



ORDINARY MEETING

MINUTES

22 FEBRUARY 2022

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PRESENT

Cr Robert Aitchison
Cr Loretta Baker
Cr Kristy Ferguson
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

Nil.

4 DECLARATIONS OF INTEREST

Nil.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

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

Moved Cr B Whiting, Seconded Cr M Griffin

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr S Fisher	
	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	

6 BUSINESS ARISING FROM MINUTES

Nil.

7 MAYORAL MINUTE

7.1 WATER SHARING PLAN FOR THE HUNTER UNREGULATED AND ALLUVIAL WATER SOURCES 2022

FILE NO: 145/13
ATTACHMENTS: Nil
RESPONSIBLE OFFICER: David Evans - General Manager
AUTHOR: Philip Penfold - Mayor

MAYORAL MINUTE

THAT

in response to the public exhibition and call for submissions to the draft replacement Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022:

1. Council staff provide a written submission to the NSW Department of Planning, Industry and Environment by 27 February 2022 opposing the draft Water Sharing Plan in its current form, seeking further community consultation and information including detailed data on the current situation, and an evaluation of impacts of the proposal to irrigators and the environment in the Maitland area. The submission should also express Council support for an approach that balances the water requirements of Maitland irrigators, recreational water users, and the environment.
2. Write to the Minister for Planning and Public Spaces the Hon Robert Stokes MP, the Minister for Lands and Water the Hon Kevin Anderson MP, the Minister for Regional New South Wales the Hon Paul Toole MP, the Minister for Environment and Heritage the Hon James Griffin MP, the Minister for Agriculture Dugald Saunders MP and the Parliamentary Secretary for the Hunter the Hon Taylor Martin MLC expressing Council concern with the approach taken to the proposed Cease to Pump ruling, and requesting that DPI, Hunter Local Land Services and DPE Water be directed to consult with Maitland irrigators and to provide all Maitland stakeholders with data justifying the proposed amendment.
3. Council indicate its support for our region's primary and agricultural producers and providers, and request a more consultative and balanced approach be taken to water sharing.

COUNCIL RESOLUTION**THAT**

in response to the public exhibition and call for submissions to the draft replacement Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022:

1. Council staff provide a written submission to the NSW Department of Planning, Industry and Environment by 27 February 2022 opposing the draft Water Sharing Plan in its current form, seeking further community consultation and information including detailed data on the current situation, and an evaluation of impacts of the proposal to irrigators and the environment in the Maitland area. The submission should also express Council support for an approach that balances the water requirements of Maitland irrigators, recreational water users, and the environment.
2. Write to the Minister for Planning and Public Spaces the Hon Robert Stokes MP, the Minister for Lands and Water the Hon Kevin Anderson MP, the Minister for Regional New South Wales the Hon Paul Toole MP, the Minister for Environment and Heritage the Hon James Griffin MP, the Minister for Agriculture Dugald Saunders MP and the Parliamentary Secretary for the Hunter the Hon Taylor Martin MLC expressing Council concern with the approach taken to the proposed Cease to Pump ruling, and requesting that DPI, Hunter Local Land Services and DPE Water be directed to consult with Maitland irrigators and to provide all Maitland stakeholders with data justifying the proposed amendment.
3. Council indicate its support for our region's primary and agricultural producers and providers, and request a more consultative and balanced approach be taken to water sharing.

Moved Mayor P Penfold

CARRIED

For:

Cr R Aitchison
 Cr L Baker
 Cr K Ferguson
 Cr S Fisher
 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:

8 WITHDRAWAL OF ITEMS AND ACCEPTANCE OF LATE ITEMS OF BUSINESS

Nil.

9 PUBLIC ACCESS

Mr Chris Quinn representing Precinct Committee DP 280039 and Community Association DP27074 spoke **against Item 10.1** - DA 2008/2335:4 Modification to Concept Master Plan for staged seniors housing and DA 2021/627 fourteen (14) independent living units and subdivision (boundary realignment) - 361-365 Morpeth Road Morpeth.

COUNCIL RESOLUTION

THAT an extension of one (1) minute be granted to Mr Quinn.

Moved Cr R Aitchison, Seconded Cr M Griffin

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr S Fisher	
	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	

Ms Karen Armstrong representing Lend Lease spoke **for Item 10.1** - DA 2008/2335:4 Modification to Concept Master Plan for staged seniors housing and DA 2021/627 fourteen (14) independent living units and subdivision (boundary realignment) - 361-365 Morpeth Road Morpeth.

Mr Mathew Quattroville representing Four Towns Planning spoke **for Item 10.2** DA 2021/858 self storage units, signage and associated works – 103 Racecourse Road, Rutherford (Lot 1 DP 1164415).

10 OFFICERS REPORTS

10.1 DA 2008/2335:4 MODIFICATION TO CONCEPT MASTER PLAN FOR STAGED SENIORS HOUSING AND DA 2021/627 FOURTEEN (14) INDEPENDENT LIVING UNITS AND SUBDIVISION (BOUNDARY REALIGNMENT) - 361-365 MORPETH ROAD MORPETH RECOMMENDATION: APPROVAL

FILE NO:	DA 2008/2335:4 & DA 2021/627
ATTACHMENTS:	1. Locality Plan 2. DA 2008-2335:4 Development Plans (under separate cover) 3. DA 2021-627 Development Plans (under separate cover) 4. DA 2008-2335:4 Assessment Report (under separate cover) 5. DA 2021-627 Assessment Report (under separate cover) 6. DA 2008-2335:4 Modified Conditions of Consent (under separate cover) 7. DA 2021-627 Conditions of Consent (under separate cover) 8. Submissions (under separate cover)
RESPONSIBLE OFFICER:	Matthew Prendergast - Group Manager Planning & Environment Andrew Ashton - Acting Manager Development & Compliance Kristy Cousins - Coordinator Planning & Development
AUTHOR:	Georgie Williams - Principal Planner
APPLICANT:	Lendlease Retirement Living Holding Pty Ltd C/o Mr Craig McGaffin, Catalyze Property Consulting Pty Ltd
OWNER:	Lendlease Retirement Living Holding Pty Ltd
PROPOSAL:	DA/2008/2335:4: Section 4.55(2) Modification to approved concept master plan for staged seniors housing to amend the boundary of the oval precinct to enable 14 independent living units and update landscape master plan DA/2021/627: Seniors housing (14 independent living units) and subdivision (boundary realignment)
LOCATION:	361-365 Morpeth Road, Morpeth
ZONE:	RU2 Rural Landscape

EXECUTIVE SUMMARY

A Modification Application DA/2008/2335:4 has been received in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act (the Act) 1979, proposing to modify an approved concept master plan pertinent to a staged seniors housing development, known as Closebourne Village, at Lot 2 DP 270740 and Lot 7 DP 270740, 361 and 365 Morpeth Road, Morpeth (refer to Attachment 1 – Locality Plan).

A separate Development Application No. DA/2021/627 has been concurrently submitted to Council proposing seniors housing with the construction of 14 independent living units and subdivision (boundary realignment) at the site. The Development Application is dependent upon approval of the Modification Application to ensure consistency with the concept master plan.

The concept master plan (DA/2008/2335) was originally approved by Council on 14 July 2009 and became operational on 23 March 2010 when the Heritage Agreement (in accordance with the provisions of the Heritage Act 1977) was signed by the Minister administering the Heritage Act and the owner of the site.

Under Division 4.4 Concept development applications (previously s 83) of the Act, the master plan sets out concept proposals for the development of a site, and for which detailed proposals are to be the subject of subsequent development applications. DA/2021/627 forms a subsequent development application to the proposed modified concept master plan.

The Modification Application does not contain the detailed development plans for the proposed Oval Precinct but rather concept level amendments (refer to Attachment 2 – modified concept plans) to facilitate the form of the proposed development under DA/2021/627 (refer to Attachment 3 – development plans).

The entire site is listed as a State significant heritage item given that Closebourne Estate is a key site in the history of Morpeth and retains considerable cultural significance for its historic, architectural, landscape and social values. The site retains tangible evidence of its central role in the establishment of European settlement in the Hunter Valley and in the founding evolution of the Anglican Diocese of Newcastle. The site has played a key role in the training of clergy as well as education in the region.

Both applications are Integrated development under Section 4.46 of the Act in relation to the Heritage Act 1977 and General Terms of Approval (GTA's) have been issued by the Heritage Council of NSW for the Modification Application, dated 27 July 2021, and Development Application, dated 27 August 2021.

The applications were notified in accordance with Council's Community Participation Plan (CPP) and Maitland Development Control Plan (MDCP) 2011 with 6 submissions received in objection to the Modification Application and 5 submissions (4 objections and 1 in support) received to the Development Application.

Both applications are being reported to Council for determination on the basis that submissions were received during the public notification period. The original concept master plan and subsequent modifications were also determined by Council.

A detailed assessment of the Modification Application is included in Attachment 4 and the Development Application in Attachment 5. The applications have been assessed against the relevant provisions of the Act as acceptable and both applications are recommended for approval subject to conditions of consent contained in Attachment 6 and 7.

OFFICER'S RECOMMENDATION

THAT

- 1. Council grant a modified development consent to Modification Application No. 2008/2335:4 for amendments to the concept master plan for staged seniors housing on Lot 2 DP 270740 and Lot 7 DP 270740, 361-365 Morpeth Road, Morpeth subject to the modified consent conditions (Attachment 6) contained within this report.**
- 2. Council grant development consent to Development Application No. 2021/627 for seniors housing (14 independent living units) and subdivision (boundary realignment) on Lot 2 DP 270740 and Lot 7 DP 270740, 361-365 Morpeth Road, Morpeth subject to the consent conditions (Attachment 7) contained within this report.**

COUNCIL RESOLUTION

THAT

- 1. Council grant a modified development consent to Modification Application No. 2008/2335:4 for amendments to the concept master plan for staged seniors housing on Lot 2 DP 270740 and Lot 7 DP 270740, 361-365 Morpeth Road, Morpeth subject to the modified consent conditions (Attachment 6) contained within this report.**
- 2. Council grant development consent to Development Application No. 2021/627 for seniors housing (14 independent living units) and subdivision (boundary realignment) on Lot 2 DP 270740 and Lot 7 DP 270740, 361-365 Morpeth Road, Morpeth subject to the consent conditions (Attachment 7) contained within this report.**

Moved Cr M Yarrington, Seconded Cr B Hackney

CARRIED

For:

Cr K Ferguson
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

**10.2 DA 2021/858 SELF STORAGE UNITS, SIGNAGE AND ASSOCIATED WORKS - 103
RACECOURSE ROAD, RUTHERFORD (LOT 1 DP 1164415)
RECOMMENDATION: APPROVAL**

FILE NO: DA 2021/858

ATTACHMENTS:

1. Locality Plan
2. Development Plans (under separate cover)
3. Assessment Report (under separate cover)
4. Draft Conditions of Consent (under separate cover)
5. Submission

RESPONSIBLE OFFICER: Matthew Prendergast - Group Manager Planning & Environment
Andrew Ashton - Acting Manager Development & Compliance
Kristy Cousins - Coordinator Planning & Development

AUTHOR: Brian Gibson - Principal Planner

APPLICANT: Four Towns Pty Ltd

OWNER: Chapter and Co (8) Pty Ltd

PROPOSAL: Self Storage Units, Signage and Associated Works

LOCATION: 103 Racecourse Road, Rutherford

ZONE: IN1 General Industrial

EXECUTIVE SUMMARY

The proposal seeks consent for the construction of Self Storage Units, Signage and Associated Works, at Lot 1 DP 1164415, known as 103 Racecourse Road, Rutherford (refer to Attachment 1 for the Locality Plan and Attachment 2 for the Development Plans). The subject site is located within Rutherford Industrial Area.

The application is reported to Council as the value of the proposal is outside the delegations of the assessing officer.

The proposal complies with the Maitland Local Environmental Plan 2011, and with the Maitland Development Control Plan 2011. The application has been assessed against the relevant heads of consideration under section 4.15(1) in the Environmental Planning and Assessment Act 1979 (refer to Attachment 3 for the Assessment Report) and considered to be satisfactory subject to the imposition of conditions (refer to Attachment 4 for the draft conditions).

OFFICER'S RECOMMENDATION

THAT development consent be granted to DA/2021/858 for Self Storage Units, Signage and Associated Works on Lot 1 DP 1164415, 103 Racecourse Road, Rutherford subject to the recommended conditions of consent contained in Attachment 4.

COUNCIL RESOLUTION

THAT development consent be granted to DA/2021/858 for Self Storage Units, Signage and Associated Works on Lot 1 DP 1164415, 103 Racecourse Road, Rutherford subject to the recommended conditions of consent contained in Attachment 4.

Moved Cr B Whiting, Seconded Cr R Aitchison

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr S Fisher	
	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	

10.3 REQUEST FOR GATEWAY DETERMINATION - RECLASSIFICATION OF LAND AT EAST MAITLAND AND THORNTON

FILE NO:	RZ1/2022
ATTACHMENTS:	1. Draft Planning Proposal (under separate cover) 2. Classification & Reclassification of Council Owned Land
RESPONSIBLE OFFICER:	Matthew Prendergast - Group Manager Planning & Environment Andrew Neil - Manager Strategic Planning Adam Ovenden - Coordinator City Planning
AUTHOR:	Gary Hamer - Senior Strategic Planner
APPLICANT:	Maitland City Council
OWNER:	Maitland City Council
PROPOSAL:	Request for Gateway Determination - Reclassification of Land at East Maitland and Thornton
LOCATION:	Lot 21 of DP 541629 High Street, East Maitland (Council owned carpark) Lot 848 DP 703278 John Arthur Avenue, Thornton, Part Lot 1538 of DP 832922 Thomas Coke Drive, Thornton and Part Lot 8884 of DP 786883 Government Road, Thornton
ZONE:	From Community to Operational

EXECUTIVE SUMMARY

Council has received two development applications that require the reclassification of land by way of an amendment to the Maitland Local Environmental Plan 2011 (MLEP 2011) in order to enable legal and practical access to each of the relevant sites. Council has prepared a draft Planning Proposal seeking to enable the reclassification of two sites through the LEP process.

Two items are to be considered, the first is land known as Lot 21 of DP 541629 (Council owned carpark) whilst the second site known as Lot 848 DP 703278, Part Lot 1538 of 832922 and Part Lot 8884 of 786883 forms part of an access handle connecting Thomas Coke Drive to A & D Lawrence Fields, Thornton.

The procedures under the Environmental Planning & Assessment Act (EP&A Act) will apply to the making of the LEP. In addition, a public hearing under Section 57 of the EP&A Act must be held under s.29 of the Local Government Act.

The Planning Proposal to reclassify two items from community to operational by way of an amendment to the LEP is provided as Attachment 2 to this report for Council's consideration.

OFFICER'S RECOMMENDATION**THAT**

1. Pursuant to Section 3.34(1) of the *Environmental Planning and Assessment Act 1979*, Council prepare and submit the planning proposal, to the Department of Planning, Industry and Environment seeking a Gateway determination to reclassify Lot 21 of DP 541629, Lot 848 DP 703278, Part Lot 1538 DP832922 and Part Lot 8884 DP 786883 from community to operational land.
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. Pursuant to section 29 of the *Local Government Act 1993*, Council will undertake a public hearing as part of the community consultation process.
4. A further report be presented to Council following the public exhibition period, to demonstrate compliance with the Gateway determination and provide details of any submissions received and outcomes of the public hearing throughout that process.

COUNCIL RESOLUTION**THAT**

1. Pursuant to Section 3.34(1) of the *Environmental Planning and Assessment Act 1979*, Council prepare and submit the planning proposal, to the Department of Planning, Industry and Environment seeking a Gateway determination to reclassify Lot 21 of DP 541629, Lot 848 DP 703278, Part Lot 1538 DP832922 and Part Lot 8884 DP 786883 from community to operational land.
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. Pursuant to section 29 of the *Local Government Act 1993*, Council will undertake a public hearing as part of the community consultation process.
4. A further report be presented to Council following the public exhibition period, to demonstrate compliance with the Gateway determination and provide details of any submissions received and outcomes of the public hearing throughout that process.

Moved Cr M Griffin, Seconded Cr S Halliday

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr K Ferguson
Cr S Fisher
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:

10.4 ENDORSEMENT OF SUBMISSION - A NEW APPROACH TO REZONINGS DISCUSSION PAPER

FILE NO:	103/173
ATTACHMENTS:	<ol style="list-style-type: none">1. NSW Rezoning Reform Submission2. The NSW Government Discussion Paper "A New Approach to Rezoning" (under separate cover)3. DPIE Secretary - Notification of Environment Planning and Assessment (Statement of Expectations) Order 2021
RESPONSIBLE OFFICER:	Matthew Prendergast - Group Manager Planning & Environment Andrew Neil - Manager Strategic Planning Adam Ovenden - Coordinator City Planning
AUTHOR:	Gary Hamer - Senior Strategic Planner
MAITLAND +10	Outcome 17. An efficient and effective Council
COUNCIL OBJECTIVE:	17.2.1 To maintain effective and appropriate systems to ensure decision-making is transparent, accessible and accountable

EXECUTIVE SUMMARY

The Department of Planning, Industry and Environment (DPIE) are undertaking a wide range of planning reforms regarding both statutory and strategic planning across the state of NSW.

The overarching purpose of the reforms is to improve assessment time frames, reduce red tape, eliminate double-handling, and fast-track projects that deliver public benefits to the people of NSW.

This report also outlines the key changes from the Environmental Planning and Assessment Regulation 2021.

DPIE are seeking feedback on A New Approach to Rezoning's discussion paper as part of reforms to the Local Plan Making system. This reform is an integral part of the overarching legislative changes as part of the NSW Government's Planning Reform Action Plan. This report provides a summary of the proposed changes (Attachment 2) and highlights the key matters for consideration for Council.

OFFICER'S RECOMMENDATION

THAT

- 1. Council notes the contents of this report.**
- 2. Endorses the submission to Council the Department of Planning, Industry and Environment in Attachment 1.**
- 3. Note the amendments from the Environmental Planning and Assessment Regulation 2021.**

COUNCIL RESOLUTION

THAT

- 1. Council notes the contents of this report.**
- 2. Endorses the submission to Council the Department of Planning, Industry and Environment in Attachment 1.**
- 3. Note the amendments from the Environmental Planning and Assessment Regulation 2021.**

Moved Cr S Halliday, Seconded Cr P Garnham

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr S Fisher	
	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	

10.5 ENDOSEMENT OF SUBMISSIONS - DEVELOPMENT CONTRIBUTIONS REFORMS

FILE NO:	103/41
ATTACHMENTS:	<ol style="list-style-type: none">1. Submission on Development Contributions Reform - Department of Planning Industry and Environment2. Submission on Development Contributions Reform - IPART
RESPONSIBLE OFFICER:	Matthew Prendergast - Group Manager Planning & Environment Andrew Neil - Manager Strategic Planning
AUTHOR:	Adam Ovenden - Coordinator City Planning Anne Humphries - Development Contributions Administrator
MAITLAND +10	Outcome 4. Well-planned and integrated infrastructure
COUNCIL OBJECTIVE:	4.3.1 To complete the alignment of Council's infrastructure planning with its community, corporate, land use, asset and environmental strategies

EXECUTIVE SUMMARY

The Department of Planning, Industry, and Environment (DPIE) and the Independent Pricing and Regulatory Tribunal (IPART) are seeking feedback on reforms to the development contributions system. Public exhibition of the reform package closed in December 2021. Council staff made a technical submission during the period. Submissions endorsed by the elected Council are permitted until the end of February 2022.

The proposed reforms to the development contributions systems by DPIE have been prepared in conjunction with Independent Pricing and Regulatory Tribunal (IPART)'s Review of Benchmark Costs for Local Infrastructure and Review of the Essential Works List (EWL) with a focus on nexus and efficient infrastructure design.

The proposed reforms aim to create a clearer, more transparent, consistent, and simpler system for state and local infrastructure contributions. However, Council staff raise concerns with elements of the reforms, and the potential impact on Council's ability to effectively deliver community infrastructure.

Submissions have been prepared in response to the two separate exhibition processes and are now presented for Council's endorsement.

OFFICER'S RECOMMENDATION

THAT

1. Council endorses the submission to the Department of Planning, Industry, and Environment in Attachment 1.
2. Council endorses the submission to the Independent Pricing and Regulatory Tribunal in Attachment 2.

COUNCIL RESOLUTION

THAT

1. Council endorses the submission to the Department of Planning, Industry, and Environment in Attachment 1.
2. Council endorses the submission to the Independent Pricing and Regulatory Tribunal in Attachment 2.

Moved Cr P Garnham, Seconded Cr S Halliday

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr S Fisher	
	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	

10.6 LED STREET LIGHTING UPGRADE - AUSGRID PROPOSAL

FILE NO:	55/2
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Matthew Prendergast - Group Manager Planning & Environment Andrew Betts - Group Manager Infrastructure & Works Catherine Pepper - Manager Environment & Sustainability
AUTHOR:	Ben Maddox - Principal Sustainability Officer
MAITLAND +10	Outcome 18. A Council for now and future generations
COUNCIL OBJECTIVE:	18.1.1 To ensure the principles of sustainability underpin Council's financial, economic, social, governance and environmental decision-making

EXECUTIVE SUMMARY

The purpose of this report is to report on the updated proposal from Ausgrid for upgrade of residential and main road street lighting to LEDs.

Proceeding with the accelerated LED replacement program has been calculated to reduce total street lighting energy consumption by up to 50% and provide a 40% reduction in maintenance costs for the lights to be replaced. The proposal will also result in a more consistent type of lighting across the city and will deliver lights aligned with the latest Institute of Public Works Engineering Australasia - Model LED Public Lighting Specification, including capacity for lighting control, fault monitoring and hosting of other smart cities technology that is emerging and expected to evolve over the asset life of the lights (up to 20 years).

The proposal will deliver significant energy and emission reductions with the net impact to total operational budget is estimated to be around \$80,000 (3.5%) saving per year. Once the capital charges have been recovered the full energy and maintenance savings of approximately \$400K (17.5%) in operational savings will be realised over the remaining life of the lights. The lights are warranted for 10 years they have an expected life of up to 20 years.

OFFICER'S RECOMMENDATION

THAT

1. Council endorse participation in an accelerated LED replacement program for residential and main road lighting;
2. The residual value costs for accelerated LED replacement program be funded from borrowings from existing internal reserve funds with subsequent revenue from Energy Saving Certificates generated by this initiative being utilised to replenish the reserve

COUNCIL RESOLUTION

THAT

- 1. Council endorse participation in an accelerated LED replacement program for residential and main road lighting;**
- 2. The residual value costs for accelerated LED replacement program be funded from borrowings from existing internal reserve funds with subsequent revenue from Energy Saving Certificates generated by this initiative being utilised to replenish the reserve**

Moved Cr M Griffin, Seconded Cr B Whiting

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr S Fisher	
	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	

10.7 DRAFT DEVELOPMENT CONTROL PLAN - GILLIESTON HEIGHTS SOUTH (WESTERN PRECINCT)

FILE NO:	RZ14002
ATTACHMENTS:	1. Draft DCP (under separate cover)
RESPONSIBLE OFFICER:	Matthew Prendergast - Group Manager Planning & Environment
AUTHOR:	Andrew Neil - Manager Strategic Planning
APPLICANT:	McCloy Group
OWNER:	McCloy Group
PROPOSAL:	Draft Development Control Plan - Gillieston Heights South (Western Precinct)
LOCATION:	Gillieston Heights South (Western Precinct)
ZONE:	The site is currently zoned as RU2 Rural Landscape, with an active Planning Proposal to rezone to a part R1 General Residential and part RU2 Rural Landscape and mapped as an Urban Release Area under the Maitland Local Environmental Plan (LEP) 2011.

EXECUTIVE SUMMARY

On 26 October 2021, Council resolved to place the draft Development Control Plan (DCP) for the Gillieston Heights South (Western Precinct) Urban Extension Site on public exhibition. In accordance with Council's resolution, the draft DCP was placed on public exhibition. During the exhibition period, one submission was received from Cessnock City Council.

The site is currently zoned as RU2 Rural Landscape, with an active Planning Proposal to rezone to a part R1 General Residential and part RU2 Rural Landscape and mapped as an Urban Release Area under the Maitland Local Environmental Plan (LEP) 2011. Part 6 of Maitland LEP 2011 ensures that development on land in an Urban Release Area occurs in a logical and cost-effective manner. Clause 6.3 applies to the subject land and requires a Development Control Plan (DCP) to be prepared and endorsed by Council prior to any subdivision of the land. The purpose of this report is to inform Council of the outcomes of public exhibition and recommend to Council that the final draft DCP be adopted.

OFFICER'S RECOMMENDATION

THAT

- 1. The draft Development Control Plan (October 2021) be adopted as an amendment to the Maitland City-wide Development Control Plan 2011.**
- 2. Public notice be given in Council's website within 28 days of the decision being made.**

COUNCIL RESOLUTION

THAT

- 1. The draft Development Control Plan (October 2021) be adopted as an amendment to the Maitland City-wide Development Control Plan 2011.**
- 2. Public notice be given in Council's website within 28 days of the decision being made.**

Moved Cr R Aitchison, Seconded Cr L Baker

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr K Ferguson
Cr S Fisher
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:

10.8 RESPONSE TO THE DRAFT DESIGN AND PLACE SEPP

FILE NO:	103/1/3
ATTACHMENTS:	<ol style="list-style-type: none">1. Response Letter to the DPIE2. Maitland City Council comments on the Draft DP SEPP package (under separate cover)
RESPONSIBLE OFFICER:	Matthew Prendergast - Group Manager Planning & Environment Andrew Neil - Manager Strategic Planning
AUTHOR:	Simina Simaki - Senior Urban Design
MAITLAND +10	Outcome 6. Built heritage and sustainable development
COUNCIL OBJECTIVE:	6.1.3 To maintain guidelines for appropriate design and construction of major subdivisions

EXECUTIVE SUMMARY

The Department of Planning, Industry and Environment (DPIE) has released the draft of the new State Environmental Planning Policy (Design and Place) 2021 (to be referred to as the DP SEPP) and its associated documents.

The DP SEPP aims to simplify and consolidate planning policy so that planning and design of places can better facilitate good design outcomes. It is the first policy to implement the Minister's State Planning Principles which require new planning instruments to deliver 'well-designed places that enhance quality of life, the environment and the economy'. It will apply to all of NSW and to development of all scales.

The DP SEPP outlines a principle-based approach to encourage greater creativity and innovation and reduce complexity in the planning system. The package is on exhibition until the 28th February 2022 and includes the following new and updated guidance:

- a new Urban Design Guide (UDG),*
- an updated Apartment Design Guide (ADG),*
- a new Design Review Panel Manual for Local Government, and*
- updates to BASIX.*

The DP SEPP package was circulated to the Planning and Environment group and the Infrastructure and Works group.

Comments were received from:

- Strategic Planning,*
- Development and Compliance,*
- Environment and Sustainability,*
- Heritage, and*

- *Urban Design.*

All comments have been collated in the attached response letter to the DPIE.

Broadly, the DP SEPP and associated guidance was universally received by council staff as a positive addition to the planning system. The principles of the SEPP were considered to be in line with our Community Strategic Plan outcomes and will help us to implement existing Council strategies and policies.

The concerns that were raised were usually around the detail and wording of the SEPP and guidance. The main concerns were that:

- *The application of the SEPP and its different parts is complex and should either be simplified, or additional guidance provided.*
- *Some UDG provisions will be hard to implement in Maitland, for example:*
 - *Tree canopy targets are set at 35%-50% which is higher than the tree canopies we are currently achieving. Canopy targets were seen as helpful, but Maitland may need a more incremental approach to increasing canopy cover.*
 - *The minimum density of 15 dwellings per hectare (gross) will not be appropriate for all parts of the LGA. Density should be set by local controls which can reflect local characteristics at a finer scale. Note that the Greater Newcastle Metro Plan also sets a minimum gross density of 15 dwellings per hectare.*
- *Some terms lack sufficient definition which may make them harder to implement, particularly in court. In many places the UDG should be more specific and measure able or qualitative outcomes.*
- *More definition is requested around what is considered a “mix of lot types and sizes”.*
- *The UDG, ADG and BASIX should go further to ensure the provision of infrastructure is in place for electric vehicles.*

OFFICER'S RECOMMENDATION

THAT

- 1. Council supports the gazettal of the Design and Place SEPP and its associated documents.**
- 2. The attached response is submitted to the DPIE before the end of the consultation period on February 28th.**

COUNCIL RESOLUTION

THAT

- 1. Council supports the gazettal of the Design and Place SEPP and its associated documents.**
- 2. The attached response is submitted to the DPIE before the end of the consultation period on February 28th.**

Moved Cr B Whiting, Seconded Cr P Garnham

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr K Ferguson
Cr S Fisher
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:

10.9 STRONGER COUNTRY COMMUNITIES FUND ROUND 4 GRANT FUNDING ALLOCATION

FILE NO:	65/30/4
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Kath Andersen - Manager Corporate Planning and Performance
MAITLAND +10	Outcome 18. A Council for now and future generations
COUNCIL OBJECTIVE:	18.1.1 To ensure the principles of sustainability underpin Council's financial, economic, social, governance and environmental decision-making

EXECUTIVE SUMMARY

The Stronger Country Communities Fund was announced in 2017 as part of the NSW Government's \$1.3 billion Regional Development Framework. Round 4 of the program was opened in 2021 with the Maitland Local Government Area eligible to apply for up to \$1,259,886 in funding to deliver projects that increase female participation in sport, enhance female sporting facilities, and deliver high quality community amenity and sports related infrastructure projects.

On 22 June 2021, Council endorsed the submission of applications for amenities upgrades at the outer fields at Maitland Park and at Cooks Square Park East Maitland, construction of a display shed at the Steamfest Rally Ground site Central Maitland and development of a pathway at Norm Chapman Oval Rutherford.

In December 2021 Council was advised that three project applications had been successful, with the exception of the pathway at Norm Chapman Oval, Rutherford.

Eligible community organisations were also invited to apply, with Maitland PCYC receiving funding for stage II of their gymnastics upgrade.

Projects must be commenced by May 2022 and delivered by 1 October 2023.

OFFICER'S RECOMMENDATION

THAT

1. Council note that the NSW Government has approved projects to the value of \$1,100,000 under Round 4 of the Stronger Country Communities Fund to deliver:
 - Maitland Park (Outer Fields) amenities upgrade (project value \$400,000)
 - Steamfest Display Shed (project value \$140,000)
 - Cooks Square Park amenities upgrade (project value \$560,000).
2. Council note that funding is subject to receipt and execution of funding deeds.

COUNCIL RESOLUTION

THAT

1. Council note that the NSW Government has approved projects to the value of \$1,100,000 under Round 4 of the Stronger Country Communities Fund to deliver:
 - Maitland Park (Outer Fields) amenities upgrade (project value \$400,000)
 - Steamfest Display Shed (project value \$140,000)
 - Cooks Square Park amenities upgrade (project value \$560,000).
2. Council note that funding is subject to receipt and execution of funding deeds.

Moved Cr S Fisher, Seconded Cr B Whiting

CARRIED

For:

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

Against:

Mayor P Penfold
Cr K Ranadive
Cr B Whiting
Cr M Yarrington

10.10 EASTERN DISTRICT COMMUNITY CENTRE - UPDATE

FILE NO:	P26392
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Judy Jaeger - Group Manager Culture, Community & Recreation Andrew Betts - Group Manager Infrastructure & Works
AUTHOR:	Laurie D'Angelo-Edmonds - Manager Community and Recreation Aaron Cook - Operations Manager Projects & Contracts
MAITLAND +10	Outcome 2. Community and recreation services and facilities
COUNCIL OBJECTIVE:	2.1.1 To plan for a broad range of community, recreation and leisure infrastructure and services that meets the needs of a growing community

EXECUTIVE SUMMARY

Council officers have progressed investigations into the delivery of the Eastern District Community Centre at both Lot 271 on DP755237 (currently Tenambit Sporting Complex) and have conducted further investigations at Lot 272 DP755237 (the current site of the Tenambit Community Hall).

While both sites have their own unique set of constraints, further consideration of the design brief, drainage and typography at Lot 272 DP755237 (the current site of the Tenambit Community Hall), combined with the preferring siting at Kenneth Street due to the close proximity to the established and busy local shopping strip and bus stop, Council officers recommend that Council proceed with Community consultation to further inform the design brief and requirements of the Eastern District Community Centre located in Tenambit at Lot 272 DP755237 (the current site of the Tenambit Community Hall).

OFFICER'S RECOMMENDATION**THAT**

- 1. Council note that investigations and concept planning for the development of a multipurpose centre at Lot 271 on DP755237 (currently Tenambit Sporting Complex) should cease.**
- 2. Council progress further investigations and concept planning for the development of a multipurpose centre on Lot 272 DP755237 (the current site of the Tenambit Community Hall) to deliver the Eastern District Community Centre.**

COUNCIL RESOLUTION

THAT

- 1. Council note that investigations and concept planning for the development of a multipurpose centre at Lot 271 on DP755237 (currently Tenambit Sporting Complex) should cease.**
- 2. Council progress further investigations and concept planning for the development of a multipurpose centre on Lot 272 DP755237 (the current site of the Tenambit Community Hall) to deliver the Eastern District Community Centre.**

Moved Cr B Whiting, Seconded Cr K Ranadive

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr K Ferguson
Cr S Fisher
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:

10.11 MAITLAND GAOL FUNDING

FILE NO:	60/2
ATTACHMENTS:	<ol style="list-style-type: none">1. Letter of Conditional Offer - Regional Tourism Activation Fund2. Maitland Gaol Funding - Regional Recovery Partnerships
RESPONSIBLE OFFICER:	David Evans - General Manager
AUTHOR:	Rachel MacLucas - Executive Manager Vibrant City
MAITLAND +10	Outcome 6. Built heritage and sustainable development
COUNCIL OBJECTIVE:	6.2.1 To promote and support the adaptive reuse of Maitland Gaol

EXECUTIVE SUMMARY

In September 2020 Council reaffirmed its commitment to Maitland Gaol as an 'an iconic tourism destination, driven by its unique heritage, connection to community, and innovative experiences' through the adoption of the Maitland Gaol Development Plan and Site Master Plan. At the time it was identified that Council would pursue a range of options to progress the implementation of actions within the Development Plan including submitting applications for grant funding. In 2021, Council submitted applications for the Destination NSW Experience Enhancement Fund, the Federal Regional Recovery Partnerships Program and the NSW Regional Tourism Activation Fund. Council was previously advised of a successful application through the first program for the Guard Tower Experience, which is currently in the planning stage.

In January 2022, the Deputy Prime Minister and the NSW Deputy Premier jointly made announcements that Council had been successful in the applications for the latter two programs. This report is seeking Council commitment to the co-contribution required for the NSW Regional Tourism Activation Fund to enable funding deeds for the two programs to be progressed.

OFFICER'S RECOMMENDATION

THAT

1. Council notes the letters of offer from the Federal and NSW State Governments for funding for the Maitland Gaol Development Plan of \$5,000,000 and \$5,481,670 respectively.
2. Council commits to the co-contribution of \$1,245,492 (ex GST) required for the NSW Regional Tourism Experience Enhancement Fund for the Maitland Gaol Development Plan, through loan borrowings.

3. A further report be presented to Council to accept the funding deed/s once they are finalised.
4. Further reports on the progress of the Maitland Gaol Development Plan implementation continue to be presented to Council at key milestones.

COUNCIL RESOLUTION

THAT

1. Council notes the letters of offer from the Federal and NSW State Governments for funding for the Maitland Gaol Development Plan of \$5,000,000 and \$5,481,670 respectively.
2. Council commits to the co-contribution of \$1,245,492 (ex GST) required for the NSW Regional Tourism Experience Enhancement Fund for the Maitland Gaol Development Plan, through loan borrowings.
3. A further report be presented to Council to accept the funding deed/s once they are finalised.
4. Further reports on the progress of the Maitland Gaol Development Plan implementation continue to be presented to Council at key milestones.

Moved Cr R Aitchison, Seconded Cr B Whiting

CARRIED

For:	Cr R Aitchison Cr L Baker Cr K Ferguson Cr S Fisher 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 Policy & Finance Committee at 6.38pm.

Moved Cr M Griffin, Seconded Cr B Mitchell

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr S Fisher	
	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	

11 POLICY AND FINANCE COMMITTEE

11.1 ROADSIDE ENVIRONMENT POLICY REVIEW

FILE NO:	55/22
ATTACHMENTS:	1. Roadside Environmental Policy 2018 2. Roadside Environment Policy 2022
RESPONSIBLE OFFICER:	Andrew Betts - Group Manager Infrastructure & Works Ashley Kavanagh - Manager Works
AUTHOR:	Caine James - Operations Manager Recreation Works
MAITLAND +10	Outcome 8. Managing the environment and natural resources
COUNCIL OBJECTIVE:	8.1.1 To maintain and improve the quality, amenity and integrity of the natural environment

EXECUTIVE SUMMARY

Council's 'Roadside Environment' Policy, last adopted 18 August 2018, has been reviewed in consultation with key Council staff, related Council policies and procedures, and best practice approaches.

The reviewed 'Roadside Environment' Policy will ensure that Council effectively and efficiently complies with, administers and enforces the Acts relating to the roadside environment. The reviewed 'Roadside Environment' Policy will also ensure that there are clear guidelines for the management and control of roadside environments on public land.

OFFICER'S RECOMMENDATION

THAT

- 1. Council's 'Roadside Environment' Policy 2018 be rescinded**
- 2. Council's 'Roadside Environment' Policy 2022 be adopted.**

COUNCIL RESOLUTION

THAT

- 1. Council's 'Roadside Environment' Policy 2018 be rescinded**
- 2. Council's 'Roadside Environment' Policy 2022 be adopted.**

Moved Cr M Griffin, Seconded Cr S Halliday

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr K Ferguson
Cr S Fisher
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:

11.2 SECOND QUARTER BUDGET REVIEW 2021/22 - PERIOD ENDED 31 DECEMBER 2021

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 18. A Council for now and future generations
COUNCIL OBJECTIVE:	18.1.1 To ensure the principles of sustainability underpin Council's financial, economic, social, governance and environmental decision-making

EXECUTIVE SUMMARY

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 31 December 2021 quarter be approved and form part of the Operational Plan for 2021/22.

COUNCIL RESOLUTION

THAT

1. The variations for the 31 December 2021 quarter be approved and form part of the Operational Plan for 2021/22.

Moved Cr S Halliday, Seconded Cr P Garnham

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr S Fisher	
	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	

11.3 STATEMENT OF INVESTMENTS AS AT 31 JANUARY 2022

FILE NO:	82/2
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems Annette Peel - Manager Finance & Procurement
AUTHOR:	Laura Barry - Financial Accountant
MAITLAND +10	Outcome 18. A Council for now and future generations
COUNCIL OBJECTIVE:	18.1.1 To ensure the principles of sustainability underpin Council's financial, economic, social, governance and environmental decision-making

EXECUTIVE SUMMARY

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 M Griffin

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr S Fisher	
	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	

Council resumed into Ordinary Council at 6.40pm.

Moved Cr B Mitchell , Seconded Cr P Garnham

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr S Fisher	
	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	

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

11.1 ROADSIDE ENVIRONMENT POLICY REVIEW

COMMITTEE RECOMMENDATION

THAT

1. Council's 'Roadside Environment' Policy 2018 be rescinded
2. Council's 'Roadside Environment' Policy 2022 be adopted.

Moved Cr M Griffin, Seconded Cr S Halliday

CARRIED

11.2 SECOND QUARTER BUDGET REVIEW 2021/22 - PERIOD ENDED 31 DECEMBER 2021

COMMITTEE RECOMMENDATION

THAT

1. The variations for the 31 December 2021 quarter be approved and form part of the Operational Plan for 2021/22.

Moved Cr S Halliday, Seconded Cr P Garnham

CARRIED

11.3 STATEMENT OF INVESTMENTS AS AT 31 JANUARY 2022

COMMITTEE 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.

Moved Cr S Halliday, Seconded Cr M Griffin

CARRIED

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

Move Cr M Griffin, Seconded Cr S Halliday

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr S Fisher	
	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	

12 NOTICES OF MOTION/RESCISSION

Nil.

13 QUESTIONS WITH NOTICE

Nil.

14 URGENT BUSINESS

Nil.

Council moved into Committee of the Whole at 6.43 pm.

Moved Cr B Mitchell, Seconded Cr P Garnham

CARRIED

Council moved into Closed Session of the Committee of the Whole for the reasons specified in the Agenda, and closed the meeting to the public at 6.44 pm.

Moved Cr P Garnham, Seconded Cr R Aitchison

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr S Fisher	
	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	

15 COMMITTEE OF THE WHOLE

15.1 OFFER TO PURCHASE COUNCIL LAND LOT 14 DP 730416 LIDDELL AVENUE ABERGLASSLYN

FILE NO:	P37626
ATTACHMENTS:	1. Purchase Offer 2. Valuation of Lot
RESPONSIBLE OFFICER:	Leah Flint - Group Manager Strategy Performance and Business Systems
AUTHOR:	Stephen McDonald - Manager Governance and Risk
MAITLAND +10	Outcome 18. A Council for now and future generations
COUNCIL OBJECTIVE:	18.2.1 To maintain a contemporary asset policy, asset strategy and management plans for all Council assets

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

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of a new proposal that has been received from St Philip's Christian College to purchase operational land, being Lot 14 Liddell Avenue Aberglasslyn. This report provides an overview of the offer and implications, and requests consideration of delegating authority to the General Manager to continue negotiations.

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. The General Manager be authorised to continue negotiations for the sale of Lot 14 DP 730416 to St Philip's Christian College;**
- 2. A report be returned to Council regarding the outcome of those negotiations.**

Moved Cr B Whiting, Seconded Cr P Garnham

CARRIED

For:

Cr R Aitchison
Cr L Baker
Cr K Ferguson
Cr S Fisher
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:

15.2 CONSIDERATION OF TENDERS - CAR PARK CONSTRUCTION, BOWDEN STREET LORN

FILE NO:	2022/137/2042
ATTACHMENTS:	Nil
RESPONSIBLE OFFICER:	Andrew Betts - Group Manager Infrastructure & Works Ashley Kavanagh - Manager Works
AUTHOR:	Kynan Lindus - Civil Engineer
MAITLAND +10	Outcome 2. Community and recreation services and facilities
COUNCIL OBJECTIVE:	2.1.2 To build a range of community, recreation and leisure facilities based on sound asset management principles

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

The 2021/22 Capital Works Program includes the construction of a car park on the riverbank at Lorn, with access road improvements from Bowden Street. Works also include the demolition of existing structures and fences to the east of the site. Tenderers have been called for works and are presented for Council's consideration and determination.

Six tenders were received for these works. 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 works. 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 accept the tender of Byrne Pipe & Civil for car park construction and demolition works at Bowden Street, Lorn for the schedule of rates and contract sum of \$224,448.06 (GST inclusive).
2. The common seal of Council be affixed to the contract documents.

Moved Cr S Halliday, Seconded Cr M Griffin

CARRIED

For:	Cr R Aitchison Cr L Baker Cr K Ferguson Cr S Fisher 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 resumed into ordinary council at 7.00 pm.

Moved Cr M Griffin, Seconded Cr B Whiting

CARRIED

For:	Cr R Aitchison Cr L Baker Cr K Ferguson Cr S Fisher Cr P Garnham	Against:
------	--	----------

Cr M Griffin
Cr B Hackney
Cr S Halliday
Cr B Mitchell
Mayor P Penfold
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 OFFER TO PURCHASE COUNCIL LAND LOT 14 DP 730416 LIDDELL AVENUE ABERGLASSLYN

THAT

1. The General Manager be authorised to continue negotiations for the sale of Lot 14 DP 730416 to St Philip's Christian College;
2. A report be returned to Council regarding the outcome of those negotiations.

Moved Cr B Whiting, Seconded Cr P Garnham

CARRIED

15.2 CONSIDERATION OF TENDERS - CAR PARK CONSTRUCTION, BOWDEN STREET LORN

THAT

1. Council accept the tender of Byrne Pipe & Civil for car park construction and demolition works at Bowden Street, Lorn for the schedule of rates and contract sum of \$224,448.06 (GST inclusive).
2. The common seal of Council be affixed to the contract documents.

Moved Cr S Halliday, Seconded Cr M Griffin

CARRIED

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

Moved Cr R Aitchison, Seconded Cr B Mitchell

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr K Ferguson	
	Cr S Fisher	
	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	

17 CLOSURE

The meeting was declared closed at 7.02 pm.

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Chairperson