

ORDINARY MEETING

MINUTES

6 DECEMBER 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	3
7	WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS.....	3
8	PUBLIC ACCESS	4
9	MAYORAL MINUTE	6
9.1	FIFA WORLD CUP ROUND OF 16 EVENT	6
9.2	FOOD INSPECTION FEES	7
10	GENERAL MANAGER'S REPORTS	8
10.1	COUNCIL PRIORITIES FOR NSW STATE GOVERNMENT ELECTION.....	8
11	PLANNING AND ENVIRONMENT	10
11.1	APPROVAL OF DRAFT VOLUNTARY PLANNING AGREEMENT - DISTRICT PARK, CESSNOCK ROAD, GILLIESTON HEIGHTS.....	10
11.2	DA 2021/1502 - ONE INTO SEVENTEEN (17) LOT TORRENS TITLE SUBDIVISION, 2 SETTLERS BOULEVARD AND 487 RAYMOND TERRACE ROAD CHISHOLM	12
11.3	DA 2020/1425 FOR TORRENS TITLE SUBDIVISION - 244 LOTS AT 292 WOLLOMBI ROAD FARLEY (LOT: 90 DP 774537)	16

12	CULTURE, COMMUNITY AND RECREATION.....	19
12.1	SECTION 356 COMMEMORATIVE AND RECOGNISED DAYS GRANT PROGRAM	19
12.2	SECTION 356 HIGH ACHIEVERS GRANT	21
12.3	NSW GOVERNMENT PLACES TO PLAY GRANT 2022.....	24
13	INFRASTRUCTURE AND WORKS	26
13.1	LOCAL TRAFFIC COMMITTEE MEETING MINUTES (NOVEMBER 2022) & EVENT TRAFFIC AND TRANSPORT MANAGEMENT	26
13.2	OAKHAMPTON HEIGHTS ACCESS - SCOBIES LANE	28
14	STRATEGY, PERFORMANCE AND BUSINESS SYSTEMS	30
14.1	PROCUREMENT POLICY 2022	30
14.2	ALLOWANCE FOR FEE PAYMENT TO COUNCILLOR DELEGATES OF HUNTER CENTRAL COAST REGIONAL PLANNING PANEL.....	32
14.3	LOCAL GOVERNMENT REMUNERATION TRIBUNAL - 2023 REVIEW.....	34
15	DIGITAL TRANSFORMATION	36
16	WORKPLACE CULTURE AND SAFETY	36
17	VIBRANT CITY	36
18	ITEMS FOR INFORMATION.....	37
18.1	MAITLAND LOCAL EMERGENCY MANAGEMENT COMMITTEE - CHANGES TO MEETING STRUCTURE	37
19	NOTICES OF MOTION/RESCISSION	39
20	QUESTIONS WITH NOTICE	39
21	URGENT BUSINESS.....	39
22	COMMITTEE OF THE WHOLE	40
22.1	CONSIDERATION OF TENDER - INTERNAL AUDIT SERVICES.....	40

22.2	LEASE OF COUNCIL LAND AT THORNTON FOR CO-LOCATION AT EXISTING TELECOMMUNICATIONS FACILITY.....	42
22.3	LUSKINTYRE ROAD WIDENING - LAND ACQUISITIONS	44
22.4	CONSIDERATION OF TENDERS - 2022/137/2133 - DESIGN & CONSTRUCTION OF LARGS & THORNTON SKATE PARKS	46
22.5	CONSIDERATION OF TENDERS - MT VINCENT ROAD EAST MAITLAND - ROAD REHABILITATION AND RESURFACING	48
22.6	PROPERTY ACQUISITION, SOUTH MAITLAND	50
22.7	GENERAL MANAGER PERFORMANCE REVIEW.....	52
23	COMMITTEE OF THE WHOLE RECOMMENDATIONS	54
24	CLOSURE.....	57

DRAFT

PRESENT

Cr Robert Aitchison
Cr Loretta Baker
Cr Kristy Ferguson
Cr Stephanie Fisher
Cr Peter Garnham
Cr Mitchell Griffin
Cr Bill Hackney
Cr Sally Halliday
Cr Ben Mitchell
Cr Philip Penfold, Mayor
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 a leave of absence for Cr K Ranadive be granted, and the remote attendance of Cr R Aitchison be accepted.

Moved Cr P Garnham, Seconded Cr B Whiting

CARRIED

For:

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

Against:

4 DECLARATIONS OF INTEREST

Cr S Halliday declared a pecuniary interest in Item No. 14.2 – Allowance for fee payment to Councillor delegates of Hunter Central Coast Regional Planning Panel as she is a delegate on the Panel.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Agenda Item 10.4 – The Development Application number was corrected to read:

DA 2020/1425 for Torrens title subdivision – 244 lots – staged at 292 Wollombi Road Farley (Lot 90 DP 77437) be approved subject to the conditions of consent contained in Attachment 4.

Agenda Item 10.5 – The council resolution has been updated to be the original officer's recommendation. The Council Resolution should read:

DA 2020/1347 for Two (2) into eighty-one (81) Lot Torrens Title Subdivision at 41 Ryans Road (Lot 182 DP1282386) and 63 Ryans Road (Lot 17 DP263196) Gillieston Heights be approved subject to conditions set out in the attached schedule (refer to Attachment 4).

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held 22 November 2022 be confirmed as corrected.

Moved Mayor P Penfold, Seconded Cr B Whiting

CARRIED

For:

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

Against:

6 BUSINESS ARISING FROM MINUTES

Nil

7 WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS

- 7.1 Acceptance of late items:
12.3 NSW Government Places to Play Grant 2022
13.2 Oakhampton Heights Access – Scobies Lane

COUNCIL RESOLUTION

THAT Council accept the Late Items 12.3 - NSW Government Places to Play Grant 2022, and 13.2 - Oakhampton Heights Access – Scobies Lane.

Moved Cr Mayor P Penfold , Seconded Cr P Garnham

CARRIED

For:

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

Against:

8 PUBLIC ACCESS

Mark Kelly representing AVID Residential Estates spoke **for** item 11.2 DA 2021/1502 - One into Seventeen (17) Lot Torrens Title Subdivision, 2 Settlers Boulevard and 487 Raymond Terrace Road Chisholm

COUNCIL RESOLUTION

THAT an extension of one (1) minute be granted to Mark Kelly.

Moved Cr M Yarrington, Seconded Cr P Garnham

CARRIED

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

Tia Parisi - Mercer representing herself spoke **against** item 11.3 DA 2020/1425 FOR TORRENS TITLE SUBDIVISION - 244 LOTS AT 292 WOLLOMBI ROAD FARLEY (LOT: 90 DP 774537)

COUNCIL RESOLUTION

THAT an extension of one (1) minute be granted to Tia Parisi.

Moved Cr L Baker, Seconded Cr S Halliday

CARRIED

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

Cr B Mitchell
Mayor P Penfold
Cr B Whiting
Cr M Yarrington

Ann Lawler representing TG & AE Lawler spoke **against** item 11.3 DA 2020/1425 FOR TORRENS TITLE SUBDIVISION - 244 LOTS AT 292 WOLLOMBI ROAD FARLEY (LOT: 90 DP 774537)

COUNCIL RESOLUTION

THAT an extension of one (1) minute be granted to Anne Lawler.

Moved Cr P Garnham, Seconded Cr S Fisher

CARRIED

For:

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

Against:

9 MAYORAL MINUTE

9.1 FIFA WORLD CUP ROUND OF 16 EVENT

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

MAYORAL MINUTE

THAT

Council note, that as per Mayoral authority to act between meetings where needed, the Mayor, in consultation with the General Manager, authorised a FIFA world cup round of 16 event be approved.

The event was held at 6am on Sunday 4th December 2022, at Cooks Square Park in East Maitland.

The Soccer Roos quarter finals match with Argentina was played live on the big screen in partnership with Maitland Football Club.

The event cost approximately \$3000. It was free to residents and open to all ages.

Moved Mayor P Penfold

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

9.2 FOOD INSPECTION FEES

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

MAYORAL MINUTE

1. Payment of 2022/ 2023 food inspection fee of \$800 be deferred, pending a further report due by March 2023, following the discussion and consultation around the basis for the cost and the progression of the fee relative to the number of employees.
2. Consideration be given to a staged increase, toward cost recovery.
3. Those already invoiced for 2022/2023 be advised of this resolution.

Moved Mayor P Penfold

For:

- Cr R Aitchison
- Cr L Baker
- Cr K Ferguson
- Cr S Fisher
- Cr P Garnham
- Cr M Griffin
- Cr B Hackney
- Cr S Halliday
- Cr B Mitchell
- Mayor P Penfold
- Cr B Whiting
- Cr M Yarrington

Against:

10 GENERAL MANAGER'S REPORTS

10.1 COUNCIL PRIORITIES FOR NSW STATE GOVERNMENT ELECTION

FILE NO:	47/10
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	David Evans - General Manager
AUTHOR:	Leah Flint - Group Manager Strategy Performance and Business Systems
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

EXECUTIVE SUMMARY

The NSW State Government election will be held on Saturday 25th March 2023.

Local Councils play an important role in representing the views of their community to the State Government, and it is appropriate that Council documents, for both candidates and the community, the areas of focus for the city in the lead up to the election.

This report formalizes, in a simple format, the advocacy priorities Council has established in various strategies, reports, resolutions and public statements over recent years. It is recommended that Council confirms its position on these priorities to inform communication and representation in the lead up to the election.

OFFICER'S RECOMMENDATION

THAT

- 1. The General Manager actively advocates on behalf of Council in the lead up to the March 2023 State Government election.**

PROCEEDINGS IN BRIEF

Cr L Baker noted the following:

- Affordable Housing should be included.
- Actions to reduce the incidence of domestic violence, should be included.

Cr Halliday noted the following:

- No item had been included about the New England Highway / Maitland Roundabout.

COUNCIL RESOLUTION

THAT

- 1. The General Manager actively advocates on behalf of Council in the lead up to the March 2023 State Government election.**

Moved Cr M Yarrington, Seconded Cr P Garnham

CARRIED

For:

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

Against:

11 PLANNING AND ENVIRONMENT

11.1 APPROVAL OF DRAFT VOLUNTARY PLANNING AGREEMENT - DISTRICT PARK, CESSNOCK ROAD, GILLIESTON HEIGHTS

FILE NO:	103/41/55 DA 22-193 & DA 22-912
ATTACHMENTS:	1. Draft Voluntary Planning Agreement (Under Separate Cover)
RESPONSIBLE OFFICER:	Matthew Prendergast - Group Manager Planning & Environment Adam Ovenden - Coordinator City Planning
AUTHOR:	Anne Humphries - Development Contributions Administrator
MAITLAND +10	Outcome 4. To be healthy and active with access to local services and facilities
COUNCIL OBJECTIVE:	4.3.2 Provide play spaces across the city to accommodate all age and ability groups
Previous Items:	10.6 - Exhibition of Draft Voluntary Planning Agreement - District Park, Cessnock Road Gillieston Heights - Ordinary Council - 27 Sep 2022 (Policy & Finance)

EXECUTIVE SUMMARY

At its meeting of 27 September 2022 Council endorsed the public exhibition of a draft Voluntary Planning Agreement for the delivery of a district park on land at 464 Cessnock Road, Gillieston Heights. The draft document was subsequently exhibited from 30 September until 28 October with no submissions received.

In accordance with Council's Voluntary Planning Agreements Policy, the matter is now reported for determination. This report is recommending that Council supports the VPA, and delegates authority to the General Manager to enter into and execute the agreement.

OFFICER'S RECOMMENDATION

THAT

- Council support the offer to enter into the Voluntary Planning Agreement with McCloy Loxford Land Pty Ltd and Dowmere Pty Ltd;**
- Council delegates authority to the General Manager to enter into and execute the Voluntary Planning Agreement in Attachment 1;**

3. DA 2022/193 and DA 2022/912 be assessed on their merits and if determined by way of an approval, a condition be imposed on the consent requiring the draft Voluntary Planning Agreement be entered in to in accordance with Clause 7.7(3)(a) of the Environmental Planning and Assessment Act 1979.
4. 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 support the offer to enter into the Voluntary Planning Agreement with McCloy Loxford Land Pty Ltd and Dowmere Pty Ltd;
2. Council delegates authority to the General Manager to enter into and execute the Voluntary Planning Agreement in Attachment 1;
3. DA 2022/193 and DA 2022/912 be assessed on their merits and if determined by way of an approval, a condition be imposed on the consent requiring the draft Voluntary Planning Agreement be entered in to in accordance with Clause 7.7(3)(a) of the Environmental Planning and Assessment Act 1979.
4. 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 B Whiting, Seconded Cr P Garnham

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 0 against, as follows:

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

**11.2 DA 2021/1502 - ONE INTO SEVENTEEN (17) LOT TORRENS TITLE
SUBDIVISION, 2 SETTLERS BOULEVARD AND 487 RAYMOND TERRACE ROAD
CHISHOLM**

FILE NO: DA/2021/1502

ATTACHMENTS:

1. Locality Plan
2. Plans
3. Assessment Report (Under Separate Cover)
4. Schedule of Conditions (Under Separate Cover)

RESPONSIBLE OFFICER: Matthew Prendergast - Group Manager Planning & Environment
Andrew Ashton - Manager Development & Compliance
Kristy Cousins - Coordinator Planning & Development

AUTHOR: Georgie Williams - Principal Planner

APPLICANT: Avid Residential Estates Pty Ltd C/o ADW Johnson

OWNER: Avid Residential Estates Pty Ltd

PROPOSAL: One into seventeen (17) lot Torrens Title Subdivision

LOCATION: 2 Settlers Boulevard and 487 Raymond Terrace Road,
Chisholm (Lot 5200 DP1247841 and Lot 4 DP1145348)

ZONE: R1 General Residential

EXECUTIVE SUMMARY

The proposed development seeks consent for a one into seventeen (17) lot Torrens Title Subdivision delivered in two stages at 2 Settlers Boulevard, Chisholm with the road batters extending into 487 Raymond Terrace Road, Chisholm (refer to [Attachment 1](#) for the Locality Plan and [Attachment 2](#) for the Plans).

The subject site is zoned R1 General Residential under the Maitland Local Environmental Plan (MLEP) 2011 and is located within the Thornton North Urban Release Area (URA).

The application is being reported to Council due to the numerical non-compliance to the site filling control contained within DC.8 of the Maitland Development Control Plan (MDCP) 2011.

The proposal was publicly notified/advertised for a period of 28 days from 9 December 2021 to 28 January 2022 in accordance with the Environmental Planning and Assessment Act 1979 (the Act) and Council's Community Participation Plan. No submissions were received.

As the site is located on bushfire prone land, General Terms of Approval (GTA's) have been obtained from the NSW Rural Fire Service for the proposed residential subdivision.

The application has been assessed against the relevant heads of consideration contained in section 4.15(1) of the Act (refer to [Attachment 3](#) for the Assessment Report) and considered to

be satisfactory subject to the imposition of conditions of consent (refer to Attachment 4 for the schedule of draft conditions).

OFFICER'S RECOMMENDATION

- 1. THAT development consent be granted to DA/2021/1502 for a one into seventeen (17) lot Torrens Title Subdivision at 2 Settlers Boulevard and 487 Raymond Terrace Road, Chisholm (Lot 5200 DP1247841 and Lot 4 DP1145348) subject to the recommended conditions of consent contained in Attachment 4.**

PROCEEDINGS IN BRIEF

A motion of refusal was moved for the following reasons:

(Cr R Aitchison / Cr M Griffin)

- The proposed development is inconsistent with the applicable objectives of the Environmental Planning and Assessment Act, 1979, namely:
 - (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
 - (g) to promote good design and amenity of the built environment.

Particulars

Section 1.3 Environmental Planning and Assessment Act 1979

- The proposed development is inconsistent with the following aims of the Maitland Local Environmental Plan 2011:
 - (g) to allow for future urban development on land within urban release areas and ensure that development on such land occurs in a co-ordinated and cost -effective manner;
 - (j) to encourage orderly, feasible and equitable development whilst safeguarding the community's interest, environmentally sensitive areas and residential amenity.

Particulars

Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979

- The proposed development results in excessive fill in the order of 5.5 metres, which will have a detrimental impact on the environment.

Particulars

Clause 7.2 (Earthworks) of the Maitland Local Environmental Plan 2011

C.10 (Subdivision), DC.8 (Site Filling), of the Maitland Development Control Plan 2011

Section 4.15(1)(a)(i) and 1(a)(iii) Environmental Planning and Assessment Act 1979

4. The proposed development will have an unacceptable impact of the residential amenity of adjoining properties by way of noise, vibration, dust and truck movements during the construction phase.

Particulars

4.15(1)(b) of the Environmental Planning and Assessment Act 1979

5. Insufficient information has been provided to allow an assessment of source and quality of fill.

Particulars

Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979;

6. The proposed development is unsuitable given the site constraints.

Particulars

Section 4.15(1)(c) Environmental Planning and Assessment Act 1979

7. The proposed development is not in the public interest.

Particulars

Section 4.15(1)(e) Environmental Planning and Assessment Act 1979

8. If approved, the proposed development will result in an undesirable precedent for future residential subdivisions in the Thornton North Urban Release Area.

Particulars

Section 4.15(1)(e) Environmental Planning and Assessment Act 1979

Mayor P Penfold moved an amendment:

THAT this matter be deferred for further discussion at a briefing of the council.
(Mayor P Penfold / Cr P Garnham)

The amendment when put to the meeting was declared carried.

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr S Fisher	
	Cr P Garnham	

Cr M Griffin
Cr B Hackney
Cr S Halliday
Cr B Mitchell
Mayor P Penfold
Cr B Whiting
Cr M Yarrington

The amendment on becoming the motion was then put to the meeting and declared carried.

COUNCIL RESOLUTION

THAT

This matter be deferred for further discussion at a briefing of the Council.

Moved Mayor P Penfold, Seconded Cr P Garnham

CARRIED

For:

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

Against:

11.3 DA 2020/1425 FOR TORRENS TITLE SUBDIVISION - 244 LOTS AT 292 WOLLOMBI ROAD FARLEY (LOT: 90 DP 774537)

FILE NO:	2020/1425
ATTACHMENTS:	1. Locality Plan 2. Plan 3. Planners Assessment Report (Under Separate Cover) 4. Schedule of Conditions (Under Separate Cover) 5. Submission
RESPONSIBLE OFFICER:	Matthew Prendergast - Group Manager Planning & Environment Andrew Ashton - Manager Development & Compliance Kristy Cousins - Coordinator Planning & Development
AUTHOR:	Emmilia Johnstone - Town Planner
APPLICANT:	Bevhil Pty Ltd
OWNER:	Insul Guard Corporation Pty Ltd
PROPOSAL:	Torrens Title Subdivision - 245 Lots (Staged)
LOCATION:	292 Wollombi Road, Farley (Lot: 90 DP 77437)
ZONE:	R1 - General Residential

EXECUTIVE SUMMARY

The proposal seeks consent for a One (1) into Two Hundred and Forty-Five (245) lot Torrens Title Subdivision plus one (1) Detention Basin, one (1) Drainage Reserve and one (1) park, at Lot: 90 DP 77437 known as 292 Wollombi Road, Farley. The subject site is located within Farley Urban Release Area (URA) and is accessed off Wollombi Road, south of the rail corridor.

The application was placed on hold pending the submission of a revised layout, engineering documentation and registration of the voluntary planning agreement. This has been satisfactorily addressed. The subject site is mapped as bushfire prone land, and the submitted bushfire threat assessment has been considered by the New South Wales Rural Fire Service (NSW RFS) and General Terms of Approval issued.

The application is reported to Council for determination as it exceeds Council Officer delegations due to a cost of works of \$7 million. There was also one (1) submission received during the notification process, the concerns of which are outlined below and in the Planner's Assessment Report (Attachment 3). The issues raised in submissions have been addressed during the assessment of the application and do not warrant refusal of the application.

The proposal complies with the DCP, and the relevant planning framework, and is consistent with the expectations for residential development within the URA. 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 2020/1425 for Torrens title subdivision - 245 lots - staged at 292 Wollombi Road Farley (Lot: 90 DP 77437) be approved subject to the conditions of consent contained in Attachment 4.

PROCEEDINGS IN BRIEF

A motion was moved being the Officers Recommendation.
(Cr P Garnham / Cr M Griffin)

Cr M Griffin moved a procedural motion that the motion be put.

The procedural motion when put to the meeting was lost.

For:

Cr K Ferguson
Cr M Griffin
Mayor P Penfold

Against:

Cr R Aitchison
Cr L Baker
Cr S Fisher
Cr P Garnham
Cr B Hackney
Cr S Halliday
Cr B Mitchell
Cr B Whiting
Cr M Yarrington

The motion being the officers recommendation was then put to council and declared carried.

COUNCIL RESOLUTION

THAT

1. DA 2020/1425 for Torrens title subdivision - 245 lots - staged at 292 Wollombi Road Farley (Lot: 90 DP 77437) be approved subject to the conditions of consent contained in Attachment 4.

Moved Cr P Garnham, 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 7 for and 5 against, as follows:

For:

Cr K Ferguson
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr S Halliday
Mayor P Penfold
Cr M Yarrington

Against:

Cr R Aitchison
Cr L Baker
Cr S Fisher
Cr B Mitchell
Cr B Whiting

DRAFT

12 CULTURE, COMMUNITY AND RECREATION

12.1 SECTION 356 COMMEMORATIVE AND RECOGNISED DAYS GRANT PROGRAM

FILE NO:	10/5/23
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Judy Jaeger - Group Manager Culture, Community & Recreation Suellen Goynes - Acting Manager Community and Recreation Cordelia Hough - Coordinator Community and Recreation Planning David Baker - Team Leader Community and Recreation Planner
AUTHOR:	Jessica Elliott - Community Development & Programs Officer
MAITLAND +10	Outcome 1. Sense of place and pride
COUNCIL OBJECTIVE:	1.1.4 To develop and support community partnerships that increase community benefits and create a sense of community

EXECUTIVE SUMMARY

Council's Section 356 Commemorative and Recognised Days Program aims to assist in the coordination of activities and events within the Maitland LGA, which directly relate to National and International Days or Weeks including Commemorative Days.

This report presents to Council a recommendation of Round Two of the Commemorative and Recognised Days Grant applications for 2022/2023 for financial assistance under Section 356 of the Local Government Act 1993.

OFFICER'S RECOMMENDATION

THAT

- 1. Council approve the allocations of funds under Section 356 of the Local Government Act, 1993 as recommended for the four (4) initiatives outlined in this report.**

COUNCIL RESOLUTION

THAT

- 1. Council approve the allocations of funds under Section 356 of the Local Government Act, 1993 as recommended for the four (4) initiatives outlined in this report.**

Moved Cr S Halliday, Seconded Cr M Yarrington

CARRIED

For:

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

Against:

12.2 SECTION 356 HIGH ACHIEVERS GRANT

FILE NO:	10/5/19
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Judy Jaeger - Group Manager Culture, Community & Recreation Suellen Goyne - Acting Manager Community and Recreation Cordelia Hough - Coordinator Community and Recreation Planning David Baker - Team Leader Community and Recreation Planner
AUTHOR:	Jessica Elliott - Community Development & Programs Officer
MAITLAND +10	Outcome 2. Community and recreation services and facilities
COUNCIL OBJECTIVE:	2.3.2 To identify and deliver relevant and targeted community education projects

EXECUTIVE SUMMARY

This report presents to Council a recommendation to endorse the funding of ten (10) applications under Council's Section 356 High Achievers Grant Program, in accordance with Section 356 of the Local Government Act.

OFFICER'S RECOMMENDATION

THAT

Council adopts the Maitland Sport and Recreation Advisory Board (MSRAB) endorsement of the following ten (10) applications for funding through the Section 356 High Achievers Grant Program:

- Isaac Howells – International Level Sports – 2022 Virtus Oceania Asia Games Swimming - \$750.00
- Lucy Hope-Moult – National Level Sports - International Sport Karate Association (ISKA) Australian National Championships 2022 - \$450.00
- Makye Telfer – National Level Sports - U19 National Softball Championships 2023 - \$450.00
- Jack Brewer – National Level Sports - Australian Goalball Championships 2022 - \$450.00
- Lara Brewer – National Level Sports - Australian Goalball Championships 2022 - \$450.00

- Nash Parry-Jones – National Level Sports - Australian Martial Arts Championships (AMAC) Australian Titles 2022 - \$450.00
- Nash Parry-Jones – National Level Sports - International Sport Karate Association (ISKA) Australian National Championships 2022 - \$450.00
- John Rolls – National Level Sports - National 60's National Titles Indoor Cricket 2022 - \$450.00
- Lily Sutton – International Level Sports - Australian Futsal Under 14's Girls Team 2023 - \$750.00
- Mitchell Lightfoot – International Level Sports - World U20 Athletics Championships 110m Hurdles 2022 - \$750.00

COUNCIL RESOLUTION

THAT

Council adopts the Maitland Sport and Recreation Advisory Board (MSRAB) endorsement of the following ten (10) applications for funding through the Section 356 High Achievers Grant Program:

- Isaac Howells – International Level Sports – 2022 Virtus Oceania Asia Games Swimming - \$750.00
- Lucy Hope-Moult – National Level Sports - International Sport Karate Association (ISKA) Australian National Championships 2022 - \$450.00
- Makye Telfer – National Level Sports - U19 National Softball Championships 2023 - \$450.00
- Jack Brewer – National Level Sports - Australian Goalball Championships 2022 - \$450.00
- Lara Brewer – National Level Sports - Australian Goalball Championships 2022 - \$450.00
- Nash Parry-Jones – National Level Sports - Australian Martial Arts Championships (AMAC) Australian Titles 2022 - \$450.00
- Nash Parry-Jones – National Level Sports - International Sport Karate Association (ISKA) Australian National Championships 2022 - \$450.00
- John Rolls – National Level Sports - National 60's National Titles Indoor Cricket 2022 - \$450.00
- Lily Sutton – International Level Sports - Australian Futsal Under 14's Girls Team 2023 - \$750.00
- Mitchell Lightfoot – International Level Sports - World U20 Athletics Championships 110m Hurdles 2022 - \$750.00

Moved Cr S Fisher, Seconded Cr M Griffin

CARRIED

For:

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

Against:

DRAFT

12.3 NSW GOVERNMENT PLACES TO PLAY GRANT 2022

FILE NO:	101/6/1
ATTACHMENTS:	1. Roy Jordan Recreation Locality Plan
RESPONSIBLE OFFICER:	Judy Jaeger - Group Manager Culture, Community & Recreation
AUTHOR:	Katherine Simmons - Strategic Recreation Planner
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 \$16.7 million over 3 years under the Places to Play Grant to provide more public open spaces for adventure and play recognising the critical role local recreation infrastructure plays in keeping communities healthy, active, and connected.

Outdoor recreation brings people together, creating a sense of belonging and identity that has long-term health and wellbeing benefits. A key message of Council's Community Strategic Plan (CSP) is providing facilities that enable the community to participate in recreational and sports activities, no matter our background, ability, or age.

Project applications for the places to Play Grant must meet eligibility requirements, with applications due 15th December 2022.

Officers have considered program guidelines and identified project priorities, recommending that an application be submitted for the development of a new skatepark and upgrade of the local playspace at Roy Jordan Oval, Gillieston Heights.

OFFICER'S RECOMMENDATION

THAT

- 1. Council make application to the NSW Government Department of Planning and Environment for \$500,000 in grant funding under the Places to Play Grant for Roy Jordan skatepark and playspace;**
- 2. Council endorse the co-contribution of up to \$427,703 which will be sourced from the City-wide s7.11 Plan (2006 - repealed) for Gillieston Heights and currently unallocated capital funding for youth spaces**
- 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 Department of Planning and Environment for \$500,000 in grant funding under the Places to Play Grant for Roy Jordan skatepark and playspace;**
- 2. Council endorse the co-contribution of up to \$427,703 which will be sourced from the City-wide s7.11 Plan (2006 - repealed) for Gillieston Heights and currently unallocated capital funding for youth spaces**
- 3. A further report be provided to Council once the result of the application is known.**

Moved Cr P Garnham, Seconded Cr B Hackney

CARRIED

For:

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

Against:

13 INFRASTRUCTURE AND WORKS

13.1 LOCAL TRAFFIC COMMITTEE MEETING MINUTES (NOVEMBER 2022) & EVENT TRAFFIC AND TRANSPORT MANAGEMENT

FILE NO:	140/5
ATTACHMENTS:	<ol style="list-style-type: none">1. Local Traffic Committee Meeting Minutes - November 20222. Local Traffic Committee Meeting November 2022 Agenda Item 5.1 - Maitland Lanes Streets as Shared Spaces - Extension of Time3. Local Traffic Committee Meeting November 2022 Agenda Item 5.2 - New Year's Eve 2022 - Event Traffic and Transport Management
RESPONSIBLE OFFICER:	Kevin Stein - Manager Engineering & Design David Moloney - Group Manager Infrastructure & Works
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 3 November 2022 are attached for information. At this meeting temporary road closure applications were considered and accepted for one event and an extension accepted for one event. Council resolution is required to implement the temporary road closures associated with the management of the events.

OFFICER'S RECOMMENDATION

1. That the Local Traffic Committee meeting minutes of 3 November 2022 be noted.
2. That Council approve the traffic management plans and road closures for the following events:
 - a. Maitlanes – Streets as Shared Spaces – Extension of Time
 - b. New Year's Eve 2022 – Event Traffic and Transport Management

COUNCIL RESOLUTION

1. That the Local Traffic Committee meeting minutes of 3 November 2022 be noted.
2. That Council approve the traffic management plans and road closures for the following events:
 - a. Maitlanes – Streets as Shared Spaces – Extension of Time
 - b. New Year’s Eve 2022 – Event Traffic and Transport Management

Moved Cr R Aitchison, Seconded Cr S Fisher

CARRIED

For:

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

Against:

13.2 OAKHAMPTON HEIGHTS ACCESS - SCOBIES LANE

FILE NO:	35/47
ATTACHMENTS:	1. Oakhampton Heights - Alternate Option
RESPONSIBLE OFFICER:	David Moloney - Group Manager Infrastructure & Works
AUTHOR:	Kevin Stein - Manager Engineering & Design
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

Council has considered option of access improvement to residence in Oakhampton Heights, in times of floods. An option to reconstruct an alternate road adjacent to the Power House Control is preferred to the raising of Scobies Lane. The residents of Oakhampton Heights have been consulted for their feedback to inform Council prior to adopting this proposal.

The matter is now put to Council to allow dedication of the necessary land and allow the project to proceed.

OFFICER'S RECOMMENDATION

THAT

- 1. Council proceed with the preferred option for the construction of the Power House Control access option in lieu of raising Scobies Lane as outlined in this report**
- 2. Council acquire from Hunter Water Lot 171 DP 1148522.**
- 3. Council dedicate the part of Lot 2 DP 1049034 and Part of Lot 3 DP 37838 required for the road construction**
- 4. Common seal be affixed to documents necessary for the creation of the road**

COUNCIL RESOLUTION

THAT

1. Council proceed with the preferred option for the construction of the Power House Control access option in lieu of raising Scobies Lane as outlined in this report
2. Council acquire from Hunter Water Lot 171 DP 1148522.
3. Council dedicate the part of Lot 2 DP 1049034 and Part of Lot 3 DP 37838 required for the road construction
4. Common seal be affixed to documents necessary for the creation of the road

Moved Cr S Halliday, Seconded Cr P Garnham

CARRIED

For:

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

Against:

14 STRATEGY, PERFORMANCE AND BUSINESS SYSTEMS

14.1 PROCUREMENT POLICY 2022

FILE NO:	35/7/4
ATTACHMENTS:	1. Procurement Policy 2022 2. Procurement Policy 2014 (including 2019 update)
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
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

Council's Procurement Policy has been reviewed, with a major update proposed to introduce a range of contemporary inclusions into the policy. In addition to maintaining core governance requirements, changes include consideration of environmental sustainability and circular economy principles, social inclusion and local preferencing.

The review of the policy, and presentation for adoption prior to the end of 2022, is in accordance with a Council resolution of 26 July 2022 and follows a Council briefing on the policy review process on 22 November 2022.

OFFICER'S RECOMMENDATION

THAT

1. The Procurement Policy 2022 be adopted.

COUNCIL RESOLUTION

THAT

1. The Procurement Policy 2022 be adopted.

Moved Cr S Fisher, Seconded Cr M Griffin

CARRIED

For:

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

Against:

DRAFT

14.2 ALLOWANCE FOR FEE PAYMENT TO COUNCILLOR DELEGATES OF HUNTER CENTRAL COAST REGIONAL PLANNING PANEL

FILE NO:	35/2 & 35/7
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Leah Flint - Group Manager Strategy Performance and Business Systems
MAITLAND +10	Outcome 14. To have elected Leaders that look out for us
COUNCIL OBJECTIVE:	14.3.1 Ensure Councillors have access to professional development and support required to enable them to best fulfill their role

EXECUTIVE SUMMARY

At its meeting of 25 October 2022, Council confirmed its delegates to the Hunter Central Coast Regional Planning Panel - being two (2) expert permanent members Councillor Sally Halliday and Manager Works Mr Ashley Kavanagh, with alternate member Councillor Peter Garnham.

Under the Sydney & Regional Planning Panels Operational Procedures 2020, Councils can determine the fees they pay their Panel members.

Council's current Councillor Expenses and Facilities Policy does not incorporate a provision for the payment of a fee to Councillors serving as delegates on the Panel. This report suggests incorporation of a new provision in the policy, enabling Councillor delegates to claim payment for attendance at Planning Panel Meetings.

OFFICER'S RECOMMENDATION

THAT

- 1. The Councillor Expenses and Facilities Policy 2022 is updated to incorporate a fee allowance of \$600.00 per day for attendance at Hunter Central Coast Regional Planning Panel meetings.**

Cr S Halliday declared a pecuniary interest in this item. Cr S Halliday left the chambers at 6.52pm and did not participate in discussion or voting on the matter.

PROCEEDINGS IN BRIEF

Mayor P Penfold moved the officers recommendation with an additional point 2.

2. Council remove the patron payment provision from policy, acknowledging that patron contributions can be determined and accommodated within existing OGM budget.

COUNCIL RESOLUTION

THAT

- 1. The Councillor Expenses and Facilities Policy 2022 is updated to incorporate a fee allowance of \$600.00 per day for attendance at Hunter Central Coast Regional Planning Panel meetings.**
- 2. Council remove the patron payment provision from policy, acknowledging that patron contributions can be determined and accommodated within existing OGM budget.**

Moved Mayor P Penfold, Seconded Cr M Griffin

CARRIED

For:

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

Against:

Cr S Halliday returned to the chambers at 6.58pm

14.3 LOCAL GOVERNMENT REMUNERATION TRIBUNAL - 2023 REVIEW

FILE NO:	35/5/1
ATTACHMENTS:	1. Local Government Remuneration Tribunal Annual Report and Determination - 20 April 2022
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems Stephen McDonald - Manager Governance and Risk
AUTHOR:	Louise Rampling - Legal Counsel
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.2 Ensure Council is financially sustainable and meets required levels of performance

EXECUTIVE SUMMARY

The Local Government Remuneration Tribunal ("the Tribunal") has commenced its review of the existing categorisation model for the 2023 annual determination of fees payable to councillors and mayors.

The Tribunal has invited submissions from individual councils with respect to categorisation, fees and any general matters as part of its review. Submissions must be received by 16 December 2022.

This report examines, and identifies deficiencies in, the current categorisation model. It proposes that a submission be made to the Tribunal in support of the determination of a new category of 'Regional Growth Area' to reflect Maitland's strong current and projected growth.

OFFICER'S RECOMMENDATION**THAT**

- 1. Council make a submission to the Tribunal in support of the introduction of an additional category of 'Regional Growth Area', which will bridge the gap between 'Regional Centre' and 'Regional Strategic Area' and give recognition to Maitland's significant role in accommodating population growth;**
- 2. The Mayor and General Manager seek to have a meeting with members of the Tribunal to present Council's position.**

COUNCIL RESOLUTION

THAT

- 1. Council make a submission to the Tribunal in support of the introduction of an additional category of 'Regional Growth Area', which will bridge the gap between 'Regional Centre' and 'Regional Strategic Area' and give recognition to Maitland's significant role in accommodating population growth;**
- 2. The Mayor and General Manager seek to have a meeting with members of the Tribunal to present Council's position.**

Moved Cr M Yarrington, Seconded Cr B Whiting

CARRIED

For:

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

Against:

15 DIGITAL TRANSFORMATION

Nil

16 WORKPLACE CULTURE AND SAFETY

Nil

17 VIBRANT CITY

Nil

DRAFT

18 ITEMS FOR INFORMATION

18.1 MAITLAND LOCAL EMERGENCY MANAGEMENT COMMITTEE - CHANGES TO MEETING STRUCTURE

FILE NO:	149/3
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	David Moloney - Group Manager Infrastructure & Works
AUTHOR:	Kathleen Formosa - Executive Support & Emergency Management Coordinator
MAITLAND +10	Outcome 16. To work together to be the best our community can be
COUNCIL OBJECTIVE:	16.1.5 Participate in the planning and delivery of emergency management and response activities

EXECUTIVE SUMMARY

A Local Emergency Management Committee is responsible for the preparation and review of plans in relation to the prevention of, preparation for, response to and recovery from emergencies in the local government area for which it is constituted. Maitland currently has a Local Emergency Management Committee (LEMC), chaired by Council, with attendance from combat and functional agencies, that meets three times per year at a local level and once per year at a Lower Hunter level to meet with the other LGA's that form part of the Lower Hunter RFS Service Level Agreement (Cessnock, Dungog, Maitland and Port Stephens).

This report is to advise Council that there has been a change to the current meeting structure that involves the Maitland LEMC.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

COUNCIL RESOLUTION

THAT the information contained in this Report be noted.

Moved Mayor P Penfold, Seconded Cr B Whiting

CARRIED

For:

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

Against:

DRAFT

19 NOTICES OF MOTION/RESCISSION

20 QUESTIONS WITH NOTICE

21 URGENT BUSINESS

Council moved into Committee of the Whole at 7.00 pm.

Moved Cr P Garnham, Seconded Cr M Griffin

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr S Fisher	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Cr S Halliday	
	Cr B Mitchell	
	Mayor P Penfold	
	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 7.01 pm.

Moved Cr B Whiting, Seconded Cr P Garnham

CARRIED

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

22 COMMITTEE OF THE WHOLE

22.1 CONSIDERATION OF TENDER - INTERNAL AUDIT SERVICES

FILE NO:	81/76/6
ATTACHMENTS:	Nil
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

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

Under Section 428 (2) (i) of the Local Government Act 1993 the Internal Auditor forms a part of management's system of internal controls and has an advisory role to support the Audit, Risk and Improvement Committee (ARIC). An internal audit function maintains an appropriate level of independence and objectiveness through sound reporting relationships, and by those involved in internal audit activities avoiding bias and conflicts of interest.

The Internal Audit service provided will be guided by an Internal Audit Program aligning with the Institute of Internal Auditors. Representatives from the company or persons providing the Internal Audit Service will report to the ARIC, a minimum four times per year.

Tenders were called to engage a suitably qualified and experienced contractor of a registered company or persons with relevant accountancy and commercial qualifications to provide Internal Audit services to Council.

This report provides details of the tender assessment and a recommendation to award a contract for the services.

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 accepts the tender of PKF for Internal Audit services at \$80,000 per year;**
- 2. The contract will commence on 1 January 2023 for a term of three (3) years, with the provision of an additional two (2) years at the discretion of Council;**
- 3. General Manager be authorised to sign all relevant documentation relating to the contract.**

Moved Cr P Garnham, Seconded Cr S Halliday

CARRIED

For:

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

Against:

22.2 LEASE OF COUNCIL LAND AT THORNTON FOR CO-LOCATION AT EXISTING TELECOMMUNICATIONS FACILITY

FILE NO:	P41672
ATTACHMENTS:	1. Locality Plan 2. Lease Site Plan
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 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

Council has received a request from Optus Mobile Pty Ltd to enter into a lease agreement to co-locate at the existing Telstra Telecommunications Tower at Somerset Park, Thornton.

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 approve a new lease to Optus Mobile Pty Ltd to co-locate at the existing Telstra Tower over part of Lot 4100 DP 1058383 at Somerset Park Oval, Thornton for a period of 1st February 2023 to 31 December 2027 with a further two (2) x five (5) year consecutive lease options;**
- 2. Council approve the registration of the lease on Council's land title;**
- 3. The General Manager be authorised to execute any documentation relevant to affect this lease.**

Moved Cr M Griffin, Seconded Cr M Yarrington

CARRIED

For:

**Cr R Aitchison
Cr L Baker
Cr K Ferguson
Cr S Fisher
Cr P Garnham
Cr M Griffin
Cr B Hackney
Cr S Halliday
Cr B Mitchell
Mayor P Penfold
Cr B Whiting
Cr M Yarrington**

Against:

22.3 LUSKINTYRE ROAD WIDENING - LAND ACQUISITIONS

FILE NO:	31366, 28254, 28251 & 39380
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Luskintyre roadworks general location 2. Detailed site acquisitions plans 3. Lot & Deposited Plan identification
RESPONSIBLE OFFICER:	<p>Leah Flint - Group Manager Strategy Performance and Business Systems</p> <p>Stephen McDonald - Manager Governance and Risk</p>
AUTHOR:	Michael Rathborne - Senior Property Advisor
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

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 part of the 2022/2023 capital works program Council has scheduled to undertake investigation, design and acquisition works associated with the improvement of Luskintyre Road.

This report deals with the proposed land acquisitions for part Lot 22 DP792455 being 754 Luskintyre Road Luskintyre, part of Lot 21 DP 792455 being 764 Luskintyre Road, Luskintyre, part of Lot 2 DP 802706 being 773 Luskintyre Road, Luskintyre and part of Lot 21 DP1044468 being 836 Luskintyre Road, Luskintyre in association with those works.

A voluntary agreement has been reached with the property owners with this matter reported to Council for acceptance.

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 acquire the land with the intention to dedicate the acquired land to the public as road consisting of 1,514m² over Lot 22 DP792455 being 754 Luskintyre Road Luskintyre, 60m² of Lot 21 DP 792455 being 764 Luskintyre Road, Luskintyre, 1,949m² of Lot 2 DP 802706 being 773 Luskintyre Road, Luskintyre and 1,803m² of Lot 21 DP1044468 being 836 Luskintyre Road, Luskintyre;
2. Upon acquisition of the land that it be classified as "Operational";
3. Council pay, to the affected property owners, compensation as outlined within this report;
4. Council pay all reasonable survey, legal and ancillary costs which are necessary to acquire the land;
5. The Common Seal of Council be affixed to the survey plans as required by section 195D of the *Conveyancing Act 1919* (NSW);
6. The General Manager be authorised to execute any documentation relevant to affect these works.

Moved Cr B Whiting, Seconded Cr P Garnham

CARRIED

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

22.4 CONSIDERATION OF TENDERS - 2022/137/2133 - DESIGN & CONSTRUCTION OF LARGS & THORNTON SKATE PARKS

FILE NO:	2022/137/2133
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	David Moloney - Group Manager Infrastructure & Works Ashley Kavanagh - Manager Works Caine James - Operations Manager Recreation Works
AUTHOR:	Joshua Dever - Civil Engineer
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 were called to engage a suitably qualified and experienced contractor to complete the design and construction of two (2) new skate parks at Largs Oval and Thornton Oval.

Two tenders were received and assessed by a tender review 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 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 Trinity Skateparks Pty Ltd for
 - a. Part A – Design and Construction of Largs Skate Park in the amount of \$550,000.00 Excl. GST
 - b. Part B – Design and Construction of Thornton Skate Park in the amount of \$470,000 Excl. GST
2. The following contingencies be available for potential variations with the contract
 - a. \$45,000 Excl. GST for Part A – Design & Construction of Largs Skate Park
 - b. \$30,000 Excl. GST for Part B – Design & Construction of Thornton Skate Park
3. The common seal of Council be affixed to the contract documents

Moved Mayor P Penfold, Seconded Cr M Griffin

CARRIED

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

22.5 CONSIDERATION OF TENDERS - MT VINCENT ROAD EAST MAITLAND - ROAD REHABILITATION AND RESURFACING

FILE NO:	2022/137/2130
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:	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 qualified and experienced contractor to undertake the rehabilitation of Mt Vincent Road, East Maitland, between Wilton Drive and Chisholm Road.

Three tenders were received and assessed by a tender review panel. This report provides details of the tender assessment and a recommendation to decline all tenders for the works. The report recommends that Council undertake works using a combination of internal resources and subcontractors from Council's panel tenders. This report is being presented to the Committee of the Whole as it contains confidential information.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

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

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

COUNCIL RESOLUTION

THAT

- 1. Council in accordance with the Local Government (General) Regulation 2021 Clause 178 (1)(b) declines to accept any of the tenders submitted.**
- 2. Council in accordance with the Local Government (General) Regulation 2021 Clause 178 (3)(f) carry out the requirements of the proposed contract itself.**

Moved Cr B Whiting, Seconded Cr B Mitchell

CARRIED

For:

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

Against:



22.6 PROPERTY ACQUISITION, SOUTH MAITLAND

FILE NO:	PRC22430
ATTACHMENTS:	1. Locality Plan 2. Street View
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems Stephen McDonald - Manager Governance and Risk
AUTHOR:	Michael Rathborne - Senior Property Advisor
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

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

An opportunity has been presented to Council to purchase a parcel of land within the Maitland Park Precinct. The potential acquisition of this parcel of land supports the future planning for this precinct.

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 authorise the General Manager to negotiate the purchase of the property as detailed in this report to the financial threshold as identified;
2. Council authorise the General Manager to commence Compulsory Acquisition of the land if the initial negotiations are not successful;
3. Council authorise the General Manager to sign all documents related to the acquisition;
4. Upon acquisition the land is classified 'Community Land'.

Moved Cr P Garnham, Seconded Cr B Hackney

CARRIED

For:

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

Against:

22.7 GENERAL MANAGER PERFORMANCE REVIEW

FILE NO:	E10430
ATTACHMENTS:	1. General Manager's Performance Review 2021/2022
RESPONSIBLE OFFICER:	Philip Penfold - Mayor
AUTHOR:	Philip Penfold - Mayor Mitchell Griffin - Cr Peter Garnham - Cr Stephanie Fisher - Cr
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

The nominated Performance Review Panel met with the General Manager on Tuesday, 29 November 2022 to conduct the General Manager's annual performance review. This report presents the outcomes of the review for discussion and endorsement by Council.

OFFICER'S 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**

COUNCIL RESOLUTION

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**

Moved Mayor P Penfold, Seconded Cr P Garnham

CARRIED

For:

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

Against:

Council resumed into Ordinary Council at 7.26 pm.

Moved Cr R Aitchison, Seconded Cr S Fisher

CARRIED

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

23 COMMITTEE OF THE WHOLE RECOMMENDATIONS

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

22.1 Consideration of Tender - Internal Audit Services

THAT:

1. Council accepts the tender of PKF for Internal Audit services at \$80,000 per year;
2. The contract will commence on 1 January 2023 for a term of three (3) years, with the provision of an additional two (2) years at the discretion of Council;
3. General Manager be authorised to sign all relevant documentation relating to the contract.

22.2 LEASE OF COUNCIL LAND AT THORNTON FOR CO-LOCATION AT EXISTING TELECOMMUNICATIONS FACILITY

THAT

1. Council approve a new lease to Optus Mobile Pty Ltd to co-locate at the existing Telstra Tower over part of Lot 4100 DP 1058383 at Somerset Park Oval, Thornton

for a period of 1st February 2023 to 31 December 2027 with a further two (2) x five (5) year consecutive lease options;

2. Council approve the registration of the lease on Council's land title;
3. The General Manager be authorised to execute any documentation relevant to affect this lease.

22.3 Luskintyre Road Widening - Land Acquisitions

THAT:

1. Council acquire the land with the intention to dedicate the acquired land to the public as road consisting of 1,514m² over Lot 22 DP792455 being 754 Luskintyre Road Luskintyre, 60m² of Lot 21 DP 792455 being 764 Luskintyre Road, Luskintyre, 1,949m² of Lot 2 DP 802706 being 773 Luskintyre Road, Luskintyre and 1,803m² of Lot 21 DP1044468 being 836 Luskintyre Road, Luskintyre;
2. Upon acquisition of the land that it be classified as "Operational";
3. Council pay, to the affected property owners, compensation as outlined within this report;
4. Council pay all reasonable survey, legal and ancillary costs which are necessary to acquire the land;
5. The Common Seal of Council be affixed to the survey plans as required by section 195D of the *Conveyancing Act 1919* (NSW);
6. The General Manager be authorised to execute any documentation relevant to affect these works.

22.4 Consideration of Tenders - 2022/137/2133 - Design & Construction of Largs & Thornton Skate Parks

THAT

1. Council accept the tender of Trinity Skateparks Pty Ltd for
 - a. Part A – Design and Construction of Largs Skate Park in the amount of \$550,000.00 Excl. GST
 - b. Part B – Design and Construction of Thornton Skate Park in the amount of \$470,000 Excl. GST
2. The following contingencies be available for potential variations with the contract
 - a. \$45,000 Excl. GST for Part A – Design & Construction of Largs Skate Park
 - b. \$30,000 Excl. GST for Part B – Design & Construction of Thornton Skate Park

3. The common seal of Council be affixed to the contract documents

22.5 CONSIDERATION OF TENDERS - MT VINCENT ROAD EAST MAITLAND - ROAD REHABILITATION AND RESURFACING

THAT

1. Council in accordance with the Local Government (General) Regulation 2021 Clause 178 (1)(b) declines to accept any of the tenders submitted.
2. Council in accordance with the Local Government (General) Regulation 2021 Clause 178 (3)(f) carry out the requirements of the proposed contract itself.

22.6 Property Acquisition, South Maitland

THAT

1. Council authorise the General Manager to negotiate the purchase of the property as detailed in this report to the financial threshold as identified;
2. Council authorise the General Manager to commence Compulsory Acquisition of the land if the initial negotiations are not successful;
3. Council authorise the General Manager to sign all documents related to the acquisition;
4. Upon acquisition the land is classified 'Community Land'.

22.7 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

Moved Cr M Griffin / Seconded Cr P Garnham

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

24 CLOSURE

The meeting was declared closed at 7.33 pm.

.....
Chairperson