

ORDINARY MEETING AGENDA

10 DECEMBER 2024

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**.

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 26 November 2024 be confirmed.*
- 6 Business Arising from Minutes**
- 7 Withdrawal of Items and Acceptance of Late Items of Business**
- 8 Public Access**
- 9 Mayoral Minute**

10 Office of the General Manager

10.1 Setting of First Ordinary Council Meeting 2025

FILE NO:	35/7
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Office Manager General Manager
AUTHOR:	Team Leader OGM
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.4 Implement and maintain a contemporary governance, audit and risk framework

EXECUTIVE SUMMARY

The Local Government Act 1993 stipulates that Councils must meet at least ten (10) times each year, each time in a different month.

Maitland City Council, under its Code of Meeting Practice, requires that Council holds two meetings each month, to be held on the second and fourth Tuesdays of the month except for the months of December and January.

The report recommends that the first meeting of the new year be held on Tuesday, 28 January 2025.

OFFICER'S RECOMMENDATION

THAT

- 1. The first Ordinary meeting of Council in January 2025 be held on 28 January 2025.**

REPORT

Section 365 of the *Local Government Act 1993* stipulates that Councils must meet at least ten (10) times each year, each time in a different month.

Maitland City Council, under its Code of Meeting Practice, requires that Council holds two meetings each month, on the second and fourth Tuesdays, except for December and January.

Clause 2.1 of the Code identifies that the meeting held in December is to be held on the second Tuesday and the meeting in January is to be determined annually by Council resolution.

SETTING OF FIRST ORDINARY COUNCIL MEETING 2025 (Cont.)

If there is an emergency that needs to be discussed during this period, Council has the option to call an extraordinary meeting to determine any issues. Additionally, the Mayor has delegated authority to deal with matters requiring determination between the last Ordinary Meeting of the Council for the year and the first Ordinary Meeting of Council for the following year, if required.

This practice recognises that many Councillors and Council staff take leave over this period, but still enables Council to function effectively, whilst also satisfying the requirements of the *Local Government Act 1993*.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

Council is required to comply with the adopted Code of Meeting Practice.

STATUTORY IMPLICATIONS

Under section 360 of the *Local Government Act 1993*, Council is required to have in place a code of meeting practice and conduct its meeting in accordance with the code of meeting practice adopted by it.

Under section 365 of the *Local Government Act 1993*, Council is required to meet at least 10 times each year, each time in a different month.

10.2 Draft Code of Meeting Practice for Public Exhibition

FILE NO:	35/1 & 35/7
ATTACHMENTS:	1. Draft Code of Meeting Practice
RESPONSIBLE OFFICER:	Office Manager General Manager
AUTHOR:	Team Leader OGM
MAITLAND +10	Outcome 17. An efficient and effective Council
COUNCIL OBJECTIVE:	17.2.1 To maintain effective and appropriate systems to ensure decision-making is transparent, accessible and accountable

EXECUTIVE SUMMARY

The Local Government Act 1993 requires Council to exhibit and adopt a new Code of Meeting Practice within the first 12 months of a new term.

Council's current Code of Meeting Practice was reviewed and adopted on 28 June 2022. The proposed changes presented for consideration and comment by the community include the timing of ordinary council meetings, giving notice of business to be considered at council meetings, order of business at council meetings and obligations of councillors attending meetings by audio-visual link.

OFFICER'S RECOMMENDATION

THAT

1. The draft Code of Meeting Practice be placed on exhibition for at least 28 days and invite submissions for a period of at least 42 days
2. That a further report be presented to the first council meeting following the submission period for council to adopt the Code of Meeting Practice

REPORT

The *Local Government Act 1993* requires Council to exhibit and adopt a new Code of Meeting Practice within the first 12 months of a new council term. Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code of Meeting Practice 2021 for Local Councils in NSW.

It is the recommendation of Council officers that Council's current practice of conducting two Council meetings per month immediately followed by Councillor briefing sessions on the same night is sub-optimal, particularly for the effectiveness of the briefing sessions.

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

The recommended approach would see Tuesday evenings dedicated to either Council meetings or Councillor briefings.

Whilst one Council meeting per month will likely result in a longer Council meeting than the current meetings, it is not expected to take any longer than the combined Council meeting/Councillor briefing program that currently occurs on the 2nd and 4th Tuesdays of each month.

To mitigate concerns in relation to larger meetings agendas, the draft Code of Meeting practice has been amended to ensure meeting agendas are distributed to Councillors one (1) day earlier than currently occurs.

A move to one Council meeting per month is also anticipated to result in internal efficiencies associated with the various processes involved in preparing for Council meetings. Additionally, a separation of Council meetings and Councillor briefings would more easily facilitate the introduction of live streaming of Councillor briefings, if Council is ultimately directed to do so.

Importantly, moving to one Council meeting per month is compliant with Council's obligations under the NSW Local Government Act, which states at s365 that '*Council is required to meet at least 10 times each year, each time in a different month*'.

Council's draft Code of Meeting Practice must be placed on public exhibition for at least 28 days and provide at least 42 days for public submissions.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

The adoption of a revised Code of Meeting Practice will result in an amendment to Council's Policy Register.

STATUTORY IMPLICATIONS

The placing of the draft Code of Meeting Practice on exhibition for at least 28 days and providing opportunity for submission for at least 42 days will comply with the requirements under section 361 of the Local Government Act 1993.

Office of the General Manager

Draft Code of Meeting Practice for Public Exhibition

Draft Code of Meeting Practice

Meeting Date: 10 December 2024

Attachment No: 1

Number of Pages: 35

Code of Meeting Practice

Date Adopted: 10 December 2024

Version: 27

Policy Objectives

This objective of this policy is to comply with section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

Policy Scope

This policy applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Policy Statement

1. Meeting Principles

1.1. Council and committee meetings should be:

- Transparent.* Decisions are made in a way that is open and accountable.
- Informed.* Decisions are made based on relevant, quality information.
- Inclusive.* Decisions respect the diverse needs and interests of the local community.
- Principled.* Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- Trusted.* The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
- Respectful.* Councillors, staff and meeting attendees treat each other with respect.
- Effective.* Meetings are well organised, effectively run and skilfully chaired.
- Orderly.* Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

2. Before the meeting

Timing of ordinary council meetings

- 2.1. Ordinary meetings of the council will be held at least ten (10) times per year, on the following occasions:
- The fourth Tuesday of each month, other than January and December;
 - On a date in January determined by the General Manager, if deemed necessary;
 - On a date in December determined annually by resolution of council;

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

- In the year of a general local government election, the holding of a council meeting in September will be at the discretion of the general manager. Depending on the timing of the election, the general manager may determine:
 - not to hold a council meeting in September, or
 - to hold a council meeting on a date in September determined and notified by the general manager.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365.

- 2.2. All meetings of council will be held in the Council Chambers, Maitland Town Hall, High Street, Maitland, commencing at 5.30pm unless an alternate location and time are specified in the notice of a particular meeting.

Extraordinary meetings

- 2.3. If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 2.3 reflects section 366 of the Act.

Notice to the public of council meetings

- 2.4. The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

Note: Clause 2.5 reflects section 9(1) of the Act.

- 2.5. For the purposes of clause 2.5, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

- 2.6. For the purposes of clause 2.5, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

The general manager must send to each councillor, at least **four (4)** days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 2.8 reflects section 367(1) of the Act.

The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 2.9 reflects section 367(3) of the Act.

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

Notice to councillors of extraordinary meetings

Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 2.10 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 2.7. A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion **must be submitted using the Notice of Motion form** and be submitted (midday, Friday) seven (7) business days before the meeting is to be held.
- 2.8. A councillor may, in writing to the general manager, request the withdrawal the notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 2.9. If the general manager considers that a notice of motion has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
- 2.10. A notice of motion: for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:
 - a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
 - b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.
- 2.11. The mayor or general manager may approve the inclusion of late business **in** the meeting agenda, of which due notice has not been given. However, such late business may only be considered at a meeting of the council if:
 - a) a motion is passed to have the business transacted at the meeting and the business proposed to be brought forward is ruled by the chairperson to be of great urgency (as set out in clause 8.3), or
 - b) the matter is introduced by way of a mayoral minute (subject to clause 8.9).
- 2.12. Where possible, late items proposed to be included on the meeting agenda will be supplied to councillors via email as soon as possible prior to the meeting.

Questions with notice

- 2.13. A councillor may, by way of a notice submitted under clause 2.11, ask a question for response by the general manager about the performance or operations of the council. The question with notice must be submitted using **the Question with Notice form** and be **submitted (midday, Wednesday) nine (9) business days** before the meeting is to be held.
- 2.14. A councillor is not permitted to ask a question with notice under clause 2.11 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

- 2.15. The general manager or their nominee may respond to a question with notice submitted under clause 2.11 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 2.16. The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 2.17. The general manager must ensure that the agenda for an ordinary meeting of the council states:
- a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting,
 - d) any business of which due notice has been given under clause 2.11, and
 - e) any late business under clause 2.15.
- 2.18. Nothing in clause 2.19 limits the powers of the mayor to put a mayoral minute to a meeting under clause 8.6.
- 2.19. The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 2.20. Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
- a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - b) states the grounds under section 10A(2) of the Act relevant to the item of business.
- Note: Clause 2.23 reflects section 9(2A)(a) of the Act.*
- 2.21. The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Statement of ethical obligations

- 2.22. Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

Availability of the agenda and business papers to the public

- 2.23. Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 2.25 reflects section 9(2) and (4) of the Act.

- 2.27. Clause 2.25 does not apply to the business papers for items of business that the general manager has identified under clause 2.23 as being likely to be considered when the meeting is closed to the public.

Note: Clause 2.26 reflects section 9(2A)(b) of the Act.

- 2.28. For the purposes of clause 2.25 copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 2.27 reflects section 9(3) of the Act.

- 2.29. A copy of an agenda, or of an associated business paper made available under clause 2.25, may in addition be given or made available in electronic form.

Note: Clause 2.27 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 2.30. The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 2.31. Despite clause 2.29, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- a) a motion is passed to have the business considered at the meeting, and
 - b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 2.32. A motion moved under clause 2.30(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 2.33. Despite clauses 9.20–9.30, only the mover of a motion moved under clause 2.30(a) can speak to the motion before it is put.
- 2.34. A motion of dissent cannot be moved against a ruling of the chairperson under clause 2.30(b) on whether a matter is of great urgency.

Briefing sessions

- 2.35. The general manager may arrange a briefing session to brief councillors on business to be considered at future meetings. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 2.36. Briefing sessions are to be held in the absence of the public, and can be either face-to-face or via audio-visual link.
- 2.37. The general manager or a member of staff nominated by the general manager is to preside at briefing sessions.

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

- 2.38. Councillors must not use briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 2.39. Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

3. Public Access

Public access session

- 3.1. A public access session will be held, if required, at the start of each ordinary council meeting for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 3.2. Speakers in public access may attend by audio-visual link. Requests for public access via audio-visual will be determined by the general manager, based on merit and an appropriate means by which any submission may be provided.

Items addressed in public access

- 3.3. Speakers in public access may address council on any item listed as an agenda item for the council meeting other than 'Items for Information'.
- 3.4. Speakers in public access may not in their address raise matters or provide information which involves:
- a) personnel matters concerning particular individuals,
 - b) personal hardship of any resident or ratepayer,
 - c) information that would, if disclosed, confer a commercial advantage on a person with whom council is conducting (or proposes to conduct) business,
 - d) commercial information of a confidential nature that would, if disclosed:
 - prejudice the commercial position of the person who supplied it,
 - confer a commercial advantage on a competitor of the council, or
 - reveal a trade secret,
 - e) information that would, if disclosed, prejudice the maintenance of law,
 - f) matters affecting the security of the council, councillors, council staff or council property,
 - g) advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege,
 - h) information concerning the nature and location of a place or an item of Aboriginal significance on community land, or
 - i) alleged contraventions of any code of conduct requirements applicable under section 440.
- 3.5. Speakers in public access may not request reports from the mayor, councillors or council staff.
- 3.6. Speakers in public access may not address matters in the minutes of an earlier council meeting.
- 3.7. Speakers in public access may, with the approval of the general manager, use appropriate materials to support their address but may not table or distribute reports, submissions, recommendations, calls for action or similar documents for consideration by council.

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

Applying to speak in public access

- 3.8. Persons wishing to speak in public access must make application to council through the Office of the General Manager.
- 3.9. Applications must be made by completing council's 'Public Access - Request to Speak' form.
- 3.10. Applications must be lodged by 12.00 noon on the day of the ordinary council meeting.
- 3.11. Applicants will be advised by 2.00pm on the day of the ordinary council meeting of the approval or otherwise of their application.
- 3.12. A person may apply to speak on no more than 2 items of business on the agenda of the council meeting.
- 3.13. Persons seeking to represent or speak on behalf of any other person, group or entity must satisfy the council through their application that he or she has the authority to represent or speak on behalf of that person, group or entity.
- 3.14. Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 3.15. Applications will be determined by the general manager in consultation with the mayor and having regard to the following limitations:
 - a) no more than two speakers 'for' and two speakers 'against' a matter will be permitted,
 - b) approval will not be given for the same person and their representative to speak on the same matter,
 - c) where a matter is deferred or carried over from one meeting to the next, the limitations on speakers will apply such that speakers at the previous meeting shall be deemed to have spoken at the latter meeting,
 - d) speakers will be limited to a three (3) minute address with a possible extension of one (1) minute should a motion to that effect be moved and carried by the council,
 - e) the public access session will close by 6.30 pm or sooner, and
 - f) persons who have spoken in relation to a motion of the council at a previous meeting may not speak in public access on a motion to rescind that original motion, other than in relation to new material that has been brought forward since the original motion.

Speakers

- 3.16. When speaking in public access, speakers must clearly state:
 - a) their name,
 - b) their address,
 - c) whether 'for' or 'against' the recommendation on the matter in question, and
 - d) the name of the person, persons, group or entity they represent.
- 3.17. Speakers may not direct questions to the mayor, councillors or council staff.

Councillors

- 3.18. Councillors may not use public access for the purposes of addressing council on any matter.
- 3.19. Councillors may not direct questions to speakers in public access.
- 3.20. Councillors may, for the purposes of correction or clarification, direct questions through the mayor to the general manager in relation to any statement made or matter raised in public access.

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

- 3.21. Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.

Conduct of persons speaking in public access

- 3.22. The chairperson may call any member of public to order at a meeting where the person commits an act of disorder. A person commits an act of disorder if at a meeting the person:
- a) contravenes the Act or any regulation in force under the Act, this code, policies and procedures
 - b) assaults or threatens to assault a person present at the meeting,
 - c) attempts to raise a matter that has an unlawful purpose or that deals with a matter outside the jurisdiction of the council, or addresses or attempts to address the council on such a matter,
 - d) insults or makes personal reflections on or imputes improper motives to any other person,
 - e) publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
 - f) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council into contempt,
 - g) shouts, or uses inappropriate language, or
 - h) interjects or otherwise disrupts the meeting.

Chairperson requirements

- 3.23. The chairperson may require the person to:
- a) apologise without reservation for an act of disorder referred to in clauses 3.19 (a) or (b),
 - b) withdraw a matter referred to in clause 3.19 (c) and, where appropriate apologise without reservation, or
 - c) retract and apologise without reservation for an act of disorder referred to in clause 3.19 (d) to (g).

Act of disorder

- 3.24. Without limiting the above, the chairperson may at any time where an act of disorder has occurred:
- a) request that the member of the public cease his/her address to the meeting of council and resume his/her seat,
 - b) adjourn the meeting for a period of not more than 15 minutes and leave the chair. The council on reassembling, must decide whether the business is to be proceeded with or not,
 - c) expel a member of the public from a council meeting on the grounds that the member is engaging in or, has at the meeting, engaged in disorderly conduct, or
 - d) if a member of the public is expelled from the meeting for failing to comply with a requirement made under clause 3.20 of this policy (i.e. call to order) or the member of the public fails to leave the meeting immediately, a police officer, or any person authorised by the chairperson for the purpose, may remove the person from the meeting using only such force as is necessary and, if necessary, restrain the person from re-entering the place where the meeting is being held.

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

4. Coming togetherAttendance by councillors at meetings

- 4.1. All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 4.2. A councillor cannot participate in a meeting of the council or of a committee of the council unless present in person or attending via audio-visual link under this code.
- 4.3. Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 4.4. A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 4.5. The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 4.6. A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.
- Note: Clause 4.6 reflects section 234(1)(d) of the Act.*
- 4.7. A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

- 4.8. The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.
- Note: Clause 4.8 reflects section 368(1) of the Act.*
- 4.9. Clause 4.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.
- Note: Clause 4.9 reflects section 368(2) of the Act.*
- 4.10. A meeting of the council must be adjourned if a quorum is not present:
- a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - b) within half an hour after the time designated for the holding of the meeting, or
 - c) at any time during the meeting.
- 4.11. In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

- 4.12. The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 4.13. Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 4.14. Where a meeting is cancelled under clause 4.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 2.3.

Meetings held by audio-visual link

- 4.15. A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.
- 4.16. Where the mayor determines under clause 4.16 that a meeting is to be held by audio-visual link, the general manager must:
- give written notice to all councillors that the meeting is to be held by audio-visual link, and
 - take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
 - cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 4.17. This code applies to a meeting held by audio-visual link under clause 4.16 in the same way it would if the meeting was held in person.
- Note: Where a council holds a meeting by audio-visual link under clause 4.16, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by councillors at meetings by audio-visual link

- 4.18. Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 4.19. A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 4.20. Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 4.20.

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

- 4.21. The council must comply with the Health Privacy Principles prescribed under the Health Records and Information Privacy Act 2002 when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 4.22. A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 4.23. A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:
- a) the meetings the resolution applies to, and
 - b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 4.24. If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 4.25. A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.
- 4.26. The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 4.27. This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 4.28. A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 4.29. A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the public to attend council meetings

- 4.30. Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public. If required for reasons of public health, the public may be required to attend in limited numbers or only be permitted to attend via livestreaming of the meeting rather than in person.

Note: Clause 4.31 reflects section 10(1) of the Act.

- 4.31. Clause 4.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

- 4.32. A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- a) by a resolution of the meeting, or
 - b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 4.17 reflects section 10(2) of the Act.

Webcasting of meetings

- 4.33. Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device
- 4.34. At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
- a) the meeting is being recorded and made publicly available on the council's website and social media, and
 - b) persons attending the meeting should refrain from making any defamatory statements.
- 4.35. The recording of a meeting is to be made publicly available on the council's website:
- (a) at the same time as the meeting is taking place, or
 - (b) as soon as practicable after the meeting
- 4.36. A recording of each meeting of the council and committee of the council is to be retained on the council's website for at least twelve (12) months after the date of the meeting. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.
- 4.37. Clauses 4.34 and 4.36 do not apply to parts of a meeting that have been closed to the public under section 10A of the Act.

Note Clauses 4.18-4.22 reflect section 236 of the Regulation

Attendance of the general manager and other staff at meetings

- 4.38. The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.
- Note: Clause 4.23 reflects section 376(1) of the Act.*
- 4.39. The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.
- Note: Clause 4.24 reflects section 376(2) of the Act.*
- 4.40. The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.
- Note: Clause 4.25 reflects section 376(3) of the Act.*
- 4.41. The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.
- 4.42. The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual-link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.

5. The Chairperson

The chairperson at meetings

- 5.1. The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 5.1 reflects section 369(1) of the Act.

- 5.2. If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 5.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the mayor and deputy mayor

- 5.3. If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

- 5.4. The election of a chairperson must be conducted:

- a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
- b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

- 5.5. If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

- 5.6. For the purposes of clause 6.5, the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

- 5.7. The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

- 5.8. Any election conducted under clause 5.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 5.9. When the chairperson rises or speaks during a meeting of the council:

- a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
- b) every councillor present must be silent to enable the chairperson to be heard without interruption.

6. Modes of Address

- 6.1. If the chairperson is the mayor, they are to be addressed as 'Mr Mayor', 'Madam Mayor' or 'Mayor [surname]'.

- 6.2. Where the chairperson is not the mayor, they are to be addressed as 'Mr Chairperson' or 'Madam Chairperson'.

- 6.3. A councillor is to be addressed as 'Councillor [surname]'.

- 6.4. A council officer is to be addressed by their official designation or as Mr/Ms [surname].

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

7. Order of Business for Ordinary Council Meetings

7.1. The general order of business for an ordinary meeting of the council shall be:

- Invocation
- Acknowledgement of Country
- Apologies, Leave of Absence and Remote Attendance
- Declarations of Interest
- Confirmation of Minutes of Previous Meeting
- Business Arising from Minutes
- Withdrawal of Items and Acceptance of Late Items of Business
- Public Access
- Mayoral Minute(s)
- Office of the General Manager reports
- City Planning reports
- City Services reports
- Customer and Digital Services
- People and Performance reports
- Finance
- Items for Information
- Notice of Motion/Rescission
- Questions with Notice
- Urgent Business
- Committee of the Whole
- Committee of the Whole Recommendations
- Closure

~~At the second ordinary meeting held in September each year, and at the first meeting following any quadrennial election of council, the following business shall precede the above general order of business:~~

- ~~• Oath or Affirmation of Office by Councillors~~
- ~~• Election of Deputy Mayor~~
- ~~• Determination of Council Committee Members and Delegates to External Bodies~~
- ~~• Fixing of Dates and Times for Council Meetings~~

For all extraordinary meetings of Council the general order of business shall be:

- Invocation
- Acknowledgement of Country
- Apologies, Leave of Absence and Remote Attendance
- Declarations of Interest
- Public Access
- ~~• Officers' Reports~~
- Office of the General Manager reports
- City Planning reports
- City Services reports
- Customer and Digital Services
- People and Performance reports
- Finance
- Committee of the Whole
- Committee of the Whole Recommendations
- Closure

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

- 7.2. The order of business as fixed under clause 7.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 7.3. Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 7.2 may speak to the motion before it is put.

8. Consideration of Business at Council Meetings**Business that can be dealt with at a council meeting**

- 8.1. The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 2.9, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 2.6 in the case of an ordinary meeting or clause 2.8 in the case of an extraordinary meeting called in an emergency.
- 8.2. Clause 8.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 8.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 8.3. Despite clause 8.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 8.4. A motion moved under clause 8.3(a) can be moved without notice. Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 8.5. A motion of dissent cannot be moved against a ruling by the chairperson under clause 8.3(b).

Mayoral minutes

- 8.6. Subject to clause 8.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 8.7. A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 8.8. A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 8.9. A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

- 8.10. Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

Staff reports

- 8.11. A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

- 8.12. The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 8.13. If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 8.14. A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 2.11 and 2.16.
- 8.15. A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 8.16. A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 8.17. A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 8.18. Councillors must put questions directly, succinctly, respectfully and without argument.
- 8.19. The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

9. Rules of DebateMotions to be seconded

- 9.1. Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of Motion

- 9.2. A councillor who has submitted a notice of motion under clause 2.11 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 9.3. If a councillor who has submitted a notice of motion under clause 2.11 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

- 9.4. In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

- 9.5. It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 9.6. The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 9.7. Before ruling out of order a motion or an amendment to a motion under clause 9.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 9.8. Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

- 9.9. A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 9.10. An amendment to a motion must be moved and seconded before it can be debated.
- 9.11. An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 9.12. The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 9.13. If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 9.14. While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 9.15. If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 9.16. An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

Foreshadowed motions

- 9.17. A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 9.18. Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 9.19. Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 9.20. A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 9.21. A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 9.22. A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 9.23. Despite clause 9.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 9.24. Despite clause 9.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 9.25. Despite clauses 9.20 and 9.21, a councillor may move that a motion or an amendment be now put:
 - (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 9.26. The chairperson must immediately put to the vote, without debate, a motion moved under clause 9.25. A seconder is not required for such a motion.
- 9.27. If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 9.20.
- 9.28. If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 9.29. All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

- 9.30. Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

10. Voting

Voting entitlements of councillors

- 10.1. Each councillor is entitled to one (1) vote.
Note: Clause 10.1 reflects section 370(1) of the Act.
- 10.2. The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.
Note: Clause 10.2 reflects section 370(2) of the Act.
- 10.3. Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at council meetings

- 10.4. A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 10.5. Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.
- 10.6. All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded. The mayor may, at his/her discretion, state the names of councillors who voted for and against each motion or amendment as the matter is resolved.

Voting on planning decisions

- 10.7. The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 10.8. Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 10.9. Clauses 10.7–10.8 apply also to meetings that are closed to the public.
Note: Clauses 10.7 – 10.9 reflect section 375A of the Act.

11. Committee of the Whole

- 11.1. The council may resolve itself into a committee to consider any matter before the council.
Note: Clause 11.1 reflects section 373 of the Act.
- 11.2. All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.
Note: Clauses 9.20–9.30 limit the number and duration of speeches.

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- 11.3. The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 11.4. The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

12. Dealing with Items by Exception

- 12.1. The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 12.2. Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 12.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 12.3. The council or committee must not resolve to adopt any item of business under clause 12.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 12.4. Where the consideration of multiple items of business together under clause 12.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 7.2.
- 12.5. A motion to adopt multiple items of business together under clause 12.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 12.6. Items of business adopted under clause 12.1 are to be taken to have been adopted unanimously.
- 12.7. Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 12.1 in accordance with the requirements of the council's code of conduct.

13. Closure of Council Meetings to the publicGrounds on which meetings can be closed to the public

- 13.1. The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of the council's code of conduct.

Note: Clause 13.1 reflects section 10A(1) and (2) of the Act.

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

- 13.2. The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 13.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

- 13.3. A meeting is not to remain closed during the discussion of anything referred to in clause 13.1:

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 13.3 reflects section 10B(1) of the Act.

- 13.4. A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 13.1(g) unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the council or committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

Note: Clause 13.4 reflects section 10B(2) of the Act.

- 13.5. If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 13.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 13.1.

Note: Clause 13.5 reflects section 10B(3) of the Act.

- 13.6. For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Note: Clause 13.6 reflects section 10B(4) of the Act.

- 13.7. In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

Note: Clause 13.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 13.8. Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 2.21 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

- (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 13.8 reflects section 10C of the Act.

Representations by members of the public

- 13.9. The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 13.9 reflects section 10A(4) of the Act.

- 13.10. A representation under clause 13.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 13.11. Where the matter has been identified in the agenda of the meeting under clause 2.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 13.9, members of the public must first make an application to the council in the approved form. Applications must be received by 12.00 noon on the day of the meeting at which the matter is to be considered.
- 13.12. The general manager (or their delegate) may refuse an application made under clause 13.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 13.13. No more than three (3) speakers are to be permitted to make representations under clause 13.9.
- 13.14. If more than the permitted number of speakers apply to make representations under clause 13.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 13.9, the general manager or their delegate is to determine who will make representations to the council.
- 13.15. The general manager (or their delegate) is to determine the order of speakers.
- 13.16. Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 2.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 13.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than three (3) speakers to make representations in such order as determined by the chairperson.
- 13.17. Each speaker will be allowed three (3) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

- 13.18. If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act

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- 13.19. If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Obligations of councillors attending meetings by audio-visual link

- 13.20. Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.
- 13.21. Councillors must ensure that the audio and visual quality of the remote attendance is clear and significant technical interruptions may result in the Councillor being unable to participate in moving, debating or voting on motions. In this instance the Councillor will be shown as absent for the item.

Information to be disclosed in resolutions closing meetings to the public

- 13.22. The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 13.20 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 13.23. If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 13.24. Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 13.21 during a part of the meeting that is webcast.

14. Keeping Order at MeetingsPoints of order

- 14.1. A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 14.2. A point of order cannot be made with respect to adherence to the principles contained in clause 1.1.
- 14.3. A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

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Questions of order

- 14.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 14.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 14.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 14.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 14.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 14.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 14.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of Disorder

- 14.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- (a) contravenes the Act, the Regulation or this code, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
 - (d) insults or makes unfavourable personal remarks about or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

Note: Clause 14.31 reflects section 182 of the Regulation

- 14.12 The chairperson may require a councillor:
- (a) to apologise without reservation for an act of disorder referred to in clauses 14.31(a), (b) or (e) or
 - (b) to withdraw a motion or an amendment referred to in clause 14.31(c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for an act of disorder referred to in clauses 14.11(d) and (e).

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

How disorder at a meeting may be dealt with

- 14.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

- 14.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.
- 14.15 Clause 14.14 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.
- 14.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 14.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.
- 14.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 14.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 14.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

How disorder by councillors attending meetings by audio-visual link may be dealt with

- 14.20 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.
- 14.21 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phone and the unauthorised recording of meetings

- 14.22 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 14.23 A person must not live stream or use an audio recorder, video camera, mobile phone, or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 14.24 Any person who contravenes or attempts to contravene clause 14.22, may be expelled from the meeting as provided for under section 10(2) of the Act.

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

- 14.25 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

15. Conflicts of Interest

- 15.1. All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.
- 15.2. Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

16. Decisions of the Council

- 16.1. A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.
Note: Clause 16.1 reflects section 371 of the Act.
- 16.2. Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

- 16.3. A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 2.11.
Note: Clause 16.3 reflects section 372(1) of the Act.
- 16.4. If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
Note: Clause 16.4 reflects section 372(2) of the Act.
- 16.5. If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 2.11.
Note: Clause 16.5 reflects section 372(3) of the Act.
- 16.6. A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.
Note: Clause 16.6 reflects section 372(4) of the Act.
- 16.7. If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.
Note: Clause 16.7 reflects section 372(5) of the Act.

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

- 16.8. The provisions of clauses 16.5–16.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 16.8 reflects section 372(7) of the Act.

- 16.9. A notice of motion submitted in accordance with clause 16.6 may only be withdrawn under clause 2.11 with the consent of all signatories to the notice of motion.
- 16.10. A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than close of business on the day after the meeting at which the resolution was adopted.
- 16.11. A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 16.11 reflects section 372(6) of the Act.

- 16.12. Subject to clause 16.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
 - (b) a motion to have the motion considered at the meeting is passed, and
 - (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 16.13. A motion moved under clause 16.12(b) can be moved without notice. Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 16.12(b) can speak to the motion before it is put.
- 16.14. A motion of dissent cannot be moved against a ruling by the chairperson under clause 16.12(c).

Recommitting resolutions to correct an error

- 16.15. Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
 - (b) to confirm the voting on the resolution.
- 16.16. In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 16.15(a), the councillor is to propose alternative wording for the resolution.
- 16.17. The chairperson must not grant leave to recommit a resolution for the purposes of clause 16.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 16.18. A motion moved under clause 16.15 can be moved without notice. Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 16.15 can speak to the motion before it is put.
- 16.19. A motion of dissent cannot be moved against a ruling by the chairperson under clause 16.15.
- 16.20. A motion moved under clause 16.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

17. Time Limits on Council Meetings

- 17.1. Meetings of the council and committees of the council are to conclude no later than 8.30pm.
- 17.2. If the business of the meeting is unfinished at 8.30pm, the council or the committee may, by resolution, extend the time of the meeting.

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

- 17.3. If the business of the meeting is unfinished at 8.30pm, and the council does not resolve to extend the meeting, the chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 17.4. Clause 17.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date, and place that the meeting is to be adjourned to.
- 17.5. Where a meeting is adjourned under clause 17.3 or 17.4, the general manager must:
- (a) individually notify each councillor of the time, date, and place at which the meeting will reconvene, and
 - (b) publish the time, date, and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

18. After the Meeting

Minutes of meetings

- 18.1. The council is to keep full and accurate minutes of the proceedings of meetings of the council.
Note: Clause 18.1 reflects section 375(1) of the Act.
- 18.2. At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:
- (a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
 - (b) details of each motion moved at a council meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment was passed or lost, and
 - (d) such other matters specifically required under this code.
- 18.3. The minutes of a council meeting must be confirmed at a subsequent meeting of the council.
Note: Clause 18.3 reflects section 375(2) of the Act.
- 18.4. Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 18.5. When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.
Note: Clause 18.5 reflects section 375(2) of the Act.
- 18.6. The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 18.7. The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 18.8. The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.
- 18.9. Note: Clause 18.8 reflects section 11(1) of the Act.
- 18.10. Clause 18.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.
- 18.11. Note: Clause 18.9 reflects section 11(2) of the Act.
- 18.12. Clause 18.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.
- 18.13. Note: Clause 18.10 reflects section 11(3) of the Act.
- 18.14. Correspondence or reports to which clauses 18.9 and 18.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

- 18.15. The general manager is to implement, without undue delay, lawful decisions of the council.
- Note: Clause 18.12 reflects section 335(b) of the Act.

19. Council CommitteesApplication of this Part

- 19.1. This part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

- 19.2. The council may, by resolution, establish such committees as it considers necessary.
- 19.3. A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 19.4. The quorum for a meeting of a committee of the council is to be:
- (a) such number of members as the council decides, or
 - (b) if the council has not decided a number – a majority of the members of the committee.

Functions of committees

- 19.5. The council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings

- 19.6. The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
 - (b) the business proposed to be considered at the meeting.
- 19.7. Notice of less than three (3) days may be given of a committee meeting called in an emergency.

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

Attendance at committee meetings

19.8. A committee member (other than the mayor) ceases to be a member of a committee if the committee member:

- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or

has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

19.9. Clause 19.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

19.10. A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

19.11. The chairperson of each committee of the council must be:

- (a) the mayor, or
- (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
- (c) if the council does not elect such a member, a member of the committee elected by the committee.

19.12. The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

19.13. If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

19.14. The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

19.15. Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.

19.16. Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 19.15.

19.17. Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

Closure of committee meetings to the public

- 19.18. The provisions of the Act and Part 13 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 19.19. If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 19.20. Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 19.20 during a part of the meeting that is webcast.

Disorder in committee meetings

- 19.21. The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

- 19.22. Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
 - (b) details of each motion moved at a meeting and of any amendments moved to it,
 - (c) the names of the mover and seconder of the motion or amendment,
 - (d) whether the motion or amendment was passed or lost, and
 - (e) such other matters specifically required under this code.
- 19.23. All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 19.24. The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 19.25. Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.26. When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 19.27. The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.28. The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

20. Irregularities

20.1. Proceedings at a meeting of a council or a council committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any councillor or committee member, or
- (c) any defect in the election or appointment of a councillor or committee member, or
- (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
- (e) a failure to comply with this code.

Note: Clause 20.1 reflects section 374 of the Act.

21. Definitions

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 14.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 5.1 and 5.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 19.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 19.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 11.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 9.18 of this code during debate on the first amendment

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

foreshadowed motion	means a motion foreshadowed by a councillor under clause 9.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
significant technical interruptions	Unforeseen equipment problems when not using Council issued devices (laptop, headset) that cause delay in troubleshooting and progress of meeting. Council is not responsible for home Wi-Fi or internet connections
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

Policy Administration

Business Group:	Office of the General Manager
Responsible Officer:	Team Leader Office of the General Manager
Council Reference:	Ordinary Council Meeting –
Policy Review Date:	Twelve (12) Months of the 2028 Local Government Election
File Number:	35/1 and 35/7
Relevant Legislation:	<ul style="list-style-type: none"> Local Government Act (NSW) 1993 Local Government (General) Regulation (NSW) 2021 Government Information (Public Access) Act 2009
Related Policies / Procedures / Protocols:	<ul style="list-style-type: none"> Code Of Conduct Procedure For Remote Attendance by Councillors

Policy History

Version	Date Approved	Description of Changes
1	26/7/1994	Policy adopted
2	9/7/1996	Change to Public Access
3	28/1/1997	Inclusion of legislative changes
4	13/5/1997	Change to Public Access.
5	23/6/1998	Inclusion of Legislative Changes
6	23/11/1999	Changes to Order of Business
7	27/6/2000	Changes to Public Access
8	22/8/2000	Change to Order of Business
9	24/10/2000	Change to scheduling of meetings
11	30/1/2001	Minor Administrative Changes
12	28/5/2002	Minor change to order of business for extraordinary meetings

DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION (Cont.)

13	24/9/2002	Minor change to order of business
14	27/4/2004	Changes to scheduling of meetings
15	2/11/2004	Minor changes to order of business and public access
16	26/6/2007	Periodic review
17	14/4/2009	Inclusion of Legislative Changes
18	14/9/2010	Release of Revised Meetings Practice Note from DLG
19	08/11/2011	Minor change to Voting
20	10/04/2014	Changes to reflect revised organisation structure
21	09/09/2014	Change to Public Access and order of business
22	24/05/2016	Periodic review
23	14/05/2019	Revised to reflect new Model Code of Meeting Practice
24	14/4/2020	Revised to accommodate public health emergency requirements and remote meetings via audio-visual link
25	27/04/2021	Revised to require meetings to be held in-person, with remote Councillor attendance permitted in accordance with the Procedure.
26	28/06/2022	Updated to reflect Model Code of Meeting Practice 2021. Change to Order of Business and days required for Notice of Motion and Questions on Notice
27	10/12/2024	Changes to the frequency of ordinary meetings, timings of notice of business, order of business including the removal of the Policy and Finance Committee, additional point for audio-visual attendance and supporting definition and amended policy review date.

10.3 Disclosure of Interest Returns for Councillors and Designated Persons

FILE NO:	35/7/4
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	General Manager Team Leader OGM
AUTHOR:	Senior Governance Officer
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.2 Ensure Council is financially sustainable and meets required levels of performance

EXECUTIVE SUMMARY

Clause 4.21(b) of the Maitland City Council's Code of Conduct requires all councillors and designated persons to complete and lodge with the General Manager a Disclosure of Interest return on the designated form as at 30 June of each year.

Annual returns are required to be submitted to the General Manager. Once Council has resolved on the matter, the returns will then be made publicly available on Council's website.

OFFICER'S RECOMMENDATION

THAT

- Council notes that, in accordance with clause 4.21(b) of Maitland City Council's Code of Conduct, the tabled Disclosure of Interest returns have been submitted by elected councillors and designated persons.**

REPORT

Clause 4.21(b) of Council's Code of Conduct requires all councillors and designated persons to complete and lodge with the General Manager a Disclosure of Interest return in the designated form as of 30 June of each year. All returns are required to be submitted to the General Manager and reported to Council. Once Council has resolved the matter, the returns will then be made publicly available on Council's website.

A copy of the submitted returns will be tabled at the Council meeting of Tuesday, 10 December 2024.

The Disclosure of Interest return operates as a key transparency mechanism for promoting community confidence in Council decision making.

DISCLOSURE OF INTEREST RETURNS FOR COUNCILLORS AND DESIGNATED PERSONS (Cont.)

The returns include disclosures relating to property, sources of income, gifts, contributions to travel, interests and positions in corporations, are they a property developer or a close associate of a property developer, holding positions in trade unions and professional or business associations, personal debts, disposals of real estate property and discretionary disclosures.

All returns will be made publicly available on Council's website after the Council meeting in accordance with the Information and Privacy Commission (IPC) publication 'Information Access Guideline 1 – For Local Councils on the disclosure of information (returns disclosing the interest of councillors and designated persons) September 2019'. Relevant personal information, including private residential address and hand-written signatures, will be redacted before the returns are published on the website.

An original version without redactions will be maintained by Council and available to view at the Maitland Administration Centre.

CONCLUSION

All annual Disclosure of Interest returns for councillors and designated persons have been received and are tabled as required by Council's Code of Conduct. Following the Council meeting, these returns will be made publicly available on Council's website with relevant personal information redacted, and original versions without redactions available to view at the Maitland Administration Centre.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

The completion, lodgement and reporting of the annual Disclosure of Interest returns comply with the requirements of Council's Code of Conduct.

STATUTORY IMPLICATIONS

Statutory reporting obligations under Section 440 (Code of Conduct) of the *Local Government Act 1993* (NSW) and the IPC 'Information Access Guideline 1 – For Local Councils on the disclosure of information (returns disclosing the interest of councillors and designated persons) have been complied with.

10.4 Councillor Expenses and Facilities Policy

FILE NO:	35/7
ATTACHMENTS:	1. Councillor Expenses and Facilities Policy
RESPONSIBLE OFFICER:	General Manager Office Manager
AUTHOR:	Team Leader OGM
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.2 Ensure Council is financially sustainable and meets required levels of performance

EXECUTIVE SUMMARY

In accordance with the requirements of the NSW Local Government Act 1993, Council is required to adopt the councillors' expenses and facilities policy within the first twelve (12) months of each term of council in relation to the payment of expense and provision of facilities to the Mayor, Deputy Mayor and Councillors.

A review has been undertaken of the existing policy, which was last adopted on 6 December 2022. Several changes are recommended, as outlined in the body of this report, focused on ensuring that resources and facilities are appropriately in place to assist the Mayor and Councillors to accomplish their duties.

It is recommended the revised draft be placed on public exhibition with a report returned to Council following exhibition if submissions opposing the policy are received.

OFFICER'S RECOMMENDATION

THAT

- 1. Council endorses the revised Councillor Expenses and Facilities Policy be placed on public exhibition for a period of at least twenty-eight (28) days;**
- 2. Council adopts the draft revised Councillor Expenses and Facilities Policy should there be no submissions of objection.**

REPORT

The provision of resources and facilities to assist Councillors to accomplish their duties is achieved through the adoption of a Councillor Expenses and Facilities Policy.

The policy supports Councillors in executing their civic duties, as well as including provisions to allow Councillors to take opportunities for training and professional development so that they continue to be well equipped to make decisions in the best interests of the Maitland community.

COUNCILLOR EXPENSES AND FACILITIES POLICY (Cont.)

Council is required to adopt the councillors' expenses and facilities policy within 12 months of each term of office for the payment of expenses and provision of facilities to Councillors in relation to discharging their functions of civic office.

Council must also give public notice of its intention to adopt or amend its policy for the payment of expenses or provision of facilities and allow at least 28 days for the making of public submissions.

The policy ensures accountability and transparency, ensuring alignment with community expectations. The document establishes the allowances that are claimable and supporting processes.

The policy has been reviewed, with benchmarking against similar size Councils undertaken. Officers have recommended some changes to the policy, as outlined in the table below, to best support Councillors to fulfill their duties and meet changing professional development requirements.

The table below lists expenses that are claimable by Councillors, as well as the resources and facilities available to Councillors in the discharge of their civic duties, noting the policy changes as recommended and current policy limits.

Expense or facility	Policy change recommended	Existing policy
Accommodation and meals	\$450 per Councillor per day	\$400 per Councillor per day
Joint Regional Planning Panel (Hunter and Central Coast Regional Planning Panel) meeting fee	\$600 per Councillor member per meeting	As per the existing policy
	*Remuneration for Councillor membership in accordance with advice from the Department of Planning and Environment	
	\$71 per hour with a maximum reimbursement amount of \$1,500 per year *Remuneration for business undertaken outside of meetings in relation to the role as a member.	This is not included in the existing policy
General travel	Use of a Council pool vehicle for the purpose of transport to and from a conference or other professional development activity	Alternate transport option not included in existing policy

COUNCILLOR EXPENSES AND FACILITIES POLICY (Cont.)

Expense or facility	Policy change recommended	Existing policy
Resources for Mayor	When deputising the mayor, the deputy mayor will be provided with reasonable access to and use of the facilities provided by the mayor under this policy. Any expenses incurred during this time related to the use of facilities will be deducted from the mayors budget.	This is not included in the existing policy
	Staff resources for the mayor as determined by the general manager in consultation with the mayor (as consistent with the Delegations of Authority).	In performing his or her civic duties, the mayor will be assisted by a dedicated Executive Assistant within the Office of the General Manager.
Processing of claims for reimbursement	Expend details on the requirements of supporting documentation and information for the purpose of assessing reimbursement requests.	Minimal detail provided on reimbursement process

CONCLUSION

The provision of resources and facilities to assist Councillors to accomplish their duties is achieved through the adoption of a Councillor Expenses and Facilities Policy. The exhibition of the revised policy will allow the community to provide feedback prior to being reported to Council for adoption in 2025.

FINANCIAL IMPLICATIONS

The 2024/25 budget allocation has been made to support the provision of facilities and reimburse expenses to Councillors. If the proposed changes are endorsed the associated costs can be accommodated in the Council's adopted budget and incorporated in forward estimates.

POLICY IMPLICATIONS

The Policy is a requirement under section 252(1) of the Local Government Act 1993. The adoption of a revised Councillor Expenses and Facilities Policy will result in an amendment to Council's Policy Register.

STATUTORY IMPLICATIONS

Local Government Act 1993 Section 252(1) requires that Council adopt a policy governing the payment of expenses and provision of facilities to Councillors within twelve (12) months of each term of Council. Section 253 requires council to give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities and allow at least 28 days for the making of public submissions.

Office of the General Manager

Councillor Expenses and Facilities Policy

Councillor Expenses and Facilities Policy

Meeting Date: 10 December 2024

Attachment No: 1

Number of Pages: 15

Councillor Expenses and Facilities Policy

Date Adopted: 10 December 2024

Version: 27.0

Policy Objectives

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to councillors to help them undertake their civic duties.

It ensures accountability and transparency, and seeks to align councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2005* (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the maximum amounts council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Frequency
General travel expenses	\$1,500 per Councillor \$1,500 for the Mayor	Per year
Interstate, overseas and long distance intrastate business travel expenses	In accordance with council resolution	Per year
Accommodation and meals	\$450 per Councillor	Per day
Professional development	\$6,000 per Councillor \$9,000 for Mayor	Per year
ALGA National General Assembly and LGNSW Annual Conference	\$20,000 for all approved delegates to attend.	Per year
Joint Regional Planning Panel (Hunter and Central Coast Regional Planning Panel) meeting fee Refer to Section 7 of this Policy	\$600 per Councillor member *Remuneration for Councillor membership in accordance with advice from the Department of Planning and Environment	Per meeting
	\$71 per hour with a maximum reimbursement amount of \$1,500 per year *Remuneration for business undertaken outside of meetings in relation to the role as a member.	Per hour with a maximum yearly amount

COUNCILLOR EXPENSES AND FACILITIES POLICY (Cont.)

Expense or facility	Maximum amount	Frequency
ICT expenses	\$200 per Councillor \$200 for the Mayor	Per month
Carer expenses	\$6,000 per Councillor	Per year
Access to facilities in Councillor Room	Provided to all Councillors	Not relevant
Council vehicle and fuel card	Provided to the Mayor	Not relevant
Reserved parking space at Council offices	Provided to the Mayor	Not relevant
Furnished office	Provided to the Mayor	Not relevant
Secretarial support	Provided to the Mayor and Councillors	Not relevant

Additional costs incurred by a councillor in excess of these limits are considered a personal expense that is the responsibility of the councillor.

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every six months and published in full on council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

Part A – Introduction

1. Introduction

- 1.1. The provision of expenses and facilities enables councillors to fulfil their civic duties as the elected representatives of Maitland City Council.
- 1.2. The community is entitled to know the extent of expenses paid to councillors, as well as the facilities provided.
- 1.3. The purpose of this policy is to clearly state the facilities and support that are available to councillors to assist them in fulfilling their civic duties.
- 1.4. Council staff are empowered to question or refuse a request for payment from a councillor when it does not accord with this policy.
- 1.5. Expenses and facilities provided by this policy are in addition to fees paid to councillors. The minimum and maximum fees a council may pay each councillor are set by the Local Government Remuneration Tribunal under Section 241 of the Act and reviewed annually.

2. Policy Objectives

2.1. The objective of this policy are to:

- enable the reasonable and appropriate reimbursement of expenses incurred by councillors while undertaking their civic duties
- enable facilities of a reasonable and appropriate standard to be provided to councillors to support them in undertaking their civic duties
- ensure accountability and transparency in reimbursement of expenses and provision of facilities to councillors

COUNCILLOR EXPENSES AND FACILITIES POLICY (Cont.)

- ensure facilities and expenses provided to councillors meet community expectations
- support a diversity of representation
- fulfil the council's statutory responsibilities.

3. Principles

3.1. Council commits to the following principles:

- **Proper conduct:** councillors acting lawfully and honestly, exercising care and diligence in carrying out their functions
- **Reasonable expenses:** providing for councillors to be reimbursed for expenses reasonably incurred as part of their role as councillor
- **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a councillor
- **Equity:** there must be equitable access to expenses and facilities for all councillors
- **Appropriate use of resources:** providing clear direction on the appropriate use of council resources in accordance with legal requirements and community expectations
- **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to councillors.

4. Private or Political Benefit

- 4.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 4.2. Private use of council equipment and facilities by councillors may occur from time to time.
- 4.3. Such incidental private use does not require a compensatory payment back to council.
- 4.4. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of council facilities does occur, councillors must reimburse the council.
- 4.5. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political benefit during a re-election campaign:
 - production of election material
 - use of council resources facilities and equipment for campaigning
 - use of official council letterhead, publications, websites or services
 - fundraising activities of political parties or individuals, including political fundraising events.

Part B – Expenses

5. General Expenses

- 5.1. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office.
- 5.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

COUNCILLOR EXPENSES AND FACILITIES POLICY (Cont.)

6. Specific Expenses

General travel arrangement and expenses

- 6.1. All travel by councillors should be undertaken using the most direct route and the most practical and economical mode of transport.
- 6.2. Each councillor may be reimbursed up to a total of \$1,500.00 per year, and the mayor may be reimbursed up to a total of \$1,500.00 per year, for travel expenses incurred while undertaking official business. This includes reimbursement of:
 - public transport fares
 - the use of a private vehicle or hire car
 - parking costs for Council and other meetings
 - tolls
 - cab charge card or equivalent
 - documented ride-share programs, such as Uber, where tax invoices can be issued.
- 6.3. Allowances for the use of a private vehicle will be reimbursed by the per kilometre rate contained in the Local Government (State) Award.
- 6.4. Councillors seeking to be reimbursed for use of a private vehicle must keep a log recording the date, distance and purpose of travel being claimed. Copies of the relevant log contents must be provided with the claim. Councillors will be provided with a standard log form for the purposes of this clause.
- 6.5. As an alternative to the use of other forms of transport requiring reimbursement, Councillors may request the use of a Council pool vehicle for the purpose of transport to and from a conference or other professional development activity. Councillors must obtain the approval of the General Manager for such a request, which will be subject to the availability of a vehicle

Interstate, overseas and long distance intrastate travel expenses

- 6.6. Council will assess the value and need for councillors to undertake overseas travel. Councils should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for the council and the local community.
- 6.7. Total interstate, overseas and long distance intrastate travel expenses for all councillors will be determined by resolution of Council on a case by case basis.
- 6.8. Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, the general manager prior to travel.
- 6.9. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of travel by resolution passed at an ordinary council meeting prior to travel.
- 6.10. The case should include:
 - objectives to be achieved in travel, including an explanation of how the travel aligns with current council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the councillor's civic duties
 - who is to take part in the travel
 - duration and itinerary of travel
 - a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 6.11. For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.

COUNCILLOR EXPENSES AND FACILITIES POLICY (Cont.)

- 6.12. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
- 6.13. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- 6.14. Bookings for approved air travel are to be made through the general manager's office.
- 6.15. For air travel that is reimbursed as council business, councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.
- 6.16. After returning from an overseas trip a detailed report must be provided to council, outlining the achievement of objectives and the benefits to the community that have occurred as a result of the travel. This report will also be included in the annual report for the year in which the travel took place.

Travel expenses not paid by Council

- 6.17. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

Accommodation and meals

- 6.18. Council will reimburse costs for accommodation and meals while councillors are undertaking approved travel or professional development.
- 6.19. The daily limit for accommodation and meal expenses within Australia will be \$450 per day per councillor.
- 6.20. The daily limits for accommodation and meal expenses outside Australia will be determined in advance by resolution of Council when approving such travel.

Refreshments for council related meetings

- 6.21. Appropriate refreshments will be available for council meetings, council committee meetings, councillor briefings, approved meetings and engagements, and official council functions as approved by the general manager.
- 6.22. As an indicative guide for the standard of refreshments to be provided at council related meetings, the general manager must be mindful of the provisions of clause 6.18.

Professional development

- 6.23. Council will set aside \$6,000 per councillor and \$9,000 for the Mayor annually in its budget to facilitate professional development of councillors through programs, training, education courses, conferences and membership of professional bodies.
- 6.24. In the first year of a new council term, Council will provide a comprehensive induction program for all councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 6.25. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the councillor's civic duties, the councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 6.26. Approval for professional development activities other than conference attendance approved by resolution of council is subject to a prior written request to the general manager outlining the:
 - details of the proposed professional development
 - relevance to council priorities and business
 - relevance to the exercise of the councillor's civic duties.

COUNCILLOR EXPENSES AND FACILITIES POLICY (Cont.)

- 6.27. In assessing a councillor request for a professional development activity, the general manager must consider the factors set out in Clause 6.25, as well as the cost of the professional development in relation to the councillor's funding allocation.
- 6.28. Approval to attend a conference except for Voting Delegates to the LGNSW Annual Conference and ALGA National General Assembly refer to Clause 6.29 is subject to a prior written request to the General Manager. In assessing a councillor request, consideration must be given to factors including the:
- relevance of the topics and presenters to current council priorities and business and the exercise of the councillor's civic duties
 - cost of the conference in relation to the total remaining Councillor funding allocation.
- 6.29. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with approved attendance at conferences. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for meals not included in the conference fees will be subject to Clauses 6.18-6.19.
- 6.30. Council will provide an annual allocation of \$20,000 to enable attendance of voting delegates at the LGNSW Annual Conference and ALGA National General Assembly. Voting delegates attending will be determined by council resolution. Non voting delegates can be approved by the general manager based on consideration of the factors in Clause 6.27.

Information and communications technology (ICT) equipment and expenses

- 6.31. Mayor and councillors will be provided with:
- A laptop with internet connectivity for the purpose of communication with council and for council related business.
 - A colour multifunction printer
- 6.32. Councillors will be responsible for the provision of their own mobile and landline phone connection.
- 6.33. Council will reimburse councillors for expenses associated with appropriate ICT devices and services up to the following limits:
- | | | |
|--------------|---|-----------------|
| • Mayor | - | \$200 per month |
| • Councillor | - | \$200 per month |
- This may include monthly rental of landline phone connections, council-related business calls on landline phones, a mobile phone, mobile phone and tablet services and data, and home internet costs.
- 6.34. Councillor use of internet and email on the provided tablet must be consistent with Council's internet and email protocols.
- 6.35. Councillors may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as a councillor, within the maximum limit.

Special requirement and carer expenses

- 6.36. Council encourages wide participation and interest in civic office. It will seek to ensure council premises and associated facilities are accessible, including provision for sight or hearing impaired councillors and those with other disabilities.
- 6.37. Transportation provisions outlined in this policy will also assist councillors who may be unable to drive a vehicle.

COUNCILLOR EXPENSES AND FACILITIES POLICY (Cont.)

- 6.38. In addition to the provisions above, the general manager may authorise the provision of reasonable additional facilities and expenses in order to allow a councillor with a disability to perform their civic duties.
- 6.39. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses of \$35.00 per hour up to a maximum of \$6,000 per annum for attendance at official business, plus reasonable travel from the principal place of residence.
- 6.40. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.41. In the event of caring for an adult person, councillors will need to provide suitable evidence to the general manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

Corporate Wardrobe

- 6.42. Council will reimburse councillors the amounts below towards purchase of corporate wardrobe.
- | | | |
|------------|---|--|
| Mayor | - | \$595 .00 per financial year (incl. GST) |
| Councillor | - | \$485 .00 per financial year (incl. GST) |
- 6.43. The balance of any cost of corporate wardrobe will be met by the councillor.
- 6.44. Corporate wardrobe refers to clothing sourced from Council's corporate wardrobe supplier. Items of clothing sourced from retail suppliers may, at the discretion of the General Manager, constitute corporate wardrobe provided the General Manager is satisfied such clothing meets Council's corporate branding requirements.

7. Sitting Fees

- 7.1. Councillors may be appointed to sit on Boards of Management, Advisory Committees or Regional Panels as part of their duties as a councillor.
- 7.2. Councillors appointed to a Regional Planning Panel (the Hunter and Central Coast Regional Planning Panel):
- a) Council will pay up to the amount indicated in the expenses table of this policy for remuneration for Councillor attendance in accordance with advice from the Department of Planning and Environment.
 - b) The meeting rate in the expenses table of this policy is inclusive of all work a panel member does for a meeting, including preparation, site visits, the meeting itself and any deliberation and voting by the panel on matters considered at the meeting once the meeting is closed.
 - c) The hourly rate included the expenses table of this policy applies to any business such as electronic determinations that the panel conducts that is not connected to one of its meetings.

8. Insurances

- 8.1. In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.
- 8.2. Insurance protection is only provided if a claim arises out of or in connection with the councillor's performance of his or her civic duties, or exercise of his or her functions as a councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 8.3. Council shall pay the insurance policy excess in respect of any claim accepted by council's insurers, whether defended or not.

COUNCILLOR EXPENSES AND FACILITIES POLICY (Cont.)

- 8.4. Appropriate travel insurances will be provided for any councillors travelling on approved interstate and overseas travel on council business.
- 8.5. Council will meet the cost of loss or damage (subject to the provisions below) to a motor vehicle owned by a Councillor (including joint ownership with a partner/spouse of the Councillor) whilst such motor vehicle is being used by the Councillor attending meetings of the Council or a Committee of the Council. Where a Councillor is in attendance at any function or conference and Council has authorised the attendance of the Councillor by resolution, the provisions of this clause will apply; provided that:
- Councillors maintain a current comprehensive insurance policy on their motor vehicle to a value commensurate with the 'market value' or 'agreed insurance value' of the motor vehicle, then Council will pay a Councillor compensation for any amount not paid by the motor vehicle insurer for loss or damage up to the 'market value' or 'agreed insurance value' of the motor vehicle. Generally this will be the amount of any unrecoverable insurance policy excess
 - The motor vehicle covered by this policy must have been under the control of the Councillor at the time of the loss or damage or where another licenced driver is operating the vehicle with the Councillor's consent and the Councillor is in the vehicle at the time of the loss or damage
 - Details of the loss or damage and the circumstances that gave rise to the loss or damage must be reported to the General Manager as soon as possible
- 8.6. Council will meet the cost of a hire vehicle, of similar type and size, to replace a Councillor's motor vehicle, while such motor vehicle is unusable due to loss or damage (which complies with the criteria above) until the Councillor receives delivery of his/her repaired or replacement motor vehicle. This benefit will be paid for a maximum period of three (3) weeks. Any request for an extension to this period of time will be considered and determined by the General Manager.

9. Legal Assistance

- 9.1. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
- a councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the councillor
 - a councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the councillor
 - a councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the councillor.
- 9.2. In the case of a code of conduct complaint made against a councillor, legal costs will only be met by Council where the matter has been referred by the general manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the councillor.
- 9.3. Legal expenses incurred in relation to proceedings arising out of the performance by a councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a councillor acted corruptly would not be covered by this section.

COUNCILLOR EXPENSES AND FACILITIES POLICY (Cont.)

9.4. Council will not meet the legal costs:

- of legal proceedings initiated by a councillor under any circumstances
- of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
- for legal proceedings that do not involve a councillor performing their role as a councillor.

9.5. Reimbursement of reasonable legal expenses must be approved by resolution at a council.

Part C – Facilities**10. General Facilities for all Councillors****Facilities**

10.1. Council will provide the following facilities to councillors to assist in the discharge their civic duties:

- A Councillors Room appropriately furnished and will include telephone and resources to enable Councillors to discharge the councillor's functions of civil office. Access to the office will be available during normal office hours or as approved by the Office of the General Manager outside normal office hours.
- access to shared car parking spaces while attending council offices on official business
- personal protective equipment for use during site visits
- a name badge which may be worn at official functions, indicating that the wearer holds the office of a councillor and/or mayor or deputy mayor.

10.2. Councillors may book up to 4 meetings per financial year in other council facilities/meeting rooms for council business. Bookings are to be made through the Office of the General Manager and will be subject to availability.

10.3. If a councillor requires the use of a non-council facility for council business, this must be approved by the Office of General Manager and booked by the councillor who may then seek reimbursement from council up to a maximum of \$200 per financial year.

Stationary

10.4. Council will provide the following stationery to councillors each year:

- 'Councillors Room' letterhead, to be used only for correspondence associated with civic duties
- Electronic councillor letterhead templates for correspondence associated with civic duties including replying to citizens
- Business cards (maximum of 500 per annum)
- A maximum of two (2) full sets of toner/ink cartridges (includes magenta, yellow, cyan and black) and an additional two (2) black toner/ink cartridges
- Use of council photocopiers, phones, computers in undertaking council business
- Other reasonable stationary requests to be used for council business.

Administrative Support

10.5. Council will provide administrative facilities through the Office of the General Manager for councillors to assist them with their duties including postage of correspondence and printing of documents.

10.6. As per Section 4, council staff are expected to assist councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

COUNCILLOR EXPENSES AND FACILITIES POLICY (Cont.)

11. Additional Facilities for the Mayor

- 11.1. Council will provide to the mayor a fully maintained vehicle. The vehicle will be supplied for use on business, professional development and attendance at the mayor's office, and for reasonable private use. Any fuel costs associated with interstate travel are to be paid for by the Mayor and such interstate travel notified to the General Manager.
- 11.2. A parking space at Council's offices will be reserved for the mayor's council-issued vehicle for use at all times.
- 11.3. Council will provide the mayor with a furnished office incorporating a computer configured to council's standard operating environment, telephone and meeting space.
- 11.4. When deputising the mayor, the deputy mayor will be provided with reasonable access to and use of the facilities provided by the mayor under this policy. Any expenses incurred during this time related to the use of facilities will be deducted from the mayors budget.
- 11.5. Staff for the mayor as determined by the general manager in consultation with the mayor (as consistent with the Delegations of Authority).
- 11.6. Business cards (maximum of 500 per annum)
- 11.7. Mayoral robes and chains.

Part D – Processes**12. Approval, Payment and Reimbursement Arrangements**

- 12.1. Expenses should only be incurred by councillors in accordance with the provisions of this policy.
- 12.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained wherever possible before the expense is incurred.
- 12.3. Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
 - local travel relating to the conduct of official business
 - carer costs
 - Mobile and internet costs
- 12.4. Final approval for payments made under this policy will be granted by the general manager or their delegate.

Reimbursement

- 12.5. All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the Office of the General Manager within three (3) months of the expense being incurred.
- 12.6. All claims for reimbursement will not be processed without the appropriate supporting documentation or information such as receipts and/or tax invoices, committee meeting details etc. which allow for the claim to be assessed and processed.
- 12.7. If a Councillor is not able to provide the appropriate supporting documents a statutory declaration explaining the calculation of the claim is required.
- 12.8. All claims for reimbursement will be assessed and processed, with payment being made in accordance with Councils financial processing timelines.

Advance payment

COUNCILLOR EXPENSES AND FACILITIES POLICY (Cont.)

- 12.9. Council may pay a cash advance for councillors attending approved conferences, seminars or professional development.
- 12.10. Requests for advance payment must be submitted to the Office of the General Manager for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 12.11. Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to council:
- a full reconciliation of all expenses including appropriate receipts and/or tax invoices
 - reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

- 12.12. When a claim is approved, council will make payment by electronic funds transferred to the financial institution and account nominated by the Councillor.
- 12.13. If a claim is refused, council will inform the councillor in writing that the claim has been refused and the reason for the refusal.

Reimbursement to council

- 12.14. If council has incurred an expense on behalf of a councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
- council will invoice the councillor for the expense
 - the councillor will reimburse council for that expense within 14 days of the invoice date.
- 12.15. If the councillor cannot reimburse council within 14 days of the invoice date, they are to submit a written explanation to the general manager. The general manager may elect to deduct the amount from the councillor's allowance.

Timeframe for reimbursement

- 12.16. Unless otherwise specified in this policy, councillors must provide all claims for reimbursement within three (3) months of an expense being incurred. Claims made after this time cannot be approved.

13. Disputes

- 13.1. If a councillor disputes a determination under this policy, the councillor should discuss the matter with the general manager.
- 13.2. If the councillor and the general manager cannot resolve the dispute, the councillor may submit a notice of motion to a council meeting seeking to have the dispute resolved.

14. Return or retention of facilities

- 14.1. All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a councillor or mayor ceasing to hold office or at the cessation of their civic duties.
- 14.2. Should a councillor desire to keep any equipment allocated by council, then this policy enables the councillor to make application to the general manager to purchase any such equipment. The general manager will determine an agreed fair market price or written down value for the item of equipment.
- 14.3. The prices for all equipment purchased by councillors under Clause 13.2 will be recorded in Council's annual report.

15. Publication

- 15.1. This policy will be published on council's website.

COUNCILLOR EXPENSES AND FACILITIES POLICY (Cont.)**16. Reporting**

- 16.1. Council will report on the provision of expenses and facilities to councillors as required in the Act and Regulations.
- 16.2. Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every six months and published in full on council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

17. Auditing

- 17.1. The operation of this policy, including claims made under the policy, will be included in council's audit program and an internal audit undertaken periodically under Council's Annual Internal Audit plan.

18. Breaches

- 18.1. Suspected breaches of this policy are to be reported to the general manager.
- 18.2. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the administration of the Code.

19. Patron of Organisation

- 19.1. Where the Mayor is patron of any organisation, Council will donate up to \$50 per year to the organisation.
- 19.2. Where a Councillor wishes to attend a ticketed local community function (including an accompanying person) approval will be sought from the General Manager. An amount of \$500 per year is available to support official attendance at such events.

20. Accompanying persons reimbursement

- 20.1. For a person accompanying a councillor on official business, written approval must first be obtained from the General Manager. Council will provide limited reimbursement for reasonable costs for the accompanying person in accordance with Office of Local Government guidelines. Costs must not exceed \$1000 per year per councillor.

COUNCILLOR EXPENSES AND FACILITIES POLICY (Cont.)

Policy Definitions

The following definitions apply throughout this policy.

Accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a councillor
Appropriate refreshments	Means food and beverages, excluding alcohol, provided by council to support councillors undertaking official business
Act	Means the <i>Local Government Act 1993</i> (NSW)
Clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of council who is not suspended, including the mayor
General Manager	Means the general manager of Council and includes their delegate or authorised representative
Incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
Long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
Maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1
NSW	New South Wales
Official business	Means functions that the mayor or councillors are required or invited to attend to fulfil their legislated role and responsibilities for council or result in a direct benefit for council and/or for the local government area, and includes: <ul style="list-style-type: none"> • meetings of council and committees of the whole • meetings of committees facilitated by council • civic receptions hosted or sponsored by council • meetings, functions, workshops and other events to which attendance by a councillor has been requested or approved by council
Professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a councillor or the mayor
Regulation	Means the Local Government (General) Regulation 2005 (NSW)
Year	Means the financial year, that is the 12 month period commencing on 1 July each year

COUNCILLOR EXPENSES AND FACILITIES POLICY (Cont.)

Policy Administration

Business Group:	Office of the General Manager
Responsible Officer:	Team Leader OGM
Council Reference:	Ordinary Council Meeting 10 December 2024
Policy Review Date:	Within 12 months of start of each term
File Number:	35/1 & 35/7
Relevant Legislation & Guidance	<ul style="list-style-type: none"> • NSW Local Government Act 1993 - Sections 252 – 254 • Local Government Regulation 2005 – Clause 403 • Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009 • Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities • Local Government Circular 05-08 legal assistance for Councillors and Council Employees.
Related Policies / Procedures / Protocols	<ul style="list-style-type: none"> • Code of Conduct • Provision of Information and Interaction between Councillors and Staff

Policy History

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1	1/8/1995	New policy adopted
2	13/5/1997	Periodic review
3	21/9/1999	Update of expense provisions
4	25/1/2000	Periodic Review
5	28/5/2002	Update of expense amounts.
6	26/8/2003	Update to provisions for conferences and training
7	22/6/2004	Annual review
8	24/8/2004	Changes to internet provisions
9	25/1/2005	Removal of 'Partners Conferences Expenses' after advice from DLG
10	22/3/2005	Amendment to insurance provisions

COUNCILLOR EXPENSES AND FACILITIES POLICY (Cont.)

11	28/6/2005	Update to provisions of community facilities
12	22/11/2005	Annual review
13	28/11/2006	Annual review
14	11/9/2007	Clarification of internet expense provisions
15	27/1/2009	Annual review
16	24/3/2009	Changes to phone expenses
17	8/12/2009	Annual review – no changes made
18	23/11/2010	Revised Guidelines from DLG
19	13/12/2011	Annual review
20	11/12/2012	Annual Review
21	22/10/2013	Annual Review – Clarification of wording to prevent misinterpretation
22	23/09/2014	Annual Review
23	27/10/2015	Annual Review
24	28/08/2018	Reviewed in accordance with the template provided by OLG
25	27/11/2018	Addition of clause 6.24 to clarify operation of corporate wardrobe clauses
26	27/09/2022	Adjustment of various limits, introduction of delegate allowance, approval to attend conferences by the general manager and other minor adjustments.
27	10/12/2024	Adjustment in the daily accommodation and meals allowance, addition of the Joint Regional Planning Panel meeting fees, inclusion of the use of Council pool vehicle as alternate transport, amendment of the facilities for the mayor and clarification on the reimbursement of claims process.

11 City Planning

11.1 DA/2024/249 for Multi Dwelling Housing (21 Dwellings) and 22 Lot Community Title Subdivision at 39 & 41 Fairfax Street Rutherford

FILE NO: DA/2024/249

ATTACHMENTS:

1. Locality Plan
2. Development Plans (Under Separate Cover)
3. Assessment Report (Under Separate Cover)
4. Recommended Conditions of Consent (Under Separate Cover)
5. Submissions

RESPONSIBLE OFFICER: Director City Planning
Manager Development & Compliance
Coordinator Planning & Development

AUTHOR: Senior Development Planner

APPLICANT: Pmando Holdings Pty Ltd

OWNER: Tyton Landscape Supplies Pty Ltd

PROPOSAL: Multi Dwelling Housing (21 Dwellings) and 22 Lot Community Title Subdivision.

LOCATION: 39 & 41 Fairfax Street RUTHERFORD NSW 2320

ZONE: R1 General Residential

EXECUTIVE SUMMARY

*A development application (DA/2024/249) has been received seeking consent for Multi Dwelling Housing (21 Dwellings) and 22 Lot Community Title Subdivision at 39 & 41 Fairfax Street Rutherford (Lots 10 & 11 DP809354). The locality plan can be viewed at **Attachment 1**.*

The matter is reported to Council in accordance with the 'Delegations of Authority' for the General Manager, Section 3(b)(iii), due to the estimated cost of works exceeding \$5,000,000. The cost of works summary submitted with the application nominates the estimated cost of works for the development as \$14,300,000.

The application was notified from 10 April 2024 to 24 April 2024. Two (2) submissions were received during the exhibition period. The concerns raised by the objectors in respect to the proposed development include stormwater management, overshadowing, noise pollution, access and traffic impacts, security and crime risk, construction impacts and garbage collection.

The development is located within a site suitably zoned for multi dwelling housing and is of a size able to cater for such development. The development offers diverse housing options to meet community needs in a contemporary built form utilising materials and colours

DA/2024/249 FOR MULTI DWELLING HOUSING (21 DWELLINGS) AND 22 LOT COMMUNITY TITLE SUBDIVISION AT 39 & 41 FAIRFAX STREET RUTHERFORD (Cont.)

complementary to the established built character of the area. The proposal is expected to have a positive social and economic impact, with no adverse environmental impacts anticipated. The proposal is generally consistent with the requirements of all relevant sections of Maitland LEP 2011 and Maitland DCP 2011.

The application has been assessed against the relevant heads of consideration under Section 4.15(1) in the Environmental Planning and Assessment Act 1979 and considered to be satisfactory subject to the imposition of conditions.

OFFICER'S RECOMMENDATION

THAT

- 1. DA 2024/249 for Multi Dwelling Housing (21 Dwellings) and 22 Lot Community Title Subdivision at 39 & 41 Fairfax Street RUTHERFORD is approved subject to the recommended schedule of conditions provided in Attachment 4 of this report**

INTRODUCTION

The purpose of this report is to seek consent from Council for DA 2024/249 proposing Multi Dwelling Housing (21 Dwellings) and 22 Lot Community Title Subdivision. The development plans can be viewed within **Attachment 2** of this report. The application is reported to Council as the cost of works for the proposed development nominated at \$14,300,000 exceed the delegations afforded to Council officers and two (2) submissions of objection being received. A detailed assessment in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* is provided within **Attachment 3**.

Site Description

The sites are two allotments known as 39 & 41 Fairfax Street Rutherford and have legal description of Lots 10 & 11 in Deposited Plan 809354. The sites are irregular in shape and have a combined total area of 9,328.9m². The sites are accessed via a combined 12m wide access handle located along the eastern side of Fairfax Street. The allotments are zoned R1 General Residential and with not being mapped as containing any site constraints. The location of the allotments are represented in Figure 1 below.

There are no existing improvements located on either site besides an existing concrete driveway within the access handle which currently provides access to a neighbouring property (43 Fairfax Street). Several shrubs and small trees are scattered across the site with one large gum tree located at the southern part of Lot 10. The remaining land is predominately unkept grass.

DA/2024/249 FOR MULTI DWELLING HOUSING (21 DWELLINGS) AND 22 LOT COMMUNITY TITLE SUBDIVISION AT 39 & 41 FAIRFAX STREET RUTHERFORD (Cont.)

The site sloped from the eastern boundary down towards the Fairfax Street frontage with a cross-fall of approximately 24m. Due to the topography of the locality, the site is visually prominent from various vantage points including the New England Highway.



Figure 1: aerial photograph of the site and locality

Proposal

The proposal involves the erection of multi dwelling housing consisting of 21 dwellings and 22 lot community title subdivision. The particulars of the development include:

- Erection of 21 dwellings comprising of the following:

Unit Number	Building Format	Room Configuration	Car Parking
1 to 7, 18 & 19	Two-storey, detached	Two bedrooms, two bathrooms, open plan living kitchen, separate laundry	Two car garage
8 to 10	Two-storey, detached	Three bedrooms, two bathrooms, open plan living kitchen, garage-integrated laundry, secondary living room	Single car garage, stacked parking
11	Two-storey, detached	Four bedrooms, two bathrooms, open plan living kitchen, separate laundry, secondary living room	Two car garage

DA/2024/249 FOR MULTI DWELLING HOUSING (21 DWELLINGS) AND 22 LOT COMMUNITY TITLE SUBDIVISION AT 39 & 41 FAIRFAX STREET RUTHERFORD (Cont.)

12 to 17	Two-storey, detached	Three bedrooms, two bathrooms, open plan living kitchen, separate laundry, secondary living room	Two car garage
20	Single storey, detached (accessible)	Three bedroom, two bathrooms, open plan living kitchen, separate laundry	Two car garage
21	Single storey, detached (accessible)	Three bedroom, two bathrooms, open plan living kitchen, separate laundry	Two car garage

- Construction of new private road including new driveway crossover to Fairfax Street, caravan storage area and visitor parking.
- New stormwater drainage infrastructure including removing an existing pipe intersecting the site and installing new stormwater pipes within the existing stormwater drainage easement, installation of grated pits within all proposed lots and within the proposed road infrastructure, new on-site detention basin within the proposed driveway and new kerb inlet pits within the Fairfax Road reserve.
- Bulk earthworks across the site to facilitate adequate road grades and building pads.
- Communal open space facilities at the centre of the site containing playground, bench seating and tables.
- Comprehensive landscaping across the entirety of the site with screen planting proposed along the perimeter of the site.
- 22 lot community title subdivision comprising 21 community title allotments ranging in size from 210m² to 500m² and the association lot containing the private road, visitor parking and communal open space.

DA/2024/249 FOR MULTI DWELLING HOUSING (21 DWELLINGS) AND 22 LOT COMMUNITY TITLE SUBDIVISION AT 39 & 41 FAIRFAX STREET RUTHERFORD (Cont.)

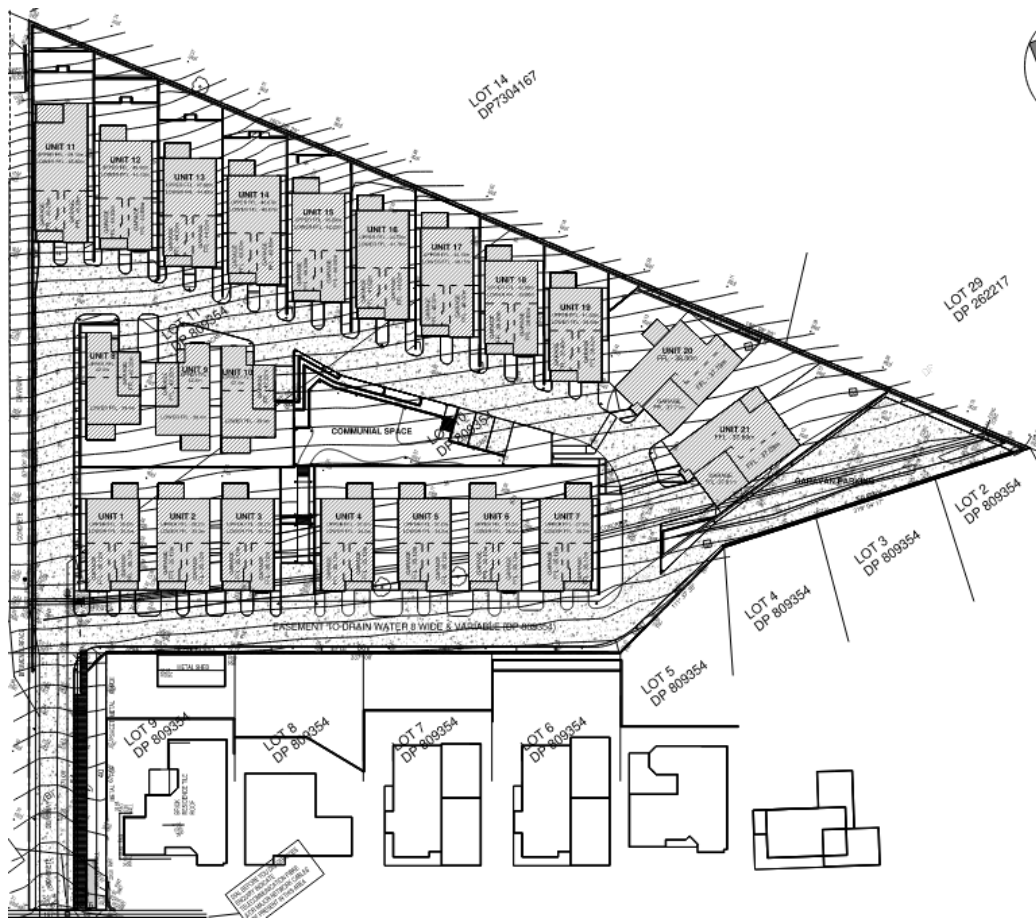


Figure 2: site plan



Figure 3: photomontage looking south across the site

DA/2024/249 FOR MULTI DWELLING HOUSING (21 DWELLINGS) AND 22 LOT COMMUNITY TITLE SUBDIVISION AT 39 & 41 FAIRFAX STREET RUTHERFORD (Cont.)



Figure 4: photomontage looking east across the site

KEY ISSUES

The key issues of relevance to this Council report have been provided below. A detailed assessment of the Development Application is provided in **Attachment 3** – Assessment Report.

PUBLIC SUBMISSIONS

The application was placed on public exhibition for a period of 14 days from 10 April 2024 to 24 April 2024 in accordance with the legislative requirements. During this time two (2) submissions were received. A detailed response to the submissions provided in the Assessment report found in **Attachment 3**. A copy of the submissions are provided in **Attachment 5**.

A response to the issues raised in the submission are outlined below:

Drainage

Civil engineering plans and supporting documentation submitted with the application demonstrate that stormwater flows from road network and dwellings will be directed to several pits across the site and directed to a large OSD basin within the driveway before being discharged onto Fairfax Street. The post-development discharge rates are maintained at the pre-development discharge rates. Requirements regarding water quantity and discharge controls are conditioned.

Overshadowing

Overshadowing diagrams have been provided as part of the supporting documentation which demonstrates that existing surrounding dwellings along Fairfax Street retain more than three (3) hours direct sunlight to adjoining private open spaces during the winter solstice. The worst affected time being 9am, however, rear yards are almost wholly out of shadow by 10am, refer to Figure 5 below.

DA/2024/249 FOR MULTI DWELLING HOUSING (21 DWELLINGS) AND 22 LOT COMMUNITY TITLE SUBDIVISION AT 39 & 41 FAIRFAX STREET RUTHERFORD (Cont.)

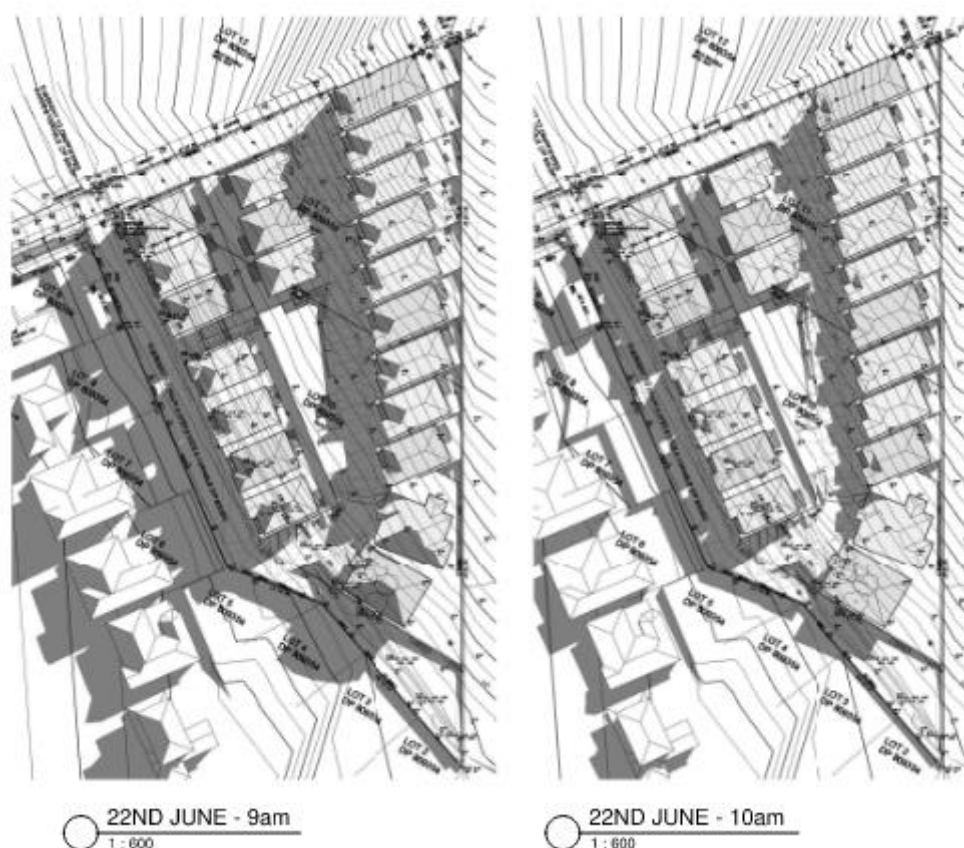


Figure 5: overshadowing diagrams

The overshadowing as a result of this development is negligible and can be supported.

Security and crime risk

The development is considered to adequately address the Crime Prevention Through Environmental Design (CPTED) principles required by Maitland DCP 2011. The development provides passive surveillance to the internal access road with windows and open spaces allowing for good natural surveillance toward public spaces. Territorial reinforcement is achieved through the use of fencing and landscaping to delineate from the public and private areas. Entrances of the dwellings are well defined and easily accessible from the access road. It is unlikely a development of this nature will increase crime and safety risk.

Noise pollution

Additional residential noise is an expected and acceptable environmental impact in an established residential area. The proposed dwellings 1 to 7 are set back more than 9m from the rear boundaries of the properties along Fairfax Street, ensuring adequate separation to limit any potential privacy and noise impacts. Solid boundary fencing and screen planting, which are provided, will also help in noise attenuation.

DA/2024/249 FOR MULTI DWELLING HOUSING (21 DWELLINGS) AND 22 LOT COMMUNITY TITLE SUBDIVISION AT 39 & 41 FAIRFAX STREET RUTHERFORD (Cont.)

Loss of wildlife

Standard conditions for tree removal will ensure that if trees containing habitat are found are relocated to an appropriate habitat tree within the locality. Any undetected fauna injured as a result of the felling will be conditioned to be collected and forwarded to WIRES (or the like).

Increase in traffic

The proposed development includes widening of the existing driveway and crossover to 6m to allow two-way traffic to enter and exit from Fairfax Street. This will prevent queuing along Fairfax Street. The proposal has been supported by a traffic impact assessment (TIA) (*SECA Solution, 14/12/2023*) which has assessed the road hierarchy of the surrounding road network and current capacity as well as the capacity post-development. The TIA concludes that the existing road network has satisfactory capacity to absorb any additional traffic generated from the proposal and the traffic impacts negligible.

Use of land as “lifestyle” blocks for single dwellings only

Both sites are burdened by a restriction as to user applicable under Section 88b the *Conveyancing Act* on DP809354 which limits development on the site to single dwellings only. However, under clause 1.9A of Maitland LEP 2011, Council can suspend covenants or restrictions not imposed by the Council or required under relevant legislation listed under 1.9A(2).

As the restriction is developer-imposed, and multi-dwelling housing developments are permissible with consent in the R1 zone, and the restriction is neither imposed by the Council nor required by any legislation or planning agreement, the Council has the authority to suspend the restriction and approve the proposed development accordingly.

Damage to property during construction

Standard conditions have been included in the development consent to manage the impact of water run-off, sediment and erosion during site preparation and construction works. A pre- and post-dilapidation report will also be required.

Garbage collection

The site is to be serviced by a private contractor with waste bins to be collected from within to site to minimise impact on Fairfax Street.

All submissions received have been considered, and as such concerns raised in the submissions do not warrant the refusal of the application in its current form or necessitate any further amendments.

The proposed development has been found to be consistent with required outcomes of all relevant controls of Maitland LEP 2011 and Maitland DCP 2011 as discussed in detailed under **Attachment 3 – Assessment Report**.

DA/2024/249 FOR MULTI DWELLING HOUSING (21 DWELLINGS) AND 22 LOT COMMUNITY TITLE SUBDIVISION
AT 39 & 41 FAIRFAX STREET RUTHERFORD (Cont.)

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

Statutory implications relating to assessment of the subject application have been addressed in the body of the report under **Attachment 3**.

CONCLUSION

An assessment of the application has been undertaken against Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and is provided under **Attachment 3**. The proposed development is considered acceptable in terms of the relevant matters for consideration under the Act and the development application is recommended for approval subject to the recommended conditions of consent provided under **Attachment 4**.

DA/2024/249 FOR MULTI DWELLING HOUSING (21 DWELLINGS) AND 22 LOT COMMUNITY TITLE SUBDIVISION
AT 39 & 41 FAIRFAX STREET RUTHERFORD (Cont.)

City Planning

DA/2024/249 For Multi Dwelling Housing (21 Dwellings) and 22 Lot Community Title Subdivision at 39 & 41 Fairfax Street Rutherford

Locality Plan

Meeting Date: 10 December 2024

Attachment No: 1

Number of Pages: 1

DA/2024/249 FOR MULTI DWELLING HOUSING (21 DWELLINGS) AND 22 LOT COMMUNITY TITLE SUBDIVISION AT 39 & 41 FAIRFAX STREET RUTHERFORD (Cont.)



Printed: 1/11/2024

DA/2024/249 FOR MULTI DWELLING HOUSING (21 DWELLINGS) AND 22 LOT COMMUNITY TITLE SUBDIVISION AT 39 & 41 FAIRFAX STREET RUTHERFORD (Cont.)

City Planning

DA/2024/249 For Multi Dwelling Housing (21 Dwellings) and 22 Lot Community Title Subdivision at 39 & 41 Fairfax Street Rutherford

Submissions

Meeting Date: 10 December 2024

Attachment No: 5

Number of Pages: 2

DA/2024/249 FOR MULTI DWELLING HOUSING (21 DWELLINGS) AND 22 LOT COMMUNITY TITLE SUBDIVISION AT 39 & 41 FAIRFAX STREET RUTHERFORD (Cont.)

Ref Number: DA/2024/249

[REDACTED]
Tue 4/23/2024 4:27 PM

To:Maitland City Council <info@maitland.nsw.gov.au>

Dear Support Officer,
Planning Environment & Lifestyle

We received a letter regarding an application to build 21 Dwelling Houses at 39 & 41 Fairfax St Rutherford. Reference number DA/2024/249.

We live at [REDACTED]. This proposal has 21 buildings with double garages plus caravan parking. That means there will be over 40 vehicles sharing 1 driveway, plus deliveries, friends, etc. We already get stuck because there is a Bus Stop at the end of the driveway, which blocks the driveway when a bus is there, so adding all these extra vehicles will not work with 1 driveway.

We were told when we bought the property that these were Lifestyle Blocks and only 1 dwelling was allowed per block. We are also on a rock ledge and are concerned that this much development will cause damage to our house.

Our other concerns are where would they put 21 garbage bins and 21 letterboxes.

We hope you take our concerns into consideration and I am happy to discuss my concerns. My phone number is [REDACTED]

Regards [REDACTED]

DA/2024/249 FOR MULTI DWELLING HOUSING (21 DWELLINGS) AND 22 LOT COMMUNITY TITLE SUBDIVISION AT 39 & 41 FAIRFAX STREET RUTHERFORD (Cont.)

[REDACTED]

From: [REDACTED]
Sent: Friday, 24 May 2024 11:17 AM
To: Maitland City Council
Subject: Opposition to development of 39-41 Fairfax street

To whom it may concern

My name is [REDACTED] and we live at [REDACTED].

This email is notify you of my submission in opposition of the development of 39-41 Fairfax street, 22 lot community title subdivision and construction. The following are my reasons of opposed to development of Fairfax street:

1. Drainage and water run concerns into our property
2. Privacy concerns as the proposed houses will be looking straight into our backyard and into house 3.
3. Significantly reducing natural lighting and sunlight hours for our property
4. Security concerns that can alter impact the demographic of the area
5. Decrease in the value of our property and area
6. Disruptions with increase noise and environment pollution.
7. Lost of wildlife habitat.
8. Increase traffic on Fairfax street, which will impact residents, school children & young family's in particular.

1

Regards

[REDACTED]

2

11.2 DA/2022/1394 for Mixed Use Development Including Commercial Premises with Retail Premises, Pub and Signage at 93 Springfield Drive Lochinvar

FILE NO:	DA2022/1394
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Locality Plan 2. Development Plans (Under Separate Cover) 3. Assessment Report (Under Separate Cover) 4. Recommended Conditions of Consent (Under Separate Cover) 5. Submissions
RESPONSIBLE OFFICER:	Director City Planning Manager Development & Compliance Coordinator Planning & Development Principal Planner
AUTHOR:	Senior Development Planner
APPLICANT:	GWH Build Developments Pty Ltd
OWNER:	Lochinvar Downs Pty Ltd
PROPOSAL:	Mixed Use Development Including Commercial Premises with Retail Premises, Pub and Signage
LOCATION:	Lot 267 DP 1271229, 93 Springfield Drive Lochinvar
ZONE:	E1 Local Centre Zone

EXECUTIVE SUMMARY

*The proposal seeks development consent for a Mixed Use Development including Commercial Premises with Retail Premises, Pub and Signage to be known as “Lochinvar Shopping Village” at 93 Springfield Drive Lochinvar (Lot 267 DP 1271229). The proposal seeks to stage the development in three stages. The locality plan can be viewed at **Attachment 1**.*

This Development Application (DA) is required to be reported to Council on the basis that the cost of works at \$29,255,928 exceeds Council Officer delegations. One objection was also received during the notification period relating to traffic congestion in Lochinvar.

The proposal also seeks to rely on Clause 4.6 ‘Exceptions to development standards’, of the Maitland Local Environmental Plan (MLEP) 2011 to vary the Height of Building development standard applicable to the site as well as seeks a reduction in the car parking requirements as outlined under the DCP.

While the proposal does provide some minor departures from the MLEP 2011 and MDCP 2011, the applicant has submitted justification addressing the departures. It is considered the identified impacts have been mitigated to the best extent practicable.

DA/2022/1394 FOR MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PREMISES WITH RETAIL PREMISES, PUB AND SIGNAGE AT 93 SPRINGFIELD DRIVE LOCHINVAR (Cont.)

Furthermore, the significant social and economic benefits of the proposal is acknowledged. The proposal has been assessed against the relevant matter under Section 4.15 of the Environmental Planning and Assessment Act 1979 (the Act) and on balance is considered satisfactory and can be supported with appropriate conditions.

OFFICER'S RECOMMENDATION

THAT

- 1. DA 2022/1394 for a Mixed Use Development Including Commercial Premises with Retail Premises, Pub and Signage on Lot 267 DP 1271229 be approved subject to the recommended schedule of conditions provided in Attachment 4 of this report.**

Introduction

The purpose of this report is to seek consent from Council for DA/2022/1394 proposing Mixed-Use Development Including Commercial Premises with Retail Premises, Pub and Signage. The development plans can be viewed within **Attachment 2** of this report. The application is reported to Council as the cost of works for the proposed development nominated a \$29,255,928 exceeds the delegations afforded to Council officers and the one (1) submission of objection being received. A detailed assessment in accordance with Section 4.15 of the Act is provided within **Attachment 3**.

Site Description

The site is known as 93 Springfield Drive Lochinvar NSW and has a legal description of Lot 267 DP 1271229. The site is zoned E1 Local Centre Zone under the MLEP and is rectangular in shape with a total area of 2.5 ha. The site is currently cleared vacant land with subdivision works being undertaken around it. The site has dual frontage to Springfield Drive and Robert Road. There is approximately a 6m fall across the site from east to west. DA/2024/441 for Earthworks has been approved (31/7/2024) on the subject site as a result of current subdivision works occurring within the Lochinvar Urban Release Area (URA).

The land to the west is currently identified as open space and a community facility for the Lochinvar URA. The land to the south obtained approval on the 12 June 2024 for a Centre Based Child Care Facility (DA2022/1398), which relies on the driveway entrance from this proposed development.

Construction of a local centre within the Lochinvar URA will serve a minimum of 5,000 dwellings, equating to over 16,000 persons based on the demographic profile of residents in the area. An aerial photograph of the site is provided below in Figure 1.

DA/2022/1394 FOR MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PREMISES WITH RETAIL PREMISES, PUB AND SIGNAGE AT 93 SPRINGFIELD DRIVE LOCHINVAR (Cont.)



Figure 1: Aerial photograph of the site and locality

Proposal

The proposal seeks development consent for a mixed-use development including commercial premises with retail premises, pub, signage and associated ancillary works such as earthworks, landscaping and car parking constructed in three stages. The development proposes the following staging:

- **Stage 1** - a 4,687m² retail premises for the purposes of a supermarket building including a 3170m² Supermarket with direct to boot services, retail premises (tenancies 1 to 5) and bottle shop. This building will incorporate an entry courtyard area with village common. Stage 1 would also include associated loading, storage, parking and circulation areas.
- **Stage 2** - a 2,329m² commercial building with the potential for different commercial tenancies, the plans show an indicative tenancy layout plan (four tenancies are shown on the plans). The layout will be determined once tenants are known (a future application could include retail premises, food and drink premises, health services or business premises etc.).

DA/2022/1394 FOR MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PREMISES WITH RETAIL PREMISES, PUB AND SIGNAGE AT 93 SPRINGFIELD DRIVE LOCHINVAR (Cont.)

- **Stage 3** - a 932m² Pub with dining, gaming, outdoor terrace and associated parking.
- Signage along all elevations.
- Associated infrastructure, site preparation, earthworks and retaining walls.
- Landscaping and public domain works including tree planting, paving and construction of driveways.
- All internal driveways and hard stand areas to accommodate loading and 319 car parking spaces.
- An on-site detention system which will be provided as a combination of below ground tanks and surface storage within the proposed carpark.
- The application includes a Clause 4.6 variation to vary the Height of Buildings (Clause 4.3 of the MLEP 2011), further detail is provided within this report.

Photomontages of the proposed development are provided below:



Figure 2: Entry to supermarket as viewed from Springfield Drive



Figure 3: Aerial view from the corner of Springfield Drive and Robert Road

DA/2022/1394 FOR MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PREMISES WITH RETAIL PREMISES, PUB AND SIGNAGE AT 93 SPRINGFIELD DRIVE LOCHINVAR (Cont.)

KEY ISSUES

The key issues of relevance to this Council report have been provided below. A detailed assessment of the Development Application is provided in **Attachment 3 – Assessment Report**.

Height of Buildings

The height of building control with the MLEP for the site is 8m. The overall height of the proposed building at its maximum is 12.1m, exceeding the control by 4.1m (51%), however this exceedance is located on the north-western extent of the site with a setback of 12m from the adjoining land identified as proposed open space (Local Playground) and Community Facility within the Contributions Plan.

When considering the buildings itself, the overall height is 9.7m, exceeding the control by 1.7m, this is largely due to the slope of the site in the northwestern corner (the loading dock entry and direct to boot parking).

Overall, the proposal is considered consistent with the objectives of Clause 4.3 as the building is considered to compliment the streetscape through its architectural design. The largest exceedances in height are within the north-western elevation. The building along this elevation is sufficiently setback from the boundary. The neighbouring land is the location for a proposed open space (Local Playground) and Community Facility outcome for the Lochinvar URA detailed in the s.7.11 plan for Lochinvar. Given its solar orientation, the height of the building is not considered to have an adverse impact on the amenity of the neighbouring property in terms of visual bulk, access to sunlight, privacy and views.

The exceedance is supported by a clause 4.6 variation request and the use of Clause 5.6 architectural roof features. Compliance with the development standard is considered to be unreasonable and unnecessary and there are sufficient grounds to justify variation to the development standard.

Interface with Adjoining Land to the West and South

Initial concerns were raised on the interface and relationship between the site and adjoining land to the west and south. The land to the west of the site is a proposed Local Playground and Community Facility for the Lochinvar Urban Release Area as detailed in the s.7.11 Contributions Plan for Lochinvar. The land to the south of the site is zoned residential land.

A number of discussions were held with the applicant and Council around the integration, connection and access between the site and the proposed public community facility. However, due to the size of the site and the site constraints it was determined the western boundary was the most logical location for the loading dock area as this location has lesser impacts than other frontages.

Pedestrian and bicycle links have been provided between the site and the land to the west. The loading dock includes a 2m wide landscaping strip along the boundary which provides sufficient space for screen plantings to soften the appearance and scale of the buildings.

DA/2022/1394 FOR MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PREMISES WITH RETAIL PREMISES, PUB AND SIGNAGE AT 93 SPRINGFIELD DRIVE LOCHINVAR (Cont.)

In terms of land to the south, concerns were initially raised on the building setbacks, bulk and scale. The cross sections of the interface demonstrate the bulk and scale of the southern elevation is moderate noting the single storey-built form (the height of buildings being 4.7m). This building height is consistent generally with the height of houses built on residential lots. Solar diagrams have also been submitted with the application demonstrating that adequate solar access can be achieved to each residential lot. A combination of articulation on the building walls, restrictions on the operating hours of the loading dock, noise attenuation measures, increased building setbacks and the proposed landscape treatment ensures the proposal is considered acceptable in terms of its amenity impacts.

Car Parking

A total of 319 car parking spaces are provided on the site, including 8 accessible spaces. Vehicle entrances are provided from both Robert Road and Springfield Drive. All car parking spaces are 5.5m by 2.6m, with 7m wide car parking aisles. When considering the DCP numerical standards the proposal requires 392 parking spaces meaning the proposal achieves 81% compliance. Under Chapter C.11 of the DCP, Council may, at its discretion, consider reducing car parking requirements where it can be demonstrated that a particular development generates its peak parking demand outside the hours of 9.00am to 6.00pm and is situated in business zoned areas where public car parking facilities are in close proximity. The extent of any reduction shall be determined having regard to the parking generation characteristics of the development and shall generally not exceed 70%.

The site is adjoining a bus stop and given the retail and commercial use will generally be between the hours of 9am-6pm, it can be assumed the peak demand for the pub will be outside those hours. The mixed uses peak demands will likely be staggered. Given the proximity of public transport, the direct to boot collection, rate of home delivery of groceries as well as the proximity of residences to the site, the deficiency of 19% of the parking spaces is considered acceptable and can be supported.

Operational Management

Matters such as construction management, trolley management and loading dock operations have all been assessed and are either satisfied by additional supporting information or adequately mitigated through conditions of consent.

PUBLIC SUBMISSION

The proposal was placed on public exhibition for a period of 14 days, in accordance with the legislative requirements. A total of one (1) submission was received during this period which raised a concern with the existing traffic congestion in the locality. A copy of the submission is 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**.

DA/2022/1394 FOR MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PREMISES WITH RETAIL PREMISES, PUB AND SIGNAGE AT 93 SPRINGFIELD DRIVE LOCHINVAR (Cont.)

FINANCIAL IMPLICATIONS

The proposal has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

Statutory implications relating to assessment of the subject application have been addressed in the body of the report under **Attachment 3**.

CONCLUSION

An assessment of the application has been undertaken against Section 4.15(1) of the Act is provided under **Attachment 3**. The proposed development is considered acceptable in terms of the relevant matters for consideration under the Act and the development application is recommended for approval.

DA/2022/1394 FOR MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PREMISES WITH RETAIL PREMISES, PUB AND SIGNAGE AT 93 SPRINGFIELD DRIVE LOCHINVAR (Cont.)

City Planning

DA/2022/1394 For Mixed Use Development including Commercial Premises with Retail Premises, Pub and Signage at 93 Springfield Drive Lochinvar

Locality Plan

Meeting Date: 10 December 2024

Attachment No: 1

Number of Pages: 1

DA/2022/1394 FOR MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PREMISES WITH RETAIL PREMISES, PUB AND SIGNAGE AT 93 SPRINGFIELD DRIVE LOCHINVAR (Cont.)



DA/2022/1394 FOR MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PREMISES WITH RETAIL PREMISES, PUB AND SIGNAGE AT 93 SPRINGFIELD DRIVE LOCHINVAR (Cont.)

City Planning

DA/2022/1394 For Mixed Use Development including Commercial Premises with Retail Premises, Pub and Signage at 93 Springfield Drive Lochinvar

Recommended Conditions of Consent (Under Separate Cover)

Meeting Date: 10 December 2024

Attachment No: 4

Number of Pages: 19

DA/2022/1394 FOR MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PREMISES WITH RETAIL PREMISES, PUB AND SIGNAGE AT 93 SPRINGFIELD DRIVE LOCHINVAR (Cont.)



RECOMMENDED CONDITIONS

Reason for Condition(s)

The following condition(s) have been applied to the development, subject of this consent, to ensure that the development meets the requirements of the NSW Environmental Planning and Assessment Act 1979, the NSW Environmental Planning and Assessment Regulation 2000, and the various policies and development controls of Maitland City Council and other government agencies relevant to the development being undertaken.

APPROVED PLANS AND DOCUMENTATION

1. The development shall be carried out in accordance with the stamped approved plans and documentation as detailed in the following schedule and any amendments arising through conditions to this consent or as shown in red colour on the plans:

Architectural Plans prepared by: GWH Project: Lochinvar Shopping Village			
Sheet Name	Drawing No.	Issue	Date
Overall Site Plan	A003	17	26/09/2024
Staging Plan	A005	17	26/09/2024
Stage 1	A006	17	26/09/2024
Stage 2	A007	17	26/09/2024
Stage 3	A008	17	26/09/2024
Site Plan - Levels	A009	17	26/09/2024
Retaining Wall & Cut & Fill Plan	A010	17	26/09/2024
Ground Floor Plan – Stage 1	A201	17	26/09/2024
First Floor Plan – Stage 1	A202	17	26/09/2024
Ground Floor Plan – Stage 2	A203	17	26/09/2024
Ground Floor Plan – Stage 1 & 2	A204	17	26/09/2024
Ground Floor Plan – Stage 3	A205	17	26/09/2024
Roof Plan – Stage 1	A2301	17	26/09/2024
Roof Plan – Stage 2	A302	17	26/09/2024

DA/2022/1394 FOR MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PREMISES WITH RETAIL PREMISES, PUB AND SIGNAGE AT 93 SPRINGFIELD DRIVE LOCHINVAR (Cont.)

Roof Plan – Stage 1 & 2	A303	17	26/09/2024
Roof Plan – Stage 3	A304	17	26/09/2024
Elevations – Stage 1	A401	17	26/09/2024
Elevations – Stage 2	A402	17	26/09/2024
Elevations – Stage 2	A403	17	26/09/2024
Sections – Stage 1	A405	18	29/10/2024
Sections – Stage 1 & 2	A406	18	29/10/2024
Sections – Stage 2	A407	18	29/10/2024
Site Stormwater Plan	CI-0200	F	06/10/2023
Drainage Details	CI-0340	E	06/10/2023
OSD Plan Section and Details	CI-0355	E	06/10/2023

Landscape Plans prepared by: Terras Landscape Architects; Project Number 14507.5			
Sheet Name	Drawing No.	Issue	Date
Key Diagram	L010	J	03/10/2024
Site Plan	L011	J	03/10/2024
Site Plan – Stage 1	L012	J	03/10/2024
Site Plan - Stage 2	L013	J	03/10/2024
Colour Concept	L014	J	03/10/2024
Elevations	L015	J	03/10/2024
Strata Vault System Detail	L016	J	03/10/2024
Landscape Plan 1	L101	J	03/10/2024
Landscape Plan 2	L102	J	03/10/2024
Landscape Plan 3	L103	J	03/10/2024
Landscape Plan 4	L104	J	03/10/2024
Landscape Plan 5	L105	J	03/10/2024
Landscape Plan 6	L106	J	03/10/2024
Landscape Plan 7	L107	J	03/10/2024

DA/2022/1394 FOR MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PREMISES WITH RETAIL PREMISES, PUB AND SIGNAGE AT 93 SPRINGFIELD DRIVE LOCHINVAR (Cont.)

Landscape Plan 8	L108	J	03/10/2024
Landscape Plan 9	L109	J	03/10/2024
Landscape Plan 10	L110	J	03/10/2024
Landscape Plan 11	L111	J	03/10/2024
Plant Palette 1	L201	J	03/10/2024
Plant Palette 2	L202	J	03/10/2024
Paver Palette	L203	J	03/10/2024

Documents		
CPTED Assessment	James Marshall & Co	November 2022
CPTED Addendum	James Marshall & Co	11 May 2023
Construction Management Plan	GWH	-
Clause 4.6 Variation Request	GWH	29/10/2024
Plan of Management – Operation, Alcohol and House Policy	-	June 2023
Shopping Centre Operational Management Plan	GWH	19/05/2023
Access Report	Lindsay Perry Access	1/12/2022
Noise Impact Assessment	Reverb Acoustics	March 2023
Traffic and Parking Assessment	Intersect Traffic	October 2023
Waste Minimization & Management Plan	GWH	25/01/2023

CONTRIBUTIONS & FEES

- Pursuant to Section S7.12 of the Environmental Planning and Assessment Act 1979 and the Maitland S94A Levy Contributions Plan 2006, a contribution of **\$292,559** shall be paid to the Council.

The above amount may be adjusted at the time of payment in accordance with the provisions of the Maitland S94A Levy Contributions Plan 2006. Any outstanding component of the contribution will be indexed bi-annually in accordance with the provisions of the abovementioned Development Contributions Plan. Reviewed rates will apply following release of CPI indices by the Australian Bureau of Statistics for June and December quarter.

Payment of the above amount is required **prior to issue of the Construction Certificate for Stage 1 of the development.**

DA/2022/1394 FOR MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PREMISES WITH RETAIL PREMISES, PUB AND SIGNAGE AT 93 SPRINGFIELD DRIVE LOCHINVAR (Cont.)

This condition has been applied to ensure that where the proposed development results in an increased demand for public amenities and services, payment towards the cost of providing these facilities/services is made in accordance with Council's adopted contributions plan and the provisions of section 7.12 of the Environmental Planning and Assessment Act, 1979.

CERTIFICATES

3. The applicant shall submit to Council a "Notice of Commencement" form at least two (2) days **prior to the commencement of construction works**.
4. **Prior to the commencement of works** an application for a Construction Certificate shall be submitted to, and be approved by, the Accredited Certifier.
5. **Prior to the issue of each Occupation Certificate** all relevant conditions of development consent shall be complied with.
6. **Prior to occupation of each building an Occupation Certificate** shall be issued by the Principal Certifying Authority.
7. **Prior to issue of the Construction Certificate**, a requirements letter for this development shall be obtained from Hunter Water Corporation and submitted to the Accredited Certifier.

STAGING OF DEVELOPMENT

8. The development is to be completed in numerical stages in accordance with the approved Staging Plan, prepared by GWH, A005, revision 17, dated 26/09/2024.

CARPARKING

9. For the subject application the required car parking has been assessed at a minimum of 319 spaces at the completion of the development. The 319 car parking spaces relates to on-site parking only (within the property boundaries), and includes all accessible parking spaces (8), EV parking spaces (2), parents parking (4) and 'Click and Collect Spaces' (4).

DRIVEWAY ACCESS

10. **Prior to the issue of the first Construction Certificate**, an approval under Section 138 of the Roads Act shall be obtained for the design and construction in accordance with relevant standards of the Robert Road and Springfield Drive accesses.
11. All parking bays shall be delineated with line-marking and/or signposting.
12. All driveways, parking areas and vehicular turning areas are to be constructed of bitumen sealed gravel pavement or a higher standard.

DA/2022/1394 FOR MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PREMISES WITH RETAIL PREMISES, PUB AND SIGNAGE AT 93 SPRINGFIELD DRIVE LOCHINVAR (Cont.)

13. No retaining walls are approved within:
- existing or future dedicated public land
 - road reserves
 - road reserve frontages.
14. **Prior to the issue of the first Occupation Certificate** the applicant shall provide the following
- a) Robert Road driveway access:
 - i. as median separated to manage lane discipline for vehicles
 - ii. to be fully compliant with AS2890.1 Figure 3.1
 - iii. with Stop Signs and Give Way to Pedestrians signs for vehicles exiting
 - b) Springfield Drive driveway access:
 - i. as median separated to manage lane discipline for vehicles
 - ii. with Stop Signs and Give Way to Pedestrians signs for vehicles exiting
15. **Prior to the issue each relevant Occupation Certificate**, the applicant is to provide safety barrier for errant vehicles for all car parks against or adjacent to retaining walls.

HOURS OF OPERATION

16. The operation of the Mixed-Use Development shall be restricted to the following hours:

- Supermarket
Monday to Sunday - 6:00am to 10:00pm.
- Bottle Shop
Monday to Sunday - 8:00am to 10:00pm.
- Retail/Commercial
Monday to Sunday - 7:00am to 8:00pm.
- Pub
Monday to Saturday – 10:00am to 12:00am
Sunday – 10:00am to 10:00pm

All ancillary internal lobby areas, outdoor terraces, toilets, accessways and the like shall be open concurrent with the adjoining uses.

SHOPPING CENTRE OPERATIONAL MANAGEMENT PLAN

17. A Plan of Management (PoM) for the Shopping Centre shall be submitted to and approved by Maitland City Council – Manager Development & Compliance **prior to the issuing of the first Occupation Certificate**. The PoM shall incorporate all other PoMs or Management Plans (MP) as required by the conditions of this consent and include additional requirements having regard to:
- a) The Plan of Management for the Pub as amended in accordance with the NSW Police requirements-
 - i) Operational hours shall be Monday to Saturday 10:00am to 12:00am, Sunday 10:00am to 10:00pm.

DA/2022/1394 FOR MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PREMISES WITH RETAIL PREMISES, PUB AND SIGNAGE AT 93 SPRINGFIELD DRIVE LOCHINVAR (Cont.)

- ii) 'Gang Patches/colours of affiliated attire' shall be added to the dress code policy.
- iii) A curtesy bus be provided on any night the pub trades to 12:00am. The curtesy bus will service the local area.
- iv) Every Thursday, Friday and Saturday a minimum of three (3) class 1c security personnel will be provided and will remain until 30 minutes after closing to prevent quiet and good order complaints, anti-social behaviour and to maintain the amenity of the neighbourhood. Security is not the leave the area until the last patron has left.
- b) The maintenance regime for the landscaping;
- c) The maintenance and cleaning of the shopping centre toilets, forecourts, internal mall areas, play equipment and the like;
- d) The maintenance and cleaning of the car park;
- e) CPTED measures to address:
 - i) Access Control to the Shopping Centre toilets/amenities, mall areas, forecourts, basement carpark;
 - ii) back to base management of CCTV;
 - iii) the removal of graffiti and the repair and maintenance damaged amenities/facilities, equipment, lighting, glazing, materials and the like;
 - iv) safety and security;
- f) Detail the hours of operation for the various elements of the shopping centre, including staffing by centre management;
- g) Complaint handling;
- h) Emergency procedures, including signage, rendezvous points/marshalling areas.

PLAN OF MANAGEMENT FOR TROLLEY CONTAINMENT

18. A Plan of Management (POM) is to be submitted to Maitland City Council – Manager Development & Compliance for approval with regard to the containment of Trolleys. The Plan of Management is to specifically address:

- i. The principles for the location and design of trolley storage bays;
- ii. A trolley containment system that encourages the conferment of trolleys to the retailer's premises. Containment systems may include the following (but not limited to):
 - Coin/token operated systems with refund;
 - Trolleys with wheel locks activated by radio signal or magnetic strip;
 - Specialised paving, installation of bollards or other physical barriers that limit the removal of trolleys from the centre.
- iii. A map and written schedule of surveillance and collection schedules detailing abandoned trolley services around the neighbourhood centre and neighbouring residential areas is to be supplied. This service map and schedule is to be reviewed and updated on an annual basis. In particular, the schedule of

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surveillance and collection should detail the style of service to be offered and the relevant contact details of service provider. Particular attention should be given to those areas known to regularly attract abandoned trolleys, such areas are to be provided with a service at least every 24 hours.

iv. Details as follows:

- Process for collection of trolleys outside of retail hours;
- Response time for collecting trolleys reported as stolen;
- Signage within the development indicating that trolleys are not to be removed from the premises and that penalties apply for abandoned trolleys; and
- Well signed trolley bays at exit points to the complex.

v. The POM shall include reference regarding the intended signage and public education programs which may include (but not limited to):

- signage within stores and car parks;
- signage at entry and exit points of stores and car parks;
- signage on trolleys;
- Publication of contact details registered at the developments website for the reporting of dumped trolleys and complaint handling during and outside of the approved hours of operation; and
- Sign clearly advising the contact number of the collection agent.

The POM should include the commitment of the retailer or shopping centre management to the implementation of actions identified within the POM.

The Principal Certifying Authority **must not issue the first or any Occupation Certificate without evidence of Council having approved the Plan of Management.**

Prior to the issuing of the Final Occupation Certificate, the Shopping Trolley Management Plan is to be implemented and maintained in perpetuity with the operation of the Shopping Centre and is to apply to the major retailers.

WASTE MANAGEMENT

19. The development shall operate in accordance with the Operational Waste Management Plan, prepared by GWH, dated 19/05/2023 and as amended by the Acoustic Report, prepared by Reverb Acoustics, dated March 2023, which requires the waste collection to be restricted to the following hours:

- Monday to Saturday - 7:00am to 10:00pm.
- Sunday and Public Holidays – 8:00am to 10:00pm.

LOADING DOCK

20. Operation and use of the loading dock shall be restricted to the following hours:

- Monday to Saturday - 7:00am to 10:00pm.
- Sunday and Public Holidays – 8:00am to 10:00pm.

No Truck access for loading or unloading shall occur outside of these times.

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21. A management plan for the loading dock is to be submitted to Council for approval **prior to the issuing of the first Occupation Certificate**. The management plan shall provide details of, but not restricted to, the following:

- i. the loading/unloading facilities of the loading dock;
- ii. signage & linemarking;
- iii. parking and pedestrian management;
- iv. the vehicle types (and maximum size) to be used having regard to the unloading associated with the, Specialty Shops, the Supermarket and loading for home delivery;
- v. the frequency of deliveries and general delivery times associated with the unloading for the Specialty Shops, the Supermarket and loading for home delivery;
- vi. access routes;
- vii. management of the loading dock such that there is no queuing/banking of delivery vehicles within the adjoining street network;
- viii. loading/unloading procedures;
- ix. waste collection procedures, both for removal from the centre and for depositing waste in the loading dock area by the Specialty Shops, the Supermarket
- x. management of noise associated with trucks reversing, braking, opening/closing of doors, idling and the associated operation of truck mounted crane/hoist/lifts and refrigeration equipment/units;
- xi. the cleaning and maintenance of the loading dock.

Note, the loading dock is opposite and adjacent residential land and as such its operation is to minimise the impact and inconvenience on adjoining residents.

22. All parking and loading/unloading bays, truck docks, driveways and turning areas are to be maintained clear of obstructions and under no circumstances are to be used for the storage of goods or waste materials.

23. All parking and loading bays shall be permanently marked out on the pavement surface, with loading bays being clearly indicated by means of appropriate signage.

MATERIALS & FINISHES

24. The drawings/details submitted with the construction certificate shall be consistent with the materials and finishes of the facades, public spaces, retaining walls and landscaping as reflected in the approved Architectural and Landscape plans/drawings.

25. The final mural design proposed on the eastern elevation of Stage 2 is to be provided to Council for endorsement **prior to the issued of the Construction Certificate relating to Stage 2**. This feature is to provide visual interest for pedestrians and interpret or reflect the local setting, landscape setting and/or cultural setting of the Lochinvar area. The feature is to be designed to ensure long-term durability and be resistant to vandalism. Council suggests pre-cast panels with coloured aggregate treated/sealed to reduce impacts from vandalism (rather than a painted finish).

26. Prior to the issue of the Occupation Certificate for Stage 2, the mural is to be completed in accordance with Condition 28 of this consent (DA2022/1394).

27. The mural, to be located on the eastern building façade, must be maintained in a presentable and satisfactory state of repair at all times until the adjoining building commences construction.

LANDSCAPING

28. The Landscape plan is to be amended as follows:

- i. The non-native ground covers be amended to native ground covers.

Landscape Construction Plan and Specifications are to be provided detailing:

- Proposed design levels and original ground levels/contours.
- Design details and materials of all surfaces, retaining walls, edging, embankments, furniture, planting, lighting and other structures.
- Typical cross sections through the site.
- Details of (street) tree protection and erosion control measures.
- Construction details for planting, paving and concrete jointing, edging and retaining walls.
- Hose-cocks and irrigation systems.
- Specification notes either on the drawings or in an associated report that adequately outline the quality of construction materials and contractual arrangements.
- Specification notes for maintenance works required during the planting establishment period.
- Specification notes outlining requirements for submissions, approvals and hold points for quality control, e.g. tree stock, soil testing and amelioration methods, maintenance log.
- Minimum pot sizes for all trees and plantings (shall reflect a reasonable maturity and health with appropriate height and spread, being a minimum 45 litres but recommended to be 100 litres).
- For trees to be installed in the public domain, ensure specifications reflect Council's Manual of Engineering Standards. The construction details shall include structural soil systems, like StrataCells or equivalent.

The landscaped area of the development is to be maintained at all times in accordance with the approved landscape plans. The landscaped areas shall be kept free of parked vehicles, stored goods, waste material, and the like.

ACOUSTIC

29. The development shall comply with the recommendations of the Noise Impact Assessment, prepared by Reverb Acoustics, dated March 2023.

- a. The recommended noise control measures outlined in section 4 from the Noise Impact Assessment, prepared by Reverb Acoustics, dated March 2023, are to be

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- implemented into the design, construction and operation of the supermarket, pub, commercial premises.
 - b. Trading and operating hours for the site are to comply with section 4.1.1 of the Noise Impact Assessment, prepared by Reverb Acoustics, dated March 2023.
 - c. An acoustic fence 2500mm above Finished Ground Level (FGL) is to be erected along the south site boundary between the loading docks and residences R1-R6. An acoustic fence is one which is impervious from the ground to the recommended height, and is typically constructed from lapped and capped timber, Hebel Powerpanel, masonry, or a combination of the above. No significant gaps should remain in the fence to allow the passage of sound below the recommended height. Other construction options are available if desired, providing the fence or wall is impervious and of equivalent or greater surface mass than the above construction options.
 - d. No amplified entertainment or PA system is permitted in pub outdoor terrace areas/ in any outdoor areas. Emergency announcements are excluded from this requirement.
30. An appropriately qualified Acoustic Consultant shall review the mechanical plant associated with the development at design and construction stage (when the final plant selections have been made) to ensure compliance with the necessary standards. All external items of air conditioning and plant are to be screened or positioned in such a manner as not to detract from the visual presentation of the building.
31. **Prior to issue of each Occupation Certificate** the Acoustic Consultant shall certify to the Private Certifying Authority that the works have been completed in accordance with the requirements of the development and the Noise Assessment report.
32. The use and occupation of the premises, including all plant and equipment installed therein, shall not give rise to any offensive or nuisance noise as defined under the Protection of the Environment Operations Act, 1997.

SAFETY AND AMENITY

33. The development shall comply with the recommendations of the CPTED Report, prepared by James Marshall & Co, dated November 2022.
34. All lighting for car park areas and for security purposes shall be installed on site to comply with AS 4282-1997 - Control of the obtrusive effects of outdoor lighting.
- Lighting & Technical Supervision
 - General Lighting comments:
- Lighting strategy and design should be undertaken by a qualified lighting engineer for the development to test light spill and identify any spaces of shadow and concealment – particularly at the shopping centre entry, along perimeter footpaths, within the carpark, in the loading dock area and the path of travel from the loading area and associated staff parking to the main entry.

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- Lighting design:

Design the lighting approach to fulfil the following recommendations:

General Lighting and CCTV

 - o All pathways should have effective lighting which improves visibility and as a result reduces fear. Bollard lighting is discouraged as it is prone to vandalism and is not particularly effective at illuminating faces. Ground surface lighting is recommended along paths of travel to key areas. Ground surface lighting can assist with wayfinding as long as it does not result in night blinding when a person looks down.
 - o All lighting should comply with relevant Australian Standards, particularly AS 1158.
 - o Avoid using low-pressure sodium lamps.
 - o Vandal-resistant lamps are recommended.
 - o Avoid the use of coloured lighting
 - o Lighting can lose up to 20% capacity within 12 months, resulting in inadequate light levels. This should be considered when selected lighting type and brightness.
- General
 - o Ensure no shadowy spaces are created by the buildings, the gaps between the lights themselves and the landscape.
 - o Any signage should be as legible at night as it is during the day.
 - o Landscaping within the carpark, at the entry to the centre and along its edges is recommended to be limited to low ground covers and shrubs a maximum of 700mm high. Trees should have no significant branches below 2.0m to facilitate good view lines at night and reduce shadows.
 - o Highlight the entries to the centre and specialty shops
- On grade parking Areas
 - o Lighting should be bright and even to allow an observer to see into a parked car.
 - o Ensure any landscaping around the parking spaces does not obscure views into the car.
 - o Areas where pedestrians and vehicles are in close proximity, such as pedestrian crossings, should be well lit to enable a person to be clearly visible.
- General carparking

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- Use high quality lighting in the carpark. The finishes and colors should seek to enhance lighting outputs. This is also important for any transitional spaces.
- Design lighting to allow for eyes to adjust after leaving a transitional spaces such as pedestrian pathways and lobbies
- Intelligent lighting that is based on sensors may be appropriate along the pathways within the shopping centre forecourt areas. But care should be taken to ensure that the transition between light and dark does not give rise to concealment opportunities.
- Lighting is recommended to be installed along the pedestrian link to create a welcoming environment that encourages its use. Opportunities to integrate public art into this space is encouraged.
- • Intelligent lighting that is based on sensors may be appropriate within the pedestrian link after hours. But care should be taken to ensure that the transition between light and dark does not give rise to concealment opportunities.
- Areas where pedestrians and vehicles are in close proximity such as
 - pedestrian crossing across Robert Road and Springfield Drive
 - Robert Road and Springfield Drive driveway entry where the footpath crosses
 - pedestrian link crossings including the aisle split and the crossing adjacent the entry.

SIGNAGE

35. Any proposed illumination must maintain a low halo illumination at all times. No flashing lights, electronically changeable messages, animated displays or complex displays that hold drivers' attention beyond 'glance appreciation' shall be included.

36. The approved signs must be maintained in a presentable and satisfactory state of repair.

CONSTRUCTION

37. A revised Construction Management Plan (CMP) generally in accordance with the CMP prepared by GWH and the conditions of this consent shall be submitted to the certifier **prior to the issue of the first Construction Certificate**. The revised CMP shall include a copy of the dilapidation survey.

38. **Where the construction period is in excess of 6 months**, a Noise Management Plan shall be provided to Council **prior to the issue of the first or any construction certificate**. Such plan shall be prepared with the assistance of a suitably qualified acoustic engineer, indicating

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whether the use of machinery, plant and equipment during those operations can be completed without causing offensive noise (as defined in the Protection of the Environment Operations Act 1997) in the neighbouring area. The Noise Management Plan shall be complied with at all times during the construction period and shall identify any mitigation measures to control noise, noise monitoring techniques and reporting methods, likely potential impacts from noise and a complaints handling system.

39. The site shall be managed during construction so as to the generation of dust by moving vehicles within the site, from the public road access point prevent (e.g., by water spray, dust suppression, surface sealants, soil binders and/or dust retardants).

UNIVERSAL ACCESS

40. The proposal shall comply with the recommendations of the Access Report, prepared by Lindsay Perry Access, dated 1 December 2022.

VEHICLE ACCESS, PEDESTRIAN ACCESS & ROADWORKS

41. **Prior to the issue of the first Construction Certificate**, an approval under Section 138 of the Roads Act shall be obtained for any works proposed within the road reserve.
42. **Prior to commencement of construction of the driveway crossing** on the public footway verge, the works shall have been approved by Council. An application form, "Application to Construct Private Works on Footway" shall be submitted to Council, together with the appropriate fee (for each driveway).
43. **Prior to issue of the first Occupation Certificate** the driveway layout and profile shall be constructed in concrete (heavy duty), in accordance with Council's Manual of Engineering Standards, which include the retention of (or if damaged reconstruction as plain concrete of) any existing footpath, and with reference to Council's information document "Footway Crossings (Driveways)".
44. **Prior to issue of the first Occupation Certificate**, the applicant is to provide a footpath connection and link from the Robert Road frontage to the supermarket.

STORMWATER DRAINAGE

45. **Prior to issue of the first Construction Certificate**, the design and construction details in accordance with Council's Manual of Engineering Standards shall be provided for the following stormwater requirements:
- i. Stormwater design that considers upstream and downstream catchments in their ultimate developed state to achieve a total system which does not adversely affect existing systems or properties within the flow path and catchment.

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- ii. Where the stormwater design creates adverse effects on the existing downstream system, properties or infrastructure the design is to be amended to remove such adverse effects.
 - iii. After consideration of above, On-site Detention (OSD) of stormwater that reduces post-developed discharges to pre-developed discharges for the 1, 10 and 100yr ARI critical storm events, and generally in accordance with the approved stormwater management plans and stormwater management report, and
 - iv. Detailed pavement finished surface levels demonstrating 1% conveyance paths to, and 1% inlet capacity into the OSD tank/structure, and
 - v. Structural certification is required for underground detention systems where expected traffic loads are likely, and,
 - vi. an emergency overland flow path for major storm events, that is directed to the public drainage system, and
 - vii. entrapment of gross pollutants, nutrients and hydrocarbons generated from the contributing ground-surface catchment areas, and
 - viii. conveyance where necessary, of stormwater through the site from upstream catchments, (including roads and adjoining properties).
46. **Prior to the first Occupation or Operation of the development**, a Stormwater System Maintenance Procedure Plan shall be prepared by an engineer, detailing a regular maintenance program for pollution control devices, covering inspection, cleaning and waste disposal, a copy of which shall be supplied to the owner/operator and to Maitland City Council for supply of future owners as needed.
47. **Prior to issue of the first Occupation Certificate**, the stormwater-control system shall be constructed in accordance with the approved stormwater drainage plan. A qualified engineer shall supply written certification to the PCA and Council that the constructed system including detention volume and discharge rates achieve the consent requirements for detention.

EROSION CONTROLS

48. The property shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind or "vehicle tracking".

BUILDING CONSTRUCTION

49. All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
50. **Prior to issue of each relevant Construction Certificate**, a qualified engineer shall provide a retaining wall design for any retaining walls over 1.0m high, or those within 1.0m of the

DA/2022/1394 FOR MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PREMISES WITH RETAIL PREMISES, PUB AND SIGNAGE AT 93 SPRINGFIELD DRIVE LOCHINVAR (Cont.)

adjoining boundary. The footing shall be designed to reduce the zone of influence impacts on the neighbouring property.

51. All excavations and backfilling shall be executed safely, in accordance with appropriate professional standards and shall be properly guarded and protected to prevent the works from being dangerous to life or property.
52. Unless otherwise approved by Maitland City Council – Manager Development & Compliance in writing, all general building work shall be carried out between the hours of:
- a. 7.00am to 6.00pm Monday to Friday
 - b. 7.00am to 5.00pm Saturday

Any work performed on Sunday's or Public Holidays that may cause offensive noise, as defined under the Protection of the Environment Operations Act, is prohibited. Minor works (such as hand sanding, painting, digging and the like) is permitted between the hours of 9.00am to 5.00pm. Power operated tools are not permitted to be used.

ELECTRICITY NETWORK

53. The development shall comply with the requirements of Ausgrid (correspondence dated 22/02/2023) for augmentation and connection of the Development.

BUSHFIRE PROTECTION

54. The development shall comply with the requirements Planning for Bushfire Protection 2019 Section 8.3. The Principal Certifying Authority **must not release the first Construction Certificate** without evidence that the proposal has been certified by a suitably qualified bushfire consultant that the development complies with the requirements for Planning for Bushfire Protection 2019.

SERVICES & EQUIPMENT

55. **At completion of the building BUT before to its occupation**, a Final Fire Safety Certificate with respect to each critical and essential fire safety measure installed in the building shall be submitted to Principal Certifier and Council. Certificates shall be prepared in accordance with Part 11 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021.
56. At all times, a copy of the Fire Safety Schedule and Fire Safety Certificate must be prominently displayed in the building and a copy forwarded to the Fire Commissioner of Fire and Rescue NSW in accordance with Part 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
57. A Fire Safety Statement in respect of each required essential and/or critical fire safety measure installed within the building shall be submitted to Council and the NSW Fire Commissioner annually (or at a more frequent interval for supplementary statements).

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Statements shall be prepared and issued in accordance with Part 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021. Note that monetary penalties may apply for failure to lodge a fire safety statement within the prescribed timeframe.

Statements to the NSW Fire Commissioner are to be submitted electronically to afss@fire.nsw.gov.au.

Standard to Transport for New South Wales and further information for lodging Fire Safety Statements may be downloaded from Councils website.

SITE CONSIDERATIONS

58. All excavated and/or filled areas are to be retained or battered and suitably drained so as to prevent any subsidence of the area and constructed so as to deny any flow of water into the building.

Where a retaining wall is planned for this purpose and such wall requires consent (refer to State Environmental Planning Policy -Exempt and Complying Development Codes, 2008) plans and specifications of the wall shall be approved by Council and/or an accredited certifier.

Note: The submission of a separate Development Application is not required for a retaining wall associated with this approval and indicated on the approved plans.

All proposed retaining walls, including any excavation, footings, drainage and backfill shall be contained within the property boundaries. Retaining walls and associated earthworks shall not impede or redirect the natural flow of surface water from adjoining properties in a manner that creates nuisance.

59. If an excavation extends below the level of the base of the footings of a building/structure on an adjoining allotment of land, the person causing the excavation to be made.
- i. Must preserve and protect the building/structure from damage, and
 - ii. If necessary, must underpin and support the building/structure in an approved manner, and
 - iii. Must, at least 7 days before excavating below the level of the base of the footings of a building/structure on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building/structure being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (Includes a public road and any other public place).

60. Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.

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61. If the work:
- i. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - ii. involves the enclosure of a public place
- a hoarding or fence must be erected between the work site and the public place.
If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
62. A sign must be erected in a prominent position on the work:
- i. stating that unauthorised entry to work site is prohibited, and
 - ii. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted during work hours.
- Any such sign is to be removed when the work has been completed.
Note: This condition does not apply to:
- i. building work carried out inside an existing building, or
 - ii. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
63. Approved toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. The provision of toilet facilities in accordance with this Clause must be completed before any other work is commenced.
64. The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure.
65. No building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.
66. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.
67. Aboriginal heritage – stop work if evidence of occupation or relics found All workers on the site shall be informed of possible Aboriginal occupation. Should any Aboriginal artefacts be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance in this area is to stop immediately and the National Parks and Wildlife Service of NSW should be informed in accordance with the National Parks and Wildlife Act 1974. Further works shall not occur until the necessary approvals/permits have been obtained.
68. In the event of any unexpected find on the site where any construction, demolition, alteration or renovation works encounter asbestos or products containing asbestos, then the materials encountered shall be managed in accordance with the provisions of the NSW Work Cover Authority and Council must be notified.

DA/2022/1394 FOR MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PREMISES WITH RETAIL PREMISES, PUB AND SIGNAGE AT 93 SPRINGFIELD DRIVE LOCHINVAR (Cont.)

69. Demolition / construction to cease where contamination encountered during works In the event of an undisclosed or unidentified contamination being found on-site or any potentially contaminating infrastructure (e.g. underground storage tanks) or soils (e.g. staining, odours, asbestos) being identified during works, a qualified and experienced consultant must inspect, review and advise on remediation or mitigation prior to further construction proceeding. Council must be notified if this occurs and must be provided with any resulting reports and recommendations.

FOOD PREMISES

70. All commercial food premises are to be designed, constructed and fitted out to comply with Australian Standard 4674-2004, Design, construction and fit-out of food premises. Details and plans are to be provided with development applications for individual premises or as part of the Construction Certificate.

71. If Council is nominated as the Principal Certifying Authority, details of compliance are to be included in the plans and specifications for the Construction Certificate. Council's Environmental Health Officer is to be given 48 hours-notice to inspect the premises prior to the commencement of the business.

72. **Prior to commencement of trade** the business is to be registered with Council.

ADVICES

- A. You are advised that traffic control devices and facilities in the public road are subject to consideration and approval of the Council's Local Traffic Committee upon receipt of detailed plans of those treatments.
- B. You are advised that where underground works within the road reserve are required for necessary for supply of services (such as water, sewer, electricity, gas), further consent for a "Road Opening" must be obtained from Council. Refer to Council's form: "*Application for Registration to Open Roads/Footpaths*".
- C. You are advised that in regard to potential soil erosion from the construction site, such pollution of the environment is an offence under the Protection of the Environment & Operations (POEO) Act and may incur infringement fines.
- D. You are advised to notify Council in writing, of any existing damage to the street infrastructure (including landscaping) along the frontage of the property, prior to commencement of construction. The absence of such notification signifies that no damage exists. Where necessary repairs are carried out by Council, the owner of the property shall be held liable for the cost of those repairs.
- E. You are advised that the issue of this development consent does not amount to a release, variation or modification by Council of any covenant or easement applicable to

DA/2022/1394 FOR MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PREMISES WITH RETAIL PREMISES, PUB AND SIGNAGE AT 93 SPRINGFIELD DRIVE LOCHINVAR (Cont.)

this property and that Council will not be held responsible when action on this consent results in any loss or damage by way of breach of matters relating to title of the property.

- F. You are advised that compliance with the requirements of the Disability Discrimination Act, (DDA) applies to works on this site. It should be noted that compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA.
- G. You are advised that any proposed advertising signs are subject to a separate Development Application to Council.

DA/2022/1394 FOR MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PREMISES WITH RETAIL PREMISES, PUB AND SIGNAGE AT 93 SPRINGFIELD DRIVE LOCHINVAR (Cont.)

City Planning

DA/2022/1394 for Mixed Use Development including Commercial Premises with Retail Premises, Pub and Signage At 93 Springfield Drive Lochinvar

Submissions

Meeting Date: 10 December 2024

Attachment No: 5

Number of Pages: 1

DA/2022/1394 FOR MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PREMISES WITH RETAIL PREMISES, PUB AND SIGNAGE AT 93 SPRINGFIELD DRIVE LOCHINVAR (Cont.)

Sent from my iPhone

Begin forwarded message:

[REDACTED]
Date: 16 February 2023 at 3:53:12 pm AEDT
To: [REDACTED]
Subject: Objections to Lochinvar

Hi,
Saw your post about proposed shopping centre for Lochinvar. Where do we send objections.
I think before the council worries about money grabbing they fix up the crazy traffic congestion that happens between the schools first. As an established resident in Hunter Close with all the extra people that are now coming through and the ridiculous so called turning lane that was put in traffic has become that bad that it can now take up to 15 mins to get out of our street. The so called turning lane means the traffic now comes around the corner from Maitland end and just about wipe us out due to the curving lane. The Stop sign that has been placed on Hunter Close further adds to our problems as it's so far back in the street we have to come over it to safely see if any traffic is coming.

I guarantee that if something isn't done fast someone is going to get hurt.

How about the council come out here and help keep current residents happy before you worry about adding to the problems

Regards
[REDACTED]

11.3 Da/2024/409 for Telecommunications Facility including 40m High Monopole, Ancillary Works and Fencing at 32 Kiah Road Gillieston Heights

FILE NO:	DA/2024/409
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Locality Plan 2. Development Plans 3. Assessment Report (Under Separate Cover) 4. Recommended Conditions of Consent 5. Submissions
RESPONSIBLE OFFICER:	Director City Planning Manager Development & Compliance Coordinator Planning & Development
AUTHOR:	Senior Development Planner
APPLICANT:	Service Stream Limited
OWNER:	Christine Narelle Grant & Garry Wayne Grant
PROPOSAL:	Telecommunications Facility including 40m High Monopole, Ancillary Works and Fencing
LOCATION:	32 Kiah Road GILLIESTON HEIGHTS
ZONE:	RU2 Rural Landscape

EXECUTIVE SUMMARY

*A development application (DA/2024/409) has been received seeking consent for Telecommunications Facility including 40m High Monopole, Ancillary Works and Fencing at 32 Kiah Road Gillieston Heights (Lot 181 in DP1282386). The locality plan can be viewed at **Attachment 1**.*

The matter is reported to Council for determination as three (3) submission were received during the notification period. The application was notified from 17 June 2024 to 12 July 2024. The concerns raised by the objectors in respect to the proposed development include health impacts, visual impacts, flora and fauna impacts and property values.

Designed as a monopole with a recessive colour to blend with the landscape and assist with minimising the visual impact. The structure complies with bushfire protection standards and electromagnetic energy (EME) exposure levels are well within safety limits per Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) standards, ensuring public and environmental safety. The proposal is consistent with the requirements of all relevant sections of Maitland LEP 2011 and Maitland DCP 2011.

*The proposed telecommunication tower is considered suitable for its context, with thorough consideration of environmental, visual, and safety impacts addressed within the Assessment report which can be viewed under **Attachment 3**.*

DA/2024/409 FOR TELECOMMUNICATIONS FACILITY INCLUDING 40M HIGH MONOPOLE, ANCILLARY WORKS AND FENCING AT 32 KIAH ROAD GILLIESTON HEIGHTS (Cont.)

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 is considered to be satisfactory subject to the imposition of conditions.

OFFICER'S RECOMMENDATION

THAT

- 1. DA/2024/409 for Telecommunications Facility including 40m High Monopole, Ancillary Works and Fencing at 32 Kiah Road Gillieston Heights be approved subject to the recommended schedule of conditions provided in Attachment 4 of this report.**

INTRODUCTION

The purpose of this report is to seek consent from Council for DA 2024/409 proposing a Telecommunications Facility including 40m high monopole, ancillary works and fencing at 32 Kiah Road Gillieston Heights. The development plans can be viewed within **Attachment 2** of this report. The application is reported to Council as three (3) submissions have been received during the notification period. A detailed assessment in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* is provided within **Attachment 3**.

Site Description

The site consists of a single allotment known as 32 Kiah Road Gillieston Heights, with a legal description of Lot 181 in Deposited Plan 1282386, and features a 353.44m frontage to Kiah Road. The site has a total area of 6.36ha and is zoned RU2 Rural Landscape under the Maitland Local Environmental Plan 2011. The site is located adjacent to the Gillieston Heights Urban Release Area and is mapped as containing bushfire prone land, flood prone land, and a watercourse.

The property contains an existing dwelling and ancillary structures at the very western portion of the site, clear of any significant vegetation, and contains an easement for transmission lines within its western portion, as well as easements for batters and drainage within the eastern portion. While located within the rural area of Gillieston Heights, it adjoins low-density residential development to the east and south, as represented in Figure 1 below.

DA/2024/409 FOR TELECOMMUNICATIONS FACILITY INCLUDING 40M HIGH MONOPOLE, ANCILLARY WORKS AND FENCING AT 32 KIAH ROAD GILLIESTON HEIGHTS (Cont.)



Figure 1: aerial photograph of subject site

Proposal

The proposal involves a telecommunications facility comprising of a:

- 40m monopole with a triangular headframe (total height of 43.6m) both finished in a non-reflective grey colour
- Nine panel antennas
- Installation of ground-based equipment shelter within a 10m x 10m fenced compound area
- Installation of ancillary equipment including feeder cables, antenna mounts, remote radio units, GPS antenna, electrical works and cable trays
- Minor earthworks to facilitate the development

The development will form an integral part of the Telstra mobile network in the Gillieston Heights locality, which will enable Telstra to enhance its mobile telecommunications services and network capacity by improving customer voice and data services. The proposed facility will be owned and managed by Amplitel.

DA/2024/409 FOR TELECOMMUNICATIONS FACILITY INCLUDING 40M HIGH MONOPOLE, ANCILLARY WORKS AND FENCING AT 32 KIAH ROAD GILLIESTON HEIGHTS (Cont.)

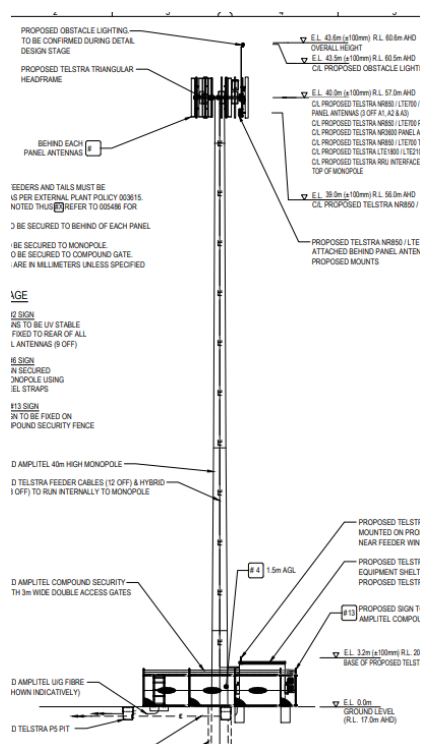


Figure 2: eastern elevation of proposed telecommunication facility



Figure 3: photomontage of proposed telecommunication facility looking east down Kiah Road

The key issues of relevance to this Council report have been provided below. A detailed assessment of the Development Application is provided in **Attachment 3 – Assessment Report**.

PUBLIC SUBMISSIONS

The application was placed on public exhibition for a period of 14 days from 17 June 2024 to 12 July 2024 in accordance with the legislative requirements. During this time three (3) submissions were received. Consideration of the submissions are provided below, with a copy of the redacted submissions provided in Attachment 5.

A summary of the issues raised in the submission are outlined below:

Health impacts

An Environmental EME report, compliant with ARPANSA standards, supports the proposed telecommunications tower. The report shows that EME levels at various locations, including nearby areas of interest, are significantly below the safe exposure limit, with a maximum cumulative level of only 1.47% of ARPANSA's 100% public limit. This limit is conservatively set to protect all age groups and health conditions, even with continuous exposure, ensuring no risk to public health. Additionally, the proposal aligns with Australian Communications and Media Authority (ACMA) and Industry Code C566:2020, which, alongside NSW guidelines, aims to minimise EME exposure.

DA/2024/409 FOR TELECOMMUNICATIONS FACILITY INCLUDING 40M HIGH MONOPOLE, ANCILLARY WORKS AND FENCING AT 32 KIAH ROAD GILLIESTON HEIGHTS (Cont.)

A condition of consent has been included requiring the development to comply with Radiation Protection Standard for Maximum Exposure Levels for Radiofrequency Fields – 3kHz to 300GHz (Radiation Protection Standards) and Industry Code C564:2020 Mobile Phone Base Station Deployment, or as amended.

Visual impacts

A thorough assessment has shown that the proposed monopole will create only low to negligible visual impacts within a 300m to 500m radius. The structure will be positioned on relatively open, low-lying land, with elevated residential areas to the east and level ground to the south. Although site vegetation and structures are minimal, the monopole's design, including a triangular head and muted colours, will help it blend with the surroundings and reduce visibility from public viewpoints.

A condition of consent has been included requiring the monopole and associated structure to consist of external cladding materials/finishes with low-reflective properties. Recessive colours such as 'eucalyptus green' or 'shale grey', or any suitable shade that would blend with the surrounding vegetation or the sky, shall be used for the monopole, the antennas and the ancillary structures at the base. A schedule of finishes containing this information shall be submitted to Council prior to the issue of a construction certificate.

Alternate locations

The proposed location of the telecommunication tower was carefully assessed against several alternative sites within the search area to determine the most appropriate option. This is a requirement under the NSW Telecommunications Facilities Guideline including Broadband (October 2022) which Council must consider under Division 21 of State Environmental Planning Policy (Transport and Infrastructure) 2021. Each site was evaluated based on its ability to meet coverage objectives and other relevant factors. Following an extensive review, the applicant selected the subject site as the most suitable choice. Opportunities for co-location were investigated but ultimately discounted, as the existing structures were too distant to fulfill the proposal's objectives. Consequently, no feasible opportunities for co-location with existing facilities were identified by the applicant.

Flora and fauna impacts

No vegetation is to be removed as part of this development. Conditions of consent have been included to ensure the construction stage will occur with minimal or controlled impacts including the implementation of a construction management plan.

Property values

This is not a matter of consideration pursuant to section 4.15 of the EP&A Act.

DA/2024/409 FOR TELECOMMUNICATIONS FACILITY INCLUDING 40M HIGH MONOPOLE, ANCILLARY WORKS AND FENCING AT 32 KIAH ROAD GILLIESTON HEIGHTS (Cont.)

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

Statutory implications relating to assessment of the subject application have been addressed in the body of the report under **Attachment 3**.

CONCLUSION

An assessment of the application has been undertaken against Section 4.15(1) of the Environmental Planning and Assessment Act 1979 and is provided under Attachment 3. The proposed development is considered acceptable in terms of the relevant matters for consideration under the Act and the development application is recommended for approval subject to recommended conditions of consent provided under **Attachment 4**.

DA/2024/409 FOR TELECOMMUNICATIONS FACILITY INCLUDING 40M HIGH MONOPOLE, ANCILLARY WORKS
AND FENCING AT 32 KIAH ROAD GILLIESTON HEIGHTS (Cont.)

City Planning

DA/2024/409 FOR Telecommunications Facility Including 40m High Monopole, Ancillary Works and Fencing at 32 Kiah Road Gillieston Heights

Locality Plan

Meeting Date: 10 December 2024

Attachment No: 1

Number of Pages: 1



DA/2024/409 FOR TELECOMMUNICATIONS FACILITY INCLUDING 40M HIGH MONOPOLE, ANCILLARY WORKS AND FENCING AT 32 KIAH ROAD GILLIESTON HEIGHTS (Cont.)

City Planning

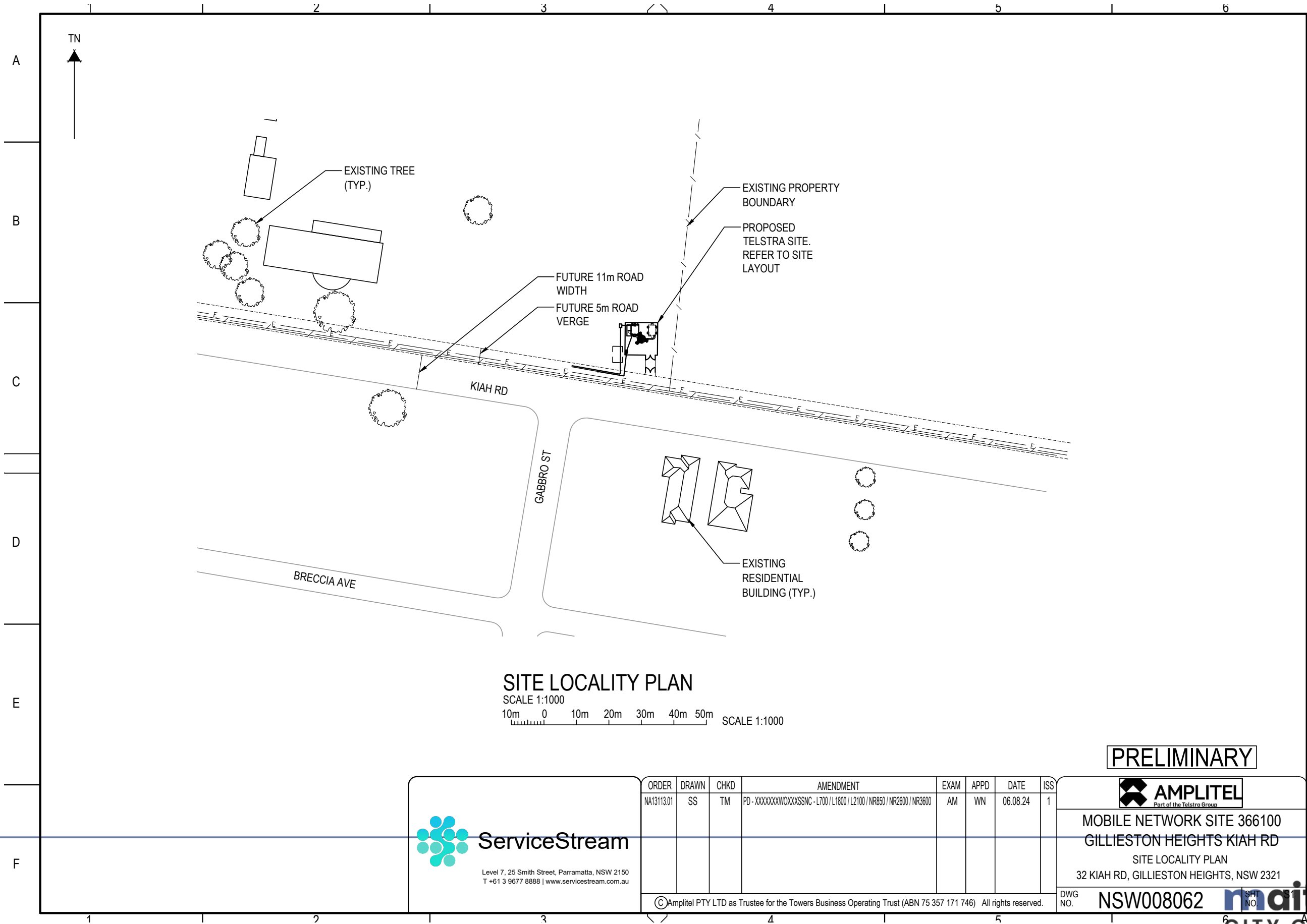
DA/2024/409 for Telecommunications Facility including 40m High Monopole, Ancillary Works and Fencing at 32 Kiah Road Gillieston Heights

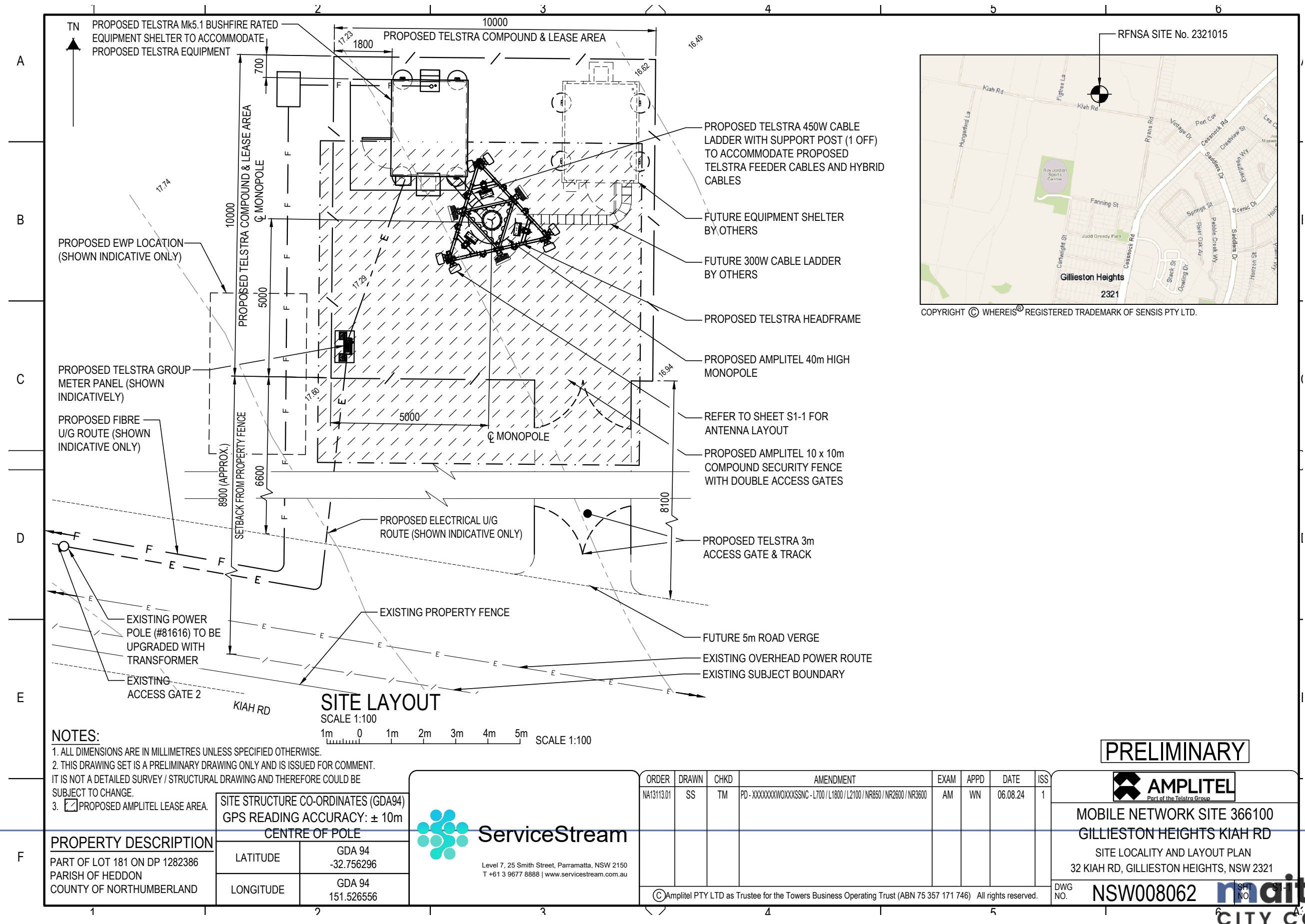
Development Plans

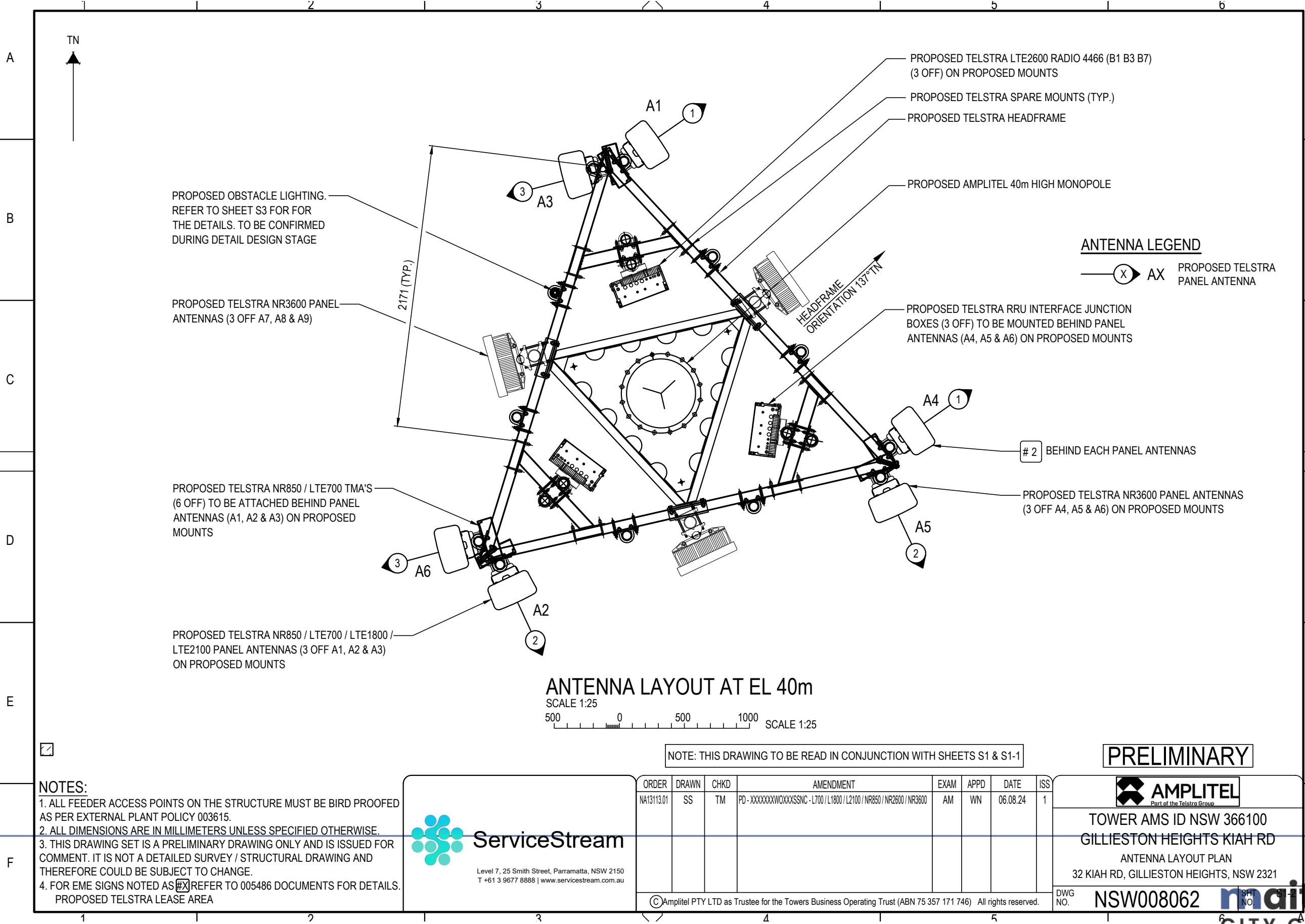
Meeting Date: 10 December 2024

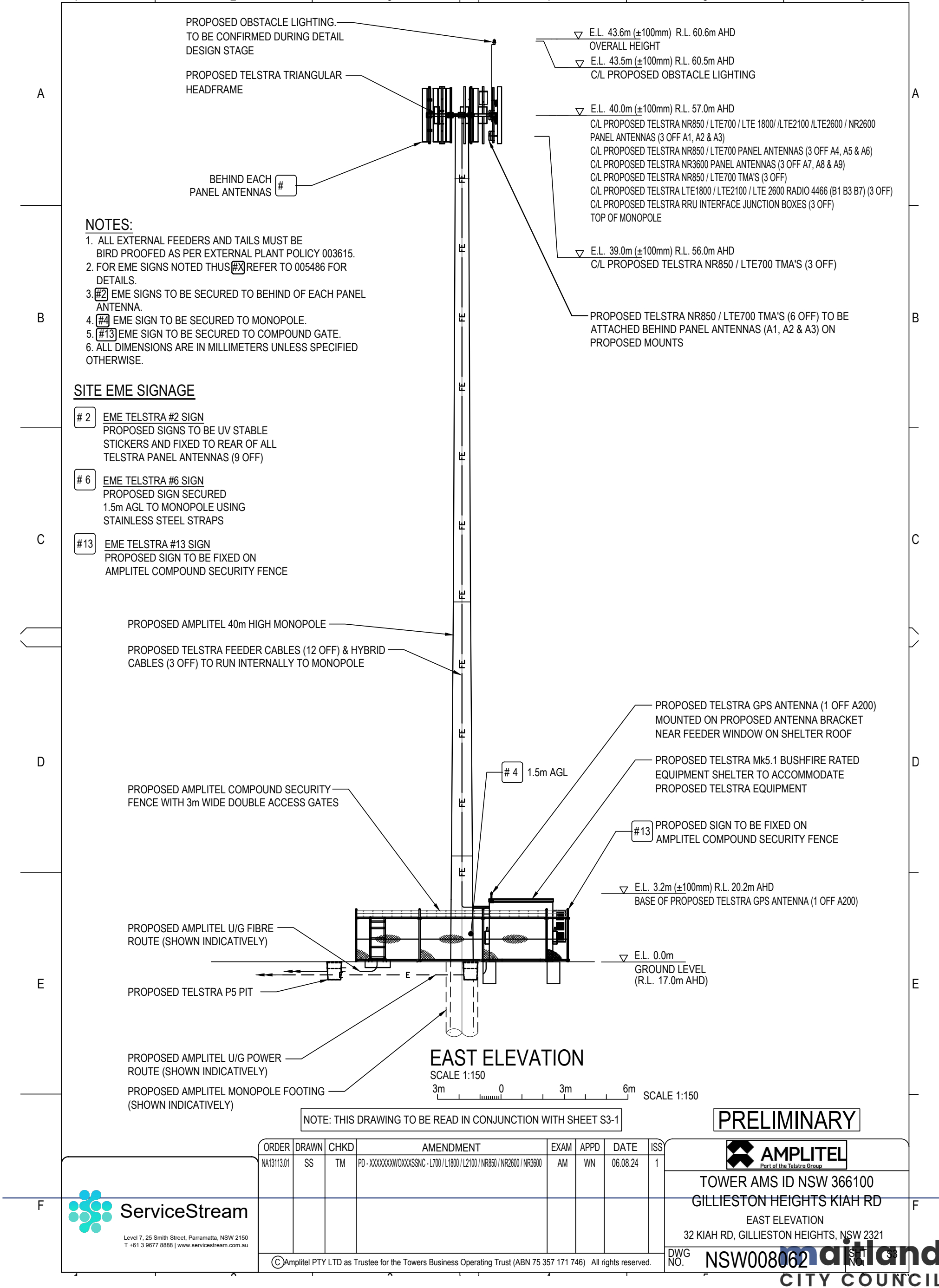
Attachment No: 2

Number of Pages: 4









DA/2024/409 FOR TELECOMMUNICATIONS FACILITY INCLUDING 40M HIGH MONOPOLE, ANCILLARY WORKS AND FENCING AT 32 KIAH ROAD GILLIESTON HEIGHTS (Cont.)

City Planning

DA/2024/409 FOR Telecommunications Facility including 40m High Monopole, Ancillary Works and Fencing at 32 Kiah Road Gillieston Heights

Recommended Conditions of Consent

Meeting Date: 10 December 2024

Attachment No: 4

Number of Pages: 9



ATTACHMENT 4
RECOMMENDED CONDITIONS

General conditions

1.

Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved Plans

Plan Number	Revision Number	Drawing Number	Drawn by	Date of plan
Plans / NSW008062	1	S1, S1-1, S1-2, S3, S3-1	Service Stream	06/08/2024

Approved documents

Document title	Version number	Prepared by	Date of document
Environmental EME Report / 2321015	-	Telstra	29/10/2024

In the event of any inconsistency between the approved plans and documents, the approved plans prevail.

In the event of any inconsistency with the approved plans a condition of this consent, the condition prevails

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2.

Building Code of Australia

All building work shall be carried out in accordance with the provisions of the Building Code of Australia (BCA).

DA/2024/409 FOR TELECOMMUNICATIONS FACILITY INCLUDING 40M HIGH MONOPOLE, ANCILLARY WORKS AND FENCING AT 32 KIAH ROAD GILLIESTON HEIGHTS (Cont.)

	In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
	Reason: Prescribed conditions of development consent pursuant to Section 4.16(11) of the Environmental Planning and Assessment Act 1979 and Section 69 of the Environmental Planning and Assessment Regulation 2021.
3.	External Agency Approvals
	The requirements from the following agencies must be complied with prior to, during, and at the completion of the development.
	The Requirements are: 1.Subsidence Advisory NSW, Ref: TBA24-01790, dated 25 July 2024.
	A copy of the Requirements is attached to this determination notice.
	Reason: To ensure the development complies with conditions required by other external agencies.

Building Work

Before issue of a construction certificate

4.	7.12 Contributions
	Pursuant to Section S7.12 of the Environmental Planning and Assessment Act 1979 and the Maitland S94A Levy Contributions Plan 2006, a contribution of \$5,395.00 shall be paid to the Council.
	The above amount may be adjusted at the time of payment in accordance with the provisions of the Maitland S94A Levy Contributions Plan 2006. Any outstanding component of the contribution will be indexed bi-annually in accordance with the provisions of the abovementioned Development Contributions Plan. Reviewed rates will apply following release of CPI indices by the Australian Bureau of Statistics for June and December quarter.
	Payment of the above amount is required prior to issue of the Construction Certificate for the development.
	This condition has been applied to ensure that where the proposed development results in an increased demand for public amenities and services, payment towards the cost of providing these facilities/services is made in accordance with Council's adopted contributions plan and the provisions of section 7.12 of the Environmental Planning and Assessment Act, 1979.
	Reason: To outline contributions payable to Council per Clause 4.17 of the Environmental Planning and Assessment Act 1979.
5.	Bushfire Safety
	The site is located within a bushfire prone area and must comply with NSW Rural Fire Service document "Planning for Bushfire Protection 2019" (PBP2019). Prior to the issue of a construction certificate, the plans must be certified by a BPAD Level 3 accredited bushfire consultant certifying all works are able to comply with the requirements under Section 8.3.7 'Telecommunication towers' of PBP2019. In this regard the following is required:
	a) Telecommunication towers should be constructed from non-combustible materials, and designed to mitigate the risk of flame damage, ember attack and radiant heat

DA/2024/409 FOR TELECOMMUNICATIONS FACILITY INCLUDING 40M HIGH MONOPOLE, ANCILLARY WORKS AND FENCING AT 32 KIAH ROAD GILLIESTON HEIGHTS (Cont.)

	<p>b) From the start of building works, the property around the telecommunications tower must continue to be managed to the standards as an Inner Protection Area (IPA) as required under Section 8.3.7 of Planning for Bushfire Protection 2019.</p> <p>Reason: To ensure the development meets the requirements of the Planning for Bushfire Protection 2019 and subsequent Australian standards.</p>
6.	Construction requirements for driveways
	<p>All driveways, parking areas and vehicles turning areas shall be designed as reinforced concrete or a granular pavement base with asphalt or segmental paver surface.</p> <p>Reason: To ensure the driveways, parking areas and vehicles turning areas meets the current standards.</p>
7.	Construction Site Management Plan
	<p>Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to the certifier. The plan must include the following matters:</p> <ul style="list-style-type: none"> a. The location and materials for protective fencing and hoardings on the perimeter of the site; b. Provisions for public safety; c. Pedestrian and vehicular site access points and construction activity zones; d. Details of construction traffic management including: <ul style="list-style-type: none"> i. Proposed truck movements to and from the site; ii. Estimated frequency of truck movements; and iii. Measures to ensure pedestrian safety near the site; e. Details of bulk earthworks to be carried out; f. The location of site storage areas and sheds; g. The equipment used to carry out works; h. The location of a garbage container with a tight-fitting lid; a. Dust, noise and vibration control measures; j. The location of temporary toilets; k. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ul style="list-style-type: none"> i. AS 4970 – Protection of trees on development sites; ii. An applicable Development Control Plan; iii. An arborist's report approved as part of this consent <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p> <p>Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
8.	Erosion Controls (less than 2500m²)
	<p>An Erosion and Sediment Control Plan (ESCP) in accordance with Managing Urban Stormwater: Soils and Construction (also known as the Blue Book) prepared by a suitably qualified and experienced professional shall be submitted to and approved by the certifier for sites with a disturbed area of less than 2,500m².</p> <p>Reason: To prevent soil erosion and the discharge of sediment over the land.</p>
9.	Long Service Levy
	<p>In accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate to the Long Service Payments Corporation for any works that cost \$250,000 or more.</p>

DA/2024/409 FOR TELECOMMUNICATIONS FACILITY INCLUDING 40M HIGH MONOPOLE, ANCILLARY WORKS AND FENCING AT 32 KIAH ROAD GILLIESTON HEIGHTS (Cont.)

	Reason: To ensure payment of the Long Service Levy.
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Before building work commences

10. All Weather Access	<p>Before the commencement of any site or building works, a 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people.</p> <p>No materials, waste or the like are to be stored on the all-weather access at any time.</p> <p>Reason: To ensure safe and unobstructed access for construction vehicles and personnel during the building process.</p>
11. Construction Certificate Required	<p>Prior to commencement of construction works, a Construction Certificate is to be issued by the Registered Certifier.</p> <p>Reason: To ensure a Construction Certificate is issued prior to works commencing.</p>
12. Council to be notified of any damage to kerb, gutter, footpath etc prior to commencement	<p>The applicant is required to notify Council in writing prior to commencing building operations, of any existing damage to kerbing and guttering and/or footpath paving associated with the subject Lot. The absence of such notification signifies that no damage exists and the applicant shall therefore be liable for the cost of the repair of any damage to kerbing and guttering or footpath paving which may be necessary after completion of the building operation.</p> <p>Reason: To ensure Council is notified of any existing damage to Council assets.</p>
13. Driveway crossing	<p>Prior to commencement of construction, of the driveway crossing on the public footway verge, the works shall have been approved by Council. An application form, "Application To Construct Private Works On Footway" shall be submitted to Council, together with the appropriate fee (for each driveway).</p> <p>Reason: To ensure appropriate approval is obtained prior to works on the public road.</p>
14. Erosion and sediment controls in place	<p>Before any site work commences, the principal certifier, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).</p> <p>Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
15. Hoarding or fencing of work site where impacting a public place	<p>If the work:</p> <ul style="list-style-type: none"> i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or ii) involves the enclosure of a public place

DA/2024/409 FOR TELECOMMUNICATIONS FACILITY INCLUDING 40M HIGH MONOPOLE, ANCILLARY WORKS AND FENCING AT 32 KIAH ROAD GILLIESTON HEIGHTS (Cont.)

	<p>The responsible person must gain a separate S138 approval from Council for the hoarding or fencing within the road reserve, fees apply.</p> <p>If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.</p> <p>The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.</p> <p>Reason: To ensure public assets and traffic are appropriately managed during construction.</p>
16.	<p>Notice of appointment of PCA to be provided prior to commencement</p> <p>The applicant shall submit to Council a 'Notice of Appointment of the Principal Certifier' at least two (2) days prior to the commencement of construction works.</p> <p>Reason: To ensure a Principal Certifier is appointed prior to works commencing.</p>
17.	<p>Notice of commencement to be provided to Council</p> <p>The applicant shall submit to Council a "Notice of Commencement" form at least two (2) days prior to the commencement of construction works.</p> <p>Reason: To ensure Council is notified prior to works commencing.</p>
18.	<p>Rubbish Generated from the Development For all construction sites</p> <p>Before the commencement of any building works, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works.</p> <p>No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.</p> <p>Reason: Ensuring proper waste management and preventing environmental pollution during the construction process.</p>
19.	<p>Sign on Building</p> <p>Except in the case of work only carried out to the interior of a building or Crown building work, a sign must be erected in a prominent position on the site showing</p> <ul style="list-style-type: none"> i. the name, address and telephone number of the Principal Certifier for the work, and ii. the name of any principal contractor and their after-hours contact number, and iii. must contain a statement that unauthorised entry to the site is prohibited. <p>The sign must be maintained while the work is being carried out and is to be removed when the work is completed.</p> <p>Reason: Prescribed conditions of development consent pursuant to Section 4.16(11) of the Environmental Planning and Assessment Act 1979 and Section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
20.	<p>Site is to be Secured</p> <p>Before the commencement of any site or building works, the site must be secured, so far as is reasonably practicable, from unauthorised access to the satisfaction of the Principal Certifier. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.</p> <p>Reason: Ensuring safety, preventing unauthorised access, and minimising the risk of injuries, theft, and vandalism.</p>

DA/2024/409 FOR TELECOMMUNICATIONS FACILITY INCLUDING 40M HIGH MONOPOLE, ANCILLARY WORKS AND FENCING AT 32 KIAH ROAD GILLIESTON HEIGHTS (Cont.)

During building work

21. Responsibility for changes to public infrastructure	While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority. Reason: To ensure payment of approved changes to public infrastructure.
22. Building materials on Council's footpath	While work is being carried out, no building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath. Reason: To ensure no building materials, refuse or spoil restricts use of Council's footpath.
23. Bushfire safety	From the start of building works, the property around the telecommunications tower must continue to be managed to the standards as an Inner Protection Area (IPA) as required under Section 8.3.7 of Planning for Bushfire Protection 2019. Reason: To ensure the development meets the requirements of the Planning for Bushfire Protection 2019 and subsequent Australian standards.
24. Control of dust	The site shall be managed during construction so as to prevent (e.g., by water spray, dust suppression, surface sealants, soil binders and/or dust retardants) the generation of dust by moving vehicles within the site, from the public road access point. Reason: To ensure adequate controls with respect to dust pollution during works.
25. Discovery of relics and Aboriginal objects	While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered: a. the work in the area of the discovery must cease immediately; b. the following must be notified i. for a relic – the Heritage Council; or ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. Site work may recommence at a time confirmed in writing by: a. for a relic – the Heritage Council; or b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. Reason: To ensure the protection of objects of potential significance during works.
26. Excavations and backfilling to be executed safely	All excavations and backfilling must be executed safely, in accordance with appropriate professional standards and be properly guarded and protected to prevent them from being dangerous to life or property. Reason: To ensure excavations and backfilling is executed safely.
27. Implementation of construction management plan	All construction traffic management procedures and systems identified in the approved Construction Traffic Management Plan must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.

DA/2024/409 FOR TELECOMMUNICATIONS FACILITY INCLUDING 40M HIGH MONOPOLE, ANCILLARY WORKS AND FENCING AT 32 KIAH ROAD GILLIESTON HEIGHTS (Cont.)

	Reason: To ensure safety and to minimise the effect to pedestrians, other road users.
28. No retaining walls within public land	
	No retaining walls are approved within existing or future dedicated public land including road reserves. All batter slopes shall comply with the 'desirable' requirements as listed in Council's Manual of Engineering Standards.
	Reason: To ensure retaining walls comply with Council's Manual of Engineering Standards.
29. Offensive Noise, Dust, Odour and Vibration	
	All work must not give rise to offensive noise, dust, odour or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the nearest property boundary.
	Reason: To ensure the works are undertaken per the provisions of the POEO Act 1997.
30. Property to be protected against soil erosion (minor)	
	The environment surrounding the work shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind and "vehicle tracking".
	Reason: To ensure compliance of erosion and sediment control measures throughout the course of construction.
31. Public access to the site to be restricted	
	Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.
	Reason: To ensure public access to the building site is restricted.
32. Restriction on working hours for building activity	
	Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:
	a. 7.00am to 6.00pm Monday to Friday
	b. 7.00am to 5.00pm Saturday
	Any work performed on Sundays or Public Holidays that may cause offensive noise, as defined under the Protection of the Environment Operations Act, is prohibited. Minor works (such as hand sanding, painting, digging and the like) is permitted between the hours of 9.00am to 5.00pm. Power operated tools are not permitted to be used.
	Reason: To ensure approved building activity does not disrupt the amenity of the surrounding area.
33. Run off and erosion control	
	Run off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
	(a) diverting uncontaminated run off around cleared or disturbed areas, and
	(b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
	(c) preventing the tracking of sediment by vehicles onto roads, and
	(d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

DA/2024/409 FOR TELECOMMUNICATIONS FACILITY INCLUDING 40M HIGH MONOPOLE, ANCILLARY WORKS AND FENCING AT 32 KIAH ROAD GILLIESTON HEIGHTS (Cont.)

	Run off and erosion control measures must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties, and roads. Reason: To ensure appropriate run off and erosion controls.
34. Site to be cleared of building refuse on completion	The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure. Reason: To ensure all building waste, refuse and spoil is removed from site upon completion of works.
35. Toilet facilities	While work is being carried out, temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time. The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor. Reason: To ensure adequate sanitary facilities during construction.
36. Unexpected Finds Contingency (General)	Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment. In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately. Where remediation work is required, the applicant will be required to obtain consent for the remediation works. Reason: To ensure unexpected finds are appropriately managed.
37. Upgrades to public utility services	Any necessary alterations to public utility installations being at the developer's expense and to the requirements of both Council and the relevant authority. Reason: To ensure essential services are provided to each allotment.

Before the issue of an occupation certificate

38. Driveway layout and profile constructed	Prior to issue of the Occupation Certificate the driveway layout and profile shall be constructed in concrete (heavy duty), in accordance with Council's Manual of Engineering Standards, which include the retention of (or if damaged reconstruction as plain concrete of) any existing footpath, and with reference to Council's information document 'Footway Crossings (Driveways)'. Reason: To ensure appropriate approval is obtained prior to works on the public road.
39. Material and Colours	

DA/2024/409 FOR TELECOMMUNICATIONS FACILITY INCLUDING 40M HIGH MONOPOLE, ANCILLARY WORKS AND FENCING AT 32 KIAH ROAD GILLIESTON HEIGHTS (Cont.)

	<p>The design shall demonstrate external cladding materials/finishes with low-reflective properties. Recessive colours such as 'eucalyptus green' or 'shale grey', or any suitable shade that would blend with the surrounding vegetation or the sky, shall be used for the monopole, the antennas and the ancillary structures at the base.</p> <p>A schedule of finishes containing this information shall be submitted to Council.</p> <p>Reason: To ensure the design quality of the development.</p>
40.	<p>Occupation certificate required</p> <p>A relevant Occupation Certificate must be obtained prior to any use or occupation of the development.</p> <p>The Principal Certifier must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.</p> <p>Reason: To ensure development is suitable for occupation and / or use.</p>
41.	<p>Repair of infrastructure</p> <p>Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council. Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work</p> <p>Reason: To ensure any damage to public infrastructure is rectified.</p>

Occupation and ongoing use

42.	<p>Amenity</p> <p>The development shall comply with Radiation Protection Standard for Maximum Exposure Levels for Radiofrequency Fields – 3kHz to 300GHz (Radiation Protection Standards) and Industry Code C564:2020 Mobile Phone Base Station Deployment, or as amended.</p> <p>Reason: To limit and reduce impact upon the surrounding amenity.</p>
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DA/2024/409 FOR TELECOMMUNICATIONS FACILITY INCLUDING 40M HIGH MONOPOLE, ANCILLARY WORKS AND FENCING AT 32 KIAH ROAD GILLIESTON HEIGHTS (Cont.)

City Planning

DA/2024/409 FOR Telecommunications Facility including 40m High Monopole, Ancillary Works and Fencing at 32 Kiah Road Gillieston Heights

Submissions

Meeting Date: 10 December 2024

Attachment No: 5

Number of Pages: 6

DA/2024/409 FOR TELECOMMUNICATIONS FACILITY INCLUDING 40M HIGH MONOPOLE, ANCILLARY WORKS AND FENCING AT 32 KIAH ROAD GILLIESTON HEIGHTS (Cont.)

Reference: DA/2024/409

10/07/2024

Property: 32 Kiah Road, Gillieston Hights NSW 2321

To,

Maitland city council

I [REDACTED] are writing to express our strong objection to the proposed mobile tower build near our property. We have several reasons for objecting to this build, as well as detailing the negative impact it can have on our community. Furthermore, we propose alternative solutions that can be implemented to mitigate the negative impact of the mobile tower build. Lastly, we kindly request that Council consider these alternatives before moving forward with the mobile tower build.

One of the main reasons why we are objecting to the mobile tower build is the potential danger it poses to our health. There have been numerous studies linking exposure to radiofrequency (RF) radiation from cell towers with health issues such as cancer, infertility, and accelerated aging. The installation of a tower in close proximity to residential areas increases the risk of exposure for nearby residents, which is a major concern.

Furthermore, the mobile tower build will have a negative impact on the aesthetics of the neighbourhood. The tower will be a prominent and obtrusive structure that will disrupt the visual appeal of the area. It will not only diminish the attractiveness of our neighbourhood but also decrease property values.

Additionally, the build will intrude on the privacy of the residents. The presence of cameras and antennas attached to the tower will infringe on our privacy, as we may be subjected to constant monitoring and data collection without our knowledge or consent. This raises serious concerns about privacy infringement and the potential for misuse of personal data.

There is an alternative solution to mitigate the negative impact of the mobile tower build. One alternative is exploring alternative locations for the tower, such as an area with less population density or more distance from residential areas. This would reduce the level of exposure to RF radiation and allow the tower to be placed in a less visible and intrusive location.

In conclusion, we kindly request that Council consider the concerns outlined above and seriously consider alternative solutions to the mobile tower build. The safety, privacy, and well-being of our community should be of paramount importance, and I believe that alternative solutions can achieve the desired goal of mobile coverage while minimizing the negative impacts on the community and its residents.

Regards

[REDACTED]

DOC No.	
REC'D	18 JUL 2024 MCC
FILE No.	
REFER	

General

DA/2024/409 FOR TELECOMMUNICATIONS FACILITY INCLUDING 40M HIGH MONOPOLE, ANCILLARY WORKS AND FENCING AT 32 KIAH ROAD GILLIESTON HEIGHTS (Cont.)

Claire Mirisch

From: [REDACTED]
Sent: Monday, 8 July 2024 10:52 PM
To: Maitland City Council
Subject: RE: DA/2024/409, Telecommunications Facility
Importance: High

Dear General Manager,

Re: Opposition to Proposed Mobile Tower Installation at 32 Kiah Road GILLIESTON HEIGHTS

I am writing to express my strong opposition to the proposed installation of a new mobile tower on the land [REDACTED]

[REDACTED] While I recognize the importance of enhancing mobile network coverage, I believe the current proposal poses significant concerns that must be addressed.

Health and Safety Concerns: The potential health risks associated with prolonged exposure to electromagnetic radiation emitted by mobile towers are well-documented. Though conclusive evidence is still a subject of ongoing research, many studies suggest possible long-term health effects, especially on vulnerable populations such as children and the elderly. Given the proximity of the proposed tower to residential areas, these concerns cannot be ignored.

Visual Impact: The presence of a mobile tower would severely detract from the aesthetic appeal of our neighbourhood. The tower's imposing structure would disrupt the natural landscape, affecting not only my property but the entire community. The visual intrusion could also negatively impact property values in the vicinity.

Environmental Concerns: The construction and operation of a mobile tower could have adverse effects on local wildlife and vegetation. The electromagnetic emissions and physical presence of the tower may disrupt the habitat of native species, leading to ecological imbalance.

Property Value: The installation of a mobile tower in close proximity to residential properties is likely to diminish property values. Potential buyers may be deterred by the presence of the tower, perceiving it as a health risk and an eyesore, thus reducing the attractiveness and marketability of properties in the area.

Alternative Solutions: I urge the council to explore alternative locations and solutions that do not encroach on residential areas. To mitigate potential negative impacts on the aesthetic value and overall environment of my property, I respectfully request that the council consider relocating the proposed mobile tower 50 meters eastbound from the initially proposed position.

In conclusion, I strongly urge the council to reconsider the proposed location of the mobile tower and to seek alternatives that address both the need for improved mobile coverage and the legitimate concerns of local residents. I would appreciate the opportunity to discuss this matter further and explore potential solutions.

Thank you for your attention to this important issue. I look forward to a positive resolution that respects the interests and wellbeing of our community.

DA/2024/409 FOR TELECOMMUNICATIONS FACILITY INCLUDING 40M HIGH MONOPOLE, ANCILLARY WORKS AND FENCING AT 32 KIAH ROAD GILLIESTON HEIGHTS (Cont.)

Yours sincerely,

[REDACTED]

DA/2024/409 FOR TELECOMMUNICATIONS FACILITY INCLUDING 40M HIGH MONOPOLE, ANCILLARY WORKS AND FENCING AT 32 KIAH ROAD GILLIESTON HEIGHTS (Cont.)

[REDACTED]

From: [REDACTED]
Sent: Monday, 15 July 2024 9:54 PM
To: Maitland City Council
Cc: [REDACTED]
Subject: Proposed Phone Tower - Kiah Road, Gillieston Heights

I have done quite a bit of research and have some serious concerns. I strongly disagree with the proposed erection of a mobile phone tower in Kiah Road. Gillieston Heights. [REDACTED]

[REDACTED], [REDACTED]
[REDACTED]
[REDACTED]

1. There is a public school less than 500 metres from the proposed site which proposes a health risk to all the children that attend Gillieston Heights Public School. I believe that not enough studies have been carried out on the long term effects of electromagnetic radiation on humans, animals or the environment.
2. Safe levels of RF emissions regulations are not adequate to safeguard the public and are not based on current scientific research.
3. Radio frequency radiation and non-ionising electromagnetic radiation are defined as a type of pollution. Pollution is defined as the discharge, seepage, migration or escape of pollutants which are any solid, liquid, gaseous or thermal irritant or contaminant including smoke, vapour, soot, acid, alkalis, chemicals, artificially produced electric fields, magnetic field, sound waves, microwaves and all artificially produced ionising or non-ionising radiation and/or waste.
4. Existing health concerns regarding potential negative health effects from electromagnetic fields are only likely to increase in the near future. Biological effects of electromagnetic fields in general are still being debated in certain areas throughout the world.
5. Health issues include impacts to the immune system, central nervous system, hormone imbalances, cancer, infertility, memory problems, increased headaches, dizziness, depression and sleep problems. Hundreds of scientists are warning that safety is not assured because of numerous studies on people living near phone towers and exposed to RF radiation.
6. All animals, birds, insects, amphibians, reptiles are uniquely sensitive to wireless radiation. This has been proved in scientific studies. There is nothing in place to protect the environment and there are no safety standards in place.

DA/2024/409 FOR TELECOMMUNICATIONS FACILITY INCLUDING 40M HIGH MONOPOLE, ANCILLARY WORKS AND FENCING AT 32 KIAH ROAD GILLIESTON HEIGHTS (Cont.)

7. There is a 3.29 greater times risk of cancer in patients who live closer than 500 metres from a phone tower. Risk of breast cancer is 3.4 times greater.
8. Insurance companies in the US regard phone towers “high risk” comparing them to lead and asbestos. Does the Council have adequate insurance in place for damages from long term exposure to radio frequency radiation?
9. NSW should be recommending policies to reduce RF exposure and enact at least a 500 metre from homes and schools.

I also believe that this phone tower will have a detrimental effect on the value of properties within the immediate area. [REDACTED]

[REDACTED]

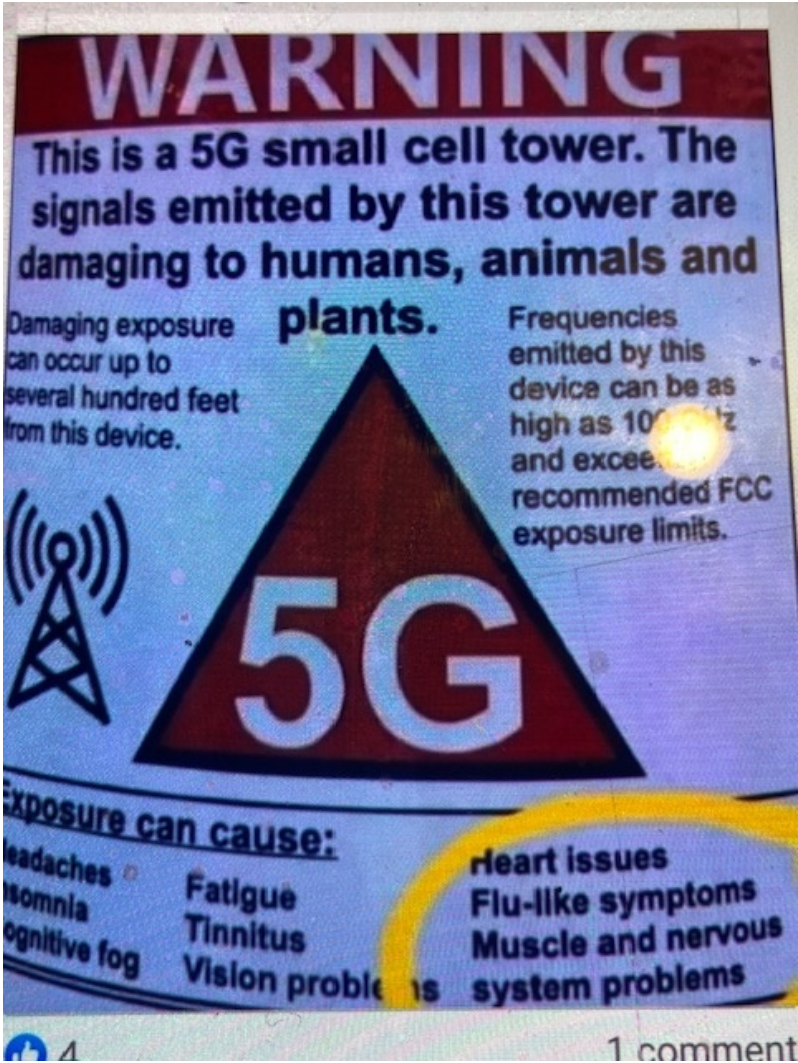
[REDACTED]

I also have concerns about why other property owners in the area have not been made aware of the proposal.

Yours sincerely

[REDACTED]

DA/2024/409 FOR TELECOMMUNICATIONS FACILITY INCLUDING 40M HIGH MONOPOLE, ANCILLARY WORKS AND FENCING AT 32 KIAH ROAD GILLIESTON HEIGHTS (Cont.)



11.4 DA/2024/682 for Multi Dwelling Housing (4 Dwellings) and Strata Subdivision including Demolition at 87 Banks Street East Maitland

FILE NO:	DA/2024/682
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Locality Plan 2. Development Plans 3. Assessment Report (Under Separate Cover) 4. Recommended Conditions of Consent (Under Separate Cover) 5. Submissions
RESPONSIBLE OFFICER:	Director City Planning Manager Development & Compliance Coordinator Planning & Development
AUTHOR:	Senior Development Planner
APPLICANT:	Verte Design
OWNER:	Mathew Wayne Hewlett and Melinda Louise Heffernan
PROPOSAL:	Multi Dwelling Housing (4 Dwellings) and Strata Subdivision including Demolition
LOCATION:	87 Banks Street EAST MAITLAND
ZONE:	R1 General Residential

EXECUTIVE SUMMARY

A development application (DA/2023/889) has been received seeking consent for Multi Dwelling Housing (4 Dwellings) and Strata Subdivision including Demolition at 87 Banks Street East Maitland (Lot 15 DP 758374). The locality plan can be viewed at **Attachment 1**.

The matter is reported to as two (2) submission of objection were received during the assessment process, which can be viewed at **Attachment 5**. The concerns raised by the objectors in respect to the proposed development include traffic and pedestrian safety, parking, front setback to Banks Street, overshadowing, privacy and decrease in property values.

Amended plans were provided in response to Council's concerns regarding the proposed front building setbacks of dwelling 1 to Banks Street and the street frontage appearance, architectural design and articulation to dwellings 3 and 4. The amended plans (dated 24 October 2024) demonstrate a greater setback to Banks Street and additional articulation to dwellings 3 and 4.

The subject site is located within the R1 General Residential zone. The development is compatible with the existing and future character of the area in terms of bulk and scale, adheres to site constraints and restrictions and does not unreasonably impact the

DA/2024/682 FOR MULTI DWELLING HOUSING (4 DWELLINGS) AND STRATA SUBDIVISION INCLUDING DEMOLITION AT 87 BANKS STREET EAST MAITLAND (Cont.)

surrounding environment. The development offers diverse housing options to meet community needs without impeding on the social or economic environments. The proposal is consistent with the requirements of all relevant sections of Maitland Local Environmental Plan (MLEP) 2011 and Maitland Development Control Plan (DCP) 2011.

The application has been assessed against the relevant heads of consideration under Section 4.15(1) in the Environmental Planning and Assessment Act 1979 and considered to be satisfactory subject to the imposition of conditions.

OFFICER'S RECOMMENDATION

THAT

- 1. DA/2024/682 for Multi Dwelling Housing (4 Dwellings) and Strata Subdivision including Demolition at 87 Banks Street East Maitland be approved subject to the recommended schedule of conditions provided in Attachment 4 of this report.**

INTRODUCTION

The purpose of this report is to seek consent from Council for DA/2024/682 proposing Multi Dwelling Housing (4 Dwellings) and Strata Subdivision including Demolition at 87 Banks Street East Maitland. The development plans can be viewed within **Attachment 2** of this report. The application is reported to Council as two (2) objections against the proposal have been received. A detailed assessment in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* is provided within **Attachment 3**.

SITE DESCRIPTION

The site is known as 87 Banks Street East Maitland NSW and has a legal description of Lot 15 Section 1 in Deposited Plan 758374. The site is regular in shape and has a total site area of 815.7m². The site is a corner allotment with a primary frontage 19.5m wide to Banks Street and a secondary frontage 41.8m deep to Flinders Street. This site is mapped as containing no land constraints. The location of the site is represented in Figure 1 below.

Existing improvements include a detached single storey dwelling house located towards the Banks Street frontage with a large metal shed expanding across much of the northern portion of the site. The surrounding area contains predominantly detached single dwelling houses.

DA/2024/682 FOR MULTI DWELLING HOUSING (4 DWELLINGS) AND STRATA SUBDIVISION INCLUDING DEMOLITION AT 87 BANKS STREET EAST MAITLAND (Cont.)



Figure 1: Aerial photograph of subject site

Proposal

The proposal is for the construction of multi dwelling housing consisting of four dwellings and include:

- Demolition of the existing dwelling and ancillary structures.
- Erection of four multi dwelling housing units in two building forms. Each dwelling containing three bedrooms, two bathrooms plus powder room to ground floor, open plan living kitchen dining, secondary living area on first floor and attached single garage with stacked parking.
- One new single residential driveway crossover to the Banks Street frontage and two new (one single, one double) residential driveway crossovers to Flinders Street.
- Associated stormwater and landscaping works
- Subsequent four (4) lot strata subdivision.

Plans of the proposed development can be viewed in **Attachment 2** of this report.

DA/2024/682 FOR MULTI DWELLING HOUSING (4 DWELLINGS) AND STRATA SUBDIVISION INCLUDING DEMOLITION AT 87 BANKS STREET EAST MAITLAND (Cont.)

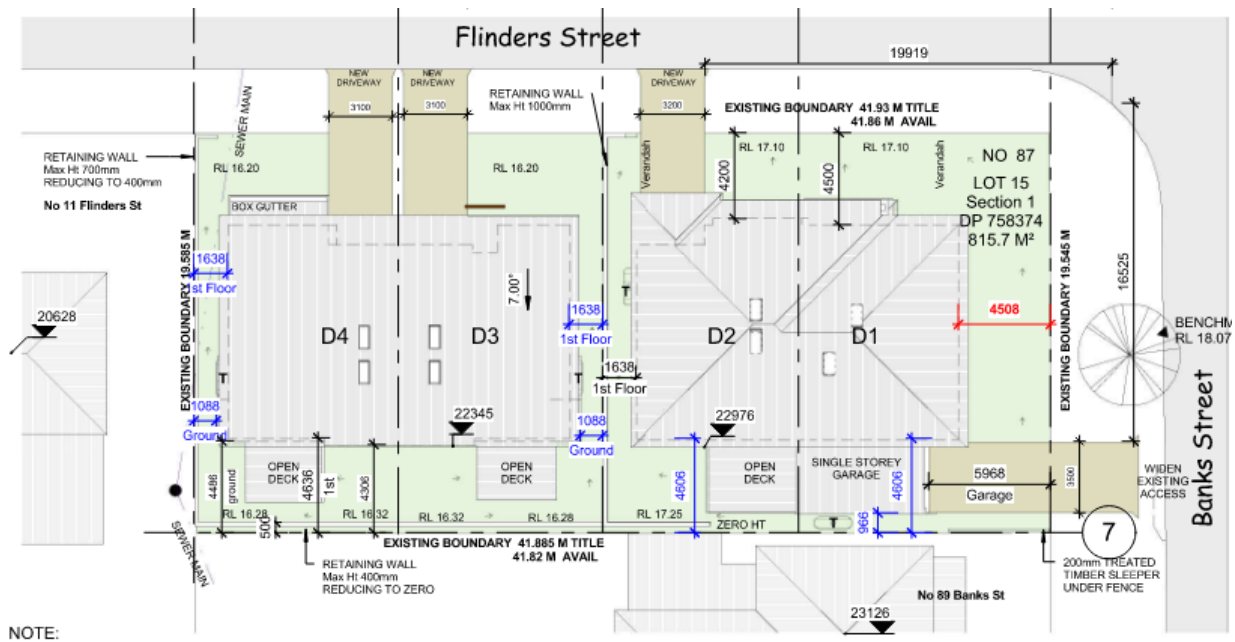


Figure 2: Site Plan

KEY ISSUES

The key issues of relevance to this Council report have been provided below. A detailed assessment of the Development Application is provided in **Attachment 3 - Assessment Report**.

PUBLIC SUBMISSIONS

The application was placed on public exhibition for a period of 14 days from 30 August to 13 September 2024 in accordance with the legislative requirements. During this time two (2) submissions were received. A detailed response to the submissions provided in the Planners assessment report found in **Attachment 3**. A copy of the submissions is provided in **Attachment 5**.

A summary of the issues raised in the submission are outlined below:

Traffic safety

Driveway access to the development has been designed to meet the requirements of Council's Manual of Engineering Standards and Austroads in regard to setbacks to intersections. Each driveway is greater than 6m from the Banks and Flinders Street intersection. Considering the scale of the development, it is anticipated that the existing road network has satisfactory capacity to absorb any additional traffic generated from the proposal and the traffic impacts negligible.

Pedestrian safety

DA/2024/682 FOR MULTI DWELLING HOUSING (4 DWELLINGS) AND STRATA SUBDIVISION INCLUDING DEMOLITION AT 87 BANKS STREET EAST MAITLAND (Cont.)

The proposed application has been designed with clear delineation between the public and private spaces through use of fencing and landscaping. All driveways have been designed and will be conditioned to comply with Council's Manual of Engineering Standards in regard to pavement width and sighting. There are no anticipated impacts to pedestrian safety as a result of the proposed development.

Parking

Each new dwelling contains three bedrooms requiring two parking spaces per dwelling under DCP. An attached single garage and driveway is proposed to each new dwelling with ability for stacked parking to meet the parking requirements. The development is compliant with the DCP requirements.

Front setback to Banks Street

Amended plans were provided as part of the assessment process increasing the Banks Street setback to 4.5m at its minimum. While dwelling 1 is still slightly forward of neighbouring dwellings on Banks Street by approximately 1.3m, the forward section is limited to 10.14m, or 51.8% of the total frontage. The single storey garage, adjacent to the western boundary, is set back an additional 1.46m, which enhances visual openness. The development provides open spaces along Bank Street to support landscaping to reduce bulk, while building articulation and separation between dwellings further minimise visual impact. It is considered that despite the non-compliance the proposed development aligns with character and future character of the area.

Overshadowing

Overshadowing diagrams have been provided as part of the supporting documentation which demonstrate that adjoining western dwelling (85 Banks Street) retains more than three (3) hours direct sunlight to adjoining private open spaces during the winter solstice. The worst affected time being 9am, however, the rear yard is almost wholly out of shadow by 11am.

The overshadowing as a result of this development is negligible and can be supported.

Privacy

The proposed dwellings have been designed to limit visual and acoustic privacy impacts, including implementation of separation distances, staggered dwelling placements and internal layouts. First floor windows to the western and northern elevations are associated with bedrooms only and have been designed to either be highlight with a sill height of 1.6m or contain obscure glass. Further, a condition of consent has been included requiring any boundary fencing to be upgraded to be 1.8m in height. As such, any privacy impacts are considered negligible and resolvable through design and conditions.

DA/2024/682 FOR MULTI DWELLING HOUSING (4 DWELLINGS) AND STRATA SUBDIVISION INCLUDING DEMOLITION AT 87 BANKS STREET EAST MAITLAND (Cont.)

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

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

CONCLUSION

An assessment of the application has been undertaken against Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and is provided under **Attachment 3**. The proposed development is considered acceptable in terms of the relevant matters for consideration under the Act and the development application is recommended for approval.

DA/2024/682 FOR MULTI DWELLING HOUSING (4 DWELLINGS) AND STRATA SUBDIVISION INCLUDING DEMOLITION AT 87 BANKS STREET EAST MAITLAND (Cont.)

City Planning

DA/2024/682 for Multi Dwelling Housing (4 Dwellings) and Strata Subdivision including Demolition at 87 Banks Street East Maitland

Locality Plan

Meeting Date: 10 December 2024

Attachment No: 1

Number of Pages: 1

DA/2024/682 FOR MULTI DWELLING HOUSING (4 DWELLINGS) AND STRATA SUBDIVISION INCLUDING DEMOLITION
AT 87 BANKS STREET EAST MAITLAND (Cont.)



City Planning

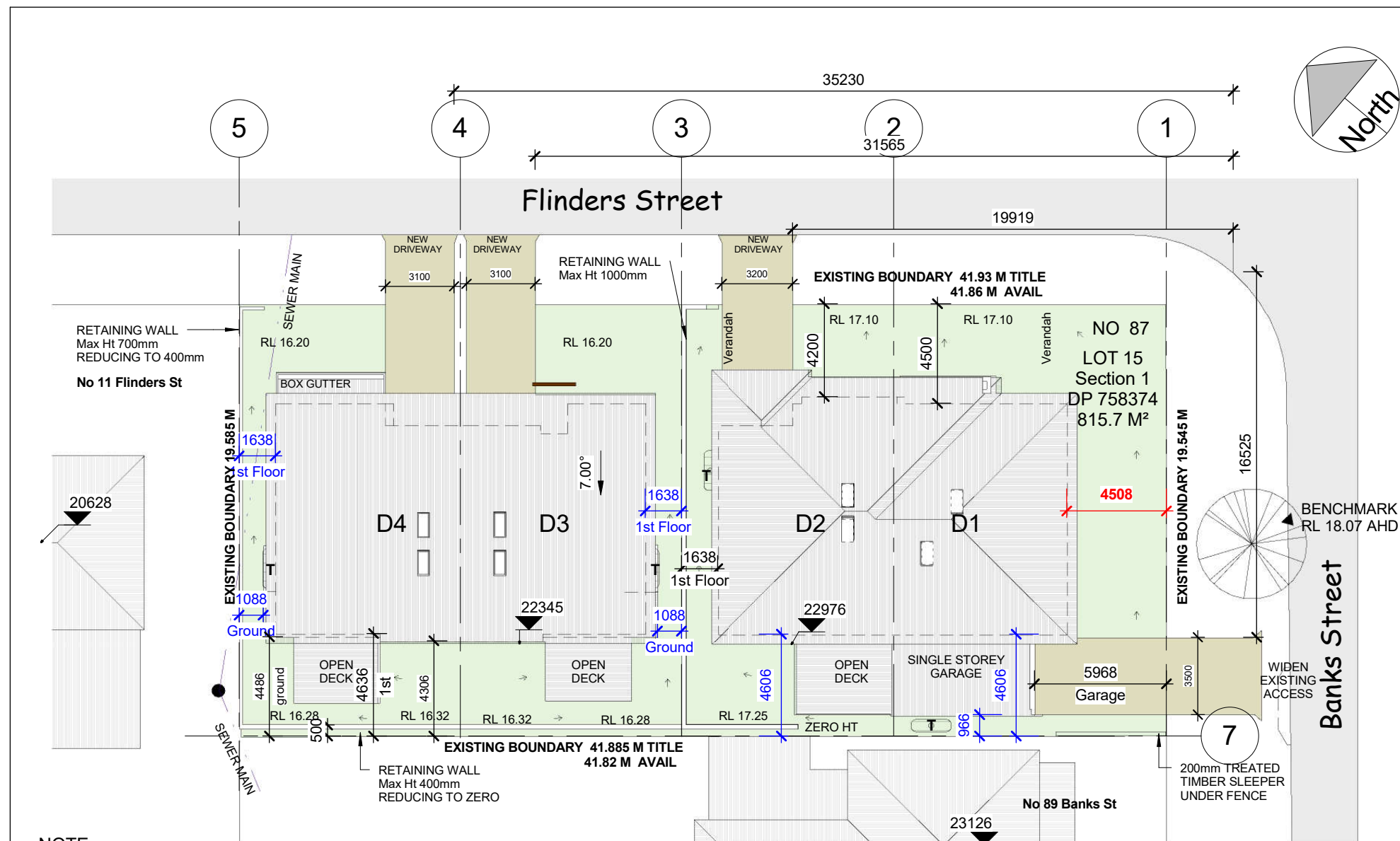
DA/2024/682 for Multi Dwelling Housing (4 Dwellings) and Strata Subdivision Including Demolition at 87 Banks Street East Maitland

Development Plans

Meeting Date: 10 December 2024

Attachment No: 2

Number of Pages: 7



INDEX

DRAWING NO.	DRAWING TITLE
A1	Site Plans - Proposed
A2	Site Plan - Existing
A3	Prelim Subdivision Plan
A4	D1 D2 - Ground Floor
A5	D1 D2 - 1st Floor
A6	D1 D2 - Elevations
A7	D1 D2 - Elevations
A8	D1 D2 - Sections
A9	D1 D2 - Basix / Schedules
A10	D3 D4 - Ground Floor
A11	D3 D4 - 1st Floor
A12	D3 D4 - Elevations
A13	D3 D4 - Elevations
A14	D3 D4 - Sections
A15	D3 D4 - Basix / Schedule


STORMWATER:

REFER TO PRELIM STORMWATER PLAN
REFER TO DRAWING A16

SITE RATIO AND POS AREAS

REFER TO DRAWING A17

HUNTER WATER STAMP

 BUILDING PLAN ASSESSMENT	
Over/adjacent Hunter Water Assets	
Reference No: 125247	
<input checked="" type="checkbox"/>	Water available for connection
<input checked="" type="checkbox"/>	Sewer available for connection
Development Assessment (Section 50) application has been submitted and is being reviewed by Hunter Water. A Hydraulic Design Assessment application is required if development is located more than 2 units or commercial/industrial. Application for Services Disconnection and Services Connection required.	
Date Processed:	03 July 2024
Applicant:	verte design - Linda Hearn
Property Location:	LOT 15 SECTION 1 DP 758374 87 BANKS ST EAST MAITLAND NSW 2323
PLEASE TAKE INTO CONSIDERATION	
<p><i>This is not a compliance certificate. This stamp indicates that Hunter Water has undertaken an initial assessment of the proposed development to identify possible impacts to our infrastructure. Conditions of Hunter Water easements apply. For information on Hunter Water's processes please refer to the Land Development Manual on our website or contact us on 1300 657 657. Version 3.3 (22 December 2021)</i></p>	

NOTE:

1. Please check all dimensions on site.
 2. Do not use drawings to scale from.
 3. All Timber & Wind Loads in accordance with Australian Standard 1684.2 , 1684.3, 1684.4 Residential Timber Framed Construction.
 4. All building works are to comply with Building Code of Australia
 5. Check boundary position , all easement,sewerage mains , flood levels, bush fire conditions with the local authority prior to commencing any building works.
 6. Set out of building by Registered surveyor or qualified person.
 7. These drawings to be read in conjunction with the Engineers details.
- FFL - FINISHED FLOOR LEVEL
NGL - NATURAL GROUND LEVEL
AHD - AUSTRALIAN HEIGHT DATUM

SETOUT OF NEW STRUCTURES **MUST BE**
DONE BY A SURVEYOR

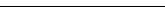

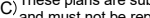


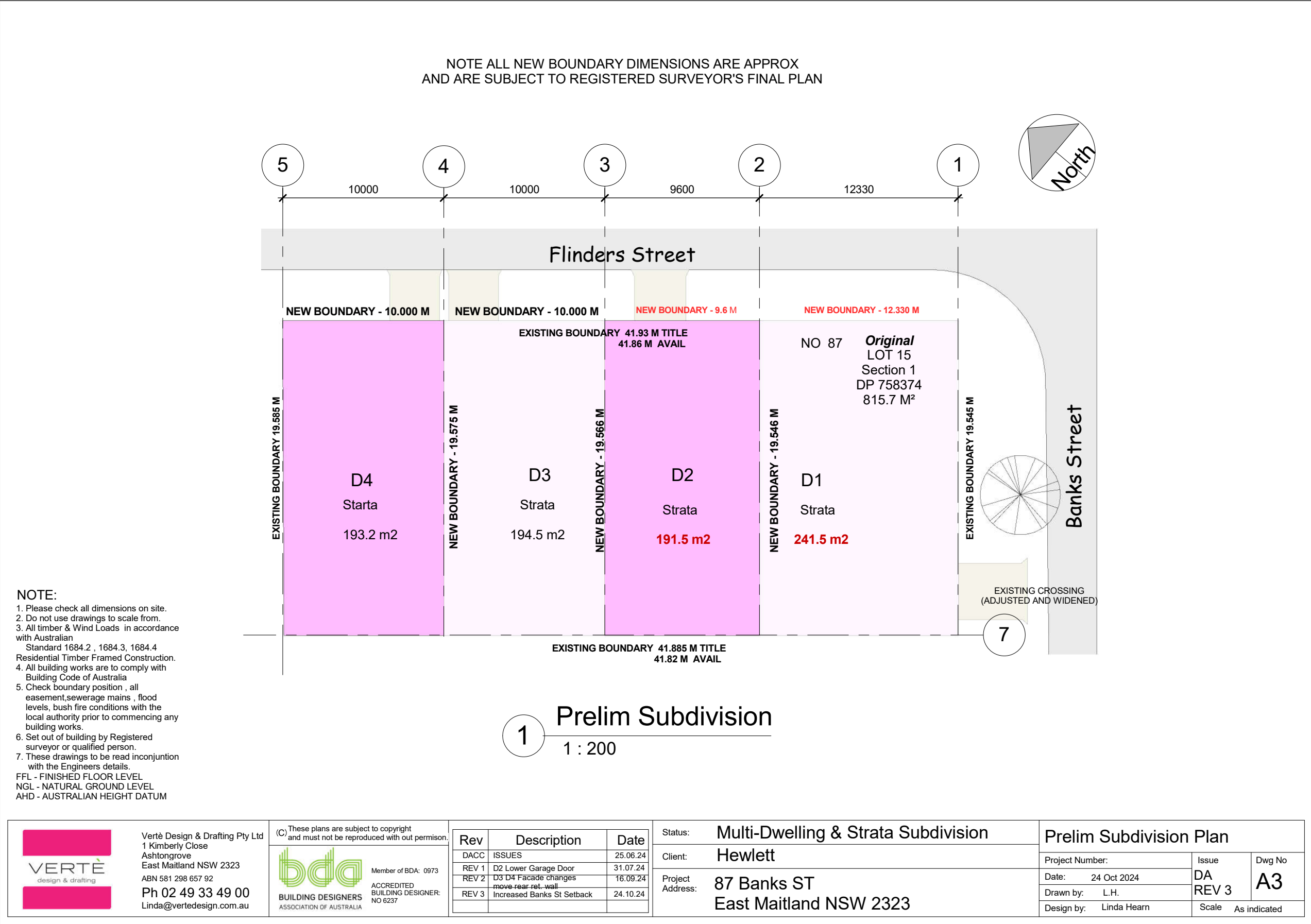
ALL EXISTING SERVICES IN PROXIMITY OF
NEW WORKS TO BE LOCATED & IDENTIFIED BY
CONTRACTOR PRIOR TO CONSTRUCTION

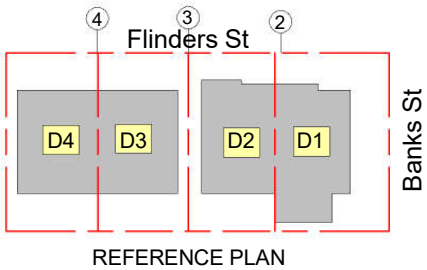
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Site Plan - Proposed

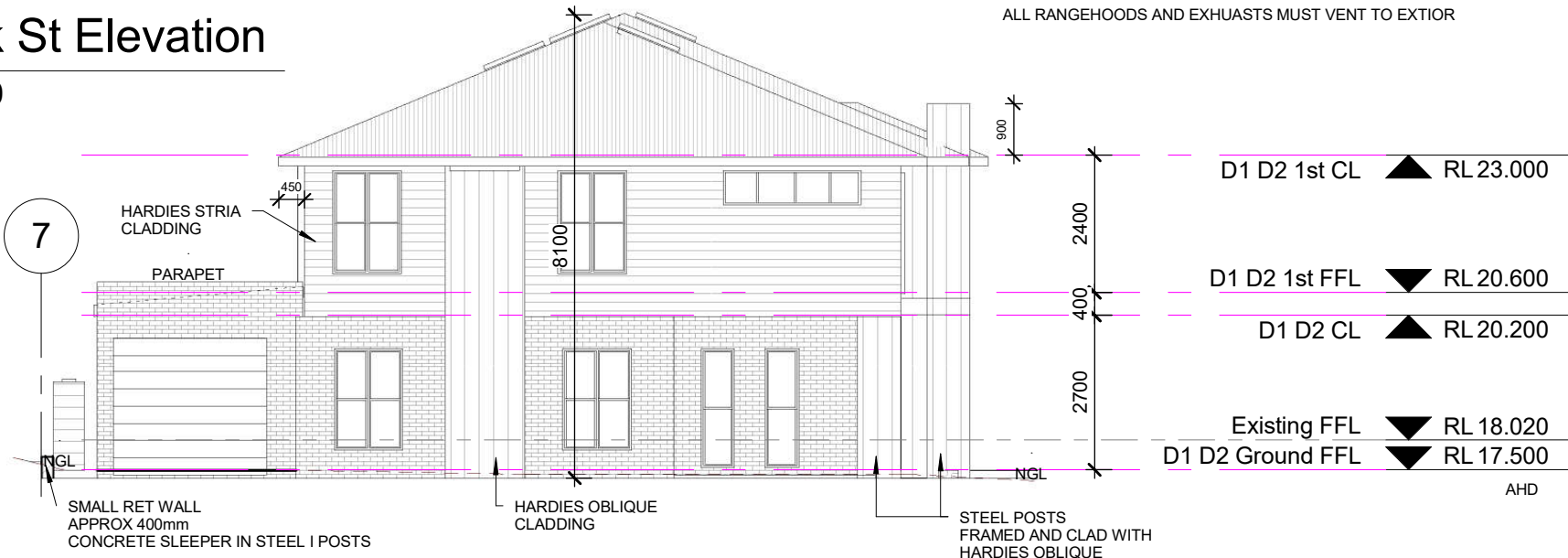
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<div><p>VERTE design & drafting</p></div> <div>Verte Design & Drafting Pty Ltd 1 Kimberly Close Ashtongrove East Maitland NSW 2323 ABN 581 298 657 92 Ph 02 49 33 49 00 Linda@vertedesign.com.au</div>	<div>(C) These plans are subject to copyright and must not be reproduced without permission.</div> <div><div>Member of BDA: 0973 ACCREDITED BUILDING DESIGNER: NO 6237</div></div>				Status: Multi-Dwelling & Strata Subdivision		Site																														
		<table><thead><tr><th>Rev</th><th>Description</th><th>Date</th></tr></thead><tbody><tr><td>DACC</td><td>ISSUES</td><td>25.06.24</td></tr><tr><td>REV 1</td><td>D2 Lower Garage Door</td><td>31.07.24</td></tr><tr><td>REV 2</td><td>D3 D4 Facade changes</td><td>16.09.24</td></tr><tr><td>REV 3</td><td>move rear ret. wall increased Banks St Setback</td><td>24.10.24</td></tr></tbody></table>			Rev	Description	Date	DACC	ISSUES	25.06.24	REV 1	D2 Lower Garage Door	31.07.24	REV 2	D3 D4 Facade changes	16.09.24	REV 3	move rear ret. wall increased Banks St Setback	24.10.24	Client: Hewlett		Project Address: 87 Banks ST East Maitland NSW 2323		<table><tr><td>Project Number:</td><td>Issue</td><td>Dwg No</td></tr><tr><td>Date: 24 Oct 2024</td><td>DA REV 3</td><td>A1</td></tr><tr><td>Drawn by: L.H.</td><td colspan="2"></td></tr><tr><td>Design by: Linda Hearn</td><td>Scale</td><td>As indicated</td></tr></table>		Project Number:	Issue	Dwg No	Date: 24 Oct 2024	DA REV 3	A1	Drawn by: L.H.			Design by: Linda Hearn	Scale	As indicated
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1 Bank St Elevation
1 : 100



NOTE: PREVENTION FROM FALLING

BEDROOM WINDOWS: FLOOR LEVEL OF ROOM IS MORE THAN 2 M OFF THE GROUND
ALL OTHER WINDOWS: FLOOR LEVEL OFF ROOM IS MORE THAN 4 M OFF THE GROUND

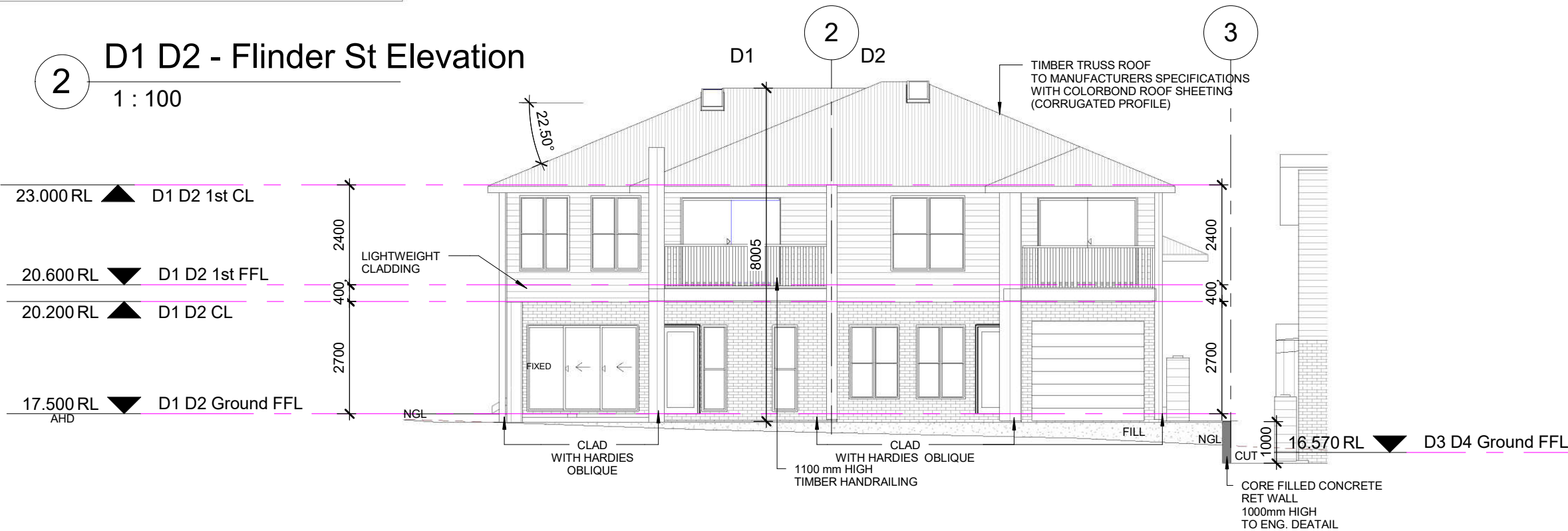
For all windows less than 1700mm From floor level MUST BE EITHER FITTED WITH


A) Window locks that stop the window from being opened with an opening of no more than 125mm.
OR
B) Permanently fixed steel screens (screwed or pop riveted) to withstand pressure of 250 Newtons.

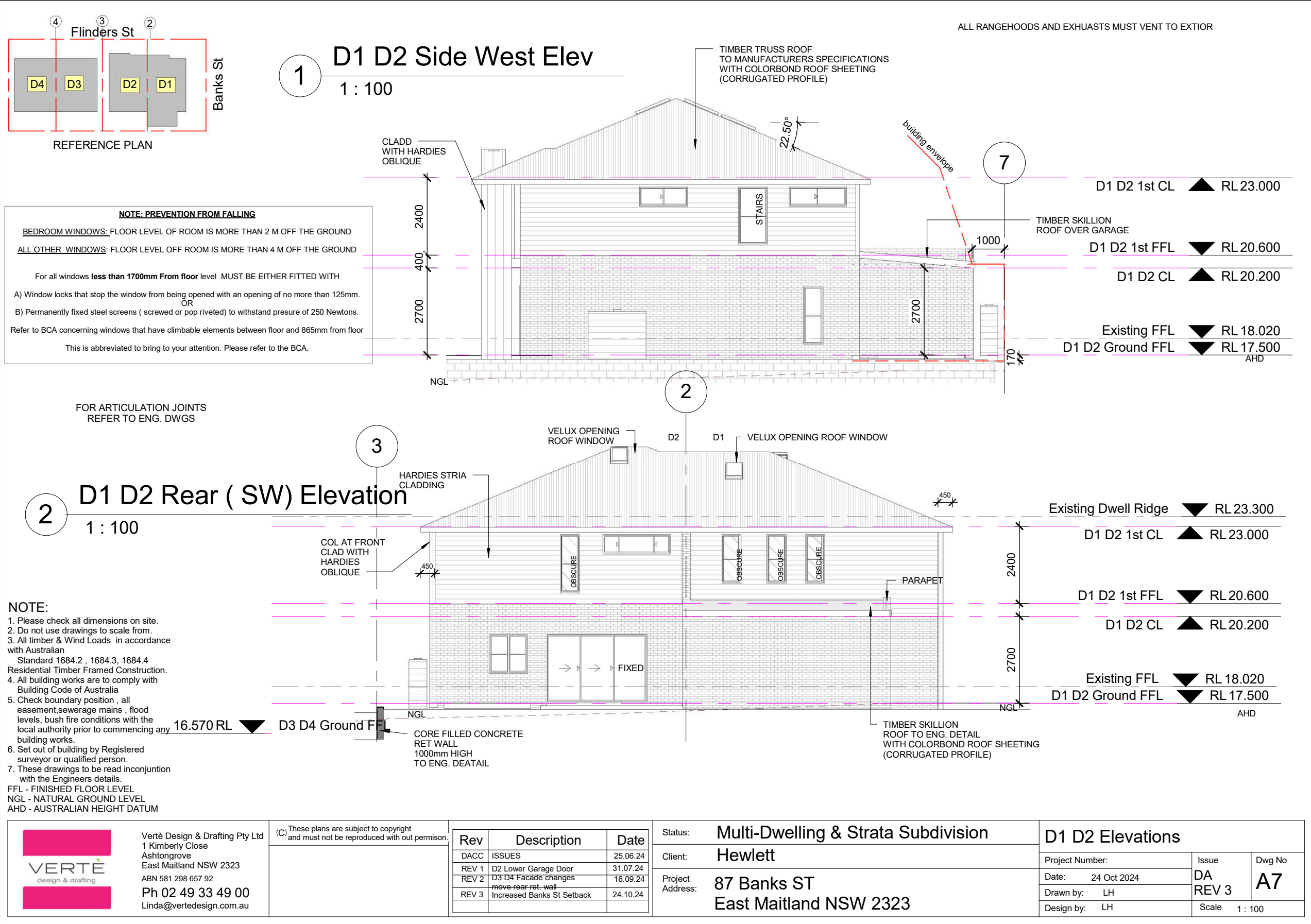
Refer to BCA concerning windows that have climbable elements between floor and 865mm from floor

This is abbreviated to bring to your attention. Please refer to the BCA.

2 D1 D2 - Flinder St Elevation
1 : 100

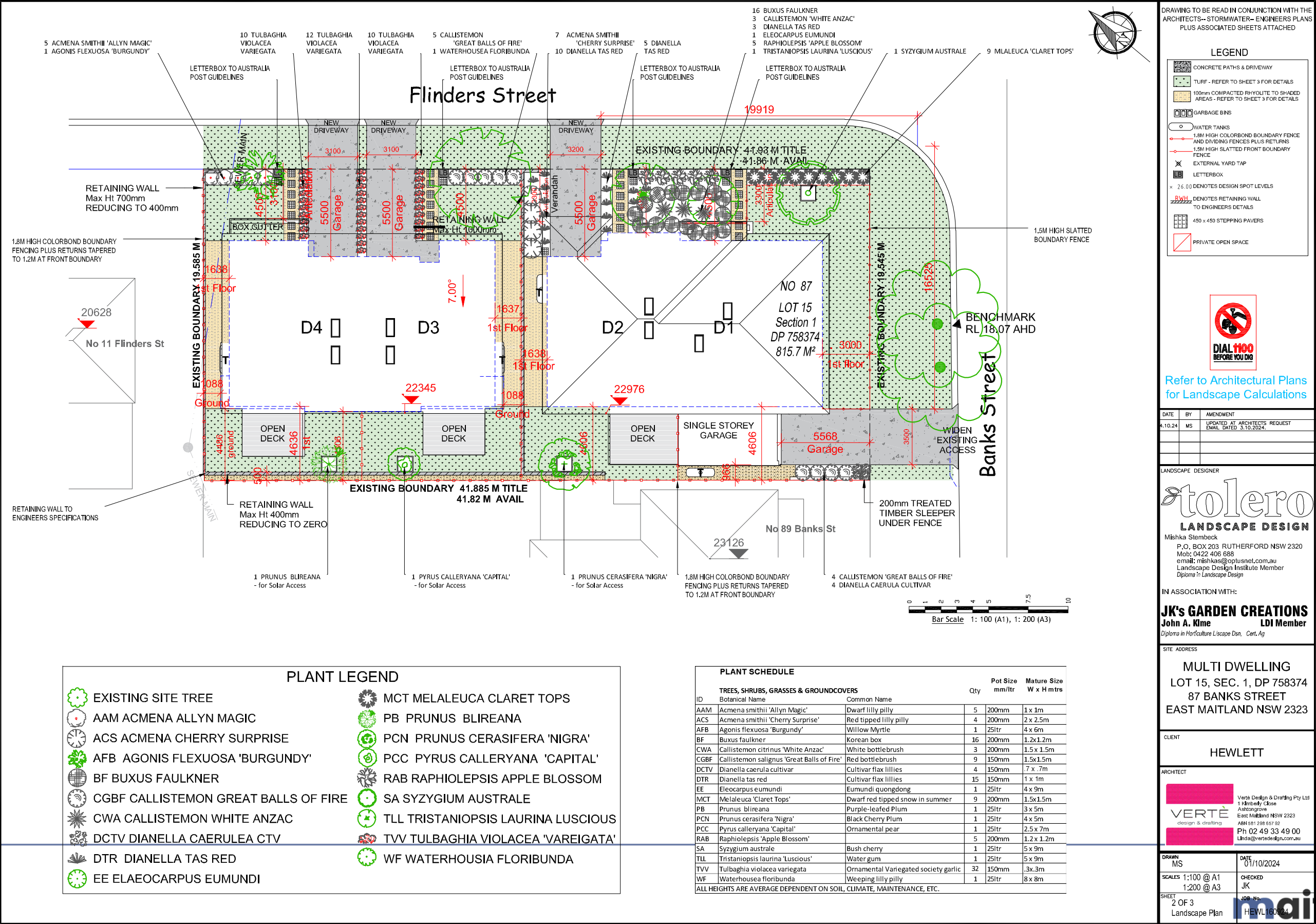


<div> Verte Design & Drafting Pty Ltd 1 Kimberly Close Ashtongrove East Maitland NSW 2323 ABN 581 298 657 92 Ph 02 49 33 49 00 Linda@vertedesign.com.au</div>	(C) These plans are subject to copyright and must not be reproduced without permission.	<table><tr><th>Rev</th><th>Description</th><th>Date</th></tr><tr><td>DACC</td><td>ISSUES</td><td>25.06.24</td></tr><tr><td>REV 1</td><td>D2 Lower Garage Door</td><td>31.07.24</td></tr><tr><td>REV 2</td><td>D3 D4 Facade changes move rear ret. wall</td><td>16.09.24</td></tr><tr><td>REV 3</td><td>Increased Banks St Setback</td><td>24.10.24</td></tr><tr><td></td><td></td><td></td></tr></table>			Rev	Description	Date	DACC	ISSUES	25.06.24	REV 1	D2 Lower Garage Door	31.07.24	REV 2	D3 D4 Facade changes move rear ret. wall	16.09.24	REV 3	Increased Banks St Setback	24.10.24				<table><tr><td>Status:</td><td colspan="2">Multi-Dwelling & Strata Subdivision</td></tr><tr><td>Client:</td><td colspan="2">Hewlett</td></tr><tr><td>Project Address:</td><td colspan="2">87 Banks ST East Maitland NSW 2323</td></tr></table>		Status:	Multi-Dwelling & Strata Subdivision		Client:	Hewlett		Project Address:	87 Banks ST East Maitland NSW 2323		D1 D2 Elevations		
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			Drawn by: lh		REV 3																															
			Design by: LH		Scale 1 : 100																															









City Planning

DA/2024/682 for Multi Dwelling Housing (4 Dwellings) and Strata Subdivision including Demolition at 87 Banks Street East Maitland

Submissions

Meeting Date: 10 December 2024

Attachment No: 5

Number of Pages: 6

DA/2024/682 FOR MULTI DWELLING HOUSING (4 DWELLINGS) AND STRATA SUBDIVISION INCLUDING DEMOLITION
AT 87 BANKS STREET EAST MAITLAND (Cont.)

From: [REDACTED]
Sent: Wednesday, 11 September 2024 3:59 PM
To: Maitland City Council
Cc: [REDACTED]
Subject: Objection to DA/2024/682

Maitland City Council
285-287 High Street
Maitland, NSW 2323
Attn: Planning, Environment & Lifestyle
Re: DA/2024/682

To whom it may concern,

I am writing to formally express my objections to the proposed development as per the above-mentioned Development Application.

1

Please note I have not made a reportable political donation or gift within 2 years prior to the date this submission was made.

I am a rate payer and owner occupier residing at [REDACTED], and I hold significant concerns regarding the proposed development and its potential impacts on the well-being of and amenity of the surrounding area, including my own home and those of other residents. I have outlined these concerns below.

I understand the need for development and progress, however it should not compromise neighbourhood amenities or jeopardise safety, wellbeing, and heritage. The proposed dwellings appear to be incongruent with the Residential Zone's intended purpose. The primary purpose of this zone type is to provide for residential uses in a variety of forms. However, the proposed development's size, scale, and density do not align with the established character of the neighborhood, potentially leading to negative impacts on amenity, traffic, and infrastructure.

Traffic and Transport:

- As per Reg 170-3 of the Road Rules 2014, a driver must not stop within 10m of an intersection. The proposed plan has multiple additional driveways close to a corner intersection of an already narrow and congested laneway.
- The intersecting laneway is next to a designated school bus drop off and pick up zone, directly after a raise in the road with already poor visibility of oncoming traffic. The increased traffic in the area during not only construction, but after completion poses a significant risk to the children who reside in the area.

2

DA/2024/682 FOR MULTI DWELLING HOUSING (4 DWELLINGS) AND STRATA SUBDIVISION INCLUDING DEMOLITION
AT 87 BANKS STREET EAST MAITLAND (Cont.)

- There is no infrastructure to support 4 additional dwellings in the area, ie no footpaths, and a reduction in available on street parking for existing residents. Parking on the street at these residences would breach the Road Rule mentioned in the first point.

Design:

- The proposed development does not match the heritage style or set back nature of other homes in the area and therefore does not aesthetically or practically match the existing dwellings.
- The design will drastically reduce the natural light in the homes of surrounding dwellings.
- The design dramatically affects the privacy of residents in existing dwellings.

Local Impact:

Due to the points mentioned above there will be real, significant and ongoing disadvantages to the current residents, including but not limited to:

- Increased safety risk to pedestrians including children and elderly
- Decreased house value due to the properties being likely rented and not maintained to owner-occupier standard
- Loss of natural lighting, effecting the already established fauna in adjacent dwellings
- Loss of privacy to residents in homes directly adjacent due to dual storey dwellings overlooking single storey yards and rooms

3

Alternative solution: If the owner of 87 Banks Street is looking to subdivide, they should consider 2 dwellings, designed in a manner that reduces impact to local residents and the environment, being single dwellings, set back from the roadway in a manner which blends with the established feel of existing properties with a single access driveway, set well away from the intersection.

Thank you for your time in reading this objection and I trust my concerns, and those of other residents is taken into genuine consideration.

Regards

[REDACTED]

[REDACTED]

[REDACTED]

-

4

DA/2024/682 FOR MULTI DWELLING HOUSING (4 DWELLINGS) AND STRATA SUBDIVISION INCLUDING DEMOLITION
AT 87 BANKS STREET EAST MAITLAND (Cont.)

To: The Support Officer

Planning, Environment & Lifestyle

Maitland City Council

DOC No.	
REC'D 13 SEP 2024	MSC
FILE No.	
REFER	

We are writing in response to DA/2024/682

Location: 87 Banks Street East Maitland 2323

After residents received a copy of the proposed development at the above location we wish to submit our objections to the location and size of the proposal, based on the following issues:

- D1 proposed location is significantly closer (approximately 2.5metres) to the Banks Street boundary than the adjoining property of 89 Banks Street.
- The proposed structure is multi storey and is not being built in alignment with the neighbouring property. Due to this Easterly morning light will be dramatically reduced/obstructed.
- The diminished level of natural light to the neighbouring property will significantly impact the resident's quality of life.
- Diminished levels of natural light will lead to an increase in energy consumption which will negatively impact the financial situation of residents adjoining the development.
- Reduction in property value due to a multi storey dwelling overshadowing properties and having balconies with a line of sight into neighbouring yards, thus impacting quality of life.
- Due to proximity to the corner of proposed development:
 - Vision of drivers/vehicles on the corner of Banks and Flinders Street will be impeded causing safety issues.
 - With street parking, Flinders Street only accommodates single lane traffic. The proposal will impact the flow of this traffic due to clear line of sight from vehicles being obstructed as the proposal is approximately 2.5meters further forward to Banks Street than the current dwelling.
 - The safety of children in the street will be jeopardised when playing in this vicinity due to the diminished visibility of drivers on the corner of Banks and Flinders Streets.
- Parking congestion along Banks and Flinders Streets due to single garage design of proposed development application. As stated above Flinders Street is a narrow street and does not have the capacity for vehicles to park either side of the street and still allow traffic to flow. As there is no provision for a 2nd vehicle at these proposed residences, Banks and Flinders Streets will be overcrowded with the potential of 8 or more vehicles now having to be secured around 1 housing block.

DA/2024/682 FOR MULTI DWELLING HOUSING (4 DWELLINGS) AND STRATA SUBDIVISION INCLUDING DEMOLITION
AT 87 BANKS STREET EAST MAITLAND (Cont.)

- Banks Street is part of Maitland Heritage walk and as such the established street scape should not be compromised with a new dwelling protruding forward from the adjoining properties on the block. Currently every house in Banks Street is set back from the street approximately the same distance (within centimetres). As already stipulated, this proposal is set forward approximately 2.5 meters which will aesthetically detract from an established residential street scape.

We are aware of legislation that has recently been passed by the State government to address housing shortages within NSW.

However, we still strongly urge Maitland City Council to reconsider and amend the positioning of the proposed development at 87 Banks Street East Maitland, to bring D1 in alignment with current dwellings in Banks Street. By approving this amendment the established street scape will not be detrimentally impeded. When choosing Banks Street as our residence, we deliberately chose a lifestyle that provided a charming, spacious environment that is very different to the aesthetic of a modern housing estate. By allowing DA/2024/682 to be approved as is, it will irrevocably change the street scape, the lifestyle and environment we consciously chose to reside in.

We hope Maitland City Council can facilitate an outcome that will maintain the integrity of the street and lifestyle of current rate paying residents, whilst enabling this new development to bring more housing to the local government area. We believe this proposal can be beneficial for council, current residents and the developer if amendments are made to the development application.

Please find attached the signatures of residents who are opposed to the development as proposed and are petitioning council to amend the location/size of D1 to be in situ with the current dwelling located on 87 Banks Street East Maitland.

Yours sincerely

Residents

Banks & Flinders Street East Maitland

DA/2024/682 FOR MULTI DWELLING HOUSING (4 DWELLINGS) AND STRATA SUBDIVISION INCLUDING DEMOLITION AT 87 BANKS STREET EAST MAITLAND (Cont.)

Signatures of residents who are opposed to the development DA/2024/682 as proposed and are petitioning council to amend the location/size of D1 to be in situ with the current dwelling located on 87 Banks Street East Maitland.

NAME	ADDRESS	SIGNATURE
[REDACTED]	BANKS ST. EAST MAITLAND	[REDACTED]
[REDACTED]	BANKS ST EAST MAITLAND	[REDACTED]
[REDACTED]	BANKS ST EAST MAITLAND	[REDACTED]
[REDACTED]	Banks St East Maitland.	[REDACTED]
[REDACTED]	Banks ST EAST MAITLAND	[REDACTED]
[REDACTED]	Banks St East Maitland	[REDACTED]
[REDACTED]	BANKS ST EAST MAITLAND	[REDACTED]
[REDACTED]	BANKS STREET, EAST MAITLAND	[REDACTED]
[REDACTED]	Banks St, East Maitland	[REDACTED]
[REDACTED]	Banks St East Maitland.	[REDACTED]

DA/2024/682 FOR MULTI DWELLING HOUSING (4 DWELLINGS) AND STRATA SUBDIVISION INCLUDING DEMOLITION
AT 87 BANKS STREET EAST MAITLAND (Cont.)

Signatures of residents who are opposed to the development DA/2024/682 as proposed and
are petitioning council to amend the location/size of D1 to be in situ with the current dwelling
located on 87 Banks Street East Maitland.

NAME	ADDRESS
[REDACTED]	Banks Street
[REDACTED]	Banks Street.
[REDACTED]	Banks Street.
[REDACTED]	Banks Street.
[REDACTED]	Banks Street
[REDACTED]	Banks Street

11.5 DA/2024/346 for Demolition, Takeaway Food and Drink Premises (24 Hour), and Business Identification Signage at 112 and 114 New England Highway Rutherford

FILE NO:	2024/346
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Locality Plan 2. Development Plans 3. Assessment Report (Under Separate Cover) 4. Recommended Conditions of Consent (Under Separate Cover) 5. Submissions
RESPONSIBLE OFFICER:	Director City Planning Manager Development & Compliance Coordinator Planning & Development
AUTHOR:	Senior Development Planner
APPLICANT:	Hargreaves Holding Group 1 Pty Ltd
OWNER:	Hargreaves Holding Group 1 Pty Ltd
PROPOSAL:	Demolition, Takeaway Food and Drink Premises (24 Hour), and Business Identification Signage
LOCATION:	112 & 114 New England Highway, Rutherford
ZONE:	E3 – Productivity Support

EXECUTIVE SUMMARY

*A development application (DA/2024/346) has been received seeking consent for the demolition of existing dwellings and construction of a takeaway food and drink premises (24 Hour) and Signage at 112 and 114 New England Highway, Rutherford. The locality plan can be viewed at **Attachment 1**.*

The matter is reported to Council in accordance with the 'Delegations of Authority' for the General Manager, Section 3(b)(i), due to the development exceeding more than 20% numerical compliance with an applicable Development Control Plan, and Section 3(b)(iii), due to submissions being received during the exhibition period.

The development is located within a site suitably zoned for the proposal and is of a size able to cater for such development. The development is compatible with the existing character, bulk, scale and massing of the existing built form across the site. The development can be operated in a manner which limits amenity impacts to surrounding residential properties. The proposal is consistent with the requirements of all relevant sections of Maitland LEP 2011, and generally consistent with the Maitland DCP 2011.

DA/2024/346 FOR DEMOLITION, TAKEAWAY FOOD AND DRINK PREMISES (24 HOUR), AND BUSINESS IDENTIFICATION SIGNAGE AT 112 AND 114 NEW ENGLAND HIGHWAY RUTHERFORD (Cont.)

The application has been assessed against the relevant heads of consideration under Section 4.15(1) in the Environmental Planning and Assessment Act 1979 and considered to be satisfactory subject to the imposition of conditions.

OFFICER'S RECOMMENDATION

THAT

- 1. DA/2024/346 for Demolition, Takeaway Food and Drink Premises (24 Hour), and Business Identification Signage at 112 and 114 New England Highway, Rutherford, is approved subject to the recommended schedule of conditions provided in Attachment 4 of this report.**

Introduction

The purpose of this report is to seek consent from Council for DA/2024/346 proposing Demolition, Takeaway Food and Drink Premises (24 Hour), and Business Identification Signage. The development plans can be viewed within **Attachment 2** of this report. The application is reported to Council as parking controls pursuant to the Maitland Development Control Plan (MDCP 2011) are varied by more than 20%, and two (2) submissions were received during the exhibition period. A detailed assessment in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* is provided within **Attachment 3**.

Site Description

The subject site is made up of three existing allotments, Lot 1 - 617.4m², Lot 2 - 731.1m² and Lot 3 - 1.2m². The site has a total frontage of 25.9m to the New England Highway (south), and 54.3m to John Street (east). The allotments feature a gradual slope from the southern frontage toward the north (rear). Existing vegetation is evident at the front and rear of the property, which appears to be remnant landscaping. Lots 1 & 2 each contain an existing dwellings and ancillary structures. Lot 1 features a driveway crossover to John Street. Lot 2 currently gains access to the public network via driveway crossover to the New England Highway, which is to be removed as a result of the proposed development.

The broader area is characterised by general residential development, directly south and north of the site, with a service station directly adjoining the site to the west. The New England Highway runs at the frontage of the site, with an existing intersection (traffic lights) at the corner of John Street and New England Highway. The train line runs north to south, adjacent to John Street.

DA/2024/346 FOR DEMOLITION, TAKEAWAY FOOD AND DRINK PREMISES (24 HOUR), AND BUSINESS IDENTIFICATION SIGNAGE AT 112 AND 114 NEW ENGLAND HIGHWAY RUTHERFORD (Cont.)



Figure 1 – Aerial image of subject allotments

Proposal

The proposed development is for a food and drink premises (Starbucks) and business identification signage. The development includes demolition of existing structures, erection of a new commercial building, ancillary carpark, drive-thru service area, earthworks, landscaping, stormwater drainage infrastructure, pole and fascia signage.

The proposed building features a single storey design, containing front of house service area, back of house 'workroom' and kitchen, storeroom, bathrooms, dine-in seating area, and external, enclosed, bin storage area. The building features concrete, timber and aluminium cladding, and exterior mural design on the southern (front) elevation. See Figure 2 below and architectural plans provided in **Attachment 2**.

The carpark provides sixteen (16) onsite parking spaces, including one (1) designated waiting bay and one (1) accessible park, with an exit driveway (south) and dual entry/exit driveway (north), providing access to John Street. The development proposes new footpath and curb and gutter along the John Street frontage. See Figure 3 below and architectural plans provided in **Attachment 2**.

The proposed signage includes a 10m pole sign at the south-eastern corner, fronting New England Highway, a small pole directional, sign, measuring 1.8m, at the southern driveway, and a small directional sign, measuring 1m, at the northern driveway.

DA/2024/346 FOR DEMOLITION, TAKEAWAY FOOD AND DRINK PREMISES (24 HOUR), AND BUSINESS IDENTIFICATION SIGNAGE AT 112 AND 114 NEW ENGLAND HIGHWAY RUTHERFORD (Cont.)



Figure 2 - Artistic impression of southern and northern perspectives

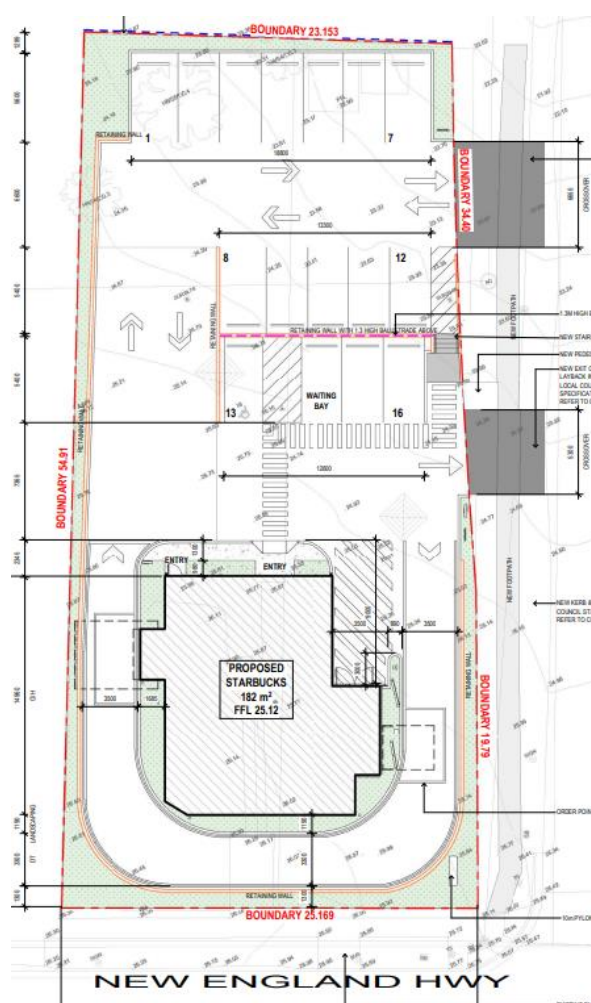


Figure 3 - Proposed Site Plan

Key Issues

The key issues and subsequent reasons for the report to Council are detailed below. The planner's assessment report, inclusive of comprehensive assessment against S4.15 of the *Environmental Planning and Assessment Act 1979*, is provided in **Attachment 3**.

DA/2024/346 FOR DEMOLITION, TAKEAWAY FOOD AND DRINK PREMISES (24 HOUR), AND BUSINESS IDENTIFICATION SIGNAGE AT 112 AND 114 NEW ENGLAND HIGHWAY RUTHERFORD (Cont.)

Parking

Maitland Development Control Plan 2011 (DCP) sets out car parking rates for drive-in takeaway food and drink premises at 1 space per 8m² of gross floor area, plus 1 space for every three (3) seats. Additionally, an exclusive area for queuing of cars for a drive through facility is required (queue length of 5 to 12 cars measured from pick up point).

The proposed development includes 182.51m² of GFA and a total of 32 seats, requiring a total of 34 onsite parking spaces in accordance with the DCP rates. The development includes 16 parking spaces (including 1 x waiting bay and 1x accessible space). This results in a technical shortfall of 18 parking spaces or 52%. The development includes a drive-thru service that allows for vehicle queuing of up to 10 vehicles which complies with the DCP.

The following provides justification for the non-compliance with numerical parking requirements pursuant to the DCP:

The proposed development provides 16 onsite car parking spaces in accordance with the RTA Traffic Generating Development Car Parking Guideline requirements. The takeaway food and drink premises will be occupied by Starbucks. Starbucks predominately focuses on coffee sales, with only limited food options provided on their menu. As a result, there are limited numbers of customers who eat in at the facility given menu options are limited. Customers typically use the drive thru lane, which also reduces actual on-site car parking demand.

A parking survey was undertaken of three similar Starbucks premises during peak periods. The survey provided data for three consecutive days for the peak trading period of 6am – 9am. The peak parking demand and peak time determined at these Starbucks sites were as follows:

- Penrith – 10 spaces at 7.50 am on Thursday 22nd June 2023
- Marsden Park – 11 spaces at 6.40 am Thursday 22nd June 2023
- Mount Druitt – 5 spaces between 8.25 am and 8.35 am Tuesday 20th June 2023

Subsequently, the peak parking demand within the survey was 11 spaces. Further, the development includes construction of a new footpath network, extending from the existing pathway at the New England Highway frontage, and continuing north along John Street. This will improve pedestrian connectivity from the traffic lights and Telarah train station (approximately 200m south of the site).

Given the low demand for on-site parking expected at the proposed takeaway food and drink premises the provision of 16 parking spaces, in accordance with RTAs Guide to Traffic Generating Development, is considered suitable for the proposed development and variation to the DCP can be supported.

PUBLIC SUBMISSIONS

The proposal was publicly notified and advertised for a period of 14 days from 16 May to 30 May 2024 in accordance with the legislative requirements. Two (2) submissions were

DA/2024/346 FOR DEMOLITION, TAKEAWAY FOOD AND DRINK PREMISES (24 HOUR), AND BUSINESS IDENTIFICATION SIGNAGE AT 112 AND 114 NEW ENGLAND HIGHWAY RUTHERFORD (Cont.)

received by Council during the notification period, the redacted submissions can be viewed in **Attachment 5**. Detailed consideration of the submissions are provided within the Assessment provided in **Attachment 3** of this report.

A summary of the matters raised in the submissions, and Council's response to the submission comments, are provided in the below:

Traffic & Pedestrian Safety

The application is supported with a Traffic Impact Assessment (TIA) prepared by Intersect Traffic, dated March 2024, and addendum dated June 2024. The TIA confirmed that there would be no significant impact on the New England Highway nor broader traffic network as result of the development. This was further confirmed by referral comments from Transport for NSW, who raised no objection to the proposal.

Further, no direct site access is proposed from the New England Highway, with primary site access being via Queen and John Street.

The development includes the construction of a new footpath network extending from the existing pathway at the New England Highway frontage continuing along John Street which will improve pedestrian connectivity from the traffic lights and Telarah train station.

Light and Noise impacts

A noise impact assessment (Prepared by RCA Australia, dated February 2024) confirms that the development would not exceed daytime, evening, night and sleep disturbance acceptable levels. Standard conditions will be applied to ensure operations limit noise impacts.

Any light pollution impacts can be reasonably controlled by conditions of consent and subsequent compliance with the Australian Standards.

The development is not anticipated to have an adverse impact on the amenity of the surrounding residential area, subject to compliance with operational conditions.

Design and existing character of the area

The development features a high-quality design of which is compliant with Council's Development Controls. The building features a similar height, siting and scale of surrounding residential developments to ensure consistency with the broader character of the area. The building does not exceed 5.5m in height and is typical of surrounding commercial development, including the existing service station directly west.

The subject site and adjoining site to the west (containing an existing service station) are zoned E3 – Productivity Support, of which is a commercial zone. The development is considered to meet the objectives of the zone and is considered to align with the established character and scale of the neighbourhood.

DA/2024/346 FOR DEMOLITION, TAKEAWAY FOOD AND DRINK PREMISES (24 HOUR), AND BUSINESS IDENTIFICATION SIGNAGE AT 112 AND 114 NEW ENGLAND HIGHWAY RUTHERFORD (Cont.)

It is noted that impact on property values is not a matter of consideration under Part 4 of the *Environmental Planning and Assessment Act 1979*.

Increase in crime/loitering

A Crime Prevention Through Environmental Design Report was prepared by HDB Town Planning (Reference: 94032, dated June 2024). The report establishes that the development has been designed to meet key crime prevention principals. The development increases opportunity for passive and monitored surveillance of the surrounding area and is anticipated to present a positive impact to any potential crime and loitering issues attributed to the 24-hour operations, subsequent passive surveillance and CCTV.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

Statutory implications relating to assessment of the subject application have been addressed in the planner's assessment report contained in **Attachment 3**.

CONCLUSION

A detailed assessment of the application has been undertaken against Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and is provided under **Attachment 3**. The proposed development is considered acceptable in terms of the relevant matters for consideration under the Act and the development application is recommended for approval subject to the recommended conditions contained within **Attachment 4**.

DA/2024/346 FOR DEMOLITION, TAKEAWAY FOOD AND DRINK PREMISES (24 HOUR), AND BUSINESS IDENTIFICATION SIGNAGE AT 112 AND 114 NEW ENGLAND HIGHWAY RUTHERFORD (Cont.)

City Planning

DA/2024/346 for Demolition, Takeaway Food and Drink Premises (24 Hour), And Business Identification Signage at 112 and 114 New England Highway Rutherford

Locality Plan

Meeting Date: 10 December 2024

Attachment No: 1

Number of Pages: 1

DA/2024/346 FOR DEMOLITION, TAKEAWAY FOOD AND DRINK PREMISES (24 HOUR), AND BUSINESS IDENTIFICATION SIGNAGE AT 112 AND 114 NEW ENGLAND HIGHWAY RUTHERFORD (Cont.)



DA/2024/346 FOR DEMOLITION, TAKEAWAY FOOD AND DRINK PREMISES (24 HOUR), AND BUSINESS IDENTIFICATION SIGNAGE AT 112 AND 114 NEW ENGLAND HIGHWAY RUTHERFORD (Cont.)

City Planning

DA/2024/346 for Demolition, Takeaway Food and Drink Premises (24 Hour), and Business Identification Signage at 112 and 114 New England Highway Rutherford

Development Plans

Meeting Date: 10 December 2024

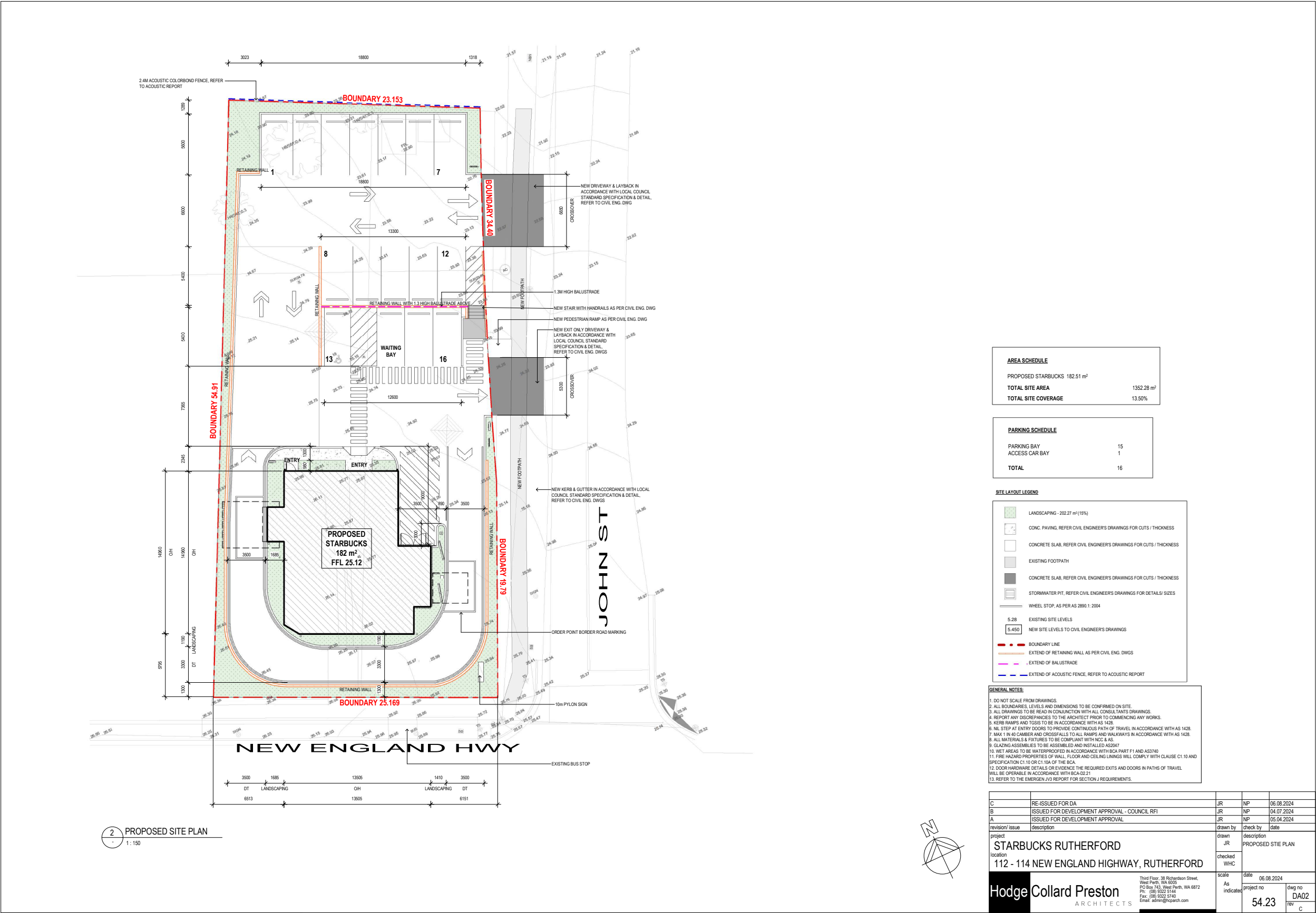
Attachment No: 2

Number of Pages: 2

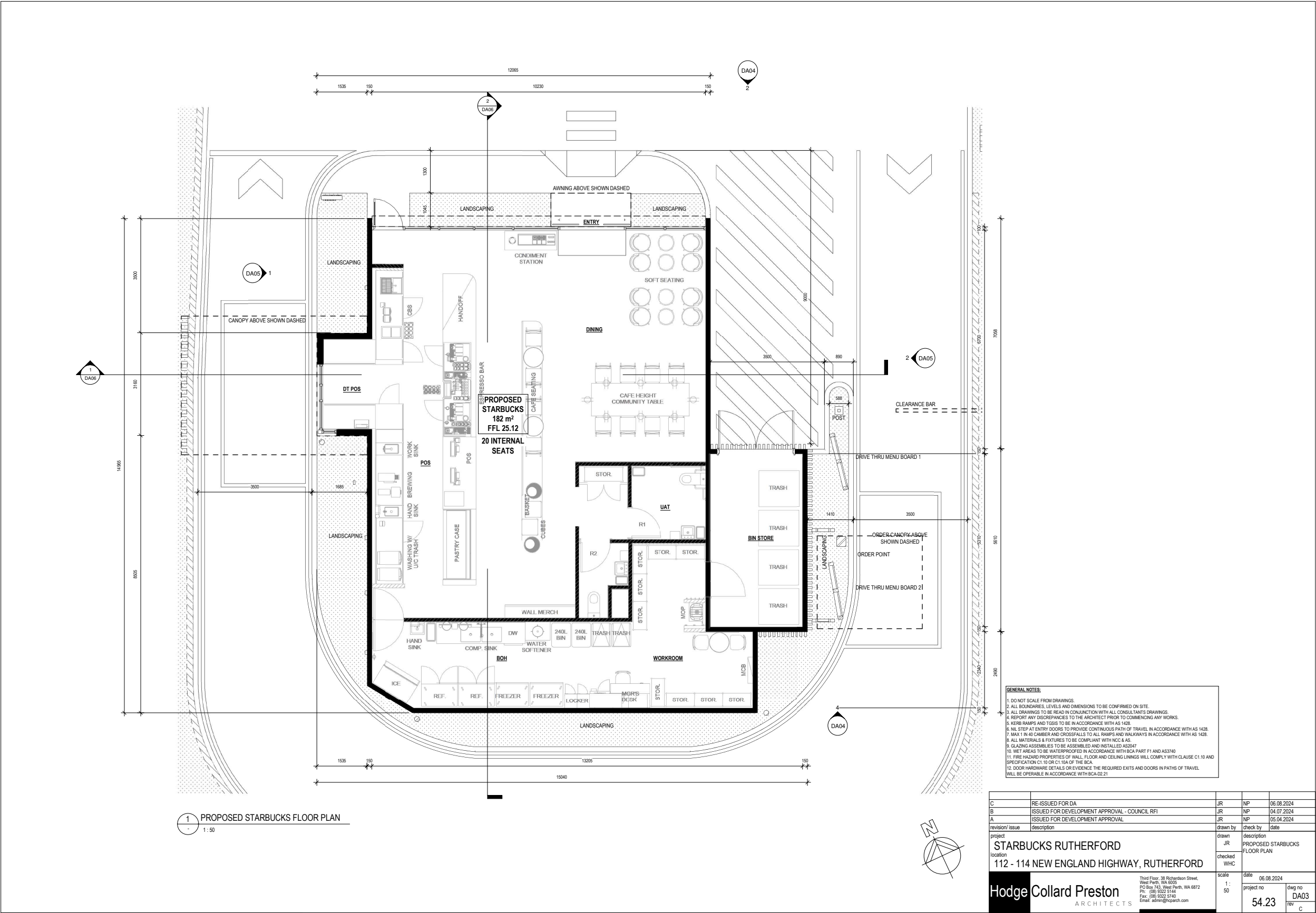


DA/2024/346 FOR DEMOLITION, TAKEAWAY FOOD AND DRINK PREMISES (24 HOUR), AND BUSINESS IDENTIFICATION SIGNAGE AT 112 AND 114 NEW ENGLAND HIGHWAY RUTHERFORD (Cont.)





DA/2024/346 FOR DEMOLITION, TAKEAWAY FOOD AND DRINK PREMISES (24 HOUR), AND BUSINESS IDENTIFICATION SIGNAGE AT 112 AND 114 NEW ENGLAND HIGHWAY RUTHERFORD (Cont.)

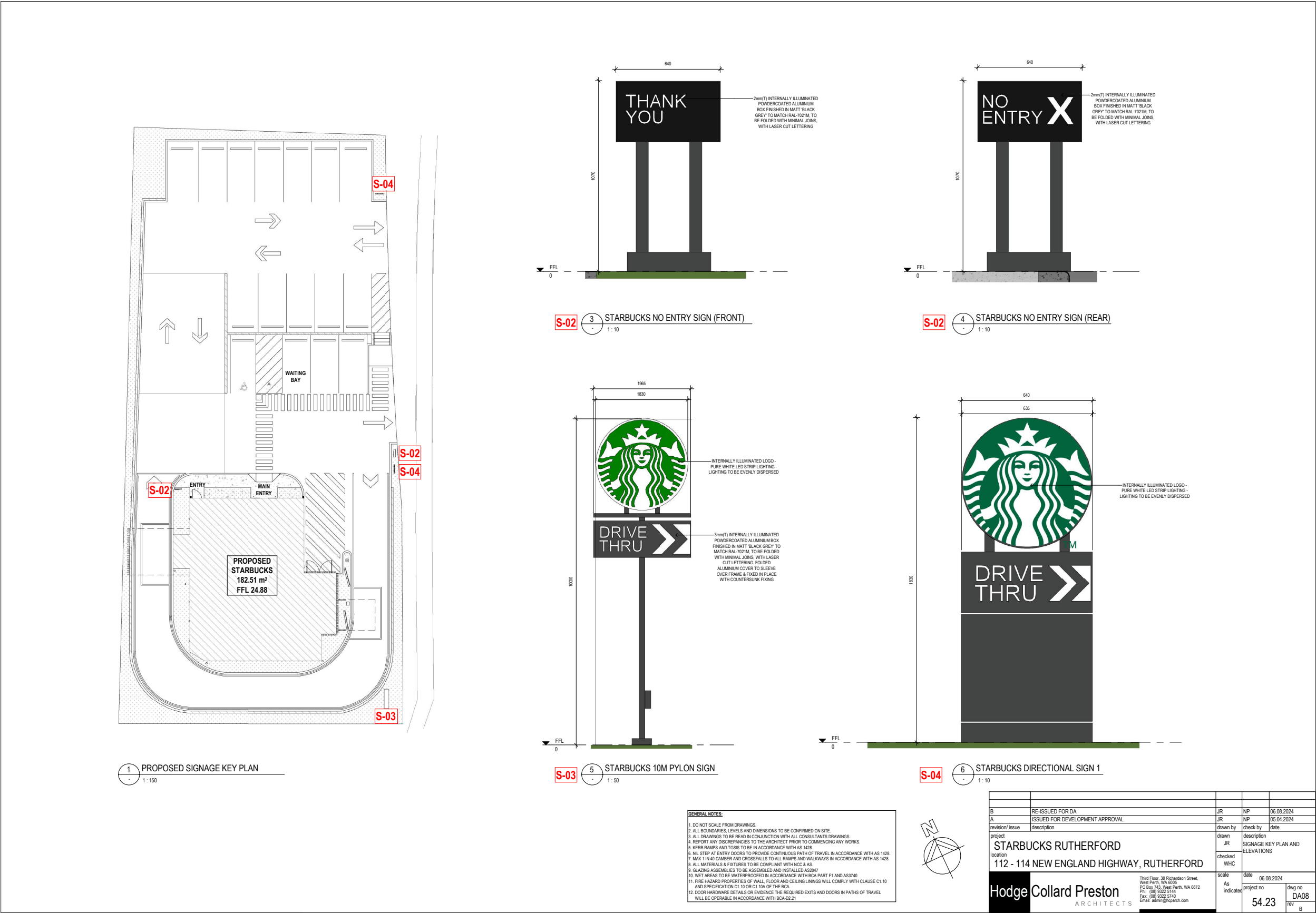


DA/2024/346 FOR DEMOLITION, TAKEAWAY FOOD AND DRINK PREMISES (24 HOUR), AND BUSINESS IDENTIFICATION SIGNAGE AT 112 AND 114 NEW ENGLAND HIGHWAY RUTHERFORD (Cont.)



DA/2024/346 FOR DEMOLITION, TAKEAWAY FOOD AND DRINK PREMISES (24 HOUR), AND BUSINESS IDENTIFICATION SIGNAGE AT 112 AND 114 NEW ENGLAND HIGHWAY RUTHERFORD (Cont.)





DA/2024/346 FOR DEMOLITION, TAKEAWAY FOOD AND DRINK PREMISES (24 HOUR), AND BUSINESS IDENTIFICATION SIGNAGE AT 112 AND 114 NEW ENGLAND HIGHWAY RUTHERFORD (Cont.)

City Planning

DA/2024/346 for Demolition, Takeaway Food and Drink Premises (24 Hour), and Business Identification Signage at 112 and 114 New England Highway Rutherford

Submissions

Meeting Date: 10 December 2024

Attachment No: 5

Number of Pages: 4

DA/2024/346 FOR DEMOLITION, TAKEAWAY FOOD AND DRINK PREMISES (24 HOUR), AND BUSINESS IDENTIFICATION SIGNAGE AT 112 AND 114 NEW ENGLAND HIGHWAY RUTHERFORD (Cont.)

Dear Emilia Marshall / Maitland City Council,

I am writing to express my strong objection to the proposed Starbucks location at the corner of John Street and the New England Highway, Rutherford (112-114 New England Highway Rutherford). As a resident of this area for over 50 years, I am deeply concerned about the potential impact this establishment will have on our community, particularly on my family and myself.

My husband, aged [REDACTED] and I, aged [REDACTED] are long-term residents of this neighbourhood, and we have lived in our home for over five decades. We are worried about the safety risks that this proposed development will bring to our area. The increased traffic flow is likely to create a hazardous environment, especially for pedestrians like ourselves. We have already seen the negative impact of traffic congestion on our neighbourhood including:

- Parking spaces being removed from the front of our property a few years ago.
- Additional traffic lights (only 40 meters from already established ones).
- Additional "KEEP CLEAR" signage due to the excessive traffic congestion.
- East bound traffic no longer able to access south street.

Furthermore, the invasive lighting that will accompany this establishment will not only disturb our peace but also pose a risk to our health. We value the quiet and peaceful environment we have grown accustomed to, and we believe that the introduction of a 24/7 coffee shop will disrupt our quality of life.

We currently live [REDACTED] from a service station and a mechanical shop, with the additional commercial building this will be always an absolute eye sore we are at the front of our property. At least with the current established buildings, they are not a 24-hour operation. The other risk is, with a 24-hour operating Starbucks, this may potentially cause the current owners of the service station to adjust / seek approval to extend their operating hours.

In addition to these concerns, we are worried about the increased difficulty in accessing our property. The proposed development will bring more pedestrians and vehicles to the area, which will make it challenging for us to enter and exit our property safely. This is particularly concerning for us, as we are both elderly and quite often require assistance with daily tasks.

The proposed location is already plagued by loitering issues, as evident by the vandalism that has occurred numerous times in the past. Pedestrians walking past the Telarah train station have already damaged our and neighbouring property on multiple occasions. We do not believe that introducing a Starbucks location will resolve these issues; instead, it will likely exacerbate the problem.

Moreover, we are concerned about the potential impact on property values. The introduction of a commercial establishment in a residential area will undoubtedly decrease our property values. This is a significant concern for us, as we have invested heavily in our home and have worked hard for over 50 years to maintain its value.

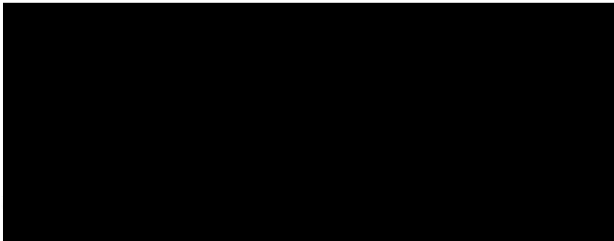
I would like to emphasize that there are several alternative locations that would be more suitable for a Starbucks establishment. Rutherford Shopping Centre, Rutherford Homemakers Centre, Rutherford Industrial Complex, Maitland CBD, Greenhills Stockland Shopping Centre, Greenhills Shopping Village, East Maitland Shopping Centre, Thornton Shopping Centre, Beresfield Industrial Complex, Telarah Shopping Village, and Tenambit Shopping Village are all viable options that would not disrupt our community.

DA/2024/346 FOR DEMOLITION, TAKEAWAY FOOD AND DRINK PREMISES (24 HOUR), AND BUSINESS IDENTIFICATION SIGNAGE AT 112 AND 114 NEW ENGLAND HIGHWAY RUTHERFORD (Cont.)

Some of these areas already have vacant buildings, which would eliminate the need for a new development. I believe that it is unfair to impose this proposal on our neighbourhood without considering alternative locations.

As residents of this area for over 50 years, my husband and I are deeply concerned about the risks that this proposal poses to our well-being. We are worried about being exposed to noise pollution, traffic congestion, stress, mental wellness and potential safety risks. We urge you to consider our concerns and reject this proposal.

Kind regards,



DOC No.	
REC'D	29 MAY 2024 MCC
FILE No.	
REFER	

DA/2024/346 FOR DEMOLITION, TAKEAWAY FOOD AND DRINK PREMISES (24 HOUR), AND BUSINESS IDENTIFICATION SIGNAGE AT 112 AND 114 NEW ENGLAND HIGHWAY RUTHERFORD (Cont.)

[REDACTED]

From: [REDACTED]
Sent: Thursday, 20 June 2024 12:15 PM
To: Maitland City Council
Subject: Objection of DA/2024/346

[REDACTED]

30th May 2024

Maitland City Council

Dear Sir/Madam,

Re: DA/2024/346

I am writing in response to your letter dated 9th May 2024 to formally express my objections to the development application **DA/2024/346** currently under consideration. As a landlord of the properties located at [REDACTED] and [REDACTED] I believe this proposed development would significantly impact my tenants at the [REDACTED] properties and would have detrimental impacts to the value of the property and I urge the council to reject the application for the following reasons:

- 1. Impact on Quality of Life:** The proposed development will increase traffic, provide irritating noise levels with the drive thru speaker and parking located right near the property particularly the bedroom and with it being a 24hour operation will impact their sleep and ultimately would directly affect the peaceful enjoyment of the property by my tenants. This disruption could lead to dissatisfaction and potential issues with tenant retention that would have a heavy impact to my financial situation both on making mortgage repayments and the overall property value that I planned to keep for my retirement in later years.
- 2. Safety Concerns:** I have concerns regarding the safety of my tenants due to the increased traffic and metal fence echoing the sounds of the drive thru speaker and car pollution and noise creating environmental, health and safety hazards for the tenants. Parking area is small and there would be a risk to my tenants and public safety with an influx of overflow traffic onto the street. The area is also very busy on the highway at peak hour in a highly busy area where more traffic flow would increase traffic congestion and risk of accidents. There are no footpaths for patrons of the establishment or in John Street to walk on when they park in the street to utilise the establishment that would impact tenant lawns and grounds
- 3. Property Value:** There is a potential for decreased property value due to the issues explained above as this is currently a residential area and the value of my properties are at risk with a commercial property [REDACTED] and the issues explained previously. This is a property that provides income right through my retirement as an investment property.
- 4. Community Character:** The proposed development does not align with the existing character and scale of the neighbourhood, which could lead to a loss of community identity and cohesion.
- 5. Legal and Regulatory Concerns:** There may be zoning or other regulatory issues that have not been adequately addressed in the application that need to be explored and explained.

I strongly believe that it is in the best interest of both my tenants and the broader community that this application be denied. I hope the council will carefully consider the impacts on residents and property owners in the area before making a decision.

DA/2024/346 FOR DEMOLITION, TAKEAWAY FOOD AND DRINK PREMISES (24 HOUR), AND BUSINESS IDENTIFICATION SIGNAGE AT 112 AND 114 NEW ENGLAND HIGHWAY RUTHERFORD (Cont.)

If the decision is made to go ahead then agreeable compensation will need to be provided to make up for the issues raised above including loss of rent and ongoing costs to re-lease the property, noting that these properties hold long term tenants. I would consider sale of the property at my agreed price that would allow compensation for losing the properties, weekly income and expected increased property value that would support me through retirement.

Please feel free to contact me at [REDACTED] if you require any further information or clarification on my objections.

Thank you for your attention to this matter.

Yours sincerely,

[REDACTED]

For Official use only

[REDACTED]

11.6 DA/2023/958 for Stage 1 – Two Lot Torrens Title Subdivision with a Dwelling House on Each Lot, Stage 2 – Multi Dwelling Housing (3 Additional Dwellings) on Proposed Lot 242 Created in Stage 1 and Four (4) Lot Strata Subdivision at 56 Brunswick Street East Maitland

FILE NO:	DA2023/958
ATTACHMENTS:	<ol style="list-style-type: none">1. Locality Plan2. Development Plans (Under Separate Cover)3. Assessment Report (Under Separate Cover)4. Recommended Conditions of Consent (Under Separate Cover)5. Submissions (Under Separate Cover)
RESPONSIBLE OFFICER:	Director City Planning Manager Development & Compliance Coordinator Planning & Development
AUTHOR:	Senior Development Planner
APPLICANT:	The Trustee for Mikhil Unit Trust
OWNER:	Mikhil Pty Ltd
PROPOSAL:	Stage 1 – Two Lot Torrens Title Subdivision with a Dwelling House on Each Lot, Stage 2 – Multi Dwelling Housing (3 additional Dwellings) on Proposed Lot 242 created in stage 1 and Four (4) Lot Strata Subdivision
LOCATION:	56 Brunswick Street East Maitland
ZONE:	R1 General Residential

EXECUTIVE SUMMARY

*A development application (DA2023/958) has been received seeking consent for Stage 1 - Two Lot Torrens Title Subdivision with a Dwelling House on Each Lot, Stage 2 – Multi Dwelling Housing (3 additional Dwellings) on Proposed Lot 242 created in Stage 1 and Four (4) Lot Strata Subdivision at 56 Brunswick Street East Maitland (Lot 24 DP758374). The locality plan can be viewed at **Attachment 1**.*

*The matter is reported to Council as four (4) submissions were received during the assessment process, which can be viewed at **Attachment 5**. The concerns raised by the objectors in respect to the proposed development include overdevelopment, character of the area, privacy, site coverage, decrease in property values, waste, traffic, overshadowing and noise.*

Amended plans and additional justification were provided in response to the concerns raised. The subject site is located within the R1 General Residential zone. The development is

DA/2023/958 FOR STAGE 1 - TWO LOT TORRENS TITLE SUBDIVISION WITH A DWELLING HOUSE ON EACH LOT, STAGE 2 – MULTI DWELLING HOUSING (3 ADDITIONAL DWELLINGS) ON PROPOSED LOT 242 CREATED IN STAGE 1 AND FOUR (4) LOT STRATA SUBDIVISION AT 56 BRUNSWICK STREET EAST MAITLAND (Cont.)

considered compatible with the existing and future desired character of the area, adheres to site constraints and restrictions and does not unreasonably impact the surrounding environment. The development offers diverse housing options to meet community needs without impeding on the social or economic environments. The proposal is consistent with the requirements of all relevant sections of Maitland Local Environmental Plan (MLEP) 2011 and Maitland Development Control Plan (DCP) 2011.

The application has been assessed against the relevant heads of consideration under Section 4.15(1) in the Environmental Planning and Assessment Act 1979 and considered to be satisfactory subject to the imposition of conditions.

OFFICER'S RECOMMENDATION

THAT

- 1. DA/2023/958 for Stage 1 – Two Lot Torrens Title Subdivision with a Dwelling House on Each Lot, Stage 2 – Multi Dwelling Housing (3 additional Dwellings) on Proposed Lot 242 created in Stage 1 and Four (4) Lot Strata Subdivision at 56 Brunswick Street East Maitland be approved subject to the recommended schedule of conditions provided in Attachment 4 of this report.**

Introduction

The purpose of this report is to seek consent from Council for DA/2023/958 proposing Stage 1 - Two Lot Torrens Title Subdivision with a Dwelling House on Each Lot, Stage 2 – Multi Dwelling Housing (3 additional Dwellings) on Proposed Lot 242 created in stage 1 and Four (4) Lot Strata Subdivision at 56 Brunswick Street East Maitland. The development plans can be viewed within **Attachment 2** of this report. The application is reported to Council as four (4) submissions were received during the notification period. A detailed assessment in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* is provided within **Attachment 3**.

Site Description

The site is known as 56 Brunswick Street East Maitland NSW and has a legal description of Lot 24 Section 44 Deposited Plan 758374. The site is rectangular in shape and has a total site area of 1,442m². The property is bound by Brunswick Street to the north, Lawrance Lane to the south and residential allotments to the east and west. The location of the site is shown in Figure 1 below and **Attachment 1**.

The site is currently vacant with a CDC for demolition of dwelling and sheds issued by a Private Certifier 17 May 2023. The site includes a sewer structure point on the western boundary as well as a sewer main which runs through the middle of the site. The site is within 380m to the local commercial area and 70m from the local park at the end of the street (Cooney Park). The site is within close proximity to 55 Brunswick Street 'house', which is a locally listed heritage item (I28) (shown in aerial map in Figure 1 as orange). The site slopes gently to the rear.

DA/2023/958 FOR STAGE 1 - TWO LOT TORRENS TITLE SUBDIVISION WITH A DWELLING HOUSE ON EACH LOT, STAGE 2 – MULTI DWELLING HOUSING (3 ADDITIONAL DWELLINGS) ON PROPOSED LOT 242 CREATED IN STAGE 1 AND FOUR (4) LOT STRATA SUBDIVISION AT 56 BRUNSWICK STREET EAST MAITLAND (Cont.)



Figure 1: Aerial photograph of subject site

Proposal

The proposal seeks a staged development, which ultimately involves the construction of five (5) dwellings and subsequent subdivision of the development as follows:

Stage 1

One into two lot Torrens Title subdivision and construction of 2 dwellings:

- Lot 241, 300m² with the construction of a two-storey dwelling consisting of attached double garage, combined kitchen/living/dining, powder room, laundry, WIL, three bedrooms, rumpus room, bathroom, ensuite, WIR; and
- Lot 242, 1145m² and the construction of single storey dwelling consisting of an attached single garage, combined kitchen/living/dining, two bedrooms, ensuite, bathroom and laundry included within the garage.

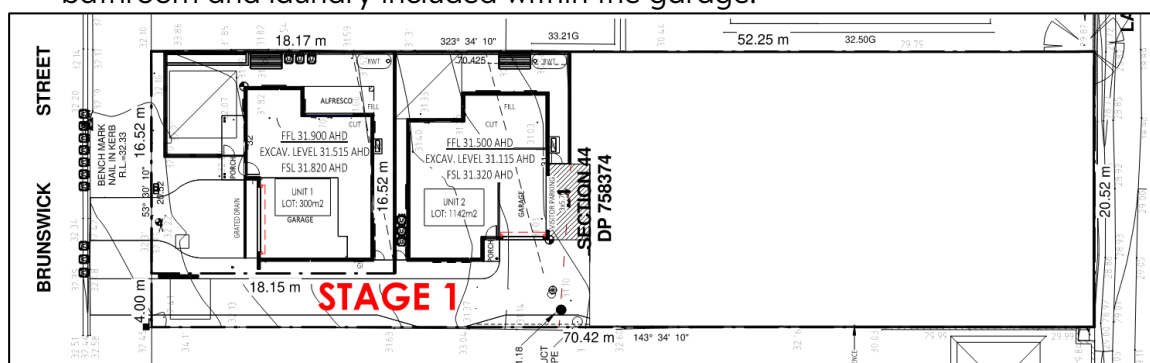


Figure 2: Stage 1 Development

DA/2023/958 FOR STAGE 1 - TWO LOT TORRENS TITLE SUBDIVISION WITH A DWELLING HOUSE ON EACH LOT, STAGE 2 – MULTI DWELLING HOUSING (3 ADDITIONAL DWELLINGS) ON PROPOSED LOT 242 CREATED IN STAGE 1 AND FOUR (4) LOT STRATA SUBDIVISION AT 56 BRUNSWICK STREET EAST MAITLAND (Cont.)

Stage 2

Construction of a multi dwelling housing development and Strata Subdivision of dwellings on proposed Lot 242 created in Stage 1:

- Unit 3 and 4 comprises an attached single garage, combined kitchen/living/dining, two bedrooms, ensuite, bathroom and laundry included within the garage.
- Unit 5 comprises an attached single garage, combined kitchen/dining/living, two bedrooms, bathroom, ensuite, WIL, separate laundry and patio area.

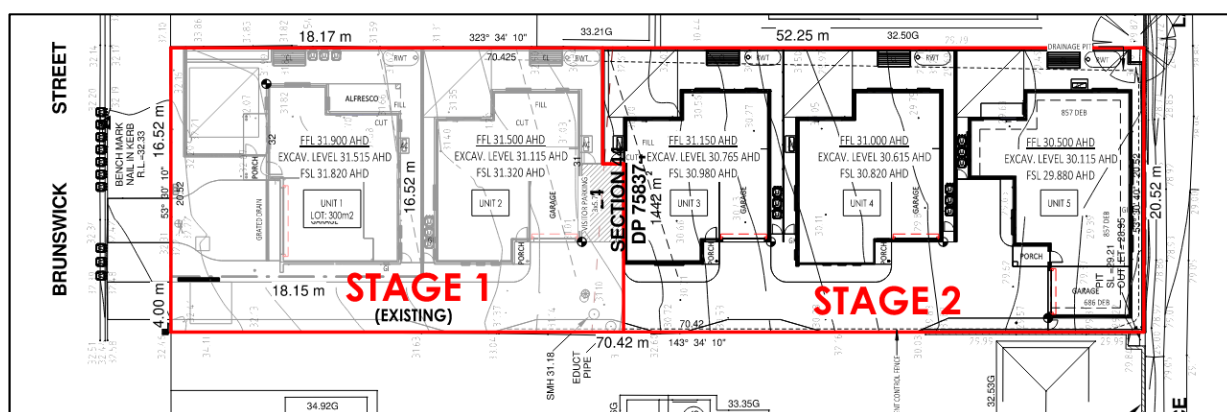


Figure 3: Stage 1 & 2

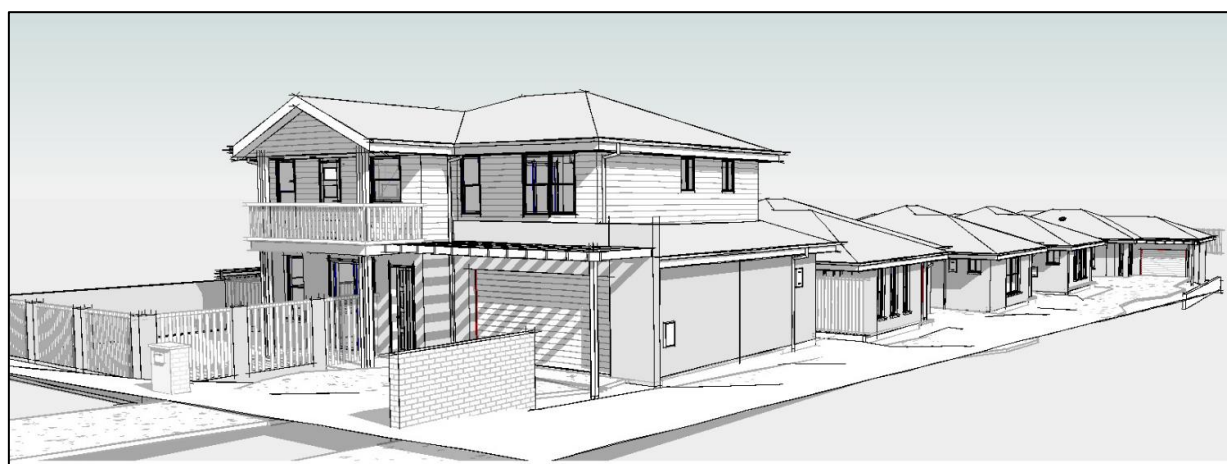


Figure 4: Development montage from Brunswick Street

Plans of the proposed development can be viewed in **Attachment 2** of this report.

KEY ISSUES

The key issues of relevance to this Council report have been provided below. A detailed assessment of the Development Application is provided in **Attachment 3 - Assessment Report**.

DA/2023/958 FOR STAGE 1 - TWO LOT TORRENS TITLE SUBDIVISION WITH A DWELLING HOUSE ON EACH LOT, STAGE 2 – MULTI DWELLING HOUSING (3 ADDITIONAL DWELLINGS) ON PROPOSED LOT 242 CREATED IN STAGE 1 AND FOUR (4) LOT STRATA SUBDIVISION AT 56 BRUNSWICK STREET EAST MAITLAND (Cont.)

Public Submission

The application was placed on public exhibition for a period of 14 days from 8 November 2023 to 22 November 2023 in accordance with the legislative requirements. During this time four (4) submissions were received. A detailed response to the submissions provided in the Planners assessment report found in **Attachment 3**. A copy of the submissions are provided in **Attachment 5**.

The main issues raised by the objectors are summarised below and comment provided:

Overdevelopment and Out of Character

The proposed development is located within an established R1 – General Residential Zone in East Maitland; and is surrounded by developments of a similar type and scale. The proposed multi dwelling housing dwellings are permissible with consent. On review of the proposed development, it complies with all relevant aspects of the Maitland Development Control Plan in terms of site coverage, private open space and setbacks.

While the front fence is inconsistent with the surrounding development, a front fence would be exempt development under the State Environmental Planning Policy Exempt and Comply Development Codes 2008. The proposed fencing is considered to be compatible with the design and materials of the proposed dwelling, the proposed fencing complies with the relevant section of the Maitland Development Control Plan 2011 (DCP).

Privacy and Noise Impacts

The proposed development complies with the DCP in terms of privacy and visual impacts. A 1.8m fence is proposed above the proposed retaining walls between the subject site and the adjoining neighbour which will provide sufficient screening. When considering the two-storey dwelling, the windows on the second storey facing the side boundaries are either highlight windows or sufficiently separated by distance (over 10 metres distance).

Noise levels are expected to be standard residential noise and will be required to comply with relevant noise requirements under the *Protection of the Environment Operations Act (POEO Act) 1997*.

As such, any impacts are considered negligible and resolvable through design and conditions.

Laneway

Concern was raised on the adverse impacts on Lawrence Lane, with the proposed retaining walls and fencing reducing the amenity of the laneway. The applicant revised the plans to reduce the retaining wall on the rear to 1m and rear fencing reduced to 1m. This will result in a 2m wall on Lawrence Lane, this is relatively consistent with the development adjoining either side of the site.

DA/2023/958 FOR STAGE 1 - TWO LOT TORRENS TITLE SUBDIVISION WITH A DWELLING HOUSE ON EACH LOT, STAGE 2 – MULTI DWELLING HOUSING (3 ADDITIONAL DWELLINGS) ON PROPOSED LOT 242 CREATED IN STAGE 1 AND FOUR (4) LOT STRATA SUBDIVISION AT 56 BRUNSWICK STREET EAST MAITLAND (Cont.)

Car Parking and Traffic

The development complies with car parking requirements under the DCP. Council's Engineers have assessed the development in terms of traffic impacts and determined the proposal will not have an adverse impact on traffic in the area.

Waste

Plans have been provided and the width of the site has demonstrated there is sufficient space to cater for the number of bins required for the development.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

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

CONCLUSION

An assessment of the application has been undertaken against Section 4.15(1) of the Environmental Planning and Assessment Act 1979 and is provided under **Attachment 3**. The proposed development is considered acceptable in terms of the relevant matters for consideration under the Act and the development application is recommended for approval.

DA/2023/958 FOR STAGE 1 - TWO LOT TORRENS TITLE SUBDIVISION WITH A DWELLING HOUSE ON EACH LOT, STAGE 2 – MULTI DWELLING HOUSING (3 ADDITIONAL DWELLINGS) ON PROPOSED LOT 242 CREATED IN STAGE 1 AND FOUR (4) LOT STRATA SUBDIVISION AT 56 BRUNSWICK STREET EAST MAITLAND (Cont.)

City Planning

DA/2023/958 for Stage 1 – Two Lot Torrens Title Subdivision with a Dwelling House on Each Lot, Stage 2 – Multi Dwelling Housing (3 Additional Dwellings) on Proposed Lot 242 Created In Stage 1 and Four (4) Lot Strata Subdivision at 56 Brunswick Street East Maitland

Locality Plan

Meeting Date: 10 December 2024

Attachment No: 1

Number of Pages: 1



11.7 PLANNING PROPOSAL – AMENDMENT TO THE MAITLAND LEP 2011 (IMPLEMENTATION OF MAITLAND LOCAL HOUSING AND RURAL LAND STRATEGIES 2041) – FINALISATION

FILE NO:	RZ23002
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Gateway Determination 2. Gateway Alteration 3. Submission Assessment 4. Planning Proposal (August 2024) (Under Separate Cover) 5. Submissions (Under Separate Cover)
RESPONSIBLE OFFICER:	Director City Planning Manager Strategic Planning
AUTHOR:	Strategic Planning Policy Lead
MAITLAND +10	Outcome 7 To afford the house we want in the neighbourhood we like
COUNCIL OBJECTIVE:	7.2.3 Review the city's Development Control Plan and Local Environmental Plan

EXECUTIVE SUMMARY

On 27 June 2023, Council adopted the Maitland Rural Land Strategy 2041 (RLS) and Maitland Local Housing Strategy 2041 (LHS). Both strategies include specific actions identifying the need for amendments to the Maitland Local Environmental Plan 2011 (MLEP 2011).

At its meeting of 28 November 2023, Council resolved to submit a Planning Proposal addressing the first round of LHS and RLS actions to the Department of Planning, Housing and Infrastructure (DPHI) requesting a Gateway Determination. The Gateway Determination was issued by the DPHI on 9 May 2024 and has authorised Council to exercise the functions of the local plan-making authority under section 3.36(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The Planning Proposal was exhibited from 5 June 2024 to 18 July 2024. A total of 53 submissions were received during the exhibition period.

The purpose of this report is to inform Council of the outcomes of public exhibition and public authorities and government agencies consultation of the Planning Proposal, seek Council's endorsement of the revised Planning Proposal, and for Council to exercise plan making authority to make the plan under Section 3.36 (2) of the EP&A Act.

OFFICER'S RECOMMENDATION

THAT

1. **Council endorse the revised Planning Proposal (August 2024) in Attachment 4, and**
2. **Council exercise local plan making functions to make the Plan under 3.36 of the Environmental Planning & Assessment Act 1979.**

REPORT

On 27 June 2023, Council adopted the Maitland Local Housing Strategy 2041 (LHS) and Maitland Rural Land Strategy 2041 (RLS). Both strategies include specific actions identifying the need to amend the *Maitland Local Environmental Plan 2011 (MLEP 2011)* to facilitate the principles of the strategies. This Planning Proposal includes the first round of RLS and LHS implementation actions and below is a summary of the individual items being proposed:

- Item 1. Introduce new LEP clauses for 'Farm stay accommodation' and 'Farm gate premises'.
- Item 2. Introduce 'Artisan food and drink industry' as a land use 'Permitted with consent' within RU2 Rural Landscape zone.
- Item 3. Increase the number of bedrooms allowed for 'bed & breakfast accommodation'.
- Item 4. Remove MLEP Clause 7.5 Significant extractive and 'Mineral Resource Area Map'.
- Item 5. Remove 'Caravan parks' from 'Permitted with consent' within RU2 Rural Landscape zone.
- Item 6. Introduce the W2 Recreational Waterways zone over the land containing Hunter and Paterson Rivers.
- Item 7. Amend the Clause 4.1A Exceptions to minimum lot sizes in Zone R1 General Residential to provide better clarity on permissibility and requirements for development proposals.
- Item 8. Introduce 'Secondary dwellings' as a use 'Permitted with consent' within R5 Large Lot Residential zone.
- Item 9. Introduce a new LEP clause for 'Essential services' to MLEP 2011.

At its meeting of 28 November 2023, Council resolved to:

1. Submit the Planning Proposal to the DPHI requesting a Gateway Determination.
2. Request the Minister for Planning to delegate plan making functions to Council under Section 3.36 of the EP&A Act 1979.
3. Following issue of a Gateway Determination, Council undertake consultation with the community and relevant government agencies.
4. A further report be presented to Council following the public exhibition period, including compliance with the conditions of the Gateway Determination.

Gateway Determination

On 9 May 2024, Council received a Gateway Determination for the proposed amendment to the Maitland LEP 2011 from the DPHI. The DPHI has determined that the proposed amendment to the Maitland LEP 2011 should proceed subject to the following conditions:

1. Public exhibition is required for a minimum of 30 working days and must commence within 3 months of the Gateway Determination.
2. Consultation is required with public authorities and government agencies.
3. A public hearing is not required.
4. Council is authorised to exercise the functions of local plan making under Section 3.36 (2) of the EP&A Act 1979.

A copy of the Gateway Determination is included as **Attachment 1**.

Gateway Alteration

The original Planning Proposal did not include a new savings provision and relied on existing clause 1.8A of the MLEP 2011 to protect existing undetermined development applications. More detailed review of this clause following issue of the Gateway Determination identified that the provisions of Clause 1.8A of the MLEP 2011 would not perform the intended savings provision function. Consequently, Council staff discussed this matter with the DPHI and requested an amendment to the Gateway Determination to include an appropriate savings provision.

In addition, the Gateway Determination (Condition 2) requires Council to consult public authorities and government agencies prior to public exhibition. Condition 1 (c) requires Council to commence public exhibition within three months of the Gateway Determination. To streamline the timeframe, a secondary amendment to the above condition was also requested by Council from the DPHI to facilitate the commencement of community and agency consultation concurrently.

On 3 June 2024, an alteration to the Gateway Determination was received from the DPHI (**Attachment 2**) and the Planning Proposal was updated to include a savings provision prior to public exhibition and agency consultation.

Public Exhibition

The Planning Proposal was exhibited from 05 June 2024 to 18 July 2024. Public notices were placed in the local newspaper (i.e. Maitland Mercury on 7 June 2024) and on Council's website. The Planning Proposal and supporting documents were available for inspection at Council's Administration Centre and all libraries. Public authorities and government agencies were directly notified.

A total of 53 submissions were received during the exhibition period. Of these,

- 36 submissions were from residents
- 12 submissions were from public authorities and government agencies
- 5 submissions were from consultant representing developer or industry

Redacted submissions have been provided as an attachment to this report as **Attachment 5**. The key issues and concerns raised in submission are summarised and addressed in **Attachment 3**.

In summary, the majority of submissions indicated their in-principal support for all amendments in the Planning Proposal. Item 5 of the Planning Proposal, which proposes removing 'caravan parks' from the 'permitted with consent' within the RU2 Rural Landscape zone, has received positive feedback and support from residents, government agencies and public authorities. However, two submissions from the development industry raised concerns about this item.

DISCUSSION

In accordance with the strategic directions outlined in the recently adopted LHS and RLS, this Planning Proposal aims to prevent the development of new Manufactured Home Estates (MHEs) on rural zoned land through this item.

MHEs can only be developed under the provisions of State Environmental Planning Policy (Housing) 2021 (The Housing SEPP), which permits the development of MHEs on land where 'caravan parks' are permitted. Under MLEP 2011 'caravan parks' are permitted in the RU2 Rural Landscape zone.

The Housing SEPP 2021 establishes a hierarchy for criteria where MHE's are permitted. Maitland LGA has a significant amount of land that fits these criteria where MHEs could be developed. As an example, there is approximately 200km where urban zoned land borders rural or environmental zones within the LGA. Broader scale permissibility creates scattered residential communities in isolated areas, where no previous consideration has been given to the creation of such density developments at urban fringe.

MHEs are not defined under the Standard Instrument LEP; instead, it is defined under the Local Government Act 1993. They are not mandated as a permissible use within any of the zones under the Standard Instrument LEP and it is left to the discretion of local councils to decide where they may be permitted.

The permissibility offered by the Housing SEPP supersedes the MLEP provisions relating to land use permissibility requirements. Hence, it eliminates the enforceability of MLEP Clause 2.3 "Zone objectives and Land Use Table" against a proposal for a MHE at the development application stage.

The objectives of the RU2 Rural Landscape zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*

PLANNING PROPOSAL - AMENDMENT TO THE MAITLAND LEP 2011 (IMPLEMENTATION OF MAITLAND LOCAL HOUSING AND RURAL LAND STRATEGIES 2041) – FINALISATION (Cont.)

- *To provide for a range of non-agricultural uses where infrastructure is adequate to support the uses and conflict between different land uses is minimised.*

Development of MHEs in RU2 zoned land is fundamentally contradictory to the objectives of the RU2 zone. As a form of medium density housing, MHEs are an inappropriate form of housing on rural zoned land, causing fragmentation of rural land, land use conflicts with agricultural activities on adjoining lands, and interrupting the scenic landscape and character of rural land. In addition, provisions such as infrastructure, accessibility, services and facilities are not made on land zoned RU2 to support an urban use.

In this context, retaining ‘caravan parks’ as a permitted use within the RU2 zone does not serve a purpose for Maitland LGA. Further, the Housing SEPP offers an unintended development pathway for an inappropriate form of housing (i.e. MHEs) on RU2 zoned land and eliminates the enforceability of MLEP and the consent authority’s ability to regulate proposals for MHEs.

Council has observed a significant increase in development proposals for MHEs on RU2 zoned land, which rely on the SEPP permissibility to justify non-compliance with MLEP Clause 2.3. In this context, Council’s Rural Land Strategy 2041 (Action 3.3) recommends prohibiting the development of MHEs on rural land by excluding ‘caravan parks’ in the RU2 zone. This reflects the community’s expectations on future development on rural land. It is considered that the proposed LEP amendment is the only avenue available to achieve the intended outcomes.

Regardless, Council acknowledges that MHEs are a contemporary form of medium density housing. Having regard to the density as well as typical demographics of the residents in MHEs, they should be located and planned in areas of higher amenities with greater accessibility to public transport, community facilities, open space, commercial and retail services etc. Anecdotal evidence suggests that the right location is a crucial factor for MHEs. It influences how easily residents can travel within and outside the area, and it creates a balanced, functional and socially connected environment where residents have easy access to amenities and services strategically enhancing their quality of life.

Developers may still propose to identify an appropriate site through a planning proposal to permit the development on that site, having consideration to the above matters. A Residential Density Guideline is currently being prepared which will, among other things, identify appropriate locational criteria for future MHEs.

The Planning Proposal (Attachment 4) has been updated to provide additional information and clarification, incorporate community and government agencies consultation outcomes and an updated project timeline.

CONCLUSION

This is a Council-led planning proposal to implement various amendments to *MLEP 2011*, identified within the recently adopted LHS and RLS. The proposed amendments apply to the whole of the LGA under the *MLEP 2011* and are not specific to one or several sites. It is

PLANNING PROPOSAL - AMENDMENT TO THE MAITLAND LEP 2011 (IMPLEMENTATION OF MAITLAND LOCAL HOUSING AND RURAL LAND STRATEGIES 2041) – FINALISATION (Cont.)

considered that this Planning Proposal is consistent with the Council's strategic planning framework.

It is recommended that the Planning Proposal (dated August 2024) be endorsed by Council to commence legal drafting of the instrument and the making of LEP to give effect to the Planning Proposal under the Section 3.36 (2) of the EP&A Act.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

The proposed amendments to the Maitland LEP 2011 have been identified in Council's adopted RLS and LHS.

STATUTORY IMPLICATIONS

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

City Planning

Planning Proposal – Amendment to the Maitland Lep 2011 (Implementation of Maitland Local Housing and Rural Land Strategies 2041) – Finalisation

Gateway Determination

Meeting Date: 10 December 2024

Attachment No: 1

Number of Pages: 2



Department of Planning, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2023-2724): Implementation of Maitland Local Housing and Rural Land Strategies 2041

I, the Director of Hunter and Northern at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Maitland Local Environmental Plan 2011* to amend provisions and maps in accordance with specific actions outlined in the Maitland Local Housing Strategy and the Maitland Rural Land Strategy should proceed subject to the following conditions:

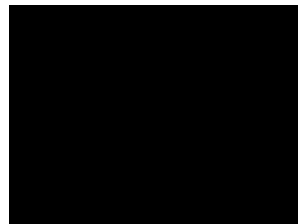
1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 30 days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
 - (c) public exhibition must commence within three months of the Gateway determination.
2. Consultation is required prior to public exhibition with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - Rural Fire Service
 - Department of Primary Industries
 - DPE Office of Water
 - MEG
 - Biodiversity Conservation Division – Flooding
 - LALC
 - Transport for NSW
 - Port Stephens Council
 - Singleton Council
 - Cessnock City Council
 - Newcastle City Council
 - Dungog Shire Council.

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

PLANNING PROPOSAL - AMENDMENT TO THE MAITLAND LEP 2011 (IMPLEMENTATION OF MAITLAND LOCAL HOUSING AND RURAL LAND STRATEGIES 2041) – FINALISATION (Cont.)

3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The Council as planning proposal authority planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
 - (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
5. The LEP should be completed within 12 months of the date of the Gateway determination.

Dated 09 May 2024



Jeremy Gray
Director, Hunter and Northern
Department of Planning, Housing and
Infrastructure
Delegate of the Minister for Planning and
Public Spaces

City Planning

Planning Proposal – Amendment to the Maitland Lep 2011 (Implementation of Maitland Local Housing and Rural Land Strategies 2041) – Finalisation

Gateway Alteration

Meeting Date: 10 December 2024

Attachment No: 2

Number of Pages: 1



Department of Planning, Housing and Infrastructure

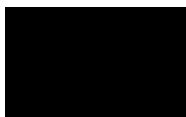
Alteration of Gateway Determination

Planning proposal (Department Ref: PP-2023-2724)

I, Manager, Hunter and Northern Region at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 9 May 2024 for the proposed amendment to the Maitland Local Environmental Plan 2011 as follows:

1. Delete condition 2 and replace with a new condition 2:
 - “2. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - Rural Fire Service
 - Department of Primary Industries
 - DPE Office of Water
 - MEG
 - Biodiversity Conservation Division – Flooding
 - LALC
 - Transport for NSW
 - Port Stephens Council
 - Singleton Council
 - Cessnock City Council
 - Newcastle City Council
 - Dungog Shire Council.
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.”
2. Insert new condition 6:
 - “6. Prior to agency and community consultation, the planning proposal is to be updated to include a savings provision to ensure that any development application for a caravan park not determined before the commencement of the LEP would be determined as if the plan had yet to commence.”

Dated 3 day of June 2024.



Craig Diss
Manager, Hunter and Northern Region
Local Planning & Council Support
Department of Planning, Housing and
Infrastructure

**Delegate of the Minister for Planning and
Public Spaces**

City Planning

Planning Proposal – Amendment to the Maitland Lep 2011 (Implementation of Maitland Local Housing and Rural Land Strategies 2041) – Finalisation

Submission Assessment

Meeting Date: 10 December 2024

Attachment No: 3

Number of Pages: 12

SUBMISSION ASSESSMENT

Planning Proposal - Implementation of Maitland Local Housing Strategy (LHS) 2041 and Rural Land Strategy (RLS) 2041

Submission	
Residents/Community	36 (1 to 36)
Public Authorities and Government Agencies	12 (37 to 48)
Developers and Industry	5 (49 to 53)
Total	53

Abbreviations	
DA	Development Application
DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
DCP	Development Control Plan
DPHI	NSW Department of Planning, Housing and Infrastructure
DPI	NSW Department of Primary Industries
LALC	Local Aboriginal Land Council
LEP	Local Environmental Plan
LGA	Local Government Area
LHS	Local Housing Strategy
MEG	NSW Mining, Exploration and Geoscience
MHEs	Manufactured Home Estates
RFS	NSW Rural Fire Service
RLS	Rural Land Strategy
SEPP	State Environmental Planning Policy
TfNSW	Transport for NSW

PLANNING PROPOSAL - AMENDMENT TO THE MAITLAND LEP 2011 (IMPLEMENTATION OF MAITLAND LOCAL HOUSING AND RURAL LAND STRATEGIES 2041) – FINALISATION (Cont.)

Submission Assessment – Planning Proposal: Implementation of Maitland LHS and RLS Strategy 2041 and Draft Rural Land Strategy 2041

Residents/Community

SUBMISSION	SUMMARY OF SUBMISSION	RESPONSE
1.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
2.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
3.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
4.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
5.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
6.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
7.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
8.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
9.	<ul style="list-style-type: none"> ▪ Supports the proposed amendments to the Maitland LEP 2011 and urges the planning authority to proceed with these amendments. ▪ Endorses the amendments to remove 'caravan parks' from RU2 Rural Landscape zone. ▪ Welcomes the proposal to allow secondary dwellings with the consent in R5 Large Lot Residential zone. 	Support noted.
10.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
11.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
12.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
13.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
14.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
15.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
16.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.

PLANNING PROPOSAL - AMENDMENT TO THE MAITLAND LEP 2011 (IMPLEMENTATION OF MAITLAND LOCAL HOUSING AND RURAL LAND STRATEGIES 2041) – FINALISATION (Cont.)

Submission Assessment – Planning Proposal: Implementation of Maitland LHS and RLS Strategy 2041 and Draft Rural Land Strategy 2041

SUBMISSION	SUMMARY OF SUBMISSION	RESPONSE
17.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
18.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
19.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
20.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
21.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
22.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
23.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
24.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
25.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
26.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
27.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
28.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
29.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
30.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.
31.	<ul style="list-style-type: none"> ▪ Indicates full support for the proposed LEP amendments. ▪ Supports the amendment to remove 'caravan parks' from R2 Rural Landscape zone. ▪ Welcomes the proposal to introduce 'secondary dwellings' as a 'permitted with consent' in R5 Large Lot Residential 	Support noted.
32.	▪ Supports all items included in the planning proposal, in particular, removing 'caravan parks' from RU2 zone.	Support noted.

PLANNING PROPOSAL - AMENDMENT TO THE MAITLAND LEP 2011 (IMPLEMENTATION OF MAITLAND LOCAL HOUSING AND RURAL LAND STRATEGIES 2041) – FINALISATION (Cont.)

Submission Assessment – Planning Proposal: Implementation of Maitland LHS and RLS Strategy 2041 and Draft Rural Land Strategy 2041

SUBMISSION	SUMMARY OF SUBMISSION	RESPONSE
33.	<ul style="list-style-type: none">Supports all items included in the planning proposal, in particular, removing ‘caravan parks’ from RU2 zone.	Support noted.
34.	<ul style="list-style-type: none">Supports all items included in the planning proposal, in particular, removing ‘caravan parks’ from RU2 zone.	Support noted.
35.	<ul style="list-style-type: none">Supports all items included in the planning proposal.Note that the proposed amendments are important steps towards maintaining the character and integrity of our local community and environment and urges the planning authority to proceed with the proposed amendments.	Support noted.
36.	<ul style="list-style-type: none">Supports all items included in the planning proposal, in particular, removing ‘caravan parks’ from RU2 zone.	Support noted.

PLANNING PROPOSAL - AMENDMENT TO THE MAITLAND LEP 2011 (IMPLEMENTATION OF MAITLAND LOCAL HOUSING AND RURAL LAND STRATEGIES 2041) – FINALISATION (Cont.)

Submission Assessment – Planning Proposal: Implementation of Maitland LHS and RLS Strategy 2041 and Draft Rural Land Strategy 2041

Government Agencies and Public Authorities

SUBMISSION	SUMMARY OF SUBMISSION	RESPONSE
37. NSW Department of Regional NSW – Mining, Exploration and Geoscience (MEG)	<ul style="list-style-type: none"> MEG does not object to this planning proposal to remove the 'Mineral Resource Area Map' and related Maitland LEP Clause 7.5 Significant extractive resources. 	Noted.
	<ul style="list-style-type: none"> Future proposals that involve or interface with mineral resources should continue to be considered in accordance with relevant environmental planning instrument such as SEPP (Resources and Energy) 2021, including referral to MEG. 	Council will continue to work with the MEG as a part of rezoning or any future proposals involve with mineral resources.
38. Transport for NSW (TfNSW) LHS	<ul style="list-style-type: none"> TfNSW is generally supportive of the proposed amendments. 	Noted.
39. NSW Department of Primary Industries (DPI)- Agriculture	<ul style="list-style-type: none"> DPI Agriculture has no objection to the planning proposal. 	Noted.
	<ul style="list-style-type: none"> DPI encourages Council to utilise the agritourism DCP model clauses and develop DCP provisions for the 'Artisan food and drink industry' to ensure agricultural activities are not constrained and land use conflict risk is assessed. 	Council is currently undertaking a comprehensive review of Maitland DCP 2011. As a part of this review, the agritourism DCP model clauses will be reviewed and incorporated into the Maitland DCP in consultation with the DPI Agriculture.
	<ul style="list-style-type: none"> DPI considers the removal of 'caravan parks' from the RU2 zone, will help protect valuable agricultural land and rural surroundings by minimising potential for non-strategic development, fragmentation of rural land, land use conflicts and providing clarity on rural activities. 	Noted.
	<ul style="list-style-type: none"> DPI supports the rezoning of the Hunter and Paterson Rivers to W2 Recreational waterways to provide appropriate zone objectives for the management of the waterways. 	Noted.
40. NSW Rural Fire Service (RFS)	<ul style="list-style-type: none"> RFS notes that the proposed amendments to the <i>Maitland LEP 2011</i> are not site-specific and are applied across the entire LGA. 	Noted.

PLANNING PROPOSAL - AMENDMENT TO THE MAITLAND LEP 2011 (IMPLEMENTATION OF MAITLAND LOCAL HOUSING AND RURAL LAND STRATEGIES 2041) – FINALISATION (Cont.)

Submission Assessment – Planning Proposal: Implementation of Maitland LHS and RLS Strategy 2041 and Draft Rural Land Strategy 2041

SUBMISSION	SUMMARY OF SUBMISSION	RESPONSE
	<ul style="list-style-type: none"> RFS advises that the Council consider the guidelines in Chapter 4 of <i>Planning for Bush Fire Protection (PBP) 2019</i>, as it provides guidance on the factors to be considered to address bush fire risk in relation to planning instruments. 	Council will consider the RFS's Planning for Bush Fire Protection (PBP) 2019 Guideline to address bush fire risk in relation this planning proposal to protect life, property and the environment from bush fire, by discouraging the establishment of incompatible land uses in bush fire prone areas and to encourage sound management of bush fire prone areas.
	<ul style="list-style-type: none"> Any increase in residential density across the Maitland LGA must identify and avoid areas with high biodiversity values and areas subject to high bush fire risk. 	Council will continue to consult with the RFS as a part of any future site-specific planning proposals involve with bush fire prone land.
41. NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) – Biodiversity Conservation and Science (BCS)	<ul style="list-style-type: none"> BCS recommends that the planning proposal is amended to ensure the protection and conservation of environmentally sensitive areas through the establishment of a C2 Environmental Conservation Zone. 	<p>Council acknowledges the importance of mapping and introducing an appropriate land zone for high environmental values areas including waterways and riparian areas.</p> <p>In October 2023, Council adopted its Environmental Sustainability Strategy (ESS) which recognizes the Hunter and Paterson Rivers as 'regional corridors' and sets out a framework to improve health and wellbeing of these waterways and riparian areas. In addition, Council's Rural Land Strategy 2041 (Action 5.6) recommends is to review high value environmental land within the Maitland LGA in conjunction with the ESS to determine appropriate zoning.</p> <p>The current Maitland LEP 2011 contains a 'Watercourse' map and accompanying Clause 7.4 'Riparian land and watercourses'. This clause specifies considerations for development applications within 40m of the top of the banks of the mapped watercourses including Hunter and Paterson Rivers.</p> <p>The Hunter Estuary Coastal Management Program (CMP) is currently underway along with Maitland, Newcastle, Port Stephens, Dungog Councils. This project will provide better data and analysis to inform future decision around the</p>

PLANNING PROPOSAL - AMENDMENT TO THE MAITLAND LEP 2011 (IMPLEMENTATION OF MAITLAND LOCAL HOUSING AND RURAL LAND STRATEGIES 2041) – FINALISATION (Cont.)

Submission Assessment – Planning Proposal: Implementation of Maitland LHS and RLS Strategy 2041 and Draft Rural Land Strategy 2041

SUBMISSION	SUMMARY OF SUBMISSION	RESPONSE
		appropriate land zones for riparian areas. Further, it provides a strategic opportunity for local councils to work together for implementing a consistent approach to waterways and riparian areas across LGAs. In this context, Council will work collaboratively with the DCCEEW to prepare a separate planning proposal to introduce C2 zone for riparian areas as a part of our environmental zones review. This approach will allow us to finalise the current planning proposal in a timely manner, without re-exhibition.
42. DCCEEW – Water (Licensing and Approvals)	<ul style="list-style-type: none"> Notes that the proposed zoning of W2 Recreational Waterway is better aligned to seek desirable outcomes than the current predominantly RU1 Primary Production or RU2 Rural Landscape zonings given its objective to protect ecological values of the waterways. 	Noted.
	<ul style="list-style-type: none"> DCCEEW prefers for waterfront land and riparian zones to be zoned C2 Environmental Conservation. 	Please see above response to submission 41.
43. Mindaribba Local Aboriginal Land Council (MLALC)	<ul style="list-style-type: none"> No objections to Items 1, 2, 3, 4, 7, 8 and 9. 	Noted.
	<ul style="list-style-type: none"> Supports for the removal of ‘caravan parks’ in the RU2 zone as it creates medium density development by stealth on land that often form an important part of the cultural landscape, where such development is inappropriate. 	Support noted.
	<ul style="list-style-type: none"> Considers that the introduction of W2 Recreational Waterways zone is a positive step and presents an opportunity for Council to engage in meaningful consultation with Mindaribba LALC. 	Noted.
	<ul style="list-style-type: none"> Water corridors and the lands adjacent to them are of high cultural and environmental value within the cultural landscape of the Maitland, where further Aboriginal cultural and heritage exploration will be required. 	Council is currently undertaking an LGA wide Aboriginal and Rural Heritage Study which includes river and surrounding landform typologies. Council will continue to work with the

PLANNING PROPOSAL - AMENDMENT TO THE MAITLAND LEP 2011 (IMPLEMENTATION OF MAITLAND LOCAL HOUSING AND RURAL LAND STRATEGIES 2041) – FINALISATION (Cont.)

Submission Assessment – Planning Proposal: Implementation of Maitland LHS and RLS Strategy 2041 and Draft Rural Land Strategy 2041

SUBMISSION	SUMMARY OF SUBMISSION	RESPONSE
		MLALC for identification, protection, conservation and celebration of Maitland's cultural landscape and heritage.
44. Newcastle City Council (NCC)	<ul style="list-style-type: none"> NCC supports the proposed W2 waterways zone as it is consistent with NCC approach to land use and coordinated waterways management. 	Support noted.
	<ul style="list-style-type: none"> NCC supports the proposal to improve the clarity of Clause 4.1A relating to permissibility and development standards. 	Support noted.
45. Port Stephens Council (PSC)	<ul style="list-style-type: none"> PSC has no objection to the planning proposal and note that the proposed W2 Recreational Waterway zone will create consistency between LGAs. 	Support noted.
46. Cessnock City Council (CCC)	<ul style="list-style-type: none"> CCC has no objections regarding the planning proposal. 	Support noted.
	<ul style="list-style-type: none"> Notes that CCC has recently prohibited 'caravan parks' within the RU2 Rural Landscape zone as part of the rural lands review of Cessnock LEP 2011. 	Noted.
	<ul style="list-style-type: none"> Notes that the proposed W2 Recreational Waterways zone would result a small split zone and CCC may consider adopting a similar approach to waterways within Cessnock LGA which would resolve this issue. 	Council will work with CCC to ensure a consistent approach to waterways.
47. Singleton Council	<ul style="list-style-type: none"> Indicates their in-principal support for the proposed amendments. 	Support noted.
	<ul style="list-style-type: none"> Seeks a minor clarification relates to permissibility of development under the Maitland LEP for Item 1. 	The Maitland LEP identifies 'Agritourism' is a type of Agriculture. RU2 zone in MLEP includes "Agriculture" under 'permitted with consent' section, whereas "Agritourism" is not included in the 'prohibited' section for this zone. On this basis, all land uses that falls under the parent land use term of "Agriculture", except for those specifically identified under the 'prohibited' section for this zone, is "permitted with consent" –

PLANNING PROPOSAL - AMENDMENT TO THE MAITLAND LEP 2011 (IMPLEMENTATION OF MAITLAND LOCAL HOUSING AND RURAL LAND STRATEGIES 2041) – FINALISATION
(Cont.)

Submission Assessment – Planning Proposal: Implementation of Maitland LHS and RLS Strategy 2041 and Draft Rural Land Strategy 2041

SUBMISSION	SUMMARY OF SUBMISSION	RESPONSE
		<p>meaning “Agritourism” is an innominate permitted use (with consent) in RU2 zone.</p> <p><i>agriculture means any of the following—</i></p> <p><i>(aaa) agritourism,</i></p> <p><i>(a) aquaculture,</i></p> <p><i>(b) extensive agriculture,</i></p> <p><i>(c) intensive livestock agriculture,</i></p> <p><i>(d) intensive plant agriculture.</i></p>
	<ul style="list-style-type: none"> Seeks a minor clarification relates to permissibility of development under the Maitland LEP for Item 8. 	<p>In MLEP, under the R5 Large Lot Residential zone, ‘Residential Accommodation’ is listed under the ‘Prohibited’ section, making all forms of residential uses, including secondary dwellings, prohibited under this zone.</p> <p>Dual occupancies and Dwelling houses are the only forms of residential accommodation that are listed under ‘permitted with consent’ section for this zone (and is a nominate permitted use), which is an exception to the above umbrella prohibition.</p> <p>R5 is an ‘open zone’, however, ‘Residential Accommodation’ being listed under the prohibited section eliminates permissibility for all residential accommodation uses (except for those identified in the permitted with or without consent sections).</p>
48. Dungog Shire Council	<ul style="list-style-type: none"> DSC indicates their support for this planning proposal and has no concerns with any aspect of the proposal. 	Support noted.

PLANNING PROPOSAL - AMENDMENT TO THE MAITLAND LEP 2011 (IMPLEMENTATION OF MAITLAND LOCAL HOUSING AND RURAL LAND STRATEGIES 2041) – FINALISATION (Cont.)

Submission Assessment – Planning Proposal: Implementation of Maitland LHS and RLS Strategy 2041 and Draft Rural Land Strategy 2041

Developers and Industry

SUBMISSION	SUMMARY OF SUBMISSION	RESPONSE
49. ADW Johnson Pty Limited (ADW)	<ul style="list-style-type: none"> ADW acknowledges that the proposed changes to Clause 4.1A are intended to provide clarity and certainty on planning requirements for development applications. ADW urges Council to consider the inclusion of the following sub-clause within Clause 4.1A to facilitate the release of vacant small lots in appropriate circumstances. 	<p>Noted.</p> <p>Item 7 proposes a minor amendment to Clause 4.1A of the Maitland LEP to provide better clarity on the statutory requirements under this clause and ensure its consistency between this clause and subdivision design controls of the DCP.</p> <p>This Planning Proposal includes the first round of implementation of Council adopted LHS and RLS. Council will investigate the potential inclusion of the ADW proposed sub-clause into the Maitland LEP as a part of future planning proposal of implementing LHS.</p>
50. AEP Development	<ul style="list-style-type: none"> AEP raised concern with the absence of a savings provision in planning proposal and its implications to development applications under assessment. AEP does not support limiting the wording in the savings provision to 'caravan parks' only as it would not necessarily apply to MHEs which are technically a different land use to caravan parks. 	<p>The amendment proposes the inclusion of a savings provision within Clause 1.8a of the Maitland LEP 2011. This savings provision will identify that a development application made but not finally determined before the commencement of this LEP amendment must be determined as if this LEP amendment had not commenced.</p> <p>The final saving provisions will not be limited to 'caravan park' and will be covered all amendments included in this planning proposal.</p>
51. Hunter Valley Development Services on behalf	<ul style="list-style-type: none"> Requests Item 5 of the Planning Proposal be deferred pending finalisation of the current review being undertaken by the DPHI in respect of the planning and approvals processes/pathways associated with caravan 	<p>Under MLEP 2011 'Caravan parks' are permitted in the RU2 Rural Landscape zone. Consequently, pursuant to the provisions under Housing SEPP 2021, this permissibility extends to MHEs. The permissibility offered by the above SEPP precedes the MLEP provisions relating to land use permissibility test. Hence, it eliminates the enforceability of Maitland LEP Clause 2.3 "Zone objectives and</p>

PLANNING PROPOSAL - AMENDMENT TO THE MAITLAND LEP 2011 (IMPLEMENTATION OF MAITLAND LOCAL HOUSING AND RURAL LAND STRATEGIES 2041) – FINALISATION (Cont.)

Submission Assessment – Planning Proposal: Implementation of Maitland LHS and RLS Strategy 2041 and Draft Rural Land Strategy 2041

SUBMISSION	SUMMARY OF SUBMISSION	RESPONSE
of Teakmill P/L and Everplan P/L	parks, camping grounds, MHEs and moveable dwellings.	<p>Land Use Table” against a proposal for a MHE at the development application stage.</p> <p>The Housing SEPP 2021 establishes a hierarchy for criteria where MHE’s are permitted. Maitland LGA has a significant amount of land that fits these criteria where MHEs could be developed. As an example, there is approximately 200km where urban zoned land borders rural or environmental zones within the LGA. Boarder scale permissibility creates scattered residential communities in isolated areas, where no previous consideration has been given to the creation of such density developments.</p> <p>It is noted that MHE is not defined under the Standard Instrument LEP; instead, it is defined under the Local Government Act 1993. They are not mandated as a permissible use within any of the zones under the Standard Instrument LEP and it is left to the discretion of local councils to decide where they may be permitted.</p> <p>In this context, Council’s Rural Land Strategy 2041 recommends to prohibit the development of MHEs on rural land by prohibiting ‘caravan parks’ in the RU2 zone. This reflects the community’s expectations on future development on rural land.</p> <p>Council acknowledges that MHEs are a contemporary form of medium density housing. Having regard to the density as well as typical demographics of the residents in MHEs, they should be located in areas of higher amenities with proximity to adequate public transport and a range of services. The right location is a crucial factor for MHEs, it influences how easily residents can travel within and outside the area, it creates a balanced, functional and socially connected environment where residents have easy access to amenities and services strategically enhancing their quality of life.</p> <p>Council notes that the DPHI is working to improve the planning framework for MHEs and will deal with broader issues of definitions and permissibility.</p> <p>Notwithstanding the proposed reforms, there is still the possibility of developing MHEs on rural land adjacent or adjoining urban land. Maitland has a significant amount of land that fits the criteria outlined in the SEPP where</p>

PLANNING PROPOSAL - AMENDMENT TO THE MAITLAND LEP 2011 (IMPLEMENTATION OF MAITLAND LOCAL HOUSING AND RURAL LAND STRATEGIES 2041) – FINALISATION (Cont.)

Submission Assessment – Planning Proposal: Implementation of Maitland LHS and RLS Strategy 2041 and Draft Rural Land Strategy 2041

SUBMISSION	SUMMARY OF SUBMISSION	RESPONSE
		MHEs could be developed. It is considered that the proposed LEP amendment is the only avenue available to achieve the intended outcomes.
	<ul style="list-style-type: none"> Suggests to investigate the suitability of permitting caravan parks within other land use zones. 	This Planning Proposal includes the first round of implementation of Council adopted LHS and RLS. Council will investigate this matter as a part of rolling reviews of MLEP.
52. HDB Town Planning & Design (HDB)	<ul style="list-style-type: none"> HDB requests to amend Part 4 of the Maitland LEP relates to principal development standards and in particular minimum lot sizes to allow subdivision of land within rural zones for permissible uses, less than the minimum lot size shown on the appropriate plan. 	<p>Maitland LEP 2011 prescribes a 40ha minimum lot size for the RU1 and RU2 zones. The Rural Land Strategy emphasizes the historical fragmentation of rural land, and in certain instances, lots are well below the minimum lot size specified under Maitland LEP 2011. Over 92% of rural land holdings are under 40ha and 70% having a minimum lot size of 10ha or less. This Strategy aims to avoid further fragmentation and guide the future urban growth in appropriate locations.</p> <p>Planning provisions under <i>Maitland LEP 2011</i> provide an opportunity for small lots of rural land under the minimum lot size in the RU1 and RU2 zone to be subdivided for the purposes of primary production. While there is a provision under Clause 4.2 to support rural subdivision without a dwelling entitlement.</p> <p>This planning proposal proposes a minor amendment to Clause 4.1A of the Maitland LEP to provide better clarity on the statutory requirements under this clause.</p>
53. SLR Consulting Australia on behalf of Mavid Development	<ul style="list-style-type: none"> SLR objects specifically to the intention to remove 'caravan parks' as a permissible land use within the RU2 Rural Landscape zone. SLR requests to include appropriately worded savings provisions to safeguard the existing development applications for MHE currently under assessment. 	<p>Noted.</p> <p>Council will include the generic savings provision within Clause 1.8a of the Maitland LEP 2011 to identify that a development application made but not finally determined before the commencement of this LEP amendment must be determined as if this LEP amendment had not commenced. The saving provisions will apply to all items included within this planning proposal.</p>

11.8 Roadway Dedication – Steamcruiser Dr, Chisholm

FILE NO:	28865
ATTACHMENTS:	1. Roadway Dedication–Steamcruiser Dr, Chisholm
RESPONSIBLE OFFICER:	Director City Planning Executive Manager Finance
AUTHOR:	Senior Property Advisor Principal Planner
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

A developer lodged a revised development scheme with Council on 10 October 2024 associated with their Development Application DA/2023/509 at 165 and 173 McFarlane's Road and 507 Raymond Terrace Road, Chisholm for a three (3) into 325 Lot Torrens Title Residential Subdivision.

An unformed private road to the north of their site is required to be changed to a public road, constructed by the developer and dedicated to Council upon completion.

This road connection to Steamcruiser Drive, a Distributor Road, is consistent with Part F.7 Thornton North Urban Release Area of the Maitland Development Control Plan (DCP) 2011 and will facilitate an efficient, interconnected road network to enable orderly development.

OFFICER'S RECOMMENDATION

THAT

- 1. Council agrees to change the status of part of the Private Road adjoining 173 McFarlane's Road, Chisholm to Public Road using powers in section 16 and 17 of the Roads Act 1993.**
- 2. Council authorises the General Manager to sign any related documentation to effect the change in status including the Gazettal notice required.**
- 3. Upon Gazettal the land shall be dedicated as a Public road owned by Council.**

REPORT

A revised development scheme was submitted to Council, under DA/2023/509, which includes a three (3) into 325 lot Torrens Title Subdivision with three (3) public reserve lots and one (1) residue lot at 165 and 173 McFarlane's Road (Lot 2 DP1253854 and Lot 32 DP778111) and 507 Raymond Terrace Road, Chisholm (Lot 31 DP778111) (Refer to Figure 1).

ROADWAY DEDICATION - STEAMCRUISER DR, CHISHOLM (Cont.)

The following works are included:

- Demolition of the existing dwelling house and structures on site.
- Three (3) into 325 Lot Torrens Title Residential Subdivision delivered in 7 stages (refer to Figure 1 below) as follows:
 - Stage 1: 46 Lots and 1 drainage reserve;
 - Stage 2: 53 Lots;
 - Stage 3: 38 Lots and 1 public reserve;
 - Stage 4: 59 Lots;
 - Stage 5: 36 Lots and 1 drainage reserve.
 - Stage 6: 32 Lots; and
 - Stage 7: 61 Lots.
- Associated works include clearing vegetation, bulk earthworks with lot regrading, retaining walls, civil works and servicing.

A private road abuts the northern boundary of 173 McFarlanes Road (refer to Figure 2 in attachment 1), which bisects the proposed extension of Steamcruiser Drive and provides access to 171 and 173 McFarlanes Road via a gravel access track.

The private road was created prior to 1900's. Searches by Council have not identified the creation date of the road, however sufficient evidence supports the roads existence prior to the 1900's. As such the road is considered a private road with the future potential to form a public road. The land is still in the title of the original subdividers and would lie with their estate/trustees who cannot be located. As such owners consent for transfer or inclusion of this part of the land in Steamcruiser Drive for an adjoining development will not be obtainable (refer to Figure 2 in attachment 1).

A site inspection identified that the site is bounded on the northern and southern boundaries by fencing thus there is no current occupation that would satisfy the claiming of the land by adverse possession to adjoining owners.

To facilitate the proposed development, allow Council to condition and allow the future road construction, the yellow section of the road requires action (refer to Figure 3).

Council is permitted under section 16 of the Roads Act 1993 as follows:

- To declare the section of Road as Public Road to allow for the extension and construction of Steamcruiser Drive and allow for legal access to 173 McFarlanes Road.
- Council must resolve to lodge a Gazettal Notice (including sketch of the site) of their intention to dedicate the land to Public Road.
- To place a notice in newspaper, Council's website and place a notice on site of the intention.

If an objection is raised by a descendant of the previous owner it will be handled by their application to the Land and Environment Court. The land was originally created to be a public road but was never designed or constructed.

ROADWAY DEDICATION - STEAMCRUISER DR, CHISHOLM (Cont.)

CONCLUSION

Historically this land was to be set aside for the purpose of a road, ultimately dedicated to Council, but this has never occurred. The proposed extension of Steamcruiser Drive, which crosses the subject land, needs to be changed to a public road for inclusion within the DA.

This road connection to Steamcruiser Drive, a Distributor Road, is consistent with Part F.7 Thornton North Urban Release Area of the DCP 2011 and will facilitate an efficient, interconnected road network to enable orderly development.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates. Additionally, survey, legal, construction costs will be borne by the developer as part of their DA. Once the road is dedicated to Council maintenance will be applied as a normal road owned by Council.

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.

Council has powers under the Roads Act 1993, particularly sections 16 and 17, as follows,

ROADWAY DEDICATION - STEAMCRUISER DR, CHISHOLM (Cont.)

Roads Act Section 16**6 Council may dedicate certain land as a public road**

- (1) This section applies to land that is set aside for the purposes of a road left in a subdivision of land effected before 1 January 1907 (the date of commencement of the [Local Government Act 1906](#)) or in a plan of subdivision that was registered by the Registrar-General before 1 January 1920 (the date of commencement of the [Local Government Act 1919](#)).
- (2) The council of the local government area within which such land is situated may, by notice published in the Gazette, dedicate the land as a public road.
- (3) On the publication of the notice in the Gazette—
 - (a) the land described in the declaration becomes free of all trusts, restrictions, dedications, reservations, obligations and interests, and
 - (b) the land is dedicated as a public road.
- (4) No compensation is payable to any person with respect to any loss or damage arising from the operation of this section.
- (5) Land may not be dedicated as a public road under this section if the Land and Environment Court has made a declaration under section 17 to the effect that the land may not be so dedicated or if an application for such a declaration is pending before that Court.

Method of Dedication of the Private Road under S16 of the Roads Act is dealt with in Section 17**17 Application to Land and Environment Court against proposed dedication**

- (1) Before dedicating land as a public road under section 16, the council must cause at least 28 days' notice of its intention to do so to be served on the owner of the land.
- (2) During that period of 28 days, the owner of the land may, in accordance with rules of court, apply to the Land and Environment Court for a declaration that the land should not be dedicated as a public road.
- (3) The Land and Environment Court may make such decision as it thinks fit with respect to the application.

In respect to the balance of the "Private Road", activities should be monitored and where possible included in adjoining lands. The current adjoining landowners have the ability utilising the "Middle of the Road" planning/survey rule to claim that part of the private road adjoining their property. Council could undertake the task of claiming to the middle of the Private Road once the adjoining land is transferred to Council and it is recommended that this also happens in time, as it will allow:

- Removal of isolated land parcels (Private Road) that will be difficult to be managed by Council;
- Assist in preservation of mature trees located within the Private Road corridor (To the North of No. 173); and
- Assist Council to better manage adjoining land parcels in particular when we will / may ultimately own both sides of the road.

This would be subject to a future Council resolution.

City Planning

Roadway Dedication – Steamcruiser Dr, Chisholm

Roadway Dedication–Steamcruiser Dr, Chisholm

Meeting Date: 10 December 2024

Attachment No: 1

Number of Pages: 2

ROADWAY DEDICATION - STEAMCRUISER DR, CHISHOLM (Cont.)



Figure 2 – Private road to the north of 173 McFarlane's Road (boundary shown in aqua)

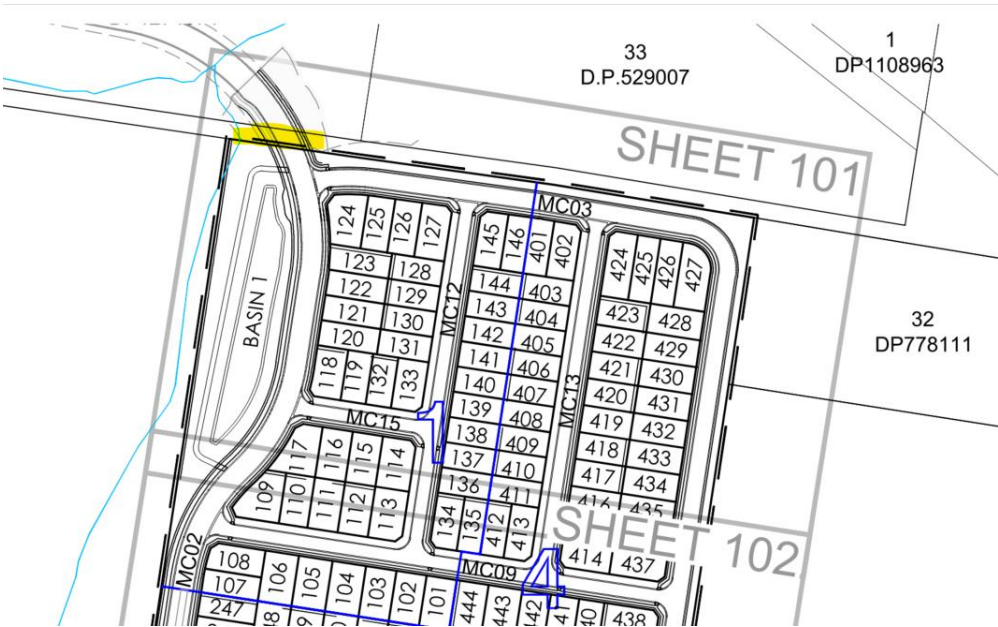


Figure 3 – Section to be dedicated as Public Road.

12 City Services

12.1 Maitland Park Master Plan

FILE NO:	101/10/3
ATTACHMENTS:	1. Maitland Park Masterplan
RESPONSIBLE OFFICER:	Director City Services Manager Community & Recreation
AUTHOR:	Coordinator Community & Recreation Planning Strategic Recreation Planner Landscape Planner
MAITLAND +10	Outcome 4 To be healthy and active with access to local services and facilities
COUNCIL OBJECTIVE:	4.3.7 Plan for the long term management and improvement of the Maitland Park Precinct

EXECUTIVE SUMMARY

The purpose of this report is to address Item 1.4.9 in Council's Delivery Program 2022-2026: "Plan for the long-term management and improvement of the Maitland Park precinct. Delivery Indicator: Maitland Park Master Plan progressed."

The Maitland Park Master Plan forms part of the Plan of Management adopted in 2014. The Master Plan has been revised in consultation with internal Council stakeholders, to include recent infrastructure development and potential future opportunities. The draft plan aims to create a pedestrian-friendly civic park that prioritises families and pedestrian movement and expands the informal open space. The draft plan is a blueprint for ensuring that future development meets community and stakeholder needs. Further external consultation with key stakeholders is necessary to obtain input into the Draft Master Plan.

OFFICER'S RECOMMENDATION

THAT

1. Council endorses the Master Plan and principles for stakeholder consultation.
2. Council endorses the Master Plan to be placed on public exhibition for a period of 28 days following stakeholder consultation.
3. Following public exhibition and stakeholder consultation, a further report will be put to Council for endorsement of the Maitland Park Master Plan

REPORT**Background**

Maitland Park is zoned RE1 Public Recreation and contains a separate land zoning of RE2 Private Recreation, for the former bowling green site. The Park is classified community land and managed by Council. The northern area of Maitland Park is part of the Central Maitland conservation area (MCC City-Wide DCP 2011 Part E Special Precincts). Any development must be sympathetic to the rich heritage of the site.

Maitland Park continues to be a critical destination parkland for the city attracting visitors from across the city and the Hunter Region. The park comprises mixed use open space, recreational facilities, sports clubs and is used extensively for sports, festivals, and events. The park provides for active and passive recreation and contains several important heritage items and new memorials which are evidence of ongoing community association and strong connection with the park.

Context

Maitland Park is central to the Maitland Local Government Area, within walking distance to Maitland town centre, train stations, and is easily accessed from New England Highway and local roads. The large mature trees and heritage items are important characteristics of the park.

Over the years, Maitland Park has had several community infrastructure upgrades that have enhanced the site's regional significance. Robins Oval grandstand has been recently refurbished, the outer field amenities have been upgraded, and the Bowling Club building has been demolished. The Aquatic Centre upgrade, which included an all year round heated indoor pool, significantly increased visitation to this facility. The Hockey Club and Croquet Club, which are under a lease agreement, add to the recreation hub of the park.

MAITLAND PARK MASTER PLAN (Cont.)



Figure 1 – Site plan showing mixed use of Maitland Park and heritage items in the park

Current Issues and Challenges

A popular citywide and regional destination, the site can become congested causing traffic issues due to significant use across all park facilities, particularly on weekends. The current park has several vehicular entries and exits, and vehicles often use the park as a 'short-cut' to avoid congestion on the New England Hwy. The 25km/h speed limit within the park is regularly exceeded. Internal roads currently dominate pedestrian use of the park which reduces pedestrian safety, has impacted the character, and eroded the park as a place for people and families.

There is a shared pathway on the perimeter of the park, but minimal internal pedestrian pathways, limited access for people with mobility considerations, and no pedestrian crossings.

While many elements of the park have been redeveloped and renewed over time, there is no centralised community space that services the diverse range of users of the park. Green open space has been disconnected by the hard paving of carparks and wide internal roads. The recent removal of the bowling club green and building offers an opportunity to create a centralised community space, however investigation identified contamination in part of the site which required addressing.

The existing heritage items and mature trees are important characteristics of the park which require consideration and protection to retain and acknowledge their heritage,

MAITLAND PARK MASTER PLAN (Cont.)

environmental and community value. Works are required to restore heritage items, including the damaged heritage item located near the rotunda, as shown as key 9 in Attachment 1.

Maitland Park is regularly used by the community for a variety of sports such as cricket, netball, swimming, hockey, croquet, touch football, soccer and for triathlons. Continued demand for this site requires consideration of the need for future expansion to meet the growing community's sport and recreational needs.

The Aquatic Centre upgrade significantly increased visitation to this facility. This has placed considerable pressure on existing amenities such as change rooms, kiosk, and service areas.

Maitland Park all abilities playspace is an important recreation facility within the park, however, it is over 19 years old and has ageing equipment. This playspace needs upgrading to provide a playspace that is fit for purpose, relevant to contemporary community needs, and worthy of this premier parkland.

The provision of cricket practice nets, in addition to existing cricket facilities within the park would create a cricket precinct. The practice nets would also allow for a combination of free, open to the public nets as well as 'for hire' nets.

Consultation

A Project Control Group (PCG) and working groups, comprising key internal stakeholders across Council, chaired by the former Group Manager Culture, Community & Recreation, together with a draft traffic study prepared by internal staff has informed the development of the Draft Master Plan. Members and participants on the PCG and working groups comprised staff and management from the former I&W, Recreation Works, Architects, Planning, and Community & Recreation teams.

Additionally, an ELT briefing was held on 26 Nov 2023 followed by a Councillor briefing on 13 Feb 2024 which resulted in the below feedback:

- The principles of the masterplan were endorsed
- Additional parking to support the development of the playspace should be investigated
- Consideration relating to the proposed traffic flow within Maitland Park and alternative options

Following this feedback and additional changes within the park, including the demolition of the Bowling Club and subsequent contamination considerations, a revision of the Masterplan was undertaken and presented to and endorsed by ELT on 7 August 2024. Following ELT endorsement and in consideration of the Council elections, a Councillor briefing was undertaken on 26 November 2024.

Council is also currently undertaking community engagement for the Maitland Park Playspace concept plan, which has been open for engagement from 8 November 2024. This engagement, as of 26 November has had 277 contributors take part in the online survey with 299 contributions. Additionally, a pop up face to face engagement session was held at Maitland Park Playspace on the 23 November 2024 which saw approximately 100 visitors with 76 children participating in the engagement session. This engagement is open until 8 December 2024 and will inform the development of the playspace design.

Draft Master Plan Proposal

The draft plan as shown in Attachment 1, proposes high-level design solutions to the issues and challenges outlined above, resulting in a ‘people-focused’ city park with increased informal green space. The draft plan prioritises healthy and active communities by increasing and consolidating the green open space, creating a low-speed pedestrian prioritised civic place, while still enabling future recreational development and growth. The masterplan will also include the restoration of memorial items mapped throughout the park. The draft plan aligns with NSW State guidelines, such as *Better Placed*, the *Draft Greener Places* Guidelines, and emerging trends in recreation which show increased demand for informal recreation space.

A Draft Traffic Study supports pedestrian prioritisation however a more detailed traffic study is required to determine the measures best suited to addressing pedestrian and vehicle management within the park.

The key design principles of the draft Master plan are to:

- Bring the '*heart*' back into the park by enhancing its citywide appeal
- Provide a pedestrian-friendly and vibrant *Civic Place*
- Reclaim green open space by *improving parking and road efficiency* within and around the park
- Provide more *recreational* opportunities for the community and tourists
- Create a *playspace* that reflects the importance of Maitland Park to the community by upgrading the existing playspace

The draft Master plan has proposed the following improvements:

Key transport changes

- Entry only at Northern main gate and a new carpark
- Transvaal Avenue, upgraded with 6.5 metre road width for two-way traffic roads, and pedestrian crossings, and 4-metre road width for one-way traffic roads
- New bus/coach bay and taxi rank
- Gipps Street permanently closed towards south end for carpark expansion
- Removal of ‘the Triangle’ access road near Robins Oval and Devonshire Street for an alternate intersection

Parking

- Improve parking efficiency by consolidating parking on the park’s perimeter within walking distance of facilities
- Additional designated carparks to support sport and recreation facilities
- Temporary car park provided over the contaminated area in the location of bowling Club site
- EV charging is currently being rolled out across the Maitland LGA and will be considered in alignment with Council’s Environmental Sustainability Strategy and proposed Electric Vehicle Charging Infrastructure on Public Land Policy.

MAITLAND PARK MASTER PLAN (Cont.)

Pedestrian Movement

- Improving pedestrian connectivity and wayfinding across the park

Open Space & Canopy

- Creating a centralised passive green lawn and feature garden on part of the bowling green site, for community activities and ceremonies
- Increased tree canopy to achieve 30% canopy cover for environmental outcomes

Facilities

- Proposed new enclosed cricket practice nets near outer fields as lease opportunity.
- Creating a civic space and shared zone between aquatic centre and Robins oval to prioritise pedestrian movement

Playspace

- Extend and upgrade the existing all-abilities playspace. The playspace's location makes it a prime location for further development as an important contemporary recreation facility for the community and this premier parkland.

CONCLUSION

The Draft Maitland Park Master Plan is a high-level blueprint for the parks' future development. The plan proposes solutions that address current issues and challenges, while still allowing for future growth. The draft plan prioritises pedestrian use by creating a low-speed civic place with more green open space, enabling healthy and active communities. This report seeks Council's endorsement to undertake stakeholder consultation and community consultation via public exhibition.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates. A future report will be put to Council following the consultation period and will outline any future financial implications associated with the master plan.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council. This matter is in accordance with Maitland Park Plan of Management 2014 and will be considered in the upcoming review of the Maitland Park Plan of Management. This matter also relates to and is consistent with Council's Risk Management Policy and may also relate to Council's proposed Electric Vehicle Charging Infrastructure on Public Land Policy.

STATUTORY IMPLICATIONS

Noting that this matter is in accordance with Maitland Park Plan of Management 2014, it adheres to the requirements of Chapter 6, Part 2, Division 2 of the Local Government Act 1993.

MAITLAND PARK MASTER PLAN (Cont.)

RISK IMPLICATIONS

Risk	Risk rating	Proposed treatment	Proposed risk rating	Resourcing – within or additional
Service Delivery There is a risk that failing to update the Maitland Park masterplan which may lead to poor community and recreation infrastructure outcomes.	Medium	Endorse draft Masterplan for consultation and public exhibition.	Low	Existing
Image/Reputation There is a risk that failing to update the Maitland Park Masterplan which may lead to stakeholder confusion about the future of Maitland Park.	Medium	Endorse draft Masterplan for consultation and public exhibition.	Low	Existing
Image/Reputation There is a risk that the community and/or user groups don't feel involved in the Masterplan which may lead to poor perception of Council.	Medium	Endorse draft Masterplan for consultation and public exhibition. A detailed engagement plan will be developed and implemented.	Low	Existing
Environment There is a risk that failing to update the Maitland Park Masterplan which may lead to poor preservation of the natural environment including existing mature trees.	Medium	Endorse draft Masterplan for consultation and public exhibition.	Low	Existing

MAITLAND PARK MASTER PLAN (Cont.)

Image/Reputation There is a risk of creating community expectations that we can't deliver on which may lead to negative reputation impacts.	Medium	Develop and implement a detailed engagement plan that clearly outlines inclusions and exclusions.	Low	Existing
Financial/Service Delivery There is a risk of not having a masterplan and pipeline of works which may lead to missing out on attracting grants/developer contributions as a funding source and projects not being completed.	High	Endorse draft Masterplan for consultation and public exhibition to allow for progression of Masterplan.	Medium	Existing

City Services

Maitland Park Master Plan

Maitland Park Masterplan

Meeting Date: 10 December 2024

Attachment No: 1

Number of Pages: 1



12.2 Grant Application under the Black Spot Program

FILE NO:	65/22
ATTACHMENTS:	1. 24/25 Blackspot Location Map
RESPONSIBLE OFFICER:	Director City Services Manager Assets and Engineering
AUTHOR:	Operations Manager Transport & Infrastructure Engineering Manager Corporate Planning and Performance Corporate Grants Lead
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

This report outlines the opportunity to seek grant funding under the 2025/26 Black Spot grant program.

OFFICER'S RECOMMENDATION

THAT

1. Council support an application under the 2025/26 Black Spot grant program for:
 - a. A roundabout at the Dragonfly Drive and Grasshawk Drive intersection, Chisholm
 - b. A raised intersection threshold treatment at the McKeachies Drive and Oakhampton Road intersection, Aberglasslyn.

REPORT

Every year, hundreds of Australians lose their lives or are seriously injured in road crashes. The Black Spot grant funding program improves road safety and helps prevent serious injuries and deaths on our roads.

Black Spot projects target dangerous road locations where crashes are occurring or are at risk of occurring. The Australian Government provides funding for measures such as traffic signals and roundabouts at Black Spots, reducing the risk of crashes.

Proposed projects

With reference to the attached map, the following projects are nominated:

GRANT APPLICATION UNDER THE BLACK SPOT PROGRAM (Cont.)

Project	Details	Estimated cost
1. Roundabout at the Dragonfly Drive and Grasshawk Drive intersection, Chisholm	Roundabout - Major internal route to the Chisholm commercial precinct including shopping centre, school, community centre and bus route. Proactive - High usage. Record of crash data.	Estimated approx. \$700,000
2. Raised intersection threshold treatment at the McEachies Drive and Oakhampton Road intersection, Aberglasslyn	Raised intersection threshold treatment. Aims to raise awareness of and reduce speeds through the intersection. There has been a recorded fatality and numerous requests with a focus towards improving visibility and road safety.	Estimated approx. \$250,000

All costs require confirmation through concept design and cost estimation assessment currently being undertaken.

CONSULTATION

If successful, the projects will be developed with a detailed community engagement program expected to be part of this process in accordance with Council Project Management Framework and any grant funding deed obligations.

There is recorded crash data at both locations and multiple requests have been received for both sites. However, the projects have been identified through previous Council officer investigations and as a result of community requests regarding concerns of traffic related safety matters including serious damage, injury and unfortunately at least one fatality at these sites.

CONCLUSION

If successful, the grant would provide important infrastructure and improve safety outcomes for our community.

RISK IMPLICATIONS

Risk	Risk Rating	Proposed Treatment	Proposed Risk Rating	Resourcing
Financial: There is a risk of Council not applying for enough funding to complete the project, which may lead to council providing funding for the financial shortfall.	High	Council allocates sufficient resources to undertake concept design and budget estimates, with adequate contingency and escalation to cover the costs of the project.	Medium	Within existing design resources

GRANT APPLICATION UNDER THE BLACK SPOT PROGRAM (Cont.)

Risk	Risk Rating	Proposed Treatment	Proposed Risk Rating	Resourcing
Financial: There is a risk of Council not being able to finance the proposed works if they don't receive the Black Sport Funding, which may lead further onsite accidents, additional complaints received by council and subsequent reputational damage.	Medium	Council applies for the black spot funding and other future relevant grants. Council will continue to collect data and supporting information to complete compliant applications.	Low	Within existing Traffic resources
Financial: There is a risk of Council not co-contributing to the Black Spot application, which may lead to Council being unsuccessful with its application.	Low	There is no requirement for Council to co-contribute funding, however it is looked favourably on by the grant body.	Low	N/A
Reputation and Workforce: There is a risk of Council applying for too many projects and not having sufficient internal resources (both design and delivery) to deliver all of the Black Spot projects within the required time frame, which may lead to council funding the remaining sections of unfinished works and suffer reputational damage.	Medium	Through appropriate delivery planning and project management, Council are able to make an assessment against the CAPEX program and determine if works need to be subcontracted out.	Low	Within existing resources, with assistance from subcontractors where required.

GRANT APPLICATION UNDER THE BLACK SPOT PROGRAM (Cont.)

Risk	Risk Rating	Proposed Treatment	Proposed Risk Rating	Resourcing
Reputation. There is a risk of council submitting the Black spot application without formalised community consultation including with adjoining properties being undertaken, which may lead to objections from community members.	Medium	Council are submitting concept design which are compliant with Austroad design guides, and taking community interfaces into consideration with the design.	Low	Within existing resources,

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget. If successful, the grant covers the full cost of construction (CAPEX) and maintenance works (OPEX) would be similar to the current intersection requirements.

Source	Amount (excl GST)	Comments
INCOME		
Black Spot Program	\$950,000 (approx.)	Subject to successful grant funding application
CURRENT INCOME BUDGET	\$0	
EXPENDITURE		
1. Roundabout at Dragonfly Drive and Grasshawk Drive intersection, Chisholm	\$700,000 (approx.)	All costs require confirmation through a concept design and cost estimation assessment.
2. Raised intersection threshold treatment at McKeachies Drive and Oakhampton Road intersection, Aberglasslyn	\$250,000 (approx.)	
TOTAL COST	\$950,000 (approx.)	
RESULT	\$0	Cost Neutral Outcome

POLICY IMPLICATIONS

This report relates to and is consistent with Councils adopted:

GRANT APPLICATION UNDER THE BLACK SPOT PROGRAM (Cont.)

- Grant Management Framework
- Assets Management Policy

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report. However if successful further project development would be undertaken such that it is consistent with the following legislation:

- Roads Act
- State Environmental Planning Policy (Transport & Infrastructure)

City Services

Grant Application Under the Black Spot Program

24/25 Blackspot Location Map

Meeting Date: 10 December 2024

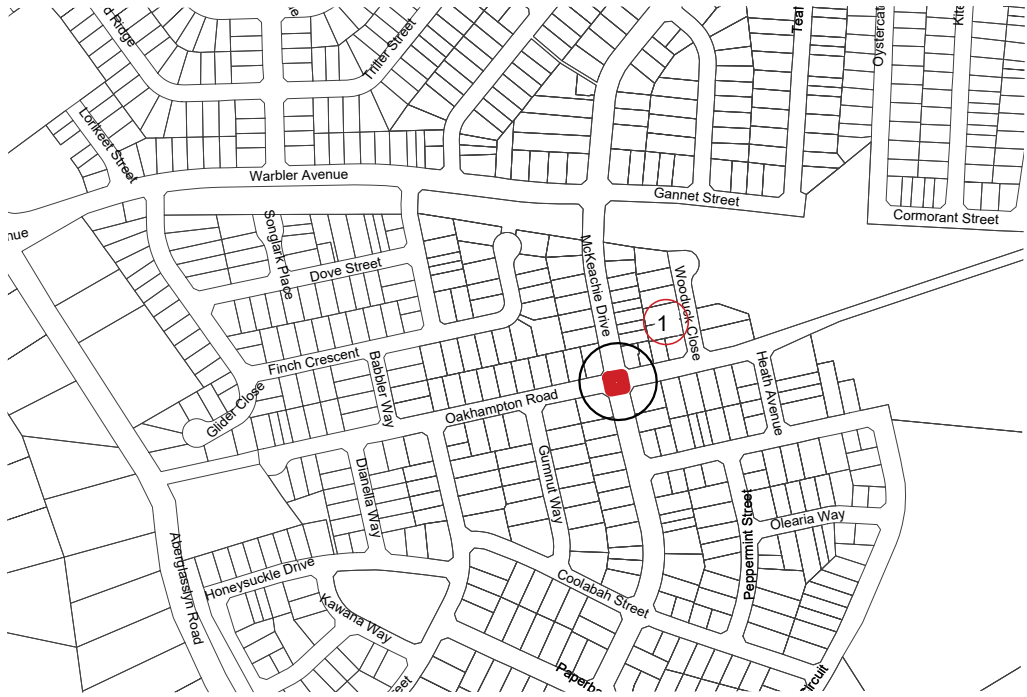
Attachment No: 1

Number of Pages: 1

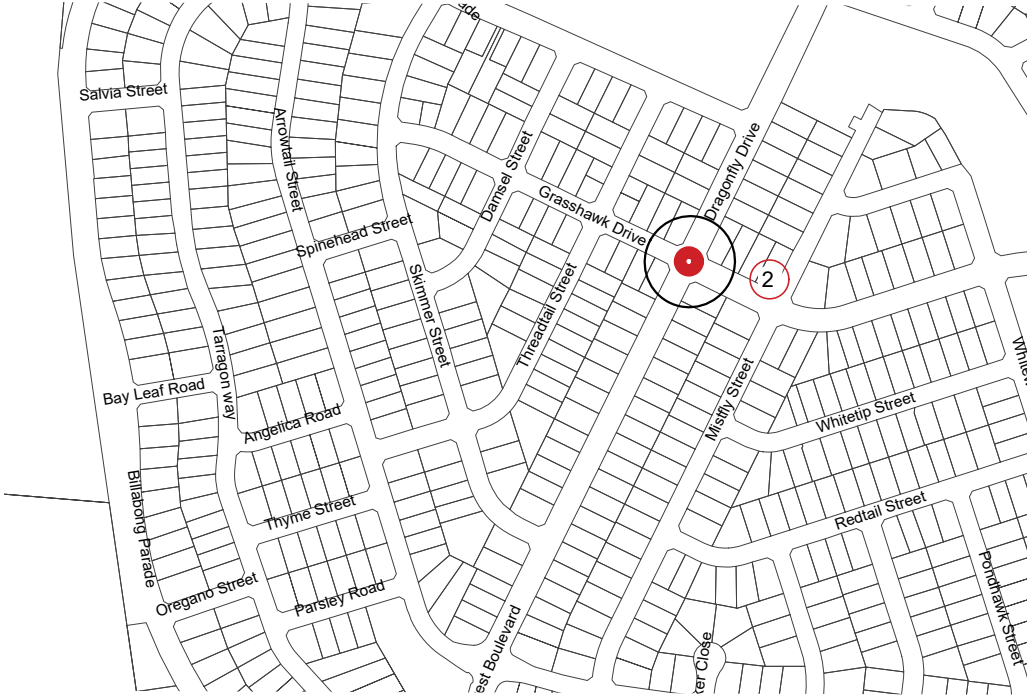
BLACKSPOT LOCALITY PLAN



- | | |
|---|--|
| 1 | RAISED INTERSECTION THRESHOLD TREATMENT AT MCKEACHIE DRIVE AND OAKHAMPTON ROAD INTERSECTION, ABERGLASSLYN. |
| 2 | ROUNDBABOUT AT DRAGONFLY DRIVE AND GRASSHAWK DRIVE INTERSECTION, CHISHOLM |



OAKHAMPTON ROAD AND MCKEACHIE DRIVE INTERSECTION,
ABERGLASSLYN



GRASSHAWK DRIVE AND DRAGONFLY DRIVE INTERSECTION,
CHISHOLM

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SHEET REVISION			
A	ORIGINAL ISSUE	J.I.	28/11/2024
		BY	DATE

CONCEPT PLAN - NOT
FOR CONSTRUCTION

RATIO @A3 Horizontal Ratio: M.T.S	
SURVEYOR	DATUM A.H.D.
DESIGNER J.IRFANI	DATE OF PLAN 28/11/2024

MAITLAND CITY COUNCIL
CITY SERVICES

263 HIGH STREET
P.O. BOX 220
MAITLAND 2320

PHONE: (02) 49349700
FAX (02) 49333209
DX 21613 MAITLAND

**BLACK SPOT PROGRAM
INTERSECTION TREATMENTS
VARIOUS
INTERSECTION LOCATIONS**

PLAN No.

BSP-1

Sheet 1 of

maitland
CITY COUNCIL

13 Customer and Digital Services

Nil

14 People and Performance

14.1 Council's Approach to Communication and Engagement

FILE NO:	35/74/4
ATTACHMENTS:	<ol style="list-style-type: none">1. Draft Communication and Engagement Strategy 2024-2028 (Under Separate Cover)2. Draft Community Engagement Policy
RESPONSIBLE OFFICER:	Executive Manager People and Performance
AUTHOR:	Manager Communications, Marketing and Engagement
MAITLAND +10	Outcome 14 To have elected leaders that look out for us
COUNCIL OBJECTIVE:	14.1.1 Increase opportunities for all members of our community to have their say in decision making

EXECUTIVE SUMMARY

The draft Communication and Engagement Strategy 2024-2028 and incorporated Community Participation Plan (the Strategy) has been prepared in accordance with Section 402A of the Local Government Act 1993, the Environmental Planning and Assessment Act 1979 and responds to requirements of the NSW Government Integrated Planning and Reporting framework.

Developed using feedback from comprehensive community consultations undertaken from July to September, the draft Strategy provides a blueprint for the Council's successful and meaningful communication and engagement with our community.

OFFICER'S RECOMMENDATION

THAT

1. Council resolves to place the draft Community Engagement Policy on public exhibition for at least 28 days
2. Council resolves to place the draft Communication and Engagement Strategy and Community Participation Plan on public exhibition for at least 28 days before final consideration by Council.

REPORT

This draft Communication and Engagement Strategy creates a blueprint for successful and meaningful communications and engagement, reflecting our organisation's genuine commitment to involve and engage with the community it serves.

COUNCIL'S APPROACH TO COMMUNICATION AND ENGAGEMENT (Cont.)

Maitland City Council introduced the communication component of this Strategy in 2022, recognising the need to have community input into the strategic direction of communications and engagement.

This year's Community Satisfaction Survey (CSS) identified communication and engagement as critical drivers of overall satisfaction in Council, establishing them as a key focus area for improving trust in Council and Council services.

Our engagement

We undertook comprehensive community engagement throughout July and August and consulted internally from August to September. We undertook 23 engagement opportunities, including pop-up events, online surveys, workshops, meetings and focus groups. We:

- listened to over 1,100 people,
- received over 2,200 contributions
- received 152 responses to surveys and polls

We also considered feedback from the 500 responses to our Community Satisfaction Survey undertaken by phone in May this year and the feedback from the Community Strategic Plan engagement from April to June.

Engagement outcomes

We learned:

- 84% of residents are at least somewhat satisfied with Council's level of communication
- Up to 30% of community satisfaction in any project or service can be attributed to how well we communicated and engaged (CSS)
- 70 per cent of survey respondents had participated or engaged with a Council project in the last few years
- Preferred ways to provide input were via surveys, the engagement portal, social media and quick polls, and event pop-up stalls
- The top five topics residents prefer to participate in engagement are initiatives local to me, environment and sustainability, community and recreation, strategic plans, and transport and movement.

Overall, we heard that while progress has been made since 2022, there are opportunities to improve our communication and engagement practices.

Based on the feedback we received, the following priorities have been identified and included in the draft Strategy with supporting actions and measures to track our progress:

COUNCIL'S APPROACH TO COMMUNICATION AND ENGAGEMENT (Cont.)

1. Improve access to information and engagement opportunities
2. Build trust and reputation through consistent, honest and transparent conversations
3. Continuously improve and deliver quality communication and engagement practices.

The Strategy outlines our engagement and communication approach, including best practice approaches, incorporating Council's adopted Guiding Principles, social justice principles and the International Association for Public Participation (IAP2) spectrum of engagement.

Our Communication and Engagement teams will work to deliver the action plan and continue to provide capacity building opportunities for all staff to guide the organisation to meet the Strategy's overall priorities and actions during this Council term.

CONCLUSION

Maitland City Council is committed to embedding communication and engagement into Council's core and everyday business. The draft Strategy includes the revised Community Engagement Policy, which will support the organisation in meeting this commitment.

The draft Communication and Engagement Strategy meets Council's requirements under the *Local Government Act 1993*, the *Environmental Planning and Assessment Act 1979*, and the NSW Government Integrated Planning and Reporting framework and will guide Council's approach to communication and engagement.

It is recommended Council resolves to place both the draft policy and draft Strategy on public exhibition for a minimum of 28 days. Council will receive a report after this period to consider any community feedback and adopt the final documents.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

This matter has established the need for a revised Community Engagement Policy and the updated Policy has been recommended for public exhibition.

STATUTORY IMPLICATIONS

Communication and Engagement Strategy has been prepared in accordance with Section 402 of the Local Government Act 1993.

The Community Participation Plan which forms part of the Communication and Engagement Strategy has been prepared in accordance with the Environmental Planning and Assessment Act 1979.

People and Performance

Council's Approach To Communication And Engagement

Draft Community Engagement Policy

Meeting Date: 10 December 2024

Attachment No: 2

Number of Pages: 5

Community Engagement Policy

Date Adopted:

Version: 3.0

Policy Objectives

The objectives of this policy are to:

- Outline Council's commitment to the principles of engagement to inform Council decision making
- Establish a framework for the design, planning and management of community engagement across the organisation
- Embed a philosophy of community engagement as a core part of how Council does business.

Policy Scope

This policy applies to councillors, the General Manager, staff, volunteers and contractors as it pertains to all community engagement activities undertaken to inform Council decision making.

Policy Statement

Maitland City Council is committed to ensuring meaningful, informed and genuine community engagement contributes to Council decision making and problem solving. Council will align its engagement with international best practice, most notably the International Association of Public Participation's (IAP2) Core Values. Engagement activities will reflect the social justice principles of access, equity, participation and rights as well as Council's adopted guiding principles.

1. Council's commitment to engagement

Council is committed to proactively engaging our community to inform decision making, where appropriate. We will ensure staff have the training and skills they need to plan, design and manage engagement and provide opportunities to build organisational capacity to embed engagement as a core part of how Council does business.

2. Principles of community engagement

Our community engagement principles are aligned to our Community Participation Plan and shaped by our Guiding Principles. They are our promise to the community about how, when, why and who we will engage.

Council will be guided by the following principles for community engagement:

- Our community has a right to be informed of planning matters that affect it
- Planning and programming information should be easily accessible and in plain language

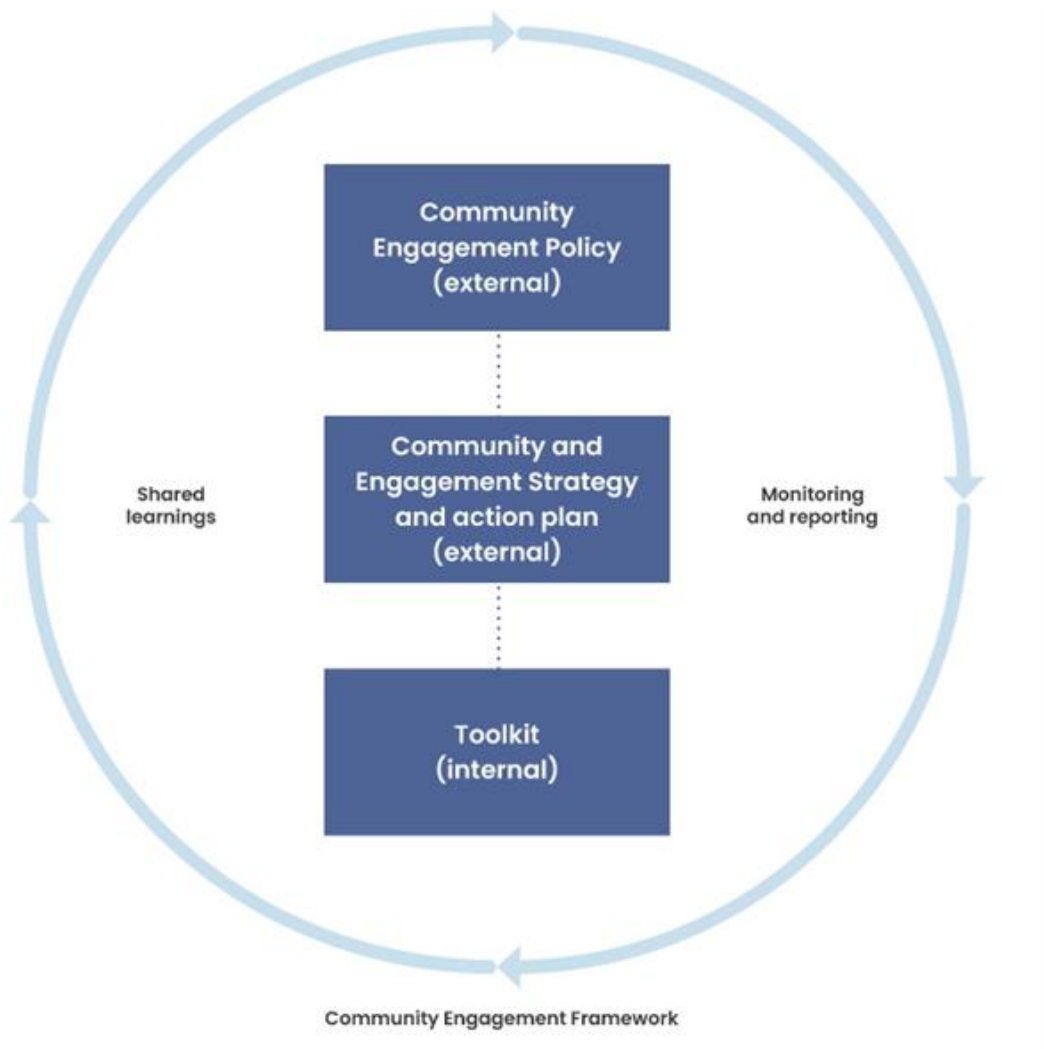
COUNCIL'S APPROACH TO COMMUNICATION AND ENGAGEMENT (Cont.)

- We engage in early, representative, ongoing, and meaningful engagement with the community using methods appropriate to the significance and impact of proposed planning, programs or initiatives
- We engage in open and transparent decision making, including reasons for planning decisions.

3. Community Engagement Framework

The Community Engagement Framework will comprise of an external Communication and Engagement Strategy, and action plan and an internal toolkit to outline key actions and to support staff.







Figure 1: Maitland City Council’s Community Engagement Framework



COUNCIL'S APPROACH TO COMMUNICATION AND ENGAGEMENT (Cont.)

The framework is based on IAP2 Australasia's Community Engagement Model, that succinctly describes the different levels of engagement. The model recognises that community engagement is not a one-way path from Council to community. Council is committed to this approach and will use the model to identify the most appropriate roles for Council and the community.

Figure 2: IAP2 Spectrum of Public Participation

					
PUBLIC PARTICIPATION GOAL	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Our role	<ul style="list-style-type: none"> We will keep you informed 	<ul style="list-style-type: none"> We will listen, and consider your concerns 	<ul style="list-style-type: none"> We will work with you to ensure your concerns and aspirations are reflected in the decisions made 	<ul style="list-style-type: none"> We will look to you for advice and innovation and incorporate this in decisions as much as possible 	<ul style="list-style-type: none"> We will implement what you decide
Community's role	<ul style="list-style-type: none"> Keep in touch (follow Council on social media) Subscribe to newsletters Check Council's website 	<ul style="list-style-type: none"> Contribute ideas and feedback Respond to surveys and polls Make public submissions 	<ul style="list-style-type: none"> Actively participate in workshops and engagement sessions Share ideas, concerns and aspirations 	<ul style="list-style-type: none"> Work together to develop solutions Join community panels, committees or advisory groups 	<ul style="list-style-type: none"> Commit and participate in a range of activities over a period of time
What this might look like	<ul style="list-style-type: none"> Factsheets Websites Newsletters Social media posts 	<ul style="list-style-type: none"> Surveys Social media quick polls 	<ul style="list-style-type: none"> Workshops Pop up stands 	<ul style="list-style-type: none"> Advisory committees Ambassador programs 	<ul style="list-style-type: none"> Citizens jury or panels Participatory budgeting or editing

In most cases, decisions that will impact the community are made by the elected council unless otherwise specified as part of the engagement project or by delegation to the General Manager or other nominated Council officer. There are a range of other factors that need to be considered and balanced during the decision making process such as budget, social, economic, and environmental impacts, legislation, governance, policies, and technical advice.

IAP2's Public Participation Spectrum will be used by Council to help identify the level of influence and participation that is required. The spectrum also sets out Council's approach for selecting the tools and channels for different stakeholders for all communication and engagement to ensure transparency about what the community can influence and what it cannot, from Inform to Consult, Involve, Collaborate and Empower.

COUNCIL'S APPROACH TO COMMUNICATION AND ENGAGEMENT (Cont.)

Policy Definitions

Community:	Anyone affected by or interested in a decision of Maitland City Council. It includes individuals and groups of people, stakeholders, interest groups and community groups.
Engagement:	A planned process with the specific purpose of working with organisations, stakeholders and our community to solve problems and/or shape decisions in relation to a problem, opportunity or outcome. It is also known as community consultation, stakeholder engagement and public participation.
Stakeholder:	A stakeholder is an individual, a group of individuals, organisation/s or political entity with a specific stake in the outcome of a decision.

Policy Administration

Business group:	People and Performance
Responsible officer:	Manager Communications, Engagement and Marketing
Council reference:	Ordinary Council Meeting 12 November 2024 – 10.3
Policy review date:	Four (4) years from date of adoption
File number:	34/74
Relevant legislation	<i>Local Government Act 1993 (NSW)</i> <i>Local Government (General) Regulation 2005 (NSW)</i> <i>Environmental Planning and Assessment Act 1979 (NSW)</i> <i>Government Information (Public Access) Act 2009</i> <i>Privacy Act 1988</i> <i>Privacy and Personal Information Act 1998 (NSW)</i> <i>State Records Act 1998 (NSW)</i>
Related policies / procedures / protocols:	Code of Conduct Draft Communications and Engagement Strategy 2024-28 including Community Participation Plan) Social Media Policy Public Exhibition Protocol

COUNCIL'S APPROACH TO COMMUNICATION AND ENGAGEMENT (Cont.)

Policy History

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0	28 April 2020	New policy adopted
2.0	22 November 2022	Updated policy in line with Council's Communication and Engagement Strategy 2022-26
3.0		Updated in line with Council's Communication and Engagement Strategy 2024-28 (including Community Participation Plan) and to reflect recent organisation restructure.

14.2 Q1 FY23–24 Progress Report

FILE NO:	35/33/18/12
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Executive Manager People and Performance
AUTHOR:	Corporate Performance Lead Manager Corporate Planning and Performance
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.3.1 Monitor and report progress against the delivery of projects and services, as identified in the community Strategic Plan, Delivery Program and annual Operational Plan

EXECUTIVE SUMMARY

Our Quarter One report offers a snapshot of the projects, initiatives, and performance within Council's 2022-2026 Delivery Program.

This report provides Council with updates on progress made from July to September 2024, covering our operational plan, performance metrics, and financial and capital status as of 30 September 2024. It includes key areas such as service and infrastructure delivery, highlights, and a financial overview, offering transparency and insights into our ongoing progress.

Additionally, every six months, a report will be provided to the community, sharing key achievements and challenges from the preceding half-year., highlights, and financial overview, providing transparency and insight into our progress.

OFFICER'S RECOMMENDATION

THAT

- 1. Council receives the Quarter One Progress Report for the period July to September 2024 on progressing the Delivery Program 2022 – 2026;**
- 2. Council approves variations to the Operational Plan as outlined in the report, allowing adjustments to support effective delivery of projects and initiatives.**

REPORT

The Quarter One Progress Report provides an overview of progress towards our Delivery Program 2022 – 2026, a statement of commitment to the community from our elected Council, translating the community's vision and priorities into actions.

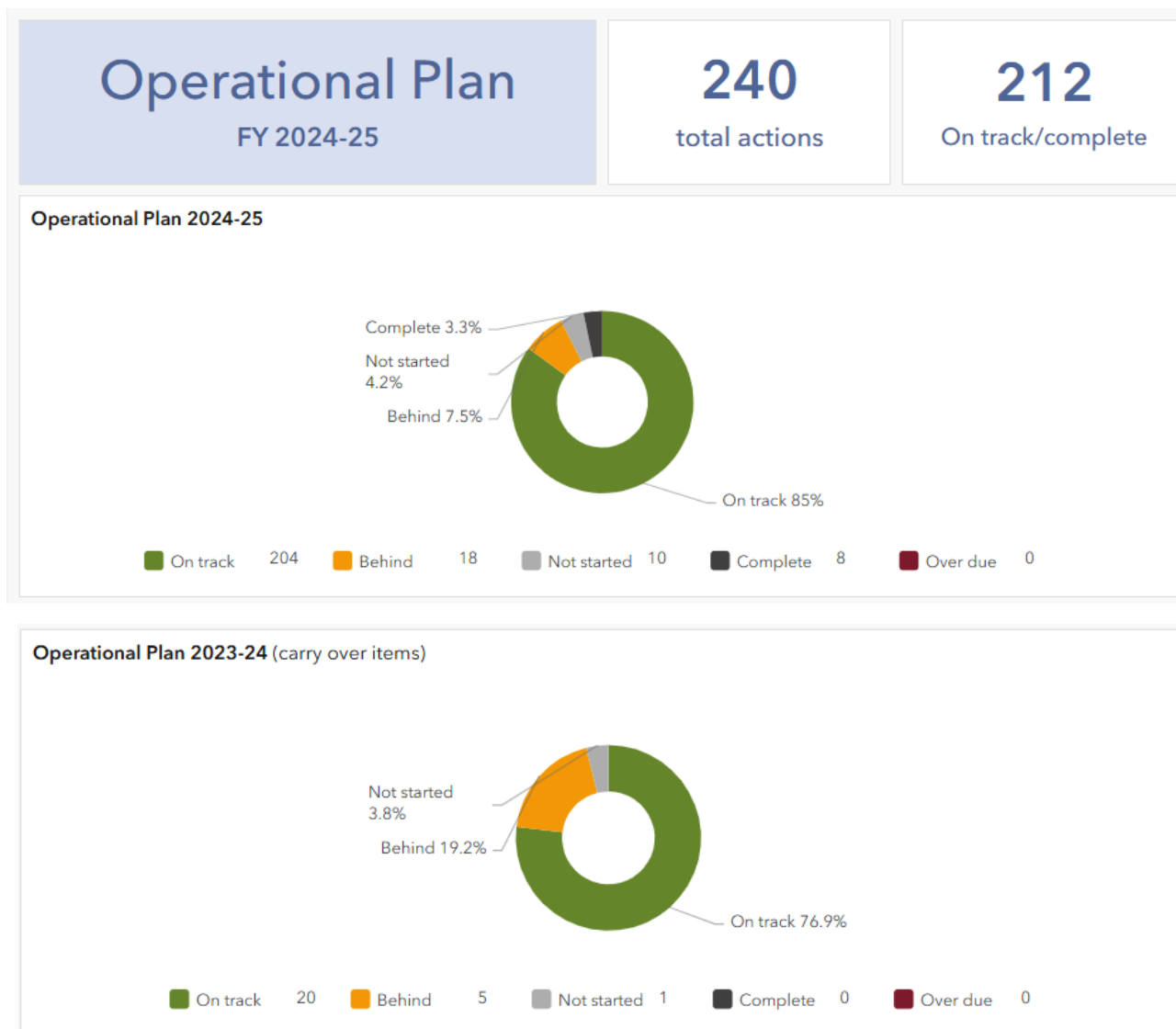
The Quarter One Progress Report provides Councillors with an overview of our deliverables, progress, and performance trends for the first quarter, July to September 2024. In addition

Q1 FY23-24 PROGRESS REPORT (Cont.)

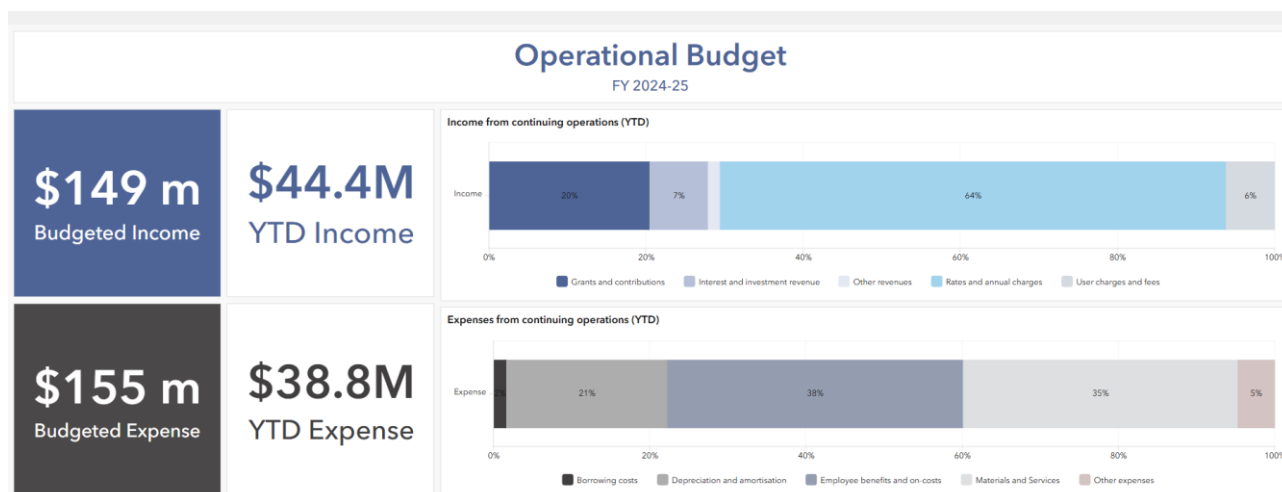
to fulfilling our legislative requirements, the objectives of *the Quarter One Progress Report* are to:

- instill confidence in our ability to lead effectively and deliver on our commitments;
- demonstrate our dedication to accountability, transparency, and integrity;
- and celebrate the achievements as we strive to meet our goals.

This report serves as a valuable tool for tracking our progress, recognising accomplishments, and addressing challenges as we work to fulfill our delivery promises



Q1 FY23-24 PROGRESS REPORT (Cont.)

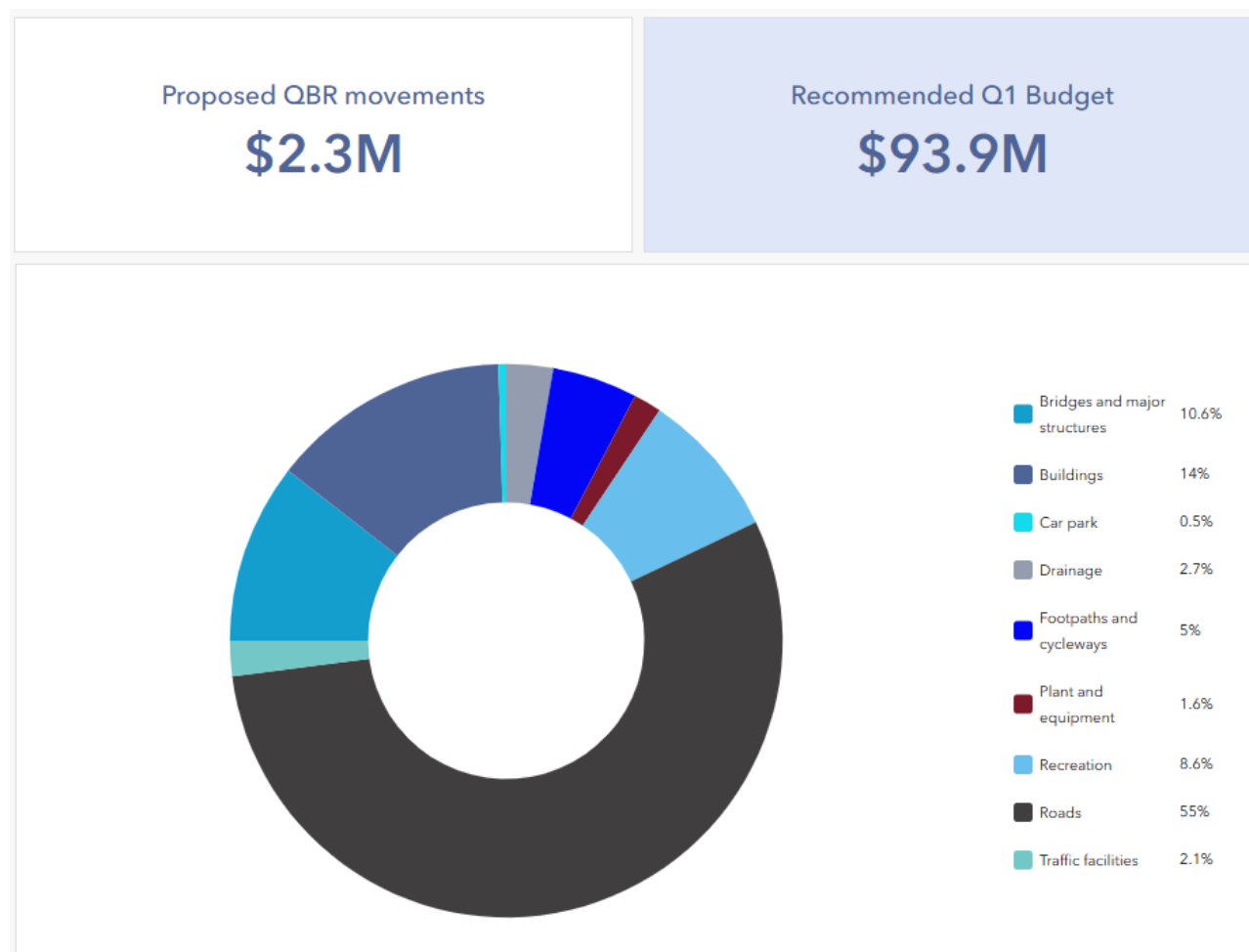


Capital Works FY2024-25



\$10.88M forecast is provided by the Capital Work team and calculated outside of Horizon.

Q1 FY23-24 PROGRESS REPORT (Cont.)

Proposed variation:

As part of our commitment to delivering meaningful outcomes for the community, we have undertaken a comprehensive review of our operational plan actions. This ensures that our efforts are strategically aligned with the community's top priorities, allowing us to focus on initiatives that bring the most value. By refining our approach, we are better positioned to deliver impactful services and drive continuous improvement in everything we do.

First is our Community Infrastructure Strategy (CIS), which aims to ensure we're delivering high-quality, well-maintained infrastructure that meets community needs. Second, we're focusing on the implementation of an Enterprise Resource Planning (ERP) system. This system is crucial for streamlining our operations, improving efficiencies, and enabling data-driven decision-making across the organisation. Together, these priorities position us to better serve our community and optimise our resources.

Operational Plan Action	Comments	New Action
1.1.03 Implement Woodberry, Metford, Telarah and Rutherford Neighbourhood Plan actions in collaboration with internal and external	Reshape or rewording of action is required to be changed to	Development of a Social Plan for Maitland

Q1 FY23-24 PROGRESS REPORT (Cont.)

Operational Plan Action	Comments	New Action
stakeholders	Development of a Social Plan for Maitland	
1.1.04 Convene an Access and Inclusion Working Group within Council, made up of employees across departments to oversee the DIAP implementation	Merge with action 1.1.06 Implement the actions of the Disability Inclusion Action Plan 2023-2026 (DIAP)	Convene an Access and Inclusion Working Group within Council, made up of employees across departments to manage the implementation of the actions from the DIAP
1.1.06 Implement the actions of the Disability Inclusion Action Plan 2023-2026 (DIAP)	Merge action with 1.1.04 Convene an Access and Inclusion Working Group within Council, made up of employees across departments to oversee the DIAP implementation. Delete this action to be merged with new worded action under 1.1.04	Convene an Access and Inclusion Working Group within Council, made up of employees across departments to manage the implementation of the actions from the DIAP
1.1.09 Develop a site plan for a Thornton North Community Centre and Library and investigate relocation of adjacent netball courts	This action is now incorporated into the Community Infrastructure Strategy currently under development.	Incorporated into current action 1.1.07 Develop a Community Infrastructure Strategy (CIS)
1.1.11 Undertake a site investigation study for future aquatic centres		
1.4.34 Finalise Maitland Aquatic Strategy		
4.2.11 Prepare and deliver a corporate volunteer policy and framework, and recognition of service	This action is not a priority for 2024/25.	Review and rewrite the Workforce Management Strategy as part of the Resourcing Strategy, ensuring alignment with the Integrated Planning

Q1 FY23-24 PROGRESS REPORT (Cont.)

Operational Plan Action	Comments	New Action
		and Reporting Framework.
4.1.06 Continue to deliver the 10 service model concepts identified in the Customer Experience Plan	This action is now incorporated into Enterprise Resource Planning project	Implementation of Enterprise Resource Planning (ERP) and change management solution
4.1.08 Continue to redesign our customer service interactions based on feedback received from our staff and customers that will generate efficiencies, increase productivity and improve customer interactions with Council and their experience across the city		
4.1.09 Continue to progress the programs of work identified within Council's Digital Capability and Capacity Strategy and Roadmap, under the Customer Driven Transformation Program, to improve customer experience		
4.1.10 Deliver and enhance digital services that enable self service and are user friendly, consistent, accessible, intuitive and easy for customers to use		
4.1.11 Continue to progressively roll out new and improved services through the My Council self service portal		
4.3.04 Deliver the program of works for the Intelligent Asset Management portfolio under the Customer Driven Transformation		
4.3.07 Deliver the program of works for the Business Performance Stewardship portfolio under the Customer Driven Transformation		
4.3.08 Deliver the program of works for the Customer Experience portfolio under the Customer Driven Transformation		
23-24 1.04 Investigate and review community based preschool needs across the Local Government Area	This action is now incorporated into the Community Infrastructure	Incorporated into current action 1.1.07 Develop a Community
23-24 1.11 Research and develop a Maitland		

Q1 FY23-24 PROGRESS REPORT (Cont.)

Operational Plan Action	Comments	New Action
City Council recreation profile	Strategy currently under development.	Infrastructure Strategy (CIS)
23-24 1.09 Prepare detailed design for the construction of new and inclusive amenities at Maitland Aquatics Centre		

CORPORATE GRANTS

Total Applications
31 | \$113.5M

Pending Outcome
9 | \$84.7M

Successful Applications
18 | \$14.9M

Grant funding is an important source of Council revenue to advance the strategic vision and priorities set out in Maitland +10 Council's Community Strategic Plan. Smart investment of grant funds help deliver projects and initiatives that align with the objectives outlined in Council's Delivery Program, the activities of our Operational Plan and other strategic plans adopted by Council.

Some of the key highlights for the quarter include:

Successful applications

- State Voluntary Planning Agreement Funding Program Round 4 - Thorton North Road Infrastructure including the Haussman Drive and Taylor Avenue roundabout (\$5,000,000)
- Drive Electric NSW - EV Destination Charging program for Gillieston Heights, Maitland Town Hall, The Levee Central Maitland and Thorton Library (\$60,600)
- Primary Health Network psychosocial grant - MRAG Art and dementia program - partnership with the University of Newcastle (\$50,000)
- Gordon Darling Foundation - artist publication (\$10,000)
- NSW Office of Regional Youth - Winter School Holiday Program (\$14,000)
- Australia Day Community Grants (\$10,000)
- Seniors Festival (\$8,631)

Unsuccessful applications

- Play our way program for Cooks Square Park (\$1,300,000)

Q1 FY23-24 PROGRESS REPORT (Cont.)

- Towards Zero Safer Roads Program for Haussman Drive and Raymond Terrace Road intersection (\$10,000,000)
- Urban Rivers and Catchments Program for West Rutherford ephemeral creek water quality and habitat improvement (\$1,572,630)

Submitted applications

- Housing Support Program for the Maitland Waste Management Facility (\$13,000,000) and 'Linking the Thorton North urban growth precinct - explore, play, connect' (\$32,440,000)
- Regional Precincts and Partnerships for 'Linking the Thorton North urban growth precinct - explore, play, connect' (\$32,440,000)
- Growing Regions Program for 'A connected city - footpaths program' (\$1,240,000)
- Crown Reserve Improvement Fund multiple applications for Walka Water Works remediation, Maitland Gaol, fox management and weeds management (\$2,066,140)
- Local Government Apprentice, Trainee and Cadet Program (\$372,908)
- Get NSW Active for a footpath in Gillieston Heights (\$169,468) and a shared path in Ashtonfield (\$376,007)
- NSW Women's Week - 2025 International Women's Day Celebration (\$37,500).

CONCLUSION

The Quarter One Progress Report offers an overview of the progress made on projects and activities within Council's 2022-2026 Delivery Program from July to September 2024. This report also provides an opportunity to assess and make necessary adjustments to ensure we remain aligned with our priorities and effectively deliver on our commitments.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

The production of the Quarter One Progress Report not only meets the requirements of Section 406 of the Local Government Act 1993 and the Integrated Planning and Reporting guidelines for six-monthly reporting on the Delivery Program but also goes beyond these legislative requirements. This report reflects our commitment to proactive tracking and transparency in our progress, ensuring Councillors are kept well-informed on our work toward delivering on key priorities.

14.3 Draft Maitland's Future Community Strategic Plan 2025–2034

FILE NO:	29/41/5
ATTACHMENTS:	1. Draft Maitland's Future Community Strategic Plan 2025–2034 (Under Separate Cover)
RESPONSIBLE OFFICER:	Executive Manager People and Performance
AUTHOR:	Manager Corporate Planning and Performance
MAITLAND +10	Outcome 17. An efficient and effective Council
COUNCIL OBJECTIVE:	17.1.1 To see Council's integrated planning and reporting recognised by the community, Council and the NSW State Government

EXECUTIVE SUMMARY

Maitland's Future is the highest level plan that we prepare. Its purpose is to identify the community's main priorities and aspirations for the future and plan strategies for achieving these goals. Maitland's Future guides all other strategies and plans and must be developed with and on behalf of the community.

We all have an important role to play in Maitland's Future. Together, we have developed an ambitious long term vision that sets out our priorities for the future. Our community is passionate about Maitland, and they love where they live. This willingness to engage has helped shape our city's future.

Our engagement began in February 2024 at local community events and was followed by workshops, stakeholder meetings, surveys, online discussions and local neighbourhood conversations. We wanted to make sure we heard from all of Maitland – young and old, from Woodberry to Luskintyre and everywhere in between.

OFFICER'S RECOMMENDATION

THAT

1. Council resolves to place the draft Maitland's Future Community Strategic Plan 2025–2034 on public exhibition for at least 28 days prior to final consideration by Council.

REPORT

Maitland's Future is our community's strategic plan that establishes our vision and defines the priorities and objectives needed to bring it to life. This plan identifies the community's key aspirations and outlines strategies to achieve them. It was reviewed after an extensive period of community engagement that began in February 2024.

DRAFT MAITLAND'S FUTURE COMMUNITY STRATEGIC PLAN 2025-2034 (Cont.)

Council has a custodial role in developing and maintaining the plan, as legislated under Section 402 of the *Local Government Act 1993*. The plan guides the development of Council's Delivery Program 2025 to 2029 and supporting Operational Plans, however, its delivery is the responsibility of the full community.

COMMUNITY ENGAGEMENT

Maitland's Future has been developed through an extensive engagement process undertaken throughout 2024. The focus of this process was to listen to the needs and aspirations of our community to determine our future priorities based on our strengths, challenges and opportunities.

Our engagement began at local community events and was followed by workshops, stakeholder meetings, surveys, online discussions and local neighbourhood conversations. We wanted to make sure we heard from all of Maitland – young and old, from Woodberry to Luskintyre and everywhere in between.

However, our conversations don't end here. We remain committed to reaching out and connecting with our community to ensure we continue moving in the right direction, together.

Building on what we have heard:

Before we went out and ask more questions, it was important to reflect on what the community has already shared with us. This ensures we acknowledge past insights, identify recurring themes, and build on existing feedback to guide meaningful conversations moving forward.

- Community Satisfaction Survey 2022 (May 2022) – 600 surveys completed
- Environmental Sustainability Strategy (November – December 2022) – 500 phone surveys completed and 2338 responses to an online survey
- Environmental Attitudes Research (July – August 2022) – 501 surveys completed
- Australian Liveability Census (March – June 2023) – 927 surveys completed
- Economic Development Strategy engagement (May - July 2023) - 1061 people engaged
- Maitland Aquatics Strategy engagement (August 2023) – 1796 participants via online surveys, focus groups, meetings and pop ups
- Community Satisfaction Survey 2024 (May 2024) – 500 surveys completed
- Disability Inclusion Action Plan (May 2022) 300+ surveys completed and 27 interviews with people with lived experience.

Meaningful engagement:**66% of our engagement was face to face**

Meaningful engagement is about more than just consultation; it's about building genuine connections by meeting people where they are and truly listening to their stories, needs, and aspirations. For us, this meant stepping into the spaces where our community feels most comfortable, taking the time to understand their perspectives, and fostering trust through authentic dialogue.

DRAFT MAITLAND'S FUTURE COMMUNITY STRATEGIC PLAN 2025-2034 (Cont.)

Community involvement:

- Over 3,745 contributions
- 500 responses to our community satisfaction survey
- 2,000+ people engaged/contributors
- 45+ events and activities
- 13 posts online, including Facebook and LinkedIn

Maitland Your Say engagement portal:

We created a dedicated project page for *Maitland's Future*. This page served as a hub for sharing information about the Plan, featuring videos and insights to explain its purpose, and providing a platform for residents to have their say through surveys and formal submissions.

Through the consultation, we focused on three key questions:

1. What do you value most about Maitland today?
2. What are your hopes for Maitland's future?
3. What should we prioritize to make that vision a reality?

- 4,217 visits to the Have Your Say page
- Three videos shared, reaching 12,259 views
- 152 responses to our key questions

Social media reach

To amplify community engagement and promote *Maitland's Future*, a comprehensive social media campaign was launched across Council's Facebook and LinkedIn platforms.

- 13 targeted posts were shared, designed to inform, inspire, and invite feedback from a wide audience.
- These posts achieved an online reach of 50,000, extending the conversation to residents across Maitland and beyond.
- Content included videos, key project updates, and direct links to the *Have Your Say* page, encouraging active participation.

This approach ensured broad visibility and provided accessible opportunities for the community to engage with the project at their convenience.

CONCLUSION

The development of draft *Maitland's Future* has been guided by a comprehensive and inclusive engagement process, ensuring the draft plan reflects the community's values and aspirations. To further build on this foundation, the draft plan will be placed on public exhibition for an extended period from 10 January to 28 February 2025. This exhibition

DRAFT MAITLAND'S FUTURE COMMUNITY STRATEGIC PLAN 2025-2034 (Cont.)

phase provides an opportunity to close the loop with the community, ensuring we've heard them correctly and captured the vision.

All formal submissions received during the exhibition will be reviewed and presented to Council for consideration before endorsement of the final plan.

FINANCIAL IMPLICATIONS

While this matter has no direct financial impact on Council's adopted budget or forward estimates, it sets the framework for the development of Council's Delivery Program 2025 to 2029, supporting Operational Plans and their associated budgets.

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.

15 Finance

15.1 Draft Amendment to 2024/25 Fees for Impounding Animals

FILE NO:	35/33/21
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Executive Manager Finance
AUTHOR:	Manager Finance & Procurement
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.2 Ensure Council is financially sustainable and meets required levels of performance

EXECUTIVE SUMMARY

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

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

This report recommends adoption of the amended Impounding Animals (dogs/cats) fees following public exhibition.

OFFICER'S RECOMMENDATION

THAT

- 1. Council resolves to adopt the amended Impounding Animals (dogs/cats) fees for 2024/25 following public exhibition for 28 days that concluded on 24 September 2024.**

REPORT

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

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

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

Council adopted at its meeting of 23 July 2024 to place the draft amendments to the Animal Impounding fees for 2024/25 on public exhibition. The draft amended Animal Impounding fees for 2024/25 were publicly exhibited on Council's website for 28 days concluding on 24 September 2024. No public submissions were received during the period of public exhibition.

The draft amended Impounding Animals (dogs/cats) fees as publicly exhibited are as follows:

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

CONCLUSION

The proposed amended 2024/25 fees for the impounding of animals represent an increase in line with CPI as applied by default to all non-regulatory Council fees and charges for 2024/25 in order to reflect the increase in the cost of administering this function of Council. As no public submissions were received during the public exhibition period, it is recommended that Council adopt the presented amended impounding fees for the remainder of 2024/25.

FINANCIAL IMPLICATIONS

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

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

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

This report is prepared considering Council obligations under the:

Local Government Act 1993

Local Government (General) Regulation 2021

16 Items for Information

16.1 Local Traffic Committee Meeting Minutes (November 2024)

FILE NO:	140/5
ATTACHMENTS:	1. Local Traffic Committee November Final Minutes with Attachments
RESPONSIBLE OFFICER:	Director City Services Manager Assets and Engineering
AUTHOR:	Operations Manager Transport & Infrastructure Engineering 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 final minutes of Maitland City Council's Local Traffic Committee meeting held on Thursday 7 November 2024 are attached for information.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

REPORT

Draft minutes of the Maitland City Council's Local Traffic Committee (LTC) Meeting held on Thursday 7 November 2024 were reported to council on the 12 November 2024 for the purpose of gaining approval for the road closures required for the 2024 March Against Domestic Violence and 2024 New Years Eve events.

There has been no changes between the draft meeting minutes and finalised meeting minutes.

The finalised minutes of Maitland City Council's Local Traffic Committee (LTC) Meeting held Thursday 7 November 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 Meeting Minutes (November 2024)

Local Traffic Committee November Final Minutes with Attachments

Meeting Date: 10 December 2024

Attachment No: 1

Number of Pages: 35



LOCAL TRAFFIC COMMITTEE MEETING

MINUTES

7 NOVEMBER 2024

7 NOVEMBER 2024

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LOCAL TRAFFIC COMMITTEE MEETING MINUTES

7 NOVEMBER 2024

PRESENT

Cr Warrick Penfold – Councillor (Chairperson)
Stephen Smith – Maitland City Council
Giovanna Kozary – State Member’s Representative
Nicholas Trajcevski – Transport for NSW Representative
Senior Constable Anthony Butcher - Maitland Police Representative
William Ridley – Hunter Valley Buses
Chris Pinchen – Maitland City Council
Steven Roach – Maitland City Council
Jalal Irfani – Maitland City Council
Claire Corcoran – Maitland City Council
Andrew McAdam – Maitland City Council
Christina Devine – Maitland City Council (minute taker)

COMMENCEMENT

The meeting was declared open at 9:31 am.

1 ACKNOWLEDGEMENT OF COUNTRY

2 APOLOGIES AND LEAVE OF ABSENCE

Sergeant Amber Brown – Maitland Police Representative
Sergeant Mark Taylor – Maitland Police Representative
Kate Taylor – Maitland City Council

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 3 October 2024 and the minutes were hereby considered adopted on 17 October 2024.

4 BUSINESS ARISING FROM MINUTES

7 NOVEMBER 2024

2024 MARCH AGAINST DOMESTIC VIOLENCE (Cont.)

5 LOCAL TRAFFIC COMMITTEE REPORTS

5.1 2024 MARCH AGAINST DOMESTIC VIOLENCE

FILE NO: 140/5

ATTACHMENTS: 1. Traffic Guidance Scheme - March Against Domestic Violence

AUTHOR: Traffic Management Officer
Operations Manager Transport & Infrastructure Engineering
Manager Assets and Engineering

EXECUTIVE SUMMARY

An application has been received from Maitland Rotary, hosting the 2024 March Against Domestic Violence, to be held Friday 29 November 2024. The street march is planned to start at the Maitland Courthouse, continue along High Street and finish at the Maitland Administration Building at 263 High Street, Maitland. This report details the proposed temporary traffic management for the event which includes partial Police escorting and temporary traffic management measures as per plans attached to this report.

OFFICER'S RECOMMENDATION

THAT

1. The Traffic Guidance Schemes including temporary road closures proposed for the March Against Domestic Violence along High Street Maitland on Friday 29 November 2024 be implemented.

COMMITTEE RECOMMENDATION

THAT

1. The Traffic Guidance Schemes including temporary road closures proposed for the March Against Domestic Violence along High Street Maitland on Friday 29 November 2024 be implemented.

7 NOVEMBER 2024

2024 MARCH AGAINST DOMESTIC VIOLENCE (Cont.)

Local Traffic Committee Reports

2024 MARCH AGAINST DOMESTIC VIOLENCE

Traffic Guidance Scheme - March Against Domestic Violence

Meeting Date: 7 November 2024

Attachment No: 1

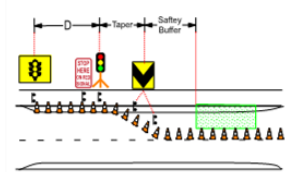
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LOCAL TRAFFIC COMMITTEE MEETING MINUTES (NOVEMBER 2024) (Cont.)

7 NOVEMBER 2024

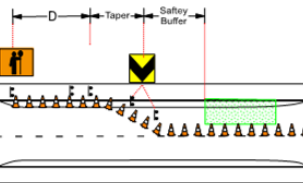
Traffic Control Types

PTCD (Portable Traffic Control Device)



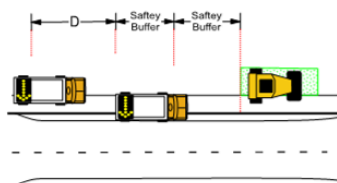
PTCD must be used instead of a manual traffic controller for all work sites under traffic control when the existing permanent speed limit is above 45km/h. This requirement is not applicable to instances and environments of emergency response.

TC (Manual Traffic Controller)



ATC may be used provided all of the following conditions are met:
 - Use of a PTCD is demonstrated to not achieve the safest outcome;
 - The decision to use a manual traffic controller instead of a PTCD is documented in the TMP or supporting risk assessment; and
 - Approval is granted by the one-up manager of the PWZTMP qualified person responsible for the works relevant TMP

Mobile works



Vehicle placement Dynamic works should be planned so that work vehicles do not need to straddle an edge line, and the placement of the work vehicles does not put at risk vulnerable road users.
 REF Table 7.7 TCAWS MANUAL

Safety Buffer

A safety buffer is the unoccupied space between the taper and work areas, and allows for a driver of an errant vehicle to correct, slow or stop before entering the work area. When designing a TGS, a space of no less than 30 m must be provided prior to the work area for the safety buffer. Safety buffers are not required or departure, however if road users are able approach the work area from either end, a safety buffer must be provided at both ends of the work area. Roadwork and storage of vehicles, plant, equipment and stockpiled materials must not occur in safety buffers. Road workers must not occupy the safety buffer area except when accessing the work area

Tapers

Recommended Taper Length

REF: 7.3 TCAWS manual

Existing permanent speed limit (km/h)	Recommended Taper Length		
	Traffic control taper	Lateral shift taper	Merge taper
45 or less	15	15	15
46 to 55	15	15	30
56 to 65	30	30	60
66 to 75	N/A	70	115
76 to 85	N/A	80	130
86 to 95	N/A	90	145
96 to 105	N/A	100	160
Greater than 105	N/A	110	180

Taper lengths should be increased at locations with poor sight distances or speed compliance, and supported by a site-specific risk assessment and documented in the TMP

Multiple Tapers

REF: 7.4 TCAWS manual

Existing permanent speed limit (km/h)	Distance between tapers (m)
45 or less	10
46 to 55	25
56 to 65	70
Greater than 66 - 75	1.5D

When installing multiple tapers, the minimum distance between each taper.

*** These TGS Guidelines are for reference purposes only & may not be suitable or applicable in all circumstances. If unsure of the setup required, contact your supervisor.**

Spacing of Cones and Bollards

REF: 6.2.5 TCAWS manual

Purpose and usage	Speed zone of device location (km/h)	Maximum spacing (m)
On approach to a traffic controller position (centreline or edge line)	All cases	4
Merge tapers	55 to 75 greater than 76	9 12
Lateral shift tapers	55 to 75 greater than 76	12 18
Protecting freshly painted lines	55 to 75 greater than 76	24 60*
All other purposes	less than or equal to 55 56 to 75 greater than 76	4 12 18

Where traffic volumes are high or other conditions warrant it, consideration should be given to reducing the spacing of cones to as close as 1 m to prevent traffic taking a wrong turn through cones or bollards.

LOCAL TRAFFIC COMMITTEE MEETING MINUTES (NOVEMBER 2024) (Cont.)

7 NOVEMBER 2024

Speed Zones		Dual Sign Arrangements	REF: 6.5.7 TCAWS manual
Speed Zone	Selection Criteria REF: 4.5.2 TCAWS manual - Table 4.8		
80 km/h	<p>The speed limit must be reduced to 80 km/h where:</p> <ul style="list-style-type: none"> Workers on foot, or operating plant, are between 3 m and 6 m of a traffic lane with no intervening physical barrier; km/h roadwork speed zone is used and the use of a Speed Limit AHEAD (G9-79) sign is considered inadequate; There are changed traffic conditions on the site such as, reduction in the number or width of lanes and varying surfaces; 	<p>Dual sign arrangements are two independent signs displayed together at one position either side by side or 'stacked'.</p> <p>Dual sign arrangements may be used, provided all of the following conditions are met:</p> <ul style="list-style-type: none"> The size of both signs, including the legend, size of symbol or area occupied by the legend is unchanged from the standard sign; The lateral offset meets the Spacing of Sign requirements; and Where used in a dual sign arrangement, regulatory or detour signs must be located nearest to the travel edge of the lane. 	
70 km/h	<p>The speed limit may be reduced to 70 km/h where:</p> <ul style="list-style-type: none"> A Variable Speed Limit Signage is in place; Integrated Speed Limit and Lane Use Signs (ISLUS) are in place; or VMS are used to display regulatory speed zone signage. 	<p>Side-by-side dual sign arrangements</p>	
60 km/h	<p>The speed limit must be reduced to 60 km/h where:</p> <ul style="list-style-type: none"> Workers on foot, or operating plant, are between 1.5 m and 3 m of traffic with no intervening physical barrier; Traffic control is used; There is frequent interaction between work vehicles and through traffic; There is a reduced standard of alignment due to the works; or There is a loose surface such as gravel or a newly sprayed bitumen seal. 	<p>Stacked dual sign arrangements</p>	
40 km/h	<p>The speed limit must be reduced to 40 km/h where:</p> <ul style="list-style-type: none"> Workers on foot, or operating plant, are closer than 1.5 m to traffic with no intervening physical barrier; There is a severe change in the alignment considering the surrounding speed environment; or A bridge deck has an inconsistent surface or there might be structural damage to the bridge by vehicles travelling at higher speeds. 		
30 km/h	<p>Traffic should be reduced to 30 km/h where:</p> <ul style="list-style-type: none"> Workers on foot, or operating plant, are closer than 1.5 m to traffic with no intervening physical barrier; The existing posted speed limit of a road is 45 km/h or less; or It has been identified by divisional procedures. 		

Roadwork speed zones must be selected in accordance with the conditions provided above, and can be supported by using appropriate signs and devices as stated.

A roadwork speed zone is only used for the duration of the need, and not used while work is not being undertaken or when road conditions have resumed to their normal operation.

*** These TGS Guidelines are for reference purposes only & may not be suitable or applicable in all circumstances. If unsure of the setup required, contact your supervisor.**

Activating an ROL

ROAD OCCUPANCY LICENCE
 LICENCE NO: 1831968
 ROADS & MARITIME SERVICES
 Phone: Monday To Friday 8:30 AM - 4:30 PM

To activate and deactivate your approved road shifts on your Road Occupancy Licence, please visit myrol.transport.nsw.gov.au. This service is for the convenience of the user licence only. If you are unable to access our management system on the internet call 785 00 183 1968. For further assistance, please refer to the proprietor's user manual here: myrol.transport.nsw.gov.au/rol.pdf

NON DEVELOPMENT - UTILITY MAINTENANCE

Project Name: Fallow Hagen Spray Seal	Location: NORTHSHORE ST, FLORENCE ST, ZUNGA (AURIS)
Site Address: Signs only on Northshore St as works will be on Government Rd	Tel: APPLETON AV, KURRI KURRI
	City/Town: CESSNOCK

LICENCEE
 Organisation: Workforce Road Services
 Staff Name: [REDACTED]
 Phone: [REDACTED]

ONSITE CONTACT
 Name: Lisa Gilling
 Phone: 0437835046

ROL verification
 ROL #: 1831968
 Licensee contact number: 0437835046

To activate an ROL

- Log onto <https://myrol.transport.nsw.gov.au>
- Enter ROL no. and licensee contact no. from ROL.
- Tick "I'm not a robot" and then click "Verify ROL".
- Next screen click "Activate shift"
- Next screen complete your details and tick boxes.
- Click "Shift location and time" and complete details.
- Click "Request shift activation"
- Finished

LOCAL TRAFFIC COMMITTEE MEETING MINUTES (NOVEMBER 2024) (Cont.)

7 NOVEMBER 2024

EDGE CLEARANCES REF: 6.2.1 TCAWS manual

Must be measured to the traffic side of edge of device

Clearance measurement from delineating device (barrier)

Edge of traffic lane to:	Edge Clearance
Line of traffic cones or bollards	- 0.5 m for traffic speeds less than 65 km/h - 1.0 m for traffic speeds greater than 65 km/h
Barrier boards, temporary guide posts or temporary hazard markers	- 1.0 m
Road safety barrier system	- 0.3 m for traffic speeds less than 45 km/h - 0.5 m for traffic speeds 45 to 65 km/h - 1.0 m for traffic speeds 65 to 85 km/h - 2.0 m for traffic speeds greater than 85 km/h

End of queue Management REF: 4.6 TCAWS manual

Control Point

Predicted longest Queue

NOTE: Primary P.T.S Sign, distance D to the Roadwork Ahead sign, must be maintained

Repeat P.T.S (T1-18) signs required when distance A exceeds 4D

PEDESTRIANS REF: 4.4.2 TCAWS 6.1 (P52)

- For works on and around footpath of 1.2m shall be maintained at all times for pedestrians to pass unhindered.
- Pedestrians shall not be directed onto roadway unless traffic controllers are used to control site and proper measures are in place to conform with AS 1742.3, TCAWS v6.1 and Austroads Guide.

TOLERANCES REF: 7.10.3 TCAWS 6.1 (P179)

- Adjustments of signs and devices can be made of 10% towards the work area and 25% away from the work area.

SIGN SPACINGS REF: 7.3 TCAWS 6.1 (P141)

Speed Of Traffic in km/h	Dimension "D" in meters
65 km/h or less	Posted Speed x1.5 in meters
65 km/h or greater	Posted Speed x2 in meters

Installation of signs and devices REF: 4.6 TCAWS manual

Two-lane, two-way roads:

The sequence of installation should be as illustrated in the following order:

- 1: Install the termination signs when initially leaving work area, 'End Road Work/speed reinstatement' (affected direction).
- 2: Use the existing road network to turn where safe to do so.
- 3 to 7: Place approach signs in unaffected direction, including the PTCD (traffic controller to remain with the PTCD).
- 8: Install 'End Road Work/speed reinstatement' (unaffected direction).
- 9: Use the existing road network to turn where safe to do so.
- 10 to 14: Place approach signs in the affected direction, including the PTCD (traffic controller to remain with PTCD).
- 15 and 16: Traffic controller/s to stop traffic and taper/lane closure delineation implemented.
- 17: ITCP qualified person completes drive around to confirm TGS is installed as designed.

Multi-lane roads:

The sequence of installation should be as illustrated in the following order:

- 1: Locate advance warning vehicle and TMA to shadow sign installation vehicle.
- 2 to 5: Install advance warning signs in unaffected lane.
- 6: Install 'End Roadwork/speed reinstatement'.
- 7: Use the existing road network to turn where safe to do so.
- 8: Locate advance warning vehicle and TMA to shadow sign installation vehicle.
- 9 to 12: Install advance warning signs in obstructed (affected) lane.
- 13: Install 'Flashing Arrow' and delineation devices on approach to start of taper.
- 14: Position TMA in travel lane to shadow installation of taper.
- 14 and 15: Install taper and delineation devices to form taper, safety buffer and past work area.
- 16: Install 'End Roadwork/speed reinstatement'.
- 17: Use the existing road network to turn where safe to do so.
- 18: TMA positioned to shadow work area.
- 19: ITCP qualified person completes drive around to confirm TGS is installed as designed.

Maitland City Council | Local Traffic Committee Meeting Minutes

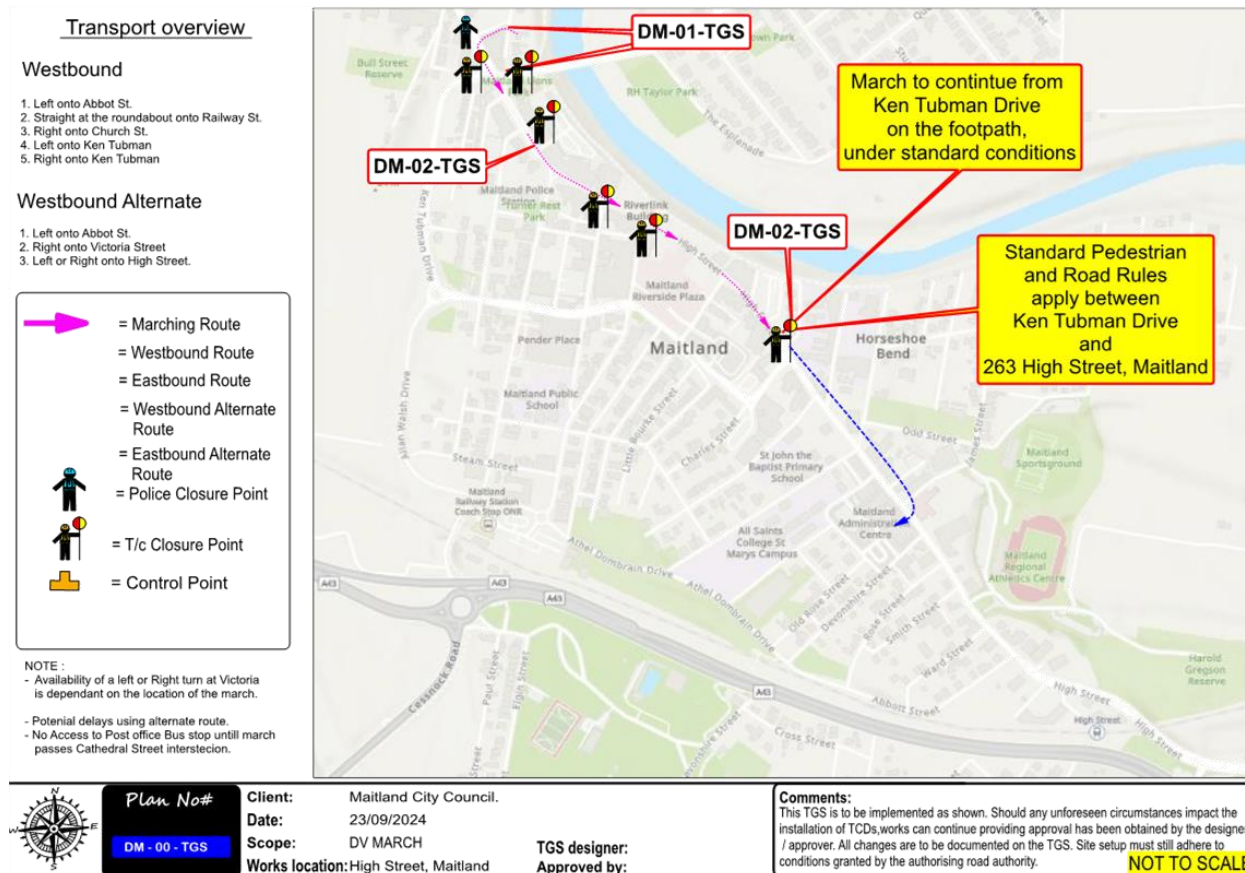
P6

P273

maitland
CITY COUNCIL

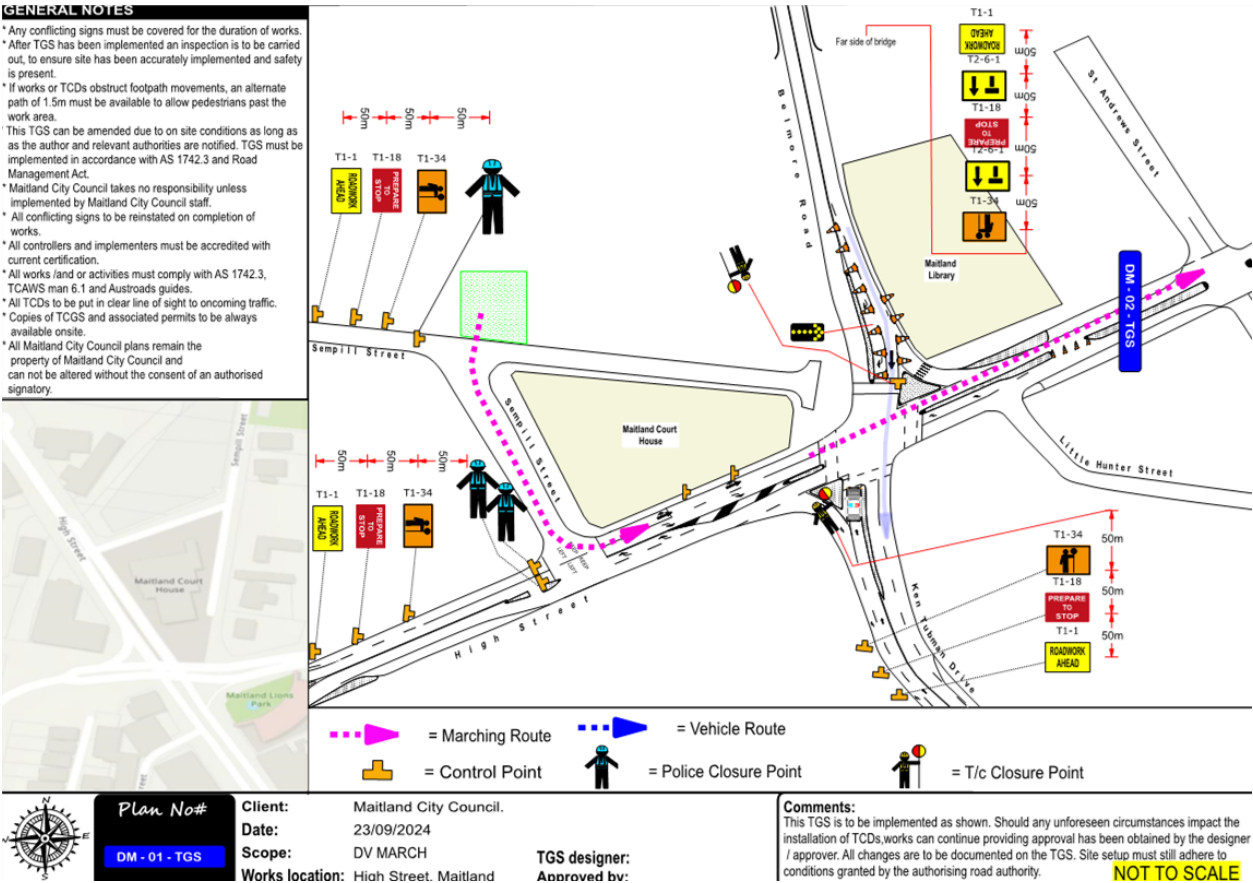
LOCAL TRAFFIC COMMITTEE MEETING MINUTES (NOVEMBER 2024) (Cont.)

7 NOVEMBER 2024



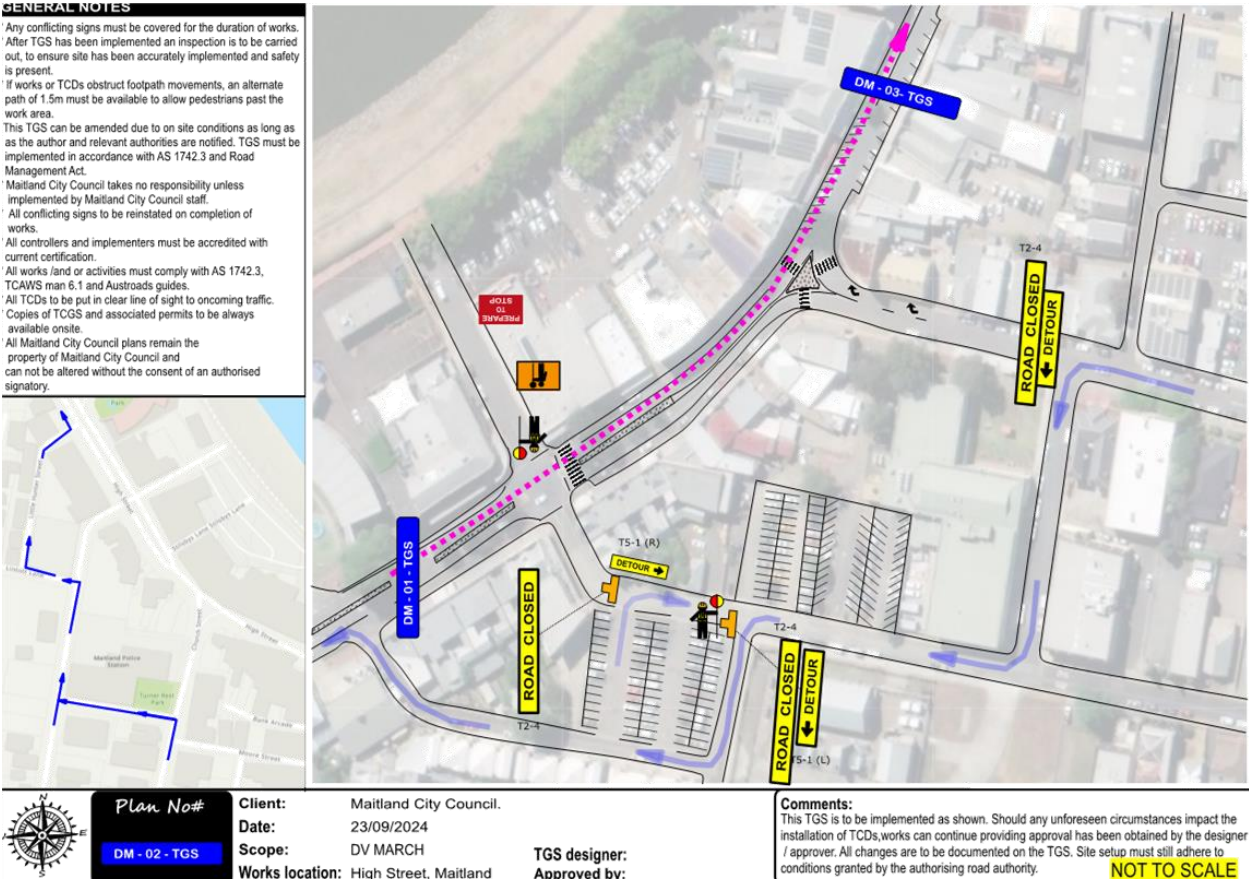
LOCAL TRAFFIC COMMITTEE MEETING MINUTES (NOVEMBER 2024) (Cont.)

7 NOVEMBER 2024



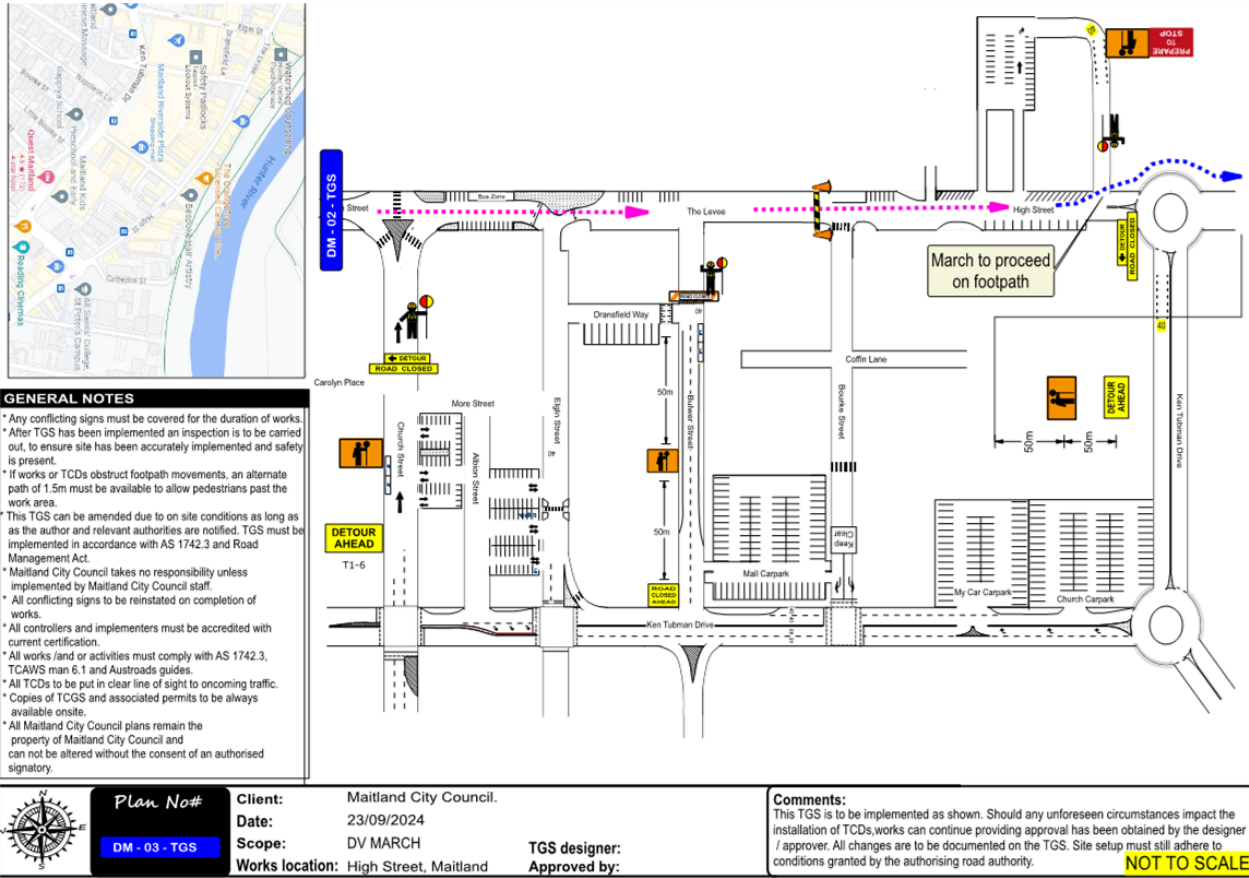
LOCAL TRAFFIC COMMITTEE MEETING MINUTES (NOVEMBER 2024) (Cont.)

7 NOVEMBER 2024



LOCAL TRAFFIC COMMITTEE MEETING MINUTES (NOVEMBER 2024) (Cont.)

7 NOVEMBER 2024



7 NOVEMBER 2024

NEW YEAR'S EVE 2024 - EVENT TRAFFIC AND TRANSPORT MANAGEMENT (Cont.)

5.2 NEW YEAR'S EVE 2024 - EVENT TRAFFIC AND TRANSPORT MANAGEMENT

FILE NO: 2024/419620
ATTACHMENTS: 1. 2024 NYE Traffic Guidance Schemes
AUTHOR: Traffic Management Officer
Events Officer
Operations Manager Transport & Infrastructure Engineering
Manager Assets and Engineering

EXECUTIVE SUMMARY

An application has been received from Maitland City Council who is hosting the 2024 New Year's Eve celebrations. This report details the proposed temporary traffic management for the event, which includes temporary traffic management measures and temporary road closures as per the plans attached to this report.

OFFICER'S RECOMMENDATION

That during the 2024 Maitland New Year's Eve celebrations:

1. The following temporary road closures and traffic management be approved:
 - From 6.00am Tuesday 31 December 2024 to 12.00pm midday, Wednesday 1 January 2025:
 - Riverside Car Park.
 - St Andrews Street Maitland, north of High St (from the corner near the Belmore Hotel).
 - Stillsbury Lane.
 - From 3.00pm Tuesday 31 December 2024 to 1.00am Wednesday 1 January 2025:
 - High Street Maitland, eastbound lane from Belmore Road to just west of Church Street
 - High Street, westbound lane from west of Church Street to Little Hunter Street (egress to Belmore Rd will be maintained via Little Hunter Street).
 - From 5.00pm Tuesday 31 December 2024 to 10.30pm Tuesday 31 December 2024:
 - The Levee Shared Zone, High Street between Elgin Street and Bourke Street.
 - Bulwer Street, north of Dransfield Lane to High Street.

LOCAL TRAFFIC COMMITTEE MEETING MINUTES (NOVEMBER 2024) (Cont.)

7 NOVEMBER 2024

NEW YEAR'S EVE 2024 - EVENT TRAFFIC AND TRANSPORT MANAGEMENT (Cont.)

- **From 8.30pm Tuesday 31 December 2024 – 10.00pm Tuesday 31 December 2024:**
 - **Changed traffic conditions on Bulwer Street and Ken Tubman Drive to manage egress of vehicles from parking areas at the conclusion of the event.**
- 2. **The following traffic and parking management devices be installed:**
 - a. **Temporary Bus Zones be installed on Ken Tubman Drive between High Street and Allan Walsh Drive; and Ken Tubman Drive east of Church Street, Maitland.**
 - b. **Temporary resident only parking Denman Street, Maitland.**
- 3. **The installation of the regulatory road closure devices and signs to affect the proposed road closures and temporary traffic management also be approved.**

COMMITTEE RECOMMENDATION

That during the 2024 Maitland New Year's Eve celebrations:

1. **The following temporary road closures and traffic management be approved:**
 - **From 6.00am Tuesday 31 December 2024 to 12.00pm midday, Wednesday 1 January 2025:**
 - **Riverside Car Park.**
 - **St Andrews Street Maitland, north of High St (from the corner near the Belmore Hotel).**
 - **Stillsbury Lane.**
 - **From 3.00pm Tuesday 31 December 2024 to 1.00am Wednesday 1 January 2025:**
 - **High Street Maitland, eastbound lane from Belmore Road to just west of Church Street**
 - **High Street, westbound lane from west of Church Street to Little Hunter Street (egress to Belmore Rd will be maintained via Little Hunter Street).**
 - **From 5.00pm Tuesday 31 December 2024 to 10.30pm Tuesday 31 December 2024:**
 - **The Levee Shared Zone, High Street between Elgin Street and Bourke Street.**
 - **Bulwer Street, north of Dransfield Lane to High Street.**

LOCAL TRAFFIC COMMITTEE MEETING MINUTES (NOVEMBER 2024) (Cont.)

7 NOVEMBER 2024

NEW YEAR'S EVE 2024 - EVENT TRAFFIC AND TRANSPORT MANAGEMENT (Cont.)

- **From 8.30pm Tuesday 31 December 2024 – 10.00pm Tuesday 31 December 2024:**
 - **Changed traffic conditions on Bulwer Street and Ken Tubman Drive to manage egress of vehicles from parking areas at the conclusion of the event.**
- 2. The following traffic and parking management devices be installed:**
 - a. **Temporary Bus Zones be installed on Ken Tubman Drive between High Street and Allan Walsh Drive; and Ken Tubman Drive east of Church Street, Maitland.**
 - b. **Temporary resident only parking Denman Street, Maitland.**
- 3. The installation of the regulatory road closure devices and signs to affect the proposed road closures and temporary traffic management also be approved.**
- 4. CDC NSW is to consider the feasibility of additional bus services to coincide with the start and end times of the event to encourage public transport use.**

7 NOVEMBER 2024

NEW YEAR'S EVE 2024 - EVENT TRAFFIC AND TRANSPORT MANAGEMENT (Cont.)

Local Traffic Committee Reports

NEW YEAR'S EVE 2024 - EVENT TRAFFIC AND TRANSPORT MANAGEMENT

2024 NYE Traffic Guidance Schemes

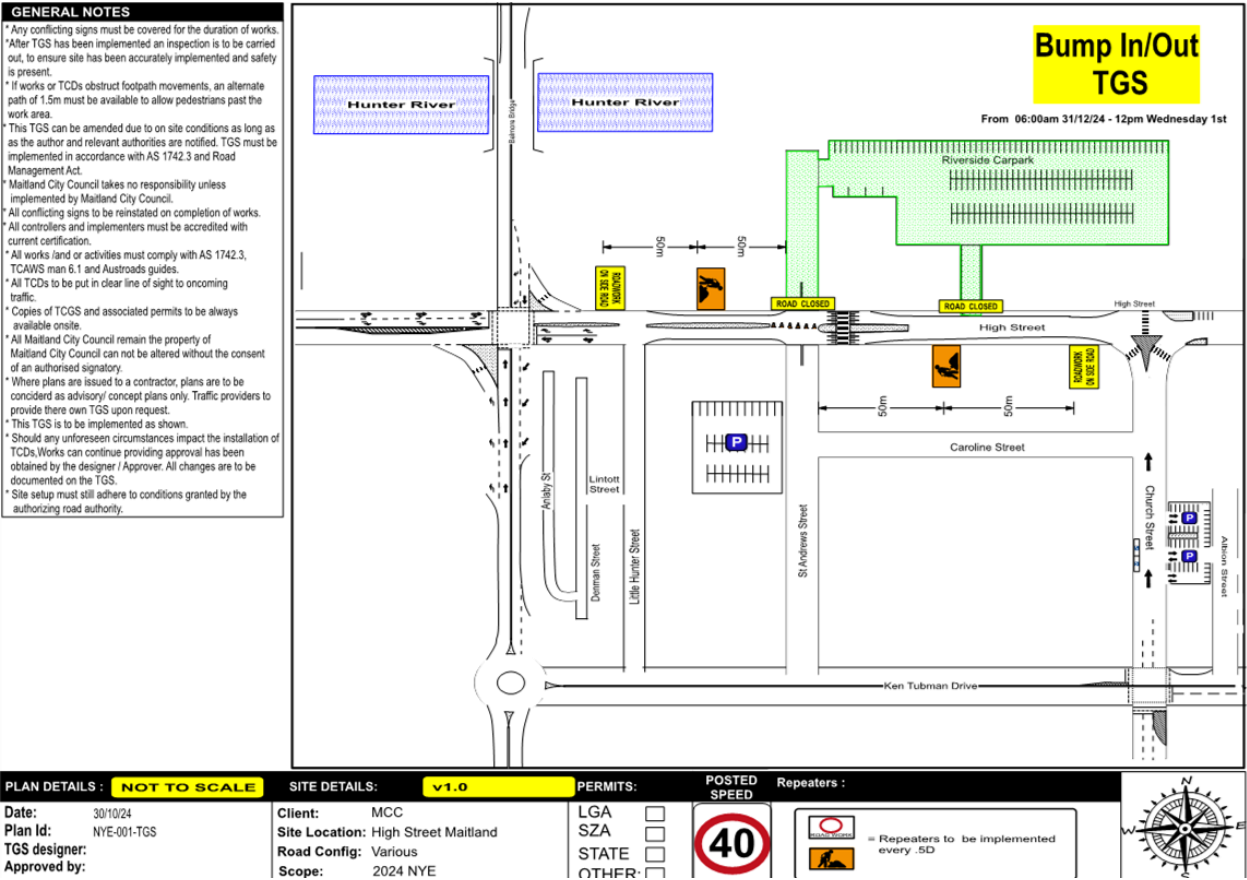
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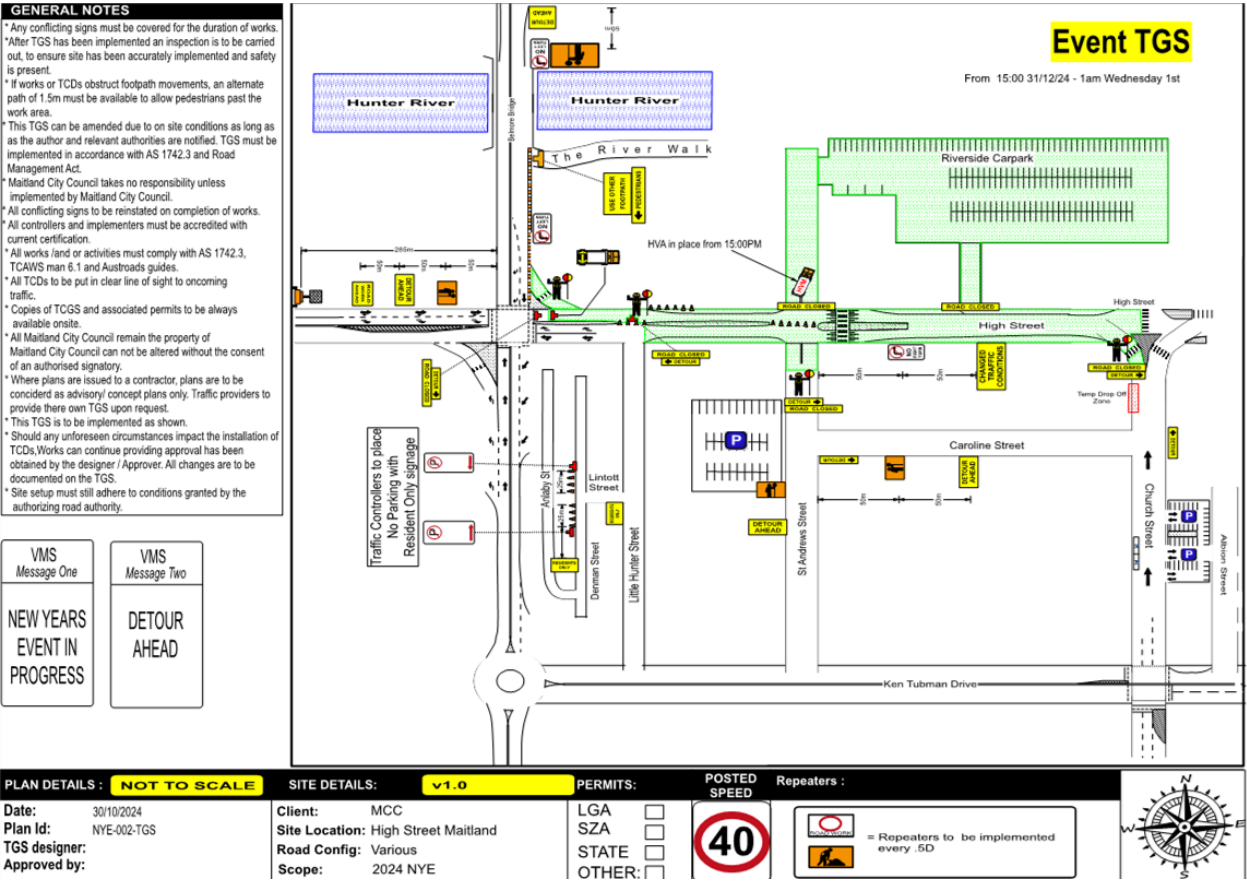
LOCAL TRAFFIC COMMITTEE MEETING MINUTES (NOVEMBER 2024) (Cont.)

7 NOVEMBER 2024



LOCAL TRAFFIC COMMITTEE MEETING MINUTES (NOVEMBER 2024) (Cont.)

7 NOVEMBER 2024



GENERAL NOTES

- * Any conflicting signs must be covered for the duration of works.
- * After TGS has been implemented an inspection is to be carried out, to ensure site has been accurately implemented and safety is present.
- * If works or TCDs obstruct footpath movements, an alternate path of 1.5m must be available to allow pedestrians past the work area.
- * This TGS can be amended due to on site conditions as long as the author and relevant authorities are notified. TGS must be implemented in accordance with AS 1742.3 and Road Management Act.
- * Maitland City Council takes no responsibility unless implemented by Maitland City Council.
- * All conflicting signs to be reinstated on completion of works.
- * All controllers and implementers must be accredited with current certification.
- * All works /and or activities must comply with AS 1742.3, TCAMS man 6.1 and Austroads guides.
- * All TCDs to be put in clear line of sight to oncoming traffic.
- * Copies of TGS and associated permits to be always available onsite.
- * All Maitland City Council remain the property of Maitland City Council can not be altered without the consent of an authorised signatory.
- * Where plans are issued to a contractor, plans are to be considered as advisory/ concept plans only. Traffic providers to provide their own TGS upon request.
- * This TGS is to be implemented as shown.
- * Should any unforeseen circumstances impact the installation of TCDs, Works can continue providing approval has been obtained by the designer / Approver. All changes are to be documented on the TGS.
- * Site setup must still adhere to conditions granted by the authorizing road authority.

Event TGS

From 5pm 31/12/24 - 10pm 31/12/24

PLAN DETAILS:

NOT TO SCALE

Date: 30/10/2024
 Plan Id: NYE-003-TGS
 TGS designer:
 Approved by:

SITE DETAILS:

v1.0

Client: MCC
 Site Location: NYE
 Road Config: Various
 Scope: 2024 NYE

PERMITS:

LGA ☐
 SZA ☐
 STATE ☐
 OTHER: ☐

POSTED SPEED

Repeaters :

40

= Repeaters to be implemented every .5D

7 NOVEMBER 2024

63 RYANS ROAD GILLIESTON HEIGHTS - PROPOSED LINEMARKING & SIGNAGE FOR NEW SUBDIVISION (Cont.)

5.3 63 RYANS ROAD GILLIESTON HEIGHTS - PROPOSED LINEMARKING & SIGNAGE FOR NEW SUBDIVISION

FILE NO: DA/2020/1347.1
ATTACHMENTS: 1. Ryans Road Gillieston Heights - Linemarking and Signage Plan
AUTHOR: Senior Subdivision & Development Engineer

EXECUTIVE SUMMARY

A new residential subdivision located at Kiah Road and Ryans Road Gillieston Heights, is approved for eighty-two (82) lots and creates five (5) new roads while also including road widening of Ryans Road and road widening of Kiah Road. To manage traffic intersection controls, signage and linemarking are proposed.

OFFICER'S RECOMMENDATION**THAT**

1. The regulatory linemarking and signage associated with the development as per the submitted plan 190682, Rev 3 dated 20/09/24 be approved.

COMMITTEE RECOMMENDATION**THAT**

1. The regulatory linemarking and signage associated with the development as per the submitted plan 190682, Rev 3 dated 20/09/24 be approved.

7 NOVEMBER 2024

63 RYANS ROAD GILLIESTON HEIGHTS - PROPOSED LINEMARKING & SIGNAGE FOR NEW SUBDIVISION (Cont.)

Local Traffic Committee Reports

63 RYANS ROAD GILLIESTON HEIGHTS - PROPOSED LINEMARKING & SIGNAGE FOR NEW SUBDIVISION

Ryans Road Gillieston Heights - Linemarking and Signage Plan

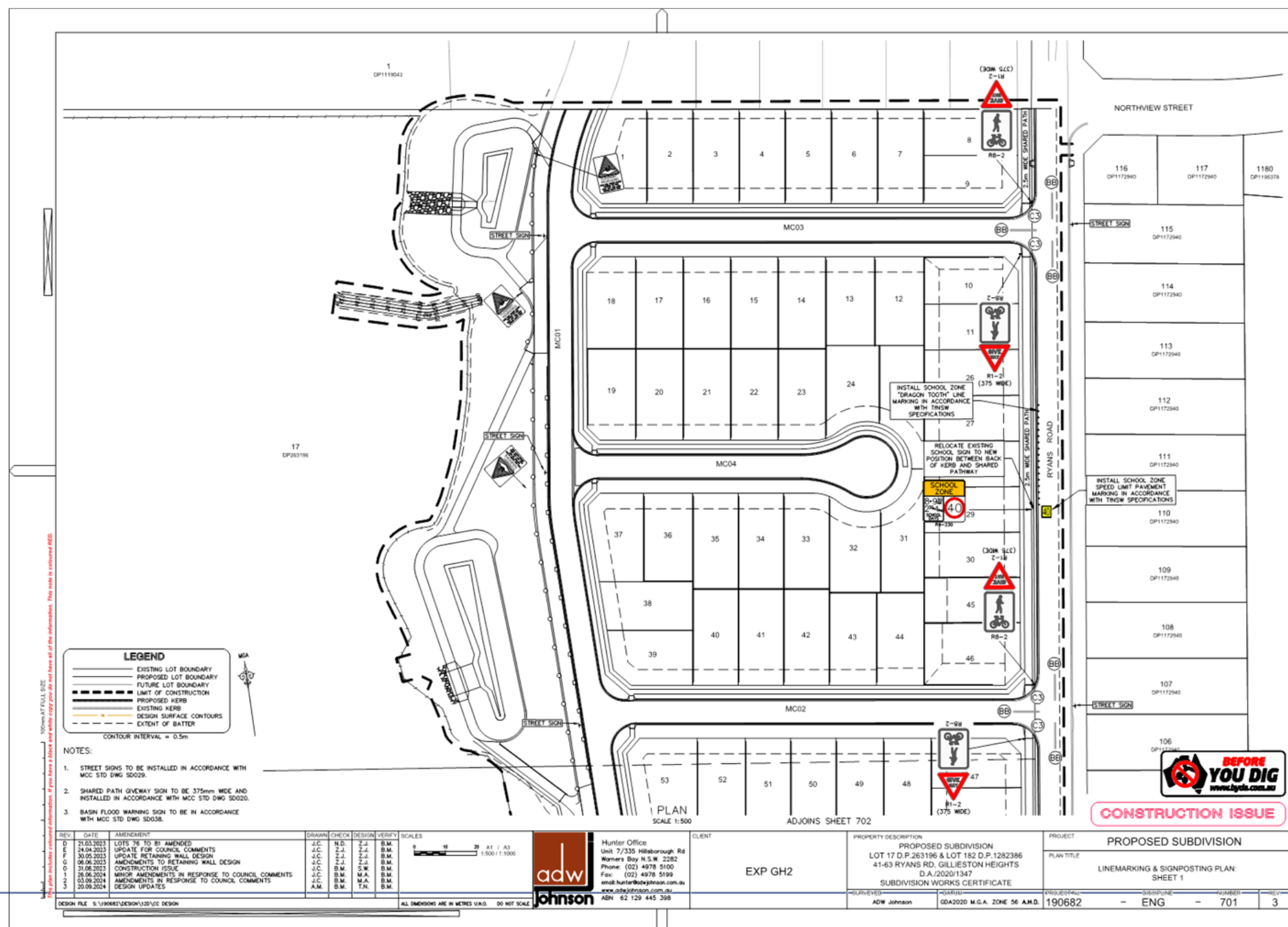
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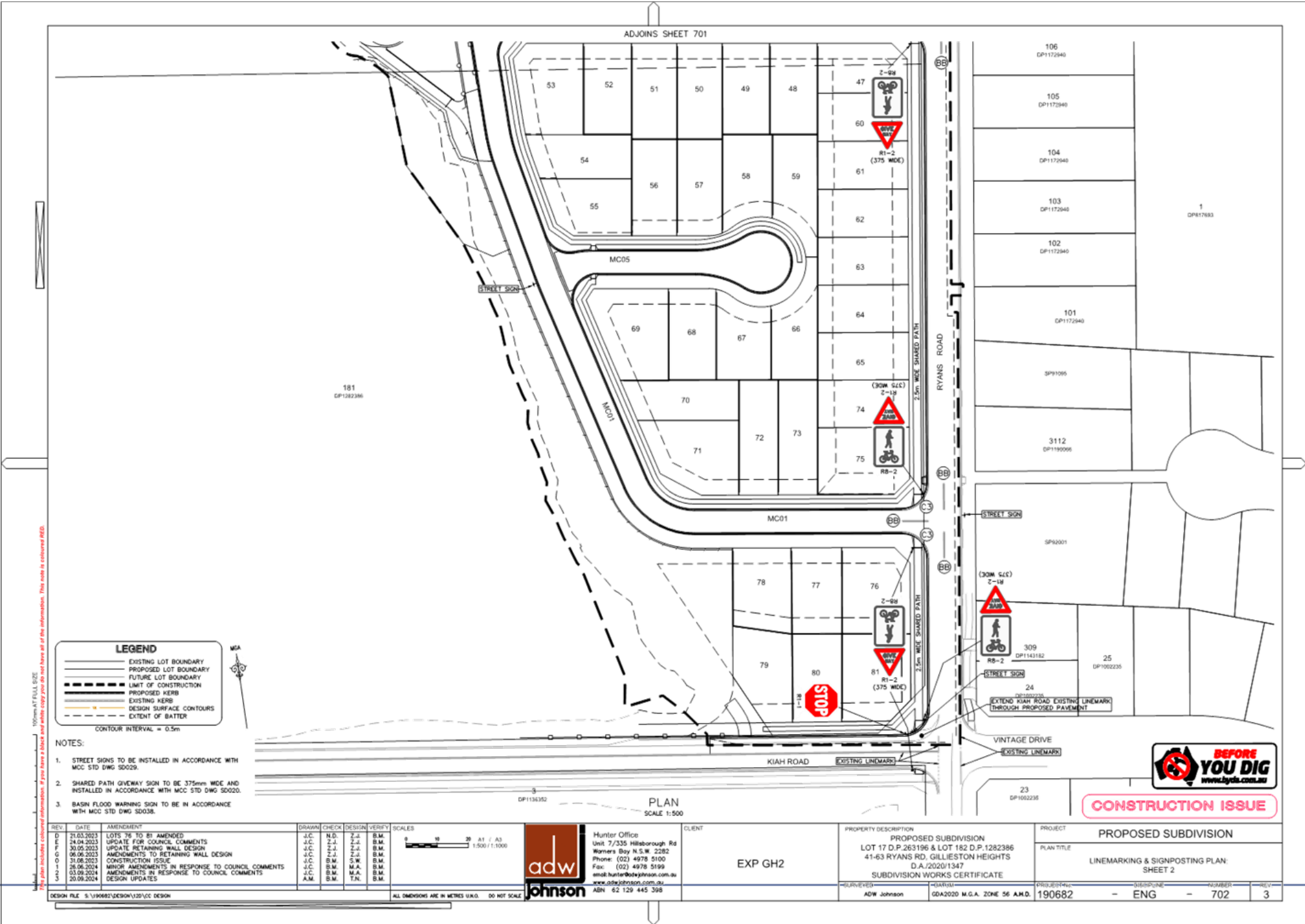
7 NOVEMBER 2024

63 RYANS ROAD GILLIESTON HEIGHTS - PROPOSED LINEMARKING & SIGNAGE FOR NEW SUBDIVISION (Cont.)



7 NOVEMBER 2024

63 RYANS ROAD GILLIESTON HEIGHTS - PROPOSED LINEMARKING & SIGNAGE FOR NEW SUBDIVISION (Cont.)



7 NOVEMBER 2024

PROPOSED BUS ZONE ON NEW ENGLAND HIGHWAY (Cont.)

5.4 PROPOSED BUS ZONE ON NEW ENGLAND HIGHWAY

FILE NO: 140/5
ATTACHMENTS: 1. New England Highway Bus Stop Proposal
AUTHOR: Traffic Management Officer
Operations Manager Transport & Infrastructure Engineering

EXECUTIVE SUMMARY

It is proposed to install R5-20 “bus zone” signage at the existing bus stop in front of 189 New England Highway East Maitland.

OFFICER’S RECOMMENDATION

THAT

1. R5-20 (L+R) “bus zone” signage be installed at the existing bus stop in front of 189 New England Highway East Maitland.

COMMITTEE RECOMMENDATION

THAT

1. The proposed R5-20 (L+R) “bus zone” signage at the existing bus stop in front of 189 New England Highway East Maitland be sent to TfNSW for consideration and installation.

7 NOVEMBER 2024

PROPOSED BUS ZONE ON NEW ENGLAND HIGHWAY (Cont.)

Local Traffic Committee Reports

PROPOSED BUS ZONE ON NEW ENGLAND HIGHWAY

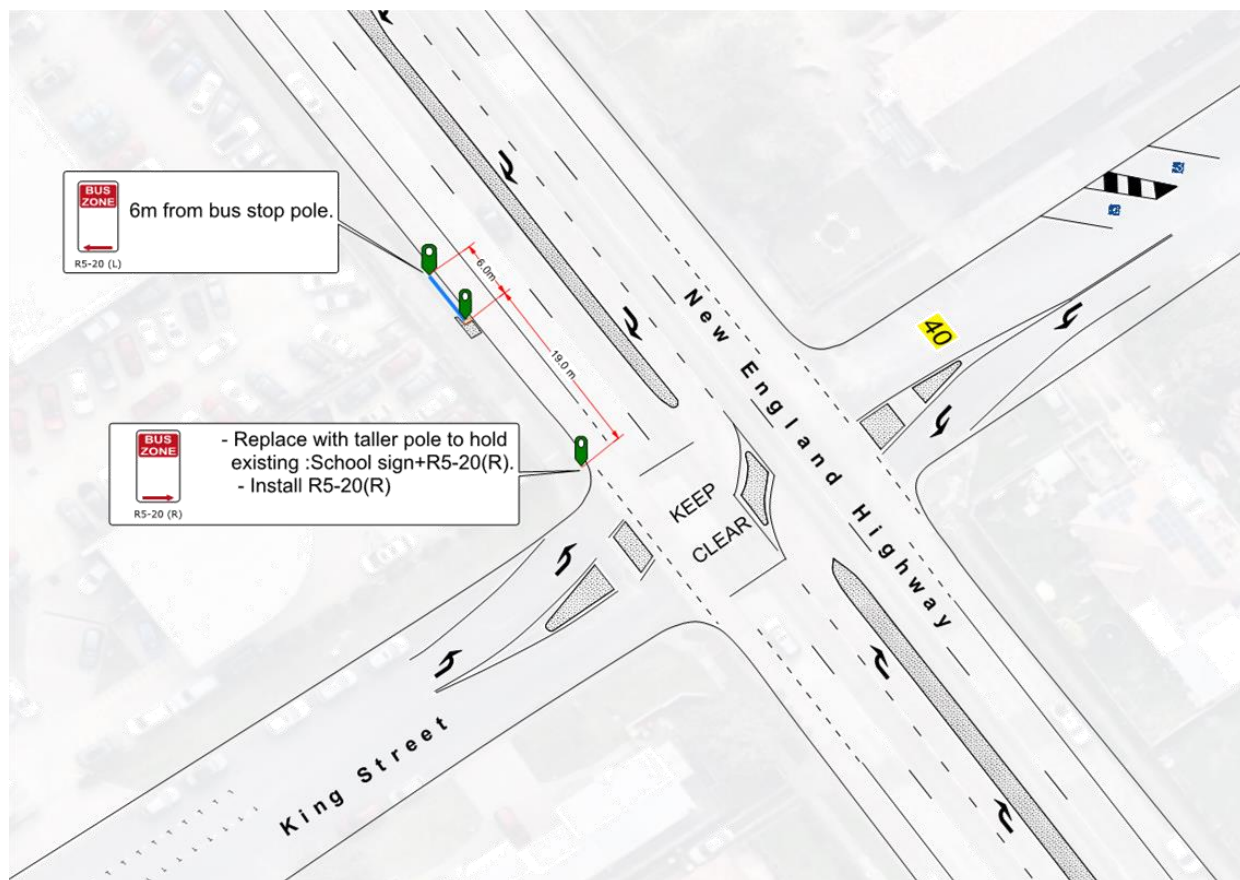
New England Highway Bus Stop Proposal

Meeting Date: 7 November 2024

Attachment No: 1

Number of Pages: 1

7 NOVEMBER 2024



7 NOVEMBER 2024

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

5.5 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. Springfield Drive Lochinvar Pedestrian Refuge Signage

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

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 are to be completed or 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 December 2023; the following items are recorded “for information only” as works that are to be completed or have been carried out by Council under this instrument.
 - a. Installation of signage to pedestrian refuge on Springfield Drive, Lochinvar in accordance with TfNSW TDT2011/01a requirements.

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 December

LOCAL TRAFFIC COMMITTEE MEETING MINUTES (NOVEMBER 2024) (Cont.)

7 NOVEMBER 2024

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

2023; the following items are recorded “for information only” as works that are to be completed or have been carried out by Council under this instrument.

- a. Installation of signage to pedestrian refuge on Springfield Drive, Lochinvar in accordance with TfNSW TDT2011/01a requirements.**

7 NOVEMBER 2024

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

Local Traffic Committee Reports

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

Springfield Drive Lochinvar Pedestrian Refuge Signage

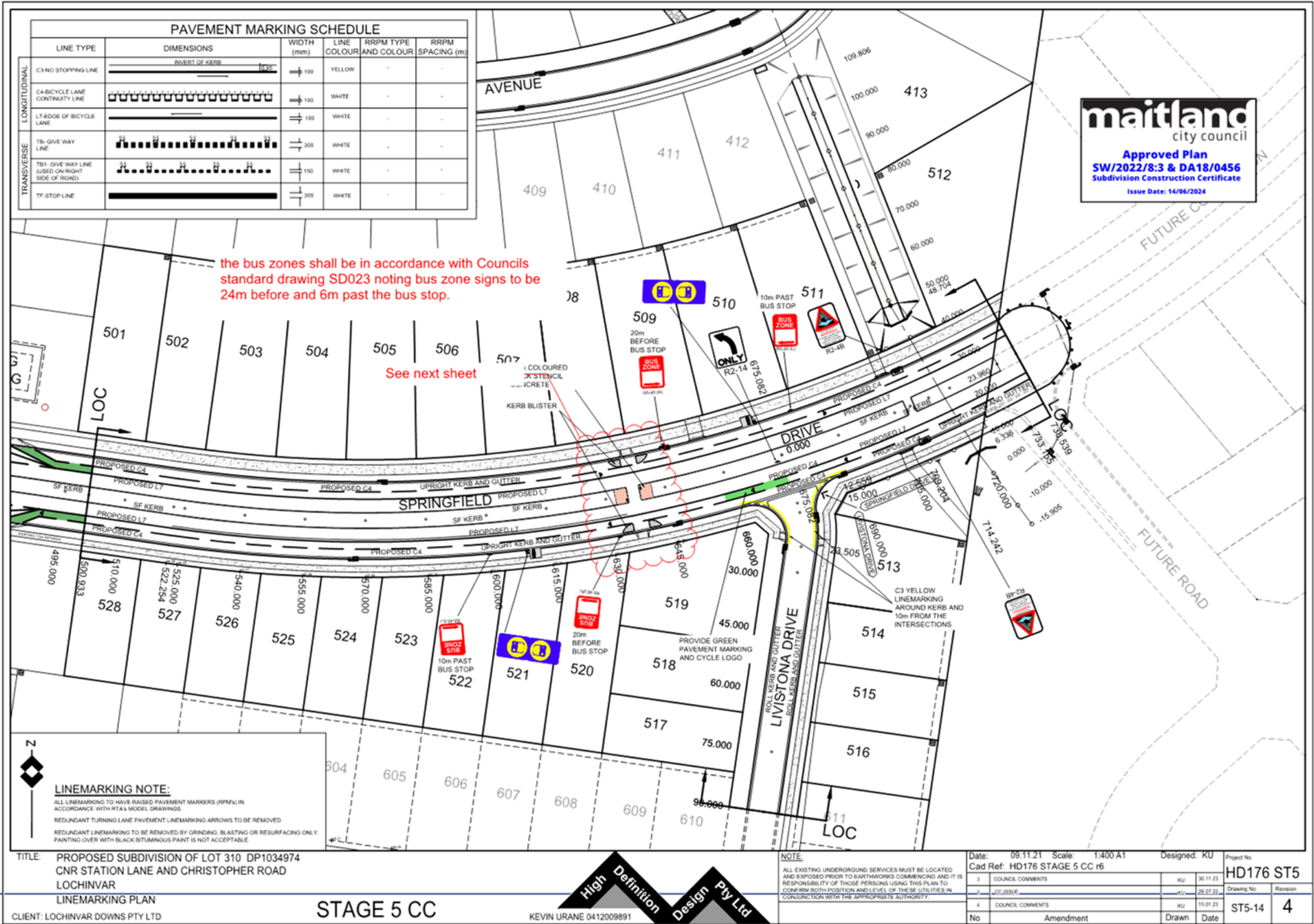
Meeting Date: 7 November 2024

Attachment No: 1

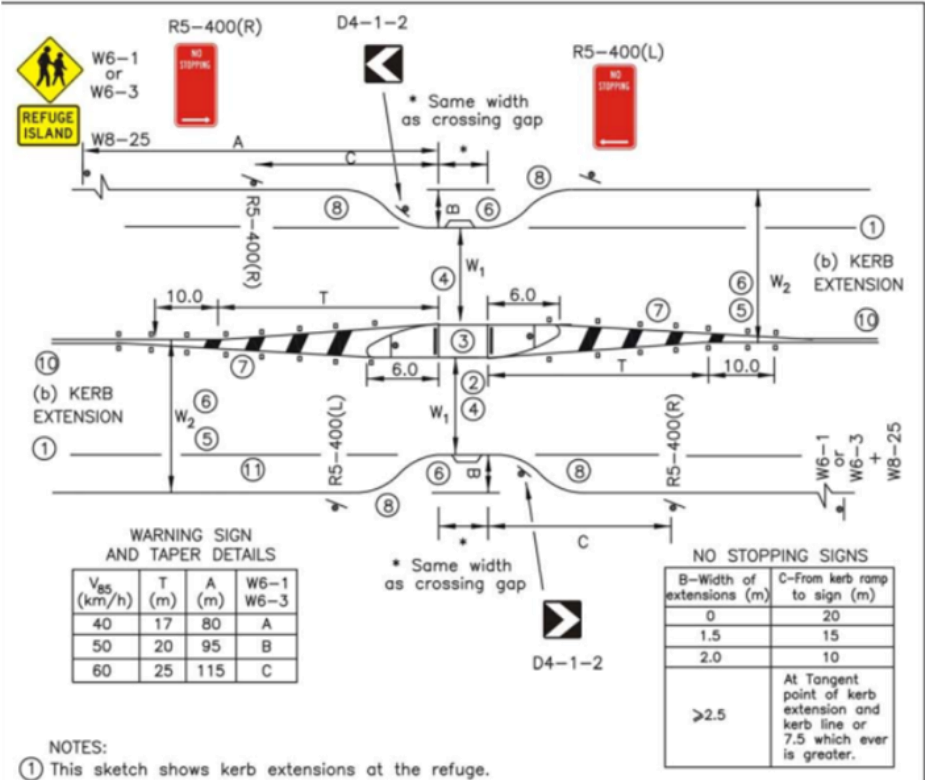
Number of Pages: 2

7 NOVEMBER 2024

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



7 NOVEMBER 2024



C=10m. Hence No stopping 10m on the approach

7 NOVEMBER 2024

6 GENERAL BUSINESS

FILE NO: 140/5

ATTACHMENTS: Nil

AUTHOR: Support Officer Engineering & Design
Operations Manager Transport & Infrastructure Engineering

6.1 DRIVEWAY LIGHTS AND MARKERS

QUERY/ DETAILS

- Local State MP representative raised a matter previously discussed at Local Traffic Committee Meeting, the increase in residents installing lights and markers at the entrance to their driveways, and it was noted that TfNSW would investigate and provide their stance.

ACTION/ OUTCOME

- TfNSW has responded to the local state member of parliament that these are not approved traffic control devices and may distract motorists. TfNSW has suggested they be removed from locations where there may be concerns, whilst noting it is Council's discretion, as the local roads authority, as to how these devices are managed.
- Council has been investigating the matter and is preparing to issue letters to residents to have them removed. Council officers met recently to discuss the most appropriate legislation to be used to enforce this. Council intends to communicate to landowners the safety risk of the lights/ markers, as they are a distraction to road users. Council will provide more information and updates to LTC members on any further requests and actions that may occur with regards to these devices.

6.2 KANGAROO HITS - TEA TREE AVENUE

QUERY/ DETAILS

- Local State MP representative raised that there has been correspondence received regarding a significant amount of kangaroos being hit on Tea Tree Avenue, Aberglasslyn, along with requests for signage and/ or fencing improvements in the area.

ACTION/ OUTCOME

- Council will investigate the matter and report back to LTC.

6.3 MCFARLANES ROAD - SPEED LIMIT

QUERY/ DETAILS

- Local State MP representative raised a matter previously discussed at LTCM – Requests received for a speed limit reduction from 80km/hr to 60km/hr on McFarlanes Road near the intersection of Settlers Boulevard, Chisholm.

ACTION/ OUTCOME

7 NOVEMBER 2024

- It was noted by TfNSW that this road underwent a review a few years ago and subsequently the speed was reduced from 90km/hr to 80km/hr.
- TfNSW have previously reviewed speed limit change requests and as the road meets the criteria for 80km/h under the speed zoning standards, a speed reduction is not considered required for this road segment.

6.4 GLENARVON ROAD – SPEED LIMIT**QUERY/ DETAILS**

- Requests received by local State MP office for a speed limit reduction from 80km/hr to 60km/hr on Glenarvon Road, Lorn.

ACTION/ OUTCOME

- TfNSW is the authority responsible for speed limit change reviews and approvals. TfNSW will investigate and provide a response.

6.5 MAITLAND COMMUNITY PRESCHOOL – SPEED LIMIT**QUERY/ DETAILS**

- Local State MP representative raised requests received from Maitland Community Preschool for a speed limit reduction on Preschool Lane and Cathedral Steet, Maitland from 40km/hr to 10km/hr 'shared zone'. They have expressed safety concerns with children entering and exiting the preschool due to vehicles attending the All Saints College using the street as a U-turn bay.

ACTION/ OUTCOME

- Council have undertaken an investigation at this location. Cautionary signage is to be installed.
- TfNSW wouldn't consider a speed limit reduction as it is an existing school zone and is signposted accordingly.

6.6 E-SCOOTERS AND E-BIKES AROUND CHISHOLM**QUERY/ DETAILS**

- Local State MP representative raised complaints received and reports sent to NSW Police regarding the use of E-Scooters and E-Bikes around Chisholm.

ACTION/ OUTCOME

- NSW Police advised taking action on riders under 16 years is problematic.
- Laws and regulation changes regarding E-Scooter and E-bikes have been identified.
- Council are awaiting any legislative changes before further considering the impacts on Council, e.g. infrastructure to be rolled out.

7 NOVEMBER 2024

- It was noted Council has previously investigated an E-scooter trial, however this did not proceed.

6.7 HAUSSMAN DRIVE – SPEED LIMIT REDUCTION**QUERY/ DETAILS**

- Local State MP representative raised the temporary speed limit reduction on Haussman Drive, Chisholm has been implemented. Feedback has mostly been positive - an improvement to safety in the area.

ACTION/ OUTCOME

- Council have installed a set of repeater speed zone signs on Haussman Drive to support the speed limit changes on Raymond Terrace Road.
- Council to send new speed zone sign locations to TfNSW.

6.8 TANK ST MORPETH - PEDESTRIAN CROSSING**QUERY/ DETAILS**

- Local State MP representative raised requests received from St Johns Anglican Church, Morpeth for the installation of a pedestrian crossing on Tank St at the Swan St intersection in Morpeth.

ACTION/ OUTCOME

- Council have provided a comprehensive response, detailing the problems and constraints of a pedestrian crossing at that location.
- Council is investigating alternative locations for a pedestrian crossing. High Street is being considered, as it has better grades and accessibility.

6.9 WEBLANDS RESERVE**QUERY/ DETAILS**

- Local State MP representative raised a matter previously discussed at LTCM – Further concerns received regarding Weblands Reserve in Aberglasslyn, detailing the dangerous driving of cars, 4WDs and trail bikes despite the signage, dumping of rubbish, and mounds being made on the fire trails. This is an ongoing issue.

ACTION/ OUTCOME

- Council have escalated the matter to their legal team for consideration.
- Council are reviewing infrastructure to be installed, whilst noting that accessibility for pedestrians, mobility scooters and bikes will also continue to allow access for undesirable trail bikes.
- Council will engage the works team to look into whether maintenance of the fire trail is required.

LOCAL TRAFFIC COMMITTEE MEETING MINUTES

7 NOVEMBER 2024

7 CLOSURE

The meeting was declared closed at 10:37 am.

16.2 Appointment of Floodplain Risk Management Committee Representatives

FILE NO:	103/63
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Director City Planning Manager Environment & Sustainability
AUTHOR:	Principal Resilience Officer
MAITLAND +10	Outcome 12 To be ready in case of more hot days, storms and floods
COUNCIL OBJECTIVE:	12.1.4 Participate in partnership and seek grant funding to achieve climate change action

EXECUTIVE SUMMARY

The Floodplain Risk Management Committee Terms of Reference outlines the structure of the committee to consist of Core Members and Local Representatives. The purpose of this report is to advise Council on the outcome of the Expression of Interest period that invited nominations for members of the community to be part of the committee.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

REPORT

The Floodplain Risk Management Committee consists of the Core Members and Local Representatives. The Core Members will provide an advisory role for all flood studies and floodplain risk management studies (and plans) conducted across the Maitland LGA. Government agency representatives are appointed as advisors to the core committee and will not participate in voting. The Local Representatives are additional members who have specific knowledge of the subject catchment.

Applications opened on Tuesday 29 October 2024 and closed on Sunday 17 November 2024, calling for expressions of interest to be submitted for Core Committee Members and Local Representatives. The number of members and duration of appointment were advertised as follows:

- Core Committee Members: 2 community representatives to be appointed as core members for a 4-year term.
- Local Representatives: 2 Catchment-specific Community Representatives to be recruited for Woodberry and Hexham Flood Study for the duration of the project

APPOINTMENT OF FLOODPLAIN RISK MANAGEMENT COMMITTEE REPRESENTATIVES (Cont.)

The expressions of interest were assessed based on the interest to engage, awareness of flood risk management, community representation, and commitments, with the following community members being appointed Floodplain Risk Management Committee:

- Core Committee Members:
 - Selby Green
 - Michael McFadyen
- Local Representatives
 - NA, no EOIs received.

Council will write to the successful nominees to advise confirmation of their appointment to the Committee. Council will readvertise the EOI for catchment-specific representatives in early 2025.

17 Notices of Motion/Rescission

17.1 Councillor Notice of Motions

Notice of Motion Submitted by Cr Mitchell Griffin

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

Cr Mitchell Griffin has indicated his intention to move the following Notice of Motion at the next Council Meeting being held on 10 December 2024:

THAT

Council Officers commence reporting to Council on a quarterly basis with a report on councillor motions which have been carried, including an action plan outlining progress of each resolution.

18 Questions With Notice

18.1 Rail Corridor Advocacy

Submitted By Cr Mitchell Griffin

FILE NO: 35/7/2
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: General Manager

Cr Mitchell Griffin has asked the following Question With Notice for the Council Meeting being held on 10 December 2024:

*In July 2024 Council resolved to advocate to the NSW Government for harsher penalties for offenders who illegally access rail corridors with the intent to stop trains.
Can officers advise if the State Government has taken any action since our advocacy to increase penalties for this illegal behaviour?*

RESPONSE BY DIRECTOR CITY PLANNING

The NSW Parliament passed legislation on 21 November 2024 which introduces a maximum fine of \$22,000 for the offence of obstructing a railway. The Crimes Amendment (Obstructing a Railway) Bill 2024 (Bill) was passed by both Houses on 21 November 2024 and is currently awaiting assent.

The Bill was introduced in response to recent incidents on NSW railways that have endangered public safety and to bring the penalty for this offence in line with other offences in the *Crimes Act 1900* (NSW) (**Crimes Act**) and the *Roads Act 1993* (NSW).

The Bill amends section 213 of the Crimes Act to introduce a monetary penalty of \$22,000 for the summary offence to block or obstruct major roads, bridges and tunnels and major facilities like ports and railway stations - meaning that those found guilty of a section 213 offence will now face up to 2 years' imprisonment or a fine of up to \$22,000, or both. Section 213 did not previously specify a fine, so the default maximum fine amount which the Local Court could have imposed was \$11,000.

The Bill will bring the penalty for section 213 in line with the penalty in the Local Court for the offence in s214A of the Act of damaging or disrupting a major facility and the offence in section 144G of the Roads Act 1993 of damaging, disrupting or obstructing the Sydney Harbour Bridge or other major bridges, tunnels or roads.

The Bill also confirms the following:

- if the section 213 offence comprises very serious conduct and is dealt with by a higher court on indictment, that court can also impose a sentence of imprisonment for up to 2 years and additionally impose a fine up to the jurisdictional limit of 1000 penalty units (section 15 of the *Crimes (Sentencing Procedure Act) 1999* (NSW) continues to apply); and

RAIL CORRIDOR ADVOCACY (Cont.)

- a person does not commit an offence under section 213 if the conduct forms part of industrial action, an industrial dispute or an industrial campaign.

This Bill will better reflect the seriousness of the section 213 offence and act as a stronger deterrent to dangerous conflict.

19 Urgent Business

20 Committee of the Whole

20.1 Consideration of Tenders – 2024/137/2401 Sports Lighting Upgrades – Fred Harvey Oval, Woodberry

FILE NO:	2024/137/2401
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Director City Services Manager Works
AUTHOR:	Operations Manager Recreation Works Operations Manager Civil Projects 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 Lighting at Fred Harvey Oval, Woodberry. The lighting will be upgraded to provide amateur football match play levels (100Lux) to the rugby league field on the main oval, and amateur football training levels (50lux) to the remaining oval area.

The tender project brief contained a specified lighting design to be tendered on.

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

20.2 Consideration of Tenders – 2024/137/2398 Sports Lighting Upgrades – Allan and Don Lawrence Oval, Thornton

FILE NO:	2024/137/2398
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Director City Services Manager Works
AUTHOR:	Operations Manager Recreation Works Operations Manager Civil Projects 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 lighting at Allan and Don Lawrence Oval, Thornton. This will increase lighting on two full size football fields to amateur match play levels (min 100Lux) and adding additional lighting for an amateur football training area (min 50Lux).

This project is funded by Council and a grant from NSW Football Legacy Fund – Infrastructure Round 2.

The tender project brief contained a specified lighting design 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 – 2024/137/2399 Sports Lighting Upgrades – Cooks Square Park, East Maitland

FILE NO:	2024/137/2399
ATTACHMENTS:	1. Appendix 1 – Lighting Design
RESPONSIBLE OFFICER:	Jason Linnane – Director City Services Ashley Kavanagh – Manager Works
AUTHOR:	Caine James – Operations Manager Recreation Works Kynan Lindus – Operations Manager Civil Projects 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 Lighting at Cooks Square Park, East Maitland. These works will increase field 1 (main field) to semi professional match play (min 200Lux) and field 2 (new field) to amateur match play and semi professional training (min 100Lux) levels respectively.

The tender project brief contained a specified lighting design to be tendered on.

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

20.4 Consideration of Tenders – 2024/137/2407 Watermain Relocation – Various Locations

FILE NO:	2024/137/2407
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Jason Linnane – Director City Services Ashley Kavanagh – Manager Works
AUTHOR:	Kynan Lindus – Operations Manager Civil Projects Abhi Nookala – 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 were called for the relocation of watermains at various locations within the Maitland Local Government Area (LGA). The tender was split into three (3) separable portions based on location and include Queen & John Street Rutherford, Turton Street East Maitland, and Fitzroy & Riley Streets East Maitland.

These works will be undertaken to support road reconstruction and rehabilitation projects listed in Council's 2024/25 Capital Works Program. The projects will be funded by Council's Capital Works Program and contributions from Hunter Water Corporation. At closing of the tender six (6) submissions were received with all tenderers submitting for all three (3) separable portions.

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 three (3) portions of work. The report is being presented to the Committee of the Whole as it contains confidential information.

20.5 Land Ownership Adjustments – Lot 1 Dp 1044298, Waterworks Road, Rutherford.

FILE NO:	39142
ATTACHMENTS:	1.Lot 1 DP 1044298 Waterworks road, Rutherford
RESPONSIBLE OFFICER:	Jason Linnane – Director City Services Mary O'Leary – Executive Manager Finance
AUTHOR:	Michael Rathborne – Senior Property Advisor
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

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

To seek council consent to rectify landownership and access within Council owned land at Lot 1 DP 1044298 being Waterworks Road, Rutherford.

20.6 Legal Update

FILE NO:	222/583
ATTACHMENTS:	<ol style="list-style-type: none">1. Previous Council Report – Planning and Environment matter2. Amended Statement of Facts and Contentions filed on behalf of Council
RESPONSIBLE OFFICER:	Matthew Prendergast – Director City Planning Tiffany Allen – Executive Manager People and Performance
AUTHOR:	Rowena Horn – Legal Counsel Brett Gardiner – Manager Strategic Planning
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

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows: (a) personnel matters concerning particular individuals (other than councillors); AND (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

EXECUTIVE SUMMARY

This report provided an update on legal matters of Council.

21 Committee of the Whole Recommendations

22 Closure