

ORDINARY MEETING MINUTES

10 DECEMBER 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

Pastor Vicki Cosgrove from the Grainery Church read the customary prayer at the commencement of the meeting.

2 ACKNOWLEDGEMENT OF COUNTRY

The General Manager read the Acknowledgement of Country.

3 APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

Nil

4 DECLARATIONS OF INTEREST

Cr D Ferris declared a significant non-pecuniary interest in Item 20.4 - Consideration of Tenders - 2024/137/2407 Watermain Relocation – Various Locations as he is an employee of Hunter Water Corporation.

Cr A Atkinson declared a less than significant non-pecuniary interest in Item 20.6 - Legal Update due to a family connection in relation to the matter.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held 26 November 2024 be confirmed.

Moved Cr B Hackney, Seconded Cr S Halliday

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

Item 10.2 – Draft Code of Meeting Practice for Public Exhibition. Councillors have received an updated version of the Draft Code of Meeting Practice.

Item 14.2 - Q1 FY23-24 Progress Report. Title is incorrect, should read Q1 FY24-25 Progress Report

Late Confidential Item – General Managers Performance Review

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	

8 PUBLIC ACCESS

Max When representing AEP Developments spoke for Item 11.7 – Planning Proposal - Amendment to the Maitland LEP 2011 (Implementation of Maitland Local Housing and Rural Land Strategies 2041) – Finalisation

Nicole Francke representing herself and Joanne Chesworth of 89 Banks Street East Maitland spoke against Item 11.4 - DA/2024/682 For Multi Dwelling Housing (4 Dwellings) and Strata Subdivision Including Demolition at 87 Banks Street East Maitland

9 MAYORAL MINUTE

Nil

10 OFFICE OF THE GENERAL MANAGER

10.1 SETTING OF FIRST ORDINARY COUNCIL MEETING 2025

FILE NO:	35/7
ATTACHMENTS:	Nil
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:	15.1.4 Implement and maintain a contemporary governance, audit and risk framework

EXECUTIVE SUMMARY

The Local Government Act 1993 stipulates that Councils must meet at least ten (10) times each year, each time in a different month.

Maitland City Council, under its Code of Meeting Practice, requires that Council holds two meetings each month, to be held on the second and fourth Tuesdays of the month except for the months of December and January.

The report recommends that the first meeting of the new year be held on Tuesday, 28 January 2025.

OFFICER'S RECOMMENDATION

THAT

- 1. The first Ordinary meeting of Council in January 2025 be held on 28 January 2025.**

COUNCIL RESOLUTION

THAT

- 1. The first Ordinary meeting of Council in January 2025 be held on 28 January 2025.**

Moved Cr M Yarrington, 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:

DRAFT

10.2 DRAFT CODE OF MEETING PRACTICE FOR PUBLIC EXHIBITION

FILE NO:	35/1 & 35/7
ATTACHMENTS:	1. Draft Code of Meeting Practice
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

The Local Government Act 1993 requires Council to exhibit and adopt a new Code of Meeting Practice within the first 12 months of a new term.

Council's current Code of Meeting Practice was reviewed and adopted on 28 June 2022. The proposed changes presented for consideration and comment by the community include the timing of ordinary council meetings, giving notice of business to be considered at council meetings, order of business at council meetings and obligations of councillors attending meetings by audio-visual link.

OFFICER'S RECOMMENDATION

THAT

- 1. The draft Code of Meeting Practice be placed on exhibition for at least 28 days and invite submissions for a period of at least 42 days**
- 2. That a further report be presented to the first council meeting following the submission period for council to adopt the Code of Meeting Practice**

PROCEEDINGS IN BRIEF

A motion was moved being the Officers Recommendation
(Mayor P Penfold / Cr B Hackney)

Cr A Atkinson moved an amendment

Notice to Councillors, increase notice to be at least six (6) days before each meeting.
Timing of Ordinary Council Meetings Clause 2.1, frequency to remain twice per month.

(Cr A Atkinson / Cr S Halliday)

The amendment when put to the meeting was declared lost.

The division resulted in 6 for and 7 against, as follows:

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

Cr M Griffin moved an amendment

That the item be deferred to allow consultation with Councillors and returned to Council following a briefing.

(Cr M Griffin / Cr R Barstow)

The amendment when put to the meeting was declared lost.

The division resulted in 5 for and 8 against, as follows:

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

COUNCIL RESOLUTION

THAT

- 1. The draft Code of Meeting Practice be placed on exhibition for at least 28 days and invite submissions for a period of at least 42 days**
- 2. That a further report be presented to the first council meeting following the submission period for council to adopt the Code of Meeting Practice**

Moved Mayor P Penfold, Seconded Cr B Hackney

CARRIED

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

For:

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

Against:

Cr R Barstow
Cr M Griffin
Cr S Halliday

10.3 DISCLOSURE OF INTEREST RETURNS FOR COUNCILLORS AND DESIGNATED PERSONS

FILE NO:	35/7/4
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:	15.1.2 Ensure Council is financially sustainable and meets required levels of performance

EXECUTIVE SUMMARY

Clause 4.21(b) of the Maitland City Council's Code of Conduct requires all councillors and designated persons to complete and lodge with the General Manager a Disclosure of Interest return on the designated form as at 30 June of each year.

Annual returns are required to be submitted to the General Manager. Once Council has resolved on the matter, the returns will then be made publicly available on Council's website.

OFFICER'S RECOMMENDATION

THAT

- Council notes that, in accordance with clause 4.21(b) of Maitland City Council's Code of Conduct, the tabled Disclosure of Interest returns have been submitted by elected councillors and designated persons.**

COUNCIL RESOLUTION

THAT

- Council notes that, in accordance with clause 4.21(b) of Maitland City Council's Code of Conduct, the tabled Disclosure of Interest returns have been submitted by elected councillors and designated persons.**

Moved Cr M Griffin, 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:

DRAFT

10.4 COUNCILLOR EXPENSES AND FACILITIES POLICY

FILE NO:	35/7
ATTACHMENTS:	1. Councillor Expenses and Facilities Policy
RESPONSIBLE OFFICER:	Jeff Smith - General Manager Linda McLaren - Office 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

In accordance with the requirements of the NSW Local Government Act 1993, Council is required to adopt the councillors' expenses and facilities policy within the first twelve (12) months of each term of council in relation to the payment of expense and provision of facilities to the Mayor, Deputy Mayor and Councillors.

A review has been undertaken of the existing policy, which was last adopted on 6 December 2022. Several changes are recommended, as outlined in the body of this report, focused on ensuring that resources and facilities are appropriately in place to assist the Mayor and Councillors to accomplish their duties.

It is recommended the revised draft be placed on public exhibition with a report returned to Council following exhibition if submissions opposing the policy are received.

OFFICER'S RECOMMENDATION

THAT

- 1. Council endorses the revised Councillor Expenses and Facilities Policy be placed on public exhibition for a period of at least twenty-eight (28) days;**
- 2. Council adopts the draft revised Councillor Expenses and Facilities Policy should there be no submissions of objection.**

COUNCIL RESOLUTION

THAT

- 1. Council endorses the revised Councillor Expenses and Facilities Policy be placed on public exhibition for a period of at least twenty-eight (28) days;**
- 2. Council adopts the draft revised Councillor Expenses and Facilities Policy should there be no submissions of objection.**

Moved Cr B Hackney, 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 CITY PLANNING

11.1 DA/2024/249 FOR MULTI DWELLING HOUSING (21 DWELLINGS) AND 22 LOT COMMUNITY TITLE SUBDIVISION AT 39 & 41 FAIRFAX STREET RUTHERFORD

FILE NO:	DA/2024/249
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Locality Plan 2. Development Plans (Under Separate Cover) 3. Assessment Report (Under Separate Cover) 4. Recommended Conditions of Consent (Under Separate Cover) 5. Submissions
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Cindy Littlewood - Manager Development & Compliance Kristy Cousins - Coordinator Planning & Development
AUTHOR:	Thomas Howell - Senior Development Planner
APPLICANT:	Pmando Holdings Pty Ltd
OWNER:	Tyton Landscape Supplies Pty Ltd
PROPOSAL:	Multi Dwelling Housing (21 Dwellings) and 22 Lot Community Title Subdivision.
LOCATION:	39 & 41 Fairfax Street RUTHERFORD NSW 2320
ZONE:	R1 General Residential

EXECUTIVE SUMMARY

*A development application (DA/2024/249) has been received seeking consent for Multi Dwelling Housing (21 Dwellings) and 22 Lot Community Title Subdivision at 39 & 41 Fairfax Street Rutherford (Lots 10 & 11 DP809354). The locality plan can be viewed at **Attachment 1**.*

The matter is reported to Council in accordance with the 'Delegations of Authority' for the General Manager, Section 3(b)(iii), due to the estimated cost of works exceeding \$5,000,000. The cost of works summary submitted with the application nominates the estimated cost of works for the development as \$14,300,000.

The application was notified from 10 April 2024 to 24 April 2024. Two (2) submissions were received during the exhibition period. The concerns raised by the objectors in respect to the proposed development include stormwater management, overshadowing, noise pollution, access and traffic impacts, security and crime risk, construction impacts and garbage collection.

The development is located within a site suitably zoned for multi dwelling housing and is of a size able to cater for such development. The development offers diverse housing options to meet community needs in a contemporary built form utilising materials and colours complementary to the established built character of the area. The proposal is expected to

have a positive social and economic impact, with no adverse environmental impacts anticipated. The proposal is generally consistent with the requirements of all relevant sections of Maitland LEP 2011 and Maitland DCP 2011.

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

OFFICER'S RECOMMENDATION

THAT

1. **DA 2024/249 for Multi Dwelling Housing (21 Dwellings) and 22 Lot Community Title Subdivision at 39 & 41 Fairfax Street RUTHERFORD is approved subject to the recommended schedule of conditions provided in Attachment 4 of this report**

COUNCIL RESOLUTION

THAT

1. **DA 2024/249 for Multi Dwelling Housing (21 Dwellings) and 22 Lot Community Title Subdivision at 39 & 41 Fairfax Street RUTHERFORD is approved subject to the recommended schedule of conditions provided in Attachment 4 of this report**

Moved Cr M Yarrington, Seconded Cr B Hackney

CARRIED

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

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	

11.2 DA/2022/1394 FOR MIXED USE DEVELOPMENT INCLUDING COMMERCIAL PREMISES WITH RETAIL PREMISES, PUB AND SIGNAGE AT 93 SPRINGFIELD DRIVE LOCHINVAR

FILE NO:	DA2022/1394
ATTACHMENTS:	<ol style="list-style-type: none">1. Locality Plan2. Development Plans (Under Separate Cover)3. Assessment Report (Under Separate Cover)4. Recommended Conditions of Consent (Under Separate Cover)5. Submissions
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Cindy Littlewood - Manager Development & Compliance Kristy Cousins - Coordinator Planning & Development Georgie Williams - Principal Planner
AUTHOR:	Jessica Stockham - Senior Development Planner
APPLICANT:	GWH Build Developments Pty Ltd
OWNER:	Lochinvar Downs Pty Ltd
PROPOSAL:	Mixed Use Development Including Commercial Premises with Retail Premises, Pub and Signage
LOCATION:	Lot 267 DP 1271229, 93 Springfield Drive Lochinvar
ZONE:	E1 Local Centre Zone

EXECUTIVE SUMMARY

*The proposal seeks development consent for a Mixed Use Development including Commercial Premises with Retail Premises, Pub and Signage to be known as “Lochinvar Shopping Village” at 93 Springfield Drive Lochinvar (Lot 267 DP 1271229). The proposal seeks to stage the development in three stages. The locality plan can be viewed at **Attachment 1**.*

This Development Application (DA) is required to be reported to Council on the basis that the cost of works at \$29,255,928 exceeds Council Officer delegations. One objection was also received during the notification period relating to traffic congestion in Lochinvar.

The proposal also seeks to rely on Clause 4.6 ‘Exceptions to development standards’, of the Maitland Local Environmental Plan (MLEP) 2011 to vary the Height of Building development standard applicable to the site as well as seeks a reduction in the car parking requirements as outlined under the DCP.

While the proposal does provide some minor departures from the MLEP 2011 and MDCP 2011, the applicant has submitted justification addressing the departures. It is considered the identified impacts have been mitigated to the best extent practicable.

Furthermore, the significant social and economic benefits of the proposal is acknowledged. The proposal has been assessed against the relevant matter under Section 4.15 of the Environmental Planning and Assessment Act 1979 (the Act) and on balance is considered satisfactory and can be supported with appropriate conditions.

OFFICER'S RECOMMENDATION

THAT

1. **DA 2022/1394 for a Mixed Use Development Including Commercial Premises with Retail Premises, Pub and Signage on Lot 267 DP 1271229 be approved subject to the recommended schedule of conditions provided in Attachment 4 of this report.**

COUNCIL RESOLUTION

THAT

1. **DA 2022/1394 for a Mixed Use Development Including Commercial Premises with Retail Premises, Pub and Signage on Lot 267 DP 1271229 be approved subject to the recommended schedule of conditions provided in Attachment 4 of this report.**

Moved Cr D Ferris, Seconded Cr M Griffin

CARRIED

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

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

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

11.3 DA/2024/409 FOR TELECOMMUNICATIONS FACILITY INCLUDING 40M HIGH MONOPOLE, ANCILLARY WORKS AND FENCING AT 32 KIAH ROAD GILLIESTON HEIGHTS

FILE NO:	DA/2024/409
ATTACHMENTS:	<ol style="list-style-type: none">1. Locality Plan2. Development Plans3. Assessment Report (Under Separate Cover)4. Recommended Conditions of Consent5. Submissions
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Cindy Littlewood - Manager Development & Compliance Kristy Cousins - Coordinator Planning & Development
AUTHOR:	Thomas Howell - Senior Development Planner
APPLICANT:	Service Stream Limited
OWNER:	Christine Narelle Grant & Garry Wayne Grant
PROPOSAL:	Telecommunications Facility including 40m High Monopole, Ancillary Works and Fencing
LOCATION:	32 Kiah Road GILLIESTON HEIGHTS
ZONE:	RU2 Rural Landscape

EXECUTIVE SUMMARY

A development application (DA/2024/409) has been received seeking consent for Telecommunications Facility including 40m High Monopole, Ancillary Works and Fencing at 32 Kiah Road Gillieston Heights (Lot 181 in DP1282386). The locality plan can be viewed at **Attachment 1**.

The matter is reported to Council for determination as three (3) submission were received during the notification period. The application was notified from 17 June 2024 to 12 July 2024. The concerns raised by the objectors in respect to the proposed development include health impacts, visual impacts, flora and fauna impacts and property values.

Designed as a monopole with a recessive colour to blend with the landscape and assist with minimising the visual impact. The structure complies with bushfire protection standards and electromagnetic energy (EME) exposure levels are well within safety limits per Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) standards, ensuring public and environmental safety. The proposal is consistent with the requirements of all relevant sections of Maitland LEP 2011 and Maitland DCP 2011.

The proposed telecommunication tower is considered suitable for its context, with thorough consideration of environmental, visual, and safety impacts addressed within the Assessment report which can be viewed under **Attachment 3**.

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

OFFICER'S RECOMMENDATION

THAT

- 1. DA/2024/409 for Telecommunications Facility including 40m High Monopole, Ancillary Works and Fencing at 32 Kiah Road Gillieston Heights be approved subject to the recommended schedule of conditions provided in Attachment 4 of this report.**

COUNCIL RESOLUTION

THAT

- 1. DA/2024/409 for Telecommunications Facility including 40m High Monopole, Ancillary Works and Fencing at 32 Kiah Road Gillieston Heights be approved subject to the recommended schedule of conditions provided in Attachment 4 of this report.**

Moved Cr B Hackney, Seconded Cr W Penfold

CARRIED

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

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	

11.4 DA/2024/682 FOR MULTI DWELLING HOUSING (4 DWELLINGS) AND STRATA SUBDIVISION INCLUDING DEMOLITION AT 87 BANKS STREET EAST MAITLAND

FILE NO: DA/2024/682

ATTACHMENTS:

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

RESPONSIBLE OFFICER: Matthew Prendergast - Director City Planning
Cindy Littlewood - Manager Development & Compliance
Kristy Cousins - Coordinator Planning & Development

AUTHOR: Thomas Howell - Senior Development Planner

APPLICANT: Verte Design

OWNER: Mathew Wayne Hewlett and Melinda Louise Heffernan

PROPOSAL: Multi Dwelling Housing (4 Dwellings) and Strata Subdivision including Demolition

LOCATION: 87 Banks Street EAST MAITLAND

ZONE: R1 General Residential

EXECUTIVE SUMMARY

*A development application (DA/2023/889) has been received seeking consent for Multi Dwelling Housing (4 Dwellings) and Strata Subdivision including Demolition at 87 Banks Street East Maitland (Lot 15 DP 758374). The locality plan can be viewed at **Attachment 1**.*

*The matter is reported to as two (2) submission of objection were received during the assessment process, which can be viewed at **Attachment 5**. The concerns raised by the objectors in respect to the proposed development include traffic and pedestrian safety, parking, front setback to Banks Street, overshadowing, privacy and decrease in property values.*

Amended plans were provided in response to Council's concerns regarding the proposed front building setbacks of dwelling 1 to Banks Street and the street frontage appearance, architectural design and articulation to dwellings 3 and 4. The amended plans (dated 24 October 2024) demonstrate a greater setback to Banks Street and additional articulation to dwellings 3 and 4.

The subject site is located within the R1 General Residential zone. The development is compatible with the existing and future character of the area in terms of bulk and scale,

adheres to site constraints and restrictions and does not unreasonably impact the surrounding environment. The development offers diverse housing options to meet community needs without impeding on the social or economic environments. The proposal is consistent with the requirements of all relevant sections of Maitland Local Environmental Plan (MLEP) 2011 and Maitland Development Control Plan (DCP) 2011.

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

OFFICER'S RECOMMENDATION

THAT

- 1. DA/2024/682 for Multi Dwelling Housing (4 Dwellings) and Strata Subdivision including Demolition at 87 Banks Street East Maitland be approved subject to the recommended schedule of conditions provided in Attachment 4 of this report.**

COUNCIL RESOLUTION

THAT

- 1. DA/2024/682 for Multi Dwelling Housing (4 Dwellings) and Strata Subdivision including Demolition at 87 Banks Street East Maitland be approved subject to the recommended schedule of conditions provided in Attachment 4 of this report.**

Moved Cr M Yarrington, Seconded Cr R Barstow

CARRIED

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

The division resulted in 11 for and 2 against, as follows:

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

11.5 DA/2024/346 FOR DEMOLITION, TAKEAWAY FOOD AND DRINK PREMISES (24 HOUR), AND BUSINESS IDENTIFICATION SIGNAGE AT 112 AND 114 NEW ENGLAND HIGHWAY RUTHERFORD

FILE NO:	2024/346
ATTACHMENTS:	<ol style="list-style-type: none">1. Locality Plan2. Development Plans3. Assessment Report (Under Separate Cover)4. Recommended Conditions of Consent (Under Separate Cover)5. Submissions
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Cindy Littlewood - Manager Development & Compliance Kristy Cousins - Coordinator Planning & Development
AUTHOR:	Emmilia Marshall - Senior Development Planner
APPLICANT:	Hargreaves Holding Group 1 Pty Ltd
OWNER:	Hargreaves Holding Group 1 Pty Ltd
PROPOSAL:	Demolition, Takeaway Food and Drink Premises (24 Hour), and Business Identification Signage
LOCATION:	112 & 114 New England Highway, Rutherford
ZONE:	E3 – Productivity Support

EXECUTIVE SUMMARY

*A development application (DA/2024/346) has been received seeking consent for the demolition of existing dwellings and construction of a takeaway food and drink premises (24 Hour) and Signage at 112 and 114 New England Highway, Rutherford. The locality plan can be viewed at **Attachment 1**.*

The matter is reported to Council in accordance with the ‘Delegations of Authority’ for the General Manager, Section 3(b)(i), due to the development exceeding more than 20% numerical compliance with an applicable Development Control Plan, and Section 3(b)(iii), due to submissions being received during the exhibition period.

The development is located within a site suitably zoned for the proposal and is of a size able to cater for such development. The development is compatible with the existing character, bulk, scale and massing of the existing built form across the site. The development can be operated in a manner which limits amenity impacts to surrounding residential properties. The proposal is consistent with the requirements of all relevant sections of Maitland LEP 2011, and generally consistent with the Maitland DCP 2011.

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

OFFICER'S RECOMMENDATION

THAT

1. **DA/2024/346 for Demolition, Takeaway Food and Drink Premises (24 Hour), and Business Identification Signage at 112 and 114 New England Highway, Rutherford, is approved subject to the recommended schedule of conditions provided in Attachment 4 of this report.**

COUNCIL RESOLUTION

THAT

1. **DA/2024/346 for Demolition, Takeaway Food and Drink Premises (24 Hour), and Business Identification Signage at 112 and 114 New England Highway, Rutherford, is approved subject to the recommended schedule of conditions provided in Attachment 4 of this report.**

Moved Cr M Yarrington, Seconded Cr B Worth

CARRIED

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

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

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

11.6 DA/2023/958 FOR STAGE 1 - TWO LOT TORRENS TITLE SUBDIVISION WITH A DWELLING HOUSE ON EACH LOT, STAGE 2 – MULTI DWELLING HOUSING (3 ADDITIONAL DWELLINGS) ON PROPOSED LOT 242 CREATED IN STAGE 1 AND FOUR (4) LOT STRATA SUBDIVISION AT 56 BRUNSWICK STREET EAST MAITLAND

FILE NO: DA2023/958

ATTACHMENTS:

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

RESPONSIBLE OFFICER: Matthew Prendergast - Director City Planning
Cindy Littlewood - Manager Development & Compliance
Kristy Cousins - Coordinator Planning & Development

AUTHOR: Jessica Stockham - Senior Development Planner

APPLICANT: The Trustee for Mikhail Unit Trust

OWNER: Mikhail Pty Ltd

PROPOSAL: Stage 1 - Two Lot Torrens Title Subdivision with a Dwelling House on Each Lot, Stage 2 – Multi Dwelling Housing (3 additional Dwellings) on Proposed Lot 242 created in stage 1 and Four (4) Lot Strata Subdivision

LOCATION: 56 Brunswick Street East Maitland

ZONE: R1 General Residential

EXECUTIVE SUMMARY

*A development application (DA2023/958) has been received seeking consent for Stage 1 - Two Lot Torrens Title Subdivision with a Dwelling House on Each Lot, Stage 2 - Multi Dwelling Housing (3 additional Dwellings) on Proposed Lot 242 created in Stage 1 and Four (4) Lot Strata Subdivision at 56 Brunswick Street East Maitland (Lot 24 DP758374). The locality plan can be viewed at **Attachment 1**.*

*The matter is reported to Council as four (4) submissions were received during the assessment process, which can be viewed at **Attachment 5**. The concerns raised by the objectors in respect to the proposed development include overdevelopment, character of the area, privacy, site coverage, decrease in property values, waste, traffic, overshadowing and noise.*

Amended plans and additional justification were provided in response to the concerns raised. The subject site is located within the R1 General Residential zone. The development is considered compatible with the existing and future desired character of the area, adheres to

site constraints and restrictions and does not unreasonably impact the surrounding environment. The development offers diverse housing options to meet community needs without impeding on the social or economic environments. The proposal is consistent with the requirements of all relevant sections of Maitland Local Environmental Plan (MLEP) 2011 and Maitland Development Control Plan (DCP) 2011.

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

OFFICER'S RECOMMENDATION

THAT

- 1. DA/2023/958 for Stage 1 – Two Lot Torrens Title Subdivision with a Dwelling House on Each Lot, Stage 2 – Multi Dwelling Housing (3 additional Dwellings) on Proposed Lot 242 created in Stage 1 and Four (4) Lot Strata Subdivision at 56 Brunswick Street East Maitland be approved subject to the recommended schedule of conditions provided in Attachment 4 of this report.**

COUNCIL RESOLUTION

THAT

- 1. DA/2023/958 for Stage 1 – Two Lot Torrens Title Subdivision with a Dwelling House on Each Lot, Stage 2 – Multi Dwelling Housing (3 additional Dwellings) on Proposed Lot 242 created in Stage 1 and Four (4) Lot Strata Subdivision at 56 Brunswick Street East Maitland be approved subject to the recommended schedule of conditions provided in Attachment 4 of this report.**

Moved Cr M Yarrington, Seconded Cr M Griffin

CARRIED

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

The division resulted in 11 for and 2 against, as follows:

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

11.7 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)
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Brett Gardiner - Manager Strategic Planning
AUTHOR:	Pathum Gunasekara - 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.

COUNCIL RESOLUTION

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.

Moved Cr S Halliday, Seconded Cr K Jordan

CARRIED

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

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	

11.8 ROADWAY DEDICATION - STEAMCRUISER DR, CHISHOLM

FILE NO:	28865
ATTACHMENTS:	1. Roadway Dedication-Steamcruiser Dr, Chisholm
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Mary O'Leary - Executive Manager Finance
AUTHOR:	Michael Rathborne - Senior Property Advisor Georgie Williams - Principal Planner
MAITLAND +10	Outcome 2 To easily get to where we want to go
COUNCIL OBJECTIVE:	2.2.1 Develop and promote Council's long term program for road and related infrastructure construction and maintenance

EXECUTIVE SUMMARY

A developer lodged a revised development scheme with Council on 10 October 2024 associated with their Development Application DA/2023/509 at 165 and 173 McFarlane's Road and 507 Raymond Terrace Road, Chisholm for a three (3) into 325 Lot Torrens Title Residential Subdivision.

An unformed private road to the north of their site is required to be changed to a public road, constructed by the developer and dedicated to Council upon completion.

This road connection to Steamcruiser Drive, a Distributor Road, is consistent with Part F.7 Thornton North Urban Release Area of the Maitland Development Control Plan (DCP) 2011 and will facilitate an efficient, interconnected road network to enable orderly development.

OFFICER'S RECOMMENDATION

THAT

- 1. Council agrees to change the status of part of the Private Road adjoining 173 McFarlane's Road, Chisholm to Public Road using powers in section 16 and 17 of the Roads Act 1993.**
- 2. Council authorises the General Manager to sign any related documentation to effect the change in status including the Gazettal notice required.**
- 3. Upon Gazettal the land shall be dedicated as a Public road owned by Council.**

COUNCIL RESOLUTION

THAT

- 1. Council agrees to change the status of part of the Private Road adjoining 173 McFarlane's Road, Chisholm to Public Road using powers in section 16 and 17 of the Roads Act 1993.**
- 2. Council authorises the General Manager to sign any related documentation to effect the change in status including the Gazettal notice required.**
- 3. Upon Gazettal the land shall be dedicated as a Public road owned by Council.**

Moved Cr M Griffin, Seconded Cr M Yarrington

CARRIED

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

The division resulted in 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 CITY SERVICES

12.1 MAITLAND PARK MASTER PLAN

FILE NO:	101/10/3
ATTACHMENTS:	1. Maitland Park Masterplan
RESPONSIBLE OFFICER:	Jason Linnane - Director City Services Darren Crumpler - Manager Community & Recreation
AUTHOR:	Whitney Hainey - Coordinator Community & Recreation Planning Katherine Simmons - Strategic Recreation Planner Carolyn Xu - Landscape Planner
MAITLAND +10	Outcome 4 To be healthy and active with access to local services and facilities
COUNCIL OBJECTIVE:	4.3.7 Plan for the long term management and improvement of the Maitland Park Precinct

EXECUTIVE SUMMARY

The purpose of this report is to address Item 1.4.9 in Council's Delivery Program 2022-2026: "Plan for the long-term management and improvement of the Maitland Park precinct. Delivery Indicator: Maitland Park Master Plan progressed."

The Maitland Park Master Plan forms part of the Plan of Management adopted in 2014. The Master Plan has been revised in consultation with internal Council stakeholders, to include recent infrastructure development and potential future opportunities. The draft plan aims to create a pedestrian-friendly civic park that prioritises families and pedestrian movement and expands the informal open space. The draft plan is a blueprint for ensuring that future development meets community and stakeholder needs. Further external consultation with key stakeholders is necessary to obtain input into the Draft Master Plan.

OFFICER'S RECOMMENDATION

THAT

- 1. Council endorses the Master Plan and principles for stakeholder consultation.**
- 2. Council endorses the Master Plan to be placed on public exhibition for a period of 28 days following stakeholder consultation.**
- 3. Following public exhibition and stakeholder consultation, a further report will be put to Council for endorsement of the Maitland Park Master Plan**

COUNCIL RESOLUTION

THAT

- 1. Council endorses the Master Plan and principles for stakeholder consultation.**
- 2. Council endorses the Master Plan to be placed on public exhibition for a period of 28 days following stakeholder consultation.**
- 3. Following public exhibition and stakeholder consultation, a further report will be put to Council for endorsement of the Maitland Park Master Plan**

Moved Cr B Whiting, 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:

12.2 GRANT APPLICATION UNDER THE BLACK SPOT PROGRAM

FILE NO:	65/22
ATTACHMENTS:	1. 24/25 Blackspot Location Map
RESPONSIBLE OFFICER:	Jason Linnane - Director City Services Stephen Smith - Manager Assets and Engineering
AUTHOR:	Chris Pinchen - Operations Manager Transport & Infrastructure Engineering Kelly Arnott - Manager Corporate Planning and Performance Michelle Ayoub - Corporate Grants Lead
MAITLAND +10	Outcome 2 To easily get to where we want to go
COUNCIL OBJECTIVE:	2.2.2 Make our roads safer through the timely delivery of road maintenance and safety programs

EXECUTIVE SUMMARY

This report outlines the opportunity to seek grant funding under the 2025/26 Black Spot grant program.

OFFICER'S RECOMMENDATION

THAT

1. **Council support an application under the 2025/26 Black Spot grant program for:**
 - a. A roundabout at the Dragonfly Drive and Grasshawk Drive intersection, Chisholm
 - b. A raised intersection threshold treatment at the McKeachies Drive and Oakhampton Road intersection, Aberglasslyn.

COUNCIL RESOLUTION

THAT

- 1. Council support an application under the 2025/26 Black Spot grant program for:**
 - a. A roundabout at the Dragonfly Drive and Grasshawk Drive intersection, Chisholm**
 - b. A raised intersection threshold treatment at the McKeachies Drive and Oakhampton Road intersection, Aberglasslyn.**

Moved Cr M Griffin, 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	

13 CUSTOMER AND DIGITAL SERVICES

Nil

DRAFT

14 PEOPLE AND PERFORMANCE

14.1 COUNCIL'S APPROACH TO COMMUNICATION AND ENGAGEMENT

FILE NO:	35/74/4
ATTACHMENTS:	1. Draft Communication and Engagement Strategy 2024-2028 (Under Separate Cover) 2. Draft Community Engagement Policy
RESPONSIBLE OFFICER:	Tiffany Allen - Executive Manager People and Performance
AUTHOR:	Jade Griffin - Manager Communications, Marketing and Engagement
MAITLAND +10	Outcome 14 To have elected leaders that look out for us
COUNCIL OBJECTIVE:	14.1.1 Increase opportunities for all members of our community to have their say in decision making

EXECUTIVE SUMMARY

The draft Communication and Engagement Strategy 2024-2028 and incorporated Community Participation Plan (the Strategy) has been prepared in accordance with Section 402A of the Local Government Act 1993, the Environmental Planning and Assessment Act 1979 and responds to requirements of the NSW Government Integrated Planning and Reporting framework.

Developed using feedback from comprehensive community consultations undertaken from July to September, the draft Strategy provides a blueprint for the Council's successful and meaningful communication and engagement with our community.

OFFICER'S RECOMMENDATION

THAT

- 1. Council resolves to place the draft Community Engagement Policy on public exhibition for at least 28 days**
- 2. Council resolves to place the draft Communication and Engagement Strategy and Community Participation Plan on public exhibition for at least 28 days before final consideration by Council.**

COUNCIL RESOLUTION

THAT

- 1. Council resolves to place the draft Community Engagement Policy on public exhibition for at least 28 days**
- 2. Council resolves to place the draft Communication and Engagement Strategy and Community Participation Plan on public exhibition for at least 28 days before final consideration by Council.**

Moved Cr S Halliday, 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:

14.2 Q1 FY24-25 PROGRESS REPORT

FILE NO: 35/33/18/12

ATTACHMENTS: Nil

RESPONSIBLE OFFICER: **Tiffany Allen - Executive Manager People and Performance**

AUTHOR: **Rachna Sangwan - Corporate Performance Lead**
Kelly Arnott - Manager Corporate Planning and Performance

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

Our Quarter One report offers a snapshot of the projects, initiatives, and performance within Council's 2022-2026 Delivery Program.

This report provides Council with updates on progress made from July to September 2024, covering our operational plan, performance metrics, and financial and capital status as of 30 September 2024. It includes key areas such as service and infrastructure delivery, highlights, and a financial overview, offering transparency and insights into our ongoing progress.

Additionally, every six months, a report will be provided to the community, sharing key achievements and challenges from the preceding half-year., highlights, and financial overview, providing transparency and insight into our progress.

OFFICER'S RECOMMENDATION

THAT

- 1. Council receives the Quarter One Progress Report for the period July to September 2024 on progressing the Delivery Program 2022 – 2026;**
- 2. Council approves variations to the Operational Plan as outlined in the report, allowing adjustments to support effective delivery of projects and initiatives.**

COUNCIL RESOLUTION

THAT

1. Council receives the Quarter One Progress Report for the period July to September 2024 on progressing the Delivery Program 2022 – 2026;
2. Council approves variations to the Operational Plan as outlined in the report, allowing adjustments to support effective delivery of projects and initiatives.

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:

14.3 DRAFT MAITLAND'S FUTURE COMMUNITY STRATEGIC PLAN 2025-2034

FILE NO:	29/41/5
ATTACHMENTS:	1. Draft Maitland's Future Community Strategic Plan 2025-2034 (Under Separate Cover)
RESPONSIBLE OFFICER:	Tiffany Allen - Executive Manager People and Performance
AUTHOR:	Kelly Arnott - Manager Corporate Planning and Performance
MAITLAND +10	Outcome 17. An efficient and effective Council
COUNCIL OBJECTIVE:	17.1.1 To see Council's integrated planning and reporting recognised by the community, Council and the NSW State Government

EXECUTIVE SUMMARY

Maitland's Future is the highest level plan that we prepare. Its purpose is to identify the community's main priorities and aspirations for the future and plan strategies for achieving these goals. Maitland's Future guides all other strategies and plans and must be developed with and on behalf of the community.

We all have an important role to play in Maitland's Future. Together, we have developed an ambitious long term vision that sets out our priorities for the future. Our community is passionate about Maitland, and they love where they live. This willingness to engage has helped shape our city's future.

Our engagement began in February 2024 at local community events and was followed by workshops, stakeholder meetings, surveys, online discussions and local neighbourhood conversations. We wanted to make sure we heard from all of Maitland – young and old, from Woodberry to Luskintyre and everywhere in between.

OFFICER'S RECOMMENDATION

THAT

- 1. Council resolves to place the draft Maitland's Future Community Strategic Plan 2025-2034 on public exhibition for at least 28 days prior to final consideration by Council.**

COUNCIL RESOLUTION

THAT

- 1. Council resolves to place the draft Maitland’s Future Community Strategic Plan 2025–2034 on public exhibition for at least 28 days prior to final consideration by Council.**

Moved Cr R Barstow, 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 FINANCE

15.1 DRAFT AMENDMENT TO 2024/25 FEES FOR IMPOUNDING ANIMALS

FILE NO:	35/33/21
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Mary O'Leary - Executive Manager Finance
AUTHOR:	Annette Peel - Manager Finance & Procurement
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

An administrative error resulted in the omission of the Impounding Animals (dogs/cats) fees from the draft 2024/25 Fees and Charges document that was publicly exhibited and subsequently adopted by Council at its meeting of 11 June 2024.

The 2024/25 Fees and Charges published schedule currently contains the Impounding Animals (dogs/cats) fees at the 2023/24 amounts previously adopted by Council.

This report recommends adoption of the amended Impounding Animals (dogs/cats) fees following public exhibition.

OFFICER'S RECOMMENDATION

THAT

- 1. Council resolves to adopt the amended Impounding Animals (dogs/cats) fees for 2024/25 following public exhibition for 28 days that concluded on 24 September 2024.**

COUNCIL RESOLUTION

THAT

- 1. Council resolves to adopt the amended Impounding Animals (dogs/cats) fees for 2024/25 following public exhibition for 28 days that concluded on 24 September 2024.**

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:

16 ITEMS FOR INFORMATION

16.1 LOCAL TRAFFIC COMMITTEE MEETING MINUTES (NOVEMBER 2024)

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

EXECUTIVE SUMMARY

The final minutes of Maitland City Council's Local Traffic Committee meeting held on Thursday 7 November 2024 are attached for information.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

COUNCIL RESOLUTION

THAT the information contained in this Report be noted.

Moved Cr W Penfold, 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:

DRAFT

16.2 APPOINTMENT OF FLOODPLAIN RISK MANAGEMENT COMMITTEE REPRESENTATIVES

FILE NO:	103/63
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Matthew Prendergast - Director City Planning Catherine Pepper - Manager Environment & Sustainability
AUTHOR:	Prahlad Lamichhane - Principal Resilience Officer
MAITLAND +10	Outcome 12 To be ready in case of more hot days, storms and floods
COUNCIL OBJECTIVE:	12.1.4 Participate in partnership and seek grant funding to achieve climate change action

EXECUTIVE SUMMARY

The Floodplain Risk Management Committee Terms of Reference outlines the structure of the committee to consist of Core Members and Local Representatives. The purpose of this report is to advise Council on the outcome of the Expression of Interest period that invited nominations for members of the community to be part of the committee.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

Cr M Griffin declared a less than significant non-pecuniary interest in this item given that one of the members was on his ticket during the recent election and remained in the meeting.

COUNCIL RESOLUTION

THAT the information contained in this Report be noted.

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:

DRAFT

17 NOTICES OF MOTION/RESCISSION

17.1 COUNCILLOR NOTICE OF MOTIONS

NOTICE OF MOTION SUBMITTED BY CR MITCHELL GRIFFIN

FILE NO: 35/7/4
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: Jeff Smith - General Manager

Cr Mitchell Griffin has indicated his intention to move the following Notice of Motion at the next Council Meeting being held on 10 December 2024:

THAT

Council Officers commence reporting to Council on a quarterly basis with a report on councillor motions which have been carried, including an action plan outlining progress of each resolution.

COUNCIL RESOLUTION

THAT

Council Officers commence reporting to Council on a quarterly basis with a report on councillor motions which have been carried, including an action plan outlining progress of each resolution.

Moved Cr M Griffin, Seconded Cr S Halliday

CARRIED

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

For:	Cr A Atkinson 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	Against:	Cr D Ferris
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18 QUESTIONS WITH NOTICE

18.1 RAIL CORRIDOR ADVOCACY

SUBMITTED BY CR MITCHELL GRIFFIN

FILE NO: 35/7/2
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: Jeff Smith - General Manager

Cr Mitchell Griffin has asked the following Question With Notice for the Council Meeting being held on 10 December 2024:

In July 2024 Council resolved to advocate to the NSW Government for harsher penalties for offenders who illegally access rail corridors with the intent to stop trains. Can officers advise if the State Government has taken any action since our advocacy to increase penalties for this illegal behaviour?

19 URGENT BUSINESS

Nil

Council moved into Committee of the Whole at 7.12 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	

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 7.12 pm.

Moved Cr K Jordan, 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	

20 COMMITTEE OF THE WHOLE

20.1 CONSIDERATION OF TENDERS - 2024/137/2401 SPORTS LIGHTING UPGRADES - FRED HARVEY OVAL, WOODBERRY

FILE NO:	2024/137/2401
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Jason Linnane - Director City Services Ashley Kavanagh - Manager Works
AUTHOR:	Caine James - Operations Manager Recreation Works Kynan Lindus - Operations Manager Civil Projects Clinton Anderson - Project Officer Recreation Works
MAITLAND +10	Outcome 4 To be healthy and active with access to local services and facilities
COUNCIL OBJECTIVE:	4.3 Provide facilities that enable us to participate in recreational and sports activities, no matter our background, ability or age

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

EXECUTIVE SUMMARY

Tenders have been called for the upgrade of sports field Lighting at Fred Harvey Oval, Woodberry. The lighting will be upgraded to provide amateur football match play levels (100Lux) to the rugby league field on the main oval, and amateur football training levels (50lux) to the remaining oval area.

The tender project brief contained a specified lighting design to be tendered on.

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

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

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

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

COMMITTEE RECOMMENDATION

THAT

1. Council accepts the tender submission from REES Electrical Pty Ltd for the upgrade of sports field lighting at Fred Harvey Oval, Woodberry for the contract sum of \$190,000.00 (ex GST).
2. Surplus funding of \$18,687.29 be transferred to 2024/137/2399 Cooks Square Park Sports Floodlight Upgrade

Moved Cr M Griffin, Seconded Cr B Hackney

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:

20.2 CONSIDERATION OF TENDERS - 2024/137/2398 SPORTS LIGHTING UPGRADES – ALLAN AND DON LAWRENCE OVAL, THORNTON

FILE NO:	2024/137/2398
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Jason Linnane - Director City Services Ashley Kavanagh - Manager Works
AUTHOR:	Caine James - Operations Manager Recreation Works Kynan Lindus - Operations Manager Civil Projects Clinton Anderson - Project Officer Recreation Works
MAITLAND +10	Outcome 4 To be healthy and active with access to local services and facilities
COUNCIL OBJECTIVE:	4.3 Provide facilities that enable us to participate in recreational and sports activities, no matter our background, ability or age

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

EXECUTIVE SUMMARY

Tenders have been called for the upgrade of sports field lighting at Allan and Don Lawrence Oval, Thornton. This will increase lighting on two full size football fields to amateur match play levels (min 100Lux) and adding additional lighting for an amateur football training area (min 50Lux).

This project is funded by Council and a grant from NSW Football Legacy Fund – Infrastructure Round 2.

The tender project brief contained a specified lighting design to be tendered on.

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

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

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

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

COMMITTEE RECOMMENDATION

THAT

- 1. Council accepts the tender submission from REES Electrical Pty Ltd for the upgrade of sports field lighting at Allan and Don Lawrence Oval, Thornton contract sum of \$195,000.00 (ex GST).**
- 2. Surplus funding of \$23,743.35 to fund the shortfall for contract 2024/137/2399 – Sports Lighting Upgrades Cooks Square Park, East Maitland.**

Moved Cr M Griffin, 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:

20.3 CONSIDERATION OF TENDERS - 2024/137/2399 SPORTS LIGHTING UPGRADES - COOKS SQUARE PARK, EAST MAITLAND

FILE NO:	2024/137/2399
ATTACHMENTS:	1. Appendix 1 - Lighting Design
RESPONSIBLE OFFICER:	Jason Linnane - Director City Services Ashley Kavanagh - Manager Works
AUTHOR:	Caine James - Operations Manager Recreation Works Kynan Lindus - Operations Manager Civil Projects Clinton Anderson - Project Officer Recreation Works
MAITLAND +10	Outcome 4 To be healthy and active with access to local services and facilities
COUNCIL OBJECTIVE:	4.3 Provide facilities that enable us to participate in recreational and sports activities, no matter our background, ability or age

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

EXECUTIVE SUMMARY

Tenders have been called for the upgrade of sports field Lighting at Cooks Square Park, East Maitland. These works will increase field 1 (main field) to semi professional match play (min 200Lux) and field 2 (new field) to amateur match play and semi professional training (min 100Lux) levels respectively.

The tender project brief contained a specified lighting design to be tendered on.

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

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

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

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

COMMITTEE RECOMMENDATION

THAT

- 1. Council accepts the tender submission from REES Electrical Pty Ltd for the upgrade of sports field lighting at Cooks Square Park, East Maitland for contract sum of \$280,000.00 (ex GST).**

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	

Cr D Ferris declared a non-pecuniary interest in Item 20.4.

Cr D Ferris left the Chambers at 7.16 pm and did not participate in discussion or voting on the matter.

20.4 CONSIDERATION OF TENDERS - 2024/137/2407 WATERMAIN RELOCATION – VARIOUS LOCATIONS

FILE NO:	2024/137/2407
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Jason Linnane - Director City Services Ashley Kavanagh - Manager Works
AUTHOR:	Kynan Lindus - Operations Manager Civil Projects Abhi Nookala - 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 for the relocation of watermains at various locations within the Maitland Local Government Area (LGA). The tender was split into three (3) separable portions based on location and include Queen & John Street Rutherford, Turton Street East Maitland, and Fitzroy & Riley Streets East Maitland.

These works will be undertaken to support road reconstruction and rehabilitation projects listed in Council's 2024/25 Capital Works Program. The projects will be funded by Council's Capital Works Program and contributions from Hunter Water Corporation. At closing of the tender six (6) submissions were received with all tenderers submitting for all three (3) separable portions.

All tenders were assessed by a tender review panel. This report provides details of the tender assessment and a recommendation to award a contract for the three (3) portions of work. The report is being presented to the Committee of the Whole as it contains confidential information.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

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

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

COMMITTEE RECOMMENDATION

THAT

1. Council accepts the tender of HL Mullane & Son Pty Ltd and award a contract in the amount of \$490,054.60 Excl. GST. This contract shall comprise the following separable portions:
 - a. Separable Portion 1 – Queen & John Street, Rutherford – \$186,226.64 Excl. GST
 - b. Separable Portion 2 – Turton Street, East Maitland – \$61,641.48 Excl. GST
 - c. Separable Portion 3 – Fitzroy & Riley Street, East Maitland – \$242,186.45 Excl. GST

Moved Cr S Halliday, Seconded Cr K Flannery

CARRIED

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

For:

Cr A Atkinson
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

Against:

Cr D Ferris returned to the Chambers at 7.17pm.

20.5 LAND OWNERSHIP ADJUSTMENTS-LOT 1 DP 1044298, WATERWORKS ROAD, RUTHERFORD.

FILE NO: 39142

ATTACHMENTS: 1. Lot 1 DP 1044298 Waterworks road, Rutherford

RESPONSIBLE OFFICER: Jason Linnane - Director City Services
Mary O'Leary - Executive Manager Finance

AUTHOR: Michael Rathborne - Senior Property Advisor

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

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

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

To seek council consent to rectify landownership and access within Council owned land at Lot 1 DP 1044298 being Waterworks Road, Rutherford.

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 acquires approx. 260sqm of Lot 2338 DP 1234858 from WG Investcorp Pty Ltd for the land value advised in the valuation report on a pro-rata basis.
2. That the land acquired from Lot 2338 DP 1234858 will be classified as Operational land.
3. That Council dispose of approx. 1,250sqm of Lot 1 DP 1044298 at an amount advised in the valuation report on a pro-rata basis, by direct dealings with WG Investcorp Pty Ltd.
4. That Council authorises the General Manager to allocate the additional funds in that transaction towards the construction of the shared pathway on Lot 1 DP 1044298.
5. That Council delegates to the General Manager authority to sign all documents related to the acquisition and disposal processes.

Moved Cr S Halliday, Seconded Cr M Yarrington

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:

Cr A Atkinson declared a non-pecuniary interest in Item 20.6.

Cr A Atkinson left the Chambers at 7.25 pm and did not participate in discussion or voting on the matter.

20.6 LEGAL UPDATE

FILE NO: 222/583

ATTACHMENTS:

- 1. Previous Council Report - Planning and Environment matter**
- 2. Amended Statement of Facts and Contentions filed on behalf of Council**

RESPONSIBLE OFFICER: **Matthew Prendergast - Director City Planning**
Tiffany Allen - Executive Manager People and Performance

AUTHOR: **Rowena Horn - Legal Counsel**
Brett Gardiner - Manager Strategic Planning

MAITLAND +10 Outcome 16 To work together to be the best our community can be

COUNCIL OBJECTIVE: 16.1.2 Work with service providers and other levels of government to deliver land use planning and community infrastructure outcomes

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows: (a) personnel matters concerning particular individuals (other than councillors); AND (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

EXECUTIVE SUMMARY

This report provided an update on legal matters of Council.

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:

(a) personnel matters concerning particular individuals (other than councillors); AND (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

A motion was moved.
(P Penfold / K Jordan)

Mayor P Penfold moved a motion:

THAT Council provide endorsement for Council officers to pursue Option 2 of the report.

COMMITTEE RECOMMENDATION

THAT

- 1. Council provide endorsement for Council officers to pursue Option 2 of the report.**

The division resulted in 9 for and 3 against, as follows:

For:	Cr D Ferris	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 A Atkinson returned to the Chambers at 7.45pm.

20.7 GENERAL MANAGER PERFORMANCE REVIEW

FILE NO:	E100230
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Philip Penfold - Mayor
AUTHOR:	Jeff Smith - General 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

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows: (a) personnel matters concerning particular individuals (other than councillors).

EXECUTIVE SUMMARY

The purpose of this report is to discuss the annual performance review of the General Manager.

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:

(a) personnel matters concerning particular individuals (other than councillors).

COMMITTEE RECOMMENDATION

THAT

- 1. Council express its high level of satisfaction with the leadership, direction and guidance provided by the General Manager, and**
- 2. Council recognise the better than satisfactory performance of the General Manager as determined by the Performance Review Panel, and endorse the proposed amendment to remuneration contained within the report**

Moved Mayor P Penfold, Seconded Cr K Jordan

CARRIED

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

For:

Cr A Atkinson
Cr R Barstow
Cr D Ferris
Cr K Flannery
Cr B Hackney
Mayor P Penfold
Cr W Penfold
Cr B Whiting
Cr B Worth
Cr M Yarrington

Against:

Cr M Griffin
Cr S Halliday
Cr K Jordan

DRAFT

Council resumed into Ordinary Council at 8.06 pm.

Moved Cr R Barstow, 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	

Cr D Ferris left the chamber at 8.07pm.

21 COMMITTEE OF THE WHOLE RECOMMENDATIONS

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

20.1 CONSIDERATION OF TENDERS - 2024/137/2401 SPORTS LIGHTING UPGRADES - FRED HARVEY OVAL, WOODBERRY

THAT

1. Council accepts the tender submission from REES Electrical Pty Ltd for the upgrade of sports field lighting at Fred Harvey Oval, Woodberry for the contract sum of \$190,000.00 (ex GST).
2. Surplus funding of \$18,687.29 be transferred to 2024/137/2399 Cooks Square Park Sports Floodlight Upgrade

20.2 CONSIDERATION OF TENDERS - 2024/137/2398 SPORTS LIGHTING UPGRADES - ALLAN AND DON LAWRENCE OVAL, THORNTON

THAT

1. Council accepts the tender submission from REES Electrical Pty Ltd for the upgrade of sports field lighting at Allan and Don Lawrence Oval, Thornton contract sum of \$195,000.00 (ex GST).
2. Surplus funding of \$23,743.35 to fund the shortfall for contract 2024/137/2399 – Sports Lighting Upgrades Cooks Square Park, East Maitland.

20.3 CONSIDERATION OF TENDERS - 2024/137/2399 SPORTS LIGHTING UPGRADES - COOKS SQUARE PARK, EAST MAITLAND

THAT

1. Council accepts the tender submission from REES Electrical Pty Ltd for the upgrade of sports field lighting at Cooks Square Park, East Maitland for contract sum of \$280,000.00 (ex GST).

Cr D Ferris returned to the Chambers at 8.10pm.

20.4 CONSIDERATION OF TENDERS - 2024/137/2407 WATERMAIN RELOCATION - VARIOUS LOCATIONS

THAT

1. Council accepts the tender of HL Mullane & Son Pty Ltd and award a contract in the amount of \$490,054.60 Excl. GST. This contract shall comprise the following separable portions:
 - a. Separable Portion 1 – Queen & John Street, Rutherford - \$186,226.64 Excl. GST
 - b. Separable Portion 2 – Turton Street, East Maitland - \$61,641.48 Excl. GST
 - c. Separable Portion 3 – Fitzroy & Riley Street, East Maitland - \$242,186.45 Excl. GST

20.5 LAND OWNERSHIP ADJUSTMENTS-LOT 1 DP 1044298, WATERWORKS ROAD, RUTHERFORD.

COUNCIL RESOLUTION

THAT

1. That Council acquires approx. 260sqm of Lot 2338 DP 1234858 from WG Investcorp Pty Ltd for the land value advised in the valuation report on a pro-rata basis.
2. That the land acquired from Lot 2338 DP 1234858 will be classified as Operational land.
3. That Council dispose of approx. 1,250sqm of Lot 1 DP 1044298 at an amount advised in the valuation report on a pro-rata basis, by direct dealings with WG Investcorp Pty Ltd.
4. That Council authorises the General Manager to allocate the additional funds in that transaction towards the construction of the shared pathway on Lot 1 DP 1044298.
5. That Council delegates to the General Manager authority to sign all documents related to the acquisition and disposal processes.

20.6 LEGAL UPDATE

THAT

1. Council provide endorsement for Council officers to pursue Option 2 of the report.

20.7 GENERAL MANAGER PERFORMANCE REVIEW

THAT

1. Council express its high level of satisfaction with the leadership, direction and guidance provided by the General Manager, and
2. Council recognise the better than satisfactory performance of the General Manager as determined by the Performance Review Panel, and endorse the proposed amendment to remuneration contained within the report

COUNCIL RESOLUTION

THAT

The committee recommendations be adopted.

Moved Cr B Whiting, Seconded Cr M Yarrington

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:

22 CLOSURE

The meeting was declared closed at 8.13 pm.

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Chairperson