorney General and look at the severity of the sentencing for Domestic Violence.**
- 2. As part of its commitment to oppose the use of violence and intimidation, Council agree to develop a position on domestic violence, investigate**



**potential partnerships/initiatives and strategically address the issue of domestic violence within a local government context through the development of the Social Sustainability Strategy.**

- 3. Council recognise and support White Ribbon Day 2016.**
- 4. Council agree to the request by Ms Jenny Aitchison MP, State Member for Maitland to support the initiative of the Maitland Domestic Violence Committee to provide a space for reflection for victims of domestic violence.**
- 5. Council Officers enter into discussions to discuss the suitability of the recommended site on the river bank at Maitland/Lorn.**

**Moved Clr L Baker, Seconded Clr B Whiting**

**CARRIED**

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## 10.9 NAMING OF RESERVE ADJACENT TO MAITLAND CITY LIBRARY, LIONS PARK

|                             |  |
|-----------------------------|--|
| <b>FILE NO:</b>             | <b>P33587</b>  |
| <b>ATTACHMENTS:</b>         | <ol style="list-style-type: none"> <li>1. Government Gazette</li> <li>2. Completed Naming Application Form</li> <li>3. Letter supporting Naming Application</li> </ol> |
| <b>RESPONSIBLE OFFICER:</b> | <b>Bernie Mortomore - Group Manager Planning, Environment &amp; Lifestyle</b><br><b>Lynn Morton - Manager Community and Recreation Services</b>                        |
| <b>AUTHOR:</b>              | <b>Kate Harris - Recreation Planning Coordinator</b>   |
| <b>MAITLAND +10</b>         | <b>Outcome 2. Community and recreation services and facilities</b>   |
| <b>COUNCIL OBJECTIVE:</b>   | <b>2.1.1 To provide a broad range of active and passive recreation services and community facilities that meet the needs of the growing community</b>                  |

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### EXECUTIVE SUMMARY

*The purpose of this report is to consider a naming proposal submitted by the Lions Club of Maitland Inc to name the reserve adjacent to Maitland City Library, Lions Park.*

*As the previous Lions Park site in Maitland (in front of No 1 Sportsground, off High Street) was demolished as part of the grandstand redevelopment project, Maitland Lions Club Inc has been seeking a new home in a high profile location. The proposed reserve on High Street meets this criteria and this report recommends the proposal be supported.*

### OFFICER'S RECOMMENDATION

#### THAT

1. In line with Council's Naming and Renaming of Buildings, Parks & Reserves Policy, the application to name Lot 20 DP229232 (the reserve adjacent to Maitland City Library), Lions Park, be placed on public exhibition for a period of 28 days
2. Should no submissions be received impacting upon the proposed naming, Council Officers forward the appropriate documentation to the Geographic Names Board for their information and consideration.

### COUNCIL RESOLUTION

#### THAT

1. In line with Council's Naming and Renaming of Buildings, Parks & Reserves Policy, the application to name Lot 20 DP229232 (the reserve adjacent to Maitland City Library), Lions Park, be placed on public exhibition for a period of 28 days
2. Should no submissions be received impacting upon the proposed naming, Council Officers forward the appropriate documentation to the Geographic Names Board for their information and consideration.

Moved Clr P Garnham, Seconded Clr K Wethered

**CARRIED**

## 10.10 RESPONSE TO MARTINS CREEK QUARRY ENVIRONMENTAL IMPACT STATEMENT

|                             |   |
|-----------------------------|---|
| <b>FILE NO:</b>             | 222/583   |
| <b>ATTACHMENTS:</b>         | Nil   |
| <b>RESPONSIBLE OFFICER:</b> | Chris James - Group Manager Infrastructure & Works<br>Bernie Mortomore - Group Manager Planning,<br>Environment & Lifestyle   |
| <b>AUTHOR:</b>              | Stephen Hawes - Manager Infrastructure Planning<br>and Development Engineering<br>Leanne Harris - Development Assessment Coordinator  |
| <b>MAITLAND +10</b>         | Outcome 6. Built heritage and sustainable<br>development  |
| <b>COUNCIL OBJECTIVE:</b>   | 6.1.1 To encourage orderly, feasible and equitable<br>development whilst safeguarding the community's<br>interests, environmentally sensitive areas and<br>residential amenity. |

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### EXECUTIVE SUMMARY

*This report provides Council with information in relation to a proposed State Significant development application for a proposed expansion of the Martins Creek Quarry.*

*The quarry is located within the Dungog Local Government Area, however given the potential impacts on the Maitland LGA, this report recommends Council prepare a submission in response to the public consultation process.*

### OFFICER'S RECOMMENDATION

#### THAT

- 1. Council make a formal submission to the NSW Department of Planning reflecting the views expressed in this report in response to the exhibition of the Environmental Impact Statement (EIS) for the proposed expansion of the Martins Creek Quarry.**

### PROCEEDINGS IN BRIEF

A Motion was moved

#### THAT

1. Council make a formal submission to the NSW Department of Planning reflecting the views expressed in this report in response to the exhibition of the

Environmental Impact Statement (EIS) for the proposed expansion of the Martins Creek Quarry.

2. Council's submission include the consideration of increased rail haulage to limit the number of trucks on the local roads along the haul route.

(Clrs L Baker/B Geoghegan)

The motion when put to the meeting was declared carried.

#### **COUNCIL RESOLUTION**

#### **THAT**

1. Council make a formal submission to the NSW Department of Planning reflecting the views expressed in this report in response to the exhibition of the Environmental Impact Statement (EIS) for the proposed expansion of the Martins Creek Quarry.
2. Council's submission include the consideration of increased rail haulage to limit the number of trucks on the local roads along the haul route.

Moved Clr L Baker, Seconded Clr B Geoghegan

**CARRIED**

## 10.11 LGNSW TOURISM CONFERENCE 2017

|                             |  |
|-----------------------------|--|
| <b>FILE NO:</b>             | <b>35/48</b>   |
| <b>ATTACHMENTS:</b>         | <b>Nil</b>   |
| <b>RESPONSIBLE OFFICER:</b> | <b>Graeme Tolhurst - Group Manager Administration &amp; Governance</b>   |
| <b>AUTHOR:</b>              | <b>Graeme Tolhurst - Group Manager Administration &amp; Governance</b>   |
| <b>MAITLAND +10</b>         | <b>Outcome 16. Identified and connected leaders</b>  |
| <b>COUNCIL OBJECTIVE:</b>   | <b>16.3.1 To identify new methods and opportunities for talking to the community, building on the existing profile and methods used by the elected Council</b> |

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### EXECUTIVE SUMMARY

*The LG NSW Tourism Conference is being held in Taree from 12 – 14 March 2017. This report is provided to request nominations from any interested Councillors who may wish to attend this conference.*

### OFFICER'S RECOMMENDATION

#### THAT

1. Interested councilors be nominated to attend the LG NSW Tourism Conference 2017.

### COUNCIL RESOLUTION

#### THAT

1. Clr R Aitchison was nominated to attend the LG NSW Tourism Conference 2017.

**Moved Clr S Procter, Seconded Clr H Meskauskas**

**CARRIED**

Clrs P Penfold & N Penfold left the chambers at 6.42pm.

## 10.12 COMMERCIAL TERMS OF LICENCE TO OCCUPY COUNCIL LAND IN MAITLAND PARK

|                             |   |
|-----------------------------|---|
| <b>FILE NO:</b>             | <b>P22377</b>   |
| <b>ATTACHMENTS:</b>         | <b>1. Location Plan</b>   |
| <b>RESPONSIBLE OFFICER:</b> | <b>Graeme Tolhurst - Group Manager Administration &amp; Governance</b>                          |
| <b>AUTHOR:</b>              | <b>Frank Shrimpton - Coordinator Professional Services</b>                                      |
| <b>MAITLAND +10</b>         | <b>Outcome 2. Community and recreation services and facilities</b>                              |
| <b>COUNCIL OBJECTIVE:</b>   | <b>2.1.2 To promote increased participation in social, sporting and recreational activities</b> |

---

### EXECUTIVE SUMMARY

*Council has been requested to offer a new tenure for the occupancy of Council land within Maitland Park for the Maitland Park Bowling and Sporting Complex Limited.*

### OFFICER'S RECOMMENDATION

#### THAT

- 1. A new licence agreement be entered into with the Maitland Park Bowling and Sporting Complex Limited for the period 1 December 2016 to 30 November 2018 as detailed in this report.**
- 2. The General Manager be authorised to complete the licence negotiations on behalf of Council and to sign the licence under delegated authority.**

### COUNCIL RESOLUTION

#### THAT

- 1. A new licence agreement be entered into with the Maitland Park Bowling and Sporting Complex Limited for the period 1 December 2016 to 30 November 2018 as detailed in this report.**
- 2. The General Manager be authorised to complete the licence negotiations on behalf of Council and to sign the licence under delegated authority.**

**Moved Clr P Garnham, Seconded Clr A Humphery**

**CARRIED**

Clrs P Penfold and N Penfold returned to the Chambers at 6.43pm

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## 10.13 PRODUCTIVITY REPORT

|                             |   |
|-----------------------------|---|
| <b>FILE NO:</b>             | <b>130/69/4</b>   |
| <b>ATTACHMENTS:</b>         | <b>Nil</b>  |
| <b>RESPONSIBLE OFFICER:</b> | <b>Leah Flint - Executive Manager Strategy &amp; Performance</b>  |
| <b>AUTHOR:</b>              | <b>Rhonda Skelton - Organisational Integration &amp; Performance Specialist</b>   |
| <b>MAITLAND +10</b>         | <b>Outcome 18. An efficient and effective Council</b>   |
| <b>COUNCIL OBJECTIVE:</b>   | <b>18.3.1 To establish an organisational culture that supports continual improvement, innovation and change to meet community needs</b> |

---

### *EXECUTIVE SUMMARY*

*This quarterly report presents information on Council's efforts to improve productivity and efficiency for the first quarter of 2016/17. The provision of this information assists in increasing community awareness of the services provided by Council and the challenges faced in sustainably delivering these services to our growing community over time.*

*Maintaining a position of financial sustainability is supported by Council's management culture of continuous improvement and innovation. Council has an ongoing commitment to achieving a productivity saving equivalent to \$500,000 per annum.*

*This report presents a summary of recent productivity initiatives in relation to:*

- *Procurement*
- *Income generation*
- *Continuous improvement and innovative initiatives*
- *Grants.*

*As evidenced in this report, Council officers are committed to maximising public value from operations, and ensuring best outcomes from public investment in the services provided.*

### **OFFICER'S RECOMMENDATION**

#### **THAT**

- 1. Council notes the productivity initiatives contained within this report.**

### **COUNCIL RESOLUTION**

#### **THAT**



**1. Council notes the productivity initiatives contained within this report.**

**Moved Clr B Geoghegan, Seconded Clr R Aitchison**

**CARRIED**

***Council moved into Policy & Finance Committee at 6.45pm***

***Moved: Clr K Wethered***

***Seconded: Clr N Penfold***

## **11 POLICY AND FINANCE COMMITTEE**

### **11.1 STATEMENT OF INVESTMENTS AS AT 31 OCTOBER 2016**

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

---

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

#### **COUNCIL RESOLUTION**

##### **THAT**

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

**Moved Clr A Humphery, Seconded Clr H Meskauskas**

**CARRIED**

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## 11.2 QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2016

|                      |  |
|----------------------|--|
| FILE NO:             | 2/8  |
| 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 |

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### EXECUTIVE SUMMARY

*The Quarterly Budget Review Statement (QBR) presents a summary of Council's financial position at the end of each quarter. It is a mechanism whereby Councillors and the community are informed of Council's progress against the Operational Plan (original budget) and the last revised budget, along with recommended changes and reasons for major variances.*

### OFFICER'S RECOMMENDATION

#### THAT

1. The variations for the September 2016 quarter by approved and form part of the Operational Plan for 2016/17.

### COUNCIL RESOLUTION

#### THAT

1. The variations for the September 2016 quarter by approved and form part of the Operational Plan for 2016/17.

Moved Clr B Geoghegan, Seconded Clr L Baker

**CARRIED**

*Council resumed into Ordinary Council at 6.47pm.*

Moved Clr B Burke, Seconded Clr N Penfold

**CARRIED**

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

*Moved Cllr S Procter, Seconded Cllr A Humphery*

**CARRIED**

**12 NOTICES OF MOTION/RESCISSION**

**13 QUESTIONS WITH NOTICE**

**14 URGENT BUSINESS**

**15 COMMITTEE OF THE WHOLE**

**16 COMMITTEE OF THE WHOLE RECOMMENDATIONS**

**17 CLOSURE**

The meeting was declared closed at 6.48pm.

.....  
Chairperson