



ORDINARY MEETING

MINUTES

23 JANUARY 2024



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PRESENT

Cr Robert Aitchison
Cr Loretta Baker
Cr Kristy Flannery
Cr Stephanie Fisher
Cr Peter Garnham
Cr Mitchell Griffin
Cr Bill Hackney
Cr Ben Mitchell
Cr Philip Penfold, Mayor
Cr Kanchan Ranadive
Cr Ben Whiting
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

COUNCIL RESOLUTION

THAT the apology received for the unavoidable absence of Cr S Halliday be accepted and leave of absence granted

Moved Cr P Penfold, Seconded Cr M Yarrington

CARRIED

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

4 DECLARATIONS OF INTEREST

Cr R Aitchison declared a less than significant non pecuniary interest in Items 9.1 and 14.3 as his wife is the State Member for Maitland. He will deal with these matters by continuing to participate in the discussion.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held 12 December 2023 be confirmed.

Moved Cr B Whiting, Seconded Cr K Flannery

CARRIED

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

6 BUSINESS ARISING FROM MINUTES

Nil

7 WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS

Item 12.1 – The plan of management attachment to the business paper on page 14, has not identified the dates which it was placed on public exhibition. These dates should be 07/12/23 – 04/01/24.

8 PUBLIC ACCESS

Nil

9 MAYORAL MINUTE

9.1 WALKA WATER WORKS

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

MAYORAL MINUTE

In consideration of the NSW Government's advice that there is currently no additional funding available to achieve the complete remediation of the contaminated Crown Land at Walka Water Works, Council seek their agreement to reallocate the existing funding allocations to prioritise contaminated land remediation and pumphouse building remediation and enhancement, while proceeding with planning works for appropriate future accommodation on site.

GROUP MANAGER RESPONSE

An important step to any future use of the Walka Water Works site is to deal with the contamination issue and undertake remediation. The remediation works have been staged and are dependent on future funding from Crown Lands over multiple financial years. If Crown Lands, Maitland City Council and the Regional Tourism Activation Fund (RTAF) allocations can be redirected to the remediation works for both the land and pumphouse building, the site would be accessible to the community sooner. The redirection of funding could also expediate the preparation of studies that will need to be undertaken before the lodgement of any development applications that relate to the holiday accommodation.

PROCEEDINGS IN BRIEF

Cr B Whiting moved an amendment
(Cr B Whiting / Cr S Fisher)

"In consideration of the NSW Government's advice that there is currently no additional funding available to achieve the complete remediation of the contaminated Crown Land at Walka Water Works, Council seek their agreement to reallocate the existing funding allocations to prioritise contaminated land remediation and pumphouse building remediation and enhancement."

A Procedural Motion was then moved that the amendment be put.
(Mayor P Penfold)

The Procedural Motion was declared carried.

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

The amendment was then put and was declared lost.

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

The original motion was then put and declared carried.

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

10 GENERAL MANAGER'S REPORTS

Nil

11 PLANNING AND ENVIRONMENT

11.1 WORKS IN KIND AGREEMENT FOR ROUNDABOUT AT SPRINGFIELD DRIVE LOCHINVAR

FILE NO:	103/41/64
ATTACHMENTS:	1. Draft WIK (Under Separate Cover)
RESPONSIBLE OFFICER:	Matthew Prendergast - Group Manager Planning & Environment Brett Gardiner - Manager Strategic Planning Anne Humphries - Principal Development Contributions Planner
AUTHOR:	Isaac Milajew - Development Contributions Officer
MAITLAND +10	Outcome 2 To easily get to where we want to go
COUNCIL OBJECTIVE:	2.1.1 Better align land use and transport planning to move toward the region's target of 15 minute neighbourhoods with access to housing, jobs, services and transport

EXECUTIVE SUMMARY

Development consent was granted on 26 March 2020 for a 134-lot subdivision at 853 New England Highway, Lochinvar. The approval was issued subject to a range of conditions including:

- the levying of development contributions in accordance with the Lochinvar Development Contributions Plan 2014; and*
- the construction of a roundabout on Springfield Drive.*

The McCloy Group has made an application to enter into a Works in Kind Agreement to deliver the roundabout which is included in the work schedules within the LCP.

Following consultation between Council, the McCloy Group and Council's legal representatives the draft Works in Kind Agreement has been prepared and is presented to Council recommending approval.

OFFICER'S RECOMMENDATION

THAT

- A variation to the provisions contained in the Works in Kind / Material Public Benefit Policy and the Lochinvar Contributions Plan 2014 as described in this report be approved.**

2. Pursuant to s55(3)(i) of the Local Government Act 1993, Council resolves not to invite tenders under s55(1) of that Act for works associated with the Works in Kind Agreement as a more satisfactory contract result will be achieved as a result of the works being delivered by the developer as required by their consent, and
3. The draft Works in Kind Agreement as provided in Attachment 1 to this report be approved.

COUNCIL RESOLUTION

THAT

1. A variation to the provisions contained in the Works in Kind / Material Public Benefit Policy and the Lochinvar Contributions Plan 2014 as described in this report be approved.
2. Pursuant to s55(3)(i) of the Local Government Act 1993, Council resolves not to invite tenders under s55(1) of that Act for works associated with the Works in Kind Agreement as a more satisfactory contract result will be achieved as a result of the works being delivered by the developer as required by their consent, and
3. The draft Works in Kind Agreement as provided in Attachment 1 to this report be approved.

Moved Cr M Yarrington, Seconded Cr P Garnham

CARRIED

For:	Cr R Aitchison Cr L Baker Cr S Fisher Cr K Flannery Cr P Garnham Cr M Griffin Cr B Hackney Cr B Mitchell Mayor P Penfold Cr K Ranadive Cr B Whiting Cr M Yarrington	Against:
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11.2 TENDER FOR SECURITY AT MAITLAND RESOURCE RECOVERY FACILITY

FILE NO:	61
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Matthew Prendergast - Group Manager Planning & Environment Catherine Pepper - Manager Environment & Sustainability
AUTHOR:	Michelle Lindsay - Operations Manager Waste Services
MAITLAND +10	Outcome 13 To reduce our waste
COUNCIL OBJECTIVE:	13.1.2 Deliver a sustainable waste management collection and disposal service

EXECUTIVE SUMMARY

Security breaches and subsequent theft and vandalism has had an impact on the ongoing operations of the Maitland Resource Recovery Facility (MRRF). This report details the proposed plan to improve security at the site.

OFFICER'S RECOMMENDATION

THAT

- 1. Council resolve to call tenders for the proposed security contract at Maitland Resource Recovery Facility**
- 2. Council approve the additional expenditure of \$140,000 for security for 2023/24 with \$98,000 funded from the Domestic Waste Management Reserve and \$42,000 funded from general reserve**

COUNCIL RESOLUTION

THAT

- 1. Council resolve to call tenders for the proposed security contract at Maitland Resource Recovery Facility**
- 2. Council approve the additional expenditure of \$140,000 for security for 2023/24 with \$98,000 funded from the Domestic Waste Management Reserve and \$42,000 funded from general reserve**

Moved Cr P Garnham, Seconded Cr B Hackney

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr S Fisher
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr B Mitchell
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

12 CULTURE, COMMUNITY AND RECREATION

12.1 HAROLD GREGSON PLAN OF MANAGEMENT

FILE NO:	29/24
ATTACHMENTS:	1. Harold Gregson Plan of Management
RESPONSIBLE OFFICER:	Judy Jaeger - Group Manager Culture, Community & Recreation Darren Crumpler - Manager Community & Recreation
AUTHOR:	Donna Olbourne - Recreation Planner
MAITLAND +10	Outcome 4 To be healthy and active with access to local services and facilities
COUNCIL OBJECTIVE:	4.3.1 Manage community assets in line with agreed levels of service as captured in asset management plans, policy and strategy

EXECUTIVE SUMMARY

In accordance with section 38 of the Local Government Act 1993, the Harold Gregson Plan of Management went on public exhibition for 28 days and further 14 days for the public notice period. No submissions were made during this period. This report outlines the requirements and outcomes of the public exhibition and recommends that the Harold Gregson Plan of Management be adopted.

OFFICER'S RECOMMENDATION

THAT

1. The Harold Gregson Plan of Management be adopted.

COUNCIL RESOLUTION

THAT

1. The Harold Gregson Plan of Management be adopted.

Moved Cr L Baker, Seconded Cr B Mitchell

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr S Fisher
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr B Mitchell
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

13 INFRASTRUCTURE AND WORKS

13.1 STEAMER STREET SHARED PATHWAY PROJECT UPDATE

FILE NO:	65/21
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	David Moloney - Group Manager Infrastructure & Works
AUTHOR:	David Moloney - Group Manager Infrastructure & Works
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

This report is in response to a Council resolution to investigate options for a suitable alternate location within Morpeth for the Steamer Street pathway project and discussions held with the funding body as to the transfer of the funding to an alternate location.

OFFICER'S RECOMMENDATION

THAT

1. Council endorse the proposed route change as described in this report for construction.

COUNCIL RESOLUTION

THAT

1. Council endorse the proposed route change as described in this report for construction.

Moved Cr R Aitchison, Seconded Cr B Mitchell

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr S Fisher
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr B Mitchell
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

13.2 ROUTE OPTIONS FOR A SHARED PATHWAY FROM BELMORE BRIDGE TO WALKA WATER WORKS

FILE NO:	103/20
ATTACHMENTS:	1. Maitland to Rutherford Shared Pathway General Arrangement Plan
RESPONSIBLE OFFICER:	David Moloney - Group Manager Infrastructure & Works Kevin Stein - Manager Engineering & Design
AUTHOR:	Chris Pinchen - Operations Manager Transport & Infrastructure Engineering
MAITLAND +10	Outcome 2 To easily get to where we want to go
COUNCIL OBJECTIVE:	2.2.1 Develop and promote Council's long term program for road and related infrastructure construction and maintenance
Previous Items:	13.2 - Route Options for a Shared Pathway from Belmore Bridge to Walka Water Works - Ordinary Council - 08 Dec 2020

EXECUTIVE SUMMARY

The Rutherford to Maitland to Morpeth shared pathway has been identified for delivery in line with Councils priorities and identified opportunities. Concept design for the path segment identified as Maitland to Rutherford incorporating the section between Belmore Bridge and Walka Water Works has been undertaken using LIDAR survey information and aerial imagery. The project is now progressing towards detailed design.

Support is sought from Council on the selected route alignment to allow works to continue to progress towards delivery including enabling officers to discuss with impacted landowners arrangements for access for site survey and to commence discussions regarding the acquisition of land needed to deliver the works.

OFFICER'S RECOMMENDATION

THAT

1. The status report on the Rutherford to Maitland to Morpeth shared pathway project stages be noted.
2. The shared pathway route nominated by this report (Modified Option 3) for the section between Belmore Bridge and Walka Water Works be adopted by Council.
3. Council initiates steps associated with the purchase of property from the owners of land parcels along the route to facilitate site access and to acquire land needed to deliver the shared path works.

4. Details associated with the acquisition of land needed to deliver the shared path works be reported to Council for further approval.

COUNCIL RESOLUTION

THAT

1. The status report on the Rutherford to Maitland to Morpeth shared pathway project stages be noted.
2. The shared pathway route nominated by this report (Modified Option 3) for the section between Belmore Bridge and Walka Water Works be adopted by Council.
3. Council initiates steps associated with the purchase of property from the owners of land parcels along the route to facilitate site access and to acquire land needed to deliver the shared path works.
4. Details associated with the acquisition of land needed to deliver the shared path works be reported to Council for further approval.

Moved Cr P Garnham, Seconded Cr B Whiting

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr S Fisher
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr B Mitchell
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

13.3 LOCAL TRAFFIC COMMITTEE MEETING MINUTES (DECEMBER 2023)

FILE NO:	140/5
ATTACHMENTS:	1. LTC Minutes - December 2023
RESPONSIBLE OFFICER:	David Moloney - Group Manager Infrastructure & Works Kevin Stein - Manager Engineering & Design
AUTHOR:	Chris Pinchen - Operations Manager Transport & Infrastructure Engineering
MAITLAND +10	Outcome 2 To easily get to where we want to go
COUNCIL OBJECTIVE:	2.2.2 Make our roads safer through the timely delivery of road maintenance and safety programs

EXECUTIVE SUMMARY

The minutes of Maitland City Council's Local Traffic Committee meeting held Thursday 7 December 2023 are attached for information.

OFFICER'S RECOMMENDATION

THAT

1. The Local Traffic Committee meeting minutes of 7 December 2023 be noted.

COUNCIL RESOLUTION

THAT

1. The Local Traffic Committee meeting minutes of 7 December 2023 be noted.

Moved Cr R Aitchison, Seconded Cr B Hackney

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr S Fisher
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr B Mitchell
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

14 STRATEGY, PERFORMANCE AND BUSINESS SYSTEMS

14.1 FINAL COUNCIL MEETING PRIOR TO 2024 LOCAL GOVERNMENT ELECTION

FILE NO:	35/7
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems Stephen McDonald - Manager Governance and Risk
AUTHOR:	Tina Nay - Senior Governance Officer
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 next Local Government Election is scheduled to be held on Saturday 14 September 2024. Council has engaged the NSW Electoral Commissioner (NSWEC) to administer its election.

Councils are expected to assume a 'caretaker' role during election periods to ensure no major decisions are made that would limit the actions of an incoming Council.

Considering these requirements, it is proposed that Council sets 27 August 2024 as the date of the final Council meeting of this term.

The first meeting of the new Council will be held at the discretion of the General Manager after the declaration of the election. This is in accordance with Council's Code of Meeting Practice.

OFFICER'S RECOMMENDATION

THAT

- 1. The final Council meeting for this term be held on Tuesday 27 August 2024.**

COUNCIL RESOLUTION

THAT

- 1. The final Council meeting for this term be held on Tuesday 27 August 2024.**

Moved Cr P Garnham, Seconded Cr K Flannery

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr S Fisher
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr B Mitchell
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

14.2 STATEMENT OF INVESTMENTS - NOVEMBER AND DECEMBER 2023

FILE NO:	82/2
ATTACHMENTS:	1. Council's Holdings as at 30 November 2023 2. Council's Holdings as at 31 December 2023
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems Annette Peel - Manager Finance & Procurement
AUTHOR:	Laura Barry - Financial Accountant
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.2 Ensure Council is financially sustainable and meets required levels of performance

EXECUTIVE SUMMARY

Clause 212 of the Local Government (General) Regulation 2021 requires Council to report monthly on its investments. This report presents reports for both November and December 2023, as timeframes were not sufficient to enable a report to be prepared for the meeting of December.

As at the end of November 2023, Council had investments totalling \$217,422,365 under management.

Council's investment portfolio recorded a marked-to-market return of 5.54% per annum versus the bank bill index benchmark return of 4.34% per annum. The actual investment return for the month of November was \$951,595, a favourable variance of \$308,344 when compared to the monthly budget forecasts of \$643,251.

As at the end of December 2023, Council had investments totalling \$214,429,881 under management.

Council's investment portfolio recorded a marked-to-market return of 5.75% per annum versus the bank bill index benchmark return of 4.43% per annum. The actual investment return for the month of December was \$1,065,978, a favourable variance of \$422,727 when compared to the monthly budget forecasts of \$643,251.

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

COUNCIL RESOLUTION

THAT

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

Moved Cr M Griffin, Seconded Cr K Flannery

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr S Fisher
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr B Mitchell
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

14.3 STATE GOVERNMENT ELECTION COMMITMENT FUNDING UPDATE

FILE NO:	25/48
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems Kelly Arnott - Manager Corporate Planning and Performance
AUTHOR:	Michelle Ayoub - Corporate Grants Lead
MAITLAND +10	Outcome 15 To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.1 Continue to attain major State and Federal Government grants to deliver new and enhanced infrastructure

EXECUTIVE SUMMARY

During the 2023 NSW State election period, commitments were made to provide \$2.5 million in funding for the upgrade of Melville Ford Bridge and \$6 million for the upgrade of Upper Hunter roads within the Maitland Local Government Area. Confirmation of funding to deliver these commitments has now been received, with a resolution of Council required to accept funding and commit to these works.

Once resolved, officers will work to finalise funding deeds and make public announcements regarding the project details, in line with conditions of funding.

OFFICER'S RECOMMENDATION**THAT**

- 1. Council accepts the \$2.5 million funding commitment from the State Government for the upgrade of Melville Ford Bridge;**
- 2. Council accepts the \$6 million funding commitment from the State Government for the upgrade of Maitland Vale Road (Upper Hunter roads).**

COUNCIL RESOLUTION

THAT

- 1. Council accepts the \$2.5 million funding commitment from the State Government for the upgrade of Melville Ford Bridge;**
- 2. Council accepts the \$6 million funding commitment from the State Government for the upgrade of Maitland Vale Road (Upper Hunter roads).**

Moved Cr B Mitchell, Seconded Cr B Whiting

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr S Fisher
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr B Mitchell
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

14.4 GRANT APPLICATION UNDER THE URBAN RIVERS AND CATCHMENT PROGRAM FOR CONSTRUCTED WETLANDS AT RUTHERFORD

FILE NO:	65/84
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems Kelly Arnott - Manager Corporate Planning and Performance
AUTHOR:	Michelle Ayoub - Corporate Grants Lead
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

This report outlines a grant opportunity to seek funding under the Urban Rivers and Catchment Program to fund constructed wetlands at Rutherford. The project would include water quality and quantity management of urban runoff from the Rutherford Industrial Area and habitat restoration to improve local biodiversity outcomes and foraging habitat for the Latham's Snipe (a Federally listed threatened bird species known to forage in the area).

OFFICER'S RECOMMENDATION

THAT

1. Council support a grant application to the Urban Rivers and Catchment Program for constructed wetlands at Rutherford.

COUNCIL RESOLUTION

THAT

1. Council support a grant application to the Urban Rivers and Catchment Program for constructed wetlands at Rutherford.

Moved Cr S Fisher, Seconded Cr P Garnham

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr S Fisher
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr B Mitchell
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

15 DIGITAL TRANSFORMATION

Nil

16 WORKPLACE CULTURE AND SAFETY

Nil

17 VIBRANT CITY

Nil

18 ITEMS FOR INFORMATION

Nil

19 NOTICES OF MOTION/RESCISSION

Nil

20 QUESTIONS WITH NOTICE

Nil

21 URGENT BUSINESS

Nil

Council moved into Committee of the Whole at 6.42 pm.

Moved Cr M Griffin, Seconded Cr B Whiting

CARRIED

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

Council moved into Closed Session of the Committee of the Whole for the reasons specified in the Agenda, and closed the meeting to the public at 6.43 pm.

Moved Cr M Griffin, Seconded Cr P Garnham

CARRIED

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

22 COMMITTEE OF THE WHOLE

22.1 ATWEA COLLEGE AND ALESCO SECONDARY COLLEGE

FILE NO:	18901
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Judy Jaeger - Group Manager Culture, Community & Recreation Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Judy Jaeger - Group Manager Culture, Community & Recreation Michael Rathborne - Senior Property Advisor
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: (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

As resolved at the Council meeting of 12 December 2023, Council officers have been working closely with Atwea College to explore opportunities for a site suitable for a school within the Local Government Area (LGA).

After exploring several options and site visits, Noel Unicomb Community Hall at 44 Kookaburra Parade, Woodberry has been identified as the preferred location for Atwea College.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

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

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

COMMITTEE RECOMMENDATION**THAT**

1. Council note the collaborative approach undertaken with Atwea College to identify a suitable site for establishment of a school in the LGA, as resolved on 12 December 2023;
2. Council note the current under-utilisation of Noel Unicomb Hall at Woodberry and the opportunity to provide improved local services and amenity, as well as an increased financial return to Council, through a permanent lease;
3. Council enter into a new lease agreement with Atwea College as detailed in this report for Noel Unicomb Hall at 44 Kookaburra Parade Woodberry for the purposes of a school for a period of five (5) years from 1 February 2024 to 31 January 2029, with options for another two five year periods;
4. The General Manager be authorised to execute any documentation relevant to affect this lease.

Moved Cr M Griffin, Seconded Cr R Aitchison

CARRIED

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

22.2 CONSIDERATION OF TENDERS - MORPETH TO WALKA WATERWORKS SHARED PATHWAY - STAGE 2B

FILE NO:	2023-137-2232
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	David Moloney - Group Manager Infrastructure & Works Ashley Kavanagh - Manager Works
AUTHOR:	Kynan Lindus - Civil Engineer
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 construct a shared pathway at Morpeth Road, Morpeth, as part of the larger Morpeth to Walka Water Works shared path project. The contract will include construction of shared path, retaining walls, kerb and gutter, and shoulder widening along Morpeth Road and Queens Wharf Road. At closing of the tender, three (3) submissions were received.

At its meeting of 24th October 2023, Council resolved to “suspend the works in regards to Walka Shared Pathway Steamer Street Loop”. The project has since been reviewed and a revised alignment proposed.

An assessment of the original tender has been completed to determine a preferred contractor. This report provides details of the tender and a recommendation to enter negotiations with the preferred contractor in accordance with the Local Government (General) Regulation 2021 Clause 178 (1)(e). 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 notes that the tender process for the Morpeth to Walka Water Works Shared Pathway Stage 2B was commenced prior to the resolution to suspend the project.
2. Council declines to accept any of the tender submissions under Clause 178 (1)(b) of the Local Government (General) Regulations 2021
3. Council enter into negotiations with Spero Civil Pty Ltd to undertake the construction of the Morpeth to Walka Water Works Shared Pathway Stage 2B with a revised scope (pending Council's acceptance of the revised alignment), under Clause 178 (3)(e) of the Local Government (General) Regulations 2021.

Moved Cr R Aitchison, Seconded Cr P Garnham

CARRIED

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

22.3 CONSIDERATION OF TENDERS - OPEN SPACE GROUNDS MAINTENANCE - CEMETERIES

FILE NO:	2023/137/2311
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	David Moloney - Group Manager Infrastructure & Works Ashley Kavanagh - Manager Works
AUTHOR:	Clinton Anderson - Project Officer Recreation Works
MAITLAND +10	Outcome 4 To be healthy and active with access to local services and facilities
COUNCIL OBJECTIVE:	4.1 Ensure the community and health services and facilities we need are available as our population grows and changes

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

EXECUTIVE SUMMARY

Council has requested tenders for the ongoing grounds maintenance of Councils owned cemeteries throughout the Local Government Area.

Tenders have been received for these works and are presented for Council's consideration and determination. The tenders are presented to Committee of the Whole as they contain confidential commercial information.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

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

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

COMMITTEE RECOMMENDATION

THAT

- 1. Council accept the tender submission from Griffin Property Maintenance for ongoing grounds maintenance of Council owned cemeteries for a period of 3 years and a total of \$374,121.03 (ex GST).**

Moved Cr K Flannery, Seconded Cr P Garnham

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr S Fisher
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr B Mitchell
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

22.4 REVIEW OF ORGANISATION STRUCTURE

FILE NO:	130/69
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Jeff Smith - General Manager
AUTHOR:	Jeff Smith - General Manager
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

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

After discussions with the Councillors and key stakeholders, and reviewing the organisation as a whole, a number of key observations have been made in relation to current organisational performance, the current organisational structure, and opportunities for improvement. The resultant proposed structure has been designed to address these issues, and to have greater alignment to achieve the goals outlined in the Maitland +10 Community Strategic Plan.

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. Pursuant to Section 333 of the NSW Local Government Act 1993, Council re-determine the organisation structure as presented in this report;
2. For the purposes of Section 332 of the NSW Local Government Act 1993, Council determine the proposed 'Director' positions to be 'Senior Staff' positions;

Moved Cr M Griffin, Seconded Cr M Yarrington

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr S Fisher
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr B Mitchell
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

Council resumed into Ordinary Council at 6.56 pm.

Moved Cr P Garnham, Seconded Cr M Yarrington

CARRIED

For:	Cr R Aitchison Cr L Baker Cr S Fisher Cr K Flannery Cr P Garnham Cr M Griffin Cr B Hackney Cr B Mitchell Mayor P Penfold Cr K Ranadive Cr B Whiting Cr M Yarrington	Against:
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23 COMMITTEE OF THE WHOLE RECOMMENDATIONS

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

22.1 ATWEA COLLEGE AND ALESCO SECONDARY COLLEGE

THAT

1. Council note the collaborative approach undertaken with Atwea College to identify a suitable site for establishment of a school in the LGA, as resolved on 12 December 2023;
2. Council note the current under-utilisation of Noel Unicomb Hall at Woodberry and the opportunity to provide improved local services and amenity, as well as an increased financial return to Council, through a permanent lease;
3. Council enter into a new lease agreement with Atwea College as detailed in this report for Noel Unicomb Hall at 44 Kookaburra Parade Woodberry for the purposes of a school for a period of five (5) years from 1 February 2024 to 31 January 2029, with options for another two five year periods;
4. The General Manager be authorised to execute any documentation relevant to affect this lease.

22.2 CONSIDERATION OF TENDERS - MORPETH TO WALKA WATERWORKS SHARED PATHWAY - STAGE 2B

THAT

1. Council notes that the tender process for the Morpeth to Walka Water Works Shared Pathway Stage 2B was commenced prior to the resolution to suspend the project.
2. Council declines to accept any of the tender submissions under Clause 178 (1)(b) of the Local Government (General) Regulations 2021
3. Council enter into negotiations with Spero Civil Pty Ltd to undertake the construction of the Morpeth to Walka Water Works Shared Pathway Stage 2B with a revised scope (pending Council's acceptance of the revised alignment), under Clause 178 (3)(e) of the Local Government (General) Regulations 2021.

22.3 CONSIDERATION OF TENDERS - OPEN SPACE GROUNDS MAINTENANCE - CEMETERIES

THAT

Council accept the tender submission from Griffin Property Maintenance for ongoing grounds maintenance of Council owned cemeteries for a period of 3 years and a total of \$374,121.03 (ex GST).

22.4 REVIEW OF ORGANISATION STRUCTURE

THAT

1. Pursuant to Section 333 of the NSW Local Government Act 1993, Council re-determine the organisation structure as presented in this report;
2. For the purposes of Section 332 of the NSW Local Government Act 1993, Council determine the proposed 'Director' positions to be 'Senior Staff' positions;

COUNCIL RESOLUTION

THAT

The Committee's recommendations be adopted.

Moved Cr M Griffin, Seconded Cr M Yarrington

CARRIED

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

24 CLOSURE

The meeting was declared closed at 6.59 pm.

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Chairperson