



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

9 JULY 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 25 June 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

10.1 FINAL COUNCIL MEETING OF CURRENT TERM

FILE NO:	35/1 AND 35/7
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Jeff Smith - General Manager Kelsie Wilson - Team Leader OGM
AUTHOR:	Tina Nay - Senior Governance 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

Under Local Government Regulation, council is required to assume a 'caretaker' role in the four (4) weeks preceding the election date.

As the caretaker period for the 2024 Local Government election commences on Friday 16 August 2024 and ends on Saturday 14 September 2024, it is recommended councils last meeting of the current term be held on 27 August 2024.

OFFICER'S RECOMMENDATION

THAT

1. Council note the caretaker period for Local Government in NSW as established under regulation, being four (4) weeks prior to the September 2024 local government election;
2. Council hold the final Ordinary meeting of its current term on 27 August 2024,
3. Council plans for the first Ordinary meeting of its next term on 22 October 2024, subject to final determination by the General Manager.

REPORT

During the caretaker period, the following functions must not be exercised by the council, or the general manager or other delegate of council:

- (a) entering a contract or undertaking involving the expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger). In 2023/24 1% of rates income for Maitland City Council was \$848,419;

FINAL COUNCIL MEETING OF CURRENT TERM (Cont.)

- (b) Under Clause 393B controversial development applications cannot be determined, except where:
 - (i) A failure to make such a determination would give rise to a deemed refusal under the Environmental Planning & Assessment Act 1979, Section 8.11(1); or
 - (i) Such a deemed refusal arose before the commencement of the caretaker period.

A 'controversial development application' means a development application for designated development for which at least 25 persons have made a submission during community consultation. 'Designated development' is defined under Section 4.10 of the Environmental Planning and Assessment Act 1979.

All other non-controversial development applications can be determined under delegation. Applications being determined by a Joint Regional Planning Panel may also be determined.

- (c) the appointment or reappointment of a person as the council's general manager (or the removal of a person from that position), other than--
 - (i) an appointment of a person to act as general manager under section 336(1) of the Act, or
 - (ii) a temporary appointment of a person as general manager under section 351(1) of the Act.

Mayors and councillors will continue to need to exercise their official functions in the lead up to the election. Mayors or councillors who are candidates may continue to attend or preside over council arranged or community events in the lead up to the election, however they must not use council arranged events that they attend in an official capacity to actively campaign for re-election.

Council elections are not likely to be declared before 30 September 2024. Councils that elect their mayor must hold a mayoral election within three (3) weeks of the declaration of the ordinary election and are required to schedule a meeting for this purpose within three (3) weeks of the declaration of the election.

CONCLUSION

Council will enter its mandated caretaker period four (4) weeks prior to the NSW local government elections on 16 August 2024. Councils final ordinary meeting of this term is scheduled for 27 August 2024. Council will continue to plan for the time meeting of the new term on 22 October 2024, subject to final determination by the General Manager.

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.

FINAL COUNCIL MEETING OF CURRENT TERM (Cont.)

STATUTORY IMPLICATIONS

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

11 CITY PLANNING

11.1 ASSESSMENT OF POTENTIAL MAITLAND HERITAGE ITEM

FILE NO:	RZ24001
ATTACHMENTS:	1. Heritage Assessment Report (Under Separate Cover)
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Brett Gardiner - Manager Strategic Planning Adam Ovenden - Coordinator City Planning
AUTHOR:	Gary Hamer - Principal Strategic Planner
MAITLAND +10	Outcome 5 To celebrate what makes our city unique - our history, our people and our river
COUNCIL OBJECTIVE:	5.1.2 Support the recording of stories and development of new narratives about Maitland's identity

EXECUTIVE SUMMARY

This report provides Council with an overview of the outcomes of the heritage assessment undertaken for the Hitching Post at 461 High Street Maitland. The heritage assessment was commissioned following the Council resolution on 22 August 2023 to determine whether the Hitching Post reaches the threshold for potential listing as a heritage item within the Maitland Local Environmental Plan 2011 under the NSW heritage assessment criteria.

The heritage assessment found that the Hitching Post has historic, aesthetic, and social significance and meets the threshold under the NSW assessment criteria for local heritage listings.

This report recommends that Council commence preparation of a Planning Proposal in accordance with the heritage assessment.

OFFICER'S RECOMMENDATION

THAT

- 1. Council endorses the recommendations of the Hitching Post Heritage Assessment Report in Attachment 1.**
- 2. That Council commence preparation of a Planning Proposal consistent with the recommendation of the GML report seeking inclusion of the Hitching Post at 461 High Street Maitland as an item of local significance under Schedule 5 of the Maitland Local Environmental Plan 2011.**
- 3. That the draft Planning Proposal be presented to Council at a future date.**

REPORT

At its meeting of 22 August 2023, Council resolved:

1. An assessment of heritage significance be undertaken for the hitching post (Jocko Graves Statue) to determine its significance and ability to meet heritage listing criteria, and the outcomes of this assessment be reported back to Council.
2. The recommendations of the assessment of heritage significance be reported back to Council for endorsement by December 2023.
3. Council allocate \$20,000+GST via a quarterly budget adjustment for the preparation of an assessment of heritage significance of the hitching post (Jocko Graves Statue).

Council staff engaged GML Heritage Pty Ltd (GML) to prepare a heritage assessment of the Hitching Post in accordance with the above resolution. The heritage assessment was undertaken in accordance with the NSW Department of Planning, Housing, and Infrastructure's guidelines, including the Assessing Heritage Significance guidelines, the Investigating Heritage Significance guidelines, and the guidelines of the ICOMOS Burra Charter.

Based on historical research, locational investigations, and comparative analysis against other comparable items, and assessment of the item against the NSW assessment criteria, GML determined the hitching post meets the threshold for heritage listing at a local level.

This determination by GML is supported by the following statement of significance:

Made by preeminent decorative iron and zinc manufacturers and suppliers, JW Fiske of New York, the hitching post at 461 High Street is a rare example of a cast iron hitching post depicting the 'Faithful Groomsman' Jocko Graves, as originally designed in 1776. The figure originates in America and is based upon the disputed and uncorroborated story of Jocko Graves, a young African American boy who served during the American Revolutionary War.

It is unclear how the hitching post came to Maitland, however, documentary evidence indicates it was taken to Maitland by an iron firm, WS Friend and Co, during the 1870s and was placed in front of the firm's premises. It was purchased by Archibald D McDonald in 1896 when WS Friend and Co closed. McDonald placed it in front of his tobacconist store. It has been in its current location on High Street for more than 100 years and demonstrates the local application of the relationship between 'Faithful Groomsman' and tobacconists which was prevalent in America.

The hitching post demonstrates the importance of horse transport in Maitland, and the relationship to High Street activities.

The hitching post has significant aesthetic characteristics demonstrated through its artistic composition and reflects a high degree of technical accomplishment that was produced by a leading American producer of decorative cast iron features. The hitching post is a distinctive historic feature and contributes to the High Street streetscape and is a landmark figure for the local community.

ASSESSMENT OF POTENTIAL MAITLAND HERITAGE ITEM (Cont.)

The hitching post has strong local social value. It is a potent symbol of the 'history wars' and the differing attitudes to race relations and racial oppression in Australia. Many people in Maitland believe is a significant part of Maitland's history, while others believe the statue should be removed from public display.

The hitching post has potential to yield information that would contribute to an understanding of the history of Maitland and Australia, and the movement of ideas and goods between America and Australia more generally.

The hitching post at 461 High Street, Maitland meets threshold for local heritage listing.

The GLM report recommends the listing of the Hitching Post as a heritage item with the following process:

1. A Planning Proposal should be prepared to include the hitching post as a heritage item of local significance under Schedule 5 of the Maitland LEP 2011.
2. Prior to the Planning Proposal, consultation with First Nations people should be undertaken to understand their concerns and views regarding the potential future options for the hitching post. This matter could be considered by the Maitland City Council Reconciliation Action Plan Working Group.
3. Council should use the opportunity provided by the public exhibition of the Planning Proposal undertake community consultation to understand the contemporary social values of the hitching post.
4. The hitching post is identified as a contributory item within the Central Maitland HCA and should be managed in accordance with the DCP.

The report of the heritage consultant also recommends that Council in response to community views and values, could consider the following options for the long-term location of the Hitching Post:

1. Retain in-situ with reinterpretation.
2. Removal and public display in a local museum or gallery.
3. Removal and long-term secure storage.

Consideration of the above options would form part of a further report to Council as part of the Planning Proposal process.

As part of the assessment of the heritage values for the Hitching Post, GML considered the social values of the item. GML noted that social values are a key part of heritage assessment and reporting and these are enshrined in the concept of cultural significance in key best practice heritage frameworks and guidelines, most notably the ICOMOS Burra Charter.

ASSESSMENT OF POTENTIAL MAITLAND HERITAGE ITEM (Cont.)

In undertaking the assessment of social values, GLM noted that there are different opinions of various individuals and groups regarding the Hitching Post. For First Nations people, GLM stated:

From our desktop analysis, another group of individuals that loosely share the same opinion emerged, the Wonnarua people are the Traditional Owners of the Maitland area and their lands extend throughout the Hunter Valley. A group of local First Nations residents and their supporters see the proposed listing of the statue as a racial and cultural insult, and they perceive a general lack of recognition of First Nations history and culture in Maitland. This group are quoted in an article 'Maitland City Council to consider heritage listing statue formerly known as the 'Little Black Boy' dated 28 July 2023 expressing they would like to see First Nations history and cultural heritage around the Lower Hunter more widely recognised and celebrated in Maitland rather than a focus on what they see as 'outsider' heritage, and for First Nations groups to be consulted over the listing of such as statue. In the same article, this group is also quoted as feeling excluded from the process and the motion that was put forward at the Council meeting.

GML noted the heritage assessment undertaken to ascertain the heritage value of the Hitching Post was predominately desktop based, with engagement following the draft with the Maitland Historical and District Society. Importantly, the project scope did not include consultation with First Nations people or the wider community of Maitland. As such, GML have recommended that prior to the Planning Proposal, that consultation be undertaken with First Nations people potentially through Council's Reconciliation Action Plan Working Group.

CONCLUSION

The outcomes of the independent heritage assessment have identified that the Hitching Post at 461 High Street Maitland meets the criteria to be listed as a local heritage item under Schedule 5 of the Maitland Local Environmental Plan 2011. This report seeks Council's endorsement to prepare a Planning Proposal consistent with the outcomes of the heritage assessment.

Council as an alternative to a planning proposal could list the item in the Maitland LEP as an item of local significance, the item could be listed in the State Heritage Inventory. This process would include the uploading of the data from the statement of heritage significance into the inventory, which is then available to all members of the public.

FINANCIAL IMPLICATIONS

The preparation of a Planning Proposal for the listing of the hitching post as a heritage item within the Maitland Local Environmental Plan 2011 is not identified within the current, or draft Maitland Operational and Delivery Plans. The preparation of the Planning Proposal inclusive of consultation is expected to be able to undertaken with existing resources dependent on existing work programs.

ASSESSMENT OF POTENTIAL MAITLAND HERITAGE ITEM (Cont.)

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

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

11.2 DA 2023/889 FOR MULTI-DWELLING HOUSING (24 UNITS), STRATA TITLE SUBDIVISION, RETAINING WALLS, AND LANDSCAPING AT 262 ABERGLASSLYN ROAD ABERGLASSLYN (LOT: 112 DP1297808)

FILE NO:	2023/889
ATTACHMENTS:	<ol style="list-style-type: none">1. Locality Plan2. Architectural Plans (Under Separate Cover)3. Planners Assessment Report (Under Separate Cover)4. Recommended Conditions of Consent (Under Separate Cover)5. Redacted Submission (Under Separate Cover)
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Kristy Cousins - Coordinator Planning & Development Cindy Littlewood - Manager Development & Compliance
AUTHOR:	Emilia Marshall - Senior Development Planner
APPLICANT:	Grantham Farm Pty Ltd
OWNER:	Two Six Holdings Pty Ltd, AF Invest Pty Ltd, Grantham Farm Pty Ltd and Australian Property Development Solutions Pty Ltd
PROPOSAL:	Multi-Dwelling Housing (24 units), Strata Title Subdivision, Retaining Walls, and Landscaping
LOCATION:	262 Aberglasslyn Road, Aberglasslyn (112/1297808)
ZONE:	R1 - General Residential

EXECUTIVE SUMMARY

A development application (DA/2023/889) has been received seeking consent for Multi-Dwelling Housing (24 units), Strata Title Subdivision, Retaining Walls, and Landscaping at 262 Aberglasslyn Road, Aberglasslyn (Lot 112 DP 1297808). The locality plan can be viewed at Attachment 1.

The matter is reported to Council in accordance with the 'Delegations of Authority' for the General Manager, Section 3(b)(iii), due to the estimated cost of works exceeding \$5,000,000. The cost of works summary submitted with the application nominates the estimated cost of works for the development as \$8,531,285.

In addition to the above, one (1) submission was received during the assessment process, which can be viewed at Attachment 5. As the matters raised in the submission could not entirely be addressed by conditions of consent, this also requires the matter to be reported to Council in accordance with the 'Delegation of Authority' for the General Manager, Section 3(b)(iv).

DA 2023/889 FOR MULTI-DWELLING HOUSING (24 UNITS), STRATA TITLE SUBDIVISION, RETAINING WALLS, AND LANDSCAPING AT 262 ABERGLASSLYN ROAD ABERGLASSLYN (LOT: 112 DP1297808) (Cont.)

The subject site is located within the R1 – General Residential zone and Aberglasslyn Urban Release Area. The development is compatible with the existing character, bulk, scale, and massing of the existing built form and residential typology in the immediate area. The proposal will not have any negative social or economic impacts. The proposal is consistent with the requirements of all relevant sections of Maitland Local Environmental Plan (MLEP) 2011 and Maitland Development Control Plan (MDCP) 2011.

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/2023/889 for Multi-Dwelling Housing (24 units), Strata Title Subdivision, Retaining Walls, and Landscaping at 262 Aberglasslyn Road, Aberglasslyn, 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/2023/889 proposing a Multi-Dwelling Housing (24 units), Strata Title Subdivision, Retaining Walls, and Landscaping. The development plans can be viewed within **Attachment 2** of this report. The application is reported to Council as the cost of works for the proposed development nominated at \$8,531,285 exceed the delegations afforded to Council officers, and the proposal received one (1) submission during the exhibition 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 subject site is legally described as Lot 112 DP1297808 and is commonly known as 262 Aberglasslyn Road, Aberglasslyn. The site is located on the eastern side of Aberglasslyn Road and has an area of 8233m². The site is subject to a one (1) into two (2) lot subdivision consent of which is pending issue of a subdivision certificate (see figure 2 below). The resulting development site is an 'L' shaped allotment, measuring 6322.9m², with a 51m frontage to Aberglasslyn Road, and 103.26m rear boundary backing onto an existing housing estate known as McKeachies Run.

The site features a mix of shrubs and trees of varying species and sizes, considered remnant landscaping and vegetation, approved for remove under the previously approved DA for subdivision (DA 2022/834). Vehicular access is provided to the site via an existing driveway on Aberglasslyn Road. The other allotment resulting from the approved subdivision, located to the south-west of the subject site, has development consent for a childcare centre.

DA 2023/889 FOR MULTI-DWELLING HOUSING (24 UNITS), STRATA TITLE SUBDIVISION, RETAINING WALLS, AND LANDSCAPING AT 262 ABERGLASSLYN ROAD ABERGLASSLYN (LOT: 112 DP1297808) (Cont.)

Existing development within the locality consists of varying lot sizes and dwelling types, being situated on the edge of the Aberglasslyn Urban Release Area (AURA). McKeachies Run, with smaller lot holdings, multi-dwelling housing developments of similar scale, and a mix of dual occupancy and single dwelling house developments, are situated immediately to the east and north of the subject site. On the western side of Aberglasslyn Road, larger, lifestyle lots are evident, and include larger dwellings and homestead style developments.



Figure 1 - GIS aerial image

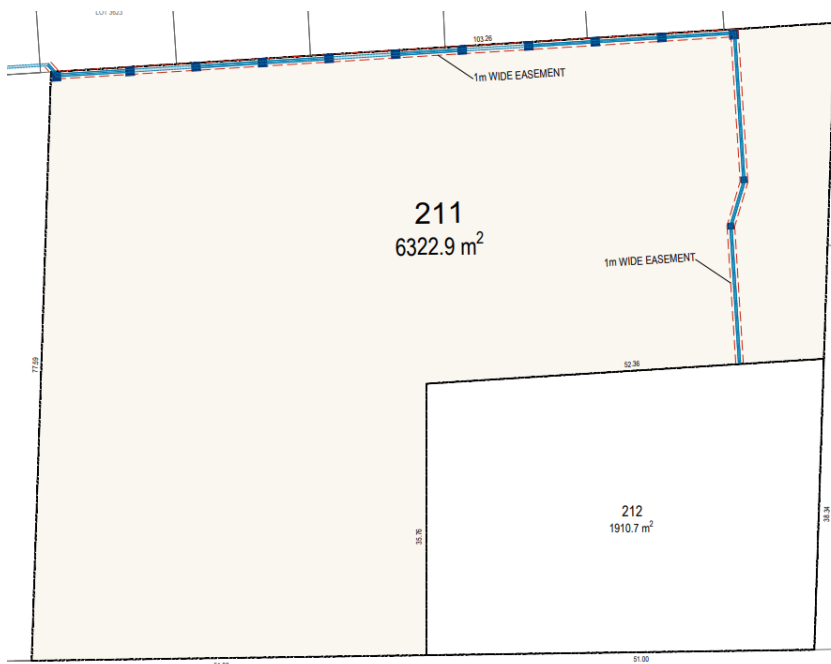


Figure 2 - Approved Torrens title subdivision under DA 2022/834. Resulting lot 211 subject to this application.

DA 2023/889 FOR MULTI-DWELLING HOUSING (24 UNITS), STRATA TITLE SUBDIVISION, RETAINING WALLS, AND LANDSCAPING AT 262 ABERGLASSLYN ROAD ABERGLASSLYN (LOT: 112 DP1297808) (Cont.)

Proposal

The proposal involves erection of 24 units to form a multi-dwelling housing and strata lot subdivision development. The 24 dwellings will feature a mix of 8 dwelling designs, being a mix of single and double storey, two (2) or three (3) bedrooms and subsequent single or double car garages. Three (3) of the proposed units have been designed to achieve disabled access provisions.

Each dwelling is allocated either a 'dark' or 'light' colour scheme per the architectural plans contained in **Attachment 2**. All dwellings front the internal access driveway, visually softened with garden bed landscaping at the front entry, and a medium to large tree within the rear yard. Additional landscaping is provided within the common area, fronting Aberglasslyn road at the south-western property boundary, and surrounding visitor parking spaces at the southern (side) property boundary.

The development is supported with ancillary site works, including driveway access, stormwater drainage infrastructure, earthworks, retaining walls, landscaping, and ancillary structures within the proposed common property (picnic style tables and benches, children's playground, bin storage shed and mailboxes). Six (6) visitor parking spaces are available throughout the site, with four (4) spaces adjacent to unit 1, and two (2) spaces at the end of the driveway adjacent to the southern (side) property boundary.



Figure 3 - Artistic impression of proposed development, as viewed from Aberglasslyn Road.

DA 2023/889 FOR MULTI-DWELLING HOUSING (24 UNITS), STRATA TITLE SUBDIVISION, RETAINING WALLS, AND LANDSCAPING AT 262 ABERGLASSLYN ROAD ABERGLASSLYN (LOT: 112 DP1297808) (Cont.)



Figure 4 - Proposed landscape / site plan



Figure 5 - Artistic impression of proposed common area

DA 2023/889 FOR MULTI-DWELLING HOUSING (24 UNITS), STRATA TITLE SUBDIVISION, RETAINING WALLS, AND LANDSCAPING AT 262 ABERGLASSLYN ROAD ABERGLASSLYN (LOT: 112 DP1297808) (Cont.)

Key Issues

No major issues were identified throughout the assessment process. A detailed assessment against Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and is provided under **Attachment 3**.

Consultation

The proposal was publicly notified/advertised for a period of 14 days in accordance with the Environmental Planning and Assessment Act 1979 and the Maitland Development Control Plan 2011.

One (1) submission was received during the exhibition period, objecting to the proposal. A summary of the submissions is provided in the following table:

Review of Submission	
Issue	Comment
Why was it not made clear on DA/2022/1405 – Childcare Centre, formed only one part of the proposed development for this 262 Aberglasslyn Rd?	<p>In addition to the subject application, 262 Aberglasslyn Road is subject to two current approvals, being:</p> <p>DA 2022/834 – Two lot Torrens title subdivision DA 2022/1405 – Childcare centre.</p> <p>See below extract from the executive summary accompanying DA 2022/1405 of which confirms the intent to lodge a separate DA for housing on the resulting allotment.</p> <p>This Statement of Environmental Effects has been prepared in support of a Development Application that seeks to demolish all existing structures in-order to construct a single (1) storey 'Centre-Based Child Care Facility' at 262 Aberglasslyn Road, Aberglasslyn.</p> <p>It is noted that this child care centre is proposed on a new lot that is currently under assessment under DA/2022/834 that was lodged on 3 August 2022. The balance of the land holding will be subject to a separate DA for housing forms.</p> <p>The proposal to subdivide and provide housing and a childcare centre on the resulting allotments has been made clear across all three development applications.</p>
Density	<p>The development complies with the permissibility requirements under MLEP 2011 and design controls under the MDCP 2011. There is no restriction on the number of units able to be proposed in a multi-dwelling housing development. In turn, the restriction on the number of units is dictated by planning and design controls, including setbacks, site coverage, privacy, solar access, parking, vehicular access, height limitations, etc.</p> <p>As demonstrated within the planners assessment report under</p>

DA 2023/889 FOR MULTI-DWELLING HOUSING (24 UNITS), STRATA TITLE SUBDIVISION, RETAINING WALLS, AND LANDSCAPING AT 262 ABERGLASSLYN ROAD ABERGLASSLYN (LOT: 112 DP1297808) (Cont.)

	ATTACHMENT 3 , the development achieves compliance with key controls in the MLEP 2011 and MDCP 2011 and is consequently considered appropriate.
Monopoly of Developer / Real Estate Agent	This is not a valid planning consideration under s4.15 of the <i>Environmental Planning and Assessment Act 1979</i> .
Kerb Side Parking and installation of 'No Stopping' signage	<p>The bus stop in question is in excess of 50m from the subject site, near 100m from the proposed driveway entry and does not form part of the site frontage. In any case, the request to install 'no stopping' or traffic control signage within the area of the bus stop has not been identified under the Traffic Impact Assessment, nor nominated to be conditioned by Council's Engineers. The matter may be referred to the Local Traffic Committee for further consideration. However, is not considered strictly relevant to this application.</p> <p>Further, under the neighbouring DA 2021/871, a condition of consent was enforced requiring upgrades to Aberglasslyn Road, including provision of a 2m wide shoulder on either side of the road, enabling vehicles to pass and avoidance of queuing. It is noted that the works were completed under Black Spot Program funding and negated the need for the applicant to undertake the works relating to the development application directly. In any case, these works provided shoulder widening to enable passing of any queued vehicles along Aberglasslyn Road, improving traffic circulation in the locality.</p> <p>It is considered that the subject development would not impede upon the operation of the private bus stop.</p>
Traffic Speed along Aberglasslyn Road - Request to reduce speed limit from 60km/h to 50km/h.	<p>The Traffic Impact Assessment accompanying this application has been reviewed by Council's engineers and considered satisfactory. This report does not contain any recommendations regarding the limiting of speed limits attributed to this development application. It is considered that the road network has sufficient capacity to cater for the proposal.</p> <p>Amendment to speed limits and sign posting is a matter for Transport for New South Wales and is not a matter for Council.</p>
Driveway Access and safety along Aberglasslyn Road a) As above a reduction in the speed limit to 50Kmh/hr	<p>a) As above, reduction of speed along Aberglasslyn Road is a matter for Transport for New South Wales, and is not relevant to this development application.</p> <p>b) Installation of 'no stopping' sign posting is a matter for the Local Traffic Committee. The matter is not relevant to the subject</p>

DA 2023/889 FOR MULTI-DWELLING HOUSING (24 UNITS), STRATA TITLE SUBDIVISION, RETAINING WALLS, AND LANDSCAPING AT 262 ABERGLASSLYN ROAD ABERGLASSLYN (LOT: 112 DP1297808) (Cont.)

<p>b) "NO STOPPING" zones on either side of driveway accesses</p> <p>c) "STOP" signs placed on the exits of each of the new development driveways</p> <p>d) Installing warning signs, including "CONCEALED DRIVEWAYS" and "SHARED ROADWAY"</p> <p>e) "BUS ZONE" - designate a safer location for the school bus to stop and collected children.</p>	<p>development application, noting installation of 'no stopping' has not been recommended by the TIA prepared by the applicant, nor Council's engineers.</p> <p>c) A condition of consent can be applied to the subject development requiring installation of a 'stop' sign at the egress of the driveway. It is noted that this condition cannot be applied in retrospect to other existing and / or approved developments along Aberglasslyn Road, without the preparation of a S4.55 Modification Application.</p> <p>d) As above, sign posting of the public road is a matter for the Local Traffic Committee. The matter is not relevant to the subject development application, noting the various signposting requested by the submitter has not been recommended by the TIA prepared by the applicant, nor Council's engineers.</p> <p>e) As above, bus zone sign posting is a matter for the Local Traffic Committee. The matter is not relevant to the subject development application, noting the subject sites distance from the private bus stop.</p>
<p>Damage to existing road infrastructure.</p>	<p>Reporting of damage to public infrastructure is a condition of consent under previously approved DA 2020/1008 and DA 2021/871. A similar condition is also applicable to this DA, as follows:</p> <p><i>The applicant is required to notify Council in writing prior to commencing building operations, of any existing damage to kerbing and guttering and/or footpath paving associated with the subject Lot. The absence of such notification signifies that no damage exists and the applicant shall therefore be liable for the cost of the repair of any damage to kerbing and guttering or footpath paving which may be necessary after completion of the building operation.</i></p> <p>Should existing or recent damage not be reported to Council, this becomes a compliance matter for breach of consent conditions under DA 2021/871, of which should be managed accordingly by the Private Certifying Authority and Council's Compliance Team</p>

DA 2023/889 FOR MULTI-DWELLING HOUSING (24 UNITS), STRATA TITLE SUBDIVISION, RETAINING WALLS, AND LANDSCAPING AT 262 ABERGLASSLYN ROAD ABERGLASSLYN (LOT: 112 DP1297808) (Cont.)

	<p>(where relevant).</p> <p>However, this matter relates to works already undertaken for the previously approved developments within proximity to the site, and beyond applying the above condition, is not relevant to the subject development application.</p>
Damage to Telstra Infrastructure	<p>Management, inspection, and maintenance of private infrastructure is the responsibility of the infrastructure provider, not Council. In any case, the pit is not within proximity to the subject development site, and not considered relevant to the subject assessment.</p>
Noise Curfew Violations	<p>This matter relates to DA consent 2021/871 and is not a consideration for this application. This application will be subject to the same standard condition for restriction of construction hours, see below.</p> <p><i>Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:</i></p> <p><i>a. 7.00am to 6.00pm Monday to Friday</i></p> <p><i>b. 7.00am to 5.00pm Saturday</i></p> <p><i>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.</i></p>
Attributed to traffic safety and density, it is requested that the number of dwellings are at least halved.	<p>The proposal has been assessed against the provisions of the EP&A Act, including Council's LEP and DCP controls, and is considered generally compliant with all provisions. The application is supported with a Traffic Impact Assessment, of which deems the development will not unreasonably impede upon the existing road network.</p> <p>The application is supported with multiple conditions of consent to mitigate and potential or perceived impacts during construction works. Any breaches or perceived breaches to consent conditions should be reported to the principle certifying authority and / or Council when said breaches may occur.</p> <p>All matters relating to sign posting, Telstra infrastructure and speed reduction along Aberglasslyn Road should be referred to the relevant authorities. However, it is noted that none of these matters are overly relevant to the subject development, but rather already approved and commenced development applications within the immediate locality.</p>

DA 2023/889 FOR MULTI-DWELLING HOUSING (24 UNITS), STRATA TITLE SUBDIVISION, RETAINING WALLS, AND LANDSCAPING AT 262 ABERGLASSLYN ROAD ABERGLASSLYN (LOT: 112 DP1297808) (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 under **Attachment 3**.

CONCLUSION

An 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 considered acceptable in terms of the relevant matters for consideration under the Act and the development application is recommended for approval.

DA 2023/889 FOR MULTI-DWELLING HOUSING (24 UNITS), STRATA TITLE SUBDIVISION, RETAINING WALLS, AND LANDSCAPING AT 262 ABERGLASSLYN ROAD ABERGLASSLYN (LOT: 112 DP1297808) (Cont.)

City Planning

**DA 2023/889 FOR MULTI-DWELLING
HOUSING (24 UNITS), STRATA TITLE
SUBDIVISION, RETAINING WALLS, AND
LANDSCAPING AT 262 ABERGLASSLYN
ROAD ABERGLASSLYN (LOT: 112
DP1297808)**

Locality Plan




Meeting Date: 9 July 2024

Attachment No: 1

Number of Pages: 1

DA 2023/889 FOR MULTI-DWELLING HOUSING (24 UNITS), STRATA TITLE SUBDIVISION, RETAINING WALLS, AND LANDSCAPING AT 262 ABERGLASSLYN ROAD ABERGLASSLYN (LOT: 112 DP1297808) (Cont.)



 <p>maitland city council</p>	<p>© Maitland City Council 2024 © NSW Spatial Services 2024 © Nearmap 2024</p>	<p>N</p>  <p>GDA2020 MGA Zone 56</p>	<p>0 10 20 40</p>  <p>Meters</p> <p>This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time. It is the responsibility of the user to make their own decision about the information found. The Council cannot warrant and does not represent that the advice can be relied on completely. The Council also cannot accept any responsibility, or liability for any loss, damage, cost or expense you might incur as a result of the use of or reliance upon the information. The map is for information purposes only and is not to be re-engineered, modified or used for any other purpose than for information.</p>
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Printed: 11/06/2024

11.3 EXHIBITION OF PROPOSED VOLUNTARY PLANNING AGREEMENT - THORNTON BRENTWOOD PTY LTD - OFF THOMAS COKE DRIVE, THORNTON

FILE NO:	103/41/66
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Letter of Offer to Enter into Voluntary Planning Agreement 2. Draft Planning Agreement (Under Separate Cover)
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Brett Gardiner - Manager Strategic Planning Adam Ovenden - Coordinator City Planning Anne Humphries - Principal Development Contributions Planner
AUTHOR:	Melissa Harvey - Development Contributions Officer
MAITLAND +10	Outcome 2 To easily get to where we want to go
COUNCIL OBJECTIVE:	2.1.1 Better align land use and transport planning to move toward the region's target of 15 minute neighbourhoods with access to housing, jobs, services and transport

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of an offer from Thornton Brentwood Pty Ltd to enter into a Voluntary Planning Agreement (VPA) for the construction of a public road, parking and associated drainage works on Council owned land at Thomas Coke Drive Thornton. The draft VPA is linked to Planning Proposal 2022/1301 for the reclassification of the land from Community to Operational land.

Following negotiations with the applicant, the draft VPA has been prepared by Council staff and Lindsay Taylor Lawyers. The draft document is now presented to Council seeking endorsement for its public exhibition.

OFFICER'S RECOMMENDATION

THAT

1. Pursuant to clause 204(1) of the *Environmental Planning and Assessment Regulation 2021*, Council exhibit the draft Voluntary Planning Agreement for a period of 28 days;
2. Should no submissions objecting to the draft Voluntary Planning Agreement be received during the exhibition period, Council delegate authority to the Manager Strategic Planning to finalise and execute the agreement.
3. Should any submissions objecting to the draft Voluntary Planning Agreement be received during the exhibition period, a further report be presented to Council.

EXHIBITION OF PROPOSED VOLUNTARY PLANNING AGREEMENT - THORNTON BRENTWOOD PTY LTD - OFF THOMAS COKE DRIVE, THORNTON (Cont.)

REPORT

Thornton Brentwood Pty Ltd (the Applicant) lodged DA 19-682 on 9 August 2019 for the subdivision of land to create 32 residential lots at 30 Honeymyrtle Street and 35 Hillgate Drive Thornton. The subdivision is located in the Thornton North Urban Release Area (TNURA) and will be levied development contributions under the Thornton North Development Contributions Plan.

The Applicant previously lodged a concept masterplan for the subdivision under DA 11-932. As part of the assessment process for this DA, the application was referred to NSW Rural Fire Service (RFS) resulting in General Terms of Approval being issued requiring that the Applicant provide legal access for the subdivision via a through road over Council owned land off Thomas Coke Drive. The subject land which is zoned RE1 Public Recreation currently provides access to the Alan and Don Lawrence playing fields.

Figure 1 below shows the location of the development and adjoining Council owned land.

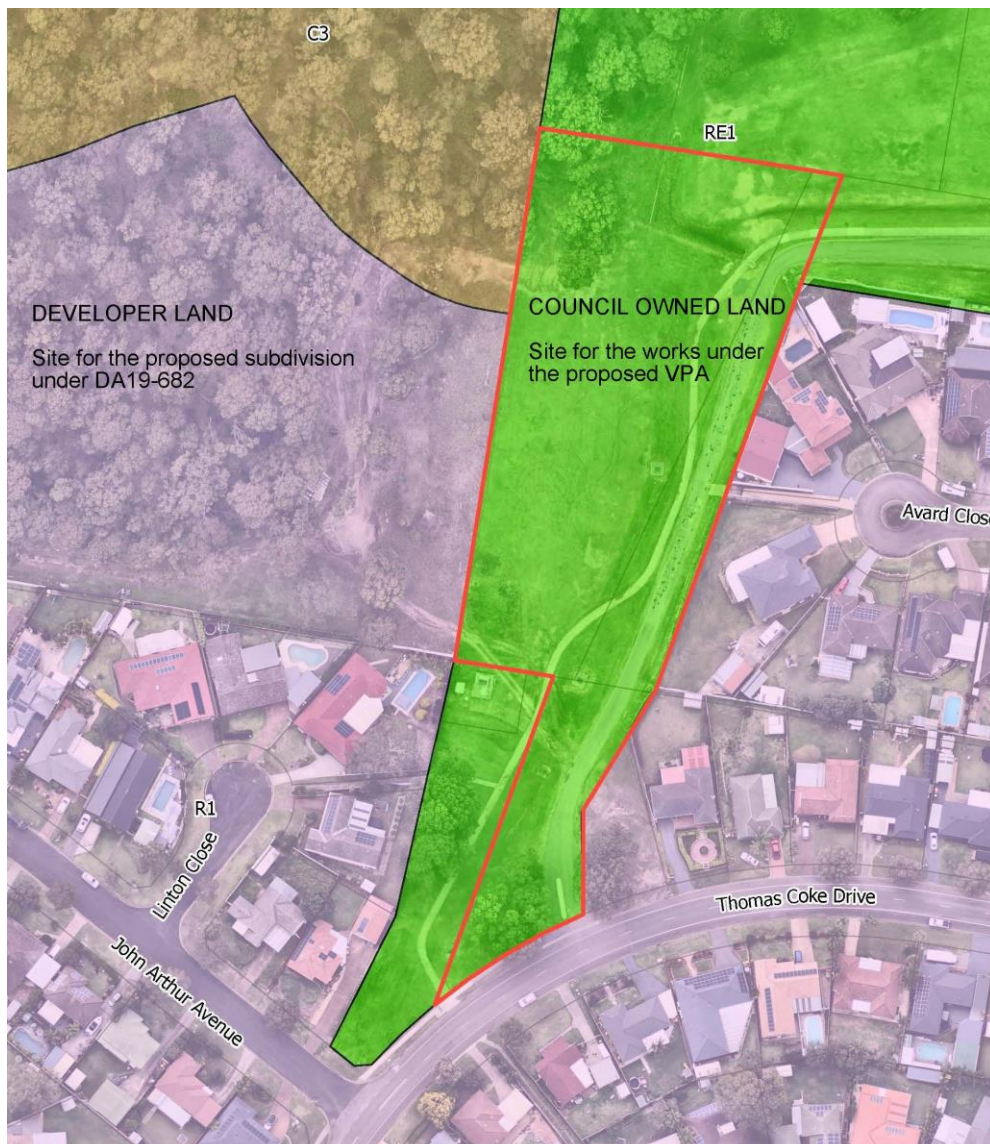


Figure 1 – Location of Proposed VPA Works and Land

EXHIBITION OF PROPOSED VOLUNTARY PLANNING AGREEMENT - THORNTON BRENTWOOD PTY LTD - OFF THOMAS COKE DRIVE, THORNTON (Cont.)

On 22 February 2022, Council resolved to submit a Planning Proposal requesting a Gateway Determination for the reclassification of the Council owned land from Community to Operational land. The Gateway Determination was issued on 30 June 2022 requiring the Planning Proposal to be placed on public exhibition. This took place from 5 September to 3 October 2022 and included a public hearing. Results of the exhibition process and public hearing were reported to Council on 11 April 2023. One of the outcomes of the public hearing was a recommendation that Council enter into a VPA with the Applicant to construct the new road over the Council owned land to service the proposed subdivision.

Due to delays outside of Council's control with the ongoing assessment of the planning proposal, the Department issued a new Gateway requiring its re-exhibition.

On 7th December 2023 Council received a letter of offer from the Applicant seeking to enter into a VPA for the construction of the road to provide legal access to the subdivision, as well as formalizing access to the Alan & Don Lawrence sporting fields. The proposed works also include on street parking, drainage and related infrastructure. The Letter of Offer is provided in Attachment 1 to this report.

PLANNING ASSESSMENT

DRAFT VOLUNTARY PLANNING AGREEMENT

The draft VPA as provided in Attachment 2 sets out the developer's obligations under the agreement, with the Explanatory Note summarising the planning merits and how the objects of the *Environmental Planning and Assessment Act 1979* and the public interest will be served.

Following is a summary of the proposed terms:

1. The works are to be undertaken on Council owned land that is subject to re-classification from Community to Operational Land under Planning Proposal 2022-1301.
2. The proposed works will provide the required secondary access to the development site and will formalise legal access to the sporting fields, improving parking, pathways and drainage, enhancing the overall condition of the sporting fields.
3. The works are to be undertaken by the Applicant at their cost with no compensation from the Thornton North Development Contributions Plan.
4. The Applicant will be required to provide security in the form of a bank guarantee or bond for the value of the works. The security will be held in escrow to ensure the Applicant delivers on the obligations of the Agreement and will only be released when works are completed.
5. If Council supports the VPA offer, a condition will be imposed on the development consent issued under DA 2019/682 requiring the VPA to be formally entered into.

EXHIBITION OF PROPOSED VOLUNTARY PLANNING AGREEMENT - THORNTON BRENTWOOD PTY LTD - OFF THOMAS COKE DRIVE, THORNTON (Cont.)

6. The VPA will include legal requirements for the registration of the Agreement on the land title.

CONCLUSION

This report seeks endorsement from Council to publicly exhibit the draft VPA concurrently with the Planning Proposal as required under the Environmental Planning and Assessment Regulations.

Should no submissions objecting to the draft VPA be received during the exhibition period, it is recommended that delegation be provided to Council staff to finalise and execute the agreement. Elsewise, a further report will be presented to Council at the conclusion of the exhibition period to consider any submissions received.

FINANCIAL IMPLICATIONS

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

The VPA offer does not exclude the payment of applicable development contributions which apply to DA 19-682. The developer is responsible for the full cost of the works included in the agreement.

POLICY IMPLICATIONS

Council's Voluntary Planning Agreements Policy sets out the principles governing the use of planning agreements and the specific circumstances where Council may consider negotiating such an agreement. The Policy contains guidance on the assessment and desirability of a proposed agreement. An assessment of these matters has been undertaken in accordance with the Policy to determine the suitability of the offer.

STATUTORY IMPLICATIONS

The cost of works is estimated at \$700,000. Section 55 of the *Local Government Act 1993* requires that Councils engage in a public tendering process for works with a value of \$250,000 or more. Under the provisions of Clause 55(3)(i) Council can resolve that because of extenuating circumstances, a satisfactory contract result would not be achieved by inviting tenders. Legal advice sought from Lindsay Taylor Lawyers confirms that in cases such as these a more satisfactory contract result will be achieved by the developer carrying out the works as required by their development consent.

City Planning

EXHIBITION OF PROPOSED VOLUNTARY PLANNING AGREEMENT - THORNTON BRENTWOOD PTY LTD - OFF THOMAS COKE DRIVE, THORNTON

Letter of Offer to Enter into Voluntary Planning Agreement

Meeting Date: 9 July 2024

Attachment No: 1

Number of Pages: 7

EXHIBITION OF PROPOSED VOLUNTARY PLANNING AGREEMENT - THORNTON BRENTWOOD PTY LTD - OFF
THOMAS COKE DRIVE, THORNTON (Cont.)



7th December 2023

The General Manager
Maitland City Council
PO Box 220
MAITLAND NSW 2320

Attention: Anne Humphries – Development Contributions Administrator

Proposed Voluntary Planning Agreement

Planning Proposal gateway determination PP2022-1301

Dear Anne,

Brentwood Thornton offers to enter into a Planning Agreement with Council under section 7.4 of the *Environmental Planning and Assessment Act 1979* in connection with the subdivision of lot 425 DP 1262858, lot 848 DP 703278, Lot 1094 DP 807086 Lot 8884 DP 786883, lot 1538 DP 832922 and lot 206 DP 1228517. The proposed VPA would relate specifically to the planning proposal which has a gateway determination of PP 2022-1301

The proposed subdivision requires the creation of a public road over an existing parcel of community land owned by the Council that will need to be reclassified to operational to facilitate the construction of a public road and associated carparking and drainage. The amending LEP to reclassify this land currently is gateway determination PP 2022-1301

Development Description

The proposed subdivision intends to create 31 residential lots on lands zoned R1 Residential. The subdivision requires the creation of an additional access/egress point from the site. The access/egress proposed to be constructed on Council owned land that is currently used as an access handle to a local sporting facility and recreation area. In addition, a portion of the land will be created as a drainage reserve.

PM ANDERSON CONSULTING

17 Currawong Road,
Wamberal NSW 2260

M 0407 330 884

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ABN 30 617 667 053



EXHIBITION OF PROPOSED VOLUNTARY PLANNING AGREEMENT - THORNTON BRENTWOOD PTY LTD - OFF THOMAS COKE DRIVE, THORNTON (Cont.)

VPA Proposal

The proposed VPA will see Brentwood Thornton construct a public road with the road side verge parking, associated drainage and foot paving to create a public road to the sporting reserve and access to Honeymyrtle Street over the lands to be reclassified as operational land. This land will not be transferred from Council ownership.

Item	Terms
Parties	<p>Maitland City Council</p> <p>Thornton Brentwood Pty Ltd (ACN 622 242 497) ATF Thornton Brentwood unit trust. (Brentwood Thornton) Unit 8 41-46 Newcomen street Newcastle NSW 2300</p>
Land	lot 425 DP 1262858, lot 848 DP 703278, Lot 1094 DP 807086 Lot 8884 DP 786883, lot 1538 DP 832922, and lot 206 DP 1228517, 52 Thomas Coke Drive Thornton and 35 Hillview Drive Thornton.
Planning Proposal/Development Application	<p>The DA is for the development of a 31 residential lot subdivision, associated road and infrastructure and dedication of drainage reserve.</p> <p>The planning proposal has a gateway determination number of PP 2022-1301.</p>
Works	It is proposed to construct a public road and on street parking areas as access to the public reserve, footpath and associated drainage works
The Public Interest	The proposal will formalise a legal access to the sporting fields improving and formalising parking along the street to improve the safety of users of the facility. The creation of improved drainage to improve the overall condition of the park lands and the construction of a pathway providing access to the park to improve the accessibility and safety of users of the facility.
Application of section 7.11, 7.12 and 7.24	This offer of a VPA is not exclusive to the payment of applicable Section 7.12 or 7.11 developer contributions.
Security	It is proposed that the delivery of the infrastructure would occur with the development of the proposed subdivision on the site. The security held by Council will

EXHIBITION OF PROPOSED VOLUNTARY PLANNING AGREEMENT - THORNTON BRENTWOOD PTY LTD - OFF THOMAS COKE DRIVE, THORNTON (Cont.)

	be the release of the subdivision certificate for the land preventing the newly created lots being registered until the required works have been completed in accordance with the approved designs.
Costs	Brentwood Thornton agrees to pay Council's reasonable costs of and incidental to the negotiation, preparation and entering into the agreement, as well as administration and enforcement of the planning agreement in accordance with the terms set out in the template planning agreement.

Yours faithfully

Paul Anderson
 Director
 PM.Anderson Consulting Pty Ltd

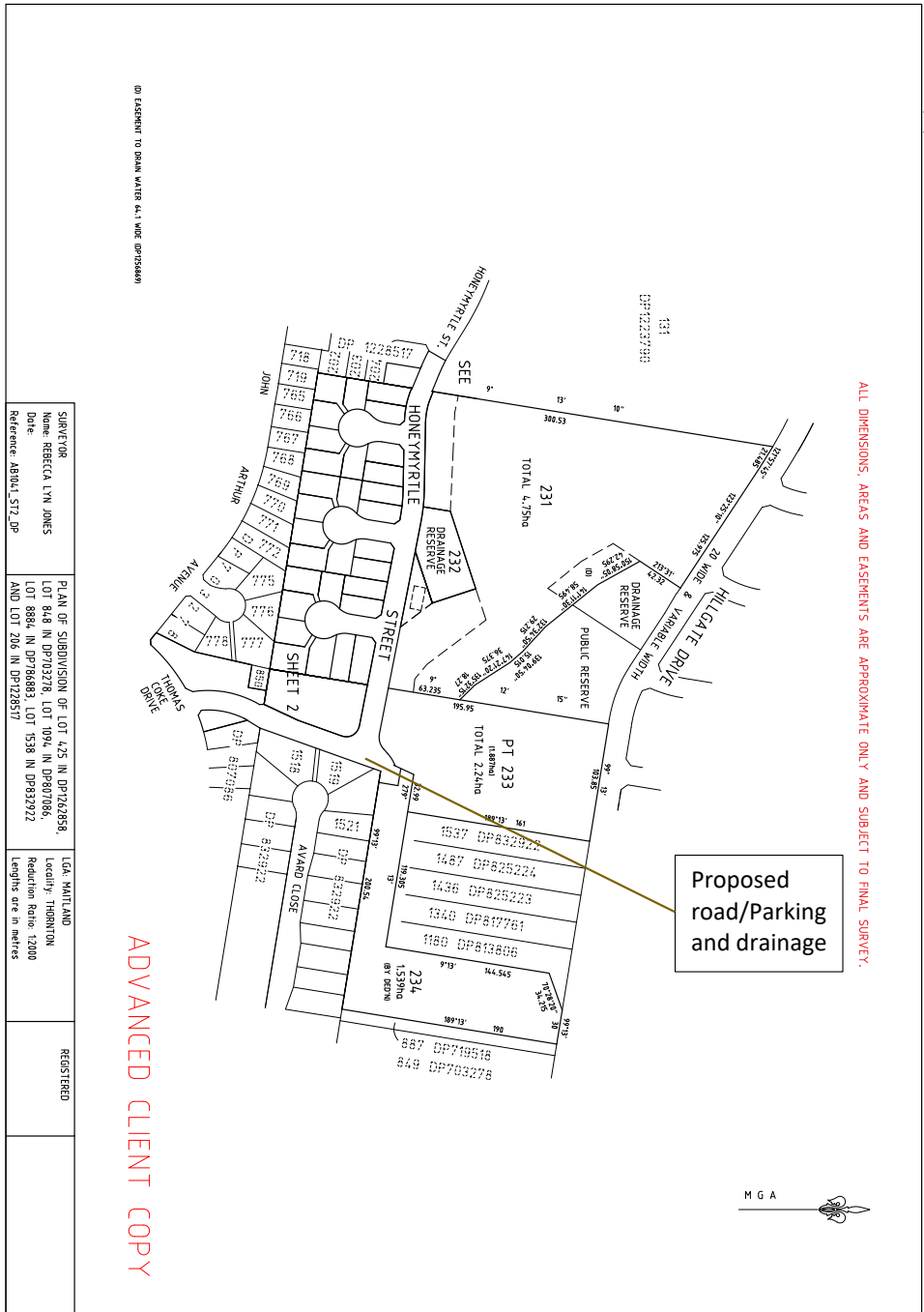
EXHIBITION OF PROPOSED VOLUNTARY PLANNING AGREEMENT - THORNTON BRENTWOOD PTY LTD - OFF THOMAS COKE DRIVE, THORNTON (Cont.)

Schedule A – Location Plan



EXHIBITION OF PROPOSED VOLUNTARY PLANNING AGREEMENT - THORNTON BRENTWOOD PTY LTD - OFF THOMAS COKE DRIVE, THORNTON (Cont.)

Schedule B – Contributions Land and Works Plan



ALL DIMENSIONS, AREAS AND EASEMENTS ARE APPROXIMATE ONLY AND SUBJECT TO FINAL SURVEY.

ADVANCED CLIENT COPY

SURVEYOR	NAME: REBECCA LYN JONES
DATE	LOT 848 IN DP703278, LOT 1094, IN DP807086, LOT 8884, IN DP706883, LOT 1538 IN DP819722 AND LOT 206 IN DP1228517
REFERENCE	AB004, S12 DP

LGA: MAITLAND
Locality: THORNTON
Reduction Rate: 12000
Lengths are in metres

REGISTERED

PLAN FORM 2 (A2)

WARNING: CREASING OR FOLDING WILL LEAD TO REFLECTION

SHEET 1 OF 2 SHEETS

EXHIBITION OF PROPOSED VOLUNTARY PLANNING AGREEMENT - THORNTON BRENTWOOD PTY LTD - OFF
THOMAS COKE DRIVE, THORNTON (Cont.)

Schedule D – Contributions Work

Contribution Item Description	VPA Item No.	Works Value*
Construction of public road Construction of carparking Construction of footpath Construction of drainage and stormwater		\$700000
Totals		\$700000

* Works Value subject to provision of QS Costs.

11.4 IT MUST BE MORPETH MARKETING PROGRAM

FILE NO:	139/61
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Brett Gardiner - Manager Strategic Planning Lisa Cameron - Senior Visitor Economy Officer
AUTHOR:	Simon Farrow - Visitor Economy Officer
MAITLAND +10	Outcome 9 To show off our city
COUNCIL OBJECTIVE:	9.1.5 Support the visitor experience at Morpeth

EXECUTIVE SUMMARY

This report provides Council an update on the final outcomes of the It Must Be Morpeth Incorporated (IMBM) led Visitor Economy Marketing Program that Council made a \$25,000 co-contribution to in 2023-24.

This report also advises that Council officers are continuing to work with IMBM with the aim to come to a similar arrangement for the 2024-25 financial year.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

REPORT

At the Council meeting held Tuesday 25 July 2023, Council was advised of the planned disbursement of up to \$25,000 from Council's Visitor Economy Marketing program to It Must Be Morpeth Incorporated (IMBM) for the purpose of marketing Morpeth as a priority destination hub in 2023/24.

The funding request aligned with Council's Delivery Program 2022-26 and the objective to *Support the visitor experience at Morpeth* with a corresponding Operational Plan 2023-24 Action to *Support and partner with 'It Must be Morpeth' Incorporated to establish Morpeth as a priority destination hub for city visitors.*

Council agreed that, on receipt of an acceptable marketing program and budget from IMBM, funding could be accommodated on the following basis:

- \$10,000 in unmatched general marketing funding.
- Up to an additional \$15,000 on a matched dollar for dollar basis of marketing funding.

IT MUST BE MORPETH MARKETING PROGRAM (Cont.)

The funding agreement prepared by Council and signed by both parties on Tuesday 19 September 2023 outlined a range of deliverables, including a comprehensive acquittal of the program that not only reconciles the financials, but also includes a report on the success of the program as a whole and any insights that can be drawn from this for future campaigns.

Council worked closely with IMBM throughout the campaign period, meeting quarterly with IMBM representatives to review the progress of the campaign and discuss opportunities to generate positive visitor economy outcomes for Morpeth and the city as a whole.

The campaign period has now ended. In line with the funding agreement, IMBM submitted a Final Report dated May 2024, which details key outcomes including the success of:

- IMBM Website
- Social Media Platforms (Facebook and Instagram)
- Brochure
- Events and Competitions
- Television Advertising

Council is continuing to liaise with IMBM representatives to come to an agreed, IMBM led co-funded visitor economy marketing plan for Morpeth for 2024-25. The total budget for the 2024-25 campaign is anticipated to be of a similar value to 2023-24 and would align with Council's Delivery Program 2022-26 and the objective to *Support the visitor experience at Morpeth* with a corresponding Operational Plan 2024-25 Action to *Partner with the 'It Must be Morpeth' Business Association (IMBM) to establish Morpeth as a priority destination hub in line with the Destination Management Plan.*

A Council co-contribution of up to \$25,000 on the same basis as 2023-24 can be met from Council's Visitor Economy operational budget.

The outcomes of any agreed co-funded marketing program will be reported to Council at the conclusion of the plan.

11.5 DRIVE ELECTRIC NSW FAST CHARGING SITE LICENCE

FILE NO:	55/22
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Catherine Pepper - Manager Environment & Sustainability Mary O'Leary - Executive Manager Finance
AUTHOR:	Ben Maddox - Principal Sustainability Officer Michael Rathborne - Senior Property Advisor
MAITLAND +10	Outcome 8 To have Central Maitland as the vibrant heart of our city
COUNCIL OBJECTIVE:	8.1.2 Continue to deliver infrastructure improvements in Central Maitland

EXECUTIVE SUMMARY

On April 9 Council adopted Notice of Motion 17.1 EV Charging Network including resolution 3 which stated that *“Council work with State and Federal Governments, together with other relevant industry partners, including Ausgrid, to identify further opportunities to expand the electric vehicle charging network within the LGA”*.

The NRMA, a National Fast Charge point operator approached Council seeking to identify a Council controlled site on operational land to put forward for funding under the NSW Government *Drive Electric NSW EV Fast Charging Grant program*. The NRMA was successful in receiving funding to deliver a fast charger in Maitland.

This Report seeks Council approval to formally negotiate the terms and conditions of lease agreement / license to occupy with the NRMA to allocate 5 spaces to Fast EV Charging in the Carpark at 29 Church Street Maitland which sits on Operational Land.

OFFICER'S RECOMMENDATION

THAT

- 1. Council notes the opportunity that Fast-Charging Infrastructure in Maitland CBD presents for attracting economic activity to the CBD.**
- 2. Council notes alignment with point 3 of the EV Charging Network Notice of Motion adopted 9 April.**
- 3. Council Delegate Authority to the General Manager to sign a Licence to Occupy (LtO) 5 Car Spaces at 29 Church Street Maitland for the installation of a fast-charging by NRMA.**

DRIVE ELECTRIC NSW FAST CHARGING SITE LICENCE (Cont.)

REPORT

The uptake of Electric Vehicles (EV)s is increasing rapidly with over 60,690 EVs registered in NSW in May 2023, up 3 times from 22,761 as at 31 January 2023. Charging Infrastructure is also increasing with 223 Fast Charging sites constructed or under construction in NSW. However, Maitland is one of 2 LGAs in the Hunter Region without Fast-EV Charging infrastructure. This limits Maitland's capacity to attract EV drivers for both short and long stays.

On April 9 Council adopted Notice of Motion 17.1 EV Charging Network including point 3 stating that *"Council work with State and Federal Governments, together with other relevant industry partners, including Ausgrid, to identify further opportunities to expand the electric vehicle charging network within the LGA"*.

The NRMA is a national EV charge point operator aiming to take its existing network to 117 DC fast chargers. The NRMA approached Council seeking to identify a Council controlled site on operational land to put forward for funding under the NSW Government *Drive Electric NSW EV Fast Charging Grant program* focused on national Fast EV charge point operators. The carpark at 29 Church Street Maitland sits on Operational Land, with proximity to electrical infrastructure and amenities being preferred.

NRMA submitted a funding application which has been successful in its application to deliver a Fast EV charging site in Maitland. This Report seeks Council approval to formally negotiate the terms and conditions of lease agreement / license to occupy with the NRMA to allocate 5 out of 98 spaces in the 29 Church Street carpark to Fast EV Charging and Delegate Authority to the General Manager to enter into this agreement. Under the agreement the NRMA would build, own and operate the site under a 5+5year lease agreement similar to those it has with at least 45 other NSW Councils.

DRIVE ELECTRIC NSW FAST CHARGING SITE LICENCE (Cont.)

Site Map **Proposed NRMA EV Fast Charging Location**

Address: 29 Church Street, Maitland NSW 2320

Lot1621 / DP1110979

The below site map shows the area under investigation with the specific bay areas (outlined below in red) forming the area of initial review.



Figure 1 - Proposed license to occupy area

DRIVE ELECTRIC NSW FAST CHARGING SITE LICENCE (Cont.)

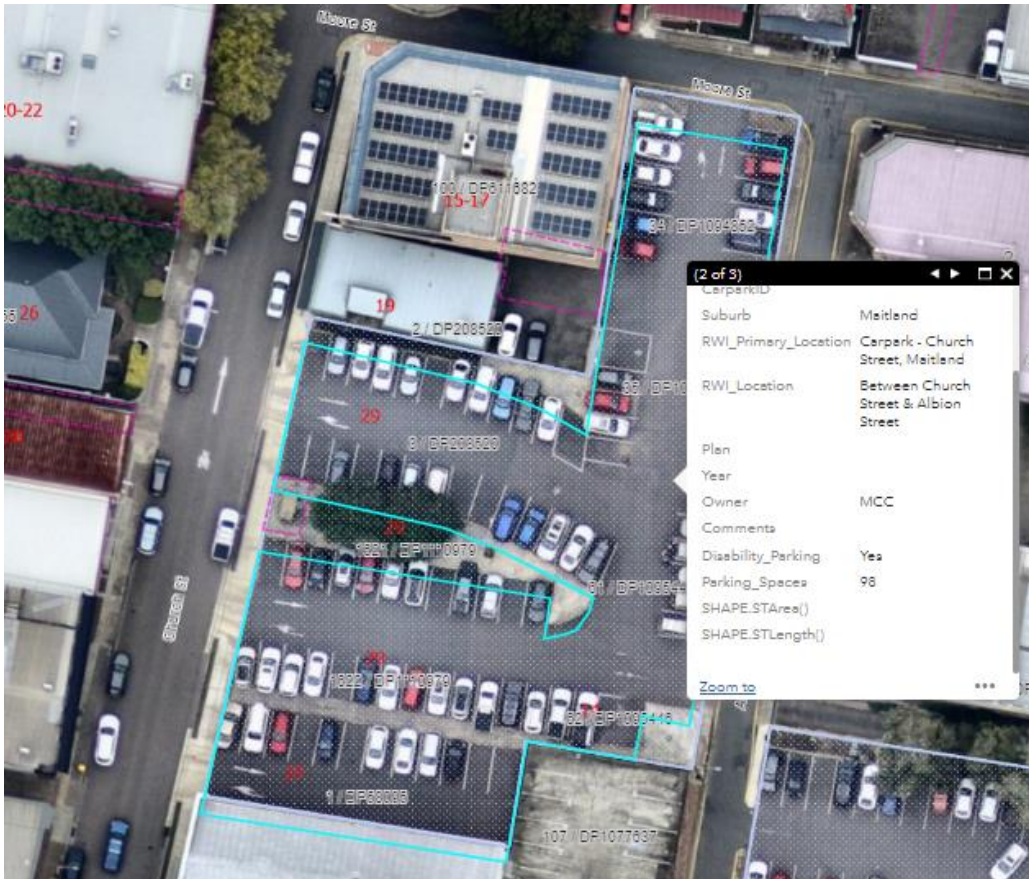


Figure 2 - 29 Church Street - 98 public car spaces

Planning Laws

In 2018, the State Environmental Planning Policy (SEPP) Infrastructure 2007 (Infrastructure SEPP) was amended to make the installation of EV charging stations 'exempt development' in existing car parks, bus and road maintenance depots, service stations, highway service centres and car washing facilities.

Parking Management

Electric Vehicle parking is typically managed as *No Parking Electric Vehicles Excepted While Charging* using TfNSW signage R5-40-1n. Should the recommendations of this report be adopted a future traffic committee process would occur to finalise signage and pavement marking.

CONCLUSION

Partnering with NRMA and State Government via the *NSW Office of Energy and Climate Change - Drive Electric NSW EV Fast Charging Grant -program* presents an opportunity for Council to facilitate investment in the Maitland CBD and economic benefits associated with attracting EV drivers to Maitland and support a network that connects with surrounding LGAs, NSW and Australia wide.

DRIVE ELECTRIC NSW FAST CHARGING SITE LICENCE (Cont.)

FINANCIAL IMPLICATIONS

All costs associated with construction, operation, electricity consumption and maintenance of the chargers would rest with the NRMA.

Council would be expected to maintain the carpark as it currently does and undertake parking compliance in accordance with NSW road law. Revenue associated with compliance would return to Council.

Fast charging still requires stay time of 15 - 60 minutes and there is scope for significant local economic benefit to businesses within the CBD associated with facilitating Fast EV Charging infrastructure on Council land.

POLICY IMPLICATIONS

In addition to the strategic alignment to deliver infrastructure in the CBD. It also aligns with the recent Notice of Motion and commitments within the Operational Plan and the Environmental Sustainability Strategy to facilitate investment in EV charging infrastructure.

STATUTORY IMPLICATIONS

Leasing of Operational land is not subject to restrictions on leasing to 3rd parties.

12 CITY SERVICES

12.1 BERYL HUMBLE PLAN OF MANAGEMENT

FILE NO:	84/17
ATTACHMENTS:	<ol style="list-style-type: none"> Draft Beryl Humble Plan of Management (Under Separate Cover) Beryl Humble Plan of Management Category Map
RESPONSIBLE OFFICER:	Jason Linnane - Director City Services Darren Crumpler - Manager Community & Recreation
AUTHOR:	Whitney Hainey - Coordinator Community & Recreation Planning Carolyn Xu - Landscape Planner
MAITLAND +10	Outcome 4 To be healthy and active with access to local services and facilities
COUNCIL OBJECTIVE:	4.3.1 Manage community assets in line with agreed levels of service as captured in asset management plans, policy and strategy

EXECUTIVE SUMMARY

The Beryl Humble Plan of Management (PoM) is a requirement under the Local Government Act 1993 (LG Act) and the Crown Land Management Act 2016 (CLM Act) covering one Crown Reserve named East Maitland Common Reserve (R89147). This Reserve is commonly known as Beryl Humble Sports Complex and East Maitland Common and Council has been appointed as 'Council Crown Land Manager'.

This report outlines the requirements of the Beryl Humble Plan of Management and recommends that the Plan of Management be referred to the NSW Department of Planning, Housing and Infrastructure – Crown Lands (DPHI-CL), seeking consent to exhibit the draft document for public comment.

OFFICER'S RECOMMENDATION

THAT

- The draft Beryl Humble Plan of Management be referred to the NSW Department of Planning, Housing and Infrastructure – Crown Lands, seeking consent to place the Plan of Management on public exhibition.
- Any amendments to the draft Plan of Management, as required by the DPHI-CL, prior to exhibition, shall be delegated for completion to the Director of City Services.
- The results of the public exhibition process will be reported to Council for consideration at a future meeting.

BERYL HUMBLE PLAN OF MANAGEMENT (Cont.)

REPORT

Plans of Management are required under the *Crown Land Management Act 2016* and the *Local Government Act 1993* and provide direction for Council-managed Crown reserves, classified as 'community land'. The Beryl Humble Plan of Management has been prepared by Council, in accordance with Section 3.23 of the *Crown Land Management Act 2016* and Section 36 of the *Local Government Act 1993*, to provide direction for the management of Crown Reserve, namely East Maitland Common Reserve (R89147). This Crown Reserve has a total area of approximately 110.6 hectares and is more commonly known as Beryl Humble Sports Complex and East Maitland Common Reserve, East Maitland. It is located within the Parish of Maitland, County of Northumberland. The Beryl Humble Plan of Management covers the following reserve:

RESERVE NUMBER	R89147
Reserve Name	East Maitland Common Reserve
Manager	Maitland City Council
Purpose	Public Recreation
Real Property (Lot in Deposited Plan)	Lot 7005 DP 1057112, Lot 7300 DP 1132148
Area (Hectare)	110.592ha
POM Categories	Sportsground and Natural Area

The categorisation of the land (Attachment 2) designates Beryl Humble Sports Complex, Maitland Tenambit BMX Club and Don MacIndoe Memorial Flying Field as Sportsground, and the rest of the site is either Natural Area – Bushland or Wetland.

In the development of this PoM, Council received and considered the written advice from a Native Title Manager as required by section 8.7 of the *Crown Land Management Act 2016*. This advice states that there are no active Native Title Claims on East Maitland Common Reserve however notes that Native title rights must be assumed to remain in existence as the land is not 'excluded land' under the *Crown Land Management Act 2016*. The written advice also notes the valid creation of the Crown Reserve (R89147). The outcome of this advice is that Maitland City Council may endorse the draft plans of management as drafts for referral to the landowner: the Minister administering the Crown Land Management Act 2016 as a landowner representative of the State of NSW.

The draft Plan of Management outlines current uses, permissible uses/future uses, any relevant authorisation of leases, licences and other estates as well as action plans. The action plan for Sportsground comprises pages 58 – 87 and includes preparation of a landscape masterplan, stakeholder consultation, revision of infrastructure including traffic infrastructure and signage considerations. The action plan for Natural Area – Bushland comprises pages 107 – 117 and includes updating the Bushland Rehabilitation Plan, exploration of improved connectivity of vegetation and revision of accessibility and access considerations. The action plan for Natural Area – Wetland comprises pages 126 – 135 and includes preparation of a five year plan for the removal of Council's stockpile, collection of water quality data and undertaking a flora and fauna assessment to inform management responses. These may be amended following public exhibition and community

BERYL HUMBLE PLAN OF MANAGEMENT (Cont.)

consultation, any changes to the PoM will be reported back to Council. The recent Council resolution to investigate temporary toilets at Tenambit BMX facility has been noted and will be included as an action in the Plan of Management prior to public exhibition. Actioning of these Plans of Management will be in consultation with relevant stakeholders and where relevant, actions such as the development of a landscape masterplan will be communicated to Council via future Council reporting.

The draft Beryl Humble Plan of Management (Attachment 1) is to be referred to the NSW DPHI-CL, as the landowner, as required by section 39 of the *Local Government Act 1993*, prior to public exhibition; and to seek the Minister's consent to adopt the draft Plan of Management under Clause 70B of the Crown Land Management Regulation 2018 should there be no changes following public exhibition.

In referring the Plan of Management to the DPHI-CL, Council's General Manager is required to authorise and provide written notice alongside the draft Plan of Management by completing the DPHI-CL's 'Notice of Plan(s) of Management for Crown Reserves' form.

Any amendments to the draft Plan of Management, as required by the DPHI-CL, prior to exhibition, shall be delegated for completion to the Director of City Services.

CONSULTATION

Initial consultation was undertaken to assist in the preparation of the draft Beryl Humble Plan of Management with key users and Council Officers. The outcome of the consultation has been included in the PoM and forms the basis for the management action planning identified in the PoM, including building and infrastructure consideration as well as future development e.g. upgrading of buildings. The groups initially consulted were:

- City of Maitland Society of Aeromodellers Inc.
- Earthcare Park Landcare Group Inc.
- Maitland BMX Club
- Tenambit Sharks Football Club
- Tenambit Morpeth District Cricket Club

Consultation with Mindaribba (Local Aboriginal Land Council) was also undertaken and feedback provided was considered in the development of the PoM. Feedback from Mindaribba included the cultural significance of the land and the importance of consultation and opportunities for improvement in the consultation process.

Further consultation with the community will be undertaken following the receipt of approval by the Minister as landowner, with the draft Beryl Humble Plan of Management being exhibited for a minimum period of 28 days with a further 14 days for receipt of submissions as required under section 38 of the *Local Government Act 1993*. During the exhibition period, key stakeholders will also be involved in further consultation as previous consultation was undertaken several years ago. If there are any changes to the PoM following public exhibition, Council is required to resubmit to the DPHI-CL, to seek consent to adopt the updated PoM.

BERYL HUMBLE PLAN OF MANAGEMENT (Cont.)

CONCLUSION

The Beryl Humble Plan of Management is required by and has been developed in accordance with Section 3.23 of the *Crown Land Management Act 2016* and Section 36 of the *Local Government Act 1993*. On approval from the DPHI-CL, Council will place the Beryl Humble Plan of Management on public exhibition for community input. A further report will be submitted to Council on the completion of the public exhibition.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates. Any identified financial considerations will be included in the report relating to the adoption of the PoM.

RISK IMPLICATIONS

Risk	Risk rating	Proposed treatment	Proposed risk rating	Resourcing – within or additional
There is a risk of failing to comply with Section 3.23 of the <i>Crown Land Management Act 2016</i> and Section 36 of the <i>Local Government Act 1993</i> which may lead to breaching legislation and damaging Council's relationship with DPHI-CL.	High	Referral to Department of Planning, Housing and Infrastructure – Crown Lands to seek the Minister's consent prior to public exhibition.	Low	Existing resources and a written notice – Crown Lands form 'Notice of Plan(s) of Management for Crown Reserves'.
There is a risk of poor transparency if community consultation is not undertaken which may lead to a lack of confidence in Council.	High	Following the Department's consent, place the PoM on public exhibition.	Low	Existing resources and receipt of approval by the Department and completion of amendments if required by the Department.
There is a risk of failing to engage with relevant groups which may lead to damaging Council's relationships with these stakeholders.	High	Undertake additional engagement with relevant groups during the public exhibition period.	Low	Existing resources.

BERYL HUMBLE PLAN OF MANAGEMENT (Cont.)

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

This matter relates to the *Crown Land Management Act 2016* and the *Local Government Act 1993*. Failure to undertake the DPHI-CL's plan of management process in alignment with the identified legislation, would result in a breach of legislation which may result in the Minister issuing a Performance Improvement Order.

City Services

BERYL HUMBLE PLAN OF MANAGEMENT

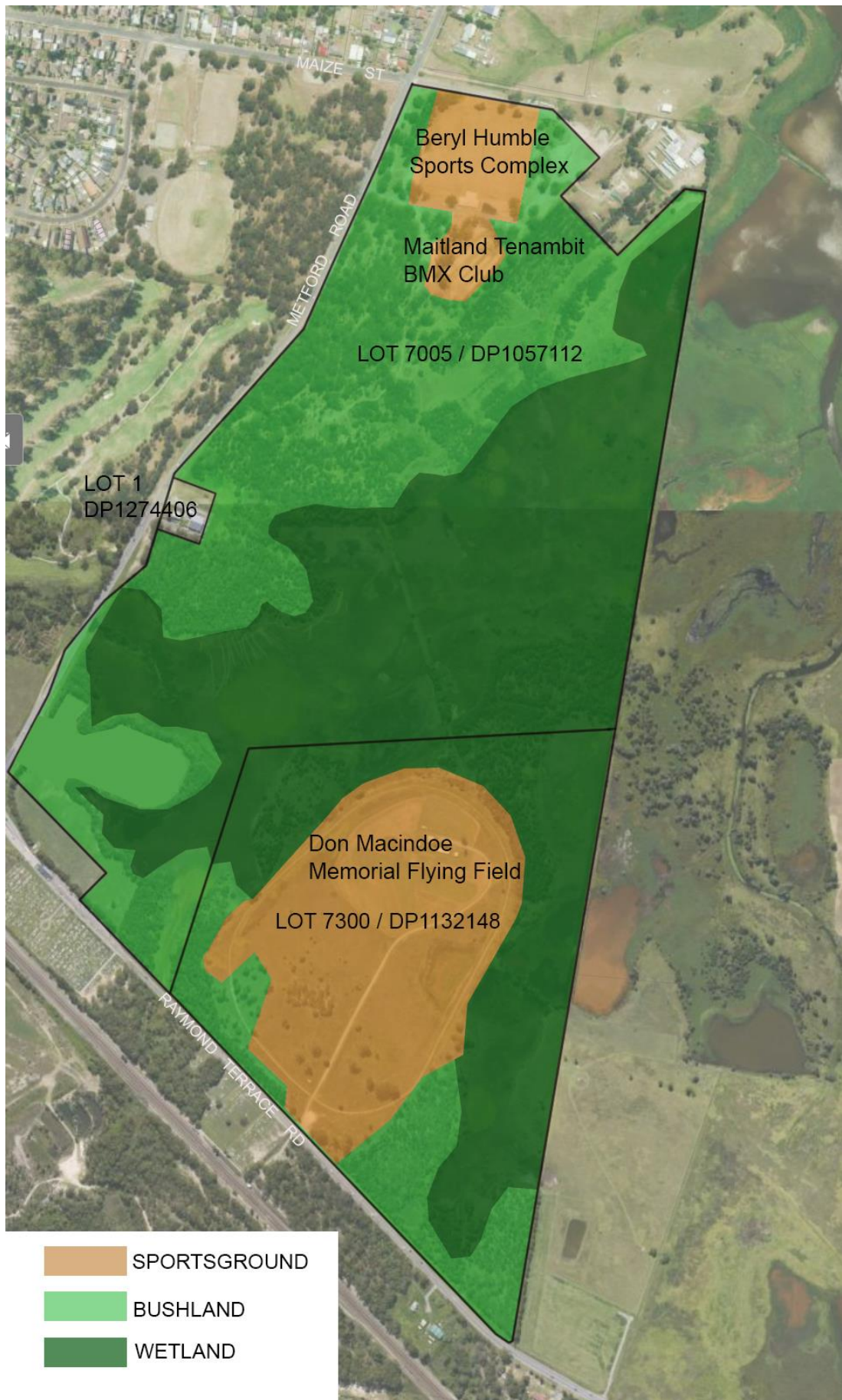
Beryl Humble Plan of Management Category Map

Meeting Date: 9 July 2024

Attachment No: 2

Number of Pages: 1

BERYL HUMBLE PLAN OF MANAGEMENT (Cont.)



12.2 MORPETH COMMON PLAN OF MANAGEMENT

FILE NO:	84/18
ATTACHMENTS:	<ol style="list-style-type: none"> Draft - Morpeth Common Plan of Management (Under Separate Cover) Morpeth Common Plan of Management Category map
RESPONSIBLE OFFICER:	Jason Linnane - Director City Services Darren Crumpler - Manager Community & Recreation
AUTHOR:	Whitney Hainey - Coordinator Community & Recreation Planning Carolyn Xu - Landscape Planner
MAITLAND +10	Outcome 4 To be healthy and active with access to local services and facilities
COUNCIL OBJECTIVE:	4.3.1 Manage community assets in line with agreed levels of service as captured in asset management plans, policy and strategy

EXECUTIVE SUMMARY

The Morpeth Common Plan of Management (PoM) is a requirement under the Local Government Act 1993 (LG Act) and the Crown Land Management Act 2016 (CLM Act) covering one Crown reserve named Morpeth Park (R170177) Reserve Trust Incorporated. This Reserve is more commonly known as Morpeth Common and Ray Lawler Reserve and Council has been appointed as 'Council Crown Land Manager'.

This report outlines the requirements of the Morpeth Common Plan of Management and recommends that the Plan of Management be referred to the NSW Department of Planning, Housing and Infrastructure – Crown Lands (DPHI-CL), seeking consent to exhibit the draft document for public comment.

OFFICER'S RECOMMENDATION

THAT

- The draft Morpeth Common Plan of Management be referred to the NSW Department of Planning, Housing and Infrastructure – Crown Lands, seeking consent to place the Plan of Management on public exhibition.**
- Any amendments to the draft Plan of Management, as required by the DPHI-CL, prior to exhibition, shall be delegated for completion to the Director of City Services.**
- The results of the public exhibition process will be reported to Council for consideration at a future meeting.**

MORPETH COMMON PLAN OF MANAGEMENT (Cont.)

REPORT

Plans of Management are required under the *Crown Land Management Act 2016* and the *Local Government Act 1993* and provide direction for Council-managed Crown reserves, classified as 'community land'. The Morpeth Common Plan of Management has been prepared by Council, in accordance with Section 3.23 of the *Crown Land Management Act 2016* and Section 36 of the *Local Government Act 1993*, to provide direction for the management of Crown Reserve, namely Morpeth Park (R170177). This Crown Reserve has a total area of approximately 14.84 hectares and is more commonly known as Morpeth Common and Ray Lawler Reserve. The Morpeth Common Plan of Management covers the following reserve:

RESERVE NUMBER	R170177
Reserve Name	Morpeth Park (R170177) Reserve Trust Incorporated
Manager	Maitland City Council
Purpose	Public Recreation
Real Property (Lot in Deposited Plan)	Lot 7001 DP 1052969
Area (Hectare)	14.839ha
POM Categories	Park, Sportsground, General Community Use and Natural Area

The categorisation of the land (Attachment 2) designates Morpeth Oval as sportsground and the remaining land within the Reserve as park, wetlands, bushland and general community use.

In the development of this PoM, Council received and considered the written advice from a Native Title Manager as required by section 8.7 of the *Crown Land Management Act 2016*. This advice states that there are no active Native Title Claims on Morpeth Park Reserve Trust Incorporated however notes that Native title rights must be assumed to remain in existence as the land is not 'excluded land' under the *Crown Land Management Act 2016*. The written advice also notes the valid creation of the Crown Reserve (R170177). The outcome of this advice is that Maitland City Council may endorse the draft plans of management as drafts for referral to the landowner: the Minister administering the Crown Land Management Act 2016 as a landowner representative of the State of NSW.

The draft Plan of Management outlines current uses, permissible uses/future uses, any relevant authorisation of leases, licences and other estates as well as action plans. The action plan for Park, Sportsground and General Community Use comprises pages 54 – 81 and includes consideration of user satisfaction surveys, development of a landscape concept plan and investigation of environmental sustainability options. The action plan for Natural Area – Wetland comprises pages 91 – 97 and includes undertaking a vegetation survey, consideration of signage infrastructure and bird monitoring. The action plan for Natural Area – Bushland comprises pages 106 – 113 and includes evaluation of bush regeneration results, 'weedy habitat' management and hazard identification and management. These may be amended following public exhibition and community

MORPETH COMMON PLAN OF MANAGEMENT (Cont.)

consultation, any changes to the PoM will be reported back to Council. Actioning of these Plans of Management will be in consultation with relevant stakeholders and where relevant, actions such as the development of a landscape masterplan will be communicated to Council via future Council reporting.

The draft Morpeth Common Plan of Management (Attachment 1) is to be referred to the NSW DPHI-CL, as the landowner, as required by section 39 of the *Local Government Act 1993*, prior to public exhibition; and to seek the Minister's consent to adopt the draft Plan of Management under Clause 70B of the Crown Land Management Regulation 2018 should there be no changes following public exhibition.

In referring the Plan of Management to the DPHI-CL, Council's General Manager is required to authorise and provide written notice alongside the draft Plan of Management by completing the DPHI-CL's 'Notice of Plan(s) of Management for Crown Reserves' form.

Any amendments to the draft Plan of Management, as required by the DPHI-CL, prior to exhibition, shall be delegated for completion to the Director of City Services.

CONSULTATION

Initial consultation was undertaken to assist in the preparation of the draft Morpeth Common Plan of Management with key users and Council Officers.

This consultation was undertaken via a Council survey conducted with four main user groups in late 2021 to inform the planning and management of the reserve. A summary of the survey's results has been attached in the draft PoM's Appendix. The four groups consulted were:

- Morpeth (Senior) Rugby League Football Club
- Morpeth (Junior) Rugby League Football Club
- Tenambit Morpeth Cricket Club
- Morpeth Men's Shed

These groups feedback, identified in Appendix 3 of the attached Plan of Management (Attachment 1) included consideration of improvements to sportsground including amenities and carparking improvements as well as drainage considerations.

MORPETH COMMON PLAN OF MANAGEMENT (Cont.)

Consultation with Mindaribba (Local Aboriginal Land Council) was also undertaken and feedback provided was considered in the development of the PoM. Feedback from Mindaribba included noting that Morpeth is the traditional lands of the Illalung Clan of the Wonnarua people, the importance of the cultural significance of the land and consideration as to improvements relating to the consultation process.

An online workshop was also conducted in September 2021 with Council Officers from City Services and City Planning. The workshop discussed current management issues, future needs, and potential resolutions. The relevant resolutions have been included in the action tables of the draft PoM.

Further consultation with the community will be undertaken following the receipt of approval by the Minister as landowner, with the draft Morpeth Common Plan of Management being exhibited for a minimum period of 28 days with a further 14 days for receipt of submissions as required under section 38 of the *Local Government Act 1993*. During the exhibition period, key stakeholders will also be involved in further consultation as previous consultation was undertaken several years ago. If there are any changes to the PoM following public exhibition, Council is required to resubmit to the DPHI-CL, to seek consent to adopt the updated PoM.

CONCLUSION

The Morpeth Common Plan of Management is required by and has been developed in accordance with Section 3.23 of the *Crown Land Management Act 2016* and Section 36 of the *Local Government Act 1993*. On approval from the DPHI-CL, Council will give public notice of the Morpeth Common Plan of Management which gives the opportunity for the public to comment. A further report will be submitted to Council on the completion of the public exhibition.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates. Any identified financial considerations will be included in the report relating to the adoption of the PoM.

RISK IMPLICATIONS

Risk	Risk rating	Proposed treatment	Proposed risk rating	Resourcing – within or additional
There is a risk of failing to comply with Section 3.23 of the <i>Crown Land Management Act 2016</i> and Section 36 of the <i>Local Government Act 1993</i> which may lead to breaching legislation and damaging Council's relationship with DPHI-CL.	High	Referral to Department of Planning, Housing and Infrastructure – Crown Lands to seek the Minister's consent prior to public exhibition.	Low	Existing resources and a written notice – Crown Lands form 'Notice of Plan(s) of Management for Crown Reserves'.

MORPETH COMMON PLAN OF MANAGEMENT (Cont.)

There is a risk of poor transparency if community consultation is not undertaken which may lead to a lack of confidence in Council.	High	Following the Department's consent, place the PoM on public exhibition.	Low	Existing resources and receipt of approval by the Department and completion of amendments if required by the Department.
There is a risk of failing to engage with relevant groups which may lead to damaging Council's relationships with these stakeholders.	High	Undertake additional engagement with relevant groups during the public exhibition period.	Low	Existing resources.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

This matter relates to the *Crown Land Management Act 2016* and the *Local Government Act 1993*. Failure to undertake the DPHI-CL's plan of management process in alignment with the identified legislation, would result in a breach of legislation which may result in the Minister issuing a Performance Improvement Order.

City Services

MORPETH COMMON PLAN OF MANAGEMENT

Morpeth Common Plan of Management Category map

Meeting Date: 9 July 2024

Attachment No: 2

Number of Pages: 1

APPENDIX 1 - CATEGORY MAP



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. Notice of Intention to Serve an Order
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

A report and recommendations were presented to the elected Council on 11 June 2024. As previously outlined an inspection was undertaken by NSW Fire and Rescue Fire Safety Compliance Unit (NSWFR) at 205 High St, Maitland (Lot 1, DP 63579). Notification under the Environmental Planning and Assessment Act 1979 (the Act), Schedule 5, Part, Section 17(2)(b) was required to advise that Council is exercising its powers under Schedule 5, Part 2, of the Act, and an intention to serve a fire safety order has been issued on the premises.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

REPORT

This matter is being reported to the elected Council in respect of the requirements of Schedule 5, Part 8, Section 17(2)(b) of the *Environmental Planning and Assessment Act 1979* (the Act). The requirements of that part, requires the notification to the elected Council of the Council's intention to issue an order for items specified in the inspection report received from NSW Fire Rescue (NSW FR).

The Council has the right and obligation to review the recommendations and determine if the Council wishes to exercise its powers to give a fire safety order under the *Environmental Planning and Assessment Act 1979*, Schedule 5, Part 2- Fire safety orders.

The recommendations in the inspection report on the property at Lot 1, DP: 63579, 205 High St, Maitland have been reviewed and Council has exercised its powers under the Act. A notice of intention to serve a fire safety order has been issued. This notice of intention to serve an Order has been provided as **Attachment 1** of this report. Council is advised that Council's Officers have been consulting with the property owner on the next steps and the terms of the Order.

NSW FIRE AND RESCUE INSPECTION REPORT (Cont.)

The Council is required to serve a notice of intent to serve an order, prior to the order being issued, giving the owner the opportunity to rectify the matter/s and/or negotiate rectification without the actual order being issued.

Council will then proceed with rectification of the matters specified in the notice or order, in accordance with the procedure set out in Schedule 5 of the Act.

Items for Information

NSW FIRE AND RESCUE INSPECTION REPORT

Notice of Intention to Serve an Order

Meeting Date: 9 July 2024

Attachment No: 1

Number of Pages: 7

NSW FIRE AND RESCUE INSPECTION REPORT (Cont.)

Our Ref: 150524 Maitland City Council
 Phone Enquiries: 49 349 700
 Contact: Chris Thompson



Date: XXXXXX

Maitland City Council
 263 High Street
 MAITLAND NSW 2320

NOTICE OF INTENTION TO GIVE A FIRE SAFETY ORDER
 Pursuant to Section 9.34
Environmental Planning and Assessment Act 1979

Order Issued To:



Land at:

The Currency Lass
 Lot 1, DP 63579, 205 High Street
 MAITLAND NSW 2320

Intention to Give Order

You are hereby given **Notice** in accordance with Clause 8 of Part 6 in Schedule 5 of the *Environmental Planning and Assessment Act 1979* (Act) that Maitland City Council (Council), as the appropriate authority under the Act, intends to give you an **ORDER NO. 1 as found in the table in Part 2 of Schedule 5** pursuant to Section 9.34 of the Act to undertake the works specified in Schedule 1 of this Notice.

Reason for the Proposed Order

The provisions for fire safety or fire safety awareness are not adequate to prevent fire, suppress fire or prevent the spread of fire or promote the safety of persons in the event of fire.

Terms of Proposed Order

Schedule 1 of this Notice contains a copy of the proposed Order.

Compliance Period for Proposed Order

The compliance period for the proposed Order is ninety (90) business days.

Representations

Prior to the issue of the proposed Order, written representations may be made to Andrew Ashton, Coordinator Building and Development, Maitland City Council, 263 High Street, Maitland, NSW, 2320 or alternatively by email to Andrew.Ashton@maitland.nsw.gov.au on or before 7 August 2024 in relation to the following matters:

263 High-Street
 Maitland NSW 2320

t 02 4934 9700
 f 02 4933 3209

info@maitland.nsw.gov.au
 maitland.nsw.gov.au

All correspondence should be directed to: General Manager P.O. Box 220 Maitland NSW 2320

NSW FIRE AND RESCUE INSPECTION REPORT (Cont.)

1. Why the Order should not be given.
2. The terms of the Order; and
3. The period of compliance with the Order.

In providing a response you may be represented by an Australian legal practitioner or agent. After hearing and considering any representations made, Council may determine to give an Order as proposed, give a modified Order or not give an Order. If Council determines to give you a modified Order, there is no requirement to give notice of the modified Order.

Should you have any further enquiries, please contact Mr. Chris Thompson, Team Leader, Building Assessment by telephone on 4934 9700 or by email to Chris.Thompson@maitland.nsw.gov.au.

Yours faithfully,

Andrew Ashton

Coordinator Building & Development
Planning & Environment | Maitland City Council

NSW FIRE AND RESCUE INSPECTION REPORT (Cont.)

SCHEDULE 1
Proposed Order No. 1

XXXXXX

[REDACTED]
[REDACTED]
[REDACTED]

ORDER NO. 1
Pursuant to Section 9.34
Environmental Planning and Assessment Act 1979

Order Issued To: [REDACTED]
[REDACTED]
[REDACTED]

Land at: Currency Lass
Lot 1, DP63579, 205 High Street
MAITLAND NSW 2320

The purpose of this **Order** is to restrain and/or remedy a breach and/or breaches of the *Environmental Planning and Assessment Act 1979* (Act).

Maitland City Council (Council) confirms that Andrew Ashton is an Authorised Officer and holds appropriate delegation to issue this Order.

You are hereby given **ORDER NO. 1 as found in table in Part 2 of Schedule 5** pursuant to Section 9.34 of the Act. Council, as the appropriate authority under the Act, is of the opinion as per column 2 of Part 2 Fire Safety Orders that the building is inadequate in terms of fire safety for the following reasons.

Reason for the issue of the Order:

1. Essential Fire Safety Measures
 - 1A. Automatic Fire Detection and Alarm System
 - A. The Fire Brigade Panel (FBP) indicated a fault relating to the detector located within the center hallway.
 - B. The automatic fire detection and alarm system does not provide coverage to the laundry, rear toilet areas and covered outdoor area, contrary to the requirements of Specification 20 of the National Construction Code and AS 1670.1-2018.
 - 1B. Fire Hose Reel
 - A. The cupboard door providing access to the fire hose reel enclosure located on the first floor adjacent to unit 5 was not provided with signage, contrary to the requirements of Clause 10.4.4 of AS 2441- 2005.

NSW FIRE AND RESCUE INSPECTION REPORT (Cont.)

- 1C. Portable Fire Extinguishers
 - A. Located on the first floor adjacent to Unit No. 5, the door to the cupboard, containing the portable fire extinguisher was not provided with signage, contrary to the requirements of Clause 3.6 of AS 2444-2001.

2. Compartmentation and Separation
 - 2A. The entrance doorways to the Sole-Occupancy-Units (SOUs) do not incorporate self-closing, tight fitting solid core doors of at least 35 mm thick, contrary to the requirements of Clause C4D12 of the NCC. In this regard:
 - A. No doors to the SOUs were provided with self-closers.
 - B. The doors to some SOUs were hollow core.
 - C. The doors to most SOUs were not tight fitting and had significant gaps between door leaves and door frames.
 - 2B. The entrance doorway to the common kitchen on level 1 is not provided with a self-closing, tight-fitting, solid-core door of at least 35 mm thick, contrary to the requirements of Clause C4D12 of the NCC.
 - 2C. The wall separating unit 2 from the common kitchen on the first floor does not achieve a fire-resistance level (FRL) of 60/60/60, contrary to the requirements of Specification 5 of the National Construction Code.
 - 2D. The separation of unit 5 from the remainder of the building does not appear to achieve an FRL of 60/60/60, contrary to the requirements of Specification 5 of the National Construction Code.
 - 2E. The wall separating unit 2 from the public corridor appeared to be of lightweight construction. It is unknown whether this construction achieves an FRL of 60/60/60 as required by Specification 5 of the National Construction Code.
 - 2F. The plasterboard lining to the underside of the first floor was damaged or had been removed in a number of areas, negating any fire-resistance that may have been achieved, contrary to the requirements of Subclause S5C21 (1) (f) of Specification 5 of the National Construction Code.

3. Egress
 - 3A. The cupboard located below the internal stairs was not fire-rated, contrary to the requirements of Clause D3D9 of the National Construction Code. In this regard, the door to the cupboard was not fire-rated and the enclosing construction did not appear to be fire-rated.
 - 3B. The exit doors leading to High Street and the rear of the premises from the north-western half of the building were obstructed by stored objects, contrary to the requirements of Section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
 - 3C. The exit doors leading to High Street and the rear of the premises from the north-western half of the building incorporated latches such that the operation of the doors did not comply with the requirements of Clause D3D26 of the National Construction Code.
 - 3D. The doors leading from the level 1 public corridor to the rear external balcony incorporated latches such that the operation of the door did not comply with the requirements of Clause D3D26 of the National Construction Code.

NSW FIRE AND RESCUE INSPECTION REPORT (Cont.)

- 3E. The switchboard located in the path of travel on level 1 was not smoke-sealed or enclosed in non-combustible construction, contrary to the requirements of Clause D3D8 of the NCC.
- 3F. The main entry/exit door leading to High Street on the ground floor did not incorporate a handle or other device to assist in the operation of the door latch. In the event of a fire, concerns are raised that the door will not be able to be operated in a timely manner.
- 4. Certification
 - 4A. A current Annual Fire Safety Statement was not displayed in a prominent location within the building or provided to Fire and Rescue NSW, contrary to the requirements of Section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

THINGS REQUIRED TO BE DONE: -

1. Undertake repairs to the Fire Indicator Panel and the associated smoke detection and alarm system to ensure compliance with E2D8 the Building Code of Australia.
2. A zone block plan of installation is to be securely mounted adjacent to the fire indicator panel contrary in accordance with the requirement of clause 3.10 of AS1670.1-2015.
3. A fire hydrant system is required serve the building in accordance with Part E1D2 of the Building Code of Australia. Street hydrants can be used for this purpose provided pressure and coverage requirements are met.
4. Ensure the existing fire hose reel is installed, located and maintained in accordance with the Part E of the Building Code of Australia and AS2441-2005.
5. Ensure portable fire extinguishers are maintained in accordance with clause 10.4 of AS1851-2012.
6. Emergency lighting is to be operational and provided throughout the building in accordance with the requirements of part E4D2 of the Building Code of Australia.
7. Exit and directional signage is to be operational and provided throughout the building in accordance with the requirement of Part E4D5 of the Building Code of Australia.
8. Additional latching devices are to be removed from doors in paths of travel or exit doors in accordance with section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation and D3D26 of the Building Code of Australia 2022.
9. Lever type door latches facilitating single-handed action are to be provided to all exit doors and doors in paths of travel in accordance with part D3D26 of the Building Code of Australia.
10. Doorways to sole-occupancy units are to be self-closing in accordance with the requirements of clause C4D12 of the BCA.
11. The common walls separating the Unit 2 and Unit 5 common area must be constructed to achieve fire rating of 60/60/60 as per Specification 5 of the NCC.
12. The switchboard located in the path of travel on level 1 is to be smoke sealed or enclosed in non-combustible construction as per requirements of Clause D3D8 of the National Construction Code.
13. The cupboard located below the internal stairs is to be fire-rated as per requirements of Clause D3D9 of the National Construction Code.

NSW FIRE AND RESCUE INSPECTION REPORT (Cont.)

Time frame for the completion of the work specified within this order: Within twenty-eight (28) days of the date of the Development Control Order

Should you have any further enquiries, please contact Chris Thompson, Team Leader, Building Assessment by telephone on 4934 9700 or by email to chris.thompson@maitland.nsw.gov.au.

Andrew Ashton

Coordinator Building & Development
Planning & Environment | Maitland City Council

NSW FIRE AND RESCUE INSPECTION REPORT (Cont.)

ATTACHMENT 1

FAILURE TO COMPLY WITH THE ORDER

It is an offence pursuant to Section 9.37(1) of the Act to fail to comply with this Order.

Should the Order not be complied with, the Council may elect to proceed by way of one or all of the following: -

1. Commence civil enforcement proceedings in the Land and Environment Court of NSW pursuant to Section 9.44 (a) and 9.44(b)(v) and 9.45 of the Act seeking mandatory Orders to compel compliance with the Order and any other Order necessary to remedy or restrain the breach of the Act.
2. Commence criminal proceedings in a Court of competent jurisdiction pursuant to Section 9.57 of the Act seeking a conviction and pecuniary penalty, as follows:
 - a. For an individual - a maximum penalty of \$1,000,000 and a further daily maximum pecuniary penalty of \$10,000 for each day the offence continues; or
 - b. For a corporation - a maximum penalty of \$5,000,000 and a further daily maximum penalty of \$50,000.00 for each day the offence continues.
3. Issue a penalty infringement notice (on-the-spot-fine) pursuant to Section 9.58 of the Act which carries a maximum penalty of \$3,000 for an Individual and \$6,000 for a Corporation per penalty notice.

In relation to any of the above legal proceedings, the Council may also seek an Order that the Council's costs be paid. Ultimately, this means you may not only have to pay your own legal costs and any fine or penalty, but also the Council's costs.

COUNCIL MAY CARRY OUT WORK AND RECOVER COSTS

In addition to (1), (2) and (3) **'failure to comply with the order'** (above) the Council may choose to exercise its powers pursuant to Clause 33 and 34 in Part 11 of Schedule 5 to do all such things as are necessary or convenient to give effect to the terms of the Order, including, but by no means limited to the following:

- monitoring compliance with the Order; and/or
- carrying out the terms of the Order by itself, or by its agents, or its contractors.

Pursuant to Clause 34(7), the Council has the power to recover all associated costs, and expenses incurred, in giving effect to the Order, as a debt in a court of competent jurisdiction, by issuing a Costs Compliance Notice (see Clause 37).

RIGHT OF APPEAL AGAINST THE ORDER

Pursuant to Section 8.18(1) of the Act and Clause 4(2) in Part 4 of Schedule 5 of the Act, you may appeal this Order to the Land and Environment Court of NSW within **28 days** after the service of the Order.

16.2 LOCAL TRAFFIC COMMITTEE MINUTES (JUNE 2024)

FILE NO:	140/5
ATTACHMENTS:	1. Local Traffic Committee Minutes June 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 6 June 2024 are attached for information.

OFFICER'S RECOMMENDATION**THAT**

- 1. The Local Traffic Committee meeting minutes of 6 June 2024 be noted.**

REPORT

The minutes of Maitland City Council's Local Traffic Committee (LTC) Meeting held Thursday 6 June 2024 are attached for information. The LTC recommended regulatory items contained within these minutes have been authorised by the General Manager under Council's Instrument of Delegated Authority, dated 8 November 2022.

Items for Information

LOCAL TRAFFIC COMMITTEE MINUTES (JUNE 2024)

Local Traffic Committee Minutes June 2024

Meeting Date: 9 July 2024

Attachment No: 1

Number of Pages: 7



LOCAL TRAFFIC COMMITTEE MEETING

MINUTES

6 JUNE 2024



6 JUNE 2024

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LOCAL TRAFFIC COMMITTEE MEETING MINUTES

6 JUNE 2024

PRESENT

Stephen Smith – Maitland City Council (Chairperson)
Giovanna Kozary– State Member’s Representative
Sergeant Amber Brown – Maitland Police Representative
William Ridley – Hunter Valley Buses
Chris Pinchen – Maitland City Council
Kate Taylor – Maitland City Council
Steven Roach – Maitland City Council
Christina Devine – Maitland City Council (minute taker)

COMMENCEMENT

The meeting was declared open at 9:32 am.

1 ACKNOWLEDGEMENT OF COUNTRY

2 APOLOGIES AND LEAVE OF ABSENCE

Mark Morrison – Transport for NSW Representative
Sen Const. Josh Tyacke – Maitland Police Representative

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

- No objection or amendments were received within the two week notification period with regards to the distributed Minutes of the Local Traffic Committee Meeting held 2 May 2024 and the minutes were hereby considered adopted on 16 May 2024.

4 BUSINESS ARISING FROM MINUTES

6 JUNE 2024

5 GENERAL BUSINESS

5.1 IMPLEMENTATION OF KEEP LEFT (R2-3L) SIGNAGE WITHIN MAITLAND PARK

FILE NO: SR-6196

ATTACHMENTS: 1. Implementation of Keep Left within Maitland Park

AUTHOR: Steven Roach - Traffic Management Officer
Chris Pinchen - Operations Manager Transport & Infrastructure Engineering

EXECUTIVE SUMMARY

Council has received a request to clarify directional travel within Maitland Park. Following investigation, it is proposed to supplement the existing "No Entry" sign at the intersection of Transvaal Avenue and Blomfield Street with the implementation of "Keep Left" signage.

OFFICER'S RECOMMENDATION

THAT

1. The installation of a KEEP LEFT (R2-3) sign be installed at the intersection of Transvaal Avenue and Blomfield Street in Maitland Park as per the attached image.

COMMITTEE RECOMMENDATION

THAT

1. The installation of a KEEP LEFT (R2-3) sign be installed at the intersection of Transvaal Avenue and Blomfield Street in Maitland Park as per the attached image.

6 JUNE 2024

5.2 NOTIFICATION OF IMPLEMENTED WORKS UNDER CONDITION 10 OF THE CHANGES (NO. 2) TO TEMPORARY DELEGATIONS TO COUNCILS FOR TRAFFIC MANAGEMENT & PEDESTRIAN WORKS

FILE NO: 140/5

ATTACHMENTS: 1. a. Enforcement of Parking Conditions - Harold Gregson Reserve

AUTHOR: Steven Roach - Traffic Management Officer
Chris Pinchen - Operations Manager Transport & Infrastructure Engineering
Kate Taylor - Road Safety Officer
Scott Henderson - Traffic Infrastructure Engineer

EXECUTIVE SUMMARY

In accordance with the issue of the Instrument of Delegation and Authorisation for Traffic Management and Pedestrian Works, Temporary Delegation to Councils No. 2 on behalf of Transport for NSW by the Secretary of the Department of Transport on the 12 December 2023 the following report presents those items which have been undertaken utilizing this delegated authority and is tabled "for information only" as a record of works having been carried out under this instrument.

OFFICER'S RECOMMENDATION

THAT

1. In accordance with Schedule 4, Condition 10 of the Instrument of Delegation and Authorisation for Traffic Management and Pedestrian Works, Temporary Delegation to Councils No. 2 dated 12/12/23; the following items are recorded "for information only" as works that have been carried out by Council under this instrument.
 - a. Site specific 90°, R5-500 restricted parking signage be implemented to enforce caravan and trailer parking only area within Harold Gregson reserve carpark.

COMMITTEE RECOMMENDATION

THAT

1. In accordance with Schedule 4, Condition 10 of the Instrument of Delegation and Authorisation for Traffic Management and Pedestrian Works, Temporary Delegation to Councils No. 2 dated 12/12/23; the following items are recorded "for information only" as works that have been carried out by Council under this instrument.

6 JUNE 2024

- a. **Site specific 90°, R5-500 restricted parking signage be implemented to enforce caravan and trailer parking only area within Harold Gregson reserve carpark.**

LOCAL TRAFFIC COMMITTEE MEETING MINUTES

6 JUNE 2024

6 CLOSURE

The meeting was declared closed at 9:42 am.

17 NOTICES OF MOTION/RESCISSION

18 QUESTIONS WITH NOTICE

19 URGENT BUSINESS

20 COMMITTEE OF THE WHOLE

20.1 CONSIDERATION OF QUOTE - SUPPLY AND DELIVER - 1 X HOOKLIFT TRUCK

FILE NO:	2022-137-2185
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Jason Linnane - Director City Services Stephen Smith - Manager Assets and Engineering
AUTHOR:	Ian Lorenz - Operations Manager Plant Services Michelle Lindsay - Operations Manager Waste 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

Requests for quotes have been called for the supply and delivery of one (1) Hooklift Truck for Council's Maitland Resource Recovery Facility in accordance with the adopted Plant Replacement Program for 2023 / 2024.

21 COMMITTEE OF THE WHOLE RECOMMENDATIONS

22 CLOSURE