

**ORDINARY MEETING OF GRIFFITH CITY COUNCIL  
HELD IN THE COUNCIL CHAMBERS, GRIFFITH ON  
9 JUNE 2015 COMMENCING AT 7.04PM**

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### **PRESENT**

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

### **STAFF**

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

### **MEDIA**

Stephen Mudd, The Area News

### **1 COUNCIL PRAYER AND ACKNOWLEDGMENT OF COUNTRY**

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

### **2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

15/153

**RESOLVED** on the motion of Councillors Stead and Curran that an apology be received from Councillor Napoli and leave of absence granted.

### **3 CONFIRMATION OF MINUTES**

15/154

**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 26 May 2015, having first been circulated amongst all members of Council, be confirmed.

### **4 BUSINESS ARISING**

#### **Business Arising – Financial Assistance Grants Resolution**

Councillor Thorpe requested the minutes be altered to reflect his question:

‘Councillor Thorpe enquired if the withdrawal of the freeze on the indexation of Financial Assistance Grants had been submitted by Council as a motion for the National General Assembly agenda.’

## **5 DECLARATIONS OF INTEREST**

The following Councillors declared Conflicts of Interest:

### **Pecuniary Interests**

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

There were no Pecuniary Interests received.

### **Significant Non-Pecuniary Interests**

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

There were no Significant Non-Pecuniary Interests received.

### **Less than Significant Non-Pecuniary Interests**

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

Councillor Leon Thorpe

CL06 Rotoract Charter Night

Councillor Thorpe, as part of the Rotary Movement, supports Rotoract Clubs and their membership generally.

## **6 PRESENTATIONS**

Nil.

## **7 MAYORAL MINUTES**

### **MM01 SECTION 64 CHARGES**

15/155

**RESOLVED** on the motion of Stead and Thorpe that a report be submitted to Council on section 64 charges that are applied to multiple dwelling developments in Griffith.

## **8 GENERAL MANAGER'S REPORT**

### **CL01 THIRD QUARTER PERFORMANCE REPORT 2014/15 - BUDGET REVIEW AND OPERATIONAL PLAN – AMENDED REPORT**

15/156

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

- (a) Council note the variations to the 2014/15 original budget for the quarter ended 31 March 2015 as presented in this report.
- (b) The Financial Review for the quarter ended 31 March 2015 be adopted.
- (c) Council adopt the 31 March 2015 Operational Plan Review advising the extent to which the Operational Plan Actions (Performance Indicators) have been achieved.

**CL02 DA 37/2015 - CONSTRUCTION OF MULTI DWELLING HOUSING (FIVE (5) DETACHED DWELLINGS) AND A FIVE (5) LOT TORRENS TITLE SUBDIVISION)**

15/157

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

Council pursuant to the provisions of section 80(1)(b) of the Environmental Planning & Assessment Act, 1979, refuse Development Application No. 37/2015 for the Construction of Multi Dwelling Housing (five (5) detached dwellings) and a five (5) lot Torrens Title Subdivision for the following reasons:

- (i) That pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development does not meet the development standards of Clause 4.1 A of the Griffith Local Environmental Plan 2014 and there is insufficient planning grounds to justify contravening the standard under Clause 4.6;
- (ii) That pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979 the proposed development is considered unsatisfactory in that it fails to comply with the provisions of Development Control Plan No. 21 – Residential Development Policy;
- (iii) That pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act, 1979 it is considered that the development is not in the public interest to set aside the provisions of the Section 88B instrument applying to the land which restricts the number of dwellings that may be erected on Lots 96 and 97 DP 1099777 to two (2); and
- (iv) That pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act, 1979 it is considered that the development is not in the public interest as it does not meet the intent and provisions of a Council Policy (Buildings – Construction Near Water & Sewerage Assets Policy CS-CP-316).
- (v) That pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act, 1979 it is considered that the development is not in the public interest as objections have been raised which have merit.

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

**For**

Councillor Alison Balind  
Councillor Pat Cox  
Councillor Simon Croce  
Councillor Doug Curran  
Councillor John Dal Broi  
Councillor Bill Lancaster  
Councillor Mike Neville  
Councillor Paul Rossetto  
Councillor Christine Stead  
Councillor Leon Thorpe  
Councillor Dino Zappacosta

**Against**

**CL03 SECTION 96(1A) MODIFICATION OF DEVELOPMENT APPLICATION 190/2012(2)**

15/158

**RESOLVED** on the motion of Councillors Stead and Rossetto that Mr Martin Ruggeri from Planningmatters be granted permission to address Council on behalf of the applicant, Regional Nominees Pty Ltd.

Mr Ruggeri addressed Council, the time being 7.14pm.

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

- (a) Council, pursuant to the provisions of Sections 80(1)(a) and Section 96(1A) of the Environmental Planning and Assessment Act, 1979, modify Development Consent 190/2012 for the construction of serviced apartments, two (2) retail buildings and three (3) lot Torrens Title subdivision at Lot 34 DP 884345 (55-67 Railway Street) Griffith in the manner identified in Attachment 'C'.
- (b) The application be delegated to the Director of Sustainable Development for the issue of the Notice of Determination. In accordance with the Local Government Act (section 375A - Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor Lancaster **MOVED** the following **AMENDMENT** that:

- (a) Council, pursuant to the provisions of Sections 80(1)(a) and Section 96(1A) of the Environmental Planning and Assessment Act, 1979, modify Development Consent 190/2012 for the construction of serviced apartments, two (2) retail buildings and three (3) lot Torrens Title subdivision at Lot 34 DP 884345 (55-67 Railway Street) Griffith in the manner identified in Attachment 'C'.
- (b) An easement be provided for access from Ulong Street to Kooyoo Street.
- (c) The application be delegated to the Director of Sustainable Development for the issue of the Notice of Determination. In accordance with the Local Government Act (section 375A - Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

The amendment was **SECONDED** by Councillor Rossetto.

The **AMENDMENT** was **PUT** and **LOST**

**For**

Councillor Bill Lancaster  
Councillor Dino Zappacosta

**Against**

Councillor Alison Balind  
Councillor Pat Cox  
Councillor Simon Croce  
Councillor Doug Curran  
Councillor John Dal Broi  
Councillor Mike Neville  
Councillor Paul Rossetto  
Councillor Christine Stead  
Councillor Leon Thorpe

15/159

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

- (a) Council, pursuant to the provisions of Sections 80(1)(a) and Section 96(1A) of the Environmental Planning and Assessment Act, 1979, modify Development Consent 190/2012 for the construction of serviced apartments, two (2) retail buildings and three (3) lot Torrens Title subdivision at Lot 34 DP 884345 (55-67 Railway Street) Griffith in the manner identified in Attachment 'C'.
- (b) The application be delegated to the Director of Sustainable Development for the issue of the Notice of Determination. In accordance with the Local Government Act (section 375A - Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

**For**

Councillor Alison Balind  
Councillor Pat Cox  
Councillor Simon Croce  
Councillor Doug Curran  
Councillor John Dal Broi  
Councillor Mike Neville  
Councillor Paul Rossetto  
Councillor Christine Stead  
Councillor Leon Thorpe

**Against**

Councillor Bill Lancaster  
Councillor Dino Zappacosta

**CL04 LEASE OF LOT 18 GRIFFITH AERODROME TO GORDON MCCAW**

15/160

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

- (a) Council enter into a lease agreement with Gordon McCaw over Lot 18 Griffith Aerodrome (part Lot 1 DP 1146897) for a term of 5 years (1 July 2015 – 30 June 2020) with a further option of 5 years (1 July 2020 – 30 June 2025).
- (b) Gordon McCaw pay all applicable costs and charges associated with the preparation of the lease agreement together with Council's Administration Fee of \$370.
- (c) The lease fee be charged in accordance with Council's adopted Revenue Policy, proposed fee for 2015/2016 is \$1.15 per square metre for airside access.
- (d) Council authorise the Mayor and General Manager to execute the lease agreement on behalf of Council under the Common Seal.

**CL05 ENDORSEMENT OF EXECUTIVE SERVICES POLICIES FOR PUBLIC EXHIBITION**

Councillors Curran and Neville **MOVED** the following **MOTION** that:

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

Councillor Lancaster **MOVED** the following **AMENDMENT** that:

- (a) Council endorse the draft Executive Services Policies as presented for public exhibition for a period of 28 days.

- (i) For amendment

GC-CP-605	Access to Information
GC-CP-702	Animal Adoptions From Pound
GC-CP-301	City Colours
GC-CP-302	Civic Receptions
GC-CP-303	Coat of Arms & Logo - Use By Other Organisations
GC-CP-304	Community Recognition
GC-CP-403	Consultation with Management and or Advisory Committees
GC-CP-402	Council Committees
HR-CP-301	Council Signage in Parks, Reserves and Pools
GC-CP-409	Councillor Training and Development
GC-CP-408	Councillors - Provision of Resources for Preparation of References
GC-CP-305	Freeman & Freedom of the City of Griffith
GC-CP-313	Fundraising
GC-CP-414	Gifts & Benefits
GC-CP-704	Infant & Feral Animals at Griffith Pound
GC-CP-411	Internal Reporting Policy
GC-CP-703	Keeping of Animals
GC-CP-603	Legal Proceedings - Procedure to Follow
GC-CP-306	Plaques Policy
GC-CP-311	Policies - Adoption of
GC-CP-602	Privacy Matters
GC-CP-604	Records - Subpoena to Produce
WHS-CP-001	Risk Management Policy
GC-CP-312	Statement of Business Ethics
ICT-CP-401	Statements to the Media

- (ii) For transfer to internal policies

HR-CP-303	Use of Private Vehicles Whilst on Council Business
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(iii) For deletion

GC-CP-701	Cats & Dogs - Companion Animals Act
GC-CP-308	Council Assistance to Those Acting for Private Gain
GC-CP-309	Council Community Partnership Strategy
GC-CP-310	Council Seal
GC-CP-405	Councillors' Access to Information
GC-CP-406	Councillors Interaction With Staff
GC-CP-410	Councillors Use of Vehicles
GC-CP-412	Legal Assistance for Councillors
GC-CP-307	Political Candidates - Interaction with Council
HR-CP-201	Staff Management Policy - Complaint Procedure

(b) Following the public exhibition period, if no submissions are received the policy/policies be considered formally adopted.

(c) Policies that receive a submission be reported back to Council.

Councillors Curran and Neville accepted the **AMENDMENT** and the **AMENDMENT** became the **MOTION**.

15/161

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

(a) Council endorse the draft Executive Services Policies as presented for public exhibition for a period of 28 days.

(i) For amendment

GC-CP-605	Access to Information
GC-CP-702	Animal Adoptions From Pound
GC-CP-301	City Colours
GC-CP-302	Civic Receptions
GC-CP-303	Coat of Arms & Logo - Use By Other Organisations
GC-CP-304	Community Recognition
GC-CP-403	Consultation with Management and or Advisory Committees
GC-CP-402	Council Committees
HR-CP-301	Council Signage in Parks, Reserves and Pools
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GC-CP-704	Infant & Feral Animals at Griffith Pound

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GC-CP-406	Councillors Interaction With Staff
GC-CP-410	Councillors Use of Vehicles
GC-CP-412	Legal Assistance for Councillors
GC-CP-307	Political Candidates - Interaction with Council
HR-CP-201	Staff Management Policy - Complaint Procedure

(b) Following the public exhibition period, if no submissions are received the policy/policies be considered formally adopted.

(c) Policies that receive a submission be reported back to Council.

#### **CL06 INVITATION – ROTARACT CLUB OF GRIFFITH CHARTER NIGHT**

Councillor Lancaster **FORESHADOWED** a **MOTION** that the General Manager provides a report outlining the costs for the Councillors Payment of Expenses.

Councillors Zappacosta and Croce **MOVED** the following **MOTION** that Council cover the associated costs for Councillors to attend the Rotaract Club of Griffith Charter Night on Saturday 20 June 2015 as per the 'Councillors Payment of Expenses and Provision of Facilities' policy.

The **MOTION** was **PUT** and **LOST**



15/162

**RESOLVED** on the motion of Councillors Lancaster and Neville that

- (a) The General Manager provide a report comparing and itemising expenditure and facilities in the financial year 2011/12 against the budget for the 2015/16 financial years.
- (b) The report be presented at or before the Ordinary Meeting of Council reviewing the 'Councillors Payment of Expenses and Provision of Facilities' Policy in approximately September 2015.

## **9 INFORMATION REPORTS**

### **CL07 INVESTMENTS AT 30 APRIL 2015**

15/163

**RESOLVED** on the motion of Councillors Balind and Thorpe that Council note the investment report at the end of April 2015.

Councillor Croce vacated the Chamber, the time being 8.02pm.

## **10 ADOPTION OF COMMITTEE MINUTES**

### **MINUTES OF THE GRIFFITH PIONEER PARK MUSEUM COMMITTEE MEETING HELD 28 APRIL 2015**

15/164

**RESOLVED** on the motion of Councillors Cox and Curran that the recommendations as detailed in the Minutes of the Griffith Pioneer Park Museum Committee meeting held on 28 April 2015 be adopted.

### **MINUTES OF THE BUSINESS DEVELOPMENT AND MAJOR PROJECTS COMMITTEE MEETING HELD 18 MAY 2015**

15/165

**RESOLVED** on the motion of Councillors Thorpe and Stead that the recommendations as detailed in the Minutes of the Business Development and Major Projects Committee meeting held on 18 May 2015 be adopted.

Councillor Croce returned to the Chamber, the time being 8.05pm.

## **11 BUSINESS WITH NOTICE - RESCISSIONS MOTIONS**

Nil.

## **12 BUSINESS WITH NOTICE - OTHER MOTIONS**

Nil.

## **13 QUESTION TIME**

Nil.

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**14 OUTSTANDING ACTION REPORT**

15/166

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

**15 MATTERS TO BE DEALT WITH BY 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) alleged contraventions of any code of conduct requirements applicable under section 440 of the Local Government Act 1993.

15/167

**RESOLVED** on the motion of Councillors Stead 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 resolved that members of the press and public be excluded from the meeting during consideration of the items listed below, and that discussion of the report in open Council would be contrary to the public interest.

**CC01 COMMUNITIES COMMITTEE MEMBERSHIP**  
**Personnel Matters Concerning Particular Individuals 10a(2)(A)**

Council closed its meeting at 8.13 pm. The public and media left the chamber.

**REVERSION TO OPEN COUNCIL**

15/168

**RESOLVED** on the motion of Councillors Rossetto and Balind that open Council be resumed.

Open Council resumed at 8.38pm.

Upon resuming open Council the Mayor reported that the following resolutions had been made in Closed Council:

**MATTERS DEALT WITH IN CLOSED COUNCIL**

**CC01 COMMUNITIES COMMITTEE MEMBERSHIP**

15/169

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

- (a) Council increase the community representatives from six to eight.
- (b) The Terms of Reference (TORs) be amended to set the quorum at six.
- (c) Council endorse the attached membership applications from Deborah Longhurst (Linking Community Network), Claire McWilliam and William Wood as members of the Communities Committee.

There being no further business the meeting terminated at 8.39pm.

Confirmed: .....

CHAIRPERSON