

**ORDINARY MEETING**

**MINUTES**

**27 FEBRUARY 2018**

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## **PRESENT**

Cr Robert Aitchison  
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**

Pastor Peter Bryan from Maitland Christian School read the customary prayer at the commencement of the meeting.

### **2 ACKNOWLEDGEMENT OF COUNTRY**

Cr P Penfold read the Acknowledgement of Country.

### **3 APOLOGIES AND LEAVE OF ABSENCE**

Nil.

### **4 DECLARATIONS OF INTEREST**

Nil.

### **5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

#### **COUNCIL RESOLUTION**

**THAT the minutes of the Ordinary Meeting held 13 February 2018 be confirmed.**

**Moved Cr R Aitchison, Seconded Cr D Ferris**

**CARRIED**

### **6 BUSINESS ARISING FROM MINUTES**

Nil.

**7 MAYORAL MINUTE**

Nil.

**8 WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS**

Nil.

**9 PUBLIC ACCESS**

**Simon Brooker** representing Morpeth Heritage Conservation Group spoke **For** Item 10.7 DA 17-687 - State Heritage Nomination – Morpeth

**Kevin Short** representing himself spoke **For** Item 12.2 Bicentenary of Maitland

**COUNCIL RESOLUTION**

**THAT an extension of one (1) minute be granted to Kevin Short.**

**Moved: Cr M Griffin, Seconded: Cr M Yarrington**

**CARRIED**

**Tara Dever** representing Mindaribba Local Aboriginal Land Council spoke **Against** Item 12.2 Bicentenary of Maitland

**COUNCIL RESOLUTION**

**THAT an extension of one (1) minute be granted to Tara Dever.**

**Moved: Cr R Aitchison, Seconded: Cr K Ranadive**

**CARRIED**

**Janece McDonald** representing herself spoke **Against** Item 12.2 Bicentenary of Maitland

## 10 OFFICERS REPORTS

### 10.1 REGIONAL PLANNING INITIATIVES: DRAFT GREATER NEWCASTLE METROPOLITAN STRATEGY DRAFT HUNTER REGION SPECIAL INFRASTRUCTURE CONTRIBUTION DRAFT GREATER NEWCASTLE FUTURE TRANSPORT STRATEGY

<b>FILE NO:</b>	103/159
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. Council Submission to Draft Greater Newcastle Metropolitan Plan</li><li>2. Council Submission to Draft Hunter Region Special Infrastructure Contribution Proposal</li><li>3. Council Submission to Draft Greater Newcastle Future Transport Plan</li><li>4. Draft Collaboration Agreement for the Delivery of the Greater Newcastle Metropolitan Plan</li></ol>
<b>RESPONSIBLE OFFICER:</b>	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle
<b>AUTHOR:</b>	Stephen Punch - Principal Planner
<b>MAITLAND +10</b>	Outcome 1. Sense of place and pride
<b>COUNCIL OBJECTIVE:</b>	1.5.1 To work in partnership with the community and key stakeholders to identify and articulate the City's future potential

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### EXECUTIVE SUMMARY

*The concurrent preparation and exhibition of the draft Greater Newcastle Metropolitan Plan 2036, the draft Hunter Region Special Infrastructure Contribution and the draft Greater Newcastle Future Transport Plan represents a comprehensive and holistic approach to understanding and identifying the infrastructure and servicing needs of the Greater Newcastle Metro area with a view to prioritising funding for and delivery of important infrastructure over the next 20 years.*

*The report provides an overview of each of the draft Plans and incorporates the formal submissions being made to the exhibition of the Plans by the Council. In each case, there are areas in which the plans can be improved and amendments that can be made to ensure that Maitland is better considered and represented given its role in the broader Greater Newcastle Metro context.*

*The report also provides a discussion of the 'Collaboration Agreement' which the NSW Department of Planning and Environment are proposing to enter into with each of the Greater Newcastle Metro Councils – Cessnock, Lake Macquarie, Maitland, Newcastle and Port Stephens – as a means of facilitating the outcomes of the Draft Metro Plan. While the*

*agreement will not be a legally binding instrument, it will signal the intent of the parties to commit to genuine 'buy-in' to the delivery of the Metro Plan outcomes over the next 20 years.*

**OFFICER'S RECOMMENDATION**

**THAT**

- 1. Council endorse the submission at Attachment 1 to the NSW Department of Planning and Environment as its formal response to the exhibition of the Draft Greater Newcastle Metropolitan Plan.**
- 2. Council endorse the submission at Attachment 2 to the NSW Department of Planning and Environment as its formal response to the exhibition of the Draft Hunter Region Special Infrastructure Contribution.**
- 3. Council endorse the submission at Attachment 3 to Transport for NSW as its formal response to the exhibition of the Draft Greater Newcastle Future Transport Plan.**
- 4. Council support the collaborative partnership model for the delivery of the Greater Newcastle Metropolitan Plan and enter into the partnership agreement contained at Attachment 4 as proposed by the NSW Department of Planning and Environment.**

**COUNCIL RESOLUTION**

**THAT**

- 1. Council endorse the submission at Attachment 1 to the NSW Department of Planning and Environment as its formal response to the exhibition of the Draft Greater Newcastle Metropolitan Plan.**
- 2. Council endorse the submission at Attachment 2 to the NSW Department of Planning and Environment as its formal response to the exhibition of the Draft Hunter Region Special Infrastructure Contribution.**
- 3. Council endorse the submission at Attachment 3 to Transport for NSW as its formal response to the exhibition of the Draft Greater Newcastle Future Transport Plan.**
- 4. Council support the collaborative partnership model for the delivery of the Greater Newcastle Metropolitan Plan and enter into the partnership agreement contained at Attachment 4 as proposed by the NSW Department of Planning and Environment.**

**Moved Cr M Yarrington , Seconded Cr B Whiting**

**CARRIED**



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

The division resulted in 13 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr L Baker	
	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	

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## 10.2 EXHIBITION OF PROPOSED AMENDMENT TO THE LOCHINVAR SECTION 94 CONTRIBUTIONS PLAN 2014

<b>FILE NO:</b>	103/41/20
<b>ATTACHMENTS:</b>	1. Draft Section 94 Plan
<b>RESPONSIBLE OFFICER:</b>	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle Stephen Punch - Principal Planner
<b>AUTHOR:</b>	Anne Humphries - Development Contributions Administrator
<b>MAITLAND +10</b>	Outcome 19. A sustainable Council for a sustainable City
<b>COUNCIL OBJECTIVE:</b>	19.2.2 To provide new and existing residents of Maitland with access to community, recreation and transport infrastructure

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### EXECUTIVE SUMMARY

*The NSW Government announced as part of its 2015-2016 Budget, an allocation of \$11.5M through the Housing Acceleration Fund for the construction of an intersection on the New England Highway at its junction with Windella Road, Lochinvar. At the time this intersection formed part of the work schedules attached to the Lochinvar Section 94 Contributions Plan. The item was subsequently removed from the s94 Plan.*

*During the time that has lapsed since the funding announcement, a definitive design and costing has been developed by RMS in conjunction with Council. Based on communications with RMS, this process has revealed the ultimate intersection design required to support development in the north eastern catchment of the URA will not be achievable within the HAF funding budget with an additional \$4.6M required towards the cost of the project.*

*The subject intersection is a key strategic access point to the north eastern catchment of the Lochinvar Urban Release Area and is required as a direct result of proposed development within the catchment. It is therefore considered to be equitable that development within the Urban Release Area should contribute to the extra cost required to deliver the intersection.*

*It is proposed that the Lochinvar Section 94 Plan be amended to include a line item to cover the additional cost of \$4.6M.*

### OFFICER'S RECOMMENDATION

**THAT**

1. The Lochinvar Section 94 Contributions Plan be amended to include a line item with a value of \$4.6M towards the cost of the New England Highway/Windella Road intersection to make up the shortfall in HAF funding.
2. Council exhibit the draft Lochinvar Section 94 Contributions Plan for the statutory period of 28 days.
3. A further report be presented to Council following the exhibition period.

**COUNCIL RESOLUTION**

**THAT**

1. The Lochinvar Section 94 Contributions Plan be amended to include a line item with a value of \$4.6M towards the cost of the New England Highway/Windella Road intersection to make up the shortfall in HAF funding.
2. Council exhibit the draft Lochinvar Section 94 Contributions Plan for the statutory period of 28 days.
3. A further report be presented to Council following the exhibition period.

Moved Cr H Meskauskas, 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 13 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr L Baker	
	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	

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### 10.3 PROPOSED REZONING FROM R1 RESIDENTIAL TO R5 LARGE LOT RESIDENTIAL - LOTS 100, 101 & 103 DP1216128 ST HELENA CLOSE, LOCHINVAR

<b>FILE NO:</b>	<b>RZ17/001</b>
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. Locality Plan</li> <li>2. Existing Zone Plan &amp; Lochinvar URA Map</li> <li>3. Topographical Plan</li> <li>4. Proposed Lot Size &amp; Zone Plan</li> </ol>
<b>RESPONSIBLE OFFICER:</b>	<b>Bernie Mortomore - Group Manager Planning, Environment &amp; Lifestyle</b> <b>Stephen Punch - Principal Planner</b>
<b>AUTHOR:</b>	<b>Mark Roser - Strategic Town Planner</b>
<b>MAITLAND +10</b>	<b>Outcome 7. Diverse and affordable housing</b>
<b>COUNCIL OBJECTIVE:</b>	<b>7.2.1 To ensure land and housing choice is consistent with forecast demographic demand</b>

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#### EXECUTIVE SUMMARY

*Council has received a proposal to rezone land, being Lot 100, 101 & 103 DP 1216128 St Helena Cl Lochinvar, from R1 - Residential to R5 - Large Lot Residential, and amend the minimum lot size map of the Maitland LEP 2011, for the purpose of creating 56 large residential lots with a minimum lot size of 1500m<sup>2</sup>.*

*The subject lands form part of the Lochinvar Urban Release Area (URA) and were zoned R1 Residential with a minimum lot size of 450m<sup>2</sup> as part of the planning process creating the Lochinvar URA. The subject lands are also included in the Citywide Development Control Plan – Lochinvar URA chapter and Lochinvar Section 94 Contributions Plan with an R1 Residential development outcome. Planning for essential public infrastructure has been formulated on the current zone development outcomes identified in the Lochinvar DCP and S.94 plan.*

*A development application has recently been approved by Council to subdivide the subject lands into 56 lots with a minimum lot size of 1500m<sup>2</sup>. The development proposal is permissible with consent under the provisions of the Maitland LEP 2011 as the minimum lot size for the R1 Residential zone, in this locality, is 450m<sup>2</sup>. The proponent wishes to rezone the subject land to R5 – Large Lot Residential and increase the minimum lot size to 1500m<sup>2</sup> to provide a transition to the rural area, provide a gateway to Lochinvar and restrict potential future re-subdivision of the large lots. The proposed zone and minimum lot size amendment is not required to enable the subdivision of the subject land into lots with an area of 1500m<sup>2</sup>.*

*The proposal to rezone the land from R1 - Residential to R5 – Large Lot Residential and amend the lot size map to reflect a minimum lot size of 1500m<sup>2</sup> is inconsistent with the*

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*planning objectives of the Maitland Urban Settlement Strategy 2012, Lower Hunter Regional Plan 2006, Hunter Regional Plan 2036 and Section 117 Local Planning Directions 3.1 Residential Zones. These growth strategies promote compact urban environments underpinned by the planning principal of efficient and sustainable use of essential infrastructure and land.*

*It is therefore recommended not to prepare a planning proposal for the rezoning of the subject land from R1 - Residential to R5 - Large Lot Residential or amend the minimum lot size map of the Maitland LEP 2011 from 450m2 minimum lot size to a 1500m2 minimum lot size.*

#### **OFFICER'S RECOMMENDATION**

#### **THAT**

- 1. Council not support the preparation of a planning proposal to amend the Maitland Local Environmental Plan 2011 to rezone Lots 100, 101 & 103 DP 1216128 St Helena Cl Lochinvar from R1 - Residential to R5 - Large Lot Residential or amend the minimum lot size map of the Maitland LEP 2011 increasing the minimum lot size of the subject land from 450m2 to 1500m2.**

#### **PROCEEDINGS IN BRIEF**

A motion was moved

THAT the matter be deferred for one month to allow further discussion with proponents.

Moved: Cr N Penfold, Seconded: Cr H Meskauskas

The motion when put to the meeting was carried.

#### **COUNCIL RESOLUTION**

#### **THAT**

- 1. The matter be deferred for one month to allow further discussion with proponents.**

**Moved Cr P Penfold, Seconded Cr H Meskauskas**

**CARRIED**

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

The division resulted in 9 for and 4 against, as follows:

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

**10.4 FEES AND CHARGES 2017/18 - MAITLAND NO.1 SPORTSGROUND**

<b>FILE NO:</b>	<b>P37412</b>
<b>ATTACHMENTS:</b>	<b>1. Draft Fees &amp; Charges 2011/18 2. Fees &amp; Charges Comparison</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Bernie Mortomore - Group Manager Planning, Environment &amp; Lifestyle</b>
<b>AUTHOR:</b>	<b>Laurie D'Angelo - Manager Community and Recreation</b>
<b>MAITLAND +10</b>	<b>Outcome 2. Community and recreation services and facilities</b>
<b>COUNCIL OBJECTIVE:</b>	<b>2.1.12 To maintain and evolve the City's high quality and distinctive facilities including Maitland Park, Walka Water Works and No. 1 Sportsground</b>

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**EXECUTIVE SUMMARY**

*The construction of the new grandstand and associated field refurbishment at Maitland No.1 Sportsground is now complete and the facility is ready to be utilised.*

*The Draft Fees and Charges for Maitland No.1 Sportsground were on public exhibition from 2 November 2017 to 4 December 2017. A total of 18 submissions were received during the exhibition period with a number of concerns raised by local sporting clubs regarding the substantial increase in fees and the impact this would have on the sustainability of the local clubs.*

*A more detailed review of the fees and charges will need to take place in consultation with local sporting clubs and the broader community with the view to place these on public exhibition in April 2018 as part of the Delivery Program, Operational Plan and Fees and Charges 2018/19.*

*As there is currently no fee structure in Council's current Fees and Charges Policy - Sportground, Facilities and Reserves 2010 for regional facilities, Fees and Charges 2017/18 - Maitland No.1 Sportground have been developed.*

*This report presents Council with the proposed Fees and Charges 2017/18 - Maitland No.1 Sportsground for adoption to ensure the new facility can be utilised during this financial year.*

**OFFICER'S RECOMMENDATION****THAT**

- 1. The attached Fees and Charges 2017/18 - Maitland No.1 Sportsground are adopted until such time that a detailed review can take place of the**
-

**exhibited Draft Fees and Charges as part of the 2018/19 Delivery Program and Operational Plan.**

- 2. A further report will be presented to Council detailing the broader review of the Fees and Charges for the Maitland No.1 Sportsground prior to the exhibition period.**

#### **PROCEEDINGS IN BRIEF**

Cr P Penfold moved a motion

THAT

1. The attached Fees and Charges 2017/18 - Maitland No.1 Sportsground are adopted until such time that a detailed review can take place of the exhibited Draft Fees and Charges as part of the 2018/19 Delivery Program and Operational Plan.
2. A further report will be presented to Council detailing the broader review of the Fees and Charges for the Maitland No.1 Sportsground prior to the exhibition period.
3. Council no longer proceed with the expression of interest for canteen operation when being hired by not for profit operators whom will not be charged a fee. Cleaning fees continue to apply as listed in the report.

The Mayor advised Cr Penfold's motion cannot be accepted as it is a new topic, and that the motion before Council is for the Fees and Charges for No 1 Sportsground.

A motion of dissent was moved against the Mayor's ruling.

The motion of dissent when put to the meeting was declared lost.

A motion was moved

THAT Council revert back to the adopted Fees and Charges 2017/2018 and no Regional Facilities fee.

Moved: Cr H Meskauskas, Seconded: Cr P Garnham

The motion when put to the meeting was carried.

#### **COUNCIL RESOLUTION**

**THAT**

- 1. Council revert back to the adopted Fees and Charges 2017/2018 and no Regional Facilities fee.**

**Moved Cr H Meskauskas, Seconded Cr P Garnham**

**CARRIED**



## 10.5 APPLICATION TO TEMPORARILY SUSPEND THE ALCOHOL FREE ZONE FOR THE MAITLAND TASTE FESTIVAL

<b>FILE NO:</b>	150/11
<b>ATTACHMENTS:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	<b>Bernie Mortomore - Group Manager Planning, Environment &amp; Lifestyle</b> <b>Laurie D'Angelo - Manager Community and Recreation</b> <b>Mary Dallow - Community Planning Coordinator</b>
<b>AUTHOR:</b>	<b>Jessica Forbes - Community Planner</b>
<b>MAITLAND +10</b>	<b>Outcome 3. Iconic events and local festivals</b>
<b>COUNCIL OBJECTIVE:</b>	<b>3.1.1 To create an economic, social and cultural benefit to the community through the presentation of a series of sustainable flagship events</b>

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### EXECUTIVE SUMMARY

*Council has received an application to temporarily suspend the Alcohol Free Zone for the Maitland Taste Festival. The area of suspension includes The Levee Shared Zone (High Street) between Elgin Street and Bourke Street, Bulwer Street north of the Maitland Leagues Club car park entrance, Dransfield Lane and the River Walk between the Colonial Arcade and the Bourke Street link, during the below dates and times:*

- *Saturday 10 March 2018, 10.00am – 4.00pm*
- *Sunday 11 March 2018, 10.00am – 4.00pm.*

*The application was placed on public exhibition between 18 January and 14 February 2018 but attracted no comments.*

### OFFICER'S RECOMMENDATION

**THAT**

- 1. The Alcohol Free Zone in the following locations be suspended:**  
**The Levee Shared Zone (High Street) between Elgin Street and Bourke Street, Bulwer Street north of the Maitland Leagues Club car park entrance, Dransfield Lane and the River Walk between the Colonial Arcade and the Bourke Street link.**
- 2. The period of suspension be restricted to:**  
**Saturday 10 March 2018, 10.00am – 4.00pm.**  
**Sunday 11 March 2018, 10.00am – 4.00pm.**

**COUNCIL RESOLUTION**

**THAT**

- 1. The Alcohol Free Zone in the following locations be suspended:  
The Levee Shared Zone (High Street) between Elgin Street and Bourke Street,  
Bulwer Street north of the Maitland Leagues Club car park entrance,  
Dransfield Lane and the River Walk between the Colonial Arcade and the  
Bourke Street link.**
  
- 2. The period of suspension be restricted to:  
Saturday 10 March 2018, 10.00am – 4.00pm.  
Sunday 11 March 2018, 10.00am – 4.00pm.**

**Moved Cr D Ferris, Seconded Cr P Garnham**

**CARRIED**

**10.6 SENIORS FESTIVAL IN MAITLAND**

<b>FILE NO:</b>	<b>7/5</b>
<b>ATTACHMENTS:</b>	<b>Nil</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Bernie Mortomore - Group Manager Planning, Environment &amp; Lifestyle Laurie D'Angelo - Manager Community and Recreation Mary Dallow - Community Planning Coordinator</b>
<b>AUTHOR:</b>	<b>Jessica Forbes - Community Planner</b>
<b>MAITLAND +10</b>	<b>Outcome 2. Community and recreation services and facilities</b>
<b>COUNCIL OBJECTIVE:</b>	<b>2.4.1 To deliver quality community development, social planning and community services</b>

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**EXECUTIVE SUMMARY**

*NSW Seniors Festival will be held from Wednesday 4 April to Sunday 15 April 2018. The theme for 2018 is 'Let's Do More Together'.*

*On a local level, Council will be partnering with the Seniors Festival Reference Group (SFRG) to deliver the annual Lonnie Lee and the Leemen Rock N Roll Concert and collate and promote a Program of Events.*

*Lonnie Lee and the Leemen is provided free to the community and includes a catered lunch of sandwiches, cake for dessert, as well as tea/coffee and cold drinks for the duration of the event. This year, the event will be held on Thursday 5 April from 12pm until 3pm in Maitland Town Hall.*

*Council will be making 280 tickets available to the community. Names will be collected until Friday 16 March 2018 and successful participants will be drawn at random by the SFRG on Monday 19 March 2018. Community members may put down no more than two names and can only go into the ballot once.*

*The Program of Events seeks to identify other ways older people in the community can celebrate Seniors Festival and empower them to access their community. The Program will be available approximately one month before Seniors Festival.*

**OFFICER'S RECOMMENDATION****THAT**

- 1. Council endorse the facilitation of the Rock N Roll Concert and Program of Events in the format of previous years.**

**COUNCIL RESOLUTION**

**THAT**

- 1. Council endorse the facilitation of the Rock N Roll Concert and Program of Events in the format of previous years.**

**Moved Cr P Penfold, Seconded Cr M Griffin**

**CARRIED**

## 10.7 STATE HERITAGE NOMINATION - MORPETH

FILE NO:	96/2
ATTACHMENTS:	1. Letter from Office Environment & Heritage
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:	1.2.1 To realise the development of new spaces, activities and programs that unlock Central Maitland's unique heritage and character

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### EXECUTIVE SUMMARY

*The Office of Environment & Heritage (OEH) have written to Council requesting that Maitland City Council reconsider its decision declining to support the Heritage Division in its program of community consultation regarding the implications of State Heritage listing of the Morpeth Heritage Conservation Area.*

*It is recommended that Council determine if it is prepared to reconsider its decision.*

### OFFICER'S RECOMMENDATION

**THAT Council determine if it is prepared to reconsider its decision declining to support the Heritage Division in its program of community consultation regarding the implications of State Heritage listing of the Morpeth Heritage Conservation Area.**

### PROCEEDINGS IN BRIEF

A motion was moved

THAT

1. Council notes the letter from the Office of Environment and Heritage.
2. The Council's governing body, through the Mayor, writes to the Office of Environment and Heritage and thank them for their letter, and reconfirm the Council's position from the resolution at its ordinary Council meeting on October 24, 2017.
3. A copy of the letter to the Office of Environment and Heritage be provided to each Councillor.

Moved: Cr M Griffin, Seconded: Cr P Penfold

The motion when put to the meeting was carried.

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**COUNCIL RESOLUTION**

**THAT**

- 1. Council notes the letter from the Office of Environment and Heritage.**
- 2. The Council's governing body, through the Mayor, writes to the Office of Environment and Heritage and thank them for their letter, and reconfirm the Council's position from the resolution at its ordinary Council meeting on October 24, 2017.**
- 3. A copy of the letter to the Office of Environment and Heritage be provided to each Councillor.**

**Moved Cr M Griffin, Seconded Cr P Penfold**

**CARRIED**

## 10.8 COUNCIL ADMINISTRATION FACILITIES

<b>FILE NO:</b>	<b>103/4/23</b>
<b>ATTACHMENTS:</b>	<b>Nil</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Chris James - Group Manager Infrastructure &amp; Works Graeme Matthews - Manager Projects &amp; Building Services</b>
<b>AUTHOR:</b>	<b>Aaron Cook - Senior Project Architect</b>
<b>MAITLAND +10</b>	<b>Outcome 15. Central Maitland, vibrant heart of our City</b>
<b>COUNCIL OBJECTIVE:</b>	<b>15.2.3 To reinforce Central Maitland as the focal point for governing and civic leadership through improved Council administration facilities</b>

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### EXECUTIVE SUMMARY

*This report provides an update on the progress of investigations into the construction of a new fit for purpose Administration Centre for Maitland City Council and the City. A range of expert design consultant services will be required to inform the concept design and to prepare Development Application documentation including architecture, traffic planning, heritage, structural engineering, site and building services, geotechnical and contamination.*

*It is recommended that secondary design consultants be engaged to further develop a concept design and Development Application documentation for a new fit for purpose Administration Centre.*

### OFFICER'S RECOMMENDATION

#### THAT

- 1. Council continue the concept design development for the proposed Administration Centre up to Development Application stage**
- 2. The developed concept design be endorsed by Council before proceeding with the preparation of Development Application documentation**
- 3. Council continue the preparation and refinement of a Capital Expenditure Review for the proposed Administration Centre**
- 4. Further reports are to be provided to Council as project planning and the Capital Expenditure Review is progressed.**

**COUNCIL RESOLUTION**

**THAT**

- 1. Council continue the concept design development for the proposed Administration Centre up to Development Application stage**
- 2. The developed concept design be endorsed by Council before proceeding with the preparation of Development Application documentation**
- 3. Council continue the preparation and refinement of a Capital Expenditure Review for the proposed Administration Centre**
- 4. Further reports are to be provided to Council as project planning and the Capital Expenditure Review is progressed.**

**Moved Cr P Penfold, Seconded Cr P Garnham**

**CARRIED**



**10.9 NSW OUTDOOR DINING TRIAL - WAIVING OF FEES**

<b>FILE NO:</b>	<b>103/75</b>
<b>ATTACHMENTS:</b>	<b>1. Interim Outdoor Dining Policy</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Rachel MacLucas - Executive Manager Marketing and Communications</b>
<b>AUTHOR:</b>	<b>Andrew Brown - City Economy Officer</b>
<b>MAITLAND +10</b>	<b>Outcome 15. Central Maitland, vibrant heart of our City</b>
<b>COUNCIL OBJECTIVE:</b>	<b>15.2.1 To contribute to the establishment of 'The Levee' as a lifestyle precinct</b>

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**EXECUTIVE SUMMARY**

*At the December 2017 meeting of Council it was resolved that Maitland participate in the NSW Outdoor Dining Trial, an initiative linked to the Office of the Small Business Commissioner 'Easy to do Business Program'. To finalise Maitland's participation, it is a requirement for Council to temporarily waive fees for applications and furniture rent and also to determine the outdoor dining trial area within the Maitland LGA.*

*The NSW Outdoor Dining Trial is intended to encourage and enable food and beverage businesses to expand their operations through alfresco dining and liquor licensing. The trial involves using an agreed set of guidelines and application process prepared by the Office of the Small Business Commissioner in conjunction with Service NSW and the Office of Liquor and Gaming. The Outdoor Dining Trial ends 30 June 2018 and will then be formally implemented by the State Government if well supported across NSW.*

*Should Council resolve to waive fees it will only be for applications received in the trial period, which is anticipated as 3 months from 30 March 2018 to 30 June 2018. The intention is to publicise the outdoor dining trial to encourage trader involvement and also work to ensure compliance amongst operators currently offering unauthorised outdoor dining in Maitland.*

**OFFICER'S RECOMMENDATION****THAT**

- 1. The Maitland Local Government Area (LGA) is the location for the NSW Outdoor Dining Trial.**
- 2. Council adopt use of the Interim Outdoor Dining Policy for the period of the trial until 30 June 2018.**

3. Council waive fees for applications, Council licenses and annual furniture rental relating to Outdoor and Footpath Dining until the end of the trial period 30 June 2018 and place on public exhibition for a period of 28 days.
4. Council reimburse applicants, that have attained an outdoor and footpath dining license in the 2017/2018 fiscal year, for associated paid furniture rental fees within that fiscal year.

**COUNCIL RESOLUTION**

**THAT**

1. The Maitland Local Government Area (LGA) is the location for the NSW Outdoor Dining Trial.
2. Council adopt use of the Interim Outdoor Dining Policy for the period of the trial until 30 June 2018.
3. Council waive fees for applications, Council licenses and annual furniture rental relating to Outdoor and Footpath Dining until the end of the trial period 30 June 2018 and place on public exhibition for a period of 28 days.
4. Council reimburse applicants, that have attained an outdoor and footpath dining license in the 2017/2018 fiscal year, for associated paid furniture rental fees within that fiscal year.

Moved Cr P Garnham, Seconded Cr K Ranadive

**CARRIED**

## 10.10 CATTLE AT SOMERSET PARK THORNTON

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

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### EXECUTIVE SUMMARY

*Council at its meeting of 13 February 2018 considered a matter of urgent business and resolved for a report be brought back to this meeting suggesting ways to address the issue of unrestrained cattle in Somerset Park Thornton.*

*This report explains how the issue is currently managed and suggests a way forward to attempt to prevent cattle accessing the residential areas.*

### OFFICER'S RECOMMENDATION

#### THAT

- 1. Council note the contents of this report.**
- 2. The cost of establishing fencing be determined by quotation and that in the public interest Council approach the various property owners to attempt to reach agreement on Council organizing the work and then recovering the costs.**

### PROCEEDINGS IN BRIEF

A motion was moved

#### THAT

1. Council takes urgent action to resolve the drainage issues in to Francis Greenway Creek from the flood plain between Woodberry and Thornton in an effort to allow local cattle farmers to undertake urgent fence repairs which will enable them to keep their livestock from entering residential areas.
2. Council officers prepare a report back as soon as possible to inform the Councillors of their progress within one month.

Moved: Cr M Griffin, Seconded: Cr M Yarrington

An amendment was moved

THAT

1. Council officers prepare a report to the next Council meeting including previous investigation report on the Thornton/Woodberry Wetland to inform the Councillors of their progress.

Moved: Cr M Griffin, Seconded: Cr M Yarrington

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

#### **COUNCIL RESOLUTION**

**THAT**

- 1. Council officers prepare a report to the next Council meeting including previous investigation report on the Thornton/Woodberry Wetland to inform the Councillors of their progress.**

**Moved Cr M Griffin, Seconded Cr M Yarrington**

**CARRIED**

Council moved into Policy & Finance Committee at 6.55 pm

Moved: Cr N Penfold, Seconded: Cr R Aitchison

CARRIED

## **11 POLICY AND FINANCE COMMITTEE**

### **11.1 STATEMENT OF INVESTMENTS AS AT 31 JANUARY 2018**

<b>FILE NO:</b>	<b>82/2</b>
<b>ATTACHMENTS:</b>	<b>Nil</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Leah Flint - Group Manager Strategy Performance and Business Systems</b>
<b>AUTHOR:</b>	<b>Mark Ackland - Compliance Accountant</b>
<b>MAITLAND +10</b>	<b>Outcome 19. A sustainable Council for a sustainable City</b>
<b>COUNCIL OBJECTIVE:</b>	<b>19.1.1 To ensure the principles of sustainability underpin Council's financial, economic, social and environmental decision-making</b>

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#### **EXECUTIVE SUMMARY**

*Clause 212 of the Local Government (General) Regulation 2005 requires Council to report on its investments.*

#### **OFFICER'S RECOMMENDATION**

**THAT**

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

#### **COMMITTEE RECOMMENDATION TO COUNCIL**

**THAT**

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

**Moved Cr B Whiting, Seconded Cr M Griffin**

**CARRIED**

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## 11.2 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2017

<b>FILE NO:</b>	2/8
<b>ATTACHMENTS:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Leah Flint - Group Manager Strategy Performance and Business Systems
<b>AUTHOR:</b>	Phil Freeman - Principal Accountant
<b>MAITLAND +10</b>	Outcome 19. A sustainable Council for a sustainable City
<b>COUNCIL OBJECTIVE:</b>	19.1.1 To ensure the principles of sustainability underpin Council's financial, economic, social and environmental decision-making

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### EXECUTIVE SUMMARY

*The Quarterly Budget Review Statement (QBR) presents a summary of Council's financial position at the end of each quarter. It is a mechanism whereby Councillors and the community are informed of Council's progress against the Operational Plan (original budget) and the last revised budget, along with recommended changes and reasons for major variances.*

### OFFICER'S RECOMMENDATION

#### THAT

1. The variations for the December 2017 quarter be approved and form part of the Operational Plan for 2017/18.

### COMMITTEE RECOMMENDATION TO COUNCIL

#### THAT

1. The variations for the December 2017 quarter be approved and form part of the Operational Plan for 2017/18.

Moved Cr M Griffin, Seconded Cr B Mitchell

**CARRIED**

Council resumed into Ordinary Council at 6.57 pm.

Moved Cr B Whiting, Seconded Cr N Penfold

CARRIED

**The following recommendations made whilst Council was in Policy & Finance Committee was read to the meeting by the General Manager.**

11.1 Statement of Investments as at 31 January 2018

COMMITTEE RECOMMENDATION TO COUNCIL

THAT

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

11.2 Quarterly Budget Review Statement - December 2017

COMMITTEE RECOMMENDATION TO COUNCIL

THAT

1. The variations for the December 2017 quarter be approved and form part of the Operational Plan for 2017/18.

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

**Moved Cr B Whiting, Seconded Cr N Penfold**

**CARRIED**

## 12 NOTICES OF MOTION/RESCISSION

### 12.1 WALKA WATER WORKS

#### NOTICE OF MOTION SUBMITTED BY CRS PHILIP PENFOLD, PETER GARNHAM AND MIKE YARRINGTON

<b>FILE NO:</b>	<b>35/7/4</b>
<b>ATTACHMENTS:</b>	<b>Nil</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Bernie Mortomore - Group Manager Planning, Environment &amp; Lifestyle David Evans - General Manager</b>

Crs Philip Penfold, Peter Garnham and Mike Yarrington have indicated their intention to move the following Notice of Motion at the next Council Meeting being held on 27 February 2018:

*THAT*

1. *Council officers prepare cost estimates to re-fit the front section of Walka Water Works pumphouse building to make it available for suitable uses.*
2. *Such uses include consideration of food service, small museum and any other suitable uses*
3. *A report/interim-report to be presented to council before September 2018.*

#### NOTES

Walka Water Works, a State Government owned property managed by Council under trust, is increasingly used by the people of Maitland and tourists.

I expect other sections of that part of the building can be sealed off to allow future for renovation in other stages in the future.

The aim is to get this project shovel ready with a view to seek State/Federal support to fund works proposed.

#### COUNCIL RESOLUTION

1. Council officers prepare cost estimates to re-fit the front section of Walka Water Works pumphouse building to make it available for suitable uses.
2. Such uses include consideration of food service, small museum and any other suitable uses.
3. A report/interim-report to be presented to council before September 2018.



**Moved Cr P Penfold, Seconded Cr P Garnham**

**CARRIED**

Cr P Penfold called for a division.

The division resulted in 9 for and 4 against, as follows:

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

## 12.2 BICENTENARY OF MAITLAND

### NOTICE OF MOTION SUBMITTED BY CRS SALLY HALLIDAY, PHILIP PENFOLD AND MITCHELL GRIFFIN

**FILE NO:** 35/7/4  
**ATTACHMENTS:** Nil  
**RESPONSIBLE OFFICER:** David Evans - General Manager  
Rachel MacLucas - Executive Manager Marketing and Communications

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We, the undersigned, Crs Sally Halliday, Philip Penfold and Mitchell Griffin give Notice of Rescission of the following resolution of Council passed on 27 September 2016:

*THAT*

- 1. Council do not officially participate in commemorations of the bicentenary of European settlement of Maitland, acknowledging the level of stress this would cause to the Aboriginal community.*
- 2. Council lead celebrations for the bicentenary of the official naming of Maitland in 2029.*
- 3. This decision is formally notified to involved parties including the Maitland and District Historical Society and Mindaribba Aboriginal Land Council.*
- 4. The Historical Society and other interested parties be made aware of the community Grants Program, which may be a potential source of funding to support their initiatives (subject to eligibility criteria).*

Should the Rescission Motion be carried, it is our intention to move and second the following motion:

**THAT**

- 1. Maitland City Council commemorate the bicentenary of pre and post European settlement in Maitland in 2018;**
- 2. The council will work with other groups to commemorate and adequately fund the same over the period July to September 2018, with such commemorations to include promotion of the occasion on social media platforms, in council's print publications, and on promotional flagpoles across the city;**
- 3. As council's contribution to the event on September 17 a commemorative plinth and creation of associated landscaping demonstrating Maitland's historical journey over time be established at an appropriate place in Maitland**

Park and that the New South Wales governor, His Excellency, General The Honorable David Hurley AC DSC be officially invited to unveil the plinth; and

4. As part of the bicentennial commemorations, Council write to the Premier of NSW requesting an application be sent to Her Majesty Queen Elizabeth II for consideration for the title Lord Mayor to be bestowed on Maitland City Council's leader due to the city's national historical significance.

A motion was moved to rescind the resolution of Council passed on 27 September 2016.

Moved: Cr S Halliday, Seconded: Cr M Griffin

The motion when put to the meeting was declared lost.

Cr P Penfold called for a division.

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

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

## **13 QUESTIONS WITH NOTICE**

### **13.1 LEASE OF PART OF THE ADMINISTRATION BUILDING TO HUNTER WATER CORPORATION**

**SUBMITTED BY CR MITCHELL GRIFFIN**

**FILE NO: P44194**  
**ATTACHMENTS: Nil**  
**RESPONSIBLE OFFICER: David Evans - General Manager**

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Cr Mitchell Griffin has asked the following Question With Notice for the Council Meeting being held on Tuesday, 27 February 2018:

*In June 2016 Council entered into a lease renewal for floor space within the Council Administration Building for a period of 12 months effective from 1 July 2016 with the option for further renewals of the lease for two periods at twelve months intervals.*

*Can Council officers confirm whether a renewal has occurred for the financial year 2017/18, and if so at what rate and how many square meters of floor space within the Administration Building?*

#### **RESPONSE BY EXECUTIVE MANAGER**

The lease referred to is for an area of approximately 40m<sup>2</sup> on the ground floor of Council's administration building, occupied by the Hunter Water Corporation. Renewal has occurred for the 2017/18 financial year, with the lease premium for 2017/18 being \$12,590 (excl GST).

**14 URGENT BUSINESS**

Nil

**Council moved into the Committee of the Whole at 7.37 pm.**

**Moved Cr H Meskauskas, 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 7.37 pm.**

**Moved Cr H Meskauskas, Seconded Cr B Mitchell**

**CARRIED**

## 15 COMMITTEE OF THE WHOLE

### 15.1 CONSIDERATION OF TENDERS - 2017 / 2018 PLANT REPLACEMENT PROGRAM - PURCHASE OF TWO BACKHOE LOADERS

<b>FILE NO:</b>	137/1388
<b>ATTACHMENTS:</b>	1. Tender Evaluation 137/1388
<b>RESPONSIBLE OFFICER:</b>	Chris James - Group Manager Infrastructure & Works Graeme Matthews - Manager Projects & Building Services
<b>AUTHOR:</b>	Manny Kallis - Coordinator Mechanical Services
<b>MAITLAND +10</b>	Outcome 19. A sustainable Council for a sustainable City
<b>COUNCIL OBJECTIVE:</b>	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 two Backhoe Loaders 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 JCB Construction Equipment Australia Pty Ltd for the supply and delivery only of two JCB 3CX Classic Backhoe Loaders at a purchase only price of \$323,000.00 (ex GST) for two units plus options for both at a price of \$40,488.00 (ex GST). Total purchase cost \$363,488.00 (ex GST) for**

two Backhoe Loaders with options.

2. Council dispose of Plant No. 5733 and Plant No. 5734 via auction through Pickles Auctions for the set reserve of \$27,272.72 (ex GST) for each unit.
3. The common seal of Council be affixed to the contract documents.

Moved Cr H Meskauskas, 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 13 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr L Baker	
	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	

Council resumed into Ordinary Council at 7.48 pm

Moved Cr P Garnham, Seconded Cr B Whiting

**CARRIED**

## **16 COMMITTEE OF THE WHOLE RECOMMENDATIONS**

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

15.1 Consideration of Tenders - 2017 / 2018 Plant Replacement Program - Purchase of Two Backhoe Loaders

COMMITTEE RECOMMENDATION TO COUNCIL

THAT

1. Council accept the tender of JCB Construction Equipment Australia Pty Ltd for the supply and delivery only of two JCB 3CX Classic Backhoe Loaders at a purchase only price of \$323,000.00 (ex GST) for two units plus options for both at a price of \$40,488.00 (ex GST). Total purchase cost \$363,488.00 (ex GST) for two Backhoe Loaders with options.
2. Council dispose of Plant No. 5733 and Plant No. 5734 via auction through Pickles Auctions for the set reserve of \$27,272.72 (ex GST) for each unit.
3. The common seal of Council be affixed to the contract documents.

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

**Moved Cr B Whiting, Seconded Cr D Ferris**

**The motion when put to the Council was declared carried.**

## **17 CLOSURE**

**The meeting was declared closed at 7.50 pm.**

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**Chairperson**