

Ordinary Meeting Minutes

22 October 2024

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PRESENT

Cr Amelia Aitchison
Cr Don Ferris
Cr Kristy Flannery
Cr Mitchell Griffin
Cr Bill Hackney
Cr Sally Halliday
Cr Ken Jordan
Cr Philip Penfold, Mayor
Cr Warrick Penfold
Cr Ben Whiting
Cr Ben Worth
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 OATH OR AFFIRMATION OF OFFICE BY COUNCILLORS

3.1 OATH OR AFFIRMATION OF OFFICE BY COUNCILLORS

FILE NO:	47/24
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Jeff Smith - General 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:	15.3.2 Increase understanding of Council activities through accessible and clear messaging and information

EXECUTIVE SUMMARY

The NSW Local Government Act 1993 requires newly elected councillors to take an oath of office or make an affirmation of office at or before the first meeting of the Council after the councillor is elected. The purpose of this report is to facilitate this action by each councillor and ensure a record is kept of the taking of an oath or the making of an affirmation by each councillor.

OFFICER'S RECOMMENDATION

THAT

I. This being the first meeting of the newly elected Maitland City Council, each councillor individually and in accordance with Section 233A of the NSW Local Government Act 1993:

I. Take the following 'Oath of Office':

'I (name of councillor) swear that I will undertake the duties of the office of councillor in the best interests of the people of the City of Maitland and Maitland City Council that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993, or any other Act to the best of my ability and judgement.'

OR

II. Make the following 'Affirmation of Office':

'I (name of councillor) solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the City of Maitland and Maitland City Council that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993*, or any other Act to the best of my ability and judgement.'

2. The taking of the 'Oath of Office' or making of the 'Affirmation of Office' by each individual councillor be recorded in the minutes of this meeting as being taken or made before the General Manager, Mr Jeff Smith.

COUNCIL RESOLUTION

THAT

The minutes reflect that the oath or affirmation of office was taken by Councillor Race Barstow on Tuesday 15 October 2024, and all other Maitland City Councillors on Tuesday 22 October 2024 in the presence of the General Manager of Maitland City Council, Mr Jeff Smith, as follows:

OATH	AFFIRMATION
Cr Ben Whiting	Mayor P Penfold
Cr Mitchell Griffin	Cr Bill Hackney
Cr Sally Halliday	Cr Ben Worth
Cr Ken Jordan	Cr Kristy Flannery
Cr Don Ferris	Cr Amelia Atkinson
	Cr Warrick Penfold
	Cr Mike Yarrington
	Cr Race Barstow

Moved Mayor P Penfold, Seconded Cr M Yarrington

CARRIED

For: Cr A Atkinson Against:
Cr D Ferris
Cr K Flannery
Cr M Griffin
Cr B Hackney
Cr S Halliday
Cr K Jordan
Mayor P Penfold
Cr W Penfold
Cr B Whiting
Cr B Worth
Cr M Yarrington

4 APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

COUNCIL RESOLUTION

THAT the apology received for the unavoidable absence of Cr Race Barstow be accepted and leave of absence granted

Moved Mayor P Penfold, Seconded Cr D Ferris

CARRIED

For: Cr A Atkinson Against:
Cr D Ferris
Cr K Flannery
Cr M Griffin
Cr B Hackney
Cr S Halliday
Cr K Jordan
Mayor P Penfold
Cr W Penfold
Cr B Whiting
Cr B Worth
Cr M Yarrington

5 DECLARATIONS OF INTEREST

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held 27 August 2024 be confirmed.

Moved Mayor P Penfold, Seconded Cr B Hackney

CARRIED

For:

Cr A Atkinson
Cr D Ferris
Cr K Flannery
Cr M Griffin
Cr B Hackney
Cr S Halliday
Cr K Jordan
Mayor P Penfold
Cr W Penfold
Cr B Whiting
Cr B Worth
Cr M Yarrington

Against:

7 BUSINESS ARISING FROM MINUTES

Nil

8 WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS

Nil

9 PUBLIC ACCESS

Nil

10 MAYORAL MINUTE

10.1 THE PASSING OF IRENE HEMSWORTH (1940 - 2024)

FILE NO: 35/5/1
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: Jeff Smith - General Manager
AUTHOR: Philip Penfold - Mayor

MAYORAL MINUTE

MOTION

THAT Council:

1. Acknowledge the significant community service contribution made by the late Irene Hemsworth to the City of Maitland.
2. Send our condolences to the family of the late Irene Hemsworth.

COUNCIL RESOLUTION

MOTION

THAT Council:

1. Acknowledge the significant community service contribution made by the late Irene Hemsworth to the City of Maitland.
2. Send our condolences to the family of the late Irene Hemsworth.

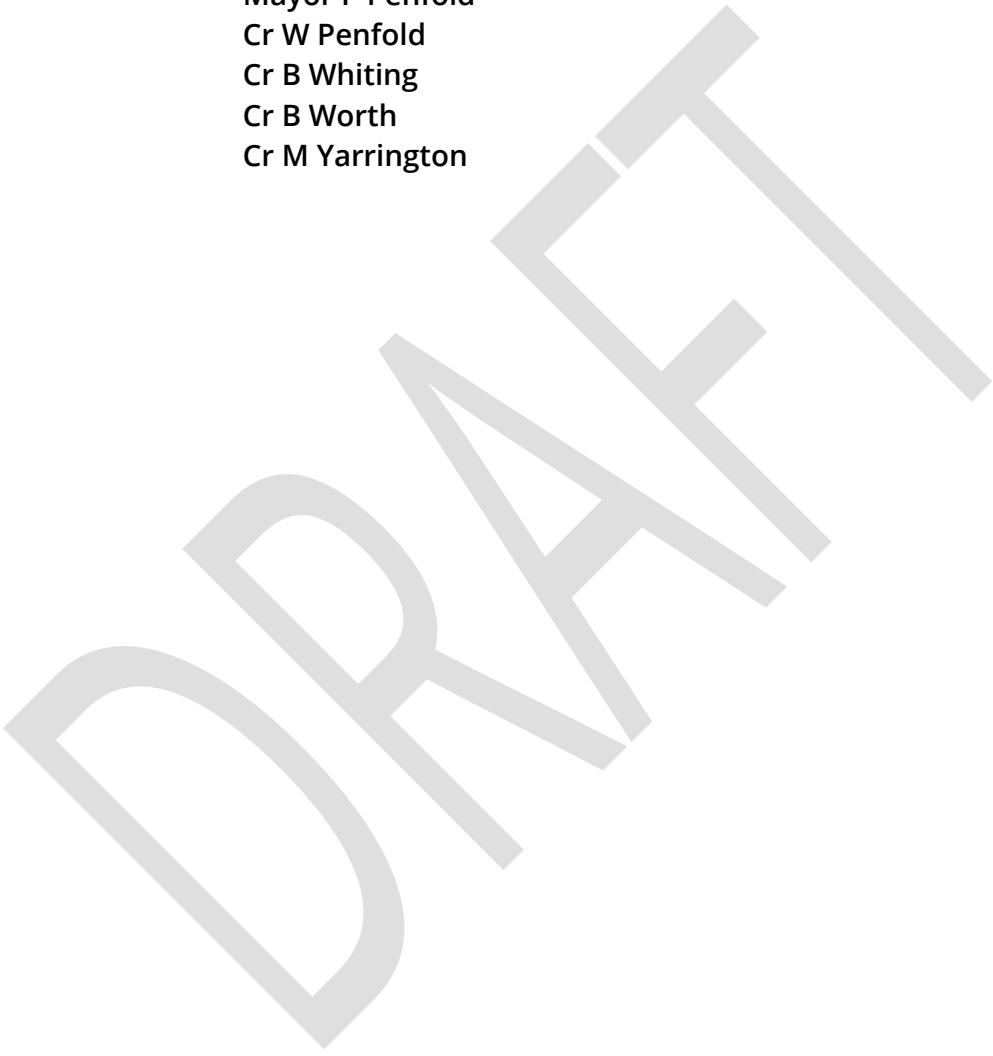
Moved Mayor P Penfold, Seconded Cr B Whiting

CARRIED

For:

- Cr A Atkinson
- Cr D Ferris
- Cr K Flannery
- Cr M Griffin
- Cr B Hackney
- Cr S Halliday
- Cr K Jordan
- Mayor P Penfold
- Cr W Penfold
- Cr B Whiting
- Cr B Worth
- Cr M Yarrington

Against:



10.2 FUTURE PLANNING FOR THE CURRENT TERM OF COUNCIL

FILE NO: 35/44
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: Jeff Smith - General Manager
AUTHOR: Philip Penfold - Mayor

MAYORAL MINUTE

MOTION

THAT

In order to assist the General Manager in the future planning for the current term of council, Maitland Council resolve that the below items be presented as in-principle positions or actions supported by council:

1. Council better align actions/funding in operational plans with future community survey results.
2. Council reaffirm its support of Food and Garden Organics (FOGO) waste collection, weekly general waste bin collections, and retention of bulky waste collection services.
3. Future playground proposals to include shade provision.
4. Council advocate to government to reconsider an increase to the pensioner rates rebate.
5. Council focus on progressing future stages of the Queens Wharf Morpeth Master Plan.
6. Council prioritise delivering the new large playground at Maitland Park.
7. Council actively work with Cricket NSW and local cricket clubs on advancing cricket nets at Maitland Park.
8. Council report back on a plan to address key gaps in the footpath network.
9. Council give favourable consideration, within existing funding, on a winter fireworks display in 2025 and include same in future operational plan considerations.
10. Council consider over the coming council term the renewal/redesign of the river walk street furniture between the Riverlink Building and St Andrews Street.

11. Council actively progress with plans for irrigation and drainage at more sports grounds, including Shamrock Hill Oval.
12. Council work with Maitland Saints AFL with a view to act on the risk of balls being chased outside the fence line near Alexandra Avenue at Max McMahon Oval.
13. Council allocate up to \$5,000 for an Australian flag giveaway for private properties this Australia Day. Details of the offering be delegated to the Mayor. Recommendations for funding this action to be included in the next quarterly budget review.
14. Council actively work on the potential to improve traffic flow by reviewing the lane layout in the Thornton road network south of the railway line, while continuing to seeking government support to act on the bigger issues in the precinct.
15. Council explore the potential for enhancement of recreational facilities at O'Hearn Street Tenambit in support of youth recreation.
16. In future reviews of council committees, consideration be given to an Events Committee and a Youth Committee.
17. Council work with the Hunter River Agricultural and Horticultural Society on the potential to enter into an arrangement for parking at the Showground on days of high need in Maitland Park including netball events.
18. Council explore more proactive approaches to dealing with graffiti, including how we can better work with Rotary.
19. Council progress work for pathway connection between Morpeth / The Levee / Walka Water Works, including completing connection from Morpeth Bridge to Queens Wharf.
20. Council explore the provision of recycling bins at some key public spaces.
21. Council explore the prospect of a fountain at Telarah Lagoon for the visual impact and the environmental benefits to the water body.
22. Council work with the NSW Govt to act on Walka Water Works lawn contamination as a priority.

PROCEEDINGS IN BRIEF

Cr D Ferris moved an amendment to the motion:

Remove Items 2 & 13 from the original motion.
(Cr D Ferris / Cr A Atkinson)

The amendment when put to the meeting was declared lost.

For:

Cr A Atkinson
Cr D Ferris

Against:

Cr K Flannery
Cr M Griffin
Cr B Hackney
Cr S Halliday
Cr K Jordan
Mayor P Penfold
Cr W Penfold
Cr B Whiting
Cr B Worth
Cr M Yarrington

COUNCIL RESOLUTION

THAT

In order to assist the General Manager in the future planning for the current term of council, Maitland Council resolve that the below items be presented as in-principle positions or actions supported by council:

- 1. Council better align actions/funding in operational plans with future community survey results.**
- 2. Council reaffirm its support of Food and Garden Organics (FOGO) waste collection, weekly general waste bin collections, and retention of bulky waste collection services.**
- 3. Future playground proposals to include shade provision.**
- 4. Council advocate to government to reconsider an increase to the pensioner rates rebate.**
- 5. Council focus on progressing future stages of the Queens Wharf Morpeth Master Plan.**

6. Council prioritise delivering the new large playground at Maitland Park.
7. Council actively work with Cricket NSW and local cricket clubs on advancing cricket nets at Maitland Park.
8. Council report back on a plan to address key gaps in the footpath network.
9. Council give favourable consideration, within existing funding, on a winter fireworks display in 2025 and include same in future operational plan considerations.
10. Council consider over the coming council term the renewal/redesign of the river walk street furniture between the Riverlink Building and St Andrews Street.
11. Council actively progress with plans for irrigation and drainage at more sports grounds, including Shamrock Hill Oval.
12. Council work with Maitland Saints AFL with a view to act on the risk of balls being chased outside the fence line near Alexandra Avenue at Max McMahon Oval.
13. Council allocate up to \$5,000 for an Australian flag giveaway for private properties this Australia Day. Details of the offering be delegated to the Mayor. Recommendations for funding this action to be included in the next quarterly budget review.
14. Council actively work on the potential to improve traffic flow by reviewing the lane layout in the Thornton road network south of the railway line, while continuing to seeking government support to act on the bigger issues in the precinct.
15. Council explore the potential for enhancement of recreational facilities at O'Hearn Street Tenambit in support of youth recreation.
16. In future reviews of council committees, consideration be given to an Events Committee and a Youth Committee.
17. Council work with the Hunter River Agricultural and Horticultural Society on the potential to enter into an arrangement for parking at the Showground on days of high need in Maitland Park including netball events.
18. Council explore more proactive approaches to dealing with graffiti, including how we can better work with Rotary.
19. Council progress work for pathway connection between Morpeth / The Levee /

Walka Water Works, including completing connection from Morpeth Bridge to Queens Wharf.

20. Council explore the provision of recycling bins at some key public spaces.

21. Council explore the prospect of a fountain at Telarah Lagoon for the visual impact and the environmental benefits to the water body.

22. Council work with the NSW Govt to act on Walka Water Works lawn contamination as a priority.

Moved Mayor P Penfold

CARRIED

For:

Cr K Flannery
Cr M Griffin
Cr B Hackney
Cr S Halliday
Cr K Jordan
Mayor P Penfold
Cr W Penfold
Cr B Whiting
Cr B Worth
Cr M Yarrington

Against:

Cr A Atkinson
Cr D Ferris

11 OFFICERS REPORTS

11.1 ELECTION OF DEPUTY MAYOR

FILE NO:	35/2 & 35/7
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Election of Mayor and Deputy Mayor by Councillors Fact Sheet 2. Nomination Form Deputy Mayor 2024
RESPONSIBLE OFFICER:	Jeff Smith - General Manager Kelsie Wilson - Team Leader OGM
AUTHOR:	Tina Nay - Senior Governance Officer
MAITLAND +10	Outcome 14 To have elected leaders that look out for us
COUNCIL OBJECTIVE:	14.1.2 Expand opportunities for the community to engage with Councillors

EXECUTIVE SUMMARY

The purpose of this report is to initiate the process for the election of a Deputy Mayor for either the period of the mayoral term or a shorter term.

OFFICER'S RECOMMENDATION

THAT

- 1. Council determine whether or not it will elect a Deputy Mayor and, if so, for what term;**
- 2. Should Council resolve to elect a Deputy Mayor, Council:**
 - a) Conduct an election of Deputy Mayor in accordance with the *Local Government (General) Regulation 2021 Schedule 7*;**
 - b) Determine whether the election of Deputy Mayor is to proceed by way of:**
 - i. Preferential ballot;**
 - ii. Ordinary ballot; or**
 - iii. Open voting**
 - c) Determine any fee payable to the Deputy Mayor for such time as the Deputy Mayor acts in the office of the Mayor, noting that the amount of the fee so paid must be deducted from the Mayor's annual fee.**

PROCEEDINGS IN BRIEF

A motion was moved.

(Mayor P Penfold / Cr K Jordan)

THAT

1. Council elects a Deputy Mayor for a period of 12 months.
2. The fee payable to the Deputy Mayor be \$5000 per annum deducted from the Mayoral Allowance.
3. If election is required, it will be conducted by open voting.
4. The mayoral chains donated by the Lions Club of Maitland in 2004 and never used, be badged for the Deputy Mayor since 2022, and utilised by the Deputy when attending appropriate civic events that the mayor is not able to attend. Decisions as to when and where it's used, and how they are branded, are delegated to the Mayor.

For:

Cr A Atkinson
Cr D Ferris
Cr K Flannery
Cr M Griffin
Cr B Hackney
Cr S Halliday
Cr K Jordan
Mayor P Penfold
Cr W Penfold
Cr B Whiting
Cr B Worth
Cr M Yarrington

Against:

COUNCIL RESOLUTION**THAT**

1. Council elects a Deputy Mayor for a period of 12 months.
2. The fee payable to the Deputy Mayor be \$5000 per annum deducted from the Mayoral Allowance.
3. If election is required, it will be conducted by open voting.
4. The mayoral chains donated by the Lions Club of Maitland in 2004 and never used, be badged for the Deputy Mayor since 2022, and utilised by the Deputy when attending appropriate civic events that the mayor is not able to attend. Decisions as to when and where it's used, and how they are branded, are delegated to the Mayor.

Moved Mayor P Penfold, Seconded Cr K Jordan

CARRIED

The Mayor then called on General Manager Jeff Smith as Returning Officer to conduct the election.

Nominations received for:

Cr B Whiting

Cr B Hackney

Candidate drawn first in ballot is Cr B Whiting, second is Cr B Hackney

Voting will be by a show of hands

Cr B Whiting – Cr B Whiting, Cr A Atkinson, Cr D Ferris

Cr B Hackney – Mayor P Penfold, Cr B Hackney, Cr B Worth, Cr S Halliday, Cr K Flannery
Cr M Griffin, Cr W Penfold, Cr K Jordan, Cr M Yarrington

Cr B Hackney elected as Deputy Mayor for a period of 12 months

11.2 ELECTION OPTIONS TO FILL A COUNCILLOR VACANCY

FILE NO:	47/24
ATTACHMENTS:	1. Countback Elections Fact Sheet
RESPONSIBLE OFFICER:	Linda McLaren - Office Manager Jeff Smith - General Manager
AUTHOR:	Kelsie Wilson - Team Leader OGM
MAITLAND +10	Outcome 17. An efficient and effective Council
COUNCIL OBJECTIVE:	17.2.1 To maintain effective and appropriate systems to ensure decision-making is transparent, accessible and accountable

EXECUTIVE SUMMARY

At the first ordinary meeting of Council following an election of councillors using the preferential voting system, it may be resolved that in the instance of a casual councillor vacancy within the first 18 months after that election, a countback of votes can be held instead of a by-election.

OFFICER'S RECOMMENDATION

THAT

1. Council determine the method to fill casual vacancies occurring in the offices of Councillors in the first 18 months after the election being
 - I. Option 1 – a Countback
 - OR
 - II. Option 2 – a By-election
2. Council notify the NSW Electoral Commission who conducted the election on Council's behalf within seven (7) days of Council making the resolution.

PROCEEDINGS IN BRIEF

Cr M Griffin moved the following motion:
(Cr M Griffin / Cr K Jordan)

THAT

1. Council determines the method to fill casual vacancies occurring in the offices of Councillors in the first 18 months after the election being a by-election
2. Council notifies the NSW Electoral Commission who conducted the election on Council's behalf within seven (7) days of Council making the resolution

The motion when put was declared carried.

COUNCIL RESOLUTION

THAT

1. Council determines the method to fill casual vacancies occurring in the offices of Councillors in the first 18 months after the election being a by-election
2. Council notifies the NSW Electoral Commission who conducted the election on Council's behalf within seven (7) days of Council making the resolution

Moved Cr M Griffin, Seconded Cr K Jordan

CARRIED

For:

Cr K Flannery
Cr M Griffin
Cr B Hackney
Cr S Halliday
Cr K Jordan
Mayor P Penfold
Cr W Penfold
Cr B Worth
Cr M Yarrington

Against:

Cr A Atkinson
Cr D Ferris
Cr B Whiting

11.3 SETTING OF COUNCILLOR FEES 2024/25

FILE NO:	35/5/1
ATTACHMENTS:	1. Local Government Remuneration Tribunal Annual Determination 2024
RESPONSIBLE OFFICER:	Linda McLaren - Office Manager Jeff Smith - General Manager
AUTHOR:	Kelsie Wilson - Team Leader OGM
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.2 Ensure Council is financially sustainable and meets required levels of performance

EXECUTIVE SUMMARY

The Local Government Act 1993 requires the Local Government Remuneration Tribunal to report to the Minister for Local Government each year on its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

The Tribunal determined a 3.75% per annum increase in the minimum and maximum fees applicable for the Mayoral and Councillor fees from 1 July 2024.

At Council Meeting 28 May 2024, Council resolved to retain the current 2023/24 financial year Mayor and Councillor fees as set for the 2024/25 financial year and an ongoing fee of \$5,000 per annum for the position of Deputy Mayor, effective 2023/24 to be deducted from the Mayoral fee.

The fees paid to Councillors are in addition to the expenses and facilities available to each Councillor.

OFFICER'S RECOMMENDATION

THAT

- 1. Pursuant to Division 5 of Part 2 of Chapter 9 of the Local Government Act 1993, fix the annual fee for financial year 1 July 2024 to 30 June 2025 as follows:**
 - a. Councillors at \$33,810**
 - b. Mayoral additional fee at \$98,510.**
- 2. Pursuant to Division 5 of Part 2 of Chapter 9 of the Local Government Act 1993, fix the annual fees payable to the Mayor and Councillors at the relevant maximum amounts determined by the Local Government Remuneration Tribunal.**

3. Note that pursuant to section 250 of the Local Government Act 1993, the fees payable to the Mayor and Councillors are payable monthly in arrears for each month (or part of a month) for which the Councillor holds office.
4. Note that superannuation contribution payments will be made to Councillors pursuant and subject to section 254B of the Local Government Act 1993.

COUNCIL RESOLUTION

THAT

1. Pursuant to Division 5 of Part 2 of Chapter 9 of the Local Government Act 1993, fix the annual fee for financial year 1 July 2024 to 30 June 2025 as follows:
 - a. Councillors at \$33,810
 - b. Mayoral additional fee at \$98,510.
2. Pursuant to Division 5 of Part 2 of Chapter 9 of the Local Government Act 1993, fix the annual fees payable to the Mayor and Councillors at the relevant maximum amounts determined by the Local Government Remuneration Tribunal.
3. Note that pursuant to section 250 of the Local Government Act 1993, the fees payable to the Mayor and Councillors are payable monthly in arrears for each month (or part of a month) for which the Councillor holds office.
4. Note that superannuation contribution payments will be made to Councillors pursuant and subject to section 254B of the Local Government Act 1993.

Moved Cr M Yarrington, Seconded Cr K Jordan

CARRIED

For:

Cr A Atkinson
 Cr D Ferris
 Cr K Flannery
 Cr M Griffin
 Cr B Hackney
 Cr S Halliday
 Cr K Jordan
 Mayor P Penfold
 Cr W Penfold
 Cr B Whiting
 Cr B Worth
 Cr M Yarrington

Against:

11.4 APPOINTMENT OF COUNCIL DELEGATES

FILE NO:	35/2 and 35/7
ATTACHMENTS:	1. Register of Committees 2022
RESPONSIBLE OFFICER:	Jeff Smith - General 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:	15.2.3 Foster an engaged workforce that is skilled, collaborative and focused on our customer

EXECUTIVE SUMMARY

There are a number of committees, community groups or organisations upon which Council is represented. These groups include a broad range of local and regional organisations. Council delegates on these groups provide an important link between the community and the Council.

To deliver the best value to the community, it is good practice to regularly review the discretionary committees as established by Council. As a number of these committees have not been meeting consistently or have not been meeting for some time, a review process has been initiated by staff and will be workshopped with Councillors before the end of 2024 calendar year.

The Councillor delegates that are determined for these organisations or groups are temporary representatives while a review of the committees is completed. The community representatives for Council committees will be rolled over pending the outcome of the review unless otherwise determined by Council.

OFFICER'S RECOMMENDATION

THAT

- 1. Council note the information and changes to committees outlined in Attachment 1 (Register of Committees 2022).**
- 2. Council determine its delegates on the current committees, groups or organisations listed in the schedule contained within this report for a temporary period;**
- 3. The committees and groups as identified in this report are reviewed within six months of this term, with further reports to Council as review processes are completed.**

PROCEEDINGS IN BRIEF

Mayor P Penfold moved a motion
(Mayor P Penfold / Cr K Jordan)

THAT

1. The following councillors be appointed to below committees for the term of Council;
2. Should a position become vacant for any reason the Mayor be delegated to appoint a councillor to fill the vacancy.

Name of Committee	Councillor Members
Aboriginal Reference Group	Cr Atkinson and Cr Barstow
Access and Inclusion Committee	Cr Halliday and Cr Whiting
Audit, Risk and Improvement Committee	Cr Halliday
Awards and Recognition Committee	Mayor, Cr Griffin, Cr Yarrington, Cr Hackney and Cr Barstow
Bruce Street Community Hall	Cr Whiting
Bush Fire Management Committee	Cr Whiting
Flood Plain Management Committee	Cr Hackney (Mayor), Cr Halliday and Cr Flannery
Friends of Maitland City Library	Cr Ferris
Heritage Committee	Cr W Penfold
Hunter Joint Organisation of Councils	Mayor
Hunter Valley Steamfest Planning Group	Cr Jordan (Mayor) and Cr Hackney
Hunter Water Customer & Community Advisory Group	Cr W Penfold

Joint Regional Planning Panel	Cr Halliday and Ashley Kavanagh Alternate Stephen Smith & Todd Stanley
Lower Hunter Zone Rural Fire Service Liaison Committee	Cr Whiting
Maitland Aerodrome, Consultative Panel	Cr Yarrington
Maitland Local Area Traffic Committee	Cr W Penfold
Maitland Park Recreation Board	Cr Hackney and Cr Worth
Maitland Regional Art Gallery Members (MRAGM)	Cr Atkinson
Maitland Sports and Recreation Advisory Board	Cr Yarrington and Cr Worth
Morpeth Museum Committee	Cr Griffin
Public Libraries NSW - Central East Zone	Cr Griffin
Rutherford Community Hall	Cr Ferris
Section 356 Community Grants Assessment Panel	Mayor, Cr Flannery and Cr Yarrington
Walka Water Works Reserve Section 355 Management Committee	Cr Hackey (Mayor), Cr Jordan and Cr W Penfold

COUNCIL RESOLUTION

THAT

1. The following councillors be appointed to below committees for the term of Council;
2. Should a position become vacant for any reason the Mayor be delegated to appoint a councillor to fill the vacancy.

Name of Committee	Councillor Members
Aboriginal Reference Group	Cr Atkinson and Cr Barstow
Access and Inclusion Committee	Cr Halliday and Cr Whiting
Audit, Risk and Improvement Committee	Cr Halliday
Awards and Recognition Committee	Mayor, Cr Griffin, Cr Yarrington, Cr Hackney and Cr Barstow
Bruce Street Community Hall	Cr Whiting
Bush Fire Management Committee	Cr Whiting
Flood Plain Management Committee	Cr Hackney (Mayor), Cr Halliday and Cr Flannery
Friends of Maitland City Library	Cr Ferris
Heritage Committee	Cr W Penfold
Hunter Joint Organisation of Councils	Mayor
Hunter Valley Steamfest Planning Group	Cr Jordan (Mayor) and Cr Hackney
Hunter Water Customer & Community Advisory Group	Cr W Penfold
Joint Regional Planning Panel	Cr Halliday and Ashley Kavanagh Alternate Stephen Smith & Todd Stanley
Lower Hunter Zone Rural Fire Service Liaison Committee	Cr Whiting
Maitland Aerodrome, Consultative Panel	Cr Yarrington
Maitland Local Area Traffic Committee	Cr W Penfold
Maitland Park Recreation Board	Cr Hackney and Cr Worth
Maitland Regional Art Gallery Members (MRAGM)	Cr Atkinson

Maitland Sports and Recreation Advisory Board	Cr Yarrington and Cr Worth
Morpeth Museum Committee	Cr Griffin
Public Libraries NSW – Central East Zone	Cr Griffin
Rutherford Community Hall	Cr Ferris
Section 356 Community Grants Assessment Panel	Mayor, Cr Flannery and Cr Yarrington
Walka Water Works Reserve Section 355 Management Committee	Cr Hackey (Mayor), Cr Jordan and Cr W Penfold

Moved Mayor P Penfold, Seconded Cr K Jordan

CARRIED

For:

Cr A Atkinson
 Cr D Ferris
 Cr K Flannery
 Cr M Griffin
 Cr B Hackney
 Cr S Halliday
 Cr K Jordan
 Mayor P Penfold
 Cr W Penfold
 Cr B Whiting
 Cr B Worth
 Cr M Yarrington

Against:

11.5 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2024

FILE NO:	35/48
ATTACHMENTS:	1. Draft 2024 Annual Conference Program
RESPONSIBLE OFFICER:	Linda McLaren - Office Manager Jeff Smith - General Manager
AUTHOR:	Jacqui Fitzsimmons - Executive Assistant
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

The Local Government NSW (LGNSW) Annual Conference will be held from Sunday 17 to Tuesday 19 November 2024 in Tamworth. The conference provides an opportunity for Councillors to share ideas, seek inspiration and work towards achieving consensus on matters raised to help determine direction for the coming year.

This report is presented to Council to determine voting delegates of Council for the purpose of voting on motions presented to the conference.

OFFICER'S RECOMMENDATION

THAT

- 1. Council nominate up to four (4) attending Councillors as voting delegates on motions and Board election at the Local Government NSW Annual Conference;**
- 2. The names of Council's voting delegates be forwarded to LGNSW by Wednesday 6 November 2024;**

PROCEEDINGS IN BRIEF

A motion was moved.
(Mayor P Penfold / Cr M Griffin)

THAT

- 1. Council nominate Cr A Atkinson, Cr M Griffin, Cr S Halliday and Cr W Penfold as voting delegates on motions and Board election at the Local Government NSW Annual Conference;**

2. The names of Council's voting delegates be forwarded to LGNSW by Wednesday 6 November 2024;

The motion when put to the meeting was declared carried

COUNCIL RESOLUTION

THAT

1. Council nominate Cr A Atkinson, Cr M Griffin, Cr S Halliday and Cr W Penfold as voting delegates on motions and Board election at the Local Government NSW Annual Conference;
2. The names of Council's voting delegates be forwarded to LGNSW by Wednesday 6 November 2024;

Moved Mayor P Penfold, Seconded Cr M Griffin

CARRIED

For:

Cr A Atkinson
Cr D Ferris
Cr K Flannery
Cr M Griffin
Cr B Hackney
Cr S Halliday
Cr K Jordan
Mayor P Penfold
Cr W Penfold
Cr B Whiting
Cr B Worth
Cr M Yarrington

Against:

11.6 PERFORMANCE REVIEW – GENERAL MANAGER

FILE NO:	E100230
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Jeff Smith - General Manager
AUTHOR:	Linda McLaren - Office Manager
MAITLAND +10	Outcome 18. A Council for now and future generations
COUNCIL OBJECTIVE:	18.3.1 To nurture a skilled and innovative workforce that delivers optimal service

EXECUTIVE SUMMARY

The purpose of this report is to facilitate the nomination of a Council representative to the panel for the annual performance review of the General Manager.

OFFICER'S RECOMMENDATION

THAT

1. Council determine its representative for the General Manager's 2024 Performance Review Panel.

COUNCIL RESOLUTION

THAT

1. Council determined its representative is Cr K Flannery for the General Manager's Performance Review Panel for the term of council.

Moved Cr M Yarrington, Seconded Cr B Hackney

CARRIED

For:

- Cr A Atkinson
- Cr D Ferris
- Cr K Flannery
- Cr M Griffin
- Cr B Hackney
- Cr S Halliday
- Cr K Jordan
- Mayor P Penfold
- Cr W Penfold
- Cr B Whiting
- Cr B Worth
- Cr M Yarrington

Against:

Council moved into Policy & Finance Committee at 7.04 pm.

Moved Cr B Whiting, Seconded Cr M Yarrington

CARRIED

For:

- Cr A Atkinson
- Cr D Ferris
- Cr K Flannery
- Cr M Griffin
- Cr B Hackney
- Cr S Halliday
- Cr K Jordan
- Mayor P Penfold
- Cr W Penfold
- Cr B Whiting
- Cr B Worth
- Cr M Yarrington

Against:

12 POLICY AND FINANCE COMMITTEE

12.1 AWARDS AND RECOGNITION COMMITTEE PROGRAM

FILE NO:	69/3
ATTACHMENTS:	<ol style="list-style-type: none">1. Awards and Recognition Program Policy 20242. Awards and Recognition Committee Terms of Reference 2024
RESPONSIBLE OFFICER:	Linda McLaren - Office Manager
AUTHOR:	Kelsie Wilson - Team Leader OGM
MAITLAND +10	Outcome 16. To work together to be the best our community can be
COUNCIL OBJECTIVE:	16.2.1 Recognise community contributions to the city through Council's civic programs

EXECUTIVE SUMMARY

The purpose of this report is to present the draft Awards and Recognition Program Policy and Awards and Recognition Program Terms of Reference for adoption.

OFFICER'S RECOMMENDATION

THAT

1. Council adopt the Awards and Recognition Program Policy 2024 (Attachment 1).
2. Council adopt the draft Terms of Reference for the Awards and Recognition Committee 2024 (Attachment 2).
3. Council call for nominations for two community representatives to serve on the Committee for the term of Council.

COMMITTEE RECOMMENDATION

THAT

1. Council adopt the Awards and Recognition Program Policy 2024 (Attachment 1).
2. Council adopt the draft Terms of Reference for the Awards and Recognition Committee 2024 (Attachment 2).
3. Council call for nominations for two community representatives to serve on the Committee for the term of Council.

Moved Cr B Whiting, Seconded Cr K Flannery

CARRIED

For:

Cr A Atkinson
Cr D Ferris
Cr K Flannery
Cr M Griffin
Cr B Hackney
Cr S Halliday
Cr K Jordan
Mayor P Penfold
Cr W Penfold
Cr B Whiting
Cr B Worth
Cr M Yarrington

Against:

12.2 STATEMENT OF INVESTMENTS – AUGUST AND SEPTEMBER 2024

FILE NO:	82/2
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Council's Holdings as at 31 August 2024 2. Council's Holdings as at 30 September 2024
RESPONSIBLE OFFICER:	Mary O'Leary - Executive Manager Finance Annette Peel - Manager Finance & Procurement
AUTHOR:	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 reports on its investments. This report presents reports for both August and September 2024, due to the suspension of Council Meetings across the election period.

As at the end of August 2024, Council had investments totalling \$224,883,705 under management.

Council's investment portfolio recorded a marked-to-market return of 5.39% per annum versus the bank bill index benchmark return of 4.54% per annum. The actual investment return for the month of August was \$980,526, a favourable variance of \$310,300 when compared to the monthly budget forecasts of \$670,226.

As at the end of September 2024, Council had investments totalling \$226,795,146 under management.

Council's investment portfolio recorded a marked-to-market return of 5.28 % per annum versus the bank bill index benchmark return of 4.45% per annum. The actual investment return for the month of September was \$1,082,293, a favourable variance of \$412,067 when compared to the monthly budget forecasts of \$670,226.

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 certificate 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 certificate of the Responsible Accounting Officer be noted and the report adopted.

Moved Cr S Halliday, Seconded Cr M Yarrington

CARRIED

For:

Cr A Atkinson
Cr D Ferris
Cr K Flannery
Cr M Griffin
Cr B Hackney
Cr S Halliday
Cr K Jordan
Mayor P Penfold
Cr W Penfold
Cr B Whiting
Cr B Worth
Cr M Yarrington

Against:

12.3 FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2024

FILE NO:	2/8/24
ATTACHMENTS:	1. Financial Statements 30 June 2024
RESPONSIBLE OFFICER:	Mary O'Leary - Executive Manager Finance
AUTHOR:	Michael Burfitt - Chief Financial 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 has prepared the financial statements for the year ended 30 June 2024 with the following actions:

- 1. In accordance with Section 413 of the Local Government Act 1993 “(the Act)” the statements are referred to Council’s Auditor;*
- 2. In accordance with Section 418 of the Act Council is required to fix a date for a meeting to present its audited financial Statements, together with the auditor’s report, to the public and provide seven (7) days’ notice;*
- 3. Propose to present the 2023/24 financial statements and auditor’s report to the public at the Council meeting of Tuesday 12 November 2024.*

OFFICER’S RECOMMENDATION

THAT

- 1. Council refers the 2023–24 General Purpose Financial Statements for audit.**
- 2. In accordance with Section 413(2)(c) the statement by Councillors and management as set out on page 3 of the attached financial statements be adopted.**
- 3. Council authorise the mayor and one nominated Councillor to sign the statement on behalf of Council.**
- 4. Council consider presentation of the 2023/24 financial statements at the Council meeting to be held on Tuesday 12 November 2024.**
- 5. Council place a notice online in accordance with Section 418(3) of the Local Government Act notifying the public of the proposal to present the 2023/24 financial statements on 12 November 2024.**

PROCEEDINGS IN BRIEF

A motion was moved.
(Mayor P Penfold/ Cr M Griffin)

THAT

1. Council refers the 2023-24 General Purpose Financial Statements for audit.
2. In accordance with Section 413(2)(c) the statement by Councillors and management as set out on page 3 of the attached financial statements be adopted.
3. Council authorise the mayor and deputy mayor to sign the statement on behalf of Council.
4. Council consider presentation of the 2023/24 financial statements at the Council meeting to be held on Tuesday 12 November 2024.
5. Council place a notice online in accordance with Section 418(3) of the Local Government Act notifying the public of the proposal to present the 2023/24 financial statements on 12 November 2024.

The motion when put to the meeting was declared carried

COMMITTEE RECOMMENDATION

THAT

1. **Council refers the 2023-24 General Purpose Financial Statements for audit.**
2. **In accordance with Section 413(2)(c) the statement by Councillors and management as set out on page 3 of the attached financial statements be adopted.**
3. **Council authorise the mayor and deputy mayor to sign the statement on behalf of Council.**
4. **Council consider presentation of the 2023/24 financial statements at the Council meeting to be held on Tuesday 12 November 2024.**
5. **Council place a notice online in accordance with Section 418(3) of the Local Government Act notifying the public of the proposal to present the 2023/24 financial statements on 12 November 2024.**

Moved Mayor P Penfold, Seconded Cr M Griffin

CARRIED

For:

- Cr A Atkinson
- Cr D Ferris
- Cr K Flannery
- Cr M Griffin
- Cr B Hackney
- Cr S Halliday
- Cr K Jordan
- Mayor P Penfold
- Cr W Penfold
- Cr B Whiting
- Cr B Worth
- Cr M Yarrington

Against:

Council resumed into Ordinary Council at 7.12 pm.

Moved Cr M Griffin, Seconded Cr M Yarrington

CARRIED

For:

- Cr A Atkinson
- Cr D Ferris
- Cr K Flannery
- Cr M Griffin
- Cr B Hackney
- Cr S Halliday
- Cr K Jordan
- Mayor P Penfold
- Cr W Penfold
- Cr B Whiting
- Cr B Worth
- Cr M Yarrington

Against:

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

12.1 AWARDS AND RECOGNITION COMMITTEE PROGRAM

THAT

1. Council adopt the Awards and Recognition Program Policy 2024 (Attachment 1).
2. Council adopt the draft Terms of Reference for the Awards and Recognition Committee 2024 (Attachment 2).
3. Council call for nominations for two community representatives to serve on the Committee for the term of Council.

12.2 STATEMENT OF INVESTMENTS - AUGUST AND SEPTEMBER 2024

THAT

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

12.3 FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2024

THAT

1. Council refers the 2023-24 General Purpose Financial Statements for audit.
2. In accordance with Section 413(2)(c) the statement by Councillors and management as set out on page 3 of the attached financial statements be adopted.
3. Council authorise the mayor and deputy mayor to sign the statement on behalf of Council.
4. Council consider presentation of the 2023/24 financial statements at the Council meeting to be held on Tuesday 12 November 2024.
5. Council place a notice online in accordance with Section 418(3) of the Local Government Act notifying the public of the proposal to present the 2023/24 financial statements on 12 November 2024.

COUNCIL RESOLUTION

THAT

The Committee's recommendations be adopted.

Moved Cr M Griffin, Seconded Cr M Yarrington

CARRIED

For:

Cr A Atkinson
Cr D Ferris
Cr K Flannery
Cr M Griffin
Cr B Hackney
Cr S Halliday
Cr K Jordan
Mayor P Penfold
Cr W Penfold
Cr B Whiting
Cr B Worth
Cr M Yarrington

Against:

13 NOTICES OF MOTION/RESCISSION

Nil

14 QUESTIONS WITH NOTICE

Nil

15 URGENT BUSINESS

Nil

Council moved into the Committee of the Whole at 7.14 pm.

Moved Cr M Griffin, Seconded Cr K Jordan

CARRIED

For:	Cr A Atkinson	Against:
	Cr D Ferris	
	Cr K Flannery	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr K Jordan	
	Mayor P Penfold	
	Cr W Penfold	
	Cr B Whiting	
	Cr B Worth	
	Cr M Yarrington	

Council moved into Close Session of the Committee of the Whole for the reasons specified in the Agenda, and closed the meeting to the public at 7.15 pm.

Moved Cr D Ferris, Seconded Cr M Yarrington

CARRIED

For:	Cr A Atkinson	Against:
	Cr D Ferris	
	Cr K Flannery	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr K Jordan	
	Mayor P Penfold	
	Cr W Penfold	
	Cr B Whiting	
	Cr B Worth	
	Cr M Yarrington	

16 COMMITTEE OF THE WHOLE

16.1 NOVATION OF CONTRACT 2023/137/2208 - GILLIESTON HEIGHTS SKATE PARK AND 2022/137/2133 - LARGS AND THORNTON SKATE PARKS

FILE NO:	2023/137/2208 & 2022/137/2133
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Jason Linnane - Director City Services Ashley Kavanagh - Manager Works
AUTHOR:	Kynan Lindus - Civil Engineer (Projects)
MAITLAND +10	Outcome 4 To be healthy and active with access to local services and facilities
COUNCIL OBJECTIVE:	4.3.3 Construct, maintain and manage inclusive sport and recreation facilities across the city

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) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the council.

EXECUTIVE SUMMARY

Contracts for the construction of Gillieston Heights Skate Park and Thornton Skate Park are proposed to be Novated, as the Contractor is no longer able to fulfil their obligations under the Contract. This report contains details of the Novation, quotations received from a third party for the contract to be novated to, and a recommendation to award Novated contracts 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) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the council.

COMMITTEE RECOMMENDATION**THAT**

1. Council resolves that a tender is not required for the Novation of Contract 2022/137/2133 and Contract 2023/137/2208, pursuant to Section 55(3)(i) of the Local Government Act 1993 due to extenuating circumstances of grant funding deadlines, and unavailability of competitive tenders.
2. Council accepts the quotation of Revolution Action Sports Concepts Pty Ltd for the construction of Gillieston Heights Skate Park for the sum of \$492,426.40 excl. GST, for the Novation of Contract 2023/137/2208.
3. Council accepts the quotation of Revolution Action Sports Concepts Pty Ltd for the construction of Thornton Skate Park for the sum of \$534,311.00 excl. GST, for the Novation of Contract 2022/137/2133.
4. An additional amount of \$267,301 from the Recreation and Open Space Category of the repealed 2006 City Wide Development Contributions Plan be allocated to the projects as detailed in the body of this report.
5. Council delegates authority to the General Manager to sign the Deed of Novation for Contract 2022/137/2133 and Contract 2023/137/2208.

Moved Cr B Hackney, Seconded Cr M Griffin

CARRIED

For:

Cr A Atkinson
 Cr D Ferris
 Cr K Flannery
 Cr M Griffin
 Cr B Hackney
 Cr S Halliday
 Cr K Jordan
 Mayor P Penfold
 Cr W Penfold
 Cr B Whiting
 Cr B Worth
 Cr M Yarrington

Against:

Council resumed into Ordinary Council at 7.27 pm.

Moved Cr M Griffin, Seconded Cr K Flannery

CARRIED

For:	Cr A Atkinson Cr D Ferris Cr K Flannery Cr M Griffin Cr B Hackney Cr S Halliday Cr K Jordan Mayor P Penfold Cr W Penfold Cr B Whiting Cr B Worth Cr M Yarrington	Against:
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17 COMMITTEE OF THE WHOLE RECOMMENDATIONS

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

16.1 Novation of Contract 2023/137/2208 - Gillieston Heights Skate Park and 2022/137/2133 - Largs and Thornton Skate Parks

THAT

1. Council resolves that a tender is not required for the Novation of Contract 2022/137/2133 and Contract 2023/137/2208, pursuant to Section 55(3)(i) of the Local Government Act 1993 due to extenuating circumstances of grant funding deadlines, and unavailability of competitive tenders.
2. Council accepts the quotation of Revolution Action Sports Concepts Pty Ltd for the construction of Gillieston Heights Skate Park for the sum of \$492,426.40 excl. GST, for the Novation of Contract 2023/137/2208.
3. Council accepts the quotation of Revolution Action Sports Concepts Pty Ltd for the construction of Thornton Skate Park for the sum of \$534,311.00 excl. GST, for the Novation of Contract 2022/137/2133.
4. An additional amount of \$267,301 from the Recreation and Open Space Category of the repealed 2006 City Wide Development Contributions Plan be allocated to the projects as detailed in the body of this report.
5. Council delegates authority to the General Manager to sign the Deed of Novation for Contract 2022/137/2133 and Contract 2023/137/2208.

COUNCIL RESOLUTION

THAT

The Committee's recommendations be adopted.

Moved Cr M Yarrington, Seconded Cr B Hackney

CARRIED

For:

Cr A Atkinson
Cr D Ferris
Cr K Flannery
Cr M Griffin
Cr B Hackney
Cr S Halliday
Cr K Jordan
Mayor P Penfold
Cr W Penfold
Cr B Whiting
Cr B Worth
Cr M Yarrington

Against:

18 CLOSURE

The meeting was declared closed at 7.30 pm.

.....
Chairperson