

**ORDINARY MEETING**

**MINUTES**

**9 JULY 2019**

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## **PRESENT**

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

## **1 INVOCATION**

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

## **2 ACKNOWLEDGEMENT OF COUNTRY**

Cr M Yarrington read the Acknowledgement of Country.

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

COUNCIL RESOLUTION

THAT the apology received for Cr P Garnham be accepted and leave of absence granted.

Moved Cr S Halliday, Seconded Cr R Aitchison

CARRIED

## **4 DECLARATIONS OF INTEREST**

Cr M Griffin declared a less than significant non-pecuniary interest in Item 11.2 as he is an alternate member of JRPP.

Cr S Halliday declared a less than significant non-pecuniary interest in Item 11.2 as she is a member of the JRPP.

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

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held 25 June 2019 be confirmed.

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

**CARRIED**

The division resulted in 12 for and 0 against, as follows:

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

## **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 Late Item 20.3 FFA Cup Round 32 - Maitland FC request for assistance.

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

**CARRIED**

The division resulted in 12 for and 0 against, as follows:

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

## 9 PUBLIC ACCESS

**Russell Green** representing Denton Park Projects Pty Ltd spoke **For** Item 11.1 DA 18-1972 Torrens Title Subdivision of 1 into 48 Lots – Lot 41 DP 1251 178 Denton Park Drive, Aberglasslyn.

**Jan Davis** representing Maitland Greens spoke **Against** Item 11.2 DA 17-2593 Seniors Living Development Comprising 156 Self Contained Units And Associated Community Facilities - Lot 2 DP1145348, 107 Haussman Drive, Thornton.

### COUNCIL RESOLUTION

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

Moved Cr R Aitchison , Seconded Cr D Ferris

CARRIED

**Rachel Winchester** representing herself spoke **For** Item 11.4 DA 19-195 Change of Use of Existing Building to a Recreation Facility (Indoor) - Gym and Associated Signage - Lot 500 DP1089148, 107-109 Melbourne Street, East Maitland.

## 10 GENERAL MANAGER'S REPORTS

Nil

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## 11 PLANNING, ENVIRONMENT AND LIFESTYLE REPORTS

### 11.1 DA 18-1972 TORRENS TITLE SUBDIVISION OF 1 INTO 48 LOTS - LOT 41 DP1251085, 178 DENTON PARK DRIVE, ABERGLASSLYN RECOMMENDATION: APPROVAL

|                             |   |
|-----------------------------|---|
| <b>FILE NO:</b>             | DA 18-1972  |
| <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> | Bernie Mortomore - Group Manager Planning,<br>Environment & Lifestyle<br>David Simm - Manager Development & Environment<br>Leanne Harris - Development Assessment Coordinator |
| <b>AUTHOR:</b>              | Roxy White - Town Planner   |
| <b>APPLICANT:</b>           | Denton Park Projects Pty Ltd  |
| <b>OWNER:</b>               | Margaret Enright and Daniel Redman  |
| <b>PROPOSAL:</b>            | Torrens Title Subdivision 1 into 48 lots  |
| <b>LOCATION:</b>            | Lot 41 DP 1251085<br>178 Denton Park Drive, Aberglasslyn  |
| <b>ZONE:</b>                | R1 General Residential, R5 Large Lot Residential, and<br>RU1 Primary Production   |

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#### EXECUTIVE SUMMARY

*This report provides Council with an assessment of a proposed residential subdivision at 178 Denton Park Drive Aberglasslyn. The report is presented to Council due to the receipt of two (2) submissions received during the public notification period.*

*The proposal entails the subdivision of existing Lot 41 into 48 residential allotments, 1 residue parcel and 1 drainage reserve.*

*The majority of the land is zoned R1 with a small portion of R5 land. All of the proposed residential lots are contained within the R1 zoned portion of the development site, with the R5 zoned land to be wholly encompassed within the proposed residual parcel, and hence is outside the scope of the current application.*

*The land is relatively free of environmental constraints and has been zoned for residential purposes for a significant period of time. This report provides an assessment of the proposal against the requirements of Section 4.15 of the Environmental Planning and Assessment Act 1979 and recommends approval of the application subject to the imposition of relevant conditions of consent.*



**OFFICER'S RECOMMENDATION**

That

1. DA 18/1972 for a Torrens Title Subdivision of One (1) lot into forty eight (48) lots over Lot 41 DP 1251085, 178 Denton Park Drive, be approved subject to the imposition of consent conditions as provided in Schedule 1 to this report.

**COUNCIL RESOLUTION**

That

1. DA 18/1972 for a Torrens Title Subdivision of One (1) lot into forty eight (48) lots over Lot 41 DP 1251085, 178 Denton Park Drive, be approved subject to the imposition of consent conditions as provided in Schedule 1 to this report.

Moved Cr H Meskauskas, Seconded Cr B Whiting

**CARRIED**

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

**The division resulted in 12 for and 0 against, as follows:**

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

## Schedule of Conditions DA/2018/1972

### SUBDIVISION (TORRENS) - MAJOR

#### 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)    |
|--|------------------|----------|---------------|------------------------------|
| Hunter Water Stamped Plan - Proposed Subdivision                             | Staging Plan     | C        | 20/05/2019    | 'hdb Town Planning & Design' |
| Job No:18026 - Proposed Subdivision - <i>Amended in Red</i>                  | Staging Plan     | D        | 27/06/2019    | 'hdb Town Planning & Design' |
| Job No:18026 - Proposed Subdivision  | Stage 1          | D        | 27/06/2019    | 'hdb Town Planning & Design' |
| Job No:18026 - Proposed Subdivision  | Stage 2          | D        | 01/07/2019    | 'hdb Town Planning & Design' |
| Job No:18026 - Proposed Subdivision  | Stage 3          | D        | 27/06/2019    | 'hdb Town Planning & Design' |
| Hollow Tree Removal Plan, Lot 144 Dp1064493, Denton Park Drive, Aberglasslyn | -                | -        | -             | 'hdb Town Planning & Design' |
| 18026 Civil Design   | 1-6, 8-16-21, 24 | D        | June 2019     | 'hdb Town Planning & Design' |

|   |                    |        |            |                              |
|---|--------------------|--------|------------|------------------------------|
| Cut-Fill Plan   | Sheet 22           | D      | 28/06/2019 | 'hdb Town Planning & Design  |
| Stormwater Management Plan - Stage 1                    | Sheet 23           | D      | 28/06/2019 | 'hdb Town Planning & Design' |
| Stormwater Management Report                            | Report No 18/026-2 | C      | 28/06/19   | 'hdb Town Planning & Design  |
| Report on Preliminary Site Investigation (Geotechnical) | Report No 91417.0  | 0      | 09/11/2018 | Douglas Partners Pty Ltd     |
| Memorandum - Preliminary pavement Thickness             | Report No 91417.01 | Rev 01 | 14/03/2019 | Douglas Partners Pty Ltd     |

2. The development shall be carried out in the numerically consecutive stages as shown on the approved plan.

#### CONTRIBUTIONS & FEES

3. Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Maitland City Wide Section 94 Contributions Plan 2016, a contribution of \$351,360 shall be paid to the Council.

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

| Facility   | Per Lot        | Total            |
|--|----------------|------------------|
|  | 1              | 48               |
| City Wide Aquatics                                 | \$984          | \$47,232         |
| Citywide Competition Netball Courts                | \$228          | \$10,944         |
| City Wide Recreation & Open Space                  | \$822          | \$39,456         |
| City Wide Multipurpose Community Centre Floorspace | \$645          | \$30,960         |
| City Wide Library Floor Space                      | \$623          | \$29,904         |
| City Wide Road & Traffic Facilities                | \$3,259        | \$156,432        |
| City Wide Cycleway/Shared Paths                    | \$581          | \$27,888         |
| City Wide Plan Management/Administration           | \$178          | \$8,544          |
| <b>Total</b>                                       | <b>\$7,320</b> | <b>\$351,360</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 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 is required prior to issue of any Subdivision Certificate for 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.
4. Prior to the issue of the Subdivision Certificate, "house numbering" and "subdivision certificate" fees, in accordance with Council's *Schedule of Fees and Charges*, shall be paid to Council.

#### CERTIFICATES & REPORTS

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. Street and pathway lighting shall be provided in accordance with the requirements of Council and the power supply authority:
  - Generally based on Australian Standard AS 1158 categories P5,
  - providing lighting for the 3.5m wide concrete access adjacent to proposed lot 214 within the road reserve, generally on the common boundary.
  - providing "cut-off" luminaries (such as "Aeroscreen" or similar)

10. Any necessary alterations to public utility installations being at the developer's expense and to the requirements of both Council and the relevant authority.
11. Where underground electrical power, gas, telecommunications, and water services are located within easements on any allotment, they shall be installed strictly in accordance with the service provider's requirements, to the satisfaction of Council and permanent surface markers provided to indicate the presence of the underground utility..
12. 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.*
13. 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.
14. 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

15. 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) A design and construction standard that minimises ongoing

maintenance costs to Council and is maintainable by the Council 72 inch wide ride-on machinery.

- b) Street trees shall have a minimum pot size of 45 Litres (desirably minimum height of 1.5m at time of planning) include details of the height and spread at maturity (of the approved species).

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

- c) A minimum 3.0m wide couch turfed strip provided along adjoining private property boundaries for boundary maintenance purposes with maximum slope of 5H:1V.
- d) Show construction details of any fencing/bollards/barriers/lighting items approved in the landscape concept plan.
- e) 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*

- f) A robust and resilient design that can withstand the potential flooding impacts within the drainage reserve/corridors.
- g) Detailed landscape architectural plans for the drainage reserve including, macrophytes specifications for bio-filtration areas, densely vegetated batter slopes to reduce bank instability risk and minimize ongoing maintenance.
- h) Turf shall not be utilised where batter slope exceeds 5H:1V. Densely vegetated batter stability techniques with low maintenance and life cycle costs shall be utilized to the satisfaction of Council.

16. 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 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.*

17. Prior to the issue of the Subdivision Certificate for each stage all landscaping shall be undertaken in accordance with the approved landscape plan(s).
18. Prior to the issue of the Subdivision Certificate the site shall be cleared of all trees:
- within the road reserve
  - along proposed lot boundaries

19. 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 public reserve, drainage reserve and/or creek waterways.
20. 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.

#### FAUNA

21. Prior to commencement of works, a qualified ecologist shall inspect, supervise and report to Council regarding the removal and relocation of any threatened fauna species, which in the professional opinion of the ecologist, require such removal and relocation.
22. The development is to be undertaken in accordance with the recommendations of the Flora and Fauna Report (General Flora and Fauna October 2018) and specifically - Prior to the issue of the Construction Certificate for Stage 1, 7 x Bat nest boxes are to be installed in the remaining established native vegetation on Child Lot, Lot 42 DP 1251085.

#### ARCHAEOLOGY

23. Prior to, or during construction, identification of any potential archaeological deposit likely to contain Aboriginal artefacts, shall cause construction works to cease. Application shall be made by a suitably qualified Archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics. A copy of such a permit shall be submitted to Council.

#### BATTERS AND RETAINING WALLS

24. 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.
25. No retaining walls are permitted within the proposed lots. All batter slopes shall comply with the 'desirable' requirements as listed in Council's Manual of Engineering Standards.

#### TRAFFIC AND TRANSPORT

26. 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 plan ('Proposed Subdivision - Staging Plan' - 'Revision D' '27/06/2019' as amended in red on the plan).

27. 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.
28. Prior to issue of the Subdivision Certificate for Stage 1, the Denton Park Drive Road Widening shall be constructed providing (but not limited to):
  - a) a normal 13m wide bitumen sealed pavement formation width;
  - b) a flexible pavement with design-life traffic loadings in accordance with Council's Manual of Engineering Standards;
  - c) "minor/major event" stormwater drainage for contributing catchments;
  - d) all line marking and signage shall be approved by Local traffic committee including realignment of centerline and associated markings.
29. Prior to the issue of the Subdivision Certificate the following works shall be provided within the existing road reserve(s):
  - a. Half width road including kerb and guttering, subsoil drainage, verge formation, ancillary drainage and a minimum 13 metres wide sealed road pavement across the full frontage of the site on Denton Park Drive
  - b. All redundant driveway crossings, driveways and/or damaged kerb and gutter are to be removed and reinstated.
  - c. Drainage works shall include "minor/ major" event stormwater drainage for contributing catchments;
30. 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.
  - c) "Battle-axe" lots shall construct a concrete driveway to industrial thickness requirements within the lot "handle".
31. 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) *“all regulatory line marking and regulatory signage.*
  - b) *All works associated with the road widening on Denton Park Drive.*
32. Prior to issue of a Construction Certificate any major utilities facilities, (water sewer, telecommunications items larger than individual lot scale provisions) shall be clearly shown on the construction drawings. Offsets from items such as road reserves, footpaths or retaining walls shall be shown demonstrating no impacts/encroachment into those adjoining items clear-zone requirements.

#### STORMWATER DRAINAGE

33. A drainage design shall be prepared by a suitably qualified and experienced drainage engineer, in accordance with Council's Manual of Engineering Standards. The major system requirements shall include, but not limited to, the following:
- a) In accordance with the approved drainage plan/report referred to in condition 1.
  - b) A major stormwater drainage system catering for discharge from contributing catchment areas in their ultimate developed state.
  - c) A stormwater detention system to reduce post-developed discharges to pre-developed discharges, for the critical storm up to and including the 1% AEP (“100 year”) event.
  - d) A stormwater water quality system to collect gross pollutants, nutrients and hydrocarbons generated from the contributing catchment areas in their ultimate developed state.
34. The interallotment in-ground drainage system between proposed Lots 308 and 309 shall be designed and constructed to capture and convey the 1% AEP (“100 year”) peak runoff event from the total upstream contributing catchment assuming 60% site coverage.
35. 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 basin 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) Interallotment and/or public drainage provided to adjoining upstream properties (including the Residual lot).
  - d) Interallotment drainage to internal lots as required.
  - e) *Safety in design features inclusive of balustrades atop headwall outlets and detention basin warning signs in accordance with Council's Manual of*

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*Engineering Standards.*

36. Prior to issue of the Subdivision Certificate, the detention/water quality system shall be dedicated to Council at Stage 3 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).
37. 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**

38. 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.
39. 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

40. 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

41. 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.
42. 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 work zone traffic management plan in accordance with the RMS publication "Traffic control at Worksites" shall be submitted to Council.
43. 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.)*

44. The proposed public roads and/or road widening shall be dedicated to Council, at no cost to Council.
45. 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 with the completion of Stage 3
46. A restriction on the title of proposed lot 101 under section 88B of the Conveyancing Act, shall be given effect to the floor level of the dwelling being constructed a minimum of 500mm above the 1% AEP water level height within the drainage reserve or 500mm above the overflow weir.
47. 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.
48. Prior to issue of Subdivision Certificate the following easement are required to be incorporated:
  - a) Easement to drain water (stage 3) between proposed Lots 308 and 309 shall be provided with a 3.0m wide minimum width. The restriction shall benefit Council and the part of the residue lot that will discharge to the pipeline.
  - b) Easement to drain water (Stage 1) into Lot 42 DP1251085 benefiting an area covering the future Tea tree Avenue road reserve connection and discharging the overland flows (flows in excess of the pipeline /easement from the low point in the Tea Tree Avenue ridgeline longsection).
49. Prior to issue of the Subdivision Certificate (stage 1) the 'Easement to Drain Water (Variable Width)' over Lot 438 DP1075551 (Public Reserve) shall be relinquished (i.e. change the benefiting party from Lot 144 DP1064493 (or its child lots) to be benefiting Council and the new drainage reserve (Proposed Lot 112).
50. 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".
51. In accordance with Condition 22 of this consent, Prior to Issue of the Subdivision Certificate (Stage 1) a restriction on the title of Lot 42 DP1251085 under section 88B of the Conveyancing Act, shall be applied to retain and maintain the installed bat nesting boxes. The authority empowered to release, vary or modify such restrictions and covenants required by this condition of consent, shall be nominated as "Maitland City Council".

## UNEXPECTED FINDS

52. In the event that the subdivision construction works cause the generation of odours or uncovering of previously unidentified contaminants works must immediately cease and the Council must be notified and an appropriately qualified environmental consultant be appointed to undertake an assessment of the potential contaminant and works required to make the site safe from potential human health and environmental harm.

## 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.
- E Expansive soils are prevalent across the Maitland Local Government Area. Furthermore the geotechnical information provided in support of this development suggests its presents throughout the development. Council typically required a minimum 300mm select layer of unbound sub-base material quarry product be provided to manage the impacts of expansive subgrades. Minimum Pavement depths, inclusive of Select Layer, shall be 700mm where expansive soils are identified in accordance with Austroads.

Cr M Griffin and Cr S Halliday declared a non-pecuniary interest in this item.

Cr M Griffin and Cr S Halliday left the Chambers at 5.49pm and did not participate in discussion or voting on this matter.

**11.2 DA 17-2593 SENIORS LIVING DEVELOPMENT COMPRISING 156 SELF-CONTAINED UNITS AND ASSOCIATED COMMUNITY FACILITIES - LOT 2 DP1145348, 107 HAUSSMAN DRIVE THORNTON  
CONSENT AUTHORITY: HUNTER AND CENTRAL COAST JRPP**

|                             |   |
|-----------------------------|---|
| <b>FILE NO:</b>             | <b>DA 17-2593</b>   |
| <b>ATTACHMENTS:</b>         | <b>1. Council JRPP Assessment Report (under separate cover)</b>   |
| <b>RESPONSIBLE OFFICER:</b> | <b>Bernie Mortomore - Group Manager Planning, Environment &amp; Lifestyle<br/>David Simm - Manager Development &amp; Environment<br/>Leanne Harris - Development Assessment Coordinator</b> |
| <b>AUTHOR:</b>              | <b>Robyn Hawes - Urban Release Area Coordinator</b>   |
| <b>APPLICANT:</b>           | <b>McCloy Group C/- Barr Property and Planning</b>  |
| <b>OWNER:</b>               | <b>McCloy Thornton Pty Ltd</b>  |
| <b>PROPOSAL:</b>            | <b>Seniors Living Development (156 serviced self-contained dwellings and associated community facilities)</b>   |
| <b>LOCATION:</b>            | <b>Lot 2 DP1145348 – 107 Haussman Drive Thornton</b>  |
| <b>ZONE:</b>                | <b>RU2 Rural Landscape</b>  |

**EXECUTIVE SUMMARY**

*Application is made to Council seeking development consent for a seniors living development comprising 156 serviced self-contained dwellings and community facilities including a community centre, pool, bowling green, playground, community garden and men's shed on Lot 2 DP1145348 known as 107 Haussman Drive, Thornton.*

*The site is the former CSR quarry (Housing Commission Clay Mine) which ceased operation in 2006 and has road frontage to both Raymond Terrace Road and Haussman Drive, Thornton. Vehicular access is proposed off Haussman Drive as access off Raymond Terrace Road will not be supported by NSW Roads and Maritime Services (RMS).*

*Council will recall granting a 'deferred commencement' consent (DA18-1431) over the same site at its meeting on 12 March 2019 for bulk earthworks associated with this development. The bulk earthworks consent will become operational only if development consent is granted to this application.*

*The subject site is wholly within Zone RU2 Rural Landscape under the Maitland Local Environmental Plan 2011 (MLEP). The subject site is located within the Thornton North Urban Release Area and is identified in the related DCP chapter as Stage 3 lands.*

*The proposed development is defined as 'seniors housing' under the MLEP and is not permissible in this zone under the MLEP. However, SEPP (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP) makes provision for the issue of a Site Compatibility*

*Certificate (SCC) to permit seniors housing on certain lands. The application is supported by a SCC issued by the NSW Department of Planning and Environment that permits the use of this land for seniors housing, subject to a number of requirements that must be considered to be satisfied before development consent can be granted to the proposal.*

*The development is captured under section 4.5 of the Environmental Planning and Assessment Act (EPAA) and Schedule 7 – SEPP (State and Regional Development) 2011 which confers the consent authority functions of Council to the Hunter and Central Coast Joint Regional Planning Panel (HCCJRPP) as the capital investment value (CIV) exceeds the threshold at time of lodgement.*

*While the determination of the application lies with the HCCJRPP, processing and assessment of the application falls to Council in the first instance.*

*The application is ‘integrated development’ under section 4.46 of the EPAA requiring a Bushfire Safety Authority under the Rural Fires Act 1997 for a ‘special fire protection purpose’. General Terms of Approval have been issued by NSW Rural Fire Service dated 21 June 2019. Council has also consulted with RMS and Ausgrid under the relevant provisions in SEPP (Infrastructure) 2007. No objection is raised by either authority. Matters raised for consideration have been addressed in the assessment report.*

*The application was placed on public exhibition and notification over two periods: 06-20 December 2017 and 16 April – 15 May 2018. An objection was lodged by Mindaribba Local Aboriginal Land Council but was withdrawn following the preparation of a Due Diligence Assessment on Aboriginal archaeology.*

*The development has been assessed against the relevant provisions in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and found to be satisfactory as outlined in the assessment report.*

*Key site constraints to be considered by the HCCJRPP include:*

- the requirement in the SCC for the consent authority to be satisfied that the proposed development achieves a balance between the need for bushfire mitigation on site against the need to maintain the ecological values of the identified EEC; and*
- the appropriate treatment for management of underground mine workings for land not within a designated Mine Subsidence District;*

*The application has been assessed under the relevant heads of consideration under section 4.15 in the Environmental Planning and Assessment Act 1979 and found to be satisfactory subject to compliance with the recommended schedule of conditions. Savings and transitional provisions are relevant to the assessment of the application under both the EPAA and the Biodiversity Conservation Act 2016.*

*The application will be presented to the Hunter and Central Coast Joint Regional Planning Panel (JRPP) with a recommendation for approval. The Assessment Report and associated attachments are included in this report at **Attachment 1**.*

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

##### **THAT**

- 1. The report be noted; and**
- 2. Council indicates whether the application is supported in accordance with the recommendation included in the attached assessment report.**

#### **COUNCIL RESOLUTION**

##### **THAT**

- 1. Council note the report and referral to JRPP; and**
- 2. The proposal not be supported in its current form.**

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

**CARRIED**

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

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

|      |                 |          |              |
|------|-----------------|----------|--------------|
| For: | Cr R Aitchison  | Against: | Cr P Penfold |
|      | Cr L Baker      |          |              |
|      | Cr D Ferris     |          |              |
|      | Cr H Meskauskas |          |              |
|      | Cr B Mitchell   |          |              |
|      | Cr N Penfold    |          |              |
|      | Cr K Ranadive   |          |              |
|      | Cr B Whiting    |          |              |
|      | Cr M Yarrington |          |              |

Cr M Griffin and Cr S Halliday returned to the Chambers at 5.53pm.



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**11.3 DA 19-437 CHANGE OF USE TO GROUP HOME (PERMANENT) - LOT 218  
DP1185776, 8 CAMPDEN STREET, THORNTON  
RECOMMENDATION: APPROVAL**

**FILE NO:** DA 19-437

**ATTACHMENTS:**

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

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

**AUTHOR:** Adrian Quinn - Town Planner

**APPLICANT:** Perception Planning

**OWNER:** L&S Martin Assets

**PROPOSAL:** Change of use to group home (permanent)

**LOCATION:** 8 Campden St, Thornton

**ZONE:** R1 General residential

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**EXECUTIVE SUMMARY**

*The proposal involves the change of use of an existing 4-bedroom single dwelling approved under DA14/0664 to a group home (permanent). The change of use itself does not necessitate works and no works are proposed as part of this DA. Despite this, minor works were carried out without consent in June/July 2019, including the expansion of a bathroom, reconfiguration of internal walls and the construction of a storage room within the garage.*

*The reason that this proposal is being referred to Council for determination is that one submission was received in objection. An email response was sent to the submitter, the content of which is included in the section of this report addressing s4.15 of the EP&A Act.*

*This proposal is deemed to comply with relevant legislation and policy and is recommended for approval.*

*NOTE: As per State Environmental Planning Policy (Affordable Rental Housing) 2009, group homes cannot be refused by the consent authority unless a community needs assessment has been undertaken. Council also may not impose conditions "only for the reason that the development is for the purpose of a group home".*

**OFFICER'S RECOMMENDATION**

**THAT**

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1. Consent is granted subject to the conditions provided in the attached schedule.

**COUNCIL RESOLUTION**

**THAT**

1. Consent is granted subject to the conditions provided in the attached schedule.

**Moved Cr R Aitchison, 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 M Griffin    |          |
|      | Cr S Halliday   |          |
|      | Cr H Meskauskas |          |
|      | Cr B Mitchell   |          |
|      | Cr N Penfold    |          |
|      | Cr P Penfold    |          |
|      | Cr K Ranadive   |          |
|      | Cr B Whiting    |          |
|      | Cr M Yarrington |          |

## SCHEDULE OF CONDITIONS

### Reason for 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.*

### DA19-437 - Schedule of conditions

#### GROUP HOME (PERMANENT)

- 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 reference   | Sheet no. | Revn. | Date                           | Prepared by: (consultant)       |
|--|-----------|-------|--------------------------------|---------------------------------|
| Site plan ( <i>with Hunter Water Corporation stamp</i> ) | 1 of 2    | -     | May 2019                       | JDC for Perception Planning     |
| Floor plan, 18190372                                     | 2 of 2    | -     | 13/05/2019                     | JDC for Perception Planning     |
| SEE  | -         | V2    | 16/05/2019                     | Perception Planning             |
| Site waste minimisation and management plan              | -         | -     | Received by Council 27/05/2019 | Matt Brown/ Perception Planning |

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**11.4 DA 19-195 CHANGE OF USE OF EXISTING BUILDING TO A RECREATION FACILITY (INDOOR) - GYM AND ASSOCIATED SIGNAGE - LOT 500 DP1089148, 107-109 MELBOURNE STREET EAST MAITLAND**

|                             |  |
|-----------------------------|--|
| <b>FILE NO:</b>             | <b>DA 19-195</b>   |
| <b>ATTACHMENTS:</b>         | <b>1. Council Report from 11 June 2019 (under separate cover)</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 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**

*At its meeting of 11 June 2019 Council considered the attached report and eventually resolved to defer it pending a briefing on the proposal and in order to understand the Sections in the Environmental Planning and Assessment Act 1979 referred to in the motion for refusal.*

*This briefing has now taken place and the report is presented back to Council for determination.*

**OFFICER'S RECOMMENDATION**

**THAT Council determine the application.**

**COUNCIL RESOLUTION**

**THAT Council determine the 'Original recommendation'. (Approval subject to conditions as per report annexed).**

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

**CARRIED**

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

The division resulted in 7 for and 5 against, as follows:

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

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## 11.5 QUEENS WHARF MORPETH PLAN OF MANAGEMENT PROGRESS REPORT

|                             |  |
|-----------------------------|--|
| <b>FILE NO:</b>             | 35/33/18/1   |
| <b>ATTACHMENTS:</b>         | 1. Queens Wharf Masterplan Staging Plan  |
| <b>RESPONSIBLE OFFICER:</b> | Bernie Mortomore - Group Manager Planning, Environment & Lifestyle   |
| <b>AUTHOR:</b>              | Laurie D'Angelo - Manager Community and Recreation<br>Emily Livens - Coordinator Recreation & Community Planning<br>Barbara Thomson - Senior Property Advisor, Business Systems, Property & Governance |
| <b>MAITLAND +10</b>         | Outcome 2. Community and recreation services and facilities  |
| <b>COUNCIL OBJECTIVE:</b>   | 2.5.1 To deliver quality community development, social planning and community services   |

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### EXECUTIVE SUMMARY

*Works have commenced on Stage A of the Queens Wharf Master Plan as per the Plan of Management adopted by Council in 2017. With Stage A nearing the construction phase, it is timely for Council to acquire the additional land parcels associated with further stages of Masterplan that are currently in private ownership. Funding allocations for land acquisition are included in the project budget, and the land should be acquired before further scoping and design works are undertaken post completion of Stage A in order to provide certainty in project delivery into the future.*

### OFFICER'S RECOMMENDATION

#### THAT

1. Council approves to commence land acquisition of Lot 1 DP 169466; Lot 3 DP 1149223, Lot 3 DP 755237 and part of Lot 4 DP 226025 as per the Queens Wharf Plan of Management and associated Masterplan.
2. The report come back for council's endorsement prior to the land acquisition being finalized.

### COUNCIL RESOLUTION

#### THAT

1. Council approves to commence land acquisition of Lot 1 DP 169466; Lot 3 DP 1149223, Lot 3 DP 755237 and part of Lot 4 DP 226025 as per the Queens Wharf Plan of Management and associated Masterplan.

**2. The report come back for council's endorsement prior to the land acquisition being finalized.**

**Moved Cr M Griffin, Seconded Cr R Aitchison**

**CARRIED**

The division resulted in 12 for and 0 against, as follows:

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

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## 12 INFRASTRUCTURE AND WORKS REPORTS

### 12.1 MAITLAND AROMA FESTIVAL AND LEVEE ACTIVATION 2019 - TEMPORARY ROAD CLOSURES

|                             |   |
|-----------------------------|---|
| <b>FILE NO:</b>             | 140/5   |
| <b>ATTACHMENTS:</b>         | <ol style="list-style-type: none"> <li>1. Aroma Location Map</li> <li>2. TCP Denman St</li> <li>3. TCP St Andrews St</li> <li>4. TCP The Levee</li> <li>5. TCP VMS Locations</li> </ol>       |
| <b>RESPONSIBLE OFFICER:</b> | <p>Chris James - Group Manager Infrastructure &amp; Works<br/> Kevin Stein - Manager Engineering &amp; Design<br/> Scott Henderson - Coordinator Infrastructure<br/> Planning Engineering</p> |
| <b>AUTHOR:</b>              | Alison Marshall - Road Safety Officer   |
| <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

*The 'Maitland Aroma Festival' event is to be held in the Riverside car park on the weekend of 10 - 11 August 2019. Activities will be held concurrently in The Levee. The temporary road closures and traffic management for these events are presented to Council for approval.*

#### OFFICER'S RECOMMENDATION

**THAT the following temporary road closures and parking arrangements associated with the Maitland Aroma Festival 2019 and The Levee Activation be approved:**

1. 6.00am Friday 9 August 2019 to midday Monday 12 August 2019:
  - St Andrews Street - between High Street and riverbank
  - Riverside car park area
  - Stillsbury Lane - between Riverside car park and High Street.
2. Temporary 'No Parking' zones be installed between No's 38 - 46 (39 metres) and No's 22-30 (17 metres) in Denman Street, Maitland.
3. The following locations for Variable Message Signs be approved:
  - High Street - near Sempill Street, Maitland
  - High Street - near St Andrews Street, Maitland



- 
- Ken Tubman Drive - near Quest Apartments, Maitland.
4. The following temporary road closures for The Levee activation from 6.00am Saturday 10 August to 6.00pm Sunday 11 August 2019 be approved:
    - The Levee (High Street) between Bourke Street and Elgin Street
    - Bulwer Street between Dransfield Lane and High Street.
  5. The temporary road closure devices necessary to affect all of the above temporary road closures also be approved.

#### **COUNCIL RESOLUTION**

**THAT the following temporary road closures and parking arrangements associated with the Maitland Aroma Festival 2019 and The Levee Activation be approved:**

1. 6.00am Friday 9 August 2019 to midday Monday 12 August 2019:
  - St Andrews Street - between High Street and riverbank
  - Riverside car park area
  - Stillsbury Lane - between Riverside car park and High Street.
2. Temporary 'No Parking' zones be installed between No's 38 - 46 (39 metres) and No's 22-30 (17 metres) in Denman Street, Maitland.
3. The following locations for Variable Message Signs be approved:
  - High Street - near Sempill Street, Maitland
  - High Street - near St Andrews Street, Maitland
  - Ken Tubman Drive - near Quest Apartments, Maitland.
4. The following temporary road closures for The Levee activation from 6.00am Saturday 10 August to 6.00pm Sunday 11 August 2019 be approved:
  - The Levee (High Street) between Bourke Street and Elgin Street
  - Bulwer Street between Dransfield Lane and High Street.
5. The temporary road closure devices necessary to affect all of the above temporary road closures also be approved.

**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 12 for and 0 against, as follows:

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

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

Nil

**14 WORKPLACE CULTURE AND SAFETY**

Nil

**15 VIBRANT CITY**

Nil

## 16 ITEMS FOR INFORMATION

### 16.1 LOCAL TRAFFIC COMMITTEE MEETING MINUTES - JUNE 2019

|                             |  |
|-----------------------------|--|
| <b>FILE NO:</b>             | <b>140/5</b>   |
| <b>ATTACHMENTS:</b>         | <b>1. LTC Minutes June 2019</b>  |
| <b>RESPONSIBLE OFFICER:</b> | <b>Chris James - Group Manager Infrastructure &amp; Works<br/>Kevin Stein - Manager Engineering &amp; Design<br/>Scott Henderson - Coordinator Infrastructure<br/>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<br/>throughout the City</b>   |

#### EXECUTIVE SUMMARY

*The minutes of Maitland City Council's Local Traffic Committee Meeting held Thursday 6 June 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 M Griffin, Seconded Cr H Meskauskas**

**CARRIED**

The division resulted in 12 for and 0 against, as follows:

|             |                        |                 |
|-------------|------------------------|-----------------|
| <b>For:</b> | <b>Cr R Aitchison</b>  | <b>Against:</b> |
|             | <b>Cr L Baker</b>      |                 |
|             | <b>Cr D Ferris</b>     |                 |
|             | <b>Cr M Griffin</b>    |                 |
|             | <b>Cr S Halliday</b>   |                 |
|             | <b>Cr H Meskauskas</b> |                 |
|             | <b>Cr B Mitchell</b>   |                 |
|             | <b>Cr N Penfold</b>    |                 |
|             | <b>Cr P Penfold</b>    |                 |

Cr K Ranadive  
Cr B Whiting  
Cr M Yarrington

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## 16.2 2019 FLOODPLAIN MANAGEMENT AUSTRALIA CONFERENCE

|                             |   |
|-----------------------------|---|
| <b>FILE NO:</b>             | <b>103/64</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>Andrew Neil - Manager Strategic Planning<br/>Robert Aitchison - Cr</b>   |
| <b>MAITLAND +10</b>         | <b>Outcome 9. Our local rivers and floodplains</b>  |
| <b>COUNCIL OBJECTIVE:</b>   | <b>9.1.1 To maintain partnerships with State and local agencies and property owners relating to the management of our river systems and floodplains</b> |

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### EXECUTIVE SUMMARY

This report provides an overview of the 2019 Floodplain Management Australia Conference, held in Canberra 15-17 May 2019, attended by Cr Robert Aitchison and Manager Strategic Planning, Andrew Neil.

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

**CARRIED**

The division resulted in 12 for and 0 against, as follows:

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

## **17 NOTICES OF MOTION/RESCISSION**

### **17.1 LOT 3 DP790460, KYLE STREET RUTHERFORD**

#### **NOTICE OF MOTION SUBMITTED BY CR PHILIP PENFOLD**

**FILE NO:** 35/7/4  
**ATTACHMENTS:** Nil  
**RESPONSIBLE OFFICER:** David Evans - General Manager  
Barbara Thomson - Senior Property Advisor, Business Systems, Property & Governance

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Cr Philip Penfold has indicated his intention to move the following Notice of Motion at the next Council Meeting being held on 9 July 2019:

*THAT*

1. Council make contact with Motorcycling NSW to confirm their intention to not seek to enter into a lease/licence with council to lease the Kyle Street Rutherford flat track motorcycling site.
2. Council officers report back to council by the second meeting in September to advise of that outcome and a recommended way forward.
3. Presuming Motorcycling NSW no longer seek to proceed, the report consider opening up expressions of interest.
4. The report also include expected expense to proceed with the site to meet the DA requirements.

**Background:**

Over 6 years ago council resolved to seek to enter into an agreement with Motorcycling NSW for the site in Kyle St.

In that time the required rezoning and DA have been approved though no lease / licence took place.

A social media profile attributed to Motorcycling CEO David Cooke, recently stated publicly that MNSW has not committed to doing the work to reopen it as it's not worth the cost if it can't be used for racing.

Hundreds of local motorcycling enthusiasts have expressed their enthusiasm to see the site open as a training / riding facility.

**COUNCIL RESOLUTION**

**THAT**

- 1. Council make contact with Motorcycling NSW to confirm their intention to not seek to enter into a lease/licence with council to lease the Kyle Street Rutherford flat track motorcycling site.**
- 2. Council officers report back to council by the second meeting in September to advise of that outcome and a recommended way forward.**
- 3. Presuming Motorcycling NSW no longer seek to proceed, the report consider opening up expressions of interest.**
- 4. The report also include expected expense to proceed with the site to meet the DA requirements.**

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

**CARRIED**

The division resulted in 12 for and 0 against, as follows:

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



**18 QUESTIONS WITH NOTICE**

Nil

**19 URGENT BUSINESS**

Nil

Council moved into the Committee of the Whole at 6.40 pm.

Moved Cr B Mitchell, Seconded Cr R Aitchison.

**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 6.40 pm.

Moved Cr R Aitchison, Seconded Cr B Whiting.

**CARRIED**

## 20 COMMITTEE OF THE WHOLE

### 20.1 CONSIDERATION OF TENDERS - MAITLAND PARK NETBALL COURTS UPGRADE

|                             |   |
|-----------------------------|---|
| <b>FILE NO:</b>             | 137/1479  |
| <b>ATTACHMENTS:</b>         | Nil   |
| <b>RESPONSIBLE OFFICER:</b> | Chris James - Group Manager Infrastructure & Works<br>Ashley Kavanagh - Manager Works                             |
| <b>AUTHOR:</b>              | Caine James - Operations Manager Recreation Works<br>Ashley Kavanagh - Manager Works                              |
| <b>MAITLAND +10</b>         | Outcome 2. Community and recreation services and facilities   |
| <b>COUNCIL OBJECTIVE:</b>   | 2.1.2 To build a range of community, recreation and leisure facilities based on sound asset management principles |

*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 have been successful in securing a grant from the Stronger Country Communities Fund – Round 2 Program for netball court upgrades at Maitland Park. These works include the reconstruction of eight existing courts and the construction of three new courts to meet current standards.*

*Tenders have been requested for these works and are presented for Council's consideration and determination.*

#### 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**

- Council accept the tender of GOTRALA T/A Bolla Contracting Pty Ltd in the**

amount of \$862,453.48 (incl GST) for the construction of Maitland Park Netball Courts Upgrade Stage 1A and 1B.

2. The Common Seal of Council be affixed to the contract documents.

Moved Cr R Aitchison, Seconded Cr H Meskauskas

**CARRIED**

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

The division resulted in 12 for and 0 against, as follows:

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

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## 20.2 PROPOSED ROAD WIDENING - MAITLAND VALE ROAD, HILLSBOROUGH

|                             |  |
|-----------------------------|--|
| <b>FILE NO:</b>             | 222/508, P34329, P34328, P29081 & P28245   |
| <b>ATTACHMENTS:</b>         | 1. Acquisition and Leasing Plan  |
| <b>RESPONSIBLE OFFICER:</b> | Leah Flint - Group Manager Strategy Performance and Business Systems<br>Barbara Thomson - Senior Property Advisor, Business Systems, Property & Governance |
| <b>AUTHOR:</b>              | Chris Pinchen - Infrastructure Project Engineer  |
| <b>MAITLAND +10</b>         | Outcome 5. Moving around our City  |
| <b>COUNCIL OBJECTIVE:</b>   | 5.1.2 To deliver improved safety, quality and amenity of local roads through increased road construction and maintenance programs                          |

*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.*

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### EXECUTIVE SUMMARY

*Council is undertaking road reconstruction works on Maitland Vale Road near Hillsborough Road. This report deals with the proposed road widening and temporary occupation of impacted properties. Voluntary agreements with the adjacent owners have been reached with these dealings reported to Council for acceptance.*

### 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 acquire land with the intention to dedicate the acquired land to the public as road consisting of:
  - a. Approx. 8,100m<sup>2</sup> over Lot 8 DP37599 & Lot 70 DP1130559, 67 Hillsborough Road, Hillsborough;
2. Council lease land with the intention to temporarily occupy the land consisting of:

- a. **Approx. 3,950m<sup>2</sup> over Lot 2 DP1120782 & Lot 70 DP1130559, 67 Hillsborough Road, Hillsborough, and**
- b. **Approx. 1,800m<sup>2</sup> over Lot 30 DP576645, 1405 Maitland Vale Road, Hillsborough;**
3. **Council pay, to the affected property owners, compensation as outlined within this report;**
4. **Council pay all reasonable survey and legal costs which are necessary to acquire the land;**
5. **The common seal be affixed to documentation, as required, to affect these works; and**
6. **The General Manager be authorized to execute any documentation relevant to affect these works.**

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

**CARRIED**

The division resulted in 12 for and 0 against, as follows:

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

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## 20.3 FFA CUP ROUND 32 - MAITLAND FC REQUEST FOR ASSISTANCE

|                             |   |
|-----------------------------|---|
| <b>FILE NO:</b>             | 101/10/4  |
| <b>ATTACHMENTS:</b>         | Nil   |
| <b>RESPONSIBLE OFFICER:</b> | Rachel MacLucas - Executive Manager Vibrant City<br>Bernie Mortomore - Group Manager Planning,<br>Environment & Lifestyle |
| <b>AUTHOR:</b>              | Rachel MacLucas - Executive Manager Vibrant City<br>Laurie D'Angelo - Manager Community and<br>Recreation                 |
| <b>MAITLAND +10</b>         | Outcome 3. Community and iconic events  |
| <b>COUNCIL OBJECTIVE:</b>   | 3.2.1 To seek and support major sporting and cultural<br>events appropriate to the capacity of venues across<br>the city  |

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

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### EXECUTIVE SUMMARY

*Maitland Football Club has, for the first time, reached Round 32 of the Football Federation Australia Cup (FFA Cup). The Club wish to host this match locally and, as such, has requested that it be played at the Maitland No. 1 Sportsground on the evening of Wednesday 31 July 2019. Availability of the ground has been confirmed however to meet FFA ground requirements additional infrastructure, in the form of lighting towers and scaffolding, need to be brought in for the venue to be compliant. Given the costs this will incur, Maitland FC has requested financial support from Council to enable the match to proceed without placing a financial burden on the Club.*

### 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.*

Late Item noted in Item 8.1

### COMMITTEE RECOMMENDATION

**THAT**

- 1. Council underwrite any loss generated by Maitland FC hosting the Round 32 Competition Match at Maitland No. 1 Sportsground to the sum of up to \$11,000 including GST.**

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

**CARRIED**

The division resulted in 12 for and 0 against, as follows:

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

**Council resumed into Ordinary Council at 7.45 pm.**

**Moved Cr S Halliday, Seconded Cr D Ferris.**

**CARRIED**

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

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

### **20.1 Consideration Of Tenders - Maitland Park Netball Courts Upgrade**

COMMITTEE RECOMMENDATION

THAT

1. Council accept the tender of GOTRALA T/A Bolla Contracting Pty Ltd in the amount of \$862,453.48 (incl GST) for the construction of Maitland Park Netball Courts Upgrade Stage 1A and 1B.
2. The Common Seal of Council be affixed to the contract documents.

Moved Cr R Aitchison, Seconded Cr H Meskauskas

CARRIED

### **20.2 Proposed Road Widening - Maitland Vale Road, Hillsborough**

COMMITTEE RECOMMENDATION

THAT

1. Council acquire land with the intention to dedicate the acquired land to the public as road consisting of:
  - a. Approx. 8,100m<sup>2</sup> over Lot 8 DP37599 & Lot 70 DP1130559, 67 Hillsborough Road, Hillsborough;
2. Council lease land with the intention to temporarily occupy the land consisting of:
  - a. Approx. 3,950m<sup>2</sup> over Lot 2 DP1120782 & Lot 70 DP1130559, 67 Hillsborough Road, Hillsborough, and
  - b. Approx. 1,800m<sup>2</sup> over Lot 30 DP576645, 1405 Maitland Vale Road, Hillsborough;
3. Council pay, to the affected property owners, compensation as outlined within this report;
4. Council pay all reasonable survey and legal costs which are necessary to acquire the land;



5. The common seal be affixed to documentation, as required, to affect these works; and
6. The General Manager be authorized to execute any documentation relevant to affect these works.

Moved Cr S Halliday, Seconded Cr B Mitchell

CARRIED

### **20.3 FFA Cup Round 32 - Maitland FC Request For Assistance**

COMMITTEE RECOMMENDATION

THAT

1. Council underwrite any loss generated by Maitland FC hosting the Round 32 Competition Match at Maitland No. 1 Sportsground to the sum of up to \$11,000 including GST.

Moved Cr S Halliday, Seconded Cr M Griffin

CARRIED

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

**Moved Cr R Aitchison, Seconded Cr M Griffin**

**CARRIED**

The division resulted in 12 for and 0 against, as follows:

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

Cr B Whiting  
Cr M Yarrington

## **22 CLOSURE**

The meeting was declared closed at 7.45 pm.

.....  
Chairperson