



ORDINARY MEETING

MINUTES

11 JUNE 2024



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PRESENT

Cr Robert Aitchison
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 Ben Whiting
Cr Mike Yarrington

1 INVOCATION

Pastor Tim Cooper of the Ministers Association 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

Cr K Ranadive was previously granted leave of absence for tonight's meeting.

4 DECLARATIONS OF INTEREST

Cr Robert Aitchison declared a less than significant non-pecuniary interest in Agenda Item 17.1 – M1 Extension Flood Risk as his wife is the State Member and Minister for Regional Transport & Roads.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held 28 May 2024 be confirmed.

Moved Cr B Whiting, Seconded Cr S Halliday

CARRIED

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

For:	Cr R Aitchison	Against:
	Cr L Baker	
	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 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

Richard Bennett representing Bruce Marich spoke **for** Item 11.3 - DA2021/1434 Demolition Works, Dwelling Alterations and Additions, Detached Garage, Detached Shed, Bed & Breakfast Accommodation, Detached Bathroom, Deck with Pergola and Inground Swimming Pool at 1 High Street, Maitland

COUNCIL RESOLUTION

THAT and extension of one (1) minute be granted to Richard Bennett

Moved Cr P Garnham, Seconded Cr S Halliday

CARRIED

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

For:	Cr R Aitchison	Against:
	Cr L Baker	
	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 B Whiting	
	Cr M Yarrington	

Kay Millar representing herself spoke **against** Item 11.3 - DA2021/1434 Demolition Works, Dwelling Alterations and Additions, Detached Garage, Detached Shed, Bed & Breakfast Accommodation, Detached Bathroom, Deck with Pergola and Inground Swimming Pool at 1 High Street, Maitland

Gloria Green representing herself spoke **for** Item 17.1 - M1 Extension Flood Risk

COUNCIL RESOLUTION

THAT and extension of one (1) minute be granted to Gloria Green

Moved Cr P Garnham, Seconded Cr M Griffin

CARRIED

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

For:	Cr R Aitchison	Against:
	Cr L Baker	
	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 B Whiting	
	Cr M Yarrington	

9 MAYORAL MINUTE

Nil

10 OFFICE OF THE GENERAL MANAGER

10.1 DELIVERY PROGRAM 2022-2026, INCORPORATING THE OPERATIONAL PLAN 2024-25, LONG TERM FINANCIAL PLAN 2024-2034, AND FEES AND CHARGES 2024-25

FILE NO:	35/33/21
ATTACHMENTS:	<ol style="list-style-type: none"> 1. DPOP 2024-25 Council Adpotion (Under Separate Cover) 2. Fees and Charges 2024-25 Council Adoption (Under Separate Cover) 3. Long Term Financial Plan 2024-25 Council Adoption 4. Submissions attachment 4
RESPONSIBLE OFFICER:	Tiffany Allen - Executive Manager People and Performance Mary O'Leary - Executive Manager Finance
AUTHOR:	Kelly Arnott - Manager Corporate Planning and Performance Jenna Parkinson - Corporate Strategy Lead Michael Burfitt - Chief Financial Officer Annette Peel - Manager Finance & Procurement
MAITLAND +10	Outcome 16. To work together to be the best our community can be
COUNCIL OBJECTIVE:	16.1.1 Develop contemporary and integrated community and corporate strategic and operational plans

EXECUTIVE SUMMARY

The Delivery Program 2022-2026 identifies the outcomes Council has set to achieve over its term of office. These outcomes support the delivery of Maitland +10, our community's vision for the future of the city.

The draft Operational Plan 2024-25 is the final year of the program, and includes a deficit budget of \$6.8 million before capital. It details operational actions, budget, infrastructure program, fees and charges, rating structure and revenue policy.

Following public exhibition from 11 April to 9 May 2024, it is recommended that Council adopt the plan, with the incorporation of 1 additional action and several changes to fees and charges.

The report also recommends Council make the rates and charges for 2024-25, which will increase Council's total rates income by 5% in accordance with the rate peg set by the Independent Pricing and Regulatory Tribunal.

The Long Term Financial Plan was also exhibited for public comment. The plan focuses on the continued reduction of the funding gap between the current state and planned future state of our \$1.9 billion asset portfolio (at today's value) and the sustainable management of our finances over the next ten years.

It is recommended that the Operational Plan 2024-25, included within the Delivery Program 2022-2026, incorporating rating structure, revenue policy, and fees and charges and the Long Term Financial Plan is adopted, clearly establishing Council's service delivery and project priorities for the year.

OFFICER'S RECOMMENDATION

THAT

- 1. Council adopt the Delivery Program 2022-2026, incorporating the Operational Plan 2024-25, draft Long Term Financial Plan 2025-2034, and draft Fees and Charges 2024-25 in accordance with the Local Government Act 1993;**
- 2. Council adopt the Revenue Policy for 2024-25, as included in the Operational Plan 2024-25;**
- 3. Council make the rates and charges for the year 1 July 2024 to 30 June 2025 as contained in this report, as the requirements of Section 532 of the Local Government Act 1993 have been met;**
- 4. Council adopt a Stormwater Management Service Charge, as identified in the Operational Plan 2024-25 and in accordance with Section 496A of the Local Government Act 1993;**
- 5. Council adopt Waste Management Charges, as identified in Operational Plan 2024-25 and in accordance with Sections 496 and 502 of the Local Government Act 1993;**
- 6. Council charge and collect a catchment contribution on behalf of the State, in accordance with the Local Land Services Act 2013;**
- 7. Council approve \$6 million in identified borrowings for projects outlined in this report, and authorise the General Manager and Mayor to sign all documents relating to the loan/s;**
- 8. Council approve \$0.3 million in identified equipment loans for projects outlined in this report, and authorise the General Manager and Mayor to sign all documents relating to the equipment loan.**

PROCEEDINGS IN BRIEF

A motion was moved
(Mayor P Penfold / Cr M Griffin)

THAT

1. Council adopt the Delivery Program 2022-2026, incorporating the Operational Plan 2024-25, draft Long Term Financial Plan 2025-2034, and draft Fees and Charges 2024-25 in accordance with the Local Government Act 1993. With the inclusion of the following items listed below;
2. Council adopt the Revenue Policy for 2024-25, as included in the Operational Plan 2024-25;
3. Council make the rates and charges for the year 1 July 2024 to 30 June 2025 as contained in this report, as the requirements of Section 532 of the Local Government Act 1993 have been met;
4. Council adopt a Stormwater Management Service Charge, as identified in the Operational Plan 2024-25 and in accordance with Section 496A of the Local Government Act 1993;
5. Council adopt Waste Management Charges, as identified in Operational Plan 2024-25 and in accordance with Sections 496 and 502 of the Local Government Act 1993;
6. Council charge and collect a catchment contribution on behalf of the State, in accordance with the Local Land Services Act 2013;
7. Council approve \$6 million in identified borrowings for projects outlined in this report, and authorise the General Manager and Mayor to sign all documents relating to the loan/s;
8. Council approve \$0.3 million in identified equipment loans for projects outlined in this report, and authorise the General Manager and Mayor to sign all documents relating to the equipment loan.
9. Council delegate authority to the General Manager to provide subsidies for all pre-existing, regular hirers of Council facilities to ensure fee increases are capped at 10% per annum;
10. Council prioritise the progression of the Maitland Park outer fields power upgrade;
11. Council identify a suitable site and develop a concept plan for a full size pump track within the LGA. Consideration to include adjacent to existing BMX facility;
12. Council progress the development application for the playground of significance at Maitland Park, and James St Reserve Morpeth, together with proactively seeking funding opportunities to advance construction;
13. Council investigates temporary toilets at Tenambit BMX facility and reports back for inclusion as part of the 2024/25 first quarterly review.

Cr R Aitchison moved an amendment to defer the item to the next council meeting.
(Moved Cr R Aitchison / Seconded Cr B Whiting)

Mayor P Penfold moved a Procedural Motion that the motion be put

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

For:	Cr R Aitchison	Against:
	Cr L Baker	
	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 B Whiting	
	Cr M Yarrington	

The amendment was then put.

The division resulted in 3 for and 9 against, as follows:

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

Cr L Baker did not vote on the motion and as such has been taken to have voted against the motion.

The amendment is now lost.

COUNCIL RESOLUTION**THAT**

1. Council adopt the Delivery Program 2022-2026, incorporating the Operational Plan 2024-25, draft Long Term Financial Plan 2025-2034, and draft Fees and Charges 2024-25 in accordance with the Local Government Act 1993. With the inclusion of the following items listed below;
2. Council adopt the Revenue Policy for 2024-25, as included in the Operational Plan 2024-25;
3. Council make the rates and charges for the year 1 July 2024 to 30 June 2025 as contained in this report, as the requirements of Section 532 of the Local Government Act 1993 have been met;
4. Council adopt a Stormwater Management Service Charge, as identified in the Operational Plan 2024-25 and in accordance with Section 496A of the Local Government Act 1993;
5. Council adopt Waste Management Charges, as identified in Operational Plan 2024-25 and in accordance with Sections 496 and 502 of the Local Government Act 1993;
6. Council charge and collect a catchment contribution on behalf of the State, in accordance with the Local Land Services Act 2013;
7. Council approve \$6 million in identified borrowings for projects outlined in this report, and authorise the General Manager and Mayor to sign all documents relating to the loan/s;
8. Council approve \$0.3 million in identified equipment loans for projects outlined in this report, and authorise the General Manager and Mayor to sign all documents relating to the equipment loan.
9. Council delegate authority to the General Manager to provide subsidies for all pre-existing, regular hirers of Council facilities to ensure fee increases are capped at 10% per annum;
10. Council prioritise the progression of the Maitland Park outer fields power upgrade;
11. Council identify a suitable site and develop a concept plan for a full size pump track within the LGA. Consideration to include adjacent to existing BMX facility;
12. Council progress the development application for the playground of significance at Maitland Park, and James St Reserve Morpeth, together with proactively seeking funding opportunities to advance construction;
13. Council investigates temporary toilets at Tenambit BMX facility and reports back for inclusion as part of the 2024/25 first quarterly review.

Moved Mayor P Penfold, Seconded Cr M Griffin

CARRIED

The division resulted in 8 for and 4 against, as follows:

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

11 CITY PLANNING

11.1 DA2023/413 FOR THREE (3) INTO FIVE (5) LOT TORRENS TITLE SUBDIVISION, CONSTRUCTION OF A DETACHED DWELLING, 14 MULTI DWELLING HOUSING UNITS AND STRATA SUBDIVISION OVER FOUR (4) STAGES AT 23A AND 29 ROBERT STREET AND 4 FLORAL CLOSE, TENAMBIT

FILE NO:	DA/2023/413
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Locality Plan 2. Development Plans (Under Separate Cover) 3. Assessment Report (Under Separate Cover) 4. Reasons for Refusal 5. Submissions
RESPONSIBLE OFFICER:	<p>Matthew Prendergast - Director City Planning Cindy Littlewood - Manager Development & Compliance Kristy Cousins - Coordinator Planning & Development</p>
AUTHOR:	Jessica Stockham - Senior Development Planner
APPLICANT:	Antkim Holdings Pty Ltd
OWNER:	Antkim Holdings Pty Ltd
PROPOSAL:	Three (3) into Five (5) Lot Torrens Title Subdivision, Construction of a Detached Dwelling, 14 Multi Dwelling Housing Units and Strata Subdivision over Four Stages
LOCATION:	23A Robert Street TENAMBIT NSW 2323, 29 Robert Street TENAMBIT NSW 2323, 4 Floral Close TENAMBIT NSW 2323
ZONE:	R1 General Residential Zone

EXECUTIVE SUMMARY

*A development application (DA/2023/413) has been received seeking consent for 'Three (3) into Five (5) Lot Torrens Title Subdivision, Construction of a Detached Dwelling House, 14 Multi Dwelling Housing Units and Strata Subdivision over Four Stages', at 23A & 29 Robert Street and 4 Floral Close Tenambit. The locality plan can be viewed at **Attachment 1** and Development Plans in **Attachment 2**.*

In accordance with the General Managers Delegations the application is being reported to Council for determination due to the cost of works, number of unresolved submissions being received during the notification period and recommendation that the application be refused.

The issues raised in the submissions relate to its non-compliance with the Maitland Development Control Plan 2011, site suitability for the proposal, parking and traffic impacts, garbage collection, drainage/stormwater concerns, privacy and noise concerns, inconsistency with the character of the area and public interest. The concerns raised in the submissions have

not been adequately addressed during the assessment and cannot be mitigated through conditions of consent. Detailed assessment report is provided under Attachment 3.

A detailed assessment of the application has been undertaken against Section 4.15(1) of the Environmental Planning and Assessment Act 1979 and is provided under Attachment 3. The proposed development is inconsistent with Council Policy and does not facilitate urban consolidation of vacant land in a coordinated manner and the development is recommended for refusal.

OFFICER'S RECOMMENDATION

THAT

- 1. DA/2023/413 for Three (3) into Five (5) Lot Torrens Title Subdivision, Detached Dwelling, 14 Multi Dwelling Housing Units and Strata Subdivision over Four Stages at 23A & 29 Robert Street and 4 Floral Close Tenambit is refused, subject to the reasons for refusal provided in Attachment 4 of this report.**

PROCEEDINGS IN BRIEF

A motion was moved.
(Cr P Garnham / Cr S Halliday)

THAT

1. The Council have assessed DA2023/413 against the relevant heads of consideration in section 4.15(1) of the Environmental Planning and Assessment Act 1979 (NSW) and have considered that Part C.8 - Residential Design in relation to private open space, setbacks, parking and site coverage and Part D.7 - Tenambit of the Maitland DCP 2011 is not of sufficient weight to refuse the application as recommended by Council's Planning Officers.
2. The Council have assessed DA2023/413 against the relevant heads of consideration in section 4.15(1) of the Environmental Planning and Assessment Act 1979 (NSW) and consider that the application should be deferred to enable the applicant to provide the following information:
 - a) Amended Stormwater Management Plan that demonstrates that on-site detention (OSD) within proposed Lot 22 complies with the Manual of Engineering standards (MoES). It must demonstrate that an OSD system to control discharge to pre-development flow rates for the whole site.

The post development runoff is to be determined based on the post development impervious area for all storm durations for the 5 year, 20 year and 100 year ARI storm event.

- b) A vehicular manoeuvring plan that facilitates both:
 - i) Garbage collection within the site including truck manoeuvring to accommodate a waste collection truck with minimum specification - 5.8 tonne tare, 10.1 gross with a wheelbase of 3.4m and an overall length of 6.3m; and
 - ii) Adequate vehicular manoeuvring within the site when all the visitor spaces are full.
- c) Amended bulk earthworks plan reducing all retaining wall heights, either on or in close proximity to a boundary, for the purposes of fill, to a maximum 600mm.
- d) Amended landscape plan that provides for:
 - i) Consistency with the stormwater management plan; and
 - ii) Full details of fencing, retaining and privacy screens with particular reference to interface between the proposed vehicular access and the existing dwellings at 23A, 27 and 29 Robert Street; and
 - iii) Native tree planting within the site to achieve canopy coverage equal to the existing site; and
 - iv) Amend plans to prevent overlooking of adjacent neighbours private open space areas. The 'activity rooms' on the upper floors of each unit shall be screened or obscured using one or more design method as outlined under Chapter C.8.16.1 Residential Design of the Maitland Development Control Plan 2011; and
 - v) Additional landscaping along the battleaxe handle to provide a buffer as well as privacy screening along the alfresco area to the existing dwelling house at 29 Robert Street to reduce amenity impacts to the dwelling; and
 - vi) Increased landscaping buffer beside the access driveway along the western boundary (forward of the proposed visitor parking spaces). The landscape buffer must be of suitable scale relative to the width of the driveway and building bulk; and
 - vii) Detail communal lighting and any signage required within the site.
- e) Amended Access report or amended design which provides adequate access to the upper level of the adaptable dwellings identified as units 1 & 2.
- f) Amended Waste Management Plan identifying the location of waste bin collection within the site and demonstrating that there is sufficient space within the garage to park a car, store the 3 waste bins and for pedestrians to manoeuvre around for each unit.
- g) Amended design to ensure that the new side boundary to the existing dwelling house at 29 Robert Street is a minimum of 900mm, or alternatively the respective

wall of the dwelling be fire protected in accordance with the Building Code of Australia.

- h) All services, accessways and inter-allotment drainage is shown on the subdivision plan. A stormwater easement is proposed at the rear of Lot 12 and 11 to Floral Close which has not been indicated on the submitted plans.
3. Should DA2023/413 be approved, Council investigate the feasibility of amending the Development Control Plan Part D.7 - Tenambit to remove reference to the road connection between Floral Close and Bradbury Street whilst still achieving appropriate infill development in this location.

Cr L Baker moved an amendment.
(Moved Cr L Baker / Seconded Cr R Aitchison)

THAT

1. DA/2023/413 for Three (3) into Five (5) Lot Torrens Title Subdivision, Detached Dwelling, 14 Multi Dwelling Housing Units and Strata Subdivision over Four Stages at 23A & 29 Robert Street and 4 Floral Close Tenambit is refused, subject to the reasons for refusal provided in Attachment 4 of this report.

The amendment was then put.

The division resulted in 6 for and 6 against, as follows:

For:	Cr R Aitchison Cr L Baker Cr S Fisher Cr K Flannery Cr B Hackney Cr B Whiting	Against:	Cr P Garnham Cr M Griffin Cr S Halliday Cr B Mitchell Mayor P Penfold Cr M Yarrington
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Mayor P Penfold used casting vote to oppose the amendment and it was lost.

COUNCIL RESOLUTION**THAT**

1. The Council have assessed DA2023/413 against the relevant heads of consideration in section 4.15(1) of the Environmental Planning and Assessment Act 1979 (NSW) and have considered that Part C.8 - Residential Design in relation to private open space, setbacks, parking and site coverage and Part D.7 - Tenambit of the Maitland DCP 2011 is not of sufficient weight to refuse the application as recommended by Council's Planning Officers.
2. The Council have assessed DA2023/413 against the relevant heads of consideration in section 4.15(1) of the Environmental Planning and Assessment Act 1979 (NSW) and consider that the application should be deferred to enable the applicant to provide the following information:

- i) Amended Stormwater Management Plan that demonstrates that on-site detention (OSD) within proposed Lot 22 complies with the Manual of Engineering standards (MoES). It must demonstrate that an OSD system to control discharge to pre-development flow rates for the whole site.

The post development runoff is to be determined based on the post development impervious area for all storm durations for the 5 year, 20 year and 100 year ARI storm event.

- j) A vehicular manoeuvring plan that facilitates both:
 - iii) Garbage collection within the site including truck manoeuvring to accommodate a waste collection truck with minimum specification - 5.8 tonne tare, 10.1 gross with a wheelbase of 3.4m and an overall length of 6.3m; and
 - iv) Adequate vehicular manoeuvring within the site when all the visitor spaces are full.
- k) Amended bulk earthworks plan reducing all retaining wall heights, either on or in close proximity to a boundary, for the purposes of fill, to a maximum 600mm.
- l) Amended landscape plan that provides for:
 - viii) Consistency with the stormwater management plan; and
 - ix) Full details of fencing, retaining and privacy screens with

- particular reference to interface between the proposed vehicular access and the existing dwellings at 23A, 27 and 29 Robert Street; and
- x) Native tree planting within the site to achieve canopy coverage equal to the existing site; and
 - xi) Amend plans to prevent overlooking of adjacent neighbours private open space areas. The 'activity rooms' on the upper floors of each unit shall be screened or obscured using one or more design method as outlined under Chapter C.8.16.1 Residential Design of the Maitland Development Control Plan 2011; and
 - xii) Additional landscaping along the battleaxe handle to provide a buffer as well as privacy screening along the alfresco area to the existing dwelling house at 29 Robert Street to reduce amenity impacts to the dwelling; and
 - xiii) Increased landscaping buffer beside the access driveway along the western boundary (forward of the proposed visitor parking spaces). The landscape buffer must be of suitable scale relative to the width of the driveway and building bulk; and
 - xiv) Detail communal lighting and any signage required within the site.
- m) Amended Access report or amended design which provides adequate access to the upper level of the adaptable dwellings identified as units 1 & 2.
- n) Amended Waste Management Plan identifying the location of waste bin collection within the site and demonstrating that there is sufficient space within the garage to park a car, store the 3 waste bins and for pedestrians to manoeuvre around for each unit.
- o) Amended design to ensure that the new side boundary to the existing dwelling house at 29 Robert Street is a minimum of 900mm, or alternatively the respective wall of the dwelling be fire protected in accordance with the Building Code of Australia.
- p) All services, accessways and inter-allotment drainage is shown on the subdivision plan. A stormwater easement is proposed at the rear of Lot 12 and 11 to Floral Close which has not been indicated on the submitted plans.
3. Should DA2023/413 be approved, Council investigate the feasibility of amending the Development Control Plan Part D.7 - Tenambit to remove reference to the road connection between Floral Close and Bradbury Street whilst still achieving appropriate infill development in this location.

Moved Cr P Garnham, Seconded Cr S Halliday

CARRIED

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

The division resulted in 6 for and 6 against, as follows:

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

Mayor P Penfold used his casting vote to support the motion and it was carried.

11.2 DA2022/1332 TORRENS TITLE SUBDIVISION (1 INTO 90 RESIDENTIAL LOTS & 1 RESIDUE LOT), 190 WINDERMERE ROAD, LOCHINVAR

FILE NO:	DA/2022/1332
ATTACHMENTS:	1. Locality Plan 2. Development Plans (Under Separate Cover) 3. Assessment Report (Under Separate Cover) 4. Recommended Conditions of Consent (Under Separate Cover) 5. Government Agency Submissions (Under Separate Cover)
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Cindy Littlewood - Manager Development & Compliance Kristy Cousins - Coordinator Planning & Development
AUTHOR:	Brian Gibson - Principal Planner
APPLICANT:	Perception Planning
OWNER:	NewPro 27
PROPOSAL:	Torrens Title Subdivision (1 into 90 Residential Lots & 1 Residue Lot)
LOCATION:	190 Windermere Road, Lochinvar
ZONE:	RU1 Primary Production, C3 Environmental Management & R1 General Residential

EXECUTIVE SUMMARY

The proposal seeks consent for a Torrens Title Subdivision incorporating 90 Residential Lots and 1 residue Lot plus the extension of a previously approved Detention Basin at Lot 1902 in DP 1112961, known as 190 Windermere Road, Lochinvar. The subject site is located within Lochinvar Urban Release Area (URA) and has frontage to Windermere Road, being located approximately 900m north of the intersection of the New England Highway and Windermere Road.

The application as lodged has been amended with a revised layout and additional documentation. The voluntary planning agreement has been satisfactorily addressed.

The proposal is located adjacent to a fourth order stream that is partially mapped as flood prone land. The submitted stormwater strategy has been considered satisfactory by Council Engineers. Investigations have identified no issues in relation to flora & fauna and potential contamination.

GTAs from relevant government agencies have been received in relation to the land being mapped as Bushfire Prone Land, as containing an Aboriginal site and with regard to works within the riparian setback.

The proposal complies with the DCP, and the relevant planning framework, and is consistent with the expectations for residential development within the URA. 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

- 1. THAT development consent be granted to DA/2022/1332 for a Torrens Title Subdivision (1 into 90 Residential Lots and 1 Residue Lot) of Lot 1902 in DP 1112961, 190 Windermere Road, Lochinvar subject to the recommended conditions of consent contained in Attachment 4.**

COUNCIL RESOLUTION

- 1. THAT development consent be granted to DA/2022/1332 for a Torrens Title Subdivision (1 into 90 Residential Lots and 1 Residue Lot) of Lot 1902 in DP 1112961, 190 Windermere Road, Lochinvar subject to the recommended conditions of consent contained in Attachment 4.**

Moved Cr S Halliday, 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 R Aitchison	Against:
	Cr L Baker	
	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 B Whiting	
	Cr M Yarrington	

11.3 DA2021/1434 DEMOLITION WORKS, DWELLING ALTERATIONS AND ADDITIONS, DETACHED GARAGE, DETACHED SHED, BED & BREAKFAST ACCOMMODATION, DETACHED BATHROOM, DECK WITH PERGOLA AND INGROUND SWIMMING POOL AT 1 HIGH STREET, MAITLAND

FILE NO:	DA/2021/1434
ATTACHMENTS:	<ol style="list-style-type: none">1. Locality Plan2. 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:	Brian Gibson - Principal Planner
APPLICANT:	Ben Murray
OWNER:	Bruce Marich
PROPOSAL:	Demolition Works, Dwelling Alterations and Additions (Atrium, Conservatory, Bathroom), Detached Garage, Detached Shed, Bed & Breakfast Accommodation, Detached Bathroom (for Toll House), Deck with Pergola and Inground Swimming Pool
LOCATION:	1 High Street, MAITLAND NSW 2320
ZONE:	RU1 Primary Production

EXECUTIVE SUMMARY

The proposal seeks consent for Demolition Works, Dwelling Alterations and Additions (Atrium, Conservatory, Bathroom), Detached Garage, Detached Shed, Bed & Breakfast Accommodation, Detached Bathroom (for Toll House), Deck with Pergola and Inground Swimming Pool at Lot 1 in DP 524847, known as 1 High Street, Maitland.

Under the Maitland LEP 2011 the site is mapped as flood prone land, is a Heritage Listed item and is located within a Heritage Conservation Area.

The proposal seeks to undertake alterations and additions, including demolition, to an existing dwelling. The works seek to address heritage significance. The proposal also seeks to undertake work on flood prone land, particularly with habitable floor area below the Flood Planning Level based on sympathetic heritage design outcomes.

Four submissions have been received, three by the one author. These submissions raise a number of objections to the proposal.

The proposal was lodged in November 2021 and issues were raised throughout the assessment. The applicant and Council have negotiated matters relating to flooding and heritage legislation controls. The applicant has not agreed to all of Council's requests and has submitted a final proposal. 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

- 1. THAT development consent be granted to DA/2021/1434 for Demolition Works, Dwelling Alterations and Additions (Atrium, Conservatory, Bathroom), Detached Garage, Detached Shed, Bed & Breakfast Accommodation, Detached Bathroom (for Toll House), Deck with Pergola and Inground Swimming Pool of Lot 1 in DP 524847, 1 High Street, Maitland subject to the recommended conditions of consent contained in Attachment 4.**

PROCEEDINGS IN BRIEF

A motion was moved
(Moved Cr P Garnham / Seconded Cr S Halliday)

THAT

1. Development consent be granted to DA/2021/1434 for Demolition Works, Dwelling Alterations and Additions (Atrium, Conservatory, Bathroom), Detached Garage, Detached Shed, Bed & Breakfast Accommodation, Detached Bathroom (for Toll House), Deck with Pergola and Inground Swimming Pool of Lot 1 in DP 524847, 1 High Street, Maitland subject to the recommended conditions of consent contained in Attachment 4 excluding conditions 10, 16 and 17.

COUNCIL RESOLUTION

THAT

- 1. Development consent be granted to DA/2021/1434 for Demolition Works, Dwelling Alterations and Additions (Atrium, Conservatory, Bathroom), Detached Garage, Detached Shed, Bed & Breakfast Accommodation, Detached Bathroom (for Toll House), Deck with Pergola and Inground Swimming Pool of Lot 1 in DP 524847, 1 High Street, Maitland subject to the recommended conditions of consent contained in Attachment 4 excluding conditions 10, 16 and 17.**

Moved Cr P Garnham, Seconded Cr S Halliday

CARRIED

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

The division resulted in 8 for and 4 against, as follows:

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

12 CITY SERVICES

Nil

13 CUSTOMER AND DIGITAL SERVICES

Nil

14 PEOPLE AND PERFORMANCE

Nil

15 FINANCE

Nil

16 ITEMS FOR INFORMATION

16.1 NSW FIRE AND RESCUE INSPECTION REPORT

FILE NO:	Parcel 17331
ATTACHMENTS:	1. Inspection Report
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Cindy Littlewood - Manager Development & Compliance
AUTHOR:	Andrew Ashton - Coordinator Building & Development
MAITLAND +10	Outcome 14 To have elected leaders that look out for us
COUNCIL OBJECTIVE:	14.3.2 Undertake a range of education and compliance activities to enforce State and Local Government regulations, from road use to companion animals

EXECUTIVE SUMMARY

NSW Fire and Rescue Fire Safety Compliance Unit (NSWFR) have undertaken an inspection of Lot 1, DP: 63579, # 205 High St, Maitland. The building is currently being used for temporary accommodation purposes. They have provided the Council with an inspection report and recommendations, that are being tabled to Council for information.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

COUNCIL RESOLUTION

THAT the information contained in this Report be noted.

Moved Cr L Baker, Seconded Cr S Halliday

CARRIED

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

For:	Cr R Aitchison	Against:
	Cr L Baker	
	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 B Whiting	
	Cr M Yarrington	

16.2 LOCAL TRAFFIC COMMITTEE MEETING MINUTES (MAY 2024)

FILE NO:	140/5
ATTACHMENTS:	1. Local Traffic Committee Minutes May 2024
RESPONSIBLE OFFICER:	Jason Linnane - Director City Services Stephen Smith - Manager Assets and Engineering
AUTHOR:	Chris Pinchen - Operations Manager Transport & Infrastructure Engineering Steven Roach - Traffic Management Officer
MAITLAND +10	Outcome 2 To easily get to where we want to go
COUNCIL OBJECTIVE:	2.2.2 Make our roads safer through the timely delivery of road maintenance and safety programs

EXECUTIVE SUMMARY

The minutes of Maitland City Council's Local Traffic Committee meeting held Thursday 2 May 2024 are attached for information.

OFFICER'S RECOMMENDATION

THAT

1. The Local Traffic Committee meeting minutes of 2 May 2024 be noted.

COUNCIL RESOLUTION

THAT

1. The Local Traffic Committee meeting minutes of 2 May 2024 be noted.

Moved Mayor P Penfold, Seconded Cr M Yarrington

CARRIED

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

For:	Cr R Aitchison	Against:
	Cr L Baker	
	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 B Whiting	
	Cr M Yarrington	

17 NOTICES OF MOTION/RESCISSION

17.1 M1 EXTENSION FLOOD RISK

NOTICE OF MOTION SUBMITTED BY CR MITCHELL GRIFFIN

FILE NO: 35/7/4
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: Jeff Smith - General Manager

Cr Mitchell Griffin has indicated his intention to move the following Notice of Motion at the next Council Meeting being held on 11 June 2024:

THAT

1. Council notes the partnership between the Federal and State Governments to build the M1 extension from Blackhill to Raymond Terrace.
2. Council notes a recent change in preference by TFNSW and their contractors to their original plans to use a pontoon to assist with construction over the Hunter River, and instead build rock platforms in the Hunter River which will remain in place throughout the construction.
3. Council notes serious concerns raised by the community at a recent community meeting held by the Millers Forest Progress Association on 28 May 2024 which raised issues including but not limited to:
 - Potential for increase of flooding for Millers Forest, Raymond Terrace, Woodberry, Tarro and beyond due to the river being impeded.
 - The effects on the wider community during a flood event on suburbs west of Berry Park which were not included in the TFNSW flood study.
 - Rocks and debris left in the river post construction which impact on tidal flows and fishing.
 - Residents access to insurance and government grants in a flood event due to the potential man-made effects on flooding
 - Lack of consultation with the community, effected councils, and SES during the decision making process.
4. Council writes to the relevant state and federal Ministers, as well as local members for Paterson (Federal), Maitland, Newcastle, Port Stephens, Upper Hunter (State) and Lyne to express Council's concerns with the use of a rock platform in the Hunter River and request an alternate plan is developed which will not impede the Hunter River

5. Council accepts TFNSW offer to conduct a briefing to council.

COUNCIL RESOLUTION

THAT

1. Council notes the partnership between the Federal and State Governments to build the M1 extension from Blackhill to Raymond Terrace.
2. Council notes a recent change in preference by TFNSW and their contractors to their original plans to use a pontoon to assist with construction over the Hunter River, and instead build rock platforms in the Hunter River which will remain in place throughout the construction.
3. Council notes serious concerns raised by the community at a recent community meeting held by the Millers Forest Progress Association on 28 May 2024 which raised issues including but not limited to:
 - Potential for increase of flooding for Millers Forest, Raymond Terrace, Woodberry, Tarro and beyond due to the river being impeded.
 - The effects on the wider community during a flood event on suburbs west of Berry Park which were not included in the TFNSW flood study.
 - Rocks and debris left in the river post construction which impact on tidal flows and fishing.
 - Residents access to insurance and government grants in a flood event due to the potential man-made effects on flooding
 - Lack of consultation with the community, effected councils, and SES during the decision making process.
6. Council writes to the relevant state and federal Ministers, as well as local members for Paterson (Federal), Maitland, Newcastle, Port Stephens, Upper Hunter (State) and Lyne to express Council's concerns with the use of a rock platform in the Hunter River and request an alternate plan is developed which will not impede the Hunter River
7. Council accepts TFNSW offer to conduct a briefing to council.

Moved Cr M Griffin, Seconded Cr S Halliday

CARRIED

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

For:		Against:
	Cr R Aitchison	
	Cr L Baker	
	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 B Whiting	
	Cr M Yarrington	

18 QUESTIONS WITH NOTICE

Nil

19 URGENT BUSINESS

Nil

Council moved into Committee of the Whole at 7.12 pm.

Moved Cr P Garnham, Seconded Cr M Yarrington

CARRIED

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

For:	Cr R Aitchison	Against:
	Cr L Baker	
	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 B Whiting	
	Cr M Yarrington	

Council moved into Closed Session of the Committee of the Whole for the reasons specified in the Agenda, and closed the meeting to the public at 7.12 pm.

Moved Cr M Griffin, Seconded Cr P Garnham

CARRIED

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

For:	Cr R Aitchison	Against:
	Cr L Baker	
	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 B Whiting	
	Cr M Yarrington	

20 COMMITTEE OF THE WHOLE

20.1 CONSIDERATION OF TENDERS - SERVICES, PLANT AND EQUIPMENT HIRE - PANEL TENDER

FILE NO:	2024/137/2334
ATTACHMENTS:	1. Attachment A - Fee Proposal - Maitland City Council 2. Attachment B - Tender Evaluation Report
RESPONSIBLE OFFICER:	Jason Linnane - Director City Services Stephen Smith - Manager Assets and Engineering
AUTHOR:	Ian Lorenz - Operations Manager Plant Services
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1 Ensure our city infrastructure, services and finances are managed sustainably and transparently

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows: (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

EXECUTIVE SUMMARY

Tenders have been called for the supply of services, plant and equipment hire to Council. This panel tender would include items such as the hire of excavators, trucks, portable toilets and temporary fencing panels. This report is presented to council for approval of the services, plant and equipment hire tendered for the period 1 July 2024 to 30 June 2026 with the option for two additional twelve (12) month optional extensions.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows:

(d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

COMMITTEE RECOMMENDATION

THAT

- 1. Council accept all conforming tenders for services, plant and equipment hire, as nominated in Attachment B - Tender Evaluation Report, for the period of 1 July 2024 to 30 June 2026.**
- 2. The selection of services, plant and equipment, as required, is based on price, availability and suitability for Council's needs, as per the procurement policy.**

Moved Cr P Garnham, Seconded Cr B Whiting

CARRIED

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

For:	Cr R Aitchison	Against:
	Cr L Baker	
	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 B Whiting	
	Cr M Yarrington	

CONSIDERATION OF TENDERS - SERVICES, PLANT AND EQUIPMENT HIRE - PANEL TENDER

Attachment B - Tender Evaluation Report

Tenders were received from:

- Ready Industries Pty Ltd t/a 1300TEMPFENCE
- A Plus Contracting and Poly Welding Pty Ltd
- Accurate Asphalt and Road Repairs Pty Ltd
- Advance Sweepers Pty Ltd
- Agrihire Pty Ltd
- Aqua Assets Pty Limited
- ASV Sales and Service Pty Ltd
- ATF Services Pty Ltd
- B & M McCulloch Pty Ltd t/a Bruce's Water Cartage
- Brooks Hire Services Pty Ltd
- Budget Toilet Hire Pty Ltd
- Central Coast Slashing Services Pty Ltd
- Civil Movement Group
- Claredale Haulage Pty Ltd
- Cleanaway Industrial Solutions Pty Ltd
- Coates Hire Operations Pty Limited
- Conplant Pty Ltd t/a Conplant Hire
- Cramps Earthmoving Pty Ltd
- Dan Rugg Earthmoving Pty Ltd
- DE Plant Hire Pty Ltd t/a Dannenberg Earthmoving
- D & D Lumsden Earthmoving Pty Ltd
- Reece Gainsford Contracting Pty Ltd t/a East Coast Locating Services
- Elbourne Plant Hire Pty Ltd
- Excom Civil Pty Ltd t/a Excom Civil Vac Truck Solutions
- Fenech Group Pty Ltd
- Flynn Haulage and Earthmoving Pty Ltd
- Hasleham Plant Solutions Pty Ltd
- Hunter Concrete Pump Hire
- Hunter Hire & Sales Pty Ltd t/a Hunter Hire
- Impact Concrete Sawing Pty Ltd
- Lawnscape Services t/a IMulch Pty Ltd
- Innerscope Pty Ltd t/a Coastal Earthmoving and Excavation
- JDM Civil Group Pty Ltd
- JP Civilworx Pty Ltd
- J.R & E.G Richards (NSW) Pty Ltd t/a JR Richards and Sons
- Keegan Civil Pty Ltd atf Keegan Family Trust
- Kennards Hire Pty Limited
- Kentan Access and Hire Pty Ltd
- Lantry Earthmoving Pty Ltd
- Lawcon Plant Hire atf Zeal Family Trust t/a Lawcon Plant Hire Pty Ltd

- Machine Transport Pty Ltd
- MR Diggitt Pty Ltd
- National Civil Personnel and Plant Hire Pty Ltd
- National Pump and Energy Pty Ltd
- Robinson Family Trust t/a Newcastle Cut n Drill Pty Ltd
- Newcastle Locating Services Pty Ltd
- Newcastle Fabrications Pty Ltd t/a Newcastle Machinery Sales
- Koppman Earthmoving Pty Ltd t/a Noraville Earthmovers
- Porter Hire Pty Ltd t/a Porter Hire
- PremiAir Services Pty Ltd t/a PremiAir Hire
- The Rent A Fence Australia Trust t/a Rent A Fence Pty Ltd
- Robert Guy and Sons Pty Ltd
- Rollers Australia Pty Ltd
- Sherrin Rentals Pty Ltd
- Shore Hire Pty Limited
- Rico Enterprises Pty Ltd ATF Rico Family Trust t/a Solo Resource Recovery
- Solution Plant Hire Pty Ltd
- Spark Excavation Hire Pty Ltd
- Specialised Pavement Services Pty Ltd
- Stabilcorp Pty Ltd
- Stabilised Pavements of Australia Pty Ltd
- T & D Earthworks Pty Ltd
- Talbot Plant Hire Pty Ltd
- Team Dreegan Pty Ltd
- The TFH Hire Trust t/a TFH Hire Services Pty Ltd
- The Excavation Specialists Pty Ltd
- Norwest Plant Hire Pty Ltd
- Total Drain Cleaning Services Pty Ltd t/a TDG Environmental
- Trek Concrete Pumping Pty Ltd
- Tutt Bryant Hire Pty Ltd
- Vanalls Pty Ltd
- Vision Intelligence Pty Ltd
- Westrac Pty Ltd

Council resumed into Ordinary Council at 7.14 pm.

Moved Cr M Griffin, Seconded Cr M Yarrington

CARRIED

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

For:	Cr R Aitchison	Against:
	Cr L Baker	
	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 B Whiting	
	Cr M Yarrington	

21 COMMITTEE OF THE WHOLE RECOMMENDATIONS

The General Manager read the Recommendation from the Committee of the Whole/Closed Session as follows:

20.1 CONSIDERATION OF TENDERS - SERVICES, PLANT AND EQUIPMENT HIRE - PANEL TENDER

THAT

1. Council accept all conforming tenders for services, plant and equipment hire, as nominated in Attachment B - Tender Evaluation Report, for the period of 1 July 2024 to 30 June 2026.
2. The selection of services, plant and equipment, as required, is based on price, availability and suitability for Council's needs, as per the procurement policy.

COUNCIL RESOLUTION

THAT

The Committee's recommendations be adopted.

Moved Cr Griffin, Seconded Cr Yarrington

CARRIED

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

For:	Cr R Aitchison	Against:
	Cr L Baker	
	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 B Whiting	
	Cr M Yarrington	

22 CLOSURE

The meeting was declared closed at 7.15 pm.

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Chairperson