



# ORDINARY MEETING OF COUNCIL

## Agenda

Tuesday, 11 February 2014 at 7:00 pm

## **CONFLICTS OF INTEREST**

A conflict of interest arises when Councillors or Council staff are influenced, or are seen to be influenced, in carrying out their duties by personal interests. Conflicts of interest can be pecuniary or non-pecuniary in nature.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of a financial gain.

A non-pecuniary interest can arise as a result of a private or personal interest which does not relate to money. Examples include friendship, membership of an association or involvement or interest in an activity.

Any councillor or staff member who considers they may have a conflict of interest should read Council's Code of Conduct policy.

The responsibility of determining whether or not a Councillor or Council employee has a pecuniary or non-pecuniary interest in a matter, is the responsibility of that individual. It is not the role of Council's Mayor, General Manager, nor other Councillor nor another Council employee to determine whether or not a person may have a conflict of interest.

Should you be unsure as to whether or not you have a conflict of interest you should err on the side of caution and either declare a conflict of interest or, you should seek the advice of the Director General of Local Government. The contact number for the Director General of Local Government is 02 4428 4100.

## **COUNCIL CODE OF CONDUCT**

The Council Code of Conduct is a requirement of section 440 of the Local Government Act 1993. The Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions.

The Code of Conduct has been developed to assist council officials to:

- understand the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in the integrity of local government.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council must comply with the applicable provisions of council's code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the Act. The Act provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office.

Council's Code of Conduct is available for viewing on Council's website.

## STAFF RESPONSIBILITY AND REPORT AUTHOR CODES

### REPORT AUTHORS

POSITION	NAME	CODES
General Manager	Brett Stonestreet	GM
Manager Executive Services	Shireen Donaldson	MES
Public Officer/Right to Information Officer	Shireen Donaldson	MES
Director Business, Cultural & Financial Services	Max Turner	DBCF
Director Utilities	David Tull	DU
Director Infrastructure and Operations	Dallas Bibby	DIO
Director Sustainable Development	Neil Southorn	DSD
Governance Coordinator	Wendy Krzus	GC
Compliance Coordinator	Michael Toohey	CC
Finance Manager	Vanessa Edwards	FM
Tourism & Economic Development Manager	Greg Lawrence	TEDM
Engineering Design & Approvals Manager	Graham Gordon	EDAM
Planning & Environment Manager	Carel Potgieter	PEM
Coordinator Landuse Planning and Compliance	Kelly McNicol	LPC
Senior Development Assessment Planner	Stephen Parisotto	SDAP
Principal Planner (UDSP)	Peter Badenhorst	PPUDSP
Development Assessment Planner	Linden Foster	DAP
Building Certification Coordinator	Ben Lang	BCC
Environment and Health Coordinator	Vacant	EHC
Environment Planner	Joanne Tarbit	EP
Corporate Property Officer	Daphne Bruce	CPO
Parks & Gardens Manager	Peter Craig	PGM
Works Manager - Maintenance	Manjit Chugha	WMM
Works Manager - Construction	Shree Shrestha	WMC
Senior W&S Engineer - Operations	Steven Oosthuysen	SWSE
Asset Management Coordinator	Andrew Keith	AMC
Library Manager	Pam Young	LM1
Library Manager	Christine Del Gigante	LM2
Griffith Regional Theatre & Art Gallery Manager	Sarah Boon	GRTAG
Data Information Officer	Wendy Vaccari	DIO
Economic Development Coordinator	Nicola James	EDC
Fleet & Depot Manager	Steve Croxon	FDM
Pioneer Park Manager	Bernadette Flynn	PPM

## **PUBLIC QUESTION TIME**

Public Question time is to be conducted according to the guidelines set out in Griffith City Council's Code of Meeting Practice:

### **34. Question time – members of public**

- 34.1 Time is to be set aside at Ordinary Meetings of Council during which members of the public may ask questions of the Council via the chair. Any person in attendance may ask one (1) question only (with any additional questions to be at the discretion of the chair) and speak on it for a MAXIMUM of two (2) minutes.
- 34.2 Council shall provide a question time at each Council meeting, during which members of the public may ask questions of the Council. Written notice of the question is to be given during the meeting in the period prior to question time.
- 34.3 Each person may ask one question following which he or she may speak to it for a maximum period of two minutes.
- 34.4 Questions are to be directed to the Chairman who may choose to:
- (a) answer the question;
  - (b) refer it to another Councillor or senior staff member to answer; or
  - (c) arrange for the question to be researched and the answer supplied at a later date.
- 34.5 Normally if a person to whom a question is put does not answer the questions at that meeting or during that meeting, they should do so at the next meeting, or alternatively via direct communication (e.g. letter, e-mail, telephone call etc) with the person asking the question. The Councillors will be provided with a copy of the response via Council's information sheet.
- 34.6 No resolutions are to be put at the meeting as a result of the questions raised, answers to be provided at the following meeting unless the matter raised comes under the consideration of Clause 241(3) of the Regulation, if:
- (i) A motion is passed to have the matter brought before the meeting; and
  - (ii) The matter is ruled by the chairperson to be of great urgency.
- 34.7 Question time is to be reserved as an opportunity for members of the public to ask genuine questions of Council. It is not to be a forum for making statements or expressing points of view.
- 34.8 Any person making use of question time is required to observe the same standards required of a Councillor. Specifically he or she must:
- (a) obey the directions of the Chairman;
  - (b) not use any behaviour or language inconsistent with good order and decorum;
  - (c) not make personal reflections or impute improper motives to Councillors or staff; and
  - (d) not raise a question having the same effect (albeit differently worded) within a period of three months following the time the original question was answered.

## **COUNCILLOR QUESTION TIME**

Councillor question time will follow public question time. Councillors must adhere to the guidelines set out in Griffith City Council's Code of Meeting Practice as follows:

### **33. Questions may be put to Councillors and Council employees (Councillors Question Time)**

- 33.1 A councillor:
- (a) may, through the chairperson, put a question to another councillor; and
  - (b) may, through the chairperson and the General Manager, put a question to a Council employee.
- 33.2 However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
- 33.3 The Councillor must put every such question directly, succinctly and without argument.
- 33.4 The chairperson must not permit discussion on any reply or refusal to reply to a question put to a councillor or Council employee under this clause.
- 33.5 Normally if a person to whom a question is put does not answer the questions at that meeting or during that meeting, they should do so at the next meeting, or alternatively via direct communication (e.g. letter, e-mail, telephone call etc) with the person asking the question. The Councillors will be provided with a copy of the response via Council's information sheet.
- 33.6 To assist with the recording of minutes, a councillor will put the question in writing prior to putting the question.
- 33.7 Councillors may ask one (1) question only (with any additional questions to be at the discretion of the chair).
- 33.8 Where possible, the terms of a question to be put to a council employee should be conveyed to the employee prior to the meeting.
- 33.9 No resolutions are to be put at the meeting as a result of the questions raised, answers to be provided at the following meeting unless the matter raised comes under the consideration of Clause 241(3) of the Regulation, that is if:
- (i) A motion is passed to have the matter brought before the meeting; and
  - (ii) The matter is ruled by the chairperson to be of great urgency.



**ORDINARY MEETING OF GRIFFITH CITY COUNCIL  
TO BE HELD IN THE COUNCIL CHAMBERS, GRIFFITH ON  
11 FEBRUARY 2014 AT 7.00 PM**

Griffith City Council  
PO Box 485  
GRIFFITH NSW 2680

Mayor and Councillors:

**NOTICE OF MEETING**

I have to inform you that an **ORDINARY MEETING** of the Council will be held in the **Council Chambers, Griffith** at **7.00 pm** on **TUESDAY, 11 FEBRUARY 2014**.

The agenda for the meeting is:

- 1 Acknowledgement and Council Prayer
- 2 Apologies
- 3 Confirmation of Minutes
- 4 Matters Arising from the Minutes
- 5 Declarations of Interest
- 6 Presentations
- 7 Mayoral Minutes
- 8 General Manager's Report
- CL01 p15 Lease of State Bank House - 81 Kooyoo Street to Campbell Page Limited
- CL02 p20 Licence Agreement for Part Drainage Reserve 159011 - 34A Harward Road, Griffith
- CL03 p29 Licence Agreement for Road Reserve Adjoining Lot 1 DP 1067528 - International Backpackers Hostel
- CL04 p34 Council Committee Delegations and Designated Persons
- CL05 p37 Independent Local Government Review Panel - Final Report  
Local Government Act Review Task Force - Final Report
- 9 Information Reports

10 Adoption of Committee Minutes

p55 Minutes of the Business Development and Major Projects Management  
Committee Meeting held on 20 January 2014

11 Business with Notice - Rescissions Motions

12 Business with Notice - Other Motions

13 Question Time

14 Outstanding Action Report

15 Matters to be dealt with by Closed Council

Yours faithfully

**JENNIFER O'DONNELL-PRIEST**  
**GOVERNANCE OFFICER**



**MINUTES OF THE ORDINARY MEETING HELD IN THE COUNCIL  
CHAMBERS, GRIFFITH ON 28 JANUARY 2014 COMMENCING AT 7.03PM**

**PRESENT**

The Mayor, John Dal Broi in the Chair; Councillors, Alison Balind, Pat Cox, Simon Croce, Doug Curran, Anne Napoli, Mike Neville, Paul Rossetto, Christine Stead and Leon Thorpe.

**STAFF PRESENT**

General Manager, Brett Stonestreet; Director Infrastructure and Operations, Dallas Bibby; Director Sustainable Development, Neil Southorn; Director Utilities, David Tull; Director Business, Cultural & Financial Services, Max Turner; Manager Executive Services, Shireen Donaldson and Minute Secretary, Naomi Brugger.

**MEDIA**

Jack Morphett, The Area News, Dolf Murwood, 2MIA FM

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

**PROCEDURAL MATTERS**

**APOLOGIES**

0016

**RESOLVED** on the motion of Councillors Rossetto and Thorpe that an apology be received from Councillor Zappacosta and a leave of absence be granted.

**CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL  
HELD 14 JANUARY 2014**

0017

**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 14 January 2014, having first been circulated amongst all members of Council, be confirmed.

**BUSINESS ARISING FROM THE ORDINARY MEETING OF COUNCIL HELD 14  
JANUARY 2014**

**MM01 Petroleum Exploration Licence Application N. PELA 154**

Councillor Cox asked if Council could contact the NSW Government and request that the MIA be included as a critical industry cluster for agricultural purposes as the region has not been included to date.

The Mayor advised that it was not too late to make a submission with regard to being included as a critical industry cluster. The Mayor advised that the State Government will only consider applications for critical industry cluster status on an industry specific basis i.e. They will not consider a single application to have the entire MIA declared a critical industry cluster. He further advised that Council's submission will include support for each of the major agricultural industries within the Griffith LGA.

**DECLARATIONS OF INTEREST**

**NON-PECUNIARY INTERESTS**

The following Councillors declared non-pecuniary interests in the following clauses:

Councillor Alison Balind

CL02 Reason - Councillor Balind was the author of Growing Griffith 2030.

*Make a declaration, stay in the Chamber and participate in the debate and vote.*

CL03 Reason - Councillor Balind, until recently was the owner of a strata property.

*Make a declaration, stay in the Chamber and participate in the debate and vote.*

Councillor Christine Stead

CL04 Reason - Councillor Stead has spoken to the president of Griffith Men's Shed.

*Make a declaration, stay in the Chamber and participate in the debate and vote.*

Councillor Leon Thorpe

CL04 Reason - Councillor Thorpe has been contacted by members/supporters of the Griffith Men's Shed relative to the group's finances and programmes.

*Make a declaration, stay in the Chamber and participate in the debate and vote.*

**PECUNIARY INTERESTS**

The following Councillor declared a pecuniary interest in the following clause:

Councillor Anne Napoli

CL03 Reason - Councillor Napoli owns a unit with a strata title.

**PRESENTATIONS**

The Mayor advised members of the Abruzzi Association were in attendance to present a cheque for the Griffith Community Private Hospital Fundraising.



0018

**RESOLVED** on the motion of Councillors Napoli and Stead that standing orders be suspended to allow the Abruzzi Foundation to present a cheque for \$6,000 to Mayor John Dal Broi and Councillor Napoli on behalf of Griffith Community Private Hospital (to be named St Vincent's Private Community Hospital).

Members of the Abruzzi Association presented the cheque, the time being 7.12pm.

## **GENERAL MANAGER'S REPORT**

### **CL01 INVESTMENTS AT 30 NOVEMBER AND 31 DECEMBER 2013**

0019 (FM)

**RESOLVED** on the motion of Councillors Curran and Cox that Council note the investments report at the end of November and December 2013.

### **CL02 COMMUNITY STRATEGIC PLAN - GROWING GRIFFITH 2030 - INDICATORS AND MEASURES**

0020 (MES)

Councillor Balind **MOVED** that the report **LAY ON THE TABLE**.

The motion was **PUT** and **CARRIED**.

**RESOLVED** on the motion of Councillor Balind that the report lay on the table.

### **CL03 WATER METERING OF STRATA DEVELOPMENTS - PROPOSED CHANGE TO POLICY**

0021 (DU)

Councillor Napoli vacated the Chamber, the time being 7.16pm.

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

(a) Council amend Policy WS-CP-202 to not require separate water meters for each new Title created in the conversion of single owner unit developments to Strata or Community Title.

(b) Recommendation (a) apply subject to a development approval condition on the proponent that a body corporate be established through which Council can legally charge for water access and consumption and sewer.

(c) The draft amended policy be placed on public exhibition for a period of 28 days and if no objections to the proposed amendment be received that the policy be adopted.

Councillor Napoli returned to the Chamber, the time being 7.17pm.

**CL04 GRIFFITH SHED FOR MEN**  
0022 (GM)

**RESOLVED** on the motion of Councillors Stead and Balind that Mr Doug Melville be granted permission to address Council.

Mr Melville, on behalf of the Griffith Shed for Men, addressed Council the time being 7.18pm.

0023

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

- (a) Council decline the request by the Griffith Shed for Men to waive the balance outstanding on an interest free loan being \$9,000.
- (b) Council offer to the Griffith Shed for Men a 12 month deferment of all remaining loan instalments without interest.
- (c) The organisation be advised of Stage 2 of Council's 2013/14 Community Grants Assistance Scheme and that they may wish to make application under that process. All applications are considered on merit by Council.
- (d) The organisation be advised of the existence of the annual NSW State Government Community Partnership program and should the organisation wish to make application under the next round, Council provide a letter of support to that application.

**MINUTES FROM COMMITTEES**

**MINUTES OF THE GENERAL FACILITIES MANAGEMENT COMMITTEE MEETING  
HELD ON 3 DECEMBER 2013**

0024

**RESOLVED** on the motion of Councillors Curran and Neville that the Minutes of the General Facilities Management Committee meeting held on 3 December 2013, having first been circulated amongst members, be adopted.

**MINUTES OF THE ENVIRONMENTAL SUSTAINABILITY MANAGEMENT  
COMMITTEE MEETING HELD ON 10 DECEMBER 2013**

0025

**RESOLVED** on the motion of Councillors Cox and Balind that the Minutes of the Environmental Sustainability Management Committee meeting held on 10 December 2013, having first been circulated amongst members, be adopted.

**MINUTES OF THE COMMUNITIES MANAGEMENT COMMITTEE MEETING HELD  
ON 17 DECEMBER 2013**

0026

**RESOLVED** on the motion of Councillors Napoli and Thorpe that the Minutes of the Communities Management Committee meeting held on 17 December 2013, having first been circulated amongst members, be adopted.

## **QUESTION TIME**

### **PUBLIC QUESTION TIME**

(Council note: questions as recorded in the Minutes are exact copies of the material provided by the member of public asking the question).

**Mr Lance Perry asked the following question:**

**"How much money was lost due to the change of venue at pioneer park. What thought was given to the volunteers that were denied the chance to attend the theatre?"**

The Mayor advised a total of 150 breakfasts were served at Pioneer Park Museum and the Acting Manager is in the process of coordinating an event for the volunteers to use the left over food (which has been frozen).

The Mayor added the profit margin was not too different from previous years, despite numbers being reduced. The Mayor noted options would be investigated for future Australia Day events.

### **COUNCILLOR QUESTION TIME**

**Councillor Thorpe asked the following question:**

**"RE: WATER COOLER**

**With weather still on the warm side what is the situation please for cool drinking water in the public area of the offices ground floor?"**

Mr Stonestreet advised that a small cooler had been purchased and installed in the main foyer, however was faulty and alternate arrangements are being made.

**Councillor Balind asked the following questions:**

**"Could the Director of Infrastructure and Operations provide an update on the waste facility re-development and whether green waste collections will be incorporated into future waste management?"**

Director Utilities, Mr David Tull, advised the concept design had been finalised and would be presented to the Utilities Committee on 15 February where a decision would be made on moving forward with the full design.

Mr Tull added it was too early to make a decision regarding green waste. There are options to introduce a green waste collection service, however this would require extensive community consultation.

**"Could the Director currently responsible for the Cycleway and Footpath Strategy to provide Councillors with an update as to how many funding opportunities have been pursued and the future development/expansion of the shared pathways?"**

Director Infrastructure and Operations, Mr Dallas Bibby, advised that this financial year Council had received \$50,000 from the Roads and Maritime Service, which is matched dollar for dollar by Council. The current strategy outlines the shared footpath/cycleway linking Poole Street with Collina. Mr Bibby added it is understood that the funding arrangement would continue for the next three years with the adopted strategy currently focussed on the Collina area.

## **OUTSTANDING ACTION REPORT**

### **22 October 2013 Update on Air Travel Between Griffith and Melbourne**

Councillor Curran enquired if there was any update on this matter with the Mayor advising there was nothing further to report at this stage.

0027

**RESOLVED** on the motion of Councillors Thorpe and Napoli that the Outstanding 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. (Section 10A(2)(i)).**

**IC01 TENDER 2-13/14: SUPPLY AND DELIVERY OF WATER & SEWERAGE TREATMENT CHEMICALS - Commercial Advantage 10A(2)(d)**

0028

**RESOLVED** on the motion of Councillors Rossetto and Thorpe 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 it's meeting at 7.51pm. The public and media left the chamber.

0029

**RESOLVED** on the motion of Councillors Rossetto and Stead that open Council be resumed. Open Council resumed at 7.58pm.

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

**MATTERS DEALT WITH IN CLOSED COUNCIL**

**IC01 TENDER 2-13/14: SUPPLY AND DELIVERY OF WATER & SEWERAGE TREATMENT CHEMICALS**

0030 (SWSE)

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

(a) Council accepts the offers on Tender 2-13/14: Supply and Delivery of Water & Sewerage Treatment Chemicals from:

- (1) Redox (for dense soda ash and sodium silica fluoride) at \$440/ton and \$1,250/ton
- (2) Omega Chemicals (for liquid alum) at \$247.50/ton
- (3) Orica (for liquid chlorine gas) at \$2,794/920 kg drum, and
- (4) Biosol (for replacement chemicals for ferrous chloride and magnesium chloride BRX 2DE, BRX 1CN, BRX 3EY) at \$12.10/litre, \$1.59/litre and \$16.35/litre

(b) Council approve purchasing of alum replacement chemical from Nalco (Altrion 44560) pending the outcome of two (2) more offered alternatives

(c) Council approve purchasing of currently used dewatering polymer from Nalco (Polymer 71306), pending the outcome of one (1) more offered alternative

(d) A future report to Council be submitted following the completion of trials with offered alternative chemicals.

There being no further business the meeting terminated at 7.59pm.

Confirmed: .....  
CHAIRPERSON

## **GRIFFITH CITY COUNCIL** **REPORT**

**CL01**

**SUBJECT: LEASE OF STATE BANK HOUSE - 81 KOOYOO STREET TO  
CAMPBELL PAGE LIMITED**  
**FROM: Daphne Bruce, Corporate Property Officer**

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### **SUMMARY**

A lease was in place with Campbell Page Limited for occupation of the Council owned building at 81 Kooyoo Street, Griffith (State Bank House). The lease expired on the 31 December 2013. The lease contained an option to renew the agreement for a further 2 years (1 January 2014 until 31 December 2016).

Campbell Page Limited have requested by letter to Council's solicitor, dated 16 September 2013, a new agreement be entered into with a term of 1 year and further option of 1 year. The change in terms is requested as it will be consistent with the contract and funding of the program "Youth Connections" that is provided by the applicant.

Campbell Page is a not-for-profit organisation providing their Youth Connections Program to young people aged between 13 and 19 years. The aim of the program is to assist the young to continue in education, training or employment.

The initial annual lease fee for 2013 was \$16,000 + GST, increasing annually with the Consumer Price Index.

### **RECOMMENDATION**

**(a) Council approve the lease of State Bank House to Campbell Page Limited for a term commencing 1 January 2014 to 31 December 2014 with an option to renew the lease for a further 1 year.**

**(b) The lease fee commencing 1 January 2014 be charged at \$16,432.00 + GST and increasing thereafter with the Consumer Price Index on commencement of each new term.**

**(c) Campbell Page Limited shall be responsible for all water, rates, electricity, cleaning, ground maintenance and any internal maintenance (on approval of Council) together with all legal costs associated with the preparation of the lease agreement.**

**(d) Council authorise the Mayor and General Manager to execute all documents relating to the lease on behalf of Council under the common seal.**

### **BACKGROUND**

Council entered into a lease agreement with Campbell Page Limited for occupation of 81 Kooyoo Street (State Bank House) for a term commencing 19 November 2012 to 31 December 2013 with a further option of 2 years.

A letter was received by Council Solicitors, with a request from Campbell Page Limited requesting to renew the lease for a further 1 year with an option of 1 year to be consistent with their contract for the provision of the Youth Connections Program, which assists young people to continue in education, undertake training or employment.

The original agreement had a lease fee of \$16,000 + GST, to increase annually with the Consumer Price Index (CPI). The CPI ending December 2013 is 2.7%. The lease fee for 2014 would therefore be \$16,432.00 plus GST.

### **OPTIONS**

(a) The above recommendation is the preferred option to continue the provision of the Youth Connections Program and for Council to receive an annual rental on the property.

(b) Council may determine to advertise for Expression of Interest to lease the State Bank House which would require Campbell Page to relocate if their application was unsuccessful.

### **STATUTORY IMPLICATIONS**

#### **a) Policy Implications**

Not Applicable

#### **b) Financial Implications**

Council will see an annual return on the property of \$16,432 plus rates, maintenance of the grounds and any internal maintenance if so required.

#### **c) Legal/Statutory Implications**

(d) Environmental Implications

The leasing of the State Bank House to Campbell Page will see no environmental implications.

(e) Community Implications

The community would expect Council to achieve the maximum return on its properties whilst also supporting programs of this type.

### **CONSULTATION**

Senior Management Team

### **STRATEGIC LINKS**

#### **a) Growth Strategy Plan**

Growing Griffith 2030 - Community Strategic Plan  
L5 - Utilise facilities and services for optimal participation.



**b) Corporate/Business Plan**

Council's Delivery Program 2013 -2017

L5.2 - Promote pathways into alternative education and training where appropriate.

**ATTACHMENTS**

- (a) Letter from Campbell Page Limited
- (b) Campbell Page Limited - Youth Connections

(a) Letter from Campbell Page Limited



*rebuilding futures*

16 September 2013

Cater & Blumer  
PO Box 479  
GRIFFITH NSW 2680

Attn: Carla Gash

Dear Ms Gash

**RE: 81 KOORYOO STREET, GRIFFITH**

This letter is to advise that Campbell Page would like to renew the above mentioned lease for one (1) year.

We understand that the terms of renewal are for two (2) years, however, due to our contract for the program ending late 2014, we wish to renew for only one (1) year with the option to renew for another one (1) year if we are successful in renewing our program contract.

The lease is to be in the name of Campbell Page Limited with renewal term of 1 January 2014 to 31 December 2014 (1 year).

Please forward the Lease to:  
Erin Townsend  
Campbell Page Ltd  
1 Museum Pl  
Batemans Bay NSW 2536

If you have any enquiries please call 02 4475 3471 or email [erin.townsend@campbellpage.org.au](mailto:erin.townsend@campbellpage.org.au).

Regards

Briana Pope  
National Property & Fleet Manager  
Ph: 0448 903 970  
Email: [briana.pope@campbellpage.org.au](mailto:briana.pope@campbellpage.org.au)



**National Office**  
1 Museum Pl, Batemans Bay NSW 2536  
T. (02) 4475 3555 F. (02) 4475 3560 [www.campbellpage.org.au](http://www.campbellpage.org.au)  
Campbell Page Limited ACN 120 363 635

## **Youth Connections NSW**

The Youth Connections program provides a holistic approach to servicing young people at risk including support for individual young people and the broader community. Eligibility in NSW is all young people at risk between the ages of 11 and 19.

The Youth Connections program is available to eligible young people who are most at risk of disengaging, or already disengaged from education, family and/or the community. Service delivery will be characterised by flexible and individualised case management to young people to remain engaged or re-engage them with education and/or further training, and to improve their ability to make positive life choices.

We will also work to strengthen and better coordinate services in our regions and build the capacity for key stakeholders.

## **GRIFFITH CITY COUNCIL** **REPORT**

**CL02**

**SUBJECT:** LICENCE AGREEMENT FOR PART DRAINAGE RESERVE 159011 -  
34A HARWARD ROAD, GRIFFITH  
**FROM:** Daphne Bruce, Corporate Property Officer

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### **SUMMARY**

A report was presented to the Ordinary Meeting of Council on the 14 January 2014 on licensing of part Drainage Reserve 159011, 34A Harward Road, Griffith to Altina Holdings Pty Ltd and Joseph Gino Altin.

The report was laid on the table.

### **RECOMMENDATION**

- (a) The report be raised from the table.**
- (b) Council approve to enter into a licence agreement with Altina Holdings Pty Ltd and Joseph Gino Altin for part drainage reserve 159011 (34A Harward Road) for a term of 10 years commencing 1 August 2013 and terminating 31 July 2023.**
- (c) The licence fee be charged as per the adopted Council Revenue Policy for lease of drainage reserves being 5% of current land value, minimum \$500 and the leased area continue to be consolidated for land rating purposes only.**
- (d) Altina Holdings Pty Ltd and Joseph Gino Altin be required to pay all applicable costs and charges associated with the preparation of the licence agreement together with Council's Administration fee of \$359.**
- (e) Council authorise the Mayor and General Manager to execute the licence agreement on behalf of Council under the common seal.**

### **BACKGROUND**

A report to Council on the 14 January 2014 was seeking approval to enter into a licence agreement with Altina Holdings Pty Ltd and Joseph Gino Altin for part drainage reserve 159011, 34A Harward Road, Griffith. The drainage reserve is a crown reserve of which Council was appointed Trustee. A lease was in place over the drainage reserve for a period of 10 years and expired on the 31 July 2013. The lease had an option to renew for a further term of 10 years.

As the opportunity to take up the option to renew the lease had expired and a change in the lessees details from the original agreement, and a further requirement by the Department of Trade & Investment, as owner, to enter into licence agreements over lease agreements for part lots, a new licence agreement was recommended setting out all terms and conditions.

The recommendation in the previous report was made on the basis of a continuation of Council's previous resolved position. Councillor Lancaster moved that the report "lay on the table". The information brought by Councillor Lancaster warranted consideration as it aligns with and provides a consistent approach over leasing of Crown Land in accordance with Council's Revenue Policy.

Councillor Lancaster has requested further information (Attachment A).

A lease agreement was entered into in August 1998 over the drainage reserve for a term of 5 years with further options of 3 x 5 years. At the time it was resolved the annual lease fee would be \$70, subject to annual increases with the Consumer Price Index (CPI) together with all Council rates and charges assessed on the property.

A report to Council of 22 April 2003 resolved to enter into a new lease for a term of 10 years with an option of 10 years and Council further resolved to obtain a valuation of the drainage reserve with a view of potential sale and/or review of the annual rental.

The valuation considered a market rental for the reserve of \$105 per annum. Council further resolved at the meeting of 26 August 2003 that the lease fee remain at \$82 per annum to increase with CPI.

The lease fee has continued to be adjusted by CPI each year with the current amount \$118.74 for 2013/14. Council's adopted Revenue Policy, Fees and Charges also provides for fees to be charged as follows:

Lease of road reserves, drainage reserves etc, for business purposes:

(i) where the lease forms an integral part of business, including provision of car parking 5% of current land plus rates (minimum \$500)

Using the above principle of 5% of the land value it is estimated the annual fee would be \$356.32 or the minimum of \$500 plus rates for an area estimated at 530m<sup>2</sup>.

An adjoining drainage reserve under the control of Murrumbidgee Irrigation (MI) with an area of 1223m<sup>2</sup> would usually be licensed by MI at the minimum crown lands rental, currently \$470 to Altins, but is under negotiation with Altins for purchase.

Land that is under the control of Council is subject to municipal rates and charges unless exempt under the Local Government Act 1993. The subject land was not an exception with a report to the Ordinary Meeting of Council 9 August 2005 (Attachment B) resolving not to supply water to the drainage reserve or connect to the sewer and Council was to advise the Valuer General to consolidate the land with adjoining land for land rating purposes. Local Government Act 1993 Section 557 (2) and Section 558 (1) (d) & (e).

Council further resolved to write off all rates, charges and interest levied on the drainage reserve from 1 August 2003.

The drainage reserve has been amalgamated with adjoining land for the purpose of land rates only.

## **OPTIONS**

(a) Council may resolve to continue with the existing licence fees increasing each year with CPI whilst it is determined if the part drainage reserve will be relinquished from

Council's control back to the crown for sale to Altina Holdings Pty Ltd and Joseph Gino Altin.

(b) Council may resolved to increase the licence fee in line with the adopted Revenue Policy of 5 % of the land value or a minimum of \$500 and continue to negotiate the relinquishment of the part drainage reserve back to the crown for future sale to Altina Holdings Pty Ltd and Joseph Gino Altin.

## **STATUTORY IMPLICATIONS**

### **a) Policy Implications**

Policy Title: Road Reserves - Lease for Commercial Purposes  
Policy Objective:

To provide a means of producing income and reducing maintenance by Council on unnecessary road and drainage reserves.

Policy Statement:

1. Leases of road reserves and drainage reserves for commercial purposes shall be classified as either:-

(a) Leases considered to be essential to and forming an integral part of the operation of the business; or

(b) Leases that are not essential to the business and are used for landscaping and similar works to enhance the appearance of the area.

The lessee shall be liable for the payment of rates and a lease fee based on:-

(i) In the case of category (a), 5% of the current land value; and

(ii) In the case of category (b), a nominal annual rental (refer to Revenue Policy).

2. Council determine an annual approval fee where an approved on-street car parking on the footpath verge is endorsed, based on an annual fee per car space (refer to Revenue Policy).

### **b) Financial Implications**

Council is receiving \$118.74 (2013/2014) per annum for an area of 530m<sup>2</sup>. Under the adopted Revenue Policy Council could resolve that the annual licence fee be the minimum rental of \$500. The land rates have been amalgamated with an adjoining parcel of land for rating purposes only and no water or sewer is connected to the land.

### **c) Legal/Statutory Implications**

LOCAL GOVERNMENT ACT 1993 - SECT 557

557 What land is exempt from water supply special rates and sewerage special rates?

(1) In addition to the land specified in section 555, water supply special rates may not be levied on land to which the council has resolved not to supply water.

(2) In addition to the land specified in section 555, sewerage special rates may not be levied on land which the council has resolved not to connect to the council's sewers.

## LOCAL GOVERNMENT ACT 1993 - SECT 558 (refer (1) (d) & (e) and (5))

558 What land and bodies may be exempted from water supply special rates and sewerage special rates?

(1) A council may exempt the following from payment of water supply special rates and sewerage special rates:

- (a) a public reserve,
- (b) a public hospital,
- (c) a public charity,
- (d) land:
  - (i) that is unoccupied, and
  - (ii) that is not supplied with water from a council water pipe and is not connected to a council sewer, and
  - (iii) that the council has determined is unsuitable for the erection of a building because it is liable to flooding or tidal inundation or liable to be affected by a coastal hazard,
- (e) land that, in the opinion of the council, it is impracticable, having regard to the physical features of the land or any unusual cost that may be incurred, to supply with water or connect to the sewer.

(2) A council may exempt from payment of water supply special rates land that is within 225 metres of a gravitation or rising water main and that is not connected to the main.

(3) A council may exempt from payment of sewerage special rates land that for the time being is not rateable in respect of the water supply special rate.

(4) A public hospital that is exempt from payment of water supply special rates is to be supplied with water, and a public charity that is so exempt may be supplied with water, on the following conditions:

(a) there is to be supplied free of charge:

(i) in the case of a public hospital-300 litres per day (or such greater quantity as the council may determine) for each person resident in the hospital, and

(ii) in the case of a public charity-140 litres per day (or such greater quantity as the council may determine) for each person resident in an institution conducted by the public charity,

(b) for the purposes of this provision:

(i) an inmate is taken to be resident, and

(ii) the number of persons resident is the average number of persons resident during the year preceding the period in respect of which charges would be payable, and

(iii) the general manager may, at any reasonable time, require the production of the records of the public hospital or public charity to verify the average number,

(c) the supply is to be through a meter,

(d) any quantity of water in excess of that which may be supplied free of charge is to be paid for at the charge fixed by the council for excess water.

(5) The council may revoke or alter an exemption.

### d) Environmental Implications

The licensed part of the drainage reserve has been piped and fenced by Mr Altin and is used as a storage area. There is no recognised environmental implications.

### e) Community Implications

The community would expect Council to achieve the maximum return on its managed properties whilst also supporting business where possible.

## **CONSULTATION**

Senior Management Team  
Rates Department

## **STRATEGIC LINKS**

### **a) Growth Strategy Plan**

Growing Griffith 2030 - Community Strategic Plan  
D2 - Attract and develop new value-adding industries.

### **b) Corporate/Business Plan**

Council's Delivery Program 2012-2017  
D2.1.2 - Provide adequate industrial and commercial land via the Local Environmental Plan. ongoing.

## **ATTACHMENTS**

- (a) Councillor Lancaster's email
- (b) Report Ordinary Meeting of Council 9 August 2005 - Council Rates and Charges  
Applicable to the Lease of Drainage Reserve 159011 - GR & JG Altin



(a) Councillor Lancaster's email

From: "Bill Lancaster" <blancaster@griffith.com.au>  
To: Brett.Stonestreet@griffith.nsw.gov.au, "John DalBroi" <jdalbroi@griffith.com.au>,  
Date: 19/01/2014 08:43 PM  
Subject: Lease fees and liability for rates

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Hi Brett & John

If I can just expand on Council's resolution to lay the Motion in respect to Clause 2 at the meeting on 14th Jan 2014 on The Table. I do believe it would assist Councillors to have a short report on what and when rates and charges are payable including water & sewage special rates and when land can be exempt and when.

But in respect to this clause I think it is apparent that the recommendation invites Councillors to deviate from the provisions of Council's Revenue policy. I do believe that in such circumstances it should be clearly spelt out in the report the justification for departing from the policy.

If the policy causes hardship then we should think about changing the policy. Particularly because it fairly recent times we have applied the policy without considering if an exemption or deviation should apply. I refer for the sake of comparison to the granting of the licence of part of the road reserve near the VW dealership, and Casella's lease of the drainage reserve in Jondaryan Ave.

In respect to the road reserve it is about half the area but a rent of almost \$1000 a year was set plus rates.

The drainage reserve at Casella's is about twice the area, but a narrow strip only about 4 metres wide but they are required to pay about \$1500 plus rates.

To assess how much rent the licensee should pay for the drainage reserve at Harward Rd perhaps we could look at what rent they are paying for part of Lot 2151 DP723169 which is adjacent to the area the subject of the clause. There are a lot of parallels, true it is slightly narrower about 6 meters rather than 10 but it is longer. It also appears to be used in the same manner as the subject area, ie the storage and display of concrete products.

I am presuming that the licensee don't lease that (2151/723169) part of what appears to be a former drainage reserve from Council, but as a title search shows it is owned by the State of NSW then they probably pay a lease fee to the Lands Department. I think if we check how much that is we would be justified in charging a similar amount.

I don't have any axe to grind, but I would like to see consistency. And where we can't be consistent than a clear reason and explanation.

Regards  
Bill Lancaster

(b) Report Ordinary Meeting of Council 9 August 2005 - Council Rates and Charges  
Applicable to the Lease of Drainage Reserve 159011 - GR & JG Altin

## **GRIFFITH CITY COUNCIL** **REPORT**

**CL03**

<b>SUBJECT:</b>	<b>COUNCIL RATES AND CHARGES APPLICABLE TO THE LEASE OF DRAINAGE RESERVE 159011 - GR &amp; JG ALTIN</b>
<b>FROM:</b>	John Humphris, Revenue Team Leader

### **SUMMARY**

Council has received a request from Mr Gino Altin to write off rates applicable to the drainage reserve known as 34A Harward Road Griffith. Mr Altin has also requested that Council ceases to rate the land as a separate entity in future. Part of the drainage reserve is leased by GR & JG Altin and is used as a storage area for pipes and other equipment as part of the Bruno Altin business. The drainage reserve is Crown Land and Council is the trustee of the land.

At present rates are applicable to the leased area of the drainage reserve on the basis that land that is vested in a Council or under the control of a Council and is leased, is rateable. The 2004/05 rates on the reserve including water and sewerage charges totalled \$664. The annual rental was \$82 and the 2002 land value is \$2,100.

### **RECOMMENDATION**

**(a) That Council resolves not to supply water to the drainage reserve 159011 known as 34A Harward Road Griffith.**

**(b) That Council resolves not to connect the drainage reserve 159011 known as 34A Harward Road Griffith to the Council's sewers.**

**(c) That Council officers liaise with Council's legal advisors and Mr Gino Altin so that B Altin (his heirs, successors and assigned) is shown as the lessee as from 01 August 2003.**

**(d) That B Altin (his heirs, successors and assigned) pay all legal fees that are associated with the alterations to the lease.**

**(e) That Council officers advise the Valuer General when the lease is altered for a consolidated valuation in respect of Assessment Nos. 9911249 and 9922709.**

**(f) That Council writes off all rates, charges and interest levied on the drainage reserve from 01 August 2003.**

### **BACKGROUND**

The Altins have paid rent and maintained this reserve since the lease was first entered into in 1998. Mr G Altin stated that they have spent a considerable amount of money in

securing and maintaining the land. The 1998 lease stated that they were responsible for all outgoings including rates, water and sewerage charges but these rates were not levied until recently when a new ten (10) year lease was entered into in 2003. Rates and water access notices were then issued however back rates for the previous period (1998 - 2002) have never been requested.

The drainage reserve adjoins the land owned by B Altin (the main assessment) but at present it is difficult for Council to consolidate the rates assessment for the drainage reserve with the main assessment because:

1. the lease is in the name of GR & JG Altin and not B Altin and
2. if the lease was legally changed to B Altin or the reserve was sold to B Altin, it would render the main assessment liable for sewerage rates. This is because the reserve has direct access to the sewer line in Harward Road but the land covered by the main assessment does not have sewerage access.

In current terms a consolidation of the assessments would eliminate the \$664 payable on the reserve but it would add \$1068 to the main assessment because of the additional sewerage charge.

In discussions with Council officers, Mr G Altin has confirmed that unless the rates are written off, they will cease occupancy and therefore maintenance of the reserve and the land will again become the responsibility of the Council.

If Council considers the rates that are presently levied on the reserve to be extreme and is of the view that the effects of a consolidation would be unfair, it can take certain steps to remedy the situation without setting precedent or acting outside of the Local Government Act.

The main assessment currently cannot be connected to sewer and the nature of the business is such, that it has little need to connect. Also it would not be suitable to connect via a drainage reserve.

Under Sec 557 (2) the reserve can be exempted from special sewerage rates by a resolution not to connect to the Council's sewers. The drainage reserve also qualifies for exemption from Special sewerage rates under Sec 558 (1) (d) & (e). Under Sec 558 (5) Council can also revoke or alter an exemption if necessary.

Providing the lease is altered by annexure to show that B Altin is the lessee of the drainage reserve, the reserve can then be consolidated with the main assessment for Ordinary rating purposes. This will eliminate all but a very small amount of additional Ordinary rates that may occur on the main assessment with the amended valuation.

## **OPTIONS**

Council can choose to take the action outlined or leave the situation as it is and take no further action.

## **STATUTORY IMPLICATIONS**

### **a) Policy Implications**

Not Applicable

### **b) Financial Implications**

Council will lose a total of \$1284 in rates - \$664 in 2004/05 and \$620 in 2003/04.

### **c) Legal/Statutory Implications**

*In accordance with Sections 555, 557 and 558 Council can take the recommended action without setting precedent or non compliance with the Local Government Act*

### **CONSULTATION**

Mr Gino Altin  
General Manager  
Assistant General Manager - Corporate  
Administration Manager  
Water and Sewerage Billing Officer  
Manex

### **STRATEGIC LINKS**

#### **a) Growth Strategy Plan**

*Not Applicable*

#### **b) Corporate/Business Plan**

*FINANCE AND MANAGEMENT: To employ sound financial and other management practices so as to optimise use of Council's resources and ensure that the recipients of Council's services receive value and contribute on an equitable basis.*

*COUNCIL SERVICES: To provide services in an effective and cost efficient manner that will satisfy the identified needs of the community.*

### **ATTACHMENTS**

*(a) Locality map*

### **DRAFT RESOLUTION**

0297

*RESOLVED on the motion of Councillors Pittavino and Staltare that:*

*(a) Council resolves not to supply water to the drainage reserve 159011 known as 34A Harward Road Griffith.*

*(b) Council resolves not to connect the drainage reserve 159011 known as 34A Harward Road Griffith to the Council's sewers.*

*(c) Council officers liaise with Council's legal advisors and Mr Gino Altin so that B Altin (his heirs, successors and assigned) is shown as the lessee as from 01 August 2003.*

*(d) That B Altin (his heirs, successors and assigned) pay all legal fees that are associated with the alterations to the lease.*

*(e) Council officers advise the Valuer General when the lease is altered for a consolidated valuation in respect of Assessment Nos. 9911249 and 9922709.*

*(f) Council write off all rates, charges and interest levied on the drainage reserve from 01 August 2003.*

## **GRIFFITH CITY COUNCIL** **REPORT**

**CL03**

**SUBJECT:** LICENCE AGREEMENT FOR ROAD RESERVE ADJOINING LOT 1 DP  
1067528 - INTERNATIONAL BACKPACKERS HOSTEL - WITH  
MICHAEL AND TERESA FARRONATO  
**FROM:** Daphne Bruce, Corporate Property Officer

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### **SUMMARY**

Michael and Teresa Farronato, as new owners of the International Backpackers Hostel, Binya Street, Griffith have requested to enter into a licence agreement for 18 car parking spaces on Council's road reserve.

Development Application No. D14/2000 was approved for the use of the building for a backpackers hostel with associated on street car parking facilities.

Entering into a licence agreement for the car parking will meet the conditions of consent.

### **RECOMMENDATION**

**(a) Council enter into a licence agreement with Michael and Teresa Farronato for 18 car parking spaces located on the road reserves in Koorungal Avenue and Wakaden Street, Griffith.**

**(b) The term of the licence agreement be ten years (1 March 2014 - 29 February 2024) with one further option of ten years (1 March 2024 - 28 February 2034).**

**(c) Michael and Teresa Farronato be required to pay all applicable costs and charges associated with the preparation of the licence agreement together with Council's Administration Fee of \$359.**

**(d) Annual licence fees be charged as per Council's adopted Revenue Policy, currently \$47 per car space (2013/2014) plus rates and charges.**

**(e) Council authorise the Mayor and General Manager to execute all documents relating to the licence agreement on behalf of Council under the common seal.**

### **BACKGROUND**

A lease agreement was in place with the original owner of the premises, Mr Herbert Lovell for a term of 10 years expiring on the 10 February 2013. The premises have since been purchased by Michael and Teresa Farronato, who will continue to use the premises as a backpackers hostel.

Development Approval D14/2000 required the applicant or subsequent owners to enter into an agreement with Council to occupy Council's road reserve for 18 car parking spaces as required for this type of development.

Michael and Teresa Farronato have now requested to enter into an agreement with council over the road reserves.

### **OPTIONS**

(a) The above option is the preferred option as Michael and Teresa Farronato have purchased the International Backpackers Hostel at 112 Binya Street, Griffith and the car parking spaces are a requirement of the original development approval for the property.

(b) Council may determine not to enter into a licence agreement for the road reserve with Michael and Teresa Farronato and consider an alternative option.

### **STATUTORY IMPLICATIONS**

#### **a) Policy Implications**

Policy Title: Road Reserves - Lease for Commercial Purposes

To provide a means of producing income and reducing maintenance by Council on unnecessary road and drainage reserves.

Policy Statement:

1. Leases of road reserves and drainage reserves for commercial purposes shall be classified as either:-

(a) Leases considered to be essential to and forming an integral part of the operation of the business; or

(b) Leases that are not essential to the business and are used for landscaping and similar works to enhance the appearance of the area.

The lessee shall be liable for the payment of rates and a lease fee based on:-

(i) In the case of category (a), 5% of the current land value; and

(ii) In the case of category (b), a nominal annual rental (refer to Revenue Policy).

2. Council determine an annual approval fee where an approved on-street car parking on the footpath verge is endorsed, based on an annual fee per car space (refer to Revenue Policy).

#### **b) Financial Implications**

The current fees for on-street car parking, as per the adopted Revenue Policy for 2013/2014 is \$47 per space plus rates and charges. Council would receive an income of \$846 together with rates.

#### **c) Legal/Statutory Implications**

(d) Environmental Implications

Conditions were imposed with the original development approval and the car parking upgraded to meet Council's requirements.

(e) Community Implications

The community would expect Council to return an acceptable income from their assets and to assist business where possible to provide services to the community.

### **CONSULTATION**

Development Assessment Planner  
Senior Management Team

### **STRATEGIC LINKS**

#### **a) Growth Strategy Plan**

Growing Griffith 2030 - Community Strategic Plan  
D1 - Develop Griffith as a centre of choice for trade, business, health, recreation and employment.

#### **b) Corporate/Business Plan**

Council's Delivery Program 2014 -2017  
D2.5 - Promote opportunities for small businesses to establish in our community.

### **ATTACHMENTS**

- (a) Email from Michael and Teresa Farronato
- (b) Plan of car parking

(a) Email from Michael and Teresa Farronato

Page 1 of 1



Road Reserves  
Michael Farronato

to:

Daphne.Bruce

27/01/2014 06:44 PM

Hide Details

From: "Michael Farronato" <mfarrona@bigpond.net.au>

To: <Daphne.Bruce@griffith.nsw.gov.au>,

History: This message has been replied to.

27 January 2014

Daphne Bruce  
Griffith City Council  
PO Box 485  
GRIFFITH NSW 2680

Attn Daphne,

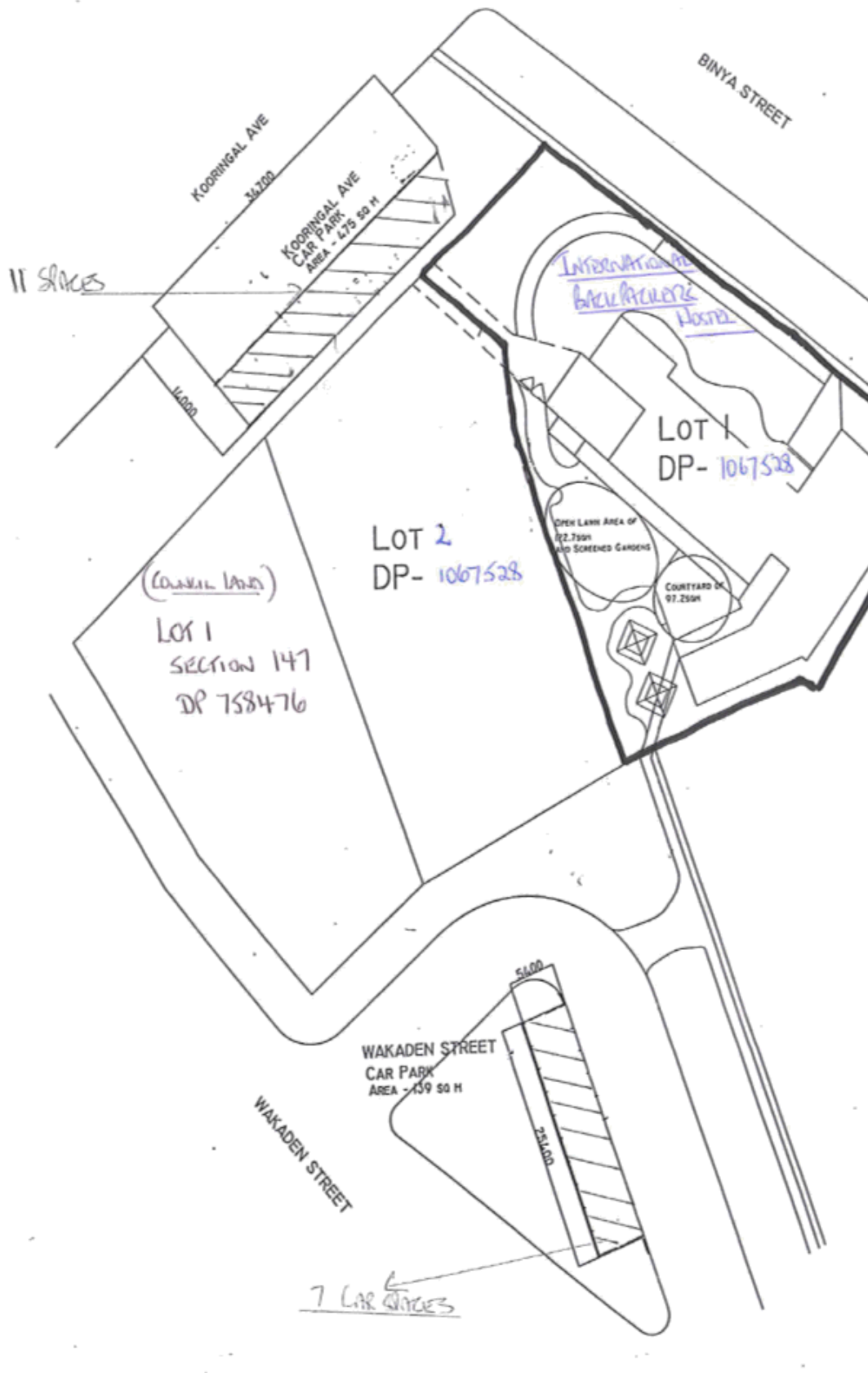
Michael and Teresa Farronato, partnership owners of 112 Binya St, Griffith would like to enter into a licence agreement with Council for the Road Reserves for the car parking in Kooringal Ave and Wakaden St, Griffith.

Thank you,

Michael & Teresa Farronato



(b) Plan of car parking



## **GRIFFITH CITY COUNCIL** **REPORT**

**CL04**

**SUBJECT: COUNCIL COMMITTEE DELEGATIONS AND DESIGNATED PERSONS**

**FROM:** Shireen Donaldson, Manager Executive Services

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### **SUMMARY**

The current Council Committee structure was adopted in February 2013, so it is timely to review the current structure. There a total of twelve section 355 Management Committees of Council which have community and stakeholder representatives that meet on a regular basis. Each of these Committees has a Terms of Reference which identify delegations of authority allocated to that Committee by Council.

A resolution of Council in June 2013 deemed community and stakeholder committee members of these Committees as performing a function of Council and so has required Committee members to complete Annual Disclosure forms subject to the disclosure requirements of section 449 of the Local Government Act 1993.

Failure of all Committee members to comply with this requirement will necessitate Council to amend the Terms of Reference of Committee and remove delegations awarded to Committees. Alternatively, should Council resolve that Committees retain delegation of authority as referred to above, Council will be obligated to enforce prompt completion of Annual Disclosure forms by all Committee members.

Delegations to Management Committees currently include the ability of Committees to make variations on expenditure within approved project budgets.

Currently, any recommendations made by Committees other than expenditure variations within approved project budgets must be adopted by Council to be enacted.

### **RECOMMENDATION**

**(a) Council continue with the current Committee structure pending items (b) and (c).**

**(b) All Committees of Council established under Section 355 of the Local Government Act be deemed Advisory Committees with no delegations including the ability to make variations of expenditure within approved project budgets.**

**(c) Council no longer recognise community or stakeholder Committee members as designated officers exercising a function of Council.**

**(d) Council amend all current Committee Terms of Reference accordingly.**

### **BACKGROUND**

Following the 26 June 2013 resolution, all Committee members were contacted either in person or by post to be provided information regarding their disclosure obligations

and were also provided Annual Disclosure forms with instructions to aid completion.

Due to the requirement becoming active close to the 30 September 2013 lodgement due date, and the logistics of notifying all Committee members against the Committee meetings schedules, Committee members were given an extension of time to lodge annual disclosure forms and were provided with reminders on a regular basis of their requirement to do so.

Advice from the Division of Local Government provides that Council is entitled to make section 355 Committee members designated persons where Council considers the Committee is undertaking a function of Council. Having done so, Committee members at the present time are deemed to be exercising a function of Council and therefore subject to the disclosure requirements of s449 of the Local Government Act 1993.

In terms of options for those members who refuse to comply with the obligation to lodge a return, Council could:

- i) remove those Committee members from the Committee and/or refer complaints to the Division.
- ii) Council could amend the delegations of Committees and remove those delegations which allow Committees to perform a function of Council, also reinforcing that Committees can make recommendations to Council which may be either adopted or rejected by Council.

Committee members would be required to still apply pecuniary and non-pecuniary process to individual Agenda items and declare interests as they arise.

## **OPTIONS**

- (a) Council could choose to amend s355 Committee Terms of Reference and remove a Committee's ability to perform a function of Council.
- (b) Council could choose to retain current Terms of Reference and enforce all members to complete Annual Disclosure returns and exclude Committee members who do not comply with this requirement from membership to a particular Committee.

## **STATUTORY IMPLICATIONS**

### **a) Policy Implications**

- i) Consultation with Management and/or Advisory Committees - Policy GC-CP-403
- ii) Council Committees - Policy GC-CP-402

### **b) Financial Implications**

Committees of Council will have no further financial delegation of authority.

### **c) Legal/Statutory Implications**

Sections 355, 441, 449, 460, 482 of Local Government Act 1993.

## **CONSULTATION**

Division of Local Government,

Councillors  
Senior Management Team

### **STRATEGIC LINKS**

#### **a) Growth Strategy Plan**

Not Applicable

#### **b) Corporate/Business Plan**

In accordance with Growing Griffith 2030 C1 - C7 objectives in the 2013/14 Operational Plan.

### **ATTACHMENTS**

Nil.

## **GRIFFITH CITY COUNCIL** **REPORT**

**CL05**

**SUBJECT: INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL - FINAL  
REPORT  
LOCAL GOVERNMENT ACT REVIEW TASK FORCE - FINAL REPORT**  
**FROM: Brett Stonestreet, General Manager**

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### **SUMMARY**

The Minister for Local Government Hon Don Page MP released the final reports of the Independent Local Government Review Panel and the Local Government Acts Taskforce on 8 January 2014. The Minister has written to all councils in NSW inviting written submissions by Friday 7 March 2014. This report provides Councillors with an overview of the recommendations included in these documents and offers Council the opportunity, if it so desires, to make submission(s) regarding these reports. The Minister has not given an indication at this stage as to when a formal response to these reports will be forthcoming from the Government.

### **RECOMMENDATION**

- (a) Council prepare a submission in relation to the Independent Local Government Review Panel final report.**
- (b) The submission in relation to (a) above provide in principle support to the report provided that the NSW Government adopts the recommendations as a package.**
- (c) Council prepare a submission in relation to the Local Government Acts Review Task Force report.**
- (d) That submission in relation to (c) above provide in principle support to the report.**

### **BACKGROUND**

#### **Independent Local Government Review Panel Report**

The Independent Local Government Review Panel was appointed by the NSW Government in April 2012, following an approach by the then Local Government and Shires Associations (now combined as Local Government NSW). Its task has been to formulate options for governance models, structures and boundary changes:

- To improve the strength and effectiveness of local government
- To help drive the key strategic directions set out in the Destination 2036 Action Plan, and to further the objectives of NSW 2021 : A Plan to Make NSW Number One (the State Plan)

A copy of the report has been previously distributed to Councillors and has been discussed at a Workshop.

The report can be accessed on the internet at:

<http://www.localgovernmentreview.nsw.gov.au/Information.asp?areaindex=LGR&index=102&mi=9>

The report includes 65 recommendations to the Government for consideration and these recommendations are grouped under several themes.

- Fiscal responsibility (1 - 4 )
- Strengthening revenues (5 - 10)
- Meeting infrastructure needs (11 - 17)
- Improvement, productivity and accountability (18 - 25)
- Political leadership and good governance (26 - 30)
- Advance structural reform (31 - 34)
- Regional Joint Councils (35 - 37)
- Rural Councils and Community Boards (38 - 39)
- Metropolitan Sydney (40 - 46)
- Hunter, Central Coast and Illawarra (47 - 49)
- Non-Metropolitan Regions (50 - 52)
- Far West (53 - 55)
- State-Local government Relations (56 - 60)
- Driving and Monitoring Reform (61 - 65)

A schedule of all recommendations is included in attachment (a) to this report.

Some of the key points of interest include:

- "No forced amalgamations"

The Panel makes its view clear that while it respects the current policy position of the Government of "no forced amalgamations" ultimately amalgamations will be necessary particularly in Sydney. It is my view that the Panel's recommendation to revise the powers of the Boundaries Commission in reality is its intended mechanism to break through the resistance of the industry as a whole to amalgamations. This will be the body that drives the amalgamation agenda during the short to medium term.

Councillors should note that the Panel's report indicates the possibility of Griffith being amalgamated with Murrumbidgee Shire Council, with a possible boundary adjustment with Carrathool Shire Council. Note that Murrumbidgee is referred to as a Group B Council. Griffith is a Group D Council. I refer councillors to **page 114 and 115** of the report. Any amalgamation proposal would be referred to the Boundaries Commission. Refer **page 75** (Box 26) which outlines the extensive powers of the Boundaries Commission including the following ***"Require the Minister to implement the Commission's final recommendations in full unless he/she reasonably forms the opinion that the process has been flawed and/or that to proceed would be contrary to the wider public interest."***

- Establishment of "Joint Organisations" which will comprise Mayors from each Council (plus possibility of other members as deemed appropriate on a region by region basis).

The Panel proposes there be a Murrumbidgee Joint Organisation **Page 88** (Griffith, Leeton, Narrandera, Carrathool, Hay and Murrumbidgee (if not concurrently amalgamated with Griffith). Note that the Panel has referenced the 2031 forward

population projections for Griffith and Murrumbidgee **(21,900 page 91 )** as published by Department of Planning. Griffith City Council has put in a substantial submission refuting the accuracy of these projections.

Membership of the Joint Organisations will be mandatory for all councils. There is a large question mark as to the resourcing of these Joint Organisations. These organisations will have statutory responsibilities that ROCs currently do not. With those statutory responsibilities comes accountability which translates into reports, returns etc which staff will be required to provide.

- "Rate pegging"

The Panel believes rate pegging is outdated and should be replaced. Notwithstanding their view, the Panel has recommended 3 options.

Option 1. **Rate Pegging be replaced by 'Rate Bench marking'. Rate Bench marking is the preferred option of the Panel.** Essentially this option scraps rate pegging but State Government publishes extensive data regarding Council's performance including rate increases. The Minister would reserve the power to reintroduce rate pegging for councils who clearly are not providing value for public funds.

Option 2. **Streamlined Rate Pegging** - Ability for councils to raise rates by a maximum of 5% above the ratepegging limit provided the council meets various standards in terms of the Integrated Planning and Reporting Framework (IP&R) .

Option 3. **"Earned Exemptions" from Rate Pegging.** Councils that demonstrate exemplary outcomes via the IP&R framework may apply to IPART for an exemption from rate pegging. IPART will make recommendation to Minister as to whether this should be granted to the particular council. This exemption can be withdrawn by the Minister.

- Redistribution of Grants

The Panel recommends that the current Financial Assistance Grant (FAG) formula received from the Federal Government and distributed by the States be changed such that the "minimum per capita grant" component is abolished. If this were to occur approximately 23 Councils would no longer receive any FAG grant. These councils are predominantly in the Sydney basin. Councillors should refer to **pages 45 and 46** of the Report for more details. In short I consider this to be a positive initiative but would require amendment to Federal legislation as well as changes at State level. There is currently a review of the FAG grant formula at Federal level.

#### Local Government Acts Review Task Force

The Task Force key recommendations are included as attachment (b) to this report. Some observations in relation to the major recommendations are as follows:

- The Integrated Planning and Reporting Framework (IP&R) Framework becomes a central pillar of the New Local Government Act.
- Development of a State wide performance based system that is linked to the

IP&R Framework.

- Option of Postal Voting electoral system.
- Organisation Structure. Council determines Organisation Structure for all senior staff and any staff reporting directly to the General Manager. Remainder of Organisation structure determined by General Manager within the resources allocated by Council.
- Removal of prescriptive level of procurement that must be exposed to tender currently \$150,000.
- Council land classifications to be retained . ie Community or Operational land. However a change in classification of or disposal of Community land to be handled through Council's Asset Management planning and Delivery Plan Program.
- The Local Government Act Task Force Report was finalised prior to the completion of the Independent Local Government Review Report being finalised. Several sections of the Act will therefore require further review including roles and responsibilities of Council officials, review of rating and finance matters and Boundaries Commission powers.

## **OPTIONS**

(a) As per recommendation:

1. Council prepare a submission in relation to the Independent Local Government Review Panel final report.
2. The submission in relation to 1. above provide in principle support to the report provided that the NSW Government adopts the recommendations as a package.
3. That Council prepare a submission in relation to the Local Government Acts Review Task Force report.
4. That the submission in relation to 3. above provide in principle support to the report.

(b) Council prepare a submission in relation to the Independent Local Government Review Panel Final Report and Local Government Acts Task Force Final Report providing qualified support for the documents but identifying specific recommendations which it does not support.

(c) Council note the report.

## **STATUTORY IMPLICATIONS**

### **a) Policy Implications**

Not Applicable

### **b) Financial Implications**

Any action by the NSW State Government in relation to these reports will have financial implications for all councils. It is difficult to quantify the impact on Griffith City Council at this stage.



**c) Legal/Statutory Implications**

The Local Government Act NSW will be re-written and the City of Sydney 1988 Act will be amended.

**CONSULTATION**

Councillors  
Senior Management Team

**STRATEGIC LINKS**

**a) Growth Strategy Plan**

C4 - To advocate on behalf of the community with State and Federal authorities.

**b) Corporate/Business Plan**

Not Applicable

**ATTACHMENTS**

(a) Independent Local Government Review Panel - "Revitalising Local Government 2013"

(b) Local Government Acts Review Task Force - "Summary of Taskforce Recommendations"

## **INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL REPORT –**

### **“REVITALISING LOCAL GOVERNMENT 2013”**

#### **Recommendations**

##### **Fiscal Responsibility**

1. Establish an integrated Fiscal Responsibility Program, coordinated by DLG and involving TCorp, IPART and LGNSW to address the recommendations in the TCorp financial sustainability review and DLGs infrastructure audit.
2. Adopt a set of agreed sustainability benchmarks, introduce rigorous guidelines for Delivery Programs, have TCorp undertake regular sustainability assessments, training for councillors and staff. Require all councils to employ an appropriately qualified Chief Financial Officer.
3. External Audit to be under aegis of Auditor General.
4. Ensure that the provisions of the State-Local Government Agreement are used effectively to address cost-shifting

##### **Strengthening Revenues**

5. Require Councils to prepare and publish more rigorous Revenue Policies
6. Commission IPART to undertake a further review of the rating system focused on: Options to reduce or remove excessive exemptions and concessions that are contrary to sound fiscal policy and jeopardise council's long term sustainability. More equitable rating of apartments and other multi-story dwellings including giving councils the option of rating residential properties on Capital Improved Values with a view to raising additional revenues where affordable
7. Either replace rate pegging with a new system of “rate benchmarking” or streamline current arrangements to remove unwarranted complexity, costs and constraints to sound financial management.
8. Subject to any legal constraints, seek to redistribute Federal Financial Assistance Grants and some State grants in order to channel additional support to councils and communities with the greatest needs.
9. Establish a State borrowing facility to encourage local government to make increased use of debt where appropriate by; reducing the level of interest rates paid by councils and providing low cost financial and treasury management advisory services.
10. Encourage local councils to make increased use of fees and charges and remove restrictions on fees for statutory approvals and inspections, subject to monitoring and benchmarking by IPART.

### **Meeting Infrastructure Needs**

11. Factor the need to address infrastructure backlogs into any future rate pegging or local government cost index.
12. Maintain the Local Infrastructure Renewal Scheme (LIRS) for at least 5 years, with a focus on councils facing the most severe infrastructure problems.
13. Pool a proportion of funds from the roads component of Federal Financial Assistance Grants and, if possible the Roads to Recovery program in order to establish a Strategic Projects Fund for roads and bridges.
14. Require councils applying for supplementary support from the Strategic Projects Fund to undergo independent assessments of their asset and financial management performance.
15. Carefully examine any changes to development infrastructure contributions to ensure there are no unwarranted impacts on council finances and ratepayers
16. Adopt a similar model to Queensland's Regional Roads and Transport Groups in order to improve strategic network planning and foster ongoing improvement of asset management expertise in councils.
17. Establish Regional Water Alliances as part of new regional Joint Organisations.

### **Improvement, Productivity and Accountability**

18. Adopt a uniform core set of performance indicators for councils, linked to IPR requirements and ensure ongoing performance monitoring is adequately resourced
19. Commission IPART to undertake a whole of government review of the regulatory, compliance and reporting burden on councils
20. Establish a new sector wide program to promote, capture and disseminate innovation and best practice
21. The IP&R Guidelines are to be amended to incorporate regular service reviews. The service reviews will be part of the Delivery Program
22. Strengthen requirements for internal performance auditing.
23. Introduce legislative provisions for councils to hold Annual General Meetings
24. Develop a NSW Local Government Workforce Strategy
25. Explore opportunities for the Local Government Award to continue to evolve to address future challenges facing the sector and changing operational needs.

## **Political Leadership and Good Governance**

26. Require councils to undertake regular “representation reviews” covering matters such as the number of councillors, method of election and use of wards. All prospective candidates are required to attend an information session. Amend the role of councillors and mayors and introduce mandatory professional training. Provide for full time mayors and in some cases deputy mayors in larger councils and major regional councils. Amend the provisions for the election of mayors.
27. Increase remuneration for councillors and mayors who successfully complete recognised professional development programs.
28. Amend the legislated role and standard contract of General Managers.
29. Amend the provisions for organisation reviews.
30. Develop a “Good Governance Guide” as a basis for “performance improvement orders”.

## **Advance Structural Reform**

31. Introduce additional options for local government structures, including regional Joint Organisations, “Rural Councils” and “Community Boards”.
32. Legislate a revised process for considering potential amalgamations and boundary changes through a re-constituted and independent Boundaries Commission
33. Encourage voluntary mergers of councils through measures to lower barriers and provide professional and financial support.
34. Provide and promote a range of options to maintain local identity and representation in local government areas with large populations and/or diverse localities.

## **Regional Joint Organisations**

35. Establish new Joint Organisations for each of the regions in NSW by means of individual proclamations negotiated under new provisions of the local Government Act that replace those for County Councils. Sydney JO's to be deferred pending further discussions re mergers. 2 to 3 regions be formed as pilot JO's. Existing County Councils to be subsidiaries of JO's. Establish Regional Water Alliances in each JO. Set core functions of each JO by means of Ministerial Guidelines.
36. Identify one or more regional centres within each JO. Consider potential mergers of councils to consolidate regional centres.
37. Develop close working relationships between JO's and State agencies for strategic planning, infrastructure development and regional service delivery.

### **Rural Councils and Community Boards**

- 38. Establish a working party as part of the Ministerial Advisory Group to further develop the concept of “Rural Councils” for inclusion in the re-written Local Government Act.
- 39. Include provisions for optional Community Boards in the re-written Act.

### **Metropolitan Sydney**

- 40 – 46 various recommendations broadly covering the mechanics of possible mergers.

### **Hunter, Central Coast and Illawarra**

- 47 – 49 possible mergers and formation of Joint Organisations

### **Non-Metropolitan Regions**

- 50. Explore options for non- metropolitan councils in Group A as part of establishing the Western Region Authority.
- 51. Refer councils in Groups B - F to the Boundaries Commission in accordance with Table 11 and the proposed timeline (15.1). (Note that Griffith City Council is a Group D Council and would be referred to the Boundaries Commission during 2014 to 2016)
- 52. Complete updated sustainability assessments and revised long term asset and financial plans for the 38 councils identified in table 11 by no later than mid-2015 (Griffith City Council **is not** included in this group)

### **Far West**

- 53 – 55 Establishment of a Far West Regional Authority.

### **State–Local Government Relations**

- 56. Use the State-Local Agreement as the basis and framework for a range of actions to build a lasting partnership.
- 57. Introduce new arrangements for collaborative, whole of government strategic planning at a regional level.
- 58. Amend the State Constitution to strengthen recognition of elected local government
- 59. Seek advice from LGNSW on the measures it proposes to take to meet its obligations under the State-Local Agreement.
- 60. Strengthen the focus of DLG on sector development and seek to reduce its workload in regulation and compliance.

### **Driving and Monitoring Reform**

61. Establish a Ministerial Advisory Group and Project Management Office
62. Refer outstanding elements of the Destination 2036 Action Plan to the Ministerial Advisory Group.
63. Adopt in principle the proposed **priority initial implementation package** set out in Box 42.
64. Further develop proposals for legislative change
65. Adopt in principle the proposed implementation timeline.

## 1.4 Recommendations by the Taskforce

**Table 2 - Summary of Taskforce Recommendations**

Topic	Recommendations
<b>3.0.0</b> <b>Approach and Principles for the Development of the New Act</b>	<p><b>The Taskforce recommends</b></p> <ol style="list-style-type: none"> <li>(1) integrated planning and reporting form the central framework for the new Act providing local government with a robust strategic planning mechanism that is based on community engagement, expectations and aspirations, and financial responsibilities</li> <li>(2) a flexible, principles-based legislative framework, avoiding excessive prescription and unnecessary red tape, written in plain language and presented in a logical format. The new Act should be confined to setting out the principles of how councils are established and operate. When further detail or explanation is required as to how these principles are to be achieved, regulations, codes and guidelines should be used</li> <li>(3) a more consistent approach be adopted to the definition, naming and use of regulatory and other instruments, noting that currently there is inconsistent use of mandatory and discretionary codes, guidelines, practice notes, discretionary guidelines and the like.</li> </ol>
<b>3.1.0</b> <b>Structure of the New Local Government Act</b>	<p><b>The Taskforce recommends</b> that the new Act is structured with the following elements:</p> <p><b>Part I - Structural Framework of Local Government in NSW</b></p> <ul style="list-style-type: none"> <li>• Purpose of Local Government Act – 3.1.1</li> <li>• Role of Local Government – 3.1.2</li> <li>• Guiding Principles – 3.1.2</li> <li>• Legal status of councils (includes establishment) – 3.1.3</li> <li>• Roles and Responsibilities of Council Officials – 3.1.4</li> </ul> <p><b>Part II - Strategic Framework for Local Government in NSW</b></p> <ul style="list-style-type: none"> <li>• Integrated Planning and Reporting – 3.2.1</li> <li>• Community Engagement – 3.2.2</li> <li>• Performance of Local Government – 3.2.3</li> </ul> <p><b>Part III - Council Operations</b></p> <ul style="list-style-type: none"> <li>• Governance Framework – 3.3.1 – 3.3.8</li> <li>• Financial practices – 3.3.9 – 3.3.11</li> <li>• Public Private Partnerships – 3.3.12</li> <li>• Public Land – 3.3.13 – 3.3.14</li> <li>• Regulatory Functions – 3.3.15 – 3.3.16</li> <li>• Other functions</li> </ul> <p><b>Part IV - Tribunals and Commissions - 3.3.17</b></p>
<b>3.1.1</b> <b>Purposes of the Local Government Act</b>	<p><b>The Taskforce recommends</b> that the Purposes of the Local Government Act be drafted as follows:</p> <p>The purpose of this Act is to provide</p> <ol style="list-style-type: none"> <li>(1) a legal framework for the NSW system of local government in accordance with section 51 of the <i>Constitution Act 1902 (NSW)</i></li> <li>(2) the nature and extent of the responsibilities and powers of local government</li> <li>(3) a system of local government that is democratically elected, interactive with and accountable to the community, and is sustainable, flexible, effective and maximises value.</li> </ol>
<b>3.1.2</b> <b>Role and Guiding Principles of Local Government</b>	<p><b>The Taskforce recommends</b> the inclusion of a new Role of local government and a set of Guiding Principles for local government as follows:</p> <p><b>Role of Local Government</b></p> <p>The Role of local government is to provide local democracy, strategic civic leadership, stewardship and sound governance to achieve sustainable social, economic, environmental, health and wellbeing and civic engagement through:</p> <ol style="list-style-type: none"> <li>(1) utilising integrated planning and reporting</li> <li>(2) working in cooperative arrangements with the community, other councils, State and Commonwealth Governments to achieve and report outcomes based on community priority as established through integrated planning and reporting</li> <li>(3) providing or procuring effective, efficient and financially affordable economic assets, services and regulation</li> <li>(4) exercising democratic local leadership and inclusive decision-making</li> <li>(5) having regard to the long term and cumulative effects of its decisions</li> <li>(6) valuing local difference and system diversity</li> <li>(7) committing to the application of the Guiding Principles of local government</li> </ol>

Topic	Recommendations
<b>3.1.2</b> <b>Role and Guiding Principles of Local Government</b> <b>cont'd</b>	<b>Guiding Principles of Local Government</b> Guiding Principles to be observed by local government are to: <ol style="list-style-type: none"> <li>(1) provide elected community-based representative and participatory local democracy, and open and accountable government</li> <li>(2) foster and balance the needs, interests, social and economic wellbeing of individuals, diverse groups and community</li> <li>(3) adhere to the social justice principles of equity, rights, access and participation</li> <li>(4) encourage stewardship and facilitate sustainable, responsible management of resources, infrastructure and development</li> <li>(5) consider future generations by protecting, restoring and enhancing the quality of the environment to maintain ecologically sustainable development, reduce risks to human health and prevent environmental degradation</li> <li>(6) ensure sustainable management and that all decisions incorporate considerations of risk management and long-term sustainability</li> <li>(7) recognise the responsibility of other levels of government in the provision of local services while accepting that local choices should be made at the local level wherever possible under the principle of subsidiarity</li> <li>(8) achieve and maintain accepted best practice public governance and administration, and act fairly, responsibly, ethically, transparently and in the public interest</li> <li>(9) optimise technology, and foster innovation and continuous improvement.</li> </ol>
<b>3.1.3</b> <b>Constitution of Councils</b>	<b>The Taskforce recommends</b> that the legal status of councils remains as a “body politic”.
<b>3.1.4</b> <b>Roles and Responsibilities of Council Officials</b>	<b>The Taskforce recommends</b> following consideration of the final report of the Independent Panel, the roles and responsibilities of mayors, councillors and general managers are reviewed to ensure they align with the requirements of the strengthened IPR framework (see section 3.2.1 below) and any recommendations of the Independent Panel that may be adopted by the State Government.
<b>3.2.1</b> <b>Integrated Planning and Reporting (IPR)</b>	<b>The Taskforce recommends</b> <ol style="list-style-type: none"> <li>(1) elevating IPR to form the central framework of the new Act and the primary strategic tool that enables councils to fulfil their civic leadership role and deliver infrastructure, services and regulation based on community priorities identified by working in partnership with the community, other councils and the State Government</li> <li>(2) strengthening and embedding the principles of IPR in the Act more broadly, setting minimum standards in the Act and defining process through regulation, codes and/or guidelines</li> <li>(3) removing duplication from other parts of the Act, where the principle or practice is already captured in the IPR legislation or guidelines</li> <li>(4) ensuring the legislation facilitates a strategic leadership role for councils in their local communities</li> <li>(5) moving sections of the Act to other legislation, in order to create an Act that better reflects the strategic role of councils and the framework that ensures and enables that role. The Taskforce proposes the outline displayed in Table 6 as the chapter structure of the new Act</li> <li>(6) simplifying the provisions of IPR to increase flexibility for councils to deliver IPR in a locally appropriate manner.</li> </ol>
<b>3.2.2</b> <b>Community Engagement</b>	<b>The Taskforce recommends</b> <ol style="list-style-type: none"> <li>(1) councils prepare the most locally appropriate and flexible community engagement strategy guidelines. This will provide communities the opportunity to engage, through the following and other locally appropriate principles, and allow a flexible framework for continuing community engagement. The principles for such strategy will: <ol style="list-style-type: none"> <li>a. include commitment to the community being at the centre of local government using ongoing engagement which ensures fairness in the distribution of resources; rights are recognised and promoted; people have fairer access to the economic resources and services essential to meet their basic needs and to improve their quality of life; and people have better opportunities to become informed and involved especially through use of technology</li> <li>b. consider and understand that persons who may be affected by, or have an interest in, a decision or matter should be provided with access to relevant information concerning the purpose of the engagement and the scope of the decision(s) to be taken</li> </ol> </li> </ol>



Topic	Recommendations
<b>3.2.2</b> <b>Community Engagement</b> <b>cont'd</b>	<ul style="list-style-type: none"> <li>c. consider and understand that interested persons should have adequate time and reasonable opportunity to present their views to the council in an appropriate manner and format</li> <li>d. ensure that the views presented to the council will be given due consideration</li> <li>e. consider and understand that councils, in exercising their discretion as to how engagement will proceed in any particular circumstance, will have regard to the reasonable expectations of the community, the nature and significance of the decision or matter, the costs and benefits of the consultation process, and to intergenerational equity</li> <li>f. arrange flexible special engagement procedures in particular instances</li> <li>g. consider all groups, even though it may be difficult to reach every diverse community group, and some groups will choose not to engage.</li> </ul>
<b>3.2.3</b> <b>Performance of Local</b> <b>Government</b>	<p><b>The Taskforce recommends</b> that a performance system is developed that is linked to IPR and includes the following elements:</p> <ul style="list-style-type: none"> <li>(1) a standard series of measures that can compare the performance of councils across the State</li> <li>(2) an analysis of the performance measures results so that councils can identify the actions required to elevate performance</li> <li>(3) a self-assessment of the performance of the governing body on an annual basis</li> <li>(4) in lieu of an end of term report, councils provide a mid-term report as to progress with the Community Strategic Plan.</li> </ul>
<b>3.2.4</b> <b>Technology</b>	<p><b>The Taskforce recommends</b></p> <ul style="list-style-type: none"> <li>(1) as a general principle the Act should enable optimal, flexible and innovative use of technology by councils to promote efficiency and enhance accessibility and engagement for the benefit of constituents</li> <li>(2) the Act should allow each council to determine the most appropriate use of technology taking into account the Guiding Principles of local government and community engagement through the IPR framework.</li> </ul>
<b>3.3.1</b> <b>Elections</b>	<p><b>The Taskforce recommends</b></p> <ul style="list-style-type: none"> <li>(1) councils to have the option of using universal postal voting or alternative means of voting such as technology assisted voting where feasible as a means of increasing efficiency and voter participation and reducing council costs</li> <li>(2) the Act be drafted so as to enable the adoption of new technologies such as technology assisted voting when feasible to do so</li> <li>(3) include mechanisms for removing the need for by-elections, when a vacancy occurs either in the first year following an ordinary council election or up to 18 months prior to an ordinary election as a means of avoiding the holding of costly by-elections</li> <li>(4) a counting system should be adopted as an appropriate mechanism for filling vacancies that occur within the first year following an ordinary election whereby the unelected candidate who had the next highest number of votes be appointed to fill the vacant position</li> <li>(5) councils to be required to fill vacancies occurring after the first year following an ordinary election and up to 18 months prior to the next ordinary election by the postal voting method</li> <li>(6) where universal postal voting is used for any election, a candidate information booklet is to be included in ballot packs as a way of increasing voter knowledge of the candidates</li> <li>(7) the transfer of local government elections law to a single new Elections Act to consolidate all State and local government election provisions along with the regulation of campaign finance and expenditure</li> <li>(8) the term of mayors elected by the councillors to be extended from 1 year to 2 years.</li> </ul>
<b>3.3.2</b> <b>Meetings</b>	<p><b>The Taskforce recommends</b> that the provisions relating to council meetings be:</p> <ul style="list-style-type: none"> <li>(1) consolidated into a generic mandatory Code of Meeting Practice that may if necessary be supplemented to meet local requirements, provided the amendments are not inconsistent with the provisions of the Act and standard Code of Meeting Practice</li> <li>(2) modernised and unnecessary prescription and red tape removed</li> <li>(3) designed to facilitate councils utilising current and emerging technologies in the conduct of meetings and facilitating public access</li> <li>(4) flexible to enable remote attendance through technology at council meetings in emergencies such as natural disasters.</li> </ul>

Topic	Recommendations
<p><b>3.3.3</b> <b>Appointment and Management of Staff</b></p>	<p><b>The Taskforce recommends</b></p> <ol style="list-style-type: none"> <li>(1) the strategic responsibilities of the council be clearly separated from operational responsibilities and be aligned with IPR by: <ul style="list-style-type: none"> <li>• the council being responsible: <ul style="list-style-type: none"> <li>• for determining those services and priorities required by the community, and for providing the necessary resources to achieve the council's Delivery Program; and</li> <li>• on the advice of the general manager, the council determine the organisation structure to the level that directly reports to the general manager</li> </ul> </li> <li>• the general manager being responsible: <ul style="list-style-type: none"> <li>• for determining the balance of the organisation structure; and</li> <li>• for recruiting all staff with appropriate qualifications to fulfill each role within the structure. The general manager will consult with council regarding the appointment and dismissal of senior staff</li> </ul> </li> </ul> </li> <li>(2) positions meeting the criteria as senior staff be appointed under the prescribed standard contract for senior staff, identified as senior staff positions within the organisation structure, and remuneration be reported in the council's annual report</li> <li>(3) each council to determine arrangements for regulatory responsibilities other than under the Act</li> <li>(4) the current prescription in the Act relating to the advertising of staff positions and staff appointments be transferred to regulation or to the relevant industrial award</li> <li>(5) that the maximum term allowable for temporary staff appointments be extended from 1 year to 2 years</li> </ol>
<p><b>3.3.4</b> <b>Regional Strategic Organisations of Councils and Formation and Involvement in Corporations and Other Entities</b></p>	<p><b>The Taskforce recommends</b></p> <ol style="list-style-type: none"> <li>(1) the Act include a mechanism enabling councils to form statutory entities to undertake regional strategic collaboration activities. The Taskforce is of the view that, in place of Regional Organisations of Councils, a model similar to that developed by the Hunter Councils – Council of Mayors provides a suitable mechanism for achieving regional strategic collaboration, with the exception of Western NSW. ROCs could transition to a Council of Mayors to broaden joint collaboration between councils</li> <li>(2) the provisions of the Act relating to the formation of corporations and other entities should continue.</li> </ol>
<p><b>3.3.5</b> <b>Protection from Liability</b></p>	<p>The Taskforce does not propose changes to the liability provisions of the Act.</p>
<p><b>3.3.6</b> <b>Code of Conduct</b></p>	<p>The Taskforce does not propose changes to the conduct provisions of the Act.</p>
<p><b>3.3.7</b> <b>Pecuniary Interest</b></p>	<p><b>The Taskforce recommends</b></p> <ol style="list-style-type: none"> <li>(1) the pecuniary interest provisions be reviewed to ensure they are written in plain language, easily understood and with unnecessary red tape removed</li> <li>(2) consideration be given to utilising technology to assist with the submission and maintenance of pecuniary interest disclosures and to facilitate appropriate access to this information, while ensuring that privacy rights are protected.</li> </ol>
<p><b>3.3.8</b> <b>Delegations</b></p>	<p><b>The Taskforce recommends</b></p> <ol style="list-style-type: none"> <li>(1) that the provisions of the Act relating to delegations be reviewed to ensure that they are streamlined, written in plain language and are reflective of the roles and responsibilities of the council and the general manager to facilitate the efficient, effective and accountable operation of local government.</li> <li>(2) that the exceptions to delegations of an operational nature not be carried forward to the new Act, ensuring the council focuses on strategic decisions, consistent with IPR. These would include for example: <ul style="list-style-type: none"> <li>• acceptance of tenders</li> <li>• provision of minor financial assistance to community groups</li> <li>• delegation of regulatory functions to another council or shared services body.</li> </ul> </li> </ol>

Topic	Recommendations
<b>3.3.9</b> <b>Financial Governance</b>	<p><b>The Taskforce recommends</b></p> <ol style="list-style-type: none"> <li>(1) there be greater focus on principles and definition of financial systems and minimum standards in the new legislative framework and for assimilation of financial governance with the IPR requirements</li> <li>(2) there be a realignment of the regulatory focus under the legislative framework towards systems and risk management rather than process prescription</li> <li>(3) complementing the Guiding Principles of local government, the new Act should articulate a set of financial (or corporate) governance principles that align more effectively with the principles and objectives of IPR, especially in relation to stewardship of resources and accountability. For example: <ol style="list-style-type: none"> <li>a. safeguarding integrity in financial reporting</li> <li>b. making timely and balanced disclosures</li> <li>c. recognising and managing risk</li> </ol> </li> <li>(4) minimum expectations be prescribed by legislation or sub-regulatory instrument. A potential framework is: <ol style="list-style-type: none"> <li>a. financial management governance and oversight</li> <li>b. financial management structure, systems, policies and procedures</li> <li>c. financial management reporting</li> </ol> </li> <li>(5) financial statement requirements be included under IPR annual reporting requirements</li> <li>(6) a further review of rating and finance matters be undertaken as required after the Independent Panel recommendations are determined by the State Government.</li> </ol>
<b>3.3.10</b> <b>Procurement</b>	<p><b>The Taskforce recommends</b></p> <ol style="list-style-type: none"> <li>(1) the adoption of central principles of procurement combined with a medium level of regulation to ensure support of the following principles: <ol style="list-style-type: none"> <li>a. accountability</li> <li>b. value for money</li> <li>c. probity, equity, fairness and risk management</li> <li>d. efficient and effective competition</li> <li>e. market assessment</li> </ol> </li> <li>(2) main considerations for each principle be contained in the Act or regulations, with further considerations contained in guidelines or a mandatory code</li> <li>(3) a council's procurement framework be consistent with its IPR framework</li> <li>(4) rather than the legislation setting a monetary threshold, a more flexible principles-based approach be established to enable councils to determine their threshold based on risk assessment of the proposed procurement and the procurement principles</li> <li>(5) regulation of procurement support councils entering into collaborative procurement arrangements and utilising technologies to assist with efficient, effective and economic procurement processes that are accessible to all relevant stakeholders and are fair, open and transparent</li> <li>(6) a regulation or code to express councils' default procurement framework</li> <li>(7) councils be qualified to adopt a more strategic approach through "earned autonomy" whereby: <ol style="list-style-type: none"> <li>a. the Division of Local Government may exempt a council from compliance with a requirement under the regulation or code where it is satisfied that a council's procurement framework is consistent with the procurement principles; and</li> <li>b. qualification for a council's earned autonomy may be through an accreditation process or by council's development and diligent maintenance of policies and practices that are consistent with requirements issued by the Division of Local Government or other oversight entity. Qualification by accreditation is preferred as this should increase the accountability of councils to the community.</li> </ol> </li> <li>(8) councils continue to be able to take advantage of purchasing from Commonwealth and State Government procurement panels and the State Government policies which afford exemption from tendering obligations such as when purchasing from registered Australian Disability Enterprises.</li> </ol>
<b>3.3.11</b> <b>Capital Expenditure Framework</b>	<p><b>The Taskforce recommends</b> a capital expenditure and monitoring guideline be developed that integrates with the IPR framework and enables the appropriate management of risk by councils. This guideline should be tailored to risk levels, including significance of the project, materiality and whole of life costs, and not based on arbitrary monetary thresholds or procurement vehicles.</p>

Topic	Recommendations
<b>3.3.12</b>  <b>Public Private Partnerships (PPP)</b>	<b>The Taskforce recommends</b> (1) that PPP projects continue to be subject to regulation due to the significance of the risks involved (2) aspects that could be streamlined or simplified be identified and mechanisms for ensuring PPPs be considered for inclusion in the IPR framework.
<b>3.3.13</b>  <b>Acquisition of Land</b>	<b>The Taskforce recommends</b> council plans for the compulsory acquisition of land be linked with the IPR processes, and in particular the expressed opinion of the community in the Community Strategic Plan on the need for additional public land or the sale of public land be included in Delivery Program provisions.
<b>3.3.14</b>  <b>Public Land</b>	<b>The Taskforce recommends</b> (1) councils be required to strategically manage council-owned public land as assets through the IPR framework (2) balancing reasonable protections for public land use and disposal by retaining the classification regime of public land as either community or operational land and require a council resolution at the time of acquiring or purchasing land to specify the classification, category and proposed use or uses (3) a proposed change in the use or disposal of community land be addressed through the council's Asset Management Planning and Delivery Program (4) a public hearing be held by an independent person where it is proposed to change the existing dominant use or to dispose of community land, with the results of the public hearing to be reported to and considered by the council before a decision is made (5) any use of a public hearing or other consultation process under the Act be specified in the council's Community Engagement Strategy (6) recognising the LEP zoning processes and restrictions applying to council owned public land (7) simplifying and reducing the categories and sub-categories of use to which community land may be applied through the Asset Management Planning process so as to identify and accommodate other ancillary or compatible uses appropriate to the current and future needs of the community (8) ceasing the need for separate plans of management for community land to be prepared and maintained, and in lieu, utilise the Asset Management Planning and Delivery Program of the IPR process (9) ceasing the need for a separate report to be obtained from the Department of Planning and the need for ministerial approval where council proposes to grant a lease, licence or other estate over community land in excess of the current 5 years, where an objection has been received by the council (10) proposed leases and licences be addressed as part of the council's Asset Management Plan and adopted Community Engagement Strategy with the 30 year maximum term to remain unchanged.
<b>3.3.15</b>  <b>Approvals, Orders and Enforcement</b>	<b>The Taskforce recommends</b> (1) regulatory provisions be reviewed to ensure that the Act provides guidance on regulatory principles but contains flexibility and less prescription in regulation implementation, provision of statutory minimum standards or thresholds, and councils having discretionary "on-the-ground" functions (2) consideration be given to the notion of a risk based approval process where persons or corporations are given general approval to conduct certain work rather than dealing with applications on a piecemeal basis (3) within this framework, the prescriptive processes of approvals and orders be streamlined and, subject to risk assessment, be placed where possible into regulations (4) removal of as many approvals and orders as possible and placing in specialist legislation if they cannot be repealed (5) the principles for dealing with approvals and orders be incorporated into a council's IPR framework through the Delivery and Operational Plans, including adoption of an Enforcement Policy and any LAPs and LOPs (6) penalties for offences in the Act and regulations be increased to ensure they are proportionate to the nature of the offence, and that the ability to serve a penalty notice should be made an option for additional offences (7) councils be required to adopt an Enforcement Policy stating what factors will be considered in determining whether or not to take action, including the level of risk. The factors should be consistent across all councils (8) improving councils' ability to recover costs for conducting work on private land (9) aligning council powers of entry with contemporary legislative standards (10) increasing the time limit for commencing summary proceedings from 6 to 12 months.

Topic	Recommendations
<b>3.3.16</b> <b>Water Management</b>	<p><b>The Taskforce</b> supports changes proposed to water recycling provisions which will consolidate and simplify the legislative framework. Otherwise the Taskforce makes no recommendations regarding the structures for the delivery of water and sewerage in non-urban areas, noting that the Taskforce gave the issue consideration but is aware this area is being dealt with by other reviews.</p>
<b>3.3.17</b> <b>Tribunals and Commissions</b>	<p><b>The Taskforce notes</b></p> <ol style="list-style-type: none"> <li>(1) it is expected the Local Government Pecuniary Interest and Disciplinary Tribunal will be consolidated into the newly constituted NSW Civil and Administrative Tribunal</li> <li>(2) the Independent Panel is examining the issue of structures and boundaries, how boundary changes might be facilitated, and possible change of method of operation of the Local Government Boundaries Commission and accordingly makes no comment pending the outcome of this review</li> <li>(3) consideration be given whether to merge the Local Government Remuneration Tribunal with the Statutory and Other Officers Remuneration Tribunal.</li> </ol>
<b>3.3.18</b> <b>Other Matters</b>	<p><b>The Taskforce recommends</b></p> <ol style="list-style-type: none"> <li>(1) consistent with Taskforce recommendation 1.3, that in place of sections 23A and 10B(5) that the Act empowers the Director General to issue mandatory codes on operational and governance matters relevant to local government</li> <li>(2) a formal Oath of Office for councillors is introduced as a mechanism for inducting councillors into their role and reinforcing the serious nature of the role and the chief responsibilities and duties the role entails</li> <li>(3) the provisions of the Act governing councils' expenses and facilities policy are reviewed to ensure they are streamlined and unnecessary red tape eliminated</li> <li>(4) a review be undertaken of circumstances that do not invalidate council decisions and including consideration of the appropriateness of adding the following to those circumstances that do not invalidate council decisions – "a failure to comply with the consultation and engagement principles"</li> <li>(5) conferring authority on councils to allocate, maintain and enforce property numbering</li> <li>(6) councils be provided with an effective means to regulate camping in vehicles on road and road related areas</li> <li>(7) the following matters be reviewed depending on the outcomes of other reviews currently incomplete: <ol style="list-style-type: none"> <li>a. how councils are financed, particularly rating. The Taskforce consistently received feedback detailing issues with the provisions of the Act relating to how councils are financed</li> <li>b. community engagement to ensure consistency with the planning community participation proposals under the new Planning Act if adopted</li> <li>c. Tribunals and Commissions, particularly the role and functions of the Boundaries Commission to ensure that the Act supports recommendations of the Independent Panel adopted by the State Government</li> <li>d. roles and responsibilities of council officials. It is essential that the Act clearly defines the roles and responsibilities of the mayor, councillors and the general manager. The Taskforce recommends that these definitions are reviewed to ensure they reflect recommendations of the Independent Panel adopted by the State Government.</li> </ol> </li> </ol>

Topic	Recommendations
<p>4.1</p> <p>City of Sydney Act</p>	<p><b>The Taskforce recommends</b></p> <ol style="list-style-type: none"> <li>(1) a separate Act for the City of Sydney be retained (pending the report and recommendations of the Independent Panel) noting that the Sydney City Council is also subject to the provisions of the Local Government Act</li> <li>(2) the electoral provisions applying to the Sydney City Council be transferred from the CoSA to a new Elections Act, as recommended at section 3.3.1 above, thereby providing a single repository for NSW electoral law</li> <li>(3) residents of the City of Sydney who are at the relevant date enrolled, within the meaning of the <i>Parliamentary Electorates and Elections Act 1912</i>, on the roll for any electoral district and whose place of living as described on the rolls is within the City of Sydney, shall be entitled to one vote provided that if a person is so entitled to vote because they are a resident of the City of Sydney, they shall not be entitled to be enrolled as an elector in any other capacity</li> <li>(4) <ol style="list-style-type: none"> <li>(i) that persons presently entitled to vote and corporations who are entitled to nominate a person to vote on its behalf to vote under the CoSA at Council elections be entitled to enroll to vote</li> <li>(ii) that persons, other than those on the roll as set out in recommendation 4.1(3) being presently entitled to vote under the CoSA at Council elections, retain that entitlement to enroll to vote. If a person so entitled to enrol to vote or a corporation who is entitled to nominate a person to enrol to vote on their behalf has not enrolled to vote by the due date or being a corporation nominated a person to enrol to vote on their behalf by the due date, then those persons so entitled to vote as individuals or on behalf of corporations shall be deemed to be enrolled to vote at the Council election</li> <li>(iii) in the case of corporations, if no nomination has been made by a corporation of a person to be entitled to vote on behalf of the corporation the Council will, from the records of ASIC, as mentioned in recommendation 4.1(5) hereof, enroll the first director in alphabetical order to vote on behalf of that corporation and if that director may be disqualified to vote for any reason, the next director in alphabetical order until a director is validly appointed to vote on behalf of the corporation</li> </ol> </li> <li>(5) the Sydney City Council determines, from all available Council information and records as well as information provided by ASIC, the person deemed to be entitled to vote on behalf of non-resident owners and corporations</li> <li>(6) to determine the occupiers entitled to vote, the Sydney City Council canvas the businesses within the City of Sydney six months before council elections to determine such entitlement</li> <li>(7) the non-residential rolls be prepared and maintained by the Sydney City Council with the General Manager of the Council to certify the rolls</li> <li>(8) for the Sydney City Council election, the postal voting method be compulsory for all people enrolled or deemed to be enrolled as non-residential enrollees</li> <li>(9) that non-compulsory candidate information be required to be distributed with the ballot papers sent out as part of the postal voting procedure, limited to a photo of the candidate and 250 words</li> <li>(10) that those enrolled as non-resident enrollees shall remain on the rolls for two ordinary elections unless they sooner lose their qualification or are disqualified from being an enrollee.</li> </ol>



**MINUTES OF THE BUSINESS DEVELOPMENT AND MAJOR PROJECTS  
MANAGEMENT COMMITTEE MEETING HELD IN THE COUNCIL CHAMBERS,  
GRIFFITH ON 20 JANUARY 2014 COMMENCING AT 5.37 PM**

**PRESENT**

Councillor John Dal Broi (Chair), Councillor Anne Napoli, Councillor Paul Rossetto, Councillor Christine Stead, (Councillor Leon Thorpe - Alternate), Marilyn Green (Community alternate), Steven Murray (Stakeholder) and Paul Pierotti (Stakeholder)

**STAFF PRESENT**

General Manager, Brett Stonestreet; Director Sustainable Development, Neil Southorn; Tourism & Economic Development Officer, Nicola James; Engineering Design & Approvals Manager, Graham Gordon; Development Engineer; Joe Rizzo; Coordinator Land Use Planning & Compliance, Kelly McNicol and Minute Secretary, Wendy Krzus  
Quorum = 5

**CL01 APOLOGIES**

**RECOMMENDED** on the motion of Councillor Rossetto and Councillor Stead that apologies be received from Damien Bell (Community), Peter Bonaventura (Stakeholder), Allan Bennett (Community alternative); Paul Snaidero (Community); Manager Tourism & Economic Development, Greg Lawrence and Principal Planner Urban Design and Strategic Planning, Peter Badenhorst.

Paul Pierotti entered the meeting, the time being 5.39 pm.

**CL02 CONFIRMATION OF PREVIOUS MINUTES**

**RECOMMENDED** on the motion of Councillor Stead and Steven Murray that the minutes of the previous meeting held on 18 November 2013, having first been circulated amongst members, be confirmed.

**CL03 BUSINESS ARISING**

**3.1 Discussion on NSW Government White Paper**

Mr Southorn advised that the NSW Government White Paper is before Parliament and is currently under debate.

Mr Southorn further advised that thresholds for State Significant Development were not in the

Bill but would possibly be included in the Regulation or supplementary guidelines.

### **3.2 Draft LEP**

Mr Southorn advised that the Draft LEP has been adopted by Council and is currently with the Department of Planning and Infrastructure awaiting ratification.

### **3.3 Options for Future Car Parking Griffith CBD**

Mr Southorn advised a Rescission Motion was considered in relation to Expression of Interest for Council owned land, 29-31 Railway Street at the Ordinary Meeting of Council held on 12 November 2013 with Council resolving to lay the matter on the table.

Mr Southorn further advised that the matter was raised from the table at the Ordinary Meeting of Council held on 26 November 2013 and it was resolved:

*"(a) Council rescind Minute Number 0340 of the Ordinary Meeting of Council held 22 October 2013 regarding Expression of Interest for Council Owned Land 29-31 Railway Street Griffith and*

*(b) Council enter into negotiations with the previously identified interested party of Council owned land at 29-31 Railway Street, Griffith to determine if any other Council owned land may be suitable for the proposed development.*

*(c) If another Council owned portion of land can be identified as suitable, then staff report to Council detailing the interest received with a view to Council considering a resolution to call for Expressions of Interest.*

*(d) Subject to (b) above: A further report to Council be prepared to consider any offers received from the Expression of Interest process."*

Staff comment: The previously identified interested party has since withdrawn their proposal and no further action will occur.

### **3.4 Progress of the Mechanical Services Workshop and Depot Upgrade Working Group**

Mr Stonestreet advised that Expressions of Interest (EOI) have closed for the provision of mechanical maintenance to Council's mobile plant items. Council has now progressed with consideration of the EOIs and parties expressing an interest will be invited to provide certain services in due course.

### **3.5 Media Report of Griffith Population**

Mr Southorn advised that a submission has been submitted in relation to recent population forecast issued by the Department of Planning.

## **CL04 DECLARATIONS OF INTEREST**

Nil.



**CL05 S94A CONTRIBUTION CHARGES**

Mr Murray stated that he felt there was a possible lack of transparency in the resolution of Council relating to alternatives to S94A contributions for major projects, considered on a case by case basis and the Council perhaps should consider a sliding scale for calculating the levy.

During debate Steven Murray foreshadowed a motion to be put forward at the next meeting recommending that the matter be raised from the table for discussion and a recommendation made.

**RECOMMENDED on the motion of Councillor Napoli and Councillor Stead that the Committee note the Council resolution from 10 December 2013.**

**CL06 INTERNATIONAL RELATIONS 2014**

Discussion took place on International Relations for 2014 with the following points being raised:

- Councillor Stead expressed concern in relation to the budget figures stated in the report for 2014 international relations for China and Italy visits, and stated that they should be the same value.
- Ms James stated that line items in the budget can be adjusted as needed.
- Councillor Dal Broi stated that Council would not visit both China and Italy in the same year and that he was leaning more towards a "Friendship City" arrangement rather than a "Sister City" relationship.
- Councillor Stead stated that Griffith City Council has a relationship with Fairfield City Council.
- Councillor Napoli felt that Griffith City Council was not cultivating the relationship with Fairfield City Council very well.
- Mr Stonestreet stated that if Council were to participate in a cultural trip to Italy arrangements would need to be met fairly quickly in order to travel at the optimum season being June or July.
- Mr Pierotti stated that he has heard a lot of negativity from the community about Sister City trips and stated that if the benefit of a visit was related to economic development then he would support such a visit.
- Councillor Stead reminded Committee members that apart from a few occasions when the Mayoral costs were paid by resolution of Council, that other participants paid their own costs.
- Councillor Rossetto stated the benefits from visits generally accumulate over time and enquired if it was possible to swap the Sister City of Harbin for another city in China.

**RECOMMENDED on the motion of Councillor Rossetto and Councillor Stead that the Committee note the report and that travel enquiries be made into a Sister City visit to Italy in 2014 with the information to be presented to the next meeting of the Business Development and Major Project Management Committee.**

**CL07 INFORMATION REPORT - GRIFFITH FEATURES IN TOP 100 PLACES TO INVEST IN AUSTRALIA**

Ms James addressed the meeting in relation to information on Griffith which featured in the Hot Property magazine, Griffith being placed in the top 100 places in Australia with the best growth prospects.

Ms James stated that it was very positive for Griffith to be listed in a National magazine.

Mr Pierotti stated that similar information had been included in the Chamber of Commerce newsletter, trying to drive confidence in the property market in Griffith.

Mr Pierotti further stated that rental demand in Griffith is very high, rental prices are very good bringing good returns and that everything possible should be done to promote Griffith.

Councillor Rossetto enquired about the promotion campaign undertaken in 2013 stating that in his opinion the program was more about promoting the wineries rather than Griffith.

Councillor Rossetto stated that the promotion on Leeton was much fairer and promoted Leeton itself.

Councillor Rossetto asked if Council and De Bortoli Wines had contributed funds to any of the programs.

Ms James stated that the campaign was a collaborative exercise which normally would have cost \$14,000 but because it was a joint campaign the costs amounted to \$6,000 which Council funded.

Councillor Napoli left the meeting, the time being 6.05 pm.

Councillor Napoli returned to the meeting, the time being 6.07 pm.

Mr Murray stated that he would promote Griffith as a place to invest, however developer charges are quite high resulting in expensive costs to build and develop and that he believed the reason why there is a shortage of housing is because developers are hesitant in developing due to these high costs.

Mr Pierotti stated that Council and the Committee need to look at solutions to make Griffith more appealing and to make it profitable for developers.

**RECOMMENDED on the motion of Paul Pierotti and Councillor Stead that the Committee note the article and information and assist Council in promoting Griffith as a place to invest.**

Council's Engineering Design & Approvals Manager, Graham Gordon, Development Engineer, Joe Rizzo and Coordinator Land Use Planning & Compliance, Kelly McNicol were in attendance to provide clarification and answer questions in relation to clause 08 and clause 09.

Staff were not called upon for clarification nor to answer questions in relation to either of these clauses.

### **CL08 CONTINUED DISCUSSION - REVIEW OF ENGINEERING GUIDELINES**

Mr Southorn addressed the meeting outlining the five themes that underpin his report, being:

1. The matter has been brought to the Committee by staff to complement the other initiatives already undertaken: deferred payment of S94 contributions; preparedness to negotiate other options for contributions from major projects; development assessment turnaround times have significantly improved; introduction of pre lodgement procedures and draft conditions of consent; review of standard conditions; accommodation of most requests on the draft LEP; alternative charging options for strata subdivision.
2. Council does not receive complaints from the majority of developers and staff do operate in the spirit of working with developers.
3. Whilst it is the staff that are occasionally criticised, they are applying Council's policies so

the focus should be on recommending where changes to policy are required.

4. Developers have a mandate to keep costs to a minimum and there comes a point where Council should be considering whether to subsidise development costs.

5. Council staff do their best to work with developers, however the proponent also has a responsibility to provide relevant and reliable information to avoid delaying the processing of development applications.

Councillor Dal Broi stated that it was often difficult for developers, especially small developers to understand Council's requirements.

Mr Murray raised a Point of Order seeking clarification on the clause number being currently debated.

The Chair accepted the Point of Order with Mr Southorn advising that it was clause 08 that was being debated.

Mr Murray stated that he believed there was still more work to be done in relation to the guidelines and that a developer has no redress if he does not agree with the guidelines and more needs to be done to ensure the guidelines are user friendly.

A **MOTION** was moved by Councillors Rossetto and Stead that:

(a) This report be considered as the context for any review of engineering conditions of development consent.

During debate Councillor Rossetto stated that in private enterprise as an example frontline staff generally have good customer service skills that enable them to promote what is required of the business.

Mr Stonestreet stated that customer service is already a priority of Council.

An **AMENDMENT** was moved by Councillor Rossetto that:

(a) This report be considered as the context for any review of engineering conditions of development consent, and

(b) that Council's frontline staff undertake training to enhance their customer service and communication skills and further develop their knowledge in regard to Council's development requirements.

The **AMENDMENT** was seconded by Councillor Stead.

The **AMENDMENT** was carried and became the **MOTION**.

**RECOMMENDED on the motion of Councillor Rossetto and Stead that:**

**(a) This report be considered as the context for any review of engineering conditions of development consent, and**

**(b) that Council's frontline staff be trained to enhance their customer service and communication skills and further develop their knowledge in regard to Council's development requirements.**

*General Manager's Comment:*

*All staff who are required to engage with customers have appropriate skill requirements included in their Position Descriptions and staff are recruited according to those. As part of the current Service Review process commencing at Council an identified service area for initial examination is customer focus.*

*Any recommendations which reflect directly on the management of staff should be directed to the General Manager and not debated in a public environment.*

**CL09 AMENDMENTS TO COUNCIL'S ENGINEERING GUIDELINES RECOMMENDED BY COMMITTEE MEMBER MR STEVEN MURRAY**

*General Manager's Comment:*

*Because of the importance of recommendations arising from this clause and the consequences to Council's development processes, the full report to Committee is attached to these Minutes.*

Discussion took place on the report submitted by Mr Murray and staff comments listed in the report.

Mr Pierotti stated that he agreed in principle with the recommendation as stated in the report however he considered the motion to be a bit early and that maybe more time is required to consider the matter and suggested that the matter be laid on the table.

Mr Stonestreet explained that should a change of policy be required, Council would have to follow due process in amending a public policy (report to Council, advertising the changes, public exhibition etc).

Mr Murray stated that if a developer wanted to put a residence above an existing shop there did not appear to be any leeway given eg. sealing of carparks etc.

Mr Murray mentioned draft policies and stated that he had never seen a draft policy and that he considered draft Development Control Plans to be advantageous to the developer but did not know what draft policies Council has.

Mr Murray further stated that there is a need for transparency and cited Leeton Shire Council as an example where Council provides the developer with the reason/s why a condition is imposed eg. the reason may be a legislative requirement.

Mr Murray commented that Council should be aware of its infrastructure's ability to cope with a relatively small-scale development and they should investigate and report to the developer that the Council infrastructure can or cannot 'cope' with the increased demand.

Mr Southorn stated that he would be happy to remove that condition, however if Council did not receive the information required to enable processing of the application then the clock would be stopped. This was supported by Committee members.

**RECOMMENDED on the motion of Steven Murray and Councillor Rossetto that:**

**PART A: That Council amends the Engineering Guidelines and other relevant policies to include the following recommendations:**

*General Manager's Comment:*

*Best practice governance requires that a draft amendment of any policy be prepared for Council's consideration and public exhibition. Council might consider that recommendation PART A be amended by adding the following sentence before the recommendations as made by the Committee.*

*"That Council prepare a draft amendment of the Engineering Guidelines and other relevant policies to include the following recommendations."*

**1) That the sealing or upgrading (including on-site detention) of existing car parks including access and egress points not be required when assessing a Development Application when:-**

- There is no increase in car parking spaces required by the development, and
- There is no additional traffic generated by the proposed development, and
- There is no change in loading and unloading arrangements;
- **UNLESS** Council resolves that the circumstances of the case are such as to warrant this and clear justification is made.

**Note:** This recommendation does not relate to statutory requirements such as in relation to disabled car parking spaces or maintenance of existing facilities such as line marking.

**2) That the landscaping and irrigation of existing car parks shall not be required in the circumstances listed in (1) above.**

**3) That on-site detention not be required when developments do not increase the total roof and hardstand (concrete/paved/sealed) areas of an existing development, including developments whereby existing roof and hardstand areas are removed and replaced with roof and hardstand areas that do not increase the roof and hardstand area of the former development.**

**4) That where an existing development involves alterations and/or additions that requires either an increase for water service supply from an existing Council water main and/or an increase of sewer service drainage connected to an existing Council sewer main, there be no requirement for the developer to prove by way of calculation of the ability of Council's water and/or sewerage system to service (or not) any increased demand. Should the development necessitate calculations concerning the ability or otherwise of Council's water and/or sewerage system, Council shall do so without cost to the developer and inform the developer of the outcome at pre-DA meeting/s.**

**Note:** Council may request information from the intended applicant regarding the on-site sewerage and water systems for the existing and proposed development including peak demands generated from the entire development by either a suitably qualified licensed plumber or consultant engaged by the developer, in order to assess the capacity of Council's infrastructure.

**5) That 'documentary evidence' from a gas supplier, an electrical authority, Telstra or any other service provider 'that satisfactory arrangements have been made for the provision' of these services, not be required. It is suggested that a condition may be applied that the applicant shall be responsible for the provision of electrical, telecommunication, gas service or any other service provider to the development and that prior to 'Occupation Certificate' applicants provide documentary proof of any of the above services that have been provided to the development.**

**PART B: That policies of Council be formally adopted prior to implementation and not effected through development consents unless in accordance with Council's Policy Register and Council's prior deliberation. The exception to the above being draft Development Control Plans.**

**PART C: That conditions implemented be clear and concise and appropriately justified within Development Approvals. A 'Reason' shall be provided to all conditions. The 'Reason' is to be located under each 'Condition'.**

**PART D: That qualified Council staff participate at all pre DA lodgement meetings and provide advice on potential conditions that may be applied to a Development Application that may be lodged. Minutes of the meeting/s are to be confirmed and distributed to stakeholders within fourteen (14) working days of the meeting.**

Council's Engineering Design & Approvals Manager, Graham Gordon, Development Engineer, Joe Rizzo and Coordinator Land Use Planning & Compliance, Kelly McNicol left the Chamber, the time being 6.58 pm.

#### **CL10 BUSINESS AUDIT REPORT**

Ms James tabled "Griffith City Business Audit January 2014" (attached).

Councillor Stead enquired if the report could be brought back to the next meeting allowing members time to read the information.

Councillor Dal Broi stated that the report was for the Committee's information and that should the report be laid on the table it would be another 2 months before it would be brought back to the meeting.

Ms James provided an overview of the audit with the following points being made:

- Third successive year the business audit has been conducted.
- Conducted to establish hard data in relation to the number of bricks and mortar businesses and to track movement in and out of various business precincts.
- Will assist Council in relation to decision making processes on the status of commercial districts.
- Intended to conduct this audit annually to measure the increase of the number of businesses, where business has moved and where the trends for business types can be identified.
- The 2014 audit had a more targeted approach within the street as opposed to combining a number of streets in the one precinct.
- Audit shows an increase in the growth in new businesses, 44 in 2014 compared to 30 in 2013.
- 10 businesses closed in the last 12 months compared to 29 in 2013 and 48 in 2012.
- Slightly more vacant shops in Banna Avenue in 2014 compared to 2013 and 2012.
- Improvements to shop frontages with new and improved signage, greater street appeal in the main street shopping strip.
- In 2014, 169 businesses accounted for in Yambil Street compared to 191 in 2013.
- Wakaden Street saw the same number of businesses as in 2013.
- Mooreville Industrial Area saw an improvement since 2012 with 5 new businesses establishing themselves.
- Battista Estate, in 2014 there was 16 businesses accounted for in the audit, compare to 37 in 2012 and 46 in 2013, this can be attributed to the re-zoning of the audited area.
- Benerembah Street virtually unchanged since the last audit.



- Yenda, Bilbul and Beelbangera very little change in terms of changes to business.
- Number of businesses in the Hanwood area have decreased mainly because the Bunnings complex has been removed from the Hanwood businesses for the purpose of the Audit.
- Driver Shopping Centre has had a few changes with 2 new businesses.
- East Griffith has had a resurgence in the past 12 months, with a new gym and a pizza takeaway.
- Airport Precinct, no change to this area in the past 12 months.
- Yoogali saw the closure of the general store and the butchery business.
- Scott Road, west of Yoogali rural business and industry precinct, there is scope for more industrial businesses to co-locate near MI and Essential Energy.
- Hillston Road / Tharbogang, 2014 there are 24 businesses, 2013 there were 20.
- Ulong Street, 2014 there are 19 businesses, 2013 there were 18.
- Kooyoo Street, 2014 there are 13 businesses, 2013 there were 11.
- Mackay Avenue new VW dealership was established.
- Jondaryan Avenue has 21 businesses and 3 vacant shops.
- Railway / Olympic Streets has 14 businesses and 5 vacant shops.

Councillor Stead stated that she noticed the lack of adequate carparking spaces at the East Griffith Shopping Centre.

Mr Southorn stated that timed parking has been considered by the Traffic Committee with consideration given to perhaps creating a quick turn around zone at one end of the shopping centre carpark.

Mr Pierotti clarified the naming of the shopping complexes, being:  
 Griffith Hometown Centre (where Bunnings is located)  
 Griffith Gateway Centre (where Harvey Norman is located)  
 Homemakers Centre (where Caesars is located).

Councillor Thorpe asked if the audit report could be placed on a Councillor Workshop agenda.

The Committee agreed that the audit be conducted annually.

**RECOMMENDED on the motion of Councillor Stead and Paul Pierotti that the information in the report be noted.**

## **CL11 ACTION REPORT**

**RECOMMENDED on the motion of Councillor Stead and Councillor Napoli that the Action Report be noted.**

## **CL12 GENERAL BUSINESS**

### **12.1 Section 355 Committees - Disclosure of Interests**

Mr Pierotti sought an update on the matter concerning Disclosure of Interests.

Mr Stonestreet advised that the resolution of Council of 25 June 2013 has been acted on by staff therefore this resolution cannot be rescinded.

Mr Stonestreet further advised that Council staff have sought advice from the Division of Local Government, this information is to be presented to a Councillor workshop on Tuesday evening following which a report will be presented to Council.

## **12.2 Gas and Petroleum Exploration**

Mr Pierotti stated that the Griffith Chamber of Commerce will support the Ricegrower's Association and the Grape Industry in their application to the NSW Government to have the MIA recognised as a Critical Industry Cluster to protect the area from coal seam gas activity.

Mr Pierotti urged Council to put in a submission and to put forward a statement to the community regarding this matters.

The Mayor stated that a Mayoral Minute was presented to the Ordinary Meeting of Council held on 14 January 2014 where Council resolved to prepare and forward a submission in relation to Petroleum Exploration Licence N. PEL 154.

## **CL13 NEXT MEETING**

The next meeting of the Business Development and Major Projects Management Committee is to be held on 17 March 2014 in the Council Chambers commencing at 5.30 pm.

There being no further business the meeting closed the time being 7.25 pm.

## **ATTACHMENTS**

- (a) Griffith City Business Audit January 2014
- (b) CL09 Agenda Item for Business Development and Major Projects Committee for 20 Jan 2014

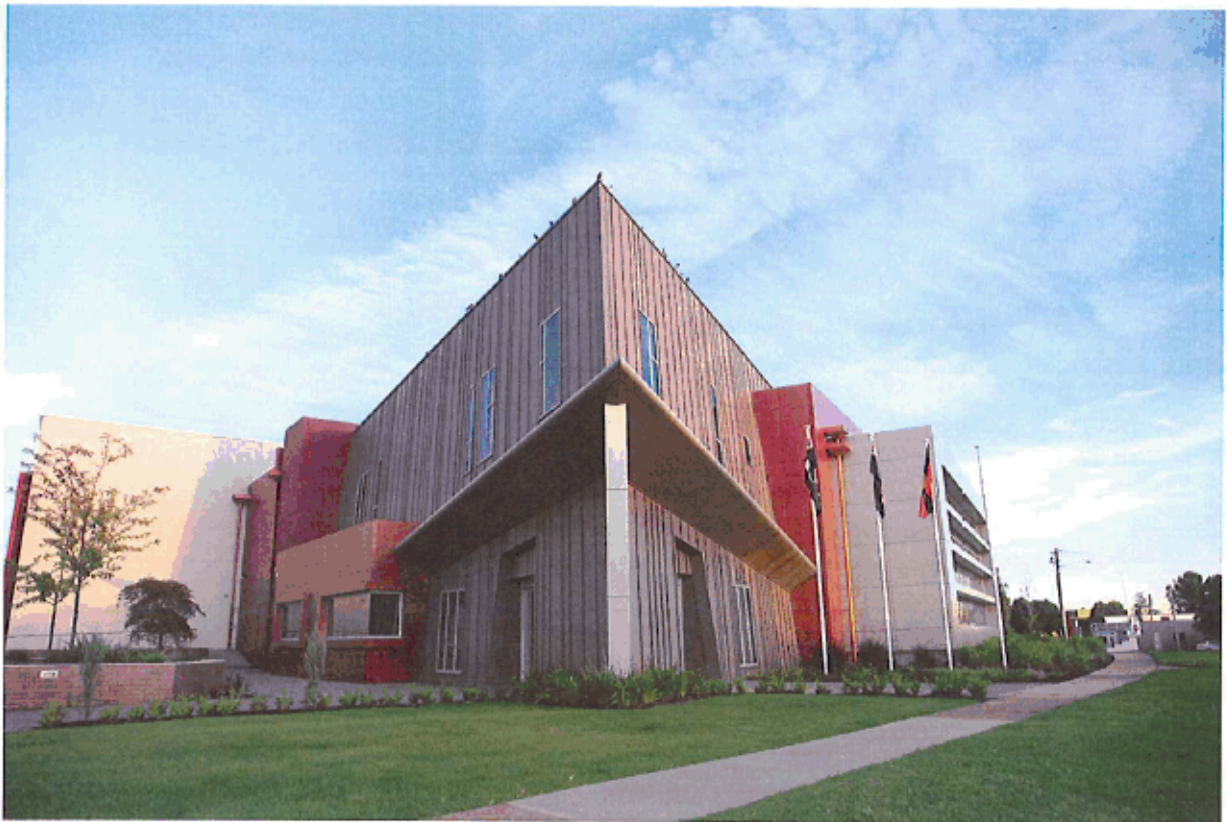


(a) Griffith City Business Audit January 2014

# Griffith City



## Business Audit January 2014



## An Economic Development Project

By Nicola James

## Purpose of the audit

The January 2014 Business Audit is the third successive year the business audit has been conducted in Griffith. In 2012, the Griffith Business Audit was conducted to establish hard data in relation to the number of bricks and mortar businesses and to track the movement in and out of the various business precincts that will assist council in relation to decision making processes on the retail and commercial status of our commercial districts.

It is intended that Council's Economic Development unit will conduct this audit annually to be able to measure the increase of the number of businesses, where business has moved and where the trends for business types can be identified.

This report will outline the method by which data was collected and will provide detailed results for each commercial precinct.

## Aims

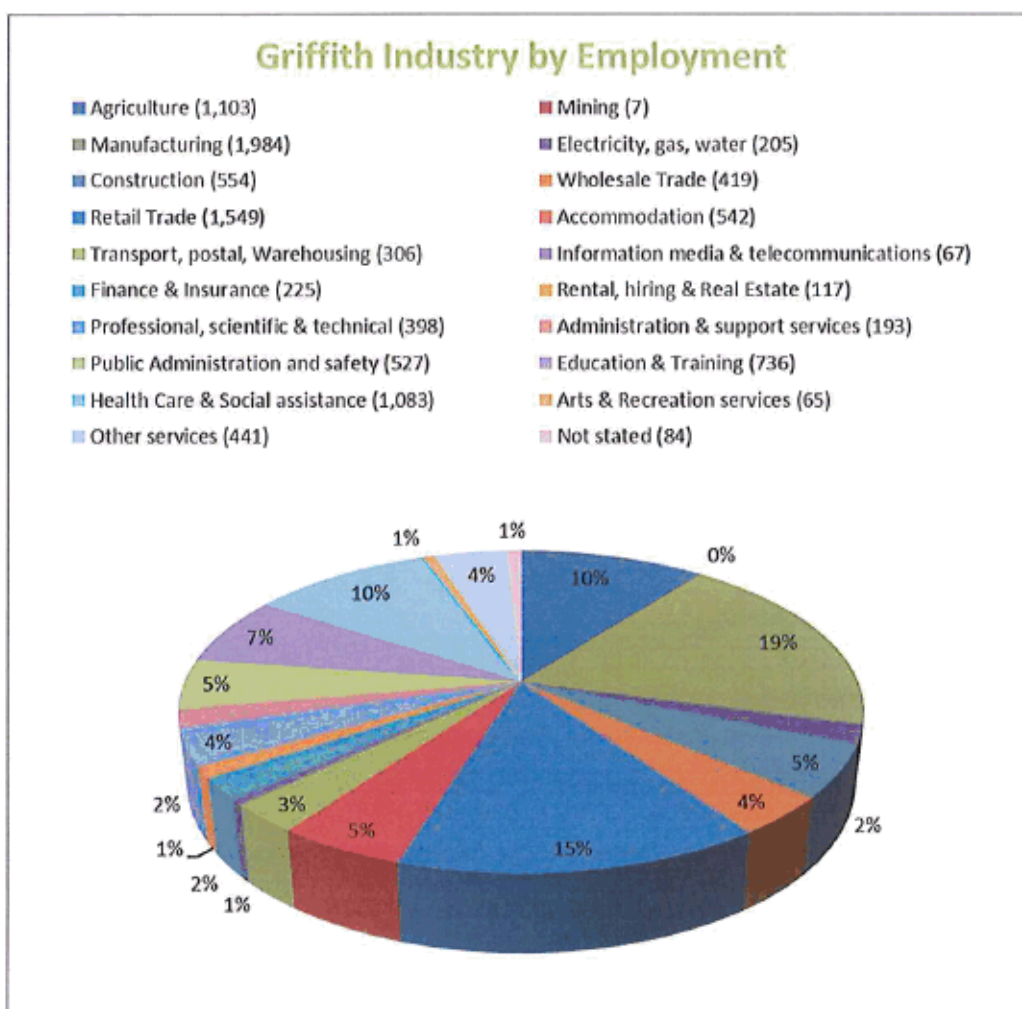
The aim of the Griffith Business Audit is to;

- Observe the diversity of retail and commercial activities which occupy bricks and mortar premises in the designated commercial zones;
- To observe the retail and commercial vacancy rates as one of many barometers of business health;
- To establish some credible mapping to determine commercial trends and to identify commercial hubs.

## Objectives

The objectives of the Griffith Business Audit are to;

- Undertake a Business Audit every 12 months, whilst recognising the nature of business movement is an ongoing process, given our limited resources it is sufficient to conduct this on an annual basis;
- Identify where retail and commercial activity is thriving, in decline, changing / not changing, by undertaking trend analysis;
- Undertake comprehensive, accurate and annual data to assist in informing assumptions about the retail and commercial status of the Griffith business precincts.



## Employment

There were 11,793 people who reported being in the labour force in the week before Census night in Griffith (C) (Local Government Areas). Of these 60.5% were employed full time, 28.0% were employed part-time and 4.9% were unemployed.

Industry of employment, top responses	Griffith (C)	%	New South Wales	%	Australia	%
<i>Employed people aged 15 years and over</i>						
Beverage Manufacturing	818	7.3	7,733	0.2	27,875	0.3
Fruit and Tree Nut Growing	586	5.2	4,779	0.2	24,902	0.2
School Education	523	4.7	138,795	4.4	467,373	4.6

## Griffith Business targeted areas

The business and commercial precincts that were targeted as part of the Griffith Business Audit include every area in which there is economic activity;

- Banna Avenue
- Yambil Street
- Wakaden Street
- Mooreville Industrial Area
- Battista Industrial Area
- Wickham Hill Industrial Area
- Yoogali
- Mackay Avenue
- Oakes Road
- Hanwood
- Yenda
- Tharbogang
- Bilbul
- Beelbanger
- Airport
- Hillston Road
- Kooyoo Street
- Ulong Street
- Palla Street
- East Griffith
- Murray Road
- Yoogali
- Hillston Road
- Ulong Street
- Jondaryan Avenue
- Favell Street
- Driver
- East Griffith
- Mackay Avenue
- Railway / Olympic
- Bunnings complex
- Benerembah Street

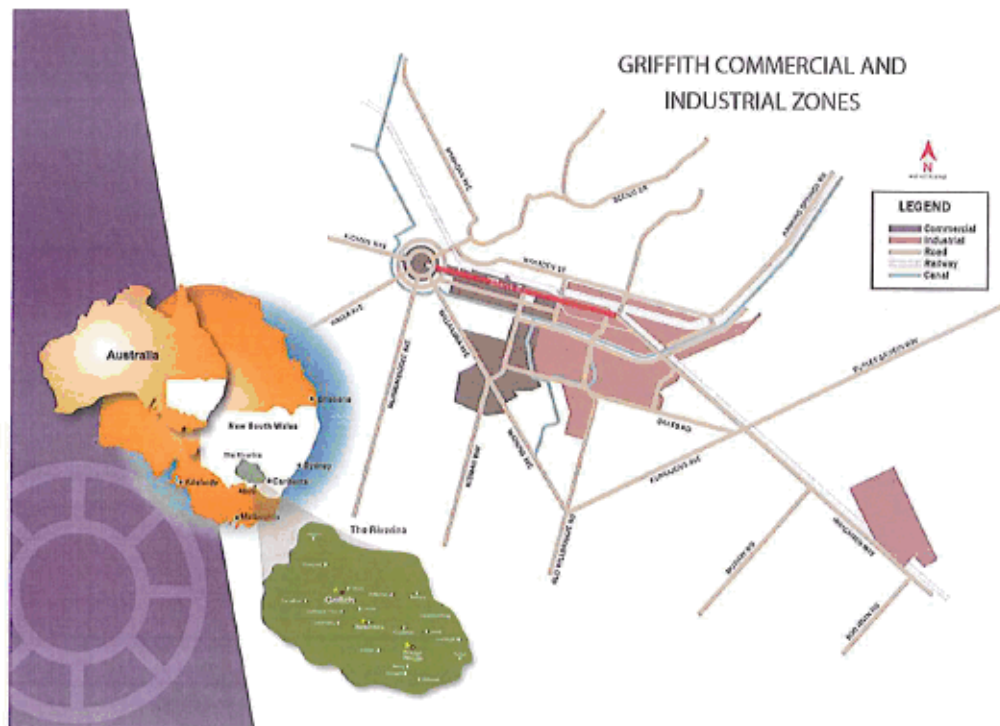
The results of the 2014 Business Survey Audit will see a decrease in business houses in some streets. This can be attributed to a more targeted approach within the street as opposed to combining a number of streets in the one precinct. The numbers will be skewed from 2013 to 2014, but will be an improvement in capturing a more accurate results in future years to come. There are also more businesses housed under one premises rather than a different premises for each business.



## Results

### 1.1 Audit Area

Griffith City Council's main street, Banna Avenue is characterised by the long avenue of shady London Plane Trees, mix of retail stores from clothing, home wares, footwear, cafes and restaurants, accommodation, banking, real estates, electrical, hair and beauty, butchers, greengrocer, toy and speciality stores.



### Existing Business Premises

#### Banna Avenue

In 2012 the audit revealed that there were 214 businesses in Banna Avenue premises. In 2013 this number had increased to 261 due to more businesses occupying shopfronts and some businesses moving to an upstairs office front. In 2014 this number hovered around 257 with slightly more vacant shops than in 2013 and 2012 (20 vacant shops were recorded this year compared with 15 in 2013 and 22 vacant shops in 2012). The same shopfronts as last year were vacated included the old Murrumbidgee Irrigation depot site, Nugans packing shed etc. Very few actual retail shopfronts were vacant this year. Although the slightly higher number this year can be attributed to by the fire at Café Beautiful, Bob Jane moving to Wakaden Street, the merger of Jetset and Harvey World Travel, the closing of the travel agency in the coach terminal and a building which previously was not counted. There was very little movement of business with 3

businesses moving within Banna Avenue and Wakaden Street. Consistent with 2013, a similar number of new businesses established in Banna Avenue in the last twelve months til January 2014, a mixture of retail, community service, restaurant, accommodation and hairdresser.

Many retailers had made improvements to their frontages with new and improved signage which has made a massive difference to the street appeal and overall look and feel of the main street shopping strip.

#### Banna Avenue

Number of Businesses	Vacant Shops	Closed	Moved in or within	From Where	Moved Out	To Where	New
257 (last year 261)	20	2	3	BA	1 Bob Jane	Wakaden	8

#### Yambil Street

Yambil Street is parallel to Banna Avenue and is home to mixed retail plaza's, and the professional precinct. Typically financial services, accountants, solicitors, hair and beauty, surveyors, hardware and department stores such as The Area Builders, GB's Sports, and Big W and Target, accommodation, job network, conveyances, real estate agents, health and government and community services are found here.

In 2014 there were 169 businesses accounted for in Yambil Street, as compared to 191 in 2013. A number of businesses moved from designated shopfronts to share space environments. There was also a reduction in the amount of shopfronts in the Central Plaza.

#### Yambil Street

Number of Businesses	Vacant Shops	Closed	Moved in or within	From Where	Moved Out	To Where	New
169 (last year 191)	10	1 Video shop	1 Viva Italia	Yambil			13

#### Wakaden Street

Wakaden Street is a diverse mix of service type industries, agricultural retail and construction, mixed with high density housing and single dwelling housing. In 2014 Wakaden Street saw a few more vacant shopfronts, the same number of businesses as 2013 at 52 and 3 business

movements, two out and one in from Banna Avenue. There was an increased improvement in signage for businesses in Wakaden street in the past twelve months.

#### Wakaden Street

Number of Businesses	Vacant Shops	Closed	Moved in or within	From Where	Moved Out	To Where	New
52 (last year 52)	5	0	1 Bob Jane	BA	2 Hartwigs, TCT	Oakes, Battista	0

#### Mooreville Industrial Area

The Mooreville Industrial Area is one of the oldest industrial estates in Griffith and is defined by a diverse mix of mechanical, irrigation, printing, trades, steel manufacturing and bulky goods and furniture.

This area has improved since the 2012 audit with less vacant shopfronts and is starting to stabilise in terms of activity. In 2014 Mooreville Industrial Estate had 111 businesses with 5 new businesses establishing themselves in this area. This is a big improvement since 2012 which accounted for 22 vacant shopfronts and 24 movements. In 2014 the audit recorded two closures, no movements in or out and similar number of new businesses than 2012.

#### Mooreville Industrial

Number of Businesses	Vacant Shops	Closed	Moved in or within	From Where	Moved Out	To Where	New
111 (last year 114)	10	2					5

#### Wickham Hills Industrial Area

The longest standing industrial centre in Griffith, this area is predominantly agricultural machinery, grain, engineering, packaging, landscaping and concreting and other various industrial users such as a winery, pallets and commercial waste management services.

The overall number of businesses counted in the 2014 audit was 73, compared with 111 in 2013. This is mainly due to Oakes, and other areas being split from this Industrial area as opposed to closures and vacancies. The number of vacant shops has decreased substantially from 17 in 2012 to just 6, and in 2014 2. There were four new businesses accounted for in 2014. There were also less movements in and out of this area.

## Wickhams Hill

Number of Businesses	Vacant Shops	Closed	Moved in or within	From Where	Moved Out	To Where	New
73 (last year 111)	2	0	1	Yambil Griffith S			4

## Battista Estate

Battista Estate is one of the newer industrial areas with frontage to major arterial roads and heavy vehicle user routes. There has been a lot of activity in this estate in the past 12 months with Town & Country Tyres filling a big void and improving the site generally.

This area houses irrigation, construction, postal, self-store and security services. In 2014 there was 16 businesses accounted for in the audit, compared with 37 in 2012 and 46 in 2013, this can be attributed to the re-zoning of the audit areas.

## Battista Estate

Number of Businesses	Vacant Shops	Closed	Moved in or within	From Where	Moved Out	To Where	New
16 (last year 46)	2	1	1 TCT	Wakaden			1

## Benerembah Street

Benerembah Street is the centre of town and part of Walter Burley Griffin's vision was to house local government here. Typically this area is housed on a wide circular road which accommodates an international supermarket, cartridge world, pets, beautician, tile shop, professional services, engineering, civil construction and architectural as well as a supermarket and TAFE.

This area is virtually unchanged from the previous audit with 33 business recorded in 2013 up from 28 in 2012. In 2014 there was 32 recorded businesses with the Explorers Hostel adding a much needed facelift to the previously vacant squash courts.



## Benerembah Street

Number of Businesses	Vacant Shops	Closed	Moved in or within	From Where	Moved Out	To Where	New
32 (last year 33)	1						1

## Yenda / Bilbul / Beelbangera

The villages of Yenda, Bilbul and Beelbangera combined are vitally important villages to the Griffith economy in terms of the businesses that are represented here and the scale of large industries that reside here.

Yenda is the largest town a part from Griffith and has one of the largest employers: Casella Wines. This area has a number of wineries and Yenda is almost self-sufficient with its own independent supermarket, pub, chemist and agricultural merchandise stores.

The March 2012 flood event hit the community hard, however the businesses have moved forward with improvements to their buildings. Very little has changed in the Yenda, Bilbul and Beelbangera communities in terms of changes to business, there has been a number of movements and expansions with the Villagio Pizza moving into the old sports complex and Yenda Hair Affair moving next to the supermarket and improving the site.. The businesses of Yenda continue to grow.

## Yenda / Bilbul / Beelbangera

Number of Businesses	Vacant Shops	Closed	Moved in or within	From Where	Moved Out	To Where	New
34 (last year 34)	5		2	Yenda			

## Hanwood

Hanwood is a village south west of Griffith on the main route into town on the Kidman Way from Melbourne. Hanwood is one of the largest villages and features a diverse mix of large industries from chicken processing (largest employer), juicing, cherry / orange packing houses and wineries, agricultural mechanical repairs and a service station.

The number of businesses in the Hanwood area have decreased mainly because the Bunnings bulky goods complex has been removed from the Hanwood businesses for the purpose of this

audit. There has been little change since last year as this area is fairly stable being one of the busiest entrances to Griffith, shift workers, locals consistently support the local businesses.

#### Hanwood

Number of Businesses	Vacant Shops	Closed	Moved in or within	From Where	Moved Out	To Where	New
19 (last year 29)							

#### Homemakers Gateway centre

The Homemakers Gateway Centre is a bulky goods centre featuring Bunnings, local 4 cinema city complex and ten pin bowling. The centre is located on the outskirts of Griffith on the Kidman Way and is a busy centre.

#### Gateway Homemakers

Number of Businesses	Vacant Shops	Closed	Moved in or within	From Where	Moved Out	To Where	New
8	2						

#### Driver

The Driver shopping centre services the Collina and East Griffith areas and is an important centre for this reason. There have been a few changes at the centre with two new businesses, one compliments the Fresh Fitness Centres and wellbeing business and the other is an agricultural consultancy service. This centre is underpinned by an independent Driver IGA, restaurant, bakery, fitness and childcare centres, hairdresser, beautician and GP. The number of businesses has not changed at 11, with two new businesses, there were no movements or closures in the past twelve months.

#### Driver

Number of Businesses	Vacant Shops	Closed	Moved in or within	From Where	Moved Out	To Where	New
11 (last year 14)							2

### Palla Street

Palla Street is a residential area of Griffith which is seeing a lot more commercial blend, particularly accountancy, dental and massage. This could be due to the wide tree lined streets and older style homes which make great offices. The number of business has increased in 2014 to allow for Nibbles on Kelly and Lake Wyangan Post Office to come under this precinct.

#### Palla / North Griffith City Council

Number of Businesses	Vacant Shops	Closed	Moved in or within	From Where	Moved Out	To Where	New
12 (last year 10)							

### East Griffith

Despite its close proximity to town, the East Griffith shopping centre has had a resurgence in the past 12 months. A new gym, Pizza takeaway store have improved vacancies with little movement since the 2013 survey was conducted. It is an important shopping centre for its area which houses many aged residents, a major school and lots of passing trade which frequent it. The centre contains a newsagency, bakery, post office, dental clinic, hairdresser, childcare services office and now a gym and takeaway.

#### East Griffith City Council

Number of Businesses	Vacant Shops	Closed	Moved in or within	From Where	Moved Out	To Where	New
11 (last year 11)							2

### Airport Precinct

Whilst many might not consider the airport a bustle of economic activity, there are many businesses who reside here that contribute enormously to the local economy.

There has been no changes to this area in the past 12 months, however it will be interesting to see if the new airport upgrade will increase business activity at the precinct.

**Airport Precinct**

Number of Businesses	Vacant Shops	Closed	Moved in or within	From Where	Moved Out	To Where	New
9 (last year 9)							

**Yoogali**

Yoogali is a village south of Griffith on the entrance into Griffith from Leeton. Yoogali was also affected by the heavy rain event and subsequent flooding in March 2012, which affected the closure of the general store. Since then the Butchery business has also closed, due to retirement.

**Yoogali**

Number of Businesses	Vacant Shops	Closed	Moved in or within	From Where	Moved Out	To Where	New
8 (last year 7)	2	2					

**Scott Road**

Scott Road is west of Yoogali and is predominantly a rural business and industry precinct, although there is scope for more industrial businesses to co-locate near Murrumbidgee Irrigation and Essential Energy.

**Scott Road**

Number of Businesses	Vacant Shops	Closed	Moved in or within	From Where	Moved Out	To Where	New
7 (last year 6)		1					

**Hillston Road / Tharbogang**

This is a growing area for larger businesses and industries located on the northern entrance to Griffith on the Kidman Way.

This area is home to the Griffith Livestock Centre, Summertime, Real Juice, Yenda Prods, Warburn Estate and Bruno Altin Co and Steel tech as well as orange packing houses.

## Tharbogang / Hillston Road / West Griffith City Council

Number of Businesses	Vacant Shops	Closed	Moved in or within	From Where	Moved Out	To Where	New
24 (last year 20)							1

## Ulong Street

Ulong Street is a side street joining the main street, Banna Avenue with the professional sector in Yambil Street. Ulong Street is home to community services, cafes and restaurants, accommodation, solicitors and accountants, lending brokers, hairdresser, clothing, giftware and homewares. Unfortunately a fire destroyed the Area News Building, which has moved to Banna Avenue.

## Ulong Street

Number of Businesses	Vacant Shops	Closed	Moved in or within	From Where	Moved Out	To Where	New
19 (last year 18)		1			1 Cupid & Beau	BA	2

## Kooyoo Street

Kooyoo Street is another of Griffith's side streets linking Banna Avenue with Railway Street and Yambil Streets. Kooyoo Street is earmarked for a beautification project and will make a big difference to the businesses in this street. In the last 12 months this street has seen more health services move in, although the business community has remained fairly steady.

## Kooyoo Street

Number of Businesses	Vacant Shops	Closed	Moved in or within	From Where	Moved Out	To Where	New
13 (last year 11)	2						



### Mackay Avenue

A major entrance into the City of Griffith, Mackay Avenue has a mixture of nurseries, freight & logistics, accommodation and car yards. This is the first year that Mackay Avenue stands along from Banna Avenue, however the new VW dealership as the first business people see from the Leeton Road makes a strong statement about our City.

#### Mackay Avenue

Number of Businesses	Vacant Shops	Closed	Moved in or within	From Where	Moved Out	To Where	New
12	2						1

### Jondaryan Avenue

Lined by date palms, this major thoroughfare into the City of Griffith has been included independently of Wickham Will. This strip has a mixture of accommodation, fast food, services and agricultural and hardware supplies.

#### Jondaryan Avenue

Number of Businesses	Vacant Shops	Closed	Moved in or within	From Where	Moved Out	To Where	New
21	3						2

### Railway / Olympic Street

Often seen as the back street of Griffith, Railway and Olympic Street is parallel to Banna Avenue the main shopping precinct, but is identifiable by large concrete and corrugate iron sheds in one section and a mixture of backend shops and flats.

#### Railway / Olympic Street

Number of Businesses	Vacant Shops	Closed	Moved in or within	From Where	Moved Out	To Where	New
14	5						

### Favell Street

Is a small cul de sac off Jondaryan Avenue which houses agricultural, smash repairs, forklift business (new) and lighting wholesalers.

#### Favell Street

Number of Businesses	Vacant Shops	Closed	Moved in or within	From Where	Moved Out	To Where	New
6							2

### Summary

The results show an increased growth in new businesses, up from 30 in 2013, now at 44, the best Griffith has seen in three years. Only 10 businesses closed in the last twelve months compared with 29 in 2013 and 48 in 2012, some of these reasons came down to fire and succession planning.

Across the city of Griffith there are 62 vacant buildings, in 2013 this number was 73 and in 2012 98.

We have seen less movement of business, only 14 businesses moved in 2014 compared with the survey conducted in 2013 at 30 movements and in 2012 86 movements.

There still appears to be more fitness centres per capita than any other business, they all seem to be very distinct markets and thriving. This year's audit noticed more agricultural services and a few more community service enterprises.

Summary 2014		Summary 2013		Compared with 2012	
New Business	44	New Business	30	New Business	37
Closed	10	Closed	29	Closed	48
Vacant buildings 62		Vacant buildings 73		Vacant buildings 98	
Movement	14	Movement	30	Movement	86
Total Bricks & mortar	994	Total Bricks & mortar	977	Total Bricks & mortar	748

**GRIFFITH CITY COUNCIL**  
**REPORT**

**CL09**

**SUBJECT: AMENDMENTS TO COUNCIL'S ENGINEERING GUIDELINES  
RECOMMENDED BY COMMITTEE MEMBER MR STEVEN MURRAY**  
**FROM: Neil Southorn, Director Sustainable Development**

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**SUMMARY**

The following report has been submitted by Mr Steven Murray. It includes a Council staff response to certain parts of the report and its recommendations.

This report and recommendations are in response to Council's request for suggestions on Council's Engineering Guidelines and policy framework. The objective is to facilitate sustainable development and ensure that development consent conditions are reasonable.

**RECOMMENDATION**

**PART A: That Council amends the Engineering Guidelines and other relevant policies to include the following recommendations: -**

**1) That the sealing or upgrading (including on-site detention) of existing car parks including access and egress points not be required when assessing a Development Application when:-**

- There is no increase in car parking spaces required by the development, and**
- There is no additional traffic generated by the proposed development, and**
- There is no change in loading and unloading arrangements;**
- UNLESS Council resolves that the circumstances of the case are such as to warrant this and clear justification is made.**

**Note: This recommendation does not relate to statutory requirements such as in relation to disabled car parking spaces or maintenance of existing facilities such as line marking.**

**2) That the landscaping and irrigation of existing car parks shall not be required in the circumstances listed in (1) above.**

**3) That on-site detention not be required when developments do not increase the total roof and hardstand (concrete/paved/sealed) areas of an existing development, including developments whereby existing roof and hardstand areas are removed and replaced with roof and hardstand areas that do not increase the roof and hardstand area of the former development.**

**4) That where an existing development involves alterations and/or additions that requires either an increase for water service supply from an existing Council water main and/or an increase of sewer service drainage connected to an existing Council sewer main, there be no requirement for the developer to prove by way of calculation of the ability of Council's water and/or sewerage system to service (or not) any increased demand. Should the development necessitate calculations**



## **- ATTACHMENT ONLY -**

### **CL09 of the Business Development & Major Projects Agenda - 20 Jan 2014**

concerning the ability or otherwise of Council's water and/or sewerage system, Council shall do so without cost to the developer and inform the developer of the outcome at pre-DA meeting/s.

**Note:** Council may request information from the intended applicant regarding the on-site sewerage and water systems for the existing and proposed development including peak demands generated from the entire development by either a suitably qualified licensed plumber or consultant engaged by the developer, in order to assess the capacity of Council's infrastructure.

5) That 'documentary evidence' from a gas supplier, an electrical authority, Telstra or any other service provider 'that satisfactory arrangements have been made for the provision' of these services, not be required. It is suggested that a condition may be applied that the applicant shall be responsible for the provision of electrical, telecommunication, gas service or any other service provider to the development and that prior to 'Occupation Certificate' applicants provide documentary proof of any of the above services that have been provided to the development.

**PART B:** That policies of Council be formally adopted prior to implementation and not effected through development consents unless in accordance with Council's Policy Register and Council's prior deliberation. The exception to the above being draft Development Control Plans.

**PART C:** That conditions implemented be clear and concise and appropriately justified within Development Approvals. A 'Reason' shall be provided to all conditions. The 'Reason' is to be located under each 'Condition'.

**PART D:** That all current 'active' Notices of Determination of a Development Application having any of the above conditions (Clauses 2- 5 inclusive) be reconsidered in the event of a Section 96 'Modification of Consent' application relating to these matters.

**PART E:** That qualified Council staff participate at all pre DA lodgement meetings and provide advice on potential conditions that may be applied to a Development Application that may be lodged. Minutes of the meeting/s are to be confirmed and distributed to stakeholders within fourteen (14) working days of the meeting.

#### **BACKGROUND**

The issue of Council's Engineering Guidelines (including Standards and Policies within the Guidelines) and their application to conditions in Development Consents has been a source of major discontent with developers, architects and building designers for a number of years. I and others involved in the development application process have had a number of meetings with Council staff over this matter to 'air' our grievances over contentious issues, the last being held in Council offices over twelve months ago. There has been some improvement in respect to the DA process. Along with my own dissatisfaction, my recent discussions with other architects, developers and building designers, reveal considerable dissatisfaction from those individuals remain concerning the Guidelines and their application for the following reasons:-

1. Failure to provide sufficient information and clear reasons for proposed engineering conditions at pre-DA meetings.
2. Inclusion of Condition/s in DA Consents that are an unnecessary application of the

## - ATTACHMENT ONLY -

### CL09 of the Business Development & Major Projects Agenda - 20 Jan 2014

Guidelines to existing developments and do not take into account existing conditions.

3. Wording in Conditions that do not fully convey what is actually required.

The following gives factual examples to justify the above. Where applicable I have made reference to actual DA clauses from current active Development Consents: -

**Reference: DA 223-2013.**

Issue: Item 1. Failure to provide information and clear reasons for proposed engineering conditions at pre DA meetings

This is a recent project whereby I was engaged to provide architectural services and the required information for a development application. In the first instance my request for a pre DA meeting to discuss intended conditions was met and at this meeting. I was provided with references to Council policies and the BCA that would be relevant to the project. This information was confirmed in writing in the following days by email. It was explained to me at this meeting that no representatives from the engineering department were available due to being away on holidays. I was assured that they would follow up with information when they returned. No follow up information was received and my client instructed me to proceed with a DA due to the passage of time.

Comments: There appears to be an internal protocol regarding the requirement to provide pre DA information and intended Conditions (with reasons given) that would be applied to a Development Application, however this needs to be ratified in some formal document and then architects, developers and building designers be formally informed. It is imperative that useful early comments on a proposal will assist the applicant to arrive at a decision as to whether or not a development application would proceed. A formal procedural system successfully operates within Port Macquarie Hastings Council.

Outcome: Further to the above application, I requested a pre DA meeting to discuss the Draft conditions all-relating to proposed engineering conditions. Despite my arguments against some of the conditions, only one condition was removed relating for the requirement for a sewer easement (documentary evidence was provided by the applicant to negate the requirement). At the meeting reasons for the engineering conditions were generally adequately explained, some (in my opinion) were not. It must be noted that further to the meeting, the applicant was happy to proceed with the application and my request for explanation in writing, of the conditions and other documentary information were emailed to the applicant and I.

The applicant at this point in time had paid around \$1,400 in DA fees. All this could have been resolved at a pre DA stage without the pressure of losing the DA fee if the proposal did not proceed.

Issue: Item 2: Inclusion of Conditions in DA Consents that are an unnecessary application of the Guidelines to existing developments and do not take into account existing conditions.

The above development had an existing gravelled car park approved under a previous development application and it appeared in good condition. No additional car-parking spaces were required to the car park under DCP 20 (in fact there was an over-all reduction) and there was no increase in traffic movements for loading and unloading. Consent condition Part L(7) required'... *the sealing of all car parking and vehicular manoeuvring areas including the access into the site.... The agreed time period shall be not more than five (5) years from the date of occupation. The remaining vehicular manoeuvring areas are to be provided with minimum 200mm compacted road building gravel and maintained to a standard which does not result in water ponding or material eroding from the site.*

## - ATTACHMENT ONLY -

### CL09 of the Business Development & Major Projects Agenda - 20 Jan 2014

Comments: The applicant's original instruction to me was for the existing car park to be gravelled, which was noted on the drawings submitted. Despite this, the above condition was invoked. The additional cost to the applicant for this work was estimated to be around \$11,000. It is my contention that this is an unnecessary condition applied and although reluctantly accepted by the applicant in this case, there are examples whereby others have rejected the condition. I refer to feed back on this issue received from a local building Designer, and I quote his correspondence as follows:-..

*'Mandatory Sealing of car parking - this blanket condition is absurd'. ....'I have had several clients that have not gone ahead with projects because of this. He went on to give an example....It was an existing site in Wickham Hill with a new shed to be used by the land owner to repair and service his header. Would not have increased vehicle movements or carparking but policy is to seal no matter what. I told the client this and said we could try getting council to budge but did not want the hassle or to spend money designing on a long shot.'*

He added....*'There are many occasions where a gravel car park or manoeuvring area are quite fine particularly in industrial areas. Forklifts and trucks when tight turning destroy whatever surface they are on but with gravel its repairable.'*

Current Engineering guidelines appear to be applied to all applications whether large scale or small, simply because a DA has been 'triggered'. The above examples highlight cost burdens that sometimes negate development.

Additional Comment: It is noted that the operating Council car park in Willandra Avenue has recently been constructed without adherence to Council's Engineering Guidelines. It has no road base or seal finish surface, line marking or disabled car parking spaces. My perception is that Council operates under a 'double standard' here. This is inexcusable as it also represents a public liability issue 'waiting to happen'.

Staff comment: Council staff acknowledge some discretion may be appropriate for car park sealing and are preparing a draft policy on car park sealing to be presented to a future meeting of the Committee. The Willandra Ave site is not a designated car park but has undergone maintenance of a gravel surface in recognition of its use as an informal parking area. Council does not require car parks to be sealed for existing development. Council staff do not agree that a 'double standard' or liability issue exist. The claim attributed to the developer that any sealed surface is destroyed by fork lifts and trucks, and therefore gravel is preferred, is incorrect; whilst of high cost, a concrete surface may be an appropriate and necessary treatment in certain circumstances.

#### **Reference: 17 Boonah Street (source: personal correspondence from a local building designer, DA reference not given)**

Issue: Item 2: Inclusion of Conditions in DA Consents that are an unnecessary application of the Guidelines to existing developments and do not take into account existing conditions. The building designer's comments in regards to this matter are as follows:-

*'Stormwater detention - if detention required that pre development flows = post development flows it would be acceptable but a knockdown-rebuild home in Boonah St, I designed Council made the client provide detention for the total roof area not the additional area'.*

Comment: I agree with this. This consent condition also occurred on another residential development that I designed at 46 Carrathool Street, Griffith. OSD requirements are very expensive for their construction and the consultants involved. The on site detention policy should be amended to take into account the above.

## - ATTACHMENT ONLY -

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Outcome: Both projects were constructed, but the owners were very disgruntled.

Staff comment: For certain parts of Griffith, Council's On Site Detention Policy allows for the requirement of on site detention for all new development, including redevelopment, under certain circumstances. This allows incremental improvement to be made to the drainage network in those areas where there is an existing drainage problem. In some areas, there is a limit to the amount of improvement that can be made to Council's infrastructure because there is insufficient grade to outfall, so having on site detention within properties undergoing redevelopment was included in the policy to help enable Council's infrastructure to cope. The concern of the development industry - that development which does not increase post development flow should not have to incur the cost of on site detention - is recognised but if the policy is amended to remove this provision, there may be occasions when the capacity to make improvement is lost because it cannot be achieved downstream.

#### **Reference: DA 219/2011.**

This is a project done in 2011 whereby I was engaged to provide architectural services and the required information for a development application. It involved the expansion of an existing motel comprising eight additional motel units as well as upgrading the front boundary with fencing and landscaping.

Issue: Item 2: Inclusion of Conditions in DA Consents that are an unnecessary application of the Guidelines to existing developments and do not take into account existing conditions.

The following clause was included in the above Consent (with the contentious issues highlighted in bold typeface):-

*Part I '(1) The applicant must supply information on the sewerage system for the existing and proposed development including peak demands generated from the entire development. Details of the existing and proposed sewerage system including approval from Council's Water and Sewer Department permitting the calculated flows to connect to Council's Sewerage system must be submitted to Council for approval prior to the lodgement of a Construction Certificate application.*

***Should the calculations prove that the existing sewer main is not suitable for the proposed development, then upgrade and amplification of the sewer main is to be conducted at the applicants expense. The design of all new mains and other associated components normally associated with sewer main installations are to conform to the standards prescribed in Council's Engineering Guidelines - Subdivisions and Development Standards December 2008 and the Water Reticulation Code of Australia (WSA 03-2002)'***

And also:-

***Part I (2) The applicant is to submit to Council for approval, hydraulic calculations from a suitably qualified Hydraulic Engineer prior to the lodgement of a Construction Certificate application. Calculations must demonstrate that additional tenements as a result of the development will maintain the minimum required pressure and flow rate through the existing water main.***

***Should the calculations prove that the existing water main is not suitable for the proposed development, then upgrade and amplification of the water main is to be conducted at the applicants expense. The design of all new mains and other associated components normally associated with water main installations are to conform to the standards prescribed in Council's Engineering Guidelines -***

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***Subdivisions and Development Standards December 2008 and the Water Reticulation Code of Australia (WSA 03-2002)***

**Comments:**

Council should be aware of its infrastructure's ability to cope with a relatively small-scale development such as this and they should investigate and report to the developer that the Council infrastructure can or cannot 'cope' with the increased demand. It is absurd logic for a 'pro-development' Council to demand of the developer to calculate at their own expense, Council's infrastructure ability and then demand that the developer pay for any required upgrade.

Regarding Part I(1), it is not an unreasonable condition that the applicant *'supply information on the sewerage system for the existing and proposed development including peak demands generated from the entire development'* to enable Council to then do their own calculations.

Regarding Part I(2), it is also excessive (and costly) to demand *'hydraulic calculations from a suitably qualified Hydraulic Engineer'* when this could adequately be performed by a licensed plumber.

These conditions are extremely expensive for the applicant to carry out and they are totally bewildered by them. I have never come across this condition in my 30 years professional experience in my 'dealings' with other Councils.

Again, the point is raised about the importance of pre DA meetings to have this matter resolved prior. I do not recall this matter ever being raised at the pre DA meetings.

Outcome: The developer (my client) has not advanced further with the development and they are considering their options. The only feasible legal option currently available is to submit a Section 96 Modification to have these conditions modified before proceeding. This involves expense and there is no guarantee that the application would be successful anyway.

Staff comment: It is not the preference of Council staff that the developer be required to substantiate Council water and sewer infrastructure capacity. The nominated condition is only used occasionally, in cases where the required information has not been provided by the developer, in the interests of making a determination on the application. A consequence of the recommendation is to "stop the clock" on the assessment until the required information is provided. Council staff are able to make reasonable estimates of water demand and sewer load for residential and quasi residential types of development. However, specialist advice is usually required for demand and load estimates for commercial and industrial types of development, particularly those that might include processing or contain features that are unique to the development. For these applications, a suitably qualified professional person is required to perform and certify the estimates.

**Reference: DA 84/2012. [Part I (8), (9), (10)]**

These conditions were for a commercial project. In summary they required 'documentary evidence' from the gas supplier, electrical authority and Telstra 'that satisfactory arrangements have been made for the provision' of these services. The 'evidence' was required 'prior to the lodgement of a Construction Certificate application'

Comment: These requirements are unnecessary. They are time consuming and costly to obtain and hold up the application process. Any developer would, as a matter of common sense, address these issues anyway. In any event, it is up to the developer as



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to which service would be required. For instance, why demand that a gas supply be verified if the developer does not wish to service the development with gas?

Staff comment: There needs to be some reference to connection of services in the consent so that the documentary proof of connection can be verified prior to occupation, and to satisfy the expectations of successors in title of the subject property.

Additional staff comment, Recommendation Part B: There will be occasions when provisions in a draft policy are of advantage to a developer; a case in point is expected to be the draft policy on car park sealing. A consequence of Recommendation Part B is that it cannot be considered even though it is the clear intention of Council that it be considered in the future. It is not clear why a draft Development Control Plan has been made an exception under the proposed recommendation. For the information of the Committee, an exhibited draft LEP and other draft State planning policies must be considered under s79C of the EP&A Act, but the LEP is an Environmental Planning Instrument of the Minister and not a policy of Council.

Additional staff comment, Recommendation Part C: Inclusion of a reason for every condition of consent will create additional workload for staff and much larger consent documents, creating more red tape from Council's perspective. It is suggested that if the Committee agrees reasons for conditions are required, they might be limited to groups of conditions or non-standard or significant individual conditions.

Additional staff comment, Recommendation Part D: It is not appropriate to pre-empt the outcome of or otherwise influence the assessment of a section 96 modification to a consent, other than by a change in policy. This recommendation also appears to contradict Recommendation Part B in relation to proposed changes to Council policy having no effect until proper notification and inclusion in Council's Policy Register, in that the intent is to have the changes recommended in the report be made effective immediately. It is suggested that this recommendation is unnecessary as Council will deliberate on the proposed amendments, exhibit draft amendments and then consider their adoption, and the Recommendation pre-empts the outcome of that process.

Additional staff comment, Recommendation Part E: It is highly desirable that appropriate staff attend pre lodgement meetings. There will be occasions when the required staff are not available, there being only few specialist staff at Council. A consequence of the Recommendation is that meetings may need to be deferred until the required staff are available.

#### **COMMITTEE RECOMMENDATION**

#### **RESOLUTION**

## OUTSTANDING ACTION REPORT

### FOR THE ORDINARY MEETING OF COUNCIL 11 FEBRUARY 2014

Council Meeting Date	Meeting Item	Action Officer	CRMS No.	Minute No.	Council Resolution	Additional Information
14 Jan 2014	<b>MM01 PETROLEUM EXPLORATION LICENCE APPLICATION</b>	GM	316/2014	0003	(a) Council prepare and forward a submission in relation to Petroleum Exploration Licence N. PELA 154. (b) The Mayor and General Manager be authorised to discuss this matter and other licence applications with adjoining Local Government areas and private sector agricultural industry groups. (c) The submission be prepared referencing the provisions of the State Government document 'Public Comment Process - for the exploration of coal and petroleum, including coal seam gas.'	20/01/14: NSW Farmers meeting on 23/01/14 to discuss also. Council meeting with Murrumbidgee Valley Stakeholders Group on 6/02/14 to discuss this issue.
14 Jan 2014	<b>CL02 LICENCE AGREEMENT FOR PART DRAINAGE RESERVE 159011 – 34A HARWARD ROAD, GRIFFITH</b>	CPO	318/2014	0005	Council approve to enter into a licence agreement with Altina Holdings Pty Ltd and Joseph Gino Altin for part drainage reserve 159011 (34A Harward Road) for a term of 10 years commencing 1 August 2013 and terminating 31 July 2023. (b) The licence fee continue to be charged in accordance with the original agreement currently \$118.74 for 2013/2014 to increase with CPI each year. (c) Altina Holdings Pty Ltd and Joseph Gino Altin be required to pay all applicable costs and charges associated with the preparation of the licence agreement together with Council's Administration fee of \$359. (d) Council authorise the Mayor and General Manager to execute the licence agreement on behalf of Council under the common seal. Councillor Lancaster MOVED that the report LAY ON THE TABLE. The motion was PUT and CARRIED. RESOLVED on the motion of Councillor Lancaster that the report lay on the table.	22/01/14: Further report to Council scheduled for 11 February 2014.

# OUTSTANDING ACTION REPORT

## FOR THE ORDINARY MEETING OF COUNCIL 11 FEBRUARY 2014

Council Meeting Date	Meeting Item	Action Officer	CRMS No.	Minute No.	Council Resolution	Additional Information
14 Jan 2014	CL03 GIRL GUIDES HALL - YENDA - PROPOSED DEMOLITION	CPO	319/2014	0006	Councillor Rossetto MOVED that the report LAY ON THE TABLE. (interest been shown in restoring hall)	20/01/14: Council staff organising a site visit with Councillors.
14 Jan 2014	QUESTION TIME (GM)	WMM	328/2014		Mr Lance Perry, on behalf of the Community and Development Council of Griffith Inc. asked the following question: "The parking area in Kookora Street adjacent to City Park keeps being brought up by members of the public, both by drivers of trucks and vehicles as well as patrons to City Park. Their concern is that of safety when alighting from their vehicles in Kookora Street to access City Park. Griffith City Council would be aware that this has been a concern from the beginning of the city park project As a duty of care by Council to the public we suggest the follow to the Council to discuss and resolve. 1. That warning signs or other devices be installed to alert vehicle drivers including truck drivers and other road users of children alighting from vehicles to access City Park. 2. That a proper parking area in the community gardens be built for those accessing city park with clear signage alerting to the parking area. 3. No parking signs along Kookora St adjacent to Park." The General Manager, Mr Brett Stonestreet advised this matter would be taken on notice and a written reply be provided to the president.	20/01/14: Matter will be referred to the Transport Committee and Council's urban design team.



## OUTSTANDING ACTION REPORT

FOR THE ORDINARY MEETING OF COUNCIL 11 FEBRUARY 2014

Council Meeting Date	Meeting Item	Action Officer	CRMS No.	Minute No.	Council Resolution	Additional Information
10 Dec 2013	<b>APPLICATION TO CLOSE AND PURCHASE PART OF WATKINS AVENUE, GRIFFITH ADJOINING LOT 521 DP 751709 (GRIFFITH HOME MAKERS CENTRE)</b>	CPO	107/2013	0401	<p>(a) Council commence the public notification process associated with the closure of that section of Watkins Avenue, shown in Attachment 'C'.</p> <p>(b) Should no submissions be received objecting to the closure of that section of Watkins Avenue, Council resolve the following:</p> <p>(i) Council delegate authority to the Mayor and General Manager to negotiate an appropriate sale price of the closed road to Betgal Pty Ltd and Ezk Pty Ltd.</p> <p>(ii) Council apply to the Department of Trade &amp; Investment - Crown Lands Division to close that part of Watkins Avenue shown in Attachment 'C'.</p> <p>(iii) The Mayor and General Manager be delegated authority to sign all relevant road closure and sale documentation under Council's common seal.</p> <p>(iv) Total costs incurred by Council in closing that part of Watkins Avenue as identified in Attachment 'C' to be paid for by Betgal Pty Ltd and Ezk Pty Ltd in addition to the negotiated purchase price.</p> <p>(c) Should submission(s) be received by Council during the public exhibition process a separate report be presented to Council for determination and that recommendation (b) not proceed.</p>	<p>18/12/2013</p> <p>Finalised. Notified applicant of approval to advertise the proposed road closure. Advert will be placed in the Area News starting 10 January 2014 and submissions will close 6 February 2014.</p>

## OUTSTANDING ACTION REPORT

### FOR THE ORDINARY MEETING OF COUNCIL 11 FEBRUARY 2014

10 Dec 2013	<b>BUILDINGS – CONSTRUCTION NEAR WATER &amp; SEWERAGE ASSETS</b>	EDAM	113/2013	0408	(a) Council approve the setback distance of 4 metres from the rear boundary for the proposed in-ground swimming pool at 82 Clifton Boulevard. (b) Council approve the amendments to Policy Number CS-CP-316, Buildings – Construction Near Water & Sewerage Assets as per attachment D.	06/01/2014 Update: Public Exhibition period ends 24/01/2014. Further report to Council if any submission/s received.  05/02/14: No submissions received. Policy adopted. Can be finalised.
10 Dec 2013	<b>MINUTES OF THE BUSINESS DEVELOPMENT AND MAJOR PROJECTS MANAGEMENT COMMITTEE MEETING HELD 18 NOVEMBER 2013</b>	MES	243/2013	0416	That the Minutes of the Business Development and Major Projects Management Committee held on 18 November 2013, having first been circulated amongst members, be adopted with the matter regarding Minute Number 0201 Laid on the Table.	06/01/2014 Clarification sought from DLG - response received - matter to be discussed at Council workshop 21 Jan 2014 for future determination by Council
26 Nov 2013	<b>PLAYGROUND STRATEGY REVIEW</b>	UDDM	10810888	0371	(a) Council place the draft Griffith Playground Strategy (2013) on public exhibition for a minimum of 40 days.  (b) After assessing submission and making relevant amendments, a further report will be presented to Council with a view to its adoption.	09/12/13 Strategy has been put on public exhibition until 21/02/2014.
12 Nov 2013	<b>NOTICE OF MOTION – GRIFFITH POUND</b>	MES	10767328	360	(a) Griffith City Council complete a review of operations at the Griffith pound including but not limited to: * Animal intake * Animal accommodation * Animal re-homing. (b) As part of that review, Council investigate costs and options for providing subsidies to those who reside within the Local Government area to have animals de-sexed. (c) Proposals for redevelopment of the facility be incorporated into the report, including preliminary costs, as well as alternatives for operating the facility.	15/11/2013 Action: Finalised, Completed. Report commenced to be presented to Council at future date.

# OUTSTANDING ACTION REPORT

## FOR THE ORDINARY MEETING OF COUNCIL 11 FEBRUARY 2014

					(d) The final report be presented to Council in time for any financial implications to be considered as part of the budget process for the 2014-2015 financial year.	
12 Nov 2013	<b>MINUTES OF THE TRANSPORT MANAGEMENT COMMITTEE MEETING 14 OCTOBER 2013</b>	DIO	10767212	356-357	<p>Minutes of the Transport Management Committee meeting held on 14 October 2013, having first been circulated amongst members, be confirmed with the following amendments:</p> <p>Clause 06 - Proposed Internal Signage at the Airport Terminal</p> <p>The recommendation as stated in the minutes be referred back to the Committee for further discussion.</p> <p>Clause 11 - Coffee Shop Airport Terminal</p> <p>Withdrawal of the following recommendation:</p> <p><i>RECOMMENDED on the motion of Councillor Curran and Christine Tomlinson that:</i></p> <p><i>(a) Peeches Mobile Coffee Van be given a two week trial period operating in the Griffith Airport Terminal providing that relevant documentation including insurance, written request be submitted.</i></p> <p><i>(b) Following the trial a further Expression of Interest be advertised.</i></p> <p>RESOLVED on the motion of Councillors Lancaster and Stead that in relation to Clause 11.1 - Coffee Shop Airport Terminal an Expression of Interest be advertised prior to a trial period being undertaken.</p>	<p>20/11/2013</p> <p>Action: Comments - The Internal signage proposal is the subject of an additional Report to the Transport Management Committee on 8 December 2013. An EOI is currently being drafted for the Coffee Shop at the Airport Terminal.</p>
22 Oct 2013	<b>UPDATE ON AIR TRAVEL BETWEEN GRIFFITH AND MELBOURNE</b>	GM	10702578	0345	The Mayor seek Expressions of Interest from other airlines in order to find an operator for the Griffith/Melbourne route.	<p>04/11/2013</p> <p>Investigations continuing into alternate airlines.</p>

## OUTSTANDING ACTION REPORT

### FOR THE ORDINARY MEETING OF COUNCIL 11 FEBRUARY 2014

24 Sep 2013	<b>REGIONAL SPORTS DECENTRALISATION PROGRAM</b>	DSD	10621192	0296	<p>(a) The report be raised from the table.</p> <p>(b) Council allocate up to \$30,000 to fund a Capacity and Capability Assessment to be undertaken by Sports Marketing Australia in conjunction with Griffith City Council and Griffith City Sports Council Inc.</p> <p>(c) Council determine the funding source from savings identified in Council's Quarterly review, or alternatively forward fund the initiative from the 2014/15 budget.</p> <p>(d) This arrangement to be managed through the Sustainable Development Directorate via the Tourism &amp; Economic Development Unit.</p>	<p>14/10/2013 Action Finalised. Funding to be allocated during the quarterly review process – September 2013.</p>
23 Jul 2013	<b>OPTIONS FOR THE DELIVERY OF MECHANICAL SERVICES TO GRIFFITH CITY COUNCIL</b>	DSD	10366732	0239	<p>(a) Council construct a stand alone workshop on appropriate land and defer full redevelopment of the existing depot as the preferred option for continuation of mechanical and fabrication services.</p> <p>(b) Suitable accommodation to be made for the fuel supply.</p> <p>(c) Council consider a further report on the recommended means to implement part (a).</p> <p>(d) A Working Group of Council be established to guide the planning, design and construction of the facility.</p> <p>(e) Further redevelopment of the Depot site and costings for the implementation of the same; be subject to a further report to Council.</p>	<p>05/08/2013 Due diligence of alternative sites under way. TORS for Working Group to be circulated.</p> <p>18/09/2013 Action: Finalised, Completed. Finalised CRMS as per SMT 16/09/13. Working Group has commenced operations. Proceeding with acquisition of land. Minutes of Working Group to be submitted to Council.</p> <p>14/10/2013 Meeting scheduled for 16 October 2013 at 1 pm.</p> <p>15/11/2013 Next meeting scheduled for 19 November at 1 pm.</p>

# OUTSTANDING ACTION REPORT

## FOR THE ORDINARY MEETING OF COUNCIL 11 FEBRUARY 2014

						06/01/2014 Concept Plans approved and endorsed for DA documentation at 10 Dec 2013 Council Meeting.
23 Jul 2013	<b>NOTICE OF MOTION - COOPER ROAD</b>	DIO	10367017	0243	<p>(a) Council approve the allocation of \$11,500 towards the re-sheeting (gravel) and grading of Cooper Road.</p> <p>(b) Council investigates the drainage concerns of Cooper Road residents and prepare a report with options on the drainage problem for the consideration of Councillors.</p> <p>(c) Council add Cooper Road to the list of priority roads to be sealed as soon as funds become available.</p>	<p>05/08/2013 Site inspection scheduled. Surveys under way. Report to Council identifying any issues and full cost update.</p> <p>19/08/2013 SMT Update: Cooper Road is a priority listing for road sealing.</p> <p>16/09/2013 Update: (b) Drainage being investigated and report is being prepared.</p> <p>30/09/2013 To be discussed at the next Councillor Workshop 15/10/2013.</p> <p>18/11/2013 Gravel sheeting/stabilising works are scheduled for 21/11/ 2013.</p> <p>06/01/2014 Gravel resheeting/stabilising works completed. Drainage issue investigations continuing.</p>