

**ORDINARY MEETING**

**MINUTES**

**23 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 read the customary prayer at the commencement of the meeting.

### **2 ACKNOWLEDGEMENT OF COUNTRY**

Cr M Griffin read the Acknowledgement of Country.

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

#### **COUNCIL RESOLUTION**

THAT the apologies received from Cr P Garnham be accepted.

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

**CARRIED**

### **4 DECLARATIONS OF INTEREST**

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

#### **COUNCIL RESOLUTION**

THAT the minutes of the Ordinary Meeting held 9 July 2019 be confirmed.

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

**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	

## **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 OFFICERS REPORTS

### 10.1 DA 18-1894 PROPOSED OFFICE PREMISES AND SELF STORAGE UNITS WITH ANCILLARY MANAGER'S RESIDENCE, CAR PARKING AND LANDSCAPING AND TWO INTO TWO LOT SUBDIVISION - LOT 199 & 395 DP755237 METFORD ROAD, EAST MAITLAND RECOMMENDATION: APPROVED

<b>FILE NO:</b>	DA 18-1894
<b>ATTACHMENTS:</b>	1. Locality Plan 2. Development Plans (under separate cover)
<b>RESPONSIBLE OFFICER:</b>	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle David Simm - Manager Development & Environment Leanne Harris - Development Assessment Coordinator
<b>AUTHOR:</b>	Tegan Harris - Senior Town Planner
<b>APPLICANT:</b>	Wile Investments Pty Ltd
<b>OWNER:</b>	Wile Investments Pty Ltd
<b>PROPOSAL:</b>	Proposed Office Premises and Self Storage Units with Ancillary Manager's Residence, Car Parking and Landscaping and Two into Two Lot Subdivision
<b>LOCATION:</b>	Lot 199 & 395 DP755237, Metford Road, East Maitland
<b>ZONE:</b>	B5 Business Development

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#### EXECUTIVE SUMMARY

*This report provides an assessment of the development proposal involving the construction of a two storey office premises and Self Storage Facility with ancillary manager's residence and car parking, and a two into two lot subdivision.*

*The self storage facility will incorporate 815 storage units of varying size, an office and manager's residence. Entrance to the facility will be via Metford Road, with two vehicle exits to Turton Street. The two storey office proposes eight tenancies over two floors with vehicle access to/from Metford Road in a left in left out arrangement. A 1.2m wide concrete median will be constructed within Metford Road to restrict vehicle movements.*

*The assessment provides consideration of the proposal under the Environmental Planning and Assessment Act 1979 (NSW), the Maitland Local Environmental Plan 2011, the Maitland Development Control Plan 2011 and any other relevant legislation, guidelines and policies of the Council. The proposal is compliant with the relevant policy framework and will not result in an unreasonable environmental impact within the locality. Potential issues relating to traffic, stormwater, visual impact, cumulative impact, site planning and*

*services have been addressed throughout Council's assessment process to the satisfaction of Council.*

*The application was advertised and notified in accordance with Council policy from 14 November 2019 to 28 November 2018. As a result of this process no submissions were received. The development application is reported to the Council as the cost of works (\$6,868,633) exceeds Council officer's delegations*

*An assessment of the application has been undertaken against Section 4.15(1) of the Environmental Planning and Assessment Act, 1979 as amended. The proposed development is considered acceptable in terms of the relevant matters for consideration under the Act and the development application is recommended for approval.*

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

**THAT the proposal (DA18/1894) for Office Premises and Self Storage Units with Ancillary Manager's Residence, Car Parking and Landscaping and Two into Two Lot Subdivision at Lot 199 & 395 DP755237, Metford Road, East Maitland be approved subject to the conditions in the attached schedule.**

#### **COUNCIL RESOLUTION**

**THAT the proposal (DA18/1894) for Office Premises and Self Storage Units with Ancillary Manager's Residence, Car Parking and Landscaping and Two into Two Lot Subdivision at Lot 199 & 395 DP755237, Metford Road, East Maitland be approved subject to the conditions in the attached schedule.**

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

**CARRIED**

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

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

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

## COMMERCIAL/INDUSTRIAL

### DA 18-1894

#### Reason for Conditions

The following conditions are applied to:

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

#### APPROVED PLANS AND DOCUMENTATION

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

Plan Ref No.	Sheet No.	Revn No.	Revision Date	Prepared by
SD06METFO	1 to 15 of 24	N	04.07.19	Sheer Designs
SD06METFO	16 to 24 of 24	M	29.04.19	Sheer Designs
TP118	1/1	C	29/04/2019	Torque Projects
Landscape Plan	1 to 5 of 5	-	14.6.19	JK's Garden Creations
SD06METFO*	3 of 23	H	23.10.18	Sheer Designs
Stormwater Management Report	-	-	29 April 2019	Torque Projects
Stormwater Management Report	-	-	2 June 2016	ADW Johnson

\*Note: For the purposes of Hunter Water Corporation stamp only

2. The proposal shall be staged in accordance with the approved Site Plan (SD06METFO, Sheet 3 of 23, dated 23.10.18, prepared by Sheer Designs) as follows:



- Stage 1 – Construction of the shared driveway entrance, car parking and driveway area for the self storage facility, inter allotment drainage system, manager’s residence, Building A1 and A2, and landscaping.
- Stage 2 – Construction of the proposed office premises (Metford Centre), landscaping and car parking area; and
- Stage 3 – Construction of Building B1, B2 and C and landscaping.

Roadworks within Metford Road must be complete prior to the issue of the Occupation Certificate for Stage 1 or Subdivision Certificate, whichever occurs first.

3. Prior to the issue of the Construction Certificate for Stage 1 or Subdivision Certificate (whichever occurs first), DA 16/1741 shall be surrendered to the extent it relates to the construction of buildings on site.

*Note: In accordance with clause 97 of the Environmental Planning and Assessment Regulations (NSW) 2000 A notice of modification or surrender of a development consent or existing use right, as referred to in section 4.17 (5) of the Act, must include the following information:*

- (a) the name and address of the person by whom the notice is given,*
- (b) the address, and formal particulars of title, of the land to which the consent or right relates,*
- (c) a description of the development consent or existing use right to be modified or surrendered,*
- (d) particulars as to whether the consent or right is to be modified (including details of the modification) or surrendered,*
- (e) if the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to the modification or surrender of the consent or right.*

4. All demolition works on site shall be undertaken pursuant to DA 18/1635 and DA 16/1471.

## **CONTRIBUTIONS & FEES**

5. Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, and the Maitland S94A Levy Contributions Plan 2006, a contribution of \$68,686 shall be paid to the Council.

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

Payment of the above amount is required prior to issued of the Construction 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 7.12 of the Environmental Planning and Assessment Act, 1979.

- b) Council's administration expenses are met with respect to the processing of the application.

## **CERTIFICATES**

6. The applicant shall submit to Council a "Notice of Commencement" form at least two (2) days prior to the commencement of construction works.
7. **Prior to the commencement of works for each stage** an application for a Construction Certificate shall be submitted to, and be approved by, the Accredited Certifier.
8. **Prior to the issue of an Occupation Certificate for each stage** all conditions of development consent shall be complied with.
9. **Prior to occupation of the building for each stage**, an Occupation Certificate shall be issued by the Principal Certifying Authority.
10. **Prior to issue of the Construction Certificate for each stage**, a Compliance Certificate under Section 50 of the Hunter Water Act 1991 for this development, shall be submitted to the Accredited Certifier.
11. **Prior to issue of the Construction Certificate or Subdivision Certificate** (whichever occurs first), an application for a Roads Act approval (Under Section 138), shall be submitted to the Council.

## **SUBDIVISION**

12. **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.
13. **Prior to issue of the Subdivision Certificate**, original plans and/or documents of survey/title, and four copies, shall be submitted to Council.
14. **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.
15. **Prior to issue of the Subdivision Certificate** driveways to each lot, including access crossing, within the road reserve and works under condition 32 shall be constructed in accordance with approved plans and Council's Manual of Engineering Standards.

## HOME WARRANTY INSURANCE – RESIDENTIAL BUILDING WORK

16. (1) Building work that involves residential building work (within the meaning of the Home Building Act, 1989) must not be carried out unless the Principal Certifying Authority (PCA) for the development to which the work relates:
- (a) in the case of work to be done by a licensee under that Act:
    - (i) has been informed in writing of the licensee's name and contractor licence number, and
    - (ii) is satisfied that the licence has complied with the requirements of Part 6 of that Act, or
  - (b) in the case of work to be done by any other person;
    - (i) has been informed in writing of the person's name and owner-builder permit, or
    - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
- (2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act, 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that part.

## BUSHFIRE

17. The proposed dwelling shall comply with the construction requirements of Australian Standard AS3959-2009 'Construction of buildings in bushfire prone areas' for a Bushfire Attack level (BAL) of 19.

## CONTAMINATION

18. In the event of an undisclosed or unidentified contamination being found on-site or any potentially contaminating infrastructure (e.g. underground storage tanks) or soils (e.g. staining, odours, asbestos) being identified during works, a qualified and experienced consultant must inspect, review and advise on remediation or mitigation

prior to further construction proceeding. Council must be notified if this occurs and must be provided with any resulting reports and recommendations.

### **LANDSCAPING & VEGETATION**

19. All landscaped areas of the development shall be maintained in accordance with the approved landscape plan. The landscaped areas shall be kept free of parked vehicles, stored goods, waste material, and the like.
20. The removal of the tree(s) adjacent to Turton Street shall be carried out by an arborist, or a person suitably qualified in that field.

### **SIGNAGE**

21. All signage shall be maintained in a good condition at all times.

### **HOURS OF OPERATION**

22. The hours of operation of the proposal shall be confined to within the following times:

#### **Office Hours (Self Storage Facility Office – Phase 1 & 3)**

Monday to Friday	8am to 5pm
Saturday/Sunday	8am to 4pm
Public Holidays	8am to 4pm

Secure access to storage units will be available 6am to 8.30pm seven days a week.

#### **Office Hours (Office premises – Phase 2)**

Monday to Friday	8am to 6pm
Saturday/Sunday	Closed
Public Holidays	Closed

### **AUSGRID**

23. The proposal shall comply with the requirements of AusGrid dated 28 March 2019.

### **CARPARKING**

24. Car parking for the development shall be provided in accordance with the approved plans, with a minimum allocation for the development as follows:
  - Office Premises - 81

- Self-Storage Premises – 5 spaces

*Note: one (1) car parking space shall be provided for the exclusive use of the manger's residence.*

25. All on-site driveways, parking areas and vehicles turning areas shall be constructed as reinforced concrete. Service vehicle loading and turning areas are to be constructed of concrete pavement suitable for heavy vehicle use.
26. All parking bays and access corridors shall be designed in accordance with AS2890.1 & AS 2890.2 and delineated with line-marking and/or signposting.

### **VEHICLE ACCESS**

27. **Prior to commencement of construction** of the driveway crossing on the public footway verge, the works shall have been approved by Council. An application form, "Application to Construct Private Works on Footway" shall be submitted to Council, together with the appropriate fee.
28. **Prior to issue of the Occupation Certificate for Stage 1 or Subdivision Certificate** (whichever occurs first) the driveways/vehicle accesses shall be designed and constructed in concrete (heavy duty), in accordance with approved plan, Council's Manual of Engineering Standards and AS2890.1:2004 Parking facilities-Off-street car parking and AS 2890.2:2002 Parking facilities-Off Street commercial vehicle facilities.
29. **Prior to issue of the Occupation Certificate for each stage**, all redundant vehiculer driveways shall be legally and pysicaly closed and reinstated in accordance with Council Standards.
30. Vehicle access to the site is restricted to vehicles which can enter and exit the site in a forward direction. No reversing from the street or reversing on to the street is to take place.

### **TRAFFIC, FACILITES AND DEVICES**

31. Directional signage shall be placed on site demonstrating the exit driveways onto Turton Street.
32. All work required to be undertaken within a public road reserve must make separate application to, and gain approval by Council, under Section 138 of the Roads Act 1993.

Engineering construction plans must be prepared and designed by a suitably qualified professional, in accordance with Council' s Manual of Engineering Standards, Austroads Guide.

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

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

- a) A pedestrian footpath 1.5m wide shall be provided along full frontage of Metford Road including ramps.
  - b) A concrete raised median 1.2m wide shall be provided on the centreline of Metford Road of a suitable length to regulate vehicle traffic to, left-in Left -out movements only to/ from the development site.
  - c) Driveway profile in accordance with SD 007 and SD 008.
  - d) Prior to issue of the approval for Road works, detailed engineering plans are to be provided of all signage and line marking, and traffic facilities shall be submitted to approved by Council.
  - e) Prior to approval of the works within the Road Reserve, detailed engineering plans are to be provided of all signage and line marking, and traffic facilities for consideration by the Local Traffic Committee. These plans are to detail the signage and line marking proposed along the road frontages, and the design of the road median.
  - f) Prior to issue of a Construction Certificate, a Construction Traffic Management Plan (CTMP) to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity is to be submitted and approved by Council prior to the issue of the Construction Certificate. Any requirements required by the CTMP shall gain the appropriate Roads Act Approvals if impacting within the road reserve.
  - g) All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to Council.
33. Separate approval from Council's Manager Engineering and Design is required for any construction access or underground works within the unformed road reserve on the southern boundary to the site, including supply/locating of services (such as water, sewer, electricity, gas) or construction/ maintenance works.

*There is no guarantee that the road reserve will stay in effect in perpetuity.*

### **STORMWATER DRAINAGE**

34. Prior to issue of the Construction Certificate for Stage 1, a detailed stormwater drainage plan, providing:
- a) On-site Detention (OSD) of stormwater that reduces post-developed discharges to pre-developed discharges for the 1, 10 and 100yr ARI critical storm events;

- b) an emergency overland flow path for major storm events, that is directed to the public drainage system;
- c) entrapment of gross pollutants, nutrients and hydrocarbons generated from the contributing ground-surface catchment areas;
- d) conveyance where necessary, of stormwater through the site from upstream catchments, (including roads and adjoining properties);
- e) detailed pavement finished surface levels, to ensure stormwater runoff catchment and its direction into the detention system and public drainage system.

shall be designed in accordance with Council's Manual of Engineering Standards.

The design shall be based on the stormwater drainage plan no: TP118, Revision C, dated 29 April 2019 with the inclusion of the OSD system.

- 35. **Prior to issue of the Occupation Certificate for Stage 1**, the stormwater-control system shall be constructed in accordance with the approved stormwater drainage plan. A qualified engineer shall supply written certification to the PCA and Council that the constructed system including detention volume and discharge rates achieve the consent requirements for detention.
- 36. **Prior to issue of the Occupation Certificate for each stage**, the stormwater-control system shall be constructed in accordance with the approved stormwater drainage plan.
- 37. **Prior to issue of the Subdivision Certificate**, inter-allotment drainage stormwater pipelines shall be constructed based on an approved concept plan (and/or) in accordance with Council's Manual of Engineering Standards.
- 38. **Prior to commencement of construction** of the inter-allotment drainage, a Construction Certificate for the works shall be issued, being a design prepared in accordance with Council's Manual of Engineering Standards.

## **EROSION CONTROLS**

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

## **LAND TITLE**

- 40. An easement shall be created under Section 88B of the Conveyancing Act, and in accordance with approved plan and Council's Manual of Engineering Standards, to cover the inter-allotment stormwater drainage line.
- 41. The authority empowered to release, vary or modify easements to drain water required by this consent, shall be nominated as "the owners of the lots burdened and benefitted, only with the consent of Maitland City Council".

42. Reciprocal rights of access shall be created over Lot 1 and Lot 2 as indicated on the approved Subdivision Plan (revision M dated 29.04.2019). The appropriate notation shall be placed on the plan of subdivision and an instrument under Section 88B of the Conveyancing Act being submitted to Council.
43. Where the subdivision of lots occurs prior to the issue of the Occupation Certificate for Stage 1, 2 and 3, as part of the Subdivision Certificate, a restriction on the title of the lots, under Section 88B of the Conveyancing Act, shall be created which restricts the development of the land to that which is approved within this consent (DA18-1894).

### **BUILDING CONSTRUCTION**

44. All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
45. All excavations and backfilling shall be executed safely, in accordance with appropriate professional standards and shall be properly guarded and protected to prevent the works from being dangerous to life or property.
46. Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:
  - a. 7.00am to 6.00pm Monday to Friday
  - b. 7.00am to 5.00pm Saturday

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

### **SERVICES & EQUIPMENT**

47. Upon completion of the building BUT prior to its occupation, a Final Fire Safety Certificate with respect to each critical and essential fire safety measure installed in the building shall be submitted to Council. Such certificates shall be prepared in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation, 2000.
48. A copy of the Fire Safety Schedule and Fire Safety Certificate shall be prominently displayed in the building in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation 2000.
49. A Fire Safety Statement in respect of each required essential and/or critical fire safety measure installed within the building shall be submitted to Council and the NSW Fire



Commissioner annually (or at a more frequent interval for supplementary statements).

Statements shall be prepared and issued in accordance with Division 5 of Part 9 of the Environmental Planning and Assessment Regulation, 2000. Note that monetary penalties may apply for failure to lodge a fire safety statement within the prescribed timeframe.

Statements to the NSW Fire Commissioner are to be submitted electronically to [afss@fire.nsw.gov.au](mailto:afss@fire.nsw.gov.au).

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

## **SITE CONSIDERATIONS**

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

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

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

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

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

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the

allotment of land being excavated or on the adjoining allotment of land. (Includes a public road and any other public place).

52. Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.

53. If the work:

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

ii) involves the enclosure of a public place

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

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

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

54. A sign must be erected in a prominent position on the work:

i) stating that unauthorised entry to work site is prohibited, and

ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted during work hours.

Any such sign is to be removed when the work has been completed.

*Note: This condition does not apply to:*

*i) building work carried out inside an existing building, or*

*ii) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.*

55. Approved toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. The provision of toilet facilities in accordance with this Clause must be completed before any other work is commenced.

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

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

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

**ADVICES**

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

- A You are advised that where underground works within the road reserve are required for necessary for supply of services (such as water, sewer, electricity, gas), further consent for a "Road Opening" must be obtained from Council.  
Refer to Council's form: "*Application for Registration to Open Roads/Footpaths*".
- B You are advised that in regard to potential soil erosion from the construction site, such pollution of the environment is an offence under the Protection of the Environment & Operations (POEO) Act and may incur infringement fines.
- C You (or the owner) are advised to notify Council in writing, of any existing damage to the street infrastructure (including landscaping) along the frontage of the property, prior to commencement of construction. The absence of such notification signifies that no damage exists. Where necessary repairs are carried out by Council, the owner of the property shall be held liable for the cost of those repairs.
- D You are advised that there may be design matters in relation to the drainage *concept* plan that warrant further attention prior to the issue of the Construction Certificate.
- E You are advised that further consent for a driveway across the footway verge must be obtained. *Inspections* of works (eg formwork & reinforcement MUST be carried out by Council. (See Council's "*Application To Construct Private Works On Footway*"). You should contact Council (ph. 49 34 9700), giving at least 24 hours notice for inspections.
- F You are advised that the issue of this development consent does not amount to a release, variation or modification by Council of any covenant or easement applicable to this property and that Council will not be held responsible when action on this consent results in any loss or damage by way of breach of matters relating to title of the property.
- G You are advised that compliance with the requirements of the Disability Discrimination Act, (DDA) applies to works on this site. It should be noted that compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA.
- H The development is located within an area of recognised bushfire risk. It is recommended that relevant publications be obtained from NSW Rural Fire Service to minimise the bushfire risk to property. Further information is also available on their website [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au).

- I WorkCover recommends that those persons undertaking the work have the following qualifications:
- (i) Work carried out on the ground – a minimum of one person holds the qualification of Certificate II in Horticulture (Arboriculture);
  - (ii) All tree climbing works should be carried out by a person who holds a minimum Certificate II in Horticulture (Arboriculture) or be undertaking a course to obtain this qualification. All tree climbing work should be directly supervised by a person with a minimum qualification of Certificate III in Horticulture (arboriculture).

Additional information in respect to WorkCover requirements/procedures (eg. the Amenity Tree Industry Code of Practice) can be obtained from their website: [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

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## 10.2 DRAFT LOCHINVAR CREEK FLOOD STUDY - FOR ADOPTION

<b>FILE NO:</b>	<b>103/64/7</b>
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. Submission</li> <li>2. Draft Flood Study: Volume 1 (under separate cover)</li> <li>3. Draft Flood Study: Volume 2 (under separate cover)</li> </ol>
<b>RESPONSIBLE OFFICER:</b>	<b>Bernie Mortomore - Group Manager Planning, Environment &amp; Lifestyle</b> <b>Andrew Neil - Manager Strategic Planning</b>
<b>AUTHOR:</b>	<b>Pathum Gunasekara - Senior Strategic Planner</b>
<b>MAITLAND +10</b>	<b>Outcome 9. Our local rivers and floodplains</b>
<b>COUNCIL OBJECTIVE:</b>	<b>9.2.1 To protect and preserve the opportunity for agricultural production and the City's floodplains</b>

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### EXECUTIVE SUMMARY

*At its meeting on 26 March 2019, Council resolved to place the draft Lochinvar Creek Flood Study on public exhibition. Accordingly, the draft Flood Study was placed on public exhibition from 01 April 2019 to 03 May 2019.*

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

### OFFICER'S RECOMMENDATION

**THAT**

1. The draft Lochinvar Creek Flood Study (July 2019) be adopted.

### COUNCIL RESOLUTION

**THAT**

1. The draft Lochinvar Creek Flood Study (July 2019) be adopted.

**Moved Cr M Griffin, 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 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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### 10.3 MAITLAND CITY HERITAGE GROUP REVIEW

<b>FILE NO:</b>	96/10
<b>ATTACHMENTS:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle Andrew Neil - Manager Strategic Planning
<b>AUTHOR:</b>	Clare James - Heritage Officer
<b>MAITLAND +10</b>	Outcome 1. Sense of place and pride
<b>COUNCIL OBJECTIVE:</b>	1.1.2 To celebrate the city's rich built and social heritage

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#### EXECUTIVE SUMMARY

*The Maitland City Heritage Group is a long standing committee of Council including community representatives from a range of special interest community groups. Nominations for membership have been received in accordance with the Group Constitution 11 July 1995 Amended 27/6/13.*

*This report considers a revision of membership to remove redundant positions on the Group which have not been filled for well over 10 years, and to recommend acceptance of nominations received for Group membership.*

#### OFFICER'S RECOMMENDATION

##### THAT

1. Nominations received for membership of the Maitland City Heritage Group be accepted as outlined in the table provided.
2. Changes be made to membership positions as outlined in the report to better manage community representation on the Group.

#### COUNCIL RESOLUTION

##### THAT

1. Nominations received for membership of the Maitland City Heritage Group be accepted as outlined in the table provided.
2. Changes be made to membership positions as outlined in the report to better manage community representation on the Group.

Moved Cr B Whiting, Seconded Cr D Ferris

**CARRIED**

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

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

For:	Cr R Aitchison	Against:	Cr M Griffin
	Cr L Baker		
	Cr D Ferris		
	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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## 10.4 TEMPORARY SUSPENSION OF ALCOHOL FREE ZONES FOR MAITLAND AROMA FESTIVAL 2019

<b>FILE NO:</b>	<b>150/11</b>
<b>ATTACHMENTS:</b>	<b>Nil</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Bernie Mortomore - Group Manager Planning, Environment &amp; Lifestyle Laurie D'Angelo - Manager Community and Recreation Emily Livens - Coordinator Recreation &amp; Community Planning</b>
<b>AUTHOR:</b>	<b>Bronwyn Dyason - Community Planner</b>
<b>MAITLAND +10</b>	<b>Outcome 3. Community and iconic events</b>
<b>COUNCIL OBJECTIVE:</b>	<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</b>

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### EXECUTIVE SUMMARY

*Council has received a request to temporarily suspend the Alcohol-Free Zone (AFZ) for the Maitland Aroma Festival 2019.*

*The area of suspension encompasses Riverside Car Park, St Andrews St (north of High St), Imperial Lane and the river walk between St Andrews St, Laneway beside National Australia Bank and the eastern end of the Riverside Car Park.*

*In addition to previous years the Alcohol Free Zone application will extend to The Levee Shared Zone (High Street) between Elgin Street and Bourke Street, the River Walk between the Colonial Arcade and the Bourke Street link inclusive of the Riverlink during the below dates and times.*

- *Saturday 10 August 2019, 10.00am – 4.00pm*
- *Sunday 11 August 2019, 10.00am – 4.00pm*

*The application was placed on public exhibition between 13 June and 16 July 2019 but attracted no comments.*

### OFFICER'S RECOMMENDATION

#### THAT

1. **The Alcohol Free Zone in the following locations be suspended:**

**Riverside Car Park, St Andrews St (north of High St), Imperial Lane and the river walk between St Andrews St, Laneway beside National Australia Bank and the eastern end of the Riverside Car Park.**

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**The Levee Shared Zone (High Street) between Elgin Street and Bourke Street, the River Walk between the Colonial Arcade and the Bourke Street link inclusive of the Riverlink.**

2. The period of suspension be restricted to:  
Saturday 10 August 2019, 10.00am – 4.00pm  
Sunday 11 August 2019, 10.00am – 4.00pm

**COUNCIL RESOLUTION**

**THAT**

1. The Alcohol Free Zone in the following locations be suspended:  
Riverside Car Park, St Andrews St (north of High St), Imperial Lane and the river walk between St Andrews St, Laneway beside National Australia Bank and the eastern end of the Riverside Car Park.  
The Levee Shared Zone (High Street) between Elgin Street and Bourke Street, the River Walk between the Colonial Arcade and the Bourke Street link inclusive of the Riverlink.
2. The period of suspension be restricted to:  
Saturday 10 August 2019, 10.00am – 4.00pm  
Sunday 11 August 2019, 10.00am – 4.00pm

**Moved Cr H Meskauskas, 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	

## 10.5 LIBRARY SERVICE REVIEW

<b>FILE NO:</b>	86/20
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. Maitland Libraries Strategy to 2024 (AEC Consultants) (under separate cover)</li><li>2. Maitland City Library Review (State Library of NSW) (under separate cover)</li></ol>
<b>RESPONSIBLE OFFICER:</b>	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle
<b>AUTHOR:</b>	Keryl Collard - Manager Gallery & Libraries
<b>MAITLAND +10</b>	Outcome 2. Community and recreation services and facilities
<b>COUNCIL OBJECTIVE:</b>	2.5.2 To ensure our libraries are vital community resources that create opportunities to connect, learn and grow

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### EXECUTIVE SUMMARY

*Maitland City Library engaged AEC Consultants and the State Library of NSW to assist in developing a strategic approach to the delivery of library services in the Maitland local government area, including a review of service delivery and preparation of a strategic framework for Maitland's Libraries. The purpose of this report is to provide an overview of the review, the resulting strategic initiatives and to seek Council endorsement for their implementation.*

### OFFICER'S RECOMMENDATION

#### THAT

1. Council note completion of the Library Service Review and following areas to be addressed: facilities, workforce, collections, membership and lifelong learning delivery.
2. Council endorse key strategic initiatives proposed, including:
  - a. Formalisation of clear roadmap for future library facilities
  - b. Development of workforce plan
  - c. Implementation of membership campaign
  - d. Business case for collection funding
  - e. Development of lifelong learning framework
3. The General Manager and Group Manager Culture, Community and Recreation report back to Council on prioritisation of and means by which the strategic initiatives can be pursued.

**COUNCIL RESOLUTION****THAT**

1. Council note completion of the Library Service Review and following areas to be addressed: facilities, workforce, collections, membership and lifelong learning delivery.
2. Council endorse key strategic initiatives proposed, including:
  - a. Formalisation of clear roadmap for future library facilities
  - b. Development of workforce plan
  - c. Implementation of membership campaign
  - d. Business case for collection funding
  - e. Development of lifelong learning framework
3. The General Manager and Group Manager Culture, Community and Recreation report back to Council on prioritisation of and means by which the strategic initiatives can be pursued.

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 7 for and 5 against, as follows:

For:	Cr R Aitchison Cr L Baker Cr D Ferris Cr H Meskauskas Cr B Mitchell Cr K Ranadive Cr B Whiting	Against:	Cr M Griffin Cr S Halliday Cr N Penfold Cr P Penfold Cr M Yarrington
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Council moved into Policy & Finance Committee at 5.59 pm

Moved: Cr M Griffin , Seconded: Cr M Yarrington

**CARRIED**

## 11 POLICY AND FINANCE COMMITTEE

### 11.1 COUNCILLOR EXPENSES AND FACILITIES EXPENDITURE REPORT

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

#### EXECUTIVE SUMMARY

*The Councillor Expenses and Facilities Policy requires that councillor expenditure be reported every six (6) months.*

*This expenditure report for the second six months of the 2018/2019 financial year is provided in accordance with that requirement.*

#### OFFICER'S RECOMMENDATION

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

#### COMMITTEE RECOMMENDATION

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

Moved Cr B Whiting, Seconded Cr K Ranadive

**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:

<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

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## 11.2 STATEMENT OF INVESTMENTS AS AT 30 JUNE 2019

<b>FILE NO:</b>	82/2
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. Council's holdings as at 30 June 2019 (Attachment A)</li> <li>2. Investment Portfolio at a glance (Attachment B)</li> </ol>
<b>RESPONSIBLE OFFICER:</b>	Leah Flint - Group Manager Strategy Performance and Business Systems
<b>AUTHOR:</b>	Emily Lasky - Compliance Accountant
<b>MAITLAND +10</b>	Outcome 18. A Council for now and future generations
<b>COUNCIL OBJECTIVE:</b>	18.1.1 To ensure the principles of sustainability underpin Council's financial, economic, social, governance and environmental decision-making

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### EXECUTIVE SUMMARY

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

### OFFICER'S RECOMMENDATION

#### THAT

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

### COMMITTEE RECOMMENDATION

#### THAT

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

Moved Cr M Griffin, Seconded Cr S Halliday

**CARRIED**

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

The division resulted in 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	



**Council resumed into Ordinary Council at 6.03 pm.**

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

**CARRIED**

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

**11.1 Councillor Expenses And Facilities Expenditure Report**

COMMITTEE RECOMMENDATION

THAT the information contained in this Report be noted.

Moved Cr B Whiting, Seconded Cr K Ranadive

**CARRIED**

**11.2 Statement Of Investments As At 30 June 2019**

COMMITTEE RECOMMENDATION

THAT

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

Moved Cr M Griffin, Seconded Cr S Halliday

**CARRIED**

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

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

**CARRIED**

**12 NOTICES OF MOTION/RESCISSION**

Nil

**13 QUESTIONS WITH NOTICE**

Nil

**14 URGENT BUSINESS**

Nil

Council moved into the Committee of the Whole at 6.04 pm.

Moved Cr D Ferris, Seconded Cr B Mitchell

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 6.04 pm.

Moved Cr B Mitchell, Seconded Cr M Griffin

CARRIED

## 15 COMMITTEE OF THE WHOLE

### 15.1 MAITLAND TOWN HALL CLOCK TOWER RESTORATION - CONSIDERATION OF CONSTRUCTION TENDERS

<b>FILE NO:</b>	12/2
<b>ATTACHMENTS:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Chris James - Group Manager Infrastructure & Works Aaron Cook - Acting Manager Projects & Services
<b>AUTHOR:</b>	Scott Warner - Senior Project Engineer
<b>MAITLAND +10</b>	Outcome 6. Built heritage and sustainable development
<b>COUNCIL OBJECTIVE:</b>	6.3.1 To continue the revitalisation of the Maitland Town Hall to maximise the potential benefits to, and usage by, the community

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

#### EXECUTIVE SUMMARY

*At its meeting of 28 August 2018 Council resolved to call tenders for Maitland Town Hall clock tower restoration works. Tenders were called on the 22<sup>nd</sup> March 2019 and closed on the 2<sup>nd</sup> May 2019. Three tenders were received & assessed by a tender review panel.*

*It is recommended that Council does not accept any of the tenders. The recommendation is that Council enters into negotiations with the two highest ranked tenderers with a view to entering into a contract for a revised scope of work.*

*This report provides details of the tender assessment.*

#### OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

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

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

#### COMMITTEE RECOMMENDATION

**THAT**

1. Council not accept any tender for restoration works of the Maitland Town Hall Clock Tower.
2. Council enters into negotiations with two tenderers (namely HBS Group Pty Ltd and Stone Mason and Artist Pty Ltd) to vary the scope to mitigate the risk of ongoing contract variation costs relating to latent damage and deterioration within the clock tower building fabric.
3. Not call fresh tenders on the basis that any changes to the project are not anticipated to be significant, other than some variations in scope, and an acceptable outcome is expected (Local Government (General) Regulation 2005 Reg 178).
4. Following negotiation with two tenderers, a further report be prepared for Council to consider award of the contract for restoration works of the Maitland Town Hall Clock Tower.

Moved Cr M Griffin, Seconded Cr S Halliday

**CARRIED**

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

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

For:	Cr R Aitchison 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	Against:
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Council resumed into Ordinary Council at 6.06 pm.

Moved Cr M Griffin, Seconded Cr D Ferris

**CARRIED**

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

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

### **15.1 Maitland Town Hall Clock Tower Restoration - Consideration of Construction Tenders**

COMMITTEE RECOMMENDATION

THAT

1. Council not accept any tender for restoration works of the Maitland Town Hall Clock Tower.
2. Council enters into negotiations with two tenderers (namely HBS Group Pty Ltd and Stone Mason and Artist Pty Ltd) to vary the scope to mitigate the risk of ongoing contract variation costs relating to latent damage and deterioration within the clock tower building fabric.
3. Not call fresh tenders on the basis that any changes to the project are not anticipated to be significant, other than some variations in scope, and an acceptable outcome is expected (Local Government (General) Regulation 2005 Reg 178).
4. Following negotiation with two tenderers, a further report be prepared for Council to consider award of the contract for restoration works of the Maitland Town Hall Clock Tower.

Moved Cr M Griffin, Seconded Cr S Halliday

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 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

**17 CLOSURE**

The meeting was declared closed at 6.09 pm.

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Chairperson