



Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that a **Meeting of Maitland City Council** will be held in the **Council Chambers, Town Hall, High Street, Maitland**, commencing at **5.30pm**.

ORDINARY MEETING

AGENDA

13 AUGUST 2024

JEFF SMITH
GENERAL MANAGER

Please note:

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

In accordance with the NSW Privacy and Personal Information Protection Act, you are advised that all discussion held during the Open Council meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, Staff member or a member of the public.



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PRESENT

1 INVOCATION

2 ACKNOWLEDGEMENT OF COUNTRY

3 APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

4 DECLARATIONS OF INTEREST

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

- *The Minutes of the Ordinary Meeting held 23 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

10 OFFICE OF THE GENERAL MANAGER

Nil

11 CITY PLANNING

11.1 EXHIBITION OF DRAFT PLANNING AGREEMENT AND DRAFT WORKS IN KIND/MATERIAL PUBLIC BENEFIT AGREEMENT POLICIES 2024

FILE NO:	103/41/62
ATTACHMENTS:	<ol style="list-style-type: none">1. Draft Voluntary Planning Agreement Policy 2024 (Under Separate Cover)2. Draft Works in Kind Policy 2024 (Under Separate Cover)3. Works in Kind Policy 20094. Voluntary Planning Agreements Policy 2006
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Brett Gardiner - Manager Strategic Planning
AUTHOR:	Anne Humphries - Principal Development Contributions Planner
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

Planning Agreements and Works in Kind/Material Public Benefit Agreements are widely used by Councils in NSW as a mechanism for delivering local infrastructure. These agreements deliver public benefit outcomes in association with development applications and planning proposals.

Council's Planning Agreements and Works in Kind Agreements/Material Public Benefits Agreement Policies direct and guide Council in the negotiation, execution and administration of the Agreements. A review of both policies is required to ensure Council is compliant with current legislation and consistent with the Department of Planning, Housing and Infrastructure's Local Infrastructure Contributions Practice Notes.

This report seeks Council's endorsement for the public exhibition of the draft policies provided in Attachments 1 and 2 for a period of 28 days.

OFFICER'S RECOMMENDATION

THAT

1. Council exhibit the draft Planning Agreements Policy 2024 and the draft Works in Kind/Material Public Benefits Policy 2024 for a period of 28 days.
2. If no submissions are received, Council delegate authority to the General Manager to finalise and adopt the draft Policies and rescind the existing Policies.
3. If submissions are received, a further report be presented to Council for consideration.

REPORT

The purpose of this report is to seek endorsement for the public exhibition of the draft Planning Agreements Policy 2024 (draft PA Policy) and draft Works In Kind/Material Public Benefit Policy 2024 (draft WIK/MPB Policy). The draft policies are provided in **Attachments 1 and 2** respectively. The existing policies are provided in **Attachments 3 and 4**.

To ensure that the draft Policies are legally robust, compliant with the existing legislative framework and apply best practice principles, Lindsay Taylor Lawler's (LTL) was engaged to assist with the drafting of the documents.

Draft VPA Policy

A Planning Agreement is a voluntary legal agreement between a planning authority (Council) and a developer. Under an executed agreement, a developer may agree to:

- Provide land,
- Pay a monetary contribution,
- Provide another material public benefit, or
- Any combination of the above, to be used or applied towards a public purpose.

Council can use Planning Agreements in addition to, or in lieu of the collection of monetary contributions under section 7.11 or section 7.12 of the *Environmental Planning & Assessment Act 1979* (the Act). Planning Agreements are governed by a set of guiding principles that ensure nexus, transparency, fairness, and flexibility of planning decisions.

While it is not a requirement under the Act or Regulations to adopt a planning agreements policy, the Planning Agreements Practice Notes (Practice Notes) strongly encourage Councils to publish policies and procedures concerning their use of planning agreements to guide the negotiation, administration and making of the Agreements.

The proposed Policy will:

- Ensure compliance with the regulatory requirements under the Act and Regulations governing the use of Planning Agreements by Council,
- Ensure probity, consistency and transparency in the decision-making process,
- Enable flexibility in the delivery of local infrastructure planning,
- Enhance the range and extent of development contributions made by development towards public facilities in the LGA,
- Outline Council's specific policies on the use of Planning Agreements, and
- Set out procedures for the making and assessment of applications by developers.

EXHIBITION OF DRAFT PLANNING AGREEMENT AND DRAFT WORKS IN KIND/MATERIAL PUBLIC BENEFIT AGREEMENT POLICIES 2024 (Cont.)

The new proposed policy is a modification of the existing policy in terms of language and format to better align with the current Practice Notes, making it difficult to highlight specific changes. However, key changes are listed below:

- Legislative changes: updated references to the Regulations,
- Terminology: updated list of definitions (Page 4),
- Procedures: new section outlining the indicative steps for processing Planning Agreements, (Page 32) and
- Acceptability test: additional principles for the assessment and acceptability of a Planning Agreement (Page 9).

It is noted that Council has recently endorsed the acceptance and exhibition of multiple Voluntary Planning Agreements. The proposed amendments to Council's existing Planning Agreements Policy will have no material impact on the continued assessment and exhibition of those draft Voluntary Planning Agreements.

Draft WIK/MPB Policy

Section 7.11 and section 7.12 of the Act authorise a consent authority to apply conditions requiring payment of local infrastructure contributions where they are defined in a Development Contribution Plan (CP). These contributions are used by Council to fund local infrastructure such as roads, cycleways, stormwater infrastructure, recreation, and community facilities which are required to address demand created by the incoming population. Applicants for a development may seek to undertake Works in Kind (WIK), in lieu of full or partial satisfaction of the payment of monetary contributions. A WIK can only be considered where the works are identified within the Work Schedules of a CP. These works would otherwise be delivered by Council using funds collected under the CP.

A Material Public Benefit (MPB) process is applied for the delivery of an infrastructure item that is not identified within the relevant CP. This may include items which upon balance provide a broader material public benefit than that identified in the CP. Council has previously utilised this process to deliver critical infrastructure across the LGA.

The existing WIK/MPB Policy was adopted by Council in 2009 and whilst there have not been any significant changes to legislation governing the acceptance and processing of agreements, the new draft policy aims to modernise the document and update references to the Act and Regulations.

Both the existing and new draft WIK/MPB policies:

- Set a framework for the preparation, lodgement, assessment and administration of applications by developers wishing to enter into a WIK/MPB Agreement with Council,
- Ensure compliance with regulatory requirements under the Act governing the use of WIK/MPB Agreements,

EXHIBITION OF DRAFT PLANNING AGREEMENT AND DRAFT WORKS IN KIND/MATERIAL PUBLIC BENEFIT AGREEMENT POLICIES 2024 (Cont.)

- Ensure probity, consistency and transparency in the decision-making process, and
- Provide assessment criteria to ensure that, on balance, the proposal to enter into a WIK/MPB Agreement will be advantageous to Council and the community.

Public Exhibition

The draft PA and WIK/MPB Policies will be exhibited for 28 days. If no submissions are received during the exhibition period, this report seeks delegations to the General Manager to finalise and adopt the policies. If submissions are made by the community or stakeholders, a further report will be presented to Council at the conclusion of the exhibition period.

CONCLUSION

The revised Planning Agreement and Works in Kind/Material Public Benefit Agreement policies will ensure equitable and sustainable development within our community. The updates are designed to enhance transparency, streamline processes, and ensure that the contributions from developers are aligned with community needs and growth. The revised policies will better support the Council's strategic objectives, reduce exposure to risk, and protect the public interest and integrity of the planning process.

FINANCIAL IMPLICATIONS

The provision of works under a PA and/or WIK/MPB Agreement in full or partial satisfaction of the payment of monetary contributions reduces the burden on Council to deliver infrastructure, thus reducing operational expenditure. While there is governance, financial and other risks associated with the use of PA's and WIK/MPB's, the draft policies contain measures which aim to mitigate those risks and protect Council and the public interest.

POLICY IMPLICATIONS

The revised Planning Agreement and Works in Kind Agreement policies aim to ensure compliance with current legislation while promoting transparency and efficiency in the development process.

STATUTORY IMPLICATIONS

This report recommends the exhibition of revised policies to align with the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation 2021*.

City Planning

EXHIBITION OF DRAFT PLANNING AGREEMENT AND DRAFT WORKS IN KIND/MATERIAL PUBLIC BENEFIT AGREEMENT POLICIES 2024

Works in Kind Policy 2009

Meeting Date: 13 August 2024

Attachment No: 3

Number of Pages: 7

EXHIBITION OF DRAFT PLANNING AGREEMENT AND DRAFT WORKS IN KIND/MATERIAL PUBLIC BENEFIT AGREEMENT POLICIES 2024 (Cont.)



MAITLAND CITY COUNCIL POLICY STATEMENT

Policy Name:	MATERIAL PUBLIC BENEFIT / WORKS IN KIND POLICY
File Number:	103/41/12
Council Reference:	Ordinary Council Meeting 24 November 2009 – Item 10.2
Date Approved:	24 November 2009 23 January 2007
Policy Review Date:	24 November 2011
Business Group:	Service Planning & Regulation
Responsible Officer:	Development Contributions Coordinator
OBJECTIVE	To provide guidelines for the assessment of a works in kind or other material public benefit offered by a developer in lieu of the part or full payment of Section 94 developer contributions under Councils Section 94 Plan.

1 **INTRODUCTION**

1.1 **POLICY STATEMENT**

This policy has been developed to provide a standard procedure and criteria for the assessment of offers made by a developer for a Works in Kind or other Material Public Benefit in lieu of the partial or full payment of Section 94 developer contributions required under Council's Section 94 contributions plans.

1.2 **APPLICATION**

This policy applies to all applications submitted to Council for development approval where the applicant wishes to carry out works pursuant to this policy in lieu of paying the necessary development contributions to Council.

1.3 **DEFINITIONS**

Contributions Plan Is a public document prepared by a Council pursuant to section 94EA of the *Environmental Planning and Assessment Act*.

Credits Where the cost burden on an applicant is less because of a previous dedication of land, monetary payment or through provision of an MPB (excluding where this has been done as a consequence of the granting of a condition of consent or through a planning agreement), or where allowance is made for existing development on site.

EXHIBITION OF DRAFT PLANNING AGREEMENT AND DRAFT WORKS IN KIND/MATERIAL PUBLIC BENEFIT AGREEMENT POLICIES 2024 (Cont.)



MAITLAND CITY COUNCIL POLICY STATEMENT

Developer A developer is a person who has sought a change to an environmental planning instrument (which includes the making, amendment or repeal of an instrument), or who has made or proposes to make a development application, or who has entered into an agreement with or is otherwise associated with such a person.

Material Public Benefit (MPB) A MPB can consist of either a works in kind or the provision of certain public amenities or services that are not scheduled within a contributions plan in lieu of the part or full payment of either a monetary contribution or the dedication of land that is required as a condition of development consent.

Offsets Where a developer covers part or all of the development contributions in a manner other than the payment of a contribution or the dedication of land, such as through the provision of an MPB.

Section 94 Refers to Section 94 of the *Environmental Planning and Assessment Act* which is the principal legislation that allows councils to levy contributions.

Works in Kind (WIK) The undertaking of a work or provision of a facility that is specifically included within a contributions plan, in lieu of the part or full payment of either a monetary contribution or the dedication of land that is required as a condition of development consent.

2 PROCEDURE

2.1 WRITTEN APPLICATION

Any application for the provision of a WIK or other MPB must be made in writing and should contain the following information (where relevant):

- The works proposed to be undertaken and whether the works are contained within the works schedule of the plan.
- Whether such works are intended to be full or partial completion of the project;
- The estimated value of the works – identifying variations, if any, between the cost identified in the Plan and the estimated cost of works;
- The differentiation of components of the works that are in accordance with the plan and those that are not;
- The time frame within which the works are proposed to commence and be completed.

Where the value of the WIK or other MPB is less than the value of the required contribution, the applicant will be required to settle the balance of the contribution by way of a monetary contribution and/or land dedication.

EXHIBITION OF DRAFT PLANNING AGREEMENT AND DRAFT WORKS IN KIND/MATERIAL PUBLIC BENEFIT AGREEMENT POLICIES 2024 (Cont.)



MAITLAND CITY COUNCIL POLICY STATEMENT

2.2 COUNCIL ASSESMENT

In considering an application for a WIK or other MPB, Council will have regard to the requirements of any current Practice Notes or circulars issued by the Department of Planning and may consider matters such as, but not limited to, the following:

Works in Kind

- The access, location 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;
- Whether the proposed WIK will be to a suitable standard for the council to eventually accept;
- Whether the works schedule, particularly the design and cost of the specified facility, in the contributions plan remains valid or requires amendment;
- Whether the applicant proposes to carry out the 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 financial implications for cash-flow and the continued implementation of the works schedule.

Other Material Public Benefit

- The overall benefit of the proposal;
- The monetary value of the MPB;
- What needs of the population would be satisfied and whether these equal or exceeds those provided by conventional means;
- Whether the works schedule in the contributions plan remains valid or requires amendment;
- The financial implications for cash-flow and the continued implementation of the works schedule;
- Whether Council may need to make up the short fall in anticipated contributions.

The acceptance of an offer for a Works in Kind or other Material Public Benefit is at the sole discretion of Council.

Any application for a Material Public Benefit, a Works in Kind that is not a condition of development consent or any proposal which requires a contribution from Council will require a formal resolution of the Council before proceeding further.



MAITLAND CITY COUNCIL POLICY STATEMENT

2.3 SUBMISSION OF DETAILED INFORMATION

If Council has agreed in principal to the application, it will be necessary for the applicant to provide the following detailed information;

- A copy of all written documentation including plans and specifications for the proposed works;
- The value of the work independently certified by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications.
- A construction program including commencement and completion dates and relevant milestones; and
- Written consent to carry out the work from the owners of all land affected by the proposal.

Council may review the valuation of works or land to be dedicated, and may seek the services of an independent person to verify their value. In such cases, all costs and expenses borne by the council in determining the value of the works or land will be paid for by the applicant.

Attention is drawn to Section 55 of the Local Government Act 1993 which requires Councils to adhere to the public tendering process for the provision of facilities with a value in excess of \$150 000.

Under the provisions of Clause 55(3), Council can resolve that, because of extenuating circumstances, a satisfactory contract result would not be achieved by inviting tenders. In this regard, each application for a WIK or other MPB will be assessed on its merits.

2.4 COMPLETION OF AGREEMENT

If a WIK or other MPB agreement has been reached, a legal contract shall be prepared by Council's legal representatives covering;

- The works proposed
- The costs of such works
- The applicants rights and responsibilities
- Council's rights and responsibilities.

The draft WIK Agreement will be referred internally to the relevant Asset Manager and to the applicant for agreement.

The draft WIK Agreement will then be presented to Council. Formal resolution is required for the WIK to be approved and the Common Seal of the Council to be affixed to the document.

All costs associated with the preparation of this contract are to be met by the applicant.



MAITLAND CITY COUNCIL POLICY STATEMENT

2.5 BANK GUARANTEE

If a WIK or other MPB agreement has been reached, the developer will be required to lodge a Bank guarantee to cover the works. This guarantee will be for the agreed value of the WIK or other MPB and will need to be lodged before a construction certificate is issued.

Upon completion of the agreed works *up to 90%* of the project value will be released. In determining the amount to be released the following items will be considered:

- The funds expended;
- The progress of the works; and
- The schedule of payments.

The remaining amount will be kept as a security bond which shall be returned once the 12 month maintenance period has lapsed and following certification by Councils Asset Manager that all obligations and works have been undertaken and completed to the standard as detailed in the contract.

2.6 CONSTRUCTION

Once the construction certificate has been issued construction can begin on the agreed works. It should be noted that once Council has agreed to the specific works identified in the contract no additions or alterations, including variations to costs should be made to these works without written consent.

Unless approved by Council no credits will be recognised for works carried out by the developer which are in excess of the approved contribution.

As Council will be ultimately responsible for the facility and its future maintenance, the works will be inspected by Council's representative as they progress to ensure that they are being completed to the specified standard. The proposed timing of these inspections will be identified in the agreement.

Once commenced, non-compliance with the contract will result in non-compliance with the development consent.

2.7 DEDICATION

Upon completion of the works identified in the contract Council will inspect the facility and identify any faults. Upon rectification of such faults Council will accept dedication of the facility.

The developer is required to meet all costs associated with the dedication of the facility.



MAITLAND CITY COUNCIL POLICY STATEMENT

3 ADMINISTRATION

3.1 OFFSETS TO SECTION 94 CONTRIBUTIONS

The purpose of a WIK or other MPB is to offset the cash contribution or land dedication required under *Section 94 of the Environmental Planning and Assessment Act*. In this regard, it should be noted that if the works proposed relate to a facility covered by a specific category within the Council's Section 94 Plan then the costs of the works proposed can only be offset against the contribution required for that category. It cannot be used to offset the total section 94 contribution.

For accounting purposes, any offsets will be done in one of three ways:

- Where the value of works undertaken is equal to the contribution required for the relevant category as a condition of consent, Council will consider those works to be the equivalent of the payment of the contribution in full; Or
- Where the value of the works undertaken is less than the contribution required for the relevant category as a condition of consent the developer will need to pay the difference; Or
- Where the value of the works undertaken exceeds the value of the cash contribution required for the relevant category as a condition of consent Council will offset the total amount against the contribution to be paid with the remainder generally to be reimbursed as contributions are received from other developers. Where Council also has a contribution to make under the Section 94 Plan Council will make such a payment on dedication of the facility to Council.

Council does not accept any financial risk associated with the construction of the facility and will only cover those costs agreed to in the Works-in-Kind or Material Public Benefit agreement entered into by the developer. Any costs beyond this will be borne by the developer.

3.2 TREATMENT OF OFFSETS

Offer made to Council as part of a development application

Where the provision of a WIK or other MPB is negotiated as part of a development application the agreed works will be set out in the development consent as a condition and the development contribution will be adjusted (or deleted if necessary) to reflect the agreed offset.

Offer made to Council following the granting of development consent

Where an application is received by Council for a WIK or other MPB to partially or fully satisfy a condition requiring a s94 contribution the consent condition requiring the contribution will remain in place as s94(5)(b) of the *Environmental Planning and Assessment Act* provides the legal means of a council accepting such an offer without the need for the development consent to be modified.

EXHIBITION OF DRAFT PLANNING AGREEMENT AND DRAFT WORKS IN KIND/MATERIAL PUBLIC BENEFIT
AGREEMENT POLICIES 2024 (Cont.)



MAITLAND CITY COUNCIL POLICY STATEMENT

Once the council and applicant have agreed on the value of work proposed (the offset), the payment to the council will be the difference between the s94 contributions identified in the development consent minus the offset amount.

It should be noted that where an offer to Council for the dedication of land is made following the granting of development consent, the application will need to be accompanied by a request for an appropriate modification under s96 of the *Environmental Planning and Assessment Act* to the terms of the development consent requiring the amendment of the condition relating to the s94 contribution.

3.3 FINANCIAL REQUIREMENTS

If a WIK or other MPB is undertaken before all contributions are received for that facility Council will not accept the financial risk for that facility. In this regard Council will only reimburse costs as contributions are received from developers. Council will however reimburse their portion of the cost of the facility as identified in the Section 94 Plan on completion of the facility.

City Planning

EXHIBITION OF DRAFT PLANNING AGREEMENT AND DRAFT WORKS IN KIND/MATERIAL PUBLIC BENEFIT AGREEMENT POLICIES 2024

Voluntary Planning Agreements Policy 2006

Meeting Date: 13 August 2024

Attachment No: 4

Number of Pages: 12

EXHIBITION OF DRAFT PLANNING AGREEMENT AND DRAFT WORKS IN KIND/MATERIAL PUBLIC BENEFIT
AGREEMENT POLICIES 2024 (Cont.)



MAITLAND CITY COUNCIL POLICY STATEMENT

Policy Name:	PLANNING AGREEMENTS POLICY 2006
File Number:	103/41
Council Reference:	Ordinary Council Meeting 9 May 2006 – Item 9.2.3
Date Approved:	2006
Policy Review Date:	As required
Business Group:	Service Planning & Regulation
Responsible Officer:	Group Manager Service Planning & Regulation
OBJECTIVE	The Planning Agreement Policy is to be used as a contractual arrangement between a Planning Authority and developer as a mean of obtaining contributions for a public purpose.

Contents

1. **Introduction**
 2. **Policy on the Use of Planning Agreements**
 3. **Procedures Relating to the Use of Planning Agreements**
- Appendix – Practice Note on Planning Agreements**
- Attachment A – Template Planning Agreement**

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EXHIBITION OF DRAFT PLANNING AGREEMENT AND DRAFT WORKS IN KIND/MATERIAL PUBLIC BENEFIT AGREEMENT POLICIES 2024 (Cont.)



MAITLAND CITY COUNCIL POLICY STATEMENT

1. Introduction

- This Policy sets out Maitland City Council's policy and procedures relating to planning agreements under Subdivision 2 of Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979*.
- This Policy was adopted by resolution of the Council on 9 May 2006.
- In this Policy, the following terminology is used:

Act means the *Environmental Planning and Assessment Act 1979*,

development application has the same meaning as in the Act,

development contribution means the kind of provision made by a developer under a planning agreement, being a monetary contribution, the dedication of land free of cost or the provision of a material public benefit,

instrument change means a change to an environmental planning instrument to enable a development application to be made to carry out development the subject of a planning agreement,

planning benefit means a development contribution that confers a net public benefit, that is, a benefit that exceeds the benefit derived from measures that would address the impacts of particular development on surrounding land or the wider community,

public facilities means public infrastructure, facilities, amenities and services,

planning obligation means an obligation imposed by a planning agreement on a developer requiring the developer to make a development contribution,

Practice Note means the *Practice Note on Planning Agreements* published by the Department of Infrastructure Planning and Natural Resources (July 2005) reproduced in Appendix 2 to this Policy,

public includes a section of the public,

public benefit is the benefit enjoyed by the public as a consequence of a development contribution,

Regulation means the *Environmental Planning and Assessment Regulation 2000*,

surplus value means the value of the developer's provision under a planning agreement less the sum of the value of public works required to be carried out by the developer under a condition imposed under s80A(1) of the Act and the value of development contributions that are or could have been required to be made under s94 or s94A of the Act in respect of the development the subject of the agreement.

- The purposes of this Policy are:

EXHIBITION OF DRAFT PLANNING AGREEMENT AND DRAFT WORKS IN KIND/MATERIAL PUBLIC BENEFIT AGREEMENT POLICIES 2024 (Cont.)



MAITLAND CITY COUNCIL POLICY STATEMENT

- to establish a framework governing the use of planning agreements by the Council
- to ensure that the framework so established is efficient, fair, transparent and accountable,
- to enhance planning flexibility in the Council's area through the use of planning agreements,
- to enhance the range and extent of development contributions made by development towards public facilities in the Council's area,
- to set out the Council's specific policies on the use of planning agreements,
- to set out procedures relating to the use of planning agreements within the Council's area.

The Council's planning agreements framework consists of the following:

- the provisions of Subdivision 2 of Division 6 of Part 4 of the Act,
- the provisions of Division 1A of Part 4 of the Regulation,
- the Practice Note,
- this Policy.

This Policy is not legally binding. However, it is intended that the Council and all persons dealing with the Council in relation to planning agreements will follow this Policy to the fullest extent possible.

It is intended that this Policy will be periodically updated. The up-dates may cover additional matters to those covered in this Policy or provide more detailed information or guidance on specific matters covered in this Policy.

2. Policy on the Use of Planning Agreements

Council's strategic objectives for the use of planning agreements

The Council's strategic objectives with respect to the use of planning agreements include:

- to provide an enhanced and more flexible development contributions system for the Council,
- more particularly, to supplement or replace, as appropriate, the application of s94 and s94A of the Act to development,
- to give all stakeholders in development greater involvement in determining the type, standard and location of public facilities and other public benefits, and

EXHIBITION OF DRAFT PLANNING AGREEMENT AND DRAFT WORKS IN KIND/MATERIAL PUBLIC BENEFIT AGREEMENT POLICIES 2024 (Cont.)



MAITLAND CITY COUNCIL POLICY STATEMENT

- to allow the community, through the public participation process under the Act, to agree to the redistribution of the costs and benefits of development in order to realise community preferences for the provision of public benefits.
- to achieve planning benefits from development wherever appropriate.

Fundamental principles governing the use of planning agreements

The Council's use of planning agreements will be governed by the following principles:

- planning decisions may not be bought or sold through planning agreements,
- development that is unacceptable on planning grounds will not be permitted because of planning benefits offered by developers that do not make the development acceptable in planning terms,
- the Council will not allow planning agreements to improperly fetter the exercise of its functions under the Act, Regulation or any other Act or law,
- the Council will not use planning agreements for any purpose other than a proper planning purpose,
- the Council will not allow the interests of individuals or interest groups to outweigh the public interest when considering a proposed planning agreement,
- the Council will not improperly rely on its statutory position in order to extract unreasonable public benefits from developers under planning agreements,
- where the Council has a commercial stake in development the subject of a agreements, it will take appropriate steps to ensure that it avoids a conflict of interest between its role as a planning authority and its interest in the development.

Circumstances in which Council will consider negotiating a planning agreement

The Council, in its complete discretion, may negotiate a planning agreement with a developer in connection with any application by the developer for an instrument change or for development consent relating to any land in the Council's area.

Specific purposes of planning agreements

The Council may consider negotiating a planning agreement with a developer to:

- compensate for the loss of, or damage to, a public amenity, service, resource or asset caused by the development through its replacement, substitution, repair or regeneration,
- meet the demands created by the development for new public infrastructure, amenities and services,

EXHIBITION OF DRAFT PLANNING AGREEMENT AND DRAFT WORKS IN KIND/MATERIAL PUBLIC BENEFIT AGREEMENT POLICIES 2024 (Cont.)



MAITLAND CITY COUNCIL POLICY STATEMENT

- address a deficiency in the existing provision of public facilities in the Council's area,
- achieve recurrent funding in respect of public facilities,
- prescribe inclusions in the development that meet specific planning objectives of the Council,
- monitor the planning impacts of development,
- secure planning benefits for the wider community

Acceptability test to be applied to all planning agreements

The Council will apply the following test in order to assess the desirability of a proposed planning agreement:

- is the proposed planning agreement directed towards a proper or legitimate planning purpose having regard to its statutory planning controls and other adopted planning policies and the circumstances of the case?
- does the proposed planning agreement provide for a reasonable means of achieving the relevant purpose?
- can the proposed planning agreement be taken into consideration in the assessment of the relevant rezoning application or development application?
- will the planning agreement produce outcomes that meet the general values and expectations of the community and protect the overall public interest?
- does the proposed planning agreement promote the Council's strategic objectives in relation to the use of planning agreements?
- does the proposed planning agreement conform to the fundamental principles governing the council's use of planning agreements?
- are there any relevant circumstances that may operate to preclude the Council from entering into the proposed planning agreement?

Consideration of planning agreements in relation to instrument changes and development applications

When exercising its functions under the Act in relation to an application by a developer for an instrument change or a development consent to which a proposed planning agreement relates, the Council will consider to the fullest extent permitted by law:

- whether the proposed planning agreement is relevant to the application and hence may be considered in connection with the application, and
- if so, the proper planning weight to be given to the proposed planning agreement.



MAITLAND CITY COUNCIL POLICY STATEMENT

Application of s94 and s94A to development to which a planning agreement relates

- The Council has no general policy on whether a planning agreement should exclude the application of s94 or s94A of the Act to development to which the agreement relates. This is a matter for negotiation between the Council and a developer having regard to the particular circumstances of the case.
- However, where the application of s94 of the Act to development is not excluded by a planning agreement, the Council will determine on a case by case basis whether the planning agreement is to include a provision allowing benefits under the agreement to be taken into consideration in determining a development contribution under section 94.

Application of SEPP 1 to development to which a planning agreement relates

The Council will not agree to a provision in a planning agreement requiring the benefit provided by the developer under the agreement to be used to justify a dispensation with applicable development standards under *State Environmental Planning Policy No. 1 – Development Standards* in relation to development unless the Council is of the opinion that the subject matter of the proposed planning agreement addresses the matters required to be addressed under that Policy in relation to the dispensation sought.

Form of development contributions under a planning agreement

The form of a development contribution to be made under a proposed planning agreement will be determined by the particulars of the instrument change or development application to which the proposed planning agreement relates.

Standard charges

Wherever possible, the Council will seek to standardise development contributions sought under planning agreements in order to streamline negotiations and provide fairness, predictability and certainty for developers. This, however, does not prevent public benefits being negotiated on a case by case basis, particularly where planning benefits are also involved.

Recurrent charges

The Council may request developers, through a planning agreement, to make development contributions towards the recurrent costs of public facilities. Where the public facility primarily serves the development to which the planning agreement relates or neighbouring development, the arrangement for recurrent funding may be in perpetuity. However, where the public facility or public benefit is intended to serve the wider community, the planning agreement will only require the developer to make contributions towards the recurrent costs of the facility until a public revenue stream is established to support the on-going costs of the facility.

Pooling of development contributions

Where a proposed planning agreement provides for a monetary contribution by the developer, the Council may seek to include a provision permitting money paid under the agreement to be pooled with money paid under other planning agreements and applied progressively for the different purposes under those agreements, subject to the specific requirements of the relevant

EXHIBITION OF DRAFT PLANNING AGREEMENT AND DRAFT WORKS IN KIND/MATERIAL PUBLIC BENEFIT AGREEMENT POLICIES 2024 (Cont.)


MAITLAND CITY COUNCIL POLICY STATEMENT

agreements. Pooling may be appropriate to allow public benefits, particularly essential infrastructure, to be provided in a fair and equitable way.

Methodology for valuing public benefits under a planning agreement

- Where the benefit under a planning agreement is the provision of land for a public purpose, the Council will generally seek to value the benefit on the basis of the estimated amount of compensation to which the Developer would be entitled under the *Land Acquisition (Just Terms Compensation) Act 1991* upon the compulsory acquisition of the land.
- Where the benefit under a planning agreement is the carrying out of works for a public purpose, the Council will generally seek to value the benefit on the basis of the estimated value of the completed works determined using the method that would be ordinarily adopted by a quantity surveyor.

Credits and refunds

The Council generally will not agree to a planning agreement providing for the surplus value under a planning agreement being refunded to the developer or offset against development contributions required to be made by the developer in respect of other development in the Council's area.

Time when developer's obligations arise under a planning agreement

The Council will generally require a planning agreement to provide that the developer's obligations under the agreement take effect when the first development consent operates in respect of development that is the subject of the agreement.

Implementation agreements

In appropriate cases, the council may require a planning agreement to provide that before the development the subject of the agreement is commenced, the Parties are to enter into an *implementation agreement* that provides for matters such as:

- the times at which and, if relevant, the period during which, the developer is to make provision under the planning agreement,
- the design, technical specification and standard of any work required by the planning agreement to be undertaken by the developer,
- the manner in which a work is to be handed over to the Council,
- the manner in which a material public benefit is to be made available for its public purpose in accordance with the planning agreement.

Monitoring and review of a planning agreement

- The Council will continuously monitor the performance of the developer's obligations under a planning agreement.

EXHIBITION OF DRAFT PLANNING AGREEMENT AND DRAFT WORKS IN KIND/MATERIAL PUBLIC BENEFIT AGREEMENT POLICIES 2024 (Cont.)



MAITLAND CITY COUNCIL POLICY STATEMENT

- The Council will require the planning agreement to contain a provision establishing a mechanism under which the planning agreement is periodically reviewed with the involvement of all parties. This will include a review of the developer's performance of the agreement.
- The Council will require the planning agreement to contain a provision requiring the parties to use their best endeavours to agree on a modification to the agreement having regard to the outcomes of the review.

Modification or discharge of the developer's obligations under a planning agreement

The Council will generally only agree to a provision in a planning agreement permitting the Developer's obligations under the agreement to be modified or discharged where the modification or discharge is linked to the following circumstances:

- the developer's obligations have been fully carried in accordance with the agreement,
- the developer has assigned the developer's interest under the agreement in accordance with its terms and the assignee has become bound to the Council to perform the developer's obligations under the agreement,
- the development consent to which the agreement relates has lapsed,
- the performance of the planning agreement has been frustrated by an event beyond the control of the parties,
- other material changes affecting the operation of the planning agreement have occurred,
- the Council and the developer otherwise agree to the modification or discharge of the agreement.

Such a provision will require the modification or revocation of the planning agreement in accordance with the Act and Regulation.

Assignment and dealings by the developer

The Council will require every planning agreement to provide that the Developer may not to assign its rights or obligations under the agreement nor have any dealing in relation to the land the subject of the agreement unless, in addition to any other requirements of the agreement:

- the developer has, at no cost to the Council, first procured the execution by the person with whom it is dealing of all necessary documents in favour of the Council by which that person agrees to be bound by the agreement as if they were a party to the original agreement, and
- and the Developer is not in breach of this Agreement.

Provision of security under a planning agreement

EXHIBITION OF DRAFT PLANNING AGREEMENT AND DRAFT WORKS IN KIND/MATERIAL PUBLIC BENEFIT AGREEMENT POLICIES 2024 (Cont.)



MAITLAND CITY COUNCIL POLICY STATEMENT

- The Council generally will require a planning agreement to make provision for security by the developer of the developer's obligations under the agreement.
- The form of security will generally be the unconditional bank guarantee from an Australian Bank in favour of the Council to the full value of the Developer's provision under the Agreement and on terms otherwise acceptable to the Council.

Preparation of the planning agreement

- The Council will ordinarily prepare a planning agreement relating to a particular application for an instrument change or development application.
- In the interests of process efficiency, the Council uses an approved standard form of planning agreement on which every planning agreement is based. That document reflects the policies and procedures set out in this document.

Council's costs of negotiating, entering into, monitoring and enforcing a planning agreement

The Council will generally require a planning agreement to make provision for payment by the developer of the Council's costs of and incidental to:

- negotiating, preparing and entering into the agreement,
- enforcing the agreement.

In particular cases, the Council may require the planning agreement to make provision for a development contribution by the developer towards the on-going administration of the agreement.

Notations on Certificates under s149(5) of the Act

The Council will generally require a planning agreement to contain an acknowledgement by the developer that the Council may, in its absolute discretion, make a notation under s149(5) of the Act about a planning Agreement on any certificate issued under s149(2) of the Act relating to the land the subject of the agreement or any other land.

Registration of planning agreements

The Council will generally require a planning agreement to contain a provision requiring the developer to agree to registration of the agreement pursuant to s93H of the Act if the requirements of that section are satisfied.

Dispute resolution

The Council will generally require a planning agreement to provide for mediation of disputes between the parties to the agreement before the parties may exercise any other legal rights in relation to the dispute. The parties are to share equally the costs of the mediation.



MAITLAND CITY COUNCIL POLICY STATEMENT

3. Procedures Relating to the Use of Planning Agreements

Council's negotiation system

- The Council's negotiation system for planning agreements aims to be efficient, predictable, transparent and accountable.
- The system seeks to ensure that the negotiation of planning agreements runs in parallel with applications for instrument changes or development applications.
- The system is based on principles of fairness, co-operation, full disclosure, early warning, and agreed working practices and timetables.

When should a planning agreement be negotiated?

- The Council is required to ensure that a planning agreement is publicly notified as part of and in the same manner as and contemporaneously with the application for the instrument change or the development application to which it relates.
- The planning agreement must therefore be negotiated and documented before it is publicly notified as required by the Act and Regulation.
- The Council prefers that a planning agreement is negotiated before lodgement of the relevant application and that it accompanies the application on lodgement.

Who will negotiate a planning agreement on behalf of the Council?

- A council officer with appropriate delegated authority will negotiate a planning agreement on behalf of the Council.
- The councillors will not be involved in the face to face negotiation of the agreement.

Separation of the Council's planning assessment and negotiation roles

Where the Council, as a landowner, developer or financier, has a commercial interest in the development to which a planning agreement relates, the Council will ensure that the person who undertakes the assessment of the rezoning application or development application to which the agreement relates is not the same person or a subordinate of the person who negotiated the planning agreement on behalf of the Council.

Involvement of independent third parties in the negotiation process

The Council will encourage the appointment of an independent person to facilitate or otherwise participate in the negotiations or aspects of it, particularly where:

- an independent assessment of a proposed instrument change or development application is necessary or desirable,
- factual information requires validation in the course of negotiations,

EXHIBITION OF DRAFT PLANNING AGREEMENT AND DRAFT WORKS IN KIND/MATERIAL PUBLIC BENEFIT AGREEMENT POLICIES 2024 (Cont.)



MAITLAND CITY COUNCIL POLICY STATEMENT

- sensitive financial or other confidential information must be verified or established in the course of negotiations,
- facilitation of complex negotiations are required in relation to large projects or where numerous parties or stakeholders are involved,
- dispute resolution is required under a planning agreement.

The costs of the independent third person are to be shared equally between the parties to the agreement.

Key steps in the negotiation process

The negotiation of a planning agreement will generally involve the following key steps:

- before lodgement of the relevant application by the developer, the parties will decide whether to negotiate a planning agreement
- the parties will then appoint a person to represent them in the negotiations
- the parties will also appoint a third person to attend and take minutes of all negotiations
- the parties will also decide whether to appoint an independent person to facilitate or otherwise participate in the negotiations or aspects of it
- the parties will also agree on a timetable for negotiations and the protocols and work practices governing their negotiations
- the parties will then identify the key issues for negotiation and undertake the negotiations
- if agreement is reached, the Council will prepare the proposed planning agreement and provide a copy of it to the developer
- the parties will undertake further negotiation on the specific terms of the proposed planning agreement
- once agreement is reached on the terms of the proposed planning agreement, the developer will be required to execute the agreement
- the developer may then make the relevant application to the Council accompanied by a copy of the proposed agreement
- the parties may be required to undertake further negotiations and, hence, a number of the above steps as a result of the public notification and inspection of the planning agreement or its formal consideration by the Council in connection with the relevant application.

Public notification of planning agreements

- A planning agreement must be publicly notified and available for public inspection for a minimum period of 28 days.

EXHIBITION OF DRAFT PLANNING AGREEMENT AND DRAFT WORKS IN KIND/MATERIAL PUBLIC BENEFIT AGREEMENT POLICIES 2024 (Cont.)



MAITLAND CITY COUNCIL POLICY STATEMENT

- As mentioned, the Council is required to ensure that a planning agreement is publicly notified as part of and in the same manner as and contemporaneously with the application for the instrument change or the development application to which it relates.
- Where the application to which a planning agreement relates is required by or under the Act or Regulation to be publicly notified and available for public inspection for a period exceeding 28 days, the Council will publicly notify the planning agreement and make it available for public inspection for that longer period.
- Where the application to which a planning agreement relates is permitted by or under the Act or Regulation to be publicly notified and available for public inspection for a period of less than 28 days, the Council will publicly notify the application and make it available for public inspection for a minimum period of 28 days.
- The Council will publicly re-notify and make available for public inspection a proposed planning agreement and the application to which it relates if, in the Council's opinion, a material change is made to the terms of the agreement or the application after it has been previously publicly notified and inspected. Such a change may arise as a consequence of public submissions made in respect of the previous public notification and inspection of the agreement or the application, or their formal consideration by the Council, or for any other reason.

When is a planning agreement required to be entered into?

- A planning agreement is entered into when it is signed by all of the parties.
- A planning agreement can be entered into at any time after the agreement is publicly notified in accordance with the Act and Regulation.
- The Council will usually require a planning agreement to be entered into as a condition of granting development consent to the development to which the agreement relates.

SUPPORTING DOCUMENTATION

Appendix – Practice Note on Planning Agreements

Attachment A – Template Planning Agreement

Note: Appendix and Attachment to accompany final version of Policy and are available for information of the Councillors.

11.2 STATE VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER FOR INTERSECTION WORKS AT WYNDELLA ROAD, SPRINGFIELD DRIVE AND THE NEW ENGLAND HIGHWAY DB20 PTY LTD

FILE NO:	130/41/65
ATTACHMENTS:	1. State Voluntary Planning Agreement Letter of Offer
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Brett Gardiner - Manager Strategic Planning
AUTHOR:	Adam Ovenden - Coordinator City Planning
MAITLAND +10	Outcome 2 To easily get to where we want to go
COUNCIL OBJECTIVE:	2.1.2 Work with the State Government to fund the timely maintenance and/or delivery of essential State infrastructure across the City and its urban release areas

EXECUTIVE SUMMARY

Maitland City Council has received a Letter of Offer from DB20 Pty Ltd (DB20) to enter into a State Voluntary Planning Agreement (SVPA) with Council and the Minister for Planning and Public Spaces. The primary purpose of the agreement related to Council, is to facilitate the upgrade of the Wyndella Road, Springfield Drive, and New England Highway intersection at Lochinvar.

This report seeks in principle support from Council for the acceptance of the offer from DB20, and requests delegations to the General Manager place the draft SVPA on public exhibition once prepared.

OFFICER'S RECOMMENDATION

THAT

1. Council notes and accepts in principle the offer to enter into the draft State Voluntary Planning Agreement as detailed in this report.
2. Council delegates approval for the exhibition of the State Voluntary Planning Agreement to the General Manager.
3. That a further report be presented to Council following the outcomes of the exhibition period.

REPORT

In 2020, the Anambah Urban Release Area (AURA) was rezoned from rural to a mixture of residential, environmental, and recreation zones with an expected yield of approximately 4,200 dwellings. DB20 are the largest landowner within AURA and are progressing the delivery of critical infrastructure that will unlock development.

STATE VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER FOR INTERSECTION WORKS AT WYNDELLA ROAD, SPRINGFIELD DRIVE AND THE NEW ENGLAND HIGHWAY DB20 PTY LTD (Cont.)

Clause 7.8(2) of the *Maitland Local Environmental Plan 2011 (MLEP 2011)* requires the construction of a road link connecting AURA to the New England Highway via Wyndella Road prior to the release of 1,200 lots, known as the Western Road Link (WRL). The WRL is anticipated to be approximately two kilometers in length, and will connect into the existing Wyndella Road, Springfield Drive, and New England Highway intersection.

The current configuration of the intersection at Wyndella Road, Springfield Drive, and the New England Highway was constructed with funding from the Housing Acceleration Fund. In 2018, Council amended the Lochinvar Contributions Plan (LCP) to include the northern leg of the intersection to cater for approximately 760 lots within the Lochinvar Urban Release Area, which was not included within the Housing Acceleration Fund grant. The works, known as L26 in the LCP, had a capital value of approximately \$4.1m, and a further \$500,000 allocated to the acquisition of land on both the eastern, and western side of Wyndella Road at the time of adoption.

As the works in the LCP were not designed to cater for traffic movements from AURA, DB20 commenced discussions with Council and Transport for NSW (TfNSW) for a revised intersection design to support the delivery of AURA.

In July 2023, Council received a Letter of Offer (**Attachment 1**) to enter into a SVPA with DB20, and the Minister for Planning and Public Spaces for the delivery of the intersection. Please note that the attachments to the Letter of Offer are subject to discussions with TfNSW and other stakeholders, and have not been included.

This Letter of Offer sought a contribution from Council towards the cost of the intersection works through a payment to DB20 upon completion. This payment would equate to the funds within the LCP for L26, minus any funds expended for land acquisition. The remaining value of the intersection works would be in lieu of monetary contributions that DB20 would otherwise be required to make to the State of NSW for state or regional infrastructure contributions. No further offsets for these works would be sought from Council.

In addition, the Letter of Offer seeks provisions within the SVPA for Council (as the roads authority) to acquire the land required for the intersection. This provision is subject to reasonable efforts from DB20 to acquire the land by agreement with the relevant landowners.

EXHIBITION

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

It is anticipated that finalisation of the draft SVPA and the concurrent exhibition of the agreement with the Department of Planning, Housing and Infrastructure will fall during caretaker period. As such, this report requests that Council delegates the endorsement of

STATE VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER FOR INTERSECTION WORKS AT WYNDELLA ROAD, SPRINGFIELD DRIVE AND THE NEW ENGLAND HIGHWAY DB20 PTY LTD (Cont.)

the SVPA for public exhibition to the General Manager. A further report will be presented to Council on the outcomes of the exhibition period.

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. The Letter of Offer from DB20 aims to facilitate the delivery of critical infrastructure required to unlock the development of the AURA.

FINANCIAL IMPLICATIONS

The acceptance of the SVPA offer will have no direct financial impact on Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

Council's existing planning agreements policy is under review with a revised policy being presented to Council in this agenda seeking endorsement for its exhibition. The amendments proposed in the revised Policy will not have any material impact upon the consideration or operation of this VPA proposal if approved. The same principles governing the use of planning agreements apply and the assessment of relevant matters has been undertaken to determine the suitability of the offer.

STATUTORY IMPLICATIONS

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

City Planning

STATE VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER FOR INTERSECTION WORKS AT WYNDELLA ROAD, SPRINGFIELD DRIVE AND THE NEW ENGLAND HIGHWAY DB20 PTY LTD

State Voluntary Planning Agreement Letter of Offer

Meeting Date: 13 August 2024

Attachment No: 1

Number of Pages: 3

STATE VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER FOR INTERSECTION WORKS AT WYNDELLA ROAD, SPRINGFIELD DRIVE AND THE NEW ENGLAND HIGHWAY DB20 PTY LTD (Cont.)

DB20 Pty Limited

DB20 Pty Limited
PO Box 325
DOUBLE BAY NSW 1360

27 July 2023

Minister for Planning and Public Spaces
C/O Jeremy Dwyer
Manager, State Infrastructure Policy and Agreements
Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street
PARRAMATTA NSW 2150

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

Dear Minister for Planning and Public Spaces and General Manager

LETTER OF OFFER TO ENTER INTO STATE PLANNING AGREEMENT WITH THE MINISTER FOR PLANNING AND PUBLIC SPACES

DB20 Pty Limited ACN 637 243 844 (**DB20**) offers to enter into a State Planning Agreement (**Planning Agreement**) with the Minister for Planning and Public Spaces (ABN 20 770 707 468) and Maitland City Council (ABN 11 596 310 805) under section 7.4 of the *Environmental Planning and Assessment Act 1979 (Act)* in connection with proposed redevelopment of land located at 381 Anambah Road, Anambah 2320 (**Land**), being:

- Lot 56 DP 874170
- Lot 1 and 2 DP1110433
- Lot 178 DP 8741171
- Lot 6 DP 19925
- Lot A DP 431640
- Lot 3 DP785359

The Land is located within the Anambah Urban Release Area (AURA). This offer relates to contributions to be made towards state public infrastructure to satisfy clause 6.1 of *Maitland Local Environment Plan 2011 (LEP)*.

Development

DB20 is the registered owner of the Land and proposes to carry out development of the Land under future development application(s) for subdivision, residential accommodation, and commercial and retail development within the urban release area land, over multiple stages. The Development will include, but is not limited to, creation of environmental living lots, large lot residential lots, residential lots, and development lots for residential accommodation, as well as housing and other types of residential accommodation, a neighbourhood centre and associated infrastructure, as anticipated by Amendment No 26 of the LEP.

Road Works Contribution

DB20 offers to carry out upgrade works to the intersection of the New England Highway and Wyndella Road (**Intersection Works**), generally in accordance with the indicative concept design

DB20 Pty Ltd ABN 97 637 243 844
365 New South Head Road, Double Bay NSW 2028
PO Box 325, Double Bay NSW 1360
Telephone: (02) 9270 6000

DB20 Pty Limited

at **Attachment 1** to this letter. The final design and construction of the Intersection Works will be subject to any approvals or determinations required under the Act (including determinations under Part 5 of the Act) and the *Roads Act 1993*.

The Road Works Contribution will include a requirement to acquire and dedicate the land necessary for completion of the Intersection Works, generally shown on the indicative land plan at **Attachment 2** to this letter (**Land Plan**).

The Intersection Works will incorporate works that are also required to service the Lochinvar Urban Release Area (LURA). Maitland City Council currently collects monetary contributions under section 7.11 of the Act for those works in accordance with a Contributions Plan that does not apply to the Anambah Urban Release Area. Ultimately, the upgraded intersection will cater for the full development of the Lochinvar Urban Release Area as planned by Council plus up to 2,800 lots within the Anambah Urban Release Area.

Consequently, DB20 seeks an agreement from Council that it will contribute to the cost of the Intersection Works by making a payment to DB20 on completion of the Intersection Works in the amount Council anticipates it will receive for the Intersection Works in accordance with the Contributions Plan (being \$4.6M adjusted for CPI from the date of the Contributions Plan and less any money already spent towards land acquisition for that item). For this reason, DB20 seeks to enter into this Planning Agreement with both the Minister for Planning and Public Spaces and Council.

In addition, DB20 seeks provision in the proposed Planning Agreement for Maitland City Council (as the relevant roads authority) to acquire the land or any part of the land shown in the Land Plan for public road purposes, in accordance with Part 12 of the *Roads Act 1993*, provided that DB20 has made reasonable efforts to acquire the land by agreement and has been unable to do so. DB20 will bear the costs of any compulsory acquisition of the land by Council.

Education Land Contribution

DB20 offers to dedicate a minimum 2ha serviced site for a public primary school to the Minister or Minister for Education. That site will be dedicated prior to the issue of a subdivision certificate for the 1000th lot in the development.

The proposed general location for the school site is shown on the plan at **Attachment 3** to this letter.

Communication has commenced with School Infrastructure NSW (**SINSW**) about the selection of the site and its features. It is anticipated that an appropriate site will be identified and agreed between DB20 and SINSW.

Satisfactory Arrangements Monetary Contribution and Offset Credit

DB20 proposes that the Intersection Works (including the value of land dedication but excluding the contribution to be made by Council) and the Education Land will be delivered in lieu of monetary contributions that DB20 would otherwise be required to pay under clause 6.1 of the LEP or section 7.24 of the Act (or any replacement provisions requiring state or regional infrastructure contributions).

On that basis, DB20 offers to pay a monetary contribution of \$97,889 (indexed from the date of the agreement to the date of payment) per hectare of net developable area of the development, subject to an agreement that an offset credit will be provided for:

- (a) the actual cost of the Intersection Works (minus the contribution made by Council); and
- (b) the value of the Education Land at the time of dedication.

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STATE VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER FOR INTERSECTION WORKS AT WYNDELLA ROAD, SPRINGFIELD DRIVE AND THE NEW ENGLAND HIGHWAY DB20 PTY LTD (Cont.)

DB20 Pty Limited

The offset credit for the Intersection Works will be applied to each stage of the development commencing from the issue of the first subdivision certificate. The offset credit for the Education Land will be applied to each stage of the development commencing from the issue of the first subdivision certificate after dedication.

Any monetary contribution payable after offset credits have been applied will be paid prior to the issue of each subdivision certificate comprising the development, calculated based on the net developable area subject to that subdivision certificate.

DB20 considers that the contributions offered provide for adequate State public infrastructure in connection with the development of the Land. The proposed Planning Agreement will therefore satisfy the requirements of clause 6.1 of *Maitland Local Environmental Plan 2011*.

Security

Given that the Intersection Works are to be completed prior to the issue of the first subdivision certificate for the development and there is little risk of default, DB20 does not propose to provide a financial security at commencement of the development. DB20 offers to provide a bank guarantee(s) in the amount of \$50,000.00 in connection with the monetary contributions payable under the Planning Agreement once the whole of the offset credit for the Intersection Works has been applied.

DB20 also notes that any Works Authorisation Deed for the Intersection Works is likely to require a financial security prior to commencement of work.

The agreement will provide that the Minister has a caveatable interest in the 2ha site for education purposes and may compulsorily acquire that land for nominal compensation if DB20 fails to comply with its obligations under the agreement.

Registration

DB20 agrees to register the Planning Agreement against the title to the Land, subject to an agreement that notation of the agreement must be removed from title for proposed final lots that will not be further subdivided if all obligations due at the time relevant subdivision certificates are issued have been satisfied.

Costs

DB20 agrees to pay the Minister's costs in relation to preparation and notification of the Planning Agreement.

Should you have any further questions in relation to this matter, please contact Wes van der Gardner [REDACTED]

Regards,

Wes van der Gardner
Director Development, Roche Group Pty Limited for and on behalf of DB20 Pty Limited

Attachment 1 – Intersection Upgrade Works Indicative Concept
 Attachment 2 – Land Plan
 Attachment 3 – Education Land

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11.3 DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS

FILE NO:	2023/551
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Locality Plan 2. Subdivision Plan 3. Assessment Report (Under Separate Cover) 4. Recommended Conditions of Consent (Under Separate Cover) 5. Submissions
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Cindy Littlewood - Manager Development & Compliance Kristy Cousins - Coordinator Planning & Development
AUTHOR:	Kristen Wells - Senior Development Planner
APPLICANT:	Walker Gillieston Heights Pty Ltd
OWNER:	Walker Gillieston Heights Pty Ltd
PROPOSAL:	Torrens Title Subdivision to create Three Hundred and Twenty-Two (322) Residential Lots, Three (3) Stormwater Basins and Three (3) Public Reserve Lots
LOCATION:	Lot 1 DP 1298659 and Lot 2 DP 1230739
ZONE:	R1 General Residential, RU2 Rural Landscape, C2 Environmental Conservation, C3 Environmental Management

EXECUTIVE SUMMARY

The proposal seeks consent for a Three Hundred and Twenty Two (322) Residential Lot subdivision, including Three (3) Stormwater Basins Lots and Three (3) Public Reserve Lots, at 457 Cessnock Road, Gillieston Heights. The proposal also involves the creation of an asset protection zone (APZ) on land adjoining to the north-east of the site, at 65 Redwood Drive, Gillieston Heights. The Locality plan can be viewed in Attachment 1 of this report.

The subject site is located within the Southeast Gillieston Heights Urban Release Area (URA) and is accessed off Cessnock Road, on the eastern side of the road. The application was placed on hold pending the resolution of bushfire requirements, stormwater matters, registration of the voluntary planning agreement and satisfactory arrangement certificate. These items have now been satisfactorily addressed. The proposal has required the concurrence of the Department of Climate Change, Energy, the Environment and Water (DCCEEW), the New South Wales Rural Fire Service (NSW RFS), and Department of Planning and Environment (Heritage). General Terms of Approval (GTA) have been received from these agencies. Additional referral has taken place with Transport for New South Wales (TfNSW), which is outlined within this report.

DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)

The application is reported to Council for determination as it exceeds Council Officer delegations due to a cost of works of \$29,868,396 million. There were eight (8) submissions received during the notification process, the concerns of which are outlined below and in the Planner's Assessment Report (Attachment 3). The issues raised in the submissions have been addressed during the assessment of the application and do not warrant refusal of the application. The proposal complies with the DCP apart from exceeding earthwork allowances required to create useable allotments. This matter has been sufficiently justified in the assessment report, as well as being peer reviewed by an external consultant. The proposal is furthermore compliant with the relevant planning framework and is consistent with the expectations for residential development within the URA. The application has been assessed against the relevant heads of consideration under section 4.15(1) in the Environmental Planning and Assessment Act 1979 and considered to be satisfactory subject to the imposition of conditions.

OFFICER'S RECOMMENDATION

- 1. THAT development consent be granted to DA/2023/551 for the creation of a three hundred and twenty two (322) residential lot subdivision, including three (3) stormwater basins lots and three (3) public reserve lots upon Lot 1 DP 1298659 and Lot 2 DP 1230739, 457 Cessnock Road Gillieston Heights and 65 Redwood Drive Gillieston Heights subject to the recommended conditions of consent contained in Attachment 4.**

Introduction

The purpose of this report is to seek consent from Council for DA 2022/551 proposing a 322 lot Torrens Title subdivision. This report is provided to Council on the basis that the cost of work exceeds the delegations afforded to Council assessment officers. The cost of works is \$29.87 million, which exceeds the \$5 million limitation provided in the General Manager's Delegations. Further, eight (8) submissions were received during the public notification process. A detailed assessment in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 (NSW) report is provided within **Attachment 3** to this report.

Site Description

The land on which the development is to be carried out is legally described as Lot 1 DP 1298659. Work is also required on a north-eastern adjoining lot, being Lot 2 DP 1230739. The work involves the creation of an Asset Protection Zone (APZ) for the purpose of bushfire protection. Owners consent for the creation of the APZ has been received and this lot forms part of the subdivision. Unless otherwise specified, reference to 'the site' includes Lot 1 DP 1298659.

DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)

The site is located to the east of Cessnock Road, within the far south-east portion of the Gillieston Heights residential precinct. The site is irregular in shape and has a site area of approximately 44.180 hectares. The land is predominately comprised of managed grassland vegetation, with a heavily vegetated portion of the site sitting to the far east, including Wallis Creek. The site has an undulating topography, with a central hilltop peak, before the land slopes steeply away to the east towards Wallis Creek and at a gentler decline to the west and towards Cessnock Road.

The site has been predominantly used for grazing purposes. A watercourse is located in the eastern portion of the site and runs east to south towards Testers Hollow, with scattered vegetation surrounding the creek. Five farm dams are also positioned over the site.

Proposal

The proposal relates to land within the south-east Gillieston Heights Urban Release Area. Specifics of the proposed subdivision are outlined below:

- The creation of three hundred and twenty-two (322) residential allotments with varying lot sizes of 450sqm – 1052sqm;
- The subdivision is to occur over six (6) stages;
- Three lots to be dedicated to Council as drainage reserve;
- Three lots to be dedicated to Council for recreation and/or environmental land. These being:
 - Provision of a local park and an off-leash dog park subject to a Voluntary Planning Agreement with Council. These lots will be dedicated to Council as community land;
 - Dedication to Council of environmental land, comprising the *C2 Environmental Conservation* and *C3 Environmental Management* land to the east and south of the site;
- Full road construction of the following:
 - Upgrading of the Cessnock Road intersection and the provision of a signalised intersection;
 - Construction of internal local roads, including through connection to Aspen Drive connecting the subdivision with the subdivision known as Wallis Creek (North) to the north;
- Associated infrastructure and landscape works including a bulk earthwork and retaining walls, shared pathway, services, stormwater management facilities.
- Removal of existing vegetation on land zoned *R1 General Residential*.
- Acoustic barrier along Cessnock Road.
- Provision of easements.

DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)

KEY ISSUES

The subdivision is of a large scale and a summary of the key issues are presented in this report (with a detailed planning assessment provided in **Attachment 3**):

Voluntary Planning Agreement

A letter of offer for a Voluntary Planning Agreement (VPA) has been accepted and is reported under separate cover within Council Meeting Report "Adoption of Proposed Voluntary Planning Agreement – Recreation Facilities – Gillieston Heights South – Walker Corporation". The VPA outlines the proposed dedication of environmental conservation land to the east and south of this site, comprising a combined area of 27.2307 hectares. This land comprises *C2 Environmental Conservation* and *C3 Environmental Management* zoned land. Council's Environment Team have determined that this land has high environmental value. The developer is also required to contribute towards the future maintenance of this land, with details specified in Council Meeting Report "Adoption of Proposed Voluntary Planning Agreement – Recreation Facilities – Gillieston Heights South – Walker Corporation".

In addition to this, the developer will provide for the provision of an off-leash dog park within the southern portion of the subdivision, as well as a local park within the northern portion of the site. Each park will be linked via a series of shared pathways throughout the subdivision, which will also provide connectivity to adjoining subdivisions in the north, as well as the recently approved Loxford subdivision to the east, accessed via the signalised traffic intersection at Cessnock Road.

Geotechnical (Earthworks)

A geotechnical report was submitted in support of the application. Bulk earthworks and benching will occur over the site, with retaining walls up to 1.5m in height proposed. Some retaining walls will be tiered, at a maximum of double tiered construction. Bulk earthworks are proposed which will result in excavations generally ranging from 1.0m to 6.0m below existing ground level, with localised areas of cutting in excess of 7.0m. Filling is proposed in the order of 0.5 to 3.0 m above existing ground level to achieve design levels and form residential allotments. It is anticipated filling within low lying areas of site, gulleys and decommissioning existing rural dams will exceed 5.0m.

Given the extent of earthworks proposed across the site, the proposal has been referred to an external geotechnical consultant to peer review the applicant's Geotechnical Report. The peer review has concluded that the earthworks are able to comply with relevant Australian Standards and detailed conditions of consent for the placement of fill and settlement of earthworks have been imposed.

DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)

A detailed summary of geotechnical information is provided within the Assessment Report (**Attachment 3**).

It is further noted that the DCP provision also relates primarily to the importation of fill brought into a site. In this instance, the applicant has anticipated that material cut from excavations will be used in the areas of fill; maintaining a balanced extent of cut and fill across the site. Noting that no importation of fill is required to create this subdivision, this item can be supported for variation.

Aboriginal Heritage

The Aboriginal Cultural Heritage Assessment Report has identified seven previously unknown Aboriginal archaeological sites and one known site within close proximity to the Site. An Aboriginal Cultural Heritage Assessment (ACHA) has been undertaken to consider these sites, and following development consent, an Aboriginal Heritage Impact Permit will be sought. The ACHA was referred to Heritage NSW seeking GTAs for the removal of the artefacts. GTAs have been issued by Heritage NSW and are to be included as conditions in a consent.

Visual Impact

The development site is located at the south-eastern edge of the Gillieston Heights URA, with a small portion of the far south-east of this subdivision being identified as visually significant of Part F.9 of the Lochinvar URA.

The development provides a road edge at the eastern boundary, along with the retained dedicated environmental land. Fourteen (14) lots are situated within the visually sensitive portion of the site. Vegetation planting and transparent rear fencing has been incorporated into the design to aid in the visual appeal of these allotments. These works also assist to provide an effective separation to the adjoining rural lands.

Biodiversity

The proposal is supported by a *Streamlined Biodiversity Development Assessment Report*, which establishes how the proposal has complied with the avoid, minimise and offset hierarchy. After avoiding and actively minimising the impact on the existing vegetation, it is necessary to remove 0.93ha of native vegetation, made up of 0.53ha of planted native vegetation in highly degraded to severely degraded condition and 0.40ha of remnant native vegetation in poor condition. All retained vegetation on site will be actively protected during the construction and delivery of the residential allotments via conditions of consent. The vegetation on the site does not appear on the significant tree register, nor does it form part of or is within close proximity of a heritage item.

DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)

Stormwater Management

The stormwater management layout comprises three separate catchments, being A, B, and C. Catchment A discharges stormwater in a controlled capacity via the south, Catchment B via the west to an existing swale on Cessnock Road and Catchment C discharges to the north. A series of piped infrastructure assists in directing the flow of stormwater to ensure that pre-development flow is equal to or less than post-development flows. Relevant conditions have been included in the consent as recommended by Council's Subdivision and Development Engineering team.

Public Submissions

The proposal was placed on public exhibition for a period of 28 days, in accordance with Council's Community Participation Plan. A total of eight (8) submissions were received during this period and a copy of the submissions are contained within **Attachment 5**. The matters raised in the submission have been addressed and a detailed response to the submission is contained within the officer's assessment report provided in **Attachment 3**.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates. A Voluntary Planning Agreement is to be entered into for the facilitation of a recreational land in lieu of Section 7.11 Contributions.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

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

CONCLUSION

This application has been assessed against the relevant heads of consideration in Section 4.15(1) of the Environmental Planning and Assessment Act 1979 (NSW). The proposal is considered acceptable, and approval subject to the conditions contained in **Attachment 4** is recommended.

DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)

City Planning

DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS

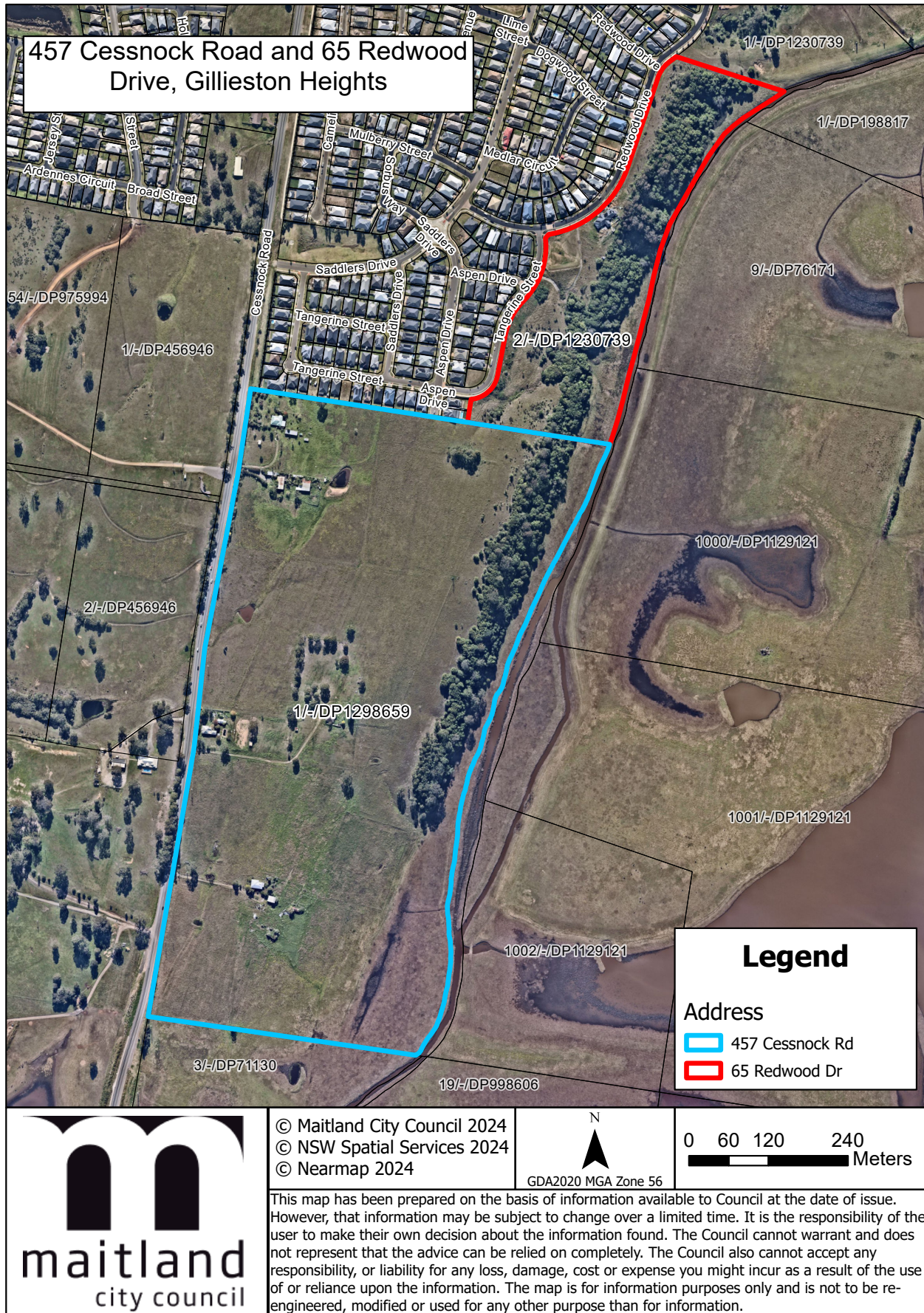
Locality Plan

Meeting Date: 13 August 2024

Attachment No: 1

Number of Pages: 1

DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)



DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)

City Planning

DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS

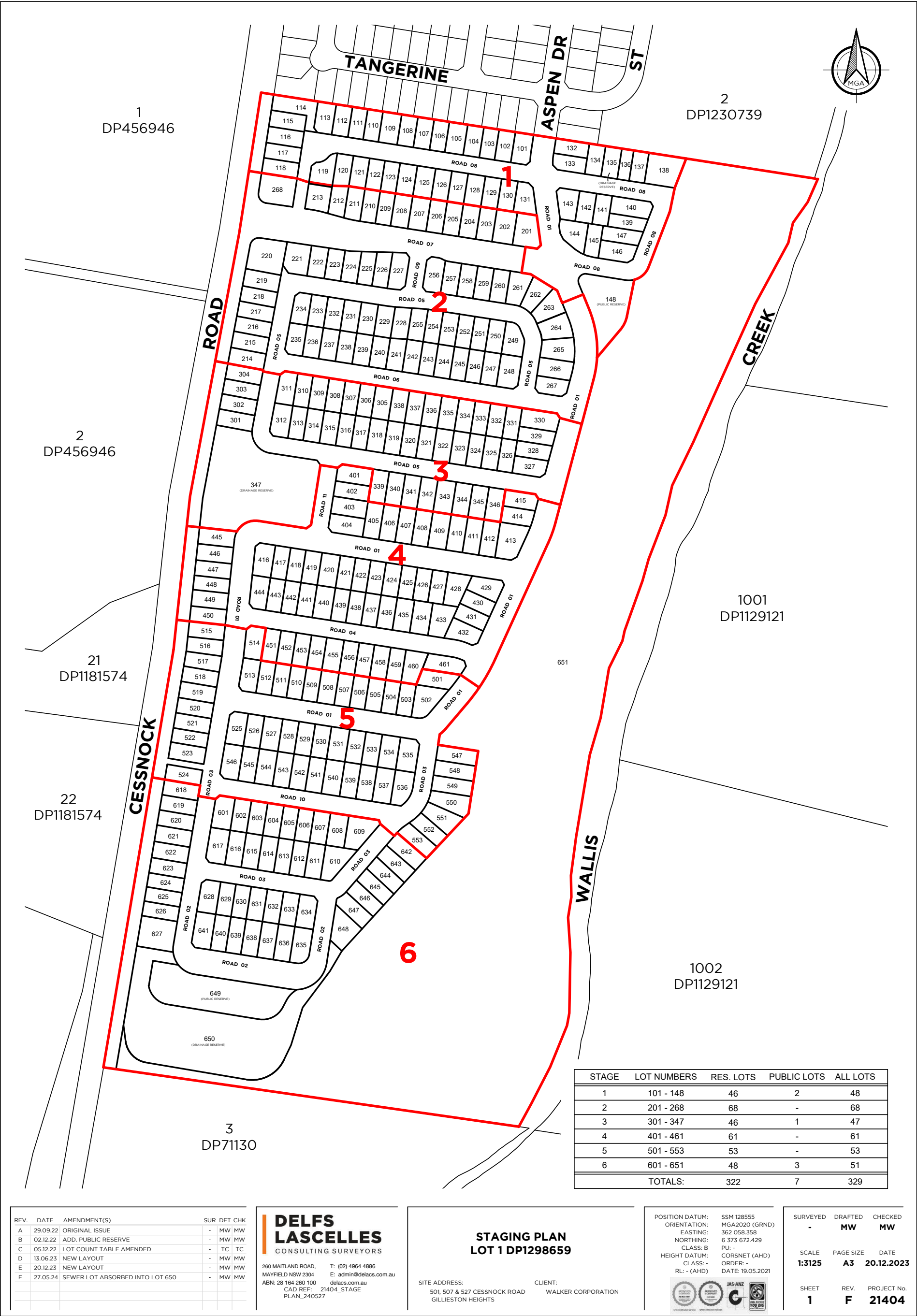
Subdivision Plan

Meeting Date: 13 August 2024

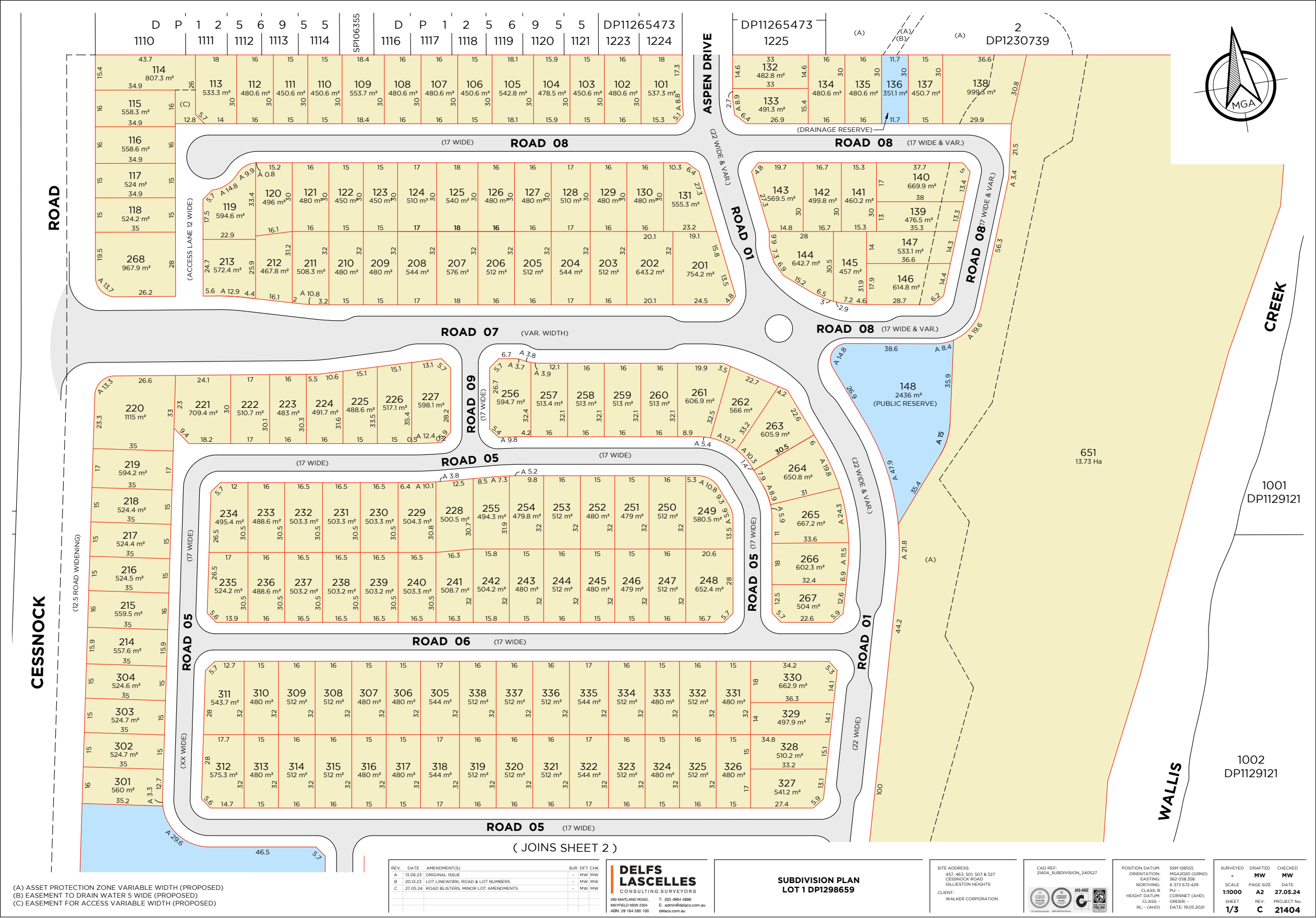
Attachment No: 2

Number of Pages: 4

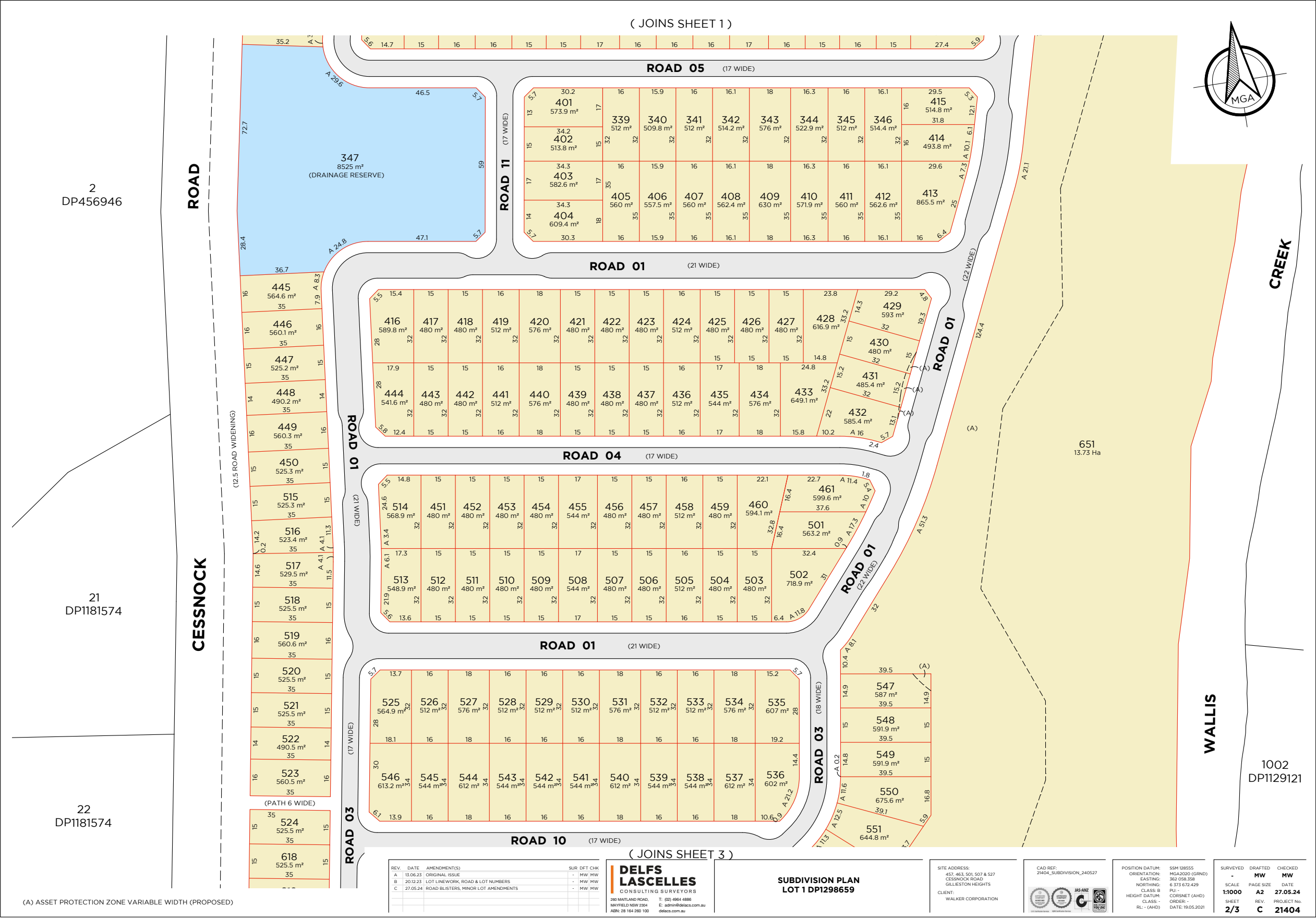
DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)



DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)



DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)





DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)

City Planning

DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS

Submissions

Meeting Date: 13 August 2024

Attachment No: 5

Number of Pages: 13

DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 2 August 2023 8:41 PM
To: Maitland City Council
Subject: Gillieston Heights Development Walker development

Dear Maitland council,

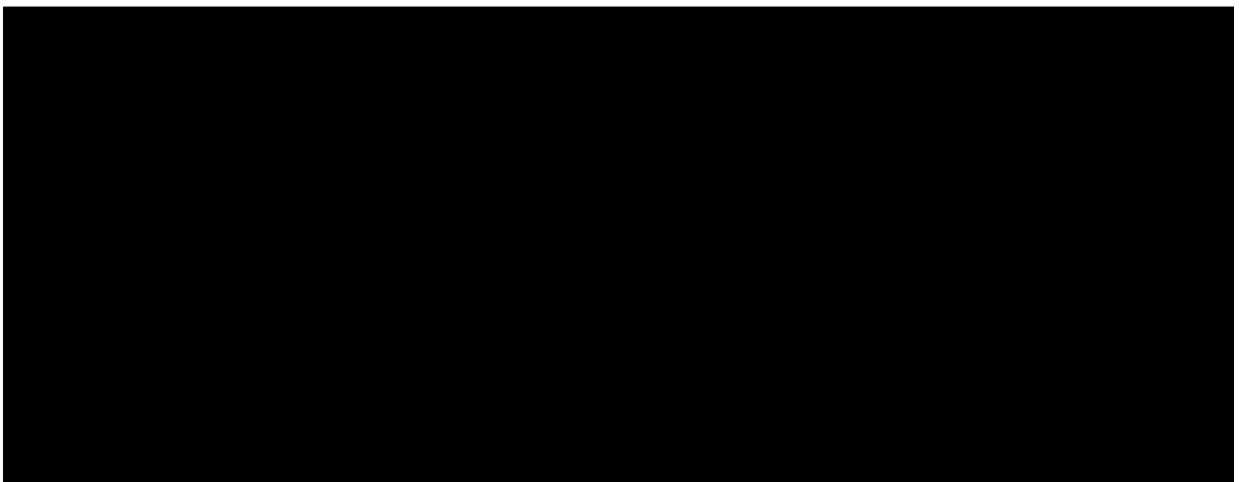
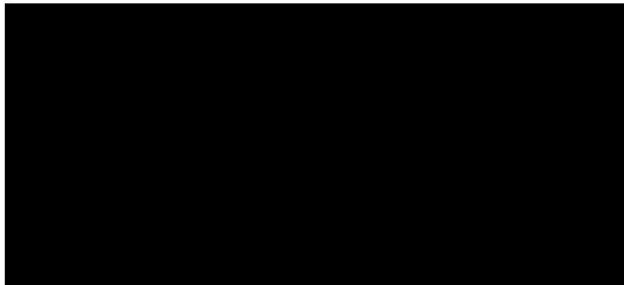
Please take this as a written submission concerning the proposed Walker Development as identified below.



Our property is [REDACTED] Tangerine st Gillieston Heights NSW 2321 [REDACTED]. We purchased our house off the plan in 2018 and it is positioned with the rear of the house facing Cessnock road. Our development includes an 'acoustic barrier' that was provided by the Walker group and is not fit for purpose and the house sits above the height of the acoustic barrier'. Our concern for this new development is the increase in traffic noise on Cessnock road. The road is significantly loud during most times of the day. If this proposal is to be considered, we ask that council makes plans for effective acoustic control measures of this road for the residents who's properties back onto Cessnock road.

Please respond to show receipt of this submission.

Regards,



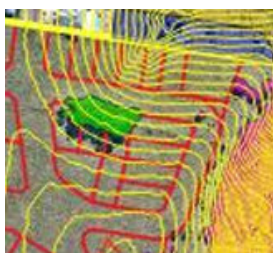
DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)

From: [REDACTED]
Sent: Thursday, 10 August 2023 1:02 PM
To: Maitland City Council
Subject: DA/2023/551 Concerns

Good afternoon Maitland Council Team,

I am writing to you today as I recently received notice in the mail regarding "DA/2023/551, Five (5) into Three Hundred and Twenty Two (322) Lot Torrens Title Subdivision, Demolition, Three (3) Stormwater Basins, 457, 463, 501, 507 and 527 Cessnock Road GILLIESTON HEIGHTS" and wanted to share my thoughts and concerns.

Most of the subdivision looks like a good addition to the area, and I completely understand the developers desire to maximise their returns on their investment, however the development of the lots at the north eastern corner of the proposed development (pictured below) directly on top of the existing watercourse is concerning.



To develop this area, a huge amount of earthworks and retaining would be required - similar to what was required in the adjoining development by Walker.

My main concern is that just north of this area (approx 50m) there has already been a landslide behind the large retaining wall that Walker constructed less than 3 years after the retaining wall was built. This landslide was at the location of the hydroline - which according to the reports was smaller than the one they are now proposing to develop for future houses - and avoiding another issue like this is the main reason why an alternative should be considered.

As opposed to the huge amount of earthworks required in this area due to the extreme slope, this particular parcel could be subdivided with one or two allotments facing Aspen Drive (consistent with the existing streetscape, and all other "view" lots that surround Redwood and Hillcrest Drive) with the remainder of the land being bundled with the environmental conservation land that surrounds the proposed development with the building platform for a future dwelling away from the watercourse to avoid developing on top of the hydroline. This larger allotment adjoining the waterway/drainage basin would be consistent with what has been previously approved in the previous subdivision.

Even the previous master plan - drawn before Walker acquired 457 and 463 Cessnock Road, Gillieston Heights - included a much larger area for the waterway as it is more suitable for dispersing stormwater than new homes.

DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)



There are also other concerns (such as the inconsistency between the street that has been proposed and Tangerine/Redwood/Hillcrest as the current streets that border the environmental conservation land all share a large walking path with no need to cross any roads for residents walking their families to and from parks and other amenities; or the minimal privacy for those proposed dwellings that are significantly lower than existing dwellings and the existing walking path) which all contribute as to why this small section of the proposal should be reconsidered; however the recent landslide behind the large retaining wall built by Walker within 50m of this watercourse is definitely the most concerning as an a similar sized retaining wall would be required. I hope that all of the above is taken into consideration.

Thank you for your time.

DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 2 August 2023 11:45 AM
To: Maitland City Council
Subject: Objection to DA (457/463/501/507/527 Cessnock Road Gillieston Heights - DA/2023/551
Attachments: Objection_to_DA.docx

Hi,

Please find attached notice of rejection for your review

Kind regards,
[REDACTED]

DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)

Mail to: info@maitland.nsw.gov.au

Dear Council,

We own [REDACTED] Saddlers Drive, Gillieston Heights.

We wish to object to the development application for South Gillieston Heights (457/463/501/507/527 Cessnock Road Gillieston Heights - DA/2023/551) for the following reasons:

1. The development is inconsistent with Council's plans for the area, based upon what we were told when we spoke to Council before we purchased our land in the Wallis Creek Estate;
2. The development will generate significantly more traffic on our local roads, which have been designed to only accommodate the existing approved development;
3. As a result we will have to put up with more cars, trucks and construction traffic which our roads were not designed for;
4. The applicant's traffic study does not take into account traffic which will be generated by the remaining development that is still being built including homes, the St Nicholas Early Education centre which is under construction, and the Catholic primary school and local retail centre that are planned;
5. An additional entrance/exit via Cessnock Road has not been considered. All traffic would have to go through Saddlers Drive creating further congestion in peak periods. Further development was not disclosed beyond Wallis Creek stages when we purchased and built our home.

We feel the application is ad hoc and ill-planned and should be refused.

Kind regards,

[REDACTED]

DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 25 July 2023 9:02 PM
To: Maitland City Council
Subject: South Gillieston Heights development / planning

Dear Sir

This proposed development is totally over developed in an area already struggling with excess traffic movements around the area including Cessnock Road . The original plans for a “ village” were rejected and now increase numbers are being applied for. The infrastructure is not coping currently and this will add to the chaos ,and dangerous over crowding on roads. May I suggest the planning department spend several hours in the area and monitor traffic movements especially at peak times. Until the roads etc can cope this application must be rejected .

[REDACTED]
Gillieston Heights

[Sent from the all new AOL app for iOS](#)

DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)

[REDACTED]

From: [REDACTED]
Sent: Monday, 21 August 2023 2:56 PM
To: Maitland City Council
Subject: Att Kristen Wells

Hi Kristen,

I Oppose the new development proposed in Gillieston Heights, untill more infrastructure is brought to Gillieston all further development should be put on hold we need more sporting ovals footpaths and the school upgrade would need to be complete also thoughts of new high school or upgrades to existing I know you're going to tell me that this type of infrastructure is for state government. But this is where council should advocate for Gillieston before moving forward!

I Also STRONGLY believe that council should be asking the rate paying residents what they want in their town example being the skate park proposed to Roy Jordan oval that No residents (old Gillieston) were asked about and all my neighbours that I have spoken to oppose. The people on the other side of the main Road would love one so put it over there and keep Roy Jordan as a sporting complex like it was intended !!!!

[REDACTED]

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DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)

[REDACTED]

From: [REDACTED]
Sent: Sunday, 20 August 2023 9:48 PM
To: Maitland City Council
Subject: ATT: KRISTEN WELLS - submission DA/2023/551 - opposing
Attachments: DA-2023-551 submission-opposing.pdf;
disclosure_statement_of_political_donations_an_gifts_1 - Copy.pdf

Hi Kristen

Please find attached my submission letter opposing certain aspects of the development proposal DA/2023/551, I would ask if you could please take into consideration my concerns and advise me of any meetings, dates, and times, that may arise in regard to this proposal moving forward.

Warm regards
[REDACTED]

Sent from [Mail](#) for Windows

DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)

20th August 2023

Maitland City Council
Kristen Wells
263 High Street
Maitland, NSW 2320

Dear Kristen Wells, Maitland City Council

RE: DA/2023/551
2/601226, 1/311179, 2/311179, 2/302745 – 457 Cessnock Road, Gillieston Heights, NSW 2321,
463 Cessnock Road, Gillieston Heights NSW 2321, 501 Cessnock Road Gillieston Heights, NSW 2321, 507
Cessnock Road Gillieston Heights, NSW 2321, 527 Cessnock Road Gillieston Heights, NSW 2321

THIS SUBMISSION LETTER IS TO OPPOSE CERTAIN ELEMENTS OF THE ABOVE DEVELOPMENT APPLICATION.

1. EXTREMELY SMALL BLOCKS

- Running along the back of existing housing, small blocks x 3 that will be backing onto our property at [REDACTED] Aspen Drive, Gillieston Heights, NSW 2321, these small blocks will only enable any house that will fit to take up the majority of the property with the guttering extremely close to our fence line, and all the noisiest parts of these properties, living, family, kitchen, lounge and backyard areas of these houses will be in extremely close proximity to our house and our 3 x bedrooms running along that side of the house.
- [REDACTED] is a shift worker along with many residents within the area, and noise in such proximity to our house would play an extremely detrimental factor to his health and safety, with driving long distances to and from work and the operation of heavy machinery.
- Majority of the small blocks are backing onto or next to existing housing!
- These tiny blocks do not allow for enough vehicles to be parked out the front usually creating congestion with extra cars, boats, trailers, or caravans being parked on roadways causing safety concerns both to drivers and pedestrians.
- Blocks at 23 and 25 Aspen Drive, Gillieston Heights, NSW 2321 were turned to face Aspen Drive instead of Tangerine due to the nature of the sloping landscape.
- We request that the new blocks next to our existing property at [REDACTED] Aspen Drive Gillieston Heights flow in the same direction as 23 and 25 Aspen Drive, Gillieston Heights to eliminate extreme noise reduce water runoff, and create more privacy.

2. WATER RUNOFF

- Blocks at 23 and 25 Aspen Drive, Gillieston Heights, NSW 2321 were turned to face Aspen Drive instead of their original position facing Tangerine Street due to the nature of the sloping landscape and the need to be built up to high if the 3 x small blocks backing onto our property at [REDACTED] Aspen Drive Gillieston Heights are built up to a higher level this creates an extreme amount of water runoff onto my property and also that of those smaller blocks running along the back of the other existing houses.
- I am concerned about the amount of water that will be directed to the existing natural water causeway as stated on the plan due to the fact that there has already been a landslide in heavy rain on the sloping land behind 23 and 25 Aspen Drive. Gillieston Heights and cracking appearing on the road along Tangerine Street, Gillieston Heights with the council fixing cracks.

3. ENVIRONMENTAL

- Eagles, 2 x large eagles, and 4 x smaller eagles which were born around Christmas 2022, these eagles almost every afternoon soar above this land and continually rest in the small group of trees adjacent and to the left of Aspen Drive, Gillieston Heights, and the large old tree grey tree on the hill. At dusk, they land close to this area along the top of the ridge line where we believe their nest is to be.
- We have also noticed an influx of parrots and other bird types in this small group of trees since the development and loss of trees on the other side of Gillieston Heights.

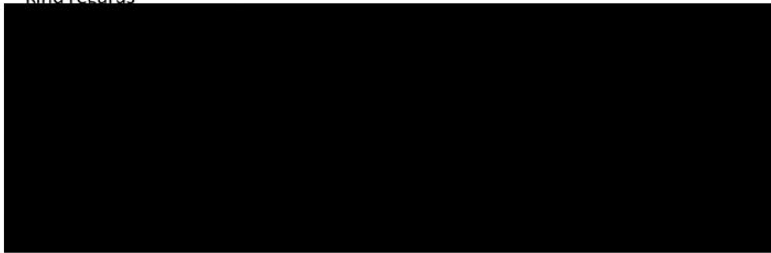
DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)

4. TRAFFIC CONCERNS

- No Infrastructure to support extreme growth. The traffic plan states that there will only be a small percentage increase in traffic with the above development and the proposed new lights but with this development and developments either approved or currently underway in this area it is looking like there will be up to 3000 new houses, with most homes these days having at least 2 cars or more that is approximate of around 6000 cars and one lane in, one lane out scenario, and the school 40 zone, adding to the already morning congestion on Cessnock Road heading towards the Maitland roundabout with traffic nearly most mornings already backing sometimes right up to Saddlers Drive lights the morning commute can sometimes already take 15 to 20 minutes to reach and proceed through Maitland roundabout which is usually an up to 5-minute trip. The addition of a new set of lights will do next to nothing to appease this situation.
- Will Maitland City Council or developers be considering a better carriageway for traffic as a 2 lane in each direction carriageway from Gillieston Heights to Maitland?

Thank you for reading my submission and I ask that my views are properly taken into account and given due consideration in the determination of this planning application. Please confirm receipt of this letter and please keep me apprised of any developments in relation to this application.

Kind regards



DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)

[REDACTED]

From: [REDACTED]
Sent: Sunday, 20 August 2023 11:13 PM
To: Maitland City Council
Subject: ATT : Kristen Wells

DA/2023/551

STOP BUILDING HOUSES IN GILLIESTON HEIGHTS AND START PUTTING IN THE INFRASTRUCTURE!

Have you seen the public school!?! Have you seen Cessknock road in peak hour!?! Do you really think another 2k houses is in the best interest of the community? and if you do I'd love to hear your resin behind it. Enough is enough. The area can't handle any more houses.

DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)

[REDACTED]

From: [REDACTED]
Sent: Monday, 21 August 2023 10:09 AM
To: Maitland City Council
Subject: ATT : Kristen Wells

Re: DA/2023/551

I am writing to you regarding the proposed development in Gillieston Heights.

My concern is the lack of local infrastructure.

- The increased traffic on Cessnock Road is a growing concern. Are there plans for alternative routes?
- Are there plans to have other side streets/lights coming off cessnock road to limit traffic through the already-developed estate?
- While the primary school has been awarded funding, how long will it be before the school is rebuilt to cater for the increasing size of our community?
- Are there plans for more local amenities?

We are all well aware of the housing crisis that is facing Australia at the moment, but if the community isn't supported with forward planning, then a problem remains.

Kind regards,

[REDACTED]
Gillieston Heights Resident

DEVELOPMENT APPLICATION 2023/551 TORRENS TITLE SUBDIVISION TO CREATE THREE HUNDRED AND TWENTY TWO (322) RESIDENTIAL LOTS, THREE (3) STORMWATER BASINS AND THREE (3) PUBLIC RESERVE LOTS, 457 CESSNOCK ROAD AND 65 REDWOOD DRIVE GILLIESTON HEIGHTS (Cont.)

Dear Sir/Madam

I wish to advise that an application for the following has been submitted to Council for determination:-

Property:	2/601225, 1/601226, 1/311179, 2/302745, 1/302745 - 457 Cessnock Road GILLIESTON HEIGHTS NSW 2321,463 Cessnock Road GILLIESTON HEIGHTS NSW 2321,501 Cessnock Road GILLIESTON HEIGHTS NSW 2321,507 Cessnock Road GILLIESTON HEIGHTS NSW 2321,527 Cessnock Road
Description:	Five (5) into Three Hundred and Twenty Two (322) Lot Torrens Title Subdivision, Demolition, Three (3) Stormwater Basins
Applicant:	Walker Gillieston Heights Pty Ltd
Consent Authority:	Maitland City Council

The proposal relates to land adjoining or adjacent to your land. This application is deemed Integrated Development as approval is required under Section 22 of the Coal Mine Subsidence Compensation Act 2017 from Subsidence Advisory NSW, Sections 91 of the Water Management Act 2000 (NSW) from the Natural Resources Access Regulator, Section 100B of the Rural Fires Act, 1997 from the Rural Fire Service, Section 138 of the Roads Act, 1993 from the Roads & Maritime Services, and Section 90 of the National Parks & Wildlife Act 1974 from the Office of Environment & Heritage. If you wish to advise Council of your views on the proposal, you may make a submission in writing to the Council by 21/08/2023. Council will take your views into consideration along with the other matters that Council must consider when determining the application.

Any written submissions you wish to make will be considered prior to the determination of the application. Council may not immediately acknowledge receipt of your submission, however, should the application be the subject of a report to a Council meeting, you will be advised of the date and time.

In accordance with the Local Government and Planning Legislation Amendment (Political Donations) Act 2008, any person making a written submission after 1 October 2008 - either for or against the proposal - must also make a disclosure if the person has made a reportable political donation. If relevant, please complete the attached "Statement of Political Donations & Gifts" form and attach it to your submission prior to lodgement with Council. Further information on this legislation may be obtained from council's website: www.maitland.nsw.gov.au.


This notification of the development application is required under the Maitland Citywide Development Control Plan Section - Community Participation.

The development application and accompanying documentation is available for inspection at Council's Duty Counter during business hours. Alternatively all relevant documentation including Notification Plans can be viewed online using Council's Development Application Tracking System at www.maitland.nsw.gov.au

It should be noted that under the Government Information (Public Access) Act 2009, certain information held by Council may be made available or released to members of the public upon application and/or included in the public forum, and therefore Council will not consider your submission as confidential. Under s.739 NSW Local Government Act, you may request the removal of any matter which would disclose a person's place of living if the personal safety of the person, or a family member, are at risk. If you wish to keep your personal details confidential, you must request this in writing within your submission. Council cannot guarantee that your details will remain confidential if it is considered within the public interest to release this information, however, in this circumstance Council will consult you prior to the release of any personal details.

If you require any further information in relation to this application, or do not have access to the web to view the Notification Plans, please contact Council by phoning 4934 9700.

Yours sincerely



11.4 APPROVAL OF DEED OF VARIATION TO WORKS IN KIND AGREEMENT - SHARED PATHWAY THORNTON NORTH - ALLAM PROPERTY GROUP & THORNTON WATERS

FILE NO:	103/41/52
ATTACHMENTS:	1. Draft Deed of Variation (Under Separate Cover)
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Brett Gardiner - Manager Strategic Planning Adam Ovenden - Coordinator City Planning Anne Humphries - Principal Development Contributions Planner
AUTHOR:	Melissa Harvey - Development Contributions Officer
MAITLAND +10	Outcome 2 To easily get to where we want to go
COUNCIL OBJECTIVE:	2.2.1 Develop and promote Council's long term program for road and related infrastructure construction and maintenance

EXECUTIVE SUMMARY

At its meeting of 23 April 2024, Council resolved to enter into a Works in Kind Agreement for the delivery of a shared pathway which forms part of an item identified as TN30 in the Thornton North Development Contributions Plan. The subject works traverse several development sites over which the developers, Allam Property Group and Thornton Waters, have received approvals for the subdivision of land.

The developers have requested an amendment to the terms of the Agreement by way of a Deed of Variation to consider the realignment of pathway.

OFFICER'S RECOMMENDATION

THAT

- 1. The Deed of Variation to the Works in Kind Agreement as presented in Attachment 1 be approved.**

REPORT

The works subject of the approved Works in Kind Agreement (WIKa) form part of line item TN30 in the Thornton North Development Contributions Plan (TNCP). The subject works traverse three development sites as identified in Figure 1 below with the length of works and costings detailed in Table 1.

APPROVAL OF DEED OF VARIATION TO WORKS IN KIND AGREEMENT - SHARED PATHWAY THORNTON NORTH - ALLAM PROPERTY GROUP & THORNTON WATERS (Cont.)



Figure 1 – Location of TN30 Works

Item No	DA Number	Length of Works	Cost
1	16/432	268m	\$60,528
2	16/2890	384m	\$86,727
3	19/652	342m	\$77,241
Totals		994m	\$224,496

Table 1 – DA Consents and TN30 Works included in the current executed WIK

DEED OF VARIATION TO WIK AGREEMENT

On 16 April 2024, Council received correspondence from ADW Johnson on behalf of Allam Property Group requesting that consideration be given to amending the alignment of that part of the shared pathway contained in Item 1 - DA 16-432. The proposed alignment is shown in Figure 2 below.

APPROVAL OF DEED OF VARIATION TO WORKS IN KIND AGREEMENT - SHARED PATHWAY THORNTON NORTH - ALLAM PROPERTY GROUP & THORNTON WATERS (Cont.)



Figure 2 – Proposed Realignment of Path

Table 2 below details proposed amendments to the length of works and corresponding costs.

Item No	DA Number	Length of Works	Cost
1	16/432	418m	\$96,470.39
2	16/2890	384m	\$88,623.52
3	19/652	342m	\$78,930.32
Totals		1,144m	\$264,024.23

Table 2 – Proposed Reallocation of Funds

The total length of the pathway in the DCP is 5,841m with a value of \$1,319,198 in the TNCP. As indicated above, the proposed alignment of the pathway as shown in Figure 2 deviates slightly from that included in the DCP. However, the new route better aligns with the subdivision plans, and riparian corridors and will provide better connectivity to the adjoining proposed open space facilities to the east. The proposal has been reviewed by Council's City Services Directorate to ensure appropriate disbursement of funds across the entire length of TN30 and equitable access to remaining funds for future development.

Works in Item 1 have been completed. The Deed of Variation seeks to authorise the reimbursement of the revised construction costs (\$96,470.39) from the Recreation and Open Space Category of the TNCP.

APPROVAL OF DEED OF VARIATION TO WORKS IN KIND AGREEMENT - SHARED PATHWAY THORNTON NORTH - ALLAM PROPERTY GROUP & THORNTON WATERS (Cont.)

The increased length of constructed works in Item 1 has resulted in a reallocation of funds for TN30, including Items 2 and 3 of this WIKA. Items 2 and 3 will be credited, in accordance with the proposed reallocation of funds, as Development Contribution offsets against the Recreation and Open Space Category of the relevant DA's mentioned in Table 2 above.

The Security clause in the Agreement specifies Council holds \$30,000 until Practical Completion of the works in the WIKA. The Developer has requested instead that the payment of \$96,470 for Item 1 be reduced by \$30,000. This amount will be held by Council as Security until such time as all works are complete. The proposed change is acceptable to Council staff, and the Deed of Variation reflects the proposed revised security arrangements.

The changes to the WIKA detailed in this report are marked up in **Attachment 1** to present the amendments.

CONCLUSION

The proposed shared pathway realignment and reallocation of contributions from TN30 in the TNCP has been reviewed and is considered fair and reasonable. It is therefore recommended that Council proceed with the approval of the Deed of Variation.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates as the works are to be funded entirely by contributions levied and collected under the TNCP.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

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

11.5 ADOPTION OF PROPOSED VOLUNTARY PLANNING AGREEMENT - RECREATION FACILITIES - GILLIESTON HEIGHTS SOUTH - WALKER CORPORATION

FILE NO:	103/41/61 & DA/2023/551
ATTACHMENTS:	1. Voluntary Planning Agreement (Under Separate Cover)
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Brett Gardiner - Manager Strategic Planning Adam Ovenden - Coordinator City Planning Anne Humphries - Principal Development Contributions Planner
AUTHOR:	Isaac Milajew - Development Contributions Officer
MAITLAND +10	Outcome 4 To be healthy and active with access to local services and facilities
COUNCIL OBJECTIVE:	4.3.2 Provide play spaces across the city to accommodate all age and ability groups
Previous Items:	10.1 - Exhibition of Proposed Voluntary Planning Agreement - Recreation Facilities - Gillieston Heights South - Walker Corporation - Ordinary Council - 27 Feb 2024 5:30 PM (Policy & Finance)

EXECUTIVE SUMMARY

At its meeting of 27 February 2024, Council endorsed the public exhibition of a draft Voluntary Planning Agreement for the dedication of land and provision of recreation facilities at 457 and 527 Cessnock Road, Gillieston Heights. The draft VPA was exhibited for a period of 28 days from 1 March to 29 March 2024. No submissions were received during the exhibition period.

The draft VPA is linked to DA 23/551 for the subdivision of land in the Gillieston Heights South catchment. The DA is being presented in this Agenda with a recommendation for approval subject to conditions of consent.

The draft VPA is presented in conjunction with the DA, recommending that Council support the proposal, and delegate authority to the General Manager to enter into and execute the agreement.

OFFICER'S RECOMMENDATION**THAT**

- 1. Council endorses the offer to enter into the Voluntary Planning Agreement with Walker Gillieston Heights Pty Ltd.**
- 2. Council delegates authority to the General Manager to enter into and execute the Voluntary Planning Agreement provided in Attachment 1.**
- 3. DA 2023/551 be considered on its merits and if determined by way of approval, a condition be imposed on the consent requiring the draft Voluntary Planning Agreement be entered into in accordance with Clause 7.7(3)(a) of the *Environmental Planning and Assessment Act 1979*, and**
- 4. Pursuant to s55(3)(i) of the *Local Government Act 1993*, Council resolve to not invite tenders under s55(1) of the Act for the subject works due to extenuating circumstances.**

REPORT

At its meeting of 27 February 2022, Council considered an offer by Walker Gillieston Heights Pty Ltd (the Applicant) to enter into a Voluntary Planning Agreement (VPA) for the delivery of recreation facilities, the dedication of land and payment of an environmental management fund to Council.

The VPA was placed on public exhibition from 1 to 29 March 2024. No submissions were received during the exhibition period.

An overview of the assessment of contributions and facility requirements which would apply to the development can be viewed in the previous report presented to the Council meeting of 27 February 2024.

In brief, the VPA proposes the payment of City Wide Road and Traffic and Administration contributions, the construction of recreation facilities, the dedication of land and payment of an Environmental Maintenance contribution in lieu of the payment of s7.11 contributions which would ordinarily apply to the development. Details of the proposed contributions are provided in Table 1 below.

ADOPTION OF PROPOSED VOLUNTARY PLANNING AGREEMENT - RECREATION FACILITIES - GILLIESTON HEIGHTS SOUTH - WALKER CORPORATION (Cont.)

Facility	Land Area (ha)	Land Cost	Capital Cost	Total Contribution
Provision of Local Park	0.2436	\$584,386	\$531,260	\$1,115,646
Provision of Dog Off leash Area including Environmental Land and APZ	14.9307	\$531,260	\$318,756	\$850,016
Land Dedication Lot 3 DP 71130	12.3000	\$122,163		\$122,163
Contribution towards Maintenance of Environmental Land				\$465,269
Contribution towards City Wide Road & Traffic Facilities				\$1,274,476
Administration Fees				\$96,139
Total	27.4743	\$1,237,809	\$850,016	\$3,923,709

Table 1 – Proposed VPA Contributions

The location of the recreation facilities and land dedication areas are shown in Figure 1 below.

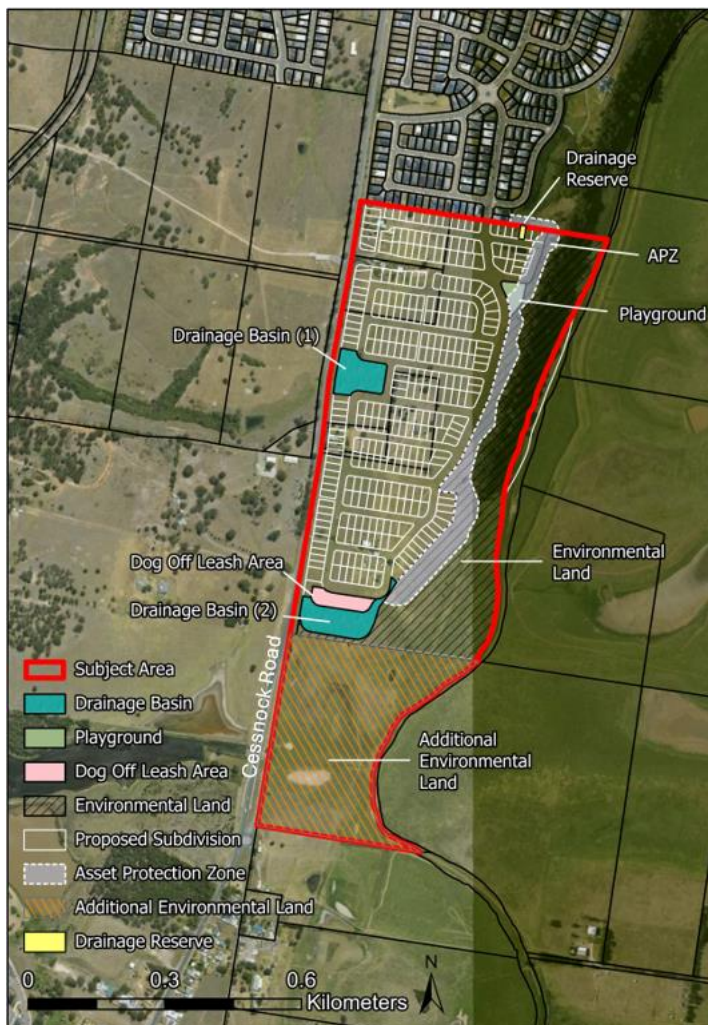


Figure 1 – VPA Works & Land Dedication Areas

ADOPTION OF PROPOSED VOLUNTARY PLANNING AGREEMENT - RECREATION FACILITIES - GILLIESTON HEIGHTS SOUTH - WALKER CORPORATION (Cont.)

The final design and inclusions for the Local Park and Dog Off Leash Area (DOLA) will be subject to future approvals by Council.

The draft VPA is linked to DA 2023/551 for the subdivision of land creating 322 residential lots at 457 and 527 Cessnock Road, Gillieston Heights. The DA is also being presented to Council in this Agenda with a recommendation that it be approved subject to a condition requiring the VPA be formally entered into.

VOLUNTARY PLANNING AGREEMENTS POLICY

The draft VPA as provided in **Attachment 1** sets out the Applicant's and Council's obligations under the agreement. The Explanatory Note commencing on Page 65 provides an overview of the planning merits and how the objects of the Act and the public interest will be served.

Council's Voluntary Planning Agreements Policy details the procedures and processes whereby it will consider the use and acceptability of an offer and how such agreements will be negotiated and ultimately entered into. Council at its complete discretion may negotiate a VPA in connection with any application by a developer for an instrument change or development consent relating to land in the local government area.

The Policy requires that the Council apply a test in order to assess the desirability of any proposal. The test and planning comments in response are provided below.

Is the proposed planning agreement directed towards a proper or legitimate planning purpose having regard to its statutory planning controls and other adopted planning policies and the circumstances of the case?

The offer is linked to a residential development application in the Gillieston Heights South Urban Release Area which is consistent with Council's Local Environmental Plan and Development Control Plan. The provisions of Council's City Wide Development Contributions Plan and recently adopted Environmental Sustainability Strategy 2030 have also been considered in the assessment of the VPA offer.

Does the proposed planning agreement provide for a reasonable means of achieving the relevant purpose?

The draft VPA proposes a mix of monetary contributions, capital works and land dedication to meet the demand for public amenities generated by the subject development. Investigations undertaken by Council staff identified the need for two local play spaces and one DOLA in the broader Central Precinct of the Maitland Local Government Area. The delivery of the local park and DOLA in the subject location, combined with the district level park to be constructed on the western side of Cessnock Road (approved under a separate VPA), will address the need for recreation facilities to service Gillieston Heights South and the wider population.

Can the proposed planning agreement be taken into consideration in the assessment of the relevant zoning application or development application?

The draft VPA has been taken into consideration in the assessment of DA 2023/551 which is also presented in this Agenda with a recommendation for approval.

Will the planning agreement produce outcomes that meet the general values and expectations of the community and protect the overall public interest.

A full assessment of the demands created by the residential development of the land in the Gillieston Heights South Urban Release Area has been undertaken and is detailed in the Council report presented to the meeting of 27 February 2024. The balance of the payment of monetary contributions, combined with the provision of recreation facilities and dedication of environmental land will provide a broader public benefit than that which would reasonably be required under a traditional s7.11 arrangement. On this basis Council can be confident that the expectations of the community will be met, and the public interest protected.

Does the proposed planning agreement promote the Council's strategic objectives in relation to the use of planning agreements?

The VPA offer meets the strategic objectives set out in the Policy providing a more flexible and enhanced development contributions approach. This mechanism will replace the regular s7.11 development contributions requirements.

Does the proposed planning agreement conform to the fundamental principles governing the Council's use of planning agreements?

The draft VPA aligns with the core planning agreement principles through its concurrent assessment of DA 2023/551. The proposal serves a legitimate public purpose, and both the DA and draft VPA have undergone thorough examination prior to presentation of the final proposal.

Are there any relevant circumstances that may operate to preclude the Council from entering into the proposed planning agreement?

Detailed planning assessment and legal review processes have been undertaken with no concerns raised which would preclude Council from entering into the VPA.

CONCLUSION

If accepted, the draft VPA offer will result in a positive planning outcome for Council and the community through a mix of land dedication, capital works and cash contributions. The community will receive an overall benefit exceeding that which would apply under a s7.11 contributions plan with the demands created by the development of land in the Gillieston Heights South catchment being met.

FINANCIAL IMPLICATIONS

Maintenance of the local park and DOLA will have to be incorporated into future budgets as will the long-term maintenance requirements for the environmental land. At the conclusion of the Vegetation Management Program required under the consent for DA 2023/551, Council will need to undertake an ongoing weed maintenance program. The contribution towards maintenance of the land as outlined in Table 1 above will assist with these costs initially. However, long-term maintenance costs may need to be incorporated into future budgets.

POLICY IMPLICATIONS

Council's existing planning agreements policy is under review with a revised policy being presented to Council in this agenda seeking endorsement for its exhibition. The amendments proposed in the revised Policy will not have any material impact upon the consideration or operation of this VPA proposal if approved. The same principles governing the use of planning agreements apply and the assessment of relevant matters has been undertaken to determine the suitability of the offer.

STATUTORY IMPLICATIONS

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

12 CITY SERVICES

12.1 GRANT APPLICATION UNDER THE REGIONAL PRECINCTS AND PARTNERSHIPS PROGRAM AND THE HOUSING SUPPORT PROGRAM

FILE NO:	65/88
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Jason Linnane - Director City Services Matthew Prendergast - Director City Planning
AUTHOR:	Kelly Arnott - Manager Corporate Planning and Performance Michelle Ayoub - Corporate Grants Lead Chris Pinchen - Operations Manager Transport & Infrastructure Engineering Catherine Pepper - Manager Environment & Sustainability Ben Lewis - Project Manager Waste Services
MAITLAND +10	Outcome 16 To work together to be the best our community can be
COUNCIL OBJECTIVE:	16.1.2 Work with service providers and other levels of government to deliver land use planning and community infrastructure outcomes

EXECUTIVE SUMMARY

This report outlines the opportunity to seek grant funding under the Regional Precincts and Partnerships Program and the Housing Support Program delivered through the Australian Government Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

OFFICER'S RECOMMENDATION

THAT

1. Council support a grant application under the Regional Precincts and Partnerships Program linking the Thorton North urban growth precinct (Explore, Play, Connect).
2. Council support a grant application under the Housing Support Program for linking the Thorton North urban growth precinct (Explore, Play, Connect).
3. Council support a grant application under the Housing Support Program for Stage 3a of the waste transfer station and resource recovery infrastructure

REPORT

This report outlines two funding opportunities that are currently available through the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

Regional Precincts and Partnerships Program (RPPP)

This program seeks to support transformative investment in regional, rural and remote Australia based on the principles of unifying regional places, growing economies and serving communities. The RPPP focuses on a partnership approach, bringing together governments and communities to deliver regional precincts that are tailored to local needs and have a shared vision for how that precinct connects to the region.

Under stream two of the program - precinct delivery, grants of between \$5 million and \$50 million are available to help deliver one or more elements of a precinct. These could be enabling infrastructure (roads, pathways, underground infrastructure), public infrastructure, or open spaces between elements or a particular building that activates other investment. Projects must be ready to commence construction with a business case, design and consultation already completed.

The intended outcomes of the Program are to:

- demonstrate the value of partnerships between governments, communities and businesses for effective planning, coordination and delivery of regional infrastructure.
- develop and deliver regional precincts comprised of multiple infrastructure components, which provide benefits related to productivity, equity and resilience.
- contribute to the Australian Government's current policy priorities.

Housing Support Program – Community Enabling Infrastructure Stream (HSP-CEI)

The Community Enabling Infrastructure Stream (HSP-CEI) focuses on infrastructure projects that support new housing. It is open to local government authorities and the states and territories and aims to remove barriers to housing construction by delivering enabling infrastructure and community amenities.

Under this stream of the program grants of up to \$45 Million are available. There is no limit to the number of applications an applicant may submit under HSP-CEI. An application may include multiple sub-projects provided those sub-projects have a clear and logical link to each other.

Each project's primary aim must be to enable increased housing supply and to achieve the commitments of the National Housing Accord 2022 through the delivery of enabling infrastructure and/or community amenities to service or enhance liveability for new housing development(s).

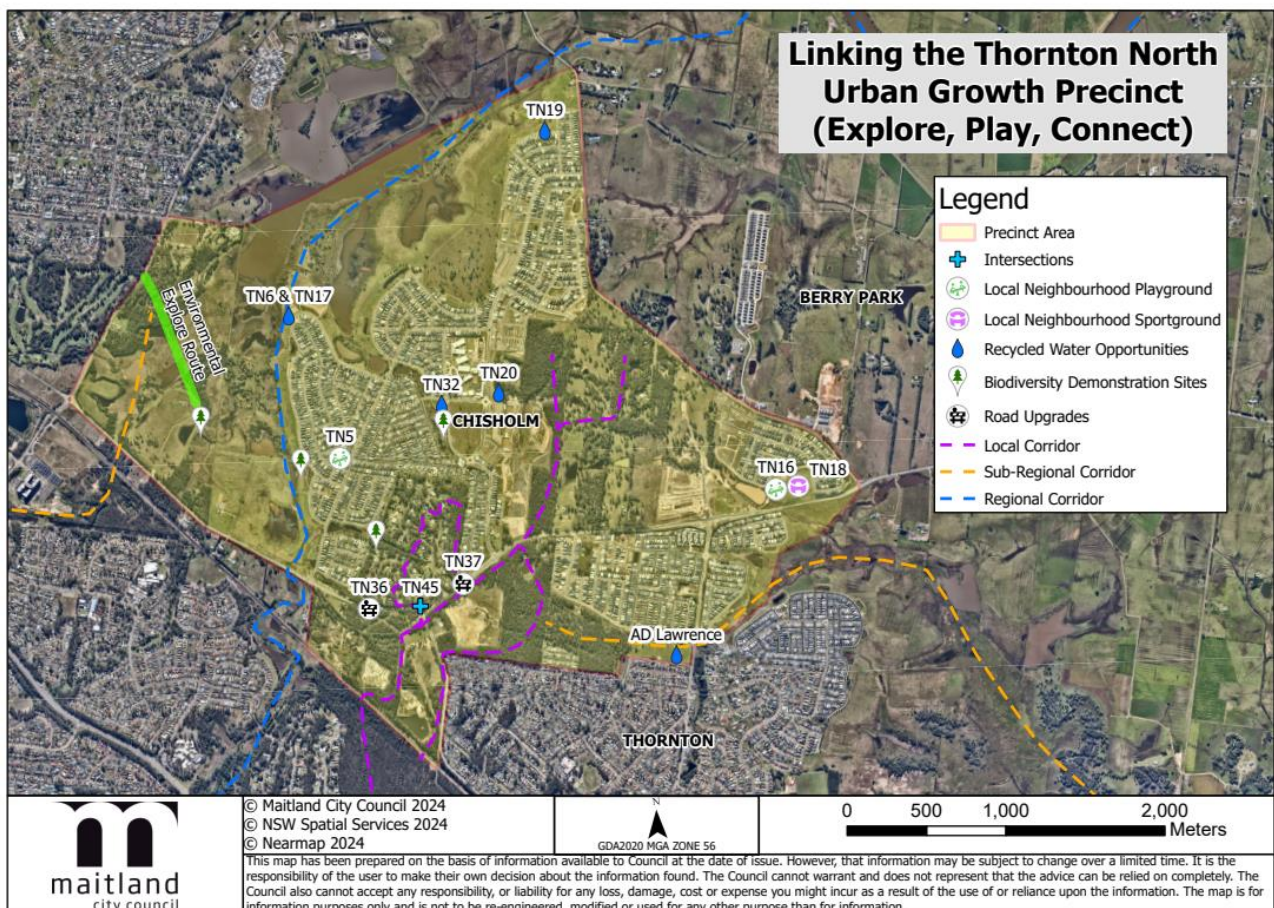
GRANT APPLICATION UNDER THE REGIONAL PRECINCTS AND PARTNERSHIPS PROGRAM AND THE HOUSING SUPPORT PROGRAM (Cont.)

These could be new, or upgrade of existing, roads, new, or upgrade or augmentation of existing, utilities to support new housing developments, amenities to support new housing developments such as parks, sporting facilities, community halls and/or libraries, common outdoor spaces.

After consideration of criteria, priorities and available funding, staff have identified preferred projects to put forward for these grant opportunities.

Project 1: Linking the Thornton North urban growth precinct (explore, play, connect)

The overall precinct project provides important opportunities for improved transport linkages, access to housing and economic land, sporting, community and social benefits, as well as environmental, biodiversity outcomes and increased drought resilience.



The Thornton North (Chisholm) area is identified as a key growth area within Maitland's eastern sector. Due to recent and continual development it is one of the fastest growing areas in the Local Government Area. This precinct project aligns to the Thornton North Master Plan which was adopted by Council in 2003, facilitating the rezoning of the Thornton North Urban Release Area.

 GRANT APPLICATION UNDER THE REGIONAL PRECINCTS AND PARTNERSHIPS PROGRAM AND THE HOUSING SUPPORT PROGRAM (Cont.)

Extensive community engagement has occurred over a number of years in the development of the Master Plan and Thornton North Section 94 Contributions Plan as well as the development of Council's Local Strategic Planning Statement. The project has identified partnership opportunities with Hunter Water, Transport for NSW, the Hunter Regional Landcare Network, Hunter Bird Observers Club and Earthcare Park to deliver on the various elements of the precinct.

Explore element	Estimated costs	Grant application	Other funding
Stage 1 of the 4-mile creek wetlands environmental accessway and bird hide	850K	\$850K	Nil -
Biodiversity linkages	\$250K	\$250K	Nil -

The precinct project would look to progress stage 1 of an environmental access plan designed to allow residents to explore across 4-mile creek wetlands and the natural area and providing greater access to Earthcare Park located on the other side of the wetlands.

Biodiversity corridors are connections across the landscape that link up areas of habitat. They support natural processes that occur in a healthy environment, including the movement of species to find resources like food, water and shelter. They also store carbon and enable conservation. Biodiversity linkages are proposed to be delivered along existing environmental corridors throughout the precinct aligned to an Environmental interpretation plan. These elements represent partnership opportunities with the Hunter Regional Landcare Network, Hunter Bird Observers Club, Earthcare Park and Hunter Water.

This aligns to Maitland's Community Strategic Plan outcomes to 'tread lightly while enjoying our areas of bushland and open space' and 'Manage growth sustainably, integrating the new and old while respecting our rural amenity and character'.

Play element	Estimated costs	Grant application	Other funding
Playscape (TN5)	\$650K	\$500K	\$167K - S7.11 co-contribution
Playspace and nature play (landcare initiatives) area (TN16)	\$1.2M	\$1M	\$294K - S7.11 co-contribution
Sophia Waters Neighbourhood Sportsground (TN18)	\$7.3M <i>Including: \$7M Sportsfield \$2.3M amenities building</i>	\$5M	Nil - <i>*Note: \$2.3M amenities building element will not be included in grant due to timing of construction.</i>
Recycled water network - irrigation for parks and/or sporting fields	\$400K	\$400K	Nil -

 GRANT APPLICATION UNDER THE REGIONAL PRECINCTS AND PARTNERSHIPS PROGRAM AND THE HOUSING SUPPORT PROGRAM (Cont.)

The proposal includes delivery of the Sophia Waters Neighborhood Sportsground along with two local playspaces. The sportsground includes a level playing surface to accommodate AFL, cricket or double fields for soccer/rugby including sub-soil drainage, irrigation, topsoil and dressing. The two playspaces on opposite sides of the precinct were included in the Thornton North Contributions plan and would offer social and recreation opportunities for residents and visitors.

The playspaces and TN17, TN19 and Allan and Don Lawrence Sportsfields will be complemented by connection to an existing recycled water network. The recycled water network is currently available within the precinct and connection would be made for use at selected sporting facilities and playspaces where easily accessible across the precinct. The proposal represents a partnership opportunity with Hunter Water and would serve as an important drought resilience initiative for the precinct.

This aligns to Council's Community Strategic Plan outcome to 'Provide facilities that enable our community to participate in recreational and sports activities no matter their background, ability or age' and 'Make our neighbourhoods great with spaces, activities and programs that connect us'. It also aligns closely with targets in the adopted Environmental Sustainability Strategy to reduce potable water consumption and develop a comprehensive water resilience plan for outdoor spaces incorporating drought response and alternative water sources.

Connect element	Estimated costs	Grant application	Other funding
Raymond Terrace Road / Haussman Drive intersection upgrade (TN45)	\$35M (for full project element including TN45, TN36 and TN37)	\$25M for TN45	Grant application submitted under the Towards Zero Road Safety Program (\$10M) for road widening along the Haussman Drive westbound carriageway (TN36 & TN37) OR if application is unsuccessful \$10M in S7.11 co-contribution.

The Raymond Terrace Road / Haussman Drive intersection upgrade has been identified as a high priority for Council as critical infrastructure to support and facilitate the development of an estimated lot yield of 5500 allotments. It has been included as part of our Delivery Program and listed as an advocacy project for a number of years.

It is a critical node and link for traffic passing through the Thornton North Growth Precinct as well as connectivity to the existing Thornton facilities including Thornton Primary School, shopping complex and the regionally significant employment precincts of Thornton and Beresfield.

Delivery of the upgrade will provide benefits including helping to facilitate traffic growth and road safety for the broader Thornton and Chisholm as well as the over 10,000 vehicles

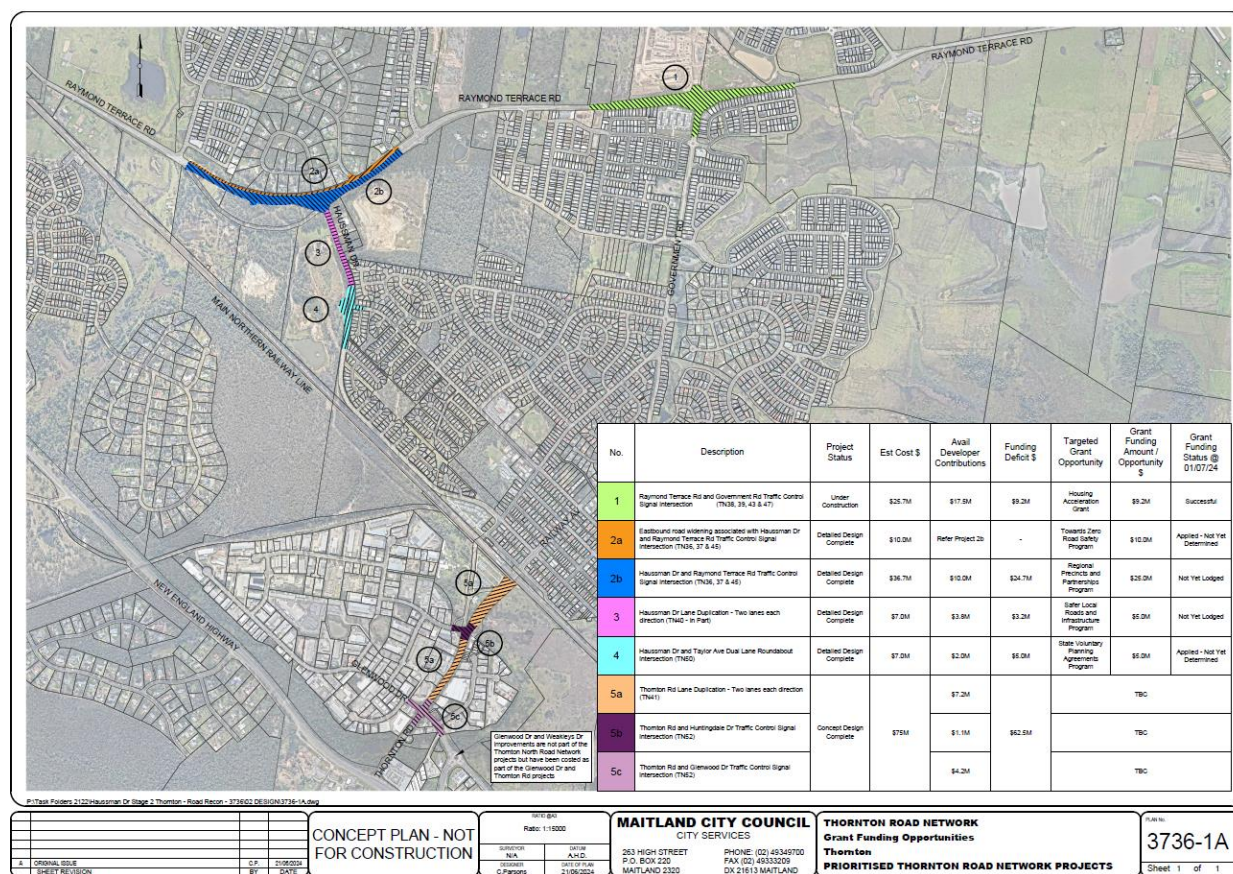
GRANT APPLICATION UNDER THE REGIONAL PRECINCTS AND PARTNERSHIPS PROGRAM AND THE HOUSING SUPPORT PROGRAM (Cont.)

and road users that pass through Thornton along Haussman Drive on a daily basis. Transport for NSW have also identified this upgrade as a priority.

This element aligns to Council's Community Strategic Plan outcome to 'Make it safe and easy to get around the city, no matter how we chose to travel'.

Thornton North road infrastructure remains a high advocacy priority for Council. The current strategy for funding opportunities is displayed in the plan below. This is an update to the council report on 23 April 2024.

The roads projects have been developed to align with funding program objectives and funding limits. The reconsideration and the division of project scope has been made to establish individual portions that are independent in the instance that some funding opportunities are unsuccessful.



It is proposed to submit the Linking the Thornton North urban growth precinct (explore, play, connect) project for both grant opportunities.

Project 2: Maitland Resource Recovery Facility

The second project identified to put forward for the Housing Support Program – Community Enabling Infrastructure Program is Stage 3a of the waste transfer station and resource recovery infrastructure.

Council owns and operates the existing Maitland Resource Recovery Facility (MRRF) site. The site provides essential waste management services to the entire Maitland LGA.

A key issue placing pressure upon Council is that space in the landfill is running out, which has the potential to impact Council's ability to manage the waste produced by the City. Without appropriate mitigation, this could cause the operation of the landfill to cease. Based on current fill rates, this will occur in less than 10 years. The landfill cannot be expanded due to constraints including:

- Issues regarding flooded mine shafts beneath the landfill,
- Environmentally sensitive flora located to the south of the site,
- Housing estates located to the east and north-east of the site; and
- Planning and other licensing constraints.

Further, there is currently no viable land in the city available to establish another landfill site.

Another key issue causing Council to review the sites future, is the LGA's population growth. The Maitland LGA population is expected to grow from approximately 96,000 currently to over 122,000 in 2033, a 27 per cent increase.

Additionally, a Regionally Significant Growth Area (RSGA) situated primarily within the Maitland LGA and shared with Cessnock and Singleton is forecasting far greater population growth. It's estimated that there is approximately 1,500Ha of constraint free land associated with this growth area and could result a significant increase in residents.

The Anambah to Branxton RSGA situated in the Western quadrant of the Maitland LGA is the convergence of the growth corridors of the New England Highway, Hunter Expressway and the Great Northern Railway. Its accessibility to employment areas in both the Greater Newcastle and the Upper Hunter districts by road and rail has resulted in rapid growth, with places like Huntlee developing faster than originally envisaged.

As highlighted above, the Maitland Resource Recovery Facility is positioned favourably to service these new town centres across the Growth Area, emerging and planned, as well as the existing footprint of the Maitland LGA, and is strategically positioned amongst other Hunter Councils whose landfills will also run out. This provides future opportunities for the MRRF to act as an aggregation and transfer point in partnering with other Councils.

GRANT APPLICATION UNDER THE REGIONAL PRECINCTS AND PARTNERSHIPS PROGRAM AND THE HOUSING SUPPORT PROGRAM (Cont.)



A business case delivered in February 2024, analysed multiple options establishing a baseline case of the options analysis being a Do-Nothing approach. This would see the landfill exhausted, and following that the site would close, leaving Maitland residents without a recycling or residual waste disposal point in Maitland, and effectively resulting in the ceasing of waste management in the LGA.

Several disadvantages were identified with this issue including:

- Creates full reliance on external receiving facilities and the associated exposure to third party gate fees and other aspects potentially outside of Council's control.
- Poor outcome for the community, whereby residents would need to travel to neighbouring LGA's for waste and recycling disposal.
- MCC loses the ability to generate gate fee revenue.
- High operating costs due to the operating and resourcing implications of direct haul of kerbside waste streams and Council operations waste to alternate facilities.
- Third party disposal contracts significantly limit our ability to be flexible and adopt alternative waste processing solutions.
- It negates Council's ability to support the waste management needs of the growing population.

A number of advantages were identified with delivering infrastructure at the site to support the future waste management needs of the city including:

- The inverse relationship between the degree of control Council retains over waste management and the resulting financial projections, underlines the strategic advantage that as Council retains more influence over waste management and resource recovery processes at the MRRF, the financial outcomes, are more

 GRANT APPLICATION UNDER THE REGIONAL PRECINCTS AND PARTNERSHIPS PROGRAM AND THE HOUSING SUPPORT PROGRAM (Cont.)

favourable. These cost efficiencies would result in cost effective waste management for residents of the Maitland LGA.

- The delivery of infrastructure adds an element of flexibility for Council to take advantage of future regional opportunities.
- Increased resource recovery rate.

For these reasons, Council has made a strategic commitment to invest in delivering new infrastructure that will allow the site to manage the growing populations waste for the long term. Stage 3a will see:

- A car/ small commercial vehicle transfer station – A 12 bay customer drop off facility, covered by a cantilevered awning, will allow self-haul and small commercial customers to drop off waste at the site.
- Operating pad with segregation / transportation building – 4,000m² operating pad and building large enough to house automated resource recovery plant to process self-haul and bulky waste streams, as well as having sufficient footprint to manage the receipt, aggregation and transportation of red bin and Council waste streams.

The current estimated cost to complete Stage 3 is approximately \$22 million. Council has identified funding opportunities to the value of \$9 million, leaving a shortfall of \$13 million. Therefore, if the grant application is successful, Council has sufficient funding to complete this stage of the project.

CONCLUSION

If successful the Thorton North precinct project and the waste management facility project would provide vital service for all residents. The projects represent important outcomes including improved transport linkages, access to housing and economic land, sporting, community and social benefits, as well as environmental, biodiversity outcomes and increased drought resilience.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's current adopted budget. Total cost of the project is estimated below and would need to be included in future year's planning. Co-contribution has been identified via Section 7.11 funding:

Thorton North urban growth precinct (explore, play, connect)	Total estimate	Grant application funding	Other funding identified
Stage 1 of the 4-mile creek wetlands environmental accessway and bird hide	850K	\$850K	Nil -
Biodiversity linkages	\$250K	\$250K	Nil -
Playscape (TN5)	\$650K	\$500K	\$167K - S7.11 co-contribution
Playspace and nature play (landcare initiatives) area	\$1.2M	\$1M	\$294K - S7.11 co-contribution

GRANT APPLICATION UNDER THE REGIONAL PRECINCTS AND PARTNERSHIPS PROGRAM AND THE HOUSING SUPPORT PROGRAM (Cont.)

(TN16)			
Sophia Waters Neighbourhood Sportsground (TN18)	\$7.3M (Including: \$5M Sportsfield \$2.3M amenities building)	\$5M	Nil - *Note: \$2.3M amenities building element will not be included in grant due to timing of construction.
Recycled water network - irrigation for parks and/or sporting fields	\$400K	\$400K	Nil -
Raymond Terrace Road / Hausman Drive intersection upgrade (TN45)	\$35M (for full project element including TN45, TN36 and TN37)	\$25M for TN45	\$10M Grant application submitted under the Towards Zero Road Safety Program (\$10M) for road widening Hausman Drive westbound carriageway (TN36 & TN37) OR if application is unsuccessful \$10M in S7.11 co- contribution.
Total	\$45,000,000	\$33,000,000	\$10,461,000

Waste Management Facility	Total estimate	Grant application funding	Other funding identified
Stage 3 of the waste transfer station and resource recovery infrastructure	\$22M (3a and 3b)	\$13M (for stage 3a)	\$9M (project budget identified for stage 3b)

RISK IMPLICATIONS

Risk	Risk rating	Proposed treatment	Proposed risk rating	Resourcing - within or additional (if additional explain)
There is reputational risk associated with public perception that Council is not seen to be delivering identified critical	High	Continue to advocate for, apply and seek grant funding including through the adoption of the recommendation to support the grant applications.	Low	No additional resourcing required. Existing staff to apply for grants when identified.

GRANT APPLICATION UNDER THE REGIONAL PRECINCTS AND PARTNERSHIPS PROGRAM AND THE HOUSING SUPPORT PROGRAM (Cont.)

Risk	Risk rating	Proposed treatment	Proposed risk rating	Resourcing - within or additional (if additional explain)
infrastructure.				
There is reputational risk associated with the potential success or failure of the proposed partnerships.	Medium	Establish structured governance for the proposed partnerships to ensure clear delineation between roles and responsibilities.	Low	No additional resourcing required. Existing staff to develop governance structures as part of grant application.
There is a time-based risk that identified critical infrastructure is not delivered for the community when and where needed in a timely manner.	High	Continue to advocate for, apply and seek grant funding including through the adoption of the recommendation to support the grant applications.	Low	No additional resourcing required. Existing staff to apply for grants when identified.
There is a time-based risk that Council may not deliver the specified projects within the available grant funding timeframes.	Medium	Establish project timelines that align with grant deliverables and project manage to ensure project delivery.	Low	External resources including consultants and other task specialists may be required for the purposes of progressing some project aspects. Where required, these resources have been incorporated into project costs.
There is a time-based risk that project delivery costs continue to escalate against fixed available funding until such time as the project is delivered.	High	Continue to advocate for, apply and seek grant funding including through the adoption of the recommendation to support the grant applications.	Low	No additional resourcing required. Existing staff to apply for grants when identified.
There is a financial risk that without the support of successful grant applications that Council will be required to finance existing funding	High	Continue to advocate for, apply and seek grant funding including through the adoption of the recommendation to support the grant applications.	Low	No additional resourcing required. Existing staff to apply for grants when identified.

GRANT APPLICATION UNDER THE REGIONAL PRECINCTS AND PARTNERSHIPS PROGRAM AND THE HOUSING SUPPORT PROGRAM (Cont.)

Risk	Risk rating	Proposed treatment	Proposed risk rating	Resourcing - within or additional (if additional explain)
deficits to enable delivery of identified critical infrastructure.				

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.

13 CUSTOMER AND DIGITAL SERVICES

Nil

14 PEOPLE AND PERFORMANCE

Nil

15 FINANCE

Nil

16 ITEMS FOR INFORMATION

16.1 GREEN COMMUNITIES PROGRAM: JULY 2023 TO JUNE 2024

FILE NO:	55/2
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Catherine Pepper - Manager Environment & Sustainability Ben Maddox - Principal Sustainability Officer
AUTHOR:	Fiona Rowan - Sustainability Officer
MAITLAND +10	Outcome 11 To reduce our reliance on non-renewable natural resources
COUNCIL OBJECTIVE:	11.1.1 Provide opportunities to participate in environmental learning activities and programs

EXECUTIVE SUMMARY

During the 2023/24 financial year a variety of environmental activities for community participation have been offered. These have included environmental workshops and information sessions provided to community, school and daycare groups, as well as seedling planting and giveaway events.

Some standout activities from the 2023/2024 financial year have included the inaugural Water Education Events held around World Water Day in March and the Pollinator Education Event and Youth Week events held amongst the native vegetation at Beryl Humble Sports Complex in January and April.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

REPORT

The 2023/2024 financial year has seen a wide range of environmental opportunities made available for schools and the general community to participate in, supporting the Delivery Program objective to provide opportunities for the community to participate in environmental learning activities and programs. The programs focused on awareness and education about Council's key environmental initiatives relating to waste management, waterway health, conservation of habitat of native birds and flying foxes and revegetation of our city to improve the amount of shade in our suburbs and habitat for local wildlife.

Initiatives were delivered by Council's Sustainability Officer (Education), Waste and Natural Environment Technical officers within and outside of standard work hours. Some initiatives have also been delivered in collaboration with the Libraries, Art Gallery and in partnership with other organisations.

GREEN COMMUNITIES PROGRAM: JULY 2023 TO JUNE 2024 (Cont.)

Schools Programs

Schools Environment Newsletter

At the commencement of each school term a newsletter is distributed to all primary and high schools across Maitland highlighting opportunities for schools to apply for environmental funding, resources and invitation to participate in environmental activities. Schools within the Maitland LGA have had the opportunity to participate in a range of events listed below.

Schools Tree Day

15 Schools were provided with 525 native shrubs and compost from Solo resource recovery.

World Water Day Education

In March, 300 Year 8 students from Maitland High and St Joseph's College Lochinvar participated in water themed workshops presented by Council, Hunter Local Land Services, Hunter Water, Hunter Joint Organisation and the Hunter Wetlands Centre. Feedback from the events showed that 88% of students believed they had a better understanding on water issues as result of participating.

Schools Environment Program

14 schools received environmental resources for vegetable gardens, revegetation projects, nest boxes for bird habitat, and worm farms to divert food waste from landfill.

Environmental Presentations and Demonstrations

Staff attended St John the Baptist Primary Schools Sustainability Day in November providing education sessions on composting and worm farming. The day included a catchment themed magic show which was funded by Local Land Services Hunter and delivered by JD's World of Magic.

Council also delivered Water Pollution Presentations at Telarah Public, and compost and worm farming education sessions to primary school students of Maitland Baptist OOSH as a part of school holiday activities at four of its sites. As well as facilitating interactive Simtable presentations at Hunter Valley Grammar School with the Hunter Joint Organisation

Water Sampling

As a part of Local Land Services Hunter River Health Check, Council worked with students and staff from St John the Baptist Primary School, St Patrick's Primary Lochinvar and Hunter Valley Grammar School to sample water quality along the Hunter River at Maitland, Luskintyre and Berry Park. Samples taken from the Hunter River at Maitland were also analysed as a part of the World Water Day Education Events. Results will be used to compare water samples taken along the length of Hunter River. The sampling program, with support from local schools, will continue to be held in March and September each year.

GREEN COMMUNITIES PROGRAM: JULY 2023 TO JUNE 2024 (Cont.)

Daycare Presentations

An average of 2 presentations per week were provided to pre-schoolers across Maitland on our three-bin system, composting and worm farming, water pollution and energy and water saving during the financial year.

Community Environmental Programs

Green Communities Newsletter

This newsletter is currently distributed to 1007 registered recipients. The newsletter has Spring, Summer, Autumn and Winter editions. A special edition was also released in July 2023 to coincide with the Maitland Environmental Sustainability Strategy going on public exhibition. These newsletters provide the community with information on environmental events they can participate in and information on living more sustainably. The sign up to receive this newsletter is on Council's Environmental Education Programs webpage.

Maitland Show

Council's Environment and Sustainability team manned a stall at the Maitland Show from February 16 to 18, 2024. The stall provided the community with an opportunity to ask questions and hear what opportunities exist for community involvement in environmental and waste activities. The community was also able to sign up to the Green Communities newsletter, have their say on how they use the Hunter River as a part of development of the Hunter Estuary Coastal Management Program and received native seedlings for planting in their backyards

Seniors Week

Waste education drop-in sessions were held at Pat Hughes Community Hall, Thornton and Maitland Region Community Support, Rutherford. The sessions saw Council deliver a formal presentation on the various waste opportunities available in Maitland and provided the community with the opportunity to ask questions in relation to disposing of different waste streams. As a part of Seniors Week, Council also distributed 800 native seedlings through community giveaways at the four branch libraries. The Hunter Bird Observers also undertook a morning bird walk at Morpeth Common in conjunction with Council as a part of Seniors Week.

Clean Up Australia Day

17 community groups and 12 schools participated in Clean Up Australia Day activities in March 2024.

Waterway Health

Mindaribba Gone Fishing Event

Held at Queens Wharf Morpeth, the event saw Council join with Mindaribba Local Aboriginal Land Council to teach local children how to fish, as well as undertaking in a water pollution demonstration, and providing participants with native seedlings to plant in their home gardens.

GREEN COMMUNITIES PROGRAM: JULY 2023 TO JUNE 2024 (Cont.)

Water Week Presentations

To celebrate Water Week in October 2023, staff attended all library story times to present the water pollution demonstration to children and their families. Participants learnt through a visual demonstration the impact we can all have on local water quality in creeks and rivers if materials other than water travel in our drainage systems.

New permanent algae signs have been installed at Telarah Lagoon, Walka Water Works and Rathluba Lagoon to raise awareness of blue-green algae present in local waterways and to provide education on how we can all work together to reduce the amount of nutrients entering our waterways, thus reducing algal blooms.

Native Bird and Flying Fox Awareness

Bird Watching Kits for Libraries

Eight bird watching kits have been purchased and are now available for loan through the Maitland branch libraries. Each kit includes a set of binoculars information resources including top 20 birds identified in Maitland as a part of the Aussie Backyard Bird Count in 2022 and Observation Record sheets.

Breakfast with the Birds

Held at Earthcare Park in September, the event provided the community with the opportunity to participate in bird watching activities with guidance from the Hunter Bird Observers. Earthcare Park Landcare group also showcased their efforts in restoring an once barren landscape into a flourishing ecosystem. Thirty-one community members participated in the event.

Aussie Backyard Bird Count

Council promoted the annual Aussie Backyard Bird Count once again in 2023. The event saw community members join with residents across Australia to identify and record the various bird species in local environments. For the Maitland area, 165 species were identified through 691 surveys. This is an example of Citizen Science and we display the data on our Sustainability Dashboard.

Flying-fox Home Base Project

Council has held two education events at the Beryl Humble Sports Complex in order to educate the community on the importance of flying foxes for pollination of native forests. The Pollinator Education Event was held at Beryl Humble Sports Complex in January, supported by Hunter Bird Observers, the Australian Native Bee Association Hunter Branch, and Council's Weeds and Environmental teams. The event allowed the community to ask questions of presenters and participate in a nature walk of a revegetated area and dusk bird walk. Twenty nine community members attended.

The second event was held as a part of Youth Week activities in April at the project site. The event saw staff from Maitland libraries and the Environment and Sustainability team work together to provide a morning of nature walks, native seedling planting, storytime and craft activities for families.

GREEN COMMUNITIES PROGRAM: JULY 2023 TO JUNE 2024 (Cont.)

Waste Education

Community Presentations

Your three bin system presentations were provided to the Maitland Garden Club, University of the Third Age and Maitland Senior's association. University of the Third Age Garden Club and Berry Park Village also received presentations on composting and worm farming, as well as waste management.

Food Waste Avoidance Workshops

Six online workshops were held from June to November 2023 providing information on reducing food waste at home.

Waste Heroes Project

After the successful waste heroes school art competition, Council has installed decals on garbage trucks and public place bins depicting the heroes. These characters each highlight a different waste message. A series of waste worksheets have also been developed and available at Council's website and in branch libraries as a part of National Recycling Week.

National Recycling Week Storytime Presentations

Council provided workshops at Rutherford and East Maitland libraries where children created their own waste hero using recyclable waste materials. The sessions also provided information to carers on the various waste and recycling services available in Maitland.

POWER UP Battery Recycling Trial

Fourteen schools across the local government area were provided with battery recycling tubes to assist in the recovery and recycling of household batteries. Schools involved in the trial will promote safe battery disposal to their school communities to assist in reducing the number of batteries being disposed of in household bins and the potential fire hazards this can cause. The trial will run until the end of Term 3, with the school that collects the most batteries to be awarded a prize.

Seedling Giveaways and Revegetation Activities

Community Seedling Giveaways

a total of 7,634 native seedlings have been given away to the community during 2023-24 through community giveaways at local parks and reserves, at the branch libraries as a part of Seniors Week and World Bee Day, at Maitland Regional Art Gallery, as a part of Street Eat Events, at the Maitland Show and as a part of the Rural Seedling Distribution Program.

Community Planting Events

During the last financial year community planting events have been held at Greenhills Gardens, Bolwarra Oval, Somerset Drive, Tenambit Wetlands as a part of the Flying-fox Home Base Project, Dunmore Road Largs, Weblands Reserve Rutherford and off Watargum Street East Maitland. A total of 4,562 native seedlings were planted as a part of these events.

GREEN COMMUNITIES PROGRAM: JULY 2023 TO JUNE 2024 (Cont.)

Bolwarra Planting Event

to celebrate Biodiversity Month students from Bolwarra Public and Mother Goose Nursery joined with Council staff and representatives from Bolwarra Landcare to plant 100 native seedlings at Bolwarra Sports Complex. Students decorated tree guards placed around the seedlings giving them guardianship for the plant they planted.

Landcare

Council continues to support the activities of Landcare groups across the local government area. A detailed review of landcare activities will be the subject of a separate report.

16.2 2023/2024 EMERGENCY MANAGEMENT ACTIVITIES

FILE NO:	149/3
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Jason Linnane - Director City Services
AUTHOR:	Kathleen Formosa - Emergency Management Coordinator
MAITLAND +10	Outcome 16 To work together to be the best our community can be
COUNCIL OBJECTIVE:	16.1.5 Participate in the planning and delivery of emergency management and response activities

EXECUTIVE SUMMARY

This report provides a summary of the emergency management work undertaken throughout the 2023/2024 year to support the Maitland community prepare, respond and recover from disaster events.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

REPORT

Under the State Emergency & Rescue Management (SERM) Act *a council is to provide executive support facilities for the Local Emergency Management Committee and the Local Emergency Operations Controller in its area.* Emergency management is often undertaken in the background with a large portion of the planning documentation and work containing restricted information. The following provides a summary of works undertaken during the 2023/2024 year:

Local Emergency Management Committee (LEMC)

The Maitland Local Emergency Management Committee (LEMC) is a committee constituted under the State Emergency & Rescue Management (SERM) Act and meets quarterly to exercise its legislative functions under the provisions of the Act. It is responsible for the preparation of plans in relation to the prevention of, preparation for, response to and recovery from emergencies in the local government area (LGA). Membership of the LEMC includes:

- A senior representative of Council who is the chair of the LEMC,
- The Local Emergency Operations Controller (LEOCON), senior police officer,
- The Local Emergency Management Officer (LEMO),
- Regional Emergency Management Officer (REMO),
- Local representative of each of the emergency services organisations operating within the Maitland LGA,
- Functional areas (a group of agencies that provide services around a specific area of expertise involved in emergency management).

2023/2024 EMERGENCY MANAGEMENT ACTIVITIES (Cont.)

The Maitland LEMC meets quarterly or as deemed necessary, either solely as the Maitland LEMC or part of a combined LEMC. 2023/2024 saw the Maitland LEMC meet as follows:

- 2 x individual Maitland LEMC meetings.
- 1 x Lower Hunter Emergency Management Coordinating Committee Meeting (LHEMCC), including the four LGA's that form part of the Lower Hunter Rural Fire Service district, combining the Cessnock, Dungog, Maitland & Port Stephens LEMC's.
- 1 x Maitland, Port Stephens, Dungog Combined LEMC including the LEMC's which are included in the Port Stephens – Hunter Police District, providing a joint meeting with the LEOCON who covers the three LGA's.

In addition to attending the above meetings, agencies were also represented at the Regional Emergency Management Committee (REMC) meetings.

Emergency Planning

The 2023/2024 year saw a number of emergency plans reviewed and updated. At a state level both the State Emergency Management Plan (EMPLAN) and State Recovery Plans were reviewed and adopted. From a local level:

- The Maitland EMPLAN was reviewed. The Maitland EMPLAN is a plan of the Maitland LEMC and requires review every three years. The objective of the EMPLAN is to ensure the coordinated response to emergencies by all agencies having responsibilities and functions in emergencies. The Maitland Emergency Management Plan details arrangements for, prevention of, preparation for, response to and recovery from emergencies within the Local Government Area. The reviewed Maitland EMPLAN was endorsed by the Maitland LEMC at its meeting of 20 February 2024 and adopted by the Regional Emergency Management Committee at its meeting of 18 March 2024. A public copy of the Maitland EMPLAN is available on Council's website.
- The Maitland Pre-event Recovery Plan was drafted and endorsed by the Maitland LEMC at the Combined Maitland, Port Stephens, Dungog LEMC meeting of 21 November 2023. The Maitland Pre-Event Recovery Plan is prepared to assist LEMC members, Local Councils and Recovery Committee members to allocate responsibilities and tasks ahead of time so that when disaster strikes, regardless of the scale, individuals and agencies understand their role in recovery.
- Consequence management guides (CMG's) are documents prepared to address hazard specific response under the control of the combat agency, the agency identified in the EMPLAN as the agency primarily responsible for controlling the response to a particular emergency. CMG's support the development of a shared understanding during response by outlining the hazard, controlling agency, command and coordination, overall strategies and individual agency key actions. The Maitland LEMC has a suite of CMG's available to support response activities. 2023/2024 saw the review of the following CMG's:

2023/2024 EMERGENCY MANAGEMENT ACTIVITIES (Cont.)

- Biosecurity (Animal and/or Plant Emergency)
- Bushfire
- Human Pandemic
- Transport accidents involving animals.

Preparedness

Throughout the year Council and representatives of the LEMC attend a range of pre-season briefings and regular meetings as part of preparedness. These include but are not limited to:

- RFS Pre-Season Briefing
- Bureau of Meteorology (BOM) weather briefing
- SES / BOM regular weather briefings.

Council's Emergency Management Coordinator also regularly liaises with neighbouring council's, combat and functional agencies to ensure a shared understanding of roles and responsibilities regarding emergency planning and preparedness.

Council has a range of responsibilities when responding to an emergency event, both as an organisation who provides support to the community and its role under the State Emergency & Rescue Management (SERM) Act 1989. To support this, Council has drafted an Emergency Response Procedure clarifying Council's internal emergency response in the event of an incident that could affect the Maitland local government area. This procedure applies to Council staff, particularly those with roles and responsibilities in ensuring timely provision of resources and support to the Local Emergency Management Officer (LEMO). It also aligns with Council's business continuity management arrangements.

LEMC Desktop Exercise

A role of the LEMC is to develop, conduct and evaluate local emergency management exercises. Desktop exercises play an important role in emergency planning for the purpose of testing sub or supporting plans to the Emergency Management Plan (EMPLAN) within the local government area. They increase awareness of the nature of events, risks, impacts and consequences. Desktop exercises enhance individual agency understanding of their roles for an all-hazards, all-agency approach and confirm agency support response and recovery operations during and after an emergency. The joint Maitland, Port Stephens and Dungog combined LEMC undertook a biosecurity emergency desktop exercise during the 2023/2024 year. The exercise was aimed to develop a greater awareness within Maitland, Port Stephens and Dungog LGA's of the potential impacts and consequences of a significant biosecurity emergency. The exercise was successful, providing inter-agency discussion and allowing the testing of the responsible agency and the LEMC emergency plans and guides.

Council Emergency Operations Centre (EOC) Support

Council has drafted Emergency Operations Centre (EOC) standard operating procedures for the primary EOC to support the stand up and smooth operation of an EOC during a disaster event. This document has been drafted to support any council who may be required to utilise the identified facility as an EOC. Council is also expanding its internal capacity to support the EOC during response activities.

Maitland Community Network

To promote emergency preparedness, resilience and to support recovery within the community, Council has established the Maitland Community Network (MCN). The MCN is an evolving committee reaching out to government and non-government agencies (NGO's) and community representatives who work with individuals and groups, and partners with the services that support and advocate for them, to identify action-oriented strategies when planning for and coordinating recovery. MCN representatives bring specialist knowledge and insights about the needs and characteristics of the local community, particularly client groups who are often those most vulnerable to the immediate and longer-term impacts of disaster events. The MCN provides opportunity for the LEMC to gain an understanding of the local experience, needs, strengths and capability by engaging with local community and stakeholders. The MCN will meet quarterly prior to the LEMC.

Recovery

With significant events recovery can take some time. Recovery is continuing from both the March 2022 (ARGN 1012) and July 2022 flood event (ARGN 1025) with the following recovery works completed or underway:

- Council is continuing the funding process for the undertaking of reconciliation works to council assets (roads and drainage). To date:
 - All emergency and immediate reconstruction works are complete.
 - Road work has been completed at Hinton Road, Scotch Creek Road and Martins Wharf Road.
 - Work was completed in the first half of 2024 on drainage scour repairs at Golden Ash Drive, Aberglasslyn and Riverview Road, Bolwarra.
 - Recovery road work on Maitland Vale Road and Woodberry Road was also completed in first half of 2024.
 - Electronic signage for the closure of Melville Ford Bridge has been installed utilising flood recovery grant funding.
 - Funding has been approved through Transport for NSW for heavy patching and road stabilisation on a number of roads throughout the LGA including Anambah Road, Duckenfield Road, Phoenix Park Road, Luskintyre Road and Pitnacree Road. This program of work will be completed in the current Financial Year.
 - Louth Park Road works were completed with works undertaken from Trappaud Road to the southern end of the long straight of Louth Park Road.

2023/2024 EMERGENCY MANAGEMENT ACTIVITIES (Cont.)

- Construction works for alternative access to residents on Dagworth Road (post closure Dagworth Road) were completed.
 - Works to Scobies Lane have commenced with Stage 1 due for completion October 2024. Stage 1 works include earthworks only and will not include the final road pavement. Road pavement and scour protection works will be undertaken in Stage 2 when funding is available.
 - All funded recovery works are anticipated to be completed by 30 June 2025.
- The Department of Climate Change, Energy, the Environment and Water (DCCEEW), with assistance from NSW Public Works, continued to progress on levee stabilisation works as a result of the July 2022 flood event. To date the Pitnacree Levee and Maitland Levee (at Horseshoe Bend), Maitland Ring Levee (at Maitland Showground) stabilisation works have been completed. The Brisbane Fields Road / Morpeth Levee stabilisation works are expected to be completed late 2024.

Emergency Management 2024/2025

2024/2025 will see emergency management focusing on the following:

- Ensuring Maitland City Council has capacity, capability and has a clear understanding of its responsibilities under the State Emergency & Rescue Management (SERM) Act and is well prepared to effectively support response and recovery efforts to disasters that impact our community.
- Building the capacity of the Maitland Community Network to enhance community resilience by sharing knowledge and capabilities and building partnerships with agencies and community champions who engage with communities during response and recovery.
- The Local Emergency Management Committee will continue to execute emergency management policy and coordinate emergency management practice at local level with the continued reviewing of plans in relation to the prevention of, preparation for, response to and recovery from emergencies in the local government area.
- Continue to peruse grants to support growing the emergency management capacity within Council.

16.3 LOCAL TRAFFIC COMMITTEE MINUTES (JULY 2024)

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

EXECUTIVE SUMMARY

The minutes of Maitland City Council's Local Traffic Committee meeting held Thursday 4 July 2024 are attached for information.

OFFICER'S RECOMMENDATION

THAT the Local Traffic Committee meeting minutes of 4 July 2024 be noted.

REPORT

The minutes of Maitland City Council's Local Traffic Committee (LTC) Meeting held Thursday 4 July 2024 are attached for information. The LTC recommended regulatory items contained within these minutes have been authorised by the General Manager under Council's Instrument of Delegated Authority, dated 8 November 2022.

Items for Information

LOCAL TRAFFIC COMMITTEE MINUTES (JULY 2024)

Local Traffic Committee Minutes July 2024

Meeting Date: 13 August 2024

Attachment No: 1

Number of Pages: 17



LOCAL TRAFFIC COMMITTEE MEETING

MINUTES

4 JULY 2024



4 JULY 2024

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LOCAL TRAFFIC COMMITTEE MEETING MINUTES**4 JULY 2024****PRESENT**

Stephen Smith – Maitland City Council (Chairperson)
Mark Morrison – Transport for NSW Representative
Melanie Jones - Transport for NSW Representative
Giovanna Kozary– State Member's Representative
Sergeant Amber Brown – Maitland Police Representative
William Ridley – Hunter Valley Buses
Michelle Cole – Hunter Valley Buses
Chris Pinchen – Maitland City Council
Kate Taylor – Maitland City Council
Steven Roach – Maitland City Council
Tiana Jarvis - Maitland City Council
Layla Deaves - Maitland City Council
Christina Devine – Maitland City Council (minute taker)

COMMENCEMENT

The meeting was declared open at 9:33 am.

1 ACKNOWLEDGEMENT OF COUNTRY**2 APOLOGIES AND LEAVE OF ABSENCE**

Sen Const. Josh Tyacke – Maitland Police Representative

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

- No objection or amendments were received within the two week notification period with regards to the distributed Minutes of the Local Traffic Committee Meeting held 6 June 2024 and the minutes were hereby considered adopted on 20 June 2024.

4 BUSINESS ARISING FROM MINUTES

4 JULY 2024

5 GENERAL BUSINESS

5.1 530 ROBERT ROAD LOCHINVAR - PROPOSED SIGNAGE FOR NEW SUBDIVISION

FILE NO: DA/2012/3005:3

ATTACHMENTS: 1. Signage and Linemarking Plan - 530 Robert Road Lochinvar

AUTHOR: Operations Manager Transport & Infrastructure Engineering
Senior Subdivision & Development Engineer

EXECUTIVE SUMMARY

A Torrens Title Subdivision located at 530 Robert Road Lochinvar approved (1) into ninety nine (99) lots. These works relate to Stages 4 and 5 of the DA approved staging layout. To manage traffic the intersection controls and parking signage and line marking is proposed.

OFFICER'S RECOMMENDATION

THAT

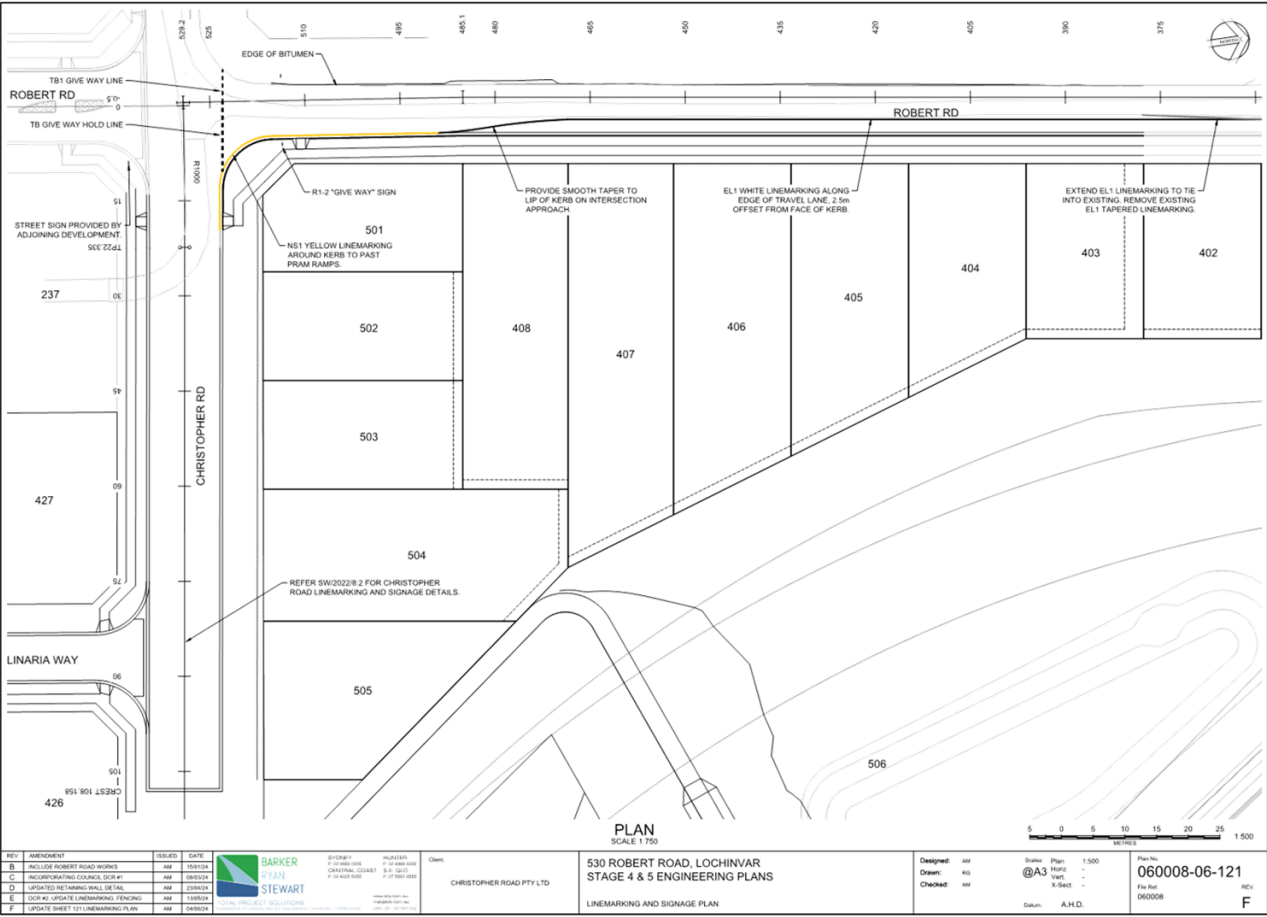
1. The regulatory linemarking and signage detailed on plan 060008-06-121 (revision F) dated 04/06/24 be approved.

COMMITTEE RECOMMENDATION

THAT

1. The regulatory linemarking and signage detailed on plan 060008-06-121 (revision F) dated 04/06/24 be approved.

4 JULY 2024



4 JULY 2024

5.2 70 AND 71 CHRISTOPHER ROAD, LOCHINVAR (LOCHINVAR RIDGE) STAGE 8, 9 AND 0 (PARK) - PROPOSED LINEMARKING AND SIGNAGE FOR NEW SUBDIVISION

FILE NO: DA 2023/37

ATTACHMENTS: 1. 70 AND 71 Christopher Road, Lochinvar (Lochinvar Ridge) Stage 8, 9 AND 0 - Linemarking plan

AUTHOR: Operations Manager Transport & Infrastructure Engineering
Senior Subdivision & Development Engineer
Subdivision & Development Engineer

EXECUTIVE SUMMARY

As part of new estate works for a subdivision at 70 & 71 Christopher Road, Lochinvar (Lochinvar Ridge State Stages 8, 9, and 0), linemarking and regulatory signage is proposed to manage traffic and intersection controls.

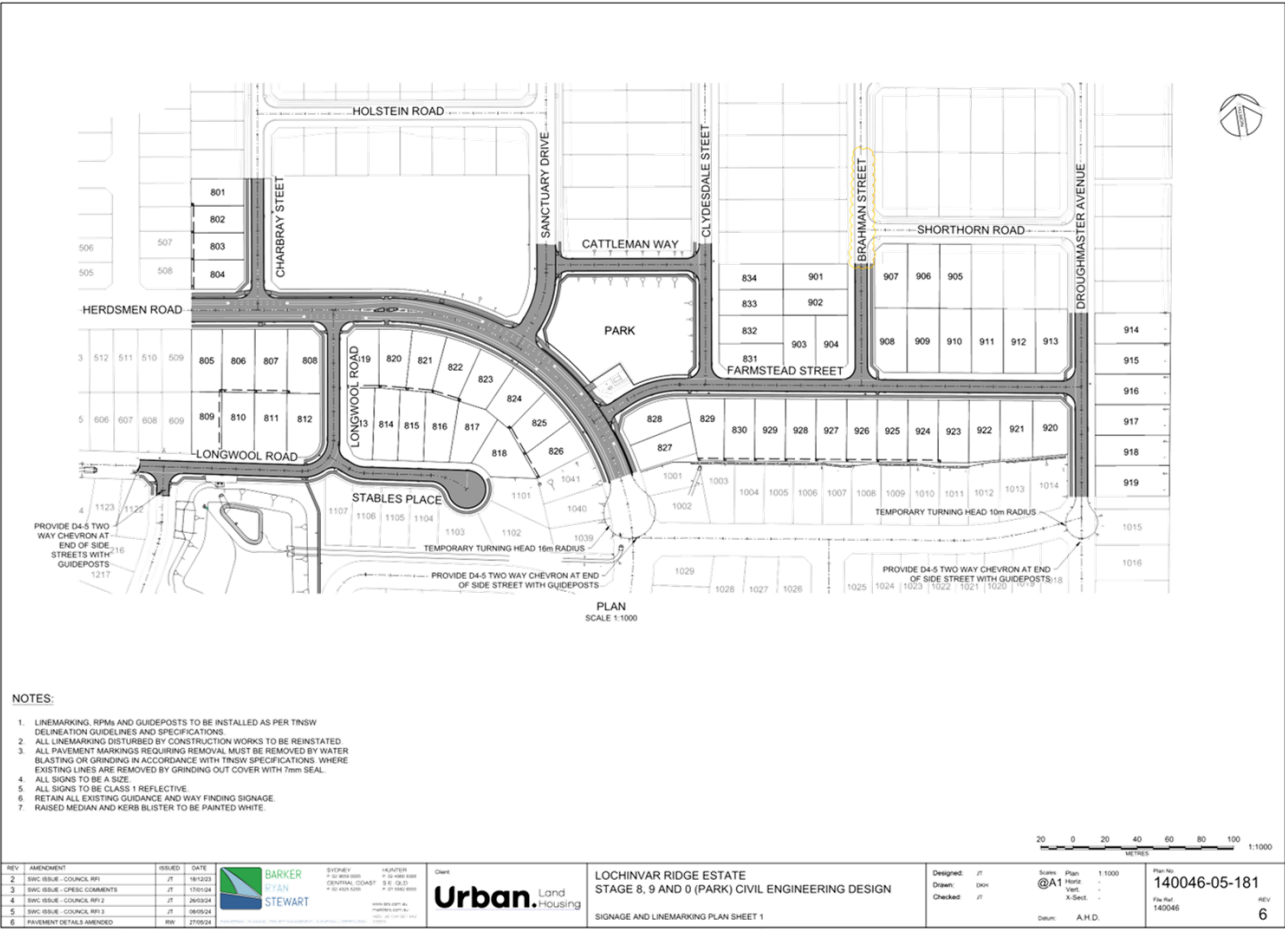
OFFICER'S RECOMMENDATION**THAT**

The regulatory signages and linemarking associated with Stages 8, 9, and 0 of the development as per the submitted plan 140046 sheets 181 to 184, Rev 6 dated 27/05/24 and as amended in red be approved.

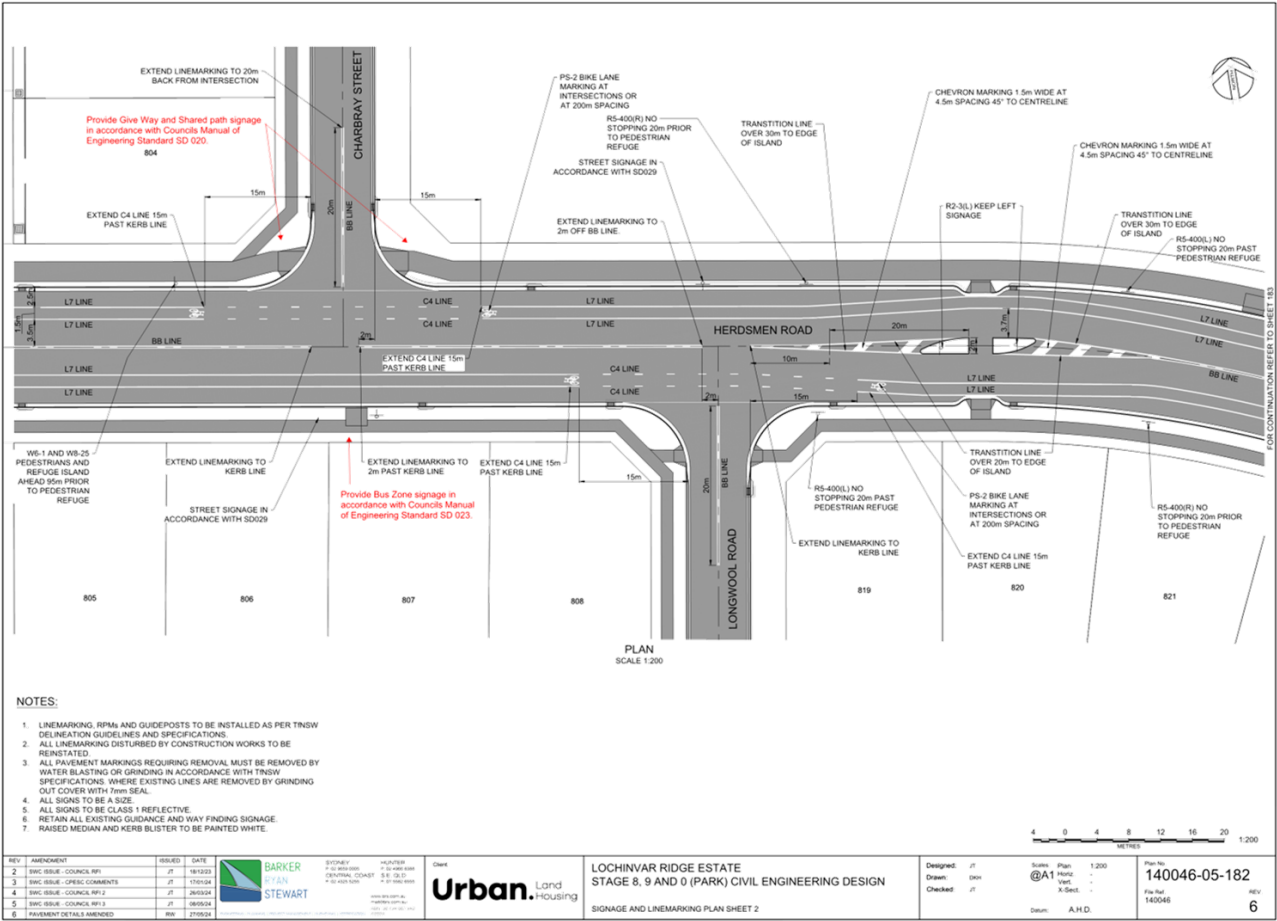
COMMITTEE RECOMMENDATION**THAT**

The regulatory signages and linemarking associated with Stages 8, 9, and 0 of the development as per the submitted plan 140046 sheets 181 to 184, Rev 6 dated 27/05/24 and as amended in red be approved.

4 JULY 2024

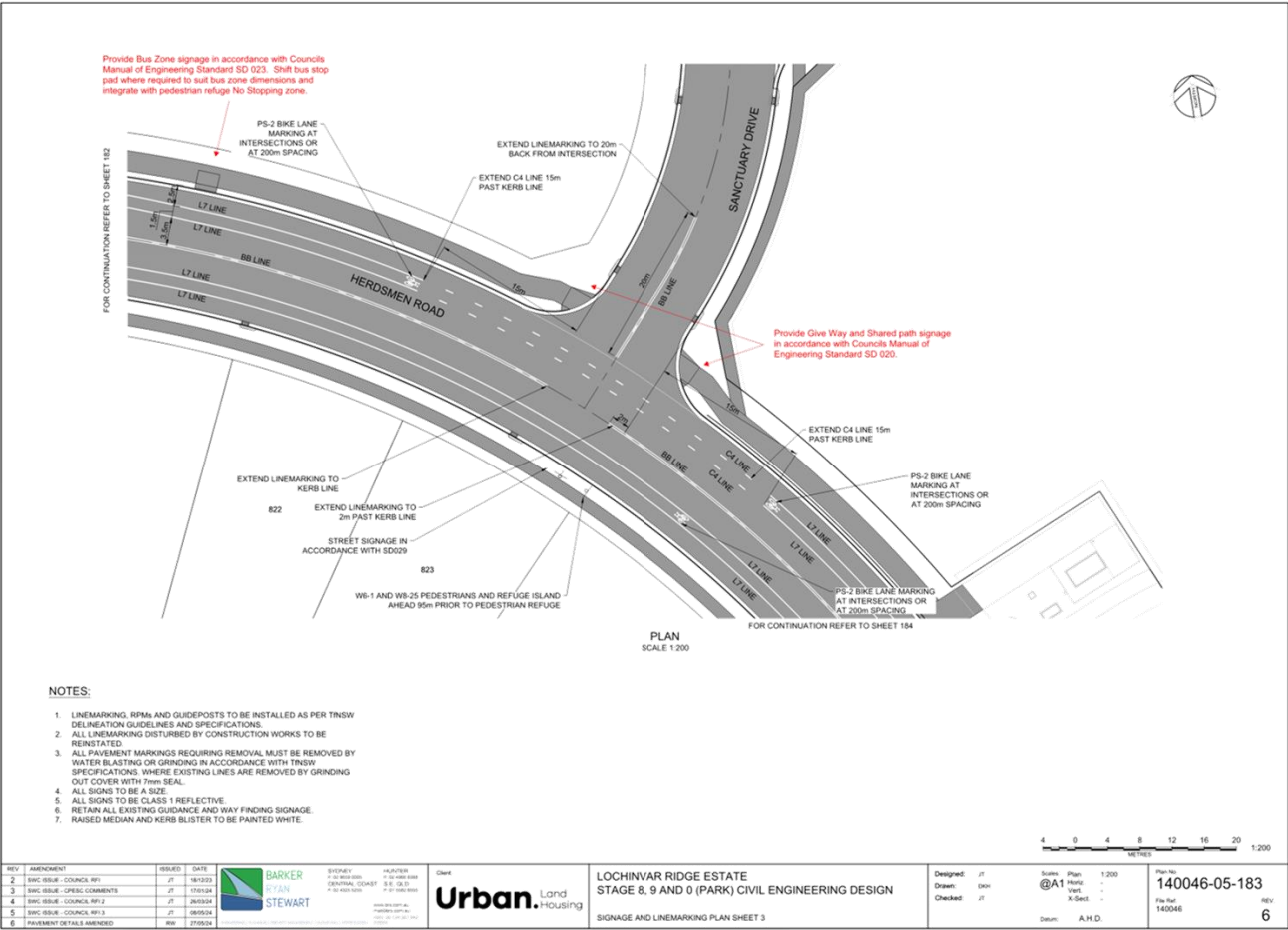


4 JULY 2024

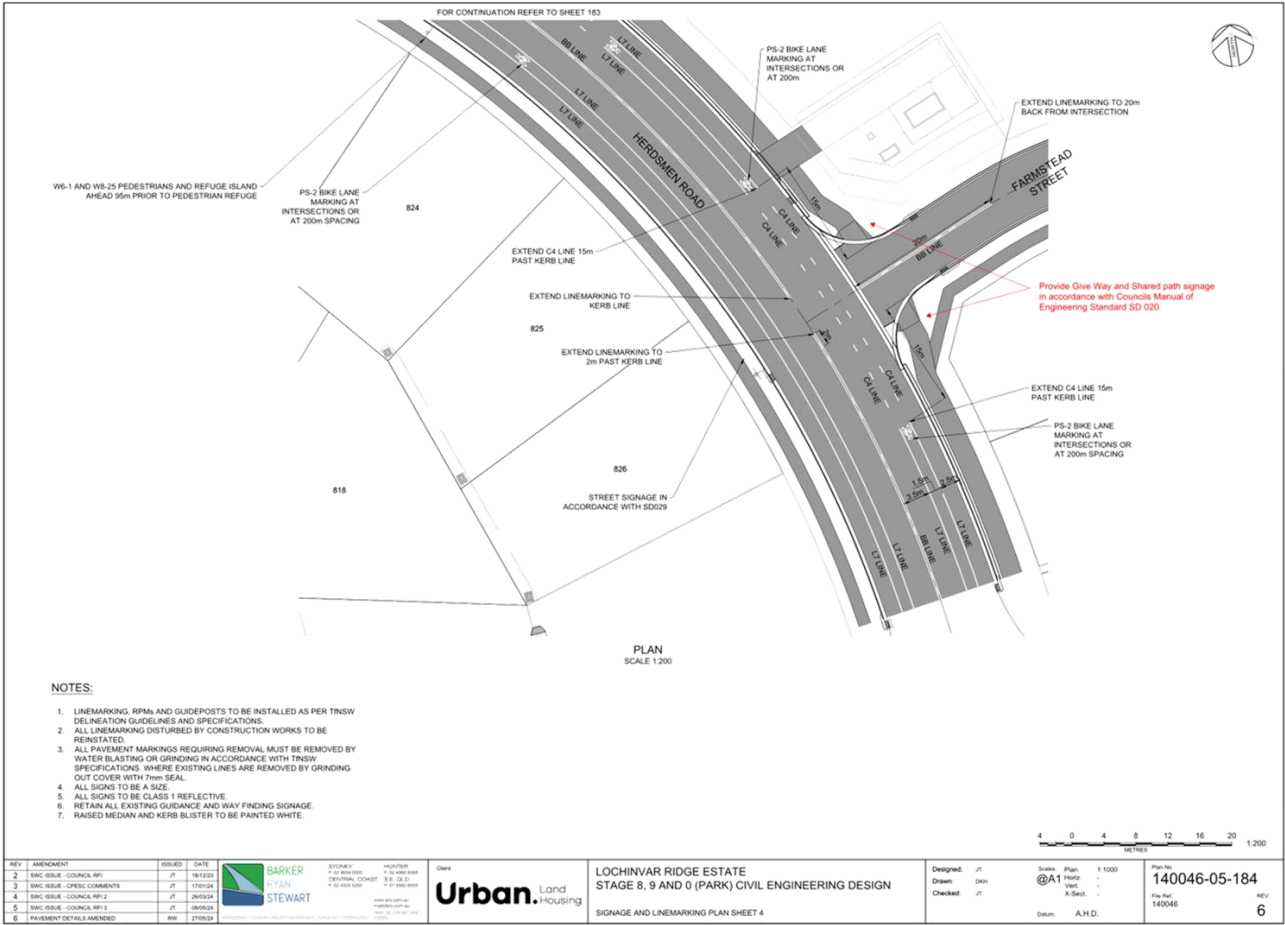


LOCAL TRAFFIC COMMITTEE MINUTES (JULY 2024) (Cont.)

4 JULY 2024



4 JULY 2024



4 JULY 2024

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

FILE NO: 140/5

ATTACHMENTS:

1. Implementation of "No Stopping" zone Garnett Road East Maitland
2. Implementation of "No Stopping" zone - Ryans Road Gillieston Heights
3. Adjustments to "No Stopping" zone on New England Highway adjacent East Maitland Public School

AUTHOR: Traffic Management Officer
Operations Manager Transport & Infrastructure Engineering
Traffic Infrastructure Engineer
Road Safety Officer

EXECUTIVE SUMMARY

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

OFFICER'S RECOMMENDATION**THAT**

1. In accordance with Schedule 4, Condition 10 of the Instrument of Delegation and Authorisation for Traffic Management and Pedestrian Works, Temporary Delegation to Councils No. 2 dated 12/12/23; the following items are recorded "for information only" as works that have been carried out by Council under this instrument.
 - a. No Stopping Zone be implemented 55m east from the intersection of Alfred Street on Garnett Road.
 - b. No Stopping Zone be implemented 150m north from the intersection of Fanning Street on Ryans Road to improve sight distance.

Note: The "No Stopping" zone is to be extended from Ryans Road around the kerb returns into Fanning Street.
 - c. Adjustments to "No Stopping" zone on New England Highway adjacent East Maitland Public School.

4 JULY 2024

COMMITTEE RECOMMENDATION

THAT

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

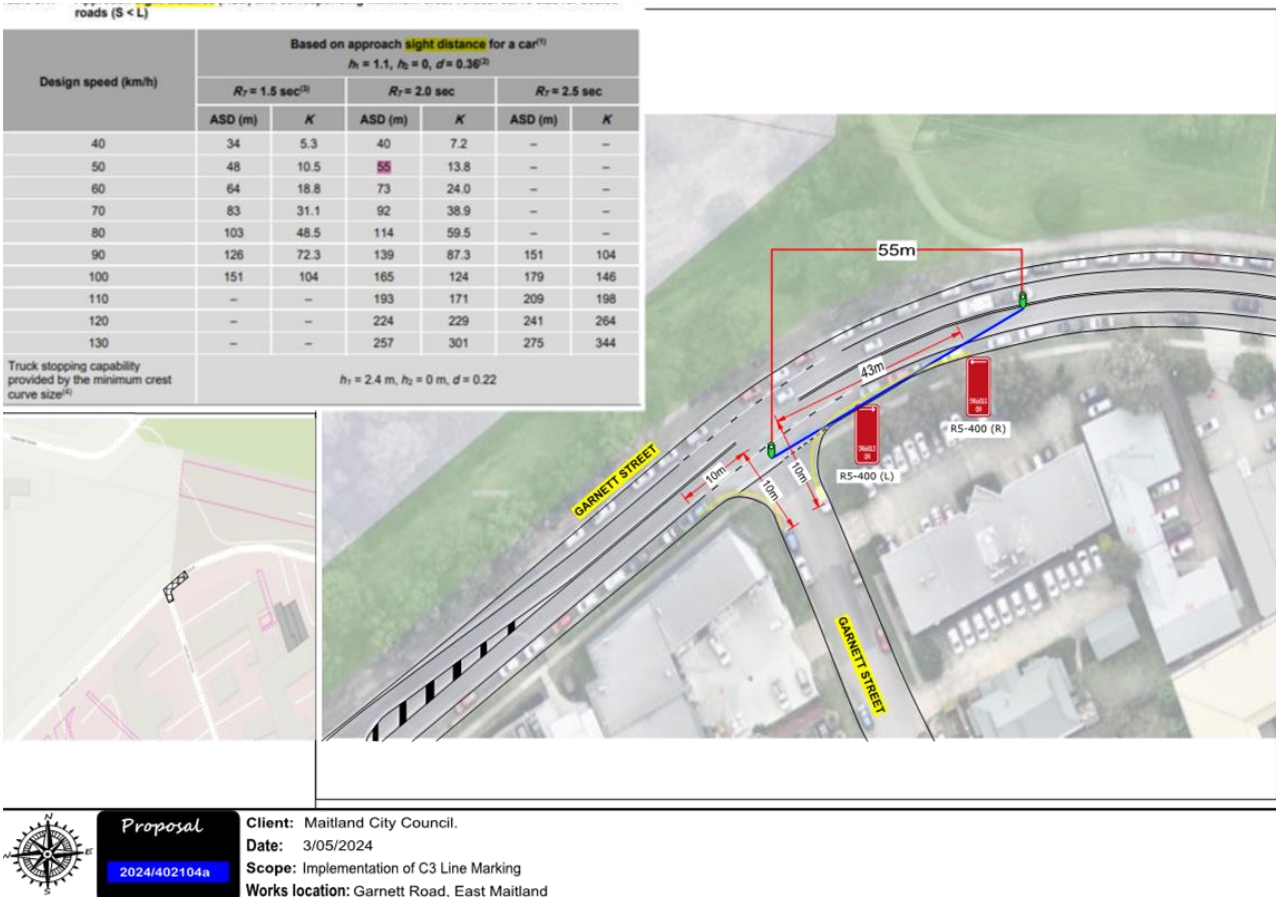
- a. No Stopping Zone be implemented 55m east from the intersection of Alfred Street on Garnett Road.
- b. No Stopping Zone be implemented 150m north from the intersection of Fanning Street on Ryans Road to improve sight distance.

Note: The “No Stopping” zone is to be extended from Ryans Road around the kerb returns into Fanning Street.

- c. Adjustments to “No Stopping” zone on New England Highway adjacent East Maitland Public School.

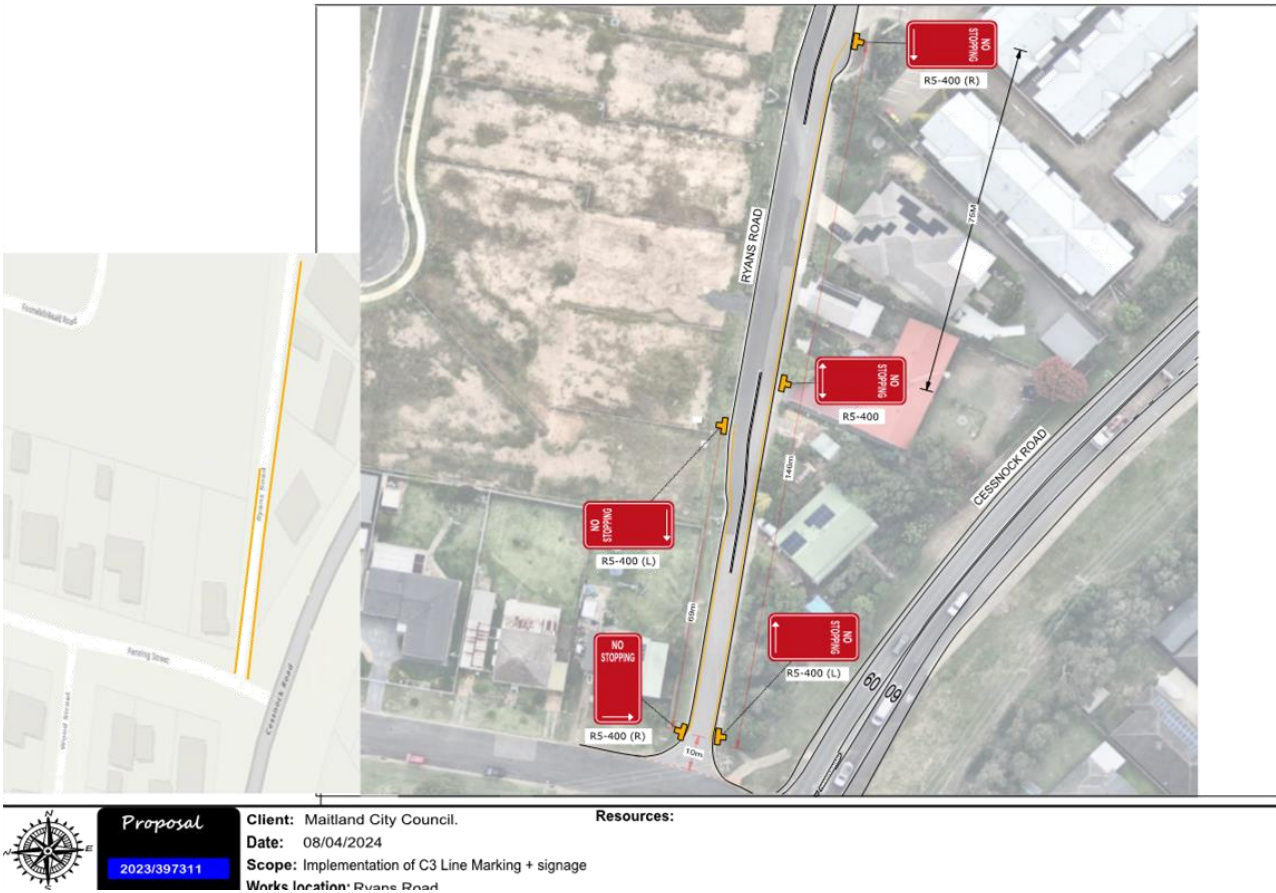
LOCAL TRAFFIC COMMITTEE MEETING MINUTES

4 JULY 2024



LOCAL TRAFFIC COMMITTEE MEETING MINUTES

4 JULY 2024



4 JULY 2024

DATE:30/5/24

TO: Civil Works Team

CORRO NO:

FROM: Traffic Team

SUBJECT: Removal of No Stopping sign. Fix up existing signs arrow direction.

ACTION ITEM

Traffic instruction
WORK MATTER

Removal of No Stopping sign. Fix up existing signs
arrow direction.
(refer to image)

Road

New England HWY

Suburb

East Maitland

WORK ORDER

Priority ASAP

☒ High ☐ Medium ☐ Low

Authorise installation or display of the device (cl. 11
Roads & Maritime Services – Delegation to Councils –
Regulation of Traffic) by

General Manager

Date of authorisation of installation

Work item

Date of application for Dial Before You Dig plans

Completion of works by

Date of completion of works

Local traffic committee references

Date of Local Traffic Committee meeting

Under Delegated Authority

Local Traffic Committee item number

For future reporting "For Information Only"

Regulatory item

☒ Yes ☐ No

Please note the direction of the arrows
Parking is permitted inbetween the signs

LOCAL TRAFFIC COMMITTEE MEETING MINUTES

4 JULY 2024



LOCAL TRAFFIC COMMITTEE MINUTES (JULY 2024) (Cont.)

LOCAL TRAFFIC COMMITTEE MEETING MINUTES

4 JULY 2024

6 CLOSURE

The meeting was declared closed at 9:53 am.

17 NOTICES OF MOTION/RESCISSION

17.1 MOTION FOR 2024 LGNSW CONFERENCE

NOTICE OF MOTION SUBMITTED BY CR MITCHELL GRIFFIN

FILE NO: 35/48
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: Jeff Smith - General Manager

Cr Mitchell Griffin has indicated his intention to move the following Notice of Motion at the next Council Meeting being held on Tuesday 13 August 2024:

THAT

Maitland City Council submits the following motion and narrative to the 2024 LGNSW Conference:

LGNSW advocates to the NSW Government for stronger minimum penalties and convictions for people who are found to illegally vandalise, damage or remove graves, monuments, memorials and statues.

BACKGROUND:

In recent years there have been a sharp spike in the number of graves, monuments, memorials and statues being damaged across NSW, and Australia. We have seen this locally within the Maitland LGA in recent years with 10 headstones within the heritage listed Jewish Cemetery at Louth Park vandalised with swastikas. This occurred in February 2023.

On ANZAC Day in 2023 a statue of Lachlan Macquarie in Windsor was vandalised with red paint, whilst a memorial to WWI soldiers was desecrated near Central Station in Sydney. More recently we have seen monuments near the Australian War Memorial in Canberra targeted. We have even seen attempts to remove the Captain Cook Statue from Hyde Park. Whilst it is ok to disagree with a monument, there is a local and democratic way of removing items you may not agree with. This is through legal means of petitioning your local council. To take matters in to your own hands and desecrate a monument you don't agree has the ability to cause mental harm and distress to other members of the community who disagree with your point of view. Furthermore, it is undemocratic, illegal and selfish.

With more items continuing to be vandalised, it is clear that there needs to be stronger penalties against perpetrators to make it clear that this behaviour is not acceptable in Australian communities. This motion calls upon the State Government to take a stronger stance against this behaviour by providing the police and courts the tools necessary to deal with offenders appropriately.

18 QUESTIONS WITH NOTICE

19 URGENT BUSINESS

20 COMMITTEE OF THE WHOLE

20.1 TENDER FOR COLLECTION AND TRANSPORT OF ORGANICS FROM MAITLAND RESOURCE RECOVERY FACILITY

FILE NO:	51
ATTACHMENTS:	1. 20242330 Tender Evaluation
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Catherine Pepper - Manager Environment & Sustainability
AUTHOR:	Sarah Jackson - Sustainability Officer Michelle Lindsay - Operations Manager Waste Services Laura Peake - Community Development & Programs Officer Annette Peel - Manager Finance & Procurement
MAITLAND +10	Outcome 13 To reduce our waste
COUNCIL OBJECTIVE:	13.1 Limit the amount of waste we create and send to landfill

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

Tender 2024/2330 Collection and Transport of Organics from the Maitland Resource Recovery Facility was advertised on Councils Tenderlink website from the 28 March 2024 to 30 April 2024.

An assessment of the two (2) submissions received was undertaken, Remondis Australia's (Remondis) submission was superior in total cost of ownership (price 47% lower than the other submission received), quality and safety.

Remondis as part of their submission requested deviations to standard Terms and Conditions.

As per Local Government (General) Regulation 2021 (Regulation) Clause 176(4) "A Council must not consider a variation of a tender submission made under this section if the variation would substantially alter the original tender submission."

Clause 178(3)(e) of the Regulation states that "A council that decides not to accept any of the tender submissions for a proposed contract must do one of the following – (e) by resolution of the council, enter into negotiations with any person with a view to entering into a contract in relation to the subject matter of the tender."

Therefore, this report seeks approval to decline all tenders and negotiate a contract with Remondis.

20.2 CONSIDERATION OF TENDERS - SPORTS FIELD IRRIGATION UPGRADES, LOCHINVAR SPORTS COMPLEX.

FILE NO:	137/2383
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Jason Linnane - Director City Services Ashley Kavanagh - Manager Works
AUTHOR:	Caine James - Operations Manager Recreation Works Clinton Anderson - Project Officer Recreation Works
MAITLAND +10	Outcome 4 To be healthy and active with access to local services and facilities
COUNCIL OBJECTIVE:	4.3 Provide facilities that enable us to participate in recreational and sports activities, no matter our background, ability or age

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

EXECUTIVE SUMMARY

Tenders have been called for the upgrade of sports field irrigation at Lochinvar Sports Complex.

The tender project brief contained a specified irrigation design that was to be tendered on.

All tenders were assessed by a tender review panel. The assessment results, notes, and recommendations are contained within this report.

20.3 CONSIDERATION OF TENDERS - 2024 FOOTPATH CONSTRUCTION PACKAGE 2

FILE NO:	2024/137/2328
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Jason Linnane - Director City Services Ashley Kavanagh - Manager Works
AUTHOR:	Kynan Lindus - Civil Engineer (Projects)
MAITLAND +10	Outcome 2 To easily get to where we want to go
COUNCIL OBJECTIVE:	2.2 Make it safe and easy to get around the city, no matter how we choose to travel

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

EXECUTIVE SUMMARY

Tenders have been called for the construction of new footpath at Maize Street, Hodge Street and Narang Street East Maitland. The works also include a bus stop upgrade on Maize Street Tenambit opposite the shopping village.

The project is funded through Councils' Capital Works Program and will be completed within the 2024/25 Financial Year.

A total of eight tenders were received for the works, which were advertised as a single package.

All tenders were assessed by a tender review panel. This report provides details of the tender assessment and a recommendation to award a contract for the works. The report is being presented to the Committee of the Whole as it contains confidential information.

20.4 CONSIDERATION OF TENDERS UNDER DELEGATION TO THE GENERAL MANAGER - MAX MCMAHON OVAL AMENITIES REDEVELOPMENT HEAD CONSTRUCTION CONTRACT

FILE NO:	2024/1137/2371
ATTACHMENTS:	1. Max McMahon - EOI - Evaluation Matrix - Amended
RESPONSIBLE OFFICER:	Jason Linnane - Director City Services Todd Stanley - Manager Building Projects and Services
AUTHOR:	Ben Griffin - Senior Project Architect
MAITLAND +10	Outcome 4 To be healthy and active with access to local services and facilities
COUNCIL OBJECTIVE:	4.3 Provide facilities that enable us to participate in recreational and sports activities, no matter our background, ability or age

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

This report considers the tender process currently in progress for the construction of Max McMahon Oval Amenities Redevelopment and that the authority to progress the Tender for the Head Construction Contract is delegated to the General Manager.

This Tender is comprised of a two-stage tender process. Expressions of Interest (EOIs) were requested in the first stage which informs the shortlist for the selective tender process in the pending second stage of the tender. Thirteen EOIs were received in the first stage with five respondents shortlisted to submit construction tenders in the second stage. All EOIs submissions have been assessed in accordance with a Tender Evaluation Plan by a Tender Review Panel as will the associated selective tenders in second stage once received.

Based on current progress the second stage tender may be able to be reported in September 2024. The caretaker period for the 2024 Local Government elections will start on Friday 16 August 2024 and end on Saturday 14 September 2024. The first meeting of the next term of Council is scheduled for 22 October 2024, subject to final determination by the General Manager. This report provides details of the EOI assessment, the proposed assessment structure for the pending selective tender process and a recommendation for the General Manager to be able to make a determination on the Tender, under delegation, after the caretaker period.

20.5 PROVISION OF LABOUR HIRE SERVICES

FILE NO:	2024/137/2384
ATTACHMENTS:	1. Tender Evaluation Report
RESPONSIBLE OFFICER:	Tiffany Allen - Executive Manager People and Performance Mary O'Leary - Executive Manager Finance
AUTHOR:	Kim Swan - Coordinator Corporate Procurement
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1 Ensure our city infrastructure, services and finances are managed sustainably and transparently

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

EXECUTIVE SUMMARY

Regional Procurement ran a tender for the provision of labour hire services to participating Hunter Councils member councils. This was undertaken in accordance with Clause 166 of the Local Government (General) Regulation 2005. The purpose of this report is to consider the tender recommendation of acceptance of the successful tenderers that met Maitland City CouncilCos requirements.

21 COMMITTEE OF THE WHOLE RECOMMENDATIONS

22 CLOSURE