

ORDINARY MEETING

MINUTES

11 JUNE 2019

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	INVOCATION.....	1
2	ACKNOWLEDGEMENT OF COUNTRY.....	1
3	APOLOGIES AND LEAVE OF ABSENCE	1
4	DECLARATIONS OF INTEREST	1
5	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	1
6	BUSINESS ARISING FROM MINUTES	2
7	MAYORAL MINUTE	2
8	WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS.....	2
9	PUBLIC ACCESS	2
10	GENERAL MANAGER'S REPORTS	3
10.1	CONSIDERATION OF SUBMISSIONS AND ADOPTION OF OPERATIONAL PLAN 2019/20, INCLUDING FEES AND CHARGES.....	3
11	PLANNING, ENVIRONMENT AND LIFESTYLE REPORTS	7
11.1	DA 19-195 CHANGE OF USE OF EXISTING BUILDING TO A RECREATION FACILITY (INDOOR) - GYM AND ASSOCIATED SIGNAGE - LOT 500 DP1089148, 107-109 MELBOURNE STREET EAST MAITLAND RECOMMENDATION	7
11.2	SECTION 356 SPORTS & ARTS HIGH ACHIEVERS GRANT PROGRAM.....	11
12	INFRASTRUCTURE AND WORKS REPORTS.....	13
12.1	TEMPORARY ROAD CLOSURES HIGH STREET 'THE LEVEE' MAITLAND FOR AFTER DARK WINTER SOLSTICE 22 JUNE 2019.....	13

12.2	ROUTE OPTIONS FOR A SHARED PATHWAY FROM BELMORE BRIDGE TO WALKA WATER WORKS	15
12.3	TRANSFER OF PROJECT FROM LENA O'BRIEN PARK TO NORM CHAPMAN OVAL	17
13	STRATEGY, PERFORMANCE AND BUSINESS SYSTEMS REPORTS	19
13.1	MAKING OF RATES AND CHARGES FOR 2019/2020	19
13.2	CONSULTATION ON REVISED IPC GUIDELINE 1 RETURNS OF INTERESTS	21
14	WORKPLACE CULTURE AND SAFETY	23
	NIL	
15	VIBRANT CITY	23
	NIL	
16	ITEMS FOR INFORMATION	24
16.1	SUPPORT OF NEIGHBOURHOOD WATCH GROUPS	24
16.2	THE LEVEE MARKETING AND ACTIVITY PLAN 2019/20	26
16.3	LOCAL TRAFFIC COMMITTEE MEETING MINUTES - MAY 2019.....	28
17	NOTICES OF MOTION/RESCISSION	30
18	QUESTIONS WITH NOTICE	30
19	URGENT BUSINESS	30
20	COMMITTEE OF THE WHOLE	32
20.1	RENEWAL OF LEASE ON COUNCIL LAND FOR TELECOMMUNICATION FACILITY.....	32
20.2	NON-EXCLUSIVE LICENCE AGREEMENT FOR USE OF CAR PARK BY TELARAH BOWLING CLUB.....	34
21	COMMITTEE OF THE WHOLE RECOMMENDATIONS.....	36
22	CLOSURE.....	38

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

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

2 ACKNOWLEDGEMENT OF COUNTRY

Cr B Whiting read the Acknowledgement of Country.

3 APOLOGIES AND LEAVE OF ABSENCE

4 DECLARATIONS OF INTEREST

Cr H Meskauskas declared a less than significant non-pecuniary interest in Item no. 16.1 Support of Neighbourhood Watch Groups as he is the president of Aberglasslyn/Rutherford Neighbourhood Watch

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held 28 May 2019 be confirmed.

Moved Cr M Griffin, Seconded Cr S Halliday

CARRIED

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

6 BUSINESS ARISING FROM MINUTES

7 MAYORAL MINUTE

8 WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS

9 PUBLIC ACCESS

Nerida Bint representing Lismore spoke **For** Item 11.1 DA 18-1524 Change of Use of Existing Building to a Recreation Facility (Indoor) - Gym and Associated Signage - Lot 500 DP1089148, 107-109 Melbourne Street East Maitland

10 GENERAL MANAGER'S REPORTS

10.1 CONSIDERATION OF SUBMISSIONS AND ADOPTION OF OPERATIONAL PLAN 2019/20, INCLUDING FEES AND CHARGES

FILE NO:	35/33/18/9&10
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Formal Submissions (redacted) 2. Operational Plan 2019/20 (under separate cover)
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Kathleen Morris - Manager Integrated Planning and Reporting
MAITLAND +10	Outcome 17. An efficient and effective Council
COUNCIL OBJECTIVE:	17.1.1 To see Council's integrated planning and reporting recognised by the community, Council and the NSW State Government

EXECUTIVE SUMMARY

Council's Operational Plan 2019/20 is presented for adoption.

The Operational Plan 2019/20, a part of the Delivery Program 2018-2021 (revised), includes a budget of \$164.4 million and provides operational actions, operational budget, capital works program, fees and charges, rating structure and revenue policy.

The draft Plan was placed on public exhibition from 11 April to 15 May, with engagement activities exposing the document to over 13,500 citizens via social media, direct email, media releases, newspaper advertisement, static displays and the Maitland Your Say engagement portal.

Exhibition resulted in 19 formal submissions, with the top four feedback areas being road maintenance and construction, rates, road safety and sporting facilities. A summary of submissions and responses is provided within this report.

In addition to formal submissions, posts on social media, by both Council and other bodies, provided a range of comments that have also been noted.

In consideration of the submissions and comments it is recommended that no changes be made to the draft Operational Plan 2019/20. Recommended amendments include the removal of an action for review of NDIS, responding to Council's resolution of 23 April 2019, removal of an action to review operational management of Maitland Aquatics, responding to Council's resolution of 14 May 2019, and the inclusion of fees for interest on

overdue rates and charges, Section 603 certificates and Hunter Local Land Services rate, which were pending finalisation at the time the draft was endorsed for exhibition.

It is recommended that the Operational Plan 2019/20, included within the Delivery Program 2018-2021 (revised) and incorporating Fees and Charges 2019/20, is adopted by Council establishing Council's service delivery and project priorities for the year.

OFFICER'S RECOMMENDATION

THAT

- 1. Council note the draft Operational Plan 2019/20, incorporated within the Delivery Program 2018-2021 (revised), was publicly exhibited from 11 April to 15 May 2019, and consider the 19 formal submissions received;**
- 2. Council adopt the Operational Plan 2019/20 (including fees and charges), incorporated within the Delivery Program 2018-2021 (revised), in accordance with sections 404-405 of the *Local Government Act 1993*;**
- 3. Council adopt the Revenue Policy for 2019/20, as included in the Operational Plan 2019/20;**
- 4. Council adopt the Statement of Rating Structure, as identified in the Operational Plan 2019/20 (which includes a general rate increase of 7.25%);**
- 5. Council adopt a Stormwater Management Service Charge, as identified in the Operational Plan 2019/20 and in accordance with Section 496A of the *Local Government Act 1993*;**
- 6. Council adopt Waste Management Charges, as identified in the Operational Plan 2019/20 and in accordance with Sections 496 and 502 of the *Local Government Act 1993*;**
- 7. Council charge and collect a catchment contribution on behalf of the State, in accordance with the *Land Services Act 2013*;**
- 8. Council approve \$23.8 million in identified borrowings for projects outlined in this report, and authorise the affixing of the Common Seal of Council to all documents relating to the loan/s;**
- 9. Council approve \$1,260,000 in hire purchase for heavy plant associated with waste operations, and authorise the affixing of the Common Seal of Council to any required financing documents; and**
- 10. A copy of the Operational Plan 2019/20, as incorporated in the Delivery Program 2018-2021 (revised), be posted on Council's website within 28 days of adoption by Council.**

COUNCIL RESOLUTION

THAT

1. Council note the draft Operational Plan 2019/20, incorporated within the Delivery Program 2018-2021 (revised), was publicly exhibited from 11 April to 15 May 2019, and consider the 19 formal submissions received;
2. Council adopt the Operational Plan 2019/20 (including fees and charges), incorporated within the Delivery Program 2018-2021 (revised), in accordance with sections 404-405 of the *Local Government Act 1993*;
3. Council adopt the Revenue Policy for 2019/20, as included in the Operational Plan 2019/20;
4. Council adopt the Statement of Rating Structure, as identified in the Operational Plan 2019/20 (which includes a general rate increase of 7.25%);
5. Council adopt a Stormwater Management Service Charge, as identified in the Operational Plan 2019/20 and in accordance with Section 496A of the *Local Government Act 1993*;
6. Council adopt Waste Management Charges, as identified in the Operational Plan 2019/20 and in accordance with Sections 496 and 502 of the *Local Government Act 1993*;
7. Council charge and collect a catchment contribution on behalf of the State, in accordance with the *Land Services Act 2013*;
8. Council approve \$23.8 million in identified borrowings for projects outlined in this report, and authorise the affixing of the Common Seal of Council to all documents relating to the loan/s;
9. Council approve \$1,260,000 in hire purchase for heavy plant associated with waste operations, and authorise the affixing of the Common Seal of Council to any required financing documents; and
10. A copy of the Operational Plan 2019/20, as incorporated in the Delivery Program 2018-2021 (revised), be posted on Council's website within 28 days of adoption by Council.

Moved Cr B Whiting, Seconded Cr R Aitchison

CARRIED

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

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

11 PLANNING, ENVIRONMENT AND LIFESTYLE REPORTS

11.1 DA 19-195 CHANGE OF USE OF EXISTING BUILDING TO A RECREATION FACILITY (INDOOR) - GYM AND ASSOCIATED SIGNAGE - LOT 500 DP1089148, 107-109 MELBOURNE STREET EAST MAITLAND RECOMMENDATION

FILE NO:	DA 19-195
ATTACHMENTS:	<ol style="list-style-type: none">1. Locality Plan2. Development Plans (under separate cover)3. Submissions
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle David Simm - Manager Development & Environment Leanne Harris - Development Assessment Coordinator
AUTHOR:	Amanda Wells - Town Planner
APPLICANT:	Nerida Bint
OWNER:	Davkom Pty Ltd
PROPOSAL:	Change of Use of an Existing Building to a Recreational Facility (Indoor) – Gym and Associated Signage
LOCATION:	Lot 500 DP1089148, 107-109 Melbourne Street East Maitland
ZONE:	B4 Mixed Use

EXECUTIVE SUMMARY

The proposal seeks consent for a change of use of an existing building to a Recreational Facility (Indoor) for the purpose of operating a gym, at Lot 500 DP1089148, 107-109 Melbourne Street, East Maitland. This application is referred to Council for determination due to the variation from Council's adopted Development Control Plan in regards to car parking, as well as Council receiving four (4) submissions (noting that only one (1) was received during the notification timeframe).

The subject site is located on Melbourne Street East Maitland, approximately 43 metres (two (2) allotments) away from the New England Highway. The site has dual street frontage, with Melbourne Street to the south-east and Mill Street to the north-west. The land is zoned B4 Mixed Use pursuant to the Maitland Local Environmental Plan 2011 and has a land area of 1094.9m². The change of use to a recreational facility (indoor) is permissible within the zone subject to consent.

The proposal seeks to use the existing structure for the purpose of a gym, using a portion of the area internally for workouts, and the remainder for ancillary uses such as a the locker area, reception, bathrooms, office, kids room and additional parking. The site has

ten (10) existing car parking spaces, with a further four (4) proposed within the building as part of this proposal.

The proposed development was placed on notification for a period of fourteen (14) days from 1st April 2019 until 15th April 2019. During this timeframe one (1) submission was received, with a further three (3) submissions received outside of the notification timeframe. The submissions all raised concern regarding the number of parking spaces available to the site given the proposed use, noting the existing parking issues along Melbourne Street. After further clarification from the applicant regarding class sizes, times and the addition of four (4) spaces within the building, the issue of parking is considered to be satisfied and not considered to be significant enough to warrant refusal of the proposal subject to conditions being imposed on the business.

An assessment of the proposal has been undertaken against Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 (NSW) as amended, and the proposal is considered to be appropriate for the following reasons:

- The proposal is permitted with consent within the B4 Mixed Use zone and is considered to be consistent with the objectives of the zone;*
- The proposed change of use will provide additional health and well-being facilities within the area; and*
- The proposal has been assessed against the Maitland Local Environmental Plan 2011 and the Maitland Development Control Plan 2011, and is considered to be generally consistent with the provisions and objectives of relevant plans.*

Accordingly, it is recommended that the application for a change of use of an existing building to a recreational facility (indoor) for the purpose of a gym, be approved by Council subject to conditions.

OFFICER'S RECOMMENDATION

That DA19-195 for a Change of Use of an Existing Building to a Recreation Facility (Indoor) – Gym and Associated Signage at Lot 500 DP1089148, 107-109 Melbourne Street East Maitland be approved subject to the imposition of conditions in the attached schedule.

PROCEEDINGS IN BRIEF

A motion was moved.
(Cr R Aitchison / Cr H Meskauskas)

That DA19-195 for a Change of Use of an Existing Building to a Recreation Facility (Indoor) – Gym and Associated Signage at Lot 500 DP1089148, 107-109 Melbourne Street East Maitland be approved subject to the imposition of conditions in the attached schedule.

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

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

This motion was defeated.

A further motion was moved.
(Cr P Penfold / Cr M Yarrington)

That DA 19/195 for a Change of Use of an existing building to a Recreation Facility (Indoor)- Gym and Associated Signage at Lot 500 DP 1089148, 107-109 Melbourne Street East Maitland be refused for the following reasons:

1. The proposed development is inconsistent with Clause 2.3 - Zone Objectives and Land Use Tables of the Maitland Local Environmental Plan 2011 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that it does not provide for a mixture of compatible land uses in this locality.
2. The proposed development does not satisfy the following part of the Maitland Development Control Plan 2011 pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979:
- Section C11 - Vehicular Access and Parking
3. The proposed Recreation facility will adversely impact on the amenity of the surrounding area as a result of traffic and parking impacts pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979
4. Given the lack of available parking the site is not considered suitable for the proposed development pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979
5. The proposal is not considered to be in the broader public interest pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

An amendment was moved.
(Cr H Meskauskas / Cr D Ferris)

THAT to defer for a briefing on the proposal and in order to understand the Sections in the Environmental Planning and Assessment Act 1979 referred to in the motion for refusal.

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

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

The amendment became the motion and when put to the meeting was declared carried.

COUNCIL RESOLUTION

THAT to defer for a briefing on the proposal and in order to understand the Sections in the Environmental Planning and Assessment Act 1979 referred to in the motion for refusal.

Moved Cr H Meskauskas, Seconded Cr D Ferris

CARRIED

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

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

11.2 SECTION 356 SPORTS & ARTS HIGH ACHIEVERS GRANT PROGRAM

FILE NO:	10/5/19
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle Laurie D'Angelo - Manager Community and Recreation
AUTHOR:	Emily Livens - Coordinator Recreation & Community Planning
MAITLAND +10	Outcome 2. Community and recreation services and facilities
COUNCIL OBJECTIVE:	2.1.4 To promote participation in activities that increase the usage of Council's community recreation and leisure facilities

EXECUTIVE SUMMARY

This report presents to Council a recommendation to fund requests for financial assistance under Councils Sports & Arts High Achievers Grant Program in accordance with Section 356 of the Local Government Act.

OFFICER'S RECOMMENDATION

THAT Council approve the following requests for funding through the Sports & Arts High Achievers Grant Program as follows:

1. **Makye Telfer, International Level, Softball NSW - \$750.00**
2. **James Dalziel, International Level, Australian Futsal Association - \$750.00**
3. **Lachlan Sandy, National Level, 2019 Hancock Australian Swimming Championships - \$450.00**
4. **Mila Wawzkowicz, National Level, Basketball NSW - \$450.00**

COUNCIL RESOLUTION

THAT Council approve the following requests for funding through the Sports & Arts High Achievers Grant Program as follows:

1. **Makye Telfer, International Level, Softball NSW - \$750.00**
2. **James Dalziel, International Level, Australian Futsal Association - \$750.00**
3. **Lachlan Sandy, National Level, 2019 Hancock Australian Swimming Championships - \$450.00**
4. **Mila Wawzkowicz, National Level, Basketball NSW - \$450.00**

Moved Cr H Meskauskas, Seconded Cr S Halliday

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	

12 INFRASTRUCTURE AND WORKS REPORTS

12.1 TEMPORARY ROAD CLOSURES HIGH STREET 'THE LEVEE' MAITLAND FOR AFTER DARK WINTER SOLSTICE 22 JUNE 2019

FILE NO:	140/5
ATTACHMENTS:	1. Traffic Control Plan
RESPONSIBLE OFFICER:	Chris James - Group Manager Infrastructure & Works Kevin Stein - Manager Engineering & Design Scott Henderson - Coordinator Infrastructure Planning Engineering
AUTHOR:	Alison Marshall - Road Safety Officer
MAITLAND +10	Outcome 3. Community and iconic events
COUNCIL OBJECTIVE:	3.1.2 To support the delivery of vibrant and unique community festivals and events

EXECUTIVE SUMMARY

Council is planning to conduct an event in The Levee, High Street, Maitland 5.00pm to 9.00pm Saturday 22 June 2019. After Dark-Winter Solstice is a family friendly night activation of the city streets with live entertainment and food stalls, culminating in a fireworks display at 8.30pm on the riverbank.

To safely facilitate this event Council's Place Activation Team proposes to temporarily close The Levee, High Street from Bourke Street to Elgin Street, Dransfield Lane and part of Bulwer Street Maitland.

OFFICER'S RECOMMENDATION

THAT

1. The following Maitland roads be temporarily closed to vehicular traffic for the 'After Dark - Winter Solstice' special event 6.00am to midnight Saturday 22 June 2019:
 - . High Street - between Bourke Street and Elgin Street
 - . Bulwer Street - from Dransfield Lane to High Street
 - . Dransfield Lane.

2. The installation of the regulatory road closure devices and signs to effect the proposed road closures also to be approved.

COUNCIL RESOLUTION

THAT

- 1. The following Maitland roads be temporarily closed to vehicular traffic for the 'After Dark - Winter Solstice' special event 6.00am to midnight Saturday 22 June 2019:**
 - . **High Street - between Bourke Street and Elgin Street**
 - . **Bulwer Street - from Dransfield Lane to High Street**
 - . **Dransfield Lane.**

- 2. The installation of the regulatory road closure devices and signs to effect the proposed road closures also to be approved.**

Moved Cr P Garnham, Seconded Cr R Aitchison

CARRIED

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	

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

FILE NO:	103/20
ATTACHMENTS:	1. Walka Cycleway Investigation Area
RESPONSIBLE OFFICER:	Chris James - Group Manager Infrastructure & Works
AUTHOR:	Kevin Stein - Manager Engineering & Design
MAITLAND +10	Outcome 5. Moving around our City
COUNCIL OBJECTIVE:	5.2.2 To enhance connectivity between local amenities through improvements to our on and off road cycleways

EXECUTIVE SUMMARY

Council's Delivery Program 2018-2021 identifies an action to investigate route options for a shared pathway from Belmore Bridge to Walka Water Works. The purpose of this report is to inform Council of the progress to date and where to from here.

OFFICER'S RECOMMENDATION

THAT

1. A report be prepared for Council detailing options for a shared pathway from Belmore Bridge to Walka Water Works; and
2. A Council briefing be held as part of the investigation process.

COUNCIL RESOLUTION

THAT

1. A report be prepared for Council detailing options for a shared pathway from Belmore Bridge to Walka Water Works; and
2. A Council briefing be held as part of the investigation process.

Moved Cr B Whiting, Seconded Cr P Penfold

CARRIED

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

12.3 TRANSFER OF PROJECT FROM LENA O'BRIEN PARK TO NORM CHAPMAN OVAL

FILE NO:	35/33/18/8
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Chris James - Group Manager Infrastructure & Works
AUTHOR:	Ashley Kavanagh - Manager Works
MAITLAND +10	Outcome 2. Community and recreation services and facilities
COUNCIL OBJECTIVE:	2.1.3 To maintain community, recreation and leisure facilities to meet user needs

EXECUTIVE SUMMARY

The 2018/19 Capital Works Program approved by Council at the 12th June 2018 meeting, included a \$120,000 allocation for the renewal of the playground at Lena O'Brien Park, Tenambit. Future planning activities relating to the community centre at this site are still ongoing and the completion of this playground renewal would potentially not yield the best financial spend for Council at this point. A more sustainable outcome is to transfer these funds to the next listed playground renewal which is at Norm Chapman Oval.

OFFICER'S RECOMMENDATION

THAT

- 1. Council approve the transfer of the \$120,000 allocated in the 2018/19 Capital Works Program for the playground renewal at Lena O'Brien Park to the playground renewal at Norm Chapman Oval.**

COUNCIL RESOLUTION

THAT

- 1. Council approve the transfer of the \$120,000 allocated in the 2018/19 Capital Works Program for the playground renewal at Lena O'Brien Park to the playground renewal at Norm Chapman Oval.**

Moved Cr B Mitchell, Seconded Cr H Meskauskas

CARRIED

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	

13 STRATEGY, PERFORMANCE AND BUSINESS SYSTEMS REPORTS

13.1 MAKING OF RATES AND CHARGES FOR 2019/2020

FILE NO:	117/3
ATTACHMENTS:	1. CBD Rate Area 2. Mall Rate Area
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Annette Peel - Manager Finance & Risk
MAITLAND +10	Outcome 18. A Council for now and future generations
COUNCIL OBJECTIVE:	18.1.1 To ensure the principles of sustainability underpin Council's financial, economic, social, governance and environmental decision-making

EXECUTIVE SUMMARY

This report enables Council to make the rates and charges for 2019/2020. The rates set out within the report are to increase Council's total rates income by 7.25% which is the full increase in rates income as approved by IPART.

OFFICER'S RECOMMENDATION

THAT

- 1. As all conditions relative to section 532 of the Local Government Act 1993 have been met, Council make the rates and charges for the year 1 July 2019 to 30 June 2020 as contained in this report.**

COUNCIL RESOLUTION

THAT

- 1. As all conditions relative to section 532 of the Local Government Act 1993 have been met, Council make the rates and charges for the year 1 July 2019 to 30 June 2020 as contained in this report.**

Moved Cr B Whiting, Seconded Cr R Aitchison

CARRIED

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	

13.2 CONSULTATION ON REVISED IPC GUIDELINE 1 RETURNS OF INTERESTS

FILE NO:	35/1/2 and 35/1/3
ATTACHMENTS:	1. Current GIPA Guideline 1 July 2010 2. Revised GIPA Guideline 1 May 2019
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Louise Rampling - Senior Governance Officer
MAITLAND +10	Outcome 17. An efficient and effective Council
COUNCIL OBJECTIVE:	17.2.1 To maintain effective and appropriate systems to ensure decision-making is transparent, accessible and accountable

EXECUTIVE SUMMARY

The Information and Privacy Commission NSW (IPC) has invited feedback from councils on a draft of its revised Guideline 1, which deals with the disclosure of information contained in returns of interests of councillors and designated persons under the Government Information (Public Access) Act 2009 (GIPA Act).

The draft revised Guideline provides that councillors' and designated persons' returns of interests must be made publicly available free of charge on a website maintained by councils, unless there is an overriding public interest against disclosure of the information. This differs from the current position under Guideline 1, which provides that returns of interest are to be made available for inspection at council offices, but should not be placed on council's website.

Consultation on the draft revised Guideline 1 closes on 14 June 2019.

OFFICER'S RECOMMENDATION

THAT

1. Council note the contents of the draft Information and Privacy Commission (IPC) Revised Guideline 1 for disclosure of information contained in returns of interests of councillors and designated persons;
2. Council make a submission to the IPC indicating its opposition to the adoption of the Revised Guideline 1;
3. A review of Council's current Designated Person's Duties of Disclosure Policy is undertaken and presented to Council at its next meeting.

COUNCIL RESOLUTION

THAT

- 1. Council note the contents of the draft Information and Privacy Commission (IPC) Revised Guideline 1 for disclosure of information contained in returns of interests of councillors and designated persons;**
- 2. Council make a submission to the IPC indicating its opposition to the adoption of the Revised Guideline 1;**
- 3. A review of Council's current Designated Person's Duties of Disclosure Policy is undertaken and presented to Council at its next meeting.**

Moved Cr K Ranadive, Seconded Cr S Halliday

CARRIED

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	

14 WORKPLACE CULTURE AND SAFETY

Nil

15 VIBRANT CITY

Nil

16 ITEMS FOR INFORMATION

16.1 SUPPORT OF NEIGHBOURHOOD WATCH GROUPS

FILE NO:	29/31
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle Laurie D'Angelo - Manager Community and Recreation Emily Livens - Coordinator Recreation & Community Planning
AUTHOR:	April Phillips - Community Planner
MAITLAND +10	Outcome 1. Sense of place and pride
COUNCIL OBJECTIVE:	1.4.2 To partner and collaborate with the community to build capacity to solve identified social issues

EXECUTIVE SUMMARY

On 24 April 2018 Council resolved to include action item 1.4.2.3 within the Delivery Program 2018-2021, which stipulates that Council will 'provide Neighbourhood Watch Australasia (or similar state body) financial support per proactive neighbourhood watch group within Maitland local government area to assist with local efforts in crime prevention.'

This report provides an update regarding the agreement now in place with Council and Neighbourhood Watch Australasia regarding the allocation and distribution of \$1000 in funding per proactive registered Neighbourhood Watch Group within the Maitland local government area to the total value of \$6000 for the 2018/2019 financial year, to assist Neighbourhood Watch Australasia with their local efforts in creating safer, connected and inclusive 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 B Whiting, Seconded Cr K Ranadive

CARRIED

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	

16.2 THE LEVEE MARKETING AND ACTIVITY PLAN 2019/20

FILE NO:	139/57
ATTACHMENTS:	1. The Levee Marketing and Activity Plan 2019/20
RESPONSIBLE OFFICER:	Rachel MacLucas - Executive Manager Vibrant City
AUTHOR:	Jade McArthur - Team Leader Marketing Matt vanderWall - Coordinator Marketing and Communications
MAITLAND +10	Outcome 14. Central Maitland, vibrant heart of our City
COUNCIL OBJECTIVE:	14.2.1 To continue the establishment of The Levee as a lifestyle precinct

EXECUTIVE SUMMARY

The Levee Marketing and Activity Plan 2019/20 is the guiding document for marketing and activity managed by Council to occur at The Levee up to June 2020. The draft was developed with input from an online survey to traders in April and was subsequently distributed to the wider trader and building owner community for input. The Plan will commence implementation in July 2019.

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 R Aitchison, Seconded Cr B Mitchell

CARRIED

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

16.3 LOCAL TRAFFIC COMMITTEE MEETING MINUTES - MAY 2019

FILE NO:	140/5
ATTACHMENTS:	1. LTC Minutes
RESPONSIBLE OFFICER:	Chris James - Group Manager Infrastructure & Works Kevin Stein - Manager Engineering & Design Scott Henderson - Coordinator Infrastructure Planning Engineering
AUTHOR:	Alison Marshall - Road Safety Officer
MAITLAND +10	Outcome 5. Moving around our City
COUNCIL OBJECTIVE:	5.1.4 To improve the efficiency of movement throughout the City

EXECUTIVE SUMMARY

The minutes of Maitland City Council's Local Traffic Committee Meeting held Thursday 2 May 2019 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

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

17 NOTICES OF MOTION/RESCISSION

18 QUESTIONS WITH NOTICE

19 URGENT BUSINESS

Council moved into the Committee of the Whole at 6.45pm.

Moved Cr B Whiting , 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 6.47pm.

Moved Cr D Ferris , Seconded Cr R Aitchison

CARRIED

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

20 COMMITTEE OF THE WHOLE

20.1 RENEWAL OF LEASE ON COUNCIL LAND FOR TELECOMMUNICATION FACILITY

FILE NO:	P34725
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Optus Facility Plan 2. Site of Optus Facility at Coronation Oval
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Barbara Thomson - Senior Property Advisor, Business Systems, Property & Governance
MAITLAND +10	Outcome 4. Well-planned and integrated infrastructure
COUNCIL OBJECTIVE:	4.2.2 To work with public utility providers to ensure infrastructure delivery meets essential community needs

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

EXECUTIVE SUMMARY

Optus Mobile Pty Limited has a current lease on Council land at Telarah for a mobile phone facility. The lease expires 30 June 2020.

Optus has commenced negotiations with Council for further consecutive leases from 1 July 2020 to enable continued use of the site for the facility.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

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

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

COMMITTEE RECOMMENDATION

THAT

- 1. Council approves a new lease to Optus Mobile Pty Limited over part of Lot 7 DP 588003 at Telarah for an initial term of five years with three x five year**

consecutive options.

2. Council accepts the commencement rent of \$10,927.00 (plus GST) per annum with annual increases of 3% compounded during the lease term.
3. Council approves the registration of the lease on Council's land title.
4. The General Manager be authorised to execute any documentation relevant to affect this lease.
5. The General Manager be authorised to complete all required matters in relation to the finalisation of the lease.

Moved Cr P Garnham, Seconded Cr M Yarrington

CARRIED

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	

20.2 NON-EXCLUSIVE LICENCE AGREEMENT FOR USE OF CAR PARK BY TELARAH BOWLING CLUB

FILE NO:	P11268
ATTACHMENTS:	1. Overview of Telarah Bowling Club and adjacent car parking area
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Barbara Thomson - Senior Property Advisor, Business Systems, Property & Governance
MAITLAND +10	Outcome 17. An efficient and effective Council
COUNCIL OBJECTIVE:	17.3.1 To maintain an organisational culture that supports continual improvement, innovation and change to meet community needs

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

EXECUTIVE SUMMARY

Telarah Bowling Club has a licence agreement with Council for the use of a Council car park being Lots 6 and 7 DP 588003 adjacent to their club off South Street Telarah. A review of the terms of the licence has been requested by the Club.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

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

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

COMMITTEE RECOMMENDATION

THAT

- 1. The existing Licence agreement is terminated as at 30 June 2019.**
- 2. That a further report be presented to Council in relation to the outstanding rent.**
- 3. A new twelve month with a twelve month option non-exclusive licence agreement commence from 1 July 2019 under revised terms of rent**
- 4. A peppercorn rental is considered for the new licence from 1 July 2019 in line**

with other similar sized clubs with non-licenced parking areas

- 5. Telarah Bowling Club continues to satisfy their outstanding debt as per agreed repayments of \$2,250 per month**
- 6. The General Manager be authorised to execute any documentation relevant to affect the Licence.**

Moved Cr P Garnham, Seconded Cr H Meskauskas

CARRIED

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 6.54pm.

Moved Cr M Griffin , Seconded Cr R Aitchison

CARRIED

21 COMMITTEE OF THE WHOLE RECOMMENDATIONS

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

20.1 Renewal of Lease on Council Land for Telecommunication Facility

COMMITTEE RECOMMENDATION

THAT

1. Council approves a new lease to Optus Mobile Pty Limited over part of Lot 7 DP 588003 at Telarah for an initial term of five years with three x five year consecutive options.
2. Council accepts the commencement rent of \$10,927.00 (plus GST) per annum with annual increases of 3% compounded during the lease term.
3. Council approves the registration of the lease on Council's land title.
4. The General Manager be authorised to execute any documentation relevant to affect this lease.
5. The General Manager be authorised to complete all required matters in relation to the finalisation of the lease.

Moved Cr P Garnham, Seconded Cr M Yarrington

CARRIED

20.2 Non-Exclusive Licence Agreement for Use of Car Park by Telarah Bowling Club

COMMITTEE RECOMMENDATION

THAT

1. The existing Licence agreement is terminated as at 30 June 2019.
2. That a further report be presented to Council in relation to the outstanding rent.
3. A new twelve month with a twelve month option non-exclusive licence agreement commence from 1 July 2019 under revised terms of rent
4. A peppercorn rental is considered for the new licence from 1 July 2019 in line with other similar sized clubs with non-licenced parking areas

5. Telarah Bowling Club continues to satisfy their outstanding debt as per agreed repayments of \$2,250 per month
6. The General Manager be authorised to execute any documentation relevant to affect the Licence.

Moved Cr P Garnham, Seconded Cr H Meskauskas

CARRIED

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

Moved Cr M Griffin , Seconded Cr K Ranadive

CARRIED

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	

22 CLOSURE

The meeting was declared closed at 6.56pm.

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Chairperson