

ORDINARY MEETING

MINUTES

11 APRIL 2023

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	INVOCATION	3
2	AKCNOWLEDGEMENT OF COUNTRY	3
3	APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE.....	3
4	DECLARATIONS OF INTEREST	4
5	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	4
6	BUSINESS ARISING FROM MINUTES	4
7	WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS	4
8	PUBLIC ACCESS.....	4
9	MAYORAL MINUTE	6
	9.1 CONGRATULATORY LETTERS FOR ELECTED MEMBERS.....	6
10	GENERAL MANAGER'S REPORTS	8
11	PLANNING AND ENVIRONMENT.....	9
	11.1 DA 2022/1286 FOR ONE (1) INTO THREE (3) LOT TORRENS TITLE SUBDIVISION AND DEMOLITION OF SHED AND SWIMMING POOL AT 10 HERMITAGE CLOSE THORNTON (LOT: 9116 DP 874539)	9
	11.2 RECLASSIFICATION OF COUNCIL OWNED LAND AT THORNTON AND EAST MAITLAND - OUTCOMES OF PUBLIC EXHIBITION AND HEARING	12
	11.3 VOLUNTARY PLANNING AGREEMENT OFFER - AVID PROPERTY GROUP - THORNTON NORTH RECREATION & COMMUNITY FACILITIES	15
12	CULTURE, COMMUNITY AND RECREATION	18
	12.1 SECTION 356 HIGH ACHIEVERS GRANT	18

13	INFRASTRUCTURE AND WORKS	21
13.1	LOCAL TRAFFIC COMMITTEE MEETING MINUTES (MARCH 2023) & EVENT TRAFFIC AND TRANSPORT MANAGEMENT	21
14	STRATEGY, PERFORMANCE AND BUSINESS SYSTEMS.....	24
14.1	DRAFT DELIVERY PROGRAM 2022-2026 (INCLUDING LONG TERM FINANCIAL PLAN 2022-2032 AND OPERATIONAL PLAN 2023-24)	24
14.2	REVIEW PROCESS - WARD BOUNDARIES FOR 2024 ELECTION	28
15	DIGITAL TRANSFORMATION	31
16	WORKPLACE CULTURE AND SAFETY	31
17	VIBRANT CITY.....	32
17.1	MAITLAND GAOL TOWER EXPERIENCE UPDATE	32
18	ITEMS FOR INFORMATION	34
19	NOTICES OF MOTION/RESCISSION	35
19.1	POLICE RESOURCING	35
20	QUESTIONS WITH NOTICE.....	37
20.1	COUNCIL OPERATION EXPENDITURE.....	37
20.2	15 MINUTE CITIES.....	38
21	URGENT BUSINESS	39
22	COMMITTEE OF THE WHOLE	40
22.1	CONSIDERATION OF TENDERS - CONSTRUCTION OF MAITLAND GAOL TOWER EXPERIENCE	40
23	COMMITTEE OF THE WHOLE RECOMMENDATIONS.....	42
22.1	CONSIDERATION OF TENDERS - CONSTRUCTION OF MAITLAND GAOL TOWER EXPERIENCE	42
24	CLOSURE	43

PRESENT

Cr Robert Aitchison
Cr Kristy Flannery
Cr Peter Garnham
Cr Mitchell Griffin
Cr Bill Hackney
Cr Philip Penfold, Mayor
Cr Kanchan Ranadive
Cr Ben Whiting
Cr Mike Yarrington

1 INVOCATION

Pastor Vicki Cosgrove from the Grainery Church read the customary prayer at the commencement of the meeting.

2 AKNOWLEDGEMENT OF COUNTRY

The General Manager read the Acknowledgement of Country.

3 APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

COUNCIL RESOLUTION

THAT the apologies received for the unavoidable absence of Cr L Baker, Cr S Halliday, Cr B Mitchell and Cr S Fisher be accepted and leave of absence granted.

Moved Cr P Garnham, Seconded Cr M Griffin

CARRIED

For:	Cr R Aitchison	Against:
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Mayor P Penfold	
	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 28 March 2023 be confirmed.

Moved Cr K Flannery, Seconded Cr B Whiting

CARRIED

For:	Cr R Aitchison	Against:
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

6 BUSINESS ARISING FROM MINUTES

Nil

7 WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS

Nil

8 PUBLIC ACCESS

Dr Melina Ey representing herself spoke **against** Item 11.1 DA 2022/1286 FOR ONE (1) INTO THREE (3) LOT TORRENS TITLE SUBDIVISION AND DEMOLITION OF SHED AND SWIMMING POOL AT 10 HERMITAGE CLOSE THORNTON (LOT: 9116 DP 874539)

COUNCIL RESOLUTION

THAT an extension of one (1) minute be granted to Dr Melina Ey.

Moved Cr M Yarrington, Seconded Cr M Griffin

CARRIED

For:

Cr R Aitchison
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

Trent Bell representing himself spoke **against** Item 11.1 DA 2022/1286 FOR ONE (1) INTO THREE (3) LOT TORRENS TITLE SUBDIVISION AND DEMOLITION OF SHED AND SWIMMING POOL AT 10 HERMITAGE CLOSE THORNTON (LOT: 9116 DP 874539)

Erin Daniel representing Adrian and Rebecca Sorensen spoke **for** Item 11.1 DA 2022/1286 FOR ONE (1) INTO THREE (3) LOT TORRENS TITLE SUBDIVISION AND DEMOLITION OF SHED AND SWIMMING POOL AT 10 HERMITAGE CLOSE THORNTON (LOT: 9116 DP 874539)

9 MAYORAL MINUTE

9.1 CONGRATULATORY LETTERS FOR ELECTED MEMBERS

FILE NO:	35/5/1
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	David Evans - General Manager
AUTHOR:	Philip Penfold - Mayor

MAYORAL MINUTE

1. Council congratulates the Member for Maitland Jenny Aitchison MP on her re-election, and her new role as Minister for Regional Transport and Roads.
2. Council congratulates the re-elected Member for Upper Hunter Dave Layzell MP. Council note that this electorate now takes in Maitland LGA north of Hunter River.
3. Council congratulates the new Minister for Hunter Tim Crakanthorp MP on his new position.
4. The General Manager write to each congratulating the above on behalf of the council and offer to meet and work with each throughout the term for betterment of Maitland and its people.

COUNCIL RESOLUTION

THAT

1. Council congratulates the Member for Maitland Jenny Aitchison MP on her re-election, and her new role as Minister for Regional Transport and Roads.
2. Council congratulates the re-elected Member for Upper Hunter Dave Layzell MP. Council note that this electorate now takes in Maitland LGA north of Hunter River.
3. Council congratulates the new Minister for Hunter Tim Crakanthorp MP on his new position.
4. The General Manager write to each congratulating the above on behalf of the council and offer to meet and work with each throughout the term for betterment of Maitland and its people.

Moved Mayor P Penfold

CARRIED

For:

Cr R Aitchison
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

10 GENERAL MANAGER'S REPORTS

Nil

11 PLANNING AND ENVIRONMENT

11.1 DA 2022/1286 FOR ONE (1) INTO THREE (3) LOT TORRENS TITLE SUBDIVISION AND DEMOLITION OF SHED AND SWIMMING POOL AT 10 HERMITAGE CLOSE THORNTON (LOT: 9116 DP 874539)

FILE NO:	2022/1286
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Locality Plan 2. Plan 3. Planners Assessment Report (Under Separate Cover) 4. Conditions of Consent 5. Submissions (Under Separate Cover)
RESPONSIBLE OFFICER:	<p>Matthew Prendergast - Group Manager Planning & Environment</p> <p>Kristy Cousins - Coordinator Planning & Development</p> <p>Cindy Littlewood - Manager Development & Compliance</p> <p>Georgie Williams - Principal Planner</p>
AUTHOR:	Emmilia Johnstone - Town Planner
APPLICANT:	Perception Planning
OWNER:	Rebecca Sorensen
PROPOSAL:	One (1) into Three (3) Lot Torrens Title Subdivision and Demolition of Shed and Swimming Pool
LOCATION:	Thornton
ZONE:	R1 – General Residential

EXECUTIVE SUMMARY

Council is in receipt of Development Application 2022/1286 seeking approval for a one (1) into three (3) lot Torrens title subdivision and demolition of an existing shed and swimming pool, at 10 Hermitage Close, Thornton.

The Development Application was publicly exhibited between 8th December 2022 and 18th January 2023 (inclusive of Christmas period exclusions). In total, twenty-nine (29) submissions were received, all submissions were in objection to the proposal. As per 3(b)(iv) of the General Manager's Delegations, the development application is reported to Council for determination. The issues and concerns raised in the submissions have been addressed during the assessment of the application. A copy of the submissions are contained in [Attachment 5](#).

The Development Application has been assessed against the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulations 2021, relevant Environmental Planning Instruments and Council Policies. The outcome of this assessment is detailed within the Planners Assessment Report in [Attachment 3](#).

The proposed development is considered appropriate subject to conditions of consent contained in Attachment 4, given the assessment of the application and the compliance with relevant State Environmental Planning Policies and relevant considerations in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

The subject site is appropriately zoned for the proposed lot yield. The site is not identified as bushfire prone land, flood prone land or within a designated mine subsidence district. Discussions in relation to traffic generation, stormwater drainage design and subdivision layout are provided throughout the Planners Assessment Report (Attachment 3) and considered to be satisfactory. Based on the assessment, it is recommended that the Development Application be approved subject to the conditions of consent included as Attachment 4 of this report.

OFFICER'S RECOMMENDATION

THAT

DA 2022/1286 for One (1) into Three (3) Lot Torrens Title Subdivision and Demolition of Shed and Swimming Pool at 10 Hermitage Close Thornton, is approved subject to the conditions provided in Attachment 4.

PROCEEDINGS IN BRIEF

A motion was moved.
(Cr M Yarrington/Cr M Griffin)

THAT:

1. Council resolve to refuse DA 2022/1286 for One (1) into Three (3) Lot Torrens Title Subdivision and Demolition of Shed and Swimming Pool at 10 Hermitage Close THORNTON NSW 2322 (Lot: 9116 DP 874539), for the following reasons:
 - i. The proposed development is inconsistent with the aims of the Maitland Local Environmental Plan 2011, as the proposal does not encourage orderly, feasible and equitable development whilst safeguarding the community's interests and residential amenity. Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979.
 - ii. The proposed development is not consistent with the established character of the area and subsequently does not demonstrate site suitability. Section 4.15(1)(c) Environmental Planning and Assessment Act 1979
2. That Council undertake a review of planning controls to consider local character areas as part of the development of the Local Housing Strategy.

The motion when put to the meeting was declared carried.

COUNCIL RESOLUTION**THAT**

1. Council resolve to refuse DA 2022/1286 for One (1) into Three (3) Lot Torrens Title Subdivision and Demolition of Shed and Swimming Pool at 10 Hermitage Close THORNTON NSW 2322 (Lot: 9116 DP 874539), for the following reasons:
 - iii. The proposed development is inconsistent with the aims of the Maitland Local Environmental Plan 2011, as the proposal does not encourage orderly, feasible and equitable development whilst safeguarding the community's interests and residential amenity. Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979.
 - iv. The proposed development is not consistent with the established character of the area and subsequently does not demonstrate site suitability. Section 4.15(1)(c) Environmental Planning and Assessment Act 1979
2. That Council undertake a review of planning controls to consider local character areas as part of the development of the Local Housing Strategy.

Moved Cr M Yarrington, Seconded Cr M Griffin

CARRIED

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

The division resulted in 9 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

11.2 RECLASSIFICATION OF COUNCIL OWNED LAND AT THORNTON AND EAST MAITLAND - OUTCOMES OF PUBLIC EXHIBITION AND HEARING

FILE NO:	RZ22001
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Planning Proposal Post Public Exhibition (Under Separate Cover) 2. Public Hearing Report (Under Separate Cover)
RESPONSIBLE OFFICER:	Matthew Prendergast - Group Manager Planning & Environment Brett Gardiner - Manager Strategic Planning Adam Ovenden - Coordinator City Planning
AUTHOR:	Gary Hamer - Senior Strategic Planner
APPLICANT:	Maitland City Council
OWNER:	Maitland City Council
PROPOSAL:	Reclassification of land from community to operational
LOCATION:	Item 1 – Council Car Park/ Access Lane Lot 21 DP 541629, East Maitland, and Item 2 – Lot 848 DP 703278 (John Arthur Ave), Part Lot 1538 DP 832922 and Part Lot 8884 DP 786883 (Thomas Coke Drive), Thornton.
ZONE:	Item 1 – B2 – Local Centre and Item 2 RE1 – Public Recreation.

EXECUTIVE SUMMARY

At the meeting of 22 February 2022, Council resolved to submit a Planning Proposal seeking a Gateway Determination to reclassify two parcels of Council land at East Maitland, and Thornton. The reclassifications are required to enable legal and practical access to adjacent land that was identified through the development assessment process.

The first item forms part of a Council owned carpark accessed through High Street at East Maitland. The second item forms part of an access handle connecting Thomas Coke Drive to A & D Lawrence Fields, Thornton.

A Gateway Determination was issued on 30 June 2022 with specific conditions requiring referral to Rural Fire Service (RFS), public exhibition of the planning proposal and a public hearing to be conducted by an independent facilitator.

The Planning Proposal was placed on public exhibition from 5 September to 3 October 2022. The public hearing was held on 29 November 2022 conducted by an independent facilitator.

As a consequence of the public hearing, the independent facilitator recommended that a Voluntary Planning Agreement (VPA) between Council and the proponent of item 2 at Thornton should be entered into to ensure that a suitable public benefit results from the reclassification process.

This report seeks to split the two items into separate Planning Proposals. This will allow the reclassification at East Maitland to finalisation in a timely manner. The VPA and Planning Proposal for the Thornton item will be subject to a future Council report.

OFFICER'S RECOMMENDATION

THAT

- 1. Council notes the separation of the two reclassification items into separate Planning Proposals.**
- 2. Council endorses the Planning Proposal over Lot 21 of DP 541629 (East Maitland) in Attachment 1 and requests that the Minister for Planning make the amendments to the Maitland Local Environmental Plan 2011.**
- 3. Council notes the recommendations of the independent facilitators report in Attachment 2**
- 4. Council supports in-principle the Letter of Intent made by Landlink to enter into a Voluntary Planning Agreement with Council in relation to the Thornton reclassification item.**
- 5. Council request a Gateway Extension for the Thornton reclassification item to enable the negotiation and exhibition of the Voluntary Planning Agreement.**
- 6. Council notifies all those who made a submission during the public exhibition and attended the public hearing process.**

COUNCIL RESOLUTION

THAT

- 1. Council notes the separation of the two reclassification items into separate Planning Proposals.**
- 2. Council endorses the Planning Proposal over Lot 21 of DP 541629 (East Maitland) in Attachment 1 and requests that the Minister for Planning make the amendments to the Maitland Local Environmental Plan 2011.**
- 3. Council notes the recommendations of the independent facilitators report in Attachment 2**
- 4. Council supports in-principle the Letter of Intent made by Landlink to enter into a Voluntary Planning Agreement with Council in relation to the Thornton reclassification item.**

5. Council request a Gateway Extension for the Thornton reclassification item to enable the negotiation and exhibition of the Voluntary Planning Agreement.
6. Council notifies all those who made a submission during the public exhibition and attended the public hearing process.

Moved Cr M Yarrington, 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 9 for and 0 against, as follows:

For:	Cr K Flannery	Against:	Cr R Aitchison
	Cr P Garnham		
	Cr M Griffin		
	Cr B Hackney		
	Mayor P Penfold		
	Cr K Ranadive		
	Cr B Whiting		
	Cr M Yarrington		

11.3 VOLUNTARY PLANNING AGREEMENT OFFER - AVID PROPERTY GROUP - THORNTON NORTH RECREATION & COMMUNITY FACILITIES

FILE NO:	103/41/36
ATTACHMENTS:	1. Location Plan 2. Letter of Offer
RESPONSIBLE OFFICER:	Matthew Prendergast - Group Manager Planning & Environment Brett Gardiner - Manager Strategic Planning Adam Ovenden - Coordinator City Planning
AUTHOR:	Anne Humphries - Development Contributions Administrator
MAITLAND +10	Outcome 4. To be healthy and active with access to local services and facilities
COUNCIL OBJECTIVE:	4.3.3 Construct, maintain and manage inclusive sport and recreation facilities across the city

EXECUTIVE SUMMARY

This report presents information in relation to an offer to enter into a Voluntary Planning Agreement (VPA) to support the delivery of infrastructure in the Thornton North Urban Release Area.

Under the terms of the proposed VPA, AVID Residential Estates Pty Ltd is seeking to deliver a combination of land and capital works for recreation and community facilities to satisfy the demand for public amenities arising from approved and future development of their land.

The subject land and capital works are included in the Thornton North Development Contributions Plan and are detailed in the body of this report. The NSW Department of Planning and Environment's contributions cap placed on the Thornton North Plan since 2011 combined with the escalation of land and construction costs has resulted in a shortfall in funding required to deliver those items included in the work schedules. The VPA offer, if supported by Council, will assist in bridging the gap in funding and provide opportunities to deliver facilities which may not otherwise be possible due to the current financial constraints of the contributions plan.

To support the VPA and ongoing delivery of community infrastructure, it is proposed to amend the Thornton North Development Contributions Plan in the Recreation and Open Space Work Schedules. The proposed amendments are detailed in the body of this report.

This report seeks in principle support for the acceptance, exhibition and continued assessment of the VPA offer and the exhibition of amendments to the Thornton North Development Contributions Plan. It is proposed to delegate approval for exhibition of the VPA and proposed amendments to the Contributions Plan to the General Manager, to facilitate the continued

refinement of the agreement. The outcomes of the exhibition period and the final determination of the VPA and amendments to the Contributions Plan will be subject to a future report to Council.

OFFICER'S RECOMMENDATION

THAT

- 1. Council notes and accepts in principle the offer to enter into the draft Voluntary Planning Agreement as detailed in this report;**
- 2. Council delegates the approval of the exhibition of the Voluntary Planning Agreement and amendments to the Thornton North Development Contributions Plan to the General Manager;**
- 3. A further report be presented to Council following exhibition of the Voluntary Planning Agreement and amendments to the Thornton North Development Contributions Plan.**

COUNCIL RESOLUTION

THAT

- 1. Council notes and accepts in principle the offer to enter into the draft Voluntary Planning Agreement as detailed in this report;**
- 2. Council delegates the approval of the exhibition of the Voluntary Planning Agreement and amendments to the Thornton North Development Contributions Plan to the General Manager;**
- 3. A further report be presented to Council following exhibition of the Voluntary Planning Agreement and amendments to the Thornton North Development Contributions Plan.**

Moved Cr M Yarrington, Seconded Cr R Aitchison

CARRIED

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

The division resulted in 9 for and 0 against, as follows:

For:	Cr R Aitchison	Against:
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

12 CULTURE, COMMUNITY AND RECREATION

12.1 SECTION 356 HIGH ACHIEVERS GRANT

FILE NO:	10/5/19
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	David Baker - Team Leader Community and Recreation Planner Cordelia Hough - Coordinator Community and Recreation Planning Darren Crumpler - Manager Community & Recreation Judy Jaeger - Group Manager Culture, Community & Recreation
AUTHOR:	Jessica Elliott - Community Development & Programs Officer
MAITLAND +10	Outcome 2. Community and recreation services and facilities
COUNCIL OBJECTIVE:	2.3.2 To identify and deliver relevant and targeted community education projects

EXECUTIVE SUMMARY

This report presents to Council a recommendation to endorse the funding of eight (8) applications under Council's Section 356 High Achievers Grant Program, in accordance with Section 356 of the Local Government Act.

OFFICER'S RECOMMENDATION

THAT

Council adopts the Maitland Sport and Recreation Advisory Board (MSRAB) endorsement of the following eight (8) applications for funding through the Section 356 High Achievers Grant Program:

- Attitude Dance Centre – International Level Sports - IASF World Championships for Dance 2023
- Cassie Niszczot - International Level Sports - Futsal Championships in Barcelona, Spain
- Koby Warland – National Level Sports - National Club Futsal Championships, Castle Hill, Penrith, South Windsor, NSW
- Brayden Le Brenton - International Level Sports - Australian Representative Futsal Team touring and competing at Montesilvano Futsal Cup, Italy

- **Jordan Woolmer - International Level Sports - World Deaf Basketball Championships in Heraklion, Greece**
- **Karen Montgomery - National Level Sports - 2023 AusChamps Gateway Lake, Albury Wodonga, Victoria**
- **Fiona Lyons - International Level Sports - International Breast Cancer Festival Regatta in Lake Karapiro, New Zealand**
- **Meghan Gayford - National Level Sports - Australian Dragon Boat Federation AusChamps at Albury Wodonga, Victoria**

COUNCIL RESOLUTION

THAT

Council adopts the Maitland Sport and Recreation Advisory Board (MSRAB) endorsement of the following eight (8) applications for funding through the Section 356 High Achievers Grant Program:

- **Attitude Dance Centre - International Level Sports - IASF World Championships for Dance 2023**
- **Cassie Niszczot - International Level Sports - Futsal Championships in Barcelona, Spain**
- **Koby Warland - National Level Sports - National Club Futsal Championships, Castle Hill, Penrith, South Windsor, NSW**
- **Brayden Le Brenton - International Level Sports - Australian Representative Futsal Team touring and competing at Montesilvano Futsal Cup, Italy**
- **Jordan Woolmer - International Level Sports - World Deaf Basketball Championships in Heraklion, Greece**
- **Karen Montgomery - National Level Sports - 2023 AusChamps Gateway Lake, Albury Wodonga, Victoria**
- **Fiona Lyons - International Level Sports - International Breast Cancer Festival Regatta in Lake Karapiro, New Zealand**
- **Meghan Gayford - National Level Sports - Australian Dragon Boat Federation AusChamps at Albury Wodonga, Victoria**

Moved Cr M Griffin, Seconded Cr B Hackney

CARRIED

For:

Cr R Aitchison
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

13 INFRASTRUCTURE AND WORKS

13.1 LOCAL TRAFFIC COMMITTEE MEETING MINUTES (MARCH 2023) & EVENT TRAFFIC AND TRANSPORT MANAGEMENT

FILE NO:	140/5
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Local Traffic Committee Meeting Minutes - March 2023 2. Local Traffic Committee Meeting March 2023 Agenda Item 5.1 - Steamfest 2023 - Event Traffic & Transport Management 3. Local Traffic Committee Meeting March 2023 Agenda Item 5.2 - Maitland Taste 2023 - Event Traffic & Transport Management 4. Local Traffic Committee Meeting March 2023 Agenda Item 5.3 - Morpeth ANZAC Day - 25 April 2023 - Event Traffic & Transport Management 5. Local Traffic Committee Meeting March 2023 Agenda Item 5.4 - Maitland ANZAC Day - 25 April 2023 - Event Traffic & Transport Management 6. Local Traffic Committee Meeting March 2023 Agenda Item 5.5 - East Maitland ANZAC Day - 25 April 2023 - Event Traffic & Transport Management 7. Local Traffic Committee Meeting March 2023 Agenda Item 5.6 - Hunter Valley Caravan, Camping, 4WD, Fishing and Boat Show, 26 to 28 May 2023 - Event Traffic and Transport Management
RESPONSIBLE OFFICER:	David Moloney - Group Manager Infrastructure & Works Kevin Stein - Manager Engineering & Design
AUTHOR:	Chris Pinchen - Operations Manager Transport & Infrastructure Engineering
MAITLAND +10	Outcome 2. To easily get to where we want to go
COUNCIL OBJECTIVE:	2.2.2 Make our roads safer through the timely delivery of road maintenance and safety programs

EXECUTIVE SUMMARY

The minutes of Maitland City Council's Local Traffic Committee meeting held Thursday 2 March 2023 are attached for information. At this meeting temporary road closure applications were considered and endorsed for acceptance for six events. Council resolution is required to implement the temporary road closures associated with the management of the events.

OFFICER'S RECOMMENDATION**THAT**

1. That the Local Traffic Committee meeting minutes of 2 March 2023 be noted.
2. That Council approve the traffic management plans and road closures for the following events as recommended in the attached reports:
 - a. Steamfest 2023 – Event Traffic & Transport Management
 - b. Maitland Taste 2023 – Event Traffic & Transport Management
 - c. Morpeth Anzac Day – 25 April 2023 – Event Traffic & Transport Management
 - d. Maitland Anzac Day – 25 April 2023 – Event Traffic & Transport Management
 - e. East Maitland Anzac Day – 25 April 2023 – Event Traffic & Transport Management
 - f. Hunter Valley Caravan, Camping, 4WD, Fishing and Boat Show, 26 to 28 May 2023 – Event Traffic and Transport Management.

COUNCIL RESOLUTION**THAT**

1. That the Local Traffic Committee meeting minutes of 2 March 2023 be noted.
2. That Council approve the traffic management plans and road closures for the following events as recommended in the attached reports:
 - a. Steamfest 2023 – Event Traffic & Transport Management
 - b. Maitland Taste 2023 – Event Traffic & Transport Management
 - c. Morpeth Anzac Day – 25 April 2023 – Event Traffic & Transport Management
 - d. Maitland Anzac Day – 25 April 2023 – Event Traffic & Transport Management
 - e. East Maitland Anzac Day – 25 April 2023 – Event Traffic & Transport Management
 - f. Hunter Valley Caravan, Camping, 4WD, Fishing and Boat Show, 26 to 28 May 2023 – Event Traffic and Transport Management.

Moved Cr R Aitchison, Seconded Cr P Garnham

CARRIED

For:

Cr R Aitchison
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

14 STRATEGY, PERFORMANCE AND BUSINESS SYSTEMS

14.1 DRAFT DELIVERY PROGRAM 2022-2026 (INCLUDING LONG TERM FINANCIAL PLAN 2022-2032 AND OPERATIONAL PLAN 2023-24)

FILE NO:	35/33/21
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Draft Delivery Program 2022-2026 Incorporating Operational Plan and Fees and Charges 2023-24 2. Draft Long Term Financial Plan (2023 revised)
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	<p>Michael Burfitt - Chief Financial Officer</p> <p>Kelly Arnott - Manager Corporate Planning and Performance</p> <p>Annette Peel - Manager Finance & Procurement</p> <p>Carly Burgess - Corporate Strategy Lead</p>
MAITLAND +10	Outcome 15. To have an effective and efficient Council
COUNCIL OBJECTIVE:	15.3 Hear what our council is doing and how that is serving the community

EXECUTIVE SUMMARY

The Delivery Program 2022-2026 identifies the outcomes Council has set to achieve over its term of office. These outcomes support the delivery of Maitland +10, our community's vision for the future of the city.

The Operational Plan 2023-24 is incorporated into the program, and details the actions, planned infrastructure works, budget, revenue policy, and fees and charges. The draft Operational Plan 2023-24 is underpinned by a draft balanced budget of \$172 million. It includes a proposed rolling capital works spend of \$114 million to 2026-27 and the employment of up to 540 full and part-time employees, who will deliver the full range of Council services.

In developing the Operational Plan, Council has incorporated the 5.9% IPART issued rate peg for 2023-24 for the Maitland Local Government Area.

The plan continues Council's established focus for the term on capital project delivery, delivering un-Council like customer experience, digital transformation and improved community engagement.

This report presents the draft Delivery Program 2022-2026 incorporating Operational Plan 2023-24 for public exhibition.

In ensuring Council maintains the capacity to sustainably deliver infrastructure and services over the medium to long term, Council's Long Term Financial Plan is regularly reviewed. The ten year plan presents a planned, optimistic and pessimistic approach to a range of inputs that impact on Council's projected finances and key performance indicators. The plan has been revised due to changed economic factors over the last 12 to 18 months, and as such is also presented for public exhibition.

Under the provisions of the Local Government Act 1993, the draft Long Term Financial Plan, Delivery Program and Operational Plan must be publicly exhibited for a period of not less than 28 days, and submissions considered prior to its adoption by Council.

This report recommends public exhibition from 12 April to 10 May 2023. During this period Council will undertake a range of engagement activities. Submissions received during the exhibition period will be brought to Council for consideration prior to adoption of the documents.

OFFICER'S RECOMMENDATION

THAT

- 1. The draft Delivery Program 2022-2026, incorporating the Operational Plan 2023-24 (including fees and charges) be exhibited for public comment in accordance with the requirements of the *Local Government Act 1993*, from 12 April to 10 May 2023;**
- 2. The draft Long Term Financial Plan 2022-2032 be exhibited for public comment in accordance with the requirements of the *Local Government Act 1993*, from 12 April to 10 May 2023;**
- 3. Council undertake a range of engagement activities to inform the community of the draft documents;**
- 4. A further report be presented to Council and community input considered prior to adoption of the Long Term Financial Plan 2022-2032 and Delivery Program 2022-2026, incorporating the Operational Plan 2023-24 (including fees and charges).**

PROCEEDINGS IN BRIEF

A motion was moved being the Officers Recommendation with an additional two points.

(Cr Mayor P Penfold / Cr M Griffin)

THAT

1. The draft Delivery Program 2022-2026, incorporating the Operational Plan 2023-24 (including fees and charges) be exhibited for public comment in accordance with the requirements of the *Local Government Act 1993*, from 12 April to 10 May 2023;
2. The draft Long Term Financial Plan 2022-2032 be exhibited for public comment in accordance with the requirements of the *Local Government Act 1993*, from 12 April to 10 May 2023;
3. Council undertake a range of engagement activities to inform the community of the draft documents;
4. A further report be presented to Council and community input considered prior to adoption of the Long Term Financial Plan 2022-2032 and Delivery Program 2022-2026, incorporating the Operational Plan 2023-24 (including fees and charges).
5. Amendment to existing item: 1.4.8.1 Develop a concept plan identifying a shared pathway route across the city, Rutherford to Walka Water Works, Walka Water Works to Central Maitland, Maitland to Morpeth and identify funding to deliver the section from Walka to Central Maitland as soon as practicable.
6. Addition to the Operational Plan an action to progress planning to act on an enclosed off leash dog area on the western side of the LGA and urgently act upon State/Federal funding for remediation of the picnic area number one at Walka Water Works.

COUNCIL RESOLUTION

THAT

- 1. The draft Delivery Program 2022-2026, incorporating the Operational Plan 2023-24 (including fees and charges) be exhibited for public comment in accordance with the requirements of the *Local Government Act 1993*, from 12 April to 10 May 2023;**
- 2. The draft Long Term Financial Plan 2022-2032 be exhibited for public comment in accordance with the requirements of the *Local Government Act 1993*, from 12 April to 10 May 2023;**
- 3. Council undertake a range of engagement activities to inform the community of the draft documents;**
- 4. A further report be presented to Council and community input considered prior to adoption of the Long Term Financial Plan 2022-2032 and Delivery Program 2022-2026, incorporating the Operational Plan 2023-24 (including fees and charges).**
- 5. Amendment to existing item: 1.4.8.1 Develop a concept plan identifying a shared pathway route across the city, Rutherford to Walka Water Works, Walka Water Works to Central Maitland, Maitland to Morpeth and identify funding to deliver the section from Walka to Central Maitland as soon as practicable.**
- 6. Addition to the Operational Plan an action to progress planning to act on an**

enclosed off leash dog area on the western side of the LGA and urgently act upon State/Federal funding for remediation of the picnic area number one at Walka Water Works.

Moved Mayor P Penfold, Seconded Cr M Griffin

CARRIED

For:

Cr R Aitchison
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

14.2 REVIEW PROCESS - WARD BOUNDARIES FOR 2024 ELECTION

FILE NO:	47/25
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Stephen McDonald - Manager Governance and 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

EXECUTIVE SUMMARY

The next local government election is scheduled for September 2024. As established under legislation, twelve (12) months prior to an election Council must determine the number of wards and ward boundaries for that election, as well as determining the number of councillors for the following term of office.

The Maitland local government area has experienced significant population growth (including an increase in registered voters), however this growth is not consistent across all wards. As such, a review of ward boundaries is required.

It is also noted that the existing naming convention of wards does not reflect geographical locations within the local government area, which has proven to be confusing for residents, and it would be beneficial to review the naming protocol.

Council officers will undertake the review process in line the requirements established under the Local Government Act 1993. It is proposed to maintain four wards and (13) Councillors, including a popularly elected Mayor, at the 2024 election.

OFFICER'S RECOMMENDATION**THAT**

- 1. A review of Council's ward boundaries be undertaken in accordance the requirements of the *Local Government Act 1993*;**
- 2. The ward naming protocol is also considered as part of this process;**
- 3. A further report is presented to Council in August 2023 once the process has been completed to formalise boundaries and the naming of wards.**

PROCEEDINGS IN BRIEF

A motion was moved being the officers recommendation with the addition of a Point 4.
(Cr R Aitchison / Cr B Whiting)

THAT

1. A review of Council's ward boundaries be undertaken in accordance the requirements of the *Local Government Act 1993*;
2. The ward naming protocol is also considered as part of this process;
3. A further report is presented to Council in August 2023 once the process has been completed to formalise boundaries and the naming of wards.
4. Council Officers investigate the financial benefits of reducing our councillor numbers from 13 to 9 including a popular elected Mayor. With a report to be returned to council in due time to facilitate a referendum on the matter in 2024.

Cr M Griffin moved an amendment being the officers recommendation:
(Cr M Griffin / Cr P Garnham)

The amendment when put to the meeting was declared carried.

For:	Cr K Flannery Cr P Garnham Cr M Griffin Cr B Hackney Mayor P Penfold Cr K Ranadive Cr M Yarrington	Against:	Cr R Aitchison Cr B Whiting
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The amendment on becoming the motion was declared carried.

For:	Cr R Aitchison Cr K Flannery Cr P Garnham Cr M Griffin Cr B Hackney Mayor P Penfold Cr K Ranadive Cr B Whiting Cr M Yarrington	Against:	
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COUNCIL RESOLUTION

THAT

- 1. A review of Council's ward boundaries be undertaken in accordance the requirements of the *Local Government Act 1993*;**
- 2. The ward naming protocol is also considered as part of this process;**
- 3. A further report is presented to Council in August 2023 once the process has been completed to formalise boundaries and the naming of wards.**

Moved Cr M Griffin, Seconded Cr P Garnham

CARRIED

15 DIGITAL TRANSFORMATION

Nil

16 WORKPLACE CULTURE AND SAFETY

Nil

17 VIBRANT CITY

17.1 MAITLAND GAOL TOWER EXPERIENCE UPDATE

FILE NO:	60/2
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Rachel MacLucas - Executive Manager Vibrant City
AUTHOR:	Matt vanderWall - Manager City Experiences and Economy
MAITLAND +10	Outcome 9. To show off our city
COUNCIL OBJECTIVE:	9.1.3 Progress the delivery of the Maitland Gaol Development Plan

EXECUTIVE SUMMARY

In July 2021, Council was advised of our success in receiving funding under the NSW Government Experience Development fund to assist in the development of a Tower Experience at Maitland Gaol as outlined in the Maitland Gaol Development Plan.

This report provides Council with an update on the project to date and seeks additional funding to complete the project.

OFFICER'S RECOMMENDATION

THAT

- 1. Council reaffirms its commitment to delivering the Maitland Gaol Tower Experience within the grant funding timeframe outlined in this report;**
- 2. Council commit additional funding, sourced through the Operational Plan 2022/23 quarterly budget review process, to ensure the delivery of the project as specified in 'Consideration of Tenders - Construction or Maitland Gaol Tower Experience' Item 22.1 in this agenda.**

COUNCIL RESOLUTION

THAT

- 1. Council reaffirms its commitment to delivering the Maitland Gaol Tower Experience within the grant funding timeframe outlined in this report;**
- 2. Council commit additional funding, sourced through the Operational Plan 2022/23 quarterly budget review process, to ensure the delivery of the project as specified in 'Consideration of Tenders - Construction or Maitland Gaol Tower Experience' Item 22.1 in this agenda.**

Moved Mayor P Penfold, Seconded Cr B Hackney

CARRIED

For:

Cr R Aitchison
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

18 ITEMS FOR INFORMATION

Nil

19 NOTICES OF MOTION/RESCISSION

19.1 POLICE RESOURCING

NOTICE OF MOTION SUBMITTED BY CR MITCHELL GRIFFIN

FILE NO: 35/84
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: David Evans - General Manager

Cr Mitchell Griffin has indicated his intention to move the following Notice of Motion at the next Council Meeting being held on 11 April 2023:

THAT

1. *Council notes the significant population growth in the eastern side of the Local Government Area over the last decade.*
2. *Notes that our local Police do excellent work, however more resources are required to help keep up with growth in the Thornton, Chisholm, Millers Forest and Woodberry areas.*
3. *Council writes to the NSW Police Minister to advocate for:*
 - a. *Making Beresfield Police Station a full time Police Station*
 - b. *Increase allocated resources for the Port Stephens Command to ensure that staffing of the police station does not result in Officers being taken off the beat.*
4. *Council writes to the Premier of NSW, the Member for Maitland, the Member Wallsend and the Member for Upper Hunter to inform them of the passage of this motion.*

COUNCIL RESOLUTION

THAT

1. Council notes the significant population growth in the eastern side of the Local Government Area over the last decade.
2. Notes that our local Police do excellent work, however more resources are required to help keep up with growth in the Thornton, Chisholm, Millers Forest and Woodberry areas.
3. Council writes to the NSW Police Minister to advocate for:
 - a. Making Beresfield Police Station a full time Police Station
 - b. Increase allocated resources for the Port Stephens Command to ensure that staffing of the police station does not result in Officers being taken off the beat.

4. Council writes to the Premier of NSW, the Member for Maitland, the Member Wallsend and the Member for Upper Hunter to inform them of the passage of this motion.

Moved Cr M Griffin, Seconded Cr B Hackney

CARRIED

For:

Cr R Aitchison
Cr K Flannery
Cr P Garnham
Cr M Griffin
Cr B Hackney
Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

Against:

20 QUESTIONS WITH NOTICE

20.1 COUNCIL OPERATION EXPENDITURE

SUBMITTED BY CR PHILIP PENFOLD

FILE NO: 35/7/2
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: David Evans - General Manager
Leah Flint - Group Manager Strategy Performance and Business Systems
Michael Burfitt - Chief Financial Officer

Cr Philip Penfold has asked the following Question With Notice for the Council Meeting being held on 11 April 2023:

Would officers provide examples of notable items of expenditure on goods essential to delivering Council infrastructure and services, and advise the approximate spend year to date and approximate increase in cost (as a percentage) year on year?

RESPONSE BY GROUP MANAGER STRATEGY, PERFORMANCE AND BUSINESS SYSTEMS

There are a number of items in Council's budget for the current financial year that have significantly increased in cost, as compared to last year.

These include:

- Street lighting - year to date expense \$1.8 million, a price increase of 70% when compared to 21/22
- Insurances - year to date expense \$1.79 million, a price increase of 15% when compared to 21/22
- Asphalt - year to date expense \$823,000, a price increase of 13.07% when compared to 21/22
- Concrete - year to date expense \$237,000, a price increase of 9.7% when compared to 21/22
- Traffic control - year to date expense \$2.18 million, a 6.1% price increase when compared to 21/22
- Fuel - year to date expense \$1.28 million, price increases of between 6.1% to 12% (subject to time of purchase) when compared to 21/22
- General electricity - year to date expense \$522,000, a price increase of 5% for usage when compared to 21/22.

20.2 15 MINUTE CITIES

SUBMITTED BY CR MITCHELL GRIFFIN

FILE NO: 35/48
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: David Evans - General Manager
Matthew Prendergast - Group Manager Planning & Environment

Cr Mitchell Griffin has asked the following Question With Notice for the Council Meeting being held on 11 April 2023:

Can Council officers please advise of any action/direction the State Government has made regarding planning matters around "15 minute cities" and what impact that will have on our council and community?

RESPONSE BY GROUP MANAGER PLANNING AND ENVIRONMENT

15-minute cities is an urban planning principle that envisages the provision of necessary infrastructure, services and facilities required by a community within a 15 minute travel distance of housing. The NSW Government has incorporated this principle into the NSW regional planning framework, including the Hunter Regional Plan 2041 (HRP) which includes an objective to create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant communities. The HRP acknowledges the range of contexts across the Hunter and outlines a variety of scenarios depending on the size of the community and proximity to existing centres.

The inclusion of the 15 minute cities principle into the NSW planning framework essentially requires all Councils across NSW to consider this principle as part of the development of housing and infrastructure strategies, as well as the assessment of planning proposals, to ensure that suitable provision has been made to provide local access to education, jobs, services, open space and community activities. These matters are already addressed at a high level through a range of strategic planning documents including the Maitland +10 Community Strategic Plan and Maitland Local Strategic Planning Statement 2040+. The HRP framework reinforces our current approach and supports Council in ensuring that rezoning of land provides the best community outcomes.

21 URGENT BUSINESS

Council moved into Committee of the Whole at 6.58pm.

Moved Cr M Griffin, Seconded Cr P Garnham

CARRIED

For:	Cr R Aitchison	Against:
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Mayor P Penfold	
	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 6.59 pm.

Moved Cr B Whiting, Seconded Cr K Ranadive

CARRIED

For:	Cr R Aitchison	Against:
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

22 COMMITTEE OF THE WHOLE

22.1 CONSIDERATION OF TENDERS - CONSTRUCTION OF MAITLAND GAOL TOWER EXPERIENCE

FILE NO:	2022/137/2165
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 9. To show off our city
COUNCIL OBJECTIVE:	9.1.3 Progress the delivery of the Maitland Gaol Development Plan

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

An open tender process was undertaken for the construction of the Maitland Gaol Tower Experience project, which will provide guided public access to the former prison officer's towers and adjacent gantry platforms.

The tender period opened 15 December 2022 and closed at 2pm 7 February 2023. Two Tenders were received and assessed in accordance with an approved Tender Evaluation Plan carried out by a Tender Review Panel and documented in a Tender Evaluation Plan. As both tenders substantially exceed the project budget, this report provides a recommendation to decline all tenders and negotiate with the highest ranked tenderer to ensure the project can be delivered to the revised Project budget.

Additionally, it notes the Council resolution to commit additional funding from the 2022/23 Operational Budget (third quarter budget review process) to ensure the delivery of the Maitland Gaol Tower Experience project.

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 any person (whether or not the person was a tenderer) 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 the reasons for determining to enter into negotiations being:
 - a. To optimise value and minimise risk of further price escalation;
 - b. Any adjustment of project scope will be undertaken by Council officers in negotiations will not significantly alter the Tender;
4. The General Manager be authorised to sign the contract documents.
5. The common seal of Council be affixed to the contract documents.

Moved Cr P Garnham, Seconded Cr M Griffin

CARRIED

For:	Cr R Aitchison	Against:
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

Council resumed into Ordinary Council at 7.00 pm.

Moved Cr P Garnham, Seconded Cr R Aitchison

CARRIED

For:	Cr R Aitchison	Against:
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

23 COMMITTEE OF THE WHOLE RECOMMENDATIONS

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

22.1 CONSIDERATION OF TENDERS - CONSTRUCTION OF MAITLAND GAOL TOWER EXPERIENCE

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 any person (whether or not the person was a tenderer) 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 the reasons for determining to enter into negotiations being:
 - a. To optimise value and minimise risk of further price escalation;
 - b. Any adjustment of project scope will be undertaken by Council officers in negotiations will not significantly alter the Tender;
4. The General Manager be authorised to sign the contract documents.
5. The common seal of Council be affixed to the contract documents.

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

Moved Cr R Aitchison , Seconded Cr B Hackney

CARRIED

For:	Cr R Aitchison	Against:
	Cr K Flannery	
	Cr P Garnham	
	Cr M Griffin	
	Cr B Hackney	
	Mayor P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	

24 CLOSURE

The meeting was declared closed at 7.02 pm.

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Chairperson