

ORDINARY MEETING

MINUTES

27 FEBRUARY 2024

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PRESENT

Cr Loretta Baker
Cr Robert Aitchison
Cr Kristy Flannery
Cr Stephanie Fisher
Cr Peter Garnham
Cr Mitchell Griffin
Cr Bill Hackney
Cr Sally Halliday
Cr Philip Penfold, Mayor
Cr Kanchan Ranadive
Cr Ben Whiting
Cr Mike Yarrington

1 INVOCATION

The General Manager read the customary prayer at the commencement of the meeting.

2 ACKNOWLEDGEMENT OF COUNTRY

The General Manager read the Acknowledgement of Country.

3 APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

COUNCIL RESOLUTION

THAT the apology received for the unavoidable absence of Cr Ben Mitchell and Cr Robert Aitchison be accepted and leave of absence granted

Moved Cr P Garnham, Seconded Cr Ranadive

CARRIED

For:	Cr L Baker	Against:
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

4 DECLARATIONS OF INTEREST

Nil

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held 13 February 2024 be confirmed.

Moved Cr P Garnham, Seconded Cr M Yarrington

CARRIED

For:	Cr L Baker	Against:
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

6 BUSINESS ARISING FROM MINUTES

Nil

7 WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS

Nil

8 PUBLIC ACCESS

Sam Smith representing Walker Corporation spoke **for** item 10.1 Exhibition of Proposed Voluntary Planning Agreement – Recreation Facilities – Gillieston Heights South – Walker Corporation

9 MAYORAL MINUTE

Nil

10 OFFICERS REPORTS

10.1 EXHIBITION OF PROPOSED VOLUNTARY PLANNING AGREEMENT - RECREATION FACILITIES - GILLIESTON HEIGHTS SOUTH - WALKER CORPORATION

FILE NO:	103/41/61 & DA/2023/551
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Letter of Officer to Enter into Voluntary Planning Agreement - Walker Corporation - Gillieston Heights 2. Draft Voluntary Planning Agreement - Walker Corporation - Cessnock Road Gillieston Heights (Under Separate Cover)
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Brett Gardiner - Manager Strategic Planning Adam Ovenden - Coordinator City Planning
AUTHOR:	Anne Humphries - Principal Development Contributions Planner
MAITLAND +10	Outcome 4 To be healthy and active with access to local services and facilities
COUNCIL OBJECTIVE:	4.3.2 Provide play spaces across the city to accommodate all age and ability groups

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of an offer from Walker Gillieston Heights Pty Ltd to enter into a Voluntary Planning Agreement for the dedication of land and delivery of recreation facilities at 457-527 Cessnock Road, Gillieston Heights. The draft VPA is linked to development application DA/2023/551 for 322 residential lots which is currently under assessment.

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

OFFICER'S RECOMMENDATION

THAT

1. Pursuant to clause 204(1) of the *Environmental Planning and Assessment Regulation 2021*, Council exhibit the draft Voluntary Planning Agreement for a period of 28 days;
2. A further report be presented to Council following the public exhibition of the draft Voluntary Planning Agreement.

COUNCIL RESOLUTION

THAT

1. Pursuant to clause 204(1) of the *Environmental Planning and Assessment Regulation 2021*, Council exhibit the draft Voluntary Planning Agreement for a period of 28 days;
2. A further report be presented to Council following the public exhibition of the draft Voluntary Planning Agreement.

Moved Cr M Yarrington, Seconded Cr P Garnham

CARRIED

For:

Cr L Baker
Cr S Fisher
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr S Halliday
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

10.2 HUNTER ESTUARY VIBRANT RIVER EDUCATION GRANT

FILE NO:	55/17
ATTACHMENTS:	<ol style="list-style-type: none">1. Attachment 1 - Melville Ford Site Plan2. Attachment 2 - Morpeth Site Plan3. Attachment 3 - Lorn Site Plan4. Attachment 4 - Lorn Landscape Plan for Plantings (Under Separate Cover)
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Catherine Pepper - Manager Environment & Sustainability
AUTHOR:	Deanne Nelson-Pritchard - Principal Estuary Officer
MAITLAND +10	Outcome 10 To love and look after our great outdoors
COUNCIL OBJECTIVE:	10.3.2 Partner with relevant parties to protect, enhance, maintain and restore river and wetland health and amenity through the development and delivery of a Hunter River Estuary Coastal Management Plan

EXECUTIVE SUMMARY

Maitland City Council received a Coastal and Estuary Program grant in 2022. The grant was obtained to address community concern on erosion at a number of sites and impacts to the river, the surrounding land and the environment. Background research has been undertaken to develop permissible options for the sites of concern and this report provides the draft plans for community consultation.

OFFICER'S RECOMMENDATION

THAT

- 1. The draft site plans for the Vibrant River Education Project be put on public exhibition for 28 days**
- 2. If no submissions are received at the closing of public exhibition the project will start implementation with a tree planting and education event beginning in Lorn as provided in Attachment 3 and begin detailed signage design for Morpeth, Lorn and Melville Ford**
- 3. If submissions are received, Council officers will report back to Council.**

COUNCIL RESOLUTION

THAT

1. The draft site plans for the Vibrant River Education Project be put on public exhibition for 28 days
2. If no submissions are received at the closing of public exhibition the project will start implementation with a tree planting and education event beginning in Lorn as provided in Attachment 3 and begin detailed signage design for Morpeth, Lorn and Melville Ford
3. If submissions are received, Council officers will report back to Council.

Moved Cr S Halliday, Seconded Cr K Flannery

CARRIED

For:

Cr L Baker
Cr S Fisher
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr S Halliday
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

10.3 FORMER ANAMBAH LANDFILL REMEDIATION AND FUTURE USES OF THE SITE

FILE NO:	2022/137/2072
ATTACHMENTS:	1. Attachment 1 - Final Land Use and Remediation Options Assessment (Under Separate Cover)
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Catherine Pepper - Manager Environment & Sustainability
AUTHOR:	Malcolm Adrien - Senior Contaminated Land Officer
MAITLAND +10	Outcome 11 To reduce our reliance on non-renewable natural resources
COUNCIL OBJECTIVE:	11.1.3 Develop a remediation action plan former landfill sites

EXECUTIVE SUMMARY

Maitland City Council (MCC) own, and previously operated, the former Anambah Landfill site, located on Anambah Road, Rutherford. It is a historic landfill site which operated from 1976 – 1993 and is noted to be without environmental management systems compliant to modern standards. The site ceased operations in 1993 and is currently in an unremediated state. This report outlines the outcome of work undertaken to determine a pathway to enable future remediation of the site. Community consultation on the recommended land use option, and more detailed feasibility studies are recommended to enable Council to progress towards a decision on site remediation.

OFFICER'S RECOMMENDATION

THAT

- 1. Community consultation is undertaken on the recommended landuse option, being a combination of Commercial/Light Industrial, and Solar Farm.**
- 2. Further feasibility review is progressed, including engineering, environmental and financial feasibility.**
- 3. A further report be brought to Council outlining outcomes and recommended next steps.**

COUNCIL RESOLUTION

THAT

- 1. Community consultation is undertaken on the recommended landuse option, being a combination of Commercial/Light Industrial, and Solar Farm.**
- 2. Further feasibility review is progressed, including engineering, environmental and financial feasibility.**
- 3. A further report be brought to Council outlining outcomes and recommended next steps.**

Moved Cr M Yarrington, Seconded Cr P Garnham

CARRIED

For:

Cr L Baker
Cr S Fisher
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr S Halliday
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

10.4 APPROVAL TO CALL TENDERS FOR THE COLLECTION AND TRANSPORT OF ORGANICS FROM MAITLAND RESOURCE RECOVERY FACILITY

FILE NO:	61/37
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Catherine Pepper - Manager Environment & Sustainability Michelle Lindsay - Operations Manager Waste Services
AUTHOR:	Sarah Jackson - Waste Officer Leigh Weldon - Coordinator Resource Recovery & Waste Disposal
MAITLAND +10	Outcome 13 To reduce our waste
COUNCIL OBJECTIVE:	13.1.2 Deliver a sustainable waste management collection and disposal service

EXECUTIVE SUMMARY

The current regional contract for the collection of organics from the Maitland Resource Recovery Facility is due to expire on the 29 February 2024. A Request for Tender is required by Council to maintain the collection and transportation of organics from the Maitland Resource Recovery Facility.

The tender will be published on Tenderlink to all registered organisations. The contract term is two (2) years, with an option of a one (1) year extension dependent upon performance. The contract standard allows for right of termination by Council.

OFFICER'S RECOMMENDATION

THAT

- 1. Council approve calling tenders for the collection and transport of organics from the Maitland Resource Recovery Facility.**

COUNCIL RESOLUTION

THAT

- 1. Council approve calling tenders for the collection and transport of organics from the Maitland Resource Recovery Facility.**

Moved Cr P Garnham, Seconded Cr S Halliday

CARRIED

For:

Cr L Baker
Cr S Fisher
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr S Halliday
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

10.5 ON THE MOVE - PROGRESSING THE DELIVERY PROGRAM - JULY - DECEMBER 2023

FILE NO:	35/33/18/12
ATTACHMENTS:	1. On the Move July - December 2023
RESPONSIBLE OFFICER:	Tiffany Allen - Executive Manager People and Performance Kelly Arnott - Manager Corporate Planning and Performance
AUTHOR:	Jenna Parkinson - Corporate Strategy Lead Kate Higgins - Corporate Planning & Reporting Officer
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.3.1 Monitor and report progress against the delivery of projects and services, as identified in the community Strategic Plan, Delivery Program and annual Operational Plan

EXECUTIVE SUMMARY

On the Move is a six monthly report that overviews projects and activities undertaken within Council's Delivery Program 2022 - 2026.

The report is an opportunity to provide information to the community on progress made during the period July 2023 to December 2023 on the principal activities including delivery of services and infrastructure, highlights and financial summary.

OFFICER'S RECOMMENDATION**THAT**

- 1. Council receive Issue 25 of On the Move, a report for the period July 2023 to December 2023 on progressing the Delivery Program 2022 - 2026; and**
- 2. The report be made available to the community on Council's website and promoted via social media.**

COUNCIL RESOLUTION

THAT

- 1. Council receive Issue 25 of On the Move, a report for the period July 2023 to December 2023 on progressing the Delivery Program 2022 - 2026; and**
- 2. The report be made available to the community on Council's website and promoted via social media.**

Moved Cr P Garnham, Seconded Cr M Yarrington

CARRIED

For:

**Cr L Baker
Cr S Fisher
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr S Halliday
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington**

Against:

10.6 MAITLAND HALL OF FAME - NOMINEES RECOMMENDED FOR INDUCTION

FILE NO:	35/1
ATTACHMENTS:	1. Hall of Fame Nominees for Induction (Confidential Under Separate Cover)
RESPONSIBLE OFFICER:	Linda McLaren - Office Manager
AUTHOR:	Kelsie Wilson - Team Leader OGM
MAITLAND +10	Outcome 5 To celebrate what makes our city unique - our history, our people and our river
COUNCIL OBJECTIVE:	5.1.1 Curate and promote our unique history through our collections, museums, and experiences

EXECUTIVE SUMMARY

The purpose of this report is to advise Council of the four nominees recommended by the Awards and Recognition Committee for induction into the City of Maitland Hall of Fame.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

Cr R Aitchison arrived in the chambers at 5:43pm

COUNCIL RESOLUTION

THAT the information contained in this Report be noted.

Moved Cr M Griffin, Seconded Cr P Garnham

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

Council moved into Policy & Finance Committee at 5:44 pm.

Moved Cr M Yarrington, Seconded Cr P Garnham

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

11 POLICY AND FINANCE COMMITTEE

11.1 COMPLAINT MANAGEMENT POLICY REVIEW

FILE NO:	118/1
ATTACHMENTS:	1. Complaint Management Policy 2017 2. Complaint Management Policy 2024
RESPONSIBLE OFFICER:	Linda McLaren - Office Manager Kelsie Wilson - Team Leader OGM
AUTHOR:	Tina Nay - Senior Governance Officer
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.4 Implement and maintain a contemporary governance, audit and risk framework

EXECUTIVE SUMMARY

A periodic review was undertaken of the Complaint Management Policy which was last adopted March 2017.

The Complaint Management Policy has been updated to align with the NSW Ombudsman's Complaint management model policy.

OFFICER'S RECOMMENDATION

THAT

- 1. Council rescind the Complaint Management Policy 2017 (Attachment 1).**
- 2. Council adopt the Complaint Management Policy 2024 (Attachment 2).**

COMMITTEE RECOMMENDATION

THAT

- 1. Council rescind the Complaint Management Policy 2017 (Attachment 1).**
- 2. Council adopt the Complaint Management Policy 2024 (Attachment 2).**

Moved Cr B Whiting, Seconded Cr K Flannery

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr S Fisher
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr S Halliday
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

11.2 USE OF CITY OF MAITLAND COAT OF ARMS POLICY

FILE NO:	35/1
ATTACHMENTS:	1. Use of City of Maitland Coat of Arms Policy 2024
RESPONSIBLE OFFICER:	Kelsie Wilson - Team Leader OGM Linda McLaren - Office Manager
AUTHOR:	Tina Nay - Senior Governance Officer
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.4 Implement and maintain a contemporary governance, audit and risk framework

EXECUTIVE SUMMARY

OFFICER'S RECOMMENDATION

THAT

- 1. Council adopt the Use of City of Maitland Coat of Arms Policy 2024**

COMMITTEE RECOMMENDATION

THAT

- 1. Council adopt the Use of City of Maitland Coat of Arms Policy 2024**

Moved Cr B Hackney, Seconded Cr S Halliday

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr S Fisher
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr S Halliday
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

11.3 SECOND QUARTER BUDGET REVIEW 2023/24 - PERIOD ENDED 31 DECEMBER 2023

FILE NO:	2/8
ATTACHMENTS:	1. QBR 2 - 31 December 2023
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning
AUTHOR:	Michael Burfitt - Chief Financial Officer Tracey Tighe - Senior Corporate Accountant
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.2 Ensure Council is financially sustainable and meets required levels of performance

EXECUTIVE SUMMARY

The attached Quarterly Budget Review Statement (QBRs) presents a summary of Council's financial position at the end of each quarter. It is a mechanism whereby Councillors and the community are informed of Council's progress against the Operational Plan (original budget) and the last revised budget, along with recommended changes and reasons for major variances. Presentation of the Quarterly Budget Review Statement has been updated from that presented in prior years.

OFFICER'S RECOMMENDATION

THAT

1. The variations for the 31 December 2023 quarter be approved and form part of the Operational Plan for 2023/24.

COMMITTEE RECOMMENDATION

THAT

1. The variations for the 31 December 2023 quarter be approved and form part of the Operational Plan for 2023/24.

Moved Cr S Halliday, Seconded Cr M Griffin

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr S Fisher
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr S Halliday
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

11.4 STATEMENT OF INVESTMENTS AS AT 31 JANUARY 2024

FILE NO:	82/2
ATTACHMENTS:	1. Council's Holdings as at 31 January 2024
RESPONSIBLE OFFICER:	Annette Peel - Manager Finance & Procurement
AUTHOR:	Narelle Jeffries - Financial Accountant Laura Barry - Financial Accountant
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.2 Ensure Council is financially sustainable and meets required levels of performance

EXECUTIVE SUMMARY

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

As at the end of January 2024, Council had investments totalling \$208,207,105 under management.

Council's investment portfolio recorded a marked-to-market return of 5.00% per annum versus the bank bill index benchmark return of 4.44% per annum. The actual investment return for the month of January was \$889,319 a favourable variance of \$246,068 when compared to the monthly budget forecasts of \$643,251.

Council remains fully compliant with all Investment Policy requirements.

OFFICER'S RECOMMENDATION

THAT

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

COMMITTEE RECOMMENDATION

THAT

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

Moved Cr S Halliday, Seconded Cr R Aitchison

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr S Fisher
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr S Halliday
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

11.5 SECTION 356 HIGH ACHIEVERS GRANTS PROGRAM

FILE NO:	10/5/19
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Darren Crumpler - Acting Group Manager Community and Recreation Suellen Goyne - Acting Manager Community and Recreation Whitney Hainey - A/Coordinator Community and Recreation Planning David Baker - Team Leader Community and Recreation Planner
AUTHOR:	Molly Marsh - Graduate Planner – Community & Recreation
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.2 Ensure Council is financially sustainable and meets required levels of performance

EXECUTIVE SUMMARY

This report presents to Council a recommendation to endorse the funding of three (3) applications under Council's Section 356 High Achievers Grant Program, in accordance with Section 356 of the Local Government Act.

OFFICER'S RECOMMENDATION

THAT

Council adopts the Maitland Sport and Recreation Advisory Board and Maitland Regional Art Gallery/Maitland Libraries endorsement of the following three (3) applications for funding through the Section 356 High Achievers Grant Program:

- 1. Cooper Hall – National Level Sports – 2024 Under 14's Regional Softball Championships - \$450.00**
- 2. Harrison Davis – International Level Sports – 2024 UCI BMX Race World Series Rotorua New Zealand - \$750.00**
- 3. Portia Jack – International Level Arts – Screen Actors' Intensive Los Angeles - \$750.00**

COMMITTEE RECOMMENDATION

THAT

Council adopts the Maitland Sport and Recreation Advisory Board and Maitland Regional Art Gallery/Maitland Libraries endorsement of the following three (3) applications for funding through the Section 356 High Achievers Grant Program:

- 1. Cooper Hall - National Level Sports - 2024 Under 14's Regional Softball Championships - \$450.00**
- 2. Harrison Davis - International Level Sports - 2024 UCI BMX Race World Series Rotorua New Zealand - \$750.00**
- 3. Portia Jack - International Level Arts - Screen Actors' Intensive Los Angeles - \$750.00**

Moved Cr B Hackney, Seconded Cr S Fisher

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr S Fisher
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr S Halliday
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

**11.6 COUNCILLOR EXPENSES AND FACILITIES FOR THE SIX MONTH PERIOD
ENDING 31 DECEMBER 2023**

FILE NO:	35/36/10
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Linda McLaren - Office Manager Kelsie Wilson - Team Leader OGM
AUTHOR:	Tina Nay - Senior Governance Officer
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.2 Ensure Council is financially sustainable and meets required levels of performance

EXECUTIVE SUMMARY

Council's adopted 'Councillor Expenses and Facilities Policy' establishes the framework under which the reasonable and appropriate reimbursement of expenses and provision of facilities to councillors to help them undertake their civic duties is administered.

The policy requires that detailed reports on the provision of expenses and facilities to councillors be publicly available at a council meeting every six months and published in full on council's website. These requirements have been met through the provision of this report for the six months to 31 December 2023.

OFFICER'S RECOMMENDATION

THAT

- 1. The information contained in this report be noted.**

COMMITTEE RECOMMENDATION

THAT

- 1. The information contained in this report be noted.**

Moved Cr P Garnham, Seconded Cr M Yarrington

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

Council resumed into Ordinary Council at 5:59 pm.

Moved Cr P Garnham, Seconded Cr M Yarrington

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

The following recommendations made whilst Council was in Policy & Finance Committee were read to the meeting by the General Manager

11.1 COMPLAINT MANAGEMENT POLICY REVIEW

THAT

1. Council rescind the Complaint Management Policy 2017 (Attachment 1).
2. Council adopt the Complaint Management Policy 2024 (Attachment 2).

11.2 USE OF CITY OF MAITLAND COAT OF ARMS POLICY

THAT

1. Council adopt the Use of City of Maitland Coat of Arms Policy 2024

11.3 SECOND QUARTER BUDGET REVIEW 2023/24 - PERIOD ENDED 31 DECEMBER 2023

THAT

1. The variations for the 31 December 2023 quarter be approved and form part of the Operational Plan for 2023/24.

11.4 STATEMENT OF INVESTMENTS AS AT 31 JANUARY 2024

THAT

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

11.5 SECTION 356 HIGH ACHIEVERS GRANTS PROGRAM

THAT

Council adopts the Maitland Sport and Recreation Advisory Board and Maitland Regional Art Gallery/Maitland Libraries endorsement of the following three (3) applications for funding through the Section 356 High Achievers Grant Program:

1. Cooper Hall – National Level Sports – 2024 Under 14's Regional Softball Championships - \$450.00

2. Harrison Davis – International Level Sports – 2024 UCI BMX Race World Series Rotorua New Zealand - \$750.00
3. Portia Jack – International Level Arts – Screen Actors’ Intensive Los Angeles - \$750.00

11.6 COUNCILLOR EXPENSES AND FACILITIES FOR THE SIX MONTH PERIOD ENDING 31 DECEMBER 2023

THAT

1. The information contained in this report be noted.

COUNCIL RESOLUTION

THAT

The Committee’s recommendations be adopted.

Moved Cr K Flannery, Seconded Cr P Garnham

CARRIED

For:	Cr R Aitchison Cr L Baker Cr S Fisher Cr K Flannery Cr P Garnham Cr M Griffin Cr B Hackney Cr S Halliday Mayor P Penfold Cr K Ranadive Cr B Whiting Cr M Yarrington	Against:
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12 NOTICES OF MOTION/RESCISSION

12.1 MAITLAND SENIOR CITIZENS BUILDING

NOTICE OF MOTION SUBMITTED BY CR STEPHANIE FISHER

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

A motion was moved.
(Cr S Fisher / Cr B Whiting)

THAT

1. That Maitland City Council provide a report, within the next 2 months, on the current status of the Maitland senior citizens building.
2. As part of the report, MCC outline the plans for future use of the building and specify if and when the Maitland Seniors group and other Community groups will have access to this facility.

Mayor P Penfold moved an amendment
(Mayor P Penfold / Cr B Hackney)

THAT

1. Council delay determination of the future of Maitland Senior Citizens Centre until new Director City Services is recruited, onboarded, and has time to review and consider their recommendation.
2. In the intervening period, the General Manager be delegated to provide appropriate use of Council facilities by Maitland Seniors Citizens and Pensioners Association for their activities, at no cost.

Mayor P Penfold moved a procedural Motion that having been 2 speakers for and 2 speakers against, that the motion be put.

For:	Cr K Flannery Cr P Garnham Cr M Griffin Cr B Hackney Cr S Halliday Mayor P Penfold Cr K Ranadive Cr M Yarrington	Against:	Cr R Aitchison Cr L Baker Cr S Fisher Cr B Whiting
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The amendment was then put.

For:	Cr K Flannery Cr P Garnham Cr M Griffin Cr B Hackney Cr S Halliday Mayor P Penfold Cr K Ranadive Cr M Yarrington	Against:	Cr R Aitchison Cr L Baker Cr S Fisher Cr B Whiting
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The amendment now becomes the motion.

For:	Cr K Flannery Cr P Garnham Cr M Griffin Cr B Hackney Cr S Halliday Mayor P Penfold Cr K Ranadive Cr M Yarrington	Against:	Cr R Aitchison Cr L Baker Cr S Fisher Cr B Whiting
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COUNCIL RESOLUTION

- 1. Council delay determination of the future of Maitland Senior Citizens Centre until new Director City Services is recruited, onboarded, and has time to review and consider their recommendation.**
- 2. In the intervening period, the General Manager be delegated to provide appropriate use of Council facilities by Maitland Seniors Citizens and Pensioners Association for their activities, at no cost.**

Moved Mayor P Penfold, Seconded Cr B Hackney

CARRIED

12.2 MOTION FOR 2024 ALGA ANNUAL CONFERENCE - OFFSHORE WIND TURBINES

NOTICE OF MOTION SUBMITTED BY CRS MITCHELL GRIFFIN AND SALLY HALLIDAY

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

A motion was moved.
(Cr S Halliday / Cr M Griffin)

Council submits the following motion to the 2024 ALGA Annual Conference for determination:

THAT

ALGA advocates to the Federal Government for the Federal Government to note both the local community and broader community concerns and immediately put a moratorium in place, (to allow for further research, cost benefit analysis, impacts and ramifications etc.) for offshore wind turbines off the coast of the NSW Hunter Valley and Illawarra areas noting the current, known significant risks to the following (but not inclusive of):

- Endangered bird life
- Local tourism industries
- Fishing and research industries
- Whale migrations
- Commercial shipping lanes
- Marine ecology of the Hunter and Southern NSW including principles of Ecologically Sustainable Development such as precautionary principle in the stated areas
- Visual amenity
- Effects on ocean current and other meteorological events
- Public interest benefit after weighing costs and benefits of the actual project, against the impact on climate change from indirect and direct greenhouse gas emissions (steel, non-renewable wind turbines, oil required etc)
- Employment of local residents in the Hunter and Illawarra regions.

Standing Orders were suspended at 6:26pm to deal with a Point of Order raised by Cr M Griffin against the Code of Meeting Practice. Cr L Baker did not direct comments through the chair.

Standing Orders were suspended at 6:30pm to deal with a Point of Order raised by Cr M Griffin against the Code of Meeting Practice. Cr R Aitchison was requested to retract and apologise for his statement directed at Cr M Griffin and Cr S Halliday for 'sprouting mistruths'.

COUNCIL RESOLUTION

Council submits the following motion to the 2024 ALGA Annual Conference for determination:

That ALGA advocates to the Federal Government for the Federal Government to note both the local community and broader community concerns and immediately put a moratorium in place, (to allow for further research, cost benefit analysis, impacts and ramifications etc.) for offshore wind turbines off the coast of the NSW Hunter Valley and Illawarra areas noting the current, known significant risks to the following (but not inclusive of):

- **Endangered bird life**
- **Local tourism industries**
- **Fishing and research industries**
- **Whale migrations**
- **Commercial shipping lanes**
- **Marine ecology of the Hunter and Southern NSW including principles of**
- **Ecologically Sustainable Development such as precautionary principle in the stated areas**
- **Visual amenity**
- **Effects on ocean current and other meteorological events**
- **Public interest benefit after weighing costs and benefits of the actual project, against the impact on climate change from indirect and direct greenhouse gas emissions (steel, non-renewable wind turbines, oil required etc)**
- **Employment of local residents in the Hunter and Illawarra regions.**

Moved Cr S Halliday, Seconded Cr M Griffin

CARRIED

For:

Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr S Halliday
Mayor P Penfold
Cr K Ranadive
Cr M Yarrington

Against:

Cr R Aitchison
Cr L Baker
Cr S Fisher
Cr B Whiting

13 QUESTIONS WITH NOTICE

Nil

14 URGENT BUSINESS

Nil

Council moved into Committee of the Whole at 6:50 pm.

Moved Cr M Griffin, Seconded Cr M Yarrington

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

Council moved into Closed Session of the Committee of the Whole for the reasons specified in the Agenda, and closed the meeting to the public at 6:50 pm.

Moved Cr P Garnham, Seconded Cr M Yarrington

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

15 COMMITTEE OF THE WHOLE

15.1 CONSIDERATION OF TENDERS - SHARED PATH AND EXERCISE STATIONS - NORM CHAPMAN OVAL

FILE NO:	2023/137/2302
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Todd Stanley - Acting Group Manager Infrastructure & Works Ashley Kavanagh - Manager Works
AUTHOR:	Michael Leong - Works Engineer
MAITLAND +10	Outcome 4 To be healthy and active with access to local services and facilities
COUNCIL OBJECTIVE:	4.3 Provide facilities that enable us to participate in recreational and sports activities, no matter our background, ability or age

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

EXECUTIVE SUMMARY

Tenders were called to engage a suitably qualified and experienced contractor to undertake footpath and exercise station construction at Norm Chapman Oval.

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

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows:

(d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

COMMITTEE RECOMMENDATION

THAT

- 1. Council Accept the tender of Asplundh Tree Expert Australia P/L (Trading as Summit Open Space Services) in the Amount of \$265,758.89 Excl. GST for the construction of footpath and exercise stations at Norm Chapman Oval.**

Moved Mayor P Penfold, Seconded Cr B Whiting

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr S Fisher
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr S Halliday
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

15.2 CONSIDERATION OF TENDERS - SHARED PATH CONSTRUCTION - GOLDINGHAM STREET TENAMBIT AND GOVERNMENT ROAD THORNTON

FILE NO:	2327
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Todd Stanley - Acting Group Manager Infrastructure & Works Ashley Kavanagh - Manager Works
AUTHOR:	Jacob Montgomery - Civil Engineer
MAITLAND +10	Outcome 2 To easily get to where we want to go
COUNCIL OBJECTIVE:	2.2 Make it safe and easy to get around the city, no matter how we choose to travel

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

EXECUTIVE SUMMARY

Tenders have been called for the construction of two shared paths at Goldingham Street Tenambit and Government Road Thornton.

The projects have been funded through a combination of the Local Roads and Community Infrastructure Grant program and Councils Capital Works Program. Projects are required to be completed by the end of the 2023-24 Financial Year.

The tender was advertised as two separable portions. Tenderers were able to submit for one or both portions of work. Eleven tenders were received across the two separable portions of work.

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

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows:

(d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

COMMITTEE RECOMMENDATION

THAT

- 1. Council accept the tender of State Civil Pty Ltd for Separable Portion 1 – Goldingham Street Tenambit for the contract sum of \$270,665.00 (excl GST).**
- 2. Council accept the tender of State Civil Pty Ltd for Separable Portion 2 – Government Road Thornton for the contract sum of \$214,460.00 (excl GST).**

Moved Cr M Griffin, Seconded Cr M Yarrington

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

15.3 CONSIDERATION OF TENDERS - LANDFILL WASTE COMPACTOR LEASE

FILE NO:	61/1
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Catherine Pepper - Manager Environment & Sustainability
AUTHOR:	Michelle Lindsay - Operations Manager Waste Services
MAITLAND +10	Outcome 13 To reduce our waste
COUNCIL OBJECTIVE:	13.1 Limit the amount of waste we create and send to landfill

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

EXECUTIVE SUMMARY

Tenders were called for a long-term lease of a landfill waste compactor for use at the Maitland Resource Recovery Facility (MRRF).

Three tenders were received and assessed by a tender review panel. Details of the tender assessment and a review to alternatively consider purchasing the landfill waste compactor, based on the costs provided for long term lease, are presented in this report. This report is being presented to the Committee of the Whole as it contains confidential information.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows:

(d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

COMMITTEE RECOMMENDATION**THAT**

1. Council in accordance with Section 178(1)(b) of the Local Government Regulation 2021 decline to accept any of the tenders for landfill waste compactor long-term lease on the basis that the tendered outcome for long term lease does not provide the best financial value to Council.
2. Council in accordance the Local Government Regulation 2021, call for fresh applications from the existing tenders for the purchase of a landfill waste compactor.
3. Council authorise the General Manager to enter into negotiations and sign any required contracts or agreements
4. Council endorse the short-term lease arrangement of a landfill waste compactor during the equipment manufacture waiting period, anticipated to be approximately 10 months.
5. Council approve additional expenditure of \$80,000 for short-term hire of a landfill compactor for 2023/24 with \$56,000 funded from the Domestic Waste Management Reserve and \$24,000 funded from general reserve.

Moved Cr P Garnham, Seconded Cr M Griffin

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

15.4 OUTCOME OF TENDER NEGOTIATION - MORPETH TO WALKA WATER WORKS SHARED PATHWAY CONSTRUCTION - STAGE 2B

FILE NO:	2023/137/2232
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Todd Stanley - Acting Group Manager Infrastructure & Works Ashley Kavanagh - Manager Works
AUTHOR:	Kynan Lindus - Civil Engineer
MAITLAND +10	Outcome 2 To easily get to where we want to go
COUNCIL OBJECTIVE:	2.2 Make it safe and easy to get around the city, no matter how we choose to travel

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

EXECUTIVE SUMMARY

At its meeting on 23 January 2024, Council resolved to decline to accept any of the submissions for the Morpeth to Walka Water Works Shared Pathway Construction – Stage 2B tender. Council resolved to enter negotiations with Spero Civil Pty Ltd to undertake construction of the pathway with a revised scope.

Council officers have completed negotiations with Spero Civil Pty Ltd to undertake a revised scope of works, assessed the updated submission, and provide a recommendation to award a contract based on the revised submission. The report is being presented to the Committee of the Whole as it contains confidential information.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows:

(d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

COMMITTEE RECOMMENDATION

THAT

- 1. Council award a contract to Spero Civil Pty Ltd for the sum of \$590,994.04 excl. GST for the construction of the Morpeth to Walka Water Works Shared Pathway Construction Stage 2B.**
- 2. Council approve the contingency outlined in the body of the report.**

Moved Cr M Griffin, Seconded Cr M Yarrington

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

Council resumed into Ordinary Council at 6:56 pm.

Moved Cr B Whiting, Seconded Cr P Garnham

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

16 COMMITTEE OF THE WHOLE RECOMMENDATIONS

The General Manager read the Recommendation from the Committee of the Whole/Closed Session as follows:

15.1 Consideration of Tenders - Shared Path and Exercise Stations - Norm Chapman Oval

THAT

1. Council Accept the tender of Asplundh Tree Expert Australia P/L (Trading as Summit Open Space Services) in the Amount of \$265,758.89 Excl. GST for the construction of footpath and exercise stations at Norm Chapman Oval.

15.2 Consideration of Tenders - Shared Path Construction - Goldingham Street Tenambit and Government Road Thornton

THAT

1. Council accept the tender of State Civil Pty Ltd for Separable Portion 1 – Goldingham Street Tenambit for the contract sum of \$270,665.00 (excl GST).
2. Council accept the tender of State Civil Pty Ltd for Separable Portion 2 – Government Road Thornton for the contract sum of \$214,460.00 (excl GST).

15.3 Consideration of Tenders - Landfill Waste Compactor Lease

THAT

1. Council in accordance with Section 178(1)(b) of the Local Government Regulation 2021 decline to accept any of the tenders for landfill waste compactor long-term lease on the basis that the tendered outcome for long term lease does not provide the best financial value to Council.
2. Council in accordance the Local Government Regulation 2021, call for fresh applications from the existing tenders for the purchase of a landfill waste compactor.
3. Council authorise the General Manager to enter into negotiations and sign any required contracts or agreements
4. Council endorse the short-term lease arrangement of a landfill waste compactor during the equipment manufacture waiting period, anticipated to be approximately 10 months.
5. Council approve additional expenditure of \$80,000 for short-term hire of a landfill compactor for 2023/24 with \$56,000 funded from the Domestic Waste Management Reserve and \$24,000 funded from general reserve.

15.4 Outcome of Tender Negotiation - Morpeth to Walka Water Works Shared Pathway Construction - Stage 2B

THAT

1. Council award a contract to Spero Civil Pty Ltd for the sum of \$590,994.04 excl. GST for the construction of the Morpeth to Walka Water Works Shared Pathway Construction Stage 2B.
2. Council approve the contingency outlined in the body of the report.

COUNCIL RESOLUTION

THAT

The Committee's recommendations be adopted.

Moved Cr M Griffin, Seconded Cr M Yarrington

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr S Fisher	
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

17 CLOSURE

The meeting was declared closed at 7:02 pm.

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Chairperson