



MAITLAND CITY COUNCIL

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that a **Meeting of Maitland City Council** will be held in the **Council Chambers, Town Hall, High Street, Maitland**, commencing at **5.30pm**.

ORDINARY MEETING AGENDA

27 JULY 2010

DAVID EVANS
GENERAL MANAGER

Please note:

In accordance with the NSW Privacy and Personal Information Protection Act, you are advised that all discussion held during the Open Council meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, Staff member or a member of the public.

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PRESENT

1 INVOCATION

2 APOLOGIES AND LEAVE OF ABSENCE

- *Councillor Steve Procter - Leave of Absence from 27 July 2010 to 24 August 2010*

3 DECLARATIONS OF INTEREST

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

- *The Minutes of the Ordinary Meeting held 13 July 2010 be confirmed.*

5 BUSINESS ARISING FROM MINUTES

6 MAYORAL MINUTE

6.1 FREEMAN OF THE CITY NOMINATION

File No: 35/15

Attachments: Nil

Responsible Officer: Peter Blackmore - Mayor

Author: Peter Blackmore - Mayor

MAYORAL MINUTE

In accordance with the Council Policy regarding nomination of Council granting Freeman of the City, with the support of the Deputy Mayor Cllr Meskauskas, we wish to nominate Mrs Dorothy Crouch for consideration of this honoured appointment.

Mrs Dorothy Crouch had served for many years on committees at East Maitland Primary School in an executive position.

In 1982 Dorothy gave service to Maitland Boys High School where she served as President of the School Council Committee as President up to and including the School Centenary year.

Mrs Crouch had also given service to Paterson Public School as well as Tocal Agriculture College.

Maitland Amateur Swimming Club has been another organisation which has benefited from Mrs Crouch as she has been a member for more than 70 years. During this time Mrs Crouch has:

- *been awarded Life Membership of the club;*
- *acted as secretary of the club for 40 years;*
- *attained Silver Level Swim Coach with many years as an Examiner for State Swimming Learn to Swim Classes; and*
- *been involved in Special Olympics Swim Coaching.*

Mrs Crouch been awarded an Order of Australia Medal for her services to the community and was awarded Maitland Citizen of the Year in 1981.

Mrs Crouch has served on the Maitland City Council Australia Day Committee since 1999.

In the opinion of myself and the Deputy Mayor, Councillor Meskauskas, Mrs Dorothy Crouch has made an outstanding contribution to the City and residents through her tireless efforts over many years.

The Policy for the Freeman of the City states as follows:

i) Freeman of the City

The honour of Freeman of the City is awarded to individuals who have provided the highest level of service. It may be awarded for eminent achievement and merit in the

FREEMAN OF THE CITY NOMINATION (Cont.)

highest order for service to Maitland, Australia or humanity. A distinguished person who is not a Maitland citizen may be appointed as honorary Freeman.

The Freeman of the City will awarded at an appropriate function with the Common Seal of the Council being affixed to the Award.

An honour board for Freeman Of the City and Maitland Medal recipients be maintained in an appropriate Council building.

RECOMMENDATION

THAT Council confer Freeman of the City of Maitland Award to Mrs Dorothy Crouch in recognition of outstanding contribution to the City of Maitland under the Common Seal of Maitland City Council.

- 7 WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS
 OF BUSINESS**
- 8 PUBLIC ACCESS**

9 GENERAL MANAGER'S REPORTS

Nil

10 SERVICE PLANNING AND REGULATION REPORTS**10.1 DA 07-3071 - SECTION 96(1A) MODIFICATION TO EXISTING CONSENT CONDITIONS FOR SENIORS LIVING DEVELOPMENT - LOT 611 DP 867202, 372 NEW ENGLAND HIGHWAY RUTHERFORD
RECOMMENDATION: APPROVAL**

File No: DA 07-3071

Attachments: 1. Locality Plan
2. Development Plans
3. Submissions

Responsible Officer: Leanne Harris - Group Manager Service Planning and Regulation
David Simm - Manager Development & Environment

Author: Belinda Barrie - Town Planner

Applicant: Signature Gardens Retirement Resorts Pty Ltd

Owner: Willowvale Villages Pty Ltd

Proposal: Seniors Living Development (Self contained units)

Location: 372 New England Highway Rutherford

Zone: 2(a) Residential and 6(a) Public Recreation

EXECUTIVE SUMMARY

This application relates to the amendment of consent conditions relating to an approved Seniors Living Development at 372 New England Highway, Rutherford. The site is zoned part 2(a) Residential and part 6(a) Public Recreation and is not subject to any environmentally sensitive factors.

The original application approved 189 self contained units on the site, with associated community facilities, roads, drainage and an acoustic barrier to the New England Highway.

This application proposes the following amendments:

- *The reduction of units to be constructed on the site from 189 to 165;*
- *The amendment of Section 94 contributions to reflect the recent reduction to the Section 94 contribution rates for Seniors Living developments;*
- *Clarification in relation to those consent conditions applying to certain stages of the development;*
- *The removal of the requirement for a 'turning head' at the end of Turin Terrace;*
- *Construction of the highway noise barrier in stages;*
- *The request for the secondary access point on Turin Terrace to be locked;*
- *Clarification as to the timing of the registration of the restriction on the title as required under SEPP (Seniors Living); and*
- *The amendment to the drainage plan reflecting the reduced number of units.*

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RECOMMENDATION: APPROVAL (Cont.)

The Section 96 application was originally lodged with Council February 2009. This first set of plans was advertised and notified for fourteen days from 16 February 2009 to 2 March 2009. In this period, five submissions were received. The submissions generally related to the use of Turin Terrace for construction vehicles. Further amended plans which are presented to Council as part of this report were re-advertised and re-notified for fourteen days from 17 May 2010 to 31 May 2010. In this period one submission was received in regards to perimeter fencing along the adjoining boundary to the proposal. The matters raised in the submissions are addressed in the body of the report. It is considered that the submissions do not warrant the refusal of the Section 96 application.

The proposal put before the Council is considered to be substantially the same development. The proposal has been assessed against the requirements of the Environmental Planning and Assessment Act 1979 and considered to be compliant. As such, the proposed amendments are recommended for approval.

OFFICER'S RECOMMENDATION

THAT

DA 07-3071 for the Section 96(1A) application to amend the consent at Lot 611 DP 867202, 372 New England Highway Rutherford, be approved, subject to the amended conditions provided in the attached schedule.

INTRODUCTION

The purpose of this report is to provide Council with an assessment of the development proposal to enable the determination of the application. The application is put before Council as it is unable to be determined under delegated authority due to the amendments proposed (particularly the Section 94 amendment) and the receipt of submissions during the notification process.

SITE DESCRIPTION

The subject site has an area of 10.96 hectares and is relatively flat. The land is cleared of all significant vegetation and there is one dwelling currently located on the site, which has vehicular access off the New England Highway. Access to the site is also obtained off Denton Park Drive by a 20 metre access handle.

Surrounding land uses include a commercial area inclusive of McDonalds, BWS and Oporto to the south- east, a medium density housing development to the east, single detached residential housing to the north east, Council operational land to the north and the former Council waste facility to the west. The New England Highway runs along the site's southern boundary.

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RECOMMENDATION: APPROVAL (Cont.)

BACKGROUND

The original Development Application was approved by Council at the meeting on the 27th May 2008. The development involved the construction of 189 self contained dwellings on the site, along with the associated leisure facilities, landscaping, roads, drainage and acoustic barrier. Subsequent applications approved on this site since consent was granted for the Seniors Living development include the following:

- DA 08-797 – Signage (1 sign) located at the Denton Park Drive entrance to the site. This sign is required to be removed within four years of the date of consent.
- DA 09-2075 – Advertising signage (3 signs) located along the New England Highway frontage. This signage is required to be removed within five years of the date of consent.

The assessment of this application has been ongoing due to the need to resolve issues such as the Section 94 contributions, the Turin Terrace turning head and the applicant's desire to explore alternative options to the original development layout. These issues have now been resolved and the application is able to be determined.

PROPOSAL

This Section 96(1A) application proposes the following modifications to the original consent:

- The reduction of units to be constructed on the site from 189 to 165.
- The reduction of Section 94 contributions to reflect the recent amendment to the Section 94 plan in regards to Seniors Living developments and the reduced number of units proposed. The contribution has been reduced from \$2,725,812 to \$1,626,890;
- Clarification in relation to those consent conditions applying to certain stages of the development;
- The removal of the requirement for a 'turning head' at the end of Turin Terrace;
- Construction of the highway noise barrier in stages;
- The request for the secondary access point on Turin Terrace to be locked;
- Clarification to the timing of the registration of the restriction on the title as required under SEPP (Seniors Living); and
- The amendment to the drainage plan reflecting the reduced number of units.

This application will have a 108 metre setback from the New England Highway, which is indicated on the plans as 2.56 hectares of future development land. The applicant has indicated that the reduction of units is as a result of changing market conditions.

The original Schedule of Conditions with the correct numbering, along with the Section 96 modified conditions have been included in the attachments.

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RECOMMENDATION: APPROVAL (Cont.)

PLANNING ASSESSMENT

The proposal has been assessed under the relevant matters for consideration detailed in Section 79C(1) of the *Environmental Planning and Assessment Act, 1979* as follows:

Section 79C(1)(a)(i) provisions of any environmental planning instrument

Local Environmental Plan

The site is zoned 2(a) Residential under Maitland Local Environmental Plan 1993. The development is defined as "Seniors Living" under MLEP 1993, which is a permissible use in the zone with Council consent. The proposal is considered to be consistent with the zone objectives, which are as follows:

Objectives of the zone

- (a) To provide for housing and associated facilities in locations of high amenity and accessibility.*
- (b) To enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character.*
- (c) To ensure that development does not create unreasonable demands, in the present or in the future, for the provision or extension of public amenities or services.*

The application is residential in nature, and providing a different but necessary form of housing in a location of high amenity and accessibility. The development will not create unreasonable demands in the present or future on the provision of public amenities or services.

The proposed amendments do not include the 6(a) Public Recreation portions of land on the site (which only consist of a narrow strip parallel to the New England Highway), therefore no further assessment is required in relation to zoning.

State Environmental Planning Policies

The following State Environmental Planning Policies (SEPP) apply to this development:

- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (BASIX)

SEPP (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Housing for Seniors or People with a Disability 2004) is the principal policy relating to this development. The SEPP under Clause 10, classes this proposal as 'self contained dwellings', which is defined as the following:

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*In this Policy, a **self-contained dwelling** is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.*

Since 'housing for aged and disabled persons' is a permissible use in the 2(a) Residential zone with Council consent, the locational criteria can be disregarded.

The following table details the design requirements of the SEPP and the extent to which the proposal complies with these requirements:

Table 1: SEPP (Housing for Seniors or People with a Disability) 2004 Compliance

Requirement	Comment
Clause 18 – The facility can only be occupied by those categories of persons defined in the clause.	The restriction on the occupation has been included as a condition of consent.
Clause 26 – The facility is required to have access to shops, banks and other commercial/ retail services, community and recreation services, as well as a General Practitioner (GP).	The facility will provide a minibus daily in order to access the Rutherford Shopping Centre and the services provided there, including GP services. Public buses are also available in the vicinity of the site.
Clause 28 – The facility is required to be connected to reticulated water and have satisfactory facilities for the disposal of sewage.	A condition of consent has been included to ensure that these services have been provided to Hunter Water Corporation's requirements prior to the issue of the Construction Certificate for each stage.
Clause 25(5)(b)(i) – The proposed development is compatible with the natural environment and surrounding uses of land.	The design of the development has taken into account the site topography and type and scale of existing and potential development in the area. The proposed use is compatible with the residential amenity of the area.
Clause 25 (5)(b)(iii) - The services and infrastructure to the site can meet the increased demands that the proposal will create.	The road infrastructure to the site is considered to be satisfactory with regard to the use. Services such as electricity, reticulated water, sewer and telecommunications already exist to the site.
Clause 25(5)(b)(v) – Impact of the built form of the structure in regards to uses in its vicinity.	The proposed development is considered to be consistent in height, bulk, scale and form to the existing residential area, and therefore will have no significant impact.
Clause 30 – A site analysis is to be prepared as part of the application.	The applicant has included a site analysis with the Development Application. This site analysis has included the information required in Clause 30 (3) and (4) and is considered to be satisfactory.
Clause 33 – The building should contribute to the streetscape and appreciate neighbourhood amenity.	The proposed facility has significant setbacks from the street and boundaries to minimise its potential impact. The form, bulk and scale of the building have been reduced by good design technique. The development proposes high quality finishes in an

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Requirement	Comment
	architectural package that presents well to the street frontages. The landscaping is an integral part of the design and will contribute significantly to the success of the design in its setting.
Clause 34 – Visual and acoustic privacy is to be considered for neighbouring properties.	A fence has been provided to the boundary to the neighbouring property on the corner of Anambah Road and the New England Highway (future proposed recreation area). An acoustic barrier is to be constructed for those units backing onto the New England Highway.
Clause 35 – Solar access and appropriate design for the climate are to be considered in the design phase.	The application has included a report to indicate that the proposal is compliant with Part J of the Building Code of Australia to ensure energy efficiency. This includes the use of appropriate orientation for solar access, suitable materials to reduce heat flow and glazing.
Clause 36 – Stormwater runoff is to be managed effectively and not disturb adjoining properties.	A stormwater management plan has been included with the application providing for on site detention. This concept plan meets Council's requirements and further detail will be provided with the Construction Certificate.
Clause 37 – Appropriate design to ensure crime prevention.	The proposal has addressed crime prevention in the original Statement of Environmental Effects. The amended design has incorporated these principles and it is considered that the open nature of the facility along with the strong casual surveillance opportunities offered meet the requirements of this clause.
Clause 38 – Accessibility for pedestrians to public transport and parking facilities.	The development proposes satisfactory links for pedestrians from the carparks, as well as to Denton Park Drive. The facility's minibus will pick up and drop off residents at the main entrance door for ease of access.
Clause 39 – Waste management provisions.	The proposed dwellings will each have wheeled bins which will be collected weekly under an arrangement with a private contractor.
Clause 40 – Development Standards relating to minimum lot size and building height	The size of the proposed site is over 1000m ² and exceeds the 20 metre minimum width. The proposed height of the buildings is less than 8 metres and no two storey buildings are proposed.
Clause 41 – Compliance Standards for self contained dwellings which include, but are not limited to, siting standards, security lighting, accessible entry points, and the internal design of the dwellings to comply with AS1428.1.	The application has been conditioned to be constructed and operated in accordance with this SEPP, therefore ensuring compliance with the requirements listed in Schedule 3.

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RECOMMENDATION: APPROVAL (Cont.)

Requirement	Comment
Clause 50 – The development authority cannot refuse the application on the grounds listed in the clause. This includes, but is not limited to, building height, density, scale solar access or carparking.	The application complies with the requirements as listed within the clause and the application is not being recommended for refusal on these grounds.

Overall the proposal is consistent with the aims, objectives and requirements of the SEPP.

SEPP (BASIX) 2004

The applicant has submitted an amended BASIX certificate indicating that the 165 units maintain compliance with the NSW Government's Sustainability requirements.

SEPP (Infrastructure) 2007) and also SEPP No 55 – Remediation of Land were taken into account with the initial assessment and considered satisfactory. No further assessment is required under these policies.

Section 79C(1)(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition

Not relevant.

Section 79C(1)(a)(iii) any development control plan

The following chapters of the Maitland Citywide Development Control Plan apply to this development:

- West Rutherford Area Plan
- Accessible Living
- Residential Design
- Domestic On-site Stormwater Management
- Advertisement/ Notification of Development Applications

West Rutherford Area Plan

This DCP chapter outlines the overall precinct plan for development within the area.

The original Council report took into account that this development sought a variation to the West Rutherford Area Plan (WRAP) as the area plan focused on the land being developed for a conventional residential subdivision. Although the development is not consistent with the conceptual road layouts, it is still considered to be consistent with the desired future outcomes for the site, namely to foster a sense of community and strong identity, to provide an alternative housing type to cater for an ageing population and to achieve an interconnected network for safe, efficient nodes of transport.

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RECOMMENDATION: APPROVAL (Cont.)

In terms of the development objectives and requirements of the plan:

- The proposal is not compliant with the conceptual precinct plan over the site, however the development is considered to be consistent with the objectives as the road design proposed reflects the needs and functions of its users as well as connecting into existing residential development (along Denton Park Drive).
- The principal access to the development is via a 20m wide battleaxe handle linking into Denton Park Drive. This handle accommodates both vehicular and pedestrian links to Denton Park Drive.
- The application does not propose any direct vehicular access to Anambah Road, with the principal vehicular access proposed off Denton Park Drive.
- The development consists of a combination of detached and attached single storey dwellings which are consistent with the bulk, scale and density of the surrounding locality.
- The development has considered the reuse of water on site through its stormwater management strategy, which will collect stormwater for use on landscaping around the site.
- The proposed landscape design will soften the impact of roof and wall materials. The landscape plan addresses the treatment of the acoustic barrier to ensure that the structure becomes a recessive element within the streetscape.
- An acoustic report has been submitted by the applicant supporting the application, which has taken into account the noise generated by the New England Highway. The amended report has concluded that the construction of the acoustic barrier will ensure that the development can comply with the required noise criteria.
- A Section 50 Certificate from Hunter Water will be required prior to the issue of the Construction Certificate for each stage, which ensures that the site will be provided with reticulated sewer and water infrastructure.
- The development site is located above the level of the 1% AEP flood.
- The land is not identified as being bushfire prone.
- In regards to Acid sulphate soils, the site is mapped as Class 5 which means that it is not affected by the possibility of Acid sulphate soils, therefore this requirement does not warrant any further assessment.
- No existing vegetation remains on site which is of any significant value. The proposed landscaping is considered to be an improvement to the existing landscape quality of the site.

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- The original assessment indicated that an Aboriginal, archaeological and cultural assessment had been undertaken on the site which concluded that there is no impact upon aboriginal objects or places of potential aboriginal objects. The standard consent condition had been added to the original Schedule of Conditions outlining cease work provisions and the application of an excavation permit for Aboriginal relics to National Parks and Wildlife Services. This consent condition is not proposed to be amended as part of this application.

Accessible Living

The DCP is designed to increase awareness and provide guidelines for access and mobility, particularly for new commercial buildings. The nature of the proposed use requires a high level of accessibility, which has been addressed under the Seniors Living SEPP. The conditions of the SEPP require compliance with the relevant Australian Standards, which will be provided at the Construction Certificate stage. The site comprises relatively flat topography which enables ease of access at complying grades through all outdoor open space areas and carparks.

Residential Design

This DCP chapter for this form of development, supplements the standards prescribed under the Seniors Living SEPP. The proposal is considered to be consistent with the chapter's aims and objectives relating, but not limited to, private open space, site coverage, suitable landscaping design, stormwater management, well designed fencing, energy conservation (through compliance with Part J of the BCA) external appearance and accessibility and adaptable housing.

Domestic On-site Stormwater Management

The requirements of this DCP chapter have been addressed under the assessment of the Seniors Living SEPP and compliance is achieved.

Advertisement/ Notification of Development Applications

This application was advertised and notified in accordance with this DCP chapter from the 11th January 2010 to 8th February 2010 and renotified from 17 May 2010 to 31 May 2010. Submissions were received during both exhibition periods and are addressed in *Section 79C(1)(d)*.

Overall the proposal is considered to be consistent with the aims, objectives and requirements of the relevant DCP chapters.

Section 79C(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

In terms of the EP&A Regulations, Division 5 of Part 9 applies to this proposal. The proposal fulfils the fire safety and structural adequacy requirements of the

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regulations and is therefore considered appropriate in accordance with the requirements of the regulation. A condition of consent is already included requiring the submission of an annual fire safety statement from the applicant in regards to the Central Facilities building. Full fire protection measures will be required in conjunction with Construction Certificate documentation.

Section 79C(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Turin Terrace

The Development Control Plans for this release area (1986 and 2006) set out arterial and indicative minor roads. Turin Terrace as constructed generally conforms to the location shown on these plans, abutting the property's eastern boundary. Turin Terrace was constructed as a dead-end road in 1997 (not as a cul-de-sac) due to the anticipated extension to the southwest.

As a result of the departure from the area plans, the original application was assessed on the basis that the intended road layout was to be abandoned and the usual requirement for a dead-end road be invoked, that is the construction of a "turning head" to obtain a safe and practical solution to the unacceptable road termination as a permanent arrangement.

As part of the determination of the original application, the Schedule of Conditions added a condition for the requirement of a turning head at the end of Turin Terrace.

As part of this modification, the applicant has considered that the impost of such a development is not considered appropriate as the turning head will have a major impact on the layout of the village and that there is no nexus between the development and Turin Terrace, given that the secondary access to the site off Turin Terrace is for emergency vehicles only, and is conditioned as such within the consent.

Council does recognise that a standard turning head is a major impost on the development layout, and has been in contact with the applicant in order to negotiate a suitable outcome. The approved outcome is of a 't-turning head' turning area which is suitable for a B99 vehicle to turn at the end of the street.

As part of these discussions, it has been agreed that Council will accept the cost for the survey plan preparation and registration, and an engineering design of the works (based on the approved design) – this is explained in the additional advices. The applicant will cover the cost of the works and also complete the works themselves. The condition has been amended in order to reflect the agreed position.

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RECOMMENDATION: APPROVAL (Cont.)



Figure 1: The dead end of Turin Terrace (Source B Barrie 2010)

Acoustics

The original application provided assessment in regards to noise and vibration emanating from its vicinity to the New England Highway. This assessment concluded that even with the construction of a 2.4m high acoustic barrier, there will be a minimal exceedance of the adopted noise criteria for units during the day, however there would not be a significant impact on the amenity of residents.

This amended proposal allows for an increased setback of over 100m from the New England Highway along with a higher acoustic barrier (3.1m in height). This is considered to be a positive change. The applicant has proposed to construct this barrier in stages in order to reflect the staging of the development and to ensure it is in place for the required units. The stages for when this is to be constructed have been clearly outlined in the consent conditions.

The amended consent conditions have also been amended to ensure that the recommendations of the updated report are implemented in the development. This includes the location of all mechanical plant (i.e. air conditioners), which is to be approved by a suitably qualified acoustic consultant prior to the issue of the Construction Certificate for each stage.

Section 94 Seniors Living Amendments

Council adopted the proposed amendments to the Maitland Citywide Section 94 Contributions plan regarding Seniors Living developments at its meeting on the 11th May 2010, with the revised plan becoming effective on the 24th May 2010.

The amendment to the plan came about due to requests in regards to levying Seniors Living developments the same as other forms of residential dwellings. As a

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result of investigations by Council officers and the use of ABS Census data, it was concluded that there was evidence to suggest that Seniors Living developments had a reduced occupancy rate to other forms of residential accommodation. As such, Council proposed to include reduced contribution rates in the Section 94 plan to levy for this form of development.

Given that it is defined as 'self contained dwellings', the original Development Application was levied on a per bedroom basis, consistent with other residential accommodation. Given the nature of this development and the recent changes, the applicant is permitted to seek a reduction in their contributions that reflect the reduced occupancy rates of this form of development through Section 96 of the Act. As such, the contribution rates have been reduced from \$12,314-\$15,395 to \$8,621-\$10,469 per dwelling (based on the number of bedrooms).

Section 79C(1)(c) the suitability of the site for the development

The site is a green field site, appropriately zoned and is in close proximity to existing services. The site is considered suitable for this type of development in terms of topography, proximity to services, public transport and the road network.

Section 79C(1)(d) any submissions made in accordance with this act or the regulations

The first set of plans were advertised and notified for a period of fourteen days from 16 February 2009 to 2 March 2009 in accordance with the Act, the Regulations and the Advertisement/ Notification of Development Applications DCP chapter. In this period five submissions were received. The amended plans showing the reduced number of houses proposed were re-advertised and re-notified for a period of fourteen days from 17 May 2010 to 31 May 2010. In this period, one submission was received.

The main issues raised by the objectors are summarised below and comment provided:

Issue 1: Construction vehicles using Turin Terrace to access the site

Four of the submissions raised concern in regards to the use of Turin Terrace by construction vehicles and the potential amenity and safety implications this would raise.

Comment

The applicant has provided Council with a plan indicating the use of the proposed 20m access handle in a dual capacity during the construction of the project. In effect, this would have one side of the handle for residential use only, and have a separate access for construction vehicles. The use of the handle will negate the need to access the site from Turin Terrace. However, in order to avoid any potential misuse, an additional provision has been added to amended Condition No. 18 (in regards to the status of the Turin Terrace entrance) which states very clearly that construction vehicles are prohibited from using this entry point at any time.

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Issue 2: Use of entry handle to access the rear of the property

The writer has concerns in regards to the proposed median and nature strip along the access handle, as it will prevent access to the rear of their property on Lisa Place, which has been the subject of a private agreement over a number of years.

Comment

The writer has been advised by Council that since no formal Right of Carriageway exists over the handle which benefits their land, Council cannot guarantee access after the construction of the project and that new arrangements will need to be made with the owners of the land.

Issue 3: Boundary fencing with a neighbouring property

The writer requests that a brick fence is constructed between his property and the development for privacy and amenity reasons, particularly considering the levels of construction to be undertaken on the site in the near future.

Comment

It is to be noted that Council does not administer the *Dividing Fences Act* and fencing is not a matter of consideration during the assessment process. The fence is ultimately a matter for the landowners to resolve between themselves.

The applicant has provided the following response to the submission:

- The proponent has no record, verbal or otherwise, of any commitment to construct a brick fence along the shared boundary. It is noted that this issue was not previously raised.
- There is no requirement to separate residential land uses by acoustic barriers nor is there evidence that the proposal will be a generator of noise requiring mitigation. In relation to drainage, all runoff from the site will be directed to the proposed stormwater management facilities and will not flow onto neighbouring residential properties. Regardless, a fence is an inappropriate structure for managing runoff.
- A Colorbond fence as currently exists provides the same privacy as a brick fence of similar height.
- A Colorbond fence as currently exists provides the same barrier to dust and fumes as a brick fence of similar height. Regardless the proposal will not generate excessive levels of dust or fumes that would require such a barrier.
- Existing deficiencies with the fence are not a result of the proponent's activities. If indeed the fence is damaged as a result of the development the proponent is required to make appropriate repairs.

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Section 79C(1)(e) the public interest

The development represents a significant investment in aged care within the Local Government Area. The location of the facility is ideal, as the western sector of the LGA is currently poorly represented in terms of aged care accommodation. The proposal is considered to have a wide benefit across the community.

FINANCIAL IMPLICATIONS

This matter has no specific financial implications for Council.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

Statutory implications relating to assessment of the subject application have been addressed in the body of the report

CONCLUSION

An assessment of the amended application has been carried out under Section 79C(1) of the *Environmental Planning and Assessment Act, 1979* as amended. The proposed development is considered satisfactory in terms of the relevant matters for consideration under the Act and the development application is recommended for approval.

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ORIGINAL RENUMBERED 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.

APPROVED PLANS AND DOCUMENTATION

- 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 and as amended in red colour:

Plan No./ Report	Revision Date	Prepared by: (consultant)
DA- 2-02	SEPT 2007	Hamilton Hayes Henderson Architects
DA- 2-06	SEPT 2007	Hamilton Hayes Henderson Architects
DA- 2-07	SEPT 2007	Hamilton Hayes Henderson Architects
DA- 2-08	SEPT 2007	Hamilton Hayes Henderson Architects
DA- 2-09	SEPT 2007	Hamilton Hayes Henderson Architects
DA- 2-10	SEPT 2007	Hamilton Hayes Henderson Architects
DA- 2-11	SEPT 2007	Hamilton Hayes Henderson Architects
DA- 3-01	SEPT 2007	Hamilton Hayes Henderson Architects
DA- 3-02	SEPT 2007	Hamilton Hayes Henderson Architects
DA- 3-03	SEPT 2007	Hamilton Hayes Henderson Architects
DA- 3-04	SEPT 2007	Hamilton Hayes Henderson Architects
DA- 4-01	SEPT 2007	Hamilton Hayes Henderson Architects
DA- 4-03	SEPT 2007	Hamilton Hayes Henderson Architects
DA- 4-04	SEPT 2007	Hamilton Hayes Henderson Architects
DA- 4-05	SEPT 2007	Hamilton Hayes Henderson Architects
DA- 4-06	SEPT 2007	Hamilton Hayes Henderson Architects
DA- 4-07	SEPT 2007	Hamilton Hayes Henderson Architects
DA- 5-01	SEPT 2007	Hamilton Hayes Henderson Architects
DA- 5-02	SEPT 2007	Hamilton Hayes Henderson Architects
DA- 5-03	SEPT 2007	Hamilton Hayes Henderson Architects
DA- 5-04	SEPT 2007	Hamilton Hayes Henderson Architects
DA- 6-01	SEPT 2007	Hamilton Hayes Henderson Architects
L01	13.03.08	Terras Landscape Architects
L02	23.11.07	Terras Landscape Architects

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L03	23.11.07	Terras Landscape Architects
L04	23.11.07	Terras Landscape Architects
L05	23.11.07	Terras Landscape Architects
L06	23.11.07	Terras Landscape Architects
07331	MARCH 2008	Spectrum Acoustics
BASIX CERTIFICATE NO. 66761651		ASSESSOR NUMBER 20305

- 2 The development shall be operated and constructed in accordance with SEPP (Housing for Seniors or People with a Disability) 2004.
- 3 The "Central Facilities" shall not be used for functions not associated with the onsite residential population.

CONTRIBUTIONS & FEES

- 4 Pursuant to Section 80A(1) of the *Environmental Planning and Assessment Act 1979*, and the Maitland S94 Contributions Plan (City Wide) 2006, a contribution of **\$2,725,812** shall be paid to the Council.

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

	3 bedroom	Total
2006(A) Citywide Rec & Open Space	188 x \$4,407	\$828,516
2006(A) Citywide Road & Traffic Facilities	188 x \$4,094	\$769,672
2006(A) Citywide Cultural Facilities	188 x \$791	\$148,708
2006(A) Citywide Community Facilities	188 x \$1,756	\$330,128
2006(A) Citywide Cycleways/Shared Paths	188 x \$181	\$34,028
2006(A) West Rutherford Roadworks	188 x \$3,056	\$574,528
2006(A) West Rutherford Management/Admin	188 x \$214	\$40,232
		\$2,725,812

The above amount may be adjusted at the time of the actual payment, in accordance with the provisions of the Maitland Section 94 Contributions Plan (Citywide) 2006.

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*

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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.

CERTIFICATES

- 5 Prior to the commencement of works an application for a **Construction Certificate** shall be submitted to, and be approved by, the Accredited Certifier.
- 6 **Prior to the issue of an Occupation Certificate** all conditions of development consent shall be complied with.
- 7 Prior to occupation of the building an **Occupation Certificate** shall be issued by the Principal Certifying Authority.
- 8 **Prior to issue of the Construction Certificate**, a certificate of compliance under Section 50 of the *Hunter Water Act 1991* for this development, shall be submitted to the Accredited Certifier.

LANDSCAPING

- 9 All landscaped areas of the development shall be maintained in accordance with the proposed landscape plan. The landscaped areas shall be kept free of parked vehicles, stored goods, waste material, and the like.

NOISE

- 10 **Prior to the issue of the Construction Certificate**, plans (inclusive of dimensioned site and elevations) shall be submitted showing the location of the onsite bus shelter.
- 11 A bus service shall be provided by the developer/operator at the completion of stage 5. Written confirmation shall be provided to Council confirming the operation of the bus service.
- 12 **Prior to the issue of the Construction Certificate** documentation prepared by a suitably qualified Acoustic Consultant shall be submitted to Council approving the final installation mechanical plant.
- 13 **Prior to the issue of the Occupation Certificate**, the 2.4 metre high acoustic barrier shall be constructed and landscaping planted in accordance with the approved plans between the acoustic barrier and the New England Highway.
- 14 Recommendations contained within the acoustic report prepared by Spectrum Acoustics dated March 2008 shall be implemented.

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VEHICLE ACCESS & PARKING

- 15 Car parking for the development shall be provided in accordance with the approved plans, with a minimum allocation for the development of **297** spaces.
- 16 All parking bays shall be delineated with line-marking and/or signposting.
- 17 Garbage waste collection facilities catering for heavy vehicle manoeuvres shall be provided on-site in accordance with SEPP (Housing Seniors or People with a Disability) 2004.
- 18 A secondary access point for emergency purposes shall be provided at Turin Terrance.

CONTAMINATION

- 19 **Prior to the issue of the Construction Certificate** a Phase 2 Environmental Site Assessment shall be undertaken in accordance with the phase 1 Contamination Report, dated 24th August 2007, prepared by Coffee Geotechnics. The development shall incorporate the recommendations contained within the Phase 2 Contamination Assessment report.
- 20 **Prior to any works commencing** all unsuitable material shall be removed from the existing dams and the dams remediated with compacted fill in accordance with AS3798. Construction Certification shall be provided by a Geotechnical Engineer, and forwarded to Council.
- 21 Asbestos encountered on site shall be handled and disposed of in accordance with work cover requirements and the relevant Australian Standard.
- 22 Any contaminated material shall be disposed at an appropriate licensed premise.
- 23 A final validation report shall be submitted to Council if significant contamination is found.

WATER

- 24 The existing dam water shall be assessed by a suitably qualified person prior to its release and reported to Council.

ARCHAEOLOGY

- 25 Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the construction stage, all construction works shall cease and

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application shall be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an Excavation Permit for Aboriginal relics. If a permit is required, a copy is to be forwarded to Council.

The applicant shall comply with the conditions and requirement of any excavation permit required, and is built into the development program.

LAND TITLE

- 26 A restriction as to user will be registered against the title of the property in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation within the facility to the following kinds of people:
- (a) seniors or people who have a disability,
 - (b) people who live within the same household with seniors or people who have a disability,
 - (c) staff employed to assist in the administration of and provision of services to housing provided under SEPP (Housing for Seniors or People with a Disability) 2004.

STORMWATER DRAINAGE

- 27 **Prior to issue of the Construction Certificate**, a detailed stormwater drainage plan, providing:
- i) *On-Site Detention (OSD)* of stormwater, and
 - ii) an emergency overland flow path for major storm events, that is directed to the public drainage system, and
 - iii) entrapment of gross pollutants, nutrients and hydrocarbons generated from the contributing ground-surface catchment areas,
- shall be designed in accordance with Council's Manual of Engineering Standards, and be submitted to the Accredited Certifier.
- The design shall be based on the concept plans No 07/57, exhibits 3 & 4 Revision C, submitted with the application

ROADS

- 28 **Prior to issue of the Occupation Certificate**, the following works shall be completed:
- i) The proposed roads shall be constructed with an asphaltic or cement concrete wearing surface in accordance with an engineer's design or Council's Manual of Engineering Standards.
 - ii) A "turning head" and footway, within the property, at the termination of the existing road in Turin Terrace, together with all necessary stormwater drainage shall be constructed in accordance with Council's Manual of

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Engineering Standards, and the works shall be dedicated to Council, at no cost to Council, as "public road".

- iii) Kerb-side parking restriction, linemarking & signposting in Denton Park Dr to facilitate safe operation of the intersection of Denton Park Dr with the access road, shall be installed in accordance with Council's requirements.

CIVIL WORKS - Roads

- 29 Prior to commencement of works** for the extension Turin Terrace and within Denton Park Drive;
- an engineering design, in accordance with Council's Manual Of Engineering Standards, shall be prepared for approval
 - consent under the Roads Act shall be issued
 - all relevant Council fees shall be paid
- 30 Prior to issue of the Occupation Certificate**, a compliance notice shall be obtained from Council certifying that construction of roadworks have been carried out in accordance with this consent and Council's Manual of Engineering Standards.

EROSION CONTROLS

- 31** 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".

BUILDING CONSTRUCTION

- 32** All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
- 33** All demolition works are to be carried out in accordance with Australian Standard AS 2601-2001.
- 34** 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*.
- 35** At least once in each twelve month period, fire safety statements in respect of each required essential fire safety measure installed within the building shall be submitted to Council. Such certificates are to state that:
- a) The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and

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- b) That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building).

Such statements shall be prepared in accordance with Division 5 of Part 9 of the *Environmental Planning and Assessment Regulation, 2000*.

- 36** 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.

The applicant shall submit to Council, "Notice of Commencement" at least two days prior to the commencement of construction works.

- 37** Hours of Work:

Unless otherwise approved by Council in writing; all building work associated with this approval shall be carried out between 7.00am and 6.00pm Monday to Fridays and 7.00am to 5.00pm on Saturdays with no work permitted on Sundays or Public Holidays that may cause offensive noise.

- 38** The development or any portion of the development shall not be used or occupied until an Occupation or Interim Occupation Certificate has been issued. Occupation certificate applications must be accompanied by the required fee and all associated information and certifications. To ensure occupation or use of the development can occur in a timely fashion, the occupation certificate application should be submitted at the same time as the final inspection is being requested.

- 39** 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 is to be provided. Such certificate(s) are to be in accordance with Division 4 of Part 9 of the *Environmental Planning and Assessment Regulation, 2000*.

- 40** (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:
- (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

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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.

SERVICES & EQUIPMENT

- 41 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*.
- 42 A copy of the fire safety schedule and fire safety certificate shall be forwarded to the Commissioner of New South Wales Fire Brigades, in accordance with Division 4 of Part 9 of the *Environmental Planning and Assessment Regulation, 2000*.

ACCESS & EGRESS

- 43 Access for disabled persons must be provided in accordance with DP1, DP2, and DP8 of the Building Code of Australia. Compliance with Part D3 of the Building Code of Australia satisfies this requirement. All elements are to meet the requirements of Australian Standard AS1428.1 "Design for Access & Mobility".

SITE CONSIDERATIONS

- 44 All excavated an/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 exceeds 1.0m in height at any point from finished ground level, plans and specifications of the construction SHALL BE APPROVED BY COUNCIL BEFORE WORKS COMMENCE. Plans and specifications of retaining walls greater than 1.0m in height MUST BE CERTIFIED BY A PRACTICING PROFESSIONAL ENGINEER. 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.

- 45 All building refuse on this building site shall be stored in such a manner so as not to cause a nuisance to adjoining properties.
- 46 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

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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).

47 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.

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

- (i) stating that unauthorised entry to the work site is prohibited, and
- (ii) showing the name of the person in charge of the work site and a telephone number at which the person can be contacted during work hours.

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

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.

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- 49 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.
- 50 Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.

ANCILLARY PROVISIONS

- 51 The swimming pool and required child resistant pool fencing and gates MUST be constructed, installed and maintained STRICTLY in accordance with this approval and is to comply with the provisions of the *Swimming Pools Act and Regulations* 1992, Australian Standard AS1926-1986 AND Council's Code "Swimming Pools and Safety Fencing" (2000 Edition).

FOOD PREMISES

- 52 The premises is to be fitted out in accordance with the requirements of Australian Standard 4674-2004, Design Construction and Fit-Out of Food Premises and any other relevant legislation.
- 53 The premises will be incorporated in Council's Surveillance Program and will be subject to 2 inspection(s) per annum. The current fee for an inspection is \$93.
- (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.

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.
- 54 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.
- 55 The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.

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- 56** No building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.
- 57** Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.

ADVICES

- A** You are advised that, prior to submitting an application for an **Occupation Certificate** the applicant should ensure that all relevant conditions of development consent have been complied with.
- 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 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.
- E** 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.

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AMENDED CONDITIONS

The following amendments are referenced to the renumbered Schedule of Conditions attached to this document:

Condition No. 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 and as amended in red colour:

Plan No./ Report	Revision Date	Prepared by: (consultant)
DA- 2-01-B	MARCH 2010	Hamilton Hayes Henderson Architects
DA- 2-02-C	MARCH 2010	Hamilton Hayes Henderson Architects
DA- 2-03-C	MARCH 2010	Hamilton Hayes Henderson Architects
DA- 2-10-C	MARCH 2010	Hamilton Hayes Henderson Architects
DA- 2-11-E	MARCH 2010	Hamilton Hayes Henderson Architects
DA- 2-13-D	MARCH 2010	Hamilton Hayes Henderson Architects
DA- 3-03-B	MARCH 2010	Hamilton Hayes Henderson Architects
DA- 3-04-B	MARCH 2010	Hamilton Hayes Henderson Architects
DA- 4-01-B	MARCH 2010	Hamilton Hayes Henderson Architects
DA- 4-02-B	MARCH 2010	Hamilton Hayes Henderson Architects
DA- 4-03-B	MARCH 2010	Hamilton Hayes Henderson Architects
DA- 4-04-B	MARCH 2010	Hamilton Hayes Henderson Architects
DA- 4-05-B	MARCH 2010	Hamilton Hayes Henderson Architects
DA- 4-06-B	MARCH 2010	Hamilton Hayes Henderson Architects
DA- 4-07-B	MARCH 2010	Hamilton Hayes Henderson Architects
DA- 4-08-B	MARCH 2010	Hamilton Hayes Henderson Architects
DA- 4-09-B	MARCH 2010	Hamilton Hayes Henderson Architects
DA- 5-01-B	MARCH 2010	Hamilton Hayes Henderson Architects
DA- 5-04-C	MARCH 2010	Hamilton Hayes Henderson Architects
L02-13	16.04.10	Terras Landscape Architects
07331	MARCH 2010	Spectrum Acoustics
BASIX CERTIFICATE NO. 18557417		ASSESSOR NUMBER 20305
Accessway Road 20m wide		Pulver Cooper Blackley

DA 07-3071 - SECTION 96(1A) MODIFICATION TO EXISTING CONSENT CONDITIONS FOR SENIORS LIVING DEVELOPMENT - LOT 611 DP 867202, 372 NEW ENGLAND HIGHWAY RUTHERFORD
RECOMMENDATION: APPROVAL (Cont.)

Condition No. 4

Pursuant to Section 80A(1) of the *Environmental Planning and Assessment Act 1979*, and the Maitland S94 Contributions Plan (City Wide) 2006, a contribution of **\$1,626,890** shall be paid to the Council.

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

	2 bedroom	3 bedroom	Total
2006(A) Citywide Rec & Open Space	46 x \$2,618	118 x \$3,179	\$495,550
2006(A) Citywide Road & Traffic Facilities	46 x \$2,433	118 x \$2,955	\$460,608
2006(A) Citywide Cultural Facilities	46 x \$470	118 x \$571	\$88,998
2006(A) Citywide Community Facilities	46 x \$1,043	118 x \$1,267	\$197,484
2006(A) Citywide Cycleways/Shared Paths	46 x \$108	118 x \$131	\$20,426
2006(A) Citywide Management/Admin	46 x \$99	118 x \$121	\$18,832
2006(A) West Rutherford Roadworks	46 x \$1,823	118 x \$2,213	\$344,992
			\$1,626,890

The above amount may be adjusted at the time of the actual payment, in accordance with the provisions of the Maitland Section 94 Contributions Plan (Citywide) 2006.

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.*

Condition No. 5

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.

Condition No. 6

Prior to the issue of an Occupation Certificate for each stage of the development, all conditions of development consent relating to that stage shall be complied with.

Condition No. 8

Prior to issue of the Construction Certificate for each stage, a certificate of compliance under Section 50 of the *Hunter Water Act 1991* for this development, shall be submitted to the Accredited Certifier.

DA 07-3071 - SECTION 96(1A) MODIFICATION TO EXISTING CONSENT CONDITIONS FOR SENIORS LIVING DEVELOPMENT - LOT 611 DP 867202, 372 NEW ENGLAND HIGHWAY RUTHERFORD
RECOMMENDATION: APPROVAL (Cont.)

Condition No.10

Prior to the issue of the Construction Certificate for buildings within Stage 1, plans (inclusive of dimensioned site and elevations) shall be submitted to Council showing the location of the onsite bus shelter.

Condition No. 12

Prior to the issue of the Occupation Certificate for the Stage 5 Central Facilities building, documentation prepared by a suitably qualified Acoustic Consultant shall be submitted to the PCA confirming that the final installation of the mechanical plant will meet the recommendations of the Spectrum Acoustics report dated March 2010 (Project No. 07331).

Condition No. 13

Prior to the issue of the Occupation Certificate for buildings within Stage 1, the first stage of the 3.1m acoustic barrier to the New England Highway shall be constructed and landscaping planted in accordance with the approved plans. The second stage of the 3.1m acoustic barrier to the New England Highway shall be constructed and landscaping planted in accordance with the approved plans **prior to the issue of the Occupation Certificate for buildings within Stage 4.**

Condition No. 14

Recommendations contained within the acoustic report prepared by Spectrum Acoustics dated March 2010 shall be implemented throughout the development. This includes the approval for the final location of air conditioning plants for the units to be constructed **prior to the issue of the Construction Certificate for each stage.**

Condition No. 15

Carparking for the development shall be provided in accordance with the approved plans.

Condition No. 18

A secondary access point for emergency purposes shall be provided at Turin Terrace with a locked gate. The gate shall be locked with a lock that is compatible with emergency services master keys. The key to this lock shall be kept on site in both the office and manager's residence. Construction vehicles are prohibited from using this entry point at any time.

Condition No. 19

Prior to the issue of the Construction Certificate for any Stage 1 works, a Phase 2 Environmental Site Assessment shall be undertaken in accordance with the phase 1 Contamination Report, dated 24th August 2007, prepared by Coffee Geotechnics. The development shall incorporate the recommendations contained within the Phase 2 Contamination Assessment report.

Condition No. 26

DA 07-3071 - SECTION 96(1A) MODIFICATION TO EXISTING CONSENT CONDITIONS FOR SENIORS LIVING DEVELOPMENT - LOT 611 DP 867202, 372 NEW ENGLAND HIGHWAY RUTHERFORD
RECOMMENDATION: APPROVAL (Cont.)

A restriction as to user will be registered against the title of the property in accordance with section 88E of the Conveyancing Act 1919 upon creation, limiting the use of any accommodation within the facility to the following kinds of people:

- (a) seniors or people who have a disability,
- (b) people who live within the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to housing provided under SEPP (Housing for Seniors or People with a Disability) 2004.

Condition No. 27

Prior to issue of a Construction Certificate for any staged works, a detailed stormwater drainage plan, providing:

- iv) *On-Site Detention (OSD)* of stormwater, and
- v) an emergency overland flow path for major storm events, that is directed to the public drainage system, and
- vi) entrapment of gross pollutants, nutrients and hydrocarbons generated from the contributing ground-surface catchment areas,

shall be designed in accordance with Council's Manual of Engineering Standards, and be submitted to the Accredited Certifier.

The design shall be based on the concept plans No **07/57, exhibits 3 & 4 Revision E** submitted with the application.

Condition No. 28

Prior to issue of the Occupation Certificate for each of the identified stages, the following works shall be completed:

- iv) The proposed roads shall be constructed with an asphaltic or cement concrete wearing surface in accordance with an engineer's design or Council's Manual of Engineering Standards. **This is to be completed as part of all stages.**
- v) A "turning head" and footway, within the property, at the termination of the existing road in Turin Terrace, together with all necessary stormwater drainage shall be constructed **as part of Stage 8** in accordance with a design prepared by Council consistent with drawing DA073071 dated 24/8/09 and Council's Manual of Engineering Standards, and the works and necessary land within the subject lot shall be dedicated to Council, at no compensatory cost to Council, as "public road".
- vi) Kerb-side parking restriction, linemarking & signposting in Denton Park Dr to facilitate safe operation of the intersection of Denton Park Dr with the access road, shall be installed in accordance with Council's requirements. **This is to be completed as part of Stage 1 works.**

Condition No. 29

Prior to commencement of works for both the extension of Turin Terrace and within Denton Park Drive;

- an engineering design, for a concrete entry/ exit in Denton Park Drive and a flexible granular pavement with an asphaltic concrete wearing surface in Turin

DA 07-3071 - SECTION 96(1A) MODIFICATION TO EXISTING CONSENT CONDITIONS FOR SENIORS LIVING DEVELOPMENT - LOT 611 DP 867202, 372 NEW ENGLAND HIGHWAY RUTHERFORD
RECOMMENDATION: APPROVAL (Cont.)

Terrace, in accordance with Council's Manual Of Engineering Standards, shall be prepared for approval;

- consent under the Roads Act and a Construction Certificate under the EP&A Act as appropriate, shall be issued;
- all relevant Council fees shall be paid.

Condition No. 30

Prior to issue of the Occupation Certificate for Stage 1, a compliance notice shall be obtained from Council certifying that construction of roadworks in Denton Park Drive have been carried out in accordance with this consent, approved plans and Council's Manual of Engineering Standards. A compliance notice certifying that the construction of roadworks in Turin Terrace has been carried out in accordance with this consent, approved plans and Council's Manual of Engineering Standards shall be obtained from Council **prior to the issue of the Occupation Certificate for Stage 8**.

Condition No. 34

Upon completion of the Central Facilities 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*.

Condition No. 35

At least once in each twelve month period, fire safety statements in respect of each required essential fire safety measure installed within the Central Facilities building shall be submitted to Council. Such certificates are to state that:

- a) The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
- b) That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building).

Such statements shall be prepared in accordance with Division 5 of Part 9 of the *Environmental Planning and Assessment Regulation, 2000*.

Delete Condition No. 39

Condition No. 41

A copy of the fire safety schedule and fire safety certificate shall be prominently displayed in the Central Facilities building in accordance with Division 4 of Part 9 of the *Environmental Planning and Assessment Regulation 2000*.

Condition No. 51

The swimming pool and required child resistant pool fencing and gates MUST be constructed, installed and maintained STRICTLY in accordance with this approval and is to comply with the provisions of the *Swimming Pools Act 1992, Swimming Pool Regulations 2008* and Australian Standard AS1926.1-2007.

The following advices are to be included into the Schedule of Conditions attached to the original Notice of Determination:

DA 07-3071 - SECTION 96(1A) MODIFICATION TO EXISTING CONSENT CONDITIONS FOR SENIORS
LIVING DEVELOPMENT - LOT 611 DP 867202, 372 NEW ENGLAND HIGHWAY RUTHERFORD
RECOMMENDATION: APPROVAL (Cont.)

Additional Advice F

You are advised that Council will accept cost for survey plan preparation and registration, and an engineering design for the works at the termination of Turin Terrace, consistent with Council drawing dated 24/8/09.

Additional Advice G

You are advised that for the **access entry/exit works** on the footway verge in Denton Park Dr, inspections by Council of works, is required (eg formwork & reinforcement). 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.

Additional Advice H

You are advised that consent is not given to the proposed signage as indicated on the plans. Permanent signage requires a separate Development Application and subsequent approval prior to its installation.

DA 07-3071 - SECTION 96(1A) MODIFICATION TO EXISTING CONSENT CONDITIONS FOR SENIORS
LIVING DEVELOPMENT - LOT 611 DP 867202, 372 NEW ENGLAND HIGHWAY RUTHERFORD
RECOMMENDATION: APPROVAL (Cont.)

Service Planning and Regulation Reports

**DA 07-3071 - SECTION 96(1A)
MODIFICATION TO EXISTING
CONSENT CONDITIONS FOR SENIORS
LIVING DEVELOPMENT - LOT 611 DP
867202, 372 NEW ENGLAND HIGHWAY
RUTHERFORD
RECOMMENDATION: APPROVAL**

Locality Plan

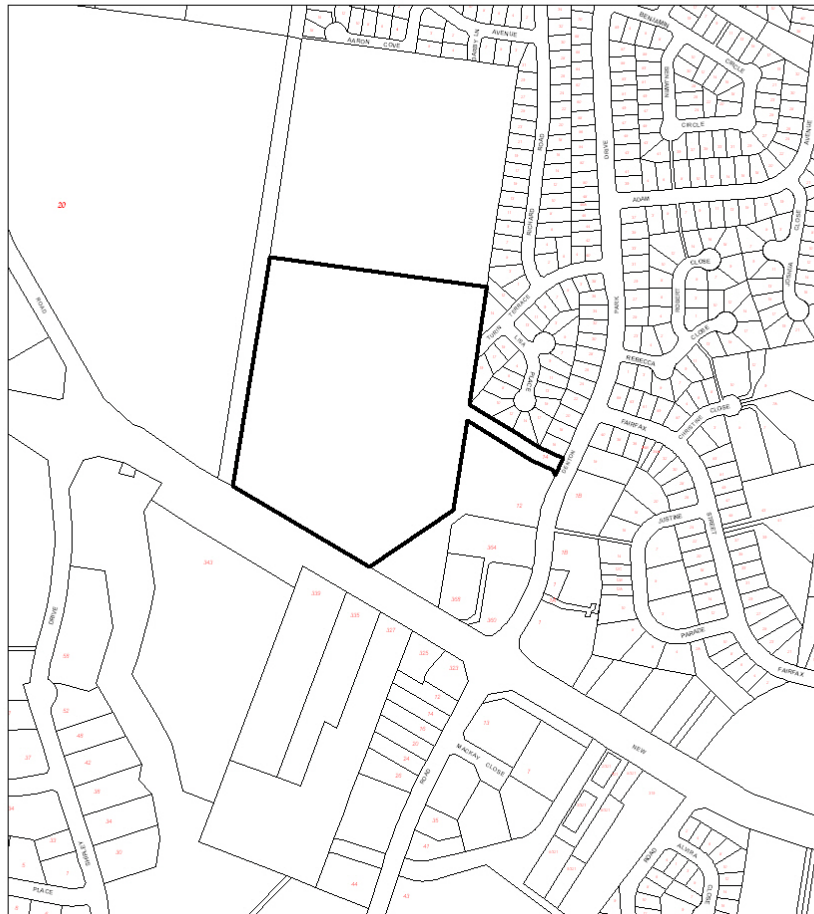
Meeting Date: 27 July 2010

Attachment No: 1

Number of Pages: 1

DA 07-3071 - SECTION 96(1A) MODIFICATION TO EXISTING CONSENT CONDITIONS FOR SENIORS LIVING
DEVELOPMENT - LOT 611 DP 867202, 372 NEW ENGLAND HIGHWAY RUTHERFORD
RECOMMENDATION: APPROVAL (Cont.)

LOCALITY PLAN



Lot 611 DP867202 - 372 New England Highway, Rutherford



Scale 1 : 4 000
Printing Date: July 2010



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DA 07-3071 - SECTION 96(1A) MODIFICATION TO EXISTING CONSENT CONDITIONS FOR SENIORS LIVING
DEVELOPMENT - LOT 611 DP 867202, 372 NEW ENGLAND HIGHWAY RUTHERFORD
RECOMMENDATION: APPROVAL (Cont.)

Service Planning and Regulation Reports

**DA 07-3071 - SECTION 96(1A)
MODIFICATION TO EXISTING CONSENT
CONDITIONS FOR SENIORS LIVING
DEVELOPMENT - LOT 611 DP 867202, 372
NEW ENGLAND HIGHWAY RUTHERFORD
RECOMMENDATION: APPROVAL**

Development Plans

Meeting Date: 27 July 2010

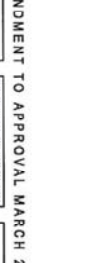
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Number of Pages: 8

SIGNATURE GARDENS RETIREMENT RESORT





DEVELOPMENT APPLICATION LODGEMENT MARCH 2010

SECTION 88 AMENDMENT TO APPROVAL MARCH 2010

PROPOSED 'SIGNATURE GARDENS RETIREMENT RESORT' DEVELOPMENT

DENTON PARK DRIVE, RUTHERFORD, NSW

PDC Corporation Pty Limited

PROJ No.:
DATE :
SCALE :
PROJ No. 2

3820
MAY 2010
NHS
DA-6

HAYES HENDERSON ARCHITECTS

111 HAYES HENDERSON ARCHITECTS PTY LTD
PO BOX 646 DODD ROAD 9716, COCKLEBERRY AUSTRALIA
Telephone (08) 81 801414 FAX (08) 81 804 908

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DA 07-071 - SECTION 96(1A) MODIFICATION TO EXISTING CONSENT CONDITIONS FOR SENIORS LIVING
DEVELOPMENT - LOT 611 DP 867202, 372 NEW ENGLAND HIGHWAY RUTHERFORD
RECOMMENDATION: APPROVAL (Cont.)



DA 07-3071 - SECTION 96(1A) MODIFICATION TO EXISTING CONSENT CONDITIONS FOR SENIORS LIVING DEVELOPMENT - LOT 611 DP 867202, 372 NEW ENGLAND HIGHWAY RUTHERFORD
RECOMMENDATION: APPROVAL (Cont.)

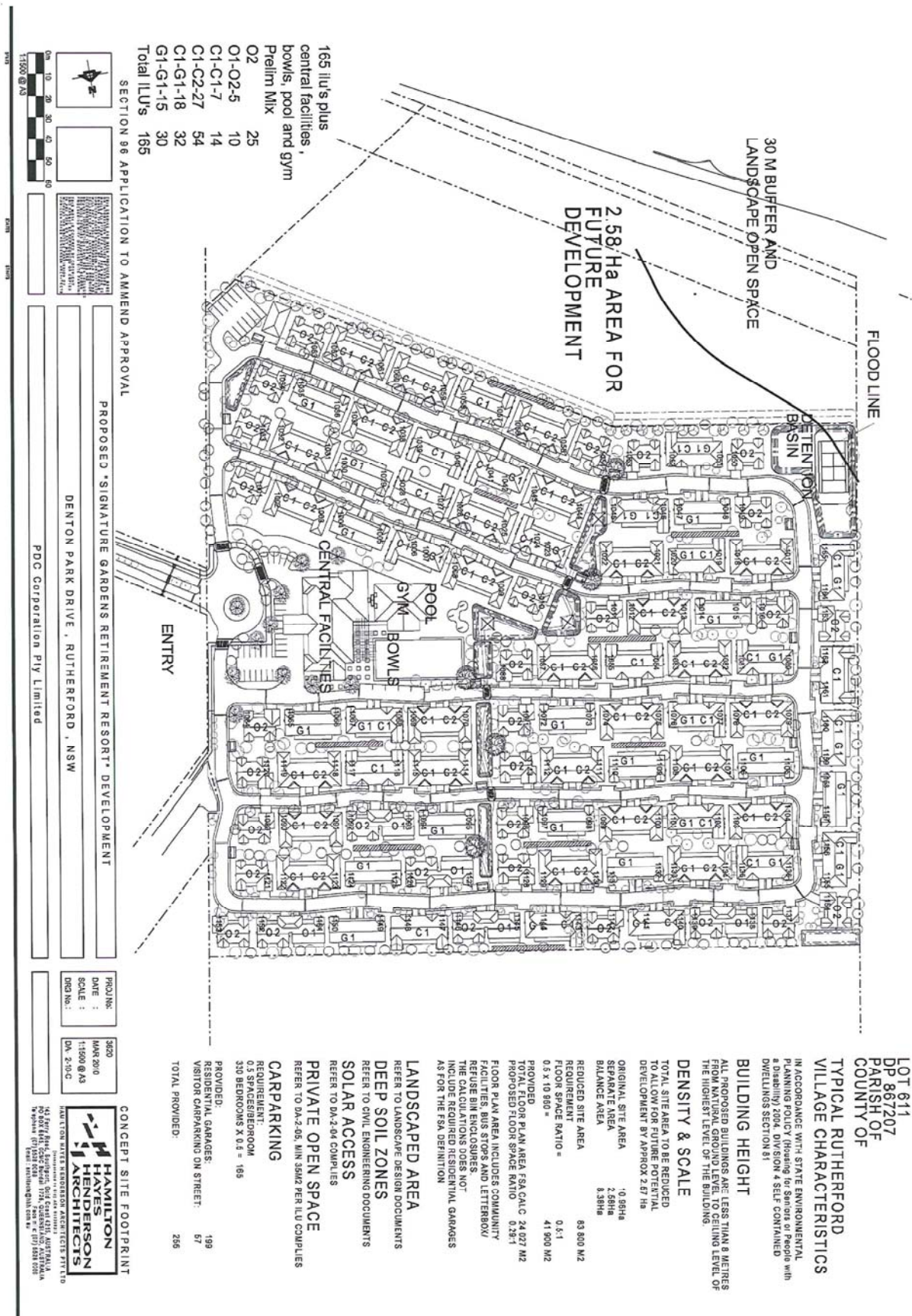


Table 1: Facilities

Facility	Quantity	Notes
10 ILU's	10	one duplex
Central Facilities	1	used as preliminary Central Facilities
Bulk earthworks	1	for stage 1-2, entrance way, Central Facilities areas, Stage 1 noise mound, drainage and roads.
11 ILU's Gym, Pool, Roads and drainage	1	
10 ILU's, roads and drainage, bulk earth works for stage 3-4	10	
11 ILU's, roads and drainage	11	
16 ILU's, Central Facilities building Stage 1 roads and drainage and bulk earthworks stage 5-7, Stage 2 Noise mound, detention pond and tennis court, Resident workshop & maintenance building and caravan parking area	16	
14 ILU's, roads and drainage	14	
22 ILU's, roads and drainage and Bowls green, putting green and demolition of existing cottage	22	
14 ILU's, roads and drainage and bulk earthworks stage 8-11	14	
20 ILU's, roads and drainage stage 2 of Central Facilities	20	
20 ILU's, roads and drainage	20	
16 ILU's, roads and drainage	16	

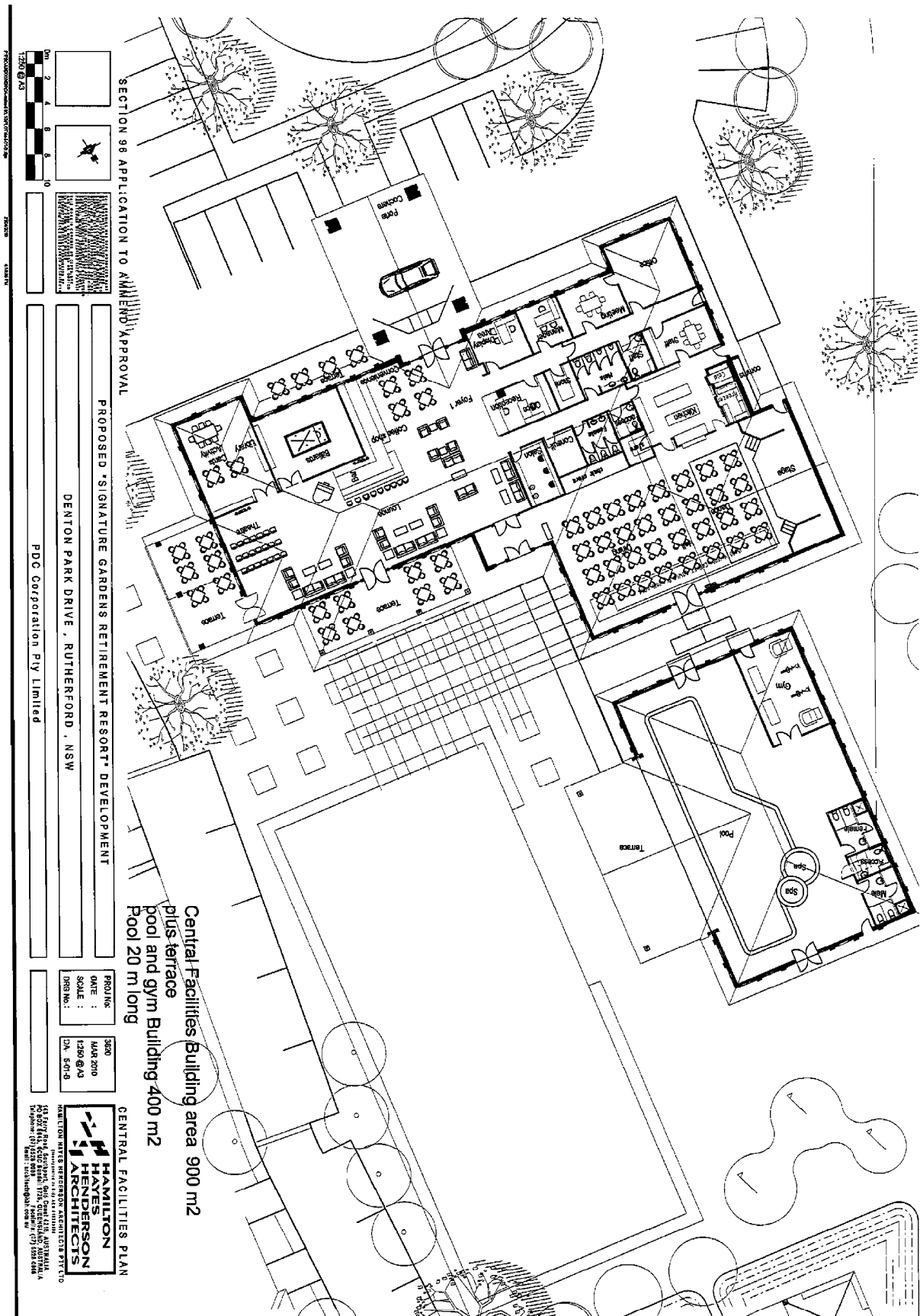
Table 2: Stages

Stage	Description
STAGE 1	10 ILU's, roads and drainage, bulk earth works for stage 3-4
STAGE 2	11 ILU's, roads and drainage
STAGE 3	10 ILU's, roads and drainage, bulk earth works for stage 3-4
STAGE 4	11 ILU's, roads and drainage
STAGE 5	16 ILU's, Central Facilities building Stage 1 roads and drainage and bulk earthworks stage 5-7, Stage 2 Noise mound, detention pond and tennis court, Resident workshop & maintenance building and caravan parking area
STAGE 6	14 ILU's, roads and drainage
STAGE 7	22 ILU's, roads and drainage and Bowls green, putting green and demolition of existing cottage
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STAGE 9	20 ILU's, roads and drainage stage 2 of Central Facilities
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STAGE 11	16 ILU's, roads and drainage

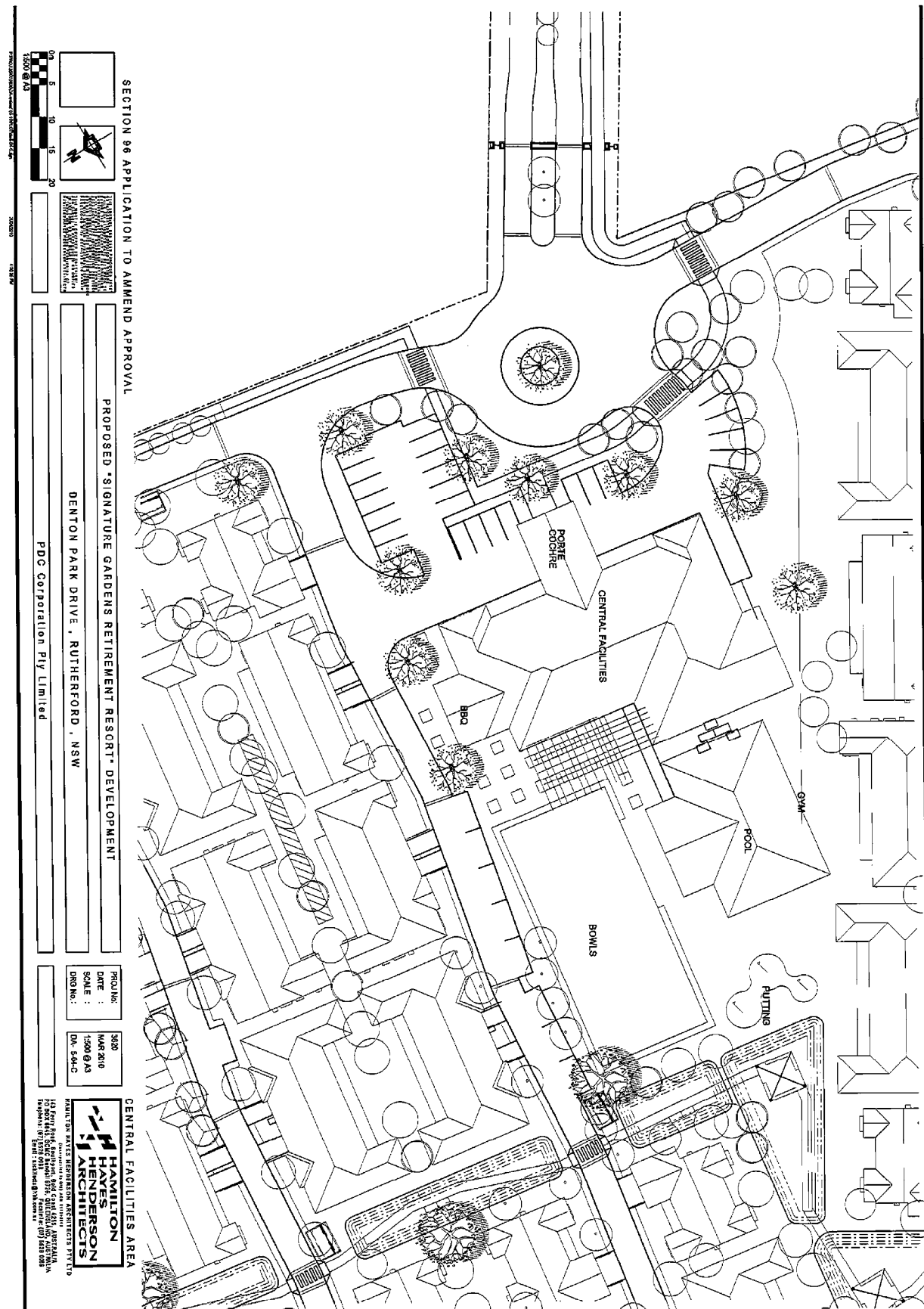
DA 07-3071 - SECTION 96(1A) MODIFICATION TO EXISTING CONSENT CONDITIONS FOR SENIORS LIVING DEVELOPMENT - LOT 611 DP 867202, 372 NEW ENGLAND HIGHWAY RUTHERFORD
RECOMMENDATION: APPROVAL (Cont.)



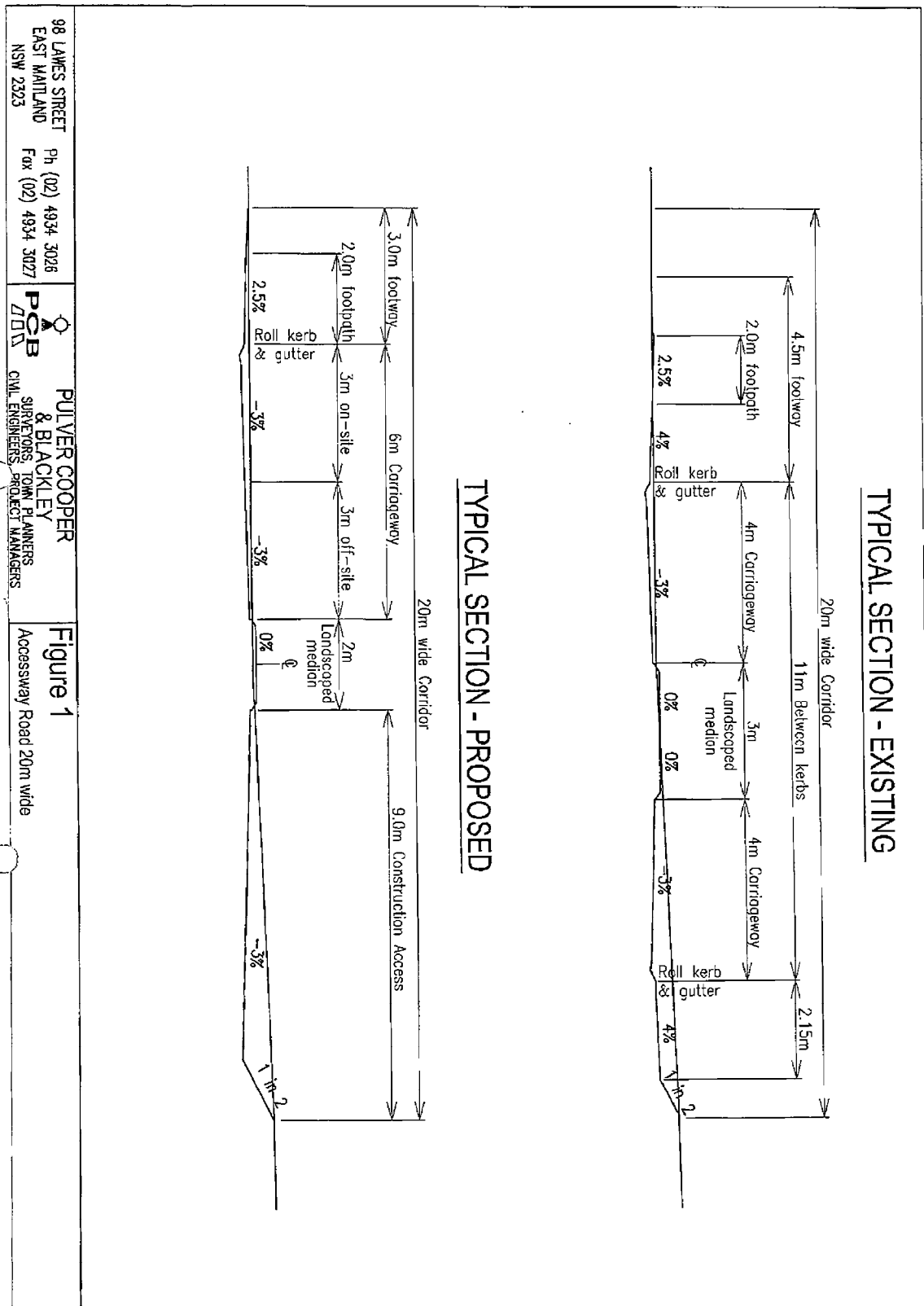
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RECOMMENDATION: APPROVAL (Cont.)



DA 07-3071 - SECTION 96(1A) MODIFICATION TO EXISTING CONSENT CONDITIONS FOR SENIORS LIVING DEVELOPMENT - LOT 611 DP 867202, 372 NEW ENGLAND HIGHWAY RUTHERFORD
RECOMMENDATION: APPROVAL (Cont.)



DA 07-3071 - SECTION 96(1A) MODIFICATION TO EXISTING CONSENT CONDITIONS FOR SENIORS LIVING
DEVELOPMENT - LOT 611 DP 867202, 372 NEW ENGLAND HIGHWAY RUTHERFORD
RECOMMENDATION: APPROVAL (Cont.)



DA 07-3071 - SECTION 96(1A) MODIFICATION TO EXISTING CONSENT CONDITIONS FOR SENIORS LIVING
DEVELOPMENT - LOT 611 DP 867202, 372 NEW ENGLAND HIGHWAY RUTHERFORD
RECOMMENDATION: APPROVAL (Cont.)

Service Planning and Regulation Reports

**DA 07-3071 - SECTION 96(1A)
MODIFICATION TO EXISTING CONSENT
CONDITIONS FOR SENIORS LIVING
DEVELOPMENT - LOT 611 DP 867202, 372
NEW ENGLAND HIGHWAY RUTHERFORD
RECOMMENDATION: APPROVAL**

Submissions

Meeting Date: 27 July 2010

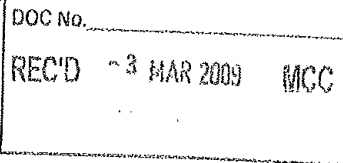
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DA 07-3071 - SECTION 96(1A) MODIFICATION TO EXISTING CONSENT CONDITIONS FOR SENIORS LIVING
DEVELOPMENT - LOT 611 DP 867202, 372 NEW ENGLAND HIGHWAY RUTHERFORD
RECOMMENDATION: APPROVAL (Cont.)

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The Service Planning Support Officer
Service Planning & Regulation
Maitland City Council
P.O. Box 299
Maitland
NSW 2320



Joe Arundale
1 Richard Road
Rutherford
NSW 2320

24 February '09

Your Reference – DA-07-3071

Dear Sir/Madam

I have reviewed the notice on the development of Lot 611 DP867202 as a Seniors Residential Resort Complex. It has a lot of merit for the Rutherford community in the area.

My concern is that Turin Terrace, (full length) will be used as a temporary site access road during the construction phase of the development.

In our immediate area there are many young school aged children who are already being exposed to speeding vehicles in Richard Rd. Many of the children are picked up & deposited by school buses on Denton Park Drive and need to walk along Turin Tce and Richard Rd to depart and return to their homes. (Notwithstanding the 50km/h speed limit, local residents and contractors vehicles alike are mostly seen to be excessively exceeding the speed limit.

I know that in most cases, contractor traffic has to be accommodated in developing areas. However, in the case of this development there is no need for existing 'residential' roads to be used by construction traffic.

I suggest that Council should only approve the use of the designed permanent entry road off Denton Park Drive, which should be constructed initially to accommodate "all" construction & delivery traffic.

To endure the additional in-flow of construction traffic (for possibly another 2 years) into the Turin Terrace precinct will be an accident, even fatality, waiting to happen.

The potential increase in traffic will be totally unacceptable for the already inconvenienced families and retirees, (like myself), who live in the immediate area. Many of the families parent's are shift workers on the mines and other local area services, who do need daytime sleeping options, due to rotating night shift schedules.

The retiree couples, who live in Turin Terrace and on the corner of Richard Road and Lisa Place, are entitled to peace and quiet in their homes during the daytime.

Please ensure that these concerns are given appropriate consideration during the development approval process by the Maitland City Council, Planning Services approval committee.

Yours faithfully

Joe Arundale
(Retiree)

DA 07-3071 - SECTION 96(1A) MODIFICATION TO EXISTING CONSENT CONDITIONS FOR SENIORS LIVING DEVELOPMENT - LOT 611 DP 867202, 372 NEW ENGLAND HIGHWAY RUTHERFORD
RECOMMENDATION: APPROVAL (Cont.)

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Your Reference - DA -07-3071

Dear Sir/Madam

I refer to the recently received notice on the development of Lot 611 DP 867202 as a Seniors Residential Resort Complex. It is certainly a worthy project for the community.

Our concern is that Turin Terrace, (full length down to the SW end fence at the Lot 611 boundary), will be used as a temporary site entry access road during the construction phase of the development.

We submit that construction and delivery access **should only be authorized** by Council using the designed entry road off Denton Park Drive, which needs to be adequately constructed to accommodate all potential construction & delivery traffic.

I have had phone confirmation that Turin Terrace will not be opened up as an access route for residents once construction has been completed it will only be an emergency exit.

Could confirmation please be made on what has been put into place for the entry point off Denton Park Drive into the complex as this road is already so congested already?

Also where is the consideration for the extra traffic that will be joining the already congested roundabout at the intersection of Denton Park Drive and the New England Hwy?

We, (the residents on Turin Terrace) have now endured 5 years of housing construction contractors vehicles, including supply delivery semi trailers, 8 wheelers & dogs, concrete transit mixers and endless contractor trucks and utilities from 5.30 am to early evenings, 6 days a week, during the Anambah Building Company's residential housing developments in the Richard Road precinct. It is **still relentlessly ongoing!**

There is a concentration of vulnerable school aged children living in Turin Terrace & Richard Road who are constantly being compromised by exposure to distracted and speeding vehicles. Children are picked up & deposited by school buses on Denton Park Drive and have to walk along Turin Terrace and Richard Road to leave and return to their homes. (Forget the 50km/h speed limit, contractors vehicles and resident vehicles, for that matter, are regularly observed grossly exceeding the posted residential speed limit in the area).

To endure another in-flow of construction traffic (for probably another year+) into Turin Terrace will be an accident, even fatality, waiting to happen. There will also be a heightened noise intrusion, more diesel air pollution and probably deposited site dirt on Turin Terrace roadway. Most contractors drive illegally, (eg. One handed due to the inevitable mobile phone usage), which has caused many near miss collisions because they turn the Tee junction corner of Turin & Richard Roads on the wrong side of the road at the intersection, at speeds well above 60km/h, in both directions.

This situation will be totally unacceptable for the already long suffering families who live in the immediate area. Many of us are shift workers who regularly need daytime sleeping options.

There are also several retiree couples who also live in Turin Terrace on or near the corner of Richard Road and Lisa Place, who are entitled to home peace and quiet.

Please ensure that these concerns are given serious consideration and action during the development approval process by Maitland City Council, responsible departments.

Yours faithfully

Geoff Germon

6 Turin Terrace Aberglasslyn

Phone:- 0409 468 145 after 12pm

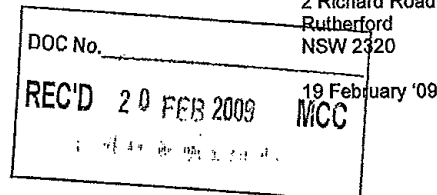
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DA 07-3071 - SECTION 96(1A) MODIFICATION TO EXISTING CONSENT CONDITIONS FOR SENIORS LIVING DEVELOPMENT - LOT 611 DP 867202, 372 NEW ENGLAND HIGHWAY RUTHERFORD
RECOMMENDATION: APPROVAL (Cont.)

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The Service Planning Support Officer
Service Planning & Regulation
Maitland City Council
P.O. Box 299
Maitland
NSW 2320

AL & PF Pennell
2 Richard Road
Rutherford
NSW 2320



Your Reference – DA-07-3071

Dear Sir/Madam

I refer to the recently received notice on the development of Lot 611 DP867202 as a Seniors Residential Resort Complex. It is certainly a worthy project for the community.

Our concern is that Turin Terrace, (full length down to the SW end fence at the Lot 611 boundary), will be used as a temporary site access entry road during the construction phase of the development. We acknowledge that in most cases, contractor traffic has to be "put up with", (generally due to poor approval planning allowing front to back stage development of land. Yes I know it's cost effective for the developer, but is very inconvenient for residents already established) However, in the case of this development there is absolutely no need for existing 'residential' roads to be used. We submit that construction and delivery access should only be authorised by Council using the designed entry road off Denton Park Drive, which needs to be adequately constructed first to accommodate "all" construction & delivery traffic.

We (the residents on Turin & Richard Road, south end) have now endured "5 years" of housing construction contractors vehicles, including heavy delivery trucks and endless contractor trucks and utilities passing through from 5.30 am to early evenings, 6 days a week, during the Anambah Building Company's residential housing extensions at the northern end of Richard Road. It is still relentless and ongoing!!

In our immediate area there is a concentration of vulnerable school aged children living in Turin Tce, Lisa Pl & Richard Rd and beyond, who are already being exposed to speeding drivers and vehicles. Many children are picked up & deposited by school buses on Denton Park Drive and have to walk along Turin Tce and Richard Rd to leave and return to their homes. (Forget the 50km/h speed limit, contractors vehicles (and working residents vehicles, for that matter), are regularly observed grossly exceeding the posted residential speed limit in the area).

To endure another in-flow of construction traffic (for probably another 2 years +) into the Turin Terrace precinct will be an accident, even fatality, waiting to happen. There will also be heightened noise intrusion, more diesel air pollution and deposited site dirt on the access road. The Tee junction corner of Turin & Richard Roads is a particular "black spot" as contractors drive illegally, (eg. one handed due to mobile phone usage). This has caused many near miss collisions in the past because they cut the corner on the wrong side of the road in the one direction and drive aggressively in the other by not looking to the right and only stop if forced to do so by approaching vehicles, traveling uphill on Turin Terrace.

The potential increase in traffic will be totally unacceptable for the already long suffering families and retirees who live in the immediate area. Many of the families Dad's are shift workers on the mines and employees of industry support companies and other local area services, who regularly need daytime sleeping options, due to rotating night shift schedules.

The retiree couples, who live in Turin Terrace and on or near the corner of Richard Road and Lisa Place, are entitled to peace and quiet in their homes during the daytime.

Please ensure that these concerns are given serious consideration during the development approval process by the Maitland City Council, Planning approval committee.

Yours faithfully,

Anthony L Pennell (Retiree)
Contact - 4932 3030 Email - Pennell@aapt.net.au

DA 07-3071 - SECTION 96(1A) MODIFICATION TO EXISTING CONSENT CONDITIONS FOR SENIORS LIVING
DEVELOPMENT - LOT 611 DP 867202, 372 NEW ENGLAND HIGHWAY RUTHERFORD
RECOMMENDATION: APPROVAL (Cont.)

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REC'D 24 FEB 2009	MCC
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FROM R. EDWARDS
9 TURIN TERRACE
RUTHERFORD 2320.
23rd FEBRUARY 2009
PHONE (02) 49325360
PROPERTY No 370656.

TO GENERAL MANAGER
MAITLAND CITY COUNCIL
285-287 HIGH STREET
MAITLAND NSW 2320

ATTENTION BENJAMIN STREETER
SERVICE PLANNING DEPT.

YOUR REFERENCE DA-07-3071
DEAR SIR / MADAM

REFERS TO: THE POTENTIAL USE OF TURIN TERRACE
THAT MAY BE USED BY CONTRACTORS AND BUILDING WORKERS
DURING THE CONSTRUCTION PERIOD OF THE PROPOSED
SENIORS COMPLEX ON LOT 611 NEW ENGLAND HIGHWAY RUTHERFORD

FURTHER TO YOUR CORRESPONDENCE RECEIVED AT
THIS ADDRESS ON 16-02-09 RELATIVE TO SENIORS RESIDENTIAL
COMPLEX LOT 611 DP 867202 NEW ENGLAND HIGHWAY RUTHERFORD
I WOULD LIKE TO VOICE MY CONCERN REGARDING THE POSSIBILITY
OF TURIN TERRACE BECOMING A THROUGHFARE FOR CONSTRUCTION
TRAFFIC INCLUDING HEAVY EARTH MOVING MACHINERY, THE DELIVERY
OF BUILDING MATERIALS AND THE LIKE ON SEMI-TRAILERS AND MEDIUM
SIZE TRUCKS, CONCRETE AGITATORS, AND SPEEDING CONTRACTORS AND
BUILDING WORKERS VEHICLES

FURTHERMORE CONSIDERATION SHOULD BE GIVEN TO THE MANY
SCHOOL CHILDREN WHO WALK THROUGH THIS STREET TO AND FROM BUS STOPS
IN CLOSE PROXIMITY TO THE INTERSECTION OF DENTON PARK DRIVE AND
TURIN TERRACE, INFANT CHILDREN, SHIFT WORKERS AND RETIRED COUPLES.

DA 07-3071 - SECTION 96(1A) MODIFICATION TO EXISTING CONSENT CONDITIONS FOR SENIORS LIVING
DEVELOPMENT - LOT 611 DP 867202, 372 NEW ENGLAND HIGHWAY RUTHERFORD
RECOMMENDATION: APPROVAL (Cont.)

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IT SHOULD BE NOTED THAT THIS REQUEST IS FOR THE DURATION
OF THE CONSTRUCTION PERIOD ONLY AS I AM OF THE OPINION THAT
THE COMPLEX IS AN ASSET TO THE COMMUNITY.

IT WOULD BE MOST PRESSING IF COUNCIL INSTRUCT AND DIRECT
ALL CONSTRUCTION TRAFFIC TO USE THE DESIGNED ENTRY OFF
DENTON PARK DRIVE AS SET-OUT ON THE SUBMITTED SITE PLAN.

Yours Faithfully

Ken Edwards.

DA 07-3071 - SECTION 96(1A) MODIFICATION TO EXISTING CONSENT CONDITIONS FOR SENIORS LIVING
DEVELOPMENT - LOT 611 DP 867202, 372 NEW ENGLAND HIGHWAY RUTHERFORD
RECOMMENDATION: APPROVAL (Cont.)

Page 1 of 1

Nicole Kelly

From: Jones/Lantry [derekjanjones@bigpond.com]
Sent: Sunday, 1 March 2009 9:40 PM
To: Internet
Subject: Belinda Streeter

Jan Lantry & Derek Jones
12 Lisa Place
Aberglasslyn NSW 2320
Ph. 02 49 323 613

General Manager Maitland Council,

We are writing with concerns to the development of the Seniors Residential Development New England Highway Rutherford. We had a verbal agreement with the previous owner of the property to be able to use rear access into and out of our property. We have had the use of this for 8 years, we have a large boat (which is too large for the front of our property) and a vehicle to which we need this access. In the plans for the new development it shows a medium strip and nature strip which will prevent our access, so we have concerns on what will happen and if there is any chance a section of the strip may be able to be left out to allow us access. Please contact us with any information regarding this matter.

Yours faithfully,
Jan Lantry and Derek Jones.

2/03/2009

DA 07-3071 - SECTION 96(1A) MODIFICATION TO EXISTING CONSENT CONDITIONS FOR SENIORS LIVING DEVELOPMENT - LOT 611 DP 867202, 372 NEW ENGLAND HIGHWAY RUTHERFORD
RECOMMENDATION: APPROVAL (Cont.)

Page 1 of 1

Kellie Westwood

From: Belinda Barrie
Sent: Tuesday, 1 June 2010 11:01 AM
To: Records Inbox
Subject: FW: DA for 372 New England Highway

Hi
Please attach to DA 07-3071.
Thanks Belinda

From: Bill Rowney [mailto:brownney@energy.com.au]
Sent: Tuesday, 1 June 2010 6:29 AM
To: Belinda Barrie
Subject: DA for 372 New England Highway

Belinda

I would like the council to consider a brick fence be installed between this developement and my property as was promised verbally when this developement was first mentioned to me.

- 1: a brick fence would help in reducing noise and water run off during the years of construction as the main road will abutt my property
- 2: a brick fence would provide privacy during these years of construction as the main road will abutt my property
- 3: a brick fence would help prevent dust & diesel fumes during the years of construction as the main road will abutt my property
- 4: the existing colourbond fence, which is build wholly on my property is quite loose in the footings and would not stand up to the riggors of construction work

I have no problem with this developement if this brick fence was constructed between the developement and my property which would allieviate all my concerns

Regards,
Bill Rowney
Superintendent-District Operators
EnergyAustralia

Building 5 Gosford Depot Racecourse Rd. West Gosford 2250

Phone. 02 43258599 (Extn 38599)
Fax. 02 43258626 (Extn 38626)
Mobile. 0419263274
brownney@energy.com.au

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1/06/2010

10.2 DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD

File No: DA 10-379

Attachments:

1. Locality Plan
2. Development Plans
3. Submissions
4. Aerodrome Consultative panel Minutes

Responsible Officer: Leanne Harris - Group Manager Service Planning and Regulation
David Simm - Manager Development & Environment
Stephen Punch - Principal Planner

Author: Cindy Dickson - Town Planner

Applicant: Skydive Maitland Pty Ltd

Owner: Royal Newcastle Aero Club

Proposal: Skydiving Operation Ancillary to Aerodrome

Location: 604 New England Highway, Rutherford

Zone: 5(a) Special Uses

EXECUTIVE SUMMARY

Development consent is sought from Council for a proposed skydiving operation ancillary to the existing aerodrome at 604 New England Highway, Rutherford. The subject land is zoned 5(a) Special Uses (Aerodrome) under Maitland Local Environmental Plan, 1993 (LEP).

An 'aerodrome' is a permissible form of development in the 5(a) Special Uses (Aerodrome) zone with Council consent. In terms of permissibility of this particular land use activity the Council only needs to be satisfied that the proposal is ordinarily incidental or ancillary to the primary use of the land for the purposes of an aerodrome. Council considers that using the aerodrome as a base for the conducting of parachuting operations satisfies this provision of the LEP.

The Maitland Aerodrome site is located approximately 3 kilometres west of Rutherford and has operated for over 4 decades. The site is relatively level with scattered low level vegetation generally around the perimeter of the property, two sealed runways and one grass runway. The skydiving operation will primarily use the sealed runways.

The existing social club building located to the east of the Royal Newcastle Aeroclub (RNAC) office and runways is currently being utilised for the operations of Maitland Skydive. Maitland aerodrome is an 'authorised landing area' for the purposes of the Civil Aviation Regulations. It is not a controlled aerodrome; therefore circuit patterns cannot be defined or regulated as occurs at major city airports. RNAC does not have operational control of every aircraft that visits the airfield however, the Community Operational Undertaking (COU) prepared by RNAC and adopted by the Council in 2005 and as amended June 2009 contains a recommended circuit pattern to be adopted whenever possible. The adopted COU for the aerodrome identifies

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

parachuting (commonly known as skydiving) as a type of operation/activity to be conducted at the aerodrome. The proposal involves formal development consent for this use on the site. Identification signage is also proposed to identify the business.

The development application has been considered by the Rutherford Aerodrome Community Consultative Committee and its comments have been taken into consideration in the assessment of the proposal.

The application was notified for a period of 14 days and during this period three (3) submissions and subsequent emails from objectors were received. The key issues raised related to acoustic impact, flight path location, concern over number of aircraft movements and aircraft operations (direction of banking after take-off and circuits). The objections raised have been discussed in detail within this report, however, it is considered that the issues raised are not sufficient to warrant refusal of the application. Accordingly, it is recommended the application be approved subject to conditions.

OFFICER'S RECOMMENDATION

THAT

- 1. DA 10-379 for Skydiving Operation ancillary to the existing aerodrome on Lot 102, DP1113319, 604 New England Highway, Rutherford be approved, subject to the conditions of consent set out in the attached schedule.**

REPORT

The purpose of this report is to provide Council with a comprehensive assessment of the development proposal to enable the determination of the application. The application is put before Council due to the receipt of submissions received during and subsequent to the notification process.

BACKGROUND / INTRODUCTION

Aerodrome related activities commenced on the subject land in the late 1950's and the aerodrome has undergone gradual expansion since that time.

The aerodrome accommodates the operations of fixed wing aircraft generally with a maximum take-off weight less than 5,700 kilograms. These type of aircraft include models such as Cessna, Piper, Pitt Special, Beech, DeHavilland and amateur kit models.

There are currently three (3) runways in operation at the Rutherford Aerodrome – the two main sealed runways which are orientated on a predominantly east/west alignment and the new grassed runway orientated on a predominantly north/south alignment.

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

With respect to the activities of the Royal Newcastle Aero Club, acoustic modelling was undertaken for the aerodrome in 2002 and Council adopted a Strategic Planning Noise Contour Map to guide future urban development in the vicinity of the aerodrome on 23 September 2003. The 15 ANEC (Australian Noise Exposure Contour) is generally the limit of encroachment for noise sensitive uses such as residential and certain non-residential development. The acoustic modelling was based on the aerodrome operating at an average of 70 flight movements per day.

Furthermore, on 22 February 2005 Council approved a Community Operational Undertaking (COU) prepared by RNAC which details its commitments with respect to the type and intensity of activities to be undertaken at the aerodrome. The COU states that flight movements will be limited to 70 per day consistent with the thresholds adopted for the acoustic modelling for the aerodrome. The COU also identifies parachuting (commonly known as skydiving) as a type of operation/activity to be conducted from the site. Skydive Maitland has operated from the existing RNAC social building for some time and the purpose of the subject application is to formalise this use.

SITE DESCRIPTION

The site is located on the northern side of the New England Highway, Rutherford and is surrounded by rural residential development to the west, rural development to the north and industrial development to the south and east. The site is shown in Figure 1 below.

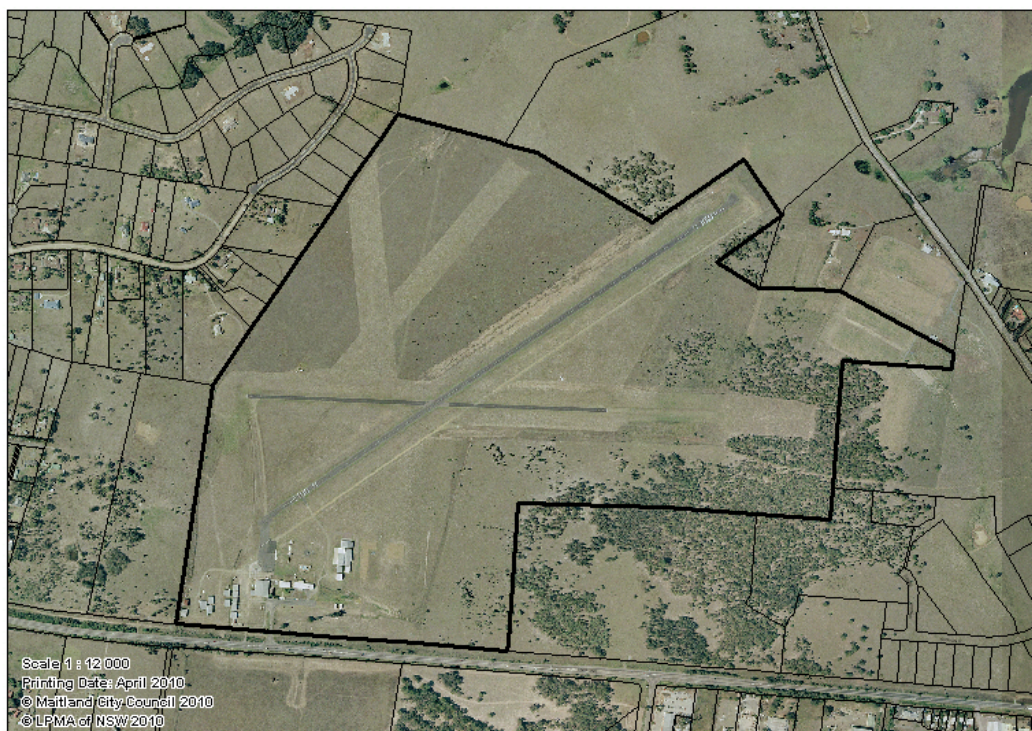


Figure 1 – Aerial map of subject site

The existing social club building is located to the east of the administration building for the Royal Newcastle Aeroclub (RNAC).

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

PROPOSAL

The proposal involves Maitland Skydive conducting skydiving operations from the existing social club building and runways at the Maitland Aeroclub at Lot 102 DP1113319, New England Highway, Rutherford. A copy of the locality plan is provided as **Attachment 1**. It is proposed to operate the activity within the framework of the adopted Community Operational Undertaking (COU) for the Rutherford Aerodrome.

The skydiving operation will use the two areas indicated on the plans for landing zones – refer to **Attachment 2** detailing the location of the landing areas, runways and buildings on the site. The building will provide an area for parachute packing, education, training and storage for equipment. At times alternative landing zones may be required in order to ensure safety of the divers depending on weather conditions. It should be noted that operations will cease during adverse weather conditions. The aircraft associated with the operations primarily use the sealed runways.

It is proposed to operate the business 7 days a week, with most flying activity occurring on a Saturday and Sunday. Hours of operation are as follows:

- o Between 7.00am to 8.00pm during warmer months (September to April); and
- o Between 7.00am to 6.00pm during cooler months (May to August).

The maximum take off and landing operations for the use will range between 5,600 to 6,000 annually. This equates to approximately 106 to 116 in a week or 14 to 18 each day. Intensive parachute training courses of one week duration will be carried out 2 to 4 times a year. Furthermore, approximately 4 to 6 times a year, night jumps are to be conducted. The jumps would occur between 6.00pm and 10.00pm and would require approval from the RNAC prior to the events taking place. The proposed movements and hours of operation will be in accordance with the movement summary table and time restrictions provided in the adopted COU.

Maitland aerodrome is an 'authorised landing area' for the purposes of the Civil Aviation Regulations. It is not a controlled aerodrome; therefore circuit patterns cannot be defined or regulated as occurs at major city airports. RNAC does not have operational control of every aircraft that visits the airfield however, the Community Operational Undertaking (COU) prepared by RNAC and adopted by the Council in 2005 and as amended June 2009 contains a recommended circuit pattern to be adopted whenever possible. In addition, pilots will operate to local RNAC rules including the Fly Neighbouring Policy and duty runway rules. Pilots will also be required to communicate with Traffic Advisory Control and operate in accordance with the RNAC circuit pattern for the particular day. Although there is no set flight plan, pilots are requested to have regard to community amenity and the Fly Neighbouring Policy, with the following considerations:

- o Monday to Friday – The area of operations is restricted due to Williamstown military restricted airspace to the north and east of the site. Therefore the climb height will generally be to the south of the built up areas;

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

- o Saturday and Sunday - Climb heights will generally be to the north of the site and west of Paterson as this is the most uninhabited area within the vicinity of the aerodrome. This pattern can only be used when Williamstown military restricted airspace is not active.

Aircraft associated with the skydiving will be in accordance with the requirements of the RNAC rules as outlined in the adopted COU, which will include (but are not limited to) the following types of aircraft with a maximum take-off weight of 5700 kg's:

- o Cessna (182/185/206) & Cessna Turbo Caravan;
- o PAC Turbo Fletcher (Stretch);
- o De Havilland Turbo Beaver & De Havilland Twin Otter;
- o G8 Airvan;
- o Skyvan.

The operations involve a club with a high volunteer base. Generally, there are 1-2 employees, 2-4 contractors and 10-15 volunteers who operate from the site. People working or volunteering at the skydive operation are members of the Australian Parachute Federation (APF).

Noise Modelling for Rutherford Aerodrome

Rehbein AOS Airport Consulting undertook noise modelling for the Rutherford Aerodrome taking into account the maximum number of movements associated with the aerodrome being 70 movements per day in accordance with adopted Rutherford Aerodrome Community Operational Undertaking (COU). This ANEC model was formally adopted by Council in 2003 as a "Strategic Planning Contour Map". The modelling indicated that the level of usage proposed under the COU would not have a significant impact on the acoustic amenity of the surrounding lands. The skydiving activity is to be carried out in accordance with the adopted COU for the Rutherford Aerodrome, therefore the acoustic impact is expected to be within the levels anticipated under the ANEC modelling.

Aerodrome Consultative Committee

The development application was provided to the Aerodrome Community Consultative Committee for comment at its meeting of 8 March 2010. The panel raised no objection in principal to the development application and requested that Council take into account the following:

- Ensure that the definition as a 'recreation facility' under the Maitland LEP is appropriate for the use;
- Where possible apply conditions requiring aircraft to avoid tight circuits in close proximity to the aerodrome to reduce noise impacts.

The definition of the use as a 'recreation facility' under the Maitland LEP 1993 is not a neat fit for the proposal. In terms of permissibility, Council needs to be satisfied that the development proposal is ordinarily incidental or ancillary to the use of the land as an aerodrome. The parachuting operation is a recreational activity that is considered to be ancillary to the existing aerodrome. It is an activity that must have direct access to aircraft and cannot be conducted where there is no capacity or

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

facility to get parachutists into the air. The parachuting activities are nominated under the adopted COU for the aerodrome as a type of operation/activity to be conducted from the site.

Furthermore, conditions have been recommended which require aircraft associated with the use to operate in accordance with the requirements stipulated in the adopted COU for the site, which includes keeping within the recommended circuits to reduce noise impacts.

These issues have been discussed within the later section of this report dealing with consideration of submissions under Section 79C(1)(d) of the Environmental Planning and Assessment Act, 1979.

PLANNING ASSESSMENT

The proposal has been assessed under the relevant matters for consideration detailed in Section 79C(1) of the Environmental Planning and Assessment Act, 1979 as follows:

Section 79C(1)(a)(i) provisions of any environmental planning instrument

Local Environmental Plan

The subject land is zoned 5(a) Special Uses 'Aerodrome' the under Maitland Local Environmental Plan 1993. In terms of permissibility, Council needs to be satisfied that the development proposal is ordinarily incidental or ancillary to the use of the land as an aerodrome. The parachuting operation is a type of recreational activity that is considered to be ancillary to the existing aerodrome. It is an activity that must have direct access to aircraft and cannot be conducted where there is no capacity or facility to get parachutists into the air. The parachuting activities are nominated under the adopted COU for the aerodrome as a type of operation/activity to be conducted from the site.

State Environmental Planning Policies

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 contains provisions relating to the development of 'air transport facilities' and ancillary activities including recreational uses. The effect of this SEPP is to require that development consent be obtained for the proposed activity.

State Environmental Planning Policy 64 – Advertising & Signage

The business identification signage component of the proposal satisfies the aims and objectives of SEPP 64 in respect of its compatibility with the desired amenity and visual character of the area, its effective provision of communication in the location and its appropriate design, scale and form for both the building and the streetscape setting.

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

All other provisions outlined in SEPP64 including positioning of the signage are considered acceptable.

Section 79C(1)(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition

There are no exhibited draft environmental planning instruments applicable to the proposed development.

Section 79C(1)(a)(iii) any development control plan

The Maitland Citywide Development Control Plan contains several chapters applicable to the proposed development, including Car Parking Requirements, Outdoor Advertising and Advertisement/Notification of Development Applications.

Maitland City Wide Development Control Plan Chapter 'Car Parking Requirements'

The Maitland Aerodrome site is accessed from the New England Highway by existing turning lanes from the east and west. The proposed use of the premises is not specifically defined under the DCP chapter and as such, parking must be provided to satisfy the peak cumulative parking requirements of the development as a whole. The subject proposal does not incorporate approval for any major events held on the site. The activities of the sky diving operation will introduce minor additional vehicle activity into the site, which is expected mostly on weekend peak periods. On average there will be 7 to 9 small groups throughout the day that undertake skydiving operations. A sealed car parking area to the south of the existing building entrance which is shared by all operations for the site more than accommodates the number of vehicles associated with the sky diving operations for staff and customers. The peak usage of the site in terms of car parking requirements will be during the occasional 'large event' held by RNAC that is cited to attract around 350 vehicles. There is ample area on the site to accommodate this number of vehicles in overflow parking areas. These are not required to be sealed given the infrequency of these events. The car parking area also provides accessible spaces on site, which is considered adequate to service the development and in accordance with the objectives of the DCP chapter.

Maitland City Wide Development Control Plan Chapter 'Outdoor Advertising'

The applicant proposes to locate a business identification sign on the existing building, on the front wall elevation facing the New England Highway. The sign reads 'Skydive Maitland' and contains a contact phone number for the business. The sign is 2000mm in height x 5550mm in width. The proposed sign is considered appropriate in location, design and dimension, and therefore complies with the requirements of this chapter of the DCP.

Maitland City Wide Development Control Plan Chapter 'Advertisement/Notification of Development Applications'

The application was notified for a period of 14 days from 1 March 2010 to 15 March 2010. Council received two (2) submissions and subsequent emails from objectors in

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

response to the application and the issues raised are considered under Section 79C(1)(d) in this report.

Section 79C(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

There are no provisions under the regulations that are applicable to the proposed development.

Section 79C(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The development application proposal involves the formalisation of the existing sky diving operations on the site. No construction works are required to the existing aerodrome site, the only physical changes to the site involve business identification signage in character with the existing site, therefore the proposal will have no significant physical environmental impact on the site.

Impacts related to the operation of a skydiving operation ancillary to the aerodrome relate principally to acoustic amenity associated with the frequency of flights, flight paths and hours of operation.

Revised noise modelling was undertaken at the time that the grassed runways on the site were proposed to be replaced, which was subsequently incorporated into the adopted COU for the site. This modelling indicated that there would be no significant increased acoustic impact for the use of the runways on the site subject to their proper use. In this respect, the RNAC committed to minimising its noise impacts by proposing a daily maximum of 20 movements on proposed grassed runway 18/36 and a maximum of 500 annual movements. The subject proposal is an activity which was incorporated into the adopted COU for the site. The remaining movements (approximately 25,000 per year) will occur over the two main sealed runways. 70 movements per day is the annualised daily calculation of movements over all three (3) runways. The proposal will operate within the restrictions of the COU, which will include the types of aircraft used. Compliance with the adopted COU has been incorporated as a consent condition. Furthermore, skydiving pilots are responsible to ensure they follow local airport rules and regulations and adhere to the Fly Neighbourly Policy and duty runway rules to minimise any impacts on the surrounding area.

Section 79C(1)(c) the suitability of the site for the development

The subject land contains an established aerodrome comprising three (3) runways and associated hangars and training/administration facilities in connection with the Royal Newcastle Aero Club. The level topography of the site is conducive to the aerodrome use and significant planning work has been undertaken over the last six years to develop a Community Operational Undertaking and ANEC contours to facilitate more informed strategic land use planning in the areas of West Rutherford and Anambah. The proximity of the development to the residential zone has also been examined and potential impacts discussed within this report. There are no

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

significant physical constraints to the carrying out of the proposed sky diving proposal.

Section 79C(1)(d) any submissions made in accordance with this act or the regulations

Public Submissions

The development application and accompanying information were placed on public exhibition for a period of 14 days from 1 March 2010 to 15 March 2010. As a result of the notification process, a total of two (2) submissions and subsequent emails from objectors were received and are provided as Attachment 3 this report.

The main issues raised by the objectors are summarised below and comment provided:

No.	Issues Raised	Response
1	The aircraft climbing path should be distributed over a wide area, not concentrated in circles over the one single area. This would ensure an even sharing of the noise generated from the aircraft climbing under power.	The operations shall be in accordance with RNAC guidelines reflected in the adopted COU, including the Fly Neighbourly Policy and duty runway rules. A condition has been recommended to ensure the proposal operates in accordance with the adopted COU.
2	After the drop the aircraft should be required to land from the opposite end of the runway to that used for take-off. This has not always occurred.	The direction of take-offs and landings is generally in accordance with Civil Aviation Regulation 166. Movements are generally into the wind with all turns after take-off or before landing being to the left. In some instances topographical features or certain types of nearby land uses may dictate turning a different direction. Aircraft should adopt a straight line course when taking off until a height of 500 feet before turning. The recommended circuit pattern for the aerodrome forms part of the adopted COU. The nature of the circuits generally means take off and landing is undertaken in the same direction, ie: opposite ends of the runway. Aircraft typically land and depart to the south 60% of the time and land and depart to the north 40% of the time, which was reflected in the latest acoustic modeling. Pilots may only alter these operational requirements if necessary to ensure safety is maintained for themselves and other aircraft. The condition recommending compliance with the adopted COU incorporates requirements for landing of aircraft.
3	The hours of operation be restricted to allow residents some peaceful enjoyment of their weekend. It would be appropriate to restrict the hours on Saturday and Sunday to 8am to 5pm. This would still permit 9 hours of activity.	The COU identifies parachuting as one of the normal activities carried out on the site notwithstanding that Maitland Skydive has not had formal approval to operate from the site as a business. The proposed hours of operation for skydiving are within the hours of operation stipulated in the COU.

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

No.	Issues Raised	Response
		The hours of operation under the COU are: - o 6.00am to 11.00pm from Sept to Apr; - o 6.30am to 11.00pm from May to Aug. The hours of operation proposed are: - o 7.00am to 8.00pm from Sept to Apr; - o 7.00am to 6.00pm from May to Aug. Peak activity days for the skydiving business are on a Saturday and Sunday and the operations are restricted (particularly during winter months) due to weather conditions such as fog, rain, clouds, wind and storms. Reducing the operational window for the business is considered an unreasonable restriction given the hours are in accordance with the adopted COU.
4	There should be no intensive skydiving training courses. The activity should be restricted to recreational jumps only.	The applicant has proposed to conduct skydiving training courses over a one week period on 2 to 4 occasions per annum. These training courses involve a theory component in addition to practical skydives, therefore it is highly unlikely that skydiving would be conducted 11 hours a day over a 7 day period. The applicant will advise the RNAC prior to the activities taking place to ensure there is no conflicting uses on the site which may exceed the approved level of aircraft activity under the adopted COU. It is considered that training of skydiving personnel is necessary in order to successfully operate the business. These events are not considered unreasonable if undertaken in accordance with the adopted COU. A condition of consent has been recommended to restrict these operations to a maximum of 4 times per annum.
5	There should be no night time jumping as this will be too disruptive for residents.	The RNAC are approved for night activity until 10pm for local circuit flights. The skydiving operation proposes to undertake between 4 and 6 night operations per annum. The flights will usually occur outside of daylight savings (cooler months) as the sun sets quicker. The applicant proposes to coordinate these events with the RNAC. Night activities have been undertaken on the site for many years. The latest acoustic modelling assumed the following movement percentages and times: o 95% of movements occur during the day (7.00am to 7.00pm), 2.5% of movements occur during the evening (7.00pm to 11.00pm), and 2.5% of movements occur at night (10.00pm and 7.00am). Given the infrequency of the night operations, it is considered that the existing acoustic modelling accommodates the activities and no significant increased acoustic impact to residents is likely. It should also be noted that the proposal must be in accordance with the

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

No.	Issues Raised	Response
		adopted COU which limits arrivals and departures to no later than 11.00pm and circuit training to no later than 10.00pm, therefore night dives would need to be conducted in accordance with these limitations.
6	Special events should require a separate application for each event.	A condition of consent has been recommended that special events (excluding night skydiving and intensive skydiving training courses approved as part of this consent) shall be subject to a separate development application.
7	Each sortie comprises 2 movements this equates to 5,600 to 6000 movements per annum. The application states that these movements can be accommodated within the approved 70 movements per day. The COU will need to be adjusted to show the new split of movements over the users of the airfield.	Under the COU a movement is defined as a take-off, or a landing, or a circuit. The total of all movements under the COU is 25,493 per annum, which is an average 70 movements per day. Of these movements, the skydiving operation proposes to undertake between 14 and 18 movements each day. These movements fall within the allocation provided under the table for General Aviation Operators/Activity based at the RNAC. The proposal will therefore not increase the maximum daily movements detailed in the adopted COU. Amendments to the COU to show a further split of movements over the users of the airfield is not considered necessary given that the flight movements associated with the proposed parachuting activity are part of the existing flight movement regime for the airfield overall.
8	Council does not have the expertise to prove or disprove whether the activity will operate in accordance with the adopted COU. There should be a conditional approval of the DA that the applicant produce technical data from an independent expert other than AOS, which should be made available to the members of the public for a suitable period of time to allow any comments from members of the public to be made to Council. Council has accepted the COU, containing certain agreed obligations and commitments on behalf of the RNAC, as a basis for the operation of the aerodrome. It is up to Council to see that the RNAC honours these obligations.	Under the <i>Environmental Planning and Assessment Act, 1979</i> , Council are the consent authority for an application of this nature. The documentation provided with the development application has enabled a satisfactory assessment of the proposal to be undertaken. The type of aircraft used in the skydiving operation are of the category specified in the COU. The skydiving operation will not increase the total number of movements at the aerodrome associated with all runways beyond the maximum 70 movements per day contained within the RNAC's adopted COU. Furthermore, planes associated with the skydive activity will use the existing circuit paths and runways in accordance with existing COU. This can be reinforced through appropriate consent conditions as recommended in this report. Council has panel members on the Aerodrome Community Consultative Committee, who meet 3 times a year. Issues and formal complaints relating to the operations of the skydiving business can be reported, investigated and resolved through the panel.
9	If any type of aircraft in addition to those 9 types detailed in the DA are potentially to	A condition of consent has been recommended that the proposal operate in

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

No.	Issues Raised	Response
	be used for skydiving activities, then the noise emissions of each aircraft will have to be independently assessed as stated above, before their use will be permitted for this activity under the COU.	accordance with the adopted COU, therefore, any aircraft used on the site shall only be those permitted under the COU. The COU specifies the type of aircraft to be operated from the airfield as being 'single and multi engine aircraft (including ultra-lights) up to a maximum take-off weight of 5700kg – both fixed wing and rotary (helicopter type) aircraft. Numerous types of aircraft would meet this specification as the list within the COU is not intended to be limited to the particular models described.
10	Contrary to statements made in the environmental statement for this DA, over the easter weekend there was a considerable amount of flying in close proximity to the airfield whilst the plane was gaining height for parachuting. Instead of flying away and returning whilst gaining height, thus distributing the impact of the activity, the plane seemed to circle over the airfield thus concentrating the noise. I don't know how the DA can be conditioned to prevent this, but it needs to be looked into or once approval is gained I can see there will be considerable conflict between residents and the applicant. I believe the manner in which the plane was being flown on take-off, no doubt carrying a full load of parachutists, was contrary to air safety regulations.	The RNAC office holds a formal complaint register on the site. The RNAC recorded no formal complaints on this date. The applicant has stated that the pilots associated with the operation adjust their flight paths where practicable and safe to avoid Anambah House as well as populated areas. Furthermore, pilots use a course pitch setting which reduces climb power and noise on takeoff. The applicant has indicated they will operate within the rules and regulations as required by the RNAC and adopted COU. The existing pilot has flown from the airport since 1996 and is aware of the surrounding neighbours and rules. The applicant states the pilot will operate in accordance with the fly neighbourly policy at all times provided safety isn't jeopardised. Conditions of consent are recommended to ensure the COU is complied with and any complaints are investigated and resolved by the Aerodrome Consultative Panel.

Section 79C(1)(e) the public interest

The proposal will formalise the ongoing skydiving operations at the aerodrome. The proposal is generally in accordance with the relevant air regulations governing the operation of the airfield and within the RNAC approved COU for the site. It also benefits the broader public through encouraging tourism to the area and providing the community with a recreational facility for parachuting enthusiasts.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

STATUTORY IMPLICATIONS

Statutory implications relating to assessment of the subject application have been addressed in the body of the report.

CONCLUSION

An assessment of the application has been carried out under Section 79C(1) of the Environmental Planning and Assessment Act, 1979 as amended. The proposed development is considered satisfactory in terms of the relevant matters for consideration under the Act. The proposal will have no significant increased impacts on the natural environment or the existing acoustic amenity of the area as the operational commitments contained within the adopted Community Operational Undertaking for the Rutherford Aerodrome will be maintained. The development application is recommended for approval.

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

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.

APPROVED PLANS AND DOCUMENTATION

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

Plan Ref. N ^o	Sheet N ^o	Rev ⁿ N ^o	Revision Date	Prepared by: (consultant)
Signage Plan	-	-	15 March 2010	Skydive Maitland Pty Ltd
Site Plan (Figure 1)	-	-	-	Skydive Maitland Pty Ltd
Site Plan (Figure 2)	-	-	-	Skydive Maitland Pty Ltd

GENERAL

2. The business shall operate within the following times (with the exception of limited night skydives):
 - o 7.00am to 8.00pm from September to April; and
 - o 7.00am to 6.00pm from May to August.

Night skydives shall be undertaken only between 6.00pm to 10.00pm.

3. The operation of the business shall be consistent with the Community Operational Undertaking for the Rutherford Aerodrome adopted by Maitland City Council on 22 February 2005.
4. This consent shall be included as an annexure to the Community Operational Undertaking for the Rutherford Aerodrome adopted by Maitland City Council on 22 February 2005.
5. Intensive skydiving training courses shall not exceed four (4) courses within a calendar year. Written notification of the activities shall be provided to the RNAC two (2) weeks prior to the beginning of the course.
6. Night skydiving operations shall not exceed six (6) instances within a calendar year. Written notification of the activities shall be provided to the RNAC two (2) weeks prior to the operations being undertaken.

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

7. Special events (excluding night skydiving and intensive skydiving training courses approved as part of this consent) shall be subject to a separate development application.
8. It is the Applicants responsibility to ensure compliance with the requirements of the Disability Discrimination Act, 1992 (DDA). Note: Compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA.

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

Service Planning and Regulation Reports

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD

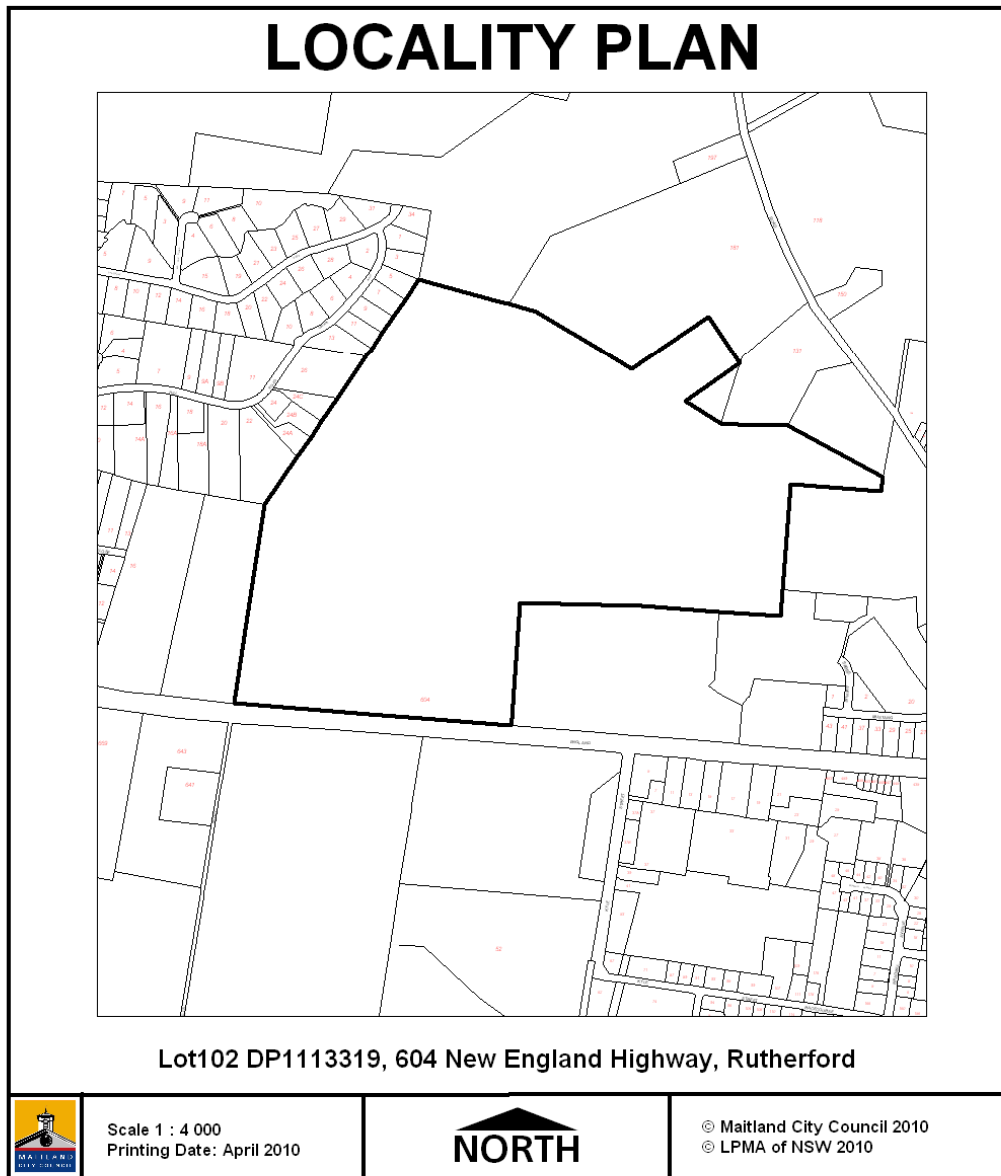
Locality Plan

Meeting Date: 27 July 2010

Attachment No: 1

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DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)



DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

Service Planning and Regulation Reports

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD

Development Plans

Meeting Date: 27 July 2010

Attachment No: 2

Number of Pages: 3

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

Skydive Maitland
PO Box 202
Rutherford NSW 2320
www.skydivemaitland.com.au

15 March 2010

Maitland City Council
285-287 High Street
Maitland NSW 2320

Dear Sir or Madam

RE: Development Application #10379

Following the recent application for Skydive Maitland at 604 New England Highway, please find following an additional request for signage located at the front of the existing building.

The blue rectangle square shown below marked with an **A** is where the business signage marked with a **B** will be placed. At present there is currently an old sign behind the blue rectangle below that is no longer in use.



DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

3. Site Details

3.1 Property Description

The business operates from an existing building of the Royal Newcastle Aero Club (RNAC) known as the Social Club building located to the East of the RNAC primary office.

Skydive Maitland leases the existing building from the RNAC. The building includes all required utilities/amenities to conduct a small business.

Parcel	Lot 102 DP 1113319 - Property Number 449269
Address:	604 New England Highway RUTHERFORD NSW 2320
Local Government Area	Maitland
Parish of:	Gosforth
County of:	Northumberland



Figure 1~ Aerial photograph (Google Earth) shows the building (circled in pink) which Skydive Maitland will conduct business.

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

3.2 Site Location

Maitland Aerodrome is all weather privately owned airfield located approximately 3 kilometres to the west of Rutherford, a western suburb of the City of Maitland. The main 05/23 runway was constructed in 1968.

In conjunction the following landing areas are used for skydiving operations.



Figure 2~ Aerial photograph (Google Earth) shows Maitland Aerodrome and the preferred skydiving landing areas for parachutes.

3.3 Property Specifics

The building used for skydiving operations is existing and located at Maitland Aerodrome
Lot 102 DP 1113319
Property Number 449269

3.4 Current Zoning

The subject site is zoned 5(a) Airport Special Usage

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY,
RUTHERFORD (Cont.)

Service Planning and Regulation Reports

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD

Submissions

Meeting Date: 27 July 2010

Attachment No: 3

Number of Pages: 6

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

200 Anambah Rd
Anambah
NSW 2320
8.3.2010

The General Manager
Maitland City Council.

Dear Sir,

Re: DA 10-379 – Skydive Maitland

We are pleased to have the opportunity to comment on this application, particularly as this business has been operating for some time without development consent.

We have already had occasion to contact the business operator regarding the aerial operation of the parachuting aircraft. The operator has been most cooperative and has adjusted his flight pattern to try and minimise noise impacts however I feel it is essential that Council applies conditions to ensure that the lives of Maitland residents are not compromised in the future. It should be noted that local residents make a far greater economic contribution and commitment to Maitland than do a few tourists.

We would like to see the following problems associated with this business addressed and where appropriate conditioned to ensure long term compatibility with the surrounding residents.

- The aircraft climbing path to be distributed over a wide area, not concentrated in circles over one single area. This would ensure an even sharing of the noise generated from the aircraft climbing under power.
- After the drop the aircraft be required to land from the opposite end of the runway to that used for take-off. This has not always occurred.
- The hours of operation be restricted to allow residents some peaceful enjoyment of their weekend. It would be appropriate to restrict the hours on Saturday and Sunday to 8am to 5pm. This would still permit 9 hours of activity.
- There should be no intensive skydiving training courses. The activity should be restricted to recreational jumps only.
- There should be no night time jumping as this will be too disruptive for residents.
- Special events should require a separate application for each event.

Each sortie comprises 2 movements this equates to 5,600 to 6000 movements per annum. The application states that these movements can be accommodated within the approved 70 movements per day. The COU will need to be adjusted to show the new split of movements over the users of the airfield.

Yours faithfully,

Heather and Stephen Berry

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

Simone Bartley

From: Cindy Dickson
Sent: Tuesday, 16 March 2010 12:00 PM
To: Records Inbox
Subject: FW: {Spam?} DA 10-379-Skydive Maitland Pty Ltd

Records,
 Please register to DA 10-379.
 Thanks
 Cindy

-----Original Message-----

From: Stephen Punch
Sent: Tuesday, 16 March 2010 11:34 AM
To: Cindy Dickson
Subject: FW: {Spam?} DA 10-379-Skydive Maitland Pty Ltd

Cindy,

Another submission for consideration re the Skydive DA.

Stephen Punch I Principal Planner I Maitland City Council
 e: stephenp@maitland.nsw.gov.au p: (02) 49349821 f: (02) 49348469

-----Original Message-----

From: Robert Kerrigan [mailto:ruralplus@netcentral.com.au]
Sent: Tuesday, 16 March 2010 11:18 AM
To: Stephen Punch
Subject: {Spam?} DA 10-379-Skydive Maitland Pty Ltd

Stephen

My comments on the above DA are as follows:-

4.2.4. Aircraft

"It should be noted that all aircraft used for skydiving activity at the Maitland Aerodrome are within the required limits as per the agreement with RNAC and in accordance with the Community Operational Undertaking."

This comment is a bit like putting "Dracula in charge of the blood bank". Any proponent of this type of activity would make this statement no matter what the aircraft type. I sincerely doubt that Council has the expertise "in house" to prove or disprove the correct nature of such a statement.

It therefore should be a conditional of approval of the DA that the proponent - Skydive Maitland Pty Ltd - should produce technical data to justify this statement. Any expenses in obtaining such technical data should be paid for by the proponent, should be obtained from an independent expert other than AOS, and should be made freely available to all members of the public for a suitable period of time in order to allow any comments from members of the public to be made to Council.

Council has accepted the COU, containing certain agreed obligations and conditions on behalf of the RNAC, as a basis for the operation of the aerodrome. Legally it is up to Council to see that the RNAC honours those obligations. If, as in this instance, there is any doubt whatsoever as to any compliance with any aspect of the COU, or Council does not have staff who are technically qualified to assess the matter in question, then the proponent should be required to provide evidence backing up their claim. As the proponent is, in this instance a privately operated business, any cost involved in obtaining such data should be a cost to the business. Likewise if any type of aircraft in addition to those 9 types detailed in the DA are potentially to be used for skydiving activities, then the noise emissions of each aircraft will have to be independently assessed as stated above, before their use will be permitted for this activity under the COU.

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY,
RUTHERFORD (Cont.)

Robert Kerrigan
Ph: (02) 4930 7286

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

Page 1 of 1

Kellie Westwood

From: Cindy Dickson
Sent: Monday, 12 April 2010 1:09 PM
To: 'jay@skydivemaitland.com.au'
Cc: Records Inbox
Subject: FW: DA 10-379 - Skydive Maitland

Jay,
A submission has been received against your DA. This will mean it has to go to the full Council for determination. Could you please provide a response to the comments raised.
Regards



Cindy Dickson | Town Planner
T 02 4934 9790 | F 02 4934 8469
Service Planning & Regulation
285-287 High Street, Maitland NSW 2320
PO Box 220, Maitland NSW 2320
E cindyd@maitland.nsw.gov.au | www.maitland.nsw.gov.au

From: Stephen Punch
Sent: Friday, 9 April 2010 12:19 PM
To: Cindy Dickson
Subject: FW: DA 10-379 - Skydive Maitland

Cindy,

This issue needs to be addressed as part of the DA – we need to get the applicant in to discuss. Treat this email as a submission.

Thanks,

Stephen Punch | Principal Planner | Maitland City Council
e: stephenp@maitland.nsw.gov.au p: (02) 49349821 f: (02) 49348469

From: Heather Berry
Sent: Thursday, 8 April 2010 8:10 AM
To: 'Stephen Punch'
Subject: DA 10-379 - Skydive Maitland

Dear Stephen,

Re: DA 10-379 – Skydive Maitland

I don't know if this DA has been approved yet but I would like to comment on the activity over the Easter weekend.
Contrary to statements made in the environmental statement for this DA there was a considerable amount of flying in close proximity to the airfield whilst the plane was gaining height for parachuting. Instead of flying away and returning whilst gaining height, thus distributing the impact of the activity, the plane seemed to circle over the airfield thus concentrating the noise.
I don't know how the DA can be conditioned to prevent this but it needs to be looked into or once approval is gained I can see there will be considerable conflict between residents and the applicant.

Yours faithfully,
Heather Berry
200 Anambah Rd
Maitland 2320
7.4.2010

12/04/2010

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

Page 1 of 2

Nicole Kelly

From: Cindy Dickson
Sent: Monday, 19 April 2010 10:45 AM
To: Records Inbox
Subject: FW: DA 10-370 - Skydiving

Records,
Please register.
Thanks



Cindy Dickson | Town Planner
T 02 4934 9790 | F 02 4934 8469
Service Planning & Regulation
285-287 High Street, Maitland NSW 2320
PO Box 220, Maitland NSW 2320
E cindy@maidland.nsw.gov.au | www.maitland.nsw.gov.au

From: Stephen Punch
Sent: Monday, 19 April 2010 10:23 AM
To: Cindy Dickson
Subject: FW: DA 10-370 - Skydiving

Forwarded from Heather Berry.

Stephen Punch | Principal Planner | Maitland City Council
e: stephenp@maidland.nsw.gov.au p: (02) 49349821 f: (02) 49348469

From: Heather Berry [<mailto:heather.berry@itwpf.com.au>]
Sent: Monday, 19 April 2010 10:14 AM
To: Stephen Punch
Subject: DA 10-370 - Skydiving

Dear Stephen,
Please could you forward this email to Cindy as I have now obtained the information she asked for.

Re: DA 10-379 – Skydive Maitland

On Saturday morning the parachuting plane took off to the North East (runway 05) and banked sharply to pass over Anambah House at low altitude whilst under full power.

In answer to your previous questions as to the time and plane number I could quite easily read the number so here is the information:

Date: Saturday 17th April 2010
Plane No: VH-JAV
Time: 10.15am.
Wind direction: No wind
Other planes in the vicinity: Non

The same take-off path was also used at 11.15am and 12 noon. I am fairly certain it was the same plane however I did not have time to run outside to try and get the number.

It would appear that your contact with the applicant regarding my concerns may have resulted in the

19/04/2010

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

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use of the parachuting plane in an attempt to intimidate me. In fact I believe the manner in which the plane was being flown on take-off, no doubt carrying a full load of parachutists, was contrary to air safety regulations.

In my opinion it is most appropriate if statements are made in an environmental assessment supporting a DA that Council, in order to protect the interests of the residents, conditions the DA accordingly. I would hate to think that the EA was written purely with the intention of getting council approval and that there was no intention to subsequently operate the activity in a considerate manner. If the EA statements were genuine then the applicant should have no concerns with them being made conditions of the DA.

Yours faithfully,
Heather Berry
200 Anambah Rd
Maitland 2320
19.4.2010

Heather Berry
ITW Polymers & Fluids (A Division of ITW Australia)
100 Hassall St
Wetherill Park NSW 2164
Australia
Ph: 61 2 9757 8800
Fax: 61 2 9757 3855



Please consider the environment before printing this email.

19/04/2010

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY,
RUTHERFORD (Cont.)

Service Planning and Regulation Reports

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD

Aerodrome Consultative panel Minutes

Meeting Date: 27 July 2010

Attachment No: 4

Number of Pages: 3

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

AERODROME CONSULTATIVE PANEL
M I N U T E S

Meeting Held: Monday 8 March 2010, 3.30pm

Where: 2nd Floor Meeting Room,
Maitland Town Hall Administration Building

1. Welcome and Apologies

Present: Stephen Berry (Community Representative); Robert Kerrigan (Community Representative); David Simm (MCC) and Stephen Punch (MCC).

Absent: Peter Meguyer (RNAC)

Apologies: Heather Berry (Community Representative)

Councillor Wethered opened the meeting at 3.45pm.

2. Minutes of the previous meeting

Minutes of the meeting held 7 December, 2009 were moved as accepted by Robert Kerrigan and seconded by Stephen Berry subject to some minor amendments (revised copy to be provided to panel members).

3. Matters Arising from Minutes: Nil

i. *Update from RNAC on the addition of the COU to the RNAC's web site*

RNAC have made a previous commitment that this would be done. However, a review of the RNAC website on 8 March, 2010 revealed that there was no reference or link to the Community Operational Undertaking.

This item could not be discussed due to the absence of RNAC. The matter should be carried forward to the next panel meeting.

ii. *Development Application for sky diving operation (DA 10-379 lodged on 22 February, 2010 and copy of Statement of Environmental Effects previously forward to Panel members for review)*

The panel raised no objection in principal to the development application and requested that Council take into account the following:

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

- Ensure that the definition as a 'recreation facility' under the Maitland LEP is appropriate for the use;
- Where possible apply conditions requiring aircraft to avoid tight circuits in close proximity to the aerodrome to reduce noise impacts.

Panel members were encouraged to email any further comments in relation to the DA to Stephen Punch. This needs to be done by the 17th March.

iii. ***'Fly neighbourly policies' as detailed on CASA's website. RNAC to provide an update on policy, mapping and pilot education***

Peter Meguyer advised at the December meeting that the RNAC already have a form of 'fly neighbourly' agreement in place. The Committee raised concerns that pilots (particularly the regular users of the aerodrome) may not be aware of the policy and that some form of induction would be appropriate for the aerodrome users. Peter Meguyer also commented that the existing policy may also need to be updated/supplemented by revised mapping – Council offered to assist by providing the RNAC with the latest aerial photography. The RNAC to also advise how the 'fly neighbourly agreement' will be communicated to the pilots.

RNAC were to provide a copy of the policy at the March 2010 meeting to enable review by the committee.

This item could not be discussed due to the absence of RNAC. The matter should be carried forward to the next panel meeting.

iv. ***Council to provide an update on its investigations concerning the relevant COU.***

Investigation of this matter continuing. Will be brought to the next panel meeting.

RNAC to ensure that the COU is updated to make reference to the realigned grassed runways as required under the June 2009 development consent (DA 07-2662).

4. **Items for Discussion**

iii. ***RNAC Register of Complaints***

This item could not be discussed due to the absence of RNAC. The matter should be carried forward to the next panel meeting where the complaints for the months December '09 and January/February 2010 should be considered in conjunction with the months March, April and May.

David Simm tabled one (1) complaint received by the Council on 22 December, 2009 which was referred onto the RNAC for actioning.

Stephen Punch tabled a draft 'pro-forma' for a revised complaints register to be used by the RNAC. This draft register provides a more concise way of recording both the specific nature of the complaint and the action taken to

DA 10-379 SKYDIVING OPERATION ANCILLARY TO AERODROME - LOT 102 DP1113319, 604 NEW ENGLAND HIGHWAY, RUTHERFORD (Cont.)

resolve the complaint. The panel supported the draft pro-forma and suggested that a copy to be provided to RNAC for discussion at the next meeting.

5. General Business

1. The committee suggested that the RNAC ensure that a 'stand-by' representative is available to attend the meeting if the principal nominee is unavailable to attend. RNAC to provide details at next meeting.
2. The committee asked for an update on the extension of the main east/west runway. RNAC to provide an update at the next meeting.

Next Meeting: Monday 7 June, 2010

Meeting Closed: 4.15pm

10.3 DA 09-2588 PROPOSED 121 LOT RESIDENTIAL SUBDIVISION - LOTS 1 & 9 DP32519, 546 PATERSON ROAD, BOLWARRA HEIGHTS

File No: DA 09-2588

Attachments: 1. Locality Plan
2. Development Plan
3. Submission

Responsible Officer: Leanne Harris - Group Manager Service Planning and Regulation
David Simm - Manager Development & Environment
Stephen Punch - Principal Planner

Author: Ian Cunningham - Town Planner

Applicant: Largs Holdings Pty Ltd.

Owner: Largs Holdings Pty Ltd.

Proposal: 121 Lot Residential Subdivision

Location: Lots 1 & 9, DP 32519, 546 Paterson Road, Bolwarra Heights.

Zone: 2(a) Residential

EXECUTIVE SUMMARY

The proposal seeks consent to subdivide two lots (Lots 1 & 9 in DP 32519) having a combined area of 12.989ha, into 121 residential lots with associated road works and utility services.

The subject site is greenfield and located to the south of the junction of Paterson Road and Dunmore Road, Largs. The site comprises undulating open grazing land with sparse vegetation. The overall site is roughly dissected by a watercourse feeding into a dam (adjacent to Dunmore Road) which through reconstruction will form the storm water detention basin serving the overall development.

The proposed configuration of the residential subdivision is consistent with the Largs Urban Release Area Plan in terms of road layout and the proposed (staged) lot layout provides a mix of lot sizes from approximately 620m² to 1700m².

This proposal represents the third subdivision within the Largs Urban Release Area with two previous development approvals for approximately 86 lots occurring on adjoining land to the south with access to Largs Avenue. The precincts surrounding the subject site are primarily flood liable rural to the north, with rural residential development occurring nearby in Dunmore Road, and established rural residential development to the south-west in the Lang Drive/Hilldale Drive area.

The subject site has historical association with the early settlement sequence of Largs, and is in close proximity to Dunmore House, which itself has a significant historical association with the development of Largs through the activities of Reverend John Dunmore Lang and the Lang family, who were instrumental in the establishment and growth of the village of Largs and surrounding farmlands.

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The proposal has attracted a submission objecting to the proposed subdivision based upon the perceived incompatibility of the development with the curtilage and amenity of Dunmore House, and the potential relics/workings believed to be in the general area that may be affected by the development.

The significance of Dunmore House is recognised in the Largs Urban Release Area Plan, and as such, the proposed residential subdivision will be required to address the impact upon the Dunmore House curtilage through native landscaping parallel to, and for the extent of Paterson Road that will assist in improving the integration of the residential development site and Dunmore House

Generally, the matters raised in the submission have been investigated through the Development Application assessment process. It is considered that the proposed development of the subject site can be managed in terms of the discovery of any relics or workings through the normal precautionary procedures that apply to sites identified as having historical potential.

The full scope of issues raised in the submission are discussed further in the body of this report and the proposal overall is found to be generally consistent with the Largs Urban Release Area Plan.

The submission has involved input from the Local State Member who has requested that the residents' concerns be taken into account in this matter.

OFFICER'S RECOMMENDATION

THAT

The proposed two (2) lot subdivision into one hundred and twenty-one (121) residential lots at Lot 1 & 9, DP 32519, 546 Paterson Road, Bolwarra Heights be approved subject to consent conditions.

REPORT

The collective parcels of land extending south from the intersection of Paterson Road and Dunmore Road to Largs Avenue as identified in Fig 2, (Largs Urban Release Area Plan), have been re-zoned to 2(a) residential in accordance with the broader objectives of the Maitland Urban Settlement Strategy 2001-2020 and the Lower Hunter Regional Strategy.

The current proposal seeks to subdivide two of these lots with a combined area of 12.989ha within that zone, into 121 residential lots, together with a road configuration that will later provide connectivity to approved residential subdivision to the south, (currently under construction) as well as connection to Dunmore Road to the north.

The proposed lots range from 620sqm to 1700sqm, with an average of 780sqm per lot. A residual lot of 7060sqm will comprise a storm water detention basin, which is located where the existing dam presently captures natural overland flows. Adjoining the subject site to the south-east is a parcel of approximately 5.5ha owned by

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Council which is densely timbered with mature native vegetation. This land is classified as 'operational land' however Council have no immediate plans to sell and/or develop this land for other purposes. It will likely remain as natural bushland in the short to medium term. The bushland on this site will have an impact upon the proposed development in terms of required bush fire protection of future residential development. As part of the proposal, asset protection zones are created over the rear of proposed lots adjoining this parcel, and future proposed dwellings on the affected lots will be subject to individual bush fire assessment, which is a mandatory requirement for any residential development that falls within an identified bush fire risk area.

Research into the historical significance of the broader Largs URA reveals some lot/s containing the former Largs Military Camp which was established primarily over Lot 80 to the south and the area presently occupied by the Frank Whiddon Retirement Village, neither of which are directly part of this proposal. Detailed information in relation to the Military Camp is limited, but it is understood that it existed circa 1940, potentially housed around 1200 men, and the actual extent or nature of the camp operations is unclear. It is believed that huts and various outbuildings were dismantled and removed from the site around 1946. The potential for the existence of artefacts associated with the camp within the site that is the subject of this proposal is recognised, and the consent is intended to be conditioned to address this issue.

Of greater significance, is the proximity of the subject site to Dunmore House. Local residents suggested that the subject site in the proximity of Dunmore Road accommodated a well and flour mill constructed by convict labourers and a drainage culvert that exists under Dunmore Road was also thought to have possible convict construction association.

The existence of a former well on the site cannot be confirmed given the information contained within the geotech reports (submitted with the application) which indicate a substantial presence of rock in the general vicinity, however an excavation pit containing uncontrolled fill was noted in the northern sector of Lot 1 and it is suggested that it may have been a source of gravel extraction.

In accordance with historical evidence, it is likely that a flour mill existed on somewhere in the vicinity, and it is noted current aerial images depict a circular configuration of approximately 14 metres diameter that may be indicative of a mill site close to Dunmore Road, however little evidence of the same remains.

The existing brick culvert under Dunmore Road (adjacent to the existing dam) has been assessed and found to be in good order and not likely to be older than circa 1920/1930 period thus negating any convict association.

Notwithstanding, the potential for historical relics to be uncovered is recognised, and the consent will address this in terms of relevant conditions.

In regard to the impact of the development upon Dunmore House, the Largs Urban Release Area Plan notes the requirement for an adequate curtilage, and pursuant to clause 3.6 (4) of the Area Plan restricts development within a defined area of the house itself, and states;

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“Lots fronting Paterson and Dunmore Roads immediately adjacent to and up to 100m from the Paterson and Dunmore Road intersection should be of sufficient size to provide for substantial setbacks to improve visual quality.”

The proposed subdivision configuration addresses this requirement with the proposed lots at that intersection being of 1411 sqm and 1767sqm in area, thus permitting flexibility in siting future dwellings.

The proposed development will also be screened from the north-west aspect by a 7 metre wide vegetation buffer (via a protective covenant) parallel with Paterson Road. This buffer will be planted out with native trees/shrubs and grasses and will also contain fencing of a rural nature to complement the buffer and assist in the aesthetic transition from urban landscape to rural.

In terms of the wider implications of the subdivision proposal, the NSW Department of Planning has confirmed that in accordance with the clause 55 of the Maitland Local Environment Plan 1993 which requires satisfactory arrangements for State Infrastructure to be established, no specific arrangements are required.

PLANNING ASSESSMENT

Section 79C(1)(a)(i) provisions of any environmental planning instrument

Maitland Local Environmental Plan (LEP)1993

The subject site has recently been re-zoned to 2(a) residential. As such the objectives of the LEP in terms of 2(a) residential land apply to the proposal.

The objectives are;

- a) To provide for housing and associated facilities in locations of high amenity and accessibility.*
- b) To enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character.*
- c) To ensure that development does not create unreasonable demands, in the present or in the future, for the provision or extension of public amenities or services.*

It is considered that the proposal generally meets the above objectives in terms of required services/utilities that will be provided to the development, and the compatibility with the existing form of residential development of Largs, to which this development will eventually link with to the south.

In respect of new subdivisions in urban release areas such as this site, clause 55 of the LEP states in part:

‘The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land

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in an urban release area to satisfy the needs that arise from development on the land, but only if the land is developed intensively for urban purposes.'

Necessary statutory consultation procedures with the NSW Department of Planning (DoP) and the Roads & Traffic Authority (RTA) through the assessment processes of the application confirms that no unreasonable demand is placed upon existing infrastructure. The NSW Department of Planning has subsequently advised that satisfactory arrangements for State Infrastructure have been made.

Lower Hunter Regional Strategy (LHRS)

The LHRS broadly identifies the future needs of housing in the Lower Hunter Region and outlines the direction that new housing development should follow. The proposal to develop 121 lots in the new urban release area of Largs is consistent with the LHRS aims in terms of developing greenfield sites within the identified growth corridors.

State Environmental Planning Policies

No specific State Environmental Planning Policy is relevant to this proposal.

Section 79C(1)(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition

Not applicable.

Section 79C(1)(a)(iii) any development control plan (DCP)

The 'Subdivisions' chapter of the Maitland Citywide DCP is applicable to this proposal.

The objectives of this chapter are;

- a) To promote the efficient use of an increasingly limited land resource in the City of Maitland.*
- b) To encourage innovation in subdivision design to create a strong sense of community, a pleasant living environment and reduce environmental impacts.*
- c) To encourage an integrated approach to street pattern, lot layout and facility provision to create desirable urban environments and character.*
- d) To ensure that the principals of Environmentally Sustainable Development are applied to the design of subdivisions and subsequent housing, with particular emphasis on compliance with Council's Energy Smart Homes Development Control Plan.*
- e) To ensure that subdivisions protect and enhance rural character and prevailing views in the City.*
- f) To facilitate different subdivision forms and the use of different land title systems which may assist in minimising and managing environmental*

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problems (eg the use of community title to manage areas requiring environmental repair or common drainage or effluent systems)

- g) To ensure that subdivisions and subsequent housing take account of physical constraints such as bushfire, flooding, landslip and the like.*
- h) To protect key cultural resources (places of environmental heritage value) from land use or management practices which will lead to their degradation or destruction.*
- i) To protect and enhance the limited amounts of remnant/contiguous vegetation in the City.*

The proposal satisfies the DCP chapter 'Subdivisions' objectives in terms of its configuration which is consistent with the Largs Urban Release Area with future road connectivity, lot layout and the provision of utilities. Integration with surrounding rural landscape is achieved through landscaping, and natural constraints such as drainage and bushfire are adequately addressed.

The 'Largs Urban Release Area Plan' (LURAP) chapter of the Maitland Citywide DCP is applicable to this proposal.

The principal desired outcomes as set out in this chapter are;

- 1. To ensure that the local road layout addresses and incorporates the following*
 - Safe vehicular and pedestrian management*
 - Maximisation of lot yield*
 - Connectivity with existing and future urban areas of Largs and Bolwarra Heights*
 - Provision for local bus services*
 - Consideration of the local environment and its enhancement*
 - Suitable engineering principals*
 - Site specific constraints*
- 2. To ensure that all new allotments are adequately serviced to meet the needs of residents. Such servicing shall include water, sewer, electricity and telecommunications.*
- 3. To ensure that subdivision is developed in a coordinated and logical manner.*
- 4. To ensure that the area is readily identifiable as part of the village of Largs and an urban area in Maitland.*
- 5. To ensure that negative impacts on the natural and man-made environment are minimised and where they cannot be minimised they are ameliorated through appropriate urban design.*

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6. *To ensure that landscaping is provided to make for a visually attractive and climate –suitable residential area by enhancing existing native vegetation.*

The proposal as submitted is consistent with the road layout as indicated within the LURAP and subsequently the lot layout is configured so as to maximise the lot yield in accordance with the road configuration, whilst also incorporating measures to address the integration with the rural landscape, the curtilage of Dunmore House, and native vegetation to the south-east.

Connectivity with Largs/Bolwarra Heights will be achievable to the south of the current proposal once adjoining lots are developed, and drainage of the overall site is addressed through detention measures which will result in comparable downstream storm water flows to pre-developed discharges.

Section 79C(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Not applicable.

Section 79C(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The inevitable impact of the proposal will be the change in the visual character of the landscape from rural to urban and the closer proximity of urban development to Dunmore House which is historically a prominent feature of the precinct.

It is considered that the measures such as the larger lots near Dunmore House and the arboreal screening to Paterson Road to soften the impact of new residential development will serve their purpose in the medium to long term. Buffer planting and fending will be protected and controlled by restrictions imposed upon specific lots through an 88B instrument under the provisions of the Conveyancing Act 1919 to secure these features into the future.

The proposal at large, addresses the predicted wider needs of the community pursuant to the Lower Hunter Regional Strategy in terms of providing residential land for expected growth in local population.

It is considered that the proposal does not present undue risk to the natural environment, and that the overall proposal will be of benefit to the social and economic environment given the creation of employment in constructing the subdivision and future dwellings, as well as providing the ongoing benefits of residential accommodation in a rural atmosphere whilst within a convenient distance to the CBD and retail centres of Maitland.

Section 79C(1)(c) the suitability of the site for the development

The site has previously been identified as suitable for residential development pursuant to the creation of the Largs Urban Release Area Plan and the rezoning of the land to 2(a) residential. The proposal follows the principles of the LURAP, and as such is considered appropriate.

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Section 79C(1)(d) any submissions made in accordance with this act or the regulations

The proposal was notified in accordance with Council Policy from the 30th November 2009 to the 14th December 2010.

As a result of this process, one submission was received objecting to the proposal.

The main issues raised by the objector are summarised below and comment provided:

Issue

The objector cites prior correspondence with Council objecting to the rezoning procedure and makes reference to supporting information from a heritage architect in regard to the perceived impacts upon the curtilage of Dunmore House.

The referred document, whilst not specifically addressing the current subdivision proposal, makes reference to the heritage significance of Dunmore House and is critical of another (rezoning) heritage report that was provided to Council for the rezoning process. The document referred to highlights the historical value of Dunmore House and the early settlement of the Largs village.

The document states the subject site is not inappropriate for development, quote; (Booker, S, 'carste STUDIO pty ltd'. 2nd September 2009); "We do not believe that this site is completely inappropriate for development, however, we do consider that due regard has not been paid to the importance and sensitivity of the Dunmore House setting and context and its related places. As such, we strenuously urge Council to be highly discerning in its assessment of this proposal and undertake analysis independently to ensure that the nature of any adjacent development is not irreversibly detrimental to Dunmore as a highly significant group of buildings, place and element in the colonial cultural landscape that is presently discernible".

Comment

The information that has been provided in the document submitted by the heritage architect (Booker) is not disputed, and serves to reinforce information that was at hand to Council during the rezoning process. The matter of protecting the curtilage of Dunmore House is also supported, and has been addressed through the provisions of the adopted Largs Urban Release Area Plan which requires larger lot sizes in the vicinity of Dunmore House and the establishment of a landscape buffer along the frontage of the subject land with Paterson Road.

Issue

The submission states that "the proposal is the worst example of subdivision we have ever seen" and makes reference to the area of the smallest proposed lot (620sqm) being no larger than a tennis court, and incompatible with the development in the area.

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Comment

The proposal is for urban residential subdivision. The 'Subdivisions' chapter of the Maitland Citywide DCP describes this form of subdivision as;

"Residential subdivision means subdivision of land into relatively small lots for single dwelling houses, dual occupancies, townhouses and the like, and in Maitland will generally occur in the Residential 2(a) zone."

Further;

"Council requires that all new lots are of a size and shape suitable for their future use".

The proposed subdivision configuration is consistent with the Largs Urban Release Area Plan (LURAP) in terms of the road pattern. The proposed lot sizing ranges from 620sqm to 1767sqm with the average lot size being approximately 780sqm. This lot sizing is considered to be typical of current market demand and consistent with other residential subdivisions in the Maitland LGA. It is further considered that the proposed lot sizing is appropriate for the intended future use of residential development and substantially larger than the minimum 450m² per lot permitted under the subdivisions chapter of the Maitland Citywide DCP.

Issue

The submission states that the proposed modification of the existing intersection of Paterson Road and Dunmore Road will achieve nothing, and also raises concern in regard to traffic emerging onto Paterson Road from the proposed access onto Dunmore Road.

Comment

The current proposal does not intend to alter the existing intersection of Paterson and Dunmore Roads. The consent will require an RTA type 'AUR' intersection with left turn lane from Dunmore Road into the proposed development.

The applicant is required to dedicate land for the realignment of the Dunmore Road/Paterson Road intersection however the reconstruction of the intersection is likely to be undertaken by Council at a future time under Council's Forward Works Program.

Issue

The submission states that all comment regarding the convict waterhole has been ignored and that a proposed lot will sit over the assumed well site with subsequent ramification through subsidence.

Comment

The geotech report prepared by Douglas Partners accompanying the application notes the presence of uncontrolled fill in the northern sector of existing Lot 1, and a

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record of discussion with the property owner by Douglas Partners concerning this fill is as quoted: *"When Mr Rumbel acquired Lots 1 & 9, an excavation/pit was present to the north of the northern dam and uncontrolled fill, including scrap metal, had been placed in the bottom of the excavation. It is considered possible that the excavation was undertaken to source gravel. The excavation was filled by Mr Rumbel and is thought to include uncontrolled fill, and possible scrap metal in the base. The excavation was backfilled by scraping near surface material surrounding the excavation."*

It is possible that the above described excavation may have had some original association with early convict activity, however no evidence has been found to support this. Normal precautionary procedures will be required during the development of the site. It is noted also that the above described site is identified as being in the proximity of the proposed easement for landscaping, and if so, no construction will take place in that vicinity.

Issue

The submission states that the development is proposed on an active water course and house and road development would increase the catchment potential.

Comment

Any development of this nature will increase stormwater run-off rates and volumes. On-site stormwater detention will be required however to ensure that post-developed discharge does not exceed pre-development discharge for storms up to the 1 in 100 event. As such, the existing northern dam site will be utilised as a detention pond and the calculated discharge from the detention will be representative of current run off volumes.

Issue

The submission states that the extent of the proposed vegetation buffer is unclear.

Comment

The proposed vegetation buffer will be 7.5m wide and continue for the length of the proposed subdivision along the eastern side of Paterson Road and for the length of two lots along Dunmore Road. The intent of the buffer is to buffer the visual impact of future development within the subdivision, assist in the integration of the rural landscape with the development, and in practical consideration of the Dunmore House curtilage. The buffer will be protected through the imposition of an 88b instrument pursuant to the Conveyancing Act 1919 that burdens the applicable lots fronting Paterson Road and two lots fronting Dunmore Road.

Issue

The submission claims that the proposed development would degrade the agricultural charm of the Bolwarra/Woodville area.

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Comment

It is acknowledged that such proposed development represents a significant change to the existing rural character of the area, however the area has been identified as part of the broader settlement strategy to accommodate the reality of a growing population. The Largs Urban Release Area Plan attempts to manage the tension that exists in this transition through a perimeter landscape strategy and larger lot sizes in the northern apex of the subject site.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

Statutory implications relating to assessment of the subject application have been addressed in the body of the report

CONCLUSION

The proposed development is consistent with the broader strategy for urban settlement and the relevant planning guidelines applicable to the site. Issues have arisen in terms of the perceived incompatibility of the proposal with the existing landscape and heritage values of the area, however it is considered that these issues are adequately addressed.

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Schedule of Conditions DA 09-2588

Proposed 121 lot residential subdivision of Lots 1 & 9 in DP 32519, 546 Paterson Road, Bolwarra Heights.

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

Plan Reference	Sheet N ^o	Rev ⁿ N ^o	Date	Prepared by: (consultant)
Proposed subdivision of lots 1 & 9, DP 32519.	n/a	n/a	11/3/10	RPS Harper Somers O'Sullivan

CONTRIBUTIONS & FEES

- Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Maitland S94 Contributions Plan (City Wide) 2006, a contribution of \$1,438,829 shall be paid to the Council.

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

	lots	Total
2006(A) Citywide Rec & Open Space	119 x \$4,675	\$556,325
2006(A) Citywide Road & Traffic Facilities	119 x \$4,344	\$516,936
2006(A) Citywide Cultural Facilities	119 x \$839	\$99,841
2006(A) Citywide Community Facilities	119 x \$1,863	\$221,697
2006(A) Citywide Cycleways/Shared Paths	119 x \$192	\$22,848
2006(A) Citywide Management/Admin	119 x \$178	\$21,182
		\$1,438,929

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 Section 94 Contributions Plan (Citywide) 2006. 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.*

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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 & REPORTS

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 copy of a geotechnical report, classifying each lot in accordance with the procedures established in Australian Standard AS 2870, shall be submitted to Council.
6. **Prior to issue of the Construction Certificate**, application (together with a plan) shall be made, and submitted to Council, for road names. The suggested names shall offer options, which shall be supported with reasons (historical or otherwise) for the chosen names.

UTILITY SERVICES

7. Underground water, sewerage, electrical power and communication infrastructure shall be provided to each lot within the proposed subdivision.
8. Road reserve and path lighting shall be provided in accordance with the requirements of the power supply authority and Australian Standard AS 1158;
- adopting categories P4 (collector roads) & P5 (local roads) for the appropriate road type within the subdivision,
 - providing “cut-off” luminaries (such as “Aeroscreen” or similar)
 - adopting category V intersection lighting at Dunmore Rd.
9. **Prior to issue of the Subdivision Certificate**, a certificate of compliance under Section 50 of the Hunter Water Act 1991 for this development shall be submitted to Council.
10. **Prior to the issue of the Subdivision Certificate**, water, sewerage (with direct connection to a Hunter Water treatment facility), telecommunications and electrical power services shall be reticulated for each lot in accordance with the service provider’s requirements.
11. **Prior to issue of the Subdivision Certificate**, documentary evidence from the providers of electrical power, communications and gas (if applicable), confirming that satisfactory arrangements have been made for the installation of infrastructure services, shall be submitted to Council.

VEGETATION & LANDSCAPING

12. **Prior to the issue of the Construction Certificate** a detailed “landscape plan”, in accordance with Council’s tree planting guidelines showing proposed street

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plantings, shall be submitted to Council for approval. The plan shall include details of the type of species, and the mature height and spread.

- 13. Prior to the issue of the Subdivision Certificate** the site shall be cleared of all trees:

- within the road reserve
- along proposed lot boundaries
- within asset protection zones required by the NSW Rural Fire Service

- 14. Prior to issue of the Subdivision Certificate**, all environmental weeds, rubbish and the like, shall be destroyed and/or removed from within the proposed public reserve

FAUNA

- 15. Prior to commencement of works**, a qualified ecologist shall inspect, supervise and report to Council regarding the removal and relocation of any threatened fauna species, which in the professional opinion of the ecologist, require such treatment.

BUSHFIRE

- 16. General Terms of Approval**, Rural Fire Service;
(Asset Protection Zones)

1. At the issue of subdivision certificate and in perpetuity, the southern boundary of the lots adjoining the northern boundary of adjoining Lot 2 DP 32519, to a distance of 10 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
2. At the issue of subdivision certificate and in perpetuity, the eastern boundary of the lots adjoining the western boundary of adjoining Lot 2 DP32519, to a distance of 15 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

(Water and Utilities)

3. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

(Access)

4. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

ARCHAEOLOGY

- 17(a).** Prior to, or during construction, identification of any potential archaeological deposit likely to contain Aboriginal artefacts, shall cause construction works to cease. Application shall be made by a suitably qualified Archaeologist to the National Parks

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and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics. A copy of such a permit, shall be submitted to Council.

- (b) Prior to, or during construction, identification of any potential or actual European artefacts, shall cause construction works in the vicinity of the find to cease. The applicant shall immediately engage a qualified archaeologist to review and report on the find and consult with the NSW Heritage Office in order to determine the necessary requirements for preservation or removal of the item(s).

ROADS & PATHS

18. 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. Road 1, from lot 63 to lot 88 shall have an alignment of 4.5 – 9.0 – 4.5 metres. Road 7 shall have an ultimate alignment of 4.5 – 9.0 – 4.5 metres and shall provide a minimum interim pavement width of 6m, with an adjacent table drain at the property boundary.
19. An RTA type 'AUR' intersection treatment, including a deceleration "left-turn" lane in Dunmore Rd, at its junction with Road 1, shall be provided in accordance with Council's Manual of Engineering Standards. The existing stormwater conduit in Dunmore Rd shall be assessed for its structural integrity and adequacy as part of the engineering design for the works.
20. A shared pedestrian/cycle path 2.5m wide, from Road 1 generally along Dunmore Road to the south-eastern corner of lot 2 DP32519, shall be provided in accordance with Council's Manual of Engineering Standards.
21. A pedestrian path 1.5m wide shall be provided along Roads 1, 7, 4 and 3 (east of Road 4) in accordance with Council's Manual of Engineering Standards.
22. A concrete driveway within the "handle" of "battle-axe" lots 59, 67, 70, 74, 75, 97, 98, 6 & 7 shall be provided in accordance with Council's Manual of Engineering Standards.
23. Vehicle turning heads shall be provided at the southern end of Road 4 and in Road 7.

STORMWATER DRAINAGE

24. A major/minor stormwater drainage system shall be provided, in accordance with Council's Manual of Engineering Standards, catering for discharge from contributing catchment areas in their ultimate developed state.
25. A stormwater detention system shall be designed and approved for the subject subdivision to reduce post-developed discharges to pre-developed discharges, for the critical storm up to and including the 1% AEP ("100 year") event, in accordance with Council's Manual of Engineering Standards.

DA 09-2588 PROPOSED 121 LOT RESIDENTIAL SUBDIVISION - LOTS 1 & 9 DP32519, 546 PATERSON ROAD, BOLWARRA HEIGHTS (Cont.)

26. A stormwater retention system shall be designed, approved and constructed to entrap gross pollutants, nutrients and hydrocarbons generated from the contributing catchment areas in their ultimate developed state, in accordance with Council's Manual of Engineering Standards, and the publication *"The Constructed Wetlands Manual"*.

EROSION CONTROL

27. 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.

CIVIL WORKS - CERTIFICATION

28. **Prior to issue of the Construction Certificate** for the road and drainage works, an engineering design shall be prepared, in accordance with Council's Manual of Engineering Standards, for approval.
29. **Prior to issue of the Subdivision Certificate**, all necessary works shall be carried out in accordance with this consent and Council's Manual of Engineering Standards.

LAND TITLE

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

30. The proposed public roads shall be dedicated to Council, at no cost to Council.
31. The land shown on the approved plan, adjacent to the northern boundaries of lots 97 & 98 for the purposes of a public road, intersection shall be dedicated to Council, at no cost to Council.
- Prior to issue of the Subdivision Certificate**, the land to be dedicated shall be cleared of all improvements and waste, and the grass shall be mowed.
32. The land containing the proposed stormwater basins shall be dedicated to Council as drainage reserves, at no cost to Council.
33. A restriction on the title of lots with a common boundary with Paterson Rd and Dunmore Rd under Section 88B of the Conveyancing Act, shall be created to give effect to the prohibition of direct vehicular access to those roads.
34. A positive covenant on the title of lots with a common boundary to Paterson Road including lots 97 & 98, under Section 88BA of the Conveyancing Act, shall be created to give effect to an ongoing preservation and maintenance, by the subject lot-owner, of the approved landscaping.

DA 09-2588 PROPOSED 121 LOT RESIDENTIAL SUBDIVISION - LOTS 1 & 9 DP32519, 546 PATERSON ROAD, BOLWARRA HEIGHTS (Cont.)

35. A positive covenant on the title of lots 29 to 42 inclusive, under Section 88BA of the Conveyancing Act, shall be created to give effect to an ongoing programme of maintenance by the owner of that lot, of the Asset Protection Zone 15 metres wide in accordance with the requirements of the Rural Fire Service.
36. A positive covenant on the title of lots 7 to 14 inclusive, under Section 88BA of the Conveyancing Act, shall be created to give effect to an ongoing programme of maintenance by the owner of that lot, of the Asset Protection Zone 10 metres wide in accordance with the requirements of the Rural Fire Service.
37. A restriction on the title of lots with a common boundary with Paterson Road and including lots 97 & 98, under Section 88B of the Conveyancing Act, shall be created to give effect to the provision that boundary fencing, shall be of post and wire or timber rail construction.
38. The authority empowered to release, vary or modify restrictions and covenants on the use of the land required by this consent, shall be nominated as "Maitland City Council".

ADVICES

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

- A You are advised that the potential for road widenings in Dunmore Rd arising from the requirements of this consent may affect subdivision layout.
- 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 are advised that, in accordance with the EP&A Act, (sec.109F) payment of the building industry **Long Service Leave levy**, where applicable, must be paid prior to issue of any Construction Certificate.

DA 09-2588 PROPOSED 121 LOT RESIDENTIAL SUBDIVISION - LOTS 1 & 9 DP32519, 546 PATERSON ROAD, BOLWARRA HEIGHTS (Cont.)

Service Planning and Regulation Reports

DA 09-2588 PROPOSED 121 LOT RESIDENTIAL SUBDIVISION - LOTS 1 & 9 DP32519, 546 PATERSON ROAD, BOLWARRA HEIGHTS

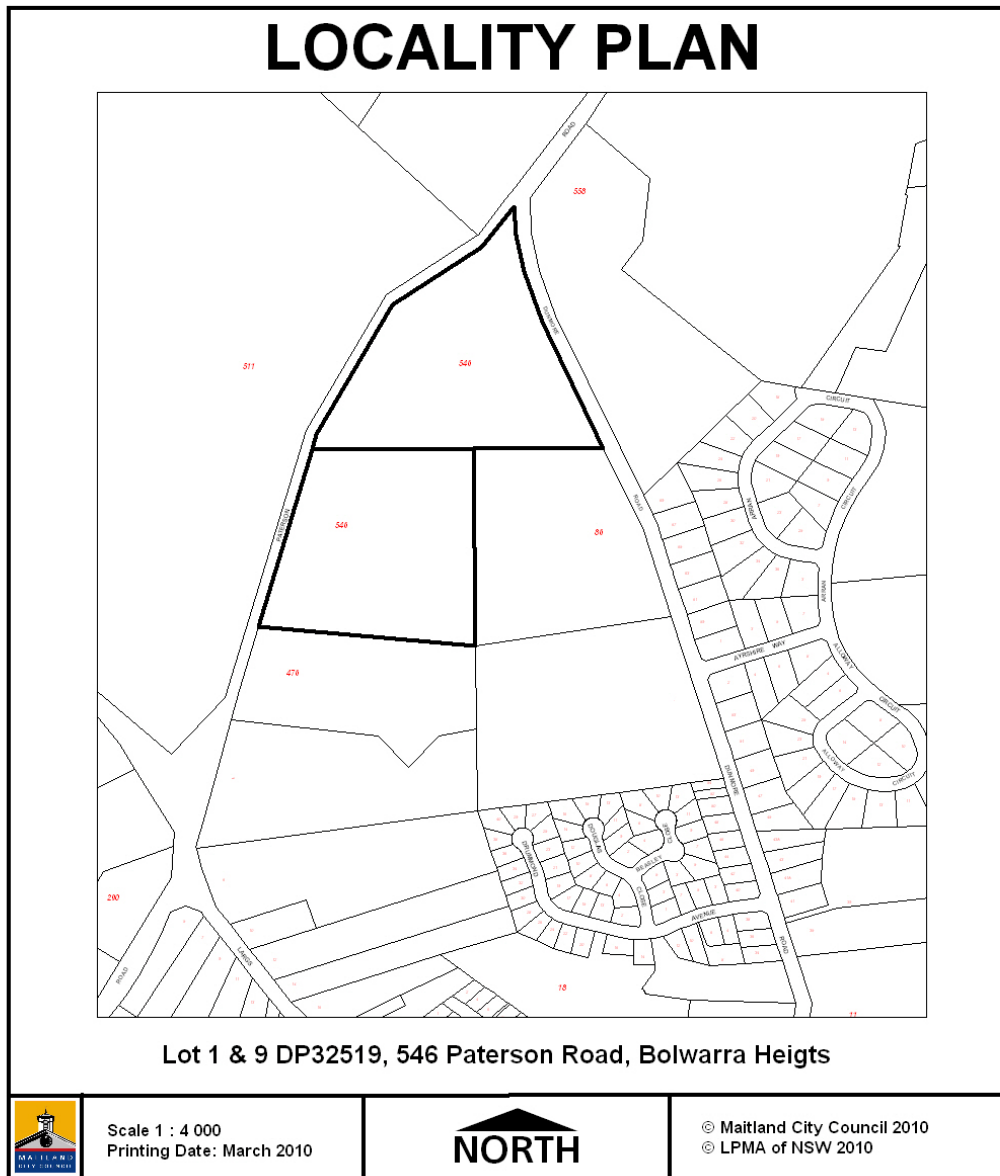
Locality Plan

Meeting Date: 27 July 2010

Attachment No: 1

Number of Pages: 1

DA 09-2588 PROPOSED 121 LOT RESIDENTIAL SUBDIVISION - LOTS 1 & 9 DP32519, 546 PATERSON ROAD, BOLWARRA HEIGHTS (Cont.)



DA 09-2588 PROPOSED 121 LOT RESIDENTIAL SUBDIVISION - LOTS 1 & 9 DP32519, 546 PATERSON ROAD, BOLWARRA HEIGHTS (Cont.)

Service Planning and Regulation Reports

DA 09-2588 PROPOSED 121 LOT RESIDENTIAL SUBDIVISION - LOTS 1 & 9 DP32519, 546 PATERSON ROAD, BOLWARRA HEIGHTS

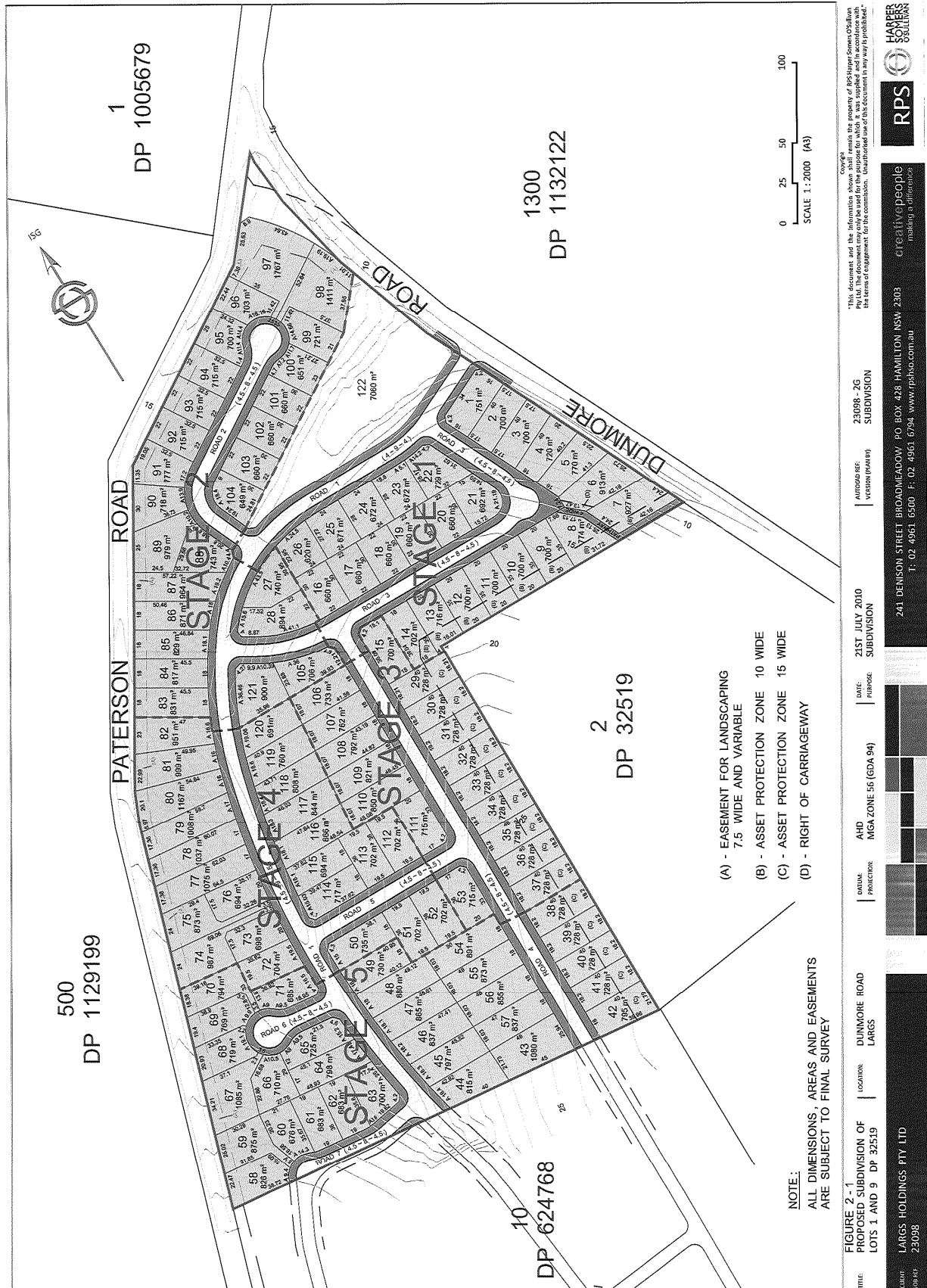
Development Plan

Meeting Date: 27 July 2010

Attachment No: 2

Number of Pages: 1

DA 09-2588 PROPOSED 121 LOT RESIDENTIAL SUBDIVISION - LOTS 1 & 9 DP32519, 546 PATERSON ROAD, BOLWARRA HEIGHTS (Cont.)



DA 09-2588 PROPOSED 121 LOT RESIDENTIAL SUBDIVISION - LOTS 1 & 9 DP32519, 546 PATERSON ROAD, BOLWARRA HEIGHTS (Cont.)

Service Planning and Regulation Reports

DA 09-2588 PROPOSED 121 LOT RESIDENTIAL SUBDIVISION - LOTS 1 & 9 DP32519, 546 PATERSON ROAD, BOLWARRA HEIGHTS

Submission

Meeting Date: 27 July 2010

Attachment No: 3

Number of Pages: 2

DA 09-2588 PROPOSED 121 LOT RESIDENTIAL SUBDIVISION - LOTS 1 & 9 DP32519, 546 PATERSON ROAD, BOLWARRA HEIGHTS (Cont.)

SCANNED

Dunmore
557 Paterson Rd.
BOLWARRA
N.S.W. 2320

DOC No.	712543
REC'D	03 DEC 2009 MCC
FILE No.	09/2588
REFER	

Maitland City Council

Service and Planning Support Officer

Service Planning and Regulation

Attn: Mr. Ian Cunningham

Town Planner

2nd December, 2009.

Subject : Lots 1 & 9 DP32519

Paterson Rd.

Bolwarra Heights

Dear Sir:

We are in receipt of proposed development – your ref. DA-09-2588.

It would appear all previous letters of comment, criticism and observations have been ignored and disregarded by all parties involved, including Council.

We have tried in a cooperative manner to obtain constructive comment from various sources and written observations and suggestions are in your possession. In particular, I refer to letter dated 2nd September from heritage architect Mr. Stephen Booker which is self-explanatory.

Quite frankly we think that this proposal is the worst example of subdivision we have ever seen. It is nothing short of a twenty first century ghetto. One particular block is only 620m² which is not much larger than a tennis court.

This is not in keeping with development in this area. All the building blocks in Bolwarra Heights, along the southern side of Lang Drive, have been set at 4,000m² and in the more recent "Dunmore Park" development all building blocks are 2,000m² or approx. 1/2 acre. The majority of the blocks in this proposed Paterson Rd. development are well under 1,000m² – not even ¼ acre! This is an appalling

DA 09-2588 PROPOSED 121 LOT RESIDENTIAL SUBDIVISION - LOTS 1 & 9 DP32519, 546 PATERSON ROAD, BOLWARRA HEIGHTS (Cont.)

reduction in the size of home site area.

The modification of the Dunmore Rd. – Paterson Rd. corner achieves nothing in respect of traffic security as it does not bring the intersection to the brow of the hill and, if anything, makes it more dangerous by shortening the distance to the brow. We had also been advised that there was to be no access to Dunmore Rd. due to the hazardous traffic emergence onto Patterson Rd. – this also has been ignored.

All comment regarding the convict dug water hole appears to have been ignored and the block No.98 seems to sit squarely on that site. Subsidence on that block demonstrates the subterranean water course is certainly still active.

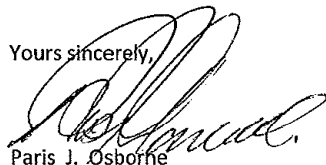
The whole centre area of the development is on an active watercourse and house and road development would only increase the catchment potential. I am advised by a competent planning advisor that no amount of effort will completely remove hazards of natural water courses. How any competent administration can allow constructions of dwellings on such a potentially active water course is beyond our imagination.

It is also unclear whether the promise of proposed green and tree buffer zone between roadways and boundaries of building blocks has been adhered to as it appears on the plans that the building block areas have been calculated from the roadside.

Three of your council members have inspected this site and I cannot imagine that their observations have not been relayed to your staff.

We, hereby, lodge a vehement protest at the ridiculously small dimensions of the building blocks detailed on the plans for this development and request that Council reconsider the size of the building blocks. We also request that Council take notice of the concerns of parties in the area and not just be driven by the developers' avarice which is apparent by their intention to jam as many building blocks as possible onto the site. This would only manage to reveal a rabbit-warren or ghetto style development situated directly on a major approach to Maitland, ensuring a definite downgrade of the ethos of the agricultural charm of the Bolwarra/Woodville district in which it would be located.

Yours sincerely,



Paris J. Osborne

Melissa Osborne

**10.4 RECLASSIFICATION OF COMMUNITY LAND TO OPERATIONAL LAND
AT EAST MAITLAND TO FACILITATE EXTENSION OF CHELMSFORD
DRIVE THROUGH TO MOLLY MORGAN DRIVE.****File No:** RZ 10-013**Attachments:**

1. Locality Plan
2. Conceptual Intersection Configuration
3. Applicant's Request to Initiate
Reclassification

Responsible Officer: Leanne Harris - Group Manager Service Planning and
Regulation
David Simm - Manager Development & Environment**Author:** Stephen Punch - Principal Planner

EXECUTIVE SUMMARY

Council are continuing its assessment of Development Application No. 08-918 relating to the expansion of the Stocklands Greenhills retail precinct. One of the major considerations with the proposal relates to the proper management of traffic. Various traffic management solutions have been reviewed by both Council and the RTA and this process is continuing as traffic generation figures, traffic distribution and modelling are being refined.

Two traffic management options appear to be emerging as the most likely outcomes for the development:

- 1. Upgrading of the New England Highway and Mitchell Drive intersection; and*
- 2. Construction of an extension to Chelmsford Drive between the New England Highway and Molly Morgan Drive.*

While Option 1 can largely be accommodated within the existing road reserve, Option 2 involves the occupation and use of land classified as 'community land' under the Local Government Act 1993. In order for Council to impose conditions on the development consent requiring construction and dedication of the Chelmsford Drive link, this land needs to be reclassified to 'operational land' via an LEP amendment process.

The reclassification of the land to accommodate traffic management Option 2 should not be construed as being pre-emptive of the outcome of the development application process. Rather, it is creating the proper legal planning platform for the imposition of development consent conditions in the event that the development application assessment process adopts the Chelmsford Drive extension as the most appropriate traffic management solution for the development. While the demand for the Chelmsford Drive extension is driven by the redevelopment of the Stocklands retail centre (that is, the link could not be justified in the absence of the proposed Stocklands expansion) the broader Green Hills retail/commercial precinct will derive benefit from the proposal in the form of improved traffic conditions and access to the highway.

It is important that the LEP amendment process commence as quickly as possible in

RECLASSIFICATION OF COMMUNITY LAND TO OPERATIONAL LAND AT EAST MAITLAND TO FACILITATE EXTENSION OF CHELMSFORD DRIVE THROUGH TO MOLLY MORGAN DRIVE. (Cont.)

order that the reclassification be in place at the time the development application assessment is complete and ready for determination.

A number of environmental investigations are to be undertaken – ecological, stormwater and acoustic – however it is appropriate that these reports be provided as additional supporting information with the reclassifications and development application for the Greenhills retail centre expansion.

OFFICER'S RECOMMENDATION

THAT

1. In accordance with Section 56 of the Environmental Planning and Assessment Act 1979, a planning proposal be submitted to the Department of Planning to amend Maitland Local Environmental Plan 1993 for the purpose of reclassifying part of the following lots from Community Land to Operational Land:
 - Part of Lot 7, DP 831327, Molly Morgan Drive East Maitland
 - Part of Lot 250, DP 264015, Molly Morgan Drive East Maitland
 - Part of Lot 22, DP 591803, New England Highway East Maitland
2. If the planning proposal is given a gateway determination to proceed, consultation with the community, including a public hearing be undertaken.
3. All community consultation be undertaken in accordance with Section 57 of the EPA Act, the directions of the gateway determination and the requirements of LEP Practice Note PN 09-003.
4. A further report be presented to Council following the public consultation process.

REPORT

Council would be aware that Development Application No. 08-918 for the redevelopment of the Stocklands Green Hills retail precinct was submitted in April 2008 and remains undetermined. The principal reason for this is that substantial work is being undertaken in relation to developing an appropriate traffic management solution for the project. This is taking considerable time due to the scenario planning and computer modelling required. Both Council and the RTA have been involved in detailed discussions and negotiations with Stocklands to ensure that an appropriate and robust traffic management solution is achieved.

A further reason for the delay in the determination of the application is that Stocklands are currently undertaking some design revisions for the centre which will allow improved continuity of trade while construction works are underway. These revised plans are expected to be submitted in October/November and will be the subject of additional community consultation.

RECLASSIFICATION OF COMMUNITY LAND TO OPERATIONAL LAND AT EAST MAITLAND TO FACILITATE EXTENSION OF CHELMSFORD DRIVE THROUGH TO MOLLY MORGAN DRIVE. (Cont.)

Two (2) traffic management options are being considered. Although these options are still under design development and are yet to be subject to Paramics modelling they are generally described as follows:

1. Upgrading of the New England Highway and Mitchell Drive intersection.
 - Additional through lane including merge tapers proposed on the westbound side of the highway;
 - Separate left turn leg provided at the Mitchell Drive/Molly Morgan Drive roundabout to facilitate improved left turning conditions for westbound traffic leaving the precinct;
 - Upgrade Mitchell Drive/Molly Morgan Drive roundabout to two circulating lanes
2. Construction of an extension to Chelmsford Drive between the New England Highway and Molly Morgan Drive.
 - This design will potentially incorporate dual travel lanes in each direction with provision for left turn slip lanes provided to and from the highway.

The above options are shown diagrammatically at **Attachment 2** however it should be noted that the configuration of these intersection improvements is preliminary only and should not be construed as being representative of the final design outcome. The applicant is undertaking computer modelling of each of these scenarios and ultimately the adoption of a preferred option with potential design revision will occur through the development application assessment and consent process.

While the upgrade at the New England Highway and Mitchell Drive intersection can largely occur within the existing road reserve, the alternative option of the Chelmsford Drive link will need to cross land currently zoned 6(a) Public Recreation and classified as Community Land under the Local Government Act 1993. Council will not be positioned to impose consent conditions relating to the construction of the Chelmsford Drive link unless the land is reclassified as Operational Land. Rezoning of the land is not required as road works are permissible within the 6(a) zone with development consent. The land requiring reclassification in order to accommodate a potential extension of Chelmsford Drive is shown on the locality plan at **Attachment 1**.

It is emphasised that the reclassification of the land to accommodate traffic management Option 2 should not be in any way construed as being pre-emptive of the outcome of the development application process. Rather, it is creating the proper legal planning platform for the imposition of development consent conditions in the event that the development application assessment process adopts the Chelmsford Drive extension as the most appropriate traffic management solution for the development. While the demand for the Chelmsford Drive extension is driven by the redevelopment of the Stocklands retail centre (that is, the link could not be justified in the absence of the proposed Stocklands expansion) the broader Green Hills retail/commercial precinct will derive benefit from the proposal in the form of improved traffic conditions and access to the highway.

RECLASSIFICATION OF COMMUNITY LAND TO OPERATIONAL LAND AT EAST MAITLAND TO FACILITATE EXTENSION OF CHELMSFORD DRIVE THROUGH TO MOLLY MORGAN DRIVE. (Cont.)

Stockland's planning consultant to the current development application has formally requested that Council commence the reclassification process and this letter is provided at **Attachment 3**.

Amendment to the Maitland LEP 1993

The section of 6(a) Public Recreation land requiring reclassification has an area of approximately 9000sqm. The properties involved are:

- Part of Lot 7, DP 831327 - This lot contains the creek corridor of Two Mile Creek however the section subject to the reclassification is well clear of the main creek channel;
- Part of Lot 250, DP 264015 - This lot is principally a drainage reserve which runs between the adjoining medium density housing development;
- Part of Lot 22, DP 591803 - This lot runs parallel to the highway and contains a grassed mound which acts as a buffer between the highway and the adjoining medium density housing development.

Existing Site Conditions

The topography of the site comprises relatively gentle grades with fall to both the Two Mile Creek corridor and the minor drainage channel running between the adjoining medium density housing development.

The existing concrete pedestrian pathway that connects Molly Morgan Drive to the highway pedestrian signals at Chelmsford Drive runs through all three lots. Existing mature native vegetation in the form of Lower Hunter Spotted Gum Ironbark Forest (Endangered Ecological Community) is also located within the reclassification area predominantly on Lot 7.

Notwithstanding the pedestrian walkway which connects the New England Highway/Chelmsford Drive pedestrian signals to Molly Morgan Drive, the subject land does not have any other active community function such as a park. The land represents primarily a drainage reserve and buffer to the New England Highway.

Environmental Studies

The types of impacts that need to be addressed in the event that the road extension of Chelmsford Drive is to occur are:

- Impacts on the existing vegetation and fauna communities which occupy the site;
- Drainage investigations to determine potential water quality/quantity and riparian corridor impacts and mitigation measures in relation to Two Mile Creek;
- Acoustic investigations to determine the level of impact of traffic related noise on the nearest residences and potential noise mitigation measures.

It is considered appropriate that these matters be addressed in detail as part of the reclassification process.

RECLASSIFICATION OF COMMUNITY LAND TO OPERATIONAL LAND AT EAST MAITLAND TO FACILITATE EXTENSION OF CHELMSFORD DRIVE THROUGH TO MOLLY MORGAN DRIVE. (Cont.)

The loss of a small portion of EEC is not considered likely to have a significant impact on the local or regional viability of this community given its relatively isolated location between two major road corridors and the broader distribution of this community to the south and west of the subject land. The absence of very old trees with nesting hollows also suggests that the loss of some of this vegetation will not have any significant impact on habitat. A more comprehensive assessment of the ecological characteristics of the site will be undertaken as part of the revised development application documentation to be prepared and submitted by the applicant with the revised plans for the centre to be submitted in the later part of this year.

The potential acoustic and drainage impacts of the proposal are able to be addressed by engineering solutions to ensure that the acoustic amenity of the surrounding residential environment is maintained and that water quality and quantity are suitable in terms of run-off to the adjoining Two Mile Creek. Again, it is considered that both the acoustic and drainage investigations should form part of the DA documentation to be submitted by the applicant.

Consultation

Extensive consultation has occurred to date with the NSW Roads and Traffic Authority concerning various traffic management options for the Green Hills precinct in conjunction with the assessment of the current development application. The RTA have given in principle support to the modelling of the two traffic management options described in this report however a final decision on the preferred option will not be made until the modelling has been conducted and the results reviewed as part of the DA assessment process.

Preliminary discussions have been held with the Department of Environment Climate Change and Water (DECCW) given the proximity of the Option 2 roadworks to the Two Mile Creek corridor. DECCW advise that protection and maintenance of water quality and hydraulic performance of the creek are important along with possible enhancement of the riparian corridor. These issues can be addressed through appropriate engineering investigations.

Reclassification Process

The reclassification will follow the 'gateway' LEP amendment process established under Part 3 Division 4 of the Environmental planning and Assessment Act, 1979. A formal 'planning proposal' will be forward to the Department of Planning in the circumstance that Council resolves to support the reclassification of the land. The Department of Planning's LEP Practice Note (PN 09-003) titled "Classification and re-classification of public land through a local environmental plan" dated 12 June 2009 provides a guide to Council's who are going through the process of reclassifying community land. The practice note requires the following matters to be considered by a Council in forming a decision whether to proceed with the reclassification of 'community land':

RECLASSIFICATION OF COMMUNITY LAND TO OPERATIONAL LAND AT EAST MAITLAND TO FACILITATE EXTENSION OF CHELMSFORD DRIVE THROUGH TO MOLLY MORGAN DRIVE. (Cont.)

Department of Planning Requirement	Response
Justification for the planning proposal	The Maitland Activity Centres and Employment Clusters Strategy 2010 identifies the following relevant objectives for the Greenhills Retail Precinct: • Maintaining the retail function as the dominant activity, to ensure it continues to provide a regionally significant concentration of retail uses, which contributes to Maitland's local economy; • With future growth of the retail precinct, adequate traffic management and car parking levels are provided to ensure easy access to the precinct and reduce traffic congestion within the locality. The strategy goes on to identify potential for significant expansion of the Greenhills retail precinct to accommodate demand from the local Maitland community and the wider regional community. The importance of a proper response to traffic demand is highlighted by the strategy. The Maitland LEP 1993 provides a floor space ratio of 2:1 for the current 3(a) zone at Greenhills while the draft 2011 LEP is also anticipating a floor space ratio of 2:1 for the corresponding B3 zone. The expansion of the Stocklands Greenhills retail centre is generally consistent with Council's strategic planning for the centre within the context of the broader LGA. There are however limitations in the design and the capacity of the surrounding road network that potentially would constrain this expansion. The proposed reclassification is creating the proper legal planning platform for the imposition of development consent conditions in the event that the development application assessment process adopts the Chelmsford Drive extension as the most appropriate traffic management solution for the development. While the demand for the Chelmsford Drive extension is driven by the redevelopment of the Stocklands retail centre (that is, the link could not be justified in the absence of the proposed Stocklands expansion) the broader Greenhills retail/commercial precinct will derive benefit from the proposal in the form of improved traffic conditions and access to the highway. The reclassification does not reduce the practical usability of the land for community purposes

RECLASSIFICATION OF COMMUNITY LAND TO OPERATIONAL LAND AT EAST MAITLAND TO FACILITATE EXTENSION OF CHELMSFORD DRIVE THROUGH TO MOLLY MORGAN DRIVE. (Cont.)

Department of Planning Requirement	Response
	given its function as either drainage reserve or highway buffer. The residue land would remain unaffected by the reclassification. In the event that the subject land is reclassified and the extension of Chelmsford Drive does not proceed then the subject land would remain in Council's ownership and its use remain unchanged as the current 6(a) Public Recreation zoning (and proposed RE1 zoning under the draft LEP 2011) and physical limitation of the land would be a constraining factor to its disposal and use for another purpose.
Reasons why Council acquired an interest	The three allotments of land the subject of the reclassification have been in Councils care and control for many years: • Lot 250, DP 264015 since March 1983 when it was dedicated to Council as public reserve as a residue lot in a subdivision which contained a watercourse; • Lot 22, DP 591803 since May 1978 when it was dedicated to the Council as public reserve to buffer against the New England Highway; • Lot 7, DP 831327 since prior to 1978 being the residue land comprising highway buffer and creek corridor after the creation of various lots on Molly Morgan Drive which were zoned and developed for commercial purposes.
Details that would accompany a plan at exhibition	Information which would form part of any public exhibition for the reclassification of the land would include: • Relevant Council report • Locality Plan • Conceptual intersection configuration for Chelmsford Drive extension.
Any proposal to extinguish or retain other interests in the land through the reclassification	Council are the current owners of each of the subject lots. The land is not proposed to change ownership however, in the event that the extension of Chelmsford Drive is constructed, the subject land will become dedicated to the Council as 'public road' in lieu of its current status as 'public reserve'.
A justification/explanation as to why such interests are being extinguished	Not applicable – no interests extinguished.

RECLASSIFICATION OF COMMUNITY LAND TO OPERATIONAL LAND AT EAST MAITLAND TO FACILITATE EXTENSION OF CHELMSFORD DRIVE THROUGH TO MOLLY MORGAN DRIVE. (Cont.)

Department of Planning Requirement	Response
Any rezoning associated with the reclassification	Development for the purposes of roads is permissible within the current 6(a) Public Recreation zone. A rezoning is therefore not warranted in the circumstances.
Any preliminary comments by a relevant government agency in which the land is vested or held	The subject land is vested in the ownership, care and control of the Council with no other interest held by a separate government agency. It should be noted that the approval of the DECCW and RTA are required for any proposed works under the Water Management Act 2000 and the Roads Act 1993 respectively.
Consideration of any relevant directions, eg. Section 117 Direction 6.2 – Reserving Public Land, where appropriate	Section 117 Direction 6.2 is not relevant to the proposed reclassification on the basis that: (a) the proposal does not facilitate the provision of public services and facilities by reserving land for public purposes, and (b) the proposal is not intended to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

The draft LEP reclassifying the land to 'operational land' will be placed on public exhibition and a public meeting held in accordance with the requirements of the both the Environmental Planning and Assessment Act 1979 and the Local Government Act 1993.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

The environmental studies required and the fees for the preparation of the LEP amendment will be funded by the developer

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

The preparation of the local environmental plan is instructed by Part 3 of the Environmental Planning and Assessment Act 1993.

In preparing the local environmental plan for land owned and controlled by Council, the requirements of the Department of Planning's LEP Practice Note (PN 09-003) titled "Classification and re-classification of public land through a local environmental plan" dated 12 June 2009 will be followed.

RECLASSIFICATION OF COMMUNITY LAND TO OPERATIONAL LAND AT EAST MAITLAND TO FACILITATE EXTENSION OF CHELMSFORD DRIVE THROUGH TO MOLLY MORGAN DRIVE. (Cont.)

CONCLUSION

The expansion of the Stocklands Greenhills retail centre is generally consistent with Council's strategic planning for the centre within the context of the broader LGA as endorsed by the Council under the Maitland Activity Centres and Employment Clusters Strategy 2010. There are however limitations in the design and the capacity of the surrounding road network that potentially would constrain this expansion.

The proposed reclassification is creating the proper legal planning platform for the imposition of development consent conditions in the event that the development application assessment process adopts the Chelmsford Drive extension as the most appropriate traffic management solution for the development. While the demand for the Chelmsford Drive extension is driven by the redevelopment of the Stocklands retail centre (that is, the link could not be justified in the absence of the proposed Stocklands expansion) the broader Greenhills retail/commercial precinct will derive benefit from the proposal in the form of improved traffic conditions and access to the highway

RECLASSIFICATION OF COMMUNITY LAND TO OPERATIONAL LAND AT EAST MAITLAND TO FACILITATE
EXTENSION OF CHELMSFORD DRIVE THROUGH TO MOLLY MORGAN DRIVE. (Cont.)

Service Planning and Regulation Reports

RECLASSIFICATION OF COMMUNITY LAND TO OPERATIONAL LAND AT EAST MAITLAND TO FACILITATE EXTENSION OF CHELMSFORD DRIVE THROUGH TO MOLLY MORGAN DRIVE.

Locality Plan

Meeting Date: 27 July 2010

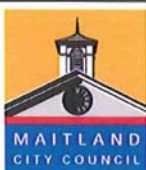
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RECLASSIFICATION OF COMMUNITY LAND TO OPERATIONAL LAND AT EAST MAITLAND TO FACILITATE EXTENSION OF CHELMSFORD DRIVE THROUGH TO MOLLY MORGAN DRIVE. (Cont.)



RECLASSIFICATION FROM COMMUNITY LAND TO OPERATIONAL LAND
Pt Lot 22 DP591803, Pt Lot 250 DP264015 & Pt Lot 7 DP831327



Scale 1 : 3 000
Printing Date: June 2010



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This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time and should therefore be verified with Maitland City Council

RECLASSIFICATION OF COMMUNITY LAND TO OPERATIONAL LAND AT EAST MAITLAND TO FACILITATE EXTENSION OF CHELMSFORD DRIVE THROUGH TO MOLLY MORGAN DRIVE. (Cont.)

Service Planning and Regulation Reports

RECLASSIFICATION OF COMMUNITY LAND TO OPERATIONAL LAND AT EAST MAITLAND TO FACILITATE EXTENSION OF CHELMSFORD DRIVE THROUGH TO MOLLY MORGAN DRIVE.

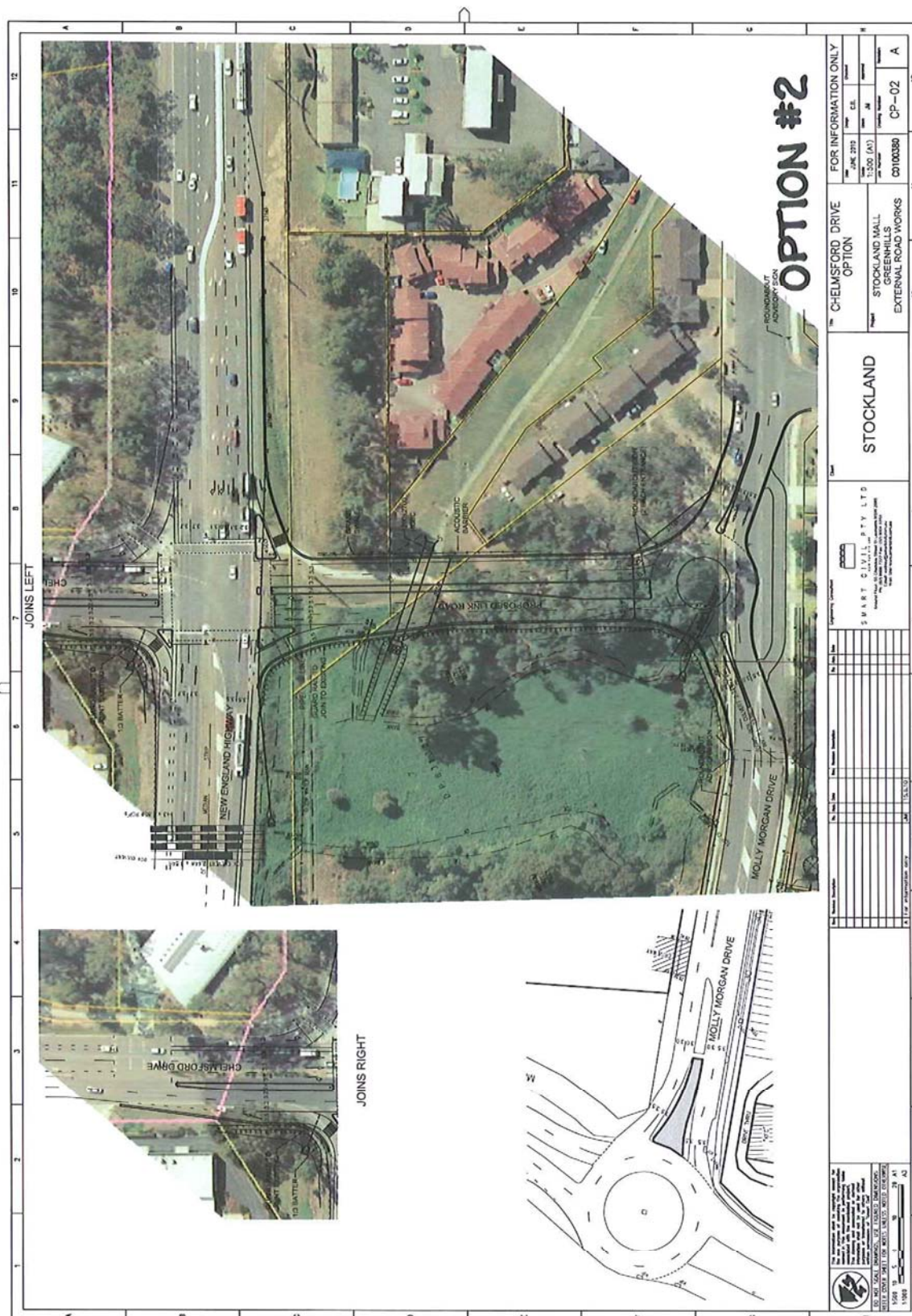
Conceptual Intersection Configuration

Meeting Date: 27 July 2010

Attachment No: 2

Number of Pages: 2

RECLASSIFICATION OF COMMUNITY LAND TO OPERATIONAL LAND AT EAST MAITLAND TO FACILITATE EXTENSION OF CHELMSFORD DRIVE THROUGH TO MOLLY MORGAN DRIVE. (Cont.)



RECLASSIFICATION OF COMMUNITY LAND TO OPERATIONAL LAND AT EAST MAITLAND TO FACILITATE EXTENSION OF CHELMSFORD DRIVE THROUGH TO MOLLY MORGAN DRIVE. (Cont.)

Service Planning and Regulation Reports

RECLASSIFICATION OF COMMUNITY LAND TO OPERATIONAL LAND AT EAST MAITLAND TO FACILITATE EXTENSION OF CHELMSFORD DRIVE THROUGH TO MOLLY MORGAN DRIVE.

Applicant's Request to Initiate Reclassification

Meeting Date: 27 July 2010

Attachment No: 3

Number of Pages: 1

RECLASSIFICATION OF COMMUNITY LAND TO OPERATIONAL LAND AT EAST MAITLAND TO FACILITATE EXTENSION OF CHELMSFORD DRIVE THROUGH TO MOLLY MORGAN DRIVE. (Cont.)



Our Ref: IA/200717/080710ltr

8 July, 2010

General Manager
Maitland City Council
PO Box 220
MAITLAND NSW 2320

Attention: Mr Stephen Punch

Dear Stephen,

RE: DA 08-918 Stockland Green Hills – PARAMICS traffic model options

Further to my letter of 21 June, 2010 and our meeting with the RTA on 1 July, 2010 I confirm that Stockland intend to evaluate both the Mitchell Drive and Chelmsford Road traffic works options through the PARAMICS computer model. As soon as RTA comments on the design parameters for the works options are received the 2019 modeling will proceed.

As previously discussed, although Stockland have agreed to model both options, we remain concerned that there are significant impediments to the implementation of the Chelmsford Road extension option, not the least of which is the present classification of Council owned land between the New England Highway and Molly Morgan Drive as Community Land. Stockland is presently committed to neither option but wishes to ensure that external (ie non traffic related) constraints are minimized in relation to the decision as to the most appropriate traffic management outcome for the proposed shopping centre expansion.

Accordingly, we request that Council commence the process of reclassification to Operational Land of relevant parts of Lot 7 DP831327, Lot 22 DP591803 and Lot 250 DP264015 via an amending LEP as soon as possible to remove the uncertainty of this factor from the final stages of consideration of traffic management options.

If you have any queries in relation to the above, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read "Ian Adams".

Ian Adams
Director
PARADIGM PLANNING & DEVELOPMENT CONSULTANTS Pty Ltd

10.5 PETITION REGARDING GROOVIN THE MOO

File No: 150/5
Attachments: 1. Petitions
Responsible Officer: Leanne Harris - Group Manager Service Planning and Regulation
Author: David Simm - Manager Development & Environment

EXECUTIVE SUMMARY

This report is presented to Council following the receipt of a resident petition in relation to the 2010 “Groovin the Moo” festival held at the Maitland Showground on the 8th May. The South Maitland Action Group has coordinated this approach with a view to having the event moved from its current venue as a result of anti social behaviour, excessive noise and the proximity and size of the event in relationship to adjoining residential properties.

OFFICER’S RECOMMENDATION**THAT**

- 1. Council support the concerns of the residents of South Maitland and formally advise and discuss with the Hunter River Agricultural and Horticultural Association those matters that continue to remain at issue with each year’s event.**

REPORT

The “Groovin the Moo” festival has been a very well attended and popular annual youth event at the Maitland Showground for the past number of years. Unfortunately and despite considerable interagency event pre-planning, concerns have been raised by the local community that the event continues to have adverse affect on their well being.

This year a petition bearing the signatures of some 47 persons has been received by Council, the Local Member and the Commander of Maitland Police. Additional letters of concern have been attached detailing personal experiences and observations encountered this year.

In the main the concerns can be categorised as problems of anti social behaviour by festival goers, threat and intimidation, alcohol and substance abuse, physical damage and harm to public and private property and excessive noise throughout the day and evening. Issues of traffic and parking problems have also been raised.

As has been previously reported the Showground is a privately owned facility that has traditionally been the centre piece of large scale community events in Maitland. In the main, events have been able to coexist with the surrounding community. However “Groovin the Moo” has been the subject of complaint after each year’s event.

PETITION REGARDING GROOVIN THE MOO (Cont.)

It should be noted that as the property is not publically owned, this event does not require separate special event approval, instead it operates under the terms of past development consents for the showground. The business decision to host this event rests with the property owners of the venue being the Hunter River Agricultural and Horticultural Association.

As suggested earlier, there is considerable pre-event planning undertaken well in advance of each year's festival. This is coordinated by Maitland Police. The venue owners, event promoter, rail and road transport operators, RTA, private security experts, noise and event management consultants and Council officers all meet to work through the logistical, operational and event management strategies that are to be employed to minimise problems.

After each years event there has been a technical debriefing which has identified issues that arose on the day and actions that might be employed in the future to mitigate those matters. Notwithstanding all these endeavours, concerns continue to be received by those most affected residents.

The showground is technically suitable and traditionally has held large scale events for the community of Maitland. Given that the venue is not publically owned, Councils right to influence a change in venue is limited to continued dialogue with the owners and promoters in an endeavour to reach a solution that works for all.

CONCLUSION

As discussed the Maitland Showground is a privately owned recreation and entertainment venue which has held prominence for many social and community events for many years. This is typical of Showgrounds throughout the country. The upkeep and maintenance of a facility like this requires considerable ongoing funding and it is not surprising that an event that is as popular and well attended as "Groovin the Moo" is an attractive business and revenue opportunity.

However it is important that Council as the steward of its community, voice its concerns on behalf of the affected local residents that the annual event is continuing to place undue strain and disturbance on the local neighbourhood.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

There are no statutory implications under the Local Government Act 1993 with this matter.

PETITION REGARDING GROOVIN THE MOO (Cont.)

Service Planning and Regulation Reports

PETITION REGARDING GROOVIN THE MOO

Petitions

Meeting Date: 27 July 2010

Attachment No: 1

Number of Pages: 51

PETITION REGARDING GROOVIN THE MOO (Cont.)

your letters

Move the Moo

Who are you trying to mislead when you can make statements "the positives outweighed the negatives of the few" in regards to the behaviour of the crowd of drunk and drug-affected people attending the Groovin' the Moo.

It is quite obvious that you have not bothered to obtain any feedback from the residents of South Maitland, particularly those having a day and night of hell living in close proximity of Maitland Showground.

A young family was subjected to 15 idiots drunk on their property, swearing and terrifying their horses, other families were too frightened to leave their properties because of vandalism and theft and having to man their porches from 11am to 11pm.

Others witnessed young girls urinating on their lawns in full sight.

There were syringes in the gutter, used condoms on the footpaths, constant abuse and swearing, not to mention 10 hours of music that could be heard two kilometres away. It is quite obvious to everyone concerned that this venue is unsuitable for a concert with this volume of people.

A suburban area, built 100 years ago, cannot have an estimated 20,000 drunk and drug-affected people swarming in to it.

It is simply unacceptable, especially for the people living in the area.

We have had the concert for the past 10 years (previously Dog Bite).

It is time to move the Groove somewhere more suitable, for example, Energy Australia Stadium, having its new facilities finished by next year.

It also has large crowd capacity, parking and transport facilities close by – an ideal, safer and more secure venue for such an event.

RAY CHIPPERFIELD
Maitland

their concerns, the greater...

GROOVIN THE MOO

Showground hosted the annual 'Groovin The Moo' Festival. This event attracted crowd attendance in excess of twenty thousand (20,000)

Many residents are interested in your individual experience during the Moo'.

In a repeat of those experiences in May 2011, you are invited to Groovin The Moo' promoters.

Now as to whether you wish to add your name to a petition in protest of the Moo' in the future. As you would be aware it has been a number of years since you would agree each year has seen an escalation of crowd control issues. This is not acceptable.

Written version of your first hand experiences as a result of this music

As the Local Member, Maitland Council and the Commander of Maitland Council, I am not moved to a safe location. Clearly the more people willing to voice their concerns, the greater the chance of a successful outcome. Thankyou for your anticipated participation.



I wish to add my name to the petition



I do not wish to participate

Signed: [Signature]
Name: Ray Chipperfield
Address: 91 Devonshire St
Contact: 49 333 124

BOC No.	
REC'D	19 JUN 2010 MCC

PLEASE HAVE YOUR WRITTEN EXPERIENCES READY FOR COLLECTION BY FRIDAY 14TH MAY 2010
On behalf of the SOUTH MAITLAND ACTION GROUP

JOHN HOGAN	REX SPENCER	PAUL FOLEY	RAY CHIPPERFIELD
0428689947		49335245	49333124

PETITION REGARDING GROOVIN THE MOO (Cont.)

MAITLAND MERCURY
FRI. MAY. 14, 2010

your letters

Showground is wrong venue

In response to What We Say, Monday, May 10, 2010.
Your responsibility when writing anything must be taken seriously as you can influence people's opinion.

We are absolutely astonished at your ill-advised comments of 'the few' who complained about the 'Groovin' the Moo' concert held at Maitland Showground.

Did you even bother to canvas the residents who have been most affected?

Are you aware what people have been putting up with for the past five years, or more, as it took over from 'Dog Bite' concerts.

The promoters are so conveniently and snidely given permission by Maitland City Council to conduct a concert with such vast uncontrollable drug and alcohol affected crowds is simply ludicrous, we have to ask why?

The negatives far outweigh the positives.

Once again does someone have to be seriously maimed or killed for the greed of the so called 'other few' who are benefitting so enormously?

How does Maitland Showground benefit from this?

Have you seen the state of the place, where is all the money going, and if the showground isn't benefiting by it, as we have been told in the past, why have the concert there?

Maitland Showground and its surrounds were not designed to contain the problems 15,000 plus people present.

Do not think for one minute that these crowds are going to stay out of the showgrounds' perimeter fence when told they cannot enter because they don't have tickets.

There are those who attend these things just to see what they can do to wreak havoc.

They all aren't going there to listen to music.

The vast strain on police resources trying to man such an event would have been so great on other police stations throughout the whole Hunter.

They barely get by on normal Saturday nights let alone borrowing personnel from other stations.

The 15,000 may have been well behaved on the inner closed event, but what about the hundreds tearing their way in any way they can, through anyone's property swearing abuse, hurting anyone and themselves in the process.

My son and I had to be present outside from 11am to 11pm trying to stop them all.

Have you ever had to do that at your home?

These events should be held where an exceptionally large crowd can be accommodated safely and securely for all concerned.

Energy Australia Stadium has the right facilities: parking and close transport proximity, designed for these crowds in mind.

We are not against these events, we hope the proper authorities see this event staged in a different venue for 2011. We can only live in hope.

JOHN AND PATRICIA HOGAN
Maitland South

PETITION REGARDING GROOVIN THE MOO (Cont.)

RE: GROOVIN THE MOO

Dear Resident,

On Saturday 8th May 2010, Maitland Showground hosted the annual 'Groovin The Moo' Festival. This event was advertised Australia wide and had an estimated crowd attendance in excess of twenty thousand (20,000) people.

As a resident living in the 'affected zone', your fellow residents are interested in your individual experience during Saturday 8th May 2010 as a result of 'Groovin The Moo'.

If you are interested in taking action to prevent a repeat of those experiences in May 2011, you are invited to participate in the first step of action against 'Groovin The Moo' promoters.

Please indicate by ticking one of the boxes below as to whether you wish to add your name to a petition in protest of this event being held at Maitland Showground in the future. As you would be aware it has been a number of years for this event at Maitland Showground. I think you would agree each year has seen an escalation of crowd control issues, causing fear for residents and their families. This is not acceptable.

Can I invite you to include with this letter, a written version of your first hand experiences as a result of this music event.

Your experiences and petition will be put to the Local Member, Maitland Council and the Commander of Maitland Police in a written submission to have the event moved to a safe location. Clearly the more people willing to voice their concerns, the greater the chance of a successful outcome. Thankyou for your anticipated participation.

☒

I wish to add my name to the petition

☐

I do not wish to participate

Signed:

Name:

Address:

Contact:

J.B. Hogan *P.M. Hogan*

JB HOGAN ~ PM HOGAN

54 CULTIVATION RD, MAITLAND SOUTH

4934472

PLEASE HAVE YOUR WRITTEN EXPERIENCES READY FOR COLLECTION BY FRIDAY 14TH MAY 2010
On behalf of the SOUTH MAITLAND ACTION GROUP

JOHN HOGAN
0428689947

REX SPENCER

PAUL FOLEY
49335245

RAY CHIPPERFIELD
49333124

PETITION REGARDING GROOVIN THE MOO (Cont.)

GROOVIN THE MOO

As a resident of the "affected zone" I would like to take this opportunity to air my grievances in regard to this event. I live in Devonshire Street 1 block west of the Moo venue, this is a quiet location adjoining Maitland Park. This Park is a dual purpose area catering to various sporting events as well as BBQs and Picnic areas coupled with extensive areas for young children to play. The Park is host to various sports ie: Croquet, Net Ball, Soccer, Football, Hockey, Cricket etc depending on the season. Saturdays in the Park are very busy as the different athletes come and go from their respective venues creating quite a lot of both pedestrian and vehicle activity, the area struggles to cope on an ordinary Saturday let alone with the addition of Thousands of teenagers with no manners and suspect agendas. On Saturday 8th May at 1 pm I left my home in my car to drive to Tennis Courts in Rayworth as I play competition tennis. The drive from my home through the park was nothing short of a nightmare! I was confronted by a solid wall of drunken arrogant teenagers who refused to move off the road putting me in a very difficult and frightening situation..... I feel disgusted that I was unable to simply drive my car down a public road in my own neighbourhood without fear of harassment. Also I would like to draw your attention to the new play area that has recently been built for the young children in the park. This is a wonderful area and attracts hundreds of children here every weekend. These smaller children should not have to be confronted by the drunken throngs of poorly behaved teenagers straggling for hours and hours on end through every area of the park, it is not acceptable. Not acceptable by any standard and definitely not acceptable for young children. The Maitland Showground is not a suitable venue for this type of event as residential areas are as close as across the street from the venue and roads in the area are narrow and cannot cope with large crowds of people or traffic, the result being absolute chaos.....

Groovin the Moo not an acceptable event for this area, and we the rate paying residents deserve a say in what happens in our back yard

Regards Jacqueline Tester
Concerned Resident

PETITION REGARDING GROOVIN THE MOO (Cont.)

RE: GROOVIN THE MOO

Dear Resident,

On Saturday 8th May 2010, Maitland Showground hosted the annual 'Groovin The Moo' Festival. This event was advertised Australia wide and had an estimated crowd attendance in excess of twenty thousand (20,000) people.

As a resident living in the 'affected zone', your fellow residents are interested in your individual experience during Saturday 8th May 2010 as a result of 'Groovin The Moo'.

If you are interested in taking action to prevent a repeat of those experiences in May 2011, you are invited to participate in the first step of action against 'Groovin The Moo' promoters.

Please indicate by ticking one of the boxes below as to whether you wish to add your name to a petition in protest of this event being held at Maitland Showground in the future. As you would be aware it has been a number of years for this event at Maitland Showground. I think you would agree each year has seen an escalation of crowd control issues, causing fear for residents and their families. This is not acceptable.

Can I invite you to include with this letter, a written version of your first hand experiences as a result of this music event.

Your experiences and petition will be put to the Local Member, Maitland Council and the Commander of Maitland Police in a written submission to have the event moved to a safe location. Clearly the more people willing to voice their concerns, the greater the chance of a successful outcome. Thankyou for your anticipated participation.



I wish to add my name to the petition



I do not wish to participate

Signed: _____

Name: _____

Address: _____

Contact: _____

Jacqueline Tester

Jacqueline Tester

76 Devonshire St MAITLAND

49342654 0413699799

PLEASE HAVE YOUR WRITTEN EXPERIENCES READY FOR COLLECTION BY FRIDAY 14TH MAY 2010

On behalf of the SOUTH MAITLAND ACTION GROUP

JOHN HOGAN
0428689947

REX SPENCER

PAUL FOLEY
49335245

RAY CHIPPERFIELD
49333124

PETITION REGARDING GROOVIN THE MOO (Cont.)

5 Louth park Rd
Maitland 2320.

to whom it may concern.

I am a resident of maitland
For 35yrs I am a night shift worker in an aged
care facility I am deprived of sleep when this event
is on because of the yelling + screaming of young
teenagers and the loud music, this is not fair
to permanent residents. the crowds are not well
supervised as teenagers use our yards for urinating
and taping packages to their waists which was
witnessed by myself. this is not acceptable when my
grandchildren are visiting they have to stay in the
house. we should not have to clean up the
mess they leave behind in front of our homes I should
not have to remove underclothing from my front yard
the crowds have no respect for the maitland residents
whom live in this area. It should be moved to another
location when this event is on we are not going
enough to come out of our yards because of being
abused. they also don't care where they park their
cars. as I had to have cars removed from my drive
way so that I could get out for work. I know
of residents who left their homes because they were
frightened of being here with this music festival on.
please move this music festival to another location
have some respect for permanent residents in this
area. this is a festival held once a year permanent residents
put money into this area every week if we decide to
move from the area maitland will not get our money.
have some respect for the residents.

thankyou
E. Watson.

PETITION REGARDING GROOVIN THE MOO (Cont.)

RE: GROOVIN THE MOO

Dear Resident,

On Saturday 8th May 2010, Maitland Showground hosted the annual 'Groovin The Moo' Festival. This event was advertised Australia wide and had an estimated crowd attendance in excess of twenty thousand (20,000) people.

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Can I invite you to include with this letter, a written version of your first hand experiences as a result of this music event.

Your experiences and petition will be put to the Local Member, Maitland Council and the Commander of Maitland Police in a written submission to have the event moved to a safe location. Clearly the more people willing to voice their concerns, the greater the chance of a successful outcome. Thankyou for your anticipated participation.

☒

I wish to add my name to the petition

☐

I do not wish to participate

Signed: E. Watson.

Name: Elizabeth Watson

Address: 5 South Park Rd Mt

Contact: 49 338163

PLEASE HAVE YOUR WRITTEN EXPERIENCES READY FOR COLLECTION BY FRIDAY 14TH MAY 2010
On behalf of the SOUTH MAITLAND ACTION GROUP

JOHN HOGAN
0428689947

REX SPENCER

PAUL FOLEY
49335245

RAY CHIPPERFIELD
49333124

PETITION REGARDING GROOVIN THE MOO (Cont.)

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I wish to add my name to the petition



I do not wish to participate

Signed: R. A. Campbell

Name: R. A. CAMPBELL

Address: 6 BLONFIELD ST

Contact: MAITLAND 2320

0249 334071

PLEASE HAVE YOUR WRITTEN EXPERIENCES READY FOR COLLECTION BY FRIDAY 14TH MAY 2010
On behalf of the SOUTH MAITLAND ACTION GROUP

JOHN HOGAN
0428689947

REX SPENCER

PAUL FOLEY
49335245

RAY CHIPPERFIELD
49333124

PETITION REGARDING GROOVIN THE MOO (Cont.)

14.5.10
6 BLONFIELD ST
MARTLAND
2320

To whom it may concern

I reside in Blonfield St Martland.
This street was used as a thoroughfare
for the walking patrons from Martland
City & the Martland Railway Station.

From 10am to 12 Midnight on the
day concerned, there was a constant
head of people along this street. They
were noisy & more so after the show
finished.

As I did not leave my property on that
day, I was well aware of the noise
from the concert.

Next day I was well aware that there
had been a concert for in the street
~~besides my property~~, there was a pair of
women underclothes, 3 condom packets
which two had been used & human
excrement. Groovin the Moo was here again.
Yours sincerely, Rod Campbell

PETITION REGARDING GROOVIN THE MOO (Cont.)

RE: GROOVIN THE MOO

Dear Resident,

On Saturday 8th May 2010, Maitland Showground hosted the annual 'Groovin The Moo' Festival. This event was advertised Australia wide and had an estimated crowd attendance in excess of twenty thousand (20,000) people.

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If you are interested in taking action to prevent a repeat of those experiences in May 2011, you are invited to participate in the first step of action against 'Groovin The Moo' promoters.

Please indicate by ticking one of the boxes below as to whether you wish to add your name to a petition in protest of this event being held at Maitland Showground in the future. As you would be aware it has been a number of years for this event at Maitland Showground. I think you would agree each year has seen an escalation of crowd control issues, causing fear for residents and their families. This is not acceptable.

Can I invite you to include with this letter, a written version of your first hand experiences as a result of this music event.

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I wish to add my name to the petition



I do not wish to participate

Signed: Eric Fernance

Name: ERIC & WENDY FERNANCE

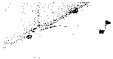
Address: 30 CRACKNELL LANE MAITLAND.

Contact: 49335346.

PLEASE HAVE YOUR WRITTEN EXPERIENCES READY FOR COLLECTION BY FRIDAY 14TH MAY 2010
On behalf of the SOUTH MAITLAND ACTION GROUP

JOHN HOGAN	REX SPENCER	PAUL FOLEY	RAY CHIPPERFIELD
0428689947		49335245	49333124

PETITION REGARDING GROOVIN THE MOO (Cont.)



Eric & Wendy Fernance
30 Cracknell Lane
South Maitland 2320 NSW

Re: "Groovin the Moo"

To whom this may concern

On the 8th of May 2010 we were again subjected to the unpleasant ordeal of "Groovin the Moo", this was again made especially unpleasant due to the constant flow of young people entering our street and adjacent properties, to urinate when and wherever they seen fit.

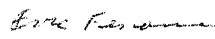
A young female stripped from the waist down and urinated on the grass beside the tree opposite our front door, several other young females run into the property opposite and urinated at several places around the shipping containers.

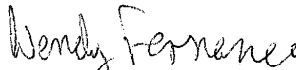
A male stood opposite our front door and urinated through the wire mesh fence, also there was a constant flow of young males walking through the street barrier and urinating through the caravan park fence behind the council truck.

We feel that there are many other sites where this event could be hosted which would provide far better security and safety and impact less on surrounding residents.

As a result we would like to back the South Maitland Action Group in their efforts to have this event re-located or at least improved in the future.

Yours Sincerely


Eric Fernance


Wendy Fernance.

PETITION REGARDING GROOVIN THE MOO (Cont.)

RE: GROOVIN THE MOO

Dear Resident,

On Saturday 8th May 2010, Maitland Showground hosted the annual 'Groovin The Moo' Festival. This event was advertised Australia wide and had an estimated crowd attendance in excess of twenty thousand (20,000) people.

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Can I invite you to include with this letter, a written version of your first hand experiences as a result of this music event.

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☒

I wish to add my name to the petition

☐

I do not wish to participate

Signed:

J M Costello *J M Costello*

Name:

23 Cultivation Road

Address:

Maitland

Contact:

0249342466

PLEASE HAVE YOUR WRITTEN EXPERIENCES READY FOR COLLECTION BY FRIDAY 14TH MAY 2010
On behalf of the SOUTH MAITLAND ACTION GROUP

JOHN HOGAN
0428689947

REX SPENCER

PAUL FOLEY
49335245

RAY CHIPPERFIELD
49333124

P.T.O.

PETITION REGARDING GROOVIN THE MOO (Cont.)

My house is about 2⁰⁰ mtr from
slage. They the workers start banging & clanging
a few day before which interfere with my work
I work night duty as a nurse. so therefore I get
very little sleep.

Also we this year had 3 extra men set
on our front verandah to protect our house.
But trampoline was used to get over fence
they just broke bottles on road
girls urinating on the road full
exposure. Peeped fence away so
they could get through when
shaded for using our yard for
a toilet they just treated us as
if it were their own place not ours

~~J. Costello~~

PETITION REGARDING GROOVIN THE MOO (Cont.)

RE: GROOVIN THE MOO

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I wish to add my name to the petition



I do not wish to participate

Signed: Patricia Underwood

Name: Patricia Underwood

Address: 49 Blomfield St Maitland

Contact: 49331734

PLEASE HAVE YOUR WRITTEN EXPERIENCES READY FOR COLLECTION BY FRIDAY 14TH MAY 2010
On behalf of the SOUTH MAITLAND ACTION GROUP

JOHN HOGAN	REX SPENCER	PAUL FOLEY	RAY CHIPPERFIELD
0428689947		49335245	49333124

PETITION REGARDING GROOVIN THE MOO (Cont.)

RE: GROOVIN THE MOO

Dear Resident,

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I wish to add my name to the petition



I do not wish to participate

Signed: P A Carmody

Name: P. Carmody

Address: 44 Trapeau Rd Maitland

Contact: 49336903

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On behalf of the SOUTH MAITLAND ACTION GROUP

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I wish to add my name to the petition



I do not wish to participate

Signed: Cheryl

Name: CHERYL & PETER NEILSON

Address: 29 TRAPPAUD RD MAITLAND

Contact: 49331476

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On behalf of the SOUTH MAITLAND ACTION GROUP

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I do not wish to participate

Signed: _____

Name: _____

Address: _____

Contact: _____

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On behalf of the SOUTH MAITLAND ACTION GROUP

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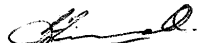
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I wish to add my name to the petition



I do not wish to participate

Signed: K. Vald

Name: Kylee Van Haren

Address: 24 Smith St South Maitland

Contact: 0448995083

PLEASE HAVE YOUR WRITTEN EXPERIENCES READY FOR COLLECTION BY [REDACTED] MAY 2010

On behalf of the SOUTH MAITLAND ACTION GROUP

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I wish to add my name to the petition

☐

I do not wish to participate

Signed: anne fokey

Name: ANNE FOKEY

Address: 20 SMITH STREET

Contact: 02 49333939

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On behalf of the SOUTH MAITLAND ACTION GROUP

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I wish to add my name to the petition



I do not wish to participate

Signed: Barry Foley

Name: BARRY FOLEY

Address: 20 Smith St Maitland

Contact: 49333939

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On behalf of the SOUTH MAITLAND ACTION GROUP

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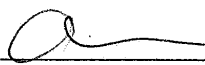
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Signed: Name: A & C ChappleAddress: 51 Anzac St MaitlandContact: ~~0437~~ 0457 989616PLEASE HAVE YOUR WRITTEN EXPERIENCES READY FOR COLLECTION BY FRIDAY 14TH MAY 2010

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I do not wish to participate

Signed: Lorraine Mitchell

Name: LORRAINE MITCHELL

Address: 46 ANZAC ST MAITLAND

Contact: 49 334492

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On behalf of the SOUTH MAITLAND ACTION GROUP

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Signed: 

Name: JAMES E. SELLERS

Address: 54 PARK ST SOUTH MAITLAND

Contact: 0249335462

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On behalf of the SOUTH MAITLAND ACTION GROUP

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I do not wish to participate

Signed: Gayle Spencer

Name: Gayle Spencer

Address: 89 Louth Park Rd Maitland

Contact: 49347456.

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Signed: Louisa Robert

Name: Louisa Robert

Address: 119 Louth Park Rd

Contact: 49366474

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Signed: L. Grant

Name: LEE GRANT

Address: 115 SOUTH RD Maitland

Contact: 49 34 36 72

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Rex Spencer 

Name:

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Address:

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Contact:

49347456

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☒

I wish to add my name to the petition

☐

I do not wish to participate

Signed: *R. Dimech*

Name: Renée Dimech

Address: 6 Blomfield st

Contact: 4933 4071

PLEASE HAVE YOUR WRITTEN EXPERIENCES READY FOR COLLECTION BY FRIDAY 14TH MAY 2010
On behalf of the SOUTH MAITLAND ACTION GROUP

JOHN HOGAN	REX SPENCER	PAUL FOLEY	RAY CHIPPERFIELD
0428689947		49335245	49333124

PETITION REGARDING GROOVIN THE MOO (Cont.)

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I wish to add my name to the petition



I do not wish to participate

Signed: A. HedgesName: K. HEDGESAddress: 2 TRAPPAH RD LOUTH PARKContact: 0249325236

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I wish to add my name to the petition



I do not wish to participate

Signed: Kirsty Bond

Name: Kirsty Bond

Address: 6 Trappaud Rd Lenth Park

Contact: 0407105730

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On behalf of the SOUTH MAITLAND ACTION GROUP

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REX SPENCER

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RAY CHIPPERFIELD
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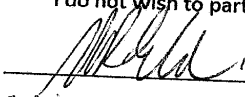
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I wish to add my name to the petition



I do not wish to participate

Signed: Name: Nicole ElderAddress: 11 GOLLIVERS Rd SOUTH PARKContact: 0411278603

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0428689947

REX SPENCER

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I do not wish to participate

Signed: B. Green

Name: Colin Green

Address: 16 Cross St Maitland

Contact: 49 336 336

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On behalf of the SOUTH MAITLAND ACTION GROUP

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☐

I do not wish to participate

Signed: P Chipperfield

Name: Donna Chipperfield

Address: 91 Devonshire St Maitland South

Contact: 149333124

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On behalf of the SOUTH MAITLAND ACTION GROUP

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0428689947

REX SPENCER

PAUL FOLEY
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I wish to add my name to the petition



I do not wish to participate

Signed:

Name:

Address:

Contact:

Robert Brain
ROBERT BRAIN
74 DEVONSHIRE ST, MAITLAND SOUTH 2320
0409 896242

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On behalf of the SOUTH MAITLAND ACTION GROUP

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I wish to add my name to the petition



I do not wish to participate

Signed: D. PettitName: Danuta PettitAddress: 9 CROSS ST MaitlandContact: 49337935

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I wish to add my name to the petition



I do not wish to participate

Signed: Judith L Foley

Name: JUDY FOLEY

Address: 101 SOUTH PARK ROAD MAITLAND

Contact: 49335245

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On behalf of the SOUTH MAITLAND ACTION GROUP

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I wish to add my name to the petition



I do not wish to participate

Signed: Paul FoleyName: PAUL FOLEYAddress: 101 LOOTH PARK RD MAITLANDContact: 49 335245

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On behalf of the SOUTH MAITLAND ACTION GROUP

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I wish to add my name to the petition

Richardson



I do not wish to participate

Signed: *Roni SHAW*

Name: *Roni Shaw*

Address: *111 Kialt Rd Gillieston Hts*

Contact: *49323057*

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On behalf of the SOUTH MAITLAND ACTION GROUP

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I wish to add my name to the petition

~~I do not wish to participate~~

*music to Loud
more Stop Traffic
and People everywhere*

Signed: DA WhyburnName: DA WhyburnAddress: 56 Park St Maitland

Contact: _____

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Address:

Contact:

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I wish to add my name to the petition



I do not wish to participate

Signed: T. KowalName: T. KOWALAddress: 33 ANZAC ST.Contact: 0249336669

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On behalf of the SOUTH MAITLAND ACTION GROUP

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I wish to add my name to the petition



I do not wish to participate

Signed:

J. W. Cassidy

Name:

John Cassidy - Irene Matzen

Address:

40 Wenzel St Maitland

Contact:

49331147

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Please indicate by ticking one of the boxes below as to whether you wish to add your name to a petition in protest of this event being held at Maitland Showground in the future. As you would be aware it has been a number of years for this event at Maitland Showground. I think you would agree each year has seen an escalation of crowd control issues, causing fear for residents and their families. This is not acceptable.

Can I invite you to include with this letter, a written version of your first hand experiences as a result of this music event.

Your experiences and petition will be put to the Local Member, Maitland Council and the Commander of Maitland Police in a written submission to have the event moved to a safe location. Clearly the more people willing to voice their concerns, the greater the chance of a successful outcome. Thankyou for your anticipated participation.



I wish to add my name to the petition



I do not wish to participate

Signed: E. HuntName: E. HuntAddress: 11 TRAPPAN RD MAITLANDContact: 49335660PLEASE HAVE YOUR WRITTEN EXPERIENCES READY FOR COLLECTION BY FRIDAY 14TH MAY 2010

On behalf of the SOUTH MAITLAND ACTION GROUP

JOHN HOGAN	REX SPENCER	PAUL FOLEY	RAY CHIPPERFIELD
0428689947		49335245	49333124

PETITION REGARDING GROOVIN THE MOO (Cont.)

RE: GROOVIN THE MOO

Dear Resident,

On Saturday 8th May 2010, Maitland Showground hosted the annual 'Groovin The Moo' Festival. This event was advertised Australia wide and had an estimated crowd attendance in excess of twenty thousand (20,000) people.

As a resident living in the 'affected zone', your fellow residents are interested in your individual experience during Saturday 8th May 2010 as a result of 'Groovin The Moo'.

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I wish to add my name to the petition



I do not wish to participate

Signed: S. CarmodyName: S. CarmodyAddress: 44 Traquair Rd MaitlandContact: 49336903PLEASE HAVE YOUR WRITTEN EXPERIENCES READY FOR COLLECTION BY FRIDAY 14TH MAY 2010

On behalf of the SOUTH MAITLAND ACTION GROUP

JOHN HOGAN	REX SPENCER	PAUL FOLEY	RAY CHIPPERFIELD
0428689947		49335245	49333124

PETITION REGARDING GROOVIN THE MOO (Cont.)

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☐

I wish to add my name to the petition

☐

I do not wish to participate

Signed: J. Sutton

Name: J. Sutton

Address: South Maitland 2320

Contact: 02) 49366474

PLEASE HAVE YOUR WRITTEN EXPERIENCES READY FOR COLLECTION BY FRIDAY 14TH MAY 2010
On behalf of the SOUTH MAITLAND ACTION GROUP

JOHN HOGAN	REX SPENCER	PAUL FOLEY	RAY CHIPPERFIELD
0428689947		49335245	49333124

PETITION REGARDING GROOVIN THE MOO (Cont.)

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☐

I wish to add my name to the petition

☐

I do not wish to participate

Signed: J. Hutton

Name: J. Hutton

Address: 5 Wallace St Maitland 2320

Contact: 02 14 9335836

PLEASE HAVE YOUR WRITTEN EXPERIENCES READY FOR COLLECTION BY FRIDAY 14TH MAY 2010
On behalf of the SOUTH MAITLAND ACTION GROUP

JOHN HOGAN	REX SPENCER	PAUL FOLEY	RAY CHIPPERFIELD
0428689947		49335245	49333124

PETITION REGARDING GROOVIN THE MOO (Cont.)

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I wish to add my name to the petition



I do not wish to participate

Signed: B. Blakemore

Name: BETTY BLAKEMORE

Address: 44 LOUTH PARK RD. MAITLAND
2320

Contact: 49 334456

PLEASE HAVE YOUR WRITTEN EXPERIENCES READY FOR COLLECTION BY FRIDAY 14TH MAY 2010
On behalf of the SOUTH MAITLAND ACTION GROUP

JOHN HOGAN	REX SPENCER	PAUL FOLEY	RAY CHIPPERFIELD
0428689947		49335245	49333124

10.6 WASTE AND SUSTAINABILITY IMPROVEMENT PAYMENTS 2010-2011

File No: P44197
Attachments: Nil
Responsible Officer: Leanne Harris - Group Manager Service Planning and Regulation
David Simm - Manager Development & Environment
Author: Deanne Nelson-Pritchard - Senior Environmental Health Officer

EXECUTIVE SUMMARY

The Local Council Waste and Sustainability Improvement Payments (WaSIP) form part of the City and Country Environment Restoration Program run by the Department of Environment, Climate Change and Water (DECCW). Council has participated in this program since 2006 and has been successful in achieving the standards to obtain these payments each year.

The Waste and Sustainability Improvement Payment has been offered for 2010/2011 with a large list of standards to be implemented. If Maitland City Council becomes involved it will be entitled to at least \$343,486 to be used towards waste avoidance, resource recovery and environmental sustainability projects. The 2010/2011 activities are directed towards sustainability across the Council and therefore will require participation across many management areas and responsibilities.

OFFICER'S RECOMMENDATION**THAT**

- 1. Council endorse participation in the Waste and Sustainability Improvement Payment.**
- 2. Council provide suggestions for possible projects to be undertaken if additional funding is available from the Waste and Sustainability Improvements Payment following implementation of mandatory requirements.**

REPORT

The Local Council Waste and Sustainability Improvement Payments (WaSIP) form part of the City and Country Environment Restoration Program run by the Department of Environment, Climate Change and Water (DECCW). Council has participated in this program since 2006 and has been successful in achieving the standards to obtain these payments each year.

Through this program the NSW Government will invest \$256 million to assist Councils subject to the waste levy to invest in actions and on programs that will improve waste avoidance, resource recovery, the use of secondary resources and waste management outcomes, and that will deliver improvements in environmental sustainability across the local government area.

WASTE AND SUSTAINABILITY IMPROVEMENT PAYMENTS 2010-2011 (Cont.)

Each year the Waste and Sustainability Improvement Payment Standards are developed in consultation with the Waste and Sustainability Improvement Payments Advisory Group, of which our General Manager is a member.

To continue to participate, Council will be required to continue the standards accumulated since 2006, as well as implementing the current developed standards. The standards from 2006-2009 are:

- A kerbside collection service for dry recyclables available to all residential dwellings, other than multi-unit dwellings within the local government area.
- Information required under the National Environment Protection (Used Packaging Materials) Measure provided to DECCW by 31 August each year.
- Baseline data on tonnages of dry recyclables and garden organics collected for recycling and residual domestic waste collected and provided to DECCW by 31 August each year.
- New Collection and/or mobile garbage bin (MGB) replacement contracts to require bin bodies and bin lids to conform to Australian Standard 4123 Mobile Waste Containers Part 7- colours, markings and designation requirements (AS4123.7-2006)
- The replacement of damaged or lost non-conforming MGBs and/or lids with MGBs and/or lids that conform to AS4123.7-2006.
- New disposal contracts for residual waste to landfill must not be for more than five years.
- Any new contracts entered into after 30 June 2007, for the collection and disposal of household clean-up material, to have recycling/resource recovery as a component of the service contract.
- All Development Application consents issued after 30 June 2009 for the building of new Multi-Unit Dwellings to have the provision of dry recycling collection services incorporated in the approved development plan.
- Council to have in place a Waste Not DCP (or a policy of similar nature)
- Council to develop and adopt a Strategic Waste Action Plan (SWAP) that contains performance milestones that will contribute to Council reaching the 2014 municipal waste target.
- Council to develop a Sustainability Action Plan or policy of similar nature, which includes measurable actions and targets to improve Council's and the LGA's environmental bottom line in the areas of waste, biodiversity, water, energy, climate change, transport and sustainable purchasing.

For the last two standards which were developed for the 2009/2010 period, Council was able to submit plans and policies that were already existing and endorsed by Maitland City Council.

WASTE AND SUSTAINABILITY IMPROVEMENT PAYMENTS 2010-2011 (Cont.)

CURRENT 2010-2011 PROGRAM

Should Maitland City Council become involved with the program in the 2010/2011 period, it will be entitled to at least \$343,486.78 if all eligible Councils choose to participate. The 2010/2011 activities are directed towards sustainability across the Council and therefore will require participation across many management areas and responsibilities to ensure creation and implementation of the standards are achieved. This is a broader expectation than previous years for which the Development and Environment section has undertaken the standards.

If Council is unable to attain all standards within the given timeframes the money, which is paid in advance, will need to be returned and we will not be able to participate in future years unless the standards are achieved.

The standards for 2010-2011 are:

Waste Standard

A household residual waste and recycling composition audit is to be completed by each Council using the DECCW Kerbside Audit Guidelines and WaSIP Guidelines. The Audit report and the raw data sheet(s) are to be submitted to DECCW by 30 November 2011.

Litter and Illegal Dumping Standard

Council will have in place by 30 June 2011 an integrated plan and program addressing prevention, infrastructure, education and enforcement for littering and illegal dumping.

Garden Organics Standard

Council will have in place by 30 June 2011 either:

- a) a garden organics recycling service; or
- b) an alternative service that recovers / processes / diverts garden organic material from landfill; or
- c) a plan to introduce a garden organics recycling service; or
- d) a plan to introduce a service that will recover / process / divert garden organic material from landfill as an alternative to a garden organics recycling service.

Sustainability Reporting Standard

Council will commence reporting on environmental sustainability performance / KPI from Council's Sustainability Action Plan in Council's Annual Report commencing with the 2011-2012 report.

Energy Savings Standard

Council will undertake an audit using 12 months of energy usage data to identify Council's existing baseline energy use for its facilities within the LGA; and updated audit it to be undertaken every four years from the first audit date. Identify the top

WASTE AND SUSTAINABILITY IMPROVEMENT PAYMENTS 2010-2011 (Cont.)

ten energy usage sites. Provide DECCW with the data. Develop and commence implementation of initiatives to reduce energy consumption at these ten sites.

Water Savings Standard

Council will undertake an audit using 12 months of water usage data to identify Council's existing baseline water use for its facilities within the LGA; an updated audit is to be undertaken every four years from the first audit date. Identify the top ten usage sites. Provide DECCW with the data. Develop and commence implementation of initiatives to reduce water consumption at these ten sites.

Sustainable Fleet Policy Standard

Council will have in place by 30 June 2011 a program to reduce Council's fleet emissions.

Sustainable Procurement Standard

Council will adopt by 30 June 2011 a program to increase Council's sustainable procurement.

Sustainable Event Management Standard

Council will adopt by 30 June 2011 a Sustainable Events Management Policy.

As with previous years, commitment to this process is provided through Council returning a Waste and Sustainability Improvement Payment Certificate signed by the General Manager by 31 August 2010. Further to this Council is required to submit a financial report for the action table submitted as part of the program in 2009/2010 by 31 August 2010.

Each year Council is required to provide a new Action Table by 30 October detailing how the Waste and Sustainability Improvement Payment will be invested to improve waste and environmental sustainability outcomes based on local priorities and to comply with the guidelines. Once the above standards have been implemented, money may be available to undertake Council directed projects. This report is asking for Council suggestions that will be placed in a table and considered each year until the program finishes as possible actions to be undertaken if monies are available once the mandatory requirements are undertaken. Actions will be considered on the topics of waste, biodiversity, water, energy, climate change, transport or sustainable purchasing- as waste is a current consideration for Council, projects will be focussed towards this topic.

CONCLUSION

The Waste and Sustainability Improvement Payment has been offered for 2010/2011 with a large list of standards to be implemented. The 2010/2011 activities are directed towards sustainability across the Council and therefore will require participation across many management areas and responsibilities. Council is required to provide a signed Waste and Sustainability Improvement Payment Certificate to acknowledge willingness to participate in the program.

Council is also required to submit an action table detailing the investment of the payment for 2010/2011. This will include the actions required to undertake the

WASTE AND SUSTAINABILITY IMPROVEMENT PAYMENTS 2010-2011 (Cont.)

standards for this year, however money may be available for Council directed projects.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

There are no statutory implications under the Local Government Act 1993 with this matter.

10.7 TIDY TOWNS UPDATE

File No: 83/3
Attachments: Nil
Responsible Officer: Leanne Harris - Group Manager Service Planning and Regulation
David Simm - Manager Development & Environment
Deanne Nelson-Pritchard - Senior Environmental Health Officer
Author: Fiona Rowan - Environmental Officer

EXECUTIVE SUMMARY

The 2010 NSW Tidy Towns Awards program is well underway with eight project submissions and an Overall Maitland Town submission to be assessed in the Maitland local government area. Assessors will visit Maitland between August 16-20, 2010 to assess each entry.

The Tidy Towns Awards weekend will be held in Lockhart from November 5 to 7, 2010.

OFFICER'S RECOMMENDATION**THAT**

- 1. Council nominate its representative to attend the 2010 Tidy Towns Awards Weekend from November 5 to 7 in Lockhart.**

REPORT

The annual Tidy Towns Program is coordinated by Keep Australia Beautiful and provides communities and local government with recognition for their efforts and achievements in local restoration and improvement projects that involve community participation.

This year Council has submitted eight entries for assessment in the following categories:

Cultural Heritage Award

- * Maitland Local Studies Strategy
- * Expansion of the Maitland Art Gallery

Bush Spirit Award

- * Making Sharps Disposal Safer
- * New England Highway Litter Campaign

TIDY TOWNS UPDATE (Cont.)

- * Combating African Olives in the Maitland LGA

Waste Management and Litter Reduction Award

- * Reprocessing Ewaste to Conserve Our Resources
- * Waste as Art Comes to Maitland

Schools Environment Award

- * Maitland Environmental Youth Forum

The Town of Maitland will also be assessed in the Overall Town Category.

An assessor will visit the Maitland local government area between August 16 and 20 to assess each award submission. Council staff will escort the assessors around the various entry sites.

The Tidy Towns Awards Weekend where presentations will be made to the Category and Overall Town winners will be held in Lockhart from November 5 to 7. In keeping with the Tidy Towns tradition Lockhart is the location of this year's awards presentation as it received the award of "Overall Town Winner" as part of the 2009 Tidy Town Awards.

CONCLUSION

The awards weekend is an opportunity to see what other Councils and community groups are doing throughout NSW, and to represent Maitland and potentially accept an award at the awards presentation. It would be appropriate if at least one (1) Councillor were present at the Awards Ceremony to represent Maitland.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

There are no statutory implications under the Local Government Act 1993 with this matter.

10.8 REVIEW OF LOCALITY NAME FOR HILLSBOROUGH

File No: 64/2

Attachments: 1. Locality Map
2. Submissions (under separate cover)

Responsible Officer: Leanne Harris - Group Manager Service Planning and Regulation
Monica Gibson - Manager City Strategy

Author: Dianne Murray - GIS Technician

EXECUTIVE SUMMARY

The purpose of this report is to notify Council of the completion of the public exhibition period to modify the Hillsborough/Rosebrook suburb (locality) boundaries gazetted 17 May 1991 & 25 October 1991, consider submissions and recommend the preferred option to the Geographical Names Board.

OFFICER'S RECOMMENDATION**THAT**

- 1. Hillsborough be retained as a suburb (locality) within the Maitland Local Government Area.**
- 2. The Geographical Names Board be notified of Council's decision.**
- 3. All affected landowners, public authorities and submission makers be notified of Council's decision.**

REPORT

At its meeting of 25 May 2010, Council resolved exhibit a draft proposal to incorporate the suburb (locality) of Hillsborough into the suburb of Rosebrook. In accordance with the Geographical Names Board (the Board) procedure for "Determining Suburbs And Localities In NSW", Council advertised and publicly exhibited the proposal for a period of 28 days, which included notification to landowners within the Hillsborough suburb, Police Department, Fire Department, Ambulance Service and Australia Post.

In response to the public exhibition to modify the suburb boundary, thirty five (35) submissions were received. A copy of each submission is attached to this report under separate cover.

The majority of submissions objected to losing the Hillsborough locality name. A smaller number of submissions supported a change to the locality name on the basis of removing the confusion between Hillsborough in Maitland LGA and Lake Macquarie LGA.

It is recognised through the submissions that Hillsborough has its own unique history within the Maitland area which should be preserved.

REVIEW OF LOCALITY NAME FOR HILLSBOROUGH (Cont.)

The issue of lost or misdirected mail was also addressed in the submissions with the statement that post codes were introduced to make mail routing easier throughout the country and that separate post codes exist for Hillsborough (Maitland) 2320 & Hillsborough (Charlestown) 2290.

Emergency Services response to residents within Hillsborough was also mentioned in the submissions. The 000 call centre requests the caller's street address followed by the name of the nearest cross street. Hillsborough has only two streets within it being Hillsborough Road and Maitland Vale Road, which clarifies that this locality is in the Maitland area.

No formal response was received from any emergency service or Australia Post to Council's notification letter.

In conclusion, the majority of the residents want to retain the Hillsborough locality name; therefore it is recommended that the locality of Hillsborough remain.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact on Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

There are no statutory implications under the Local Government Act 1993 with this matter.

Service Planning and Regulation Reports

REVIEW OF LOCALITY NAME FOR HILLSBOROUGH

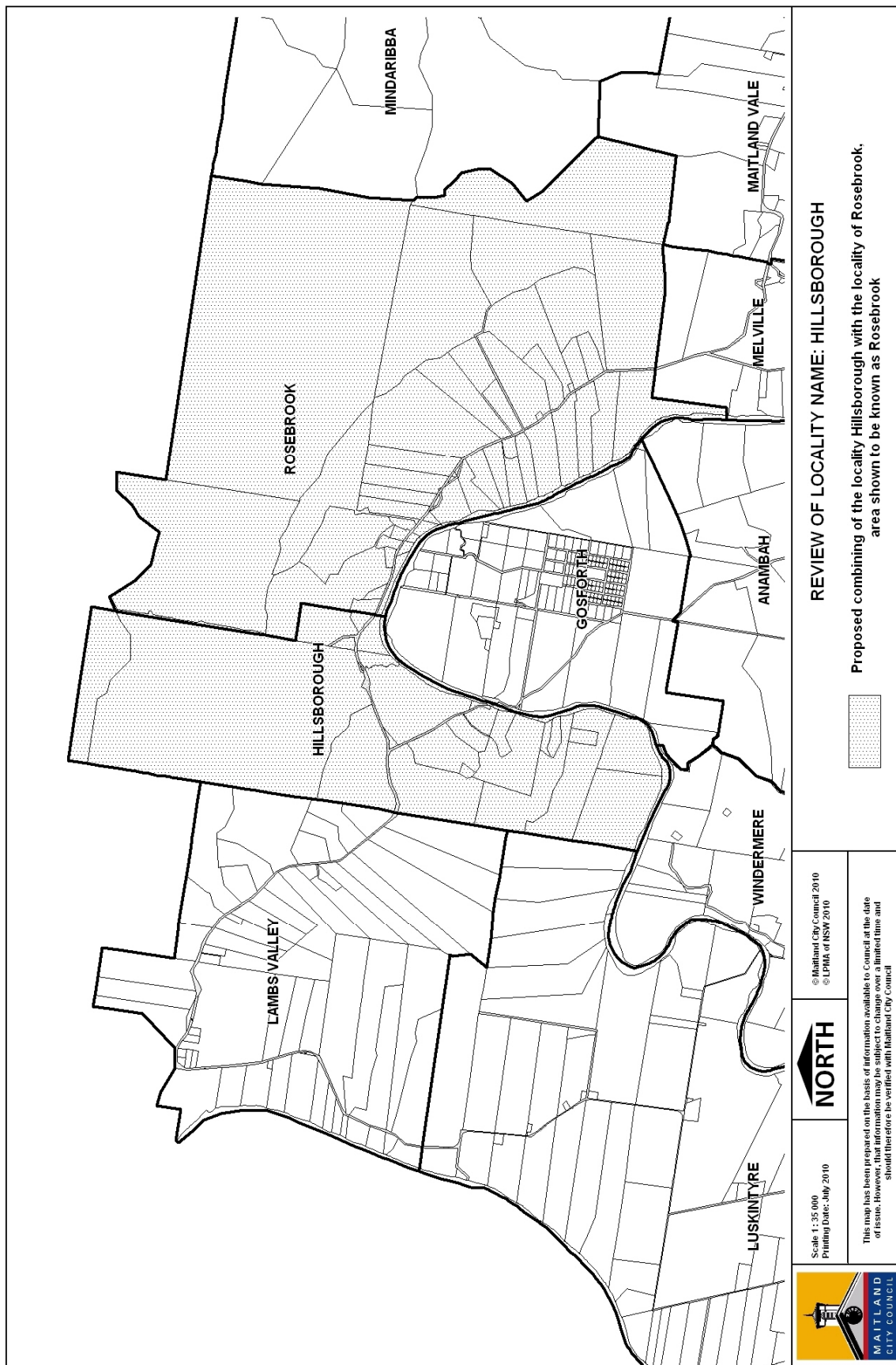
Locality Map

Meeting Date: 27 July 2010

Attachment No: 1

Number of Pages: 1

REVIEW OF LOCALITY NAME FOR HILLSBOROUGH (Cont.)



**10.9 AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN -
REZONING OF LOCHINVAR INVESTIGATION AREA****File No:** RZ08002**Attachments:**

1. Planning Proposal (under separate cover)
2. Planning Circular
3. Locality Plan

Responsible Officer: Leanne Harris - Group Manager Service Planning and Regulation
Monica Gibson - Manager City Strategy**Author:** Josh Ford - Strategic Town Planner

EXECUTIVE SUMMARY

A draft local environmental plan has been prepared for the Lochinvar Investigation Area in accordance with Council's resolution on 25 November 2008, directions from the Department of Planning and the statutory requirements for government agency consultation. The site is identified as a 'Proposed Urban Area' and a 'Major Release Site' under the Lower Hunter Regional Strategy 2006. The purpose of this report is to inform Council of the results of the environmental assessment and to propose that the Planning Proposal be submitted to the Department of Planning for a Gateway determination.

The Planning Proposal is supported by environmental studies which have involved specific investigation and assessment of a number of matters affecting the subject land. Recommendations from the environmental studies suggest that the site is appropriate for rezoning to urban purposes, however the recent exhibition of the Maitland to Minimbah Third Track project has highlighted uncertainties regarding noise, vibration and air quality impacts on land within the southern part of the site adjoining the rail corridor. Further investigation of these impacts will be required to demonstrate the extent of constraints from the project. Detailed development controls and area planning will be required to support the urban release area and these are matters that can be addressed through the amendment of the Maitland Citywide DCP.

The draft plan is not inconsistent with any state planning policies, directions for the preparation of local environmental plans or regional strategies, and it supports the objectives and targets of the Lower Hunter Regional Strategy 2006 and the Maitland Urban Settlement Strategy 2008.

The draft LEP is required to transfer to the Gateway planning system as a planning proposal by 30 September 2010, as per the timelines outlined under the Department's Savings and Transitional Provisions for LEPs (Attachment 2).

OFFICER'S RECOMMENDATION**THAT**

1. The draft local environmental plan for the Lochinvar Investigation Area as detailed in the attached planning proposal be endorsed as an amendment to the Maitland Local Environmental Plan 1993.
-

AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN - REZONING OF LOCHINVAR INVESTIGATION AREA (Cont.)

2. Pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, the Planning Proposal be submitted to the Department of Planning for a Gateway Determination, noting that further investigations are required to determine the impacts from the Maitland to Minimbah Third Track project.
3. Written representations be made to the Minister for Planning and the Department of Planning noting the substantial planning work undertaken for the Lochinvar Investigation Area, requesting that this be recognised during the assessment of the Maitland to Minimbah Third Track project.
4. 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.

BACKGROUND

The Lochinvar Investigation Area has been identified in the Maitland Urban Settlement Strategy (MUSS) for many years, and is the largest release area to date in the western sector of the Maitland LGA with the potential to accommodate approximately 5,000 lots. Significant planning work has been undertaken with the support of the Department of Planning, landowners and the local community, and in October 2007, Council adopted the Lochinvar Structure Plan and elevated Lochinvar to a Category 1 investigation area. This framework has been endorsed by the Department of Planning.

On 25 November 2008, Council resolved to prepare a draft local environmental plan for the area covered by the Lochinvar Structure Plan, noting that two (2) rezoning proposals had been submitted for separate sites within the Lochinvar Investigation Area (Lochinvar Estate and Lochinvar Green). A reference group of landowners, developers and Council was subsequently established as a forum for consultation regarding the preparation of the local environmental plan.

Since Council's (former) section 54 resolution on 25 November 2008, the new Gateway planning system has come into operation. Therefore, a Planning Proposal has been prepared in order to transfer the rezoning plan across to the new planning system. Preparation of the planning proposal will allow a gateway determination to be made on this matter, in accordance with Section 55 of the EP&A Act 1979. Given the timelines outlined under the Department's Savings and Transitional Provisions for LEPs, the draft LEP needs to transfer to the new Gateway planning system as a planning proposal by 30 September 2010.

The purpose of this report is to provide an assessment of the environmental studies for the Lochinvar Investigation Area and to recommend that a Planning Proposal be submitted to the Department of Planning. A copy of the Planning Proposal is included as **Attachment 1**. A locality plan detailing the location and extent of the site is included as **Attachment 3**.

AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN - REZONING OF LOCHINVAR INVESTIGATION AREA (Cont.)

POLICY CONTEXT

The LHRS 2006 (p.27) identifies that between 2006 and 2031 the Maitland LGA is projected to accommodate an additional 21,500 dwellings. It is anticipated that the majority of dwellings will be contained within new urban release areas. The Lochinvar Investigation Area is approximately 650 hectares in size, and could potentially yield approximately 5,000 new residential allotments (pending review of further detailed assessments of environmental constraints), which is significant in terms of meeting the dwelling projections outlined under the LHRS 2006.

The site was initially identified in the Lower Hunter Regional Strategy 2006 (LHRS 2006) as a 'Proposed Urban Area' (LHRS 2006:12). Following on from this, Council and the Department of Planning funded environmental studies to inform the Lochinvar Structure Plan in 2007, which details an indicative layout for the Urban Release Area. Additionally, the Lochinvar Investigation Area has been identified in the Maitland Urban Settlement Strategy (MUSS) since the inception of the site in the LHRS in 2006. The last review of the MUSS in 2008 identified the site as Category 1 Residential land (0-5 year development timeframe).

The Activity Centres and Employment Clusters Strategy 2010 (ACECS 2010) identifies that the projected development in the Lochinvar Investigation Area is likely to warrant the provision of a town centre, in addition to a neighbourhood centre comprising some of the existing commercial land adjoining the New England Highway (to the north) at Lochinvar.

The Maitland Greening Plan identifies an "opportunity corridor" for wildlife within the Lochinvar Investigation Area (MGP 2002:53). The purpose of this opportunity corridor is to identify land for priority revegetation (to be undertaken on a *voluntary* basis), which would ideally lead to suitable habitat for wildlife to traverse other connecting corridors within the Maitland LGA. However, opportunities for revegetation in the developable portion of the site are limited given that this would be a direct contradiction to the objectives of the LHRS 2006 and the MUSS 2008.

Council has recently exhibited the *Maitland Integrated Land Use and Transport Study* for public comment, which includes the proposed route of the Southern Bypass (see **Attachment 1**). The Lochinvar Investigation Area is located in a strategically significant area in the context of road networks and the proposed Southern bypass route within the Maitland LGA.

LOCHINVAR ENVIRONMENTAL STUDIES

Environmental studies were prepared for the Lochinvar Investigation Area with the collaboration and support of landowners. The set of studies submitted to Council has been reviewed and assessed in Section 9 of the attached Planning Proposal (**Attachment 1**). In summary, the key recommendations are that the site is relatively free of constraints. Further detailed planning will be required to address the finer detail of the Lochinvar urban release area and will typically take the form of precinct plans and DCP amendments, as has been the case for the larger release areas at Thornton North, Aberglasslyn and Gillieston Heights. The rezoning of the proposed Lochinvar Town Centre will also form a future, separate LEP amendment.

AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN - REZONING OF LOCHINVAR INVESTIGATION AREA (Cont.)

Third Rail Track Proposal

ARTC's recent proposal to expand the Main Northern Railway Line corridor for the purposes of a third railway track has resulted in uncertainty about future noise, vibration and air quality impacts in the southern part of the Lochinvar Investigation Area. The southern extent of the site, within 500m of the rail corridor, has been identified as requiring further investigation, due to a number of environmental factors associated with the proposed Maitland to Minimbah Third Railway Track project, although the recently exhibited environmental assessment does not include details of noise or vibration attenuation methods associated with the proposed Third Track.

Without a clear understanding of the proposed methods of noise and vibration attenuation, and the impact that such methods could have on reducing noise and vibration generated from operational movements within the rail corridor, Council is not in a position to make an informed decision on the appropriate zoning for this area of the site. Further environmental studies should be undertaken with a particular focus on acoustic, vibration and air quality studies for land identified as "*Area of Affection – Further Investigation Required*" (see **Appendix 1**).

It is also recommended that Council make written representations to the Minister for Planning and the Department of Planning to recognise the substantial planning work undertaken for the Lochinvar investigation area, the significance of urban development at Lochinvar in providing for new housing in the Lower Hunter and the potential for negative impacts on the outcomes envisaged in the Lochinvar Structure Plan as a result of the Third Track proposal. In this instance, it is considered that the additional environmental investigation should be undertaken by the proponents of the Maitland to Minimbah Third Track proposal, since they are creating the potential for significant impacts on a proposed urban area.

A submission was made by Council to the exhibition of the environmental assessment for the Third Rail Track proposal to indicate the potential impact on future urban areas at Farley and Lochinvar, as well as existing urban areas at Rutherford and Telarah.

DRAFT LOCAL ENVIRONMENTAL PLAN

A draft local environmental plan has been prepared to reflect the recommendations of the environmental studies. It is considered that the site is appropriate as an urban release area and for rezoning to urban purposes (including residential, environmental, recreational and business zones) as shown in the Planning Proposal. This is consistent with the Lochinvar Structure Plan. Existing urban zoned areas of Lochinvar will not be rezoned, but will be "converted" across to comparable zones (i.e. 6(a) Public Recreation to RE1 Public Recreation) with the Maitland LEP 2011.

Consideration has been given to local planning directions issued by the Minister for Planning (under Section 117 of the Environmental Planning & Assessment Act 1979) as they apply to the draft plan, and there are no known unjustified inconsistencies with these guidelines.

AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN - REZONING OF LOCHINVAR INVESTIGATION AREA (Cont.)

GATEWAY PLANNING PROCESS

If Council resolves to forward the planning proposal to the Department of Planning seeking a Gateway determination, the next step is for the Department of Planning to issue a Gateway determination which will outline the requirements for community consultation, such as the length of exhibition period, any requirements for additional government agency consultation or requirements for additional information. These matters will be reported to Council.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council as the draft local environmental plan is consistent with the Lower Hunter Regional Strategy 2006, the Maitland Urban Settlement Strategy 2008 and the Lochinvar Structure Plan 2007.

STATUTORY IMPLICATIONS

The procedures for the preparation of a local environment plan under Part 3 of the Environmental Planning and Assessment Act 1979 have been adhered to. The report details the required statutory certification to proceed with public exhibition of the draft plan.

The rezoning proposal was submitted to Council under the former relevant sections of the EP&A Act 1979. The new Gateway planning system has come into force since the proposal was submitted and last reported to Council. Given the timelines outlined under the Department's Savings and Transitional Provisions for LEPs, the draft LEP needs to transfer across to the new Gateway planning system as a planning proposal by 30 September 2010 (see **Attachment 2**).

There are no statutory implications under the Local Government Act 1993 with this matter.

AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN - REZONING OF LOCHINVAR
INVESTIGATION AREA (Cont.)

CONCLUSION

The rezoning of the subject land will assist significantly in meeting the Department of Planning's targets for residential dwelling projections by 2031, as outlined under the LHRS 2006. The site is identified in the Lower Hunter Regional Strategy 2006 as a 'Proposed Urban Area' and 'Major Release Site', as a Category 1 investigation area under the MUSS 2008, and has been the subject of detailed investigations associated with the Lochinvar Structure Plan 2007. The proposal to rezone the site to urban purposes is consistent with Council's adopted land release program and urban land use strategy. The MUSS 2008 has been endorsed by the Department of Planning. Environmental studies prepared for the rezoning demonstrate that the land is suitable for rezoning to accommodate urban development in the future. The proposal aims to rezone land to urban purposes, pending environmental studies to determine the impacts from the Maitland to Minimbah Third Track project. The Maitland to Minimbah Third Railway Track project was recently exhibited and is currently with the Department of Planning pending a determination. The proposal to rezone the site to urban purposes is consistent with Council's adopted urban land use strategy.

AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN - REZONING OF LOCHINVAR
INVESTIGATION AREA (Cont.)

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AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN - REZONING OF LOCHINVAR INVESTIGATION AREA

Planning Circular

Meeting Date: 27 July 2010

Attachment No: 2

Number of Pages: 2



Planning

PLANNING circular

PLANNING SYSTEM

Local planning

Circular	PS 10 - 002
Issued	18 February 2010
Related	

Changes to the Environmental Planning and Assessment Regulation 2000 – draft LEPs notified to the Director-General before 1 July 2009

The purpose of this circular is to advise planning authorities of an amendment to the *Environmental Planning and Assessment Regulation 2000* that ensures planning authorities can continue to prepare draft local environmental plans notified to the Director-General before 1 July 2009 under the local plan-making provisions of the *Environmental Planning & Assessment Act 1979* which applied before 1 July 2009.

Introduction

The *Environmental Planning and Assessment Amendment (Transitional Arrangements) Regulation 2010* ('amending Regulation') commenced on 12 February 2010.

The amending Regulation takes effect on commencement.

Only applies to draft LEPs notified under s54 before 1 July 2009

The amending Regulation *only applies* to draft local environmental plans where the planning authority notified the Director-General of its intention to prepare the plan before 1 July 2009, under the former section 54 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act').

However, the amending Regulation *does not apply* to draft local environmental plans that a planning authority commenced to prepare under the new local plan-making provisions of Part 3 of the EP&A Act from 1 July 2009 onwards.

Steps in LEP making carried out between 30 June 2009 and 12 February 2010 do not have to be repeated

The amending Regulation has been made following the Land & Environment Court's decision in *Capital Airport Group v Director General of the Department of Planning* [2010] NSWLEC 5 on 13 January 2010.

The object of the amending Regulation is to ensure that planning authorities do not have to repeat any steps in the plan-making process that occurred after 30 June 2009 and before 12 February 2010 for draft local environmental plans notified under the former section 54 of the EP&A Act to the Director General before 1 July 2009, as a result of the Court's decision.

For those draft local environmental plans, any steps in the preparation of those plans undertaken by a planning authority during that period, such as:

- consultation with State or Commonwealth agencies (under the former section 62),
- submission to the Department (under the former section 64),
- public exhibition (under the former section 66), or
- consideration of submissions and submission to the Director-General of an amended draft plan (under the former section 68)

are taken to have validly occurred to enable the plan making process to be completed.

Similarly, during that period:

- the issue of a certificate by the Director General (under the former section 65), or
- the making of a submission by a member of the community (under the former section 67)

Department of Planning circular PS 10-002

are taken to have validly occurred to enable the plan making process to be completed.

The amending regulation will enable planning authorities and the Department to complete the plan-making process for these draft local environmental plans without the need to repeat the various steps already undertaken in the plan-making process.

However, this provision of the amending Regulation does not apply to the draft local environmental plan relating to South Tralee that was submitted to the Director-General on or about 6 November 2009 by Queanbeyan City Council, which was the subject of the Land & Environment Court's decision.

Transitional period not extended

The amending Regulation does not extend the existing transitional period for draft amending local environmental plans notified to the Director-General before 1 July 2009.

These draft plans must still be made by 1 July 2010, or where no section 65 certificate had been issued before 1 July 2009, they must be made by 1 January 2011.

There remains no time limit on the making of draft principal local environmental plans being prepared under the former plan making provisions of the EP&A Act.

Preparation of planning proposals have not changed

The amending regulation does not affect the current legal framework for the preparation and making of a local environmental plan under the new Part 3 of the EP&A Act, including the preparation of a planning proposal and the requirement for a gateway determination.

The new Part 3 continues to apply unchanged to a proposed local environmental plan only where the planning authority had not notified the Director-General of its intention to prepare the plan before 1 July 2009.

Further information

A copy of the *Environmental Planning and Assessment Amendment (Transitional Arrangements) Regulation 2010* is available on the NSW Government's legislation website:

<http://www.legislation.nsw.gov.au>

If you have further enquiries, please contact:

NSW Department of Planning
23-33 Bridge Street, Sydney NSW 200
GPO Box 39, Sydney NSW 2001
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Note: This and other Department of Planning circulars are published on the web at <http://www.planning.nsw.gov.au/PlanningSystem/Circularsandguidelines/PlanningSystemCirculars/tabid/81/Default.aspx>.

Authorised by:

Ian Reynolds
Acting Director-General
NSW Department of Planning

Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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Service Planning and Regulation Reports

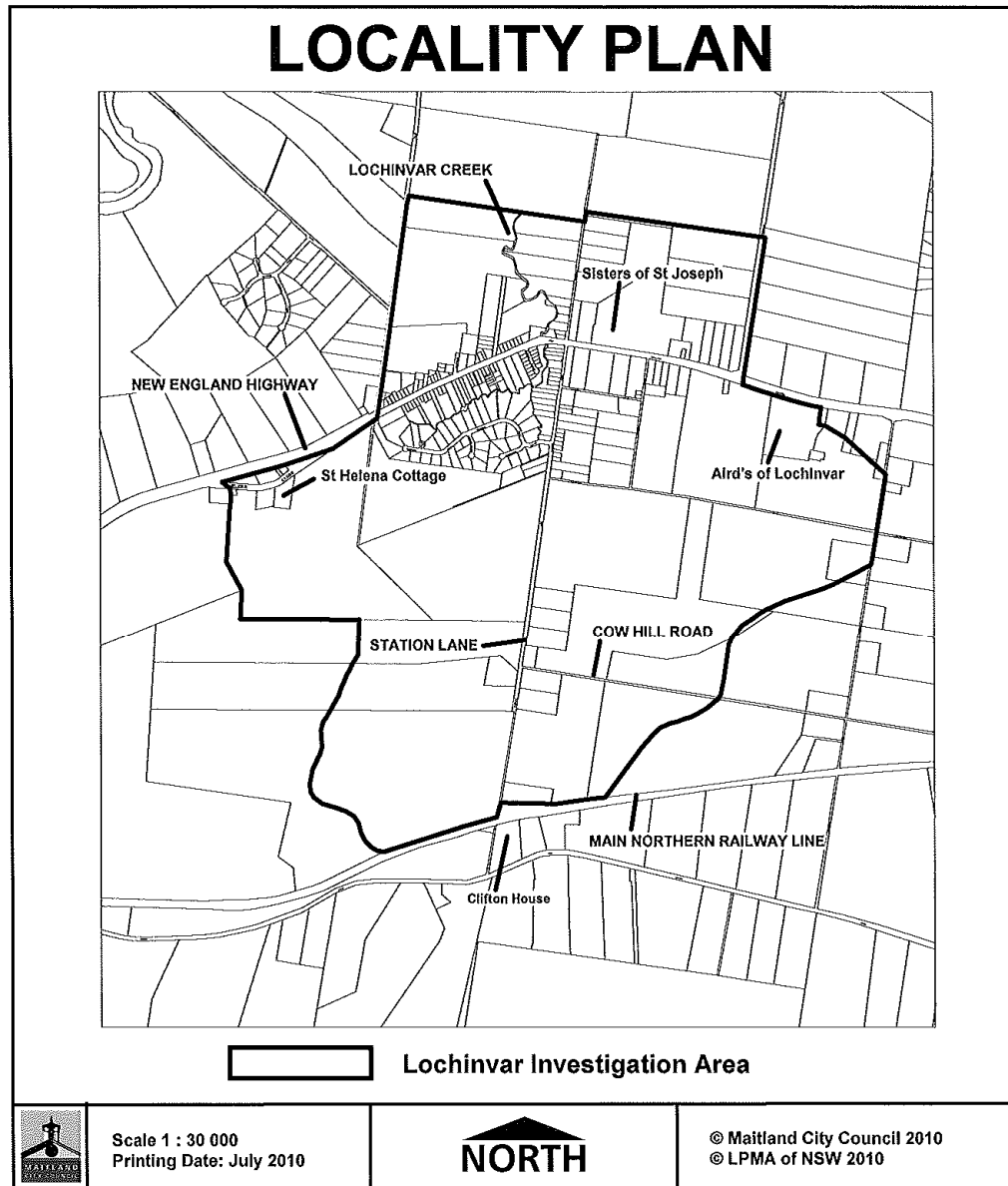
AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN - REZONING OF LOCHINVAR INVESTIGATION AREA

Locality Plan

Meeting Date: 27 July 2010

Attachment No: 3

Number of Pages: 1



**10.10 AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN -
REZONING OF FARLEY INVESTIGATION AREA**

File No: RZ09005

Attachments: 1. Planning Proposal
2. Locality Plan

Responsible Officer: Leanne Harris - Group Manager Service Planning and Regulation
Monica Gibson - Manager City Strategy

Author: Josh Ford - Strategic Town Planner

EXECUTIVE SUMMARY

A draft local environmental plan has been prepared for the Farley Investigation Area in accordance with Council's resolution on 10 November 2009, directions from the Department of Planning and the statutory requirements for government agency consultation. The site is identified as a 'Proposed Urban Area' under the Lower Hunter Regional Strategy 2006. The purpose of this report is to propose that the Planning Proposal be submitted to the Department of Planning for a Gateway determination.

The Planning Proposal is supported by preliminary environmental studies. Further detailed investigations will be required to support the assessment of the draft local environmental plan and consider matters such as biodiversity significance, infrastructure provision and air quality impacts from existing and future activities.

The recent exhibition of the Maitland to Minimbah Third Track project has highlighted uncertainties regarding noise, vibration and air quality impacts on land within the northern part of the site adjoining the rail corridor, meaning that further investigation of these impacts will be required to demonstrate the extent of constraints from the project.

OFFICER'S RECOMMENDATION**THAT**

1. The draft local environmental plan for the Farley Investigation Area as detailed in the attached planning proposal be endorsed.
2. Pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, the Planning Proposal be submitted to the Department of Planning for a Gateway Determination, noting that further detailed investigations and consultation is required.
3. A further report be presented to Council following the Gateway determination to provide details of community consultation and environmental assessment requirements.

AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN - REZONING OF FARLEY INVESTIGATION AREA (Cont.)

BACKGROUND

On 10 November 2009, Council resolved to progress the Farley Investigation Area from a Category 2 to a Category 1 status under the MUSS 2008. The same resolution noted that the gazettal of the rezoning cannot occur until post-gazettal of the Maitland Local Environmental Plan 2011. A rezoning application was subsequently submitted for the site in November 2009.

The purpose of this report is to provide a preliminary assessment of the rezoning proposal and recommends that the Planning Proposal be submitted to the Department of Planning. A copy of the Planning Proposal is included as **Attachment 1**. A locality plan detailing the location and extent of the site is included as **Attachment 2**.

POLICY CONTEXT

The LHRs 2006 (p.27) identifies that between 2006 and 2031 the Maitland LGA is projected to accommodate an additional 21,500 dwellings. It is anticipated that the majority of dwellings will be contained within new urban release areas. The Farley Investigation Area is approximately 140 hectares in size, which is significant in terms of releasing land to meet the dwelling projections outlined under the LHRs 2006.

Prior to the site being identified in Council's MUSS, the site was listed in the Lower Hunter Regional Strategy 2006 as a 'Proposed Urban Area' (LHRs 2006 p. 12-13). The Farley Investigation Area is identified in Council's land release program, which outlines a program for rezoning of land identified in the MUSS. The site is listed as a Category 1 investigation area under the MUSS 2008, which indicates a 0-5 year development timeframe.

The Activity Centres and Employment Clusters Strategy 2010 (ACECS 2010) identifies that potential population growth in Farley is likely to provide an opportunity for a neighbourhood centre to develop within the Farley Investigation Area, subject to further economic analysis and justification to determine the need for a centre.

The Maitland Greening Plan identifies an "opportunity corridor" for wildlife within the Farley investigation area which extends for some distance north and south of the western portion of the site (MGP 2002:53). The purpose of this opportunity corridor is to identify land for priority revegetation (to be undertaken on a voluntary basis), which would ideally lead to suitable habitat for wildlife to traverse other connecting corridors within the Maitland LGA.

Council has recently exhibited the *Maitland Integrated Land Use and Transport Study* for public comment, which includes the proposed route of the Southern Bypass (see **Attachment 1**). The Farley Investigation Area is located in a strategically significant area in the context of road networks and the proposed Southern bypass route within the Maitland LGA.

REZONING PROPOSAL

The rezoning application applies to the whole Farley Investigation Area, as identified in **Attachment 2** - Locality Plan. A number of natural characteristics affect the site, including flooding and stormwater, flora and fauna, bushfire and topography. Other

AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN - REZONING OF FARLEY INVESTIGATION AREA (Cont.)

matters such as traffic, noise and vibration, and infrastructure have been identified as constraints for future urban development of the site.

Environmental studies were submitted with the rezoning proposal. The studies are of a preliminary nature but contain sufficient detail to prepare a preliminary Planning Proposal. The applicant has requested that Council forward a Planning Proposal to the Department of Planning, with the intention of the Department issuing a Gateway determination that would give further certainty to the rezoning of the Investigation Area. The Gateway determination would also outline the additional studies required (including the level of detail) and the requirements for community and government agency consultation.

A Planning Proposal has been prepared with reference to the preliminary environmental studies, Council's geographic information resources and relevant statutory requirements. The Planning Proposal is included as **Attachment 1** to this report.

Some of the matters that affect the site and require further investigation include:

- Biodiversity impact, including potential for significant impacts on endangered ecological communities and the establishment of local corridors
- Bushfire hazard assessment and the relationship with biodiversity significance
- Noise and vibration impacts likely from the existing rail and road corridors as well as future potential impacts from the Maitland to Minimbah Third Track proposal and traffic volumes
- Demand for additional infrastructure, particularly impacts on the local and regional road network and pedestrian/cyclist facilities at the Farley rail underpass, as well as water, sewer and recycled water servicing
- Extent of flooding and stormwater impacts
- Geotechnical investigations, including assessment of potential for contamination, acid sulphate soils and salinity
- Visual impact of future development and relationship with existing rural areas of Farley and Bishops Bridge
- Air quality impacts from nearby activities and land uses
- Cultural and European heritage assessment
- Economic assessment for proposed neighbourhood centre

Third Rail Track Proposal

ARTC's recent proposal to expand the Main Northern Rail Line corridor for the purposes of a third railway track has the potential to have significant impact on the Farley Investigation Area with respect to noise, vibration and air quality impacts in the northern area of the site. The northern area of the site, within 500m of the rail corridor, has been identified in the attached planning proposal as an "*Area of Affection – Further Investigation Required*", due to a number of environmental factors associated with the proposed Maitland to Minimbah Third Railway Track project.

It is proposed that detailed environmental studies be undertaken with a particular focus on acoustic, vibration and air quality studies for land identified as "*Area of*

AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN - REZONING OF FARLEY INVESTIGATION AREA (Cont.)

Affectation – Further Investigation Required” on the proposed zoning map (see **Attachment 1**).

A submission was made by Council to the exhibition of the environmental assessment for the Third Rail Track proposal to indicate the potential impact on future urban areas at Farley and Lochinvar, as well as existing urban areas at Rutherford and Telarah.

DRAFT LOCAL ENVIRONMENTAL PLAN

A draft local environmental plan has been prepared to reflect the recommendations of the preliminary environmental studies that were submitted to support the proposal.

The draft plan aims to rezone land within the Farley Investigation Area to urban purposes, pending further environmental studies, as shown in the planning proposal which is included as **Attachment 1**. Urban purposes may include residential, business, recreational and environmental zones.

Consideration has been given to local planning directions issued by the Minister for Planning (under Section 117 of the Environmental Planning & Assessment Act 1979) as they apply to the draft plan, and while there are no known unjustified inconsistencies with these guidelines, only detailed environmental studies can confirm this.

GATEWAY PLANNING PROCESS

If Council resolves to forward the planning proposal to the Department of Planning seeking a Gateway determination, the next step is for the Department of Planning to issue a Gateway determination which will outline the requirements for community consultation, such as the length of exhibition period, any requirements for additional government agency consultation or requirements for additional information. These matters will be reported to Council as part of a future Council report.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council’s adopted budget or forward estimates.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council as the proposal is consistent with the Lower Hunter Regional Strategy 2006 and the Maitland Urban Settlement Strategy 2008.

STATUTORY IMPLICATIONS

The procedures for the preparation of a local environment plan under Part 3 of the Environmental Planning and Assessment Act 1979 have been adhered to.

There are no statutory implications under the Local Government Act 1993 with this matter.

AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN - REZONING OF FARLEY INVESTIGATION AREA (Cont.)

CONCLUSION

The rezoning of the subject land will assist in meeting the Department of Planning's targets for residential dwelling projections by 2031, as outlined under the LHRS 2006. The site is identified in the Lower Hunter Regional Strategy 2006 as a 'Proposed Urban Area', and Council has previously resolved to progress the site to Category 1 status under the MUSS 2008. However, a Gateway determination is required to detail the level of additional information required to support the rezoning, which will assist in identifying the opportunities and constraints for the site, and will assist to inform Council's decisions regarding future zoning of the site. The proposal aims to rezone land to urban purposes, pending environmental studies to determine the impacts from the Maitland to Minimbah Third Track project. The Maitland to Minimbah Third Railway Track project was recently exhibited and is currently with the Department of Planning pending a determination. The proposal to rezone the site to urban purposes is consistent with Council's adopted urban land use strategy.

Service Planning and Regulation Reports

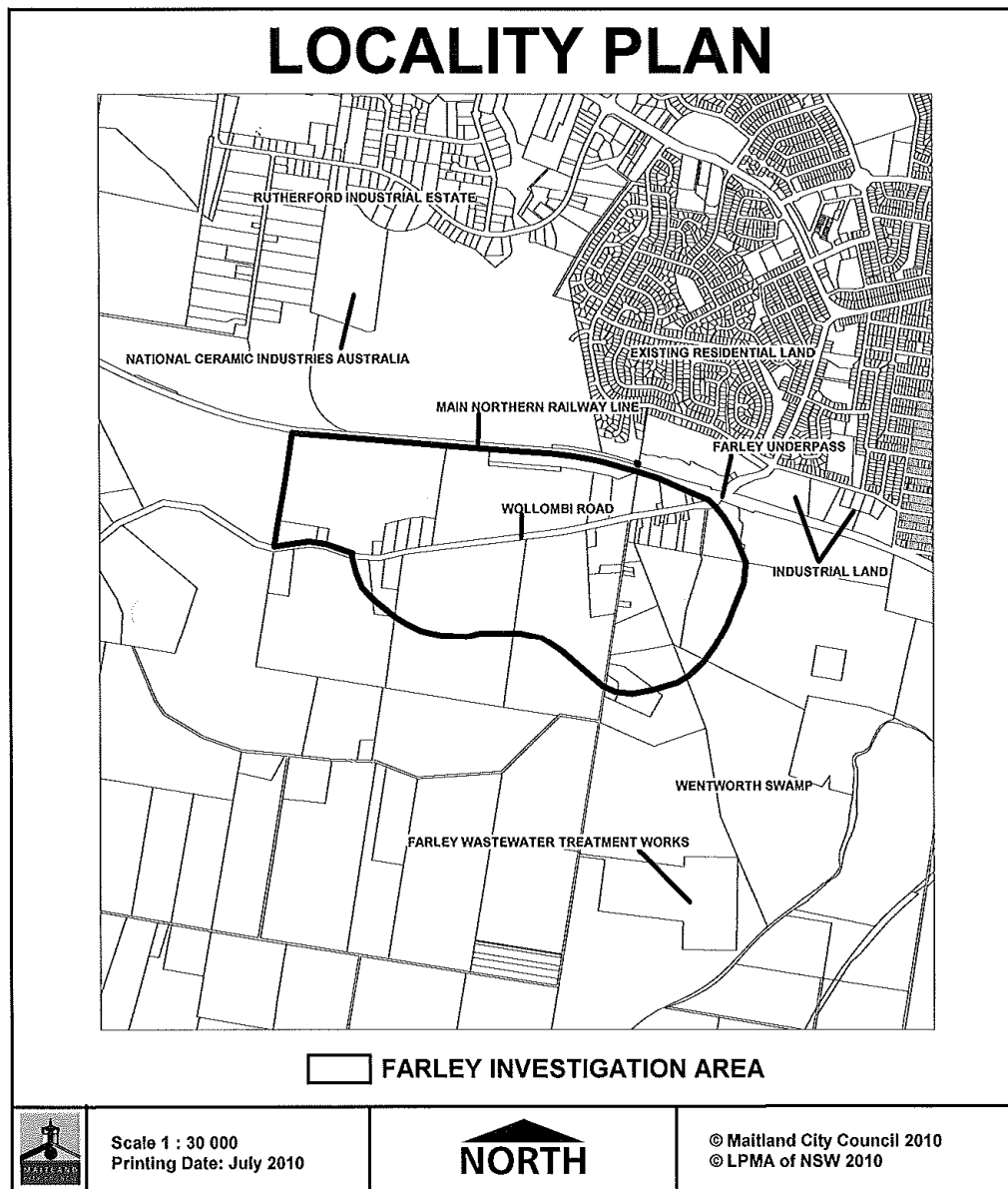
AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN - REZONING OF FARLEY INVESTIGATION AREA

Locality Plan

Meeting Date: 27 July 2010

Attachment No: 2

Number of Pages: 1



10.11 REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES**File No:** 129/1**Attachments:**

1. Fees & Charges Policy
2. Use of Public Open Space Policy
3. Amended Fees & Charges Schedule

Responsible Officer: Leanne Harris - Group Manager Service Planning and Regulation**Author:** Lynn Morton - Manager Community and Recreation Services

EXECUTIVE SUMMARY

The review of the performance of Council's Recreation Boards undertaken in 2009 clearly identified the need to review and restructure Council's pricing system as it relates to fees and charges for Recreation Services. The re-structure should ensure that the pricing framework is transparent, equitable, is regionally benchmarked and allows for comparability of fees and levels of subsidy.

Accordingly, this report presents Council with two draft policies and an amended Fees and Charges Schedule as it relates to Recreation Services. They are:

- *Fees and Charges Policy – Sportsgrounds, Facilities and Reserves*
- *Use of Public Open Space by Fitness Groups and Personal Trainers Policy,*

It is recommended that the draft Policies and the amended Fees and Charges Schedule be publicly exhibited prior to adoption by the Council.

OFFICER'S RECOMMENDATION**THAT**

1. That the:
 - Fees and Charges Policy – Sportsgrounds, Facilities and Reserves
 - Use of Public Open Space by Fitness Groups and Personal Trainers Policy, and
 - Draft Fees and Charges Schedule for Sportsgrounds, Facilities and Reserves(as attached) be exhibited for 28 days to provide the opportunity for members of the public to comment on the draft documents.
2. A further report be presented to Council detailing the results of the public exhibition process.
3. Council's Sport and Recreation Advisory Board be formally thanked for their hard work and effort in the development of the draft Policy documents and amended Fees and Charges Schedule.

BACKGROUND

A review of the performance of Council's Recreation Boards was undertaken in 2009. The review identified several key issues that related to the Fees, Charges and

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

Pricing of Recreation Facilities / Services under Council's care, control and management. In particular:

- Compliance with Council's fees and charges was low with many Recreation Boards applying different fees and charges or not collecting fees and charges;
- The prices in the Fees and Charges for Recreation Services bear little relation to the quality of the facility provided; the frequency of use and the levels of exclusivity provided
- Significant recurrent maintenance costs
- Revenue derived from user fees represents a very low proportion of recurrent costs

The review also noted that the quality of the sportsgrounds and facilities could be improved if fees and charges were returned to offset the cost of maintenance and capital works. Additionally, Council would receive a considerable benefit in having consistency in charges for recreation facility usage across the city. Users will also benefit from knowing that they will receive a specified quality for a standard price. The community will be aware of the level of subsidy that is being provided for these Recreational Services.

REPORT

The review of the Recreation Boards performance in 2009 clearly established the need to review and restructure Council's pricing system as it relates to Fees and Charges for Recreation Services.

In undertaking the review Council Officers worked closely with the members of Council's Sports and Recreation Advisory Committee. A special Fees and Charges Sub Committee was formed to act as a sounding board to guide the development of the draft policy documents and fee schedule.

The Committee's main focus was to ensure an equitable basis for the setting of user fees and to make sure that the recommended pricing framework is transparent, equitable, regionally benchmarked, allows for comparability of fees, establishes an agreed level of subsidy and develops a framework that facilitates an annual review.

The Approach:

In developing a framework the Committee resolved to benchmark and review policy documents drawn from the Hunter Region together with best practice examples sourced throughout Australia.

The main findings from the benchmarking exercise which have been used to frame the pricing model are summarised as follows:

- Majority of ground bookings are centralised falling under the direct control by Council

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

- Fees and charges are based on the standard of ground used (a tiered hierarchy or grading system), level of usage of the ground, the nature of the sport (i.e. its impact on the ground) and the age of players, some per team / participant
- The hierarchy differentiates between the standards of facilities required by different sports and levels of competition, and the maintenance undertaken for each level of ground.
- Capacity of the ground is monitored- hours used and also carrying capacity per hour say (average allowed for a maximum of 60 players at any one time on the ground for training)
- Maintenance responsibilities for the club and Council are clearly articulated
- Fees for higher standard grounds are greater than lower standard grounds.
- Fees and charges are based on recouping up to 10-20% of Council's expenditure, some Councils as high as 30-35%
- Introduction of an asset replacement levy –varies between Council's say 2-3%
- Many charge separately for amenities buildings, storage, change rooms etc.
- Fees are reviewed annually in accordance with CPI and current maintenance costs.

Policy Framework and Fee Schedule

In reviewing best practice documents prepared by other local government authorities it was evident that their fee schedules for Recreation Services were grounded on a number of policy frameworks the two most common being:

- A Fees and Charges Policy for Sportsground, Facilities and Reserves, and
- A policy framework to manage the use of public open space by Commercial Fitness Groups and Personal Trainers.

Hence two draft Policy documents have been prepared for consideration by Council and reflected in the recommended amended Fees and Charges Schedule.

Policy Document 1

Fees and Charges Policy – Sportsgrounds, Facilities and Reserves – aims to provide a pricing model to guide Council in applying fees and charges for the use of sportsgrounds, facilities and reserves. The main elements of the draft Policy provide for:

- A set of key objectives and principles that will guide the implementation of the policy framework
- A discussion on the different types of occupancy agreements which Council generally allocates its sportsgrounds, facilities and reserves to user groups. The three types of agreements being – Leases, Licences and Seasonal Allocations. Provision has also been made for casual use of Council's Recreation Facilities.

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

- The development of a Pricing Framework- the policy document outlines the number of variables taken into account in the development of the pricing model including:

- o **A Ground Classification System:** The preparation of a sportsground / facility classification system that reflects the range and quality of facilities provided for community sport in Maitland.

The grading system has been developed to reflect the infrastructure used by sporting clubs in winter and summer including access to training lights, cricket practice facilities, amenities, toilets, grounds size, mowing frequency and club operations.

The grading system applies to sportsgrounds, athletics fields, netball courts, tennis courts and individual user facilities.

- o **Percentage of Costs:** Seasonal users will pay a percentage of the recurrent costs associated with the ongoing maintenance of each sportsground/ facility. Each of the categories attracts a cost which is associated with the delivery of that ground. Grade 'A' attract the highest delivery cost whilst 'C' rated facilities attract the lowest.
- o **Contribution Towards Asset Replacement-** Rather than apply a fee to clubs / associations for the use of Council's amenities and ancillary facilities it is proposed that a figure of 3% of Councils assets 'Cost to Replace' is applied to a clubs/ associations fees and charges on an hourly sessional basis over a clubs/ association allocated season or individual use..
- o **Variable Usage-** The usage of a sportsground/ facility/ reserve includes the sportsground and pro rata cost towards the 'Cost to Replace' the asset and will be calculated on the basis of the total number of hours used (i.e. bookings will apply for hours actually used).
- o **Methodology**
An outline of the suggested methodology / model used to determine fees payable.

- The draft policy also includes the introduction of a pricing framework for :
 - o apportioning costs to Primary and High schools for the use of Council Recreation Facilities and Services.
 - o a procedure for determining charges for commercial use and casual use of sportsgrounds , facilities and reserves
- Charges associated with specific sporting infrastructure have also been included as they relate to :
 - o **Floodlighting** – Floodlights on sportsgrounds are utilised mainly by winter sporting codes, therefore costs relating to the delivery of floodlighting is considered the responsibility of clubs/ associations which benefit from this infrastructure. Council will provide the initial

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

infrastructure / maintenance where appropriate at the commencement of the season, however seasonal maintenance costs such as lamp replacement and safety checks will be apportioned to clubs/associations which utilise floodlighting. These costs will be determined at the end of each season and charged accordingly.

- o **Turf wicket maintenance** – It will be recommended that Council will provide the initial maintenance works required at the end of the winter season (part of normal changeover ground renovations) at no cost. Once this has been completed, clubs / associations thereafter are responsible for all costs associated with the curation and maintenance of their turf wicket table
- o **Garbage bins** – Council will make available a limited number of garbage bins at no cost to the user as follows:
 - **Summer:** a maximum number of 8 garbage bins per oval
 - **Winter :** a maximum number of 14 garbage bins per complex

Requests for additional bins over and above the above allocation will incur a fee penalty as outlined in Council's schedule of Fees and Charges.

- o **Line marking** - Council will line-mark once at the commencement of each season (summer and winter) all additional line-marking requirements throughout the season will be the responsibility of the club/association/individual user.

Requests for additional and or one off event requests will be charged the fee as outlined in Council's annual adopted Fees and Charges Schedule

It is proposed that the Fees and Charges as documented in the Fees and Charges Schedule would be reviewed by Council on an annual basis as part of the Fees and Charges setting linked to the Management Plan making process.

Policy Document 2

Use of Public Open Space by Fitness Groups and Personal Trainers Policy – aims to provide a framework that will enable Council to effectively manage the use of public land under its control and management by commercial fitness groups and personal trainers. Fitness training conducted by commercial personal trainers and fitness groups is one of the fastest growing sectors within the health and fitness industry. Consequently, demand for fitness training sessions to be conducted within a public open space environment has increased and the following issues have been identified:-

- **Equity of Access** – potential conflict with regular users, management of demand, exploitation of public land by commercial operators.
- **Impact on the Asset** – especially trainers of large groups causing similar wear and tear to larger sporting organisations.

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

- Facility Management – scheduling of regular, seasonal and reactive maintenance.
- Public Liability – concerns over trainers with insufficient qualifications or insurance.

The preparation of the policy position is in response to the above issues and has been developed to assist in regulating the use of public open space by organised or commercial fitness groups and personal trainers.

The main elements of the draft policy include:

- A set of key objectives that will guide the implementation of the policy framework
- Identification of areas to which the policy will apply and exclusion zones
- Types of fitness activities permitted and excluded on public lands
- Criteria to determine requirements for those trainers eligible to use Council grounds
- An indication of recommended group size and applicable fees and charges
- A discussion on the general conditions of use

Amended Fees and Charges Schedule

An amended fees and charges schedule has been prepared and appears as **Attachment 3**. Note the attached schedule excludes the levying of a fee and charges for commemorative ceremonies such as Anzac Day and Remembrance Day together with other Civic events scheduled throughout the calendar year.

Implementation – Level of Subsidy

It is proposed that the recommended changes to the fees charged for the use of Council's sportsgrounds, facilities and reserves and the use of public open space by Commercial Fitness Groups be phased in over a three year period and that the user organisations be afforded as much notice as possible of the intended changes, reasons for them, and the potential benefits to the City's sporting communities.

It is proposed that in Year 1 that the fee schedule would reflect a 95% Council subsidy or 5% user subsidy, in Year 2 – a Council subsidy of 92.5% or 7.5% user subsidy and Year 3 - a 90% Council subsidy or a 10% user subsidy. A further Policy review should be undertaken at the conclusion of Year 3 to review the effectiveness of the policy framework and determine whether the level of subsidy should increase to 15% - greater / or part thereof.

The following table provides an indication of the likely income to be derived following the imposition of the proposed Fees and Charges:

Year	%	Projected (Est.) Income
*Current 2010/11	0.75%	\$ 10,000.00
Year 1	5.00%	\$ 66,324.50
Year 2	7.50%	\$ 96,170.52
Year 3	10.00%	\$ 132,649.00

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

* Current year assumes all fees and charges collected as per Council's Fees and Charges Schedule - 2010/11
**Years 1-3 assumes indicative income only (excludes CPI increase per annum)

Note: The above income stream can only be deemed to be indicative as the average hourly usage reflects current bookings. With the proposed introduction of an hourly rate it is likely that the user group booking will more accurately reflect actual time used. This may well result in a reduction in (perceived) usage which in turn will impact on the revenue stream. This aspect will be monitored and where necessary reviewed.

Consultation – Communicating Proposed Changes

It is proposed that the draft policy documents and the amended Fees and Charges Schedule be placed on public exhibition in the local paper for a period up to 28 days.

In parallel with the public exhibition period it is proposed to hold two separate information sessions the first targeting Recreation Boards, sporting groups and organisations and the second the school community. The purpose of the information sessions will be to outline the rationale for Council's Policy position and proposed changes to the Fees and Charges Schedule.

It is also proposed to prepare an information broadsheet explaining the proposed changes under the banner of the Sport and Recreation Advisory Boards newsletter known as – 'ACTIVATE'.

Given the role the Council's Sport and Recreation Advisory Board has played in the development of the two draft policy documents and the amended fee schedule it is proposed that this Committee be asked, following the closure of the public exhibition period to assist Council by reviewing any submissions received and recommending to Council a recommended course of action for its consideration. Following the close of the exhibition period and the review by the Sport and Recreation Advisory Board a report would be prepared for Council's consideration.

In parallel with the above actions, a review of Council's ground hire documentation / forms and Sportsground User Manual will be undertaken.

CONCLUSION

Two draft Policy documents and an amended Fees and Charges Schedule have been developed for the consideration of Council. The need to review Council's pricing system as it relates to Fees and Charges for Recreation Services was clearly established following the review of the Recreation Boards performance in 2009.

The recommended pricing model as outlined in the two draft policy documents has been developed to foster fairness and equity in charging for the use of Council's Recreation Services and includes:

- A methodology which makes fees and charges of sportsgrounds, facilities and reserves more uniform and efficient to administer
- A seasonal grading system of sportsgrounds, facilities and reserves which is based on the quality of the grounds, relevant facilities and amenities

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

- A percentage of costs related to:
 - o an agreed subsidy to offset costs of year round recurrent maintenance of sportsgrounds, facilities and reserves
 - o asset replacement value for Council's amenities buildings and associated built facilities.

Charges are applied for the use of sportsgrounds, facility or reserve at an hourly rate which reflects more accurate use of the facility.

The introduction of a Policy for the Use of Public Open Space by Fitness Groups and Personal Trainers Policy not only addresses the issue of fees and charges but also provides Council with a framework to regulate the use of public open space by organised or commercial fitness groups and personal trainers.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates. If the intent of the policy documents and fee schedules is enacted prior to the commencement of the 2010 summer seasonal then Council is likely to accrue a marginal increase in income resulting from fees charged.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

There are no statutory implications under the Local Government Act 1993 with this matter.

Service Planning and Regulation Reports

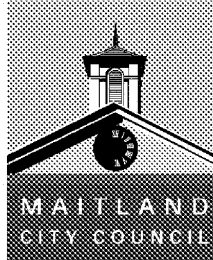
REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES

Fees & Charges Policy

Meeting Date: 27 July 2010

Attachment No: 1

Number of Pages: 16



FEES AND CHARGES POLICY SPORTSGROUNDS, FACILITIES AND RESERVES

DRAFT JUNE 2010

FEES AND CHARGES POLICY SPORTSGROUNDS, FACILITIES AND RESERVES

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THE COUNCIL OF THE CITY OF MAITLAND – POLICY STATEMENT

POLICY GROUP NAME:	
Policy Name:	Fees and Charges Policy - Sports Ground, Facilities and Reserve
File Number:	129/1
Date Approved:	
Policy Review Date:	
Business Group:	Service Planning and Regulation
Responsible Officer:	Group Manager Service Planning and Regulation
Further Information:	
Objective:	<i>To provide a fair and equitable policy framework for allocating and charging for the use of Council sports grounds, facilities and reserves.</i>

1. SCOPE OF THIS POLICY

This policy applies to fees and charges for the use of sportsgrounds, facilities and reserves where sport is played and / or which are utilised to support sporting activities within the City of Maitland.

2. OBJECTIVES OF THIS POLICY

- To provide a fair and equitable framework for allocating and charging for the use of Council sportsgrounds, facilities and reserves which reflects the costs of providing and administering the facilities and services, whilst recognizing the capacity of users to pay.
- To ensure consistency and transparency in decision making
- To encourage efficient and effective use of Council resources
- To allow Council to pro-actively manage sportsgrounds in order to prevent over-use and / or inappropriate uses, thereby ensuring the long term sustainability of playing fields
- To enable the allocation of grounds to the level of competition being played
- To promote positive user attitudes and responsibility towards the facilities
- Will allow Council to recover a proportion of the facility costs from users
- To ensure fees and charges reflect the standard of the facilities being provided.

3. RELATIONSHIPS TO OTHER POLICIES AND STRATEGIES

This document should be read in conjunction with the Sportsground User Guide and the Generic Plan of Management for Sportsgrounds (2008).

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

4. POLICY PRINCIPLES

The City of Maitland is committed to providing the highest standards of sportsgrounds, facilities and reserves, based upon the principles of social equity, participation, accessibility environmental sustainability, financial affordability, partnerships and transparency of process. These principles guide the development and interpretation of policy for community access to existing, new and proposed future amenities.

The City strives for improved fairness and equity in facility and service delivery with the goal of maximising community use. It encourages positive user attitudes and assists in the regulation of use. Efficient use of financial resources is a goal that does not prohibit subsidised use by key sectors of the community.

Whilst acknowledging its role within the wider region the city of Maitland seeks to protect the interests of its ratepayers by ensuring priority of access to the City's residents and restricting subsidised use by individuals and clubs from other local government authority areas.

5. OCCUPANCY AGREEMENTS

Council generally allocates sportsgrounds, facilities and reserves using three types of agreements:

5.1 Leases

A lease agreement is used to provide sports clubs, professionals (e.g. tennis professional) and / or associations with exclusive occupancy of Council sporting facilities for an agreed period. The lessee has use of the leased facility under clearly stated terms and conditions.

Groups entering into a lease agreement for a Council owned sports facility will be subject to annual rental fees determined by Council's Contract Valuer. In finalising annual rental fees the market value of the property will be assessed and the following issued considered:

- Groups / individuals with a "history of significant income generation" from sources including liquor licenses, the ability to charge spectator entry etc will be charged 100% of the assessed rate.
- Quasi-professional individuals and organisations i.e. those groups with exclusive use of a facility, but no history of significant income generation will be charged between 50%-100% of the assessed rate.

Under the Lease Agreement the Lessee pays all costs associated with the operation of the facility including minor and major maintenance, utility charges, water costs, rates, garbage charges and any other costs associated with the normal operation of that facility.

Where a sports facility includes specialist surfaces (such as synthetic surfaces e.g. tennis, hockey etc) the user group shall undertake maintenance and improvements to an agreed standard and establish a sinking fund to meet replacement costs.

Lease periods will be subject to negotiation although the generally up to a maximum of 5 years.

Due to the exclusive nature of this agreement, a Lease Agreement is only issued in exceptional circumstances.

5.2 Licence

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

A licence agreement provides a sports club and / or associations with a permit to use a facility for an agreed purpose for an agreed period of time. Licences do not provide user groups with exclusive occupancy rights to a facility. Licence periods will be subject to negotiation although a maximum term of up to three years would be expected. If clubs contribute towards capital improvements or upgrades of the facility, they may be awarded a 3 year licence with the option to extend the licence by 3+3 years.

Under a Licence Agreement the licensee pays Council's annually adopted seasonal fees - sportsground, facilities and reserves fees and charges as scheduled (*increased annually in accordance with Council's schedule*), utility charges and may be required to pay some maintenance costs. However, Council is responsible for the majority of the costs associated with the amenities and costs associated with the delivery of the ground.

5.3 Seasonal Allocations

Seasonal sports ground / facility allocations will be made on a 6 or 12 monthly basis, the later for non seasonal user groups such as Dog Obedience, Croquet, BMX, etc.

Allocation of specific grounds is made for both training and match play purposes. A seasonal allocation does not provide clubs with exclusive use of sports facilities. Seasonal Allocation applies to the following dates each year:

Winter:	1 st weekend in April to 2 nd weekend in September
Summer:	1 st weekend October to last weekend in March
Annual	1 st weekend in April to last weekend in March (with curators to have access to wickets from 1st weekend in September).

Seasonal Allocation of sportsgrounds, facilities and reserves is not guaranteed from year to year and will be subject to the Seasonal Application process.

Seasonal Allocations are subject to Council's Annual sportsgrounds, facilities and reserve charges as scheduled, utility charges and costs relating to supporting infrastructure specific to their sport i.e. floodlighting, turf wickets etc.

5.4 Casual Use

A casual use permit is generally issued to a school or casual user, or casual user groups to confirm a particular ground for specified activities, times. Council's annually adopted schedule of sportsground, facility or reserve fees and charges are to apply. Amenities buildings/ canteens etc will only be made available where the occupying Club enables such usage.

Note: That Lessees and Licensees must hold suitable Public Liability Insurance.

6. PRICING FRAMEWORK

In developing a pricing framework for this policy a number of variables have been considered, which include:

- Benchmarking data
- Type of facility – sportsground, facility and reserve
- Benefits derived from the provision of this facility
- Who pays for the facilities ongoing maintenance and upgrades

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

- Capital Improvement costs to Council's amenities and support facilities
- Exclusivity of use
- The objectives of the user group – e.g. commercial / non profit
- Cost of providing the facility, service or program
- The economic and social desirability of charging for the facility, service or program
- The community benefit / ability and willingness to assist in meeting Council's goal for sport.
- Practicality of administering and collecting fees and charges
- Whether Council is required to undertake additional tasks above the base level of service/ maintenance

This pricing model incorporates the following:

- A methodology which makes fees and charges of sportsgrounds, facilities and reserves more uniform and efficient to administer
- A seasonal grading system of sportsgrounds, facilities and reserves which is based on the quality of the grounds, relevant facilities and amenities
- A percentage of costs related to:
 - an agreed subsidy to offset costs of year round recurrent maintenance of sportsgrounds, facilities and reserves
 - asset replacement value for Council's amenities buildings and associated built facilities.
- Charges are applied for the use of sportsgrounds, facility or reserve at an hourly rate which reflects more accurate use of the facility.

The fees and charges policy has endeavoured to take these factors into account in the development of the following strategies.

6.1 Sportsground, Facilities And Reserve Fees And Charges

In order for the fees and charges system to reflect the standard of facility being provided a sportsground / facility classification system has been developed that reflects the range and quality of facilities provided for community sport in Maitland.

The grading system has been developed to reflect the infrastructure used by sporting clubs in winter and summer including access to training lights, cricket practice facilities, amenities, toilets, grounds size, mowing frequency and club operations.

Sportsgrounds and facilities have been classified so that a higher standard of ground is charged at a higher rate than a ground of a lower standard.

Each sportsground / facility has been evaluated to ascertain within which of the three classifications in winter summer, it falls. These classifications are Graded A, B and C with Grade A being the highest quality. The classification of each sportsground/ facility will form the primary basis on which fees will be determined. Grounds do not need to align with all the criteria to fit into the grade – the best "fit" will apply.

The classifications of the sportsgrounds/ facility reserve will be reviewed annually in order to take into account major improvements, upgrades, capital developments, or other changes that may influence the ongoing delivery requirements.

The sportsground classification table appears as follows:

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

SPORTSGROUND GRADING CRITERIA

Winter	Summer
Grade A - o Training Lights ; May have match lights - o Good Quality Grass Cover - o Amenities and Toilets Available - o Car Parking - o Ground Size Competition - o Mown Fortnightly (weather permitting) - o Fenced Playing Area (Admission fee may be charged)	Grade A - o Turf Table - o May have access to Practice Wickets / Nets - o Amenities and Toilets Available - o Mown Weekly (weather permitting) - o Car Parking - o Good Quality Grass Cover
Grade B - o Training Lights ; - o Good Grass Cover - o Amenities and Toilets Available - o Car Parking - o Ground Size Suitable for Competition - o Mown Fortnightly (weather permitting)	Grade B - o Synthetic Wicket - o May have access to Practice Cricket Wickets/ nets - o Amenities and toilets available - o Good Grass Cover / Car Parking - o Mown Weekly (weather permitting)
Grade C - o May or may not have training lights ; - o Average Grass Cover - o Limited Access to amenities and toilets - o Car Parking - o Training ground size - o Mown as often as practical (weather permitting)	Grade C - o Concrete Wicket - o May have access to toilets and or amenities - o No Practice Wickets - o Mown Weekly (weather permitting) - o Average Grass Cover - o Car Parking

Note 1: Grounds not supporting cricket facilities during the summer season will be graded as per their Winter Grading. **Note 2:** The winter active fields may not always be mown fortnightly (depending on grass and soil condition and weather permitting).

Netball / Basketball/ Tennis

Grade	Court
Grade A	- o Association Courts- multiple courts used for competition and training - o Hard surface and grassed courts - o Floodlighting for Training (Competition?) - o Amenities and toilets available - o Car Parking
Grade B	- o Hard surface courts in multiples of 2/4 for training purposes only - o May have floodlights for training - o May have access to amenities/ toilets
Grade C	- o Grass Courts suitable for training - o May have lights suitable for training - o May have access to amenities

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

A copy of the sportsground / facility gradings appears as Attachment 1.

6.2 Percentage of Costs

Seasonal users will pay a percentage of the recurrent costs associated with the ongoing maintenance of each sportsground/ facility, this includes regular maintenance items such as mowing, water usage, , fence repairs, gradings of the access road, car park, vandalism and seasonal works such as herbicide spraying, top dressing, fertilisation, over sowing and aerating. Each of the categories attracts a cost which is associated with the delivery of that ground. Grade A attract the highest delivery cost whilst 'C' rated facilities attract the lowest.

6.3 Contribution Towards Asset Replacement

As part of Council's Asset data base, each facility is audited for insurance and asset value purposes. This audit identifies the cost to replace, current asset value and insurance value.

Rather than apply a fee to clubs / associations for the use of Council's amenities and ancillary facilities it is proposed that a figure of 3% of Council's assets 'Cost to Replace' is applied to a clubs/ associations fees and charges on an hourly sessional basis over a clubs/ association allocated season.

6.4 Variable Usage

The charges levied will take into account variable usage (i.e. training and competition). The usage of a sportsground/ facility/ reserve includes the sportsground and pro rata towards the 'Cost to Replace' the asset and will be calculated on the basis of the total number of hours used (i.e. bookings will apply for hours actually used).

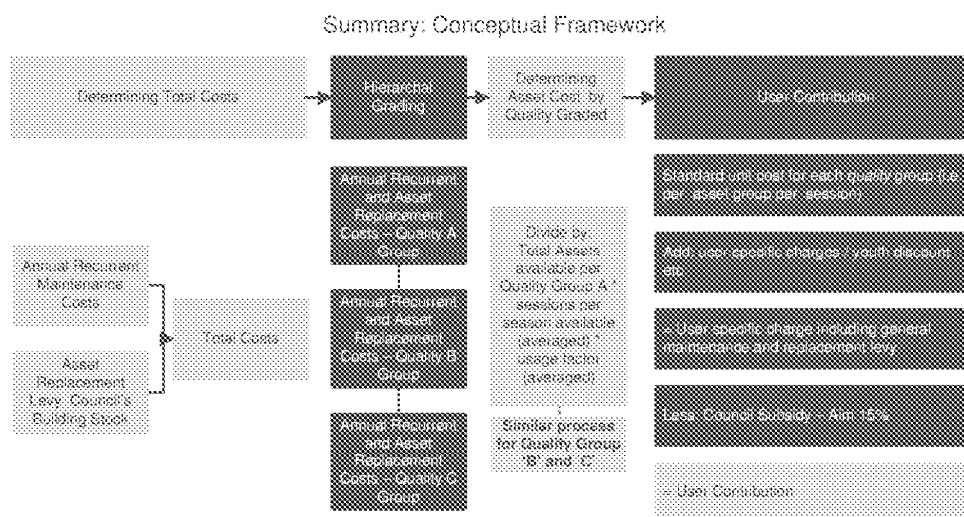
6.5 Methodology

Seasonal fees will be calculated as follows:

- Determine annual recurrent maintenance costs
- Identify Asset Replacement cost and apportion 3%
- Identify total costs
- Determine the sportsground/ facility / reserve category
- Apportion sportsground/ facility costs by Grading (quality) A,B and C
- Determine average usage of sportsgrounds/ facilities /reserves by Grade – A,B,C
- For each Grade - divide total fields and ovals / facilities available * sessions per season * usage factor
- Establish standard unit cost for each quality group (i.e. per field per session)
- Add user specific charges - e.g. youth discount, licensed bar, spectator fee etc
- Identify user specific charge including general maintenance and asset replacement levy
- Less Council subsidy (say 85%)
- Determine user contribution

The following flow chart serves to summarise how fees are to be calculated.

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)



6.6 Application of Methodology

A Licence agreement / Seasonal Allocation and Casual Use will attract costs as per the seasonal rate (or pro rata in the case of casual user group).

Licensees / Seasonal Allocations will pay the full cost of any services consumed such as electricity.

Where development or upgrade beyond Council's minimum standard is proposed the licensee /seasonal user would be expected to contribute.

All costs associated with establishing a lease and or licence will be charged to the application group.

7 DETERMINING CHARGES FOR SCHOOL USE OF SPORTSGROUNDS/FACILITIES AND RESERVES

Maitland City Council recognises the importance of children's participation in sport and recreation activities, therefore the following will apply to school use of sporting facilities:

7.1 Use of Sportsgrounds:

Primary Schools: To be charged 50% of hourly rate for ground hire (rounded to the closest hour). Excludes Athletic Carnivals and special events).

For regular use of 15hours or more per week, during weekday school hours, additional fees will be charged on a pro rata basis.

Secondary Schools: To be charged 70% of hourly rate for ground hire (rounded to the closest hour)

The above fee excludes athletic carnivals and special event. For regular use of 15hours or more per week, during weekday school hours, additional fees will be charged on a pro rata basis.

7.2 School Athletic Carnivals and Inter School Events

- **For both Primary and Secondary schools – Within the LGA**

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

School Athletic Carnival /Inter School Event (within the LGA) - to be charged 70% of hourly rate for ground hire

- **For both Primary and Secondary schools – Outside the LGA**

School Athletic Carnival /Inter School Event (within the LGA) - to be charged 80% of hourly rate for ground hire

7.3 Zone Regional Championships or Large Events (excluding Waika Water Works)

For both Primary and Secondary Schools

- Fee applies to 0-499 participants - 100% of the hourly rate for ground hire (rounded to the closest hour)
- Fee applies to 500-999 participants - 125% of the hourly rate for ground hire (rounded to the closest hour)
- Fee applies to 1000-1499 participants - 150% of the hourly rate for ground hire (rounded to the closest hour)

7.4 School Usage of Netball Courts

Primary Schools: To be charged 50% of hourly rate for court hire (rounded to the closest hour)

Secondary Schools: To be charged 70% of hourly rate for court hire (rounded to the closest hour)

7.5 All Schools

- Where a school has its own sportsground which is not occupied at the time and /or
- Where a school has built over a significant proportion of their previously available open space, and /or
- Where usage occurs outside school hours

Fees and charges will be applied as per a flat hourly sessional rate and charged to the School at the end of each term.

8 DETERMINING CHARGES FOR COMMERCIAL USE OF SPORTSGROUNDS/ FACILITIES AND RESERVES

Fees for commercial use will be applied as per Council's Schedule of Fees and Charges as determined through Council's annual budget process. The minimum recovery rate will be 100% for an hourly sessional rate.

The provider will be responsible for meeting the full cost of preparing and maintaining the facility during the hiring period.

Additional fees may or may not apply and are subject to negotiation depending on term of use, derived community benefit, impact on surrounding amenity and exclusive use of public facilities.

9 DETERMINING CHARGES FOR CASUAL USE OF SPORTSGROUNDS/ FACILITIES AND RESERVES

Charges for casual users will be applied as per Council's Schedule of Fees as determined through Council's annual budget process. Suitability of use will be in consideration of the nature of the intended use, potential community benefit, and the resultant impact on the seasonal and /or the community. Casual use is divided into 4 different categories:

- Casual School use
- Casual Community use

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

- Casual corporate use (not for profit activity)
- Casual corporate use – (for commercial activity)

10 DETERMINING CHARGES FOR SPORTING FINALS USE OF SPORTSGROUNDS/ FACILITIES AND RESERVES

Sporting finals are considered part of a clubs Seasonal Allocation and therefore will not require a separate booking and charge.

11 DETERMINING CHARGES FOR SPORT SPECIFIC INFRASTRUCTURE

11.1 Floodlighting

There are a number of sportsgrounds/facilities and reserves which provide floodlighting in order for sporting clubs / associations to train after dark. Floodlights on sportsgrounds are utilised mainly by winter sporting codes, therefore costs relating to the delivery of floodlighting is considered the responsibility of clubs/ associations which benefit from this infrastructure. Council will provide the initial infrastructure / maintenance where appropriate at the commencement of the season, however seasonal maintenance costs such as lamp replacement and safety checks will be apportioned to clubs/ associations which utilise floodlighting. These costs will be determined at the end of each season and charged accordingly.

Fees and charges for floodlight usage will be charged over and above ground hire fees and levied separately.

11.2 Turf Wickets – Maintenance

There are a number of sportsgrounds which provide turf wickets. These facilities provide benefits for a select group of clubs/ associations and or individuals. Council will provide the initial maintenance works required at the end of the winter season (part of normal changeover ground renovations) at no cost. Once this has been completed, clubs/ associations thereafter are responsible for all costs associated with the curation and maintenance of their turf wicket table.

11.3 Garbage Bins

Council will make available a limited number of garbage bins at no cost to the user as follows:

- **Summer:** a maximum number of 8 garbage bins per oval
- **Winter :** a maximum number of 14 garbage bins per complex

Requests for additional bins over and above the above allocation will incur a fee penalty as outlined in Council's schedule of Fees and Charges.

11.4 Line Marking

Council will line-mark once at the commencement of each season (summer and winter) all additional line-marking requirements throughout the season will be the responsibility of the club/association/individual user.

Requests for additional and or one event requests will be charged the fee as outlined in Council's annual adopted Fees and Charges Schedule.

12 REVIEW OF FEES AND CHARGES

The Fees and Charges as documented in this Policy will be reviewed by Council on an annual basis.

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

13 DELEGATION OF AUTHORITY

In the event of any dispute or difference arising as to the interpretation of this Policy, the decision of the General Manager shall be final and conclusive.

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

ATTACHMENT 1: SPORTSGROUND GRADINGS

SUMMER

Ground	Grade
Shamrock Oval	Grade A
Bolwarra Oval	Grade A
King Edward	Grade A
Gillieston Heights (Roy Jordon)	Grade A
Largs Oval	Grade A
Lochinvar	Grade A
Lorn Oval	Grade A
Maitland Park-Robins Oval	Grade A
Maitland Park-1	Grade A
Maitland Park-2	Grade A
Maitland Park-3	Grade A
Maitland Park-4	Grade A
Morpeth Oval No1	Grade A
Max McMahon Oval	Grade A
Coronation Oval	Grade A
Tenambit Oval	Grade A
Thornton Oval	Grade A
Allan & Don Lawrence No.1	Grade A
Woodberry Oval No.1	Grade A
Metford Recreation Area	Grade A
Cook Square Park	Grade A
Maitland Sportsground No.1	Grade A
Beryl Humble	Grade B
Fieldsend Oval	Grade B
Norm Chapman Oval No.1	Grade B
Norm Chapman Oval No.2	Grade B
Allan & Don Lawrence No.2	Grade B
Somerset Park	Grade B
Maitland Sportsground No.2	Grade B
Smythe Field	Grade B
Morpeth No2	Grade B
Hartcher Field	Grade B
Woodberry Oval No.2	Grade B
Lochinvar No.3	Grade B
Lochinvar 2	Grade C
Chelmsford Drive	Grade C
Johnson Reserve 1 Mt Pleasant Street	Grade C
Johnson Reserve 2 Mt Pleasant Street	Grade C
Johnson Reserve 3 Mt Pleasant Street	Grade C

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

Johnson Reserve 4 Mt Pleasant Street	Grade C
Bolwarra Training Field	Grade C
Cook Square Park - Training Field	Grade C
Morpeth No3	Grade C
Tenambit Training Field	Grade C
Harold Gregson Reserve	Grade C

Cricket Practice Nets
Hartcher Field
Maitland Park
Tenambit Oval
Morpeth Oval
Norm Chapman
Thornton Park
Lorn Oval
Lochinvar
Largs Oval

WINTER

Ground	Grade
Maitland Sportsground No.1	Grade A
Cooks Square Park No.1	Grade A
Hockey Synthetic Surface	Grade A
Shamrock No1 (R/L)	Grade B
Shamrock No2	Grade B
Bolwarra No1	Grade B
Bolwarra No.2	Grade B
King Edward Oval	Grade B
Beryl Humble No.1	Grade B
Beryl Humble No.2	Grade B
Gillieston Heights	Grade B
Largs Oval	Grade B
Lochinvar No.1	Grade B
Lochinvar No.2	Grade B
Lochinvar No.3	Grade B
Lorn Oval	Grade B
Maitland Park-Robins Oval	Grade B
Maitland Park -1	Grade B
Maitland Park - 2	Grade B
Maitland Park - 3	Grade B
Maitland Park No.4	Grade B
Maitland Sportsground No.2	Grade B
Smythe Field (Athletic Field)	Grade B

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

Fieldsend Oval Field No.1	Grade B
Fieldsend Oval Field No. 2	Grade B
Metford Recreation Area No.1 (Includes Athletics)	Grade B
Metford Recreation Area No.2	Grade B
Morpeth Oval No1	Grade B
Morpeth Oval No2	Grade B
Norm Chapman Oval No.1	Grade B
Norm Chapman Oval No.2	Grade B
Norm Chapman Oval No.3	Grade B
Max McMahon Oval (Includes Athletics)	Grade B
Coronation Oval	Grade B
Hartcher Field	Grade B
Tenambit Oval	Grade B
Thornton Oval	Grade B
Allan & Don Lawrence No.1 (Includes Athletics)	Grade B
Allan & Don Lawrence No.2	Grade B
Allan & Don Lawrence No.3	Grade B
Allan & Don Lawrence No.4	Grade B
Somerset Park No.1	Grade B
Somerset Park No.2	Grade B
Woodberry Oval No.1 (Includes Athletics)	Grade B
Woodberry Oval No.2	Grade B

Bolwarra No.3 Training Field	Grade C
Chelmsford Drive	Grade C
Cook Square Park Training Field	Grade C
Morpeth Oval No3	Grade C
Tenambit Training Field (Maize Street)	Grade C
Johnson Street 1	Grade C
Johnson Street 2	Grade C
Johnson Street 3	Grade C
Johnson Street 4	Grade C
Kerr Street - Rutherford	Grade C
Harold Gregson Reserve	Grade C

ATHLETICS GROUND GRADINGS

Ground	Grade
Maitland Sportsground No.1 and Smythe Athletics Field	Grade A
Maitland Sportsground No.1 (Admission)	Grade A
Maitland Sportsground (Non Admission)	Grade B
Smythe Field Athletic Field	Grade B
A&D Lawrence Athletic Field	Grade B
Woodberry Athletic Field	Grade B
Metford Athletic Field	Grade B
Max McMahon	Grade B

Sports ground, Facility and Reserve Fees and Charges Policy – June 2010

- 15 -

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

NETBALL/ BASKETBALL / TENNIS

Court	Grade
Maitland Park Netball Association	Grade A
Victoria Street- Tennis	Grade A
Thornton Park, Netball	Grade B
Taree Avenue Netball	Grade B
Woodberry (Basketball)	Grade B
Thornton Park -Tennis	Grade B
Law Street- Tennis	Grade B
Rutherford Reserve - Tennis	Grade B
Largs – Tennis	Grade B
Tenambit - Tennis	Grade B
Tenambit Reserve- Netball	Grade C
Ron Stewart Netball Courts - Netball	Grade C
Allan and Don Lawrence - Netball	Grade C
Lochinvar - Tennis	Grade C
Gillieston Heights	Grade C
Bolwarra – Tennis	Grade C
Woodberry – Tennis	Grade C

Service Planning and Regulation Reports

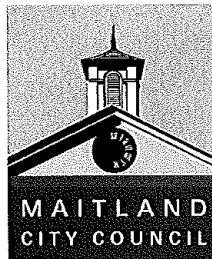
REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES

Use of Public Open Space Policy

Meeting Date: 27 July 2010

Attachment No: 2

Number of Pages: 8



USE OF PUBLIC OPEN SPACE BY FITNESS GROUPS AND PERSONAL TRAINERS POLICY

DRAFT JUNE 2010

USE OF PUBLIC OPEN SPACE BY FITNESS GROUPS AND PERSONAL TRAINERS POLICY

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THE COUNCIL OF THE CITY OF MAITLAND – POLICY STATEMENT

POLICY GROUP NAME:	
Policy Name:	Use Of Public Open Space By Fitness Groups And Personal Trainers Policy
File Number:	129/1
Date Approved:	
Policy Review Date:	
Business Group:	Service Planning and Regulation
Responsible Officer:	Group Manager Service Planning and Regulation
Further Information:	
Objective:	To effectively manage the use of Community and Crown Lands under the care, control and management of Council by commercial fitness groups and personal trainers.

1. INTRODUCTION

Fitness training conducted by commercial personal trainers and fitness groups is one of the fastest growing sectors within the health and fitness industry. Consequently, demand for fitness training sessions to be conducted within a public open space environment has increased and the following issues have been identified:-

- Equity of Access – potential conflict with regular users, management of demand, exploitation of public land by commercial operators.
- Impact on the Asset – especially trainers of large groups causing similar wear and tear to larger sporting organisations.
- Facility Management – scheduling of regular, seasonal and reactive maintenance.
- Public Liability – concerns over trainers with insufficient qualifications or insurance.

Council is aware of the above implications and has developed this policy to regulate the use of public open space by organised or commercial fitness groups and personal trainers.

2. OBJECTIVE

Council aims to achieve the following in implementing this policy:-

- Ensure equity of access to public open space.
- Manage the impact on the asset.
- Minimise Public Liability concerns.

3. POLICY APPLICABLE AREAS

This policy applies to parks, reserves, public open space, cycleways, footpaths and shared pathways within parks, reserves and public open space within the Maitland Local Government Area. Council approved trainers must only operate in the areas specified in the issued permit. Use of designated sports fields is permitted, however a specific booking for each location is required. Permits for the use of sports fields will also take into consideration Council's applicable fees and terms and conditions of use of the playing field.

Clubs and sporting groups who utilise the Council facility have priority placement for bookings.

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)**4. EXCLUSION ZONES**

Organised or commercial group fitness and personal training activities will only be permitted on active sporting grounds and are not permitted within the following areas:-

- Areas of cultural or natural significance.
- Cemeteries
- Within a 10m radius of any memorials
- Within a 10m radius of any picnic sheds or benches
- Within a 10m radius of any playgrounds or play equipment.
- Within a 10m radius of any public change room, toilet or kiosk areas.
- Within a 100 metres from any neighbouring residential property
- Roadways including roadside footpaths and on road cycleways
- Any designated sports field or facility without a specific booking
- Training on stair ways and pathways
- Any other area that Council deems unfit or unsafe for fitness training purposes.

These and other designated areas can be transited but are not to be used for either static or repeated training routines. Council may nominate other areas in the exclusion zone during the life of this policy as it sees appropriate.

Use of areas such as swimming centres will be considered in accordance with the operating requirements of those facilities. Fees and charges relevant to those facilities will apply. Terms and conditions of this policy may be applied to any application and subsequent approval for use of these facilities.

5. FITNESS ACTIVITIES PERMITTED

This policy relates to any commercial fitness group and personal training activity. Fitness sessions are limited to the normal activities of a registered personal trainer, yoga teacher, tai chi instructor or the like which would include but not be limited to:-

- Gym sessions (with or without weights, fitness balls, skipping ropes etc)
- Boxing and pad training.
- Yoga, meditation and tai chi.
- Organised aerobic activity, circuit training and a combination of any of the above.

6. FITNESS ACTIVITIES NOT PERMITTED

- Military style activities or aggressive and intimidating activities are not permitted.
- Amplified music or any amplified audio (voice) equipment is not permitted.
- Use of any equipment associated with an activity which could cause damage to the turf is not permitted

7. FITNESS TRAINER/FITNESS GROUP ELIGIBILITY

The following criteria must be met and evidence submitted to Council, to be eligible for consideration to operate in Maitland City Council's parks, reserves and public open spaces:-

- Trainer to be registered as a professional with Fitness Australia.
- Current Senior First Aid Certificate.

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

- Current Australian Prudential Regulation Authority (APRA) Public Liability Insurance for a minimum of \$10 Million with Maitland City Council nominated on the policy as an interested party.

Evidence of the above must be provided at the time of application.

8. NUMBER OF PARTICIPANTS AND SESSIONS PERMITTED

The number of participants and sessions permitted are as follows:

Number of participants	Number of sessions per week	Session duration (max).
0-2	15	2hrs
3-10	12	2hrs
11-18	8	2.5hrs

A group would consist of a maximum of eighteen participants per trainer and the number of groups permitted at one time on a playing field will be determined by Council officers in accordance with the field size and type of activity.

9. FEES AND CHARGES

Council will set the Licence Fees for the period of use in accordance with Council's Annual Fees and Charges. Fees do not include the use of floodlights.

A season will consist of 26 weeks. Any requests for less than 26 weeks will be calculated on a pro-rata basis. Any request for more than 26 weeks will need a separate application for approval considered by Council. The fees will be reviewed annually.

The approved licence issued will include:

- the type of activities permitted
- the locations where these activities can take place
- the times these activities can take place
- the maximum size of groups

Approved Fitness Trainers will be issued with a licence that displays the above details this must be shown to Council officers when requested.

All trainers will be required to pay a damage bond. This may be refunded in full at the end of the hire period following a satisfactory site inspection and compliance with all terms and conditions. Where use of toilets is required, payment of a key deposit will be required. The deposit payable will be for each set of keys and will be fully refunded following return of the keys to Council.

A 'one off' application/administration fee and an annual License (permit) fee is applicable to this policy. These fees will be set out in Council's Annual Fees and Charges.

10. LEGISLATION/RELATED PLANS AND POLICIES

Management of the use of public open space is regulated by the Local Government Act 1993 and Crown Lands Act 1989. All applications will be assessed against the Plan of Management (where

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

appropriate) for each specific location. Terms and conditions for the use of sports fields will be considered where applications for these areas are received.

11. GENERAL CONDITIONS OF USE

Trainers or fitness groups approved by Maitland City Council must:-

- check the condition of the ground immediately prior to occupation and determine whether the ground is fit for intended use. Council will not accept any responsibility for injury caused by use of grounds in an unfit condition for intended use under this licence.
- Comply with the Commission for Children and Young People Act, and should obtain a declaration from trainers whose duties require contact with children, that they are not a prohibited person under the meaning of that Act
- provide only the activities for which they have received relevant qualifications for and which comply with the conditions of hire
- not sell clothing, equipment, refreshments or any other good, service or product
- not remove goalposts or temporary barriers which have been erected by Council
- operate only between the times specified by Council in their licence. Activities must not commence prior to 6.00am and must conclude by 9.30pm
- not display any advertising signage including banners or "A" Frame signs on Council's public open space and footpaths
- ensure that any activity causes minimum disruption and interference with the general public rights of access and enjoyment of parks and open space areas
- not interfere with any Council approved or booked activity including but not limited to a wedding, birthday party, corporate BBQ, sport or sporting activity that is being carried out on any oval or reserve or part thereof
- acknowledge that the licence is not issued for exclusive use of any Council park or sportsground
- manage their activities to minimise wear and tear on the surface. This includes rotating within the designated area and/or alternating activities in the case of wet weather, phone Council or check Council's web page to determine whether parks and open space have been closed
- respect that from time to time, open space areas may be closed for scheduled regular and seasonal maintenance
- conduct themselves in a proper and orderly manner and be considerate to other users and adjacent residents when conducting training on Council's public open spaces
- not create any noise from training activities that unreasonably disturbs other users and adjacent residents
- not use any amplification device

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

- not erect tents, awnings or similar structures
- conduct their activities that they do not dominate and/or obstruct footpaths and stairs from other users
- ensure that the exercise equipment does not create any hazards or obstruction
- not suspend boxing, kickboxing bags or any other item from trees and/or structures in the public open space area
- not conduct fitness activities that drag equipment across the ground
- ensure that their clients do not step on or walk on or in any other way inappropriately use picnic tables and park furniture
- leave the training area in a clean, playable and tidy condition. Failure to do so will result in the cost of remediation being passed on to the hirer and place future bookings in jeopardy.
- ensure the disposal of any litter from the area and removal of litter from the site if a disposal receptacle is not available
- not drive or park any vehicle on parks, open space or footpaths
- comply with reasonable directions of the Council's Ranger(s) and other authorised Council Officers in relation to any actual or potential conflicting activities or to display evidence of licence in prescribed manner
- without undue delay report to Council the hazardous defect or other hazardous matters observed during any training requiring Council's attention
- not sub-let or assign their rights under this agreement or attempt in any other manner to transfer their rights under the permit to any other person, it being clearly understood that the permit issued to a particular individual and is not transferable. The permit is valid for a maximum period of 6 months and must be renewed to ensure its validity
- indemnify and hold harmless the Council from and against all damages, sums of money, costs, charges, expenses, actions, claims and demands which may be sustained or suffered or recovered or made against the Council by any person for any loss of life or injury or damage any person may sustain due to the negligent act of the personal trainer whilst conducting a training session
- take out and maintain for the duration of the term of the permit in its name, Australian Prudential Regulation Authority (APRA) approved Public Liability Insurance for minimum \$10 million and produce documentary evidence of it at time of application. Where Public Liability Insurance renewal falls within a permit period, evidence of the currency of the renewal must be provided to Council
- agree that notwithstanding any implication or rule of law to the contrary the Council shall not be liable for any damage or loss the approved trainer and their clients may suffer by the act, default

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

or neglect of any other person or by reason of the Council failing to do something on or to the public space

- ensure that at all times that the requirements of the Occupational Health and Safety Act 2000 (NSW) and the regulations made under that Act as well as all other relevantly applicable laws (both statutory and common law) are fully observed to the satisfaction of Council of the relevantly applicable authority

12. TERMINATION OF USE

Council reserves the right to terminate its agreement with the trainer or fitness group without notice if, in its sole opinion, it has determined that the trainer or fitness group has failed to comply with the reasonable direction of Council Officers and/or or has breached a condition of approval.

13. DELEGATION OF AUTHORITY

In the event of any dispute or difference arising as to the interpretation of this Policy, the decision of the General Manager shall be final and conclusive.

14. REVIEW

This policy can be reviewed and/or amended at any time by Council at its discretion

Service Planning and Regulation Reports

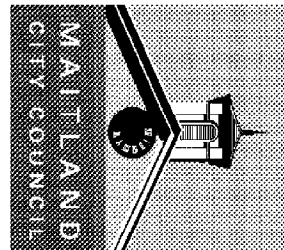
REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES

Amended Fees & Charges Schedule

Meeting Date: 27 July 2010

Attachment No: 3

Number of Pages: 12



FEES AND CHARGES POLICY SPORTSGROUNDS, FACILITIES AND RESERVES

DRAFT: FEES AND CHARGES SCHEDULE

June 2010

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

Parks and Recreation

Schedule of Fees and Charges for Use of Public Reserves - Winter Season 2011 and Summer Season 2010/2011 and various other charges

All sportsfields, netball courts, athletics tracks and tennis courts have been graded to reflect the differing infrastructure used by sporting clubs in winter and summer. They have been graded on the basis of general sports field condition, the standard and amount of facilities provided on each site and their operational regime.

SOMERSET**Grade A****Summer**

Ovals with turf cricket pitches, may have access to a range of amenities, changerooms, toilet facilities, canteen, and storage. Ancillary facilities vary including car parking, fencing, access to practice wickets and playground facilities. The sportsground has good quality grass cover and is mown weekly.

Sportsfields within this grade include:

Allen and Don Lawrence No.1, Bolwara Oval, Coronation Oval, King Edward, Gillesdon Heights, Largs, Lochinvar No.1, Lorn, Maitland Park - Robins Oval, Maitland Park No.1, Blackhill, Maitland Park No.2, GUOFF, Maitland Park No.3, Louth Park, Maitland Park No.4 SMR, Max Maion Oval, Morpeth Oval No.1, Melforth Recreation Area, Shamrock Oval, Tenambit Oval, Thornton Oval and Woodberry Oval No.1.

Winter

Ground size suitable for competition, may have access to a range of amenities, changerooms, toilet facilities, canteen, and storage. Floodlighting suitable for training and possible competition games. Ancillary facilities vary including car parking, fencing - free admission may be charged, good quality grass cover mown fortnightly. Synthetic surfaces may be applicable to specific sports.

Sportsfields within this grade include:

Maitland Sportsground No.1, Cocks Square Park, Heckey Synthetic Surface- Maitland Park

Grade B**Summer**

Ovals with synthetic cricket pitches may have access to a range of amenities, changerooms, toilet facilities, canteen, and storage. Ancillary facilities vary including car parking, fencing, access to practice wickets. The sportsground has good grass cover and is mown weekly.

Sportsfields within this grade include:

Beryl Humble, Fildesend Oval, Norm Chapman Oval No.1, Norm Chapman Oval No.2, Allan and Don Lawrence No.2, Somerset Park

Winter

Ground size suitable for competition, may have access to a range of amenities, changerooms, toilet facilities, canteen, and storage. Floodlighting suitable for training. Ancillary facilities vary including car parking, fencing, good grass cover, mown fortnightly.

Sportsfields within this grade include:

Allen and Don Lawrence Grounds Nos. 1-3, Bolwara Nos. 1 & 2, Coronation Oval, King Edward, Beryl Humble No.1 & 2, Gillesdon Heights, Largs, Lochinvar Nos. 1-3, Lorn, Maitland Park - Robins Oval, Maitland Park Nos. 1-4, Maitland Sportsground No.2, Smythe Field Athletic Track, Fildesend Oval Nos. 1-2, Melford Recreation Area Nos. 1-2, Morpeth Oval Nos. 1-2, Norm Chapman Oval Nos. 1-3, Max Maion Oval, Harther Field, Shamrock Nos. 1-2, Tenambit Oval, Thornton Oval, Somerset Park Nos. 1-2, Woodberry Oval Nos. 1-2.

Grade C

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

Grade 3**Summer**

Ovals with concrete cricket pitches, may have access to a range of amenities, changerooms, toilet facilities, canteen, and storage. Ancillary facilities vary including car parking and fencing. The sportsground has average grass cover and is mown weekly.

Sportsfields within this grade include:

Lochinvar No.2, Johnson Reserve Mt. Pleasant Street, Ovals Nos. 1-4, Harold Gregson.

Note grounds not supporting cricket facilities during the summer season will be graded as prep their Winter grading.

Winter

Ground size suitable for training, limited access to a range of amenities, changerooms, toilet facilities, canteen, and storage. May or may not have floodlighting suitable for training. Ancillary facilities vary may have access to car parking, average grass cover, mown as often as practical.

Sportsfields within this grade include:

Bolwerra No.3 Training field, Chelmsford Drive, Cook Square Park Training field, Morpeth Oval No.3, Tenamit Training Field No.3 (Maize Street), Johnson Reserve Mt. Pleasant Street, Ovals Nos. 1-4, Kerr Street Rutherford, Harold Gregson.

NETBALL AND TENNIS COURTS**Grade A**

Association Courts - multiple courts used for competition and training, Surface is predominately hard surfaced with some grass courts (netball only). Floodlighting for training and competition, access to a range of amenities, changerooms, toilet facilities, canteen, meeting and storage. Ancillary facilities vary including car parking.

Netball Courts within this grade include:

Maitland Park Netball Courts

Tennis Courts within this grade include:

Victoria Street Tennis Courts - (Leased)

Grade B

Hard surfaced courts in multiples of 2-4 used for - Tennis competition and training only; Netball training only. May have floodlighting for training and competition (tennis only) access to amenities / toilet facilities, and storage. Ancillary facilities vary may include car parking.

Netball Courts within this grade include:

Thornton Park Netball Courts, Taree Avenue Courts.

Tennis Courts within this grade include:

Thornton Park Tennis Courts, Law Street Tennis Courts, Rutherford Tennis Courts, Largs and Tenamit Tennis Courts.

Grade C

Hard surfaced courts for tennis and grassed surfaced courts used for netball for training only. May have floodlighting and access to amenities / toilet facilities. Ancillary

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

Grade C
Hard surface courts for tennis and grassed surfaced courts used by netball for training only. May have floodlighting and access to amenities / toilet facilities. Ancillary facilities vary may include car parking.

Netball Courts within this grade include:
Tenambit Reserve Netball Courts, Ron Stewart Netball Courts, Allan and Don Lawrence Netball Courts

Tennis Courts within this grade include:
Lochinvar, Gillesdon Heights, Balwarra and Woodberry Tennis Courts.

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

Description	Grade	Fee Charged Per Hour	GST	Total Fee Charged Per Hour	Comments
SPORTSFIELDS (Excludes Fee for Floodlight Usage)					
Football - Rugby League/Rugby Union Association Rugby Hockey Touch Football Ovals					
Grade A		\$ 3.27	\$ 0.33	\$ 3.60	
Grade B		\$ 1.32	\$ 0.18	\$ 2.00	
Grade C		\$ 0.31	\$ 0.08	\$ 0.89	
Baseball - Diamond (Excludes Fee for Floodlight Usage)					
Grade B		\$ 1.32	\$ 0.18	\$ 2.00	
Cricket (Excludes Fee for Floodlight Usage)					
Grade A - Turf Wicket		\$ 1.96	\$ 0.20	\$ 2.16	
Grade B - Synthetic Wicket		\$ 1.32	\$ 0.18	\$ 2.00	
Grade C Concrete Wicket		\$ 0.31	\$ 0.08	\$ 0.89	
Cricket Practice Areas (Including ground fee)					
Concrete per set of nets per night per hour		\$ 1.46	\$ 0.15	\$ 1.60	
Turf per set of nets per hour		\$ 0.32	\$ 0.03	\$ 0.36	
Concrete per set of nets per season		\$ 116.41	\$ 11.64	\$ 128.06	Per Season
Turf per set of nets per season		\$ 51.33	\$ 5.18	\$ 57.01	Per Season
Abseiling (Excludes Fee for Floodlight Usage)					
Grade A		\$ 6.54	\$ 0.65	\$ 7.20	
Grade B		\$ 3.94	\$ 0.36	\$ 4.00	
Grade C		\$ 1.52	\$ 0.16	\$ 1.78	
Tennis (Excludes Fee for Floodlight Usage)					
Grade A		\$ 6.54	\$ 0.65	\$ 7.20	
Clay Cricketers (Excludes Fee for Floodlight Usage)					
Grade A		\$ 3.27	\$ 0.33	\$ 3.60	
Grade B		\$ 1.32	\$ 0.18	\$ 2.00	
Cricket (Excludes Fee for Floodlight Usage)					
Grade A		\$ 3.27	\$ 0.33	\$ 3.60	
Grade B		\$ 1.32	\$ 0.18	\$ 2.00	
Baseball (Excludes Fee for Floodlight Usage)					
Grade B		\$ 3.54	\$ 0.36	\$ 4.00	

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

Description	Grade	Fee Charged Per Hour	EST Hour	Total Fee Charged Per Hour	Comment
Agency Reserves Fee for Playground Usage					
Grade C		\$ 1.52	\$ 0.16	\$ 1.78	
Private Fee (includes fee for floodlight usage)					
Grade C		\$ 1.52	\$ 0.16	\$ 1.78	
Personal Trainers - Commercial Friends Groups (Trainers to have 2000 dollar Public Liability Insurance)					
Category 1: 0-2 participants in group					
		\$ 7.35	\$ 0.79	\$ 8.64	
Category 2: 3-10 participants					
		\$ 13.08	\$ 1.31	\$ 14.39	
Category 3: 11-18 participants in group					
		\$ 19.33	\$ 1.96	\$ 21.59	
ALL OTHER USES					
3 hour fee for floodlight usage					
Grade A		\$ 9.31	\$ 1.96	\$ 11.78	
Grade B		\$ 5.46	\$ 1.09	\$ 6.55	
Grade C		\$ 2.43	\$ 0.49	\$ 2.92	
Cost includes fee for floodlight usage					
Grade A		\$ 9.31	\$ 1.96	\$ 11.78	
Grade B		\$ 5.46	\$ 1.09	\$ 6.55	
Grade C		\$ 2.43	\$ 0.49	\$ 2.92	
NETBALL AND TENNIS COURTS					
Netball (per court, excludes floodlighting)					
Netball Association (per court)	Grade A	\$ 1.96	\$ 0.20	\$ 2.16	
Netball Court (per court)	Grade B	\$ 1.32	\$ 0.18	\$ 2.00	
Netball Court (per court)	Grade C	\$ 0.49	\$ 0.05	\$ 0.53	
Tennis					
Tennis Courts are leased out to Management Committee's under license / lease arrangement hence fee not applicable (excludes lights) Commercial use subject to separate negotiation / fee schedule)					
Daytime	Grade A	\$ 7.35	\$ 0.79	\$ 8.64	
Daytime	Grade B	\$ 7.28	\$ 0.73	\$ 8.00	
Daytime	Grade C	\$ 3.24	\$ 0.32	\$ 3.56	

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

Item/Service	Grade	Fee Charged Per Hour	EST	Total Fee Charged For Hour	Comment
Night Time (includes lights)	Grade A	\$ 13.08	\$ 1.31	\$ 14.39	
Night Time (includes lights)	Grade B	\$ 9.09	\$ 0.91	\$ 10.00	
Night Time (includes lights)	Grade C	\$ 4.05	\$ 0.40	\$ 4.45	
ASTMEREY					
Horse Adjutant (per head plus insurance)	Reserve - General	\$ -	\$ -	\$ -	
CHURCH, 18, 8/30					
Sportsfields					
Primary Sports: To be charged 50% of hourly rate for ground hire (rounded to the closest hour)					
Excludes Athletic Carnivals and special events.					
For regular use of 15 hours or more per week, during weekday school hours, additional fees will be charged on					
Grade A		\$ 6.54	\$ 0.65	\$ 7.20	
Grade B		\$ 3.54	\$ 0.36	\$ 4.00	
Grade C		\$ 1.52	\$ 0.16	\$ 1.78	
Secondary Sports: To be charged 70% of hourly rate for ground hire (rounded to the closest hour)					
Excludes Athletic Carnivals and special events.					
For regular use of 15 hours or more per week, during weekday school hours, additional fees will be charged o					
Grade A		\$ 6.54	\$ 0.65	\$ 7.20	
Grade B		\$ 3.54	\$ 0.36	\$ 4.00	
Grade C		\$ 1.52	\$ 0.16	\$ 1.78	
Schools, Athletic Carnivals and Events (event involving two schools)					
School Athletic Carnival / Event (within the LGA)					
Grade A		\$ 32.71	\$ 3.27	\$ 35.98	
Grade B		\$ 18.19	\$ 1.82	\$ 20.01	
Grade C		\$ 8.10	\$ 0.81	\$ 8.91	
School Athletic Carnival / Event School outside the LGA)					
Grade A		\$ 45.79	\$ 4.58	\$ 50.37	
Grade B		\$ 25.47	\$ 2.55	\$ 28.01	
Grade C		\$ 11.34	\$ 1.13	\$ 12.47	

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

Description		Grade	Fee Charged Per Hour	Cost	Total Fees Entire Fee Hour	Comment
School Turf Wicket Inter School Event - Per Wicket (within LGA)						
	Grade A		\$ 6.54	\$ 0.65	\$ 7.20	
	Grade B		\$ 3.94	\$ 0.36	\$ 4.00	
	Grade C		\$ 1.52	\$ 0.16	\$ 1.78	
School Turf Wicket Inter School Event - Per Wicket (outside LGA)						
	Grade A		\$ 7.35	\$ 0.79	\$ 8.64	
	Grade B		\$ 4.37	\$ 0.44	\$ 4.80	
	Grade C		\$ 1.94	\$ 0.19	\$ 2.14	
2000 Participants: Community Events (Excluding Public Events 2000+)						
Event applies to 0-499 participants						
	Grade A		\$ 65.42	\$ 6.54	\$ 71.96	
	Grade B		\$ 36.38	\$ 3.64	\$ 40.02	
	Grade C		\$ 16.20	\$ 1.62	\$ 17.82	
Event applies to 500-999 participants						
	Grade A		\$ 81.77	\$ 8.18	\$ 89.95	
	Grade B		\$ 45.47	\$ 4.55	\$ 50.02	
	Grade C		\$ 20.25	\$ 2.02	\$ 22.27	
Event applies to >1,000 participants						
	Grade A		\$ 98.13	\$ 9.81	\$ 107.94	
	Grade B		\$ 54.57	\$ 5.46	\$ 60.03	
	Grade C		\$ 24.30	\$ 2.43	\$ 26.72	
Schools - National Courts						
Primary Schools: To be charged 50% of hourly rate for court hire (rounded to the closest hour)						
	Grade A		\$ 3.27	\$ 0.33	\$ 3.60	
	Grade B		\$ 1.82	\$ 0.18	\$ 2.00	
	Grade C		\$ 0.31	\$ 0.08	\$ 0.89	
Secondary Schools: To be charged 70% of hourly rate for ground hire (rounded to the closest hour)						
	Grade A		\$ 3.27	\$ 0.33	\$ 3.60	
	Grade B		\$ 1.82	\$ 0.18	\$ 2.00	

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

Description	Grade	Fee Charged		EST	Total Fee		Comment
		Per Hour	Per Day		Per Hour	Per Day	
Per Court	Grade C	\$	0.31	\$	0.08	\$	0.89
SPECIAL EVENT FEES:							
<i>Special Event Fees and Charges (Maximum 6 hours per day or less, regardless)</i>							
Commercial Event 0-49	All Grades / Reserves	\$	65.42	\$	6.54	\$	71.96
Commercial Event 50-99	All Grades / Reserves	\$	81.77	\$	8.18	\$	89.95
Commercial Events 100-499 people	All Grades / Reserves	\$	98.13	\$	9.81	\$	107.94
Commercial Events 500-999 people	All Grades / Reserves	\$	196.25	\$	19.63	\$	215.88
Commercial Events > 1000 people	All Grades / Reserves	\$	392.51	\$	39.25	\$	431.76
Non Profit Community Events 0-49 people	All Grades / Reserves	\$	52.33	\$	5.23	\$	57.57
Non Profit Community Events 50-99 people	All Grades / Reserves	\$	65.42	\$	6.54	\$	71.96
Non Profit Community Events 100-499 people	All Grades / Reserves	\$	81.77	\$	8.18	\$	89.95
Non Profit Community Events 500-999 people	All Grades / Reserves	\$	98.13	\$	9.81	\$	107.94
Non Profit Community Events > 1000 people	All Grades / Reserves	\$	196.25	\$	19.63	\$	215.88
Refundable security / damage / cleaning bond / event 0-49 people	All Grades / Reserves	\$	52.33	\$	5.23	\$	57.57
Refundable security / damage / cleaning bond / event 50-99 people	All Grades / Reserves	\$	65.42	\$	6.54	\$	71.96
Refundable security / damage / cleaning bond / event 100-499 people	All Grades / Reserves	\$	81.77	\$	8.18	\$	89.95
Refundable security / damage / cleaning bond / event 500-999 people	All Grades / Reserves	\$	98.13	\$	9.81	\$	107.94
Refundable security / damage / cleaning bond / event > 1000 people	All Grades / Reserves	\$	114.48	\$	11.45	\$	125.93
Circus (Harold Gregson Reserve)	All Grades / Reserves	\$	490.91	\$	49.09	\$	540.00
WEDDINGS, PHOTOGRAPHY AND OTHER CEREMONIES:							
<i>Weddings, Photography and Other Ceremonies (Includes Water Works Venue)</i>							
Maitland Park / Maitland Water Works - Ceremony (Various locations)		\$	320.00	\$	32.00	\$	352.00
Other Reserves		\$	210.00	\$	21.00	\$	231.00
Commercial Photography		\$	591.00	\$	59.10	\$	650.10
REMARKS:							
<i>See previous page</i>							

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

Description	Grade	Fee Charged per hour	Cost	Total Fee charged per hour	Comment
Charge for supply and installation of Memorial seat on concrete slab including provision of plaque (per seat)		\$ 2,950.00	\$ 295.00	\$ 3,245.00	
COMMUNITY LAND					
Community Land					
Temporary access over Community Land - Bond	Bond per application	\$ 465.00	\$ 46.50	\$ 511.50	
Damage to Grounds / Facilities	Full cost recovery following ground assessment				As determined
Temporary access over Community Land - Fee	Per day per - resident access per day - contractor access to residential properties	\$ 77.27 \$ 204.35	\$ 7.73 \$ 20.46	\$ 85.00 \$ 225.01	
OTHER FEES AND CHARGES					
Damage to Parks and Ovals - \$250 plus assessed damage		\$ 6.54	\$ 0.65	\$ 7.20	
Damage to Amenities - \$250 plus assessed damage					
Presentation Day (Sportsground)	All Grades				
Garbage Bins - Provision of additional garbage bins (charge for delivery pick up and clean)	All Grades	\$ 227.27	\$ 22.73	\$ 250.00	
Bond - Seasonal Changeover	All Grades	\$ 181.82	\$ 18.18	\$ 200.00	
Key Deposits for parks and reserves refundable upon return of key)	All Grades	\$ 90.91	\$ 9.09	\$ 100.00	
Lost Key (Forfeit Bond)	All Grades	\$ 90.91	\$ 9.09	\$ 100.00	
Electricity for parks and reserves other than floodlighting	All Grades	\$ 6.54	\$ 0.65	\$ 7.20	
After Hours Call Out / Unlocking Fee	All Grades	\$ 164.00	\$ 16.40	\$ 180.40	
Cleaning surcharge per hour	All Grades	\$ 118.18	\$ 11.82	\$ 130.00	
Reset Floodlights (At Hireers Request)	All Grades	\$ 118.18	\$ 11.82	\$ 130.00	
Vending Provisions - (Applications reviewed and assessed seasonal / sporting user grades)					
-Special event per day - rate for vending machine \$250.00 + fee for access to services ie. electricity and water		\$ 300.00	\$ 30.00	\$ 330.00	
-Vending Fees / 6 month period		\$ 550.00	\$ 55.00	\$ 605.00	
Public Notification Fee	Advertising - Full cost to applicant				

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

Descriptor	Grade	Fee Charged Per Hour	Cost	Total Fee Entire Fee Hour	Comment
Breach of Terms and Condition of Use and or Closure of Sporting Facilities Policy - minimum per breach plus assessed damage.		\$ 227.28	\$ 22.73	\$ 250.01	
Casual canteen hire at all recreation facilities - to negotiate with allocated user group in absence of allocated user group (Per hour)	All Grades	\$ 7.35	\$ 0.79	\$ 8.64	
Roving Microphone (No.1 Sportsground only)		\$ 50.00	\$ 5.00	\$ 55.00	
-Use		\$ 50.00	\$ 5.00	\$ 55.00	
-Deposit					
Life Member (One off additional part out of season)					
-Athletics		\$ 650.00	\$ 65.00	\$ 715.00	
-Football - all codes per field		\$ 300.00	\$ 30.00	\$ 330.00	
-Hockey		\$ 250.00	\$ 25.00	\$ 275.00	
-Touch Football per field		\$ 200.00	\$ 20.00	\$ 220.00	
-Netball per court		\$ 90.00	\$ 9.00	\$ 99.00	
-Cricket		\$ 100.00	\$ 10.00	\$ 110.00	
Personal Trainers					
Trainers Use of Toilets - \$100.00 for key		\$ 90.91	\$ 9.09	\$ 100.00	
Key Deposits for parks and reserves refundable upon return of key)		\$ 90.91	\$ 9.09	\$ 100.00	
Administration Fee		\$ 22.73	\$ 2.27	\$ 25.00	
Admission Fees - Cook Square Park / No. 1 Sportsground					
-per adult entry fee (entry fee retained by user group)		\$ 4.54	\$ 0.45	\$ 4.99	
-per child (entry fee retained by user group)		\$ 2.73	\$ 0.27	\$ 3.00	
-per car (entry fee retained by user group)		\$ 0.91	\$ 0.09	\$ 1.00	
ADMINISTRATIVE					
ADMINISTRATIVE					
Plans of Management / Strategic Plans	Charge for provision (copy)	\$2.27		\$25.00	
C. 3. with					
Plans of Management / Strategic Plans				\$1.36	\$15.00
Booking Cancellation Fee					
Booking Cancellation Fee Sporting and Non Sporting Use	\$ 45.45	\$ 4.55	\$ 50.00		
-More than 14 working days notice 100% refund					

REVIEW OF FEES AND CHARGES - SPORTSGROUNDS, FACILITIES AND RESERVES (Cont.)

Description	Grade	Fee Charged per hour	EST Contract Fee Hour	Total Fee Comment
7-14 working days notice 50% refund - Less that 7 days notice - no refund				

**10.12 TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE - MAITLAND
HERITAGE MALL - 2ND ANNUAL MAITLAND AROMA COFFEE,
CHOCOLATE AND FINE FOOD FESTIVAL**

File No: 21/44/1
Attachments: Nil
Responsible Officer: Leanne Harris - Group Manager Service Planning and Regulation
Author: Lynn Morton - Manager Community and Recreation Services

EXECUTIVE SUMMARY

Council has received an application from Maitland City Centre Management to temporarily suspend the Alcohol Free Zone in the Heritage Mall during the event "2nd Annual Maitland Aroma Coffee, Chocolate and Fine Food Festival."

Council has previously resolved to the temporary suspension for this event and it is recommended that the application be approved.

OFFICER'S RECOMMENDATION**THAT**

- 1. Part of the Central Business District Alcohol Free Zone in the following locations be suspended:**
 - a. High Street from Church Street to the Elgin intersection**
 - b. Bulwer Street from High Street to the Maitland Leagues Club pedestrian entrance**
- 2. The period of suspension be restricted to:**
 - a. Friday 13 August 2010 – 5.00pm - 8.00pm; Festival launch (The Heritage Mall only)**
 - b. Saturday 14 August 2010 – 9.00am – 6.30pm; Festival Activities**
 - c. Sunday 15th August 2010 – 9.00am – 6.00pm; Festival Activities**
- 3. The Alcohol Free Zone signage within the affected area is covered over during the periods of suspension at the full cost to the applicant.**

REPORT

Council has received an application from Maitland City Centre Management to temporarily suspend the Alcohol Free Zone in Maitland Heritage Mall to coincide with the 2nd Annual Maitland Aroma Coffee, Chocolate and Fine Food Festival.

The periods of suspension are:

Friday 13 August 2010 – 5.00pm - 8.00pm; Festival launch (The Heritage Mall only)

Saturday 14 August 2010 – 9.00am – 6.30pm; Festival Activities

Sunday 15th August 2010 – 9.00am – 6.00pm; Festival Activities

TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE - MAITLAND HERITAGE MALL - 2ND ANNUAL MAITLAND AROMA COFFEE, CHOCOLATE AND FINE FOOD FESTIVAL (Cont.)

The application has been assessed in accordance with the Local Government Act 1993, Chapter 16 Part 4 – Street Drinking and the Ministerial Guidelines. An advertisement was placed in the Maitland Mercury on Thursday 17th June 2010 seeking comments or objections to the proposed suspension. The closing date for submissions was Friday 16 July 2010. Council did not receive any submissions.

CONCLUSION

Council has previously resolved to temporarily suspend the Alcohol Free Zone for community events in the Heritage Mall. This application is consistent with the requirements of the Ministerial Guidelines and will assist in promoting the City Centre.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

There are no statutory implications under the Local Government Act 1993 with this matter.

11 ASSETS AND INFRASTRUCTURE PLANNING REPORTS**11.1 HUNTER RIVER: BRANXTON TO GREEN ROCKS FLOOD STUDY****File No:** 103/64**Attachments:** 1. Hunter River: Branxton to Green Rocks Flood Study July 2010 (Under Separate Cover)**Responsible Officer:** Chris James - Group Manager Assets & Infrastructure Planning**Author:** Chris McGrath - Manager Assets

EXECUTIVE SUMMARY

The Draft Hunter River: Branxton to Green Rocks Flood Study is presented to Council for formal adoption.

At its Meeting of 8 June 2007, Council resolved to place the Flood Study on public exhibition for 28 days. This period expired on 14 July 2010 with no formal public comment received. A request was received from DECCW officers to include a quick reference table that summarises levels at specific location along the Hunter River. This table has been included in the Flood Study and is considered an inconsequential addition to the Study.

The Study provides information on flood flows, velocities, levels and extents for the full range of flood events under existing catchment and floodplain conditions, including the impact on flood levels from a greenhouse induced sea level rise. The study assesses the impact of blockages on flood levels and undertakes hazard and hydraulic mapping. It will form the basis for updating Council's Floodplain Risk Management Plan and other planning documents.

This Flood Study completes the floodplain modelling for the entire LGA. It has been review by a technical group consisting of floodplain professionals from the Department of Environment, Climate Change and Water (DECCW), Maitland City Council and Cessnock City Council. The draft was presented to Council's Floodplain Risk Management Committee and recommended public exhibition.

OFFICER'S RECOMMENDATION

THAT the Hunter River: Branxton to Green Rocks Flood Study be adopted.

REPORT

The purpose of this report is for Council's to consider adoption of the draft Hunter River: Branxton to Green Rocks Flood Study.

At its Meeting of 8 June 2007, Council resolved to place the Flood Study on public exhibition for 28 days. This period has expired with no formal public comment received. A request was received from DECCW officers to include a quick reference table that summarises levels at specific location along the Hunter River. This table has been included in the final Flood Study document.

HUNTER RIVER: BRANXTON TO GREEN ROCKS FLOOD STUDY (Cont.)

In summary:

Under the NSW State Government Flood Policy the management of flood prone land remains the responsibility of local government with the State Government subsidising flood mitigation works and measures to alleviate existing problems and providing specialist technical support to assist councils to discharge their floodplain management responsibilities.

The State Government's Floodplain Development Manual (2005) outlines the Floodplain Risk Management Process as follows

1. Floodplain Risk Management Committee
2. Data Collection
- 3. Flood Study**
4. Floodplain Risk Management Study
5. Floodplain Risk Management Plan
6. Plan Implementation
7. Review of Plan

Maitland City Council is responsible for local planning and land management in the Hunter River floodplain and surrounding area and proposes to develop its current floodplain risk management plan in accordance with the Manual.

The Flood Study: Hunter River Branxton to Green Rocks was initiated by Maitland City Council and a partnership with Cessnock City Council and Department of Environment, Climate Change and Water (DECCW) was formed. Funding was provided by DECCW on a 2 to 1 basis, i.e. one third funded by Councils. The study initially only included the Hunter River from Oakhampton to the Maitland/Cessnock local government boundary. Subsequently, it was extended downstream to Green Rocks at the request of Maitland City Council and upstream to Branxton at the request of Cessnock City Council.

The Maitland Floodplain Risk Management Committee was reformed to guide the project and provide input from all stakeholders.

The objective of the Flood Study is:

to develop a suitable hydraulic model that can be used to assist Maitland and Cessnock Councils in the development of an updated Floodplain Risk Management Plan for the study area to consider both existing and future development.

Additional objectives of the study are:

- *To establish the effects on flood behaviour of future developments*
- *To test the impacts of specific development proposals on flooding*
- *To provide Council with a flood forecasting capability*
- *To assess the hydraulic categories and undertake provisional hazard mapping*
- *To undertake a flood damages assessment to assess the extent of the flood problem*

The report details the results and findings of the Flood Study investigations. The key elements include:

HUNTER RIVER: BRANXTON TO GREEN ROCKS FLOOD STUDY (Cont.)

- *A summary of available historical flood related data*
- *Calibration of the hydrologic and hydraulic models*
- *Definition of the design flood behaviour for existing catchment conditions.*

The study produces information on flood flows, velocities, levels and extents for the full range of flood events under existing catchment and floodplain conditions, including the impact on flood levels from a greenhouse induced sea level rise. The study assesses the impact of blockages on flood levels and undertakes hazard and hydraulic mapping. It will form the basis for updating Council's Floodplain Risk Management Plan and other planning documents.

The results from this study supersede the 1998 Flood Study.

There are some differences between the previous and current studies due to improved modelling, high quality data and the inclusion of the June 2007 flood data. As stated in the report:

It is considered that the design flood levels reflect the best estimates of the model inputs with available information, and based on experience with other studies. However it is noted that the variation of some of the above assumptions could result in localised changes to the estimated flood levels.

Where quality historical flood height data are available (mainly at the gauges) the accuracy of the reported design flood levels is of the order of +/- 0.3 m. Elsewhere the accuracy is of the order of +/- 0.5 m. The accuracy will be improved over time as data from future flood events is collected and evaluated.

This Flood Study completes the floodplain modelling for the entire LGA. It has been review by a technical group consisting of floodplain professionals from DECCW, Maitland City Council and Cessnock City Council. The draft was presented to the Council's Floodplain Risk Management Committee who recommended that the draft be placed on exhibition for public comment.

CONCLUSION

The floodplain risk management process assists Council in making informed decisions on managing flood risk to existing and future developments. The study is a key component in the development of Councils Flood Policy, risk management plans and development planning. For the first time, Council has a comprehensive flood study for the whole LGA. With this improved level of knowledge, Council can make informed planning and management decisions for the City.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

HUNTER RIVER: BRANXTON TO GREEN ROCKS FLOOD STUDY (Cont.)

POLICY IMPLICATIONS

This matter has no specific policy implications for Council. The Flood Study will be used as information for future policy development.

STATUTORY IMPLICATIONS

There are no statutory implications under the Local Government Act 1993 with this matter.

**11.2 TRANSFER OF COUNCIL LAND - ASHTON GROVE ESTATE EAST
MAITLAND****File No:** 122/945**Attachments:**

1. Ashton Grove Road Closures as Advertised
2. Ashton Grove - Permanent Road Closures
3. Ashton Grove - Deposited Plan
4. Ashton Grove Subdivision Layout

Responsible Officer: Chris James - Group Manager Assets & Infrastructure Planning**Author:** Stephen Hawes - Manager Infrastructure Planning and Administration

EXECUTIVE SUMMARY

At its meeting on 22 June 2010, Council considered a report on the proposed sale of Council land at Ashton Grove Estate, East Maitland, and resolved to sell Lots 2 & 3 DP115083 to Landcom. The report also included reference to Lot 1 DP1150834 being exchanged at no cost for a corresponding road opening. Council approval to undertake this land transfer was omitted from the recommendation.

The purpose of this report is to correct this omission and recommend transfer of the land.

OFFICER'S RECOMMENDATION**THAT**

1. Council agree to the transfer of Lot 1 DP1150834 to Landcom at no cost;
2. Landcom pay all costs associated with the transfer;
3. The Council Seal be attached to any necessary documentation in relation to the transfer.
- 4.

REPORT

At its meeting on 22 June 2010, Council considered a report on the proposed sale of Council land at Ashton Grove Estate, East Maitland, and resolved to sell Lots 2 & 3 DP115083 to Landcom. The report also included reference to Lot 1 DP1150834 being exchanged at no cost for a corresponding road opening. Council approval to undertake this land transfer was omitted from the recommendation.

With respect to Lot 1 DP1150834, the 22 June 2010 report to Council on this matter indicated that was neither a commercial advantage nor disadvantage to either Landcom or Council in exchanging Lot 1 for a corresponding road opening to adjust an anomaly of a road connection between two stages of a Landcom development.

It is recommended Council agree to the transfer of Lot 1 DP1150834 to Landcom with Landcom to pay all costs associated with the transfer.

TRANSFER OF COUNCIL LAND - ASHTON GROVE ESTATE EAST MAITLAND (Cont.)

FINANCIAL IMPLICATIONS

This matter has no financial implications for Council.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

There are no statutory implications under the Local Government Act 1993 with this matter.

Assets and Infrastructure Planning Reports

TRANSFER OF COUNCIL LAND - ASHTON GROVE ESTATE EAST MAITLAND

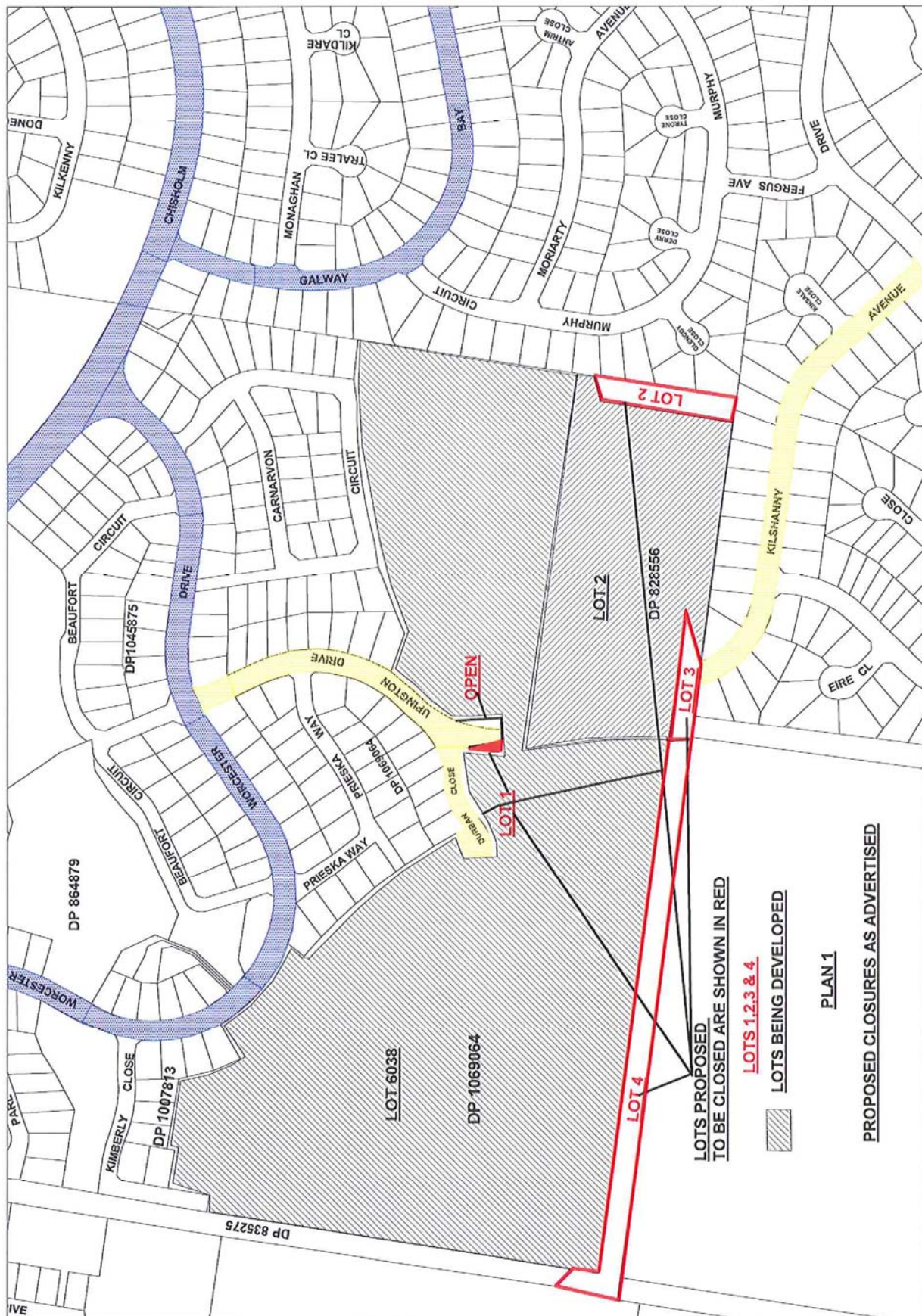
Ashton Grove Road Closures as Advertised

Meeting Date: 27 July 2010

Attachment No: 1

Number of Pages: 1

TRANSFER OF COUNCIL LAND - ASHTON GROVE ESTATE EAST MAITLAND (Cont.)



Assets and Infrastructure Planning Reports

TRANSFER OF COUNCIL LAND - ASHTON GROVE ESTATE EAST MAITLAND

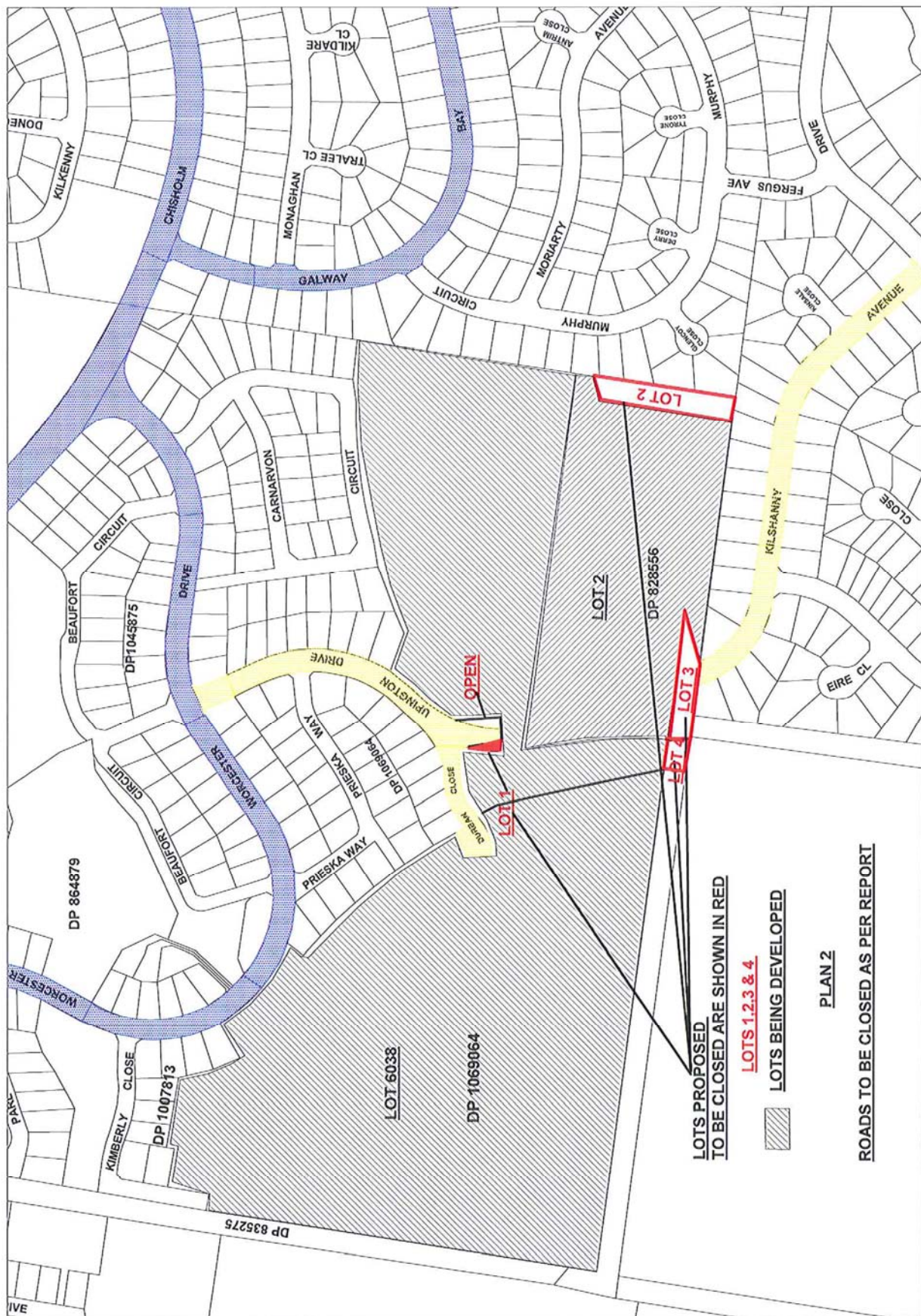
Ashton Grove - Permanent Road Closures

Meeting Date: 27 July 2010

Attachment No: 2

Number of Pages: 1

TRANSFER OF COUNCIL LAND - ASHTON GROVE ESTATE EAST MAITLAND (Cont.)



Assets and Infrastructure Planning Reports

TRANSFER OF COUNCIL LAND - ASHTON GROVE ESTATE EAST MAITLAND

Ashton Grove - Deposited Plan

Meeting Date: 27 July 2010

Attachment No: 3

Number of Pages: 1

[illegible]

Deane
Authorized Officer
Hartland City Council

Surveyor RAY DILLEY
Date of Survey 20/08//2012
Surveyor's Ref 12614DFA

PLAN OF SUBDIVISION OF PART OF UPINGTON DRIVE FOR TITLE ISSUE UNDER THE ROADS ACT 1993 (BEING PART F: 7039/1058071) & PART OF ROAD 2012 WIDE FOR FIRST TITLE ISSUE &

GA MAITLAND
Locality EAST MAITLAND
Subdivision No

Registered

DP 1150834

Assets and Infrastructure Planning Reports

TRANSFER OF COUNCIL LAND - ASHTON GROVE ESTATE EAST MAITLAND

Ashton Grove Subdivision Layout

Meeting Date: 27 July 2010

Attachment No: 4

Number of Pages: 1

12 FINANCE AND ADMINISTRATION REPORTS**12.1 STATEMENT OF INVESTMENTS AS AT 30 JUNE 2010**

File No: 82/2
Attachments: Nil
Responsible Officer: Graeme Tolhurst - Group Manager Finance and Administration
Author: Kristy Bragg - Corporate Accountant

EXECUTIVE SUMMARY

The Local Government (General) Regulation 2005, Section 212 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.**

REPORT

Council's investment portfolio outperformed the benchmark strongly in June (11.67%pa versus the bank bill index: 4.91%pa). For the 2009/10 financial year Council's investment portfolio's return exceeded the bank bill index benchmark by 6.55%pa (10.44%pa vs 3.89%pa).

Late in the month, Council sold its Magnolia Finance "Flinders" CDO for 85c in the dollar plus accrued interest, with the proceeds being reinvested (after month end) into a 3 year 7.37%pa term deposit with Suncorp Bank.

Several financial institutions have noted that retail deposit growth has only grown as a result of 'hot money' chasing term deposit specials, a situation which has caused margin erosion for the banks. It is recommended that Council continue to seek term deposits over other investment options as term deposit margins are expected to revert to pre-GFC levels.

Global issues:

- The European debt crisis continues to be the focal point of international finance. With government debt having blown out during the GFC, there are growing concerns that the proposed austerity measures of Greece and Spain, in particular, will miss the mark.

STATEMENT OF INVESTMENTS AS AT 30 JUNE 2010 (Cont.)

- China is slowly conceding to international pressure to revalue its currency, albeit at its own pace and terms, with the announcement in June by the Bank of China that it would relax the 2 year constraint on the exchange rate against the US dollar. The artificially low exchange rate has been in place to help Chinese exporters, but is regarded as detrimental to its main trading partners, including Australia.

Domestic issues:

- The large mining companies are claiming victory having helped tip Prime Minister Kevin Rudd out of office following an intensive campaign against the government's proposed resources super profits tax. Newly appointed PM Gillard quickly mended fences with the largest miners and compromises are being made on both sides, with medium and small miners seen as being left out.
- Recent economic releases have shown some cooling of growth indicators, including a slowdown in home sales and declining consumer confidence.

Interest rates:

- The RBA was on the sidelines again at its July meeting, with the central bank maintaining the official cash rate at 4.50%. The RBA said that it viewed this monetary policy setting as appropriate 'pending further information about international and local conditions'.

The following attachments are provided as part of the Report.

- a) Council's holdings as at 30 June 2010 (Attachment A)
- b) Investment Portfolio at a glance (Attachment B)

STATEMENT OF INVESTMENTS AS AT 30 JUNE 2010 (Cont.)

COUNCIL'S HOLDINGS AS AT 30 JUNE 2010 (ATTACHMENT A)

Bank Bill Investment Group						
	Face Value	Purchase Yield	Borrower	Rating	Maturity	Current Value
	1,000,000.00	4.7100	ANZ Banking Group Ltd	A-1+	20-Jul-10	997,454.66
Totals	1,000,000.00	4.7100				997,454.66
Credit Linked Note Inv Group (exch)						
Reset/Coupon Date	Face Value	Current Coupon	Borrower	Rating	Maturity	Current Value
	1,000,000.00	0.0000	Generator Income Trust	A+	10-Oct-11	745,000.00
Totals	1,000,000.00	0.0000				745,000.00
Credit Linked Note Investment Group						
Reset/Coupon Date	Face Value	Current Coupon	Borrower	Rating	Maturity	Current Value
14-Sep-10	500,000.00	5.7083	Select Access Investments 2005-4 T1	A+	14-Dec-10	481,317.50
Totals	500,000.00	5.7083				481,317.50
Current Account Investment Group						
	Face Value	Current Yield	Borrower	Rating		Current Value
	3,207,951.02	4.55	National Australia Bank Limited	A-1+		3,207,951.02
Totals	3,207,951.02					3,207,951.02
Floating Rate Note Investment Group						
Reset/Coupon Date	Face Value	Current Coupon	Borrower	Rating	Maturity	Current Value
16-Aug-10	2,000,000.00	5.1100	Westpac Banking Corporation Subordinated Debt	AA-	16-Nov-10	2,003,840.00
9-Aug-10	900,000.00	6.0500	Bendigo and Adelaide Bank Subordinated Debt	BBB	9-Nov-12	858,003.27
30-Sep-10	2,000,000.00	5.9200	Maitland Mutual Building Society Sub Debt	NR	31-Dec-12	1,630,520.00
26-Jul-10	1,000,000.00	4.8133	Westpac Banking Corporation Subordinated Debt	AA-	24-Jan-12	987,279.27
15-Sep-10	1,000,000.00	7.1083	HSBC Bank Australia Subordinated Debt	AA-	15-Mar-13	966,070.00
22-Jul-10	500,000.00	5.7650	ANZ Banking Group Ltd	AA	22-Apr-13	511,639.50
19-Jul-10	500,000.00	8.2100	Holiday Coast Credit Union Limited Subordinated	NR	17-Apr-13	437,660.00
24-Sep-10	500,000.00	5.7600	Commonwealth Bank of Australia	A-1+	24-Jun-11	496,875.00
16-Sep-10	1,000,000.00	5.8400	National Australia Bank Limited	AA	16-Sep-14	1,000,154.44
Totals	9,400,000.00	5.8653				8,892,041.48
Term Investment Group						
	Face Value	Purchase Yield	Borrower	Rating	Maturity	Current Value
	1,000,000.00	5.2000	National Australia Bank Limited	A-1+	16-Aug-10	1,041,444.64
	1,000,000.00	5.0000	Bank of Western Australia	A-1+	21-Sep-10	1,038,459.21
	1,000,000.00	6.8000	Westpac Banking Corporation - Local Govt	A-1+	6-Dec-10	1,045,896.90
	1,000,000.00	6.8000	St. George Bank Limited	A-1+	6-Dec-10	1,045,714.55
	1,000,000.00	6.2800	Citibank Pty Limited Sydney	A-1	9-Sep-10	1,021,635.63
	1,000,000.00	6.2500	Bank of Queensland	A-2	9-Sep-10	1,021,389.03
	1,000,000.00	6.5100	Police & Nurses Credit Society Limited	NR	9-Sep-10	1,022,601.38
	1,000,000.00	6.0200	Credit Union Australia	NR	7-Jul-10	1,013,958.74
	1,000,000.00	5.7500	IMB Limited	A-2	9-Aug-10	1,013,860.74
	1,000,000.00	5.5500	Bank of Western Australia	A-1+	6-Jul-10	1,005,635.58
	1,000,000.00	5.3000	Bank of Western Australia	A-1+	6-Jul-10	1,004,332.44
	1,000,000.00	6.4500	Suncorp Deposits and Transactions Products	A-1	8-Jun-11	1,017,288.79
	1,000,000.00	5.8500	Bank of Western Australia	A-1+	9-Nov-10	1,006,479.58
	1,000,000.00	6.0100	Newcastle Permanent Building Society Ltd	A-2	9-Sep-10	1,005,524.97
	1,000,000.00	6.2500	Suncorp Deposits and Transactions Products	A-1	15-Dec-10	1,008,134.78
	2,000,000.00	5.8900	St. George Bank Limited	A-1+	12-Nov-10	2,011,518.64
	1,000,000.00	5.3900	ANZ Banking Group Limited	A-1+	15-Sep-10	1,003,274.09
	2,000,000.00	6.1300	National Australia Bank Limited	A-1+	15-Dec-10	2,015,274.67
Totals	20,000,000.00	5.9725				20,342,424.36
Grand Totals	35,107,951.02					34,666,189.02

INVESTMENT PORTFOLIO AT A GLANCE (ATTACHMENT B)

Portfolio Performance vs. 90 day Bank Bill Index



Council's investment performance exceeded benchmark for the month of June 2010.

Investment Policy Compliance

Legislative Requirements	✓	Fully compliant. When initially purchased, all investments fully complied with ministers orders
Portfolio Credit Rating Limit	✓	Fully compliant
Institutional Exposure Limits	✓	Fully compliant
Term to Maturity Limits	✓	Fully compliant

STATEMENT OF INVESTMENTS AS AT 30 JUNE 2010 (Cont.)

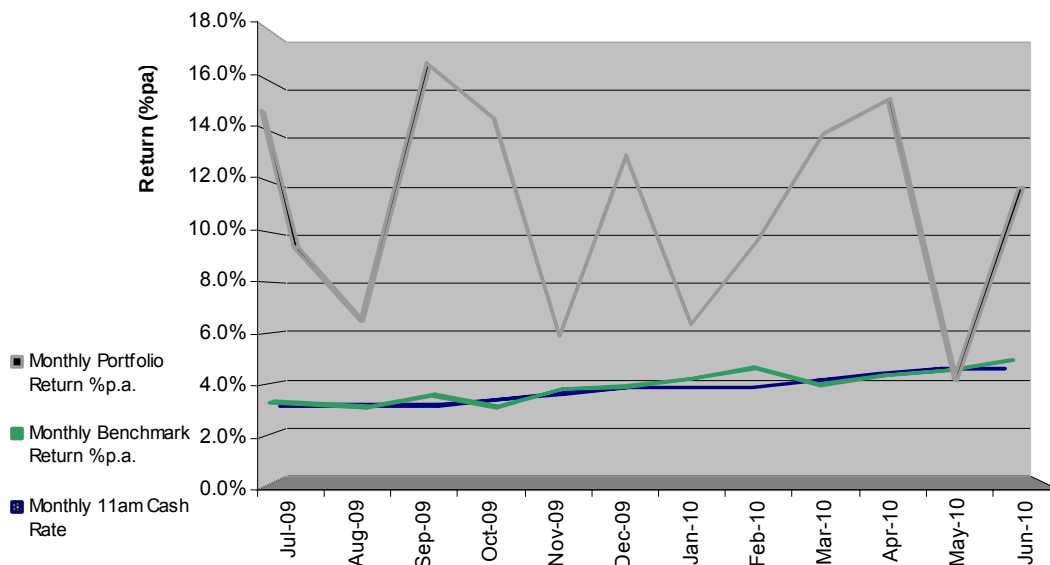
Investment Performance vs. Benchmark

	Investment Portfolio Return (%pa)*	Benchmark: UBS 90d Bank Bill Index	RBA Cash Rate **
1 Month	11.67%	4.91%	4.50%
3 Months	10.16%	4.57%	4.42%
6 Months	10.02%	4.39%	4.13%
FYTD	10.44%	3.89%	3.69%
12 Months	10.44%	3.89%	3.69%

* Excludes cash holdings (i.e. bank account, loan offset T/Ds)

Monthly Comparison Investment

Performance vs benchmark



CONCLUSION

Certification – Responsible Accounting Officer

The Responsible Accounting Officer certifies that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government General Regulation 2005 and Council's Investments Policy.

FINANCIAL IMPLICATIONS

The actual investment income to 30 June 2010 is \$1,114,257 which compares to the budgeted income of \$1,053,000 a favourable variance of \$61,257. Council has achieved a slight surplus to budgeted interest income for 2009/2010, and this will be addressed at the June Quarterly Budget Review.

POLICY IMPLICATIONS

STATEMENT OF INVESTMENTS AS AT 30 JUNE 2010 (Cont.)

Council's investments are made in accordance with Council's Investment Policy.

STATUTORY IMPLICATIONS

The above sums have been invested in accordance with:

- Section 625 of the Local Government Act 1993
- The regulations pertaining to the Local Government Act 1993
- Council's Investment Policies

12.2 COUNCIL BLOCK ADVERTISING

File No: 137/1192
Attachments: 1. Examples
Responsible Officer: Graeme Tolhurst - Group Manager Finance and Administration
Author: Emma Shanks - Economic Development & Marketing Officer

EXECUTIVE SUMMARY

The purpose of this report is to advise Council of the suitable options for the block advertising after Council resolved on the 25th May 2010 not to accept any tender received during the tender process that commenced on the 20th March 2010. The options proposed will provide savings to Council on its block advertising and also meet the statutory requirements regarding the advertising of Development Applications (DA's).

OFFICER'S RECOMMENDATION**THAT**

1. Council adopt option one (1) which incorporates The Hunter Post once a week and additional advertising in the Mercury on a Monday and Thursday for DA's.
2. Council commences the new arrangement immediately on six (6) month trial basis starting 16/08/2010 and report back to Council on completion of the trial
3. During the trial period, Council also trial the services of Lenard Holt Robb (LHR) advertising agency

REPORT

On the 20th and 23rd of March 2010 Council called for tenders for the provision of Block Advertising and associated public advertisements for the period of 1st July 2010 to the 30th June 2013. Tenders closed on the 20th April with only one tender being received. This tender did not meet the entire specification as set out in the tender document. Another tender was received eight (8) days after the close of tender. This also did not meet the entire specifications of the tender document.

On the 25th May 2010 Council resolved:

1. Not accept any tender
 2. Not to call for fresh tenders because only local papers can meet the criteria
 3. To enter into negotiations with The Maitland Mercury/ The Lower Hunter Star/ The Lower Hunter Weekend Star and The Hunter Post regarding Council advertising
 4. That a new report be brought back to Council within 2 months proposing a suitable mixture utilizing all papers noted in point 1.
-

COUNCIL BLOCK ADVERTISING (Cont.)

In 2009/2010 Council has spent approximately **\$183000** on block advertising with the Maitland Mercury/ Lower Hunter Star/Lower Hunter Weekend Star.

This current arrangement included Monday's ads only being printed in The Mercury, whilst all of Thursday's ads were printed in The Mercury/Lower Hunter Star/Lower Hunter Weekend Star.

After a number of meetings with representatives from local newspapers, three options have been identified that will meet statutory requirements and achieve the best financial outcome for Council.

The decision to recommend twice weekly advertising for development matters is to ensure that statutory time frames for determinations are met and as importantly, so that Council can continue to achieve efficient processing times that are widely recognised within the development industry.

The costs have been calculated based on the average space taken per week in 09/10 financial year, with newly negotiated rates going forward.

It is recommended that Council implements the new arrangement for a six month trial period. This will allow Council staff to review the changes and be in a more favourable position to make a long-term decision. This will also allow time for Council to review the overall current corporate advertising situation to ensure council gets the best value and allow time to trial a different provider.

1. To run the block advertising in The Hunter Post once a week and the additional DA advertising in the Mercury on a Monday and Thursday

The Post (2 pages) p/w	Negotiated rate	\$1760
Internet link		Free
Website Banner		Free
Front page ear		Free
Mercury DA's only (not Star)	2x ¼ pages p/w (Monday and Thursday) Rate 3.75 cm (approx)	\$561
Total p/w (approx)		\$2321
Total per annum approximate		\$120692

This price is based on 2 pages in the post and 2 x ¼ pages in the Mercury (DA's only). The Hunter Post includes full colour, the Mercury is Mono only.

The Hunter Post has been very cooperative during the negotiation period and has offered considerable cost savings to Council including the availability of 24hrs/7 day online access for residents to view the weekly block advertising which can be directly linked from Council's own website.

The Hunter Post have also offered a free website advertising banner (changeable weekly) and a free front page ear directing readers to the relevant Council pages of the publication.

COUNCIL BLOCK ADVERTISING (Cont.)

The Post will also provide council with newsstands to display in Customer Service, the Libraries, and the Art Gallery, VIC or any other area Council sees fit, with many additional copies available at each.

Circulation:

The Hunter Post

24584 p/w

The Mercury

4900 p/d average from the week

2. To operate as Council currently do with the Maitland Mercury, Lower Hunter Star and Lower Hunter Weekend Star on a Monday and Thursday at the recently negotiated rates

1 page Thursday		\$1276
1 page Monday		\$1104
Per extra ½ page on a Monday	Rate 3.69 cm	\$552
Per extra ½ page on a Thursday	Rate 3.84 cm	\$574
Internet link		\$22
Total p/w approx		\$3529
Total p/a (approx)		\$183 538

This price is based on our current average of 3 pages per week and does NOT include colour although council staff would negotiate to have this included.

Circulation:

The Maitland Mercury

4900 p/d weekly average

The Lower Hunter Star

18275 p/w

The Weekend Star

6000 p/w

3. To run block advertising once a week in the Maitland Mercury, Lower Hunter Star and Lower Hunter Weekend Star on a Thursday and on Monday's just print DA's only

Thursday 2 pages		\$2425
¼ page on a Monday	Rate 3.69 cm	\$276
Internet link		\$22
Total p/w (approx)		\$2723
Total p/a (approx)		\$141 631

This price is based on 2 pages per week on a Thursday plus additional Monday DA's and does NOT include colour although council staff would negotiate to have it included.

Circulation:

The Maitland Mercury

4900 p/d weekly average

The Lower Hunter Star

18275 p/w

The Weekend Star

6000 p/w

Leonard Holt Robb (LHR)

Leonard Holt Robb is a corporate advertising agency who has many years experience in Local Government, Community and recruitment advertising.

COUNCIL BLOCK ADVERTISING (Cont.)

LHR currently typeset, design, professionally layout and distribute block advertising for Waverley, Hornsby, Ryde, Blacktown, Sydney City, Pittwater, Penrith and many other NSW and Victorian councils.

Council staff have been discussing options for the management, design and layout of the block advertising with LHR and they have reviewed our current advertising layout and offered valuable suggestions for space saving and design (see attachments for examples).

LHR have reviewed the overall block advertising for Maitland City Council for 09/10 year with an average spend of \$3600 per week.

On average their estimates show that we can reduce our spending on page space by almost 43% per week.

With LHR, Council could potentially reduce our space bought by 1 page per week.

Cost savings breakdown:

Average cost saving per week=	\$1542
Less LHR Fee =	\$1042
Average saving per 4 week period (8 days) saving =	\$4168
Average saving per 12 month period (80 days) =	\$50 016

This saving amount is calculated on the average page space bought by Council during the 09/10 year. It does not incorporate the additional cost savings in staff liaison and preparation time which would also prove to be beneficial.

Attached are examples of Council's current advertising and an example of what Council advertising could look like with LHR. This also shows the page space saving that could be achieved.

CONCLUSION

Given The Hunter Post's total cost, additional inclusions, circulation and enthusiasm to build a working relationship with Council it is recommended that Council commence a six (6) month trial with The Hunter Post and add an additional advertisement for DA's into The Mercury only on a Monday and Thursday.

It is also recommended that Council trial the services of Leonard Holt Robb the same six (6) month period to professionally layout and design the block advertisements on a weekly basis. This offers Council the opportunity to save additional money on page space and staff time.

A report will be bought back to Council at the end of the 6 month trial period.

FINANCIAL IMPLICATIONS

The block advertising is met within the Management Plan for 2010/2011.

COUNCIL BLOCK ADVERTISING (Cont.)

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

There are no statutory implications under the Local Government Act 1993 with this matter.

Finance and Administration Reports

COUNCIL BLOCK ADVERTISING

Examples

Meeting Date: 27 July 2010

Attachment No: 1

Number of Pages: 3

Maitland City Council News

AUTHORISED BY DAVID EVANS - GENERAL MANAGER

QUALITY OF LIFE THROUGH QUALITY SERVICE

INTERNET: www.maitland.nsw.gov.au

PLEASE NOTE: When making written comments or submissions to Council, the following information should be considered - under the Privacy Management Plan of Council, any submission received by Council including the name and address, will be presented in a report to Council for which the submission is relevant. Council may, however, be obliged to release the full details of the submission including the name and address under the provisions of the Freedom of Information Act, 1989.

NOTIFICATION OF DEVELOPMENT & BUILDING CONSENTS

*Pursuant to the provisions of Section 101 of the Environmental Planning and Assessment Act, 1979, and in accordance with Clause 124 of Environmental Planning and Assessment Regulation, 2000 and pursuant to the provisions of Section 675 of the Local Government Act, 1993. Notice is hereby given that the Council has granted the following development and building consents:

100943DA	5-May-10	4062 DP1150332 9 FLAMETREE CLOSE ABERGLASSLYN	Single Storey Dwelling
100774DA	29-Apr-10	143 DP1129331 28 MCKEACHIE DRIVE ABERGLASSLYN	Medium Density Housing (2 Units) and Torrens Title Subdivision - One Lot into Two
092540DA	6-May-10	1 DP1097612 1 CAPITAL TERRACE BOLWARRA HEIGHTS	Retaining Walls - S96 Modification
100944DA	5-May-10	224 DP1132800 32 CAPITAL TERRACE BOLWARRA HEIGHTS	Single Storey Dwelling
100888CD	3-May-10	613 DP1069088 9 PINNACLE CLOSE BOLWARRA HEIGHTS	Inground Fibreglass Swimming Pool
100861CC	4-May-10	1 DP716770 46 BANKS STREET EAST MAITLAND	Building Alterations Accessible Ramp
100869DA	30-Apr-10	9 DP37817 22 VIEW STREET EAST MAITLAND	Deck with Roof Over
100870CC	4-May-10	63 DP875682 54 WILTON DRIVE EAST MAITLAND	Two Storey Dwelling
100933CC			Inground Pool
100911DA	4-May-10	6 DP1123421 1 CORNER CLOSE EAST MAITLAND	Single Storey Dwelling
100912CC			
100801CD	29-Apr-10	319 DP1117575 3 PEAK WAY GILLIESTON HEIGHTS	Single Storey Dwelling
100823DA	5-May-10	1332 DP1143678 14 SADDLERS DRIVE GILLIESTON HEIGHTS	Single Storey Dwelling
100824CC			
100846DA	5-May-10	114 DP1112081 25 SADDLERS DRIVE GILLIESTON HEIGHTS	Single Storey Dwelling
100847CC			
100945DA	5-May-10	4 DP1137052 41 DUNMORE ROAD LARGS	Single Storey Dwelling
100946CC			
092807DA	27-Apr-10	4 DP1094546 BULWER STREET MAITLAND 3 DP1094546 BULWER STREET MAITLAND	Refurbishment of Existing Club Facility
100570DA	30-Apr-10	8101 DP844997 2 COBURN CIRCUIT METFORD	Carport & Glass Screened Enclosure
100571CC			
070696DA	7-May-10	2 DP599504 68 PRINCESS STREET MORPETH	Dwelling Additions - S96 Modification
100716DA	5-May-10	1 DP745542 7 SWAN STREET MORPETH	Subdivision - Two (2) Lots
100749DA	4-May-10	1 DP779621 2 WRIGHTS ROAD PHOENIX PARK	Proposed Temporary Use of Land (Roadside Stall)
100900CC	5-May-10	2 DP1140393 36A STANTON DRIVE RAWORTH	Retaining Wall
100922CC	29-Apr-10	312 DP1138097 2 JORY CRESCENT RAWORTH	Single Storey Dwelling - Modification Plan
092692DA	5-May-10	3 DP1149265 91 ABERGLASSLYN ROAD RUTHERFORD	Single Storey Dwelling
092693CC			
092519CC	30-Apr-10	124 DP1071878 25 HAWKINS STREET RUTHERFORD	Medium Density Housing - Two (2) Dwellings
081247DA	4-May-10	126 DP1071878 29 HAWKINS STREET RUTHERFORD	Medium Density Housing - Two (2) Four (4) Bedroom Dwellings - S96 Modification
100806DA	3-May-10	245 DP555194 10 RAYMOND STREET TELARAH	Detached Garage & Carport
100807CC			
100866DA			
100867CC	30-Apr-10	22 DP5763 64 SOUTH STREET TELARAH	Additions to Existing Dwelling
100899DA	3-May-10	578 DP262555 58 JOHN ARTHUR AVENUE THORNTON	Rear Deck to Existing Building
100700CC			

*The above development consents are available for inspection and a record of the above building consents is available to view without charge at the Service Planning & Regulation Department, Administration Building, High Street, Maitland during the hours of 8.30am to 5.00pm Monday to Thursday and 8.30am to 4.30pm Friday.

NAMING OF PUBLIC ROAD

NOTICE is hereby given that Maitland City Council, in pursuance of section 162 of the Roads Act 1993 and Part 2 of The Roads (General) Regulation 2000, proposes to name the following new roads:-

LOCATION	PROPOSED NAME	DA NUMBER
Off Raymond Terrace Road & Government Road, Thornton.	Thorncroft Avenue	08-2311 & 082312
Off Raymond Terrace Road & Government Road, Thornton.	Tallington Street	08-2311 & 082312
Off Raymond Terrace Road & Government Road, Thornton.	Maidford Street	08-2311 & 082312
Off Raymond Terrace Road & Government Road, Thornton.	Parkham Street	08-2311 & 082312
Off Raymond Terrace Road & Government Road, Thornton.	Cambridge Street	08-2311 & 082312
Off Raymond Terrace Road & Government Road, Thornton.	Ridgmont Circuit	08-2311 & 082312
Off Raymond Terrace Road & Government Road, Thornton.	Sandridge Street	08-2311 & 082312
Off Raymond Terrace Road & Government Road, Thornton.	Remington Street	08-2311 & 082312
Off Raymond Terrace Road & Government Road, Thornton.	Brookland Promenade	08-2311 & 082312
Off Raymond Terrace Road & Government Road, Thornton.	Kingham Circuit	08-2311 & 082312
Off Raymond Terrace Road & Government Road, Thornton.	Darlaston Avenue	08-2311 & 082312

The developer has proposed the above road names in the interests of creating an English village theme. The proposed road names are names of English villages and/or towns.

A period of 28 days from 17 May 2010 is allowed during which persons may lodge with Council written submissions regarding this proposal. Any submissions made should be addressed to the General Manager and detail fully any objection to same.

MAITLAND CITY COUNCIL DRAFT MANAGEMENT PLAN 2010-2013 PUBLIC EXHIBITION

In accordance with section 405 of the Local Government Act 1993 Maitland City Council is placing its Draft Management Plan 2010-2013 on public exhibition for a 28 day period commencing 3rd May 2010 and concluding 30th May 2010.

Council invites the community to make submissions on the Draft Plan. These public submissions may be made at any time during the exhibition period and should be in writing addressed to the **General Manager Maitland City Council**. Submissions should clearly indicate that they are addressing the content of the Draft Management Plan and particular provisions within it.

Copies of the Draft Management Plan are available from Council's Customer Service Centre at 285-287 High Street, Maitland, NSW 2320, Council's Libraries and will also be located on Council's website www.maitland.nsw.gov.au.

DAVID EVANS 285-287 HIGH STREET (PO BOX 220)
GENERAL MANAGER MAITLAND NSW 2320

MORPETH MUSEUM CLOSED FOR RENOVATIONS

Maitland City Council would like to advise that the Morpeth Museum located in Swan Street, Morpeth will be closed from Thursday 13th May to Thursday 24th June 2010. For any further information please contact Kelly Kilmartin on 49349708.

COUNCIL CHAMBERS, P.O. BOX 220, MAITLAND 2320 PHONE 4934-9700 • EMAIL: mcc@maitland.nsw.gov.au

SPORTS RESULTS

LAWN BOWLS

MAITLAND PARK WOMEN'S BOWLING CLUB
Executive pairs winners: G Sedgwick, J Brooks; runners-up: J Ranger, C Korner.
Major singles on Wednesday at 9.30am: G McBean v J Ranger; C Korner v P Maloney; G Sedgwick v K Botterill; C Smith v P Ritchie.
No social bowls on that day.
May 26: Fours invitation day.

LORIN PARK WOMEN'S BOWLING CLUB
Tomorrow: Women's bowls will not be played due to the group pennant play-offs at Nelson Bay.
Next Monday: Bellbird Park invitation fours.
May 25: Major singles to begin, play or forfeit, weather permitting. J Percival v N Natts. Marker: Walker.
May 26: Maitland Park invitation fours.

TALARAH WOMEN'S BOWLING CLUB
Winners of the state triples, played at Talarah

on Friday, will play the semi-final at Maitland City on May 21.
M McEntyre (Talarah) v C Glen (Kurri Kurri).
S Austin (Cessnock City) v C Evans (Kurri Kurri).
May 18: Paxton Gala at 10am. N Preston, L Blayden, P Mowatt and A Kerr will attend.
Social bowls will be up and running as normal on May 26 owing to the No 1 and No 2 pennants teams going to Nelson Bay for the pennant play-offs.
Major singles resume on May 27.

GOLF

EASTS LEISURE AND GOLF CLUB
Saturday's individual stableford - 218 players, 11 visitors.
Winner: Richard Lantry 41 c/b.
Scatch: A-grade: Craig Melville 40 c/b, Matt Brown 40, Geoff Strucko 39, B-grade: Mick Buffler 41, Peter Baxter 40, Peter Bell 39 c/b.

C-grade: Kev Kellaway 41 c/b, Matt Moroney 41, Rob Watt 40 c/b.
Balls: 33 across the field neat. NTP: (13th) Peter Keith 72cm, Brian Campbell 155cm, Graeme Webber 138cm, (17th) Craig Melville (90cm).

MUSWELLBROOK GOLF CLUB
Saturday's individual stableford - 87 players.
NTP: B Gargan 5th, 72m, 1 ball; C Bekovic, 8th, 281cm, 1 ball; B White, 11th, 5cm, 1 ball; J Tuitt snr, 14th, 194cm, 1 ball; N Hendry, 17th, 75cm, 1 ball; B Byrnes, eagle, hole 1, jacket.
1st - B Bekovic, 43 points; 2nd - H Irwin, 42 points; 3rd - M Renshaw, 42 points c/b; 4th B Adam-Smith, 40 points; 5th - A Matthews, 40 points c/b; 6th - B Gargan, 39 points; 7th - L Edwards, 39 points c/b; 8th - A Bragg, 39 points c/b.

RUGBY UNION

NEWCASTLE AND HUNTER RUGBY UNION
Maitland Blacks 55 (Christian Punch 2 Jon

Runchel 2, Jono Wotton; Hugues De Rocquigny, James Bonomini, Bryant Defforce and Nick Davidson tries; Punch 5 conversions; def University 38 (Phil Marks 5 and Sam Berry tries; Brandon Ralph 4 conversions).

NHRU ladder (after six rounds):
Hamilton 30
Merewether Carlton 29

Maitland 18
The Waratahs 18
Wanderers 15
University 12
Southern Beaches 12
Nelson Bay 11
Lake Macquarie 11
Singleton 3
Breakout Box 2

NHRU round seven fixtures:
Lake Macquarie v Maitland at Wallers Park
Hamilton v Merewether Carlton at Passmore Oval
Nelson Bay v Wanderers at Tomaree Oval
University v Singleton at University Oval

The Waratahs v Southern Beaches at Waratah Oval.

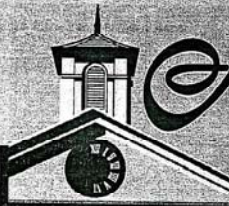
RUGBY LEAGUE

NEWCASTLE RUGBY LEAGUE RESULTS (round five)

First grade: Maitland 14 d Wyong 12, Cessnock 35 d Kurri Kurri 6, Lakes 29 d Macquarie 28, Western Suburbs 50 d South Newcastle 6, Central Newcastle 46 d Northern Blues 6.

Reserve grade: Maitland 18 d Wyong 6, Kurri Kurri 28 d Cessnock 12, Macquarie 26 d Lakes 22, Western Suburbs 42 d South Newcastle 12, Central Newcastle 52 d Northern Blues 4.

President's Cup: Wyong 26 d Maitland 24, Kurri Kurri 24 d Cessnock 12, Lakes 28 d Macquarie 6, South Newcastle 26 d Western Suburbs 12, Central Newcastle 30 d Northern Blues 6.



Maitland City Council News

AUTHORISED BY DAVID EVANS - GENERAL MANAGER

QUALITY OF LIFE THROUGH QUALITY SERVICE

INTERNET: www.maitland.nsw.gov.au

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NOTICE OF INTENTION TO TREAT INFESTATIONS OF ALLIGATOR WEED

In accordance with the conditions imposed by Licence Number 10393 issued by the Environment Protection Authority (EPA) pursuant to the Pollution Control ACT 1970 notice is hereby given that Maitland City Council intends to treat infestations of Alligator Weed along parts of the Hunter River from the Belmore Bridge downstream to Raymond Terrace and the Paterson River from the intersection of the Hunter River upstream to Paterson. This will take place from and including the 17th May 2010 to the 21st May 2010 weather conditions permitting.

The herbicides Brushoff (active ingredient Metsulfuron methyl) will be used in the treatment of the Alligator Weed infestations in accordance with Permit Number - PER10653. The work will be carried out by qualified council's staff.

Under the terms and conditions of the EPA Licence the following warning is provided to residents in the treatment area: "not to use, drink or swim in the water during the period of treatment".

Any further enquiries may be directed to Maitland City Council's customer service centre on (02) 49349700.

NOTICE OF PUBLIC EXHIBITION DRAFT GILLISTON HEIGHTS WEST PRECINCT PLAN AND DRAFT AMENDMENTS TO THE GILLISTON HEIGHTS AREA PLAN AND THE MAITLAND SECTION 94 CONTRIBUTIONS PLAN (CITYWIDE) 2006

Council has resolved to exhibit the Draft Gilliston Heights West Precinct Plan and draft amendments to the Gilliston Heights Area Plan and the Maitland Section 94 Contributions Plan (Citywide) 2006.

The draft precinct plan provides detailed guidance and development controls to people wishing to carry out development within the western precinct of the Gilliston Heights Urban Release Area.

Draft amendments to the Gilliston Heights Area Plan will accommodate the western precinct plan and reflect the structure and format of other area plans for urban release areas in the Maitland LGA.

Draft amendments to the Maitland Section 94 Contributions Plan (Citywide) 2006 propose changes to the Gilliston Heights catchment area and the works required specifically for the development catchment within the Citywide S94 Plan.

The draft plans will be on public exhibition from Monday 17 May 2010 to Monday 14 June 2010 at Council's Customer Service Centre, Administration Building, High Street, Maitland during normal working hours. The draft plans will also be placed on exhibition at Maitland City, Rutherford, East Maitland and Thornton libraries during ordinary library hours over the same period, as well as on Council's website (www.maitland.nsw.gov.au).

Persons wishing to comment on the documents should do so in writing. If you are making an objection by way of submission you should give your reasons for objection. Submissions should be received no later than 5.00pm on Monday 14 June and should quote reference number 103/41/10.

In accordance with the Local Government and Planning Legislation Amendment (Political Donations) Act 2008, any person making a written submission after the 1 October 2008 - either for or against a proposal - must also make a disclosure if the person has made a reportable political donation. If relevant, please include a completed "Statement of Political Donations and Gifts" form with your submission. This form can be obtained from Council's Customer Service Counter and all libraries during opening hours.

Please Note: The Freedom of Information Act applies to Council. Under this Act, certain information held by Council may be released upon application to members of the public. Council will not consider your submission as confidential, and may produce it in part or in whole.

Further enquiries should be directed to Mark Roser, Strategic Town Planner or Amanda McMahon, Development Contributions Coordinator on (02) 4934 9700.

INTEGRATED DEVELOPMENT PROPOSAL FOR PUBLIC COMMENT

The following development proposal has been submitted to the Council and although not designated, is notified as Integrated Development in accordance with Section 91 of the Environmental Planning & Assessment Act, 1979 for public comment:

Description/Address of Site:	Lot 824 DP1011483 26 Moriarty Avenue, Ashtonfield
Description of Proposal:	Two Lot Subdivision
Applicant's Name:	Rennie Gollidge Pty Limited
Consent Authority:	Maitland City Council

This application is Integrated Development as an approval is also required under Section 100B of the Rural Fires Act, 1997 from the Rural Fire Service.

The application and documents accompanying the application, DA 10-1006 may be inspected at Council's Customer Service Centre during normal office hours during the period 17 May 2010 to 31 May 2010.

BUILDING AND DEVELOPMENT PROPOSALS FOR PUBLIC COMMENT

The following building and development proposals have been submitted to the Council and although not designated under the Environmental Planning and Assessment Act, 1979, are notified for public comment:

Suburb	File No.	Location	Proposal
Rutherford	07-3071	Lot 011 DP867202 372 New England Highway	Section 96 Proposing Minor Amendments to Staging, Design, Civil Requirements and Section 94 Contributions in relation to Approved Seniors Residential Development

Details of the above proposals are available for inspection at the Council's Customer Service Centre. Written submissions on these proposals should be lodged with Council by 31 May 2010.

COUNCIL CHAMBERS, P.O. BOX 220, MAITLAND 2320 PHONE 4934-9700 • EMAIL: mcc@maitland.nsw.gov.au

Maitland City Council YOUR COUNCIL NEWS

NAMING OF PUBLIC ROAD ROADS ACT 1993

NOTICE is hereby given that Maitland City Council, in pursuance of section 162 of the Roads Act 1993 and Part 2 of The Roads (General) Regulation 2000, proposes to name the following new roads:-

LOCATION Off Rennington Street Rd & Government Rd, Thornton.

DA NUMBER 08-2311 & 082312

PROPOSED NAMES • Thorncliffe Avenue • Tallington Street • Maidford Street • Parkham Street • Cambridge Street • Ridgmont Circuit • Sandridge Street • Rennington Street

The developer has proposed the above road names in the interests of creating an English village theme. The proposed road names are names of English villages and/or towns. A period of 28 days from 17 May 2010 is allowed during which persons may lodge with Council written submissions regarding this proposal. Any submissions made should be addressed to the General Manager and detail fully any objection to same.

MORPETH MUSEUM Closed for Renovations

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For any further information please contact Kelly Kilmartin on 49349708.

DRAFT MANAGEMENT PLAN 2010-2013

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Council invites the community to make submissions on the Draft Plan. These public submissions may be made at any time during the exhibition period and should be in writing addressed to the General Manager Maitland City Council. Submissions should clearly indicate that they are addressing the content of the Draft Management Plan and particular provisions within it.

Copies of the Draft Management Plan are available from Council's Customer Service Centre at Council's Libraries and Council's website below.

NOTIFICATION OF DEVELOPMENT & BUILDING CONSENTS

Pursuant to the provisions of Section 101 of the Environmental Planning and Assessment Act, 1979, and in accordance with Clause 124 of Environmental Planning and Assessment Regulation, 2000 and pursuant to the provisions of Section 675 of the Local Government Act, 1993. Notice is hereby given that the Council has granted the following development and building consents.

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092540DA	6-May-10	1 DP1097612 1 CAPITAL TERRACE BOLWARRA HEIGHTS	Retaining Walls - 5% Modification
100944DA	5-May-10	224 DP1132800 32 CAPITAL TERRACE BOLWARRA HEIGHTS	Single Storey Dwelling
100888CD	3-May-10	613 DP1069088 9 PINNACLE CLOSE BOLWARRA HEIGHTS	Inground Fibreglass Swimming Pool
100861CC	4-May-10	1 DP116770 48 BANKS STREET EAST MAITLAND	Building Alterations - Accessible Ramp
100869DA 100870CC	30-Apr-10	9 DP37817 22 VIEW STREET EAST MAITLAND	Deck with Roof Over
100670DA 100933CC	4-May-10	63 DP875682 54 WILTON DRIVE EAST MAITLAND	Two Storey Dwelling & Inground Pool
100911DA 100912CC	4-May-10	6 DP1123421 1 CORNER CLOSE EAST MAITLAND	Single Storey Dwelling
100801CD	29-Apr-10	319 DP1117575 3 PEAK WAY GILLISTON HEIGHTS	Single Storey Dwelling
100823DA 100824CC	5-May-10	1332 DP1143678 14 SADDLERS DR GILLISTON HEIGHTS	Single Storey Dwelling
100846DA 100847CC	5-May-10	114 DP1112081 25 SADDLERS DRIVE GILLISTON HEIGHTS	Single Storey Dwelling
100945DA 100946CC	5-May-10	4 DP1137052 41 DUNMORE ROAD LARGS	Single Storey Dwelling
092807DA	27-Apr-10	4 DP1094566 BULWER STREET MAITLAND 3 DP1094566 BULWER STREET MAITLAND	Refurbishment of Existing Club Facility
100570DA 100571CC	30-Apr-10	8101 DP846997 2 COBURN CIRCUIT METFORD	Carport & Glass Screened Enclosure
070646DA	7-May-10	2 DP99504 68 PRINCESS STREET MORPETH	Dwelling Additions - 5% Modification
100716DA	5-May-10	1 DP745542 7 SWAN STREET MORPETH	Subdivision - Two (2) Lots
100749DA	4-May-10	1 DP779621 2 WRIGHTS ROAD PHOENIX PARK	Proposed Temporary Use of Land (Roadside Stall)
100900CC	5-May-10	2 DP1140393 36A STANTON DRIVE RAWORTH	Retaining Wall
100922CC	29-Apr-10	312 DP1138097 2 JORY CRESCENT RAWORTH	Single Storey Dwelling - Modification Plan
092692DA 092693CC	5-May-10	3 DP1149265 91 ABERGLASSLYN ROAD RUTHERFORD	Single Storey Dwelling
092519CC	30-Apr-10	124 DP1071878 25 HAWKINS STREET RUTHERFORD	Medium Density Housing - Two (2) Dwellings
081247DA	4-May-10	126 DP1071878 29 HAWKINS STREET RUTHERFORD	Medium Density Housing - Two (2) Four (4) Bedroom Dwellings - 5% Modification
100066DA 100807CC	3-May-10	245 DP555194 10 RAYMOND STREET TELARAH	Detached Garage & Carport
100866DA 100867CC	30-Apr-10	22 DP5763 64 SOUTH STREET TELARAH	Additions to Existing Dwelling
100699DA 100700CC	3-May-10	578 DP262555 58 JOHN ARTHUR AVENUE THORNTON	Rear Deck to Existing Building

The above development consents are available for inspection and a record of the above building consents is available to view without charge at the Service Planning & Regulation Department, Administration Building, High Street, Maitland during the hours of 8.30am to 5.00pm Monday to Thursday and 8.30am to 4.30pm Friday.

NOTICE OF INTENTION TO TREAT INFESTATIONS OF ALLIGATOR WEED

In accordance with the conditions imposed by Licence number 103393 issued by the Environment Protection Authority (EPA) pursuant to the Pollution Control ACT 1970 notice is here by given that Maitland City Council intends to treat infestations of Alligator Weed along parts of the Hunter River from the Belmore Bridge downstream to Raymond Terrace and the Paterson River from the intersection of the Hunter River upstream to Paterson. This will take place from and including the 17th May 2010 to the 21st May 2010 weather conditions permitting.

The herbicides Brushoff (active ingredient Metsulfuron methyl) will be used in the treatment of the Alligator Weed infestations in accordance with Permit Number - PERT0653. The work will be carried out by qualified council's staff.

Under the terms and conditions of the EPA Licence the following warning is provided to residents in the treatment area: "Not to use, drink or swim in the water during the period of treatment".

Any further enquiries may be directed to Maitland City Council's customer service centre on (02) 49349700.

NOTICE OF PUBLIC EXHIBITION

Draft Gillieston Heights West Precinct Plan and Draft Amendments to the Gillieston Heights Area Plan and the Maitland Section 94 Contributions Plan (Citywide) 2006

Council has resolved to exhibit the Draft Gillieston Heights West Precinct Plan and draft amendments to the Gillieston Heights Area Plan and the Maitland Section 94 Contributions Plan (Citywide) 2006.

The draft precinct plan provides detailed guidance and development controls to people wishing to carry out development within the western precinct of the Gillieston Heights Urban Release Area.

Draft amendments to the Gillieston Heights Area Plan will accommodate the western precinct plan and reflect the structure and format of other area plans for urban release areas in the Maitland LGA.

Draft amendments to the Maitland Section 94 Contributions Plan (Citywide) 2006 propose changes to the Gillieston Heights catchment area and the works required specifically for the development catchment within the Citywide S94 Plan.

The draft plans will be on public exhibition from Monday 17 May 2010 to Monday 14 June 2010 at Council's Customer Service Centre, Administration Building, High Street, Maitland during normal working hours. The draft plans will also be placed on exhibition at Maitland City, Rutherford, East Maitland and Thornton libraries during ordinary library hours over the same period, as well as on Council's website (www.maitland.nsw.gov.au).

Persons wishing to comment on the documents should do so in writing. If you are making an objection by way of submission you should give your reasons for objection. Submissions should be received no later than 5.00pm on Monday 14 June and should quote reference number 103/41/10.

In accordance with the Local Government and Planning Legislation Amendment (Political Donations) Act 2008, any person making a written submission after the 1 October 2008 - either for or against a proposal - must also make a disclosure if the person has made a reportable political donation. If relevant, please include a completed "Statement of Political Donations and Gifts" form with your submission. This form can be obtained from Council's Customer Service Counter and all libraries during opening hours.

Please Note: The Freedom of Information Act applies to Council. Under this Act, certain information held by Council may be released upon application to members of the public. Council will not consider your submission as confidential, and may produce it in part or in whole.

Further enquiries should be directed to Mark Roser, Strategic Town Planner or Amanda.

INTEGRATED DEVELOPMENT PROPOSAL FOR PUBLIC COMMENT

The following development proposal has been submitted to the Council and although not designated, is notified as Integrated Development in accordance with Section 91 of the Environmental Planning & Assessment Act, 1979 for public comment:

Description/Address of Site: Lot 824 DP1011483
26 Moriarty Avenue, Ashtonfield
Two Lot Subdivision

Description of Proposal: Kennie College Pty Limited
Applicant's Name: Maitland City Council
Consent Authority:

This application is Integrated Development as an approval is also required under Section 100B of the Rural Fires Act, 1977 from the Rural Fire Service.

The application and documents accompanying the application, DA 10-1006 may be inspected at Council's Customer Service Centre during normal office hours during the period 17 May 2010 to 31 May 2010.

BUILDING AND DEVELOPMENT PROPOSALS FOR PUBLIC COMMENT

The following building and development proposals have been submitted to the Council and although not designated under the Environmental Planning and Assessment Act, 1979, are notified for public comment: 1979 for public comment:

Suburb	File No.	Location	Proposal
Rutherford	07-3071	Lot 611 DP867202 372 New England Highway	Section 96 Proposing Minor Amendments to Staging, Design, Civil Requirements and Section 94 Contributions in relation to Approved Seniors Residential Development

Details of the above proposals are available for inspection at the Council's Customer Service Centre. Written submissions on these proposals should be lodged with Council by 31 May 2010.

www.maitland.nsw.gov.au

12.3 FORMATION OF MAITLAND 2021 COMMUNITY REFERENCE PANEL

File No: 29/41/1
Attachments: Nil
Responsible Officer: Graeme Tolhurst - Group Manager Finance and Administration
Author: Leah Flint - Manager Corporate Planning

EXECUTIVE SUMMARY

Work on implementation of the new Integrated Planning and Reporting legislation is moving rapidly to meet implementation timeframes of 1 July 2011. The development of the ten year community strategic plan, 'Maitland 2021', requires informing, consulting and involving the local community. A range of mechanisms are proposed in the engagement strategy for 'Maitland 2021', with a key component being the establishment of a reference panel to represent a range of community interests.

OFFICER'S RECOMMENDATION**THAT**

- 1. The 'Maitland 2021' community reference panel be adopted by Council**

REPORT

Under NSW Integrated Planning and Reporting legislation, Council is required to prepare a range of new documents including a ten year Community Strategic Plan; a four year Delivery Program, an annual Operational Plan, a Resourcing Strategy and Annual Report.

Council's ten year Community Strategic Plan has been badged 'Maitland 2021 – ideas and action', with the integrated planning process planned to flow in three phases.

Phase 1, from now until October, is the period in which key issues facing our community identified from past consultation efforts (such as extensive engagement for the development of the Social Plan 2009-2019) will be promoted and examined, and visionary descriptors and aspirations confirmed with the community.

Phase 2 extends from the period October to December, during which time the draft 'Maitland 2021' ten year plan will be released for information, consultation and involvement of the community.

Phase 3 will be the period from February – May 2011 in which the draft Delivery Program and associated documents, such as the Resourcing Strategy, will be released for information, consultation and involvement of the community.

FORMATION OF MAITLAND 2021 COMMUNITY REFERENCE PANEL (Cont.)

The community engagement strategy for 'Maitland 2021' calls for the establishment of a community reference panel to be engaged with Council in each of the three phases.

The formation of this panel will allow Council to seek confirmation of the key issues, challenges and opportunities facing the community across key theme areas; consult on the draft year plan; and consult on four year delivery program and annual operational plan.

It is hoped the establishment of the panel will create barrackers for the process and foster an appreciation of the genuine efforts Council is making to consult and gain involvement and input from across the community.

The panel will consist of a broad range of community representatives from the plan's social, economic, environment and leadership theme areas - the quadruple bottom line. The 'Maitland 2021' project schedule allows for a minimum of three workshop sessions with the reference panel.

It should be noted that NSW State Government agencies will be consulted outside of this framework, as will neighbouring Councils and infrastructure providers.

Representatives from the following organisations have been invited to join the reference panel:

1. Hunter Valley Training Company
2. Mai-Wel Group
3. Maitland City Heritage Group
4. Maitland Floodplain Risk Management Committee
5. Maitland Greening Plan Reference Group
6. Maitland Tourism Advisory Group
7. Maitland Chamber of Commerce
8. Maitland Community Care Services
9. Maitland Grossman High School P&C
10. Maitland Ministers Fraternal
11. Maitland Public School P&C
12. Maitland Sport and Recreation Advisory Board
13. Maitland Senior Citizens
14. Mindaribba Local Aboriginal Land Council
15. Parent representative Metford Child Care
16. Polish Community Association
17. Rutherford Community Centre
18. Tocal Agricultural College
19. Urban Development Institute Australia, NSW
20. Youth representatives x 3

The establishment of the panel, its role and membership is planned to be announced at the 'Maitland 2021' launch event at MRAG on Friday 6 August.

FORMATION OF MAITLAND 2021 COMMUNITY REFERENCE PANEL (Cont.)

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

There are no statutory implications under the Local Government Act 1993 with this matter.

13 CITY WORKS AND SERVICES REPORTS

Nil

14 ITEMS FOR INFORMATION**14.1 HOUSEHOLD CHEMICAL COLLECTION**

File No: 61/32
Attachments: Nil
Responsible Officer: Leanne Harris - Group Manager Service Planning and Regulation
David Simm - Manager Development & Environment
Deanne Nelson-Pritchard - Senior Environmental Health Officer
Author: Michael Tinlin - Environmental Health Officer

EXECUTIVE SUMMARY

The Household Chemical Collection is a FREE service to the local community whereby a range of unwanted chemicals can be disposed of in an Environmentally responsible manner. Maitland City Council is providing an extra collection for 2010 from the Waste and Sustainability Improvement Payment Program funds, to gauge local response to the collection program normally run in partnership with the NSW Department of Environment, Climate Change and Water.

The Maitland Household Chemical Cleanout will take place on Saturday July 31, 2010 at the Transpacific Depot at Rutherford.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

REPORT

The Household Chemical Cleanout Program is a service provided free of charge to residents of the Maitland Local Government Area. The aim of the service is to enable residents to clean out the left over chemicals, gas bottles, pesticides, poisons, fluorescent tubes and globes, motor oils and fuels and paints they may have at home.

This collection reduces the likelihood of these things being disposed of in the landfill. Chemicals disposed of incorrectly can find their way into the environment, polluting our waterways, where they impact on the aquatic life and associated parts of the food chain.

The Department of Environment, Climate Change and Water has a "standing order" contract with Transpacific Industries to run the Household Chemical Collection program. Maitland City Council has arranged an extra collection with funding from the Waste and Sustainability Improvement Payment Program 2009-10, and is making use of this "standing offer" contract to run an extra collection to gauge residents' response to it. This event will take place on the Saturday the 31st of July 2010 at the Transpacific Industries Depot in Kyle Street, Rutherford.

HOUSEHOLD CHEMICAL COLLECTION (Cont.)

The residents of Maitland can dispose of their unwanted chemicals responsibly on this day. Only household quantities (20kg or 20 litres) can be disposed of through this program.

14.2 UPDATE ON ENVIRONMENTAL PROGRAMS ACTIVITIES

File No: 55/2
Attachments: Nil
Responsible Officer: Leanne Harris - Group Manager Service Planning and Regulation
David Simm - Manager Development & Environment
Deanne Nelson-Pritchard - Senior Environmental Health Officer
Author: Fiona Rowan - Environmental Officer

EXECUTIVE SUMMARY

The staff of Environmental Programs have been busy with a number of projects in recent months. They have included hosting of the Regional Waste as Art Exhibition, the quarterly Second Hand Saturday collection, and implementation of the Litter Project Grant.

An update of these activities and upcoming environmental activities is contained within this report.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

REPORT**RECENT ACTIVITIES****Waste as Art**

Waste as Art is an annual regional arts competition which encourages the community to use waste as an art medium.

The competition is funded by the following Councils through the Hunter Waste Education Group: Maitland City Council, Singleton Council, Cessnock City Council, Port Stephens Council, Newcastle City Council and Lake Macquarie City Council. In 2010 external funding was sought for the first time with Hunter Resource Recovery, Solo Resource Recovery and Thiess Services all providing a contribution.

The eleventh annual competition was held at the Maitland Town Hall with artworks on display from Monday June 7 to Thursday June 24.

Prizes were awarded in the following categories at an official opening ceremony on June 5, World Environment Day: 3D/Sculpture, Functional Art, Secondary School, Junior School, Maria Callinan Memorial Award (best use of waste), Special Category- 7 Wicked Wastes and People's Choice Award. The total prize money for the competition is \$7950.

In excess of 1100 people visited the exhibition during this period.

UPDATE ON ENVIRONMENTAL PROGRAMS ACTIVITIES (Cont.)

Curation of the exhibition was by Lizz Cooper of the Maitland Regional Art Gallery.

The twelfth annual Waste as Art Competition will be held in 2011.

Second Hand Saturday Collections

Second Hand Saturday Collections have been held across the Maitland local government area for the past twelve months. The collections allow the community to recycle portable electrical items (ewaste) and unwanted household items on a quarterly basis.

Following below is a summary of the collection points and the volume of ewaste materials that have been collected.

Date of Collection	Location of Collection	No. Vehicles Presented	Volume Ewaste Collected
11/7/09	Council Works Depot, Metford	410	16220kgs
7/11/09	Walka Water Works	210	11860kgs
13/2/10	Noel Unicomb Hall, Woodberry	158	7860kgs
8/5/10	Council Works Depot, Metford	279	19460kgs

The main ewaste materials being presented has shifted from the first collection in July 2009 when 48% of materials were computers, to May 2010 when 74% of materials presented were televisions.

In relation to the unwanted household items being collected, the main items being collected are clothing, manchester, toys and sporting equipment.

There are further Second Hand Saturday Collections proposed for this financial year in August 2010, October 2010, February 2011, and June 2011.

DrumMuster

DrumMuster is a National program which encourages the users of crop production and on-farm animal health chemical containers to return them for recycling.

The most recent DrumMuster collection was held at the Council Works Depot, Metford on Friday May 28, 2010. This collection resulted in 259 chemical containers being dropped off for recycling.

Community Power Meter Project

Council currently has available for community loan power meters from the customer service section of the Administration Building. These meters are loaned free of charge on a two weekly return basis.

Since this project commenced in July, 2009 more than 46 community members have borrowed the meters to assess the energy use of their household electrical appliances.

UPDATE ON ENVIRONMENTAL PROGRAMS ACTIVITIES (Cont.)

Litter Project

In June 2009 Maitland City Council with Singleton Council received a grant of \$33,000 from the Department of Environment, Climate Change and Water to undertake litter education in each of the associated local government areas.

Activities completed as a part of this grant in the Maitland local government area are summarised below:

- Council was able to gain the support of McDonalds Rutherford, Oporto Rutherford and Henny Penny East Maitland to display posters to encourage the community to dispose of litter appropriately.
- Council gained the assistance of the Maitland City Motel at Rutherford, Monte Pio Motel at Maitland, and Best Western Endeavour Motel at East Maitland to distribute to travellers car litter bags and portable ashtrays.
- Working with the staff of Maitland Heritage Mall three wall mounted ashtrays have been installed throughout the Mall. An additional four wall mountable and one bollard bin will be installed in the coming weeks.
- Portable ashtrays were given away to smokers in the Maitland Heritage Mall on a number of days throughout the project period through a Council staff walk through.
- Council gained the assistance of the Beresfield Driver Reviver Lions Clubs to distribute car litter bags and portable ashtrays to the community during their period of operation.
- Council gained the assistance of the Maitland Visitors Information Centre to distribute car litter bags at events such as Steamfest and at the Visitors Information Centre.
- Paid advertisements and Press Releases featured in local media throughout the past twelve months to encourage the community to dispose of litter appropriately

Activities associated with this grant have now been completed.

UPCOMING ACTIVITIES**National Tree Day**

National Tree Day will be held on Sunday August 1 across Australia. To celebrate the day Council has nominated to undertake planting activities at Woodberry Wetland. A planting site will be established off Laurel Close, Somerset Park. Council will provide 1000 tubestock to plant on the day with a BBQ and drinks to be supplied to volunteers by the Lions Club at the end of planting activities. People wishing to participate in the day's activities simply need turn up between 9am and 1pm on the day.

Schools Tree Day will be held on Friday July 30. To encourage local schools to add more plants to their school environment Council is supplying all registered schools in the Maitland local government area with 40 tubestock for planting.

Clean Air Healthy Communities Grant

Council recently received funding of \$22,000 from the Department of Environment, Climate Change and Water to complete a project titled Cycling for a Better Maitland.

UPDATE ON ENVIRONMENTAL PROGRAMS ACTIVITIES (Cont.)

This project will see Council's Environmental Programs and Assets Teams work together to:

- create greater access in the community of cycleway routes
- increase the use of cycleways
- create greater awareness in school communities of road safety
- encourage community recognition that the use of alternative transport networks to private motor vehicles has the potential to reduce the impacts of climate change

Council will work with local bicycle retailers, the Maitland Visitors Information Centre, the NSW Roads and Traffic Authority, and local schools to deliver the project.

A celebration for local bike users will be held on National Ride to Work Day on October 13, 2010.

Household Chemical Collection

The annual household chemical collection funded by the Department of Environment, Climate Change and Water will again occur in September 2010. The collection will allow residents of the Maitland community to dispose of the following items in a safe and environmentally friendly manner: solvents and household cleaners, fluorescent globes and tubes, car batteries, motor oils and fuels, paint and paint products, pesticides and herbicide, poisons, gas bottles, fire extinguishers, pool chemicals, acids and alkalis.

Council will also fund an additional collection service during the 2010/2011 financial year to encourage the appropriate disposal of unwanted household chemicals.

The location and dates for these collections is yet to be confirmed.

Water Week

To celebrate Water Week in October 2010 Council will hold a colour-in competition through the four Maitland branch libraries.

Colour-ins will be available through the libraries in late September with book prizes to be awarded at each library in two age categories (under 7 years and 7 years and over).

**14.3 STATUS REPORT ON CAPITAL WORKS PROGRAM PROJECTS -
DESIGN AND CONSTRUCTION****File No:** 122/814**Attachments:**
1. CWP 09/10 Status on Design and Construction
2. CWP 10/11 Status on Design and Construction**Responsible Officer:** Chris James - Group Manager Assets & Infrastructure Planning**Author:** Stephen Hawes - Manager Infrastructure Planning and Administration

EXECUTIVE SUMMARY

A report on the status of projects within the Capital Works Programs for 2009-2010 and 2010-2011 as at 21 July 2010 is provided.

OFFICER'S RECOMMENDATION

THAT the information contained in the status report be noted.

REPORT

The status of the projects within the Capital Works Program 2009/2010 as at 21 July 2010, is as shown in Attachment 1.

The status of the projects within the Capital Works Program 2010/2011 as at 21 July 2010, is as shown in Attachment 2.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

There are no statutory implications under the Local Government Act 1993 with this matter.

Items for Information

STATUS REPORT ON CAPITAL WORKS PROGRAM PROJECTS - DESIGN AND CONSTRUCTION

CWP 09/10 Status on Design and Construction

Meeting Date: 27 July 2010

Attachment No: 1

Number of Pages: 5

STATUS REPORT ON CAPITAL WORKS PROGRAM PROJECTS - DESIGN AND CONSTRUCTION (Cont.)

CAPITAL WORKS PROGRAM 2009/2010				
PROJECT	DESCRIPTION	STATUS ASSETS & INFRASTRUCTURE PLANNING	STATUS CITY WORKS & SERVICES	PROGRAM VARIATION
ACCESS PRIORITY PROGRAM				
Access Minor Works - Maitland	Various		Works Completed	
Athel D'ombrain - Maitland	Footpath	Issued	Works Completed	
BRIDGE/GUARDRAIL IMPROVEMENT PROGRAM				
Anambah Road - Anambah	Guardrail Improvements over Culverts CH2500 and CH3940	Design Stage		
Dagworth Bridge - Dagworth	Rehabilitation of deck and railing timbers	Issued	Works Completed	
Fieldsend St - East Maitland	Guardrail Upgrade at Major Culvert	Issued	Works Completed	
Metford Road - Metford	Guardrail Upgrade at Major Culvert	Rescoping Project		
Yarrabong Bridge - Louth Park	Renew Revetment at Both Abutments	Issued	Works Completed	
Long Bridge - Maitland	Expansion Joints and Resurface	On Hold		Refer to Council Report 23/3/10
Mt Dee Road Bridge - Mt Dee	Structural Assessment of Bridge Including Load Rating	Structural Assessment in Progress	No CW&S Component	
BUILDING WORKS - COMMUNITY BUILDING REFURBISHMENT				
East Maitland Pool	Structural repairs and testing	Issued	Works Completed	
Maitland City Library - Maitland	Internal Refurbishments	25% Issued 75% Design Stage	Issued Works Completed	
Town Hall - Maitland	Access ramp, ventilators and asbestos cement sheet roof replacement	Issued	90% Works Completed	Weather Delays
Building Access - Various	Access Improvements to Council Buildings	75% Issued 25% Design Stage	Issued Works Completed	

STATUS REPORT ON CAPITAL WORKS PROGRAM PROJECTS - DESIGN AND CONSTRUCTION (Cont.)

Building Components Various	Refurbishment of Building Components	90% Issued	Issued Works Completed	
Building Works - Various	Minor Capital Upgrades, Major Maintenance Items, Matching Grant	20% Issued 80% Design Stage	Issued Works Completed	
CAR PARK REFURBISHMENT				
Church Street - Maitland	Heavy Patch and Seal Carpark	Issued	Works Completed	
CYCLEWAY/FOOTPATH CONSTRUCTION				
Brisbane Street - East Maitland	Brunswick Street (East) Balance of Work	Issued	Works Completed	
Newcastle St - East Maitland	Balance near Fitzroy Street	Issued	Works Completed	
Weblands Street - Rutherford	West Side - Compton Street to Dunkley Street	Issued	Works Completed	
Edwards Avenue - Thornton	Construct Footpath from H/No 93 + 107 + Somerset to H/No 35	Issued	Works Completed	
DRAINAGE CONSTRUCTION				
John Street - Maitland	Replace and Relay Pipes	Issued	Works Completed	
The Esplanade - Lorn	Ponding near The Avenue	Issued	Works Completed	
Adams Street - Maitland	Drainage pipe off end of Adams Street Maitland	Issued	Works Completed	
Metford Road - Metford	Existing Open Drain adjacent to Councils Depot and Fieldsend Oval	Issued	Works Completed	
Bingara Street - Rutherford	Detention basin retrofit and upgrade	Issued	Works Completed	
Cracknell Lane - Maitland	Berm created across entrance to caravan park	Issued	Works Completed	
Somerset Detention/Retention System - Design	Upgrade & retrofit detention /retention system (CMA to match funds)	Design in progress by Consultant	No CW&S Component	

STATUS REPORT ON CAPITAL WORKS PROGRAM PROJECTS - DESIGN AND CONSTRUCTION (Cont.)

Diamond Circuit	Repairs to Pipe Outlet and Basin Wall	80% Design In Progress By Consultant 20% Issued	No CW&S Component Issued Works Completed	Approved Variation 27/4/10
FOOTPATH PAVING REFURBISHMENT				
Bus Stop Access - City-wide	Provision of Accessible Bus Stops & Kerbside Infrastructure	Issued	Works Completed	
High Street - Maitland	Various Locations - Footpath Refurbishments	Issued	Works Completed	
New England Highway - Various	Various Locations - Footpath Refurbishments	Issued	Works Completed	
MAJOR CONSTRUCTION - ROADS TO RECOVERY				
Mt Vincent Rd - East Maitland	Culvert (tip) to Wilton Drive	Issued	80% Works Completed	Weather Delays
MAJOR CONSTRUCTION - ULR				
Paterson Road - Canna to Hunterglenn - Bolwarra	Balance Canna to Hunterglenn	Issued	Works Completed	
Molly Morgan Drive - East Maitland	Chisholm to Mitchell	Issued	Works Completed	
Mt Vincent Road - East Maitland	Wilton to Brunswick	Issued	Works in Progress	Weather Delays
Hillview Street Improvements - Rutherford	West Mall to Alexandra Parade	Works Completed	No CW&S Component	
Thornton Road - Thornton	Glenwood Drive to Rail Bridge	Issued	Works Completed	
NEW WORKS - URBAN ROADS				
Mt Vincent Road - East Maitland	Wilton to Brunswick - Kerb Component	Issued	Works Completed	

STATUS REPORT ON CAPITAL WORKS PROGRAM PROJECTS - DESIGN AND CONSTRUCTION (Cont.)

High Street - Maitland	(Adjacent to Court House) Ken Tubman Drive to Anlaby Street - Reconstruction	Issued	85% Works Completed	
RECREATION - FACILITIES IMPROVEMENTS				
Contribution to Grant Funding - Various	Grant Application for Asset Renewal - Pending	Issued	Works Completed	
Parks Fixed Assets - Various	Signs, BBQ and Drivers Stand	50% Issued 50% Design Stage	Issued Works Completed	
Playgrounds - Various	Playground Renewal	95% Issued 5% Design Stage	Issued Works Completed	
Sportsgrounds fixed Assets	Posts, Wicket Blocks, Signs, Floodlights and Fencing	Issued	Works Completed	
Sportsgrounds Improvements - Various	Playing Surface Improvements, Carpark	Issued	Works Completed	
REHABILITATION				
25 Projects	Various Locations	Issued	24 Projects Completed Ken Tubman Drive - Works in Progress	
RESEAL				
Reseal - URBAN	Various Locations	Issued	Works Completed	
Reseal - RURAL	Various Locations	Issued	Works Completed	
RURAL RECONSTRUCT / WIDEN – SEALED ROADS				
Louth Park Road - Louth Park	Dagworth through bends	On Hold - Pending Heritage Investigation	No CW&S Component	Considering Alternative Alignment

STATUS REPORT ON CAPITAL WORKS PROGRAM PROJECTS - DESIGN AND CONSTRUCTION (Cont.)

Total Road - Mindaribba	Lemon Grove progress to Tocal College (Design Stage widening & acquisitions)	Design Complete Acquisition Proceeding	No CW&S Component	
Initial Maintenance Seals - Rural Areas -	Cantwell Road	Issued	Works Completed	
TRAFFIC MANAGEMENT AND FACILITIES				
Linemarking - City wide	Pavement Marking Program	Issued	90% Works Completed	
Traffic Control Devices - City wide	Prescribed traffic control devices through Local Traffic Committee	10% Issued 90% Design Stage	Issued Works Commenced	
Chelmsford Drive - Metford	Left turn only facility out of driveway access of shopping complex	Issued	Works Completed	
Hillview Street Rutherford -	Bus Bays - Hillview Street (south side) and West Mall (east side)	On Hold Pending Rutherford Transport Study		
MAJOR CAPITAL WORKS PROJECTS - ADDITIONAL TO MANAGEMENT PLAN 2009-2012				
Rutherford Youth Park	RLCIP Grant	Issued	Works Completed	
Maitland Park All Abilities Playground	RLCIP Grant	Issued	Works Completed	
Metford Rd Tank Street Reconstruction – Stage 1	NSW Local Infrastructure Fund	Issued	Works in Progress	
Metford Rd Tank Street Reconstruction – Stage 2	NSW Local Infrastructure Fund	Design Stage		
Trappaud Road Bridge	NSW Local Infrastructure Fund	Concept Design Underway Geotech Completed Acquisitions Progressing	Contract Works Preliminary Works Undertaken No CW&S Component	
Maitland Pool – Splash Pad	RLCIP Grant	Issued	Tender Awarded	
Paterson Road Bike Plan	Jobs Fund Grant	Issued	Practical Completion	
Rural Fire Service Fire Control Centre	RFS Fire Control Centre and Administration Building	Design Stage – Input as Required	Awaiting Development Approval from RFS	
Thornton Rural Fire Service Shed	New Brigade Facility	Design Stage – Input as Required	Awaiting Plans from RFS	

STATUS REPORT ON CAPITAL WORKS PROGRAM PROJECTS - DESIGN AND CONSTRUCTION (Cont.)

Lochinvar Rural Fire Service Shed	New Brigade Facility	Design Stage – Input as Required	Awaiting Plans from RFS	
Steamfest Park Shed	State Government Grant	Design Stage		
Art Gallery Café – Stage 1		Issued	Works Completed	
Art Gallery Café – Stage 2		Issued	Practical Completion	
Mt Vincent Rd Waste Depot	Bund Wall Extension	Issued	Works in Progress	Weather Delays

Items for Information

STATUS REPORT ON CAPITAL WORKS PROGRAM PROJECTS - DESIGN AND CONSTRUCTION

CWP 10/11 Status on Design and Construction

Meeting Date: 27 July 2010

Attachment No: 2

Number of Pages: 5

STATUS REPORT ON CAPITAL WORKS PROGRAM PROJECTS - DESIGN AND CONSTRUCTION (Cont.)

CAPITAL WORKS PROGRAM 2010/2011				
PROJECT	DESCRIPTION	STATUS ASSETS & INFRASTRUCTURE PLANNING	STATUS CITY WORKS & SERVICES	PROGRAM VARIATION
ACCESS PRIORITY PROGRAM				
Bus Stop Access Citywide	Provision of Accessible Bus Stops & Kerb Side Infrastructure			
Old High Street Maitland	Footpath adjacent to Victoria Bridge - Both Sides			
BRIDGE/GUARDRAIL IMPROVEMENT PROGRAM				
Allandale Road Allandale	Brifex Fence or similar at Chainages 660m & 1034m	Design Stage		
Long Bridge Maitland	Concrete and Structural renewal	On Hold		Refer to Council Report 23.3.10
BUILDING WORKS - COMMUNITY BUILDING REFURBISHMENT				
Town Hall Maitland	Restoration Works			
Metford Works Depot Metford	Various improvements	Input as Required	Works in Progress	
Rutherford Child Care Centre	Kitchen Refurbishment	Design Stage		
Building Access Various	Refurbishment			
Building Components Various	Refurbishment of Building Components			
Maitland & East Maitland Pools	Refurbishment			
Recreation Buildings Various	Improvements to Recreation Buildings			
CARPARK REFURBISHMENT				
Church Street Maitland	Heavy Patch & Seal Council Carpark			

STATUS REPORT ON CAPITAL WORKS PROGRAM PROJECTS - DESIGN AND CONSTRUCTION (Cont.)

CYCLEWAY CONSTRUCTION				
Trunk Route R8 Lorn	Belmore Rd crossing south of Glenarvon Rd	Design Stage		
DRAINAGE CONSTRUCTION				
Kensington Road Bolwarra	New Pit Construction - North Side of #35 Driveway	Design Stage		
Paterson Road Culvert Extension Bolwarra	Extension of Culvert north of Flat Rd, in conjunction with cycleway and road works	Design Stage		
Benshulla Drive Bolwarra Heights	Drainage line at End of Benshulla Drive	Design Stage		
Tenambit Street East Maitland	Box Culverts to be constructed in open channel			
Steam Street Maitland	Replace Pipe Under Steam Street	Design Stage		
Daniel Avenue Rutherford	Spillway Wall & Pipes			
Somerset Bioretention System Thornton	Upgrade & retrofit system to Bioretention Basin(Matched by CMA Funds)	Design in Progress by Consultant.		
FOOTPATH CONSTRUCTION				
Norfolk Street Ashtonfield	East Side - School to Pitcairn Street	Design Stage		
Molly Morgan Drive East Maitland	From North Side from Verdant Street Chisholm Street - Missing section approx 50m	Design Stage		
Cessnock Road Gillieston Heights	Davies to Heyes	Design Stage		
Hunter Street Largs	(stage 1) Outside School	Issued	Works in Progress	
Morpeth Street Largs	(stage 2) Across School Frontage	Issued	Works in Progress	
New England Highway Lochinvar	Station Lane to St Patricks Access Gate	Design Stage		
Melrose Street Lorn	Bowling Club to No 42 Melrose Street	Design Stage		

STATUS REPORT ON CAPITAL WORKS PROGRAM PROJECTS - DESIGN AND CONSTRUCTION (Cont.)

Arthur Street Rutherford	At rear of Library	Design Stage		
Avery Street Cycleway Link Rutherford	Off Avery Street to Budgerie St (Adjacent to No 29 Budgerie)			
Bunning Avenue Rutherford	Compton to Alexandra (Stage 1) North Side			
Denton Park Drive Rutherford	Highway to Fairfax St & across to Bus stop (east side) include first drive in Fairfax St	Design Stage		
Peppertree Cct Rutherford	In Reserve adjacent to 14 Peppertree	Design Stage		
Weblands St School Rutherford (Stage 2)	end Stage 1 to Lane at 70-68 West Side	Design Stage		
FOOTPATH PAVING REFURBISHMENT				
Belmore Road Lorn	Nillo School Approx 60 x1.5			
Elgin Street Maitland	School Frontage Approx 120 x 1.5			
Melaleuca Drive Metford	School Frontage Approx 100 x 3			
Swan Street Morpeth	Widen Path to 1.8m o/side 171-173 Must be Morpeth Mix (35M) Consider replacing full width)			
Taylor Avenue Thornton	Blakewell - Taylor Ave (as required) Approx 70m x 2			
MAJOR CONSTRUCTION - ROADS TO RECOVERY				
Belmore Road/Regional Road Lorn	Glenarvon to Warrane \$568.6K + \$230K ULR, \$35K cycleway, \$129.6K rehab	Design Stage		
MAJOR CONSTRUCTION - ULR				
Paterson Road Bolwarra	Balance Canna to Hunterglen - AC	Issued	Works Completed	
Paterson Road Bolwarra	Ekert to Westbourne			
Molly Morgan Drive East Maitland	Chisholm to Culvert - Mill & AC	Design Stage		

STATUS REPORT ON CAPITAL WORKS PROGRAM PROJECTS - DESIGN AND CONSTRUCTION (Cont.)

High Street Maitland	Bridge to Abbott (acquisitions)		No CW&S Component	
Alexandra Avenue Rutherford	Roundabout to West Mall			
Hillview Street Rutherford	West Mall to Alexandra Parade			
Government Road Thornton	Intersection with Taylor Avenue	Design Stage		
NEW WORKS - URBAN ROADS				
High Street East Maitland	Lindesay St to Hunter Street + ULR component			
RECREATION - FACILITIES IMPROVEMENTS				
Parks Fixed Assets Various				
Playgrounds Various				
Sportsgrounds Fixed Assets Various				
Sportsgrounds Improvements Various				
REHABILITATION				
Various Locations	Various Locations			
	Paterson Road Bolwarra - Hunterglen to Tocal	Design Stage		
	Maitland Vale Road Bolwarra Heights - Tocal to Railway Bridge			
	Thornton Road Thornton - New England Highway to Glenwood Drive	Design Stage		
RESEAL				
Various				
RURAL RECONSTRUCTION/WIDEN - SEALED ROADS				

STATUS REPORT ON CAPITAL WORKS PROGRAM PROJECTS - DESIGN AND CONSTRUCTION (Cont.)

Woodberry Road Woodberry	Lawson to City Boundary + ULR component	Design Stage		
TRAFFIC MANAGEMENT AND FACILITIES				
Bus Shelters	Installation of Bus Shelters			
Linemarking Citywide	Pavement Marking Program	80% Issued		
Traffic Control Devices	Prescribed Traffic Control Devices through Local Traffic Committee			
Victoria Bridge - Wallis Creek Maitland	Traffic Calming Devices on approaches	Design Stage		
Weblands Street Rutherford	Roundabout - Weblands St & Arthur St	Design Stage		
RTA - REGIONAL ROADS GRANT				
RTA REPAIR project	Paterson Road from Maitland Rd to Flat Rd and culvert to Bolwarra Rd	Design Stage		
MAJOR CAPITAL WORKS PROJECTS - ADDITIONAL TO MANAGEMENT PLAN 2010/2013				
No New Projects to Date				

14.4 KEY PERFORMANCE INDICATORS - JUNE 2010

File No: 35/57
Attachment/s: Nil
Responsible Officer: Graeme Tolhurst - Group Manager Finance and Administration
Leah Flint - Manager Corporate Planning
Author: Melissa Allen - Corporate Planning Analyst

EXECUTIVE SUMMARY

This report provides Council with information in relation to performance against key indicators.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

REPORT

This report provides regular monthly data against a set of core key performance indicators.

These types of indicators align broadly with Council's adopted Key Focus Areas and together provide an overall snapshot of activity in the Maitland Local Government Area.

The aim of such reporting is to present the data in an informative and easily understood manner, so that Council can easily determine trends and / or anomalies that may require action. It is also intended that this type of reporting will provide an opportunity to highlight any key issues of particular importance to Council.

Performance Indicator: Approval Statistics

Approval statistics provide an indication of the level of building and development activity in the LGA, as well as the efficiency and effectiveness of our processing systems.

Data is presented showing trends over the last thirteen months for the number of applications (DAs and CCs) lodged with Council, the number approved and the number that remain outstanding. Median days and the estimated value of development and construction are also presented.

For the 13 month period of June 2009 through to June 2010, the average monthly number of lodged Development Applications was 98 and the average monthly number of applications approved was 100. In June 2010, there were 85 applications lodged and 95 applications approved. The number of applications on-hand has decreased to 154.

KEY PERFORMANCE INDICATORS - JUNE 2010 (Cont.)

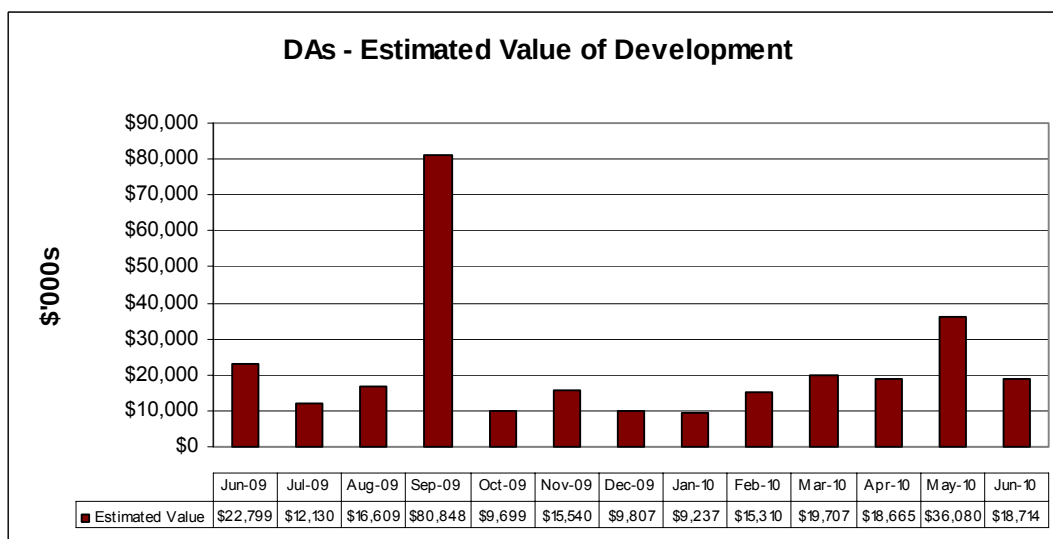
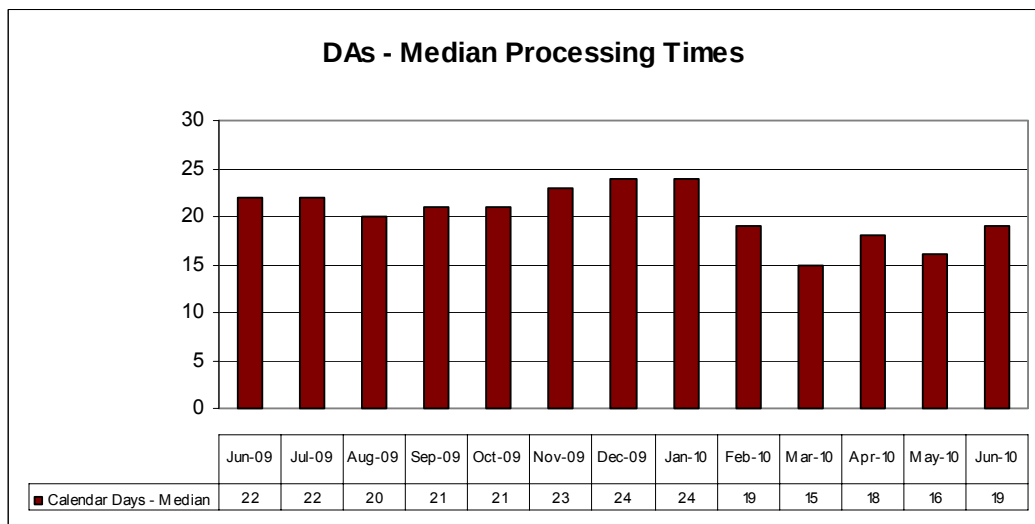
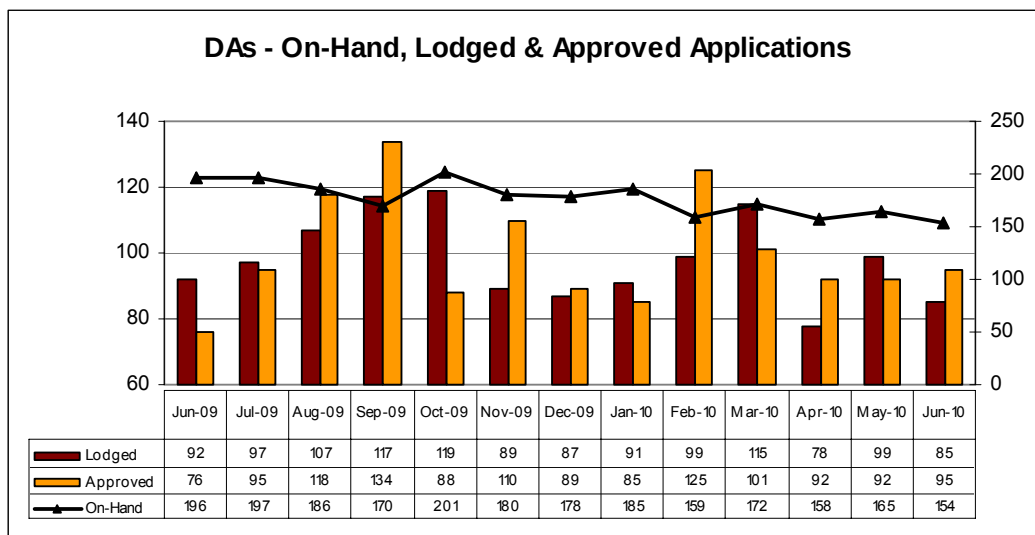
The Median Processing Times for Development Applications in June 2010 has increased to 19 days. The average Median Days for the thirteen month period is 20 days.

For the 13 month period June 2009 through to June 2010, the average monthly number of lodged Construction Certificates was 65 and the average monthly number of approved Construction Certificates was 63. In June 2010, there were 74 Construction Certificates lodged and 63 approved. There are currently 118 applications on-hand.

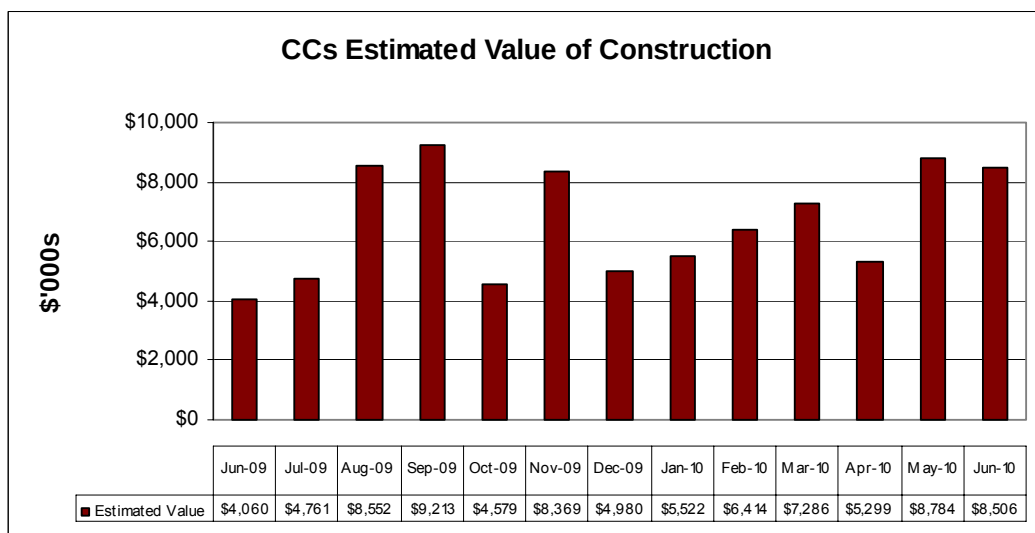
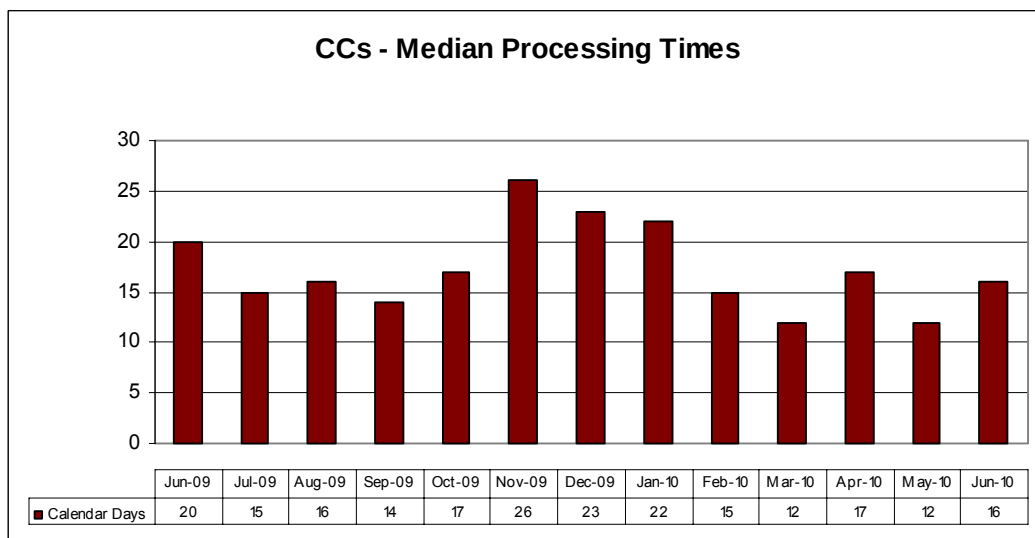
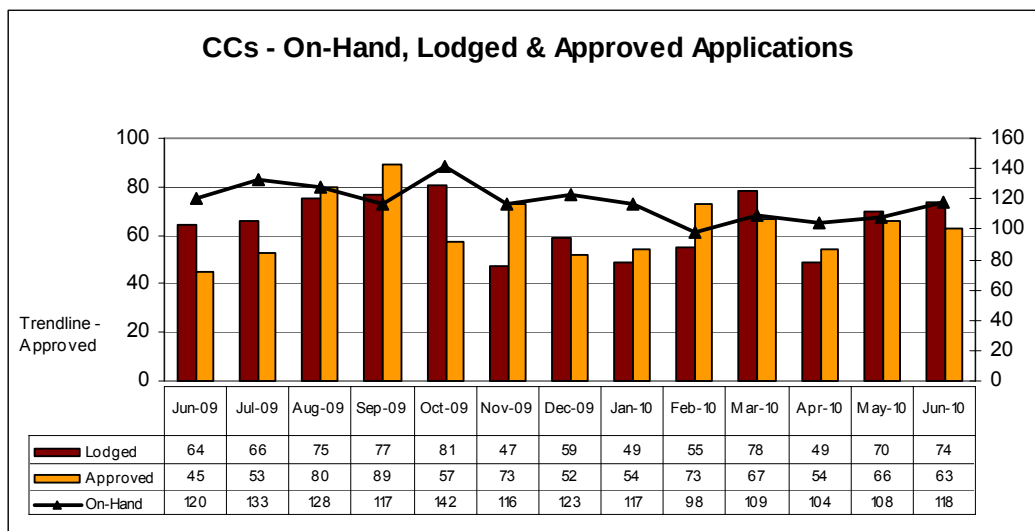
The Median Processing Times for Construction Certificates in June 2010 has increased to 16 days. The thirteen month period is 17 days.

For the 13 month period June 2009 through to June 2010, the average monthly number of lodged DA S96 Applications was 13 and the average monthly number of determined DA S96 Applications was 12. In June 2010, there were 16 DA S96 Applications lodged and 14 determined. There are currently 27 applications on-hand.

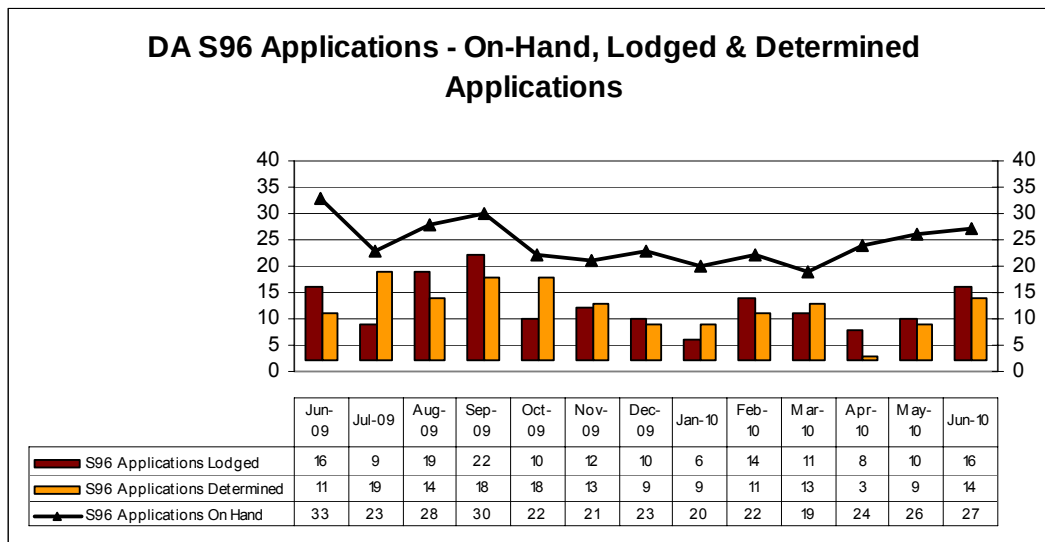
KEY PERFORMANCE INDICATORS - JUNE 2010 (Cont.)



KEY PERFORMANCE INDICATORS - JUNE 2010 (Cont.)



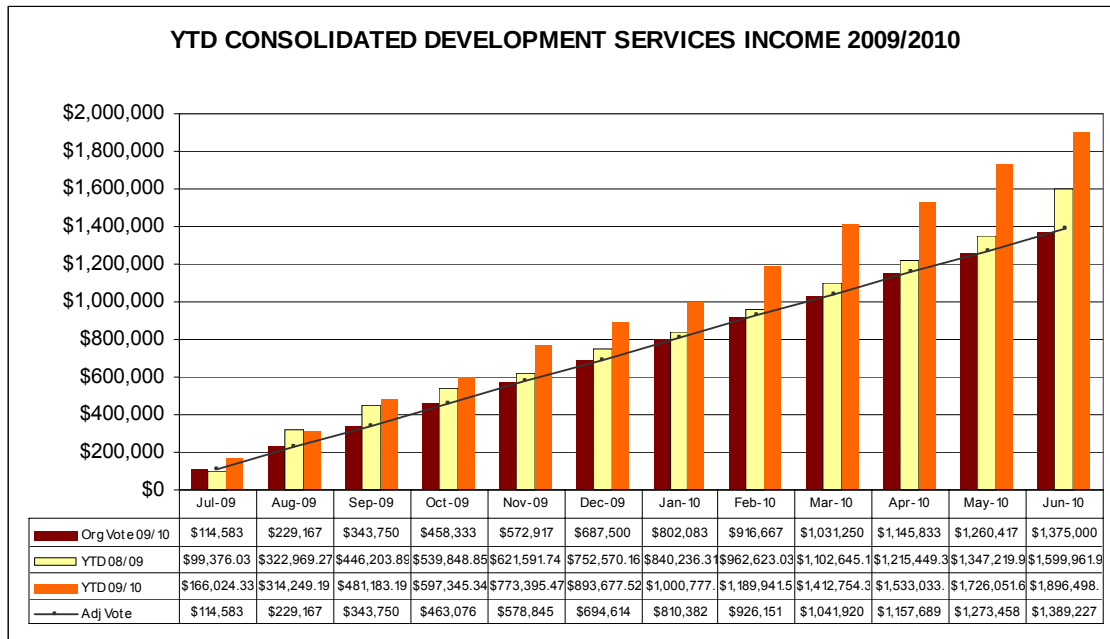
KEY PERFORMANCE INDICATORS - JUNE 2010 (Cont.)



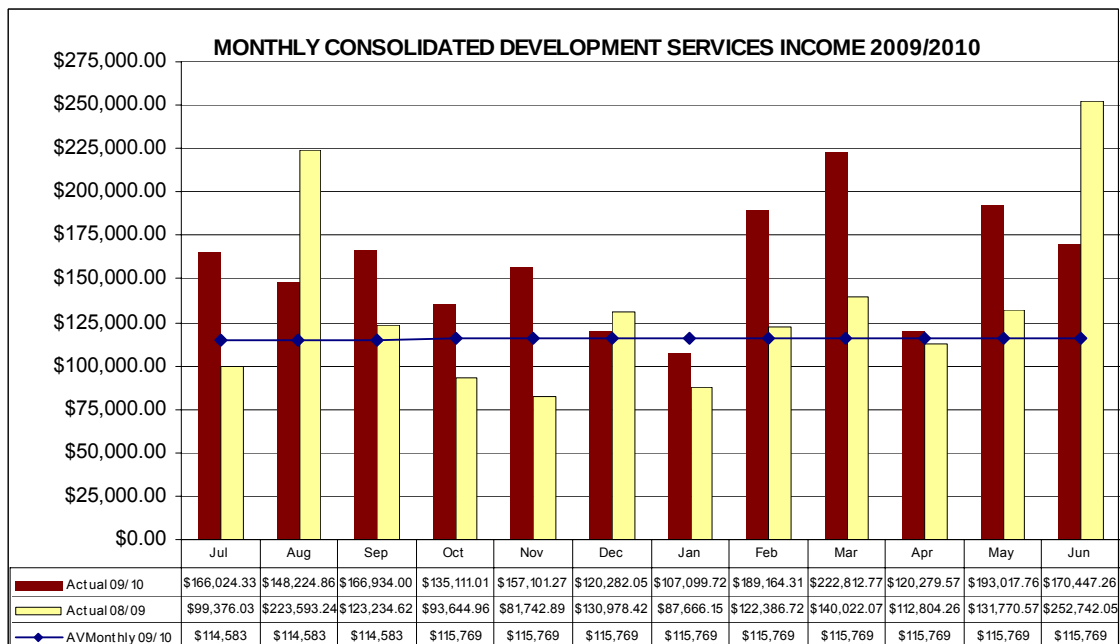
KEY PERFORMANCE INDICATORS - JUNE 2010 (Cont.)

Performance Indicator: Consolidated Development Services Income

The following graph shows actual YTD consolidated Development Services income to June 2010.



Actual income is shown below.



KEY PERFORMANCE INDICATORS - JUNE 2010 (Cont.)

Performance Indicator: Patronage of Community Services

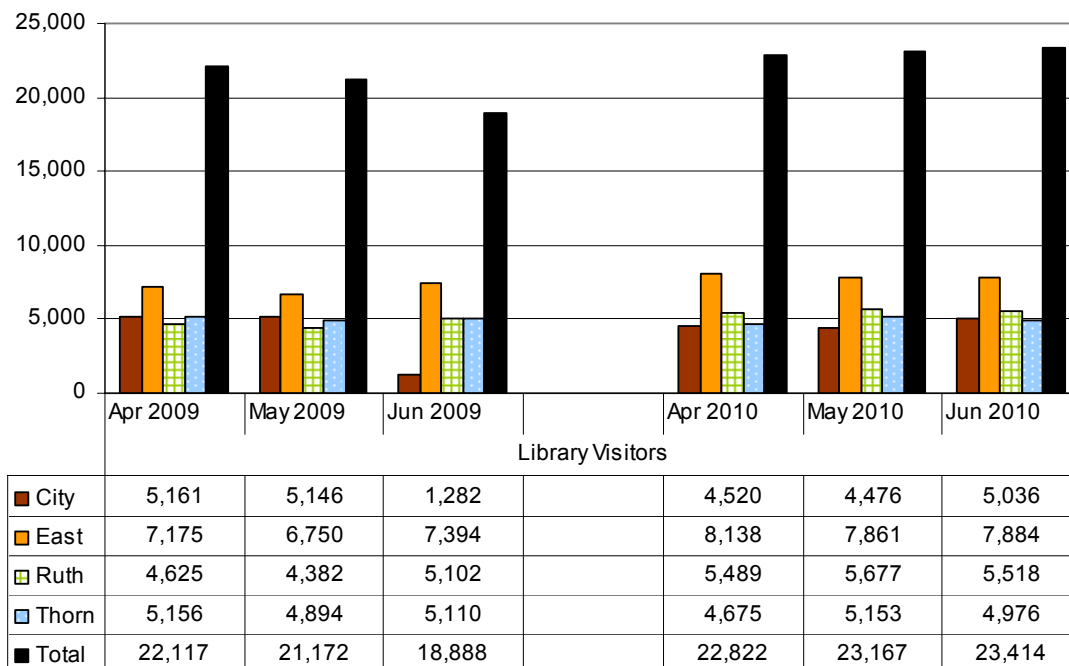
Patronage at Council's libraries, art gallery and childhood immunisation clinics are displayed graphically below to more clearly identify trends of usage at the various facilities.

Libraries

Overall patronage trends at Council's libraries for the months April 2010 to June 2010 inclusive are higher to the patronage trends for the corresponding period last year. Total patronage for all libraries for this three month period was 11.62% higher than the corresponding period last year. The same comparison but on an individual library basis reveals the following comparisons:

City 21.08% higher
 East Maitland 12.03% higher
 Rutherford 18.25% higher
 Thornton 2.35% lower

* Maitland City Library was closed for building works 8th June to 4th July 09. This impacted on visitation levels at other library branches as well as significantly reducing levels at Maitland.

LIBRARY VISITORS

KEY PERFORMANCE INDICATORS - JUNE 2010 (Cont.)

Art Gallery**MRAG COLLECTION– June 2010****PUBLIC PROGRAMS****Exhibitions in June**

- Until 11 June, **SHIRLEY CAMERON-ROBERTS and BRIAN ROBERTS**, *Progression*;
- Until 11 July, **HANNA KAY**, *Undertow* – an MRAG touring exhibition;
- Until 11 July *Maitland Jewish Cemetery: a monument to dreams and deeds*, installation by **DAVID GUY** publication **JANIS WILTON**;
- Until 6 July *recollecting: Les Darcy*, an exhibition from the MRAG collection commemorating the passing of the sporting great in May 1917, Curated by **CHERYL FARRELL**;
- Until 18 July, **CHRISTINE BALL**, *Pattern Maker*;
- Until 6 June- *Brighten My Day – Colour In The Every Day* - an exhibition exploring 'creative colour' from the MRAG collection, curated by **LAUREN VAN KATWYK** for the Art Factory Play and Exhibition;
- 16 June – 6 September, *Nest* – an exhibition by **MICHELLE GEARIN** and **TOM KEARNEY** for the Art Factory Play and Exhibition
- Until 20 June, **JOHN MARTIN**, *The Rhythm of the Shadows*, the art of John Martin-a survey
- Until 25 June, *found:beauty* an exhibition from the MRAG collection, curated by **CHERYL FARRELL**;
- 25 June – 15 August **RUTH WALLER**, *a 30 year survey*.
- 25 June – 15 August **ANNETTE IGGULDEN**, *Breath and Stones*

Future exhibitions plan for MRAG

In June the art gallery received a last minute coup to exhibit *Ruth Waller: a thirty year survey*.

Travelling Exhibitions

The touring exhibition *Salvatore Zofrea – Days of Summer* is now on exhibition at Dalby Regional Gallery in Queensland until the 25th of July.

The exhibition *Hanna Kay – Undertow* is now showing at MRAG until the 11th of July.

Public Events

There was one exhibition opening on 25th June attended by 70 people and 3 felting workshops with approx 11 people attending each workshop.

Tour Groups and Public Talks

There were a small number of bus groups and general group visits to MRAG during June and each group visit included a one hour tour of the gallery and exhibitions. Without exception each group visiting reported enjoyment with the art gallery and the exhibitions and activities.

KEY PERFORMANCE INDICATORS - JUNE 2010 (Cont.)

MRAG COLLECTION– June2010**Cultural Gifts Program (CGP)**

MRAG is waiting on valuations to be returned from valuers for a large donation for the September CGP meeting. (Documentation is required to be submitted to Canberra by the 23rd July). This donation consists of 78 works donated by Patrick Corrigan. It is estimated that this donation will be valued at around \$135,000. Another donation for this meeting has been received from another donor Anthony Renshaw of three Chinese scrolls. These are likely to be valued at over \$100,000. Four more donations have also been accepted for 2011.

The total value of the MRAG Collection is currently \$3,777,271.

MRAG SHOP – June 2010

June sales in the gallery shop were across the whole range of items available – jewellery, antiques, glass, books, cards and accessories but most especially Julio Santos glass and Christine Ball's ceramics. Hanna Kay's exhibition based on the Maitland Jewish Cemetery has also generated a lot of catalogue sales. Total income for shop items for June was \$13083.68, with the gross profit for that period at \$4490.32.

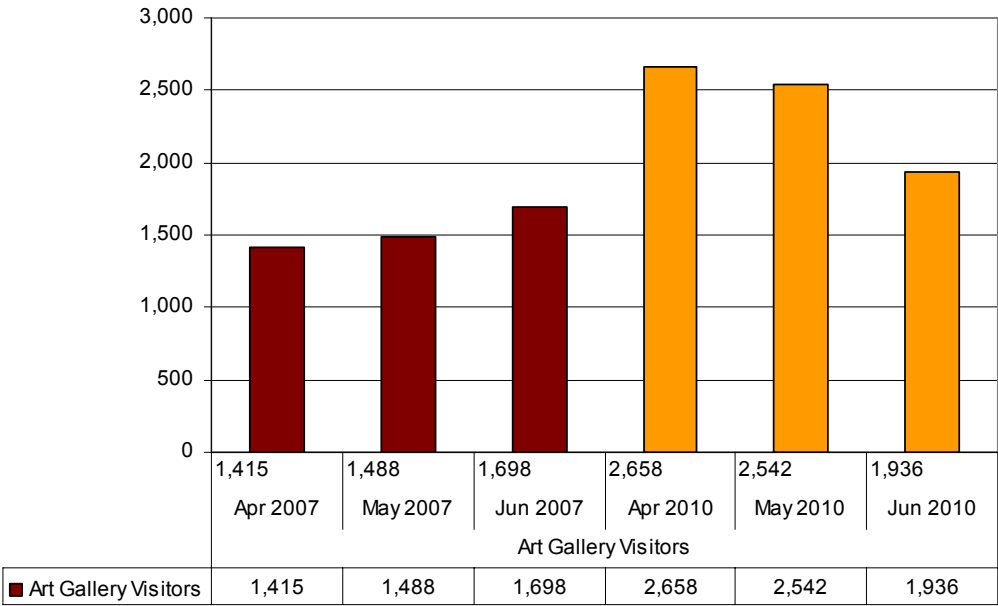
EDUCATION HIGHLIGHTS:

- The current exhibition *Nest* is a joint exhibition by Tom Kearney and Michelle Gearin, and a collaborative play installation consisting of a 10 metre mural covered in hooks, and over 70 handpainted motifs that children and families can arrange and rearrange. *Nest* will be on exhibition in the Art Factory until early September.
- An impressively diverse array of holiday activities have been prepared as part of MRAG's Winter School Holiday activity program for Teens, Children and Toddlers. The program includes activities, both free and low cost, for children of all ages.
- Education hosted its first private booking of a Pipsqueak class. Pipsqueak is a specialised early childhood arts program, designed as a program where children under school age and their parent or carer work together on art activities. The program includes songs, stories, games and play. Earlier in the year Education opened up Pipsqueak so that mother's groups and other interested parties could coordinate their own groups and book at a time that suits them. The booking is indicative of the steady increase of interest from early childhood audiences in MRAG programs.

There were 306 participants in MRAG's Education programs for the month of JUNE.

KEY PERFORMANCE INDICATORS - JUNE 2010 (Cont.)

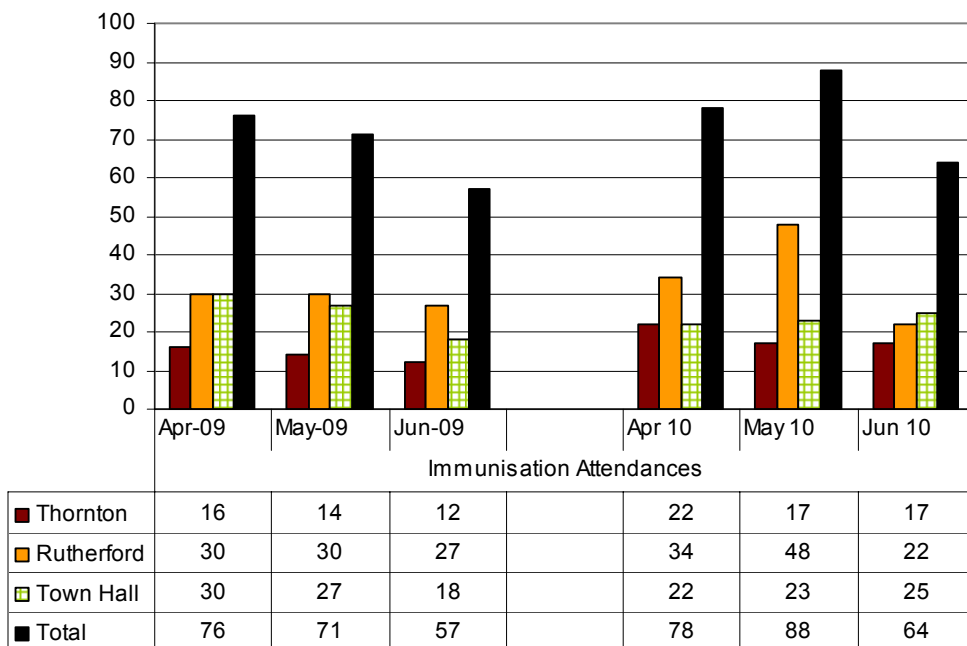
ART GALLERY VISITORS



KEY PERFORMANCE INDICATORS - JUNE 2010 (Cont.)

Immunisation Clinics

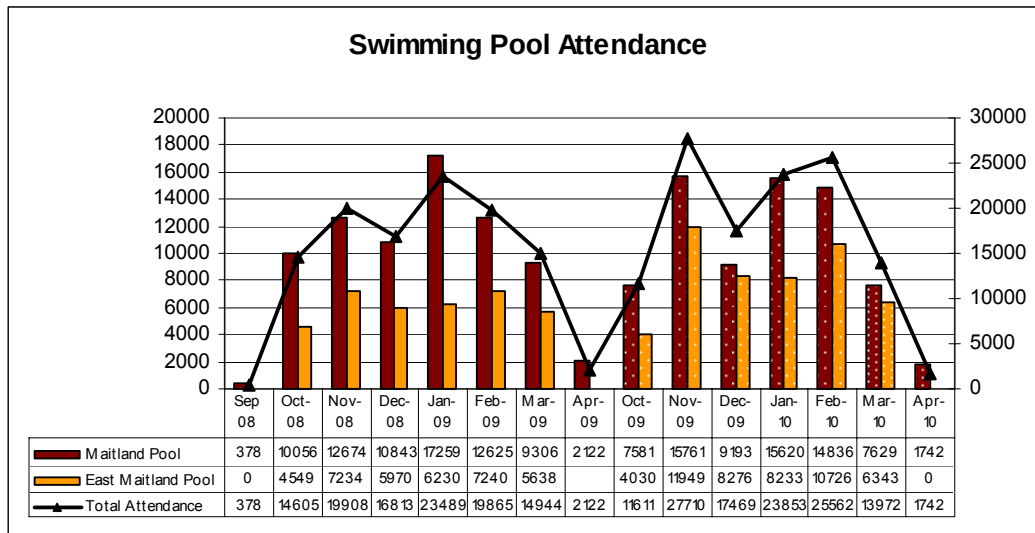
Immunisation attendances which increased since the introduction of the national Childhood Pneumococcal Vaccination Program in January 2005, have plateaued and remained stable in recent months. As an immunisation provider, Maitland City Council will continue to administer this expanded program for the children of Maitland.

IMMUNISATION ATTENDANCES

KEY PERFORMANCE INDICATORS - JUNE 2010 (Cont.)

Swimming Pool Attendance

The swimming pool attendance figures will resume with the reopening of the Aquatic Centres in September 2010.



KEY PERFORMANCE INDICATORS - JUNE 2010 (Cont.)

Performance Indicator: Marketing and Business Strategy**Visitor Information Centre**

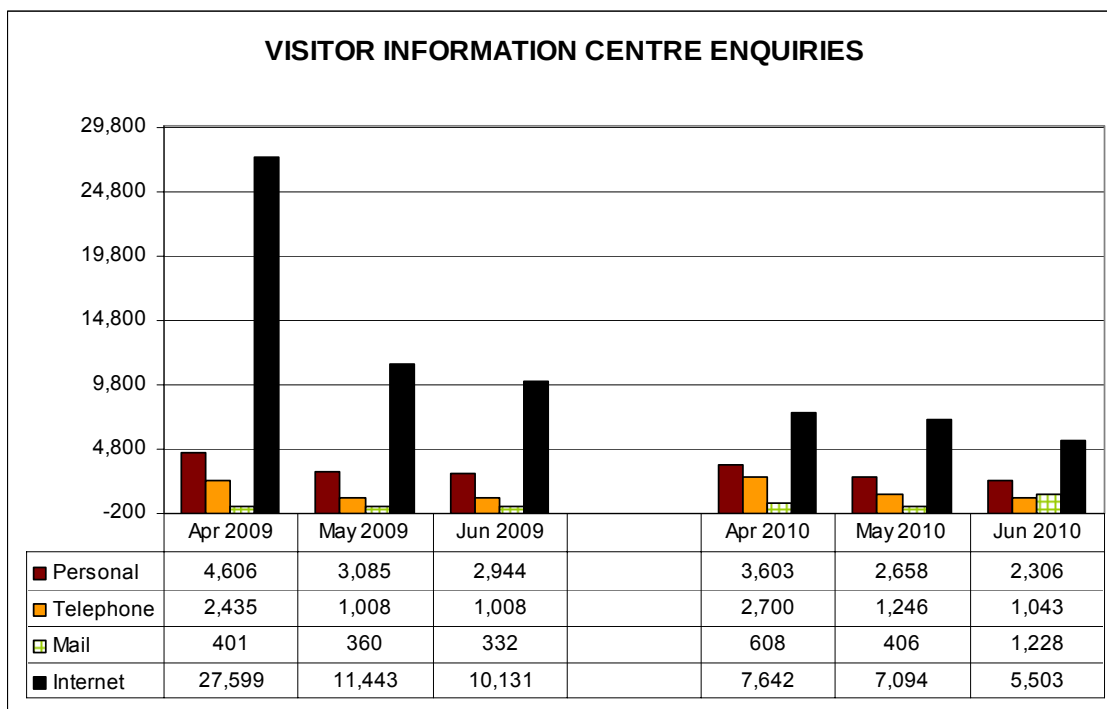
Enquiries through the Maitland Visitor Information Centre for June 2010 totalled 10,080 bringing the total number of enquiries for 2010 to 84,632.

Throughout June the focus of the staff has been on product development including the establishment of Doggy Fun Day and the World's Biggest Sleepover. Work has also continued on the development of heritage and event websites as well as the expansion of content and functionality of the Maitland website

www.maitlandhuntervalley.com.au.

The Maitland, Hunter Valley website www.maitlandhuntervalley.com.au attracted 5,503* visitors.

* Due to Steamfest and other event sites now being separate to the main Maitland Hunter Valley website visitation figures have reduced significantly. Attempts are being made to obtain statistics for the Steamfest site with the service provider.

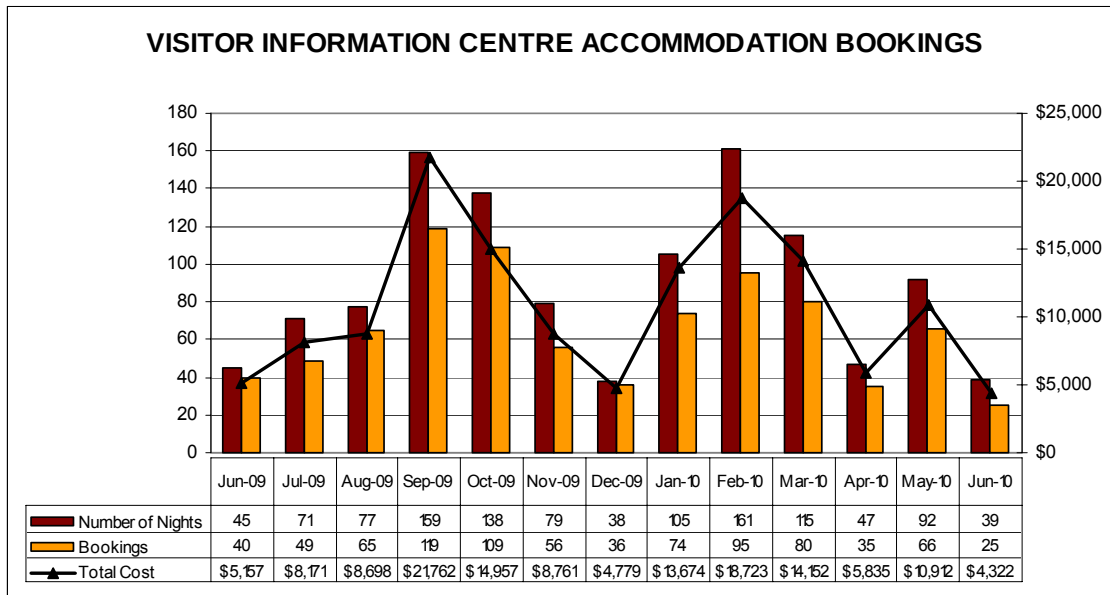


Maitland Reservations through the on line system that operates in conjunction with the website secured 25 bookings for the month of June totalling \$4,322 of instantly confirmed and paid bookings. The Maitland Visitor Information Centre receives 11% commission in income from these bookings.

The graph below displays the total number of bookings taken for the month of June along with total number of nights and total cost. The Centre booked a total of 25 bookings totalling 39 nights.

KEY PERFORMANCE INDICATORS - JUNE 2010 (Cont.)

This brought the total value of bookings for the 2009/10 financial year to \$134,746 an increase of \$26,791 over the 2008/2009 financial year and equated to 809 bookings an increase of 99 bookings.

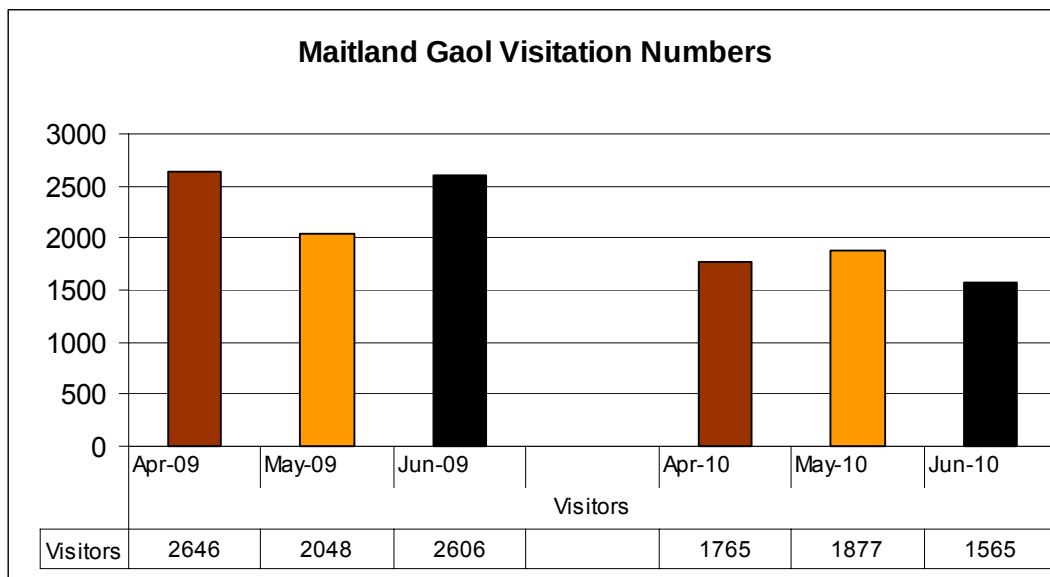


KEY PERFORMANCE INDICATORS - JUNE 2010 (Cont.)

Maitland Gaol

Statistics for June confirmed our expectation that the result for tour attendance for the year would be about 10% down on 2009/2010. Self Guided tours were almost identical to last year however guided tour numbers dropped by 15.5% with total number of tours provided being 343, with an average number of persons on each tour of 30. Total attendees at events and functions also fell by around 15% however this figure is very volatile due to the small number of activities held. Several activities which are held regularly at Maitland Gaol do not occur every year which can affect individual year's statistics. It is expected that the improvement in economic circumstances and development of a Marketing Plan in the near future for the Gaol will assist in turning the figures around.

Web statistics figures showed a continued improvement with June's page impressions at 13,703 again higher than 2009. Staff dealt with 499 external phone calls and responded to 305 external emails during the month of June.

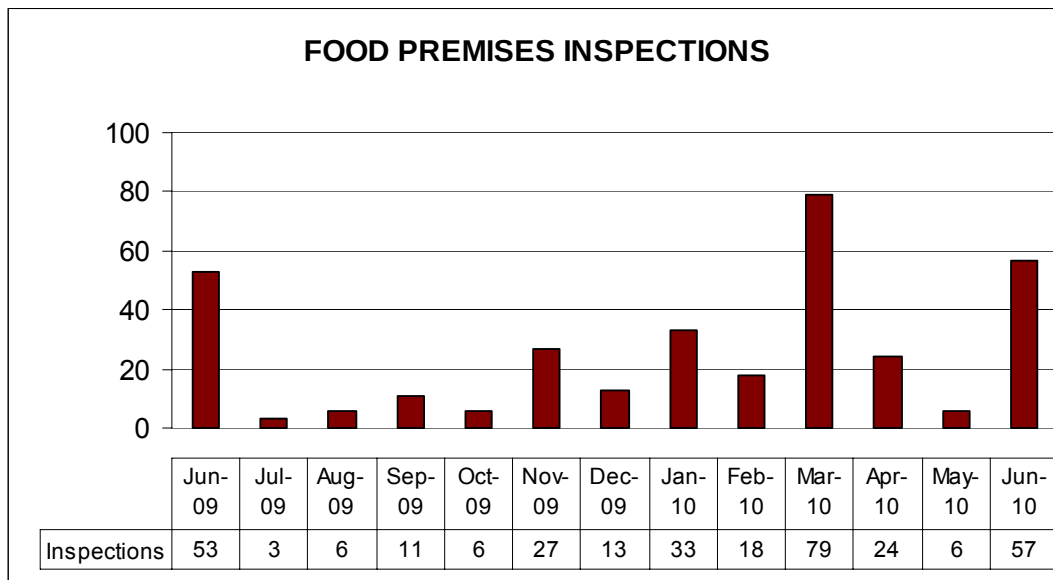


KEY PERFORMANCE INDICATORS - JUNE 2010 (Cont.)

Performance Indicator: Food Premises Inspections

The number of inspections undertaken at Food Premises over the last 13 months is graphically presented below. The average number of monthly food premises inspections for this period was 26.

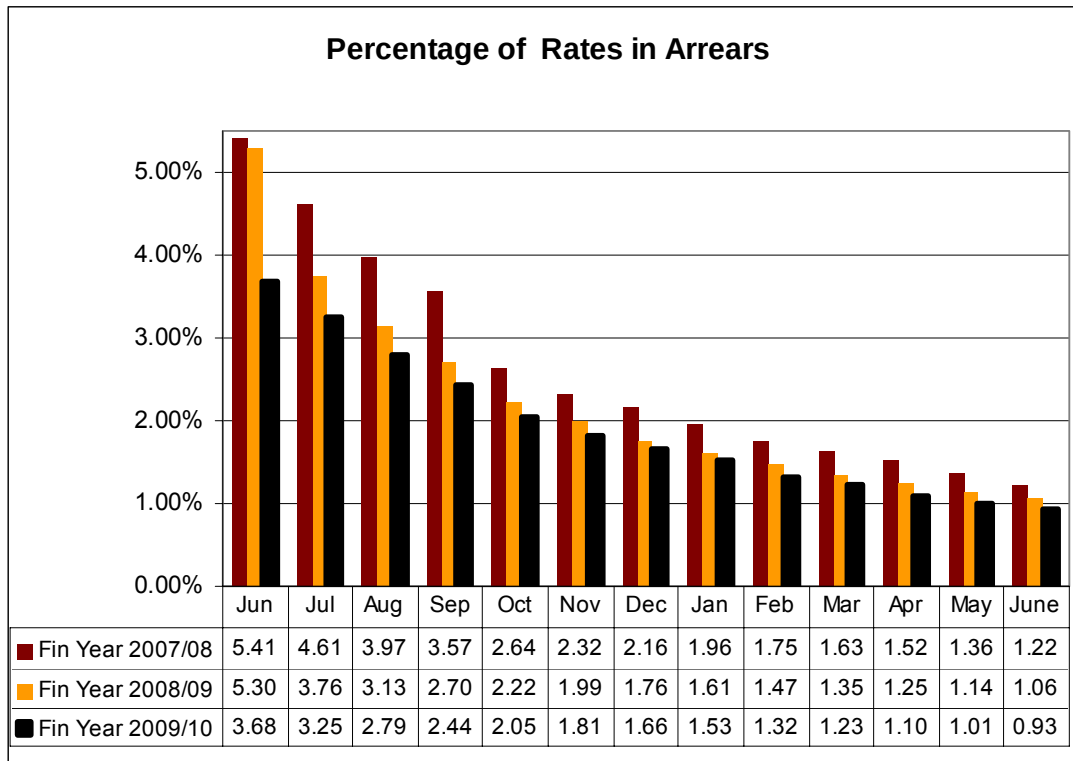
During the month of June there were 0 Improvement Notices issued and 0 Penalty Infringement Notices issued.



KEY PERFORMANCE INDICATORS - JUNE 2010 (Cont.)

Performance Indicator: Rates Collections

As at 30th June 2009, 3.68% of rates levied for the 2008 / 2009 year remained uncollected. (In comparison, as at 30th June 2008, 5.30% of the rates levied for the 2007 /2008 year remained uncollected). The graph below shows the reductions achieved per month in the percentage of rates in arrears. Remaining arrears continue to be pursued through Council's debt recovery agency and by Council's debt recovery officer.



As at 30th June 2009 the total rates outstanding was \$1,263,179.30. At 30th June 2010 \$319,161.50 of those rates remains unpaid.

14.5 LOCAL TRAFFIC COMMITTEE JULY 2010 DRAFT MINUTES**File No:** 140/5**Attachments:** 1. Draft Minutes of Local Traffic Committee -
July 2010**Responsible Officer:** Chris James - Group Manager Assets & Infrastructure
Planning
Stephen Hawes - Manager Infrastructure Planning and
Administration
Scott Henderson - Infrastructure Planning Engineer**Author:** Kenneth Splatt - Traffic Officer

EXECUTIVE SUMMARY

Draft minutes of Maitland City Council's Local Traffic Committee Meeting held Thursday, 1 July 2010, are attached for Council's information. These draft minutes will be adopted at the next Local Traffic Committee Meeting to be held Thursday, 5 August 2010.

OFFICER'S RECOMMENDATION

THAT the information contained in this report be noted.

REPORT

The draft minutes of Maitland City Council's Local Traffic Committee Meeting held Thursday, 1 July 2010, are attached for Council's information. These draft minutes will be adopted at the next Local Traffic Committee Meeting to be held Thursday, 5 August 2010.

Items for Information

LOCAL TRAFFIC COMMITTEE JULY 2010 DRAFT MINUTES

Draft Minutes of Local Traffic Committee - July 2010

Meeting Date: 27 July 2010

Attachment No: 1

Number of Pages: 4



MAITLAND CITY COUNCIL

**LOCAL TRAFFIC COMMITTEE
MINUTES**

FOR MEETING

Thursday, 1 July 2010

LOCAL TRAFFIC COMMITTEE JULY 2010 DRAFT MINUTES (Cont.)

Meeting:	MAITLAND CITY COUNCIL LOCAL TRAFFIC COMMITTEE
Meeting Date:	1 July 2010
Venue:	Hunter Room, Maitland Town Hall
Commenced At:	3.30 pm
Completion Time:	4.20 pm
Chairperson:	Cr. Bob Geoghegan
Minute Taker:	Jane Hake
Present:	Clr. Ray Fairweather – Clr. Bob Geoghegan – Mayor’s Representative Mr. Bill Butler– RTA Representative Mr. Scott Henderson – Council Infrastructure Planning Engineer Mr. Ken Splatt – Council Traffic Officer Mr. Brian Mosely – Hunter Valley Buses representative Ms Michelle Viola: - Council Investigations Engineer Jane Hake - Administration
Apologies:	Mr Frank Terenzini – Member for Maitland Snr. Constable Margaret Bernard – Maitland Police Representative Mr. Stephen Hawes – Council Manager Infrastructure, Planning and Administration Mr Chris James: Group Manager Assets & Infrastructure Planning
Attachments:	

1. ADOPTION OF MINUTES OF THE PREVIOUS MEETING

- The minutes of the Local Traffic Committee meeting held on 3 June 2010 were accepted:

Moved by Bob Geoghegan Seconded by Bill Butler

2. AGENDA ITEMS – LOCAL TRAFFIC COMMITTEE

- 2.1. Proposed ‘KEEP CLEAR’ Road Pavement Notation – Aberglasslyn Road at Queen Street Rutherford**
(File: 2010-49; 222/4,222/479)

LOCAL TRAFFIC COMMITTEE JULY 2010 DRAFT MINUTES (Cont.)

Summary

During peak traffic flow on the Aberglasslyn Road approach to the New England Highway, motorists wishing to exit or enter Queen Street are prevented from doing so due to vehicles queuing back across this intersection.

Recommendation

THAT a “KEEP CLEAR” road pavement marking be installed on the southbound lane of Aberglasslyn Road adjacent to Queen Street Rutherford.

Comments

The RTA gives in-principal support – Council to check its delegations for installing this type of pavement marking.

2.2. Approval of BB centreline – Northumberland Street Morpeth
(File: 2010-57; 222/425)

Summary

Approval is sought for the installation of a double barrier ‘BB’ centreline on the section of Northumberland Street between High Street and Swan Street Morpeth.

Recommendation

THAT a BB centreline be installed on a 154 metre section of Northumberland Street Morpeth, between High Street and Swan Street.

2.3. Proposed extension of NO STOPPING Zone – Chisholm Road East Maitland
(File: 2010-58; 222/110)

Summary

A potential traffic hazard exists on Chisholm Road East Maitland caused by vehicles being parked within a section of the southbound travelling lane just south of the Molly Morgan Drive intersection.

Recommendation

THAT a 45 metre extension to the existing NO STOPPING zone be installed on the eastern side of Chisholm Road south of Molly Morgan Drive East Maitland.

2.4. Proposed Installation of NO PARKING Zone – Mitchell Drive East Maitland
(File: 2010-60; 222/391)

Summary

The lay-by area on the southern side of Mitchell Drive between the New England Highway and the Molly Morgan Drive roundabout at Green Hills is becoming a popular site for the parking of

LOCAL TRAFFIC COMMITTEE JULY 2010 DRAFT MINUTES (Cont.)

vehicles containing advertisements. Permission is sought to install a 'NO PARKING – Council Vehicles Excepted' zone at this location.

Recommendation

THAT a 65 metre 'NO PARKING – Council Vehicles Excepted' zone be installed along the lay-by area located on the southern side of Mitchell Drive between the New England Highway and the Molly Morgan Drive roundabout.

2.5. Proposed Additions to Parking – Garnett Road East Maitland

(File: 2010-61; 222/706)

Summary

Council has been requested to investigate the provision of additional parking spaces on Garnett Road East Maitland. A meeting with the manager of the Motor Registry on Garnett Road to reallocate spaces required for testing and heavy vehicle inspection. The discussion resulted in a proposal to increase unrestricted parking availability by five spaces. Approval is sought for the provision of five unrestricted parking spaces on this road.

Recommendation

THAT the matter be deferred until this site is visited during the next Local Traffic Committee inspections.

14.6 CORRESPONDENCE ANALYSIS

File No: 35/61
Attachments: Nil
Responsible Officer: Graeme Tolhurst - Group Manager Finance and Administration
Author: Nicole Kelly - Corporate Support Assistant

EXECUTIVE SUMMARY

This report contains valuable information in relation to Council's outstanding correspondence. The report is a valuable tool within the organisation and provides information in relation to the guidelines for replying to correspondence.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

REPORT

TOTAL Number of Documents Received	June 2010	2738
TOTAL Number of Documents Sent	June 2010	2745

Note 1: The figures shown above relate to all documents received and sent by Council and include all property applications and items for information.

ACTIONABLE DOCUMENTS OUTSTANDING

TOTAL Outstanding Over 30 Days	31/5/2010	30
PLUS Actionable Items Received	June 2010	39
LESS Items Actioned	June 2010	28
TOTAL Number of Outstanding Documents Over 30 Days	30/6/2010	41

Note 2: Many of the documents received by Council are dealt with by formal processes, such as Development Applications. Council processes will trigger the necessary action, whether it is a response to a developer or result of a tender. These items are not included in this table.

This table relates to documents that do not have a formal process and therefore acts as a safety net for actionable correspondence.

CORRESPONDENCE ANALYSIS (Cont.)

ACTIONABLE DOCUMENTS BY CATEGORY

•	Approvals	8
•	Customer Service Requests	0
•	General	18
•	Works/Projects	3
•	Rating	12
TOTAL Outstanding Over 30 Days		30/6/2010 41
<i>Note 3: This table is a further dissection of the actionable documents. The full implementation of the Electronic Document Management System will provide an enhanced reporting facility.</i>		

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

There are no statutory implications under the Local Government Act 1993 with this matter.

14.7 CUSTOMER SERVICE REPORT FOR JUNE 2010

File No: 31/12
Attachments: Nil
Responsible Officer: Graeme Tolhurst - Group Manager Finance and Administration
Author: Jon Dundas - Manager Administration and IT

EXECUTIVE SUMMARY

The information contained in this report provides an indication of Council's performance in the handling of customer service requests.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

REPORT

The information below provides statistical information relating to customer service requests received and completed during the month of June 2010.

Total Requests Received:			779
Total Requests Finalised:			680
Within Timeframe	671	98.7%	
Outside Timeframe	9	1.3%	
Total Requests Outstanding:			99
Within Timeframe	56	56.6%	
Outside Timeframe	43	43.4%	

Request Types	Service Level (days)	Completed Requests		
		No.	Within Timeframe	Outside Timeframe
Abandoned Vehicles	21 days	5	100%	
Advertising Signs	30 days	1	100%	
Aggressive Dog (No Injury)	15 days	12	100%	
Air Pollution Domestic	30 days	1	100%	
Air Pollution Industrial/Commercial	60 days	1	100%	
Amplified Music	30 days	5	100%	
Barking Dog	30 days	26	100%	
Bridges - Minor Repair	15 days	1	100%	
Cat Matters	15 days	7	100%	
Cemetery Maintenance	30 days	1	100%	
Community / Rec Building Maintenance	90 days	68	100%	
Dead Animals On Roadside	5 days	6	100%	
Dog Attack-Serious(Injury)	10 days	11	100%	

CUSTOMER SERVICE REPORT FOR JUNE 2010 (Cont.)

Domestic Stormwater	30 days	1	100%	
Drainage (Maintenance)	15 days	2	100%	
Environment Miscellaneous	30 days	4	100%	
Floodlight Maintenance	15 days	1	100%	
Food Complaints	30 days	3	100%	
Footpath / Cycleway (Maintenance)	15 days	10	70%	30%
Footway Obstructions/Rangers	30 days	2	100%	
Heritage Mall Maintenance	90 days	6	100%	
Illegal Rubbish Dumping	15 days	9	100%	
Incomplete Road Works	20 days	1	100%	
Keeping Of Animals	30 days	1	100%	
Kerb & Gutter Maintenance	15 days	1	100%	
Litter Street & Roadside	30 days	3	100%	
Loose Materials(Road)	30 days	1	100%	
MGB Miscellaneous - Depot Use Only	15 days	3	100%	
MGB Missed Service	3 days	53	98%	2%
MGB Repairs	3 days	115	100%	
MGB Stolen	3 days	10	100%	
Noise Miscellaneous	30 days	4	100%	
Non Compliance - Dev Consent	30 days	4	100%	
Overgrown/Unhealthy Property	70 days	2	100%	
Park Furniture Renewal	15 days	1		*100%
Park Trees	90 days	3	100%	
Parking Infringement	5 days	17	94%	6%
Parks & Playing Fields(Maintenance)	30 days	20	100%	
Pot Holes Road	10 days	39	100%	
Road Failure/Works	15 days	3	100%	
Road Safety	30 days	1	100%	
Road Safety Fences	120 days	1	100%	
Roadside Mowing	90 days	4	100%	
Safety Risk Cemeteries	30 days	1	100%	
Signs & Markings (Maintenance)	15 days	16	100%	
Signs & Markings (New)	30 days	7	100%	
Stray/Roaming Dog	5 days	94	97%	3%
Stray/Roaming Livestock	3 days	16	100%	
Street Cleaning	7 days	14	100%	
Street Furniture Repair / Maintenance	40 days	1	100%	
Street Lighting	30 days	5	100%	
Street Tree Maintenance	90 days	23	100%	
Toilet Cleaning/Operations	10 days	4	100%	
Traffic Management (Islands & Calming Devices)	120 days	1	100%	
Trail Bikes	15 days	3	100%	
Unauthorised Development	90 days	4	100%	
Vandalism (Graffiti)	40 days	21	100%	

*The Park Furniture Renewal category has a low service level due to potential public liability implications. This request related to the replacement of a fence panel. The fence was inspected within timeframes, with the panel replaced within 24 working days.

15 NOTICES OF MOTION/RESCISSION

Nil

16 QUESTIONS WITHOUT NOTICE

17 URGENT BUSINESS

18 COMMITTEE OF THE WHOLE

Nil

19 CLOSURE