

**ORDINARY MEETING**

**MINUTES**

**26 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 Ben Mitchell  
Cr Nicole Penfold  
Cr Philip Penfold  
Cr Kanchan Ranadive  
Cr Ben Whiting  
Cr Mike Yarrington

## **1 INVOCATION**

Pastor James Oosterveen read the customary prayer at the commencement of the meeting.

## **2 ACKNOWLEDGEMENT OF COUNTRY**

Cr S Halliday read the Acknowledgement of Country.

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

### **COUNCIL RESOLUTION**

THAT the apology received from Cr H Meskauskas for this meeting be accepted.

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

**CARRIED**

## **4 DECLARATIONS OF INTEREST**

Cr D Ferris declared a significant non-pecuniary interest in Item no. 10.3 DA 18-1554 Torrens Title Subdivision, Two (2) Lots into Three (3) Lots at Lot 1223 DP1046531 (28 Daniel Street Rutherford) and Lot 2 DP1232984 (25 Klara Court Rutherford) as Cr D Ferris knows the applicant.

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

### **COUNCIL RESOLUTION**

THAT the minutes of the Ordinary Meeting held 12 March 2019 be confirmed.

Moved Cr B Mitchell, Seconded Cr K Ranadive

**CARRIED**

## **6 BUSINESS ARISING FROM MINUTES**

Nil.

## **7 MAYORAL MINUTE**

Nil.

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

8.1 Acceptance of revised Officer's Recommendation to Item 10.8 Bulky Waste Collection Service.

8.2 Acceptance of Late Item 15.2 Purchase of 374-376 High Street, Maitland.

Moved Cr P Garnham, Seconded Cr N Penfold

**CARRIED**

## **9 PUBLIC ACCESS**

Nil.

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## 10 OFFICERS REPORTS

### 10.1 ANZAC DAY 2019 MORPETH - TEMPORARY ROAD CLOSURES

<b>FILE NO:</b>	<b>140/5</b>
<b>ATTACHMENTS:</b>	<b>1. TCP Anzac Day Morpeth</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>Alison Marshall - Road Safety Officer</b>
<b>MAITLAND +10</b>	<b>Outcome 3. Iconic events and local festivals</b>
<b>COUNCIL OBJECTIVE:</b>	<b>3.1.1 To create an economic, social and cultural benefit to the community through the presentation of a series of sustainable flagship events</b>

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#### EXECUTIVE SUMMARY

*Council has received an application from the Morpeth Anzac Day Committee to temporarily close sections of Swan Street, Green Street and Northumberland Street, Morpeth to hold the annual Anzac Day march and ceremony on Thursday 25 April 2019.*

*After assembling on Swan Street between Tank Street and Green Street, the Anzac Day march will commence and progress under police escort to the cenotaph where the ceremony will be held. The cenotaph is located outside the former Morpeth Courthouse / Museum.*

*At its meeting of 7 March 2019, the Local Traffic Committee considered the application and recommended the temporary road closures for approval. Along with the temporary road closures, there will be temporary traffic management measures including regulatory signage and manned barricades.*

#### OFFICER'S RECOMMENDATION

**THAT Council approve the temporary road closures to vehicular traffic on Anzac Day Thursday 25 April 2019 in Morpeth:**

1. **Swan Street, Morpeth - between Northumberland Street and Market Street from 9.00am to 12.30pm**
2. **Green Street, Morpeth - from Swan Street to Close Street (assembly area) from 10.00am to 11.30am**
3. **Swan Street, Morpeth - from Tank Street to Northumberland Street (street march) from 10.30am to 11.30am**
4. **Northumberland Street, Morpeth - from Swan Street to Close Street from 11.30am to 1.30pm.**

#### **COUNCIL RESOLUTION**

**THAT Council approve the temporary road closures to vehicular traffic on Anzac Day Thursday 25 April 2019 in Morpeth:**

1. **Swan Street, Morpeth - between Northumberland Street and Market Street from 9.00am to 12.30pm**
2. **Green Street, Morpeth - from Swan Street to Close Street (assembly area) from 10.00am to 11.30am**
3. **Swan Street, Morpeth - from Tank Street to Northumberland Street (street march) from 10.30am to 11.30am**
4. **Northumberland Street, Morpeth - from Swan Street to Close Street from 11.30am to 1.30pm.**

**Moved Cr D Ferris, Seconded Cr R Aitchison**

**CARRIED**

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## 10.2 GROOVIN' THE MOO MUSIC FESTIVAL 2019 - TRAFFIC MANAGEMENT

<b>File No:</b>	<b>140/5;222/49;222/23;222/458</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. TCP - Maitland</li> <li>2. TCP - Les Darcy Drive</li> <li>3. TCP - Pedestrian Safety &amp; Police Route</li> <li>4. TCP - Maitland Train Station Car Park</li> </ol>
<b>Responsible Officer:</b>	<p>Chris James - Group Manager Infrastructure &amp; Works  Kevin Stein - Manager Engineering &amp; Design  Scott Henderson - Coordinator Infrastructure  Planning Engineering</p>
<b>Author:</b>	Alison Marshall - Road Safety Officer
<b>Maitland 2021</b>	<b>Outcome 3. Iconic events and local festivals</b>
<b>Council Objective:</b>	<b>3.2.1 To attract a diverse range of visitors to the City from the Hunter Region, Sydney and regional NSW</b>

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### EXECUTIVE SUMMARY

*Council has received a temporary road closure application from Cattleyard Promotions Pty Ltd, the organisers of the Groovin' the Moo outdoor music festival, to be held at Maitland Showground on Saturday 27 April 2019 from 10.30am to 10.30pm.*

*The outdoor music festival event has successfully operated in Maitland since 2008. This report details traffic management measures to be implemented during the event and is presented to Council for its consideration.*

### OFFICER'S RECOMMENDATION

**THAT Council approve the following traffic management measures associated with the Groovin' the Moo music festival:**

1. **Temporary road closures between 8.00am to midnight Saturday 27 April 2019:**
  - . **Anzac Street - from Cracknell Lane to Blomfield Street**
  - . **Blomfield Street - from Anzac Street to Devonshire Street**
  - . **Gipps Street - from Blomfield Street to car park area**
  - . **Smith Street - from Blomfield Street to car park area**
  - . **Rose Street - from Cross Street to Blomfield Street**
  - . **Park Street - from Louth Park Road to Elgin Street**
  - . **Elgin Street – from 300m south of Walker Street to Park Street**
  - . **Evans Street – full length**
  - . **The installation of regulatory road closure devices and signs to affect the proposed road closures also be approved.**



2. **Convert to one-way movement from 8.00am to midnight Saturday 27 April 2019:**
  - . **Cultivation Road – southbound full length to Trappaud Road**
  - . **Louth Park Road – southbound from Les Darcy Drive to Park Street**
  - . **Pender Road – northbound full length from Trappaud Road**
  
3. **Temporary 'No Parking' zone from 8.00am Saturday 27 April 2019 to 12 noon Sunday 28 April 2019:**
  - . **Both sides of Louth Park Road - from Les Darcy Drive to Trappaud Road**
  - . **Both sides of Cracknell Lane - from Anzac Street to Cultivation Road**
  - . **Both sides of Cultivation Road - from Cracknell Lane to Trappaud Road.**

### **COUNCIL RESOLUTION**

**THAT Council approve the following traffic management measures associated with the Groovin' the Moo music festival:**

1. **Temporary road closures between 8.00am to midnight Saturday 27 April 2019:**
  - . **Anzac Street - from Cracknell Lane to Blomfield Street**
  - . **Blomfield Street - from Anzac Street to Devonshire Street**
  - . **Gipps Street - from Blomfield Street to car park area**
  - . **Smith Street - from Blomfield Street to car park area**
  - . **Rose Street - from Cross Street to Blomfield Street**
  - . **Park Street - from Louth Park Road to Elgin Street**
  - . **Elgin Street – from 300m south of Walker Street to Park Street**
  - . **Evans Street – full length**
  - . **The installation of regulatory road closure devices and signs to affect the proposed road closures also be approved.**
  
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  - . **Pender Road – northbound full length from Trappaud Road**
  
3. **Temporary 'No Parking' zone from 8.00am Saturday 27 April 2019 to 12 noon Sunday 28 April 2019:**
  - . **Both sides of Louth Park Road - from Les Darcy Drive to Trappaud Road**
  - . **Both sides of Cracknell Lane - from Anzac Street to Cultivation Road**
  - . **Both sides of Cultivation Road - from Cracknell Lane to Trappaud Road.**

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

**CARRIED**

Cr D Ferris left the chambers at 5.37pm.

**10.3 DA 18-1554 TORRENS TITLE SUBDIVISION, TWO (2) LOTS INTO THREE (3) LOTS AT LOT 1223 DP1046531 (28 DANIEL STREET RUTHERFORD) AND LOT 2 DP1232984 (25 KLARA COURT RUTHERFORD)  
RECOMMENDATION: APPROVAL**

**FILE NO:** DA 18-1554

**ATTACHMENTS:**

1. Locality Plan
2. Development Plans (under separate cover)
3. Submissions

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

**AUTHOR:** Amanda Wells - Town Planner

**APPLICANT:** Rennie Golledge Pty Ltd

**OWNER:** Paul Thomas

**PROPOSAL:** Torrens Title Subdivision – Two (2) into Three (3) Lots

**LOCATION:** Lot 1223 DP1046531 (28 Daniel Street Rutherford) and Lot 2 DP1232984 (25 Klara Court Rutherford)

**ZONE:** R1 General Residential

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**EXECUTIVE SUMMARY**

*Development consent is sought from Council for a two (2) into three (3) lot Torrens Title subdivision at Lot 1223 DP1046531 (28 Daniel Street Rutherford) and Lot 2 DP1232984 (25 Klara Court Rutherford). The development involves the demolition of the garage and various outbuildings and the construction of a new garage and 'retreat' attached to the existing dwelling on Lot 1223 to allow for the proposed new allotment to have an access handle to Daniel Avenue.*

*The land is zoned R1 General Residential pursuant to the Maitland Local Environmental Plan 2011 and is located within an existing residential subdivision, adjoining the floodplain which connects to the Hunter River located to the north of the site. The majority of the land involved in this application is mapped as being subject to inundation in a 1 in 100 year flood event to a height of 19.99 metres Australian Height Datum (AHD), inclusive of the freeboard for residential developments.*

*The proposal involves subdivision the existing two (2) allotments to create three (3) allotments. The existing allotments are as follows:*

- Lot 2 DP1232984

- 25 Klara Court
- 2.44 hectares
- Lot 1223 DP1046531
  - 28 Daniel Avenue
  - 1185m<sup>2</sup>

*The proposed subdivision would result in the following allotments:*

- *Proposed Lot 1*
  - 25 Klara Court – existing dwelling
  - 9333m<sup>2</sup>
- *Proposed Lot 2*
  - 28A Daniel Avenue – new vacant allotment
  - 1.563 hectares
- *Proposed Lot 3*
  - 28 Daniel Avenue – existing dwelling
  - 555.5m<sup>2</sup>

*Proposed Lot 2 is assumed to be numbered as 28A and will be named so for the purpose of this report. The three (3) allotments are all above the minimum lot size for the area of 450m<sup>2</sup> and have appropriate building envelopes or existing dwellings.*

*The application was notified for a period of fourteen (14) days from 6<sup>th</sup> of August 2018 until 20<sup>th</sup> August 2018. During this time, one (1) email was received requesting clarification, however not objecting to the proposal, and one (1) submission against the development was received. The objection raised concern with the development in regards to the following:*

- *The existing use of the neighbouring property;*
- *Access points;*
- *Traffic concerns; and*
- *Removal of trees;*

*These matters are addressed in the main body of this report and are not considered to represent sufficient grounds for refusal of the application. An assessment of the proposal has been undertaken against Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 (NSW) and is considered to be an acceptable development for the following reasons:*

- *The proposal is permitted with consent in the R1 General Residential zone with consent pursuant to the Maitland Local Environmental Plan 2011, and the development is considered to be consistent with the relevant objectives of the zone;*
- *The proposal has been assessed against the requirements of the Maitland Development Control Plan 2011 (DCP), specifically Part C – Design Guidelines ‘C.8 Residential Design’ and ‘C.10 Subdivision’ and found to be generally compliant; and*

- *The proposal has been assessed against the relevant heads of consideration pursuant to the Environmental Planning and Assessment Act 1979 (NSW) and is considered appropriate.*

*Accordingly, it is recommended that the application for Torrens Title subdivision of two (2) into three (3) allotments be approved by Council subject to conditions in the attached schedule.*

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

**That DA18-1554 for Torrens Title subdivision, two (2) lots into three (3) lots at Lot 1223 DP1046531 (28 Daniel Street Rutherford) and Lot 2 DP1232984 (25 Klara Court Rutherford) be approved subject to conditions of consent.**

#### **COUNCIL RESOLUTION**

**That DA18-1554 for Torrens Title subdivision, two (2) lots into three (3) lots at Lot 1223 DP1046531 (28 Daniel Street Rutherford) and Lot 2 DP1232984 (25 Klara Court Rutherford) be approved subject to conditions of consent.**

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

**CARRIED**

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

The division resulted in 11 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr L Baker	
	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	

## SCHEDULE OF CONDITIONS

### SUBDIVISION

#### Reason for Conditions

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

#### APPROVED PLANS AND DOCUMENTATION

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

Plan Ref No.	Sheet No.	Revn No.	Revision Date	Prepared by: (consultant)
185.18 Proposed Subdivision	1	-	5/12/18	Rennie Golledge Pty Ltd
17/089	CC02-CC08	2	02.10.18	Urban Living Solutions
185.18 Proposed Inter Allotment Drainage	1	-	16/01/19	Rennie Golledge Pty Ltd

#### CONTRIBUTIONS & FEES

- Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, and the Maitland Section 94 Contributions Plan (Citywide) 2006, a contribution of \$7,320 shall be paid to the Council.

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

Facility	Total
2016 City Wide Aquatics Facilities	\$984
2016 City Wide Competition Netball Courts Maitland Park	\$228
2016 City Wide Recreation & Open Space Facilities	\$822
2016 City Wide Multipurpose Centre Floor Space	\$645
2016 City Wide Library Floor Space	\$623
2016 City Wide Road & Traffic Facilities	\$3,259
2016 City Wide Cycleways/Shared Paths	\$581
2016 City Wide Plan Management/Administration	\$178
<b>Total</b>	<b>\$7,320</b>

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

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

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

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 7.11 of the Environmental Planning and Assessment Act, 1979.
  - b) Council's administration expenses are met with respect to the processing of the application.
3. Prior to the issue of the Subdivision Certificate, "house numbering" and "subdivision certificate" fees, in accordance with Council's *Schedule of Fees and Charges*, shall be paid to Council.

## **CERTIFICATES & PLANS**

4. The applicant shall submit to Council a "Notice of Commencement" form at least two (2) days prior to the commencement of construction works.
5. A Construction Certificate is to be obtained prior to commencing construction works. The Construction Certificate application is to include detailed plans and specifications for the construction of the dwelling additions/alterations.
6. The addition, or any portion of the addition, shall not be occupied until an Occupation Certificate has been issued.
7. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
8. (1) Building work that involves residential building work (within the meaning of the Home Building Act, 1989) must not be carried out unless the principal certifying authority for the development to which the work relates has provided Council with written notice of the following information:
  - (a) in the case of work to be done by a licensee under that Act:
    - (i) the licensee's name and contractor licence number, and
    - (ii) of the name of the insurer by which the work is insured under Part 6 of that Act, or
  - (b) in the case of work to be done by any other person:
    - (i) the name of the owner-builder, and
    - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act, 1989, that states that a person is the holder of an insurance policy issued for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that part.
9. Prior to issue of the Subdivision Certificate, original plans and/or documents of survey/title, and four copies, shall be submitted to Council.
10. Prior to issue of the Subdivision Certificate, a Compliance Certificate under Section 50 of the Hunter Water Act 1991 for this development shall be submitted to Council.

## **DEMOLITION**

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

12. 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.
13. Where any demolition, alteration or renovation works encounter asbestos or products containing asbestos, then the materials encountered shall be managed in accordance with the provisions of the NSW Work Cover Authority.

#### SITE CONSIDERATIONS

14. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

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

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

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

16. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having benefit of the development consent:
  - i) Must preserve and protect the building from damage, and
  - ii) If necessary, must underpin and support the building in an approved manner, and

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).

17. The Principal Contractor (or Owner/Builder) shall erect a sign in a prominent position on the site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the



work. The sign shall also display the name, address and telephone number of the Principal Contractor for the work (or Owner/Builder) and shall state that unauthorised entry to the site is prohibited. The sign must be maintained while the work is being carried out and is to be removed when the work is completed.

18. Approved toilet facilities are to be provided, at or in the vicinity of the work site on which the work involved in the erection or demolition of a building is being carried out, 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.
19. 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.
20. Waffle pods, if used in the construction of the building, shall not be delivered to the site unless wrapped or securely tied. The waffle pods are to be secured on-site to prevent scattering by wind. Off-cuts and unused pods must be wrapped in plastic or similar material and removed from the site immediately upon completion of slab construction.  
*Note: Where building materials and/or refuse is found to have caused pollution beyond the boundaries of the development site (eg. blown off-site by wind), the Council may issue infringement notices / fines as prescribed under the Protection of the Environment Operations Act 1997.*
21. The site is to be cleared of all building refuse and spoil immediately after completion of the building.
22. All building materials, plant and equipment shall be contained wholly within the development site.
23. The property shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind or "vehicle tracking".

#### ANCILLARY PROVISIONS

24. Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:
  - a. 7.00am to 6.00pm Monday to Friday
  - b. 7.00am to 5.00pm SaturdayAny work performed on Sunday's or Public Holidays that may cause offensive noise, as defined under the Protection of the Environment Operations Act, is prohibited. Minor works (such as hand sanding, painting, digging and the

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

### **VEHICLE ACCESS**

25. 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).
26. Prior to the issue of the Subdivision Certificate a concrete driveway within the "handle" of "battle-axe" lots shall be provided in accordance with Council's Manual of Engineering Standards.
27. Prior to issue of the Subdivision Certificate the driveway within the access corridor of proposed lot shall be constructed along the full length of the corridor as a concrete slab 2.7m wide (or drive-strips to "commercial" standard) in accordance with Council's standards.
28. Prior to commencement of construction of the driveway within the corridor, a Construction Certificate for the works shall be issued, being a design prepared in accordance with Council's Manual of Engineering Standards.

### **STORMWATER DRAINAGE**

29. Prior to the issue of the Subdivision Certificate all interallotment drainage works (pipeline, pit and associated works) shall be provided in accordance with Council's Manual of Engineering Standards and in accordance with the approved Construction Certificate.
30. Prior to issue of the (subdivision works) Construction Certificate for the interallotment drainage system, a design in accordance with Council's Manual of Engineering Standards shall be submitted to Council for determination.

### **CIVIL WORKS**

31. No works are permitted to commence on the site without a Construction Certificate having been issued.
32. Prior to issue of the Subdivision Certificate, all necessary civil works required for compliance with this consent and the Construction Certificate shall be provided in accordance with Council's Manual of Engineering Standards.

### **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.*

33. A restriction as to user under Section 88B of the Conveyancing Act shall be prepared and submitted to Council in conjunction with the Subdivision Certificate application which gives effect to the following restrictions:
- A 1.5 metre wide easement shall be created under Section 88B of the Conveyancing Act, and in accordance with Council's Manual of Engineering Standards, to cover the inter-allotment stormwater drainage line; and
  - A restriction on the title of proposed lot 2 shall be created under Section 88B of the Conveyancing Act, which restricts the location of the dwelling house being confined to the approved building envelope and in accordance with the approved plan; and
  - A restriction on the title of proposed lot 2 shall be created under Section 88B of the Conveyancing Act, which restricts the floor level of a dwelling to be constructed at the adopted Flood Planning Level (FPL), or a minimum of 500mm above the 1 in 100 year AEP flood level of the land (established at RL 19.49m AHD).

The authority empowered to release, vary or modify easements to drain water required by this consent, shall be nominated as "the owners of the lots burdened and benefitted, only with the consent of Maitland City Council".

## **ADVICES**

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

- A. You are advised that where underground works within the road reserve are required or necessary for supply of services (such as water, sewer, electricity, gas) further consent for a "Road Opening" must be obtained from Council.  
Refer to Council's form "*Application for Registration to Open Roads/Footpaths*".
- B. You are advised that all works associated with the Subdivision Construction Certificate (CC) for the *inter-allotment drainage and/or driveway corridor* requires inspections by the Principal Certifying Authority (PCA - being Council) as set out in the Manual of Engineering Standards, and that a (*Construction*) *Certification Fee* applies in accordance with Council's Fees and Charges.

- C. You are advised that for the driveway works on the footway verge, inspection by Council is required (eg formwork & reinforcement). See Council's "*Application to Construct Private Works on Footway*").
- D. You are advised that prior to construction of the driveway corridor, utility services and/or their conduits should be installed along the full corridor length.
- E. You are advised that any damage to the existing street infrastructure (including landscaping) at the property frontage resulting from construction of your development must be repaired to Council's standards. Where repairs are carried out by Council, the person responsible for the damage shall be held liable for the cost of those repairs.
- F. The owner should note that the issue of this development consent does not amount to a release, variation or modification by Council of any covenant applicable to this property and that any action taken by the applicant in accordance with the consent which results in any loss or damage by way of breach of the covenant will not be the responsibility of Council.

Cr D Ferris returned to the chamber at 5.39pm.

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**10.4 DA 18-2026 FLOODLIGHTING ANCILLARY TO EXISTING SCHOOL OVAL  
AT LOT 1 DP1244179, 42 NORFOLK STREET ASHTONFIELD  
RECOMMENDATION: APPROVAL**

<b>FILE NO:</b>	<b>DA 18-2026</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. Submissions</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>Amanda Wells - Town Planner</b>
<b>APPLICANT:</b>	<b>Hunter Valley Grammar School</b>
<b>OWNER:</b>	<b>Hunter Valley Grammar School</b>
<b>PROPOSAL:</b>	<b>Floodlighting ancillary to the existing school oval</b>
<b>LOCATION:</b>	<b>Lot 1 DP1244179, 42 Norfolk Street Ashtonfield</b>
<b>ZONE:</b>	<b>R1 General Residential</b>

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**EXECUTIVE SUMMARY**

*Development consent is sought from Council for floodlighting to be installed around a sporting oval within an existing school site known as Hunter Valley Grammar School. The site, which is legally described as Lot 1 DP1244179, 42 Norfolk Street Ashtonfield, has been in operation as a school since 1990. The proposal includes five (5) floodlights around the sporting field, which will be constructed on 22.0 metres pole, with two (2) poles on the north-eastern side of the field and the remaining three (3) on the south-western side of the field.*

*The subject land is zoned R1 General Residential pursuant to the Maitland Local Environmental Plan 2011, has a land area of 11.2 hectares, and is located within an established residential locality. The site is located approximately 300 metres south west of the New England Highway, and approximately 600 metres south east of Greenhills shopping centre.*

*The application was lodged to Council on 7<sup>th</sup> December 2018 and was placed on public exhibition for a period of fourteen (14) days from 9<sup>th</sup> January 2019 until 23<sup>rd</sup> January 2019 in accordance with the Maitland Development Control Plan 2011. During this timeframe, three (3) submissions were received. The submissions raised concern with regard to light spill, traffic concerns and potential noise implications.*

*The matters raised in the submissions are addressed in the main body of this report, and are not considered to represent significant grounds for refusal of the application. An*

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*assessment of the proposal has been undertaken against Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 (NSW) and is considered to be an acceptable development for the following reasons:*

- *The proposal is permitted with consent in the R1 General Residential zone with consent pursuant to the Maitland Local Environmental Plan 2011, and the development is considered to be consistent with the relevant objectives of the zone;*
- *The proposal is considered consistent with the relevant requirements of the Maitland Development Control Plan 2011; and*
- *The proposal has been assessment against the relevant heads of consideration pursuant to the Environmental Planning and Assessment Act 1979 (NSW) and is considered appropriate for the intended use of the site.*

*Accordingly, it is recommended that the application for the installation of five (5) floodlights ancillary to the existing sporting oval within the school be approved, subject to conditions of consent.*

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

**That DA18-2026 for Floodlighting ancillary to existing school oval at Lot 1 DP1244179, 42 Norfolk Street Ashtonfield be approved subject to conditions set out in the attached schedule.**

#### **COUNCIL RESOLUTION**

**That DA18-2026 for Floodlighting ancillary to existing school oval at Lot 1 DP1244179, 42 Norfolk Street Ashtonfield be approved subject to conditions set out in the attached schedule.**

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

**CARRIED**

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

The division resulted in 12 for and 0 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	Against:
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Cr K Ranadive  
Cr B Whiting  
Cr M Yarrington

## SCHEDULE OF CONDITIONS

### FLOODLIGHTING

#### Reason for Condition(s)

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

#### PLANS AND CERTIFICATES

- 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.	Revision Date	Prepared by: (consultant)
Plan of Detail Survey	1	01/05/2013	Pulver Cooper & Blackley Pty Ltd
Mcc Ref: 18-2026	1	-	-
Mcc Ref: 18-2026	2-3	-	Green Energy Queensland Pty Ltd

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

#### OPERATIONAL DETAILS

- The lights shall only be in use for a maximum of five (5) hours per week.
- The operating hours for the floodlights shall be limited to 9:00pm.

#### AMENITY



8. The flood lights shall be fitted with adequate glare/spillage shields to ensure there is no direct light spillage into adjoining residential properties. In this regard, the provisions of AS 4282 – Control of Obtrusive Effects of Outdoor Lighting are to be adhered to.

### **BUILDING CONSTRUCTION**

9. All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
10. 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.
11. 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.

12. 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.
13. 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.
14. 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.*

- 15. 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.
- 16. The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.
- 17. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.

## **ADVICES**

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

- A. You are advised that in regard to potential soil erosion from the construction site, such pollution of the environment is an offence under the Protection of the Environment & Operations (POEO) Act and may incur infringement fines.

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## 10.5 DRAFT HUNTER REGION - SPECIAL INFRASTRUCTURE CONTRIBUTION (SIC): COUNCIL SUBMISSION

<b>FILE NO:</b>	<b>103/159</b>
<b>ATTACHMENTS:</b>	<b>1. Submission on Draft Hunter Region - SIC</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Bernie Mortomore - Group Manager Planning, Environment &amp; Lifestyle Chris James - Group Manager Infrastructure &amp; Works</b>
<b>AUTHOR:</b>	<b>Robyn Hawes - Senior Development Planner Andrew Neil - Manager Strategic Planning Kevin Stein - Manager Engineering &amp; Design</b>
<b>MAITLAND +10</b>	<b>Outcome 1. Sense of place and pride</b>
<b>COUNCIL OBJECTIVE:</b>	<b>1.5.1 To work with the community and key stakeholders to identify and communicate our city's future growth opportunities and challenges</b>

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### EXECUTIVE SUMMARY

*The NSW Department of Planning and Environment has released the draft Hunter Region – Special Infrastructure Contribution (SIC) for public comment. The Hunter Region SIC is a response to Action 26.6 of the Hunter Regional Plan 2036.*

*The SIC is the mechanism by which the Department will collect and fund the delivery of key state and regional infrastructure within the Hunter Region, including state and regional roads, schools, health facilities and emergency services facilities.*

*The SIC will apply to land release areas and be levied for new residential and industrial development. The SIC will replace the current arrangement under clause 6.1 in the Maitland LEP 2011 whereby individual planning agreements are required to be entered into between a developer and the Department before development consent can be issued. The SIC Determination will also establish a List of Infrastructure to be delivered through the SIC for the identified Service Catchment Areas within the Hunter Region.*

*Urban release areas in the Maitland LGA (particularly residential areas) are recognised in both the Hunter Regional Plan 2036 and the Greater Newcastle Metropolitan Plan 2036 as a significant contributor to the delivery of population growth projections within the Lower Hunter. Accordingly, the draft SIC is reported to Council for consideration and it is appropriate for Council to forward a submission to the Department on the implications of the SIC Determination for Maitland. A draft submission is attached to this report with a recommendation that the submission is supported by Council.*

*While the draft SIC is generally supported, there are a number of key elements in the structure of the draft SIC that warrant further consideration by the Department before the final SIC Determination. These elements include the structure of the contribution rates*

*(particularly the residential SIC rate), the definition of greenfield residential land that establishes the extent of the land captured under the SIC, and clarification over the transitional arrangements and a number of items listed in the Schedule of Infrastructure Works. The main thrust of Council's submission is, however, the request for inclusion of road upgrade works along Raymond Terrace Road within the Thornton North Urban Release Area in the SIC, in recognition of the impact that the new Maitland Hospital site will have on this State classified road and the inability for Council to continue to fund this upgrade item in its local development contribution plan given the contribution cap that has been in place since 2011.*

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

##### **THAT**

- 1. Council consider the information in this report.**
- 2. Council support the attached submission on the draft Hunter Region - Special Infrastructure Contribution (SIC) to the NSW Department of Planning and Environment.**

#### **COUNCIL RESOLUTION**

##### **THAT**

- 1. Council consider the information in this report.**
- 2. Council support the attached submission on the draft Hunter Region - Special Infrastructure Contribution (SIC) to the NSW Department of Planning and Environment.**

**Moved Cr B Whiting, Seconded Cr M Griffin**

**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 0 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	Against:
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Cr M Yarrington

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## 10.6 DRAFT LOCHINVAR CREEK FLOOD STUDY – FOR PUBLIC EXHIBITION

<b>FILE NO:</b>	<b>103/64/7</b>
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li><b>1. Draft Flood Study: Volume 1 (under separate cover)</b></li> <li><b>2. Draft Flood Study: Volume 2 (under separate cover)</b></li> </ol>
<b>RESPONSIBLE OFFICER:</b>	<b>Bernie Mortomore - Group Manager Planning, Environment &amp; Lifestyle Andrew Neil - Manager Strategic Planning</b>
<b>AUTHOR:</b>	<b>Pathum Gunasekara - Senior Strategic Planner</b>
<b>MAITLAND +10</b>	<b>Outcome 9. Our local rivers and floodplains</b>
<b>COUNCIL OBJECTIVE:</b>	<b>9.2.1 To protect and preserve the opportunity for agricultural production and the City's floodplains</b>

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### EXECUTIVE SUMMARY

*In 2017, Council commissioned WMA Water Pty Ltd to undertake the preparation of the Lochinvar Creek Flood Study.*

*The Lochinvar Creek catchment is approximately 16.6km<sup>2</sup> and covers the urbanised areas of Lochinvar and adjacent rural areas. The Lochinvar Creek is the main waterway that conveys water from the Lochinvar Creek catchment to the Hunter River and has a history of significant flooding over the entire catchment.*

*The draft flood study provides information about existing flood risk in the Lochinvar Creek catchment. Flood modelling (hydrologic and hydraulic) tools were developed to define flood behaviour for the entire Lochinvar Creek catchment for a range of design flood events. This can be used by Council for decision-making about land-use planning, and future studies to assess the effectiveness of potential measures to reduce flood risk.*

*Flooding in the upper Lochinvar Creek catchment is dominated by localised rainfall events. Flooding in the lower catchment can occur from either local rainfall or a Hunter River flood. The main objective of this study was to define local catchment flooding, as Hunter River flooding has been modelled and documented in the Hunter River Flood Study 2010.*

*The draft Study was presented to the Floodplain Risk Management Committee meeting held on 22 February 2019. The draft Study is now ready for public exhibition.*

### OFFICER'S RECOMMENDATION

#### THAT

- 1. Council note the contents and recommendations of the Draft Lochinvar Creek Flood Study (February 2019).**

2. Council place the Draft Lochinvar Creek Flood Study on public exhibition for a minimum period of 28 days.
3. Council include a notation on the 10.7(5) Planning Certificates regarding the draft Study for those properties within the Preliminary Flood Planning Area.

**COUNCIL RESOLUTION**

**THAT**

1. Council note the contents and recommendations of the Draft Lochinvar Creek Flood Study (February 2019).
2. Council place the Draft Lochinvar Creek Flood Study on public exhibition for a minimum period of 28 days.
3. Council include a notation on the 10.7(5) Planning Certificates regarding the draft Study for those properties within the Preliminary Flood Planning Area.

Moved Cr S Halliday, Seconded Cr M Griffin

**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 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 B Mitchell	
	Cr N Penfold	
	Cr P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

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## 10.7 DRAFT WALLIS AND SWAMP-FISHERY CREEK FLOOD STUDY – FOR ADOPTION

<b>FILE NO:</b>	<b>103/64/6</b>
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li><b>1. Draft Flood Study: Volume 1 (under separate cover)</b></li> <li><b>2. Draft Flood Study: Volume 2 (under separate cover)</b></li> </ol>
<b>RESPONSIBLE OFFICER:</b>	<b>Bernie Mortomore - Group Manager Planning, Environment &amp; Lifestyle</b> <b>Andrew Neil - Manager Strategic Planning</b>
<b>AUTHOR:</b>	<b>Pathum Gunasekara - Senior Strategic Planner</b>
<b>MAITLAND +10</b>	<b>Outcome 9. Our local rivers and floodplains</b>
<b>COUNCIL OBJECTIVE:</b>	<b>9.2.1 To protect and preserve the opportunity for agricultural production and the City's floodplains</b>

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### EXECUTIVE SUMMARY

*At its meeting on 9 October 2018, Council resolved to place the draft Wallis and Swamp-Fishery Creek Flood Study on public exhibition. Accordingly, the draft Flood Study was placed on public exhibition from 22 October 2018 to 20 November 2018.*

*The purpose of this report is to advise Council of the outcomes of public exhibition of the draft Flood Study and recommend to Council that the final draft Flood Study (dated February 2019) be adopted.*

*The final draft Flood Study was also presented to the Council's Floodplain Risk Management Committee meeting held on 22 February 2019.*

### OFFICER'S RECOMMENDATION

#### THAT

- 1. Council adopt the Wallis and Swamp-Fishery Creek Flood Study dated February 2019.**

### COUNCIL RESOLUTION

#### THAT

- 1. Council adopt the Wallis and Swamp-Fishery Creek Flood Study dated February 2019.**

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



**CARRIED**

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

The division resulted in 11 for and 1 against, as follows:

For:	Cr R Aitchison	Against:	Cr D Ferris
	Cr L Baker		
	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		

## 10.8 BULKY WASTE COLLECTION SERVICE

<b>FILE NO:</b>	61/1
<b>ATTACHMENTS:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle David Simm - Manager Development & Environment
<b>AUTHOR:</b>	Elfi Blackburn - Waste Services Coordinator
<b>MAITLAND +10</b>	Outcome 8. Managing the environment and natural resources
<b>COUNCIL OBJECTIVE:</b>	8.3.1 To implement waste management strategies for the city designed to minimise costs and environmental impacts

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### EXECUTIVE SUMMARY

*This report outlines a mechanism of providing a bulky waste collection service to the community of Maitland in particular to those households that are currently unable to use their free tip vouchers.*

### OFFICER'S RECOMMENDATION

#### THAT

1. Expressions of Interest (Eoi) be invited for the provision of a bulky waste collection service;
2. The Eoi call specify that the service sought is to be an 'on call' service initiated by residents as and when in need of such a service;
3. Respondents to the Eoi be invited to participate in a structured workshop to discuss and determine:
  - a. possible collection methods and response times;
  - b. the nature of the materials to be collected and contractor resource recovery;
  - c. options to sort, recycle and combine collected material to minimise cost to residents using the service;
  - d. aspects of service cost and payment structure;
  - e. utilization of council's annual waste voucher by contractors acting for residents; and
4. A report on the outcomes of the EOI process and workshop be brought back to Council prior to adoption of the 2019/20 budget to enable consideration of any financial implications and/or the timing of the introduction of such a service early in the 2019/20 financial year.

Revised Officer's Recommendation noted in Item 8.1

**COUNCIL RESOLUTION**

**THAT**

- 5. Expressions of Interest (Eoi) be invited for the provision of a bulky waste collection service;**
- 6. The Eoi call specify that the service sought is to be an 'on call' service initiated by residents as and when in need of such a service;**
- 7. Respondents to the Eoi be invited to participate in a structured workshop to discuss and determine:**
  - a. possible collection methods and response times;**
  - b. the nature of the materials to be collected and contractor resource recovery;**
  - c. options to sort, recycle and combine collected material to minimise cost to residents using the service;**
  - d. aspects of service cost and payment structure;**
  - e. utilization of council's annual waste voucher by contractors acting for residents; and**
- 8. A report on the outcomes of the EOI process and workshop be brought back to Council prior to adoption of the 2019/20 budget to enable consideration of any financial implications and/or the timing of the introduction of such a service early in the 2019/20 financial year.**

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

**CARRIED**

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## 10.9 RESERVE NAMING PROPOSAL - BAKERS BRICKYARD PARK

<b>FILE NO:</b>	129/1
<b>ATTACHMENTS:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	<b>Bernie Mortomore - Group Manager Planning, Environment &amp; Lifestyle Laurie D'Angelo - Manager Community and Recreation Emily Livens - Coordinator Recreation &amp; Community Planning</b>
<b>AUTHOR:</b>	<b>Donna Olbourne - Recreation Planner</b>
<b>MAITLAND +10</b>	<b>Outcome 2. Community and recreation services and facilities</b>
<b>COUNCIL OBJECTIVE:</b>	<b>2.1.1 To plan for a broad range of community, recreation and leisure infrastructure and services that meets the needs of a growing community</b>

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### EXECUTIVE SUMMARY

*Significant investment has been contributed towards the establishment of a playground and supporting facilities on Morpeth Road, Raworth, known to the community as Bakers Brickyard Park. Given this investment and the requirement to have signage to identify the park, the formal process to name the park is being undertaken. This report outlines the background and details for the naming of the park and recommends the proposal be approved as it is in line with Council Naming and Renaming of Parks, Building and Reserves policy.*

### OFFICER'S RECOMMENDATION

#### THAT

- 1. Council resolve to place the naming proposal for 'Bakers Brickyard Park' for the reserve known as Lot 63 DP 859622 on public exhibition for comment.**
- 2. A submissions outcomes report be returned to Council before a proposal is forwarded to the Geographic Names Board for their consideration.**

### COUNCIL RESOLUTION

#### THAT

- 1. Council resolve to place the naming proposal for 'Bakers Brickyard Park' for the reserve known as Lot 63 DP 859622 on public exhibition for comment.**
  - 2. A submissions outcomes report be returned to Council before a proposal**
-

**is forwarded to the Geographic Names Board for their consideration.**

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

**CARRIED**

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## 10.10 OUTCOMES OF NSW OUTDOOR DINING TRIAL IN MAITLAND

<b>FILE NO:</b>	103/75
<b>ATTACHMENTS:</b>	1. NSW Outdoor Dining Trial Evaluation 2. Interim NSW Outdoor Dining Policy
<b>RESPONSIBLE OFFICER:</b>	Rachel MacLucas - Executive Manager Vibrant City
<b>AUTHOR:</b>	Andrew Brown - Coordinator City Economy
<b>MAITLAND +10</b>	Outcome 14. Central Maitland, vibrant heart of our City
<b>COUNCIL OBJECTIVE:</b>	14.2.1 To continue the establishment of The Levee as a lifestyle precinct

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### EXECUTIVE SUMMARY

*Maitland was one of six councils to participate in the NSW Outdoor Dining Trial, an initiative of the NSW Office of the Small Business Commissioner linked to the Easy to do Business Program. Maitland City Council's 12 month involvement (March 2018 to March 2019) required waiving fees for applications and furniture rent for the period of the trial and covered the entire local government area.*

*With seven new licences issued, the policy and procedure for administering outdoor dining applications and licences under the trial was beneficial to Council, and assisted cafés, restaurants and other fixed food based businesses with a simplified, expedient, yet informative process. Throughout the trial Council observed positivity from businesses about the fee waiver and this has been an important component to encouraging business involvement in the program.*

*The role of the business concierges at Service NSW in fielding enquiries and assisting businesses to prepare outdoor dining applications has been positive in terms of relieving Council of administrative burden.*

*It was noted and supported by Maitland City Council management that the NSW Small Business Commissioner proposed a fee free approach be carried forward and incorporated into the NSW Outdoor Dining Policy, and to be offered to all Councils in NSW on an opt in basis.*

### OFFICER'S RECOMMENDATION

#### THAT

1. Council note the outcomes contained within this report.
2. Council continue to utilise the Interim NSW Outdoor Dining Policy until the formal policy is made available to NSW councils for formal adoption.

3. **Endorse waiving fees as an additional incentive to businesses that the Interim NSW Outdoor Dining Policy applies and that this be reviewed when the formal policy is made available to councils.**

**COUNCIL RESOLUTION**

**THAT**

1. **Council note the outcomes contained within this report.**
2. **Council continue to utilise the Interim NSW Outdoor Dining Policy until the formal policy is made available to NSW councils for formal adoption.**
3. **Endorse waiving fees as an additional incentive to businesses that the Interim NSW Outdoor Dining Policy applies and that this be reviewed when the formal policy is made available to councils.**

**Moved Cr R Aitchison, Seconded Cr K Ranadive**

**CARRIED**

Council moved into Policy & Finance Committee at 6.08pm

Moved: Cr M Griffin, Seconded: Cr R Aitchison

CARRIED

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## 11 POLICY AND FINANCE COMMITTEE

### 11.1 HALL OF FAME COMMITTEE - APPOINTMENT OF COMMUNITY REPRESENTATIVES

FILE NO:	35/1
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle
AUTHOR:	Keryl Collard - City Librarian
MAITLAND +10	Outcome 15. Diverse, identified and connected leaders
COUNCIL OBJECTIVE:	15.1.2 To build the status and standing of Council's civic recognition programs in the wider community

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#### EXECUTIVE SUMMARY

*Nominations were called during February 2019 for three community representatives to join the Hall of Fame Committee for the remainder of the current term of Council, following the review and adoption of the updated Hall of Fame Policy. The purpose of this report is to confirm the appointment of the recommended community representatives.*

#### OFFICER'S RECOMMENDATION

##### THAT

1. Confirm the appointment of the three (3) community representatives listed in the report to serve on the Hall of Fame Committee for the remainder of Council's term in accordance with the Hall of Fame Policy.
2. Write to the successful nominees advising confirmation of appointment to the Committee.
3. Write to inform the other nominee that their application was unsuccessful.

#### PROCEEDINGS IN BRIEF

A motion was moved.  
(Cr B Whiting / Cr D Ferris)

##### THAT

1. Confirm the appointment of the three (3) community representatives listed in the report to serve on the Hall of Fame Committee for the remainder of Council's term in accordance with the Hall of Fame Policy.



2. Write to the successful nominees advising confirmation of appointment to the Committee.
3. Write to inform the other nominee that their application was unsuccessful.

An amendment was moved by Cr M Griffin

THAT

1. Council makes an exception to the Hall of Fame Policy and confirm the appointment of all four applicants as community representatives for the remainder of the term.
2. Council inform the successful nominees of their confirmation.

The Mayor ruled the amendment Out of Order as it required a change of Policy.

Cr M Griffin moved a motion of dissent against the Mayor's ruling.

The motion of dissent when put to the meeting was declared lost.

The motion moved by Cr B Whiting and Cr D Ferris was put to the meeting and declared carried.

Cr M Griffin requested that the motion be put to the meeting by Division.

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

The division resulted in 6 for and 6 against, as follows:

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

The Mayor used her casting vote which then resulted in 7 for and 6 against.

## COMMITTEE RECOMMENDATION

THAT

1. **Confirm the appointment of the three (3) community representatives listed in the report to serve on the Hall of Fame Committee for the remainder of Council's term in accordance with the Hall of Fame Policy.**
2. **Write to the successful nominees advising confirmation of appointment to the Committee.**

**3. Write to inform the other nominee that their application was unsuccessful.**

**Moved Cr B Whiting, Seconded Cr D Ferris**

**CARRIED**

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## 11.2 COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT POLICY

<b>FILE NO:</b>	35/47 and 35/1
<b>ATTACHMENTS:</b>	1. Councillor Induction and Professional Development Policy
<b>RESPONSIBLE OFFICER:</b>	Leah Flint - Group Manager Strategy Performance and Business Systems
<b>AUTHOR:</b>	Louise Rampling - Senior Governance Officer
<b>MAITLAND +10</b>	Outcome 17. An efficient and effective Council
<b>COUNCIL OBJECTIVE:</b>	17.3.1 To maintain an organisational culture that supports continual improvement, innovation and change to meet community needs

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### EXECUTIVE SUMMARY

*Following recent legislative changes, Council's general manager is responsible for ensuring that the mayor and councillors are provided with induction and professional development programs over Council's term. Guidelines issued by the Office of Local Government propose that Council's commitment to fulfilling these statutory obligations be enshrined in all relevant policy documents.*

*This report presents for adoption a Councillor Induction and Professional Development Policy, which closely follows the Model Policy provided in the Guidelines.*

### OFFICER'S RECOMMENDATION

#### THAT

1. The Councillor Induction and Professional Development Policy (Attachment 1) be adopted.

### COMMITTEE RECOMMENDATION

#### THAT

1. The Councillor Induction and Professional Development Policy (Attachment 1) be adopted.

Moved Cr K Ranadive, Seconded Cr S Halliday

**CARRIED**

### 11.3 MEDIA POLICY 2019

<b>FILE NO:</b>	111/4
<b>ATTACHMENTS:</b>	1. Media Policy 2014 2. Media Policy 2019
<b>RESPONSIBLE OFFICER:</b>	Matt vanderWall - Coordinator Marketing and Communications Rachel MacLucas - Executive Manager Vibrant City
<b>AUTHOR:</b>	Oliver Watson - Media Officer
<b>MAITLAND +10</b>	Outcome 16. Community participation in decision-making
<b>COUNCIL OBJECTIVE:</b>	16.3.1 To ensure that Council's community communications and engagement strategies are relevant and effective

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#### EXECUTIVE SUMMARY

*In accordance with Council's policy review the Media Policy has been reviewed and revised. This report presents an updated Media Policy for consideration and adoption by Council. The main changes to the policy are around Council's reporting of Council meetings prior to the meeting.*

#### OFFICER'S RECOMMENDATION

THAT

1. The Media Policy 2014 (attachment 1) be rescinded and the draft Media Policy 2019 (attachment 2) be adopted.

#### COMMITTEE RECOMMENDATION

THAT

1. The Media Policy 2014 (attachment 1) be rescinded and the draft Media Policy 2019 (attachment 2) be adopted.

Moved Cr R Aitchison, Seconded Cr S Halliday

**CARRIED**

## 11.4 COMMUNITY STALLS AT FLAGSHIP EVENTS

<b>FILE NO:</b>	139/50
<b>ATTACHMENTS:</b>	1. Community Stalls at Flagship Events Policy v1.0 2. Community Stalls at Flagship Events Policy v2.0
<b>RESPONSIBLE OFFICER:</b>	Rachel MacLucas - Executive Manager Vibrant City
<b>AUTHOR:</b>	Adam Franks - Coordinator Events
<b>MAITLAND +10</b>	Outcome 3. Community and iconic events
<b>COUNCIL OBJECTIVE:</b>	3.1.1 To create an economic, social and cultural benefit to the community through the delivery of the City's seven flagship events

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### EXECUTIVE SUMMARY

*In accordance with Council's policy review the Community Stalls at Flagship Events Policy has been reviewed and the revised policy is presented for adoption.*

### OFFICER'S RECOMMENDATION

**THAT**

1. Council rescind the Community Stalls at Flagship Events Policy v1.0 (attachment 1).
2. Council adopt the Community Stalls at Flagship Events Policy v2.0 (attachment 2).

### COMMITTEE RECOMMENDATION

**THAT**

1. Council rescind the Community Stalls at Flagship Events Policy v1.0 (attachment 1).
2. Council adopt the Community Stalls at Flagship Events Policy v2.0 (attachment 2).

**Moved Cr K Ranadive, Seconded Cr R Aitchison**

**CARRIED**

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## 11.5 STATEMENT OF INVESTMENTS AS AT 28 FEBRUARY 2019

<b>FILE NO:</b>	82/2
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. Council's holdings as at 28 February 2019 (Attachment A)</li> <li>2. Investment Portfolio at a glance (Attachment B)</li> </ol>
<b>RESPONSIBLE OFFICER:</b>	Leah Flint - Group Manager Strategy Performance and Business Systems
<b>AUTHOR:</b>	Dinesh Pillay - Senior Reporting, Risk & Insurance Accountant
<b>MAITLAND +10</b>	Outcome 18. A Council for now and future generations
<b>COUNCIL OBJECTIVE:</b>	18.1.1 To ensure the principles of sustainability underpin Council's financial, economic, social, governance and environmental decision-making

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### EXECUTIVE SUMMARY

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

### OFFICER'S RECOMMENDATION

#### THAT

1. The report indicating Council's Funds Management position as at 28 February 2019 be received and noted.
2. The certification of the Responsible Accounting Officer be noted and the report adopted.

### COMMITTEE RECOMMENDATION

#### THAT

1. The report indicating Council's Funds Management position as at 28 February 2019 be received and noted.
2. The certification of the Responsible Accounting Officer be noted and the report adopted.

Moved Cr R Aitchison, Seconded Cr N Penfold

CARRIED

**Council resumed into Ordinary Council at 6.37pm.**

**Moved Cr R Aitchison, Seconded Cr D Ferris**

CARRIED

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

### **11.1 Hall of Fame Committee - Appointment of Community Representatives**

COMMITTEE RECOMMENDATION

THAT

1. Confirm the appointment of the three (3) community representatives listed in the report to serve on the Hall of Fame Committee for the remainder of Council's term in accordance with the Hall of Fame Policy.
2. Write to the successful nominees advising confirmation of appointment to the Committee.
3. Write to inform the other nominee that their application was unsuccessful.

Moved Cr B Whiting, Seconded Cr D Ferris

CARRIED

### **11.2 Councillor Induction and Professional Development Policy**

COMMITTEE RECOMMENDATION

THAT

1. The Councillor Induction and Professional Development Policy (Attachment 1) be adopted.

Moved Cr K Ranadive, Seconded Cr S Halliday

CARRIED

### **11.3 Media Policy 2019**

COMMITTEE RECOMMENDATION

THAT

1. The Media Policy 2014 (attachment 1) be rescinded and the draft Media Policy 2019 (attachment 2) be adopted.

Moved Cr R Aitchison, Seconded Cr S Halliday

CARRIED

#### **11.4 Community Stalls at Flagship Events**

COMMITTEE RECOMMENDATION

THAT

1. Council rescind the Community Stalls at Flagship Events Policy v1.0 (attachment 1).
2. Council adopt the Community Stalls at Flagship Events Policy v2.0 (attachment 2).

Moved Cr K Ranadive, Seconded Cr R Aitchison

CARRIED

#### **11.5 Statement of Investments as at 28 February 2019**

COMMITTEE RECOMMENDATION

THAT

1. The report indicating Council's Funds Management position as at 28 February 2019 be received and noted.
2. The certification of the Responsible Accounting Officer be noted and the report adopted.

Moved Cr R Aitchison, Seconded Cr N Penfold

CARRIED

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

**Moved Cr K Ranadive, Seconded Cr R Aitchison**

**CARRIED**



## **12 NOTICES OF MOTION/RESCISSION**

Nil

## **13 QUESTIONS WITH NOTICE**

### **13.1 MAITLAND SPORTSGROUND - ELECTRONIC SCOREBOARD**

**SUBMITTED BY CR PHILIP PENFOLD**

**FILE NO:** 35/7/4  
**ATTACHMENTS:** Nil  
**RESPONSIBLE OFFICER:** David Evans - General Manager  
Chris James - Group Manager Infrastructure & Works

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Cr Philip Penfold has asked the following Question With Notice for the Council Meeting being held on Tuesday 26 March 2019:

*What plans, if any, exist for an electronic score board at Maitland Sportsground?*

#### **RESPONSE BY GROUP MANAGER INFRASTRUCTURE AND WORKS**

Funding for Stage 3 of the Sports Precinct includes an allowance of \$120,000 for an electronic scoreboard.

Installation of the scoreboard is governed by an electrical upgrade to the Sports Precinct with design well advanced for a new substation. Approval will be required from Ausgrid for the electrical upgrade with these works forming part of the contract for the new athletics facility.

Investigation and development of specification for the new electronic scoreboard can be undertaken concurrent with construction works for the athletics facility.

Subject to the head contractor's program of works an indicative timeframe for installation of the new electronic scoreboard would be expected around mid-2020.

## **14 URGENT BUSINESS**

Council moved into the Committee of the Whole at 6.38pm.

Moved Cr B Mitchell, Seconded Cr B Whiting

CARRIED

Council moved into Closed Session of the Committee of the Whole for the reasons specified in the Agenda, and closed the meeting to the public at 6.39 pm.

Moved Cr B Mitchell, Seconded Cr B Whiting

CARRIED

## 15 COMMITTEE OF THE WHOLE

### 15.1 CONSIDERATION OF TENDERS - 2018/2019 PLANT REPLACEMENT PROGRAM - PURCHASE OF TWO WASTE COLLECTION VEHICLES

<b>FILE NO:</b>	2019/137/1458
<b>ATTACHMENTS:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Chris James - Group Manager Infrastructure & Works Graeme Matthews - Manager Projects & Services
<b>AUTHOR:</b>	Manny Kallis - Coordinator Mechanical Services
<b>MAITLAND +10</b>	Outcome 18. A Council for now and future generations
<b>COUNCIL OBJECTIVE:</b>	18.2.1 To maintain a contemporary asset policy, asset strategy and management plans for all Council assets

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

#### EXECUTIVE SUMMARY

*Tenders were called for the supply and delivery of two waste collection vehicles comprising cab / chassis and side load waste compactor bodies for Council Plant in accordance with the adopted Plant Replacement Program for 2018 / 2019. These vehicles will replace Plant No's 5786 and 5850.*

*These tenders are 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.*

#### COMMITTEE RECOMMENDATION

**THAT**

- Council accept the tender of Newcastle Commercial Vehicles Pty Ltd T/As Newcastle Iveco for the supply of two Iveco Acco F2350G Cab Chassis with Superior Pak Compaction bodies at a total purchase price of \$732,582.58 (excl**

GST).

2. Council dispose of waste trucks (Plant No 5786 and Plant No 5850) via auction to Pickles Auctions for a set reserve of \$27,272.73 (excl GST).
3. Purchase to be financed by Hire Purchase.
4. The common seal of Council be affixed to the contract documents.

Moved Cr B Whiting, Seconded Cr D Ferris

**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 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 B Mitchell	
	Cr N Penfold	
	Cr P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

## 15.2 PURCHASE OF 374-376 HIGH STREET, MAITLAND

<b>FILE NO:</b>	<b>P42271</b>
<b>ATTACHMENTS:</b>	<b>1. Survey Plan Extract</b>
<b>RESPONSIBLE OFFICER:</b>	<b>David Evans - General Manager</b>
<b>AUTHOR:</b>	<b>David Evans - General Manager</b>
<b>MAITLAND +10</b>	<b>Outcome 14. Central Maitland, vibrant heart of our City</b>
<b>COUNCIL OBJECTIVE:</b>	<b>14.2.1 To continue the establishment of The Levee as a lifestyle precinct</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: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

### EXECUTIVE SUMMARY

*Council's Community Strategic Plan and current delivery program contain a strategy and supporting actions, to continue to enhance the built form and streetscapes of Central Maitland, complemented by creative activations and promotional initiatives that make it the vibrant heart of our city. To this end, it is appropriate that the Council from time to time, consider the purchase of properties as they come to market, and whose location see them well placed to facilitate the achievement of Council's longer term strategies.*

### OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

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

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

### COMMITTEE RECOMMENDATION

**THAT**

- 1. Council confirm the purchase of 374-376 High Street, Maitland, being Lot 15 Plan DP1044531 (Folio Identifier 15/1044531),**
- 2. Council authorise the General Manager to sign all documents associated with the conveyancing transaction, including a Client Authorisation Form for Local Government Legal to effect the transaction,**
- 3. The purchase of the property be internally funded from Council's General Purpose Reserve and the annual net rental from the property be returned to**

the General Purpose Reserve as repayment of the funds drawn from the reserve; and

4. Pursuant to Section 31(2) of the *Local Government Act 1993*, Lot 15 Plan DP1044531 (Folio Identifier 15/1044531) 374-376 High Street Maitland be classified as 'operational land'.

Moved Cr P Garnham, Seconded Cr K Ranadive

**CARRIED**

Council resumed into Ordinary Council at 7.00 pm.

Moved Cr D Ferris, Seconded Cr B Whiting

**CARRIED**

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

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

### **15.1 Consideration of Tenders - 2018/2019 Plant Replacement Program - Purchase of Two Waste Collection Vehicles**

COMMITTEE RECOMMENDATION

THAT

1. Council accept the tender of Newcastle Commercial Vehicles Pty Ltd T/As Newcastle Iveco for the supply of two Iveco Acco F2350G Cab Chassis with Superior Pak Compaction bodies at a total purchase price of \$732,582.58 (excl GST).
2. Council dispose of waste trucks (Plant No 5786 and Plant No 5850) via auction to Pickles Auctions for a set reserve of \$27,272.73 (excl GST).
3. Purchase to be financed by Hire Purchase.
4. The common seal of Council be affixed to the contract documents.

Moved Cr B Whiting, Seconded Cr D Ferris

CARRIED

### **15.2 Purchase of 374-376 High Street, Maitland**

COMMITTEE RECOMMENDATION

THAT

1. Council confirm the purchase of 374-376 High Street, Maitland, being Lot 15 Plan DP1044531 (Folio Identifier 15/1044531),
2. Council authorise the General Manager to sign all documents associated with the conveyancing transaction, including a Client Authorisation Form for Local Government Legal to effect the transaction,
3. The purchase of the property be internally funded from Council's General Purpose Reserve and the annual net rental from the property be returned to the General Purpose Reserve as repayment of the funds drawn from the reserve; and
4. Pursuant to Section 31(2) of the *Local Government Act 1993*, Lot 15 Plan DP1044531 (Folio Identifier 15/1044531) 374-376 High Street Maitland be classified as 'operational land'.

Moved Cr P Garnham, Seconded Cr K Ranadive

CARRIED

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

Moved Cr M Griffin, Seconded Cr P Garnham

CARRIED

## **17 CLOSURE**

The meeting was declared closed at 7.10pm.

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**Chairperson**