

ORDINARY MEETING

MINUTES

12 MARCH 2024

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PRESENT

Cr Loretta Baker
Cr Kristy Flannery
Cr Peter Garnham
Cr Mitchell Griffin
Cr Bill Hackney
Cr Sally Halliday
Cr Ben Mitchell
Cr Philip Penfold, Mayor
Cr Ben Whiting
Cr Mike Yarrington

1 INVOCATION

Pastor Vicki Cosgrove from The Grainery Church 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 apologies received for the unavoidable absences of Cr R Aitchison, Cr S Fisher and Cr K Ranadive be accepted and leave of absence granted.

Cr R Aitchison requested remote access as he is working away, however due to a technical fault following a lightning strike to the Town Hall, remote access is unavailable for this Council meeting.

Moved Cr K Flannery, Seconded Cr M Yarrington

CARRIED

For:	Cr L Baker	Against:
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	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 27 February 2024 be confirmed

Moved Cr B Whiting, Seconded Cr M Griffin

CARRIED

For:	Cr L Baker	Against:
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	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

Warren Tomkins representing himself spoke **against** DA/2023/536 for alterations and additions to a registered club at Melbee street Rutherford.

9 MAYORAL MINUTE

Nil

10 OFFICE OF THE GENERAL MANAGER

10.1 2024 ALGA NATIONAL GENERAL ASSEMBLY

FILE NO:	35/48
ATTACHMENTS:	1. 2024 NGA Discussion Paper
RESPONSIBLE OFFICER:	Linda McLaren - Office Manager
AUTHOR:	Kelsie Wilson - Team Leader OGM
MAITLAND +10	Outcome 14 To have elected leaders that look out for us
COUNCIL OBJECTIVE:	14.3.1 Ensure Councillors have access to professional development and support required to enable them to best fulfill their role

EXECUTIVE SUMMARY

This report is presented to Council to determine voting delegates of Council for the purpose of voting on motions presented at the 2024 Australian Local Government Association National General Assembly conference.

OFFICER'S RECOMMENDATION

THAT

- 1. Council nominate Councillor/s as voting delegates for the National General Assembly incorporating the Regional Cooperation and Development Forum hosted by the Australian Local Government Association in Canberra from 2-4 July 2024.**

PROCEEDINGS IN BRIEF

Mayor P Penfold moved the Officers Recommendation with an additional point 2.
(Mayor P Penfold / Cr P Garnham)

THAT

- 1. Council nominate Councillor/s as voting delegates for the National General Assembly incorporating the Regional Cooperation and Development Forum hosted by the Australian Local Government Association in Canberra from 2-4 July 2024.**
- 2. Cr S Halliday be the Council's voting delegate with Cr M Griffin being the alternate.**

The motion when put to the meeting was declared carried.

COUNCIL RESOLUTION

THAT

- 1. Council nominate Councillor/s as voting delegates for the National General Assembly incorporating the Regional Cooperation and Development Forum hosted by the Australian Local Government Association in Canberra from 2-4 July 2024.**
- 2. Cr S Halliday be the Council's voting delegate with Cr M Griffin being the alternate.**

Moved Mayor P Penfold, Seconded Cr P Garnham

CARRIED

For:

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

Against:

11 CITY PLANNING

11.1 DA/2023/536 FOR ALTERATIONS AND ADDITIONS TO A REGISTERED CLUB AT MELBEE STREET RUTHERFORD

FILE NO:	DA/2023/536
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Locality Plan 2. Development Plans (Under Separate Cover) 3. Assessment Report (Under Separate Cover) 4. Recommended Conditions of Consent (Under Separate Cover) 5. Redacted Submissions
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Cindy Littlewood - Manager Development & Compliance Kristy Cousins - Coordinator Planning & Development
AUTHOR:	Thomas Howell - Senior Development Planner
APPLICANT:	Hardy Consultant Services Pty Ltd
OWNER:	Maitland City Bowls Sports and Recreation Club Limited
PROPOSAL:	Alterations and Additions to a Registered Club
LOCATION:	Melbee Street Rutherford
ZONE:	RE2 Private Recreation

EXECUTIVE SUMMARY

A development application (DA/2023/486) has been received seeking consent for Alterations and Additions to a Registered Club at Melbee Street Rutherford (Lot 842 DP 774734). The locality plan can be viewed at Attachment 1.

The matter is reported to Council in accordance with the 'Delegations of Authority' for the General Manager, Section 3(b)(iii), due to the estimated cost of works exceeding \$5,000,000. The cost of works summary submitted with the application nominates the estimated cost of works for the development as \$6,968,448.

The development is located within a site suitably zoned for the proposal and is of a size able to cater for such development. The development is compatible with the existing character, bulk, scale, and massing of the existing built form across the site without impeding on the amenity of surrounding residential dwellings. The proposal will not have any negative social or economic impacts. The proposal is consistent with the requirements of all relevant sections of Maitland LEP 2011 and Maitland DCP 2011.

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

OFFICER'S RECOMMENDATION

THAT

- 1. DA/2023/536 for Alterations and Additions to a Registered Club at Melbee Street Rutherford is approved subject to the recommended schedule of conditions provided in Attachment 4 of this report.**

COUNCIL RESOLUTION

THAT

- 1. DA/2023/536 for Alterations and Additions to a Registered Club at Melbee Street Rutherford is approved subject to the recommended schedule of conditions provided in Attachment 4 of this report.**

Moved Cr M Yarrington, Seconded Cr K Flannery

CARRIED

The Mayor in accordance with Section 375A of the Local Government Act 1993 called for a division.

The division resulted in 8 for and 2 against, as follows:

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

11.2 DA 2023/909 FOR TWO (2) INTO TWO (2) LOT TORRENS TITLE SUBDIVISION, DEMOLITION OF EXISTING GARAGE AND CARPORT, AND CONSTRUCTION OF TWO (2) GARAGES AT 15 CARRINGTON STREET, HORSESHOE BEND**FILE NO:** 2023/909**ATTACHMENTS:**

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

RESPONSIBLE OFFICER: Matthew Prendergast - Director City Planning
Cindy Littlewood - Manager Development & Compliance
Kristy Cousins - Coordinator Planning & Development**AUTHOR:** Emmilia Marshall - Senior Development Planner**APPLICANT:** David Cant Surveyors**OWNER:** Dewhoz Pty Ltd**PROPOSAL:** Two (2) into Two (2) Lot Torrens Title Subdivision, Demolition of existing Garage and Carport, and Construction of Two (2) Garages**LOCATION:** 15 Carrington Street, Horseshoe Bend (Lot 3 & 4, DP 1125467)**ZONE:** R1 – General Residential

EXECUTIVE SUMMARY

The purpose of this report is to provide a detailed discussion and assessment of Development Application (DA) No. DA 2023/909 proposing Two (2) into Two (2) Lot Torrens Title Subdivision, Demolition of existing Garage and Carport and construction of Two (2) Garages. The locality plan can be viewed in Attachment 1 of this report.

The DA was not required to be publicly exhibited per the requirements of the Community Participation Plan and Maitland Development Control Plan 2011 (MDCP 2011). The DA is being reported to Council on the basis that the proposal requests a Clause 4.6 variation to the minimum lot size as permitted by Clause 4.1 of the Maitland Local Environmental Plan 2011.

The site is located at 15 Carrington Street, Horseshoe Bend and is legally described as Lots 3 and 4 of DP1125467. The lots both currently front Carrington Street, with the boundary line running north to south, and a dwelling house that has historically been utilised as two separate units. The existing boundary line conflicts with the existing structures on the site, and is therefore proposed to be adjusted to achieve a west to east orientation, locating an existing dwelling on each resulting allotment. The existing weatherboard garage and metal carport are proposed to be demolished, with a new weatherboard garage to be erected in the driveway of each new lot, providing onsite parking for each dwelling. The full development plans are contained within Attachment 2.

The Development Application has been assessed against the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulations 2021, relevant Environmental Planning Instruments and Council Policies. The outcome of this assessment is detailed within the Planners Assessment Report in Attachment 3. The proposed development is considered appropriate subject to conditions, therefore it is recommended that the Development Application be approved subject to the recommended conditions of consent. contained in Attachment 4 of this report.

OFFICER'S RECOMMENDATION

THAT

- 1. DA 2023/909 for two (2) into two (2) lot Torrens Title subdivision, demolition of existing garage and carport, and construction of two (2) garages at 15 Carrington Street, Horseshoe Bend, is approved subject to the recommended schedule of conditions provided in Attachment 4 of this report.**

COUNCIL RESOLUTION

THAT

- 1. DA 2023/909 for two (2) into two (2) lot Torrens Title subdivision, demolition of existing garage and carport, and construction of two (2) garages at 15 Carrington Street, Horseshoe Bend, is approved subject to the recommended schedule of conditions provided in Attachment 4 of this report.**

Moved Cr P Garnham, Seconded Cr M Yarrington

CARRIED

The Mayor in accordance with Section 375A of the Local Government Act 1993 called for a division.

The division resulted in 9 for and 1 against, as follows:

For:	Cr L Baker Cr K Flannery Cr P Garnham Cr M Griffin Cr S Halliday Cr B Mitchell Mayor P Penfold Cr B Whiting Cr M Yarrington	Against:	Cr B Hackney
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12 CITY SERVICES

12.1 LOCAL TRAFFIC COMMITTEE MEETING MINUTES (FEBRUARY 2024)

FILE NO:	140/5
ATTACHMENTS:	<ol style="list-style-type: none">1. LTC Minutes February 20242. Live at the Levee Street Party - Event Traffic & Transport Management3. Anzac Day - Central Maitland - 25 April 2024 - Event Traffic & Transport Management4. Anzac Day - East Maitland - 25 April 2024 - Event Traffic & Transport Management5. Anzac Day - Morpeth - 25 April 2024 - Event Traffic & Transport Management
RESPONSIBLE OFFICER:	Todd Stanley - Manager Building Projects & Services Kevin Stein - Manager Engineering & Design
AUTHOR:	Chris Pinchen - Operations Manager Transport & Infrastructure Engineering
MAITLAND +10	Outcome 2 To easily get to where we want to go
COUNCIL OBJECTIVE:	2.2.2 Make our roads safer through the timely delivery of road maintenance and safety programs

EXECUTIVE SUMMARY

The minutes of Maitland City Council's Local Traffic Committee meeting held Thursday 1 February 2024 are attached for information. At this meeting temporary road closure applications were considered and endorsed for acceptance for four (4) events. Council resolution is required to implement the temporary road closures associated with the management of the events.

OFFICER'S RECOMMENDATION

THAT

1. The Local Traffic Committee meeting minutes of 1 February 2024 be noted.
2. Council approve the traffic management plans and road closures for the following event as recommended in the attached reports:
 - a. Live at The Levee Street Party – Event Traffic & Transport Management
 - b. Anzac Day – Central Maitland – 25 April 2024 – Event Traffic & Transport Management

- c. **Anzac Day - East Maitland - 25 April 2024 - Event Traffic & Transport Management**
- d. **Anzac Day - Morpeth - 25 April 2024 - Event Traffic & Transport Management**

COUNCIL RESOLUTION

THAT

- 1. **The Local Traffic Committee meeting minutes of 1 February 2024 be noted.**
- 2. **Council approve the traffic management plans and road closures for the following event as recommended in the attached reports:**
 - a. **Live at The Levee Street Party - Event Traffic & Transport Management**
 - b. **Anzac Day - Central Maitland - 25 April 2024 - Event Traffic & Transport Management**
 - c. **Anzac Day - East Maitland - 25 April 2024 - Event Traffic & Transport Management**
 - d. **Anzac Day - Morpeth - 25 April 2024 - Event Traffic & Transport Management**

Moved Cr B Hackney, Seconded Cr M Yarrington

CARRIED

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

12.2 NEIGHBOURHOOD PLANS

FILE NO:	29/60
ATTACHMENTS:	1. Rutherford Neighbourhood Plan 2. Woodberry Neighbourhood Plan 3. Telarah Neighbourhood Plan
RESPONSIBLE OFFICER:	Darren Crumpler - Acting Group Manager Community and Recreation
AUTHOR:	David Baker - Team Leader Community and Recreation Planner Erin Pascall - Community Planner
MAITLAND +10	Outcome 1.To stay friendly, happy and proud as our city grows
COUNCIL OBJECTIVE:	1.1.1 Welcome new residents and foster community connection

EXECUTIVE SUMMARY

Extensive research and community consultation has been undertaken to develop four Neighbourhood Plans that seek to address the needs and aspirations of:

- 1. Metford*
- 2. Rutherford*
- 3. Telarah*
- 4. Woodberry*

These Plans identify the key areas requiring resourcing and support across each of the four suburbs. These Plans provide a community profile of each of the suburbs as well as several actions that aim to meet the needs and wants of each community to improve community connection, cohesion, and local community assets. Each Neighbourhood Plan focuses on locally specific matters that will help shape our neighbourhoods for the future.

OFFICER'S RECOMMENDATION

THAT

- 1. Council note the information in this report**
- 2. Council resolves to adopt the Neighbourhood Plans for Metford, Rutherford, Telarah and Woodberry and their associated actions**

PROCEEDINGS IN BRIEF

A motion was moved
(Cr L Baker / Cr M Yarrington)

Mayor P Penfold moved an amendment

THAT this item be deferred for further engagement and consultation before returning to Council for determination.
(Mayor P Penfold/ Cr S Halliday)

The amendment was then put.

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

The motion when put to the meeting was declared carried.

COUNCIL RESOLUTION

THAT

- This item be deferred for further engagement and consultation before returning to Council for determination.**

Moved Mayor P Penfold, Seconded Cr S Halliday

CARRIED

For:	Cr K Flannery Cr P Garnham Cr M Griffin Cr B Hackney Cr S Halliday Cr B Mitchell Mayor P Penfold Cr M Yarrington	Against:	Cr L Baker Cr B Whiting
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13 CUSTOMER AND DIGITAL SERVICES

Nil

14 PEOPLE AND PERFORMANCE

Nil

15 FINANCE

Nil

16 ITEMS FOR INFORMATION

Nil

17 NOTICES OF MOTION/RESCISSION

17.1 FINANCIAL SUPPORT TO SENIORS AND PENSIONERS

NOTICE OF MOTION SUBMITTED BY CR MITCHELL GRIFFIN

FILE NO: 35/45
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: Jeff Smith - General Manager

Cr Mitchell Griffin has indicated his intention to move the following Notice of Motion at the next Council Meeting being held on 12 March 2024:

THAT

Maitland City Council:

- 1. Acknowledge the need to provide additional financial support to seniors and pensioners across the community, particularly during the cost of living challenge currently facing those across the Maitland LGA;*
- 2. Acknowledge the New South Wales State Government has not increased its proportion of the Pensioner Concession Rebate for more than a decade.*
- 3. Note that the current Pensioner Concession Rebate of \$250 is funded 55%/45% by the State Government and Council respectively.*
- 4. Calls on the New South Wales Government to immediately double the Pensioner Concession Rebate from \$250 to \$500 per annum, and the annual water rates and charges rebate from \$87.50 to \$175, and meet the entire cost from NSW Treasury; and*
- 5. Writes to the State Members for Maitland and Upper Hunter seeking their support for the Council's position.*

COUNCIL RESOLUTION

THAT

Maitland City Council:

- 1. Acknowledge the need to provide additional financial support to seniors and pensioners across the community, particularly during the cost of living challenge currently facing those across the Maitland LGA;**
- 2. Acknowledge the New South Wales State Government has not increased its proportion of the Pensioner Concession Rebate for more than a decade.**
- 3. Note that the current Pensioner Concession Rebate of \$250 is funded 55%/45% by the State Government and Council respectively.**
- 4. Calls on the New South Wales Government to immediately double the Pensioner Concession Rebate from \$250 to \$500 per annum, and the annual water rates and charges rebate from \$87.50 to \$175, and meet the entire cost from NSW Treasury; and**
- 5. Writes to the State Members for Maitland and Upper Hunter seeking their support for the Council's position.**

Moved Cr M Griffin, Seconded Cr S Halliday

CARRIED

For:

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

Against:

18 QUESTIONS WITH NOTICE

Nil

19 URGENT BUSINESS

19.1 MORPETH RAILWAY STATION

Cr M Griffin put forward the following request

THAT

Council makes a submission to NSW Department of Planning, Housing and Infrastructure before the closing date of March 14 as part of its survey on the former Morpeth Railway Station. As part of the submission council advises its preference for the site to be utilised as a key site for tourism purposes such as retail, hospitality, and events, especially given the location at the start of the Morpeth to Walka Shared Path.

COUNCIL RESOLUTION

THAT

Council makes a submission to NSW Department of Planning, Housing and Infrastructure before the closing date of March 14 as part of its survey on the former Morpeth Railway Station. As part of the submission council advises its preference for the site to be utilised as a key site for tourism purposes such as retail, hospitality, and events, especially given the location at the start of the Morpeth to Walka Shared Path.

Moved Cr M Griffin, Seconded Cr S Halliday

CARRIED

For:

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

Against:

Cr L Baker
Cr B Whiting

Council moved into Committee of the Whole at 6:10 pm.

Moved Cr K Flannery, Seconded Cr M Yarrington

CARRIED

For:	Cr L Baker	Against:
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	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 6:11 pm.

Moved Cr M Griffin, Seconded Cr P Garnham

CARRIED

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

20 COMMITTEE OF THE WHOLE

20.1 CONSIDERATION OF TENDERS - OPEN SPACE GROUNDS MAINTENANCE, WALKA WATER WORKS AND WILDLIFE RESERVE.

FILE NO:	137/2312
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Todd Stanley - Manager Building Projects & Services Ashley Kavanagh - Manager Works
AUTHOR:	Clinton Anderson - Project Officer Recreation Works
MAITLAND +10	Outcome 4 To be healthy and active with access to local services and facilities
COUNCIL OBJECTIVE:	4.3 Provide facilities that enable us to participate in recreational and sports activities, no matter our background, ability or age

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

EXECUTIVE SUMMARY

Council has requested tenders for the ongoing grounds maintenance of Walka Water Works and Wildlife Reserve.

Tenders have been received for these works and are presented for Council's consideration and determination. The tenders are presented to Committee of the Whole as they contain confidential commercial 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 submission from Descas Landscapes for ongoing grounds maintenance at Walka Water Works and Wildlife Reserve for a period of 12 months and a total of \$99,010.82 (ex GST).**

Moved Cr P Garnham, Seconded Cr B Hackney

CARRIED

For:

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

Against:

Council resumed into Ordinary Council at 6:18 pm.

Moved Cr M Griffin, Seconded Cr M Yarrington

CARRIED

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

21 COMMITTEE OF THE WHOLE RECOMMENDATIONS

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

20.1 CONSIDERATION OF TENDERS - OPEN SPACE GROUNDS MAINTENANCE, WALKA WATER WORKS AND WILDLIFE RESERVE.

THAT

1. Council accept the tender submission from Descas Landscapes for ongoing grounds maintenance at Walka Water Works and Wildlife Reserve for a period of 12 months and a total of \$99,010.82 (ex GST).

COUNCIL RESOLUTION

THAT

1. **The Committee's recommendation be adopted**

Moved Cr P Garnham, Seconded Cr M Griffin

CARRIED

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

22 CLOSURE

The meeting was declared closed at 6:19 pm.

.....
Chairperson