



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

13 FEBRUARY 2024

JEFF SMITH
GENERAL MANAGER

Please note:

Councillors are reminded of their Oath or Affirmation of Office to undertake their duties in the best interests of the people of the City and Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993, or any other Act to the best of their ability and judgement. Councillors are also reminded of their obligations under the Code of Conduct to disclose and appropriately manage conflicts of interest.

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 ACKNOWLEDGEMENT OF COUNTRY

3 APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

4 DECLARATIONS OF INTEREST

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

- *The Minutes of the Ordinary Meeting held 23 January 2024 be confirmed.*

6 BUSINESS ARISING FROM MINUTES

**7 WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS
OF BUSINESS**

8 PUBLIC ACCESS

9 MAYORAL MINUTE

10 OFFICE OF THE GENERAL MANAGER

Nil

11 CITY PLANNING

11.1 DA/2022/1399 FOR STAGED DEVELOPMENT: STAGE 1 ONE INTO THREE LOT TORRENS TITLE SUBDIVISION, TREE REMOVAL, AND ALTERATIONS AND ADDITIONS TO EXISTING DWELLING HOUSE INCLUDING DEMOLITION. STAGE 2 ERECTION OF DWELLING HOUSE. STAGE 3 ERECTION OF DWELLING HOUSE AT 69 KENSINGTON ROAD BOLWARRA

FILE NO:	DA/2022/1399
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Locality Plan 2. Development Plans (Under Separate Cover) 3. Assessment Report (Under Separate Cover) 4. Recommended Conditions of Consent (Under Separate Cover) 5. Submissions (Under Separate Cover)
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Cindy Littlewood - Manager Development & Compliance Kristy Cousins - Coordinator Planning & Development
AUTHOR:	Thomas Howell - Senior Development Planner
APPLICANT:	Koby Properties No 1 Pty Ltd
OWNER:	Koby Properties No 1 Pty Ltd
PROPOSAL:	Staged development: Staged development: stage 1 one into three lot Torrens Title subdivision, tree removal, and alterations and additions to existing dwelling house including demolition Stage 2 erection of dwelling house Stage 3 erection of dwelling house
LOCATION:	69 Kensington Road Bolwarra (Lot 150 DP 826463)
ZONE:	R1 General Residential

EXECUTIVE SUMMARY

A development application (DA/2022/1399) has been received seeking consent for a staged development at 69 Kensington Road Bolwarra (Lot 150 DP 826463). Stage 1 one into three lot Torrens Title subdivision, tree removal, and alterations and additions to existing dwelling house including demolition. Stage 2 includes the erection of a dwelling house. Stage 3 also includes the erection of dwelling house. The locality plan can be viewed in Attachment 1.

DA/2022/1399 FOR STAGED DEVELOPMENT: STAGE 1 ONE INTO THREE LOT TORRENS TITLE SUBDIVISION, TREE REMOVAL, AND ALTERATIONS AND ADDITIONS TO EXISTING DWELLING HOUSE INCLUDING DEMOLITION. STAGE 2 ERECTION OF DWELLING HOUSE. STAGE 3 ERECTION OF DWELLING HOUSE AT 69 KENSINGTON ROAD BOLWARRA (Cont.)

The site is well-landscaped and is considered contributory to the character of the Bolwarra HCA. Following a review of the proposal by an independent heritage expert, the application was amended with supporting documentation including plans received December 2023. The amended information addressed Council's concerns regarding tree retention and removal, heritage impacts, concerns regarding an additional driveway crossing, streetscape impacts, building envelopes of proposed dwellings and roof forms of proposed dwellings. These matters have been satisfactorily addressed.

The development plans can be viewed in Attachment 2 of this report.

The application was notified from 20 January 2023 to 3 February 2023. Five submissions were received during the exhibition period. The concerns raised by the objectors in respect to the proposed development include tree removal, heritage impact, overdevelopment of the site, vehicle manoeuvrability and traffic impacts, visual impact, construction impacts and sewer connection.

The proposed subdivision maintains the defined edges of the HCA as the subdivision is located behind an existing cottage. Whilst the proposal involves tree removals, the design has been amended to ensure key significant trees are being retained. Whilst there is an increase in density on the block with the addition of two new residential allotments the two proposed dwellings will not be highly visible from Kensington Road. The dwellings are single-storey with ridges of the roofs lower than that of the existing cottage. The final dwelling design was informed by the detailed advice provided by an independent heritage consultant. The existing cottage and its garden are not disturbed or crowded in. Generous gardens with established trees are retained for each new dwelling which is typical of the area. Therefore, there is no perceived increase in density. A new post and rail fence will be presented to the street and an extension to the existing driveway, leading deep into the block. The proposed development is considered satisfactory and any negligible impact on the significance of the Bolwarra HCA supportable. As such, the application is recommended for approval.

OFFICER'S RECOMMENDATION

THAT

- 1. DA/2022/1399 for a Staged Development at 69 Kensington Road, Bolwarra is approved incorporating the following: Stage 1 - One into Three Lot Torrens Title Subdivision, Tree Removal, and Alterations and Additions to Existing Dwelling House including Demolition; Stage 2 Erection of a Dwelling House; and Stage 3: Erection of Dwelling House. The approval is subject to the recommended schedule of conditions provided in Attachment 4 of this report.**

DA/2022/1399 FOR STAGED DEVELOPMENT: STAGE 1 ONE INTO THREE LOT TORRENS TITLE SUBDIVISION, TREE REMOVAL, AND ALTERATIONS AND ADDITIONS TO EXISTING DWELLING HOUSE INCLUDING DEMOLITION. STAGE 2 ERECTION OF DWELLING HOUSE. STAGE 3 ERECTION OF DWELLING HOUSE AT 69 KENSINGTON ROAD BOLWARRA (Cont.)

INTRODUCTION

The purpose of this report is to provide Council with an assessment of the proposal to enable determination of DA/2022/1399 at 69 Kensington Road, Bolwarra proposing a staged development: stage 1 one into three lot Torrens Title subdivision, tree removal, and alterations and additions to existing dwelling house including demolition; Stage 2 erection of dwelling house; and Stage 3 erection of dwelling house.

The application is reported to Council as five submissions were received during the public notification process and the proposed development seeks to vary controls prescribed within the Maitland Development Control Plan ("DCP") 2011.

A detailed assessment in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* is provided within Attachment 3.

SITE DESCRIPTION

The site is known as 69 Kensington Road, Bolwarra NSW and has a legal description of Lot 150 in DP 826463. The site is rectangular in shape and has a total site area of 3,142m² located on the eastern side of Kensington Road. The site is located within the Bolwarra Heritage Conservation Area and is mapped within the Coastal Use and Coastal Environment Areas prescribed by *State Environmental Planning Policy (Resilience and Hazards) 2021*. The location of the site is represented in Figure 1 below.

Existing improvements on the site include a detached single-storey dwelling house located at the Kensington Road frontage with ancillary structures at the rear. The site is heavily vegetated with several significant scattered trees. It is located in a well-established residential area predominantly consisting of detached dwelling houses located on various sized allotments.

DA/2022/1399 FOR STAGED DEVELOPMENT: STAGE 1 ONE INTO THREE LOT TORRENS TITLE SUBDIVISION, TREE REMOVAL, AND ALTERATIONS AND ADDITIONS TO EXISTING DWELLING HOUSE INCLUDING DEMOLITION. STAGE 2 ERECTION OF DWELLING HOUSE. STAGE 3 ERECTION OF DWELLING HOUSE AT 69 KENSINGTON ROAD BOLWARRA (Cont.)



Figure 1: location of subject site (source: Maitland City Council)

CONTEXT IMAGES

NOTE: PHOTOS FROM IMMEDIATE CONTEXT (NO PARTICULAR ORDER).
COMMON THEMES ARE SINGLE STOREY, PROMINENT LANDSCAPE, GENEROUS SETBACK, MIXTURE OF ARCHITECTURAL LANGUAGES (HIGH BRICKWORK CONTENT), DRIVEWAYS AND GARAGING PROMINENT

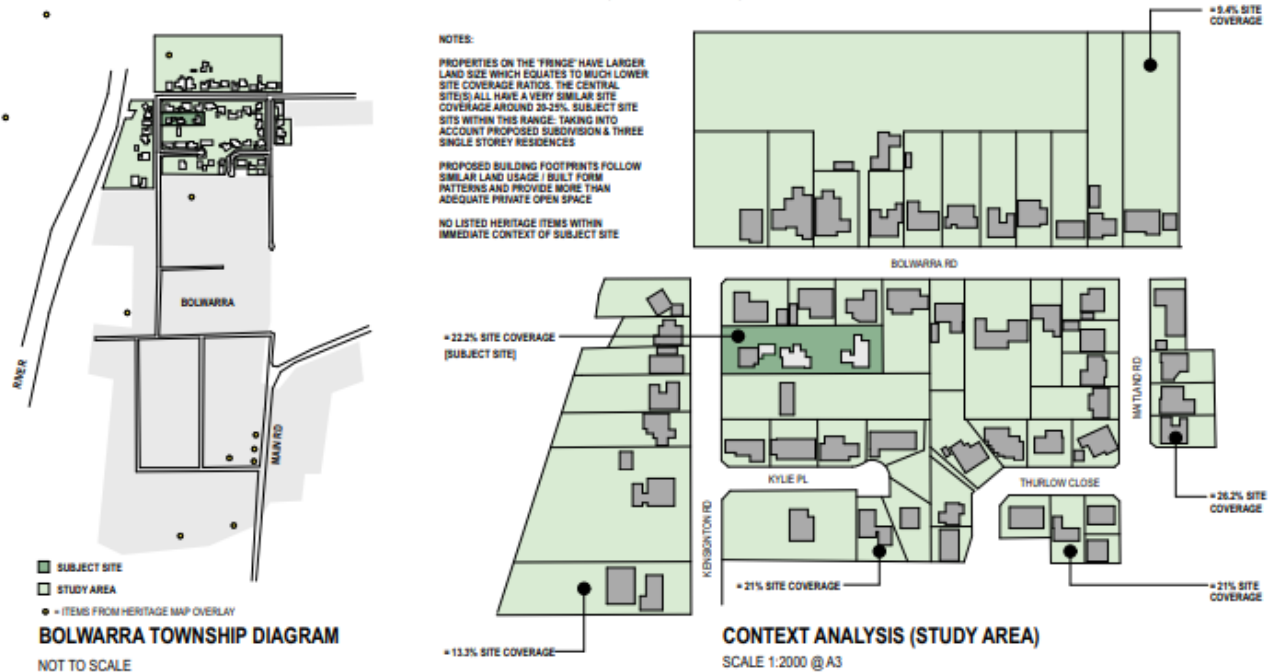


Figure 2: Context Plan (source: MM Architecture)

DA/2022/1399 FOR STAGED DEVELOPMENT: STAGE 1 ONE INTO THREE LOT TORRENS TITLE SUBDIVISION, TREE REMOVAL, AND ALTERATIONS AND ADDITIONS TO EXISTING DWELLING HOUSE INCLUDING DEMOLITION. STAGE 2 ERECTION OF DWELLING HOUSE. STAGE 3 ERECTION OF DWELLING HOUSE AT 69 KENSINGTON ROAD BOLWARRA (Cont.)

PROPOSAL

The proposed development proposes a staged development:

- Stage 1: one into three lot Torrens Title subdivision, tree removal, and alterations and additions to existing dwelling house including demolition.
- Stage 2: erection of dwelling house.
- Stage 3: erection of dwelling house.

The particulars of the development works include:

- One into three lot Torrens Title subdivision consisting of:
 - Lot 101: 856m²
 - Lot 102: 800.3m²
 - Lot 103: 1,486m²
- Alterations and additions to the existing dwelling including demolition of small lean-to addition replacing with a single-storey addition at the rear containing open plan living and kitchen, and deck, repurposing of existing floor plan to add ensuite bathroom and walk-in robe and convert existing kitchen to bedroom, and a new attached single garage.
- Extension of existing driveway to service all three lots.
- Erection of a single-storey dwelling on lot 102 containing four bedrooms, two bathrooms, open plan living kitchen, separate laundry and attached double garage.
- Erection of a single-storey dwelling on lot 103 containing four bedrooms, three bathrooms, open plan living kitchen, separate laundry and attached double garage.
- Removal of 31 trees.
- Associated stormwater and landscaping works.

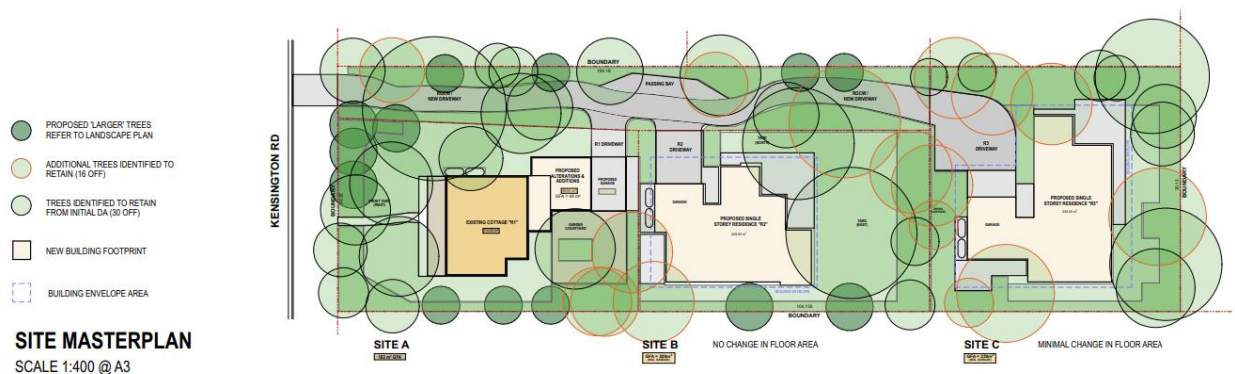


Figure 3: Site Plan (source MM Architecture)

KEY ISSUES

Heritage

The subject site is located within the Bolwarra Heritage Conservation Area ("HCA"), which is listed as item C1 under Schedule 5 of Maitland LEP 2011. The site is also in proximity to one local heritage item Gowan Brae (I10) which is located approximately 119m to the south and separated by three allotments and a public road.

DA/2022/1399 FOR STAGED DEVELOPMENT: STAGE 1 ONE INTO THREE LOT TORRENS TITLE SUBDIVISION, TREE REMOVAL, AND ALTERATIONS AND ADDITIONS TO EXISTING DWELLING HOUSE INCLUDING DEMOLITION. STAGE 2 ERECTION OF DWELLING HOUSE. STAGE 3 ERECTION OF DWELLING HOUSE AT 69 KENSINGTON ROAD BOLWARRA (Cont.)

The application was independently reviewed by a heritage expert. This advice was provided to Council which identified vegetation loss and landscaping, and the proposed two driveways to the Kensington Road frontage as the key heritage issues. A request for information was sent to the applicant based on the advice received in the independent heritage review. Amended plans and documentation were provided by the applicant which addressed all outstanding items outlined in the heritage review. The amended application is considered to be consistent with Council's heritage requirements, as discussed below.

The proposed development conserves the environmental heritage of Maitland and the heritage significance of heritage conservation areas, including associated fabric, setting and views, for the following reasons:

- The proposed new dwellings and allotments are not highly visible from the street, maintaining the current density perception. The defining edge of the HCA is maintained.
- The original allotment remains understandable, and the rhythm and scale of houses on Kensington Road are unchanged.
- The design of the proposed buildings is low scale and simple. The modernist framed houses with low pitch roofs step around site features and provide a better relationship with the natural landscape. The dwellings have been designed to retain existing vegetation, limiting the need for extensive paving and manicured lawns unrelated to the natural features of the setting. The resulting dwellings are less prominent from surrounds and merge with the landscape. The retention of large gardens and landscaping is commensurate of surrounding development.
- The proposed development uses neutral materials, finishes and colours appropriate for the immediate streetscapes and greater conservation area.
- The siting of the proposed development mitigates the visual impact of the development on existing view corridors maintaining views of the rural estate. Significant views to heritages items will not be impacted.
- The contemporary design and palette complement the conservation area by not attempting to imitate historic built forms or fabric and avoids mock heritage detailing.
- The garden setting of adjoining contributory buildings will not be impacted.
- The property is not identified as containing an Aboriginal site.

The detailed assessment has considered the effect of the proposed development and determined that the proposed development will not have any significant adverse impact on the heritage significance of the heritage conservation area or its associated fabric, setting and views, and can be supported in respect of heritage matters.

Detailed consideration of the proposal in accordance with the heritage provisions of the MLEP and DCP can be viewed in Attachment 3.

DA/2022/1399 FOR STAGED DEVELOPMENT: STAGE 1 ONE INTO THREE LOT TORRENS TITLE SUBDIVISION, TREE REMOVAL, AND ALTERATIONS AND ADDITIONS TO EXISTING DWELLING HOUSE INCLUDING DEMOLITION. STAGE 2 ERECTION OF DWELLING HOUSE. STAGE 3 ERECTION OF DWELLING HOUSE AT 69 KENSINGTON ROAD BOLWARRA (Cont.)

Tree removal

An Arborist Impact Assessment (*Anderson Environmental Planning, December 2022*) has been submitted with the application which has assessed a total of 78 trees within the subject site. Of the 78 trees, 13 were considered to be of high value, 37 of moderate value and 28 of low retention value.

The revised proposal improved the original design by allowing for the retention of an additional 16 trees across the site, with the proposal now requiring the removal of 31 trees across the subject site, none of which were identified as the significant trees (T19, T44 & T57). This equates to 73% tree retention on site excluding the noxious weeds and hazardous trees recommended for removal by the arborist.

Appropriate building setbacks have been incorporated into the development to afford appropriate tree protection zones ("TPZ") and structural protection zones ("SPZ") to each retained tree. It is noted that trees T29 and T74 which were identified as displaying a high level of aesthetic value are retained with the design of the built form. In addition, approximately 150 of the existing shrubs on site are also proposed to be retained.

The retention of trees and shrubs across the site aids in softening any impact of the built form. The trees proposed for retention are enhanced with new tree plantings included in the detailed landscape plan and planting schedule submitted with the application which can be viewed within Attachment 2 Development Plans.

The proposal is consistent with the conservation policies of the Bolwarra HCA which seeks to retain buildings set within mature landscaped allotments well-concealed behind deep gardened frontages. The site and its well-landscaped setting are considered contributory to the HCA and the retention of significant tree canopy as part of the development works are considered to continue to contribute to the Bolwarra HCA.

PUBLIC SUBMISSIONS

The proposal was publicly notified and advertised for a period of 14 days from 20 January 2023 to 3 February 2023 in accordance with the *Environmental Planning and Assessment Act 1979* and the Maitland Development Control Plan 2011. Five submissions were received by Council during the notification period, the redacted submissions can be viewed in Attachment 5. A summary of the issues raised in the submission is outlined below, with a detailed response to the submissions provided in Attachment 3.

Impact on fauna habitat / tree removal

The development seeks to retain 47 trees across the site including all significant native trees identified in the submitted Arborist Impact Assessment (*Anderson Environmental Planning, December 2022*). Trees to be removed predominantly include weed species, trees

DA/2022/1399 FOR STAGED DEVELOPMENT: STAGE 1 ONE INTO THREE LOT TORRENS TITLE SUBDIVISION, TREE REMOVAL, AND ALTERATIONS AND ADDITIONS TO EXISTING DWELLING HOUSE INCLUDING DEMOLITION. STAGE 2 ERECTION OF DWELLING HOUSE. STAGE 3 ERECTION OF DWELLING HOUSE AT 69 KENSINGTON ROAD BOLWARRA (Cont.)

growing too close together and trees observed with major health or structural defects. The site is not mapped as containing biodiversity value nor is mapped as being within a native ecological endangered community. As such, the report concludes that there will be no impact on flora and fauna as a result of the development.

Heritage impact

The development proposal has been amended to address the potential heritage impacts identified during the assessment. Whilst subdivision is a type of development that should be avoided under Chapter E.3 'Bolwarra Heritage Conservation Area' under Maitland DCP 2011, the independent heritage review determined that the proposal enables the original allotment to still be understood, particularly, the rhythm and scale of houses in Kensington Road is unchanged. No views of the rural estate are affected and defined edges of the HCA remain intact. The existing cottage and its garden are not disturbed or crowded in. Generous gardens with established trees are retained for each new dwelling which is typical of the area. Future development applications within the Bolwarra Heritage Conservation Area are subject to merit assessment at the time of the assessment. The proposed development site is unique as it allows the retention of generous setback to the existing cottage fronting Kensington Road.

Overdevelopment of the site

The proposed development is permissible in accordance with the R1 General Residential zone and is consistent with the objectives of zoning by providing a variety of housing in a low impact built form complementary to the established low-density residential environment. The design of the development has considered the established built form in the area with the design and building setbacks resulting in a positive outcome for a large and currently underutilised site. Further, the proposed subdivision creates three allotments which all significantly exceed the 450m² minimum lot size applicable to the site. The proposed subdivision creates sufficient land area to each proposed lot to facilitate a design capable of complying with the surrounding context, bulk, height, scale, and siting.

Vehicles exiting in forward direction, traffic impacts

The proposed access arrangements to all three lots allow for vehicles to enter and exit the site in a forward direction from the proposed new driveway along the site's northern boundary. The local street network can cater for the minor increase in traffic movements associated with the subject development.

DA/2022/1399 FOR STAGED DEVELOPMENT: STAGE 1 ONE INTO THREE LOT TORRENS TITLE SUBDIVISION, TREE REMOVAL, AND ALTERATIONS AND ADDITIONS TO EXISTING DWELLING HOUSE INCLUDING DEMOLITION. STAGE 2 ERECTION OF DWELLING HOUSE. STAGE 3 ERECTION OF DWELLING HOUSE AT 69 KENSINGTON ROAD BOLWARRA (Cont.)

Visual impact

The proposed two dwelling are single storey and sited behind the existing dwelling. As such, the proposed development will mostly be concealed when viewed from Kensington Road. The development maintains generous setbacks and exceeds the minimum landscaping requirements. A landscape plan and planting schedule was submitted as part of the application demonstrating adequate screen planting to the front, side and rear setbacks to soften the appearance of the development as viewed from the streetscape. The orientation and siting of the proposed dwellings allow the neighbouring properties to retain a reasonable level of amenity and privacy.

Amenity impacts during construction

The recommended conditions of consent (see Attachment 4) include requirements for the applicant to comply with relevant Australian Standards for demolition, tree removal as well as compliance with the National Construction Code and standard hours of construction. Whilst there will be some impacts experienced in the immediate vicinity of the site during construction works, this is inevitable with any urban development and will be time limited.

Sewer connection

Hunter Water correspondence confirms that sewer is available, and the necessary notice of requirements has been issued for the development. Concept design shows the development will connect into the existing sewer main at the front of the property along Kensington Road. An easement over neighbouring properties is not required.

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. Concerns were raised during the assessment of the application regarding the allowance of multi dwelling housing within the Bolwarra Heritage Conservation Area.

Council staff engaged the expertise of a suitably qualified independent heritage consultant to review the proposal and inform the design to ensure it complied with Council's current policy position within the adopted Development Control Plan. The amended design is considered to be compliant as outlined in this report.

DA/2022/1399 FOR STAGED DEVELOPMENT: STAGE 1 ONE INTO THREE LOT TORRENS TITLE SUBDIVISION, TREE REMOVAL, AND ALTERATIONS AND ADDITIONS TO EXISTING DWELLING HOUSE INCLUDING DEMOLITION. STAGE 2 ERECTION OF DWELLING HOUSE. STAGE 3 ERECTION OF DWELLING HOUSE AT 69 KENSINGTON ROAD BOLWARRA (Cont.)

It is acknowledged that any increase in dwelling density within the Bolwarra Conservation Area must be assessed on merit under the adopted controls. It is further acknowledged that Council's Development Control Plan is currently under review, including the heritage chapter.

STATUTORY IMPLICATIONS

Statutory implications relating to assessment of the subject application have been addressed in the body of the report under Attachment 3.

CONCLUSION

This application has been assessed against Section 4.15(1) of *the Environmental Planning and Assessment Act 1979* as amended. The proposed development is considered acceptable in terms of the relevant matters for consideration under the Act and the development application is recommended for approval subject to the recommended conditions contained within Attachment 4.

DA/2022/1399 FOR STAGED DEVELOPMENT: STAGE 1 ONE INTO THREE LOT TORRENS TITLE SUBDIVISION, TREE REMOVAL, AND ALTERATIONS AND ADDITIONS TO EXISTING DWELLING HOUSE INCLUDING DEMOLITION. STAGE 2 ERECTION OF DWELLING HOUSE. STAGE 3 ERECTION OF DWELLING HOUSE AT 69 KENSINGTON ROAD BOLWARRA (Cont.)

City Planning

**DA/2022/1399 FOR STAGED
DEVELOPMENT: STAGE 1 ONE INTO
THREE LOT TORRENS TITLE
SUBDIVISION, TREE REMOVAL, AND
ALTERATIONS AND ADDITIONS TO
EXISTING DWELLING HOUSE INCLUDING
DEMOLITION. STAGE 2 ERECTION OF
DWELLING HOUSE. STAGE 3 ERECTION
OF DWELLING HOUSE AT 69
KENSINGTON ROAD BOLWARRA**

Locality Plan

Meeting Date: 13 February 2024

Attachment No: 1

Number of Pages: 1

DA/2022/1399 FOR STAGED DEVELOPMENT: STAGE 1 ONE INTO THREE LOT TORRENS TITLE SUBDIVISION, TREE REMOVAL, AND ALTERATIONS AND ADDITIONS TO EXISTING DWELLING HOUSE INCLUDING DEMOLITION. STAGE 2 ERECTION OF DWELLING HOUSE. STAGE 3 ERECTION OF DWELLING HOUSE AT 69 KENSINGTON ROAD BOLWARRA (Cont.)



Printed: 10/07/2023

11.2 DA/2023/429 FOR ANIMAL BOARDING ESTABLISHMENT AT 138 CESSNOCK ROAD MAITLAND

FILE NO:	DA/2023/429
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Locality Plan 2. Development Plans 3. Planners Assessment Report (Under Separate Cover) 4. Recommended Conditions of Consent 5. Submissions
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Cindy Littlewood - Manager Development & Compliance Kristy Cousins - Coordinator Planning & Development
AUTHOR:	Thomas Howell - Senior Development Planner
APPLICANT:	AMS Design & Drafting Pty Ltd
OWNER:	Michael John Rinkin and Gina Donna Ricca Rinkin
PROPOSAL:	Animal Boarding Establishment
LOCATION:	138 Cessnock Road Maitland
ZONE:	RU1 Primary Production and RU2 Rural Landscape

EXECUTIVE SUMMARY

A development application (DA/2023/429) has been received seeking consent for an Animal Boarding Establishment at 138 Cessnock Road Maitland (Lot 111 DP 1180907). The locality plan can be viewed at Attachment 1. The proposed facility contains 20 kennels and associated exercise yards for the boarding of dogs. The development plans can be viewed at Attachment 2.

The matter is reported to Council as two unresolved submissions have been received. The issues raised in the submissions relate to safety of driveway access and traffic, noise and odour impacts, safety of animals, inappropriate development for the area and impact on property values.

The site is considered to be suitable for the proposed development as it is generally consistent with relevant controls prescribed by both Maitland LEP 2011 and DCP 2011. The development assessment has determined that there will be no significant adverse or additional impact to the amenity of the natural or built environments as a result of the development. The potential amenity impacts in terms of noise and traffic can be adequately mitigated as outlined within the detailed assessment report provided under Attachment 3. The proposal is consistent with the zone objectives as the proposal will allow a compatible land use that is not likely to impact onto surrounding agricultural uses and retains the existing rural landscape character of the locality.

DA/2023/429 FOR ANIMAL BOARDING ESTABLISHMENT AT 138 CESSNOCK ROAD MAITLAND (Cont.)

The application has been assessed against the relevant heads of consideration under Section 4.15(1) in the Environmental Planning and Assessment Act 1979 and considered to be satisfactory subject to the imposition of conditions.

OFFICER'S RECOMMENDATION

THAT

- 1. DA/2023/429 for Animal Boarding Establishment at 138 Cessnock Road Maitland is approved subject to the recommended schedule of conditions provided in Attachment 4 of this report.**

INTRODUCTION

The purpose of this report is to seek consent from Council for DA/2023/429 proposing an Animal Boarding Establishment. The application is reported to Council as two submissions were received during the public notification process. A detailed assessment in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* is provided within Attachment 3.

SITE DESCRIPTION

The site is known as 138 Cessnock Road Maitland NSW and has a legal description of Lot 111 in Deposited Plan 1180907. The site is irregular in shape and has a total site area of 12.82ha. Vehicle access to the site is gained via the 52.99m wide frontage to Cessnock Road. The site is mapped as containing flood prone land, acid sulfate soils classes 1, 3 and 4, and bushfire prone land. The site is bounded by Swamp Creek, a mapped watercourse which is identified as containing high biodiversity values, along the northern boundary which also contains Hunter Valley Flood Mitigation Scheme infrastructure. The location of the subject site is represented in Figure 1 below.

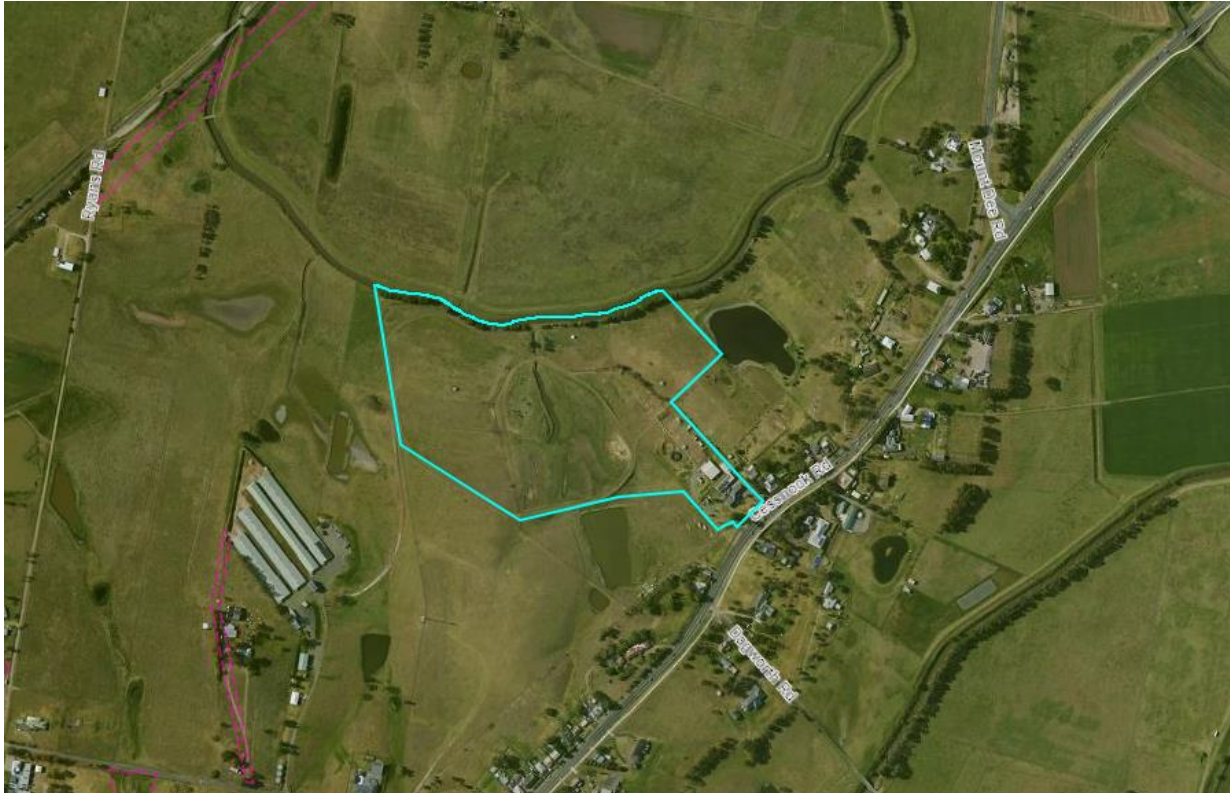


Figure 1: Location of subject site (source: Maitland City Council)

Existing improvements on the subject site include a detached single storey dwelling house, detached garage, farm shed and stable, and horse yards located towards the Cessnock Road frontage. The site falls from the Cessnock Road boundary down towards Swamp Creek (north). The site contains vegetation along the creek with the remaining land predominantly cleared for previous pastoral activities. The surrounding area predominantly consists of single dwelling house on larger rural properties supporting a range of agricultural activities.

PROPOSAL

The development application proposes an animal boarding establishment. The proposed works include:

- Erection of a building (5.5m x 22.9m) containing 20 kennels and associated exercise yards. The kennels are proposed for the boarding of dogs.
- New sealed carparking areas containing 10 car parking spaces.

The operational details are as follows:

- The facility will be operated by the owners of the property.
- The facility will operate 24 hours, 7 days a week, however customer access to pick up and drop off dogs will be limited to between 7am - 11am and 3pm - 6pm, 7 days a week.

DA/2023/429 FOR ANIMAL BOARDING ESTABLISHMENT AT 138 CESSNOCK ROAD MAITLAND (Cont.)

- The maximum number of customers expected at any one time are to be three, with pick up and drop off dogs limited to appointment only.
- Storage of equipment and food associated with the facility will be within the existing farm sheds located on the property.

KEY ISSUES

Noise

A Noise Impact Assessment ("NIA") report prepared by RAPT Consulting, dated November 2023, has been submitted with the application. The NIA provides a review of residential receivers in proximity to the project. A noise logger was used to capture the existing background noise levels to determine the project's minimum intrusiveness noise levels and amenity noise levels as derived from the NSW Environmental Protection Agency's *Noise Policy for Industry (2017)*. Noise surveys of dogs barking have previously been undertaken by RAPT Consulting. The measurements were undertaken with dogs actively and excitedly barking outside in the open environment in their pens in another location in the Hunter Valley. 10 Golden Labrador dogs were inside the specific pen area which has been converted into 20 dogs. These surveys have been used to assess the potential noise impacts of the proposal.

The results of the NIA demonstrate that both predicted daytime and night-time operational noise emissions from the project would satisfy the relevant trigger levels at all assessed residential receivers.

Conditions of consent will require a noise management plan be prepared and implemented prior to the operation of the development and that external walls are to be sound insulated with 1.8m sound insulated panel fencing to be installed around the development. The application is considered acceptable with regards to acoustic impacts.

Odour

Management of odours are to be controlled by the Plan of Management and Operational Waste Management Plan. These include:

- Collection of waste, bagging and disposing into a bin which is to be collected weekly.
- Daily cleaning of water and food bowls including disposal of food not consumed.
- Kennels to be cleaned weekly and deep cleaned tri-monthly using hose which drains to a pipe that leads to the existing septic tank.
- Annual pest control.
- 24/7 complaint management procedures

It has been concluded that the proposed development is acceptable with regards to potential odour impact.

Siting and context

Maitland DCP 2011 excludes any specific requirements relating to the scale and positioning of animal boarding establishments. Chapter C.8 has been used as a guide for assessment of proposed siting of the kennel building. For land zoned RU1 Primary Production a setback of 20m to a principal street frontage and a setback of 10m to any side or rear boundary is prescribed. The building is setback 43.5m from Cessnock Road reserve, in excess of 300m from the northern boundary adjoining the Swamp Creek and 15m from the southern shared boundary. The overall height of the development is 4.4m to the ridge of the gable roof to natural ground level. Amended plans provided nominate the kennel building to be behind the front building line created by the existing dwelling and within the cluster of existing building on site. The setbacks are considered satisfactory. The kennel building is comparable in size, height and materials to existing farm buildings and sheds within the surrounding area. A condition of consent has been included which will require a 900mm setback to carparking hardstand for the provision of landscaping. The proposed development is compatible with the existing rural character and scale of surrounding development and is unlikely to create any unreasonable amenity impacts on surrounding rural residential properties.

Suitability of the site

The development is located within the portion of the site zoned RU1 Primary Production in which 'animal boarding establishments' are permitted with consent. The application has been supported by appropriate consultant reports determining that there are to be no adverse amenity impacts to nearby residences subject to the inclusion of conditions provided under Attachment 4.

PUBLIC SUBMISSIONS

The Development Application was publicly exhibited between 3 July 2023 and 17 July 2023. Two (2) submissions were received during the re-notification period. A detailed consideration of the submissions is contained within the assessment report Attachment 3. A copy of the redacted submissions can be viewed in Attachment 5.

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

Safety of driveway access and increase in traffic

The Plan of Management provided with the application nominates that the number of customers expected at any one time is three with anticipated one customer at any one time. Customers are to arrive by appointment only. The existing access via Cessnock Road has been assessed by Council's development engineers as being acceptable, safe and practical for the development. The 6m wide driveway crossing which extends greater than 6m into the depth of the property is sufficient to allow two vehicles to pass on the driveway to reduce any anticipated conflict. The existing road has capacity to cater for the potential traffic generated as a result of the development. The likely impact is considered negligible when compared to the existing road traffic.

Noise

A Noise Impact Assessment (NIA) has been submitted with the application recommending noise attenuation measures be included in the construction of the kennel building which also includes the erection of an insulated panel fence. These construction requirements are included as conditions of consent provided under Attachment 4.

The NIA concludes that both predicted daytime and night-time operational noise emissions from the project would satisfy the relevant trigger levels at all assessed receivers. As such, there will be no adverse noise impacts as caused by the development.

Odour

Management of odours are to be controlled by the Plan of Management and Operational Waste Management Plan.

Safety of animals escaping premises and potential for incidents along Cessnock Road as well as within adjoining properties

The proposed facility is to be fenced with dogs to be kept within the kennel or fenced yard at all times.

A condition of consent has been included requiring the facility to operate in accordance with; the approved Plan of Management, the 'Guidelines for the Care and Management of Keeping and Breeding Dogs', adopted in September 1996 (updated July 2006) prepared by Dogs NSW and the 'NSW Animal Boarding Establishments', adopted in October 1996 prepared by NSW Agriculture. This will ensure the boarding environment complies with animal welfare standards.

Inappropriate development for the area

The development is located within the portion of the site zoned RU1 Primary Production in which 'animal boarding establishments' are permitted with consent. The application has been supported by appropriate consultant reports determining that there are to be no adverse amenity impacts to nearby residences subject to the inclusion of conditions provided under Attachment D.

Further, the application has been amended with the proposed kennels re-located away from shared boundaries. This ensures that the kennels are within the cluster of existing buildings which retains the rural outlook from Cessnock Road.

Impact on property value

This is not a matter of consideration pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979*.

DA/2023/429 FOR ANIMAL BOARDING ESTABLISHMENT AT 138 CESSNOCK ROAD MAITLAND (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

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

CONCLUSION

This application has been assessed against Section 4.15(1) of *the Environmental Planning and Assessment Act 1979* as amended. The proposed development is considered acceptable in terms of the relevant matters for consideration under the Act and the development application is recommended for approval subject to the recommended conditions contained within Attachment 4.

City Planning

DA/2023/429 FOR ANIMAL BOARDING ESTABLISHMENT AT 138 CESSNOCK ROAD MAITLAND

Locality Plan

Meeting Date: 13 February 2024

Attachment No: 1

Number of Pages: 1

DA/2023/429 FOR ANIMAL BOARDING ESTABLISHMENT AT 138 CESSNOCK ROAD MAITLAND (Cont.)



City Planning

DA/2023/429 FOR ANIMAL BOARDING ESTABLISHMENT AT 138 CESSNOCK ROAD MAITLAND

Development Plans

Meeting Date: 13 February 2024

Attachment No: 2

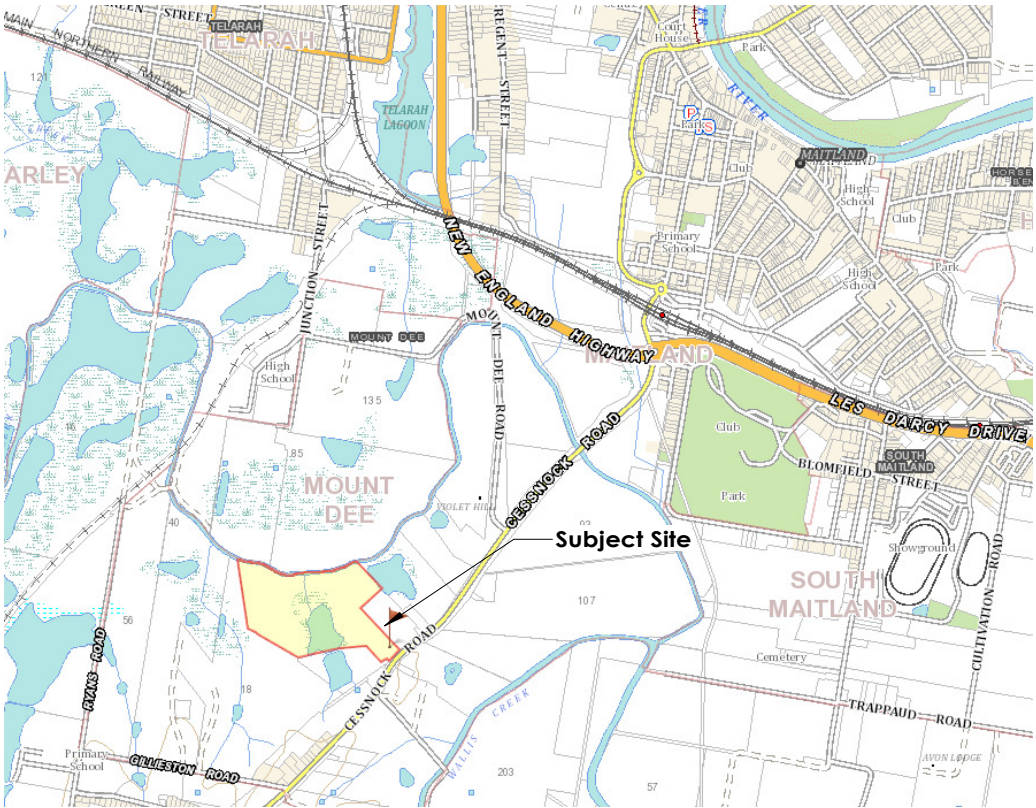
Number of Pages: 7

Proposed Dogs Boutique Boarding Kennel
(Animal Boarding)
For
Micheal Rinkin

Lot 111, No. 138 Cessnock Rd,
Maitland, NSW 2320 (DP1180907)

Drawing Schedule


Sheet No.	Sheet Title	Current Revision
A00	Cover Sheet	H
A01	Overall site plan	H
A02	Site Analysis Plan	H
A03	Site / Earthworks Plan / Sediment Control	H
A04	Proposed Floor Plan	H
A05	Elevations	H
A06	Elevations	H
A07	Section	H
A08	3D Views	H
A09	Concept Stormwater Drainage Plan	H
A10	Notification Plan	G



Locality Plan


(Source: Six Maps Website)

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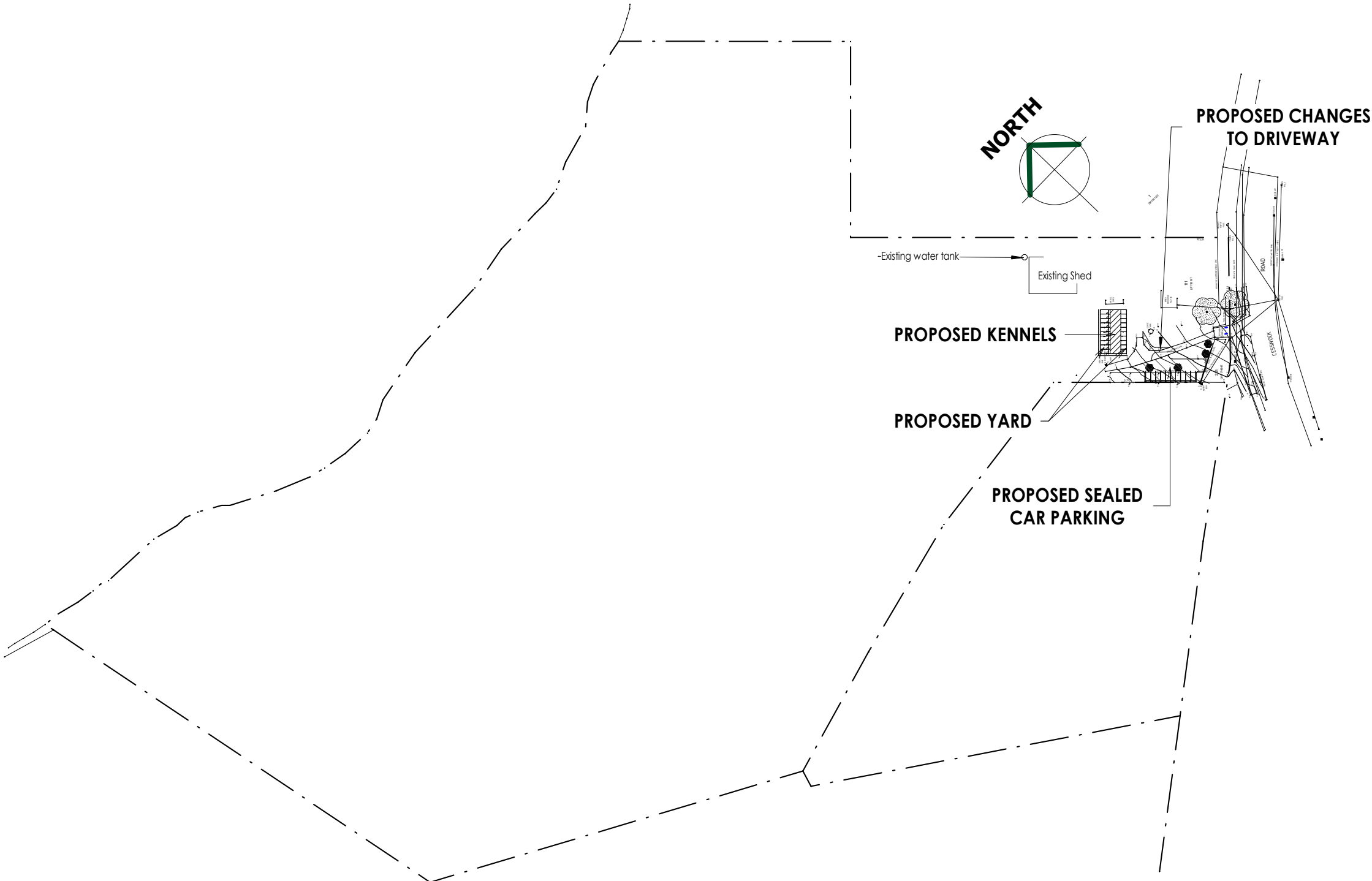
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No.	Date	Description	Issued By
H	07.11.23	Yard fencing changed for acoustic as per council's request	AS
G	31.08.23	Kennel Location amended as per Councils RFI letter dated 17.08.23	PL
E	05.06.23	Additional dimensions added on site plan as per council's RFI	AS
D	04.05.23	Issued for DA	PL
C	11.04.23	Issued for Pre-DA Meeting	AS
B	30.03.23	New layout as per clients request - email dated 29.03.23	PL
A	28.03.23	Concept Plan issued for clients review	PL

client :
Micheal Rinkin


project :
Lot 111, No. 138 Cessnock Rd,
Maitland, NSW 2320 (DP1180907)

drawn by : PL	job no : AMS-23-003
checked by : AS	sheet no : A00
date : 23.03.23	scale : on A3
sheet title : Cover Sheet	



1 Overall Site Plan
Scale : 1 : 2000

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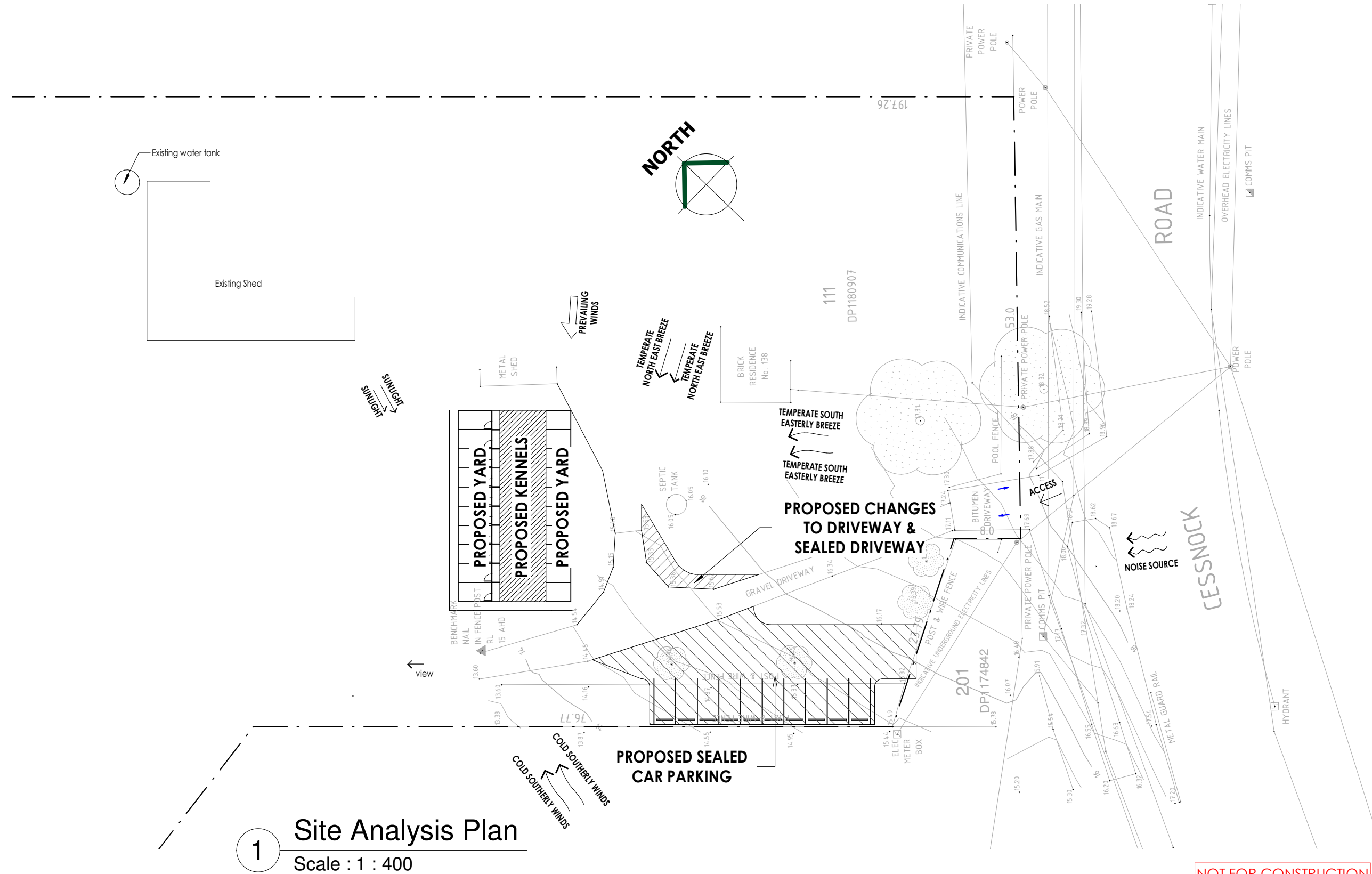


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<




1 Site Analysis Plan
Scale : 1 : 400

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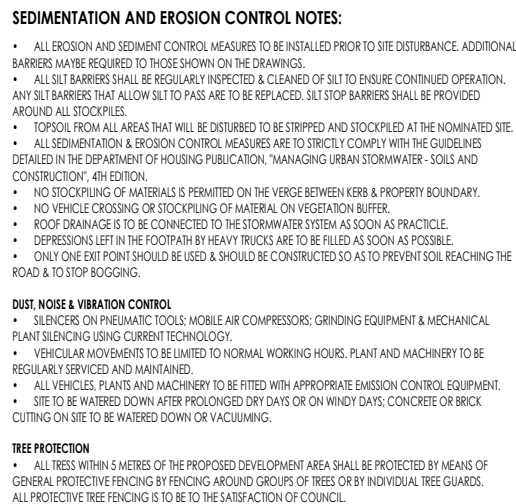
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No.	Date	Description	Issued By
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G	31.08.23	Kennel Location amended as per Councils RFI letter dated 17.08.23	PL
E	05.06.23	Additional dimensions added on site plan as per council's RFI	AS
D	04.05.23	Issued for DA	PL

client :
Micheal Rinkin

project :
Lot 111, No. 138 Cessnock Rd,
Maitland, NSW 2320 (DP1180907)


drawn by : PL	job no : AMS-23-003
checked by : AS	sheet no : A02
date : 23.03.23	scale : 1 : 400 on A3
sheet title : Site Analysis Plan	





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No.	Date	Description	Issued By
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G	31.08.23	Kennel Location amended as per Councils RFI letter dated 17.08.23	PL
F	11.07.23	Storage location note added as per council's RFI letter dated 09.06.23	AS
E	05.06.23	Additional dimensions added on site plan as per council's RFI	AS
D	04.05.23	Issued for DA	PL
C	11.04.23	Issued for Pre-DA Meeting	AS
B	30.03.23	New layout as per clients request - email dated 29.03.23	PL
A	28.03.23	Concept Plan issued for clients review	PL

client:
Micheal Rinkin

project:
**Lot 111, No. 138 Cessnock Rd,
Maitland, NSW 2320 (DP1180907)**

drawn by: **PL**

checked by: **AS**

date: **23.03.23**

sheet title:
**Site / Earthworks Plan /
Sediment Control**

scale: **As indicated on A3**

job no:
AMS-23-003

sheet no:
A03

Notes/Legends:

- AW - Awning Window
- CSD - Cavity Sliding Door
- DW - Dishwasher Space
- DH - Double Hung
- FS - Fridge Space
- fw - floor waste
- FW - Fixed Window
- LW - Louvre Window
- NGL - Natural Ground Line
- obs - Obscure
- SD - Sliding Door
- ST - Stove
- SW - Sliding Window
- Smoke Alarm as per NCC
- All brickwork to be fully articulated in accordance with AS 3700 masonry structures & AS4773 masonry for small buildings, parts 1 & 2. Also as per Engineers drawings.
- Kitchen layout is illustrative only, for exact dimensions & details refer to manufacturers drawings

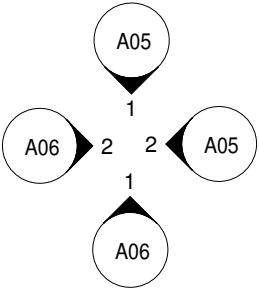
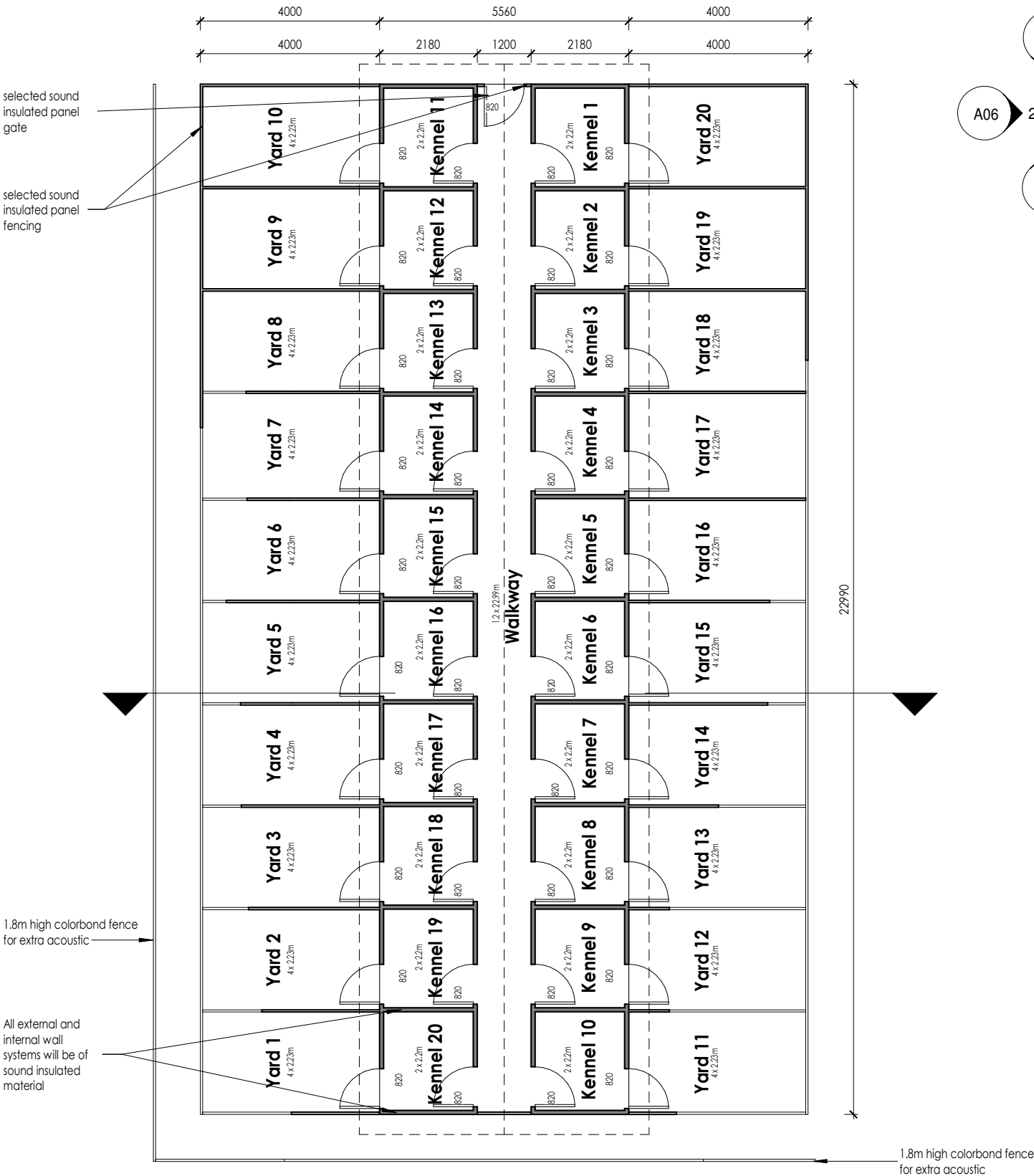
GENERAL NOTES:

1. All dimensions in millimetres unless noted.
2. All dimensions, levels, and setouts are to be verified on site by builder prior to fabrication or commencement of any work.
3. Work to figured dimensions only, do not scale.
4. These drawings are to be read in conjunction with all relevant documents.
5. All work shall be carried out in accordance with the requirements of the current *Building Code of Australia / NCC*, all relevant current Australian Standards and local authorities.
6. All timber framing designed in accordance with AS1684 and relevant supplements.
7. Provide termite treatment/ protection in accordance with AS3660.1
8. Where applicable refer to engineer's drawing/ details for:
 - soil test and site classification
 - footing & slab design
 - steel beam design
9. These plans are protected by copyright laws and are the property of the author.
10. If in doubt — ask!

CONSTRUCTION OF SANITARY COMPARTMENTS:

NCC V2, 3.8.3.3

The door to a fully enclosed *sanitary compartment* must either open outwards; or slide; or be readily removable from the outside of the compartment, unless there is a clear space of at least 1.2m between the closet pan and the doorway.



Floor Areas	
Yards 11-20	92.0 m ²
Yards 1-10	92.0 m ²
Kennels 1-10	50.1 m ²
Kennels 11-20	50.1 m ²
Walkway	27.6 m ²
Grand Total	311.7 m ²

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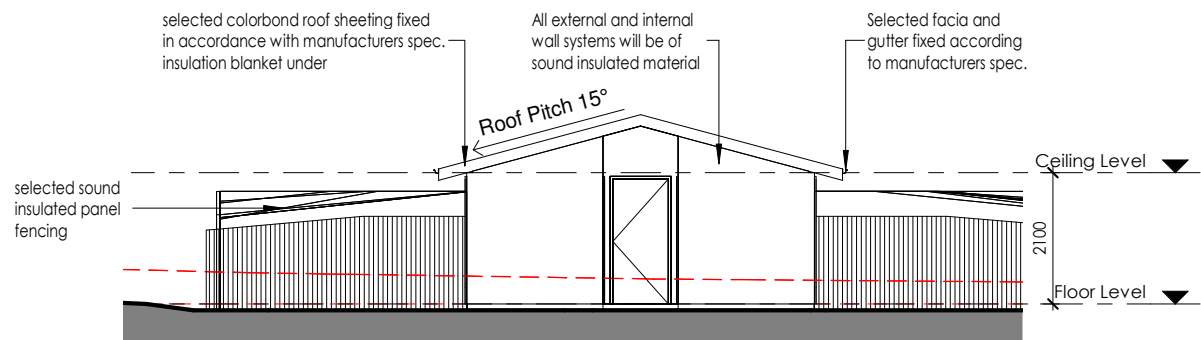
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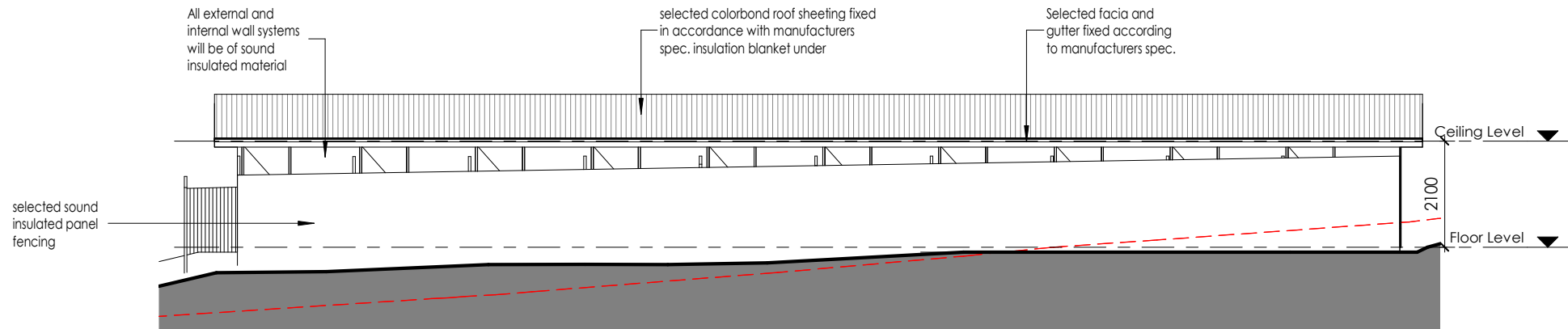
client : Micheal Rinkin

project : Lot 111, No. 138 Cessnock Rd, Maitland, NSW 2320 (DP1180907)

drawn by : PL	job no : AMS-23-003
checked by : AS	sheet no : A04
date : 23.03.23	scale : 1 : 100 on A3
sheet title : Proposed Floor Plan	



1 Front Elevation (North East)
Scale : 1 : 100



2 Side Elevation (South East)
Scale : 1 : 100

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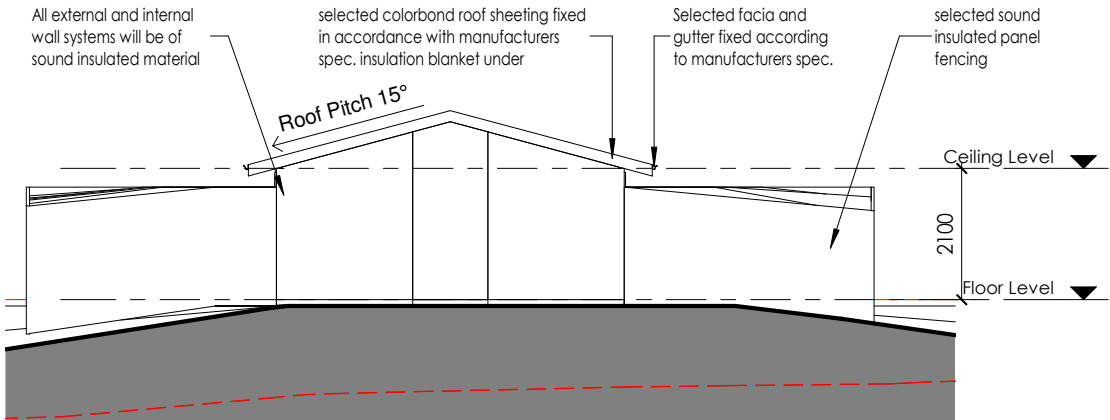
No.	Date	Description	Issued By
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client :
Micheal Rinkin

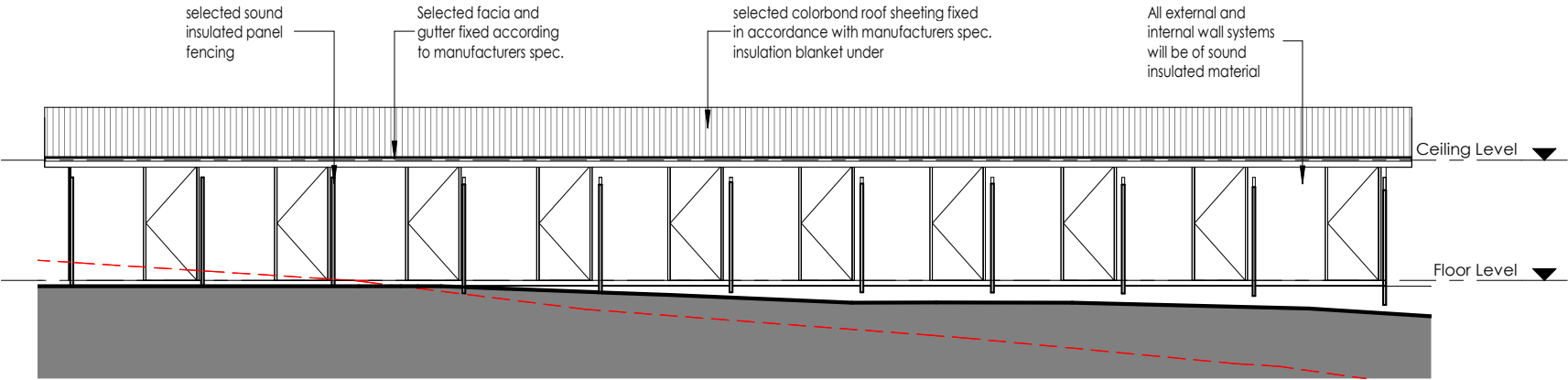
project :
Lot 111, No. 138 Cessnock Rd,
Maitland, NSW 2320 (DP1180907)

drawn by : PL	job no : AMS-23-003
checked by : AS	sheet no : A05
date : 23.03.23	scale : 1 : 100 on A3
sheet title : Elevations	

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1 Rear Elevation (South West)
Scale : 1 : 100



2 Side Elevation (North West)
Scale : 1 : 100



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client :	Micheal Rinkin
project :	Lot 111, No. 138 Cessnock Rd, Maitland, NSW 2320 (DP1180907)

drawn by :	PL	job no :	AMS-23-003
checked by :	AS	sheet no :	A06
date :	23.03.23	scale :	1 : 100 on A3
sheet title :	Elevations		

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City Planning

DA/2023/429 FOR ANIMAL BOARDING ESTABLISHMENT AT 138 CESSNOCK ROAD MAITLAND

Recommended Conditions of Consent

Meeting Date: 13 February 2024

Attachment No: 4

Number of Pages: 8

Schedule of Conditions DA/2023/429**Reason for Conditions**

The following conditions are applied to:

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

APPROVED PLANS AND DOCUMENTATION

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

Plan Ref No.	Sheet No.	Rev'n No.	Revision Date	Prepared by: (consultant)
Plans / AMS-23-003	A00 to A07 A09	H	07/11/2023	AMS Design & Drafting
Noise Impact Assessment / 2223479_231127	-	2	27/11/2023	RAPT Consulting
Plan of Management / 138 Cessnock Road Maitland	-	-	November 2023	AMS Design & Drafting
Operational Waste Management Plan / 138 Cessnock Road Maitland	-	1.2	November 2023	Auswide Consulting
Bushfire Risk Assessment / 138 Cessnock Road Maitland	-	-	22/05/2023	Firebird ecoSultants Pty Ltd

WORKS TO BE AMENDED

2. The development must be amended as follows:
 - a) The carpark hardstand is to be setback 900mm from the south-western boundary (as marked up on Sheet No: A03 Rev. H, Job No: AMS-23-003 prepared by AMS Design and Drafting, dated 07/11/2023) to allow the provision of screen planting.

Full details are to be provided in the documentation for a Construction Certificate.

CONTRIBUTIONS & FEES

3. Pursuant to Section S7.12 of the Environmental Planning and Assessment Act 1979 and the Maitland S94A Levy Contributions Plan 2006, a contribution of **\$782** shall be paid to the Council.

The above amount may be adjusted at the time of payment in accordance with the provisions of the Maitland S94A Levy Contributions Plan 2006. Any outstanding component of the contribution will be indexed quarterly in accordance with the provisions of the abovementioned Development Contributions Plan. Reviewed rates will apply following release of CPI indices by the Australian Bureau of Statistics for each quarter.

Payment of the above amount is required prior to issue of the Construction Certificate for the development

This condition has been applied to ensure that 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 and the provisions of section 7.12 of the Environmental Planning and Assessment Act, 1979.

CERTIFICATES

4. The applicant shall submit to Council a "Notice of Commencement" form at least two (2) days prior to the commencement of construction works.
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 Compliance Certificate under Section 50 of the Hunter Water Act 1991 for this development, shall be submitted to the Accredited Certifier.

OPERATIONAL MANAGEMENT

9. The hours of operation of the animal boarding establishment is approved as 24 hours, 7 days a week.

The animal boarding establishment is only to be open for visitors (including pick up and drop off) within the following hours:

- 7.00am – 11.00am & 3.00pm – 6.00pm Monday to Sunday

Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.

DA/2023/429 FOR ANIMAL BOARDING ESTABLISHMENT AT 138 CESSNOCK ROAD MAITLAND (Cont.)

10. The maximum number of dogs to be kept at the animal boarding establishment at any one time must not exceed twenty (20).
11. The facility must operate in accordance with; the approved Plan of Management (*AMS Design & Drafting, November 2023*), the 'Guidelines for the Care and Management of Keeping and Breeding Dogs', adopted in September 1996 (updated July 2006) prepared by Dogs NSW and the 'NSW Animal Boarding Establishments', adopted in October 1996 prepared by NSW Agriculture and any subsequent versions.
12. Operational waste is to be disposed of per the approved Operational Waste Management Plan (*AusWide Consulting, November 2023, Revision 1.2*) and the approved Plan of Management for the development (*AMS Design & Drafting, November 2023*).
13. A sign is to be provided on site containing emergency contact information for the person(s) responsible for the care and maintenance of the site and the included dogs. The sign is to be erected in a prominent position at the front of the residence visible to Cessnock Road and shall show the name of the person(s) responsible for the site/dogs and a telephone number at which the person(s) can be contacted.

Any proposed signage including any business identification signage must be designed in accordance with the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or be the subject of a separate Development Application approved prior to erection or placement in position.
14. The dogs are to be kept within the kennels or yard area and not allowed unlimited access to the remainder of the allotment. (The kennel and yard space is to be enclosed so as to prevent the escape of the dogs and to prevent them from coming within the required distance of any dwelling etc). The owner's personal dogs are excluded from this requirement.
15. Dog yards, enclosures and access areas to the kennels are to be kept clean and the surface graded to prevent the accumulation of liquids and water run-off to adjacent premises.
16. The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the *Protection of the Environment Operation Act 1997* and must comply with the NSW Noise Policy for Industry 2017 (as amended).
17. The dog and yards/kennels are to be managed at all times to minimise and mitigate nuisance impacts (eg. dust and odour) on the immediate locality.
18. A large metal or plastic bin or receptacle shall be maintained with a flanged close fitting lid for the daily reception of all dog faeces and waste. Dog waste is to be bagged daily.
19. Dog food shall be stored in a metal or plastic receptacle provided with a fitting lid, so as to provide effective protection against rats and vermin.
20. All necessary measures shall be taken for the control of insect, rodent and vermin and all kennels, dogs yards, storage sheds and other buildings shall be kept free from rodents, insects and vermin and from any condition likely to attract or harbour rodents, insects or vermin.

LANDSCAPING

21. **Prior to the issue of a Construction Certificate** a landscape plan is to be prepared and submitted to Council for approval. This plan is to indicate screen planting adjacent to the carparking hardstand as required by Condition 2 of this consent and include type of species to be planted and is to state the mature height and spread of all proposed trees, shrubs and ground covers.
22. All landscaped areas of the development shall be maintained in accordance with the approved landscape plan. The landscaped areas shall be kept free of parked vehicles, stored goods, waste material, and the like.

ACOUSTIC ATTENUATION

23. The approved kennels are to be acoustically attenuated, in accordance with the recommendations of the Acoustic Report prepared by *RAPT Consulting, reference No. 2223479_231127 and dated 27 November 2023* to ensure noise level does not exceed 5dBA above the resting background level as measured at the nearest property boundaries.
24. A Noise Management Plan, as addendum to the Plan of Management, is to be implemented to include, but not limited to, the following:
 - a) Ensuring all staff are provided with a copy of the facility's Noise Management Plan.
 - b) The name and contact details of the site manger should be clearly displayed at the front of the building to ensure neighbours can contact that person at any time the facility is operating.
 - c) Strategies to minimise the risk of dogs becoming distressed.
 - d) Dogs being placed inside kennels between 6:00pm and 7:00am Monday to Sunday.

BUSHFIRE

25. Bushfire mitigation for the development shall be carried out in accordance with the stamped approved plans and Bushfire Risk Assessment / 138 Cessnock Road Maitland prepared by Firebird ecoSultants Pty Ltd and dated 22/05/2023 and any amendments arising through conditions to this consent or as shown in red colour on the plans.

CARPARKING & VEHICLE ACCESS

26. Car parking for the development shall be provided in accordance with the approved plans, with a minimum allocation for the development of 10 spaces.
27. All driveways, parking areas and vehicles turning areas shall be constructed with a bitumen sealed granular pavement or as reinforced concrete.
28. All parking bays shall be delineated with line-marking and/or signposting.
29. **Prior to the issue of the construction certificate**, a suitably qualified engineer must review the plans that relate to parking facilities and provide written evidence, to the certifier's satisfaction, that it complies with the relevant parts of AS 2890 Parking Facilities- Off-Street Carparking and Council's development control plan in regard to, minimum access width, turning arrangement, clearances, space sizes, grades, aisle widths, etc. according to the relevant vehicle Class.

STORMWATER DRAINAGE

30. Prior to the issue of the Construction Certificate, the construction details in accordance with the Council's Manual of Engineering Standards shall be provided for the following stormwater requirements:
- On-site Detention (OSD) of stormwater at an equivalent rate of 1.8m³ per 100m² of the additional impervious area with a Permissible Site Discharge (PSD) of 1.5litre/second per 100m² of additional impervious area, and
 - The final discharge of collected stormwater runoff shall be piped to the existing site drainage system/the legal and physical point of discharge, and
 - Detailed pavement finished surface levels demonstrating 1% conveyance paths to, and 1% inlet capacity into the OSD tank/structure, and
 - Structural certification is required for underground detention systems where expected traffic loads are likely, and
 - An emergency overland flow path for major storm events, that is directed to the downstream drainage system, and
 - Entrapment of gross pollutants, nutrients, and hydrocarbons generated from the contributing ground-surface catchment areas.
31. **Prior to Occupation or Operation of the development,** a *Stormwater System Maintenance Procedure Plan* shall be prepared by an engineer, detailing a regular maintenance program for pollution control devices, covering inspection, cleaning, and waste disposal, a copy of which shall be supplied to the owner/operator and to Maitland City Council for the supply of future owners as needed.
32. **Prior to the issue of the Occupation Certificate or the Operation of the development,** the stormwater-control system shall be constructed in accordance with the approved stormwater drainage plan for construction. A qualified engineer shall supply written certification to the PCA and Council that the constructed system including detention volume and discharge rates achieves the consent requirements for detention.

EROSION CONTROLS

33. 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

34. All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
35. 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.
36. Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:
- 7.00am to 6.00pm Monday to Friday
 - 7.00am to 5.00pm Saturday

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

EARTHWORKS

37. Filling material, shall be limited to the following:
 - a) virgin excavated natural material (VENM); and/or
 - b) excavated natural material (ENM) certified as such in accordance with Protection of the *Environment Operations (Waste) Regulations 2014*.
38. Only natural earth material, free of contamination shall be deposited on the land. Under no circumstances shall contaminated fill material including fines, putrescible wastes, (including timber, paper, green waste, food etc.), oil products (including petrol, bitumen, asphaltic concrete etc.), plastic, and the like, be deposited on the land unless expressly authorised by this development consent.
39. Filling material is to be provided with stable, maintainable batters no steeper than 1 (vertical) in 4 (horizontal).
40. Fill material shall not obstruct any local watercourse, flow path or drain, that is within or that enters the site, without provision for conveyance, within the site, of stormwater flows through or around the proposed fill area, including adequate protection against erosion.
41. All excavated and/or filled areas are to be retained or battered and suitably drained so as to prevent any subsidence of the area and constructed so as to deny any flow of onto any buildings, or neighbouring properties.

SITE CONSIDERATIONS

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

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

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

43. All proposed retaining walls, including any excavation, footings, drainage and backfill shall be contained within the property boundaries. Retaining walls and associated earthworks shall not impede or redirect the natural flow of surface water from adjoining properties in a manner that creates nuisance.
44. If an excavation extends below the level of the base of the footings of a building/structure on an adjoining allotment of land, the person causing the excavation to be made.
 - i) Must preserve and protect the building/structure from damage, and

DA/2023/429 FOR ANIMAL BOARDING ESTABLISHMENT AT 138 CESSNOCK ROAD MAITLAND (Cont.)

- 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).

45. Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.
46. 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.
47. A sign must be erected in a prominent position on the work:
- i) stating that unauthorised entry to work site is prohibited, and
 - ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted during work hours.
- Any such sign is to be removed when the work has been completed.
- Note: This condition does not apply to:*
- i) *building work carried out inside an existing building, or*
 - ii) *building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.*
48. 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.
49. The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.
50. No building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.

DA/2023/429 FOR ANIMAL BOARDING ESTABLISHMENT AT 138 CESSNOCK ROAD MAITLAND (Cont.)

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

ADVICES

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

- A** You are advised that where underground works within the road reserve are required for necessary for supply of services (such as water, sewer, electricity, gas), further consent for a "Road Opening" must be obtained from Council.
Refer to Council's form: "Application for Registration to Open Roads/Footpaths".
- B** You are advised that in regard to potential soil erosion from the construction site, such pollution of the environment is an offence under the Protection of the Environment & Operations (POEO) Act and may incur infringement fines.
- C** You (or the owner) are advised to notify Council in writing, of any existing damage to the street infrastructure (including landscaping) along the frontage of the property, prior to commencement of construction. The absence of such notification signifies that no damage exists. Where necessary repairs are carried out by Council, the owner of the property shall be held liable for the cost of those repairs.
- D** You are advised that there may be design matters in relation to the drainage *concept* plan that warrant further attention prior to the issue of the Construction Certificate.
- E** You are advised that, prior to pouring of internal concrete driveways and kerbs, which act as surface depression storage for the stormwater detention, (and/or surfaces which divert runoff to those storage areas), levels should be confirmed, by survey, on formwork and control marks.
- F** You are advised that further consent for a driveway across the footway verge must be obtained. *Inspections* of works (eg formwork & reinforcement **MUST** be carried out by Council. (See Council's "Application To Construct Private Works On Footway"). You should contact Council (ph. 49 34 9700), giving at least 24 hours notice for inspections.
- G** 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.
- H** 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.
- I** You are advised that any proposed advertising signs are subject to a separate Development Application to Council.

City Planning

DA/2023/429 FOR ANIMAL BOARDING ESTABLISHMENT AT 138 CESSNOCK ROAD MAITLAND

Submissions

Meeting Date: 13 February 2024

Attachment No: 5

Number of Pages: 3

DA/2023/429 FOR ANIMAL BOARDING ESTABLISHMENT AT 138 CESSNOCK ROAD MAITLAND (Cont.)

[REDACTED]

From: [REDACTED]
Sent: Friday, 27 October 2023 8:30 AM
To: Maitland City Council
Subject: 111/1180907 138 cessnock rd Animal Borading
Attachments: CCF_000125.pdf

good morning

Hi there i'm writing to you about this proposal for a Animal boardingEstablishment
At 138 Cessnock road maitland

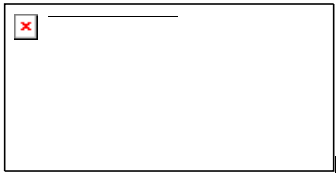
I would like to bring some points for safety reasons
Cessnock road is busy as it is now and hard to get out and in of my property at [REDACTED]
there has been 4 crashes out the front of my place in the last 4 years and don't think it will be long before it happens
again sadly
No one really does the spend limit past this entry
It's on a ridge and corner .
There was a bus stop at this address and was removed for safety reasons some time back now and the road is only
worse now compared to 8 years ago we moved in this area

So i would say im not happy with this going forward

kind regard

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

DA/2023/429 FOR ANIMAL BOARDING ESTABLISHMENT AT 138 CESSNOCK ROAD MAITLAND (Cont.)

[REDACTED]

From: [REDACTED]
Sent: Monday, 17 July 2023 8:13 AM
To: Maitland City Council
Subject: letter of objection to DA/2023/429

Please forward our response to the letter of proposed development for DA/2023/429 on to the appropriate department

To whom it may concern,

We are writing to highly object to the proposed development of an animal boarding establishment at 138 Cessnock road Maitland, [REDACTED]. The proposed development causes significant risks and issues for the neighbouring houses as well as the local community for a variety of reasons and is highly inappropriate for the location.

The proximity of the proposed animal boarding kennels to the neighbouring houses and road is much too close. Noise disturbance will be a huge issue as there is little distance between the kennels and the extremely busy Cessnock Rd, or the neighbouring houses. Therefore animals will hear and react to cars and pedestrians on Cessnock rd constantly, creating noise disturbances for the many neighbouring properties. The close proximity and location of the proposed kennels on top of the hill will also create odour issues for neighbouring properties. We already have odour issues from the chook sheds which are much further away, so i can only imagine how bad the odours will be from the kennels being so close and the winds always catching the smell from the animals. Both the noise and odour issues are therefore not in accordance with Maitland City Council's Keeping of Animals Policy aiming to 'minimise the incidence of nuisance being caused to persons'.

The proposed boarding kennels also pose significant safety risks for us, the neighbours and wider community, There is inadequate fencing, therefore if any animals escape they could easily enter adjacent land and threat or attack our animals or even our own infant daughter. We have already witnessed race horses escape this property and run onto Cessnock Rd creating near-miss accidents, so it also poses a risk to the busy traffic and pedestrians on Cessnock Rd who could all become involved being so close to the proposed development. The anxiety this will create due to the ever changing nature and unknown temperament of these animals will be massive, and we will feel unsafe in our own home.

There is also no turning lane into our shared driveway with this property, meaning it is an unsafe entrance and exit to add further traffic to. With the already large number of vehicles entering and exiting due to the horse business, creating even more traffic utilising this unsafe entrance will be dangerous.

With the amount of infrastructure already and the development of the school across the road we find it very inappropriate to even have an animal boarding kennel even considered in this area.

In conclusion, we did not buy in this area to have our house value depreciated by a boarding kennel which should be well out of town due to noise, odour and safety concerns. Please keep us informed of any developments in this process as it is very important to us that we feel safe and heard.

Worried residents,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

11.3 DA/2023/696 FOR TELECOMMUNICATIONS FACILITY WITH 36.2M HIGH MONOPOLE, ANCILLARY WORKS, FENCING AT 14 MITCHELL DRIVE EAST MAITLAND

FILE NO:	DA/2023/696
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Locality Plan 2. Development Plans 3. Assessment Report (Under Separate Cover) 4. Recommended Conditions of Consent
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Cindy Littlewood - Manager Development & Compliance Kristy Cousins - Coordinator Planning & Development
AUTHOR:	Mia Gallaway - Development Planner
APPLICANT:	Stockland Trust Management Ltd
OWNER:	The Trust Company Limited
PROPOSAL:	Telecommunications Facility with 36.2m High Monopole, Ancillary Works, and Fencing
LOCATION:	14 Mitchell Drive, East Maitland
ZONE:	E2 Commercial Centre

EXECUTIVE SUMMARY

Council is in receipt of Development Application 2023/696 seeking approval for a Telecommunications Facility with 36.2m High Monopole, Ancillary Works, Fencing at 14 Mitchell Drive, East Maitland.

The Development Application (DA) was publicly exhibited from 3 October 2023 to 17 October 2023 and no submissions were received. The DA is being reported to Council on the basis that the proposal requests a clause 4.6 variation to the maximum building height as permitted by clause 4.1 of the Maitland Local Environmental Plan 2011 (Maitland LEP).

The site is located at 14 Mitchell Drive, East Maitland and is legally described as Lot 311 DP 1031540. The site contains Stockland Green Hills Shopping Centre and the development is proposed adjacent to the existing carpark on site. See Attachment 1 for the locality plan and Attachment 2 for the development plans.

The Development Application has been assessed against the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulations 2021, relevant Environmental Planning Instruments and Council Policies. The outcome of this assessment is detailed within the Planners Assessment Report in Attachment 3. The proposed development is considered appropriate subject to conditions of consent, therefore it is recommended that the Development Application be approved subject to the recommended conditions of consent contained in Attachment 4 of this report.

DA/2023/696 FOR TELECOMMUNICATIONS FACILITY WITH 36.2M HIGH MONOPOLE, ANCILLARY WORKS, FENCING AT 14 MITCHELL DRIVE EAST MAITLAND (Cont.)

OFFICER'S RECOMMENDATION

THAT

1. **DA/2023/696 for Telecommunications Facility with 36.2m High Monopole, Ancillary Works, Fencing and Tree Removal is approved subject to the recommended schedule of conditions provided in Attachment 4 of this report.**

INTRODUCTION

Development Application 2023/696 was lodged on 18 September 2023 seeking approval for a Telecommunications Facility with 36.2m High Monopole, Ancillary Works, Fencing and Tree Removal at 14 Mitchell Drive, East Maitland. The DA is being reported to Council on the basis that the proposal requests a clause 4.6 variation to the maximum building height permitted under the Maitland LEP.

SITE DESCRIPTION

The description of the land on which the development is to be carried out is Lot 311 DP 1031540, known as 14 Mitchell Drive, East Maitland (refer to Attachment 1 and Figure 1 below).

The site is irregular in shape and has an area of 12.38 hectares. The site contains Stockland Green Hills Shopping Centre and the development is proposed adjacent to the existing carpark on site, on an unused portion of the land between the southeastern corner of the carpark, and the medical offices on adjacent land at 11 Molly Morgan Drive.

The site is located in East Maitland Commercial area, with surrounding development being commercial businesses to the north, east and west of the site, with residential development located approximately 120 metres to the south off Moss Place. The nearest residential properties are separated by a vegetation strip on the subject site.



Figure 1 – GIS Aerial image with red arrow showing approximate location of proposed development

DA/2023/696 FOR TELECOMMUNICATIONS FACILITY WITH 36.2M HIGH MONOPOLE, ANCILLARY WORKS, FENCING AT 14 MITCHELL DRIVE EAST MAITLAND (Cont.)

PROPOSAL

The proposal involves the construction of a telecommunications facility comprising of a:

- 35m High Monopole with antennas mounted on a triangular headframe (total height 36.2m).
- Nine panel antennas mounted to the monopole via the triangular headframe. Six panel antennas (2533mm H x 349mm W x 208mm D) and three panel antennas (717mm H x 408mm W x 189mm D).
- Installation of three outdoor unit (ODU) equipment cabinets to operate the base station in a non-reflective grey colour
- Ancillary equipment associated with operation of the facility, including remote radio units, cable trays, cabling, safe access methods, electrical works and air-conditioning equipment
- All development will be located within a 4m x 8m fenced compound area (shown in Figure 3 below)
- Minor associated earthworks and fencing

Development plans are available for viewing in Attachment 2 of this report.

The development will form an integral part of the Telstra mobile network in the East Maitland locality, which will enable Telstra to enhance its mobile network capacity and coverage in this area.

KEY ISSUES

A comprehensive assessment of the proposal, including considering of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* and subsequent telecommunications facilities guideline, has been undertaken in the Planners Assessment Report which can be viewed in Attachment 3. Key issues identified throughout the assessment have been summarised below:

Height of Buildings

The subject site is identified as having a 24m maximum building height under the Maitland LEP 2011. The application seeks consent for a maximum building height of 36.2m. The structure proposes an exceedance of 12.2m above the 24m building height (50.83% variation), as shown in the figure below:

The relevant development standard and the extend of the proposed variation is:

Development Standard	Proposed Variation	Extent of Variation
Clause 4.3 Height of Buildings	12.2m	50.83%

As the proposed variation is greater than 10%, the development application will be determined by the elected Council (rather than the General Manager or nominated staff under delegation).

DA/2023/696 FOR TELECOMMUNICATIONS FACILITY WITH 36.2M HIGH MONOPOLE, ANCILLARY WORKS, FENCING AT 14 MITCHELL DRIVE EAST MAITLAND (Cont.)

The development application includes a written request to vary a development standard in the Maitland LEP. In determining whether or not to support a variation to the MLEP development standard Council is required to be satisfied that the applicant has demonstrated that:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- That there are sufficient environmental planning grounds to justify contravening the development standard.

Council can be satisfied as to the above matters on the basis that:

- Strict compliance with the development standard is unreasonable given the nature of a telecommunications facility, which requires them to protrude above surrounding vegetation and structures. The 24m building height limit is to ensure that new development complements the streetscape and character of an area and to ensure that the amenity of the neighbouring properties is protected. It is acknowledged that the site will be visible from some viewpoints and has potential to cause a visual impact to surrounding properties. However, structure is located at the rear of the Green Hills Shopping Centre, and is visually screened to the west and north by this building, and is not anticipated detrimentally impact the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views.
- There are sufficient environmental planning grounds to justify contravening the development standard, given the nature of the proposed development and the demand for the infrastructure in the local area. The development is permissible and consistent with strategic and statutory policies and is consistent with the objectives of the zone. The proposal will provide an important community benefit by providing access to critical mobile telecommunications services, meeting the community's increasing demand for quality and reliable mobile phone service and significantly improved network coverage and capacity in the area.

The proposed development is considered to be consistent with the objectives of clause 4.6 given it will not have a significant visual or overshadowing impact on adjoining properties and will not establish a precedence not in the public interest. In these particular circumstances the variation can be justified.

Visual Impact

A visual impact assessment was provided which details the site will be visually prominent from the commercial area to the north and east of the site. Based on the photomontage provided, the visual effects of the of the proposal are mitigated by the combination of the existing vegetation surrounding the proposed location, and the existing commercial character of the area. To alleviate the visual impacts the tower has been designed as a monopole and is proposed to be finished in a recessive colour in order to blend into the facility to ensure it is not a prominent feature in the landscape.

DA/2023/696 FOR TELECOMMUNICATIONS FACILITY WITH 36.2M HIGH MONOPOLE, ANCILLARY WORKS, FENCING AT 14 MITCHELL DRIVE EAST MAITLAND (Cont.)

The proposed development will provide an improved mobile phone and mobile broadband network in the locality to service both the existing and future community. While some visual impacts are expected as a result of the proposal it is not considered that they are significant given the existing vegetation in the locality and the minimal nature of the development design. The application is therefore considered appropriate in terms of the visual impact.

PUBLIC SUBMISSIONS

The Development Application was publicly exhibited from 3 October 2023 to 17 October 2023 and no submissions were received.

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 detailed assessment report included at Attachment 3.

CONCLUSION

Key issues identified during the assessment process include height and visual impact. No submissions were received relating to the proposal. This report represents a summary of these key issues, with a detailed assessment provided in the Assessment Report Attachment 3.

Based on the assessment, it is recommended that the Development Application be approved subject to the recommended conditions of consent included as Attachment 4 of this Report.

DA/2023/696 FOR TELECOMMUNICATIONS FACILITY WITH 36.2M HIGH MONOPOLE, ANCILLARY WORKS, FENCING AT 14 MITCHELL DRIVE EAST MAITLAND (Cont.)

City Planning

DA/2023/696 FOR TELECOMMUNICATIONS FACILITY WITH 36.2M HIGH MONOPOLE, ANCILLARY WORKS, FENCING AT 14 MITCHELL DRIVE EAST MAITLAND

Locality Plan

Meeting Date: 13 February 2024

Attachment No: 1

Number of Pages: 1

DA/2023/696 FOR TELECOMMUNICATIONS FACILITY WITH 36.2M HIGH MONOPOLE, ANCILLARY WORKS, FENCING AT 14 MITCHELL DRIVE EAST MAITLAND (Cont.)



Printed: 22/01/2024

DA/2023/696 FOR TELECOMMUNICATIONS FACILITY WITH 36.2M HIGH MONOPOLE, ANCILLARY WORKS, FENCING AT 14 MITCHELL DRIVE EAST MAITLAND (Cont.)

City Planning

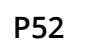
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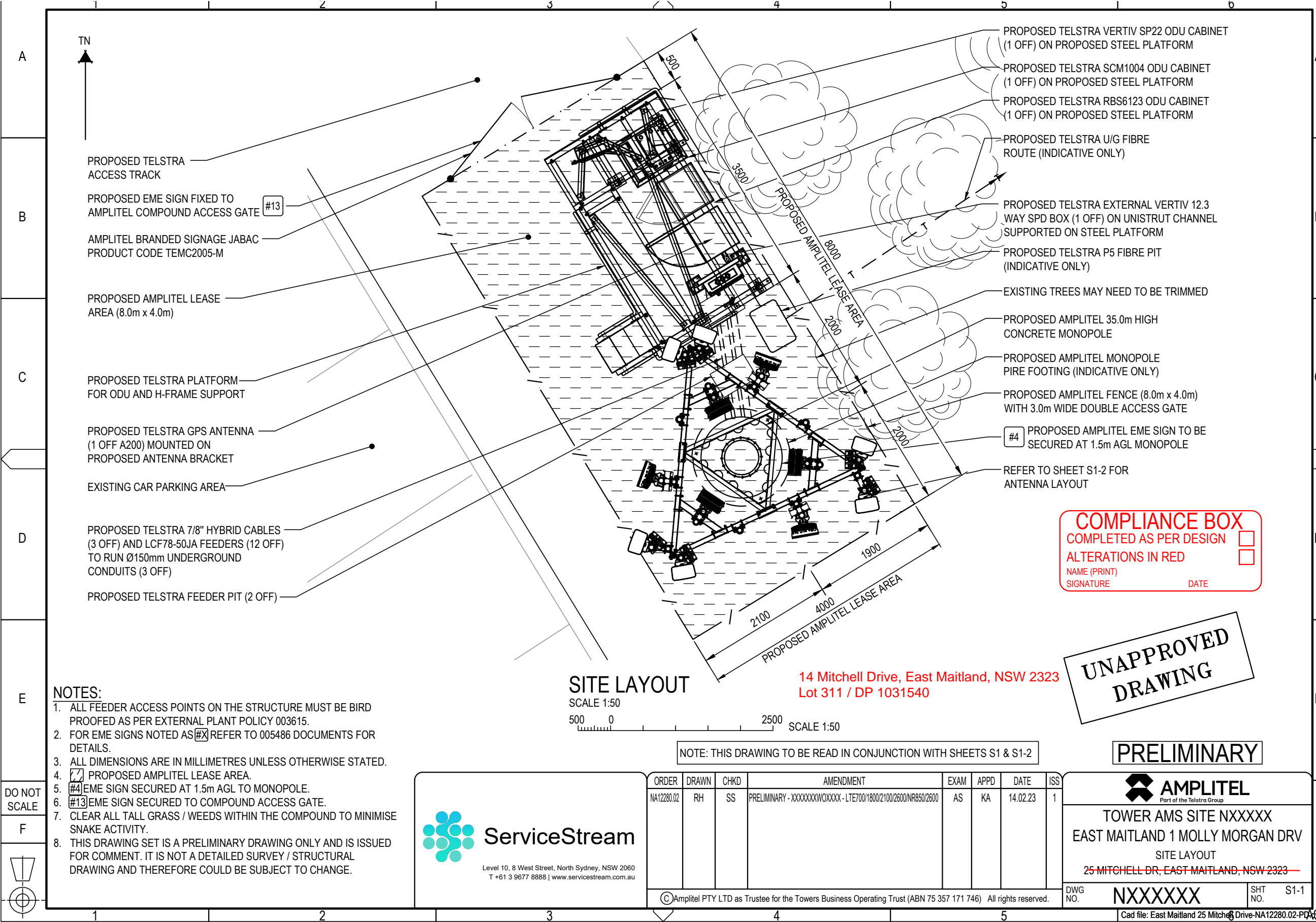
Development Plans

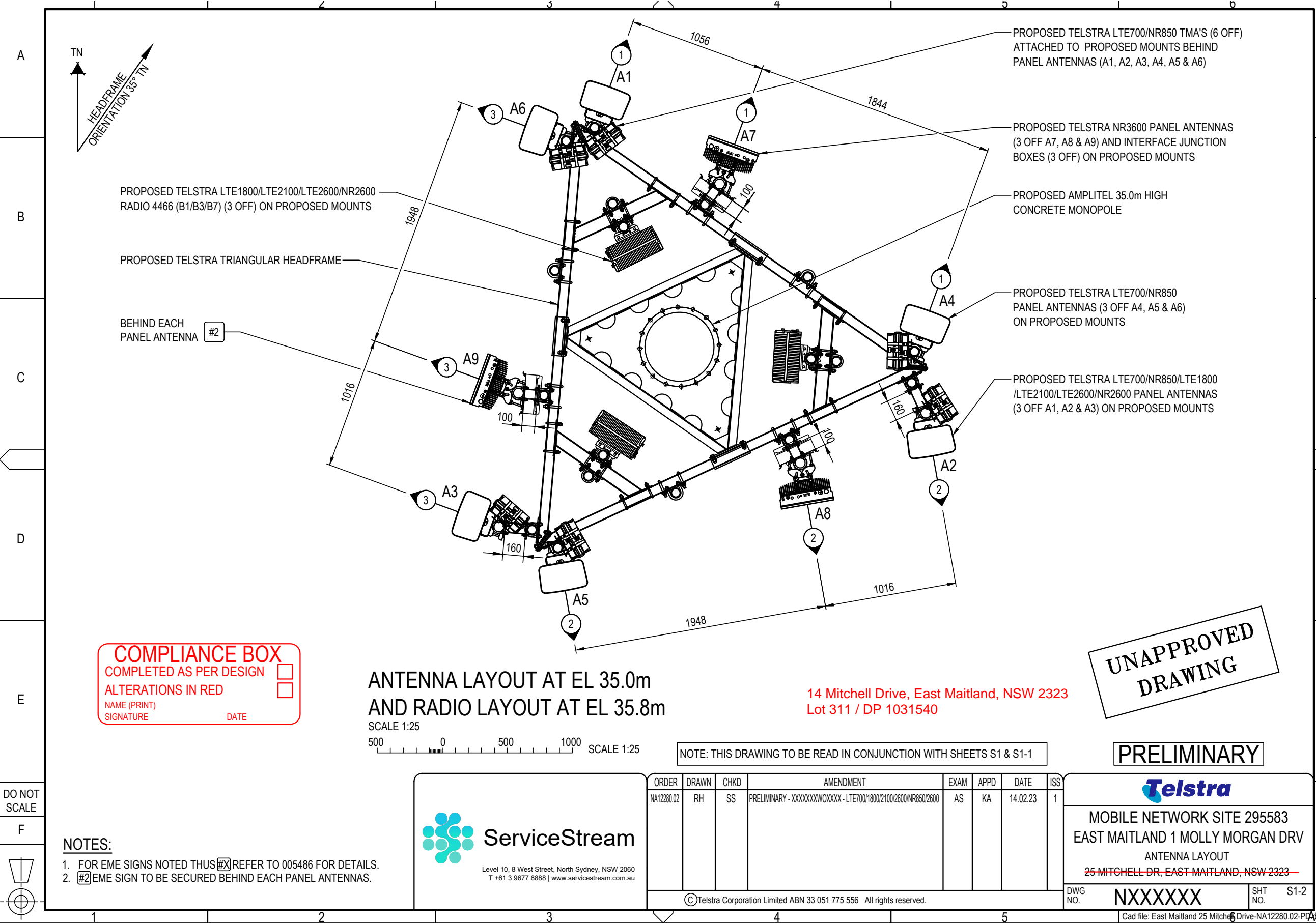
Meeting Date: 13 February 2024

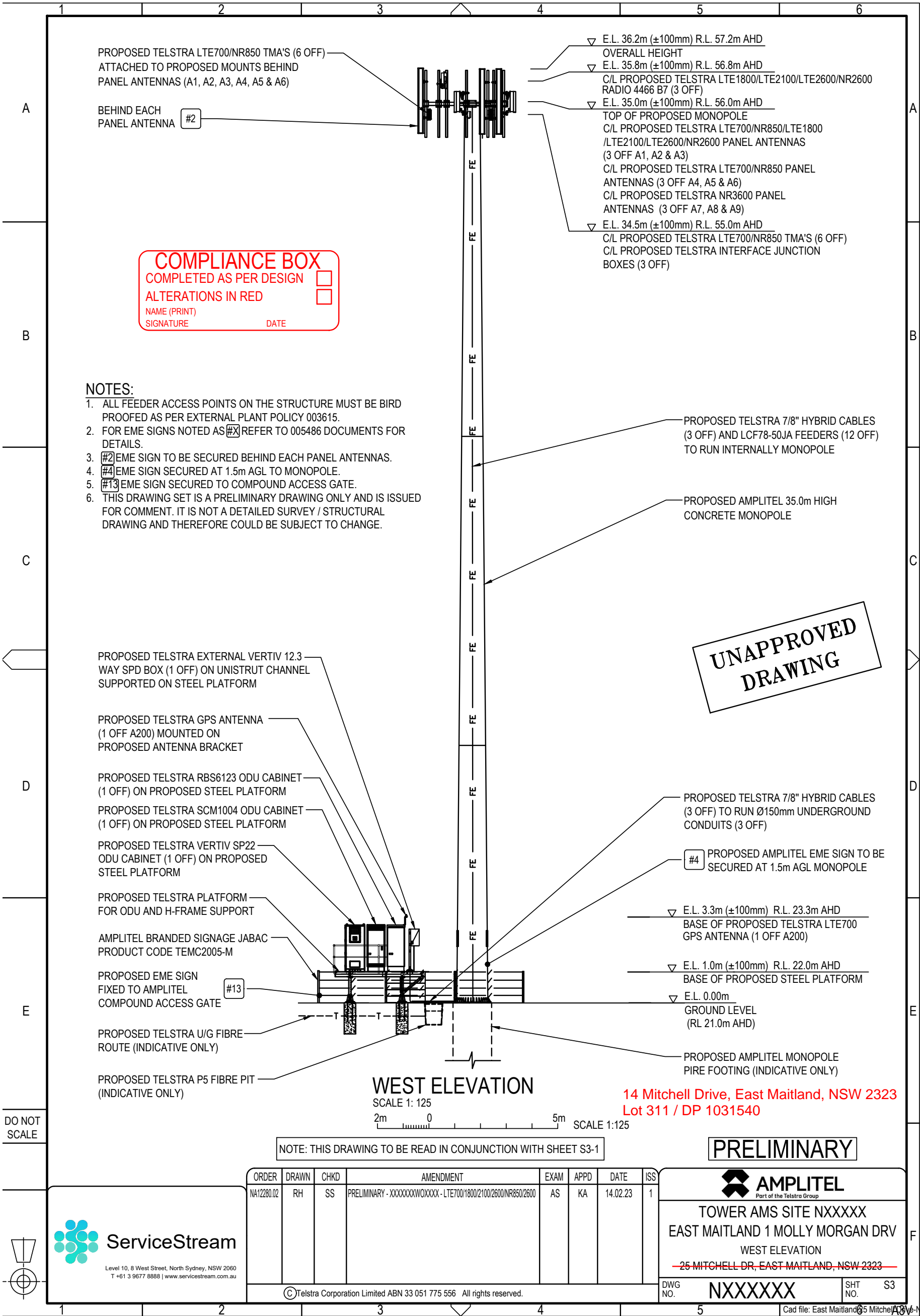
Attachment No: 2

Number of Pages: 5









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DA/2023/696 FOR TELECOMMUNICATIONS FACILITY WITH 36.2M HIGH MONOPOLE, ANCILLARY WORKS, FENCING AT 14 MITCHELL DRIVE EAST MAITLAND (Cont.)

City Planning

DA/2023/696 FOR TELECOMMUNICATIONS FACILITY WITH 36.2M HIGH MONOPOLE, ANCILLARY WORKS, FENCING AT 14 MITCHELL DRIVE EAST MAITLAND

Recommended Conditions of Consent

Meeting Date: 13 February 2024

Attachment No: 4

Number of Pages: 5

DA/2023/696 FOR TELECOMMUNICATIONS FACILITY WITH 36.2M HIGH MONOPOLE, ANCILLARY WORKS, FENCING AT 14 MITCHELL DRIVE EAST MAITLAND (Cont.)

Draft Schedule of Conditions DA/2023/696

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

1	Approved plans and supporting documentation					
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.					
	Approved plans					
	Plan No.	Sheet No.	Rev No.	Plan title	Drawn by	Date of plan
	NXXXXXX	S1	1	Site Access Locality Plan	Service Stream	14/02/23
	NXXXXXX	S1-1	1	Site Layout	Service Stream	14/02/23
	NXXXXXX	S1-2	1	Antenna Layout	Service Stream	14/02/23
	NXXXXXX	S3	1	West Elevation	Service Stream	14/02/23
	NXXXXXX	S3-1	1	Antenna Configuration Table	Service Stream	14/02/23
	In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.					
	Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.					
2	Building Code of Australia					
	All building work shall be carried out in accordance with the provisions of the Building Code of Australia (BCA).					
	In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.					
3	Pruning to be undertaken in accordance with the relevant standards					
	This consent permits the pruning of identified tree(s) in accordance with Australian Standard AS4373-2007 – Pruning of Amenity Trees subject to the proponent undertaking the necessary investigations to ensure that such pruning will not result in the destabilisation of the subject tree(s). Any pruning of more than 10% of foliage, undertaken in accordance with Australian Standard (AS) 4373, or removal of trees will require additional consent from Council.					
	Condition reason: To ensure tree pruning is undertaken per the applicable standards.					

Building Work

DA/2023/696 FOR TELECOMMUNICATIONS FACILITY WITH 36.2M HIGH MONOPOLE, ANCILLARY WORKS, FENCING AT 14 MITCHELL DRIVE EAST MAITLAND (Cont.)

Before issue of a construction certificate

4	7.12 Contributions
	Pursuant to Section 57.12 of the Environmental Planning and Assessment Act 1979 and the Maitland S94A Levy Contributions Plan 2006, a contribution of \$3,190 shall be paid to the Council.
	The above amount may be adjusted at the time of payment in accordance with the provisions of the Maitland S94A Levy Contributions Plan 2006.
	Payment of the above amount is required prior to issue of the Construction Certificate for the development
	This condition has been applied to ensure that 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 and the provisions of section 7.12 of the Environmental Planning and Assessment Act, 1979.
	Condition reason: To outline contributions payable to Council per Clause 4.17 of the Environmental Planning and Assessment Act 1979.

Before building work commences

5	Erosion and sediment controls in place
	Before any site work commences, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
6	Hoarding or fencing of work site where impacting a public place
	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.
	Condition reason: To ensure public assets and traffic are appropriately managed during construction.
7	Notice of appointment of PCA to be provided prior to commencement
	The applicant shall submit to Council a 'Notice of Appointment of the Principal Certifier' at least two (2) days prior to the commencement of construction works.
	Condition reason: To ensure a Principal Certifier is appointed prior to works commencing.
8	Notice of commencement to be provided to Council
	The applicant shall submit to Council a "Notice of Commencement" form at least two (2) days prior to the commencement of construction works.
	Condition reason: To ensure Council is notified prior to works commencing.
9	Rubbish Generated from the development for all construction sites

DA/2023/696 FOR TELECOMMUNICATIONS FACILITY WITH 36.2M HIGH MONOPOLE, ANCILLARY WORKS, FENCING AT 14 MITCHELL DRIVE EAST MAITLAND (Cont.)

	<p>Before the commencement of any building works, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works.</p> <p>No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.</p> <p>Condition reason: Ensuring proper waste management and preventing environmental pollution during the construction process.</p>
10	<p>Sign on building</p> <p>Except in the case of work only carried out to the interior of a building or Crown building work, a sign must be erected in a prominent position on the site showing</p> <ul style="list-style-type: none"> i. the name, address and telephone number of the Principal Certifier for the work, and ii. the name of any principal contractor and their after-hours contact number, and iii. must contain a statement that unauthorised entry to the site is prohibited. <p>The sign must be maintained while the work is being carried out and is to be removed when the work is completed.</p> <p>Condition reason: Prescribed conditions of development consent pursuant to Section 4.16(11) of the Environmental Planning and Assessment Act 1979 and Section 70 of the Environmental Planning and Assessment Regulation 2000.</p>

During building work

11	<p>Excavations and backfilling to be executed safely</p> <p>All excavations and backfilling must be executed safely, in accordance with appropriate professional standards and be properly guarded and protected to prevent them from being dangerous to life or property.</p> <p>Condition reason: To ensure excavations and backfilling is executed safely.</p>
12	<p>Fill material to not obstruct stormwater path(s)</p> <p>Fill material shall not obstruct any local watercourse, flow path or drain, that is within or that enters the site, without provision for conveyance, within the site, of stormwater flows through or around the proposed fill area, including adequate protection against erosion.</p> <p>Condition reason: Protection of the downstream drainage and environment.</p>
13	<p>Property to be protected against soil erosion (minor)</p> <p>The environment surrounding the work shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind and "vehicle tracking".</p> <p>Condition reason: To ensure compliance of erosion and sediment control measures throughout the course of construction.</p>
14	<p>Public access to the site to be restricted</p> <p>Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.</p> <p>Condition reason: To ensure public access to the building site is restricted.</p>
15	<p>Restriction on working hours for building activity</p> <p>Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:</p> <ul style="list-style-type: none"> a. 7.00am to 6.00pm Monday to Friday b. 7.00am to 5.00pm Saturday <p>Any work performed on Sunday's or Public Holidays that may cause offensive noise, as defined under the Protection of the Environment Operations Act, is prohibited. Minor works (such as hand</p>

DA/2023/696 FOR TELECOMMUNICATIONS FACILITY WITH 36.2M HIGH MONOPOLE, ANCILLARY WORKS, FENCING AT 14 MITCHELL DRIVE EAST MAITLAND (Cont.)

	sanding, painting, digging and the like) is permitted between the hours of 9.00am to 5.00pm. Power operated tools are not permitted to be used. Condition reason: To ensure approved building activity does not disrupt the amenity of the surrounding area.
16	Site is to be cleared of building refuse on completion The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure. Condition reason: To ensure all building waste, refuse and spoil is removed from site upon completion of works.
17	Stop works – Aboriginal archaeological deposit Prior to, or during construction, identification of any potential archaeological deposit likely to contain Aboriginal artefacts, shall cause construction works to cease. Application shall be made by a suitably qualified Archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics. A copy of such a permit, shall be submitted to Council upon receipt Condition reason: To ensure works cease and a permit is obtained should any archaeological deposits are uncovered during works.
18	Stormwater drainage disposal Final discharge of collected stormwater runoff shall be piped, in accordance with Council's Manual of Engineering Standards to the existing site drainage system. Condition reason: To ensure stormwater connection is in accordance with Council's Manual of Engineering Standards and the approved plan(s).
19	Toilet facilities While work is being carried out, temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time. The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor. Condition reason: To ensure adequate sanitary facilities during construction.
20	Unexpected finds contingency (general) Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment. In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately. Where remediation work is required, the applicant will be required to obtain consent for the remediation works. Condition reason: To ensure unexpected finds are appropriately managed.
21	Acid Sulfate Soils During construction works, an assessment of acid sulfate soil potential is to be undertaken in the area of excavation. If acid sulfate soils are found to be present, soils are to be treated in accordance with the New South Wales Acid Sulfate Soil Management Advisory Committee's 'Acid Sulfate Soil Manual'. Condition reason: To mitigate the impact of potential Acid Sulfate Soil impacts.

Before issue of an occupation certificate

22	Occupation certificate required A relevant Occupation Certificate must be obtained prior to any use or occupation of the
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DA/2023/696 FOR TELECOMMUNICATIONS FACILITY WITH 36.2M HIGH MONOPOLE, ANCILLARY WORKS, FENCING AT 14 MITCHELL DRIVE EAST MAITLAND (Cont.)

	development. The Principal Certifier must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent. Condition reason: To ensure development is suitable for occupation and / or use.
23	Repair of infrastructure Before the issue of an Occupation Certificate: 1. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or 2. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent. Condition reason: To ensure any damage to public infrastructure is rectified.

Occupation and ongoing use

24	Amenity The base unit and base of the pole is to be painted pale green (colorbond 'pale eucalypt' or equivalent product) to blend into the surrounding landscape. The monopole as well as any antennas and radio communication dishes shall be painted a suitable colour such as shale grey. Condition reason: To limit and reduce impact upon the surrounding amenity.
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12 CITY SERVICES

Nil

13 CUSTOMER AND DIGITAL SERVICES

Nil

14 PEOPLE AND PERFORMANCE

14.1 AUDIT RISK AND IMPROVEMENT COMMITTEE (ARIC) MEETING DRAFT MINUTES - 6 DECEMBER 2023

FILE NO:	81/26
ATTACHMENTS:	1. ARIC Draft Minutes 6 December 2023
RESPONSIBLE OFFICER:	Tiffany Allen - Executive Manager People and Performance Leisa Tate - Manager Workplace Health and Safety
AUTHOR:	Fiona Goodman - Coordinator Risk
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.4 Implement and maintain a contemporary governance, audit and risk framework

EXECUTIVE SUMMARY

The Audit Risk and Improvement Committee (ARIC) meeting was held on 6 December 2023. The draft minutes of the meeting are submitted to Council for information.

OFFICER'S RECOMMENDATION

THAT

1. Council note the draft minutes of the ARIC meeting of 6 December 2023.

REPORT

The draft minutes of the Audit, Risk and Improvement Committee (ARIC) meeting held on 6 December 2023 are attached for information. The minutes will be formally adopted by the ARIC at its next meeting in April 2024.

The ARIC considered a series of reports, including:

- 1st Quarter Budget Review
- External Auditors Report
- ARIC Terms of Reference
- ARIC Annual Workplan and meeting dates for 2024.
- IA Program Progress
- 1st Quarter Performance Review against the Operational Plan
- MCC Annual Report
- Cyber Security Update
- Events Presentation
- Compliance – Regulatory Changes.

Two confidential reports were presented on Risk and Insurances, as well as Workplace Health and Safety.

AUDIT RISK AND IMPROVEMENT COMMITTEE (ARIC) MEETING DRAFT MINUTES - 6 DECEMBER 2023 (Cont.)

CONCLUSION

Council's Audit, Risk and Improvement Committee met on 6 December 2023, with the draft minutes of the ARIC provided to Council for information, in accordance with its Terms of Reference.

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 as the regulations have not yet been released by the State Government.

People and Performance

AUDIT RISK AND IMPROVEMENT COMMITTEE (ARIC) MEETING DRAFT MINUTES - 6 DECEMBER 2023

ARIC Draft Minutes 6 December 2023

Meeting Date: 13 February 2024

Attachment No: 1

Number of Pages: 23



AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING

MINUTES

6 DECEMBER 2023



6 DECEMBER 2023

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6 DECEMBER 2023

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6 DECEMBER 2023

PRESENT

Dave Pendleton, Chair
Jennifer Leslie, Independent Member
Ben Lawson, Independent Member (via teams)

General Manager, Jeff Smith
Chief Audit Executive, Leah Flint
Chief Financial Officer, Michael Burfitt
Manager Governance & Risk, Stephen McDonald
Coordinator Risk, Fiona Goodman
Senior Risk & Audit Officer, Donna Morris

External Representatives

Martin Matthews, PKF (via teams)
Amy Daley, PKF
Cassie Malone, Audit Office of NSW (via teams)
Nestor Tindugan, Prosperity (via teams)

Council representatives who joined the meeting

Matt Prendergast, Group Manager Infrastructure & Works
Kelly Arnott, Manager Corporate Planning & Performance
Rachel MacLucas, Executive Manager Vibrant City
Adam Franks, Coordinator City Events & Activation
Mark Margin, Executive Manager Digital Transformation
Adam McCarthy, Manager ICT Operations
Tiffany Allen, Executive Manager Workplace Culture & Safety
Leisa Tate, Manager Workplace Health & Safety

1 ACKNOWLEDGEMENT OF COUNTRY

The meeting commenced at 10.14am with the Chair, Mr Dave Pendleton, reading the Acknowledgement of Country.

2 GOVERNANCE**2.1 APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE****RESOLUTION**

THAT the apologies received for the unavoidable absence of Mayor Penfold and Alex Hardy (Prosperity) be accepted and leave of absence granted.

Moved: Jennifer Leslie Seconded: Ben Lawson

6 DECEMBER 2023

2.2 DISCLOSURES OF INTEREST

COMMITTEE RESOLUTION

Jennifer Leslie asked that her appointment to the Board of the Regional Australia Bank be noted.

Moved: Jennifer Leslie Seconded: Ben Lawson

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COMMITTEE RESOLUTION

THAT the minutes of the Audit Risk and Improvement Committee Meeting held 17 October 2023 be confirmed.

Moved: Jennifer Leslie Seconded: Ben Lawson

6 DECEMBER 2023

4 FINANCIAL MANAGEMENT

4.1 FIRST QUARTER BUDGET REVIEW 2023/24 - PERIOD ENDED 30 SEPTEMBER 2023

FILE NO:	2/8
ATTACHMENTS:	1. QBR 1 - 30 September 2023
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Michael Burfitt - Chief Financial Officer
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.2 Ensure Council is financially sustainable and meets required levels of performance

EXECUTIVE SUMMARY

This report has been reported to Council and is customised for the ARIC. The recommendation has been changed and the technical information is unchanged.

The Quarterly Budget Review Statement (QBRS) presents a summary of Council's financial position at the end of each quarter. It is a mechanism whereby Councillors and the community are informed of Council's progress against the Operational Plan (original budget) and the last revised budget, along with recommended changes and reasons for major variances.

OFFICER'S RECOMMENDATION

THAT

1. ARIC note the requirement for a first quarter budget review has been met, as presented and adopted by Council on the 28 November 2023.

COMMITTEE RESOLUTION

THAT

1. ARIC note the first quarter budget review, as presented and adopted by Council on the 28 November 2023.

Moved: Ben Lawson Seconded: Jennifer Leslie

6 DECEMBER 2023

4.2 EXTERNAL AUDITORS REPORTS

FILE NO:	2/8
ATTACHMENTS:	1. Report on the Conduct of the Audit 2. Engagement Closing Report
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Michael Burfitt - Chief Financial Officer
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.2 Ensure Council is financially sustainable and meets required levels of performance

EXECUTIVE SUMMARY

At the Audit, Risk and Improvement Committee meeting on 17 October 2023 Council's external auditors provided an update on the audit of Council's financial statements for the year ended 30 June 2023. It was anticipated that the Auditors reports would be available for discussion however the timing of the audit prevented the tabling of the reports. The reports are now attached for the information of the Committee.

OFFICER'S RECOMMENDATION

THAT

1. ARIC note the reports as presented and included in the Financial Statements approved by Council at its meeting of the 24 October 2023.

COMMITTEE RESOLUTION

THAT

1. ARIC note the reports as presented and included in the Financial Statements approved by Council at its meeting of the 24 October 2023;
2. ARIC acknowledges and thanked Council staff, Prosperity and the Audit Office for all the work and time invested in completing the financial statements and audit.

Moved: Jennifer Leslie Seconded: Ben Lawson

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5 GENERAL REPORTS

5.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC) - TERMS OF REFERENCE REVIEW

FILE NO:	35/1
ATTACHMENTS:	1. ARIC Terms of Reference 2023 2. ARIC Terms of Reference 2022
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems Stephen McDonald - Manager Governance and Risk
AUTHOR:	Fiona Goodman - Coordinator Risk
MAITLAND +10	Outcome 17. An efficient and effective Council
COUNCIL OBJECTIVE:	17.2.1 To maintain effective and appropriate systems to ensure decision-making is transparent, accessible and accountable

EXECUTIVE SUMMARY

Council first adopted its Audit, Risk and Improvement Committee (ARIC) Terms of Reference on 26 April 2022, with ARIC endorsing in July 2022. Since this time, membership of the ARIC has changed, together with the Office of Local Government's revised model Terms of Reference (TORs) for Audit Risk and Improvement Committees.

At the ARIC meeting of 30 August, a revised Terms of Reference (TOR) was presented with ARIC requesting consideration of additional amendments to further align with the latest draft Guidelines issued by the Office of Local Government, and that following review with the Chair out of session, the revised TOR is recommended to Council for formal adoption.

These actions have been undertaken, with the revised Terms of Reference formally adopted by Council on 28 November 2023.

OFFICER'S RECOMMENDATION

THAT

1. ARIC note amendments made in response to feedback received at meeting of 30 August 2023 in relation to the revised Audit, Risk and Improvement Committee Terms of Reference (2023), as endorsed by the Chair;
2. ARIC note the revised Terms of Reference (2023) were adopted by Council on 28 November 2023.

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COMMITTEE RESOLUTION

THAT

1. **ARIC note amendments made in response to feedback received at meeting of 30 August 2023 in relation to the revised Audit, Risk and Improvement Committee Terms of Reference (2023), as endorsed by the Chair;**
2. **ARIC note the revised Terms of Reference (2023) were adopted by Council on 28 November 2023.**

Moved: Jennifer Leslie Seconded: Ben Lawson

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5.2 DEVELOPMENT OF ARIC ANNUAL WORK PLAN AND MEETING DATES FOR 2024

FILE NO:	81/17/6
ATTACHMENTS:	1. ARIC Annual Work Plan 2024
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems Stephen McDonald - Manager Governance and Risk
AUTHOR:	Fiona Goodman - Coordinator Risk
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.3.2 Increase understanding of Council activities through accessible and clear messaging and information

EXECUTIVE SUMMARY

ARIC is required to develop an annual work plan to guide its work over the forthcoming year. The Chair in consultation with Council aligning the 2024 plan with the draft Risk Management and Internal Audit Guideline for Local Government, including setting dates for the 2024 period.

OFFICER'S RECOMMENDATION**THAT**

1. ARIC endorse the developed annual work plan to guide its work over the 2024 calendar year;
2. ARIC endorse meeting dates for 2024.

COMMITTEE RESOLUTION**THAT**

1. ARIC endorsed the developed annual work plan to guide its work over the 2024 calendar year, with reviews to be undertaken after each meeting;
2. ARIC proposed meeting dates for 2024 to be 27/3/24 (2pm), 5/6/24 (10am), 10/9/24 (10am), 15/10/24 – Financial Meeting, and 4/12/24 (10am).

AUDIT RISK AND IMPROVEMENT COMMITTEE (ARIC) MEETING DRAFT MINUTES - 6 DECEMBER 2023 (Cont.)

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Audit Office of NSW representative, Cassie Malone, and Prosperity representative, Nestor Tindugan, left the meeting at 11.11am.

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5.3 INTERNAL AUDIT PROGRAM PROGRESS 2023

FILE NO:	81/17/6
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Ranger Operations including Animal Management Facility review report 2. PKF IA 2023 Progress Report
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems Stephen McDonald - Manager Governance and Risk
AUTHOR:	Fiona Goodman - Coordinator Risk
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.4 Implement and maintain a contemporary governance, audit and risk framework

EXECUTIVE SUMMARY

Internal audit (IA) is an independent, objective assurance and consulting activity designed to add value and improve Council's operations. The IA program supports Council in accomplishing its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

This report has been prepared to provide ARIC with an update on Council's Internal Audit Program, for 2023.

OFFICER'S RECOMMENDATION**THAT**

1. ARIC consider the Internal Audit Program progress update as attached;
2. ARIC consider and provide feedback on the 'Ranger Operations including Animal Management Facility' Internal Audit Report as attached;
3. ARIC note the status of the 2022 and 2023 audit programs.

COMMITTEE RESOLUTION**THAT**

1. ARIC note the Internal Audit Program progress update for 2022 & 2023 programs from PKF and Council;
2. ARIC note the 'Ranger Operations including Animal Management Facility' Internal Audit Report from PKF, and requested a copy of the association project management (Gant) chart for implementation of agreed actions;
3. ARIC note PKF's request to develop an internal protocol with Council staff to

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- establish process for finalising audit reports;**
- 4. ARIC request future reporting is to provide further detail on progressing all internal audit actions and status.**

Moved: Jennifer Leslie Seconded: Ben Lawson

Group Manager Planning & Environment, Matt Prendergast, left the meeting at 11.33am.

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5.4 INTERNAL AUDIT PROGRAM 2024

FILE NO:	81/17/6
ATTACHMENTS:	1. Internal Audit Plan 2024 Draft
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems Stephen McDonald - Manager Governance and Risk
AUTHOR:	Fiona Goodman - Coordinator Risk
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.4 Implement and maintain a contemporary governance, audit and risk framework

EXECUTIVE SUMMARY

Internal Audit (IA) is an independent, objective assurance and consulting activity designed to add value and improve Council's operations. The IA program supports Council in accomplishing its objectives by bringing a systematic and disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

This report has been prepared to provide ARIC the draft Internal Audit Plan for 2024.

OFFICER'S RECOMMENDATION**THAT**

1. ARIC consider and provide feedback on the draft Internal Audit Plan for 2024 as presented by Council and internal audit service provider PKF.

COMMITTEE RESOLUTION**THAT**

1. ARIC endorse in principle the Audit Plan for 2024 as presented by Council and internal audit service provider PKF;
2. ARIC request assurance mapping be undertaken to support the 2024 Audit Plan from PKF, and be presented at the next meeting.

Moved: Ben Lawson Seconded: Jennifer Leslie

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5.5 QUARTERLY PERFORMANCE REVIEW - OPERATIONAL PLAN - PERIOD ENDED 30 SEPTEMBER 2023

FILE NO:	35/33/18/12
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Kelly Arnott - Manager Corporate Planning and Performance Rachna Sangwan - Corporate Planning and Reporting Officer
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.3.1 Monitor and report progress against the delivery of projects and services, as identified in the community Strategic Plan, Delivery Program and annual Operational Plan

EXECUTIVE SUMMARY

At its meeting of 30 August 2023, ARIC was presented with an update of fourth quarter performance against Council's Operational Plan 2022-23.

ARIC noted the information as presented and requested that future reporting include key strategic areas and priority projects, with a focus on risk and continuous improvement.

This report has been developed in response for the first quarter 2023-24. It provides an update on priority projects and key performance metrics.

OFFICER'S RECOMMENDATION**THAT**

- 1. ARIC note the information provided within the report;**
- 2. ARIC identifies areas on which further information is sought for future reporting.**

Manager Corporate Planning and Performance, Kelly Arnott, entered the meeting at 11.29am.

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COMMITTEE RESOLUTION

THAT

- 1. ARIC note the information provided within the report;**
- 2. ARIC note the continued evolution of this report and identified no areas requiring further information for future reporting.**

Moved: Jennifer Leslie Seconded: Ben Lawson

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5.6 MAITLAND CITY COUNCIL ANNUAL REPORT 2022-23

FILE NO:	35/36/28
ATTACHMENTS:	1. Annual Report 2022-23
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Kelly Arnott - Manager Corporate Planning and Performance Jenna Parkinson - Corporate Strategy Lead
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.2 Ensure Council is financially sustainable and meets required levels of performance

EXECUTIVE SUMMARY

Council's Annual Report 2022-23 provides an overview of the activities and achievements of Council in providing services and projects to our community over the last financial year. The report is community focused and provides open and transparent reporting on budgetary and operational performance and in meeting a range of legislated governance standards. Included are performance highlights, operational activities within the themes of Maitland +10, our community strategic plan, infrastructure works delivered under our capital works program and our financial statements.

OFFICER'S RECOMMENDATION**THAT**

1. ARIC receive the Annual Report 2022-23 and note all associated statutory obligations have been met.

COMMITTEE RESOLUTION**THAT**

1. ARIC receive the Annual Report 2022-23, and note all associated statutory obligations have been met;
2. ARIC congratulated Council staff on producing a superior report.

Moved: Jennifer Leslie Seconded: Ben Lawson

Manager Corporate Planning and Performance, Kelly Arnott, left the meeting at 11.57am.

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5.7 CYBER SECURITY STATUS UPDATE

FILE NO:	31/1
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Mark Margin - Executive Manager Digital Transformation
AUTHOR:	Tayven Pyers - Cyber Security Analyst
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.4 Implement and maintain a contemporary governance, audit and risk framework

EXECUTIVE SUMMARY

Council has been working on strengthening its cyber security posture. The Essential Eight, from the Australian Signals Directorate (ASD), is designed to assist organisations such as Council to implement systems to reduce the risk with internet connected systems and networks. Maitland City Council is currently working towards implementation of the Essential Eight and is targeting a maturity level one. This report will give an update on the status of the implementation.

OFFICER'S RECOMMENDATION**THAT**

- 1. Implementation of identified actions to Cyber Security continues to be actively monitored, with regular reports to ARIC.**

Executive Manager Digital Transformation, Mark Margin, and Manager ICT Operations, Adam McCarthy, enter the meeting at 12.25pm and left the meeting at 12.51pm.

COMMITTEE RESOLUTION**THAT**

- 1. ARIC note the implementation of identified actions to Cyber Security, with ongoing regular reports to ARIC.**

Moved: Jennifer Leslie Seconded: Ben Lawson

6 DECEMBER 2023

5.8 PRESENTATION - COUNCIL EVENTS

FILE NO:	1
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Rachel MacLucas - Executive Manager Vibrant City
AUTHOR:	Adam Franks - Coordinator City Events & Activation
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.4 Implement and maintain a contemporary governance, audit and risk framework

EXECUTIVE SUMMARY

ARIC has expressed an interest in building understanding of the management of risk across the organisation through presentations from members of the Executive Leadership Team.

At the meeting of 6 December 2023, the Executive Manager Vibrant City and Coordinator City Events and Activation will present on Council's approach to the management of Council's flagship event program.

OFFICER'S RECOMMENDATION**THAT**

- 1. ARIC note the presentation delivered on the management of Council's Flagship Event Program.**

Executive Manager Vibrant City, Rachel MacLucas, and Coordinator City Events & Activation, Adam Franks, entered the room at 11.29am and left at 12.31pm.

COMMITTEE RESOLUTION**THAT**

- 1. ARIC note the presentation delivered on the management of Council's Flagship Event Program.**

Moved: Jennifer Leslie Seconded: Ben Lawson

6 DECEMBER 2023

5.9 COMPLIANCE - REGULATORY CHANGES

FILE NO:	35/1/7
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Stephen McDonald - Manager Governance and Risk
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.4 Implement and maintain a contemporary governance, audit and risk framework

EXECUTIVE SUMMARY

In undertaking the work of Council, there are more than 120 different Acts and an additional 75 associated Regulations under which Council must function.

This report is to provide an update of the policies and plans adopted by Council since the last ARIC meeting held on 30 August 2023. In total 14 policies and plans were reviewed. These reviews are triggered by changes in legislation and reviews of existing policies.

OFFICER'S RECOMMENDATION**THAT**

- 1. ARIC note the information in the report.**

COMMITTEE RESOLUTION**THAT**

- 1. ARIC note the information in the report.**
- 2. ARIC members to undertake Council's on-line privacy training, with a link to be provided out of session.**

Moved: Jennifer Leslie Seconded: Ben Lawson

6 DECEMBER 2023

6 CONFIDENTIAL REPORTS

6.1 QUARTERLY RISK, INSURANCE AND INCIDENT UPDATE PERIOD ENDING 30 JUNE 2023

FILE NO:	81/2
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems Stephen McDonald - Manager Governance and Risk
AUTHOR:	Fiona Goodman - Coordinator Risk
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.4 Implement and maintain a contemporary governance, audit and risk framework

EXECUTIVE SUMMARY

This report has been prepared to provide an overview of significant activities undertaken in the areas of risk management, including insurance in the final quarter of 2022-23, as ensuring an appropriate focus and resourcing of Council's risk and insurance function falls within the remit of ARIC.

The report identifies trends and potential corrective actions, and is presented to ARIC for information, and further seeks the endorsement of ARIC in undertaking risk management actions as proposed.

OFFICER'S RECOMMENDATION

THAT

1. ARIC note the information contained within the report.

COMMITTEE RESOLUTION

THAT

1. ARIC note the information contained within the report.

Moved: Ben Lawson Seconded: Jennifer Leslie

6 DECEMBER 2023

6.2 QUARTERLY WHS UPDATE PERIOD ENDING 30 SEPT 2023

FILE NO:	130/50
ATTACHMENTS:	1. WHS Update Q1 2023-2024
RESPONSIBLE OFFICER:	Jeff Smith - General Manager Tiffany Allen - Executive Manager Workplace Culture and Safety
AUTHOR:	Leisa Tate - Manager Workplace Health and Safety
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.2.3 Foster an engaged workforce that is skilled, collaborative and focused on our customer

EXECUTIVE SUMMARY

The WHS Quarterly Report provides an overview of Safety Actions, Incidents and Workers Compensation Claims relevant to each area of Council for the quarter as well as information on annual workers compensation premium calculations.

OFFICER'S RECOMMENDATION**THAT**

- 1. The information contained in the report be noted.**

Executive Manager Workplace Culture & Safety, Tiffany Allen, and Manager Workplace Health & Safety, Leisa Tate, entered the room at 12.44pm and left at 1.01pm.

COMMITTEE RESOLUTION**THAT**

- 1. ARIC note the information contained in the report.**
- 2. Noting new sexual harassment laws have been enacted for Australian workplaces, ARIC requested future reports consider this requirement, including provision of relevant data.**

Moved: Ben Lawson Seconded: Jennifer Leslie

6 DECEMBER 2023

7 GENERAL BUSINESS

The Committee discussed the Online Self-Assessment tool, and requested for this to be completed anonymously by all regular attendees.

New Regulations were noted by the ARIC. The General Manager will discuss a Councillor representative for ARIC with the elected body. The implications of the changes will be re-evaluated at the June 2024 meeting.

8 NEXT MEETING

The meeting will be held on 27 March 2024 at 2pm.

9 CLOSURE

The meeting was declared closed at 1.24 pm.

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Mr Dave Pendleton, Chair

15 FINANCE

Nil

16 ITEMS FOR INFORMATION

Nil

17 NOTICES OF MOTION/RESCISSION

18 QUESTIONS WITH NOTICE

18.1 OLD MAITLAND HOSPITAL

SUBMITTED BY CR MITCHELL GRIFFIN

FILE NO: 35/7/2
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: Jeff Smith - General Manager

Cr Mitchell Griffin has asked the following Question With Notice for the Council Meeting being held on 13 February 2024:

On Friday February 2nd 2024 the Maitland Mercury reported that Crown Lands had advised the Mercury that "they have not been in contact with the council" in relation to the old Maitland Hospital site. Can council officers confirm, without disclosing the content of the information, if any information was received from Crown Lands in November 2023 in relation to the Old Hospital site?

RESPONSE BY DIRECTOR

Council staff can confirm that Council has received email correspondence from Crown Lands on 20 November 2023 in relation to the Old Maitland Hospital.

19 URGENT BUSINESS

20 COMMITTEE OF THE WHOLE

21 COMMITTEE OF THE WHOLE RECOMMENDATIONS

22 CLOSURE