

**ORDINARY MEETING**

**MINUTES**

**9 APRIL 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 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 D Ferris read the Acknowledgement of Country.

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

#### **COUNCIL RESOLUTION**

THAT the apologies received from Cr K Ranadive be accepted.

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

**CARRIED**

### **4 DECLARATIONS OF INTEREST**

Cr D Ferris declared a less than significant non-pecuniary interest in Item no. 20.1 Lease of Part of the Administration Building to Hunter Water Corporation, as he is an employee.

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

#### **COUNCIL RESOLUTION**

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

**Moved Cr M Griffin, Seconded Cr N Penfold**

CARRIED

**6 BUSINESS ARISING FROM MINUTES**

Nil

**7 MAYORAL MINUTE**

Nil

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

Nil

**9 PUBLIC ACCESS**

Nil

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## 10 GENERAL MANAGER'S REPORTS

### 10.1 DRAFT OPERATIONAL PLAN AND FEES AND CHARGES 2019/20

<b>FILE NO:</b>	<b>35/33/18/8</b>
<b>ATTACHMENTS:</b>	<b>1. Delivery Program 2018-2021 (Revised) - incorporating Draft Operational Plan and Fees &amp; Charges 2019/20 (under separate cover)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>David Evans - General Manager Leah Flint - Group Manager Strategy Performance and Business Systems</b>
<b>AUTHOR:</b>	<b>Kathleen Morris - Manager Integrated Planning and Reporting</b>
<b>MAITLAND +10</b>	<b>Outcome 17. An efficient and effective Council</b>
<b>COUNCIL OBJECTIVE:</b>	<b>17.1.1 To see Council's integrated planning and reporting recognised by the community, Council and the NSW State Government</b>

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#### EXECUTIVE SUMMARY

*The Delivery Program 2018-2021 identifies the outcomes that Council will achieve over its term to support the delivery of Maitland +10, our community's vision for the future of the city. Each year of the Delivery Program is supported by an annual Operational Plan that details the actions that will be taken during the financial year, along with a detailed budget and revenue policy, including fees and charges.*

*The draft Operational Plan 2019/20 maintains a focus on reaching the objectives set in the Delivery Program. It includes an ambitious capital works program, as well as the continued delivery of key infrastructure projects for the city. During the year Council will continue its commitment to identify productivity efficiencies of \$500,000 per annum and maintain financial sustainability.*

*In 2019/20 Council's draft operating budget is \$164.4 million. Key aspects of the budget include the management of an asset portfolio of \$1,046 million, the delivery of a capital works budget of \$30.3 million, the management of \$153.5 million in investments and the employment of up to 461 (full and part time) employees.*

*Under the provisions of the Local Government Act 1993, the draft 2019/20 Operational Plan must be exhibited for public comment for a period of not less than 28 days, and submissions considered prior to its adoption by Council.*

*This report recommends public exhibition of the draft Operational Plan 2019/20 (contained within the Delivery Program 2018-2021 (revised)) from 11 April – 15 May 2019.*

*During this period Council will undertake a range of engagement activities. Submissions received during the exhibition period will be brought to Council for consideration.*

**OFFICER'S RECOMMENDATION**

**THAT**

- 1. The draft Operational Plan 2019/20 and Fees and Charges be exhibited as part of the Delivery Program 2018-2021 (revised) for public comment in accordance with the requirements of the NSW Local Government Act 1993, commencing 11 April 2019 and concluding 15 May 2019;**
- 2. Council undertake a range of engagement activities to inform the community of the draft program and plan; and**
- 3. A further report be presented to Council upon completion of the formal exhibition period.**

**COUNCIL RESOLUTION**

**THAT**

- 1. The draft Operational Plan 2019/20 and Fees and Charges be exhibited as part of the Delivery Program 2018-2021 (revised) for public comment in accordance with the requirements of the NSW Local Government Act 1993, commencing 11 April 2019 and concluding 15 May 2019;**
- 2. Council undertake a range of engagement activities to inform the community of the draft program and plan; and**
- 3. A further report be presented to Council upon completion of the formal exhibition period.**

**Moved Cr B Whiting, Seconded Cr S Halliday**

**CARRIED**



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## 11 PLANNING, ENVIRONMENT AND LIFESTYLE REPORTS

### 11.1 DA 17-1401 SUBDIVISION OF LAND INTO 144 RESIDENTIAL LOTS - LOTS 1 & 2 DP718712 & LOT 2 DP1244625, 803 - 805 NEW ENGLAND HIGHWAY & 70 CHRISTOPHER ROAD, LOCHINVAR (LOCHINVAR URBAN RELEASE AREA)

**RECOMMENDATION: APPROVAL**

<b>FILE NO:</b>	DA 17-1401
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. Locality Plans</li> <li>2. Development Plans (under separate cover)</li> <li>3. Submissions</li> </ol>
<b>RESPONSIBLE OFFICER:</b>	<p>Bernie Mortomore - Group Manager Planning, Environment &amp; Lifestyle</p> <p>David Simm - Manager Development &amp; Environment</p> <p>Leanne Harris - Development Assessment Coordinator</p>
<b>AUTHOR:</b>	Robyn Hawes - Senior Development Planner
<b>APPLICANT:</b>	Pulver Cooper and Blackley P/L
<b>OWNER:</b>	E J Aird and others
<b>PROPOSAL:</b>	144 lot residential subdivision
<b>LOCATION:</b>	803 - 805 New England Highway & 70 Christopher Road, Lochinvar (Lochinvar Urban Release Area)
<b>ZONE:</b>	R1 General Residential and RU2 Rural Landscape

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#### EXECUTIVE SUMMARY

*Application has been made to Council seeking consent for the subdivision of part of the landholding within the Lochinvar Urban Release Area (URA) known as the Aird's of Lochinvar site. Proposed is a total of 146 lots, comprising 144 residential lots, a residue lot containing the Aird's commercial building and rural lands adjoining the New England Highway and a drainage reserve lot containing a new detention basin. The existing vehicular access to 'Aird's of Lochinvar' is to be utilised to gain access to the subdivision as an interim measure until such time as the new Traffic Control Signals (TCS) are constructed at the intersection of the New England Highway/Wyndella Road and internal road connections made. Minor intersection upgrade works will be required and Roads and Maritime Services (RMS) has imposed a 75 lot threshold on the use of this existing intersection under this arrangement. Once connection is made to the new TCS, the existing Aird's intersection will be modified to a left in - left out Type intersection.*

*The application is integrated development as registered Aboriginal sites are identified on the site, requiring the issue of an Aboriginal Heritage Impact Permit (AHIP) by NSW Office of Environment and Heritage (OEH) under the National Parks and Wildlife Act 1974 before works can commence. General Terms of Approval have been issued by OEH.*

*The application was originally lodged as a masterplan and subsequently amended to the current design on two separate occasions. Objections have been received from immediate neighbours who adjoin the development during the relevant consultation periods. Accordingly, the application is reported to Council for determination. The issues raised are primarily related to proximity issues, and it is acknowledged in the assessment report that the existing rural outlook will evolve to an urban context with the development of the Lochinvar URA. Both objectors will have an opportunity to develop land within their own properties where the land is within Zone R1 General Residential in the Lochinvar URA as a direct result of this development. Providing a buffer to these properties is inconsistent with the need to provide for a coordinated delivery of land to the housing market. The objections do not warrant refusal of the application and the current amended application is considered to be an appropriate solution in this context.*

*Some aspects of the subdivision design require further refinement before a Construction Certificate can be issued. The road geometry of Road 09 (as shown on the General Arrangement Plan) requires adjustment to the 'bulb' treatment from a safety perspective, and detailed modelling of the stormwater drainage system (including the performance of the existing culvert under the highway) is necessary to ensure that the requirements of RMS are addressed. These amendments are included in the recommended schedule of conditions.*

*The current amended application has been assessed under 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. The application is recommended for approval.*

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

##### **THAT**

- 1. Development consent be granted to DA17-1401 for the subdivision of Lots 1 & 2 DP718712, 803-805 New England Highway and Lot 2 DP1244625, 70 Christopher Road, Lochinvar into 146 lots, comprising 144 residential lots, 1 residue lot and 1 drainage reserve lot, subject to the schedule of conditions included in this report.**

#### **COUNCIL RESOLUTION**

##### **THAT**

- 1. Development consent be granted to DA17-1401 for the subdivision of Lots 1 & 2 DP718712, 803-805 New England Highway and Lot 2 DP1244625, 70 Christopher Road, Lochinvar into 146 lots, comprising 144 residential lots, 1 residue lot and 1 drainage reserve lot, subject to the schedule of conditions included in this report.**

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

**CARRIED**

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

The division resulted in 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 H Meskauskas	
	Cr B Mitchell	
	Cr N Penfold	
	Cr P Penfold	
	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 of this consent or as shown in red colour on the plans:

Plan Ref No.	Sheet No.	Revn No.	Revision Date	Prepared by: (consultant)
Staging Plan (as amended by conditions)	1	G	08/11/18	Pulver Cooper & Blackley
General Arrangement Plan (as amended by conditions)	2	C	20/07/18	Pulver Cooper & Blackley
General Arrangement Plan (as amended by conditions)	3	C	20/07/18	Pulver Cooper & Blackley
General Arrangement Plan	4	C	20/07/18	Pulver Cooper & Blackley
General Arrangement Plan	5	A	17/09/18	Pulver Cooper & Blackley

Plan Ref No.	Sheet No.	Revn No.	Revision Date	Prepared by: (consultant)
Water Quality Basin	6	C	20/07/18	Pulver Cooper & Blackley
Water Quality Basin Sections	7	A	10/09/18	Pulver Cooper & Blackley
Typical Sections	8	C	20/07/18	Pulver Cooper & Blackley
Concept Earthworks Plan	9	C	20/07/18	Pulver Cooper & Blackley
Site Long Sections	10	C	20/07/18	Pulver Cooper & Blackley
Site Long Sections	11	C	20/07/18	Pulver Cooper & Blackley
Site Long Sections	12	C	20/07/18	Pulver Cooper & Blackley
Cross Sections Road 08	13	A	17/09/18	Pulver Cooper & Blackley
Road Long Sections	14	C	20/07/18	Pulver Cooper & Blackley
Road Long Sections	15	C	20/07/18	Pulver Cooper & Blackley
Road Long Sections	16	C	20/07/18	Pulver Cooper & Blackley
Road Long Section	17	C	20/07/18	Pulver Cooper & Blackley
Road Long Section	18	C	20/07/18	Pulver Cooper & Blackley
Road Long Section	19	C	20/07/18	Pulver Cooper & Blackley
Road Long Section	20	C	20/07/18	Pulver Cooper & Blackley
Stage 1 Lochinvar Estate	04	C	18/09/17	Terras Landscape Architects
Landscape Buffer Zone (as amended in red)	05	C	18/09/17	Terras Landscape Architects
Plant Palette	06	C	18/09/17	Terras Landscape Architects

## CONTRIBUTIONS & FEES

2. Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, the Lochinvar Section 94 Contributions Plan 2014 and the Maitland City wide Section 94 Contributions Plan 2016, a contribution of \$3,591,016 shall be paid to the Council.

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

Facility	Per Lot	Total
	1	143

Lochinvar Recreation & Open Space	\$8,194	\$1,171,742
Lochinvar Community Facilities	\$2,621	\$374,803
Lochinvar Road & Traffic Facilities	\$5,737	\$820,391
Lochinvar Cycleways/Shared Paths	\$811	\$115,973
Lochinvar Stormwater Management	\$1,263	\$180,609
City Wide Aquatics	\$984	\$140,712
Citywide Competition Netball Courts	\$228	\$32,604
City Wide Recreation & Open Space	\$822	\$117,546
City Wide Road & Traffic Facilities	\$3,259	\$466,037
City Wide Cycleways/Shared Paths	\$581	\$83,083
Lochinvar Plan Management/Administration	\$612	\$87,516
<b>Total</b>	<b>\$25,112</b>	<b>\$3,591,016</b>

The above contributions are indexed annually with reviewed rates to apply from 1<sup>st</sup> February each year in accordance with the provisions of the above Section 94 Plans. Please refer to Council's web page for the current rates applicable.

Payment of the above amount is require prior to issue of the subdivision certificate for each stage of the development.

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 a Subdivision Certificate**, written evidence must be provided to Council to demonstrate that any requirements of the planning agreement entered into under Part 7 in the Act that, by its terms, are required to be complied with before a subdivision certificate may be issued in relation to the plan of subdivision, have been complied with.

Note: This requirement is a restriction on the issue of a Subdivision Certificate under section 6.15(1)(d) of the *Environmental Planning and Assessment Act 1979*.

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

## CERTIFICATES & REPORTS

5. **Prior to issue of the Subdivision Certificate**, original plans and/or documents of survey/title, and four copies, shall be submitted to Council.
6. **Prior to issue of the Subdivision Certificate**, a copy of a report prepared by a geotechnical engineer shall be submitted to Council:
  - classifying each lot in accordance with Australian Standards AS 2870, and
  - verifying that compaction of any approved fill-material on the lots is in accordance with AS3798 employing "level 1" inspection and testing.
7. **Prior to issue of the Construction Certificate for earthworks or road construction**, application (together with a plan) shall be made, and submitted to Council, for road names. The suggested names shall offer options, which shall be supported with reasons (historical or otherwise) for the chosen names.

#### UTILITY SERVICES

8. Underground water, sewerage, telecommunications and electrical power services shall be reticulated for each lot in accordance with the service provider's requirements.
9. **Prior to the issue of a Construction Certificate**, any major utilities facilities, (water sewer, telecommunications items larger than individual lot scale provisions) shall be clearly shown on the construction drawings. Offsets from items such as road reserves, footpaths or retaining walls shall be shown demonstrating no impacts/ encroachment into those adjoining items clear-zone requirements.
10. **Prior to the issue of a Construction Certificate**, the location of all critical infrastructures such as kiosks and pump stations shall be approved by Council.
11. Street and pathway lighting shall be provided in accordance with the requirements of Council and the power supply authority:
  - Generally based on Australian Standard AS 1158 categories P5,
  - providing "cut-off" luminaries (such as "Aeroscreen" or similar)
  - adopting category V intersection lighting, or as otherwise approved by the Roads Authority, at the intersection of Road 02 and the New England Highway to the satisfaction and approval of the Roads Authority and Roads and Maritime.
12. Any necessary alterations to public utility installations being at the developer's expense and to the requirements of both Council and the relevant authority.

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

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

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

- 15. Prior to issue of the Subdivision or Construction Certificate in connection with a development**, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

- i. the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.

and

- ii. the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

## **VEGETATION & LANDSCAPING**

- 16. Prior to the issue of the Construction Certificate for road construction**, a detailed "landscape plan", in accordance with Council's tree planting guidelines and Manual of Engineering Standards shall be submitted to Council for approval. The plan shall include:

- a) Be in accordance with the approved plan as referenced in condition 1 and designed by a suitably accredited landscape architect.
- b) Be of a design and construction standard that minimises ongoing maintenance costs to Council and is maintainable by the Council 72 inch wide ride-on machinery.
- c) Street trees shall have a minimum pot size of 45 Litres (desirably minimum height of 1.5m at time of planting) include details of the height and spread at maturity (of the approved species).

*Landscaping of any existing or proposed public land shall include:*



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

*Landscaping of water quality systems*

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

**17. Prior to the issue of a Construction Certificate** for lots adjoining Winders Lane, a detailed Landscape Plan shall be submitted to Council for the 10.0m wide *Winders Lane Landscape Interface*, generally in accordance with the approved Landscape Plan 05 – Landscape Buffer Zone. The Landscape Plan is to include the boundary fencing and shall incorporate any necessary adjustments necessary to accommodate the required overland stormwater flow paths.

**18. Prior to the issue of a Construction Certificate** for Stage 1, a detailed Landscape Plan shall be submitted to Council for the *Northern Interface*, generally in accordance with the approved Landscape Plan 05 – Landscape Buffer Zone and as amended by this condition:

- The 10.0m wide Landscape buffer is to be located on proposed Lot 100 forward of the boundary fence, between proposed Road 02 and Lot 21 DP 1107022.

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

- a) A copy of a 'landscape maintenance agreement' with a qualified landscape contractor to secure maintenance of the landscape plantings within the public road and drainage reserve for a period of not less than 2 years in accordance with the approved landscape plan; or
- b) Provide a landscape maintenance bond to the Council for the maintenance of the landscape plantings for a period of not less than 2 years in accordance with the approved landscape plan.

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

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

Landscape Buffers (and boundary fencing) to the northern interface and Winders Lane.

21. **Prior to the issue of the Subdivision Certificate** the site shall be cleared of all trees:
- within the road reserve
  - along proposed lot boundaries
  - within approved building “envelopes”
22. **Prior to commencement of works** an eradication report for noxious and environmental weeds shall be provided to, and approved by Council, by a suitably qualified professional. The report shall include the proposed drainage reserve and/or creek waterways.
23. **Prior to issue of the Subdivision Certificate** noxious and environmental weeds shall be destroyed or removed from within the proposed public reserve and/or creek waterways, in accordance with the requirements of an approved eradication report. Certification shall be provided by a suitably qualified professional.

## BOUNDARY FENCING

24. **Prior to the issue of a Subdivision Certificate**, timber lapped paling fence to a height of 1.8m is to be constructed on the common boundaries between the development site and the following neighbouring properties:
- The rear boundary of proposed lots on the common boundary with Lot 21 DP1107022 (787 New England Highway, Lochinvar)
  - The northern boundary of proposed Lot 631 and Lot 211 DP521141 (28 Winders Lane Lochinvar).
  - The road reserve boundary of Road 08 and the common boundaries of Lot 21 DP1107022 (787 New England Highway Lochinvar), Lot 1 DP136186 (12 Winders Lane Lochinvar) and Lot 211 DP521141 (28 Winders Lane Lochinvar).

## LAND CONTAMINATION

25. **Prior to construction works commencing**, the farm waste inside the shed on Lot 2 DP1244625 is to be removed in accordance with the recommendations contained in the **Phase 1 & 2 Contamination Assessment** (Coffey Services Australia Pty Ltd, 27/06/17) and any identified contaminants are to be disposed of at an appropriate waste management facility.

## ABORIGINAL ARCHAEOLOGY

26. The proponent must make an application to OEH for an Aboriginal Heritage Impact Permit (AHIP) to authorise 'harm' to the registered Aboriginal sites/objects that will be affected by the development. In doing so, the proponent must refer to the following documents:
- Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011)
  - Aboriginal Cultural Heritage Consultation Requirements for Proponents (OEH 2010)
  - Code of Practice for the Archaeological Investigations of Aboriginal Objects in New South Wales (OEH 2010)
27. The proponent must not harm any Aboriginal sites/objects until the proponent has an approved AHIP from OEH.
28. **Prior to any works commencing on site**, a copy of the approved AHIP must be provided to Council's Manager – Development and Environment.

## BATTERS AND RETAINING WALLS

29. No retaining walls are approved within existing or future dedicated public land including road reserves. All batter slopes shall comply with the 'desirable' requirements as listed in Council's Manual of Engineering Standards.
30. Retaining walls on common boundaries shall be in accordance with the approved General Arrangement Plans. No walls shall exceed the maximum height of 1.5m.
31. No retaining walls shall be constructed on common boundaries with neighbouring lots to this development. A minimum 900mm setback is required to all common boundaries with neighbouring lots.
32. **Prior to the issue of a Construction Certificate**, retaining structures shall be designed by a suitably qualified and experienced engineer with design certification and submitted to Council.
33. **Prior to the issue of a Subdivision Certificate**, any retaining structures constructed in association with this development shall be certified by a suitably qualified and experienced engineer. The certifying engineer shall inspect the installation/construction of the retaining structures.

## NSW ROADS AND MARITIME SERVICES

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- 34.** The development shall be carried out in accordance with the requirements of NSW Roads and Maritime dated 15 January 2019 and Council:
- (a) A maximum of seventy-five (75) lots shall be released by the issue of Subdivision Certificate prior to the operation of the Wyndella Road Traffic Control Signals (TCS) and the construction of the local road network connecting the subdivision to the New England Highway (NEH)/Wyndella Road TCS.
  - (b) The existing CHR right turn lane for vehicles entering into Aird's access road from the NEH shall be retained prior to (c) being triggered, and an AUL Type treatment shall be provided for left turning vehicles at the Aird's access road. The AUL Type intersection shall be designed and constructed in accordance with the *Austrroads Guide to Road Design* (with Roads and Maritime supplements) to the satisfaction of Road and Maritime, and Council. A strategic design shall be submitted for review in accordance with the RMS CADD manual.
  - (c) Prior to the issue of a Subdivision Certificate within the proposed subdivision that connects the local road network to the NEH/ Wyndella Road TCS, the intersection of NEH and Airds access shall be modified to be restricted to left in, left out (LILO) with the construction of a central concrete median to Roads and Maritime, and Council requirements, and at full cost to the developer.
  - (d) No physical or legal public road connection shall be made to the adjoining property to the west (Lot 11 DP 1248129) until:
    - the operation of the TCS at the intersection of New England Highway/Wyndella Road; and
    - the construction and dedication of the local road network to Council as public road from the TCS to the common boundary of this development site has been completed to provide for connection of proposed Road 06 under this consent to the public road network to the TCS; and
    - the intersection modification to the existing Aird's access as outlined in (c) above has been complied with.
  - (e) As road works are required on the New England Highway, Roads and Maritime will require the developer to enter into a Works Authorisation Deed (WAD) with Roads and Maritime. Roads and Maritime would exercise its powers and functions of the road authority to undertake road works in accordance with sections 64 and 71 of the Roads Act, as applicable, for all works under the WAD.
  - (f) The WAD for the AUL Type intersection shall be executed prior to the issue of the first construction certificate for works on the site.
  - (g) The WAD for the LILO Intersection conversion shall be executed prior to the issue of the construction certificate that includes connection to the local road network and the TCS at the New England Highway/Wyndella Road intersection.
-

- (h) All road works under each respective WAD shall be completed prior to issuing any subdivision certificate that includes the works.
- (i) Construction is to be undertaken with an approved Traffic Management Plan (TMP) to Council and Roads and Maritime's satisfaction.

**35. Prior to the issue of a Construction Certificate**, a Drainage Study shall be prepared by a suitably qualified engineer to ascertain the performance of the culvert under the New England Highway immediately downstream of the proposed drainage reserve. The drainage study shall:

- Determine the performance of the culvert in the existing state for the 1EY, 10%, 5%, 2% and 1% AEP utilising techniques within Australian Rainfall and Runoff and current rainfall data from the Bureau of Meteorology;
- Undertake an assessment of the impact that urbanisation from the development will have on the culvert, utilising the current version of Australian Rainfall and Runoff, pertinent to the following:
  - Blockage and blockage mitigation strategies/ works;
  - Reduction in storage upstream of the culvert;
  - Modifications to the catchment response time and runoff.
- Utilise two dimensional modelling methodologies and software to map modifications to the area of inundation upstream of the New England Highway and any two dimensional flow.
- Determine what works are required to be undertaken to the development and culvert to mitigate the effect urbanisation of the catchment will have on the current performance and serviceability of the culvert.

**36.** Undertake all necessary works as identified within this drainage study to the satisfaction of Council and the Roads Authority.

### **ROADS AUTHORITY (COUNCIL) REQUIREMENTS**

**37.** The Works Authorisation Deed (WAD) shall not be approved for construction without written acknowledgement that the Roads Authority (Maitland City Council) is satisfied with the design and construction arrangements.

**38.** The design and construction of the stormwater system shall be done so in accordance with RMS and Council requirements.

**39.** The design and construction of the intersection shall integrate neighbouring accesses into the design and construction of the new intersection to the satisfaction of RMS, Council and the owners.

40. Neighbouring access ways must remain operational at all times.
41. Underground Services to be removed and relocated to the new allocations generally in accordance with Streets Opening Conference requirements to the satisfaction of RMS, Council and the Service Authority.
42. Council must be consulted and satisfied with any changes to the design or construction prior to implementation.

#### **TRAFFIC AND TRANSPORT**

43. **Prior to the issue of a Construction Certificate** for Stage 1, the subdivision design is to be amended as follows and the amended design approved by Council's Manager, Engineering & Design:
  - The road geometry of Road 09 between Road 02 and Road 08 is to be redesigned to be in accordance with Council's MoES in relation to mid-block bends or alternate treatments (T-intersection) to remove the irregular bulb treatment design.
  - The drainage system, inclusive of the overland flow path, as modified by this consent, shall have sufficient overland flow path/s provided within the road reserve and nominated drainage easements to convey the 1% AEP should the drainage network become blocked.
44. **Prior to the issue of the Subdivision Certificate** the subdivision construction shall be carried out in the numerically consecutive stages as shown on the approved Staging Plan (other than as amended by the conditions of this consent).
45. **Prior to the issue of the Subdivision Certificate** kerb and gutter and road construction with an asphaltic concrete wearing surface of all proposed roads, together with all necessary stormwater drainage and infrastructure facilities, shall be provided in accordance with Council's Manual of Engineering Standards.
46. **Prior to the issue of the Subdivision Certificate** public bus facilities shall be provided generally at 400m spacings and providing maximum 400m walking distances from surroundings lots. The applicant is to consult with Transport for NSW, the bus service provider and Maitland City Council with regard to location(s) and in corporate recommendations arising from the consultation. The works shall include:
  - a) Opposing bus stops (concrete slabs);
  - b) kerb indents provided for rural roads and narrow urban roads
  - c) connecting footpaths, night time lighting, etc. are to be provided.

- 47. Prior to the issue of the Subdivision Certificate** the following subdivision works within the private property shall be provided in accordance with Council's Manual of Engineering Standards:
- a) Internal roads, drainage and pathways.
  - b) Ancillary roadside furniture and safety devices including fencing, signage, guide posts, chevrons, directional arrows and guard rail.
- 48. Prior to the issue of the relevant Construction Certificate or Roads Act Approval**, all (traffic) Regulatory line marking and signage shall be approved by **Council's Local Traffic Committee**. *Note: Please allow three months from lodgement for the LTC process.* All recommendations of the committee shall be incorporated into approvals and works. The works to be approved include:
- a) *"Four-way" cross intersections shall identify priority requirements.*
  - b) *All regulator line marking and regulatory signage.*
  - c) *14m wide roads, or wider, require line marking.*
  - d) *Roundabouts and signals.*
- 49. Prior to the issue of a Subdivision Certificate** temporary turning heads, relevant signage and markers for all terminating roads shall be provided. Turning heads shall comply with:
- a) 16.0m minimum radius for bus route and trunk road systems shall be provided for bus and heavy vehicles on the end of Road 02 for stage(s) 1 and 3.
  - b) 10.0m minimum radius shall be provided on local and minor streets in accordance with Council's Manual of Engineering Standards.

## **STORMWATER DRAINAGE**

- 50. Prior to the issue of a Construction Certificate** for Stage 6, a Drainage Study is to be undertaken to determine the impact the development will have on drainage and overland flow paths within Winders Lane. The study shall:
- Identify overland flow paths post development within Winders Lane, and immediately upstream and downstream of Winders Lane;
  - Determine the flow, width, depth, velocity and hazard of all overland flows;
  - Recommend management strategies and works to be undertaken to Winders Lane and the development to mitigate and identified overland flow problem areas that exceed those requirements of MOES and Council.
  - The study is to be provided to Council and approved by Council's Manager, Engineering & Design.

51. Undertake all necessary works as identified within the drainage studies to the satisfaction of Council and the Roads Authority.
52. A drainage design shall be prepared by a suitably qualified and experienced drainage engineer, in accordance with Council's Manual of Engineering Standards. The major system requirements shall include, but not limited to, the following:
- a) A major stormwater drainage system catering for discharge from contributing catchment areas in their ultimate developed state.
  - b) A stormwater detention system to reduce post-developed discharges to pre-developed discharges, for the critical storm up to and including the 1% AEP ("100 year") event.
  - c) A stormwater water quality system to collect gross pollutants, nutrients and hydrocarbons generated from the contributing catchment areas in their ultimate developed state.
53. **Prior to the issue of a Subdivision Certificate**, an inter-allotment drainage line shall be constructed within a 1.5m wide easement to drain water along the boundary of Lots 106, 107 and 110 to convey runoff from the upstream lot 21 DP 1107022 to the drainage system in Road 08.
54. The pit and pipe stormwater network within Road 06 and Road 02 shall be designed to capture and convey the 1% AEP peak flow to the proposed detention basin.
55. An overland flow path shall be constructed within proposed Lot 100 to convey major flows up to the 1% AEP from the western end of Road 06 to a legal point of discharge in the event of blockage or failure of the road drainage system. An easement to drain water shall be created over the overland flow path with minimum width of 3m and sufficient to encompass the maximum flow width within the overland flow path for the peak 1% AEP flow.
56. **Prior to the issue of a Subdivision Certificate**, the drainage system within Winders Lane and the proposed overland flow path between lot 527 and 528 shall be designed and constructed to convey all flows up to the peak 1% AEP in accordance with Council's Manual of Engineering Standards including; the minor/ major stormwater system, overland flow path widths and freeboard.
57. Specific drainage requirements shall include the provision of:
- a) Provision of  $Q_{100}$  flow depths, freeboard, and velocity depth ratios shown on the construction drawings at relevant locations for overland flowpaths on road and drainage corridors.
  - b) The existing dam shall be decommissioned. A geotechnical report and civil engineers design shall be provided for the new basin wall including any required clay core or equivalent.



- c) Inter-allotment and/or public drainage provided to adjoining upstream properties
  - d) Inter-allotment drainage to internal lots as required.
- 58.** A suitably qualified geotechnical engineer shall supervise the decommissioning of the existing farm dam to ensure any contamination is identified and actioned appropriately. Where contamination is found during the decommissioning, an action plan is to be provided to, and approved by Council, prior to undertaking the decontamination works.
- 59. Prior to issue of the Subdivision Certificate for stage 1,** certification from a suitably qualified geotechnical engineer shall be provided confirming that any contamination at the decommissioned farm dam site has been removed.
- 60. Prior to issue of the Subdivision Certificate** for the final stage of the development, the detention/water quality system shall be dedicated to Council of the development. The requirements include:
- a) An easement to drain water shall be placed over the drainage corridor/system benefiting Council and any adjoining upstream lots.
  - b) A positive covenant shall be placed over the detention/water quality system requiring the lot owner to maintain the detention and water quality system until the basin is dedicated as drainage reserve.
  - c) A positive covenant shall require the lot owner to hold \$10 million public liability for the drainage and detention system until it is dedicated as drainage reserve.
  - d) The authority to release vary or modify the easements/covenants above shall be nominated as 'the lots burdened and benefited only with the written consent of Maitland City Council'.
  - e) Prior to the dedication of the drainage reserve to Council, the lot owner shall request a handover inspection and undertake any works to provide an 'as new system' to the satisfaction of the PCA (council).
- 61. Prior to issue of the Construction Certificate for the detention/water quality basin,** confirmation from the NSW Dam Safety Committee shall be obtained demonstrating that the dam is not classified as a 'prescribed dam'. Any requirements of the Dam Safety Committee shall be adhered to and submitted in the construction certificate documentation.
- 62. Prior to issue of the Subdivision Certificate** a Maintenance Management Plan for the stormwater detention/retention systems shall be prepared by a suitably qualified and experienced person, shall be submitted to, and accepted as satisfactory by Council.

**EROSION CONTROL AND BULK EARTHWORKS**

63. The site and its surrounding environs shall be protected from the effects of erosion (as water and wind borne particles) and off-site "vehicle tracking", by the application of adequate controls. Details in accordance with Council's Manual of Engineering Standards and the manual, "*Managing Urban Stormwater*" shall be submitted as part of the Construction Certificate application.
64. **Prior to the issue of a Construction Certificate for subdivision** works a Bulk Earthworks Management Plan (BEMP) is required to be submitted to Council for approval. The BEMP must include a report from a suitably qualified engineer that examines and determines:
- a) the extent of bulk earthworks require for the construction of each stage
  - b) how stockpiles will be managed during construction
  - c) where stockpiles will be located for each stage and what requirements are necessary to manage the locations
  - d) stock pile dimensions and stabilisation measures
  - e) site haulage routes and movement for each stage
  - f) how fill will be managed in the floodway during construction
  - g) any specific requirements relating to the management of Acid Sulfate Soils
65. **Prior to the issue of a Construction Certificate**, a Soil and Water Management Plan shall be submitted to Council for approval, in accordance with Council's Manual of Engineering Standards and "*Managing Urban Stormwater – Soils & Construction 2004 Manual*". The plan is to be prepared by a suitably qualified professional detailing temporary and permanent measures to be installed. The Plan is to include an analysis of the susceptibility of soil to erosion and is to be submitted with the Engineering plans. All erosion and sediment control measures undertaken on the site are to conform to the specifications and standards contained in the relevant Manual.

**CIVIL WORKS – CERTIFICATION**

66. **Prior to issue of the Construction Certificate** for the road, drainage, public landscaping and civil works an engineering design shall be prepared by a suitably qualified and practising engineer, in accordance with Council's Manual of Engineering Standards (MOES), and this consent.
67. **Prior to commencement of works within an existing public road reserve:**
- a) an engineering design, in accordance with 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

- d) a traffic control plan in accordance with the RMS publication "Traffic control at Worksites" shall be submitted to Council.

**68. Prior to issue of the Subdivision Certificate**, all necessary works required for compliance with this consent and the Construction Certificate shall be provided in accordance with Council's Manual of Engineering Standards. Confirmation of works shall include:

- a) Confirmation that the construction works have been completed.
- b) Confirmation from the road authority for any Roads Act Approval requirements.
- c) Work-as-executed drawings, utilities plans, electronic files are provided to Council.
- d) Geotechnical testing (pavement, concrete, etc) and inspection certification is provided.
- e) Geotech certification of the detention basin works (including any clay core requirements).

#### **LAND TITLE**

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

- 69.** The proposed public roads and/or road widening shall be dedicated to Council, at no cost to Council.
- 70.** The land containing the proposed stormwater basin and associated overland flow paths shall be dedicated to Council as drainage reserve, at no cost to Council.
- 71.** A restriction or covenant on the title of affected lots (generally Section 88b) under the Conveyancing Act, shall be created to give effect to:
  - a) A right of access shall be provided over all temporary turning heads.
  - b) The prohibition of vehicular access across the common boundary of any proposed lot with Winders Lane.
  - c) Where public water quality or stormwater detention systems are not dedicated at the time of commissioning, a positive covenant shall be created, burdening the lot, to maintain the system in accordance with the maintenance management plan until the land is dedicated as drainage reserve.
  - d) Retaining walls on common boundaries shall have a 900mm easement to prevent excavation and for maintenance access shall be provided on the downhill lot.

- 72.** A restriction on the title of the following proposed Lots shall be created under the *Conveyancing Act 1919* to require compliance with clause 102(3) in *State Environmental Planning Policy (Infrastructure) 2007* for the development of any land use identified under clause 102 in this Policy:
- Stage 1: Lots 101-129
  - Stage 2: Lots 201-216
  - Stage 3: Lots 301-304, 317-323
  - Stage 4: Lots 404-406
  - Stage 5: Lots 501-503, 515-520
  - Stage 6: Lots 607-616
- 73.** A restriction and positive covenant shall be created on the lots affected by the Landscape Buffer zone plantings under the *Conveyancing Act 1919* prohibiting any building or structures within the 10.0m buffer (excluding boundary fencing) and requiring the maintenance of the landscaping including the timber post and rail boundary fence in perpetuity.
- 74.** Easements to drain water, in accordance with Council's Manual of Engineering Standards, under Section 88B of the *Conveyancing Act*, shall be created over pipes, overland flow paths, final discharge structures, stormwater control devices, and stormwater dispersal areas where public stormwater is not located within public land.
- 75.** The authority empowered to release, vary or modify inter-allotment drainage easements shall be nominated as "the lots burdened and benefitted, only with the consent of Maitland City Council".
- 76.** The authority empowered to release, vary or modify restrictions and covenants on the use of the land required by this consent, shall be nominated as "Maitland City Council".

#### **ADVICES**

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

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

- B** You are advised that, in accordance with the EP&A Act, (sec.109F) payment of the building industry Long Service Leave levy, where applicable, must be paid prior to issue of any Construction Certificate.
- C** You are advised to record and notify Council in writing, of any existing damage to the street infrastructure (including landscaping) in the vicinity of proposed works associated with this consent, prior to commencement of construction. The absence of such notification signifies that no damage exists. Where necessary repairs are carried out by Council, the owner of the development property shall be held liable for the cost of those repairs.
- D** You are advised that the issue of this development consent does not negate the responsibility of the land owner in respect to any restriction, covenant or easement applicable to this property and that Council will not be held responsible when action on this consent results in any loss or damage by way of breach of matters relating to title of the property.

#### **NSW ROADS AND MARITIME ADVICE**

- E** As road works are required on the New England Highway, Roads and Maritime will require the developer to enter into a WAD with Roads and Maritime. Roads and Maritime would exercise its powers and functions of the road authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Roads Act, as applicable, for all works under the WAD.

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

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

## 11.2 HAND-OVER OF TEMPORARY CAR PARK - MOLLY MORGAN DRIVE

<b>FILE NO:</b>	<b>DA 08-918</b>
<b>ATTACHMENTS:</b>	<b>1. Site Plan 2. RE1 Zoning Provisions</b>
<b>RESPONSIBLE OFFICER:</b>	<b>David Evans - General Manager</b>
<b>AUTHOR:</b>	<b>Bernie Mortomore - Group Manager Planning, Environment &amp; Lifestyle</b>
<b>MAITLAND +10</b>	<b>Outcome 12. Our growing economy</b>
<b>COUNCIL OBJECTIVE:</b>	<b>12.4.3 To connect land use and transport decisions that affect employment areas</b>

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### EXECUTIVE SUMMARY

*Clause 5.3.2.3 of the current Delivery Plan states "Investigate the retention of the current temporary car parking off Molly Morgan Drive Green Hills".*

*This report provides information to Council on what would need to be done in order to consider the establishment of a permanent car parking in this location.*

### OFFICER'S RECOMMENDATION

#### THAT

- 1. Lot 301 DP1241445 remain as community land and use of the land as a car park not be pursued at this time.**

### PROCEEDINGS IN BRIEF

A motion was moved.  
(Cr P Penfold / Cr B Whiting)

#### THAT

Council initiate the process to determine the reclassification of Lot 301 DP 1241445, off Molly Morgan Drive, East Maitland, from Community Land to Operational Land.

The motion when put to the meeting was declared carried.

### COUNCIL RESOLUTION

#### THAT

- 1. Council initiate the process to determine the reclassification of Lot 301 DP 1241445, off Molly Morgan Drive, East Maitland, from Community Land to Operational Land.**

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

**CARRIED**

Cr H Meskauskas left the Chambers at 6.04pm

## 12 INFRASTRUCTURE AND WORKS REPORTS

### 12.1 HUNTER VALLEY CARAVAN, CAMPING, 4WD, FISHING AND BOAT SHOW 24-26 MAY 2019 - SPECIAL EVENT TRAFFIC MANAGEMENT

FILE NO:	140/5
ATTACHMENTS:	1. Plan
RESPONSIBLE OFFICER:	Chris James - Group Manager Infrastructure & Works Kevin Stein - Manager Engineering & Design Scott Henderson - Coordinator Infrastructure Planning Engineering
AUTHOR:	Alison Marshall - Road Safety Officer
MAITLAND +10	Outcome 3. Community and iconic events
COUNCIL OBJECTIVE:	3.1.2 To support the delivery of vibrant and unique community festivals and events

#### EXECUTIVE SUMMARY

*Council has received an application from Rural Scene Promotions, organisers of the annual Hunter Valley Caravan, Camping, 4WD, Fishing and Boat Show, to convert Cultivation Road to one-way traffic movement (southbound) for the duration of this event which runs Friday 24 to Sunday 26 May 2019 at Maitland Showground.*

#### OFFICER'S RECOMMENDATION

**THAT Council approve temporary traffic management during the Hunter Valley Caravan, Camping, 4WD, Fishing and Boat Show:**

- 1. Cultivation Road be converted to one-way (southbound) traffic movement from 8.00am Friday 24 May – 5.00pm Sunday 26 May 2019.**

#### COUNCIL RESOLUTION

**THAT Council approve temporary traffic management during the Hunter Valley Caravan, Camping, 4WD, Fishing and Boat Show:**

- 1. Cultivation Road be converted to one-way (southbound) traffic movement from 8.00am Friday 24 May – 5.00pm Sunday 26 May 2019.**

**Moved Cr M Griffin, Seconded Cr N Penfold**

**CARRIED**

Cr H Meskauskas returned to the Chambers at 6.06pm



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

### **13.1 CODE OF CONDUCT AND PROCEDURES 2019**

<b>FILE NO:</b>	<b>35/47</b>
<b>ATTACHMENTS:</b>	<b>1. Code of Conduct and Procedures 2019</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**

*Council's current Code of Conduct was adopted on 14 August 2018, following the mandatory review which must take place within twelve (12) months of each election. That review was informed by the consultation draft of the Model Code which was available at the time.*

*In late December 2018, the new Model Code of Conduct and Procedures was issued by the Office of Local Government. Council has until 14 June 2019 to adopt a code of conduct and procedures based on the Model Code. Accordingly, Council's Code of Conduct has been revised to ensure consistency with the new Model Code, and is now presented for adoption.*

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

##### **THAT**

- 1. Council adopt the revised Code of Conduct and Procedures 2019 (Attachment 1).**

#### **COUNCIL RESOLUTION**

##### **THAT**

- 1. Council adopt the revised Code of Conduct and Procedures 2019 (Attachment 1).**

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

**CARRIED**

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**13.2 PROPOSED LEASE OF UNUSED ROAD ADJOINING LOT 1 DP 243650  
CORNER NEW ENGLAND HIGHWAY AND FOUR MILE CREEK ROAD AT  
ASHTONFIELD.**

<b>FILE NO:</b>	<b>P28078</b>
<b>ATTACHMENTS:</b>	<b>1. Locality Plan</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Leah Flint - Group Manager Strategy Performance and Business Systems</b>
<b>AUTHOR:</b>	<b>Barbara Thomson - Senior Property Advisor, Business Systems, Property &amp; Governance</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**

*Part of the public road reserve adjacent to Lot 1 DP 243650 at the corner of New England Highway and Four Mile Creek Road at Ashtonfield is currently utilised as part of the Heritage Gardens Nursery and car park.*

*Roads & Maritime Services have recommended that Maitland Council, as the Roads Authority, formalise the existing use and encroachment of public road reserve by means of a lease agreement over the affected area.*

**OFFICER'S RECOMMENDATION**

**THAT**

- 1. Council enter into a lease agreement with Doll Holdings Pty Limited as detailed within this report for part of the unused public road having an area of 3,545 m<sup>2</sup> adjoining Lot 1 DP 243650, corner of New England Highway and Four Mile Creek Road at Ashtonfield for a period not exceeding 5 years;**
  - 2. The maintenance of the parcel to be the sole responsibility of the lessee whilst the lease agreement is in place;**
  - 3. The applicant is to pay rent for the lease area as determined by a registered valuer and meet all costs and charges associated with the lease agreement;**
  - 4. The General Manager be authorised under Council's standing authority to instruct in writing Council's panel lawyers to sign and lodge any registry instruments or documents in all electronic conveyancing transactions necessary to effect this lease;**
  - 5. The General Manager be authorised to execute any other documentation relevant to affect this lease.**
-

**COUNCIL RESOLUTION**

**THAT**

- 1. Council enter into a lease agreement with Doll Holdings Pty Limited as detailed within this report for part of the unused public road having an area of 3,545 m<sup>2</sup> adjoining Lot 1 DP 243650, corner of New England Highway and Four Mile Creek Road at Ashtonfield for a period not exceeding 5 years;**
- 2. The maintenance of the parcel to be the sole responsibility of the lessee whilst the lease agreement is in place;**
- 3. The applicant is to pay rent for the lease area as determined by a registered valuer and meet all costs and charges associated with the lease agreement;**
- 4. The General Manager be authorised under Council's standing authority to instruct in writing Council's panel lawyers to sign and lodge any registry instruments or documents in all electronic conveyancing transactions necessary to effect this lease;**
- 5. The General Manager be authorised to execute any other documentation relevant to affect this lease.**

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

**CARRIED**

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### 13.3 REVIEW OF WARD BOUNDARIES & NUMBER OF COUNCILLORS - ELECTION 2020

<b>FILE NO:</b>	<b>47/25</b>
<b>ATTACHMENTS:</b>	<b>1. Ward Boundaries Map</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Leah Flint - Group Manager Strategy Performance and Business Systems</b>
<b>AUTHOR:</b>	<b>Jon Dundas - Manager Business Systems Property &amp; Governance</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

*The local government elections are scheduled to be held in September 2020. Twelve (12) months prior to the election, Council must determine the number of wards for that election and the ward boundaries as well as determining the number of councillors for the following term of office. A review of the ward boundaries and elector numbers has determined that no change to the ward boundaries is required. It is proposed to continue with the existing four (4) wards and their boundaries and to maintain thirteen (13) councillors including the Mayor for the 2020 election.*

#### OFFICER'S RECOMMENDATION

##### THAT

- 1. For the 2020 election Maitland City Council retain four (4) wards and their existing boundaries;**
- 2. For the 2020 election Maitland City Council maintain thirteen (13) councillors including the Mayor.**

#### PROCEEDINGS IN BRIEF

A amendment was moved.  
(Cr H Meskauskas / Cr R Aitchison)

##### THAT

1. For the 2020 election Maitland City Council retain four (4) wards and their existing boundaries;

2. For the 2020 election Maitland City Council maintain thirteen (13) councillors including the Mayor.
3. At the 2020 General Local Government election Council conduct a constitutional referendum proposing the abolition of the ward structure.

The amendment when put to the meeting was declared lost.

The motion was then put to the meeting and declared carried.

#### **COUNCIL RESOLUTION**

##### **THAT**

1. **For the 2020 election Maitland City Council retain four (4) wards and their existing boundaries;**
2. **For the 2020 election Maitland City Council maintain thirteen (13) councillors including the Mayor.**

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

**CARRIED**

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## 13.4 FINANCIAL STATEMENTS 2017/18 - RECONFIRMING STATEMENT OF COUNCIL

<b>FILE NO:</b>	<b>2/8/24</b>
<b>ATTACHMENTS:</b>	<b>1. Statement by General Manager and Responsible Accounting Officer</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Leah Flint - Group Manager Strategy Performance and Business Systems</b>
<b>AUTHOR:</b>	<b>Michael Burfitt - Chief Financial Officer</b>
<b>MAITLAND +10</b>	<b>Outcome 18. A Council for now and future generations</b>
<b>COUNCIL OBJECTIVE:</b>	<b>18.1.1 To ensure the principles of sustainability underpin Council's financial, economic, social, governance and environmental decision-making</b>

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### EXECUTIVE SUMMARY

*The preparation of the financial statements for the year ended 30 June 2018 has not been without challenge. A number of reports have been presented to Council regarding the audit process, with a range of contributing factors resulting in an extension for the completion of the audit process until 30<sup>th</sup> April 2019.*

*Whilst Council resolved to submit the statements for audit at its meeting of 28<sup>th</sup> August 2019, it is proposed that Council re-confirms the statements have been prepared in accord with various standards and requirements, recognising the issues that have previously been reported to Council, as highlighted within the body of this report.*

### OFFICER'S RECOMMENDATION

#### THAT

1. In accordance with Section 413(2)(c) of the Local Government Act, 1993 (NSW) (as amended) the following statement of Council be adopted:
  - (a) The attached General Purpose Financial Statements have been prepared in accordance with:
    - The Local Government Act 1993 (NSW) (as amended) and the Regulations made thereunder
    - The Australian Accounting Standards and professional pronouncements
    - The Local Government Code of Accounting Practice and Financial Reporting.
  - (b) To the best of our knowledge and belief, these Statements:
    - present fairly the Council's operating result and financial position for the year, and
    - accord with Council's accounting and other records.

- (c) We are not aware of any matter that would render this report false or misleading in any way.
2. In accordance with the Local Government Code of Accounting Practice and Financial Reporting the following statement of Council be adopted:
- (a) The attached Special Purpose Financial Statements have been prepared in accordance with:
- NSW Government Policy Statement *"Application of National Competition Policy to Local Government"*.
  - Division of Local Government Guidelines *"Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality"*.
  - The Local Government Code of Accounting Practice and Financial Reporting.
  - The NSW Office of Water *"Best-Practice Management of Water Supply and Sewerage Guidelines"*.
- (b) To the best of our knowledge and belief, these reports:
- present fairly the operating result and financial position for each of Council's declared Business Activities for the year, and
  - accord with Council's accounting and other records.
- (c) We are not aware of any matter that would render the reports false or misleading in any way.

#### COUNCIL RESOLUTION

#### THAT

1. In accordance with Section 413(2)(c) of the Local Government Act, 1993 (NSW) (as amended) the following statement of Council be adopted:
- (a) The attached General Purpose Financial Statements have been prepared in accordance with:
- The Local Government Act 1993 (NSW) (as amended) and the Regulations made thereunder
  - The Australian Accounting Standards and professional pronouncements
  - The Local Government Code of Accounting Practice and Financial Reporting.
- (b) To the best of our knowledge and belief, these Statements:
- present fairly the Council's operating result and financial position for the year, and
  - accord with Council's accounting and other records.
- (c) We are not aware of any matter that would render this report false or misleading in any way.
2. In accordance with the Local Government Code of Accounting Practice and Financial Reporting the following statement of Council be adopted:
- (a) The attached Special Purpose Financial Statements have been prepared in accordance with:
- NSW Government Policy Statement *"Application of National Competition Policy to Local Government"*.
  - Division of Local Government Guidelines *"Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality"*.
  - The Local Government Code of Accounting Practice and Financial Reporting.

- The NSW Office of Water “*Best-Practice Management of Water Supply and Sewerage Guidelines*”.
- (b) To the best of our knowledge and belief, these reports:
- present fairly the operating result and financial position for each of Council’s declared Business Activities for the year, and
  - accord with Council’s accounting and other records.
- (c) We are not aware of any matter that would render the reports false or misleading in any way.

Moved Cr M Griffin, Seconded Cr S Halliday

**CARRIED**



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### 13.5 PRESENTATION OF COUNCIL'S AUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2018

<b>FILE NO:</b>	2/8/24
<b>ATTACHMENTS:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Leah Flint - Group Manager Strategy Performance and Business Systems
<b>AUTHOR:</b>	Michael Burfitt - Chief Financial Officer
<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

*As reported to Council on 29<sup>th</sup> January 2019, a range of contributing factors saw a further extension sought from the Office of Local Government (OLG) for the preparation and audit of Council's 2017/18 financial reports.*

*This extension was granted, with the audit work due for completion by 30<sup>th</sup> April 2019.*

*Section 418 of the Local Government Act 1993 (NSW) requires Council to fix a date for a meeting to present its audited financial statements, together with the auditor's reports, to the public and provide seven (7) days' notice.*

*It is proposed to present the 2017/18 financial statements and reports at the Council meeting of Tuesday 23<sup>rd</sup> April 2019, subject to the receipt of the final audit reports from the NSW Audit Office by 11<sup>th</sup> April 2019. This date will be formally fixed via public notification upon formal receipt of the auditor's reports, and Councillors advised.*

*Should there be insufficient time to make public notification of at least 7 days, presentation will occur in May 2019. It is still intended that the statements will be lodged with OLG by the 30<sup>th</sup> April 2019 deadline, should the audit be concluded by this time (as intended).*

#### OFFICER'S RECOMMENDATION

#### THAT

- 1. Council consider presentation of the 2017/18 financial reports at the Council meeting to be held on Tuesday 23<sup>rd</sup> April 2019, subject to receipt of the final audit reports from Audit Office of NSW by 11<sup>th</sup> April 2019;**

2. Upon receipt of the final audit report, Council notify the public of its intention to present the 2017/18 financial statements and auditor's reports on 23<sup>rd</sup> April 2019 in accordance with section 418(3) of the *Local Government Act 1993* (NSW);
3. Should the final auditor's reports not be received by 11<sup>th</sup> April 2019, a date for presentation will be fixed for May 2019;
4. Should the financial statements and auditor's reports be received between 11<sup>th</sup> and 30<sup>th</sup> April 2019, these are lodged with the Office of Local Government prior to the 30<sup>th</sup> April 2019 deadline.

#### **COUNCIL RESOLUTION**

#### **THAT**

1. Council consider presentation of the 2017/18 financial reports at the Council meeting to be held on Tuesday 23<sup>rd</sup> April 2019, subject to receipt of the final audit reports from Audit Office of NSW by 11<sup>th</sup> April 2019;
2. Upon receipt of the final audit report, Council notify the public of its intention to present the 2017/18 financial statements and auditor's reports on 23<sup>rd</sup> April 2019 in accordance with section 418(3) of the *Local Government Act 1993* (NSW);
3. Should the final auditor's reports not be received by 11<sup>th</sup> April 2019, a date for presentation will be fixed for May 2019;
4. Should the financial statements and auditor's reports be received between 11<sup>th</sup> and 30<sup>th</sup> April 2019, these are lodged with the Office of Local Government prior to the 30<sup>th</sup> April 2019 deadline.

Moved Cr B Whiting , Seconded Cr M Griffin

**CARRIED**

## **14 WORKPLACE CULTURE AND SAFETY**

Nil

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## 15 VIBRANT CITY

### 15.1 2018 COMMUNITY SURVEY

<b>FILE NO:</b>	29/16
<b>ATTACHMENTS:</b>	1. Maitland City Council Community Satisfaction Survey 2018 (Under Separate Cover)
<b>RESPONSIBLE OFFICER:</b>	Rachel MacLucas - Executive Manager Vibrant City
<b>AUTHOR:</b>	Matt vanderWall - Coordinator Marketing and Communications
<b>MAITLAND +10</b>	Outcome 16. Community participation in decision-making
<b>COUNCIL OBJECTIVE:</b>	16.1.1 To ensure community input into Council decision-making is regular and active, with equitable opportunities for residents to share their views

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#### EXECUTIVE SUMMARY

*Council is committed to engaging the community in its planning and decision making. In order to gain an understanding of community attitudes and satisfaction with Council services and facilities, independent local government researchers IRIS Research were appointed to conduct the 2018 Biennial Community Satisfaction Survey.*

*The survey, targeting a cross section of Maitland's population was undertaken in December 2018 and January 2019 via a Computer Aided Telephone Survey (CATI) and subsequent focus group sessions.*

*Research was undertaken across a range of focus areas, including satisfaction with service delivery in 31 identified services and facilities of Council.*

*The research revealed that the community's satisfaction level with Council has remained steady and that all 31 services have retained or exceeded their satisfaction level based on the 2016 Community Survey.*

*This report highlights some of the results of the Survey with the full survey results provided under separate cover.*

*The report also suggests next steps in the continuing collection of data about the Maitland community in order to guide Council's planning and decision making.*

#### OFFICER'S RECOMMENDATION

**THAT**

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1. The outcomes of the 2018 Community Satisfaction Survey are noted by Council and used to inform future planning.
2. The results of the program are promoted, made publicly available and interpreted in ways that are easy for the community to understand.
3. Council engage IRIS Research to undertake a Usage and Attitudes Survey to gain insights that will further assist Council in its future planning.

#### **COUNCIL RESOLUTION**

#### **THAT**

1. The outcomes of the 2018 Community Satisfaction Survey are noted by Council and used to inform future planning.
2. The results of the program are promoted, made publicly available and interpreted in ways that are easy for the community to understand.
3. Council engage IRIS Research to undertake a Usage and Attitudes Survey to gain insights that will further assist Council in its future planning.

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

**CARRIED**

## **16 ITEMS FOR INFORMATION**

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

<b>FILE NO:</b>	<b>140/5</b>
<b>ATTACHMENTS:</b>	<b>1. LTC Minutes March 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>Alison Marshall - Road Safety 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 Meeting held Thursday 7 March 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 P Garnham**

**CARRIED**

## 16.2 NSW PUBLIC LIBRARIES ASSOCIATION ANNUAL CONFERENCE 2018

<b>FILE NO:</b>	<b>86/20</b>
<b>ATTACHMENTS:</b>	<b>Nil</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Bernie Mortomore - Group Manager Planning, Environment &amp; Lifestyle</b>
<b>AUTHOR:</b>	<b>Keryl Collard - City Librarian Robert Aitchison - Cr</b>
<b>MAITLAND +10</b>	<b>Outcome 2. Community and recreation services and facilities</b>
<b>COUNCIL OBJECTIVE:</b>	<b>2.5.2 To ensure our libraries are vital community resources that create opportunities to connect, learn and grow</b>

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### EXECUTIVE SUMMARY

*This report provides an overview of the 2018 New South Wales Public Libraries SWITCH Conference and Exhibition held in Coffs Harbour 28-29 November 2018, attended by Cr Robert Aitchison, City Librarian Keryl Collard and Senior Librarian Information Systems Peter Woodley.*

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

**CARRIED**

**17 NOTICES OF MOTION/RESCISSION**

Nil

**18 QUESTIONS WITH NOTICE**

Nil

**19 URGENT BUSINESS**

Nil

Council moved into the Committee of the Whole at 6.38 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 6.39 pm.

Moved Cr B Mitchell, Seconded Cr R Aitchison

CARRIED



## 20 COMMITTEE OF THE WHOLE

### 20.1 LEASE OF PART OF THE ADMINISTRATION BUILDING TO HUNTER WATER CORPORATION

<b>FILE NO:</b>	<b>P44194</b>
<b>ATTACHMENTS:</b>	<b>1. Site Plan</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Barbara Thomson - Senior Property Advisor, Business Systems, Property &amp; Governance Jon Dundas - Manager Business Systems Property &amp; Governance Leah Flint - Group Manager Strategy Performance and Business Systems</b>
<b>AUTHOR:</b>	<b>Melissa Allen - Property Officer</b>
<b>MAITLAND +10</b>	<b>Outcome 17. An efficient and effective Council</b>
<b>COUNCIL OBJECTIVE:</b>	<b>17.3.3 To explore and maintain innovative corporate sponsorships and partnerships to assist in funding Council activities and services to the community</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

*The Lease for the office space occupied by Hunter Water Corporation in the Council Administration Building expires on the 30<sup>th</sup> June 2019. Hunter Water Corporation has requested renewal of the lease in accordance with the terms detailed in this report.*

#### 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 enters into a lease agreement with Hunter Water Corporation as detailed within this report for part of Council's Administration Building for a period of one year from 1 July 2019 with a one year option.**

- 2. The General Manager be authorised to execute any documentation relevant to affect this lease.**

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

**CARRIED**

Council resumed into Ordinary Council at 6.41 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 LEASE OF PART OF THE ADMINISTRATION BUILDING TO HUNTER WATER CORPORATION**

COMMITTEE RECOMMENDATION

THAT

1. Council enters into a lease agreement with Hunter Water Corporation as detailed within this report for part of Council's Administration Building for a period of one year from 1 July 2019 with a one year option.
2. The General Manager be authorised to execute any documentation relevant to affect this lease.

Moved Cr M Griffin, Seconded Cr B Whiting

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

**22 COMMITTEE OF THE WHOLE RECOMMENDATIONS**

**23 CLOSURE**

The meeting was declared closed at 6.42 pm.

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Chairperson