

Ordinary Meeting Minutes

26 November 2024

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PRESENT

Cr Amelia Aitchison
Cr Race Barstow
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

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

2 ACKNOWLEDGEMENT OF COUNTRY

The General Manager read the Acknowledgement of Country.

3 APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

Nil

4 DECLARATIONS OF INTEREST

Cr D Ferris declared a significant non-pecuniary interest in Item 10.3 - Response to Mayoral Minute on Turtle Conservation as he is a committee member of Maitland Landcare and he will leave the chambers when the matter is dealt with.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held 12 November 2024 be confirmed.

Moved Cr M Griffin, Seconded Cr B Whiting

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:	Cr A Atkinson	Against:
	Cr R Barstow	
	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	

6 BUSINESS ARISING FROM MINUTES

Nil

7 WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS

Nil

8 PUBLIC ACCESS

Nil

9 MAYORAL MINUTE

Nil

10 OFFICERS REPORTS

10.1 EXHIBITION OF AMENDMENTS TO THE THORNTON NORTH DEVELOPMENT CONTRIBUTIONS PLAN

FILE NO:	103/41/8
ATTACHMENTS:	1.Draft Thornton North Contributions Plan (Under Separate Cover)
RESPONSIBLE OFFICER:	Director City Planning Manager Strategic Planning Coordinator City Planning Principal Development Contributions Planner
AUTHOR:	Development Contributions Officer
MAITLAND +10	Outcome 4 To be healthy and active with access to local services and facilities
COUNCIL OBJECTIVE:	4.3.2 Provide play spaces across the city to accommodate all age and ability groups

EXECUTIVE SUMMARY

The Thornton North Development Contributions Plan is a long-term plan which funds a range of local infrastructure to cater for residential growth within the Thornton North Urban Release Area.

As community needs change throughout the life of a Contributions Plan it is imperative that they are amended to respond to shifting priorities and emerging development trends.

The purpose of this report is to present a revised draft of the Thornton North Development Contributions Plan seeking endorsement for an amendment to the Recreation & Open Space Work Schedule and to place the draft Plan on exhibition. As the exhibition will extend over the Christmas period, the duration has been increased from 28 days to 42 days.

OFFICER'S RECOMMENDATION

THAT

- Council supports the proposed amendment to the Thornton North Development Contributions Plan and endorses its exhibition for a period of 42 days.**
- If no submissions are received opposing the amendments, Council delegate authority to the General Manager to finalise and adopt the amendments to the Thornton North Development Contributions Plan.**
- If submissions are received opposing the amendments, a further report be presented to Council for consideration.**

COUNCIL RESOLUTION

THAT

1. Council supports the proposed amendment to the Thornton North Development Contributions Plan and endorses its exhibition for a period of 42 days.
2. If no submissions are received opposing the amendments, Council delegate authority to the General Manager to finalise and adopt the amendments to the Thornton North Development Contributions Plan.
3. If submissions are received opposing the amendments, a further report be presented to Council for consideration.

Moved Cr M Yarrington, Seconded Cr R Barstow

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:

Cr A Atkinson
Cr R Barstow
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 PLANNING PROPOSAL - AMENDMENT TO THE MAITLAND LEP 2011 (IMPLEMENTATION OF MAITLAND LOCAL HOUSING AND RURAL LAND STRATEGIES 2041) – FINALISATION

FILE NO:	RZ23002	
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Gateway Determination 2. Gateway Alteration 3. Submission Assessment 4. Planning Proposal (August 2024) (Under Separate Cover) 5. Submissions (Under Separate Cover) 	n
RESPONSIBLE OFFICER:	Director City Planning Manager Strategic Planning	
AUTHOR:	Strategic Planning Policy Lead	
MAITLAND +10	Outcome 7 To afford the house we want in the neighbourhood we like	
COUNCIL OBJECTIVE:	7.2.3 Review the city's Development Control Plan and Local Environmental Plan	

EXECUTIVE SUMMARY

On 27 June 2023, Council adopted the Maitland Rural Land Strategy 2041 (RLS) and Maitland Local Housing Strategy 2041 (LHS). Both strategies include specific actions identifying the need for amendments to the Maitland Local Environmental Plan 2011 (MLEP 2011).

At its meeting of 28 November 2023, Council resolved to submit a Planning Proposal addressing the first round of LHS and RLS actions to the Department of Planning, Housing and Infrastructure (DPHI) requesting a Gateway Determination. The Gateway Determination was issued by the DPHI on 9 May 2024 and has authorised Council to exercise the functions of the local plan-making authority under section 3.36(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The Planning Proposal was exhibited from 5 June 2024 to 18 July 2024. A total of 53 submissions were received during the exhibition period.

The purpose of this report is to inform Council of the outcomes of public exhibition and public authorities and government agencies consultation of the Planning Proposal, seek Council's endorsement of the revised Planning Proposal, and for Council to exercise plan making authority to make the plan under Section 3.36 (2) of the EP&A Act.

OFFICER'S RECOMMENDATION

THAT

1. Council endorse the revised Planning Proposal (August 2024) in Attachment 4, and
2. Council exercise local plan making functions to make the Plan under 3.36 of the Environmental Planning & Assessment Act 1979.

PROCEEDINGS IN BRIEF

A motion was moved, being the Officers Recommendation (Cr M Yarrington / Cr S Halliday)

Cr D Ferris moved an amendment that an additional point 3 be added:

3. Wording be included in clause 1.8A of the Maitland Local Environmental Plan 2011 that excludes the operation of any savings provisions from applying to development applications for caravan parks or manufactured home estates.

(Cr D Ferris/ Cr B Whiting)

Cr M Griffin declared a significant non-pecuniary interest in the amendment due to a member of his extended family living on a property that may be affected .

Cr M Griffin left the Chambers at 5.39pm and did not participate in discussion or voting on the amendment.

The amendment when put to the meeting was declared lost.

The division resulted in 4 for and 8 against, as follows:

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

Cr M Griffin returned to the chambers at 5.49pm.

Cr D Ferris moved an amendment

THAT

The report be deferred to allow the Councillors to be briefed on the revised Planning Proposal (August 2024) and return the report to Council Meeting 10 December 2024.

(Cr D Ferris/ Cr K Jordan)

The amendment when put to the meeting was declared carried.

The division resulted in 10 for and 3 against, as follows:

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

COUNCIL RESOLUTION

THAT

That the report be deferred to allow the Councillors to be briefed on the revised Planning Proposal (August 2024) and return the report to Council Meeting 10 December 2024.

Moved Cr D Ferris, Seconded Cr K Jordan

CARRIED

The division resulted in 12 for and 1 against, as follows:

For:	Cr A Atkinson	Against:	Cr M Yarrington
	Cr R Barstow		
	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		

10.3 RESPONSE TO MAYORAL MINUTE ON TURTLE CONSERVATION

FILE NO:	55/16
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Director City Planning Manager Environment & Sustainability
AUTHOR:	Coordinator Natural Environment & Resilience
MAITLAND +10	Outcome 10 To love and look after our great outdoors
COUNCIL OBJECTIVE:	10.2.1 Retain areas of bushland and open space, including wildlife corridors

EXECUTIVE SUMMARY

At the Council meeting held 23 July 2024, a Mayoral Minute was resolved in favour of Council investigating several actions relating to turtle conservation at Walka Water Works, as well as confirming conditional support for establishment of a Landcare site at Walka Water Works. This report provides an update on progress made towards these actions as well as information around ongoing investigations.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

Cr D Ferris declared a significant non-pecuniary interest in this item. Cr D Ferris left the Chambers at 6.01pm and did not participate in discussion or voting on the matter.

COUNCIL RESOLUTION

THAT the information contained in this Report be noted.

Moved Cr R Barstow, Seconded Cr M Griffin

CARRIED

The division resulted in 12 for and 0 against, as follows:

For:	Cr A Atkinson	Against:
	Cr R Barstow	
	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	

Cr D Ferris returned to the Chambers at 6.03pm.

DRAFT

10.4 GRANT APPLICATION UNDER THE DISASTER READY FUND FOR FLOOD FREE ACCESS FROM GILLIESTON HEIGHTS TO CLIFBLEIGH

FILE NO:	65/91
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Director City Planning
AUTHOR:	Manager Strategic Planning Manager Corporate Planning and Performance Strategic Planning Policy Lead Corporate Grants Lead
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 outlines an opportunity to seek grant funding under the Disaster Ready Fund which is expected to open late in 2024, for a road that will provide flood free access to the residents of Gillieston Heights.

OFFICER'S RECOMMENDATION

THAT

1. Council support a grant application under the Disaster Ready Fund for a road that will provide flood free access from Gillieston Heights to Clifbleigh in partnership with Regrowth Kurri Kurri.

COUNCIL RESOLUTION

THAT

1. Council support a grant application under the Disaster Ready Fund for a road that will provide flood free access from Gillieston Heights to Clifbleigh in partnership with Regrowth Kurri Kurri.

Moved Cr M Griffin, Seconded Cr S Halliday

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:		Against:
	Cr A Atkinson	
	Cr R Barstow	
	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	

DRAFT

10.5 MAITLAND CITY COUNCIL ANNUAL REPORT 2023-24

FILE NO:	35/36/28
ATTACHMENTS:	1.Maitland City Council Annual Report 2023-24 (Under separate cover)
RESPONSIBLE OFFICER:	Executive Manager People and Performance Manager Corporate Planning and Performance
AUTHOR:	Corporate Strategy Lead Corporate Planning & Reporting Officer
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.3.1 Monitor and report progress against the delivery of projects and services, as identified in the community Strategic Plan, Delivery Program and annual Operational Plan

EXECUTIVE SUMMARY

Council's Annual Report 2023-24 provides an overview of the activities and achievements of Council in providing services and projects to our community over the last financial year.

The report is community focused and provides open and transparent reporting on budgetary and operational performance and in meeting a range of legislated governance standards.

Included are performance highlights, operational activities within the themes of our Community Strategic Plan, infrastructure works delivered under our capital works program and our financial statements.

OFFICER'S RECOMMENDATION

THAT

- 1. Council receive the Annual Report 2023-24;**
- 2. The Annual Report 2023-24 is published on Council's website;**
- 3. The State of our City Report is attached to the Annual Report;**
- 4. The Office of Local Government is advised and sent a website link to the Annual Report.**

COUNCIL RESOLUTION

THAT

- 1. Council receive the Annual Report 2023-24;**
- 2. The Annual Report 2023-24 is published on Council's website;**
- 3. The State of our City Report is attached to the Annual Report;**
- 4. The Office of Local Government is advised and sent a website link to the Annual Report.**

Moved Cr S Halliday, Seconded Cr R Barstow

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:	Cr A Atkinson	Against:
	Cr R Barstow	
	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 Policy & Finance Committee at 6.12 pm.

Moved Cr M Yarrington, Seconded Cr B Hackney

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:	Cr A Atkinson	Against:
	Cr R Barstow	
	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	

11 POLICY AND FINANCE COMMITTEE

11.1 WASTE MANAGEMENT POLICY

FILE NO:	52
ATTACHMENTS:	1.Draft Waste Management Policy
RESPONSIBLE OFFICER:	Director City Planning Manager Environment & Sustainability
AUTHOR:	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

EXECUTIVE SUMMARY

Maitland City Council's draft Waste Management Policy has been developed to provide guidelines in relation to the delivery of waste service provided by Maitland City Council.

The policy includes relevant information from and replaces previous waste bin and charges policies adopted in 1994 and 2020.

The Integrated Resource Recovery and Waste Management Strategy 2005 has been superseded by the Waste Services Management Plan and Environment Sustainability Strategy both adopted in 2023.

OFFICER'S RECOMMENDATION

THAT

- 1. The draft Waste Management Policy is placed on public exhibition for a minimum period of twenty-eight (28) days.**
- 2. A briefing of the policy content and any community feedback be provided to Council after close of the exhibition period.**
- 3. Council rescinds the following policies:**
 - a. Domestic Waste Collection Service / Issue of Mobile Garbage Bins 1994**
 - b. Integrated Resource Recovery and Waste Management Strategy 2005.**

COMMITTEE RECOMMENDATION

THAT

1. The draft Waste Management Policy is placed on public exhibition for a minimum period of twenty-eight (28) days.
2. A briefing of the policy content and any community feedback be provided to Council after close of the exhibition period.
3. Council rescinds the following policies:
 - a. Domestic Waste Collection Service / Issue of Mobile Garbage Bins 1994
 - b. Integrated Resource Recovery and Waste Management Strategy 2005.

Moved Cr M Griffin, Seconded Cr K Jordan

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:

Cr A Atkinson
Cr R Barstow
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:

11.2 ELECTRIC VEHICLE CHARGING INFRASTRUCTURE ON PUBLIC LAND POLICY

FILE NO:	55/2
ATTACHMENTS:	1. Electric Vehicle Charging Stations on Public Land Policy
RESPONSIBLE OFFICER:	Director City Planning Manager Environment & Sustainability
AUTHOR:	Principal Sustainability Officer
MAITLAND +10	Outcome 11 To reduce our reliance on non-renewable natural resources
COUNCIL OBJECTIVE:	11.1.2 Implement solutions that reduce our reliance on non-renewable natural resources
Previous Items:	11.7 - Grant application under the Drive Electric NSW EV destination charging program - Ordinary Council - 23 Jul 2024 5:30 PM (Policy & Finance) 11.5 - Drive Electric NSW Fast Charging Site Licence - Ordinary Council - 09 Jul 2024 5:30 PM 17.1 - EV charging network - Ordinary Council - 09 Apr 2024 5:30 PM

EXECUTIVE SUMMARY

On 9 April 2024, Council adopted a notice of motion that included Council affirming its commitment to identifying further opportunities to expand the electric vehicle charging network within the LGA. Subsequent specific opportunities for Council were identified and a proposal for a third-party Charge Point Operator provided Electric Vehicle Charging Infrastructure (EVCI) on Public Land was taken to Council on 9 July 2024 and received approval to proceed. In recognition that these opportunities are likely to increase in frequency it was a decision of Council that an EV Policy be prepared to guide future consideration and implementation of Electric Vehicle Charging infrastructure on Public Land in the Maitland LGA.

OFFICER'S RECOMMENDATION THAT

1. Council receive and note the information provided on the Draft Electric Vehicle Charging Infrastructure on Public Land Policy.
2. The Draft Electric Vehicle Charging Infrastructure on Public Land Policy is placed on public exhibition for a period of 28 days.
3. Council Officers will report back to Council post exhibition to address community feedback and propose adoption.

PROCEEDINGS IN BRIEF

A motion was moved, being the Officers Recommendation
(Cr B Worth / Cr B Hackney)

Cr S Halliday moved an amendment that an additional point be added to include:

The draft policy be amended prior to public exhibition to include the following sentence at the end of the Policy Statement section of the Policy: "The installation and operation of EVCI on public land will not result in a reduction of disability parking spaces or the moving of disability parking spaces to further ingress/egress points of the carpark."

Cr B Worth and Cr B Hackney accepted the change to the motion.

COMMITTEE RECOMMENDATION

THAT

- 1. Council receive and note the information provided on the Draft Electric Vehicle Charging Infrastructure on Public Land Policy.**
- 2. The draft policy be amended prior to public exhibition to include the following sentence at the end of the Policy Statement section of the Policy: "The installation and operation of EVCI on public land will not result in a reduction of disability parking spaces or the moving of disability parking spaces to further ingress/egress points of the carpark."**
- 3. The Draft Electric Vehicle Charging Infrastructure on Public Land Policy is placed on public exhibition for a period of 28 days.**
- 4. Council Officers will report back to Council post exhibition to address community feedback and propose adoption.**

Moved Cr B Worth, Seconded Cr B Hackney

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:		Against:
	Cr A Atkinson	
	Cr R Barstow	
	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	

DRAFT

11.3 ASSET CAPITALISATION POLICY

FILE NO:	12/1
ATTACHMENTS:	1.Asset Capitalisation Policy
RESPONSIBLE OFFICER:	Executive Manager Finance
AUTHOR:	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

The Asset Capitalisation Policy provides guidance for recognition of relevant costs of physical non-current assets for the purpose of completing the Council's annual statutory financial statements.

The Policy applies to the accounting treatment for non-current physical assets being infrastructure, property plant and equipment (IPPE), and establishes a formal policy for the current process undertaken at Council.

OFFICER'S RECOMMENDATION

THAT

1. Council adopts the Asset Capitalisation Policy.

COMMITTEE RECOMMENDATION

THAT

1. Council adopts the Asset Capitalisation Policy.

Moved Cr S Halliday, Seconded Cr M Griffin

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:		Against:
	Cr A Atkinson	
	Cr R Barstow	
	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	

DRAFT

11.4 COMMUNITY GARDENS POLICY REVIEW

FILE NO:	35/1
ATTACHMENTS:	1. Community Gardens Policy 2. Community Gardens Guidelines
RESPONSIBLE OFFICER:	Director City Services Manager Community & Recreation
AUTHOR:	Coordinator Community & Recreation Planning Community Planner
MAITLAND +10	Outcome 1 To stay friendly, happy and proud as our city grows
COUNCIL OBJECTIVE:	1.1.2 Provide inclusive spaces where people can access services, and participate in a wide range of recreation, cultural and social activities

EXECUTIVE SUMMARY

Maitland City Council's Community Garden Policy was adopted in 2014, revised and adopted in 2022 and has recently been reviewed again, in advance of the 3 year policy review requirement. This review was conducted by the Community and Recreation Planning team, in collaboration with key internal stakeholders including Recreation Works, Risk, Insurance, Workplace Health and Safety, Legal, Planning, Environment and Finance teams.

This report presents the revised Community Garden Policy for adoption. The revised Community Garden Policy outlines the benefits of Community Gardens, Council's role, underpinning framework, site selection criteria, the application assessment process, a list of restricted activities on Council land and the role of the licence agreement. The intention of the revised policy is to encourage and promote the establishment of Community Gardens in the Maitland Local Government Area, particularly given that there are currently no Community Gardens on Council's community land within Maitland. A key change to the policy as part of this review is the removal of the bond requirement to reduce barriers to entry for prospective gardens groups.

OFFICER'S RECOMMENDATION

THAT

- 1. Council endorses the revised Community Garden Policy to be placed on public exhibition for a period of 28 days**
- 2. Council adopts the draft revised Community Garden Policy should there be no submissions of objection**

- 3. Council adopts the draft revised Community Garden Policy and delegates any minor changes to the Director City Services, any significant changes will result in a further report to Council.**

Cr M Griffin asked to amend the definition of Community Garden in the policy prior to being placed on public exhibition to include ornamental gardens.

COMMITTEE RECOMMENDATION

THAT

- 1. Council endorses the revised Community Garden Policy to be placed on public exhibition for a period of 28 days**
- 2. Council adopts the draft revised Community Garden Policy should there be no submissions of objection**
- 3. Council adopts the draft revised Community Garden Policy and delegates any minor changes to the Director City Services, any significant changes will result in a further report to Council.**

Moved Cr M Griffin, Seconded Cr D Ferris

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:	Cr A Atkinson	Against:
	Cr R Barstow	
	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	

11.5 CCTV POLICY

FILE NO:	118/1
ATTACHMENTS:	1.CCTV Policy
RESPONSIBLE OFFICER:	Executive Manager Customer & Digital Services
AUTHOR:	Manager Enterprise Architecture
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

Maitland City Council's new CCTV Policy provides a framework for managing its use of CCTV systems in public spaces. Designed to enhance safety and deter crime, the policy prioritises compliance with Australian privacy legislation and explicitly states that the CCTV network will not be used for biometric technologies, such as facial recognition, or any artificial intelligence applications that could impact community privacy. CCTV footage is securely handled, with access restricted to lawful purposes. Public awareness is ensured through clear signage, and the policy emphasises preventive strategies like Crime Prevention through Environmental Design. Regular evaluations and transparent complaint mechanisms reinforce accountability, establishing a balanced approach to community safety and privacy.

OFFICER'S RECOMMENDATION

THAT

- 1. Council endorses the draft CCTV Policy to be placed on public exhibition for a period of 28 days**
- 2. Council adopts the draft CCTV Policy should there be no submissions of objection**
- 3. Council adopts the draft CCTV Policy and delegates any minor changes to the Executive Manager Customer & Digital Services, any significant changes will result in a further report to Council.**

COMMITTEE RECOMMENDATION

THAT

- 1. Council endorses the draft CCTV Policy to be placed on public exhibition for a period of 28 days**
- 2. Council adopts the draft CCTV Policy should there be no submissions of objection**
- 3. Council adopts the draft CCTV Policy and delegates any minor changes to the Executive Manager Customer & Digital Services, any significant changes will result in a further report to Council.**

Moved Cr B Hackney, Seconded Cr D Ferris

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:

Cr A Atkinson
Cr R Barstow
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 CEMETERY POLICY REVIEW

FILE NO:	26/1
ATTACHMENTS:	1.Cemetery Policy
RESPONSIBLE OFFICER:	Executive Manager Customer & Digital Services
AUTHOR:	Manager Enterprise Architecture
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

Maitland City Council is aligning its policies with current legal requirements, best practices, and organizational standards. This Cemetery Policy ensures that Council-managed cemeteries are administered in a manner that reflects compliance, transparency, and respect for community needs and heritage preservation.

OFFICER'S RECOMMENDATION

THAT

1. Council endorses the revised Cemetery Policy to be placed on public exhibition for a period of 28 days
2. Council adopts the revised Cemetery Policy should there be no submissions of objection
3. Council adopts the revised Cemetery Policy and delegates any minor changes to the Executive Manager Customer & Digital Services, any significant changes will result in a further report to Council.

COMMITTEE RECOMMENDATION

THAT

1. Council endorses the revised Cemetery Policy to be placed on public exhibition for a period of 28 days
2. Council adopts the revised Cemetery Policy should there be no submissions of objection
3. Council adopts the revised Cemetery Policy and delegates any minor changes to the Executive Manager Customer & Digital Services, any significant changes will result in a further report to Council.

Moved Mayor P Penfold, Seconded Cr S Halliday

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:		Against:
	Cr A Atkinson	
	Cr R Barstow	
	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	

DRAFT

11.7 PRIVACY POLICY, DATA BREACH POLICY AND PRIVACY MANAGEMENT PLAN

FILE NO:	31/41, 35/1, 35/62, 118/5
ATTACHMENTS:	1. Privacy Policy 2. Data Breach Policy 3. Privacy Management Plan
RESPONSIBLE OFFICER:	Executive Manager Customer & Digital Services
AUTHOR:	Manager Enterprise Architecture
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

Maitland City Council has established a suite of policies to strengthen its commitment to privacy protection, data management, and compliance with legislative requirements. The Privacy Policy, Data Breach Policy, and Privacy Management Plan provide a cohesive framework for handling personal and health information responsibly and transparently.

OFFICER'S RECOMMENDATION

THAT

1. Council endorses the draft Privacy Policy, revised Data Breach Policy and revised Privacy Management Plan to be placed on public exhibition for a period of 28 days
2. Council adopts the draft Privacy Policy, revised Data Breach Policy and revised Privacy Management Plan should there be no submissions of objection
3. Council adopts the draft Privacy Policy, revised Data Breach Policy and revised Privacy Management Plan and delegates any minor changes to the Executive Manager Customer & Digital Services, any significant changes will result in a further report to Council.

PROCEEDINGS IN BRIEF

Cr R Barstow moved the following motion:

THAT

1. Council endorse the following inclusions to the draft Privacy Policy before public exhibition:
 - a. The General Manager has delegation to appoint a new staff member to the role of Privacy Officer, without the Policy having to return to Council for re-adoption
 - b. Any staff member appointed to the role of Privacy Officer be required to undertake appropriate training through the Office of the Information Privacy Commissioner within six months of their appointment
2. Council endorses the draft Privacy Policy, revised Data Breach Policy and revised Privacy Management Plan to be placed on public exhibition for a period of 28 days
3. Council adopts the draft Privacy Policy, revised Data Breach Policy and revised Privacy Management Plan should there be no submissions of objection
4. Council adopts the draft Privacy Policy, revised Data Breach Policy and revised Privacy Management Plan and delegates any minor changes to the Executive Manager Customer & Digital Services, any significant changes will result in a further report to Council.

(Cr R Barstow / Cr M Griffin)

COMMITTEE RECOMMENDATION

THAT

1. **Council endorse the following inclusions to the draft Privacy Policy before public exhibition:**
 - a. **The General Manager has delegation to appoint a new staff member to the role of Privacy Officer, without the Policy having to return to Council for re-adoption**
 - b. **Any staff member appointed to the role of Privacy Officer be required to undertake appropriate training through the Office of the Information Privacy Commissioner within six months of their appointment**
1. **Council endorses the draft Privacy Policy, revised Data Breach Policy and revised Privacy Management Plan to be placed on public exhibition for a period of 28 days**
3. **Council adopts the draft Privacy Policy, revised Data Breach Policy and revised Privacy Management Plan should there be no submissions of objection**

4. Council adopts the draft Privacy Policy, revised Data Breach Policy and revised Privacy Management Plan and delegates any minor changes to the Executive Manager Customer & Digital Services, any significant changes will result in a further report to Council.

Moved Cr R Barstow, Seconded Cr M Griffin

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:

Cr A Atkinson
Cr R Barstow
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:

11.8 RECORDS MANAGEMENT AND RIGHT TO INFORMATION POLICIES

FILE NO:	31/41, 35/62, 118/5
ATTACHMENTS:	1. Records Management Policy 2. Right to Information Policy
RESPONSIBLE OFFICER:	Executive Manager Customer & Digital Services
AUTHOR:	Manager Enterprise Architecture
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

Maitland City Council has undertaken a comprehensive review and enhancement of its key policies for records management, and the accessibility of public information. The adoption of the Records Management Policy, and Right to Information Policy underscores the Council's commitment to operational transparency, robust compliance with legislative mandates, and the efficient management of information as an organizational asset. These policies collectively ensure that Council operations remain accountable, responsive, and aligned with best practices, fostering greater trust and engagement with the community it serves.

OFFICER'S RECOMMENDATION

THAT

- 1. Council endorses the revised Record Management Policy and revised Right to Information Policy to be placed on public exhibition for a period of 28 days**
- 2. Council adopts the revised Record Management Policy and revised Right to Information Policy should there be no submissions of objection**
- 3. Council adopts the revised Record Management Policy and revised Right to Information Policy and delegates any minor changes to the Executive Manager Customer & Digital Services, any significant changes will result in a further report to Council.**

COMMITTEE RECOMMENDATION

THAT

- 1. Council endorses the revised Record Management Policy and revised Right to Information Policy to be placed on public exhibition for a period of 28 days**
- 2. Council adopts the revised Record Management Policy and revised Right to Information Policy should there be no submissions of objection**
- 3. Council adopts the revised Record Management Policy and revised Right to Information Policy and delegates any minor changes to the Executive Manager Customer & Digital Services, any significant changes will result in a further report to Council.**

Moved Cr D Ferris, Seconded Cr K Flannery

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:

Cr A Atkinson
Cr R Barstow
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:

11.9 NATIONAL AUSTRALIA BANK MASTER ASSET FINANCE AGREEMENT

FILE NO:	TBA
ATTACHMENTS:	1.Master Asset Finance Agreement
RESPONSIBLE OFFICER:	Executive Manager Finance
AUTHOR:	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 a Master Asset Finance agreement with the National Australia Bank (NAB). The current facility limit of \$2.5m requires an increase to \$5.5m to enable the bank to provide any additional finance for our lease arrangements for plant associated with the Waste collection and disposal services.

OFFICER'S RECOMMENDATION

THAT

1. Council approve the Master Asset Finance Agreement from the National Australia Bank and authorise the Mayor and General Manager to sign under seal.

COMMITTEE RECOMMENDATION

THAT

1. Council approve the Master Asset Finance Agreement from the National Australia Bank and authorise the Mayor and General Manager to sign under seal.

Moved Cr K Jordan, Seconded Cr M Griffin

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:		Against:
	Cr A Atkinson	
	Cr R Barstow	
	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	

DRAFT

11.10 FIRST QUARTER BUDGET REVIEW 2024/25 - PERIOD ENDED 30 SEPTEMBER 2024

FILE NO:	2
ATTACHMENTS:	1.Quarterly Budget Review 30 September 2024
RESPONSIBLE OFFICER:	Executive Manager Finance
AUTHOR:	Chief Financial Officer Senior Corporate Accountant
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.2 Ensure Council is financially sustainable and meets required levels of performance

EXECUTIVE SUMMARY

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

The first quarter review for 2024/25 reports an expected improvement of \$1.2M in the operating result and a projected increase in capital expenditure of \$2.2M.

The \$1.2M improvement in the operating result (before capital) primarily reflects projected additional income from investments of \$1.1M.

The \$2.2M increase in capital expenditure reflects a series of adjustments to facilitate the planned delivery of works for 2024/25. \$2M of this increase is grant funded. A more detailed review of capital expenditure for the remainder of 2024/25 will be undertaken in QBR2.

OFFICER'S RECOMMENDATION

THAT

- 1. The variations for the 30 September 2024 quarter be approved and form part of the Operational Plan for 2024/25.**

COMMITTEE RECOMMENDATION

THAT

- 1. The variations for the 30 September 2024 quarter be approved and form part of the Operational Plan for 2024/25.**

Moved Cr S Halliday, Seconded Cr K Flannery

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:

Cr A Atkinson
Cr R Barstow
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:

11.11 STATEMENT OF INVESTMENTS AS AT 31 OCTOBER 2024

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

EXECUTIVE SUMMARY

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

As at the end of October 2024, Council had investments totalling \$217,803,269 under management.

Council's investment portfolio recorded a marked-to-market return of 5.48% per annum versus the bank bill index benchmark return of 4.50% per annum. The actual investment return for the month of October was \$1,027,536, a favourable variance of \$357,310 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 Griffin

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:	Cr A Atkinson	Against:
	Cr R Barstow	
	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 resumed into Ordinary Council at 6.53 pm.

Moved Cr B Whiting, Seconded Cr K Flannery

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:	Cr A Atkinson	Against:
	Cr R Barstow	
	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	

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

11.1 WASTE MANAGEMENT POLICY

THAT

1. The draft Waste Management Policy is placed on public exhibition for a minimum period of twenty-eight (28) days.
2. A briefing of the policy content and any community feedback be provided to Council after close of the exhibition period.
3. Council rescinds the following policies:
 - a. Domestic Waste Collection Service / Issue of Mobile Garbage Bins 1994
 - b. Integrated Resource Recovery and Waste Management Strategy 2005.

11.2 ELECTRIC VEHICLE CHARGING INFRASTRUCTURE ON PUBLIC LAND POLICY

THAT

1. Council receive and note the information provided on the Draft Electric Vehicle Charging Infrastructure on Public Land Policy.
2. The draft policy be amended prior to public exhibition to include the following sentence at the end of the Policy Statement section of the Policy: "The installation and operation of EVCI on public land will not result in a reduction of disability

parking spaces or the moving of disability parking spaces to further ingress/egress points of the carpark.”

3. The Draft Electric Vehicle Charging Infrastructure on Public Land Policy is placed on public exhibition for a period of 28 days.
4. Council Officers will report back to Council post exhibition to address community feedback and propose adoption.

11.3 ASSET CAPITALISATION POLICY

THAT

1. Council adopts the Asset Capitalisation Policy.

11.4 COMMUNITY GARDENS POLICY REVIEW

THAT

1. Council endorses the revised Community Garden Policy to be placed on public exhibition for a period of 28 days
2. Council adopts the draft revised Community Garden Policy should there be no submissions of objection
3. Council adopts the draft revised Community Garden Policy and delegates any minor changes to the Director City Services, any significant changes will result in a further report to Council.

11.5 CCTV POLICY

THAT

1. Council endorses the draft CCTV Policy to be placed on public exhibition for a period of 28 days
2. Council adopts the draft CCTV Policy should there be no submissions of objection
3. Council adopts the draft CCTV Policy and delegates any minor changes to the Executive Manager Customer & Digital Services, any significant changes will result in a further report to Council.

11.6 CEMETERY POLICY REVIEW

THAT

1. Council endorses the revised Cemetery Policy to be placed on public exhibition for a period of 28 days
 2. Council adopts the revised Cemetery Policy should there be no submissions of objection
 3. Council adopts the revised Cemetery Policy and delegates any minor changes to the Executive Manager Customer & Digital Services, any significant changes will result in a further report to Council.
-

11.7 PRIVACY POLICY, DATA BREACH POLICY AND PRIVACY MANAGEMENT PLAN

THAT

1. Council endorses the Council endorse the following inclusions to the draft Privacy Policy before public exhibition:
 - a. The General Manager has delegation to appoint a new staff member to the role of Privacy Officer, without the Policy having to return to Council for re-adoption
 - b. Any staff member appointed to the role of Privacy Officer be required to undertake appropriate training through the Office of the Information Privacy Commissioner within six months of their appointment
2. The Draft Privacy Policy, revised Data Breach Policy and revised Privacy Management Plan to be placed on public exhibition for a period of 28 days
3. Council adopts the draft Privacy Policy, revised Data Breach Policy and revised Privacy Management Plan should there be no submissions of objection
4. Council adopts the draft Privacy Policy, revised Data Breach Policy and revised Privacy Management Plan and delegates any minor changes to the Executive Manager Customer & Digital Services, any significant changes will result in a further report to Council.

11.8 RECORDS MANAGEMENT AND RIGHT TO INFORMATION POLICIES

THAT

1. Council endorses the revised Record Management Policy and revised Right to Information Policy to be placed on public exhibition for a period of 28 days
2. Council adopts the revised Record Management Policy and revised Right to Information Policy should there be no submissions of objection
3. Council adopts the revised Record Management Policy and revised Right to Information Policy and delegates any minor changes to the Executive Manager Customer & Digital Services, any significant changes will result in a further report to Council.

11.9 NATIONAL AUSTRALIA BANK MASTER ASSET FINANCE AGREEMENT

THAT

1. Council approve the Master Asset Finance Agreement from the National Australia Bank and authorise the Mayor and General Manager to sign under seal.

11.10 FIRST QUARTER BUDGET REVIEW 2024/25 - PERIOD ENDED 30 SEPTEMBER 2024

THAT

1. The variations for the 30 September 2024 quarter be approved and form part of the Operational Plan for 2024/25.

11.11 STATEMENT OF INVESTMENTS AS AT 31 OCTOBER 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.

COUNCIL RESOLUTION

THAT

The Committee's recommendations be adopted.

Moved Cr S Halliday, Seconded Cr B Whiting

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:

Cr A Atkinson
Cr R Barstow
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 NOTICES OF MOTION/RESCISSION

Nil

13 QUESTIONS WITH NOTICE

13.1 LOCHINVAR INFRASTRUCTURE

SUBMITTED BY CR DON FERRIS

FILE NO: 35/44
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: General Manager

Cr Don Ferris has asked the following Question With Notice for the Council Meeting being held on 26 November 2024:

Lochinvar is experiencing a growth boom at the moment. Lochinvar township has next to no foot paths / shared pathways. There is very little publicly accessible green space in the west of Lochinvar. Porter Place on the New England Highway is in poor condition. The amenities block at Porter Place was demolished a number of months ago.

Are there plans for Porter Place?

When will the amenities block at Porter Place be reinstated?

What plans are in place for more publicly accessible green space in the west of Lochinvar?

Are there any plans to improve pedestrian / cycle access in the township of Lochinvar and to its 3 schools?

14 URGENT BUSINESS

Nil

Council moved into Committee of the Whole at 6.59 pm.

Moved Cr B Whiting, Seconded Cr R Barstow

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:	Cr A Atkinson	Against:
	Cr R Barstow	
	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 Closed Session of the Committee of the Whole for the reasons specified in the Agenda, and closed the meeting to the public at 6.59 pm.

Moved Cr B Whiting, Seconded Cr D Ferris

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:	Cr A Atkinson	Against:
	Cr R Barstow	
	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	

15 COMMITTEE OF THE WHOLE

15.1 CONSIDERATION OF TENDERS - ROAD RESEAL PROGRAM (PAVEMENT REJUVENATION 2024-25)

FILE NO:	2024/137/2402
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Director City Services Manager Works
AUTHOR:	Operations Manager Civil Projects Civil Engineer (Projects) 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 were called to engage a suitably experienced and qualified contractor to complete Maitland City Council's road pavement surface rejuvenation and enrichment program for 2024/25 financial to prolong the life of bitumen pavements across the Local Government Area. This financial year's revised program includes a total of 105 streets and approximately 206,674m² of road pavement to be treated. These works are being undertaken with the aim to extend the life of Council's road pavements, reduce their maintenance requirements and costs through their lifecycle.

At closing of the tender two (2) submissions were received. Each tender was assessed by a tender review panel. This report provides details of the tender assessment and a recommendation to award a contract. This report is being presented to the Committee of the Whole as it contains confidential information.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

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

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

COMMITTEE RECOMMENDATION

THAT

- 1. Council accepts the tender of Colas Pty Ltd for the 2024/25 pavement surface rejuvenation and enrichment program and engage them on a schedule of rates contract (as listed in this report), with a contract value of \$491,884.60 Ex GST based on a typical application of 0.9L/m².**

Moved Cr M Griffin, Seconded Cr S Halliday

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:

Cr A Atkinson
Cr R Barstow
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:

15.2 CONSIDERATION OF TENDERS FOR THE MAX MCMAHON OVAL AMENITIES REDEVELOPMENT HEAD CONSTRUCTION CONTRACT

FILE NO:	2024/1137/2371
ATTACHMENTS:	1.2023/137/2371 – Tender Assessment Matrix
RESPONSIBLE OFFICER:	Director City Services
AUTHOR:	Manager Building Projects and Services 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 tenders for the construction of the Max McMahon Oval Amenities Redevelopment.

This Tender is comprised of a two-stage tender process. Expressions of Interest (EOIs) were requested in the first stage which informed the shortlist for the Selective Tender process in the 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 Tender submissions have been assessed in accordance with a Tender Evaluation Plan by a Tender Review Panel.

This report provides details of the Tender assessment

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 decline to accept any of the tender submissions for the construction of the Max McMahon Oval Amenities Redevelopment in accordance with Local Government (General) Regulation 2021 Reg 178(1)(b). No tender submissions are to be accepted because none met the budget.
3. By resolution of the Council, enter into negotiations with one or more of the tenderers with a view to entering into a contract in relation to the subject matter of the tender. In accordance with Local Government (General) Regulation 2021 Reg 178(3)(e).
4. Council decline to call fresh tenders, in accordance with Local Government (General) Regulation 2021 Reg 178(4)(a), on the basis negotiations are to reduce scope to meet the budget and hence any changes to the project scope are unlikely to affect the tender assessment rankings and an acceptable outcome is expected.
5. Council negotiate with highest ranked tenderer, RTC Construction NSW Pty Ltd. In the event that negotiations do not result in Council entering into a contract with the highest ranked tenderer then Council will commence negotiations with either Collaborative Construction Solutions Pty Ltd, Graph Builders Pty Ltd or North Construction & Building Pty Ltd.
6. Council's reasons for determining to enter into negotiations with the person or persons, in accordance with Local Government (General) Regulation 2021 Reg 178(4)(b), is on the basis the tender assessment process has provided testing of the offers generally for suitability.
7. Following negotiation with one of the short-listed tenderers to receive an acceptable outcome, Council authorises the General Manager to award the construction contract to the value of the Maximum Head Contractor Construction Budget.

Moved Mayor P Penfold, Seconded Cr B Whiting

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:		Against:
	Cr A Atkinson	
	Cr R Barstow	
	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	

DRAFT

15.3 FOOD ORGANICS GARDEN ORGANICS CADDIES AND LINERS TENDER AWARD

FILE NO:	55/2
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Director City Planning Manager Environment & Sustainability
AUTHOR:	Project Manager Waste Services Operations Manager Waste Services
MAITLAND +10	Outcome 13 To reduce our waste
COUNCIL OBJECTIVE:	13.1 Limit the amount of waste we create and send to landfill

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows: (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 details the evaluation and selection of tender for Tender No. T2024-26 - FOGO (Cessnock, Maitland, and Singleton Councils) Supply and Delivery of Kitchen Caddies and Compostable Liners for FOGO service commencement.

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. That Council accept the tender from Source Separation Systems for T2024-26 Food Organics and Garden Organics (FOGO) Supply and Delivery of Kitchen Caddies and Liners in the value of \$1,744,959, this is conditional to Cessnock and Singleton Council adopting the same recommendation and supplier.**
- 2. That an additional \$84,750 be transferred from the Domestic Waste Management Reserve to the Waste Collection Budget for provision of the caddies and liners to be delivered in 2024/25.**

Moved Cr M Griffin, Seconded Cr B Worth

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:

Cr A Atkinson
Cr R Barstow
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 7.09 pm.

Moved Cr B Whiting, Seconded Cr B Hackney

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:		Against:
	Cr A Atkinson	
	Cr R Barstow	
	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 RECOMMENDATIONS

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

15.1 CONSIDERATION OF TENDERS - ROAD RESEAL PROGRAM (PAVEMENT REJUVENATION 2024-25)

THAT

1. Council accepts the tender of Colas Pty Ltd for the 2024/25 pavement surface rejuvenation and enrichment program and engage them on a schedule of rates contract (as listed in this report), with a contract value of \$491,884.60 Ex GST based on a typical application of 0.9L/m².

15.2 CONSIDERATION OF TENDERS FOR THE MAX MCMAHON OVAL AMENITIES REDEVELOPMENT HEAD CONSTRUCTION CONTRACT

THAT

1. The information contained in this report be noted.
2. Council decline to accept any of the tender submissions for the construction of the Max McMahon Oval Amenities Redevelopment in accordance with Local Government (General) Regulation 2021 Reg 178(1)(b). No tender submissions are to be accepted because none met the budget.

3. By resolution of the Council, enter into negotiations with one or more of the tenderers with a view to entering into a contract in relation to the subject matter of the tender. In accordance with Local Government (General) Regulation 2021 Reg 178(3)(e).
4. Council decline to call fresh tenders, in accordance with Local Government (General) Regulation 2021 Reg 178(4)(a), on the basis negotiations are to reduce scope to meet the budget and hence any changes to the project scope are unlikely to affect the tender assessment rankings and an acceptable outcome is expected.
5. Council negotiate with highest ranked tenderer, RTC Construction NSW Pty Ltd. In the event that negotiations do not result in Council entering into a contract with the highest ranked tenderer then Council will commence negotiations with either Collaborative Construction Solutions Pty Ltd, Graph Builders Pty Ltd or North Construction & Building Pty Ltd.
6. Council's reasons for determining to enter into negotiations with the person or persons, in accordance with Local Government (General) Regulation 2021 Reg 178(4)(b), is on the basis the tender assessment process has provided testing of the offers generally for suitability.
7. Following negotiation with one of the short-listed tenderers to receive an acceptable outcome, Council authorises the General Manager to award the construction contract to the value of the Maximum Head Contractor Construction Budget.

15.3 FOOD ORGANICS GARDEN ORGANICS CADDIES AND LINERS TENDER AWARD

THAT

1. That Council accept the tender from Source Separation Systems for T2024-26 Food Organics and Garden Organics (FOGO) Supply and Delivery of Kitchen Caddies and Liners in the value of \$1,744,959, this is conditional to Cessnock and Singleton Council adopting the same recommendation and supplier.
2. That an additional \$84,750 be transferred from the Domestic Waste Management Reserve to the Waste Collection Budget for provision of the caddies and liners to be delivered in 2024/25.

COUNCIL RESOLUTION

THAT

The Committee's recommendations be adopted.

Moved Cr M Yarrington, Seconded Cr B Whiting

CARRIED

The division resulted in 13 for and 0 against, as follows:

For:

Cr A Atkinson
Cr R Barstow
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:

17 CLOSURE

The meeting was declared closed at 7.14 pm.

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Chairperson