

ORDINARY MEETING

MINUTES

22 NOVEMBER 2022

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PRESENT

Cr Robert Aitchison
Cr Loretta Baker
Cr Stephanie Fisher
Cr Peter Garnham
Cr Mitchell Griffin
Cr Bill Hackney
Cr Sally Halliday
Cr Ben Mitchell
Cr Kanchan Ranadive
Cr Ben Whiting
Cr Mike Yarrington

1 INVOCATION

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

2 ACKNOWLEDGEMENT OF COUNTRY

The General Manager read the Acknowledgement of Country.

3 APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

COUNCIL RESOLUTION

THAT the apology received for the unavoidable absence of Cr P Penfold and Cr K Ferguson be accepted and leave of absence granted.

Moved Cr P Garnham Seconded Cr B Mitchell

CARRIED

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

4 DECLARATIONS OF INTEREST

NIL

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held 8 November 2022 be confirmed.

Moved Cr B Whiting, Seconded Cr S Fisher

CARRIED

6 BUSINESS ARISING FROM MINUTES

NIL

7 WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS

7.1 10.5 DA2020/1347 Two (2) into eighty-one (81) Lot Torrens Title Subdivision 41 Ryans Road (Lot 182 DP1282386), 63 Ryans Road (Lot 17 DP263196) Gillieston Heights. Acceptance and replacement of the correct schedule and conditions.

Moved Cr M Griffin, Seconded Cr S Halliday

CARRIED

8 PUBLIC ACCESS

Glenn Baptista representing himself spoke **against** item 10.5 DA2020/1347 two (2) into eighty-one (81) lot torrens title subdivision 41 Ryans Road (lot 182 dp1282386), 63 Ryans Road (lot 17 dp263196) Gillieston Heights

COUNCIL RESOLUTION

THAT an extension of one (1) minutes be granted to **Glenn Baptista**.

Moved Cr R Aitchison, Seconded Cr M Yarrington

CARRIED

9 MAYORAL MINUTE

NIL

10 OFFICERS REPORTS

10.1 FUTURE MAITLAND ENGAGEMENT SUMMARY REPORT

FILE NO:	35/74
ATTACHMENTS:	1. Future Maitland Engagement Summary Factsheet
RESPONSIBLE OFFICER:	Rachel MacLucas - Executive Manager Vibrant City
AUTHOR:	Caroline Booth - Acting Manager City Experiences and Economy Nicole Dickson - Business Liaison Officer
MAITLAND +10	Outcome 6. To shop and work locally
COUNCIL OBJECTIVE:	6.2.2 Complete and implement a new approach to economic development

EXECUTIVE SUMMARY

Council, through its Delivery Program and Operational Plan, is committed to developing the City's first Economic Development Strategy. To ensure the Strategy reflects the aspirations of the community, as a first step Council engaged a futurist to undertake a series of thought provoking sessions to ignite a conversation about potential options for Maitland's economic future. Led by futurist James Tuma, these sessions included representatives from the business community, various community organisations, schools and the general community and resulted in the identification of the key themes that resonated with the community that will be further explored in the next round of engagement in early 2023. This report provides a summary of the engagement outcomes so far together with a project update including an updated timeline and next steps.

OFFICER'S RECOMMENDATION

THAT

- 1. The information in this report be noted.**

COUNCIL RESOLUTION

THAT

1. The information in this report be noted.

Moved Cr M Yarrington, Seconded Cr B Whiting

CARRIED

For:

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

Against:

10.2 COMMUNICATION AND ENGAGEMENT PLAN 2022- 2026

FILE NO:	35/74/4
ATTACHMENTS:	1. Attachment 1- Communication and Engagement Strategy 2. Attachment 2- Community Engagement Policy 2020 3. Attachment 3- Community Engagement Policy 2022
RESPONSIBLE OFFICER:	Rachel MacLucas - Executive Manager Vibrant City
AUTHOR:	Carolyn Fisher - Strategic Engagement Officer Elizabeth Hill - Coordinator Marketing & Communication
MAITLAND +10	Outcome 14. To have elected Leaders that look out for us
COUNCIL OBJECTIVE:	14.1.1 Increase opportunities for all members of our community to have their say in decision making

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider the draft Community Engagement Policy and Communication and Engagement Strategy after the public exhibition period. The new Communication and Engagement Strategy and Community Engagement Policy creates a framework for successful and meaningful communication and engagement with the community and other stakeholders.

The draft Communication and Engagement Strategy and Community Engagement Policy were exhibited for 29 days and attracted one submission. This report recommends the adoption of the draft Communication and Engagement Strategy and Community Engagement Policy with only minor amendments to formatting and presentation.

OFFICER'S RECOMMENDATION

THAT

- 1. Council adopt the draft Communication and Engagement Strategy (Attachment 1).**
- 2. Council rescind the existing Community Engagement Policy 2020 (Attachment 2).**
- 3. Council adopt the draft Community Engagement Policy 2022 (Attachment 3).**

COUNCIL RESOLUTION

THAT

- 1. Council adopt the draft Communication and Engagement Strategy (Attachment 1).**
- 2. Council rescind the existing Community Engagement Policy 2020 (Attachment 2).**
- 3. Council adopt the draft Community Engagement Policy 2022 (Attachment 3).**

Moved Cr P Garnham, Seconded Cr S Fisher

CARRIED

For:

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

Against:

10.3 SUBMISSION - DRAFT HUNTER REGIONAL TRANSPORT PLAN 2041

FILE NO:	103/159
ATTACHMENTS:	1. Staff Submission to Draft Hunter Regional Transport Plan
RESPONSIBLE OFFICER:	Matthew Prendergast - Group Manager Planning & Environment Adam Ovenden - Coordinator City Planning
AUTHOR:	Pathum Gunasekara - Principal Strategic Planner
MAITLAND +10	Outcome 2. To easily get to where we want to go
COUNCIL OBJECTIVE:	2.2.3 Continue to advocate for more and improved public transport services including stops and service frequency in areas of identified residential and economic growth

EXECUTIVE SUMMARY

In October 2022, Transport for NSW (TfNSW) released the Draft Hunter Regional Transport Plan 2041 for exhibition until 11 November 2022.

Council staff have reviewed the Draft Hunter Regional Transport Plan 2041 and are generally supportive of the vision and goals of the draft Plan. Due to the timing of the exhibition period, a response from Council staff has been submitted to the TfNSW.

This report provides Council with an overview of the draft Transport Plan and the submission made by Council staff to the Draft Hunter Regional Transport Plan 2041.

OFFICER'S RECOMMENDATION

THAT

- 1. Council notes the information contained in this report and the submission (Attachment 1).**

COUNCIL RESOLUTION

THAT

- 1. Council notes the information contained in this report and the submission (Attachment 1).**

Moved Cr P Garnham, Seconded Cr M Yarrington

CARRIED

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

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

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

EXECUTIVE SUMMARY

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

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

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

The proposal complies with the DCP, and the relevant planning framework, and is consistent with the expectations for residential development within the URA. The application has been assessed against the relevant heads of consideration under section 4.15(1) in the Environmental

Planning and Assessment Act 1979 and considered to be satisfactory subject to the imposition of conditions.

OFFICER'S RECOMMENDATION

THAT

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

PROCEEDINGS IN BRIEF

A motion was moved, being the officers recommendation.
(Cr P Garnham/ Cr M Yarrington)

An amendment was moved:

THAT this matter be deferred to the next meeting, to allow time for an appropriate motion to be worded.
(Cr M Griffin/ Cr B Mitchell)

The amendment when put to the meeting was declared carried.

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

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

COUNCIL RESOLUTION

THAT

This matter be deferred to the next meeting, to allow time for an appropriate motion to be worded.

Moved Cr M Griffin, Seconded Cr B Mitchell

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr S Fisher
Cr M Griffin
Cr B Mitchell
Cr K Ranadive
Cr B Whiting

Against:

Cr P Garnham
Cr B Hackney
Cr S Halliday
Cr M Yarrington

**10.5 DA2020/1347 TWO (2) INTO EIGHTY-ONE (81) LOT TORRENS TITLE
SUBDIVISION 41 RYANS ROAD (LOT 182 DP1282386), 63 RYANS ROAD (LOT
17 DP263196) GILLIESTON HEIGHTS**

FILE NO: 2020/1347

ATTACHMENTS:

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

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

AUTHOR: Amanda Wells - Senior Strategic Planner

APPLICANT: Universal Property Group Pty Limited

OWNER: Christine Grant, Garry Grant and Vicki Reynolds

PROPOSAL: Two (2) into eighty-one (81) Lot Torrens Title Subdivision

LOCATION: 41 Ryans Road (Lot 182 DP1282386), 63 Ryans Road (Lot 17 DP263196) Gillieston Heights

ZONE: R1 General Residential, RU2 Rural Landscape, C2 Environmental Conservation

EXECUTIVE SUMMARY

The proposal seeks consent for a two (2) into eighty-one (81) lot Torrens Title Subdivision, along with associated subdivision works such as road construction, retaining walls and two (2) detention basins, at 41 Ryans Road (Lot 182 DP1282386) and 63 Ryans Road (Lot 17 DP263196) Gillieston Heights. The subject land is located within the Gillieston Heights Urban Release Area (URA) and is within close proximity to the classified road Cessnock Road, providing access to Maitland and the New England Highway to the north and Heddon Greta and the Hunter Expressway to the south.

The application was placed on hold pending further information regarding traffic and road networks, overland catchment flow and stormwater issues as well as the registration of the Voluntary Planning Agreement. Following the submission of revised plans and additional supporting documentation it is considered that the proposal meets Council requirements.

The application is reported to Council for determination as there were four (4) submissions received during the public notification period. The issues raised in the submissions generally relate to lot size, flora and fauna, dwelling height, mine subsidence, overdevelopment, traffic,

open space and perceived loss of property value. The issues raised in the submissions have been addressed during the assessment of the application and do not warrant refusal of the application.

The proposal is compliant with the Maitland Development Control Plan (DCP) 2011, and the relevant planning framework, and is consistent with the expectations for residential development within the URA. The application has been assessed against the relevant heads of consideration under Section 4.15(1) set out in the Environmental Planning and Assessment Act 1979 (the Act and the proposal is considered to be satisfactory subject to the imposition of development conditions.

OFFICER'S RECOMMENDATION

That DA2020/1347 for Two (2) into eighty-one (81) Lot Torrens Title Subdivision at 41 Ryans Road (Lot 182 DP1282386) and 63 Ryans Road (Lot 17 DP263196) Gillieston Heights be approved subject to conditions set out in the attached schedule (refer to Attachment 4).

PROCEEDINGS IN BRIEF

A motion was moved.

(Cr R Aitchison/ Cr B Whiting)

THAT this item is deferred to seek additional community consultation in light of the recent floods.

An amendment was moved being the Officers Recommendation.

(Cr M Griffin, Cr P Garnham)

The amendment when put to the meeting was declared carried.

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

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

COUNCIL RESOLUTION

That DA2020/1347 for Two (2) into eighty-one (81) Lot Torrens Title Subdivision at 41 Ryans Road (Lot 182 DP1282386) and 63 Ryans Road (Lot 17 DP263196) Gillieston Heights be approved subject to conditions set out in the attached schedule (refer to Attachment 4).

Moved Cr M Griffin, 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 8 for and 3 against, as follows:

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

10.6 BUILDING BETTER REGIONS FUND ROUND 6 - DISCONTINUED

FILE NO:	65/29
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Kelly Arnott - Manager Corporate Planning and Performance
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.2 Ensure Council is financially sustainable and meets required levels of performance

EXECUTIVE SUMMARY

On the 8 February 2022, Council resolved to make application to the Australian Government Department of Infrastructure, Transport, Regional Development and Communications for grant funding under the Building Better Regions Fund (Round 6).

Council has recently been advised that the fund has been discontinued, and Round 6 will not be awarded.

OFFICER'S RECOMMENDATION

THAT

- 1. Council notes the discontinuation of the Australian Government's Building Better Regions Fund;**
- 2. A report is presented to Council to consider potential projects for funding under the new Growing Regions Program as further details are known.**

PROCEEDINGS IN BRIEF

A motion was moved being the Officers Recommendation.

POINT OF ORDER

(Cr S Halliday against Cr R Aitchison)

Cr S Halliday called a point of order against Cr R Aitchison regarding unnecessary comments about any form of government on the floor.

Cr R Aitchison withdrew his comments and apologised.

COUNCIL RESOLUTION

THAT

- 1. Council notes the discontinuation of the Australian Government's Building Better Regions Fund;**
- 2. A report is presented to Council to consider potential projects for funding under the new Growing Regions Program as further details are known.**

Moved Cr S Halliday, Seconded Cr K Ranadive

CARRIED

For:

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

Against:

10.7 NEW GRANT OPPORTUNITIES: REGIONAL ROADS AND TRANSPORT RECOVERY PACKAGE AND INFRASTRUCTURE BETTERMENT FUND

FILE NO:	65/70
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems David Moloney - Group Manager Infrastructure & Works
AUTHOR:	Kelly Arnott - Manager Corporate Planning and Performance Christopher Gorman - Corporate Grants Lead
MAITLAND +10	Outcome 2. To easily get to where we want to go
COUNCIL OBJECTIVE:	2.2.1 Develop and promote Council's long term program for road and related infrastructure construction and maintenance

EXECUTIVE SUMMARY

On 6 October, the NSW and Australian Governments jointly announced total funding of \$512.5 million available from two complementary grant programs. The infrastructure funding is available to Local and State Government to ensure assets are more resilient and better able to withstand future natural disasters. Well-targeted and sustained investment in resilience (referred to as betterment) will enable Maitland communities to mitigate and adapt to future risks and save Council money in the longer term.

The funding is available for the betterment of essential public infrastructure directly damaged by recent severe weather events (AGRN 954, 960 February and March 2021 and AGRN,1012 February and March 2022) with \$312.5 million under the Regional Roads and Transport Recovery Package (incorporating a \$187.5 million LGA allocation) and \$200 million under the Infrastructure Betterment Fund (incorporating a \$100 million LGA allocation).

After consideration of local infrastructure impacted by the relevant weather events and grant guidelines, officers are recommending applications under both programs as outlined in this report.

OFFICER'S RECOMMENDATION

THAT

- 1. Council make application to the NSW Government for grant funding under the Regional Roads and Transport Recovery Package for the following projects:**
 - a. Melville Ford Bridge**
 - b. Maitland Vale Road**
- 2. Council make application to the Infrastructure Betterment Fund to improve the resilience of essential assets for the following projects:**
 - a. Pavement strengthening treatment (at three (3) priority locations of Scotch Creek Road, Millers Forest; Edithville Road, Millers Forest; and Louth Park Road, Louth Park)**
 - b. Floodgate system resilience upgrades**
- 3. A further report be provided to Council once the result of the applications is known.**

COUNCIL RESOLUTION

THAT

- 1. Council make application to the NSW Government for grant funding under the Regional Roads and Transport Recovery Package for the following projects:**
 - a. Melville Ford Bridge**
 - b. Maitland Vale Road**
- 2. Council make application to the Infrastructure Betterment Fund to improve the resilience of essential assets for the following projects:**
 - a. Pavement strengthening treatment (at three (3) priority locations of Scotch Creek Road, Millers Forest; Edithville Road, Millers Forest; and Louth Park Road, Louth Park)**
 - b. Floodgate system resilience upgrades**
- 3. A further report be provided to Council once the result of the applications is known.**

Moved Cr B Whiting, Seconded Cr R Aitchison

CARRIED

For:

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

Against:

10.8 REQUEST FOR GATEWAY DETERMINATION - KEZIA ROAD PLANNING PROPOSAL - OAKHAMPTON

FILE NO:	RZ/21/004
ATTACHMENTS:	1. Planning Proposal (Under Separate Cover) 2. Summary of Supporting Studies
RESPONSIBLE OFFICER:	Matthew Prendergast - Group Manager Planning & Environment Adam Ovenden - Coordinator City Planning
AUTHOR:	Gary Hamer - Senior Strategic Planner
APPLICANT:	Walker Corporation and Bremer Park Pty Ltd (together Walker).
OWNERS:	G Ellicott & K Collison Maitland Dredging Pty Ltd Jag Assets Pty Ltd M James & K L Cawthorne T John & M G Power N Sutherland P Thompson R J & S K Cooney B Charles & M R McCowan E A Wakatama J Archibald & G Willard
PROPOSAL:	To rezone lands from RU1 Primary Production and RU2 Rural Landscape to part R1 General Residential, RU1 Primary Production and C2 Environmental Conservation.
LOCATION:	Keiza Road, Oakhampton
ZONE:	Current zone RU1 Primary production, RU2 Rural Landscape and C2 Environmental Conservation.

EXECUTIVE SUMMARY

Council received a rezoning request relating to land at Kezia Road, Oakhampton. The proposal seeks rezoning of land to enable residential development and maintain environmentally sensitive areas.

The site is identified in the Maitland Urban Settlement Strategy 2012 as Category 1 – Residential Land Investigation Area and in the Maitland Local Strategic Planning Statement 2040+ as Planned Investigation Area – Residential. The current land use zone applicable to the site is RU2

Rural Landscape and C3 Environmental Management under the MLEP 2011 with an applicable minimum lot size of 40 hectares.

The proposal is to amend parts of the site, described above, for R1 – General Residential uses with a minimum lot size of 450m² and to rezone part of the balance of land for environmental purposes.

Council's assessment of the rezoning request and supporting site studies has informed the Planning Proposal and recommendations within. Key matters under assessment included indigenous and European heritage, flooding, ecological, traffic and transport, stormwater, and urban design. The proposal can be progressed to submission for a Gateway Determination based upon the site-specific merits. The final resolution of traffic and stormwater management matters will be finalised as part of the Gateway Determination process.

The Planning Proposal – Keiza Road, Oakhampton is provided as Attachment 1 to this report for Council's consideration.

On 22 October 2022 a report to Council was withdrawn from the agenda pending confirmation that all landowners within the proposed study area have been consulted. The proponent has now provided details on consultation with the landowners to the satisfaction of Council staff, and the proposal can now proceed.

OFFICER'S RECOMMENDATION

THAT

- 1. Pursuant to Section 3.34(1) of the Environmental Planning and Assessment Act 1979, Council submits the planning proposal in Attachment 1, to the Department of Planning and Environment seeking a Gateway Determination.**
- 2. Following issue of a Gateway Determination, Council undertake consultation with the community and relevant government agencies in accordance with Section 3.34 and Schedule 1 of the Environmental Planning and Assessment Act 1979 and the conditions of the Gateway Determination.**
- 3. A further report be presented to Council following the public exhibition period, including compliance with the conditions of the Gateway Determination and provide details of any submissions received throughout that process.**

COUNCIL RESOLUTION

THAT

- 1. Pursuant to Section 3.34(1) of the Environmental Planning and Assessment Act 1979, Council submits the planning proposal in Attachment 1, to the Department of Planning and Environment seeking a Gateway Determination.**
- 2. Following issue of a Gateway Determination, Council undertake consultation with the community and relevant government agencies in accordance with Section 3.34 and Schedule 1 of the Environmental Planning and Assessment Act 1979 and the conditions of the Gateway Determination.**
- 3. A further report be presented to Council following the public exhibition period, including compliance with the conditions of the Gateway Determination and provide details of any submissions received throughout that process.**

Moved Cr K Ranadive, Seconded Cr P Garnham

CARRIED

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

Council moved into policy and finance committee at 6.42pm

Moved Cr B Mitchell, Seconded Cr S Fisher

CARRIED

For:

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

Against:

11 POLICY AND FINANCE COMMITTEE

11.1 MAITLAND CITY COUNCIL ANNUAL REPORT 2021/22

FILE NO:	35/36/28
ATTACHMENTS:	1. Maitland City Council Annual Report 2021/22 (nder separate cover)
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Carly Burgess - Corporate Strategy Lead Kelly Arnott - Manager Corporate Planning and Performance
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.3.1 Monitor and report progress against the delivery of projects and services, as identified in the community Strategic Plan, Delivery Program and annual Operational Plan

EXECUTIVE SUMMARY

Council's Annual Report 2021/22 provides an overview of the activities and achievements of Council in providing services and projects to our community over the last financial year.

The report is community focused and provides open and transparent reporting on budgetary and operational performance and in meeting a range of legislated governance standards.

Included are performance highlights, operational activities within the themes of Maitland +10, our community strategic plan, infrastructure works delivered under our capital works program and our financial statements.

OFFICER'S RECOMMENDATION

THAT

- 1. Council receive the Annual Report 2021/22;**
- 2. The Annual Report 2021/22 is published on Council's website;**
- 3. The Office of Local Government is advised and sent a website link to the Annual Report.**

COUNCIL RESOLUTION

THAT

- 1. Council receive the Annual Report 2021/22;**
- 2. The Annual Report 2021/22 is published on Council's website;**
- 3. The Office of Local Government is advised and sent a website link to the Annual Report.**

Moved Cr S Halliday, Seconded Cr M Yarrington

CARRIED

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

11.2 FIRST QUARTER BUDGET REVIEW 2022/23 - PERIOD ENDED 30 SEPTEMBER 2022

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

EXECUTIVE SUMMARY

The Quarterly Budget Review Statement (QBRs) 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 30 September 2022 quarter be approved and form part of the Operational Plan for 2022/23.

COUNCIL RESOLUTION

THAT

1. The variations for the 30 September 2022 quarter be approved and form part of the Operational Plan for 2022/23.

Moved Cr S Halliday, Seconded Cr B Mitchell

CARRIED

For:

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

Against:

11.3 STATEMENT OF INVESTMENTS AS AT 31 OCTOBER 2022

FILE NO:	82/2
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems Annette Peel - Manager Finance & Procurement
AUTHOR:	Kira-lee Tyrrell - Financial Accountant Laura Barry - Financial Accountant
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.2 Ensure Council is financially sustainable and meets required levels of performance

EXECUTIVE SUMMARY

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

OFFICER'S RECOMMENDATION

THAT

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

COUNCIL RESOLUTION

THAT

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

Moved Cr S Halliday, Seconded Cr S Fisher

CARRIED

For:

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

Against:

11.4 LOANS TO NOT FOR PROFIT ORGANISATIONS POLICY

FILE NO:	129/8
ATTACHMENTS:	1. Loans to Not For Profit Organisation Policy 2022
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Michael Burfitt - Chief Financial Officer
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.2 Ensure Council is financially sustainable and meets required levels of performance

EXECUTIVE SUMMARY

Council has a policy in place to establish the process and parameters for Council in making decisions on granting loans to community organisations. This policy, being the Loans to Not for Profit Organisations Policy, has been reviewed and minor amendments made.

The revised policy is presented for adoption.

OFFICER'S RECOMMENDATION

THAT

- 1. Council adopt the Loans to Not for Profit Organisations Policy 2022.**

COUNCIL RESOLUTION

THAT

- 1. Council adopt the Loans to Not for Profit Organisations Policy 2022.**

Moved Cr P Garnham, Seconded Cr R Aitchison

CARRIED

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

Council resumed into Ordinary Council at 6.48pm.

Moved Cr B Mitchell, Seconded Cr P Garnham

CARRIED

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

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

11.1 Maitland City Council Annual Report 2021/22

THAT

1. Council receive the Annual Report 2021/22;
2. The Annual Report 2021/22 is published on Council's website;
3. The Office of Local Government is advised and sent a website link to the Annual Report.

Moved Cr S Halliday, Seconded Cr M Yarrington

CARRIED

11.2 First quarter budget review 2022/23 - period ended 30 September 2022

THAT

1. The variations for the 30 September 2022 quarter be approved and form part of the Operational Plan for 2022/23.

Moved Cr S Halliday, Seconded Cr B Mitchell

CARRIED

11.3 Statement of Investments as at 31 October 2022

THAT

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

Moved Cr S Halliday, Seconded Cr S Fisher

CARRIED

11.4 Loans to Not for Profit Organisations Policy

THAT

1. Council adopt the Loans to Not for Profit Organisations Policy 2022.

Moved Cr P Garnham, Seconded Cr R Aitchison

CARRIED

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

12 NOTICES OF MOTION/RESCISSION

NIL

13 QUESTIONS WITH NOTICE

13.1 FARLEY FOOTPATH CONNECTIONS

SUBMITTED BY CR BEN WHITING

FILE NO: 35/7/2
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: David Evans - General Manager

Cr Ben Whiting has asked the following Question With Notice for the Council Meeting being held on 22 November 2022:

A resident has raised concerns around the safety implications of the lack of footpath connectivity joining Farley and Telarah via the underpass at Farley.

What are the plans and timelines for footpath connectivity for this area?

RESPONSE BY GROUP MANAGER

NIL

14 URGENT BUSINESS

NIL

Council moved into Committee of the Whole at 6.50pm

Moved Cr S Fisher, Seconded Cr B Whiting

CARRIED

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

Council moved into Closed Session of the Committee of the Whole for the reasons specified in the Agenda, and closed the meeting to the public at 6.51pm.

Moved Cr B Whiting, Seconded Cr B Mitchell

CARRIED

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

15 COMMITTEE OF THE WHOLE

15.1 CONSIDERATION OF TENDERS - SPRAY BITUMINOUS SURFACING (REJUVENATION) 2022/2023 - VARIOUS LOCATIONS

FILE NO:	2022/137/2114
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Ashley Kavanagh - Manager Works David Moloney - Group Manager Infrastructure & Works
AUTHOR:	Michael Leong - Works Engineer
MAITLAND +10	Outcome 2. To easily get to where we want to go
COUNCIL OBJECTIVE:	Make it safe and easy to get around the city, no matter how we choose to travel

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

EXECUTIVE SUMMARY

Council's Road Resurfacing program includes spray bituminous surfacing (rejuvenation) on one hundred and eighty-nine (189) sites within the Maitland Local Government area totaling 295,540 m². Tenders have been called for these works and are presented for Council's consideration and determination. The tenders are being 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.

COUNCIL RESOLUTION

THAT

- 1. Council accepts the tender for Spray Bituminous Surfacing (Rejuvenation) submitted by Colas Solutions Pty Ltd for the schedule of rates contract, based on the unit rates provided in Attachment A (GST exclusive);**
- 2. The Common Seal of Council be affixed to the contract documents.**

Moved Cr P Garnham, Seconded Cr B Mitchell

CARRIED

For:

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

Against:

15.2 CONSIDERATION OF TENDERS - CEMETERIES OPEN SPACE MAINTENANCE

FILE NO:	137/2102
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Ashley Kavanagh - Manager Works David Moloney - Group Manager Infrastructure & Works
AUTHOR:	Clinton Anderson - Project Officer Recreation Works
MAITLAND +10	Outcome 4. To be healthy and active with access to local services and facilities
COUNCIL OBJECTIVE:	4.1.3 Provide continued and improved cemetery services

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

Council has requested tenders for the ongoing grounds maintenance of Council owned cemeteries throughout the Local Government Area.

Tenders have been received for these works and are presented for Council's consideration and determination. The tenders are presented for Council's consideration and determination and are being 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.

COUNCIL RESOLUTION

THAT

1. Council decline to accept any of the tenders received under contract number 137/2102 Cemeteries Open Space Maintenance.
2. Per Section 178(3)(e) of the Local Government (General) Regulations 2021, Council enter into negotiations with Strike Force Services and Griffin Property Maintenance with a view to enter into a contract with the preferred service provider for the delivery of open space grounds maintenance under a revised specification for a period of 12 months.
3. Per Section 178(4) of the Local Government (General) Regulations 2021, Council notes that the reasons for determining to enter into negotiations is to negotiate a better value for money solution with one of two preferred service providers under a modified works specification.
4. The General Manager be authorised to sign contract documents.

Moved Cr B Whiting, Cr Seconded S Halliday

CARRIED

For:	Cr R Aitchison Cr L Baker Cr S Fisher Cr P Garnham Cr M Griffin Cr B Hackney Cr S Halliday Cr B Mitchell Cr K Ranadive Cr B Whiting Cr M Yarrington	Against:
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15.3 AUDIT, RISK AND IMPROVEMENT COMMITTEE CHAIR RECOMMENDED APPOINTMENT AND CONFIRMATION OF NON-VOTING COUNCILLOR MEMBER

FILE NO:	81/26
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems Stephen McDonald - Manager Governance and Risk
AUTHOR:	Fiona Goodman - Coordinator Risk
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.1.4 Implement and maintain a contemporary governance, audit and risk framework

THAT Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1993 Section 10A(2), as follows: (a) personnel matters concerning particular individuals (other than councillors).

EXECUTIVE SUMMARY

Council established its new Audit, Risk and Improvement Committee (ARIC) in mid 2022. The Chair of the former Internal Audit Committee, Mr Greg Farrow, agreed to undertake the position of Chair of the ARIC until 31 December 2022 to support the transition to the new operational framework.

An Expression of Interest (Eoi) process has been completed for the position of a new independent Chair of the ARIC. Following assessment of all Eols, the evaluation panel recommends the appointment of a new Chair of the ARIC from 1 January 2023, for a period of four years, as outlined in this report.

Additionally, the final step in the transition to a fully functioning ARIC is to appoint a single non-voting Councillor representative, which is also addressed in this report.

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:

(a) personnel matters concerning particular individuals (other than councillors).

COUNCIL RESOLUTION**THAT**

1. Council appoints Mr Dave Pendleton as independent Chair of the Audit, Risk and Improvement Committee from 1 January 2023 for a period of four (4) years;
2. Council acknowledge and thank outgoing Chair Mr Greg Farrow for his past contribution to Council's Internal Audit Committee and his ongoing support during the transition to a fully established and expanded Audit, Risk and Improvement Committee;

Moved Cr S Halliday, Seconded Cr P Garnham

CARRIED

For:

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

Against:

15.4 CONSIDERATION OF TENDERS - CONSTRUCTION OF HAROLD GREGSON RESERVE UPGRADE

FILE NO:	2022/137/2135
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	David Moloney - Group Manager Infrastructure & Works Todd Stanley - Manager Building Projects & Services
AUTHOR:	Allison Cronin - Senior Project Architect
MAITLAND +10	Outcome 4. To be healthy and active with access to local services and facilities
COUNCIL OBJECTIVE:	4.3.10 Deliver the final stages of Maitland Regional Sports Complex Masterplan

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

EXECUTIVE SUMMARY

A two-stage selective tender process has been undertaken for the final stage of work for the Maitland Regional Sports Complex, also known as the Harold Gregson Reserve Upgrade in High Street Maitland. Expressions of Interest (EOIs) for construction works were called on 01 September 2022. The EOI period closed on 23 September 2022 and seven submissions were received and assessed. A total of three firms were shortlisted and invited to prepare a tender for the works.

The shortlisted firms were invited to tender on 17 October 2022. The tender period closed at 10am Friday 11 November 2022. Tenders were assessed in accordance with an approved Tender Evaluation Plan carried out by a Tender Review Panel and documented in a Tender Evaluation Plan. All tenders substantially exceed the project budget, and this report provides a recommendation to negotiate with all tenderers to determine a reduced scope to meet the project budget and maintain the delivery timeline.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

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

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

COUNCIL RESOLUTION

THAT

1. Council declines to accept any of the tenders in accordance with Clause 178(1)(b) of the Local Government (General) Regulations 2021.
2. Per Section 178(3)(e) of the Local Government (General) Regulations 2021, Council enter into negotiations with the two compliant tenderers with a view to entering into a contract in relation to the subject matter of the tender.
3. Per Section 178(4) of the Local Government (General) Regulations 2021, Council notes that the reasons for determining to enter into negotiations:
 - a. The EOI process clearly demonstrated that all three firms have the necessary qualifications, experience and capability to successfully deliver the project within the delivery timeframe
 - b. Any adjustment of project scope will be undertaken by Council officers in negotiation with all Tenderers and will not significantly alter the tender, but rather will enable project delivery within the allocated budget and required grant timeframe.
4. The General Manager be authorised to sign contracts documents.

Moved Cr P Garnham, Seconded Cr B Whiting

CARRIED

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

Council resumed into Ordinary Council at 7.06pm.

Moved Cr B Mitchell, Seconded Cr P Garnham

CARRIED

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

16 COMMITTEE OF THE WHOLE RECOMMENDATIONS

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

15.1 Consideration of Tenders - Spray Bituminous Surfacing (Rejuvenation) 2022/2023 - Various Locations

THAT

1. Council accepts the tender for Spray Bituminous Surfacing (Rejuvenation) submitted by Colas Solutions Pty Ltd for the schedule of rates contract, based on the unit rates provided in Attachment A (GST exclusive);
2. The Common Seal of Council be affixed to the contract documents.

Moved Cr P Garnham, Seconded Cr B Mitchell

CARRIED

15.2 Consideration of Tenders - Cemeteries open space maintenance

THAT

1. Council decline to accept any of the tenders received under contract number 137/2102 Cemeteries Open Space Maintenance.
2. Per Section 178(3)(e) of the Local Government (General) Regulations 2021, Council enter into negotiations with Strike Force Services and Griffin Property Maintenance with a view to enter into a contract with the preferred service provider for the delivery of open space grounds maintenance under a revised specification for a period of 12 months.
3. Per Section 178(4) of the Local Government (General) Regulations 2021, Council notes that the reasons for determining to enter into negotiations is to negotiate a better value for money solution with one of two preferred service providers under a modified works specification.
4. The General Manager be authorised to sign contract documents.

Moved Cr B Whiting, Cr Seconded S Halliday

CARRIED

15.3 Audit, Risk and Improvement Committee chair recommended appointment and confirmation of non-voting councillor member

THAT

1. Council appoints Mr Dave Pendleton as independent Chair of the Audit, Risk and Improvement Committee from 1 January 2023 for a period of four (4) years;
2. Council acknowledge and thank outgoing Chair Mr Greg Farrow for his past contribution to Council's Internal Audit Committee and his ongoing support during the transition to a fully established and expanded Audit, Risk and Improvement Committee;

Moved Cr S Halliday, Seconded Cr P Garnham

CARRIED

15.4 Consideration of Tenders - Construction of Harold Gregson Reserve upgrade

THAT

1. Council declines to accept any of the tenders in accordance with Clause 178(1)(b) of the Local Government (General) Regulations 2021.
2. Per Section 178(3)(e) of the Local Government (General) Regulations 2021, Council enter into negotiations with the three compliant tenderers with a view to entering into a contract in relation to the subject matter of the tender.
3. Per Section 178(4) of the Local Government (General) Regulations 2021, Council notes that the reasons for determining to enter into negotiations:
 - a. The EOI process clearly demonstrated that all three firms have the necessary qualifications, experience and capability to successfully deliver the project within the delivery timeframe
 - b. Any adjustment of project scope will be undertaken by Council officers in negotiation with all Tenderers and will not significantly alter the tender, but rather will enable project delivery within the allocated budget and required grant timeframe.
4. The General Manager be authorised to sign contracts documents.

Moved Cr P Garnham, Seconded Cr B Whiting

CARRIED

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

Moved Cr P Garnham , Seconded Cr B Whiting

CARRIED

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

17 CLOSURE

The meeting was declared closed at 7.11pm.

.....
Chairperson