

ORDINARY MEETING

MINUTES

23 AUGUST 2022

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	INVOCATION.....	1
2	ACKNOWLEDGEMENT OF COUNTRY.....	1
3	APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE	1
4	DECLARATIONS OF INTEREST	2
5	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	2
6	BUSINESS ARISING FROM MINUTES	2
7	WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS.....	2
8	PUBLIC ACCESS	2
9	MAYORAL MINUTE.....	2
10	OFFICERS REPORTS	3
10.1	RESULTS OF THE 2022 COMMUNITY SATISFACTION SURVEY	3
10.2	AWARDS AND RECOGNITION COMMITTEE TERMS OF REFERENCE	5
10.3	AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC) MEETING DRAFT MINUTES	7
10.4	LANDCARE AND TREE PLANTING PROGRAM 2022-23	9
10.5	PROPOSED WORKS IN KIND AGREEMENT - INTERSECTION UPGRADE - WOLLOMBI ROAD/OWLPEN LANE, FARLEY - TOMHIL DEVELOPMENTS PTY LTD.....	11
10.6	E-SCOOTER TRIAL UPDATE	13
10.7	MULTI-SPORT COMMUNITY FACILITY FUND (ROUND 2).....	15
11	POLICY AND FINANCE COMMITTEE	18
11.1	DESIGNATED PERSONS - DUTIES OF DISCLOSURE POLICY 2022.....	18

11.2	FINANCIAL RESERVES POLICY	20
11.3	FREEMAN OF THE CITY POLICY	22
11.4	ACCOUNTING TREATMENT - RURAL FIRE SERVICES (RED FLEET) ASSETS.....	24
11.5	ACCOUNTING TREATMENT - ACCOUNTING FOR A JOINT VENTURE OR AN INVESTMENT	26
11.6	STATEMENT OF INVESTMENTS AS AT 31 JULY 2022	28
11.7	SECTION 356 HIGH ACHIEVERS GRANT	30
12	NOTICES OF MOTION/RESCISSION	36
13	QUESTIONS WITH NOTICE	36
14	URGENT BUSINESS.....	36
15	COMMITTEE OF THE WHOLE	37
15.1	MAITLAND PARK OUTER FIELDS AMENITIES GRANT FUNDING EXPENDITURE.....	37
15.2	CONSIDERATION OF TENDERS - ANAMBAH FORMER LANDFILL CONTAMINATED LAND CONSULTANT	39
15.3	LEASE OF PRIVATE LAND BY COUNCIL FOR CARPARKING IN CENTRAL MAITLAND.....	41
15.4	CONSIDERATION OF TENDERS - DRAINAGE WORK - RUSSELL STREET, TELARAH AND RADFORD STREET, HORSESHOE BEND	43
15.5	CONTAMINATION REMEDIATION FUNDING APPROVAL - HAROLD GREGSON RESERVE UPGRADE PROJECT	45
16	COMMITTEE OF THE WHOLE RECOMMENDATIONS	48
17	CLOSURE.....	51

PRESENT

Cr Robert Aitchison
Cr Loretta Baker
Cr Kristy Ferguson
Cr Peter Garnham
Cr Mitchell Griffin
Cr Sally Halliday
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 apologies received for the unavoidable absence of Cr S Fisher, Cr B Hackney, Cr B Mitchell and Mayor P Penfold be accepted and leave of absence granted

Moved Cr S Halliday, Seconded Cr B Whiting

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

4 DECLARATIONS OF INTEREST

Nil

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held 9 August 2022 be confirmed.

Moved Cr B Whiting, Seconded Cr K Ranadive

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	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

Nil

8 PUBLIC ACCESS

Nil

9 MAYORAL MINUTE

Nil

10 OFFICERS REPORTS

10.1 RESULTS OF THE 2022 COMMUNITY SATISFACTION SURVEY

FILE NO:	29/16
ATTACHMENTS:	1. Community Satisfaction Survey 2022- Final Report (Under Separate Cover)
RESPONSIBLE OFFICER:	Rachel MacLucas - Executive Manager Vibrant City Jade McArthur - Manager Marketing & Communication
AUTHOR:	Carolyn Fisher - Strategic Engagement 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

Council is committed to engaging the community in its planning and decision making. In order to gain an understanding of community attitudes and satisfaction with Council related issues and services, independent researcher company Micromex were appointed to conduct the 2022 Biennial Community Satisfaction Survey.

The Community Satisfaction Survey is undertaken every two years, with the exception of 2020 when the survey was postponed due to the impacts of COVID.

The Survey, targeting a cross section of Maitland's population was undertaken in May 2022 via a telephone survey and three focus group sessions held in July 2022.

Research was undertaken across a range of focus areas, including satisfaction and importance of 45 identified services and facilities of Council.

The research revealed that the community's satisfaction level with Council has remained steady and that 96% of residents rated their quality of life living in the Maitland LGA as good to excellent.

This report highlights some of the results of the Survey with the full survey results provided under separate cover.

OFFICER'S RECOMMENDATION

THAT

1. The outcomes of the 2022 Community Satisfaction Survey are noted by Council and used to inform future planning.
2. The results of the program are promoted, made publicly available and interpreted in ways that are easy for the community to understand.

COUNCIL RESOLUTION

THAT

1. The outcomes of the 2022 Community Satisfaction Survey are noted by Council and used to inform future planning.
2. The results of the program are promoted, made publicly available and interpreted in ways that are easy for the community to understand.

Moved Cr M Yarrington, Seconded Cr P Garnham

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr K Ferguson
Cr P Garnham
Cr M Griffin
Cr S Halliday
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

10.2 AWARDS AND RECOGNITION COMMITTEE TERMS OF REFERENCE

FILE NO:	35/12
ATTACHMENTS:	1. Draft Awards and Recognition Committee Terms of Reference
RESPONSIBLE OFFICER:	Rachel MacLucas - Executive Manager Vibrant City
AUTHOR:	Kelsie Wilson - Executive Assistant
MAITLAND +10	Outcome 16. To work together to be the best our community can be
COUNCIL OBJECTIVE:	16.2.1 Recognise community contributions to the city through Council's civic programs

EXECUTIVE SUMMARY

At Council Meeting 9 August 2022, the Council resolved that the draft Terms of Reference for the Awards and Recognition Committee be presented at the meeting of 23 August 2022, following the endorsement of the consolidation of the Australia Day Group, Hall of Fame Committee and Maitland City Service Awards Committee to create a single Awards and Recognition Committee.

OFFICER'S RECOMMENDATION

THAT

- 1. Council adopt the draft Terms of Reference for the Awards and Recognition Committee.**
- 2. Council call for nominations for two community representatives to serve on the Committee for the remaining period of the current Council term.**

COUNCIL RESOLUTION

THAT

- 1. Council adopt the draft Terms of Reference for the Awards and Recognition Committee.**
- 2. Council call for nominations for two community representatives to serve on the Committee for the remaining period of the current Council term.**

Moved Cr S Halliday, Seconded Cr B Whiting

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr K Ferguson
Cr P Garnham
Cr M Griffin
Cr S Halliday
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

10.3 AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC) MEETING DRAFT MINUTES

FILE NO:	35/1
ATTACHMENTS:	1. ARIC Minutes
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems Stephen McDonald - Manager Governance and Risk
AUTHOR:	Fiona Goodman - Coordinator Risk
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 inaugural Audit Risk and Improvement Committee (ARIC) meeting was held on 20 July 2022. The draft minutes of the meeting are submitted to Council for information.

OFFICER'S RECOMMENDATION

THAT

1. Council notes the draft minutes of the ARIC meeting of 20 July 2022;
2. Council notes the ARIC recommendations on the accounting treatment of Rural Fire Service assets and Accounting for a Joint Venture or an Investment which are subject to separate reports to this meeting.

COUNCIL RESOLUTION

THAT

1. Council notes the draft minutes of the ARIC meeting of 20 July 2022;
2. Council notes the ARIC recommendations on the accounting treatment of Rural Fire Service assets and Accounting for a Joint Venture or an Investment which are subject to separate reports to this meeting.

Moved Cr P Garnham, Seconded Cr S Halliday

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr K Ferguson
Cr P Garnham
Cr M Griffin
Cr S Halliday
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

10.4 LANDCARE AND TREE PLANTING PROGRAM 2022-23

FILE NO:	55/2
ATTACHMENTS:	1. Potential Planting Sites on Council Land
RESPONSIBLE OFFICER:	Matthew Prendergast - Group Manager Planning & Environment Catherine Pepper - Manager Environment & Sustainability
AUTHOR:	Yann Buissiere - Biodiversity & Resilience Officer
MAITLAND +10	Outcome 12. To be ready in case of more hot days, storms and floods
COUNCIL OBJECTIVE:	12.1 Understand climate risks and our impacts and take action against these

EXECUTIVE SUMMARY

Council has committed through its Delivery Program 2022-2026 to commence actions to increase tree canopy cover and reduce urban heat, and deliver tree planting at strategic locations across the city. This report outlines the community tree planting program for the 2022-23 financial year.

OFFICER'S RECOMMENDATION

THAT

- 1. Planting events continue to occur in line with the planting program outlined in the report.**
- 2. Community consultation be undertaken to ascertain community support for future landcare planting sites at the locations identified in Table 1 of this report.**

COUNCIL RESOLUTION

THAT

- 1. Planting events continue to occur in line with the planting program outlined in the report.**
- 2. Community consultation be undertaken to ascertain community support for future landcare planting sites at the locations identified in Table 1 of this report.**

Moved Cr S Halliday, Seconded Cr L Baker

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr K Ferguson
Cr P Garnham
Cr M Griffin
Cr S Halliday
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

10.5 PROPOSED WORKS IN KIND AGREEMENT - INTERSECTION UPGRADE - WOLLOMBI ROAD/OWL PEN LANE, FARLEY - TOMHIL DEVELOPMENTS PTY LTD

FILE NO:	103/41/44 & DA 19/707
ATTACHMENTS:	1. 1. WIK - Draft (Under Separate Cover) 2. Owlpen Intersection Design
RESPONSIBLE OFFICER:	Matthew Prendergast - Group Manager Planning & Environment Andrew Neil - Manager Strategic Planning Adam Ovenden - Coordinator City Planning
AUTHOR:	Anne Humphries - Development Contributions Administrator
MAITLAND +10	Outcome 2. To easily get to where we want to go
COUNCIL OBJECTIVE:	Plan to meet the needs of those using our roads

EXECUTIVE SUMMARY

Development consent was granted under DA 19-707 on 6 July 2020 for a subdivision creating 43 new residential lots at 59 Owlpen Lane, Farley. The land is contained within the Farley Urban Release Area with the consent granted subject to the levying of development contributions in accordance with the Farley Development Contributions Plan 2015.

Council has received an application from Tomhil Developments Pty Ltd to enter into a Works in Kind Agreement to upgrade the intersection of Wollombi Road and Owlpen Lane to improve access to development occurring south of Wollombi Road. The intersection upgrade is included within the Farley Development Contributions Plan.

A detailed assessment of the application has been undertaken and the draft WIK prepared in consultation with Council's legal representatives and the developer. This report seeks Council's endorsement of the draft WIK.

OFFICER'S RECOMMENDATION

THAT

- 1. Council approve the application to undertake Works in Kind for the intersection of Wollombi Road and Owlpen Lane, subject to the applicant entering into a formal Works in Kind Agreement;**
- 2. Council delegates authority to the General Manager to enter into and execute the Works in Kind Agreement in Attachment 1;**

3. Pursuant to s55(3)(i) of the Local Government Act 1993, Council resolve to not invite tenders under s55(1) of the Act for the subject works due to extenuating circumstances.

COUNCIL RESOLUTION

THAT

1. Council approve the application to undertake Works in Kind for the intersection of Wollombi Road and Owlpen Lane, subject to the applicant entering into a formal Works in Kind Agreement;
2. Council delegates authority to the General Manager to enter into and execute the Works in Kind Agreement in Attachment 1;
3. Pursuant to s55(3)(i) of the Local Government Act 1993, Council resolve to not invite tenders under s55(1) of the Act for the subject works due to extenuating circumstances.

Moved Cr M Yarrington, Seconded Cr P Garnham

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

10.6 E-SCOOTER TRIAL UPDATE

FILE NO:	153/4
ATTACHMENTS:	1. Guide for Councils and Providers
RESPONSIBLE OFFICER:	Rachel MacLucas - Executive Manager Vibrant City
AUTHOR:	Matt vanderWall - Manager City Experiences and Economy Caroline Booth - Coordinator City & Visitor Economy
MAITLAND +10	Outcome 9. To show off our city
COUNCIL OBJECTIVE:	9.1.2 Progress the implementation of the Maitland Destination Management Plan

EXECUTIVE SUMMARY

At its meeting of 10 May 2022 Council supported an expression of interest (EOI) to participate in the NSW Government 12 month share scheme e-scooter trial. At that meeting, council also resolved to receive a further report if Maitland moved past the first stage of the EOI process. This report provides an update on activity to date and seeks Council approval to proceed to the formal submission stage to participate in the trial, including funding.

OFFICER'S RECOMMENDATION

THAT

1. Council support moving forward with the submission to participate in the trial.
2. Council support the proposed trial areas set out in this report subject to them passing the safety audit.
3. Council note the financial implications set out in the report and supports the provision of funds required to move forward with the submission, understanding that this does not necessarily secure the trial for Maitland.
4. A report be brought back to Council once the outcome of the submission is known indicating a proposed start date and the chosen partner(s).

COUNCIL RESOLUTION

THAT

- 1. Council support moving forward with the submission to participate in the trial.**
- 2. Council support the proposed trial areas set out in this report subject to them passing the safety audit.**
- 3. Council note the financial implications set out in the report and supports the provision of funds required to move forward with the submission, understanding that this does not necessarily secure the trial for Maitland.**
- 4. A report be brought back to Council once the outcome of the submission is known indicating a proposed start date and the chosen partner(s).**

Moved Cr M Yarrington, Seconded Cr K Ferguson

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr K Ferguson
Cr P Garnham
Cr M Griffin
Cr S Halliday
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

10.7 MULTI-SPORT COMMUNITY FACILITY FUND (ROUND 2)

FILE NO:	65/55
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Kelly Arnott - Manager Corporate Planning and Performance
MAITLAND +10	Outcome 4. To be healthy and active with access to local services and facilities
COUNCIL OBJECTIVE:	4.3.3 Construct, maintain and manage inclusive sport and recreation facilities across the city

EXECUTIVE SUMMARY

The NSW Government has committed \$100 million (2022/2023 - Round 2) to the Multi-Sport Community Facility Fund, recognising the critical role local sport infrastructure plays in keeping communities healthy, active and connected.

Sport and active recreation brings people together, creating a sense of belonging and identity that has long-term health and wellbeing benefits. Sports facilities play an important role in connecting people as participants, administrators and officials, and bringing together families and friends.

Project applications must meet eligibility requirements, with applications due 1pm Friday 2 September 2022.

Officers have considered program guidelines and identified project priorities, recommending that an application be submitted for Coronation/Hartcher Oval multisport facility, Telarah.

OFFICER'S RECOMMENDATION**THAT**

- 1. Council make application to the NSW Government Office of Sport for up to \$2.45 million in grant funding under the Multi-Sport Community Facility Fund (Round 2) for Coronation/Hartcher Oval multisport facility, Telarah;**
- 2. Council endorse a required co-contribution of up to \$2.45 million, which will be sourced from existing works allocations for Coronation Oval and a partial reallocation of developer contribution funds from Weblands Street Sports Complex, to be formalised by Council should the grant be successful;**

3. A further report be provided to Council once the result of the application is known.

COUNCIL RESOLUTION

THAT

1. Council make application to the NSW Government Office of Sport for up to \$2.45 million in grant funding under the Multi-Sport Community Facility Fund (Round 2) for Coronation/Hartcher Oval multisport facility, Telarah;
2. Council endorse a required co-contribution of up to \$2.45 millio, which will be sourced from existing works allocations for Coronation Oval and a partial reallocation of developer contribution funds from Weblands Street Sports Complex, to be formalised by Council should the grant be successful;
3. A further report be provided to Council once the result of the application is known.

Moved Cr K Ferguson, Seconded Cr M Yarrington

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

Council moved into policy and finance committee at 5.44 pm

Moved Cr B Whiting / Seconded Cr P Garnham

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr K Ferguson
Cr P Garnham
Cr M Griffin
Cr S Halliday
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

11 POLICY AND FINANCE COMMITTEE

11.1 DESIGNATED PERSONS - DUTIES OF DISCLOSURE POLICY 2022

FILE NO:	35/1/2 and 35/1/3
ATTACHMENTS:	1. Designated Persons - Duties Of Disclosure Policy 2022
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Kate Webber - Executive Support Officer Stephen McDonald - Manager Governance and Risk
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 Designated Persons – Duties of Disclosure Policy is required to be reviewed annually. All staff positions are reviewed annually against the criteria. The current policy was adopted in July 2021. The policy has been reviewed and is being reported to Council.

The purpose of the Designated Persons Duties of Disclosure Policy is to identify all staff including the General Manager who hold a position in which exercising the functions of the position could give rise to a conflict between a person's duty as a member of staff and the person's private interest.

OFFICER'S RECOMMENDATION

THAT

- 1.The Designated Persons Duties of Disclosure Policy 2022 be adopted.

COUNCIL RESOLUTION

THAT

- 1.The Designated Persons Duties of Disclosure Policy 2022 be adopted.

Moved Cr P Garnham, Seconded Cr M Yarrington

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr K Ferguson
Cr P Garnham
Cr M Griffin
Cr S Halliday
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

11.2 FINANCIAL RESERVES POLICY

FILE NO:	2/8/26
ATTACHMENTS:	1. Financial Reserves Policy 2022
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Michael Burfitt - Chief Financial Officer
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.2 Ensure Council is financially sustainable and meets required levels of performance

EXECUTIVE SUMMARY

The annual statutory financial statements of Council include a summary of the funds held in the external and internal financial reserves. These reserves have been established over time and are managed in accordance with Council's adopted Financial Reserves Policy, which documents the agreed direction and controls, as well as a target balance to be held in each reserve.

The Financial Reserves Policy has recently been reviewed and an updated policy is now presented to Council for adoption.

OFFICER'S RECOMMENDATION

THAT

- 1. Council adopt the Financial Reserves Policy 2022.**

COUNCIL RESOLUTION

THAT

- 1. Council adopt the Financial Reserves Policy 2022.**

Moved Cr S Halliday, Seconded Cr M Yarrington

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr K Ferguson
Cr P Garnham
Cr M Griffin
Cr S Halliday
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

11.3 FREEMAN OF THE CITY POLICY

FILE NO:	35/12
ATTACHMENTS:	1. Draft Freeman of the City Policy 2. Draft Freeman of the City Nomination Form
RESPONSIBLE OFFICER:	Rachel MacLucas - Executive Manager Vibrant City
AUTHOR:	Kelsie Wilson - Executive Assistant
MAITLAND +10	Outcome 16. To work together to be the best our community can be
COUNCIL OBJECTIVE:	16.2.1 Recognise community contributions to the city through Council's civic programs

EXECUTIVE SUMMARY

The Freeman of the City is an honorary award that is bestowed on occasion by Maitland City Council that recognises the lifelong achievements of an individual for the highest level of service in the community. This new policy is designed to ensure a formal and consistent approach is taken to nominate, select, and award recipients of the respected award through a clear and comprehensive process.

OFFICER'S RECOMMENDATION

THAT

- 1. The draft Freeman of the City Policy (Attachment 1) be adopted.**

COUNCIL RESOLUTION

THAT

- 1. The draft Freeman of the City Policy (Attachment 1) be adopted.**

Moved Cr P Garnham, Seconded Cr K Ferguson

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr K Ferguson
Cr P Garnham
Cr M Griffin
Cr S Halliday
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

11.4 ACCOUNTING TREATMENT - RURAL FIRE SERVICES (RED FLEET) ASSETS

FILE NO:	2/39
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Michael Burfitt - Chief Financial Officer
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.2 Ensure Council is financially sustainable and meets required levels of performance

EXECUTIVE SUMMARY

Council currently records Rural Fire Service (red fleet) assets as part of the assets of Council, and in turn these form part of the financial statements of Council. Over 68 Councils in NSW do not record these assets in their books as they do not believe that Councils' control these assets and therefore do not form part of the assets of a Council.

There has been a long-standing dispute with Councils and the State over the accounting treatment of these Rural Fire Service fleet assets, with the State Government determining that the red fleet are the property of Councils and must be recorded in a Council's financial statements.

At its meeting of 20 July 2022, Council's Audit, Risk and Improvement Committee (ARIC), considered a report on the accounting treatment of these assets. ARIC concluded these assets are not controlled by Council and should not form part of the assets of Council. ARIC recommended this change in treatment be presented to Council for formalisation prior to the completion of the 2021/2022 annual financial statements.

OFFICER'S RECOMMENDATION

THAT

- 1. Council confirms that Rural Fire Service (red fleet) assets are not controlled by Council and are not assets of Council;**
- 2. Council derecognise Rural Fire Service (red fleet) assets from the financial statements of Council and amend the comparative information for the 30 June 2022 financial statements to reflect this derecognition;**
- 3. Council notes that there is a minor risk of non-conformance during the annual financial statement audit process as undertaken under the auspice of the NSW Auditor General, but taking this position is consistent with the broader sectoral approach.**

COUNCIL RESOLUTION

THAT

1. Council confirms that Rural Fire Service (red fleet) assets are not controlled by Council and are not assets of Council;
2. Council derecognise Rural Fire Service (red fleet) assets from the financial statements of Council and amend the comparative information for the 30 June 2022 financial statements to reflect this derecognition;
3. Council notes that there is a minor risk of non-conformance during the annual financial statement audit process as undertaken under the auspice of the NSW Auditor General, but taking this position is consistent with the broader sectoral approach.

Moved Cr P Garnham, Seconded Cr S Halliday

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

11.5 ACCOUNTING TREATMENT - ACCOUNTING FOR A JOINT VENTURE OR AN INVESTMENT

FILE NO:	2/39
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Michael Burfitt - Chief Financial Officer
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.2 Ensure Council is financially sustainable and meets required levels of performance

EXECUTIVE SUMMARY

Ten councils of the Hunter region are associated with a number of entities that collectively form part of local government's efforts toward regional collaboration. These entities include two companies limited by guarantee – Arrow Collaborative Services Ltd (formerly known as Strategic Services Australia Ltd) and its subsidiary of which it is the sole member, Hunter Councils Legal Services Ltd.

Historically, in order to assist member councils making financial disclosures (in accordance with the *Local Government Accounting Code of Practice* and *Australian Accounting Standards*), Arrow Collaborative Services Ltd ("Arrow") has provided its annual accounts to a nominated Council which, in turn, has prepared a draft disclosure for member councils to consider and adopt.

The disclosure has historically been in the form of a joint venture in each member Council's statutory financial statements, whereas recent review has determined the correct disclosure is in the form of an investment to be measured at fair value.

Council's Audit, Risk and Improvement Committee (ARIC) considered the accounting treatment of Arrow at its meeting held on the 20 July 2022 and supports the treatment of Arrow as an investment under the accounting standards with a nil fair value.

As such, this change of accounting treatment is recommended to Council for adoption.

OFFICER'S RECOMMENDATION

THAT

1. Following consideration and at the recommendation of the Audit, Risk and Improvement Committee, Council change its accounting treatment of Arrow Collaborative Services Limited from a joint venture in Council's financial statements to an investment with a nil fair value.

COUNCIL RESOLUTION

THAT

1. Following consideration and at the recommendation of the Audit, Risk and Improvement Committee, Council change its accounting treatment of Arrow Collaborative Services Limited from a joint venture in Council's financial statements to an investment with a nil fair value.

Moved Cr M Yarrington, Seconded Cr P Garnham

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr K Ferguson
Cr P Garnham
Cr M Griffin
Cr S Halliday
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

11.6 STATEMENT OF INVESTMENTS AS AT 31 JULY 2022

FILE NO:	82/2
ATTACHMENTS:	Nil
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 2005 requires Council to report on its investments.

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 S Halliday, Seconded Cr K Ferguson

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr K Ferguson
Cr P Garnham
Cr M Griffin
Cr S Halliday
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

11.7 SECTION 356 HIGH ACHIEVERS GRANT

FILE NO:	10/5/19
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Laurie D'Angelo-Edmonds - Manager Community and Recreation Judy Jaeger - Group Manager Culture, Community & Recreation
AUTHOR:	David Baker - Team Leader Community and Recreation Planner
MAITLAND +10	Outcome 1.To stay friendly, happy and proud as our city grows
COUNCIL OBJECTIVE:	1.1.4 Deliver vibrant and valued community events and programs

EXECUTIVE SUMMARY

This report presents to Council a recommendation to endorse the funding of nine (9) applications under Council's Section 356 High Achievers Grant Program, in accordance with Section 356 of the Local Government Act

OFFICER'S RECOMMENDATION

THAT

OFFICER'S RECOMMENDATION

THAT

Council adopts the MSRAB & Maitland Regional Art Gallery/Maitland Libraries endorsement of the following nine (9) applications for funding through the Section 356 High Achievers Grant Program:

1. Helen Hopcroft (The Majishans) – National Level Arts – Opening of the St Kilda Writers Festival - \$562.50
2. Emma Green – International Level Arts - Junior Theatre Festival, Atlanta USA - \$750
3. Chloe Matthews – International Level Arts – Master of Music Program Zuyd University Netherlands - \$750.00
4. Grace Cornwall – International Level Sports – 2022 Australian Futsal United Kingdom Tour - \$750.00
5. Brodie Smith – International Level Sports – 2022 Asia-Pacific Regional Goalball Tournament - \$750.00

6. Abbey McGregor- National Level Sports – 2022 Under 16 Australian Junior Basketball Championships - \$450.00
7. Henry Wawzkowicz – 2022 U16 Australian Junior Championships for Basketball - \$450.00
8. Mark Drage – 2022 Australian Masters (over 35) Indoor Cricket National Championship - \$450.00
9. Matthew Holwell – 2022 Australian Masters (over 35) Indoor Cricket National Championship - \$450.00

COUNCIL RESOLUTION

THAT

Council adopts the MSRAB & Maitland Regional Art Gallery/Maitland Libraries endorsement of the following nine (9) applications for funding through the Section 356 High Achievers Grant Program:

1. Helen Hopcroft (The Majishans) – National Level Arts – Opening of the St Kilda Writers Festival - \$562.50
2. Emma Green – International Level Arts - Junior Theatre Festival, Atlanta USA - \$750
3. Chloe Matthews – International Level Arts – Master of Music Program Zuyd University Netherlands - \$750.00
4. Grace Cornwall – International Level Sports – 2022 Australian Futsal United Kingdom Tour - \$750.00
5. Brodie Smith – International Level Sports – 2022 Asia-Pacific Regional Goalball Tournament - \$750.00
6. Abbey McGregor- National Level Sports – 2022 Under 16 Australian Junior Basketball Championships - \$450.00
7. Henry Wawzkowicz – 2022 U16 Australian Junior Championships for Basketball - \$450.00
8. Mark Drage – 2022 Australian Masters (over 35) Indoor Cricket National Championship - \$450.00
9. Matthew Holwell – 2022 Australian Masters (over 35) Indoor Cricket National Championship - \$450.00

Moved Cr M Yarrington, Seconded Cr S Halliday

CARRIED

For:

Cr R Aitchison

Against:

Cr L Baker
Cr K Ferguson
Cr P Garnham
Cr M Griffin
Cr S Halliday
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Council resumed into Ordinary Council at 5.51 pm.

Moved Cr B Whiting, Seconded Cr K Ferguson

For:

Cr R Aitchison
Cr L Baker
Cr K Ferguson
Cr P Garnham
Cr M Griffin
Cr S Halliday
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

The General Manager read the recommendations from the Policy & Finance Committee

11.1 DESIGNATED PERSONS - DUTIES OF DISCLOSURE POLICY 2022

THAT

1. The Designated Persons Duties of Disclosure Policy 2022 be adopted.

Moved Cr P Garnham, Seconded Cr M Yarrington

CARRIED

11.2 FINANCIAL RESERVES POLICY

THAT

1. Council adopt the Financial Reserves Policy 2022.

Moved Cr S Halliday, Seconded Cr M Yarrington

CARRIED

11.3 FREEMAN OF THE CITY POLICY

THAT

1. The draft Freeman of the City Policy (Attachment 1) be adopted.

Moved Cr P Garnham, Seconded Cr K Ferguson

CARRIED

11.4 ACCOUNTING TREATMENT - RURAL FIRE SERVICES (RED FLEET) ASSETS

THAT

1. Council confirms that Rural Fire Service (red fleet) assets are not controlled by Council and are not assets of Council;
2. Council derecognise Rural Fire Service (red fleet) assets from the financial statements of Council and amend the comparative information for the 30 June 2022 financial statements to reflect this derecognition;

3. Council notes that there is a minor risk of non-conformance during the annual financial statement audit process as undertaken under the auspice of the NSW Auditor General, but taking this position is consistent with the broader sectoral approach.

Moved Cr P Garnham, Seconded Cr S Halliday

CARRIED

11.5 ACCOUNTING TREATMENT - ACCOUNTING FOR A JOINT VENTURE OR AN INVESTMENT

THAT

1. Following consideration and at the recommendation of the Audit, Risk and Improvement Committee, Council change its accounting treatment of Arrow Collaborative Services Limited from a joint venture in Council's financial statements to an investment with a nil fair value.

Moved Cr M Yarrington, Seconded Cr P Garnham

CARRIED

11.6 STATEMENT OF INVESTMENTS AS AT 31 JULY 2022

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 S Halliday, Seconded Cr K Ferguson

CARRIED

11.7 SECTION 356 HIGH ACHIEVERS GRANT

THAT

Council adopts the MSRAB & Maitland Regional Art Gallery/Maitland Libraries endorsement of the following nine (9) applications for funding through the Section 356 High Achievers Grant Program:

1. Helen Hopcroft (The Majishans) – National Level Arts – Opening of the St Kilda Writers Festival - \$562.50
2. Emma Green – International Level Arts - Junior Theatre Festival, Atlanta USA - \$750
3. Chloe Matthews – International Level Arts – Master of Music Program Zuyd University Netherlands - \$750.00
4. Grace Cornwall – International Level Sports – 2022 Australian Futsal United Kingdom Tour - \$750.00
5. Brodie Smith – International Level Sports – 2022 Asia-Pacific Regional Goalball Tournament - \$750.00
6. Abbey McGregor- National Level Sports – 2022 Under 16 Australian Junior Basketball Championships - \$450.00
7. Henry Wawszakowicz – 2022 U16 Australian Junior Championships for Basketball - \$450.00
8. Mark Drage – 2022 Australian Masters (over 35) Indoor Cricket National Championship - \$450.00
9. Matthew Holwell – 2022 Australian Masters (over 35) Indoor Cricket National Championship - \$450.00

Moved Cr M Yarrington, Seconded Cr S Halliday

CARRIED

A motion was moved that the Committee’s recommendations be adopted.

Moved Cr P Garnham, Seconded Cr S Halliday

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr K Ferguson
Cr P Garnham
Cr M Griffin
Cr S Halliday
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

12 NOTICES OF MOTION/RESCISSION

Nil

13 QUESTIONS WITH NOTICE

Nil

14 URGENT BUSINESS

Nil

Council moved into Committee of the Whole at 5.57 pm

Moved Cr B Whiting, Seconded Cr R Aitchison

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	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 5:58 pm.

Moved Cr B Whiting, Seconded Cr P Garnham

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

15 COMMITTEE OF THE WHOLE

15.1 MAITLAND PARK OUTER FIELDS AMENITIES GRANT FUNDING EXPENDITURE

FILE NO:	2021/137/1979
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	David Evans - General Manager Kevin Stein - Acting Group Manager Infrastructure & Works Todd Stanley - Manager Building Projects & Services
AUTHOR:	Ben Griffin - Senior Project Architect
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

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

Council was awarded a grant of \$400,000 from the Stronger Country Communities Grant Program for amenities upgrades at the outer fields of Maitland Park. This report recommends that, due to extenuating circumstances, Council not proceed to tender and that this project be performed by the contractor currently undertaking works at this site.

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.

COUNCIL RESOLUTION**THAT**

1. In accordance with section 55(3)(i) of the *Local Government Act 1993*, Council not invite tenders for the amenities upgrades at the outer fields of Maitland Park as a satisfactory result would not be achieved by inviting tenders, due to extenuating circumstances as follows:
 - a. A construction contract is currently being performed at the same site as this project, creating potential contractor interface issues such as scheduling conflicts and environmental and safety risks should an additional contract be awarded;
 - b. Time and cost savings, as well as consistency of finish, will be achieved through utilisation of the same head contractor, subcontractors and associated key personnel;
 - c. Facility unavailability and impacts on user groups will be minimised through use of a single head contractor across the entire site.
2. Council note rates from a recent Quantity Surveyor's tender have been used to provide an Opinion of Probable Cost for the outer field amenities works which favourably compares to existing tender rates, which will form the basis for the tender variation;
3. Council authorise the General Manager to negotiate and execute the necessary documentation for the amenities upgrades at the outer fields of Maitland Park to be performed at a cost of up to \$400,000 (ex GST) by way of a variation to the construction contract 2021/137/1979 currently being performed by Graph Builders Pty Ltd at the same site.

Moved Cr P Garnham, Seconded Cr B Whiting

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

15.2 CONSIDERATION OF TENDERS - ANAMBAH FORMER LANDFILL CONTAMINATED LAND CONSULTANT

FILE NO:	2022/137/2022
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Matthew Prendergast - Group Manager Planning & Environment
AUTHOR:	Catherine Pepper - Manager Environment & Sustainability
MAITLAND +10	Outcome 13. To reduce our waste
COUNCIL OBJECTIVE:	13.1 Limit the amount of waste we create and send to landfill

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows: (d) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the council.

EXECUTIVE SUMMARY

Tenders were called to engage a suitably qualified and experienced contractor to provide contaminated land consultancy support for the Anambah former landfill project.

The tender period closed on 20 May 2022, following a number of extensions. Five (5) tenders were received and assessed to a Probity Plan and Tender Evaluation Plan by a Tender Evaluation Panel.

This report provides details of the tender assessment and a recommendation to award a contract for the works. This report is being presented to the Committee of the Whole as it contains 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) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the council.

COUNCIL RESOLUTION**THAT**

1. Council decline to accept any of the tenders for Anambah former landfill contaminated land consultant
2. Council resolve to enter into negotiations with GHD Pty Ltd and/or any other tenderer with a view to entering into a contract in relation to the subject matter of the tender
3. Council does not call for fresh tenders on the basis that a repeat of the process is not expected to produce a better result
4. Council determines to enter into negotiations on the basis that a satisfactory outcome is expected if suitable contract terms can be agreed.
5. Council authorise the general manager to enter into negotiations and sign any required contracts or agreements.

Moved Cr P Garnham, Seconded Cr K Ferguson

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr K Ferguson
Cr P Garnham
Cr M Griffin
Cr S Halliday
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

15.3 LEASE OF PRIVATE LAND BY COUNCIL FOR CARPARKING IN CENTRAL MAITLAND

FILE NO:	PRC 46188, 46186, 12922, 37952
ATTACHMENTS:	<ol style="list-style-type: none">1. Locality Plan-The Uniting Church in Australia Property Trust (NSW), Lot 1 DP 735370 and Lot 1 DP 66641 Ken Tubman Drive Maitland2. Locality Plan-The Presbyterian Glebe Trustees, Lot 11 DP 1134966 and Lot 12 DP 1134996 St Andrews Street Maitland
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems Stephen McDonald - Manager Governance and Risk Michael Rathborne - Senior Property Advisor
AUTHOR:	Melissa Allen - Property Officer
MAITLAND +10	Outcome 2. To easily get to where we want to go
COUNCIL OBJECTIVE:	2.2.4 Resolve parking and accessibility challenges in key community and recreation precincts

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

Council has leased land for the purpose of providing carparking in Central Maitland at key locations of Ken Tubman Drive (Uniting Church) and St Andrews Street (Presbyterian Glebe Trust), Maitland. The lease agreements expired on 30th June 2022 and this report details the result of negotiations to enter new leases with both parties.

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.

COUNCIL RESOLUTION

THAT

- 1. Council enter into a lease agreement with The Uniting Church in Australia Property Trust (NSW) to provide for carparking in Central Maitland located at Lot 1 DP 735370 and Lot 1 DP 66641 Ken Tubman Drive Maitland;**
- 2. Council enter into a lease agreement with The Presbyterian Glebe Trustees to provide for carparking in Central Maitland located at Lot 11 DP 1134966 and Lot 12 DP 1134996 St Andrews Street Maitland;**
- 3. The General Manager be authorised to execute any documentation relevant to affect these two leases.**

Moved Cr R Aitchison, Seconded Cr P Garnham

CARRIED

For:

**Cr R Aitchison
Cr L Baker
Cr K Ferguson
Cr P Garnham
Cr M Griffin
Cr S Halliday
Cr K Ranadive
Cr B Whiting
Cr M Yarrington**

Against:

15.4 CONSIDERATION OF TENDERS - DRAINAGE WORK - RUSSELL STREET, TELARAH AND RADFORD STREET, HORSESHOE BEND

FILE NO:	2022/137/2099
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Kevin Stein - Acting Group Manager Infrastructure & Works Ashley Kavanagh - Manager Works
AUTHOR:	Jacob Montgomery - Civil Engineer
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: (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 two drainage projects at Russell Street, Telarah and Radford Street, Horseshoe Bend. The tender was advertised as two separable portions. Tenderers were able to submit for one or both separable portions of work.

Three tender submissions were received for Russell Street, Telarah. Four tender submissions were received for Radford Street, Horseshoe Bend.

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 both 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.

COUNCIL RESOLUTION

THAT

- 1. Council accept the tender of Byrne Pipe and Civil Pty Ltd for Separable Portion 1 - Russell Street, Telarah for the contract sum of \$238,338.11 (excl GST).**
- 2. Council accept the tender of Knock Contracting Pty Ltd for Separable Portion 2 - Radford Street, Horseshoe Bend for the contract sum of \$92,390.00 (excl GST).**
- 3. The common seal of Council be affixed to the contract documents.**

Moved Cr S Halliday, Seconded Cr K Ferguson

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

15.5 CONTAMINATION REMEDIATION FUNDING APPROVAL - HAROLD GREGSON RESERVE UPGRADE PROJECT

FILE NO:	2468
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Kevin Stein - Acting Group Manager Infrastructure & Works Todd Stanley - Manager Building Projects & Services
AUTHOR:	Allison Cronin - Senior Project Architect
MAITLAND +10	Outcome 4. To be healthy and active with access to local services and facilities
COUNCIL OBJECTIVE:	4.3.10 Deliver the final stages of Maitland Regional Sports Complex Masterplan

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows: (f) details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

EXECUTIVE SUMMARY

The Harold Gregson Reserve upgrade constitutes the fourth and final stage of the Maitland Regional Sports Centre Masterplan. In order to utilise the PSLP grant funding and achieve the funding milestones, Council is requested to approve the remediation of the Harold Gregson Reserve.

As part of the works a contamination report prepared in 2017 identified numerous potential contaminants in investigations in the south and south-west portions of the site. The potential contaminants were deemed to have originated from the site's historical usage as an uncontrolled tip.

This report addresses the approval of the remediation works at the site.

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:

(f) details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

COUNCIL RESOLUTION

THAT

- 1. Council approve the remediation works at Harold Gregson Reserve.**
- 2. Council approve the funding of the remediation works for the amount of \$1.26M funded from a loan from internal reserves.**
- 3. Replenishment of the internal reserves to be made in the 2023/24 budget year funded from the 2023/24 Capital Works Program.**

Moved Cr M Yarrington, Seconded Cr P Garnham

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

Council resumed into Ordinary Council at 6.02 pm.

Moved Cr B Whiting, Seconded Cr P Garnham

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

16 COMMITTEE OF THE WHOLE RECOMMENDATIONS

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

15.1 MAITLAND PARK OUTER FIELDS AMENITIES GRANT

THAT

1. In accordance with section 55(3)(i) of the *Local Government Act 1993*, Council not invite tenders for the amenities upgrades at the outer fields of Maitland Park as a satisfactory result would not be achieved by inviting tenders, due to extenuating circumstances as follows:
 - a. A construction contract is currently being performed at the same site as this project, creating potential contractor interface issues such as scheduling conflicts and environmental and safety risks should an additional contract be awarded;
 - b. Time and cost savings, as well as consistency of finish, will be achieved through utilisation of the same head contractor, subcontractors and associated key personnel;
 - c. Facility unavailability and impacts on user groups will be minimised through use of a single head contractor across the entire site.
2. Council note rates from a recent Quantity Surveyor's tender have been used to provide an Opinion of Probable Cost for the outer field amenities works which favourably compares to existing tender rates, which will form the basis for the tender variation;
3. Council authorise the General Manager to negotiate and execute the necessary documentation for the amenities upgrades at the outer fields of Maitland Park to be performed at a cost of up to \$400,000 (ex GST) by way of a variation to the construction contract 2021/137/1979 currently being performed by Graph Builders Pty Ltd at the same site.

Moved Cr P Garnham, Seconded Cr B Whiting

CARRIED

15.2 CONSIDERATION OF TENDERS - ANAMBAH FORMER LANDFILL CONTAMINATED LAND CONSULTANT

THAT

1. Council decline to accept any of the tenders for Anambah former landfill contaminated land consultant
2. Council resolve to enter into negotiations with GHD Pty Ltd and/or any other tenderer with a view to entering into a contract in relation to the subject matter of the tender
3. Council does not call for fresh tenders on the basis that a repeat of the process is not expected to produce a better result
4. Council determines to enter into negotiations on the basis that a satisfactory outcome is expected if suitable contract terms can be agreed.
5. Council authorise the general manager to enter into negotiations and sign any required contracts or agreements.

Moved Cr P Garnham, Seconded Cr K Ferguson

CARRIED

15.3 LEASE OF PRIVATE LAND BY COUNCIL FOR CARPARKING IN CENTRAL MAITLAND

THAT

1. Council enter into a lease agreement with The Uniting Church in Australia Property Trust (NSW) to provide for carparking in Central Maitland located at Lot 1 DP 735370 and Lot 1 DP 66641 Ken Tubman Drive Maitland;
2. Council enter into a lease agreement with The Presbyterian Glebe Trustees to provide for carparking in Central Maitland located at Lot 11 DP 1134966 and Lot 12 DP 1134996 St Andrews Street Maitland;
3. The General Manager be authorised to execute any documentation relevant to affect these two leases.

Moved Cr R Aitchison, Seconded Cr P Garnham

CARRIED

**15.4 CONSIDERATION OF TENDERS - DRAINAGE WORK - RUSSELL STREET,
TELARAH AND RADFORD STREET, HORSESHOE BEND**

THAT

1. Council accept the tender of Byrne Pipe and Civil Pty Ltd for Separable Portion 1 - Russell Street, Telarah for the contract sum of \$238,338.11 (excl GST).
2. Council accept the tender of Knock Contracting Pty Ltd for Separable Portion 2 - Radford Street, Horseshoe Bend for the contract sum of \$92,390.00 (excl GST).
3. The common seal of Council be affixed to the contract documents.

Moved Cr S Halliday, Seconded Cr K Ferguson

CARRIED

**15.5 CONTAMINATION REMEDIATION FUNDING APPROVAL - HAROLD
GREGSON RESERVE UPGRADE PROJECT**

THAT

1. Council approve the remediation works at Harold Gregson Reserve.
2. Council approve the funding of the remediation works for the amount of \$1.26M funded from a loan from internal reserves.
3. Replenishment of the internal reserves to be made in the 2023/24 budget year funded from the 2023/24 Capital Works Program.

Moved Cr M Yarrington, Seconded Cr P Garnham

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

Council resolved that the recommendations of the Closed Session of the Committee of the Whole be adopted.

Moved Cr B Whiting, Seconded Cr S Halliday

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

17 CLOSURE

The meeting was declared closed at 6:08 pm.

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Chairperson