



ORDINARY MEETING

MINUTES

27 JUNE 2017

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PRESENT

Clr Robert Aitchison
Clr Loretta Baker
Clr Peter Blackmore
Clr Brian Burke
Clr Bob Geoghegan
Clr Arch Humphery
Clr Henry Meskauskas
Clr Nicole Penfold
Clr Philip Penfold
Clr Ken Wethered
Clr Ben Whiting

1 INVOCATION

Pastor Michael Lott representing the Real Life Church and Ministers Association read the customary prayer at the commencement of the meeting.

2 ACKNOWLEDGEMENT OF COUNTRY

Cr L Baker read the Acknowledgement of Country.

3 APOLOGIES AND LEAVE OF ABSENCE

A leave of absence has been granted to Clr S Procter and Clr P Garnham

4 DECLARATIONS OF INTEREST

Nil

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held 13 June 2017 be confirmed.

Moved Clr A Humphery, Seconded Clr R Aitchison

CARRIED

6 BUSINESS ARISING FROM MINUTES

Nil

7 MAYORAL MINUTE

8 WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS

8.1 - Amended response to Item 13.1 – Parking in CBD

Moved Clr B Geoghegan / Seconded Clr H Meskauskas

9 PUBLIC ACCESS

Nil

10 OFFICERS REPORTS

10.1 END OF TERM REPORT

FILE NO:	35/36/10
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Leah Flint - Executive Manager Strategy & Performance
AUTHOR:	Kathleen Morris - Senior Planner Corporate Strategy & Performance
MAITLAND +10	Outcome 18. An efficient and effective Council
COUNCIL OBJECTIVE:	18.1.1 To see Council's integrated planning and reporting recognised by the community, Council and the NSW State Government

EXECUTIVE SUMMARY

The City of Maitland has a strong direction, as articulated by our citizens and captured in the Community Strategic Plan Maitland +10. It is this document that underpins Council's Delivery Program and annual Operational Plan.

Every four years, Council facilitates a review of Maitland +10 to capture any significant changes to social, environmental, economic or civic leadership factors that impact on our community; and engage our citizens to identify any changes to the community's future vision. Part of this review is to assess how the objectives and actions undertaken by Council have assisted in the achievement of desired outcomes as expressed in the Community Strategic Plan.

This 'End of Term' report provides information on progress toward desired outcomes of Maitland +10 over the term of Council, and is prepared in accordance with the provisions of the Local Government Act 1993.

OFFICER'S RECOMMENDATION

THAT

1. This 'End of Term' report, highlighting progress toward Maitland +10 outcomes made during this term, is received by Council;
2. The report is included as an attachment in the 2016/17 Annual Report.

COUNCIL RESOLUTION

THAT

1. This 'End of Term' report, highlighting progress toward Maitland +10 outcomes made during this term, is received by Council;
2. The report is included as an attachment in the 2016/17 Annual Report.

Moved Cllr B Geoghegan, Seconded Cllr K Wethered

CARRIED

**10.2 DA 17-929 SHED - LOT 203 DP841523, 14 CYPRESS CLOSE
ABERGLASSLYN
RECOMMENDATION: APPROVAL**

FILE NO: DA 17-929

ATTACHMENTS: 1. Locality Plan⇒
2. Development Plans⇒
3. Submissions⇒

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

AUTHOR: Daniel Beckett - Development Surveillance Officer

APPLICANT: Bruce and Alison Teterin

OWNER: Bruce and Alison Teterin

PROPOSAL: Shed

LOCATION: Lot 203, DP841523, 14 Cypress Grove Aberglasslyn.

ZONE: R5 Large Lot Residential

EXECUTIVE SUMMARY

Development Consent is sought for a shed to be constructed on R5 Large Lot residential land in Aberglasslyn.

The application was notified for a period of 14 days from 23rd May to 6th June 2017. A total of two (2) Submissions have been received objecting to the proposed development. The primary issues raised by the objectors are that the shed is an industrial style building, the shed is too tall and will tower over the neighbouring properties, the neighbours will only see a corrugated building, concerns regarding the use of the shed and all views from the neighboring properties will be diminished by the shed.

All of the matters have been considered following site inspections and discussions with the parties. The issues are discussed in detail within this report.

The subject site is zoned R5 Large Lot Residential under the Maitland Local Environmental Plan 2011 and legally described as Lot 203, DP841523, 14 Cypress Grove Aberglasslyn. The site has an area of 4024m² and is irregular in shape. The proposal is generally consistent with the zone objectives.

The proposal has been assessed against section 79C of the Environmental Planning and Assessment Act and is considered satisfactory.

OFFICER'S RECOMMENDATION

THAT

1. **Development Application, 17-929, for a shed, be approved subject to the schedule of conditions attached.**

COUNCIL RESOLUTION

THAT

1. **Development Application, 17-929, for a shed, be approved subject to the schedule of conditions attached.**

Moved Clr A Humphery, Seconded Clr B Burke

CARRIED

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

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

For:	Clr R Aitchison	Against:
	Clr L Baker	
	Clr P Blackmore	
	Clr B Burke	
	Clr B Geoghegan	
	Clr A Humphery	
	Clr H Meskauskas	
	Clr N Penfold	
	Clr P Penfold	
	Clr K Wethered	
	Clr B Whiting	

Schedule of Conditions DA 17-929

SHED

Reason for Conditions

The following conditions are applied to:

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

APPROVED PLANS AND DOCUMENTATION

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

Plan Ref No.	Sheet No.	Revn No.	Revision Date	Prepared by: (consultant)
Site Plan	-	-	-	Alison Teterin
NARA61517	1 to 8 of 8	-	22.03.2017	Weel Aust, Fairdinkum Sheds Northern Consulting Engineers

2. The applicant shall submit to Council a "Notice of Commencement" form at least two (2) days **prior to the commencement of construction works.**
3. A Construction Certificate is to be obtained **prior to commencing construction works.**
4. The shed shall not be occupied until an Occupation Certificate has been issued.
5. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
6.
 - (1) Building work that involves residential building work (within the meaning of the Home Building Act, 1989) must not be carried out unless the principal certifying authority for the development to which the work relates has provided Council with written notice of the following information:
 - (a) in the case of work to be done by a licensee under that Act:
 - (i) the licensee's name and contractor licence number, and

- (ii) of the name of the insurer by which the work is insured under Part 6 of that Act, or
 - (b) in the case of work to be done by any other person:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act, 1989, that states that a person is the holder of an insurance policy issued for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that part.

STORMWATER DRAINAGE

7. Final discharge of collected stormwater runoff shall be piped, in accordance with council's Manual of Engineering Standards to the existing site drainage system, or the street gutter with a "kerb adaptor" (see Council's Standard Drawing), or as approved by Council. Stormwater pipes across the footway shall be "100mm sewer grade" and shall be under-bored beneath any existing concrete path, or alternatively by the removal of complete slab segments between joints and replaced in concrete to Council's standards, dowelled to the existing path and finished similar to the adjoining surface.

SITE CONSIDERATIONS

8. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.
9. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having benefit of the development consent:
- i) Must preserve and protect the building from damage, and
 - ii) If necessary, must underpin and support the building in an approved manner, and

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

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

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

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

11. The Principal Contractor (or Owner/Builder) shall erect a sign in a prominent position on the site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work. The sign shall also display the name, address and telephone number of the Principal Contractor for the work (or Owner/Builder) and shall state that unauthorised entry to the site is prohibited. The sign must be maintained while the work is being carried out and is to be removed when the work is completed.
12. The site is to be cleared of all building refuse and spoil immediately after completion of the building.
13. All building materials, plant and equipment shall be contained wholly within the development site.
14. 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.
15. The property shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind or "vehicle tracking".

ANCILLARY PROVISIONS

16. The applicant is required to notify Council in writing prior to commencing building operations, of any existing damage to kerbing and guttering and/or footpath paving associated with the subject Lot. The absence of such notification signifies that no damage exists and the applicant shall therefore be liable for the cost of the repair of any damage to kerbing and guttering or footpath paving which may be necessary after completion of the building operation.
17. 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.
18. The complete shed shall be used for domestic purposes only that would not otherwise require development consent.

ADVICES

- A. The owner should note that the issue of development consent does not amount to a release, variation or modification by Council of any covenant applicable to this property and that any action taken by the applicant in accordance with this consent which results in the incurring of any loss or damage by way of breach of the covenant will not be the responsibility of Council.
- B. You are advised that any damage to the existing street infrastructure (including landscaping) at the property frontage resulting from construction of your development

must be repaired to Council's standards. Where repairs are carried out by Council, the person responsible for the damage shall be held liable for the cost of those repairs.

**10.3 DA 15-2181 SUBDIVISION INTO SEVEN (7) RESIDENTIAL LOTS - LOT 23
DP628114, 16 WINDERMERE ROAD LOCHINVAR
RECOMMENDATION: APPROVAL**

FILE NO: DA 15-2181

ATTACHMENTS: 1. Locality Plan⇒
2. Development Plans⇒
3. Submissions⇒

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

AUTHOR: Robyn Hawes - Senior Development Planner

APPLICANT: JMJE PTY LTD

OWNER: JMJE PTY LTD

PROPOSAL: SEVEN (7) RESIDENTIAL LOTS

LOCATION: 16 WINDERMERE ROAD LOCHINVAR

ZONE: R1 GENERAL RESIDENTIAL

EXECUTIVE SUMMARY

A development application has been lodged for a seven (7) lot subdivision at No. 16 Windermere Road, Lochinvar. The site is located within Zone R1 General Residential in the Lochinvar Urban Release Area (URA) and identified as Stage 2 lands within the Lochinvar URA DCP. Development of the site is supported out of stage sequence as the site is a minor increase in lot yield in this location and reticulated systems are available for connection.

The site falls away from Windermere Road and a drainage easement has been secured through No. 144 New England Highway, Lochinvar to dispose of stormwater into the existing public street system. However, on-site detention within individual lots is necessary to ensure that the piped system can cater for post-development flows, resulting in an unconventional subdivision design to manage this process, as detailed on the Concept Drainage Plan at Attachment 2.

Two (2) submissions were received during the public notification period in objection to the proposed development and are included in this report at Attachment 3. The primary concerns generally relate to the perception that the 'rural' outlook will change and adversely impact on adjoining neighbours and issues relating to stormwater management. These issues have been addressed in this report and it is considered that the objections do not warrant refusal of the application.

The application has been assessed under the relevant heads of consideration in section 79C of the Environmental Planning and Assessment Act 1979 and is considered to be satisfactory subject to the recommended schedule of conditions. The application is recommended for approval.

OFFICER'S RECOMMENDATION

THAT

- 1. Development consent be granted to DA15-2181 for a seven (7) lot subdivision on Lot 23 DP628114, No. 16 Windermere Road Lochinvar subject to the schedule of conditions included in this report.**

COUNCIL RESOLUTION

THAT

- 1. Development consent be granted to DA15-2181 for a seven (7) lot subdivision on Lot 23 DP628114, No. 16 Windermere Road Lochinvar subject to the schedule of conditions included in this report.**

Moved Clr H Meskauskas, Seconded Clr K Wethered

CARRIED

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

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

For:	Clr R Aitchison	Against:
	Clr L Baker	
	Clr P Blackmore	
	Clr B Burke	
	Clr B Geoghegan	
	Clr A Humphery	
	Clr H Meskauskas	
	Clr N Penfold	
	Clr P Penfold	
	Clr K Wethered	
	Clr B Whiting	

Schedule of Conditions DA 15-2181

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

Plan Ref No.	Sheet No.	Rev No.	Revision Date	Prepared by: (consultant)
Proposed Subdivision	317.15		31/08/15	Rennie Golledge Pty Ltd
Concept Drainage Plan	21084		13/07/16	Marshall Scott

CONTRIBUTIONS & FEES

2. Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Lochinvar S94 Contribution Plan 2013, and the Maitland City Wide Section 94 Contributions Plan 2016, a contribution of \$139,134 shall be paid to the Council.

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

	lots	Total
2014 Lochinvar Recreation & Open Space	6 x \$7,868	\$47,208
2014 Lochinvar Community Facilities	6 x \$2,516	\$15,096
2014 Lochinvar Road & Traffic Facilities	6 x \$4,608	\$27,648
2014 Lochinvar Cycleways/Shared Paths	6 x \$779	\$4,674
2014 Lochinvar Stormwater	6 x \$1,212	\$7,272
2014 Lochinvar Man/Admin	6 x \$566	\$3,396
2016 City Wide Aquatics	6 x \$945	\$5,670
2016 City Wide Competition Netball Courts	6 x \$219	\$1,314
2016 City Wide Rec & Open Space	6 x \$789	\$4,734
2016 City Wide Road & Traffic	6 x \$3,129	\$18,774
2016 City Wide Cycleways/Shared Paths	6 x \$558	\$3,348
		\$139,134

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

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

- *Subdivision only - prior to issue of the Subdivision Certificate.*
- *Building work only - prior to issue of the Construction Certificate.*
- *Subdivision and building work - prior to the issue of the Construction Certificate, or Subdivision Certificate, whichever occurs first.*
- *Where no construction certificate is required - prior to issue of an Occupation Certificate.*
- *For extractive industries - annually from the date of issue of development consent.*

The above "contribution" condition has been applied to ensure that:

- i) 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 94 of the Environmental Planning and Assessment Act, 1979.*
- ii) Council's administration expenses are met with respect to the processing of the application.*

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

CERTIFICATES & PLANS

- 4. Prior to issue of the Subdivision Certificate**, original plans and/or documents of survey/title, and four copies, shall be submitted to Council.
- 5. 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.

ROADS ACT APPROVAL

- 6. Prior to issue of the Construction Certificate** for internal works, a Roads Act Approval shall be submitted to, and approved by, Maitland City Council for the following:
 - a) Kerb and gutter and sealed road construction, together with all necessary stormwater drainage and infrastructure facilities, shall be provided along the full frontage of Windermere Road.
 - b) a 2.5m wide shared path shall be provided along the full frontage of Windermere Road including provision for verge filling to create the standard verge profile with associated batters back into the development lots as required.
 - c) A 375mm minimum diameter public pipeline shall be constructed along the New England Highway to connect the inter-allotment drainage easement to the public drainage system.
 - d) All works shall be in accordance with Council's Manual of Engineering Standards (MOES).

VEHICLE ACCESS

- 7. Prior to issue of the Construction Certificate** for the road works, an engineering design shall be prepared for approval, in accordance with Council's Manual of Engineering Standards, and this consent.

8. **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.
9. **Prior to the issue of the Subdivision Certificate** a concrete driveway within each handle of proposed "battle-axe" Lots 2 & 7 shall be constructed in accordance with Council's Manual of Engineering Standards as approved as part of the Construction Certificate.

STORMWATER DRAINAGE

10. **Prior to issue of the Construction Certificate** a stormwater drainage system design strictly in accordance with the Concept Drainage Plan (Marshall Scott, Plan Ref: 21084, 13/07/2016) shall reduce post-developed discharges to pre-developed discharges, for the critical storm event up to and including the 1% AEP ("100 year") event, in accordance with Council's Manual of Engineering Standards (MoES) as follows:
 - a) individual atlantis tanks or similar cellular tank system on each lot which accumulatively equal pre development requirements for each storm event,
 - b) 1% AEP grated inlet capacity on the private on-site detention inlet pits,
 - c) inlet capacity to accept 1% flows into the inlet pit and through to the detention void,
 - d) pipe reducer orifices on the outlet (control pit),
 - e) RH3030 trash screens with minimum surface area and offset to inlet in accordance with AS3500.3:2003 8.11.3(d),
 - f) Access pits at 10m intervals on the OSD chambers as required by AS3500.3:2003 8.11.3(b)(iii),
 - g) minimum 15m long 300mm deep (top to bottom) catch berms to direct surface flows into the detention system located downstream of the dwelling sites and suitably located in regards to any driveway access points and the like, for all lots,
 - h) An inter allotment drainage system connecting to the New England Highway system.
11. **Prior to the issue of the Subdivision Certificate** a Maintenance Management Plan for the lot based stormwater detention system, prepared by a suitably qualified and experienced engineer, shall be submitted to Council without copyright for the purpose of distribution to property owners. The Management Plan shall be to the satisfaction of Maitland City Council.
12. **Prior to the issue of the Subdivision Certificate** all civil works, Roads Act Works and stormwater drainage works including associated infrastructure facilities, shall be provided in accordance with Council's Manual of Engineering Standards and in accordance with the approved Construction Certificate and Roads Act Approval and to the satisfaction of the corresponding PCA or Roads Authority.

CIVIL WORKS

13. No works are permitted to commence on the site without a Construction Certificate having been issued.

14. **Prior to issue of the Construction Certificate** the following requirements shall be provided to the standards in accordance with Council's Manual of Engineering Standards (MoES):
- a) a concrete driveway within the 'handle' of the 'battle-axe' lots of proposed Lots 2 & 7 shall be provided to Council's commercial/industrial standard from the public road as per Standard Drawing SD012.
15. **Prior to commencement of works** within the existing public road reserve:
- a) an engineering design, in accordance with Council's Manual of Engineering Standards (MoES), including any additional works arising from design warrants, shall be submitted to Council for approval.
 - b) consent under the Roads Act for the approved works, shall be issued by Council.
 - c) All relevant Council fees shall be paid.
 - d) A traffic control plan in accordance with the RMS publication 'Traffic Control at Worksites' shall be submitted to, and approved by, Council.
16. **Prior to issue of the Subdivision Certificate**, all necessary civil works required for compliance with this consent and the Construction Certificate shall be provided in accordance with Council's Manual of Engineering Standards.

EROSION CONTROL

17. 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.

ABORIGINAL ARCHAEOLOGY

18. All workers on the site shall be informed of possible Aboriginal occupation. Should any Aboriginal artefacts be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance in this area is to stop immediately and the National Parks and Wildlife Service of NSW should be informed in accordance with the *National Parks and Wildlife Act 1974*. Further works shall not occur until the necessary approvals/permits have been obtained.

DEMOLITION

19. All demolition works are to be carried out in accordance with Australian Standard AS 2601-2001.
20. 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.
21. Where any demolition, alteration or renovation works encounter asbestos or products containing asbestos, then the materials encountered shall be managed in accordance with the provisions of the NSW Work Cover Authority.

22. All excavations and backfilling must be executed safely, in accordance with appropriate professional standards and be properly guarded and protected to prevent them from being dangerous to life or property.

23. 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.

24. 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.

25. 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.*

26. Demolition material shall be recycled as far as is practicable and any demolition waste disposed of only at an authorised landfill facility.

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

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

29. No building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.
30. The applicant is required to notify Council in writing prior to commencing demolition works, of any existing damage to kerbing and guttering and/or footpath paving the absence of such notification shall signify that no damage exists and that the applicant will be liable for the cost of the reinstatement of any damage to kerbing and guttering or footpath paving which may be necessary after completion of the demolition works.

BOUNDARY FENCING

31. **Prior to the issue of a Subdivision Certificate**, a 1.5m high boundary fence of either timber lapped and capped or metal sheeting is to be constructed along the common boundary between the subject site and Lot 2 DP504350 and Lot 20 DP576130 at the developer's expense.

LAND TITLE

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

32. Road widening to a depth of 3.0m along the full frontage of the subject site to Windermere Road is to be dedicated, at no cost to Council, as public road and shown on the plans submitted to Council for a Subdivision Certificate.
33. A restriction as to user under Section 88B of the Conveyancing Act shall be prepared and submitted to Council in conjunction with the Subdivision Certificate application which gives effect to the following restrictions:
- a) Restrictive covenant over the area of the private on-site detention systems on each lot and requiring that all hardstand areas and collected stormwater shall be directed into the detention systems,
 - b) All on-site detention systems shall be maintained in perpetuity and serviced in accordance with the Maintenance Management Plan (name of management plan to be included in the 88b),
 - c) Restrictive covenant on all lots in the subdivision that site coverage cannot exceed the relevant area (as per the approved stormwater plan) without a development consent which increases stormwater detention provisions to the requirements of Maitland City Council.
34. 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".
35. A restriction as to user under Section 88B of the Conveyancing Act shall be included on the title of all lots to require any residential accommodation to be constructed to Category 1 building standards as outlined in *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008) at Appendix C – Acoustic Treatment of Residences.

ADVICE

- A** You are advised that where ***underground works*** within the road reserve are required or necessary for supply of services (such as water, sewer, electricity, gas), further consent for a “*Road Opening*” must be obtained from Council.
- B** You are advised that, prior to the construction of the driveway handle, utility services and/or their conduits should be installed along the handle length.
- C** You are advised that all works associated with the Construction Certificate (CC) for the inter-allotment drainage and/or driveway handle requires inspections by the Principal Certifying Authority (PCA- being Council) as set out in the Manual of Engineering Standards, and that a Fee applies.

10.4 DA 08-918 SECTION 96(1A) AMENDMENT TO APPROVED MAJOR RETAIL DEVELOPMENT**RECOMMENDATION: APPROVAL**

FILE NO:	DA 08-918
ATTACHMENTS:	1. Traffic Report⇒ 2. RMS Correspondence⇒
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle David Simm - Manager Development & Environment
AUTHOR:	Leanne Harris - Development Assessment Coordinator
APPLICANT:	Stockland Development Ltd
OWNER:	Trust Company Ltd (Stockland)
PROPOSAL:	Modification of Conditions relating to Staging of Roadworks
LOCATION:	14 Mitchell Drive, East Maitland
ZONE:	B3 Commercial Core

EXECUTIVE SUMMARY

An application pursuant to Section 96(1A) has been submitted in relation to the approved expansion of the Stockland Green Hills Shopping Centre. The application seeks a minor modification to the staging of some of the roadworks associated with the upgrading of the Mitchell Drive / Molly Morgan Drive roundabout.

The application was referred to the Roads and Maritime Services (RMS) for comment. A response was received on Tuesday 20th June advising that the RMS raised no objection to the proposed minor change to the staging..

The application was publicly notified and no submissions were received.

The application is referred to Council for determination as an ancillary matter associated with the previous Council consideration and approvals on this site.

OFFICER'S RECOMMENDATION**THAT**

- 1. The Section 96(1A) Amendment to approved major retail development – modification of conditions relating to staging of roadworks – be approved subject to the imposition of modified conditions of consent in the attached schedule.**

COUNCIL RESOLUTION

THAT

- 1. The Section 96(1A) Amendment to approved major retail development – modification of conditions relating to staging of roadworks – be approved subject to the imposition of modified conditions of consent in the attached schedule.**

Moved Clr B Geoghegan, Seconded Clr B Whiting

CARRIED

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

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

For:	Clr R Aitchison	Against:
	Clr L Baker	
	Clr P Blackmore	
	Clr B Burke	
	Clr B Geoghegan	
	Clr A Humphery	
	Clr H Meskauskas	
	Clr N Penfold	
	Clr P Penfold	
	Clr K Wethered	
	Clr B Whiting	

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.

Amended Condition 30:

30. Prior to the issue of any Occupation Certificate for Stage 3, the existing Mitchell Drive / Molly Morgan Drive roundabout shall be upgraded in accordance with Council's requirements. The works shall be designed and constructed to completion generally in accordance with the stamped approved plans and in accordance with Council's Manual of Engineering Standards, and to include (but not limited to):
- a) Two-lane circulating movement (excluding the Molly Morgan Dr exit, being one lane)
 - b) Two approach and departure lanes on each leg (excluding the Molly Morgan Dr departure being one lane)
 - c) A new dedicated left turn lane from Mitchell Drive to Molly Morgan Drive
 - d) Median adjustments in Molly Morgan Dr to provide lane widths and pedestrian refuge reconfiguration, as determined by Council
 - e) Signposting, tapers and pavement marking as required by Council
 - f) Adjustments to existing pedestrian paths

10.5 SECTION 94 ANNUAL REPORT AND EXPENDITURE OF FUNDS

FILE NO:	103/41
ATTACHMENTS:	1. Section 94 Plan Balances ⇒
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle David Simm - Manager Development & Environment Stephen Punch - Principal Planner
AUTHOR:	Anne Humphries - Development Contributions Administrator
MAITLAND +10	Outcome 19. A sustainable Council for a sustainable City
COUNCIL OBJECTIVE:	19.2.2 To provide new and existing residents of Maitland with access to community, recreation and transport infrastructure

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of Section 94 fund balances and recommendations for the allocation and expenditure of funds for the 2017/2018 financial year.

The recommendations for expenditure have been made giving consideration to the work schedules attached to the Section 94 Plans, the projects adopted as part of the Operational Plan 2017/2018, previous resolutions of Council and current work programs. Priorities have also been identified based on an assessment of needs across the city and links to demand generated by development from which the contributions have been collected.

OFFICER'S RECOMMENDATION

THAT funds from the 1995 (repealed) City Wide, 2006 (repealed) City Wide Section 94 and Section 94A Contributions Plans be committed as detailed in this report.

COUNCIL RESOLUTION

THAT funds from the 1995 (repealed) City Wide, 2006 (repealed) City Wide Section 94 and Section 94A Contributions Plans be committed as detailed in this report.

Moved Cllr P Penfold, Seconded Cllr H Meskauskas

CARRIED

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

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

For:	Clr R Aitchison	Against:
	Clr L Baker	
	Clr P Blackmore	
	Clr B Burke	
	Clr B Geoghegan	
	Clr A Humphery	
	Clr H Meskauskas	
	Clr N Penfold	
	Clr P Penfold	
	Clr K Wethered	
	Clr B Whiting	

10.6 PLANNING PROPOSAL - LOT 90 DP 785244 ANAMBAH ROAD RUTHERFORD - URBAN EXTENSION SITE

FILE NO:	RZ 10/009
ATTACHMENTS:	1. Locality Plan⇒ 2. Planning Proposal⇒
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle Ian Shillington - Manager Urban Growth
AUTHOR:	Mark Roser - Strategic Town Planner
MAITLAND +10	Outcome 7. Diverse and affordable housing
COUNCIL OBJECTIVE:	7.2.1 To ensure land and housing choice is consistent with forecast demographic demand

EXECUTIVE SUMMARY

The purpose of the report is to present to Council a planning proposal addressing a proposed amendment to the MLEP2011 to permit the future development of the subject land for residential purposes.

Lot 90 DP785244 Anambah Road, Rutherford is identified as an urban extension site in the Maitland Urban Settlement Strategy 2012. Preliminary investigations have been completed and support an amendment to the Maitland Local Environmental Plan 2011 to allow residential use of part of the site. The residual area is constrained by flooding and is proposed to be zoned E4 Environmental Living to provide a development outcome and management of the area. A locality plan is appended to this report as Attachment 1.

A planning proposal is required to seek a gateway determination from the Department of Planning and Environment to progress the rezoning and to proceed to public exhibition. The planning proposal is appended to this report as Attachment 2.

OFFICER'S RECOMMENDATION

THAT

- 1. Pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, the planning proposal for land described as Lot 90 DP785244 Anambah Road, Rutherford be submitted to the Department of Planning and Environment for a gateway determination.**
- 2. A further report be presented to Council following the public exhibition period, to demonstrate compliance with the gateway determination and to provide details of any submissions received throughout that process.**

COUNCIL RESOLUTION**THAT**

- 1. Pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, the planning proposal for land described as Lot 90 DP785244 Anambah Road, Rutherford be submitted to the Department of Planning and Environment for a gateway determination.**
- 2. A further report be presented to Council following the public exhibition period, to demonstrate compliance with the gateway determination and to provide details of any submissions received throughout that process.**

Moved Clr K Wethered, Seconded Clr H Meskauskas

CARRIED

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

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

For:	Clr R Aitchison	Against:
	Clr L Baker	
	Clr P Blackmore	
	Clr B Burke	
	Clr B Geoghegan	
	Clr A Humphery	
	Clr H Meskauskas	
	Clr N Penfold	
	Clr P Penfold	
	Clr K Wethered	
	Clr B Whiting	

10.7 REQUEST FINANCIAL DONATION TO CONTINUE LIVE LIFE GET ACTIVE FITNESS PROGRAM AT MCKEACHIES RUN

FILE NO:	35/76
ATTACHMENTS:	1. Correspondence to the General Manager⇒
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle
AUTHOR:	Lynn Morton - Manager Community and Recreation Services
MAITLAND +10	Outcome 18. An efficient and effective Council
COUNCIL OBJECTIVE:	18.3.3 To explore and maintain innovative corporate sponsorships and partnerships to assist in funding Council activities and services to the community

EXECUTIVE SUMMARY

The Live Life Get Active (LLGA) is a private social Initiative that looks to build a fitter and healthier Australia. This is achieved by delivering free health, fitness and nutritional education both online and in the parks across Australia through the support of Local Government and Corporate Australia Sponsorships.

Stockland's engaged LLGA to deliver the program at the McKeachies Sportsground, McKeachies Run, Aberglasslyn in 2014 and have continued to fund the program for three years. During this time Council has made available the use of McKeachies Sportsground free of charge during session times. Stockland's have recently resolved to withdraw from the program.

With the program due to expire in November 2017 Council has received a request from Live Life Get Active to make available the sum of \$16,000 plus GST to continue the operation of the Live Life Active program at McKeachies Sportsground for s further 12 months from November 2017.

Whilst acknowledging the merit of the program the report does not recommend in favour of a monetary contribution, rather continued endorsement of the program and the provision of the McKeachies Sportsground free of charge for agreed session times.

OFFICER'S RECOMMENDATION

THAT

1. Council is unable to accede to the request to make available the sum of \$16,000 (plus GST) to enable the program to continue for a further 12 months at McKeachies Sportsground , Aberglasslyn

2. Council continue to endorse the program and provide the McKeachies Sportsground and associated facilities at no cost.

COUNCIL RESOLUTION

THAT

1. Council is unable to accede to the request to make available the sum of \$16,000 (plus GST) to enable the program to continue for a further 12 months at McKeachies Sportsground , Aberglasslyn
2. Council continue to endorse the program and provide the McKeachies Sportsground and associated facilities at no cost.

Moved Cllr L Baker, Seconded Cllr R Aitchison

CARRIED

10.8 EXHIBITION OF DRAFT PLAN OF MANAGEMENT AND MASTERPLAN FOR QUEENS WHARF MORPETH AND LORN RIVERBANK

FILE NO:	35/33/18/1
ATTACHMENTS:	1. Queens Wharf Morpeth Plan of Management (under seperate cover)⇒ 2. Appendix A - Queens Wharf Morpeth Masterplan (under seperate cover)⇒ 3. Appendix B - Stakeholder Engagement Report Queens Wharf Morpeth (under seperate cover)⇒ 4. Appendix C - Archaeological Management Plan Queens Wharf Precinct, Morpeth (under seperate cover)⇒ 5. Appendix D - Preliminary Site Investigation Queens Wharf Morpeth (under seperate cover)⇒ 6. Appendix E - Traffic Engineering Assessment Queens Wharf Morpeth (under seperate cover)⇒ 7. Lorn Riverbank Plan of Management (under seperate cover)⇒ 8. Appendix A - Lorn Riverbank Masterplan (under seperate cover)⇒ 9. Appendix B - Stakeholder Engagement Report Lorn Riverbank (under seperate cover)⇒ 10. Appendix C - Traffic Engineering Assessment Lorn Riverbank (under seperate cover)⇒
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle Lynn Morton - Manager Community and Recreation Services
AUTHOR:	Amanda McMahon - Acting Coordinator Recreation Planning
MAITLAND +10	Outcome 2. Community and recreation services and facilities
COUNCIL OBJECTIVE:	2.5.1 To deliver improved opportunities for the community to access the Hunter River and its banks

EXECUTIVE SUMMARY

An objective in Maitland City Council's +10 Community Strategic Plan (2013) and Associated Delivery Plan (2013-2017) was to improve recreational access to the Hunter River and its banks from Council owned land.

After considering a Study into Access to the Hunter and Paterson River, Council resolved on the 21st January 2015 to prepare a Plan of Management and Masterplan for two reserves identified as The Lorn Riverbank and Queens Wharf, Morpeth

Following extensive consultation Mara Consulting, in consultation with Council officers has prepared the attached draft Plan of Management (POM) and accompanying draft Masterplan for the river edge parks known as the Lorn Riverbank and Queens Wharf, Morpeth.

The Plan of Management sets the direction and provides a framework for the strategic and operational use and management of both the Lorn Riverbank and Queens Wharf, Morpeth sites. By incorporating a Masterplan concept, the PoM's provide a vision for the long term development and management of both sites, with the staging of upgrades subject to available funding and resources at the time.

This report recommends exhibition of the draft documents in line with the requirements of the Local Government Act 1993. Following a review of public submissions, a further report will be prepared for Council, with a view to adopting the plans.

OFFICER'S RECOMMENDATION

THAT

- 1. The Draft Plan of Management including the Draft Masterplan for Queens Wharf, Morpeth be placed on exhibition for a period not less than 42 days.**
- 2. The Draft Plan of Management including the Draft Masterplan for Lorn Riverbank, be placed on exhibition for a period not less than 42 days.**
- 3. Public notice of a proposed resolution to reclassify Lot 1 and Lot 2 DP953307 The Esplanade Lorn from operational to community land be given for a period of not less than 28 days.**
- 4. Following the public exhibition period, a further report be presented to Council with a summary of the submissions and recommendations.**

COUNCIL RESOLUTION

THAT

- 1. The Draft Plan of Management including the Draft Masterplan for Queens Wharf, Morpeth be placed on exhibition for a period not less than 42 days.**
- 2. The Draft Plan of Management including the Draft Masterplan for Lorn**

Riverbank, be placed on exhibition for a period not less than 42 days.

- 3. Public notice of a proposed resolution to reclassify Lot 1 and Lot 2 DP953307 The Esplanade Lorn from operational to community land be given for a period of not less than 28 days.**
- 4. Following the public exhibition period, a further report be presented to Council with a summary of the submissions and recommendations.**

Moved Clr B Burke, Seconded Clr B Geoghegan

CARRIED

10.9 DISCUSSION PAPER ON STRENGTHENING RELATIONSHIPS WITH THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITY

FILE NO:	29/22
ATTACHMENTS:	1. Discussion Paper ⇒
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle Lynn Morton - Manager Community and Recreation Services Mary Dallow - Community Planning Coordinator
AUTHOR:	Wendell Peacock - Community Planner - Capacity Building
MAITLAND +10	Outcome 1. Sense of place and pride
COUNCIL OBJECTIVE:	1.3.1 To develop and support cultural identity, pride, self esteem and participation for our local ATSI communities

EXECUTIVE SUMMARY

Item 1.3.1 of the 2013 -17 Delivery Program has an action for delivery in 2016-17: "Develop a framework for strengthening relationships with local Aboriginal and Torres Strait Islander community".

Consultation undertaken by Community and Recreation Services over the last two years was reviewed; and further consultation undertaken from March to May in 2017, to develop a discussion paper providing a framework to strengthen relationships with members of the Aboriginal and Torres Strait Islander community, and relevant service providers, in the LGA.

OFFICER'S RECOMMENDATION

THAT

1. The discussion paper on Strengthening Relationships with the Aboriginal and Torres Strait Islander Community is noted.
2. An implementation plan to strengthen the relationships with the Aboriginal and Torres Strait Islander community is prepared.

COUNCIL RESOLUTION

THAT

- 1. The discussion paper on Strengthening Relationships with the Aboriginal and Torres Strait Islander Community is noted.**
- 2. An implementation plan to strengthen the relationships with the Aboriginal and Torres Strait Islander community is prepared.**

Moved Cllr K Wethered, Seconded Cllr L Baker

CARRIED

10.10 DISCUSSION PAPER ON STRENGTHENING RELATIONSHIPS WITH LOCAL YOUNG PEOPLE AND YOUTH SERVICES.

FILE NO:	27/2
ATTACHMENTS:	1. Discussion Paper 
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle Lynn Morton - Manager Community and Recreation Services Mary Dallow - Community Planning Coordinator
AUTHOR:	Wendell Peacock - Community Planner - Capacity Building
MAITLAND +10	Outcome 2. Community and recreation services and facilities
COUNCIL OBJECTIVE:	2.4.1 To deliver quality community development, social planning and community services

EXECUTIVE SUMMARY

Item 2.4.1 of the 2013 -17 Delivery Program has an action for delivery in 2016-17: “Develop partnerships with opportunities for strengthening relationships with local young people and youth services”.

Consultation undertaken by Community and Recreation Services, and external Youth service providers, over the last two years was reviewed; and further consultation undertaken from March to May in 2017, to develop a discussion paper providing a framework to strengthen relationships and partnerships with young people and youth services in the LGA.

OFFICER’S RECOMMENDATION**THAT**

- 1. The discussion paper on Strengthening Relationships with Local Young People and Youth Services is noted.**
- 2. An implementation plan to strengthen the relationships with local young people and Youth Services is prepared.**

COUNCIL RESOLUTION

THAT

- 1. The discussion paper on Strengthening Relationships with Local Young People and Youth Services is noted.**
- 2. An implementation plan to strengthen the relationships with local young people and Youth Services is prepared.**

Moved Cllr B Whiting, Seconded Cllr R Aitchison

CARRIED

10.11 DRAFT MAITLAND DISABILITY INCLUSION ACTION PLAN

FILE NO:	29/49
ATTACHMENTS:	1. Disability Inclusion Action Plan ⇒
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle Lynn Morton - Manager Community and Recreation Services Mary Dallow - Community Planning Coordinator
AUTHOR:	Jessica Forbes - Community Planner
MAITLAND +10	Outcome 2. Community and recreation services and facilities
COUNCIL OBJECTIVE:	2.4.1 To deliver quality community development, social planning and community services

EXECUTIVE SUMMARY

The purpose of this report is to present Council with the Draft Disability Inclusion Action Plan 2017-2022 (DIAP). The report details the background to establishing the DIAP and outlines the key areas identified within the document.

In the Maitland LGA, there are approximately 14,448 people with disability. There were approximately 150 people who participated in consultation. Consultation included multiple methods of engagement to encourage and support a wide range of responses from the community in the development of this plan.

Further consultation was conducted within Council giving staff the opportunity to input into the development of the DIAP.

Consultation and the structure of the DIAP were framed around the key areas outlined by the NSW Disability Inclusion Act 2014. These include:

- *Attitudes and Behaviours*
- *Liveable Communities*
- *Systems and Processes*
- *Employment*

OFFICER'S RECOMMENDATION

THAT

1. The Draft Disability Inclusion Action Plan is placed on 28 day Public Exhibition.

COUNCIL RESOLUTION

THAT

- 1. The Draft Disability Inclusion Action Plan is placed on 28 day Public Exhibition.**

Moved Clr R Aitchison, Seconded Clr B Geoghegan

CARRIED

**10.12 AGREEMENT WITH AUSGRID FOR RELOCATION OF ELECTRICITY
INFRASTRUCTURE ON ATHEL D'OMBRAIN DRIVE MAITLAND AS PART
OF BUILDING BETTER CITIES (BBRC) MAJOR PROJECT WORKS**

FILE NO:	222/960
ATTACHMENTS:	1. Location Plan ⇒
RESPONSIBLE OFFICER:	Graeme Tolhurst - Project Manager Governance
AUTHOR:	Frank Shrimpton - Coordinator Professional Services
MAITLAND +10	Outcome 4. Well-planned and integrated infrastructure
COUNCIL OBJECTIVE:	4.2.1 To ensure that long term plans for growth are supported by appropriate infrastructure plans for public utilities, transport, and community and recreation facilities

EXECUTIVE SUMMARY

Ausgrid has requested that Council enter into a Deed enabling the provisioning of electricity infrastructure on Council land prior to the finalisation of road widening and registration of road plans along Athel D'Ombrain Drive Maitland.

OFFICER'S RECOMMENDATION

THAT

- 1. Council enter into a Deed of Agreement with Ausgrid to permit new electricity supply assets to be installed along Athel D'Ombrain Drive Maitland.**
- 2. Council permit the registration of a caveat protecting Ausgrid's interests on the land titles of each Council owned property affected by the new electricity supply assets.**
- 3. The General Manager be authorised to complete all required matters in relation to the finalization of the Deed and registration of the caveats on title.**
- 4. The Common Seal of Council be affixed to the Deed and land title registration documents as may be required.**

COUNCIL RESOLUTION

THAT

- 1. Council enter into a Deed of Agreement with Ausgrid to permit new electricity supply assets to be installed along Athel D'Ombra Drive Maitland.**
- 2. Council permit the registration of a caveat protecting Ausgrid's interests on the land titles of each Council owned property affected by the new electricity supply assets.**
- 3. The General Manager be authorised to complete all required matters in relation to the finalization of the Deed and registration of the caveats on title.**
- 4. The Common Seal of Council be affixed to the Deed and land title registration documents as may be required.**

Moved Cllr A Humphery, Seconded Cllr K Wethered

CARRIED

10.13 SECTION 356 SPORTS AND ARTS HIGH ACHIEVERS GRANT PROGRAM

FILE NO:	10/5/20
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle Lynn Morton - Manager Community and Recreation Services
AUTHOR:	Amanda McMahon - Acting Coordinator Recreation Planning
MAITLAND +10	Outcome 2. Community and recreation services and facilities
COUNCIL OBJECTIVE:	2.1.2 To promote increased participation in social, sporting and recreational activities

EXECUTIVE SUMMARY

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

OFFICER'S RECOMMENDATION

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

1. Daimon Malone, Aberglasslyn – National Level, Mens Netball NSW - \$450.00
2. Daimon Malone, Aberglasslyn – International Level, AMMNA - \$750.00
3. Noah Ryan, Raworth – National Level, NSW Rugby League CCC - \$450.00
4. Maddison Elliott, Gillieston Heights – International Level, Swimming - \$750.00
5. Madison Clarke, Thornton – National Level, Judo NSW - \$450.00

COUNCIL RESOLUTION

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

1. Daimon Malone, Aberglasslyn – National Level, Mens Netball NSW - \$450.00
2. Daimon Malone, Aberglasslyn – International Level, AMMNA - \$750.00
3. Noah Ryan, Raworth – National Level, NSW Rugby League CCC - \$450.00

4. Maddison Elliott, Gillieston Heights – International Level, Swimming - \$750.00
5. Madison Clarke, Thornton – National Level, Judo NSW - \$450.00

Moved Clr B Burke, Seconded Clr H Meskauskas

CARRIED

Council moved into Policy & Finance Committee at 6.05pm

Moved: Clr K Wethered, Seconded: Clr R Aitchison

CARRIED

11 POLICY AND FINANCE COMMITTEE

11.1 STATEMENT OF INVESTMENTS AS AT 31 MAY 2017

FILE NO:	82/2
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Graeme Tolhurst - Project Manager Governance
AUTHOR:	Mark Ackland - Compliance Accountant
MAITLAND +10	Outcome 19. A sustainable Council for a sustainable City
COUNCIL OBJECTIVE:	19.1.1 To ensure the principles of sustainability underpin Council's financial, economic, social and environmental decision-making

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 certificate of the Responsible Accounting Officer be noted and the report adopted.**

COUNCIL RESOLUTION

THAT

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

Moved Cllr P Penfold, Seconded Cllr B Geoghegan

CARRIED

Council resumed into Ordinary Council at 6.06pm.

Moved Clr K Wethered, Seconded Clr B Whiting

CARRIED

The General Manager read the Recommendations from the Policy & Finance Committee

Moved Clr H Meskauskas, Seconded Clr R Aitchison

CARRIED

12 NOTICES OF MOTION/RESCISSION

13 QUESTIONS WITH NOTICE

13.1 PARKING IN THE CBD

SUBMITTED BY CLR BOB GEOGHEGAN

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

Clr Bob Geoghegan has asked the following Question With Notice for the Council Meeting being held on Tuesday, 27 June 2017:

What is the current status of enforceable off-street car parking in the CBD?

What is the history, status, issues and prospects of the Council land between Elgin Street, and Church Street?

What is considered to be the best use of the site in terms of the revitalisation of the city centre?

RESPONSE BY GROUP MANAGER PLANNING, ENVIRONMENT & LIFESTYLE

Enforceable Off-Street Car Parking in the CBD

Council Rangers patrol the CBD on a regular basis, depending on availability of resources, and generally target spaces controlled by red parking signs, eg No Parking, Bus Zones. Parking Infringement Notices are issued as appropriate and timed parking (green/white) spaces are periodically patrolled but given more attention in response to complaints.

The off-street car parking areas in which Council is currently able to issue Infringement Notices for breach of time limits include:

- St Andrews Street – near Lintott Lane (49 spaces)
- St Andrews Street – near Little Hunter St (52 spaces)
- St Andrews Street – Riverside Car Park (128 spaces)
- Church Street – near Albion Lane (85 spaces)
- Elgin Street – Near Albion Lane (106 spaces)
- Dransfield Lane (11 spaces)
- Bulwer Street – Leagues Club Car Park (80 spaces)
- Ken Tubman Drive – Uniting Church (43 spaces)

Negotiations are currently in progress with the owners of the Kmart property in regard to Council policing of parking time limits in their car parking areas both under the Kmart property and on Ken Tubman Drive.

History, Status, Issues and Prospects of Council Land between Elgin and Church Streets

The land in question is council operational land, zoned B3 Commercial Core and records show it provides for 189 car spaces. The objectives of the B3 Commercial Core zoning taken from the Maitland LEP 2011 are:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To recognise Council's preferred hierarchy of activity centres and precincts, by ensuring that existing and future development:
 - a) at Green Hills continues to promote the regional significance of this retail precinct, and
 - b) at Central Maitland supports the integration and inclusion of business development to reinforce its significance as a major regional centre.

The land subject of the Question with Notice has been purchased or acquired by Council over a prolonged period of time from various individual property owners, and using various funding sources.

What is considered to be the best use of the site in terms of the revitalisation of the city centre

The Central Maitland Structure Plan identifies this site and others as being underutilised and suitable for redevelopment for commercial/retail infill development of an appropriate scale, with specific reference to commercial activity on the ground floor.

The Central Maitland Structure Plan also makes reference to the redevelopment of Church and Elgin Streets with multi-level car park.

13.2 PARKING ON LAND ALONG NEW ENGLAND HIGHWAY

SUBMITTED BY CLR BOB GEOGHEGAN

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

Clr Bob Geoghegan has asked the following Question With Notice for the Council Meeting being held on Tuesday, 27 June 2017:

What is the history and issues relating to the use of the land between the Maitland Private Hospital and New England Highway for parking?

What is the status and issues relating to the land between Molly Morgan Drive and the New England Highway, on which there is now temporary parking for the Stockland Green Hills development?

RESPONSE BY EXECUTIVE MANAGER

Land between Maitland Private Hospital and New England Highway, East Maitland

The subject land, known as Lot 28 DP 255750, is owned by Roads and Maritime Services and is not accessible by the public. No direct access and/or occupation (eg parking of vehicles, storing of materials, stock piles, etc) of Lot 28 DP 255750 is permitted without the prior consent of the Roads and Maritime Services.

Works associated with the hospital site have utilised Lot 28 for access, construction works and parking without the consent of Roads and Maritime Services. This has resulted in soil disturbance, compaction and runoff requiring restoration to prevent further degradation, erosion and pollution.

Council has installed various bollards and fences in the vicinity to ensure that all vehicles associated with the activities of the hospital are parked on the grounds of the hospital or are legally parked on public roads in the surrounding area.

Land between Molly Morgan Drive and New England Highway, East Maitland

The land upon which there is temporary parking for vehicles is community land zoned for public recreation.

On 12 April 2016 Council resolved to grant a lease to Stockland Developments for a two (2) year period until April 2018 for contractor parking. The provision of car parking on the land for works related vehicles is considered to be ancillary works thereby permitting Council to grant a lease for such purposes.

Upon expiry of the lease all improvements to the land must be removed and the site rehabilitated.

It should be noted that the land is zoned RE1 Public Recreation and there is no plan of management in place for this land. Pending the adoption of a plan of management for community land, the nature and use of the land must not be changed.

14 URGENT BUSINESS

Nil

Council moved into Committee of the Whole at 6.07pm

Moved: Clr K Wethered, Seconded: Clr A Humphery

CARRIED

Council moved into Closed Session the Committee of the Whole at 6.07pm.

Moved Clr L Baker, Seconded Clr A Humphery

CARRIED

15 COMMITTEE OF THE WHOLE

15.1 BUILDING BETTER REGIONAL CITIES (BBRC) PROGRAM FUNDING AGREEMENT FOR AFFORDABLE HOUSING AND SUPPORTING INFRASTRUCTURE - RECONSTRUCTION OF ATHEL D'OMBRAIN DRIVE (ADD) PROJECT

FILE NO:	65/17
ATTACHMENTS:	1. Finalisation of BBRC ADD Project Funding Agreement and Memorandum of Understanding 2. Legal Advice - Moray & Agnew
RESPONSIBLE OFFICER:	David Evans - General Manager Wayne Cone - Executive Manager Major Projects
AUTHOR:	Wayne Cone - Executive Manager Major Projects
MAITLAND +10	Outcome 7. Diverse and affordable housing
COUNCIL OBJECTIVE:	7.1.1 To deliver infrastructure to support affordable housing in Central Maitland, including works at Maitland Station precinct and Athel D'ombrair Drive

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

EXECUTIVE SUMMARY

On 23 October 2012 Council resolved to accept the affordable housing supporting infrastructure project funding agreement through the Department of Families, Housing, Community Services and Indigenous Affairs (FHCSIA) for the provision of \$11.3m in grant funding under the Building Better Regional Cities (BBRC) Program to reconstruct Athel D'Ombrair Drive (ADD), Maitland.

On 9 April 2013 Council agreed to accept the risk related to the repayment amount for non-completion of affordable housing dwellings by 30 June 2016 in accordance with the funding agreement document. The funding agreement document was executed on 20 May 2013.

Following contract design and documentation, and some preliminary construction work, the first contract construction stage at the western end of ADD (Maitland Railway Station Transport Interchange end) commenced in August 2015 and was completed in March 2017. After a Department of Social Services (DSS) funding agreement variation of scope approval on 9 March 2016, which included the connection of ADD to High Street via Abbot Street, property acquisitions along the road corridor were finalised.

The BBRC Program ADD Project funding agreement expired on 30 June 2016. On 9 June 2017 DSS gave Council notice of how the funding agreement would be finalised and proposed a Memorandum of Understanding (MOU) in regard to the agreement and the provision of affordable housing.

While there has been a lack of progress in achieving affordable housing projects in Central Maitland that meet the requirements of the BBRC program, there are encouraging signs that housing demand is increasing. This is evident due to recent approvals and other prospective projects where planning is currently underway.

This report provides details on the BBRC Program ADD project funding agreement, the infrastructure works, and the provision of affordable housing. The report provides details on issues arising throughout the term of the funding agreement on the complex civil infrastructure component of the project and for the provision of affordable housing.

Details of legal advice obtained in regard to finalisation of the funding agreement and MOU are provided in the report. This legal advice has been taken into consideration in recommending appropriate actions for Council.

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:

(g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

COUNCIL RESOLUTION

THAT

Council take the actions recommended in the Conclusion of this report in regard to the finalisation of the BBRC Program ADD project funding agreement and for the provision of affordable housing.

Moved Clr B Burke, Seconded Clr H Meskauskas

CARRIED

Council resumed into Open Session at 6.31pm

Moved Cllr A Humphery, Seconded Cllr B Whiting

CARRIED

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

Moved Cllr B Geoghegan, Seconded Cllr H Meskauskas

CARRIED

16 COMMITTEE OF THE WHOLE RECOMMENDATIONS

17 CLOSURE

The meeting was declared closed at 6.32 pm.

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Chairperson