

**ORDINARY MEETING**

**MINUTES**

**30 JANUARY 2018**

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## **PRESENT**

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

## **1 INVOCATION**

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

## **2 ACKNOWLEDGEMENT OF COUNTRY**

Cr M Griffin read the Acknowledgement of Country.

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

Nil.

## **4 DECLARATIONS OF INTEREST**

Cr S Halliday declared a significant non-pecuniary Interest in Item 10.2 DA 17-2236 Torrens Title Subdivision, One (1) Into Two (2) Lots - Lot 12 DP1209065, 16 Sharkeys Lane, Lorn, as she has been teaching all five children of the applicant over a 12 year period at school.

Cr P Penfold declared a significant non-pecuniary Interest in Item 10.2 DA 17-2236 Torrens Title Subdivision, One (1) Into Two (2) Lots - Lot 12 DP1209065, 16 Sharkeys Lane, Lorn, as the owner is a tenant of a property owned by a company he is a director of.

Cr N Penfold declared a significant non-pecuniary Interest in Item 10.2 DA 17-2236 Torrens Title Subdivision, One (1) Into Two (2) Lots - Lot 12 DP1209065, 16 Sharkeys Lane, Lorn, she is a director of a company that the owner is a tenant of.

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

### **COUNCIL RESOLUTION**

**THAT the minutes of the Ordinary Meeting held 1 January 2018 be confirmed with the following amendment:**

**Item 9 Public Access – Extension of Time reflect ‘Moved M Griffin’**

**Moved Cr R Aitchison, Seconded Cr S Halliday**

**CARRIED**

## **6 BUSINESS ARISING FROM MINUTES**

Nil.

## **7 MAYORAL MINUTE**

Nil.

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

7.1 Acceptance of Late Items:

15.2 Mt Vincent Waste Management Facility – Current Legal Matters

### **COUNCIL RESOLUTION**

**THAT Council accept the Late Item 15.2 Mt Vincent Waste Management Facility – Current Legal Matters.**

**Moved Cr P Garnham, Seconded Cr R Aitchison**

**CARRIED**

## 9 PUBLIC ACCESS

**Simon Errock** representing himself spoke **Against** Item 10.5 DA 17-687 - Demolition of Existing Garage, Alterations and Additions to Existing Dwelling, Multi Dwelling Housing (Six Dwelling Units), Tree Removal and Torrens Title Subdivision, One (1) Into Two (2) Lots - Lot C DP157747, 11 View Street, East Maitland Recommendation: Approval

**Daniel Hadley** representing ELK Designs spoke **For** Item 10.5 DA 17-687 - Demolition of Existing Garage, Alterations and Additions to Existing Dwelling, Multi Dwelling Housing (Six Dwelling Units), Tree Removal and Torrens Title Subdivision, One (1) Into Two (2) Lots - Lot C DP157747, 11 View Street, East Maitland Recommendation: Approval

## 10 OFFICERS REPORTS

### 10.1 NOMINATION FOR MEMBERSHIP OF A HUNTER JOINT ORGANISATION OF COUNCILS

FILE NO:	77/1
ATTACHMENTS:	<ol style="list-style-type: none"><li>1. Letter from Acting Chief Executive of the Office of Local Government</li><li>2. Joint Organisations - Frequently Asked Questions</li></ol>
RESPONSIBLE OFFICER:	David Evans - General Manager
AUTHOR:	David Evans - General Manager
MAITLAND +10	Outcome 18. An efficient and effective Council
COUNCIL OBJECTIVE:	18.3.2 To optimise collaboration with other regional councils to maximise service provision and benefits to Council and the Hunter Region

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#### EXECUTIVE SUMMARY

*The NSW Government on 15 December 2017 enacted the 'Local Government Amendment (Regional Joint Organisation) Act 2017'. This legislation now enables the formation and formal recognition of Regional Joint Organisations of Councils (JOs) within the system of local government within NSW.*

*The Government wishes to see formal JOs in operation by July 2018, and has established a time line for the necessary actions/resolutions of councils in NSW to become a member of a JO.*

*This report provides relevant background information for Council and presents for adoption, the resolutions necessary for Maitland City Council to become a member of a 'formal' Hunter JO.*

#### OFFICER'S RECOMMENDATION

**THAT** in accordance with Part 7 of Chapter 12 of the *Local Government Act 1993*, Maitland City Council resolves:

1. That the Council inform the Minister for Local Government, the Hon. Gabrielle Upton MP of the Council's endorsement of the Minister recommending to the Governor, the establishment of a Joint Organisation being the Hunter Joint Organisation in accordance with this resolution;
2. To approve the inclusion of the Council's area in the Joint Organisation's area;



3. That the Joint Organisation be established to cover the Council's area and any one or more of the following council areas:
  - a. Cessnock, Dungog, Lake Macquarie, Mid Coast, Muswellbrook, Newcastle, Port Stephens, Singleton, and Upper Hunter;
4. That on the expiry of a period of 28 days from the making of this resolution, the General Manager:
  - a. Provide the Minister with a copy of this resolution, including the date on which the Council made this resolution; and
  - b. Inform the Minister that this resolution has not been rescinded, for the purpose of the Minister issuing a certificate under Section 400P of the Act.

#### **COUNCIL RESOLUTION**

**THAT in accordance with Part 7 of Chapter 12 of the *Local Government Act 1993*, Maitland City Council resolves:**

1. That the Council inform the Minister for Local Government, the Hon. Gabrielle Upton MP of the Council's endorsement of the Minister recommending to the Governor, the establishment of a Joint Organisation being the Hunter Joint Organisation in accordance with this resolution;
2. To approve the inclusion of the Council's area in the Joint Organisation's area;
3. That the Joint Organisation be established to cover the Council's area and any one or more of the following council areas:
  - a. Cessnock, Dungog, Lake Macquarie, Mid Coast, Muswellbrook, Newcastle, Port Stephens, Singleton, and Upper Hunter;
4. That on the expiry of a period of 28 days from the making of this resolution, the General Manager:
  - a. Provide the Minister with a copy of this resolution, including the date on which the Council made this resolution; and
  - b. Inform the Minister that this resolution has not been rescinded, for the purpose of the Minister issuing a certificate under Section 400P of the Act.

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

**CARRIED**

**10.2 DA 17-2236 TORRENS TITLE SUBDIVISION, ONE (1) INTO TWO (2) LOTS -  
LOT 12 DP1209065, 16 SHARKEYS LANE, LORN  
RECOMMENDATION: APPROVAL**

**FILE NO:** DA 17-2236

**ATTACHMENTS:**

1. Locality Plan
2. Plans of Subdivision
3. Submission

**RESPONSIBLE OFFICER:** Bernie Mortomore - Group Manager Planning,  
Environment & Lifestyle  
David Simm - Manager Development & Environment

**AUTHOR:** Kristy Cousins - Town Planner

**APPLICANT:** Deb Gordon

**OWNER:** Natasha McElwaine

**PROPOSAL:** Torrens Title Subdivision, one (1) into two (2) lots

**LOCATION:** Lot 12 DP 1209065, No 16 Sharkeys Lane, Lorn

**ZONE:** R1 General Residential and RU1 Primary Production

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**EXECUTIVE SUMMARY**

*The Maitland Urban Settlement Strategy (MUSS) identified an area on the corner of Sharkeys Lane and Glenarvon Road as an urban infill and extension site. Consequently, in 2014 the flood free portion of the area identified was rezoned to permit residential development.*

*The subject allotment was created via a Council approved subdivision in September 2014 with an area of 6632m<sup>2</sup> and containing approximately 1800m<sup>2</sup> of R1 General Residential zoned land and the balance of the RU1 Primary Production zoned land.*

*A development application has been lodged with Council seeking consent to subdivide the subject site into two (2) lots. Subdivision of the site is permissible with consent under clause 2.6 in the Maitland LEP 2011 (LEP).*

*The site is located within the Lorn Heritage Conservation Area (HCA) and is identified on Council's flood planning maps. The application was placed on public exhibition in accordance with Council's policy and one (1) submission received in objection to the proposal. Accordingly, the application is reported to Council for determination. The submission does not raise matters that would warrant refusal of the application.*

*The application has been assessed under the relevant heads of consideration under section 79C in the Environmental Planning and Assessment Act 1979 and found to be satisfactory subject to compliance with the recommended schedule of conditions. The application is recommended for approval.*

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**OFFICER'S RECOMMENDATION**

**THAT**

- 1. Development consent be granted to DA17-2236 for the subdivision of Lot 12 DP 1209065, 16 Sharkeys Lane, Lorn into two (2) lots subject to the schedule of conditions included in this report.**

Crs S Halliday, N Penfold and P Penfold declared a significant non-pecuniary interest in Item 10.2.

Crs S Halliday, N Penfold and P Penfold left the Chambers at 5.42 pm and did not participate in discussion or voting on the matter.

**COUNCIL RESOLUTION**

**THAT**

- 1. Development consent be granted to DA17-2236 for the subdivision of Lot 12 DP 1209065, 16 Sharkeys Lane, Lorn into two (2) lots subject to the schedule of conditions included in this report.**

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

**CARRIED**

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

The division resulted in 9 for and 1 against, as follows:

For:	Cr R Aitchison	Against:	Cr L Baker
	Cr D Ferris		
	Cr P Garnham		
	Cr M Griffin		
	Cr H Meskauskas		
	Cr B Mitchell		
	Cr K Ranadive		
	Cr B Whiting		
	Cr M Yarrington		

Crs S Halliday, N Penfold and P Penfold returned to the Chambers at 5.44 pm.

## SCHEDULE OF CONDITIONS

### Reason for Condition(s)

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

- 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 of Lot 12 Sharkies Lane, Lorn - HD156	HD01	3	26.09.17	Kevin Uraine
Proposed Subdivision of Lot 12 Sharkies Lane, Lorn (existing zoning plan) - HD156	HD03	3	26.09.17	Kevin Uraine
Statement of Environmental Effects	-	-	Oct 2017	HV Planning P/L

### CONTRIBUTIONS & FEES

- Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Maitland City Wide Section 94 Contributions Plan 2016, a contribution of \$7,029 shall be paid to the Council.

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

	lots	Total
2016 City Wide Aquatics	1 x \$945	\$945
2016 City Wide Rec & Open Space	1 x \$789	\$789
2016 City Wide Multipurpose Centres	1 x \$619	\$619
2016 City Wide Library Floor Space	1 x \$599	\$599
2016 City Wide Road & Traffic	1 x \$3,129	\$3,129
2016 City Wide Cycleways/Shared Paths	1 x \$558	\$558

2016 City Wide Plan Management/Administration	1 x \$171	\$171
2016 City Wide Competition Netball Courts	1 x \$219	\$219
		\$7,029

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

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

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

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

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

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

#### CERTIFICATES & REPORTS

4. Prior to issue of the Subdivision Certificate, original plans and/or documents of survey/title, and four copies, shall be submitted to Council.

#### UTILITY SERVICES

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

6. Prior to issue of the 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.*

7. Prior to issue of the 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.

#### LANDSCAPING

8. Prior to issue of a Subdivision Certificate, boundary fencing of lot 121 & 122, consisting of post and wire (or rail), shall be constructed.

#### 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.)*

9. A restriction on the title of affected lots under Section 88B of the Conveyancing Act, shall give effect to the floor level of dwellings being constructed at the adopted Flood Planning Level (FPL) or 500mm above the 1% AEP flood event, or at a level otherwise approved by Council.
10. A restriction on the title of both allotments under Section 88B of the Conveyancing Act, shall be created which restricts any fence separating the lot from the rural zoned land to rural style fencing. Rural style fencing shall mean post and wire, or post and rail fencing to a maximum height of 1.2 metres.
11. The authority empowered to release, vary or modify restrictions and covenants on the use of the land required by this consent, shall be nominated as "Maitland City Council".

#### VEHICLE ACCESS

12. Prior to issue of the Subdivision Certificate:
  - a) the driveway from the road pavement to the property boundary shall be constructed as a "Morpeth-mix" concrete slab in accordance with Council's Manual of Engineering Standards with reference to Council's information document "*Footway Crossings (Driveways)*", and

- b) any necessary footway adjustments shall be provided to Council's satisfaction, and
  - c) the driveway within the access handle shall be constructed along its full length as a two-coat bitumen sealed granular pavement suitable for the expected traffic loadings and pavement design-life 2.7m wide (or "Morpeth-mix" concrete drive-strips to "commercial" standard) in accordance with Council's standards.
13. Prior to commencement of construction of the driveway across the footway and within the handle, a Construction Certificate for the works shall be issued, being a design prepared in accordance with Council's Manual of Engineering Standards.  
*Note: Details of the handle driveway and the footway crossing may be submitted as a single design for Construction Certificate purposes.*
14. Prior to commencement of construction of the driveway crossing on the public road verge, the works shall have been approved by Council. An application form "*Application to Construct Private Works on Footway*" shall be submitted to Council, together with the applicable fee (for each driveway).

#### CIVIL WORKS

15. Prior to issue of the Subdivision Certificate, all necessary works required to comply with this consent and the construction certificate, shall be provided in accordance with Council's Manual of Engineering Standards.

#### ADVICES

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

- A You are advised that where underground works within the road reserve are required or necessary for supply of services (such as water, sewer, electricity, gas), further consent for a "*Road Opening*" must be obtained from Council.
- B You are advised that prior to construction of the driveway handle, utility services and/or their conduits should be installed along the handle length.
- C You are advised that for driveway works on the footway verge, inspection by Council is required (eg formwork & reinforcement). See Council's "*Application to Construct Private Works on Footway*").

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**10.3 DA 17-2326 TELECOMMUNICATIONS FACILITY (WIRELESS) - LOT 831  
DP608589, 18 GILLIESTON ROAD, MAITLAND  
RECOMMENDATION: APPROVAL**

**FILE NO:** DA 17-2326

**ATTACHMENTS:**

1. Locality Plan
2. Development Plans
3. Submission
4. Visual Montages
5. EME Report & Associated Document

**RESPONSIBLE OFFICER:** Bernie Mortomore - Group Manager Planning,  
Environment & Lifestyle  
David Simm - Manager Development & Environment

**AUTHOR:** Emma McDermott - Town Planner

**APPLICANT:** Optus

**OWNER:** C & D Aquilina

**PROPOSAL:** Telecommunications Facility (Wireless)

**LOCATION:** 18 Gillieston Road, Maitland

**ZONE:** RU2 Rural Landscape, R1 General Residential

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**EXECUTIVE SUMMARY**

*Development consent is sought from Council for a telecommunication facility being a mobile base station including a monopole at Lot 831 DP 608589 No. 18 Gillieston Road, Maitland. The lot size is approximately 12 hectares. The site is occupied by a number of existing buildings including four (4) chicken sheds and silos associated with a privately owned Poultry Farm. The lot also includes residential living that faces Gillieston Road. It is intended to utilise a small part of the eastern corner of the site for this proposed development. The portion of the site where the proposed development would occur is zoned RU2 Rural Landscape. There is a small portion of land at the south-western corner of the lot that is zoned R1 General Residential, which would be unaffected by the proposed development.*

*The application was notified from 8 November 2017 until the 27 November 2017. During this period, one (1) written submission was received by Council. The submission raised objections primarily relating to electromagnetic radiation, future health risks and negative visual impacts. The issues raised by the objector have been assessed in the body of this report. It is considered that the grounds of the objection does not warrant refusal or modification of the application.*

*The application has been assessed against the requirements of Section 79C of the Environmental Planning and Assessment Act, 1979 and is considered satisfactory. Accordingly, it is recommended the application be approved.*

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**OFFICER'S RECOMMENDATION**

**THAT**

- 1. Development Application No 17-2326 for a Telecommunication Facility (Wireless) on Lot 831 DP 608589, No 18 Gillieston Road Maitland be approved subject to the schedule of conditions contained in this report.**

**COUNCIL RESOLUTION**

**THAT**

- 1. Development Application No 17-2326 for a Telecommunication Facility (Wireless) on Lot 831 DP 608589, No 18 Gillieston Road Maitland be approved subject to the schedule of conditions contained in this report.**

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

**CARRIED**

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

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

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

## SCHEDULE OF CONDITIONS

### REASON FOR CONDITIONS

The following conditions are applied to:

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

### APPROVED PLANS AND DOCUMENTATION

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

Plan Ref No.	Sheet No.	Revn No.	Revision Date	Prepared by: (consultant)
S2664	P1-P2	01	12/09/17	Huawei Technologies (AUS) Pty Ltd

### CONTRIBUTIONS & FEES

2. Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Maitland Section 94A Levy Development Contributions Plan 2013, a contribution of \$900 shall be paid to the Council.

The above amount may be adjusted at the time of the actual payment, in accordance with the provisions of the Maitland City Council Section 94A Levy Development Contributions Plan 2013.

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

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

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

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

## **CERTIFICATES**

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

## **EROSION CONTROLS**

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

## **BUILDING CONSTRUCTION**

8. All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
9. All excavations and backfilling shall be executed safely, in accordance with appropriate professional standards and shall be properly guarded and protected to prevent the works from being dangerous to life or property.
10. Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:
  - a. 7.00am to 6.00pm Monday to Friday
  - b. 7.00am to 5.00pm SaturdayAny work performed on Sunday's or Public Holidays that may cause offensive noise, as defined under the Protection of the Environment Operations Act, is prohibited. Minor works (such as hand sanding, painting, digging and the like)

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

## SERVICES & EQUIPMENT

11. Upon completion of the building BUT prior to its occupation, a Final Fire Safety Certificate with respect to each critical and essential fire safety measure installed in the building shall be submitted to Council. Such certificates shall be prepared in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation, 2000.
12. A copy of the Fire Safety Schedule and Fire Safety Certificate shall be prominently displayed in the building in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation 2000.
13. A Fire Safety Statement in respect of each required essential and/or critical fire safety measure installed within the building shall be submitted to Council and the NSW Fire Commissioner annually (or at a more frequent interval for supplementary statements). Statements shall be prepared and issued in accordance with Division 5 of Part 9 of the Environmental Planning and Assessment Regulation, 2000. Note that monetary penalties may apply for failure to lodge a fire safety statement within the prescribed timeframe. Statements to the NSW Fire Commissioner are to be submitted electronically to [afss@fire.nsw.gov.au](mailto:afss@fire.nsw.gov.au).

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

## SITE CONSIDERATIONS

14. Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.
15. A sign must be erected in a prominent position on the work:
  - i) stating that unauthorised entry to work site is prohibited, and
  - ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted during work hours. Any such sign is to be removed when the work has been completed.

Note: This condition does not apply to:

- i) building work carried out inside an existing building, or
- ii) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

16. Approved toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. The provision of toilet facilities in accordance with this Clause must be completed before any other work is commenced.
17. The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.
18. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.

#### ADVICES

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

- A. You are advised that 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 the issue of this development consent does not amount to a release, variation or modification by Council of any covenant or easement applicable to this property and that Council will not be held responsible when action on this consent results in any loss or damage by way of breach of matters relating to title of the property.

**10.4 DA 17-2369 DEMOLITION OF SHED & SUBDIVISION (BOUNDARY ADJUSTMENT) - LOTS 4 & 5 DP1203834, 38 JAMES STREET & PRINCESS STREET, MORPETH**

**RECOMMENDATION: APPROVAL**

<b>FILE NO:</b>	DA 17-2369
<b>ATTACHMENTS:</b>	1. Locality Plan 2. Development Plans
<b>RESPONSIBLE OFFICER:</b>	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle David Simm - Manager Development & Environment
<b>AUTHOR:</b>	Adrian Quinn - Town Planner
<b>APPLICANT:</b>	Tattersall Lander
<b>OWNER:</b>	Marsden, Paul Michael
<b>PROPOSAL:</b>	Demolition of garage, subdivision (boundary adjustment) to enlarge the existing vacant lot facing Princess Street (lot 4), reduce the size of lot 5, associated drainage works, tyre-strip driveway and landscaping
<b>LOCATION:</b>	38 James Street Morpeth Princess Street Morpeth
<b>ZONE:</b>	R1 General residential

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**EXECUTIVE SUMMARY**

*The proposal is being referred to Council for determination as Council officers do not have delegation to approve a clause 4.6 variation to development standard. In this case, the minimum lot size control that applies to the land under the Maitland LEP 2011 is to be varied.*

*The land consists of two lots, Lots 4 and 5 in DP1203834.*

*The applicant seeks consolidation and simultaneous re-subdivision of these lots (boundary adjustment), with lot sizes as follows:*

*Lot 4 (vacant lot fronting Princess St)*

*Existing: 252.3m<sup>2</sup>*

*Proposed: 379.5m<sup>2</sup>*

*Lot 5 (existing dwelling)*

*Existing: 474.8m<sup>2</sup>*

*Proposed: 347.7m<sup>2</sup>*

*Both lots will be under the Maitland LEP 2011 450m<sup>2</sup> mapped minimum subdivision lot size. A request to vary a development standard under clause 4.6 of the LEP was lodged by the applicant.*

**OFFICER'S RECOMMENDATION**

**THAT**

1. The proposal to demolish the existing garage, carry out a boundary adjustment (resulting in lot sizes below that required by the LEP) and undertake associated site works is approved subject to attached conditions of consent.

**COUNCIL RESOLUTION**

**THAT**

1. The proposal to demolish the existing garage, carry out a boundary adjustment (resulting in lot sizes below that required by the LEP) and undertake associated site works is approved subject to attached conditions of consent.

**Moved Cr M Griffin, Seconded Cr M Yarrington**

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

## Schedule of conditions DA 17-2369

### SUBDIVISION – DEMOLITION, BOUNDARY ADJUSTMENT

#### 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 proposed subdivision shall be carried out in accordance with the stamped approved plans and documentation and any amendments to those plans arising through conditions to this consent.

Plan reference	Sheet No.	Revn No.	Date	Prepared by: (consultant)
Draft subdivision and demolition plan, 217449/1	-	-	16/10/2017	Tattersall Lander
Drainage concept plan, parking, open space, 217449/1	-	-	08/12/2017	Tattersall Lander
SEE	-	-	October 2017	Tattersall Lander
SEE addendum, 217449-L001002	-	-	13/12/2017	Tattersall Lander
Site waste minimisation and management plan	-	-	Received by Council 03/11/2017	Tattersall Lander



## CERTIFICATES

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

## FEES

3. **Prior to issue of the Subdivision Certificate**, an original plan of survey, and four copies, shall be submitted to Council, together with the applicable Subdivision Certificate fee current at the date of issue.
4. **Prior to the issue of the Subdivision Certificate**, "house numbering" fees, in accordance with Council's *Schedule of Fees and Charges*, shall be paid to Council.

## DEMOLITION

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

## STORMWATER DRAINAGE

7. Final discharge of collected stormwater runoff shall be piped, in accordance with Council's Manual of Engineering Standards to the existing site drainage system, or the street gutter with a "kerb adaptor" (see Council's Standard Drawing), or to an existing street pit (cut flush and mortared) or as approved by Council. Stormwater pipes across the footway shall be "100mm sewer grade" and shall be under-bored beneath any existing concrete path, or alternatively by the removal of one complete slab segment between joints and replaced in concrete, dowelled to the existing path and finished similar to the adjoining surface.
8. **Prior to issue of the Occupation Certificate**, the stormwater-control system shall be constructed in accordance with the approved stormwater drainage plan.

## EROSION CONTROLS

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

## VEHICLE ACCESS

10. **Prior to commencement of construction** of any driveway crossing on the public footway verge, the works shall have been approved by Council. In the event that

works are proposed on the verge, an application form, "*Application to Construct Private Works on Footway*" shall be submitted to Council, together with the appropriate fee.

11. **Prior to issue of the Subdivision Certificate** the driveway within the access corridor of the lot containing the existing dwelling shall be constructed 2.7m wide along the full length of the corridor as tyre strips (to "commercial" standard) in accordance with Council's standards.
12. The driveway shall be constructed with Morpeth Mix material or other material as approved by Council and consist of driveway strips with a central landscape median, in accordance with Council's Manual of Engineering Standards.

#### CARPARKING

13. Prior to issue of the subdivision certificate, car parking for the existing shall be provided in accordance with the approved plans, with a minimum allocation for the development of 1 space.

#### ADVICES

- A "Morpeth Mix" is a locally devised concrete mix that consists of river pebbles in place of crushed blue metal with an oxide mix of 5kg yellow, 2kg 610 Brown to 1 cubic metre of concrete which provides an earthy colour (Note: the tint, 'paperbark' is a good equivalent). When the concrete has reached its initial set, shape with a steel trowel (once only) and give a light finish with a hair broom. This produces an attractive, aged look rather than a stark, grey concrete finish and enhances the appearance of the property and the area.

**10.5 DA 17-687 - DEMOLITION OF EXISTING GARAGE, ALTERATIONS AND ADDITIONS TO EXISTING DWELLING, MULTI DWELLING HOUSING (SIX DWELLING UNITS), TREE REMOVAL AND TORRENS TITLE SUBDIVISION, ONE (1) INTO TWO (2) LOTS - LOT C DP157747, 11 VIEW STREET, EAST MAITLAND**

**RECOMMENDATION: APPROVAL**

**FILE NO:** DA 17-687

**ATTACHMENTS:**

1. Locality Plan
2. Development Plans
3. Submissions

**RESPONSIBLE OFFICER:** Bernie Mortomore - Group Manager Planning, Environment & Lifestyle  
David Simm - Manager Development & Environment

**AUTHOR:** Belinda Martin - Town Planner

**APPLICANT:** ELK Designs Newcastle Pty Ltd

**OWNER:** Fourjay Investments Pty Ltd

**PROPOSAL:** Demolition of Garage, alterations and additions to existing dwelling, multi dwelling housing (six dwelling units), tree removal and Torrens Title Subdivision – one (1) into two (2) Lots.

**LOCATION:** 11 View Street, East Maitland

**ZONE:** R1 General Residential zone

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**EXECUTIVE SUMMARY**

*Development consent is being sought from Council for Multi dwelling housing (6 dwelling units), including demolition of existing garage, alterations and additions to the existing dwelling and one (1) into two (2) Lot Torrens Title Subdivision. The development will be supported by appropriate landscaping, car parking, and clothes drying areas. Some tree removal is also proposed as part of the development on the land.*

*The land is legally described as Lot C, DP 157747 (11 View Street, East Maitland) and is 1789.0m<sup>2</sup> in size. The land is zoned R1 General Residential and the subject proposal is permissible in the zone with development Consent from Council.*

*The application was lodged with Council on 10 April 2017 and a number of amendments have been made to the development since it was first lodged, including, reconfiguration of car parking and driveway access, securing a drainage easement over land to the rear of the site (27 Maize Street, East Maitland), increased landscaping, changes to materials and finishes and to ensure the development provided for privacy and amenity for existing and future residents of the site. The revisions did not require Council to re-notify or re-*

*advertise the proposal pursuant to Part A.4 – Community Participation of Maitland Development Control Plan ('DCP') 2011. In addition, the grounds of the objections or variations do not warrant refusal or further modification of this proposal.*

*The development application was placed on public exhibition for a period of fourteen (14) days from 24 April 2017 to 8 May 2017 and four (4) submissions were received. Whilst all the submissions raised objections to the development, three out of four submissions were supportive of the development subject to their concerns being addressed by Council. One objector remains opposed to the development. The key issues raised in the submissions included:*

- Density of development/overdevelopment of the site, increase in traffic generation, diminished quality of life, dwelling design is inconsistent with the character of the area, topography of the land and related tree removal, storm water impacts, solar access, privacy and overlooking.*

*Whilst the development will result in some potential impacts (noting the land presently contains one existing dwelling) it is considered that those impacts can be mitigated through appropriate conditions of consent. The proposal provides a positive social and economic benefit for the community through provision of additional housing in line with the zone objectives of the R1 General Residential zone. The development is able to be serviced by infrastructure and is in close vicinity to several community and shopping precincts such as Tenambit, Metford and East Maitland. In addition, the development is within approximately 1.5km to East Maitland Railway station and within a short drive of the CBD area of Maitland and the Greenhills shopping Centre. Public bus route 184 - Stockland Greenhills to Morpeth (via East Maitland and Tenambit) runs along Thompson Street, Nerang street and Hinder Street in close proximity to the development.*

*The application has been assessed against the requirements of Section 79C of the Environmental Planning & Assessment Act 1979 and is considered satisfactory. The development can be mitigated with appropriate conditions of consent and the objector issues are not sufficient to warrant a refusal of the development application. Accordingly, it is recommended that the development be approved subject to conditions of consent contained in this report.*

## **OFFICER'S RECOMMENDATION**

### **THAT**

- 1. Development Application 17-687 for Demolition of existing garage, alterations and additions to existing dwelling, Multi dwelling housing (6 dwelling units), tree removal and Torrens Title Subdivision – one (1) into two (2) Lots on Lot C, DP 157747, 11 View Street, East Maitland be approved subject to the conditions contained in the attached schedule.**

**COUNCIL RESOLUTION**

**THAT**

- 1. Development Application 17-687 for Demolition of existing garage, alterations and additions to existing dwelling, Multi dwelling housing (6 dwelling units), tree removal and Torrens Title Subdivision - one (1) into two (2) Lots on Lot C, DP 157747, 11 View Street, East Maitland be approved subject to the conditions contained in the attached schedule.**

**Moved Cr R Aitchison, Seconded Cr P Garnham**

**CARRIED**

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

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

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

## SCHEDULE OF CONDITIONS

### Reason for Condition(s)

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

### APPROVED PLANS AND DOCUMENTATION

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

Plan Ref No.	Sheet No.	Revn No.	Revision Date	Prepared by: (consultant)
<b>Subdivision Plans</b>				
Preliminary plan of proposed subdivision, Lot C, DP 157747			Undated	John Joseph Wilson Surveyor's reference: 7541
<b>Architectural Plans</b>				
Schedule of Drawings, Site location and Basix commitments	Cover			ELK
Site Analysis	DA-02	B	20.7.17	ELK
Site Plan including tree removal and demolition	DA-03	D	20.10.17	ELK
Partial Site Plan	DA-04	D	20.10.17	ELK
Site coverage	DA-05	D	20.10.17	ELK
Floor Plans (ground and first floor)	DA-07	B	20.7.17	ELK
Elevations	DA-08	C	5.9.17	ELK
Elevations	DA-09	B	20.7.17	ELK
A Section AA	DA-10	B	20.7.17	ELK
External Finishes	DA-11	B	20.7.17	ELK
Erosion and Sedimentation Details	DA-14	B	20.7.17	ELK
<b>Landscape Plans</b>				
Site Analysis Plan, Landscape Plan and Plant Schedule	1-3	Noted as change to	17.10.17	JK's Garden Creations

		layout		
<b>Engineering Plans</b>				
Concept Erosion and Sediment Control Plan	C00DA	F	19.9.17	Northrop
<u>Concept</u> Storm water Management and Levels Plan Note: used for concept only (revised plans to be provided as per conditions of consent)	C01DA & C02DA	H	19.9.17	Northrop
<u>Concept</u> Driveway Long Section and Easement storm water details Note: used for concept only (revised plans to be provided as per conditions of consent)	C03DA	E		Northrop
<u>Concept</u> storm water management and easement plan Note: used for concept only (revised plans to be provided as per conditions of consent)	C04DA	E	19.9.17	Northrop
<u>Concept</u> Above Ground OSD tank detail Note: used for concept only (revised plans to be provided as per conditions of consent)	C05DA	A	19.9.17	Northrop
Concept Cut and Fill zones/levels	C01DA C02DA	G	19.7.17	Northrop
<b>Documents</b>				
Arborist report – 11 View Street			20.11.16	Bradley Magus

## CONTRIBUTIONS & FEES

2. Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Maitland City Wide Section 94 Contributions Plan 2016, a contribution of \$31,242.00 shall be paid to the Council.

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

	2 bedroom	Total
2016 City Wide Aquatics	6 x \$700	\$4,200
2016 City Wide Rec & Open Space	6 x \$584	\$3504
2016 City Wide Multipurpose Centres	6 x \$458	\$2748
2016 City Wide Library Floor Space	6 x \$444	\$2664

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2016 City Wide Road & Traffic	6 x \$2,319	\$13914
2016 City Wide Cycleways/Shared Paths	6 x \$413	\$2478
2016 City Wide Plan Management/Administration	6 x \$126	\$756
2016 City Wide Competition Netball Courts	6 x \$163	\$978

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

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

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

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

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

## CERTIFICATES

3. Prior to the commencement of works an application for a Construction Certificate shall be submitted to, and be approved by, the Accredited Certifier.  
Note: A construction Certificate is required for all retaining walls on the boundary which exceed 900mm in height. Construction details for retaining must be included with the Construction Certificate application for the site.
4. Prior to issue of the Construction Certificate, a Compliance Certificate under Section 50 of the Hunter Water Act 1991, for this development, shall be submitted to the Accredited Certifier.
5. Prior to the issue of an Occupation Certificate all conditions of development consent shall be complied with.



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

#### DEMOLITION/ASBESTOS

10. All demolition works are to be carried out in accordance with Australian Standard AS 2601-2001. Demolition material shall be recycled as far as is practicable and any demolition waste disposed of only at an authorised Landfill Facility.

11. Where any demolition, alteration or renovation works encounter asbestos or products containing asbestos, then the materials encountered shall be managed in accordance with the regulations and requirements of Safe Work NSW.

#### LANDSCAPING

12. Landscaping shall be implemented/installed in accordance with the approved landscape plans and documentation prior to the release of an Occupation Certificate.

Prior to the issue of a Construction Certificate an amended landscape plan is to be submitted to Council for approval and is to provide for:

Additional landscape screen plantings are required to be incorporated along the external north western wall of dwelling 6 which faces towards Narang Street in the form of screen plantings to mitigate the view of this external wall when viewed from No 2 Narang Street. This screen vegetation should be a minimum of 0.5m in height at the time of planting and have a height at maturity of 3-4 metres. Additional landscaping should also be incorporated around the aluminium screening for the OSD facility. This vegetation should be of an appropriate species endemic to the area but not containing invasive roots. The vegetation should be a minimum of 0.5m in height at the time of planting and have a height at maturity of 2-3 metres.

All landscaping included along the north, north eastern and north western boundary (facing the neighbours at No 9 View Street and number 2 Narang Street, East Maitland) should be at least 0.5m in height at the time of planting to ensure maturity to the heights indicated on the approved landscaping plan.

Slat fencing should also be incorporated around the bin storage area outside of dwelling unit number 1 to screen the bin storage area from the visitor car park.

All landscaping shall be covered with minimum 75mm mulch to aid plant establishment.

13. All landscaped areas of the development shall be maintained in accordance with the approved landscape plan. The landscaped areas shall be kept free of parked vehicles, stored goods, garbage or waste material and the like.

#### TREE REMOVAL

14. Other than the removal of the Camphor Laurel tree situated in close proximity to the rear of the existing dwelling on the land, **no other tree**

**removal is to occur until a Construction Certificate has been issued and earthworks commenced for drainage works on Proposed Lot 2.** In addition, no tree removal is to occur for trees exceeding 3 metres in height or having a branch spread of 3 metres or more in diameter is to be removed from the subject land unless:

- i) The removal is essential in order for the development under this consent to proceed; and
- ii) Consent to the removal of the tree(s) has been granted by Council in accordance with Clause 5.9AA of the Maitland Local Environmental Plan 2011.

#### FENCING

15. The replacement fencing to the north eastern elevation is to be of colourbond construction to a maximum height of 2.1m reducing to 1.5m forward of the existing dwelling building line. Replacement fencing to a maximum height of 2.1m and of colourbond construction is also to be included along the rear elevation of the land adjoining No 2 Narang Street. The cost of this replacement fencing is to be borne by the Developer. The fencing is to be completed prior to the issue of an Occupation Certificate.

Note: all retaining walls are to be placed inside the property boundary to allow for fences to be placed on the boundary line and not on top of retaining walls.

16. Appropriate fence screening using aluminium slats should be incorporated around the proposed OSD facility to ensure its appearance is suitably mitigated to surrounding properties. The screening should be supported by appropriate landscaping as detailed in condition 12 of this consent. The screening is to be completed prior to the issue of an Occupation Certificate.

#### PRIVACY

17. Prior to the issue of a Construction Certificate opaque glass is to be incorporated into all upper floor bedroom windows along the north eastern elevation and referenced on the Construction Certificate plans.

#### CARPARKING

18. Car parking for the development, including a total of 9 car parking spaces (including 2 visitor spaces) are to be provided in accordance with the approved plans. Car parking and manoeuvring areas are to be constructed in accordance with Australian standard AS 2890.
19. All driveways, parking areas and vehicles turning areas shall be constructed with a segmental paver surface (on a concrete sub-base), or as reinforced concrete.

20. All parking bays shall be delineated. "Visitor parking" spaces shall be signposted.

#### VEHICLE ACCESS

21. Prior to commencement of construction of the driveway crossing on the public footway verge, the works shall have been approved by Council. An application form, "*Application To Construct Private Works On Footway*" shall be submitted to Council, together with the appropriate fee (for each driveway).
22. Prior to issue of the Occupation Certificate the driveway shall be constructed, in accordance with Council's Manual of Engineering Standards.
23. Prior to the issue of the Subdivision Certificate the driveway within the access corridor shall be constructed along the full length of the corridor as a concrete slab 2.7m wide (or drive strips to 'commercial' standard) in accordance with Council's standards.
24. Prior to the commencement of construction of the driveway within the corridor, a Construction Certificate for works shall be issued, being a design prepared in accordance with Council's Manual of Engineering standards.

#### STORMWATER DRAINAGE

25. Prior to issue of the Construction Certificate, the construction details in accordance with Council's Manual of Engineering Standards shall be provided for the following stormwater requirements:
- (a) 30m<sup>3</sup>(minimum) of On-Site Detention (OSD) of stormwater for the development site.
  - (b) On-site Detention (OSD) of stormwater that reduces post-developed discharges to pre-developed discharges for the 1, 10 and 100yr ARI critical storm events, and generally in accordance with concept Stormwater drainage plan number C01DA revision H dated 19/9/17 by Northrop, and
  - (c) an emergency overland flow path for major storm events, that is directed to the public drainage system, and
  - (d) conveyance where necessary, of stormwater through the site from upstream catchments, (including roads and adjoining properties).
26. Prior to issue of the Occupation Certificate, the storm water-control system shall be constructed in accordance with the approved storm water drainage plan.

27. Final discharge of collected storm water runoff shall be piped, in accordance with Council's Manual of Engineering Standards to:
  - a) storm water pipes across the footway shall be "100mm sewer grade" and shall be under-bored beneath any existing concrete path, or alternatively by the removal of one complete slab segment between joints and replaced in concrete, dowelled to the existing path and finished similar to the adjoining surface.
28. Prior to the issue of the Subdivision Certificate, inter-allotment drainage pipelines shall be constructed based on an approved concept plan (and/or) in accordance with Council's Manual of Engineering standards.
29. Prior to commencement of construction of any inter-allotment drainage, a Construction Certificate for the works shall be issued, being a design prepared in accordance with Council's Manual of Engineering Standards.
30. Prior to issue of the Occupation Certificate, the new storm water pits and pipes within the drainage easement shall be constructed in accordance with Council's Manual of Engineering Standards.

#### SUBDIVISION (TORRENS) -

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

#### CERTIFICATES & PLANS

32. Prior to issue of the Subdivision Certificate, original plans and/or documents of survey/title, and four copies, shall be submitted to Council.

#### LAND TITLE

33. An easement shall be created under Section 88B of the Conveyancing Act, and in accordance with Council's Manual of Engineering Standards, to cover the inter-allotment storm water drainage line.
34. An easement over Lot 2 shall be created giving effect to a Right of Access benefitting Lot 1. The 88B Instrument shall clearly nominate apportionment of maintenance of the Right of Carriageway so that Lot 1 only contribute (1/7<sup>th</sup>) of any maintenance cost.
35. The authority empowered to release, vary or modify easements to drain water required by this consent, shall be nominated as 'the owners of the lots burdened and benefitted, only with the consent of Maitland City Council.

#### BIN STORAGE

36. Residential bins are to be stored in garages or screened locations away from the site frontage at all times other than a reasonable time prior to and after bin collection has occurred.

#### EROSION CONTROLS

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

#### BUILDING CONSTRUCTION

38. All building work shall be carried out in accordance with the provisions of the Building Code of Australia (BCA).
39. Details of the proposed covered carport for the existing dwelling are to be provided to the Principal Certifying Authority for approval **with the Construction Certificate documentation.**
40. The carport is to be constructed and its construction approved by the Principal Certifying Authority prior to the release of the Subdivision Certificate.

#### SITE CONSIDERATIONS

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

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

Note: all retaining walls are to be placed inside the property boundary to allow for fences to be placed on the boundary line and not on top of retaining walls. Engineers certification for retaining walls over 900mm is required to be provided to the Private Certifying Authority.

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

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

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (Includes a public road and any other public place). In particular, care must be taken with the existing retaining wall situated between No 2 Narang Street and 27 Maize Street to ensure the existing retaining wall is not undermined. Any damage to this wall for construction of works will be borne by the Developer.

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

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

47. All waste shall be contained within a secure enclosure or bin on the site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site. The enclosure or bin shall be regularly cleaned to ensure proper containment of the building wastes generated on the site. The site is to be cleared of building refuse and spoil immediately after completion of the buildings to a licensed Landfill Authority.
48. Waffle pods, if used in the construction of the building, shall not be delivered to the site unless wrapped or securely tied. The waffle pods are to be secured on-site to prevent scattering by wind. Off-cuts and unused pods must be wrapped in plastic or similar material and removed from the site immediately upon completion of slab construction.  
*Note: Where building materials and/or refuse is found to have caused pollution beyond the boundaries of the development site (eg. blown off-site by wind), the Council may issue infringement notices / fines as prescribed under the Protection of the Environment Operations Act 1997.*
49. All building materials, plant and equipment shall be contained wholly within the development site at all times.
50. The Principal Contractor (or Owner/Builder) shall erect a sign in a prominent position on the site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work. The sign shall also display the name, address and telephone number of the Principal Contractor for the work (or Owner/Builder) and shall state that unauthorized entry to the site is prohibited. The sign must be maintained while the work is being carried out and is to be removed when the work is completed.
51. The development shall be constructed in accordance with current Building Sustainability Index (BASIX) Certificate. Should there be any changes to the specifications of the development (insulation) etc., except where restricted or excluded by any condition of consent, an amended BASIX Certificate shall be obtained and may be relied upon as having complied with this condition.

#### ENVIRONMENTAL CONTROLS

52. During the extraction, removal and transportation of materials associated with the work, the person having the benefit of the consent shall ensure airborne dust is contained within the work site or transport vehicles, and



does not impact on the amenity of the surrounding environment. Effective environmental controls and practises shall be implemented and maintained to the satisfaction of Council or the Principal Certifying Authority.

53. There shall be no interference with the amenity of the neighbourhood by reason of the emission of any 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*, as a result of the development.
54. Documentary evidence must be provided to the Private Certifier demonstrating that the proposed fill material is either:
- (a) Uncontaminated virgin excavated material (VENM) as defined under the provisions of the *NSW Protection of the Environment Operations Act, 1997*; or
  - (b) The material is from a known origin and composition, free of contamination from manufactured chemicals, process residues, building debris, sulfidic ores, or other foreign matter, or
  - (c) Fill which has been characterised and validated by a suitably qualified and experienced site contamination consultant, in accordance with the NSW Office of Environment & Heritage publication - *Contaminated Sites - Sampling Design Guidelines dated September 1995*.

#### LIGHTING

55. Low intensity security and sensor lighting shall be provided to all shared pedestrian paths, parking areas and/or entries. All lighting must meet the minimum Australian and New Zealand standards, including the Australian standard for Public Lighting of streets, car parks and pedestrian areas.

The lighting should be designed, positioned and installed, to include appropriate shielding and orientation of the light fixture, so as not to give rise to obtrusive light, interfere with traffic safety or detract from the amenity of the surrounding area in accordance with Australian Standard 4282:1997 - Control of the obtrusive effects of outdoor lighting. The lights should be low glare, vandal resistant and free from obstructions and should ensure that there is no light spill beyond the property boundary.

#### ADVICES

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

- A The site has been identified as a Potential Acid sulfate soils class 4 area. It is the responsibility of the Applicant to ensure that any excavations 2m or more below natural ground level for a volume greater than one tonne ensure that the necessary measures are implanted to comply with the NSW Potential Acid Sulfate soils Manual and Maitland Local Environmental Plan 2011.

- B The person having the benefit of the consent shall ensure that critical stage inspections are carried out and notify the Principal Certifying Authority giving adequate notice of the time that each stage building/development is ready for inspection.
- C You are advised that where underground works within the road reserve are required or necessary for supply of services (such as water, sewer, electricity, gas) further consent for a "Road Opening" must be obtained from Council.  
Refer to Council's form "*Application for Registration to Open Roads/Footpaths*".
- D You are advised that for the driveway works on the footway verge, inspection by Council is required (eg formwork & reinforcement). See Council's "*Application to Construct Private Works on Footway*".
- E You are advised that there may be design matters in relation to the drainage *concept* plan that warrant further attention prior to the issue of the Construction Certificate.
- F The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by the proposal. Such utilities include water, sewerage, drainage, power, communications, footways, kerb and gutter and other associated infrastructure.
- G Should any Aboriginal site or relic be disturbed or uncovered during the construction of the development, all work shall cease and the National Parks and Wildlife Service shall be contacted. Any person who knowingly disturbs an Aboriginal site or relic is liable for prosecution under the *National Parks & Wildlife Act, 1974*.
- H 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.

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## 10.6 AMENDMENT TO CHAPTER B.5 - TREE MANAGEMENT IN MAITLAND DCP 2011

<b>FILE NO:</b>	103/163
<b>ATTACHMENTS:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle David Simm - Manager Development & Environment
<b>AUTHOR:</b>	Robyn Hawes - Senior Development Planner
<b>MAITLAND +10</b>	Outcome 8. Managing the environment and natural resources
<b>COUNCIL OBJECTIVE:</b>	8.1.1 To enhance the quality, amenity and integrity of the natural environment

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### EXECUTIVE SUMMARY

*Council will recall that it considered a report on the amendment to Chapter B.5 – Tree Management in the Maitland Development Control Plan 2011 at its meeting on 10 October 2017. The draft chapter was placed on public exhibition in accordance with the Environmental Planning and Assessment Regulation 2000 for a period of thirty (30) days from 09 November – 08 December 2017. No submissions were received during this period.*

*Accordingly, the draft chapter is recommended for adoption by Council as exhibited and will come into force when the formal notification appears in the local newspaper.*

### OFFICER'S RECOMMENDATION

#### THAT

1. Draft Chapter B.5 – Tree Management (as exhibited between 09 November – 08 December 2017) be adopted to replace the current chapter in the Maitland Development Control Plan 2011.

### COUNCIL RESOLUTION

#### THAT

1. Draft Chapter B.5 – Tree Management (as exhibited between 09 November – 08 December 2017) be adopted to replace the current chapter in the Maitland Development Control Plan 2011.

Moved Cr H Meskauskas, Seconded Cr B Mitchell

**CARRIED**

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## 10.7 WORKS IN KIND AGREEMENT - INTERSECTION RAYMOND TERRACE ROAD AND MCFARLANES ROAD, CHISHOLM - THORNTON WATERS PTY LTD

<b>FILE NO:</b>	<b>103/41/31 &amp; DA 16-432</b>
<b>ATTACHMENTS:</b>	<b>1. Draft Works In Kind Agreement</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Bernie Mortomore - Group Manager Planning, Environment &amp; Lifestyle Stephen Punch - Principal Planner</b>
<b>AUTHOR:</b>	<b>Anne Humphries - Development Contributions Administrator</b>
<b>MAITLAND +10</b>	<b>Outcome 19. A sustainable Council for a sustainable City</b>
<b>COUNCIL OBJECTIVE:</b>	<b>19.2.2 To provide new and existing residents of Maitland with access to community, recreation and transport infrastructure</b>

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### EXECUTIVE SUMMARY

*Development Consent was granted on 23 June 2017 for a 224 lot subdivision at 650 Raymond Terrace Road and 59-75 McFarlanes Road, Chisholm. The approval was issued subject to conditions of consent including the levying of Section 94 Contributions in accordance with the Thornton North Section 94 Contributions Plan 2008. Conditions requiring the delivery of an upgrade to the intersection of Raymond Terrace Road and McFarlanes Road, a line item in the Section 94 Plan, were also imposed.*

*Thornton Waters Pty Ltd has made application to enter into a Works in Kind Agreement with the Council to deliver the intersection. Following consultation between Council, the applicant and legal representatives, the draft Agreement has been prepared and is now presented with a recommendation for approval.*

### OFFICER'S RECOMMENDATION

#### THAT

- 1. Pursuant to s55(3)(i) of the Local Government Act 1993, Council resolve not to invite tenders under s55(1) of that Act for works associated with the Works in Kind Agreement given that a satisfactory contract result is more likely to be achieved as a result of the works being delivered by the developer on their own land; and**
- 2. The draft Works in Kind Agreement as provided in Attachment 1 to this report be approved.**

**COUNCIL RESOLUTION**

**THAT**

- 1. Pursuant to s55(3)(i) of the Local Government Act 1993, Council resolve not to invite tenders under s55(1) of that Act for works associated with the Works in Kind Agreement given that a satisfactory contract result is more likely to be achieved as a result of the works being delivered by the developer on their own land; and**
- 2. The draft Works in Kind Agreement as provided in Attachment 1 to this report be approved.**

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

**CARRIED**

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

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

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

## 10.8 APPOINTMENT OF COMMUNITY REPRESENTATIVES TO THE MAITLAND AERODROME COMMUNITY CONSULTATIVE PANEL

<b>FILE NO:</b>	<b>P49868</b>
<b>ATTACHMENTS:</b>	<b>1. Submissions</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Bernie Mortomore - Group Manager Planning, Environment &amp; Lifestyle</b>
<b>AUTHOR:</b>	<b>Stephen Punch - Principal Planner</b>
<b>MAITLAND +10</b>	<b>Outcome 17. Community participation in decision-making</b>
<b>COUNCIL OBJECTIVE:</b>	<b>17.1.1 To ensure community input into Council decision-making is regular and active, with equitable opportunities for residents to share their views</b>

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### EXECUTIVE SUMMARY

*The purpose of this report is to finalise the membership of the Maitland Aerodrome Community Consultative Committee for the term of the current Council.*

*The Maitland Aerodrome Community Consultative Panel commenced operation in 2005 as a proactive approach to providing community input into the managing of the Maitland Aerodrome in line with the Council approved Community Operational Undertaking (COU). The Panel comprises representatives from the elected Council, Council Officers, Royal Newcastle Aero Club and the local community.*

*Four residents of Rutherford/Windella have expressed an interest in sitting on the Panel in response to Council's advertising over December 2017. The report recommends that each person be permitted to sit on the Panel as a formal Community Representative.*

### OFFICER'S RECOMMENDATION

#### THAT

- 1. Council endorse the following persons as Community Representatives to the Maitland Aerodrome Community Consultative Panel for the term of the current Council:**
  - Mr Darrell Blunt
  - Mr Ed Pitrolo
  - Ms Sharon Leppien
  - Dr Clifton Washaya

**COUNCIL RESOLUTION**

**THAT**

- 1. Council endorse the following persons as Community Representatives to the Maitland Aerodrome Community Consultative Panel for the term of the current Council:**
  - Mr Darrell Blunt
  - Mr Ed Pitrolo
  - Ms Sharon Leppien
  - Dr Clifton Washaya

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

**CARRIED**

## 10.9 CERTIFICATION OF THE HUNTER ESTUARY COASTAL ZONE MANAGEMENT PLAN

<b>FILE NO:</b>	<b>55/8</b>
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. Public Authority Responses</li> <li>2. Hunter Estuary CZMP</li> </ol>
<b>RESPONSIBLE OFFICER:</b>	<b>Bernie Mortomore - Group Manager Planning, Environment &amp; Lifestyle</b> <b>David Simm - Manager Development &amp; Environment</b>
<b>AUTHOR:</b>	<b>Deanne Nelson-Pritchard - Coordinator Environmental Strategy &amp; Programs</b>
<b>MAITLAND +10</b>	<b>Outcome 9. Our local rivers and floodplains</b>
<b>COUNCIL OBJECTIVE:</b>	<b>9.3.1 To contribute to the reestablishment of native vegetation on river banks and plains</b>

### EXECUTIVE SUMMARY

*The Draft Hunter Estuary Coastal Zone Management Plan has previously been submitted for certification under the Coastal Protection Act 1979 in December 2016 and received advice in November 2017 that some concerns were required to be resolved. Following amendments, required by the Department of Industry- Crown Lands and Water, Council is advised that the plan can be resubmitted for certification.*

### OFFICER'S RECOMMENDATION

#### THAT

1. Council endorse submitting the Draft Hunter Estuary Coastal Zone Management Plan and its associated Hunter Estuary Management Study to the Minister for Environment for the purposes of certification under the Act.

### COUNCIL RESOLUTION

#### THAT

1. Council endorse submitting the Draft Hunter Estuary Coastal Zone Management Plan and its associated Hunter Estuary Management Study to the Minister for Environment for the purposes of certification under the Act.

Moved Cr D Ferris, Seconded Cr R Aitchison

**CARRIED**



## 10.10 LOCAL GOVERNMENT REMUNERATION TRIBUNAL

<b>FILE NO:</b>	35/5/1
<b>ATTACHMENTS:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Leah Flint - Group Manager Strategy Performance and Business Systems
<b>AUTHOR:</b>	Amanda Hillman - Coordinator Governance
<b>MAITLAND +10</b>	Outcome 18. An efficient and effective Council
<b>COUNCIL OBJECTIVE:</b>	18.1.1 To see Council's integrated planning and reporting recognised by the community, Council and the NSW State Government

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### EXECUTIVE SUMMARY

*The Local Government Remuneration Tribunal has commenced its review for the 2018 annual determination. The Tribunal is seeking submissions in regards to categorisation fees and any general matters as part of the review. Submissions are due by 30 January 2018.*

### OFFICER'S RECOMMENDATION

#### THAT

1. Council make a submission to the Local Government Remuneration Tribunal reconfirming Council's submission made in 2017.

### COUNCIL RESOLUTION

#### THAT

1. Council make a submission to the Local Government Remuneration Tribunal reconfirming Council's submission made in 2017.

Moved Cr M Griffin, Seconded Cr H Meskauskas

**CARRIED**

## 10.11 DRAFT MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS

<b>FILE NO:</b>	<b>35/7</b>
<b>ATTACHMENTS:</b>	<b>1. Draft Model Code of Meeting Practice for Local Councils</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Leah Flint - Group Manager Strategy Performance and Business Systems</b>
<b>AUTHOR:</b>	<b>Amanda Hillman - Coordinator Governance</b>
<b>MAITLAND +10</b>	<b>Outcome 18. An efficient and effective Council</b>
<b>COUNCIL OBJECTIVE:</b>	<b>18.2.1 To maintain effective and appropriate systems to ensure decision-making is transparent, accessible and accountable</b>

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### EXECUTIVE SUMMARY

*Amendments made to the Local Government Act 1993 last year, have provided for a model code of meeting practice to be prescribed by legislation, as a result the NSW Government has released a consultation draft Model Code of Meeting Practice for Local Councils for feedback.*

*Once implemented the Model Meeting Code will replace the meeting rules currently prescribed in the Local Government (General) Regulation 2005.*

*The draft Model Meeting Code is open for submissions until 16<sup>th</sup> March 2018.*

*The draft code contains a number of elements that will result in changes to the operation of Council meetings should the code come into force unchanged. However, it is considered that the changes largely reflect community expectations and as such no formal submission is required.*

### OFFICER'S RECOMMENDATION

#### THAT

- 1. Council notes the release of the consultation draft Model Code of Meeting Practice for Local Councils in NSW;**
- 2. As changes to the Code are largely in-line with community expectations of elected officials and meetings, Council does not make a formal submission;**
- 3. A further report is brought to Council once the Model Meeting Code is finalised, including consideration of Council's transition to meet new requirements.**

**COUNCIL RESOLUTION**

**THAT**

- 1. Council notes the release of the consultation draft Model Code of Meeting Practice for Local Councils in NSW;**
- 2. As changes to the Code are largely in-line with community expectations of elected officials and meetings, Council does not make a formal submission;**
- 3. A further report is brought to Council once the Model Meeting Code is finalised, including consideration of Council's transition to meet new requirements.**

**Moved Cr B Mitchell, Seconded Cr B Whiting**

**CARRIED**

## 10.12 RESPONSE FROM THE MINISTER REGARDING GLASS RECYCLING

<b>FILE NO:</b>	61/26/1
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. Reply letter from Minister for the Environment &amp; Energy The Hon Josh Frydenberg MP</li><li>2. Reply letter from the Department of Environment and Energy</li></ol>
<b>RESPONSIBLE OFFICER:</b>	David Evans - General Manager
<b>AUTHOR:</b>	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle
<b>MAITLAND +10</b>	Outcome 8. Managing the environment and natural resources
<b>COUNCIL OBJECTIVE:</b>	8.2.1 To reduce the reliance on landfill by increasing avoidance, resource recovery, waste minimisation and community education

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### EXECUTIVE SUMMARY

*At its meeting of 22<sup>nd</sup> August 2017 Council resolved in part to call on the Federal Government to address the current failures in the recycled products market.*

*A letter was sent to the Minister for Environment and Energy The Hon John Frydenberg MP and a reply has now been received. A response has also been provided from the Department of Environment and Heritage.*

*It is recommended that at this time the replies be noted.*

### OFFICER'S RECOMMENDATION

**THAT the replies from the Minister for the Environment and Energy The Hon Josh Frydenberg MP and the Department of Environment and Heritage be noted.**

### COUNCIL RESOLUTION

**THAT the replies from the Minister for the Environment and Energy The Hon Josh Frydenberg MP and the Department of Environment and Heritage be noted.**

**Moved Cr D Ferris, Seconded Cr H Meskauskas**

**CARRIED**

**10.13 REMOVAL OF LOMBARDY POPLAR TREES ADJACENT TO LONG BRIDGE  
MAITLAND**

<b>FILE NO:</b>	<b>103/14/5</b>
<b>ATTACHMENTS:</b>	<b>Nil</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Chris James - Group Manager Infrastructure &amp; Works</b>
<b>AUTHOR:</b>	<b>Ashley Kavanagh - Manager Infrastructure Construction &amp; Maintenance</b>
<b>MAITLAND +10</b>	<b>Outcome 8. Managing the environment and natural resources</b>
<b>COUNCIL OBJECTIVE:</b>	<b>8.1.1 To enhance the quality, amenity and integrity of the natural environment</b>

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**EXECUTIVE SUMMARY**

*Significant rot and decay has been identified in the Lombardy Poplars adjacent to the Long Bridge in Maitland. The trees have been assessed by Council's Arborist and identified that the trees require removal to ensure the safety of the public. This work is scheduled to be undertaken immediately to meet the safety requirements.*

**OFFICER'S RECOMMENDATION**

**THAT**

- 1. Councillors note the work proposed in this report**

**COUNCIL RESOLUTION**

**THAT**

- 1. Councillors note the work proposed in this report.**

**Moved Cr S Halliday, Seconded Cr P Garnham**

**CARRIED**

## 10.14 LGNSW TOURISM CONFERENCE 2018

<b>FILE NO:</b>	139/6
<b>ATTACHMENTS:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Rachel MacLucas - Executive Manager Marketing and Communications
<b>AUTHOR:</b>	Rachel MacLucas - Executive Manager Marketing and Communications
<b>MAITLAND +10</b>	Outcome 14. Living, working, visiting and investing in Maitland
<b>COUNCIL OBJECTIVE:</b>	14.3.3 To maintain and strengthen Maitland as a key tourism offering in the Hunter Region

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### EXECUTIVE SUMMARY

*The Local Government NSW Tourism Conference is being held in Parkes from 12 - 14 March 2018. This report is provided to request nominations from any interested councillors who may wish to attend this conference.*

### OFFICER'S RECOMMENDATION

#### THAT

1. Councillors wishing to attend the conference nominate for endorsement by Council.

### COUNCIL RESOLUTION

#### THAT

1. Cr R Aitchison be nominated to attend the Local Government NSW Tourism Conference.

Moved Cr H Meskauskas, Seconded Cr P Garnham

**CARRIED**

Council moved into Policy & Finance Committee at 6.09 pm

Moved: Cr B Whiting, Seconded: Cr D Ferris

**CARRIED**

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## 11 POLICY AND FINANCE COMMITTEE

### 11.1 FINANCIAL ASSISTANCE REQUEST: MORPETH ANZAC DAY COMMITTEE

FILE NO:	69/2
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Rachel MacLucas - Executive Manager Marketing and Communications
AUTHOR:	Rachel MacLucas - Executive Manager Marketing and Communications
MAITLAND +10	Outcome 1. Sense of place and pride
COUNCIL OBJECTIVE:	1.1.4 To develop and support community partnerships designed to increase benefits and create a sense of community

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#### EXECUTIVE SUMMARY

*A request has been received from the Morpeth Anzac Day Committee for financial assistance towards the cost of covering traffic control at the 2018 Anzac Day Service in Morpeth. This report provides both details of, and a recommendation to support, the request.*

#### OFFICER'S RECOMMENDATION

THAT

1. Council contribute \$1,500 to the Morpeth Anzac Day Committee to assist with covering costs of traffic control for the day.

#### COMMITTEE RECOMMENDATION TO COUNCIL

THAT

1. Council contribute \$1,500 to the Morpeth Anzac Day Committee to assist with covering costs of traffic control for the day.

Moved Cr R Aitchison, Seconded Cr B Whiting

**CARRIED**

## 11.2 STATEMENT OF INVESTMENTS AS AT 30 NOVEMBER 2017

<b>FILE NO:</b>	82/2
<b>ATTACHMENTS:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Leah Flint - Group Manager Strategy Performance and Business Systems
<b>AUTHOR:</b>	Mark Ackland - Compliance Accountant
<b>MAITLAND +10</b>	Outcome 19. A sustainable Council for a sustainable City
<b>COUNCIL OBJECTIVE:</b>	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

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

### OFFICER'S RECOMMENDATION

#### THAT

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

### COMMITTEE RECOMMENDATION TO COUNCIL

#### THAT

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

Moved Cr M Griffin, Seconded Cr K Ranadive

**CARRIED**



### 11.3 STATEMENT OF INVESTMENTS AS AT 31 DECEMBER 2017

<b>FILE NO:</b>	82/2
<b>ATTACHMENTS:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Leah Flint - Group Manager Strategy Performance and Business Systems
<b>AUTHOR:</b>	Mark Ackland - Compliance Accountant
<b>MAITLAND +10</b>	Outcome 19. A sustainable Council for a sustainable City
<b>COUNCIL OBJECTIVE:</b>	19.1.1 To ensure the principles of sustainability underpin Council's financial, economic, social and environmental decision-making

---

#### EXECUTIVE SUMMARY

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

#### OFFICER'S RECOMMENDATION

##### THAT

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

#### COMMITTEE RECOMMENDATION TO COUNCIL

##### THAT

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

Moved Cr M Griffin, Seconded Cr B Whiting

**CARRIED**

**Council resumed into Ordinary Council at 6.15 pm.**

**Moved Cr B Whiting, Seconded Cr B Mitchell**

**CARRIED**

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

11.1 FINANCIAL ASSISTANCE REQUEST: MORPETH ANZAC DAY COMMITTEE

COMMITTEE RECOMMENDATION TO COUNCIL

THAT

1. Council contribute \$1,500 to the Morpeth Anzac Day Committee to assist with covering costs of traffic control for the day.

11.2 STATEMENT OF INVESTMENTS AS AT 30 NOVEMBER 2017

COMMITTEE RECOMMENDATION TO COUNCIL

THAT

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

11.3 STATEMENT OF INVESTMENTS AS AT 31 DECEMBER 2017

COMMITTEE RECOMMENDATION TO COUNCIL

THAT

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

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

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

**CARRIED**

**The motion when put to the Council was declared Carried.**

**12 NOTICES OF MOTION/RESCISSION**

Nil

**13 QUESTIONS WITH NOTICE**

Nil

**14 URGENT BUSINESS**

Nil

Council moved into the Committee of the Whole at 6.17 pm.

Moved Cr M Griffin, Seconded Cr B Whiting

**CARRIED**

Council moved into Closed Session of the Committee of the Whole for the reasons specified in the Agenda, and closed the meeting to the public at 6.17 pm.

Moved Cr M Griffin, Seconded Cr B Whiting

**CARRIED**

## 15 COMMITTEE OF THE WHOLE

### 15.1 TENDER EVALUATION REPORT FOR TENDER 137/1408 COLLECTION AND TRANSPORT OF ORGANICS FROM CESSNOCK, MAITLAND AND SINGLETON WASTE MANAGEMENT CENTRES

FILE NO:	137/1408
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle David Simm - Manager Development & Environment
AUTHOR:	Elfi Blackburn - Waste Services Coordinator
MAITLAND +10	Outcome 8. Managing the environment and natural resources
COUNCIL OBJECTIVE:	8.2.1 To reduce the reliance on landfill by increasing avoidance, resource recovery, waste minimisation and community education

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

#### EXECUTIVE SUMMARY

*This report provides information on the evaluation process undertaken for tenders received for Regional Contract 137/1408 Collection and Transport of Organics from Cessnock, Maitland and Singleton Councils' Waste Management Centres.*

#### OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

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

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

#### COMMITTEE RECOMMENDATION TO COUNCIL

**THAT**

**Subject to the adoption of complementary resolutions by Cessnock City Council at its meeting on 7 February 2018 and by Singleton Council at its meeting on 19 February 2018.**

- 1. Council accept the tender from Australian Native Landscapes Pty Ltd for Contract 137/1408 for the Collection and Transport of Organics from Cessnock, Maitland and Singleton Councils' Waste Management Centres commencing on 1 March 2018 for period of two years. The estimated cost to Council for the contract term is \$177,000 (ex GST).**

**Moved Cr P Penfold, Seconded Cr P Garnham**

**CARRIED**

## 15.2 MT VINCENT WASTE MANAGEMENT FACILITY - CURRENT LEGAL MATTERS

<b>FILE NO:</b>	<b>P44574</b>
<b>ATTACHMENTS:</b>	<b>Nil</b>
<b>RESPONSIBLE OFFICER:</b>	<b>David Evans - General Manager</b>
<b>AUTHOR:</b>	<b>David Evans - General Manager</b>
<b>MAITLAND +10</b>	<b>Outcome 8. Managing the environment and natural resources</b>
<b>COUNCIL OBJECTIVE:</b>	<b>8.2.1 To reduce the reliance on landfill by increasing avoidance, resource recovery, waste minimisation and community education</b>

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

### EXECUTIVE SUMMARY

*Council at its meeting held on 12 December 2017 considered an offer of mediation in relation to a lengthy history of legal matters relating to the Maitland Waste Management Facility. Council resolved to pursue resolution of these matters through mediation.*

*This report presents the outcomes of the mediation which was held in Sydney on Monday, 22 January 2018.*

### OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

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

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

### COMMITTEE RECOMMENDATION TO COUNCIL

**THAT**

- Council note the outcomes of the mediation in relation to these legal proceedings [Matter excluded from public access in accordance with s6(1) of the Government Information (Public Access) Act 2009].**

**2. [Matter excluded from public access in accordance with s6(1) of the Government Information (Public Access) Act 2009].**

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

**CARRIED**

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

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

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

**Council resumed into Ordinary Council at 6.44 pm**

**Moved Cr P Garnham, Seconded Cr K Ranadive**

**CARRIED**

## **16 COMMITTEE OF THE WHOLE RECOMMENDATIONS**

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

15.1 TENDER EVALUATION REPORT FOR TENDER 137/1408 COLLECTION AND TRANSPORT OF ORGANICS FROM CESSNOCK, MAITLAND AND SINGLETON WASTE MANAGEMENT CENTRES

COMMITTEE RECOMMENDATION TO COUNCIL

THAT

Subject to the adoption of complementary resolutions by Cessnock City Council at its meeting on 7 February 2018 and by Singleton Council at its meeting on 19 February 2018.

1. Council accept the tender from Australian Native Landscapes Pty Ltd for Contract 137/1408 for the Collection and Transport of Organics from Cessnock, Maitland and Singleton Councils' Waste Management Centres commencing on 1 March 2018 for period of two years. The estimated cost to Council for the contract term is \$177,000 (ex GST).

15.2 MT VINCENT WASTE MANAGEMENT FACILITY - CURRENT LEGAL MATTERS

COMMITTEE RECOMMENDATION TO COUNCIL

THAT

1. Council note the outcomes of the mediation in relation to these legal proceedings, including the purchase of Lot 1012 DP 1103879 Mt Vincent Road, East Maitland; and
2. Upon acquisition by Council and for the purposes of Section 31 (2) of the Local Government Act 1993, Lot 1012 DP 1103879 be classified as 'Operational Land'.

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

**Moved Cr R Aitchison, Seconded Cr H Meskauskas**

**The motion when put to the Council was declared carried.**



**17 CLOSURE**

The meeting was declared closed at 6.45 pm.

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**Chairperson**