



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

23 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 9 July 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

9.1 TURTLE CONSERVATION

FILE NO: 35/44
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: Jeff Smith - General Manager
AUTHOR: Philip Penfold - Mayor

MAYORAL MINUTE

Motion

THAT:

- 1. Council investigate and report back as soon as possible with a view to act on a turtle conservation site at Walka Water Works, focusing on:**
 - **Protecting turtle nesting sites around Walka lagoon, prioritising the miniature railway track**
 - **Management of predation of turtle nests by foxes in a manner suitable for the location**
 - **Safe turtle passage through the spillway at Walka lagoon, enabling connection with other turtle habitat in the floodplain.**
- 2. Council confirms support for the establishment of a Landcare site at Walka Water Works subject to the availability of funding and Human Resources**

BACKGROUND

Freshwater turtles are an important native species to the Maitland community, being regularly seen in and around local wetland and lagoon environments such as Tenambit Wetlands and Walka lagoon.

Residents are concerned about declining turtle populations, including through predation of nests by foxes and turtle injury and death in man-made structures like on roads and in dam spillways, as witnessed in the July 2022 floods.

Local volunteers are taking action through the Australian 1 million Turtles Community Conservation Program. Maitland's first 1 million Turtles conservation site has been established at Earthcare Park, where local Landcarers are undertaking nest predation surveys and nest protection activities. Volunteers are also working with Western Sydney University to establish a turtle nesting island in a wetland pond at Earthcare Park to provide predator free nesting sites.

TURTLE CONSERVATION (Cont.)

Local community members have identified Walka Water Works as another important turtle nesting location which would benefit from a turtle conservation initiative supported by an ongoing Landcare program.

Further investigation of a turtle conservation and Landcare initiative at Walka Water Works is in alignment with the following adopted targets of the Environmental Sustainability Strategy 2030:

1. 1.1 Deliver functional biodiversity corridors
2. 1.2 Protect important natural spaces
3. 1.4 Increase community participation in environmental events and volunteering

10 OFFICERS REPORTS

10.1 OPEN MUSEUMS, OPEN MINDS (OMOM)

FILE NO:	11/17
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Jason Linnane - Director City Services
AUTHOR:	Todd Stanley - Manager Building Projects and Services Jo Smith - Manager Libraries & Learning
MAITLAND +10	Outcome 9 To show off our city
COUNCIL OBJECTIVE:	9.1.2 Progress the implementation of the Maitland Destination Management Plan

EXECUTIVE SUMMARY

The purpose of this report is to update Councils' previous resolutions in relation to a collection storehouse and exhibition spaces for Council and community collections.

OFFICER'S RECOMMENDATION

THAT

1. Council note the update provided within the report and extend a vote of thanks to the community representatives on the OMOM Working Party;
2. Council develops a business plan (including but not limited to need substantiation, strategic fit, community/economic benefit, capital and operating incomes/costs, risk assessment) and operating models for:
 - a) Collection storehouse facility and
 - b) Heritage exhibition and operating facility at the Visitor Information Centre and
 - c) Ensures thorough consultation is undertaken with all stakeholders as part of process to develop the business plans and operating models.
3. Council develops a funding strategy that includes pursuit of grants and sponsorship for potential a) collection storehouse facility and b) heritage exhibition and operating facility.
4. Council commence work and report to council on process and resourcing needs to develop a community and cultural strategy for the local government area that addresses issues such as but not limited to:
 - a) Enhancing public access to community and cultural facilities and services, collections, and events
 - b) Community and cultural infrastructure that meets community and economic aspirations and
 - c) Estimated financial implications and funding strategies.

REPORT

Council adopted the Open Museums Open Minds (OMOM) report in October 2018. The Report provided a broad vision for the support and delivery of diverse, sustainable and contemporary museum experiences in Maitland.

It recognised that although eight (8) of the twelve (12) collecting organisations consulted for OMOM were community based, owned, and managed entities, all 12 are important public, cultural and social assets. It was acknowledged that these assets should be factored into visions and plans to more effectively care for, enhance and promote Maitland's collections and museum experiences.

This report provides an update on three (3) key recommendations contained within the OMOM report:

1. Establish an OMOM working party
2. Progress the design, construction and operation of a collection storehouse
3. Identify exhibition spaces across the city and develop an exhibition program

At the Ordinary meeting of Council held on Tuesday 12 December 2023 regarding the future of the former Administration Building, it was resolved that:

1. Due to the significant costs and the inherent constraints of the building, Council does not undertake adaptive re-use and leasing of the former Council Administration Building;
2. Council acknowledges the proposals from Maitland Cultural Hub, Reviver and Atwea College, and commits to working collaboratively with these groups into the future;
3. Council officers undertake further investigations into a suitable site, funding options and operational model for a collection storehouse with research rooms and collaboration space for report to Council by June 2024;
4. Council officers continue to work with the Open Museums, Open Minds (OMOM) working party to explore a range of potential exhibition, collaboration and activity spaces within Council facilities, in particular the use of the Visitor Information Centre;
5. Council proceeds with the preparation and lodgement of a Development Application for the demolition of the former Administration Building, to be determined in accordance with Council's 'Conflicts of Interest in Development Process' Policy.

Collection storehouse facility

Whilst this report focusses on the work that has been undertaken since December 2023 on recommendations three (3) and four (4) above, it is important to note that the OMOM working party has been established and working together since July 2023. Members that represent cultural and heritage groups across the local government area have provided significant input into the investigations regarding a collection storehouse, research rooms and collaboration space and potential exhibition spaces within Council facilities.

In the report presented to Council in December 2023, it was highlighted that three (3) members of the working party and Council officers travelled to Bathurst to visit the Central Tablelands Collections Facility. Opened in 2022, this 2,400m² repository provides industry standard storage with climate control, specialised racking equipment and security. The facility accommodates valuable and fragile collections, archives and other significant objects currently held in public museums and galleries under the custodial care of Bathurst Regional Council. It also caters for collections from smaller regional volunteer run museums, historical societies, collection groups, education facilities, private collectors and storage for larger State Institutions. Further, the facility provides flexible learning spaces for hire.

The tour of the Central Tablelands Collection Facility clearly demonstrated the scale and nature of an appropriately designed and managed facility, and how various collections' needs can be met.

Site investigations have been undertaken to assess suitable Council owned land to construct a purpose-built collection storehouse. Key considerations include:

- Flood free land
- Zoning, classification and permissibility
- Land size to allow for facility construction and associated infrastructure e.g. delivery access and carparking
- Amenity and impact on residents
- Future use and any existing purpose for the land
- Environmental impacts
- Proximity to other recreational or cultural facilities

The preferred Council owned land that meets the above preliminary requirements is Lot 2 DP1133081 at Lawes Street, East Maitland (locality map attached). The land is located between the New England Highway and the Page Street tennis courts.

OPEN MUSEUMS, OPEN MINDS (OMOM) (Cont.)

On 11 November 2014, Council resolved to grant owner's consent for a Development Application to be lodged by the East Maitland Parents and Old Boys Association Inc for the development of a single training/playing fields and club house on Council owned land located at Lot 2 DP q1133081, Lawes Street, East Maitland. Documentation was lodged and consent granted on 27 October 2015. However, the East Maitland Parents and Old Boys Association Inc have advised that they do not want to proceed with development on this site but would rather work with Council on developing their 'home ground' at King Edward Park and training facility at Ron Stewart Sporting Area.

Based on the construction costs at Bathurst and price escalation, it is estimated that construction and fit out of a similar size collection store would be in excess of \$10 million dollars. Regarding funding streams to support construction of a collection storehouse facility, approaches have been made to the State Government's Create NSW department to explore capital funding. Unfortunately, there are no grants available through Create NSW, but other infrastructure funding could be explored e.g. Community Infrastructure Program, Growing Regional Program, Regional Precincts and Partnership Program.

The next phase of the project would be to undertake a Business Case to substantiate the need for a collection storehouse facility including the projects strategic fit, community and economic benefit, financial viability and sustainability. Continued local stakeholder engagement, including approaches to neighbouring and State collecting institutions who are interested in housing collections in deep storage on a fee for service basis, would be undertaken as part of the development of a Business Case and operating model. Annual operating costs would be considered as part of the financial viability review.

Exhibition, Collaboration and Activity Spaces

The OMOM report identified using a variety of contemporary exhibition approaches including a gateway experience(s), identifying a combination of virtual, portable, and fixed options. The report identified the existing Visitor Information Centre (VIC) as a potential fixed gateway to accessing the broader museum experience offerings of the city.

On 22 August 2023, the Visitor Services Review was reported to Council, and it was resolved (in part) to discontinue a standalone VIC commencing within the 2023/24 financial year.

Members of the OMOM working party have visited the VIC to get an understanding of the areas that can be converted to exhibition, collaboration, and activity spaces. Several options were developed by Council officers for the space, ranging from \$220k to \$2 million in capital costs. Annual operational costs have not yet been calculated and will be subject to the defined business case. Historic operating and maintenance costs for the building are approximately \$22,700 and \$37,500 respectively.

OPEN MUSEUMS, OPEN MINDS (OMOM) (Cont.)

With continued local stakeholder engagement, the next phase of the project would be to undertake a Business Case to substantiate the need for a heritage exhibition and operating facility at the Visitor Information Centre facility including the projects strategic fit, community and economic benefit, financial viability, and sustainability.

An exhibitions sub-group of the broader OMOM working party has been meeting to develop an exhibition program that uses the sunken foyer area in the MAC and other council centres, such as the Gillieston Heights Community Centre (and the VIC) to host an exhibitions program commencing in 2024-2025.

It is recommended that this group be involved in the re-design of the VIC to ensure it meets the exhibition, collaboration and activity spaces required.

Refurbishment Considerations

During the inspections of the VIC the following refurbishment scenarios were considered with indicative descriptions, budgets and assumptions noted.

Item	Description	Budget (+/- 50%)	Assumptions / notes
Option 1 – minimal	<ul style="list-style-type: none"> - Removal of internal walls to open space - Segregate administration area 	\$300,000	<ul style="list-style-type: none"> - Café removed to create single open space use
Option 2 – realistic	<ul style="list-style-type: none"> - Skillion roof over entrance and outdoor café area - Enclose toilet corridor - Enclose new current outdoor area 	\$1,100,000	<ul style="list-style-type: none"> - Structural assessment - Design package required - HVAC upgrade
Option 3 – optimal	<ul style="list-style-type: none"> - Extend upper roof towards street - Extend skillion roof towards street - Raise roof in kitchen area - Relocate eastern façade 	\$2,000,000	<ul style="list-style-type: none"> - Structural assessment - Full design package required - New HVAC system - Separate admin area
Option 4 – display only	<ul style="list-style-type: none"> - Removal of partition wall in the display and office area 	\$220,000	<ul style="list-style-type: none"> - Repair / paint internal walls (display area only) - Revise lighting layout - Revised HVAC ducting - Make good floor and ceiling

Sustainable Collections

As highlighted in the OMOM Report (2018), assessing, and cataloguing various collections held by various groups across the LGA, including Council's own collections, is an important step in contemporary collections management practice. To progress this, Council will make a grant application under the Community Heritage Grant program auspicing a project to undertake significance assessments with two (2) of the working group organisations participating in this project. The two (2) organisations that have expressed interest are Maitland Regional Museum and the Maitland & District Historical Society. Maitland Regional Art Gallery will also be participating.

OPEN MUSEUMS, OPEN MINDS (OMOM) (Cont.)

Organisations that have used the 'significance method' have reported that this has translated into better decision making about what is included and what is not included in their collections. This approach also assists with understanding required preservation, appropriate physical and digital access, and funding support. Building knowledge and capacity in this area for local heritage custodians will assist in collection management, conservation planning, and sharing stories about Maitland's history.

Consultation

The Open Minds Open Museums Working Party has been established and working together since July 2023, with ten meetings held to date. Council officers from Maitland Gaol, Maitland Libraries, and Maitland Regional Art Gallery, have met with representatives from the following groups:

- Australian Museum of Clothing and Textiles
- Friends of Grossman and Brough Houses/National Trust NSW
- Maitland & Beyond Family History
- Maitland and District Historical Society
- Maitland Rail Museum
- Maitland Regional Museum
- Maitland Steam and Antique Machinery Association
- Maitland U3A
- Morpeth Museum.

The Working Party changed the group's name to Maitland Collections Working Party in April 2024, as members felt the scope of the group was broader than the OMOM Report. The Exhibitions sub-group has been meeting since May 2024, with representatives from the Australian Museum of Clothing, Friends of Grossman and Brough Houses/National Trust NSW, Maitland Regional Museum and Maitland U3A.

To ensure thorough consultation is undertaken with all stakeholders as part of the process to develop the business plans and operating models, a communication and engagement plan will be developed as part of the project. All local groups involved in the original Open Minds Open Museums Report will be regarded as key stakeholders in the process, including the above groups and their representatives.

CONCLUSION

An update has been provided regarding Councils' previous resolutions in relation to a collection storehouse and exhibition spaces for Council and community collections. To progress each component to determination, a Business Case and Funding Strategy are required.

OPEN MUSEUMS, OPEN MINDS (OMOM) (Cont.)

Moving forward it is proposed that a Community and Cultural Plan, including Heritage, be scoped and resourced for the City. This plan will provide actions for enhancing public access to community and cultural facilities, services and events, detail cultural infrastructure that meets community and economic aspirations along with financial implications and funding strategies.

FINANCIAL IMPLICATIONS

To develop the business case of the discreet elements, see table below:

Element	Estimated costs	Council contribution	Other funding
Business Plan – Collection Storehouse	\$15K	\$15K	\$0
Business Plan – VIC Heritage Exhibition facility	\$15K	\$15K	\$0
Exhibition Delivery – Council sites (24-25)	\$5K	\$5K	\$0

Funding for the development a business case for the collection storehouse and heritage exhibition facility at the Visitor Information Centre, and delivery of a combined exhibition program is estimated to costs \$35,000 which would be required from this year's budget. This funding will be incorporated into the existing City Services budget. A further report to Council would give an indication on process and resourcing needs to develop a Community and Cultural Strategy for the City.

OPEN MUSEUMS, OPEN MINDS (OMOM) (Cont.)

RISK IMPLICATIONS

Risk	Risk rating	Proposed treatment	Proposed risk rating	Resourcing - within or additional (if additional explain)
There is a financial risk of a budget overrun should the works not be designed and/or project managed appropriately which may lead to negative financial and reputational impacts	High	Defined scope and appropriate Council Officers assigned to deliver projects in designated framework and policies	Low	No additional resourcing required
There is a risk to Council regarding the expenditure of funds on infrastructure that may not meet community expectations or needs and lead to reputational risks	Medium	Community consultation with key stakeholders is undertaken as part of further planning and reporting. Projects align to Council's Community Strategic Plan	Low	Resourcing within existing operational budgets and resourcing to deliver additional reporting
There is a risk that Council commits to capital and operational expenditure without due diligence being completed which may lead to sustained negative financial impacts.	High	Endorse the recommendations	Low	Additional \$35K required

OPEN MUSEUMS, OPEN MINDS (OMOM) (Cont.)

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

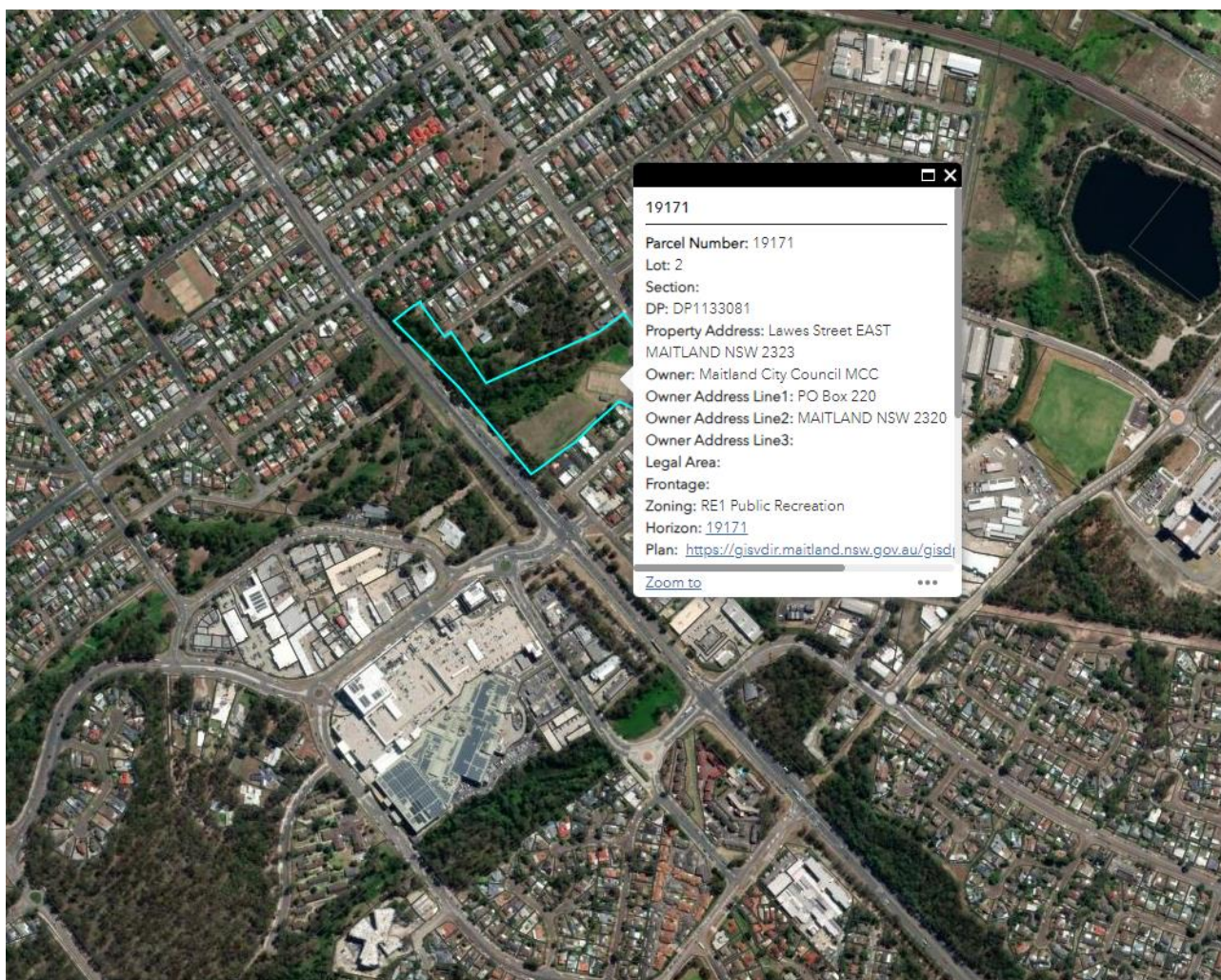
STATUTORY IMPLICATIONS

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

OPEN MUSEUMS, OPEN MINDS (OMOM) (Cont.)

Attachment 1

Lot 2 DP1133081 at Lawes Street, East Maitland.



10.2 VOLUNTARY PLANNING AGREEMENT OFFER - UNIVERSAL PROPERTY GROUP PTY LTD - ROAD WIDENING OWLPEN LANE FARLEY

FILE NO:	103/41/71
ATTACHMENTS:	1. Letter of Offer
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Brett Gardiner - Manager Strategic Planning Adam Ovenden - Coordinator City Planning Anne Humphries - Principal Development Contributions Planner
AUTHOR:	Isaac Milajew - 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 a Letter of Offer from Universal Property Group Pty Ltd and to seek delegations to Council staff to enter into a Voluntary Planning Agreement for the dedication of road widening works at 41 Owlpen Lane, Farley. The draft VPA is linked to DA 22/1133 for the subdivision of land at 11 Owlpen Lane, Farley.

The DA has been the subject of a deemed refusal appeal in the Land and Environment Court resulting in final orders being issued subject to a range of deferred commencement conditions. This includes a requirement to enter into a Voluntary Planning Agreement requiring the Developer to acquire land and undertake road widening works across the frontage of 41 Owlpen Lane.

This report seeks in principle support from Council for the acceptance of the proposed offer and the granting of delegated authority to Council staff to place the draft Agreement on public exhibition once prepared.

OFFICER'S RECOMMENDATION THAT

- 1. Council notes and accepts in principle the offer to enter into the draft Voluntary Planning Agreement as detailed in this report.**
- 2. Council delegates approval for the exhibition of the Voluntary Planning Agreement to the General Manager.**
- 3. Should no submissions objecting to the draft Voluntary Planning Agreement be received during the exhibition period, Council delegates authority to the Manager Strategic Planning to finalise and execute the agreement; and**
- 4. Should any submissions objecting to the draft Voluntary Planning Agreement be received during the exhibition period, a further report be presented to Council for consideration.**

REPORT

Universal Property Group Pty Ltd (the Developer) lodged DA 22/1133 for a 108-lot subdivision at 11 Owlpen Lane Farley on 26 October 2022. The site is located in the Farley Urban Release Area and the DA will be subject to the levying of s7.11 development contributions under the Farley Development Contributions Plan.

Following the expiry of the period after which a development application is deemed to be refused, the applicant lodged a successful appeal to the Land and Environment Court pursuant to section 8.7 of the *Environmental Planning and Assessment Act 1979*. The final orders of the appeal were made on 14 May 2024 following a conciliation conference between Council and the Developer.

The agreement reached in the matter was for the granting of development consent subject to a range of deferred commencement conditions. This included the requirement to undertake, and dedicate to Council, road widening works across the frontage of 41 Owlpen Lane. This land is privately owned and adjoins the development site the subject of the DA. A plan showing the location of the development site and the road widening land is shown in Figure 1 below.



Figure 1- Development site, road widening and land acquisition of 41 Owlpen Lane frontage

As part of the conciliation conference, both parties agreed to the imposition of a deferred commencement condition requiring that the Developer enter into a Voluntary Planning Agreement (VPA). The terms of the offer are outlined in their Letter of Offer dated 30 April 2024 and is provided as **Attachment 1** to this report.

VOLUNTARY PLANNING AGREEMENT

The VPA Offer proposes the following:

- The Developer will acquire and dedicate as much of 41 Owlpen Lane as is required for the road widening works; and
- Prior to dedication of the land, undertake the road widening works.

If the Developer is unable to procure the acquisition of the land within the first six months after entering into the agreement:

- Council commences the process to compulsorily acquire the land,
- The Developer will reimburse Council all costs associated with the acquisition, and
- The Developer will undertake the requisite road widening works at its cost.

The subject road widening works are not included in the Farley Contributions Plan Work Schedules which necessitates the use of a VPA for the provision of the required works. Importantly, the VPA does not exclude the levying and payment of s7.11 contributions applicable under DA 22/1133.

EXHIBITION OF DOCUMENTS

In accordance with the *Environmental Planning and Assessment Regulation 2021*, the VPA must be exhibited for a minimum period of 28 days.

Should Council agree in principle to the acceptance of the Letter of Offer, a draft Agreement will be prepared and, subject to approval by the General Manager, placed on exhibition.

CONCLUSION

This report seeks in principle support from Council to accept the Letter of Offer and progress to having the Agreement drafted for exhibition with authority being delegated to the General Manager to approve the final version for exhibition.

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.

VOLUNTARY PLANNING AGREEMENT OFFER - UNIVERSAL PROPERTY GROUP PTY LTD - ROAD WIDENING
OWLPEN LANE FARLEY (Cont.)

FINANCIAL IMPLICATIONS

The acceptance of the VPA offer will have no direct financial impact on Council's adopted budget or forward estimates. The VPA offer does not exclude the payment of applicable s7.11 contributions and all works and legal costs will be borne by the Developer.

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.

Officers Reports

VOLUNTARY PLANNING AGREEMENT OFFER - UNIVERSAL PROPERTY GROUP PTY LTD - ROAD WIDENING OWLPEN LANE FARLEY

Letter of Offer

Meeting Date: 23 July 2024

Attachment No: 1

Number of Pages: 6

VOLUNTARY PLANNING AGREEMENT OFFER - UNIVERSAL PROPERTY GROUP PTY LTD - ROAD WIDENING OWLPEN LANE FARLEY (Cont.)



30 April 2024

The General Manager
Maitland City Council
263 High Street
Maitland NSW 2320

Dear Mr Smith

Letter of Offer: Proposed planning agreement in relation to 11, 21, 23, 25 and 33 Owlpen Lane, Farley NSW 2320

UPG 292 Pty Ltd is the proprietor of land at 11, 21, 23, 25 and 33 Owlpen Lane, Farley NSW 2320 (Lot 1 in DP983691, Lot 10 and Lot 11 in DP1229964 and Lot B and Lot C in DP348463) ('Land') and Universal Property Group Pty Ltd ('Developer') has lodged Development Application No. DA/2022/1133 for the residential subdivision of the Land ('DA').

The purpose of this letter is to make a formal offer to Maitland City Council ('Council') to enter into a Voluntary Planning Agreement ('VPA') to:

- **Offer A:** undertake works and dedicate land that is relevant to the development of the Land under the DA;
or
- **Offer B:** provide a monetary contribution and undertake works relevant to the development of the Land under the DA.

The following sections describe the details of the offer.

Detail

1. Mandatory matters — section 7.4(3) of the EP&A Act

- 1.1. The *Planning agreements: Practice Note — February 2021*, published by the Department of Planning, Industry and Environment ('Practice Note'), requires (in section 4.2) that this offer:

Outline in sufficient detail the matters required to be included in a planning agreement as specified in s7.4(3) of the ... [*Environmental Planning and Assessment Act 1979 (the EP&A Act)*] to allow proper consideration of the offer by the planning authority.

A description of the land to which the agreement would apply — section 7.4(3)(a)

- 1.2 The Land to which this agreement would apply is legally described as Lot 1 in DP983691, Lot 10 and Lot 11 in DP1229964 and Lot B and Lot C in DP348463.

A description of the development to which the agreement applies — section 7.4(3)(b)(ii)

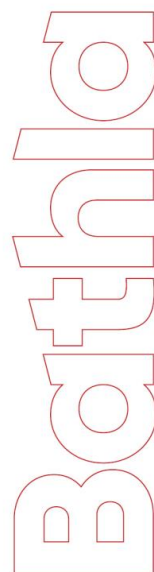
- 1.3 The development to which the agreement applies is the development approved under deferred development consent granted to Development Application No. DA/2022/1133, being:
- (a) The staged subdivision of the Land to create 105 Torrens title residential lots and 1 residue lot and 2 underground on-site drainage basin lots;
 - (b) clearing of vegetation;

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137 Gilba Road, Girraween
NSW 2145

1





- (c) earthworks;
- (d) construction of an underground on-site detention basin;
- (e) construction of internal roads and cycleway;
- (f) dedication of public roads; and
- (g) associated landscaping.

(‘Development’)

The nature and extent of the provision to be made by the developer under the agreement, the time or times by which the provision is to be made and the manner by which the provision is to be made — section 7.4(3)(c)

1.4 The Developer offers to enter into a VPA with Council in circumstances where consent is granted to the Development, and to deliver either Offer A or Offer B set out below, at no cost to Council:

Offer A - the Developer acquire and dedicate or will cause to be dedicated as much of No.41 Owlpen Lane, Farley (Lot D DP348463) (“**Lot D**”) as is required for the road widening works on Owlpen Lane (“**Road Widening Works**”) as shown on the attached engineering plan (Drawing No. C03, Revision 17 dated 30 April 2024 prepared by GCA) (**Annexure A**) and prior to dedication will undertake the Road Widening Works, as set out in Item 1 of the table below. For the avoidance of doubt, the Road Widening Works includes any fencing that is required to be installed along the frontage of Lot D.

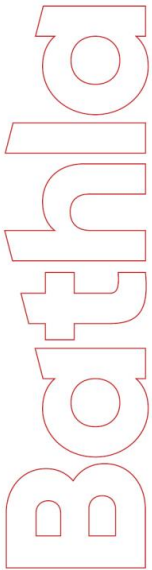
Or

Offer B – if the Developer is unable to procure the acquisition of Lot D that is necessary to complete the Road Widening Works and the Council resolves to compulsorily acquire part of Lot D for that purpose, the Developer will provide a monetary contribution to Council associated with the acquisition costs of Lot D and the Developer will at its cost undertake the Road Widening Works, as set out in Item 2 of the table below.

The Developer will bear Council’s reasonable legal costs in relation to the preparation of the VPA.

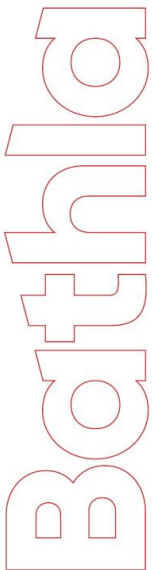
1.5 The Developer offers to deliver the following contributions to Council under the proposed VPA:

ITEM	DESCRIPTION	TIMING
1.	<p>Acquisition and dedication of Lot D DP348463</p> <p>The Developer must use its best endeavours to negotiate with the owner of Lot D to procure the acquisition or dedication of part of Lot D which is required to complete the Road Widening Works as shown on Annexure A.</p> <p>The Developer must make at least three reasonable offers in the first six months after the</p>	<p>Acquisition</p> <p>Within six (6) months of the VPA being entered into.</p>





	<p>VPA is entered into and provide evidence of the offers and responses to the Council.</p> <p>Construction</p> <p>If the Developer successfully acquires or dedicates that part of Lot D for the Road Widening Works, the Developer must:</p> <p>(a) obtain all necessary approvals to construct the Road Widening Works shown in Annexure A; and</p> <p>(b) construct the Road Widening Works as shown in Annexure A.</p> <p>The Road Widening Works must be designed and constructed in accordance with Council’s standards and specifications for public roads applicable at the time the works are approved.</p> <p>Dedication</p> <p>The Developer must dedicate or cause to be dedicated to Council that part of Lot D required for the Road Widening Works as shown on Annexure A.</p> <p>The land is to be dedicated to Council as public road in accordance with section 9 of the <i>Roads Act 1993</i>.</p> <p>Defects liability</p> <p>The Road Widening Works will be the subject of a defects liability period for the relevant part of Lot D that is dedicated to the Council.</p>	<p>Construction</p> <p>Prior to the issue of the first subdivision certificate creating a residential lot in the Development.</p> <p>Dedication</p> <p>Upon registration of plan of subdivision</p>
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2.	<p>Monetary Contribution</p> <p>If the Developer is unable to procure the acquisition or dedication of the part of Lot D required for the Road Widening Works, and the Council resolves to compulsorily acquire that portion of Lot D necessary for the Road Widening Works, then the Developer must reimburse the Council for the reasonable land value amount paid by the Council to the owner to acquire the part of Lot D required for the Road Widening Works..</p> <p>Construction</p> <p>Upon acquisition by Council of part of Lot D required for the Road Widening Works, the Developer must at its cost construct the the Road Widening Works on that part of Lot D, as shown on Annexure A.</p> <p>The Road Widening Works must be designed and constructed in accordance with Council’s standards and specifications for public roads applicable at the time the works are approved.</p> <p>Defects liability</p> <p>The Road Widening Works will be the subject of a defects liability period of 12 months for the relevant part of Lot D from the date of issue of the practical completion certificate issued by Council for the Road Widening Works.</p>	<p>Monetary Contribution</p> <p>Within 30 days of receiving an invoice from Council.</p> <p>Construction</p> <p>The later of:</p> <p>(a) Six (6) months after the date Council acquires the relevant part of Lot D; or</p> <p>(b) Prior to the issue of the first subdivision certificate creating a residential lot in the Development.</p>
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Whether the agreement would exclude (wholly or in part) or would not exclude the application of section 7.11, 7.12 or Division 7.1, Subdivision 4 of the EP&A Act to the development — section 7.4(3)(d)

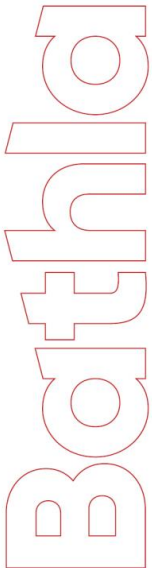
- 1.6 This offer, and any subsequent VPA that would give effect to the offer, will not have the effect of excluding the application of section 7.11, section 7.12 or section 7.24 of the EP&A Act to the Development. The Developer has proposed to provide the contributions under this letter of offer in addition to any section 7.11 or 7.12 contributions that apply to the land.

Whether benefits under the agreement would or would not be taken into consideration in determining a development contribution under section 7.11 of the EP&A Act — section 7.4(3)(e)

- 1.7 The benefits under the agreement are not to be taken into consideration in determining a development contribution under section 7.11 of the EP&A Act.

A mechanism for the resolution of disputes under the agreement— section 7.4(3)(f)

- 1.8 The parties shall attempt to resolve any dispute by informal dispute resolution techniques, namely mediation, expert evaluation or other techniques as agreed — prior to the commencement of any Court proceedings.





- 1.9 It is proposed that mechanisms for resolution of disputes under the VPA will be dealt with through the inclusion of a specific clause.

The enforcement of the agreement by a suitable means— section 7.4(3)(g)

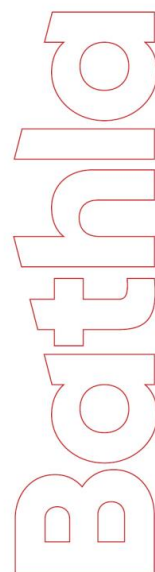
- 1.10 The agreement will provide for enforcement through the registration of the agreement on the title of Lot 1 in DP983691, Lot 10 and Lot 11 in DP1229964 and Lot B and Lot C in DP348463. The VPA may be released from the residential lots as the Development progresses, provided that all obligations due at the time a Subdivision Certificate is to be issued are met.

The Security of the agreement

- 1.11 The agreement will provide for security in the sum of \$300,000 (which equates to the value of that portion of Lot D to be acquired for the Road Widening Works, and estimated cost of construction of the Road Widening Works along the frontage of Lot D) in the form of a bank guarantee or bond .
- 1.12 The security is to be provided on the date that is six (6) months from the date the VPA is entered into.
- 1.13 If the VPA is not entered into within 24 months of the grant of a deferred commencement development consent for the Development, then the bank guarantee or bond amount will be indexed annually in accordance with CPI until the VPA is entered into. Indexing will not be required in the event that the VPA is not entered into within 24 months after the grant of a deferred commencement development consent because of any delay directly caused by the Council. For the avoidance of doubt, the VPA is entered into when the VPA is signed by the parties.
- 1.14 The security will be released in the following circumstances:
- At the completion of the defects liability period referred to in paragraph 1.5 unless called upon to rectify the defects, or a defect notice is issued during the defects liability period and the defect has not been rectified as at the end of the defects liability period.
 - If the Road Widening Works are carried out by another person to Council's satisfaction before the VPA is terminated as set out in paragraph 1.15 below, the security will be released within 12 months from the dedication of the relevant part of Lot D to Council.
 - If the VPA is terminated as set out in paragraph 1.15 below.

1.15 Sunset Date

If the part of Lot D required to complete the Road Widening Works is not acquired by the Council or the Developer within 8 years of the date of the VPA, then the VPA will terminate and the security will be refunded to the Developer within 3 months of the date of termination.



VOLUNTARY PLANNING AGREEMENT OFFER - UNIVERSAL PROPERTY GROUP PTY LTD - ROAD WIDENING OWLPEN
LANE FARLEY (Cont.)

The logo for Bathla, featuring the word "Bathla" in white, bold, sans-serif font inside a red rectangular box.

This letter contains the offer made by the Developer to enter to a VPA with Council to provide the works and land dedication or monetary contribution offered in connection with the proposed Development of the Land.

The offer describes the value of the monetary contribution, the scope of the works and the extent of the land dedication offered as well as the timing for the delivery of these items. In making this offer, the Developer acknowledges and agrees that the specific terms of the VPA will be negotiated with Council during the drafting of the VPA.

If you or any Council staff wish to discuss this offer, please contact Graeme Allen, General Manager, Universal Property Group Pty Ltd.

Yours truly,

A handwritten signature in black ink, appearing to be "Graeme Allen".

Graeme Allen
General Manager
Mobile 0411824476

10.3 PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET HORSESHOE BEND

FILE NO:	RZ 23/001
ATTACHMENTS:	<ol style="list-style-type: none">1. Planning Proposal2. Gateway Determination3. Submission 1 NSW SES Response4. Submission 2 EPA Response5. Submission 3 Heritage NSW Response
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Brett Gardiner - Manager Strategic Planning Adam Ovenden - Coordinator City Planning
AUTHOR:	Mark Roser - Strategic Planner
MAITLAND +10	Outcome 8 To have Central Maitland as the vibrant heart of our city
COUNCIL OBJECTIVE:	8.1.3 Manage the East Central Maitland precinct for its civic, cultural and sporting opportunities

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of the outcomes of exhibition of the Planning Proposal to permit an Additional Permitted Use of an Educational Establishment within the Maitland Local Environmental Plan 2011 over 24 Hunter Street, Horseshoe Bend.

This report seeks Council's endorsement of the Planning Proposal in Attachment 1, and for Council to Exercise Plan Making authority to make the plan under Section 3.36 of the Environmental Planning and Assessment Act 1979.

The Planning Proposal and supporting site studies were placed on public exhibition from 24 April to 23 May 2024. Three (3) submissions were received during the exhibition period from state agencies.

OFFICER'S RECOMMENDATION

THAT

1. Council endorses the Planning Proposal in Attachment 1, and
2. Council exercise Plan Making Authority to make the Plan under 3.36 of the *Environmental Planning & Assessment Act, 1979*.

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET HORSESHOE BEND (Cont.)

REPORT

At its meeting of 12 December 2023 Council resolved to prepare a Planning Proposal and seek gateway determination for an Additional Permitted Use "Educational Establishment" over 24 Hunter Street, Horseshoe Bend.

The gateway determination was issued by the Department of Planning, Housing and Infrastructure on 5 April 2024 (**Attachment 2**). The gateway determination authorised Council to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to conditions.

The site is affiliated with All Saints College (ASC,) with St. Paul's Hall located on 22 Hunter Street, currently utilised for general learning areas (GLAs). The intent of the Planning Proposal is to enable, with development consent, the development of an educational establishment (multi-purpose facility) to provide recreational opportunities, GLAs and a gathering space for the college. A locality plan is provided in **figure 1**.



Figure 1. Locality Plan

The request to amend schedule 1 of the *Maitland LEP 2011* to provide for an additional permitted use within the RE2 zone at 24 Hunter Street is supported by site studies addressing issues relevant to the site and surrounding area.

The site is an irregular parcel of land identified as Lot 1 DP 1261532, Lot 1 DP 69160, Lot 1 DP 669283, Hunter Street Horseshoe Bend. The site is bound by Odd Street to the south, Hunter Street to the west, existing residential development facing James Street to the east, residential development to the north facing Carrington Street. The northern portion of the site is occupied by St Nicholas Early Learning Childcare Facility gaining access from Hunter Street. St Paul's Parish Hall is centrally located fronting Hunter Street described as 22 Hunter Street. A site plan demonstrating a concept educational establishment (multi-purpose facility) is provided in **Figure 2**.



Consultation with government agencies and public exhibition of the Planning Proposal was conducted between 24 April and 23 May 2024. Three (3) government agency and (0) public submissions were received. A copy of the submissions is appended to this report as **Attachment 3**. A summary and required outcome of the submissions is addressed below.

The NSW SES has no objection to the proposal and requests Council consider the following during assessment of a future development application:

- Maitland City Council | Ordinary Meeting Agenda

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET HORSESHOE BEND (Cont.)

SES further advises Council to ensure the Planning Proposal is consistent with Section 9.1 Ministerial Direction 4.1 – Flooding, and consistent with NSW Flood Prone Land Policy as set out in the Flood Risk Management Manual 2023.

Council Response

The Planning Proposal satisfactorily addresses Ministerial Direction 4.1 – Flooding and was deemed consistent with the Direction. The proposal does not provide for housing, nor will it result in an increase in population of the locality. The proposed facility will not provide for an increase in student numbers or employees. The facility proposes to complement existing activities of the school through new and upgraded user facilities. The proponent has been requested to include an updated Flood Emergency Management Plan with supporting material with the submission of the Development Application for the facility.

Environmental Protection Authority

The EPA is satisfied with the contamination report and Remediation Action Plan (RAP) for the potential development footprint. A further detailed site investigation and RAP will need to be prepared and submitted to Council with a future development application for consideration for the remainder of the site, addressing data gaps and confirming areas of the site requiring remediation before the site is suitable for use.

Council Response

The proponent has been advised of the need to submit a Detailed Site Investigation and RAP for the remainder of the site with the development application for the facility.

Heritage NSW

The subject land is located within Central Maitland Heritage Conservation Area, and within the vicinity of State Heritage listed items. Heritage NSW is satisfied the proposal and resulting development is unlikely to have an unacceptable impact on the Conservation Area or State Heritage Listed items.

Heritage NSW has advised that further consideration of Aboriginal heritage should be undertaken for the purposes of lodging a future development application.

Council Response

The proponent has been advised of the need to undertake further assessment of Aboriginal cultural heritage in the preparation of a future development application on the site.

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET
HORSESHOE BEND (Cont.)

CONCLUSION

The proposed additional permitted use for an educational establishment on the site will allow for improved facilities associated with the adjoining school. The proposal is consistent with the Section 9.1 Ministerial Directions and Council's strategic planning framework.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates. The cost of preparing and managing the Planning Proposal is in accordance with Council's Fees and Charges Policy.

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.

Officers Reports

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET HORSESHOE BEND

Planning Proposal

Meeting Date: 23 July 2024

Attachment No: 1

Number of Pages: 22

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET
HORSESHOE BEND (Cont.)



PLANNING PROPOSAL

AMENDMENT TO THE MAITLAND LEP 2011

(Part Lot 1 DP 1261532)

24 Hunter Street Horseshoe Bend

Version 2

14/7/2023



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PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET HORSESHOE BEND (Cont.)

INTRODUCTION

The planning proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979. It explains the intended effect of, and justification for the proposed amendment to amend Schedule 1 of the Maitland Local Environmental Plan 2011 (MLEP 2011) to enable the permissibility of an education establishment on the subject land.

The planning proposal is the result of discussion between Maitland City Council and the Catholic Diocese of Maitland-Newcastle (the proponent) where it was established the intention of the Diocese is to enable an educational establishment to be permissible with consent to facilitate recreational opportunities, general learning areas (GLA), and a gathering space for the All-Saints College (ASC).

The planning proposal applies to that part of Lot 1 DP 1261532, 24 Hunter Street Horseshoe Bend, zoned RE2 – Private Recreation.

Delegation for making the local environmental plan will be requested by Council.



Figure 1: Subject Land

PART 1: OBJECTIVES OR INTENDED OUTCOMES

The objective of this amendment is to enable, with development consent, the development of an education establishment on the subject land to be operated in conjunction with the adjacent school.

The intended outcome is an amendment to Schedule 1 of the Maitland LEP 2011 to permit education activities within the RE 2 – Private Recreation zone of the site and:

- To provide an efficient, environmental, economic, and social use of the land to provide a public benefit;
- To enable the lodgement of a development application for the proposed educational establishment.

PART 2: EXPLANATION OF PROVISIONS

The planning proposal seeks to include an Additional Permitted Use (APU) in Schedule 1 of the Maitland Local Environmental Plan 2011 to facilitate an educational establishment on the subject site as follows:

14 Use of certain land at 24 Hunter Street Horseshoe Bend

- (1) This clause applies to part Lot 1 DP 1261532 being 24 Hunter Street Horseshoe Bend.
- (2) Development of an educational establishment being permitted with development consent

A summary of the proposed amendment is provided in the table below:

Applicable land	Part Lot 1 DP 1261532 being 24 Hunter Street Horseshoe Bend.
Landowner	Catholic Diocese of Maitland-Newcastle
Land Size	10,373m2
Current Zoning Provisions	RE2 – Private Recreation
Proposed Amendment	Amendment to Schedule 1 Additional Permitted Uses (APU) "Education Establishment"
Map Amendments	Nil



PART 3: JUSTIFICATION FOR PROPOSED REZONING

In accordance with the Department of Planning's 'Guide to Preparing Planning Proposals', this section provides a response to the following issues:

- Section A: Need for the planning proposal.
- Section B: Relationship to strategic planning framework.
- Section C: Environmental, social and economic impact; and
- Section D: State and Commonwealth interests.

SECTION A – NEED FOR THE PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

No. The site is adjacent to the existing All Saints College main campus and, once developed, will provide additional general learning areas (GLA) and gathering space for the existing students. Out of school hours community uses are also envisaged to benefit from the proposed educational facility. The proposal is consistent with the Central Maitland Structure Plan in that it is contributing educational, cultural, and sporting precinct of Central Maitland.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. In order to achieve the objectives, which are to enable the proposed educational establishment to be developed on the subject land, the land use needs to be made a permissible use. Options to achieve this objective include rezoning the land to a zone which identifies education establish as a permissible land use or include the site and land use activity as an additional permitted use under schedule 1 of the MLEP 2011.

The rezoning of the site to a zone which permits education establishment could potentially allow other land uses not suitable to the site due to constraints such as flooding. The planning proposal to amend the MLEP 2011 to enable an additional permitted use within the RE2 – Private Recreation zone of the subject land is the best way to achieve the objectives and intended outcome.

3 Is there a net community benefit?

No net community benefit test has been undertaken as part of this planning proposal. It is considered the planning proposal will contribute to the educational, sporting, cultural and civic attributes of the precinct benefiting the wider community of Maitland.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**4 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?***Hunter Regional Plan 2041*

The Hunter Regional Plan 2041 is a 20-year blueprint for the future of the Hunter and provides the overarching strategic framework to guide development, investment, and planning within the Hunter Region. The vision is to create a leading regional economy in Australia, with a vibrant metropolitan city at the heart.

The Planning Proposal is conducive with the relative objectives of the HRP 2041 as follows:

Objective 3 - Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive, and vibrant communities

- The planning proposal consolidates educational and sporting assets in the community and contributes to establishing a well serviced 15-minute neighbourhood;
- The proposal supports the expected future growth of population in the Maitland area;
- Prioritising walking, cycling, and public transport within this locality is achievable and encourages healthy lifestyle choices enabling students to walk, cycle and use public transport to attend school.
- Educational assets are important to achieving local access for most everyday needs of the community. The subject land and proposal are ideally located to provide an expanded educational service to the local community within a 15-minute catchment area. The proposal will also extend to providing additional sporting, arts and religious facilities that can be made available for community use outside of school hours.

Objective 8 - Plan for business and services at the heart of healthy, prosperous, and innovative communities

- The design of the school enables a variety of ancillary uses within the development to provide flexibility and adaptability of land uses as required to service the community;
- The proximity of the site to existing centres and connections to public transport and pedestrian networks provides easy access for growing residential areas;

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET HORSESHOE BEND (Cont.)

Greater Newcastle Metropolitan Plan 2036

The Greater Newcastle Metropolitan Plan 2036 (the Metropolitan Plan) sets out the strategies and actions that will drive sustainable growth across the five (5) Local Government Areas of Cessnock, Lake Macquarie, Newcastle City, Port Stephens, and Maitland, which make up Greater Newcastle.

The Metropolitan Plan aims to achieve the vision set out in the Hunter Regional Plan 2041 – for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart resources.

Maitland is recognised as a regional destination for education, culture, and sports. The planning proposal is consistent in supporting and contributing to all three of these elements in the Central Maitland precinct.

5 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plans?

Maitland +10 (Community Strategic Plan)

Council has prepared and adopted the Maitland +10 Community Strategic Plan (the Community Strategic Plan) in line with the Integrated Planning and Reporting legislation and guidelines. The Community Strategic Plan was last reviewed in 2018. The Planning Proposal is considered consistent with the vision and objectives of the Community Strategic Plan as it supports local business, cultural, professional, and educational development.

Maitland Local Strategic Planning Statement (LSPS) 2040+

The Maitland Local Strategic Planning Statement 2040+ sets out a 20-year land use vision for the Maitland Local Government Area (LGA) and outlines how this growth and change will be sustainably managed into the future.

The subject site is located within the Central Maitland precinct. This precinct provides a mix of civic, retail, professional, educational, sporting, and cultural uses. The planning proposal is consistent with the retention and protection of heritage within the city and will facilitate the public benefits of an existing education facility.

The Planning Proposal is aligned with Planning Priority 5 – Preserve and enhance the distinctive local character of our centres and neighbourhoods.

Maitland Urban Settlement Strategy (MUSS)

The MUSS provides the broad direction for future urban growth in the Maitland LGA. The Strategy aims to provide both flexibility and certainty by maintaining a generous supply of land for residential growth on several development fronts throughout the Maitland LGA. The proposal is not located within an identified future urban release area and is situated in the established Central Maitland cultural and civic precinct.

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET
HORSESHOE BEND (Cont.)

6 Is the planning proposal consistent with applicable state environmental planning policies?

An assessment of the planning proposal against the relevant SEPPs is provided in the table below.

RELEVANCE	CONSISTENCY AND IMPLICATIONS
State Environmental Planning Policy (Biodiversity)	CONSISTENT A tree survey was completed for the site identifying 17 trees within the impact area comprising of 8 native species and 9 exotic species. The removal of this vegetation does not trigger Biodiversity Offset Scheme. No Koala habitat was identified on site. No evidence of Koala presence was identified on site.
State Environmental Planning Policy (Industry & Employment)	N/A
State Environmental Planning Policy (Precinct Eastern Harbour)	N/A
State Environmental Planning Policy (Precinct Western City Parkland)	N/A
State Environmental Planning Policy (Precincts Regional)	N/A
State Environmental Planning Policy (Precincts Western Sydney)	N/A
State Environmental Planning Policy (Primary Production)	N/A
State Environmental Planning Policy (Resilience & Hazards)	CONSISTENT Part of the subject site is mapped on the Coastal Environment Area Map. Consideration of clause 2.10 Development of land within the Coastal Environment Area and clause 2.11 development of land within the Coastal Use Area determined the location of the site within the Central Maitland CBD, and its highly disturbed nature, it is unlikely coastal vegetation will be adversely affected by the proposed future development.
State Environmental Planning Policy (Resources & Energy)	N/A
State Environmental Planning Policy (Transport & Infrastructure)	CONSISTENT Under the MLEP 2011 the RE2 Private recreation zone does not permit education establishments and the RE2 zone is not a prescribed zone under Section 3.34(1) of the SEPP. The development is otherwise consistent with the provisions under clause

RELEVANCE	CONSISTENCY AND IMPLICATIONS
	3.36 School Development permitted with consent and Schedule 4 School Design Principles. The proposed future educational establishment is not envisaged to increase student numbers of additional school staff.

Table 1: Relevant State Environmental Planning Policies.

7 Is the planning proposal consistent with applicable Ministerial Directions for Local Plan making?

DIRECTION	CONSISTENCY AND IMPLICATIONS
Focus Area 1: Planning Systems	
1.1 Implementation of Regional Plans The Hunter Regional Plan 2041 applies to the subject site and triggers consideration of this direction.	As detailed above in section 4. The planning proposal is demonstrated to be consistent with the Hunter Regional Plan 2041. It is considered that the planning proposal achieves the overall intent of the HRP 2041 without adverse environmental impact that cannot be managed or mitigated. The planning proposal is considered consistent with this direction
1.2 Development of Aboriginal Land Council land	N/A -
1.3 Approval and referral requirements	The planning proposal is to enable an education establishment as an additional permitted use on the land to facilitate further development associated with the All-Saints College. It will require additional assessment and referral for future development applications. The proposal does not initiate designated development. The planning proposal is considered consistent with this direction
1.4 Site Specific Provisions	The objective of this Planning Proposal is to facilitate the use of the site for educational purposes. Consequently, consideration of this Direction is triggered. The Planning Proposal is seeking to amend the MLEP 2011 to include "education

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET HORSESHOE BEND (Cont.)

DIRECTION	CONSISTENCY AND IMPLICATIONS
	<p>establishment" at 24 Hunter Street Horseshoe Bend as an additional Permitted Use within Schedule 1. The Planning Proposal does not propose the imposition of any development standards or requirements beyond those existing within the MLEP 2011.</p> <p>The planning proposal is considered consistent with this direction</p>
Focus Area 1 Planning System – Place Based	The site is not within any of the place Based areas detailed under Ministerial Directions 1.5 – 1.20
Focus Area 2: Design and Place	There are no Ministerial Directions under this focus area
Focus Area 3: Biodiversity and Conservation	
3.1 Conservation zones	N/A
3.2 Heritage Conservation	<p>The subject lands are located within the Central Maitland Heritage Conservation Area (HCA).</p> <p>A Statement of Heritage Impact and supporting architectural plans have been prepared for the proposed restoration and adaptive re-use of St Paul’s Parish Hall and the construction of the proposed educational establishment. Three (3) listed heritage items are located in the general vicinity of the subject lands. The former Presbyterian High School Manse (State Heritage Item) Free Church Street, the Maitland Mercury building (local item) corner of High Street and Hunter Street, and former bank building also known as Mansfield House (Local item) High Street.</p> <p>The design of the supporting educational establishment building behind St Paul’s Parish Hall provides a scaled increase in the bulk of the new building over the smaller hall. Setting the larger building back into the site minimises effects of views from the site towards the surrounding HCA and similarly from the HCA to the site. The use of a</p>

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET
HORSESHOE BEND (Cont.)

DIRECTION	CONSISTENCY AND IMPLICATIONS
	<p>contemporary design for the new building ties it to the nearby All Saints College St Peters campus and the St Nicholas Early Childhood Centre.</p> <p>It is considered the proposed adaptive re-use of the former St Paul's Parish Hall and construction of a new MPC building will have minimal impact on the heritage significance of the surrounding HCA. Further assessment in terms of consistency with Council heritage controls will form part of the development application process.</p> <p>An Archaeology Due Diligence Assessment was undertaken for the proposed multi-purpose centre site and refurbishment of the existing St Paul's Hall. No archaeological sites or Potential Archaeological Deposits (PADs) were identified during the site survey. As no sites or PADs were identified, there are no impacts on the archaeological record. The assessment report recommends that should any Aboriginal objects be uncovered during earth works, all work will cease in that location immediately and the Environmental Line contacted.</p> <p>The planning proposal is considered consistent with this direction</p>
3.3 Sydney Drinking Water Catchments	N/A
3.4 Application of C3 and C4 and Environmental Overlays in the Far North Coast LEP	N/A
3.5 Recreation Vehicle Area	N/A
Focus Area 4: Resilience and Hazards	
4.1 Flooding	The subject site is located within the Central Maitland flood planning area. The inclusion of an additional permitted use provision into the MLEP 2011 triggers application of this direction.

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET
HORSESHOE BEND (Cont.)

DIRECTION	CONSISTENCY AND IMPLICATIONS
	<p>The Planning Proposal does not propose to rezone land, nor does it propose to alter the provisions of clause 5.21 of the MLEP 2011.</p> <p>The submitted Flood Impact Assessment (FIA) included flood modelling for the 5% AEP, 2% AEP, 1% AEP and 0.5% AEP events to define basic line flood conditions for the purpose of assessing flood risk and the basis for the Flood Impact Assessment. The (FIA) determined that most of the site has a high-risk hazard and at peak flood conditions comprise of tailwater with low velocity flows.</p> <p>With regard to management of flood risk to property, the ground floor of the proposed educational establishment will have a finished floor level of 9.72mAHD which is the 1% AEP flood level adopted by Council. As the proposal does not comprise of habitable rooms, the finished floor level is not required to be 0.5m above this level. However, the entire sub-floor area needs to be flood compatible and should be constructed and fitted out in accordance with Flood Aware Design Requirements.</p> <p>The FIA concludes that the proposed development will have minor impacts upstream and minimal impacts downstream of the site. Minor impacts occur in peak velocity as localized redistribution mostly contained on the site for a short period of time within a flood event. The management of risk to life and property from flooding is consistent with that of the existing area, with evacuation of Central Maitland in advance of the flood event.</p> <p>The proposal is considered compatible with the flood hazard and behaviour associated with the site. The site is not within a floodway, does not result in significant impacts to other</p>



PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET
HORSESHOE BEND (Cont.)

DIRECTION	CONSISTENCY AND IMPLICATIONS
	<p>properties and does not enable residential development.</p> <p>The planning proposal is considered consistent with this direction</p>
4.2 Coastal Management	<p>Part of the site is mapped on the Coastal Environment Area and Coastal Environment Mapping. The development of the land will result in remove of some trees on site. Removal of vegetation from within the mapped area will be minor in respect to canopy trees. It is considered the location of the site within the Central Maitland CBD, and its highly disturbed nature, it is unlikely coastal vegetation will be adversely affected by the proposed future development. The Planning Proposal is consistent with the objects of the Coastal Management Act. The Planning Proposal does not conflict with the provisions of the NSW Coastal Management Manual and associated Toolkit, the NSW Coastal Design Guidelines. There is no relevant Coastal Management Program applicable to the subject site.</p> <p>The planning proposal is consistent with this direction</p>
4.3 Planning for Bushfire Protection	N/A
4.4 Remediation of Contaminated Land	<p>A detailed site investigation for contamination identified potential contaminate sources in fill material of unknown origin. The investigations recommended onsite management through containment within building foundations and soil capping within landscape areas or offsite removal. A RAP has been devised for the proposed development of the providing sequencing and management of the remediation work. The plan confirms that on completion of the work and issue of a validation assessment, the site would be suitable for use as an education establishment.</p> <p>The planning proposal is consistent with this direction</p>

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET
HORSESHOE BEND (Cont.)

DIRECTION	CONSISTENCY AND IMPLICATIONS
4.5 Acid Sulphate Soils	<p>The subject site contains Class 4 Acid Sulphate Soils. The inclusion of an additional permitted use provision into the MLEP 2011 triggers application of this direction.</p> <p>The MLEP 2011 already contains Clause 7.1 from the standard LEP instrument which is consistent with these guidelines. This Planning Proposal does not propose to alter these provisions. A geotechnical investigation for the site did not encounter water until 6.1m below ground level at the time of testing. There was no indication of groundwater at 2.9m being the maximum level required for footings associated with the proposed development. There are to be no physical works carried out on the site associated with the Planning Proposal that may disturb, expose or drain acid sulphate soils and cause environmental damage. As such, the planning authority can be satisfied that the Planning Proposal is consistent with the ASS Model & ASS Planning Guidelines.</p> <p>The planning proposal is consistent with this direction</p>
4.6 Mine Subsidence and Unstable Land	N/A
Focus Area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	N/A
5.2 Reserving land for Public Purpose	N/A
5.3 Development near Regulated Airports and Defence Lands	N/A
5.4 Shooting Ranges	N/A
Focus Area 6: Housing	
6.1 Residential zones	N/A
6.2 Caravan parks and Manufactured Home Estates	N/A
Focus Area 7: Industry and Employment	

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET
HORSESHOE BEND (Cont.)

DIRECTION	CONSISTENCY AND IMPLICATIONS
7.1 Business and Industrial zones	N/A
7.2 Reduction in non-hosted short-term accommodation	N/A
7.3 Commercial and retail development along the Pacific Highway, North Coast	N/A
Focus Area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Energy	N/A
Focus Area 9: Primary Production	
9.1 Rural Zones	N/A
9.2 Rural Lands	N/A
9.3 Oyster Aquaculture	N/A
9.4 Farmland of Regional and State of Significance on the Far North Coast NSW	N/A

Table 2: Ministerial Directions

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

An ecological assessment was prepared for the site in relation to the development of the educational establishment footprint and use of the surrounding area of the subject land. The report concluded that there were no threatened flora or fauna species recorded within the survey area. The site did not contain any Ecological Endangered vegetation communities. A total of seventeen (17) trees are proposed to be removed from site which include a number of introduced weed species. The proposal will include the establishment of landscaping of the site with native vegetation species.

9 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Flooding - A Flood Impact Assessment has been undertaken for the proposal for both regional flooding from the Hunter River and localized flooding from local storm events.

Local Catchment Flooding – The subject land is located within the Hunter River floodplain within an urban environment. A TRUFLOW model of the local catchment has been produced and submitted for the assessment of the proposal. The local catchment draining to the site is

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET HORSESHOE BEND (Cont.)

approximately 1ha in size. If the local stormwater drainage network is exceeded, then the total area of approximately 19ha can drain to a topographic depression centred on Odd Street.

Two topographical depressions have been identified within the locality. In a local rainstorm scenario, with insufficient local drainage capacity, these depressions will begin to fill and eventually become connected via Carrington Street at a level of approximately 7.1mAHD. The outlet for overland flow from the combined storage is at a level of approximately 7.2mAHD via Raglan Street.

A conservative estimate of local catchment flood conditions was modelled including the entire catchment and no sub-surface stormwater drainage network, resulting in retention of all catchment rainfall within the local floodplain storage until the overflow along Raglan Street is reached.

The flood impact assessment modelling identified three potential critical conditions for flood impacts associated with the proposal.

1. Local redistribution of overland flow running through the site
2. Loss of volumetric storage within the Odd Street topographic depression
3. Loss of volumetric storage within the combined depressions.

Three (3) 1% AEP design event scenarios were simulated for the pre- and post-development conditions. Results show a negligible change in the modelled peak flood levels or velocities for each of the three scenarios. A flood peak level increase of 7mm has been modelled within the Odd Street storage for the 6hr storm duration, with zero impact on the Cathcart Street storage. For the 12hr storm duration a peak flood level increase of 4mm has been modelled across the combined storages. This does not represent a tangible adverse impact, particularly given the conservative assumption of a full blockage of the stormwater drainage network.

The flood impact assessment, supported by a TRUFLOW hydraulic model, concludes the proposal development of the site has a negligible impact to the modelled peak flood levels and peak flood velocities.

Hunter River Regional Flooding Impact- As stated above, the subject lands are located within the Hunter River Floodplain. The proposed development is subject to the flooding provisions of the MLEP 2011 and Maitland DCP 2011.

The submitted Flood Impact Assessment (FIA) included flood modelling for the 5% AEP, 2% AEP, 1% AEP and 0.5% AEP events to define basic line flood conditions for the purpose of assessing flood risk and the basis for the Flood Impact Assessment. The (FIA) determined that most of the site has a high-risk hazard and at peak flood conditions comprise of tailwater with low velocity flows. With regard to management of flood risk to property, the ground floor of the proposed educational establishment will have a finished floor level of 9.72mAHD which is the 1% AEP flood level adopted by Council. As the proposal does not comprise of habitable rooms, the finished floor level is not required to be 0.5m above this level. However, the entire sub-floor area needs

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET HORSESHOE BEND (Cont.)

to be flood compatible and should be constructed and fitted out in accordance with Flood Aware Design Requirements.

The FIA concludes that the proposed development will have minor impacts upstream and minimal impacts downstream of the site. Minor impacts occur in peak velocity as localized redistribution mostly contained on the site for a short period of time within a flood event. The management of risk to life and property from flooding is consistent with that of the existing area, with evacuation of Central Maitland in advance of the flood event.

The proposal is considered compatible with the flood hazard and behaviour associated with the site. The site is not within a floodway, does not result in significant impacts to other properties and does not enable residential development.

Traffic/Parking - A Traffic and Parking Assessment has been undertaken for the proposed educational establishment. Access to the proposed facility will be shared through the existing vehicle access crossing off Hunter Street currently providing access for St. Nicholas Early Learning Childcare Centre.

The proposal seeks to provide an additional and improved facility for the existing school population not resulting in any increase in student enrolments or employment of additional staff. The new facility maybe used for some after school activities associated with the school such as sports training and parish and community uses. As the additional traffic generated is outside school hour use and does not coincide with peak road network traffic periods, it is reasonable to conclude that the additional traffic loading will not adversely impact on the local road network.

Contamination Testing/Remediation Action Plan - Douglas Partners conducted a Detailed Site Investigation for contamination over the footprint of the development area including areas to the south (basketball courts) and playing fields to the east and northeast.

The test results indicated the presence of contamination within fill material exceeding adopted site assessment criteria for recreation land uses, including schools. Elevated heavy metals were also detected above ecological criteria within the grass playing fields to the east and basketball courts to the south.

Asbestos testing was also conducted on "placed fill" on site which originated from excavations conducted on the subject lands. The results indicated that four fragments analysed contained asbestos. Additional site-specific contamination testing identified exceedance of criteria for recreational land use. Due to the extensive fill across the site, and elevated contamination concentrations, remediation of the site will be required.

The report recommends additional investigations to further assess the development footprint in order to assess data gaps in previous investigations. The Preferred Remediation Strategy recommended within the submitted Remediation Action Plan (RAP) lists a staged remediation methodology to achieve the remediation goals.

Stage 1 – Additional Investigations /Data Gap Analysis

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET HORSESHOE BEND (Cont.)

Stage 2 – Initial Preparation and Site Meeting

Stage 3 – Stripping of Landscape Areas/Validation (where or if required)

Stage 4 - Validation Imported Fill Material (if required)

Stage 5 – On-Site Management of Imported Fill

A Validation Assessment Report will be prepared by the environmental consultants in accordance with NSW EPA (2020). The validation report shall describe the remediation approach adopted, methodology, results and conclusions of the assessment and make a statement regarding the suitability of the site for the proposed school facility.

An additional investigation report maybe required along with an update/revision of the RAP based on the findings of the additional investigations. It is considered that the site can be made suitable for the proposed development subject to the implementation of the submitted RAP.

Archaeological Due Diligence - An Archaeology Due Diligence Assessment was undertaken over the development site and refurbishment of the existing St Paul's Hall. No archaeological sites or Potential Archaeological Deposits (PADs) were identified during the site survey. As no sites or PADs were identified, there are no impacts on the archaeological record. The assessment report recommends that should any Aboriginal objects be uncovered during earth works, all work will cease in that location immediately and the Environmental Line contacted. Similarly, persons responsible for the management of onsite works will ensure all staff, contractors and others involved in the construction are made aware of statutory legislation protection sites and places of significance.

Acoustic Assessment - An Acoustic Assessment has been prepared for the use of the subject land as an educational establishment associated with ASC. The assessment addresses both construction and operational noise with consideration to:

- *Road Noise Policy (RNP, DECCW 2011)*
- *Noise Policy for Industrial (NPfI) (NSW EPA. 2017)*
- *Interim Construction Noise Guidelines (NSW DECC, 2009)*
- *Association of Australia Acoustical Consultants Guideline for Educational Facilities Acoustics*

It is considered there could be short term noise impacts on adjoining residents during the construction phase of the development. In accordance with best practice guidelines, construction activities and noise generating machinery are managed through restrictions on operational times and days. The Acoustic Assessment has recommended a range of mitigating measures to help reduce the likelihood of noise impacts on adjoining residences during construction.

Architectural Plans/Statement of Heritage Impact - The subject lands are located within the Central Maitland Heritage Conservation Area (HCA). A Statement of Heritage Impact and supporting architectural plans have been prepared for the proposed restoration and adaptive re-use of St Paul's Parish Hall and the construction of the proposed educational establishment. Three (3) listed heritage items are located in the general vicinity of the subject lands. The former Presbyterian High School Manse (State Heritage Item) Free Church Street, the Maitland Mercury



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HORSESHOE BEND (Cont.)

building (local item) corner of High Street and Hunter Street, and former bank building also known as Mansfield House (Local item) High Street.

The design of the proposed building behind St Paul's Parish Hall provides a scaled increase in the bulk of the new building over the smaller hall. Setting the larger building back into the site minimises effects of views from the site towards the surrounding HCA and similarly from the HCA to the site. The use of a contemporary design for the MPC building ties it to the nearby All Saints College St Peters campus and the St Nicholas Early Childhood Centre.

It is considered the proposed adaptive re-use of the former St Paul's Parish Hall and construction of a new building will have minimal impact on the heritage significance of the surrounding HCA. Further assessment in terms of consistency with Council heritage controls will form part of the development application process.

10 How has the planning proposal adequately addressed any social and economic effects?

Both an economic and social impact assessment were undertaken for the proposal.

The Economic Impact Assessment undertaken for the proposal concluded that improvements to, and continued use of St Paul's Parish Hall, and the development of a educational establishment to be used in association with All Saints College (ASC) education establishment will complement the existing education attributes of the precinct. The proposal will provide short term employment benefits during the construction stage. The use of the proposed building will not result in an increase in employment associated with the ASC.

The Social Impact Assessment concludes the proposed educational establishment will contribute to the continued and improved functioning of the ASC and provide a positive outcome for the wider community.

SECTION D – STATE AND COMMONWEALTH INTERESTS

11 Is there adequate public infrastructure for the planning proposal?

A Traffic Impact Assessment has been undertaken to determine the suitability of the existing road network and parking provisions associated with existing and proposed land uses in the locality. The conclusion from the assessment recommended that the proposal is supported from a traffic impact and management perspective as there is no expected increase in student or staff numbers associated with the facility. Access to the proposed facility will be shared through the existing vehicle access crossing off Hunter Street currently providing access for St. Nicholas Early

The new building maybe used for some after school activities associated with the school such as sports training and parish and community uses. As this additional traffic generated is outside school hour use and does not coincide with peak road network traffic periods, it is reasonable to conclude that the additional traffic loading will not adversely impact on the local road network.

No additional public infrastructure is required to facilitate proposed land use enabled by the planning proposal.

**12 What are the views of State and Commonwealth public authorities consulted in
accordance with the Gateway Determination?**

To be determined by the conditions outlined in the Gateway Determination to be issued for this
proposal.

PART 4: DRAFT LEP MAPS

There are no changes required to the Maitland LEP 2011 maps.

PART 5: COMMUNITY CONSULTATION

In accordance with Section 57(2) of the Environmental Planning and Assessment Act 1979, and section 29 of the Local Government Act 1993, community consultation must be undertaken by the local authority prior to approval of the planning proposal.

In accordance with Council's adopted Community Engagement Strategy (March 2009), consultation on the proposed rezoning will be undertaken to inform and receive feedback from interested stakeholders. To engage the local community the following will be undertaken:

- Notice in the Hunter Post newspaper;
- Exhibition material and relevant consultation documents to be made available at all Council Libraries and Council's Administration Building;
- Consultation documents to be made available on Council's website;
- Notices published on Council's social media applications, for public comment.
- Consultation with any relevant committee or reference groups?

At the close of the consultation process, Council officers will consider all submissions received and present a report to Council for their endorsement of the planning proposal before proceeding to finalisation of the amendment.

The consultation process, as outlined above, does not prevent any additional consultation measures that may be determined appropriate as part of the Gateway Determination process.

PART 6: TIMEFRAMES

PROJECT TIMELINE	DATE
Date of Gateway Determination	April 2024
Timeframe for government agency consultation (as required by Gateway Determination)	April/May 2024
Commencement and completion dates for public exhibition period	April/May 2024
Timeframe for consideration of submissions	May 2024
Anticipated date RPA will forward the plan to the department to be made (if not delegated)	Delegated
Anticipated date of Publication of the amendment	July 2024



Officers Reports

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET HORSESHOE BEND

Gateway Determination

Meeting Date: 23 July 2024

Attachment No: 2

Number of Pages: 2



Department of Planning, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2023-2554): *Additional Permitted Use – Educational Establishment, Port of Lot 1 DP 1261532, 24 Hunter Street, Horseshoe Bend*

I, the Director at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Maitland Local Environmental Plan 2011* for an additional permitted use (educational establishment) on Part of Lot 1 DP1261532, 24 Horseshoe Bend should proceed subject to the following conditions.

The chosen item planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 6 months of the date of this Gateway determination.

Gateway Conditions

1. Prior to agency and community consultation, the planning proposal is to be amended to:
 - (a) Remove reference to a multi-purpose facility in the explanation of provisions; and
 - (b) Include a completed NSW Coastal Design Guidelines 2023 assessment checklist for planning proposals.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET
HORSESHOE BEND (Cont.)

- Biodiversity and Conservation Division – Flooding
- NSW Heritage
- NSW State Emergency Service
- Environment Protection Authority.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 5 day of April 2024.



Jeremy Gray
Director, Northern Region
Planning and Land Use Strategy
Department of Planning, Housing and
Infrastructure
Delegate of the Minister for Planning and
Public Spaces

PP-2023-2554 (IRF24/69)

Officers Reports

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET HORSESHOE BEND

Submission 1 NSW SES Response

Meeting Date: 23 July 2024

Attachment No: 3

Number of Pages: 5

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET
HORSESHOE BEND (Cont.)



Our Ref: ID2420
Your Ref: RZ 23/001 & PP-2023-2554

23 May 2024

Mark Roser
Maitland City Council
PO Box 220
Maitland NSW 2320

email: Mark.Roser@maitland.nsw.gov.au
CC: lisa.ignatavicius1@ses.nsw.gov.au

Dear Mark,

Planning Proposal for 24 Hunter Street, Horseshoe Bend, Maitland

Thank you for the opportunity to provide comment on the Planning Proposal for the part of 24 Hunter Street Horseshoe Bend, Maitland (Lot 1 DP 1261532) that is currently zoned RE2 – Private Recreation. It is understood that the planning proposal seeks to amend Schedule 1 of the Maitland LEP 2011 to permit education activities within the RE 2 zone of the site which currently does not permit education establishments. The proposal includes restoration and adaptive re-use of St Paul's Parish Hall and the construction of a new multi-purpose facility, which is not envisaged to increase student numbers or additional school staff.

The NSW State Emergency Service (NSW SES) is the agency responsible for dealing with floods, storms and tsunami in NSW. This role includes, planning for, responding to and coordinating the initial recovery from floods. As such, the NSW SES has an interest in the public safety aspects of the development of flood prone land, particularly the potential for changes to land use to either exacerbate existing flood risk or create new flood risk for communities in NSW.

The consent authority will need to ensure that the planning proposal is considered against the relevant Section 9.1 Ministerial Directions, including 4.1 – Flooding and is consistent with the NSW Flood Prone Land Policy as set out in the [Flood Risk Management Manual 2023](#) (the Manual) and supporting guidelines, including the [Support for Emergency Management Planning](#). Key considerations relating to emergency management are outlined in Attachment A.

In summary, we recommend:

- **Careful consideration** of the proposed development against the flood and isolation risks, and the resultant burden on emergency services, particularly given the potential for high hazard flooding in the area.
- **Ensuring** that people accessing the site are adequately informed of the potential risk and likelihood of flooding and the importance of early evacuation and compliance with evacuation warnings both during and after construction, for the life-span of the development.



STATE HEADQUARTERS
93 - 99 Burelli Street, Wollongong 2500
PO Box 6126, Wollongong NSW 2500
P (02) 4251 6111
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www.ses.nsw.gov.au
ABN: 88 712 649 015

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET
HORSESHOE BEND (Cont.)



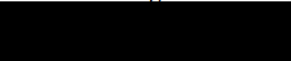
- **Ensuring** that there is sufficient safe evacuation capacity, taking into consideration the increase in flood velocities in surrounding streets as a result of the development. The proposed site and development will become a flood island during flooding, meaning that the dwelling becomes surrounded by floodwater. Evacuation must not require people to drive or walk through flood water.
- **Updating** any flood emergency management plans of the various organisations affected by or using the development, such as the All-Saints College and the St Nicholas education facilities.

You may also find the following Guidelines, originally developed for the Hawkesbury Nepean Valley and available on the NSW SES website useful:

- [Reducing Vulnerability of Buildings to Flood Damage](#)
- [Designing Safer Subdivisions](#)
- [Managing Flood Risk Through Planning Opportunities](#)

Please feel free to contact Suede Stanton-Drudy via email at rra@ses.nsw.gov.au should you wish to discuss any of the matters raised in this correspondence. The NSW SES would also be interested in receiving future correspondence regarding the outcome of this referral via this email address.

Yours sincerely,



Elspeth O'Shannessy
Manager Emergency Risk Assessment
NSW State Emergency Service



ATTACHMENT A: Principles Outlined in the Support for Emergency Management Planning Guideline¹

Principle 1 Any proposed Emergency Management strategy should be compatible with any existing community Emergency Management strategy.

Any proposed Emergency Management strategy for an area should be compatible with the evacuation strategies identified in the relevant local or state flood plan or by the NSW SES. According to the NSW State Flood Plan² and the Maitland City Local Flood Plan 2022, evacuation is the primary emergency management strategy for people impacted by flooding.

Continuing research by the Bureau of Meteorology and the CSIRO predicts more intense, short duration heavy rainfall events. Any increase in rainfall intensity will increase the frequency, depth and extent of inundation across the catchment. The projected increase in heavy rainfall will increase flood risk in cities, built-up urban areas, and small catchments, where extreme rainfall over hours to a day not only can result in riverine flooding but can also quickly become flash floods and cut roads prior to the onset of riverine flooding. Each incremental 10% increase in rainfall results in a 0.2 m increase in flood levels downstream of Oakhampton, with localised increases in peak flood level of approximately twice that amount³. Climate change should be adequately considered to ensure risks are understood and managed for the future residents of the area.

Principle 2 Decisions should be informed by understanding the full range of risks to the community

[REDACTED] development should be risk-based and ensure Emergency Management risks to the community of the full range of floods are effectively understood and managed. Further, risk assessment should consider the full range of flooding, including events up to the Probable Maximum Flood (PMF) and not focus only on the 1% AEP flood.

It is noted that the site itself becomes isolated in a 2% AEP flood as all access routes are inundated⁴. The site is prone to flooding in a 1% AEP flood, with depths of up to 5 metres⁵. The Flood Impact Assessment confirms that most of the site is subject to a hazard level during a 1%AEP flood of H5 or H6. An H5 hazard is unsafe for vehicles and people and all building types are vulnerable to structural damage, while an H6 hazard is unsafe for vehicles and people, and all building types are considered vulnerable to failure⁶. A small area of the south west corner is subject to H4 hazard during a 1% AEP, which is unsafe for vehicles and people. Almost the entire site is an H6 hazard during a PMF, save for the south west corner which becomes a H5 hazard.

¹ NSW Government. 2023. Principles Outlined in the Support for Emergency Management Planning Guideline

² NSW Government. 2021. NSW State Flood Plan. Section 1.6 – Key Principles. 1.6.2, page 5.

³ WMA Water, Hunter River Branxton to Green Rocks Flood Study 2010, p.46

⁴ WMA Water, Hunter River Branxton to Green Rocks Flood Study 2010, Figure 36

⁵ WMA Water, Hunter River Branxton to Green Rocks Flood Study 2010, Figure 34

⁶ Australian Institute for Disaster Resilience, *Australian Disaster Resilience Guideline 7-3: Flood hazard*, 2017 p.11



We note the increase in flood water velocity from around 0.1-0.2 m/s to around 1.0 m/s to the south of the proposed works area during a 1%AEP⁷. The proposal will also increase flood velocities on Hunter Street by around 0.1 m/s at the 2% AEP event, 0.2 m/s at the 1% AEP event and 0.3 m/s at the 0.5% AEP event⁸.

Principle 3 Development of the floodplain does not impact on the ability of the existing community to safely and effectively respond to a flood.

The ability of the existing community to effectively respond (including self-evacuating) within the available timeframe on available infrastructure is to be maintained. It is not to be impacted on by the cumulative impact of new development.

Risk assessment should have regard to flood warning and evacuation demand on existing and future access/egress routes. Consideration should also be given to the impacts of localised flooding on evacuation routes. Evacuation must not require people to drive or walk through flood water.

Development strategies relying on an assumption that mass rescue may be possible where evacuation either fails or is not implemented are not acceptable to the NSW SES.

Principle 4 Decisions on development within the floodplain does not increase risk to life from flooding.

The site is situated on a low flood island, and as such evacuation routes become flooded prior to the site itself becoming inundated. Although in the site area there is likely to be more than [REDACTED] time for riverine flooding, people tend to resist calls to evacuate [REDACTED] when is obviously flooded, convinced that it is safe to "sit-out the flood". People change their mind about this option **after** they have been surrounded by flood water or when essential services such as water, power and sewer cease to function. There is a risk that if people do not evacuate early prior to the onset of flooding, when the perceived risk may be lower, there will be no chance for conventional evacuation later⁹. Rescue, resupply and medical responses are difficult and can be dangerous under these conditions.

The duration for local catchment flooding will generally exceed one to two days, potentially lasting up to a week in some areas, and depending on flood magnitude. This can increase the true hazard due to problems arising from isolation such as restricted access to food, supplies and medical care¹⁰. If students, staff and users of the multipurpose facility do not evacuate prior to losing all access and egress routes, they are likely to require resupply and potentially require rescue. Development strategies relying on an assumption that rescue may be possible where evacuation either fails or is not implemented are not acceptable to the NSW SES. Where secondary emergencies occur, people may choose to leave the site, entering dangerous floodwater. NSW SES is opposed to development strategies that transfer residual

⁷ Torrent Consulting Pty Ltd, Flood Impact Assessment p.9

⁸ Ibid

⁹ WMA Water, Hunter River Floodplain Risk Management Study and Plan 2015, p.29

¹⁰ WMA Water, Hunter River Floodplain Risk Management Study and Plan 2015, p.29



risk, in terms of emergency response activities, to NSW SES and/or increase capability requirements of the NSW SES.

Managing flood risks associated with low flood islands requires careful consideration of development type, likely users, and their ability respond to minimise their risks. This includes consideration of:

- Isolation – There is no known safe period of isolation in a flood, the longer the period of isolation the greater the risk to occupants who are isolated.
- Secondary risks – This includes fire and medical emergencies that can impact on the safety of people isolated by floodwater. The potential risk to occupants needs to be considered and managed in decision-making.
- Consideration of human behaviour – The behaviour of individuals such as choosing not to remain isolated from their family or social network in a building on a floor above the PMF for an extended flood duration or attempting to return to a building during a flood, needs to be considered.

Principle 5 Risks faced by the itinerant population need to be managed.

Any Emergency Management strategy needs to consider people visiting the area or using a development.

Principle 6 Recognise the need for effective flood warning and associated limitations.

An effective flood warning strategy with clear and concise messaging understood by the [REDACTED] giving the community an opportunity to respond to a flood threat in [REDACTED] manner.

Principle 7 Ongoing community awareness of flooding is critical to assist effective emergency response.

The flood risk at the site and actions taken to reduce risk to life should be communicated to all site users (includes increasing risk awareness, community connections, preparedness actions, appropriate signage and emergency drills) during and after the construction phase. However, it is important to note that the NSW SES is opposed to the imposition of development consent conditions requiring private flood evacuation plans rather than the application of sound land use planning and flood risk management.

Development in a floodplain will increase the need for NSW SES to undertake continuous community awareness, preparedness, and response requirements. Residents and users of the proposed development should be made aware of their flood risk, the [Hazards Near Me](#) app (a tool to receive flood warnings as part of the Australian Warning System) and the [NSW SES website](#) which contains comprehensive information for the general community about what to do before, during and after floods as well as in-language resources and HazardWatch (NSW SES interactive information and warnings site).

Officers Reports

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET HORSESHOE BEND

Submission 2 EPA Response

Meeting Date: 23 July 2024

Attachment No: 4

Number of Pages: 2

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET
HORSESHOE BEND (Cont.)



Your ref: PP 2023-2554
Our ref: DOC24/314504-4

Mr Mark Roser
Strategic Planner
Maitland City Council
PO Box 220
Maitland NSW 2320

By email: Mark.Roser@maitland.nsw.gov.au, info@maitland.nsw.gov.au

Dear Mr Roser,

Thank you for providing the NSW Environment Protection Authority (EPA) with the opportunity to comment on the proposal to amend the Maitland Local Environmental Plan (LEP) 2011 to enable an education establishment to be permissible with consent within RE2 Private Recreation zoned land at Lot 1 DP1261532, 24 Hunter Street, Horseshoe Bend NSW.

The EPA understands the proposal is to allow the construction of a new multi-purpose centre in the eastern portion of the subject site, which will comprise an enclosed basketball court, ground floor classrooms, storerooms and amenities. There will also be demolition works of a wall of the St Pauls Parish Hall, removal of a gravel driveway, former memorial garden, vegetation, and construction of a new forecourt area and surrounding landscaping.

The EPA has reviewed the supporting information and includes comments on contaminated land management for Maitland City Council's consideration at **Appendix A**.

If you have any further questions about this issue, please contact Claire McQueeney, Strategic Planning Unit at environmentprotection.planning@epa.nsw.gov.au.

Yours sincerely



Jacqui Pulkkinen
Unit Head
Environment Protection Planning Team

24 May 2024

Phone 131 555
Phone 02 9995 5555
(from outside NSW)

TTY 133 677, then
ask for 131 155

Locked Bag 5022
PARRAMATTA
NSW 2124

6 Parramatta Square
12 Darcy Street
Parramatta
NSW 2124

info@epa.nsw.gov.au
www.epa.nsw.gov.au
ABN 43 692 285 758

Appendix A – EPA Detailed Comments on Proposal**Contaminated Land Management**

The EPA has reviewed the Remedial Action Plan (RAP) prepared by Douglas Partners (2022) to consider the appropriateness of the selected remedial strategy based on the land use, noting that the site is currently used as a secondary school playground and the proposed use is for additional secondary school facilities, including classrooms. The EPA did not review any previous environmental investigation reports for the subject site and notes that this advice is based only on the provided RAP.

The RAP identified a preferred remedial strategy of a combination of cap and contain for the proposed building footprint area, and excavation of impacted material in the landscaped area and backfilling with virgin excavated natural material (VENM) or other approved material and validation. The RAP noted that contaminated material which is excavated from the landscaped area could either be disposed of at a landfill licensed to accept the waste (subject to waste classification) or be placed in the area beneath the proposed multi-purpose centre which will be capped and contained, if suitable.

The EPA notes that the proposed remediation area has been restricted to the proposed development footprint only (not the whole site) as instructed by the proponent. Douglas Partners advise in the RAP that it “does not form a detailed specification for the proposed site remediation works, but rather represents a planning document which outlines the means by which site remediation can be achieved”. The RAP also recommended additional investigations are undertaken to address data gaps and suitable remediation options.

The EPA considers the RAP to be generally adequate for the purposes of the proposed remediation in the development area. However, as the remediation area has been restricted to the proposed development footprint only, it is unclear whether further remediation is required outside the proposed development footprint but within the site boundary, to ensure the whole site is suitable for the proposed use.

Recommendations

Based on the contamination at the site that warrants remediation and the uncertainty of the nature and extent of contamination, the EPA considers a RAP should be developed for the whole site (not just the development footprint) to ensure the whole site is suitable for the proposed use, if remediated or managed subject to the implementation of the Remedial Action Plan. The RAP should consider any flooding potential at the site and ensure the proposed remedial approach is appropriate accordingly.

To inform the RAP, a Detailed Site Investigation should be developed for the whole site which addresses the data gaps in previous investigations, and confirms the areas of the site requiring remediation before the site is suitable for the proposed use.

If council does not have the internal resources to conduct its own technical review of the contaminated land reports, or wishes to verify the information provided by the proponent adheres to appropriate standards, procedures and guidelines, Council could require a NSW EPA accredited site auditor to be engaged to undertake a site audit to certify that the site is suitable for the proposed use as part of the conditions of consent. Supporting information can be found in section 3.6 of the Managing Land Contamination Planning Guidelines.

Officers Reports

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET HORSESHOE BEND

Submission 3 Heritage NSW Response

Meeting Date: 23 July 2024

Attachment No: 5

Number of Pages: 3

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET
HORSESHOE BEND (Cont.)

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Planning Proposal (PP_2023-2554) and associated DA for All Saints College Maitland
Date: Monday, 8 July 2024 10:16:32 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Dear [REDACTED]

It was good to meet with you all last week. Apologies for delay with this response, I have been very unwell.

The email provided by you from the office of the Catholic Diocese of Maitland – Newcastle regarding confirmation of a funding offer for the construction of a gym / hall to the site as per PP-2023-2554 is noted.

Heritage NSW requests that an ACHA report be provided to satisfy the legislative requirements. We note that the ACHA process should be completed at PP stage or prior to DA lodgement.

In this case, and this is an exceptional one, the ACHA process must be underway as soon as possible and be completed during these (PP finalisation and DA) processes.

We have confirmation from you that this is the case and are also assured by the email from the Diocesan Office for Maitland-Newcastle.

In this case, due to the exceptional circumstances we will not object to the agreed processes continuing. Please continue with your ACHA process with a view to it being completed as soon as practicable. Please also note the advice provided by [REDACTED] last week regarding the possibility of undertaking two phases concurrently. If DPHI require clarification from us prior to finalisation of your PP please ask them to contact us.

If you have any questions regarding the ACHA process, please contact [REDACTED] directly.

For anything else please do not hesitate to contact me on the number below.

Kind regards,

[REDACTED]

[REDACTED]

Subject: Planning Proposal (PP_2023-2554) and associated DA for All Saints College Maitland

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET
HORSESHOE BEND (Cont.)

Hi [REDACTED]

Thank you for the constructive discussion this afternoon regarding the Planning Proposal (PP_2023-2554) and associated DA for All Saints College Maitland, located at 24 Hunter Street, Horseshoe Bend.

As noted in the meeting:

- The site is already developed with a Child Care Centre and car park. Immediately adjoining the site are the existing Parish Hall and sports courts which are used as part of the School
- The site the subject of the PP, is zoned RE2 – Private Recreation Maitland LEP which currently permits range of uses but does not permit educational establishments
- The Planning Proposal is for an ‘additional permitted use’ to permit the use of land as an educational establishment. Specifically, to develop part of the site, in conjunction with the adjoining hall, as a new Multi-Purpose facility containing indoor sports courts, classroom and amenities etc.
- Amendment to the MLEP was considered by Council and resolved to 25 July 2023 and issued to DPHI 16 November 2023
- Gateway Determination issued 5 April 2024, amendment is to be made in six months i.e. 5 October 2024
- Exhibition and Agency consultation for 28 days occurred in May 2024
- Council have advised that the matter needs to be considered at Council’s Meeting 23 July 2024 (information to be received by 9 July), this is the last Council meeting prior to caretaker mode commencing ahead of the Council elections

It was also noted that a DA has been lodged for new building for the construction of a hall/gymnasium, pupil facilities and seven personal development, health and physical education learning spaces. The Diocese of Maitland-Newcastle (*DoMN*) received an Initial Offer of an Australian Government Capital Grant on 27 November 2023 for the funding of this building. Increasing pressure has been applied with the deadline for a Building Contractor to be appointed by December 2024 or to relinquish the funding.

As the DA cannot be determined until PP is endorsed by Maitland Council and finalised by DPHI, any delay in the consideration of the PP by Council will be detrimental to the project timeline. As outlined, the loss of the funding would have a significant financial burden on the project.





In order to respond to the matters raised by Heritage NSW, the proponent is committed to commencing the ACHAR process to support the DA currently proposed on the site. This is intended to commence prior to Council consideration of the Planning proposal at its meeting 23 July 2024 with the engagement of a McCardle Cultural Heritage underway. The further guidance of Heritage NSW with regards to the process and timeframe to prepare the AHAR is noted

PLANNING PROPOSAL - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" 24 HUNTER STREET
HORSESHOE BEND (Cont.)

Please see the attached email from [REDACTED] confirming this advice.


Your subsequent advice to Council regarding the position of Heritage NSW with regards to the site specific matter would be appreciated. If you require any further information, please reach to me as below.

Regards



BARRPLANNING.COM.AU

[NEWCASTLE OFFICE](#) | [SYDNEY OFFICE](#)



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PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

10.4 APPROVAL OF WORKS IN KIND AGREEMENT - FARLEY OFFROAD TRAIL, ROAD & EARTH WORKS - RAVENSFIELD DOWNS PTY LTD & DBH PROPERTY PTY LTD

FILE NO:	103/41/68
ATTACHMENTS:	1. Draft Works in Kind 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:	Isaac Milajew - Development Contributions Officer
MAITLAND +10	Outcome 2 To easily get to where we want to go
COUNCIL OBJECTIVE:	2.2.1 Develop and promote Council's long term program for road and related infrastructure construction and maintenance

EXECUTIVE SUMMARY

Council is in receipt of an application from Ravensfield Downs Pty Ltd and DBH Property Pty Ltd to enter into a Works in Kind Agreement for the delivery of road and earthworks associated with a local playground and part of shared pathway which are included as line items in the Farley Development Contributions Plan.

The draft Agreement has been prepared in consultation with the applicants and is now presented with a recommendation for approval.

OFFICER'S RECOMMENDATION

THAT

1. The draft Works in Kind Agreement as presented in Attachment 1 be approved.

REPORT

Council granted consent to Ravensfield Downs Pty Ltd and DBH Property Pty Ltd (the Developers) under DAs 14/724 and 16/2140 respectively for the subdivision of land in the Farley Urban Release Area. The consents have been issued subject to a range of conditions including the levying of development contributions in accordance with the Farley Development Contributions Plan (FCP).

The work schedules of the FCP contain the following items which are partly or fully contained within the development sites:

Item	Facility	Amount
F3	Local Playground	\$996,479
F20	Offroad Trail	\$1,738,628

Table 1 – FCP Items

The half width road and bulk earthworks on and adjacent to the local playground (F3) have been completed and the land dedicated to Council under DA 14/724. The playground facility at this site is to be delivered by Council. A timeline for delivery of this playground is being developed and will be finalised in the coming weeks. The Developers have also delivered part of the Offroad Trail (F20).

Developer	DA Number	FCP Item	Total Cost
Ravensfield Downs Pty Ltd	14-724	F20 Offroad Trail	\$816,779.00
Ravensfield Downs Pty Ltd	14-724	F3 Half-width Road & Earthworks	\$360,653.00
DBH Property Pty Ltd	16-2140	F20 Offroad Trail	\$117,583.00

Figure 1 below shows the location of the subject works within each development site.



Maitland City Council | Ordinary Meeting Agenda

APPROVAL OF WORKS IN KIND AGREEMENT - FARLEY OFFROAD TRAIL, ROAD & EARTH WORKS -
RAVENSFIELD DOWNS PTY LTD & DBH PROPERTY PTY LTD (Cont.)

As indicated above all the works the subject of the proposed WIKA have been completed and handed over to Council. It is proposed that offsets in the relevant categories of each DA will be applied against subsequent stages of the developments following execution of the proposed WIKA as detailed in Table 3 below:

DA Number	Applicable Contributions	Proposed Offset for WIK Works	Balance of Contributions to be paid
14-724	\$2,052,733	\$1,177,432	\$875,301
16-2140	\$210,000	\$117,583	\$83,996

Table 3 – Contributions & Offset Arrangements

WORKS IN KIND AGREEMENT

The draft WIKA is provided in **Attachment 1** to this report.

Council's Material Public Benefit/Works in Kind Policy has been prepared to set out Council's policies and procedures relating to the acceptance of WIKAs offered by developers in part or full satisfaction of the payment of monetary s7.11 contributions and to ensure probity and transparency in the decision-making process.

In accordance with the Policy the following heads of consideration are to be addressed as part of the assessment process:

- 1. The access, siting and design of the proposed facility in the context of the proposed development and adjoining current or future development that would be expected to benefit from the facility.**

The proposed works have been designed and located in accordance with the Farley Development Control Plan and FCP. The works have been subject to the development assessment process ensuring appropriate connectivity with adjoining sites and overall compliance with plans and policies. Future development applications will consider the ongoing connectivity of the shared pathway across additional adjoining sites.

- 2. Whether the proposed WIKA will be to a suitable standard for the Council to eventually accept.**

All works are complete and have been handed over to Council. Conditions of consent required detailed construction plans to be submitted prior to the issue of subdivision certificates. Inspections were carried out prior to the handover of works to Council to ensure the works were completed in accordance with the approved plans.

- 3. Whether the works schedule, particularly the design and cost of the specified facility, in the contributions plan remain valid or require amendment.**

APPROVAL OF WORKS IN KIND AGREEMENT - FARLEY OFFROAD TRAIL, ROAD & EARTH WORKS -
RAVENSFIELD DOWNS PTY LTD & DBH PROPERTY PTY LTD (Cont.)

The FCP is currently limited to a lot levy of \$30,000 due to the cap on development contributions imposed by the NSW State Government. These arrangements have been in place since 2018 and have prevented Council from indexing the work schedules or reviewing the designs and costs in the Plan. In consultation with Council's City Services Directorate, a review of the shared path plans and costs was undertaken. The funds allocated in the FCP have been distributed based on this review ensuring appropriate apportionment of available funds along the entire length of the item. The same consultation process was undertaken for works related to the local playground earthworks and funds allocated accordingly.

4. Whether the applicant proposes to carry out work to a higher standard than the baseline facility specified in the contributions plan and whether there is any requirement or expectation for a credit against any other contributions.

The Developer has indicated that their costs have exceeded the value allowed for in the FCP. However, the WIK is clear in that any additional costs will be borne by the developer and there is no expectation that Council will provide reimbursement for any amount by which the works value in the FCP has been exceeded.

5. The financial implications for cash-flow and the continued implementation of the works schedule.

The WIK proposes the offsetting of the value of works against contributions levied in various categories for both DA's. Council officers will need to continue to carefully monitor income, expenditure and offsetting arrangements to identify priorities and ensure an appropriately sequenced program of delivery is achieved to service the incoming population of the Farley Urban Release Area.

CONCLUSION

This report provides Council with the final draft WIK for approval. A detailed assessment and negotiation process has demonstrated that the works have been delivered in accordance with approved plans and to the standards identified in the FCP.

Council has followed its adopted policy processes for the receipt, review, and assessment of the WIK and on this basis, it is recommended that Council proceed with the approval of the Agreement.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates. The proposal relates solely to Development Contributions with no adverse impact anticipated on Council's Operational Plan.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council as the proposed WIK is consistent with the FCP and the Material Public Benefit/Works in Kind Policy.

STATUTORY IMPLICATIONS

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

11 POLICY AND FINANCE COMMITTEE

11.1 MEDIA POLICY

FILE NO:	111/4
ATTACHMENTS:	1. Media Policy 2019 2. Draft Media Policy 2024
RESPONSIBLE OFFICER:	Tiffany Allen - Executive Manager People and Performance
AUTHOR:	Jade Griffin - Manager Customer, Engagement & Marketing
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.3.2 Increase understanding of Council activities through accessible and clear messaging and information

EXECUTIVE SUMMARY

The Media Policy 2019 has been reviewed in accordance with Council's policy review. The updated Media Policy 2024 is aligned to the Office of Local Government Model Media Policy 2022 with some amendments. The draft Media Policy 2024 is being presented to Council for adoption.

OFFICER'S RECOMMENDATION

THAT

- 1. Council rescind the Media Policy 2019 (Attachment 1)**
- 2. Council adopt the Media Policy 2024 (Attachment 2)**

REPORT

Council is committed to connecting with the community using a wide range of traditional and contemporary mediums. The community, in particular, has a right to be informed by independent media about initiatives and projects, issues and developments that relate to Council and the city.

As media is a key influencer of Council's reputation, it is important that Council has an established framework for interaction with the media. Through the Communications Team, Council will embrace the opportunities presented by the media and proactively pursue media opportunities to effectively promote Council programs, events, initiatives and strategic objectives.

For the purposes of this policy, media includes any traditional or online medium or channel where content is published and is not directly owned or managed by Council.

The Office of Local Government developed a Model Media Policy to provide a framework to assist councils when dealing with the media and to ensure that media engagement by councillors and staff is consistent, accurate and professional and enhances the council's reputation. Effective media engagement can assist councils to keep their community informed, explain decisions and to promote community confidence in the council and its decisions.

MEDIA POLICY (Cont.)

The draft Media Policy 2024 outlines the principles of media engagement, an administrative framework for engagement with media, who can engage, standards of conduct, the use of media during an emergency, media engagement in the lead up to elections and records management.

The abovementioned creates the most practical version of the policy for Maitland City Council that allows Council officers to effectively manage media relations and support for Councillors to ensure best local government practice.

CONCLUSION

The draft Media Policy 2024, presented for approval and adoption, is the Office of Local Government Model Media Policy with the amendments outlined in this report.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

Council has an adopted Media Policy 2019 (Attachment 1). It is recommended to rescind the 2019 version and adopt a new Media Policy 2024 (Attachment 2).

STATUTORY IMPLICATIONS

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

Policy and Finance Committee

MEDIA POLICY

Media Policy 2019

Meeting Date: 23 July 2024

Attachment No: 1

Number of Pages: 5



DATE ADOPTED: 26 MARCH 2019

VERSION: 2.0

POLICY OBJECTIVES

The objectives of this policy are to:

- Establish the purpose of Council's involvement with media.
- Ensure consistency by the general manager, councillors and staff in communicating with media.
- Limit the risk to Council's reputation through the communication of inaccurate information.
- Embed a philosophy of proactive engagement and transparency with media within the organisation.
- Establish a framework for the release of information from Council meeting agendas.

POLICY SCOPE

This policy applies to councillors, the general manager, staff, volunteers and contractors as it pertains to the interaction with media in an unpaid context.

POLICY STATEMENT

Maitland City Council is committed to connecting with the community using a wide range of traditional and contemporary mediums. Media is a key influencer of Council's reputation, it is therefore important that Council has an established framework for interaction with the media. Council will proactively pursue media opportunities to connect in a genuine way with both the community and a broader audience.

For the purposes of this policy, media includes both traditional media outlets and social media platforms.

1. Council's involvement with media

Maitland City Council has worked proactively to build relationships with local and regional media outlets for a number of years. The community in particular, has a right to be informed by independent media about initiatives and projects, issues and developments that relate to Council and the city.

Council will embrace the opportunities presented by the media and actively pursue media exposure.

Media organisations and their representatives will be treated equally and without bias.

All media enquiries coming into the organisation will be managed through the Marketing and Communications section of Council.

Maitland City Council will actively engage with media to:

MEDIA POLICY (Cont.)

- protect, and where possible enhance, Council's reputation.
- promote the projects and services of Council.
- inform the community about projects, policies and activities.
- promote Maitland as a place to live, work, visit and invest.
- provide essential updates to the community during a crisis or emergency.

2. Consistency of communication

Council will proactively resource and manage its media through the Marketing and Communications section during business hours. A single point of contact within the organisation will aid consistency of communication for both internal stakeholders and media.

Council's Media Guide, Social Media Guide and Language and Writing Style Guide aid consistency of communications including with media.

Staff authority and delegation

Staff representing Council in the media are required to have the appropriate authority and delegation in accordance with Council's delegations register.

Staff as private citizens are entitled to enter into public debate and make comment on civic affairs provided they do not give the impression they are speaking in their official position or on behalf of Council.

Councillors

Councillors engage with the citizens of Maitland through various forums including media. Councillors have the responsibility to ensure that their interaction with media is appropriate. This includes:

- making it clear they are expressing their personal opinion and not purporting to represent the position of Council.
- supporting Council's official release of information rather than releasing information independently before Council has distributed through official channels.
- Not disclosing information classified as confidential in reports and briefings to Council or information that is embargoed until a specific date or time.
- refraining from using the media to make negative personal reflections on each other, or Council staff, that could be interpreted as such and which are reasonably likely to undermine public confidence in the Council.

3. Reputation and risk

Council will openly discuss matters of interest with media unless disclosure of information contravenes Council's obligations of confidentiality or privacy, duty of care, or could infringe on other laws or regulations that govern its operations.

To ensure consistency of communication with media, key messages will be developed and used.

Council acknowledges that not all media coverage will reflect positively on the organisation however it will seek to ensure that any media coverage of matters is balanced. Whilst it is not always appropriate or timely for Council to make comment on specific issues, Council will always provide a response to media enquiries.

Staff delegated to speak to the media and process for escalation of issues will be identified in communications plans. Wherever possible, media enquiries will be addressed by the staff member or manager, with appropriate delegation, responsible for the matter with escalation occurring when the matter becomes controversial, sensitive or crosses groups within the Council. In addition, the General Manager will be the spokesperson for the organisation in crisis situations, projects of a significant nature or where an individual communications plan identified the General Manager as the spokesperson.

MEDIA POLICY (Cont.)

Council will collect, retain and dispose of media communication in line with Council's Records Management Policy.

4. Proactive engagement and transparency

Council will wherever possible proactively release information to media and make staff available for comment or interview in a timely manner.

It is the responsibility of all staff to identify media opportunities. Marketing and Communications staff will foster productive relationships with media, being respectful of media needs including deadlines. Conversely staff will seek to gain media respect for the environment within which Council operates and which may limit Council's ability to fully respond to all matters.

5. Council meeting agendas

After the Council Meeting Agenda has been made public, Marketing and Communications staff will post on social media highlighting the upcoming meeting. To ensure a central point of information dissemination, only Marketing and Communications staff will provide real time social media updates regarding notable resolutions at Council meetings. Councillors are encouraged to share this information at the conclusion of the Council meeting. It is acknowledged that the minutes of Council meetings remain the official record of resolutions.

POLICY DEFINITIONS

Business hours:	Monday to Thursday 8.30am – 5.00pm and Friday 8.30am – 4.30pm excluding public holidays and the period between Christmas Day and New Year's Day inclusive.
Media:	Includes broadcast, print and online outlets including social media and freelance journalists.
Official channels:	Council issued media releases and updates on Council's social media presences.
Staff:	Includes all Council employees, volunteers and contractors.



MEDIA POLICY (Cont.)

POLICY ADMINISTRATION

BUSINESS GROUP:	Vibrant City
RESPONSIBLE OFFICER:	Executive Manager, Vibrant City
COUNCIL REFERENCE:	Ordinary Council Meeting 26 March 2019 Item 11.3
POLICY REVIEW DATE:	Three (3) years from date of adoption
FILE NUMBER:	111/13
RELEVANT LEGISLATION	<ul style="list-style-type: none"> • NSW Defamation Act 2005 • Privacy Act 1988 • NSW Local Government Act 1993 • Government Information Public Access Act 2009 • NSW Privacy and Personal Information Act 1998 • NSW State Records Act 1998
RELATED POLICIES / PROCEDURES / PROTOCOLS	<ul style="list-style-type: none"> • Code of Conduct • Code of Meeting Practice • Complaint Management Policy • Privacy Management Plan • Unreasonable complainant conduct Policy • Provision of information and interaction between councillors and staff Policy • Internet and email use Policy • Right to information Policy • Records Management Policy • Work Health and Safety Policy • Violent, aggressive and threatening behaviour procedure • Media Policy • Social Media Guide • Media Guide • Language and Writing Style Guide

POLICY HISTORY

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0	28 October 2014	New policy adopted
2.0	26 March 2019	Updated policy adopted

Policy and Finance Committee

MEDIA POLICY

Draft Media Policy 2024

Meeting Date: 23 July 2024

Attachment No: 2

Number of Pages: 8



DATE ADOPTED:

VERSION: 3.0

POLICY OBJECTIVES

The objectives of this policy are to:

- Establish the purpose of Council's involvement with media.
- Ensure consistency by the General Manager, councillors and staff in communicating with media.
- Limit the risk to Council's reputation by ensuring all information communicated is accurate.
- Embed a philosophy of proactive engagement and transparency with media within the organisation.
- Ensure that media engagement by councillors and staff is consistent, accurate and professional and enhances Council's reputation.
- Ensure media organisations and their representatives will be treated equally and without bias.

POLICY SCOPE

This policy applies to councillors, the General Manager, staff, volunteers and contractors.

POLICY STATEMENT

Maitland City Council is committed to connecting with the community using a wide range of traditional and contemporary mediums. The community, in particular, has a right to be informed by independent media about initiatives and projects, issues and developments that relate to Council and the city.

As media is a key influencer of Council's reputation, it is important that Council has an established framework for interaction with the media. Through the Communications Team, Council will embrace the opportunities presented by the media and proactively pursue media opportunities to effectively promote Council programs, events, initiatives and strategic objectives. This will enable consistency of communication for both internal stakeholders and the media. In addition, media can be used in times of crisis or emergency when information needs to be communicated to the public.

For the purposes of this policy, media includes any medium or channel where content is published and is not directly owned or managed by Council. This policy does not include social media, please refer to Council's Social Media Policy.

1. PRINCIPLES

1.1. The councillors, staff and other officials of Maitland City Council are committed to upholding and promoting the following principles of media engagement:

Openness	We will ensure that we promote an open exchange of information between our Council and the media.
Consistency	We will ensure consistency by all councillors and staff when communicating with the media.
Honesty	The information we share with the media will be a source of truth for our council and community and we will prioritise the need to correct inaccuracies when they occur.
Timeliness	We will ensure that we respond to media enquiries in a timely manner.

2. ADMINISTRATIVE FRAMEWORK FOR ENGAGEMENT WITH THE MEDIA - THE MEDIA COORDINATOR LED MODEL

2.1. The Manager, Communication, Engagement and Marketing will ensure one or more members of the Council's Communications team is available to act as Media Coordinator.

2.2. The Media Coordinator's role is to:

- be the lead point of contact for all media enquiries, requests for interviews, requests to film or photograph Council staff, facilities or events for news and current affairs purposes
- be responsible for preparing all media statements prior to their release
- liaise with relevant staff members within the organisation where appropriate
- ensure that media statements are approved by the Mayor and/or General Manager and/or appropriate Council Executive prior to their release
- develop and/or approve media training and/or induction to be provided to relevant staff and/or councillors
- maintain a record of all media enquiries and responses
- ensure that media organisations and their representatives are treated professionally, equally and without bias
- ensure that media enquiries are dealt with promptly
- provide guidance to councillors approached by the media for comment to avoid communication of misinformation, and
- ensure that all media releases are published on the Council's website
- ensure that the Council Spokesperson has the appropriate authority and delegation.



3. WHO CAN ENGAGE WITH THE MEDIA

THE GENERAL MANAGER

- 3.1. The General Manager is the official spokesperson for the Council on operational and administrative matters.
- 3.2. The General Manager may delegate to other Council staff to speak on their behalf where appropriate, (for example, where the delegated staff member has professional expertise regarding the subject matter, or the General Manager is unavailable).

THE MAYOR

- 3.3. The Mayor is the principal member and spokesperson of the governing body of the Council, including representing the views of the Council as to its local priorities (*section 226(c) of the Local Government Act 1993*).
- 3.4. If the Mayor is unavailable, the Deputy Mayor may act as the Council's spokesperson.
- 3.5. The Mayor may delegate their role as spokesperson to other councillors where appropriate, (for example, where another councillor is best placed to comment, because the issue is of particular interest to them, or it is within their particular area of expertise).

COUNCILLORS

- 3.6. As a member of the governing body and as a representative of the community, councillors are free to express their personal views to the media.
- 3.7. Councillors have the responsibility to ensure that their interaction with media is appropriate. This includes:
- must not purport to speak for the Council unless authorised to do so
 - must clarify when speaking to the media that they are expressing their personal views as an individual councillor and that they are not speaking for the Council (unless authorised to do so)
 - must uphold and accurately represent the policies and decisions of the Council
 - must not disclose Council information unless authorised to do so, and
 - seeking guidance from the Office of the General Manager (OGM) where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered other reputational risks.
- 3.8. In the interests of promoting a positive, safe and harmonious organisational culture, councillors should endeavour to resolve personal differences privately and must not prosecute them publicly through the media.
- 3.9. Where councillors (including the Mayor) become aware of potential issues that could result in media interest, they should provide this information to the OGM.

COUNCIL STAFF

- 3.10. Council staff must not speak to the media about matters relating to Council unless they have the appropriate authority and delegation within Council's delegations register.
- 3.11. If Council staff receive a media enquiry or they are invited to comment to the media on a matter relating to the Council, they must refer the enquiry to the Media Coordinator.

MEDIA POLICY (Cont.)

3.12. Council staff are free to express their personal views to the media on matters that do not relate to the Council, but in doing so, must not make comments that reflect badly on the Council or that bring it into disrepute.

3.13. If authorised to speak to the media, Council staff:

- must uphold and accurately represent the policies and decisions of Council
- must not disclose Council information unless authorised to do so by the Media Coordinator
- must seek information and guidance from the Media Coordinator before providing comment to the media to ensure they have the most up to date and relevant information and have considered reputational or other risks.

3.14. Where Council staff become aware of potential issues that could result in media interest, they should provide this information to the Media Coordinator.

TONE

3.15. All media engagement by Council officials must be conducted in a professional, timely and respectful manner.

INDUCTION AND TRAINING

3.16. Media engagement training will be provided to councillors as part of their induction or refresher training or as part of their ongoing professional development program.

COUNCILLORS' QUESTIONS ABOUT MEDIA ENGAGEMENT

3.17. Councillors must direct any questions about their obligations under this policy through the online councillor portal in accordance with the Councillor and Staff Interaction Policy.

4. STANDARDS OF CONDUCT WHEN ENGAGING WITH THE MEDIA

4.1. Council officials must comply with the Council's Code of Conduct when engaging with the media in an official capacity or in connection with their role as a Council official.

4.2. Council officials must not share information or make comments to the media through either direct or indirect mechanisms that:

- are defamatory, offensive, humiliating, threatening, or intimidating to other Council officials or members of the public
- contains profane language or is sexual in nature
- constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory
- is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
- contains content about the Council, Council officials or members of the public that is misleading or deceptive
- divulges confidential Council information

MEDIA POLICY (Cont.)

- breaches the privacy of other Council officials or members of the public
- contains allegations of suspected breaches of the Council's Code of Conduct or information about the consideration of a matter under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW
- could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment
- commits the Council to any action
- violates an order made by a court
- breaches copyright
- advertises, endorses, or solicits commercial products or business.

5. USE OF MEDIA DURING EMERGENCIES

- 5.1. During emergencies, such as natural disasters or public health incidents, the Manager Communication, Engagement and Marketing will be responsible for coordinating media releases and statements on behalf of the Council.
- 5.2. Councillors, Council staff and other Council officials must not provide comment or information to the media that is inconsistent with official advice issued by the Council and any other agency coordinating the emergency response.
- 5.3. Training on media engagement during an emergency will be provided as part of the induction or refresher training to councillors and relevant staff and other Council officials.

6. MEDIA ENGAGEMENT IN THE LEAD UP TO ELECTIONS

- 6.1. This policy does not prevent the Mayor or councillors who are candidates at a Council or any other election from providing comment to the media in their capacity as candidates at the election.
- 6.2. Any media comment provided by the Mayor or councillors who are candidates at a Council or another election must not be provided in an advertisement, newspaper column, or a radio or television broadcast paid for by the Council or produced by the Council or with Council resources.

7. RECORDS MANAGEMENT REQUIREMENTS

- 7.1. Media content created and received by Council officials (including councillors) acting in their official capacity is a Council record and may be subject to information access applications made under the *Government Information (Public Access) Act 2009*. These records must also be managed in accordance with the requirements of the *State Records Act 1998* and the [Council's Records Management Policy](#).

POLICY DEFINITIONS

Council official	A collective term for councillors, the General Manager, members of staff and delegates of the Council (including members of committees that are delegates of the council, volunteers and contractors).
Media Coordinator	Means a person appointed under clause 2.1 of this policy.
Media	Means print, broadcast and online media used for communicating information to the public, including, but not limited to, newspapers, magazines, internet publishers, radio, and television broadcasters.
Official channels	Council issued media releases, website news and updates on Council's social media presences.
Personal information	Means information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.
Staff	Includes all Council employees, volunteers and contractors.

MEDIA POLICY (Cont.)

POLICY ADMINISTRATION

BUSINESS GROUP:	People & Performance
RESPONSIBLE OFFICER:	Executive Manager, People & Performance
COUNCIL REFERENCE:	
POLICY REVIEW DATE:	Three (3) years from date of adoption
FILE NUMBER:	111/13
RELEVANT LEGISLATION	<ul style="list-style-type: none"> • NSW Defamation Act 2005 • Privacy Act 1988 • NSW Local Government Act 1993 • Government Information Public Access Act 2009 • NSW Privacy and Personal Information Act 1998 • NSW State Records Act 1998
RELATED POLICIES / PROCEDURES / PROTOCOLS	<ul style="list-style-type: none"> • Code of Conduct • Code of Meeting Practice • Complaint Management Policy • Privacy Management Plan • Unreasonable Complainant Conduct Policy • Councillor and Staff Interaction Policy • Internet and email use Policy • Right to information Policy • Records Management Policy • Work Health and Safety Policy • Violent, aggressive and threatening behaviour procedure • Social Media Policy • Language and Writing Style Guide

POLICY HISTORY

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0	28 October 2014	New policy adopted
2.0	26 March 2019	Updated policy adopted
3.0	TBA	Updated policy adopted

11.2 ASSET REVALUATION POLICY

FILE NO:	3
ATTACHMENTS:	1. Asset Revaluation Policy
RESPONSIBLE OFFICER:	Mary O'Leary - Executive Manager Finance
AUTHOR:	Michael Burfitt - Chief Financial Officer Tracey Tighe - Senior Corporate Accountant
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

The Asset Revaluation Policy provides guidance for valuing physical non-current assets for the purpose of completing the Council's annual statutory financial statements.

The Policy applies to the accounting treatment for non-current physical assets being infrastructure, property plant and equipment (IPPE), and establishes a formal policy for the current process undertaken at Council.

OFFICER'S RECOMMENDATION

THAT

- Council approves the Asset Revaluation Policy**

REPORT

As Council enhances its policy framework, it was identified that while Council applies appropriate procedures to revalue Council's infrastructure assets, a policy document would provide support to clarify when undertaking work on infrastructure assets. The attached policy outlines our process for revaluation and guides council to ensure revaluations are appropriate and in accordance with the accounting standards and Local Government code of accounting practice.

The policy also articulates the assessment of the fair value of infrastructure assets between revaluation cycles using relevant benchmarks and indices. The Asset Revaluation Policy has been submitted to Council's external auditor and any feedback received reflected in policy document.

This policy was presented to the Audit, Risk and Improvement Committee (ARIC) at its meeting on the 18 June 2024 and is now presented to Council for approval.

ASSET REVALUATION POLICY (Cont.)

CONCLUSION

The Asset Revaluation Policy ensures guidance exists for the asset valuation process whilst ensuring overall compliance with relevant accounting standards and code of accounting practice.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

On approval by Council the Asset Revaluation Policy will become a new policy document.

STATUTORY IMPLICATIONS

The Asset Revaluation Policy is in accordance with *Local Government Act 1993 (NSW)* and Local Government Code of Accounting Practice.

Policy and Finance Committee

ASSET REVALUATION POLICY

Asset Revaluation Policy

Meeting Date: 23 July 2024

Attachment No: 1

Number of Pages: 7



DATE ADOPTED: 23 JULY 2024
VERSION: 1.0

POLICY OBJECTIVES

The objective of this policy is to provide accurate financial reporting by ensuring that assets are valued accurately and revaluations are managed efficiently in accordance with Australian Accounting Standards and the Local Government Code of Accounting Practice.

As a result of having a consistent accounting policy, Council provides materially accurate information on its financial position and financial performance.

A consistent approach to asset valuation supports the provision of relevant and comparable information for decision making about resource allocation.

POLICY SCOPE

This policy applies to the accounting treatment for infrastructure, property, plant and equipment (IPPE).

POLICY

Council will undertake periodic revaluation of classes of IPPE in accordance with Australian Accounting Standards and the Local Government Code of Accounting Practice.

Comprehensive revaluations of material classes of assets are undertaken at least every 5 years as follows:

Financial Year	Asset Class
2023-24 & 2028-29	Open space/recreational assets
2026-27	Roads
	Footpaths
	Kerb & Gutter / Roadside Infrastructure
2027-28	Operational Land
	Community Land
	Crown Land
	Land under Roads
	Buildings
	Bridges
	Drainage

ASSET REVALUATION POLICY (Cont.)

Independent, internal or external, professionally qualified valuers are used to conduct fixed asset valuations. The valuation technique for each asset class is specified in Appendix A. Valuation assumptions, inputs and relevant price indices for each class of assets are specified in Appendix A.

Annual fair value reviews are conducted at each reporting date to confirm assets are not materially different from their current value.

DEFINITIONS

Fair Value – the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date.

The Cost Approach – the cost approach reflects the amount that would be required currently to replace the service capacity of an asset.

The Market Approach – the market approach uses price and other relevant information generated by market transactions involving identical or similar assets.

LEGISLATIVE OBLIGATIONS AN/OR RELEVANT STANDARDS

- AASB 13 Fair Value Measurement
- AASB 136 Impairment of Assets
- AASB 116 Property, Plant and Equipment
- AASB 140 Investment Properties
- AASB 5 Assets Held for Sale
- OLG Code of Accounting Practice and Financial Reporting

CONTENT

1. Valuation inputs are ranked into three priority levels, called valuation hierarchy.
 - a. Level 1 inputs are based upon quoted prices,
 - b. Level 2 inputs are based on other observable inputs, and
 - c. Level 3 inputs are based on unobservable inputs.
2. Council uses valuation techniques that are appropriate in the circumstances, for which sufficient data is available and that maximises the use of valuation assumptions that are based on unobservable inputs.
3. Valuation techniques used by council include market approach and cost approach.
4. In determining the need to use internal or external valuation experts for the revaluation of each asset class, Council considers:
 - a. The availability of in-house knowledge and expertise,
 - b. The costs and benefits,
 - c. The risk of material errors based on the nature, complexity and materiality of the asset class, and
 - d. Availability of accurate and reliable data and information.
5. Council undertakes asset data verification and asset condition assessments to confirm the currency and accuracy of its asset register data and to ensure that assets are recorded at component level where appropriate.
6. Comprehensive condition assessments and data verification processes are programmed in the year

ASSET REVALUATION POLICY (Cont.)

leading up to the year of valuation.

7. Council provides complete and accurate information to valuers, including all asset characteristics relevant to the valuation.
8. At each year end reporting date, Council makes an assessment as to whether there is any indication that an asset's carrying amount differs materially from fair value. Where an indexation exists, the asset class is revalued with reference to the relevant construction index.
9. The annual fair value review requires consideration of external and internal sources of information, including relevant price indices, a review of asset useful lives and residual values.
10. Where an asset class is required to be revalued as a result of the annual fair value review, Council will conduct an interim revaluation using internal expertise by applying the relevant indexation factors to the carrying amount.
11. Where an asset class is valued using the market approach and is required to be revalued as a result of the fair value review, Council will use the appropriate external experts to provide relevant information to apply the indexation factor to the carrying amount.
12. Revaluations and the annual fair value reviews will be endorsed by the Director of City Services and Chief Financial Officer. The endorsed report will then be provided to the Executive Manager Finance and ARIC for noting.
13. Collaboration between the finance team and City Services team is critical to achieve compliance with this policy. Importantly timelines will be established for the provision of information for review and finalisation of the revaluation process. Revaluations are expected to be completed at the earliest opportunity in the revaluation year but no later than 30 June.

ASSET REVALUATION POLICY (Cont.)

POLICY ADMINISTRATION

Business Group	Finance
Responsible Officer	Chief Financial Officer
Council reference	Ordinary Council Meeting – 23 July 2024 – Item XX
Policy Review Date	Every four (4) years
File Number	2/8/26
Relevant Legislation	AASB 13 Fair Value Measurement AASB 136 Impairment of Assets AASB 116 Property, Plant and Equipment AASB 140 Investment Properties AASB 5 Assets Held for Sale OLG Code of Accounting Practice and Financial Reporting
Related Policies/Procedures/Protocols	

POLICY HISTORY

		DESCRIPTION OF CHANGES
1.0	Date 23 July 2024	New policy adopted

ASSET REVALUATION POLICY (Cont.)

APPENDIX A: ASSET CLASS DEFINITIONS

Asset Class	Fair value hierarchy	Fair value indices	Last revaluation date	Next revaluation date	Valuer (internal/external)	Next condition assessment & data verification (year)	Revaluation method	Valuation inputs
Plant and equipment Office equipment Furniture and fittings	3	N/A	N/A	N/A	N/A	N/A	Cost approach	Depreciated historical cost equates with fair value Remaining useful life Residual value
Operational Land	2	N/A	30 June 2023	30 June 2028	External	N/A	Market approach	Sales data and reserves based on market assumptions (\$ per square metre)
Community Land	3	N/A	30 June 2023	30 June 2028	Internal	N/A	Market approach	Land values obtained from the NSW Valuer General (\$ per square metre)
Crown Land	3	N/A	30 June 2023	30 June 2028	Internal	N/A	Market approach	Land values obtained from the NSW Valuer General (\$ per square metre)
Land under roads	3	N/A	30 June 2023	30 June 2028	Internal	N/A	Market approach	Land values obtained from NSW Valuer General discounted for Englobo
Buildings	3	3020 Australian Bureau of Statistics Producer Price Index (PPI) Output of the construction industry non-residential construction NSW March to March	30 June 2023	30 June 2028	External	N/A	Cost approach (specialised) Market approach (non-specialised)	Industry building construction costs sourced from Rawlinsons most recent published cost guide (\$ per square metre) Asset condition Remaining useful life



ASSET REVALUATION POLICY (Cont.)

Asset Class	Fair value hierarchy	Fair value indices	Last revaluation date	Next revaluation date	Valuer (internal/external)	Next condition assessment & data verification (year)	Revaluation method	Valuation inputs
Drainage	3	3020 Australian Bureau of Statistics Producer Price Index (PPI) Output of the construction industry non-residential construction NSW March to March	30 June 2023	30 June 2028	External	2024-2028	Cost Approach	Project capital expenditure Industry building construction costs sourced from Rawlinsons most recent published cost guide Asset condition Remaining useful life
Open space/ Recreational Assets	3	3020 Australian Bureau of Statistics Producer Price Index (PPI) Output of the construction industry non-residential construction NSW March to March	30 June 2024	30 June 2029	Internal	2023-2024	Cost Approach	Project capital expenditure Industry building construction costs sourced from Rawlinsons most recent published cost guide Asset condition Remaining useful life
Roads	3	3101 Australian Bureau of Statistics Producer Price Index (PPI) Output of the construction industry Road and Bridge Construction NSW March to March	30 June 2022	30 June 2027	Internal	2022-2027	Cost Approach	Project capital expenditure Industry building construction costs sourced from Rawlinsons most recent published cost guide Asset condition Remaining useful life



ASSET REVALUATION POLICY (Cont.)

Bridges	3	3101 Australian Bureau of Statistics Producer Price Index (PPI) Output of the construction industry Road and Bridge Construction NSW March to March	30 June 2023	30 June 2028	Internal	2024-2028	Cost Approach	Consultant advised costs Project capital expenditure Industry building construction costs sourced from Rawlinsons most recent published cost guide Asset condition Remaining useful life
Footpaths	3	3101 Australian Bureau of Statistics Producer Price Index (PPI) Output of the construction industry Road and Bridge Construction NSW March to March	30 June 2022	30 June 2027	Internal	2022-2027	Cost Approach	Project capital expenditure Industry building construction costs sourced from Rawlinsons most recent published cost guide (\$ per square metre) Asset condition Remaining useful life
Kerb & Gutter/ Roadside Infrastructure	3	3101 Australian Bureau of Statistics Producer Price Index (PPI) Output of the construction industry Road and Bridge Construction NSW March to March	30 June 2022	30 June 2027	Internal	2022-2027	Cost Approach	Project capital expenditure Industry building construction costs sourced from Rawlinsons most recent published cost guide (\$ per metre) Asset condition Remaining useful life



11.3 SOCIAL MEDIA POLICY

FILE NO:	111/13
ATTACHMENTS:	1. Social Media Policy 2014 2. Draft Social Media Policy 2024
RESPONSIBLE OFFICER:	Tiffany Allen - Executive Manager People and Performance
AUTHOR:	Jade Griffin - Manager Customer, Engagement & Marketing
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.3.2 Increase understanding of Council activities through accessible and clear messaging and information

EXECUTIVE SUMMARY

The Social Media Policy 2014 has been reviewed in accordance with Council's policy review, and is based on the Office of Local Government Model Social Media Policy 2022 with some amendments.

At the 12 July 2022 meeting, item 14.1 - Required Re-adoption of Code of Conduct and procedures following local government election resolved that Council's Social Media Policy will be updated to incorporate an administrative framework for Councillor's social media platforms, in line with the best practice model released by the Office of Local Government. This is the revised Social Media Policy 2024 that is being presented to Council for adoption.

OFFICER'S RECOMMENDATION

THAT

1. Council rescind the Social Media Policy 2014 (Attachment 1)
2. Council adopt the Social Media Policy 2024 (Attachment 2)

REPORT

Social media is a vital element in the communication and engagement activities of Council. Social media has grown in popularity and influence and is now fundamental to not just how people interact with one another, but also to how we work, play and consume information and ideas.

The Office of Local Government developed a Model Social Media Policy in consultation with councils in 2022, which outlines best practice and a robust framework for the administration and management of social media platforms. The Policy sets the standards of conduct for all council officials and helps mitigate the variety of challenges and risks when using these platforms. Social media platforms enable Council to interact and share information with our community in an accessible and informal way and enables councillors to promote their achievements and address their constituents directly about community issues and events.

SOCIAL MEDIA POLICY (Cont.)

At the 12 July 2022 meeting, item 14.1 - Required Re-adoption of Code of Conduct and procedures following local government election, resolved that Council's Social Media Policy will be updated to incorporate an administrative framework for Councillor's social media platforms, in line with the best practice model released by the Office of Local Government.

The draft Social Media Policy 2024 outlines the principles for social media engagement, an administrative framework for Council's and Councillor's social media platforms, standards of conduct, social media use during emergencies, private use of social media as well as how and where to direct concerns and complaints.

The abovementioned create the most practical version of the policy for Maitland City Council that allows Council officers to effectively manage social media and support for councillors to ensure best local government practice.

CONCLUSION

The draft Social Media Policy 2024, presented for approval and adoption, is the Office of Local Government Model Social Media Policy with the amendments outlined in this report.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

Council has an adopted Social Media Policy 2014 (Attachment 1). It is recommended to rescind the 2014 version and adopt a new Social Media Policy 2024 (Attachment 2).

STATUTORY IMPLICATIONS

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

Policy and Finance Committee

SOCIAL MEDIA POLICY

Social Media Policy 2014

Meeting Date: 23 July 2024

Attachment No: 1

Number of Pages: 5



DATE ADOPTED: 28 OCTOBER 2014

VERSION: 1.0

POLICY OBJECTIVES

The objectives of this policy are to:

- Establish the purpose of Council's involvement with social media.
- Outline the management and use of social media for Council.
- Provide for the inclusion of social media as a tool in the delivery of Council's services and activities.

POLICY SCOPE

This policy applies to councillors, the general manager and staff as it pertains to Council's managed social media presence and the representation of Council on social media.

POLICY STATEMENT

Maitland City Council is committed to connecting with the community. Social media represents the fastest growing of all communications platforms and has fundamentally changed the dynamics of communication from largely one way, to both two way and multiple contributor exchanges. It provides the opportunity to communicate and engage in real time. Council will proactively pursue social media opportunities to connect in a genuine way with both the community and a broader audience.

1. Council's involvement in social media

There is a large range of social media platforms available on which Council could have a presence, however, to ensure it is achieving best value from its social media efforts the focus will be on platforms that have the greatest reach for targeted audiences.

Social media allows Council to be open and engaging, transparent and accountable and to provide better and faster service and communication.

Maitland City Council will use social media to:

- assist in efficient and effective service delivery.
- Promote, inform and educate the community on policies, projects, services and activities of Council.
- develop stronger relationships with the community.
- provide an informal, timely and accessible way for the public to communicate with Council.
- support traditional media by broadening its reach and supporting key messages.
- seek input into Council's decision making.
- provide essential updates to the community during a crisis or emergency.

SOCIAL MEDIA POLICY (Cont.)

2. Management of social media

Council will proactively resource and manage its social media presences during business hours. To assist in the management of these presences a consistent set of House Rules has been developed and detail acceptable behaviour by contributors.

Council's related existing policies will also apply in the management of social media.

Council will employ a hub and spoke model in the ongoing management of social media.

A Social Media Guide and Language and Writing Style Guide, delegations and training have been developed to aid consistency of communications.

Staff access, authority and delegation

Council will, within the capacity of IT infrastructure, proactively provide access to social media for staff to enable them to remain abreast of content as it pertains to their role. Staff representing Council on social media are required to have the appropriate authority and delegations in accordance with Council's delegations register.

Personal use of social media

Council recognises that staff may wish to use social media in a personal capacity. The general manager and staff are personally responsible for content they publish on any form of social media. They should take measures to ensure their personal comments cannot be mistaken for the official view of Council, impact Council's reputation, offer views on councillors or other staff members or affect the staff member performing their role within Council.

Councillors

Councillors engage with the citizens of Maitland through various forums including social media. Councillors have the responsibility to ensure that their use of social media is appropriate. This includes:

- Making it clear they are expressing their personal opinion and not purporting to represent the position of Council.
- Not using Council presences as a forum for political debate or making comments that impact Council's reputation.
- Actively sharing Council posts for the purposes of promoting initiatives and projects rather than releasing the information independently before Council has distributed through official channels.

Posting

Content on Council's social media presences will, where appropriate:

- Be available on Council's websites
- Include links directing users back to the corporate website for in depth information, documents, forms or online services necessary to conduct business with Maitland City Council.

Council may decide to post to third party presences for information, promotion or service delivery activity or to provide factual clarification in response to third party information as it pertains to Council.

Responding

Not all posts on Council's social media presences are a direct enquiry to Council or seeking a response. If a response is required it does not necessarily need to be an answer to a question, or a resolution of a problem. Where a response is required, posts will be acknowledged advising that Council is working to respond.

Where a response is required enquiries will receive an acknowledgement within one business day.

Complaints will be managed in accordance with Council's Complaint Management Policy and will not be accepted via social media.

SOCIAL MEDIA POLICY (Cont.)

Moderation of information

Maitland City Council will not tolerate content that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, infringes copyright, constitutes a contempt of court, breaches a court suppression order or is otherwise unlawful. Such content will be removed.

Posts that make specific mention of confidential material about Council or individuals or mention staff by name on Council's social media presences will be removed.

Council has developed and published consistent House Rules on each of its social media presences that outline the rules of engagement for users.

Consideration in decision making

When using social media to actively seek feedback for formal decision making through Council's social media presences, comments received will be considered as valid and will be presented in their entirety.

Recording of information

Council will collect, retain and dispose of social media content in line with the State Records Act 1998 and Council's Records Management Policy.

3. Social media as a communication tool

Whilst a powerful tool, social media should not be used in isolation. Therefore at Maitland City Council social media will be used within the framework of one or more of the following:

- a communications strategy or plan.
- a media strategy or plan.
- a marketing or promotional plan.
- a community engagement / consultation strategy or plan.
- an attraction and engagement strategy or plan.

POLICY DEFINITIONS

Business hours:	Monday to Thursday 8.30am – 5.00pm and Friday 8.30am – 4.30pm excluding public holidays and the period between Christmas Day and New Year's Day inclusive.
Council presences:	Official Council social media accounts that are managed or auspiced by staff of Council.
House rules:	The guide set of principles outlining acceptable participation on Council's social media presences. These are available on each presence.
Official channels:	Council issued media releases and updates on Council's social media presences.
Social media:	Online platforms that facilitate social networking, discussion and information sharing between and amongst people and organisations.
Staff:	Includes all Council employees, volunteers and contractors.



SOCIAL MEDIA POLICY (Cont.)

POLICY ADMINISTRATION

BUSINESS GROUP:	Planning Environment and Lifestyle
RESPONSIBLE OFFICER:	Manager, Marketing and Communications
COUNCIL REFERENCE:	Ordinary Council Meeting 28 October 2014 – Item 10.4
POLICY REVIEW DATE:	Three (3) years from date of adoption
FILE NUMBER:	111/13
RELEVANT LEGISLATION	<ul style="list-style-type: none"> • NSW Local Government Act 1993 • NSW Defamation Act 2005 • Privacy Act 1988 • Government Information Public Access Act 2009 • NSW Privacy and Personal Information Act 1998 • NSW State Records Act 1998
RELATED POLICIES / PROCEDURES / PROTOCOLS	<ul style="list-style-type: none"> • Code of Conduct • Complaints Management Policy • Privacy Management Plan • Unreasonable complainant conduct Policy • Provision of information and interaction between councillors and staff Policy • Internet and email use Policy • Right to information Policy • Records Management Policy • Work Health and Safety Policy • Equity, Diversity & Respect Policy • Community Engagement Strategy • Compliments and Complaints Management Protocol • Violent, aggressive and threatening behaviour procedure • Social Media Guide • Media Policy • Media Guide • Language and Writing Style Guide

POLICY HISTORY

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0	28 October 2014	New policy adopted

Policy and Finance Committee

SOCIAL MEDIA POLICY

Draft Social Media Policy 2024

Meeting Date: 23 July 2024

Attachment No: 2

Number of Pages: 12



DATE ADOPTED:

VERSION: 2.0

POLICY OBJECTIVES

The objectives of this policy are to:

- Establish the role, function and purpose of Council's social media usage
- Limit the risk to Council's reputation through the communication of inaccurate information or inappropriate use of social media by council officials
- Provide a framework for the administration and management of social media platforms
- Outline the standard of conduct for all Council officials who use social media in their official capacity
- Provide a clear guide on the recording of information and privacy considerations.

POLICY SCOPE

This policy applies to the official and private social media channels of councillors, the general manager, council officials and staff as it applies to Council's managed social media channels and the representation of Council on social media.

POLICY STATEMENT

Social media is at the heart of modern communication. Since its inception, social media has grown in popularity and influence and is now fundamental to not just how people interact with one another but also to how we work, play and consume information and social ideas. Maitland City Council is committed to using social media platforms as they offer an accessible, equitable, transparent, engaging and immediate two way conduit for Council to connect with the community. Maitland City Council will use social media to:

- be used as a communication channel to assist in efficient and effective service delivery
- promote, inform, educate, and engage with the community on Council's policies, projects, facilities, services and activities
- develop stronger relationships with the community
- provide an informal, timely and accessible way for the public to communicate with Council
- support traditional media and other communications methods by and increasing its overall reach.
- seek input into Council's decision making

- provide essential updates to the community during a crisis or emergency.

1. PRINCIPLES

1.1. We, the councillors, staff and other officials of Maitland City Council are committed to upholding and promoting the following principles of social media engagement:

Openness	Our social media platforms are places where anyone can share and discuss issues that are relevant to our Council and the community we represent and serve.
Transparency	We will ensure our social media platforms are kept up to date with informative and relevant content about our Council and community.
Honesty	The content we upload onto our social media platforms and any other social media platform will be a source of truth for our Council and community and we will prioritise the need to correct inaccuracies when they occur.
Respect	Our social media platforms are safe spaces. We will uphold and promote the behavioural standards contained in this policy and our Council's code of conduct when using our social media platforms and any other social media platform.

2. ADMINISTRATIVE FRAMEWORK FOR COUNCIL'S SOCIAL MEDIA PLATFORMS

PLATFORMS

2.1 Council will maintain a presence on the following social media platforms

- | | |
|--|---------------------------------------|
| a. Facebook | c. LinkedIn |
| I. Maitland City Council | I. Maitland City Council |
| II. My Maitland | II. Maitland Regional Art Gallery |
| III. Maitland Library | d. YouTube |
| IV. Hunter Valley Steamfest | I. My Maitland |
| V. The Levee Central Maitland | II. Maitland Regional Art Gallery |
| VI. Maitland Gaol | III. Bitter and Twisted Beer Festival |
| VII. Bitter & Twisted Boutique Beer Festival | e. Vimeo |
| VIII. Maitland Regional Art Gallery | I. Maitland City Council |
| IX. Maitland Animal Management Facility | f. Snapchat |
| | I. My Maitland |
| b. Instagram | |
| I. Maitland City Council | |
| II. My Maitland | |
| III. The Levee Central Maitland | |
| IV. Maitland Regional Art Gallery | |

2.2 Council's social media platforms must specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.

SOCIAL MEDIA POLICY (Cont.)

ESTABLISHMENT AND DELETION OF COUNCIL SOCIAL MEDIA PLATFORMS

- 2.3 A new council social media platform, or a social media platform proposed by a council related entity (for example, a council committee), can only be established or deleted with the written approval from staff with the delegation to do so. Due consideration will be taken before any new social media platforms are established or deleted, including the management structure, internal reviews, cyber security, data management and impacts on workload capacity.
- 2.4 Where a council social media platform is established or deleted in accordance with clause 2.3, the Manager, Communications, Engagement and Marketing may amend clause 2.1 of this policy without the need for endorsement by the Council's governing body.
- 2.5 Annually, the Communications, Engagement and Marketing team will undertake an audit of all Council social media presences to review their continuing effectiveness and appropriateness to Council's needs. Social media presences that no longer required will be deleted following consultation with the relevant Executive Manager/Director.

APPOINTMENT AND ROLE OF THE SOCIAL MEDIA ADVISOR

- 2.6 The Manager, Communication, Engagement and Marketing will ensure one or more members of Council's Marketing & Communications Team is authorised to act as the Social Media Advisor.
- 2.7 The Social Media Advisor's role is to:
 - a. approve and revoke a staff member's status as an authorised user
 - b. develop and/or approve the training and/or induction to be provided to authorised users
 - c. maintain a register of authorised users
 - d. maintain effective oversight of authorised users
 - e. moderate the Council's social media platforms
 - f. ensure any authorized users comply with Council's Notifiable Data Breach Policy and Privacy Policy
 - g. ensure the Council complies with its record keeping obligations under the *State Records Act 1998*
 - h. ensure the Council adheres to the rules of the social media platform(s)
 - i. coordinate with the Council's Marketing & Communications Team to ensure the Council's social media platforms are set up and maintained in a way that maximises user friendliness and any technical problems are resolved promptly.
- 2.8 The Social Media Advisor may delegate their functions under paragraphs (e) and (g) of clause 2.7 to authorised users.
- 2.9 The Social Media Advisor is an authorised user for the purposes of this policy.

AUTHORISED USERS

- 2.10 Authorised users are members of council staff who are authorised with social media delegation to upload content and engage on social media on the Council's behalf.
- 2.11 Authorised users should be members of council staff that are responsible for managing, or have expertise in, the events, initiatives, programs or policies that are the subject of the social media content.
- 2.12 The Social Media Advisor will appoint authorised users with social media delegation when required.



SOCIAL MEDIA POLICY (Cont.)

- 2.13 An authorised user must receive a copy of this policy and induction training on social media use and Council's obligations before uploading content on Council's behalf.
- 2.14 The role of an authorised user is to:
- a. ensure, to the best of their ability, that the content they upload onto social media platforms is accurate, allowed to be shared and is public information
 - b. correct inaccuracies in Council generated content
 - c. engage in discussions and answer questions on Council's behalf on social media platforms
 - d. keep the Council's social media platforms up to date
 - e. where authorised to do so by the Social Media Advisor:
 - moderate the Council's social media platforms in accordance with section 2.21 – 2.35 of this policy
 - ensure the Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media.
- 2.15 When engaging on social media on Council's behalf (such as, but not limited to, on a community social media page), an authorised user must identify themselves as a member of Council staff but they are not obliged to disclose their name or position within the Council.
- 2.16 Authorised users must not use Council's social media platforms for personal reasons.

ADMINISTRATIVE TONE

- 2.17 Authorised users upload content and engage on social media on the Council's behalf. Authorised users must use language consistent with Council's Language and Writing Style Guide and avoid expressing or appearing to express their personal views when undertaking their role.
- 2.18 Authorised users may use more personal, informal language when engaging on Council's social media platforms, for example when replying to comments.

REGISTER OF USERS

- 2.19 The Social Media Advisor will maintain a register of authorised users with social media delegation. This register is to be reviewed annually to ensure it is fit for purpose.

CEASING TO BE A USER

- 2.20 The Social Media Advisor can revoke a staff member's status as an authorised user, if:
- a. the user makes such a request
 - b. the user has not uploaded content onto any of the Council's social media platforms in the 28 days.
 - c. the user has failed to comply with this policy
 - d. The Social Media Advisor is of the reasonable opinion that the user is no longer suitable to be an authorised user

SOCIAL MEDIA POLICY (Cont.)

MODERATION OF COUNCIL'S SOCIAL MEDIA PLATFORMS

- 2.21 Council staff who are responsible for the moderation of the Council's social media platforms may remove content and 'block' or ban a person from those platforms. Such actions must be undertaken in accordance with sections 2.21 – 2.35. This Part does not apply to councillor's social media platform.
- 2.22 Council staff must ensure they comply with the record keeping obligations under the State Records Act 1998, Government Information (Public Access) Act 2009, Privacy and Personal Information Protection Act 1998, Health Records and Information Privacy Act 2002 and Council's records management policy.

HOUSE RULES

- 2.23 Social media platforms must state or provide an accessible link to the 'House Rules' for engaging on the platform.
- 2.24 At a minimum, the House Rules should specify:
 - a. the principles of social media engagement referred to in clause 1.1 of this policy
 - b. the type of behaviour or content that will result in that content being removed or 'hidden', or a person being blocked or banned from the platform
 - c. the process by which a person can be blocked or banned from the platform and rights of review
 - d. a statement relating to privacy and personal information
 - e. when the platform will be monitored
 - f. that the social media platform is not to be used for making complaints about the Council or Council officials and will include a link to Council's Complaint Handling Policy.
- 2.25 For the purposes of clause 2.24(b), third parties engaging on social media platforms must not post or share comments, photos, videos, electronic recordings or other information that:
 - a. is defamatory, offensive, humiliating, threatening or intimidating to Council officials or members of the public,
 - b. contains profane language or is sexual in nature
 - c. constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory
 - d. contains content about the Council, Council officials or members of the public that is misleading or deceptive
 - e. breaches the privacy of Council officials or members of the public
 - f. contains allegations of suspected breaches of the Council's Code of Conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*,
 - g. violates an order made by a court
 - h. breaches copyright
 - i. advertises, endorses or solicits commercial products or business,
 - j. constitutes spam
 - k. would be in breach of the rules of the social media platform.



SOCIAL MEDIA POLICY (Cont.)

REMOVAL OR 'HIDING' OF CONTENT

- 2.26 Where a person uploads content onto a social media platform that, in the reasonable opinion of the moderator, is of a kind specified under clause 2.25, the moderator may remove or 'hide' that content.
- 2.27 Prior to removing or 'hiding' the content, the moderator must make a record of it (for example, a screenshot).

BLOCKING OR BANNING

- 2.28 If a person uploads content that is removed or 'hidden' under clause 2.26 of this policy on three occasions, that person may be blocked or banned from the social media platform / all social media platforms.
- 2.29 A person may only be blocked or banned from a Council social media platform with the approval of the Social Media Advisor.
- 2.30 Prior to blocking or banning a person from a social media platform, the person must, where practicable, be advised of the intention to block or ban them from the platform/all platforms and be given a chance to respond. Any submission made by the person must be considered prior to a determination being made to block or ban them.
- 2.31 The duration of the block or ban is to be determined by the Social Media Advisor.
- 2.32 Where a determination is made to block or ban a person from a social media platform/all social media platforms, the person must, where practicable, be notified in writing of the decision and the reasons for it. The written notice must also advise the person which social media platforms they are blocked or banned from and the duration of the block or ban and inform them of their rights of review.
- 2.33 A person may request a review of a decision to block or ban then from a Council social media platform. The request must be made in writing to the Manager Communications, Engagement and Marketing and state the grounds on which the request is being made.
- 2.34 Where a review request is made under clause 2.33, the review is to be undertaken by the Manager Communications, Engagement and Marketing or a member of staff nominated by the Manager Communications, Engagement and Marketing who is suitably qualified and who was not involved in the decision to block or ban the person. Where the decision to block or ban the person was made by the Manager Communications, Engagement and Marketing, the review must be undertaken by another senior and suitably qualified member of staff who was not involved in the decision.
- 2.35 Where a person that is the subject of a block or ban continues to engage on a social media platform(s) using an alternative social media account, profile, avatar, etc., a moderator may block or ban the person from the platform(s) immediately. In these circumstances, clauses 2.31 to 2.34 do not apply.

3. ADMINISTRATIVE FRAMEWORK FOR COUNCILLOR'S SOCIAL MEDIA PLATFORMS

- 3.1 For the purposes of this policy, councillor social media platforms are not council social media platforms. Part 2 of this policy does not apply to councillors' social media platforms.
- 3.2 Councillors are responsible for the administration and moderation of their own social media platforms, and ensuring they comply with the record keeping obligations under the *State Records Act 1998*, *Government Information (Public Access) Act 2009*, *Privacy and Personal Information Protection Act 1998*, *Health Records and Information Privacy Act 2002* and council's records management policy in relation to social media.
- 3.3 Clause 3.2 also applies to councillors in circumstances where another person administers, moderates, or uploads content onto their social media platform.



SOCIAL MEDIA POLICY (Cont.)

- 3.4 Councillors must comply with the rules of the platform when engaging on social media.

INDUCTION AND TRAINING

- 3.5 Councillors who engage, or intend to engage, on social media will receive induction training on social media use.

IDENTIFYING AS A COUNCILLOR AND GENERAL REQUIREMENTS

- 3.6 For the purpose of this Policy, item 3.7 applies to a councillors official public social media platforms
- 3.7 Councillors must identify themselves on their public social media platforms and at a minimum include:
- the fact that they are a Councillor, Mayor or Deputy Mayor
 - first name and last name
 - a profile photo which is clearly identifiable
 - a disclaimer to the following effect: "The views expressed and comments made on this social media platform are my own and not that of the Council".
- 3.8 If a councillor becomes or ceases to be the Mayor, Deputy Mayor, or the holder of another position (for example, chairperson of a committee), this must be clearly stated on the councillor's social media platforms and updated within 14 days of a change in circumstances.
- 3.9 Mayoral or councillor media releases and other content that has been authorised according to the Council's media and communications protocols may be uploaded onto a councillor's social media platform.
- 3.10 Councillors may upload publicly available Council information onto their social media platforms.

COUNCILLOR QUERIES RELATING TO SOCIAL MEDIA PLATFORMS

- 3.11 Questions from councillors relating to their obligations under this policy, technical queries relating to the operation of their social media platforms, or managing records on social media may be directed through the online Councillor portal in accordance with the Councillor and Staff Interaction Policy.

4. STANDARDS OF CONDUCT ON SOCIAL MEDIA FOR COUNCIL OFFICIALS

- 4.1 This policy only applies to Council officials' use of social media in an official capacity or in connection with their role as a Council official. The policy does not apply to personal use of social media that is not connected with a person's role as a Council official.
- 4.2 Council officials must comply with the Council's Code of Conduct when using social media in an official capacity or in connection with their role as a Council official.
- 4.3 Council officials must not use social media to post or share comments, photos, videos, electronic recordings or other information that:
- a. is defamatory, offensive, humiliating, threatening or intimidating to other Council officials or members of the public
 - b. contains profane language or is sexual in nature
 - c. constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory



SOCIAL MEDIA POLICY (Cont.)

- d. is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
 - e. contains content about the Council, Council officials or members of the public that is misleading or deceptive
 - f. divulges confidential Council information
 - g. breaches the privacy of other Council officials or members of the public
 - h. contains allegations of suspected breaches of the Council's Code of Conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*
 - i. could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment
 - j. commits the Council to any action
 - k. violates an order made by a court
 - l. breaches copyright
 - m. constitutes spam
 - n. is in breach of the rules of the social media platform.
- 4.4 Council officials must:
- a. attribute work to the original author, creator or source when uploading or linking to content produced by a third party
 - b. obtain written permission from a minor's parent or legal guardian before uploading content in which the minor can be identified.
- 4.5 Council officials must exercise caution when sharing, liking, retweeting content as this can be regarded as an endorsement and/or publication of the content.
- 4.6 Council officials must not incite or encourage other persons to act in a way that is contrary to the requirements of this section of this Policy.
- 4.7 Councillors must uphold and accurately represent the policies and decisions of the Council's governing body but may explain why they voted on a matter in the way that they did. (see section 232(1)(f) of the Local Government Act 1993).

5. USE OF SOCIAL MEDIA DURING EMERGENCIES

- 5.1 During emergencies, such as natural disasters or public health incidents, the Manager Communications, Engagement and Marketing, will be responsible for the management of content on the Council's social media platforms.
- 5.2 To ensure consistent messaging both during and after an emergency, authorised users and Council officials must not upload content onto the Council's or their own social media platforms which contradicts advice issued by the agency coordinating the emergency response, or agencies supporting recovery efforts.
- 5.3 Training on social media use during emergencies should be included in training and/or induction provided to authorised users and councillors.



6. PRIVATE USE OF SOCIAL MEDIA

Note: Activities on social media websites are public activities. Even though privacy settings are available, content can still be shared and accessed beyond the intended recipients. The terms and conditions of most social media sites state that all content becomes the property of the site on which it is posted.

WHAT CONSTITUTES 'PRIVATE' USE?

- 6.1 For the purposes of this policy, a Council official's social media engagement will be considered 'private use' when the content they upload:
 - a. is not associated with, or does not refer to, the Council, any other Council officials, contractors, related entities or any other person or organisation providing services to or on behalf of the Council in their official or professional capacities, and
 - b. is not related to or does not contain information acquired by virtue of their employment or role as a Council official.
- 6.2 If a Council official chooses to identify themselves as a Council official, either directly or indirectly (such as in their user profile), then they will not be deemed to be acting in their private capacity for the purposes of this policy.

USE OF SOCIAL MEDIA DURING WORK HOURS

- 6.3 Council staff who access and engage on social media for incidental personal purposes during work hours must ensure it does not interfere with the performance of their official duties and does not breach this policy or the Use and Access of Internet Protocol.

7. CONCERNS OR COMPLAINTS

- 7.1 Council does not accept complaints via social media.
- 7.2 Concerns or complaints about the administration of council's social media platforms, the conduct of Council officials (including councillors) on social media platforms should be made verbally, or in writing by letter, fax, email or live chat as outlined in Council's Complaint Management Policy.

POLICY DEFINITIONS

Authorised User	members of Council staff who are authorised with social media delegation by the General Manager or Social Media Advisor to upload content and engage on the Council's social media platforms on the Council's behalf
Council official	A collective term for Councillors, members of staff, and delegates of the Council (including members of committees that are delegates of the Council) unless otherwise stated
House rules:	Rules outlining acceptable participation on Council's social media official channels. These are available on each channel.
Minor	For the purposes of clause 4.4(b) of this policy, is a person under the age of 18 years
Moderator	Facilitates, reviews, and guides a discussion or debate and related interactions to ensure all shared content is appropriate and follows community rules
Official channels	Official Council social media accounts that are managed by staff of Council
Personal information	Information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
Platform	A platform is a digital service connecting business to various target audiences
Social media	Online platforms and applications - such as but not limited to social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards - that allow people to easily publish, share and discuss content. Examples of social media platforms include, but are not limited to Facebook, Twitter, Snapchat, LinkedIn, Yammer, YouTube, Instagram, Flickr and Wikipedia
Social Media Advisor	Is a member of the Marketing & Communications team, reporting to Manager, Communications, Engagement and Marketing, appointed under clause 2.6 of this policy
Staff	Includes the General Manager and all Council employees., volunteers and contractors.

SOCIAL MEDIA POLICY (Cont.)

POLICY ADMINISTRATION

BUSINESS GROUP:	People & Performance
RESPONSIBLE OFFICER:	Manager, Communications, Engagement & Marketing
COUNCIL REFERENCE:	
POLICY REVIEW DATE:	Three (3) years from date of adoption
FILE NUMBER:	111/13
RELEVANT LEGISLATION	<ul style="list-style-type: none"> • NSW Local Government Act 1993 • NSW Defamation Act 2005 • Privacy Act 1988 • Government Information Public Access Act 2009 • Privacy and Personal information Protection Regulation 2019 (NSW) • Privacy and Personal Information Protection Act 1998 (NSW) • Privacy and Personal Information Protection Amendment Bill 2022 (NSW) • Health Records and Information Protection Act 2002 (NSW) • NSW State Records Act 1998
RELATED POLICIES / PROCEDURES / PROTOCOLS	<ul style="list-style-type: none"> • Code of Conduct • Complaints Management Policy • Privacy Management Policy • Unreasonable Complainant Conduct Policy • Councillor and Staff Interaction Policy • Internet and email use Policy • Right to information Policy • Records Management Policy • Work Health and Safety Policy • Equity, Diversity & Respect Policy • Data Breach Policy 2023 • Communications and Engagement Strategy • Complaint Management Policy • Violent, aggressive and threatening behaviour procedure • Media Policy • Language and Writing Style Guide



POLICY HISTORY

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0	28 October 2014	New policy adopted
2.0	TBA	Periodic review



11.4 DRAFT FOOD SAFETY POLICY 2024 AND INSTRUMENT OF APPOINTMENT AS AN ENFORCEMENT AGENCY 2024

FILE NO:	150/1
ATTACHMENTS:	<ol style="list-style-type: none">1. Draft Food Safety Policy 20242. NSW Food Authority Instrument of Appointment for Council 2024
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Cindy Littlewood - Manager Development & Compliance Gemma McMahon - Coordinator Regulatory Compliance
AUTHOR:	Sarah Roberts - Team Leader Compliance
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.4 Implement and maintain a contemporary governance, audit and risk framework

EXECUTIVE SUMMARY

In 2008 Council entered into a formal agreement (the Food Regulation Partnership) with the NSW Food Authority to undertake inspections of specific food retail businesses within the Maitland LGA. Since this time, Council has worked closely with the NSW Food Authority to provide consistent and robust food safety regulation for the community.

Maitland City Council's draft Food Safety Policy 2024 incorporates the risk-based inspection program recommended by the NSW Food Authority. This program provides the framework for a consistent approach to regulatory compliance by Council in its role as an enforcement agency under the NSW Food Act. The draft Food Safety Policy is intended to replace the superseded Food Safety Policy adopted in November 2018.

OFFICER'S RECOMMENDATION

THAT:

1. Council receive and note the information provided on the revised 2024 Food Regulation Partnership.
2. The draft Food Safety Policy is placed on public exhibition for a period of twenty-eight (28) days.
3. If no submissions are received by the exhibition expiry date, the draft Food Safety Policy is adopted pursuant to section 161 of the Local Government Act 1993.
4. If submissions are received, Council Officers will report back to Council.

REPORT

Council's Food Safety Policy, adopted in 2018, has been reviewed and modified to include, clarify and strengthen Maitland City Council's Food Safety Program in line with the NSW Food Authority guidelines, recommendations and FPAR Partnership Agreement.

This policy applies to all food businesses involved in the preparation, handling, storage, or sale of food for retail purposes, including fixed food premises, mobile food vehicles, temporary food businesses (e.g. stalls at special events), canteens, home-based food businesses and the like.

Food Regulation Partnership

Maitland City Council is appointed as an enforcement agency under section 111(4) of the Food Act 2003. Under the 2024 Instrument of Appointment Council has a responsibility to:

- Inspect retail food businesses for compliance with the national food safety standards in the Australia New Zealand Food Standards Code,
- Appoint authorised officers to operate within the Maitland Local Government Area,
- Comply with operating protocols for enforcement agencies under the terms of the Instrument of Appointment, and
- Make authorised officers available to regularly participate in networking meetings and undertake professional development.

Draft Food Safety Policy 2024

This policy was approved in 2018 and was drafted to align with significant changes to the Food Regulation Partnership, including a strong emphasis on risk-based inspection of food businesses.

With the introduction of the 2024 Food Regulation Partnership, Council Officers have updated the 2018 policy. Changes to the draft Food Safety Policy include:

- Significantly streamlining and condensing the information provided in the Policy to allow it to be easily read and interpreted.
- Section 6: Inclusion of 'Poor Performing Food Business'. This new section provides the framework to assist with prioritising certain food businesses who are not operating in accordance with the Food Safety Standards. Food businesses who fit the following criteria may be required to subject to two inspections per financial year:
 - The food business received an FPAR rating of greater than 15 or more,
 - The food business received a singlet 8 point critical food handling noncompliance,
 - The food business received a warning that they have failed the Food Safety Codes,
 - The food business is a "poor performer" where the same breaches are being identified and not acted up by the business proprietor,
 - Council is receiving food complaints about the food business through the year, or
 - The food business has been issued with an Improvement Notice, Penalty Infringement Notice or prosecution within the last 12 months.

DRAFT FOOD SAFETY POLICY 2024 AND INSTRUMENT OF APPOINTMENT AS AN ENFORCEMENT AGENCY 2024 (Cont.)

When one or more of these criteria are satisfied, the food business will be upgraded to inspections on a 6 monthly basis to address food safety performance. This practice is in line with current NSW Food Authority practices and local government guidance.

Maitland Council's draft Food Safety Policy 2024 incorporates the risk-based inspection program approach providing the framework for a consistent approach to regulatory compliance by Council in its role as an enforcement agency under the NSW Food Act.

CONCLUSION

Maitland Council is committed to maintaining the highest standards for food safety to protect public health within the Maitland Local Government Area. The updated Food Safety Policy details how Maitland Council will undertake and meet its obligations under the Food Regulation Partnership agreement. It is anticipated that the adoption of the Food Safety Policy document will continue to improve food safety practices and protocols and encourage feedback from the community to continually enhance food safety practices.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

This report involves the amendment of a policy and will therefore require an amendment to Council's Policy Register.

STATUTORY IMPLICATIONS

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

Policy and Finance Committee

DRAFT FOOD SAFETY POLICY 2024 AND INSTRUMENT OF APPOINTMENT AS AN ENFORCEMENT AGENCY 2024

Draft Food Safety Policy 2024

Meeting Date: 23 July 2024

Attachment No: 1

Number of Pages: 14

**DATE ADOPTED: TBC****VERSION: 2.0**

POLICY OBJECTIVES

The objective of this policy is to minimise the risks associated with the consumption of food sold within the Maitland local government area (LGA) by implementing an integrated education and enforcement approach.

POLICY SCOPE

This policy applies to all premises or activities involved in the preparation, handling, storage or sale of food for retail purposes including food premises, mobile food vehicles, temporary food businesses, canteens, home-based food businesses and the like.

POLICY STATEMENT

Maitland City Council will provide support to the NSW Food Authority as an appointed Enforcement Agency within the agreed Food Regulation Partnership with the following responsibilities for retail food businesses:

- Inspects retail food businesses (selling food products direct to the public) for compliance with the national food safety standards and labelling of food for retail sale
- Investigation of food borne illness complaints
- Referral to NSW Food Authority and assistance where required for complaints relating to two or more cases from unrelated individuals, households or groups
- Provide assistance to NSW Food Authority Assist where there is an imminent threat to public health and safety or the health of any individual in connection with food

Council's Environmental Health Officer's (authorised officers) will undertake routine inspection and enforcement activities relating to the preparation, handling and sale of food within the Maitland LGA. This includes all food premises. Environmental Health Officer's will assist in the assessment of planning and development applications in relation to food activities and food fit out in accordance with legislation and standards. Council Environmental Health Officer's will also provide fee-for-service pre-purchase for food inspections on request.

This policy is intended to outline the framework for Council's food safety program and does not provide a comprehensive list of all of the specific requirements.

DRAFT FOOD SAFETY POLICY 2024 AND INSTRUMENT OF APPOINTMENT AS AN ENFORCEMENT AGENCY 2024 (Cont.)

1. LEGISLATION, STANDARDS AND GUIDELINES

Where any discrepancies may occur between a council policy and the relevant legislation, the Australian Standards and NSW legislation take precedence. The following NSW state legislation, standard and guidelines are relevant to this Policy:

1. NSW State Legislation
 - NSW Food Act 2003
 - NSW Food Regulation 2015
 - NSW Local Government Act 1993
 - Environmental Planning and Assessment Act 1979
 - State Environmental Planning Policy - (Exempt and Complying) Codes 2008
2. Australian Standards
 - *Food Standards Code* (Food Standards Australia and New Zealand) www.foodstandards.gov.au
 - Food safety standards include:
 - Standards 3.2.2 (Food Safety Practices and General Requirements)
 - 3.2.3 (Food Premises and Equipment) are mandatory for all food businesses.
 - Standard 3.2.2A Food Safety Management Tools
 - Australian Standard AS 4674 – Construction and Fit-out of Food Premises - Available for purchase at www.saiglobal.com
3. Guidelines (advisory documents)
 - Safe Food Australia - A guide to the Food Safety Standards

2. INVESTIGATION OF FOOD COMPLAINTS

Maitland City Council and the NSW Food Authority are the Responsible Agency for investigated food borne illness complaints. The roles of each agency is separated as follows.

Maitland City Council is the responsible agency for investigating foodborne illness complaints for one complaint or one household. Food Borne Illness Complaint examples that are investigated by Council include.

- foodborne illness,
- foreign matter found in food,
- unhygienic practices observed (e.g. foods not handled, stored, or processed in accordance with legislation),
- labelling breaches, and
- a business trading without the appropriate license(s) or notification

NSW Food Authority are the responsible agency where complaints relate to two or more cases from unrelated individuals, households or groups, though may seek assistance from council as needed.

DRAFT FOOD SAFETY POLICY 2024 AND INSTRUMENT OF APPOINTMENT AS AN ENFORCEMENT AGENCY 2024 (Cont.)

2.1. Assessing Risk

Maitland City Council Environmental Health Officers respond to food borne illness complaints using risk-based framework (Table 1). Table 1 is used as a guide to assessing complaint handling priorities. Timeframes are approximate only.

Table 1: Food Borne Illness Complaint Risk Matrix		
Risk	Type of incident	Timeframe
Urgent	Has caused, or has potential to cause, serious harm or injury to the consumer e.g. pest infestation, unsanitary premises, interrupted water supply, food not under temperature control	Investigate as soon as possible
High	One complaint about a food business regarding poor hygiene, poor food handling practices of the premises, food quality related issues, no Food Safety Supervisor or Food Safety Practices	Investigate within one week
Medium	Will not cause serious physical harm to a consumer, unsound structures of premises labelling complaint, absence of a Food Safety Supervisor	Investigate within 2 weeks
Low	Single report of poor hygiene, poor handling, not notifying council, low risk food shop	Inspect within a month

Factors that will also be considered include:

- effects on consumer health
- exposure of vulnerable persons (e.g. the elderly, children)
- how widely the product is distributed
- timeframe over which the problem has occurred, and
- compliance history of the food business, both in general and with respect to the complaint

3. FOOD BUSINESS NOTIFICATION

Council is to be notified of any food business (regardless of the risk classification or type of business) prior to commencement of operation of that business. Details to be provided include:

- contact details (including name of business and address),
- nature of their operations (e.g. fixed premises, mobile food vehicle, temporary food stall, charity or community group selling potentially hazardous foods) and
- the location of all premises (e.g. fixed premises, private property, designated public land, or special events) operating within the Maitland LGA events

Notifications may be made in writing or electronically using the designated form available on Council's website.

No fees are required for lodging a food business notification form. Other fees and charges may apply dependent on the type of business, risk classification, and inspections or activities undertaken by council officers.

It is the responsibility of the food business proprietor to ensure that any changes to the original notification are advised to Council within seven days of any change.

Council will keep a register of all food businesses with the register to be revised annually. The register is not a publicly available document; however, information may be legally shared with NSW Health and/or NSW Food Authority under specific circumstances.

4. RISK CLASSIFICATION OF A FOOD BUSINESS

The NSW Food Authority requires that councils implement a risk-based inspection regime (high, medium or low) consistent with the nationally agreed framework.

For ease of use, risk classification and inspection programs for Fixed Food Premises, Mobile Food Vehicles, Temporary Food Businesses / Temporary Events; and Home-based Food Businesses are dealt with in separate sections of this policy.

The risk classification assigned to a food business is dependent on the type of activity conducted, the types of food produced at the premises/outlet and the potential for harm to consumers.

4.1. Low Risk

Some businesses are unlikely to cause a food borne illness outbreak and are considered low risk. Examples include:

- businesses that only handle pre-packaged or non-potentially hazardous foods (e.g. some service stations, newsagents, confectionery stores, fruit and vegetable shops, bars and liquor stores, and the like)
- vehicles used to transport food between retail business premises or from a retail premises to a customer (e.g. takeaway delivery vehicle, or vehicle used to move food between a preparation kitchen or market stall),
- childcare (including home-based childcare) not preparing potentially hazardous food (e.g. children bring lunch from home)

Low risk food businesses are not inspected routinely and are inspected in response to complaints or food borne illness investigations. However, Council does conduct food inspections on low-risk food businesses to ensure that the business activities have not changed to a higher risk food business.

4.2. Medium and High Risk

The risk classification for most hospitality-type retail food premises LGA is 'medium' and include cafes, restaurants, school canteens, takeaways, juicing activities, supermarkets and mobile food vehicles that

DRAFT FOOD SAFETY POLICY 2024 AND INSTRUMENT OF APPOINTMENT AS AN ENFORCEMENT AGENCY 2024 (Cont.)

prepare and sell potentially hazardous food. As a minimum, Council Environmental Health Officer's will inspect medium and high-risk food businesses on an annual basis.

If a business does any of the following high-risk activities, it is classified as 'high':

- prepares or supplies to vulnerable populations (e.g. childcare facility that prepares food on site for children including home-based childcare preparing potentially hazardous food, or
- undertakes high risk processes/activities (e.g. raw egg products, smoking meats, sous vide), or
- large scale operations (e.g. function centre/large restaurant that employs more than 10 full time equivalent food handlers).

5. FIXED FOOD PREMISES

In this policy the term 'fixed food premises' is used to describe any food business retailing direct to the public from a fixed commercial premises (e.g. shop, café, restaurant, service station and the like).

5.1. Construction Standards

A person using a fixed premises store, prepare or sell food for human consumption, is deemed to be a 'food business'. This includes not-for-profit operations.

The Code defines a food business as any business or activity that involves the sale of food or the handling of any type of food for sale in Australia, with the exception of some primary food production activities.

A food business is required to sell safe and suitable food in accordance with the provisions of:

- AS 4674-2004, Design, construction and fit out of food premises (Australian Standard)
- Food Standards Code (Australia and New Zealand), particularly,
 - 3.2.2 Food Safety Practices and General Requirements
 - 3.2.3. Food Premises and Equipment
 - 3.2.2A Food Safety Management Tools

Copies of the Food Standards Code are available on the Food Standards Australia New Zealand website at www.foodstandards.gov.au

- NSW Food Act 2003
- Food Regulation 2015

5.2. Guidelines (advisory documents)

- Safe Food Australia A Guide to the Food Safety Standards Chapter 3 of the Australia and New Zealand Food Standards Code, Appendix 10: Home based food businesses, 3rd Edition November 2016

5.3. Notification of Operation of a Food Business within the Maitland LGA

Notification is a compulsory requirement - Refer to Section 3 of this policy for details.

DRAFT FOOD SAFETY POLICY 2024 AND INSTRUMENT OF APPOINTMENT AS AN ENFORCEMENT AGENCY 2024 (Cont.)

5.4. Inspection Program

Most fixed food premises in the Maitland LGA fall within the high or medium risk rating requiring routine inspection by Council at least once per year.

Where possible, all inspections will be conducted by authorised Council officers without prior notice.

All inspections will be charged and invoiced in accordance with the approved fees and charges for that year.

Food safety re-inspections may be undertaken, or the risk classification may be escalated if:

- a routine inspection identifies problems that require further attention, or
- Council receives credible complaints resulting in an inspection which identifies any significant non-compliance, or
- the food business changes risk categories due to the types of food that is served at the business,
- the food business is sold or changes proprietors.
- the food business is the subject of a foodborne illness investigation or complaint investigation where a significant non-compliance with the Australian New Zealand Food Standards Code is identified (e.g. if the non-compliance resulted in enforcement action).

6. POOR PERFORMING FOOD IDENTIFIED IN THE MAITLAND LOCAL GOVERNMENT AREA

A food business operating within the Maitland Local Government Area that has been identified as performing poorly and is not complying with the Food Safety Standards, may be subject to a further inspection throughout the financial year.

The following points detail when an additional inspection may be required.

- The food business received an FPAR rating of greater than 15 or more.
- The food business received a single 8 point critical food handling noncompliance.
- The food business received a warning that they have failed the Food Safety Codes.
- The food business is a poor performer where the same breaches are being identified and not acted upon by the business proprietor.
- Council is receiving food complaints about the food business on a regular basis through the year.
- The food business has been issued with an Improvement Notice, Penalty Infringement Notice or prosecution within the last 12 months.

When one or more of these criteria are satisfied, the food business will be upgraded to inspections on a 6 monthly basis to address food safety performance.

7. MOBILE FOOD VEHICLES

'Mobile food vehicles' include vans, trucks, caravans and trailers as well as boats fitted out for the handling and sale of food directly to consumers e.g. coffee vans, ice cream vans, sandwich trucks and boats and the like. Each vehicle is considered a separate food premises. A mobile food vehicle can operate at multiple locations provided the appropriate approvals are in place.

The mobile food vehicle and its fit out is usually the same regardless of its location. The food vehicle must be self-contained with its own hand wash basin, equipment and consistent operational conditions regardless of the location and environmental factors.

7.1. Construction Standards

A person using a mobile food vending vehicle to store, prepare or sell food for human consumption, is deemed

DRAFT FOOD SAFETY POLICY 2024 AND INSTRUMENT OF APPOINTMENT AS AN ENFORCEMENT AGENCY 2024 (Cont.)

(by the *Food Standards Code*) to be a 'food business'. This includes not-for-profit operations.

A food business is required to sell safe and suitable food in accordance with the provisions of:

- Food Standards Code (Australia and New Zealand), particularly,
 - 3.2.2 Food Safety Practices and General Requirements
 - 3.2.3. Food Premises and Equipment
- NSW Food Act 2003
- Food Regulation 2015

7.2. Guidelines (advisory documents)

- Food Standards Australia New Zealand
 - Link to web: [InfoBites](#) – a series of information on food safety standards and practical tips to reduce food safety risks
 - InfoBite – [Mobile food businesses](#)
- NSW Food Authority
 - Link to web: [Mobile food vendors](#)
 - [Guidelines for Mobile Food Vending Vehicles](#)
 - Link to web: [Markets and temporary events](#)
 - [Guidelines for Food Businesses at Temporary Events](#)

7.3. Notification of Operation of a Mobile Food Vehicle within the Maitland LGA

Notification is a compulsory requirement - Refer to Section 3 of this policy for details.

Mobile Food Vehicles must notify their home jurisdiction council (i.e. where they garage the vehicle, and the location where they prepare food for sale), and all the local council areas where they intend to trade.

Council may review Food Business notifications for Mobile Food Vehicles and Temporary Food Businesses on an annual basis.

7.4. Inspection Program – Mobile Food Vehicles

7.4.1. What is the Home Jurisdiction Rule?

For mobile food vehicles, the home jurisdiction is the council where the vehicle is ordinarily garaged, even if the business does not intend to trade in that council area

The home jurisdiction is generally responsible for the regular inspection of mobile food vehicles and risk-based inspection of temporary food businesses based in their area (eg prepare food at a fixed premises in the area for sale at an event elsewhere).

7.4.2. Mobile food vehicles – where MCC has home jurisdiction

When Maitland Council has the home jurisdiction for mobile food vehicles, then Maitland Council will conduct the annual 'primary' inspection of the vehicle

The vehicle inspection would ideally be conducted whilst trading under operational conditions. Alternatively, construction of the mobile food vehicle may be inspected for compliance with food construction standards in the first instance, with a further 'primary' inspection taking place under operational conditions at a later time.

Inspection of any associated fixed premises where food is prepared will be at the discretion of the home jurisdiction for that activity. When Maitland Council has the home jurisdiction for the fixed premises, inspections will be dependent on the relevant risk classification and planning requirements. Refer to Section 8 of this policy for further details on Home-based businesses.

7.4.3. Mobile food vehicles – where MCC does not have home jurisdiction

DRAFT FOOD SAFETY POLICY 2024 AND INSTRUMENT OF APPOINTMENT AS AN ENFORCEMENT AGENCY 2024 (Cont.)

As a non-home jurisdiction, Maitland Council will inspect mobile food vehicles that are operating in the Maitland Local Government Area. Council Officers undertake inspections at a variety of events throughout the year. This can include Council and private events operating within the Local Government Area.

7.5. Other Council programs (on public land)

Note: Where there is any discrepancy in the information provided in Council policies and the requirements of the NSW Food Act and Regulations, and the Australian Food Code, then the State and Federal requirements take precedence (i.e. override) council policy.

- Street Eats - A council program to encourage mobile food in designated public places. Further information on the [Street Eats](#) program is available on Council's website.

7.6. Mobile food vehicles operating on private land

The *State Environmental Planning Policy – Exempt and Complying Development Code*, provides that mobile food vehicles may in some circumstances be exempt from requiring Council development consent to operate on private land. If planning to operate on private land, then Council's Duty Planner should be consulted to determine whether consent is required.

For further details refer to NSW Planning and Environment website and the NSW Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

7.7. Mobile food vehicles operating at a Temporary Event

If participating at a temporary event, then either the food business operator or the event organiser must notify MCC that the mobile food vehicle is operating at that specific event.

8. TEMPORARY FOOD BUSINESSES AND TEMPORARY EVENTS

A *temporary food business* trades at temporary events. The business may prepare food at a fixed premises before the event or prepare all food at the event.

A *temporary event* where food businesses may trade include fetes, markets, festivals, agricultural shows and the like. These events range in duration from several hours to several weeks. Food businesses trading at these events may operate from premises such as a tent, stall or marquee in accordance with the Food Safety Standards, Codes, Acts and Regulations.

8.1. Construction Standards

A person operating a temporary food business to store, prepare or sell food for human consumption, is deemed to be a 'food business'. This includes not-for-profit operations and charities.

The Code defines a food business as any business or activity that involves the sale of food or the handling of any type of food for sale in Australia, with the exception of some primary food production activities.

A food business is required to sell safe and suitable food in accordance with the provisions of:

- Food Standards Code (Australia and New Zealand), particularly,
 - 3.2.2 Food Safety Practices and General Requirements
 - 3.2.3. Food Premises and Equipment

Note that 'food premises' includes temporary food businesses. Copies of the Food Standards Code are available on the Food Standards Australia New Zealand website at www.foodstandards.gov.au.

- NSW Food Act 2003
- Food Regulation 2015

8.2. Guidelines (advisory documents)

DRAFT FOOD SAFETY POLICY 2024 AND INSTRUMENT OF APPOINTMENT AS AN ENFORCEMENT AGENCY 2024 (Cont.)

- Food Standards Australia New Zealand
 - Link to web: [InfoBites](#) – a series of information on food safety standards and practical tips to reduce food safety risks
 - InfoBite – [Temporary food businesses](#)
- NSW Food Authority
 - Link to web: [Markets and temporary events](#)
 - [Guidelines for Food Businesses at Temporary Events](#)

8.3. Notification of Operation of a Temporary Food Business within the Maitland LGA

Notification is a compulsory requirement - Refer to Section 3 of this policy for details.

Council receives notifications for Mobile Food Vehicles and Temporary Food Businesses throughout the financial year. Environmental Health Officers will issue a 12-month approval for Mobile Food Vehicles and Temporary Food Businesses intending to trade in the Maitland Local Government Area.

8.4. Inspection Program – Temporary Food Business

8.4.1. *What is the Home Jurisdiction Rule?*

For [Temporary Food Businesses](#), the home jurisdiction council, is generally responsible for the risk-based inspection of temporary food businesses that trade at temporary events but prepare their food off-site at a fixed premises (e.g. domestic kitchen, café or restaurant), the home jurisdiction rule recognizes the council in whose area that the fixed premises is located.

8.4.2. *Food Business Trading at a Temporary Event – where MCC has home jurisdiction*

When Maitland Council has the home jurisdiction for a home-based business preparing food for sale from a mobile food vehicle or a temporary food business, inspections will be dependent on the relevant risk classification and relevant planning requirements. Refer to Section 8 for details relevant to home-based businesses.

8.4.3. *Food Business Trading at a Temporary Event*

Maitland Council does undertake inspections at events that are held within the Maitland Local Government Area. These events include but are not limited to markets, shows, field days and events held in the Maitland Local Government Area.

It is also noted that some low-risk food events and mobile food vehicles or temporary businesses may not be inspected by Council Officers.

9. HOME-BASED FOOD BUSINESS

Home-based food businesses typically use a home (domestic) kitchen to prepare food for sale directly to the public (e.g. preparing and storing food for sale at local markets). If preparing food at home for sale or consumption, on a hobby, charity (including not-for-profit organisations offering in-kind rewards) or commercial basis, then there are a number of standards that must be met.

The *NSW Environmental Planning Policy (Exempt and Complying Development Codes) 2008* allows a dwelling to be used as a home business for the purpose of the manufacture of food for sale (subject to conditions). The development must:

- Not involve the change of building use, and
- Comply with AS 4674-2004, Design, construction and fit out of food premises. These standards provide details on minimum construction and health safety requirements for food preparation areas.

The premises must also comply with all requirements under the Food Act 2003 and regulations under that Act, and the Food Standards Code, Food Safety Standards 3.2.2 and 3.2.3. These documents contain further requirements on design, construction and operation of a food manufacture premises.

DRAFT FOOD SAFETY POLICY 2024 AND INSTRUMENT OF APPOINTMENT AS AN ENFORCEMENT AGENCY 2024 (Cont.)

Domestic kitchens may be suitable for the production of low-risk food. Each business will be assessed based on the type of food they are producing and associated risks to determine if their home kitchen is suitable. If your home kitchen is not suitable Council recommends hiring or leasing an approved commercial kitchen that is inspected annually if producing high risk foods.

Notification of Operation of a Home-based Food Business within the Maitland LGA Notification is a compulsory requirement - Refer to Section 3 of this policy for details. Please note, notification of a home-based food business does not negate the need to confirm whether the business meets the requirements of planning legislation.

9.1. Risk-based Inspection Program for Home-based Food Businesses

The risk classification assigned to a food business is dependent on the type of activity conducted, the types of food produced at the premises/outlet and the potential for harm to consumers.

9.3.1 Low risk home-based food businesses

Home-based businesses typically use a home (domestic) kitchen to prepare food for sale directly to the public (e.g. preparing and storing food for sale at local markets). Home-based food businesses are considered low risk if they are not handling potentially hazardous food or packaged food, OR if the business meets all the following criteria:

- it does not produce food that has a very high level of inherent risk and a potentially unreliable critical control point (e.g. raw egg foods such as aioli and mayonnaise),
- it does not supply food to vulnerable populations or businesses that service vulnerable populations (e.g. childcare facility, care home),
- it has at least one certified Food Safety Supervisor appointed by the business (if required),
- it produces less than 10kg of food for sale per week from the domestic kitchen (equivalent to forty 250g serves), and
- it notifies the local enforcement agency if any of these circumstances change.

Maitland Council will only inspect low risk home-based food businesses on a reactive basis i.e., in response to a food safety complaint or foodborne illness investigation (i.e. no routine inspection).

9.3.2 Medium risk and high-risk home-based food businesses

A home kitchen may not be suitable for high-volume 'medium' or 'high' risk retail operations. A home-based food business is considered at least medium risk if it does not meet one or more of the low risk home-based businesses criteria (see above s 8.4.1), or if a significant non-compliance with the Code is identified at an inspection following a food safety complaint or foodborne illness investigation (e.g. resulted in enforcement action).

In these situations, council may conduct routine inspections of the home-based business at a frequency determined by the type of food produced and its compliance history (see Fixed Premises).

10. ENFORCEMENT – ESCALATING METHODS OF REGULATION TO ACHIEVE COMPLIANCE

Instances of non-compliance with the Food Standards Code can range from minor issues with very small food safety risks through to serious issues that represent a significant threat to public health and safety.

Compliance tools to be used for enforcement include:

- Verbal warning – Council's officer may issue verbal warnings for non-compliance with food standards where the risk of the non-compliance is considered low or can be immediately rectified.
- Written warning – Council's officer may issue a written warning via a letter to the owner/proprietor where the risk of the non-compliance is considered low or is the first offence and not an immediate risk to public health.

DRAFT FOOD SAFETY POLICY 2024 AND INSTRUMENT OF APPOINTMENT AS AN ENFORCEMENT AGENCY 2024 (Cont.)

- Improvement notice – Council's officer may issue a written improvement notice by mail together with a fee* where previous warnings have been ignored or insufficiently executed and the risk of non-compliance with relevant standards is medium to high (*as stated in the approved fees and charges).
- Prohibition Order – Council's officer may issue a prohibition order where previous warnings/ improvement notice have been ignored and the risk of non-compliance with standards has escalated or is a serious threat to public health.
- Power of seizure – Council's officer has the authority under the provisions of the Food Act to seize any food, equipment, advertising material or any other thing that the officer believes has contributed to a non-compliance or offence against the Act.
- Penalty notices – Council's officer may issue a penalty notice (fine) under the provisions of the Food Act & Regulation when escalating a breach that has not been rectified in accordance with a graduated enforcement approach or for a serious food safety breach.
- Prosecution – Council may elect to proceed with prosecution under the provisions of the Act & Regulation in a court of law.

Note that this escalating enforcement approach does not negate the immediate use of penalty notices or other more severe interventions where required to effectively mitigate serious risks.

Food business owners should be aware that the NSW Food Authority has the legislated power to name businesses issued with a penalty notice or prosecuted by Council. The "name and shame" program is intended to provide an open and transparent system which allows the community to make an informed decision on where they choose to eat.

11. FEES AND CHARGES

11.1. Notification of Food Business

- All food businesses (including fixed premises, mobile food vehicle, temporary food business and home-based businesses) must notify council (refer to Section 3 of this policy).

11.2. Annual Administration Charge (cl 15 Food Regulation)

- There are significant indirect administrative costs in undertaking food regulatory work e.g. complaints must be recorded and investigated, other enforcement agencies must be consulted, and reports must be prepared
- To recover administrative costs Council will impose an annual Administration Charge on a food business it has inspected during the same 12-month period.
- Annual Administration Charge does not apply to food businesses operating for the sole purpose of raising funds for a community or charitable cause
- Annual Administration Charge may change from year to year. Refer to Maitland Council's Fees and Charges for the relevant year.

11.3. Inspection Fees (s608 Local Government Act)

- An inspection fee can be charged for all visits made by an authorised officer to a food business this includes re-inspection, or inspections associated with complaint or incident investigations
- Where an inspection of a low-risk food activity is triggered the appropriate inspection fee may be applied
- A reinspection fee may be charged for reinspection of all food business types
- Annual Inspection Fee and Reinspection Fee may change from year to year. Refer to Maitland Council's Fees and Charges for the relevant year.

11.4. Improvement Notice Fee (s 66AA Food Act, and cl 11 Food Regulation)

DRAFT FOOD SAFETY POLICY 2024 AND INSTRUMENT OF APPOINTMENT AS AN ENFORCEMENT AGENCY 2024 (Cont.)

- Fee is designed to cover the cost of preparing and serving the Improvement Notice on the proprietor of the food business
- Any further reinspection's will be subject to additional reinspection fees.
- Improvement Notice Fee is prescribed by legislation – Council may extend the time given for payment of the fee or reduce or waive the payment of the fee.

11.5. Pre-purchase Inspections

- Offered on a fee for service basis. Refer to Maitland Council's Fees and Charges for the relevant year.

12. ADVICE, SERVICES AND TRAINING

Education forms an integral part of the Food Safety program and is delivered through a diverse range of strategies.

12.1. Advice to the public

Open and honest communication with local food businesses is vital in maintaining food safety. Council's Environmental Health Officers are available to discuss any issues with food business operators and can be contacted by phone, email or during an inspection.

Inspections of food premises/outlets aims to not only provide enforcement of food standards, but also an opportunity to increase the knowledge of food handlers. Council will also aim to provide support information to food businesses as the need arises on a range of topics and issues including food safety, food handling and legislative changes.

12.2. Pre-purchase inspection (by request)

Pre-purchase inspections are conducted on request as a fee for service activity where a person is considering buying an existing food business and may require confirmation of the status of the premises/outlet and operations. A report identifying any non-compliance with relevant statutory requirements will be provided to the applicant upon completion of the inspection.

12.3. Newsletters, factsheets and calendars

Council produces an annual newsletter which aims to provide food handlers and business owners with regular updates on food safety issues including temperature control, food handling, hand washing, food safety supervisors and any relevant changes to food legislation.

Factsheets and calendars developed in association with other councils will be available in both printed format and as downloadable documents accessible from Council's website.

12.4. Food handling workshops

Throughout the year Council will endeavor to provide a workshop providing food handlers with the opportunity to update their knowledge and skills in the food industry, discuss relevant food safety issues, changes to legislation, practical solutions and requirements for food safety supervisors.

Availability of workshops will be subject to sufficient resourcing and attendance numbers.

13. NSW FOOD AUTHORITY PROTOCOLS

Council, as an appointed enforcement agency must comply with the following NSW Food Authority Protocols. Pursuant to the NSW Food Authority FPAR Agreement, Council is required to. Under the 2018 Instrument of Appointment for a Category B enforcement agency Council has a responsibility to:

- Appoint authorised officers and ensure they maintain current knowledge of the advisory guidelines. Make authorised officers available to regularly participate in networking meetings and undertake professional development.

- Inspect retail food businesses for compliance with the national food safety standards.
- The 2018 Food Regulation Partnership extends the definition of “retail” to cover all businesses that primarily sell food to consumers and are not licensed by the Food Authority (including home-based food businesses that sell to the final consumer, e.g. at a market).
- Comply with the following protocols (must do) for enforcement agencies:
 - Activity report
 - Food complaint referral
 - Reporting legal proceedings
 - Submitting food samples for testing, and
 - Urgent food safety response

POLICY DEFINITIONS

AS	Australian Standard
Authority	NSW Food Authority
Code	Food Standards Code (Australia and New Zealand)
Policy:	A plan or course of action, as of a government, political party, or business, intended to influence and determine decisions, actions, and other matters
MCC	Maitland City Council

POLICY ADMINISTRATION

BUSINESS GROUP:	CITY PLANNNG
RESPONSIBLE OFFICER:	COORDINATOR – REGULATORY COMPLIANCE
COUNCIL REFERENCE:	Ordinary Council Meeting 11/06/2024
POLICY REVIEW DATE:	Three (3) years from date of adoption - 11/06/2027
FILE NUMBER:	150/1
RELEVANT LEGISLATION	<ul style="list-style-type: none">• Environmental Planning and Assessment Act 1979 NSW• Food Act 2003 NSW• Food Regulation 2015 NSW• Local Government Act 1993• State Environment Planning Policy – (Exempt and Complying Development) 2008
RELATED POLICIES / PROCEDURES / PROTOCOLS	<ul style="list-style-type: none">• Australian Standard AS 4647 – Construction and Fit-out of Food Premises• Food Standards Code (Food Standards Australia and New Zealand)• NSW Food Authority Guidelines for Mobile Food Vending Vehicles• NSW Food Authority Guidelines for Food Businesses at Temporary Events

POLICY

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0 (DRAFT)	For consideration by Council	Review and update of existing policy dated 26 November 2002 reflecting changes to food legislation and the revised Food Regulation Partnership 2017.
1.1 (final)	24 August 2018	Minor changes reflecting date adopted
2.0	11 June 2024	

Policy and Finance Committee

DRAFT FOOD SAFETY POLICY 2024 AND INSTRUMENT OF APPOINTMENT AS AN ENFORCEMENT AGENCY 2024

NSW Food Authority Instrument of Appointment for Council 2024

Meeting Date: 23 July 2024

Attachment No: 2

Number of Pages: 3

Food Authority



25 June 2024

Maitland City Council
263 High Street
Maitland NSW 2320

Via email info@maitland.nsw.gov.au

Dear Mr Jeff Smith

RE: Appointment of Maitland City Council as an enforcement agency, *Food Act 2003*

I am pleased to issue a new appointment to Maitland City Council as an enforcement agency under section 111(4) of the *Food Act 2003* (the Act). The instrument of appointment below will take effect on 1 July 2024.

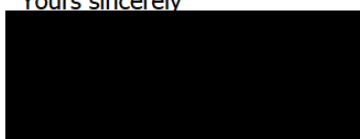
The updated Food Regulation Partnership Guideline is available [here](#).

Please ensure you update your Authorised Officer's certificates of authority. A template has been provided within the Advisory Guideline dealing with Appointing Authorised Officers via the link above.

Please encourage staff to attend regular regional training and briefing sessions delivered by the NSW Food Authority. Training dates and opportunities are periodically communicated directly with food enforcement staff and you can add relevant contacts to our mailing list via food.contact@dpi.nsw.gov.au.

For any further information, please contact Andrew Davies, Manager Local Government Unit, on 0419 705 023 or at andrew.davies@dpi.nsw.gov.au.

Yours sincerely



Dr Lisa Szabo
Chief Executive Officer

Ref: OUT24/4928

**Instrument of appointment as an enforcement agency
(Sections 111, 111B and 111D of the NSW Food Act 2003)**

Maitland City Council is appointed in writing as an enforcement agency by the NSW Food Authority in respect of **Maitland City Council Local Government Area** ("the Area") under section 111(4) of the *Food Act 2003*.

Commencement: This instrument of appointment commences on **1 July 2024** in accordance with sections 111, 111B and 111D of the *Food Act 2003*.

Revocation: The instrument dated 22 December 2017 is revoked pursuant to section 111A of the *Food Act 2003*.

As an enforcement agency, this instrument of appointment is subject to the following limitations under section 111B of the *Food Act 2003*:

- 1) the functions conferred or imposed on **Maitland City Council** as an enforcement agency under the *Food Act 2003*, excluding the function of appointing an authorised officer under Division 3 of Part 9 of that Act, are only to be exercised within "the Area" in respect of:
 - a) an imminent threat to:
 - (i) public health and safety; or
 - (ii) the health of any individual;
 in connection with food; and
 - b) retail food businesses; and
- 2) the function of appointing one or more authorised officers under Division 3 of Part 9 of the *Food Act 2003* is to be exercised so that the functions of each authorised officer appointed are only exercisable within "the Area" in respect of:
 - a) an imminent threat to:
 - (i) public health and safety; or
 - (ii) the health of any individual;
 in connection with food; and
 - b) retail food businesses.

As an enforcement agency, this instrument of appointment is subject to the following conditions under section 111B of the *Food Act 2003*:

- 1) inspect retail food businesses for compliance with the national food safety standards in the *Australia New Zealand Food Standards Code*; and
- 2) comply with the operating protocols for enforcement agencies; and
- 3) make authorised officers available to regularly participate in networking meetings and undertake professional development.

It is the duty of **Maitland City Council** to exercise the functions conferred or imposed under the *Food Act 2003*, or delegated to it under that Act, for the purposes of section 111D of that Act.

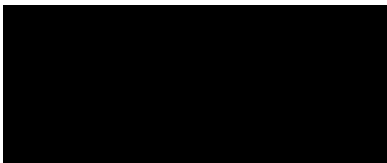
This instrument of appointment does not authorise **Maitland City Council** to exercise any of the functions conferred or imposed under the *Food Act 2003* on another enforcement agency appointed in respect of "the Area" under section 111(4) and section 111(5) of that Act.

DRAFT FOOD SAFETY POLICY 2024 AND INSTRUMENT OF APPOINTMENT AS AN ENFORCEMENT AGENCY 2024
(Cont.)

For the purposes of this instrument of appointment:

Retail food business means a food business at a premises, and vehicles used to transport food, within “the Area”:

- a) where the principal food-related activity is one or both of:
 - (i) the handling of food intended for sale directly to consumers from any premises by that business; or
 - (ii) the sale of food directly to consumers; and
- b) which is not a food business, or part of a food business, that is required to be licensed under the *Food Act 2003*.



Dr. Lisa Szabo
Chief Executive Officer
NSW Food Authority

25 June 2024

11.5 STATEMENT OF INVESTMENTS AS AT 30 JUNE 2024

FILE NO:	82/2
ATTACHMENTS:	1. Council's Holdings as at 30 June 2024
RESPONSIBLE OFFICER:	Mary O'Leary - Executive Manager Finance Annette Peel - Manager Finance & Procurement
AUTHOR:	Narelle Jeffries - Financial Accountant Laura Barry - Financial Accountant
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

Clause 212 of the Local Government (General) Regulation 2021 requires Council to report on its investments.

As at the end of June 2024, Council had investments totalling \$217,395,356 under management.

Council's investment portfolio recorded a marked-to-market return of 5.03% per annum versus the bank bill index benchmark return of 4.34% per annum. The actual investment return for the month of June was \$896,375, a favourable variance of \$1,686 when compared to the new revised monthly budget forecasts of \$894,689.

Council remains fully compliant with all Investment Policy requirements.

OFFICER'S RECOMMENDATION

THAT

- 1. The report indicating Council's Funds Management position be received and noted.**
- 2. The certification of the Responsible Accounting Officer be noted and the report adopted.**

REPORT

For the month of June 2024, Council has total cash on call and investments of \$217,395,356 comprising:

- On call accounts \$10,045,688
- Investments \$207,349,668

This is compared to the month of May 2024 where Council had \$218,476,497 under management. The reduction in Council's investment holdings is due to the expected increase in expenditure approaching the end of the financial year.

STATEMENT OF INVESTMENTS AS AT 30 JUNE 2024 (Cont.)

Whilst Council has in excess of \$200 million under management, 56% of the portfolio is externally restricted funds, pertaining to developer contributions and domestic waste management reserves.

In June, Council's investment portfolio recorded a marked-to-market return of 5.03% per annum versus the bank bill index benchmark return of 4.34% per annum. Over the past 12 months, the investment portfolio has returned a marked-to-market return of 5.08%, versus the bank bill index benchmark's 4.37%.

Without marked-to-market influences, Council's investment portfolio yielded 5.11% per annum for the month. This is based on the actual interest income being earned on existing investments and excludes the underlying changes to the market value of the bonds in the portfolio.

During June, Council had maturities of \$16 million across several term deposits with terms ranging between 6 and 12 months paying an average of 5.32% per annum. Council invested \$8 million between three 12 month term deposits paying an average of 5.35% per annum.

Council also added three senior ranked floating rate notes from Great Southern Bank, Teachers Mutual and ANZ to its long term portfolio. Council invested:

- \$3.25 million in a Great Southern Bank (October 2026) Floating Rate Note paying quarterly interest of 3 month bank bill swap rate +1.60% whose quarterly rate set is currently 5.97% per annum.
- \$1.8 million in a 3 year Teachers Mutual Floating Rate Note paying quarterly interest of 3 month bank bill swap rate +1.30% whose first quarterly rate set is 5.71% per annum.
- \$5 million in a 5 year ANZ Floating Rate Note paying quarterly interest of 3 month bank bill swap rate +0.86% per annum whose first quarterly rate set is 5.23% per annum.

Council locked in capital gains with sales of two \$2 million ANZ Floating Rate Notes that had maturities in early 2025 and had been paying 3 month bank bill swap rate +0.76% and +0.77%. As the Floating Rate Notes approach maturity the capital gains would have reverted to zero, therefore Council capitalised on current market pricing.

Council has a well-diversified portfolio invested among a range of term deposits, fixed rate bonds and floating rate notes from highly rated Australian authorised deposit-taking institutions.

Global issues – commentary provided by Prudential Investment Services:

- While overall progress in lowering inflation has slowed, some central banks have seen enough to start cutting rates. The European Central Bank and Bank of Canada cut rates in June, the first of the major advanced economy central banks to do so. The United States Federal Reserve and Bank of England are expected to cut rates later this year and into 2025. Meanwhile, Japan is moving to gradually increase rates.

STATEMENT OF INVESTMENTS AS AT 30 JUNE 2024 (Cont.)

- In Europe, the European Union parliamentary election saw a rise in support for far-right parties that support less immigration and tend to be more nationalistic. The rise in support for populist parties points to a bias towards more protectionist economic policies.
- Following the result of the European Union elections, French President Macron unexpectedly called for parliamentary elections at a time that nationalist parties are again gaining ground in France.

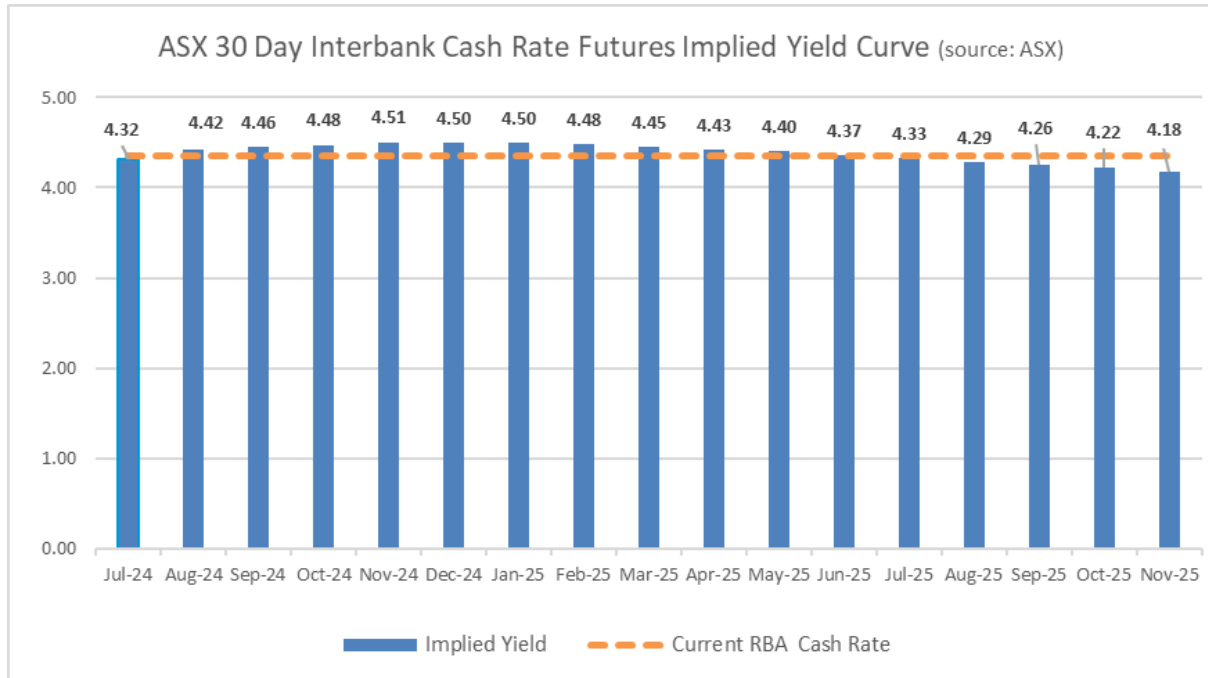
Domestic issues - commentary provided by Prudential Investment Services:

- Latest monthly inflation data has gone up for three months in a row driven by an upswing in services inflation while goods inflation has levelled off. Headline inflation is in line with the RBA's forecast for 3.8% year over year in the June quarter, but trimmed mean inflation, the RBA's preferred measure, risks being materially above its forecast.
- The unexpectedly high monthly inflation release has some economists predicting that the RBA will increase its inflation forecasts through 2025 and may even pull the trigger on another interest rate hike at its next Monetary Policy meeting in August.
- Countering the rate hike concerns, the current level of interest rates is still considered restrictive by the RBA. The lagged effect of past hikes has yet to fully flow through and economic growth has slowed to a crawl with household budgets still under pressure which will only be partly relieved by the tax cuts from 1 July.
- The monthly Westpac-Melbourne Institute Consumer Sentiment Index edged higher in June but remains deep in negative territory, as does the Weekly ANZ-Roy Morgan Consumer Confidence Index. Meanwhile, Australian Bureau of Statistics data on job vacancies reported an eighth consecutive quarterly fall in vacancy numbers in May this year. Vacancies are now down 26 per cent from their peak, albeit still comfortably above their pre-pandemic levels.

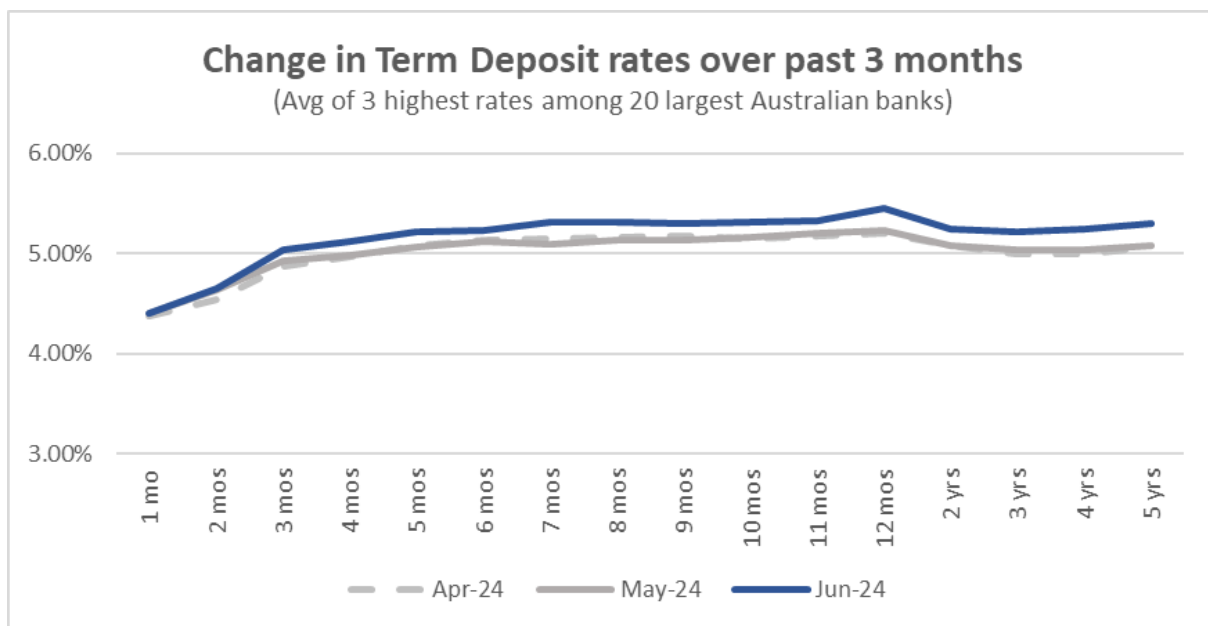
Interest rates - commentary provided by Prudential Investment Services:

- The RBA kept the official cash rate unchanged at 4.35% following its meeting in June with the next meeting in early-August.
- The higher than expected monthly inflation release combined with comments from the RBA that "it will be some time yet before inflation is sustainably in the target range" and that "it will do what is necessary to achieve that outcome" effectively eliminated the market's expectation of a rate cut any time soon.
- Though some economists are predicting a rate hike as early as the August meeting, the market is not pricing in any change through 2025:

STATEMENT OF INVESTMENTS AS AT 30 JUNE 2024 (Cont.)



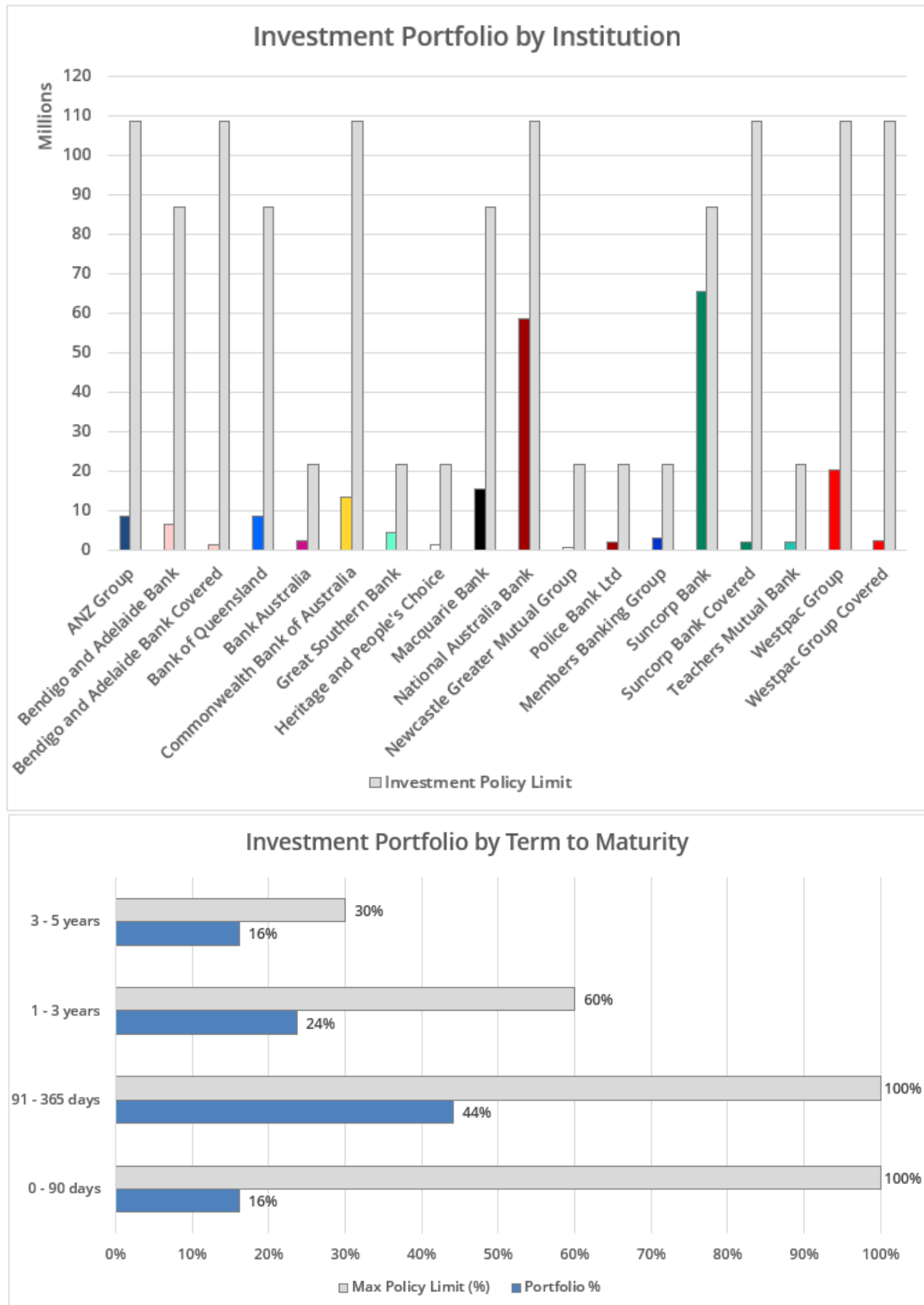
- The higher than expected monthly inflation data boosted market interest rates at the end of the June resulting in term deposit rates across the 1 month to 5 year range increasing by an average of 15 basis points with the biggest increase at the 12 month term.



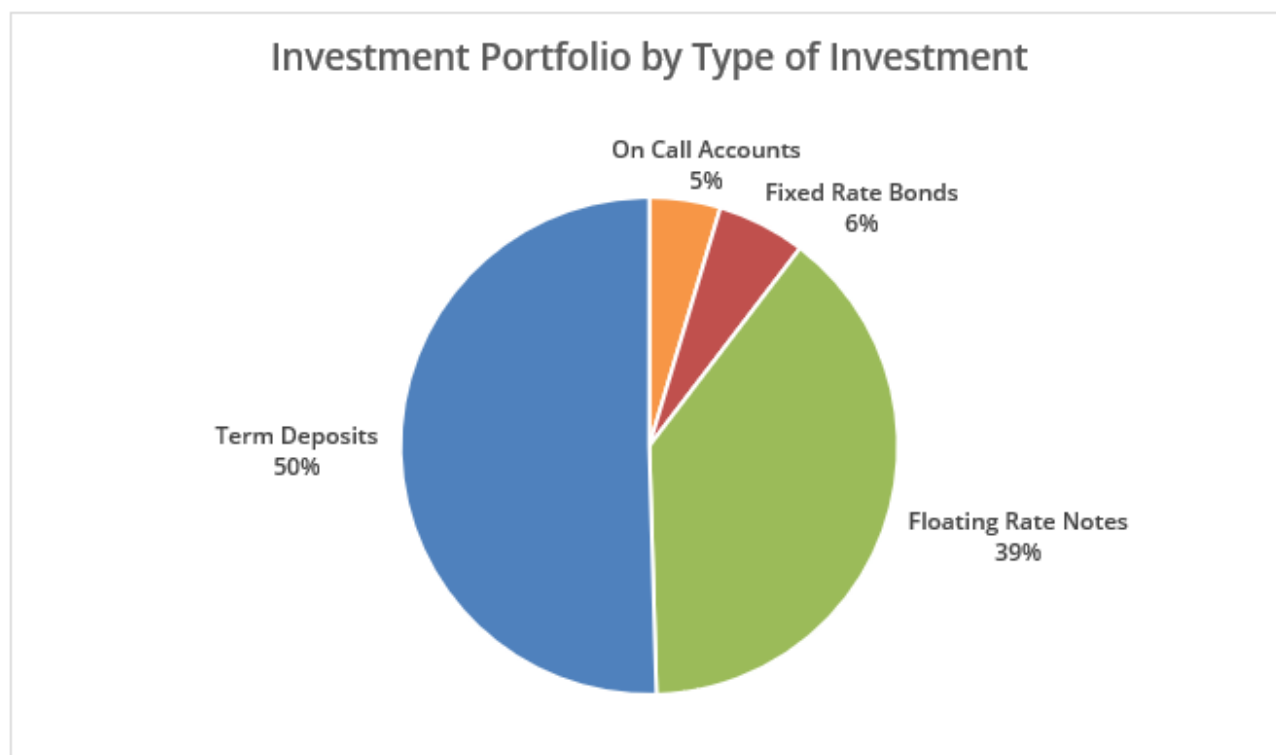
All market commentary is provided by Prudential Investment Services who advise on the management of Council's investment portfolio.

STATEMENT OF INVESTMENTS AS AT 30 JUNE 2024 (Cont.)

PORTFOLIO ANALYSIS



STATEMENT OF INVESTMENTS AS AT 30 JUNE 2024 (Cont.)

**INVESTMENT PORTFOLIO AT A GLANCE**

Portfolio Performance vs 90 day Bank Bill Index	✓	Council's investment performance did exceed the benchmark for the month of June 2024
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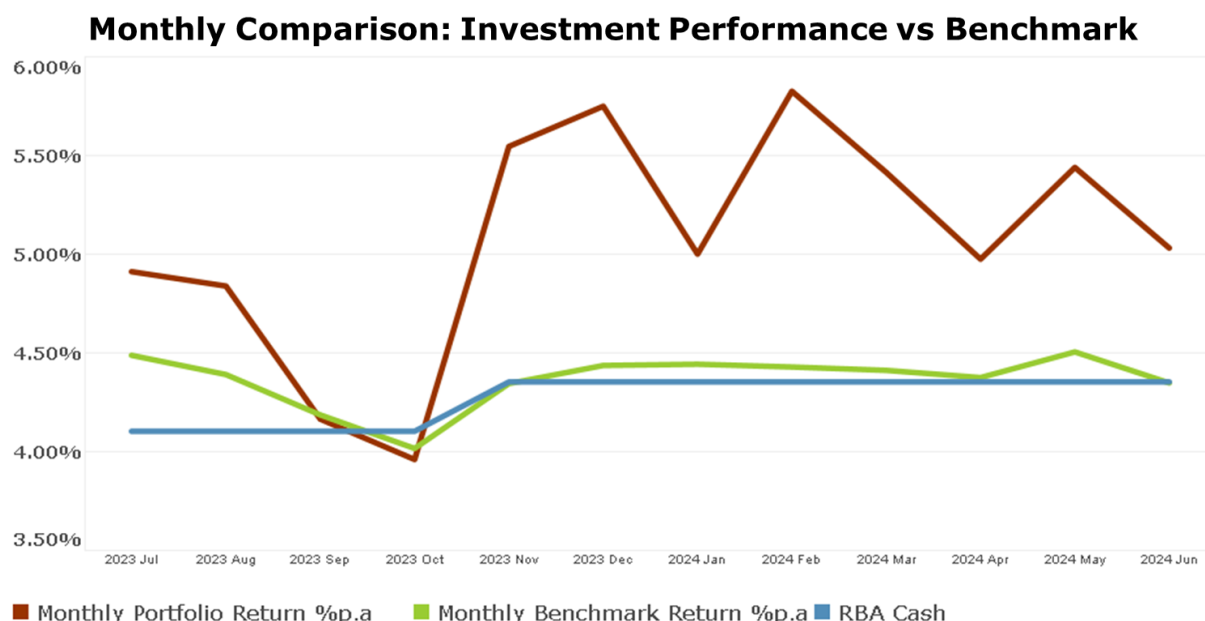
Investment Policy Requirement

Legislative requirements	✓	Fully compliant
Portfolio credit rating limit	✓	Fully compliant
Institutional exposure limits	✓	Fully compliant
Term to maturity limits	✓	Fully compliant

Investment Performance v Benchmark

Term	Investment Portfolio Return	Benchmark: Bloomberg AusBond 90 day Bank Bill Index	RBA cash rate
1 month	5.03%	4.34%	4.35%
3 months	5.15%	4.41%	4.35%
6 months	5.27%	4.42%	4.35%
FYTD	5.08%	4.37%	4.28%
12 months	5.08%	4.37%	4.28%

STATEMENT OF INVESTMENTS AS AT 30 JUNE 2024 (Cont.)

**CONCLUSION****Certification of Responsible Accounting Officer**

The Responsible Accounting Officer certifies that the investments listed in the report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2021, and Council's Investment Policy.

FINANCIAL IMPLICATIONS

The original budget provision for interest on investments for the 2023/2024 financial year was \$7,750,000. During quarterly budget review processes throughout the year, this was increased to a new revised budget reported to council of \$10,283,871.

The actual investment return for the month of June was \$896,375. This amounts to a favourable variance of \$1,686 when compared to the revised monthly budget forecasts of \$894,689.

The revised 2023/2024 annual budget forecast for investment returns is \$10,283,871. The actual investment returns for the 2023/2024 year are \$10,780,427, amounting to a favourable variance of \$496,556 which can be attributed to the current high interest rate environment.

POLICY IMPLICATIONS

Council's investments are made in accordance with the Council's Investment Policy.

STATUTORY IMPLICATIONS

The above amounts have been invested and reported in accordance with:

- Section 625 of the Local Government Act, 1993
- Clause 212 of the Local Government Act (General) Regulation, 2021

Policy and Finance Committee

STATEMENT OF INVESTMENTS AS AT 30 JUNE 2024

Council's Holdings as at 30 June 2024

Meeting Date: 23 July 2024

Attachment No: 1

Number of Pages: 2

STATEMENT OF INVESTMENTS AS AT 30 JUNE 2024 (Cont.)

COUNCIL'S HOLDING AS AT 30 JUNE 2024

Bonds							
	Face Value	Coupon	Borrower	Credit Rating	Maturity	Term of Investment	Current Value
30-Jul-24	2,000,000.00	1.8500	SUN Snr Bond (Jul24) 1.85%	A+	30-Jul-24	30	2,011,109.98
12-Aug-24	1,800,000.00	3.9000	WBC Snr Bond (Aug25) 3.90%	AA-	11-Aug-25	407	1,807,164.00
19-Aug-24	2,000,000.00	4.2000	CBA Snr Bond (Aug25) 4.20%	AA-	18-Aug-25	414	2,015,415.87
11-Nov-24	2,300,000.00	4.9000	WBC Snr Bond (Nov25) 4.90%	AA-	11-Nov-25	499	2,314,251.15
19-Aug-24	1,500,000.00	4.7500	CBA Snr Bond (Aug26) 4.75%	AA-	17-Aug-26	778	1,519,294.92
16-Sep-24	1,400,000.00	4.9460	MAC Snr Bond (Sep26) 4.946%	A+	14-Sep-26	806	1,417,939.21
19-Sep-24	1,500,000.00	5.0000	WBC Snr Bond (Sep28) 5.00%	AA-	19-Sep-28	1,542	1,521,030.65
Totals	12,500,000.00	4.1552					12,606,205.78
Cash							
	Face Value	Current Yield	Borrower	Credit Rating			Current Value
30-Jun-24	2,045,687.03	4.3194	Macquarie Bank	A+			2,045,687.03
30-Jun-24	8,000,000.00	4.4000	National Australia Bank	AA-			8,000,000.00
Totals	10,045,687.03	4.3836					10,045,687.03
Floating Rate Note							
Reset/ Coupon	Face Value	Current Coupon	Borrower	Credit Rating	Maturity	Term of Investment	Current Value
30-Jul-24	1,200,000.00	5.1886	SUN Snr FRN (Jul24) BBSW+0.78%	A+	30-Jul-24	30	1,210,947.39
7-Aug-24	3,000,000.00	5.2181	MAC Snr FRN (Aug24) BBSW+0.80%	A+	7-Aug-24	38	3,024,907.08
12-Aug-24	5,000,000.00	5.2104	MAC Snr FRN (Feb25) BBSW+0.84%	A+	12-Feb-25	227	5,047,802.17
17-Sep-24	2,000,000.00	5.3509	BEN Snr FRN (Mar25) BBSW+0.98%	A-	17-Mar-25	260	2,009,024.80
17-Sep-24	2,400,000.00	5.0609	WBC Snr FRN (Mar25) BBSW+0.69%	AA-	17-Mar-25	260	2,409,773.34
24-Jul-24	2,000,000.00	5.4905	SUN Cov FRN (Apr25) BBSW+1.12%	AAA	24-Apr-25	298	2,032,417.75
20-Aug-24	2,300,000.00	5.0725	WBC Cov FRN (May25) BBSW+0.73%	AAA	20-May-25	324	2,320,750.25
30-Aug-24	2,500,000.00	5.2496	NAB Snr FRN (May25) BBSW+0.90%	AA-	30-May-25	334	2,522,605.97
9-Sep-24	4,000,000.00	4.8373	MAC Snr FRN (Dec25) BBSW+0.48%	A+	9-Dec-25	527	4,004,797.38
26-Aug-24	1,500,000.00	5.8403	RACQ Snr FRN (Feb26) BBSW+1.50%	BBB+	24-Feb-26	604	1,514,565.47
26-Aug-24	1,700,000.00	4.7903	SUN Snr FRN (Feb26) BBSW+0.45%	A+	24-Feb-26	604	1,704,755.17
19-Aug-24	2,000,000.00	5.3925	SUN Snr FRN (May26) BBSW+1.05%	A+	18-May-26	687	2,027,230.14
26-Aug-24	3,900,000.00	4.7503	NAB Snr FRN (Aug26) BBSW+0.41%	AA-	24-Aug-26	785	3,905,208.52
16-Sep-24	2,300,000.00	4.8509	SUN Snr FRN (Sep26) BBSW+0.48%	A+	15-Sep-26	807	2,294,366.42
23-Jul-24	1,200,000.00	5.9682	GSB Snr FRN (Oct26) BBSW+1.60%	BBB+	23-Oct-26	845	1,223,920.02
23-Jul-24	3,250,000.00	5.9682	GSB Snr FRN (Oct26) BBSW+1.60%	BBB+	23-Oct-26	845	3,314,783.39
30-Jul-24	1,650,000.00	5.9086	BOz Snr FRN (Oct26) BBSW+1.50%	BBB+	30-Oct-26	852	1,670,591.22
19-Aug-24	2,000,000.00	5.8950	POL Snr FRN (Nov26) BBSW+1.55%	BBB+	17-Nov-26	870	2,014,535.62
15-Jul-24	2,000,000.00	5.0554	CBA Snr FRN (Jan27) BBSW+0.70%	AA-	14-Jan-27	928	2,024,489.63
25-Jul-24	2,250,000.00	5.1922	SUN Snr FRN (Jan27) BBSW+0.78%	A+	25-Jan-27	939	2,274,184.43
8-Aug-24	1,400,000.00	5.9787	HPC Snr FRN (Feb27) BBSW+1.60%	BBB+	8-Feb-27	953	1,423,653.28
26-Aug-24	2,400,000.00	5.0550	NAB Snr FRN (Feb27) BBSW+0.72%	AA-	25-Feb-27	970	2,416,385.42
5-Sep-24	1,500,000.00	5.9519	RACQ Snr FRN (Mar27) BBSW+1.60%	BBB+	5-Mar-27	978	1,511,654.56
14-Aug-24	1,300,000.00	5.3703	BEN Snr FRN (May27) BBSW+1.00%	A-	14-May-27	1,048	1,310,988.01
23-Sep-24	1,800,000.00	5.7056	TMB Snr FRN (Jun27) BBSW+1.30%	BBB+	21-Jun-27	1,086	1,803,407.72
26-Aug-24	2,500,000.00	5.5350	NAB Snr FRN (Nov27) BBSW+1.20%	AA-	25-Nov-27	1,243	2,549,466.34
16-Sep-24	1,100,000.00	5.6178	SUN Snr FRN (Dec27) BBSW+1.25%	A+	14-Dec-27	1,262	1,117,475.16
15-Jul-24	3,000,000.00	5.5054	CBA Snr FRN (Jan28) BBSW+1.15%	AA-	13-Jan-28	1,292	3,075,762.39
21-Aug-24	500,000.00	6.0426	BOz Snr FRN (Feb28) BBSW+1.70%	BBB+	21-Feb-28	1,331	507,157.77
12-Aug-24	2,500,000.00	5.3704	NAB Snr FRN (May28) BBSW+1.00%	AA-	12-May-28	1,412	2,537,848.95
16-Sep-24	1,200,000.00	5.5209	BEN Cov FRN (Jun28) BBSW+1.15%	AAA	16-Jun-28	1,447	1,212,573.13
11-Sep-24	1,400,000.00	5.2873	ANZ Snr FRN (Sep28) BBSW+0.93%	AA-	11-Sep-28	1,534	1,411,280.01
16-Aug-24	2,000,000.00	5.3842	NAB Snr FRN (Nov28) BBSW+1.03%	AA-	16-Nov-28	1,600	2,031,631.13
6-Aug-24	2,000,000.00	5.3717	ANZ Snr FRN (Feb29) BBSW+0.96%	AA-	5-Feb-29	1,681	2,028,343.02
14-Aug-24	600,000.00	6.2203	NPBS Snr FRN (Feb29) BBSW+1.85%	BBB+	14-Feb-29	1,690	615,174.07
19-Sep-24	1,500,000.00	5.3568	SUN Snr FRN (Mar29) BBSW+0.98%	A+	13-Mar-29	1,717	1,506,646.71
23-Sep-24	2,800,000.00	5.2923	NAB Snr FRN (Mar29) BBSW+0.90%	AA-	22-Mar-29	1,726	2,808,119.89
30-Jul-24	2,500,000.00	5.6886	BoQ Snr FRN (Apr29) BBSW+1.28%	A-	30-Apr-29	1,765	2,534,982.07
18-Sep-24	5,000,000.00	5.2314	ANZ Snr FRN (Jun29) BBSW+0.86%	AA-	18-Jun-29	1,814	5,015,051.19
Totals	85,150,000.00	5.3474					85,969,257.00

STATEMENT OF INVESTMENTS AS AT 30 JUNE 2024 (Cont.)

Term Deposits							
	Face Value	Current Yield	Borrower	Credit Rating	Maturity	Term of Investment	Current Value
	3,000,000.00	5.6200	Commonwealth Bank of Australia	AA-	3-Jul-24	3	3,167,676.16
	2,000,000.00	5.2100	National Australia Bank	AA-	9-Jul-24	9	2,085,072.88
	3,128,014.24	5.1000	Westpac Group	AA-	16-Jul-24	16	3,201,004.10
	3,000,000.00	5.5000	Bendigo and Adelaide Bank	A-	23-Jul-24	23	3,153,246.58
	2,000,000.00	5.1700	National Australia Bank	AA-	20-Aug-24	51	2,054,674.52
	2,000,000.00	5.4400	Commonwealth Bank of Australia	AA-	26-Aug-24	57	2,054,250.96
	2,000,000.00	4.4000	Westpac Group	AA-	2-Sep-24	64	2,072,569.86
	2,066,654.25	5.2400	Westpac Group	AA-	10-Sep-24	72	2,155,661.93
	2,000,000.00	5.1400	National Australia Bank	AA-	17-Sep-24	79	2,037,176.99
	2,000,000.00	5.4600	Suncorp Bank	A+	24-Sep-24	86	2,064,622.47
	1,000,000.00	5.3100	National Australia Bank	AA-	25-Sep-24	87	1,040,588.77
	2,000,000.00	5.2000	Suncorp Bank	A+	25-Sep-24	87	2,045,019.18
	2,000,000.00	5.4200	Suncorp Bank	A+	1-Oct-24	93	2,072,464.66
	2,000,000.00	5.1600	Suncorp Bank	A+	9-Oct-24	101	2,048,913.97
	3,000,000.00	5.1100	Suncorp Bank	A+	15-Oct-24	107	3,051,660.00
	2,000,000.00	5.4500	Suncorp Bank	A+	22-Oct-24	114	2,064,802.74
	4,000,000.00	5.4500	Suncorp Bank	A+	29-Oct-24	121	4,127,813.70
	2,000,000.00	5.1200	National Australia Bank	AA-	5-Nov-24	128	2,035,068.49
	3,000,000.00	5.1500	Bank of Queensland	A-	12-Nov-24	135	3,046,984.93
	3,000,000.00	5.1200	Suncorp Bank	A+	19-Nov-24	142	3,051,761.10
	2,000,000.00	5.5000	Suncorp Bank	A+	27-Nov-24	150	2,065,095.89
	5,000.00	4.5000	National Australia Bank	AA-	28-Nov-24	151	5,133.15
	3,000,000.00	5.2000	Bank of Queensland	A-	3-Dec-24	156	3,011,967.12
	2,000,000.00	5.2000	Suncorp Bank	A+	10-Dec-24	163	2,041,315.07
	3,000,000.00	5.1200	Suncorp Bank	A+	17-Dec-24	170	3,051,761.10
	2,500,000.00	5.4600	Suncorp Bank	A+	24-Dec-24	177	2,580,030.14
	2,000,000.00	5.0600	Suncorp Bank	A+	7-Jan-25	191	2,024,953.42
	2,000,000.00	5.1000	National Australia Bank	AA-	7-Jan-25	191	2,050,580.82
	2,000,000.00	5.0500	National Australia Bank	AA-	21-Jan-25	205	2,028,778.08
	3,000,000.00	5.0800	National Australia Bank	AA-	28-Jan-25	212	3,052,191.78
	2,000,000.00	5.2000	Suncorp Bank	A+	4-Feb-25	219	2,009,402.74
	2,000,000.00	5.2200	Suncorp Bank	A+	18-Feb-25	233	2,008,866.85
	2,000,000.00	2.0400	Westpac Group	AA-	25-Feb-25	240	2,004,471.23
	3,000,000.00	5.1000	Westpac Group	AA-	4-Mar-25	247	3,014,671.23
	3,000,000.00	5.2300	Suncorp Bank	A+	11-Mar-25	254	3,013,325.75
	2,000,000.00	5.2000	Suncorp Bank	A+	25-Mar-25	268	2,010,827.40
	2,000,000.00	5.0600	Suncorp Bank	A+	1-Apr-25	275	2,024,953.42
	3,000,000.00	5.1000	National Australia Bank	AA-	8-Apr-25	282	3,028,504.11
	2,000,000.00	5.2400	Suncorp Bank	A+	15-Apr-25	289	2,013,494.79
	3,000,000.00	5.2200	Suncorp Bank	A+	29-Apr-25	303	3,014,158.36
	2,000,000.00	5.3000	National Australia Bank	AA-	6-May-25	310	2,015,972.60
	2,000,000.00	5.2400	Suncorp Bank	A+	13-May-25	317	2,013,494.79
	2,000,000.00	5.2300	National Australia Bank	AA-	20-May-25	324	2,010,889.86
	3,000,000.00	5.3000	National Australia Bank	AA-	3-Jun-25	338	3,013,939.73
	2,000,000.00	5.2500	National Australia Bank	AA-	4-Jun-25	339	2,007,767.12
	2,000,000.00	5.2400	Suncorp Bank	A+	17-Jun-25	352	2,004,019.73
	4,000,000.00	5.4500	National Australia Bank	AA-	24-Jun-25	359	4,001,791.78
Totals	109,699,668.49	5.1733					111,753,392.05
Grand Totals	217,395,355.52						220,374,541.86

11.6 DRAFT AMENDMENT TO 2024/25 FEES FOR IMPOUNDING ANIMALS

FILE NO:	35/33/21
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Mary O'Leary - Executive Manager Finance
AUTHOR:	Annette Peel - Manager Finance & Procurement
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

An administrative error resulted in the omission of the Impounding Animals (dogs/cats) fees from the draft 2024/25 Fees and Charges that was publicly exhibited and subsequently adopted by Council at its meeting of 11 June 2024.

The 2024/25 Fees and Charges published schedule currently contains the Impounding Animals (dogs/cats) fees at the 2023/24 amounts previously adopted by Council.

This report recommends public exhibition of the Impounding Animals (dogs/cats) fees from 26 July to 23 August 2024.

OFFICER'S RECOMMENDATION**THAT**

- 1. Council resolves to place the draft amended Impounding Animals (dogs/cats) fees for 2024/25 on public exhibition for at least 28 days prior to final consideration by Council.**

REPORT

An administrative error resulted in the omission of the Impounding Animals (dogs/cats) from the draft 2024/25 Fees and Charges that was publicly exhibited and subsequently adopted by Council at its meeting of 11 June 2024.

Due to the lack of public exhibition and subsequent adoption of any amended fees the Impounding Animals fees are included in the 2024/25 Fees and Charges at the 2023/24 amounts as previously adopted by Council and the Maitland Animal Management Facility is operating with fees at the same amount as 2023/24.

The proposed amendments to the Animal Impounding fees for 2024/25 are as follows:

DRAFT AMENDMENT TO 2024/25 FEES FOR IMPOUNDING ANIMALS (Cont.)

	2023/24 Fees Amount Inc. GST	Proposed 2024/25 Fees Amount Exc. GST	GST	Proposed 2024/25 Fees Amount Inc. GST
Impounding animals (dogs/cats)				
Seizure release fee for registered dogs/cats:				
Impounding fee 1 st time	\$50	\$53	\$0	\$53
Impounding fee 2 nd and subsequent	\$175/\$330	\$185/\$348	\$0	\$185/\$348
Processing of identification/microchipping forms and all relevant paperwork for the Companion Animals Register (C.A.R.) for the organisations that have access to and can complete data entry on the C.A.R.	\$0	\$0	\$0	\$0
Impounding fee 1 st time menacing/dangerous	\$165	\$174	\$0	\$174
Impounding fee 2 nd and subsequent menacing/dangerous	\$350/\$650	\$369/\$695	\$0	\$369/\$695
Sustenance	\$50 – charged after first day	\$53 – charged after first day	\$0	\$53 – charged after first day
Sustenance – menacing/dangerous	\$55 – charged after first day	\$63 – charged after first day	\$0	\$63 – charged after first day
Surrender (application can be made to Council requesting waiver of fee due to hardship)	\$175	\$185	\$0	\$185
Other (pocket pets/poultry/rabbit)	Actual cost incurred +20% for service, admin & sundry expenses	Actual cost incurred +20% for service, admin & sundry expenses	\$0	Actual cost incurred +20% for service, admin & sundry expenses

CONCLUSION

The proposed amended 2024/25 fees for the impounding of animals represent an increase in line with CPI applied by default to all non regulatory Council fees and charges in order to reflect the increase in the cost of administering this function of Council.

DRAFT AMENDMENT TO 2024/25 FEES FOR IMPOUNDING ANIMALS (Cont.)

FINANCIAL IMPLICATIONS

The revenue generated by the amended fees for the impounding of animals has been factored into the adopted 2024/25 budget, considering the costs of administering this function of Council.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

This report is prepared considering Council obligations under the:

Local Government Act 1993

Local Government (General) Regulation 2021

11.7 GRANT APPLICATION UNDER THE DRIVE ELECTRIC NSW EV DESTINATION CHARGING PROGRAM

FILE NO:	65/89
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning
AUTHOR:	Catherine Pepper - Manager Environment & Sustainability Ben Maddox - Principal Sustainability Officer Michelle Ayoub - Corporate Grants Lead
MAITLAND +10	Outcome 11 To reduce our reliance on non-renewable natural resources
COUNCIL OBJECTIVE:	11.1.2 Implement solutions that reduce our reliance on non-renewable natural resources

EXECUTIVE SUMMARY

This report outlines a grant opportunity to seek funding under the Round 2 Drive electric NSW EV destination charging grants program through the Department of Climate Change, Energy, the Environment and Water

OFFICER'S RECOMMENDATION

THAT

1. Council supports a grant application to the Drive electric NSW EV destination charging grants program Round 2 to deliver chargers at four Council operated sites.
2. Council allocate funding of \$41,175 from the 24/25 Energy and Water Efficiency Budget and the Energy and Water Saving Reserve in support of the grant.
3. Should the grant be successful, Council officers will report back to Council with an operating model for Council operated EV charging sites including the approach to parking and regulatory signage for EV charging sites.

REPORT

The NSW Government has released its Electric Vehicle Strategy which outlines the state governments plan to increase electric vehicle (EV) charging infrastructure availability in NSW. Under the Drive electric NSW EV destination charging grants program - Round 2, Grant funding is available for up to 75 per cent of eligible costs. Applications close Friday 2 August 2024.

If successful this opportunity would allow tourists and locals to charge their electric vehicles while visiting a range of shops, restaurants, and attractions at key Council owned sites within the Local Government Area in line with our commitments under the Environmental Sustainability Strategy. It also responds to the Councilor notice of motion regarding electric vehicle charging opportunities in the city (9 April 2024).

GRANT APPLICATION UNDER THE DRIVE ELECTRIC NSW EV DESTINATION CHARGING PROGRAM (Cont.)

Council officers recommend that Council invest in destination charging infrastructure in four destination locations to fill key gaps:

- Thornton Library (4 Spaces)
- MAC (Maitland Administration Centre) (2 Spaces)
- The Levee (2 Spaces)
- Gillieston Heights Community Centre (2 Spaces)

FUNDING PROPOSAL

The grant criteria includes a contribution of 75 percent of hardware costs, and up to \$3,000 per space for installation costs.

The total Capital cost for the four sites is \$101,550. The grant funding criteria allows for a total of \$60,375 to be requested. This leaves a capital contribution of \$41,175 required for Council.

Approval to allocate \$41,175 (\$15,000 from the Energy and Water Efficiency Budget and \$26,175 the Energy and Water Saving Reserve) toward the proposed EV Destination charger grant is sought.

ROLE OF LOCAL GOVERNMENT

For regions where there is limited private investment in EV charging infrastructure, local governments have stepped in to provide base level capability across a city. This includes providing charging as a service to attract visitors and the economic activity they bring.

Should the grant be successful a further report to Council outlining an operating model for Council owned EV charging sites will be provided.

PARKING DETAILS AND CONTROLS

At the Council meeting of 9 July 2024, Council in respect to a report on fast charging infrastructure within the Maitland CBD resolved that a further report on appropriate signage for EV Parking be reported back to Council. It is considered that this report, inclusive of a city wide operating model for EV infrastructure be the subject of a separate report to Council. It is considered that Council can still make the grant application whilst this report is progressed.

CONCLUSION

The NSW EV Destination charger grant program is a significant opportunity to expand the availability of EV Charging within the LGA both attracting visitors and supporting local residents with options other than charging at home. The proposed sites fill key gaps and complement locations provided by other businesses.

GRANT APPLICATION UNDER THE DRIVE ELECTRIC NSW EV DESTINATION CHARGING PROGRAM (Cont.)

FINANCIAL IMPLICATIONS

Funding for the co-contribution for the grant is available within the approved 24/25 Budgets (\$15,000) and Councils Energy and Water Saving Reserve (\$26,175).

POLICY IMPLICATIONS

This matter addresses actions within the operational plan to participate in a regional EV strategy and approaches for local implementation. It further supports Councilor notice motion April 9 to *work with state and federal governments, together with other relevant industry parties including Ausgrid, to identify further opportunities to expand the electric vehicle charging network in the LGA.*

STATUTORY IMPLICATIONS

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

12 NOTICES OF MOTION/RESCISSION

13 QUESTIONS WITH NOTICE

14 URGENT BUSINESS

15 COMMITTEE OF THE WHOLE

15.1 CONSIDERATION OF TENDERS - CITY WIDE SIGNAGE

FILE NO:	2024/137/2331
ATTACHMENTS:	1. Signage Concepts
RESPONSIBLE OFFICER:	Jason Linnane - Director City Services Todd Stanley - Manager Building Projects and Services
AUTHOR:	Brock Andrews - Project Manager - Delivery
MAITLAND +10	Outcome 1 To stay friendly, happy and proud as our city grows
COUNCIL OBJECTIVE:	1.1 Make our neighbourhoods great with space, activities and programs that connect us

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

Maitland City Council's City Services Team has undertaken a competitive tender process to identify a suitable contractor to design, manufacture, supply, install, upgrade, and commission a series of branding and wayfinding signs across the Maitland LGA. These signs are located at the Eastern and Western entrances of the LGA on the New England Highway, at Gateways into the City Centre and to the Maitland Regional Sportsground. This report provides details of the tender assessment process and a recommendation to award a contract.

15.2 CONSIDERATION OF TENDERS FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN

FILE NO:	2024/2356
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Catherine Pepper - Manager Environment & Sustainability
AUTHOR:	Prahlad Lamichhane - Principal Resilience Officer
MAITLAND +10	Outcome 12 To be ready in case of more hot days, storms and floods
COUNCIL OBJECTIVE:	12.1.4 Participate in partnership and seek grant funding to achieve climate change action

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) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the council.

EXECUTIVE SUMMARY

Tenders were called to engage a suitably qualified and experienced contractor to prepare a Floodplain Risk Management and Study Plan for the Maitland Local Government Area.

The tender period closed on 17 June 2024, following an extension. Two (2) tenders were received and assessed by a Tender Evaluation Panel as set under the Probity Plan. A further tender submission was non-compliant (late submission) and was not considered for evaluation.

This report provides details of the tender assessment and a recommendation to award a contract for the works. This report is being presented to the Committee of the Whole as it contains confidential commercial information.

15.3 MELVILLE FORD BRIDGE PROJECT - LAND ACQUISITION

FILE NO:	45081 & 10077
ATTACHMENTS:	1. Melville Ford Bridge Land Acquisition Site Map_Southern Access
RESPONSIBLE OFFICER:	Mary O'Leary - Executive Manager Finance Jason Linnane - Director City Services
AUTHOR:	Michael Rathborne - Senior Property Advisor Ashley Kavanagh - Manager Works
MAITLAND +10	Outcome 2 To easily get to where we want to go
COUNCIL OBJECTIVE:	2.2.5 Replace the bridge at Melville Ford to improve access for residents

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

The current Melville Ford Bridge is a low-level timber bridge crossing the Hunter River at Aberglasslyn. Constructed in 1952 the timber structure provides access to residents of the Maitland Vale area and currently operates with a 5T weight restriction due to its age and deteriorated state. Some additional land is now required for the project.

16 COMMITTEE OF THE WHOLE RECOMMENDATIONS

17 CLOSURE