



**MINUTES OF THE ORDINARY MEETING HELD IN THE COUNCIL CHAMBERS, GRIFFITH ON 14 OCTOBER 2014 COMMENCING AT 7.00 PM**

**PRESENT**

The Mayor, John Dal Broi in the Chair; Councillors, Alison Balind, Simon Croce, Doug Curran, Bill Lancaster, Anne Napoli, Paul Rossetto, Christine Stead, Leon Thorpe and Dino Zappacosta.

**STAFF PRESENT**

General Manager, Brett Stonestreet; Director Infrastructure and Operations, Dallas Bibby; Director Sustainable Development, Neil Southorn; Director Business, Cultural & Financial Services, Max Turner; Acting Director of Utilities, Stephanus Oosthuysen; Manager Executive Services, Shireen Donaldson and Minute Secretary, Jennifer O'Donnell-Priest.

The Meeting opened with Councillor Rossetto reading the Council prayer and the Acknowledgment of Country.

**PROCEDURAL MATTERS**

**APOLOGIES**

0327

**RESOLVED** on the motion of Councillors Stead and Thorpe that apologies be received from Councillor Mike Neville and Councillor Pat Cox and a leave of absence be granted.

**CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD 23 SEPTEMBER 2014**

0328

**RESOLVED** on the motion of Councillors Thorpe and Stead that the minutes of the Ordinary Meeting of Council held in the Council Chambers, Griffith on 23 September 2014 having first been circulated amongst all members of Council, be confirmed.

**BUSINESS ARISING FROM THE ORDINARY MEETING OF COUNCIL HELD 23 SEPTEMBER 2014**

**CL08 Proposed Council Meetings and Workshop Dates 2015**

0329

**RESOLVED** on the motion of Councillors Zappacosta and Thorpe that Council cancel

the first meeting in January 2015 (i.e. 13 January 2015).

### **CL11 Status of Development Compliance, Real Juice Company**

Councillor Zappacosta requested an update on the issues raised at the last Council Meeting regarding Real Juice Company.

Councillors Zappacosta and Napoli **MOVED** the following **MOTION** that Council allow Real Juice three (3) months to comply with the DA conditions in relation to Waste Water Management and suspend further enforcement action against Real Juice with respect to non compliance with conditions of consent in relation to their waste water management plan during this three (3) month period.

Councillor Balind raised a Point of Order as she was of the understanding that the motion was the same as the previous resolution that Council had made. The Mayor advised that the resolution adopted at the 23 September meeting referred only to suspension of enforcement action in terms of business operating hours. Councillor Balind withdrew the Point of Order.

*At this stage of the meeting Councillor Lancaster declared a Significant Non Pecuniary Conflict of Interest and vacated the Chamber, the time being 7.14 pm.*

Mr Stonestreet commented that staff have dealt with this complex matter in a very professional manner and he commended Mr Southorn and his staff on addressing this. Mr Stonestreet stated that Council staff were well aware of the importance of economic growth but equally the importance of enforcing DA requirements.

0330

**RESOLVED** on the motion of Councillors Zappacosta and Napoli that Council allow Real Juice three (3) months to comply with the DA conditions in relation to Waste Water Management and suspend further enforcement action against Real Juice with respect to non compliance with conditions of consent in relation to their waste water management plan during this three (3) month period.

### **Councillor Question Time - 'Fit for the Future'**

Councillor Balind asked whether the General Manager was going to update Council on the 'Fit for the Future' meeting of RAMROC.

Mr Stonestreet advised that he and the Mayor had attended a meeting of RAMROC held in Jerilderie on 8 October 2014. Mr Stonestreet advised that from that meeting a resolution was passed that the RAMROC Councils would submit an application to the Office of Local Government for a pilot Joint Organisation for the RAMROC region. The application is nearing completion and will be submitted on Friday. Mr Stonestreet further advised that he had been invited by the Office of Local Government along with other General Managers to give feedback on how the first roll out of this process has been received.

*Councillor Lancaster returned to the Chamber, the time being 7.32 pm.*

## **DECLARATIONS OF INTEREST**

### **COUNCILLOR PECUNIARY INTERESTS**

***Councillors making a pecuniary declaration are required to leave the meeting during consideration and not return until the matter is resolved.***

Councillor Anne Napoli - Question Time - Fairfax Media

Reason: Councillor Napoli's son's partner is an employee of Fairfax Media.

### **SIGNIFICANT NON-PECUNIARY INTERESTS**

***Councillors making a significant non-pecuniary declaration are required to leave the meeting during consideration and not return until the matter is resolved.***

Councillor Simon Croce - CL01 - DA365/2009 - Section 96 Modification to the Hours of Operation of an Existing Rural Industry (Olive Processing)

Reason: Councillor Croce deals with the mentioned company directly at his place of employment.

Councillor Bill Lancaster - Business Arising - Status of Development Compliance, Real Juice Company

Reason: Matter arising from Councillor Lancaster's employment.

Councillor Bill Lancaster - CC01 - Council Land 1826A Todd Road, 1874B McCarthy Road, 1588A Todd Road, Lake Wyangan

Reason: Councillor Lancaster has a professional association with owners of one of the properties involved.

### **LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS**

***Councillors making a less than significant non-pecuniary declaration may stay in the Chamber, participate in the debate and vote.***

Nil declared.

## **PRESENTATIONS**

### **GRIFFITH CYCLE CLUB - COMMEMORATIVE CHAMPION'S JERSEY**

(M)

0331

**RESOLVED** on the motion of Councillors Curran and Stead that Standing Orders be suspended to allow a presentation from the Griffith Cycle Club.

In appreciation of Griffith City Council's sponsorship and assistance from staff, Griffith Cycle Club representatives, Peter Budd and Jason Minato presented Council with a commemorative plaque, a thank you letter and Champion's Jersey.

Mr Budd reiterated his gratitude for the traffic management by Council's works staff and stated that the Race Director from Sydney commented that the traffic control was the best that he had seen and the feedback from riders was that they enjoyed the confidence of safety whilst racing.

The Mayor also mentioned that he had received a Certificate of Appreciation from Multicultural Festival Organisers for Griffith City Council's assistance with the festival and requested Mr Perry to pass on his thanks to the President.

0332

**RESOLVED** on the motion of Councillors Napoli and Stead that Standing Orders be resumed.

## GENERAL MANAGER'S REPORT

### **CL01 DA 365/2009 - SECTION 96 MODIFICATION TO THE HOURS OF OPERATION OF AN EXISTING RURAL INDUSTRY (OLIVE PROCESSING)**

(SDAP)

0333

**RESOLVED** on the motion of Councillors Napoli and Thorpe that Standing Orders be suspended to allow speakers to address Council against the recommendation in CL01 - DA 365/2009 - Section 96 Modification to the Hours of Operation of an Existing Rural Industry (Olive Processing).

Michele Devery addressed Council, the time being 7.40 pm.

*Councillor Croce declared a Significant Non-Pecuniary Conflict of Interest and vacated the Chamber, the time being 7.42 pm.*

Teresa Reginato addressed Council, the time being 7.47 pm.

0334

**RESOLVED** on the motion of Councillor Lancaster that the report **LAY ON THE TABLE** until such time as further matters are clarified.

*Councillor Croce returned to the Chamber, the time being 7.58 pm.*

### **CL02 SECTION 82A REVIEW OF DETERMINATION FOR A STORAGE SHED TO BE USED FOR DOMESTIC PURPOSES**

F. 35/2014 (PEM)

0335

**RESOLVED** on the motion of Councillors Zappacosta and Stead that:

(a) The review under section 82A of the Environmental Planning & Assessment Act 1979 be confirmed and that the location of the proposed shed as indicated on the site plan for Lot 1 DP 1132998 Development Application No. 35/2014 be approved for the following reasons:

(i) The proposed development is satisfactory in terms of Section 79C of the Environmental Planning & Assessment Act 1979 as outlined in the Section 82A Review Assessment Report.

(ii) Clause 1.9A of the Griffith Local Environmental Plan 2014 (Suspension of covenants agreements and instruments) and the relevant Section 88B instrument have been noted.

(iii) Non compliance with Development Control Plan No.1 - Non-Urban Development is acceptable in this case because of the factors relating to this specific setback control that have been duly observed in the Section 82 Review Assessment Report.

- (b) The use of the shed be approved only for domestic purposes.

In accordance with the Local Government Act (section 375A - Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

| Councillor    | For              | Against |
|---------------|------------------|---------|
| Cr Dal Broi   | X                |         |
| Cr Napoli     | X                |         |
| Cr Lancaster  | X                |         |
| Cr Thorpe     | X                |         |
| Cr Balind     | X                |         |
| Cr Zappacosta | X                |         |
| Cr Neville    | Leave of Absence |         |
| Cr Croce      | X                |         |
| Cr Curran     | X                |         |
| Cr Cox        | Leave of Absence |         |
| Cr Rossetto   | X                |         |
| Cr Stead      | X                |         |

**CL03 ANNUAL FINANCIAL STATEMENTS - STATEMENTS UNDER SECTION 413(2)(C) OF THE LOCAL GOVERNMENT ACT, 1993**

(FM)

0336

**RESOLVED** on the motion of Councillors Curran and Rossetto that:

- (a) In accordance with Section 413 of the Local Government Act, 1993, Council forward to the Auditor the Financial Statements for the year ending 30 June, 2014.
- (b) Council delegate authority to the following people to sign the Statement by Councillors and Management for the General Purpose Financial Statements and the Special Purpose Financial Statements:

Councillor John Dal Broi in his capacity as Mayor or nominee.  
 Councillor Doug Curran in his capacity as the Deputy Mayor or nominee.  
 The General Manager, Mr Brett Stonestreet.  
 Council's Responsible Accounting Officer, Mr Max Turner.

**CL04 REVISED CODE OF MEETING PRACTICE**

(MES)

0337

**RESOLVED** on the motion of Councillors Balind and Stead that:

- (a) Council adopt the Draft Policy "Code of Meeting Practice".
- (b) The draft policy be advertised for a period of 28 days with submissions being received for up to 42 days following the date of advertising.
- (c) Following the public exhibition period if no submissions are received Council consider the policy adopted. If submissions are received a further report be prepared for Council.

**CL05 ADOPTION OF SUSTAINABLE DEVELOPMENT DIRECTORATE POLICIES**

(GC)

0338

**RESOLVED** on the motion of Councillors Balind and Thorpe that:

- (a) Council endorse the draft Sustainable Development Directorate Policies for public exhibition for a period of 28 days.
- (b) Following the public exhibition period, if no submissions are received the policies be considered formally adopted.
- (c) Policies that receive a submission be reported back to Council.

**CL06 REQUEST TO WAIVE DEVELOPMENT APPLICATION FEES RE: GRIFFITH NEIGHBOURHOOD HOUSE - MULTI PURPOSE COMMUNITY CENTRE**

(DBCF)

Councillors Napoli and Thorpe **MOVED** the following **MOTION** that:

- (a) Council not waive the applicable Development Application fees associated with the Griffith Neighbourhood House Multi Purpose Community Centre at this point in time.
- (b) A further report be prepared for Council once full external funding for the Project has been secured and an assessment of the project budget has been made so that Council can consider if funding assistance by way of rebating the development application fee paid at that time.

Councillors Lancaster and Stead **MOVED** the following **AMENDMENT**:

A further report be prepared for Council once full external funding for the Project has been secured and an assessment of the project budget has been made so that Council can consider if funding assistance by way of rebating the development application fee paid at that time.

The **AMENDMENT** was **PUT** and **WON**.

0339

**RESOLVED** on the motion of Councillors Lancaster and Stead that a further report be prepared for Council once full external funding for the Project has been secured and an assessment of the project budget has been made so that Council can consider if funding assistance by way of rebating the development application fee paid at that time.

**CL07 INVITATION TO ATTEND INSTALLATION OF DR MICHELE ALLAN AS CHANCELLOR AT CSU BATHURST - 4 DECEMBER 2014**

(GM)

0340

**RESOLVED** on the motion of Councillors Curran and Napoli that the Mayor (or delegate) and General Manager (or delegate) attend the installation of Dr Michele Allan as Chancellor at Charles Sturt University in Bathurst on 4 December 2014.

## INFORMATION

**CL08      DETAILS OF 2015-16 GRANT CALCULATIONS FROM THE LOCAL GOVERNMENT GRANTS COMMISSION**

(DBCF)

0341

**RESOLVED** on the motion of Councillors Balind and Thorpe that Council note the information and attachments in this report.

## MINUTES FROM COMMITTEES

**MINUTES OF THE GENERAL FACILITIES COMMITTEE MEETING HELD ON 4 SEPTEMBER 2014**

0342

**RESOLVED** on the motion of Councillors Curran and Stead that the minutes of the General Facilities Committee meeting held on 4 September 2014, having first been circulated amongst members, be adopted.

0343

**RESOLVED** on the motion of Councillors Thorpe and Lancaster that nominations be accepted from Councillors Curran, Lancaster and Balind to serve on the Working Group for the new Pound Facility with Councillor Stead as an alternate. Councillor Lancaster nominated community member of the Facilities Committee Dan Purchase and Ken Rebetzke (alternate) to serve Council on the Working Group for the new pound facility.

**MINUTES OF THE TOURISM AND EVENTS COMMITTEE MEETING HELD ON 11 SEPTEMBER 2014**

0344

**RESOLVED** on the motion of Councillors Stead and Balind that the minutes of the Tourism and Events Committee meeting held on 11 September 2014, having first been circulated amongst members, be adopted with amendment to clarification of wording regarding the report from the 2016 Centenary Stone Sculpture Symposium and time of conclusion of the meeting.

0345

**RESOLVED** on the motion of Councillors Croce and Stead that a report for proposed possible future practical use of the vacant coach terminal at the Visitors Information Centre be presented at a future Council meeting.

**MINUTES OF THE BUSINESS DEVELOPMENT AND MAJOR PROJECTS COMMITTEE MEETING HELD ON 15 SEPTEMBER 2014**

0346

**RESOLVED** on the motion of Councillors Rossetto and Stead that the minutes of the Business Development and Major Projects Committee meeting held on 15 September 2014, having first been circulated amongst members, be adopted.

**MINUTES OF THE INTERNAL AUDIT COMMITTEE MEETING HELD ON  
16 SEPTEMBER 2014**

0347

**RESOLVED** on the motion of Councillors Thorpe and Balind that the minutes of the Internal Audit Committee meeting held on 16 September 2014, having first been circulated amongst members, be adopted.

The Mayor asked Mr Stonestreet to comment on the issue of ongoing internal auditing. Griffith City Council is investigating training/upskilling of a staff member with regards to internal auditing with mentoring support from the existing auditor.

**MINUTES OF THE FLOODPLAIN MANAGEMENT COMMITTEE MEETING HELD ON  
18 SEPTEMBER 2014**

0348

**RESOLVED** on the motion of Councillors Rossetto and Stead that the minutes of the Floodplain Management Committee meeting held on 18 September 2014, having first been circulated amongst members, be adopted.

0349

**RESOLVED** on the motion of Councillors Croce and Rossetto that Councillor Thorpe be accepted as an alternate Councillor on the Floodplain Management Committee.

**MINUTES OF THE PIONEER PARK MUSEUM COMMITTEE MEETING HELD ON 23  
SEPTEMBER 2014**

0350

**RESOLVED** on the motion of Councillors Stead and Zappacosta that the minutes of the Pioneer Park Museum Committee meeting held on 23 September 2014, having first been circulated amongst members, be adopted.

**MINUTES OF THE GRIFFITH COMMUNITY PRIVATE HOSPITAL COMMITTEE  
MEETING HELD ON 23 SEPTEMBER 2014**

0351

**RESOLVED** on the motion of Councillors Napoli and Curran that the minutes of the Griffith Community Private Hospital Committee meeting held on 23 September 2014, having first been circulated amongst members, be adopted.

**QUESTION TIME**

**COUNCILLOR QUESTION TIME**

Councillor Balind asked the following question:

**"Will Griffith City Council be making representations to Fairfax Media to ensure ongoing local content in country newspapers in our region."**

*Councillor Napoli declared a Pecuniary Conflict of Interest and vacated the Chamber, the time being 8.32 pm.*

Councillor Balind advised that she had been in contact with local media industry workers for Fairfax Media and has concern with local news service operations being reduced and is aware that there are senior representatives from Fairfax in town tomorrow.

The Mayor accepted a Motion from Councillor Balind as a matter of urgency.

0352

**RESOLVED** on the motion of Councillors Balind and Thorpe that Council make formal representation to Fairfax Media to ensure local content remains priority in all publications produced within our Local Government Area.

Councillor Rossetto asked the following question:

**"Centennial Celebrations - can funding be allocated in part so that the 2 committees may commence preparing promotional material, stationery and the like."**

Mr Stonestreet advised that there was an operational budget that would allow preparation of promotional material to commence. Further, a budget for centenary celebrations is coming completion and when presented to Council for adoption will provide the opportunity for Council to allocate additional funds to the Reserve.

## **OUTSTANDING ACTION REPORT**

Councillor Croce requested an update on the TASAC signage from Councillor Curran. Councillor Curran advised that a resolution from the Traffic Committee was to make representation to TASAC regarding the recommendation.

0353

**RESOLVED** on the motion of Councillors Stead and Curran that the Action Report be noted.

## **CLOSED COUNCIL**

**In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.**

**Set out below is Section 10A(2) of the Local Government Act 1993 in relation to matters which can be dealt with in the closed part of a meeting.**

**The matters and information are the following:**

- (a) personnel matters concerning particular individuals (other than councillors)**
- (b) the personal hardship of any resident or ratepayer**
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business**
- (d) commercial information of a confidential nature that would, if disclosed:**
  - (i) prejudice the commercial position of the person who supplied it, or**
  - (ii) confer a commercial advantage on a competitor of the council, or**

- (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) the matter concerned alleged contraventions of any code of conduct requirements applicable under section 440 of the Local Government Act 1993.

**CC01 COUNCIL LAND 1826A TODD ROAD, 1874B MCCARTHY ROAD, 1588A BOORGA ROAD - OFFER TO PURCHASE 1826A TODD ROAD, LAKE WYANGAN - Council Business 10A(2)(c)**

The Committee resolved that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c)).

**CC02 GENERAL MANAGER - PERFORMANCE CRITERIA 2014/15 - Personnel Matters 10A(2)(a)**

The Committee resolved that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned personnel matters concerning particular individuals (other than Councillors) (Section 10A(2)(a)).

0353

**RESOLVED** on the motion of Councillors Curran and Stead that:

- (a) Council resolve into closed council to consider business identified, together with any late reports tabled at the meeting.
- (b) That pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provision of section 10A(2) as outlined above.
- (c) That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.

Council closed its meeting at 8.41 pm. The public and media left the Chamber.

*Councillor Lancaster, having declared a Conflict of Interest left the Chamber, the time being 8.41 pm.*

*Mrs Donaldson left the Chamber, the time being 8.41 pm.*

*Councillor Napoli returned to the Chamber the time being 8.41 pm.*

*Councillor Lancaster returned to the Chamber, the time being 8.43 pm.*

*Mrs Donaldson returned to the Chamber, the time being 8.46 pm.*

# **REVERSION TO OPEN COUNCIL**

0355

**RESOLVED** on the motion of Councillors Stead and Curran that open Council be resumed. Open Council resumed at 9.02 pm.

Upon resuming open Council the General Manager reported that the Closed Council had made the following resolutions.

# **MATTERS DEALT WITH IN CLOSED COUNCIL**

## **CC01 COUNCIL LAND 1826A TODD ROAD, 1874B MCCARTHY ROAD, 1588A BOORGA ROAD - OFFER TO PURCHASE 1826A TODD ROAD, LAKE WYANGAN**

(CPO)

0356

**RESOLVED** on the motion of Councillors Curran and Thorpe that:

- (a) Council advise Mr Antonio Romeo that his offer is declined.
- (b) Council continue to retain the assets within its land bank until some upswing in demand is observed or Council receives and considers further offers to purchase the farms.

## **CC02 GENERAL MANAGER - PERFORMANCE CRITERIA 2014/15**

(M)

0357

**RESOLVED** on the motion of Councillors Curran and Rossetto that the performance criteria for the General Manager for the 2014/15 year as attached to the report be adopted with addition of a communications criteria (to be drafted by the General Manager and distributed to Councillors).

There being no further business the meeting terminated at 9.04 pm.

Confirmed: .....  
CHAIRPERSON