



**Motion** moved by Peter Blackmore that the Officers' recommendation to approve the proposal be adopted, subject to the recommended conditions of consent and including the following amendments:

- 2** Pursuant to Section 80A(1) of the *Environmental Planning and Assessment Act 1979*, and the Maitland S94A Levy Contributions Plan 2006, a contribution of **\$170,000** shall be paid to the Council.

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

Payment of the above amount shall apply as follows:

- *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.*

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

- 23** All excavated and/or filled areas are to be retained or battered and suitably drained so as to prevent any subsidence of the area and constructed so as to avoid any concentration or increase in the flow of water into or around the proposed buildings 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.

- 31** Access for people with disabilities 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".
- 38.** **Prior to the issue of the Occupation Certificate for Stage 1**, a waste management plan shall be prepared, including the management and disposal of all medical waste. Such plan shall be prepared in consultation with the NSW Department of Health and the NSW Department of Environment, Climate Change and Water.

42. Signs are to be located so that they do not interfere with safe traffic movement.

and also the inclusion of condition **43** as follows:

**Minibus Operations**

43. A minibus service (incorporating disability access) shall be provided to residents of the facility at a minimum frequency of twice daily, Monday to Friday, between 9am to 5pm, and once on Saturdays between 9am and 12 noon with pick up from reception. The minibus shall provide the residents a connection to the Rutherford Shopping Centre, as well as the Maitland railway station and Maitland CBD as required.

Motion seconded by Bob McCotter

**MOTION CARRIED UNANIMOUSLY**

The meeting concluded at 3:08pm.

Endorsed by



Garry Fielding  
Chair, Hunter & Central Coast Joint Regional Planning Panel  
3 June 2010