



ORDINARY MEETING

MINUTES

13 AUGUST 2024



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PRESENT

Cr Robert Aitchison
Cr B Hackney
Cr Kristy Flannery
Cr Peter Garnham
Cr Mitchell Griffin
Cr Sally Halliday
Cr Philip Penfold, Mayor
Cr Kanchan Ranadive
Cr Ben Whiting
Cr Mike Yarrington

1 INVOCATION

Pastor Roger Burgess 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 Baker, Cr Fisher and Cr Mitchell be accepted and leave of absence granted and the late attendance of Cr B Hackney be noted.

Moved Cr R Aitchison, Seconded Cr S Halliday

CARRIED

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

4 DECLARATIONS OF INTEREST

Cr R Aitchison declared a non-pecuniary less than significant conflict of interest for Item 12.1 - Grant application under the Regional Precincts and Partnerships Program and the Housing Support Program due to his wife being the Minister for Regional Roads and Transport and the member for Maitland.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held 23 July 2024 be confirmed.

Moved Cr B Whiting, Seconded Cr M Griffin

CARRIED

For:	Cr R Aitchison	Against:
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	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

7.1 Acceptance of Late Items:

20.6 – Funding for Purchase of Landfill Waste Compactor

COUNCIL RESOLUTION

THAT Council accept the Late Item 20.6 -Funding for Purchase of Landfill Waste Compactor.

Moved Cr P Garnham, Seconded Cr M Yarrington

CARRIED

For: Cr R Aitchison
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr S Halliday
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

8 PUBLIC ACCESS

Sam Smith representing Walker Corporation Pty Limited spoke **for** Item 11.3 Development Application 2023/551 Torrens Title Subdivision to Create Three Hundred and Twenty Two (322) Residential Lots, Three (3) Stormwater Basins and Three (3) Public Reserve Lots, 457 Cessnock Road and 65 Redwood Drive Gillieston Heights and **for** 11.5 Adoption of Proposed Voluntary Planning Agreement - Recreation Facilities - Gillieston Heights South - Walker Corporation.

9 MAYORAL MINUTE

Nil

10 OFFICE OF THE GENERAL MANAGER

Nil

11 CITY PLANNING

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

FILE NO:	103/41/62
ATTACHMENTS:	<ol style="list-style-type: none">1. Draft Voluntary Planning Agreement Policy 2024 (Under Separate Cover)2. Draft Works in Kind Policy 2024 (Under Separate Cover)3. Works in Kind Policy 20094. Voluntary Planning Agreements Policy 2006
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Brett Gardiner - Manager Strategic Planning
AUTHOR:	Anne Humphries - Principal Development Contributions Planner
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.4 Implement and maintain a contemporary governance, audit and risk framework

EXECUTIVE SUMMARY

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

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

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

OFFICER'S RECOMMENDATION

THAT

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

COUNCIL RESOLUTION

THAT

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

Moved Cr M Yarrington, Seconded Cr P Garnham

CARRIED

For:

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

Against:

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

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

EXECUTIVE SUMMARY

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

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

OFFICER'S RECOMMENDATION

THAT

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

COUNCIL RESOLUTION

THAT

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

Moved Cr B Whiting, Seconded Cr K Flannery

CARRIED

For:

**Cr R Aitchison
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr S Halliday
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington**

Against:

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

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

EXECUTIVE SUMMARY

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

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

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

OFFICER'S RECOMMENDATION

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

COUNCIL RESOLUTION

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

Moved Cr M Yarrington, Seconded Cr K Ranadive

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 0 against, as follows:

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

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

FILE NO: 103/41/52

ATTACHMENTS: 1. Draft Deed of Variation (Under Separate Cover)

RESPONSIBLE OFFICER: Matthew Prendergast - Director City Planning
Brett Gardiner - Manager Strategic Planning
Adam Ovenden - Coordinator City Planning
Anne Humphries - Principal Development Contributions Planner

AUTHOR: Melissa Harvey - Development Contributions Officer

MAITLAND +10 Outcome 2 To easily get to where we want to go

COUNCIL OBJECTIVE: 2.2.1 Develop and promote Council's long term program for road and related infrastructure construction and maintenance

EXECUTIVE SUMMARY

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

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

OFFICER'S RECOMMENDATION

THAT

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

COUNCIL RESOLUTION

THAT

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

Moved Cr P Garnham, Seconded Cr M Yarrington

CARRIED

For:

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

Against:

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

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

EXECUTIVE SUMMARY

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

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

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

OFFICER'S RECOMMENDATION

THAT

- Council endorses the offer to enter into the Voluntary Planning Agreement with Walker Gillieston Heights Pty Ltd.**

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

COUNCIL RESOLUTION

THAT

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

Moved Cr M Yarrington, Seconded Cr K Flannery

CARRIED

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

Cr B Hackney arrived in the chambers at 5:45pm.

12 CITY SERVICES

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

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

EXECUTIVE SUMMARY

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

OFFICER'S RECOMMENDATION

THAT

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

COUNCIL RESOLUTION

THAT

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

Moved Cr P Garnham, Seconded Cr K Ranadive

CARRIED

For:

**Cr R Aitchison
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:

13 CUSTOMER AND DIGITAL SERVICES

Nil

14 PEOPLE AND PERFORMANCE

Nil

15 FINANCE

Nil

16 ITEMS FOR INFORMATION

16.1 GREEN COMMUNITIES PROGRAM: JULY 2023 TO JUNE 2024

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

EXECUTIVE SUMMARY

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

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

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

COUNCIL RESOLUTION

THAT the information contained in this Report be noted.

Moved Cr S Halliday, Seconded Cr M Griffin

CARRIED

For:

Cr R Aitchison
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:

16.2 2023/2024 EMERGENCY MANAGEMENT ACTIVITIES

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

EXECUTIVE SUMMARY

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

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

COUNCIL RESOLUTION

THAT the information contained in this Report be noted.

Moved Cr P Garnham, Seconded Cr S Halliday

CARRIED

For:	Cr R Aitchison 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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16.3 LOCAL TRAFFIC COMMITTEE MINUTES (JULY 2024)

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

EXECUTIVE SUMMARY

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

OFFICER'S RECOMMENDATION

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

COUNCIL RESOLUTION

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

Moved Cr M Griffin, Seconded Cr M Yarrington

CARRIED

For:	Cr R Aitchison	Against:
	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 NOTICES OF MOTION/RESCISSION

17.1 MOTION FOR 2024 LGNSW CONFERENCE

NOTICE OF MOTION SUBMITTED BY CR MITCHELL GRIFFIN

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

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

THAT

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

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

BACKGROUND:

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

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

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

COUNCIL RESOLUTION

THAT

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

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

Moved Cr M Griffin, Seconded Cr S Halliday

CARRIED

For:

**Cr R Aitchison
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:

18 QUESTIONS WITH NOTICE

Nil

19 URGENT BUSINESS

Nil

Council moved into Committee of the Whole at 5:59 pm.

Moved Cr B Whiting, Seconded Cr P Garnham

CARRIED

For:	Cr R Aitchison	Against:
	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 6:00 pm.

Moved Cr Yarrington, Seconded Cr Griffin

CARRIED

For:	Cr R Aitchison	Against:
	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	

20 COMMITTEE OF THE WHOLE

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

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

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

EXECUTIVE SUMMARY

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

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

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

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

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

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

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 Clause 178(3)(e) of the Local Government (General) Regulation 2021 decline to accept any of the tenders for collection and transport of organics from Maitland Resource Recovery Facility, on the basis that the preferred tender has requested amendments to the Major Service Contract.**
- 2. Council negotiates a contract with Remondis Australia Pty Ltd for the collection and transport of organics from the Maitland Resource Recovery Facility.**
- 3. Council authorises the General Manager to enter into negotiations and sign any relevant agreement.**

Moved Cr P Garnham, Seconded Cr M Yarrington

CARRIED

For:	Cr R Aitchison	Against:
	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	

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

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

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

EXECUTIVE SUMMARY

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

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

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

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 accepts the tender submission from Green Star Water Solutions for the lump sum total of \$253,559.05 ex GST.**

Moved Cr K Flannery, Seconded Cr B Hackney

CARRIED

For:

**Cr R Aitchison
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:

20.3 CONSIDERATION OF TENDERS - 2024 FOOTPATH CONSTRUCTION PACKAGE 2

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

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

EXECUTIVE SUMMARY

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

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

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

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

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 accepts the tender of NSW Building and Civil Pty Ltd for the construction of a footpath at Maize Street, Hodge Street and Narang Street East Maitland along with bus stop works on Maize Street for the contract sum of \$210,680.00 (excl GST).**

Moved Cr K Flannery, Seconded Cr B Hackney

CARRIED

For:

**Cr R Aitchison
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:

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

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

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

EXECUTIVE SUMMARY

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

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

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

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. The information contained in this report be noted.**
- 2. Council authorise the General Manager to make a determination on the Head Construction Contract for the Max McMahon Oval Amenities Redevelopment, in accordance with terms as outlined in this report and where the associated contract price is less than or equal to the maximum tender price as per the financial table of this report. Any determination by the General Manager will not occur until after the caretaker period for the 2024 Local Government elections.**

Moved Cr B Hackney, Seconded Cr K Flannery

CARRIED

For:

Cr R Aitchison
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:

20.5 PROVISION OF LABOUR HIRE SERVICES

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

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

EXECUTIVE SUMMARY

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

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:

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

COMMITTEE RECOMMENDATION

THAT

- 1. Council accept all conforming tenders for Labour Hire of Blue Collar, White Collar and Recruitment Services, as nominated in Attachment 1 – Tender Evaluation Report.**
- 2. Council appoints all conforming tenders as a resource to provide Council with Blue and White Collar labour hire for the period 1 July 2024 to 30 June 2027 with the option for a twelve (12) month optional extension based on supplier performance.**

Moved Cr M Griffin, Seconded Cr P Garnham

CARRIED

For:

**Cr R Aitchison
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:

20.6 FUNDING FOR PURCHASE OF LANDFILL WASTE COMPACTOR

FILE NO:	51
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:	13.1.2 Deliver a sustainable waste management collection and disposal service

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

EXECUTIVE SUMMARY

This report requests approval to release funding from the Domestic Waste Reserve for the purchase of a landfill waste compactor.

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:

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

COMMITTEE RECOMMENDATION

THAT

- Council approve the release of \$769,000 from the Domestic Waste Reserve to assist with the purchase of a landfill waste compactor.**

Moved Cr P Garnham, Seconded Cr M Yarrington

CARRIED

For:

Cr R Aitchison
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:

Council resumed into Ordinary Council at 6:06 pm.

Moved Cr M Yarrington, Seconded Cr M Griffin

CARRIED

For:

Cr R Aitchison
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:

21 COMMITTEE OF THE WHOLE RECOMMENDATIONS

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

20.1 Tender for Collection and Transport of Organics from Maitland Resource Recovery Facility

THAT

1. Council in accordance with Clause 178(3)(e) of the Local Government (General) Regulation 2021 decline to accept any of the tenders for collection and transport of organics from Maitland Resource Recovery Facility, on the basis that the preferred tender has requested amendments to the Major Service Contract.
2. Council negotiates a contract with Remondis Australia Pty Ltd for the collection and transport of organics from the Maitland Resource Recovery Facility.
3. Council authorises the General Manager to enter into negotiations and sign any relevant agreement.

20.2 Consideration of Tenders - Sports Field Irrigation Upgrades, Lochinvar Sports Complex.

THAT

1. Council accepts the tender submission from Green Star Water Solutions for the lump sum total of \$253,559.05 ex GST.

20.3 Consideration of Tenders - 2024 Footpath Construction Package

THAT

1. Council accepts the tender of NSW Building and Civil Pty Ltd for the construction of a footpath at Maize Street, Hodge Street and Narang Street East Maitland along with bus stop works on Maize Street for the contract sum of \$210,680.00 (excl GST).

20.4 Consideration of Tenders under delegation to the General Manager – Max McMahon Oval Amenities Redevelopment Head Construction Contract

THAT

1. The information contained in this report be noted.
2. Council authorise the General Manager to make a determination on the Head Construction Contract for the Max McMahon Oval Amenities Redevelopment, in accordance with terms as outlined in this report and where the associated contract price is less than or equal to the maximum tender price as per the financial table of this report. Any determination by the General Manager will not occur until after the caretaker period for the 2024 Local Government elections.

20.5 Provision of Labour Hire Services

THAT

1. Council accept all conforming tenders for Labour Hire of Blue Collar, White Collar and Recruitment Services, as nominated in Attachment 1 – Tender Evaluation Report.
2. Council appoints all conforming tenders as a resource to provide Council with Blue and White Collar labour hire for the period 1 July 2024 to 30 June 2027 with the option for a twelve (12) month optional extension based on supplier performance.

20.6 Funding for Purchase of Landfill Waste Compactor

THAT

1. Council approve the release of \$769,000 from the Domestic Waste Reserve to assist with the purchase of a landfill waste compactor.

COUNCIL RESOLUTION

THAT

The Committee's recommendations be adopted

Moved Cr M Griffin, Seconded Cr M Yarrington

CARRIED

For: Cr R Aitchison Against:
 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

22 CLOSURE

The meeting was declared closed at 6:09 pm.

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Chairperson