



Ordinary Meeting

BUSINESS PAPER

Tuesday, 14 February 2023 at 7:00 pm

Griffith City Council Chambers

Phone: 1300 176 077

Web: www.griffith.nsw.gov.au Email: admin@griffith.nsw.gov.au



COUNCILLORS

Doug Curran (Mayor)
Glen Andreatza (Deputy Mayor)
Shari Blumer
Simon Croce
Jenny Ellis
Manjit Singh Lally
Melissa Marin
Anne Napoli
Christine Stead
Christopher Sutton
Laurie Testoni
Dino Zappacosta

dcurran@griffith.com.au
gandreatza@griffith.com.au
sblumer@griffith.com.au
scroce@griffith.com.au
jellis@griffith.com.au
mlally@griffith.com.au
mmarin@griffith.com.au
anapoli@griffith.com.au
cstead@griffith.com.au
csutton@griffith.com.au
ltestoni@griffith.com.au
dzappacosta@griffith.com.au

MEMBERS OF THE PUBLIC CAN ADDRESS COUNCIL IN THE FOLLOWING WAYS

Council generally meets every second and fourth Tuesday of the month at 7.00 pm in the Council Chambers.

Addressing the Council on Business Paper matters

Members of the public are welcome to attend Council Meetings and address the Council on agenda items provided proper notice is given. Visit Council's website for more information. To apply to address Council on Business Paper matters, please complete an online [Public Address to Council Declaration Form](#) before 12:00 noon on the day of the meeting.

Notice of Motion via Councillor

You are able to lobby a Councillor to raise a Notice of Motion to have a matter considered by the Council at a future meeting.

Petition

A petition can be presented to the Council through a Councillor. If you would like to present a petition to an Ordinary Meeting of Council, please contact one of the Councillors to arrange.

Customer Request Management system

The Customer Request Management system (CRM) manages the processing of customer requests. Customer requests can be then easily responded to, allocated to responsible officers and checked. The system will automatically escalate requests that have not been actioned. To log a request, please contact Council's Customer Service Team on 1300 176 077.

Direct correspondence to the General Manager

You may write directly to the General Manager about your issue or concern via letter or email. You may contact the General Manager at admin@griffith.nsw.gov.au or mail correspondence to: The General Manager, PO Box 485 Griffith NSW 2680.

For more information on public participation refer to [Council's Agency Information Guide](#).

Councillors' obligations under the Oath or Affirmation of Office are as follows:

Oath

I [*name of Councillor*] swear that I will undertake the duties of the office of Councillor in the best interests of the people of Griffith and the Griffith City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.

Affirmation

I [*name of Councillor*] solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of Griffith and the Griffith City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.

Councillors' obligations under the Code of Conduct in relation to conflicts of interest include:

[What is a pecuniary interest?](#)

A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3 of the Code of Conduct.

[Disclosure of pecuniary interests at meetings](#)

A Councillor who has a pecuniary interest in any matter with which Council is concerned, and who is present at a meeting of Council at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

The Councillor must not be present at, or in sight of, the meeting of Council:

- (a) at any time during which the matter is being considered or discussed by Council, or
- (b) at any time during which the Council is voting on any question in relation to the matter.

[What is a non-pecuniary conflict of interest?](#)

Non-pecuniary interests are private or personal interests a Council official has that do not amount to a pecuniary interest as defined in clause 4.1 of the Code of Conduct. A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.

[Managing non-pecuniary conflicts of interest](#)

Where Councillors have a non-pecuniary conflict of interest in a matter they must disclose the relevant private interest they have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest.

[Click here to lodge an online Conflict of Interest Form.](#)

How Councillors manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

A non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest, but it involves:

- (a) a relationship between a Councillor and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative or another person from the Councillor's extended family that the Councillor has a close personal relationship with, or another person living in the same household.
- (b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- (c) an affiliation between the Councillor and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a Councillor's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
- (d) membership, as the Council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of Council and the organisation are potentially in conflict in relation to the particular matter.
- (e) a financial interest (other than an interest of a type referred to in clause 4.6 of the Code of Conduct) that is not a pecuniary interest for the purposes of clause 4.1 of the Code of Conduct.
- (f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

If the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a Council meeting, Councillors must manage the conflict of interest as if a Councillor had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29 of the Code of Conduct. That is, a Councillor who has a significant non-pecuniary interest in a matter under consideration at a Council meeting must disclose the nature of the interest to the meeting as soon as practicable. The Councillor must not be present at, or in sight of, the meeting of Council:

- (a) at any time during which the matter is being considered or discussed by Council, or
- (b) at any time during which the Council is voting on any question in relation to the matter.

If Councillors determine that they have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest they must explain in writing why they consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

Councillors should refer to Council's Code of Conduct policy for further information in relation to managing conflicts of interest at Council Meetings.

Opening Affirmations

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.

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.

REPORT AUTHORS AND AREAS OF RESPONSIBILITY

Senior Management Team

General Manager
Director Economic & Organisational Development
Director Business, Cultural & Financial Services
Director Infrastructure and Operations
Director Sustainable Development
Director Utilities

Brett Stonestreet
Shireen Donaldson
Steve Saffioti
Phil King
Bruce Gibbs
Graham Gordon

Economic & Organisational Development

Governance Manager/Public Officer and Right to Information Officer
HR & Risk Manager
Workforce Planning Manager
IT Manager
Tourism Manager
Information Manager
Information Management Administrator
Community Development Coordinator

Leanne Austin
Kylie Carusi
Nick DeMartin
Mike Gaze
Mirella Guidolin
Joanne Savage
Jeanette Franco
Melissa Canzian

Business, Cultural & Financial Services

Finance Manager
Asset Management Coordinator
Acting Library Manager
Acting Griffith Pioneer Park Museum Manager
Griffith Regional Theatre and Art Gallery Manager
Griffith Regional Aquatic Centre Manager
Griffith Regional Sports Centre Manager

Vanessa Edwards
Andrew Keith
Chris Robson
Jenny O'Donnell
Margaret Andreazza
Craig Tilston
Ché Jenkins

Infrastructure & Operations

Works Manager - Maintenance
Works Manager - Construction
Parks & Gardens Manager
Fleet & Depot Manager

Manjit Chugha
Shree Shrestha
Peter Craig
Steve Croxon

Sustainable Development

Planning & Environment Manager
Acting Development Assessment Coordinator
Senior Development Assessment Planner
Urban Strategic Design & Major Projects Manager
Project Planner
Environmental Health & Compliance Coordinator
Principal Officer – Environment
Corporate Property Officer & Native Title Coordinator
Building Certification Coordinator
Airport Facility Coordinator

Carel Potgieter
Kerry Rourke
Patterson Ngwira
Peter Badenhorst
Melanie Vella
Vacant
Nagamani Raju Maddi
Daphne Bruce
Royce Johns
Graham Slingsby

Utilities

Engineering Design & Approvals Manager
Waste Operations Manager
Water & Wastewater Manager

Joe Rizzo
John Roser
Durgananda Chaudhary

**ORDINARY MEETING OF GRIFFITH CITY COUNCIL
TO BE HELD IN GRIFFITH CITY COUNCIL CHAMBERS ON
TUESDAY, 14 FEBRUARY 2023 AT 7:00 PM**

MEETING NOTICE

Notice is hereby given that an Ordinary Meeting of Council will be held in the Griffith City Council Chambers on **Tuesday, 14 February 2023**.

In accordance with Griffith City Council's Code of Meeting Practice and as permitted under the Local Government Act 1993, this meeting is being live streamed and recorded by Council staff for minute taking and webcasting purposes.

No other webcasting or recording by a video camera, still camera or any other electronic device capable of webcasting or recording is permitted without the prior approval of Council.

Those that are participating in this meeting are advised that your image and what you say will be broadcast live to the public and will also be recorded. You should avoid making statements that might defame or offend and note that Council will not be responsible for your actions and comments.

Members of the public may address Council in relation to the items listed in this Agenda by contacting Council on 1300 176 077 by 12.00 pm on the day of the meeting.

The agenda for the meeting is:

- 1 Council Acknowledgments
 - 2 Apologies and Applications for a Leave of Absence or Attendance by Audio-visual Link by Councillors
 - 3 Confirmation of Minutes
 - 4 Business Arising
 - 5 Declarations of Interest
 - 6 Presentations
 - 7 Mayoral Minutes
 - 8 General Manager's Report
- CL01 p20 DA 113/2020 - Modification to an Approved and Partially Constructed Dual Occupancy Development with Detached Outbuildings
- CL02 p38 Local Government Elections 2024
- CL03 p53 PCYC Proposal to Erect and Fitout an Integrated Gymnastics and Covered Outdoor Multi-Sports Competition Facility - Olympic Street, Griffith

- CL04 p85 Renewal of Licence Agreement - Antonio Zorzanello - Area 28 Dalton Park
- CL05 p90 City to Lake Fun Run
- CL06 p93 Adoption of Audit, Risk & Improvement Committee Terms of Reference and Charter
- 9 Information Reports
- 10 Adoption of Committee Minutes
- p95 Minutes of the Audit, Risk and Improvement Committee Meeting held on 1 February 2023
- p99 Minutes of the Memorial Park Gardens Embellishment Committee Meeting held on 1 February 2023
- p102 Minutes of the Disability Inclusion & Access Committee Meeting held on 1 February 2023
- 11 Business with Notice – Rescission Motions
- 12 Business with Notice – Other Motions
- p105 Notice of Motion - Kooyoo Street Griffith - Motor Vehicle Access from Banna Avenue Griffith
- p110 Notice of Motion - Murrumbidgee Regional High School Steering Committee
- 13 Outstanding Action Report
- p113 Outstanding Action Report
- 14 Matters to be dealt with by Closed Council
- CC01 General Manager - Annual Performance Review 2022 (Calendar Year)
- personnel matters concerning particular individuals (other than councillors) 10A(2) (a)

Brett Stonestreet

GENERAL MANAGER

**ORDINARY MEETING OF GRIFFITH CITY COUNCIL
HELD IN GRIFFITH CITY COUNCIL CHAMBERS ON
TUESDAY, 24 JANUARY 2023 COMMENCING AT 7:00 PM**

PRESENT

The Mayor, Doug Curran in the Chair; Councillors, Glen Andreazza, Shari Blumer, Simon Croce, Jenny Ellis, Manjit Singh Lally, Melissa Marin, Christine Stead, Chris Sutton (Zoom) and Laurie Testoni

STAFF

General Manager, Brett Stonestreet, Director Economic & Organisational Development, Shireen Donaldson, Director Utilities, Graham Gordon, Director Infrastructure & Operations, Phil King, Director Sustainable Development, Bruce Gibbs, Director Business, Cultural, Financial Services, Steve Saffioti and Minute Taker, Joanne Bollen

MEDIA

Cai Holroyd, The Area News

1 COUNCIL ACKNOWLEDGEMENTS

The Meeting opened with Councillor Glen Andreazza reading the Opening Affirmation and the Acknowledgement of Country. A minute's silence was held in respect of the recent passing of Berta Johnstone, Pat Spry and Nancy Stacy.

2 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK BY COUNCILLORS

23/006

RESOLVED on the motion of Councillors Simon Croce and Glen Andreazza that:

- (a) Apologies be received from Councillors Dino Zappacosta and Anne Napoli and a leave of absence granted;
- (b) Council acknowledge a Request for Remote Attendance from Councillor Chris Sutton.

For

Councillor Doug Curran
Councillor Glen Andreazza
Councillor Shari Blumer
Councillor Simon Croce
Councillor Jenny Ellis
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead

Against

Councillor Chris Sutton
Councillor Laurie Testoni

The division was declared PASSED by 10 votes to 0.

3 CONFIRMATION OF MINUTES

23/007

RESOLVED on the motion of Councillors Christine Stead and Melissa Marin that the minutes of the Extraordinary Meeting of Council held in Griffith City Council Chambers on 10 January 2023, having first been circulated amongst all members of Council, be confirmed.

For

Councillor Doug Curran
Councillor Glen Andreatza
Councillor Shari Blumer
Councillor Simon Croce
Councillor Jenny Ellis
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni

Against

The division was declared PASSED by 10 votes to 0.

4 BUSINESS ARISING

Nil

5 DECLARATIONS OF INTEREST

Pecuniary Interests

Councillor Manjit Singh Lally
CL02 DA 20/2022 – Construction of Health Services Facility (Medical Centre) with Associated Car Parking.
Reason – One of the Applicants is my Company Account.

Significant Non-Pecuniary Interests

There were no significant non-pecuniary interests declared.

Less Than Significant Non-Pecuniary Interests

There were no significant non-pecuniary interests declared.

6 PRESENTATIONS

Nil

7 MAYORAL MINUTES

Nil

8 GENERAL MANAGER'S REPORT

CL01 ADOPTION OF 2021/22 ANNUAL FINANCIAL STATEMENTS & AUDITOR'S REPORT

23/008

RESOLVED on the motion of Councillors Manjit Singh Lally and Christine Stead that the meeting suspend standing orders to allow Dannielle MacKenzie from Crowe Australasia, External Auditor, to address Council.

A division was called for, voting on which was as follows:

For	Against
Councillor Doug Curran	
Councillor Glen Andrezza	
Councillor Shari Blumer	
Councillor Simon Croce	
Councillor Jenny Ellis	
Councillor Manjit Singh Lally	
Councillor Melissa Marin	
Councillor Christine Stead	
Councillor Chris Sutton	
Councillor Laurie Testoni	

The division was declared PASSED by 10 votes to 0.

23/009

RESOLVED on the motion of Councillors Glen Andrezza and Christine Stead that the meeting resume standing orders.

A division was called for, voting on which was as follows:

For	Against
Councillor Doug Curran	
Councillor Glen Andrezza	
Councillor Shari Blumer	
Councillor Simon Croce	
Councillor Jenny Ellis	
Councillor Manjit Singh Lally	
Councillor Melissa Marin	
Councillor Christine Stead	
Councillor Chris Sutton	
Councillor Laurie Testoni	

The division was declared PASSED by 10 votes to 0.

23/010

RESOLVED on the motion of Councillors Glenn Andrezza and Jenny Ellis that:

- Council adopt the 2021/22 Annual Financial Reports and associated Auditor's Reports.
- Council resolve to transfer \$100,000 to Internal Reserve relating to Pioneer Park Museum (for Strategic projects) as referred to in this report.
- Council express its appreciation to both Crowe Australasia and Griffith City Council staff involved in the preparation of the Reports

For	Against
-----	---------

Councillor Doug Curran
Councillor Glen Andrezza
Councillor Shari Blumer
Councillor Simon Croce
Councillor Jenny Ellis
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni

The division was declared PASSED by 10 votes to 0.

CL02 DA 20/2022 - CONSTRUCTION OF HEALTH SERVICES FACILITY (MEDICAL CENTRE) WITH ASSOCIATED CAR PARKING

Councillor Manjit Singh Lally left the meeting having declared a Pecuniary Interest, the time being 7:15 pm.

23/011

RESOLVED on the motion of Councillors Christine Stead and Glen Andrezza that the meeting suspend standing orders to allow Martin Ruggeri, Mohammad Rahman and Tania Khan to address Council.

For

Councillor Doug Curran
Councillor Glen Andrezza
Councillor Shari Blumer
Councillor Simon Croce
Councillor Jenny Ellis
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni

Against

The division was declared PASSED by 9 votes to 0.

23/012

RESOLVED on the motion of Councillors Christine Stead and Simon Croce that the meeting resume standing orders.

For

Councillor Doug Curran
Councillor Glen Andrezza
Councillor Shari Blumer
Councillor Simon Croce
Councillor Jenny Ellis
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni

Against

The division was declared PASSED by 9 votes to 0.

23/013

RESOLVED on the motion of Councillors Glen Andreazza and Shari Blumer that:

- (a) Council, as the consent authority pursuant to Section 4.16(1)(a) of the Environmental Planning & Assessment Act 1979, grant a Deferred Commencement Consent to Development Application 20/2022 for a health services facility (medical centre) at 1 Palla Street and 2 Animoo Avenue, and the adjacent road reserve of Koorungal Avenue Griffith, subject to conditions including those set out in Attachment 'A' of this report; and
- (b) Development Application 20/2022 be delegated to the Director of Sustainable Development for the preparation and issue of the notice of determination.

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

For	Against
Councillor Doug Curran	Councillor Simon Croce
Councillor Glen Andreazza	
Councillor Shari Blumer	
Councillor Jenny Ellis	
Councillor Melissa Marin	
Councillor Christine Stead	
Councillor Chris Sutton	
Councillor Laurie Testoni	

The division was declared PASSED by 8 votes to 1.

Councillor Manjit Singh Lally returned to the meeting, the time being 7:26 pm.

CL03 DRAFT PLAN OF MANAGEMENT - VILLAGE OF YENDA CROWN RESERVES

23/014

RESOLVED on the motion of Councillors Laurie Testoni and Manjit Singh Lally that:

- (a) Council refer the Draft Plan of Management for Village of Yenda Crown Reserves being Crown Reserves 62949 (Lot 701 DP 1030376), 61951, 63981, 65511 (Lot 881 DP 751728), 159006 (Lot 1241 P 821503) and 240000 (Lot 21-25 DP 44498) to the Minister administering the Crown Land Management Act 2016 for approval.
- (b) Upon approval of the Minister administering the Crown Land Management Act 2016 Council amends the Draft Plan of Management for Village of Yenda Crown Reserves if required, and place it on public exhibition as per Section 38 of the Local Government Act 1993.
- (c) Native Title advice has been provided.
- (d) A report be presented to Council to adopt the final Plan of Management for Yenda Crown Reserves on completion of the exhibition period, to consider all submissions.

For	Against
Councillor Doug Curran	
Councillor Glen Andreazza	
Councillor Shari Blumer	
Councillor Simon Croce	
Councillor Jenny Ellis	
Councillor Manjit Singh Lally	
Councillor Melissa Marin	
Councillor Christine Stead	

Councillor Chris Sutton
Councillor Laurie Testoni

The division was declared PASSED by 10 votes to 0.

**CL04 ADOPTION OF DRAFT PLAN OF MANAGEMENT - COMMUNITY SERVICES
PRECINCT (KOOKORA & BENEREMBAH STREETS)**

23/015

RESOLVED on the motion of Councillors Simon Croce and Melissa Marin that:

- (a) Council adopt the Plan of Management – Community Services Precinct (Kookora & Benerembah Streets) pursuant to Section 40 of the Local Government Act 1993 and in accordance with Section 3.23(6) of the Crown Land Management Act 2016.
- (b) Council give public notice of the adoption of the Plan of Management – Community Services Precinct (Kookora & Benerembah Streets).

For

Councillor Doug Curran
Councillor Glen Andreazza
Councillor Shari Blumer
Councillor Simon Croce
Councillor Jenny Ellis
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni

Against

The division was declared PASSED by 10 votes to 0.

**CL05 GENERAL AMENDMENT - GRIFFITH LOCAL ENVIRONMENTAL PLAN 2014 -
PUBLIC EXHIBITION ENDORSEMENT**

23/016

RESOLVED on the motion of Councillors Christine Stead and Manjit Singh Lally that the meeting suspend standing orders to allow Anthony and Daniel Febo to address Council.

For

Councillor Doug Curran
Councillor Glen Andreazza
Councillor Shari Blumer
Councillor Simon Croce
Councillor Jenny Ellis
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni

Against

The division was declared PASSED by 10 votes to 0.

23/017

RESOLVED on the motion of Councillors Glen Andreazza and Simon Croce that the meeting resume standing orders.

For

Councillor Doug Curran
Councillor Glen Andreazza
Councillor Shari Blumer
Councillor Simon Croce
Councillor Jenny Ellis
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni

Against

The division was declared PASSED by 10 votes to 0.

23/018

RESOLVED on the motion of Councillors Glen Andreazza and Christine Stead that:

- (a) Council endorse the amended Planning Proposal set out in Attachment (a), and varied by Attachment (e), which seeks to amend the Griffith Local Environmental Plan 2014;
- (b) Council resolve to place the Planning Proposal on public exhibition for a period of 28 days and where identified consult with any relevant public authority and private landowners;
- (c) Should any submissions be received, Council consider the submissions at an Ordinary Meeting and if any amendments are made, the Planning Proposal is re-submitted to the Department of Planning and Environment (DPE);
- (d) Should no submissions be received, delegate the Director Sustainable Development to carry out the following actions to process and make the LEP:
 - i. Seek the concurrence of the Secretary of the DPE for any inconsistencies with the applicable directions of the Minister under Section 9.1 of the Environmental Planning and Assessment Act 1979;
 - ii. Forward this report, and all required documents and plans to Parliamentary Counsel for an opinion and drafting of the amendments;
 - iii. Make the LEP; and
 - iv. Forward the signed LEP and supporting documents to DPE to notify the amendments.

For

Councillor Doug Curran
Councillor Glen Andreazza
Councillor Shari Blumer
Councillor Simon Croce
Councillor Jenny Ellis
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni

Against

The division was declared PASSED by 10 votes to 0.

9 INFORMATION REPORTS

CL06 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURN - BUSINESS, CULTURAL & FINANCIAL SERVICES

23/019

RESOLVED on the motion of Councillors Simon Croce and Christine Stead that the Disclosures by Councillors and Designated Persons Return for Council's Director of Business, Cultural & Financial Services be noted.

For	Against
Councillor Doug Curran	
Councillor Glen Andrezza	
Councillor Shari Blumer	
Councillor Simon Croce	
Councillor Jenny Ellis	
Councillor Manjit Singh Lally	
Councillor Melissa Marin	
Councillor Christine Stead	
Councillor Chris Sutton	
Councillor Laurie Testoni	

The division was declared PASSED by 10 votes to 0.

10 ADOPTION OF COMMITTEE MINUTES

MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 13 DECEMBER 2022

23/020

RESOLVED on the motion of Councillors Chris Sutton and Glen Andrezza that the recommendations as detailed in the Minutes of the Traffic Committee meeting held on 13 December 2022 be adopted.

For	Against
Councillor Doug Curran	
Councillor Glen Andrezza	
Councillor Shari Blumer	
Councillor Simon Croce	
Councillor Jenny Ellis	
Councillor Manjit Singh Lally	
Councillor Melissa Marin	
Councillor Christine Stead	
Councillor Chris Sutton	
Councillor Laurie Testoni	

The division was declared PASSED by 10 votes to 0.

MINUTES OF THE CULTURAL PRECINCT MASTERPLAN COMMITTEE MEETING HELD ON 15 DECEMBER 2022

23/021

RESOLVED on the motion of Councillors Jenny Ellis and Shari Blumer that the recommendations as detailed in the Minutes of the Cultural Precinct Masterplan Committee meeting held on 15 December 2022 be adopted.

For	Against
Councillor Doug Curran	
Councillor Glen Andrezza	
Councillor Shari Blumer	
Councillor Simon Croce	
Councillor Jenny Ellis	
Councillor Manjit Singh Lally	
Councillor Melissa Marin	
Councillor Christine Stead	
Councillor Chris Sutton	
Councillor Laurie Testoni	

The division was declared PASSED by 11 votes to 0.

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 14 DECEMBER 2022

23/022

RESOLVED on the motion of Councillors Manjit Singh Lally and Christine Stead that the recommendations as detailed in the Minutes of the Audit, Risk and Improvement Committee meeting held on 14 December 2022 be adopted.

For	Against
Councillor Doug Curran	
Councillor Glen Andrezza	
Councillor Shari Blumer	
Councillor Simon Croce	
Councillor Jenny Ellis	
Councillor Manjit Singh Lally	
Councillor Melissa Marin	
Councillor Christine Stead	
Councillor Chris Sutton	
Councillor Laurie Testoni	

The division was declared PASSED by 10 votes to 0.

MINUTES OF THE DISABILITY INCLUSION & ACCESS COMMITTEE MEETING HELD ON 14 DECEMBER 2022

23/023

RESOLVED on the motion of Councillors Shari Blumer and Laurie Testoni that the recommendations as detailed in the Minutes of the Disability Inclusion & Access Committee meeting held on 14 December 2022 be adopted.

For	Against
Councillor Doug Curran	
Councillor Glen Andrezza	
Councillor Shari Blumer	
Councillor Simon Croce	
Councillor Jenny Ellis	
Councillor Manjit Singh Lally	
Councillor Melissa Marin	
Councillor Christine Stead	
Councillor Chris Sutton	
Councillor Laurie Testoni	

The division was declared PASSED by 10 votes to 0.

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 11 JANUARY 2023

23/024

RESOLVED on the motion of Councillors Christine Stead and Laurie Testoni that the recommendations as detailed in the Minutes of the Audit, Risk and Improvement Committee meeting held on 11 January 2023 be adopted.

For

Councillor Doug Curran
Councillor Glen Andreatza
Councillor Shari Blumer
Councillor Simon Croce
Councillor Jenny Ellis
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni

Against

The division was declared PASSED by 10 votes to 0.

11 BUSINESS WITH NOTICE – RESCISSION MOTIONS

Nil

12 BUSINESS WITH NOTICE – OTHER MOTIONS

Nil

13 OUTSTANDING ACTION REPORT

23/025

RESOLVED on the motion of Councillors Jenny Ellis and Glen Andreatza that the report be noted.

For

Councillor Doug Curran
Councillor Glen Andreatza
Councillor Shari Blumer
Councillor Simon Croce
Councillor Jenny Ellis
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni

Against

The division was declared PASSED by 10 votes to 0.

14 MATTERS TO BE DEALT WITH BY CLOSED COUNCIL

Nil

There being no further business the meeting terminated at 7:46 pm.

Confirmed:

CHAIRPERSON

CLAUSE	CL01
PROPOSAL	DA 113/2020 - MODIFICATION TO AN APPROVED AND PARTIALLY CONSTRUCTED DUAL OCCUPANCY DEVELOPMENT WITH DETACHED OUTBUILDINGS
PROPERTY	Lot 2 Section 47 DP 758476 – No 23A Hyandra Street
LOCATION	GRIFFITH
ZONING	R1 – General Residential
APPLICABLE PLANNING INSTRUMENT	Griffith Local Environmental Plan, 2014
EXISTING DEVELOPMENT	Dual Occupancy Development under construction
APPLICANT	CSKY Services Pty Ltd
OWNER	L & D Sergi
DIRECTORS OF COMPANY (IF APPLICABLE)	Deb Fitzgerald (Director CSKY Services P/L)
APPLICATION DATE	24 October 2022
REASON FOR REFERRAL FROM	Submission objecting to the application Kerry Rourke, Development Assessment Planner
TRIM REF	22/152127

SUMMARY

Proposal

- The applicant seeks to modify a dual occupancy development to include the completion of a 600mm maximum height retaining wall, solely within the property along the western boundary of the lot with a common Colorbond® boundary fence 2.1m high, a height variation to the fence of 300mm from the relevant side boundary DCP control of 1.8m.
- The applicant also seeks retrospective consent for the reduction in the approved floor level of the dwellings (100mm) and associated outbuildings (270mm maximum) as constructed.
- The proposed development is permissible in the R1 General Residential zone and complies with the provisions of the Griffith Residential Development Control Plan 2020 with the exception of the variation in fence height relating to the side boundary fence.
- The application was notified in accordance with the Community Participation Plan.
- The matter is referred to Council for determination on the basis of an objection to the development being received during the neighbour notification period of this proposal.
- The application is being recommended for approval subject to conditions provided in Attachment A.

Type of Development

Local

Main Issues

Objections received to the application under the Community Participation Plan notification of the development application.

RECOMMENDATION

- (a) Council, as the consent authority pursuant to Section 4.16(1)(a) of the Environmental Planning & Assessment Act 1979, grant consent to the modification to DA 113/2020(2) for the completion of 2.1m boundary fence with retaining wall and reduction in floor height of dwellings and outbuildings at Lot 2 Sec 47 DP 758476, No 23A Hyandra Street GRIFFITH subject to the conditions including those set out in Attachment 'A' of this report; and
- (b) Development Application 113/2020(2) be delegated to the Director of Sustainable Development for the preparation and issue of the modified notice of determination.

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

SITE DESCRIPTION

The subject site is located on the northern side of Hyandra Street. The site has an area of approximately 1,213m², with a lot width of approximately 20 metres and a length of 60 metres; it is not known to be burdened by any easements.

An attached dual occupancy development is currently under construction, approved under DA 113/2020, and determined 27 July 2020. The Construction Certificate has been issued by a Private Certifier and Council has no role in the certification of the construction works.

The subject land falls from the north (rear) of the lots to south (Hyandra Street).

The surrounding locality comprises an established residential precinct that is occupied by low-density residential dwellings and some outbuildings. Essential services such as electricity, reticulated water and sewer, natural gas & telecommunications are available in the locality.

LOCATION MAP



BACKGROUND

Site History

The development history of the site has been established through a review of Council electronic record management system and physical property files. The following history of development approval is provided:

- Building Application- 2/1930 – Dwelling.
- Building application 14/1978 – Detached garage.
- DA113/2020 – Dual Occupancy Development and outbuildings - approved 27/07/2020.
- DA 42/2022 – Completion of boundary fence and retaining wall (with 21 & 25 Hyandra St) - undetermined.
- DA 174/2022 (1) & (2) - Completion of boundary fence & retaining wall (with 21 Hyandra St) - approved 19/08/2022.
- DA 113/2020 (2) – Modification to dual occupancy and outbuildings, lodged 25/10/2022

Timeline of Events Pertaining to the Development Application

- 01/05/2020 - DA 113/2020 lodged for a dual occupancy development and two detached outbuildings.
- 27/07/2020 – DA 113/2020 approved.
- 26/04/2021 – Construction Certificate approved by a Private Certifier.
- 08/03/2022 – DA 42/2022 – lodged for the retrospective consent of, and the completion of, retaining walls and side boundary fence, due to non-compliant construction and Council compliance action.
- 14/03/2022 – notification of DA 42/2022 as per Council's Community Participation Plan.
- 28/05/2022 – re-notification of DA 42/2022 in response to previous objections and additional information submission, with a revised boundary fence height from 1.8 to 2.1m.
- 27/09/2022 – DA 42/2022 reported to Council and subsequently laid on the table to allow staff to meet with applicant & owners (refer to Attachment E).
- 25/10/2022 – Modification to DA 113/2020 lodged to resolve the issues under DA 42/2022.
- 24/11/2022 – 8/12/2022 – notification of the modification as per the Community Participation Plan. One submission objecting to the modification received.
- 13/12/2022 – DA 42/2022 report to Council to raise the report off the table and lay back on the table again to allow the modification to DA 113/2020(2) to be assessed and determined. The applicant has indicated their intention to withdraw DA 42/2022 if this modification application is supported by Council.

- 17/01/2023 – land owner requested that the business paper report prepared for the 24 January 2023 Ordinary Council meeting be delayed until 14 February 2023 (extending the modification assessment time to 101 days to 14 February Council meeting; i.e. 22 days beyond 24 January meeting).
- 25/01/2023 – land owner paid bond to Council equivalent to 130% of cost of 30m of Colorbond® fence along common boundary of 23A & 25 Hyandra Street in good faith of payment of 100% of the fence cost without seeking future payment from the owner of 25 Hyandra Street for the fence construction (as per Council's follow up letter Attachment E on DA 42/2022).

The construction of the retaining wall on the property boundary was understood by the developers and their builder to be exempt development under State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 as they'd received advice from a consultant in that regard and thus works commenced with the excavation for the wall construction. Under the provisions of SEPP Exempt & Complying Development Codes, retaining walls to a maximum height of 600mm may be constructed as exempt development where they are 1.0 metre from a property boundary.

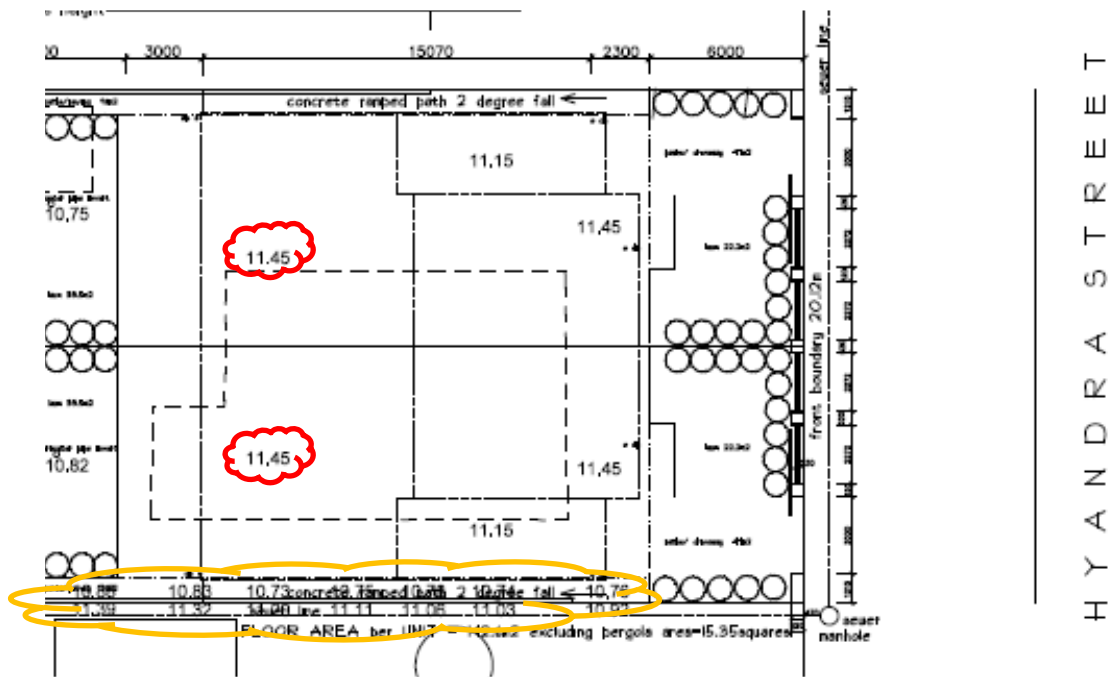
However, when Council became aware of the construction, a stop work order was issued on 28 February 2022 in relation to the unauthorised construction of the retaining wall, and the property owners were advised to lodge a development application for the completion of the retaining wall along/within the boundaries on 2 March 2022, thus DA 42/2022 was submitted on 8 March 2022.

Construction continued on the dwellings while the retaining wall construction is being resolved through either DA 42/2022 or this modification to DA 113/2020.

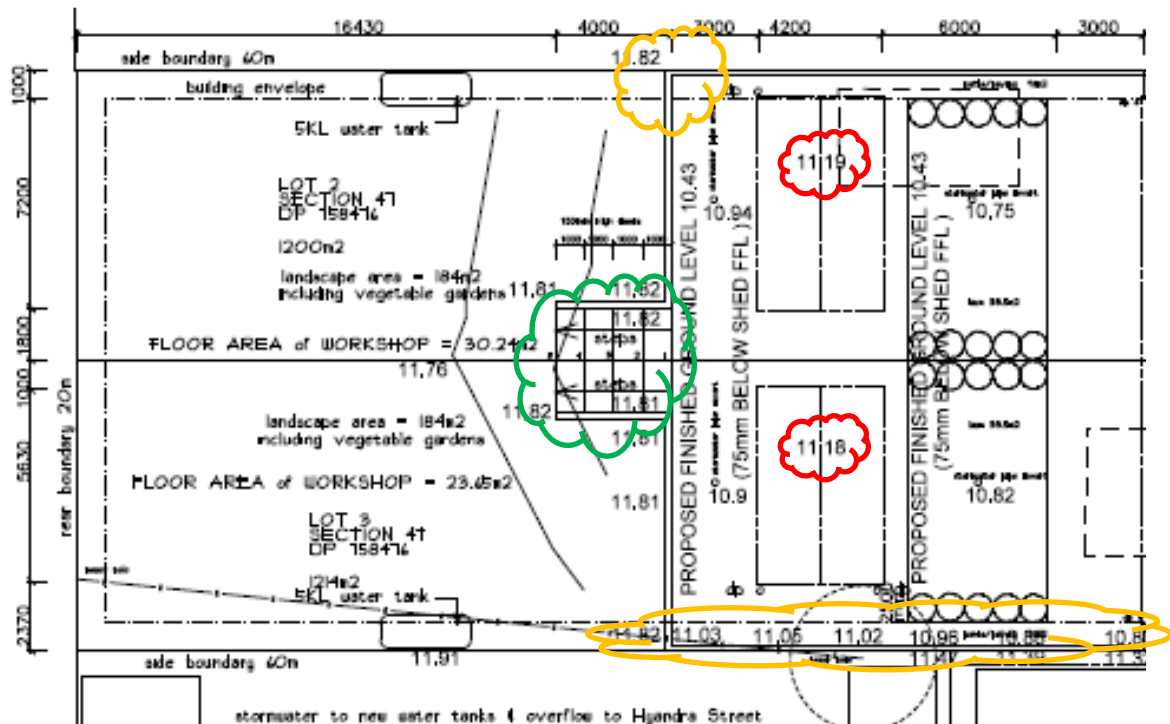
PROPOSAL IN DETAIL

This is a modification to an approved development application, as per documents in Attachment B, seeking:

- A small reduction in the finished floor level of the dwellings (100mm from 11.55RL to 11.45RL), the garage level of 11.15RL remains unchanged. This floor level change in the dwelling is generally consistent with the issued consent and it is likely that the private certifier could have issued an occupation certificate for the works. However, this has been included in this modification to tidy up the matter and ensure there is not a future compliance issue.



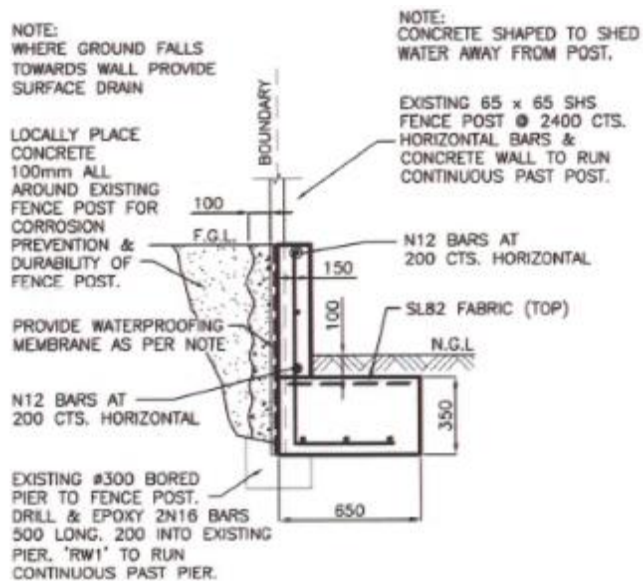
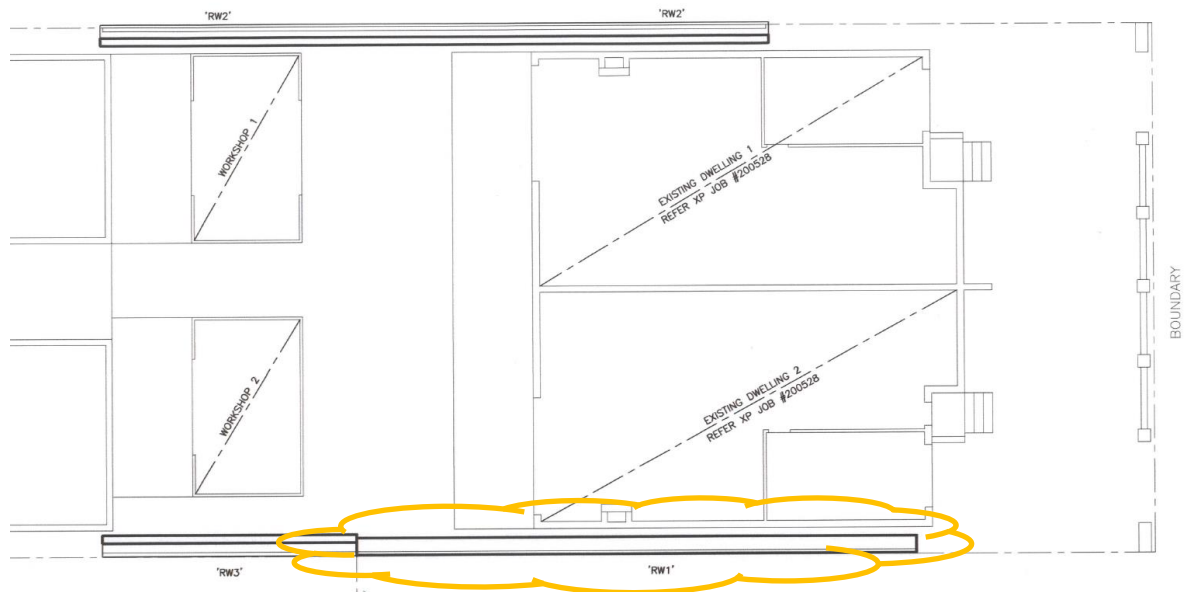
- A reduction in the floor level of the outbuildings (maximum of 270mm from 11.45RL to 11.18 / 11.19RL as noted by red cloud following) – this is a more significant change and the construction at this level has resulted in a change in the ground level surrounding the buildings, and thus the cut of the site necessitated the construction of a retaining wall to the boundary.



- Change the ramps behind the outbuildings to the rear yard to steps, as illustrated on the amended site plan as noted in green cloud above.
- Extension of the approved retaining wall north (to the left on the image above) of the constructed outbuildings to the full width of the lot, connecting to the proposed side boundary retaining wall lot (as noted in orange cloud on the above two images).

The construction of a retaining wall along the western boundary is to retain the existing cut, from the northern boundary of 25 Hyandra Street to the building line of the new dwelling on 23A Hyandra Street.

The completion of the retaining wall (to be constructed in concrete) will be wholly within the property of 23A Hyandra Street, ranging in height between 0mm to 600mm high along part of the length of the fence. The fence posts over the common boundary, are proposed be encased in concrete during the retaining wall construction.

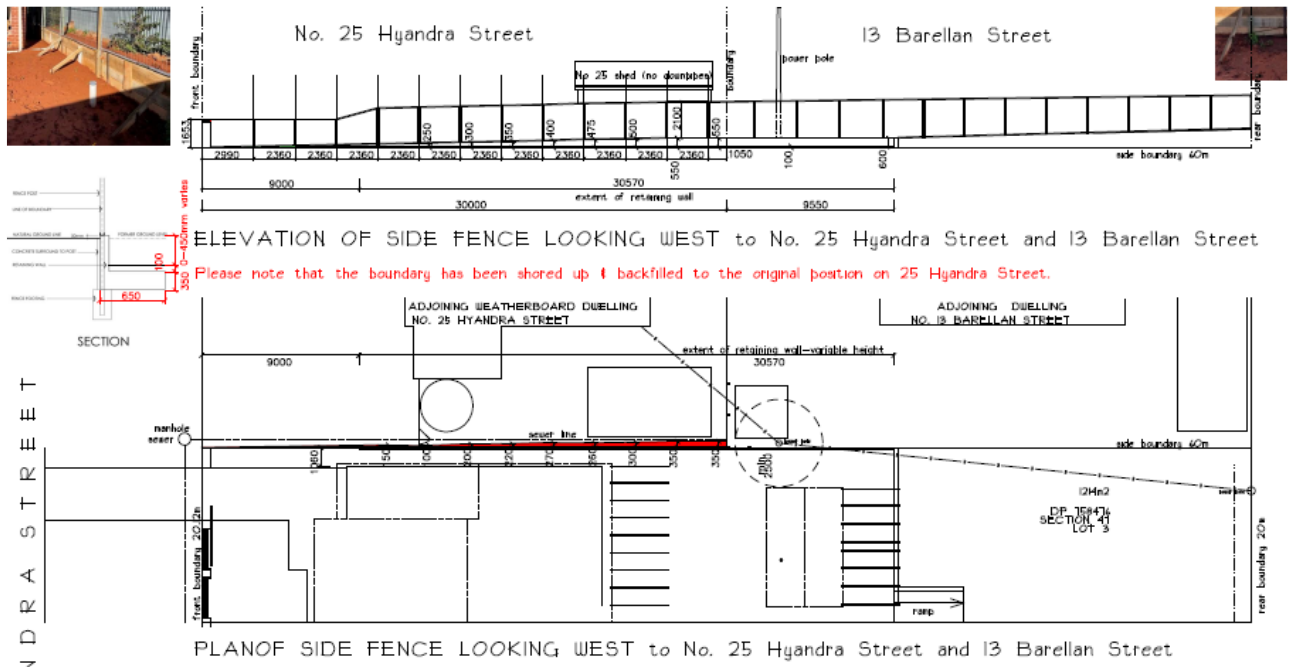


DETAIL RW1
CONCRETE CAST IN SITU
CANTILEVERED RETAINING WALL
UP TO 600mm. MAXIMUM.

- NOTE:
1. PROVIDE BITUTHENE 2000 WATERPROOFING SYSTEM INSTALLED IN ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS.
 2. ALL BACKFILL BEHIND WALLS TO BE CLEAN COARSE GRANULAR MATERIAL.

- Increase in the height of the boundary fence from 1.8m to 2.1m – a variation to the DCP, decreasing in height forward of the building line to 1.635m to match the height of the approved front boundary fence.

The front fence is approved at 1.635m in height and the side boundary fence under the original DA 113/2020 approval would have been constructed to 1.8m, decreasing in height to 1.635m forward of the building line, to match the approved front fence. Council has supported several similar fence height variations as part of application assessment since the Residential DCP 2020 was adopted.



ASSESSMENT UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

In determining a development application, a consent authority is to take into consideration Section 4.55 of the Environmental Planning and Assessment Act, 1979. The following matters are of relevance to the assessment of this modification.

Section 4.55 Considerations

Section 4.55 of the Environmental Planning & Assessment Act, 1979 sets down matters the consent authority must take into consideration when assessing applications which seek modifications to development consents.

Section 4.55(1A)(a) of the Environmental Planning & Assessment Act, 1979 states that a consent authority may modify the consent if:

It is satisfied that the proposed modification is of minimal environmental impact

Assessment: Following assessment of the application it is considered that the proposal, will have minimal environmental impact and therefore satisfies the threshold test of Section 4.55(1A)(a) of the Environmental Planning and Assessment Act, 1979.

With regard to **Section 4.55(1A)(b)** the Environmental Planning & Assessment Act, 1979 states that a consent authority may modify the consent if:

"it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)" (viz. sections 4.55(1A)(b))

Assessment: *In the matter of Vacik Pty Ltd v Penrith City Council the NSW Land and Environment Court held that Council in assessing whether the consent as modified will be substantially the same development one needs to compare the before and after situations, however "one should not fall into the trap of saying that the development was for a certain use...and as amended will be for precisely the same use and accordingly is substantially the same development. What is important is that a development...must be assumed to include the way in which the development is to be carried out."*

In the case of DA 113/2020, the development consent was issued for a dual occupancy development with a shed in each rear yard, along with a retaining wall and a new front fence (higher than the DCP 1.2m control). The modification before Council illustrates a lower floor level for both the dwellings (finished floor level reduced from 11.55 to 11.45) and the sheds (finished floor level reduced from 11.45 to 11.18), which resulted in the necessity for the construction of retaining walls along the eastern and western property boundaries (as submitted under DA 42/2022 reported to Council on 27 September and 13 December 2022).

The two outbuildings are complete and the dwellings are under construction. It is understood that the initial advice provided to the owner of the subject land by a town planning consultant and the private certifier once the current site levels had been established, was that the retaining wall, being less than 600mm in height, was exempt development.

However, under SEPP Exempt & Complying Development Codes, that would only be the case where the retaining wall is 1 metre from a property boundary – in this instance approval of Council is required, thus the modification has been submitted to allow completion of the retaining wall.

The retaining wall will reduce the likelihood of the adjacent property being undermined or collapsing due to the work undertaken and it has very little environmental impact. The reduction in the floor levels also reduces the potential for overlooking into the adjoining

property – to be further secured through a higher fence as the adjacent property is now higher than the subject land.

The changes proposed in the submitted modification do not alter the land use from that approved and thus it remains fundamentally and substantially the same development.

In this regard Council can be satisfied that the proposed modification represents substantially the same development as to which consent was originally granted that the proposal satisfies the threshold requirements of Section 4.55(1A)(b) of the Environmental Planning and Assessment Act, 1979.

The provisions of **Section 4.55(1A)(c)** of the Environmental Planning and Assessment Act, 1979 require the consent authority to notify the modification application in accordance with:

- (i) *the regulations, if the regulations so require, or*
- (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, (viz. sections 4.55(1A)(c)(i) & (ii))*

Assessment: Council’s Community Participation Plan (CPP) sets down the obligations of Council when it comes to notifying modification applications lodged pursuant to the provisions of Section 4.55 of the Environmental Planning and Assessment Act, 1979.

Council has undertaken notification of the modification application in accordance with the CPP and the Environmental Planning & Assessment Regulation, 2021.

In this regard Council has satisfied its obligations in terms of Section 4.55(1A)(c) of the Act.

The provisions of **Section 4.55(1A)(d)** of the Environmental Planning and Assessment Act, 1979 require Council to consider:

“any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.” (viz. sections 4.55(1A)(d))

Assessment: The notification period for the Section 4.55(1A) modification application ended on 8 December 2022 and one (1) submission was received raising the following issues. Extracts only of content of both the submission and applicant response are provided following, for full submission and response see Attachment C (Submission) and Attachment D (Applicant’s response).

Issue / Applicant’s Response / Council Assessment

Issue 1 – Floor Level Changes

“My client does not specifically object to these floor level changes however does want to point out that these floor level changes are at the heart of the dispute between the two adjoining Owners. This is due to the necessity to lower the site levels for the development hence requiring the need for retaining walls when the original approval did not.”

Applicant Response:

No specific objection raised by the objector.

Council Assessment: The submission is correct in that the floor level changes result in the need for the boundary retaining wall construction.

Issue 2 – Retaining Wall construction on boundary

“The reality of the construction of a retaining wall as proposed on the boundary line will forever create additional risk to my client under the dividing fences act as a failure of the retaining wall structure in any way will lead to movement and potential failure of the boundary fence. My client has obligations under the Dividing Fences Act that they are equally responsible for the good maintenance and repair/replacement of the fence.

The risk of failure of the retaining wall whilst low is not zero.” ...

My client has advised that no permission will be given for the adjoining owner to access the property of 25 Hyandra Street to facilitate the construction of the retaining wall. The retaining wall construction must not be carried out by any trespass on the property of 25 Hyandra Street as has previously been done as shown on the drawing by Sherene Blumer.

Applicant Response:

The objector has consistently raised concerns about the potential failure of the retaining walls and the implications on the property at 25 Hyandra Street. These concerns are without basis and the objector continues to fail to detail how or why the wall might fail and admits in their letter of objection that the risk is low. The objector suggests the onus is on the applicant to address the increased risk. This is difficult to address when the actual specific cause of the risk is unknown and to speculate what might happen to the wall in 20 to 30 years or beyond. The likely answer though is nothing will happen.

The excavation of soil into 25 Hyandra Street has been backfilled to the original position and redrawn site and engineering plans for the retaining wall show that the retaining wall is constructed on land within 23 Hyandra Street (between 250mm & 550mm high along the shared boundary with 25 Hyandra Street).

As referenced the retaining wall is within 23 Hyandra Street and this is because in a mediation meeting on 13 December 2021 between a town planning consultant, a builder and a concreter, the owner of 25 Hyandra Street refused these professionals advice to install the fence posts first, then build the retaining wall which would sandwich the posts and make for a more stable structure. So the retaining wall was required to be built first and excavation at the boundary backfilled.

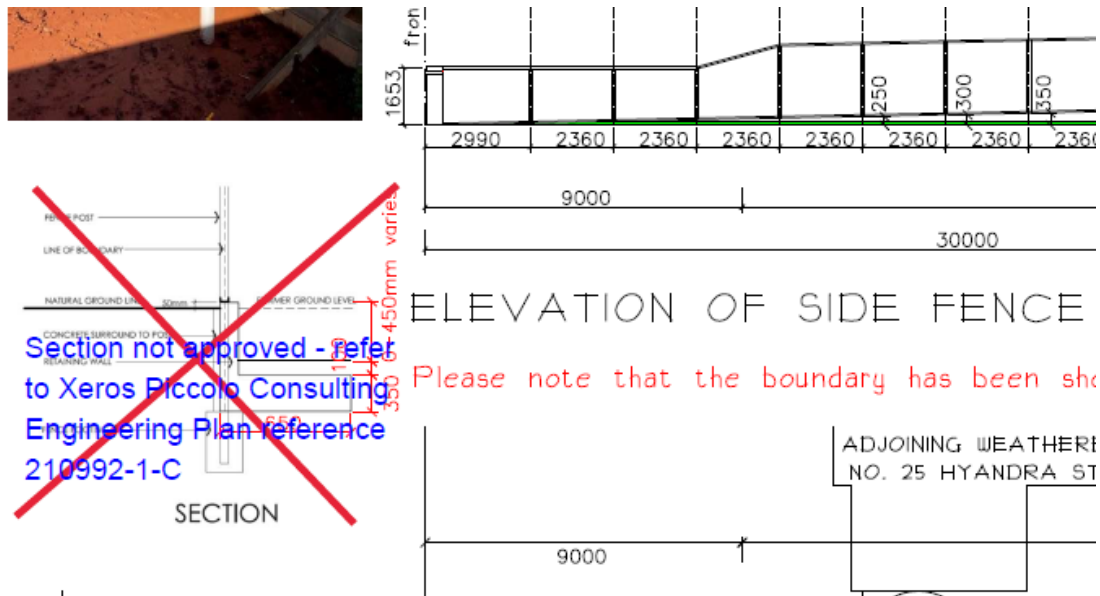
The objector suggests the retaining wall should be constructed “far enough away from the boundary line so as not to be able to impact the boundary fence”. The purpose of the retaining wall is to protect the objectors soil stability on their side of the fence and to protect the integrity of the fence itself. Without the wall, soil at 25 Hyandra Street would erode in rain events to 23 Hyandra Street and the probability of the fence collapsing without a retaining wall is 100%.

Council Assessment: The retaining wall design has been prepared by a suitably qualified structural engineer and has been designed to ensure minimal risk of failure - the structural engineer will certify the construction and will hold professional indemnity insurance pertaining to risk of failure.

The retaining wall is wholly within the property boundary of 23A Hyandra Street (and will be so conditioned) and it is acknowledged that the fence is to be constructed over the common boundary with 25 Hyandra Street, where the posts are to be concreted as part of the retaining wall. Council is satisfied with the structural design of the retaining wall and fence and that they will serve their intended purpose, and theoretical future obligations for repair are not a valid planning consideration as part of the assessment of this application under the Environmental Planning & Assessment Act.

An extract of the application plan which provides the elevation of the fence and a section of

the retaining wall is included following. The section provided on the Architect's plan is not in accordance with the consulting engineer's design submitted with the application as provided in Attachment B. If this application is supported by Council, the elevation plan will be marked with a red cross through the section and noted as not approved, as illustrated following. Further, a condition will be imposed ensuring the retaining wall is constructed wholly within 23A Hyandra Street, to be confirmed by survey.



Issue 3 – Boundary fence height

“My client objects to the proposed fence heights.

The proposed boundary fence height is 2.1 metres high. The Griffith Residential Development Control Plan clause 4.16 (c) clearly states that the maximum height of a side fence is 1.8 metres above ground level.

The Applicants request for Variation states three reasons supporting the fence height changes:

1. The affected adjoining neighbour at 25 Hyandra Street agreed to the height and type of fence in a mediation meeting on 13 December 2021.

I have been advised that there [sic] my client has never agreed to a fence height of 2.1 metres. Further: on the Council tracker on 7 June 2022 for DA 42/2022 a drawing prepared by Sherene Blumer that showed the boundary fence height at 1.8 metres. This was only subsequently changed to 2.1 metres. No, my client did not agree to a 2.1 metres fence height as has been claimed.”

Applicant Response:

The modification letter submitted with the modification application to council, demonstrates that the 2.1m high dividing fence will have no adverse impact on the occupants at 25 Hyandra Street. Their existing shed, water tank and significant vegetation on that boundary will screen the fence.

The objection letter suggests that there was never any agreement with the owners of 23 Hyandra Street to construct a 2.1m high dividing fence. This is strongly disputed. In all discussions with the owner the fence was proposed at 2.1m high and quotes distributed to all parties prepared by Griffith City Fencing detailed that the fence was 2.1m in height.

A text message kept and dated 20 August 2021 from the occupant at 25 Hyandra Street stated that they wanted a green eucalypt coloured (colorbond) fence, meaning they accepted that the fence would be green eucalypt colorbond for the entire fence length, including forward of the building line...

The Dividing Fences Act 1991 is separate standalone legislation which is not incorporated into the assessment of development applications under the Environmental Planning Assessment Act 1979 and its Regulations. The Act does require equal payment of fencing costs but as mentioned the applicant is prepared to pay all costs for the fence if the modification is approved as proposed.

Council Assessment: The applicant has made a variation request to the Griffith Residential Development Control Plan (DCP 2020) in relation to the height of the fence, varying from the DCP control of 1.8m to 2.1m, reducing to 1.653 forward of the building line to meet the approved front fence.

Council has been advised that the original fence height was intended to be 2.1m prior to the lodgement of DA 42/2022, as that height was quoted by the fencing contractor. However, during compliance action discussions which resulted in that application lodgement, the owners were advised to reduce the fence height to 1.8m to reduce potential DA issues. Thus, when DA 42/2022 was lodged in February 2022, the fence height was noted on plan as 1.8m however the applicant/owner sought to change the height during the application assessment and increase the height to 2.1m as per this application.

Council has on numerous occasions approved fencing at 2.1m in height either in solid form or with a 1.8m high solid fence topped with a 300mm lattice screening, under the provisions of DCP 2020, as a variation to the DCP. The additional privacy afforded both owners is considered to be reasonable by the proposal as submitted.

The front fence approved under this DA is 1.653m and it would be usual for the side boundary fence, forward of the building to be reduced in height from the approved or exempt height, to meet the height of the front fence. Thus, it was anticipated under this DA that the fence forward of the building would be 1.653m and solid form. As the road reserve was wide and there was no access into 25 Hyandra St from that frontage which may otherwise have been impacted, the solid form of the boundary fence was considered suitable and is not in question under this application. This application has confirmed that height which is consistent with Section 4.16(c) of DCP 2020.

Council has in the past approved front fences at 1.8m under DCP 2020 and this variation is not inconsistent with previous decisions.

Issue 4: Boundary Fence with 21 & 23A Hyandra St (DA 174/2022)

'2. The height of the proposed fence is exactly what has been approved at the adjoining lot at 21 Hyandra Street under DA 174/2022 earlier this year.

This development application was never put on public exhibition or notified. I did lodge an objection to the fence heights of this application despite there being no notification only to be told the next day that the application was approved under delegated authority the day of my objection.

The reasons for that objection were the same for this modification of consent application. There was no adequate justification provided for varying the requirements of the Residential Development Control Plan'.

Applicant Response: The applicant did not provide a specific response to this matter.

Council Assessment: The submitter raised concern that they were not notified of the

application submitted over 21 & 23A Hyandra St for the completion of the retaining wall and boundary fence, under DA 174/2022.

The application was lodged because the assessment and determination of DA 42/2022 had stalled due to the submissions made on behalf of the owner of 25 Hyandra Street, which significantly delayed the application progress. The owners of 21 Hyandra Street had recently moved into the dwelling with a dog and small child and wanted urgently to have the fence completed to contain the pet and provide privacy and security to their property, and could no longer wait for DA 42/2022 to be resolved.

The owners of 21 & 23A Hyandra St chose to lodge a separate DA to complete the fence and retaining wall, as they have the lawful ability to do. Council was not obligated to notify the application to any other neighbour under the Community Participation Plan (see extract below) where works are not likely to impact upon another neighbour.

Ancillary structures to dwellings (carports, sheds etc.)	Y	N	N	14 days	Do not meet the development standards in the DCP and neighbor potentially impacted
--	---	---	---	---------	--

The landowners have paid a bond to Council of 130% of the quoted cost of the construction of the common boundary fence of 23A and 25 Hyandra Street, as a good faith measure. The fencer has provided a quote to Council for the works, for a 2.1m high fence, constructed from 2.4m high panels, to be 'raked' down the site boundary, at a 2.1m height. The bond provides surety to Council that the owners of 23A Hyandra St will pay 100% of the fence construction cost and the bond will be refunded once the fence is completed to Council's satisfaction and in accordance with the consent.

Section 4.15 Evaluation

With regard to Section 4.15(1)(a)(i) of the Act in respect to the provision of any environmental planning instrument, the following evaluation has been undertaken:

(a) Griffith Local Environmental Plan 2014

The proposed modification of Development Application No 199/2018 has been assessed with regard to Griffith Local Environmental Plan 2014 and it has been considered that:

- (i) The proposed modification does not result in any issue that would affect the permissibility of the development.
- (ii) The proposed modification does not result in any inconsistency with regards to the objectives of the zone.
- (iii) The proposed modification does not involve any breach of a development standard, nor does it involve any further breach of a development standard that has been previously been considered.

(b) State Environmental Planning Policies

The original application was assessed with regard to the relevant State Environmental Planning Policies that applied at the time. The proposed modification does not result in any inconsistency with the previous assessment.

With regard to **Section 4.15(1)(a)(ii)** there are no draft environmental planning instruments applicable to the Griffith Local Government Area or to the proposed development.

Council took into account the relevant development control plans as part of the original assessment of the development application in accordance with **Section 4.15(1)(a)(iii)**.

This modification proposes a variation in relation to the height of the side boundary fence between 23A & 25 Hyandra St from 1.8m to 2.1m. The DCP is a flexible document and as provided in Section 1.5 Variations to the DCP may be requested.

Section 4.16 provides the controls in relation to fencing, both front and side / rear boundary. The DCP states:

The design of fences has an impact on the real and perceived safety and security of residents as well as on the amenity of the public domain and streetscape character. The visual impact, scale and design of fences needs to be carefully considered.

Objective: To ensure the streetscape does not become inundated with blank, bulky or obtrusive front fencing.

The front fence and by implication the return side boundary fence forward of the building line are approved at 1.653m. The variation relates to the height of the side fence behind the building line to the rear boundary, over which it is acknowledged that a solid 2.1m high fence has been installed on the boundary of 23A Hyandra & 13 Barellan Street.

The DCP objective in relating to fencing pertains to the streetscape and front fences, however the controls provide for fences over 1.8m with a 300mm lattice extension under Section 4.16(c) provided a variation request has been submitted.

The applicant's main reason for the variation is premised on the approval issued under DA 174/2022 and *the height of the fence will not have any adverse impact on the adjoining neighbour at 25 Hyandra Street because it will be immediately adjacent to a large shed, a water tank and mature vegetation on their side of the fence.*

The applicant considers the control is unnecessary because *the fence will not have any adverse impacts on the existing streetscape being screened by structures on both sides of the fence.* The objective of the fencing controls does focus on the streetscape and this modification will not have any impact on the streetscape.

The fence at 2.1m will allow sufficient light and ventilation between properties and affords a high level of privacy to each dwelling. The proponents for this application have stated that they will be paying for the fence construction if the modification is approved.

There are no planning agreements which apply to this development and therefore the provisions of **Section 4.15(1)(a)(iia)** do not apply.

The provisions of clauses 61, 63 and 64 of the Environmental Planning and Assessment Regulations, 2021 have been considered as part of this development in accordance with **Section 4.15(1)(a)(iv)** of the Act, and are not relevant to this modification.

Council planners have considered the provisions of **Section 4.15(1)(b)** of the Act, and based on the assessment carried out thus far, Council can be satisfied the proposed modification to the original development is unlikely to result in any adverse environmental, social or economic impact.

The proposed modification development does not alter the suitability of the site, which was considered appropriate when the original development application was determined. In this regard Council is satisfied the development accords with **Section 4.15(1)(c)** of the Act.

All submissions made in accordance with the Act or the Regulations have been addressed in this report.

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse

effects on the surrounding area and the environment. The proposed modification has been considered in relation to relevant Environmental Planning Instruments, and deemed to be acceptable. On this basis, the proposal, is unlikely to raise any issues that are contrary to the public interest.

Section 4.55 Assessment - Conclusion

This application has been assessed under Section 4.55 of the Environmental Planning and Assessment Act, 1979 and it is considered that the proposed modification has merit and can be supported for the following reasons:

- (a) The modification is over minor environmental impact (viz. Section 4.55(1A)(a))
- (b) The modification is considered to be substantially the same development.
- (c) The modification has been notified in accordance with the provisions of the Act and regulations and that submissions have been addressed.

Section 4.55 Assessment - Recommendation

It is recommended that Council as the consent authority pursuant to Section 4.55 of the Environmental Planning & Assessment Act 1979 modify the previous Development Consent No: 113/2020(2) in the following way:

- 1. Amend Condition No 1 to read:
 - (1) Approved Development

Development consent has been granted for the construction of two dwellings as a dual-occupancy with detached sheds/workshops, **retaining wall** and front **and side fences** at Lot 2 Sec 47 DP 758476, No. 23 Hyandra Street GRIFFITH.

It is advised that the proposed development has been assessed in regards to the provision of the Griffith Local Environmental Plan 2014 and is considered to be an attached dual occupancy, which is defined as:

dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

The development must be implemented in accordance with Development Application No.113/2020 received by Council on 4 May 2020 as amended **25 October 2022** 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 Received by Council	Prepared or Drawn By
Site Plan	30 June 2020	Sherene Blumer
Site Plans with levels (22/136921)	17 November 2022	Sherene Blumer
Floor Plan	30 June 2020	Sherene Blumer
Elevations – East and West	30 June 2020	Sherene Blumer

Elevations – Front fence	30 June 2020	Sherene Blumer
Elevations – Side Fence (22/137998) as amended in red	20 November 2022	Sherene Blumer
Structural Engineers Design (22/137997)	20 November 2022	Xeros Piccolo Consulting Engineers

Document	Date Received by Council	Prepared or Drawn By
BASIX Certificate no 1090793M_03 dated 7 July 2020	7 July 2020	Energyraters
NatHERS Certificate no 0004724647-02	7 July 2020	Daren Parker
NatHERS Certificate no 0004724654-02	7 July 2020	Daren Parker
Statement of environmental Effect	21 July 2020	Sherene Blumer

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

The retaining wall shall be wholly located within Lot 2 Sec 47 DP 758476, No. 23A Hyandra Street GRIFFITH

(modified DATE)

2. Insert New Conditions 20A – 20C

(20A) Construction Certificate retaining wall

A construction certificate is required to be issued for the completion of the retaining wall, prior to commencement of works.

(inserted DATE)

(20B) Amended Building Elevations

Prior to the issue of the construction certificate for the completion of the retaining wall, amended elevations of the dwelling and outbuildings shall be submitted to Council illustrating the alteration in finished floor level and finished ceiling level to 11.45RL and 11.18/11.19RL respectively.

(Inserted DATE)

(20A) Building Information Certificate for retaining wall completed

Prior to the issue of a construction certificate for the completion of the retaining wall, a building information certificate application is to be submitted (via the Panning Portal) and issued for works completed on the retaining walls constructed without prior approval. The application shall be accompanied by

- (a) An Identification Survey by a Registered Surveyor to verify the location of the retaining walls in relation to property boundaries.

Please note, should the survey identify any encroachment of the retaining walls onto adjoining properties, rectification work may be required.

- (b) Design drawings and certification from a structural engineer.

(inserted DATE)

3. Insert New Condition 48A

(48A) Submission of Survey of Building Location

A final survey report prepared by a registered and practising Land Surveyor is required to verify the siting of the completed retaining walls in relation to adjacent boundaries. This survey shall be submitted to Council prior to the issue of the Occupation Certificate.

Please note, should the survey identify any encroachment of the retaining walls onto adjoining properties, rectification work may be required.

(inserted DATE)

OPTIONS

OPTION 1

As per the Recommendation.

OPTION 2

Refusal to modify the consent and seek rectification to approved levels through demolition and reconstruction.

OPTION 3

Any other resolution of Council.

POLICY IMPLICATIONS

There are no adverse policy implications for Council in supporting this application.

FINANCIAL IMPLICATIONS

There are no reasonable expected adverse financial implications for Council in supporting this application.

LEGAL/STATUTORY IMPLICATIONS

There are no reasonably expected legal implications for Council in supporting this application. The applicant or entity with the benefit of the consent has legal rights under the Environmental Planning & Assessment Act, 1979 to seek a review of determination of this application or to lodge an appeal to the Land & Environment Court.

ENVIRONMENTAL IMPLICATIONS

There are no reasonably expected adverse environmental implications for Council in supporting this application.

COMMUNITY IMPLICATIONS

There are no adverse community implications for Council in supporting this application.

LINK TO STRATEGIC PLAN

This item links to Council's Strategic Plan item 7.1 Encourage respectful planning, balanced growth and sustainable design.

CONSULTATION

Senior Management Team, Director Sustainable Development, Planning & Environment Manager, Development Assessment Panel, the applicant, surrounding land owners as a result of notification in accordance with Council's Community Participation Plan.

ATTACHMENTS

- (a) DA 113/2020(2) - Draft Conditions of Consent (under separate cover) [⇒](#)
- (b) DA 113/2020(2) - Modification Documents (under separate cover) [⇒](#)
- (c) Objection to DA 113/2020(2) (under separate cover) [⇒](#)
- (d) DA 113/2020(2) Applicant Response to Objection (under separate cover) [⇒](#)
- (e) DA 42/2022 - Follow Up Letter (under separate cover) [⇒](#)

CLAUSE	CL02
TITLE	Local Government Elections 2024
FROM	Brett Stonestreet, General Manager
TRIM REF	22/135302

SUMMARY

Under section 296AA of the *Local Government Act 1993* (the Act), each council must decide at least 18 months before the next ordinary election of Councillors,

- (a) to enter into an election arrangement with the NSW Electoral Commissioner (NSWEC) to administer all the council's elections, polls and constitutional referenda; or
- (b) That the council's elections are to be administered by another electoral services provider engaged by the council.

Councils are required to make a decision under section 296AA by 13 March 2023 on the administration of their next ordinary election.

RECOMMENDATION

The Griffith City Council ("the Council") resolves that:

- (a) Pursuant to ss. 296(2) and (3) of the Local Government Act 1993 (NSW) (the Act), an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council;**
- (b) Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, a Council poll arrangement be entered into by contract for the Electoral Commissioner to administer all Council polls of the Council.**
- (c) Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, a Constitutional Referendum arrangement be entered into by contract for the Electoral Commissioner to administer all Constitutional Referenda of the Council.**
- (d) Council note the number of Councillors (including the Mayor) be reduced to 9 in the 2024 election, in accordance with the results of the Constitutional Referendum held 4 December 2021.**
- (e) Council note the Mayor will continue to be popularly elected in accordance with the results of the Constitutional Referendum held 4 December 2021.**

REPORT

Where a council resolves to engage the NSWEC to administer its elections, polls and referenda, the election arrangement is a standardised contract for all councils. The service schedule and costs schedule of the standardised contract will vary between councils and are made by the NSWEC in consultation with each council.

Where a council resolves to engage the NSWEC to administer its elections, polls and referenda, the election arrangement with the NSWEC will apply to the 2024 ordinary election and every election, poll and referendum including any by-election or countback election until the contract is automatically terminated 18 months before the following ordinary election of councillors.

Where councils have resolved to enter into an election arrangement with the NSWEC, the contract with the NSWEC must be finalised no later than 15 months before the next ordinary elections.

Alternative to NSW Electoral Commission

Council is aware of at least one such company (Australian Election Company) who provides administration of elections and related services.

The Australian Election Company is a professional Election Company specialising in the arrangement of conduct of ballots and elections. While the Act permits the use of commercial election providers, the General Manager will retain overall responsibility for the administration of the elections.

Should Council determine to appoint an independent election provider to administer the 2024 Local Government elections and it considers the cost will be in excess of \$250,000 Council will be required to procure these services via a tender process.

Cost of conducting the 2024 Local Government elections

The cost estimates from the NSW Electoral Commission and Australian Election Company are provided – refer to Attachments (c) and (d). These estimates are provided to Councillors as a confidential attachment.

Tendering requirements

Section 55 of the Local Government Act 1993 exempts councils from tendering when entering into a contract or arrangement for the NSWEC to administer the council's elections, referendums and polls. This exemption does not apply to contracts or arrangements with any other service provider.

As the amount involved in conducting council elections can be significant it is important to ensure that any commercial organisation is providing value for money. It is also important to ensure that as public funds are being expended, principles of openness, transparency and accountability are not compromised.

Unless the cost of administering the elections is under \$250,000 or any of the other exemptions provided for in section 55 apply, councils will be required to go to tender or to conduct a selective tender when engaging a commercial electoral services provider.

Results of Constitutional Referendum held 4 December 2021

Two Referendum questions were asked at the 4 December 2021 election:

Question 1

Do you agree that the number of Councillors elected to Griffith City Council be reduced from 12 to 9?

Question 1 was declared PASSED on 21/12/2021.

Question 2

Do you agree that the election of the Mayor to Griffith City Council be changed from popularly elected to elected by Councillors?

Question 2 was declared NOT PASSED on 21/12/2021.

Note: Voting in a Constitutional Referendum is compulsory and the result is binding on the council. If the Constitutional Referendum is passed, the result takes effect at the next local government elections.

OPTIONS

OPTION 1

As per the Recommendation.

OPTION 2

Under section 296AA, where a council resolves to administer its own elections, it must include the information specified below in the resolution:

- (a) Whether the general manager intends to administer elections personally or to engage an electoral services provider

If the general manager intends to administer elections personally, whether the general manager has identified any persons to be appointed as the returning officer and substitute returning officer and, if so, their names

- (b) If the general manager intends to engage an electoral services provider, whether the general manager has identified an electoral services provider and, if so, the name of that provider.

POLICY IMPLICATIONS

Not Applicable

FINANCIAL IMPLICATIONS

An estimated expense for the 2024 election has been factored into Council's 10 year long term financial plan.

LEGAL/STATUTORY IMPLICATIONS

Local Government Act 1993 - 296AA Councils to plan for administration of elections

- (1) At least 18 months before the next ordinary election of councillors for a council, the council must resolve—
- (a) To enter into an arrangement with the Electoral Commissioner, by contract or otherwise, for the Electoral Commissioner to administer elections of the council (as provided by section 296), or

- (b) That the elections of the council are to be administered by an electoral services provider engaged by the council.
- (2) A resolution referred to in subsection (1) (b) must include the following information—
 - (a) Whether the general manager has identified an electoral services provider to be engaged for the next ordinary election of councillors and, if so, the name of that provider,
 - (b) Any other information required by the regulations.
- (3) As soon as practicable after the making of a resolution referred to in subsection (1)(b), the general manager of the council must publish a copy of the resolution on the council's website.
- (4) If a council fails to comply with subsection (1), the general manager of the council must publish a notice of that failure on the council's website.
- (5) Despite the other provisions of this section, a council may make a resolution under subsection (1) on or before 1 October 2019 for the purposes of an arrangement that includes the ordinary election of councillors in 2020.

Local Government Act 1993 Division 1 Tendering 55 Requirements for tendering

- (3) This section does not apply to the following contracts—
 - (p) a contract or arrangement between a council and the Electoral Commissioner for the Electoral Commissioner to administer the council's elections, council polls and constitutional referendums

Local Government Amendment (Elections) Bill 2014
Office of Local Government Circular No 13-41 Model Resolutions to engage the NSW
Electoral Commissioner to Conduct Elections

ENVIRONMENTAL IMPLICATIONS

Not Applicable

COMMUNITY IMPLICATIONS

Eligible voters are required to elect a Mayor and 8 Councillors.

LINK TO STRATEGIC PLAN

This item links to Council's Strategic Plan item 1.1 Provide clear, accessible, relevant information; item 2.3 Mayor and Councillors represent the community, providing strong, proactive leadership; item 3.2 Ensure Council's financial sustainability through effective financial management that is transparent and accountable.

CONSULTATION

Senior Management Team
NSW Electoral Commission
Australian Election Company

ATTACHMENTS

- (a) Office of Local Government Circular No 22-35 [↓](#) 43
- (b) Office of Local Government Circular No 22-35 Frequently Asked Questions [↓](#) 45
- (c) Quotation NSW Electoral Commission (confidential)
- (d) Quotation - Australian Election Company (confidential)



Circular Details	Circular No 22-35/ Date 11 November 2022/ A839620
Previous Circular	18-43 – <i>Council decisions on the administration of the September 2020 elections</i>
Who should read this	Councillors / General Managers / Council governance staff
Contact	Council Governance Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Council to Implement

Councils' decisions on the administration of their September 2024 ordinary elections

What's new or changing

- Under section 296AA of the *Local Government Act 1993* (the Act), councils are required to make a decision on how their ordinary elections in September 2024 are to be administered by **13 March 2023**.
- Each council must resolve **either**:
 - to enter into an election arrangement with the NSW Electoral Commissioner (NSWEC) to administer all the council's elections, polls and constitutional referenda **or**
 - that the council's elections are to be administered by another electoral services provider engaged by the council.
- If a council does not resolve to engage the NSWEC to administer its elections by **13 March 2023**, it must engage another electoral services provider to do so.

What this will mean for your council

- Councils are required to make a decision under section 296AA by 13 March 2023 on the administration of their next ordinary election. Information to assist councils in making that decision is provided in the attached FAQ.
- If a council is proposing to engage the NSWEC to administer its elections, it should resolve to do so as soon as possible and notify the NSWEC.

Key points

- Where councils resolve to engage the NSWEC to administer their elections, polls and referenda, a model resolution is suggested in the attached FAQ.
- If a council resolves to adopt an electoral services provider other than the NSWEC, the resolution must state whether the general manager has identified an electoral services provider to be engaged for the next ordinary election and, if so, the name of that provider.

Office of Local Government
 5 O'Keefe Avenue NOWRA NSW 2541
 Locked Bag 3015 NOWRA NSW 2541
 T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
 E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

Where to go for further information

- Further information to assist councils' decisions on the administration of their September 2024 ordinary elections is contained in the FAQ attached to this circular.
- Contact the Office of Local Government's Council Governance Team by telephone on 02 4428 4100 or by email at olg@olg.nsw.gov.au.
- Contact Steve Robb at the NSW Electoral Commission by telephone on 1300 135 736.

Melanie Hawyes
Deputy Secretary, Crown Lands and Local Government

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

FREQUENTLY ASKED QUESTIONS

Part 1 Decision making on the administration of elections

What decisions must councils make on the administration of their elections?

Under section 296AA of the *Local Government Act 1993* (the Act), each council must resolve by **13 March 2023** either:

- to engage the NSW Electoral Commissioner (NSWEC) to administer the council's elections, polls and referenda, or
- that the council's elections are to be administered by another electoral services provider.

What happens if a council fails to make a decision on the administration of its elections by 13 March 2023?

If a council fails to make a decision on the administration of its elections, polls and referenda by 13 March 2023, it will not be able to engage the NSWEC to administer its ordinary election and it will be required to make its own arrangements with another electoral services provider for the administration of its elections.

A council that fails to make a decision on the administration of its elections by 13 March 2023 will also be required to publish a notice of that failure on the council's website.

Part 2 Election arrangements with the NSWEC

What election arrangements can councils enter into with the NSWEC?

The election arrangement is a standardised contract for all councils. The service schedule and costs schedule of the standardised contract will vary between councils and are made by the NSWEC in consultation with each council.

Where a council resolves to engage the NSWEC to administer its elections, polls and referenda, the election arrangement with the NSWEC will apply to the 2024 ordinary election and every election, poll and referendum including any by-election or countback election until the contract is automatically terminated 18 months before the following ordinary election of councillors.

Where a council resolves to engage the NSWEC to administer its elections, polls and referenda, it should use the model resolutions provided below.

If a council wishes to engage the NSWEC to administer its elections, polls and referenda what form should its resolution take?

Councils wishing to make a resolution that an election arrangement be entered into for the NSWEC to administer all elections, polls and referenda under section 296(3) of the Act should use the following model resolution:

The [insert full description of council] ("the Council") resolves:

1. *pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.*

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

2. *pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.*
3. *pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.*

When must the election arrangements with the NSWEC be finalised?

Where councils have resolved to enter into an election arrangement with the NSWEC, the contract with the NSWEC must be finalised no later than 15 months before the next ordinary elections (ie **13 June 2023**).

Can election arrangements with the NSWEC be terminated?

Yes, but only after the council's ordinary election. An election arrangement for the NSWEC to administer all elections, polls and referenda of a council can be terminated by the council or the NSWEC at any time after the ordinary election by giving written notice of termination and in accordance with any notification requirements set out in the contract.

If the election arrangement is not terminated by either party, the arrangement is automatically terminated 18 months before the following ordinary election when the council will be required to determine who will conduct its next ordinary election.

If a council does not engage the NSWEC to administer its ordinary election, can it engage the NSWEC to administer a particular by-election, poll or referendum after the ordinary election?

Yes. Where a council does not enter into an election arrangement with the NSWEC to administer its ordinary election, the council may resolve to enter into an election arrangement with the NSWEC to administer a particular by-election, poll or referendum following the ordinary election.

If councils resolve to engage the NSWEC to administer a particular by-election, poll or referendum after the ordinary election, they should use the model resolutions provided below.

If a council wishes to engage the NSWEC to administer a particular by-election or countback election, what form should its resolution take?

Councils wishing to engage the NSWEC to administer a particular by-election or countback election after the ordinary election should use the following model resolution:

The [insert full description of council] ("the Council") resolves pursuant to ss. 296(2) and (4) of the Local Government Act 1993 (NSW) that:

1. *an election arrangement is to be entered into for the Electoral Commissioner to administer [insert description of the particular election but do not do so by date in case the election date is changed or postponed]; and*
2. *such election arrangement is to be entered into by contract between the Electoral Commissioner and the Council.*

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

Note: Please refer below for additional information concerning limitations with respect to countback elections.

If a council wishes to engage the NSWEC to administer a particular poll, what form should its resolution take?

Councils wishing to engage the NSWEC to administer a particular poll after the ordinary election should use the following model resolution:

The [insert full description of council] ("the Council") resolves pursuant to ss. 296(2) and (4) of the Local Government Act 1993 (NSW), as applied and modified by s.18, that:

- 1. a council poll arrangement be entered into for the Electoral Commissioner to administer [insert description of the council poll but do not do so by date in case the poll date is changed or postponed]; and*
- 2. such council poll arrangement be entered into by contract between the Electoral Commissioner and the Council.*

If a council wishes to engage the NSWEC to administer a particular referendum, what form should its resolution take?

Councils wishing to engage the NSWEC to administer a particular referendum after the ordinary election should use the following model resolution:

The [insert full description of council] ("the Council") resolves pursuant to ss. 296(2) and (4) of the Local Government Act 1993 (NSW), as applied and modified by s.18, that:

- 1. a constitutional referendum arrangement be entered into for the Electoral Commissioner to administer [insert description of the constitutional referendum but do not do so by date in case the referendum date is changed or postponed]; and*
- 2. such constitutional referendum arrangement be entered into by contract between the Electoral Commissioner and the Council.*

If a council does not engage the NSWEC to administer its ordinary election, can it engage the NSWEC to administer a countback election following the ordinary election?

No. Under section 291A(b) of the Act, if the council's ordinary election was administered by an electoral services provider other than the NSWEC, a countback election to fill a casual vacancy must be conducted by a returning officer appointed by that electoral services provider.

Part 3 Election arrangements with other electoral services providers

What information must be included in a resolution to engage an electoral services provider other than the NSWEC?

Under section 296AA, where a council resolves that its elections are to be administered by an electoral services provider other than the NSWEC, the resolution must also state whether the general manager has identified an electoral services provider to be engaged for the next ordinary election and, if so, the name of that provider.

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

As soon as practicable after the resolution is made, the general manager must publish a copy of the resolution on the council's website.

What should councils consider before making a decision to engage an electoral services provider other than the NSWEC?

In considering the use of other electoral services providers, it is important to clarify that they can deliver the elections for the council.

Councils need to be satisfied that if the provider claims to be able to obtain all the electoral material, or hire the necessary venues, or arrange the printing of the ballot papers, or conduct the count, that they can demonstrate their successful completion of these tasks in similar circumstances.

A key consideration will be whether the provider is able to administer the complex counts required under the weighted inclusive Gregory method of preference allocation prescribed under the *Local Government (General) Regulation 2021* (the Regulation) for council elections using the proportional system.

It is also a requirement that the method proposed to be used by the provider to conduct the count of the ballot papers (whether through the use of data entry or scanning equipment) can comply with the formality, scrutiny and record keeping provisions contained in the Act and Regulation.

If councils decide to use a commercial electoral services provider, is it necessary to go to tender?

Section 55 of the Act exempts councils from tendering when entering into a contract or arrangement for the NSWEC to administer the council's elections, referendums and polls. This exemption does not apply to contracts or arrangements with any other service provider.

As the amount involved in conducting council elections can be significant it is important to ensure that any commercial organisation is providing value for money. It is also important to ensure that as public funds are being expended, principles of openness, transparency and accountability are not compromised.

Unless the cost of administering the elections is under \$250,000 or any of the other exemptions provided for in section 55 apply, councils will be required to go to tender or to conduct a selective tender when engaging a commercial electoral services provider.

What should councils consider when entering into a contract with a commercial electoral services provider?

In negotiating arrangements for the administration of their elections with commercial electoral services providers, councils need to ensure that:

- there will be an appropriate number of pre-poll and polling places
- there will be adequate staffing levels
- the provider uses counting software that can undertake counts using the weighted inclusive Gregory method
- the potential need for the provider to administer countback elections in the 18 months following the ordinary election.

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

What is the appropriate number of polling places?

The appropriate number of polling places for any one council will depend on its individual characteristics and factors such as the number of electors, the geographic area it covers, available transport options and suitable venues.

While the cost of hiring venues will be a consideration, councils should also consider the following when negotiating the number and type of venues to be used with the electoral service provider:

- How many voters are there in total in the area, and how many voters can each particular venue comfortably handle?
- What venues have been used in the past by either the Australian Electoral Commission for federal elections or the NSWEC for either state or local government elections? What was the previous attendance pattern at these venues?
- Is the venue conveniently located, particularly in light of transport options?
- Is it suitable for the purpose of conducting an election? For example, is there sufficient space for the various tables, voting screens, ballot boxes, throughput of voters? Is there appropriate furniture for electoral officials? For example, if small tables and chairs are used in a primary school these are not appropriate for adults involved in election-related activities.
- Is it easily accessible for all voters and in particular those with a disability, mobility issues, the elderly or frail, parents with prams?
- Are there venues located close to ward boundaries that can issue ballot papers for both the ward in which they are located as well as votes for adjoining ward/s? Or in the case of an undivided council, venues located close to the boundary of another council or councils?
- Is appropriate public liability insurance in place?

It is likely that the more electors a council has, the more polling places it will need.

What are the appropriate staffing levels for a council election?

Determining the appropriate number of staff required for any particular council area depends on the estimated number of votes likely to be cast and the volume for each particular voting option (pre-poll, declared institution, postal and election day) as this will have an impact on the categories of staff recruited. For example, if it is anticipated that there will be a high demand for pre-poll voting it may be necessary to have more office assistants available in the returning officer's office than in an area where it is likely that more votes will be taken on election day at polling places.

Under the legislation, all polling places must have a minimum of two staff, one of whom is the polling place manager.

The NSWEC's polling place staffing formula is based on 450 votes per issuing table (at one election official per table) and the overall projected number of votes for the polling place determines the number of issuing tables. The number of issuing tables determines whether a particular polling place requires a deputy polling place manager, a ballot box guard and/or an enquiry officer.

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

Is it possible to conduct the count and distribution of preferences manually?

No. The weighted inclusive Gregory method used for allocating preferences at elections using the proportional system, uses a fractional transfer system. All ballot papers of the elected candidate are used to distribute the surplus (instead of a sample). The ballot papers are distributed at a reduced rate with each transfer of votes by applying a transfer value, making manual counts impossible.

Councils should ensure that any commercial electoral services provider they engage to conduct their elections is able to undertake a count utilising counting software that allocates preferences using the weighted inclusive Gregory method.

What arrangements should be made for countback elections?

Councils have the option of filling vacancies that occur in the 18 months following the September 2024 council elections using a countback of the votes cast at the ordinary election instead of a by-election. Countback elections are not available for elections using the optional preferential voting system (including elections for popularly elected mayors).

In order to fill vacancies using a countback election, councils must resolve at their first meeting following the ordinary election that any casual vacancy is to be filled by a countback election.

If councils are proposing to fill vacancies using a countback election, they should factor this into their contractual arrangements with commercial electoral services providers. Among other things, the contractual arrangements should ensure the following:

- the retention of all electoral material, information and data for the 18 month period following the ordinary election during which countback elections may be used
- the safe storage and security of electoral material, information and data (including from cyber-attack)
- the council has ongoing access to the electoral material, information and data from the ordinary election.

What other considerations should councils factor into their contractual arrangements with commercial electoral services providers?

Councils should ensure:

- that the commercial electoral services provider has a formal policy that ensures that scrutineers are given as much opportunity as possible to be involved in the counting process by allowing the examination and comparison of ballot papers, the data entry of votes recorded on ballot papers (whether by manual data entry or digital scanning) and electronic or data entry records
- that the commercial electoral services provider has an audit system in place for checking ballot papers against the information entered into the electronic counting system used by the provider and that scrutineers are permitted to observe the audit process and its results
- that the commercial electoral services provider will make full preference data available for publication

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

- that the source code of counting software used by the commercial electoral services provider has been independently audited by an accredited source code auditor.

What services will the NSWEC provide to councils that engage an electoral services provider to administer their elections?

The NSWEC provides enrolment services to electoral services providers such as the provision of authorised rolls, candidates' rolls, an online look-up facility for non-residential electors, a list of general postal voters and enrolment declaration envelopes. These products and services will be provided at cost to the relevant councils.

What information are councils required to provide to the NSWEC where they engage another electoral services provider to administer their elections?

Councils that have engaged a provider other than the NSWEC to administer their elections are required to provide certain information to the NSWEC to support it in the exercise of its statutory functions in connection with the administration of candidate registration and other electoral funding and disclosure requirements and the enforcement of the failure to vote provisions of the Act and Regulation.

How should election costs be managed?

General managers should prepare a budget for all facets of council elections, and record and monitor expenditure to ensure a shortfall does not occur. Activity based costing will need to be applied to ensure that all costs and expenses are identified.

Areas to be covered include:

- wages of all electoral officials and any council staff engaged in election-related work
- recruitment and training
- advertising including the placement of statutory advertisements
- candidate and elector information
- hire of venues, furniture and equipment
- production of all election-related material, including forms, envelopes and cardboard material
- printing of ballot papers including in Braille, if requested
- transportation of election-related materials
- IT software and hardware
- administration expenses such as telephone, postage, courier services, photocopiers and printers
- insurance

A number of key variables will not be known until the close of nominations, namely whether an election will be uncontested, whether there will need to be a by-election due to insufficient nominations, whether candidates will form groups and request group voting squares, and whether as a result, ballot papers will need to be printed to allow 'above the line' and 'below the line' voting.

These factors will have an impact on costs. However given the lead time required to ensure voting can go ahead at the prescribed times, provision for all likely costs has to be made.

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

What are the reporting requirements on election costs?

Within six months of the election, the general manager must prepare a report for the Minister for Local Government on the conduct of each election. Full and transparent costings for each election must be disclosed in this report.

The following list is not exhaustive but contains a number of items that should be reported on:

- time spent on the election by the general manager as a proportion of the general manager's remuneration,
- time spent on the election by council staff as a proportion of council staff remuneration,
- the remuneration of council staff employed specifically for the purpose of the election,
- the remuneration, recruitment and training costs of election officials,
- the cost of running any candidate information seminars,
- the cost of hiring venues and equipment for the election, including council venues and equipment and any associated costs,
- the cost of any technological support, including the development of any counting software,
- the cost of preparing the written report on the election required under the Regulation,
- any electoral services provided to electors,
- any electoral services provided to candidates,
- operational details of the election,
- an overall evaluation of the conduct of the election, including feedback from stakeholders,
- the number of electors entitled to vote at the election and the number of electors who voted, specifying the number of electors who voted personally or by post,
- the cost to the council of engaging the electoral services provider to administer the election.

What is meant by 'full and transparent costings'?

It needs to be acknowledged that although council staff may be used to undertake administrative tasks related to the conduct of elections, this comes at a cost. Notably any time spent on election-related work is time not spent on other council duties. Similarly use of council office space or office equipment or resources for election-related work is at the expense of other day to day council activities.

The identification of activity-based costs and expenses allows a comparison with the fees charged by the NSWEC, to see whether one option is better value than the other for ratepayers.

Even in the case of an uncontested election or where there are insufficient nominations to enable the election to proceed on election day, there will be costs associated with having reached that stage, which also need to be reported.

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

CLAUSE	CL03
TITLE	PCYC Proposal to Erect and Fitout an Integrated Gymnastics and Covered Outdoor Multi-Sports Competition Facility - Olympic Street, Griffith
FROM	Brett Stonestreet, General Manager
TRIM REF	23/6508

SUMMARY

The PCYC NSW has put a proposal to Council seeking support to erect and fit out an Integrated Gymnastics and Covered Outdoor Multi-Sports Competition Facility in Olympic Street, Griffith. (Refer Attachment A). The proposed works will be located adjacent to the existing PCYC building. This report recommends Council support a lease of the subject land to the PCYC for the purposes of the development.

RECOMMENDATION

- (a) Council endorse in principle the lease of (Part Lot 1 DP1272062. Crown Reserve 85064, 3 Olympic Street, Griffith) to PCYC NSW for a period of 20 years.**
- (b) The annual lease fee be in accordance with Council's adopted Revenue Policy (Schedule of Fees and Charges) as at the date of execution of the Lease. 2022/23 annual lease fee to Not for Profit Organisations is \$607.**
- (c) PCYC pay all applicable costs and charges associated with the preparation of the lease agreement (this would include the survey plan preparation for leasing and registration fees if required). Also, an Administration Fee of \$481 (page 13 Revenue Policy) will be applicable.**
- (d) Council communicate the above terms to PCYC NSW and subject to their agreement, Council advertise the proposed lease for a period of 28 days seeking public submissions.**
- (e) All public submissions be reported to Council for consideration. Should no submissions be received, Council authorise the General Manager and the Mayor to sign the lease under Council seal.**
- (f) Council progress the subdivision of the subject land and authorise the General Manager and Mayor the authority to sign documents under Council seal as required. All costs in relation to the subdivision to be paid by the PCYC NSW.**

REPORT

During June 2018 the NSW Government announced a grant of \$3.0M to upgrade facilities at the PCYC in Griffith. Refer web link below.

[Massive boost: Griffith PCYC to get complete makeover | The Area News | Griffith, NSW](#)

A proposal has been received (November 2022) from NSW PCYC to develop land adjacent to the existing PCYC building.

Sites Details: Part Lot 1 DP1272062. Crown Reserve, 3 Olympic Street, Griffith. Griffith City Council is Trustee. The Land is classified as Community Land under the Local Government Act 1993.

Plan of Management

A Plan of Management (PoM) has not yet been undertaken for this reserve (Reserve 85064 - reserve purpose Public Recreation & Community Purposes). The PoM would authorise a lease/licence over the land. Despite the fact that a PoM has not yet been undertaken, Council can still enter into a lease agreement with a Not-for-Profit organisation or a community group up to 21 years with the Minister's consent. The Minister has delegated the authority to grant consent to such licence/leases to local crown land office or Area Manager. The PCYC is a registered charity and as such a licence or lease up to 21 years is permissible.

Native Title

Native Title implications need to be considered in dealing with this proposal from PCYC. A Native Title assessment will need to be undertaken by Council's Native Title Officer. The proposed works can be validated under Subdivision J of the Native Title Act 1993 as the reserve was gazetted in 1964 (i.e. prior to the Native Title Act 1993) and Griffith City Council was appointed trustee on the same date for the purpose of Public Recreation. The project works are designated as 'public work' (i.e. a building, or other structure that is a fixture). In order to extinguish Native Title on the site, Native Title procedural rights under Subdivision J require the proposed works to be notified to the NSW Aboriginal Land Council (NSWALC) to allow opportunity for comment. NSWALC will then notify the Griffith Local Aboriginal Land Council (GLALC) for comment.

Councillor Workshop Tuesday 17 January 2023

Management representatives from PCYC addressed councillors regarding their proposal at a workshop Tuesday 17 January 2023. (Refer Attachment B). PCYC propose to lease/use an area of approximately 1,200m sq with tenure options greater than 20 years.

PCYC advises that the concept design will structurally integrate a 400 sqm gymnastics centre with a covered outdoor multi-purpose competition sports facility. The proposed facilities fit within a proposed area that will not impede on the adjacent skate park. The site will be open and unfenced with public access to the court outside of PCYC program and activity operations. The gymnastics centre will operate according to PCYC programming requirements usually 6 days per week – Weekdays 4pm to 7pm and Saturdays – 8am to 12 pm. During the workshop with councillors as referred to above, PCYC representatives advised that access to the gymnastics facilities will be subject to PCYC adopted fees but no youth will be denied access to these facilities on the basis of inability to pay these fees.

PCYC indicated that the scope of works i.e. refurbishment of the interior of the existing facility and the new works on the vacant land i.e. gymnastics centre and outdoor basketball court may be subject to financial budget constraints. Council's General Manager requested a specific commitment that if Council were to endorse a lease of the vacant land to PCYC, that the scope of works for the gymnastics centre and basketball court would not be compromised. PCYC made a specific commitment in that regard.

The General Manager advised that Council's budget is under constant pressure and in that context enquired with PCYC as to what expectation PCYC had in terms of payment of annual lease fees? The response was that "peppercorn lease" only was their expectation given the benefits this project will bring to the community.

PCYC advised the following indicative time line for the project:

- Submission of Development Application to Council May 2023.
- Construction period of 12 weeks.
- Completion of construction December 2023.

Griffith City Council Proposed Approval Timing:

- Approval in principle by Council to lease. 14 February 2023.
- Agreement by PCYC to Terms say 28 February 2023.
- Advertise inviting public submissions. Friday 3 March 2023.
- Public submissions close Friday 31 March 2023.
- Submissions considered by Council 9 May 2023. Lease endorsed.
- Preparation of lease document 31 May 2023
- DA lodged with Council by PCYC 31 May 2023
- Execution of lease document 30 June 2023.
- DA approval 31 July 2023. (This time line is subject to comprehensive documentation being submitted in a timely fashion by the applicant.)

OPTIONS

OPTION 1

As per the Recommendation.

OPTION 2

- (a) Council endorse in principle the lease of (property description) to PCYC NSW for a period of 20 years.
- (b) That Council waive the annual lease fee as published in Council's adopted Revenue Policy (Schedule of Fees and Charges) as at the date of execution of the Lease. 2022/23 annual lease fee to Not for Profit Organisations is \$607.
- (c) Council communicate the above terms to PCYC NSW and subject to their agreement, Council advertise the proposed lease for a period of 28 days seeking public submissions.
- (d) All public submissions be reported to Council for consideration. Should no submissions be received, Council authorise the General Manager and the Mayor to sign the lease under Council seal.
- (e) Council progress the subdivision of the subject land and authorise the General Manager and Mayor the authority to sign documents under Council seal as required. All costs in relation to the subdivision to be paid by the PCYC NSW.

This Option is not recommended as it is contrary to Council's Adopted Revenue Policy and will establish a precedent in relation to other existing leaseholders or future leaseholders.

OPTION 3

That Council decline the proposal as submitted by PCYC (NSW).

POLICY IMPLICATIONS

Plan of Management - Olympic Street.

FINANCIAL IMPLICATIONS

Recommended Lease Fee applicable as at the date of execution of the Lease Agreement in accordance with Council's adopted Revenue Policy (currently \$607 pa in 2022/23). This fee is already set at a concessional level and is applicable to all for Not for Profit community organisations.

Costs in relation to the preparation of the lease document and subdivision to be the responsibility of PCYC.

LEGAL/STATUTORY IMPLICATIONS

Local Government Act 1993 provisions relating to the use of community land, particularly Sections 46 and 47.

ENVIRONMENTAL IMPLICATIONS

Not Applicable

COMMUNITY IMPLICATIONS

There will be considerable community benefit to the community as a consequence of this development with the refurbishment of the interior of the existing PCYC building, the construction of a new gymnastics centre and outdoor basketball court.

LINK TO STRATEGIC PLAN

This item links to Council's Strategic Plan item 2.1 Develop and maintain partnerships with community, government and non-government agencies to benefit our community.

CONSULTATION

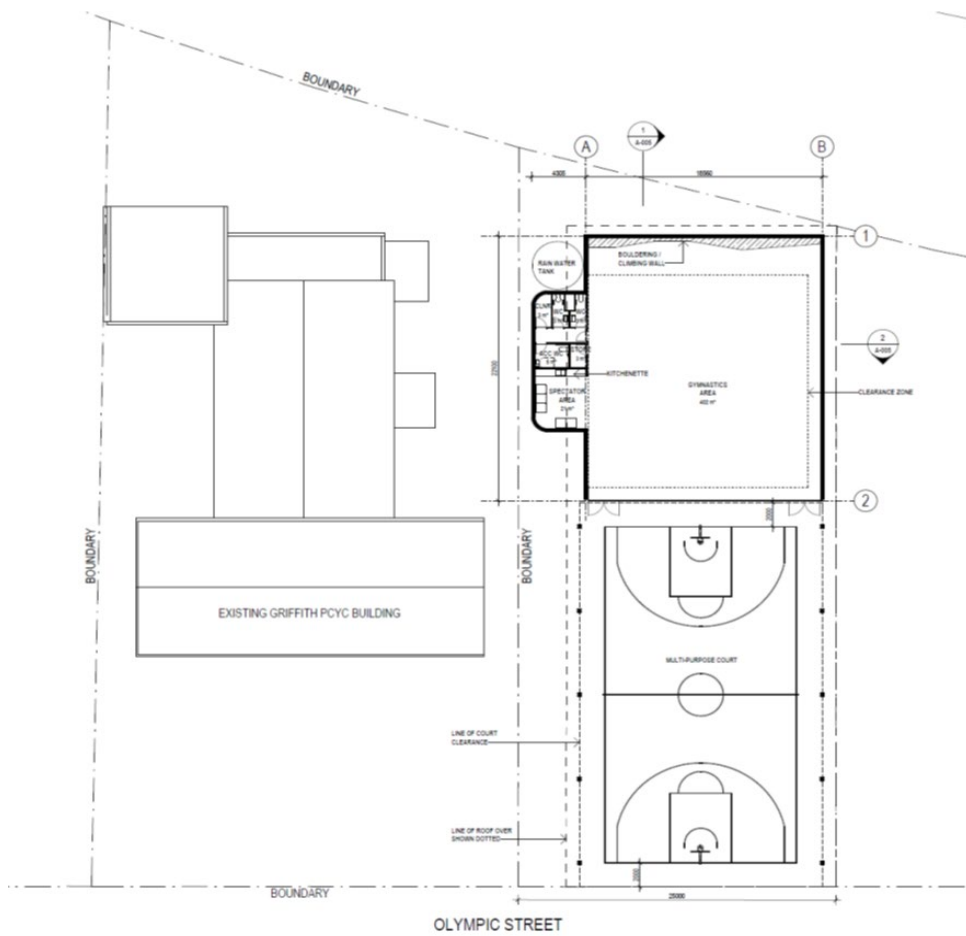
Senior Management Team
PCYC

ATTACHMENTS

- | | | |
|-----|--|----|
| (a) | PCYC Proposal - Olympic Street, Griffith ↓ | 57 |
| (b) | PCYC - Presentation to Councillor Workshop 17 January 2023 ↓ | 66 |



PCYC NSW Proposal to Erect and Fitout an integrated Gymnastics and Covered Outdoor multi-sports competition facility



Proposed Site: Land adjacent to existing PCYC facility currently occupied by Griffith City Council as a Crown Land Manager. PCYC propose an area of approximately 1200 sqm which will not impede adjacent recreation infrastructure including the skate park.

Proposed Facilities

The concept design will structurally integrate a 400 sqm gymnastics centre with a covered outdoor multi-purpose competition sports facility. Spatial planning has determined that the proposed facilities fit within a proposed area that will not impede on the adjacent skate park. The site will be open and unfenced with public access to the court outside of PCYC program and activity operations. The Gymnastics centre will operate according to PCYC programming requirements usually 6 days per week – Weekdays 4pm to 7pm and Saturdays – 8am to 12 pm.

Funding

PCYC propose to fund the development from its capital grant. Remaining funds will be used to refurbish the existing facilities internally and externally. The refurbishment scope of works will satisfy the provisions of exempt development under the NSW Planning requirements.

Land Occupancy Options

PCYC has identified three land occupancy options for GCC consideration:

1. As crown land manager, GCC may decide to lease or licence the land to PCYC for a long-term tenure via a surveyed parcel of land, or,
2. GCC may decide to enter into a co-crown land management arrangement with PCYC for a long-term tenure which can be achieved via an identified and surveyed parcel of land or,
3. GCC may decide to transfer crown land management to PCYC noting PCYC has numerous crown land tenure across NSW. This facility can be achieved by way of letters to the Crown for
 - a. PCYC proposing to take up CLM for the land via a subdivision, and
 - b. GCC proposing to relinquish CLM of the subdivided area.

Facilities Delivery Capability

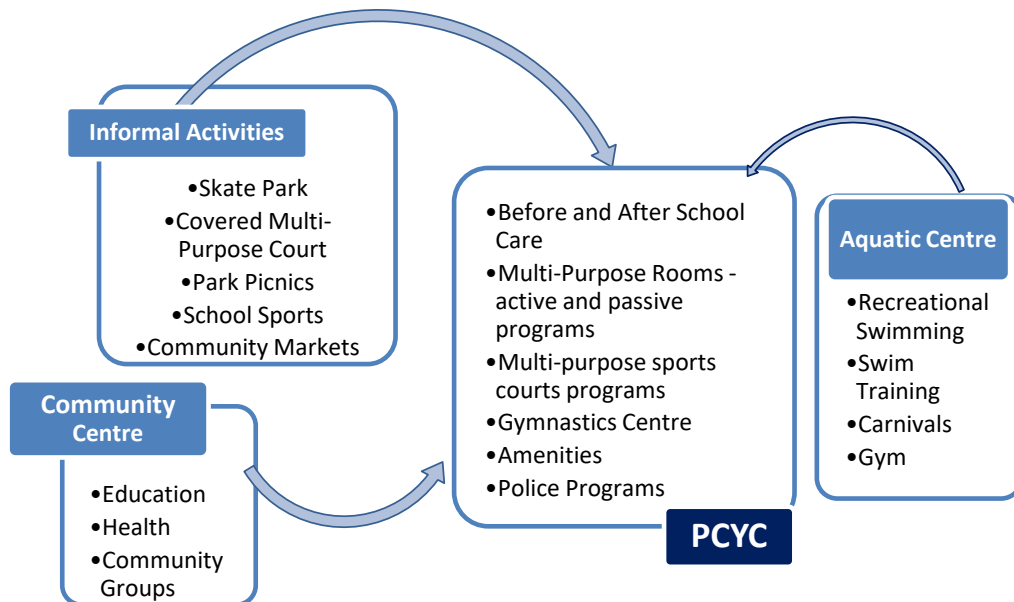
PCYC has a proven delivery capability led by a dedicated General Manager of Strategic Development, contract managers and contract administrators along with a team of project managers located across NSW. PCYC recently delivered 2 outdoor courts in Albury, adjacent to the PCYC Club, delivered the new \$23m PCYC Wagga Wagga and numerous other facilities in major and minor works contexts.

Community Benefits of Proposal

Currently, the site is in a state of poor presentation and repair as well as being fenced, preventing community access.

The proposed facilities will increase participation and inclusion with improved access to compliment the intent of the newly determined “youth precinct” on Olympic Street. This new functionality will compliment the new swimming pool and community centre development housed within Olympic St. providing more and improved functionality for young people to enjoy new and various activities.

Programming of access and activities will be key to maximising participation between the Pool, PCYC, the integrated Gymnastics Centre and covered multi-purpose court and the community centre. The precinct will enjoy passive and social activities with the skate park, undercover sports courts and the green space in general. Increased awareness of the community centre can be achieved through increasing the activation of the precinct.



Griffith Youth Precinct Functional Zone Integration Mapping

The multi-purpose courts will cater for both formal and informal activation – whether its PCYC organised programs or allowing the community measurable access to play on the courts. The courts will be multi-purpose and marked for the conduct of basketball, netball, futsal, badminton and pickleball to cater for a wide cross section of interests. Additional activity functional may be included subject to final costings. Short forms of sports will also be activated such as 3 on 3 basketball, fast 5 netball and reduce team futsal which PCYC has implemented successfully across other sites to keep young people and the community active. Equipment will be made available from PCYC for people to “play” at the court.

It is envisaged the visitation to the youth precinct will increase significantly providing a safe space for young people to gather in healthy pursuits, allowing better supervision and positive interaction with PCYC and Police. PCYC led activations have proven to reduce youth crime and unacceptable behaviour providing a benefit to the community and enhancing GCC's public safety objectives.

The courts surfacing will be outdoor grade flexi – pave over an engineered concrete slab with good falls for rainwater to run off effectively. Lighting will be provided with solar and timers for provide a safe and comfortable place. Supervision will be provided during the hours programmed activities.



Contextual Image – integrating community outdoor active zones

PCYC programmed activities will provide structured team competitions for all ages. Revenues from these activities will go to maintaining the assets to the standards required.

Gymnastics Centre

Gymnastics was one of the first activities conducted in our first club PCYC Woolloomooloo in 1937. Since then, PCYC NSW has grown to be Australia's largest gymnastics provider because we focus on participation not specifically on elite programs. PCYC empowers young people by recruiting coaches from within creating a strong connection to PCYC, the community and a responsibility to give back.



A typical PCYC Gymnastics fitout

The benefits of participating in gymnastics as a child are well documented, and positively contribute to the physical and social wellbeing of young people in our community. The purpose-built gymnastics space at the PCYC, the club will be able to offer a wider range of gymnastics and dance programs, getting the whole community active. From toddlers in our Kindergym programs, to teenagers in our Parkour programs and even seniors in our Fitter for Life classes, all segments of the community will be healthy and active through the PCYC Gymnastics programs in Griffith. The wider range of gymnastics programs would also provide increased opportunities for young people to be trained as sports coaches gaining vital work experience and local employment opportunities.

The PCYC Gymnastics centre will be a purpose-built training facility with state-of-the-art equipment and training aides. The facility would include 400 sqm of active participation space to engage a broader segment of the 0-18yrs population within the local community, in fundamental gymnastics and movement programs.

The proposed facility would allow for the expansion of the clubs existing gymnastics program, as well as implement a suite of new and innovative programs to broaden the segment of the young people who are engaged in physical activity in the local community.



The new programs will include:

Program	Age Demographic Supported
Team Gym	8-16yrs Girls & Boys
Cheerleading	8-16yrs Girls
Power Tumbling	5-16yrs Girls and Boys
Kindergym	0-5yrs Girls and Boys
Parkour	5-16yrs Boys
Sports Acrobatics	5-12yrs girls and boys

PCYC has previously delivered a number of smaller off-site programs within the region, with mixed success. The programs have struggled to maintain sustainability due to the lack of capacity of the existing space to cater for a broader range of pathway programs and a greater number of young people training at the same time. With this new facility PCYC would be able to accommodate a larger range of programs and retain a greater number of local gymnasts in ongoing positive sports programs.

PCYC will engage with a many more schools throughout the region to be active in gymnastics, and work collaboratively with childcare centre and preschools to develop Physical Literacy within the next generation of young people within our community.

The gymnastics centre will allow program expansion to service an estimated 800-1000 visitations per week, with in excess of 500 regular gymnastics booking on a weekly basis.

This growth in participation will not have a detrimental impact of other providers, as there are no other gymnastics providers in Griffith, and will improve the health and wellbeing outcomes for young people across the region.

The program expansion will also result in the need for additional coaching staff, providing opportunities for PCYC to assist you people to become qualified sports coaches, and gain employment in the local community.

The facility design will allow for opportunities to host local and regional gymnastics competitions and events, which will generate additional economic benefits to the community though out of area visitation and tourism.

All fitout will be of a very high standard using internationally recognised equipment.

Proposal Summary

The proposed facilities will be developed from PCYC Funds at no cost to council to provide new and improved facilities for PCYC Griffith and the youth and community of the Griffith LGA. This will be complimentary to the Youth Precinct functions in aquatics, the community centre and the skate park in Olympic Street (which is a short walk from the main street). This new infrastructure will be available for use by all of community providing a contemporary.

Fit for purpose facility on the site adjacent accessed by PCYC through an agreement with council.

The multi-purpose outdoor court will be the only outdoor covered public access courts in Griffith featuring the following (but not limited to) sports and functionality;

- Basketball
- Netball
- Mini Soccer
- Pickle ball
- Hand Ball
- Group Fitness and Boot Camp classes
- Boulder climbing

The covered multi-purpose space can be booked for formal activities by schools, sporting groups and private use purposes. When not booked the community will have free access to the facilities.

PCYC is the largest provider of gymnastics in Australia and the gymnastics centre will cater for organized gymnastics school and private classes and have competition capability for local and regional participation. This will be the only gymnastics facility in Griffith with multiple disciplines like trampolining, tumbling, beam and uneven bars will be available.

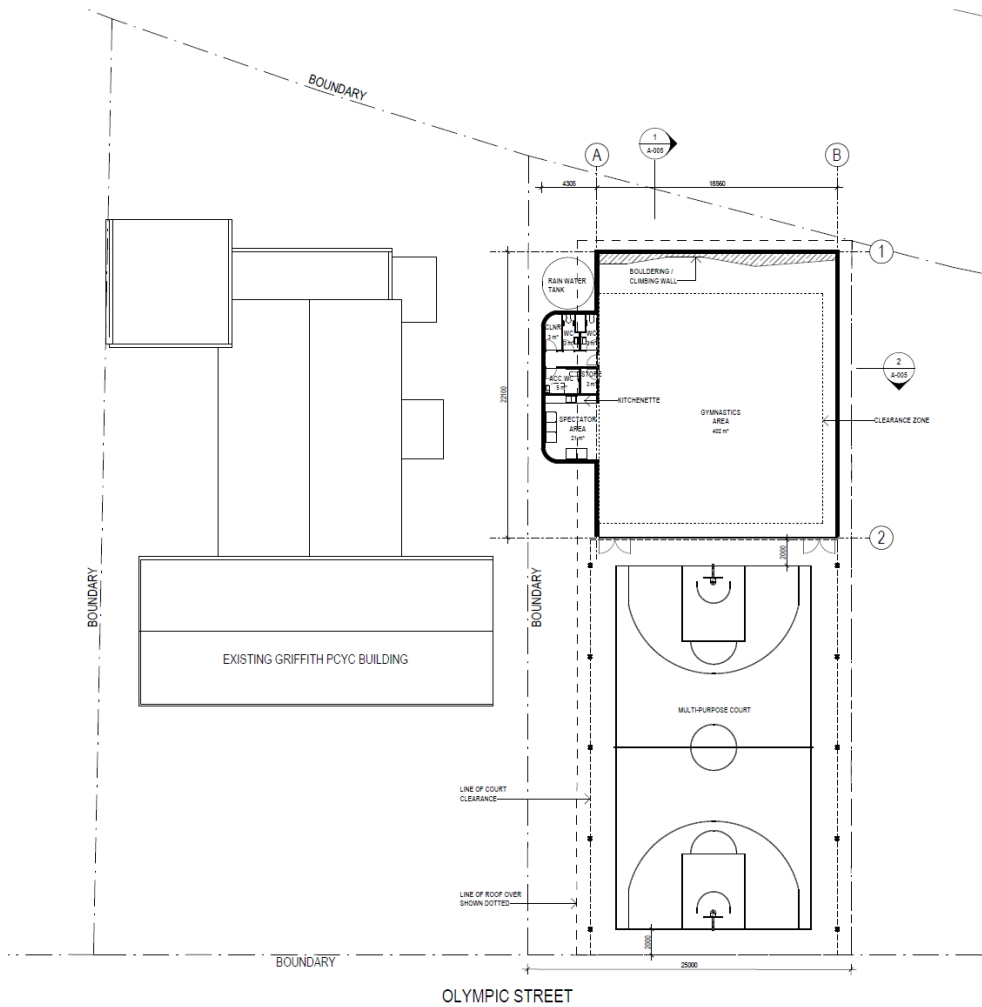
The refurbishment of the existing PCYC will include;

- Before and after school care
- Indoor multipurpose spaces for all members of the community for;
 - Training and learning
 - Active and passive activities like group fitness, yoga, school activities
 - Boxing for fitness
 - School holiday programs
- PCYC Mission programs for local disadvantaged community members – no person is denied access to PCYC facilities to join in on activities offered by PCYC.
- The PCYC Rise Up Strategy program designed for youth at risk, including <https://www.pycnsw.org.au/programs/rise-up>
- Safer driver courses
- Contemporising the external of the PCYC building to be in keeping with the new aquatic centre and community centre.

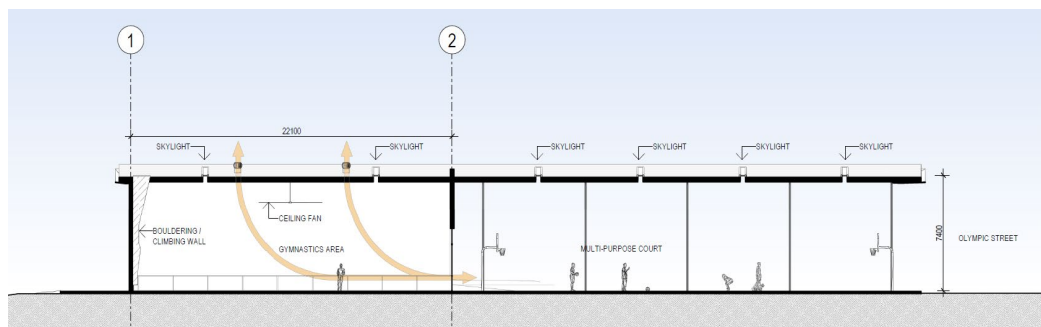
Access to the adjoining land can be achieved via a number of alternative long term tenure arrangements in accordance with Crown Land Management options. Without long term access to deliver the grant funding on the adjoining land, PCYC will investigate alternative locations before allocating those funds elsewhere in its network of clubs in NSW.

PCYC provides safer places for young people to reach their potential. This proposal not only meets a gap in the services offered to the community, it also enhances the GCC strategy to create safe, secure and usable spaces for young people and the community to get active in life.

The Concept Design - indicative Floor Plan



Side View



The built system is integrating the gymnastics centre with the covered sports court



Covered Sports Court

Note – the concepts are subject to planning consultation and costplanning.



PCYC | IS LIFE CHANGING

REGISTERED CHARITY
australian.gov.au/charityregister

GRIFFITH PCYC
Proposed
Development
17th January
2023

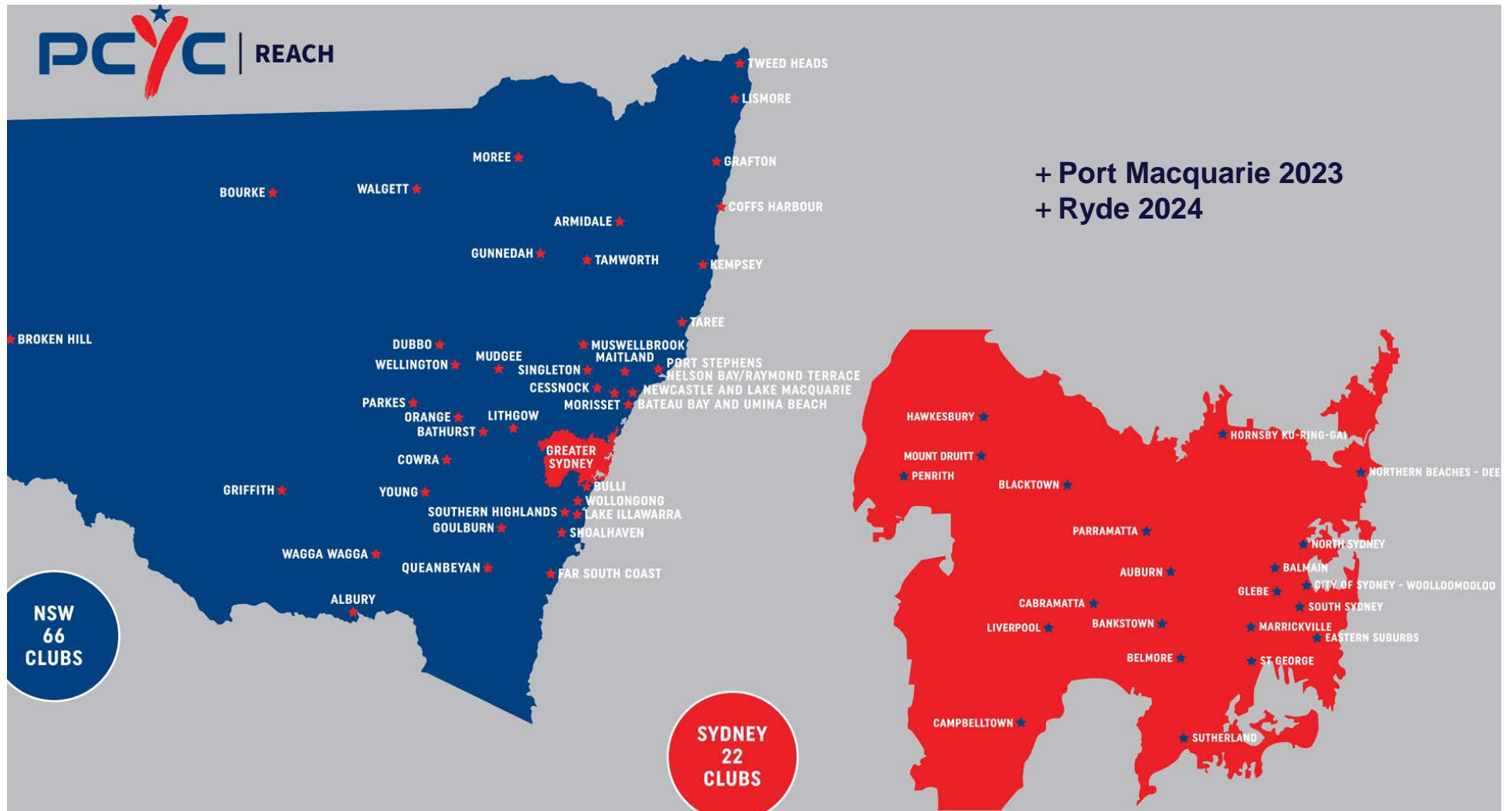
Vision

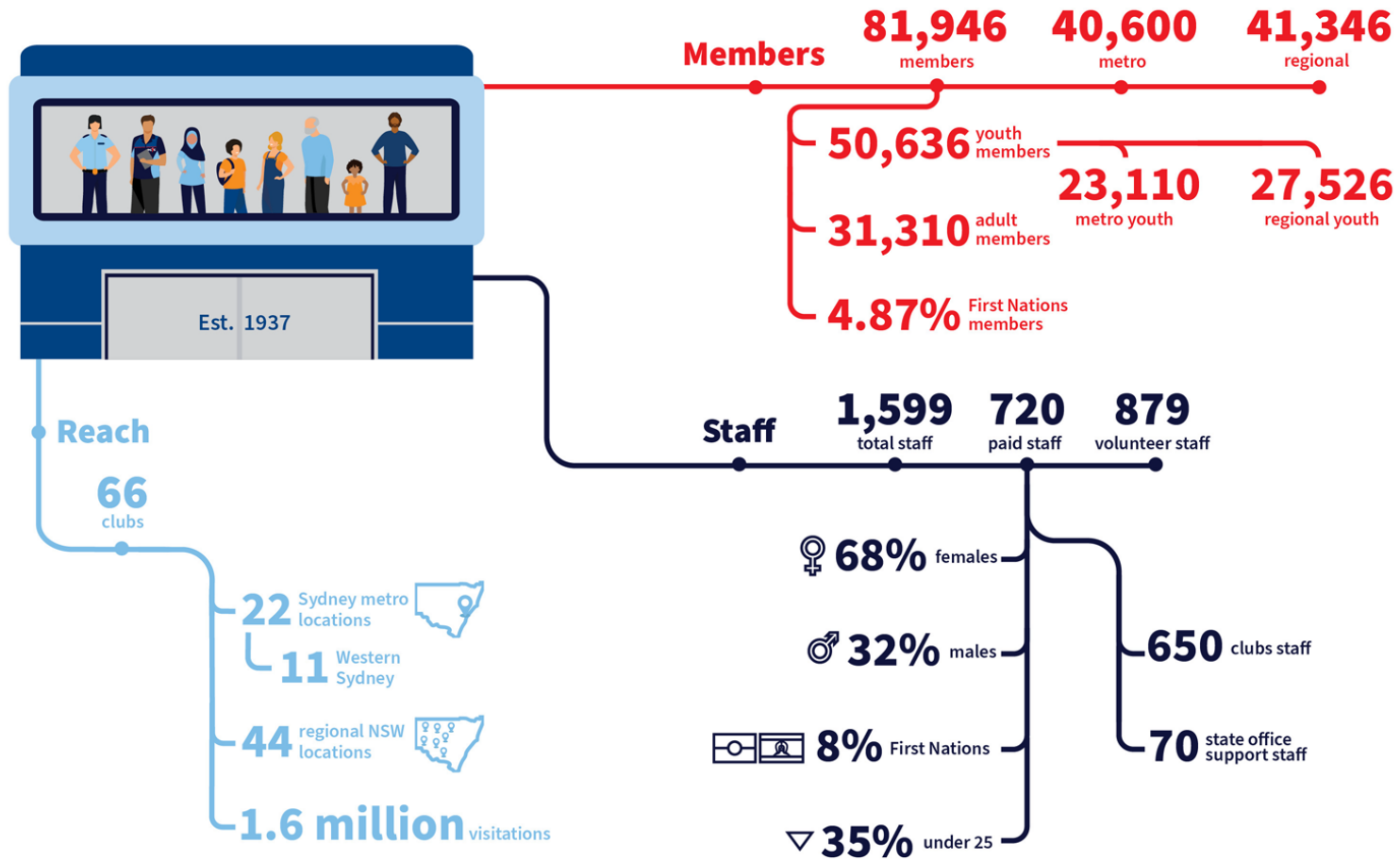
Australia's pre-eminent youth organisation working with Police and the community to empower young people to reach their potential.

Mission

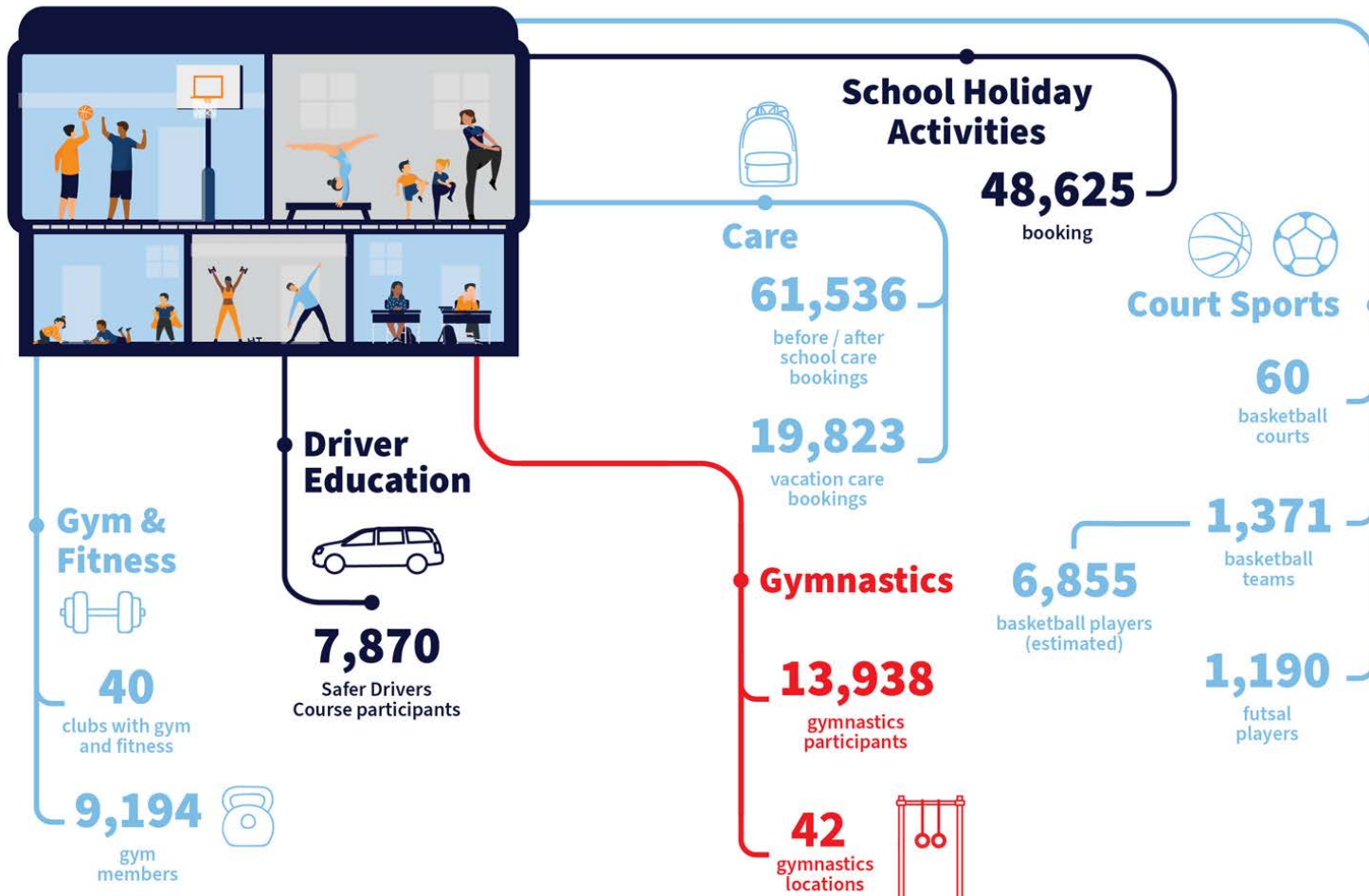
We get young people active in life.
We work with young people to develop their skills, character and leadership. We reduce and prevent crime by and against young people.

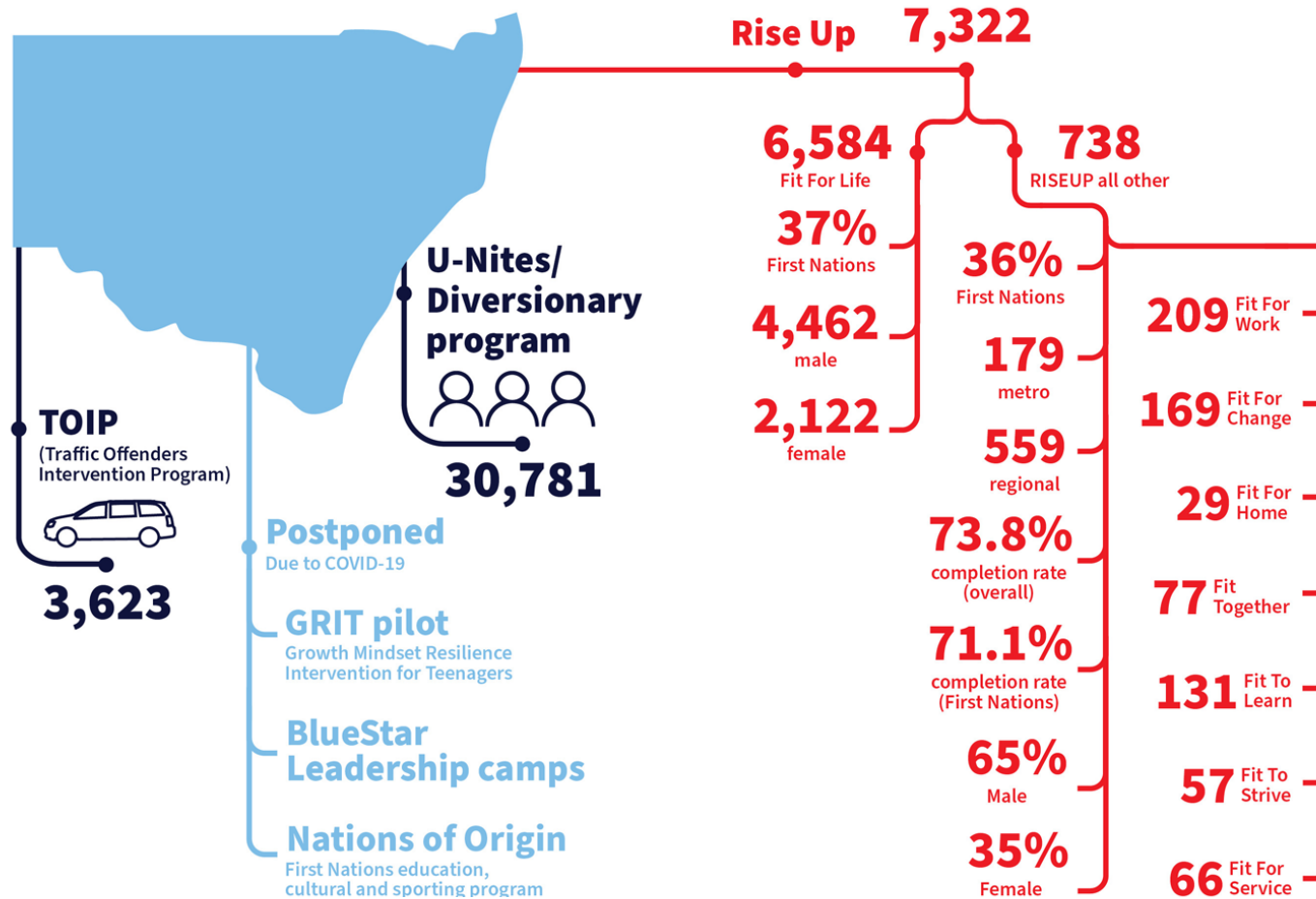






PCYC | ACTIVITIES (2021)





Unique benefits of partnering with PCYC



-  Facebook - 24,300+
-  Instagram - 3,400+
-  YouTube - 380+

PCYC NSW is the state's leading youth charity, working in partnership with community and Police to empower youth, get kids active in life, and reduce and prevent youth crime.

PCYC transforms young lives. PCYC is life changing.

Unique branding partnership. Enhance your brand's community reputation by partnering with the only charity supporting young people with the NSW Police.



PCYC Proposal – Use of adjacent land

OFFER

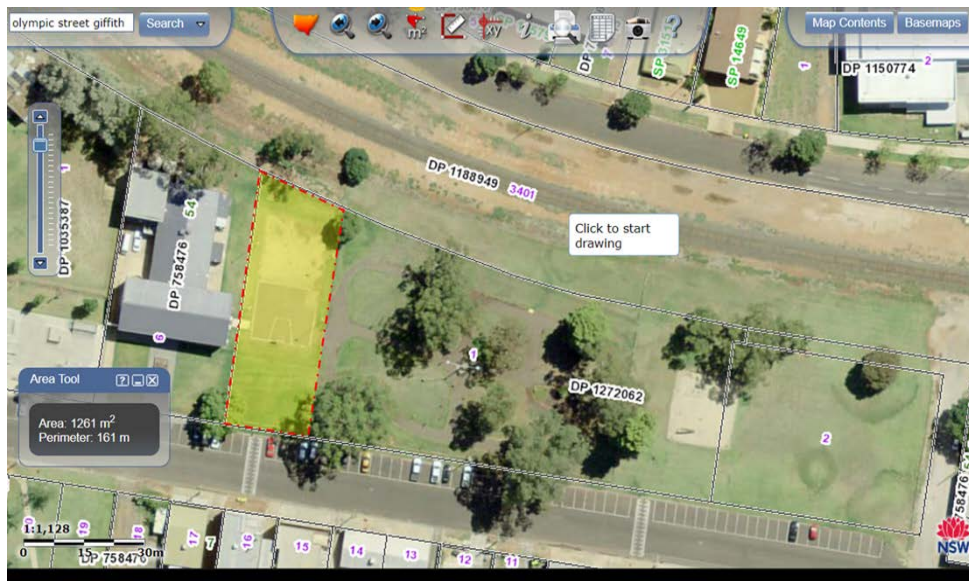
- To design and construct for purpose community infrastructure funded from a grant provided my Minister of Police.
- Gymnastics Centre – there are no gymnastics services in Griffith
- PCYC is the largest service provider of Gymnastics in NSW and Australia.
- Outdoor Covered multi –purpose sports court – accessible to public outside of PCYC program times
- Improved and increased functionality, service delivery and activities

Update on existing building refurbishment



Proposed Site

PCYC propose an area of approximately 1200 sqm which will not impede adjacent recreation infrastructure including the skate park.



PROPOSAL PARTICULARS - Substantial improvement on existing amenity

Funding – sourced from State Government Grant

Delivery – PCYC in house capability

Land Tenure Options – long term > 20 years

PCYC Crown Land Manager

PCYC and GCC Co- Crown Land Manager

PCYC licence or lease with GCC

Planning Approval – GCC

Compliant to Zoning

Time Schedule

DA Submission - May 2023

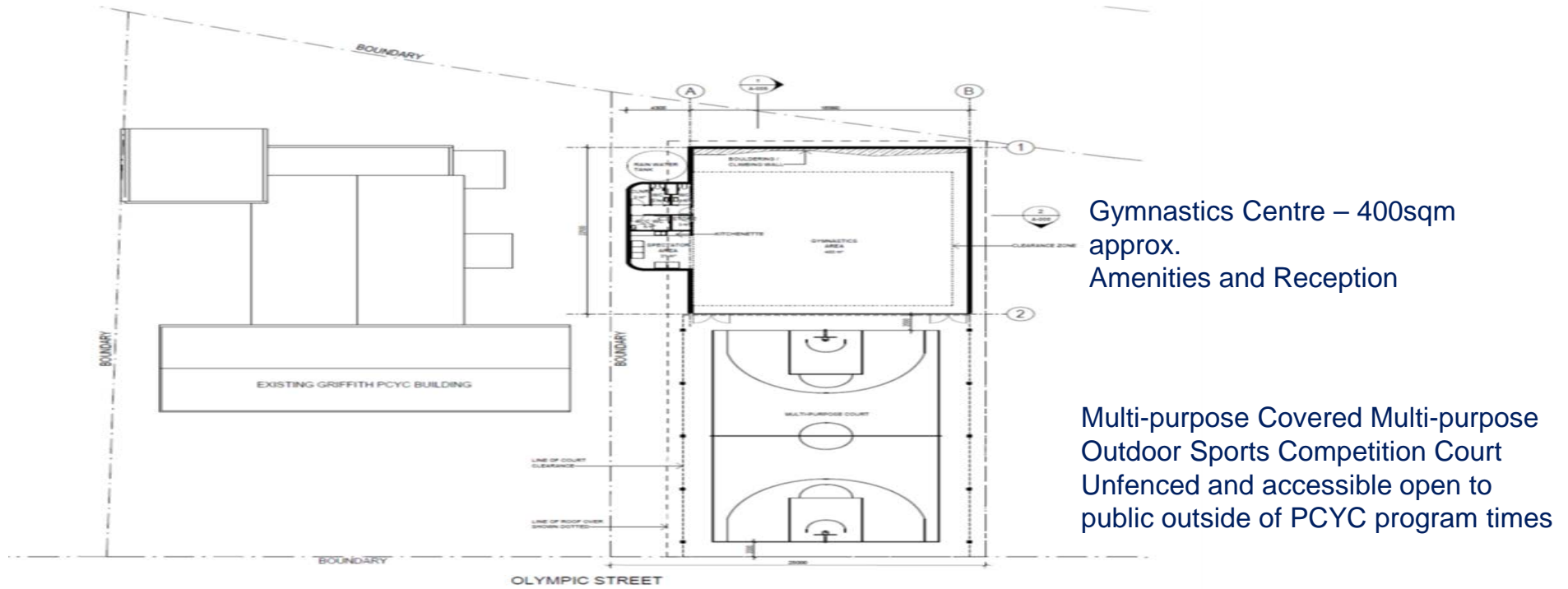
Construction - 12 weeks

Completion – December 2023

Risks - Cost of approved final scope and specifications



Proposed Concept



EXISTING BUILDING REFURBISHMENT

External

- painting, signage, front entry awning, replacement of fatigued elements – i.e. windows

Internal Functionality

- whole of community uses, general facility upgrade
- Youth Hub – public access, homework, games, friendship
- Multi-purpose spaces in hall (if Gymnastics Centre approved)
- Activity and Passive Activities –
- Out of Schools Hours Care
- Vacation Care
- Level 1 – health and wellbeing and fitness
- Multi – Use for variety of disciplines
- Boxing for fitness
- Group Fitness Classes
- Existing user groups maintained

Funding

- sourced from State Government Grant

Timing

- March to June 2023 – subject to approval of adjacent land use



Benefits to community

April 22

Membership

- 477 members

Programs

- Gymnastics
- Karate
- Hapkido
- Drop in program
- Police programs

January 23

Membership

- 610 members >27% growth

Programs added

- Group Fitness
- Boxing
- School Holiday Program
- Safer Drivers Courses



Benefits to community

Proposed new build

Membership

- 980 > 60% growth

Proposed programs added

- Parkour
- Increased School Holiday Program
- Group Fitness Classes
- Personal Training
- Basketball 3x3
- Gymnastics School Sport
- U-Nites





FIT FOR LIFE

Early intervention program run in every PCYC, every week. Engage youth who are at risk of poor choices and anti-social behaviour.

Before school physical fitness, nutrition, social engagement and mentoring. Fit For Life aims to improve overall wellbeing as well as prevent and divert youth from offending behaviours.

Costs Per Program (per term)

\$5,500

2 sessions per week 40 weeks a year
& up 40 participants per sessions

Annual Cost Across NSW

\$1,452,000



FIT FOR WORK

10 week, 3 days a week, program to address a young person's disengagement from school and prepare them for employment opportunities.

Increased employment opportunities for 15-18 age cohort leads to positive life choices and behaviours.

Costs Per Program

\$94,000

Costs Per Participant

\$6,267



Innovative and contemporary 10-week mental resilience and well-being program. Uses physical exercise, nutrition education and evidenced based strategies to cultivate emotional intelligence and resilience.

Trained PCYC GRIT facilitators guide teens in a safe and inclusive environment through fun physical exercise, creative arts and experimental learning activities.

Costs Per Program

\$9,010



PCYC's Citizenship and Leadership Program works with young people to develop their skills, character and leadership.

Participants complete leadership and development workshops at Blue Star camps, volunteer at their local clubs and work towards attaining Duke of Edinburgh Awards.

Costs Per Program

\$86,000

Camp + 12 week club based activities



Friday/Saturday night diversionary program focused on increasing social/recreational opportunities for young people in a safe and supervised space.

Range of activities and a shared meal enhance connection, socialisation, and participation opportunities. Young people picked up and driven home in PCYC bus.

Costs Per Program Per Term

\$9,100

Annual Cost Across NSW

\$1,201,200

33 clubs, 40 weeks per year

CLAUSE	CL04
TITLE	Renewal of Licence Agreement - Antonio Zorzanello - Area 28 Dalton Park
FROM	Daphne Bruce, Corporate Property Officer & Native Title Coordinator
TRIM REF	23/6704

SUMMARY

The licence agreement over Area 28 Dalton Park expired as of 20 January 2023. The current licensee Antonio Zorzanello has requested to renew the licence agreement for a further term of 10 years.

Dalton Park is Crown Reserve 83393 with Council the appointed Crown Land Manager to manage the reserve on behalf of the Crown.

RECOMMENDATION

- (a) Council enter into a licence agreement with Antonio Zorzanello over Area 28 Dalton Park for a term of 10 years commencing 21 January 2023.**
- (b) Antonio Zorzanello pay all applicable costs and charges associated with the preparation of the licence agreement together with Council's Administration Fee of \$481.**
- (c) The licence fee be charged in accordance with Council's adopted Revenue Policy, currently \$646 per annum per Area for the 2022/2023 financial year, in addition to rates and charges.**
- (d) Council authorise the Mayor and General Manager to execute the licence agreement on behalf of Council under the Common Seal, if required.**

REPORT

Antonio Zorzanello has held a licence agreement over Area 28 Dalton Park for a term of 10 years. Council wrote to Mr Zorzanello on the 6 January 2023 advising that the licence was due to expire on the 20 January 2023.

Mr Zorzanello is now requesting to renew the agreement for a further term of 10 years.

There are no outstanding fees and charges in relation to Area 28, Dalton Park.

Dalton Park is Crown Reserve 83393 with Council the appointed Crown Land Manager, managing the reserve on behalf of the Crown. Council is required to validate all activities on crown reserves under their control for compliance with the Native Title Act 1993. Native title rights and interest cannot be extinguished contrary to the Native Title Act 1993.

It being further noted that the Reserve was vested in Council in accordance with Section 3 of the Public Trusts Act 1897, vesting the land as Trustee in fee simple to Council. This may constitute a Previous Exclusive Possession Act for the purposes of Section 23B (2) of the Native Title Act, wholly extinguishing native title. Council is still to assume that native title

exists on Crown land in Griffith until a Federal Court determination of extinguishment, or other advice.

It is assessed that issuing a new licence to Antonio Zorzanello over Area 28, Dalton Park is consistent with the reserve purpose of Racecourse and Public Recreation and satisfies Subdivision J (Section 24JA) of the Native Title Act 1993.

J	Subdivision J deals with future acts done in good faith under or in accordance with a reservation, dedication, condition, permission or authority made on or before 23 December 1996 which require the land to be used for a particular purpose, or the future act otherwise had no greater an impact on native title than any act that could have been done that was under or in accordance with the reservation.
---	--

Reserve 83393 was gazetted on the 11 August 1961, with Council appointed the Trustee of the reserve by Government Gazette 7 September 1962.

OPTIONS

OPTION 1

As per the Recommendation.

OPTION 2

As determined by Council.

POLICY IMPLICATIONS

Dalton Park – Areas of Responsibility PG-CP-101

FINANCIAL IMPLICATIONS

The annual fee for leases/licences at Dalton Park are charged on a per lot basis with the current fee for private lease/licence \$646 per annum together with the payment of rates and charges.

Council will also charge an Administration Fee of \$481 to renew the licence agreement. The applicant is responsible for the payment of all fees and charges associated with preparing the licence agreement by Council's nominated legal representative.

LEGAL/STATUTORY IMPLICATIONS

Local Government Act 1993

46 Leases, licences and other estates in respect of community land – generally 46(1)(b) may be granted, in accordance with an express authorisation in the plan of management and such provisions of the plan of management as apply to the granting of the lease, licence or other estate – a plan of management for Dalton Park was adopted by Council on 14 June 2022.

47 Leases, licences and other estates in respect of community land – terms greater than 5 years. Council is to give public notice of the proposed granting of the licence and receive submissions. Mr Zorzanello has held a licence over Area 28 for 10 years and located on Area 28 is a stable which was purchased by the licensee from the previous owner. It is therefore proposed that Council does not undertake advertising of the proposed licence.

Crown Land Management Act 2016

3.22 Functions of council managers

3.23 Management of land as community land

8.7 When advice of native title manager required

Native Title Act 1993

Subdivision J, Reservations, leases etc.

Section 23B (2) – Previous exclusive possession act

ENVIRONMENTAL IMPLICATIONS

All environmental implications were considered as part of the development of Dalton Park.

COMMUNITY IMPLICATIONS

The community would expect Council to support the occupation of Dalton Park for activities associated with a racecourse and stabling of horses.

LINK TO STRATEGIC PLAN

This item links to Council's Strategic Plan item 4.7 Provide a range of sporting and recreational facilities.

CONSULTATION

Senior Management Team

ATTACHMENTS

- | | | |
|-----|--|----|
| (a) | Letter - Mr Antonio Zorzanello ↓ | 88 |
| (b) | Plan - Area 28 Dalton Park ↓ | 89 |

32-34 Benerembah Street
GRIFFITH NSW 2680

16 January 2023

Ms Daphne Bruce
Corporate Property Officer
& Native Title Co-ordinator
Griffith City Council
Benerembah Street
GRIFFITH NSW 2680

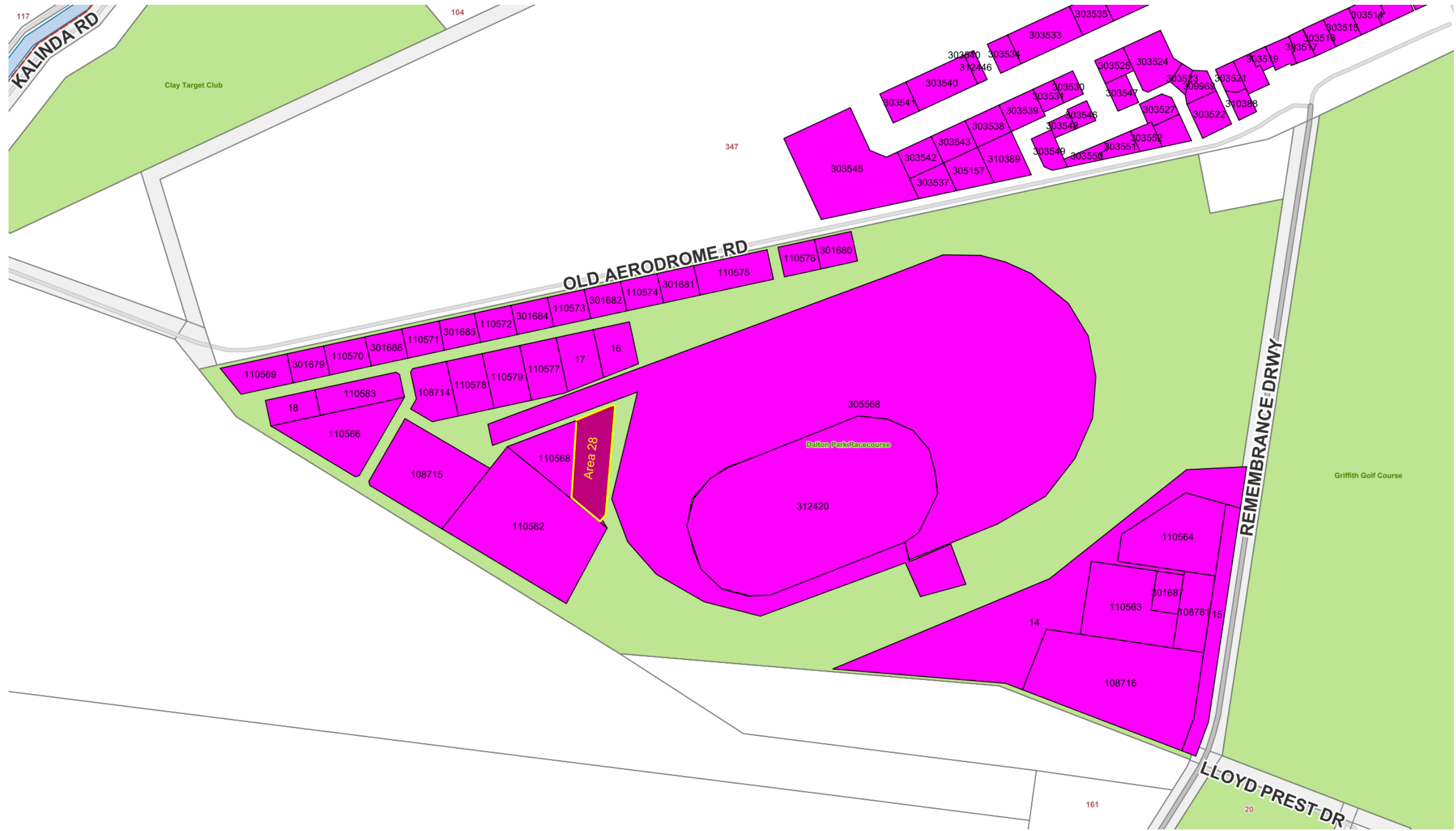
Dear Daphne

RE LICENCE AGREEMENT – AREA 28 DALTON PARK

I refer to your letter dated 6 January 2023 regarding the expiration of the lease over Area 28 at Dalton Park and advise that I wish to continue with the licence agreement for a further term of 10 years.

Yours sincerely

Tony ~~Zorzanello~~ Zorzanello



Griffith City Council
 O Box 485
 Benerambah Street
 GRIFFITH NSW 2680
 telephone: 1300 176 077
 mail: admin@griffith.nsw.gov.au

Disclaimer: This map is intended for general information purposes only. Griffith City Council does not guarantee its accuracy, completeness or suitability for any particular purpose. Users must exercise their own skill and care in using this map and carefully evaluate the accuracy, currency, completeness and relevance of the map before relying on it. The map is not a substitute for independent professional advice and, to the extent permitted by law, Griffith City Council is not liable for any loss or damages arising out of any inaccuracy, error or omission contained in the map.



Projection: GDA2020 / MGA zone 55

Date: 19/01/2023

Drawn By: Daphne Bruce

Map Scale: 1:4797 at A3

CLAUSE	CL05
TITLE	City to Lake Fun Run
FROM	Brett Stonestreet, General Manager
TRIM REF	23/6099

SUMMARY

The City to Lake Fun Run was first held in 2013 as a fund raiser towards the construction of St Vincent's Private Community Hospital Griffith. In recent years, following an Expression of Interest process in April 2020 and June 2020, the event has been auspiced by Griffith Can Assist with funds used to support charitable causes supported by that organisation.

Support by Griffith City Council to the event is limited to supporting the preparation of a Traffic Management Plan and staff for traffic control on the day.

Council previously resolved in April 2020 on the motion of Councillors Dino Zappacosta and Brian Simpson that:

- (a) Council call Expressions of Interest for a period of 28 days to organise and auspice the Griffith City to Lake Fun Run, for two years from 2021.*
- (b) Expressions of Interest be invited from not-for-profit registered charitable organisations with a presence in the Griffith Local Government Area.*
- (c) Respondents be required to submit their Expression of Interest addressing the criteria included in this report (subject to amendment by Council).*
- (d) A report be prepared for Council's consideration following closure of Expressions of Interest.*
- (e) Council provide in kind support through the development of a Traffic Management Plan for the Event and provide traffic control staff on the day of the Event.*
- (f) The successful organisation is required to provide acquittal report on an annual basis.*

Subsequently, Council then resolved in June 2020 on the motion of Councillors Mike Neville and Christine Stead that *Council accept the Expression of Interest from Griffith Can Assist to organise and auspice the next two annual Griffith City to Lake Fun Run events. In the event of a pandemic or other unforeseen circumstances that may cancel or postpone the event(s), Can Assist retain the right to host the next two City to Lake events.*

The arrangement will now expire after the City 2 Lake event to be held 12 March 2023. To continue the tradition of the Fun Run, Council may wish to invite applications of Expressions of Interest from local charitable organisations to hold and manage the City 2 Lake Fun Run, with support from Council for a Traffic Management Plan and Traffic Control (providing staffing along the course on the day).

RECOMMENDATION

- (a) Council call Expressions of Interest for a period of 28 days to organise and auspice the Griffith City to Lake Fun Run, on an annual basis up to three years from 2024.
- (b) Expressions of Interest be invited from not-for-profit registered charitable organisations with a presence in the Griffith Local Government Area.
- (c) Respondents be required to submit their Expression of Interest addressing the criteria included in this report (subject to amendment by Council).
- (d) A report be prepared for Council's consideration following closure of Expressions of Interest.
- (e) Council provide in kind support through the development of a Traffic Management Plan for the Event and provide traffic control staff on the day of the Event.

REPORT

A Proposed Criteria for Expression of Interest would include:

Name of Organisation:

Contact Details:

Charitable Status:

Evidence of Permanent Presence in Griffith Local Government Area:

Demonstrated Capacity to Organise a Large Public Event of this Nature:

Intended Use of Funds Raised:

Submission of a Draft Event Plan.

OPTIONS

OPTION 1

As per the Recommendation.

OPTION 2

Any other Resolution of Council.

POLICY IMPLICATIONS

Not Applicable

FINANCIAL IMPLICATIONS

Development of a Traffic Management Plan (TMP) - Nil cost given that the TMP will be the same as that used in previous years.

Traffic Control on the day – Previous costs for Council to provide signage and staff on the day is in the order of \$13,000 to \$15,000.

LEGAL/STATUTORY IMPLICATIONS

The Local Government Act provides Council with the authority to support events of this nature.

ENVIRONMENTAL IMPLICATIONS

Not Applicable

COMMUNITY IMPLICATIONS

The “City to Lake” Fun Run has been a successful fund raising event for the community.

LINK TO STRATEGIC PLAN

This item links to Council’s Strategic Plan item 2.2 Partner with and provide support to organisations who deliver services and programs locally.

CONSULTATION

Senior Management Team

ATTACHMENTS

Nil

CLAUSE	CL06
TITLE	Adoption of Audit, Risk & Improvement Committee Terms of Reference and Charter
FROM	Leanne Austin, Governance Manager
TRIM REF	23/11571

SUMMARY

The Office of Local Government (OLG) recently issued Draft Guidelines for Risk Management and Internal Audit for Local Government in NSW. The Model Terms of Reference and Model Charter for the Audit Risk and Improvement Committee have been provided by the OLG to assist Councils in implementing the Guidelines.

RECOMMENDATION

- (a) Council adopt the draft Guidelines for Risk Management and Internal Audit for Local Government in NSW.**
- (b) Council adopt the Model Terms of Reference and Model Charter for the Audit, Risk and Improvement Committee as attached to the report.**

REPORT

All councils and joint organisations are required under the *Local Government Act 1993* to have an Audit, Risk and Improvement Committee from 4 June 2022.

Amendments are currently being made to the *Local Government (General Regulation 2021)* to require all councils and joint organisations to have a risk management framework and an internal audit function and to prescribe membership requirements for Audit, Risk and Improvement Committees.

The Regulation amendments will be made in early 2023. Councils will be required to comply with these requirements from 1 July 2024 and, commencing with the 2024/25 Annual Report, to attest to their compliance with the requirements in their Annual Reports.

The OLG has issued comprehensive *Guidelines for Risk Management and Internal Audit for Local Government in NSW* to assist councils and joint organisations to implement these requirements. The Guidelines have been issued in draft form pending the supporting Regulation amendments being made so that councils can commence the steps necessary to implement them. The Guidelines will be reissued in a final form when the supporting regulations are made in early 2023, to align them with the regulations as drafted. It is not anticipated that any significant changes will be made to the draft Guidelines.

At the recent meeting of the Audit, Risk and Improvement Committee held 1 February 2023, the Committee reviewed the Model Terms of Reference and Model Internal Audit Charter. The reviewed documents including recommendations by the Audit, Risk and Improvement Committee are attached to this report for formal adoption by Council.

OPTIONS

Councils must adopt by resolution, Terms of Reference for their Audit, Risk and Improvement Committees that are consistent with the Model Terms of Reference for Committees approved by the Departmental Chief Executive contained in the Guidelines.

POLICY IMPLICATIONS

Not Applicable

FINANCIAL IMPLICATIONS

Not Applicable

LEGAL/STATUTORY IMPLICATIONS

Local Government Act 1993, Local Government (General) Regulation 2021

ENVIRONMENTAL IMPLICATIONS

Not Applicable

COMMUNITY IMPLICATIONS

Audit, Risk and Improvement Committees, risk management and internal audit will:

- Assist Council to achieve its strategic objectives in the most efficient, effective and economical manner
- Improve levels of service delivery
- Increase accountability and transparency
- Improve financial stability
- Maintain compliance with all laws, regulations, internal policies and procedures, and
- Safeguard public assets.

LINK TO STRATEGIC PLAN

This item links to Council's Strategic Plan item 3.1 Undertake Council activities within a clear framework of strategic planning, policies, procedures and service standards.

This item links to Council's Strategic Plan item 3.2 Ensure Council's financial sustainability through effective financial management that is transparent and accountable.

CONSULTATION

Senior Management Team, Audit, Risk and Improvement Committee

ATTACHMENTS

- (a) Draft Guidelines for Risk Management and Internal Audit for Local Government in NSW (under separate cover) ⇒
- (b) Model Terms of Reference - Audit Risk & Improvement Committee (under separate cover) ⇒
- (c) Model Internal Audit Charter (under separate cover) ⇒

**AUDIT, RISK AND IMPROVEMENT COMMITTEE
HELD IN MURRAY ROOM, GRIFFITH ON
WEDNESDAY, 1 FEBRUARY 2023 COMMENCING AT 5:08 PM**

PRESENT

Stuart Heffer (Chair) (Community Representative), George Youssef (Community Representative - Zoom), Councillor Manjit Singh Lally

Quorum = 2

STAFF

General Manager, Brett Stonestreet, Director Business, Cultural, Financial Services, Steve Saffioti, Internal Auditor, Keith Coates and Governance Manager, Leanne Austin

1 APOLOGIES

RECOMMENDED on the motion of Stuart Heffer and George Youssef that apologies be received from Alan Shea (Community Representative) and Councillor Christine Stead (Councillor - Alternate).

2 CONFIRMATION OF MINUTES

RECOMMENDED on the motion of Stuart Heffer and George Youssef that the minutes of the previous meeting held on 11 January 2023, having first been circulated amongst all members, be confirmed.

3 BUSINESS ARISING

Nil.

4 DECLARATIONS OF INTEREST

Pecuniary Interests

There were no pecuniary interests declared.

Significant Non-Pecuniary Interests

There were no significant non-pecuniary interests declared.

Less Than Significant Non-Pecuniary Interests

There were no significant non-pecuniary interests declared.

5 ITEMS OF BUSINESS

CL01 INTERNAL AUDIT CONTRACT

Councillor Lally entered the meeting at 5:10 pm.

The current internal audit contract will expire on 30 September 2023. The Committee considered suppliers identified from the Local Government Procurement Internal Audit and Management Consulting Services list for the provision of Council's internal audit services from 1 October 2023.

Quotes are to be obtained from the selected suppliers including organisation structure, rates and travel costs, ability to comply with OLG Risk Management and Internal Audit Guidelines, experience and qualifications, ability to provide offsite auditing services, experience with rural/regional Councils and indicative budget \$ for 2023/24 regarding internal audit services.

As recommended by the OLG Risk Management and Internal Audit Guidelines that the internal auditor is not the same auditor conducting Council's external audit, Crowe Australia have been excluded from the list.

Mr Coates advised he would defer the Risk Management Assurance audit proposed to be undertaken later this year to the new internal auditor to complete as this would be a key area of focus.

RECOMMENDED on the motion of Stuart Heffer and George Youssef that:

- (a) Council seek requests for quotations and organisation information as listed above from the following suppliers listed on Local Government Procurement (LGP218): BDO Services Pty Ltd, Centium Pty Ltd, National Audits Group, O'Connor Marsden & Associates
- (b) Quotations be presented to the Audit, Risk & Improvement Committee for assessment and recommendation to Council.
- (c) Contract term for Internal Audit Services be from 1 October 2023 to 30 September 2028.

CL02 INTERNAL AUDIT REPORT - REVIEW OF DELEGATIONS

RECOMMENDED on the motion of Stuart Heffer and George Youssef that the Committee note the Internal Audit Report for Review of Delegations.

CL03 OLG CIRCULAR - GUIDELINES FOR RISK MANAGEMENT AND INTERNAL AUDIT FOR LOCAL GOVERNMENT IN NSW

Amendments are currently being made to the *Local Government (General Regulation 2021)* to require all councils to have a risk management framework and an internal audit function and to prescribe membership requirements for Audit Risk and Improvement Committees. The Office of Local Government has issued comprehensive *Guidelines for Risk Management and Internal Audit for Local Government in NSW* to assist councils and joint organisations to implement these requirements.

Councils will be required to comply from 1 July 2024 and, commencing with the 2024/25 annual report, to attest to their compliance with the requirements in their annual reports.

The Guidelines have been issued in draft form pending the supporting Regulation amendments being made so that councils can commence the steps necessary to implement

them.

The Guidelines will be reissued in a final form when the supporting regulations are made in early 2023, to align them with the regulations as drafted.

RECOMMENDED on the motion of Stuart Heffer and George Youssef that:

- (a) The draft Guidelines for Risk Management and Internal Audit for Local Government in NSW be adopted with the final Guidelines to be presented to the Committee when reissued following required legislative amendments.
- (b) The draft Model Internal Audit Charter be adopted including Option 2 Outsourced internal audit function/team.
- (c) The draft Model Terms of Reference be adopted with the following inclusions:
 - Minutes must be approved by the Chair and circulated within 10 working days of the meeting to each member
 - Where the Chair or a Committee member is unable to complete their term or does not intend to seek reappointment after the expiry of their term, they should give 3 months' notice.

CL04 OLG GUIDELINE - CYBER SECURITY

The Committee noted that a Cyber Security policy is being prepared in line with the recently issued OLG Cyber Security Guideline. The policy will be presented to the Committee at a future date.

RECOMMENDED on the motion of Stuart Heffer and George Youssef that the Committee note the OLG Guideline on Cyber Security.

CL05 OLG GUIDELINE ON THE USE AND MANAGEMENT OF CREDIT CARDS

RECOMMENDED on the motion of Stuart Heffer and George Youssef that:

- (a) The Committee note the OLG Guideline on the Use and Management of Credit Cards.
- (b) Council review its Credit Card policy and procedures in line with the OLG Guideline on the Use and Management of Credit Cards.

6 OUTSTANDING ACTION REPORT

The Committee noted the outstanding item regarding Contract Management with Expressions of Interest closing 28 February 2023.

7 GENERAL BUSINESS

7.1 Procurement Manual

Mr Saffioti advised that the purchasing limits in the Procurement Manual have been reviewed and presented to Senior Management Team for approval.

7.2 Process for New Suppliers

Mr Saffioti advised changes would be made to the onboarding process for new suppliers to ensure a telephone check of bank details is implemented.

7.3 Qualifications for Committee Members

Mr Youssef enquired if Committee members were required to gain formal qualifications. Mr Stonestreet advised that the Guidelines require members to have suitable skills and meet certain eligibility criteria however the prequalification requirement had been removed from the draft Guidelines. A criminal record and financial status check is required to be undertaken of members prior to their appointment.

7.4 Landfill Fees for Council Contractors

Councillor Lally enquired if Council contractors could be exempt from landfill fees when providing services to Council. Mr Saffioti advised that any GST paid is claimed and that Council is required to operate the landfill in a financially sustainable manner. Any exemption from fees for contractors providing Council services would be difficult to administer.

8 NEXT MEETING

The next meeting of the Audit, Risk and Improvement Committee is to be held on Wednesday, 28 June 2023 at 5:00 pm. Councillor Lally advised he would be an apology.

There being no further business the meeting terminated at 6:00 pm.

Confirmed:

CHAIRPERSON

**MEMORIAL PARK GARDENS EMBELLISHMENT COMMITTEE
HELD IN COUNCIL CHAMBERS ON
WEDNESDAY, 1 FEBRUARY 2023 COMMENCING AT 4:00PM**

PRESENT

Councillor Laurie Testoni (Chair), Jenna Thomas (Community Representative), Hendrik Veenhuizen (Community Representative), Terrence Walsh (Community Representative)

Quorum = 3

STAFF

General Manager, Brett Stonestreet, Director Sustainable Development, Bruce Gibbs, Urban Strategic Design & Major Projects Manager, Peter Badenhorst, Manager Parks & Gardens, Peter Craig and Minute Taker, Joanne Bollen

1 APOLOGIES

RECOMMENDED on the motion of Terrence Walsh and Jenna Thomas that apologies be received from Councillor Jenny Ellis, Project Planner, Melanie Vella and Kay Borland.

2 CONFIRMATION OF MINUTES

RECOMMENDED on the motion of Hendrik Veenhuizen and Terrence Walsh that the minutes of the previous meeting held on 2 November 2022, having first been circulated amongst all members, be confirmed.

3 BUSINESS ARISING

Nil

4 DECLARATIONS OF INTEREST

Pecuniary Interests

There were no pecuniary interests declared.

Significant Non-Pecuniary Interests

There were no significant non-pecuniary interests declared.

Less Than Significant Non-Pecuniary Interests

There were no significant non-pecuniary interests declared.

5 ITEMS OF BUSINESS

CL01 DRAFT LANDSCAPING DESIGN PRESENTATION BY GARRY MOORE

Garry Moore presented a Draft Landscaping Design to the Committee. The design was based on an informal meeting held at the Memorial Park Gardens on 23 November 2022, where the Committee discussed concepts with Garry.

The Committee discussed the design and suggested some minor changes. The following was agreed upon.

Section 1: Create a path for foot traffic in area of Section 1.

Section 2: No changes.

Section 3: No changes.

Section 4: No changes.

Section 5: No changes.

Section 6: Replace Watergums with a Jacaranda or Flame Bottletree.

Section 7: Replace roses in the design with plants used in other areas of the park.

Section 8: Reconstruct external wall around existing bed.

Section 9: No changes.

Section 10: Council to assess the health of the Sugar Gum trees in Railway Street.

It was also agreed that at this point in time the path in front of the stage would remain.

RECOMMENDED on the motion of Hendrik Veenhuizen and Jenna Thomas that the revised scope and changes to the Draft Landscaping Design be presented to Council for endorsement and to progress to inviting quotation to undertake work.

Brett Stonestreet and Garry Moore left the meeting, the time being 5:02pm.

CL02 LIONS CLUB SHELTER REQUEST

Urban Strategic Design & Major Projects Manager, Peter Badenhorst advised the Committee of the Lions Club request to construct a shelter over the tiled walls in Memorial Park.

RECOMMENDED on the motion of Jenna Thomas and Terrence Walsh that the proposal not be approved.

6 OUTSTANDING ACTION REPORT

RECOMMENDED on the motion of Terrence Walsh and Jenna Thomas that the report be noted.

7 GENERAL BUSINESS

7.1 Community War Memorials Fund

Councillor Laurie Testoni advised Terrence Walsh and Hendrik Veenhuizen that applications were open for NSW Government Community War Memorials Fund.

8 NEXT MEETING

The next meeting of the Memorial Park Gardens Embellishment Committee is to be held on Wednesday, 5 April 2023 at 4:00pm.

There being no further business the meeting terminated at 5:21pm.

Confirmed:

CHAIRPERSON

**DISABILITY INCLUSION & ACCESS COMMITTEE
HELD IN GRIFFITH REGIONAL SPORTS CENTRE ON
WEDNESDAY, 1 FEBRUARY 2023 COMMENCING AT 1:03PM**

PRESENT

Councillor Shari Blumer (Chair), Laurie Testoni (Councillor - Alternate), Colin Beaton (Community Representative) (Zoom), Patricia Cox (Community Representative), Simone Murphy (Community Representative), Mike Neville (Community Representative) (Zoom), Val Woodland (Community Representative), Luke Woodward (Community Representative).

Quorum = 3

STAFF

Director Sustainable Development, Bruce Gibbs, Urban Strategic Design and Major Projects Manager, Peter Badenhorst, Community Development Coordinator, Melissa Canzian, Economic & Community Development Officer, Lara Rosetto and Minute Secretary, Melanie Hebrok.

By Invitation, Erin Fletcher (Murrumbidgee Regional High School) (Zoom) and Nickolette Owen (Kalinda School).

Councillor Blumer acknowledged Mr Beaton, Ms Woodland and Ms Cox for their Australia Day Award nominations and thanked them for their ongoing contribution to the Committee and the wider community.

1 APOLOGIES

RECOMMENDED on the motion of Val Woodland and Pat Cox that apologies be received from Melanie Vella, Jaimee Damini and Marilyn Hams.

Erin Fletcher entered the meeting via Zoom, the time being 1:05pm.

Ms Fletcher introduced herself to the Committee. The Committee moved a motion to add Ms Fletcher as a Committee Member.

RECOMMENDED on the motion of Mike Neville and Pat Cox that Erin Fletcher be added to the Committee and the Terms of Reference be amended to include an additional Community Representative member.

2 CONFIRMATION OF MINUTES

RECOMMENDED on the motion of Val Woodland and Luke Woodward that the minutes of the previous meeting held on 14 December 2022, having first been circulated amongst all members, be confirmed.

3 BUSINESS ARISING

Nil

4 DECLARATIONS OF INTEREST

Pecuniary Interests

There were no pecuniary interests declared.

Significant Non-Pecuniary Interests

There were no significant non-pecuniary interests declared.

Less Than Significant Non-Pecuniary Interests

There were no significant non-pecuniary interests declared.

5 ITEMS OF BUSINESS

CL01 DISABILITY INCLUSION ACTION PLAN

Councillor Blumer advised that the Disability Inclusion Action Plan (DIAP) will become due for renewal in 2025. She asked that the Committee discuss changes and improvements leading up the renewal.

Ms Cox asked that the Committee be provided with the current DIAP.

Councillor Blumer suggested that a member of Council attend a Committee meeting to explain the process of reviewing the DIAP.

Simone Murphy entered the meeting, the time being 1:13pm.

Mr Neville suggested that stakeholders and community be consulted during the review process rather than it just go to Council for Endorsement of Public Notification.

Ms Canzian suggested and the Committee agreed, that the review of the DIAP be aligned with other councils as this will provide the Committee with more guidance when reviewing Council's current Action Plan. Ms Canzian will investigate when the next DIAP Review is due for all councils.

RECOMMENDED on the motion of Mike Neville and Councillor Laurie Testoni that the Committee will investigate and initiate the review process of future Disability Inclusion Action Plan.

6 OUTSTANDING ACTION REPORT

6.1 Wheelchair Sports

Councillor Blumer has submitted Community Grant Application for wheelchair. Ms Murphy will check wheelchair quote for \$2,500 that was received by Ms Canzian as part of the application.

The Committee discussed the importance of working with the Sports Council and will send representatives to a future meeting of the Sports Council to discuss priorities moving forward.

Ms Owen expressed concern of the amount of doors in the new stadium that can be escape routes for children after a recent visit by Kalinda with 34 students. Mr Testoni advised that

the doors are Emergency Exit Doors, therefore cannot be blocked or locked. The net in the middle of the courts also caused low visibility. Mr Testoni advised that the net can be removed at any time for increased visibility. Ms Murphy suggested that guidelines be drafted for future Kalinda visits taking into consideration the WHS issues encountered.

6.2 Access at a Glance

Some inspections have been carried out with businesses, with another round of appointments being made available in the near future. Over time, Committee members can become involved in promoting inspections to other businesses and sourcing volunteers / students trained to carry out the inspections.

6.3 Bins for Blokes

Mr Beaton to prepare letter to be forwarded to local shopping centres asking them to provide sanitary bins in male bathrooms.

7 GENERAL BUSINESS

7.1 Adult Change Facilities

Another issue that has come up at the recent Kalinda School visit to the Griffith Regional Sports Centre was the lack of adequate change facilities for the students. Ms Owen asked that Council incorporate adult change facilities in GRSC Accessible Toilets. Mr Badenhorst suggested that Ms Owen write a letter of request to Council and the Sports Council and include examples of change facilities. Mr Neville mentioned that Hive Tasmania is a great example of Adult Change Facilities.

7.2 Communication Boards in Parks

Ms Owen asked that Council look at installing communication boards in parks to give non-verbal people access to communication methods in public. Ms Murphy will investigate through Intereach in Wagga, where a board has been installed. Mr Badenhorst advised that once the Committee has sourced suitable examples, he will be able to investigate cost and make a budget submission for the communication boards.

7.3 CWA Park Toilets

Mr Neville advised that the accessible toilets at CWA Park were not well maintained in comparison to the male and female toilets. Mr Badenhorst to inform responsible staff.

7.4 New Staff Member

Ms Canzian introduced Lara Rosetto, Economic & Community Development Officer, to the Committee.

8 NEXT MEETING

The next meeting of the Disability Inclusion & Access Committee is to be held on Wednesday, 1 March 2023 at 1:00 pm.

There being no further business the meeting terminated at 2:03 pm.

Confirmed:

CHAIRPERSON

TITLE Notice of Motion - Kooyoo Street Griffith - Motor Vehicle Access from Banna Avenue Griffith

FROM Glen Andrezza, Deputy Mayor

TRIM REF 23/6278

SUMMARY

A Notice of Motion was received from Councillor Glen Andrezza on 19 January 2023.

I would like to propose to Council that Kooyoo Street from Banna Avenue to Banna Lane remain permanently closed to Motor Vehicles and remain as a pedestrian area only following the completion of the upgrade works.

RECOMMENDATION

- (a) That Council support “in principle” the permanent closure of Kooyoo Street, Griffith from Banna Avenue to Banna Lane for the purpose of motor vehicle access.**
- (b) That Council invite community submissions regarding recommendation (a) above for a period of 28 days.**
- (c) All submissions received to be reported to Council for consideration.**
- (d) Should no submissions be received then Council authorise the General Manager to apply to Transport for NSW to permanently close Kooyoo Street, Griffith from Banna Avenue to Banna Lane for the purpose of motor vehicle access.**

As pedestrians and motor vehicles do not mix (especially children) it would be a safer option to permanently close this precinct (i.e. Kooyoo Street from Banna Avenue to Banna Lane) to motor vehicles. It will be much more relaxing to users of the precinct to know that no vehicles are permitted. Shops in Kooyoo Street from Banna Lane to Yambil Street will retain two-way motor vehicle access and shouldn't be impacted.

This permanent closure will also eliminate the need to constantly request for this section of Kooyoo Street to be temporarily closed when various public events occur. Event specific road closure applications require a minimum of 3 months advance notice to process.

During the upgrade of Kooyoo Street, I have not had any complaints or requests seeking this section of Kooyoo Street to be reopened. I feel the general public have become accustomed to the current situation.

I would support Council seeking community submissions regarding my Notice of Motion and have therefore worded my Notice of Motion to seek “in-principle” support for the permanent closure and for Council to consider any submissions received.

SENIOR MANAGEMENT TEAM COMMENT

Nil.

ATTACHMENTS

(a) Notice of Motion - Councillor Glen Andreazza [↓](#)

107



Notice of Motion

Notice of Motion

Councillor's Name * Cr Glen Andrezza

Date * 19-Jan-23
09:29:26 AM

Time * 09:29:26 AM

Brett Stonestreet
General Manager
Griffith City Council
GRIFFITH NSW 2680

Dear Mr Stonestreet, I hereby give notice of the following Notice of Motion for the Council Meeting to be held as indicated below: * I would like to propose to Council that Kooyoo Street from Banna Ave to Banna Lane remain permanently closed to Motor Vehicles and remain as a pedestrian area only following the completion of the upgrade works.

RECOMMENDATION

- (a) That Council support "in principle" the permanent closure of Kooyoo Street, Griffith from Banna Ave to Banna Lane for the purpose of motor vehicle access.
- (b) That Council invite community submissions regarding recommendation (a) above for a period of 28 days.
- (c) All submissions received to be reported to Council for consideration.
- (d) Should no submissions be received then Council authorise the General Manager to apply to Transport for NSW to permanently close Kooyoo Street, Griffith from Banna Ave to Banna Lane for the purpose of motor vehicle access.

As pedestrians and motor vehicles do not mix (especially Children) it would be a safer option to permanently close this precinct (ie Kooyoo Street from Banna Ave. to Banna Lane) to motor vehicles. It will be much more relaxing to users of the precinct to know that no vehicles are permitted. Shops in Kooyoo Street from Banna Lane to Yambil Street will retain two-way motor vehicle access and shouldn't be impacted.

This permanent closure will also eliminate the need to constantly request for this section of Kooyoo Street to be temporarily closed when various public events occur. Event specific road closure applications require a minimum of 3 months advance notice to process.

During the upgrade of Kooyoo Street, I have not had any complaints or requests seeking this section of Kooyoo Street to be reopened. I feel the general public have become accustomed to the current situation.

I would support Council seeking community submissions regarding my Notice of Motion and have therefore worded my Notice of Motion to seek "In-Principle" support for the permanent closure and for Council to consider any submissions received.

Council Meeting 2/14/2023
Date: *

Signature *



Extract from Griffith City Council's Code of Meeting Practice:

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 by 12 pm, five business days before the meeting is to be held.

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.

3.12 If the General Manager considers that a notice of motion submitted by a Councillor for consideration at an ordinary meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the Council.

3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:

(a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or

(b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

3.14 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.

3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.

3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

In relation to Section NA

**3.13 - Please identify
the source of funding
for expenditure if
applicable: ***

Privacy Protection Notice

- This information is being collected to process your notice in accordance with Council's Code of Meeting Practice policy.
- This information is voluntarily required to process your request and will not be used for any other purpose without seeking your consent, or as required by law.
- Your information may comprise part of a public register related to this purpose.
- This form will be retained in Council's Records Management System and disposed of in accordance with the Local Government Disposal Authority.
- You can access and correct your personal information at any time by contacting Council.

- For further details on how the Griffith City Council manages personal information, please refer to our Privacy Management Plan.

TITLE Notice of Motion - Murrumbidgee Regional High School Steering Committee

FROM Jenny Ellis, Councillor

TRIM REF 23/13188

SUMMARY

A Notice of Motion was received from Councillor Jenny Ellis on 6 February 2023.

RECOMMENDATION

Griffith City Council, with the assistance from Murrumbidgee Regional High School Principal, forms a steering committee with a selection of experienced and new teachers, students and parents from both campuses, and any interested Councillor, to have constructive discussions with stakeholders and advocate accurately for the community before the Education Ministers visit.

SENIOR MANAGEMENT TEAM COMMENT

Nil.

ATTACHMENTS

(a) Notice of Motion - Councillor Jenny Ellis [↓](#) 111



Notice of Motion

Notice of Motion

Councillor's Name * Cr Jenny Ellis

Date * 06-Feb-23
05:24:21 PM

Time * 05:24:21 PM

Brett Stonestreet
General Manager
Griffith City Council
GRIFFITH NSW 2680

Dear Mr Stonestreet, I hereby give notice of the following Notice of Motion for the Council Meeting to be held as indicated below: * Motion: That GCC with assistance from MRHS Principal, forms a steering committee with a selection of experienced and new teachers, students and parents from both campuses, and any interested Councillor, to have constructive discussions with stakeholders and advocate accurately for the community before the Education Ministers visit.

Council Meeting Date: * 2/14/2023

Signature * 

Extract from Griffith City Council's Code of Meeting Practice:

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 by 12 pm, five business days before the meeting is to be held.

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.

3.12 If the General Manager considers that a notice of motion submitted by a Councillor for consideration at an ordinary meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the Council.

3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:

(a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or

(b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice.

3.14 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.

3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.

3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

In relation to Section 0

**3.13 - Please identify
the source of funding
for expenditure if
applicable: ***

Privacy Protection Notice

- This information is being collected to process your notice in accordance with Council's Code of Meeting Practice policy.
- This information is voluntarily required to process your request and will not be used for any other purpose without seeking your consent, or as required by law.
- Your information may comprise part of a public register related to this purpose.
- This form will be retained in Council's Records Management System and disposed of in accordance with the Local Government Disposal Authority.
- You can access and correct your personal information at any time by contacting Council.
- For further details on how the Griffith City Council manages personal information, please refer to our Privacy Management Plan.

TITLE Outstanding Action Report

TRIM REF 23/2461

RECOMMENDATION

The report be noted.

ATTACHMENTS

(a) Outstanding Action Report [↓](#)

114

OUTSTANDING ACTION REPORT

Council Meeting Date	MEETING ITEM	Action Officer	CRM No.	Minute No.	Council Resolution	Additional Information
24 January 2023	CL03 DRAFT PLAN OF MANAGEMENT - VILLAGE OF YENDA CROWN RESERVES	CPO	127986	23/014	<p>RESOLVED on the motion of Councillors Laurie Testoni and Manjit Singh Lally that:</p> <ul style="list-style-type: none"> (a) Council refer the Draft Plan of Management for Village of Yenda Crown Reserves being Crown Reserves 62949 (Lot 701 DP 1030376), 61951, 63981, 65511 (Lot 881 DP 751728), 159006 (Lot 1241 P 821503) and 240000 (Lot 21-25 DP 44498) to the Minister administering the Crown Land Management Act 2016 for approval. (b) Upon approval of the Minister administering the Crown Land Management Act 2016 Council amends the Draft Plan of Management for Village of Yenda Crown Reserves if required, and place it on public exhibition as per Section 38 of the Local Government Act 1993. (c) Native Title advice has been provided. (d) A report be presented to Council to adopt the final Plan of Management for Yenda Crown Reserves on completion of the exhibition period, to consider all submissions. 	30/1/2023: The Draft Plan of Management was referred to the Crown for Ministers approval to place on public exhibition.
24 January 2023	CL05 GENERAL AMENDMENT - GRIFFITH LOCAL ENVIRONMENTAL PLAN 2014 - PUBLIC	CSP	127988	23/016	<p>RESOLVED on the motion of Councillors Glen Andrezza and Christine Stead that:</p> <ul style="list-style-type: none"> (a) Council endorse the amended Planning Proposal set out in Attachment (a), and varied by 	2/2/2023: On Exhibition

OUTSTANDING ACTION REPORT

	<p>EXHIBITION ENDORSEMENT</p>				<p>Attachment (e), which seeks to amend the Griffith Local Environmental Plan 2014;</p> <p>(b) Council resolve to place the Planning Proposal on public exhibition for a period of 28 days and where identified consult with any relevant public authority and private landowners;</p> <p>(c) Should any submissions be received, Council consider the submissions at an Ordinary Meeting and if any amendments are made, the Planning Proposal is re-submitted to the Department of Planning and Environment (DPE);</p> <p>(d) Should no submissions be received, delegate the Director Sustainable Development to carry out the following actions to process and make the LEP:</p> <ul style="list-style-type: none"> i. Seek the concurrence of the Secretary of the DPE for any inconsistencies with the applicable directions of the Minister under Section 9.1 of the Environmental Planning and Assessment Act 1979; ii. Forward this report, and all required documents and plans to Parliamentary Counsel for an opinion and drafting of the amendments; iii. Make the LEP; and iv. Forward the signed LEP and supporting documents to DPE to notify the amendments. 	
--	--	--	--	--	---	--

OUTSTANDING ACTION REPORT

10 January 2023	CL01 LAKE WYANGAN FLOOD PUMP AND PIPELINE	DU	127382	23/003	RESOLVED on the motion of Councillors Chris Sutton and Simon Croce that Council approve the reallocation of funds from the 2022/23 Lake Wyangan Environmental Strategy Implementation budget into a new Lake Wyangan Flood Pump and Pipeline project.	06/02/2023: Pipeline project works in progress.
13 December 2022	CL09 COUNCIL-RELATED DEVELOPMENT APPLICATION CONFLICT OF INTEREST POLICY	GOV	126674	22/332	RESOLVED on the motion of Councillors Shari Blumer and Melissa Marin that: (a) Council endorse the draft Council-related Development Application Conflict of Interest Policy (Attachment A) and place the policy on exhibition for a period of 28 days. (b) Should any submissions be received, a report be provided to Council. (c) Should no submissions be received, the draft Council-related Development Application Conflict of Interest Policy be considered adopted as at the end date of the public exhibition period.	22/12/2022: On exhibition to 13 January 2023. 19/01/2023: No submissions were received. The policy was adopted on 13 January 2023
13 December 2022	CL10 ENDORSEMENT OF GRIFFITH PIONEER PARK MUSEUM ACQUISITION AND ACCESSION POLICY	GOV	126675	22/333	RESOLVED on the motion of Councillors Jenny Ellis and Anne Napoli that: (a) Council endorse the draft Griffith Pioneer Park Museum Acquisition and Accession Policy and place on exhibition for a period of 28 days.	22/12/2022: On exhibition to 13 January 2023. 19/01/2023: No submissions were received. The policy was adopted on 13 January 2023

OUTSTANDING ACTION REPORT

					<p>(b) Should any submissions be received, a report be provided to Council.</p> <p>(c) Should no submissions be received, the draft Griffith Pioneer Park Museum Acquisition and Accession Policy be considered adopted as at the end date of the public exhibition period.</p>	
22 November 2022	NOTICE OF MOTION - MURRUMBIDGEE REGIONAL HIGH SCHOOL	GM	125682	22/311	RESOLVED on the motion of Councillors Jenny Ellis and Anne Napoli that Griffith City Council invite the Minister for Education to meet with Council and the Griffith Community regarding the future of Murrumbidgee Regional High School.	03/01/2023: Letter written to Minister for Education.
22 November 2022	CC02 COMPULSORY ACQUISITION - LOT 103 DP 751730	CPO	125684	22/316	<p>RESOLVED on the motion of Councillors Simon Croce and Christine Stead that:</p> <p>(a) Council approves the acquisition of Crown Land, Lot 103 DP 751730, for road widening purposes under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.</p> <p>(b) Council make an application to the Minister and/or Governor of the Local Government Act 1993 for approval to acquire Crown Land Lot 103 DP 751730 (excluding minerals), by compulsory acquisition process under Section 177(1) of the Roads Act 1993.</p> <p>(c) Council continue to negotiate with Department of Planning & Environment – Crown Lands to</p>	25/11/2022: Application and all required documentation forwarded to the Director-General Department of Local Government for Ministers approval to acquire Crown Land Lot 103 DP 751730.

OUTSTANDING ACTION REPORT

					<p>acquire the land by agreement, or as determined by the Valuer General as defined in Section 55 of the Land Acquisition (Just Terms) Compensation Act 1991.</p> <p>(d) Following receipt of the Governor’s approval, Council give effect to the acquisition by publication of an Acquisition Notice in the NSW Government Gazette and such other publication as may be required by law.</p> <p>(e) Council delegate authority to the General Manager to execute all documents on behalf of Council under the Common Seal if required.</p> <p>(f) Council pay compensation to all interest holders entitled to compensation by virtue of the compulsory acquisition on the terms set out in the Land Acquisition (Just Terms Compensation) Act 1991.</p> <p>(g) Upon acquisition of the land, Council resolves to classify the acquired land as operational land pursuant to Section 31 of the Local Government Act 1993.</p>	
8 November 2022	CL02 REGIONAL AIRPORTS PROGRAM ROUND 2	P&EM	125039	22/290	<p>RESOLVED on the motion of Councillors Simon Croce and Manjit Singh Lally that:</p> <p>(a) Council authorise the Mayor and General Manager to execute the Commonwealth Simple Grant Agreement on behalf of Council</p>	<p>24/11/2022: Process for extension of time has commenced.</p> <p>03/01/2023: Confirmation received of extension of Grant.</p>

OUTSTANDING ACTION REPORT

					<p>under Council Common Seal for resurfacing/upgrading and line marking on Runway 06/24, Regular Passenger Transport (RPT).</p> <p>(b) That Council approach Department of Industry, Science Energy and Resource to request extension of time and amendment of the end date stipulated in the Commonwealth Simple Grant Agreement from 31 March 2023 to 31 March 2024.</p>	
27 September 2022	CL02 DA 42/2022 - COMPLETION OF A RETAINING WALL AND INSTALLATION OF A 2.1M HIGH BOUNDARY FENCE	AO	122987	22/238	RESOLVED on the motion of Councillor Christine Stead that the report LAY ON THE TABLE .	<p>6/10/2022: Meeting held with applicants/owners to discuss pathway forward. Letter provided and modification to original DA to be submitted.</p> <p>13/10/2022: Report to go to 13 December Council Meeting.</p> <p>03/01/2023: Report raised from table and subsequently laid on the table at the Council Meeting of 13 December 2022. Report to go to 24 January 2023 Council Meeting.</p>
9 August 2022	CL02 UPGRADE OF BOORGA ROAD AND DICKIE ROAD	DI&O	121040	22/191	<p>RESOLVED on the motion of Councillors Shari Blumer and Melissa Marin that:</p> <p>(a) Council submit an application under the Fixing Local Roads Round 4 to seal an addition of approximately 2km on Dickie Road west of the bridge over the Lake View Branch Canal.</p>	05/09/2022: Application submitted to Fixing Local Roads Round 4.

OUTSTANDING ACTION REPORT

					<ul style="list-style-type: none"> (b) Should the application referred to in (a) above be unsuccessful Council adopt the revised scope of works for the upgrade of Boorga Road and Dickie Road, reducing the total scope of works to 8.6km. (c) Should the application referred to in (a) above be unsuccessful Council complete a gravel resheet of approximately 2km on Dickie Road West of the bridge over the Lake View Bridge Canal. (d) A Council Workshop be held to further inform Councillors on works to date. 	
9 August 2022	CL03 COUNCIL REPORT ON FUNDING OPTIONS - HANWOOD SPORTS COMPLEX UPGRADE	DBCF	121041	22/192	<p>RESOLVED on the motion of Councillors Glen Andreezza and Manjit Singh Lally that:</p> <ul style="list-style-type: none"> (a) Council endorse submitting an application under the Multi Sports Community Facility Fund for new amenities (toilets & change rooms) and kiosk at the Hanwood Sports Complex. (b) Council to receive a further report to endorse projects to apply for funding under the Stronger Country Communities Fund Round 5. Projects within the current 10 year capex plan would be identified as a means of providing sufficient funds to meet the minimum \$500,000 funding contribution required at (a), and (c) Council undertake additional user consultation relating to the options for the scope and exact location of 	<p>05/09/2022:</p> <ul style="list-style-type: none"> (a) Application has been submitted 31/08/2022. (b) Reported to Council to apply for Yambil Street Stage 4. (c) Additional consultation to be undertaken. <p>03/01/2023: Preliminary consultation meeting held with two members of the Hanwood sporting stakeholder group on 16 December 2022. Further discussions to be held early 2023.</p>

OUTSTANDING ACTION REPORT

					the facilities which are to be modelled on the new Jubilee Oval facilities.	
12 July 2022	NOTICE OF MOTION - COUNCILLOR YENDA MASTERPLAN	GM	119905	22/167	<p>RESOLVED on the motion of Councillors Laurie Testoni and Glen Andreazza that:</p> <p>(a) Council undertake a master planning exercise for the village of Yenda. Factors such as future residential sub divisions, lifestyle blocks and rural residential to be considered along with future amenities for the village, such as sporting infrastructure to be considered. With a number of major projects nearing completion the time is right to focus on what opportunities are there for our region with growth and development. Yenda has a lot of potential for growth and by investigating strategies for the future it would benefit the growth on not only the village but that of the ever expanding Griffith City limits. It would be important for community engagement and with the next Community Opinion Group meeting to be held in Yenda it is a great opportunity for Griffith City Council to engage with community.</p> <p>(b) Council schedule a Councillor Workshop to refine the scope of the Master Plan.</p> <p>(c) Staff prepare the scoping document and report to Council for consideration of source of budget</p>	<p>01/08/2022: This matter will be scheduled for discussion at Council Workshop 16 August 2022.</p> <p>05/09/2022: Council to submit an application to NSW Department of Planning and Environment for grant funding under Regional Housing Strategic Planning Fund Round 1 to complete a Yenda Masterplan. Application close 30 September 2022.</p> <p>04/10/2022: Grant application submitted.</p> <p>03/01/2023: NSW Government advised the Grant application successful on 30 November 2022. Expressions of Interests invited to coordinate and undertake the Yenda Masterplan.</p>

OUTSTANDING ACTION REPORT

					resources, time line, amendment and adoption of scoping document.	
24 May 2022	CC02 TENDER NO. 16-21/22 - HANWOOD STORMWATER PUMP AND LEVEE HANWOOD	DU	117734	22/143	<p>RESOLVED on the motion of Councillors Christine Stead and Manjit Singh Lally that:</p> <p>(a) Council, in accordance with Section 178(1) (b) of the Local Government Regulation 2005, reject all tenders submitted for Tender No. 16 - 21/22 - Hanwood Stormwater Pump and Levee due to budget constraints.</p> <p>(b) Council, in accordance with Section 178(4) (a) of the Local Government Regulation 2005, does not need to call fresh tenders for Tender No. 16 - 21/22 - Hanwood Stormwater Pump and Levee as there are suitably qualified and experienced tenderers available to negotiate with.</p> <p>(c) Council, in accordance with Section 178(3) (e) of the Local Government Regulation 2005, enter into negotiations with B&C Plumbing Pty Ltd for Tender No. 16 - 21/22 - Hanwood Stormwater Pump and Levee based on the Contractor's experience and workmanship.</p> <p>(d) A further report to be presented to Council following negotiations with B&C Plumbing regarding Stages 1a & 2, recommending the preferred contractor.</p>	<p>20/06/2022: Report to come back to Council.</p> <p>11/08/2022: Report to Council 9 August 2022 – Tender 16-21/22 Stage 1A and Stage 2.</p> <p>05/09/2022: Contractors engaged. 1500mm diameter concrete pipes delivered to site.</p> <p>16/01/2023: Works commenced 11/01/2023.</p>

OUTSTANDING ACTION REPORT

					(e) A further report to be presented to Council for Stage 1b upon notification of the grant.	
22 February 2022	CC01 CREMATORIUM FEASIBILITY STUDY	DIO	114001	22/061	<p>RESOLVED on the motion of Councillors Simon Croce and Manjit Singh Lally that:</p> <p>(a) Council call an Expression of Interest from interested parties for a period of 60 days to seek interest in entering into a partnership arrangement with Griffith City Council to construct and operate a crematorium facility.</p> <p>(b) The feasibility study completed by the consultants regarding construction and operation of a crematorium be considered by Councillors in conjunction with the review of the 10 Year Capital Expenditure Plan and Draft Budget 2022/2023.</p> <p>(c) Following the adoption of the new Committee Structure by Council during March 2022, the final report by the consultants be referred to the relevant committee seeking a firm recommendation to Council regarding a preferred location for a crematorium.</p>	<p>14/03/2022: Expression of Interest document being drafted.</p> <p>08/04/2022: Expression of Interest document on Exhibition. Expression of Interest to close 7 June 2022.</p> <p>04/07/2022: For consideration at New Cemetery Masterplan Committee held 04/07/2022.</p> <p>18/07/2022: staff commenced discussions with the author of the submission to outline next steps.</p> <p>05/09/2022: Council staff have met with the author of the submission. The author is to prepare costings to construct a crematorium and then forward to Council for consideration by the New Cemetery Masterplan Committee.</p> <p>16/01/2023: New Cemetery Masterplan Committee meeting scheduled for 27/02/2023.</p>
8 February 2022	CL07 AUSTRALIAN GOVERNMENT - BUILDING BETTER REGIONS FUND (ROUND 6) GRANT APPLICATION	GM	113316	22/027	<p>RESOLVED on the motion of Councillors Dino Zappacosta and Christine Stead that:</p> <p>(a) Council endorse the lodgement of an application for grant funding to the Australian Government Building Better Regions Fund</p>	<p>28/02/2022: Application submitted.</p> <p>14/03/2022: Letter written to MAAS Properties and Griffith Local Aboriginal Lands Council</p>

OUTSTANDING ACTION REPORT

					<p>(Round 6) by the closing date of Thursday 10 February 2022.</p> <p>(b) The purpose of the application is to accelerate or bring forward additional developed residential housing lots in Collina, Griffith thus enabling more housing construction.</p> <p>(c) The scope of works to include the acquisition of land to construct an extension of Clifton Boulevard by approximately 850m to the intersection of Rifle Range Road, the upgrade of that intersection and provision of utilities i.e. water, sewer, drainage and street lighting.</p> <p>(d) The General Manager be authorised to sign the Grant Funding Application.</p> <p>(e) The Mayor and General Manager be authorised to commence negotiations with the Griffith Local Aboriginal Land Council for the acquisition (by agreement) of land required for the extension of Clifton Boulevard to the intersection with Rifle Range Road. A further report be presented to Council for consideration following negotiations.</p> <p>(f) The Mayor and General Manager be authorised to commence negotiations with the Griffith Local Aboriginal Land Council and the MAAS Property Group with a view to preparing a Voluntary Planning</p>	<p>inviting parties to commence negotiations with Council.</p> <p>05/09/2022: Negotiations with respect to extension of Clifton Blvd have been suspended due to current Federal Court of Australia Native Title Extinguishment proceedings. Council progressing with funding model to extend Citrus Road in Collina in lieu of Clifton Blvd extension.</p> <p>16/01/2023: Program of works regarding Citrus Road/Rifle Range Road intersection submitted to Department of Planning NSW. Strategic planning milestone report also submitted for approval. Works scheduled to commence July 2023.</p>
--	--	--	--	--	---	---

OUTSTANDING ACTION REPORT

					<p>Agreement with each party. A further report be prepared for Council consideration following negotiations.</p> <p>(g) Should Council be invited to submit a formal application for grant/loan funds by the National Housing Finance and Investment Corporation then the General Manger be authorised to prepare and lodge that application.</p>	
8 December 2020	CL03 - LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM (EXTENSION)	DIO	95319	20/295	<p>RESOLVED on the motion of Councillors Doug Curran and Christine Stead that Council submit the following projects to the Federal Government under the Local Roads and Community Infrastructure (Extension) Program: Griffith City Council Allocation: \$1,397,601.</p> <p>(1) Railway Street Car Park (East End). Estimated Cost: \$500,000.</p> <p>(2) Jubilee Oval - Car Park adjacent to new amenities block. Estimated Cost: \$160,000.</p> <p>(3) Asphalt exiting shared path (4.7km) along Wyangan Avenue (from residential area) to Jones Road and then along Jones Road to Eastern side of causeway. Similar to Hanwood path asphalt surface. Estimated Cost: \$350,000</p> <p>(4) Barber Road Project Contribution. Estimated Cost: \$390,000.</p> <p>Should Council's application to seal Barber Road under Fixing Local Roads (Round 2) be</p>	<p>18/07/2022:</p> <p>Project 1: Completed.</p> <p>Project 2: Completed.</p> <p>Project 3: Completed.</p> <p>Project 4: Drainage expected completion August 2022.</p> <p>Project 5: Awaiting finalisation on quotes.</p> <p>TfNSW has informed Council that its application for 2.5m shared pathway is unsuccessful. Council has been invited to make a submission to TfNSW Active Transport for a 4.5m wide shared pathway for scoping and design. Submission lodged by Council.</p>

OUTSTANDING ACTION REPORT

					<p>unsuccessful, then Council submit Footpath between West End Oval and Jubilee Oval. Estimated Cost to \$390,000.</p> <p>(5) A costing for a Pedestrian Bridge over the canal on Mackay Avenue/ Macedone Road (northern side) and a costing for footpaths as per the Pedestrian Access and Mobility Plan (PAMP) designed for the area.</p> <p>Total Projects 1, 2, 3 and 4 - \$1,400,000.</p>	
--	--	--	--	--	--	--

OUTSTANDING ACTION REPORT
OUTSTANDING ACTION REPORT – COMPLETION BY OTHER AGENCIES PENDING

Council Meeting Date	MEETING ITEM	Action Officer	CRM No.	Minute No.	Council Resolution	Additional Information
14 June 2022	CL05 DRAFT PLAN OF MANAGEMENT - SCENIC HILL ZONE 2 - PIONEER PARK	CPO	118591	22/149	<p>RESOLVED on the motion of Councillors Anne Napoli and Glen Andrezza that:</p> <p>(a) Council refer the Draft Plan of Management for Scenic Hill Zone 2 – Pioneer Park being Crown Reserves 87129 (part Lot 7012 DP 1024031) and 87945 (Lot 1347 DP 751709) to the Minister administering the Crown Land Management Act 2016 for approval.</p> <p>(b) Upon approval from the Minister administering the Crown Land Management Act 2016 Council amends the Draft Plan of Management for Scenic Hill Zone 2 – Pioneer Park if required, and place it on public exhibition as per Section 38 of the Local Government Act 1993.</p> <p>(c) Native Title advice has been provided.</p> <p>(d) A report be presented to Council to adopt the final Plan of Management for Scenic Hill Zone 2 – Pioneer Park on completion of the exhibition period, to consider all submissions.</p>	16/06/2022: Draft Plan of Management sent to the Crown seeking approval to place on public exhibition.

OUTSTANDING ACTION REPORT

26 April 2022	CL02 GENERAL AMENDMENT - GRIFFITH LOCAL ENVIRONMENTAL PLAN 2014	SP	116522	21/110	<p>RESOLVED on the motion of Councillors Dino Zappacosta and Christine Stead that:</p> <ul style="list-style-type: none"> (a) Council endorse the Planning Proposal set out in Attachment (a) that seeks a General Amendment to the Griffith Local Environmental Plan 2014; (b) Council give delegated authority to the Director Sustainable Development to submit the Planning Proposal to the Department of Planning and Environment to seek a Gateway Determination; (c) Should Gateway Determination be granted by the Department of Planning & Environment, the Planning Proposal be placed on public exhibition for community consultation, and where identified consult with any relevant public authority; and (d) If any submissions are received, Council considers the submissions at an Ordinary Meeting before the planning proposal is re-submitted to the Department of Planning and Environment for consideration and final assessment. 	<p>05/05/2022: Awaiting Gateway Determination from Department of Planning & Environment.</p> <p>9/11/2022: Discussions after 05/05/2022 with Department of Planning lead to some amendments to the GLEP which was subsequently re-submitted to the Department of Planning. Council are waiting on gateway approval of the amended Planning Proposal.</p> <p>16/01/2023: Report to Council Meeting 24/01/2023.</p>
08 March 2022	CL03 NSW REGIONAL HOUSING FUND -	GM	114648	22/070	<p>RESOLVED on the motion of Councillors Jenny Ellis and Dino Zappacosta that:</p>	<p>04/04/2022: Application submitted.</p>

OUTSTANDING ACTION REPORT

	GRANT APPLICATION				<p>(a) Council submit an Expression of Interest to the NSW Government under the NSW Regional Housing Fund Program.</p> <p>(b) The Expression of Interest is to part fund the Residential Housing Enabling Infrastructure Project. The scope of the project includes: the extension of Clifton Boulevard east to the intersection with Rifle Range Road, upgrade of that intersection and provision of necessary utilities (water sewer, drainage and street lighting).</p> <p>(c) The Expression of Interest to be the maximum allowed under the guidelines being \$1,400,000.</p> <p>(d) Should Council be invited to progress to a Stage 2 Application, that Council authorise the General Manager to submit an application in this regard.</p> <p>(e) The Mayor and General Manager be authorised to sign any relevant documents in relation to this Expression of Interest/ Application process.</p>	<p>15/08/2022: Grant funding application diverted from Clifton Boulevard to Citrus Road extension.</p> <p>16/01/2023: Program of works regarding Citrus Road/Rifle Range Road intersection submitted to Department of Planning NSW. Strategic planning milestone report also submitted for approval. Works scheduled to commence July 2023.</p>
22 February 2022	NOTICE OF MOTION – YOOGALI SHARED BICYCLE PATH	DIO	114000	22/057	RESOLVED on the motion of Councillors Simon Croce and Anne Napoli that:	14/03/2022: Funding estimate for Path and Bridge: \$1.4 million.

OUTSTANDING ACTION REPORT

					<p>(a) Council consider the construction of the Griffith to Yoogali shared bicycle track as a priority.</p> <p>(b) Council undertake a full costing of the track and bridge as to facilitate funding opportunities to contribute towards the new construction.</p>	<p>100% funding request submitted to Transport for NSW Active Transport Program.</p> <p>16/01/2023: TfNSW has informed Council that its application for 2.5m shared pathway is unsuccessful. Council has been invited to make a submission to TfNSW Active Transport for a 4.5m wide shared pathway for scoping and design. Submission lodged by Council.</p>
9 March 2021	CL02 - BENEREMBAH STREET - LIGHTING AND BEAUTIFICATION	DIO	99137	21/081	<p>RESOLVED on the motion of Councillors Brian Simpson and Rina Mercuri that Council proceed with the design and installation of 4 street lights in Benerembah Street to a maximum cost of \$60,000 and commence these works during the current financial year being 2020-2021.</p>	<p>06/04/2021: Installation of street lights progressing.</p> <p>14/04/2021: Quotation received. Design commenced.</p> <p>20/09/2021: Contractor engaged, awaiting certified design.</p> <p>01/11/2021: Certified Design received.</p> <p>17/01/2022: Proposed commencement date 7 Feb 2022.</p> <p>02/03/2022: Awaiting approval from Essential Energy on modification to trench location due to hard rock being located as per original plans.</p>

OUTSTANDING ACTION REPORT

						<p>05/05/2022: Approval still pending with Essential Energy.</p> <p>05/09/2022: Approval received. Works commenced.</p> <p>16/03/2023: Footings poured.</p>
23 March 2021	BUSINESS ARISING - MINUTES OF THE TRANSPORT COMMITTEE MEETING HELD ON 8 FEBRUARY 2021 – BRIDGE NORTH OF KIDMAN WAY AND COPPARD ROAD	RSTO	99774	21/001	<p>RESOLVED on the motion of Councillors Dino Zappacosta and Simon Croce that Council follow up with Transport for NSW in relation to the upgrade of bridge north of the Kidman Way and Coppard Road intersection.</p>	<p>14/04/2021: A report was presented to Transport Committee 12/04/2021 regarding site history with a recommendation that Transport for NSW be approached for an update. Subsequently the issue was also raised at the Traffic Committee 13/04/2021 and the matter was put to the Transport for NSW representative who advised they would investigate and report the outcome back to the Traffic Committee.</p> <p>16/07/2021: Minutes from the Traffic Committee Meeting 11 May 2021 <i>‘Mr Minehan has received advice from TfNSW’s Asset Manager that the realignment works were a shovel ready project with the design finalised however no date has been set at this stage due to lack of funding’.</i></p> <p>03/08/2021: Letter sent to the Local Member, Helen Dalton MP for support in</p>

OUTSTANDING ACTION REPORT

						requesting Transport for NSW proceed with plans of re-alignment of Willbriggie Bridge, Kidman Way.
--	--	--	--	--	--	--