

**ORDINARY MEETING**

**MINUTES**

**12 MARCH 2019**

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## **PRESENT**

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

## **1 INVOCATION**

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

## **2 ACKNOWLEDGEMENT OF COUNTRY**

Cr P Penfold read the Acknowledgement of Country.

A one minute silence was observed as a mark of respect for the passing of the Hon. Milton Morris AO.

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

Nil.

## **4 DECLARATIONS OF INTEREST**

Nil.

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

### **COUNCIL RESOLUTION**

**THAT the minutes of the Ordinary Meeting held 26 February 2019 be confirmed.**

**Moved Cr B Whiting, Seconded Cr N Penfold**

**CARRIED**

## **6 BUSINESS ARISING FROM MINUTES**

Nil.

## **7 MAYORAL MINUTE**

### **7.1 PASSING OF THE HON. MILTON MORRIS AO**

**FILE NO:** 35/7/4  
**ATTACHMENTS:** Nil  
**RESPONSIBLE OFFICER:** David Evans - General Manager  
**AUTHOR:** Loretta Baker - Mayor

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#### **MAYORAL MINUTE**

It was with sadness that I heard about the death of the much loved Milton Morris AO, who passed away on Tuesday 26 February.

The man who became known as 'Mr Maitland' touched the hearts of many and this affectionate nickname really is a testament to his passion and love for the city and its people.

Starting his career in Newcastle as a wool stores clerk, Milton later moved to Stuart and Lloyds Tube Mills in Mayfield as an Industrial Officer before starting his political life.

As the local state member for nearly 25 years from 1956 and a government Minister for over ten of those years, he fought hard for the people of Maitland and NSW. There would be few who have lived here for any length of time that haven't at least heard of him.

Throughout his years as Transport Minister from 1965 to 1975, he oversaw the introduction of mandatory seatbelt laws and other innovations that are common place today. During this same time, the state's road toll fell from 1,300 deaths in 1965 down to slightly less than 700 in 1975, while the number of cars registered in NSW rose from 750,000 to two million. These are impressive figures and give an insight into the politician Mr Morris was. To this day, he remains the longest serving Transport Minister in NSW State Government history.

His life in public service continued after politics though. He would be known to many for his work as Chairman and a tireless advocate for the Hunter Valley Training Company (HVTC), a trade college that has for decades, trained up apprentices that are sought after in many local industries.

I remember hearing that his proudest achievement at HVTC was the restoration of steam locomotive 3801, which directly provided more than 330 apprenticeship positions between 1983 and 1986.

Mr Morris took a large amount of pride in his service to his constituents and talked often about how much of an honour it was to represent the people of Maitland. He was respected on all sides of the political sphere, something in itself to be commended.

Being appointed as an Officer of the Order of Australia for 'services to youth and to the Parliament' in 1988 was only the beginning of the recognition he received, and greatly deserved, for the work he did in the community. He was bestowed the honour of Freeman of the City in 1994, an honour that is only awarded to those who have demonstrated the highest level of service to our community.

Mr Morris was a kind, generous soul who managed to enrich the lives of the people around him and that is something that will be truly missed.

To Milton's family and friends, I offer my condolences. I hope you take some comfort in knowing that he touched the lives of so many in such a positive way. Milton was 94 years old. Rest in Peace 'Mr Maitland'.

#### **RECOMMENDATION**

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

#### **COUNCIL RESOLUTION**

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



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

Nil.

**9 PUBLIC ACCESS**

Nil.

**10 GENERAL MANAGER'S REPORTS**

Nil.

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## 11 PLANNING, ENVIRONMENT AND LIFESTYLE REPORTS

### 11.1 DA 18-2066 ALTERATIONS AND ADDITIONS TO EXISTING BUNNINGS WAREHOUSE - LOT 2 DP1078905, LOTS 14-16 DP746311 AND LOT 150 DP1113139, 2A JOHNSON STREET MAITLAND AND LEDSAM STREET TELARAH RECOMMENDATION: APPROVAL

FILE NO:	DA 18-2066
ATTACHMENTS:	1. Locality Plan 2. Development Plans (under separate cover)
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle David Simm - Manager Development & Environment Leanne Harris - Development Assessment Coordinator
AUTHOR:	Robyn Hawes - Senior Development Planner
APPLICANT:	Bunnings Group
OWNER:	BWP Management Ltd & M&P Buffier
PROPOSAL:	Alterations and additions to existing Bunnings Warehouse (Hardware and building supplies)
LOCATION:	Lot 2 DP1078905, Lots 14-16 DP746311 and Lot 150 DP1113139 – 2A Johnson Street Maitland and Ledsam Street Telarah
ZONE:	B5 Business Development

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#### EXECUTIVE SUMMARY

*Application has been made to Council seeking consent for alterations and additions to the existing Bunnings Warehouse at Telarah as part of a nationwide expansion program. The larger building is designed to accommodate the full range of Bunnings products in a single storey format. The design includes additional car parking and the construction of a second vehicular access off Bungaree Street with a bridge crossing the existing wetland area to the expanded car parking area.*

*Works within the Bungaree Street road reserve across the frontage of the development site will incorporate roadworks identified for the Bungaree Street upgrade in Council's Capital Works Program and includes relocation of existing bus stops further south in Bungaree Street, construction of kerb and gutter and a shared path.*

*The land use is defined as 'hardware and building supplies' and is permissible with consent in Zone B5 Business Development.*

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*The application is integrated development requiring an associated Controlled Activity Approval under the Water Management Act 2000 and General Terms of Approval have been issued by Natural Resources Access Regulator (NRAR).*

*The application was also referred to NSW Roads and Maritime under clause 104 in State Environmental Planning Policy (Infrastructure) 2007 relating to proximity of traffic-generating impacts on the State road network. RMS has issued its response and does not raise any objection or identify any specific requirements.*

*The application was placed on public exhibition from 09 January – 07 February 2019 and no submissions were received.*

*The primary issue for consideration is the amount of fill proposed on the extended site, being located within the Hunter River floodplain and being subject to localised storm events. The specialist reports submitted with the application demonstrate that the balance of cut/fill across the site will have a negligible impact on the existing flood behaviour in this location from both flood events.*

*The proposed upgrade of the Bligh Street culvert under the railway corridor has been considered in the modelling of the flood behaviour. Council referred the application to ARTC for comment but no response was received.*

*The application is reported to Council for determination as the estimated cost of the development exceeds the limits of council officer delegations.*

*The application has been assessed against the relevant heads of consideration under section 4.15(1) in the Environmental Planning and Assessment Act 1979 and found to be satisfactory subject to compliance with the recommended schedule of conditions attached to this report. The application is recommended for approval.*

## **OFFICER'S RECOMMENDATION**

### **THAT**

- 1. DA18-2066 for alterations and additions to the existing Bunnings Warehouse (hardware and building supplies) on Lot 2 DP1078905, Lots 14-16 DP746311 and Lot 150 DP1113139, 2A Johnson Street Maitland and Ledsam Street Telarah be approved subject to the conditions of consent as set out in the attached Schedule.**

## **COUNCIL RESOLUTION**

### **THAT**

- 1. DA18-2066 for alterations and additions to the existing Bunnings Warehouse (hardware and building supplies) on Lot 2 DP1078905, Lots 14-16 DP746311**

and Lot 150 DP1113139, 2A Johnson Street Maitland and Ledsam Street Telarah be approved subject to the conditions of consent as set out in the attached Schedule.

Moved Cr B Whiting, 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 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

### Reason for Conditions

The following conditions are applied to:

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

### APPROVED PLANS AND DOCUMENTATION

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

Plan Ref No.	Sheet No.	Revn No.	Revision Date	Prepared by: (consultant)
Cover Sheet (HD26)	HD00	11	04.12.18	High Definition Design P/L
Site Context Plan (HD26)	HD01	11	04.12.18	High Definition Design P/L
Site Plan (HD26)	HD02	11	04.12.18	High Definition Design P/L
Floor Plan (HD26)	HD03	11	04.12.18	High Definition Design P/L
Roof Plan (HD26)	HD04	11	04.12.18	High Definition Design P/L
Racking Plan (HD26)	HD05	11	04.12.18	High Definition Design P/L
Elevations 1 of 2 (HD26)	HD06	11	04.12.18	High Definition Design P/L
Elevations 2 of 2 (HD26)	HD07	11	04.12.18	High Definition Design P/L
Sections 1 of 3 (HD26)	HD08	11	04.12.18	High Definition Design P/L
Sections 2 of 3 (HD26)	HD09	11	04.12.18	High Definition Design P/L
Sections 3 of 4 (HD26)	HD10	11	04.12.18	High Definition Design P/L
Proposed Pylon Signs (HD26)	HD11	11	04.12.18	High Definition Design P/L
Cover Sheet (131882)	C01-01	A	19.11.18	RPS Australia East Pty Ltd
General Notes (131882)	02	A	19.11.18	RPS Australia East Pty Ltd
General Arrangement (131882)	03	A	05.11.18	RPS Australia East Pty Ltd
Entry Road (131882)	04	A	05.11.18	RPS Australia East Pty Ltd
Southern Wetland (131882)	05	A	05.11.18	RPS Australia East Pty Ltd

Carpark Sheet 1 (131882)	06	A	05.11.18	RPS Australia East Pty Ltd
Carpark Sheet 2 (131882)	07	A	05.11.18	RPS Australia East Pty Ltd
Entry Road (131882)	08	A	05.11.18	RPS Australia East Pty Ltd
Typical Details (131882)	09	A	05.11.18	RPS Australia East Pty Ltd
Erosion and Sediment Control Details (131882)	10	A	05.11.18	RPS Australia East Pty Ltd
Erosion and Sediment Control Details (131882)	11	A	05.11.18	RPS Australia East Pty Ltd
Proposed Intersection Bungaree St (1 of 2)	INT01	10	27.11.18	High Definition Design P/L
Proposed Intersection Bungaree Street (2 of 2)	INT02	10	27.11.18	High Definition Design P/L
Landscape Plan (2313)	LP-01	E	26.07.16	John Lock & Associates
Landscape Details (2313)	LP-03	E	26.07.16	John Lock & Associates
Landscape Details – sheet 2 (2313)	LP-04	B	26.07.16	John Lock & Associates
Landscape Section	LP-05	B	06.12.18	John Lock & Associates
Site Flood Assessment – Proposed Expansion of Existing Bunnings Warehouse at Bungaree St Telarah		1	Dec 18	WMA Water

## CONTRIBUTIONS & FEES

2. Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, and the Maitland S94A Levy Contributions Plan 2006, a contribution of \$184,244 shall be paid to the Council.

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

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

- Prior to issue of the Construction Certificate for the development.
- Where no construction certificate is required - prior to issue of an Occupation Certificate.

The above condition has been applied to ensure that:

- a) Where the proposed development results in an increased demand for public amenities and services, payment towards the cost of providing these facilities/services is made in accordance with Council's adopted

contributions plan prepared in accordance with the provisions of section 7.12 of the Environmental Planning and Assessment Act, 1979.

- b) 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.
7. **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.

## DEMOLITION

8. All demolition works are to be carried out in accordance with Australian Standard AS 2601-2001.
9. In the event of an undisclosed or unidentified contamination being found on-site or any potentially contaminating infrastructure (e.g. underground storage tanks) or soils (e.g. staining, odours, asbestos) being identified during works, a qualified and experienced consultant must inspect, review and advise on remediation or mitigation prior to further construction proceeding. Council must be notified if this occurs and must be provided with any resulting reports and recommendations.
10. 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.
11. All workers on the site shall be informed of possible Aboriginal occupation. Should any Aboriginal artefacts be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance in this area is to stop immediately and the National Parks and Wildlife Service of NSW should be informed in accordance with the *National Parks and Wildlife Act 1974*. Further works shall not occur until the necessary approvals/permits have been obtained.
12. Demolition material shall be recycled as far as is practicable and any demolition waste disposed of only at an authorised landfill facility.

13. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.
14. The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.
15. No building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.

### ACID SULFATE SOILS

16. **Prior to issue of the Construction Certificate**, a preliminary assessment of the proposed works is to be prepared in accordance with the Acid Sulfate Soils Manual (1998) to determine whether an Acid Sulfate Soils Management Plan (ASSMP) is required for the works. The preliminary assessment is to be provided to the Maitland City Council's Manager – Development and Environment and the Manager is to confirm the assessment by notice in writing to the Principal Certifying Authority.

### NATURAL RESOURCES ACCESS REGULATOR

17. The development shall be carried out in accordance with the General Terms of Approval issued by Natural Resources Access Regulator (NRAR) on 06 February 2019 and as attached to this Schedule.
18. **Prior to the issue of a Construction Certificate**, a copy of the Controlled Activity Approval is to be provided to the Principal Certifying Authority.
19. **Prior to the issue of an Occupation Certificate**, a Landscape Report is to be forwarded to the Principal Certifying Officer from a qualified landscape architect certifying that the works required to be undertaken under the Controlled Activity Approval issued by Natural Resources Access Regulator (NRAR) under the Water Management Act 2000 has been complied with.

### EARTHWORKS

20. The total amount of fill brought to site shall not exceed the volumes of fill identified in the *Proposed Expansion of Existing Bunnings Warehouse at Bungaree St Telarah - Site Flood Assessment* (WMA Water, December 2018). The applicant shall provide Council with copies of all fill purchase receipts that relate to the site upon request.
21. The owner/occupier shall ensure that access to the landfill site is restricted and monitored to prevent the unauthorised deposition of material.
22. Filling material, shall be limited to the following:
  - a) virgin excavated natural material (VENM); and/or
  - b) excavated natural material (ENM) certified as such in accordance with Protection of the Environment Operations (Waste) Regulations 2014.



23. Only natural earth material, free of contamination shall be deposited on the land. Under no circumstances shall contaminated fill material including fines, putrescible wastes, (including timber, paper, green waste, food etc), oil products (including petrol, bitumen, asphaltic concrete etc), plastic, and the like, be deposited on the land unless expressly authorised by this development consent.
24. Where ENM, is used, the applicant shall ensure that detailed records are kept identifying the source of the material and its composition and chain of custody documentation. Such records are to be provided to the Council within 30 days of the completion of the filling.
25. Within 30 days of the completion of filling the applicant shall submit to the Council a validation report prepared in accordance with EPA requirements by a qualified geotechnical consultant confirming that the completed filling works (addressing both material type, compaction and stabilisation) has been undertaken in accordance with the approved development application documentation and associated consent conditions.
26. The exposed earthworks shall be immediately top dressed and seeded with grasses upon its completion.
27. Fill material shall not obstruct any local watercourse, flow path or drain, that is within or that enters the site, without provision for conveyance, within the site, of stormwater flows through or around the proposed fill area, including adequate protection against erosion.
28. The environment surrounding the work shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind and “vehicle tracking”.
29. A constructed earth dam silt trap shall be provided at the low point of the site and shall be left undisturbed until the final operation of the approved fill limits.
30. The applicant must implement best practice measures to minimise dust emissions from the site during construction. The site shall be managed to prevent the generation of dust, the measures to be employed include:
  - The use of a water cart from the public road access point; and
  - Ceasing construction activities (i.e. no vehicles or equipment use) during adverse meteorological conditions (i.e. on windy days).
31. Unless otherwise approved by Council in writing, all construction activities including earthworks, truck arrivals and the unloading of fill from trucks 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.

- 32. Prior to building works commencing on the site**, Works As Executed (WAE) drawings shall be provided to the Principal Certifying Authority, confirming that the earthworks have been completed to the footprint and fill levels as detailed in the *Site Flood Assessment – Proposed Expansion of Existing Bunnings Warehouse at Bungaree St Telarah* (WMA Water, Rev. 1, December 2018) and shown on the approved plans. A copy shall be provided to Council’s Manager – Development and Environment for record purposes.

## ACOUSTICS

- 33.** The following acoustic mitigation measures are to be incorporated into the design of the development in accordance with the recommendations contained in the *DA Noise Assessment* (Wilkinson Murray, Ver. A, 06/11/18). Full details are to be submitted to the certifying authority with the documentation for a Construction Certificate:
- Evaporative roof units and fans on the roof of the building are to be acoustically treated to achieve a noise reduction of at least 10dBA; and
  - A 1.8m high acoustically rated barrier/fence is to be constructed on the southern access road from the road reserve in Bungaree Street to the carpark.

## LANDSCAPING

- 34.** Prior to issue of an Occupation Certificate, all landscaped areas of the development shall be constructed in accordance with the approved Landscape Plans.
- 35.** The landscaped areas shall be maintained in accordance with the approved landscape plan. The landscaped areas shall be kept free of parked vehicles, stored goods, waste material, and the like.

## HOURS OF OPERATION

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

Monday to Friday:	6.00am to 10.00pm
Weekends and Public Holidays:	6.00am to 7.00pm
Before 7.00am on any day	Trucks are not permitted to use the loading docks.

## ROAD WORKS

- 37.** All work required to be undertaken within a public road reserve must make separate application to, and gain approval by Council, under Section 138 of the Roads Act 1993 (NSW).

Engineering construction plans must be prepared and designed by a suitably qualified professional, in accordance with approved plans, Council’s Manual

of Engineering Standards, Austroads Guide. The Roads Act Approval from Council should be applied for at the same time as any works/construction Certificate within the site to avoid delays at the end of the project.

The required road works to be designed and constructed are as follows:

- a) Bungaree Street to be upgraded for: (i) a 3.5 metre wide travel lane, (ii) a minimum 3.0 metre wide kerbside lane from the auxiliary left of the existing Bunnings vehicle access and across the Heritage Holden vehicle access (equivalent BAR treatment), then tapering to a minimum 1.0 metre at the proposed Bunnings vehicle access, in accordance with Concept design plans, Drawing No. HD 01 Revision: EX11, dated 04/12/2018.
- b) Provide a 2.5m shared path off-road along the proposed development frontage from Ledsam Street to the vehicle access of the existing Bunnings development site.
- c) Upgrade the existing and proposed vehicle accesses to allow for pedestrians to cross (including access ramps and median separation).
- d) Provide guard rail between the existing and proposed vehicle accesses associated with Bunnings and to be located adjacent to the shared path on the west side.
- e) Road pavements markings of the proposed Seagull South Vehicle Access near Ledsam Street tying into the proposed pedestrian refuge facility immediately south of Ledsam Street.
- f) Relocate existing bus stops, power poles/ street lighting poles along the development frontage to meet Council's requirements and all other relevant standards.
- g) Adjust all utility services in the road reserve on Bungaree Street to build intersection treatment, access crossings and widening of road including but not limited to road drainage, footway signage.
- h) Adequate sight distances shall be provided at the proposed vehicular accesses for vehicles entering and exiting the site in accordance with the Austroads Guide and relevant Australian Standards.
- i) Prior to approval of the works within the Road Reserve, detailed engineering plans are to be provided of all signage and line marking, and traffic facilities for consideration by the Local Traffic Committee. These plans are to detail the signage and line marking proposed along the road frontages, and the design of the road median.
- j) Prior to issue of a Construction Certificate, a Construction Traffic Management Plan (CTMP) to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity is to be submitted and approved by Council Subdivision Engineers prior to the issue of the Construction Certificate. Any requirements required by the CTMP shall gain the appropriate Roads Act Approvals if impacting within the road reserve.
- k) All works associated with the subject development shall be full cost to the developer and at no cost to Council.

38. **Prior to issue of an occupation certificate** written confirmation that the Roads Act approval works have been satisfactorily completed, shall be obtained from council's Subdivision Engineers.

### **CARPARKING**

39. Car parking for the development shall be provided in accordance with the approved plans, with a minimum allocation for the development of 400 spaces.
40. All on-site driveways, parking areas and vehicles turning areas shall be constructed with a bitumen sealed granular pavement, segmental pavers, or as reinforced concrete. Service loading and turning areas are to be constructed of concrete pavement suitable for heavy vehicle use.
41. All parking bays and loading bays shall be permanently marked out on the pavement surface, with loading bays being clearly indicated by means of appropriate signage.
42. Parking spaces identified for 'staff parking' on the southern edge of the proposed new car parking area are to be signposted accordingly.
43. All parking and loading bays are to be maintained clear of obstructions and under no circumstances are to be used for the storage of goods, waste materials or additional parking.

### **VEHICLE ACCESS**

44. **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).
45. **Prior to issue of the Occupation Certificate** the driveway layout and profile shall be constructed in concrete (heavy duty), in accordance with Council's Manual of Engineering Standards, which include the retention of (or if damaged reconstruction as plain concrete of) any existing footpath, and with reference to Council's information document "*Footway Crossings (Driveways)*".

### **STORMWATER DRAINAGE**

46. **Prior to issue of the Construction Certificate**, a detailed stormwater drainage plan, providing:
- a) an emergency overland flow path for major storm events, that is directed to the public/natural drainage system,
  - b) entrapment of gross pollutants, nutrients and hydrocarbons generated from the contributing ground-surface catchment areas,
  - c) conveyance, where necessary, of stormwater through the site from upstream catchments, (including roads and adjoining properties),

- d) detailed pavement finished surface levels, to ensure stormwater runoff catchment and its direction into the detention system,

shall be designed in accordance with Council's Manual of Engineering Standards. The design shall be based on the concept drawings (131882C03-4 – 131882CO3 -7, Revision A, 15/11/18).

- 47. Prior to Occupation or Operation of the development,** a *Stormwater System Maintenance Procedure Plan* shall be prepared by an engineer, detailing a regular maintenance programme for pollution control devices, covering inspection, cleaning and waste disposal, a copy of which shall be supplied to the owner/operator.
- 48. Prior to issue of the Occupation Certificate,** the stormwater-control system shall be constructed in accordance with the approved stormwater drainage plan.

## **EROSION CONTROLS**

- 49.** 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**

- 50.** All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
- 51.** 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.
- 52.** Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:
- a.** 7.00am to 6.00pm Monday to Friday
  - b.** 7.00am to 5.00pm Saturday

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

## **SERVICES & EQUIPMENT**

- 53.** 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.

54. 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.
55. 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

56. All excavated and/or filled areas are to be retained or battered and suitably drained so as to prevent any subsidence of the area and constructed so as to deny any flow of water into the building.

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

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

All proposed retaining walls, including any excavation, footings, drainage and backfill shall be contained within the property boundaries. Retaining walls and associated earthworks shall not impede or redirect the natural flow of surface water from adjoining properties in a manner that creates nuisance.

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

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

**58.** 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.

**59.** If the work:

**i)** is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

**ii)** involves the enclosure of a public place

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

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

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

**60.** 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.

**61.** 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.

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

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

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

## PYLON SIGNS

65. The pylon signs (as located on the approved Site Plan) shall be erected and operated in accordance with the criteria contained in the Department of Planning's *Transport Corridor Outdoor Advertising and Signage Guidelines* (November 2017) including, but not limited to, Section 3.3.3 Illumination and reflectance.

## LAND TITLE

*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.*

66. **Prior to issue of a Construction Certificate**, the proposed site (currently identified as Lot 2 DP1078905, Lots 14-16 DP746311 and Lot 150 DP1113139) shall be consolidated into one lot and a copy of the registered Deposited Plan provided to the principal certifying authority.

## ADVICES

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

- A** You are advised that where underground works within the road reserve are required for necessary for supply of services (such as water, sewer, electricity, gas), further consent for a "Road Opening" must be obtained from Council.  
Refer to Council's form: "*Application for Registration to Open Roads/Footpaths*".
- B** You are advised that in regard to potential soil erosion from the construction site, such pollution of the environment is an offence under the Protection of the Environment & Operations (POEO) Act and may incur infringement fines.
- C** You are advised that if the fill is not placed as "controlled fill" for the purpose of a possible future building on the filling, engineer designed structural foundations will be required.
- D** You are advised that the responsibility for deposition of material remains with owner/occupier. If contaminated fill has been placed on the site, or the amount of fill exceeds the approved amount, the applicant may be required to remove the fill at their own expense.
- E** You (or the owner) are advised to notify Council in writing, of any existing damage to the street infrastructure (including landscaping) along the frontage of the property, prior to commencement of construction. The absence of such notification signifies that no damage exists. Where necessary repairs are carried out by Council, the owner of the property shall be held liable for the cost of those repairs.



- F** You are advised that damage to existing roads (including footpaths and kerb/gutters) and drainage as a result of construction works may incur rectification costs.
- G** 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.
- H** You are advised that, prior to pouring of internal concrete driveways and kerbs, which act as surface depression storage for the stormwater detention, (and/or surfaces which divert runoff to those storage areas), levels should be confirmed, by survey, on formwork and control marks.
- I** You are advised that further consent for a driveway across the footway verge must be obtained. *Inspections* of works (eg formwork & reinforcement **MUST** be carried out by Council. (See Council's "Application *To Construct Private Works On Footway*"). You should contact Council (ph. 49 34 9700), giving at least 24 hours notice for inspections.
- J** 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.
- K** You are advised that compliance with the requirements of the Disability Discrimination Act, (DDA) applies to works on this site. It should be noted that compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA.

## Attachment: General Terms of Approval (NRAR)



Natural Resources  
Access Regulator

## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

<b>Reference Number:</b>	IDAS1111869
<b>Issue date of GTA:</b>	06 February 2019
<b>Type of Approval:</b>	Controlled Activity
<b>Description:</b>	Alterations and Additions to Existing Commercial Premises (Bunnings Warehouse - Lot 2 DP1078905 - 2A Johnson Street, Maitland, Lot 14 DP746311 - Ledsam Street, Telarah, Lot 15 DP746311 - Ledsam Street, Telarah, Lot 150 DP1113139 - Ledsam Street, Telarah
<b>Location of work/activity:</b>	2A Johnson Street MAITLAND 2320 NSW Ledsam Street TELARAH 2320 NSW
<b>DA Number:</b>	DA2018/2066
<b>LGA:</b>	Maitland City Council
<b>Water Sharing Plan Area:</b>	Hunter Unregulated and Alluvial Water Sources

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
<b>Design of works and structures</b>	
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
GT0013-00001	A. Any proposed controlled activity carried out under a controlled activity approval must be directly supervised by a suitably qualified person. B. A copy of this approval must be: i. kept at the site where the controlled activity is taking place, and ii. provided to all personnel working on the controlled activity.
<b>Erosion and sediment controls</b>	
GT0006-00006	The following plan(s): - Erosion and sediment plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
GT0014-00007	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
GT0021-00004	The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.
<b>Plans, standards and guidelines</b>	
GT0002-00658	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA/2018/2066 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled

Level 18, 227 Elizabeth Street, Sydney, NSW 2001 | GPO BOX 3889, Sydney, NSW 2001  
water.enquiries@dpi.nsw.gov.au | www.water.nsw.gov.au



## General Terms of Approval

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**Location of work/activity:** 2A Johnson Street MAITLAND 2320 NSW Ledsam Street TELARAH 2320 NSW

**DA Number:** DA2018/2066

**LGA:** Maitland City Council

**Water Sharing Plan Area:** Hunter Unregulated and Alluvial Water Sources

- activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
- GT0004-00003 A. A security deposit must be provided, if required by Natural Resources Access Regulator. B. The deposit must be: i. a bank guarantee, cash deposit or equivalent, and ii. equal to the amount required by Natural Resources Access Regulator for that controlled activity approval.
- GT0005-00278 A. The application for a controlled activity approval must include the following plan(s): - 1. Vegetation management plan, 2. Riparian corridor, 3. Erosion and sediment control plan, 4. Stormwater management plan. B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>.
- GT0010-00006 All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.

### Rehabilitation and maintenance

- GT0007-00006 When the proposed controlled activity is completed, and the rehabilitation plan has been implemented, maintenance of the site must be carried out for a period of 2 years in accordance with that rehabilitation plan submitted as part of the controlled activity approval, and approved by Natural Resources Access Regulator.

### Reporting requirements

- GT0016-00003 The consent holder must inform Natural Resources Access Regulator in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.
- GT0017-00004 When required: A. a suitably qualified person must provide a certificate of completion for any controlled activity carried out under a controlled activity approval, and B. the certificate must be sent to Natural Resources Access Regulator.

### SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA2018/2066 as provided by Council:

- 1. Council letter
- 2. SEE
- 3. Controlled activity investigation report
- 4. Site plans and Engineering plans
- 5. Landscape plan

**11.2 DA 18-1431 EARTHWORKS (FILL) ASSOCIATED WITH PROPOSED SENIORS LIVING DEVELOPMENT - LOT 2 DP1145348 RAYMOND TERRACE ROAD, THORNTON (THORNTON URBAN RELEASE AREA)  
RECOMMENDATION: APPROVAL**

<b>FILE NO:</b>	<b>DA 18-1431</b>
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. Locality Plan</li> <li>2. Development Plans (under separate cover)</li> <li>3. Submission</li> </ol>
<b>RESPONSIBLE OFFICER:</b>	<p><b>Bernie Mortomore - Group Manager Planning, Environment &amp; Lifestyle</b></p> <p><b>David Simm - Manager Development &amp; Environment</b></p> <p><b>Leanne Harris - Development Assessment Coordinator</b></p>
<b>AUTHOR:</b>	<b>Robyn Hawes - Senior Development Planner</b>
<b>APPLICANT:</b>	<b>McCloy Group</b>
<b>OWNER:</b>	<b>McCloy Thornton Pty Ltd</b>
<b>PROPOSAL:</b>	<b>Earthworks (fill)</b>
<b>LOCATION:</b>	<b>Lot 2 DP1145348, Raymond Terrace Road Thornton</b>
<b>ZONE:</b>	<b>RU2 Rural Landscape</b>

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**EXECUTIVE SUMMARY**

*A development application has been lodged with Council seeking consent under clause 7.2 in the Maitland LEP 2011 (MLEP 2011) for earthworks to fill part of the void remaining on site from the former CSR quarry operations. This application is related to another development application on the same site (DA17-2593) for a seniors housing development that is currently under assessment and will be determined by the Hunter and Central Coast Joint Regional Planning Panel (JRPP).*

*The intent is to fill part of the quarry void to reduce the existing site gradients to ensure that the proposed seniors housing development can comply with standards relating to maximum gradients for distances of travel as specified in SEPP (Housing for Seniors or People with a Disability) 2004.*

*The application is 'integrated development' as a watercourse traverses the site, triggering referral to NSW Natural Resources Access Regulator (NRAR) for consideration under the Water Management Act 2000 (WMA). NRAR has advised that no approval is required under the WMA for this development.*

*The application was also referred to Roads and Maritime (RMS) for comment on traffic generation along the State road network. RMS does not raise any objections to the proposed development provided no direct vehicular access is approved to Raymond Terrace Road.*

*The application is specifically for the placement of engineered fill for the proposed seniors housing development. As this fill is directly related to another development that is yet undetermined, the application is recommended for approval as a 'deferred commencement' consent, specifying that this consent does not become operational until such time as development consent is issued for the related seniors housing development. That is, without the associated development consent, this application has no purpose and should not be approved on its own merit.*

*The application was placed on public exhibition from 13 – 27 August 2018 and one (1) submission was received. A second submission was received from the same objector following further advice from Council on the location of the proposed access road. Accordingly, the application is reported to Council for determination.*

*The main issue to be addressed is the proximity of the proposed new entry road to existing residential properties adjoining the site to the south and impacts arising from the use of this track (dust and noise). It is emphasised that the Thornton North Urban Release Area is developing rapidly and some existing residential areas will adjoin the construction phase of a project over time. While the issues raised by the objector do not warrant refusal of the application, specific conditions are included in the recommended schedule to mitigate the construction impacts to an acceptable standard.*

*The application has been assessed under the relevant heads of consideration in section 4.15(1) 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.*

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

##### **THAT**

- 1. DA 18-1431 for earthworks (fill) on Lot 2 DP1145348, Raymond Terrace Road Thornton be approved subject to a deferred commencement condition and other conditions set out in the attached schedule.**

#### **COUNCIL RESOLUTION**

##### **THAT**

- 1. DA 18-1431 for earthworks (fill) on Lot 2 DP1145348, Raymond Terrace Road Thornton be approved subject to a deferred commencement condition and other conditions set out in the attached schedule.**

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

**CARRIED**

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

The division resulted in 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

### 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.*

### PART A – 'DEFERRED COMMENCEMENT' CONDITION

1. The development is granted consent under section 4.16(3) – 'Deferred commencement' consent in the *Environmental Planning and Assessment Act 1979*. The development consent does not become operational until development consent has been granted to DA17-2593 for a seniors housing development on the same site.

*Note: Should this condition not be satisfied within five (5) years from the date of this determination, the consent will lapse in accordance with section 4.53(6) in the *Environmental Planning and Assessment Act 1979*.*

### PART B – OPERATIONAL CONSENT

#### APPROVED PLANS AND DOCUMENTATION

- 2 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)
Erosion & Sediment Control Plan (C013452.00)	EW20	C	01.05.18	Costin Roe Consulting
Site Grading Plan (C013452.00)	EW30	C	01.05.18	Costin Roe Consulting
Bulk Earthworks Sections Sheet 1 (C013452.00)	EW35	B	09.01.18	Costin Roe Consulting
Bulk Earthworks Sections Sheet 2 (C013452.00)	EW36	B	09.01.18	Costin Roe Consulting
Traffic and Parking Impact Assessment of Importation of			06.06.18	McLaren Traffic Engineering & Road



Plan Ref No.	Sheet No.	Revn No.	Revision Date	Prepared by: (consultant)
Fill at 107 Haussman Drive Thornton				Safety Consultants

## LAND CONTAMINATION

3. The development shall be carried out in accordance with the recommendations contained in the Preliminary Contamination Assessment (Qualtest, 2017) as follows:
- Due to the presence of fill materials, an Unexpected Finds Procedure should be prepared and implemented during earthworks on the site.
  - Sampling and analysis of the surface water and sediments in the ponds is carried out.
  - Further sampling and analysis of fill materials on the access tracks and northern portion of the site (TP11) may be required if these materials are proposed to be used within 2m of the final surface of the residential allotments.
  - If material is proposed to be re-used or disposed off-site, the material will require classification in accordance with the NSW EPA (2014) Waste Classification Guidelines, or assessment in accordance with a Resource Recovery Exemption/Order under the POEO (Waste) Regulation 2014.

## ARCHAEOLOGY

4. Prior to, or during construction, identification of any potential archaeological deposit likely to contain Aboriginal artefacts, shall cause construction works to cease. Application shall be made by a suitably qualified Archaeologist to NSW Office of Environment and Heritage (OEH) for an excavation permit for Aboriginal relics. A copy of such a permit, shall be submitted to Council.
5. If any Aboriginal objects or bones are suspected of being human are identified during site works, site workers must:
- a. Not further disturb or move these remains.
  - b. Immediately cease all work at the particular location.
  - c. In the case of suspected human remains only, notify NSW Police. In the case of Aboriginal objects, notify the NSW Office of Environment and Heritage Line on 131 555 as soon as practicable and provide additional details of the objects or remains and their location. The Mindaribba Local Aboriginal Land Council should also be notified to assist in the determination of appropriate management for the objects or remains.
  - d. Not recommence any work at the particular location unless authorised in writing by NSW Office of Environment and Heritage.

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## CONSTRUCTION HOURS

6. Unless otherwise approved by Council in writing, all construction activities including earthworks, truck arrivals and the unloading of fill from trucks shall be carried out between the hours of:
  - a) 7.00am to 5.00pm Monday to Friday
  - b) 7.00am to 5.00pm Saturday (if required)
  - c) No work on Sundays or Public Holidays.
7. No trucks, operational plant or delivery vehicles are permitted to park within residential areas awaiting the commencement of construction hours on the site.

## COMMUNITY CONSULTATION

8. At least seven (7) days prior to commencement of the fill operation (or operations if a delay of at least 4 weeks occurs between receipt of fill to the site), all residents adjoining the site along the southern boundary shall be advised in writing of the commencement of filling, and shall be provided with the contact details of the relevant site supervisor.
9. The name of the contractor, and the after-hours number, shall be displayed and be clearly visible from the road frontage for public viewing on the site at the commencement of works and remain in place until works are complete.

## EARTHWORKS

10. A maximum of 100,000m<sup>3</sup> of fill material is to be imported and placed on site. The weights of all materials imported shall be recorded and monitored to ensure the limit of this consent is not exceeded. The recorded information shall be provided to Council's Subdivision and Development Engineering Team upon request and at the completion of fill operations.
11. The owner/occupier shall ensure that access to the landfill site is restricted and monitored to prevent the unauthorised deposition of material.
12. Filling material, shall be limited to the following:
  - a) virgin excavated natural material (VENM); OR
  - b) excavated natural material (ENM) certified as such in accordance with Protection of the Environment Operations (Waste) Regulations 2014.

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

13. Where ENM, or material the subject of a waste recovery exemption is used, the applicant shall ensure that detailed records are kept identifying the source of the material and its composition. Such records are to be provided to the Council upon completion of the filling.
14. All grass and topsoil on the proposed fill area shall be stripped and stockpiled for re-use on the finished surface and batters.

15. The earthworks (fill) shall be completed in accordance with the *Civil Engineering Report: Development Application for Filling Works – Proposed Development: 107 Haussman Drive Thornton* (Costin Roe Consulting, Rev. A, 09/01/2018).
16. At the completion of filling the applicant shall submit to the Council a validation report prepared in accordance with EPA requirements by a qualified geotechnical consultant confirming that the completed filling works (addressing both material type, compaction and stabilisation) has been undertaken in accordance with the approved development application documentation and associated consent conditions.
17. At the completion of filling or any staged works, fully detailed Works As Executed (WAE) drawings prepared by a registered surveyor shall be submitted to Council, indicating the finished surface of the works, mapping of the locations of imported fill, noting where the source of the fill varies and the original location of the imported fill.

## **ENVIRONMENTAL MANAGEMENT PLAN**

18. A detailed Environmental Management Plan (EMP) shall be prepared by a suitably qualified person/consultant. The EMP shall include plans at a suitable scale and shall detail the objectives of the EMP, compliance with consent conditions, as well as best practice, to ensure specified environmental objectives are met. The EMP shall provide (but not necessarily be limited to):
  - (i) a detailed Soil and Water Management Plan. The SWMP is to be prepared by a suitably qualified person for the storage, treatment and disposal of any water within the quarry basin, prior to the discharge of any water from the site. The WMP is to give consideration to the Australian and New Zealand guidelines for fresh and marine water quality (ANZECC) and aim to prevent the contamination of any surrounding land or waterways. The SWMP shall include a regular water sampling program carried out on site and downstream of all discharge points when discharging is occurring and make provision for any remedial action required to maintain the integrity and sediment and erosion and water quality devices. Results of water sampling carried out on the site are to be maintained and made available to Council upon request.
  - (ii) details of all potential sources of dust generation and monitoring, including how dust emissions are to be assessed, monitored and controlled;
  - (iii) details of ongoing water quality monitoring and assessment program;
  - (iv) details of attended noise monitoring;
  - (v) details of materials waste tracking;

(vi) details of weed control and ongoing management methods.

19. A copy of the EMP shall be forwarded to Council's Manager – Development and Environment, and reviewed by, Council prior to the commencement of filling on site. A copy of the EMP shall be kept on site at all time under the management of the site supervisor.

### **STORMWATER DRAINAGE**

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

### **EROSION CONTROLS**

21. The environment surrounding the work shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind and "vehicle tracking". Details in accordance with Council's Manual of Engineering Standards and the NSW Environment and Heritage's manual 'Managing Urban Stormwater' shall be submitted as part of the required EMP.

### **CONSTRUCTION DUST MANAGEMENT**

22. The applicant must implement best practice measures to minimise dust emissions from the site during construction. The site shall be managed to prevent the generation of dust in accordance with the final EMP, the measures to be employed include:
- The site shall be managed at all times so as to prevent the generation of dust by moving vehicles within the site (e.g. by water spray or other dust suppression methods) from the public road access point; and
  - Ceasing construction activities (i.e. no vehicles or equipment use) during adverse meteorological conditions (i.e. on windy days); and
  - The construction of a dust barrier fence to a height of 1.8m along the southern boundary of the development site and the adjoining residential properties, prior to commencement of works and maintained until works are complete.

### **ROADS AND ACCESS**

23. **Prior to commencement of works**, a dilapidation survey report prepared by a suitably qualified practising engineer shall be lodged with Council for the haulage route. The dilapidation survey report shall locate the area within which the damage may be potentially caused to nearby and neighbouring properties as a result of the carrying out of civil works pursuant to this consent. The report is to include a description of the location and nature of any existing observable defects to the existing public infrastructure, including a photographic record. The dilapidation survey shall include Raymond Terrace

Road and Haussman Drive as well as the approved haulage route for the transport of fill to the site.

A final Dilapidation Survey Report shall be prepared by a suitably qualified practising engineer at the completion of the works to ascertain if any structural or cosmetic damage has occurred to the infrastructure specified in the earlier report. A copy of the report shall be submitted to Council's Subdivision Engineering team at the completion of the civil works (generally no more than one month after completion). All damage to public infrastructure shall be repaired at the developers cost and within 6 months of the completion date. Rectification works shall require a Roads Act Approval prior to commencing works.

24. **Prior to commencement of works**, a type BAR intersection treatment shall be provided within Haussman Drive at the junction of the site access in accordance with Austroads Guide to Road Design and Council's Manual of Engineering Standards (MoES).
25. **Prior to commencement of the works**, a sealed driveway crossing shall be provided on Haussman Drive to access the site. The driveway shall have a minimum width to permit two 19.0m articulated vehicles to pass whilst entering and exiting the site.
26. **Prior to commencement of works** *within an existing public road reserve*:
  - a) *an engineering design, in accordance with Austroads and Council's Manual Of Engineering Standards, shall be submitted to Council for approval;*
  - b) *consent under the Roads Act for the approved works, shall be issued by Council;*
  - c) *all relevant Council fees shall be paid; and*
  - d) *a traffic management plan in accordance with the RMS publication "Traffic Control at Worksites" shall be submitted to, and be approved by, Council.*
17. **Prior to commencement of works within the site**, all necessary works required for compliance with this consent and the Roads Act Approval shall be provided in accordance with Council's Manual of Engineering Standards. Confirmation of works shall include:
  - a) Written confirmation, in the form of a Practical Completion letter, from the Road Authority for any Roads Act Approval requirements.
28. Site access shall only be via the access handle within Haussman Drive, Thornton. A minimum 7.0m wide stabilised all weather access track shall be constructed as detailed on the approved plans and maintained for the duration of filling operations

## TRAFFIC MANAGEMENT

29. Prior to the commencement of works, truck turning signs shall be provided downstream (south) and upstream (north) of the access driveway (at least 200m).
30. Prior to the commencement of works, consent shall be issued by Council for the designated haulage route between the source of the fill and the subject site. Notification shall be made to Council's Subdivision and Development Engineering Team prior to the commencement of the filling operations, or recommencement following a delay that extends beyond 4 weeks, and each time the haulage route is altered.
31. Consent is granted for a maximum of 120 heavy vehicle trips per day. Any queuing of vehicles on site is to be managed over the timeframe of each working day.
32. B-double vehicles shall not be used for the proposed development.

## NOISE & VIBRATION

33. **Prior to commencement of works on site**, a 1.8m high masonry wall shall be constructed on the common boundary between the development site and the following residential properties to mitigate noise impacts from the site access:
  - Lot 468 DP261898 – 25 Geddes Close, Thornton
  - Lot 469 DP261898 – 23 Geddes Close, Thornton

The design and material of the masonry fence is to be agreed upon with the affected landowners and be of consistent design across both common boundaries.

34. The proposed development, including all plant and equipment to be utilised on site shall not give rise to any offensive noise as defined under the *Protection of the Environment Operations Act 1997*.

## ADVICES

- A** You are advised that in regard to potential soil erosion from the construction site, such pollution of the environment is an offence under the Protection Of the Environment & Operations (POEO) Act and may incur infringement fines.
- B** You are advised that damage to existing roads (including footpaths and kerb/gutters) and drainage as a result of construction works may incur rectification costs.
- C** You are advised that if the fill is not placed as "controlled fill" for the purpose of a possible future building on the filling, engineer designed structural foundations will be required.
- D** You are advised that the responsibility for deposition of material remains with owner/occupier.

**11.3 DA 18-2041 CHANGE OF USE OF PREMISES - RESIDENTIAL DWELLING TO GROUP HOME (PERMANENT) - LOT 2024 DP1219370, 5 ELLIS STREET, THORNTON**

**RECOMMENDATION: APPROVAL**

<b>FILE NO:</b>	<b>DA 18-2041</b>
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. Locality Plan</li> <li>2. Development Plan</li> <li>3. Submission</li> </ol>
<b>RESPONSIBLE OFFICER:</b>	<b>Bernie Mortomore - Group Manager Planning, Environment &amp; Lifestyle David Simm - Manager Development &amp; Environment Leanne Harris - Development Assessment Coordinator</b>
<b>AUTHOR:</b>	<b>Roxy White - Town Planner</b>
<b>APPLICANT:</b>	<b>Perception Planning</b>
<b>OWNER:</b>	<b>D &amp; R Robinson</b>
<b>PROPOSAL:</b>	<b>Change of Use of Premises – Residential Dwelling to Group Home (Permanent)</b>
<b>LOCATION:</b>	<b>5 Ellis St, THORNTON</b>
<b>ZONE:</b>	<b>R1 General Residential</b>

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**EXECUTIVE SUMMARY**

*Council is in receipt of a development application (DA) on behalf of Perception Planning for a Change of Use of an existing dwelling to a Group Home (Permanent). The proposal is located at 5 Ellis Street, Thornton and is within an existing and developed subdivision known as Wirraway. The proposal does not include any physical works.*

*The subject site is legally described as Lot 2040 in DP1219370 and comprises an area of approximately 451.2sqm. The proposed development site is zoned R1 General Residential pursuant to the provisions of the Maitland City Council Local Environmental Plan 2011.*

*The application is referred to Council, due to the receipt of one (1) submission received during the public notification process. The proposal was advertised and notified from 14<sup>th</sup> January 2019 to 28<sup>th</sup> January 2019. The submission, objecting to the development raised concerns relating to adverse impact on property prices, distribution and concerns over occupants that could be individuals with significant (violent) disabilities.*

*The proposal is one of many group homes in NSW and in this Local Government Area. In the immediate vicinity Council is aware of five (5) additional development applications for Group Homes within a 2km radius. The dwellings are to be used for a residential living purpose and will generate normal residential living demands on the dwellings and neighbourhood locality. It is not considered the proposal will contribute or create*

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*significant adverse cumulative, economic or social impacts upon the Thornton North urban release area*

*The assessment of this application has been carried out under Section 4.15(1) of the Environmental Planning and Assessment Act, 1979 as amended. The proposed development is considered to be consistent with the provisions of the Maitland LEP, the objectives of the zone and is appropriately located. The site provides a suitable and conducive use of a residential dwelling in a residential zoned subdivision. There are no perceived significant adverse impacts as a result of the proposal and therefore it is recommended that consent be granted subject to conditions.*

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

**THAT**

- 1. DA 18-2041 for a Change of Use of Premises from Residential Dwelling to a Group Home (Permanent) on Lot 2024 in DP1219370 at 5 Ellis St, Thornton, be approved subject to the conditions of consent set out in the attached schedule.**

#### **COUNCIL RESOLUTION**

**THAT**

- 1. DA 18-2041 for a Change of Use of Premises from Residential Dwelling to a Group Home (Permanent) on Lot 2024 in DP1219370 at 5 Ellis St, Thornton, be approved subject to the conditions of consent set out in the attached schedule.**

**Moved Cr B Whiting, 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	

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## SCHEDULE OF CONDITIONS

### GROUP HOME – PERMANENT (no building works)

#### Reason for Conditions

*The following conditions are applied to:*

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

#### APPROVED PLANS AND DOCUMENTATION

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

Plan Ref No.	Sheet No.	Revn No.	Revision Date	Prepared by: (consultant)
301264	3	2	3.8.17	Hudson Homes
Hunter Water Stamped Plan	1	Issue 1	7.11.18	Perception Planning

**11.4 DA 18-2068 CHANGE OF USE OF PREMISES - RESIDENTIAL DWELLING TO GROUP HOME (PERMANENT) - LOT 2033 DP1219370, 4 ELLIS STREET, THORNTON**

**RECOMMENDATION: APPROVAL**

<b>FILE NO:</b>	<b>DA 18-2068</b>
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. Locality Plan</li> <li>2. Development Plan</li> <li>3. Submission</li> </ol>
<b>RESPONSIBLE OFFICER:</b>	<b>Bernie Mortomore - Group Manager Planning, Environment &amp; Lifestyle David Simm - Manager Development &amp; Environment Leanne Harris - Development Assessment Coordinator</b>
<b>AUTHOR:</b>	<b>Roxy White - Town Planner</b>
<b>4APPLICANT:</b>	<b>Perception Planning</b>
<b>OWNER:</b>	<b>S and V Patel</b>
<b>PROPOSAL:</b>	<b>Change of Use of Premises – Residential Dwelling to Group Home (Permanent)</b>
<b>LOCATION:</b>	<b>4 Ellis St, Thornton</b>
<b>ZONE:</b>	<b>R1 General Residential</b>

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**EXECUTIVE SUMMARY**

*Council is in receipt of a development application (DA) on behalf of Perception Planning for a Change of Use of an existing dwelling to a Group Home (Permanent). The proposal is located at 4 Ellis Street, Thornton and is within an existing and developed subdivision known as Wirraway. The proposal does not include any physical works.*

*The subject site is legally described as Lot 2033 in DP1219370 and comprises an area of approximately 450.3sqm. The proposed development site is zoned R1 General Residential pursuant to the provisions of the Maitland City Council Local Environmental Plan 2011.*

*The application is referred to Council, due to the receipt of one (1) submission received during the public notification process. The proposal was advertised and notified from 14<sup>th</sup> January 2019 to 28<sup>th</sup> January 2019. The submission, objecting to the development raised concerns in regard to the use of the dwelling, privacy and neighbourhood noise nuisance. The relevant planning matters are addressed by this assessment accordingly*

*The proposal is one of many group homes in NSW and in this Local Government Area. In the immediate vicinity Council is aware of five (5) additional development applications for Group Homes within a 2km radius. The dwellings are to be used for a residential living purpose and will generate normal residential living demands on the neighbourhood*

*locality. It is not considered the proposal will contribute or create significant adverse cumulative, economic or social impacts upon Thornton North urban release area.*

*The assessment of this application has been carried out under Section 4.15(1) of the Environmental Planning and Assessment Act, 1979 as amended. The proposed development is considered to be consistent with the provisions of the Maitland LEP, the objectives of the zone and is appropriately located. The site provides a suitable and conducive use of a residential dwelling in a residential zoned subdivision. There are no perceived significant adverse impacts as a result of the proposal and therefore it is recommended that consent be granted subject to conditions.*

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

**THAT**

- 1. DA 18-2068 for a Change of Use of Premises from Residential Dwelling to a Group Home (Permanent) on Lot 2033 in DP1219370 at 4 Ellis St, Thornton, be approved subject to the conditions of consent set out in the attached schedule.**

#### **COUNCIL RESOLUTION**

**THAT**

- 1. DA 18-2068 for a Change of Use of Premises from Residential Dwelling to a Group Home (Permanent) on Lot 2033 in DP1219370 at 4 Ellis St, Thornton, be approved subject to the conditions of consent set out in the attached schedule.**

**Moved Cr P Garnham, 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:

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	

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## SCHEDULE OF CONDITIONS

### GROUP HOME – PERMANENT (no building works)

#### Reason for Conditions

*The following conditions are applied to:*

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

#### APPROVED PLANS AND DOCUMENTATION

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

Plan Ref No.	Sheet No.	Revn No.	Revision Date	Prepared by: (consultant)
301390	3	B	8.11.17	Hudson Homes
Hunter Water Stamped Plan – Aerial	-	Issue 1	7.11.18	Perception Planning

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**11.5 PROPOSED REZONING FROM R5 LARGE LOT RESIDENTIAL TO R1 GENERAL RESIDENTIAL - PART LOT 144 DP 1064493, DENTON PARK DRIVE, ABERGLASSLYN.**

<b>FILE NO:</b>	<b>RZ 18/002</b>
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. Flow Chart</li> <li>2. Locality Plan</li> <li>3. Existing Zoning Map</li> <li>4. Draft Planning Proposal</li> </ol>
<b>RESPONSIBLE OFFICER:</b>	<p><b>Bernie Mortomore - Group Manager Planning, Environment &amp; Lifestyle</b>  <b>Andrew Neil - Manager Strategic Planning</b></p>
<b>AUTHOR:</b>	<b>Carolyn Maginnity - Strategic Planner</b>
<b>MAITLAND +10</b>	<b>Outcome 7. Diverse and affordable housing</b>
<b>COUNCIL OBJECTIVE:</b>	<b>7.2.1 To ensure land and housing choice is consistent with forecast demographic demand</b>

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**AEXECUTIVE SUMMARY**

*Council has received an application to amend the Maitland LEP 2011 by rezoning part of Lot 144 DP 1064493 Denton Park Drive, Aberglasslyn from R5 Large Lot Residential to R1 General Residential. The proposal also seeks an amendment to the LEP minimum lot size map to decrease the minimum lot size from the current 5000m<sup>2</sup> to 450m<sup>2</sup>. The proposal will facilitate development of the subject land for urban residential purposes, consistent with the surrounding subdivision pattern and road network.*

*Lot 144 DP 1064493 lies between the Hunter River and Denton Park Drive and is an irregular shaped parcel with a total area of 20.86 hectares. The zoning of the land transitions from RU1 Rural Production in the north to R1 General Residential in the south, with an area of R5 Large Lot Residential in between. Denton Park Projects Pty Ltd are in the process of purchasing the front 5.7 hectares of the site (hereafter referred to as the 'Development Lot') and two (2) separate development applications (DAs) have already been lodged with Council in regard to the development of this lot.*

*The first application (DA 2018/1823) was lodged on 4<sup>th</sup> October 2018 seeking approval to excise the Development Lot from the remainder of the property, with the northern boundary of the Development Lot coinciding with the proposed alignment of Tea Tree Avenue. A subsequent DA (DA 2018/1972) seeking approval to subdivide the Development Lot to create 49 residential allotments was submitted to Council on 22<sup>nd</sup> November 2018. The northern portion of the Development Lot could not, however, be included in the proposed subdivision because of an irregularity in the R1/R5 zone boundary and had to be retained as a residue lot (i.e. the Maitland LEP does not make any provision for the subdivision of land affected by a split zoning).*

*A planning proposal has therefore been drafted which seeks to amend the Maitland LEP 2011 to realign the boundary between the R1 and R5 zones to coincide with the proposed alignment of Tea Tree Avenue. The amendment will facilitate residential development across the entire Development Lot and achieve a consistent and more efficient subdivision pattern along this frontage.*

*The proposal is consistent with the planning objectives of the Hunter Regional Plan 2036, Greater Newcastle Metropolitan Plan 2036, Maitland Urban Settlement Strategy 2012 and relevant State Environmental Planning Policies and Section 117 Local Planning Directions. These growth strategies all promote compact urban environments underpinned by the planning principle of efficient and sustainable use of essential infrastructure and land.*

*The purpose of this report is to provide an overview of the amendment proposal and seek a resolution of Council to forward the planning proposal to the Minister for Planning for a Gateway determination.*

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

##### **THAT:**

- 1. Council endorse the attached planning proposal and pursuant to section 3.34 of the *Environmental Planning and Assessment Act 1979*, forward the planning proposal to the Minister for Planning for a Gateway determination.**
- 2. Subject to receiving a favourable response from the Minister, Council proceed to public exhibition of the planning proposal, in accordance with the requirements of the Gateway determination.**
- 3. Following the public exhibition process, a report be presented back to Council for consideration of any submissions received.**
- 4. The Department of Planning and Environment be advised that Council is seeking authorisation to use its delegated functions under Section 3.36 of the *Environmental Planning and Assessment Act 1979* to make the Plan, following completion of community consultation.**



**COUNCIL RESOLUTION****THAT:**

1. Council endorse the attached planning proposal and pursuant to section 3.34 of the *Environmental Planning and Assessment Act 1979*, forward the planning proposal to the Minister for Planning for a Gateway determination.
2. Subject to receiving a favourable response from the Minister, Council proceed to public exhibition of the planning proposal, in accordance with the requirements of the Gateway determination.
3. Following the public exhibition process, a report be presented back to Council for consideration of any submissions received.
4. The Department of Planning and Environment be advised that Council is seeking authorisation to use its delegated functions under Section 3.36 of the *Environmental Planning and Assessment Act 1979* to make the Plan, following completion of community consultation.

Moved Cr B Whiting, Seconded Cr P Penfold

**CARRIED**

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

The division resulted in 12 for and 1 against, as follows:

For:	Cr R Aitchison Cr L Baker Cr D Ferris Cr P Garnham Cr M Griffin Cr S Halliday Cr B Mitchell Cr N Penfold Cr P Penfold Cr K Ranadive Cr B Whiting Cr M Yarrington	Against:	Cr H Meskauskas
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## 11.6 FLOODPLAIN MANAGEMENT AUSTRALIA NATIONAL CONFERENCE 2019

<b>FILE NO:</b>	103/64
<b>ATTACHMENTS:</b>	1. FMA National Conference Program
<b>RESPONSIBLE OFFICER:</b>	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle
<b>AUTHOR:</b>	Andrew Neil - Manager Strategic Planning
<b>MAITLAND +10</b>	Outcome 9. Our local rivers and floodplains
<b>COUNCIL OBJECTIVE:</b>	9.1.1 To maintain partnerships with State and local agencies and property owners relating to the management of our river systems and floodplains

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### EXECUTIVE SUMMARY

*The Floodplain Management Australia (FMA) is holding its National Conference in Canberra from 14-17 May 2019. The conference focus will be "A National Call to Action: Making Australia Flood Safe".*

*This report seeks Council's determination of its representation to the conference.*

### OFFICER'S RECOMMENDATION

#### THAT

1. Interested Councillors be nominated to attend the 2019 Floodplain Management Australia National Conference.

### COUNCIL RESOLUTION

#### THAT

1. Council nominate Cr R Aitchison and Cr S Halliday to attend the 2019 Floodplain Management Australia National Conference.

Moved Cr P Penfold, Seconded Cr D Ferris

**CARRIED**

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## 11.7 SECTION 356 SPORTS & ARTS HIGH ACHIEVERS GRANT PROGRAM

<b>FILE NO:</b>	10/5/19
<b>ATTACHMENTS:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle Laurie D'Angelo - Manager Community and Recreation
<b>AUTHOR:</b>	Kelly Baldwin - Team Leader Major Venues & Facilities
<b>MAITLAND +10</b>	Outcome 2. Community and recreation services and facilities
<b>COUNCIL OBJECTIVE:</b>	2.1.2 To build a range of community, recreation and leisure facilities based on sound asset management principles

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### EXECUTIVE SUMMARY

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

### OFFICER'S RECOMMENDATION

#### THAT

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

1. Dylan Bartlett, National Level, County Baseball NSW - \$450.00
2. Phoebe Matthews, National Level, Australian Youth Orchestra - \$450.00
3. Piper Atkins, International Level, International All Star Federation - \$187.50
4. Lara Morton, International Level, International All Star Federation - \$187.50
5. Briahna Morton, International Level, International All Star Federation - \$187.50
6. Bianca Proctor, International Level, International All Star Federation - \$187.50
7. Jaquai Eicher, International Level, International All Star Federation - \$187.50
8. Georgia Mayfield, International Level, International All Star Federation - \$187.50
9. Hayley Tuxford, International Level, International All Star Federation - \$187.50
10. Lukah Everleigh, International Level, World Championships of Performing Arts - \$750.00
11. Ashton Proctor, National Level, Basketball NSW, \$450.00

12. Joshua Magann, National Level, Hockey, \$187.50

13. Thomas Forbes, National Level, Hockey \$187.50

#### **COUNCIL RESOLUTION**

**THAT**

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

1. Dylan Bartlett, National Level, County Baseball NSW - \$450.00
2. Phoebe Matthews, National Level, Australian Youth Orchestra - \$450.00
3. Piper Atkins, International Level, International All Star Federation - \$187.50
4. Lara Morton, International Level, International All Star Federation - \$187.50
5. Briahna Morton, International Level, International All Star Federation - \$187.50
6. Bianca Proctor, International Level, International All Star Federation - \$187.50
7. Jaquai Eicher, International Level, International All Star Federation - \$187.50
8. Georgia Mayfield, International Level, International All Star Federation - \$187.50
9. Hayley Tuxford, International Level, International All Star Federation - \$187.50
10. Lukah Everleigh, International Level, World Championships of Performing Arts - \$750.00
11. Ashton Proctor, National Level, Basketball NSW, \$450.00
12. Joshua Magann, National Level, Hockey, \$187.50
13. Thomas Forbes, National Level, Hockey \$187.50

**Moved Cr H Meskauskas, Seconded Cr M Griffin**

**CARRIED**

## **12 INFRASTRUCTURE AND WORKS REPORTS**

Nil.

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

### **13.1 DRAFT CODE OF MEETING PRACTICE**

<b>FILE NO:</b>	<b>35/1 &amp; 35/7</b>
<b>ATTACHMENTS:</b>	<b>1. Model Code of Meeting Practice 2. Draft Code of Meeting Practice</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Leah Flint - Group Manager Strategy Performance and Business Systems</b>
<b>AUTHOR:</b>	<b>Louise Rampling - Senior Governance Officer</b>
<b>MAITLAND +10</b>	<b>Outcome 17. An efficient and effective Council</b>
<b>COUNCIL OBJECTIVE:</b>	<b>17.2.1 To maintain effective and appropriate systems to ensure decision-making is transparent, accessible and accountable</b>

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#### **EXECUTIVE SUMMARY**

*In late December 2018, the first Model Code of Meeting Practice was issued. Council is required to adopt a meeting code that incorporates the mandatory provisions of the Model Code by no later than 14 June 2019.*

*In accordance with this requirement, a draft Code of Meeting Practice has been prepared. The draft incorporates the Model Code's mandatory provisions, as well as a number of the optional clauses contained in the Model Code.*

*The Act requires that, before adopting a new code of meeting practice, the draft be exhibited for at least 28 days, with members of the community having at least 42 days to comment.*

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

##### **THAT**

- 1. The draft Code of Meeting Practice be placed on public exhibition from 13 March 2019 until at least 10 April 2019, with members of the community having until 29 April 2019 to comment on the draft.**
- 2. A further report be presented to Council at its meeting of 14 May 2019.**

**COUNCIL RESOLUTION**

**THAT**

- 1. The draft Code of Meeting Practice be placed on public exhibition from 13 March 2019 until at least 10 April 2019, with members of the community having until 29 April 2019 to comment on the draft.**
- 2. A further report be presented to Council at its meeting of 14 May 2019.**

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

**CARRIED**

**14 WORKPLACE CULTURE AND SAFETY**

Nil.

**15 VIBRANT CITY**

Nil.



## **16 ITEMS FOR INFORMATION**

### **16.1 LOCAL TRAFFIC COMMITTEE MEETING FEBRUARY 2019 MINUTES**

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

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#### **EXECUTIVE SUMMARY**

*The minutes of Maitland City Council's Local Traffic Committee Meetings held Thursday 7 February 2019 are attached for Council's information.*

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

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

#### **COUNCIL RESOLUTION**

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

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

**CARRIED**

**17 NOTICES OF MOTION/RESCISSION**

Nil.

## **18 QUESTIONS WITH NOTICE**

### **18.1 BULKY KERBSIDE PICK UP**

**SUBMITTED BY CR SALLY HALLIDAY**

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

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Cr Sally Halliday has asked the following Question With Notice for the Council Meeting being held on Tuesday, 12 March 2019:

*At the ordinary council meeting on 27 March 2018 council resolved to defer final determination on bulk kerbside pick up with in-principle support to allow for a council workshop ahead of a proposed July 2019 commencement. Given this workshop was held over nine months ago, can council provide an update on the progress and advise when this item would be returning to council for final determination given the July 2019 implementation date on the March 2018 resolution?*

#### **RESPONSE BY GROUP MANAGER PLANNING, ENVIRONMENT & LIFESTYLE**

A report on the provision of a bulk waste pick up opportunity will be presented to the Council meeting of 26 March 2019.

**18.2 PLANNED WORKS ROBINS OVAL GRANDSTAND****SUBMITTED BY CR PHILIP PENFOLD**

**FILE NO:** 35/7/4  
**ATTACHMENTS:** Nil  
**RESPONSIBLE OFFICER:** David Evans - General Manager

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Cr Philip Penfold has asked the following Question With Notice for the Council Meeting being held on Tuesday, 12 March 2019:

*What is the status of the planned works on Robins Oval grandstand and the proposed nearby amenities facility?*

**RESPONSE BY GROUP MANAGER PLANNING, ENVIRONMENT & LIFESTYLE**

In line with the 2018/19 DP Actions, Council Officers re-engaged the Maitland Park Amenities Subcommittee group in November 2018 to reopen discussion regarding the amenities requirements at Maitland Park. Council Officers are also currently in the process of conducting targeted consultation with relevant sporting groups that utilise Maitland Park with the objective of the preparing a revised concept design for amenities in Maitland Park that are fit for purpose and can be delivered within the allocated budget.

Consultation with sporting groups will close on the 15 March 2019 with a final outcomes report completed by the end of March 2019. Consultation findings will inform the revised conceptual design for the Maitland Park Amenities and it is expected that this will be finalised by 30 June 2019 for Council consideration.

In addition, Council Officers have been working with local sporting groups and Cricket NSW to prepare a concept design for the refurbishment and improvement of Robins Oval. These improvements include the proposed refurbishment of the existing structure and the addition of two new buildings to compliment the facility with additional amenities and storage.

Council applied for funding in Round 1 of the 2020 ICC World T20 Legacy Fund in July 2018 and while the application was highly regarded, it was unsuccessful due to the DA requirements for the project. Council continues to actively pursue funding opportunities to support the delivery of this project.

## **19 URGENT BUSINESS**

Nil.

Council moved into the Committee of the Whole at 6:00 pm.

Moved Cr B Mitchell, Seconded Cr M Griffin

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 6:01 pm.

Moved Cr M Griffin, Seconded Cr R Aitchison

CARRIED

## **20 COMMITTEE OF THE WHOLE**

### **20.1 CONSIDERATION OF TENDERS - PUBLIC TOILET AND BARBECUE MAINTENANCE**

<b>FILE NO:</b>	<b>137/1446</b>
<b>ATTACHMENTS:</b>	<b>Nil</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Chris James - Group Manager Infrastructure &amp; Works Graeme Matthews - Manager Projects &amp; Services</b>
<b>AUTHOR:</b>	<b>Kynan Lindus - Civil Engineer</b>
<b>MAITLAND +10</b>	<b>Outcome 1. Sense of place and pride</b>
<b>COUNCIL OBJECTIVE:</b>	<b>1.1.3 To improve the appearance and presentation of the City, fostering a sense of community pride</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: (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

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#### **EXECUTIVE SUMMARY**

*The provision of public toilet and barbecue maintenance services are undertaken by external contractors, with the contract period of three years with the option of two one-year extensions. Tenders have been called for this service and are presented to Council for consideration and determination. The tenders are being reported to the Committee of the Whole as they contain confidential information.*

#### **OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

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

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

**COUNCIL RESOLUTION**

**THAT**

- 1. Council accept the tender of Griffin Property Maintenance for the provision of Public Toilet and Barbecue Maintenance for the period of 1 April 2019 to 31 March 2022.**
- 2. The Common Seal of Council be affixed to the contract documents.**

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

**CARRIED**

## 20.2 CONSIDERATION OF TENDERS: INSITU PAVEMENT STABILISATION - VARIOUS LOCATIONS

<b>FILE NO:</b>	2019/137/1457
<b>ATTACHMENTS:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Chris James - Group Manager Infrastructure & Works Ashley Kavanagh - Manager Works
<b>AUTHOR:</b>	Kynan Lindus - Civil Engineer
<b>MAITLAND +10</b>	Outcome 5. Moving around our City
<b>COUNCIL OBJECTIVE:</b>	5.1.3 To continue to improve road safety for residents of the City

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

### EXECUTIVE SUMMARY

*Council's Road Rehabilitation Program includes the insitu pavement stabilisation of eleven (11) locations within the Maitland Local Government Area. Tenderers have been called for these works and are presented for Council's consideration and determination. The tenders are being reported to Committee of the Whole as they contain confidential commercial information.*

### OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

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

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

### COUNCIL RESOLUTION

**THAT**

- Council accept the tender for insitu pavement stabilisation to Stabilised Pavements of Australia Pty Ltd for the lump sum of \$1,017,883.55 (GST inclusive)**
- The Common Seal of Council be affixed to the contract documents.**

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

**CARRIED**



Council resumed into Ordinary Council at 6:40 pm.

Moved Cr B Whiting, Seconded Cr M Griffin

CARRIED

## **21 COMMITTEE OF THE WHOLE RECOMMENDATIONS**

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

### **20.1 CONSIDERATION OF TENDERS - PUBLIC TOILET AND BARBECUE MAINTENANCE**

COMMITTEE RECOMMENDATION

THAT

1. Council accept the tender of griffin property maintenance for the provision of public toilet and barbecue maintenance for the period of 1 april 2019 to 31 march 2022.
2. The Common Seal of council be affixed to the contract documents.

Moved Cr P Garnham, Seconded Cr H Meskauskas

CARRIED

### **20.2 CONSIDERATION OF TENDERS: INSITU PAVEMENT STABILISATION - VARIOUS LOCATIONS**

COMMITTEE RECOMMENDATION

THAT

1. Council accept the tender for insitu pavement stabilisation to Stabilised Pavements of Australia Pty Ltd for the lump sum of \$1,017,883.55 (GST inclusive)
2. The Common Seal of Council be affixed to the contract documents.

Moved Cr H Meskauskas, Seconded Cr B Mitchell

CARRIED

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

Moved Cr M Griffin, Seconded Cr R Aitchison

CARRIED

## **22 CLOSURE**

The meeting was declared closed at 6:41 pm.

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Chairperson