

ORDINARY MEETING AGENDA

9 DECEMBER 2025

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 18 November 2025 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 Flying of the Flags Policy Review

| | |
|----------------------|--|
| FILE NO: | 35/45 |
| ATTACHMENTS: | 1. Flying of Flags Policy 2022 2. Flying of Flags Policy 2025 |
| RESPONSIBLE OFFICER: | General Manager Office Manager |
| AUTHOR: | Team Leader OGM |
| MAITLAND'S FUTURE | 3 Vibrant Maitland |
| COUNCIL OBJECTIVE: | 3.2.1 Diverse heritage and cultures |

EXECUTIVE SUMMARY

In accordance with Council's policy review schedule, the Flying of Flags policy has been reviewed and minor amendments and additions made. At Council Meeting 17 June 2025, Council resolved to defer the adoption of the policy for council to have a briefing to consider matters proposed in the Council Meeting debate. The briefing was held on Tuesday, 25 November 2025.

OFFICER'S RECOMMENDATION

THAT

1. Council rescind the Flying of Flags policy 2025 version 5.1 (Attachment 1).
2. Council adopt the draft Flying of Flags policy 2025 version 6.0 (Attachment 2).

REPORT

A review of Council's Flying of Flags policy was undertaken and presented to Council Meeting on 17 June 2025, in accordance with the council resolution the policy is being reported back to council for adoption.

In line with the periodic review scheduled to maintain the accuracy and relevance of the policy, small administrative changes have been made along with the following amendments to the policy:

- Amending the Administration Centre title from Administration Building, to correctly identify the location of the flags
- Amending Point 3 to cover all Council operated facilities with reference to the Maitland Gaol to incorporate all facilities.
- The addition of Point 4 – Flying Flags on Council owned public spaces. This point is to incorporate flying of flags in locations such as parks, reserves and similar locations.

FLYING OF THE FLAGS POLICY REVIEW (Cont.)

- Updating the terminology of full mast to be ‘at the peak’ in accordance with the appropriate use of flying of flags protocol.
- Expanding the definition of half-mast in accordance with the appropriate use of flying of flags protocol.
- Inclusion of reference to Council’s Banner Pole Usage Policy.

The Federal and State publications for the flying of flags as outlined in the policy are used for any direction on protocols for, or the treatment of flags, that are not covered in the Policy.

CONCLUSION

The periodic review of the Flying of Flags Policy ensures that the policy remains accurate, contemporary and reflects correct procedure and protocol. This review identified necessary amendments and additions to the policy to provide greater clarity of the guidelines and the information presented.

The Councillor briefing was held on Tuesday 25 November 2025 in accordance with the Council resolution of 17 June 2025, and the matters presented addressed the points raised during the discussion at the previous Council meeting.

It is recommended that the draft policy be adopted by Council.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

If the revised policy is adopted, this will result in an amendment to Council’s policy register.

STATUTORY IMPLICATIONS

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

Office of the General Manager

Flying of the Flags Policy Review

Flying of Flags Policy 2022

Meeting Date: 9 December 2025

Attachment No: 1

Number of Pages: 3

Flying of Flags Policy

Date Adopted: 25 January 2022

Version: 5.1

Policy Objectives

The objective of this policy is to establish guidelines for the flying of flags at Maitland City Council.

Policy Scope

This policy applies to all flags flown at Maitland City Council sites.

Policy Statement

Flags flown at Maitland City Council premises will be flown in accordance with the Australian Flags publication of the Australian Government Department of Prime Minister and Cabinet and the Premier's Department of New South Wales publication 'Flag and Emblems of NSW'.

The protocols for each specific flag and site are outlined below. To remove any ambiguity, if there is an issue not covered in this policy then the Australian and State publications above (in that order or precedence) should be used.

1. Flying of flags outside the Council Administration Building and Maitland Town Hall

The Australian, State, Aboriginal and Torres Strait Islander flags will be permanently flown from the Administration Building flagpoles. They will be placed in the abovementioned order, left to right, from the view of an observer facing the Administration Building.

The City of Maitland flag will be flown permanently from the single flagpole attached to Town Hall

2. Flying of flags inside the Council Chambers

The Australian, State, Aboriginal, Torres Strait and City of Maitland flags will be permanently on display inside the Council Chambers. They will be placed in the above mentioned order, left to right, from the view of an observer facing them.

3. Flying of flags outside Maitland Gaol

The State and City of Maitland flags are to be flown from the two flagpoles at the front of the Gaol building. They will be placed in the abovementioned order, left to right, from the view of an observer facing the Gaol entrance. These are to be raised and lowered each day the Gaol is operational.

The Australian flag will be permanently flown from the Bicentennial flagpole located on John Street, adjacent to the Gaol store.

FLYING OF THE FLAGS POLICY REVIEW (Cont.)

4. The City of Maitland flag

The City of Maitland Flag may be requested and supplied under the following conditions:

- a) Requests for provision of City of Maitland flags by organisations / individuals be assessed on a case by case basis within the following criteria:
- Service and/or registered club status
 - Potential for contribution to the marketing and profile of the city
 - Preparedness to meet full production costs.

5. Flags other than the Australian, State, Aboriginal, Torres Strait Islander and City of Maitland flags

Flags other than the Australian, State, Aboriginal, Torres Strait Islander and City of Maitland flags are only to be flown from the Administration Building, Town Hall, Maitland Gaol or within the Council Chambers on occasions to be determined by the Mayor.

6. Flying of flags at half mast

Council will fly flags at half mast as a sign of mourning on appropriate occasions at the discretion of the Mayor/General Manager. The following special occasions, as outlined in the Australian Flags publication of the Australian Government Department of Prime Minister and Cabinet include:

| Date | Day | Time |
|-------------|-----------------|--|
| 25 April | ANZAC Day | Flags will be flown at half mast until noon, then full mast for the remainder of the day. |
| 11 November | Remembrance Day | Flags are to be flown at full mast from 08.00am to 10.30am. Lowered to half mast until 11.02am and then raised to full mast for the remainder of the day. |

Other special occasions where flags are flown at half mast are State Funerals and the funerals for Heads of State of other countries.

Under no circumstances should a flag be flown at half mast at night, whether or not the flag is illuminated.

The Executive Assistants to the General Manager and the Mayor will be notified when flags will be flown at half mast and the reason for this and will take responsibility for ensuring this occurs. The Customer Experience Team will also be advised of the reasons that flags are flown at half mast so that any enquiries from the public can be satisfied.

FLYING OF THE FLAGS POLICY REVIEW (Cont.)

Policy Definitions

| | |
|------------|--|
| Half mast: | When the top of a flag is one third of the distance down from the top. |
|------------|--|

Policy Administration

| | |
|-----------------------------|---|
| Business Group: | Office of the General Manager |
| Responsible officer: | General Manager |
| Council reference: | |
| Policy review date: | Three (3) years from date of adoption |
| File number: | 35/1 |
| Relevant legislation | Flags Act 1953 (Cth) |
| Related documents | Premier's Department of New South Wales, Flag and Emblems of New South Wales 2021. Australian Government Department of Prime Minister and Cabinet, Australian Flags – Part 2: The Protocols for the Appropriate Use and the Flying of the Flag 2021. |

Policy History

| VERSION | DATE APPROVED | DESCRIPTION OF CHANGES |
|---------|---------------|--|
| 1.0 | 2001 | New policy adopted |
| 2.0 | 12/11/2013 | Reviewed as part of bulk policy review |
| 3.0 | 24/11/2015 | Periodic Review |
| 4.0 | 26/06/2018 | Periodic Review |
| 5.0 | 25/01/2022 | Periodic Review |
| 5.1 | - | Updated to new branding. No content changed. |

Office of the General Manager

Flying of the Flags Policy Review

Flying of Flags Policy 2025

Meeting Date: 9 December 2025

Attachment No: 2

Number of Pages: 4

Flying of Flags Policy

Date Adopted: 17 June 2025

Version: 6.0

Policy Objectives

The objective of this policy is to establish guidelines for the flying of flags at Maitland City Council.

Policy Scope

This policy applies to all official flags flown at Maitland City Council owned or operated sites.

This policy does not apply to banner poles as outlined in Council's *Banner Pole Usage Policy*.

Policy Statement

Flags flown at Maitland City Council premises will be flown in accordance with the Australian Flags publication of the Australian Government Department of Prime Minister and Cabinet and the Premier's Department of New South Wales publication 'Flag and Emblems of NSW'.

The protocols for each specific flag and site are outlined below. To remove any ambiguity, if there is an issue not covered in this policy then the Australian and State publications above (in that order or precedence) should be used.

1. Flying of flags outside the Council Administration Building and Maitland Town Hall

The Australian, State, Aboriginal and Torres Strait Islander flags will be permanently flown from the Administration Centre flagpoles. They will be placed in the abovementioned order, left to right, from the view of an observer facing the Administration Centre.

The City of Maitland flag will be flown permanently from the single flagpole attached to Town Hall

2. Flying of flags inside the Council Chambers

The Australian, State, Aboriginal, Torres Strait and City of Maitland flags will be permanently on display inside the Council Chambers. They will be placed in the above mentioned order, left to right, from the view of an observer facing them.

3. Flying of flags outside Council operated facilities

Flags flown on flagpoles situated on Council operated facilities will be done so in accordance with the Australian National Flag and other flag protocols as referenced in this policy.

This includes:

- The State and City of Maitland flags are to be flown from the two flagpoles at the front of the Gaol building. They will be placed in the abovementioned order, left to right, from the view of an observer facing the Gaol entrance. These are to be raised and lowered each day the Gaol is operational.

FLYING OF THE FLAGS POLICY REVIEW (Cont.)

- The Australian flag will be permanently flown from the Bicentennial flagpole located on John Street, adjacent to the Gaol store.

3. Flying of flags outside Maitland Gaol

The State and City of Maitland flags are to be flown from the two flagpoles at the front of the Gaol building. They will be placed in the abovementioned order, left to right, from the view of an observer facing the Gaol entrance. These are to be raised and lowered each day the Gaol is operational.

The Australian flag will be permanently flown from the Bicentennial flagpole located on John Street, adjacent to the Gaol store.

4. Flying of flags on Council owned public spaces

Flags flown on flag poles located on Council owned and operated open or public spaces will be done so in accordance with the Australian National Flag and other flag protocols as referenced in this policy.

5. The City of Maitland flag

The City of Maitland Flag may be requested and supplied under the following conditions:

- Requests for provision of City of Maitland flags by organisations / individuals be assessed on a case by case basis within the following criteria:
 - Service and/or registered club status
 - Potential for contribution to the marketing and profile of the city
 - Preparedness to meet full production costs.

6. Flags other than the Australian, State, Aboriginal, Torres Strait Islander and City of Maitland flags

Flags other than the Australian, State, Aboriginal, Torres Strait Islander and City of Maitland flags are only to be flown from the Administration Centre, Town Hall, Maitland Gaol or within the Council Chambers on occasions to be determined by the Mayor.

7. Flying of flags at half mast

Council will fly flags at half-mast as a sign of mourning on appropriate occasions at the discretion of the Mayor/General Manager. The following special occasions, as outlined in the Australian Flags publication of the Australian Government Department of Prime Minister and Cabinet include:

| Date | Day | Time |
|-------------|-----------------|--|
| 25 April | ANZAC Day | Flags will be flown at half-mast until noon, then at the peak until the usual time for closure of business. |
| 11 November | Remembrance Day | Flags will be flown at the peak from 8:00 am to 10.30am. Flags will be lowered to half-mast from 10:30am until 11.02am Flags will be flown at the peak again from 11:02 am until the usual time for closure of business. |

FLYING OF THE FLAGS POLICY REVIEW (Cont.)

Other special occasions where flags are flown at half-mast include:

- On the death of the Sovereign (King or Queen)
- On the death of a member of the royal family (by special command of the Sovereign and/or by direction of the Australian Government)
- On the death of the Governor-General or a former Governor-General
- On the death of a distinguished Australian citizen, in accordance with protocol.
- On the death of the head of state of another country with which Australia has diplomatic relations.

Under no circumstances should a flag be flown at half-mast at night, whether or not the flag is illuminated, unless direction to half-mast the flag for an extended period of time has been issued.

The Executive Assistants to the General Manager and the Mayor will be notified when flags will be flown at half-mast and the reason for this and will take responsibility for ensuring this occurs. The Customer Experience Team will also be advised of the reasons that flags are flown at half-mast so that any enquiries from the public can be satisfied.

Policy Definitions

Half-mast:

To bring the flag to the half-mast position, the flag must first be raised to the top of the mast (the 'peak'), then immediately lowered slowly to the half-mast position.

An acceptable position would be when the top of the flag is a third of the distance down from the top of the flagpole.

When lowering the flag from a half-mast position, it should first be raised briefly to the peak, then lowered ceremoniously.

FLYING OF THE FLAGS POLICY REVIEW (Cont.)

Policy Administration

| | |
|-----------------------------|--|
| Business Group: | Office of the General Manager |
| Responsible officer: | General Manager |
| Council reference: | Item XX.X Ordinary Council Meeting – 17 June 2025 |
| Policy review date: | Three (3) years from date of adoption |
| File number: | 35/45 |
| Relevant legislation | Flags Act 1953 (Cth) |
| Related documents | <p>Premier's Department of New South Wales, Flag and Emblems of New South Wales 2022.</p> <p>Australian Government Department of Prime Minister and Cabinet, Australian Flags – Part 2: The Protocols for the Appropriate Use and the Flying of the Flag 2022.</p> <p>Council's Banner Pole Usage Policy.</p> |

Policy History

| VERSION | DATE APPROVED | DESCRIPTION OF CHANGES |
|------------|-------------------|---|
| 1.0 | 2001 | New policy adopted |
| 2.0 | 12/11/2013 | Reviewed as part of bulk policy review |
| 3.0 | 24/11/2015 | Periodic Review |
| 4.0 | 26/06/2018 | Periodic Review |
| 5.0 | 25/01/2022 | Periodic Review |
| 5.1 | - | Updated to new branding. No content changed. |
| 6.0 | 17/06/2025 | Periodic Review. Administration Centre location updated from Administration Building. Terminology updated from full mast to peak. Definition of half-mast expanded as per the Australian Flags publication. |

10.2 DRAFT CODE OF MEETING PRACTICE FOR ADOPTION

| | |
|-----------------------------|--|
| FILE NO: | 35/1 & 35/7 |
| ATTACHMENTS: | 1.Code of Meeting Practice (Under Separate Cover) |
| RESPONSIBLE OFFICER: | General Manager Office Manager |
| AUTHOR: | Team Leader OGM |
| MAITLAND'S FUTURE | 4 Achieving together |
| COUNCIL OBJECTIVE: | 4.1.3 Transparent decision making |

EXECUTIVE SUMMARY

The NSW Office of Local Government (OLG) released the updated Model Code of Meeting Practice for Local Councils in NSW. This revised Model Code includes both mandatory and non-mandatory provisions aimed at promoting consistency, transparency, and efficiency in council meetings across the state. Council is required to adopt a revised Code of Meeting Practice incorporating the new mandatory provisions of the Model Code by 31 December 2025.

Council's draft Code of Meeting Practice was presented to Council Meeting 21 October 2025 and was endorsed to be placed on Public Exhibition. No submissions were received during the public exhibition period and the purpose of this report is to seek council's endorsement of the policy.

OFFICER'S RECOMMENDATION

THAT

1. Council note that no submissions were received during the public exhibition period.
2. Council adopt the draft Code of Meeting Practice (Attachment 1).
 - a. Council delegates any minor changes of the Policy to the General Manager. Any significant changes will result in a further report and recommendation to Council.

REPORT

The NSW Office of Local Government (OLG) finalised a review of the Model Code of Meeting Practice for Local Council's in NSW which includes updated guidelines and mandatory provisions. The OLG released the updated Model Code of Meeting Practice for Local Councils in NSW on 29 August 2025.

The mandatory and supplementary changes to the Code were reported to Council on 21 October 2025. The draft Code of Meeting Practice was subsequently endorsed to be placed

DRAFT CODE OF MEETING PRACTICE FOR ADOPTION (Cont.)

on public exhibition for at least 28 days with a submission period of at least 42 days. No submissions were received during the exhibition period.

This report seeks Council's endorsement to adopt the draft Code of Meeting Practice in accordance with the legislative requirements prescribed by the OLG.

CONCLUSION

Council is required to adopt a revised Code of Meeting Practice incorporating the new mandatory provisions of the Model Code by 31 December 2025.

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 adoption of the draft Code of Meeting Practice will comply with the requirements under section 360 of the Local Government Act 1993, to adopt a code of meeting practice that incorporates the mandatory provisions of the model code prescribed by the regulations.

11 CITY PLANNING

11.1 DA/2019/682 for One Into 35 Lot Torrens Title Residential Subdivision, Boundary Adjustment, One Drainage/Public Reserve Lot at 35 Hillgate Drive, 30 Honeymyrtle Street, Thomas Coke Drive, John Arthur Avenue, Government Road, Thornton

| | |
|-----------------------------|---|
| FILE NO: | DA/2019/682 |
| 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 Coordinator Planning & Development Principal Planner |
| AUTHOR: | Principal Planner |
| APPLICANT: | Thornton Brentwood Pty Ltd |
| OWNER: | Thornton Brentwood Pty Ltd Maitland City Council Stannic Securities Pty Ltd |
| PROPOSAL: | One into 35 Lot Torrens Title Residential Subdivision, boundary adjustment, one drainage/public reserve lot, constructed in two stages |
| LOCATION: | 35 Hillgate Drive, Thornton (Lot 425 DP1262858) 30 Honeymyrtle Street, Thornton (Lot 206 DP1228517) Thomas Coke Drive, Thornton (Lot 1538 DP832922) 52 Thomas Coke Drive, Thornton (Lot 1094 DP807086) John Arthur Avenue, Thornton (Lot 848 DP703278) Government Road, Thornton (Lot 8884 DP786883) |
| ZONE: | R1 General Residential C3 Environmental Management RE1 Public Recreation |

EXECUTIVE SUMMARY

DA/2019/682 FOR ONE INTO 35 LOT TORRENS TITLE RESIDENTIAL SUBDIVISION, BOUNDARY ADJUSTMENT, ONE DRAINAGE/PUBLIC RESERVE LOT AT 35 HILLGATE DRIVE, 30 HONEYMYRTLE STREET, THOMAS COKE DRIVE, JOHN ARTHUR AVENUE, GOVERNMENT ROAD, THORNTON (Cont.)

*Development Application No. DA/2019/682 seeks development consent for a one into 35 Lot Torrens Title Residential Subdivision, boundary adjustment, one drainage/public reserve lot, constructed in two stages at the above-mentioned sites (refer to **Attachment 1** for the Locality Plan and **Attachment 2** for the Plans).*

The primary development site, which will contain the residential subdivision, is located at 35 Hillgate Drive, Thornton (previously known as 1 Westgate Avenue at the time of lodgement). It is proposed to extend Honeymyrtle Street through part of Council owned land, known as Allan & Don (A&D) Lawrence Oval, to the east across an existing gravel roadway that connects Thomas Coke Drive to the oval. This is subject to a reclassification of Community land to Operational land and a Voluntary Planning Agreement (VPA).

The proposal has been publicly notified / exhibited a total of three times with revised version of the development proposal, with one submission being received each time during the first two rounds of exhibition. No submissions were received during the third exhibition. The most recent development scheme (Revision O), the subject of this assessment, was not re-exhibited given the revised scheme differs only in minor respects from the previously notified scheme and does not result in greater environmental impacts. This is consistent with Council's CPP.

Whilst the Estimated Development Cost (EDC) and number of submissions does not exceed the General Managers delegations, the application is being reported to Council for determination due to the reclassification and proposed works on Council land.

*In summary, the application has been assessed against the relevant heads of consideration contained in section 4.15(1) of the Act (refer to **Attachment 3** for the Assessment Report) and considered to be satisfactory subject to the imposition of conditions of consent (refer to **Attachment 4** for the schedule of draft conditions), which includes a deferred commencement condition to ensure the reclassification is gazetted and the VPA executed.*

OFFICER'S RECOMMENDATION

THAT

- 1. DA/2019/682 for 35 Lot Torrens Title Residential Subdivision, boundary adjustment, one drainage reserve at 35 Hillgate Drive, 30 Honeymyrtle Street, Thomas Coke Drive, 52 Thomas Coke Drive, John Arthur Avenue and Government Road, Thornton is approved as a deferred commencement subject to the recommended schedule of conditions contained in Attachment 4 of this report.**

INTRODUCTION

The purpose of this report is to seek development consent from Council for DA/2019/682 proposing a one into 35 Lot Torrens Title Residential Subdivision, boundary adjustment, one drainage/public reserve lot, constructed in two stages at the above-mentioned sites.

DA/2019/682 FOR ONE INTO 35 LOT TORRENS TITLE RESIDENTIAL SUBDIVISION, BOUNDARY ADJUSTMENT, ONE DRAINAGE/PUBLIC RESERVE LOT AT 35 HILLGATE DRIVE, 30 HONEYMYRTLE STREET, THOMAS COKE DRIVE, JOHN ARTHUR AVENUE, GOVERNMENT ROAD, THORNTON (Cont.)

Whilst the EDC of \$2,495,498 does not exceed the General Managers delegations of \$10 million with less than five submissions received, the application is being reported to Council for determination due to the reclassification of Community land to Operational land and associated works on Council land.

A detailed assessment in accordance with Section 4.15 of the Act is provided within **Attachment 3** of this report.

BACKGROUND

This application is one of multiple development applications which make up Stage 1 of the Thornton North URA within the southern Government Road Precinct. The most relevant applications and development history are summarised below (refer to assessment report for more detail):

DA/2011/932 was approved by Council on 27 March 2018 for a Concept masterplan (refer to Figure 1 below) with Stage 1 Torrens Title Subdivision (72 residential lots) at 530 Raymond Terrace Road, Thornton. The proposed development formed part of Stage 2 of the Concept Approval.

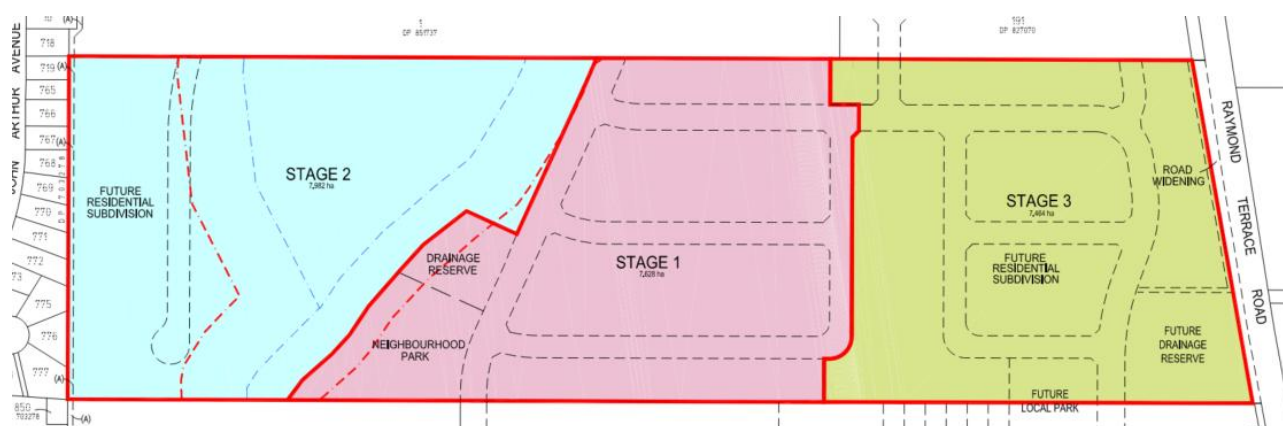


Figure 1 - Approved Staging Plan (Stage 2 relates to the subject application)

DA/2020/507 Stage 3 of the Concept Approval was approved by Council on 5 February 2021 for a Torrens Title Subdivision with 79 Lots (76 Residential Lots, 1 Superlot, 1 Public Reserve Lot and 1 Drainage Reserve Lot) at 1 Westgate Avenue, Thornton.

DA/2019/682

The subject development application was submitted to Council on 9 August 2019.

The application was put on hold on 20 August 2019 pending receipt of a Satisfactory Arrangement Certificate, which was later received from the former DPE on 31 August 2022.

The NSW RFS issued a RFI on 20 December 2019. In summary, they required a through road / perimeter road connecting the site to a public road network as subdivisions involving three or more allotments require more than one access road in and out of the development.

DA/2019/682 FOR ONE INTO 35 LOT TORRENS TITLE RESIDENTIAL SUBDIVISION, BOUNDARY ADJUSTMENT, ONE DRAINAGE/PUBLIC RESERVE LOT AT 35 HILLGATE DRIVE, 30 HONEYMYRTLE STREET, THOMAS COKE DRIVE, JOHN ARTHUR AVENUE, GOVERNMENT ROAD, THORNTON (Cont.)

The assessing officer at the time recommended a road connection through Council's public reserve known as A&D Lawrence Oval to the east. This was discussed and supported by management at the time (former Manager Engineering & Design (Kevin Stein), former Group Manager Culture, Community and Recreation (Judy Jager) and former Director City Planning (Matt Prendergast)).

The applicant has pursued the reclassification to overcome a fundamental bushfire access issue.

Reclassification and VPA

The proposed development now includes extending Honeymyrtle Street through Council owned land to the east of the subject site across an existing gravel roadway that connects Thomas Coke Drive to A&D Lawrence Oval to ensure compliance with Planning for Bush Fire Protection 2019.

As this Council owned land is classified as Community Land, a Planning Proposal (PP) was required to reclassify the land to Operational Land. At Council's meeting on 22 February 2022, Council resolved to submit a PP seeking a Gateway Determination to reclassify the land in question. Resulting from the PP process, a Voluntary Planning Agreement (VPA) has been entered into, with the final version of the offer featuring the following detail:

- Construction of a 114 space car park to Council's specifications and subject to a separate approval (refer to Figure 2 below), along with drainage upgrades and provision of connecting footpaths;
- Claiming 50% of the works (subject to a quantity surveyors report) as an offset to payable developer contributions;
- Dedication of residue land (C3 zoned land which forms part of a Sub-Regional Biodiversity Corridor within Council's Environmental Sustainability Strategy (ESS)) to Council;
- Payment of a cash maintenance and enhancement fund to Council for the dedicated land, as a further offset of remaining payable development contributions.

DA/2019/682 FOR ONE INTO 35 LOT TORRENS TITLE RESIDENTIAL SUBDIVISION, BOUNDARY ADJUSTMENT, ONE DRAINAGE/PUBLIC RESERVE LOT AT 35 HILLGATE DRIVE, 30 HONEYMYRTLE STREET, THOMAS COKE DRIVE, JOHN ARTHUR AVENUE, GOVERNMENT ROAD, THORNTON (Cont.)

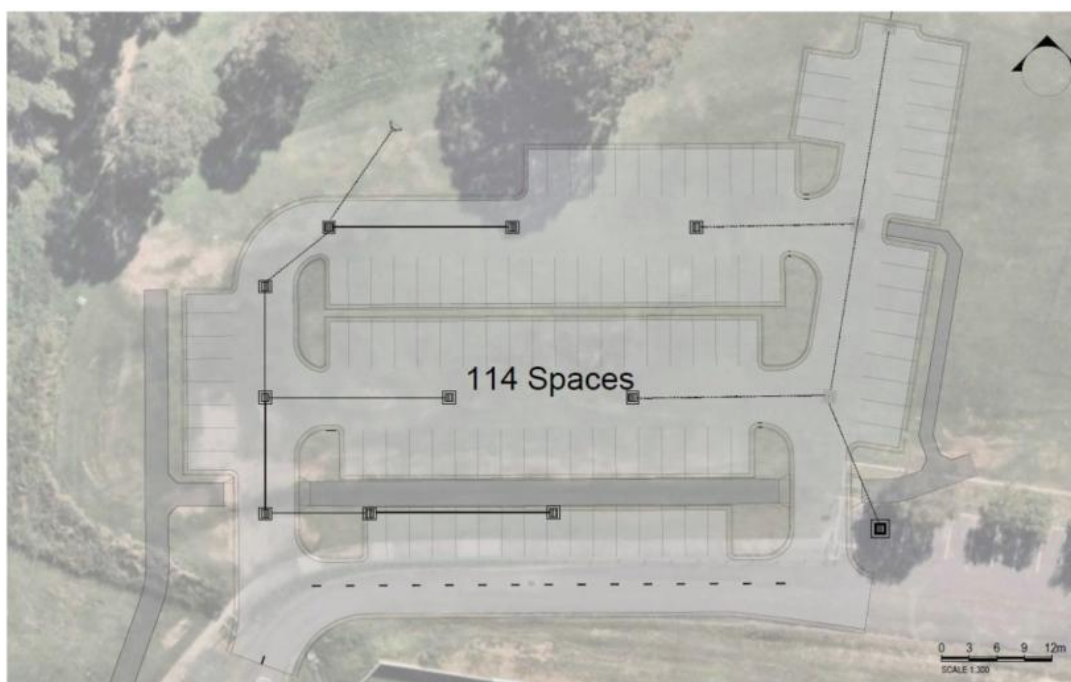


Figure 2 – Indicative Carpark Layout (subject to separate approval)

At the Council meeting on 15 July 2025, Council resolved to make the PP to reclassify the land, and to accept in principle the VPA offer from Thornton Brentwood Pty Ltd.

Council is currently awaiting the gazettal of the reclassification which is imminent and certain and likely to occur before the end of 2025. However, as this has not yet occurred, it is the recommendation of this report that a deferred commencement condition be imposed requiring gazettal of the reclassification and execution of the VPA (as per our VPA Policy) be satisfied prior to the consent being activated.

SITE DESCRIPTION

The legal description of the primary land on which the development is to be carried out is Lot 425 DP1262858, known as 35 Hillgate Drive, Thornton (refer to Figure 3 below), previously known as 1 Westgate Avenue at the time of lodgement. This site is irregular in shape with an area of 7.818 ha and is zoned R1 General Residential and C3 Environmental Management under the MLEP 2011. The site is located within the Thornton North Urban Release Area (URA).

The proposed works on Council land include the following sites, which make up part of A&D Lawrence Oval:

- Thomas Coke Drive, Thornton (Lot 1538 DP832922);
- 52 Thomas Coke Drive, Thornton (Lot 1094 DP807086);
- John Arthur Avenue, Thornton (Lot 848 DP 703278);
- Government Road, Thornton (Lot 8884 DP786883).

DA/2019/682 FOR ONE INTO 35 LOT TORRENS TITLE RESIDENTIAL SUBDIVISION, BOUNDARY ADJUSTMENT, ONE DRAINAGE/PUBLIC RESERVE LOT AT 35 HILLGATE DRIVE, 30 HONEYMYRTLE STREET, THOMAS COKE DRIVE, JOHN ARTHUR AVENUE, GOVERNMENT ROAD, THORNTON (Cont.)

A first and second order watercourse traverses the mid-section of the site (blue line in Figure 3 below). The site is heavily vegetated and contains native vegetation including Endangered Ecological Community (EEC) – Lower Hunter Spotted Gum – Red Ironbark – Grey Gum Shrub – Grass Open Forest and Forest Red Gum grassy open forest on floodplains of the Lower Hunter. A Sub Regional Biodiversity Corridor traverses the mid section of the site in an east-west direction (red line in Figure 3 below). This mid to north section of the site forms part of the GreenBlue Grid.



Figure 3 – Aerial map (primary development site at 35 Hillgate Drive shown shaded in blue)

DA/2019/682 FOR ONE INTO 35 LOT TORRENS TITLE RESIDENTIAL SUBDIVISION, BOUNDARY ADJUSTMENT, ONE DRAINAGE/PUBLIC RESERVE LOT AT 35 HILLGATE DRIVE, 30 HONEYMYRTLE STREET, THOMAS COKE DRIVE, JOHN ARTHUR AVENUE, GOVERNMENT ROAD, THORNTON (Cont.)



Figure 4 – Aerial map context

PROPOSAL

The development application proposes the following works at the above-mentioned site (refer to **Attachment 2 – Development Plans**):

- One into 35 Lot Torrens Title Residential Subdivision delivered in two stages.
- Boundary adjustment of 30 Honeymyrtle Street from 1068m² to 492.9m² to extend the public road network (Honeymyrtle Street).
- Residential lots range in size from 450.8m² to 708.8m²;
- One drainage / public reserve lot (Lot 236) with a total site area of 5.01 ha, which will be dedicated to Council through a Voluntary Planning Agreement (VPA).
- Associated works including vegetation clearing, bulk earthworks, road construction, stormwater infrastructure, essential service infrastructure and landscaping.

The development is proposed to be carried out in two stages as follows:

Stage 1 (SWC01): Construction of access off Thomas Coke Drive and A&D Lawrence Carpark (subject to separate approval).

Stage 2 (SWC02) – Subdivision Works: Completion of residential subdivision and associated works.

Note: It is important to highlight the carpark design does not form part of this application and will be subject to a separate approval. Whilst the submitted plans show the carpark design, this is to understand how the proposed works marry into the future car park design.

KEY ISSUES

The proposed development is a medium-scale subdivision and a summary of the key issues are presented in this report as follows:

Public Consultation

DA/2019/682 FOR ONE INTO 35 LOT TORRENS TITLE RESIDENTIAL SUBDIVISION, BOUNDARY ADJUSTMENT, ONE DRAINAGE/PUBLIC RESERVE LOT AT 35 HILLGATE DRIVE, 30 HONEYMYRTLE STREET, THOMAS COKE DRIVE, JOHN ARTHUR AVENUE, GOVERNMENT ROAD, THORNTON (Cont.)

The proposal has been publicly notified / exhibited a total of three times with revised version of the development proposal, with one submission being received each time during the first two rounds of exhibition. No submissions were received during the third exhibition. The most recent development scheme (Revision O), the subject of this assessment, was not re-exhibited given the revised scheme differs only in minor respects from the previously notified scheme and does not result in greater environmental impacts. This is consistent with Council's CPP.

A copy of the submissions are contained within **Attachment 5** and in summary relate to the following issues:

- Infrastructure and services strain on Thornton;
- Increase in traffic;
- Alternative transport options;
- Impact on the environment;
- Loss of native vegetation;
- Impact on A&D Lawrence Oval; and
- Vehicular and pedestrian safety.

The matters raised in these submissions have been adequately addressed in the officer's assessment report provided in **Attachment 4**.

Aboriginal Heritage

In regard to Aboriginal Heritage, an AHIMS search revealed 14 Aboriginal sites recorded in or near 50m of the site with no Aboriginal places declared in or near the location.

Biosis was engaged by the applicant to prepare an Aboriginal Cultural Heritage Assessment (ACHR), version 3, dated 20 May 2022, for this development. This assessment included a field survey and test excavations. As a result of the assessment, Biosis identified that impacts to Aboriginal cultural heritage items would occur, therefore an application for an Aboriginal Heritage Impact Permit (AHIP) issued under *Section 90 of NP&W Act* is required.

Biosis recommended that an application be made for an AHIP for eight sites. It was further recommended that four sites be salvaged through community collection under an AHIP and in accordance with a Community Collection Methodology prior to works commencing, and that ongoing consultation with registered Aboriginal stakeholders continue regarding the management of Aboriginal cultural heritage within the study area throughout the project's duration.

The application was referred to Mindaribba Local Aboriginal Land Council on 1 March 2022 with no submission received.

Subject to approval, appropriate conditions will be included on any development consent issued to ensure that an AHIP is obtained prior to any works commencing on site.

Biodiversity

DA/2019/682 FOR ONE INTO 35 LOT TORRENS TITLE RESIDENTIAL SUBDIVISION, BOUNDARY ADJUSTMENT, ONE DRAINAGE/PUBLIC RESERVE LOT AT 35 HILLGATE DRIVE, 30 HONEYMYRTLE STREET, THOMAS COKE DRIVE, JOHN ARTHUR AVENUE, GOVERNMENT ROAD, THORNTON (Cont.)

The Biodiversity Conservation (BC) Act 2016 establishes a hierarchy for dealing with the impact of development on biodiversity values, firstly by way of avoidance of impacts, secondly by minimisation of them and lastly for offsets as the last resort.

In accordance with the provisions of the *BC Act 2016*, there are a number of triggers for an assessment under the Biodiversity Offset Scheme (BOS) and preparation of a Biodiversity Development Assessment Report (BDAR). The proposed development will directly impact approximately 2.39 ha of native vegetation (refer to Figure 5 below). The BOS therefore applies and accordingly the applicant has submitted a revised BDAR, version 2, dated 9 September 2025, prepared by Biosis. The direct impact arising from the proposed development include:

- Removal of 2.37 hectares of moderate condition PCT 1592 consistent with *Lower Hunter Spotted Gum - Ironbark Forest in the Sydney Basin Bioregion* EEC listed under the BC Act.
- Removal of 0.02 hectares of moderate condition PCT 1598 consistent with *Hunter Lowland Redgum Forest in the Sydney Basin and New South Wales North Coast Bioregions* (BC Act, EEC) and *River-flat Eucalypt Forest on coastal floodplains of southern NSW and eastern Victoria* (EPBC Act, CEEC).
- Removal of a total of 2.39 hectares of native vegetation providing foraging resources for threatened fauna.
- Removal of 34 hollow-bearing trees providing potential nesting for Brush-tail Phascogale, and/or roosting for microbats.



Figure 5 – Development footprint

Following review, Council's Ecologist did not support the proposal, advising that it fails to meet the minimum provisions of the BC Act 2016 and the objectives of the C3 Environmental Management zone under the MLEP 2011. The detention basin remains substantially within riparian C3 zoned land, resulting in permanent loss of riparian vegetation, impacts to a second order stream, and loss of land supporting high biodiversity values within Council's Green and Blue Grid. These impacts represent a failure to reasonably avoid and minimise impacts, particularly as stormwater infrastructure is proposed within environmental zoned

DA/2019/682 FOR ONE INTO 35 LOT TORRENS TITLE RESIDENTIAL SUBDIVISION, BOUNDARY ADJUSTMENT, ONE DRAINAGE/PUBLIC RESERVE LOT AT 35 HILLGATE DRIVE, 30 HONEYMYRTLE STREET, THOMAS COKE DRIVE, JOHN ARTHUR AVENUE, GOVERNMENT ROAD, THORNTON (Cont.)

rather than residential zoned land. As a result, the proposal conflicts with the objectives of the C3 zone, which seek to protect areas with special ecological values and prevent adverse effects on those values.

Planning comment: Respectfully, Council's Assessing Officer does not concur with Council's Ecologist for the following reasons:

- The southern portion of the site has been rezoned R1 General Residential for residential purposes to accommodate housing. The original rezoning explored biodiversity, which informed the resulting zoning outcomes.
- The proposed subdivision represents a logical extension of the adjoining subdivision to the west and supports the objectives of the R1 zone (refer to zoning discussion in the LEP discussion of the assessment report);
- The proposed development is generally consistent with the Concept Approval (DA/2011/932) previously granted by Council (refer to relevant history);
- The proposed development is consistent with the Thornton North Area Plan and Thornton North – Government Road Precinct (refer to DCP section of the report);
- The proposed works within 40m of a watercourse are supported by DPE-W. GTA's have been issued;
- The applicant proposes to dedicate the drainage / public reserve lot (Lot 236) to Council, which is zoned C3 Environmental Management and forms part of a Sub-Regional Biodiversity Corridor within Council's ESS and part of the blue green grid. Dedication of this land will enable protection of the corridor, which aligns with the Maitland ESS Target to 1.1 Deliver Functional Biodiversity Corridors. If left in private ownership, the site is likely to be affected by ongoing degradation. In taking on ownership of this natural asset, Council can manage the land to provide ongoing positive environmental outcomes within the TNURA.
- The applicant has attempted to avoid and minimise before offsetting, which respects the hierarchy established by the BC Act 2016 and reinforced by the Land and Environment Court in recent case law.
- The applicant has amended their scheme to:
 - Relocate the basin design to avoid hollow bearing trees in the C3 zoned land.
 - Increase BAL leaves to avoid APZ's extending into the C3 zone (outside of the road and road reserve).
 - Lot layout redesign and portion of R1 General Residential zoned land utilised for the basin.
 - Batters steepened on Honeymyrtle Street to mitigate/reduce impact footprint on C3 zoned land.
 - Dense planting of batters and basin in accordance with the proposed landscaping plans.
 - Reduced APZ on the development where feasible in consultation with the bushfire consultant.

Whilst the removal of 2.39 ha of native vegetation is not to be taken likely, for the reasons provided above, Council's Assessing Officer recommends approval subject to the imposition of appropriate biodiversity conditions, which have been included within the draft conditions of consent contained within **Attachment 4** of the Council report. This includes:

DA/2019/682 FOR ONE INTO 35 LOT TORRENS TITLE RESIDENTIAL SUBDIVISION, BOUNDARY ADJUSTMENT, ONE DRAINAGE/PUBLIC RESERVE LOT AT 35 HILLGATE DRIVE, 30 HONEYMYRTLE STREET, THOMAS COKE DRIVE, JOHN ARTHUR AVENUE, GOVERNMENT ROAD, THORNTON (Cont.)

- Ecosystem credit retirement by payment to the Biodiversity Conservation Fund (BCF);
- Species credit retirement by payment to the BCF;
- Preparation of a detailed Biodiversity Management Plan (BMP);
- Artificial hollow installation and monitoring;
- Preparation of a Vegetation Management Plan (VMP);
- Security for the VMP;
- Implementation and monitoring of the VMP; and
- Clearing strategy implementation.

Bushfire

The applicant has amended their scheme on numerous occasions to address ongoing compliance issues with Planning for Bush Fire Protection 2019 and previous GTA's issued by the NSW RFS that could not be complied with. The reclassification of A&D Lawrence Oval has been designed to facilitate the extension of Honeymyrtle Street and provide a through road.

The subject site is mapped as bushfire prone land – Vegetation Category 1 & 3. The revised development scheme was accompanied by a revised Bushfire Assessment Report (BAR), Version 3, dated 24 October 2024, prepared by Firebird EcoSultants Pty Ltd, and addendum, dated 15 April 2025. The BAR concludes the bushfire hazard the proposed development is exposed to can be successfully mitigated by applying a combination of bushfire mitigation measures including Bushfire Attack Levels (BAL) and Asset Protection Zones (APZs).

Accordingly, the application was referred to the NSW RFS as integrated development. The NSW RFS issued their revised GTA's on 21 May 2025. These GTA's will be included on any development consent issued.

Construction Management

It is acknowledged that there will be some disruptions to the users of A&D Lawrence Oval during the construction period and this will need to be carefully managed. However, construction impacts are expected to be short term and limited to the construction program and need to be weighed up against the long-term improvements for users of the Sportsground. Appropriate conditions including a Bulk Earthworks Management Plan (BEMP), Construction Management Plan (CMP) and Construction Dust Management Plan will assist in managing environmental impacts and will be developed by the contractor for approval by Council.

DA/2019/682 FOR ONE INTO 35 LOT TORRENS TITLE RESIDENTIAL SUBDIVISION, BOUNDARY ADJUSTMENT, ONE DRAINAGE/PUBLIC RESERVE LOT AT 35 HILLGATE DRIVE, 30 HONEYMYRTLE STREET, THOMAS COKE DRIVE, JOHN ARTHUR AVENUE, GOVERNMENT ROAD, THORNTON (Cont.)

Contamination

A Detailed Site Investigation (DSI) Report, dated 6 November 2025, prepared by Qualtest Laboratory Pty Ltd, has been submitted to support the application. Based on the results of the DSI it is considered the site can be made suitable for the proposed residential subdivision, with the following recommendations:

- Preparation and implementation of a Remediation Action Plan (RAP) will be required to outline the removal and remediation of identified contamination in the DSI, including waste materials.
- Preparation of a Validation report, following remediation works.
- Preparation of an Unexpected Finds Procedure (UFP) to be included in the Construction Environmental Management Plan, and implemented during earthworks.

In summary, subject to the imposition of standard conditions of consent, the proposed development is considered suited to its intended use as a residential subdivision.

Reclassification

The reclassification of Community land to Operational land in A&D Lawrence Oval to facilitate a secondary access road to comply with the NSW RFS's GTA's has been adequately discussed in the background section of this Council report.

Council is currently awaiting the gazettal of the reclassification which is imminent and certain and likely to occur before the end of 2025. However, as this has not yet occurred, it is the recommendation of this report that a deferred commencement condition be imposed requiring gazettal of the reclassification and execution of the VPA (as per our VPA Policy) be satisfied prior to the consent being activated.

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

This application has been assessed against the relevant heads of consideration in section 4.15(1) of the Act as acceptable and is recommended for approval subject to the conditions contained in **Attachment 4** of the report.

DA/2019/682 FOR ONE INTO 35 LOT TORRENS TITLE RESIDENTIAL SUBDIVISION, BOUNDARY ADJUSTMENT, ONE DRAINAGE/PUBLIC RESERVE LOT AT 35 HILLGATE DRIVE, 30 HONEYMYRTLE STREET, THOMAS COKE DRIVE, JOHN ARTHUR AVENUE, GOVERNMENT ROAD, THORNTON (Cont.)

City Planning

DA/2019/682 for One Into 35 Lot Torrens Title Residential Subdivision, Boundary Adjustment, One Drainage/Public Reserve Lot at 35 Hillgate Drive, 30 Honeymyrle Street, Thomas Coke Drive, John Arthur Avenue, Government Road, Thornton

Locality Plan

Meeting Date: 9 December 2025

Attachment No: 1

Number of Pages: 1

DA/2019/682 FOR ONE INTO 35 LOT TORRENS TITLE RESIDENTIAL SUBDIVISION, BOUNDARY ADJUSTMENT, ONE DRAINAGE/PUBLIC RESERVE LOT AT 35 HILLGATE DRIVE, 30 HONEYMYRTLE STREET, THOMAS COKE DRIVE, JOHN ARTHUR AVENUE, GOVERNMENT ROAD, THORNTON (Cont.)



DA/2019/682 FOR ONE INTO 35 LOT TORRENS TITLE RESIDENTIAL SUBDIVISION, BOUNDARY ADJUSTMENT, ONE DRAINAGE/PUBLIC RESERVE LOT AT 35 HILLGATE DRIVE, 30 HONEYMYRTLE STREET, THOMAS COKE DRIVE, JOHN ARTHUR AVENUE, GOVERNMENT ROAD, THORNTON (Cont.)

City Planning

**DA/2019/682 for One Into 35 Lot Torrens
Title Residential Subdivision, Boundary
Adjustment, One Drainage/Public
Reserve Lot at 35 Hillgate Drive, 30
Honeymyrle Street, Thomas Coke Drive,
John Arthur Avenue, Government Road,
Thornton**

Development Plans

Meeting Date: 9 December 2025

Attachment No: 2

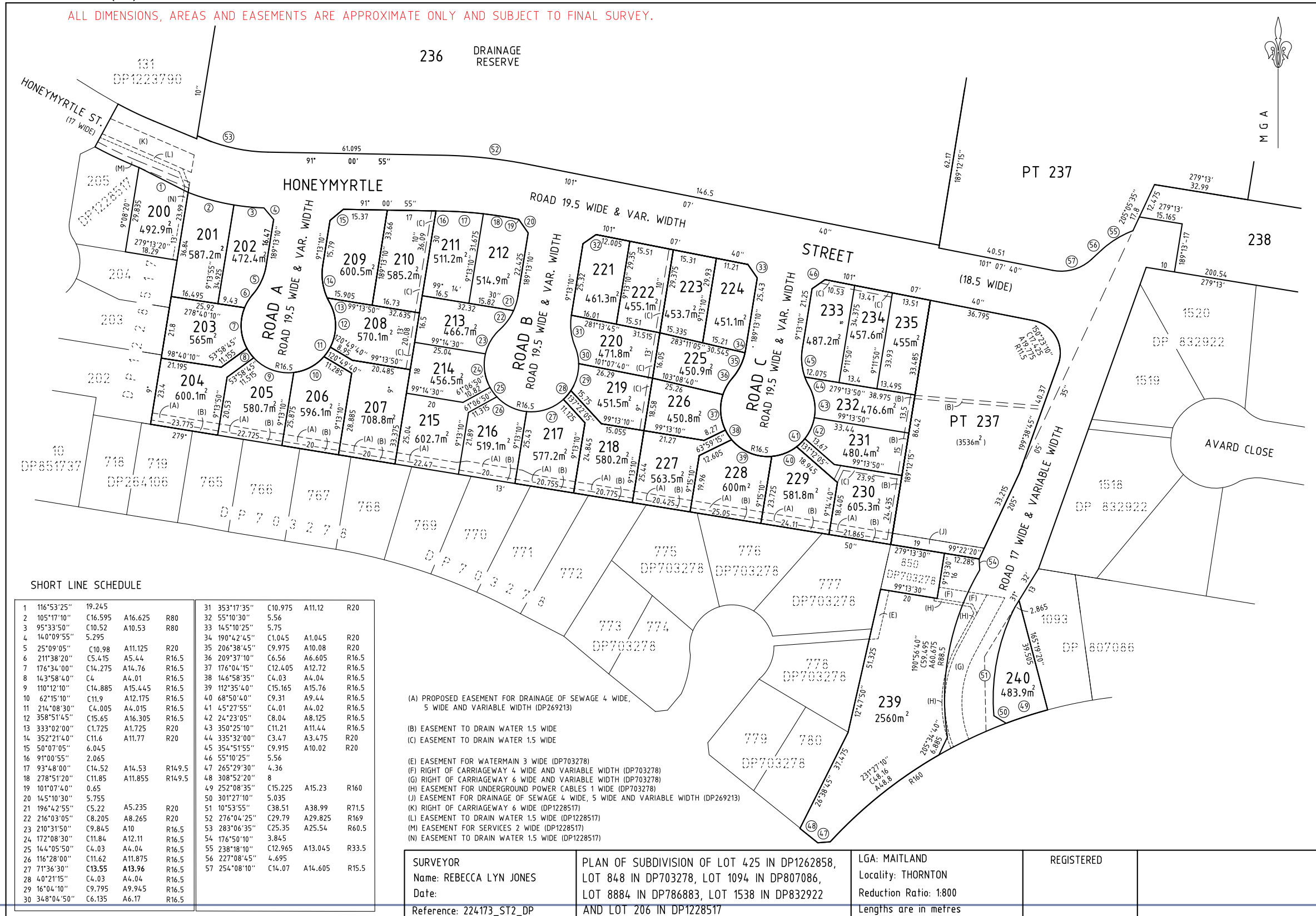
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DA/2019/682 FOR ONE INTO 35 LOT TORRENS TITLE RESIDENTIAL SUBDIVISION, BOUNDARY ADJUSTMENT, ONE DRAINAGE/PUBLIC RESERVE LOT AT 35 HILLGATE DRIVE, 30 HONEYMYRTLE STREET, THOMAS COKE DRIVE, JOHN ARTHUR AVENUE, GOVERNMENT ROAD, THORNTON (Cont.)

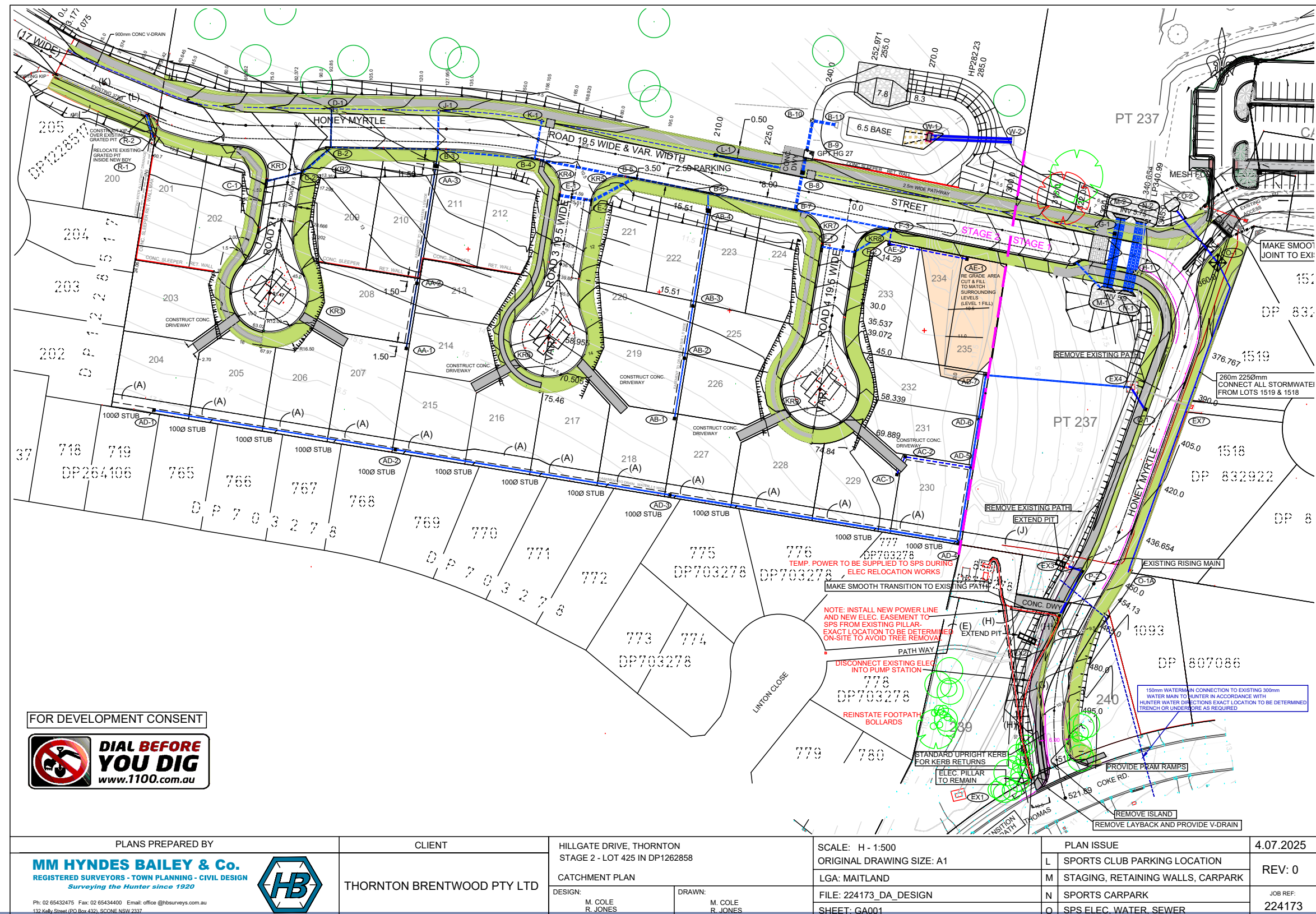
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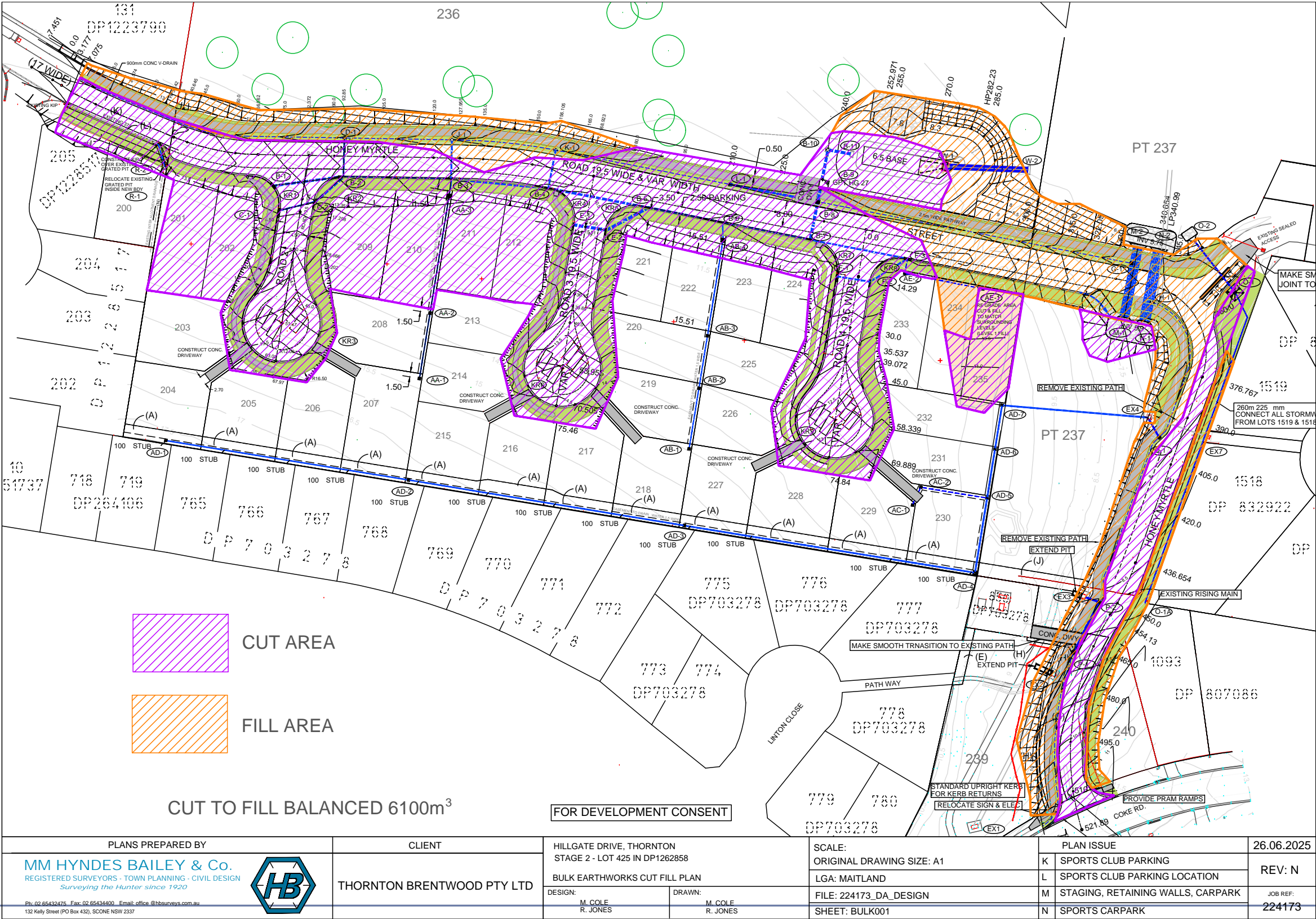
SHEET 2 OF 2 SHEETS



DA/2019/682 FOR ONE INTO 35 LOT TORRENS TITLE RESIDENTIAL SUBDIVISION, BOUNDARY ADJUSTMENT, ONE DRAINAGE/PUBLIC RESERVE LOT AT 35 HILLGATE DRIVE, 30 HONEYMYRTLE STREET, THOMAS COKE DRIVE, JOHN ARTHUR AVENUE, GOVERNMENT ROAD, THORNTON (Cont.)



DA/2019/682 FOR ONE INTO 35 LOT TORRENS TITLE RESIDENTIAL SUBDIVISION, BOUNDARY ADJUSTMENT, ONE DRAINAGE/PUBLIC RESERVE LOT AT 35 HILLGATE DRIVE, 30 HONEYMYRTLE STREET, THOMAS COKE DRIVE, JOHN ARTHUR AVENUE, GOVERNMENT ROAD, THORNTON (Cont.)



DA/2019/682 FOR ONE INTO 35 LOT TORRENS TITLE RESIDENTIAL SUBDIVISION,
BOUNDARY ADJUSTMENT, ONE DRAINAGE/PUBLIC RESERVE LOT AT 35 HILLGATE DRIVE, 30
HONEYMYRTLE STREET, THOMAS COKE DRIVE, JOHN ARTHUR AVENUE, GOVERNMENT ROAD,
THORNTON (Cont.)

City Planning

**DA/2019/682 for One Into 35 Lot
Torrens Title Residential
Subdivision, Boundary
Adjustment, One Drainage/Public
Reserve Lot at 35 Hillgate Drive,
30 Honeymyrtle Street, Thomas
Coke Drive, John Arthur Avenue,
Government Road, Thornton**

Submissions

Meeting Date: 9 December 2025

Attachment No: 5

Number of Pages: 2

DA/2019/682 FOR ONE INTO 35 LOT TORRENS TITLE RESIDENTIAL SUBDIVISION, BOUNDARY ADJUSTMENT, ONE DRAINAGE/PUBLIC RESERVE LOT AT 35 HILLGATE DRIVE, 30 HONEYMYRTLE STREET, THOMAS COKE DRIVE, JOHN ARTHUR AVENUE, GOVERNMENT ROAD, THORNTON (Cont.)

From: [REDACTED]
Sent: Friday, 13 September 2019 7:20 PM
To: Internet
Subject: LOT 20 DP10419

I object to this and to all further housing developments in and around Thornton which are adding to the already strained infrastructure of the suburb and surrounds.

The school, shopping centre and roads are all stretched to breaking point. Traffic flowing from Raymond Terrace Rd, through Government Rd, Edwards Ave and Thornton Rd is already excessive with vehicles long queues of vehicles lined up. Or ing and evening getting in to and out of Thornton. An alternate transport option from Raymond Terrace Rd to the A43 and Weakleys Dr is desperately needed to alleviate the problem before further housing developments can be considered.

I am not a member of any political party, nor have I ever donated to any political party.

Regards

[REDACTED]
[REDACTED]
[REDACTED]

Sent from my iPad

DA/2019/682 FOR ONE INTO 35 LOT TORRENS TITLE RESIDENTIAL SUBDIVISION, BOUNDARY ADJUSTMENT, ONE DRAINAGE/PUBLIC RESERVE LOT AT 35 HILLGATE DRIVE, 30 HONEYMYRTLE STREET, THOMAS COKE DRIVE, JOHN ARTHUR AVENUE, GOVERNMENT ROAD, THORNTON (Cont.)

SENT 13/7/2022

To Maitland City Council

Planning and Development Department

Re: DA/2019/682 Referring to the extension of Honeymyrtle Drive and subdivision of 31 residential lots.

I wish to make a submission strongly opposing this development on the following grounds.

1. The impact this development will have on the environment.

This is one of the very last strips of natural bushland in the Thornton precinct and as such is home to a large range of flora and fauna. This development would destroy the natural habitat and force the local wildlife out. It would destroy the natural bushland and would have the obvious affects to our air quality. These trees will not be able to be replaced in sufficient numbers.

2. Interaction to activities on the Alan and Don Lawrence sporting fields.

The area where the extension to Honeymyrtle Road joins the oval access road is currently used as a thoroughfare for persons accessing the oval and its sporting and play facilities. It is also used by school children and people using it as a shortcut to Notting Hill and Brentwood subdivisions. It is my opinion that the extra traffic would cause an unacceptable risk to these pedestrians.

3. Traffic congestion and access to the oval

It is well known by all Thornton residents that the traffic congestion has become a serious concern. I believe that this development would only exacerbate these problems. In particular, the proposed new junction where Honeymyrtle Drive would meet Thomas Coke Drive would potentially become a very dangerous access point due to its proximity to a sweeping corner and school bus stop.

As a long-term Thornton resident and having lived in [REDACTED] this development for [REDACTED] I am not opposed to development as such. I feel that much more consideration must be given to the environmental impact of this development and also the pedestrian and motor vehicle congestion this development potentially creates.

I feel I speak for the majority of [REDACTED] as well as many residents of Thornton and surrounding suburbs who are fed up with the continuing development without the vital infrastructure.

I am also very concerned with the lack of transparency as we were only notified about 2 weeks ago and the majority of our fellow [REDACTED] residents received no notification.

I put forward this submission on behalf of myself and our fellow [REDACTED] in the hope that these concerns can be properly considered and addressed.

I feel that many other Thornton residents will share our views and concerns and are unaware of this proposal.

I look forward to receiving any further updates or information surrounding this development and would be most grateful to know when this is due to be discussed at a council meeting.

Yours sincerely



| | |
|----------|-----------------|
| DOC No. | |
| REC'D | 20 JUL 2022 MCC |
| FILE No. | |
| REFER | |

11.2 Exhibition of Voluntary Planning Agreement – Dedication of Biodiversity Land – Caldera Street Chisholm – Avid Residential Estates

| | |
|-----------------------------|--|
| FILE NO: | 107/41/75 |
| ATTACHMENTS: | 1. Letter of Offer 2. Draft Voluntary Planning Agreement (Under Separate Cover) |
| RESPONSIBLE OFFICER: | Director City Planning Manager Strategic Planning Coordinator City Planning Principal Development Contributions Planner |
| AUTHOR: | Development Contributions Officer |
| MAITLAND +10 | Outcome 1 Liveable Maitland |
| COUNCIL OBJECTIVE: | 1.1.3 Housing diversity |

EXECUTIVE SUMMARY

This report informs Council of a Letter of Offer from AVID Residential Estates Pty Ltd (AVID) to enter into a Voluntary Planning Agreement (VPA) with Council for the dedication of biodiversity land located at Billabong Parade and 7 Caldera Street, Chisholm. The proposed VPA is associated with Development Application DA 2023/497 for a residential subdivision that includes a Biodiversity Management Plan (BMP) to restore and conserve the identified land.

This report seeks Council's support to accept the offer and to exhibit the draft VPA for a period of 28 days. Should no objections be received during the exhibition period, delegation is sought for the General Manager to finalise and execute the Agreement.

OFFICER'S RECOMMENDATION

THAT

1. Council notes and accepts the Letter of Offer (Attachment 1) from AVID Residential Estates Pty Ltd to enter into Voluntary Planning Agreement in relation to DA 2023/497.
2. Council endorses the draft Voluntary Planning Agreement (Attachment 2) to be placed on public exhibition for a period of 28 days, excluding the period of 20 December 2025 to 10 January 2026, in accordance with the EP&A Act 1979.
3. Should there be no submissions of objection:
 - a. Council executes the Voluntary Planning Agreement.

- b. Council delegates any minor changes of the Voluntary Planning Agreement to the General Manager. Any significant changes will result in a further report and recommendation to Council.**

REPORT

On 5 June 2023, AVID Residential Estates Pty Ltd (AVID) submitted DA 2023/497 for a 281-lot residential subdivision at 7 Caldera Street, Chisholm. The site is located within the Thornton North Urban Release Area (TNURA) and is subject to Section 7.11 contributions under the Thornton North Infrastructure Contributions Plan 2008.

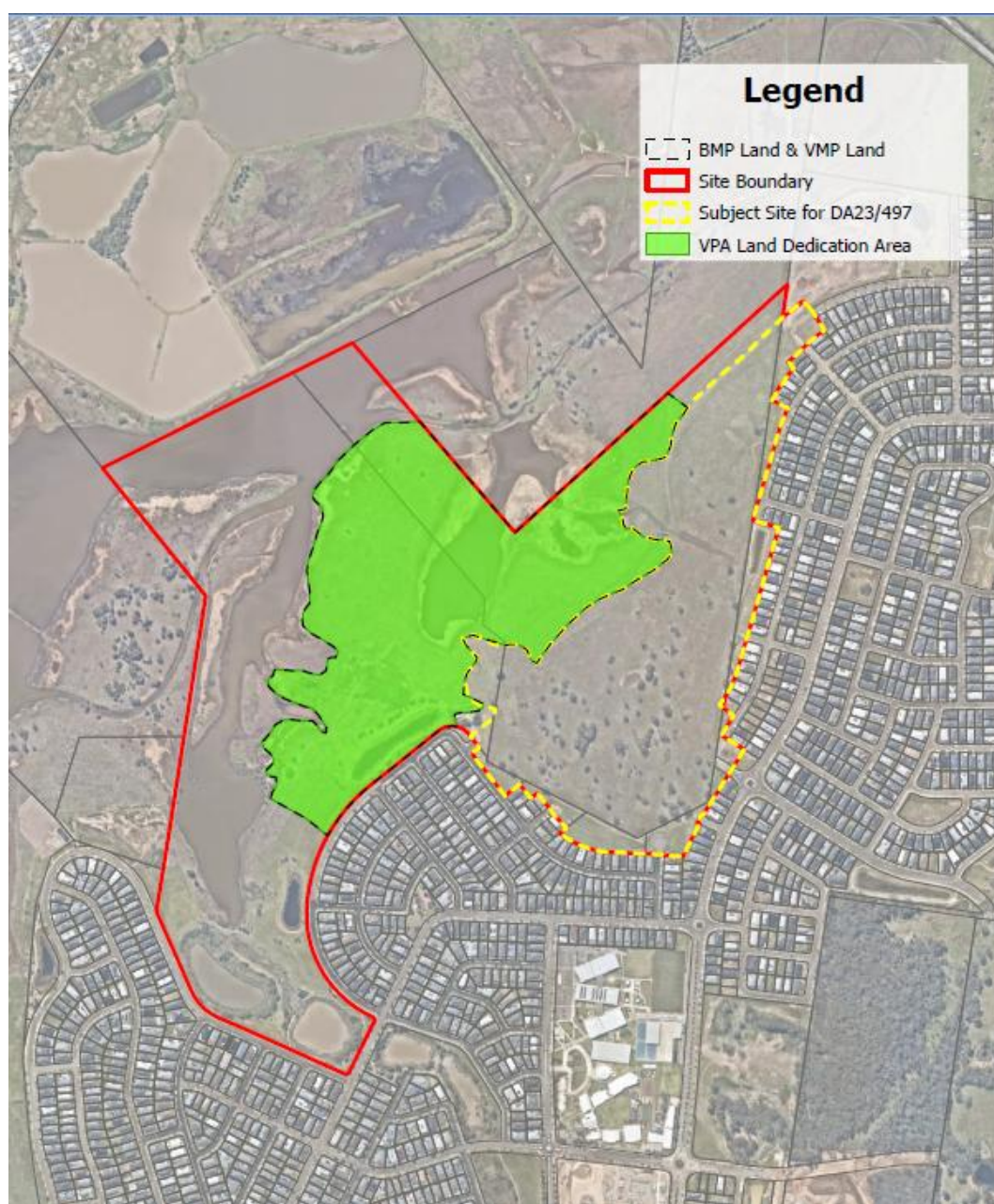


Figure 1 – Proposed Development Site for DA 2023/497 (yellow hatch) and Land Dedication (shaded green) under Voluntary Planning Agreement

EXHIBITION OF VOLUNTARY PLANNING AGREEMENT - DEDICATION OF BIODIVERSITY LAND - CALDERA STREET CHISHOLM - AVID RESIDENTIAL ESTATES (Cont.)

Through the development assessment process it was identified that part of the site is within a regional biodiversity corridor aligned with Four Mile Creek and Tenambit Wetlands. Advice from Council's Environment and Sustainability team confirmed that restoration of this area would enhance ecological function, support implementation of the Maitland Environmental Sustainability Strategy, and contribute to improved wetland health.

Prior to completion of the assessment of the development application, AVID appealed the development application under the deemed refusal provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act). A conciliation conference was held on 2 September 2024 and subsequently adjourned to allow additional information to be provided in response to matters raised in relation to flooding, stormwater management, biodiversity, and key fish habitats on the development site.

AVID subsequently submitted revised plans and a Biodiversity Management Plan (BMP) relating to the biodiversity land identified in Figure 1. The key objective of the BMP is to establish a long-term environmental conservation area that can regenerate naturally and require only nominal ongoing maintenance. The Land and Environment Court approved the development application subject to a condition requiring that the key components of the BMP, the Biodiversity Works Management Plan (BWMP) and Vegetation Management Plan (VMP), be implemented and completed prior to the conclusion of their respective maintenance periods. This approach minimises ongoing vegetation management responsibilities for Council.

As part of the without-prejudice process associated with the Land and Environment Court proceedings, which allows parties to explore potential resolutions without affecting the formal determination of the appeal, AVID proposed to dedicate to Council the land subject to the VMP works. Legal advice has confirmed that this dedication should occur through a VPA, rather than by condition of consent, to ensure a binding mechanism directly linked to the development approval.

By taking ownership of this natural asset, Council can manage the land to provide ongoing positive environmental, educational and recreational outcomes. Requiring the preparation and completion of the BWMP and VMP in conjunction with the VPA ensures restoration outcomes are achieved prior to dedication, supporting a financially sustainable approach to natural asset acquisition.

On 25 October 2024, Council received an initial Letter of Offer from AVID requesting to enter into a VPA for the dedication of the biodiversity land. An updated Letter of Offer was received on 16 December 2024 (Attachment 1), expanding the area of land to be dedicated in accordance with the VMP. Development Consent DA 2023/497 includes a condition requiring AVID to enter into a VPA with Council consistent with this Letter of Offer.

The Letter of Offer proposes the following key terms:

- Dedication of the VMP Land to Council upon registration of the subdivision for the final development stage in DA 2023/497.

EXHIBITION OF VOLUNTARY PLANNING AGREEMENT - DEDICATION OF BIODIVERSITY LAND - CALDERA STREET CHISHOLM - AVID RESIDENTIAL ESTATES (Cont.)

- Provision for Council to compulsorily acquire the land for a nominal amount of \$1 if AVID fails to dedicate the land as required under the VPA, with Council entitled to call on the security bond to cover any legal costs associated with the acquisition.
- Implementation of BWMP and VMP works over a seven-year period, with all maintenance costs to be borne by AVID.
- Lodgement of a security bond or bank guarantee equal to 120% of the outstanding maintenance costs prior to the issue of the final subdivision certificate.
- Rectification by AVID of any defects or omissions within the maintenance period.
- Retention of applicable Section 7.11 contributions conditions under DA 2023/497 (ie no offsetting of developer contributions).

Council officers have reviewed the Letter of Offer and consider the proposed terms to be consistent with Council's Planning Agreements Policy and the provisions of the *Environmental Planning and Assessment Act 1979*. The proposed VPA provides a transparent and legally binding mechanism to secure the dedication and long-term management of the biodiversity land, complementing the restoration works required under the approved development consent.

The draft VPA, provided as Attachment 2, has been prepared by an external legal team, reviewed by AVID and Council staff, and is consistent with the terms outlined in the Letter of Offer. The agreement ensures that restoration and maintenance obligations are fulfilled by the developer before Council assumes ownership, minimising long-term financial and operational impacts. It also aligns with Council's broader objectives for environmental sustainability and enhancement of the regional biodiversity corridor adjoining Four Mile Creek and the Tenambit Wetlands.

CONCLUSION

The proposed Voluntary Planning Agreement (VPA) provides a mechanism to secure the dedication and restoration of important biodiversity land, consistent with Council's environmental sustainability objectives and legal obligations.

In accordance with the *Environmental Planning and Assessment Regulation 2021*, the draft VPA must be publicly exhibited for a period of 28 days, excluding the period between 20 December 2025 and 10 January 2026, as required under Schedule 1 of the *Environmental Planning and Assessment Act 1979*. This report seeks Council's endorsement to exhibit the draft Voluntary Planning Agreement and delegate authority to the General Manager to finalise and execute the VPA if no objections are received. Should changes other than minor amendments to the VPA be required, a further report will be presented to Council for consideration.

CONSULTATION

Consultation has taken place with Council's Development Assessment, and Environment and Sustainability teams to ensure that the environmental requirements of the development are appropriately addressed in the VPA.

EXHIBITION OF VOLUNTARY PLANNING AGREEMENT - DEDICATION OF BIODIVERSITY LAND - CALDERA STREET CHISHOLM - AVID RESIDENTIAL ESTATES (Cont.)

In accordance with the *Environmental Planning and Assessment Regulations 2021* and Council's Community Participation Plan, the draft VPA will be publicly exhibited for a minimum period of 28 days, excluding the relevant period between 20 December 2025 and 10 January 2026.

RISK IMPLICATIONS

| Risk | Risk Rating | Proposed Treatment | Proposed Risk Rating | Resourcing – Within Or Additional |
|--|-------------|--|----------------------|-----------------------------------|
| There's a risk that the developer does not dedicate the land to Council, which could lead to delays in securing and protecting the biodiversity land. | Medium | The VPA requires that land dedication occur prior to the issue of the final staged subdivision certificate, ensuring that final lots cannot be released without dedication. The VPA also enables Council to compulsorily acquire the land for \$1 if the developer fails to dedicate the land as required. | Low | Within existing resources |
| There is a risk that the biodiversity works are not completed, or are completed to a standard below Council's requirements, which may lead to non-acceptance by Council. | Medium | The VPA includes security provisions to cover any uncompleted or non-compliant works and requires audits and inspections to monitor progress. Works must continue until Council issues a Works Completion Certificate. | Low | Within existing resources |
| There's a risk of non-compliance with obligations under the VPA, development | Medium | The VPA provides mechanisms for enforcement, including | Low | Within existing resources |

EXHIBITION OF VOLUNTARY PLANNING AGREEMENT - DEDICATION OF BIODIVERSITY LAND - CALDERA STREET CHISHOLM - AVID RESIDENTIAL ESTATES (Cont.)

| | | | | |
|---|--|---|--|--|
| consent conditions, or approved plans, which could lead to enforcement action, project delays, or additional rectification costs. | | inspections, directions, and rectification powers, to ensure compliance with obligations. | | |
|---|--|---|--|--|

FINANCIAL IMPLICATIONS

Acceptance of the VPA offer will have no direct financial impact on Council's adopted budget or forward estimates. AVID will bear the full cost of undertaking all works associated with the land to be dedicated, including improvement works that will limit Council's future maintenance liability.

Section 7.11 contributions under the Thornton North Infrastructure Contributions Plan 2008 will continue to be payable under DA/2023/497.

| Item | Value (Incl. Gst) | Comments |
|--|-------------------|--|
| Expenditure | | |
| Legal costs for preparation of the VPA | \$24,347.40 | Current legal costs to date for preparation of the Agreement. |
| Income | | |
| Recovery of legal costs | \$25,000.00 | The VPA provide for cost recovery up to this amount for the preparation of the Agreement. |
| Result | \$652.60 | It is noted that if there are further requirements to amend the Agreement may result in a minor shortfall of cost recovery. This will be absorbed by Council's Development Contribution Plan Administration funds. |

POLICY IMPLICATIONS

Council's Planning Agreements Policy establishes the principles governing the use of planning agreements and the circumstances in which Council may consider negotiating such an agreement.

Council officers consider that the offer is consistent with the acceptability test outlined in the Policy, and that the draft VPA has been prepared in alignment with its objectives and procedures.

EXHIBITION OF VOLUNTARY PLANNING AGREEMENT - DEDICATION OF BIODIVERSITY LAND - CALDERA STREET CHISHOLM - AVID RESIDENTIAL ESTATES (Cont.)

The outcome of the VPA is consistent with Councils adopted policy framework and aligns with objectives from a number of adopted strategies, including:

- Economic Development Strategy – Thriving and Connected Places
- Environmental Sustainability Strategy – Green and Blue Maitland

STATUTORY IMPLICATIONS

The draft VPA has been prepared in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2021*. Council has also considered the relevant Ministerial Directions and Practice Notes issued by the Department of Planning, Housing and Infrastructure.

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

City Planning

Exhibition of Voluntary Planning Agreement – Dedication of Biodiversity Land – Caldera Street Chisholm – Avid Residential Estates

Letter of Offer

Meeting Date: 9 December 2025

Attachment No: 1

Number of Pages: 4

EXHIBITION OF VOLUNTARY PLANNING AGREEMENT - DEDICATION OF BIODIVERSITY LAND - CALDERA STREET CHISHOLM - AVID RESIDENTIAL ESTATES (Cont.)



16 December 2024

Maitland City Council
263 High St,
Maitland, NSW 2320

Dear Sir/Madam,

Development Application No. 2023/497 (DA) which seeks development consent for Two Hundred & Eighty One (281) Lot Torrens Subdivision in 3 Stages with One Residue Lot

1. Introduction

1.1 AVID Residential Estates Pty Ltd (**Developer**) is the applicant of Development Application No. 2023/497 (**DA**) which seeks development consent for Two Hundred & Eighty One (281) Lot Torrens Subdivision in 3 Stages with One Residue Lot (**Development**) at 7 Caldera Street, 29 Stillwater Parade, 40 Goldring Street, 3 Caldera Street, 18 Darkmouth Street, 16 Darkmouth Street, 9 Rockmaster Street, Emperor Parade And 261 Settlers Boulevard, Chisholm, legally known as Lot 2 DP 1295677, Lot 6121 DP1268036, Lot 6140 DP1284398, Lot 3001 DP1264314, Lot 2726 DP1237666, Lot 2531 DP1224018, Lot 2425 DP1224017, Lot 4 DP1222785 and Proposed Lot 6284 of Lot 6131 DP1268036 (**Site**).

1.2 The Developer offers to enter into a planning agreement with Maitland City Council (**Council**) to:

- (a) dedicate the BMP land as identified in the Biodiversity Management Plan prepared by AEP and dated 23 September 2024 (**BMP**) and which includes part of Lot 2 DP 1295677 and part of Lot 4 DP 1222785 (**BMP Land**). The BMP Land is shown on Figure 6 and on other plans within the BMP. The BMP Land does not include any land that is proposed to be drainage reserves; and
- (b) provide security for the nest box works to be detailed within the Biodiversity Works Management Plan (**BWMP**) (**BWMP Works**) and the revegetation works to be detailed in the Vegetation Management Plan (**VMP**) (**VMP Works**), in the event that the DA for the subdivision is approved (**Offer**).

1.3 This letter of offer includes a description of the land to which the Offer and planning agreement will apply, a description of the development to which the Offer and planning agreement will apply, and other details of the Offer.

2. Background

2.1 On 5 June 2023 the DA was lodged with Council.

2.2 On 8 March 2024 a Class 1 Appeal was commenced by the Developer in the BMP Land and Environment Court Proceedings No. 2024/00089901 (**Proceedings**).

2.3 The section 34 conciliation took place on 2 September 2024 and has been adjourned to allow the Developer and Council to continue to advance towards an agreement.

2.4 The letter of offer has been prepared following conversations between the Developer and Council, where the creation of a regenerated ecological area was considered. The planning agreement is proposed to allow for the regeneration of an ecological area and for that BMP Land to be dedicated to Council. Avid understands that the BMP Land will be classified as community land managed by a Plan of Management and implemented by Council.

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EXHIBITION OF VOLUNTARY PLANNING AGREEMENT - DEDICATION OF BIODIVERSITY LAND - CALDERA STREET
CHISHOLM - AVID RESIDENTIAL ESTATES (Cont.)



3. Parties to the planning agreement

3.1 The following entities will be parties to the planning agreement:

- (a) AVID Residential Estates Pty Ltd; and
- (b) Maitland City Council.

4. Land to which the planning agreement applies

4.1 The planning agreement will apply to the BMP Land..

5. Development to which the planning agreement relates

5.1 The planning agreement relates to the DA which seeks development consent for Two Hundred & Eighty One (281) Lot Torrens Subdivision in 3 Stages with One Residue Lot (the **Development**).

6. Nature, extent and timing of the Offer

6.1 The Offer is comprised of the following and made on the following basis:

- (a) The BMP Land will be dedicated at or before registration of any subdivision for the final stage (shown as Stage 83 on the staging plan) of the Development.
- (b) Avid will agree to arrange for the removal of mortgage AT362854 from title of the BMP Land, Otherwise, the BMP Land will remain encumbered as detailed on the title search at **Annexure 1**.
- (c) Prior to issue of any subdivision works certificate for the final stage (shown as Stage 83 on the staging plan) of the Development, a security for the cost of the outstanding BWMP Works and outstanding VMP Works will be required by way of bond or bank guarantee (or other form acceptable to Council) to be 120% of the value of the outstanding maintenance works (to be determined in consultation with Council based on three (3) written quotes for the required outstanding works, obtained by the applicant from independent and suitably qualified contractors). The security will need to be replaced and adjusted for the maintenance works outstanding plus 20% every 2 years of the remaining maintenance period. Council may refuse to issue the subdivision works certificate if the security is not in place.
- (d) Should the Developer fail to maintain the works in accordance with the approved BWMP or VMP or defects occur within the seven (7) year maintenance period commencing from the date of the commencement of BWMP and VMP works, Council will notify the Developer within seven (7) days of Council becoming aware of the defects and require the Developer to rectify the omission or defect within a reasonable time. If the Developer fails to rectify the omission or defect within a reasonable time after receiving notice from Council, Council will be entitled to call on the security.
- (e) Council will return the security within fourteen (14) days of the completion of the BWMP Works and the VMP Works including the completion of the maintenance period (determined in accordance with the BMP) to the satisfaction of Council acting reasonably.

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EXHIBITION OF VOLUNTARY PLANNING AGREEMENT - DEDICATION OF BIODIVERSITY LAND - CALDERA STREET
CHISHOLM - AVID RESIDENTIAL ESTATES (Cont.)



- (f) Council may compulsorily acquire the BMP Land for \$1 if the Developer fails to dedicate the BMP Land as required by the planning agreement. Council will be entitled to call on the security to pay for the reasonable legal costs of compulsory acquisition.
 - (g) Council will grant a licence to the Developer (and any agents, contractors etc) to have free and unfettered access to the BMP Land after it has been dedicated for the
 - (h) purpose of performing its obligations under the planning agreement or BMP, on the basis the Developer indemnifies Council against all claims which Council may suffer or incur as a result of death or injury to any person or loss of or damage to the property to the extent of the Developer's breach of its obligations or negligence. The Developer will release Council against all claims in connection with entry to the BMP Land for the purpose of performing those obligations, except to the extent that such claims are caused or contributed to by Council.
 - (i) The Developer will not transfer the BMP Land without obtaining a deed of novation from the transferee as a settlement deliverable on terms acceptable to each party, acting reasonably. The Council will be notified prior to settlement. Council may request information that is reasonably necessary to enable it to make an informed decision and to protect its legitimate interests but a delay or refusal to grant consent would be unreasonable if the incoming party provides security equal to that held on behalf of the Developer at the relevant point in time, and the incoming party demonstrates that they are solvent and capable of carrying out the outstanding obligations under the planning agreement at the date of the transfer.
- 6.2 The BWMP Works and the VMP Works will be undertaken for a period of seven (7) years or until the completion of the maintenance period (whichever is longer) determined in accordance with the BWMP and VMP and to the satisfaction of Council acting reasonably from the date that the Developer gives notice to Council under the planning agreement that the Developer has commenced the BWMP Work and VMP Work.
- 7. Public benefit**
- 7.1 The public benefit of the Offer is that the BMP Land is dedicated to Council as public land to be used by the community.
- 8. Registration**
- 8.1 The Developer agrees that the planning agreement would be registered on title for all lots subject to the DA. The planning agreement will be required to be registered on title prior to the issue of any subdivision works certificate. Council will provide partial release from the agreement for the newly created residential lots as stages are completed and the plans of subdivision are registered.
- 9. Application of s7.11, s7.12 and s7.24 to the Development**
- 9.1 Pursuant to section 7.4(3)(d) of the Act, the agreement will not exclude, either wholly or in part, the application of section 7.11, 7.12 or 7.24 to the Development and the BMP Land.
- 10. Other conditions**
- 10.1 This Offer is made contingent on the DA being approved.
- 10.2 The planning agreement would be entered into as soon as possible and without delay by either of the parties.

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EXHIBITION OF VOLUNTARY PLANNING AGREEMENT - DEDICATION OF BIODIVERSITY LAND - CALDERA STREET
CHISHOLM - AVID RESIDENTIAL ESTATES (Cont.)



10.3 The planning agreement is to include a provision to the effect that the planning agreement does not limit or fetter in any way the exercise of any statutory discretion or duty imposed on the Council.

10.4 The planning agreement is to include administrative provisions relating to:

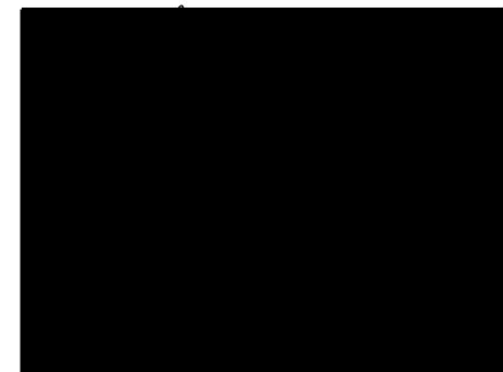
- (a) termination;
- (b) transfer and assignment;
- (c) dispute resolution;
- (d) notices;
- (e) entire agreement;
- (f) governing law and jurisdiction – in this case New South Wales;
- (g) the process for amending the planning agreement;
- (h) waiver; and
- (i) execution of the planning agreement in counterparts, and electronic execution.

11. Costs

11.1 The Developer agrees to pay Council's reasonable costs in relation to negotiation, preparation and entering into of the planning agreement.

12. Conclusion

12.1 The Developer offers to enter into a planning agreement with Council in the above terms, and on the conditions stipulated above



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11.3 Adoption of State Voluntary Planning Agreement – DB20 Pty Ltd, Minister for Planning and Public Spaces

| | |
|-----------------------------|--|
| FILE NO: | 103/41/65 |
| ATTACHMENTS: | 1. Submissions 2. State Voluntary Planning Agreement (Under Separate Cover) |
| RESPONSIBLE OFFICER: | Director City Planning Manager Strategic Planning |
| AUTHOR: | Coordinator City Planning |
| MAITLAND'S FUTURE | 1 Liveable Maitland |
| COUNCIL OBJECTIVE: | 1.2.3 Safe and efficient road networks |

EXECUTIVE SUMMARY

This report seeks Council's endorsement to enter into and execute a State Voluntary Planning Agreement (State VPA) between Maitland City Council, DB20 Pty Ltd (DB20), and the Minister for Planning and Public Spaces.

The State VPA establishes the funding and delivery arrangements for the upgrade of the intersection at Wyndella Road, Springfield Drive, and the New England Highway, as well as the provision of a school site within the Anambah Urban Release Area. The intersection upgrade is critical enabling infrastructure required to support development within the AURA and land north of the New England Highway within the Lochinvar Urban Release Area (LURA).

On 13 August 2024, Council resolved to provide in-principle support for the State VPA and delegated authority to the General Manager to place the draft agreement on public exhibition. A joint exhibition with DPHI was undertaken from 29 September to 26 October 2025, during which two submissions were received.

The submissions raised matters primarily relating to the road link to the AURA, and broader strategic planning considerations. No changes to the State VPA are proposed as a result of these submissions.

OFFICER'S RECOMMENDATION

THAT

- 1. Council notes the submissions received during the exhibition period as outlined in Attachment 1;**

2. **Council endorses the State Voluntary Planning Agreement between Maitland City Council, DB20 Pty Ltd, and the Minister for Planning and Public Spaces, as provided in Attachment 2; and**
3. **Council delegates authority to the General Manager to endorse any minor amendments to the agreement and to enter into and execute the State Voluntary Planning Agreement.**

REPORT

In 2020, the Anambah Urban Release Area (AURA) was rezoned from rural land to a mix of residential, environmental, and recreation zones, with an anticipated yield of approximately 4,200 dwellings. A subsidiary of the Roche Group, DB20, is the largest landowner within AURA and is progressing the delivery of critical enabling infrastructure required to unlock development.

Clause 7.8(2) of the *Maitland Local Environmental Plan 2011* requires the construction of a road link connecting AURA to the New England Highway via Wyndella Road prior to the release of the 1,200th lot. This connection, known as the Western Road Link (WRL), will be approximately two kilometres in length and connect directly to the existing intersection of Wyndella Road, Springfield Drive, and the New England Highway. The WRL, as infrastructure being delivered on Council's behalf, is subject to a Review of Environmental Factors and will be determined under Part 5 of the *Environmental Planning and Assessment Act 1979*. The funding and delivery arrangements are being negotiated through a Voluntary Planning Agreement between Council and DB20, which is the subject of a separate report within this agenda.

The existing intersection was originally constructed with funding from the Housing Acceleration Fund. In 2018, Council amended the Lochinvar Section 94 Contributions Plan 2014 (LCP) to include the northern leg of the intersection to cater for approximately 760 lots within the Lochinvar Urban Release Area (LURA), which was not included in the Housing Acceleration Fund grant. These works, identified as Item L26 in the LCP, had a capital value of approximately \$4.1 million, with a further \$500,000 allocated for land acquisition on both the eastern and western sides of Wyndella Road at the time of adoption.

As the intersection design identified in the LCP did not accommodate traffic movements from AURA, DB20 commenced discussions with Council and Transport for NSW (TfNSW) to prepare a revised intersection design capable of supporting additional development.

In July 2023, Council and the Minister for Planning and Public Spaces received a Letter of Offer from DB20 Pty Ltd proposing to bring forward the road connection identified in the *MLEP 2011* by constructing an upgraded intersection at Wyndella Road, Springfield Drive, and the New England Highway. The value of the intersection works is estimated to be approximately \$25.3m.

On 13 August 2024, Council endorsed DB20's offer in principle, and delegated authority to the General Manager to exhibit a draft State VPA once prepared.

ADOPTION OF STATE VOLUNTARY PLANNING AGREEMENT - DB20 PTY LTD, MINISTER FOR PLANNING AND PUBLIC SPACES (Cont.)

The draft State VPA was prepared by the DPHI Infrastructure Program Team and subsequently reviewed through multiple rounds of legal and staff assessment to ensure consistency with Council's policies and financial commitments.

State VPA Provisions

Under the draft SVPA, DB20 will:

- Deliver an intersection upgrade at Wyndella Road, Springfield Drive, New England Highway.
- Dedicate (or procure the dedication of) the land on which the upgraded intersection is to be constructed (except any land acquired by Council).
- Dedicate land for a school to the Minister for Education and Early Learning after utility servicing and any necessary remediation.
- Reimburse Council for any land acquisition costs incurred by Council for the intersection works, if required.
- Make an additional contribution to the Minister for Planning and Public Spaces, if needed, where the value of the above contributions is not sufficient to offset the Housing and Productivity Contributions (HPC) that would otherwise be payable under the Ministerial planning order.

Council's commitments under the State VPA are:

- Council will pay \$5,023,244 (Council Works Amount) to DB20 at the completion of works, representing the section 7.11 capital contributions collected (or still to be collected) for item L26 in the LCP.
- Council will pay up to \$551,795 (also sourced from LCP funds) once all land required for the intersection is vested in Council or the roads authority (Council Land Amount). This amount is automatically reduced by any land-acquisition costs Council incurs.
- Of the funds Council is to pay DB20 for the works, \$2,948,205 is payable within 20 business days of practical completion of the intersection or dedication of the intersection-works land to Council, whichever occurs later. The balance is then paid in \$250,000 instalments every three months until the Works Amount is exhausted.

Within 20 business days of the VPA's execution DB20 must issue an Ownership Notice identifying the parcels it owns, those under third-party agreements, and any Outstanding Intersection Land. Only after DB20 demonstrates reasonable endeavours to acquire that land must Council commence acquisition, via compulsory process under the Just Terms Act or another mechanism.

Any acquisition cost and reasonable expenses Council outlays are deducted from the Council Land Amount. If Council's costs exceed \$551,795, DB20 must reimburse the difference. DB20 will also cover Council's reasonable costs incurred in negotiating, drafting and legally reviewing the State VPA, ensuring no net expense to Council for the agreement's preparation.

The State VPA obliges Council to retain item L26 in the LCP until both the Council Works and Council Land amounts have been fully paid to DB20. Should the plan be amended

ADOPTION OF STATE VOLUNTARY PLANNING AGREEMENT - DB20 PTY LTD, MINISTER FOR PLANNING AND PUBLIC SPACES (Cont.)

beforehand, Council must act in good faith and review the capital and land values used in the State VPA, so they remain aligned with the contributions schedule.

Separate to the State VPA, strategic approval for the intersection has been issued by TfNSW, with the capacity to support over 3,500 dwellings north of the New England Highway. The intersection upgrade will initially serve zoned and sequenced lands, including up to 760 dwellings in the LURA and potentially a further 2,800 dwellings from adjoining and investigation areas such as AURA. The intersection capacity will depend on the final detailed design and future traffic patterns. The intersection capacity is not allocated to specific landholdings and future access, and usage will be determined through ongoing planning and approval processes. It is anticipated that new connections will be identified and delivered across the wider network through the Anambah to Branxton Structure Plan currently under preparation, and traffic will be redistributed accordingly.

Exhibition

A joint exhibition by DPHI and Council ran from 29 September to 26 October 2025, during which two submissions were received (Attachment 1). The two submissions were made directly, or on behalf of the owners of land north of the New England Highway. Both sites referenced in the submissions are identified as Investigation Areas within the Maitland Local Housing Strategy 2041 and are within the boundary of the Anambah to Branxton Structure Plan currently being prepared by Cessnock, Singleton, and Maitland councils.

It should be noted that several elements of the submissions, and subsequent correspondence between the landowners, DB20 and Council, relate primarily to the design and determination of the WLR, which is not the subject of the State VPA. As the WLR is local infrastructure being delivered on Council's behalf, its environmental impacts are assessed through a Review of Environmental Factors (REF) and determined under Part 5 of the *EP&A Act 1979*.

The REF prepared for the WLR provides an environmental assessment of the proposed works, including construction impacts, biodiversity, Aboriginal cultural heritage, noise, air quality, contamination, cumulative impacts, and other relevant environmental considerations. The REF was prepared by consultants for DB20, and was reviewed internally by Council officers, and independently by technical specialists to ensure clarity, compliance and completeness. The REF found that:

- The works are necessary enabling infrastructure to facilitate development within the Anambah Urban Release Area,
- The proposal is consistent with all relevant legislation, plans and policies, and
- Environmental impacts are minimal and not likely to be significant.

Under the REF process, broad community consultation is not required. However, during preparation of the REF, landowners directly affected by the works, where road reserve widening or new road dedications are required, were consulted by DB20 regarding the nature, scope, and design of the proposed works. At Council's request, these landowners provided written consent for the REF and have entered into separate agreements with DB20 to facilitate the delivery of the road.

ADOPTION OF STATE VOLUNTARY PLANNING AGREEMENT - DB20 PTY LTD, MINISTER FOR PLANNING AND PUBLIC SPACES (Cont.)

In response to concerns raised by landowners, Council and DB20 undertook additional consultation regarding specific design requirements for an intersection serving existing properties. This process resulted in further modifications to the intersection design within the REF at the request of the landowners. Council staff are satisfied that the revised design meets relevant safety standards, and it is appropriate to support existing uses on the adjoining properties. Final determination of the REF will be made by the General Manager under delegation.

A summary of the key elements of the submissions, and Council's response are included in the below table:

| Issue Raised | Council Officer Response |
|--|--|
| <p>Concern that the traffic capacity and design parameters of the proposed intersection upgrade have not been specified or publicly released, and that the upgrade may not adequately accommodate future development north of the New England Highway.</p> | <p>The intersection upgrade design is subject to approval by Transport for NSW. At the strategic design phase that supported the State VPA, the potential capacity supports approximately 3500+ dwellings north of the New England Highway.</p> <p>Initially, the upgrade enables infrastructure to support zoned, sequenced development lands including up to 760 dwellings north of the New England Highway within the Lochinvar Urban Release Area, and potentially up to a further 2,800 dwellings from adjoining lands, including the AURA and, over time, surrounding lands and investigation areas identified in the Maitland Local Housing Strategy. The capacity of the upgrade is not fixed and will likely vary based on any approved detailed design, the nature of development and traffic distribution and generation rates applied over time.</p> <p>An upgrade is required with or without any future development from investigation areas or the broader Anambah to Branxton Regionally Significant Growth Area it sits within.</p> <p>Whilst the upgrade has been designed to achieve as much capacity as possible, it is important to note that the State VPA does not reserve or allocate capacity for any particular landholding or development. Once the upgrade works are complete and operational, access to the intersection and the use of its capacity will be subject to</p> |

ADOPTION OF STATE VOLUNTARY PLANNING AGREEMENT - DB20 PTY LTD, MINISTER FOR PLANNING AND PUBLIC SPACES (Cont.)

| | |
|---|---|
| | <p>planning and approval processes over time.</p> <p>The upgraded intersection, in the future, will form part of an overall road network north of the New England Highway including additional road connections for zoned lands (including AURA) and arising from the needs of investigation areas and the Regionally Significant Growth Area. As those are identified and funded, traffic is likely to be redistributed across the network.</p> |
| <p>Concern about the Western Road Link (WRL) traversing agricultural property and uncertainty about its approval, exhibition, and potential impacts on agricultural operations and amenity.</p> | <p>The State VPA relates solely to the intersection upgrade and does not determine the design, alignment or funding of the WRL. The WRL, connecting AURA to Wyndella Road, is a requirement of Council's LEP and is subject to determination under Part 5 of the <i>EP&A Act 1979</i>.</p> <p>A local VPA to support its delivery is currently being negotiated and is subject to a separate report at the Council meeting of 9 December 2025. That agreement will be publicly exhibited for comment once finalised.</p> |
| <p>Concern that public funds may be directed toward an intersection upgrade that does not consider potential development north of the highway, given Council and DPHI are deferring rezoning applications pending the Anambah to Branxton Structure Plan.</p> | <p>The intersection upgrade has been designed to accommodate forecast growth within the locality and is in direct response to an offer made by DB20. The public funds being directed to it by Council have been collected for the express purpose of a smaller intersection upgrade to support the LURA, as identified in the Lochinvar Contributions Plan 2014. The State VPA provides a transparent funding mechanism for regionally significant infrastructure, funded by DB20 to secure its upfront delivery with offset against future state and regional contributions over time.</p> <p>The Anambah to Branxton Regionally Significant Growth Area Structure Plan, currently in preparation, will consider the need for any future infrastructure upgrades and road networks to support future development and associated funding mechanisms to support additional development in this area.</p> |

ADOPTION OF STATE VOLUNTARY PLANNING AGREEMENT - DB20 PTY LTD, MINISTER FOR PLANNING AND PUBLIC SPACES (Cont.)

| | |
|--|---|
| <p>Concern about the lack of clarity on how the Anambah Urban Release Area (AURA) will connect to the upgraded intersection, and whether infrastructure costs are being equitably apportioned.</p> | <p>The connection between AURA and the upgraded intersection will occur via the WRL, consistent with an existing LEP clause and to be delivered under a separate Local VPA. The intersection upgrade has been identified as regionally significant infrastructure, with the upfront construction costs incurred by DB20 to be offset overtime against DB20's future Housing and Productivity Contribution to the NSW Government.</p> |
| <p>Request that Council defer entering into the SVPA until the AURA Contributions Plan is finalised to provide certainty on long-term funding and infrastructure delivery.</p> | <p>Execution of the State VPA is necessary to enable delivery of the intersection upgrade, which represents critical enabling infrastructure for development north of the New England Highway.</p> <p>It retains investment for enabling infrastructure in Council's Western Corridor. Consistent with the Hunter Regional Plan 2041, the State VPA provides for an infrastructure first approach to support a pipeline of housing land supply from zoned land.</p> <p>Deferral of execution of the State VPA would unnecessarily delay the release of already zoned and, in some cases, approved development in the vicinity of the intersection.</p> <p>The AURA Contributions Plan is currently being prepared and will not include any item in the works schedule associated with the intersection upgrade.</p> |

CONCLUSION

The State VPA between Council, DB20 Pty Ltd, and the Minister for Planning and Public Spaces establishes a clear framework for the funding and delivery of the intersection upgrade at Wyndella Road, Springfield Drive, and the New England Highway. This intersection is enabling infrastructure required to support development within the AURA and adjoining land north of the New England Highway.

The exhibition of the draft State VPA was undertaken jointly with DPHI in accordance with the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2021*. Two submissions were received, primarily relating to the WRL and broader planning considerations. No amendments to the State VPA are proposed as a result of these submissions.

ADOPTION OF STATE VOLUNTARY PLANNING AGREEMENT - DB20 PTY LTD, MINISTER FOR PLANNING AND PUBLIC SPACES (Cont.)

Endorsement of the State VPA will facilitate the timely delivery of the intersection upgrade, consistent with Council's adopted planning framework and the intent of Clause 7.8(2) of the *Maitland Local Environmental Plan 2011*. Execution of the agreement will ensure delivery risk and funding responsibility remain with DB20 and the State, while securing critical transport infrastructure to enable growth of the city.

CONSULTATION

Through preparation of the State VPA, consultation has been undertaken with relevant stakeholders within City Services, Finance, Development Engineering, and Strategic Planning. Details on the exhibition of the State VPA are provided in the body of this report.

RISK IMPLICATIONS

| Risk | Risk Rating | Proposed Treatment | Proposed Risk Rating | Resourcing – Within Or Additional |
|--|-------------|--|----------------------|-----------------------------------|
| There's a risk that Council declines to execute the State VPA, which could lead to reputational damage and reduced confidence from the Minister, DB20, other developers, and the broader development industry. | High | Progress the State VPA to endorsement and execution. | Medium | Within existing resources |
| There's a risk that land acquisition costs exceed the \$551,795 Council Land Amount cap, which could lead to a temporary funding shortfall or increased financial exposure. | Medium | The State VPA obliges DB20 to reimburse any expenditure above the cap. Any short-term shortfall can be managed within existing Lochinvar Contributions Plan funds. | Low | Within existing resources |
| There's a risk that DB20 is unable to complete the works due to insolvency or other inability to perform, which could lead to project delay or incomplete | Medium | The State VPA requires DB20 to provide a bank guarantee to the Minister sufficient to cover completion costs. The Minister may | Low | Within existing resources |

ADOPTION OF STATE VOLUNTARY PLANNING AGREEMENT - DB20 PTY LTD, MINISTER FOR PLANNING AND PUBLIC SPACES (Cont.)

| | | | | |
|---|--------|---|-----|---------------------------|
| infrastructure delivery. | | call on this security if milestones are missed and the developer fails to rectify. | | |
| There's a risk of legal dispute over reimbursement, payment schedules, or amendment of the LCP, which could lead to administrative delays and additional costs. | Medium | The State VPA includes a clear dispute-resolution process. The Contributions Team will maintain a detailed audit trail of payments and correspondence to support transparency and compliance. | Low | Within existing resources |

FINANCIAL IMPLICATIONS

| Item | Value (Excl. Gst) | Comments |
|---|-------------------|--|
| Expenditure | | |
| Council Works Amount | \$5,023,244 | |
| Council Land Amount | \$551,795 | |
| Total Expenditure | \$5,575,039 | |
| Income | | |
| Balance of Funds in the Lochinvar Road and Traffic category @ 30 June 2025 | \$5,831,009 | |
| Contributions Levied and Outstanding in the Lochinvar Road and Traffic category | \$8,786,256 | Contributions are expected to be received in the short to mid-term – 0-5 years |
| Contributions yet to be levied in the Lochinvar Road and Traffic category | \$18,344,441 | Contributions expected to be received 5-10 years |

ADOPTION OF STATE VOLUNTARY PLANNING AGREEMENT - DB20 PTY LTD, MINISTER FOR PLANNING AND PUBLIC SPACES (Cont.)

| | | |
|-----------------------|--------------|---|
| Total Expected Income | \$32,961,706 | To be received over the remaining life of the LCP |
| Result | \$0 | |

POLICY IMPLICATIONS

The proposed State VPA has been prepared in accordance with Council's Voluntary Planning Agreement Policy.

The State VPA is also consistent with the LCP as the Council Works Amount and Council Land Amount replicate the capital and land-cost allowances for item L26, ensuring that funds collected are applied for the purpose for which they were levied. The agreement preserves the required nexus by sequencing the intersection upgrade ahead of, or in parallel with, residential growth in the Lochinvar and Anambah URAs, and it obliges Council to retain item L26 in the LCP until both payments have been transferred to DB20, maintaining alignment between the contributions plan and the State VPA throughout its life.

STATUTORY IMPLICATIONS

The proposed STATE VPA has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2021*, and the applicable Ministerial Directions and Practice Notes issued by the DPHI.

City Planning

Adoption of State Voluntary Planning Agreement – DB20 Pty Ltd, Minister for Planning and Public Spaces

Submissions

Meeting Date: 9 December 2025

Attachment No: 1

Number of Pages: 3

ADOPTION OF STATE VOLUNTARY PLANNING AGREEMENT - DB20 PTY LTD, MINISTER FOR PLANNING AND PUBLIC SPACES (Cont.)

Subject: FW: State VPA - Wyndella Road Intersection Upgrade Capacity - Potential Submission Exhibition of Draft Voluntary Planning Agreement - Maitland City Council, DB20 Pty Ltd, the Minister for Planning and Public Spaces [thread::UegJ1iVhIsKTonCQmwvXSQw::]

From: [REDACTED]
Sent: 24/10/2025, 4:20 pm
To: cet@maitland.nsw.gov.au; [REDACTED]; [REDACTED]

Subject: Re: State VPA - Wyndella Road Intersection Upgrade Capacity - Potential Submission Exhibition of Draft Voluntary Planning Agreement - Maitland City Council, DB20 Pty Ltd, the Minister for Planning and Public Spaces

Dear [REDACTED]

CC: [REDACTED] and Maitland City Council's General Manager,

Thank you for your email following our telephone conversation yesterday afternoon. I appreciate your efforts in contacting Transport for NSW regarding the capacity of the proposed intersection upgrade at the New England Highway and Wyndella Road, Lochinvar, in relation to the Draft Voluntary Planning Agreement between Maitland City Council, DB20 Pty Ltd, and the Minister for Planning and Public Spaces.

It is concerning that the capacity of the intersection has not been specified or made publicly available, particularly to affected property owners such as [REDACTED]. Our property will be directly impacted by both the proposed intersection upgrade and the proposed Western Link Road (which Council has not provided any notification on, specifically to us as owners). Can you please advise if the Western Link Road application has been exhibited, and if we can comment?

As previously discussed, the [REDACTED] property forms part of our local farming operations. We have expressed concern regarding the proposed Western Link Road traversing our land, especially in circumstances where the property cannot be rezoned from its current agricultural use to residential use in the foreseeable future.

In relation to the Draft Voluntary Planning Agreement, we would appreciate clarification as to whether the design of the intersection has taken into account potential future development on our property. Could you please advise whether our land has been included in the traffic modelling or within the assessment of "other land on the northern side of the New England Highway"?

If our property has not been included in these considerations, we are concerned that significant public expenditure may be directed towards an intersection upgrade that does not adequately accommodate projected growth in the area. This concern is further heightened by the request from both Council and Planning NSW for landowners to defer submitting rezoning applications until the Branxton to Anambah RSGA Planning Principles have been finalised.

ADOPTION OF STATE VOLUNTARY PLANNING AGREEMENT - DB20 PTY LTD, MINISTER FOR PLANNING AND PUBLIC SPACES (Cont.)

If our [REDACTED] property and other properties impacted directly by the western link road have not been included in the traffic modelling for the upgrade to the New England Highway and Wyndella Road, or within the assessment of “other land on the northern side of the New England Highway”, please treat this e-mail as a submission to the Exhibition of Draft Voluntary Planning Agreement - Maitland City Council, DB20 Pty Ltd, the Minister for Planning and Public Spaces.

We understand that strategic planning, rezoning and development all take time, energy and resources, and it was with great deliberation that we agreed to the western link road traversing our local agricultural property, the impact of 2,800 homes and their associated traffic movements (up to 30,000 movements / day) will have a devastating impact on the amenity of our current agricultural pursuit and the general local area. We will be upset if potential residential development on our property has not been included in the traffic modelling for the upgrade of the Highway and Wyndella intersection.

If you can please respond or have Transport for NSW respond regarding the capacity of the intersection, and further if our land impacted by the proposed Western Link Road has been included in the modelling for the intersection.

If you require further information, please call me on [REDACTED] or via e-mail [REDACTED]

Regards,

[REDACTED]

on behalf of

[REDACTED]

ADOPTION OF STATE VOLUNTARY PLANNING AGREEMENT - DB20 PTY LTD, MINISTER FOR PLANNING AND PUBLIC SPACES (Cont.)

Subject: FW: submission to VPA for the intersection of Windella and New England Highway
[thread::rxE3VDrDKn2P8WMxslgTRAw::]

----- Forwarded Message -----

From: [REDACTED]
Sent: 22/10/2025, 3:07 pm
To: cet@maitland.nsw.gov.au
Subject: submission to VPA for the intersection of Windella and New England Highway

I am writing on behalf of the owners of [REDACTED] Wyndella Road, Lochinvar being lot [REDACTED] DP [REDACTED].

The owners of the above currently utilise the intersection of this agreement for their day to day needs and also expect that in the future in accordance with the Housing Strategy their land will likely be rezoned to residential.

There appears to be no approved connection to the intersection from The Anambah Release Area, without this connection being approved and understanding the full traffic impacts of the development in this area, it is not clear how the apportionment of cost can be delivered fairly or that the infrastructure provided will actually meet the future need of the area.

The development application lodged and referred to in the VPA does not connect to the intersection, it is not clear how this connection will be resolved.

We would request that rather than a VPA being entered into that the council *complete* the contributions plan for the infrastructure in the area so that there is certainty around the long term funding for the area and the infrastructure needs have been fully identified for the zoned land and the land in the Housing Strategy.

Regards,

[REDACTED]
Director



BARRPLANNING.COM.AU



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

11.4 Voluntary Planning Agreement Letter of Offer from DB20 for Transport and Recreational Facilities at Anambah

| | |
|-----------------------------|--|
| FILE NO: | 103/41/73 |
| ATTACHMENTS: | 1. Infrastructure Works Plan 2. Letter of Offer to enter into a VPA |
| RESPONSIBLE OFFICER: | Coordinator City Planning Manager Strategic Planning Director City Planning |
| AUTHOR: | Principal Development Contributions Planner |
| MAITLAND'S FUTURE | 1 Liveable Maitland |
| COUNCIL OBJECTIVE: | 1.2.3 Safe and efficient road networks |

EXECUTIVE SUMMARY

This report seeks Council's in-principle endorsement of a Letter of Offer from DB20 Pty Ltd (DB20) to enter into a Voluntary Planning Agreement (VPA) with Maitland City Council. It also seeks delegation to the General Manager to approve the draft VPA for public exhibition.

The Letter of Offer proposes to facilitate the delivery of essential enabling infrastructure within the Anambah Urban Release Area (AURA), including transport and recreational works. These works are critical to ensuring safe, flood-free access and providing recreational opportunities for future residents.

OFFICER'S RECOMMENDATION

THAT

- 1. Council notes and accepts in principle the offer from DB20 Pty Ltd to enter into a draft Voluntary Planning Agreement as outlined in this report.**
- 2. Council delegates authority to the General Manager to approve the draft Voluntary Planning Agreement for public exhibition for a period of 28 days, excluding the period of 20 December 2025 to 10 January 2026, in accordance with the EP&A Act 1979.**
- 3. A further report be presented to Council following the public exhibition of the draft Voluntary Planning Agreement.**

REPORT

In 2020, the Anambah Urban Release Area (AURA) was rezoned to permit approximately 4,200 dwellings, supported by a commercial centre, recreational facilities, and environmental land. Clause 7.8(2) of the *Maitland Local Environmental Plan 2011 (MLEP 2011)* requires the construction of a road connecting AURA to the New England Highway via

VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER FROM DB20 FOR TRANSPORT AND RECREATIONAL FACILITIES AT ANAMBAH (Cont.)

Wyndella Road prior to the release of the 1,200th lot. This connection is referred to as the Western Link Road (WLR).

On 13 August 2024, Council considered a report outlining an offer from DB20 Pty Ltd to enter into a State Voluntary Planning Agreement (State VPA) with Council and the Minister for Planning and Public Spaces. The State VPA proposes upgrades to the intersection of the New England Highway, Wyndella Road, and Springfield Drive. Council resolved to exhibit the draft State VPA, and a separate report has been prepared on the outcomes of that exhibition.

The Western Link Road will directly connect to this upgraded intersection, forming the primary access route between the AURA and the New England Highway.

Attachment 1 shows the location of the land and works proposed in the letter of offer (Attachment 2) in relation to AURA and the State VPA intersection works. In summary, DB20 proposes to:

1. Construct and dedicate to Council the WLR from the extent of the State VPA intersection works to AURA. This is identified as items A1 and A2 in the letter of offer.
2. Construct and dedicate to Council the sub-arterial road and roundabout. This is identified as items A3 and A4.
3. Dedicate, or agree on the valuation methodology, for the following recreational land:
 - a. Linear corridor park, identified as item A5;
 - b. Neighbourhood park, identified as item A6; and,
 - c. Neighbourhood sportsfield precinct, identified as item A7.
4. Construct off-road cycleways and shared pathways, identified as item A8, within riparian corridors on land owned by DB20.

DB20 proposes that the value of the works and land will be credited against future development contributions in line with the future AURA contributions plan. The letter of offer also outlines a range of enforcement measures, including:

- Registration of the VPA on title.
- Bank guarantee or bond for works.
- Compulsory acquisition of DB20 owned land by Council for a nominal compensation amount should DB20 default on its obligations to dedicate that land.

Council officers consider that a VPA broadly consistent with the letter of offer would satisfactorily capture delivery of the WLR, which is key enabling infrastructure benefiting all landowners in the AURA. This, together with the State VPA, ensures safe and flood free access for development at AURA. Furthermore, the VPA will secure land essential for recreational infrastructure in the early stages of development in the AURA.

Under Section 7.11 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979), Council may require the dedication of land or payment of a monetary contribution towards local infrastructure as a condition of development consent. However, any condition must be in accordance with an adopted contributions plan.

VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER FROM DB20 FOR TRANSPORT AND RECREATIONAL FACILITIES AT ANAMBAH (Cont.)

Currently, development within AURA is subject to the *Maitland City Wide Contributions Plan 2016*, which levies a contribution of \$9,207 per lot. This plan does not identify or fund the infrastructure required to service AURA and, therefore, monetary contributions under this plan would not satisfactorily provide the necessary enabling infrastructure.

Council is currently preparing a dedicated Section 7.11 Contributions Plan for AURA. This plan will identify the essential infrastructure required to support the release area, including sub-arterial roads such as the WLR, open space, and community and recreational facilities. It is anticipated that the contribution rate will exceed the \$30,000 per lot cap imposed by the State Government on development contributions. Details on the AURA Contributions Plan will be subject to a future Council report.

DB20 has also submitted a Development Application (DA/2025/486) for a 173-lot subdivision within AURA. Council may impose a condition requiring that the VPA be formally entered into prior to the issue of any consent. This will mitigate the risk of development being approved without appropriate provision for essential infrastructure.

CONCLUSION

This report seeks Council's in-principle endorsement of the letter of offer from DB20 Pty Ltd and delegation to the General Manager to prepare and exhibit a draft Voluntary Planning Agreement.

The proposed VPA represents a key mechanism to secure the timely delivery of essential enabling infrastructure within the Anambah Urban Release Area (AURA), including the Western Link Road and associated recreational lands. Together with the State VPA, it will establish the full connection between AURA and the New England Highway, ensuring safe and flood-free access for future residents.

Endorsement of the letter of offer will allow the detailed drafting and exhibition of the VPA to proceed, aligning infrastructure delivery with the preparation of the AURA Contributions Plan and facilitating the coordinated development of the release area.

CONSULTATION

In accordance with the *Environmental Planning and Assessment Regulation 2021*, a Voluntary Planning Agreement must be publicly exhibited for a minimum period of 28 days. This is expected to occur in late January 2026, following the exclusion period under Schedule 1 of the *EP&A Act 1979*. Following exhibition, a further report will be presented to Council outlining the outcomes of the exhibition and seeking a decision on the final acceptance of the VPA.

Council's Strategic Planning team has undertaken internal consultation to identify and assess issues associated with the letter of offer. The proposal has been reviewed by Council's internal Infrastructure Contributions Committee, comprising the General Manager, Director City Planning, Director City Services, and Executive Manager Finance. The Committee has provided in-principle support to progress the drafting of the VPA. Further internal consultation will be undertaken during the preparation of the draft agreement.

VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER FROM DB20 FOR TRANSPORT AND RECREATIONAL FACILITIES AT ANAMBAH (Cont.)

RISK IMPLICATIONS

| Risk | Risk Rating | Proposed Treatment | Proposed Risk Rating | Resourcing – Within Or Additional |
|--|-------------|---|----------------------|-----------------------------------|
| There's a risk that Council fails to secure the necessary infrastructure or monetary contributions as development is approved in AURA, which could lead to development proceeding without adequate infrastructure provision. | High | While Council prepares the AURA contributions plan, continue with VPA negotiations that can be conditioned to Development Applications. | Medium | Within existing resources |
| There's a risk that the credits applied to infrastructure are greater than the actual infrastructure costs in the AURA Contributions Plan, which could lead to a revenue shortfall for other infrastructure in AURA. | High | Council will determine costs in accordance with IPART and State policy, ensuring only costs able to be included in a contributions plan are captured. Council will also use these costs in the AURA contributions plan. | Low | Within existing resources |
| There's a risk that Council assumes ownership of unsuitable land or defective works, which could lead to additional rectification costs and management burdens. | Medium | The draft VPA will include provisions for improvement to land at dedication, defect rectification and enforcement measures, including security. | Low | Within existing resources |
| There's a risk that DB20 fails to deliver the works or land, either due to insolvency or other issues, which | Medium | The draft VPA will include appropriate enforcement measures, | Low | Within existing resources |

VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER FROM DB20 FOR TRANSPORT AND RECREATIONAL FACILITIES AT ANAMBAH (Cont.)

| | | | | |
|---|--|---------------------|--|--|
| could lead to Council being required to fund or deliver the infrastructure. | | including security. | | |
|---|--|---------------------|--|--|

FINANCIAL IMPLICATIONS

Under the letter of offer, the Voluntary Planning Agreement would credit the value of works and land against development contributions that will be required under the future AURA Contributions Plan. Provided the costs included in the VPA are consistent with those adopted in the Contributions Plan, there are not expected to be any direct financial implications for Council.

| Item | Value (Excl. Gst) | Comments |
|--------------------------|-------------------|--|
| Expenditure | | |
| Legal costs for drafting | \$12,000 | |
| Income | | |
| Recovery of legal costs | \$12,000 | DB20 agrees to reimburse Council's costs |
| Result | \$0 | |

POLICY IMPLICATIONS

Council's Planning Agreements Policy sets out the principles governing the use of planning agreements and the circumstances under which Council may consider negotiating such an agreement.

Council officers consider that the offer is consistent with the acceptability test outlined in the Policy. The policies and procedures established under the Policy will continue to guide negotiation and drafting of the VPA.

STATUTORY IMPLICATIONS

Council will prepare the draft VPA in accordance with the *Environmental Planning and Assessment Act 1979*, and the associated regulation. Council will also consider the applicable Ministerial Directions and Practice Notes issued by the Department of Planning, Housing and Infrastructure.

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

City Planning

Voluntary Planning Agreement Letter of Offer from DB20 for Transport and Recreational Facilities at Anambah

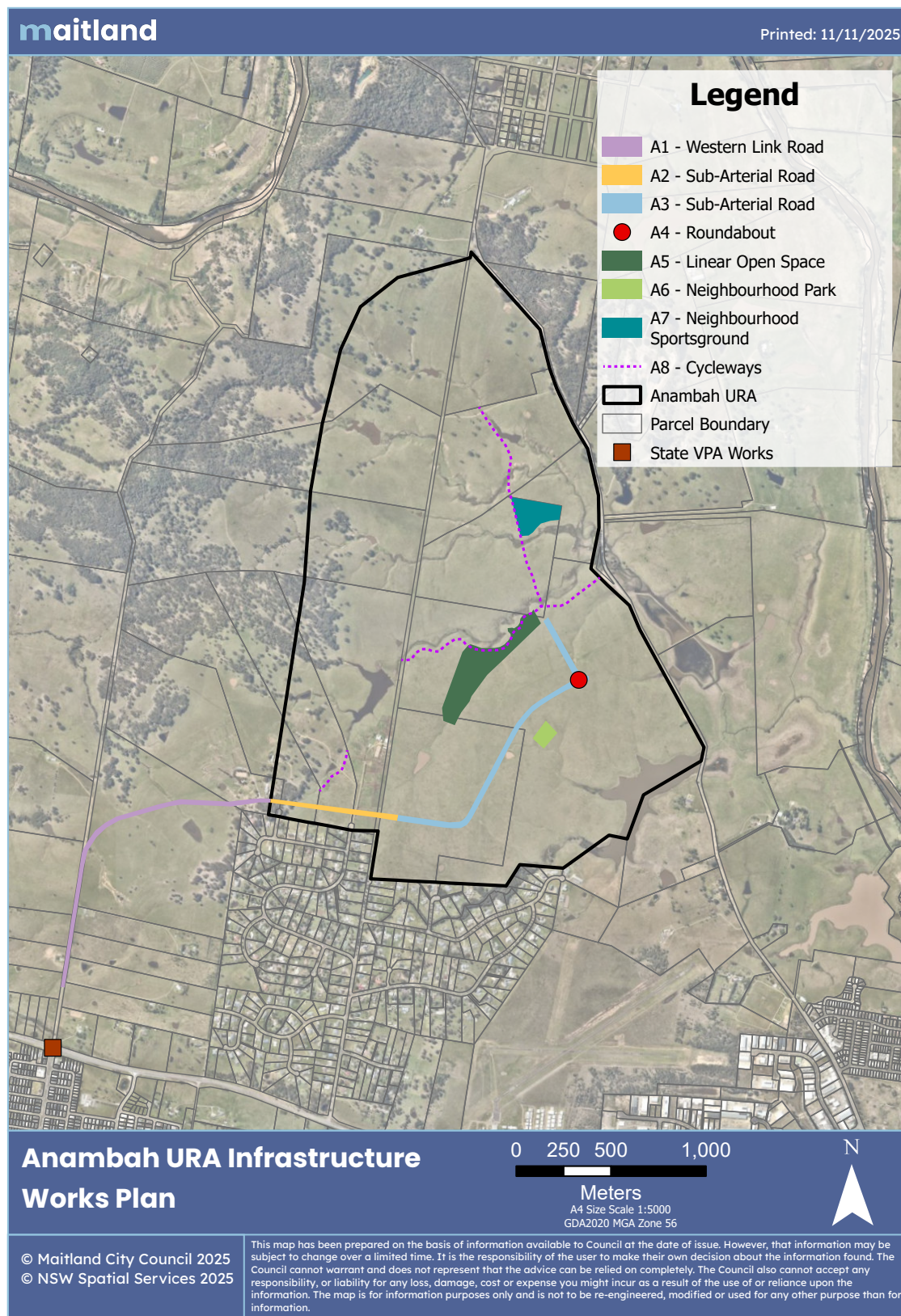
Infrastructure Works Plan

Meeting Date: 9 December 2025

Attachment No: 1

Number of Pages: 1

VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER FROM DB20 FOR TRANSPORT AND RECREATIONAL FACILITIES AT ANAMBAH (Cont.)



City Planning

Voluntary Planning Agreement Letter of Offer from DB20 for Transport and Recreational Facilities at Anambah

Letter of Offer to enter into a VPA

Meeting Date: 9 December 2025

Attachment No: 2

Number of Pages: 12

VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER FROM DB20 FOR TRANSPORT AND RECREATIONAL FACILITIES AT ANAMBAH (Cont.)

DB20 Pty Limited

12 August 2025

Maitland City Council

PO Box 220

Maitland NSW 2320

Attention: Adam Ovenden - Coordinator City Planning

Delivered by email adam.ovenden@maitland.nsw.gov.au

Dear Adam,

**Re: Revised Offer - Voluntary Planning Agreement (Local Contributions)
Anambah Urban Release Area – DB20 Landholdings**

Thank you for Council's response of 14 May 2025 to DB20 Pty Limited (DB20) offer dated 20 August 2024 regarding a Voluntary Planning Agreement (VPA) for the delivery of the AURA Lead in Road for the Anambah Urban Release Area (AURA).

DB20 welcomes Council's recognition of this as critical enabling infrastructure and support for its delivery via a VPA. The works are time sensitive and subject to third party delivery constraints.

We acknowledge the policy principles outlined by the Infrastructure Contributions Committee. This **Revised Offer** responds to those principles (refer Table 3) and recognises that Council is progressing an IPART-reviewed Contributions Plan (CP) to apply across AURA, including the Proposed Development. We understand adoption is anticipated within 18-24 months.

This Revised Offer enables determination of development applications (DAs) and delivery of key infrastructure, as a material public benefit prior to CP adoption, while preserving Council's ability to fairly account for it and recover/reconcile contributions. It offers a transparent and equitable VPA ledger to record both credits (for contributions delivered) and debits (accrued through development approvals), consistent with the NSW Planning Agreements Practice Note (February 2021), the 2024 draft update, and IPART Local Infrastructure Benchmarking Principles. Once adopted, the CP will form the basis for reconciling contributions. Earlier DAs will rely on the VPA and its ledger and reconciliation framework.

1. Revised Contribution Items

The revised offer includes:

- Design, construction and dedication of the AURA Lead in Road (including third party lands)
- Design, construction and dedication of part of the AURA Sub-Arterial Road and roundabout
- Future land dedication of open space and recreation land:
 - Linear Corridor (associated with Precinct 1)
 - 1ha Neighbourhood Park (associated with Precinct 2), with road frontage
 - Neighbourhood Sportsfield Precinct, with road frontage
- Construction of 3m wide cycleway in DB20 lands and shared pathways (2.5m wide) in Precinct 1 Linear Corridor

These items are identified in **Figure 1** and summarised in **Table 1**.

VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER FROM DB20 FOR TRANSPORT AND RECREATIONAL FACILITIES AT ANAMBAH (Cont.)

DB20 Pty Limited

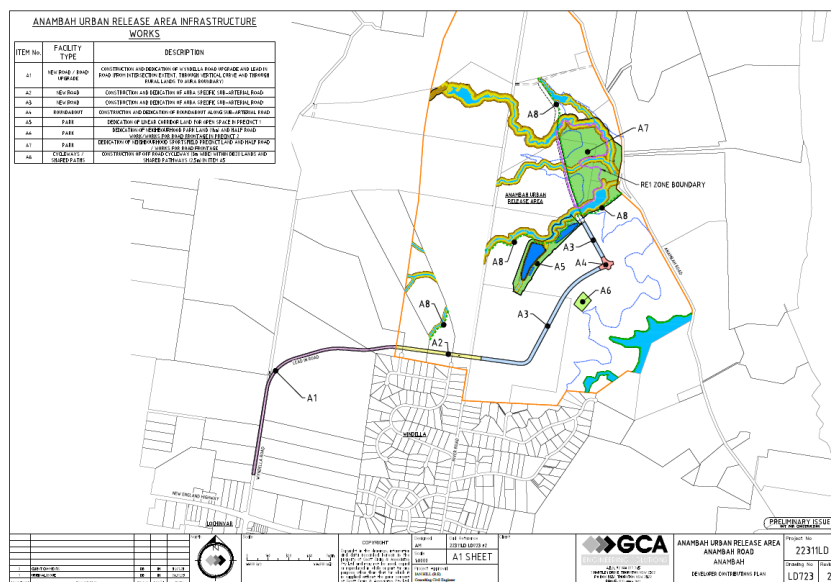


Figure 1 - Summary Plan of Contribution Items

Table 1 Proposed Contribution Items

| Item | Contribution | Public Purpose and Type | Timing |
|------|--|--|--|
| A1 | Construction and dedication of Wyndella Road Upgrade and Western Link Road. | Roads and Traffic (Road Upgrade/New Road) | Prior to first Subdivision Certificate (SC) for a residential lot. |
| A2 | Construction and dedication of AURA Lead in Road (AURA Sub-arterial Road) | Roads and Traffic (New Road) | Prior to first SC for a residential lot. |
| A3 | Construction and dedication of part of AURA Sub-arterial Road | Roads and Traffic (New Road) | Prior to first SC for a residential lot. |
| A4 | Construction and dedication of two-lane circulating roundabout in conjunction with Item A3 | Roads and Traffic (New Roundabout) | Prior to first SC for a residential lot. |
| A5 | Dedication of Linear Corridor Land (Precinct 1) for open space | Open Space and Recreation (Land) | As identified in any Development Consent (may be staged) |
| A6 | Dedication of 1ha Neighbourhood Park (Precinct 2) and half road/works to road frontage | Open Space and Recreation (Land and Road Frontage) | As identified in any Development Consent |
| A7 | Dedication of Neighbourhood Sportsfield Precinct, including half road land/works and riparian crossings to road frontage | Open Space and Recreation (Land and Road Frontage) | As identified in any Development Consent (may be staged) |
| A8 | Off Road Cycleway (3m wide) within DB20 land and shared pathways (2.5m) in linear corridor land (Item A5) | Cycleways/Shared Paths | As identified in any Development Consent (may be staged) |

VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER FROM DB20 FOR TRANSPORT AND RECREATIONAL FACILITIES AT ANAMBAH (Cont.)

DB20 Pty Limited

The offer includes both transport infrastructure and open space and recreation land – priority infrastructure categories for Council – and reflects ultimate planning for AURA and supports cost-efficient and integrated rollout of AURA. Transport infrastructure proposed is essential to provide lawful and flood-free access to AURA and link early precincts (including DB20 first DA 2025/486). These roads will be delivered to ultimate design standards, ensuring long term cost efficiency and value for public investment and avoiding future upgrade disruption and cost duplication. Open space and recreation land is identified for forward planning purposes, but its dedication remains tied to the relevant precincts and development stages. Delivery will occur progressively in line with associated DAs and some items will likely be delivered post-CP adoption.

Other infrastructure categories (eg community facilities, administration) will be addressed through the CP. To allow for some flexibility as the development progresses and Council adopts the CP, DB20 proposes that the VPA include provisions that will allow DB20, subject to Council's consent, to deliver additional works identified under the CP in accordance with the terms of the VPA.

The VPA will provide for a monetary contribution to be made, if the credits available under the VPA are less than any amount that would otherwise be payable under the CP. Essentially the monetary contribution will be an amount calculated in accordance with the CP minus any credits available. The proposed scope of works exceeds DB20 likely development obligations over the next 24 months to provide additional comfort to Council in advance of adoption of a CP. The VPA will also provide for “retrospective” application of the CP (to debit the VPA ledger for development already approved) and reconciliation of any outstanding amounts once it is adopted. The CP will account for the offered infrastructure, as well as other infrastructure required to support AURA.

2. Valuation Method

Table 2 outlines the valuation basis for each contribution item.

Fixed agreed values will apply to transport infrastructure, whilst valuations for open space will be determined prior to delivery, using agreed methods and indexing. All contributions will be 100% creditable under a VPA ledger. DB20 will review and reach agreement on QS estimates and applicable contingencies and valuations provided by Council. Concept Plans and item details can be provided under separate cover as part of VPA preparation.

Table 2 Proposed Contribution Basis

| Item | Contribution | Valuation Method |
|---------|---|--|
| A1 & A2 | AURA Lead in Road – essential to unlock AURA, consistent with the planning framework, flood free access, scaled to ultimate needs, design and alignment as agreed. | Fixed agreed value in VPA comprising: <ul style="list-style-type: none"> • Estimated construction Cost plus 40% contingency • Design and Approvals Fee (15% of Estimated Construction Cost) • Land Dedication Value |
| A3 & A4 | AURA Southern Sub-Arterial Road and Roundabout – sub-arterial road and intersection to support AURA, consistent with planning framework, scaled to ultimate needs, design and alignment as agreed, impacts adjoining land due to access denied requirements. | Fixed agreed value in VPA comprising: <ul style="list-style-type: none"> • Estimated construction Cost plus 40% contingency • Design and Approvals Fee (15% of Estimated Construction Cost) • Land Dedication Value |

VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER FROM DB20 FOR TRANSPORT AND RECREATIONAL FACILITIES AT ANAMBAH (Cont.)

DB20 Pty Limited

| Item | Contribution | Valuation Method |
|------|--|---|
| A5 | Linear Corridor – Precinct 1 – whilst the linear corridor includes constrained land (watercourse and vegetated riparian areas and will require exclusion of approved drainage reserves), it provides a continuous recreational spine with public access, shared paths and will connect neighbourhoods and destinations. It also includes two usable nodes that together directly replace traditional park land with road and active frontage, parking and will meet size and access criteria. The linear passive land and the nodes are suitable for future embellishment under the CP as a local park, including provision of seating, landscaping, playground and additional paths. | Value determined on a per sqm basis prior to delivery, using an agreed method. |
| A6 | Neighbourhood Park – Precinct 2, plus half road frontage | Land valuation (valuer) on a per sqm basis, reviewed and agreed prior to dedication, with road frontage costs. |
| A7 | Neighbourhood Sportsfield Precinct, plus half road frontage - includes RE1 and RU2 zoned lands between Anambah Road in the east, the future eastern sub-arterial road in the west, and C4 zoned lands to the north and south. | Land valuation (valuer) on a per sqm basis applied to the area (adjusted to not provide value to watercourses), may factor in site works (eg filling) if agreed, with road frontage costs including riparian crossings. |
| A8 | Off Road Cycleway (3m wide) within current DB20 land and shared pathways (2.5m) in linear corridor land (Item A5) | Fixed agreed value in VPA comprising estimated construction cost plus 40% contingency. |

3. Draft Planning Agreement Terms

A summary of the proposed planning agreement terms is provided at **Attachment 2**.

4. Alignment with Council Principles

The Revised Offer responds positively to the Council's stated principles (refer Table 3).

Table 3 The Revised Offer against Council's Principles

| Council Principles | Revised Offer | Satisfied |
|--|---|-----------|
| Un-capped contribution rate | The offer removes any contribution cap and avoids exposing Council to funding shortfalls. It proposes to include a fixed value for the AURA Lead in Road to be agreed concurrent to drafting of the VPA. It proposes to agree on a method within the VPA - guided by relevant Directions and Practice Notes – for valuing other contributions in the VPA. | Y |
| Whole of Community Infrastructure | In addition to transport, the offer includes open space and recreational land – identified by Council as a priority. Other infrastructure categories (eg community facilities, administration) will be addressed through the CP. The VPA ledger will be adjusted to provide a “debit” in amounts equivalent to the contributions that would otherwise be payable if the CP applied. The CP will therefore technically apply to the development to ensure that contributions will be made to the whole of community infrastructure. The use of | Y |

VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER FROM DB20 FOR TRANSPORT AND RECREATIONAL FACILITIES AT ANAMBAH (Cont.)

DB20 Pty Limited

| Council Principles | Revised Offer | Satisfied |
|---------------------------------------|--|-----------|
| | <p>agreed valuation methodology for the contributions under the VPA means that Council can ensure its CP reflects the likely value of contributions in each category under the VPA. The delivery of works and dedication of land under the VPA is also unlikely to impact on the Council's ability to deliver facilities and infrastructure under the CP because:</p> <ul style="list-style-type: none"> (a) The development will be required to deliver works in kind or contributions equivalent to the contributions that would be required if the CP applied; and (b) The CP can allow for pooling of contributions (so that any monetary contributions made by others towards works that will be wholly carried out under the VPA can be used towards other public purposes under the CP). | |
| Offsets and Surplus Credits | A VPA ledger will record, index and reconcile contributions and balances for development approved before and after CP adoption. The value of contributions will be held in suspense, with retrospective liabilities calculated, indexed and reconciled within three months of the CP coming into effect. Remaining balances will be indexed and progressively applied. | Y |
| Security for Performance | The offer includes a bank guarantee or alternative financial security (the value to be consistent with the contract value for the works) to secure performance of the transport infrastructure works. In addition, subdivision certificate restrictions, agreement registrations on DB20 lands and fallback acquisition provisions provide Council with a balanced and proportionate risk management framework. | Y |
| Compulsory acquisition of Land | <p>The VPA will include provisions enabling Council to compulsorily acquire (for a nominal compensation amount) any land owned by DB20 that is to be dedicated under the VPA, if DB20 defaults on its obligations to dedicate that land.</p> <p>Further, if any third party land is required, the VPA will include provisions for Council to secure works (occupy, use and carry out works) and acquire land, where no separate agreement between DB20 and the landowner exists or where such agreements have expired or been otherwise terminated prior to completion. All costs associated with acquisition (land value, legal, administrative and registration costs) will be borne by DB20. Only the value of the land (as agreed for VPA crediting purposes) will be recorded in the VPA ledger. Acquisition costs and expenses beyond agreed land value will not be creditable. This ensures clear separation of contribution value from facilitation costs, consistent with IPART expectations, and preserves contribution integrity.</p> | Y |

5. Key Features and Benefits of the Revised Offer

The revised offer:

- Enables DA approvals and orderly development in advance of CP adoption
- Facilitates timely delivery of enabling infrastructure
- Delivers infrastructure to ultimate standard, avoiding future inefficiencies

VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER FROM DB20 FOR TRANSPORT AND RECREATIONAL FACILITIES AT ANAMBAH (Cont.)

DB20 Pty Limited

- Provides contributions of open space and recreation land in addition to roads and traffic, tied to staging and not prematurely delivered.
- Ensures transparency and accountability via a ledger system
- Preserves Council's ability to recover full contributions and reconcile under a future IPART-reviewed CP
- Avoids interim rates and supports a balanced, fair and lawful approach consistent with NSW Government guidance.

In summary, this is a fair and reasonable offer that delivers public benefits and essential infrastructure, whilst enabling development to proceed. It supports Council's CP process and safeguards its contribution recovery position through a robust ledger and reconciliation framework.

We look forward to working further with Council to finalise a Planning Agreement. Please do not hesitate to contact the undersigned as applicable.

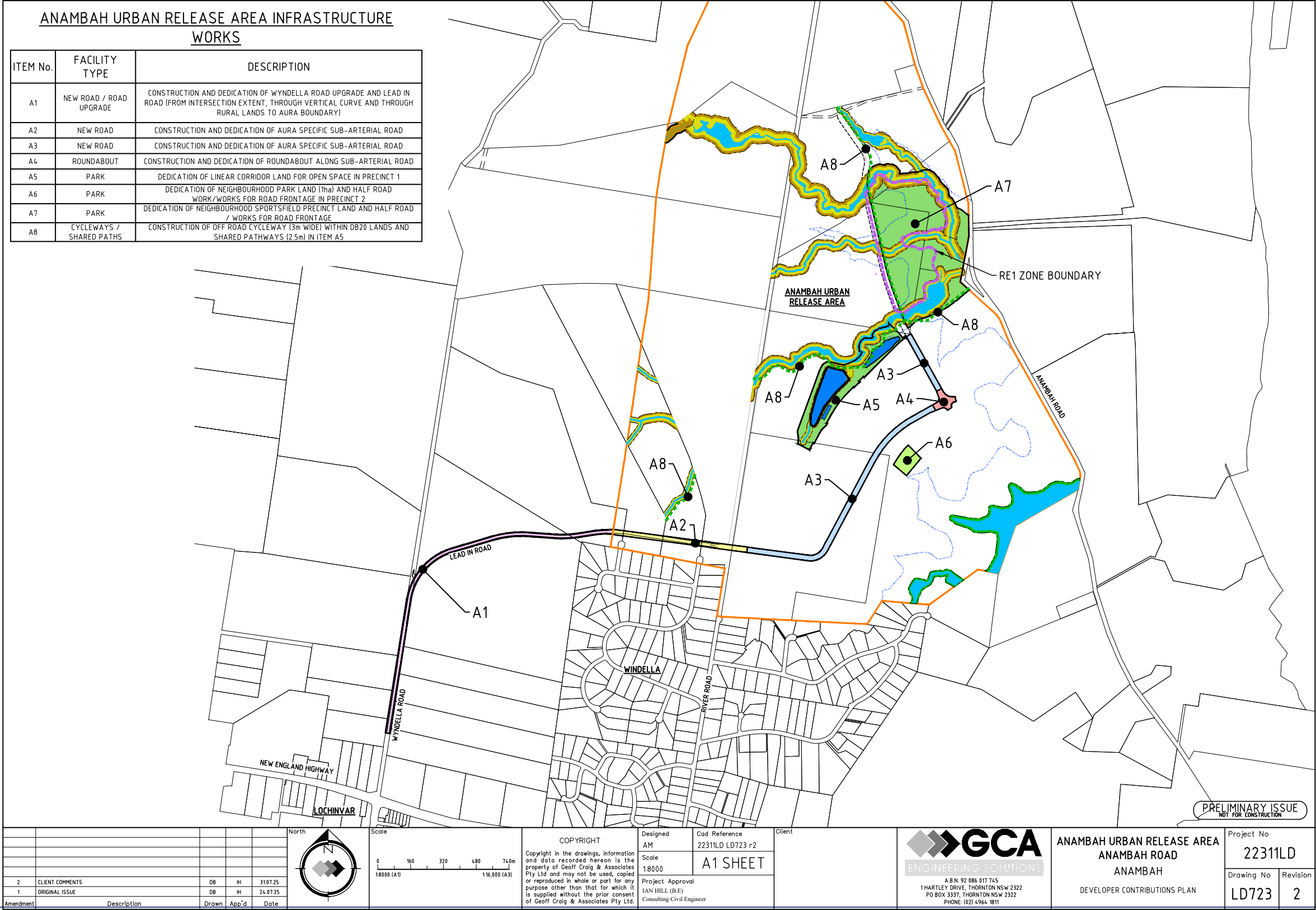
Yours sincerely,



Wes van der Gardner
Director – Development
Roche Group Pty Limited on behalf of DB20 Pty Limited

DB20 Pty Limited

Attachment 1 - Plan of Contribution Items



PLOT DATE: 31/07/2025 2:02:43 PM CAD FILE: Q:\22\22311 Anambah Urban Release Area DA\02_CAD\AutoCAD\LD700 series Road network (traffic study)\22311LD LD723 r2.dwg

VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER FROM DB20 FOR TRANSPORT AND RECREATIONAL FACILITIES AT ANAMBAH (Cont.)

DB20 Pty Limited

Attachment 2 - Revised Offer and Proposed Planning Agreement Terms Summary

Revised Offer

DB20 Pty limited ACN 637 243 844 (**DB20**) offers to enter into a Planning Agreement with Maitland City Council (ABN 11 596 310 805) under section 7.4 of the *Environmental Planning and Assessment Act 1979 (Act)* in connection with the proposed redevelopment of land located at 381 Anambah Road, Anambah, 2320 and 46 Lerra Road, Windella 2320, being land located within the Anambah Urban Release Area (**AURA**).

Proposed Planning Agreement Terms

The terms of the offer are set out in the table below:

| Item | Terms |
|---------------------------------------|--|
| Parties | Maitland City Council ABN 11 596 310 805(Council) DB20 Pty Limited ACN 637 243 844 (Developer) |
| Land | Lot 56 DP 874170 Lots 1 and 2 DP 1110433 Lot 178 DP 874171 Lot 6 DP 19925 Lot A DP 431640 Lot 3 DP 785359 |
| Proposed Development | DB20 is the registered proprietor of the Land and proposes to carry out development of the Land under future development application(s) for subdivision, residential accommodation, and commercial and retail development over multiple stages. The Proposed Development will include, but is not limited to, creation of environmental living lots, large lot residential lots, residential lots, and development lots for residential accommodation, as well as housing and other types of residential accommodation, a school site, neighbourhood centre and associated infrastructure, as anticipated by Amendment No. 26 of the LEP. |
| Application of the Planning Agreement | The Planning Agreement will apply to the whole of the Proposed Development and the Land. |
| Transport Works – Nature and Extent | <p>The Developer will carry out the works to construct public roads (including upgrade of public roads and intersections) Table 1 and shown on the plan in Attachment 1 at no cost to Council (Works). The Works will include design, environmental assessment, obtaining approvals and construction. The works will generally be as per the typical sections and concept plans agreed with Council and included in Attachment 3.</p> <p>The Developer may obtain development consent for the Works (under Part 4 of the Act), or the Works may be carried out for and on behalf of Council, with environmental assessment being undertaken under Part 5 of the Act. The Developer will be</p> |

VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER FROM DB20 FOR TRANSPORT AND RECREATIONAL FACILITIES AT ANAMBAH (Cont.)

DB20 Pty Limited

| Item | Terms |
|---|---|
| | responsible for obtaining development consent or preparing the necessary assessment material including a Review of Environmental Factors for Council to make a determination under Part 5, whichever applies. |
| Transport Works - Design and Construction Terms | The design of the Works will be undertaken at the time an application for construction of civil works is prepared. The design for the Works will be consistent with Council's standards and specifications. |
| Transport Land Dedication | <p>The Developer will dedicate (or cause to be dedicated) land required for public roads identified in Table 1 and indicated on the plan at Attachment 1 at no cost to Council (Land Dedication).</p> <p>The area of the Land Dedication is subject to survey and Council's standards and specifications.</p> <p>The Land Dedication will be dedicated in accordance with section 9 of the <i>Roads Act 1993</i>, or as otherwise agreed with Council.</p> <p>The Developer seeks provision in the Planning Agreement (or a separate agreement) for Council (as the relevant roads authority) to acquire the Land Dedication (including any part of the land required for public road purposes), using its road widening and land acquisition powers under the <i>Roads Act 1993</i>, provided that DB20 has made reasonable efforts to acquire or procure dedication of the land by agreement and has been unable to do so by an agreed trigger date. This provision would only provide for Land Dedication not owned by the Developer or subject to a third-party landowner agreement (where that agreement provides for dedication of the land as public road). The Developer will bear the costs of any compulsory acquisition of the land by Council.</p> <p>The Planning Agreement will allow the Developer to assign its rights and obligations under the agreement to Roche Group Pty Limited (ACN 000 606 682) without the consent of Council, noting that Roche Group Pty Limited have entered into certain third-party landowner agreements for the purpose of the Works and Land Dedication.</p> |
| Transport Completion and Timing | <p>The Works will be taken to have been completed when Council issues a compliance certificate for the Works (or otherwise notifies the Developer in writing that the Works are complete).</p> <p>The Works are to be completed prior to the land being dedicated to Council as public road, unless otherwise agreed.</p> <p>The Works will be completed, and the land dedicated as public road at the times specified in Attachment 1.</p> |

VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER FROM DB20 FOR TRANSPORT AND RECREATIONAL FACILITIES AT ANAMBAH (Cont.)

DB20 Pty Limited

| Item | Terms |
|--|--|
| Open Space Land Dedication | The Developer will dedicate or transfer to Council land required for open space described in Table 1 and shown on the plan in Attachment 1 at no cost to Council (Open Space Dedication). |
| Cycleway Works | The Developer will carry out the works to construct off road cycleways and shared pathways as described in Table 1 and shown on the plan in Attachment 1 at no cost to Council (Cycleway Works). The Cycleway Works will include design, environmental assessment, obtaining approvals and construction. |
| Application of s7.11, 7.12 and Division 7.1, Subdivision 4 | <p>The Planning Agreement will exclude the application of sections 7.11 and 7.12, but will establish a VPA ledger. Debits to the VPA ledger will be made in accordance with the adopted Contributions Plan (CP), when contributions under the CP would otherwise be payable. The agreed value of land dedication and material public benefits made under the Planning Agreement will be credited to the VPA ledger. The amounts in the VPA ledger will be indexed and any deficit will be reconciled by payment of a monetary contribution. The VPA will include provision for the CP to be retrospectively applied so that the ledger can be debited for any development approved prior to the adoption of the CP.</p> <p>The Planning Agreement will not exclude the application of Division 7.1, Subdivision 4 to the Proposed Development.</p> |
| Registration | <p>The Planning Agreement can be registered on the title to the Land and will be removed once the Works are complete and the relevant Land Dedication occurs.</p> <p>The Planning Agreement will provide for staged removal of the agreement from title as the development progresses, provided there are no outstanding obligations relating to the land to be released.</p> |
| Security | <p>Given that DB20 proposes to carry out the Works prior to any residential lot being released, there is little risk to Council that DB20 will default.</p> <p>Notwithstanding, DB20 offers to provide a bank guarantee or bond prior to commencement of roadworks. The amount of the security will be consistent with the contract value for the works at the time it is provided.</p> <p>DB20 will also agree to:</p> <ul style="list-style-type: none"> (a) a restriction on the issue of subdivision certificates for the Proposed Development; (b) registration of the agreement on title to the Land Dedication (that is owned by DB20) subject to proposed road dedication; and |

VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER FROM DB20 FOR TRANSPORT AND RECREATIONAL FACILITIES AT ANAMBAH (Cont.)

DB20 Pty Limited

| Item | Terms |
|---|---|
| | <p>(c) provision for Council to compulsorily acquire any part of the Land Dedication (that is owned by DB20) to be dedicated for \$1,00 if the Developer fails to dedicate that part of the Land at the time required.</p> <p>In addition to the above, the Developer proposes a defects liability period of 12 months, commencing from the date of completion of the Works. The Developer will be required to rectify any defects detected in the works carried out under the Planning Agreement during the defect's liability period.</p> |
| Restrictions on the Issue of Certificates | The requirement to deliver the Works and the Land Dedication under the Planning Agreement will operate as a restriction on the issue of a subdivision certificate under section 6.15 of the Act. |
| Dispute Resolution | The Developer proposes the Planning Agreement will provide for mediation or expert determination of disputes between the parties, at their own cost, before the parties may exercise any other legal rights in relation to the dispute. |
| Costs | The Developer agrees to pay the Council's reasonable costs in connection with the negotiation, preparation, and execution of the Planning Agreement. The Developer requests that Council provide an estimate of the likely costs. |

11.5 FLOOD PLANNING

| | |
|-----------------------------|--|
| FILE NO: | 103/193 |
| ATTACHMENTS: | Nil |
| RESPONSIBLE OFFICER: | Director City Planning |
| AUTHOR: | Manager Strategic Planning Manager Environment & Sustainability Coordinator Planning & Development Strategic Planning Policy Lead |
| MAITLAND'S FUTURE | 4 Achieving together |
| COUNCIL OBJECTIVE: | 4.3.1 Informed planning |

EXECUTIVE SUMMARY

This report has been prepared to clarify Council's approach to the treatment of flooding as part of the development assessment process in the period before the draft Maitland Development Control Plan 2025 (draft MDCP) returns to Council in early 2026 for finalisation.

During the public exhibition of the draft MDCP 2025, 195 formal submissions were received from residents, community groups, government agencies, and developers regarding flooding. The high level of public interest and concerns has led Council staff to prepare this report outlining the processes Council staff will follow before the final draft MDCP is presented to Council.

OFFICER'S RECOMMENDATION

THAT

- 1. Council notes the information contained in this report;**
- 2. Council notes the NSW Flood Risk Management Manual 2023; and**
- 3. The LGA-wide Flood Risk Management Study and Plan be reported to Council for public exhibition by mid-2026.**

REPORT

The draft Maitland Development Control Plan 2025 (draft MDCP) was placed on public exhibition from 26 May 2025 to 4 August 2025 (70 days) and a total of 256 submissions were received.

Over the course of public exhibition, there was increasing attention and concern in respect to the proposed flooding controls. 195 of the 256 formal submissions focused on flooding, with 173 of 195 (89%) opposed. Objections ranged from impacts on economic development

FLOOD PLANNING (Cont.)

and property values to concerns about flood mapping, infrastructure, evacuation routes and mitigation.

A Councillor briefing session was held on 7 October 2025 to discuss the proposed approach to flood planning as per of the draft MDCP. Accordingly, Council staff are currently finalising their Response to Submissions as part of the post exhibition process.

Due to the high level of public interest and further enquiries regarding flood planning, this report has been prepared to advise on flood planning as part of the development assessment process, and for the period prior to the draft MDCP flooding chapter returns to Council for further consideration.

Development Assessment Considerations in Flood Planning

Within this context, Council is seeking to clarify its assessment considerations in respect to flood planning to provide confidence to applicants while the draft MDCP is still under review.

A site that falls within the Flood Planning Area Map provided on Council's mapping is subject to the following:

- Clause 5.21 Flood Planning of the *Maitland Local Environmental Plan 2011 (MLEP 2011)*
- B.3 Hunter River Floodplain in the current Maitland Development Control Plan 2011 (MDCP 2011)
- Flood Risk Management Manual 2023
- Additional state directions enshrined by other legislation, including the Shelter-in-Place guideline for flash flooding

Clause 5.21 Flood Planning

The Standard Instrument (Local Environmental Plans) Amendment (Flood Planning) Order 2021 was introduced in NSW on July 14, 2021, as part of a broader policy to improve flood risk management and community resilience. This order introduced Clause 5.21 as a mandatory clause to all LEPs across the NSW.

Clause 5.21 is Council's primary legislative matter of consideration for any land within the Flood Planning Area (defined as the 1 in 100 Annual Exceedance Probability (AEP) flood event plus 0.5m freeboard). This Clause requires the Council to be satisfied as to certain specific matters relating to flood function, behaviour, safety, evacuation and impacts on the environment.

The objectives of this Clause as follows:

- a) to minimise the flood risk to life and property associated with the use of land,
- b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
- c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
- d) to enable the safe occupation and efficient evacuation of people in the event of a flood.

Maitland DCP 2011 (i.e. B.3 Hunter River Floodplain) provides additional guidance to applicants on how to address the requirements under Clause 5.21 of MLEP. The current flood

FLOOD PLANNING (Cont.)

controls of the MDCP 2011 was introduced in 2017, following the adoption of the Hunter River Floodplain Risk Management Study and Plan.

A majority of the objectives and considerations required to be addressed under Clause 5.21 of the *MLEP 2011* are adequately captured in MDCP 2011. However, a number of aspects are not, including:

- Safe and efficient evacuation of people and the capacity of existing evacuation routes for the surrounding area in a flood event.
- Projected changes to flood behaviour as a result of climate change.
- Measures to minimise the risk to life to ensure the safe evacuation of people in the event of a flood.
- The potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding.

The matters not captured by B.3 of the MDCP 2011 consequently rely on the guidance of the Flood Risk Management Manual 2023 (the Manual), and must be considered in line with Clause 5.21 of the *MLEP 2011*.

Gazetted in June 2023, the Manual guides councils in managing flood risk to their communities through a comprehensive flood risk management framework. The Manual identifies its primary objective as being “*to reduce the impacts of flooding and flood liability on communities and individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible*”.

The Manual relates to the development of flood-labile land for the purposes of Section 733 of the *Local Government Act 1993* and provides local councils and their employees with a limited legal indemnity for advice given, or things done or not done, relating to the likelihood or the extent of flooding.

Under Section 733(4)(a) of the *Local Government Act 1993* Council must be satisfied that a thing was done or omitted to be done in a manner that is ‘*substantially in accordance with the principles contained in the relevant manual most recently notified under subsection (5) at that time*’, sub-section (5) being ‘*a manual relating to the management of flood liable land*’.

Consequently, within a decision made in respect to a Development Application, Council must be satisfied that the decision is substantially in accordance with the Manual. To satisfy this requirement and to capture the missing aspects not adequately covered under B.3 Hunter River Floodplain of the MDCP 2011, Council considers the Flood Risk Management Manual 2023 and below supporting documents as additional guidance in the Development Assessment process:

- FB01 – Understanding and managing flood risk
- FB02 – Flood Function
- FB03 – Flood hazard
- FB04 – Incorporating 2016 Australian Rainfall and Runoff into studies
- EM01 – Supporting for Emergency Management Planning
- LU01 – Flood Impact and Risk Assessment

FLOOD PLANNING (Cont.)

When a variation from B.3 of the MDCP 2011 is proposed, any alternative solution needs to be aligned with the principles and guidance of the Flood Risk Management Manual 2023. The main flood risk management principles to consider when assessing development are:

- Whether the proposal will have any material Flood Risk Management (FRM) impacts on other properties directly (e.g. by increasing flood levels or velocities) or indirectly (e.g. by adding to evacuation traffic or increasing flood levels on evacuation routes to the extent that this compromises existing evacuation capabilities in the floodplain).
- That the safe occupation and efficient evacuation of people (if required) is addressed. This includes ensuring the proposal will be compatible with the function and behaviour of floods, and emergency management considerations for all possibly affected people (e.g. when considering a new school this could include staff, primary school students and preschool children, and the parents who would be responsible for their travel to and from the site - consideration would also be required for the use of the school site for general community purposes).
- Ensuring that flood resilience of proposed buildings and associated infrastructure achieves acceptable standards.
- That there are no associated unacceptable impacts on the environment or the character and amenity of the area as a consequence of mitigation works and project design required to achieve acceptable FRM outcomes.
- The above should take into consideration the effect of projected climate change conditions.

Until such time as the draft MDCP is finalised and/or the Maitland FRMPS is completed, the above principles and guiding documents will be utilised to undertake assessment of proposals on flood prone land, to ensure consistency with clause 5.21 of the Maitland LEP 2011, and the requirements of the Flood Risk Management Manual 2023 and the *Local Government Act 1993*.

Shelter In Place Guideline for Flash Flooding

The Shelter In Place Guideline for Flash Flooding applies to areas that experience 'flash flooding', which is flooding that occurs within 6 hours of the precipitating weather event. It provides criteria and guidance as to when Shelter In Place can be employed in the context of a flash flooding event. Maitland City Council has not yet undertaken a review of flash flooding within its catchments. As such, this guideline can only be applied to development in cases where an Applicant has been able to prove flash flooding occurs on a site through a Flood Impact and Risk Assessment undertaken in line with the Manual's Flood Impact and Risk Assessment Guideline (LU01).

Maitland Flood Risk Management Study and Plan

The management of flood prone land is primarily the responsibility of local councils. The role of local councils in implementing NSW Flood Prone Land Policy involves establishing effective flood risk management governance and consultation arrangements (e.g. flood committee), and determining development standards and implementation arrangements in line with higher level strategies, plans and directions.

The 2023 Manual supports robust, effective and adaptable flood risk management outcomes for communities and the availability of flood information to enable informed decisions. To

FLOOD PLANNING (Cont.)

achieve this, the Manual encourages local councils to develop, adopt and implement a Flood Risk Management Study and Plan (FRMSP) to outline how councils intend to manage flood risk to the existing community and to new or modified developments.

Council is currently preparing an LGA-wide FRMSP, which will adhere to the requirements of the Flood Risk Management Manual 2023 and make a series of recommendations for Maitland's flood risk management framework in preventing, preparing, responding, and recovering from and to flooding.

The proposed FRMSP will allow Council to focus efforts in improving their understanding and management of flood risk, and encourage effective and meaningful community consultation over the coming months. Public exhibition of the draft FRMSP is due to occur in 2026.

CONCLUSION

The community feedback on the draft DCP 2025 highlights the importance of Council taking an evidence-based and more holistic approach to flood risk management and community engagement.

The preparation of a new Maitland FRMSP will provide a comprehensive and evidence-based framework including new modelling and data to support a long-term approach to flood risk management and more opportunities for community engagement. As a part of the new FRMSP, Council will continue to review and refine its flood planning controls to ensure they remain current, effective and aligned with the NSW Flood Risk Management Manual 2023.

In the meantime, development assessment will continue to be guided by the existing provisions of the *MLEP 2011*, the Maitland DCP 2011 and the NSW Flood Risk Management Manual 2023. This approach ensures that all applications within the current Flood Planning Area are assessed consistently, in accordance with current legislative and policy requirements to ensure Council decisions remain compliant with legislative obligations.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

This matter will assist in publicly communicating Council's approach to the assessment of flood planning within the current planning framework of the Maitland LGA. It is anticipated that this will remain the approach of Council until such a time that the flood planning approach is reviewed and reconsidered in the context of the new LGA-wide FRMSP.

STATUTORY IMPLICATIONS

The content of this report aligns with the relevant matters of consideration under Section 2.23 of the *Environmental Planning & Assessment Act 1979*, being the following:

- (a) The community has a right to be informed about planning matters that affect it.

FLOOD PLANNING (Cont.)

- (b) Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.
- (c) Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.
- (d) Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).

Additionally, the principles outlined assist in the exercising of the role of Councillors, as stipulated under Section 232 of the *Local Government Act 1993*.

As the Development Assessment approach relies on additional guidance not fully incorporated with the MDCP 2011, assessing officers will need to use available knowledge of where known flood affectation is occurring but is not mapped under the MDCP 2011, to take appropriate measures (such as requesting site-specific flood assessments). This will help ensure that Council can continue to satisfy Section 733 of the *Local Government Act 1993*.

Furthermore, Council must still be able to show that it has considered best available information on flood behaviour, up to and including the PMF, where applicable, and the associated constraints flood places on land and risks to the community, including the risk to people in emergency response events.

Finally, to ensure that Council, Councillors, and Council staff can rely on the general 'good faith' exemption under the *Local Government Act* in Section 731, Councillors and Council staff need to ensure that any advice given, or act conducted, is substantially in accordance with the 2023 Manual and its supporting guidelines.

11.6 REGIONAL PLANNING PANEL COUNCILLOR NOMINATION

| | |
|-----------------------------|---|
| FILE NO: | 35/2 & 35/7 |
| ATTACHMENTS: | Nil |
| RESPONSIBLE OFFICER: | Director City Planning |
| AUTHOR: | Coordinator Planning & Development |
| MAITLAND'S FUTURE | 1 Liveable Maitland |
| COUNCIL OBJECTIVE: | 1.1.3 Housing diversity |

EXECUTIVE SUMMARY

DA2024/763 being Concept Development Application for a 2 into 900 Lot Staged Torrens Title Subdivision, and Stage 1 Torrens Title Subdivision of 221 Lots at 559 Anambah was refused by the Hunter and Central Coast Regional Planning Panel (RPP) on 20 August 2025. The applicant has subsequently lodged a Section 8.2 Review of Determination.

The RPP will still be the determining authority for the review, however the Panel will need to comprise of different members to those that made the original decision and will be called the "Decision Review Panel".

It has been identified that a previously nominated alternate member is no longer available due to a recent resignation, and therefore an additional alternate member needs to be nominated.

Council must also determine the appointment time period for each member.

OFFICER'S RECOMMENDATION

THAT

- 1. Council confirms existing Panel Members Cr Halliday and Manager Works Ashley Kavanagh and alternate Manager Asset Strategy and Engineering Stephen Smith; and**
- 2. Council nominates one Councillor as an alternate member to the Hunter Central Coast Regional Planning Panel until 21 October 2027.**

REPORT

The Hunter Central Coast Regional Planning Panel (RPP) is the determining authority for development deemed Regionally Significant. The Panel consists of both experts nominated by the Minister and Council Members. In accordance with the Sydney District and Regional Planning Panels Operational Procedures, in selecting members, Councils should have regard to conflict of duties. It is also noted that of the two Council members, at least one Council member is required to have expertise in one or more of the following areas: planning,

REGIONAL PLANNING PANEL COUNCILLOR NOMINATION (Cont.)

architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

Councillor Sally Halliday, Manager Works Ashley Kavanagh are Maitland Council's current nominated Panel members. The Manager Asset Strategy and Engineering Stephen Smith is nominated as an alternate however the other staff member nominated as an alternate has recently resigned from Council leading to the need for another alternate member being nominated.

It is suggested that this alternate be nominated until 21 October 2027 in line with the existing members.

This alternate member will be required to sit on the decision review panel for the review of determination of DA 2024/763 being Concept Development Application for Two (2) into 900 Lot Staged Torrens Title Subdivision, and Stage 1 Torrens Title Subdivision of 221 Lots at 559 Anambah.

CONCLUSION

This report is presented to enable an additional Council delegate to be formally appointed to the Hunter Central Coast Regional Planning Panel, with the Department Planning, Housing and Infrastructure, Planning Panel Team subsequently notified as soon as possible.

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

There are no statutory implications with this matter.

11.7 DA2024/568 for Rural Industry – Demolition of One (1) Existing Structure, Construction of Three Sheds at 41 Cracknell Lane, South Maitland

| | |
|----------------------|--|
| FILE NO: | DA2024/568 |
| ATTACHMENTS: | <ol style="list-style-type: none"> 1. Locality Plan 2. Development Plans (Under Separate Cover) 3. Assessment Report (Under Separate Cover) 4. Recommended Reasons for Refusal |
| RESPONSIBLE OFFICER: | Director City Planning Coordinator Planning & Development Principal Planner |
| AUTHOR: | Senior Development Planner |
| APPLICANT: | Hill Top Planers Pty Ltd |
| OWNER: | Benjamin Ross Morgan and Kristy Lee Morgan |
| PROPOSAL: | Rural Industry – demolition of existing structures and construction of three sheds |
| LOCATION: | 41 Cracknell Lane, South Maitland 2320 (Lot 16 DP 701499 and Lot 17 DP 701499) |
| ZONE: | RU1 Primary Production Zone |

EXECUTIVE SUMMARY

*Development Application No. DA/2024/568 proposes a Rural Industry comprising of demolition of existing structures and construction of three sheds. The locality plan can be viewed at **Attachment 1** and Development Plans in **Attachment 2**.*

The development application was initially reported to the Council for determination on 16 September 2025. At this meeting Council resolved to defer the application to allow the proponent the opportunity to address a range of merit matters outlined within the report. The Council also resolved to report back no later than the December 2025 Ordinary Meeting with an updated assessment and recommendation based on the documentation received.

The applicant provided additional information on 12 October 2025, which has generally addressed the outstanding matters or demonstrated the impacts can be resolved through conditions of consent. However, a key matter relating to site filling and flood impacts remains unresolved. Insufficient information has been submitted to demonstrate that the proposed works would not adversely impact flood behaviour, neighbouring properties, or the surrounding environment.

*The original application was also the subject of one (1) objection during the initial assessment process. This submission is discussed in detail under the Assessment Report provided as **Attachment 3** to this report.*

DA2024/568 FOR RURAL INDUSTRY - DEMOLITION OF ONE (1) EXISTING STRUCTURE, CONSTRUCTION OF THREE SHEDS AT 41 CRACKNELL LANE, SOUTH MAITLAND (Cont.)

*An assessment of the application has been undertaken against Section 4.15(1) of the EP&A Act, 1979. The proposed development is not considered to be acceptable in terms of the relevant matters for consideration under the Act and it is recommended for refusal for the reasons contained in **Attachment 4**.*

OFFICER'S RECOMMENDATION

THAT

1. **That consideration of DA/2024/568 for a Rural Industry at 41 Cracknell Lane, South Maitland, be deferred to:**
 - a. **Allow the applicant until 30 January 2026 to address the outstanding issues identified in the reasons for refusal outlined in Attachment 4 of this report; and**
 - b. **That Council staff be granted delegation to determine the application after 2 February 2026, noting that should the outstanding issues referred to in item (a) not be addressed to Councils satisfaction, the application may be refused.**

Background

The development application was initially reported to the Council for determination on 16 September 2025. At this meeting Council resolved to defer the application to allow the proponent the opportunity to address a range of matters including noise, stormwater, servicing, flooding, filling and earthworks.

This assessment outlines the assessment against the matters deferred from the 16 September 2025 Council meeting.

Introduction

The purpose of this report is to provide a detailed discussion and assessment of the development application with a focus on those matters which the Council has asked to be addressed by way of additional information/design amendments, as detailed in the Council's previous resolution of 16 September 2025.

A detailed assessment in accordance with Section 4.15 of the Environmental Planning & Assessment Act 1979 is provided within **Attachment 3** of this report.

DA2024/568 FOR RURAL INDUSTRY - DEMOLITION OF ONE (1) EXISTING STRUCTURE, CONSTRUCTION OF THREE SHEDS AT 41 CRACKNELL LANE, SOUTH MAITLAND (Cont.)

Site Description

The legal description of the land to which the development is to be carried out is Lot 16 DP 701499 and Lot 17 DP 701499, known as 41 Cracknell Lane, South Maitland.

The subject land can be viewed in **Attachment 1** of this report.

Lot 16 DP 701499 comprises an area of 852m². The site currently contains a covered workshop, several shipping containers, and a mix of native and exotic vegetation. It does not have legal access to road frontage or easement for access to Cracknell Lane, but it can gain its access via Lot 17 under this proposal.

Lot 17 DP 701499 has an area of 2,468m² and slopes from the south towards the east. The lot features a gravel access track, multiple outbuildings, and machinery.

Proposal

The development application involves:

- o Removal of shipping containers and demolition of covered structures and sheds.
- o Removal of 12 trees and the pruning of 10 trees.

Construction of three (3) detached sheds including:

- o Workshop 1 a 12m x 28m (336m²) concrete slab walls and metal roof.
- o Workshop 2 a 12m x 18.2m (216m²) with mezzanine (54.5m²) and an office and reception on the ground level of the building.
- o Workshop 3 a 12m x 24m (288m²) with mezzanine (114.3m²).
 - All three buildings have a sink, toilet and shower amenities.
- o Wash Bay 8m x 10m (80m²).
- o 3 x 10,000L above ground water tanks.
- o Vehicle parking for 12 vehicles constructed as hardstand gravel.
- o Planting of 15 Swamp mahogany trees.

The buildings will be used for rural industry, specialising in the maintenance of farm equipment and repairs to private rural infrastructure. The proposal states a total of 20 staff with 10 staff working on the site with the other 10 staff off-site servicing machinery. The off-site staff will visit the site on average 3 times a day to get parts and receive details of their next jobs. On average, 3 to 4 pieces of farm equipment are delivered or leave the site each day. These items are generally delivered by a flatbed truck up to 10.5m in length. For large equipment, a 12.5m flatbed truck is utilized. The sheds can accommodate up to 13 items of machinery of various sizes and store 8 items of plant.

The proposal seeks the following operational hours:

- o Monday to Friday - 7am to 5pm;
- o Saturdays - 8am to 3pm; and
- o Sundays / Public Holidays – Closed.

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 the Assessment Report under **Attachment 3**.

Filling and Earthworks in Flood Prone Land

The subject site is affected by 1% (1 in 100 year) AEP flood extent with flood level 9.73m AHD. The depth of flow ranges between 3.6m - 4.8m and velocity ranges between 0m/s and 0.42 m/s. The entire site is classified as High Hazard and Flood Storage Area. The proposal seeks the importation of 1,428m³ fill to a depth of up to 1.4 metres.

The applicant provided part of the required information to address flood matters within the package of additional information received on 12th October 2025. Council's Flood Engineer reviewed this information and advised that based on the extent of fill being brought to the site (confirmed within the 12th October 2025 package of information as being 1428m³) that a Flood Impact Assessment (FIA) is required to be provided by the applicant to demonstrate that the proposed filling and works in flood prone land will not adversely affect flood behaviour, neighbouring properties, or the surrounding environment. The applicant was advised of this, but at the time of preparing this report, no FIA has been submitted.

Without a detailed FIA, technical staff are unable to determine the potential impact of flood waters upon this site and the surrounding land, noting that net importation of fill is being brought onto the land. The proposed buildings (i.e. workshops) also have the potential to impede the natural flow of flood waters; therefore, the FIA has been requested to clarify the extent of potential impacts, consistent with the Maitland Development Control Plan 2011 and Maitland Local Environmental Plan 2011.

Other items relating to flooding have been addressed, including a Flood Evacuation Response Plan (FERP), and ensuring that 'habitable components' (i.e. office space etc) are above Flood Planning Levels. These items are outlined in detail within the Assessment Report (**Attachment 3**).

Road Network and Traffic Impact

Vehicle access to the site is proposed from Cracknell Lane. The submitted Traffic Report indicates traffic would be split evenly between Cracknell Lane and Pender Road, with the largest vehicle being a 12.5 m HRV tilt tray. Swept path diagrams have been provided, demonstrating safe and convenient access for the nominated design vehicle in accordance with AS 2890.2.

While the existing condition of Cracknell Lane and Pender Road remains constrained, with limited width and sections of unsealed surface, the scale of the proposed development is not expected to generate significant additional traffic. Despite the concerns, Given the lane is already used by similar developments, it is not considered reasonable that the cost of

DA2024/568 FOR RURAL INDUSTRY - DEMOLITION OF ONE (1) EXISTING STRUCTURE, CONSTRUCTION OF THREE SHEDS AT 41 CRACKNELL LANE, SOUTH MAITLAND (Cont.)

upgrading the road be borne solely by this applicant. Council's Development Engineer has reviewed the proposal and is satisfied that the proposed access arrangements are acceptable, subject to the imposition of conditions of consent.

Noise Impact

An Acoustic Assessment (prepared by Bridges Acoustics dated 10 April 2025) concluded that the site receives significant traffic noise from the New England Highway and noise from the proposed agricultural machine repair business is likely to meet relevant noise criteria at all privately owned residences near the site. The assessment, however, does not consider the proponent's own residence at 37 Cracknell Lane, Maitland, as a sensitive residential receptor.

The applicant has since provided an addendum to the acoustic assessment which does now incorporate the adjoining residence. Council's Environmental Health Officer noted that there is still outstanding information which should be considered at assessment stage to ensure the development will not generate ongoing noise issues, however these matters can be addressed through the imposition of conditions of consent.

Stormwater

The amended stormwater plans incorporate on-site stormwater detention in accordance with Councils adopted Manual of Engineering Standards. Amended plans show the roofed areas being directed to rainwater tanks with tank overflow directed to three inlet pits and a surcharge pit draining to Council verge (New England Highway). The revised plans are supported by Council's Development Engineers, subject to the imposition of conditions of consent.

Servicing

The applicant has provided a Section 50 from Hunter Water showing an 80mm water service in Cracknell Lane which is available to service the subject site. The correspondence from Hunter Water noted major works are required to extend the sewermain to service the subject site. Trade waste is acknowledged in the correspondence from Hunter Water, and the landowner has been advised to apply for a Trade Waste Agreement. Both matters can be addressed through the imposition of conditions of consent.

The development can be adequately serviced by reticulated water supply; the development is considered to adequately address the objectives under Section 8.3.1 Planning for Bushfire Protection (PFBP 2019).

DA2024/568 FOR RURAL INDUSTRY - DEMOLITION OF ONE (1) EXISTING STRUCTURE, CONSTRUCTION OF THREE SHEDS AT 41 CRACKNELL LANE, SOUTH MAITLAND (Cont.)

Public Interest

The proposal cannot be considered to be in the public interest at this stage. While it is acknowledged that the use has commenced without consent and that formal approval would provide a framework for Council to regulate ongoing operations, key matters relating to flooding, filling, and site suitability remain unresolved. Without adequate information to demonstrate compliance with relevant planning controls and to confirm that the development will not result in adverse impacts on adjoining properties or the environment, the proposal cannot currently be supported as being in the public interest.

PUBLIC SUBMISSIONS

The application was placed on public exhibition for a period of 14 days from 29 July 2024 to 12 August 2024 in accordance with the legislative requirements. During this time one submission was received. The submission raised concerns on the scale of the proposed development, its consistency in the rural zoning, the extent of tree removal proposed, noise impacts and extent of proposed structures on the site. A detailed response to the submissions provided in the Assessment Report found in **Attachment 3**. The amended plans have not been renotified given the very limited scope of the variations which have been proposed.

Background

The development application was initially reported to the Council for determination on 16 September 2025. At this meeting Council resolved to defer the application to allow the proponent the opportunity to address a range of matters including noise, stormwater, servicing, flooding, filling and earthworks.

This assessment outlines the assessment against the matters deferred from the 16 September 2025 Council meeting.

INTRODUCTION

The purpose of this report is to provide a detailed discussion and assessment of the development application with a focus on those matters which the Council has asked to be addressed by way of additional information/design amendments, as detailed in the Council's previous resolution of 16 September 2025.

A detailed assessment in accordance with Section 4.15 of the Environmental Planning & Assessment Act 1979 is provided within **Attachment 3** of this report.

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- o Sundays / Public Holidays - Closed.

KEY ISSUES

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DA2024/568 FOR RURAL INDUSTRY - DEMOLITION OF ONE (1) EXISTING STRUCTURE, CONSTRUCTION OF THREE SHEDS AT 41 CRACKNELL LANE, SOUTH MAITLAND (Cont.)

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The subject site is affected by 1% (1 in 100 year) AEP flood extent with flood level 9.73m AHD. The depth of flow ranges between 3.6m - 4.8m and velocity ranges between 0m/s and 0.42 m/s. The entire site is classified as High Hazard and Flood Storage Area. The proposal seeks the importation of 1,428m³ fill to a depth of up to 1.4 metres.

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Without a detailed FIA, technical staff are unable to determine the potential impact of flood waters upon this site and the surrounding land, noting that net importation of fill is being brought onto the land. The proposed buildings (i.e. workshops) also have the potential to impede the natural flow of flood waters; therefore, the FIA has been requested to clarify the extent of potential impacts, consistent with the Maitland Development Control Plan 2011 and Maitland Local Environmental Plan 2011.

Other items relating to flooding have been addressed, including a Flood Evacuation Response Plan (FERP), and ensuring that 'habitable components' (i.e. office space etc) are above Flood Planning Levels. These items are outlined in detail within the Assessment Report (**Attachment 3**).

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While the existing condition of Cracknell Lane and Pender Road remains constrained, with limited width and sections of unsealed surface, the scale of the proposed development is not expected to generate significant additional traffic. Despite the concerns, Given the lane is already used by similar developments, it is not considered reasonable that the cost of upgrading the road be borne solely by this applicant. Council's Development Engineer has reviewed the proposal and is satisfied that the proposed access arrangements are acceptable, subject to the imposition of conditions of consent.

DA2024/568 FOR RURAL INDUSTRY - DEMOLITION OF ONE (1) EXISTING STRUCTURE, CONSTRUCTION OF THREE SHEDS AT 41 CRACKNELL LANE, SOUTH MAITLAND (Cont.)

Noise Impact

An Acoustic Assessment (prepared by Bridges Acoustics dated 10 April 2025) concluded that the site receives significant traffic noise from the New England Highway and noise from the proposed agricultural machine repair business is likely to meet relevant noise criteria at all privately owned residences near the site. The assessment, however, does not consider the proponent's own residence at 37 Cracknell Lane, Maitland, as a sensitive residential receptor.

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The amended stormwater plans incorporate on-site stormwater detention in accordance with Councils adopted Manual of Engineering Standards. Amended plans show the roofed areas being directed to rainwater tanks with tank overflow directed to three inlet pits and a surcharge pit draining to Council verge (New England Highway). The revised plans are supported by Council's Development Engineers, subject to the imposition of conditions of consent.

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The applicant has provided a Section 50 from Hunter Water showing an 80mm water service in Cracknell Lane which is available to service the subject site. The correspondence from Hunter Water noted major works are required to extend the sewermain to service the subject site. Trade waste is acknowledged in the correspondence from Hunter Water, and the landowner has been advised to apply for a Trade Waste Agreement. Both matters can be addressed through the imposition of conditions of consent.

The development can be adequately serviced by reticulated water supply; the development is considered to adequately address the objectives under Section 8.3.1 Planning for Bushfire Protection (PFBP 2019).

Public Interest

The proposal cannot be considered to be in the public interest at this stage. While it is acknowledged that the use has commenced without consent and that formal approval would provide a framework for Council to regulate ongoing operations, key matters relating to flooding, filling, and site suitability remain unresolved. Without adequate information to demonstrate compliance with relevant planning controls and to confirm that the development will not result in adverse impacts on adjoining properties or the environment, the proposal cannot currently be supported as being in the public interest.

DA2024/568 FOR RURAL INDUSTRY - DEMOLITION OF ONE (1) EXISTING STRUCTURE, CONSTRUCTION OF THREE SHEDS AT 41 CRACKNELL LANE, SOUTH MAITLAND (Cont.)

PUBLIC SUBMISSIONS

The application was placed on public exhibition for a period of 14 days from 29 July 2024 to 12 August 2024 in accordance with the legislative requirements. During this time one submission was received. The submission raised concerns on the scale of the proposed development, its consistency in the rural zoning, the extent of tree removal proposed, noise impacts and extent of proposed structures on the site. A detailed response to the submissions provided in the Assessment Report found in **Attachment 3**. The amended plans have not been renotified given the very limited scope of the variations which have been proposed.

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

In response to the deferral from the Ordinary Meeting of Council held on 16 September 2025, the applicant has submitted amended plans and additional supporting information which addresses most of the key issues. The applicant has not provided sufficient information to demonstrate that the proposed filling and works in flood prone land will not adversely affect flood behaviour, neighbouring properties, or the surrounding environment.

The suitability of the proposal cannot be confirmed at this stage. This can only be achieved once detailed flood impact information is provided demonstrating compliance with relevant standards and design controls. Once this information is provided and deemed satisfactory, then Council can be certain that the site is suitable for the development.

There are two recommended options available for the Council to determine how to progress this Development Application.

1. Council can defer the matter to enable the applicant to address the outstanding matter (i.e. submit a Flood Impact Assessment). If the Flood Impact Assessment indicates an acceptable impact and the proposal can be supported, it is recommended that the Council give delegation for assessment staff to determine the application at a later date.

OR

DA2024/568 FOR RURAL INDUSTRY - DEMOLITION OF ONE (1) EXISTING STRUCTURE, CONSTRUCTION OF THREE SHEDS AT 41 CRACKNELL LANE, SOUTH MAITLAND (Cont.)

2. The alternative recommendation is for the Council to determine the proposal based on the information provided to date. On this basis, the proposal is recommended for refusal, noting that insufficient information has been provided to confirm whether the proposal will have an acceptable impact in relation to flood matters. The recommended reasons for refusal are provided in **Attachment 4**, and are also outlined below:

A) The proposal does not provide sufficient information to satisfy the Maitland Local Environmental Plan 2011 as follows:

- i. Clause 1.2 - Aims of Plan (flooding)
- ii. Clause 5.21 - Flood planning
- iii. Clause 7.2 - Earthworks
[Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979]

B) The proposed development is inconsistent with the provisions of the following chapters under the Maitland Development Control Plan 2011. Specifically, the development has not satisfactorily demonstrated the development is in accordance with:

- i. Chapter B.3 Hunter River Floodplain
 - i. Section 2.1 Development below the Flood Planning Level (FPL)
 - ii. Section 2.3 Filling of Flood Storage and Flood Fringe Areas
[Section 4.15(1)(a)(iii) Environmental Planning and Assessment Act 1979]

City Planning

DA2024/568 for Rural Industry – Demolition of One (1) Existing Structure, Construction of Three Sheds at 41 Cracknell Lane, South Maitland

Locality Plan

Meeting Date: 9 December 2025

Attachment No: 1

Number of Pages: 1

DA2024/568 FOR RURAL INDUSTRY - DEMOLITION OF ONE (1) EXISTING STRUCTURE, CONSTRUCTION OF THREE SHEDS AT 41 CRACKNELL LANE, SOUTH MAITLAND (Cont.)



City Planning

DA2024/568 for Rural Industry – Demolition of One (1) Existing Structure, Construction of Three Sheds at 41 Cracknell Lane, South Maitland

Recommended Reasons for Refusal

Meeting Date: 9 December 2025

Attachment No: 4

Number of Pages: 1

Attachment 4 – Recommended Reasons for Refusal

1. The proposal does not provide sufficient information to satisfy the Maitland Local Environmental Plan 2011 as follows:

- a. Clause 1.2 - Aims of Plan (flooding);
- b. Clause 5.21 - Flood planning;
- c. Clause 7.2 - Earthworks.

[Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979]

2. The proposed development is inconsistent with the provisions of the following chapters under the Maitland Development Control Plan 2011. Specifically, the development has not satisfactorily demonstrated the development is in accordance with:

- a. Chapter B.3 Hunter River Floodplain:
 - I. Section 2.1 Development below the Flood Planning Level (FPL);
 - II. Section 2.3 Filling of Flood Storage and Flood Fringe Areas;

[Section 4.15(1)(a)(iii) Environmental Planning and Assessment Act 1979]

12 CITY SERVICES

12.1 1955 Flood Boat – Phoebe Dunbar – Maitland Administration Centre

| | |
|----------------------|--|
| FILE NO: | P33382 |
| ATTACHMENTS: | Nil |
| RESPONSIBLE OFFICER: | Director City Services Manager Community & Recreation |
| AUTHOR: | Team Leader Town Hall Operations |
| MAITLAND +10 | Outcome 3 Vibrant Maitland |
| COUNCIL OBJECTIVE: | 3.2.1 Diverse heritage and cultures |

EXECUTIVE SUMMARY

This report is in reply to a resolution from the Council Meeting held on 15 April 2025, that Council staff investigate the possibility of the display of the 1955 Flood Boat in the Maitland Administration Centre foyer on a permanent basis.

OFFICER'S RECOMMENDATION

THAT

1. Council acknowledge the Maitland Administration Centre is not a suitable location for the permanent display of 1955 Flood Boat – Phoebe Dunbar
2. Council staff will ensure that Phoebe Dunbar is considered in future exhibitions and included with Council's digitization project for heritage items

REPORT

BACKGROUND

In February and March 2025, the Maitland Administration Centre (MAC) foyer hosted Flood Level 1955 – A Historical Exhibition. The community had the opportunity to explore the history of the floods via short stories, images and artefacts. The 1955 Flood Boat – the Phoebe Dunbar was a key object within this exhibition and gave the opportunity for the community to experience the boat up close and within the foyer of the MAC.

The 1955 Flood Boat - Phoebe Dunbar was a highlight of the exhibition. Community members shared many stories with Councillors and staff about their memories of the boat and it is evident it holds a special place in our City's history.

In consideration of the permanent display of the Phoebe Dunbar in the MAC foyer, Council Officers have considered the ongoing stewardship (care and maintenance) of the object as

1955 FLOOD BOAT - PHOEBE DUNBAR - MAITLAND ADMINISTRATION CENTRE (Cont.)

part of the City's Cultural Collections, the suitability of MAC infrastructure to host permanent exhibitions and displays, and impacts to operational use of the MAC foyer and Town Hall venue spaces.

Following is a summary of the object's history and significance to the city:

- A 6-metre clinker-built flood boat made of cedar planks, copper rivets, and iron nails
- Features include original thwarts, bottom boards, row locks, stern sheet, and mast provisions
- Weight of the boat is 700 kilograms
- Two of the three oars are believed to be original
- Believed to be built by the King family at Wallalong Shipyards on the Paterson River, established in 1862
- The shipyard supplied flood and butcher boats, but no other surviving examples are known today, making this vessel potentially unique
- Used by the Kirkwood family during the 1955 Maitland Flood and earlier events.
- Post-1955, stored in a Largs feed shed; donated to Hunter Valley Steamfest in 2001
- Later entrusted to Maitland City Council for preservation

The following concerns were raised during consultation:

- Overwhelmingly, the main concern is the safety of Council guests visiting the MAC foyer. To display the boat would require additional supervision to ensure community members are not injured if the boat is touched, climbed on or leant against.
- There is no operational budget for the consideration of the boat on permanent display in the foyer, including but not limited to the ongoing conservation, maintenance and cleaning.
- The boat permanently located in the MAC foyer would impact the use of the space for functions in the Maitland Town Hall. Hirers of the venue request a range of various set ups for both the main foyer and sunken foyer to suit their events. (Note 77 large events booked either the Townhall Main Hall or Evans Room in 2024/25).
- With the boat located in the MAC foyer it is likely to influence the decision-making process during booking and hirers may choose not to proceed due to reduced number of options in the MAC foyer for their event.
- Locating the boat in the MAC foyer permanently reduces the availability of seating for our community waiting for meetings with Council Staff or waiting to speak with a member of the Customer Service team at the front desk.
- The size and weight of the boat do not make it suitable to be permanently hung or staged on the floor in the foyer. This also limits its movability which would impact ongoing maintenance and cleaning of the foyer.

CONSULTATION

Internal departments including Town Hall Venues, Customer Experience Team, Libraries and Assets were consulted to inform the recommendation in this report.

CONCLUSION

With the above in mind, it is recommended to not have 1955 Flood Boat - Phoebe Dunbar on permanent display in the Maitland Administration Centre. Maitland libraries are currently working to provide ongoing digital access to information and images of the Phoebe Dunbar for the Maitland community. The boat is currently being securely stored at Maitland Gaol and would be utilised for future suitable exhibitions as the opportunities arose. Should Council no longer operate the Maitland Gaol facility ongoing then an alternative location would need to be sourced for all heritage items currently stored at that location.

FINANCIAL IMPLICATIONS

The table below outlines an estimate of costs associated should Council proceed with a permanent display of Phoebe Dunbar in the Maitland Administration Centre Foyer. There is currently no operational budget for these works and remediation/exhibition works for the recent 1955 flood exhibition were funded separately with a total cost of \$21,000.

| Source | Amount (excl. gst) | Comments |
|--|-----------------------|--|
| Income | | |
| | \$0 | There is currently no allocated capital or operational funding available for these works |
| Total Income | \$0 | |
| Expenditure | | |
| Engineering assessment | \$15,000 | Engineering assessment to investigate options relating to location, structural adequacy, fire and lifeline safety (fire suppression and egress and access), heating, ventilation and air conditioning (humidity) |
| Remediation, interpretation and permanent installation | \$100,000 | Remediation, interpretation and permanent installation (cost range dependent on heritage and engineering assessments / recommendations) |
| Total Expenditure | \$115,000 | |
| Result | -\$115,000 | |

RISK IMPLICATIONS

1955 FLOOD BOAT - PHOEBE DUNBAR - MAITLAND ADMINISTRATION CENTRE (Cont.)

| Risk | Risk rating | Proposed treatment | Proposed risk rating | Resourcing – within or additional |
|--|-------------|---|----------------------|--|
| There is safety risk that the current condition of the Phoebe Dunbar, including lead paint on the boat, will cause health issues for the community and staff, that may lead to risks to public safety and community wellbeing. | High | Conservation and display of the boat. | Medium-Low | Additional - There is no current operational budget that would allow for the restoration and conservation of the boat ongoing. |
| There is a WHS risk that community members touching or climbing on the boat whilst on display in the middle of the Maitland Administration Centre Foyer, that may lead to the damage of the boat or injury of the individual. | Medium | Source a more suitable permanent location. | Low | Additional – a permanent location for the boat should be considered in future displays with other artifacts significant to our City's history. |
| There is a reputational risk that available space in the Maitland Administration Centre Foyer for both the community visiting Customer Service and the community using the foyer for Town Hall events, that may lead to a change in the customer experience and affect venue bookings. | Medium | Source a suitable location for the boat where it can be stored permanently. | Low | Additional – an alternate space would need to be sourced where the boat could be on display permanently and wouldn't be required to be moved to accommodate venue hire bookings. |

POLICY IMPLICATIONS

The report relates to and is consistent with Councils adopted:

- Risk Management Policy
- Asset Management Policy

STATUTORY IMPLICATIONS

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

12.2 Local Transport Forum Meeting Minutes (November 2025)

| | |
|-----------------------------|---|
| FILE NO: | 140/5 |
| ATTACHMENTS: | 1.Draft November LTF Minutes (Under Separate Cover) |
| RESPONSIBLE OFFICER: | Director City Services Manager Asset Strategy and Engineering |
| AUTHOR: | Operations Manager Transport & Infrastructure Engineering Traffic Management Officer |
| MAITLAND'S FUTURE | 1 Liveable Maitland |
| COUNCIL OBJECTIVE: | 1.2.3 Safe and efficient road networks |

EXECUTIVE SUMMARY

The minutes of Maitland City Council's Local Transport Forum meeting held Thursday, 6 November 2025 are attached. At this meeting, the following items were considered:

- *Temporary road closure applications and associated traffic management plans for two (2) events; the first being New Years Eve 2025 celebrations in Maitland, and the second being the "Little Day Out" music event in Lee Street, Maitland; and*
- *A report recommending that Council request for the National Heavy Vehicle Regulator to rescind a B-double permit for Luskintyre Road due to road safety implications.*
- *A report documenting works completed for the keeping of records under delegation.*

OFFICER'S RECOMMENDATION

THAT

1. **The Local Transport Forum meeting minutes for the meeting held on 6 November 2025 be noted.**
2. **Council notes the traffic management plans and road closure information for the following events as recommended in the Local Transport Forum meeting minutes attached:**
 - a. **Event – New Years Eve 2025 – Event Traffic & Transport Management.**
 - b. **Event – Little Day Out – Event Traffic and Transport Management.**
3. **Council request that the National Heavy Vehicle Regulator (NHVR) rescind permit number 12341001V1 for B-double truck use on Luskintyre Road, Luskintyre based on road safety at the northern most intersection of Luskintyre Road and Pywells Road.**

REPORT

The minutes of Maitland City Council's Local Transport Forum (LTF) Meeting held on Thursday, 6 November 2025 are attached.

Item 5.1 is the 2025/26 New Years Eve event and is an optional referral to LTF and Council. The event involving temporary road closures was considered by the Local Transport Forum as outlined in the table below.

| Events / Road Closure/s | Event Timeframe |
|-----------------------------|-----------------------------------|
| 2025/26 New Years Eve event | 31 December 2025 – 1 January 2026 |

Item 5.2 is the B-double truck use on Luskintyre Road, Luskintyre report and is a mandatory referral to LTF and Council as it restricts the travel of a vehicle for greater than 6 months. The vehicle tracking review undertaken by Council demonstrates that B-double trucks cross over the centreline of the road to navigate the corner in both directions at the northern intersection of Pywells Road and Luskintyre Road. This creates a safety issue for oncoming traffic and breaches the road rules. The National Heavy Vehicle Regulator (NHVR) are the issuing authority of NHVR permits and a Council resolution is required to formally request the National Heavy Vehicle Regulator to revoke the B-double permit that was issued for Luskintyre Road.

Item 5.3 is the Keeping of Records Notification 2026 and must be reported to LTF. This report outlines the work items which have been completed utilising this delegated authority under Schedule 4, Condition 4 of the Prescribed Traffic Control Device Authorisation instrument.

The Prescribed Traffic Control Device Authorisation is completed under the General Manager delegations, as per the Maitland City Council Delegation of Authority, dated 20 May 2025.

Item 5.4 is the 2026 Little Day Out music event and is an optional referral to LTF and Council. This was presented as a late agenda item to LTF. The event involving temporary road closures was considered by the Local Transport Forum as outlined in the table below.

| Events / Road Closure/s | Event Timeframe |
|---------------------------------|-----------------------------------|
| 2026 Little Day Out music event | 23 January 2026 – 25 January 2026 |

General business items raised during the LTF meeting are to be noted, however no determinations are required by Council.

CONCLUSION

The minutes for the LTF meeting held on 6 November 2025 are noted by the Council. Approval is sought to request that the National Heavy Vehicle Regulator (NHVR) rescind permit number 12341001V1 for B-double truck use on Luskintyre Road, Luskintyre based on road safety at the northern most intersection of Luskintyre Road and Pywells Road.

CONSULTATION

The LTF agenda is issued prior to the meeting to allow LTF members to undertake any internal or external consultation as required before the meeting date. Items, including both agenda items and general business, are discussed with all present LTF participants prior to concluding recommendations and issuing of minutes.

In accordance with the Roads Act 1993, events and associated road closures as reported at LTF will be advertised in the local newspaper for a period of 28 days to allow the public to submit any comment. This is also advertised on TfNSW's OneRoad platform. Both event notifications will be advertised on the 21 November 2025.

RISK IMPLICATIONS

| Risk | Risk Rating | Proposed Treatment | Proposed Risk Rating | Resourcing |
|---|-------------|--|----------------------|--|
| There is a financial risk of the proposed works increasing Councils assets base that may lead to increased maintenance and resourcing requirements. | High | Anticipated increases are expected to be negligible to minor for inclusion within total assets base. | Low | Use existing resources for ongoing management and maintenance. |
| There is a safety risk associated with the current NHVR license for the use of B-doubles on Luskintyre Road that may lead to a road safety incident or traffic collision. | High | Request for the NHVR to rescind the B-double permit that has been issued for Luskintyre Road. | Low | Use existing resources |

FINANCIAL IMPLICATIONS

Council costs associated with providing regulatory signage and line marking are to be incorporated within existing project CAPEX or OPEX budget allocations.

POLICY IMPLICATIONS

This report relates to and is consistent with Council's adopted policies including:

- Asset Management Policy and associated Asset Management Strategy and Asset Management Plans.
- Activities on Public Roads Policy.
- Events Policy

STATUTORY IMPLICATIONS

The process associated with Local Transport Forum and approval for works is in line with relevant provisions including Section 115 of the Roads Act 1993 and the Local Government Act.

12.3 Community Infrastructure Strategy

| | |
|-----------------------------|---|
| FILE NO: | 29/55 |
| ATTACHMENTS: | <ol style="list-style-type: none"> 1. Community Infrastructure Strategy (Under Separate Cover) 2. Aquatic Centres Network Supporting Plan Summary (Under Separate Cover) 3. Community Facilities Network Supporting Plan Summary (Under Separate Cover) 4. Indoor Sports Network Supporting Plan Summary (Under Separate Cover) 5. Libraries and Museum Network Supporting Pan Summary (Under Separate Cover) 6. MRAG and Public Art Network Supporting Plan Summary (Under Separate Cover) 7. Outdoor Recreation Network Supporting Plan Summary (Under Separate Cover) 8. Outdoor Sports Network Supporting Plan Summary (Under Separate Cover) 9. Playspaces Network Supporting Plan Summary (Under Separate Cover) 10. Public Open Space Network Supporting Plan Summary (Under Separate Cover) 11. Public Toilets Network Supporting Plan Summary (Under Separate Cover) |
| RESPONSIBLE OFFICER: | Director City Services Manager Community & Recreation |
| AUTHOR: | Coordinator Community & Recreation Planning |
| MAITLAND'S FUTURE | 1 Liveable Maitland |
| COUNCIL OBJECTIVE: | 1.1.1 Quality open space network |

EXECUTIVE SUMMARY

In 2020 Council endorsed the Maitland Local Strategic Planning Statement 2040+ (LSPS), which identified the development of a Community Infrastructure Strategy as a key priority. Additionally, the current Operational Plan includes action 1.1.2.6 Develop a Community Infrastructure Strategy to ensure our neighbourhoods have the right mix of facilities, open spaces, and services for connected living. As a result, the draft Community Infrastructure Strategy 2025-2045 has been developed to provide a strategic framework to guide how Council plans and delivers new community infrastructure over the next twenty (20) years.

OFFICER'S RECOMMENDATION

THAT

- 1. Council resolves to place the draft Community Infrastructure Strategy in Attachment 1 on public exhibition.**
- 2. Council resolves to extend the public exhibition period from 28 days to 60 days in consideration of the upcoming holiday period.**
- 3. A further report be prepared for Council's consideration following the exhibition of the draft Community Infrastructure Strategy.**

REPORT

Maitland's Future is our shared vision to achieve a connected city with thriving communities. Council's Delivery Program and Operational Plan outlines how Council will work to achieve this vision. The Operational Plan includes action 1.1.2.6 *Develop a Community Infrastructure Strategy to ensure our neighbourhoods have the right mix of facilities, open spaces, and services for connected living*. The development of the Community Infrastructure Strategy (CIS) was also identified as a priority in the LSPS.

Council provides a variety of community infrastructure assets to contribute to the health and wellbeing of our community. These assets vary significantly in age, condition and location and these assets are currently not keeping pace with our population growth, which is expected to grow to 145,000 people by 2041. To contribute to our community infrastructure assets, Council currently invests an average of \$25 million annually in capital works, exclusive of maintenance costs. Investment for the construction of new community infrastructure, or to upgrade or repurpose existing community infrastructure is substantial, as is funding the maintenance and upkeep of these assets over their lifetime.

The Community Infrastructure Strategy 2025-2045 has been developed, in conjunction with Clare Dunncliff Pty Ltd, to provide a framework for how Council plans and delivers community infrastructure over the next twenty (20) years. The strategy is further supported by ten (10) supporting plans focusing on different community infrastructure asset groups:

1. Aquatics Centres Network
2. Community Facilities Network
3. Indoor Sports Network
4. Libraries and Museum Network
5. Maitland Regional Art Gallery (MRAG) and Public Art Network
6. Outdoor Recreation Network
7. Outdoor Sports Network
8. Playspaces Network
9. Public Open Space Network
10. Public Toilets Network

The strategy and the associated supporting plans have been developed to be achievable, feasible and act as Council's single source of truth for community infrastructure planning and delivery. The supporting plans have a 10 (ten) year horizon, and have been developed as internal documents, however a summary of each of the supporting plans has been

COMMUNITY INFRASTRUCTURE STRATEGY (Cont.)

developed to accompany the strategy and provide the community with oversight as to Council's approach to these assets.

The strategy framework aligns community infrastructure prioritisation, planning and provision decisions with community needs while ensuring reliable, equitable sustainable and resilient services support our growing and changing population by:

- Prioritising community infrastructure needs to support wellbeing and quality of life
- Informing land use planning processes, ensuring community infrastructure is integrated into the broader development landscape
- Outlining how community infrastructure related decisions will be made, incorporating financial, environmental and community considerations
- Providing adequate community infrastructure in the right locations, at the right time and in the right quantities to meet evolving community needs
- Identifying key priorities, processes and resources to achieve sustainable community infrastructure management outcomes
- Promoting long-term sustainability and cost-effective outcomes by balancing community needs with investment, renewal and maintenance activities

In order to achieve the above, the Community Infrastructure Strategy has and will continue to be aligned with other strategies and plans being developed by Council including the Backlog Delivery Program, Social Strategy, Service Asset Plans and the Civil Asset Strategy. In addition to alignment with the aforementioned, the Community Infrastructure Strategy has considered and integrated Council's informing strategies including the Economic Development Strategy and the Environmental Sustainability Strategy. This approach will provide Council with a full, holistic picture to assist in informed decision-making and prioritisation.

CONSULTATION

Internal consultation

The Community Infrastructure Strategy has been developed through a cross-Council collaborative approach. In the initiation stage of the strategy development, a Project Control Group (PCG) comprised of Community & Recreation, Assets, Strategy & Engineering, Corporate Planning & Performance, Strategic Planning, Maitland Regional Art Gallery, Libraries, Finance, Communications, Engagement & Marketing and Works was established. The PCG was established to provide oversight and guidance over the development of the strategy and met on a bi-monthly basis.

In addition to the establishment of the PCG, Subject Matter Experts (SME's) were identified across the organisation to assist in the development of each of the supporting plans based on their expertise. Over thirty different Council Officers worked collaboratively to develop the ten supporting plans, providing expertise and knowledge to provide a holistic understanding of each of these asset groups.

The internal project lead and the lead consultant also offered 'roadshow' opportunities for all Council's directorates to provide an overview of the Community Infrastructure Strategy for Council Officers who were not directly involved in the development of the strategy. This resulted in presentations to the broader Works team and various teams across City Planning.

COMMUNITY INFRASTRUCTURE STRATEGY (Cont.)

Regular consultation through Executive Leadership Team (ELT) Briefings and Councillor Briefings has been undertaken, with briefings with both groups in July, August, October and November 2025. The feedback from Councillors echoed the feedback we heard from the community as below.

The Sport, Recreation and Leisure Committee and Culture and Community Committee were also informed of the CIS progression in July and September 2025. A further workshop session was also held in September 2025 to provide input and guidance on some aspects of the supporting plans.

COMMUNITY INFRASTRUCTURE STRATEGY (Cont.)

External consultation

Significant consultation has been undertaken to inform the development of this strategy with over 5000 contributions from our community. These contributions were across various engagement opportunities as outlined below:

- Aquatic Centres engagement from January-May 2023
- Playspaces engagement from January-February 2024
- Outdoor sports user group engagement from July-August 2024
- Libraries engagement from February-March 2025
- Community facilities regular hirers engagement from February-March 2025
- MRAG engagement from May-July 2025
- Broader Community Infrastructure Engagement from May-July 2025

These engagement opportunities provided various formats for feedback including online surveys, pop-up sessions and direct stakeholder workshops/sessions. The feedback ranged from site-specific needs through to broader thinking around what places and spaces are important to the community. The broader Community Infrastructure Strategy engagement saw that emerging priorities for our community when thinking about community infrastructure are:

- Multi-use and co-located hubs
- Sustainability and smart design
- Access and Inclusion
- Heritage and cultural identity

These priorities are consistent with the trends being seen across community infrastructure planning and design on a State and National basis. Some of these trends seen through the progression of the CIS, include:

- Co-location
- Multi-use and flexible
- Unstructured recreation is increasing while structured sport is decreasing in participation
- There is a focus on quality over quantity of community infrastructure
- Partnership opportunities are important in community infrastructure delivery
- People are prepared to travel within and outside the Local Government Area for the right community infrastructure

Further to this, additional community information sessions were held in mid-November 2025 to provide an additional opportunity for community feedback and to provide an update as to the development of the strategy.

Through broad consultation, the 5 priority areas in terms of supporting plans came through as outdoor recreation, aquatic centres, outdoor sports, public open space and libraries and museum supporting plan.

It is recommended that Council resolve to place the Community Infrastructure Strategy on public exhibition in accordance with Maitland's Communications and Engagement Strategy 2024-2028. It is recommended that this public exhibition period is extended beyond 28 days in consideration of the holiday period to allow sufficient opportunity for the community to review and provide further input.

CONCLUSION

The draft Community Infrastructure Strategy 2025-2045 (CIS) has been developed through consideration of community feedback, state and national trends, guidelines, standards and priorities. The CIS provides a framework to guide the planning and delivery of community infrastructure in Maitland. The CIS and the associated supporting plan summary documents align with Maitland's Future and the Local Strategic Planning Statement 2040+.

It is recommended that Council resolve to place the Community Infrastructure Strategy on public exhibition for an extended period of time, being sixty (60) days, in consideration of the holiday period. Following the exhibition period, a further report will be prepared to Council, highlighting any submissions received and any amendments to the draft Strategy resulting from the submissions.

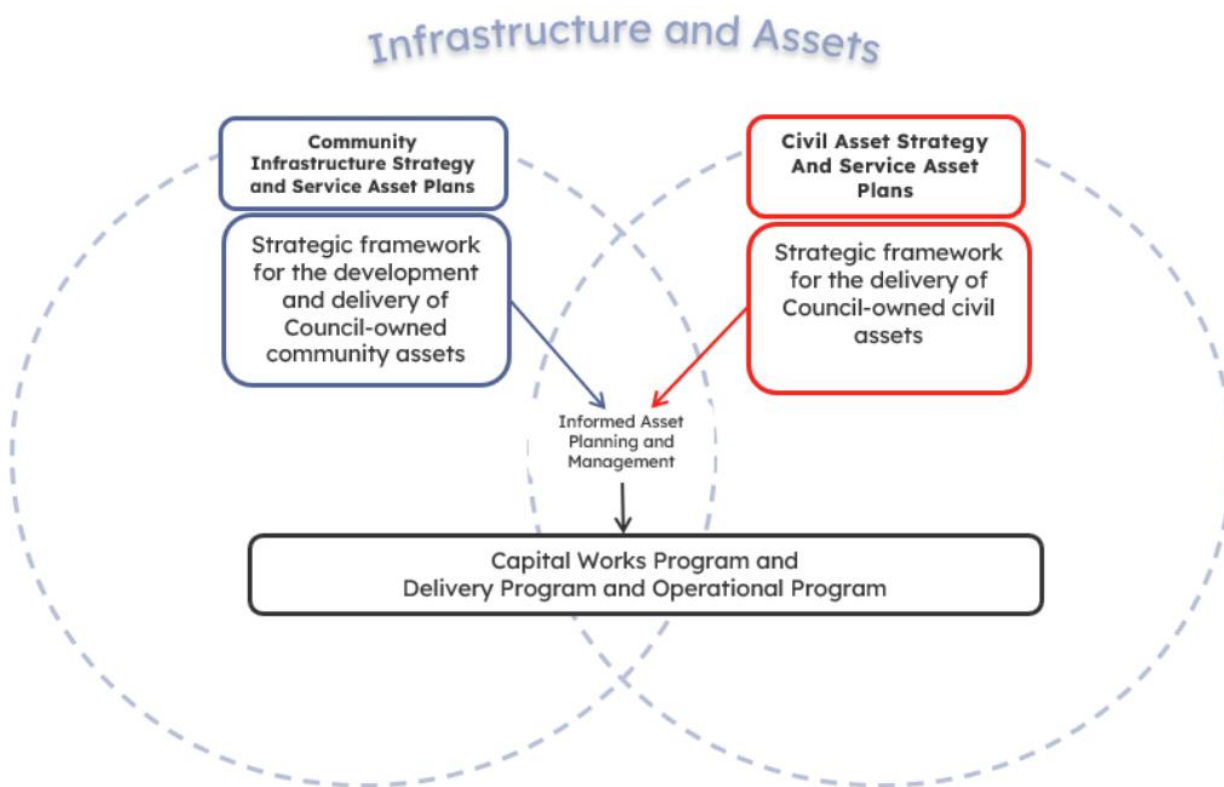
FINANCIAL IMPLICATIONS

The expected investment over the next ten (10) years across the supporting plans, is \$363,397,000. This figure is indicative and may vary based on continued prioritisation decisions, further design and investigations and potential efficiencies of works.

Short term works will be integrated into the capital works program over the next four years and will be consistent with available capital works budgets while integration of the CIS into the 2026-2036 Long Term Financial Plan will be essential to maintain transparency. The integration of the CIS schedule of works into the capital works program will be published in the Delivery Program and Operational Plan.

The rapid growth of the Local Government Area has also been considered with the CIS working to balance the provision of new required infrastructure with management of current community infrastructure. It is also noted that reviews of the current developer contribution plans are expected to commence in 2026.

COMMUNITY INFRASTRUCTURE STRATEGY (Cont.)



The CIS and its supporting summary documents will provide Council with improved opportunity to apply for grant funding to assist in the delivery of identified priority projects. The CIS will also assist Council's strategic planners within City Planning in justifying and getting the new infrastructure and contributions we need for our growing community.

RISK IMPLICATIONS

| Risk: | Risk Rating | Proposed Treatment | Proposed Risk Rating | Resourcing - (Within or additional) |
|---|-------------|---|----------------------|---|
| There is a financial risk of insufficient funding that may lead to Council being unable to deliver on works identified through the CIS. | Medium | Works have been indicatively costed throughout development of project and funding sources or note projects that will be unfunded until suitable funding is available. | Medium | Internal and additional – source grant funding where relevant/available |
| There is a service delivery and financial risk of Council continuing to make decisions relating to assets in isolation that may | Medium | Place the draft CIS on public exhibition. | Low | Internal |

COMMUNITY INFRASTRUCTURE STRATEGY (Cont.)

| | | | | |
|--|--------|---|--------|----------|
| lead to poor design and delivery outcomes. | | | | |
| There is a reputational risk of not understanding our community's needs and wants that may lead to the CIS not accurately reflecting our community's priorities. | Medium | Significant community consultation was undertaken to inform the development of the CIS. The CIS will also be placed on public exhibition to provide further opportunity for community feedback. | Low | Internal |
| There is a reputational risk of the strategy and supporting plans highlighting the backlog of community infrastructure delivery and maintenance that may lead to community frustration with Council. | High | Community is already aware of Council's infrastructure backlog through Council reports in 2025. The CIS and supporting plans provide a logical, structured approach to managing the current community infrastructure backlog and a coordinated approach for future planning. | Medium | Internal |
| There is a reputational risk of not being able to deliver what is planned that may lead to poor perception of Council in the community. | High | The CIS and supporting plans have been developed to be achievable, realistic and deliverable. Unfunded actions have been identified to provide clarity on what can and can't be delivered and when. | Low | Internal |
| There is a planning risk of failing to plan for increasing population growth that may lead to insufficient infrastructure being planned for or delivered. | High | The CIS has been developed in collaboration with strategic planning and sets and provides a logical, structured approach to managing the current community infrastructure backlog and a coordinated approach for future | Medium | Internal |

COMMUNITY INFRASTRUCTURE STRATEGY (Cont.)

| | | | | |
|--|--------|---|-----|----------|
| | | planning. | | |
| There is a reputational and financial risk of developers having lack of clarity for their expected provision requirements that may lead to poor community infrastructure outcomes in new developments. | Medium | Adopt of the CIS and it's supporting plans as guiding documents for Council and developers. | Low | Internal |
| There is an environmental and technology risk of not thinking holistically around changes e.g. environmental impacts, technological advancements that may lead to our community infrastructure not being future proofed. | Medium | The CIS and supporting plans have been informed by subject matter experts within Council with consideration of these changes and identification of any emerging trends to ensure we best plan for these considerations. | Low | Internal |
| There is a planning risk of missing opportunities in terms of working with neighbouring Councils that may lead to poor planning outcomes in terms of placements of facilities. | Medium | The CIS and it's supporting plans have been developed with consideration of other Local Government Area's community infrastructure provision. | Low | Internal |
| There is a reputational risk of not being adaptable to changing community trends e.g. changes in | Medium | Current and emerging trends have been identified within the CIS and it's supporting plans. Council Officers to continue to liaise with key bodies and | Low | Internal |

COMMUNITY INFRASTRUCTURE STRATEGY (Cont.)

| | | | | |
|--|--------|--|--------|----------|
| popular sports that may lead to poorly planned infrastructure or infrastructure not meeting community needs. | | agencies to ensure we plan for and future proof our community infrastructure effectively. | | |
| There is a legal/compliance risk of changes in State or Federal legislation that may lead to our planning or infrastructure not aligning with legislation. | Medium | Regularly liaise with State and Federal Government to identify any potential legislative changes and work with these bodies when/if new legislation is introduced. | Medium | Internal |

POLICY IMPLICATIONS

The preparation of a Community Infrastructure Strategy is a key priority identified in Council's Local Strategic Planning Statement. This matter relates to:

- Asset Capitalisation Policy
- Asset Management Policy
- Community Garden Policy
- Asset Disposal Policy
- Asset Revaluation Policy
- MRAG Acquisition and Collection Management Policy
- Community Engagement Policy
- Maitland Public Art Policy
- Library Collection Management Policy
- Rate Subsidy for Community Groups Policy
- Financial Reserves Policy
- Planning Agreements Policy

STATUTORY IMPLICATIONS

There are no statutory implications under the Local Government Act 1993 with this matter. This matter is consistent with the requirements of the Environmental Planning and Assessment Act 1979.

12.4 Year-Round Grants Program Round Three 2025/2026

| | |
|----------------------|---|
| FILE NO: | 10/5/27 |
| ATTACHMENTS: | Nil |
| RESPONSIBLE OFFICER: | Director City Services Manager Community & Recreation |
| AUTHOR: | Team Leader Community & Sport Liaison Community Development & Programs Officer |
| MAITLAND'S FUTURE | 3 Vibrant Maitland |
| COUNCIL OBJECTIVE: | 3.3.2 Advocacy and partnerships |

EXECUTIVE SUMMARY

Council's Year-Round Community Grants Program aims to provide financial support to residents living in the Local Government Area (LGA) who are aspiring to achieve excellence at the highest levels in their chosen sport OR are seeking professional development or small project opportunities in the field of creative arts.

This report presents to Council a recommendation to endorse the funding of nine (9) applications under Council's Year-Round Community Grants Program Round Three (3) 2025/2026.

OFFICER'S RECOMMENDATION

THAT

1. Council approves the allocation of funds for Round Three (3) of the Year-Round Community Grants Program 2025/2026, as recommended in this report for applications numbered one (1) to nine (9) in accordance with Section 356 of the Local Government Act, 1993.
2. Council formally thanks all sixteen (16) applicants for their submissions and advises them of Council's decision.

REPORT

Maitland City Council's Year-Round Community Grants Program aims to provide financial support to individuals or sporting teams from the Maitland LGA. It aims to help people reach their full potential in national or international sporting events, pursue professional development or undertake small creative arts projects.

YEAR-ROUND GRANTS PROGRAM ROUND THREE 2025/2026 (Cont.)

Through our Year-Round Community Grants Programs, we aim to:

- Provide applicants with support and encouragement that will help them to develop to their full potential within their chosen field.
- Offer financial assistance to individuals or teams representing the Maitland LGA in sporting endeavours at national or international levels or individuals undertaking professional development opportunities or small project opportunities in their field of creative arts.

The Year-Round Grants Program includes one distinct sub program, being the Individual Development Grants Program. This has two distinctive subcategories:

1. Sports

This subcategory provides support in recognition for an individual or team achievement in fields of competitive sport. This grant is open to applicants all year and provides funding to assist individuals/teams who have been selected, qualified or are nominated by a recognised peak body to represent and compete at national or international level. The funds are provided to assist with the travel and event related costs of attending sporting championships.

Grant amounts allocated in recognition of representation and participation at a national or international level are as follows:

- \$540 for individuals selected to compete on behalf of NSW at a national competition or equivalent
- \$900 for individuals selected to compete on behalf of Australia at an international competition or equivalent
- \$1,200 for individuals competing at the Commonwealth Games
- \$1,800 for individuals competing at the Olympic Games.
- Teams – 25% of the level of support for each selected individual.*

*If Council identifies that individuals are part of a team, the level of support will be provided at a 25% level for each individual. Team applications will need to be submitted by a coach or equivalent instructor in the relevant field of competitive and recreational sport.

2. Creative Arts

This subcategory is designed to support professional development opportunities for artists while also supporting small project initiatives. It aims to assist artists from diverse backgrounds and at all stages of their careers, encompassing a wide range of art forms and practices. Individuals can apply for up to \$900 per application.

Examples of funding proposals include:

- Support to develop a new exhibition, composition, or other artwork
- Small community projects (for example to initiate classes, groups)
- Creative production costs (e.g. printing, studio use, mastering)
- Small scale projects that do not employ others but have impact, practice development, marketing and distribution initiatives and/or capability development

YEAR-ROUND GRANTS PROGRAM ROUND THREE 2025/2026 (Cont.)

- Professional development and learning opportunities to support your chosen arts creative or heritage practice.

At the 11 February 2025 Council Meeting, in accordance with Section 377 of the Local Government Act 1993, Council delegated the approval of Individual Development Grants (Sports) stream to the General Manager, effective from the closing of Round 4 2024/25 (28 February 2025), in instances where assessment by the panel and approval by the elected Council would result in applicants being funded post attendance at their nominated event. This was not required for any applications from Round Three (3) 2025/26.

Applications Received

As these grants are Year-Round, applicants can apply at any time throughout the year with rounds closing periodically to allow assessment. Applications received after the closure date of a round will be presented for assessment in the following round. Noting throughout the year there are five (5) closure dates.

Applications for Round Three (3) of the Year-Round Community Grants Program 2025/2026 closed Friday 31 October 2025. In response to the call for applications, sixteen (16) applications were received.

Ten (10) applications received for Round Three (3) were related to the sports category and six (6) applications were related to the creative arts category.

CONSULTATION

The Community Grants Assessment panel was consulted as outlined in the 'review and assessment' section of this report.

Council Officers have also been consulted with Libraries, Maitland Regional Art Gallery and Place Activation teams to identify additional promotional opportunities for the Creative Arts stream. An Electronic Direct Mail (EDM) has been developed for distribution through these networks. It is anticipated that these additional promotional opportunities will create increased awareness and subsequently increased applications to the Creative Arts stream in the future.

Council Officers have implemented a communications plan for the Creative Arts Stream, with flyers distributed and monthly social media posts scheduled to promote each round, beginning from May 2025. A monthly social media schedule for the Sports Stream has been developed, with the first post published in October 2025 and ongoing posts scheduled each month moving forward.

REVIEW AND ASSESSMENT

In accordance with Council's Community Grants Program Policy, the assessment of the sixteen (16) applications for Round Three (3) of the Community Grants Program Year-Round categories was conducted by a Council Officer, with a final review of all applications completed by the Assessment Panel.

The Assessment Panel consists of two Councillors, a Mayoral representative and two

YEAR-ROUND GRANTS PROGRAM ROUND THREE 2025/2026 (Cont.)

independent community representatives. Members of the Assessment Panel were Mayor Philip Penfold, Cr Mike Yarrington, Cr Kristy Flannery, Penny Chapman and Robert Kerr. The panel is responsible for reviewing and assessing applications submitted through Council's online grant management platform, SmartyGrants. Council Officers facilitated this process by preparing a summary of all applications received for the Community Grants Assessment Panel's consideration. There were no conflicts of interest declared by the Councillors or independent community representatives for Round Three (3), and as such, each application was reviewed by all five panel members.

The following table provides a brief description of the nine (9) recommended applicants, the funding amount requested, and the funding amount endorsed by the Community Grants Assessment Panel for Round Three (3) 2025/2026.

| Individual Development Grant Round Three (3) – Sports | | | | | | | |
|---|----------------|--------------------|--------------------|--|------------------|--------------------|------------------|
| Assessment Panel Funding Recommendations | | | | | | | |
| | Applicant Name | Level of Selection | Type of Sport | Competition | Amount Requested | Amount Recommended | Cumulative Total |
| 1. | Cruz Elers | National | Touch Football | School Sport Australia Touch Football Championships in Ballarat, VIC in October 2025 | \$540.00 | \$540.00 | \$540.00 |
| 2. | Samuel Bryan | National | Ice Hockey | Australian National Youth Pan-Pacific Series 15U, in Reservoir, VIC, in October 2025 | \$540.00 | \$540.00 | \$1,080.00 |
| 3. | Cooper Hall | National | Softball | U16s National Championships in Mirrabooka, WA, in January 2026 | \$540.00 | \$540.00 | \$1,620.00 |
| 4. | Hayden Dark | International | Bobsleigh Skeleton | North American Cup in Whistler, British Columbia, Canada in January 2026 | \$900.00 | \$900.00 | \$2,520.00 |
| 5. | Sienna Compton | National | Swimming | School Sport Australia Swimming Championships in Ballarat, VIC, in October 2025 | \$540.00 | \$540.00 | \$3,060.00 |

YEAR-ROUND GRANTS PROGRAM ROUND THREE 2025/2026 (Cont.)

| | | | | | | | |
|---|------------------|----------------------|---|--|------------------|--------------------|------------------|
| | | | | | | | |
| 6. | Riley Barnes | National | Touch Football | Touch Football National Youth Championships in Coffs Harbour | \$540.00 | \$540.00 | \$3,600.00 |
| Individual Development Grant Round Three (3) – Creative Arts | | | | | | | |
| Assessment Panel Funding Recommendations | | | | | | | |
| | Applicant Name | Application Category | Project Name and Details | | Amount Requested | Amount Recommended | Cumulative Total |
| 7. | Grace Lewis | Dance | Showcase Australian Dance Championships - project includes attending the Gold Coast in January 2026 to perform dance routines and undertake intensive training and workshops with renowned choreographers. | | \$811.62 | \$811.62 | \$4,411.62 |
| 8. | Patrick Truscott | Music | ChaiChester - project includes recording a six-track EP of original folk/rock/country music with local and visiting musicians | | \$900.00 | \$900.00 | \$5,311.62 |
| 9. | Helen Hopcroft | Multiart form | Cit  internationale des arts residency – Project includes a two-month international arts residency to adapt applicants memoir into a screenplay, create plein air paintings, receive mentorship, and develop filmmaking and visual arts practice. | | \$900.00 | \$900.00 | \$6,211.62 |
| Total recommended funding for Individual Development Grant Round Three (3) | | | | | | | \$6,211.62 |
| Total funding delegated by the General Manager for Individual Development Grant Round Three (3) | | | | | | | \$0 |
| Total Expenditure for Individual Development Grant Round Three (3) | | | | | | | \$6,211.62 |

Ineligible applications

Seven (7) applications did not meet the eligibility and assessment criteria outlined in the Community Grants Program Guidelines. These applications were presented to the panel to confirm ineligibility and have been excluded from this report. Reasons for ineligibility include: applicants not being individual artists, participation in activities not endorsed by relevant peak bodies or National Sporting Organisations, residence outside the Maitland LGA, inclusion of travel/tour components, or missing official quotes for expenses. The applicants will be advised that they may reapply in the next funding round, which closes on 31 January

YEAR-ROUND GRANTS PROGRAM ROUND THREE 2025/2026 (Cont.)

2026, should they meet the eligibility requirements.

CONCLUSION

With sixteen (16) applications received, the Community Grants Assessment Panel recommended full funding to nine (9) of the submissions. Funded applications will assist in helping applicants reach their full potential in national or international sporting events, or through creative projects and professional development within the creative arts sector. The Assessment Panel funding recommendations total \$6,211.62 as outlined above and are within available budget allocations.

Round Four (4) of the Year-Round Individual Development Grants is now open and will close on 31 January 2026.

Round One 2025/26 Recipient Outcomes

Council Officers have highlighted some of the outcomes achieved by recipients of Round One 2025/26 Individual Development Grants Program. Please note that this list is not comprehensive and does not capture all grant recipient outcomes, however provides a sample of some of the achievements of the grant recipients from this round.

| Sport | | | | |
|------------------|--------------------|---------------------------------|--|--|
| Applicant Name | Level of Selection | Type of Sport | Competition | Outcome |
| Melinda Clarkson | International | Dragon Boating | 17th IDBF World Dragon Boat Racing Championships, in Brandenburg, Germany. | Melinda competed with the Paradrasons, winning silver in the 2km 10s small boat and bronze in 1km, 500m, and 200m events, with the grant supporting travel costs and enhancing her development as an adaptive athlete. |
| Lily Sutton | National | Football (Soccer) | 2025 CommBank Emerging Matilda's Championships, in Glenwood, NSW | Lily's team placed 7th and she was named Player of the Match against Football Victoria Blue, with the grant supporting her participation and development through high-level competition, training and leadership growth. |
| Creative Arts | | | | |
| Applicant Name | Category | Project Name | Project Location | Outcome |
| Toni McLeod | Visual Arts | Large Format Gel Plate Artworks | Maitland, NSW | Toni used the grant to expand her artistic practice creating large format gel plate artworks, developing new skills with paints, papers, and scale, and achieving significant professional growth with plans to translate designs into textiles and seasonal products. |

YEAR-ROUND GRANTS PROGRAM ROUND THREE 2025/2026 (Cont.)

FINANCIAL IMPLICATIONS

The table below provides an overview of the expenditure to date for the Community Grants Program for 2025/2026 financial year.

| Source | Amount (excl GST) | Comments |
|--|----------------------|--|
| INCOME | | |
| Section 356 Community Grants 25/26 Budget | \$180,000.00 | 60% Community Projects Grants 12% Community Celebrations Grants 25% Individual Development Grants 3% Discretionary |
| Section 356 Community Grants 24/25 Budget rollover | \$50,898.00 | This rollover will be used as supplementary funding if any category fully expends funding and there are applications received that would otherwise be supported. |
| CURRENT INCOME BUDGET | \$230,898.00 | |
| EXPENDITURE | | |
| Round One (1) Biannual Grants 2025/2026 Expenditure (completed) | \$73,464.71 | \$73,464.71 for Community Projects |
| Round One (1) Year-Round Grants 2025/2026 Expenditure (completed) | \$3,480.00 | |
| Round Two (2) Year-Round Grants 2025/2026 Expenditure (completed) | \$5,130.00 | |
| Round Two (2) Biannual Grants 2025/2026 Expenditure (completed) | \$92,952.35 | \$75,072.35 for Community Projects \$17,880.00 for Community Celebrations |
| Proposed Round Three (3) Year-Round Grants funding recommendations | \$6,211.62 | |
| TOTAL COST | \$181,238.68 | |
| RESULT | \$49,659.32 | Remaining 25/26 budget available |

RISK IMPLICATIONS

| Risk | Risk rating | Proposed treatment | Proposed risk rating | Resourcing – existing or additional |
|---|-------------|--|----------------------|-------------------------------------|
| There is a reputational risk of the recommended applications not being funded that may lead to poor community outcomes. | Medium | Council endorse the recommended applications for funding. | Low | Within existing resources |
| There is a financial risk of grant funding being used by applicants for something other than the identified project that may lead to misuse of Council funding. | Medium | Funding agreements will be developed that outline the requirements of expenditure including that funds cannot be spent on anything outside of the project scope. Acquittals will also need to be | Low | Within existing resources |

YEAR-ROUND GRANTS PROGRAM ROUND THREE 2025/2026 (Cont.)

| | | | | |
|--|--------|--|-----|---------------------------|
| | | completed by applicants. | | |
| There is a reputational risk of failing to offer financial support to applicants that may lead to a fractured reputation for Council within the community. | Medium | Council endorse the recommended applications for funding, upholding Council's commitment to financially support community initiatives. | Low | Within existing resources |
| There is a reputational risk of perceived lack of transparency regarding funding allocations that may lead to a damaged reputation within the community. | Medium | Eligibility and assessment criteria for the program are available on Council's website which provides transparency regarding the assessment process, additionally scoring is completed by the panel which subsequently identifies funding. | Low | Within existing resources |
| There is a financial risk associated with confusion around remaining available budget by the panel, where assessment is completed by the GM which may lead to incorrect funding recommendations being made by the panel. | Medium | Council Officers report to Council, outlining recommendations made by the GM, and resulting budgetary impacts. Council Officers regularly advise the Assessment Panel as to the expenditure and remaining funds available. | Low | Within existing resources |

POLICY IMPLICATIONS

This matter refers to the *Community Grants Program Policy* and associated documents including guidelines and the Assessment Panel Terms of Reference. This policy provides direction on the types of programs that are funded, standard eligibility criteria for applicants and the governance and appeals processes for this program. This matter is in accordance with Council's adopted Code of Conduct.

STATUTORY IMPLICATIONS

This matter is in accordance with Section 356 and Section 377 of the Local Government Act 1993.

12.5 Infrastructure Renewal Program

| | |
|-----------------------------|--|
| FILE NO: | 35/7/4 |
| ATTACHMENTS: | 1.Statement 2024–2025 Special Schedule 2 Infrastructure Assets |
| RESPONSIBLE OFFICER: | Director City Services Manager Asset Strategy and Engineering |
| AUTHOR: | Operations Manager Asset Management Senior Asset Management Planner |
| MAITLAND'S FUTURE | 1 Liveable Maitland |
| COUNCIL OBJECTIVE: | 1.1.2 Connected living |

EXECUTIVE SUMMARY

The latest 2024/25 Special Schedule No. 2 data confirms that Maitland's asset base continues to grow while the cost to bring assets to a satisfactory standard has risen to \$243M. This has caused the infrastructure backlog ratio to increase to 13.5 %. Despite targeted renewal efforts, available rate revenue (\$14M) remains significantly below average annual depreciation (\$32M), creating a persistent structural renewal gap. The proposed Infrastructure Renewal Program (IRP) provides the first coordinated pathway to address this challenge, supported by the development of the Asset Management Strategy (AMS), Community Infrastructure Strategy (CIS), Civil Asset Strategy (CAS) and future Service Asset Plans (SAPs). Sustained increases in renewal funding, combined with strategic planning, level of service reviews, improved maintenance practices and better prioritisation, will be essential to stabilise asset conditions, reduce backlog, and provide long-term certainty for the community.

OFFICER'S RECOMMENDATION

THAT

1. Council notes the contents of this report and the updated 2024/25 data in respect to the asset portfolio current state.
2. A further report be provided to update Council on status of progress of the "Infrastructure Renewal Program" no later than December 2026 which will include but not limited to:
 - a. considerations in defining Maitland Councils "agreed level of service" for asset management.
 - b. Update on councils organisational efficiency savings program and

INFRASTRUCTURE RENEWAL PROGRAM (Cont.)

c. Further recommendations on funding for the Infrastructure Renewal Program and infrastructure strategy implementation

3. Council commits to increasing the allocation of rate revenue for the Infrastructure Renewal Program from the current capital budget rate revenue allocation of \$14m by:

- a. Cumulative \$2.5M per annum through organisational efficiencies and**
- b. An additional \$2M per annum in the 2027/2028 financial year through reallocation of Enterprise Resource Planning implementation funding.**

REPORT

Background

On 19 August 2025, Council resolved to note a report in respect to the asset portfolio and indicated infrastructure renewal backlog. Council endorsed the recommendations that Council be updated on the status of the IRP by the end of December 2025 and be advised of key actions that will be undertaken to enable increased allocation of planned rate revenue income to help address the renewal funding shortfall.

Special Schedule No.2 Report on Infrastructure Assets

The latest Special Schedule No. 2 – Infrastructure Assets (2024/25) provides the first full year of updated asset condition and financial data since Council's August 2025 report on the infrastructure backlog.

From the Special Schedule No.2 report on infrastructure assets to 30 June 2025, (refer to attachment 1) and comparing to the previous financial year:

- a) The cost to agreed level of service (CALOS) decreased from \$130M to \$107M, indicating that assets with the poorest condition ratings from the previous year were being treated positively.
- b) The cost to satisfactory standard (CSS) increased from \$223M to \$243M, indicating that asset condition overall was worsening, even though the assets with the worst condition ratings was reducing.
- c) The net carrying amount (NCA) increased from \$1.7B to \$1.8B, reflecting both growth of assets acquired in good condition and resulting treatment of assets.
- d) The gross replacement cost (GRC) increased from \$2.21B to \$2.35B, indicating that there is growth in the number of assets and higher cost of replacing existing assets.

The 2024/25 Special Schedule No.2 results confirm that Maitland's asset base continues to expand, now valued at approximately \$2.35B, while the total cost to bring assets to a satisfactory standard has increased to \$243M. Despite targeted renewal projects reducing the poorest-condition assets, overall network condition continues to deteriorate as new assets add to long-term maintenance demand.

INFRASTRUCTURE RENEWAL PROGRAM (Cont.)

Due to Councils investment in ongoing development of strategic asset planning, the key challenge is now moving towards financial requirements and agreeance on level of services rather than technical. The data shows that available rate revenue for asset renewal and new assets (\$14M) remains less than half of average annual depreciation (\$32M), leaving a structural renewal gap exceeding \$18M per year. Addressing this gap requires a deliberate shift in funding focus and organisational efficiency to enable a sustained increase in renewal allocations from 2027 onward.

Infrastructure Backlog Ratio

The Local Government Code of Accounting 2024/2025 Section 4 (2025) defines the infrastructure backlog ratio as the overall estimated cost to bring infrastructure to satisfactory standard divided by the net carrying amount of infrastructure assets.

Council determines which assets are included in the infrastructure backlog ratio through an asset inspection regime in accordance with the revaluation policy and Australian Accounting Standard for property, plant and equipment, AASB116. Individual asset items are grouped into condition brackets, along with replacement value and net carrying amount. The estimated cost to bring infrastructure is the value difference between the replacement value and net carrying amount for assets in condition brackets 3, 4 and 5. While this calculation represents a theoretical cost to improve assets to satisfactory standard, there are many variables in practice which impact on the actual cost of improving an assets condition, such as additional requirements to meet modern construction standards, levels of service, negotiating existing infrastructure and dynamic market forces in respect to resources.

The infrastructure backlog ratio for 2024/25 financial year across the asset base increased from 13% to 13.5%. This diverged further from the benchmark ratio set by the Office of Local Government (OLG) of 2%.

Plans of bringing the backlog ratio towards the OLG benchmark have been modelled using two funding scenarios being a 10-year period to 2035 and a 15-year period to 2040. For comparison, the funding required to bring to agreed levels of service (assets in condition brackets 4 and 5) and subsequent impact on the infrastructure backlog ratio were also explored over a 10-year period and 15-year period. While the required amount of capital funding for these latter cases were lower, the infrastructure backlog in both of scenarios for the “agreed level of service” continued to climb, as the assets which are untreated continue to deteriorate into the lower condition ratings.

INFRASTRUCTURE RENEWAL PROGRAM (Cont.)

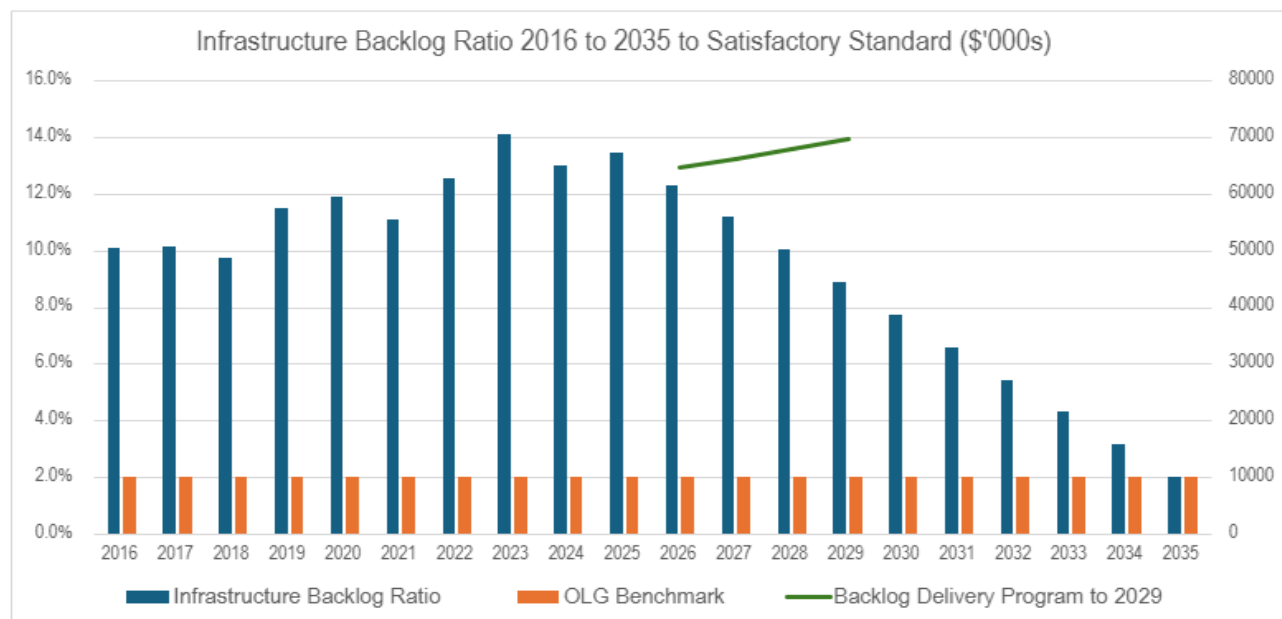


Figure 1. Infrastructure backlog ratio 2016-2035 including required IRP funding to 2029 based on the satisfactory standard.

This chart depicts a model for returning all asset classes to an infrastructure backlog ratio of 2 % by 2035. Funding requirement for a 4-year IRP to achieve the infrastructure backlog ratio target to satisfactory condition for 2026 to 2029 is shown.

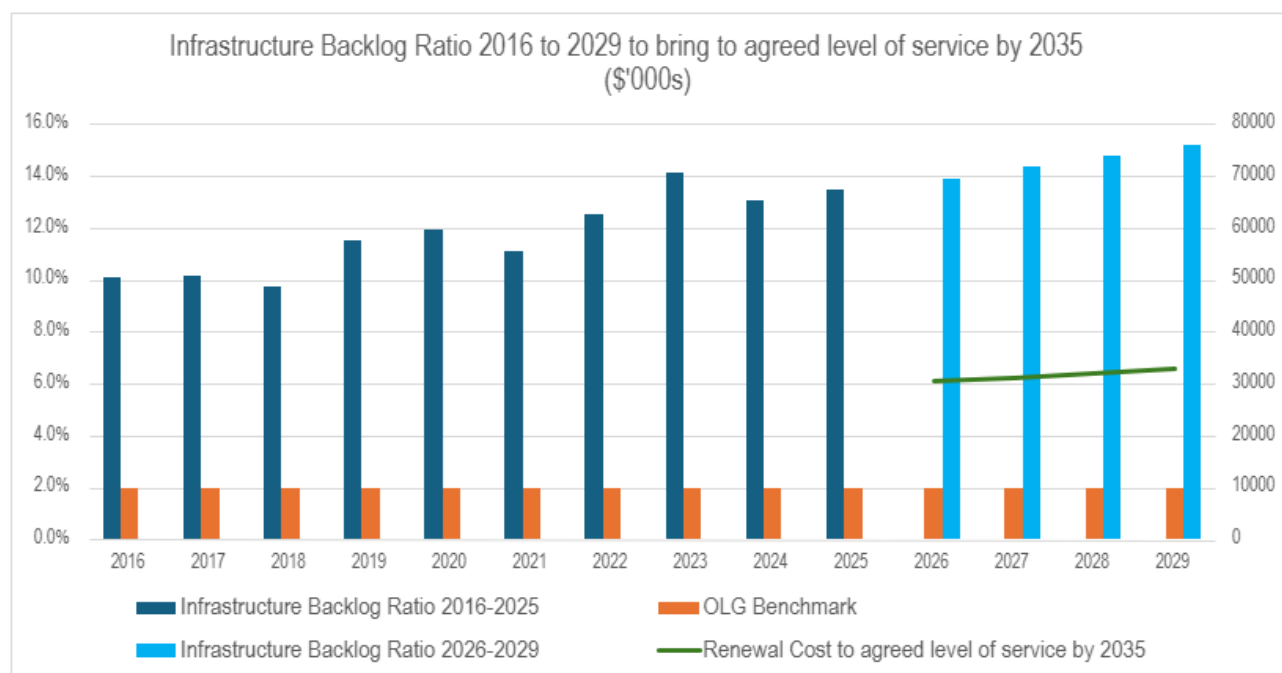


Figure 2. Infrastructure backlog ratio 2016-2029 based on agreed level of service.

This chart depicts the infrastructure backlog ratio 2016-2029 if renewal expenditure matches the modelled cost to bring to agreed level of service. The indicated renewal cost is lower

INFRASTRUCTURE RENEWAL PROGRAM (Cont.)

than the cost to bring to satisfactory condition however the infrastructure backlog ratio continues to grow over time.

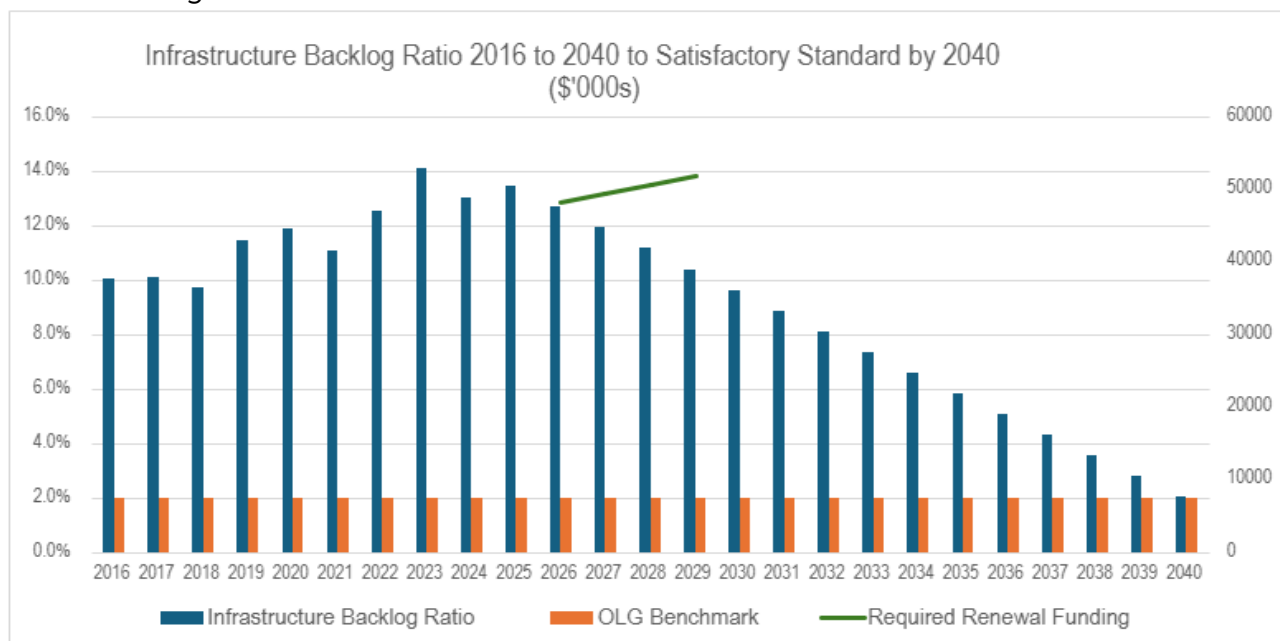


Figure 3. Infrastructure backlog ratio 2016-2040 including required IRP funding to 2029 based on the satisfactory standard.

This chart depicts a model for returning all asset classes to an infrastructure backlog ratio of 2% by 2040. Funding requirement for a 4-year IRP to achieve the infrastructure backlog ratio target to satisfactory condition for 2026 to 2029 is shown.

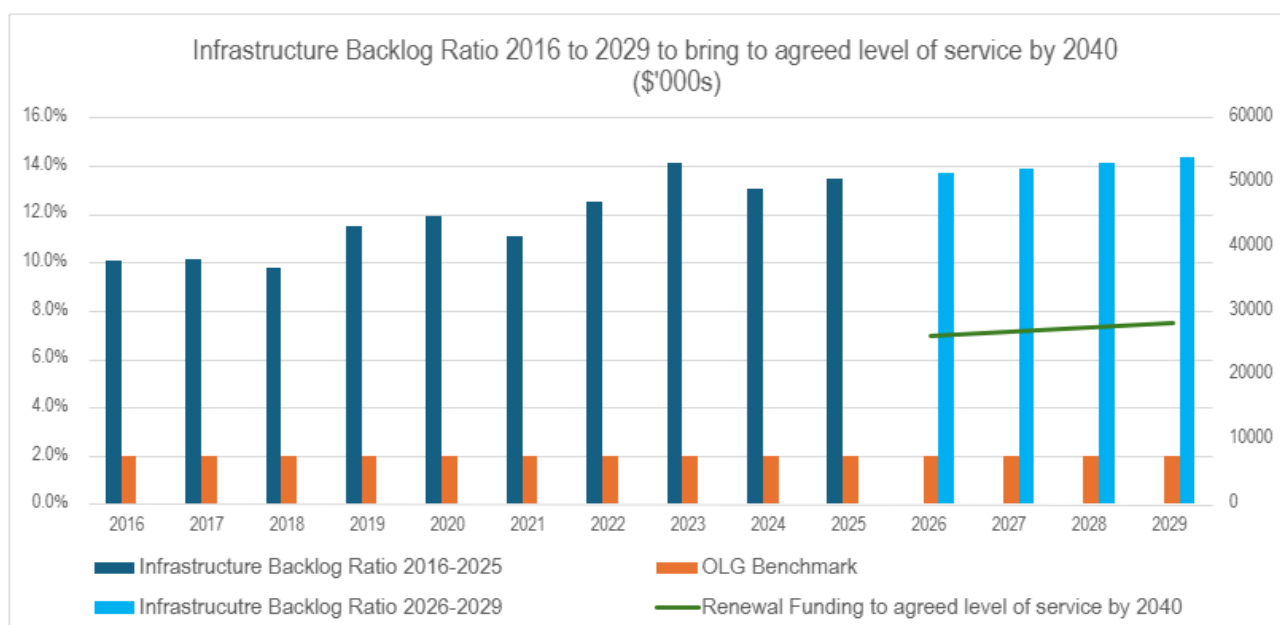


Figure 4. Comparison of the infrastructure backlog ratio 2016-2029 if renewal expenditure matches the modelled cost to bring to agreed level of service.

INFRASTRUCTURE RENEWAL PROGRAM (Cont.)

This chart depicts the infrastructure backlog ratio 2016-2029 if renewal expenditure matches the cost to bring to agreed level of service. The indicated renewal cost is lower than the cost to bring to satisfactory condition however the infrastructure backlog ratio continues to grow over time.

Strategy and plan development

In light of the increased backlog to satisfactory condition, asset condition trends and the structural renewal funding gap identified in the 2024/25 Special Schedule No. 2 data, the current strategy development work is now critical. The AMS, CIS, CAS and forthcoming SAPs establish the service-based, risk-informed framework necessary to guide renewal priorities, optimise investment and underpin the IRP over the coming decade.

A service-based asset planning model continues to be developed through the Asset Management Strategy (AMS), aligned with:

- **Community Infrastructure Strategy (CIS):** comprising community infrastructure such as recreation areas, sporting facilities and community buildings, is in draft format and is proposed to be placed on public exhibition from December 2025.
- **Civil Asset Strategy (CAS):** comprising civil infrastructure including roads, bridges, paths and stormwater drainage, has commenced and is programmed to be completed at the end of 2026.
- **Service Asset Plans (SAPs):** Service asset plans for critical community infrastructure assets are planned to follow adoption of the CIS, scheduled for completion by the end of 2026. Service asset plans for critical civil infrastructure is scheduled for completion by June 2028.

The alignment of the Asset Management Strategy (AMS), Community Infrastructure Strategy (CIS), and Civil Asset Strategy (CAS) is now starting to provide Council with the evidence base needed to shift from reactive to planned asset provision and renewal. Each strategy will define service expectations and risk thresholds, allowing renewal funding to be directly linked to community outcomes rather than condition alone. This approach enables the BDP to target the right assets at the right time, maximising the return on asset renewal investment.

Asset level of service (LoS) reviews will be a critical component of this strategic framework. As Council progresses the CIS, CAS and SAPs, the LoS reviews will establish clear expectations for what service standard each asset type must achieve to meet community needs. These reviews will directly shape future renewal programs by identifying where full renewal is required, where alternative treatments or intervention levels are more appropriate, and where asset rationalisation or modified service levels may deliver better value.

Importantly, the outcomes of these LoS reviews will influence the future trajectory of Maitland's infrastructure backlog. For a rapidly growing local government with an expanding

INFRASTRUCTURE RENEWAL PROGRAM (Cont.)

and ageing asset base, the backlog “number” may not necessarily fall below, or need to fall below, the OLG benchmark of 2%. The appropriate backlog ratio for Maitland will depend on the service levels adopted, the nature and scale of the asset portfolio, and Council’s long-term financial capacity. A backlog above 2% may be both realistic and sustainable, provided it is transparent, well understood, and actively managed through clear service-based decision-making.

Together, the AMS, CIS, CAS and emerging SAPs provide the strategic foundation for the IRP. The IRP translates this framework into a financial and delivery model capable of addressing the rising backlog and supporting long-term asset sustainability.

Infrastructure Renewal Program

Aligning with the modelling of bringing the backlog ratio towards the 2 % OLG benchmark, assets contributing to the infrastructure backlog ratio (targeting satisfactory condition) have been used to determine funding requirements for a 4-year IRP.

The IRP has:

- Identified the current schedule of assets directly contributing to the infrastructure backlog ratio, being assets with condition ratings of 3, 4 and 5.
- Modelled estimated replacement costs of the schedule over periods of 10 years and 15 years.
- Modelled assets expected to contribute to future backlog schedules.
- Incorporated cost inflation of 2.5 % p.a.

Future iterations of the IRP will incorporate agreed levels of service resolutions which impact the infrastructure backlog ratio.

Pathway to Sustainability

The IRP provides four funding scenarios:

- **A 10-year program** averaging \$65M per annum to achieve the 2 % benchmark by 2035.
- **A 15-year program** averaging \$50M per annum to achieve the same target by 2040. Both pathways demonstrate that sustained renewal investment above depreciation levels (\$30M) is required for at least five consecutive years to stabilise the backlog ratio.
- **A 10-year program** averaging \$31.7m over the first four years focused on only renewing assets to agreed level of service to 2 % of net carrying amount.
- **A 15-year program** averaging \$27.2m over the first four years focused on only renewing assets to agreed level of service to 2 % of net carrying amount.

Table 1 indicates required capital renewal amounts for a target return to the OLG benchmark by 2035. The amounts for the four-year program have been annualised and apply an index for cost inflation of 2.5 % p.a.

| Financial Year | 2026 | 2027 | 2028 | 2029 |
|----------------|------|------|------|------|
|----------------|------|------|------|------|

INFRASTRUCTURE RENEWAL PROGRAM (Cont.)

| | \$'000 | \$'000 | \$'000 | \$'000 |
|----------------------------------|---------------|---------------|---------------|---------------|
| Buildings | 16,466 | 16,877 | 17,299 | 17,732 |
| Road reconstruction | 36,485 | 37,397 | 38,332 | 39,290 |
| Transport infrastructure | 163 | 167 | 171 | 175 |
| Bridges | 419 | 429 | 440 | 451 |
| Footpaths and pedestrian bridges | 6,558 | 6,721 | 6,890 | 7,062 |
| Stormwater Drainage | 1,839 | 1,885 | 1,933 | 1,981 |
| Open space/recreational assets | 2,789 | 2,858 | 2,930 | 3,003 |
| Total | 64,717 | 66,335 | 67,994 | 69,694 |

Table 1: 4-year IRP renewal component required to achieve 2 % infrastructure backlog ratio by 2035 to satisfactory standard.

Table 2 indicates required capital renewal amounts for a target return to the OLG benchmark by 2040. The amounts for the four-year program have been annualised and apply an index for cost inflation of 2.5 % p.a.

| Financial Year | 2026 | 2027 | 2028 | 2029 |
|----------------------------------|---------------|---------------|---------------|---------------|
| | \$'000 | \$'000 | \$'000 | \$'000 |
| Buildings | 11,269 | 11,551 | 11,840 | 12,136 |
| Road reconstruction | 28,349 | 29,058 | 29,784 | 30,529 |
| Transport infrastructure | 140 | 143 | 147 | 151 |
| Bridges | 251 | 257 | 263 | 270 |
| Footpaths and pedestrian bridges | 5,423 | 5,559 | 5,698 | 5,840 |
| Stormwater Drainage | 999 | 1,024 | 1,050 | 1,076 |
| Open space/recreational assets | 1,853 | 1,899 | 1,947 | 1,995 |
| Total | 48,285 | 49,492 | 50,729 | 51,997 |

Table 2: 4-year IRP renewal component required to achieve 2 % infrastructure backlog ratio by 2040.

The completed financial modelling based on indexed asset values and projected depreciation indicates that a 10-year funding pathway would require sustained renewal investment averaging \$65 million per annum, achieving the 2 % backlog ratio by 2035. Extending the recovery period to 15 years lowers annual funding requirements to \$48 million but prolongs community exposure to declining service levels and asset risks. Both scenarios assume annual depreciation growth of 3–4 % and CPI-linked construction escalation.

Cost to bring to satisfactory Vs. Cost to bring to agreed level of service

The infrastructure backlog ratio is defined as the cost to bring assets to a satisfactory standard relative to the net carrying amount of the asset base, while the cost to bring assets to an agreed level of service is determined by Council's adopted service standards. Assets below the agreed level of service are assessed as condition 4 or 5.

INFRASTRUCTURE RENEWAL PROGRAM (Cont.)

Table 3 indicates the first 4-year capital renewal amounts for a target return to the OLG benchmark by 2035 to agreed level of service. The amounts for the four-year program have been annualised and apply an index for cost inflation of 2.5 % p.a.

| Financial Year | 2026 | 2027 | 2028 | 2029 |
|----------------------------------|---------------|---------------|---------------|---------------|
| | \$'000 | \$'000 | \$'000 | \$'000 |
| Buildings | 10,519 | 10,782 | 11,052 | 11,328 |
| Road reconstruction | 11,679 | 11,971 | 12,271 | 12,577 |
| Transport infrastructure | 119 | 122 | 125 | 128 |
| Bridges | - | - | - | - |
| Footpaths and pedestrian bridges | 535 | 548 | 562 | 576 |
| Stormwater Drainage | - | - | - | - |
| Open space/recreational assets | 7,728 | 7,922 | 8,120 | 8,323 |
| Total | 30,581 | 31,345 | 32,129 | 32,932 |

Table 3: 4-year IRP renewal component targeted at agreed level of Service by 2035.

Table 4 indicates the first 4-year capital renewal amounts for a target return to the OLG benchmark by 2040 to agreed level of service. The amounts for the four-year program have been annualised and apply an index for cost inflation of 2.5 % p.a.

| Financial Year | 2026 | 2027 | 2028 | 2029 |
|----------------------------------|---------------|---------------|---------------|---------------|
| | \$'000 | \$'000 | \$'000 | \$'000 |
| Buildings | 7,178 | 7,357 | 7,541 | 7,730 |
| Road reconstruction | 10,990 | 11,265 | 11,547 | 11,835 |
| Transport infrastructure | 119 | 122 | 125 | 128 |
| Bridges | - | - | - | - |
| Footpaths and pedestrian bridges | 535 | 548 | 562 | 576 |
| Stormwater Drainage | - | - | - | - |
| Open space/recreational assets | 7,358 | 7,542 | 7,731 | 7,924 |
| Total | 26,180 | 26,834 | 27,505 | 28,193 |

Table 4: 4-year IRP renewal component targeted at agreed level of Service by 2040.

These tables are represented in Figure 5 comparing infrastructure backlog renewal funding for years 2026 to 2029 to the scenarios:

- Targeting satisfactory condition by 2035;
- Targeting satisfactory condition by 2040;
- Targeting agreed level of service by 2035; and
- Targeting agreed level of service by 2040.

INFRASTRUCTURE RENEWAL PROGRAM (Cont.)

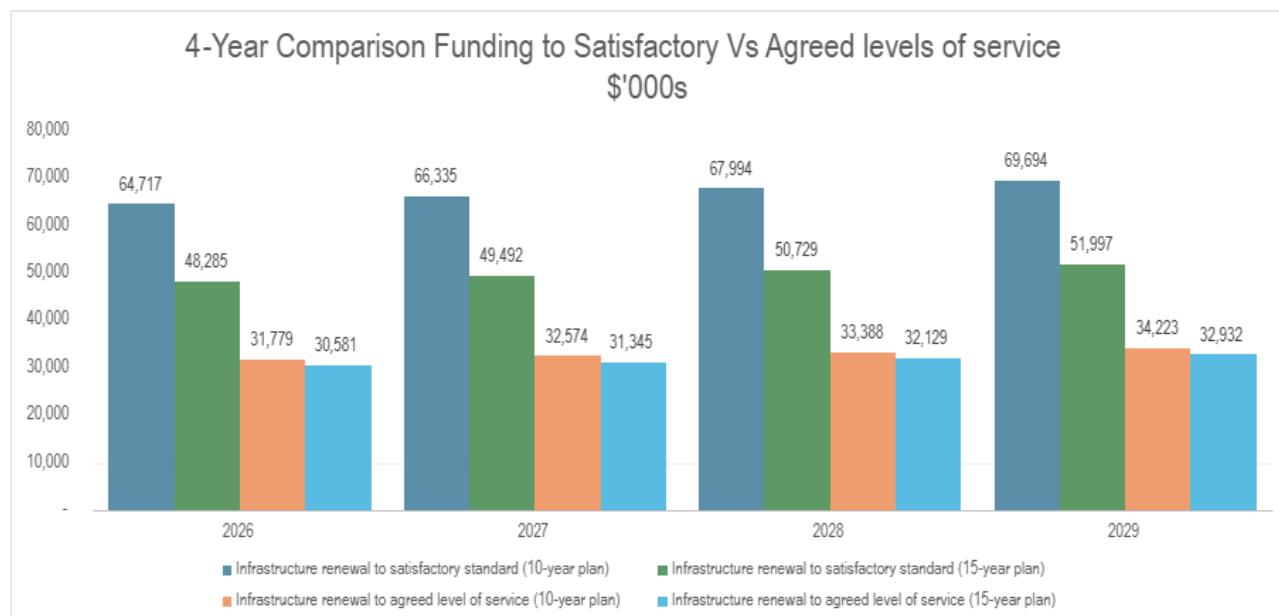


Figure 5: 4-Year comparison funding to satisfactory condition Vs. Agreed levels of service.

Asset Maintenance Trends and Implications for Backlog Reduction

The 2024/25 Special Schedule No. 2 data highlights that actual maintenance expenditure (\$23.9M) significantly exceeded the theoretical required maintenance level (\$16.2M). This trend reflects the reactive nature of Council's current maintenance model, where interventions are often triggered by defects, failures or community requests. Reactive maintenance is inherently more costly and diverts limited funds away from targeted renewal projects that address the infrastructure backlog. Maintenance spending in 2024/25 was also impacted by grant funding for disaster (flood) recovery projects which are not reliable sources of revenue. As Council transitions to the AMS, CIS, CAS and SAPs, there is a clear opportunity to strengthen scheduled, preventative maintenance, supported by improved condition assessments and risk-based inspection frequencies. This shift will extend the useful life of assets, reduce lifecycle costs, slow the accumulation of backlog, and support the financial sustainability of the IRP.

Program Implementation

Prioritisation and scoping of the BDP will consider the impact of renewal on asset condition, level of service targets, risk mitigation and public safety. A key component of implementation is arresting the deterioration of existing assets and preventing expansion of the infrastructure backlog. This requires a substantial increase in preventative treatments and a shift from reactive to scheduled maintenance. As strategic planning through the CIS, CAS and SAPs is completed, future renewal programs will be increasingly informed by service levels, condition data and risk profiles to ensure the highest-priority assets are addressed.

INFRASTRUCTURE RENEWAL PROGRAM (Cont.)

Asset Closure Risk and Mitigation

The increasing infrastructure backlog and widening renewal funding gap elevate the risk of asset failures and potential closures, particularly across ageing buildings, roads and recreation facilities. Without timely renewal, assets may be taken out of service for safety or compliance reasons, impacting community access. To mitigate this, Council will apply best practice asset management, including more frequent condition inspections, risk-based assessments and early identification of emerging issues.

The AMS, CIS, CAS and SAPs together with the IRP provide the framework to prioritise high-risk assets and guide proactive renewal. Embedding these priorities in the Long-Term Financial Plan, alongside increased renewal allocations from 2027, will reduce the likelihood of unplanned closures and support continuity of Councils community services.

Currently Council uses a combination of condition data, risk assessments and service-criticality ratings to prioritise both the current and next year's asset renewal programs. Assets with the highest risk of failure, greatest safety implications or lowest condition ratings (condition 4 and 5) are elevated for consideration, alongside those critical to maintaining essential community services. This current evidence-based approach ensures that renewal investment is directed to the assets most in need, supports proactive intervention, and further reduces the likelihood of unexpected closures.

KEY ACTIONS**Asset management**

- **Strategic Development**
 - Adopt a service-based asset planning model through the Asset Management Strategy (AMS)
 - Integration of service-based asset management plans with community infrastructure and civil assets strategies
 - Review of infrastructure asset levels of service requirements for current and future growth.
- **Data-Driven Planning**
 - Annually review the BDP to prioritise renewal projects within the projected budgets to incorporate:
 - Service-based asset data
 - Revised condition and financial data
 - Council endorsed levels of service
 - Community engagement inputs.
 - Critical risks

Criticality of Funding Reform

The modelling clearly demonstrates that without structural changes to renewal funding, the backlog ratio will remain well above the OLG benchmark. Meaningful improvement relies on sustained growth in renewal allocations tied to long-term financial planning.

INFRASTRUCTURE RENEWAL PROGRAM (Cont.)

Shifting Organisational Focus

Historically, renewal funding has been reactive, triggered by failure or risk escalation. This approach has contributed to high-cost interventions, inflated maintenance expenditure and community disruption. The new strategic framework repositions asset renewal as a planned, core service function rather than a discretionary program. Delivering on this shift requires embedding renewal priorities within annual budgeting, integrating service-based asset data into the Long-Term Financial Plan (LTFP), being clear on levels of service and aligning capital planning with depreciation benchmarks.

Strategic Levers for Funding Growth

1. **Rate revenue prioritisation** — staged cumulative increase of \$2.5 M p.a. from 2027 through efficiency savings and reallocation of non-core expenditure.
2. **ERP-driven productivity dividends** — redirection of ~\$2 M p.a. post-implementation from 2028.
3. **Debt/loans** — review debt/loan facility to ensure inter-generational equity is achieved.
4. **External co-funding** — through targeted State and Federal programs identified in the Partnerships and Advocacy Strategy.
5. **Renewal ratio target** — progressively increase renewal spend to reach at least 80 % of annual depreciation by 2030.
6. **Asset rationalisation** — Infrastructure management strategies will include consideration of asset rationalisation if it brings significant net benefit to the community. As a means of demonstrating the impact of this approach, the Maitland Gaol has a backlog figure of approximately \$34 M to bring to satisfactory standard.

4-Year Infrastructure Renewal Program Funding

The funding breakdown required for the first four years of the IRP is shown in Figures 6-9. The charts incorporate Council's current annual rate-funded allocation of \$14M available for asset renewal and new assets, remains significantly below the level needed to stabilise or reduce the backlog. They also include additional revenue funding generated from the proposed organisational efficiency program and the redirection of post-ERP implementation savings, progressively increasing from \$2.5M in 2027 to \$9.5M by 2029.

Even with these new funding streams, the modelling clearly shows a substantial and ongoing shortfall between available funding and the level required to achieve either the 10-year or 15-year recovery pathways.

INFRASTRUCTURE RENEWAL PROGRAM (Cont.)

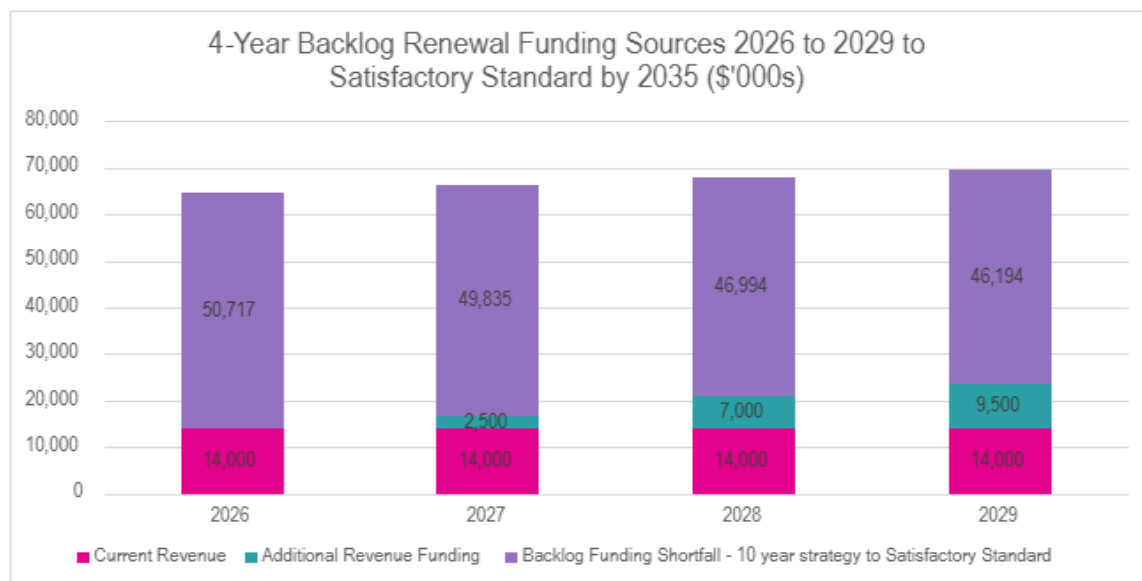


Figure 6: 4-Year Backlog Renewal Funding Sources 2026 to 2029 to Satisfactory Standard by 2035 (\$'000s)

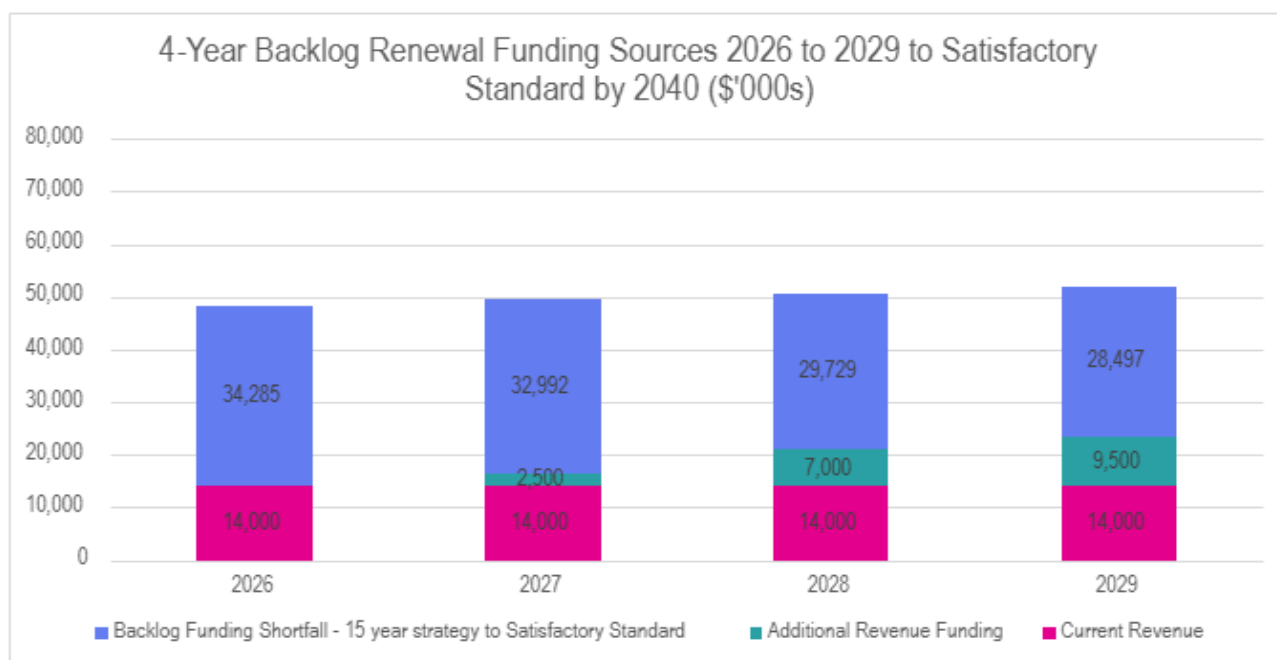


Figure 7: 4-Year Backlog Renewal Funding Sources 2026 to 2029 to Satisfactory Standard by 2040 (\$'000s)

INFRASTRUCTURE RENEWAL PROGRAM (Cont.)

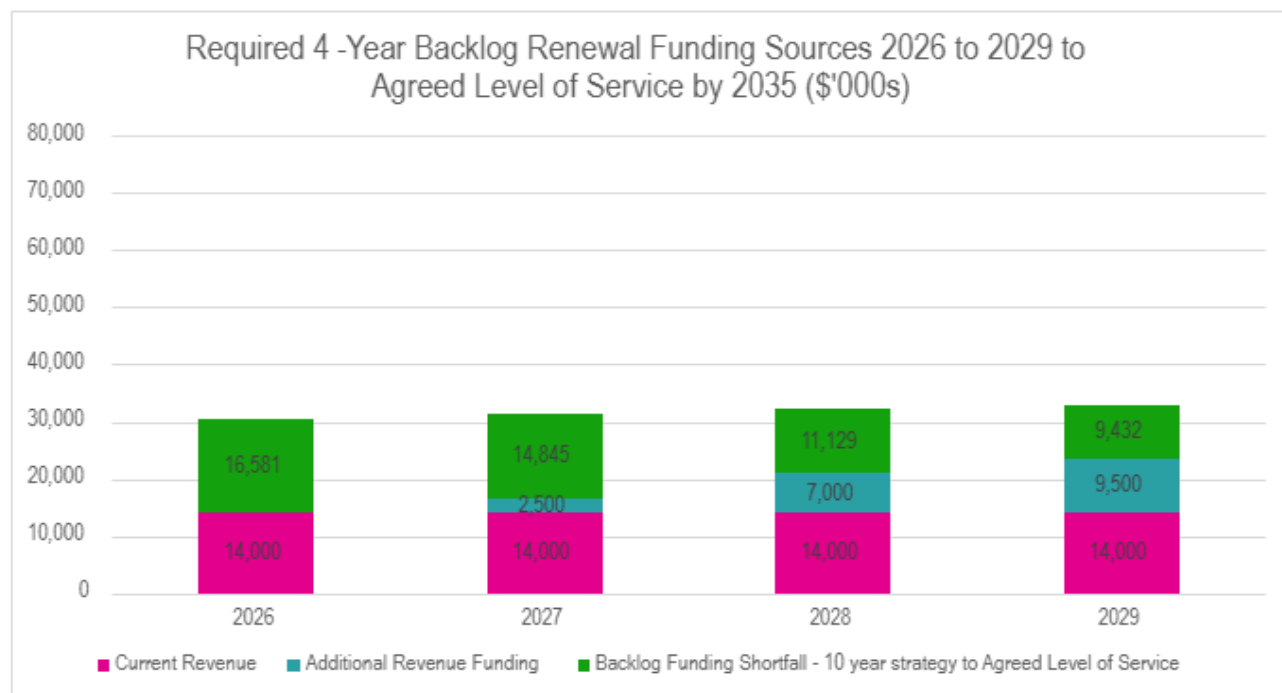


Figure 8: 4-Year Backlog Renewal Funding Sources 2026 to 2029 to Agreed Level of Service by 2035 (\$'000s)

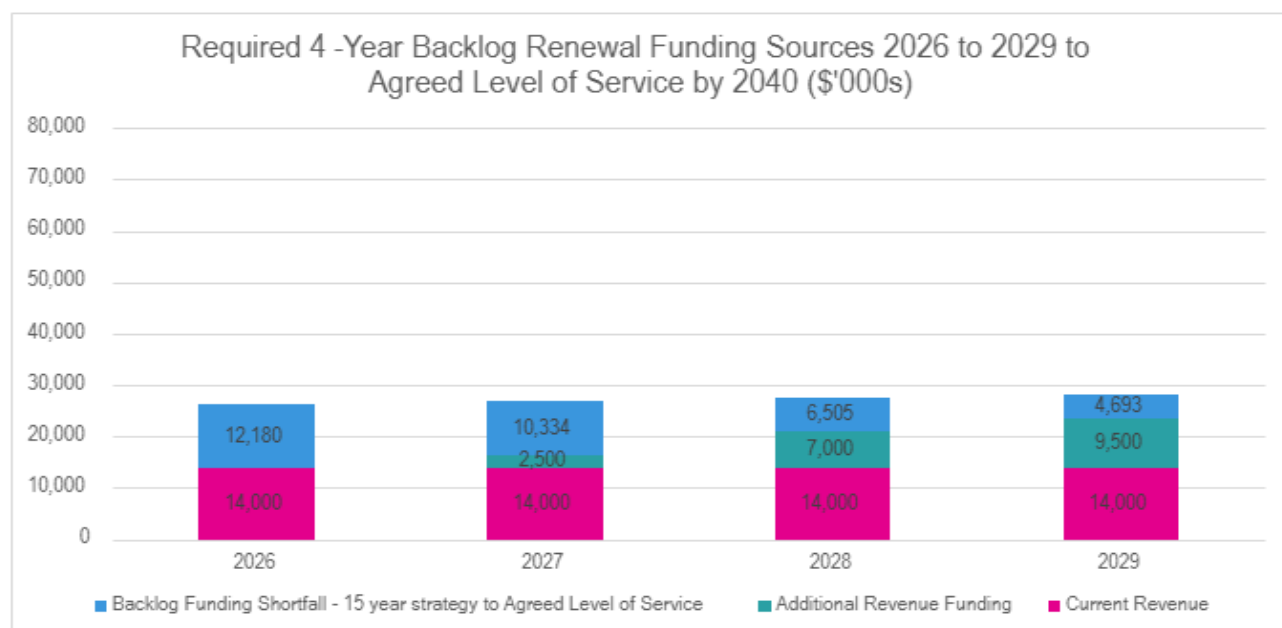


Figure 9: 4-Year Backlog Renewal Funding Sources 2026 to 2029 to Agreed Level of Service by 2040 (\$'000s)

These figures illustrate that while efficiency measures and ERP-driven savings will contribute meaningfully to renewal capacity, they are insufficient on their own to close the structural funding gap.

Grants and Developer Contributions

INFRASTRUCTURE RENEWAL PROGRAM (Cont.)

External funding sources such as State and Federal grants, Developer Contributions and partner funding will continue to play a useful supplementary role in supporting elements of the IRP. Council has commenced annualised planning for proactive grant opportunities, establishing a pipeline of programs that may assist with unfunded or co-funded projects. This work will align with the broader capital investment planning to ensure opportunities are captured where they align with Council priorities.

However, these external sources cannot be relied upon to address the core renewal funding gap. Grants are often restricted to growth-related or specific-purpose projects, are inconsistent from year to year and are not designed to fund the renewal of existing assets. Developer Contributions similarly fund new infrastructure rather than renewal. While Council will continue to pursue external funding to leverage additional investment, the BDP assumes that the primary and most reliable funding for asset renewal must come from Council's own-source revenue, efficiency gains and internal reallocations to ensure long-term financial sustainability.

Capital Budgets – Asset Renewal Projects Vs New Asset Construction Projects

The capital infrastructure delivery program in the operational plan includes funding for both projects associated with asset renewals and new assets. In order to achieve positive impact on the infrastructure backlog, both the allocation of the total funding towards renewal needs to increase and the projects which comprise the program need to be selected from the schedule of backlog assets.

Table 5 shows the current capital infrastructure delivery program for 2025-26 split into budgets for infrastructure renewal and new infrastructure.

| Program | Budget Renewal Projects 2026 | Budget new Assets 2026 |
|----------------------------------|---------------------------------|---------------------------|
| | \$'000 | \$'000 |
| Buildings | 7,896 | 3,486 |
| Road reconstruction | 17,415 | 2,450 |
| Transport infrastructure | 1,817 | 2,108 |
| Bridges | 755 | 3,265 |
| Footpaths and pedestrian bridges | 922 | 3,047 |
| Stormwater Drainage | 885 | 773 |
| Open space/recreational assets | 2,099 | 9,008 |
| Waste | 992 | 0 |
| Plant and Equipment | 4,411 | 0 |
| Total | 37,192 | 24,137 |

Table 5: Capital infrastructure delivery program budgets for renewal projects and new infrastructure projects 2025-26.

This indicates that renewal funding in the 2025/26 financial year is insufficient to meet the proposed 10-year and 15-year IRP models, which require approximately \$65M and \$50M per year respectively for renewal works alone. Without additional funding, the reduction of the infrastructure backlog ratio is likely to be prolonged.

While the 2025/26 program indicates an overall allocation to asset renewals that is broadly consistent with annual depreciation requirements (\$32M), the specific projects nominated for

INFRASTRUCTURE RENEWAL PROGRAM (Cont.)

renewal have not yet been informed by the strategic planning work currently underway. As a result, it is possible that the program may not directly target the highest-priority renewal needs associated with the asset backlog. Completion of the CIS, CAS and associated Service Asset Plans (SAPs) will ensure future renewal programs are aligned with service priorities, asset condition, agreed levels of service and backlog reduction objectives.

Table 6 shows the current draft capital infrastructure delivery program for 2026-27 split into budgets for infrastructure renewal and new infrastructure.

| Program | Budget Renewal Projects 2027 | Budget new Assets 2027 |
|----------------------------------|---------------------------------|---------------------------|
| | \$'000 | \$'000 |
| Buildings | 5,645 | 3,877 |
| Road reconstruction | 11,252 | 5,250 |
| Transport infrastructure | 460 | 425 |
| Bridges | 100 | 0 |
| Footpaths and pedestrian bridges | 1,133 | 906 |
| Stormwater Drainage | 200 | 1,050 |
| Open space/recreational assets | 2,170 | 3,838 |
| Waste | 3,750 | 6,250 |
| Plant and Equipment | 0 | 1,900 |
| Total | 24,710 | 23,496 |

Table 6: Capital infrastructure delivery program budgets for renewal projects and new infrastructure projects 2026-27.

This indicates that there is even less committed renewal funding in the 2026/27 financial year to meet the 10-year and 15-year IRP models, which is likely to prolong the reduction of the infrastructure backlog ratio without additional funding. Opportunities for Developer Contributions and external grants will continue to be pursued, as outlined in the *Grants and Developer Contributions* section of this report, to help bolster renewal funding where possible. While these sources cannot meet the core renewal needs identified in the 10-year and 15-year models, they remain an important supplementary mechanism and will be leveraged wherever alignment with priority renewal projects exists.

Although Council now has growing confidence in the accuracy of its asset information, renewal modelling and strategic planning processes, this does not yet mean the current capital programs fully reflect optimal asset prioritisation. The 2025/26 and 2026/27 programs still include renewal projects selected through historical practice or operational opportunity rather than being systematically drawn from the backlog schedule or highest-risk assets. This indicates that while our processes and data have matured, the capital program is still transitioning to fully align with these insights. As the CIS, CAS and Service Asset Plans are completed and the IRP is reviewed annually, renewal investment will increasingly target the right assets in the right order, achieving the greatest reduction in backlog and the greatest improvement in service outcomes.

CONSULTATION

The approach to addressing the infrastructure backlog was developed in consultation with various departments within Council including Corporate Planning and Performance, Finance, Community and Recreation Planning, Works and Capital Works Delivery.

INFRASTRUCTURE RENEWAL PROGRAM (Cont.)

The development of the key informing strategies including the CIS and CAS has and will continue to include detailed community engagement via several platforms such as face-to-face engagement, pop-ups, surveys, Strategic Committee engagement and Councillor workshops.

Engagement data will be used to help develop these key strategies and in turn develop the IRP, with each strategy including the IRP going through a public exhibition phase prior to being endorsed by Council.

CONCLUSION

The 2024/25 asset data and emerging IRP demonstrate tangible progress in quantifying and prioritising Maitland's renewal needs. However, the findings confirm that the scale of the infrastructure backlog has outpaced the financial capacity of current funding settings.

The key message for Council is clear: renewal must be funded as a core service, not as a residual budget outcome. Incremental improvements will not bridge the structural funding gap; sustained and planned increases in renewal allocations are required to arrest the decline in asset condition and restore long-term community confidence.

Through the BDP and the integration of the CIS and CAS, Council now has a pathway to shift from reactive management to proactive investment. The next phase—implementation of financial reform within the LTFP—is critical to converting this strategy into measurable improvement in service levels and asset sustainability.

FINANCIAL IMPLICATIONS

The IRP identifies renewal funding requirements averaging \$65M per annum (10-year program) or \$50M per annum (15-year program) compared to the current \$14M annual rate-funded baseline. Bridging this gap requires a combined approach of rate reallocation, operational efficiencies, and targeted external funding along with strategic outputs such as reviewed levels of service and asset rationalisation. The review of levels of service has the potential to have a significant impact on the estimated costs to address the issue.

Integrating the IRP into the 2026–2036 Long Term Financial Plan will be essential to maintain transparency, forecast cashflow, and ensure alignment with Council's Asset Management Strategy. The financial modelling demonstrates that sustaining renewal investment above annual depreciation (\$32M) is required for at least five consecutive years to stabilise the backlog ratio.

Failure to achieve this will result in continued backlog growth, service decline, and heightened asset risk exposure, particularly across roads, buildings, and recreation infrastructure.

To commence addressing the backlog, revenue allocation into capital infrastructure renewal projects is proposed to increase by \$2.5M in 2027, \$7M in 2028 and \$9.5M in 2029. This is to be funded through organisation efficiencies and reallocation of Enterprise Resource Planning implementation funding.

As a rapidly growing local government area, there will be a need to ensure planning for required new infrastructure is also undertaken in alignment with the management of current

INFRASTRUCTURE RENEWAL PROGRAM (Cont.)

infrastructure. It is noted that review of the current developer contributions plans is expected to commence in 2026.

RISK IMPLICATIONS

| Risk | Risk Rating | Proposed Treatment | Proposed Risk Rating | Resourcing (within or additional) |
|--|-------------|--|----------------------|--|
| There is a financial risk that the infrastructure backlog is not fully defined and therefore cannot be fully funded, that may lead to lower levels of service, public safety issues, asset closures, financial impacts and reputational damage. | High | Development of funding models best utilising Council funding supplemented by identified grant programs. | Medium | Existing resources |
| There is a financial risk that the actual cost of bringing assets to satisfactory standard or agreed levels of service are higher than the estimated costs which are based on theoretical depreciation that may lead further financial costs being reported. | High | Conduct project investigations to develop cost estimates based on project scope to incorporate into asset management financial models. | High | Additional internal or external resources required |
| There is a workforce and operational risk that this is a large scale and resource intensive project that may lead to programme delays or ill-informed planning. | Medium | Development of a feasible program of works with suitable resources allocated. | Low | Additional internal or external resources required |
| There is a public and staff safety risk that existing assets are not adequately assessed and fail prior to required work being programmed and completed that may lead to legal, liability, | High | Ensure the development of strategies and plans are informed by accurate condition assessment data and planning. | Medium | Additional internal or external resources required |

INFRASTRUCTURE RENEWAL PROGRAM (Cont.)

| | | | | |
|--|------|---|--------|--|
| financial and reputational issues. | | | | |
| There is a reputational risk of poor transparency if community consultation is not undertaken that may lead to a lack of confidence in Council. | High | Undertake community consultation as part of the CIS and CAS. | Low | Additional internal or external resources required |
| There is an environmental risk associated with various assets that may fail due to poor condition prior to required works being programmed and completed that may lead to legal, liability, financial and reputational issues. | High | Ensure the development of strategies and plans are informed by accurate condition assessment data and planning | Medium | Additional internal or external resources required |
| There is a reputational risk that the Council is not seen to be acting on known infrastructure issues that may result in community dissatisfaction, trust and reputation damage. | High | Detailed community communications planning is undertaken ensuring the community is up to date regarding the status of the infrastructure backlog progress | Low | Exiting Resources |
| There is a delivery risk of the programme extending due to unforeseen project issues that may lead to delayed works, increased costs and reputational damage. | High | Delivery program developed to include key project phases allowing adequate contingencies and hold points | Low | Existing Resources |
| There is a risk that Councils approach to CAPEX planning and delivery is not best practice that may lead to delayed delivery, | High | Ensure the development of strategies, delivery processes and frameworks are | Low | Exiting Resources |

INFRASTRUCTURE RENEWAL PROGRAM (Cont.)

| | | | | |
|--|--------|---|--------|--------------------|
| increased costs and poor-quality works | | informed by accurate data, planning and tested contemporary methods | | |
| There is a risk that funding constraints to renewal are insufficient that may lead to prolonging the progress towards the 2% infrastructure backlog ratio target indefinitely. | High | Implement key actions of this report and concurrently review required levels of service. | Medium | Existing Resources |
| There is a financial risk that inflation in construction costs is greater than the assumed 2.5% p.a. which results in further funding requirement in future years. | Medium | Annually review the asset backlog schedule and modelling to reflect updated construction inflation data. | Medium | Existing Resources |
| There is a risk of delivery that infrastructure renewal funding may be required to address unforeseen projects which are not currently on the asset backlog schedule, that may lead to prolonging the rate at which infrastructure backlog is addressed. | High | Annually review the asset backlog schedule and modelling to anticipate deterioration of assets. | Medium | Existing Resources |
| There is a strategic and financial risk if Levels of Service (LoS) are not clearly defined and adopted, that may lead to overserving and unnecessary cost escalation. | High | Finalise and adopt LoS through the CIS, CAS and SAPs. Align renewal prioritisation and budgeting with agreed LoS. Regularly review LoS as part of the annual strategy | Medium | Existing Resources |

INFRASTRUCTURE RENEWAL PROGRAM (Cont.)

| | | | | |
|---|------|--|--------|--------------------|
| | | reviews and LTFP cycle. | | |
| There is an operational and financial risk if renewal and maintenance decisions continue to be reactive, that may lead to inefficient spending and reduced impact on backlog reduction. | High | Strengthen planned and preventative maintenance programs. Use CIS, CAS and SAPs to guide proactive renewal prioritisation. Improve condition inspections and defect monitoring to reduce reactive interventions. | Medium | Existing Resources |

POLICY IMPLICATIONS

This matter is related to the following Maitland City Council Policies:

- Asset Management Policy
- Asset Revaluation Policy
- Asset Capitalisation Policy
- Risk Management Policy
- Delivery Program 2025-2029 - Operational Plan 2025-26.

STATUTORY IMPLICATIONS

This matter relates to the Local Government Act 1993 and the Roads Act 1993.

City Services

Infrastructure Renewal Program

Statement 2024–2025 Special Schedule 2 Infrastructure Assets

Meeting Date: 9 December 2025

Attachment No: 1

Number of Pages: 1

INFRASTRUCTURE RENEWAL PROGRAM (Cont.)

Maitland City Council

Special Schedule No. 2: Report on infrastructure assets as at 30 June 2025

| Asset class | Asset category | Estimated cost to bring to a satisfactory standard | Estimated cost to bring to the agreed level of service set by Council | 2024-25 Required maintenance | 2024-25 actual maintenance [^] | Net carrying amount | Gross replacement cost (GRC) | Assets in condition as a % of Gross Replacement Cost | | | | |
|------------------------------------|--|--|---|------------------------------|---|---------------------|------------------------------|--|-------|-------|-------|-------|
| | | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | 1 | 2 | 3 | 4 | 5 |
| Buildings * | | 90,554 | 53,865 | 2,457 | 3,492 | 165,801 | 303,213 | 18.4% | 15.8% | 26.7% | 12.6% | 26.6% |
| Other structures * | | - | - | - | - | - | - | - | - | - | - | - |
| Roads * | Sealed Roads | 40,730 | 14,842 | 4,784 | 9,885 | 757,640 | 926,393 | 58.2% | 33.4% | 5.8% | 2.2% | 0.4% |
| | Unsealed Roads | 410 | 383 | 15 | 484 | 871 | 1,288 | 60.0% | 31.3% | 5.9% | 2.6% | 0.2% |
| | Other Roads Assets | 43,831 | 16,585 | 1,459 | 730 | 197,127 | 261,265 | 44.6% | 20.3% | 26.0% | 5.6% | 3.5% |
| | Bridges | 5,644 | 16 | 662 | 57 | 55,056 | 64,256 | 62.6% | 28.6% | 8.8% | 0.0% | 0.0% |
| | Footpaths | 20,774 | 2,246 | 1,069 | 1,250 | 149,698 | 195,333 | 49.1% | 32.4% | 17.1% | 1.2% | 0.2% |
| | Sub total | 111,389 | 34,072 | 7,989 | 12,406 | 1,160,393 | 1,448,536 | | | | | |
| Stormwater drainage * | | 20,803 | 8,430 | 3,309 | 1,798 | 380,011 | 465,729 | 67.8% | 24.8% | 5.2% | 1.0% | 1.2% |
| Open space / recreational assets * | | | | | | | | | | | | |
| | Other open space / recreational assets | - | - | - | - | - | - | | | | | |
| | Sub total | 19,957 | 10,339 | 2,427 | 6,206 | 97,035 | 126,825 | 55.0% | 20.0% | 15.0% | 9.0% | 1.0% |
| | | 19,957 | 10,339 | 2,427 | 6,206 | 97,035 | 126,825 | | | | | |
| Total classes | Total - all assets | 242,703 | 106,707 | 16,182 | 23,902 | 1,803,240 | 2,344,304 | | | | | |

Infrastructure Asset Condition Assessment

| Level | Condition | Description |
|-------|-----------------------|---------------------------------------|
| 1 | Excellent / Very good | No work required (normal maintenance) |
| 2 | Good | Only minor maintenance work required |
| 3 | Satisfactory | Maintenance work required |
| 4 | Poor | Renewal required |
| 5 | Very poor | Urgent renewal / upgrading required |

* Reconciles with Note C1-5

[^] Required maintenance is the amount identified in Council's asset management plans.

12.6 Future Use of Maitland Gaol

| | |
|-----------------------------|---|
| FILE NO: | 65/75 |
| ATTACHMENTS: | 1. Minutes of Ordinary Council Meeting – Item 8.1(a) Maitland Gaol 2. Letter to MCC – Variation Outcome – July 2025 |
| RESPONSIBLE OFFICER: | Director City Services |
| AUTHOR: | Director City Services Manager Asset Strategy and Engineering Manager Community & Recreation Operations Manager Asset Management |
| MAITLAND'S FUTURE | 4 Achieving together |
| COUNCIL OBJECTIVE: | 4.3.1 Informed planning |

EXECUTIVE SUMMARY

Maitland Gaol is one of the region's most significant heritage assets, with a long and complex history of management, activation, and proposed redevelopment. Council has managed the site on behalf of the NSW Government since January 2001. Over this period, Council has attempted to develop a sustainable operational and redevelopment pathway for the site without the contribution of Council capital funding, in keeping with longstanding resolutions.

In recent years, significant planning, heritage, compliance and financial challenges have escalated to the point where the site is no longer able to operate safely or lawfully. The Gaol was closed in March 2024 after comprehensive fire, electrical and safety audits identified substantial non-compliances requiring immediate attention.

Two strategic pathways were progressed between 2020–2025:

- 1. A redevelopment project focused on commercial activation, and*
- 2. A compliance-led reopening project to make the site safe and legally operable.*

Despite significant work, the following barriers remain unresolved:

- Withdrawal of key grant funding needed to construct the redevelopment project*
 - Compliance works requiring over \$9 million in unfunded capital*
 - Heritage maintenance liabilities exceeding \$10 million*
 - An ongoing annual operating deficit of approximately \$1.02 million*
 - Legal and planning constraints associated with historical approvals*
 - Aboriginal Land Rights Act claim complexities*
 - The requirement for a whole-of-site DA before any reactivation*
-

FUTURE USE OF MAITLAND GAOL (Cont.)

- *Inability to advance development without significant Council funding, which is inconsistent with previous Council direction*

Given these factors, the redevelopment and compliance pathways are no longer financially or operationally viable. This report recommends that Council cease further project delivery and commence formal discussions with NSW Crown Lands to relinquish management responsibilities.

OFFICER'S RECOMMENDATION**THAT COUNCIL**

- 1. Formally advise relevant NSW Government agencies that it will not be seeking continuance of the gaol redevelopment project**
- 2. Delegates to the General Manager the authority to finalise existing grant arrangements with NSW Government Department of Primary Industries and Regional Development.**
- 3. Places on hold any further work on the preparation of a development application or procurement activities for the compliance works that are required at the site**
- 4. Commences formal conversations and process with the NSW Government Department of Planning, Housing and Infrastructure – Crown Lands and Public Spaces with the intent to relinquish its role as the Crown Reserve Manager (excluding the fenced portion of the reserve that the "Barracks" is situated upon)**
- 5. Continues to progress the planning and approvals process to enable the reinstatement of use for the "Barracks"**
- 6. Communicates this decision of Council to all existing tenants and supports them where possible in finding alternate arrangements**
- 7. Indicate its support for the role the site has played in the history of the City and the potential for future benefits from a tourism perspective should the state and/or other stakeholders wish to invest in its redevelopment**

REPORT

Maitland Gaol ceased operations as a correctional facility in January 1998. The following chronology outlines the prior management arrangements and land status:

- 12 May 1894 – Gazette notifying the land is reserved from sale for a gaol and lock up site (Gazetted Reserve Number 20743) under the Crown Lands Act 1884.
- January 1998 - the gaol closed, and expressions of interest were sought by the State of NSW for the future use of the site.
- 2 February 1999 – the Minister wrote to MCC to offer it the site. MCC were offered a 50-year lease with a review of the lease after 5 years.

FUTURE USE OF MAITLAND GAOL (Cont.)

- 23 February 1999 – at the ordinary council meeting on this date MCC resolved to accept the above offer (attachment no. 1).
- 23 January 2001 - A licence was granted by the Minister responsible for Crown lands to MCC over the entire gaol site as follows:

| | |
|------------------|---|
| Legislation | Section 34 of the Crown Lands Act 1989 MCC as the “Holder” under that Act |
| Land size | 2.353Ha |
| Land description | lots 466, 467, 468 and 469 DP 1002766 |
| Purposes: | tourism, commercial and community uses generally consistent with the heritage nature of the former Maitland Gaol |
| Licence Number | LI 323388 |
| Term: | from 23 January 2001 until revoked, with a special condition stating it would be terminated upon the execution of a lease as agreed to in the Heads of Agreement (not seen) |

The intention was for MCC to enter into a 50-year lease, however this never occurred.

- 17 February 2017 – by Government Gazette an additional purpose was added to the 12 May 1894 Reserve 20743, namely “heritage purposes, tourist facilities and services; urban development”.
- 3 March 2017 – by Government Gazette a reserve trust was created named “Former Maitland Gaol & Lockup Tourism & Heritage Precinct (R20743) Reserve Trust”. The trust was appointed as trustee for the reserve created on 12 May 1894 and Maitland City Council was appointed to manage the affairs of the reserve trust.
- 1 July 2018 - the Crown Lands Management Act 2016 (CLM Act) came into effect. There are savings provisions in Schedule 7 of the CLM Act to the effect that a council which was the manager of a reserve trust before the repeal of the Crown Lands Act 1989 and before 1 July 2019 (reserve trusts were continued for that interim period) is taken to have been appointed as a Crown land manager of the former trust land: see s11 in Schedule 7. As a result, MCC became the Crown Land Manager of the gaol site under the CLM Act. The CLM Act requires MCC to manage the site as community land under the Local Government Act 1993 (LG Act).

On the 23/02/1999 Council endorsed to accept the offer by the Minister for Land and Water Conservation for the re-use of the former Maitland Gaol. See Attachment 1.

The associated initial business planning presented to Council when the site was transferred established a clear expectation that:

- The Gaol would operate on a commercial basis

FUTURE USE OF MAITLAND GAOL (Cont.)

- The re-use of the facility would generate an overall positive return to Council, and benefit to the local economy
- The burden of significant maintenance and restoration should not fall to the local community
- Redevelopment and activation would be dependent on securing external grants and partnerships

This position has been consistently maintained across subsequent reporting and Councillor briefings.

Development Proposal

The initial Maitland Gaol Development Plan and Site Master Plan was endorsed by Council on the 8/09/2020.

From 2020 to 2024, Council advanced a redevelopment concept focused on commercial activation and heritage-led renewal. This planning resulted in the development of the first stage of redevelopment aligned to the current development applications. The proposal was supported by multiple specialist consultants, feasibility reports, heritage assessments, and design investigations, all of which were provided to Councillors through formal briefings and reports.

- **Restaurant, Café, Entry Forecourt and Accessible Upgrades (DA1)**

The proposal included:

- Demolition of the former café building
- Construction of a new building with a basement gallery access level, café/restaurant seating for approx. 100 patrons, terrace, lifts and amenities
- New accessible entry forecourt
- New car parking and landscaping
- Openings through the Gaol perimeter wall to create safe public access

- **Tourist Accommodation (Governor's and Lieutenant Governor's Residences) (DA2)**

The proposal enabled:

- Conversion of heritage residences into a 20-room boutique accommodation offering
- Sympathetic internal modifications
- Improved heritage interpretation

Site Closure and Compliance Issues

In early 2024, the Gaol was closed due to serious compliance risks identified by fire, electrical and safety audits. In July 2024, planning and legal advice confirmed:

- The historical change of use consent DA2000/862 is effectively void.
- The site currently does not have lawful planning approval for use as a tourist facility, events venue or public attraction.
- Any continued operation requires a new, whole-of-site Development Application

FUTURE USE OF MAITLAND GAOL (Cont.)

(known as DA3).

- DA3 must include:
 - Site wide determination on the provisions of use aligned with the Operational Management Plan
 - Site-wide National Construction Code and DDA compliance
 - Fire engineering solutions
 - Electrical network upgrades
 - Carparking and access redesign
 - Traffic, acoustic, heritage and contamination assessments
 - A comprehensive Operational Management Plan
 - Updated Heritage Interpretation Plan

This advice represented a turning point for the project and confirmed that no level of minimal or partial activation is legally permissible without approval of DA's 1/2 or DA3.

Chronology of Events

A summary of the major steps undertaken since redevelopment planning commenced is outlined below:

- **2020–2023**
 - Master planning, heritage strategies, feasibility studies
 - Initial DA1+2 design investigations
 - Engagement with Heritage NSW and Mindaribba LALC
 - Development of a concept plan and business case
- **Early 2024 – Closure of the Site**
 - Comprehensive fire, National Construction Code, DDA and electrical audits
 - Significant non-compliances identified, resulting in closure of the Gaol in March 2024
- **July 2024 – Critical Planning Advice**
 - Historical approval DA2000/862 determined to be no longer valid
 - Site has no lawful planning approval to operate as a tourist facility or events venue
 - A new “whole-of-site” DA (DA3) required to re-establish compliance and lawful use
- **Late 2024 – DA1+2 Lodgement**
 - DA1+2 submitted September 2024 and accepted for assessment
 - Ongoing negotiations with Crown Lands and grant bodies
- **2025 – DA Approvals and Project Pausing**

FUTURE USE OF MAITLAND GAOL (Cont.)

- DAs for the redevelopment proposal (DA's 1 and 2) formally approved by HCCRPP in September 2025
- Grant funding withdrawn; no new funding pathways identified

DA3 scoping largely complete but placed on hold pending Councillor direction.

Grant Applications

Council originally sought \$20 million in external NSW State Government Grant funding to deliver the full Maitland Gaol Development Plan and Site Master Plan scope adopted in 2020. This proposal, which included extensive precinct-wide upgrades, was not supported by funding bodies. As a result, Council was required to revise and scale back the project scope to align with the funding programs ultimately approved. By early 2022, Council had secured \$5 million through the Federal Regional Recovery Partnerships Program and \$5,481,670 under the NSW Regional Tourism Activation Fund, with a further \$1,245,492 Council co-contribution (borrowed), establishing a total project budget of \$11.7 million.

This reduced funding envelope required significant refinement of the redevelopment concept, limiting works to the Governor and Lieutenant Governor's residences (boutique accommodation), the new café/restaurant and link through the Gaol wall, accessibility upgrades, and redevelopment of the Store Building for visitor services. Although this revised scope was arranged into a consolidated funding deed and progressed through planning and heritage design phases, it did not address broader site-wide compliance needs or deliver the originally envisioned \$20 million masterplan.

Grants Status

In March 2025, the Department of Primary Industries and Regional Development (DPIRD) issued a variation outcome letter rejecting Council's request to redirect RTAF funding toward compliance work. Council did not agree with the Department's preferred alternatives.

Attachment 2 outlines communication received from DPIRD in July 2025. Council formally set out its preferred option to DPIRD, detailing project progress, expenditure to date, and the funding required to complete DA approval and tender documentation for both DA1+2 and DA3. This approach would bring both projects to a "shovel-ready" stage without requiring further RTAF instalments.

As at late August 2025, DPIRD had not reached a decision on Council's proposal. The Department advised that it was awaiting a Federal Government decision before issuing a variation outcome and that, in the meantime, the current RTAF funding deed remained unchanged. Council was asked to advise what works it wished to resume so the Department could confirm permissibility under the existing deed.

The General Manager continued regular engagement with DPIRD throughout mid-2025 to obtain clarity on funding and deed variations. On 13 August 2025, the General Manager followed up, noting that the lack of response was impacting Council's ability to meet project timelines.

FUTURE USE OF MAITLAND GAOL (Cont.)

On 28 August 2025, DPIRD advised that:

- It was waiting on a Federal Government decision before issuing a variation outcome;
- Current deed conditions remain in effect until then; and
- Council should identify any works it wished to proceed with for DPIRD to assess against the existing deed.

This means Council has no confirmed grant variation, no approved release of RPP funding, and no assurance that further expenditure would comply with the current Deed. The absence of a clear funding decision has contributed significantly to the need for this report and to the recommendation for Council to reconsider its ongoing commitment to the Gaol.

Development (DA1&2) Approved

As detailed earlier within the Chronology, both major development applications (DA/2024/858 and DA/2024/859) were approved by the HCCRPP on 12 September 2025.

It is important to note:

- Approval does not obligate Council to commence works.
- Approvals do not address site-wide compliance or lawful reactivation.
- Approvals do not reduce the cost of DA3 unless DA1&2 are built concurrently.
- Approvals do not resolve land claim or landowner consent requirements.

Current Status of Compliance DA (DA3) and Costs to Complete

DA3 remains essential to restoring lawful use of the site for tourism, events, or public access. DA3 is currently not lodged and not funded.

- **DA3 Documentation Costs**
 - \$844,251 required to produce a complete “shovel-ready” DA package
 - Includes planning, heritage, contamination, NCC/DDA, fire engineering, electrical, access, traffic and operational management components
- **DA3 Construction Costs**
 - \$9,020,000 estimated stand-alone cost
 - Could reduce by \$3,090,000 if DA1+2 is delivered concurrently (unlikely due to lack of funding)
- **Heritage & Maintenance Liabilities**
 - Higher priority works: \$5,577,000
 - High priority works: \$4,917,000
 - Heritage Interpretation Plan: \$5,263,000
- **Estimated Operating Position if Reopened**

Forecast annual operational costs based on an existing operating model with compliance upgrades completed only, are as follows:

- Projected income: \$450,046
- Projected expenditure: \$1,470,022

FUTURE USE OF MAITLAND GAOL (Cont.)

- Annual operating deficit: \$1,019,976

Forecasted annual operating costs based on redevelopment and compliance upgrades are as follows:

- Projected income: \$524,894
- Projected expenditure: \$2,004,524
- Annual operating deficit: \$1,479,630

Combined, the capital redevelopment (DA1&2), compliance and heritage requirements exceed \$37 million.

The Barracks

The barracks includes a group of standalone state heritage listed buildings found to the East of the site, the buildings are positioned outside the main gaol walls yet are included within the overall site lot. Council staff continue to liaise with the Maitland and Beyond Family History community group who are the longstanding user of the barracks regarding reinstating access to this site.

We have engaged a heritage consultant to help work through the required approvals process to enable the required compliance works to be clarified and then planned for completion.

Our consultants have lodged a meeting application with Heritage NSW which includes a brief of the building use/works required, its history (both recent and original) and what the proposed reuse pathway plan will be. We are confident that once the meeting with Heritage NSW occurs, wrapping up the consultant reporting and recommendations should occur quickly. This will then enable a more informed scope of works to be completed and estimates developed.

Councils ongoing role as Crown Land manager

MCC cannot resign from being a Crown land manager without the Minister's approval (section 3.12 of the CLM Act). MCC must submit a written instrument of resignation to the Minister of Planning and Public Spaces.

The Department of Planning, Housing and Infrastructure has a specific process for this, and the Crown Lands website says to contact the Department to discuss resignation options.

Once the resignation is approved, the Department may wish to transfer the care, control and management of the land (including assets, rights, and liabilities). This transfer will be notified by Gazette.

Aboriginal Land Rights Act claim

On 28 May 2002, Mindaribba Local Aboriginal Land Council lodged a claim pursuant to the *Aboriginal Land Rights Act 1983* in relation to lot 469 of DP 1002766, marked red below:

FUTURE USE OF MAITLAND GAOL (Cont.)



“Claimable land” under the *Aboriginal Land Rights Act 1983* is defined in section 36 as land that, when the claim is made (i.e. in 2002):

- (a) are able to be lawfully sold or leased, or are reserved or dedicated for any purpose, under the [Crown Lands Consolidation Act 1913](#) or the [Western Lands Act 1901](#),
- (b) are not lawfully used or occupied,
- (b1) do not comprise lands which, in the opinion of a Crown Lands Minister, are needed or are likely to be needed as residential lands,
- (c) are not needed, nor likely to be needed, for an essential public purpose, and
- (d) do not comprise lands that are the subject of an application for a determination of native title (other than a non-claimant application that is an unopposed application) that has been registered in accordance with the Commonwealth Native Title Act, and
- (e) do not comprise lands that are the subject of an approved determination of native title (within the meaning of the Commonwealth Native Title Act) (other than an approved determination that no native title exists in the lands).

Once Crown lands start processing the claim it will reach out to MCC seeing any information Council has about the use of the land for a lawful purpose at the time in order to determine if the land is in fact claimable.



FUTURE USE OF MAITLAND GAOL (Cont.)

CONSULTATION

This report was developed in consultation with various departments within Council including the General Managers Office, Corporate Planning and Performance, Finance, Community and Recreation, Asset Strategy and Engineering, Works, Legal and Capital Works Delivery.

Previous engagement with external stakeholders including state and federal government agencies has also been considered.

Councillors have also been briefed on the project and most recently on 2 December 2025.

CONCLUSION

After more than two decades of management and several years of intensive planning, it is now clear that Maitland Gaol cannot be viably redeveloped, reopened or operated without significant external investment. The capital funding required exceeds \$37 million, annual operating deficits exceed \$1 million, and critical planning approvals and statutory requirements remain unresolved.

In this context, and considering Council's array of competing priority projects and its longstanding position of not funding Gaol operations through rates income, the most sustainable course of action is for Council to formally exit its role as Crown Land Manager and allow the NSW Government to determine a future pathway for the site.

FINANCIAL IMPLICATIONS

The tables below outline the estimated operating result for the site based on:

- Prior years actuals
- The site having the compliance requirements addressed and then operating on a basis similar to prior years and
- The site having the compliance requirements addressed and the redevelopment completed.

Prior Years Operating Result

| Sum of Year to Date actual | 2020/2021 | 2021/2022 | 2022/2023 | 2023/2024 | 2024/2025 |
|----------------------------|---------------|---------------|---------------|---------------|---------------|
| Income | \$319,111.71 | \$265,580.86 | \$491,102.19 | \$367,372.39 | \$380,230.42 |
| Expense | \$554,437.93 | \$662,447.52 | \$826,547.62 | 1,199,976.11 | 1,241,975.27 |
| Grand Total | -\$235,326.22 | -\$396,866.66 | -\$335,445.43 | -\$832,603.72 | -\$861,744.85 |

Note- financial years 2024 and 2025 were impacted by the inclusion of costs relating to the "Tower experience" project being allocated to the operating budget.

FUTURE USE OF MAITLAND GAOL (Cont.)

Operating result – Compliance option

| Source | Amount (excl GST) | Comments |
|------------------------------------|----------------------|---|
| Projected Operating Income | \$450,046 | Annual operational income projections based on reopening in current condition |
| Projected Operating Expenditure | \$1,470,022 | Annual operational expenditure projections including building maintenance |
| TOTAL ANNUAL OPERATING COST | \$1,019,976 | |

Operating result – Redevelopment option

| Source | Amount (excl GST) | Comments |
|------------------------------------|----------------------|---|
| Projected Operating Income | \$524,894 | Annual operational income projections based on reopening in current condition |
| Projected Operating Expenditure | \$2,004,524 | Annual operational expenditure projections including additional building maintenance for the enhanced asset |
| TOTAL ANNUAL OPERATING COST | \$1,479,630 | |

The table below provides estimated income, estimated costs and an indication of the additional monies that would be required to address the:

- Costs to date
- compliance issues,
- redevelopment costs
- heritage maintenance works and
- interpretation plan implementation

FUTURE USE OF MAITLAND GAOL (Cont.)

Capital

| Source | Amount (excl GST) | Comments |
|---|----------------------|--|
| INCOME | | |
| Regional Recovery Partnerships (RRP) Fund | \$5,000,000 | Federal Funding – DA1&2. This grant is at significant risk as we cannot meet the most recent conditions that have been placed upon it |
| Regional Tourism Activation Fund (RTAF) | \$5,481,670 | State Government Funding – DA1&2. This grant is at significant risk as we cannot meet the most recent conditions that have been placed upon it |
| Council Co-Contribution to RRP and RTAF | \$1,245,492 | Council borrowings (Loans) – DA1&2 |
| Crown Reserve Improvement Fund (CRIF) | \$133,075 | For DA3 consultants (acquitted) |
| Council Contribution | \$250,000 | For DA3 Planning and Design |
| INCOME BUDGET | \$12,110,237 | |
| EXPENDITURE | | |
| Cost to Date - DA1&2 | \$1,169,931 | |
| Cost to Date – DA3 | \$307,852 | |
| Estimate to complete DA works For DA3 | \$844,251 | To become 'shovel ready. |
| Construction works for DA1 & 2 (restaurant and accommodation) | \$22,440,000 | |
| Construction works for DA3 (compliance) | \$9,020,000 | Standalone estimate. This value reduces by \$3,090,000 if DA1&2 are completed together. |
| Heritage Maintenance Works - High | \$5,577,000 | Asset Maintenance high priority |
| Heritage Maintenance Works - Medium | \$4,917,000 | Asset Maintenance medium priority |
| Heritage Interpretation Plan | \$5,263,000 | User experience |
| TOTAL COST | \$49,539,034 | |
| RESULT | \$-37,428,797 | |

RISK IMPLICATIONS

| Risk | Risk rating | Proposed treatment | Proposed risk rating | Resourcing – existing or additional |
|---|-------------|--------------------------|----------------------|-------------------------------------|
| There is a risk of community opposition to Council not advancing the projects or operating the site that may lead to reputational impacts | Med | Adopt the recommendation | Low | Within current resources |
| There is a risk of ongoing | Extreme | Adopt the | Low | Within current |

FUTURE USE OF MAITLAND GAOL (Cont.)

| | | | | |
|---|---------|--------------------------|-----|--------------------------|
| capital expenditure costs that may lead to an inability to fund other essential community projects | | recommendation | | resources |
| There is a risk of ongoing operational expenditure that may lead to an inability to provide other essential services or projects across the LGA | Extreme | Adopt the recommendation | Low | Within current resources |
| There is a risk of the NSW Government not accepting the hand back of the asset that may lead to the decline of the asset | Med | Adopt the recommendation | Med | Within current resources |
| There is a risk of the current land claim being approved that may lead to Council funds not being able to be recovered | Med | Adopt the recommendation | Med | Within current resources |

POLICY IMPLICATIONS

This matter is related to the following Maitland City Council Policies:

- Asset Management Policy
- Asset Revaluation Policy
- Asset Capitalisation Policy
- Risk Management Policy
- Delivery Program 2025-2029 - Operational Plan 2025-26.

STATUTORY IMPLICATIONS

This matter relates to the:

- Local Government Act 1993
- Crown Lands Management Act 2016
- Aboriginal Land Rights Act 1983
- Environmental Planning and Assessment Act 1979

City Services

Future Use of Maitland Gaol

Minutes of Ordinary Council Meeting – Item 8.1(a) Maitland Gaol

Meeting Date: 9 December 2025

Attachment No: 1

Number of Pages: 8

MINUTES of ORDINARY COUNCIL MEETING – 23rd February, 1999.273
Pg.2

Annette Hampton – spoke regarding Item 8.4(a) on the Hunter Waste Board Report and asked that Council undertake an immediate review of the current facility at Mt Vincent Road and ask that the Waste Board also look at new technologies for treatment of waste materials.

Wendy White – spoke regarding Item 8.4(a) on the Hunter Waste Board Report and asked that new technologies be investigated by Council and the Hunter Waste Board on the treatment of waste materials.

Michael Baker – spoke against Item 8.4(c) Extension of Schanck Drive, Metford and asked that the application be refused as he believed this would be detrimental to the residents who live in that area.

Robert Mudd – spoke regarding Item 8.4(d) and asked that the application be approved.

7. WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS:

ITEM 8.3(G) – DRAFT PLAN OF MANAGEMENT – FILE NO. 101/5

COUNCIL RESOLUTION NO. 32/99

THAT Item 8.3(G), be accepted and dealt with in Order of the Agenda.

The General Manager advised that Item 10A had been withdrawn.

8. OFFICERS' REPORTS:

8.1 THE GENERAL MANAGER reports -

8.1(a) MAITLAND GAOL – FILE NO. 60/2:

COUNCIL RESOLUTION NO 33/99

THAT

1. The Council accept the offer by the Minister for Land and Water Conservation for the re-use of the former Maitland Gaol, under the terms outlined in the Minister's letter of 2nd February, 1999 (Annexure 1);

This is Page 2 of Minutes of Ordinary Council Meeting of the Council of the City of Maitland, held on Tuesday, 23/02/99.

General Manager

Administrator

MINUTES of ORDINARY COUNCIL MEETING – 23rd February, 1999.274
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2. The Council's acceptance of the offer be conditional on all aspects of the recommendations of the Maitland Correctional Centre Task Force including funding through the Department of Corrective Services and the NSW Heritage Office;
3. Council adopt the following principles in relation to the re-use of the gaol:
 - (i) the establishment and implementation of the re-use of the facility be the primary economic development initiative of the Council;
 - (ii) the re-use of the facility be commercially based;
 - (iii) the re-use of the facility generate an overall positive return to the Council, and benefit to the local economy; and
 - (iv) the facility remain accessible to the community for heritage and historical purposes.
4. Pursuant to Section 31 of the Local Government Act, 1993, all land included in the Minister's offer and to be vested in fee simple, be classified as operational land upon its vesting in Council;
5. Council note that the gaol site is offered by way of lease for commercial purposes under the Crown Lands Act, 1989;
6. To the extent required and in the absence of other sources of revenue, Council provide funding for establishment costs from the Economic Development Fund;
7. Activity at the gaol site be incorporated in the normal quarterly financial reports to Council;
8. Council, pursuant to S377 of the Local Government Act, delegate authority to the General Manager to enter into sub-leases for the occupancy and use of buildings and areas within the gaol complex;
9. The Common Seal of the Council be affixed to all lease and sub-lease documentation.

Note:

The Administrator approved the recommendation and commented how pleased he was to approve this report. It is a good opportunity for Maitland City Council and the Maitland area. The Administrator also commended the staff involved in the preparation of the submission for the Gaol as it was in open competition with the private sector and was successful.

This is Page 3 of Minutes of Ordinary Council Meeting of the Council of the City of Maitland, held on Tuesday, 23/02/99.

General Manager

Administrator

ORDINARY COUNCIL MEETING - TUESDAY, 23rd February, 1999

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| | |
|----------------------------|-------------------------------------|
| 8.1(a) SUBJECT: | Maitland Gaol |
| FILE NO: | 60/2 |
| BUSINESS PROGRAMME: | Economic Development |
| REPORTING OFFICERS: | David Evans, General Manager |

INTRODUCTION AND BACKGROUND

The Maitland Correctional Centre Task Force was convened by the Hon Richard Amery MP, Minister for Agriculture and Minister for Land and Water Conservation, following the State Government's calling of tenders for the re-use of Maitland Gaol, and the identification of Maitland City Council's bid as the preferred option for re-use of the site.

The role of the task force was to further investigate the Council's proposals and to negotiate an acceptable basis upon which the Gaol site would transfer to the Council. The recommendations from the Task Force have now been accepted by the Minister, and the Council has now received a formal offer of the site for its consideration. This report presents the offer for the Council's consideration with appropriate recommendations.

REPORT

The Minister for Land and Water Conservation by letter of 2nd February, 1999, has formally offered the Maitland Gaol to the Council under the following heads of agreement: -

1. That the three residential properties (forming part of the site) be vested with the Council in fee simple under Section 76 of the Crown Lands Act, 1989;
2. The gaol and barracks comprise a fifty year lease between Council and the Department of Land and Water Conservation;
3. For the first five years of the lease, an introductory rent of \$2,000.00 per annum apply. At the end of the first five years the market rent will be determined, and Council and the Department of Land and Water Conservation also undertake to review: -
 - long term funding and maintenance requirements; and also
 - consider future ownership of the site

In addition, the Commissioner for Corrective Services has committed \$150,000 to Council from his department, and the State Heritage Office has indicated potential funding of \$200,000, subject to an appropriately documented grant application.

The Council's proposal for re-use of the gaol is commercial in nature, focusing on uses that will protect heritage values and provide employment and tourist development opportunities. This proposal, and the offer from the Minister will allow the Council to achieve its three basic objectives which have been promoted and adhered to throughout the entire process of tender and negotiation, being that:

- the facility should generate benefits to the local economy (to at least partly replace benefits from the functioning gaol)

This is Page 1 of Item 8.1(a) of the ORDINARY COUNCIL MEETING of the Council of the City of Maitland, held on Tuesday, 23/02/99.

ITEM 8.1(a) (Cont'd)

- the facility should be accessible to the community for heritage and historical purposes
- the burden of significant maintenance and restoration should not fall to the local community.

FINANCIAL IMPLICATIONS

The offer from the government provides resources and a capability to address maintenance issues over the first five years of the lease. At the end of this period, a review of long-term funding and maintenance requirements will occur, together with a determination of market rental and/or options regarding future ownership.

Direct establishment and operational costs will arise. Given the commercial nature of the Council's proposal however, these costs will be met from revenues generated through business and other activities on the site. To the extent that any establishment costs must be met 'up front', it is proposed that these costs be met from the Council's Economic Development Fund. The re-use of the gaol is intended to provide a positive return to the Council, through revenues generated on the site and subsequent payments of dividends to Council. These funds may be applied at the discretion of the Council to repay funds drawn from the Economic Development Fund, or be applied to other purposes. It should be noted however that an immediate revenue stream will be created through the rental of the three residences to be vested in Council as part of the government offer.

Other indirect costs will relate to the time spent on the project by the Council's Economic Development Manager, and caretaking of the site requiring the part-time involvement of a member of the Council's Operations staff.

POLICY IMPLICATIONS

The Minister's offer represents a very positive outcome from the Council's expression of interest in and negotiation for re-use of the Maitland Gaol. If accepted, the policy position of the Council should be that:

- the establishment and implementation of the re-use of the facility be the primary economic development initiative of the Council
- the re-use of the facility be commercially based
- the re-use of the facility generate an overall positive return to the Council, and benefit to the local economy
- the facility remain accessible to the community for heritage and historical purposes.

The Council should also resolve to classify the land to be vested in Council (in fee simple) as operational land under the provisions of the Local Government Act, 1993. This will ensure flexibility in the management of these properties to meet or contribute to meeting needs associated with the re-use of the gaol. The gaol site itself will be provided to Council under the

This is Page 2 of Item 8.1(a) of the ORDINARY COUNCIL MEETING of the Council of the City of Maitland, held on Tuesday, 23/02/99.

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ORDINARY COUNCIL MEETING - TUESDAY, 23rd February, 1999

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ITEM 8.1(a) (Cont'd)

provisions of the Crown Lands Act, 1989. Specifically, the site will be provided under a fifty year lease for commercial purposes and the issue of classification of the site under the Local Government Act, 1993, does not arise.

CONCLUSION

The Council's successful bid and negotiation for re-use of Maitland Gaol provides the opportunity to create a unique centre of business, tourism and employment, and to add significantly to Maitland's status as the "Heritage Centre of NSW". The terms of the Minister's offer provide this opportunity whilst at the same time providing protection against maintenance costs over an initial five year period, and the opportunity to further negotiate on long term maintenance issues at the end of five years when the site is commercially established. On this basis, it is recommended that the Council accept the Minister's offer.

RECOMMENDATION**THAT:**

1. The Council accept the offer by the Minister for Land and Water Conservation for the re-use of the former Maitland Gaol, under the terms outlined in the Minister's letter of 2nd February, 1999 (Annexure 1);
2. The Council's acceptance of the offer be conditional on all aspects of the recommendations of the Maitland Correctional Centre Task Force including funding through the Department of Corrective Services and the NSW Heritage Office;
3. Council adopt the following principles in relation to the re-use of the gaol:
 - (i) the establishment and implementation of the re-use of the facility be the primary economic development initiative of the Council;
 - (ii) the re-use of the facility be commercially based;
 - (iii) the re-use of the facility generate an overall positive return to the Council, and benefit to the local economy; and
 - (iv) the facility remain accessible to the community for heritage and historical purposes.
4. Pursuant to Section 31 of the Local Government Act, 1993, all land included in the Minister's offer and to be vested in fee simple, be classified as operational land upon its vesting in Council;
5. Council note that the gaol site is offered by way of lease for commercial purposes under the Crown Lands Act, 1989;
6. To the extent required and in the absence of other sources of revenue, Council provide funding for establishment costs from the Economic Development Fund;

This is Page 3 of Item 8.1(a) of the ORDINARY COUNCIL MEETING of the Council of the City of Maitland, held on Tuesday, 23/02/99.

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ORDINARY COUNCIL MEETING - TUESDAY, 23rd February, 1999

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ITEM 8.1(a) (Cont'd)

7. Activity at the gaol site be incorporated in the normal quarterly financial reports to Council;
8. Council, pursuant to S.377 of the Local Government Act, delegate authority to the General Manager to enter into sub-leases for the occupancy and use of buildings and areas within the gaol complex;
9. The Common Seal of the Council be affixed to all lease and sub-lease documentation.



DAVID EVANS
GENERAL MANAGER

This is Page 4 of Item 8.1(a) of the ORDINARY COUNCIL MEETING of the Council of the City of Maitland, held on Tuesday, 23/02/99.

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ITEM 8.1(a) (Cont'd)

ANNEXURE "A"



Minister for Agriculture

D99/683
(66822)

Minister for Land and Water Conservation

Mr Ron Eagle
Administrator
Maitland City Council
P O Box 220
MAITLAND NSW 2320

2 FEB 1999

Dear Mr Eagle,

As a member of the Maitland Correctional Centre Task Force you will be aware of the outcomes and recommendations contained in the final report.

I am very pleased to advise that the Task Force's recommendations have my full support and your role in ensuring a successful outcome is to be highly commended.

In writing to you now I am formally offering the site to Council under the following heads of agreement:-

- That the three residential properties be vested with Council in fee simple under Section 76 of the Crown Lands Act, 1989;
- The gaol and barracks comprise a fifty year lease between Council and the Department of Land and Water Conservation;
- For the first five (5) years of the lease an introductory rent of \$2,000.00 per annum apply. At the end of the first five years the market rent will be determined, and Council and the Department of Land and Water Conservation also undertake to review:-
 - long term funding and maintenance requirements; and also
 - consider the future ownership of the site.

I understand that the Commissioner for Corrective Services, Leo Keliher, has already advised you that \$150,000.00 will be forthcoming from his department.

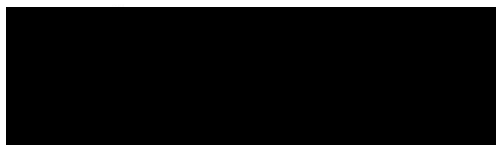
This is Page 1 of ANNEXURE "A" to Item 8.1(a) of the ORDINARY COUNCIL MEETING of the Council of City of Maitland, held on Tuesday, 23/02/99.

ORDINARY COUNCIL MEETING - TUESDAY, 23rd February, 1999**297**
Pg. 7**ITEM 8.1(a) (Cont'd)****ANNEXURE "A" (Cont'd)**

In respect of the heritage funding I am pleased to hear that the Heritage Office has indicated a very good possibility of funding in the order of \$200,000.00 and you can be assured that my Department will be supportive of Council's application when submitted.

I would be grateful if you would submit this offer to Council at the earliest opportunity and advise me if the proposal is acceptable.

Yours sincerely



**RICHARD AMERY MP
MINISTER FOR AGRICULTURE
MINISTER FOR LAND AND WATER CONSERVATION**

This is Page 2 of ANNEXURE "A " to Item 8.1(a) of the ORDINARY COUNCIL MEETING of the Council of City of Maitland, held on Tuesday, 23/02/99.

City Services

Future Use of Maitland Gaol

Letter to MCC – Variation Outcome – July 2025

Meeting Date: 9 December 2025

Attachment No: 2

Number of Pages: 4

Department of Primary Industries
and Regional Development



3 July 2025

Mr Jeff Smith
General Manager
Maitland City Council
PO Box 220
MAITLAND NSW 2320

Re: Maitland Gaol Redevelopment variation request

Dear Mr Smith,

I am writing to follow up on the letter sent by the Department of Primary Industries and Regional Development (the department) to Maitland City Council on 19 March 2025 regarding the Maitland Gaol Redevelopment variation request.

On 27 August 2024, the Department of Primary Industries and Regional Development (the department) received an email from Maitland City Council (Council) requesting a variation of the funding deed for the project.

The department has considered the variation request and does not approve it for the following reasons:

- Reducing the accommodation component of the project from two buildings to one building would significantly alter the scope of the project and its ability to deliver the tourism outcomes and visitation numbers originally intended under the Regional Tourism Activation Fund program.
- As reported by Council in the media, the Gaol remains closed following an independent safety review of the site including the fire and electrical systems, and an additional \$20 million in funding is required to rectify these issues as well as deliver the full scope of works.
- The revised project schedule does not incorporate potential time contingencies and is at a high risk of exceeding a December 2026 completion date.

105 Prince Street
Orange, NSW 2800

1300 107 754
dpird.nsw.gov.au

1

FUTURE USE OF MAITLAND GAOL (Cont.)

- The requested changes significantly reduce the scope of the project outlined in the funding deed, which was to include “*construction of Hub Café and Boutique Accommodation and visitor accessibility and inclusion enhancements including accessible accommodation, disability ramps and improvements and enhancements to current audio tours, as well as Store & Work Centres including Auditorium, centralised amenities, ticket office, administration centre and access bridges*”.

The department is prepared to consider one of the following options:

1. Council requests a variation of the funding deed which would utilise the Regional Recovery Partnerships funding to address the fire and electrical system defects, allowing the Gaol to re-open (additional detail found at Annexure A).
2. Council requests an alternate variation of the funding deed which would utilise both the Regional Tourism Activation Fund and Regional Recovery Partnerships funding, which aligns with the original intent of the project, meets program requirements and will be completed by 31 December 2026 (additional detail found at Annexure B).

Unless such a variation is approved, Council will remain bound by the current terms and conditions of the funding deed.

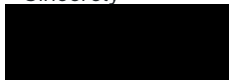
If none of the above options are feasible, Council can provide the department with a written request to terminate the funding deed.

In the meantime, the department reserves all of its rights under the funding deed and at law.

We kindly ask for Council to respond to this variation request by **Thursday 10 July 2025** and provide any documents required as outlined in the Annexures.

For further assistance please contact Donatella D’Amico at donatella.damico@regional.nsw.gov.au or 0417 772 116.

Sincerely



Harriet Whyte
Executive Director, Regional Programs and Partnerships
Department of Primary Industries and Regional Development

FUTURE USE OF MAITLAND GAOL (Cont.)

Annexure A – variation utilising Regional Recovery Partnership (RPP) funding

Both NSW and Australian Government Ministers would consider a request by Council to vary the funding deed to repurpose the \$5 million RRP funding to address the fire and electrical systems defects which would allow the Gaol to reopen.

Should Council wish to apply for such a variation, the department requests that a variation request be supported by the following documentation:

- A detailed scope of works which details all elements of the proposed works
- A detailed budget
- A detailed project plan and timeline for the remediation works, noting that all work must be complete and reported on by 31 December 2026
- Quotes/reports from consultants that detail:
 - The specific electrical issues to be remediated
 - The specific fire safety issues to be remediated
 - The itemised cost for remediation of the electrical issues
 - The itemised cost for remediation of the fire safety issues
- Written confirmation that the RRP funding, when applied to the electrical and safety remediation, will enable the Gaol to re-open to the public and details of when that will occur
- Written confirmation that Council will agree to meet any shortfall in funding to re-open the site.

If this variation is agreed, the Regional Tourism Activation Fund funding will be removed from the funding deed and the department will calculate the amount of repayment required from Council.

Annexure B – variation utilising Regional Tourism Activation Fund (RTAF) and Regional Recovery Partnerships (RPP) funding

Should Council wish to request a new variation to utilise both the RTAF and RRP funding, the variation would need to align with the original intent of the project, meet RTAF program requirements and be able to be completed and reported on by 31 December 2026.

The following supporting documentation would be required for the department to consider this option:

- A revised scope of works which details all elements of the proposed works
- A detailed budget
- A detailed project plan and timeline for the works noting that all work must be complete and reported on by 31 December 2026 at the latest
- Written confirmation that Council will cover any cost above the grant value to complete the project.

13 CUSTOMER AND DIGITAL SERVICES

13.1 Digital Rates and Charges Payment Portal Update

| | |
|----------------------|---|
| FILE NO: | 31/1 |
| ATTACHMENTS: | Nil |
| RESPONSIBLE OFFICER: | Executive Manager Customer & Digital Services |
| AUTHOR: | Digital and Customer Program Manager |
| MAITLAND'S FUTURE | 4 Achieving together |
| COUNCIL OBJECTIVE: | 4.3.3. Leverage technology and data |

EXECUTIVE SUMMARY

In response to Council's resolution of 16 September 2025 (Item 17.1), this report has been prepared to address the four requested items.

OFFICER'S RECOMMENDATION

THAT

1. The contents of this report are noted.
2. An update on progress will be provided during a Council Briefing session in May 2026.

REPORT

1. *Recognises the importance of transparency and accessibility in the management of rates for residents.*

For our ratepayers, Council currently provides comprehensive information via the Maitland City Council website that covers:

- Rates payment options – including online options
- A Rates payment digital payment form
- How to Manage my rates, including updating contact details, changing the delivery method etc.

Information on how Rates support the delivery of Services by Council:

As part of our commitment to enhance our capability and deliver a best practice experience for our community, Council has commenced a "Pay My Rates" project, with the objective to provide a self-serve customer portal with the ability to login any time from any device, to view / pay / download and change details for Rates. The version 1.0 release of the Portal will support customers being able to:

DIGITAL RATES AND CHARGES PAYMENT PORTAL UPDATE (Cont.)

- View Rates History
- View current rates notice
- Download current rates notice
- See outstanding balances
- Pay my rates online
- Complete Request to set up or change a Direct Debit
- Submit a Payment Plan Request
- Send Payment Due Reminders
- Request an extension
- Submit a Refund Request
- Apply for Financial Hardship
- Apply for a Pensioner Discount
- Apply for a concession for community group

The portal will be delivered as an extension to the “MyCouncil” Digital transaction portal, already allowing customers to “Report an Issue” (i.e. a common Service Request such as reporting a Pothole), complete a digital application, or raise a Complaint:

This will support MyCouncil providing customers with a “one-stop-digital-shop” for their digital interactions with Council, providing traceability, transparency of performance, accessibility of information. The MyCouncil portal solution will continue to be complimented with existing in-person, over-the-phone and email-based customer channels for those members of the community who prefer to engage via those channels for these services.

2. Supports the fast-tracking of a modernised digital self-service portal enabling ratepayers to:

- *view balances and history of payments in real time, including items relating to infringement notices or other debts to council.*
- *access transparent explanations of rate calculations.*
- *set up and self-manage flexible payment arrangements; and*
- *access information on hardship supports*

The version 1.0 release of the “Pay my Rates” solution will focus on providing these capabilities for Rates:

- View Rates History
- View current rates notice
- Download current rates notice
- See outstanding balances
- Pay my rates online
- Complete Request to set up or change a Direct Debit
- Submit a Payment Plan Request
- Send Payment Due Reminders
- Request an extension
- Submit a Refund Request
- Apply for Financial Hardship
- Apply for a Pensioner Discount
- Apply for a concession for community group

DIGITAL RATES AND CHARGES PAYMENT PORTAL UPDATE (Cont.)

The release of the “Pay my Rates” solution on MyCouncil will also be complimented with a review of the wider Rates information provided on our website to ensure it aligns to the new service offering. This includes a review of hardship support options, and explanations of rate calculations to ensure the information is easy to understand.

3. *Requests the General Manager provide a report to Council by the last meeting of this calendar year, outlining options, indicative costs, and an implementation timeline*

Maitland City Council is partnering with Ennovative Pty Ltd, a Salesforce partner that supported the initial launch of the MyCouncil solution to deliver the “Pay My Rates” functionality. Ennovative has successfully assisted other councils in developing similar rates solutions and will provide Council with a Salesforce-based software solution. They will also support the necessary configuration, branding, and implementation to meet Council’s specific requirements. Their proven capability in delivering comparable solutions positions Council well to achieve the expected outcomes for the V1.0 release.

The project commenced in October 2025 and is scheduled to run through to June 2026. The timeline includes the development and implementation of the portal solution, extraction and transformation of rates data from legacy systems for portal accessibility, and integration of Salesforce with other systems to support ongoing business-as-usual operations.

The implementation costs for the project are anticipated to be \$130,000 (Ex-GST), which has been planned and budgeted as part of Council’s 2025/2026 budget.

4. *Sets the expectation that the platform be planned and delivered to ensure rollout ahead of issuing of rates notices in 2026.*

As per point 3, the project commenced in October 2025 and is scheduled to run through to June 2026, which would enable rollout ahead of the issuing of rates notices in 2026.

A key risk to achieving this timeline is the challenge of extracting data from our legacy ERP solution. Maitland City Council will need to develop reliable methods for data extraction, as no other council uses our Legacy ERP software in the same way Maitland City Council does. This means Council must establish a unique approach, as there is no existing community knowledge or precedent for these methods.

CONCLUSION

As per the report above, Maitland City Council is progressing the development of the “Pay My Rates” self-service portal to provide ratepayers with improved access to information and services. The portal will allow customers to view rates history, current notices, outstanding balances, manage payments and direct debits, and apply for hardship or concessions. The project, supported by Ennovative Pty Ltd, commenced in October 2025 and is scheduled for completion by June 2026, ahead of the 2026 rates notices.

An update on progress will be provided during a Council Briefing session in May 2026.

FINANCIAL IMPLICATIONS

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

DIGITAL RATES AND CHARGES PAYMENT PORTAL UPDATE (Cont.)

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

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

14 PEOPLE AND PERFORMANCE

Nil

15 FINANCE

Nil

16 ITEMS FOR INFORMATION

16.1 Food and Garden Organics (FOGO) Service Update

| | |
|----------------------|--|
| FILE NO: | 61/32 |
| ATTACHMENTS: | Nil |
| RESPONSIBLE OFFICER: | Manager Environment & Sustainability Director City Planning |
| AUTHOR: | Operations Manager Waste Services |
| MAITLAND'S FUTURE | 2 Sustainable Maitland |
| COUNCIL OBJECTIVE: | 2.2.4 Circular economy |

EXECUTIVE SUMMARY

This report provides an update on the performance of the first three months of the Food and Garden Organics (FOGO) Service.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

REPORT

In response to Council's commitment to improving waste diversion and environmental sustainability, the organics service was expanded to include food organics from 30 June 2025. This initiative aligns with state and national waste reduction targets and is mandated by the NSW Government to be introduced by 2030.

The Year 1 objectives for the introduction of the FOGO service include:

- Food diverted from general waste - 12% or 700 tonnes for the year
- Additional garden organics diverted from general waste - 1,700 tonnes for the year
- Contamination - less than 4%
- Opt-in fortnightly general waste adoption - 3,000 households

The FOGO service, which was introduced in collaboration with Cessnock and Singleton Councils, has resulted in an increase in organics collected in the first three months of operation. Compared to the same period (July to September) in 2023 and 2024 there has been an average uplift of 1,043 tonnes or a 55% increase for Maitland local government area (LGA). At this stage the proportion of the increased tonnage that relates to food organics compared to garden organics cannot be quantified, however the average increase for the quarter is higher than the Year 1 objective. A bin audit scheduled for February 2026 will provide an estimate of average food diversion per property.

The average bin presentation rate over the three months was 37% of FOGO bins weekly, compared to an average of 44% of GO bins being presented fortnightly during the same

FOOD AND GARDEN ORGANICS (FOGO) SERVICE UPDATE (Cont.)

period over the previous two years. These results demonstrate sound community engagement and participation with just under double the number of bins presented on the kerb each month.

The general waste collected over the three month period is approximately 180 tonnes less than the same period last year. Taking into consideration population growth this is a saving of approximately 9kg or 6% per property.

The contamination rate has remained extremely low at 0.16%, which is well below industry benchmarks. The most recent report from the NSW EPA that analysed data from 55 FOGO audits across NSW found average contamination of 2.2%. Our low contamination rate reflects the effectiveness of Council's and its contractors' education and engagement campaigns, as well as the community's commitment to proper source separation.

In August 2025 Council provided access to a fortnightly opt-in service for the general waste collection with a discounted Domestic Waste Management Charge (DWMC). Just under 2,950 properties have opted into fortnightly collection, which equates to approximately 8% of residential properties in the LGA.

Data for the first three months of the FOGO service compared to the same period for the previous two years are shown below:

| Service & Period | Garden Organics Jul – Sep 2023 | Garden Organics Jul – Sep 2024 | Food & Garden Organics Jul – Sep 2025 |
|---------------------------------|-----------------------------------|-----------------------------------|---|
| Presentation rate | 43% | 46% | 37% |
| Weight of Organics (tonnes) | 1,719 | 2,263 | 3,035 |
| Contamination (%) | 0.19% | 0.14% | 0.16% |
| Total general waste (tonnes) | 5,924 | 6,265 | 6,082 |
| General waste per property (kg) | 164 | 170 | 160 |

These results show the implementation of the FOGO service has been very successful to date. We will continue to monitor food diversion and contamination rates, with a bin audit to measure these metrics proposed for February 2026.

Ongoing community education and engagement will be critical to continue this positive performance and drive further diversion of food into the organics bin.

16.2 Appointment of Floodplain Risk Management (FRM) Committee Local Representatives

| | |
|----------------------|--|
| FILE NO: | 103/64 |
| ATTACHMENTS: | Nil |
| RESPONSIBLE OFFICER: | Director City Planning Manager Environment & Sustainability |
| AUTHOR: | Principal Resilience Officer |
| MAITLAND'S FUTURE | 2 Sustainable Maitland |
| COUNCIL OBJECTIVE: | 2.2.3 Prepared communities |

EXECUTIVE SUMMARY

The Floodplain Risk Management Committee Terms of Reference outlines the structure of the committee, comprising Core Members and Local Representatives. The purpose of this report is to advise Council on the outcome of the Expression of Interest that invited nominations for members of the community to be part of the committee as local representatives.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

REPORT

The Floodplain Risk Management (FRM) Committee is an advisory committee that helps Council manage flood risks. It has two types of members:

- **Core Members** – These people stay on the committee for the full Council term.
- **Local Representatives** – These are community members who focus on a specific catchment (area). They join when a flood study or risk plan is being developed for that catchment.

Local Representatives are chosen at the start of the process for each catchment. If the process has already started, they will be appointed at the next stage. Community members can apply for these roles when Council advertises expressions of interest.

Local Representatives only attend meetings when the agenda includes issues for their catchment. These meetings are called by the Chair when needed. The term of Local Representatives matches the timeline of the specific floodplain project

The call for Expressions of Interest (EOIs) for local representatives opened on Monday, 22 September 2025, and closed on Sunday, 19 October 2025. The number of members and duration of appointment were advertised as follows:

- Five community representatives aligned with the Maitland Floodplain Risk Management Study and Plan project, for the duration of the project (approx. until mid- 2026). These five representatives should comprise:
 - Two residing in Central Maitland, Lorn or Bolwarra.

APPOINTMENT OF FLOODPLAIN RISK MANAGEMENT (FRM) COMMITTEE LOCAL REPRESENTATIVES (Cont.)

- Two residing in rural areas, such as South Maitland, Berry Park, Millers Forest, Phoenix Park.
 - One from other areas, for example Gillieston Heights.
- Two community representatives for the Woodberry and Hexham Flood Study project for the project period (until February 2026)

The expressions of interest were assessed based on their knowledge of and connection to flooding in the Maitland Local Government Area, community representation, availability, potential conflict of interest, and engagement history with the Council, with the following community members being appointed:

- FRMSP Local Representative Members:
 - Two from Central Maitland: Stephen Shoobridge and Gil Gordon
 - Two from Rural Maitland: Helen Doreen Duggan and Daniel Milton Lewer
 - One from other areas: Jane Aubin
- Hexham and Woodberry FS Local Representatives
 - Helen Doreen Duggan
 - Michael Zyza

Council will write to the successful nominees to advise confirmation of their appointment to the Committee.

Should any nominee decline the appointment, or if a position becomes vacant during the project tenure, Council will approach the following alternative candidates for appointment as Local Representatives:

- Alternative candidates for FRMSP:
 - Central Maitland: Leighton White
 - Rural Maitland: Michael Zyza
 - Other areas: Brad Hutchinson
- Alternative candidates for Hexham and Woodberry FS.
 - None

16.3 Audit Risk & Improvement Committee (ARIC) Meeting Minutes – 14.10.25

| | |
|-----------------------------|--|
| FILE NO: | 81/26 |
| ATTACHMENTS: | 1.ARIC Minutes – 14 October 2025 |
| RESPONSIBLE OFFICER: | Executive Manager People and Performance Manager Enterprise Risk, Health and Safety |
| AUTHOR: | Senior Risk and Audit Officer |
| MAITLAND'S FUTURE | 4 Achieving together |
| COUNCIL OBJECTIVE: | 4.1.3 Transparent decision making |

EXECUTIVE SUMMARY

The Audit Risk & Improvement Committee (ARIC) meeting for October was held on 14 October 2025. The minutes of the meeting are submitted to Council for information.

OFFICER'S RECOMMENDATION

THAT Council note the minutes from the ARIC meeting of 14 October 2025.

REPORT

The adopted minutes of the ARIC meeting held on 14 October 2025 are attached for information.

ARIC considered a range of reports at the October meeting including the Audit Office Engagement Closing Report and the financial statements for YE 30 June 2025.

ARIC was also provided with an update on the Capital Works audit, and endorsement was given for the Cemeteries audit report.

The meeting was attended by Council's external audit partner, Prosperity, and Internal Audit provider, PKF.

CONCLUSION

Council's ARIC met on 14 October 2025 and the endorsed minutes are attached.

Items for Information

Audit Risk & Improvement Committee (ARIC) Meeting Minutes – 14.10.25

ARIC Minutes – 14 October 2025

Meeting Date: 9 December 2025

Attachment No: 1

Number of Pages: 10

Audit Risk and Improvement Committee Minutes

14 October 2025

maitland
CITY COUNCIL

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PRESENT

Dave Pendleton, Chair
Jennifer Leslie, Independent Member
Ben Lawson, Independent Member (via teams)
Cr Sally Halliday

General Manager, Jason Linnane (acting)
Chief Audit Executive, Tiffany Allen

External Representatives

Prosperity, Alex Hardy
PKF, David Hutchison (via teams)

Council representatives

Acting Executive Manager Finance, Kelly Arnott
Executive Manager Customer & Digital Services, Mark Margin
Director City Planning, Trevor Ryan
Director City Services, Darren Crumpler (acting)
Manager Financial Reporting, Michael Burfitt
Manager Enterprise Risk, Health & Safety, Leisa Tate
Senior Risk & Audit Officer, Donna Morris

1 ACKNOWLEDGEMENT OF COUNTRY

The Chair read the Acknowledgement of Country.

2 GOVERNANCE**2.1 APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE****COMMITTEE RESOLUTION**

THAT the apology received for the unavoidable absence of General Manager Jeff Smith be accepted and leave of absence granted, noting that Director City Services, Jason Linnane, was acting in the role of General Manager.

COMMITTEE RESOLUTION

THAT the remote attendance of Ben Lawson and David Hutchison be accepted.

2.2 DISCLOSURE OF INTEREST

Nil

3 COMMITTEE WORKPLAN

3.1 WORK PLAN

| | |
|----------------------|---|
| FILE NO: | 81/26 |
| ATTACHMENTS: | 1. ARIC - Work Plan - 2025-2026 |
| RESPONSIBLE OFFICER: | Executive Manager People and Performance |
| AUTHOR: | Senior Risk and Audit Officer Manager Enterprise Risk, Health and Safety |
| MAITLAND +10 | Outcome 4 Achieving together |
| COUNCIL OBJECTIVE: | 4.3.2 Culture of improvement and innovation |

ITEM SUMMARY

Attached is the 2025/2026 Work Plan. The Work Plan can also be found on the ARIC Hub.

COMMITTEE RESOLUTION

Noted.

4 MINUTES OF PREVIOUS MEETING

4.1 MINUTES OF THE SEPTEMBER 2025 MEETING

FILE NO: 81/26
ATTACHMENTS: 1. ARIC Minutes - 9.9.25 - Draft
RESPONSIBLE OFFICER: Executive Manager People and Performance
AUTHOR: Senior Risk and Audit Officer
Manager Enterprise Risk, Health and Safety
MAITLAND +10 Outcome 4 Achieving together
COUNCIL OBJECTIVE: 4.3.2 Culture of improvement and innovation

ITEM SUMMARY

Draft minutes of the September 2025 meeting attached. The draft minutes can also be found on the ARIC Hub.

COMMITTEE RESOLUTION

THAT the minutes from the September ARIC meeting be endorsed.

Moved: Jennifer Leslie Seconded: Ben Lawson

5 ACTIONS ARISING

5.1 ACTIONS ARISING

| | |
|----------------------|---|
| FILE NO: | 81/26 |
| ATTACHMENTS: | 1. ARIC Actions Arising - As at 7.10.25 |
| RESPONSIBLE OFFICER: | Executive Manager People and Performance |
| AUTHOR: | Senior Risk and Audit Officer Manager Enterprise Risk, Health and Safety |
| MAITLAND +10 | Outcome 4 Achieving together |
| COUNCIL OBJECTIVE: | 4.3.2 Culture of improvement and innovation |

ITEM SUMMARY

The Actions Arising report from Cascade is attached showing all open actions.

All open actions are in process or already closed.

COMMITTEE RESOLUTION

Noted.

6 CONFIDENTIAL REPORTS

6.1 EXTERNAL AUDIT - ENGAGEMENT CLOSING REPORT 30 JUNE 2025

| | |
|----------------------|-----------------------------------|
| FILE NO: | 81/26 |
| ATTACHMENTS: | Nil |
| RESPONSIBLE OFFICER: | Acting Executive Manager Finance |
| AUTHOR: | Manager Financial Reporting |
| MAITLAND +10 | Outcome 4 Achieving together |
| COUNCIL OBJECTIVE: | 4.1.3 Transparent decision making |

EXECUTIVE SUMMARY

The Engagement Closing Report has been drafted and is currently being finalised by the Audit Office. The report will be provided as soon as it becomes available in accordance with Section 419 of the Local Government Act, 1993 (NSW).

The Engagement Closing report will be supported by a verbal presentation provided by a representative of the Audit Office of NSW appointed to conduct the audit of the Financial Statements for the year ending 30 June 2025.

The closing report will include an audit overview detailing the processes, outcomes and findings.

OFFICER'S RECOMMENDATION

THAT

ARIC notes the Audit Office of NSW Engagement Closing Report

COMMITTEE RESOLUTION

THAT

ARIC received the final report tabled at the meeting and noted the Audit Office of NSW Engagement Closing Report.

Moved: Ben Lawson Seconded: Jennifer Leslie

6.2 FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2025

| | |
|-----------------------------|--|
| FILE NO: | 2/8/30 |
| ATTACHMENTS: | <ol style="list-style-type: none"> 1. Financial Statements for the year ended 30 June 2025 2. Financial Statements - Report to ARIC Out of Session - 17.9.25 |
| RESPONSIBLE OFFICER: | Acting Executive Manager Finance |
| AUTHOR: | Manager Financial Reporting |
| MAITLAND +10 | Outcome 4 Achieving together |
| COUNCIL OBJECTIVE: | 4.1.3 Transparent decision making |

EXECUTIVE SUMMARY

Council has prepared the financial statements for the year ended 30 June 2025 with the following actions:

- 1. In accordance with Section 413 of the Local Government Act 1993 "(the Act)" the statements are referred to Council's Auditor;*
- 2. In accordance with Section 418 of the Act Council is required to fix a date for a meeting to present its audited financial Statements, together with the auditor's report, to the public and provide seven (7) days' notice;*
- 3. Propose to present the 2023/24 financial statements and auditor's report to the public at the Council meeting of Tuesday 18 November 2025.*

OFFICER'S RECOMMENDATION

THAT

ARIC receive and note the Financial Statements for the year ending 30 June 2025

COMMITTEE RESOLUTION

THAT

ARIC received and noted the Financial Statements for the year ending 30 June 2025, subject to final adjustments.

Moved: Jennifer Leslie Seconded: Ben Lawson

6.3 INTERNAL AUDIT UPDATE

FILE NO: 81/17/6
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: Executive Manager People and Performance
AUTHOR: Senior Risk and Audit Officer
 Manager Enterprise Risk, Health and Safety
MAITLAND +10 Outcome 4 Achieving together
COUNCIL OBJECTIVE: 4.3.2 Culture of improvement and innovation

EXECUTIVE SUMMARY

Internal audit (IA) is an independent, objective assurance and consulting activity designed to add value and improve Council's operations. The IA program supports Council in accomplishing its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

OFFICER'S RECOMMENDATION**THAT ARIC**

1. Consider and endorse extension to IA2024 Capital Works Action 2.5.1 due date.
2. Consider and note the IA2025 Cemeteries report.

COMMITTEE RESOLUTION**THAT ARIC**

1. Considered and endorsed the extension to IA2024 Capital Works Action 2.5.1 due date.
2. Requested at the November meeting a break down on Capital Works Audit deliverables / timeframe.
3. Considered and noted the IA2025 Cemeteries report.
4. Requested at the November meeting a breakdown of access / safety/risk assessment for worker/visitor access to each of Councils cemeteries.

Moved: Jennifer Leslie Seconded: Ben Lawson

[REDACTED] BUSINESS

Nil

8 NEXT MEETING

[REDACTED] will be held on 11.11.25.

9 CLOSURE

The meeting was declared closed at 11.52 pm.

[REDACTED]
...

Chairperson

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17 NOTICES OF MOTION/RESCISSION

17.1 Waste Levy

NOTICE OF MOTION SUBMITTED BY CR MITCHELL GRIFFIN

FILE NO: 35/4/8
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: General Manager
 Director City Planning

Cr Mitchell Griffin has indicated his intention to move the following Notice of Motion at the next Council Meeting being held on Tuesday, 9 December 2025:

THAT

1. Council notes the recent response from LGNSW in relation to the Waste Levy that the categorisations for the Levy should align with the same LGA categorisations used by the OLG, as well as its commitment to continue advocacy in this area.
2. Council write to our two State Members, and corresponding Minister and Shadow Minister requesting that they advocate on our behalf for Hunter Councils to be recategorised as per the OLG categorisation as per the official position of LGNSW.
3. Council writes to the Hunter JO requesting advocacy for all Hunter LGAs to carry a regional waste levy categorisations.

BACKGROUND

In August 2025 Maitland Council resolved to submit a motion to the 2025 Local Government NSW Conference calling for the recategorisation for all regional councils to a regional levy.

In the business papers for the conference LGNSW has confirmed that it already is the current position of LGNSW that the Levy categorisation should reflect the same category as listed by the Office of Local Government.

Given that LGNSW has confirmed its position which is in line with the Maitland motion, we are now in a position where we can pursue advocacy to the State Government to have our category reviewed. If successful, this would reflect a reduction to rate payers and tip users of approximately \$70 per tonne. This would mean one less cost shift on to our council.

This motion calls on the two State Members, as well as the Minister and Shadow Ministers to get behind our campaign. The motion also calls on the Hunter JO to form a united approach, especially as other LGAs in Cessnock, Port Stephens, Newcastle and Lake Macquarie would be positively effected.

RESPONSE BY DIRECTOR

Should the above motion be endorsed, Council will undertake the actions listed in resolution 2 and 3.

17.2 Consultancy and Contractor Expenditure Review

NOTICE OF MOTION SUBMITTED BY CR DON FERRIS

FILE NO: 35/8/4
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: General Manager

Cr Don Ferris has indicated his intention to move the following Notice of Motion at the next Council Meeting being held on Tuesday, 9 December 2025:

THAT

1. Council undertakes a comprehensive review of expenditure on consultancies and contractor and contingency workers over the past three financial years.
2. Council Identifies potential savings and efficiency opportunities, including options to reduce reliance on external providers where in-house capability exists or can be developed cost-effectively.
3. Council prepares a report to be presented to Council within 3 months, outlining:
 - a) Total expenditure in operating costs for each year;
 - b) Areas where costs can be reduced without compromising service delivery;
 - c) Recommendations for implementing identified savings.
4. Incorporates findings into the next budget planning cycle to ensure sustainable cost management.

BACKGROUND

The delivery of high-quality assets and services to the community whilst keeping costs in check is and should be a mainstay of local government. Substantial infrastructure maintenance backlogs are very evident in Maitland where our roads and buildings are deteriorating at a rate where it seems Council cannot keep up. Unfortunately, Council cannot afford to undertake many maintenance tasks and the level of Council assets is falling below community expectations.

Can Council find savings through reducing spend on consultancies, contingent and contract labour? What core services should Council be providing using its own staff? Can in house expertise be utilised more effectively? Can internal teams be formed to reduce reliance on external consultancies?

Council should always look to take external specialised advice, form public private partnerships to deliver the best possible project outcomes and to utilise contract labour for specialist work or to fill short term vacancies. The private sector is integral to good government however reviews do need to occur periodically to ensure resources are being effectively allocated.

A thorough investigation of Council's use of consultancies and contract labour may yield significant budgetary savings, build internal staff capacity, increase organisational knowledge and help to retain talent.

RESPONSE BY GENERAL MANAGER

As outlined in Item 12.6 (Infrastructure Renewal Program) Council is implementing an organisational efficiency program that will redirect budget from operating expenditure budgets to the infrastructure renewal program each year. This organisational efficiency program includes all categories of expenditure, including consultancies and contractors.

17.3 Melville Ford Bridge Naming

NOTICE OF MOTION SUBMITTED BY CR BEN WHITING

FILE NO: 35/4/8
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: General Manager
Director City Services

Cr Ben Whiting has indicated his intention to move the following Notice of Motion at the next Council Meeting being held on Tuesday, 9 December 2025:

THAT

On the renaming of the New England Highway-Cessnock Road interchange to “Milton Morris Interchange”:

• *Enact procedures to retain the name “Melville Ford Bridge”, reversing the change to Milton Morris Bridge.*

BACKGROUND

- After public consultation Council Officers recommended that other options be considered for honouring Milton Morris. There was strong public opinion expressed against the name change. The elected council opted to proceed with the renaming regardless. This motion would be in line with the original officer’s recommendation to the renaming, in providing a further option.
- It is noted that the renaming of Milton Morris Interchange was beyond the jurisdiction of council. Now that it has been indicated that it will move forward council has the option to both honour Milton Morris and respect community sentiment.
- Milton Morris Interchange would be a centrally located renaming of significant prominence to adequately honour the late Milton Morris and his contribution to our community.

RESPONSE BY DIRECTOR CITY SERVICES

This matter was considered at the Council meeting 17/6/25.

Council staff recommended that:

1. Council acknowledges receipt of the petition to retain the name of the Melville Ford Bridge.
2. Council considers the petition and the information within this report when determining its position on the proposed naming of the bridge currently known as Melville Ford Bridge.
3. A review be undertaken to identify other further options that can acknowledge the legacy and outstanding contributions of the former Member for Maitland and NSW Transport Minister.

MELVILLE FORD BRIDGE NAMING (Cont.)

The intent of the staff recommendation was to:

- inform the elected Council of the process completed and
- make available the opportunity to identify other further options (not necessarily mutually exclusive to the proposal) if so desired.

Council resolved that:

1. Council acknowledges receipt of the petition to retain the name of the Melville Ford Bridge and feedback received during the recently completed consultation period
2. Council finalises the procedure for renaming including publication in the NSW Government Gazette and on Councils website to officially name the new bridge, which replaces the previously known Melville Ford Bridge, as the “Milton Morris Bridge”
3. Council notifies all relevant parties including the Geographical Names Board of the new name, giving sufficient particulars to enable the name to be identified.
4. Upon completion of the construction of the new bridge, Council installs signage to recognise the naming as “Milton Morris Bridge”
5. Council delegates to the General Manager the authority as required to finalise the process in accordance with the relevant clauses of the Roads Act and Roads Regulation

Council staff have been advised by the Geographical Names Board that the bridge has been renamed and added to their mapping databases.

18 Questions With Notice

19 Urgent Business

20 COMMITTEE OF THE WHOLE

20.1 General Manager Performance Review

| | |
|----------------------|--------------------------------|
| FILE NO: | E100230 |
| ATTACHMENTS: | Nil |
| RESPONSIBLE OFFICER: | Philip Penfold – Mayor |
| AUTHOR: | Jeff Smith – General Manager |
| MAITLAND'S FUTURE | 4 Achieving together |
| COUNCIL OBJECTIVE: | 4.2.1 Excellence in leadership |

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).

EXECUTIVE SUMMARY

The purpose of this report is to discuss the annual performance review of the General Manager.

21 Committee of the Whole Recommendations

22 Closure