

ORDINARY MEETING

MINUTES

13 MARCH 2018

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PRESENT

Cr Loretta Baker, Mayor
Cr Donald Ferris
Cr Peter Garnham
Cr Mitchell Griffin
Cr Sally Halliday
Cr Henry Meskauskas
Cr Ben Mitchell
Cr Nicole Penfold
Cr Philip Penfold
Cr Kanchan Ranadive
Cr Ben Whiting
Cr Mike Yarrington

1 INVOCATION

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

2 ACKNOWLEDGEMENT OF COUNTRY

Cr S Halliday read the Acknowledgement of Country.

3 APOLOGIES AND LEAVE OF ABSENCE

COUNCIL RESOLUTION

THAT the apology received from Cr R Aitchison be accepted.

Moved Cr P Garnham, Seconded Cr B Whiting

CARRIED

4 DECLARATIONS OF INTEREST

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held 27 February 2018 be confirmed.

Moved Cr D Ferris, Seconded Cr B Whiting

CARRIED

6 BUSINESS ARISING FROM MINUTES

7 MAYORAL MINUTE

7.1 PLEDGE TO END HOMELESSNESS IN OUR REGION

FILE NO:	35/7/4
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	David Evans - General Manager
AUTHOR:	Loretta Baker - Mayor

MAYORAL MINUTE

Earlier this year, Compass Housing Services hosted a public event at Newcastle City Hall, called *Ending Homelessness: The Big Ideas*, where a group of selected speakers presented to the community on existing concepts that would potentially have a significant impact on reducing homelessness in our region.

A community collaborative steering group known as The Big Ideas Homelessness Network was formed. The Network comprises representatives from the community and agencies who have an interest in ending homelessness. The meetings are facilitated by Compass Housing's Professor David Adamson OBE and are held regularly to identify key challenges faced by people experiencing homelessness and the agencies that support them. One initiative of the Network is the development of a community pledge to create awareness of homelessness and advocate for change.

The online pledge was launched in late January 2018, with the aim of encouraging businesses, organisations and individuals to join with a collective objective to end homelessness in our region.

The Big Ideas Homelessness Network has extended an invitation for Maitland City Council to support this campaign by making a commitment to the pledge.

The Pledge

Maitland City Council pledges to do our part to end homelessness. We will build on our current actions to address homelessness, and support and promote the efforts of our community to end homelessness. We will advocate for change and enlist the support of our colleagues, businesses, local agencies and the community to join this important effort, and let local leaders know that Council supports *The Newcastle and Hunter Ending Homelessness Pledge*.

RECOMMENDATION

THAT

1. Council supports *The Newcastle and Hunter Ending Homelessness Pledge* by endorsing the suggested pledge to appear on the organisation's website.

PROCEEDINGS IN BRIEF

Cr M Griffin asked if the Mayor was prepared to include the pledge in Maitland +10 under the appropriate theme. The Mayor agreed to the request.

COUNCIL RESOLUTION

THAT

1. Council supports *The Newcastle and Hunter Ending Homelessness Pledge* by endorsing the suggested pledge to appear on the organisation's website.
2. Council include Pledge in Maitland +10 under the appropriate theme.

Moved Cr L Baker, Seconded Cr H Meskauskas

CARRIED

8 WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS

Nil

9 PUBLIC ACCESS

Nil

10 GENERAL MANAGER'S REPORTS

10.1 ENDORSEMENT OF MAITLAND +10

FILE NO:	29/41/4
ATTACHMENTS:	1. Submissions against consultation draft 2. Maitland +10
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Kathleen Morris - Manager Integrated Planning and Reporting
MAITLAND +10	Outcome 17. Community participation in decision-making
COUNCIL OBJECTIVE:	17.1.1 To ensure community input into Council decision-making is regular and active, with equitable opportunities for residents to share their views

EXECUTIVE SUMMARY

Maitland +10 is our community's strategic plan, which provides a vision for the future of Maitland along with how we will get there. Council has a custodial role in developing and maintaining the Plan, as legislated under Section 402 of the Local Government Act 1993, however its delivery is the responsibility of the full community.

Following a review of the plan, Council endorsed the consultation draft of Maitland +10 to public exhibition on 12 December 2017. An active citizen engagement program was held between 14 December 2017 and 12 February 2018, providing an opportunity to check back in with the community to ensure that their aspirations were appropriately captured.

Engagement activities resulted in exposure of the plan to more than 11,000 citizens and stakeholders. A total of 18 formal submissions were received, with a majority of these directly related to the services provided by Council. In consideration of the submissions it is recommended that minor changes be made to the Plan.

The endorsement of Maitland +10 supports the development of the Delivery Program 2018 to 2021 and 2018/19 Operational Plan.

OFFICER'S RECOMMENDATION

THAT

- 1. Council note the consultation draft of 'Maitland +10' was publicly exhibited from 14 December 2017 to 12 February 2018, and consider the 18 submissions received;**

2. Council, in accordance with Section 402 of the Local Government Act 1993, endorse the revised community strategic plan, 'Maitland +10', including any amendments made during consideration of submissions;
3. The Office of Local Government be provided with a copy of the revised Maitland +10 within 28 days of endorsement.

COUNCIL RESOLUTION

THAT

1. Council note the consultation draft of 'Maitland +10' was publicly exhibited from 14 December 2017 to 12 February 2018, and consider the 18 submissions received;
2. Council, in accordance with Section 402 of the Local Government Act 1993, endorse the revised community strategic plan, 'Maitland +10', including any amendments made during consideration of submissions;
3. The Office of Local Government be provided with a copy of the revised Maitland +10 within 28 days of endorsement.

Moved Cr H Meskauskas, Seconded Cr M Yarrington

CARRIED

11 PLANNING, ENVIRONMENT AND LIFESTYLE REPORTS

11.1 DA 17-2388 ONE LOT INTO THREE LOT SUBDIVISION - LOT 18 DP1018292, 13 DALVEEN ROAD, BOLWARRA HEIGHTS RECOMMENDATION: APPROVAL

FILE NO: DA 17-2388

ATTACHMENTS:

1. Locality Plan
2. Development Plans
3. Submissions

RESPONSIBLE OFFICER: Bernie Mortomore - Group Manager Planning,
Environment & Lifestyle
David Simm - Manager Development & Environment
Leanne Harris - Development Assessment Coordinator

AUTHOR: Adrian Quinn - Town Planner

APPLICANT: Hilltop Planners Pty Ltd

OWNER: Tilse, Jonathan Andrew

PROPOSAL: One lot into three lot subdivision and associated works

LOCATION: Lot 18 DP1018292, 13 Dalveen Road Bolwarra Heights

ZONE: R1 General residential

EXECUTIVE SUMMARY

This proposal is referred to Council for determination due to the receipt of three submissions during the notification period. The submissions are discussed in the section of this report addressing s79c(1)(d) of the EP&A Act.

The proposal involves the subdivision of one lot into three, with two lots having battle-axe formations. The proposal subsequently requires subdivision works including driveways and drainage infrastructure within the two proposed battle-axe handles, a culvert with driveway to access the proposed rear lot (181) and a drainage swale to ensure that existing site overland storm water flow issues are adequately managed to allow for future development on proposed lot 181.

Drainage, excavation, driveway and grading works were carried out on the site in 2017 without obtaining a Construction Certificate. As a result, a clean-up notice and order were issued by Council to enforce the owner to return the site to its pre-existing condition. The assessment of this proposal has been carried out in parallel with the order and clean-up notice.

OFFICER'S RECOMMENDATION

THAT

1. The proposed Torrens title subdivision – one (1) lot into three (3) lots is approved subject to attached conditions of consent.

COUNCIL RESOLUTION

THAT

1. The proposed Torrens title subdivision – one (1) lot into three (3) lots is approved subject to attached conditions of consent.

Moved Cr P Garnham, Seconded Cr B Mitchell

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 L Baker	Against:
	Cr D Ferris	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr H Meskauskas	
	Cr B Mitchell	
	Cr N Penfold	
	Cr P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

Schedule of conditions DA 17-2388

SUBDIVISION (TORRENS) - MINOR

Reason for conditions

The following conditions are applied to:

- *Confirm and clarify the terms of Council's Approval;*
- *Identify minor modifications and additional requirements that will result in improved compliance, development and environmental outcomes; and*
- *Draw to the attention of the applicant and owner their responsibility to comply with the requirements of various legislation including but not limited to the Environmental Planning and Assessment Act, 1979, Local Government Act 1993; relevant Regulations; Building Code of Australia, Australian Standards and Local Policies relating to development works, building construction and protection and enhancement of public health and the environment.*

APPROVED PLANS AND DOCUMENTATION

1. The proposed subdivision shall be carried out in accordance with the stamped approved plans and documentation as detailed in the following schedule, and any amendments to those plans arising through conditions of this consent.

Plan reference	Sheet no.	Revision	Date	Prepared by: (consultant)
Draft subdivision plan, 17-135B	-	3	07/02/2018	David Cant Surveyors
Draft subdivision plan (for Hunter Water Corporation stamp purposes only), 17-135B	-	2	07/09/2017	David Cant Surveyors
Subdivision works plan, 17422CC	C001	2	Dated 14/02/2018	GCA Engineering Solutions
Subdivision works plan (showing fill stockpiling areas marked by applicant in red pen), 17422CC	C001	2	Dated 14/02/2018, received by Council 23/02/2017	GCA Engineering Solutions, received by email from Richard Bennett
Driveway 1 longitudinal section, 17422CC	C002	2	14/02/2018	GCA Engineering Solutions
Driveway 1 cross sections, 17422CC	C003	2	14/02/2018	GCA Engineering Solutions
Driveway 2 cross sections, 17422CC	C004	1	13/02/2018	GCA Engineering Solutions

Driveway typical sections, 17422CC	C005	2	14/02/2018	GCA Engineering Solutions
Sediment and erosion control plan	C006	2	14/02/2018	GCA Engineering Solutions
Sediment and erosion control plan	C007	1	13/02/2018	GCA Engineering Solutions
Statement of Environmental Effects, 1735	-	-	02/11/2017	Hill Top Planners
SEE addendum (email regarding fill)	-	-	23/02/2018	Richard Bennet, Hilltop Planners

CONTRIBUTIONS & FEES

2. Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Maitland City Wide Section 94 Contributions Plan 2016, a contribution of \$14,368 shall be paid to the Council.

The contribution is calculated from Council's adopted Section 94 Contributions Plan in the following manner:

	lots	Total
2016 City Wide Aquatics	2 x \$966	\$1,932
2016 City Wide Rec & Open Space	2 x \$806	\$1,612
2016 City Wide Multipurpose Centres	2 x \$633	\$1,266
2016 City Wide Library Floor Space	2 x \$612	\$1,224
2016 City Wide Road & Traffic	2 x \$3,198	\$6,396
2016 City Wide Cycleways/Shared Paths	2 x \$570	\$1,140
2016 City Wide Plan Management/Administration	2 x \$175	\$350
2016 City Wide Competition Netball Courts	2 x \$224	\$448
		\$14,368

The above contributions rates are indexed, at least annually, with reviewed rates to apply from 1st February each year in accordance with the provisions of the Maitland City Wide Section 94 Contributions Plan 2016. Please refer to Council's web page for the current rates applicable.

Payment of the above amount shall apply to Development Applications as follows:

- *Subdivision only - prior to issue of the Subdivision Certificate.*
- *Building work only - prior to issue of the Construction Certificate.*
- *Subdivision and building work - prior to the issue of the Construction Certificate, or Subdivision Certificate, whichever occurs first.*
- *Where no construction certificate is required - prior to issue of an Occupation Certificate.*
- *For extractive industries - annually from the date of issue of development consent.*

The above "contribution" condition has been applied to ensure that:

- i) Where the proposed development results in an increased demand for public amenities and services, payment towards the cost of providing these facilities/services is made in accordance with Council's adopted contributions plan prepared in accordance with the provisions of section 94 of the Environmental Planning and Assessment Act, 1979.*
- ii) Council's administration expenses are met with respect to the processing of the application.*

3. **Prior to the issue of the Subdivision Certificate**, “house numbering” and “subdivision certificate” fees, in accordance with Council’s *Schedule of Fees and Charges*, shall be paid to Council.

CERTIFICATES & PLANS

4. **Prior to issue of the Subdivision Certificate**, original plans and/or documents of survey/title, and four copies, shall be submitted to Council.
5. **Prior to issue of the Subdivision Certificate**, a Compliance Certificate under Section 50 of the Hunter Water Act 1991 for this development shall be submitted to Council.

VEHICLE ACCESS

6. **Prior to issue of the Construction Certificate** for the road works, an engineering design shall be prepared for approval, in accordance with Council’s Manual of Engineering Standards, and this consent.
7. **Prior to issue of the Subdivision Certificate:**
- a) the driveway from the road pavement to the property boundary for each lot shall be constructed as a concrete slab in accordance with Council’s Manual of Engineering Standards with reference to Council’s information document “*Footway Crossings (Driveways)*”, and
 - b) any necessary footway adjustments shall be provided to Council’s satisfaction, and
 - c) the driveway within the access handle of Lot 182 shall be constructed along its full length as a concrete slab 2.7m wide (or drive-strips to “commercial” standard) in accordance with Council’s standards, and
 - d) an access road from the edge of road pavement, along the length of the access corridor for Lot 181 and up to the western extent of the easement to drain water over the existing gully, shall be constructed with either a concrete slab or a two-coat bitumen-sealed granular pavement suitable for the expected traffic loadings and pavement design-life, together with stormwater swales and conduit and/or concrete causeway structures catering for major flows from the contributing catchments.
8. **Prior to commencement of construction** of the driveways across the footway and within the handles, a Construction Certificate for the works shall be issued, being a design prepared in accordance with Council’s Manual of Engineering Standards.
- Note: Details of the handle driveway and the footway crossing may be submitted as a single design for Construction Certificate purposes.*
9. **Prior to commencement of construction** of the driveway crossings on the public road verge, the works shall have been approved by Council. An application form “*Application to Construct Private Works on Footway*” shall be submitted to Council, together with the applicable fee (for each driveway).

STORMWATER DRAINAGE

10. **Prior to issue of the Construction Certificate** a stormwater drainage system design incorporating stormwater detention/retention (designed in accordance with Council's Manual of Engineering Standards), catering for discharge from contributing catchment areas in their ultimate developed state shall be submitted to Council for determination.
11. **Prior to the issue of the Subdivision Certificate** all stormwater drainage works and associated infrastructure facilities, shall be provided in accordance with Council's Manual of Engineering Standards and in accordance with the approved Construction Certificate.
12. **Prior to issue of the Subdivision Certificate**, an inter-allotment drainage stormwater pipeline (and pit where applicable) servicing Lots 182 & 183 shall be constructed in accordance with Council's Manual of Engineering Standards.
13. **Prior to commencement of construction** of the inter-allotment drainage, a Construction Certificate for the works shall be issued, being a design prepared based on the concept plan numbered **17422C** dated **14.02.18** in accordance with Council's Manual of Engineering Standards.
14. **Prior to issue of the Subdivision Certificate** a surveyor or engineer shall determine stormwater drainage system needs within the property, and such details shall be submitted to Council for approval. Where required by Council, and prior to issue of the certificates, any necessary inter-allotment drainage pipe/pit system shall be constructed, making connection to the existing downstream drainage system, in accordance with a Construction Certificate, and Council's Manual of Engineering Standards.
15. **Prior to issue of the Subdivision Certificate** stormwater runoff from the existing buildings and the ground surface of proposed lot **183** shall be collected and directed to the new drainage pit.

EARTHWORKS

16. Filling material, shall be limited to the following:
 - a) virgin excavated natural material (VENM);
 - b) excavated natural material (ENM) certified as such in accordance with Protection of the Environment Operations (Waste) Regulations 2014.
 - c) material subject to a Waste exemption under Clauses 91 and 92 Protection of the Environment Operations (Waste) Regulations 2014 and recognised by the NSW Environment Protection Authority as being 'fit for purpose' with respect to the development subject of this application.

Note: Under no circumstances shall contaminated fill material including but not limited to putrescible wastes, (such as timber, paper, green waste, food etc), oil products (including petrol, bitumen, asphaltic concrete etc), plastic, and the like, be deposited on the land unless expressly authorised by this development consent.

17. Only natural earth material, free of contamination shall be deposited on the land. All putrescible wastes, (including timber, paper, green waste, food etc), oil products (including petrol, bitumen, asphaltic concrete etc), plastic, and the like, are not permitted for fill purposes.

18. Where ENM, or material the subject of a waste recovery exemption is used, the applicant shall ensure that detailed records are kept identifying the source of the material and its composition. Such records are to be provided to the Council upon completion of the filling.
19. At the completion of filling the applicant shall submit to the Council a validation report prepared in accordance with EPA requirements by a qualified geotechnical consultant confirming that the completed filling works (addressing both material type, compaction and stabilisation) has been undertaken in accordance with the approved development application documentation and associated consent conditions.
20. Filling material shall be:
 - contained within the property with a minimum clearance of 3m from adjoining property boundaries
 - stabilised against erosion upon final placement with topsoil and grass (seed or turf), or by similar means
 - graded evenly to shed stormwater runoff to an existing overland flow path
 - provided with stable, maintainable batter slopes not steeper than 1 (vertical) in 4 (horizontal)
21. Fill material shall not obstruct any local watercourse, flow path or drain, that is within or that enters the site, without provision for conveyance, within the site, of stormwater flows through or around the proposed fill area, including adequate protection against erosion.

EROSION CONTROLS

22. The environment surrounding the work shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind and "vehicle tracking".
23. The site shall be managed during construction so as to prevent (eg by water spray) the generation of dust by moving vehicles within the site, from the public road access point.
24. To prevent siltation, the earth dam is to be in place prior to works beginning on the culvert.

LAND TITLE

25. An easement shall be created under Section 88B of the Conveyancing Act, and in accordance with Council's Manual of Engineering Standards, to cover the inter-allotment stormwater drainage line servicing Lots 182 & 183.
26. An easement along the northern and western boundary of Lot 181 shall be created under Section 88B of the Conveyancing Act, and in accordance with Council's Manual of Engineering Standards, to provide for drainage of all upstream allotments.
27. The authority empowered to release, vary or modify easements to drain water required by this consent, shall be nominated as "the owners of the lots burdened and benefitted, only with the consent of Maitland City Council".

28. A restriction on the title of proposed lots 181 & 182 shall be created under Section 88B of the Conveyancing Act, which prohibits the erection of a dwelling on the lot, without on-site stormwater detention that complies with the requirements of Council's "Manual of Engineering Standards".

CIVIL WORKS

29. No works are permitted to commence on the site without a Construction Certificate having been issued.
30. **Prior to issue of the Subdivision Certificate**, all necessary civil works required for compliance with this consent and the Construction Certificate shall be provided in accordance with Council's Manual of Engineering Standards.

ADVICES

The following advice is limited in scope and should not be understood to encompass all areas of responsibility of the consent holder, relating to the development.

- A** You are advised that where underground works within the road reserve are required or necessary for supply of services (such as water, sewer, electricity, gas), further consent for a "Road Opening" must be obtained from Council.
- B** You are advised that prior to construction of the driveway handle, utility services and/or their conduits should be installed along the handle length.
- C** You are advised that all works associated with the Construction Certificate (CC) for the *inter-allotment drainage and/or driveway handle* requires inspections by the Principal Certifying Authority (PCA – being Council) as set out in the Manual of Engineering Standards, and that a Certification Fee applies.
- D** You are advised that for driveway works on the footway verge, inspection by Council is required (eg formwork & reinforcement). See Council's "Application to Construct Private Works on Footway".
- E** You are advised that in regard to potential soil erosion from the construction site, such pollution of the environment is an offence under the Protection Of the Environment & Operations (POEO) Act and may incur infringement fines.
- F** You are advised that damage to existing roads (including footpaths and kerb/gutters) and drainage as a result of construction works may incur rectification costs.
- G** You are advised that the responsibility for deposition of material remains with the owner/occupier.
- H** You are advised to consult with New South Wales Department of Primary Industries – Water regarding any required approvals for water front land (section 91 of the Water Management Act 2000).

11.2 FLOODPLAIN MANAGEMENT AUSTRALIA NATIONAL CONFERENCE 2018

FILE NO:	103/64
ATTACHMENTS:	1. FMA National Conference Program
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle
AUTHOR:	Stephen Punch - Principal Planner
MAITLAND +10	Outcome 9. Our local rivers and floodplains
COUNCIL OBJECTIVE:	9.1.1 To continue to strengthen partnerships with NSW Office of Environment and Heritage, Catchment Management Authority (CMA) and property owners relating to our river systems

EXECUTIVE SUMMARY

The Floodplain Management Australia (FMA) is holding its National Conference in the Gold Coast from 30 May –1 June 2018. The conference focus will be “Waterways of Success: Developing Flood Resilience in our Communities”.

This report seeks Council's determination of its representation to the conference.

OFFICER'S RECOMMENDATION

THAT

1. Interested Councillors be nominated to attend the 2018 Floodplain Management Australia National Conference.

COUNCIL RESOLUTION

THAT

1. Cr R Aitchison and Cr S Halliday be nominated to attend the 2018 Floodplain Management Australia National Conference.

Moved Cr B Whiting, Seconded Cr H Meskauskas

CARRIED

11.3 CATTLE AT SOMERSET PARK THORNTON

FILE NO:	P41672
ATTACHMENTS:	1. Previous Report
RESPONSIBLE OFFICER:	David Evans - General Manager
AUTHOR:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle
MAITLAND +10	Outcome 1. Sense of place and pride
COUNCIL OBJECTIVE:	1.4.3 To ensure the local community's social needs are addressed

EXECUTIVE SUMMARY

Council at its last meeting resolved that a report be prepared addressing an earlier report on the Thornton/Woodberry wetland.

This report is in response to that resolution and recommends that Council engages with Hunter Local Land Services and the NSW Department of Primary Industries to gain their input to options for going forward.

OFFICER'S RECOMMENDATION

THAT

- 1. Council note the content of the report to Council dated 27 March 2017;**
- 2. Council engage with Hunter Local Land Services and the NSW Department of Primary Industries seeking any update on the development of management plans for the Woodberry swamp and their input to options or possible solutions to containment of the cattle.**

PROCEEDINGS IN BRIEF

A motion was moved as follows:

THAT

- Council note the content of the report to Council dated 27 March 2017;
- Council engage with Hunter Local Land Services and the NSW Department of Primary Industries seeking any update on the development of management plans for the Woodberry swamp and their input to options or possible solutions to containment of the cattle.
- Council install temporary fencing on Council land south of Morriway Close.
- Cost be addressed at the next quarterly budget review.

Moved: Cr M Griffin, Seconded: Cr M Yarrington

An amendment was moved to adopt the Officer's Recommendation as printed.

Moved: Cr H Meskauskas, Seconded: Cr D Ferris

The amendment when put to the meeting was declared lost.

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

COUNCIL RESOLUTION

THAT

- 1. Council note the content of the report to Council dated 27 March 2017;**
- 2. Council engage with Hunter Local Land Services and the NSW Department of Primary Industries seeking any update on the development of management plans for the Woodberry swamp and their input to options or possible solutions to containment of the cattle.**
- 3. Council install temporary fencing on Council land south of Morriway Close.**
- 4. Cost be addressed at the next quarterly budget review.**

Moved Cr M Griffin, Seconded Cr M Yarrington

CARRIED

12 INFRASTRUCTURE AND WORKS REPORTS

12.1 COMPULSORY ACQUISITION OF LAND FOR THE REDEVELOPMENT OF THE MAITLAND REGIONAL SPORTSGROUND COMPLEX (ATHLETICS TRACK) - ODD STREET, MAITLAND

FILE NO:	P37410
ATTACHMENTS:	1. Plan of Acquisition
RESPONSIBLE OFFICER:	Chris James - Group Manager Infrastructure & Works Kevin Stein - Manager Engineering & Design
AUTHOR:	Chris Pinchen - Infrastructure Project Engineer
MAITLAND +10	Outcome 4. Well-planned and integrated infrastructure
COUNCIL OBJECTIVE:	4.3.1 To complete the alignment of Council's infrastructure planning with its community, corporate, land use, asset and environmental strategies

EXECUTIVE SUMMARY

A portion of land has been identified to be acquired in order to facilitate the redevelopment of the Maitland Regional Sportsground Complex – Athletics Track. A compulsory acquisition process is necessary to acquire a portion of the reserved road corridor that remains in the ownership of a deceased estate.

This report outlines the background behind the identification of the portion of land and recommends that compulsory acquisition proceeds. Acceptance from Council is sought to acquire the land for inclusion as part of Council's existing assets base and to facilitate the redevelopment of the Athletics Track.

OFFICER'S RECOMMENDATION

THAT

- 1. Council proceed with compulsory acquisition in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)* of approximately 1,151m² of land identified as a portion of reserved road generally bounded by Lot 1, DP722550 & Lot 1, DP329996.**
- 2. Council make application to the Minister to dispense with the minimum period of negotiation for acquisition on the basis that ownership is in the name of a deceased estate.**
- 3. Council make application to the Governor to enable compulsory acquisition to be made via declaration by notice published in the Gazette.**

4. The Common Seal of the Council be affixed where required to documents associated with the application to the Minister / Governor and the acquisition.
5. The General Manager be authorised to sign any other documents associated with the application to the Minister / Governor and the acquisition.
6. Upon acquisition the land is classified as community land.

COUNCIL RESOLUTION

THAT

1. Council proceed with compulsory acquisition in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)* of approximately 1,151m² of land identified as a portion of reserved road generally bounded by Lot 1, DP722550 & Lot 1, DP329996.
2. Council make application to the Minister to dispense with the minimum period of negotiation for acquisition on the basis that ownership is in the name of a deceased estate.
3. Council make application to the Governor to enable compulsory acquisition to be made via declaration by notice published in the Gazette.
4. The Common Seal of the Council be affixed where required to documents associated with the application to the Minister / Governor and the acquisition.
5. The General Manager be authorised to sign any other documents associated with the application to the Minister / Governor and the acquisition.
6. Upon acquisition the land is classified as community land.

Moved Cr P Garnham, Seconded Cr S Halliday

CARRIED

13 STRATEGY PERFORMANCE AND BUSINESS SYSTEMS REPORTS

13.1 DRAFT COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT GUIDELINES

FILE NO:	35/7
ATTACHMENTS:	1. Draft Councillor Induction & Professional Development Guidelines
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Amanda Hillman - Coordinator Governance
MAITLAND +10	Outcome 18. An efficient and effective Council
COUNCIL OBJECTIVE:	18.2.1 To maintain effective and appropriate systems to ensure decision-making is transparent, accessible and accountable

EXECUTIVE SUMMARY

The Office of Local Government has released circular 17-39 (see attachment 1) outlining a consultation draft of the Councillor Induction and Professional Development Guidelines. These guidelines are to assist with the implementation of changes to the Local Government (General) Regulation 2005 regarding the professional development of Mayors and Councillors. Submissions on the draft guidelines are invited by 16 March 2016.

OFFICER'S RECOMMENDATION

THAT

- 1. Council endorse the draft Councillor Induction and Professional Development Guidelines as released for consultation by the Office of Local Government.**
- 2. A further report be brought to Council once the Councillor Induction and Professional Development Guidelines are finalised, including consideration of Council's transition to meet the new requirements.**

COUNCIL RESOLUTION

THAT

- 1. Council endorse the draft Councillor Induction and Professional Development Guidelines as released for consultation by the Office of Local Government.**

2. A further report be brought to Council once the Councillor Induction and Professional Development Guidelines are finalised, including consideration of Council's transition to meet the new requirements.

Moved Cr P Garnham, Seconded Cr M Griffin

CARRIED

14 MAJOR PROJECTS REPORTS

Nil

15 HUMAN RESOURCES REPORTS

Nil

16 MARKETING AND COMMUNICATIONS REPORTS

Nil

17 ITEMS FOR INFORMATION

17.1 HUNTER LIBRARIES CONSORTIUM - SHARING OF DIGITAL COLLECTIONS

FILE NO:	86/20
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle
AUTHOR:	Keryl Collard - City Librarian
MAITLAND +10	Outcome 2. Community and recreation services and facilities
COUNCIL OBJECTIVE:	2.2.2 To ensure library services and programs respond to changes in needs and expectations of the community

EXECUTIVE SUMMARY

The purpose of this report is to provide information on an agreement for digital resource sharing by Hunter region public libraries, including Maitland, Cessnock, Singleton, Muswellbrook and Upper Hunter Libraries. Cooperation to provide shared digital resources through the Hunter Libraries consortium has enabled a broader scope of digital audio, book and magazine collections available to local communities.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

COUNCIL RESOLUTION

THAT the information contained in this Report be noted.

Moved Cr K Ranadive, Seconded Cr S Halliday

CARRIED

17.2 GRANT APPLICATION UNDER ROUND 2 OF THE NSW BOATING NOW PROGRAM

FILE NO:	35/33/18/1 & P21317
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle Laurie D'Angelo - Manager Community and Recreation
AUTHOR:	Amanda McMahon - Project Coordinator
MAITLAND +10	Outcome 2. Community and recreation services and facilities
COUNCIL OBJECTIVE:	2.5.1 To deliver improved opportunities for the community to access the Hunter River and its banks

EXECUTIVE SUMMARY

Council resolved on the 8th August to apply for funding under Round 2 of the NSW Boating Now Program. This report advises that Council has been successful in obtaining funding of \$315,000 towards Stage A of the Queens Wharf, Morpeth Masterplan but unsuccessful in obtaining funding for the Lorn Riverbank.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

COUNCIL RESOLUTION

THAT the information contained in this Report be noted.

Moved Cr M Griffin, Seconded Cr B Mitchell

CARRIED

17.3 RECENT AMENDMENT TO THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

FILE NO:	103/41
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle Stephen Punch - Principal Planner
AUTHOR:	Carolyn Maginnity - Town Planner
MAITLAND +10	Outcome 18. An efficient and effective Council
COUNCIL OBJECTIVE:	18.2.1 To maintain effective and appropriate systems to ensure decision-making is transparent, accessible and accountable

EXECUTIVE SUMMARY

The Environmental Planning and Assessment Act 1979 (EP&A Act) has recently been the subject of major review, the most comprehensive since the introduction of the Act around 40 years ago. The new Act follows the passing of the Environmental Planning and Assessment Amendment Act 2017 in the NSW Parliament in November 2017.

This report summarises the more significant amendments to the Act and in particular, how those amendments will impact on the operation of Council's Urban Growth and Development Assessment sections.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

COUNCIL RESOLUTION

THAT the information contained in this Report be noted.

Moved Cr P Garnham, Seconded Cr N Penfold

CARRIED

17.4 ROADS TO RECOVERY - STATEMENT OF EXPECTATIONS

FILE NO:	92/6
ATTACHMENTS:	1. Statement of Expectations
RESPONSIBLE OFFICER:	Chris James - Group Manager Infrastructure & Works Graeme Matthews - Manager Projects & Services
AUTHOR:	Chris McGrath - Principal Asset Engineer
MAITLAND +10	Outcome 5. Moving around our City
COUNCIL OBJECTIVE:	5.1.4 To provide safe and effective transport infrastructure

EXECUTIVE SUMMARY

This report provides background and details of the recent Statement of Expectations regarding the Roads to Recovery Program, circulated by the former Minister for Infrastructure and Transport, the Hon Darren Chester MP on the 7 November 2017.

The Statement of Expectations encourages Councils to give greater priority to road safety projects under the program, and asks them to provide additional information on the benefits and outcomes of each project. This will help the Government to be better able to assess the Roads to Recovery Program's effectiveness.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

COUNCIL RESOLUTION

THAT the information contained in this Report be noted.

Moved Cr B Whiting, Seconded Cr S Halliday

CARRIED

17.5 LOCAL TRAFFIC COMMITTEE MEETING FEBRUARY 2018 MINUTES

FILE NO:	140/5
ATTACHMENTS:	1. LTC Minutes February 2018
RESPONSIBLE OFFICER:	Chris James - Group Manager Infrastructure & Works Kevin Stein - Manager Engineering & Design Scott Henderson - Coordinator Infrastructure Planning Engineering
AUTHOR:	Kenneth Splatt - Traffic Officer
MAITLAND +10	Outcome 5. Moving around our City
COUNCIL OBJECTIVE:	5.1.3 To optimise the connectivity of the transport network

EXECUTIVE SUMMARY

The minutes of Maitland City Council's Local Traffic Committee Meeting held Thursday, 1 February 2018 are attached for Council's information.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

COUNCIL RESOLUTION

THAT the information contained in this Report be noted.

Moved Cr M Griffin, Seconded Cr H Meskauskas

CARRIED

17.6 SUMMER IN MAITLAND CAMPAIGN REPORT

FILE NO:	139/99
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Rachel MacLucas - Executive Manager Marketing and Communications
AUTHOR:	Martin Payne - Coordinator City and Visitor Economy
MAITLAND +10	Outcome 1. Sense of place and pride
COUNCIL OBJECTIVE:	1.2.2 To activate key public spaces across the City, increasing usage

EXECUTIVE SUMMARY

Between November 2017 and February 2018, to encourage residents to stay within the city and visitors to come to Maitland during what has traditionally been seen as a quiet period, Council developed and ran a promotional campaign under the banner of 'Summer in Maitland'. The campaign encompassed already planned community organised events, Council's flagship and community events, the NRL pre-season trial match as well as a pilot program of Council organised activations along with initiatives contained within The Levee Marketing and Activity Plan.

OFFICER'S RECOMMENDATION

THAT the information contained in this report be noted.

COUNCIL RESOLUTION

THAT the information contained in this report be noted.

Moved Cr P Penfold, Seconded Cr B Whiting

CARRIED

17.7 SLOW FOOD EARTH MARKET MAITLAND REPORT

FILE NO:	139/57
ATTACHMENTS:	1. Slow Food Earth Market report December 2017
RESPONSIBLE OFFICER:	Rachel MacLucas - Executive Manager Marketing and Communications
AUTHOR:	Martin Payne - Coordinator City and Visitor Economy
MAITLAND +10	Outcome 13. Our economy and jobs
COUNCIL OBJECTIVE:	13.2.1 To investigate the potential for sustainable local food production

EXECUTIVE SUMMARY

Following Council's January 2017 endorsement of further development and facilitation of a regular local produce market in The Levee Shared Zone, a memorandum of understanding (MOU) between Council and Slow Food Hunter Valley was developed to deliver regular produce markets in the precinct, beginning March 2018. This report provides an update on the markets for the period March 2017 to December 2017.

OFFICER'S RECOMMENDATION

THAT the information contained in this Report be noted.

COUNCIL RESOLUTION

THAT the information contained in this Report be noted.

Moved Cr B Whiting, Seconded Cr D Ferris

CARRIED

17.8 MAITLAND EVENTS NOVEMBER 2017 - FEBRUARY 2018

FILE NO:	139/50
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Rachel MacLucas - Executive Manager Marketing and Communications
AUTHOR:	Adam Franks - Coordinator Events
MAITLAND +10	Outcome 3. Iconic events and local festivals
COUNCIL OBJECTIVE:	3.1.1 To create an economic, social and cultural benefit to the community through the presentation of a series of sustainable flagship events

EXECUTIVE SUMMARY

Maitland Events, the section of Maitland City Council responsible for the delivery of flagship events has delivered two flagship and two community events between November 2017 and February 2018. This report provides a summary of these events.

OFFICER'S RECOMMENDATION

THAT

1. That the information in this report be noted.
2. Council acknowledge the many sponsors, community groups, volunteers and stakeholders critical to the success of the flagship and community event program.

COUNCIL RESOLUTION

THAT

1. That the information in this report be noted.
2. Council acknowledge the many sponsors, community groups, volunteers and stakeholders critical to the success of the flagship and community event program.

Moved Cr P Garnham, Seconded Cr N Penfold

CARRIED

18 NOTICES OF MOTION/RESCISSION

Nil

19 QUESTIONS WITH NOTICE

Nil

20 URGENT BUSINESS

20.1 EXPRESSIONS OF INTEREST TO HOST TRIPLE J ONE NIGHT STAND. - FILE NO 139/50

Cr Ben Whiting asked that Council support Expressions of Interest to host Triple J One Night Stand.

COUNCIL RESOLUTION

Moved Cr B Whiting, Seconded Cr D Ferris

CARRIED

Council moved into the Committee of the Whole at 6.13pm.

Moved Cr M Griffin, Seconded Cr B Mitchell

CARRIED

Council moved into Closed Session of the Committee of the Whole for the reasons specified in the Agenda, and closed the meeting to the public at 6.14 pm.

Moved Cr H Meskauskas, Seconded Cr M Griffin

CARRIED

21 COMMITTEE OF THE WHOLE

21.1 CONSIDERATION FOR TENDERS-SUPPLY AND INSTALLATION/SUPPLY ONLY OF ROAD SAFETY BARRIER SYSTEMS

FILE NO:	137/1412
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Chris James - Group Manager Infrastructure & Works Ashley Kavanagh - Manager Works
AUTHOR:	Ben Pickering - Construction Engineer
MAITLAND +10	Outcome 18. An efficient and effective Council
COUNCIL OBJECTIVE:	18.3.2 To optimise collaboration with other regional councils to maximise service provision and benefits to Council and the Hunter Region

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

Regional Procurement recently called tenders for the 'Supply and Installation of Road Safety Barrier Systems' and 'Supply Only of Road Barrier Safety Systems' as an agent for participating member Councils. This report provides Council with information in relation to these tenders and seeks Council's approval to engage contractors / purchase these products utilising the preferred tenderers commencing April 2018.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

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

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

COMMITTEE RECOMMENDATION TO COUNCIL

THAT

1. All tenders be accepted for both Category 1 and Category 2 components of the tender.
2. For Category 1: 'Supply & Installation of Road Safety Barrier Systems' - that the tenderer/s representing best value be appointed as Panel suppliers to respective participating HROC member Councils for the period 1 April 2018 to

31 March 2020.

3. For Category 2: 'Supply Only of Road Safety Barrier Systems' - that the tenderer/s representing best value be appointed as Panel suppliers to respective participating HROC member Councils for the period 1 April 2018 to 31 March 2020.
4. That provision be allowed for a 12 month extension based on satisfactory supplier performance, which may take the tender through to March 2021.

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 12 for and 0 against, as follows:

For:	Cr L Baker	Against:
	Cr D Ferris	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr H Meskauskas	
	Cr B Mitchell	
	Cr N Penfold	
	Cr P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

21.2 CONSIDERATION OF TENDERS - 2017 / 2018 PLANT REPLACEMENT PROGRAM - PURCHASE OF ONE 12,000 LITRE WATER TANKER TRUCK

FILE NO:	137/1401
ATTACHMENTS:	1. Tender Evaluation
RESPONSIBLE OFFICER:	Chris James - Group Manager Infrastructure & Works Graeme Matthews - Manager Projects & Services
AUTHOR:	Manny Kallis - Coordinator Mechanical Services
MAITLAND +10	Outcome 19. A sustainable Council for a sustainable City
COUNCIL OBJECTIVE:	19.2.1 To maintain a contemporary asset policy, asset strategy, and management plans for all Council assets

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

EXECUTIVE SUMMARY

Tenders have been called for the purchase of One 12,000 litre Water Tanker Truck in accordance with the adopted Plant Replacement Program for 2017 / 2018.

The tenders are presented for Council's consideration and are reported to Committee of the Whole as they contain confidential commercial information.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

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

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

COMMITTEE RECOMMENDATION TO COUNCIL

THAT

- Council accept the tender of Newcastle Commercial Vehicles Pty Ltd for the supply and delivery only of one Hino FM2632 Cab Chassis with Capital Body Works aluminium water tanker body as tendered for the purchase only price of \$246,957.46 (ex GST) plus options for \$28,750.00 (ex GST). Total purchase cost \$275,707.46 (ex GST).**
- Council dispose of Plant No. 5238 Mitsubishi Fuso 12,000 litre Water Tanker Truck via auction through Pickles Auctions for the set reserve of \$59,090.91**

(ex GST).

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

Moved Cr H Meskauskas, Seconded Cr B Mitchell

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 L Baker	Against:
	Cr D Ferris	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr H Meskauskas	
	Cr B Mitchell	
	Cr N Penfold	
	Cr P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

21.3 SOUTH MAITLAND RAILWAYS REQUEST

FILE NO:	35/21/1
ATTACHMENTS:	1. Letter of request - South Maitland Railways
RESPONSIBLE OFFICER:	Rachel MacLucas - Executive Manager Marketing and Communications
AUTHOR:	Rachel MacLucas - Executive Manager Marketing and Communications
MAITLAND +10	Outcome 18. An efficient and effective Council
COUNCIL OBJECTIVE:	18.3.3 To explore and maintain innovative corporate sponsorships and partnerships to assist in funding Council activities and services to the community

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

In the latter half of 2018, South Maitland Railways will commemorate two significant milestones in the company's history. This report provides details of these milestones and outlines a request for assistance from Council to support their presentation.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

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

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

COMMITTEE RECOMMENDATION TO COUNCIL

THAT

- 1. Council enter into discussions with South Maitland Railways under the terms outlined in this report.**

Moved Cr P Garnham, Seconded Cr K Ranadive

CARRIED

Council resumed into Ordinary Council at 6.19 pm

Moved Cr M Griffin, Seconded Cr B Mitchell

CARRIED

22 COMMITTEE OF THE WHOLE RECOMMENDATIONS

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

21.1 Consideration for Tenders-Supply and Installation/Supply Only of Road Safety Barrier Systems

COMMITTEE RECOMMENDATION TO COUNCIL

THAT

1. All tenders be accepted for both Category 1 and Category 2 components of the tender.
2. For Category 1: 'Supply & Installation of Road Safety Barrier Systems' - that the tenderer/s representing best value be appointed as Panel suppliers to respective participating HROC member Councils for the period 1 April 2018 to 31 March 2020.
3. For Category 2: 'Supply Only of Road Safety Barrier Systems' - that the tenderer/s representing best value be appointed as Panel suppliers to respective participating HROC member Councils for the period 1 April 2018 to 31 March 2020.
4. That provision be allowed for a 12 month extension based on satisfactory supplier performance, which may take the tender through to March 2021.

21.2 Consideration of Tenders - 2017 / 2018 Plant Replacement Program - Purchase of One 12,000 Litre Water Tanker Truck

COMMITTEE RECOMMENDATION TO COUNCIL

THAT

1. Council accept the tender of Newcastle Commercial Vehicles Pty Ltd for the supply and delivery only of one Hino FM2632 Cab Chassis with Capital Body Works aluminium water tanker body as tendered for the purchase only price of \$246,957.46 (ex GST) plus options for \$28,750.00 (ex GST). Total purchase cost \$275,707.46 (ex GST).
2. Council dispose of Plant No. 5238 Mitsubishi Fuso 12,000 litre Water Tanker Truck via auction through Pickles Auctions for the set reserve of \$59,090.91 (ex GST).
3. The common seal of Council be affixed to the contract documents.

21.3 South Maitland Railways Request

COMMITTEE RECOMMENDATION TO COUNCIL

THAT

1. Council enter into discussions with South Maitland Railways under the terms outlined in this report.

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

Moved Cr M Griffin, Seconded Cr B Mitchell

The motion when put to the Council was declared carried.

23 CLOSURE

The meeting was declared closed at 6.25 pm.

.....
Chairperson