



# Ordinary Meeting

**Tuesday, 9 December 2025**

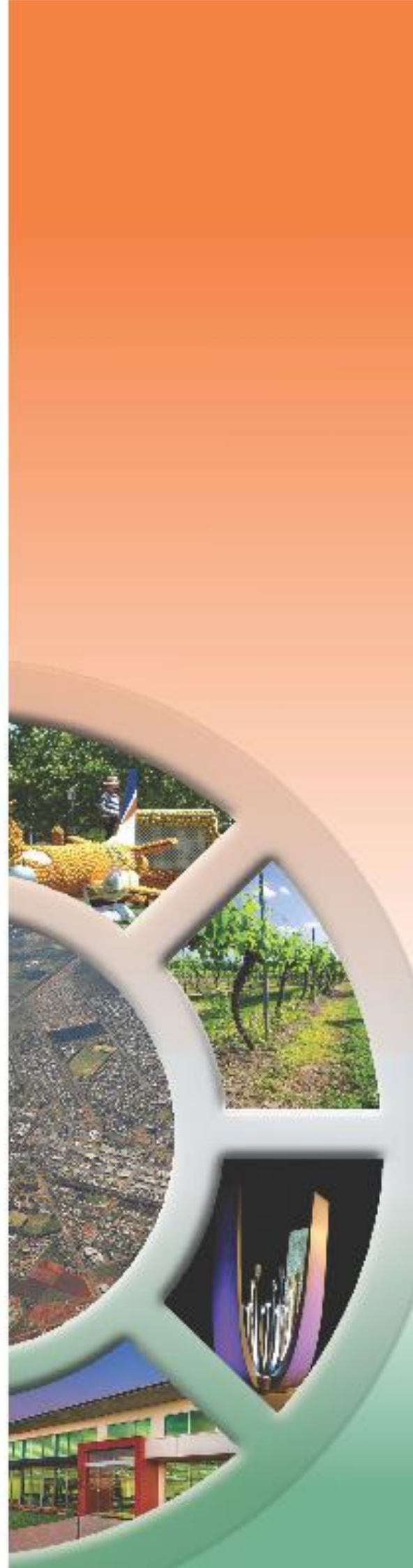
## ATTACHMENTS UNDER SEPARATE COVER

**CL01 DA 153/2025 - Thirteen (13) Lot Residential  
Community Title Subdivision**

**CL02 Section 7.12 Contributions Plan**

**CL03 Adoption of Code of Meeting Practice**

**Minutes of the Roads, Parks & Pathways Enhancement  
Committee Meeting held on 26 November 2025**



---

## ATTACHMENTS UNDER SEPARATE COVER

Page

|      |  |     |
|------|--|-----|
| CL01 | DA 153/2025 - Thirteen (13) Lot Residential Community Title Subdivision  |     |
| (a)  | Attachment A - DA 153/2025 - Draft Conditions of Consent .....   | 3   |
| (b)  | Attachment B - DA 153/2025 - Subdivision Plans - Lot 1694 DP<br>39647 Rae Road, Griffith.....                    | 23  |
| (c)  | Attachment C - DA 153/2025 - Redacted Submissions - Lot 1694 DP<br>39647 Rae Road, Griffith.....                 | 29  |
| (d)  | Attachment D - DA 153/2025 - Applicant's response to submissions -<br>Lot 1694 DP 39647 Rae Road, Griffith ..... | 32  |
| (e)  | Attachment E - DA 153/2025 -Development Assessment Report .....  | 34  |
| CL02 | Section 7.12 Contributions Plan  |     |
| (a)  | Draft Section 7.12 Contributions Plan.....   | 57  |
| CL03 | Adoption of Code of Meeting Practice   |     |
| (a)  | Draft Model Code .....   | 90  |
| (b)  | Submission - Councillor Mark Dal Bon .....   | 132 |
| (c)  | Submission - Frances Bloomfield .....  | 133 |
| (d)  | Submission - Graeme Bell.....  | 134 |
| (e)  | Submission - Name Withheld .....   | 136 |
|      | Minutes of the Roads, Parks & Pathways Enhancement Committee Meeting held on<br>26 November 2025                 |     |
| (a)  | Presentation - CBD Enhancement Designs .....   | 137 |

## Attachment B – Conditions of Consent

### Administrative Conditions

The development must be carried out in accordance with the following conditions of consent.

(1) Approved Development

Development consent has been granted for thirteen (13) lot residential Community Title subdivision at LOT: 1694 DP: 39647 Rae Road GRIFFITH.

It is advised that the proposed development has been assessed in regards to the provision of the Griffith Local Environmental Plan 2014.

The development must be implemented in accordance with Development Application No. 153/2025(1) accepted by Council on 24 September 2025 and the below mentioned plans and/or documents, except where amended in red on the attached plans or modified by the conditions of this consent.

| Drawing / Plan  | Date Accepted by Council | Prepared or Drawn By |
|---|--------------------------|----------------------|
| Project No. 250217<br>A0002 -P5<br>Proposed Site Plan | 24 September 2025        | Xeros Piccolo        |

| Document  | Date Accepted by Council | Prepared or Drawn By                   |
|---|--------------------------|--|
| Statement of Environmental Effects                  | 24 September 2025        | SKM Planning                           |
| Limited Phase 2 Site Investigation                  | 24 September 2025        | Aiken Rowe<br>Geotechnical Engineering |
| Site Assessment for Effluent Disposal System Report | 24 September 2025        | Aiken Rowe<br>Geotechnical Engineering |

If there is any inconsistency between the approved plans and documents referred to above, the conditions shall prevail.

(2) Subdivision Works Certificate

Prior to the construction of any subdivision civil works associated with the approval development, it is necessary to obtain a Subdivision Works Certificate. This approval can be issued by Council. An application for a Subdivision Works Certificate, complete with detailed plans and specifications, shall be submitted via the NSW Planning Portal.

(3) Provision of Services

The applicant is to be responsible for all amplification, extension and adequate provision for connection to services at their own expense. The work is to be in accordance with Council's *Engineering Guidelines – Subdivisions and Development Standards* and relevant authorities' specifications.

(4) Lapsing of Consent

In accordance with Section 4.53 of the Environmental Planning and Assessment Act, 1979 this consent is valid for a period of five (5) years from the date of consent.

Note 1: Development consent for the purpose of the erection of a building or the subdivision of land or the carrying out of a work does not lapse if building, engineering or construction work relating to the development is lawfully and physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse.

Note 2: Development consent for the purpose of the use of the land, building or work the subject of the consent does not lapse if it is actually commenced the date on which the consent would otherwise lapse.

(5) Damage to Council property

If any damage is occasioned to Council property during construction and associated works, the cost of repairs will be recoverable. It is therefore requested that any damage which is obvious before works commence be immediately notified to Council to avoid later conflict.

(6) Existing Services

The applicant must check that the proposed works do not affect any Council, electricity, telecommunications, gas or other services. Any required alterations to services will be at the developer's expense.

(7) Tree Preservation

The applicant is advised that the land is subject to Council's Tree Policy and the requirements of that policy are to be strictly adhered to. Should the applicant/owner require advice in this regard they are to contact Council's Parks and Gardens Department.

(8) Aboriginal Heritage

No Aboriginal objects may be harmed without an approval from Heritage NSW under the National Parks and Wildlife Act 1974.

If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:

- (a) Not further harm the object(s).
- (b) Immediately cease all work at the particular location.
- (c) Secure the area so as to avoid further harm to the Aboriginal object(s).
- (d) Notify the NSW Environment Line as soon as practical by calling 131 555 or emailing: [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au), providing any details of the Aboriginal object and its location.
- (e) Not recommence any work at the particular location unless authorised in writing by Heritage NSW.

If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit must be prepared and submitted to heritage NSW before work may continue.

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and the Department contacted of Planning, Industry and Environment



## (9) Other Cultural Heritage

Should any cultural artefacts, archaeological relics or any object having interest due to its age or association with the past be located during the course of works, all works are to cease immediately and notification shall be provided to the Office of Environment and Heritage in accordance with the *National Parks and Wildlife Act 1974*. Work shall not recommence in the area until this is authorised by the Office of Environment and Heritage.

Note. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1977 may be required before further the work can continue.

## (10) Essential Energy

Essential Energy makes the following general comments:

- As part of the subdivision, an easement is created for any existing electrical infrastructure. The easement is to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision;
- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- All Torrens lots must have access and frontage to a public road as per Service and Installation rules this is to allow for the provision of power/services to the new development, a right of carriageway can not to be used for the provision of power/services to any part of the new development.
- Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions;
- In addition, Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*;
- Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW);
- Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets*.

(11) Contaminated land - unexpected finds

In the instance that works cause the generation of odours or uncovering of previously unidentified contaminants, works must immediately cease, Council is to be notified and a suitably qualified environmental consultant appointed to further assess the site.

The exposed material/excavation is to be assessed by the environmental consultant and determine an appropriate response in consultation with the applicant, which is agreed to by Griffith City Council, in order to make the site safe from potential human health and environmental harm.

(12) Subdivision Works Certificate

In accordance with the provisions of Part 6, Divisions 6.2 and 6.4 of the Environmental Planning and Assessment Act 1979, a person must not carry out subdivision works until such time as:

- a. A Subdivision Works Certificate has been obtained from either Griffith City Council.
- b. A Principal Certifier has been appointed; and
- c. The person with the benefit of the development consent has given at least two (2) days notice to Griffith City Council and the Principal Certifier of the person's intention to commence the subdivision works.

Note 1: Should the plans submitted with the Subdivision Works Certificate differ substantially from the plans approved as part of the development consent then a Section 4.55 modification of consent will be required to be made to Council.

(13) Subdivision Works Certificate

An application for a **Subdivision Works Certificate** shall be submitted to Council and approved for the stormwater, potable water, and roadworks to be constructed. Detailed engineering design plans shall be submitted to Council for approval and a **Subdivision Works Certificate is to be obtained prior to any Civil Works commencing**. Such plans shall include designs and specifications for all proposed works as required for approval by Council. The requirement must conform to Council's *Engineering Guidelines – Subdivisions and Development Standards*, and Austroads specifications.

### Prior to the issue of a Subdivision Works Certificate

Prior to commencing subdivision works you will need a Subdivision Works issued by Council. Before this certificate can be issued, compliance with the following conditions is to be demonstrated.

#### (14) Section 7.12 Development Contributions

In accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* (former S94A) and Council's Development Contribution Plan 2010, this development requires the payment of a 7.12 contribution. The Section 7.12 Contribution is required towards the provision of public amenities and services in accordance with Councils adopted *Section 94A Contributions Plan 2010 (Amendment 2013)*. A copy of this policy is publicly available from Council's website [www.griffith.nsw.gov.au](http://www.griffith.nsw.gov.au).

Total payment shall be \$17,008.20 (1% of the proposed cost of carrying out the development). In accordance with Council's Section 94A Contributions Plan 2010 (Amended 2013) the total payment amount will be indexed by the Consumer Price Index (All Groups Index for Sydney as published by the Australian Bureau of Statistics), applicable at the date of payment.

The contribution is to be paid **prior to the issue of the Subdivision Works Certificate**. Payment is to be in the form of cash or bank cheque. Where bonding is accepted a bank guarantee is required.

#### (15) Section 64 Water Supply, Sewerage and Drainage Contributions

Pursuant to Section 64 of the *Local Government Act 1993* and the *Water Management Act 2000*, this development requires a payment of a S64 contribution. The amount payable at the time of issue of this consent is set out in the table below.

**Table of Contributions Required – Water, Sewerage & Drainage**

| Type of contribution | Amount per tenement | Number of tenements | Amount to be paid   |
|----------------------|---------------------|---------------------|---------------------|
| Water supply         | \$ 9,477.00         | 12 ET               | \$113,724.00        |
| <b>Total</b>         |                     |                     | <b>\$113,724.00</b> |

The total amount payable will be subject to review in accordance with Council's Revenue Policy current at the time of payment.

The contribution is to be paid **prior to the issue of the Subdivision Works Certificate** unless other arrangements acceptable to Council are made.

The contribution is exclusive of the fees for the connection of water services to the individual allotments. Payment is to be in the form of cash or bank cheque. Where bonding is accepted a bank guarantee is required.

Reason: Pursuant to Section 64 of the *Local Government Act 1993* and the *Water Management Act 2000*, the applicant is required to apply to Council for a Compliance Certificate under the provisions of S305 of the *Water Management Act 2000*.

## (16) Essential Services - Fibre Ready Facilities

**Prior to the issue of the Subdivision Works Certificate**, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

- (i) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose, and
- (ii) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

## (17) Landscape Plan - Street Trees &amp; Buffer Planting

**Prior to the issue of the Subdivision Works Certificate** a detailed landscaping plan (street trees) shall be designed for the proposed development for approval by Councils Parks and Gardens Manager or delegated representative.

The landscaping plan shall be drawn to scale by a suitably qualified person and include:

- a) minimum scale of 1:200 for parks, detention basins or pedestrian link pathways and 1:500 for subdivision street tree layout
- b) Identification of all trees to be retained, removed or transplanted
- c) The location of all existing and proposed tree and shrub species
- d) Height and spread of selected species at maturity
- e) Elevation of landscaped areas
- f) Irrigation measures and detailed design specifications
- g) Details (including location and method of installation) of any root barrier's to protect infrastructure
- h) a landscape maintenance strategy over the two year establishment period. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilising, remedial pruning and plant replacement.

## Notes:

- i. The nature strip and footpath areas of the development are to be incorporated into the overall landscaped area of the development.
- ii. Street tree placement is to be designed and maintained to provide safe site distance for pedestrians and motorists, with particular consideration of intersections and pedestrian walkways.
- iii. To ensure continuity, street tree species and spacing is to continue from any existing landscaping or approved street tree landscaping plan.
- iv. Street trees are to be a minimum of 1.5m in height grown in 40 litre bags or equivalent at planting
- v. All Street tree planting locations must meet the Griffith City Council- Tree Policy (PG-CP-402) with particular attention to section 3.6.1 Utilities and Services.

(18) Soil Erosion and Silt Control

Control measures are to be utilised to prevent soil erosion and silt entering the drainage systems. **Prior to the issue of a Subdivision Works Certificate** details of the proposed measures utilising the principles outlined in following document, *Soils and Construction – Managing Urban Stormwater by Landcom (Blue Book)* are to be submitted to Council for approval and implemented before, during and after development works.

(19) Tile Drainage System

If tile drainage exists, then appropriate treatment is required to obviate the collection of underground waters in unwanted places.

Documentation shall be submitted to Council **prior to the issue of a Subdivision Works Certificate** confirming Murrumbidgee Irrigation's requirements for the existing tile drainage system to either remain or be removed.

**Should Murrumbidgee Irrigation require the tile drainage system to remain**, an easement shall be created in accordance with Section 88B of the Conveyancing Act over all existing tile drainage lines. Matters to be addressed in the instrument shall include the width and location of the easement.

**Should Murrumbidgee Irrigation require the tile drainage system to be made redundant**, the tile drainage shall be either removed or disconnected to the satisfaction of Murrumbidgee Irrigation and Council.

Details of the work to be carried out on the existing tile drainage system shall be submitted to Council for approval **prior to the issue of a Subdivision Works Certificate**.

(20) Murrumbidgee Irrigation

The applicant shall obtain written approval from Murrumbidgee Irrigation for the proposed subdivision – in particular the stormwater discharge into the drainage channel located on Lot 1 DP 1311264 and the proposed internal access road to be constructed over the existing water supply system along Rae Road. Documentary evidence from Murrumbidgee Irrigation shall be submitted to Council **prior to the issue of a Subdivision Works Certificate**.

(21) S138 Roads Act

**Prior to the issue of a Subdivision Works Certificate**, a Section 138 Roads Act application, including payment of fees, shall be lodged with Griffith City Council, as the Roads Authority for works required within the Rae Road road reserve. These works may include but are not limited to:

- a) vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- b) Road opening for utilities and stormwater (including stormwater connection to Council Infrastructure).
- c) Road Occupancy or road closures

All works shall be carried out with the Roads Act approval, the development consent including the stamped plans and Griffith City Council specifications.



(22) Stormwater Drainage

Adequate arrangements are to be made for the disposal of stormwater. Stormwater runoff shall be directed to the existing drainage channel located on Lot 1 DP 1311264 via an approved onsite stormwater disposal system. Stormwater shall not be permitted to flow over the property boundaries onto the adjoining properties unless legally created easements in accordance with Section 88B of the Conveyancing Act are created. Detailed design drawings including hydraulic design calculations for the proposed drainage design are to comply with Council's *Engineering Guidelines - Subdivisions and Development Standards* and are to be submitted to Council for approval **prior to the issue of a Subdivision Works Certificate.**

A qualified Civil Engineer with experience in Hydraulic Analysis shall design and certify the stormwater system. The consultant must sign off all drawings and calculations and provide details of Professional Indemnity insurance.

(23) Onsite Stormwater Detention

Stormwater detention is to be created for the proposed development for the critical storm event. The maximum developed stormwater discharge shall not exceed the pre-development stormwater discharge from the site. Design and details including hydraulic calculations are to be submitted to Council for approval in accordance with Council's *Engineering Guidelines – Subdivision and Development Standards* **prior to the issue of a Subdivision Works Certificate.**

A qualified Civil Engineer with experience in Hydraulic Analysis shall design and certify the Onsite Detention System, which shall be maintained for the life of the project. The consultant is to sign off all drawings and calculations and provide details of Professional Indemnity Insurance.

(24) Fencing over open swale

**Prior to the issue of a Subdivision Works Certificate** a design for a permanent fence to be constructed on the shared boundary of the lots where open drainage swales are proposed is to be submitted to Council for approval. The design of the fence shall ensure that the flow of stormwater through the open drainage swale is not restricted.

(25) Flow Rate and Pressure Test

**Prior to the issue of a Subdivision Works Certificate**, a flow rate and pressure test shall be carried out, at the applicant's expense, to justify connection to Council's existing potable water main. In the event that the existing potable water main cannot provide adequate flows and pressure for the proposed subdivision, Council's water main is to be upgraded to ensure Council's water system can supply the minimum requirements outlined in Council's *Water – Supply levels of Service Policy (WS-CP-210)* for the existing and proposed developments serviced by this infrastructure. All costs associated for the water main upgrading will be borne by the applicant.

(26) Hydraulic Calculations

The applicant is to submit to Council for approval, hydraulic calculations for potable water from a suitably qualified Hydraulic Engineer **prior to the issue of a Subdivision Works Certificate**. The calculations shall detail, as a minimum, the average day demand, the maximum day demand, the maximum hour demand and the instantaneous demand for the potable water use for the development. The calculations must demonstrate that the additional tenements created as a result of the proposed development will not reduce the pressure and flow rate of Council's existing potable water main below the minimum required under *Water Services Association of Australia – Water Supply Code of Australia (WSA 03—2011)* and Council's requirements.

Should the calculations prove that the existing water main on Rae Road is not suitable for the proposed development, then upgrade and amplification of the water main is to be conducted at the applicant's 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 – Subdivisions and Development Standards* and the *Water Services Association of Australia – Water Supply Code of Australia (WSA 03—2011)*.

(27) Fire Service and Hydrant

**Prior to the issue of a Subdivision Works Certificate**, detailed engineering design plans in accordance with Council's *Engineering Guidelines – Subdivisions and Development Standards* are to be submitted to Council and approved by Council's Engineers for the proposed fire service and hydrant to service the proposed subdivision off Council's potable water main. The fire service is to include a backflow prevention device and bypass meter. The fire service is to be owned and maintained by the title holders and provide for fire coverage to the proposed lots as per *NSW Fire and Rescue – Fire Hydrants for Minor Residential Developments Guidelines*.

(28) Pavement Design

**Prior to the issue of a Subdivision Works Certificate**, a pavement design and specifications for the roadworks along Rae Road and proposed privately owned road are to be prepared by a suitably qualified Geotechnical Engineer and are to be submitted to Council and approved. The pavement design must provide a minimum 20 year design life and conform to Council's *Engineering Guidelines - Subdivisions and Development Standards*, the *Austroads Guide to Pavement Technology*.

(29) Roadworks Design Drawings

Design drawings for all roadworks shall be submitted to Council and approved **prior to the issue of a Subdivision Works Certificate**. Such plans shall include designs and specifications for all proposed works as required for approval by Council. The requirements must conform to Council's *Engineering Guidelines - Subdivisions and Development Standards*, the *Austroads Guide to Road Design* as amended by the supplements adopted by Transport for New South Wales (TfNSW) for the prevailing speed limit and TfNSW Technical Directions.

## (30) Intersection Lighting

Provision is to be made for the installation of street lighting at the intersection of Rae Road and the proposed privately owned internal road in accordance with Austroads specifications, *Australian Standard 1158* and any prescribed requirement of Essential Energy. Details shall be submitted to Council for approval, **prior to the issue of a Subdivision Works Certificate**. Lighting drawings are to be prepared by a suitably qualified lighting designer/consultant.

## (31) Intersection Sight Distance

The intersection of Rae Road and the proposed privately owned internal road is to be constructed and the roadside maintained so as to provide the required Safe Intersection Sight Distance (SISD) in either direction along Rae Road in accordance with the Austroads Publications as amended by the supplements adopted by Transport for New South Wales (TfNSW) for the prevailing speed limit. Compliance with this requirement is to be certified by an appropriately qualified person and submitted to Council for approval **prior to the issue of a Subdivision Works Certificate**.

## (32) Intersection of Rae Road and Road 1

**Prior to the issue of a Subdivision Works Certificate**, as a minimum, the intersection of Rae Road and the proposed privately owned internal road is to be designed as a T-Intersection in accordance with Austroads *Guide to Road Design* as amended by the supplements adopted by Transport for New South Wales (TfNSW) for the prevailing speed limit. Appropriate road tapers at this intersection are required to be sealed and constructed to a width to accommodate the largest sized vehicle likely to access the proposed allotments. The intersection is to be installed with street lighting and linemarked in accordance with Austroads Guidelines and TfNSW Delineation. The surface of the proposed intersection between the property boundary and road carriageway is required to be a minimum standard of two coat spray bitumen seal consisting of double bitumen and double stone surface.

## (33) Rae Road Upgrade

Rae Road is to be bitumen sealed from the Watkins Avenue and Rae Road intersection to the western most boundary of the subject allotment to a formation width of 8.9 metres as outlined in Council's *Engineering Guidelines – Subdivisions and Development Standards*. **Prior to the issue of a Subdivision Works Certificate**, detailed engineering design drawings for the roadworks shall be submitted to Council for approval. Such plans shall include design and specifications for all proposed works as required for approval by Council.

The surface of the proposed road is required to be a minimum standard of two coat spray bitumen seal consisting of double bitumen and double stone surface.

## (34) Intersection of Rae Road and Watkins Avenue

**Prior to the issue of a Subdivision Works Certificate**, as a minimum, the intersection of Rae Road and Watkins Avenue is to be designed as a T-Intersection in accordance with Austroads *Guide to Road Design* as amended by the supplements adopted by Transport for New South Wales (TfNSW) for the prevailing speed limit. Appropriate road tapers at this intersection are required to be sealed and constructed to a width to accommodate a 19m semi-trailer vehicle. The intersection is to be installed with street lighting and linemarked in accordance with Austroads Guidelines and TfNSW Delineation.

(35) Widening of channel crossing

The culvert across Murrumbidgee Irrigation's supply channel located on Rae Road to the west of the Rae Road and Watkins Avenue intersection is to be widened to provide a minimum of 9m to ensure two way traffic. The new crossing shall include a concrete culvert with concrete headwalls and guideposts. Details of the proposed crossing are to be submitted to Murrumbidgee Irrigation and Council for approval **prior to the issue of a Subdivision Works Certificate.**

(36) Accessway Lot 12

A sealed accessway is to be provided to proposed lot 12 between the property boundary and the road carriageway off Rae Road. The accessway is to be a minimum four (4) metres wide and are to include guideposts. Details of the accessways are to be submitted to Murrumbidgee Irrigation and Council for approval **prior to the issue of a Subdivision Works Certificate.**

(37) Siphon Construction

The existing Murrumbidgee Irrigation supply channel located along the subject site's southern boundary is to be constructed as a siphon structure under the proposed privately owned internal road to ensure the proposed intersection and internal road complies with Austroads Guidelines and Council's Engineering Guidelines – Subdivision and Development Standards. Details of the proposed siphon are to be submitted to Murrumbidgee Irrigation and Council for approval **prior to the issue of a Subdivision Works Certificate.**

### **Prior to Commencement of Works**

The following conditions need to be met prior to the commencement of works. The necessary documentation and information must be provided to the Principal Certifying Authority (PCA), as applicable.

(38) External Service Providers

**Prior to the commencement of works** written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services to the development.

(39) Traffic Management Plan (TMP)

A Traffic Management Plan (TMP) with all supporting documentation, including all relevant Traffic Guidance Schemes (TGS), is to be submitted to Council for approval **prior to the commencement of work** within Council's road reserve. The TMP must comply with the requirements of Transport for New South Wales' Traffic Control at Work Sites Technical Manual (TCAWS Manual), Standards Australia's Manual of uniform traffic control devices, Part 3: Traffic control for works on roads (AS1742.3), and Austroads' Guide to Temporary Traffic Management (AGTTM).

The TMP must be prepared by a person/s with a 'Prepare a Work Zone Traffic Management Plan' qualification. Strict compliance to the TMP is to be maintained throughout the duration of the works. All inspections of the TMP and collection of records must comply with the requirements of the TCAWS Manual.



(40) Construction Management Plan (CMP)

**Prior to the commencement of work**, a Construction Management Plan is to be prepared by a suitably qualified professional detailing the proposed traffic control and traffic management arrangements during the construction of the development. The Construction Management Plan is to be submitted to Council for approval and is to address, but not be limited to, the following:

- a) the management of traffic during construction;
- b) the management of loading and unloading of construction materials on site;
- c) material stockpiling/storage;
- d) identify parking for construction worker vehicles;
- e) dust mitigation measures; and
- f) complaint management and contingency measures.

The construction management measures specified in the approved Construction Management Plan shall be implemented for duration of construction.

(41) Sedimentation and Erosion Controls

Effective dust, noise, sedimentation and erosion controls are to be implemented prior to the commencement of site works. This is to include (as a minimum):

- a) The installation of a sediment fence with returned ends across the low side of the works; and
- b) A temporary gravel driveway into the site. All vehicles needing to access the site are to use the temporary driveway.

The control measures are to be installed **prior to the commencement of site works** and maintained during works in order to ensure that site materials do not leave the site and/or enter the stormwater system and to maintain public safety/amenity.

### **During Construction**

The following conditions of consent must be complied with at all times during the demolition, excavation and construction of the development.

(42) Sedimentation and Erosion Controls

The approved erosion and sediment control measures shall be implemented and maintained during works.



(43) Hours of Work

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

7.00am to 6.00pm on Monday to Saturday.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

**Note:** Any variation to the hours of work requires Council's approval.

(44) Civil Construction Works

All civil construction works such as; the installation of stormwater infrastructure, potable water infrastructure and roadworks associated with the development are to be in accordance with Council's Engineering Guidelines – Subdivisions and Development Standards.

All works shall be inspected by Council Officers or Council Nominee during normal office hours as specified in Council's Engineering Guidelines - Subdivisions and Development Standards (Part 1 - Section 4). All requests for inspection are to be made to Council's Customer Service Department.

Apart from these inspections various tests are to be conducted in conjunction with the works. Test guidelines and type of tests required are identified in Council's Engineering Guidelines - Subdivisions and Development Standards.

### **Prior to the issue of the Subdivision Certificate**

Before Council will release the subdivision plan, you will need to demonstrate compliance with the following conditions. The necessary documentation and information must be provided to the Principal Certifying Authority (PCA), as applicable.

(45) Subdivision Certificate

A Subdivision Certificate must be issued prior to lodgement of the Final Plan of Survey with the Land Registry Services. An application for a Subdivision Certificate is required upon completion of all conditions of consent. The application is to be lodged with the Principle Certifier via the NSW Planning Portal.

(46) Compliance with Conditions of Consent

The applicant is to ensure that all conditions of Development Application No. 153/2025 are completed **prior to the issue of the Subdivision Certificate**.

(47) External Service Providers

**Prior to the issue of a Subdivision Certificate** written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services to the development.

## (48) Easement for Services

**Prior to the issue of the Subdivision Certificate** easements shall be established pursuant to Section 88B of the *Conveyancing Act 1919* where services cross property boundaries. The location and widths of the easements are to be specified in the instrument for the purpose of protecting and identifying the services.

## (49) Restriction on Title – On-site effluent disposal

**Prior to the issue of the Subdivision Certificate**, a restriction on title shall be created under Section 88B of the *Conveyancing Act*, stating that no dwelling shall be constructed on any lot without an land application area provided on each individual allotment for the purposes of effluent disposal, in accordance with the findings and recommendations of Aitken Rowe's "*Site Assessment for Effluent Disposal System Report – Lot 610 Rae Road, Griffith*" dated 10 July 2025. The report outlines results for pressurised subsurface irrigation.

**Effluent Land Application Area Sizing Requirements**

| Pressurised Subsurface Irrigation |  | 3 Bedrooms        | 4 Bedrooms        | 5 Bedrooms        |
|-----------------------------------|--|-------------------|-------------------|-------------------|
| Minimum Irrigation Area           |  | 171m <sup>2</sup> | 214m <sup>2</sup> | 257m <sup>2</sup> |

*\*Adapted from Aitken Rowe's Site Assessment for Effluent Disposal System Report*

minimum land application area of 250 m<sup>2</sup> for the purposes of effluent disposal, in accordance with the findings and recommendations of Aitkin Rowe's "*Site Assessment for Effluent Disposal System Report*" dated 24 May 2022

Further the following buffer distances from the perimeter of all effluent application areas must be maintained on each lot

Note: the following minimum horizontal setback distances will apply for all irrigation disposal areas, unless otherwise approved by Council:

| Sensitive receptor  | Buffer range (m)                                       |
|---|--|
| Property boundaries   | 1.5 to 15  |
| Buildings   | 2 to 6   |
| Retaining walls, embankments and cuttings   | 3 or 45° angle from tow of wall (whichever is greater) |
| Drives, paths and walkways  | 1.5 to 6   |
| Swimming pools, recreational areas and market gardens   | 3 to 15  |
| In-ground water tanks and services (water, electrical, telecommunications and plumbing)           | 3 to 15  |
| Permanent surface water bodies  | 50 to 100  |
| Intermittent water bodies, farm dams, roadside drainage, drainage depressions, stormwater systems | 15 to 40   |
| Bores and wells   | 15 to 100  |

If the upper limit of the above setback distances cannot be met, any lesser distance must be justified using the site and system constraint and scale descriptors outlined in Table 4-4 'Constraint scale ranges' of the guide or AS/NZS 1547 (Appendix R – Recommended Setback Distances for Land Application Systems).

**Reason:** Recommended buffer distances are outlined in the Department of Planning, Housing and Infrastructure's 'Onsite Waste Management Guidelines'

(50) Restriction on Title - Building Envelopes

**Prior to the issue of the Subdivision Certificate**, a restriction on title shall be created under Section 88B of the Conveyancing Act, stating that no building shall be constructed within 5 metres of side or rear boundaries or 7.5m from front boundaries of any lot, and effluent dispersal fields are to be excluded from the building envelope.

(51) Landscape Plan - Street Trees and Parks

**Prior to the issue of the Subdivision Certificate** the approved landscape plan for street trees and parks shall be installed to the satisfaction of Councils Parks and Gardens Manager or delegated officer of that department. The commencement date for installation of plants or irrigation systems must be agreed to by the Parks and Gardens Manager or delegated officer. This work will be inspected by the delegated officer to ensure installation specifications are met. This is to include a final inspection once landscaping has been installed and written approval from the delegated officer.

The approved landscaping must be bonded along with the duration of the 2 year maintenance period.

Landscaping shall be installed within 2 years of the issue of the subdivision certificate (for each stage).

(52) Notice of Arrangement for Electricity Provision

**Prior to the issue of the Subdivision Certificate**, a copy of the Notice of Arrangement (NOA) from Essential Energy which states that satisfactory supply arrangements have been made for the provision of electricity to the proposed development is provided to Council.

(53) Works As Executed Drawings

Works As Executed plans for approved civil works are to be submitted to Council upon completion of the development **prior to the issue of a Subdivision Certificate**. Works As Executed plans are to be in accordance with Council's Engineering Guidelines – Subdivisions and Development Standards.

(54) Maintenance Bond

A Bond Application and a monetary bond is to be submitted to Council to provide a twelve (12) month maintenance period for civil works relating to Council's infrastructure. It is the applicant's responsibility to notify the relevant departments regarding the commencement and finish of the maintenance period and adequate arrangements are to be made regarding any relevant inspections required.

A five percent (5%) bond of the total cost of works is to be submitted to Council for the works that need maintenance **prior to the issue of a Subdivision Certificate**.

(55) Engineering Inspections

The applicant is required to pay for all inspections carried out by Council's Engineers. Payment must be paid for all inspections as per Council's current Revenue Policy **prior to the issue of a Subdivision Certificate.**

(56) Civil Construction Works

All works specified on the approved Subdivision Works Certificate drawings are to be completed in accordance with Council's Engineering Guidelines – Subdivisions and Development Standards (and other authorities specifications outlined within this Development Application) and approved by Council **prior to the issue of a Subdivision Certificate.**

(57) S138 Roads Act Approval

**Prior to the issue of a Subdivision Certificate**, the Principle Certifying Authority shall ensure that all works associated with a S138 Roads Act approval have been inspected and signed off by Griffith City Council.

(58) Murrumbidgee Irrigation

Murrumbidgee Irrigation's written unconditional approval for the development is to be submitted to Council **prior to the issue of a Subdivision Certificate.**

(59) Stormwater Drainage Easements

Stormwater shall not cross property boundaries unless legally created easements in accordance with Section 88B of the Conveyancing Act are created. The location and widths of the easements are to be specified in the instrument for the purpose of protecting and identifying the stormwater drainage system. The Instrument is to be submitted to Council for approval **prior to the issue of a Subdivision Certificate.**

(60) Stormwater Construction Works

All drainage infrastructure construction works are to be completed in accordance with the approved construction plans, Council's *Engineering Guidelines – Subdivisions and Development Standards*, Council's *Onsite Detention Policy (CS-CP-404)* and Council's *Stormwater Drainage and Disposal Policy (CS-CP-310)* and approved by Council **prior to the issue of a Subdivision Certificate.**

(61) Interallotment Stormwater Drainage

The interallotment drainage system servicing the proposed development shall not be dedicated to Council and is the responsibility of the title owners. A Restriction to User in accordance with Section 88E of the Conveyancing Act requiring lot owners to maintain the interallotment drainage system shall be imposed upon the created allotments. The Instrument is to be submitted to Council for approval, **prior to the issue of a Subdivision Certificate.**

(62) Stormwater Drainage

The stormwater detention, associated floodways and flow paths are to be protected by a Section 88E covenant in favour of Griffith City Council. The Instrument is to be submitted to Council for approval, **prior to the issue of a Subdivision Certificate**.

(63) Fencing over open swale

**Prior to the issue of a Subdivision Certificate** a permanent fence is to be constructed on the shared boundary of the lots where open drainage swales are proposed in accordance with the approved drawings. The construction of the fence shall ensure that the flow of stormwater through the open drainage swale is not restricted.

(64) Restriction to user

**Prior to the issue of a Subdivision Certificate**, a restriction to user shall be created over lots where open drainage swales are proposed to cross property boundaries in accordance with Section 88E of the Conveyancing Act. The restriction is to specify that any fence constructed over the open drainage swale located along shared boundaries shall ensure that the flow of stormwater through the open drainage swale is not restricted. Any fence constructed over the drainage swale is to be approved by Council and shall be permeable from the top of the swale to the bottom of the swale.

(65) Water Meters

**Prior to the issue of a Subdivision Certificate**, the developer is proposing a single master meter to service the Community Title Subdivision. Where the connection is greater than 25mm to serve the needs of the development, the application shall be supported with hydraulic calculations prepared by an appropriate consultant, including reference to a water pressure and flow rate test of the adjacent main.

**NOTE:** All maintenance and renewal of internal water services to each allotment within the Community Title remains the responsibility of title holders.

(66) Restriction to user – Water Supply for Fire Fighting

**Prior to the issue of a Subdivision Certificate**, a restriction to user shall be created over proposed Lots 6, 7 and 13 in accordance with Section 88E of the Conveyancing Act. The restriction is to specify that any future development on the subdivided allotments requires the installation of a minimum 10,000 L static water supply to Rural Fire Service (RFS) standards for the sole use of fire fighting purposes. The static water supply is to be accessible, reliable and available for the life time of the development.

(67) Access Restriction

**Prior to the issue of a Subdivision Certificate**, a restriction to user shall be created over proposed Lot 2 and 11 within the development in accordance with Section 88E of the Conveyancing Act. The restriction is to specify that no vehicular access to the created allotments within the development are to be from Rae Road at any time.



## (68) Intersection Lighting

The installation of street lighting for the installation of street lighting at the intersection of Rae Road and the proposed privately owned internal road in accordance with Austroads specifications, *Australian Standard 1158* and any prescribed requirement of Essential Energy. The lighting is to be installed in accordance with the approved design, **prior to the issue of a Subdivision Certificate**. Written approval is to be submitted to Council from Essential Energy to ensure that all works have been completed to their satisfaction.

## (69) Intersection of Rae Road and Road 1

**Prior to the issue of a Subdivision Certificate**, as a minimum, the intersection of Rae Road and the proposed privately owned internal road is to be constructed as a T-Intersection in accordance with *Austroads Guide to Road Design* as amended by the supplements adopted by Transport for New South Wales (TfNSW) for the prevailing speed limit. Appropriate road tapers at the intersection are required to be sealed and constructed to a width to accommodate the largest sized vehicle likely to access the proposed allotments. The intersection is to be installed with street lighting and linemarked in accordance with Austroads Guidelines and TfNSW Delineation. The surface of the proposed intersection between the property boundary and road carriageway is required to be a minimum standard of two coat spray bitumen seal consisting of double bitumen and double stone surface.

## (70) Intersection of Rae Road and Watkins Avenue

**Prior to the issue of a Subdivision Certificate**, as a minimum, the intersection of Rae Road and Watkins Avenue is to be constructed as a T-Intersection in accordance with *Austroads Guide to Road Design* as amended by the supplements adopted by Transport for New South Wales (TfNSW) for the prevailing speed limit. Appropriate road tapers at the intersection are required to be sealed and constructed to a width to accommodate a 19m semi-trailer vehicle. The intersection is to be installed with street lighting and linemarked in accordance with Austroads Guidelines and TfNSW Delineation.

## (71) Intersection Signposting

**Prior to the issue of a Subdivision Certificate**, the intersection of Rae Road and the proposed privately owned internal road is to be appropriately signposted and line marked in accordance with the signposting and line marking policy adopted by Transport for New South Wales (TfNSW) and Australian Standard 1742.

## (72) Rae Road Upgrade

**Prior to the issue of a Subdivision Certificate**, Rae Road is to be bitumen sealed from the Watkins Avenue and Rae Road intersection to the western most boundary of the subject allotment to a formation width of 8.9 metres as outlined in Council's *Engineering Guidelines – Subdivisions and Development Standards*. The surface of the proposed road is required to be a minimum standard of two coat spray bitumen seal consisting of double bitumen and double stone surface.

## (73) Roadworks Construction

All road infrastructure construction works specified within this Development Application are to be completed in accordance with Council's *Engineering Guidelines – Subdivisions and Development Standards* (and other authorities specifications outlined within this Development Application) and approved by Council **prior to the issue of a Subdivision Certificate**.

(74) Widening of channel crossing

**Prior to the issue of a Subdivision Certificate**, a culvert structure is to be constructed across the Murrumbidgee Irrigation supply channel located on Rae Road to the west of the Rae Road and Watkins Avenue intersection. The culvert shall provide a minimum of 9m clearance, be constructed of concrete with concrete headwalls and guideposts. All works are to be completed to Murrumbidgee Irrigation and Council's specifications.

(75) Internal Accessway

**Prior to the issue of a Subdivision Certificate**, the internal access road is to be constructed in accordance with Council's *Engineering Guidelines – Subdivisions and Development Standards* and *NSW Fire and Rescue – Fire Hydrants for Minor Residential Developments Guidelines*. The internal driveway is to include but is not limited to the following:

- a) be constructed of a sealed surface able to support a fire appliance weighing up to 15 tonnes.
- b) adequate drainage system to ensure no water ponding occurs on or within the vicinity of the carriageway;
- c) A minimum width of 6m;
- d) a minimum 3.5m clearance from any overhanging obstruction;
- e) a gradient no greater than 1:6;
- f) an area at the end of the carriageway of not less than 10m.

(76) Right of Access

**Prior to the issue of the Subdivision Certificate** the proposed internal accessway is to be formed as common property in accordance with the Conveyancing Act.

(77) Access to Proposed Lots 1-6

**Prior to the issue of a Subdivision Certificate**, a sealed accessway is to be provided to proposed lot 12 between the property boundary and the road carriageway off Rae Road. The accessway is to be a minimum four (4) metres wide and are to include guideposts. All works are to be completed to Murrumbidgee Irrigation and Council's specifications.

(78) Accessway construction – Proposed Lots 6, 7 and 13

**Prior to the issue of a Subdivision Certificate**, a concrete vehicular crossing to proposed Lot 6, 7 and 13 is to be constructed between the property boundary and road carriageway off the proposed privately owned internal road. Accessway and layback construction for the proposed subdivision is to be completed in accordance with the approved Subdivision Works Certificate drawings and Council's *Engineering Guidelines – Subdivisions and Development Standards*.

(79) Internal driveway

**Prior to the issue of a Subdivision Certificate**, the internal driveway to proposed Lots 6, 7 and 13 is to be all weather gravel for the full length of the battle-axe handle in accordance with Council's *Engineering Guidelines – Subdivisions and Development Standards* and Council's Residential Development Control Plan 2020.

(80) Siphon Construction

**Prior to the issue of a Subdivision Certificate**, a siphon structure is to be constructed within the existing Murrumbidgee Irrigation supply channel located along the subject allotment's southern boundary under the proposed privately owned internal road. All works are to be completed to Murrumbidgee Irrigation and Council's specifications.

### On-Going Requirements

The following conditions or requirements must be complied with at all times, throughout the use and operation of the development.

(81) Maintenance of Onsite Detention System

The proposed onsite detention system including the detention basin to be constructed as part of the subject Development Application is not to be dedicated to Council and is to be maintained for the lifetime of the subject development by the Community Title Scheme.

### Attachment C – Advisory Notes

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2021*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 4.16 of the Act.

(82) Before You Dig

If excavating, it is recommended you go to Before You Dig Australia at [www.byda.com.au](http://www.byda.com.au) and lodge a free enquiry that helps keep people safe and protect underground infrastructure.

### Attachment D – Other Council Approvals and Consents

#### Section 68 Local Government Act 1993 Approvals

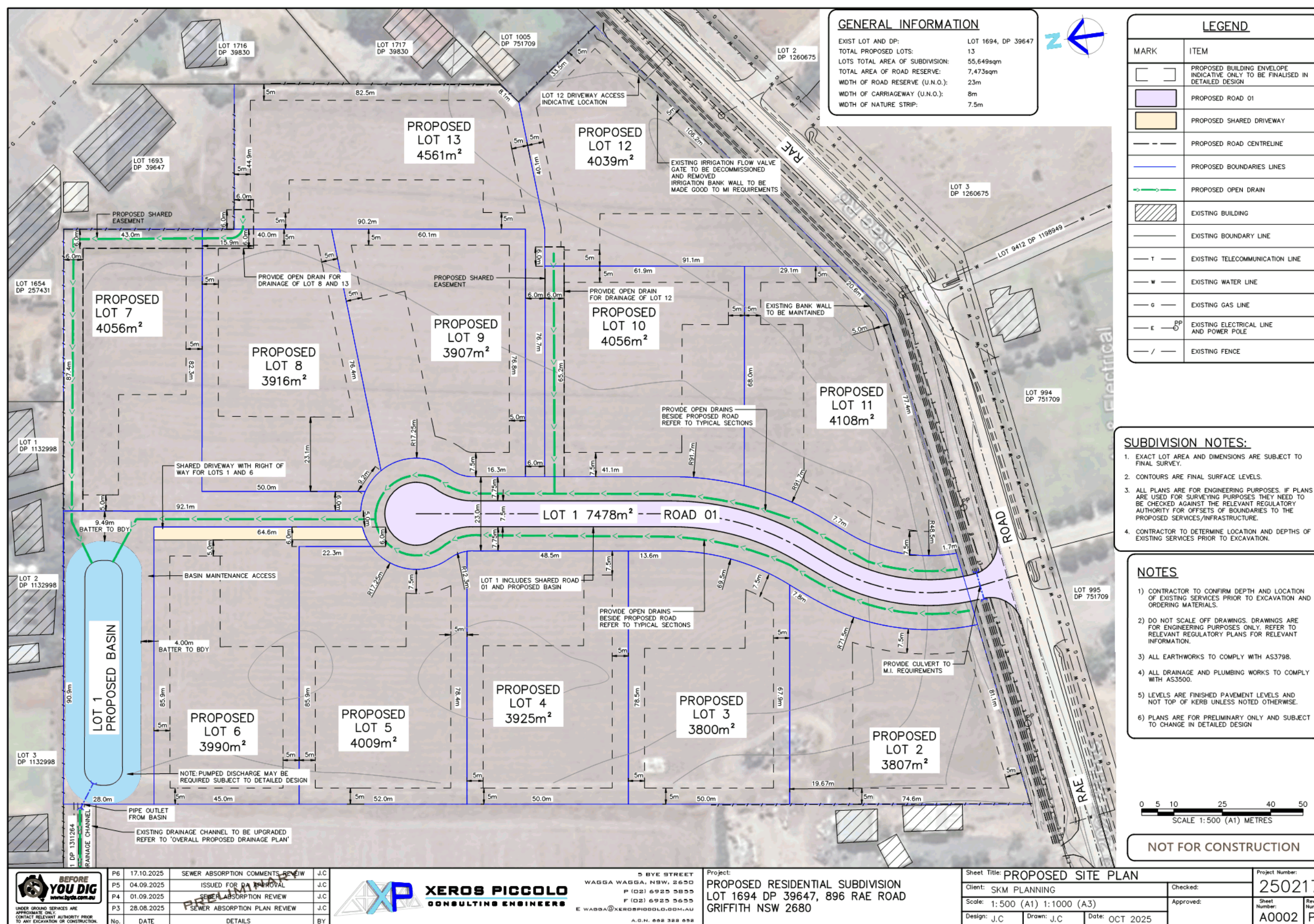
This consent includes the following approvals under Section 4.12 of the *Environmental Planning and Assessment Act 1979* and Section 68 of the *Local Government Act 1993*.

nil

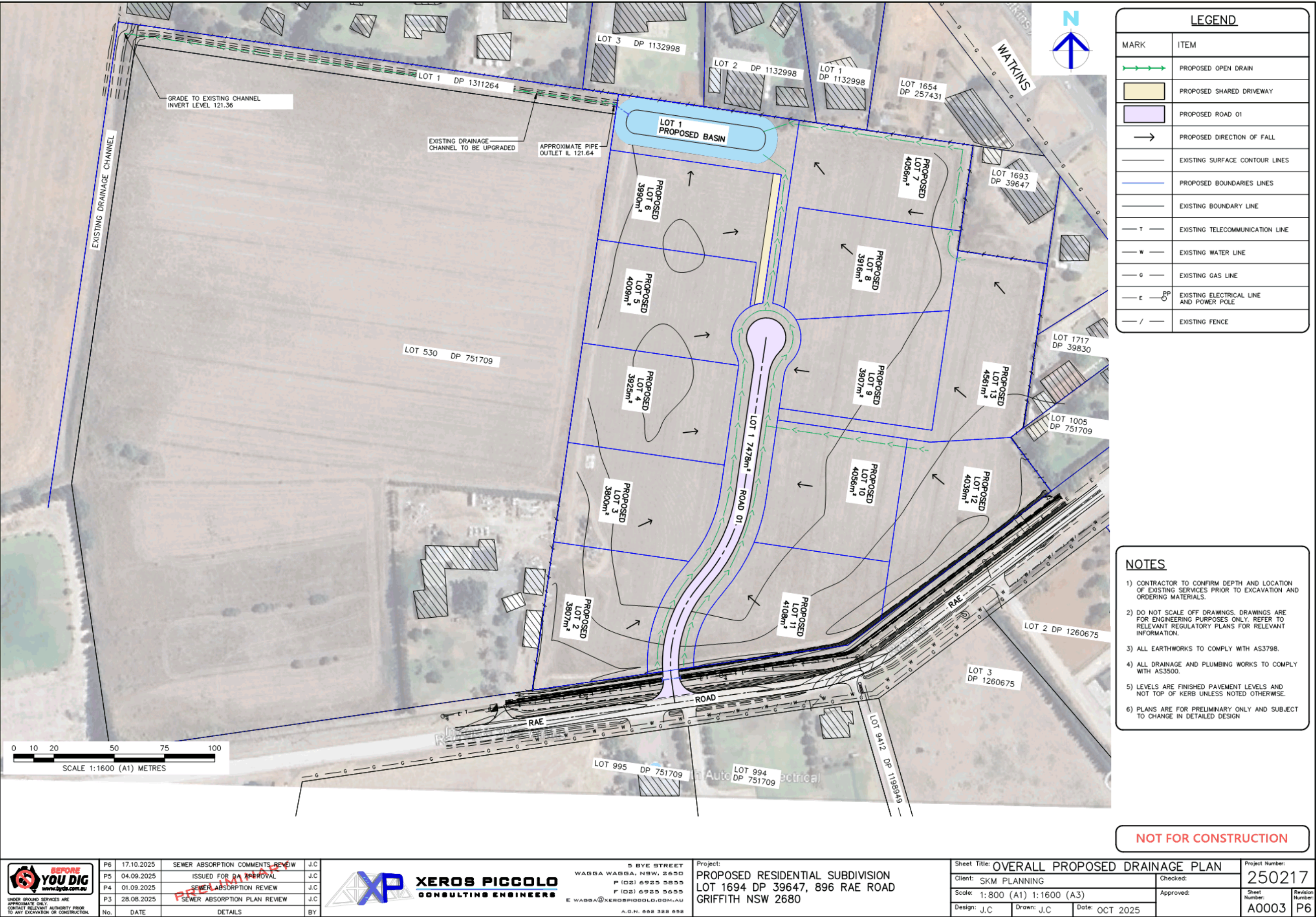




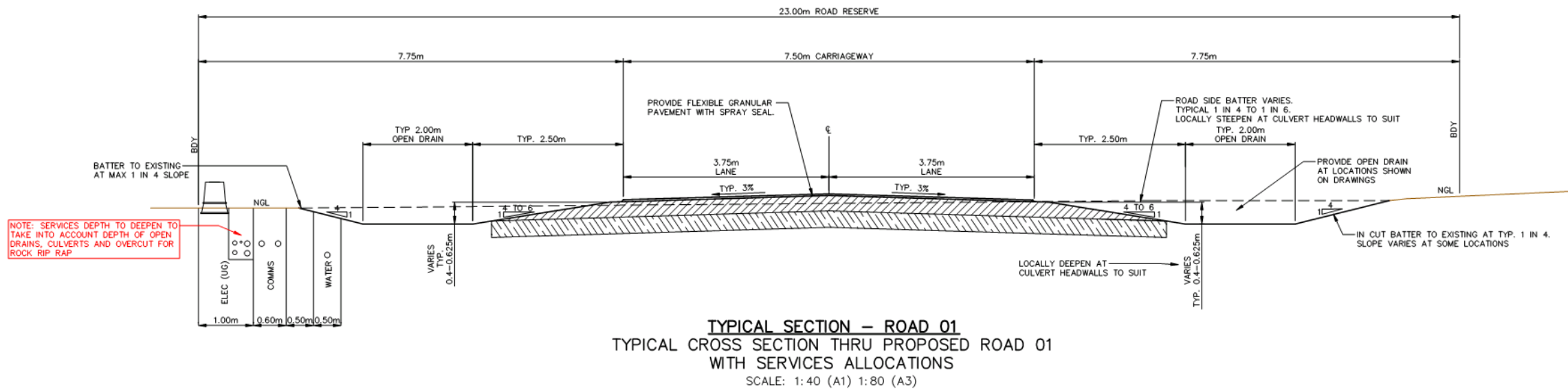












NOT FOR CONSTRUCTION



|     |            |                                  |     |
|-----|------------|----------------------------------|-----|
| P6  | 17.10.2025 | SEWER ABSORPTION COMMENTS REVIEW | J.C |
| P5  | 04.09.2025 | ISSUED FOR APPROVAL              | J.C |
| P4  | 01.09.2025 | SEWER ABSORPTION REVIEW          | J.C |
| P3  | 28.08.2025 | SEWER ABSORPTION PLAN REVIEW     | J.C |
| No. | DATE       | DETAILS                          | BY  |



**XEROS PICCOLO**  
CONSULTING ENGINEERS

5 BYE STREET  
WAGGA WAGGA, NSW, 2650  
P (02) 6925 3855  
F (02) 6925 3655  
E WAGGA@XEROSPICCOLO.COM.AU  
A.C.N. 658 388 658

Project:  
PROPOSED RESIDENTIAL SUBDIVISION  
LOT 1694 DP 39647, 896 RAE ROAD  
GRIFFITH NSW 2680

Sheet Title: TYPICAL SECTIONS

Client: SKM PLANNING

Scale: 1:500 (A1) 1:1000 (A3)

Design: J.C

Drawn: J.C

Date: OCT 2025

Checked:

Approved:

Project Number:

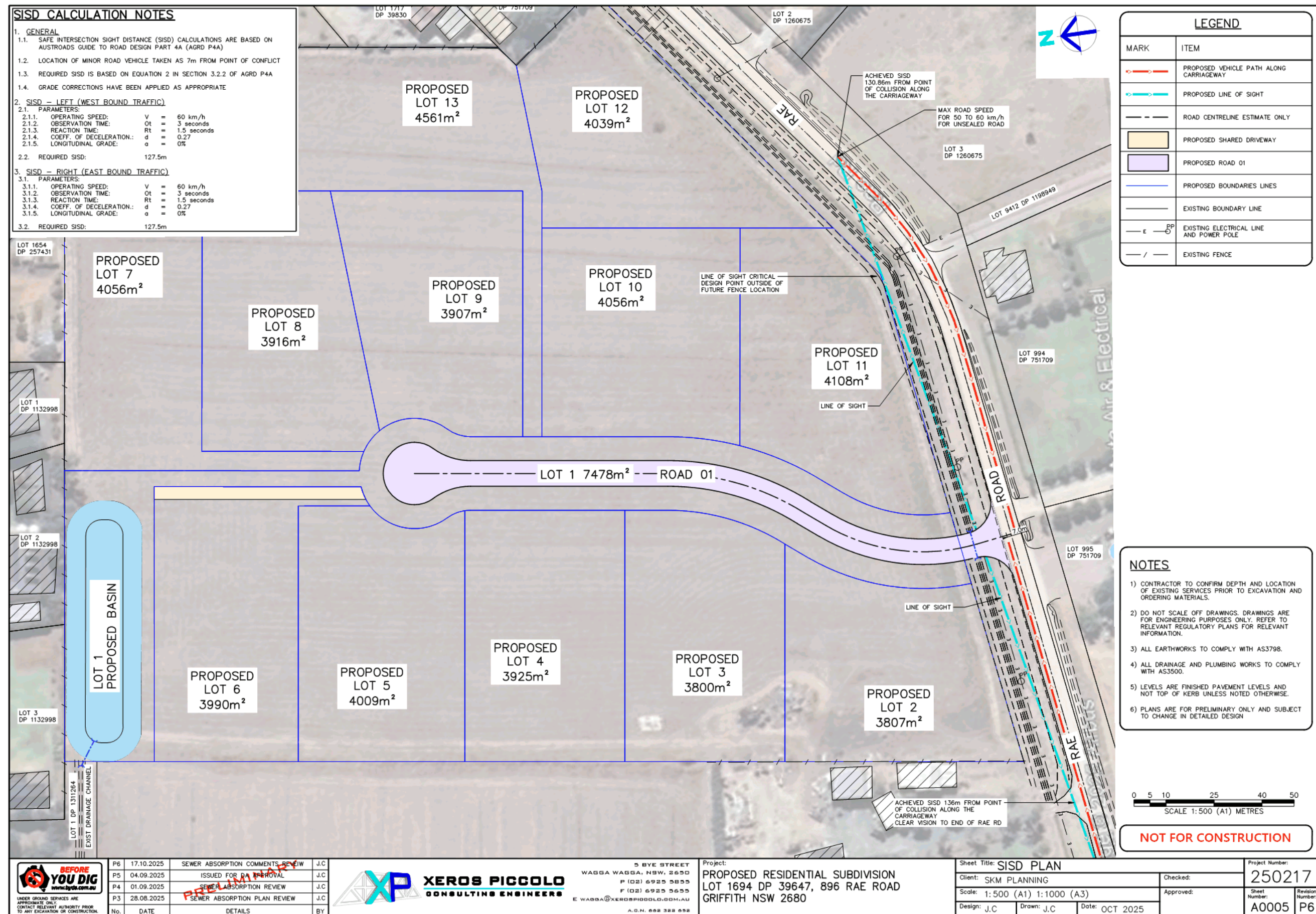
250217

Sheet Number:

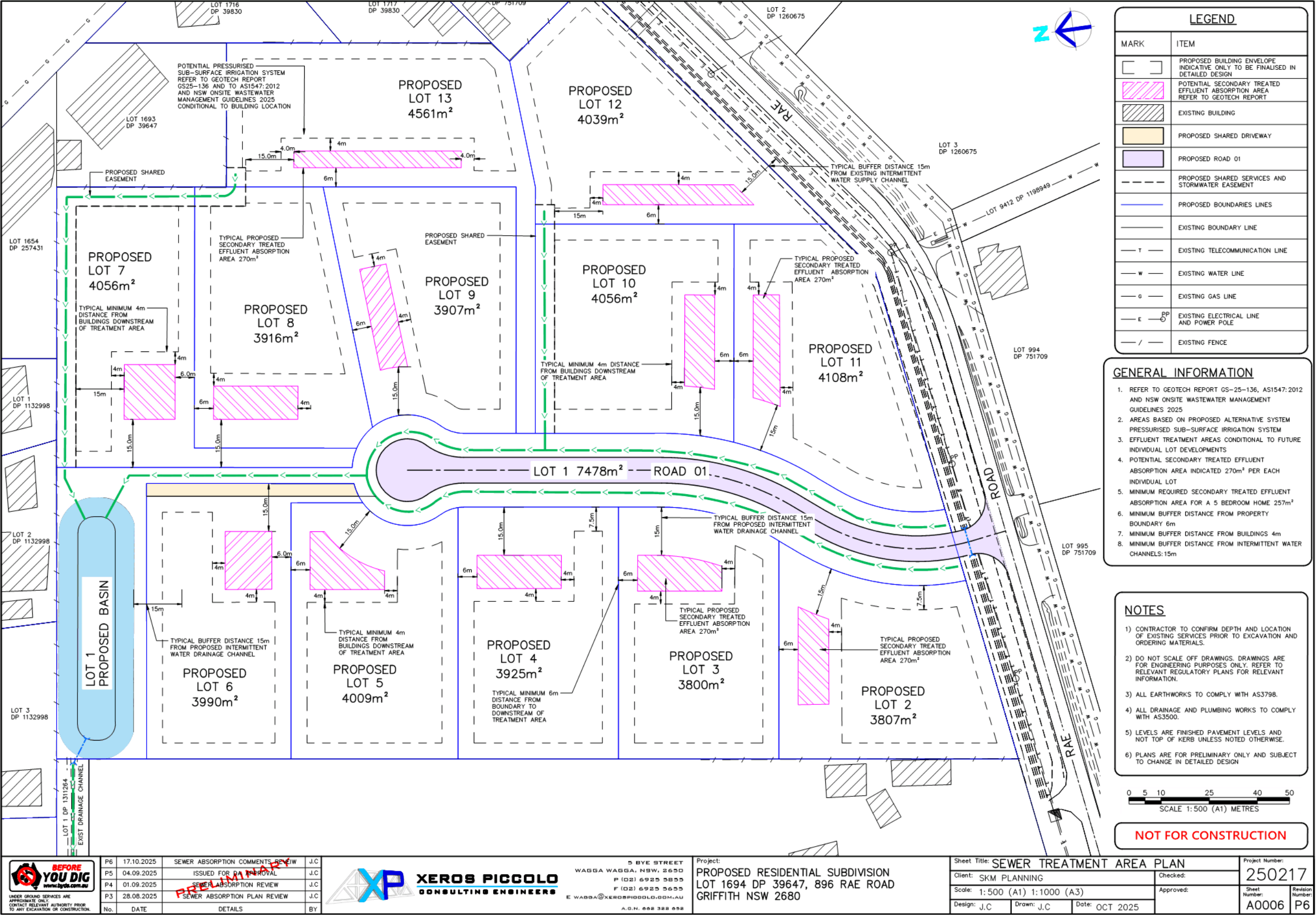
A0004

Revision Number:

P6









THE GURDWARA SINGH SABHA SOCIETY  
GRIFFITH (NSW) INC



---

**Date: 13/10/2025**

**To:**

Development Assessment Planner  
Griffith City Council  
1 Benerembah Street  
Griffith NSW 2680

**Subject: Feedback on Development Application No. 153/2025 (1) – Lot 1694 DP 39647 Rae Road Griffith**

Dear Ms. Leah Smith,

On behalf of The Gurdwara Singh Sabha Society Inc., we wish to provide our comments regarding the proposed thirteen (13) Lot Residential Community Title Subdivision on Rae Road, Griffith.

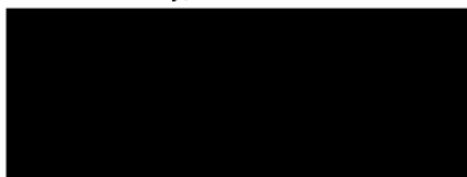
As the Gurdwara Sahib (Sikh Temple) is located near the proposed development site, we would like to advise and request that a proper tar (sealed) road be completed before construction begins. During the construction phase, there is likely to be heavy traffic movement which may result in excessive dust and noise, directly affecting the Gurdwara Sahib and the surrounding community.

Additionally, for the safety of all road users, we strongly recommend that permanent and proper traffic lights be installed along Rae Road and at the intersection of Kidman Way and Rae Road. This will help manage the expected increase in vehicle movement and improve road safety for worshippers and residents.

We appreciate the Council's attention to community safety and wellbeing and trust that these recommendations will be considered as part of the development planning and approval process.

Thank you for your time and consideration.

Yours sincerely,





The General Manager  
Griffith City Council  
1 Benerembah Street  
Griffith NSW 2680

Email: admin@griffith.nsw.gov.au

### **Submission – Objection to DA 153/2025 – 13 lot residential subdivision**

Dear Scott

I am writing to you regarding the proposed 13 Lot subdivision at Lot 1694 DP 39647 Rae Road Griffith.

I object to this proposal based on the location of the stormwater detention basin being located immediately to the rear [REDACTED] Shiraz Drive Griffith, and the lack of detail about proposed dwellings to be constructed in the subdivision.

All 13 lots are required to have aerated water treatment systems and the Aitken and Rowe report for the suitability of the sites for effluent disposal, permits the above ground application of treated sewage to on-site disposal areas. Page 7 of the statement of environmental effects states *"Each lot would drain to the road which would then discharge to an on-site detention basin...."*

In heavy rainfall events some of that surface disposed sewage will be washed off the disposal areas onto the road and into the detention basin and afterwards I will be subject to foul odour from the residual deposit of sewage solids into the basin and static water with decomposing vegetation.

This is because of the close proximity of the basin to my house with the basin being on my rear boundary (see image below). The basin should be located away from adjoining subdivisions and located further within the proposed subdivision. The basin is right on my boundary but away from the nearest proposed dwelling boundary (Lot 6).

Further to this issue, the statement of environmental effects does not contain any details about the maintenance or cleaning of the basin. Without any proposed maintenance it will likely become overgrown with water slowly evaporating creating a foul odour and attracting vermin and snakes.

The other issue is there are no details on whether the proposed dwellings are two storey or not. With the prevalence of cameras on new houses and the close proximity of the adjoining lots I would be concerned about my family's privacy being compromised if two storey buildings were permitted. Much more detail should be provided on what the developer proposes to allow to be constructed in the subdivision.

It is my position that the location of this detention basin and the lack of detail about its maintenance is extremely unfair to me and my neighbours in Shiraz Drive. It is an imposition potentially forced on us with no recognition of the potential impacts on us, or how they could be mitigated. Additionally the lack of housing construction detail is very concerning, particularly knowing that council's development control plan will allow two storey buildings in the subdivision.

In my opinion these two issues should be considered before any decisions are made in relation to the proposed subdivision and if not adequately addressed the proposal should be refused.

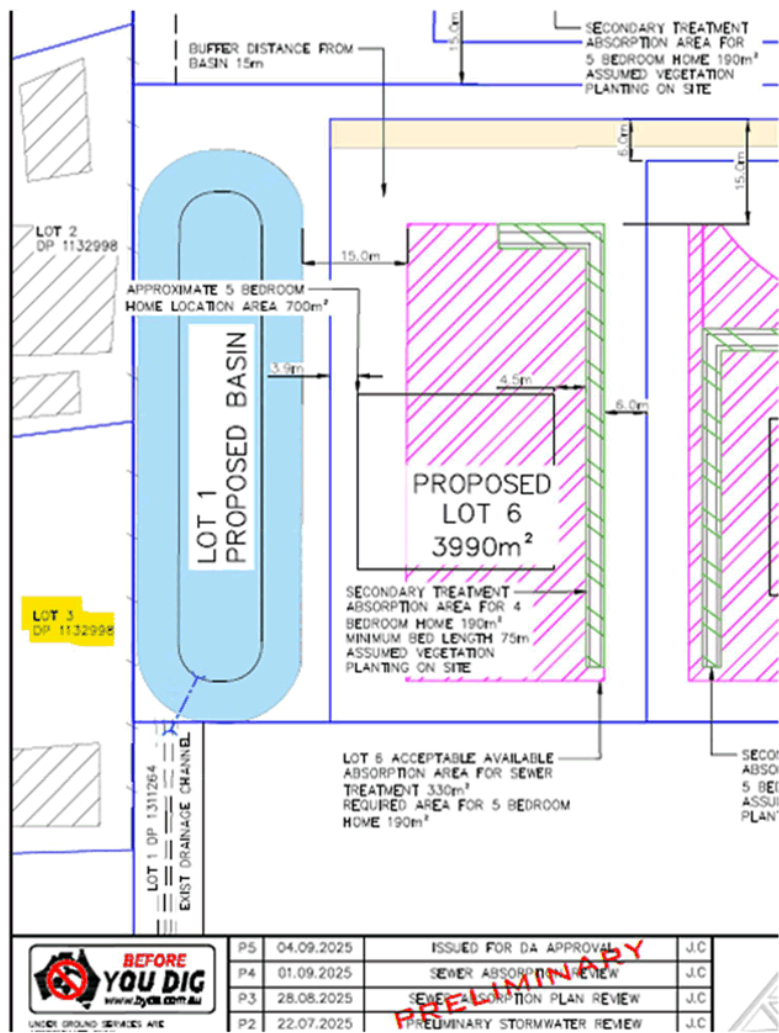


Image of detention basin and proximity to my Lot 3.

Regards





23 October 2025  
Scott Grant  
General Manager  
Griffith City Council  
1 Benerembah Street  
Griffith, NSW 2680

Dear Mr. Grant,

**DA 153/2025 – Response to Submissions**

The purpose of this letter is to respond to a submission received to DA 153/2025, which proposes a rural residential subdivision on Rae Road in Griffith, in an area dominated by existing and future rural residential (large lot) developments. We note that two landowners in the area have lodged submissions. The development proposes the following:

- A 13 lot Community Title Subdivision – Lot 1 would include the community road and the detention basin which would be maintained by a legislated neighbourhood association. The other 12 lots would each include a dwelling, with the owners of the lot being part of the neighbourhood association. The neighbourhood association would ensure that all ongoing maintenance and management costs and obligations associated with the common infrastructure (roads and drainage) are borne by the owners in perpetuity.

The submissions raised the following concerns or issues:

- Use of AWTS systems and stormwater interactions:
  - The submitter resides in a similar subdivision, where each lot has stormwater systems that discharge to the road and then into a detention basin.
  - The submitter also resides on a lot that contains an onsite sewage management system.
  - The two above systems in Shiraz Drive operate separately, with stormwater directed to the subdivision's stormwater system and the effluent from the onsite sewage management systems retained on each lot in suitably sized disposal areas.

Page 1 of 2



ABN 48 331 201 880

- DA 153/2025 proposes a system very similar to that located within the submitter's subdivision on Shiraz Drive.
- Maintenance of the Detention Basin
  - The detention basin would be maintained by the neighbourhood association, as required by the Community Title legislation. This would include mowing the basin and regular weed control practices similar to those applied to the basin in Shiraz Drive.
- No information has been provided on whether the dwellings will be two storeys.
  - No restriction would be imposed on the subdivision, which states that a dwelling must be one storey in nature. Two-storey dwellings would be permitted within the subdivision and would be subject to future development applications or complying development certificates (issued by a private certifier or Council).
  - There is no restriction on the title of lots in Shiraz Drive that dwellings must be one storey in nature. It should be noted that State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 permits dwelling heights of up to 10 metres for lots in the R5 – Large Lot Residential Zone, which are permitted under complying development without the need for a Council development application approval (see clause 3A.14 of the SEPP).
- Rae Road to be sealed and traffic lights installed on Kidman Way.
  - There is no nexus between the development and the need to install traffic lights. Traffic volumes at an intersection of at least 2000 vehicle trips per day would be required to necessitate traffic lights.
  - There are several subdivisions approved and under assessment with Council along Rae Road, which require the upgrade of the road to a sealed surface.

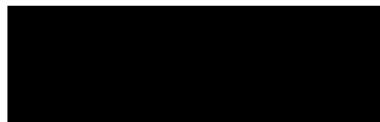
Please let us know if there is anything further that Council requires prior to determining the development application.

Yours sincerely



**Kelly McNicol**  
Director  
SKM Planning

Page 2 of 2



---

ABN 48 331 201 880



## Development Assessment Report

### PART A: GENERAL ADMINISTRATION

|                                      |   |
|--------------------------------------|---|
| <b>DA No:</b>                        | 153/2025(1)   |
| <b>Property Information:</b>         | LOT: 1694 DP: 39647<br>Rae Road GRIFFITH            |
| <b>Proposed Development:</b>         | Thirteen (13) lot Community Title subdivision       |
| <b>Brief Description of Proposal</b> | Residential subdivision                             |
| <b>Type of Development:</b>          | Local   |
| <b>Lodgement Date:</b>               | 24 September 2025                                   |
| <b>Statutory Timeframe:</b>          | 40 days   |
| <b>Value of Development:</b>         | \$1,700,820.00                                      |
| <b>Applicant's Details:</b>          | Mr G Belardo<br>PO Box 151<br>HORSLEY PARK NSW 2175 |
| <b>Land Owner's Details:</b>         | Mr G Belardo<br>PO Box 151<br>HORSLEY PARK NSW 2175 |
| <b>Report Author/s:</b>              | Leah Smith  |





---

## **PART B: EXECUTIVE SUMMARY**

Council has received an application for the creation of thirteen (13) community title lots to be used for residential land uses. One of the lots will contain the private road and the stormwater detention basin.

The proposed development is consistent with the provisions of the Griffith Local Environmental Plan 2014 under Clause 4.1B Lot Averaging subdivision and the other relevant clauses. The application was assessed against the Residential Development Control Plan. No variations were requested.

The application was notified in accordance with Council's Community Participation Plan and two submissions were received, with one submission objecting to the development application. The issues raised in the submissions were in relation to stormwater drainage and onsite septic treatment systems, proposed residential types and impacts of road works.

It is recommended that the application be approved based on the details contained in report.

## **PART C: PROPOSAL**

Consent is sought for the creation of 13 new lots to be used for residential type land uses. This will comprise of 12 residential lots and one neighbourhood/community title lot. The residential lots sizes will range from 3800m<sup>2</sup> to 4561m<sup>2</sup>. The neighbourhood lot will be 7478m<sup>2</sup> and will contain a private road and detention basin.

As the proposed development will not be connected to Council's reticulated sewer system, each residential lot has been provided with sufficient area for a future dwelling and effluent disposal. The development will also include the installation of essential services and drainage infrastructure, construction stormwater detention basins and the leveling of the proposed lots.

The remaining lots are proposed for residential use and can be developed with homes in the future, subject to separate development approvals.

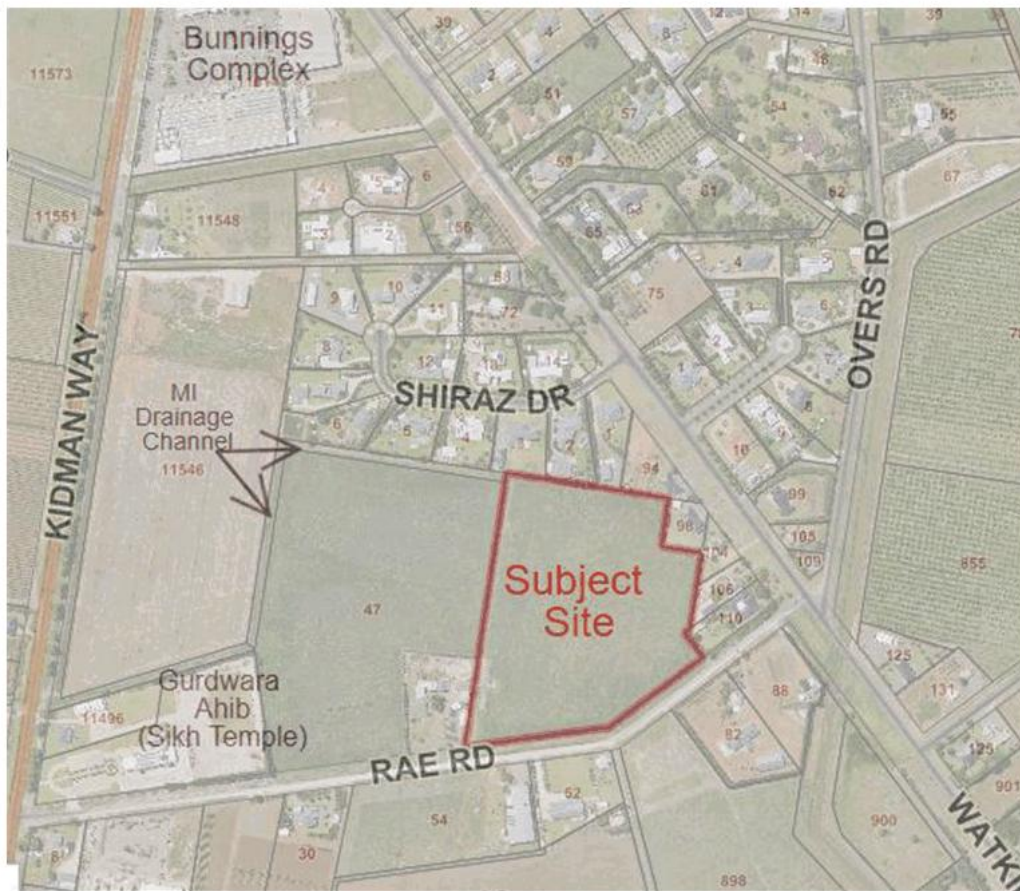
## **PART D: SITE DESCRIPTION AND LOCALITY**

The site comprises of Lot 1694 DP 39647 with frontage to Rae Road. The lot has an area of approx. 5.56 ha.

Lot 1694 DP 39647 is vacant. The lot has previously used for horticulture and has been cleared of all plantings. There is no formal accessway to the site.



153/2025



The site drains to a Murrumbidgee Irrigation channel to the west of the site and is accessible via an easement through Lot 1 DP 1311264 and into Lot 2 DP 1311264, which contains the MI drainage asset.

The purpose of the easement on Lot 1 DP 1311264 is for the drainage of water. The easement benefits the subject site (Lot 1694 DP 39467) and is proposed to remain in place for the perpetuity of the development.

Council's potable water main is located in Rae Road. The lot also has a connection to Murrumbidgee Irrigations supply that is adjacent to Rae Road. Essential Energy's overhead power lines run along Rae Road.

Generally, the site is flat that drains to the north east corner of the site.

## **PART E: BACKGROUND INFORMATION AND HISTORY OF THE SITE**

### Pre-Lodgement

Prior to the application being lodged with Griffith City Council, the proponent for the development had pre-lodgement discussions with Council Officers.

### Development Assessment Panel



The matter was considered at the Development Assessment Panel meeting on 25 September 2025.

Time line of Events Pertaining to the Development Application

- 24/09/2025 – Application lodged
- 02/09/2025 – Assignment of application and internal referrals
- 25/09/2025 – Additional information requested – Reallocation of effluent disposal areas
- 01/10/2025 – Notification of application – until 15/10/2025
- 15/10/2025 – Close of notification of application – received 2 submissions
- 16/10/2025 – Additional information requested – Traffic Impact Statement
- 22/10/2025 – Submission of revised subdivision plan
- 23/10/2025 – Applicant responds to objections
- 21/11/2025 – Submission of Traffic Impact Statement

Development History of Site

The development history of the subject site has been established following research of Council's electronic data management system and research of Council's physical archives.

There has been no recent development on the site.

## **PART F: STATUTORY REFERRALS**

No statutory referral is required.

## **PART G: SECTION 4.15 EVALUATION**

In determining a development application, a consent authority is to take into consideration Section 4.15 of the Environmental Planning and Assessment Act 1979. The following matters are of relevance to the development the subject of the development application.

### **SECTION 4.15(1)(a)(i) any environmental planning instrument.**

#### ***Griffith Local Environmental Plan 2014***

(a) Permissibility

The proposed development is for subdivision under the Griffith Local Environmental Plan 2014. The subject land is zoned R5 Large Lot Residential.

Under Clause 2.6, the subdivision of any land under Griffith Local Environmental Plan 2014 is permissible but only with development consent, except where:

- (a) subdivision is specified as exempt development under this plan or under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008; or
- (b) the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

The subdivision of the subject site is considered to be permissible with development consent.





(b) Aims and Objectives

The proposed development has been considered with regard to the aims of Griffith Local Environmental Plan 2014 as set down in Part 1, clause 1.2(2) which states:

- (a) *to prevent unnecessary urban sprawl by promoting business, industrial, rural and residential uses within and adjacent to existing precincts related to those uses,*
- (b) *to minimise land use conflict in general by creating areas of transition between different and potentially conflicting land uses,*
- (c) *to provide a variety of development options to meet the needs of the community with regard to housing, employment and services,*
- (d) *to manage and protect areas of environmental significance,*
- (e) *to recognise the historical development of the area and to preserve heritage items associated with it.*

The objectives for Zone R5 Large Lot Residential set down in the Land Use Table are as follows:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The proposal is consistent with the objectives of the GLEP 2014. It is considered to satisfy the relevant aims of the Plan by providing a range of housing options to address community needs, particularly the identified demand for additional residential lots.

The proposed lots will be adequately and efficiently serviced with all essential infrastructure, including potable water, underground electricity and telecommunications. The proposed lots will utilise the use of onsite septic treatment systems.

The likelihood of ongoing land use conflicts arising from the proposal and future residential development on the site is considered low, as the area is undergoing a transition from small holdings to a more rural residential character following recent rezoning.

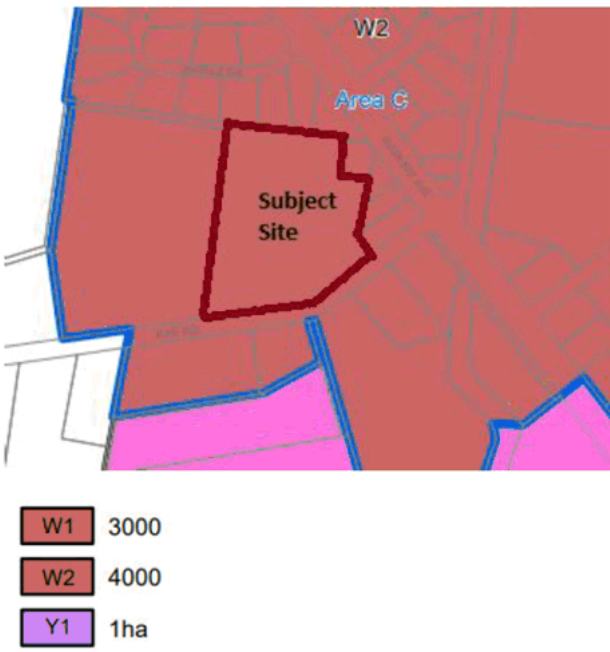
Essential services will be provided without placing unreasonable demand on public infrastructure. Water and electricity connections will be installed via existing networks, while onsite sewerage systems will manage wastewater. Stormwater will be controlled through swale drains and a detention basin, with maintenance by the neighbourhood association. Vehicle access will be achieved via a private road and new driveways.

(b) Principal Development Standards & other LEP Provisions

| Clause               | Clause Requirement & Assessment Comment  |
|----------------------|--|
| 2.6 Subdivision      | Subdivision permitted with consent.  |
| 4.1 Minimum Lot Size | The identified minimum lot size is 4000m <sup>2</sup> . It is noted that some lots do not meet the minimum lot size. As such does not comply with this clause. |



153/2025

| Clause   | Clause Requirement & Assessment Comment   |
|--|---|
|  |  <p>W1 3000<br/>W2 4000<br/>Y1 1ha</p>  |
| 4.1B Lot Averaging Subdivision   | <p>(3) Despite clause 4.1, development consent may be granted for the subdivision of land to which this clause applies that requires development consent (whether or not the subdivision is under the Community Land Development Act 1989) to create lots of any size if—</p> <p>(a) the average area of the lots resulting from the subdivision will not be less than the minimum size shown on the Lot Size Map for the relevant land, and</p> <p>(b) the consent authority is satisfied that the development retains, and is complementary to, the environmental and agricultural attributes of the land and its surrounds, and</p> <p>(c) the consent authority is satisfied that the intended use of each lot to be created by the subdivision has been demonstrated as being sustainable in regard to water supply, effluent disposal, solid waste disposal and soil type.</p> <p>The existing lot has an area of 5.566 hectares. The proposal includes the creation of 13 lots in total, with an average lot size of 4,281 m<sup>2</sup>. This exceeds the minimum lot size requirement for the land</p> |
| 5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones | <p>The proposal complies with Clause 5.16, which aims to reduce land use conflicts, particularly between residential and rural activities. There is limited potential for ongoing land use conflict arising from the proposal or future dwellings on the site, as the locality is undergoing a transition from small rural holdings to</p>  |





| Clause  | Clause Requirement & Assessment Comment   |
|---|---|
|   | a more rural residential character following recent rezoning.   |
| 5.21 Flood Planning                               | <p>According to the Griffith Main Drain J &amp; Mirrool Creel Flood study 2021 (Torrent Consulting), the subject site is Flood Prone Land for events larger than 1% AEP. The associated PMF hazard category for this location is considered to be low. However development is not to be approved for land affected by the 1% AEP, which the subject lot is not.</p> <p>The proposed development will create 12 large residential allotments and detention basin lot. As these lots will eventually accommodate dwellings with habitable rooms, the drainage design incorporates flood risk mitigation measures to ensure safety.</p> <p>In line with Council's Buildings – Floor Heights Policy (CS-CP-318), future dwellings will be required to have finished floor levels at least 410mm above the surrounding ground level to further reduce flood risk and protect occupants.</p>  |
| 7.1 Earthworks                                    | Subdivision works will involve earthmoving activities, including the construction of a private road and installation of drainage infrastructure.  |
| 7.9 Development in areas subject to airport noise | The proposed development is not located on land near the Griffith Airport and is not on land in an ANEF contour of 20 or greater.   |
| 7.10 Essential Services                           | <p>Council's water infrastructure is available to the subject site along Rae Road. New connections will be required and installed as part of the new water main located in the neighbourhood/community lot.</p> <p>New electrical connections for each lot will also be required. The proposal includes a new underground connection to Essential Energy's network, to be provided along the proposed neighbourhood road</p> <p>Council's reticulated sewer is not available to the site. The proposed development includes the use of individual onsite sewerage management systems. These will be installed at the time of the construction of dwellings. Each lot can accommodate the recommended effluent disposal areas.</p> <p>Stormwater from the lot will be managed through swale drains and a detention basin within proposed Lot 1, directing flow to an existing MI drainage channel in Lot 2 DP1311264 via an easement in Lot 1. This will be maintained by the neighbourhood association.</p> |



| Clause | Clause Requirement & Assessment Comment   |
|--------|---|
|        | A private road is proposed in the neighbourhood lot. This road will be Suitable vehicle access can be achieved via the new driveways. |

### State Environmental Planning Policies

The following is a list of State Environmental Planning Policies that apply to the Griffith City Council area. The table also identifies the applicability of the policy with respect to the subject development proposal. Where a policy has been identified as being applicable, further assessment is provided.

#### State Environmental Planning Policy (Resilience and Hazards 2021)

The land had historically been used for horticulture. A Geotechnical Report (Limited Phase 2 Site Investigation) was conducted in July 2025 by Aitken Rowe Testing Laboratories Pty Ltd and the following was founded:

## 8. Conclusions & Recommendations

Based on the data and evidence collected in the course of the site inspection, site history review and sampling and analysis program, the findings of the Limited Phase 2 Site Investigation are as follows:

- The site was previously used as a vineyard.
- There have been no significant storage of fuels/oils or chemicals at the site.
- A fourteen (14) lot residential subdivision is proposed for the site.
- Due to the site history the potential for significant and widespread contamination is considered low.
- The results of the sampling and analysis program showed that all samples analysed were found well below the adopted criteria (residential) for Organochlorine and Organophosphorus Pesticides, Polychlorinated Biphenyls, and metals. No asbestos was detected in any of the samples analysed.
- The site is therefore considered suitable for residential development.

Soil testing has confirmed that contamination levels are below human health thresholds, indicating the site is suitable for future residential development. Based on this, Council can generally be satisfied that the land is also appropriate for its intended industrial use.

#### Transport and Infrastructure 2021

##### Division 5 Electricity transmission or distribution

##### Subdivision 2 Development likely to affect an electricity transmission or distribution network

##### Clause 2.48 Determination of development applications—other development

(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—

...

(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.



A referral was sent to Essential Energy and a response was received on 7 October 2025:

*Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.*

*Essential Energy makes the following general comments:*

- As part of the subdivision, an easement is created for any existing electrical infrastructure. The easement is to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision;*
- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;*
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;*
- All Torrens lots must have access and frontage to a public road as per Service and Installation rules this is to allow for the provision of power/services to the new development, a right of carriageway can not to be used for the provision of power/services to any part of the new development.*
- Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions;*
- In addition, Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;*
- Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW);*
- Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.*

*Division 17 Roads and traffic*

*Clause 2.122 Traffic-generating development*

The subject development is not identified as traffic-generating development to be referred to Transport for NSW.

**SECTION 4.15(1)(a)(ii) any draft environmental planning instrument.**

At the time of preparing this report there is no draft environmental planning instrument that applies to the development or to land within the Griffith Local Government Area.



**SECTION 4.15(1)(a)(iii) any development control plan.****GRIFFITH RESIDENTIAL DEVELOPMENT CONTROL PLAN 2020**

| <i>Specified Controls</i>                     |   | <i>Proposal / Compliance?</i>  |
|---|---|--|
| <i>Appendix 2 – Griffith Subdivision Code</i> |   |  |
| <i>4.0 Large Lot Residential Subdivision</i>  |   |  |
| <b>4.1 Lot size and layout</b>                | a) The size of any lot subdivided must be in accordance with the relevant clauses in the <i>GLEP</i> .  | Complies.<br><br>The proposed subdivision satisfies the requirements of Clause 4.1B through the application of lot averaging.  |
|   | b) Proposed lots must be of a size and have a shape and dimensions to enable the siting of a dwelling and ancillary structures that:<br>i. minimise impacts on adjoining properties including access to sunlight, privacy and views;<br>ii. provide usable principal private open space;<br>iii. provide vehicle access; and<br>iv. protect or replace significant trees. | Complies.<br><br>Each proposed lot provides sufficient space to accommodate a building envelope that complies with the setback requirements outlined in the Development Control Plan.<br><br>The lots benefit from a northern orientation, supporting passive solar design. The positioning of building envelopes will help maintain privacy and protect view corridors between individual lots and neighbouring properties.<br><br>The development does not require the removal of any existing trees.  |
|   | c) Larger lots should be provided<br>i. In the vicinity of intensive agriculture;<br>ii. Fronting arterial roads;<br>iii. Fronting railway lines; and<br>iv. Where site conditions require larger areas for onsite detention or on-site waste disposal.   | Complies.<br><br>The subject site is not located in the vicinity of intensive agriculture, does not front an arterial road or railway line.<br><br>The proposed lot sizes are capable of supporting on-site disposal of waste water. On-site stormwater detention will be required for each dwelling and managed in line with Council's policy, using shared infrastructure such as the proposed basin and road reserve drains.<br><br>Each lot has been assessed as having adequate area for effluent disposal, consistent with the findings of the Site Assessment Report prepared by Aitken and Rowe.<br><br>Council's Environmental Officers have identified that the following effluent |





153/2025

| Specified Controls |  | Proposal / Compliance?  |
|--------------------|--|---|
|                    |  | disposal area requirements<br>(Pressurised Subsurface Irrigation):<br><br><b>3-bedroom dwelling:</b> Min. 171 m <sup>2</sup><br><b>4-bedroom dwelling:</b> Min. 14 m <sup>2</sup><br><b>5-bedroom dwelling:</b> Min. 257 m <sup>2</sup><br><br><i>Based on Aitken Rowe's Site Assessment Report</i>                         |
|                    | d) Subdivision design should avoid using access to a public road via a right of carriageway or battle-axe lot. However, should a right of carriageway or battle-axe lot be deemed acceptable, the minimum width of the carriageway or access handle should be 8 m with a constructed driveway not less than 5 m wide.  | It is noted that the proposed development includes three battle-axe allotments.<br><br>The applicant has proposed a 6 metre access handle width. As these lots do not share a common battle-axe handle, this width is considered acceptable.  |
|                    | e) Subdivision design should ensure that all the requirements in Section 7.0 of the Residential DCP can be catered for each lot.   | A review of Section 7 of the Development Control Plan confirms that all required setbacks and development controls can be accommodated within the proposed building envelopes, which are clearly identified on the subdivision plans.   |
| 4.2 Roads          | a) Road networks (street length, intersection type, stagger and spacing) should be designed to control traffic speeds to appropriate limits.   | The proposal includes a private road, with street trees to be planted within individual lot frontages rather than the road reserve, reducing long-term maintenance responsibilities for the neighbourhood association. Additionally, the road design incorporates a bend to assist in calming traffic and improving safety. |
|                    | b) Design of roads should provide appropriate carriageway widths, street trees, lighting and adequate footpaths and cycleways:<br>i. Footpaths and cycleways must be provided in accordance with the <i>Griffith Pedestrian and Bicycle Strategy – 2018</i> ; and<br>ii. Roads must be designed in accordance with Council's <i>Engineering Standards: Subdivision and Development</i> (as amended). |   |
|                    | c) Development Applications for large lot residential subdivisions should:<br>i. Include cross sections of each type of road proposed in the hierarchy including required footpaths and cycleways.   |   |
| 4.3 Utilities and  | a) Large lot residential subdivisions must meet the requirements of Section  | Stormwater from each lot will be directed to road drainage infrastructure,  |



153/2025

| Specified Controls                    |   | Proposal / Compliance?  |
|---------------------------------------|---|---|
| Stormwater                            | 3.4 for the provision of essential services and 3.5 for the control of stormwater.  | which connects to a detention basin before discharging to the MI outlet.<br><br>Future dwellings will be required to incorporate on-site detention measures for runoff from impervious surfaces, consistent with Council's policy and supported by the shared basin and road reserve drains.  |
|                                       | b) Individual onsite detention basins for lots with areas of 3000 m <sup>2</sup> to 5000 m <sup>2</sup> should be avoided.  | A shared onsite detention basin is proposed to manage stormwater across the development.  |
|                                       | c) Any communal raw water systems are to be designed and constructed to meet any requirements of Murrumbidgee Irrigation.   | The applicant has advised the following:<br><i>A communal raw water management association would be created to ensure access to raw water for each lot, subject to MI's requirements.</i>   |
| 4.4 Management of Communal Facilities | a) The proposed management structure for communal facilities or infrastructure, such as raw water dams, sewerage treatment systems, roads and common land associated with the subdivision must be described as part of the development application which could include a Community Title Association or a Neighbourhood Association | The applicant has advised the following:<br><br><i>As described above, a communal raw water management association would be set up, and access to MI's supply network would be provided to each lot. The Site has a 15 ML allocation, which would be shared among the owners of each allotment. It is expected that the raw water will only be used for the irrigation of landscaped areas.</i> |
|                                       | b) A Management Plan for the ongoing management of the communal lands to the satisfaction of Council must be provided prior to the issue of a Subdivision Certificate.  | <i>A Management Plan is not required for raw water as there are no communal lands.</i>  |
| 4.5 Battle-Axe Lots                   | a) Battle-axe shaped lots may only be permitted where it can be demonstrated that full street frontage for all lots is not achievable due to site constraints.  | The design responds to the sites shape by incorporating three battle-axe allotments.  |
|                                       | b) Only two battle-axe lots can share the same access handle.   | The battle-axe handles only contain one access.   |
|                                       | c) Battle-axe lots must meet the following requirements:<br>i. Single access handles must have a minimum width of 8 m and a maximum length of 50 m;<br>ii. In calculating the area of a battle-axe lot, the area of the access handle is to be excluded;  | The proposed access handles are 6 metres wide, which is considered adequate to accommodate services.<br><br>One of the battle-axe handles exceeds 50 metres in length; however, this is justified by the shape of the existing allotment and the need to position the   |



153/2025

| Specified Controls      |  | Proposal / Compliance?   |
|-------------------------|--|--|
|                         | <p>iii. Dual access handles must have a combined width of 10 m and a maximum length of 60 m; and</p> <p>iv. The access handle must be of a size to accommodate the location of all services including a water meter located 1 m from any driveway and the placement of garbage and recycling bins.</p>   | road to the west to ensure appropriate sight distances are achieved.   |
|                         | d) Battle-axe lots to facilitate a handle for the location of a water meter only are prohibited.   | All services can be accommodated within the access handles.  |
| 4.6 Bushfire Prone Land | <p><i>This section contains development controls applying to Development Applications for subdivisions involving land that is classified as bushfire prone on the Bushfire Prone land Map.</i></p> <p>a) A Bushfire Risk Assessment Report must be lodged together with the Statement of Environmental Effects in support of the Development Application on bushfire prone lands. The Bushfire Risk Assessment Report must be prepared by a suitably qualified and experienced bushfire consultant and address the developments consistency with RFS's <i>Planning for Bushfire Protection Guidelines</i>.</p> <p>b) Bushfire protection measures are to be placed wholly within the development site. All proposed Asset Protection Zones are to be within the property to be subdivided and incorporated into affected lots. Asset Protection Zones will not be accepted on existing Council reserves, other public lands or in reserves proposed to be dedicated through the subdivision.</p> <p>c) Fire trails, if required, are not accepted on existing Council reserves proposed to be dedicated through the subdivision.</p> | Not Applicable as the site is not identified within the Bushfire Prone area.   |
| 4.7 Contamination       | d) The Statement of Environmental Effects for subdivision to which this section relates should provide a history of the use of the site indicating whether there may have been any previous or current land uses that could have resulted in contamination of the site in accordance with Council's  | <p>Complies.</p> <p>The Limited Phase 2 Site Investigation submitted with the Development Application has confirmed that the risk of contamination is considered low.</p> <p>Complies.</p> |





153/2025

| Specified Controls |   | Proposal / Compliance?       |
|--------------------|---|------------------------------|
|                    | <p><i>Contaminated Land Management Policy (EH_CP_203).</i></p> <p>e) If there is a possibility the site could be contaminated from past uses, the development application must address the requirements of <i>State Environmental Planning Policy 55 - Remediation of Land, Managing Land Contamination Planning Guidelines</i> – Department of Urban Planning / Environment Protection Authority (as amended or replaced) and Council's <i>Contaminated Land Management Policy (EH_CP_203).</i></p>  |                              |
| 4.8 Salinity       | <p><i>Where salinity is present on the site, is known to occur in the locality, or has been mapped in the GLEP as prone to salinity the following controls apply:</i></p> <p>a) A Management Plan must be provided with the development application which:</p> <ul style="list-style-type: none"> <li>i. Provides mechanisms to maintain groundwater levels that will not adversely influence future building structures and shall provide guidelines for future landowners for on-site water and vegetation management (reference should be made to Council's Waterwise Guidelines);</li> <li>ii. Identifies how Infrastructure materials and construction methods will suit the soils on the site;</li> <li>iii. Addresses issues consistent with the NSW Salinity Strategy; and</li> <li>iv. Provides a plan of areas of on the site known to have excessive salinity and ensures building envelopes are located outside these areas.</li> </ul> | Not applicable to this site. |

#### **SECTION 4.15(1)(a)(iiia) any planning agreement.**

Not aware of any planning agreements in place.

#### **SECTION 4.15(1)(a) (iv) the regulations.**

Section 4.15(1)(a)(iv) requires Council to take into consideration the provisions of clauses 61-63 of the Environmental Planning and Assessment Regulation 2021.

Clause 61(1)(b) of the Environmental Planning & Assessment Regulation 2021 requires the consent authority to consider the provisions of Australian Standard AS 2601-1991: The demolition of Structures. Where demolition is proposed, it is recommended that a condition of consent be imposed which sets out the requirements for demolition to be carried out in accordance with a





construction/demolition management plan and this will be required to be submitted prior to the issue of a Construction Certificate.

Clauses 62 and 64 of the Environmental Planning and Assessment Regulation 2021 require that Council take into consideration fire safety provisions. Where applicable, it is recommended that a condition of consent be imposed that requires the installation of a smoke alarm, if one is not already present, in the building as without a smoke alarm the measures in the building are considered inadequate to protect persons using the building or to facilitate their egress from the building in the event of fire.

#### **SECTION 4.15(1)(b) the likely impacts of the development.**

In taking into consideration section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 Council must evaluate the likely impacts of the development on both the natural and built environments, and the social and economic impacts in the locality.

##### **a) Impact on Built Environment**

In terms of assessing and evaluating the impact on the built environment, the following matters have been taken into consideration:

##### *Context and Setting*

The proposed development involves the subdivision of a vacant site zoned for residential use.

The surrounding area features a mix of existing dwellings and rural activities, reflecting a transitioning land use pattern. While no public open space has been included in the proposal, the layout of the subdivision is considered appropriate for the locality and aligns with the emerging residential character. The design ensures that the development will integrate well with the surrounding environment and contribute positively to the area's growth.

##### *Access, Transport and Traffic*

*(Summarised from Engineering Assessment dated 25 November 2025 – CM 25/138090)*

The subject site is currently vacant, having previously been used for horticultural purposes, and is assumed to generate no traffic at present. The proposed subdivision will create twelve rural residential allotments, ultimately resulting in twelve additional dwellings. A Traffic Impact Statement (TIS) prepared by Trafficworks indicates the development will generate approximately 10 vehicle movements per hour during weekday AM and PM peak periods and around 90 vehicle movements per day, based on Transport for NSW guidelines. These traffic generation estimates are considered satisfactory.

The change in land use from horticultural to rural residential will increase traffic along Rae Road, leading to potential issues such as dust, rutting, gravel loss, and impacts on surrounding properties. To mitigate these impacts, Council will require Rae Road to be upgraded and sealed to a formation width of 8.9 metres from Watkins Avenue to the western boundary of the subject site, in accordance with Council's Engineering Guidelines – Subdivision and Development Standards. Given this upgrade, most traffic is expected to access the development via the Watkins Avenue and Rae Road intersection, as the remaining section of Rae Road westbound toward Kidman Way will remain unsealed. Consequently, the structure across the drainage channel west of this intersection must be widened to provide a minimum clearance of 9 metres to allow safe two-way traffic movement.

Access to the proposed residential subdivision will be provided via a newly constructed private cul-de-sac road connecting to Rae Road. The internal road is proposed to have a non-standard road



section that does not comply with Council's Engineering Guidelines – Subdivision and Development Standards which is acceptable as this is a private road.

Access to the individual allotments created as part of the proposed subdivision will be provided via the internal private road constructed as part of the development, with the exception of Lot 12. Vehicular access to Lots 2 and 11 from Rae Road is not permitted under any circumstances. To ensure compliance, a restriction under Section 88E of the Conveyancing Act must be registered on these lots prior to the issue of the Subdivision Certificate, specifying that access from Rae Road is prohibited.

Proposed Lot 12 will have a dedicated accessway from Rae Road. The applicant is responsible for constructing this accessway in accordance with Council's Engineering Guidelines – Subdivision and Development Standards and any specifications required by Murrumbidgee Irrigation, noting the presence of an existing irrigation supply channel on the northern side of Rae Road. The design must also maintain the minimum clearance from intersections, be at least four (4) metres wide, and include guideposts. Detailed plans of the proposed accessway must be submitted to both Council and Murrumbidgee Irrigation for approval prior to the issue of a Subdivision Works Certificate.

The design is not expected to generate any adverse traffic impacts and is considered appropriate for the scale and nature of the development.

#### *Heritage*

The site has not been identified as having heritage significance. The AHIMS search indicated no known locations of aboriginal heritage or significance on the site or in the locality. If an object of potential heritage significance is found all works shall cease and the Office of Environment and Heritage, the NSW Heritage office and/or a qualified archaeologist shall be contacted and any recommended procedures shall be followed.

#### b) Impact on Natural Environment

In terms of assessing and evaluating the impact on the natural environment, the following matters have been taken into consideration:

#### *Flora and Fauna*

The site had previously been planted with horticultural planting. These have been removed and the subject site is void of vegetation. The applicant has advised that there will be no removal of any vegetation.

The site has not been identified as being environmentally sensitive or contain significant biodiversity qualities.

#### *Stormwater Management*

(Summarised from Engineering Assessment dated 25 November 2025 – CM 25/138090)

The Flood Report confirms the site is not flood-prone for the 1% AEP event, although localised drainage issues may occur. Preliminary engineering plans by Xeros Piccolo Consulting Engineers propose stormwater collection via swales along the internal access road, directing runoff to a detention basin on Lot 1. From there, stormwater will discharge through Lot 1 DP 1311264 via an existing easement created during a previous subdivision, which connects to a former Murrumbidgee Irrigation drainage channel. Detention will be provided in accordance with Council's DCP and Onsite Detention Policy to ensure pre and post development flows are maintained, given the increase in impervious surfaces.



To address existing drainage constraints along Rae Road, the applicant must upgrade and bitumen seal Rae Road from the site's western boundary to Watkins Avenue, ensuring appropriate discharge points for roadside table drains and capacity for upstream flows. Detailed stormwater design drawings and hydraulic calculations must be submitted and approved by Council prior to the Subdivision Works Certificate. The system must comply with Council's Engineering Guidelines, Stormwater Drainage and Disposal Policy (CS-CP-310), and Onsite Detention Policy (CS-CP-404).

Stormwater must not discharge onto adjoining properties without legally created easements under Section 88B of the Conveyancing Act. Interallotment drainage systems will remain the responsibility of the benefiting properties and must be noted on the 88B Instrument. Onsite detention areas, floodways, and flow paths are to be protected by a Section 88E covenant in favour of Council to ensure ongoing maintenance. Subject to these conditions, the development is not expected to adversely impact flood behaviour or increase flood risk to surrounding properties.

#### *Soil and Site Conditions*

Soil testing undertaken for the site has confirmed that it is suitable for future residential development, subject to the implementation of appropriate site management measures.

#### c) Social Impact in the Locality

In addressing the potential social impacts that the development may have, the locality has been identified as follows:

The proposed residential development is not expected to result in any negative social impacts within the locality. The land will primarily accommodate new dwellings, with the exception of the lot designated for stormwater management. By increasing the supply of residential land, the development will support housing demand and contribute to the growth and stability of the local community.

#### d) Economic Impact in the Locality

In addressing the potential social impacts that the development may have, the locality has been identified as follows:

The proposed development is expected to deliver economic benefits to the local community by increasing the supply of residential lots. This release of additional land may contribute to improved housing affordability within the city.

#### e) Cumulative Effects

The likely impacts on the built and natural environments, and the social and economic impacts of the development in the locality, cannot be looked at in isolation and in this regard the cumulative effects have also been considered.

No cumulative effects identified.

#### **SECTION 4.15(1)(c) the suitability of the site.**

The subject site is zoned R5 Large Lot Residential and the permissibility of the development under Griffith Local Environmental Plan 2014 provides a broad indication that the site is suitable for the proposed development.

Based on the assessment under this and other sections within this report it is considered that the site is suitable for the proposed development.





### SECTION 4.15 (1) (d) any submissions made in accordance with the Act or the Regulation

The provisions of the Environmental Planning and Assessment Act 1979 the Environmental Planning and Assessment Regulation 2021 and Community Participation Plan set down consultation, concurrence and advertising requirements for specific types of development applications and taking into consideration any submissions received in response to the notification process.

In addition to the statutory referral process identified in Part F of this report, the notification of the development included the following:

| Notification Description | Required | Submission Period            |
|--------------------------|----------|------------------------------|
| Letters to Neighbours    | Yes      | 1 October to 15 October 2025 |

As a result of the public participation process, Council received two (2) submissions in response to the notification and referral of the development application.

The issues of concern and Council commentary is set out in the Table below:

#### TABLE: SUBMISSIONS

| Issues raised by submitter; <u>Council Staff Assessment</u>   |
|---|
| <p><b>Issue: Stormwater detention</b></p> <ul style="list-style-type: none"> <li>- Interaction between the allocated effluent disposal areas and stormwater disposal</li> <li>- Adjacent to the rear of properties on 3 Shiraz Drive</li> <li>- No details of maintenance or cleaning of the stormwater basin</li> </ul> <p><u>Council Staff Assessment:</u></p> <p>Each lot within the subdivision will be serviced by a dedicated stormwater drainage system that discharges to the public roadway and subsequently into a shared detention basin. In addition, each lot will include an on-site sewage management system. These systems operate independently. Stormwater is managed through the subdivision's engineered drainage infrastructure, while wastewater is contained and treated within individual lots via appropriately sized effluent disposal areas, in accordance with relevant environmental and health standards.</p> <p>Each allotment within the subdivision must provide a dedicated land application area for effluent disposal. This requirement is based on the findings and recommendations of Aitken Rowe's Site Assessment for Effluent Disposal System Report – Lot 610 Rae Road, Griffith dated 10 July 2025. The report supports the use of pressurised subsurface irrigation systems. Minimum irrigation areas are as follows: 171 m<sup>2</sup> for three-bedroom dwellings, 214 m<sup>2</sup> for four-bedroom dwellings, and 257 m<sup>2</sup> for five-bedroom dwellings.</p> <p>Buffer distances must be maintained between the perimeter of all effluent application areas and sensitive receptors. The following minimum horizontal setbacks apply unless otherwise approved by Council: property boundaries (1.5–15 m), buildings (2–6 m), retaining walls or embankments (3 m or a 45° angle from the tow of the wall), drives and paths (1.5–6 m), swimming pools and recreational areas (3–15 m), in-ground water tanks and services (3–15 m), permanent surface water bodies (50–100 m), intermittent water bodies and drainage systems (15–40 m), and bores or wells (15–100 m). These measures ensure environmental protection and compliance with relevant health standards. Council is satisfied that the proposed lot sizes can adequately accommodate effluent application areas while complying with the required minimum setbacks.</p> |





#### **Issues raised by submitter; Council Staff Assessment**

On-site detention will be required for each new dwelling, including associated impervious surfaces. This will be provided as part of the future development of each lot in accordance with Council's OSD policy and will incorporate the proposed on-site detention basin and drains within the road reserve.

Xeros Piccolo has proposed an on-site detention system for the subdivision, which includes drains on both sides of the neighbourhood road discharging into an on-site detention basin prior to entering the easement on Lot 1 DP 1311264 then to the Murrumbidgee Irrigation outlet (Lot 2 DP 1311264). Detailed design drawings, including on-site detention calculations, will be prepared as part of the subdivision works certificate application. The basin is expected to be sized to accommodate the majority of post-development flows to match pre-development conditions; however, individual lots may still require a 10,000-litre detention tank or basin dependant on the size of impermeable areas constructed on each lot when developed by the individual lot owners.

The detention basin's final design will undergo detailed assessment and approval as part of the subdivision works certificate process. Council will not support a detention basin with zero setback to adjoining property boundaries. Adequate setbacks are required to ensure compliance with Council's On-Site Detention (OSD) policy and to provide safe and practical access for ongoing maintenance. Setbacks allow for machinery and personnel to access the basin without encroaching on neighbouring properties, ensuring long-term functionality and reducing potential impacts on adjoining landowners.

Under the Community Title subdivision arrangement, the neighbourhood association will be responsible for maintaining the basin, including mowing, weed control, and general upkeep to ensure it remains safe, functional, and visually acceptable.

These requirements will be managed through conditions of consent to prevent any adverse impacts during and after constructions.

#### **Issue: Possible types of dwellings**

- Possible two storey dwellings and impact on privacy

##### Council Staff Assessment:

Two-storey dwellings are permissible and may be approved either through a development application or as complying development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, provided all relevant criteria are met. Within the R5 Large Lot Residential Zone, dwellings can be constructed up to a maximum height of 10 metres under these provisions.

Where a development application is required, the controls outlined in the Griffith Residential Development Control Plan will apply, including consideration of privacy and overlooking impacts.

#### **Issue: Traffic and Road Upgrade**

- Sealing of Rae Road prior to Construction Certificate to reduce dust and noise
- Installation of Traffic lights along Rae Road and intersection of Kidman Way



#### Issues raised by submitter; Council Staff Assessment

##### Council Staff Assessment:

There is no demonstrated nexus between the proposed development and the installation of traffic signals at the intersection of Rae Road and Kidman Way. Current traffic volumes do not meet the threshold required to justify installation at this location.

However, as part of the subdivision works, the upgrade of Rae Road is required, including the sealing of the road surface to mitigate dust and noise impacts. A condition will be imposed requiring the submission of a Construction Management Plan prior to commencement of works. This plan must outline appropriate dust suppression measures, such as regular watering of Rae Road, to maintain air quality and minimise impacts on nearby residents during the construction phase.

#### SECTION 4.15 (1) (e) the public interest

The provisions of section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 provides an overarching requirement to take into account the public interest. It is considered that the public interest is best served by the consistent application of the requirements of the relevant Commonwealth and State government legislation, environmental planning instruments, development control plan, Council policy, and by Council ensuring that any adverse effects on the surrounding area and the environment are avoided.

On the basis that the proposed development is considered to be consistent with the aims and objectives of Griffith Land Use Strategy: Beyond 2030; Griffith Local Environmental Plan 2014 and other relevant environmental planning instruments, development control plans or policies; and Land and Environment Court Planning Principles, it is therefore unlikely to raise any issues that are contrary to the public interest.

##### *Onsite Detention Policy*

*(Summarised from Engineering Assessment dated 25 November 2025 – CM 25/138090)*

The proposed development will increase impervious surfaces, making it essential to manage stormwater to prevent adverse impacts on local and downstream drainage systems. Conditions will require onsite stormwater detention for critical storm events to maintain pre- and post-development flow rates. Detailed design plans and hydraulic calculations for the drainage system must be submitted to Council for approval prior to issuing a Subdivision Works Certificate, with all works designed in accordance with Council's Engineering Guidelines, Stormwater Drainage and Disposal Policy (CS-CP-310), and Onsite Detention Policy (CS-CP-404).

Stormwater must not discharge onto adjoining properties unless legal easements are created under Section 88B of the Conveyancing Act. Interallotment drainage systems will remain the responsibility of the benefiting properties and must be noted on the 88B Instrument. Onsite detention areas, floodways, and flow paths are to be protected by a Section 88E covenant in favour of Council to ensure they remain functional for the life of the development.

##### *Contaminated Land Management Policy (EH-CP-203)*

This policy has been addressed under the section of SEPP (Resilience and Hazards 2021).

##### *Griffith Flood Liable Lands Policy (CS-CP-403)*

The site is partially affected by flooding during a Probable Maximum Flood (PMF). However, under planning requirements, Council must apply flood controls for the 1% Annual Exceedance



Probability (AEP) event, which does not impact the subject lot. Council's flood report indicates the estimated PMF flood levels for the site and confirms that the hazard category is classified as Low.

| Location | Level (m AHD) | Hazard Category |
|----------|---------------|-----------------|
| 1        | 123.38        | Low             |
| 2        | 123.45        | Low             |
| 3        | 123.39        | Low             |
| 4        | 123.43        | Low             |
| 5        | 123.47        | Low             |
| 6        | 123.42        | Low             |
| 7        | 123.43        | Low             |

The floor level for habitable room areas is to be 410mm above the natural ground level.

Council does not have sufficient accurate ground level information. A registered surveyor may be able to assist in determining the required floor height. The applicant is advised to obtain a survey plan of the allotment.

## PART H: MONETARY CONTRIBUTIONS

### Section 7.12 Contributions (Environmental Planning & Assessment Act 1979)

Section 7.12 of the Environmental Planning and Assessment Act 1979 states that if a consent authority is satisfied that development is likely to require the provision of or increase the demand for public amenities and public services within the area, it may grant the development consent subject to a condition requiring the payment of a monetary contribution in accordance with an approved contributions plan. The person with the benefit of the development will be required to provide Council with a monetary payment of 1% of the cost of construction of the development (\$1,700,820).

### Section 64 Contributions (Local Government Act, 1993)

The effect of section 64 of the Local Government Act 1993 is to give the functions of the Water Management Act 2000 to Council in the same way it applies to a water supply authority. Section 306(2) of the Water Management Act 2000 enables a water supply authority to require the applicant to do either or both of the following:

- (a) *to pay a specified amount to the water supply authority by way of contribution towards the cost of such water management works as are specified in the notice, being existing works or projected works, or both,*
- (b) *to construct water management works to serve the development.*

In calculating an amount for the purposes of subsection (2)(a) Council has adopted Development Servicing Plans. The proposed development involves 13 residential lots. On this basis the following DSPs adopted by Griffith City Council apply:

Sewerage Development Servicing Plan No. 1: Griffith  
Water Development Servicing Plan No. 1: Griffith

If the application is approved, a condition of consent will be placed on the development requiring the following Section 64 contributions to be provided prior to the lodgement of a Subdivision Certificate application:





| Type of Contribution   | Amount per Lot | Number of Lot | Total Amount to be Paid |
|------------------------|----------------|---------------|-------------------------|
| Water Supply Headworks | \$ 9477.00     | 12            | \$113,724.00            |
| <b>Totals</b>          |                |               | <b>\$113,724.00</b>     |

## PART I: INTERNAL REFERRALS

As part of the assessment process, the following internal referrals were also undertaken.

| DISCIPLINE         | ADVICE, COMMENTS & CONDITIONS         | DATE             |
|--------------------|---------------------------------------|------------------|
| Building           | No comments                           |                  |
| Engineering        | Engineering Assessment – CM 25/138090 | 25 November 2025 |
| Environment/Health | Memorandum received                   | 27 October 2025  |

The comments received in response to the internal referral place have been addressed in the assessment of the application and where applicable incorporated into the recommendation.

## PART J: CONCLUSION AND RECOMMENDATION

### Conclusion

The development application has been assessed and evaluated with regard to the matters for consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979. The assessment has identified that:

- The proposed development is permissible within the zone under GLEP 2014 and is consistent with the aims, objectives and special provisions of that environmental planning instrument.
- The proposed development is consistent with the provision the relevant SEPP that apply.
- The proposed development is considered satisfactory with regard to the objectives and controls set down in the relevant development control plans.
- That where non-compliance with a development control has been identified, the proposed variation can be supported in the circumstances of the case, or has been addressed by way of a condition of consent.
- The proposed development is unlikely to have any unreasonable impact on the environment, and where an adverse impact has been identified appropriate conditions have been imposed to mitigate the effects.
- The subject site is suitable for the proposed development
- Where submissions were received they have been taken into consideration and where appropriate have been addressed by way of amended plans or conditions of consent.
- The proposed development does not raise any matter contrary to the public interest.

On this basis it is considered that the proposal has merit and can be supported.



153/2025

---

### Recommendation

That Griffith City Council as the consent authority pursuant to section 4.16 of the Environmental Planning & Assessment Act 1979 grant consent to Development Application No: 153/2025(1) subject to conditions set out in Attachment 'B'.

#### ASSESSING / DELEGATED OFFICER

Date

**Name:** Leah Smith  
**Position:** Development Assessment  
Planner

27/11/2025

**Signature:**





## Section 7.12 Contributions Plan

---

[INSERT DATE ENDORSED BY COUNCIL]

**GRIFFITH CITY COUNCIL**  
1 BENEREMBAH STREET, GRIFFITH NSW 2680



Griffith City Council acknowledges the Wiradjuri people as the traditional owners and custodians of the land and waters, and their deep knowledge embedded within the Aboriginal community. Council further pays respect to the local Wiradjuri Elders, past, present and those emerging, for whom we acknowledge have responsibilities for the continuation of cultural, spiritual and educational practices of the local Wiradjuri people

**Griffith City Council** ABN 81 274 100 792

**Sustainable Development**

1 Benerembah Street (PO Box 485) GRIFFITH NSW 2680

T: (02) 6962 8100 F: (02) 6962 7161 E: [admin@griffith.nsw.gov.au](mailto:admin@griffith.nsw.gov.au)

## Contents

|  |           |
|--|-----------|
| <b>Definitions</b>   | <b>4</b>  |
| <b>1 Executive Summary</b>                                     | <b>5</b>  |
| 1.1 Introduction   | 5         |
| 1.2 Section 7.12 Contributions                                 | 5         |
| 1.3 Legislative Principles                                     | 6         |
| 1.4 Levy Rates   | 7         |
| 1.5 Content that Must be Included in a Contributions Plan      | 7         |
| <b>2 Background</b>  | <b>9</b>  |
| 2.1 Griffith   | 9         |
| 2.2 Assumptions  | 10        |
| 2.3 Demand Assessment  | 10        |
| 2.4 Infrastructure   | 11        |
| 2.5 Section 7.12 Contributions                                 | 12        |
| <b>3 Administration and Operation of the Plan</b>              | <b>13</b> |
| 3.1 Name of this Plan  | 13        |
| 3.2 Commencement of this Plan                                  | 13        |
| 3.3 Legislative Framework                                      | 13        |
| 3.4 Purpose of the Plan  | 13        |
| 3.5 Application of this Plan                                   | 14        |
| 3.6 Operation of the Plan                                      | 14        |
| 3.7 Savings and Transitional Arrangements                      | 14        |
| 3.8 Ministerial Direction                                      | 14        |
| 3.9 Planning Agreements  | 15        |
| 3.10 Maximum Allowable Contributions                           | 16        |
| 3.11 Calculations of Contributions under this Plan             | 16        |
| 3.12 Indexation  | 16        |
| 3.13 Timing of Payment   | 17        |
| 3.14 Deferred or Periodic Payments                             | 18        |
| 3.15 Determination of the Cost of Development                  | 19        |
| 3.16 Are there any exemptions to the levy                      | 19        |
| 3.17 Payment Methods   | 20        |
| 3.18 Refunds   | 20        |
| 3.19 Registered Certifiers – Complying Development Certificate | 20        |
| 3.20 Registered Certifiers – EP&A Act Part 6 Certificates      | 21        |
| <b>4 Expenditure, Accounting and Review</b>                    | <b>22</b> |
| 4.1 Expenditure  | 22        |
| 4.2 Pooling of Levies  | 22        |
| 4.3 Accounting and Accountability                              | 22        |
| 4.4 Review of the Plan   | 23        |

## Definitions

| Acronym/Term         | Definition  |
|----------------------|---|
| Applicant            | person, company or organisation submitting a development application or an application for a complying development certificate or a person, company or organisation authorised to act on a consent. |
| Application          | Development Application or Complying Development Certificate.   |
| CDC                  | Complying Development Certificate.  |
| Council              | Griffith City Council   |
| CPI                  | Consumer Price Index, All Groups Sydney (Series ID A2325806K) as published by the Australian Bureau of Statistics (ABS).  |
| DA                   | means a Development Application.  |
| DPHI                 | NSW Department of Planning, Housing and Infrastructure.   |
| EP&A Act             | Environmental Planning and Assessment Act 1979.   |
| EP&A Regulation      | Environmental Planning and Assessment Regulation 2021.  |
| LGA                  | Local Government Area.  |
| Plan                 | means this Section 7.12 Contributions Plan.   |
| Registered Certifier | means a person who is registered under the <i>Building and Development Certifiers Act 2018</i> and who is acting in respect of matters to which the registration applies.                           |
| Secondary Dwelling   | Has the same meaning as in the Griffith Local Environmental Plan 2014   |
| SEPP                 | Means a State Environmental Planning Policy   |
| VPA                  | Means a Planning Agreement under Section 7.4 of the EP&A Act  |



# 1 Executive Summary

## 1.1 Introduction

Griffith is the regional centre of the Western Riverina, a diverse and rich agricultural region of New South Wales, boasting major industries of rice, cotton, poultry, almonds, wine grapes, cereal production, manufacturing, agriculture, construction and food processing. The key industries in Griffith are supported by sound transport infrastructure and a diverse skills base drawn from a population that has grown over recent decades. Griffith also has a youthful and culturally diverse population. With a range of choices in education, including university pathways and a cosmopolitan lifestyle, underpinned by vibrant arts, fine dining, boutique shopping and abundant sporting and leisure activities, Griffith has much to offer its residents and visitors.

The Griffith City Council Local Government Area has a current estimated resident population of around 27,000 persons. Griffith's population is projected to reach around 34,500 by 2046 – an increase of over 7,300 people – growing at an average rate of 1%. This growth is largely driven by net overseas migration and natural increases, with new residents also relocating from other parts of Australia in search of a more affordable and well-connected regional lifestyle. While growth has slowed in recent years, partly due to housing shortages, forecasts indicate a continued upward trend. To keep pace, Griffith will need to provide a diverse and adequate supply of housing to meet the needs of both current residents – including those who are unhoused or seeking more sustainable options – and new arrivals.

Providing good-quality, well-planned infrastructure to meet the current and future population needs is essential for delivering well-designed communities. This contributions plan applies to the entire Griffith Local Government Area and allows Council and registered certifiers to levy a contribution towards the cost of providing local infrastructure on new development.

## 1.2 Section 7.12 Contributions

Section 7.12 of the *Environmental Planning and Assessment Act 1979* allows councils and certifiers to impose a condition requiring a contribution towards the provision, extension or augmentation of public amenities or public services, or the recoupment of these costs.

The primary purpose of this Contributions Plan is to satisfy the requirements of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") and the *Environmental Planning and Assessment Regulation 2000* ("EP&A Regulation") to enable Council and Certifiers to apply a condition of consent requiring payment of a contribution towards the cost of or towards the recoupment of the cost of the provision, extension or augmentation of public amenities, public services and infrastructure that will, or are likely to be, or that have been provided and are required to adequately serve the people of the Griffith community.

Contributions levied under Section 7.12 are calculated by multiplying the proposed cost of carrying out the development by the applicable levy percentage rate. Where a contribution is payable in respect of a development, a condition will be included in the development consent or Complying Development Certificate.

### 1.3 Legislative Principles

The following principles form the legislative basis for the collection of monetary contributions for development under the EP&A Act.

**Table 1:** Legislative Requirements for Section 7.12 Contributions Plan

| Legislative Requirements   | Reference               | Addressed in this Plan |
|--|-------------------------|------------------------|
| Council can charge a Section 7.12 levy as a condition of consent if it is authorised by a contributions plan.  | 7.12 (1) EPA& Act       | Whole Plan             |
| Contributions can be collected under a Section 7.12 plan to provide local infrastructure or recoup the cost of infrastructure already provided.  | 7.12 (3) EP&A Act       | Whole Plan             |
| The infrastructure must be provided in a reasonable time   | 7.3 (1) EP&A Act        | See <b>Appendix A</b>  |
| A Section 7.12 plan must demonstrate the relationship between the expected types of development in the area to which the plan applies, and the demand for additional local infrastructure. | 212 (c) EP&A Regulation | See <b>Section 2.</b>  |
| However, the condition imposed under Section 7.12 does not require a direct link between the development and the local infrastructure that the contribution will be spent on.              | 7.12 (4) EP&A Act       | Noted                  |
| A condition under Section 7.12 cannot be appealed if it is made in accordance with an approved plan.   | 7.13 (4) EP&A Act       | Noted                  |

#### 1.4 Levy Rates

In accordance with Clause 209(2) of the EP&A Regulation 2021, the contribution amount payable will be calculated based on the proposed cost of carrying out the development and the applicable levy rate, as shown in

**Table 2:** Section 7.12 Applicable Levy Rate

| Proposed Cost of Carrying out the development | Levy rate   |
|---|---|
| Up to and including \$100,000                 | Nil   |
| \$100,001 to \$300,000                        | 0.1%-1% (refer to <b>Section 3.11</b> for calculation requirements) |
| Over \$300,000                                | 1%  |

#### 1.5 Content that Must be Included in a Contributions Plan

| Content of a Section 7.12 plan  | Legislation               | Section of the Plan Addressed  |
|---|---------------------------|--|
| The purpose of the plan   | 212(1)(a) EP&A Regulation | See <b>Section 3.4</b>   |
| The land to which the plan applies  | 212(1)(b) EP&A Regulation | See <b>Section 3.5</b>   |
| The development to which the plan applies and the relationship between the expected types of development and the demand for additional infrastructure | 212(1)(c) EP&A Regulation | See <b>Section 2</b> for infrastructure demand and <b>Section 3</b> for development to which the plan applies. |
| A map showing the specific public amenities and services proposed   | 212(1)(f) EP&A Regulation | <b>See Appendix C</b>  |
| A works schedule that contains an estimate of the costs and staging   | 212(1)(g) EP&A Regulation | <b>See Appendix A</b>  |
| The priorities for the expenditure if pooling and progressively applying funds  | 212(1)(h) EP&A Regulation | See Appendix A and <b>Section 4.2</b>  |



| Content of a Section 7.12 plan   | Legislation               | Section of the Plan Addressed           |
|--|---------------------------|---|
| The percentage of the development levy for each type of development  | 212(2)(a) EP&A Regulation | See <b>Section 1.4</b>                  |
| How the cost of development will be indexed from the granting of consent to when the levy is paid  | 212(2)(b) EP&A Regulation | See <b>Section 3.12</b>                 |
| The timing of payment and the policy on considering deferred or periodic payments  | 212(3) EP&A Regulation    | See <b>Section 3.13</b>                 |
| A section specifying the type of development or area that the plan applies to, and that it precludes a Section 7.11 condition from being applied to that same type or area | 7.18(2) EP&A Act          | <b>See Section 3.8 and Section 3.16</b> |
| Information for registered certifiers about when a contribution is required for complying development certificates and how the amount can be obtained                      | 7.21 EP&A Act             | See <b>Sections 3.19 and 3.20</b>       |

## 2 Background

### 2.1 Griffith

Griffith is the regional centre of Western Riverina, a diverse and rich agricultural region of New South Wales, boasting major industries of rice, cotton, poultry, almonds, wine grapes, cereal production, manufacturing and food processing.

The key industries in Griffith are supported by sound transport infrastructure and a diverse skills base drawn from a population that has grown over recent decades. Griffith also has a youthful, culturally diverse population, reflected in an energetic retail and service sector. With a range of educational options, including University pathways, and a cosmopolitan lifestyle, underpinned by vibrant arts, fine dining, boutique shopping, and abundant sporting and leisure activities, Griffith has much to offer its residents.

Griffith is strategically located about 470km west of Sydney and almost 300km north-west of Canberra, covering a land area of 1,640km<sup>2</sup>. It is a key connection point for the Riverina Murray region, linking central NSW, Sydney, Canberra, and South Australia. As one of the four major regional cities in the Riverina Murray Basin, Griffith offers essential higher-order services, such as business, retail, arts, culture, and recreation, to smaller settlements across the region.

The region's housing demand is driven not only by its growing permanent population but also by seasonal and temporary workforces linked to agriculture and major infrastructure projects. This includes large-scale projects like the Griffith Base Hospital redevelopment, which will provide expanded healthcare services and support the growing demand for housing and accommodation.

Griffith's role as a regional transport hub is vital to its continued growth and economic stability. The city is well connected by air, rail, and road, and is identified in the NSW Future Transport Strategy as a critical regional node with key transport links to South Australia. This infrastructure is crucial for supporting the region's industries, including agriculture and freight, and enhancing the mobility of Griffith's residents and workers.

Griffith's health and education sectors also contribute to its regional importance. The city is a regional hub for healthcare, with facilities like Griffith Base Hospital, Griffith Community Health Centre, and St Vincent's Private Hospital serving the local community and surrounding areas. The Riverina Murray Regional Plan recognises Griffith as a hub for both health and education, with plans for expanding healthcare precincts and associated services around the hospital sites.

## 2.2 Assumptions

The following assumptions have been made to provide a base for the calculations and assessments for this Plan.

- Griffith's population will continue to increase at about 1% per annum;
- The dwelling occupancy rate will remain higher than the state average but will continue to reduce over time, consistent with national trends;
- The diverse cultural mix of the region will continue to be consistent with past trends; and
- The community's expectations as identified in Council's Community Strategic Plan (We are Griffith) will remain stable for the life of the plan.

Should any of these assumptions not eventuate, future reviews of this Plan will need to make appropriate variations or amendments to the Schedule of Works (Appendix A) to accommodate those changes. It should be noted in particular that changes to legislation and technological advances may significantly affect the base assumptions of this plan, thereby increasing or decreasing the costs of providing infrastructure.

## 2.3 Demand Assessment

Council has prepared and is in the process of preparing a series of Strategic Plans that identify existing conditions and anticipated future demands for housing, employment lands, public facilities and services. These strategic plans will be reviewed or amended from time to time to ensure they continue to meet the community's expectations and needs.

Each Strategic Plan provides an assessment of demographic changes, associated increases in demand, and locations for future public facilities and services. Each plan has or will be exhibited for community input prior to adoption by Council.

The strategic plans that this Plan relies on include, but are not limited to, the following:

- Griffith Community Strategy Plan 2025
- Griffith Land Use Strategy Beyond 2030 (2013)
- Griffith Local Strategic Planning Statement 2020
- Griffith Housing Strategy 2026
- Griffith Employment Lands Strategy 2024
- Griffith Health Precinct Master Plan 2022

The growth area master plans, prepared by Council, which will guide the development of key growth areas containing over 3000 new residential lots, include:

- Collina Growth Areas Master Plan 2008
- Lake Wyangan Growth Areas Master Plan and Section 7.11 Contribution Plan – 2023
- Hanwood Growth Area Master Plan (draft-expecting endorsement in early 2026)
- Yenda Growth Area Master Plan 2025

## 2.4 Infrastructure

Infrastructure is key to community livability and helps create vibrant places. To support our existing and growing communities, it is essential to ensure that infrastructure is properly planned, funded, and delivered on time. This will ease pressure on current infrastructure and ensure that the increased demand caused by population growth is adequately met.

This Plan recognises that community growth and cultural change create a need for community infrastructure, including roads, drainage, social, cultural, recreational, and other infrastructure. Some of this need can be satisfied by the imposition of conditions on development, such as subdivision of land. However, some items may not be directly attributable to any one development or may be of such a magnitude that the cost could not be carried by any one development.

In preparing this plan, the Council has been mindful to ensure that the works proposed are necessary to serve the growing community of Griffith and could not reasonably be provided within the constraints of the Council's financial plan. In general, projects included in this Plan are required to meet expected future or known shortfalls or increases in demand for those facilities or services within the Griffith LGA.

The types of infrastructure that are considered local 'public amenities and services' (or local infrastructure) for this contributions plan include:

- Open Space and Recreation - parks, passive recreational spaces, reserves and sports fields.
- Community Facilities - libraries, community centres, cultural facilities, public art and other places used for the physical, social, cultural or intellectual development or welfare of the community.
- Transport - roads, intersections, bridges, active transport (footpaths and cycleways), public transport.
- Stormwater Management - detention basins, drainage channels, WSUD measures and other necessary drainage works.
- Plan administration - direct staff costs (planning and finance), planning studies.



The types of infrastructure that are not considered part of this Plan include utilities (water, wastewater, gas, and electricity) and regional or state infrastructure (e.g., schools and hospitals).

There are many ways infrastructure can be funded, including general revenue, grants, and infrastructure contributions made by developers, also known as Development Contributions.

## 2.5 Section 7.12 Contributions

Section 7.12(1) of the EP&A Act allows a consent authority to impose a condition of consent requiring the applicant to pay a monetary contribution towards infrastructure. Contributions levied under Section 7.12 are calculated based on the proposed cost of the development, multiplied by the applicable levy percentage rate. The contribution amount payable is specified in the development consent or complying development certificate and is subject to indexation until the payment is made. The Section 7.12 contributions collected help fund, in whole or in part, public infrastructure as outlined in Appendix A. The Schedule of Works in Appendix A is subject to review and change as part of the annual budget operational plan process, which is reported on and endorsed through council meetings. Council, at its discretion, may amend this Plan at any time, including reviewing and amending the Schedule of Works.

## 3 Administration and Operation of the Plan

### 3.1 Name of this Plan

This Plan replaces all previous plans and policies relating to or providing for the levying and collection of contributions for community services, open space, recreation facilities, roads and car parking facilities (other than those Section 7.11 or former Section 94 Plans which remain in operation). It does not, and is not intended, to remove Council's option to negotiate a Planning Agreement with a developer under the provisions of the EP&A Act. This Plan is to be known as: **Griffith City Council Section 7.12 Contributions Plan**.

### 3.2 Commencement of this Plan

The former Griffith City Council 94A Contributions Plan first became effective on 1 July 2010 and was later amended in January 2013, and the amendments became effective on 15 March 2013.

This plan review became effective on [insert date plan is endorsed and becomes effective].

### 3.3 Legislative Framework

This Plan levied contributions under Section 7.12 of the EP&A Act, which provides that:

#### **7.12 Fixed development consent levies**

*(1) A consent authority may impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan, of the proposed cost of carrying out the development.*

This Plan has been prepared in accordance with the provisions of the EP&A Act, EP&A Regulation, Ministerial Directions, and the Local Infrastructure Contributions Practice Notes.

### 3.4 Purpose of the Plan

The primary purpose of this Contributions Plan is to satisfy the requirements of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") and the *Environmental Planning and Assessment Regulation 2000* ("EP&A Regulation") to enable Council to apply a condition of consent requiring payment of a contribution towards the cost of or towards the recoupment of the cost of the provision, extension or augmentation of public amenities, public services and infrastructure that will, or are likely to be, or that have been provided and are required to serve the people of the Griffith community adequately.

The Plan estimates the collection of around \$20,000,000 over roughly 20 years. These funds are considered vital for providing infrastructure to support the growing community.

Overall, the purpose of this plan is to:

- Authorise Council, a registered certifier or other consent authority to impose conditions under Section 7.12 of the EP&A Act when determining an application on land to which this Plan applies.
- Provide a framework for the equitable calculation, collection, and management of contributions.
- Ensure that each development makes a reasonable contribution towards the provision of infrastructure.
- Assist the Council to provide the appropriate public facilities that are required to maintain and enhance amenity and service delivery within the area.
- Ensure Council's management of development contributions complies with relevant legislation and guidelines.

### 3.5 Application of this Plan

This plan applies to the whole of the LGA of Griffith City (See **Appendix C** for a map of the LGA). Upon commencement of this Plan, Council may not impose a condition pursuant to Section 7.12 of the EP&A Act in respect of any development affected by this Plan.

### 3.6 Operation of the Plan

When assessing a development application, Council will impose a condition that requires payment of a contribution in accordance with this Plan. Similarly, when assessing an application for a complying development certificate, the Council or the registered certifier will impose a condition requiring payment of a contribution in accordance with this Plan.

This Plan applies to applications for development consent and complying development certificate applications under Part 4 of the EP&A Act, determined on or after the commencement of this Plan.

Contributions paid to Council will be held in a restricted asset account and allocated to infrastructure projects during the annual budget preparation process.

### 3.7 Savings and Transitional Arrangements

The Contribution Plan in force at the time an application is determined (not lodged or submitted) will apply. An application that is modified will continue to be levied in accordance with the Plan that applied at the date of original determination.

### 3.8 Ministerial Direction

A Direction issued by the NSW Minister for Planning under Section 7.17 of the EP&A Act will prevail over the provisions of this Plan. The Ministerial Directions relative to this Plan include:

- Environmental Planning and Assessment (Local Infrastructure Contributions – Pooling of Contributions) Direction 2020
  - If a local council holds monetary contributions that have been paid for different purposes, including for purposes identified in more than one contributions plan that applies in the local government area concerned, the council is to endeavour to pool those contributions, and apply them progressively, in order to facilitate the provision of the public amenities and public services to which any of those contributions plans relate.
    - **monetary contributions** means monetary contributions imposed under Section 7.11 of the Environmental Planning and Assessment Act 1979 and levies imposed under Section 7.12 of that Act
- Environmental Planning and Assessment (Local Infrastructure Levies) Direction 2015 – issued 14 April 2016 (revokes the Direction issued on 10 November 2006)
  - If a development contribution under Section 7.11 of the EP&A Act has been required in respect of the subdivision of land (initial subdivision), a levy under Section 7.12 of the EP&A Act may not be required in respect of any other development on the land, unless that other development will, or is likely to, increase the demand for public amenities or public services beyond the increase in demand attributable to the initial subdivision.
- *Environmental Planning and Assessment Act 1979* - issued 14 September 2007
  - A contribution cannot be imposed on development for the purposes of any form of seniors housing as defined in the State Environmental Planning Policy (Housing) 2021, where the development consent is granted to a social housing provider as defined in the SEPP (Seniors Living) 2004.
- Planning Circular D6 - Crown Development Applications and conditions of consent 1995
  - Contributions levied on Crown development should be in accordance with the matrix table, which provides a guideline on appropriate categories of contributions for each Crown activity.

Further details on current Section 7.17 Directions can be found at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au).

### 3.9 Planning Agreements

A Planning Agreement is a voluntary agreement between a planning authority and a developer, under which the developer agrees to make contributions towards a public purpose. This may include the dedication of land, a monetary contribution, any other material public benefit or a combination of these. A Planning Agreement may or may not exclude the application of Section 7.12 to the development to which the agreement applies.

The provisions of Sections 7.4 to 7.10 of the EP&A Act and Clauses 202 to 206 of the EP&A Regulation prescribe the contents, form, subject matter and procedures for making Planning Agreements. Further information can also be found in the Council's Planning Agreements Policy.



### 3.10 Maximum Allowable Contributions

Section 7.12 provides that the contribution imposed as a condition of consent must be a percentage of the cost of the development proposed to be carried out. The percentage of the levy is to comply with the EP&A Regulation and is to be authorised by this Plan.

The EP&A Regulation sets a maximum contribution of 1% of the cost of the development for a contributions plan for the Griffith LGA. Clause 25K states that the maximum contribution shall be:

- If the proposed cost of carrying out the development is up to and including \$100,000 – Nil
- If the proposed cost of carrying out the development is more than \$100,000 and up to and including \$200,000 – 0.5 percent of that cost
- If the proposed cost of carrying out the development is more than \$200,000 – 1.0 percent of that cost.

### 3.11 Calculations of Contributions under this Plan

This Plan allows Section 7.12 contributions for developments costing between \$100,000 and \$300,000 to be determined by a sliding scale. This will further lessen any adverse impacts on minor developments and low-cost housing.

For the purpose of this plan, contributions shall be calculated in accordance with the following formulae:

- For estimated development cost less than \$100,000: Nil
- For estimated development costs between \$100,000 and \$300,000, the following calculations will be used:

$$R = (C - 100)/200$$

Where

R = rate of contribution as a percent

C = estimated cost of development in \$1,000 (see Sec 7.9)

Varies from 0% to 1%

Cost of development C = \$250,000  $R = (250 - 100)/200 = 0.75\%$ .

- For estimated development cost greater than \$300,000: 1%.

### 3.12 Indexation

In accordance with Clause 208(5) of the EP&A Regulation, the contribution amount calculated will be subject to indexation until the date of payment. The contribution amount will be indexed

quarterly using the Consumer Price Index; All Groups, Sydney (CPI) published by the Australian Bureau of Statistics (ABS) based on the following formula:

$$\text{Contribution payable} = \$C \times (\text{CPI}_P / \text{CPI}_C)$$

Where:

- C** is the original contribution amount.
- CPI<sub>P</sub>** is the CPI at the time of payment (or current quarter).
- CPI<sub>C</sub>** is the CPI at the time the application was determined.

**Table 3: Index Dates**

| Index Quarter     | Index released by ABS | Effective From |
|-------------------|-----------------------|----------------|
| March Quarter     | Late April            | 1 May          |
| June Quarter      | Late July             | 1 August       |
| September Quarter | Late October          | 1 November     |
| December Quarter  | Late January          | 1 February     |

To check the current indexed amount payable, please contact Council.

### 3.13 Timing of Payment

The timing requirements for when the contribution needs to be paid will be set out in the development consent or CDC, and will be based on the following provisions:

For development applications, the contribution is payable as follows:

- DA involving building work - before the issue of any Construction Certificate.
- DA involving subdivision only - before the issue of any Subdivision Certificate.
- DA involving both subdivision and building work - before the issue of any Construction Certificate or Subdivision Certificate, whichever occurs first.

For Complying Development Certificates, the contribution is payable as follows:

- CDC involving building work – before any building work commences.
- CDC involving subdivision only – before the issue of any Subdivision Certificate.
- CDC involving both subdivision and building work – before any building work commences or before the issue of any Subdivision Certificate, whichever occurs first.

Where a development is staged, the application may include a request for any condition requiring the payment of contributions to provide for staged payments.

Where a Ministerial Direction provides an alternative provision for the timing of contribution payment, this may override this Plan and the condition of consent.

### 3.14 Deferred or Periodic Payments

Council may accept deferred or periodic payment of a contribution upon written request by the applicant or any other person entitled to act upon the relevant consent.

#### **For Development that is the subdivision of land for residential purposes:**

This option is not applicable if the construction of a dwelling is included in the development application.

Council will consider deferral of payment of monetary contributions up to the settlement of sale proceeds, or 5 years from issue of a subdivision certificate, whichever is the sooner, provided that the owner enters into a Deed of Charge in a form acceptable to Council, binding the land with the obligation to repay the contributions, any indexation thereof and any interest thereon.

The Deed of Charge is to contain provisions enabling Council to register a caveat on the title of each proposed lot of the subdivision, recording Council's interest under the Deed.

The amount of the contributions is to be indexed in accordance with the Contributions Plan.

#### **For Other Types of Development**

Any deferral will generally be limited to a period of no more than 12 months, however, Council may agree to a longer period in exceptional circumstances. Periodic payment can be negotiated with Council but would normally be of equal instalments over the payment period.

Council may require the applicant to provide to Council a bank guarantee (from a bank and in a format acceptable to Council) for the payment of the outstanding amount on condition that:

- a) the guarantee requires the bank to pay the guaranteed amount unconditionally to Council where it so demands in writing, not earlier than six months (or a term determined by Council) from the provision of the guarantee or completion of the development or stage of the development to which that the contribution or part relates.
- b) the guarantee prohibits the bank from:
  - having regard to any representations made by the applicant or other person entitled to act upon the consent; and
  - having regard to any appeal, dispute, controversy, issue or other matter relating to the consent or the carrying out of development in accordance with the consent, before paying the guaranteed amount.
- c) the bank's obligations under the guarantee are discharged:
  - when payment is made to the Council according to the terms of the bank guarantee;
  - if the related consent lapses; or
  - if the Council otherwise notifies the bank in writing that the bank guarantee is no longer required.

- d) the applicant pays interest to Council on the contribution or the outstanding balance of the contribution at the overdraft rate on and from the date when the contribution would have been otherwise payable in accordance with this Plan.

### 3.15 Determination of the Cost of Development

The cost of a development must be determined in accordance with Section 208 of the EP&A Regulation and Section 7.12 of the EP&A Act. The Department of Planning, Housing and Infrastructure (the Department) prepares Planning Circulars to assist Applicants and Councils in ensuring the requirements of the legislation are met when submitting a development application. Planning Circular PS 21-022 - Calculating the genuine estimated cost of development was issued on 2 December 2021 and provides requirements pertaining to how the cost of a development must be quantified and prepared for submission to Council or the consent authority.

Applicants must ensure the requirements of the EP&A Regulation, EP&A Act and any applicable Planning Circular and any relevant guideline are followed in the preparation of the genuine cost of development in the submission of a development application or Complying Development Certificate application.

### 3.16 Are there any Exemptions to the Levy

The levy will NOT be imposed on the following developments or types of development.

- Where the cost of the proposed development, calculated in accordance with this plan, is \$100,000 or less.
- Where a new dwelling replaces an existing dwelling destroyed as a result of accidental or natural disaster, provided the new dwelling is a similar size to the dwelling it replaces (with a levy to be applied to the difference in cost attributed to the increase in building area).
- Where the development is for the purpose of disabled access.
- The construction of secondary dwellings.
- Where the development is for the sole purpose of providing 'affordable housing'.
- Where the development is for the purpose of reducing the consumption of mains-supplied potable water or reducing the energy consumption of a building.
- Where the development is for the sole purpose of the adaptive reuse of an item of environmental heritage.
- Development excluded from Section 7.12 contributions by a Ministerial Direction under Section 7.17 of the Environmental Planning and Assessment Act 1979.
- Where the development has previously been levied a contribution for the subdivision of land under Section 7.11 of the Act.
- Any other development exempted by resolution of Council (**See Appendix B**).

From time to time, Council may, by resolution, exempt a particular development or type of development from the requirement to pay a levy under this Plan.



**Appendix B** identifies those developments that Council has exempted from payment of levies under this Plan. The date the exemption commenced and the duration of the exemption are also indicated.

### 3.17 Payment Methods

In all instances, the Section 7.12 contribution will be a monetary contribution. Before arranging payment, please contact Council to check the current indexed amount payable.

The following payment methods are available:

- **Phone** – please call 1300 176 077 to pay by credit card.
- **In person** – please visit the Administration Building at 1 Benerambah Street, Griffith, to pay by cash, EFTPOS, credit card or bank cheque (personal cheques are not accepted).
- **Post** – please mail a bank cheque to PO Box 485, Griffith NSW 2680

### 3.18 Refunds

Requests for the full or partial refund of contributions paid will be considered in limited circumstances and must be made in accordance with the following requirements:

- The development consent or Complying Development Certificate must not have been acted on or must be formally surrendered, and
- The current landowner must submit a written request to Council.

A delegated council officer may approve requests for refunds, in part or in full, that are made in accordance with the above provisions, or in other circumstances considered reasonable.

### 3.19 Registered Certifiers – Complying Development Certificate

In accordance with sections 4.28(9) and 7.21 of the EP&A Act and Clause 156 of the EP&A Regulation, applications for a complying development certificate are also subject to the provisions of this Plan, and a registered certifier must impose a condition requiring the payment of a Section 7.12 contribution in accordance with the requirements of this Plan.

The condition must include the contribution amount calculated in accordance with this Plan and require payment before any building or subdivision work authorised by the certificate commences. Further information on how to calculate and condition contributions is available on Council's website. The following template condition may be used:

#### Development Contributions

In accordance with Section 4.28(9) of the *Environmental Planning and Assessment Act 1979* and the Section 7.12 Contribution Plan, a contribution of \$[INSERT AMOUNT], subject to indexation, must be paid to Griffith City Council before any building or subdivision work authorised by this certificate commences.

In accordance with Clause 156(2)(b) of the EP&A Regulation and the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the applicant must provide sufficient evidence to the Certifier so that they can ensure that the contribution has been fully paid before any building or subdivision work authorised by the certificate commences.

### 3.20 Registered Certifiers – EP&A Act Part 6 Certificates

A registered certifier must not issue a Certificate under Part 6 of the EP&A Act where the development consent imposes a condition in accordance with this Plan unless the condition has been complied with. This applies to the following Part 6 Certificates:

- Construction Certificate
- Occupation Certificate
- Subdivision Certificate

In accordance with Clauses 20(b), 46 and 54(2)(f) of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, a registered certifier must not issue a Construction Certificate, Occupation Certificate or Subdivision Certificate, unless a condition of the development consent requiring the payment of a Section 7.12 contribution has been complied with.

## 4 Expenditure, Accounting and Review

### 4.1 Expenditure

The Capital Works Program delivered by the Council is financed through a combination of funding sources, including contributions collected under this Plan. Section 7.12 Contributions will be allocated to projects via the annual budget process, based on the Works Schedule (See **Appendix A**), and will be refined as needed until the projects are delivered. This may involve reviewing projects and/or budget allocations during the budget review process, which is reported to and approved by Council.

Section 7.12 of the EP&A Act provides:

*(3) Money required to be paid by a condition imposed under this section is to be applied towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation). The application of the money is subject to any relevant provisions of the contributions plan*

### 4.2 Pooling of Levies

This Plan expressly authorises monetary levies paid pursuant to this Plan or other contributions plans to be pooled and applied progressively for any works included in the Schedule of Works to this Plan, provided that the Council is satisfied that the pooling and progressive application of the money paid will not unreasonably prejudice the carrying into effect within a reasonable time of the purposes for which the money was originally paid.

### 4.3 Accounting and Accountability

Council has established a register of contributions as required under Clauses 217-220 of the EP&A Regulation.

In particular, the register will include the following information for any development that has a condition of consent requiring the payment of a contribution under this Plan:

- a) particulars sufficient to identify each development consent for which any such condition has been imposed;
- b) the nature and extent of the Section 7.12 levy under this Plan required by any such condition;
- c) the contributions plan (this Plan) under which any such condition was imposed; and
- d) the date or dates on which any Section 7.12 levy required by any such condition was received, and its nature and extent.

Funds received under this Plan will be recorded in Council's accounting records as required under Clause 35 EP&A Regulation. As a minimum, Council's records will identify the following;

- a) the kinds of public amenities or services for which expenditure is authorised under the Plan;
- b) funds received over each financial year;
- c) funds allocated to items on the Schedule of Works, whether those funds have been expended and/ or the works have been completed;
- d) any pooling of funds in accordance with **Section 4.2** of this Plan; and
- e) interest earned (or loss) on any funds invested under this Plan.

Council's Annual Report will include a statement of all fund movements under this plan as required by Clause 36 EP&A Regulation.

The following information will be held in a format that can be made available to the public on request, as required by the EP&A Regulation:

- a copy of this Plan;
- a copy of its Annual Statements and Annual Report; and
- details from the register of contributions made under this Plan.

#### 4.4 Review of the Plan

Council will review this Plan every 10 years to ensure that it remains consistent with the community's expectations and that the Schedule of Works can be achieved within a reasonable period of time.

If appropriate, Council may lower or vary the percentage of the development cost used to determine contributions required under this Plan or repeal this Plan and adopt a new plan to address changed circumstances. In any case where a new plan is prepared, Council will exhibit the plan and consider submissions before implementation of the new plan.





## APPENDIX A – SCHEDULE OF WORKS

The works listed in this schedule are to be funded from a mix of sources, including Section 7.12 funds. **Table 4** below is a list of priority projects to be funded, in whole or in part, by Section 7.12 levies. The location of these projects is provided in **Appendix C**.

Approximate time scales for priority ratings are as follows:

- High - within 5 years of adoption of the plan
- Medium - from 6 to 10 years from the adoption of plan
- Low - from 11 to 15 years from the adoption of plan

To assess the anticipated income to be received by Council under this Plan, a review was undertaken of development consents granted over the ten years from 1 July 2015 to 1 July 2025. Over the 10-year period, a total of \$9,797,793 was paid to Council, averaging around \$979,779 per year. Based on an expected population growth rate of 1% per year, an average of \$1 million of Section 7.12 contributions per year are expected to be levied over a 20-year planning horizon, equating to an estimated \$20 million. As is evident from the Schedule of Works Table Below, the projects identified exceed the expected 7.12 Contributions to be received by Council.

Council may choose to utilise funding from alternative sources to either supplement or replace funding under this plan. Council will actively seek grant funding from State and Federal governments to assist in the delivery of these priority projects.

**Table 4 - 7.12 Contributions Plan - Schedule of Works**

| Project No. | Description of Project                                     | Estimated Cost for Project | Funds Allocated              |                                |                             |
|-------------|--|----------------------------|------------------------------|--------------------------------|-----------------------------|
|             |  |                            | High Priority – 2025 to 2030 | Medium Priority – 2031 to 2035 | Low Priority – 2036 to 2045 |
| 1           | CBD Upgrade  | \$10,000,000               | \$3,500,000                  | \$3,500,000                    | \$3,000,000                 |
| 2           | Scenic Hill – Pathways/Hermits Cave<br>- Elevated Platform | \$990,000                  |                              | \$990,000                      |                             |
| 3           | Yambil St Extension - Masterplan                           | \$35,000,000               |                              |                                | \$35,000,000                |
| 4           | Clifton Boulevard Extension                                | \$5,000,000                | \$3,000,000                  | \$2,000,000                    |                             |
| 5           | Lake Wyangan Infrastructure                                | \$935,000                  | \$935,000                    |                                |                             |
| 6           | Airport Terminal Extension                                 | \$2,065,000                | \$2,065,000                  |                                |                             |
| 7           | Wood Park Toilets  | \$144,200                  | \$144,200                    |                                |                             |
| 8           | Pool – Solar Panels  | \$2,077,040                | \$434,500                    | \$1,642,540                    |                             |
| 9           | Tharbogang Toilets   | 144,200                    | \$144,200                    |                                |                             |
| 10          | Airport – Airside plane parking                            | \$500,000                  | \$500,000                    |                                |                             |
| 11          | Community Gardens - Fence                                  | \$250,000                  |                              | \$250,000                      |                             |
| 12          | PAMP Projects – (Top Ten projects on list)                 | \$375,307                  | \$173,640                    | \$201,666                      |                             |

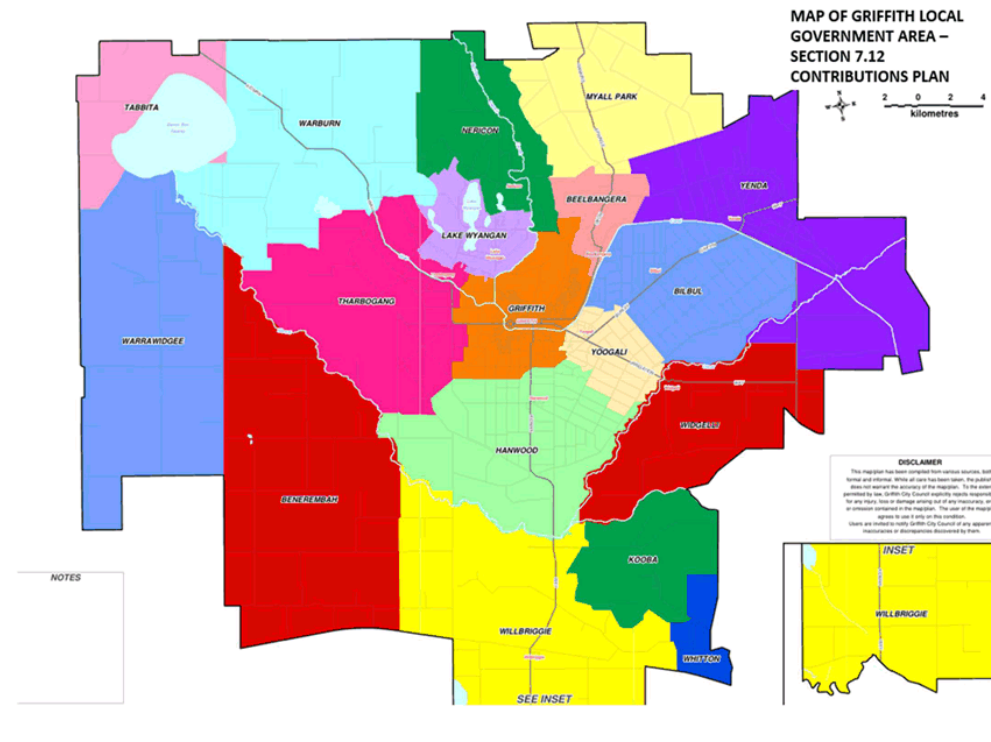
| Project No.  | Description of Project                      | Estimated Cost for Project | Funds Allocated |             |             |  |
|--------------|---|----------------------------|-----------------|-------------|-------------|--|
| 14           | Playground equipment - General              | \$1,262,021                | \$458,134       | \$803,887   |             |  |
| 15           | Playground equipment – City Park            | \$206,600                  | \$103,300       | \$103,300   |             |  |
| 16           | Pathway – West End Oval to Jubilee Oval     | \$390,000                  |                 | \$390,000   |             |  |
| 17           | Pioneer Park – new building                 | \$1,050,000                |                 |             | \$1,050,000 |  |
| 18           | Sergi Park – off-leash/dog park             | \$500,000                  |                 |             | \$500,000   |  |
| 19           | Aerodrome carpark expansion                 | \$300,000                  |                 |             | \$300,000   |  |
| 20           | Cultural Precinct Masterplan Implementation | \$3,000,000                |                 |             | \$3,000,000 |  |
| 21           | Water feature – Yenda                       | \$120,000                  |                 |             | \$120,000   |  |
| 22           | Lake Wyangan Water Quality Program          | \$3,000,000                | \$1,000,000     | \$1,000,000 | \$1,000,000 |  |
| <b>TOTAL</b> |   | <b>\$56,560,307</b>        |                 |             |             |  |



## APPENDIX B – EXEMPTIONS

| Type of Development   | Date Exemption Commenced  | Date Exemption Ceases |
|---|---|-----------------------|
| Development undertaken by or on behalf of Griffith City Council for the purpose of providing public or community amenities, including facilities utilising levies under this Plan   | Commencement of this Plan   | None                  |
| Development for conservation or enhancement of vegetation where that development is undertaken in conformity with Council's Environmental Enhancement Strategy  | From the date of adoption of the Environmental Enhancement Strategy | None                  |
| Development proposing renewable energy or other measures to increase the sustainability of a building or use on the same site or adjoining or adjacent site, including co-located solar panels or other electricity-generating works with industrial or commercial development or employment-generating uses. | Commencement of this Plan   | None                  |
| All exemptions listed in Section 3.16 of this Plan  | Commencement of this Plan   | None                  |

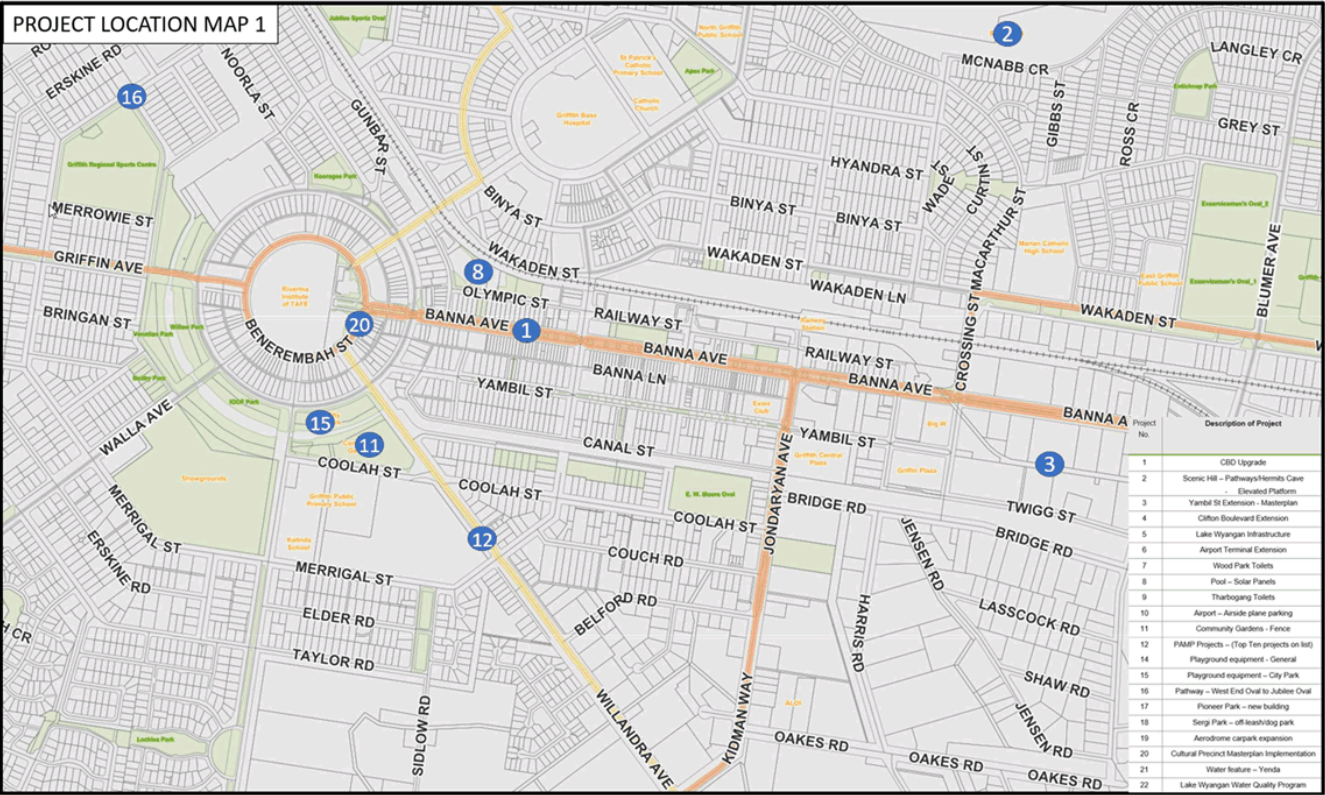
## APPENDIX C – MAP OF LOCAL GOVERNMENT AREA AND LOCATION OF PROJECTS



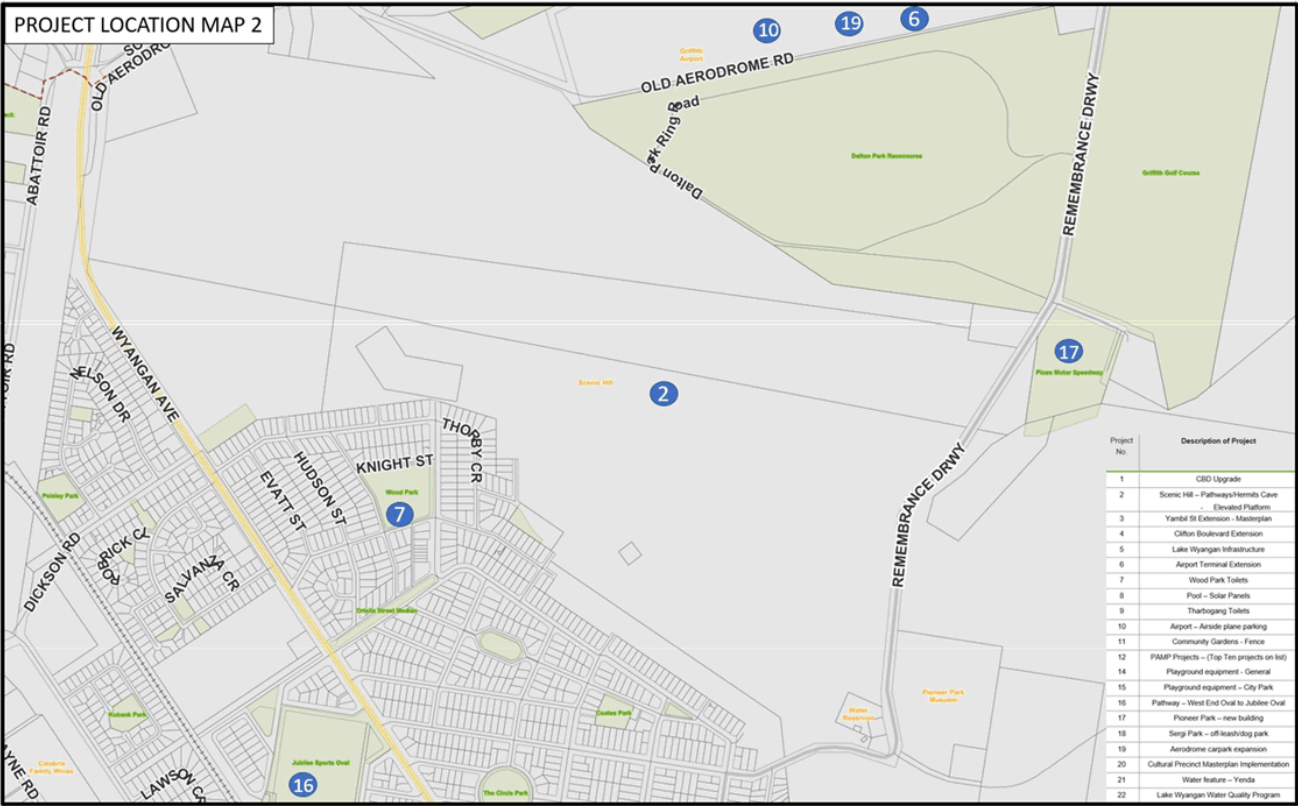
Griffith Section 7.12 Contribution Plan

29

Note: These maps are indicative only to show a general location of the intended infrastructure.

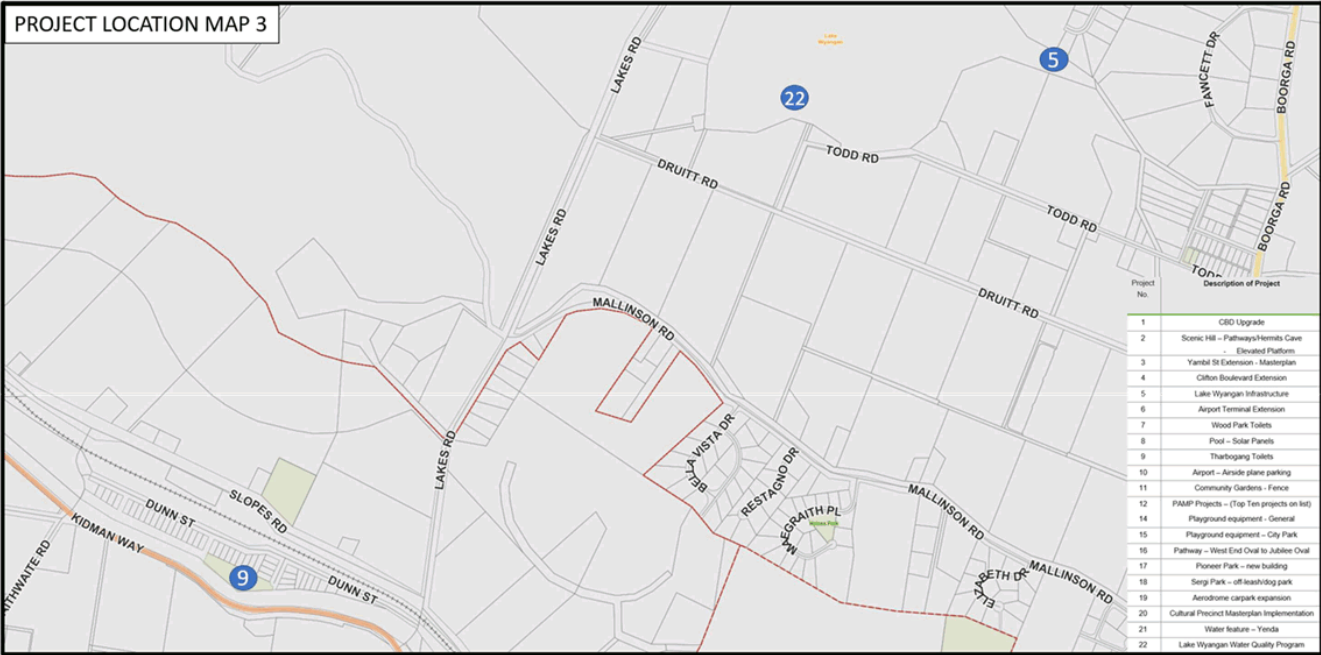


Griffith Section 7.12 Contribution Plan

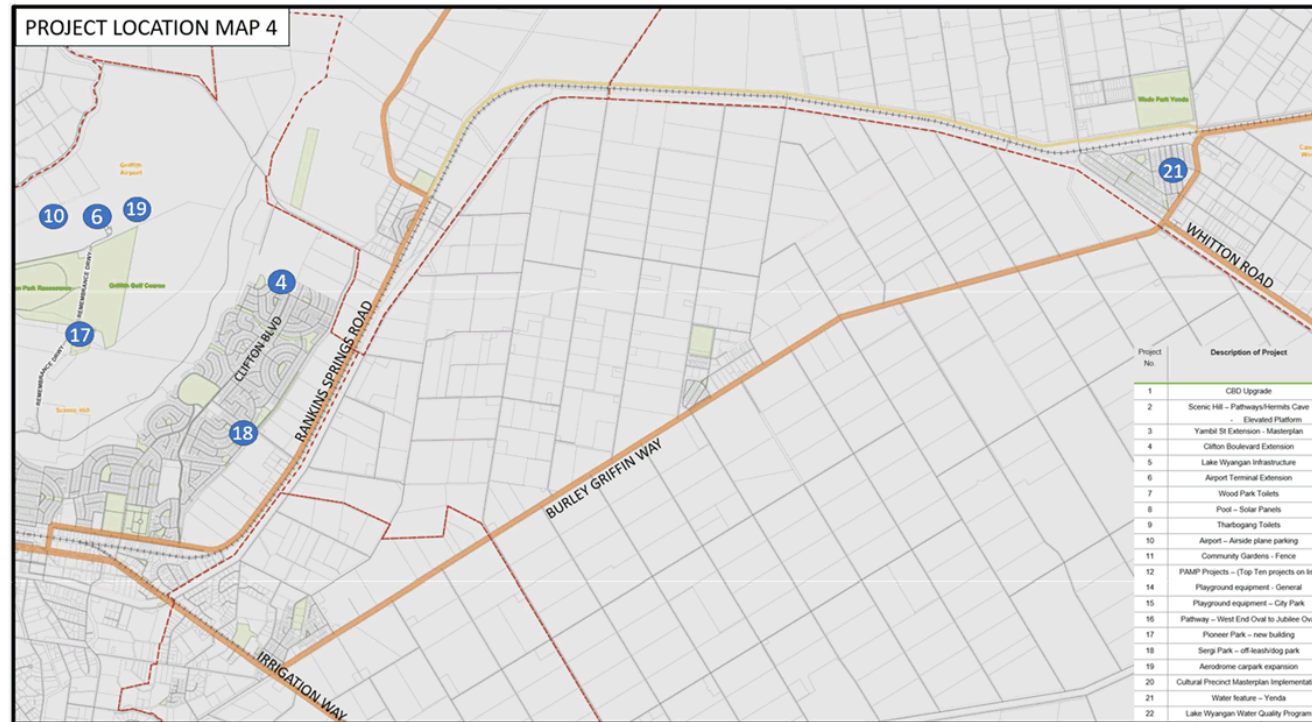


Griffith Section 7.12 Contribution Plan





Griffith Section 7.12 Contribution Plan





## Code of Meeting Practice GOV-CP-413 (PUBLIC POLICY)

### Policy History

| Revision No. | Council Meeting Date | Minute No. | Adoption Date |
|--------------|----------------------|------------|---------------|
| 1            |                      | 0706       | 28/09/2004    |
| 2            |                      | 0198       | 13/06/2006    |
| 3            |                      | 0277       | 08/08/2006    |
| 4            |                      | 0370       | 09/09/2008    |
| 5            |                      | 0383       | 30/09/2008    |
| 6            |                      | 0140       | 11/05/2010    |
| 7            |                      | 0141, 0142 | 11/05/2010    |
| 8            |                      | 0308       | 14/09/2010    |
| 9            | 25/06/2019           | 19/197     | 25/06/2019    |
| 10           | 10/11/2020           | 20/264     | 10/11/2020    |
| 11           | 28/06/2022           | 22/166     | 28/06/2022    |
| 12           | 10/12/2024           | 24/346     | 22/01/2025    |

# **MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS IN NSW**

## **2025**



## Table of Contents

|    |   |    |
|----|---|----|
| 1  | INTRODUCTION .....                                    | 4  |
| 2  | MEETING PRINCIPLES .....                              | 4  |
| 3  | BEFORE THE MEETING .....                              | 5  |
| 4  | PUBLIC FORUMS .....                                   | 9  |
| 5  | COMING TOGETHER .....                                 | 9  |
| 6  | THE CHAIRPERSON .....                                 | 15 |
| 7  | MODES OF ADDRESS .....                                | 16 |
| 8  | ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS ..... | 16 |
| 9  | CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS .....   | 17 |
| 10 | RULES OF DEBATE .....                                 | 19 |
| 11 | VOTING .....  | 21 |
| 12 | COMMITTEE OF THE WHOLE .....                          | 22 |
| 13 | DEALING WITH ITEMS BY EXCEPTION .....                 | 23 |
| 14 | CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC .....       | 23 |
| 15 | KEEPING ORDER AT MEETINGS .....                       | 27 |
| 16 | CONFLICTS OF INTEREST .....                           | 31 |
| 17 | DECISIONS OF THE COUNCIL .....                        | 31 |
| 18 | AFTER THE MEETING .....                               | 33 |
| 19 | COUNCIL COMMITTEES .....                              | 35 |
| 20 | IRREGULARITIES .....                                  | 38 |
| 21 | DEFINITIONS .....                                     | 38 |
| 22 | SUPPLEMENTARY PROVISIONS .....                        | 39 |

## 1 INTRODUCTION

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

The Model Meeting Code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

The provisions of the Model Meeting Code that are not mandatory are indicated in **red font**.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

## 2 MEETING PRINCIPLES

### 2.1 Council and committee meetings should be:

*Transparent:* Decisions are made in a way that is open and accountable.

*Informed:* Decisions are made based on relevant, quality information.

*Inclusive:* Decisions respect the diverse needs and interests of the local community.

*Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.

*Trusted:* The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.

*Effective:* Meetings are well organised, effectively run and skilfully chaired.

*Orderly:* Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

**Note: The Office of Local Government has issued a guideline on free speech in local government in NSW. The Guideline provides practical guidance to councils on what free speech means in the context of NSW**

local government, including in relation to council meetings. The Guidelines have been issued under section 23A of the Act meaning councils must consider them when exercising their functions at meetings.

### 3 BEFORE THE MEETING

#### Timing of ordinary council meetings

- 3.1 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

**Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.**

#### Extraordinary meetings

- 3.2 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

**Note: Clause 3.2 reflects section 366 of the Act.**

- 3.3 The mayor may call an extraordinary meeting without the need to obtain the signature of two (2) councillors.

#### Notice to the public of council meetings

- 3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings, and of each meeting of committees of the council.

**Note: Clause 3.4 reflects section 9(1) of the Act.**

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council must be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

#### Notice to councillors of ordinary council meetings

- 3.7 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place

at which the meeting is to be held, and the business proposed to be considered at the meeting.

**Note: Clause 3.7 reflects section 367(1) of the Act.**

- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, unless the council determines otherwise, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

**Note: Clause 3.8 reflects section 367(3) of the Act.**

#### Notice to councillors of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

**Note: Clause 3.9 reflects section 367(2) of the Act.**

#### Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted within such reasonable time before the meeting is to be held as determined by the council.
- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

#### Questions with notice

- 3.12 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.13 A councillor is not permitted to ask a question with notice under clause 3.12 that would constitute an act of disorder.
- 3.14 The general manager or their nominee may respond to a question with notice submitted under clause 3.12 by way of a report included in the business papers for the relevant meeting of the council.

#### Agenda and business papers for ordinary meetings

- 3.15 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.16 The general manager must ensure that the agenda for an ordinary meeting of the council states:



- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
  - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under clause 3.10.
- 3.17 Nothing in clause 3.16 limits the powers of the mayor to put a mayoral minute to a meeting without notice under clause 9.7.
- 3.18 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.19 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
  - (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
  - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

**Note: Clause 3.19 reflects section 9(2A)(a) of the Act.**

- 3.20 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

#### Availability of the agenda and business papers to the public

- 3.21 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

**Note: Clause 3.21 reflects section 9(2) and (4) of the Act.**

- 3.22 Clause 3.21 does not apply to the business papers for items of business identified under clause 3.19 as being likely to be considered when the meeting is closed to the public.

**Note: Clause 3.22 reflects section 9(2A)(b) of the Act.**

- 3.23 For the purposes of clause 3.21, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

**Note: Clause 3.23 reflects section 9(3) of the Act.**

- 3.24 A copy of an agenda, or of an associated business paper made available under clause 3.21, may in addition be given or made available in electronic form unless the council determines otherwise.

**Note: Clause 3.24 reflects section 9(5) of the Act.**

Agenda and business papers for extraordinary meetings

- 3.25 The council must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.

The order for an Extraordinary Council Meeting is as follows:

Council Acknowledgements

Apologies and Applications for Leave of Absence or Attendance by Audio-visual Link by Councillors

Confirmation of Minutes

Business Arising

Declarations of Interest

Mayoral Minutes

General Manager's Report

Outstanding Action Report

- 3.26 Nothing in clause 3.25 limits the powers of the mayor to put a mayoral minute to an extraordinary meeting without notice under clause 9.7.
- 3.27 Despite clause 3.25, business may be considered at an extraordinary meeting of the council at which all councillors are present, even though due notice has not been given of the business, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council. A resolution adopted under this clause must state the reasons for the urgency.
- 3.28 A motion moved under clause 3.27 can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with. Despite any other provision of this code, only the mover of a motion moved under clause 3.27, and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 3.29 If all councillors are not present at the extraordinary meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 3.27 and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.

- 3.30 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29 on whether a matter is urgent.

Prohibition of pre-meeting briefing sessions

- 3.31 Briefing sessions must not be held to brief councillors on business listed on the agenda for meetings of the council or committees of the council.

**Note: The prohibition on the holding of briefing sessions under clause 3.31 reflects the intent of Chapter 4, Part 1 of the Act which requires business of the council to be conducted openly and transparently at a formal meeting of which due notice has been given and to which the public has access. Pre-meeting briefing sessions are inconsistent with the principles of transparency, accountability and public participation and have the potential to undermine confidence in the proper and lawful decision-making processes of the council.**

- 3.32 Nothing in clause 3.31 prevents a councillor from requesting information from the general manager about a matter to be considered at a meeting, provided the information is also available to the public. Information requested under this clause must be provided in a way that does not involve any discussion of the information.

#### **4 PUBLIC FORUMS**

- 4.1 The council may hold a public forum prior to meetings of the council and committees of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to meetings of other committees of the council.
- 4.2 The council may determine the rules under which public forums are to be conducted and when they are to be held. [See Supplementary provisions for adopted format.](#)
- 4.3 The provisions of this code requiring the livestreaming of meetings also apply to public forums.

#### **5 COMING TOGETHER**

Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

**Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.**

- 5.2 The council may determine standards of dress for councillors when attending meetings. **The standard of dress for Councillors is business casual. Council blazers are provided for Councillors to wear at Council Meetings.**
- 5.3 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.
- 5.4 **Refers to Joint Organisations/County Councils**
- 5.5 Where a councillor is unable to attend one or more meetings of the council or committees of the council, the councillor should submit an apology for the meetings they are unable to attend, state the reasons for their absence from the meetings and request that the council grant them a leave of absence from the relevant meetings.
- 5.6 The council must not act unreasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.7 Where a councillor makes an apology under clause 5.5, the council must determine by resolution whether to grant the councillor a leave of absence for the meeting for the purposes of section 234(1)(d) of the Act. If the council resolves not to grant a leave of absence for the meeting, it must state the reasons for its decision in its resolution.
- 5.8 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

**Note: Clause 5.8 reflects section 234(1)(d) of the Act.**

The quorum for a meeting

- 5.9 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

**Note: Clause 5.9 reflects section 368(1) of the Act.**

- 5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

**Note: Clause 5.10 reflects section 368(2) of the Act.**

- 5.11 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or



- (b) within half an hour after the time designated for the holding of the meeting, or
  - (c) at any time during the meeting.
- 5.12 In either case, the meeting must be adjourned to a time, date, and place fixed:
  - (a) by the chairperson, or
  - (b) in the chairperson's absence, by the majority of the councillors present, or
  - (c) failing that, by the general manager.
- 5.13 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called by the mayor under clause 3.3.

#### Meetings held by audio-visual link

- 5.16 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.
- 5.17 Where the mayor determines under clause 5.16 that a meeting is to be held by audio-visual link, the general manager must:
  - (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
  - (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
  - (c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the

public may view the meeting.

- 5.18 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.

**Note: Where a council holds a meeting by audio-visual link under clause 5.16, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.**

Attendance by councillors at meetings by audio-visual link

- 5.19 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee where they are prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.
- 5.20 Clause 5.19 does not apply to meetings at which a mayoral election is to be held.
- 5.21 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person. **Requests to attend by audio-visual link must be made in writing to the general manager by 4 pm prior to the meeting.**
- 5.22 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.21.
- 5.23 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.24 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.25 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state the meetings the resolution applies to.
- 5.26 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.27 A decision whether to approve a councillor's request to attend a meeting by

audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link.

- 5.28 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.29 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.30 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.31 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

#### Entitlement of the public to attend council meetings

- 5.32 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

**Note: Clause 5.32 reflects section 10(1) of the Act.**

- 5.33 Clause 5.32 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.34 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- (a) by a resolution of the meeting, or
  - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

**Note: Clause 5.34 reflects section 10(2) of the Act.**

- 5.35 On the adoption of this code and at the commencement of each council term, the council must determine whether to authorise the person presiding at a meeting to exercise a power of expulsion.

**Note: If adopted, clause 15.16 confers a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 15.16 authorises chairpersons to expel persons other than councillors from a council or committee meeting.**

#### Livestreaming of meetings

- 5.36 Each meeting of the council or a committee of the council is to be recorded by means of an audio-visual device.
- 5.37 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and made publicly available on the council's website, and
  - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.38 The recording of a meeting is to be made publicly available on the council's website at the same time as the meeting is taking place.
- 5.39 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting or for the balance of the council's term, whichever is the longer period.
- 5.40 Clauses 5.36 - 5.39 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

**Note: Clauses 5.36 – 5.40 reflect section 236 of the Regulation.**

- 5.41 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

#### Attendance of the general manager and other staff at meetings

- 5.42 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

**Note: Clause 5.42 reflects section 376(1) of the Act.**

- 5.43 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

**Note: Clause 5.43 reflects section 376(2) of the Act.**

- 5.44 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

**Note: Clause 5.44 reflects section 376(3) of the Act.**



- 5.45 The attendance of other council staff at a meeting, (other than as members of the public) shall be determined by the general manager in consultation with the mayor.

## 6 THE CHAIRPERSON

### The chairperson at meetings

- 6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

**Note: Clause 6.1 reflects section 369(1) of the Act.**

- 6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

**Note: Clause 6.2 reflects section 369(2) of the Act.**

### Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

- 6.4 The election of a chairperson must be conducted:

- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

- 6.6 For the purposes of clause 6.5, the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
  - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

**7 MODES OF ADDRESS**

- 7.1 Where physically able to, councillors and staff should stand when the mayor enters the chamber and when addressing the meeting.
- 7.2 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor', 'Madam Mayor' or 'Mayor'.
- 7.3 If the chairperson is the deputy mayor, they are to be addressed as 'Mr Deputy Mayor', or 'Madam Deputy Mayor' or 'Deputy Mayor'.
- 7.4 Where the chairperson is not the mayor or deputy mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson' or 'Chair'.
- 7.5 A councillor is to be addressed as 'Councillor [surname]'. already in existing Code.
- 7.6 A council officer is to be addressed by their official designation or as Mr/Ms/Mx [surname].

**8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS**

- 8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.

The general order of business for an Ordinary Meeting of Council shall be:

- 01 Council Acknowledgements
- 02 Apologies and Applications for Leave of Absence or Attendance by Audio-visual Link by Councillors
- 03 Confirmation of minutes
- 04 Business Arising
- 05 Declarations of interests
- 06 Presentations
- 07 Mayoral minute(s)
- 08 General Manager's Reports
- 09 Information Reports
- 10 Adoption of Committee Minutes
- 11 Business with Notice – Rescission Motions
- 12 Business with Notice – Other Motions
- 13 Outstanding Action Report
- 14 Matters to be dealt with by Closed Council

- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

**Note: If adopted, Part 13 allows council to deal with items of business by exception.**

- 8.3 Despite any other provision of this code, only the mover of a motion referred to in clause 8.2 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.

## 9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

### Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
  - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
  - (b) is the election of a chairperson to preside at the meeting, or
  - (c) is a matter or topic put to the meeting by way of a mayoral minute, or
  - (d) is a motion for the adoption of recommendations of a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council at which all councillors are present even though due notice has not been given of the business to councillors, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting. A resolution adopted under this clause must state the reasons for the urgency.
- 9.4 A motion moved under clause 9.3 can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 9.3 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 9.5 If all councillors are not present at a meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.

- 9.6 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.5.

#### Mayoral minutes

- 9.7 The mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that the mayor determines should be considered at the meeting.
- 9.8 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The mayor may move the adoption of a mayoral minute without the motion being seconded.
- 9.9 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.

#### Staff reports

- 9.10 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

#### Reports of committees of council

- 9.11 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.12 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

#### Questions

- 9.13 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.12, unless the council determines otherwise in accordance with this code.
- 9.14 A councillor may, through the chairperson, ask another councillor about a matter on the agenda.
- 9.15 A councillor may, through the mayor, ask the general manager about a matter on the agenda. The general manager may request another council employee to answer the question.
- 9.16 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 information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.17 Councillors must ask questions directly, succinctly, and without argument.



- 9.18 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

## **10 RULES OF DEBATE**

### Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

### Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it, they may request its withdrawal at any time. If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the chairperson is to note the withdrawal of the notice of motion at the meeting unless the council determines to consider the notice of motion at the meeting.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
  - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

### Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

### Amendments to motions

- 10.8 An amendment to a motion must be moved and seconded before it can be debated.
- 10.9 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.

- 10.10 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.11 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.12 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.13 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.14 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Limitations on the number and duration of speeches

- 10.15 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.16 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.17 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.18 Despite clause 10.17, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.19 Despite clauses 10.15 and 10.16, a councillor may move that a motion or an amendment be now put:
  - (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
  - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.20 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.19. A seconder is not required for such a motion.

- 10.21 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.15.
- 10.22 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.23 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.24 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.
- 10.25 Clause 10.24 does not prevent a further motion from being moved on the same item of business where the original motion is lost provided the motion is not substantially the same as the one that is lost.

**10.26 Refers to Joint Organisations/County Councils**

## **11 VOTING**

### Voting entitlements of councillors

- 11.1 Each councillor is entitled to one (1) vote.

**Note: Clause 11.1 reflects section 370(1) of the Act.**

- 11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

**Note: Clause 11.2 reflects section 370(2) of the Act.**

- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

**11.4 Refers to Joint Organisations/County Councils**

### Voting at council meetings

- 11.5 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

- 11.11 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment (including the use of the casting vote) being recorded.

**Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.15 may be omitted.**

#### Voting on planning decisions

- 11.12 The council or a council committee must not make a final planning decision without receiving a staff report containing an assessment and recommendation in relation to the matter put before the council for a decision.
- 11.13 Where the council or a council committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.
- 11.14 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.16 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.17 Clauses 11.14–11.16 apply also to meetings that are closed to the public.

**Note: Clauses 11.14–11.17 reflect section 375A of the Act.**

**Note: The requirements of clause 11.14 may be satisfied by maintaining a register of the minutes of each planning decision.**

## **12 COMMITTEE OF THE WHOLE**

- 12.1 The council may resolve itself into a committee to consider any matter before the council.

**Note: Clause 12.1 reflects section 373 of the Act.**

- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches and encouraging councillors and staff to stand when addressing the meeting.

**Note: Clauses 10.15 – 10.25 limit the number and duration of speeches.**

**Note: Clause 7.1 encourages councillors and staff to stand when addressing the meeting where they can.**



- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

### **13 DEALING WITH ITEMS BY EXCEPTION**

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution where it considers it necessary to expedite the consideration of business at a meeting.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1.

### **14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC**

#### Grounds on which meetings can be closed to the public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

- (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 ground 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 the council's code of conduct.

**Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.**

- 14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

**Note: Clause 14.2 reflects section 10A(3) of the Act.**

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
  - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

**Note: Clause 14.3 reflects section 10B(1) of the Act.**

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the council or committee is involved, and
  - (b) are clearly identified in the advice,
  - (c) are fully discussed in that advice, and
  - (d) are subject to legal professional privilege.

**Note: Clause 14.4 reflects section 10B(2) of the Act.**

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

**Note: Clause 14.5 reflects section 10B(3) of the Act.**

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
  - (b) the discussion of the matter may:
    - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
    - (ii) cause a loss of confidence in the council or committee.

**Note: Clause 14.6 reflects section 10B(4) of the Act.**

- 14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

**Note: Clause 14.7 reflects section 10B(5) of the Act.**

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.19 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
  - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
    - (i) should not be deferred (because of the urgency of the matter), and
    - (ii) should take place in a part of the meeting that is closed to the public.

**Note: Clause 14.8 reflects section 10C of the Act.**

Representations by members of the public

- 14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

**Note: Clause 14.9 reflects section 10A(4) of the Act.**

- 14.10 A representation under clause 14.9 is to be made after the motion to close the

part of the meeting is moved and seconded.

- 14.11 Despite clauses 14.9 and 14.10, the council may resolve to close the meeting to the public in accordance with this Part to hear a representation from a member of the public as to whether the meeting should be closed to consider an item of business where the representation involves the disclosure of information relating to a matter referred to in clause 14.1.
- 14.12 Where the matter has been identified in the agenda of the meeting under clause 3.19 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in a manner determined by the council.

#### Expulsion of non-councillors from meetings closed to the public

- 14.13 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.14 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using such force as is reasonably necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

**Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.**

#### Obligations of councillors attending meetings by audio-visual link

- 14.15 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

#### Information to be disclosed in resolutions closing meetings to the public

- 14.16 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
  - (b) the matter that is to be discussed during the closed part of the meeting,
  - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.



**Note: Clause 14.16 reflects section 10D of the Act.**

Resolutions passed at closed meetings to be made public

- 14.17 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.18 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.17 during a part of the meeting that is livestreamed where practicable.
- 14.19 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 14.20 The general manager must consult with the council and any other affected persons before publishing information on the council's website under clause 14.19 and provide reasons for why the information has ceased to be confidential.

## **15 KEEPING ORDER AT MEETINGS**

Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.3 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.4 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.5 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.

- 15.6 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.7 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.8 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.9 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.10 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- (a) contravenes the Act, the Regulation or this code, or
  - (b) assaults or threatens to assault another councillor or person present at the meeting, or
  - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
  - (d) uses offensive or disorderly words, or
  - (e) makes gestures or otherwise behaves in a way that is sexist, racist, homophobic or otherwise discriminatory, or, if the behaviour occurred in the Legislative Assembly, would be considered disorderly, or
  - (f) imputes improper motives to or unfavourably personally reflects upon any other council official, or a person present at the meeting, except by a motion, or
  - (g) says or does anything that would promote disorder at the meeting or is otherwise inconsistent with maintaining order at the meeting.

**Note: Clause 15.10 reflects section 182 of the Regulation.**

**Note: The Legislative Assembly's Speaker's Guidelines state that "Members are not to use language, make gestures, or behave in any way in the Chamber that is sexist, racist, homophobic or otherwise exclusionary or discriminatory. Such conduct may be considered offensive and disorderly, in accordance with Standing Order 74".**

- 15.11 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.10(a), (b), (d), (e), or (g), or
- (b) to withdraw a motion or an amendment referred to in clause 15.10(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.10(d), (e), (f) or (g).

**Note: Clause 15.11 reflects section 233 of the Regulation.**

- 15.12 A failure to comply with a requirement under clause 15.11 constitutes a fresh act of disorder for the purposes of clause 15.10.
- 15.13 Where a councillor fails to take action in response to a requirement by the chairperson to remedy an act of disorder under clause 15.11 at the meeting at which the act of disorder occurred, the chairperson may require the councillor to take that action at each subsequent meeting until such time as the councillor complies with the requirement. If the councillor fails to remedy the act of disorder at a subsequent meeting, they may be expelled from the meeting under clause 15.18.

How disorder at a meeting may be dealt with

- 15.14 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

- 15.15 Not selected.
- 15.16 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.
- 15.17 Clause 15.16 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.
- 15.18 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.11 or clause 15.13. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

**Note: Clause 15.18 reflects section 233(2) of the Regulation.**

15.19 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

15.20 Members of the public attending a meeting of the council:

- (a) must remain silent during the meeting unless invited by the chairperson to speak,
- (b) must not bring flags, signs or protest symbols to the meeting, and
- (c) must not disrupt the meeting.

15.21 Without limiting clause 15.19, a contravention of clause 15.20 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.19. Members of the public may, as provided by section 10(2) of the Act, be expelled from a meeting for a breach of clause 15.20.

15.22 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

15.23 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using such force as is reasonably necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

**Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.**

#### How disorder by councillors attending meetings by audio-visual link may be dealt with

15.24 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.

15.25 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

#### Use of mobile phones and the unauthorised recording of meetings

15.26 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.

15.27 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.



- 15.28 Without limiting clause 15.19, a contravention of clause 15.27 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.19. Any person who contravenes or attempts to contravene clause 15.27, may, as provided for under section 10(2) of the Act, be expelled from the meeting.
- 15.29 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using such force as is reasonably necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

**Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.**

## 16 CONFLICTS OF INTEREST

- 16.1 All councillors and, where applicable, all other persons, must declare and manage conflicts of interest they have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

## 17 DECISIONS OF THE COUNCIL

### Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

**Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.**

- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given in accordance with this code.

**Note: Clause 17.3 reflects section 372(1) of the Act.**

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

**Note: Clause 17.4 reflects section 372(2) of the Act.**

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with this code.

**Note: Clause 17.5 reflects section 372(3) of the Act.**

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

**Note: Clause 17.6 reflects section 372(4) of the Act.**

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

**Note: Clause 17.7 reflects section 372(5) of the Act.**

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

**Note: Clause 17.8 reflects section 372(7) of the Act.**

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than 1 day after the meeting at which the resolution was adopted.

- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

**Note: Clause 17.11 reflects section 372(6) of the Act.**

### Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
  - (b) to confirm the voting on the resolution.
- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.
- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 17.15 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- 17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

## **18 AFTER THE MEETING**

### Minutes of meetings

- 18.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.
- Note: Clause 18.1 reflects section 375(1) of the Act.**
- 18.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:
- (a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
  - (b) details of each motion moved at a council meeting and of any amendments moved to it,
  - (c) the names of the mover and seconder of the motion or amendment,
  - (d) whether the motion or amendment was passed or lost, and
  - (e) such other matters specifically required under this code.
- 18.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

**Note: Clause 18.3 reflects section 375(2) of the Act.**

- 18.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 18.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

**Note: Clause 18.5 reflects section 375(2) of the Act.**

- 18.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 18.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 18.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

**Note: Clause 18.8 reflects section 11(1) of the Act.**

- 18.9 Clause 18.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

**Note: Clause 18.9 reflects section 11(2) of the Act.**

- 18.10 Clause 18.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

**Note: Clause 18.10 reflects section 11(3) of the Act.**

- 18.11 Correspondence or reports to which clauses 18.9 and 18.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

- 18.12 The general manager is to implement, without undue delay, lawful decisions of the council.

**Note: Clause 18.12 reflects section 335(b) of the Act.**



## **19 COUNCIL COMMITTEES**

### Application of this Part

- 19.1 This Part only applies to committees of the council whose members are all councillors.

### Council committees whose members are all councillors

- 19.2 The council may, by resolution, establish such committees as it considers necessary.
- 19.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 19.4 The quorum for a meeting of a committee of the council is to be:
- (a) such number of members as the council decides, or
  - (b) if the council has not decided a number – a majority of the members of the committee.

### Functions of committees

- 19.5 The council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

### Notice of committee meetings

- 19.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
  - (b) the business proposed to be considered at the meeting.
- 19.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

### Non-members entitled to attend committee meetings

- 19.8 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
  - (b) to move or second a motion at the meeting, or
  - (c) to vote at the meeting.

### Chairperson and deputy chairperson of council committees

- 19.9 The chairperson of each committee of the council must be:
- (a) the mayor, or

- (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
  - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 19.10 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 19.11 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 19.12 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting. If neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

#### Procedure in committee meetings

- 19.13 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council.
- 19.14 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 19.13.

#### 19.15 Refers to Joint Organisations/County Councils

- 19.16 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

#### Mayoral minutes

- 19.17 The provisions of this code relating to mayoral minutes also apply to meetings of committees of the council in the same way they apply to meetings of the council.

#### Closure of committee meetings to the public

- 19.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 19.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended and report the resolution or recommendation to the next meeting of the council. The

resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

- 19.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 19.19 during a part of the meeting that is livestreamed where practicable.
- 19.21 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 19.22 The general manager must consult with the committee and any other affected persons before publishing information on the council's website under clause 20.21 and provide reasons for why the information has ceased to be confidential.

#### Disorder in committee meetings

- 19.23 The provisions of the Act, the Regulation, and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way they apply to meetings of the council.

#### Minutes of council committee meetings

- 19.24 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
  - (b) details of each motion moved at a meeting and of any amendments moved to it,
  - (c) the names of the mover and seconder of the motion or amendment,
  - (d) whether the motion or amendment was passed or lost, and
  - (e) such other matters specifically required under this code.
- 19.25 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 19.26 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 19.27 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.28 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.
- 19.29 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made

under this clause must not alter the substance of any decision made at the meeting.

- 19.30 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

## 20 IRREGULARITIES

- 20.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any councillor or committee member, or
- (c) any defect in the election or appointment of a councillor or committee member, or
- (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
- (e) a failure to comply with this code.

**Note:** Clause 20.1 reflects section 374 of the Act.

## 21 DEFINITIONS

|                          |   |
|--------------------------|---|
| the Act                  | means the <i>Local Government Act 1993</i>  |
| act of disorder          | means an act of disorder as defined in clause 15.10 of this code  |
| amendment                | in relation to an original motion, means a motion moving an amendment to that motion  |
| audio recorder           | any device capable of recording speech  |
| audio-visual link        | means a facility that enables audio and visual communication between persons at different places  |
| business day             | means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales  |
| chairperson              | in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.9 of this code |
| this code                | means the council's adopted code of meeting practice  |
| committee of the council | means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the  |



|                               |  |
|-------------------------------|--|
|                               | council when it has resolved itself into committee of the whole under clause 12.1  |
| council official              | includes councillors, members of staff of a council, administrators, council committee members, delegates of council and any other person exercising functions on behalf of the council  |
| day                           | means calendar day   |
| division                      | means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion  |
| livestream                    | a video broadcast of a meeting transmitted across the internet concurrently with the meeting   |
| open voting                   | means voting on the voices or by a show of hands or by a visible electronic voting system or similar means   |
| planning decision             | means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan, a planning agreement or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act |
| performance improvement order | means an order issued under section 438A of the Act  |
| quorum                        | means the minimum number of councillors or committee members necessary to conduct a meeting  |
| the Regulation                | means the <i>Local Government (General) Regulation 2021</i>  |
| year                          | means the period beginning 1 July and ending the following 30 June   |

## 22 SUPPLEMENTARY PROVISIONS (note these are not mandatory)

### Council Acknowledgements - Refer to 3.25 and 8.1

- 22.1 Council Acknowledgements for Council Meetings include a prayer/affirmation and Acknowledgement of Country.
- 22.2 The following options may be used as prayers / affirmations for Council Meetings:

#### Option 1

Let us meet in this Council Chamber in a spirit of fellowship and goodwill to represent all the members of our community in its cultural and religious diversity. To be honest and objective in all our deliberations. To respect the views of the residents, the rights

of all Councillors to express their opinions without fear or favour and to make decisions for the common good of our community.

**Option 2**

Almighty God, we ask that you guide us in our decision making. Protect us and the community we serve. Direct our deliberations for the progress of this City and the true welfare of its people.

**Option 3**

I ask those gathered to join us now for a few moments of silence as we reflect on our roles in this Chamber. Please use this opportunity for reflection, prayer or thought, to focus on our shared intention to work respectfully together for the well-being of our whole community.

**22.3 The following statement is to be used for the Acknowledgment of Country:**

Griffith City Council acknowledges the Wiradjuri people as the traditional owners and custodians of the land and waters, and their deep knowledge embedded within the Aboriginal community. Council further pays respect to the local Wiradjuri Elders, past, present and those emerging, for whom we acknowledge have responsibilities for the continuation of cultural, spiritual and educational practices of the local Wiradjuri people.

Giving notice of business to be considered at council meetings (Notice of Motion) – Refer to 3.10

**22.4** A 'reasonable' time for submitting a notice of motion is defined as 12 pm, five business days (currently Tuesday) before the meeting is to be held.

Webcasting and Recording of Meetings

**22.5** Webcasts are protected by copyright and owned by Griffith City Council. No part may be copied or recorded or made available to others without the prior written permission of the Council.

**22.6** The webcast is not, and shall not, be taken to be an official record of Griffith City Council or of any meeting or discussion depicted therein. Only the official minutes may be relied upon as an official record of the meeting.

Petitions

**22.7** Petitions may be presented to the Council.

**22.8** A Councillor may present a petition to the Council.

**22.9** The Chairperson must not permit discussion on the petition.

**Procedural Motions**

**22.10** A councillor may move a procedural motion at any time when no other councillor is speaking.

**22.11** Procedural motions include:

- a) deferring consideration of an item to a specified future meeting or date
- b) referring an item to another committee for further consideration, or
- c) closing debate on a matter.

22.12 Procedural motions take **precedence over all substantive motions** currently under debate and must be dealt with immediately.

22.13 Procedural motions **may not be amended**, and debate on them is **not permitted**, except to allow the Chairperson to clarify the intention of the motion.

22.14 A procedural motion provides Council the opportunity to defer debate because of a lack of information, to enable an informed decision to be made.

22.15 With regard to a procedural motion, the following points apply:

- (a) Does not require a seconder.
- (b) The Councillor moving this motion must specify the nature and content of further information required and the date or Meeting the response is required by.
- (c) The Councillor moving this motion must define how decision making has been impacted without the information requested and what implications could arise without the requested information.
- (d) There are no further debate or amendments permitted, although the Chair may allow up to three questions addressed to the mover of the motion, prior to putting the motion (with the mover providing responses to the question).
- (e) The Chairperson may decline to accept the motion and does not require to supply a reason.

22.16 If a procedural motion to **defer** or **refer** is carried:

- a) debate on the substantive motion **ceases**,
- b) the item is deferred or referred as specified, and
- c) the substantive motion is brought back at the next meeting or as otherwise directed

22.17 If a procedural motion is **lost**, debate on the substantive motion **resumes** where it left off. If not carried, it cannot be reintroduced

**Example – Deferral Motion:**

“That consideration of this item be deferred pending a further report to Council addressing [specific issue].”

“That this matter be deferred as Council is unable to make an informed decision without the provision of [specific information]. It is essential that Council has access to this information to properly consider the implications and make a sound resolution.”

“That the report be deferred to the [date] Council Meeting to allow staff time to obtain additional information.”

“That this matter be deferred until the completion of community consultation.”

Public Forums - Public Participation at Council Meetings – Refer to 4.2

- 22.14 Council will conduct a Public Forum immediately prior to the commencement of the Council Meeting to allow addresses from members of the public in respect to matters on the meeting agenda only
- 22.15 The Public Forum will commence at 6.30pm and finish prior to 7.00pm
- 22.16 The Public Forum will be livestreamed.
- 22.17 Addresses from the public at the Public Forum must have prior approval from the Mayor/Chairperson.
- 22.18 Members of the public can request to address the Council on matters on the Agenda. Notice of this must be given no later than 12.00 noon on the day of the meeting.
- 22.19 If approval is granted by the Chairperson, the applicant (or one person representing a group or organisation); or if there are opposing views, up to two speakers representing each viewpoint, are permitted to address that meeting.
- 22.20 When addressing the Council, any person is required to observe the same standards required by a Councillor. Specifically, he or she must:
- (a) Obey the direction of the Chairperson.
  - (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.
  - (d) Speak no longer than 5 minutes.
  - (e) Not ask questions of the Council, Councillors or Council staff.
- 22.21 A Councillor including the Chairperson may ask questions of a speaker following their address. Questions put must be direct, succinct and without argument.



**From:** [Shireen Donaldson](#)  
**To:** [Governance Workgroup](#)  
**Subject:** Fwd: Standard of dress for councillors.  
**Date:** Tuesday, 7 October 2025 12:50:00 PM  
**Attachments:** [IMG0CityCouncilImage.png.png](#)  
[ATT00001.png](#)  
[ATT00002.png](#)

---

Hi

Can this be added as a submission received please

Begin forwarded message:

**From:** Cr Mark Dal Bon <mdalbon@griffith.com.au>  
**Date:** 7 October 2025 at 11:51:57 am GMT+11  
**To:** Shireen Donaldson <Shireen.Donaldson@griffith.nsw.gov.au>  
**Subject:** **Standard of dress for councillors.**

Section. 5.2 dress code. I think that as long as a councillor is dressed clean and neat and tidy that is all that should be imposed on them for dress regulation .

Regards  
Councillor Mark Dal Bon

**Mark Dal Bon**  
Councillor



Griffith City Council acknowledges and respects the Wiradjuri people as the traditional custodians and ancestors of the land and waters where we work.

**Shireen Donaldson**  
Director Economic & Organisational Development



Griffith City Council acknowledges and respects the Wiradjuri people as the traditional custodians and ancestors of the land and waters where we work.

There is no expectation for you to read or respond to this email outside of your normal working hours



**From:** [Paperform](#)  
**To:** [GCC Admin Mailbox; Communications](#)  
**Subject:** Draft Model Code of Meeting Practice  
**Date:** Friday, 17 October 2025 8:51:23 AM

---

## Submission- Draft Model Code of Meeting Practice

**Submitted At**

2025-10-17 08:51:13

**Name**

Frances Bloomfield

**Residential Address**

[REDACTED]

**Your email?**

[REDACTED]

**Would you like your details withheld from the Business Paper?**

No

**Please provide your feedback on the draft Model Code of Meeting Practice**

I am firmly opposed to clause 5.2.

Our councillors represent a wide variety of people and this clause seeks to silence anyone whose clothing deems them unworthy. It's the rich tapestry of people that make Griffith unique this clause does a disservice to those people.

**Submission ID**

68f168d1e7848c085e08298d

**From:** [Paperform](#)  
**To:** [GCC Admin Mailbox; Communications](#)  
**Subject:** Draft Model Code of Meeting Practice  
**Date:** Friday, 17 October 2025 11:20:49 AM

---

## Submission- Draft Model Code of Meeting Practice

**Submitted At**

2025-10-17 11:20:37

**Name**

Graeme Bell

**Residential Address**

[REDACTED]

**Your email?**

[REDACTED]

**Would you like your details withheld from the Business Paper?**

No

**Please provide your feedback on the draft Model Code of Meeting Practice**

1. Legal power to set dress standards

Under the Local Government Act 1993 (NSW) and the Model Code of Meeting Practice, a council can set "reasonable procedures" for the conduct of meetings. That includes guidance on decorum, but only insofar as it is necessary for order and decorum — not to control personal expression or appearance unless it's disruptive or unsafe.

So, yes, a council may set a "standard of dress" for councillors.

But that power is limited: it must be applied fairly, rationally, and not inconsistently with other laws — particularly anti-discrimination and human rights principles.

2. Discrimination risks

A dress code becomes unlawful if it indirectly discriminates against someone on a protected ground under the:

Anti-Discrimination Act 1977 (NSW) (religious belief, sex, disability, etc.), and/or

Commonwealth Sex Discrimination Act 1984 (gender expression, religious clothing, etc.).

Example:

If the rule says "Councillors must dress in business casual attire" and "Council blazers are provided for Councillors to wear at Council Meetings," that could indirectly discriminate if:

A fundamentalist Muslim woman could not comply because her faith requires her to wear a burqa or hijab; or

A councillor has a disability or cultural reason for different attire; or

The policy is applied selectively (e.g. used to target one councillor wearing flannelette shirts).

Under anti-discrimination law, this is called “indirect discrimination” — a facially neutral rule that unreasonably disadvantages people of a protected group.

3. What matters legally

To be lawful, the council must show:

The rule serves a legitimate purpose (e.g. maintaining decorum or public confidence), and

The means chosen are reasonable and proportionate.

If the purpose is really to embarrass or target a particular councillor — or to impose a narrow “professional image” standard that excludes cultural or religious expression — it’s likely invalid or discriminatory.

4. Possible breaches

Issue Relevant Law How it could be breached

Religious clothing ban (burqa, hijab, turban) s 49ZG Anti-Discrimination Act 1977 (NSW) – religious discrimination A “business casual + blazer” rule indirectly excludes religious attire.

Targeting an individual’s dress (flannelette shirts) Misuse of power / bad faith under Local Government Act; possible bullying under Model Code of Conduct If motivated by animus or ridicule rather than decorum, it’s maladministration. Freedom of political participation Implied constitutional freedom of political communication Restricting attire that expresses cultural or political identity could burden free participation in political life.

Unreasonable by-law Administrative law (Wednesbury unreasonableness) If the rule is manifestly unreasonable, capricious, or disproportionate to its stated purpose.

5. Practical example

If a councillor turned up in a clean flannelette shirt and jeans, the code as drafted could allow the council to sanction or exclude them for not being “business casual.”

Unless there’s evidence that this attire disrupted proceedings or disrespected the office, the rule’s enforcement could be unreasonable, discriminatory, or politically motivated.

6. Summary opinion

Question Answer

Can the council set a dress code? Yes, within reason and for legitimate purposes.

Would this particular policy risk being discriminatory? Yes, if applied to exclude cultural or religious dress, or if selectively enforced against a councillor (e.g. for wearing flannelette).

Could it be challenged? Yes, under administrative law (unreasonableness or improper purpose) and/or anti-discrimination law (indirect discrimination).

Is “Council blazers must be worn” lawful? Not if it forces removal of religious or cultural attire; that would be indirect discrimination.

**Submission ID**

68f18bd5c527e31a4b007fa0



**From:** [Paperform](#)  
**To:** [GCC Admin Mailbox](#); [Communications](#)  
**Subject:** Draft Model Code of Meeting Practice  
**Date:** Tuesday, 21 October 2025 2:09:22 PM

---

## Submission- Draft Model Code of Meeting Practice

**Submitted At**

2025-10-21 14:09:13

**Name**

[REDACTED]

**Residential Address**

[REDACTED]

**Your email?**

[REDACTED]

**Would you like your details withheld from the Business Paper?**

Yes

**Please provide your feedback on the draft Model Code of Meeting Practice**

Clause 5.19 unfairly restricts Councillors from attending meetings by audio-visual link unless they are unwell or have caring responsibilities. This rule is impractical and outdated, especially for rural and regional councils where travel for Council business is common. It risks disrupting meetings, preventing quorums, and discouraging people from serving on Council. Modern technology allows for effective remote participation, and Councils should retain the flexibility to use it responsibly.

**Submission ID**

68f6f959947ba1fc8c0ae714

## Sustainable Communities Funding



# CBD Enhancement Project

1

- **DOCUMENT OUTLINE**

- - Key Components
  - Completed works (2015 to 2025)

- - Draft Design Presentation
  - Committee Input and Discussion

## CBD STRATEGY



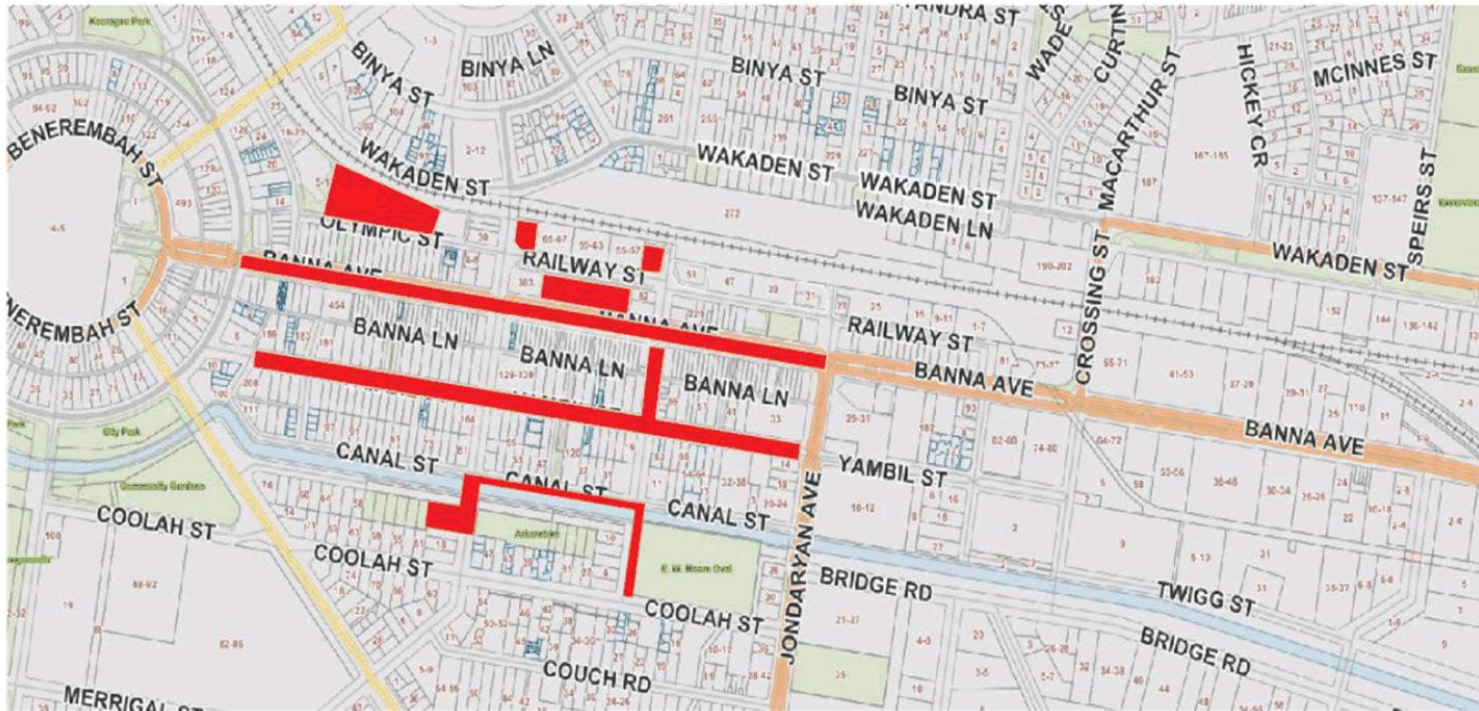
3



## CBD STRATEGY



## CBD STRATEGY



## CBD ENHANCEMENT PROJECT



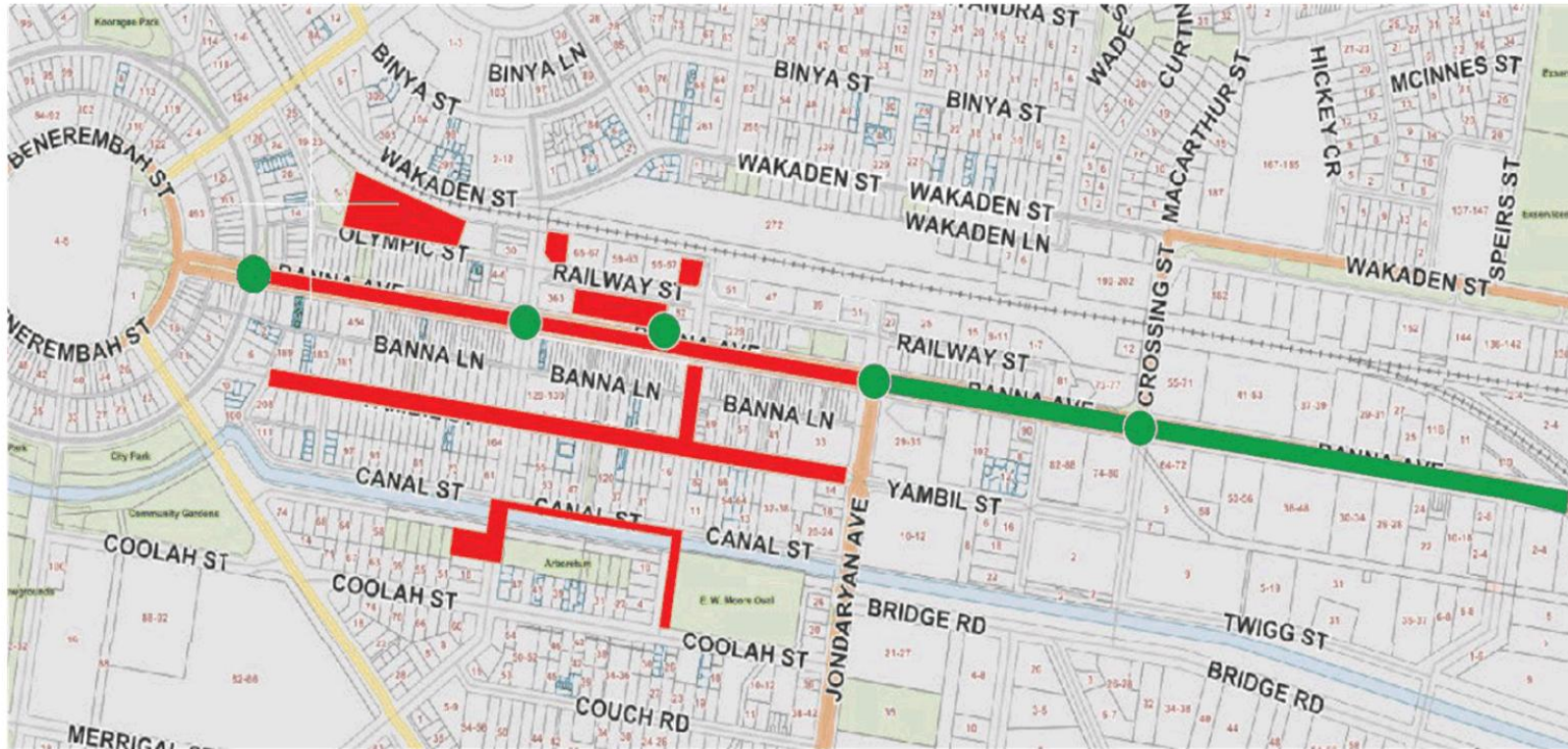
6

# **CBD ENHANCEMENT PROJECT**

7



## CBD Enhancement Project



## **2. PUBLIC CONSULTATION**

# **1. ROUNDABOUT AND MEDIAN STRIP BEAUTIFICATION**

10

## 1.1. NATIVES











13













16





# 1.1.1. Option 1.



| NAME                             | CODE |
|----------------------------------|------|
| <i>Chrysocephalum apiculatum</i> | CA   |
| <i>Anigozanthos hybrid</i>       | AZ   |
| <i>Doryanthes excelsa</i>        | DE   |



Chrysocephalum apiculatum



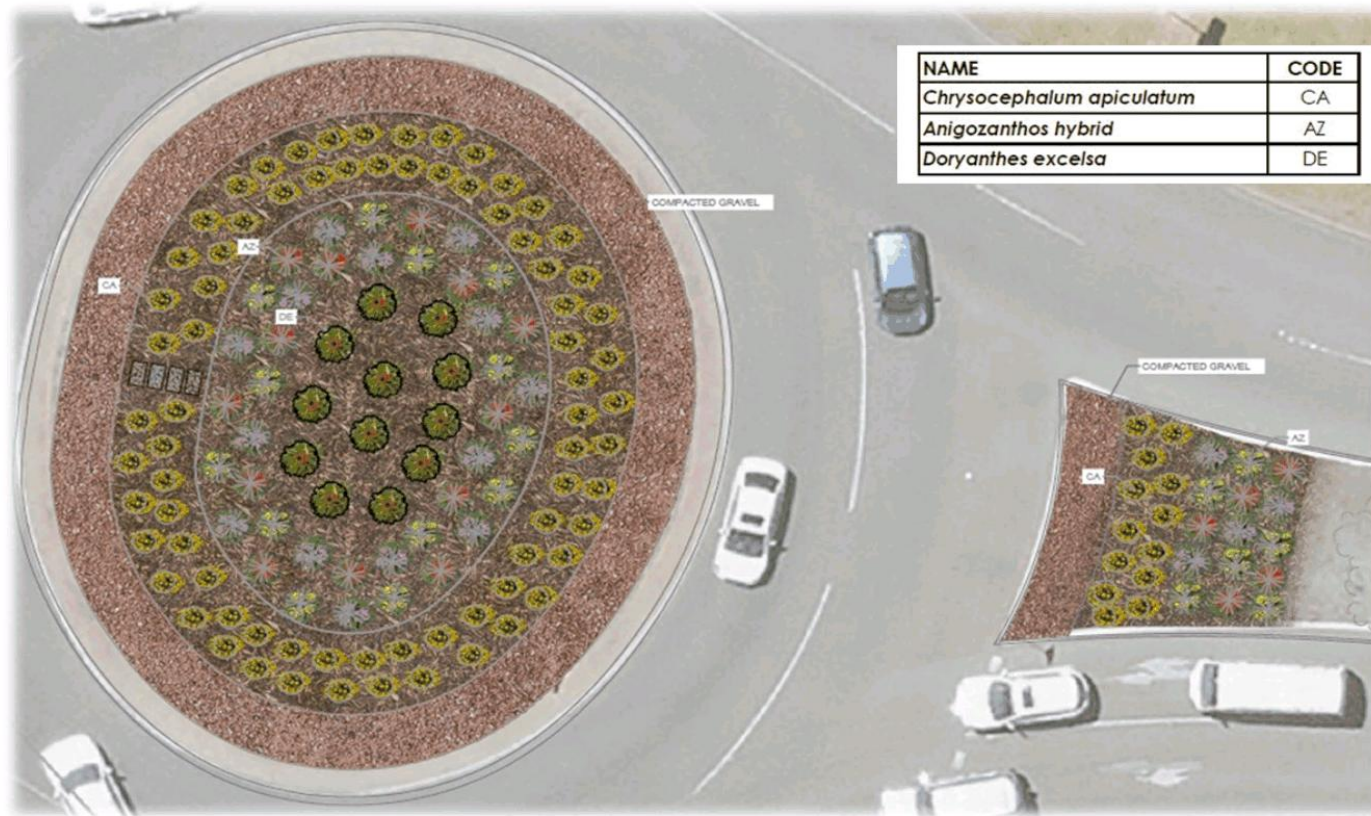
Anigozanthos Hybrid



Doryanthes excelsa



## 1.1.1. Option 1.





## 1.1.1. Option 1.

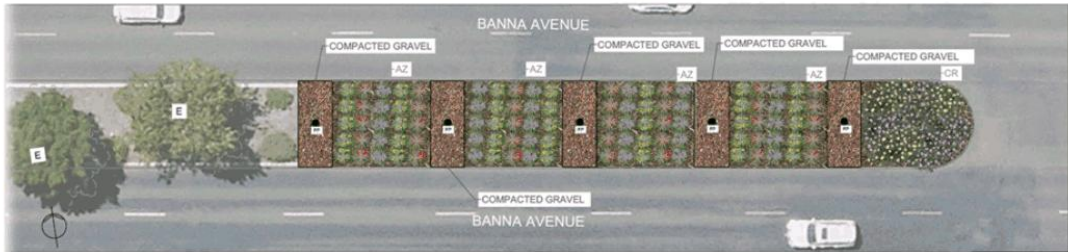


20

# 1.1.2. Option 1.



BANNA AVENUE TYPICAL TRAFFIC ISLAND - NATIVE OPTION



BANNA AVENUE FLAG POLE - NATIVE OPTION



MACKAY AVENUE - NATIVE OPTION

| NAME                                  | CODE |
|---------------------------------------|------|
| <i>Carpobrotus glaucescens</i>        | CR   |
| <i>Anigozanthos hybrid</i>            | AZ   |
| <i>Callistemons 'Sweet Burst'</i>     | CL   |
| <i>Scaevola humilis 'Pink Fusion'</i> | SH   |
| <i>Lomandra longifolia</i>            | LF   |



Carpobrotus glaucescens



Anigozanthos Hybrid



Callistemons 'Sweet Burst'



Scaevola humilis 'Pink Fusion'



Lomandra longifolia 'Great white'

## 1.1.2. Option 1.



22



## 1.1.2. Option 1.



23



## 1.2. SUCCULENTS

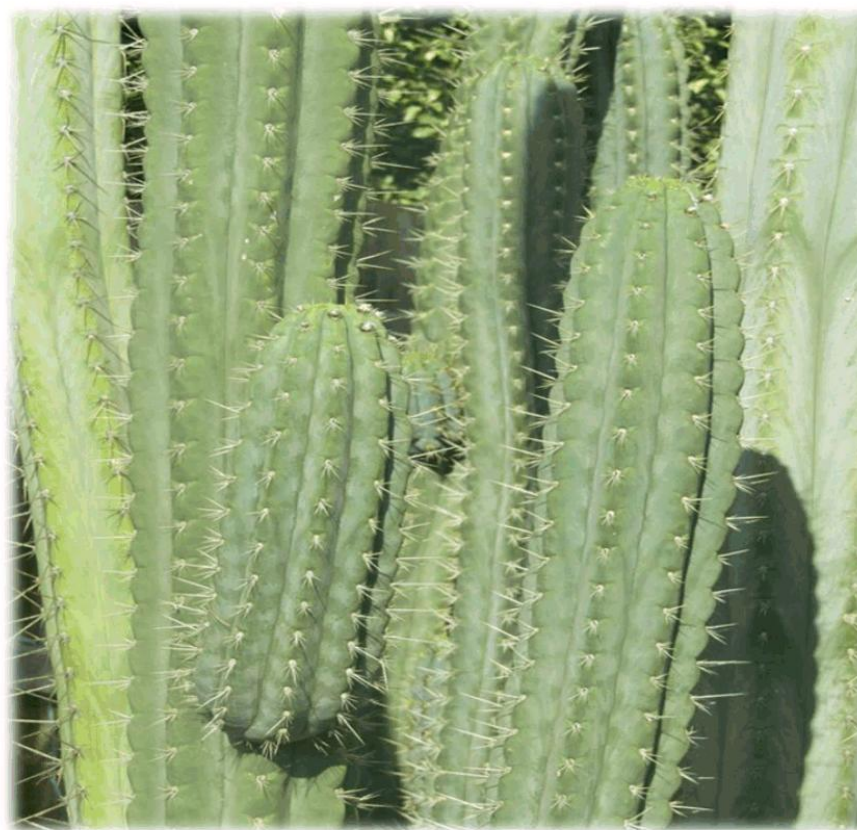


24









26









# 1.2.1. Option 2.



| NAME                      | CODE |
|---------------------------|------|
| Chrysocephalum apiculatum | CR   |
| Agave stricta             | AS   |
| Agave victoriae-reginae   | QV   |
| Trichocereus knuthianus   | TK   |
| Dracaena draco            | DD   |



Chrysocephalum apiculatum



Agave stricta



Agave victoriae-reginae



Trichocereus knuthianus



Dracaena draco



## 1.2.1. Option 2.



30

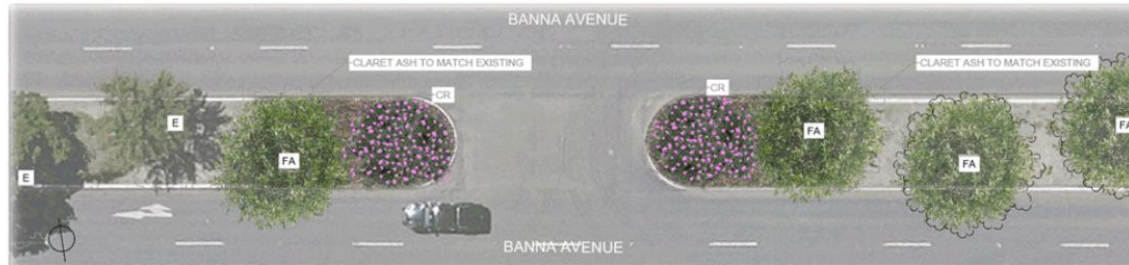
## 1.2.1. Option 2.



31



## 1.2.2. Option 2.

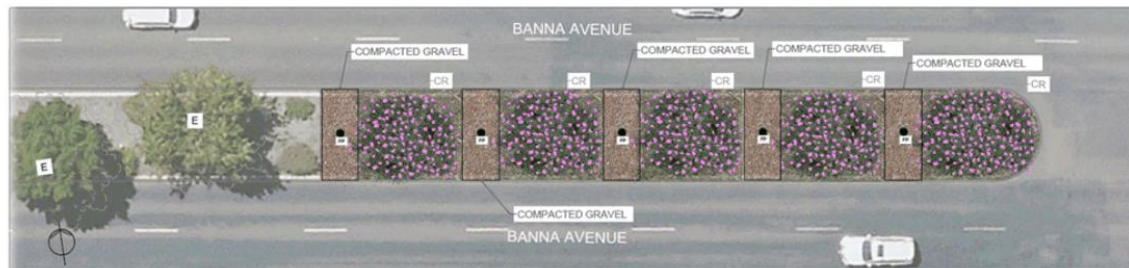


BANNA AVENUE TYPICAL TRAFFIC ISLAND - SUCCULENT MIX OPTION

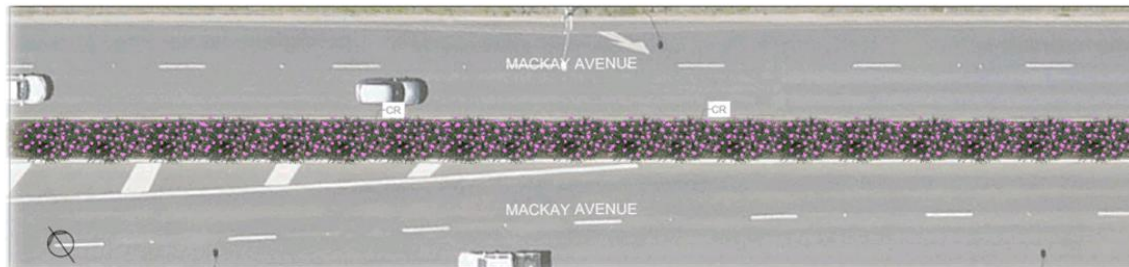
| NAME                           | CODE |
|--------------------------------|------|
| <i>Carpobrotus glaucescens</i> | CR   |
| Existing Tree                  | E    |



Carpobrotus Glaucescens



BANNA AVENUE FLAG POLE - SUCCULENT MIX OPTION



MACKAY AVENUE - SUCCULENT MIX OPTION

## 1.2.2. Option 2.



33

## 1.2.2. Option 2.



34



### 1.3. MIXED VEGETATION



35



















# 1.3.1. Option 3.



| NAME                                  | CODE |
|---------------------------------------|------|
| <i>Carpobrotus glaucescens</i>        | CR   |
| <i>Liriope muscari</i> 'Amethyst'     | LA   |
| <i>Lagerstroemia indica</i> 'Natchez' | LN   |



Carpobrotus glaucescens



Liriope muscari 'Amethyst'



Lagerstroemia indica 'Natchez'

### 1.3.1. Option 3.



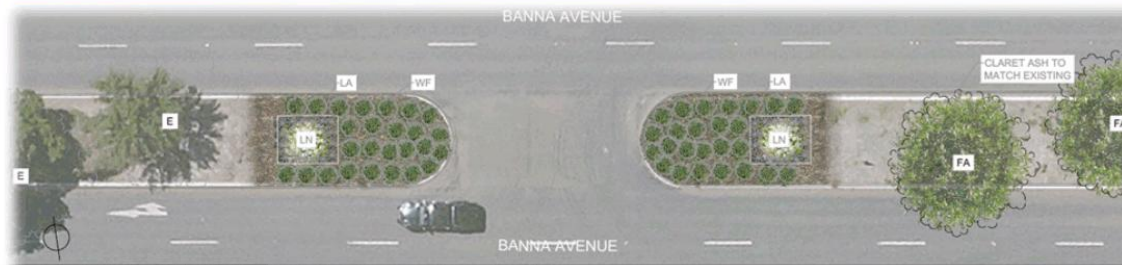


### 1.3.1. Option 3.



42

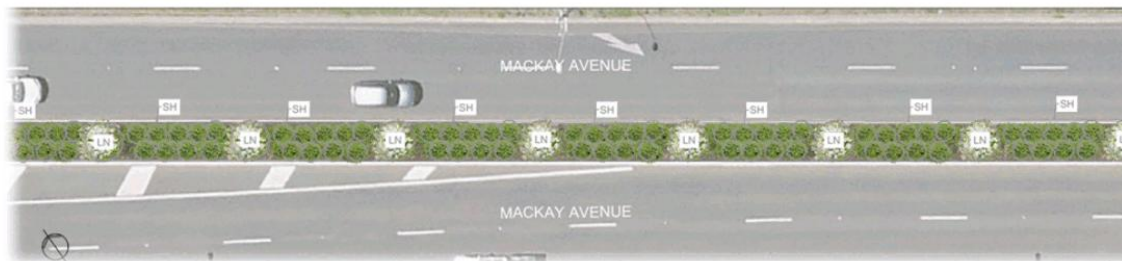
## 1.3.2. Option 3.



BANNA AVENUE TYPICAL TRAFFIC ISLAND - EXOTIC MIX OPTION



BANNA AVENUE FLAG POLE - EXOTIC MIX OPTION



| NAME                                  | CODE |
|---------------------------------------|------|
| <i>Westringea fruticosa</i>           | WF   |
| <i>Lilrope muscari</i> 'Amethyst'     | LA   |
| <i>Lagerstroemia indica</i> 'Natchez' | LN   |
| <i>Scaevola humilis</i>               | SH   |
| Existing Tree                         | E    |



*Westringea fruticosa* 'Low Horizon'



*Lilrope muscari* 'Amethyst'



*Lagerstroemia indica* 'Natchez'



*Scaevola humilis* 'Pink Fusion'



### 1.3.2. Option 3.



44

### 1.3.2. Option 3.



45



## 2. Memorial Gardens Entrance

- Memorial Gardens Entrance, providing shade over Rotary tiled panels.



46

### 3. Modification of and additional tree lighting




- Service of all existing tree fairy lights in Banna Avenue
- Installation of fairy lights in 10 additional trees, including electrical supply to the trees.





## 4. Power and Data Upgrade

- Council runs power for bollards and data cables in Banna Ave, to expand this through the medians here will give significant improvement to events e.g. Citrus Sculptures

-  Additional trees with fairy lights
-  Proposed new light poles.
-  Proposed new concrete foot path.



## CBE ENHANCEMENT PROJECT

| ACTION |  | TARGET DATES                    | ACTION |
|--------|--|---------------------------------|--------|
| 1      | Define scope of deliverables to RPPEC  | 25-Sep-25                       | ✓      |
| 2      | Concept designs to RPPEC   | 26-Nov-25                       | ✓      |
| 3      | Council to endorse concept designs for public exhibition   | 9 December 2025 Council Meeting |        |
| 4      | Exhibition Period  | Extended to end February 2026   |        |
| 5      | RPPEC meeting to consider submissions and 60% complete designs based on submissions received for recommendation to Council | Apr-26                          |        |
| 6      | RPPEC Minutes to Council   | May-26                          |        |
| 7      | Detailed design for construction   | Jun-26                          |        |
| 8      | Obtain Quotations and engage contractors   | TBC                             |        |
| 9      | Project Completion   | Dec-27                          |        |