

**ORDINARY MEETING**

**MINUTES**

**13 FEBRUARY 2024**

---

**TABLE OF CONTENTS**


---

ITEM	SUBJECT	PAGE NO
<b>1</b>	<b>INVOCATION.....</b>	<b>1</b>
<b>2</b>	<b>ACKNOWLEDGEMENT OF COUNTRY.....</b>	<b>1</b>
<b>3</b>	<b>APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE .....</b>	<b>1</b>
<b>4</b>	<b>DECLARATIONS OF INTEREST .....</b>	<b>2</b>
<b>5</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....</b>	<b>2</b>
<b>6</b>	<b>BUSINESS ARISING FROM MINUTES .....</b>	<b>2</b>
<b>7</b>	<b>WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS.....</b>	<b>2</b>
<b>8</b>	<b>PUBLIC ACCESS .....</b>	<b>3</b>
<b>9</b>	<b>MAYORAL MINUTE.....</b>	<b>4</b>
	NIL	
<b>10</b>	<b>OFFICE OF THE GENERAL MANAGER.....</b>	<b>4</b>
	NIL	
<b>11</b>	<b>CITY PLANNING.....</b>	<b>5</b>
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.....	5
11.2	DA/2023/429 FOR ANIMAL BOARDING ESTABLISHMENT AT 138 CESSNOCK ROAD MAITLAND .....	8
11.3	DA/2023/696 FOR TELECOMMUNICATIONS FACILITY WITH 36.2M HIGH MONOPOLE, ANCILLARY WORKS, FENCING AT 14 MITCHELL DRIVE EAST MAITLAND.....	10

---

<b>12</b>	<b>CITY SERVICES .....</b>	<b>12</b>
	NIL	
<b>13</b>	<b>CUSTOMER AND DIGITAL SERVICES .....</b>	<b>12</b>
	NIL	
<b>14</b>	<b>PEOPLE AND PERFORMANCE .....</b>	<b>13</b>
	14.1 AUDIT RISK AND IMPROVEMENT COMMITTEE (ARIC) MEETING DRAFT MINUTES - 6 DECEMBER 2023 .....	13
<b>15</b>	<b>FINANCE .....</b>	<b>15</b>
	NIL	
<b>16</b>	<b>ITEMS FOR INFORMATION .....</b>	<b>15</b>
	NIL	
<b>17</b>	<b>NOTICES OF MOTION/RESCISSION .....</b>	<b>15</b>
<b>18</b>	<b>QUESTIONS WITH NOTICE .....</b>	<b>16</b>
	18.1 OLD MAITLAND HOSPITAL .....	16
<b>19</b>	<b>URGENT BUSINESS.....</b>	<b>17</b>
<b>20</b>	<b>COMMITTEE OF THE WHOLE .....</b>	<b>17</b>
<b>21</b>	<b>COMMITTEE OF THE WHOLE RECOMMENDATIONS .....</b>	<b>17</b>
<b>22</b>	<b>CLOSURE.....</b>	<b>17</b>

## **PRESENT**

Cr Loretta Baker  
Cr Kristy Flannery  
Cr Stephanie Fisher  
Cr Peter Garnham  
Cr Mitchell Griffin  
Cr Bill Hackney  
Cr Sally Halliday  
Cr Ben Mitchell  
Cr Philip Penfold, Mayor  
Cr Kanchan Ranadive  
Cr Ben Whiting  
Cr Mike Yarrington

## **1 INVOCATION**

The General Manager read the customary prayer at the commencement of the meeting.

## **2 ACKNOWLEDGEMENT OF COUNTRY**

The General Manager read the Acknowledgement of Country.

## **3 APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE**

### COUNCIL RESOLUTION

THAT the apology received for the unavoidable absence of Cr Robert Aitchison be accepted and leave of absence granted

**Moved Mayor P Penfold, Seconded Cr M Yarrington**

**CARRIED**

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

For:	Cr L Baker	Against:
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

#### **4 DECLARATIONS OF INTEREST**

Cr K Ranadive declared a significant pecuniary interest in Item 11.2 DA/2023/429 for Animal Boarding Establishment at 138 Cessnock Road Maitland as she has a friendship with the applicant and is a valued client of her husband.

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

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held 23 January 2024 be confirmed.

**Moved Cr P Garnham, Seconded Cr M Yarrington**

**CARRIED**

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

For:	Cr L Baker	Against:
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

#### **6 BUSINESS ARISING FROM MINUTES**

Nil

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

Nil

## 8 PUBLIC ACCESS

**Terence James Golding** representing himself spoke **against** Item 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

COUNCIL RESOLUTION

THAT an extension of one (1) minute be granted to Terence Jame Golding.

Moved Cr P Garnham, Seconded Cr K Ranadive

CARRIED

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

<b>For:</b>	Cr L Baker	<b>Against:</b>
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

**Stephen O'Connor** representing Koby Properties No 1 Pty Ltd **for** Item 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

COUNCIL RESOLUTION

THAT an extension of one (1) minute be granted to Stephen O'Connor.

Moved Cr P Garnham, Seconded Cr M Yarrington

CARRIED

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

For:	Cr L Baker	Against:
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

**Richard Bennett** representing Koby Properties No 1 Pty Ltd **for** Item 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

## **9 MAYORAL MINUTE**

Nil

## **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

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



*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.**

**COUNCIL RESOLUTION****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.**

**Moved Cr L Baker, Seconded Cr M Yarrington**

**CARRIED**

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

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

For:	Cr L Baker	Against:	Cr S Halliday
	Cr S Fisher		
	Cr K Flannery		
	Cr P Garnham		
	Cr M Griffin		
	Cr B Hackney		
	Cr B Mitchell		
	Mayor P Penfold		
	Cr K Ranadive		
	Cr B Whiting		
	Cr M Yarrington		

Cr K Ranadive declared a pecuniary interest in the following item. Cr K Ranadive left the Chambers at 5.51pm and did not participate in discussion or voting on the matter.

---

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

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

*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.**

## **COUNCIL RESOLUTION**

### **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.**

**Moved Cr M Yarrington, Seconded Cr P Garnham**

**CARRIED**

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

The division resulted in 10 for and 1 against, as follows:

For:	Cr L Baker	Against:	Cr M Griffin
	Cr S Fisher		
	Cr K Flannery		
	Cr P Garnham		
	Cr B Hackney		
	Cr S Halliday		
	Cr B Mitchell		
	Mayor P Penfold		
	Cr B Whiting		
	Cr M Yarrington		

Cr K Ranadive returned to the Chambers at 5.53pm.

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

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

**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.**

**COUNCIL RESOLUTION**

**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.**

**Moved Mayor P Penfold, Seconded Cr M Yarrington**

**CARRIED**

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

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

For:	Cr L Baker	Against:
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

**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.

#### COUNCIL RESOLUTION

##### THAT

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

Moved Cr S Halliday, Seconded Cr M Griffin

**CARRIED**



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

For:	Cr L Baker	Against:
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

**15 FINANCE**

Nil

**16 ITEMS FOR INFORMATION**

Nil

**17 NOTICES OF MOTION/RESCISSION**

Nil

## **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**

Nil

**21 COMMITTEE OF THE WHOLE RECOMMENDATIONS**

Nil

**22 CLOSURE**

The meeting was declared closed at 5.56 pm.

.....  
Chairperson