

## **ORDINARY MEETING**

### **MINUTES**

**25 JULY 2023**

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## **PRESENT**

Cr Robert Aitchison  
Cr Loretta Baker  
Cr Kristy Flannery  
Cr Stephanie Fisher  
Cr Peter Garnham  
Cr Mitchell Griffin  
Cr Bill Hackney  
Cr Sally Halliday  
Cr Ben Mitchell  
Cr Philip Penfold, Mayor  
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 remote attendance of Cr R Aitchison be accepted.

Moved Cr P Penfold, Seconded Cr P Garnham

**CARRIED**

For:

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

Against:

#### **4 DECLARATIONS OF INTEREST**

Cr B Whiting declared a pecuniary interest in Item 10.1 Amendment to Maitland Local Environmental Plan 2011 - Planning Proposal for 24 Hunter Street Horseshoe Bend - Additional Permitted Use "Educational Establishment" on RE2 Private Recreation Zoned Land as employed by proponent.

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

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held 11 July 2023 be confirmed.

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

**CARRIED**

For:

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

Against:

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

Nil

#### **7 WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS**

Nil

## 8 PUBLIC ACCESS

Nil

DRAFT

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## 9 MAYORAL MINUTE

### 9.1 LOWER HUNTER RURAL FIRE SERVICE MEDAL PRESENTATION

**FILE NO:** 35/4/8  
**ATTACHMENTS:** Nil  
**RESPONSIBLE OFFICER:** Jeff Smith - General Manager  
**AUTHOR:** Philip Penfold - Mayor

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#### MAYORAL MINUTE

##### Report

On Wednesday, 12 July 2023 volunteers from the Lower Hunter Rural Fire Service were recognised at a medal ceremony held at East Maitland Bowling Club. This saw a number of volunteers from Maitland Brigades receive acknowledgement for their service to the RFS. This acknowledgement totals 272 years of service contributed by Maitland based volunteers from Brigades at Thornton, Bolwarra-Largs, Maitland Vale-Luskintyre, and Lochinvar.

RFS Volunteers spend many hours away from family and friends assisting across the Lower Hunter with bush and grass fires, burnt out vehicles, motor vehicle accidents, flood relief, storm recovery, and community events. Many of these events are in conjunction with Fire and Rescue NSW, the State Emergency Service, and the NSW Police Force. The Lower Hunter District covers an area of 5570km with a population of approximately 238,675 across Maitland, Cessnock, Dungog and Port Stephens. In total 1719 years of service was recognised at the Medal Ceremony from volunteers from across the Lower Hunter.

Maitland City Council appreciates and thanks the members of the Rural Fire Service for their service and contribution to the City of Maitland and congratulate all medal recipients.

#### RECOMMENDATION

THAT

Council acknowledges and congratulates the following members of the NSW Rural Fire Service on their recognition for their service at the Lower Hunter Medal Presentation on Wednesday 12 July 2023:

- Peter Roth, Thornton Brigade – National Medal for 35 years' service
- David Worboys, Bolwarra-Largs Brigade – National Medal for 36 years' service
- Theodore Way, Bolwarra-Largs and Maitland Vale-Luskintyre Brigade – National Medal for 40 years' service

- Sean Carman, Lochinvar Brigade – Long Service Medal for 11 years’ service
- Natarsha Jakubaszek, Lochinvar Brigade - Long Service Medal for 12 years’ service
- Mark Pearce, Lochinvar Brigade - Long Service Medal for 14 years’ service
- Adam Flannery, Lochinvar Brigade - Long Service Medal for 24 years’ service
- Barry Pont, Bolwarra-Largs Brigade – Long Service Medal for 50 Years’ Service
- Bob Shorten, Bolwarra-Largs Brigade - Long Service Medal for 50 Years’ Service

## **COUNCIL RESOLUTION**

### **THAT**

**Council acknowledges and congratulates the following members of the NSW Rural Fire Service on their recognition for their service at the Lower Hunter Medal Presentation on Wednesday 12 July 2023:**

- **Peter Roth, Thornton Brigade – National Medal for 35 years’ service**
- **David Worboys, Bolwarra-Largs Brigade – National Medal for 36 years’ service**
- **Theodore Way, Bolwarra-Largs and Maitland Vale-Luskintyre Brigade – National Medal for 40 years’ service**
- **Sean Carman, Lochinvar Brigade – Long Service Medal for 11 years’ service**
- **Natarsha Jakubaszek, Lochinvar Brigade - Long Service Medal for 12 years’ service**
- **Mark Pearce, Lochinvar Brigade - Long Service Medal for 14 years’ service**
- **Adam Flannery, Lochinvar Brigade - Long Service Medal for 24 years’ service**
- **Barry Pont, Bolwarra-Largs Brigade – Long Service Medal for 50 Years’ Service**
- **Bob Shorten, Bolwarra-Largs Brigade - Long Service Medal for 50 Years’ Service**

**Moved Mayor P Penfold**

**CARRIED**



For:

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

Against:

DRAFT

## 9.2 WALKA MINIATURE RAILWAY

**FILE NO:** 35/5/1  
**ATTACHMENTS:** Nil  
**RESPONSIBLE OFFICER:** Jeff Smith - General Manager  
**AUTHOR:** Philip Penfold - Mayor

### MAYORAL MINUTE

1. Council report back by October 2023 on the miniature railway at Walka Water Works.
2. Report to include condition status, which assets are owned by Council, and what costs and pathways may exist to get to reactivate the experience.

### COUNCIL RESOLUTION

#### THAT

1. Council report back by October 2023 on the miniature railway at Walka Water Works.
2. Report to include condition status, which assets are owned by Council, and what costs and pathways may exist to get to reactivate the experience.

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

**CARRIED**

For:	Cr R Aitchison Cr L Baker Cr S Fisher Cr K Flannery Cr P Garnham Cr M Griffin Cr B Hackney Cr S Halliday Cr B Mitchell Mayor P Penfold Cr K Ranadive Cr B Whiting Cr M Yarrington	Against:
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Cr B Whiting declared a pecuniary interest in Agenda Item 10.1. Cr B Whiting left the Chambers at 5:37 pm and did not participate in discussion or voting on the matter.

## 10 OFFICERS REPORTS

### 10.1 AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN 2011 - PLANNING PROPOSAL FOR 24 HUNTER STREET HORSESHOE BEND - ADDITIONAL PERMITTED USE "EDUCATIONAL ESTABLISHMENT" ON RE2 PRIVATE RECREATION ZONED LAND

<b>FILE NO:</b>	<b>RZ 23001</b>
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. Planning Proposal</li> <li>2. Summary of Supporting Studies</li> </ol>
<b>RESPONSIBLE OFFICER:</b>	<b>Matthew Prendergast - Group Manager Planning &amp; Environment</b> <b>Brett Gardiner - Manager Strategic Planning</b> <b>Adam Ovenden - Coordinator City Planning</b>
<b>AUTHOR:</b>	<b>Mark Roser - Strategic Town Planner</b>
<b>MAITLAND +10</b>	<b>Outcome 8. To have Central Maitland as the vibrant heart of our city</b>
<b>COUNCIL OBJECTIVE:</b>	<b>8.1.3 Manage the East Central Maitland precinct for its civic, cultural and sporting opportunities</b>

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#### EXECUTIVE SUMMARY

*Council has received a request to amend Maitland Local Environmental Plan 2011 (MLEP 2011) seeking to allow an additional permitted use (APU) for 24 Hunter Street, Horseshoe Bend (lot 1, DP 1261532).*

*24 Hunter Street is currently split zoned RE2 Private Recreation and R1 General Residential and was previously used by the Maitland Ex-Services citizens bowling and sports club. The subject land is now owned by the Catholic Diocese of Maitland-Newcastle who, in association with All Saints College (ASC), are proposing to develop an educational establishment (multi-purpose facility) to support the adjacent school.*

*Council staff have prepared a Planning Proposal to amend MLEP 2011 to add an additional clause to Schedule 1 Additional Permitted Uses, enabling the development and use of land at 24 Hunter Street Horseshoe Bend for an educational establishment (multi-purpose facility).*

*The Planning Proposal to enable the additional permitted use by way of an amendment to MLEP 2011 is provided as Attachment 1 to this report for Council consideration.*

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

1. Pursuant to Section 3.34(1) of the Environmental Planning and Assessment Act 1979, Council submits the planning proposal, to the Department of Planning and Environment requesting a Gateway Determination.
2. Following issue of a Gateway Determination, Council undertake consultation with the community and relevant government agencies in accordance with the conditions of the Gateway Determination.
3. Council requests the Department of Planning and Environment delegate plan making functions to Council under Section 3.36 of the Environmental Planning and Assessment Act 1979.
4. A further report be presented to Council following the public exhibition period, including compliance with the conditions of the Gateway Determination and outcomes of the public exhibition and government agency consultation.

**COUNCIL RESOLUTION****THAT**

1. Pursuant to Section 3.34(1) of the Environmental Planning and Assessment Act 1979, Council submits the planning proposal, to the Department of Planning and Environment requesting a Gateway Determination.
2. Following issue of a Gateway Determination, Council undertake consultation with the community and relevant government agencies in accordance with the conditions of the Gateway Determination.
3. Council requests the Department of Planning and Environment delegate plan making functions to Council under Section 3.36 of the Environmental Planning and Assessment Act 1979.
4. A further report be presented to Council following the public exhibition period, including compliance with the conditions of the Gateway Determination and outcomes of the public exhibition and government agency consultation.

Moved Cr M Yarrington, Seconded Cr B Hackney

**CARRIED**

For:

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

Against:

Cr B Whiting returned to the Chambers at 5:39 pm.

DRAFT

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## 10.2 IT MUST BE MORPETH MARKETING PROGRAM

<b>FILE NO:</b>	139/61
<b>ATTACHMENTS:</b>	1. IMBM Final Report April 2023 2. IMBM Co Contribution Request July 2023
<b>RESPONSIBLE OFFICER:</b>	Matt vanderWall - Manager City Experiences and Economy Rachel MacLucas - Executive Manager Vibrant City
<b>AUTHOR:</b>	Caroline Booth - Coordinator City & Visitor Economy Lisa Cameron - Senior Visitor Economy Officer
<b>MAITLAND +10</b>	Outcome 9. To show off our city
<b>COUNCIL OBJECTIVE:</b>	9.1.5 Support the visitor experience at Morpeth

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### EXECUTIVE SUMMARY

*This report provides the final outcomes of the It Must Be Morpeth Incorporated (IMBM) led Visitor Economy Marketing Program that Council made a \$25,000 co-contribution to in 2022-23.*

*This report also advises that Council officers are continuing to work with IMBM with the aim to come to a similar arrangement for the 2023-24 financial year.*

### 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 M Yarrington

**CARRIED**

For:

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

Against:

DRAFT

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### 10.3 PROPOSED APPLICATION TO NSW FOOTBALL LEGACY FUND - A&D LAWRENCE SPORTSFIELD FLOODLIGHTING

<b>FILE NO:</b>	65/69
<b>ATTACHMENTS:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Leah Flint - Group Manager Strategy Performance and Business Systems Judy Jaeger - Group Manager Culture, Community & Recreation
<b>AUTHOR:</b>	Kelly Arnott - Manager Corporate Planning and Performance Darren Crumpler - Manager Community & Recreation
<b>MAITLAND +10</b>	Outcome 4. To be healthy and active with access to local services and facilities
<b>COUNCIL OBJECTIVE:</b>	4.3.3 Construct, maintain and manage inclusive sport and recreation facilities across the city

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#### EXECUTIVE SUMMARY

*The NSW Football Legacy Fund will invest \$10 million over two years to develop infrastructure and participation, leveraging Sydney's co-hosting of FIFA Women's World Cup 2023. The fund aims to improve football facilities and support infrastructure, increase participation opportunities, and improve female player pathways.*

*In January 2023, under Round 1, Council secured \$150,000 to upgrade lighting at Lochinvar Sports Complex, with Council contributing \$300,000 to deliver a \$450,000 project. Works are expected to be complete in early 2024.*

*Round 2 opened 8 June 2023, with a total funding pool of \$3.231 million. After consideration of guidelines, assessment criteria, priorities and capacity, it is recommended that Council proceed with one (1) application under the Infrastructure Stream (funding pool of \$2.67 million) for the upgrade of lighting at A&D Lawrence Sportsfield, Thornton. Grants between \$25,000 and \$150,000 are available.*



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**OFFICER'S RECOMMENDATION**

**THAT**

1. Council submit one (1) application to the NSW Office of Sport for grant funding of \$150,000 under the NSW Football Legacy Fund (Round 2 Infrastructure Stream) for the upgrade of lighting at A&D Lawrence Sportsfield, Thornton;
2. Council allocate a \$150,000 co-contribution to the project from the 2024-25 capital works program;
3. A further report be provided to Council once the result of the application is known.

**COUNCIL RESOLUTION**

**THAT**

1. Council submit one (1) application to the NSW Office of Sport for grant funding of \$150,000 under the NSW Football Legacy Fund (Round 2 Infrastructure Stream) for the upgrade of lighting at A&D Lawrence Sportsfield, Thornton;
2. Council allocate a \$150,000 co-contribution to the project from the 2024-25 capital works program;
3. A further report be provided to Council once the result of the application is known.

Moved Cr S Fisher, Seconded Cr M Yarrington

**CARRIED**

For:

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

Against:

Council moved into Policy & Finance Committee at 5:43 pm.

**Moved Cr S Halliday, Seconded Cr P Garnham**

**CARRIED**

For:

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

Against:



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## 11 POLICY AND FINANCE COMMITTEE

### 11.1 STATEMENT OF INVESTMENTS AS AT 30 JUNE 2023

<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 Annette Peel - Manager Finance &amp; Procurement</b>
<b>AUTHOR:</b>	<b>Laura Barry - Financial Accountant Kira-lee Tyrrell - Financial Accountant</b>
<b>MAITLAND +10</b>	<b>Outcome 15. To have an effective and efficient Council</b>
<b>COUNCIL OBJECTIVE:</b>	<b>15.1.2 Ensure Council is financially sustainable and meets required levels of performance</b>

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#### EXECUTIVE SUMMARY

*Clause 212 of the Local Government (General) Regulation 2021 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 M Griffin**

**CARRIED**

**For:**

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

**Against:**

Council resumed into Ordinary Council at 5:44 pm.

**Moved Cr M Yarrington, Seconded Cr P Garnham**

**CARRIED**

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

Against:

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

### **11.1 STATEMENT OF INVESTMENTS AS AT 30 JUNE 2023**

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.

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

**Moved Cr P Garnham, Seconded Cr M Yarrington**

**CARRIED**

For:

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

Against:

DRAFT

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## 12 NOTICES OF MOTION/RESCISSION

### 12.1 MAITLAND HERITAGE ITEM

#### NOTICE OF MOTION SUBMITTED BY CR MITCHELL GRIFFIN

**FILE NO:** 35/48  
**ATTACHMENTS:** Nil  
**RESPONSIBLE OFFICER:** Jeff Smith - General Manager

---

Cr Mitchell Griffin has indicated his intention to move the following Notice of Motion at the next Council Meeting being held on 25 July 2023:

#### *THAT*

- 1. Council Officers look into the process for the inclusion of the Jocko Graves Statue as a Heritage Item under the Maitland Local Environment Plan and report back to council by late August with recommendations to allow the process to proceed.**
- 2. Council staff investigate and report back to Council on options available for potential signage which could be located alongside the Jocko Grave Statue to provide the history context of the statue. Including the statues local history in Maitland, as well as the story behind Jocko Graves and his historical connection to the US Revolutionary War.**

#### REPORT

The Jocko Graves Statue was installed on High Street Central Maitland in 1886. It was brought to Maitland by American firm Friend & Co and purchased by Mr A.D. McDonald who erected it outside his business. The monument was originally intended to be a water feature with water being produced from a small hole in the chest, although this feature was never used due to lack of water in High Street at the time. The monument is based on the legend of Jocko Graves, an African American boy from the US Revolution War.

American researcher and author Waymon Lefall has researched the history of Jocko Graves. Jocko was the 12 year old son of a freed African slave who fought within the regiment led by George Washington. On Christmas Day 1776 the army approached the Delaware River ahead of Trenton New Jersey. The young Jocko Graves was keen to cross the Delaware with Washington to help with the battle. Mindful of Jocko's age, Washington directed him to remain on the western side of the river and to keep hold of his horses.

That evening an icy blizzard was raining down on the Delaware which delayed the attack on Trenton. Despite this delay and appalling conditions, the Continental Army was successful in its assault on Trenton. Although upon returning from their victory Washington had sadly found that Graves had succumbed to the weather earlier that day.

So bound by his duty, Graves was found still holding the reins of the horses despite his mortal end. Washington was so touched by Grave's dedication to service he had a monument cast of Graves to be placed on his estate at Mount Vernon. It is this monument on which Maitland's Jocko Graves Statue is based.

Over the years the statue has been a loved item by the Maitland community. The Maitland Mercury reports in 1953 that the Army would dress him in warm clothing during World War II. Football clubs have had him painted in their colours and countless generations of children have hugged and cuddled Jocko.

The monument hasn't been excluded from damage. On numerous occasions it has been damaged by vehicles running in to it. In 1971 a fibreglass mould replica of the statue was created by Mr Pryor to replace the original to prevent further damage. This replica is now housed within the storage rooms of Maitland Regional Art Gallery with the original being returned sometime around the opening of the Maitland Heritage Mall in 1988.

When you look into the history of the statue and the figure it is based on, the story provides a fascinating and inspirational story of a young African American boy. It is not a symbol of racism or oppression as some have previously thought, but a story of honour and duty which needs to be remembered for future citizens of this city. Therefore, to prevent any future misunderstandings and confusion around the statue, council should look into the erection of interpretive signage next to the monument to allow residents and visitors to be informed and educated on the monument.

Given the age, history, and cultural links to Maitland it is very important that the Jocko Graves Statue be included under the Maitland Local Environmental Plan listed under the Heritage Items. This will provide the protection and respect which the monument deserves.

## **COUNCIL RESOLUTION**

*THAT*

- 1. Council Officers look into the process for the inclusion of the Jocko Graves Statue as a Heritage Item under the Maitland Local Environment Plan and report back to council by late August with recommendations to allow the process to proceed.**
- 2. Council staff investigate and report back to Council on options available for potential signage which could be located alongside the Jocko Grave Statue to provide the history context of the statue. Including the statues local history in Maitland, as well as the story behind Jocko Graves and his historical connection to the US Revolutionary War.**

**Moved Cr M Griffin, Seconded Cr S Halliday**

**CARRIED**



For:

Cr K Flannery  
Cr P Garnham  
Cr M Griffin  
Cr B Hackney  
Cr S Halliday  
Cr B Mitchell  
Mayor P Penfold  
Cr K Ranadive  
Cr M Yarrington

Against:

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

DRAFT

## 13 QUESTIONS WITH NOTICE

### 13.1 COOKS SQUARE FUNDING

SUBMITTED BY CR MITCHELL GRIFFIN

**FILE NO:** 35/48  
**ATTACHMENTS:** Nil  
**RESPONSIBLE OFFICER:** Leah Flint - Group Manager Strategy Performance and Business Systems

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Cr Mitchell Griffin has asked the following Question With Notice for the Council Meeting being held on 25 July 2023:

*Can Council Officers provide the dollar figure which has been received to date by council from the Federal Government since May 2022 for upgrades to the Cooks Square Facility?*

#### RESPONSE BY GROUP MANAGER

Council resolved to make application for \$1 million under the Investing in Our Communities Program to deliver the Cooks Square Park upgrade (Stage 1), as advised and invited by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts on 26 April 2023.

Council officers submitted the application on 31 May 2023, with an approximate 10 week assessment/approval phase indicated. Council is yet to be advised of the outcome of this assessment.

As such, no money has been received from the Federal Government to date.

## 14 URGENT BUSINESS

Nil

Council moved into the Committee of the Whole at 6:18 pm.

### Moved Cr P Garnham, Seconded Cr K Ranadive

**CARRIED**

For:	Cr R Aitchison Cr L Baker Cr S Fisher Cr K Flannery Cr P Garnham Cr M Griffin Cr B Hackney Cr S Halliday Cr B Mitchell Mayor P Penfold Cr K Ranadive Cr B Whiting Cr M Yarrington	Against:
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Council moved into Close Session of the Committee of the Whole for the reasons specified in the Agenda, and closed the meeting to the public at 6:18 pm.

### Moved Cr M Griffin, Seconded Cr P Garnham

**CARRIED**

For:	Cr R Aitchison Cr L Baker Cr S Fisher Cr K Flannery Cr P Garnham Cr M Griffin Cr B Hackney Cr S Halliday Cr B Mitchell Mayor P Penfold Cr K Ranadive Cr B Whiting Cr M Yarrington	Against:
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## 15 COMMITTEE OF THE WHOLE

### 15.1 CONSIDERATION OF TENDERS - WATER MAIN RELOCATION, VARIOUS LOCATIONS

<b>FILE NO:</b>	2023/137/2213
<b>ATTACHMENTS:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	David Moloney - Group Manager Infrastructure & Works Ashley Kavanagh - Manager Works
<b>AUTHOR:</b>	Kynan Lindus - Civil Engineer
<b>MAITLAND +10</b>	Outcome 2. To easily get to where we want to go
<b>COUNCIL OBJECTIVE:</b>	Make it safe and easy to get around the city, no matter how we choose to travel

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

#### EXECUTIVE SUMMARY

*Tenders have been called for the relocation of four watermains at various locations across Maitland. The project locations include Goldingham Street Tenambit, William Street Largs, St Andrews Street Maitland, and Woodberry Road Woodberry.*

*These works will be undertaken to support road reconstruction and rehabilitation projects listed in Council's 2022/23 and 2023/24 Capital Works Programs. The projects will be funded by co-contributions from Council's Capital Works Program and Hunter Water Corporation.*

*The tender was advertised as four separable portions. Tenderers were able to submit for one, multiple or all portions of work. Four tenders were received for each of the four separable portions of work.*

*All tenders were assessed by a tender review panel. This report provides details of the tender assessment and a recommendation to award a contract for the four portions of work. The report is being presented to the Committee of the Whole as it contains confidential information.*

#### OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

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

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

**COUNCIL RESOLUTION**

**THAT**

- 1. Council accepts the tender of Mullane Maintenance Pty Ltd for Separable Portion 1 – Goldingham Street Tenambit for the contract sum of \$158,059.17 (excl GST).**
- 2. Council accepts the tender of Mullane Maintenance Pty Ltd for Separable Portion 2 – William Street Largs for the contract sum of \$118,088.49 (excl GST).**
- 3. Council accepts the tender of Mullane Maintenance Pty Ltd for Separable Portion 3 – St Andrews Street Maitland for the contract sum of \$183,764.67 (excl GST).**
- 4. Council accepts the tender of Mullane Maintenance Pty Ltd for Separable Portion 4 – Woodberry Road Woodberry for the contract sum of \$182,445.61 (excl GST).**
- 5. The common seal of Council be affixed to the contract documents.**

**Moved Cr P Garnham, Seconded Cr B Hackney**

**CARRIED**

**For:**

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

**Against:**

Council resumed into Ordinary Council at 6:20 pm.

**Moved Cr P Garnham, Seconded Cr M Yarrington**

**CARRIED**

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

Against:

**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 - WATER MAIN RELOCATION, VARIOUS LOCATIONS**

THAT

1. Council accepts the tender of Mullane Maintenance Pty Ltd for Separable Portion 1 – Goldingham Street Tenambit for the contract sum of \$158,059.17 (excl GST).
2. Council accepts the tender of Mullane Maintenance Pty Ltd for Separable Portion 2 – William Street Largs for the contract sum of \$118,088.49 (excl GST).
3. Council accepts the tender of Mullane Maintenance Pty Ltd for Separable Portion 3 – St Andrews Street Maitland for the contract sum of \$183,764.67 (excl GST).
4. Council accepts the tender of Mullane Maintenance Pty Ltd for Separable Portion 4 – Woodberry Road Woodberry for the contract sum of \$182,445.61 (excl GST).
5. The common seal of Council be affixed to the contract documents.

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

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

**CARRIED**

<b>For:</b>	Cr R Aitchison Cr L Baker Cr S Fisher Cr K Flannery Cr P Garnham Cr M Griffin Cr B Hackney Cr S Halliday Cr B Mitchell Mayor P Penfold Cr K Ranadive Cr B Whiting Cr M Yarrington	<b>Against:</b>
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## **17 CLOSURE**

**The meeting was declared closed at 6:22 pm.**

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**Chairperson**