



## Ordinary Meeting

# BUSINESS PAPER

**Tuesday, 9 April 2024 at 7:00 PM**

Griffith City Council Chambers

Phone: 1300 176 077

Web: [www.griffith.nsw.gov.au](http://www.griffith.nsw.gov.au) Email: [admin@griffith.nsw.gov.au](mailto:admin@griffith.nsw.gov.au)



## COUNCILLORS

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

[dcurran@griffith.com.au](mailto:dcurran@griffith.com.au)  
[anapoli@griffith.com.au](mailto:anapoli@griffith.com.au)  
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## 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](mailto: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  
Acting Director Business, Cultural & Financial Services  
Director Infrastructure and Operations  
Director Sustainable Development  
Director Utilities

Brett Stonestreet  
Shireen Donaldson  
Max Turner  
Phil King  
Bruce Gibbs  
Graham Gordon

## Economic & Organisational Development

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

Leanne Austin  
Vacant  
Annie Featherstone  
Mike Gaze  
Mirella Guidolin  
Joanne Savage  
Jeanette Franco  
Melissa Canzian

## Business, Cultural & Financial Services

Finance Manager  
Asset Management Coordinator  
Acting Library Manager  
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  
Animal Control and Parking Compliance Coordinator  
Environment & Public Health Coordinator  
Corporate Property Officer & Native Title Coordinator  
Building Certification Coordinator  
Airport Facility Coordinator

Carel Potgieter  
Kerry Rourke  
Patterson Ngwira  
Peter Badenhorst  
Melanie Vella  
Karin Penninga  
Vanessa Johns  
Amanda Vardanega  
Royce Johns  
Graham Slingsby

## Utilities

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

Joe Rizzo  
John Roser  
Durgananda Chaudhary

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**ORDINARY MEETING OF GRIFFITH CITY COUNCIL  
TO BE HELD IN GRIFFITH CITY COUNCIL CHAMBERS ON  
TUESDAY, 9 APRIL 2024 AT 7:00 PM**

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### MEETING NOTICE

Notice is hereby given that an Ordinary Meeting of Council will be held in the Griffith City Council Chambers on **Tuesday, 9 April 2024**.

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 | p22 | DA 280/2023 - Three (3) Lot Large Lot Residential Subdivision                     |
| CL02 | p35 | DA 281/2023 - Three (3) Lot Large Lot Residential Subdivision                     |
| CL03 | p48 | DA 105/2023 - Section 8.2 Review of Determination - Refusal of Secondary Dwelling |
| CL04 | p56 | Adoption - Plan of Management - Scenic Hill - Zone 3 - Natural Areas              |



- CL05          p59      Licence Agreement Renewal - Peter Rossiter - Car Parking
- CL06          p64      Licence Agreement Renewal - Leo Franco Motors Pty Ltd - Car Parking
- CL07          p69      Murray Darling Association Annual Conference and AGM 2024
- 9            Information Reports
- 10          Adoption of Committee Minutes
- p71      Minutes of the Griffith Pioneer Park Museum Committee Meeting held on 18 March 2024
- 11          Business with Notice – Rescission Motions
- 12          Business with Notice – Other Motions
- 13          Outstanding Action Report
- p74      Outstanding Action Report
- 14          Matters to be dealt with by Closed Council

**Brett Stonestreet**

**GENERAL MANAGER**

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**ORDINARY MEETING OF GRIFFITH CITY COUNCIL  
HELD IN GRIFFITH CITY COUNCIL CHAMBERS ON  
TUESDAY, 26 MARCH 2024 COMMENCING AT 7:00 PM**

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**PRESENT**

The Mayor, Doug Curran in the Chair; Councillors, Glen Andreazza, Shari Blumer, Simon Croce, Jenny Ellis, Manjit Singh Lally, Christine Stead, Laurie Testoni and Dino Zappacosta

**STAFF**

General Manager, Brett Stonestreet, Director Economic & Organisational Development, Shireen Donaldson, Director Utilities, Graham Gordon, Director Infrastructure & Operations, Phil King, Acting Director Business, Cultural, Financial Services, Max Turner, Acting Director Sustainable Development, Carel Potgieter

**MEDIA**

Cai Holroyd, The Area News

**1 COUNCIL ACKNOWLEDGEMENTS**

The Meeting opened with Councillor Christine Stead reading the Opening Affirmation and the Acknowledgement of Country.

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

24/072

**RESOLVED** on the motion of Councillors Christine Stead and Laurie Testoni that apologies be received from Councillors Melissa Marin, Anne Napoli and Chris Sutton and a leave of absence granted.

For

Councillor Doug Curran  
Councillor Glen Andreazza  
Councillor Shari Blumer  
Councillor Simon Croce  
Councillor Jenny Ellis  
Councillor Manjit Singh Lally  
Councillor Christine Stead  
Councillor Laurie Testoni  
Councillor Dino Zappacosta

Against

**The division was declared PASSED by 9 votes to 0.**

### **3 CONFIRMATION OF MINUTES**

24/073

**RESOLVED** on the motion of Councillors Glen Andreazza and Laurie Testoni that the minutes of the Ordinary Meeting of Council held in Griffith City Council Chambers on 12 March 2024, having first been circulated amongst all members of Council, be confirmed.

For

Councillor Doug Curran  
Councillor Glen Andreazza  
Councillor Shari Blumer  
Councillor Simon Croce  
Councillor Jenny Ellis  
Councillor Manjit Singh Lally  
Councillor Christine Stead  
Councillor Laurie Testoni  
Councillor Dino Zappacosta

Against

**The division was declared PASSED by 9 votes to 0.**

### **4 BUSINESS ARISING**

#### **4.1 NOTICE OF MOTION**

Councillors Dino Zappacosta and Simon Croce moved the following MOTION that:

- (a) Council secure the sites by clearing and fencing the areas of the Blacksmith Store site and Fire Bell site.
- (b) Council call for public comment regarding the abovementioned sites.
- (c) Council allocate funds in the budget to clear and fence the areas to secure the sites.

For

Councillor Simon Croce  
Councillor Manjit Singh Lally  
Councillor Christine Stead  
Councillor Dino Zappacosta

Against

Councillor Doug Curran  
Councillor Glen Andreazza  
Councillor Shari Blumer  
Councillor Jenny Ellis  
Councillor Laurie Testoni

**The division was declared LOST by 4 votes to 5.**

The MOTION was declared LOST.

This item is to be considered at a future Council Workshop.

### **5 DECLARATIONS OF INTEREST**

#### **Pecuniary Interests**

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

Graham Gordon

CC02 General Manager Key Performance Indicators January 2024 to August 2025  
Reason – I am an employee of Griffith City Council and report directly to the General Manager.



Phil King

CC02 General Manager Key Performance Indicators January 2024 to August 2025

Reason – I am an employee of Griffith City Council and report directly to the General Manager.

Max Turner

CC02 General Manager Key Performance Indicators January 2024 to August 2025

Reason – I am an employee of Griffith City Council and report directly to the General Manager.

Carel Potgieter

CC02 General Manager Key Performance Indicators January 2024 to August 2025

Reason – I am an employee of Griffith City Council.

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

There were no significant non-pecuniary interests declared.

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

*Councillors making a less than significant non-pecuniary interest declaration may stay in the meeting and participate in the debate and vote on the matter.*

Councillor Jenny Ellis

CL02 Community Gardens Large Scale Event Masterplan

Reason – I am a member of the Griffith Musicians Club.

## **6 PRESENTATIONS**

The Mayor congratulated Councillors Simon Croce, Anne Napoli and Christine Stead on reaching 20 years' service in local government. Certificates issued by LG NSW will be presented later this year.

## **7 MAYORAL MINUTES**

Nil

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

### **CL01 DA 222/2023 - CONSTRUCTION OF A NEW DWELLING AND TORRENS TITLE SUBDIVISION TO CREATE A DETACHED DUAL OCCUPANCY DEVELOPMENT**

24/074

**RESOLVED** on the motion of Councillors Christine Stead and Manjit Singh Lally that:

- (a) Council, as the consent authority pursuant to Section 4.16(1)(a) of the Environmental Planning & Assessment Act 1979 grant consent to the to permit the construction of a new dwelling to create a dual occupancy development with Torrens Title subdivision at 31 Polkinghorne Street Griffith subject to conditions, including those set out provided in Attachment A of the report.
- (b) Development Application 222/2023 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 Glen Andreazza  
Councillor Shari Blumer  
Councillor Simon Croce  
Councillor Jenny Ellis  
Councillor Manjit Singh Lally  
Councillor Christine Stead  
Councillor Laurie Testoni  
Councillor Dino Zappacosta

The division was declared **PASSED** by 9 votes to 0.

## **CL02 COMMUNITY GARDENS LARGE SCALE EVENT MASTERPLAN**

24/075

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

- (a) Council adopts the Community Gardens Large Scale Event Masterplan as exhibited.
- (b) Council finalise the estimated costing and implement permanent power supply to service food vans adjacent to Willandra Avenue, relocation of existing backstage storage container to be permanently located behind Stuart McWilliam Stage subject to existing budget allocation of \$50,000.
- (c) Council finalise a staged design of fencing for the Community Gardens site.

For

Against

Councillor Doug Curran  
Councillor Glen Andreazza  
Councillor Shari Blumer  
Councillor Simon Croce  
Councillor Jenny Ellis  
Councillor Manjit Singh Lally  
Councillor Christine Stead  
Councillor Laurie Testoni  
Councillor Dino Zappacosta

The division was declared **PASSED** by 9 votes to 0.

## **CL03 STREET SCAPES SEATING PARKLETS RENTAL POLICY**

24/076

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

- (a) Council endorse the Street Scapes Seating Parklets Rental Policy and place on public exhibition for 28 days.
- (b) Should submissions be received a further report be submitted to Council.
- (c) Should no submissions be received the policy be adopted and the applicable fees and charges be included Councils current and future revenue policy.

For

Against

Councillor Doug Curran  
Councillor Glen Andreazza  
Councillor Shari Blumer

Councillor Simon Croce  
Councillor Jenny Ellis  
Councillor Manjit Singh Lally  
Councillor Christine Stead  
Councillor Laurie Testoni  
Councillor Dino Zappacosta

The division was declared **PASSED** by 9 votes to 0.

#### **CL04 FLOODPLAIN MANAGEMENT AUSTRALIA NATIONAL CONFERENCE 2024**

24/077

**RESOLVED** on the motion of Councillors Dino Zappacosta and Laurie Testoni that:

- (a) Council be represented at the 2024 Floodplain Management Australia National Conference to be held in Brisbane from 22 – 24 May 2024.
- (b) Councillor Zappacosta, the General Manager (or his delegate) attend the Conference.
- (c) Expenses to attend the Conference be paid by Council in accordance with the Councillors Payment of Expenses and Provision of Facilities Policy.

For

Against

Councillor Doug Curran  
Councillor Glen Andreazza  
Councillor Shari Blumer  
Councillor Simon Croce  
Councillor Jenny Ellis  
Councillor Manjit Singh Lally  
Councillor Christine Stead  
Councillor Laurie Testoni  
Councillor Dino Zappacosta

The division was declared **PASSED** by 9 votes to 0.

### **9 INFORMATION REPORTS**

#### **CL05 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURNS - MARCH 2023**

24/078

**RESOLVED** on the motion of Councillors Christine Stead and Manjit Singh Lally that the Disclosures by Councillors and Designated Persons Returns for Council's Director Business, Cultural & Financial Services and Animal Control & Parking Compliance Coordinator be noted.

For

Against

Councillor Doug Curran  
Councillor Glen Andreazza  
Councillor Shari Blumer  
Councillor Simon Croce  
Councillor Jenny Ellis  
Councillor Manjit Singh Lally  
Councillor Christine Stead  
Councillor Laurie Testoni  
Councillor Dino Zappacosta

The division was declared **PASSED** by 9 votes to 0.



## **10 ADOPTION OF COMMITTEE MINUTES**

### **MINUTES OF THE DISABILITY INCLUSION & ACCESS COMMITTEE MEETING HELD ON 6 MARCH 2024**

24/079

**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 6 March 2024 be adopted.

For

Councillor Doug Curran  
Councillor Glen Andreazza  
Councillor Shari Blumer  
Councillor Simon Croce  
Councillor Jenny Ellis  
Councillor Manjit Singh Lally  
Councillor Christine Stead  
Councillor Laurie Testoni  
Councillor Dino Zappacosta

Against

**The division was declared PASSED by 9 votes to 0.**

### **MINUTES OF THE NEW CEMETERY MASTERPLAN COMMITTEE MEETING HELD ON 7 MARCH 2024**

24/080

**RESOLVED** on the motion of Councillors Christine Stead and Jenny Ellis that the meeting suspend standing orders to allow Pamela Kensett-Smith to address Council.

For

Councillor Doug Curran  
Councillor Glen Andreazza  
Councillor Shari Blumer  
Councillor Simon Croce  
Councillor Jenny Ellis  
Councillor Manjit Singh Lally  
Councillor Christine Stead  
Councillor Laurie Testoni  
Councillor Dino Zappacosta

Against

**The division was declared PASSED by 9 votes to 0.**

24/081

**RESOLVED** on the motion of Councillors Simon Croce and Christine Stead 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 Christine Stead  
Councillor Laurie Testoni

Against

Councillor Dino Zappacosta

**The division was declared PASSED by 9 votes to 0.**

24/082

**RESOLVED** on the motion of Councillors Simon Croce and Glen Andreazza that the meeting suspend standing orders to allow Mrs Kensett-Smith to address Council.

For

Against

Councillor Doug Curran  
Councillor Glen Andreazza  
Councillor Shari Blumer  
Councillor Simon Croce  
Councillor Jenny Ellis  
Councillor Manjit Singh Lally  
Councillor Christine Stead  
Councillor Laurie Testoni  
Councillor Dino Zappacosta

**The division was declared PASSED by 9 votes to 0.**

24/083

**RESOLVED** on the motion of Councillors Glen Andreazza and Manjit Singh Lally that the meeting resume standing orders.

For

Against

Councillor Doug Curran  
Councillor Glen Andreazza  
Councillor Shari Blumer  
Councillor Simon Croce  
Councillor Jenny Ellis  
Councillor Manjit Singh Lally  
Councillor Christine Stead  
Councillor Laurie Testoni  
Councillor Dino Zappacosta

**The division was declared Passed by 9 votes to 0.**

24/084

**RESOLVED** on the motion of Councillors Simon Croce and Christine Stead that the recommendations as detailed in the Minutes of the New Cemetery Masterplan Committee meeting held on 7 March 2024 be adopted, including the SMT Comment as printed below:

**SMT Comment:**

Should Council support the above recommendation it is proposed that Council should adopt the following in lieu of the recommendation above.

- a) Council invite Griffith Regional Funerals to submit a Development Application for assessment with respect to the installation and operation of a cremation service to be located at Lot 4 DP775986 Wakaden St, Griffith and that the owner of the property sign the Development Application.
- b) Council appoint an external planner to assess the development application with the determination remaining with Griffith City Council. The assessment report of the development application to be determined by a meeting of Council.
- c) In the event that Griffith City Council approved the development application that a deed of agreement be drafted between Griffith City Council and Griffith Regional Funeral Services detailing the lease and conditions of use of the cremator. The documentation is to include reference to the owner of the property and their concurrence to the installation and use of the cremator. Further, that the owner concurs to the circumstances that the cremator may be removed from the property. Legal costs to prepare the above

documentation are the responsibility of Griffith Regional Funeral Services.

- d) Subject to a, b and c above being completed, that Council proceed to acquire and install the cremator.
- e) Funding to be drawn from the long term financial plan 2025/26 approximately \$400,000 installed.
- f) The fees applicable to the lease of the cremator as detailed in confidential attachment A as previously reported to Council and the Committee will be included in Council's revenue policy and are subject to annual review.

For

Against

Councillor Doug Curran  
Councillor Glen Andreazza  
Councillor Shari Blumer  
Councillor Simon Croce  
Councillor Jenny Ellis  
Councillor Manjit Singh Lally  
Councillor Christine Stead  
Councillor Laurie Testoni  
Councillor Dino Zappacosta

**The division was declared PASSED by 9 votes to 0.**

#### **MINUTES OF THE SCENIC HILL USER GROUP MEETING HELD ON 4 MARCH 2024**

24/085

**RESOLVED** on the motion of Councillors Jenny Ellis and Christine Stead that the recommendations as detailed in the Minutes of the Scenic Hill User Group meeting held on 4 March 2024 be adopted.

For

Against

Councillor Doug Curran  
Councillor Glen Andreazza  
Councillor Shari Blumer  
Councillor Simon Croce  
Councillor Jenny Ellis  
Councillor Manjit Singh Lally  
Councillor Christine Stead  
Councillor Laurie Testoni  
Councillor Dino Zappacosta

**The division was declared PASSED by 9 votes to 0.**

#### **MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 12 MARCH 2024**

The Mayor requested Council follow up if a Certificate of Currency has been received in relation to 3.1 Traffic Management – Vintage Festival 30 March 2024.

Councillor Manjit Singh Lally stated his concerns about the Traffic Management Plan and Traffic Control Plan for the 2024 Shaheedi Tournament Sikh Games and requested further consideration. The Mayor advised this was to be TAKEN ON NOTICE.

24/086

**RESOLVED** on the motion of Councillors Christine Stead and Manjit Singh Lally that the recommendations as detailed in the Minutes of the Traffic Committee meeting held on 12 March 2024 be adopted.



For

Councillor Doug Curran  
Councillor Glen Andreazza  
Councillor Shari Blumer  
Councillor Simon Croce  
Councillor Jenny Ellis  
Councillor Manjit Singh Lally  
Councillor Christine Stead  
Councillor Laurie Testoni  
Councillor Dino Zappacosta

Against

**The division was declared PASSED by 9 votes to 0.**

## **11 BUSINESS WITH NOTICE – RESCISSION MOTIONS**

Nil

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

### **NOTICE OF MOTION RECEIVED FROM COUNCILLOR CHRISTINE STEAD**

MOVED on the motion of Councillors Christine Stead and Shari Blumer that Griffith City Council to support the Multicultural Council for a period of six months rental at the Griffith Community Centre for a rental space at \$7,700 (inclusive of GST), which they are currently unable to fund. Securing this accommodation would significantly enhance the services offered by the Multicultural Council and provide a basis for further funding opportunities for much needed service to the community.

Councillor Laurie Testoni MOVED that the motion LAY ON THE TABLE to be discussed at a future Council Workshop.

For

Councillor Glen Andreazza  
Councillor Laurie Testoni

Against

Councillor Doug Curran  
Councillor Shari Blumer  
Councillor Simon Croce  
Councillor Jenny Ellis  
Councillor Manjit Singh Lally  
Councillor Christine Stead  
Councillor Dino Zappacosta

**The division was declared LOST by 2 votes to 7.**

The Motion to LAY THE REPORT on the table was declared LOST.

Councillor Dino Zappacosta foreshadowed a motion that Council support the Multicultural Council for a period of 12 months rental at the Griffith Community Centre for a rental space at \$15,400 (inclusive of GST).

The original Motion was PUT.

24/087

**RESOLVED** on the motion of Councillors Christine Stead and Shari Blumer that Griffith City Council to support The Multicultural Council for a period of six months rental at the Griffith Community Centre for a rental space at \$7,700 (inclusive of GST), which they are currently unable to fund. Securing this accommodation would significantly enhance the services offered by the Multicultural Council and provide a basis for further funding opportunities for

much needed service to the community.

For

Councillor Doug Curran  
Councillor Glen Andreazza  
Councillor Shari Blumer  
Councillor Jenny Ellis  
Councillor Manjit Singh Lally  
Councillor Christine Stead  
Councillor Laurie Testoni

Against

Councillor Simon Croce  
Councillor Dino Zappacosta

**The division was declared PASSED by 7 votes to 2.**

### **13 OUTSTANDING ACTION REPORT**

24/088

**RESOLVED** on the motion of Councillors Glen Andreazza and Christine Stead that the report be noted.

For

Councillor Doug Curran  
Councillor Glen Andreazza  
Councillor Shari Blumer  
Councillor Simon Croce  
Councillor Jenny Ellis  
Councillor Manjit Singh Lally  
Councillor Christine Stead  
Councillor Laurie Testoni  
Councillor Dino Zappacosta

Against

**The division was declared PASSED by 9 votes to 0.**

### **14 MATTERS TO BE DEALT WITH BY CLOSED COUNCIL**

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

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

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

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

- (f) matters affecting the security of the Council, Councillors, Council staff or Council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on Community land.
- (i) alleged contraventions of any code of conduct requirements applicable under section 440 of the Local Government Act 1993.

24/089

**RESOLVED** on the motion of Councillors Christine Stead and Jenny Ellis that:

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

For

Councillor Doug Curran  
Councillor Glen Andreazza  
Councillor Shari Blumer  
Councillor Simon Croce  
Councillor Jenny Ellis  
Councillor Manjit Singh Lally  
Councillor Christine Stead  
Councillor Laurie Testoni  
Councillor Dino Zappacosta

Against

**The division was declared PASSED by 9 votes to 0.**

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

**CC01 APPLICATIONS FOR THE AUDIT, RISK AND IMPROVEMENT COMMITTEE**

Reason: Personnel Matters 10A(2)(a)

**CC02 GENERAL MANAGER - KEY PERFORMANCE INDICATORS - JANUARY 2024 TO AUGUST 2025**

Reason: Personnel Matters 10A(2)(a)

**CC03 POWERING TOMORROW: REGIONAL COUNCILS NSW POWER PURCHASING AGREEMENT (PPA)**

Reason: Commercial Advantage 10A(2)(d)

Council closed its meeting at 8:08 pm.

The public and media left the Chamber.

Livestream was disconnected.

## **REVERSION TO OPEN COUNCIL**

24/090

**RESOLVED** on the motion of Councillors Christine Stead and Manjit Singh Lally that Open Council be resumed.

For

Councillor Doug Curran  
Councillor Glen Andreazza  
Councillor Shari Blumer  
Councillor Simon Croce  
Councillor Jenny Ellis  
Councillor Manjit Singh Lally  
Councillor Christine Stead  
Councillor Laurie Testoni  
Councillor Dino Zappacosta

Against

**The division was declared PASSED by 9 votes to 0.**

Open Council resumed at 8:22 pm.

Livestream was reconnected.

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

## **MATTERS DEALT WITH IN CLOSED COUNCIL**

### **CC01 APPLICATIONS FOR THE AUDIT, RISK AND IMPROVEMENT COMMITTEE**

24/091

**RESOLVED** on the motion of Councillors Shari Blumer and Glen Andreazza that Council endorse Dorian Radue and Helen Brill as new members for the Audit, Risk and Improvement Committee.

For

Councillor Doug Curran  
Councillor Glen Andreazza  
Councillor Shari Blumer  
Councillor Simon Croce  
Councillor Jenny Ellis  
Councillor Manjit Singh Lally  
Councillor Christine Stead  
Councillor Laurie Testoni  
Councillor Dino Zappacosta

Against

**The division was declared PASSED by 9 votes to 0.**

*Graham Gordon, Max Turner, Phil King and Carel Potgieter, having declared Pecuniary Interests, left the meeting. Shireen Donaldson remained in the meeting for minute taking purposes.*

### **CC02 GENERAL MANAGER - KEY PERFORMANCE INDICATORS - JANUARY 2024 TO AUGUST 2025**

24/092

**RESOLVED** on the motion of Councillors Laurie Testoni and Jenny Ellis that Council adopt the Key Performance Indicators for the General Manager in relation to the period January



2024 to August 2025 in accordance with the report.

For	Against
Councillor Doug Curran	
Councillor Glen Andreazza	
Councillor Shari Blumer	
Councillor Simon Croce	
Councillor Jenny Ellis	
Councillor Manjit Singh Lally	
Councillor Christine Stead	
Councillor Laurie Testoni	
Councillor Dino Zappacosta	

**The division was declared PASSED by 9 votes to 0.**

*Graham Gordon, Max Turner and Phil King returned to the meeting.*

**CC03 POWERING TOMORROW: REGIONAL COUNCILS NSW POWER PURCHASING AGREEMENT (PPA)**

24/093

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

- (a) Subject to a successful tendering process by the Hunter Joint Organisation, if per annum costs are less than the current overall cost of negotiable components, the General Manager shall have delegation to enter into a contract for the supply of electricity to Council's large sites and streetlights and present a further report to a future meeting of Council on completion of the process for Council's information; and
- (b) Council contribute a minimum of 21% of Council's electricity load to a renewable energy Power Purchase Agreement.
- (c) Council advise Hunter Joint Organisation of Council's decision to delegate authority to execute contracts.

For	Against
Councillor Doug Curran	
Councillor Glen Andreazza	
Councillor Shari Blumer	
Councillor Simon Croce	
Councillor Jenny Ellis	
Councillor Manjit Singh Lally	
Councillor Christine Stead	
Councillor Laurie Testoni	
Councillor Dino Zappacosta	

**The division was declared PASSED by 9 votes to 0.**

There being no further business the meeting terminated at 8:26 pm.

Confirmed: .....

CHAIRPERSON

<b>CLAUSE</b>	<b>CL01</b>
<b>PROPOSAL</b>	<b>DA 280/2023 - THREE (3) LOT LARGE LOT RESIDENTIAL SUBDIVISION</b>
<b>PROPERTY</b>	Lot 3 DP 1281086 – 236 Boorga Road
<b>LOCATION</b>	Lake Wyangan
<b>ZONING</b>	R5 – Large Lot Residential
<b>APPLICABLE PLANNING INSTRUMENT</b>	Griffith Local Environmental Plan, 2014
<b>EXISTING DEVELOPMENT</b>	Dwelling House
<b>APPLICANT</b>	Mrs J Violi
<b>OWNER</b>	Mr A & Mrs J Violi
<b>DIRECTORS OF COMPANYNA (IF APPLICABLE)</b>	
<b>APPLICATION DATE</b>	18 December 2023
<b>REASON FOR REFERRAL FROM TRIM REF</b>	Submission Objecting to Application <b>Kerry Rourke, Development Assessment Planner</b> <b>24/31382</b>

## **SUMMARY**

### ***Proposal***

- Council has received a development application for a three lot subdivision of the subject land under the provisions of Clause 4.6 of the Griffith Local Environmental Plan, 2014 as one lot is less than the minimum lot size development standard.
- The lot size variation is within 10% of the development standard and otherwise within Staff delegation.
- Due to the Clause 4.6 variation, the application was notified under Council's Community Participation Plan. A similar application is lodged on the adjoining property Lot 4 DP 1281086 (DA 281/2023) and one submission was received from the same property owners to each development application.
- The proposal complies with the provisions of Council's Residential Development Control Plan 2020.
- Consideration has been given to the variation request and the content of the submission - it is recommended that the application be approved subject to conditions set out in Attachment A.

### ***Type of Development***

Local

### **Main Issues**

Issues raised in the submission received during the notification of the application in accordance with the Community Participation Policy, objecting to the 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 permit a three (3) Lot Torrens Title subdivision at 236 Boorga Road Lake Wyangan subject to conditions, including those set out provided in Attachment A.**
- (b) Development Application 280/2023 be delegated to the Director of Sustainable Development for the preparation and issue of the Notice of Determination.**

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

### **SITE DESCRIPTION**

The subject site is located on Boorga Road, Lake Wyangan, and legally known as Lot 3 DP 1281086. The subject lot has a site area of 5.96 hectares.

Existing development includes a dwelling and farm structures, along with landscaping and vegetable gardens and small-scale seasonal crops.



An access connects to Boorga Road. A 5m wide internal driveway services both Lot 3 and adjoining Lot 4 DP 1281086 and includes an easement for access. The site has primary frontage and access to Boorga Road. A Murrumbidgee Irrigation canal adjoins the site at the rear on Lot 279 DP 1196899.

The property is located outside of the Lake Wyangan Growth Area.



## LOCATION MAP



 <p>Griffith City Council PO Box 58 Griffith NSW 2682 Telephone: (02) 6377 0777 Email: <a href="mailto:griffith@griffith.nsw.gov.au">griffith@griffith.nsw.gov.au</a></p>	<p><b>Disclaimer:</b> 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 skills and care in using this map and carefully evaluate the accuracy, currency, completeness and relevance of the map before relying on it. This 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 this map.</p>		<p>Projection: GDA2020 / MGA zone 56 Date: 11/03/2024 Drawn By: Kerry Bourke</p>	<p><b>DA 280/2023</b> <b>236 Boorga Road Lake Wyangan</b> Map Scale: 1:5000 at A4</p>
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## BACKGROUND

### Site History

Council's records indicate three applications relevant to this property in recent years:

- DA 144/2020 – subdivision of lot 11 DP 1233350, creating Lot 3 & 4 DP 1281086
- CDC 504/2021 – dwelling and garage on Lot 3 DP 1281086
- Griffith LEP Amendment No 7 notified on 20 October 2023 amended the zoning of the land from RU4 with a 5ha minimum lot size to R5 with a 2ha minimum lot size.

### Timeline of Events Pertaining to the Development Application

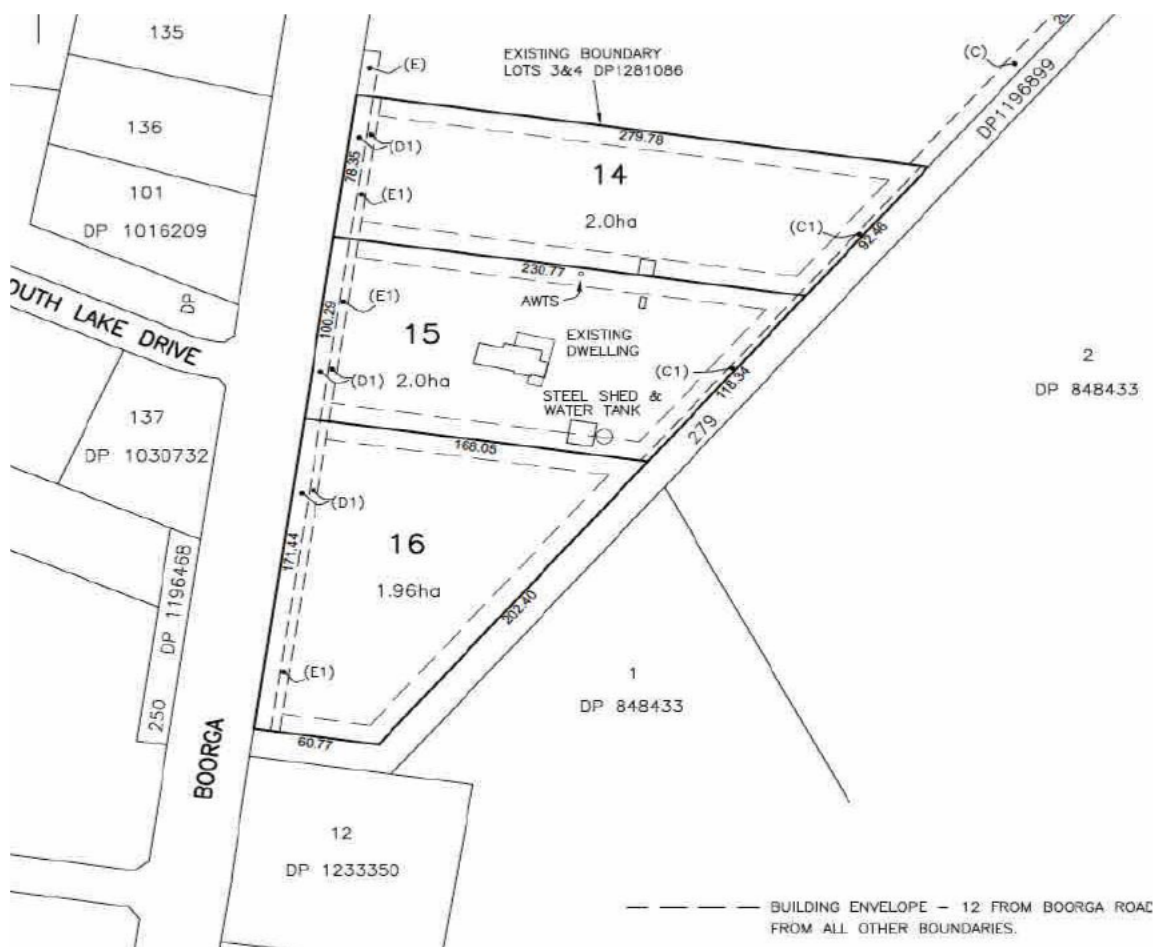
- 18/12/2023 – Application lodgement
- 18/12/2023 – assignment of application and internal referrals
- 22/12/2023 – additional information requested from applicant
- 04/01/2024 – notification of application – until 25/01/2024 (Christmas notification requirements)
- 20/02/2024 – additional information received (61 days stop the clock)
- 08/03/2024 – application assessment completed (nett application processing time to the date of the Council meeting is 53 days).

## PROPOSAL IN DETAIL

It is proposed to create three (3) large residential lots, where two (2) of the proposed lots are 2 hectares each in accordance with the development standard, and the remaining lot is 1.96



hectares, which is approximately 2% deficient in the minimum lot size development standard under Clause 4.1 of the Griffith Local Environmental Plan, 2014.



The application is supported by a variation request under Clause 4.6 of the Griffith Local Environmental Plan to due to the one undersize lot. The assessment and determination of the lot size exemption is within Council staff delegation.

### **ASSESSMENT UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

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

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

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

The proposed development is for the Torrens Title subdivision of land into three (3) lots. The definition of subdivision is found in Section 6.2 of the Environmental Planning & Assessment Act, 1979.

The subject land is zoned R5 Large Lot Residential and under Part 2 (clause 2.6) of Griffith Local Environmental Plan 2014 the subdivision of land is permitted only with the consent of Council. On this basis the proposed development is considered permissible.

### **Aims and Objectives**

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

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

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

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

Council may be satisfied that the proposed subdivision is consistent with both the aims of GLEP 2014 and objectives for the R5 Large Lot Residential Zone.

### **Principal Development Standards**

Clause 4.1 of GLEP 2014 sets down the minimum lot size requirements for the subdivision of land. For land in the R5 zone, mapped in the Z1 precinct, the minimum lot size is 2ha. Both Lots 14 and 15 achieve the 2ha minimum, however **Lot 16, at 1.96ha, does not comply** with the development standard.

Clause 4.6 Exceptions to development standards establishes a mechanism for varying development standards applying under a standard instrument setting out the objectives at clause 4.6(1). The objectives being:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6(3)(a) and 4.6(3)(b) require that a consent authority must not grant consent to a development that contravenes a development standard unless a written request has been received from the applicant that seeks to justify the contravention of the standard by demonstrating that:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Clause 4.6(4)(a)(i) and (ii) require that development consent must not be granted to a development that contravenes a development standard unless:

*(a) the consent authority is satisfied that:*

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

In support of the development application for the subdivision of Lot 3 DP 1281086 and in accordance with the provisions of clause 4.6(3) of Griffith Local Environmental Plan 2014 the applicant has requested that the consent authority permit a variation to a development standard.

The assessment of the proposed variation follows the Varying Development Standards: A Guide published by NSW Department of Planning & Infrastructure and has incorporated the established principles set out in NSW Land and Environment caselaw.

Application assessment has found that compliance with the minimum lot size standard set down in clause 4.1(3) is unreasonable and unnecessary in these circumstances for the following reasons:

- i. The existing pattern of subdivision comprises a mix of historical portions representative of early development of Griffith and more recent subdivision for the intergenerational transfer of land under previous environmental planning instruments. As a consequence of the historic cadastral boundaries and recent subdivision of land, lot sizes within the locality range in size from approximately 3500m<sup>2</sup> up 9.6 hectares. The proposed development is commensurate with the prevailing subdivision pattern.
- ii. The proposed development does not result in inappropriate fragmentation of rural land nor as a consequence of the non-compliance reduce the productive capacity of agricultural land.
- iii. The subdivision of the land would not impact on the natural and environmental values of the locality.
- iv. The proposed lot is of sufficient size to be used for purposes listed in the Land Use Table under Griffith LEP 2014 and meet the relevant objectives of the zone.

The development standard of 2ha does not necessarily ensure satisfying the zone objectives. In this regard the objectives or purpose of the development standard are not relevant in this instance as a departure to the development standard of 2% would have no more or less impact than a compliant development. It is considered that compliance would therefore be unnecessary.

The proposed subdivision and the creation of one lot of less than 2ha does not prevent the objectives of the zone being achieved, as it does not prevent future use of the land for purposes identified in the Land Use Table of GLEP 2014.

The proposed development would not hinder Council's strategic objective, nor would it unduly restrict or prohibit future development of the site or adjoining land. That subdivision, and a number of other uses are not restricted by lot size controls is a broad indication that the development is not antipathetic to the objectives of the standards or of the zone.



For reasons outlined in the detailed application assessment (see Attachment E) relating to the request the variation seeking to subdivide land and create a lot that the less than the development standard set down in clause 4.1(3) of GLEP 2014, it is considered to be well founded. Compliance with the standard is unreasonable as the development does not contravene the objects specified within section 1.3 of the Environmental Planning & Assessment Act, 1979 nor the objectives of the RU5 zone.

Griffith City Council is able to assume concurrence as the development standard relates to the minimum lot size for a dwelling on land that is zoned R5 Large Lot Residential. The 2% variation to the development standard of Clause 4.1, being less than 10% could have been determined under officer delegation were it not for the submission made on the application.

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

There are no draft environmental planning instrument relevant to this development application.

(Note: Griffith LEP 2014 Amendment No. 7 came into effect on 20 October 2023 which resulted in the subject land being rezoned to R5 Large Lot Residential from RU4 Primary Production Small Holdings).

#### **SECTION 4.15 (1)(a)(iii) any development control plan**

The application has been considered in terms of Griffith Residential Development Control Plan 2020 and the controls for a residential subdivision specifically. Council may be satisfied that the proposed development satisfies the provision of the DCP. See Attachment E for the full assessment report relating to this development application.

#### **SECTION 4.15 (1)(a)(iia) any planning agreement**

There are no planning agreements relevant to this application

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

The regulations have been taken into consideration in regard to this development.

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

<b><i>Likely impacts of the development.</i></b>	
<i>Context and setting</i>	<p>The scenic quality and features of the landscape are not negatively impacted upon by the proposed subdivision, and it is not considered that the character and amenity of the locality will be affected.</p> <p>The development will not result in any loss of views or vistas, will not impact on anyone's visual or acoustic privacy, and will not overshadow any other property.</p>
<i>Access, transport and traffic</i>	The proposed subdivision will create the opportunity for further dwelling being erected upon the land, and as a consequence generate additional traffic. It is considered that the future traffic generated by the development is unlikely to have an adverse impact on traffic in the locality.
<i>Public domain</i>	The development will not impact on public recreation or the amount, location, design, use and management of public spaces.
<i>Utilities</i>	The proposed development will require the amplification of services with each lot requiring connection to a potable water



	supply, natural gas, electricity and telecommunications.
<i>Heritage</i>	<p>The subject site has not been identified as containing or within the vicinity of a heritage item listed in Schedule 5 of Griffith LEP 2014.</p> <p>Consideration of the potential impacts of development on Aboriginal heritage is a key part of the environmental impact assessment process under the Environmental Planning and Assessment Act 1979 (EP&amp;A Act).</p> <p>As part of its due diligence, a search of the Aboriginal Heritage Information Management System (AHIMS) has been undertaken and the report (854256 13 January 2024) indicates that there are no aboriginal sites recorded in or near the location nor have there been any aboriginal places declared.</p>
<i>Other land resources</i>	There is unlikely to be any impact on land resources such as mineral extractive resources or water supply catchments, is expected.
<i>Water</i>	Council's reticulated potable water is available.
<i>Soils</i>	The proposed development will not have a detrimental impact on soil conditions.
<i>Air and microclimate</i>	There will be minimal impact in terms of odour or dust from the finished development, with conditions to be imposed regarding impacts during the construction phase of the subdivision.
<i>Flora and fauna</i>	Nil tree removal is to occur and no impact on flora or fauna is likely.
<i>Waste</i>	The waste generated by the subdivision including excavated contaminated soils (in found) will need to be disposed of at a licensed waste management facility.
<i>Energy</i>	Not applicable.
<i>Noise and vibration</i>	It is not envisaged the development would generate offensive noise pollution or vibrations due to its nature and imposed hours of operation of the use.
<i>Natural hazards</i>	Other than very minor flooding the site subject is not prone to natural hazards such as tidal inundation, subsidence, slip, mass movement or bushfires.
<i>Technological risks</i>	There are no known technological risks to people, property or the natural environment from the activities.
<i>Safety, security and crime prevention</i>	The subdivision works tanks would not pose any risk in terms of criminal activity, safety, or security
<i>Social impact in the locality</i>	There are no social benefit or cost in terms of social cohesion, community structure, character, values or beliefs, social equity, socio-economic groups, or the disadvantaged, and social displacement, are expected.
<i>Economic impact in the locality</i>	The proposed development is unlikely to have an adverse economic impact in the locality.
<i>Site design and internal design</i>	The proposed site design is considered satisfactory and there are no internal changes proposed.
<i>Construction</i>	Should the application be approved conditions of consent will be placed on the development to ensure that no nuisance, soil erosion and sedimentation transport occurs, and in relation to hours of construction.
<i>Cumulative impacts</i>	Nil.

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

<b><i>The suitability of the site for the development</i></b>	
<i>Does the proposal fit in the locality ?</i>	The proposed development is in keeping with the locality and there are no constraints posed by adjacent development that would restrict or otherwise prohibit the development from proceeding.
<i>Are the site attributes conducive to development ?</i>	<p>Other than very minor flooding the site subject is not prone to natural hazards such as tidal inundation, subsidence, slip, mass movement or bushfires.</p> <p>The soil characteristics are appropriate for the development, and there are no critical habitats, or threatened species, populations, ecological communities, or habitats on the site.</p> <p>The historic use of the site for <i>agriculture</i>, and suggests that the land may be contaminated, however given the absence of commercial farming activities over the past 15 years, levels are within acceptable guidelines. The proposed development application provides the opportunity to remove and dispose of contaminated soils if found. It is recommended a condition of consent be imposed to this effect.</p> <p>The subject site is zoned R5 and the permissibility of the development under Griffith Local Environmental Plan 2014 provides a broad indication that the site is suitable for the proposed development.</p> <p>Based on the assessment under this and other sections within this report it is considered that the site is suitable for the proposed development.</p>

**SECTION 4.15 (1) (d) any submissions made in accordance with the Act or the Regulations**

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

One submission was received objecting to the development application raising a number of concerns (see Attachment C). A copy of the submission was forward to the applicant who was given the opportunity to respond (see Attachment D).

The issues of concern, the response from the applicant and Council's position are set out in the table below.

<b>Issues raised by objector; Response by applicant; Council Staff Assessment</b>
<p><b>Issue: Right to farm</b></p> <p>Concerns have been raised that current and future agricultural practices may interfere with the amenity of future residential development.</p> <p><i>Response by Application:</i></p>

**Issues raised by objector; Response by applicant; Council Staff Assessment**

*The applicant contends that a 40m landscape buffer is unreasonable given the zone of the land.*

**Council Staff Assessment:**

A change in zoning boundaries will often cause interface conflicts which may be exacerbated as part of this development by virtue of increasing the residential density.

Council generally concurs with the objector in that a 40m buffer is necessary but is prepared to accept that Murrumbidgee Irrigation canal system can be included in that calculation.

It is recommended that a condition of consent be imposed requiring a 25m buffer zone be included to limit the location of habitable buildings in close proximity to adjacent agricultural pursuits, which would be in line with the land use conflict considerations during the rezoning phase.

**Issue: Proximity to frost fans & frost fan policy**

Suggests that an acoustic report be undertaken to address the potential impacts of frost fans.

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*The applicant indicates that the affected by any frost fan buffer including those approved by Council, but not yet installed and that the existing use of frost fans in the locality is intermittent.*

**Council Staff Assessment:**

An acoustic report is not deemed necessary with this application. The site is not within 1000m of existing permanent frost control fans, either existing or under current approval. The submitter has indicated that there are frost fans in operation on an adjacent property but these are most likely mobile fan units and not subject to development approval. Under Council's Frost Control Plan policy no provisions are relevant to this proposal in relation to acoustic treatment for the future dwellings.

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*The applicant considers that the proposed setbacks and buffers are satisfactory, and no increase is necessary.*

**Council Staff Assessment:**

As discussed above, staff are of the view that the proposed setbacks are not entirely adequate. While it agrees that the buffer should incorporate the channel reserve, there is scope to increase the buffer within the boundary of the new lots so that a minimum of 40m can be achieved.

The buffer only needs to prevent the erection of a dwelling house or other habitable buildings within 40m of the neighbouring land (25m buffer + 15m channel reserve).

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Concerns have been raised that no landscaping details have been provided.

***Response by Application:***



**Issues raised by objector; Response by applicant; Council Staff Assessment**

*The applicant has indicated that the need for landscaping at the time of subdivision is unwarranted and that landscaping would be something for future landowners to undertake.*

**Council Staff Assessment:**

Council is of the view that a detailed landscape plan is not required as part of the application.

It is considered that Council can impose a condition of consent that requires landscaping within the buffer zones be provided at the time a development application is made for a dwelling.

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The applicant has raised concerns that the historical use of the land may have resulted in contamination.

***Response by Application:***

*The applicant considers that they have properly addressed Council's Contaminated Land Management Policy (EH-CP-208).*

**Council Staff Assessment:**

While Council in rezoning the land as part of the recent amendments to Griffith LEP 2014 deemed the land to be suitable for rural residential development, this does not necessary remove the potential that contamination may exist as part of previous agricultural practices.

A preliminary site investigation was undertaken, being a desktop historic review, which provided aerial photography back to 1958, illustrating that the site was primarily used for fodder cropping.

It is recommended that in order for Council to satisfy itself that the land is suitable, a limited phase 2 land contamination assessment be carried out and that remediation measures (if any) be carried out prior to the development of land for residential purposes. It is considered that this could be achieved by way of condition.

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Concerns have been raised in respect to the adequacy of the access to the site and suggest that a proper service road be constructed to assist emergency services.

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*The applicant contends that the proposed means of access to Boorga Road is adequate.*

**Council Staff Assessment:**

In approving the previous subdivision of land, Council restricted the development to a single crossing to Boorga Road. This single crossing is to be maintained, with a right-of-carriageway being extended to allow each lot to connect to the existing crossing.

The existing crossing is however to be upgraded to a bitumen seal. A condition to that effect has been imposed.

It is also recommended that the right-of-carriageway be constructed to an all-weather gravel standard (as a minimum) to facilitate access to each lot for future residents and emergency services vehicles.



**Issues raised by objector; Response by applicant; Council Staff Assessment****Issue: Land capability assessment**

An onsite effluent management system assessment is required for each.

*Response by Application:*

*The applicant states that Council only requires the submission of a land capability assessment when lots are created are less than one (1) hectare in area.*

Council Staff Assessment:

Council only requires the submission of a land capability report if the lots created are one (1) hectare or less.

As each lot is greater than a hectare, a land capability report is unnecessary.

**Issue: Stormwater detention**

Preliminary calculations should be provided to demonstrate that the proposed subdivision will not have any impact.

*Response by Application:*

*The applicant indicates that should Council require onsite detention, this matter could be addressed by way of condition.*

Council Staff Assessment:

The subdivision itself will not result in any change to how stormwater is managed.

It is recommended that a condition be imposed informing the applicant that stormwater is not to cross property boundaries without a proper easement, and that any s88B instrument inform future owners that stormwater detention will be required upon future development of land where the impervious surface areas are increased.

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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 application 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 64 Water and Wastewater Developer Contribution Charges WS-CP-207 (Public Policy) have been applied to this application.

**OPTIONS****OPTION 1**

As per the Recommendation.

**OPTION 2**

Refusal to grant development consent.

## OPTION 3

Any other resolution.

### **POLICY IMPLICATIONS**

This proposal doesn't include any policy variations, and there are no adverse policy implications for Council.

### **FINANCIAL IMPLICATIONS**

There are no adverse financial implications for Council through adopting the recommendation. If the application were to be refused, the applicant or owner has the lawful ability to pursue an appeal through the Land & Environment Court.

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There are no reasonably anticipated legal or statutory implications through adopting the recommendation.

### **ENVIRONMENTAL IMPLICATIONS**

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### **COMMUNITY IMPLICATIONS**

There are not considered to be any adverse impacts for the wider community in supporting this application. The proposal complies with Council's Development Control Plan and Council's strategic intentions for expansion in the Lake Wyangan locality.

### **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

Senior Management Team, Director Sustainable Development, Planning & Environment Manager, Engineering Design & Approvals Manager, Building Certification Coordinator, Applicant and Community through the Community Participation Plan.

### **ATTACHMENTS**

- (a) DA 280/2023 - Draft Conditions of Consent (under separate cover) [↗](#)
- (b) DA 280/2023 - Proposed Subdivision Plan (under separate cover) [↗](#)
- (c) DA 280/2023 - Submission objecting - Streat (under separate cover) [↗](#)
- (d) DA 280/2023 - Applicant Response to Submissions (under separate cover) [↗](#)
- (e) DA 280/2023 - Assessment Report (under separate cover) [↗](#)

<b>CLAUSE</b>	<b>CL02</b>
<b>PROPOSAL</b>	<b>DA 281/2023 - THREE (3) LOT LARGE LOT RESIDENTIAL SUBDIVISION</b>
<b>PROPERTY</b>	Lot 4 DP 1281086, 236 Boorga Road
<b>LOCATION</b>	Lake Wyangan
<b>ZONING</b>	R5 Large Lot Residential
<b>APPLICABLE PLANNING INSTRUMENT</b>	Griffith Local Environmental Plan, 2014
<b>EXISTING DEVELOPMENT</b>	Rural Shed
<b>APPLICANT</b>	Mrs T Lando
<b>OWNER</b>	Mrs T Lando
<b>DIRECTORS OF COMPANY (IF APPLICABLE)</b>	N/A
<b>APPLICATION DATE</b>	18 December 2023
<b>REASON FOR REFERRAL FROM TRIM REF</b>	Submission Objecting to Application <b>Kerry Rourke, Development Assessment Planner</b> <b>24/30128</b>

## **SUMMARY**

### ***Proposal***

- Council has received a development application for a three-lot subdivision of the subject land under the provisions of Clause 4.6 of the Griffith Local Environmental Plan, 2014 as one lot is less than the minimum lot size development standard.
- The lot size variation is within 10% of the development standard and otherwise within Staff delegation.
- Due to the Clause 4.6 variation, the application was notified under Council's Community Participation Plan. A similar application is lodged on the adjoining property Lot 3 DP 1281086 (DA 280/2023) and one submission was received from the same property owners to each development application.
- The proposal complies with the provisions of Council's Residential Development Control Plan 2020.
- Consideration has been given to the variation request and the content of the submission - it is recommended that the application be approved subject to conditions set out in Attachment A.

### ***Type of Development***

Local

### ***Main Issues***

Submission objecting to the application







## **BACKGROUND**

### ***Site History***

Council's records indicate three applications relevant to this property in recent years:

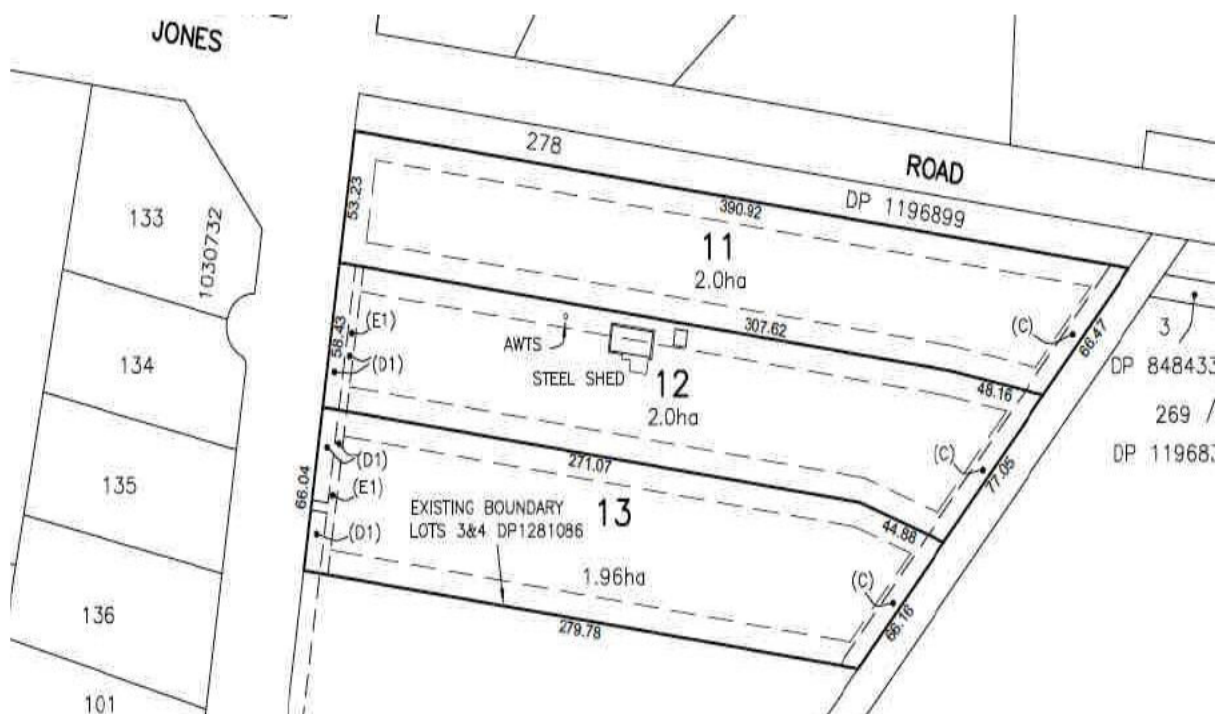
- DA 144/2020 – subdivision of lot 11 DP 1233350, creating Lot 3 & 4 DP 1281086
- CDC 504/2021 – dwelling and garage on Lot 3 DP 1281086
- Griffith LEP Amendment No 7 notified on 20 October 2023 amended the zoning of the land from RU4 with a 5ha minimum lot size to R5 with a 2ha minimum lot size.

### ***Timeline of Events Pertaining to the Development Application***

- 18/12/2023 – Application lodgement
- 18/12/2023 – assignment of application and internal referrals
- 22/12/2023 – additional information requested from applicant
- 04/01/2024 – notification of application – until 25/01/2024 (Christmas notification requirements)
- 20/02/2024 – additional information received (61 days stop the clock)
- 08/03/2024 – application assessment completed (nett application processing time to the date of the Council meeting is 53 days).

## **PROPOSAL IN DETAIL**

It is proposed to create three (3) large residential lots, where two (2) of the proposed lots are 2 hectares each in accordance with the development standard, and the remaining lot is 1.95 hectares, which is approximately 2% deficient in the minimum lot size development standard under Clause 4.1 of the Griffith Local Environmental Plan, 2014.



The application is supported by a variation request under Clause 4.6 of the Griffith Local Environmental Plan to due to the one undersize lot. The assessment and determination of the lot size exemption is within Council staff delegation.

### **ASSESSMENT UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

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

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

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

The proposed development is for the Torrens Title subdivision of land into three (3) lots. The definition of subdivision is found in Section 6.2 of the Environmental Planning & Assessment Act, 1979.

The subject land is zoned R5 Large Lot Residential and under Part 2 (clause 2.6) of Griffith Local Environmental Plan 2014 the subdivision of land is permitted only with the consent of Council. On this basis the proposed development is considered permissible.

##### **Aims and Objectives**

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

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

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

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

Council may be satisfied that the proposed subdivision is consistent with both the aims of GLEP 2014 and objectives for the R5 Large Lot Residential Zone.

##### **Principal Development Standards**

Clause 4.1 of GLEP 2014 sets down the minimum lot size requirements for the subdivision of land. For land in the R5 zone, mapped in the Z1 precinct, the minimum lot size is 2ha.

Both Lots 11 and 12 achieve the 2ha minimum, however **Lot 13, at 1.96ha, does not comply** with the development standard.

Clause 4.6 Exceptions to development standards establishes a mechanism for varying development standards applying under a standard instrument setting out the objectives at clause 4.6(1). The objectives being:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6(3)(a) and 4.6(3)(b) require that a consent authority must not grant consent to a development that contravenes a development standard unless a written request has been received from the applicant that seeks to justify the contravention of the standard by demonstrating that:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Clause 4.6(4)(a)(i) and (ii) require that development consent must not be granted to a development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*
  - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
  - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

In support of the development application for the subdivision of Lot 3 DP 1281086 and in accordance with the provisions of clause 4.6(3) of Griffith Local Environmental Plan 2014 the applicant has requested that the consent authority permit a variation to a development standard.

The assessment of the proposed variation follows the Varying Development Standards: A Guide published by NSW Department of Planning & Infrastructure and has incorporated the established principles set out in NSW Land and Environment caselaw.

Application assessment has found that compliance with the minimum lot size standard set down in clause 4.1(3) is unreasonable and unnecessary in these circumstances for the following reasons:

- i. The existing pattern of subdivision comprises a mix of historical portions representative of early development of Griffith and more recent subdivision for the intergenerational transfer of land under previous environmental planning instruments. As a consequence of the historic cadastral boundaries and recent subdivision of land, lot sizes within the locality range in size from approximately 3500m<sup>2</sup> up 9.6 hectares. The proposed development is commensurate with the prevailing subdivision pattern.



- ii. The proposed development does not result in inappropriate fragmentation of rural land nor as a consequence of the non-compliance reduce the productive capacity of agricultural land.
- iii. The subdivision of the land would not impact on the natural and environmental values of the locality.
- iv. The proposed lot is of sufficient size to be used for purposes listed in the Land Use Table under Griffith LEP 2014 and meet the relevant objectives of the zone.

The development standard of 2ha does not necessarily ensure satisfying the zone objectives. In this regard the objectives or purpose of the development standard are not relevant in this instance as a departure to the development standard of 2% would have no more or less impact than a compliant development. It is considered that compliance would therefore be unnecessary.

The proposed subdivision and the creation of one lot of less than 2ha does not prevent the objectives of the zone being achieved, as it does not prevent future use of the land for purposes identified in the Land Use Table of GLEP 2014.

The proposed development would not hinder Council's strategic objective, nor would it unduly restrict or prohibit future development of the site or adjoining land. That subdivision, and a number of other uses are not restricted by lot size controls is a broad indication that the development is not antipathetic to the objectives of the standards or of the zone.

For reasons outlined in the detailed application assessment (see Attachment E) relating to the request the variation seeking to subdivide land and create a lot that is less than the development standard set down in clause 4.1(3) of GLEP 2014, it is considered to be well founded. Compliance with the standard is unreasonable as the development does not contravene the objects specified within section 1.3 of the Environmental Planning & Assessment Act, 1979 nor the objectives of the RU5 zone.

Griffith City Council is able to assume concurrence as the development standard relates to the minimum lot size for a dwelling on land that is zoned R5 Large Lot Residential. The 2% variation to the development standard of Clause 4.1, being less than 10% could have been determined under officer delegation were it not for the submission made on the application.

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

There are no draft environmental planning instrument relevant to this development application.

(Note: Griffith LEP 2014 Amendment No. 7 came into effect on 20 October 2023 which resulted in the subject land being rezoned to R5 Large Lot Residential from RU4 Primary Production Small Holdings).

#### **SECTION 4.15 (1)(a)(iii) any development control plan**

The application has been considered in terms of Griffith Residential Development Control Plan 2020 and the controls for a residential subdivision specifically. Council may be satisfied that the proposed development satisfies the provision of the DCP. See Attachment E for the full assessment report relating to this development application.

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

There are no planning agreements relevant to this application.

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

The regulations have been taken into consideration in regard to this development.



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

<i>Context and setting</i>	<p>The scenic quality and features of the landscape are not negatively impacted upon by the proposed subdivision, and it is not considered that the character and amenity of the locality will be affected.</p> <p>The development will not result in any loss of views or vistas, will not impact on anyone's visual or acoustic privacy, and will not overshadow any other property.</p>
<i>Access, transport and traffic</i>	The proposed subdivision will create the opportunity for further dwelling being erected upon the land, and as a consequence generate additional traffic. It is considered that the future traffic generated by the development is unlikely to have an adverse impact on traffic in the locality.
<i>Public domain</i>	The development will not impact on public recreation or the amount, location, design, use and management of public spaces.
<i>Utilities</i>	The proposed development will require the amplification of services with each lot requiring connection to a potable water supply, natural gas, electricity and telecommunications.
<i>Heritage</i>	<p>The subject site has not been identified as containing or within the vicinity of a heritage item listed in Schedule 5 of Griffith LEP 2014.</p> <p>Consideration of the potential impacts of development on Aboriginal heritage is a key part of the environmental impact assessment process under the Environmental Planning and Assessment Act 1979 (EP&amp;A Act).</p> <p>As part of its due diligence, a search of the Aboriginal Heritage Information Management System (AHIMS) has been undertaken and the report (854410 15 January 2024) indicates that there are no aboriginal sites recorded in or near the location<sup>1</sup> nor have there been any aboriginal places declared.</p>
<i>Other land resources</i>	There is unlikely to be any impact on land resources such as mineral extractive resources or water supply catchments, is expected.
<i>Water</i>	Council's reticulated potable water is available.
<i>Soils</i>	The proposed development will not have a detrimental impact on soil conditions.
<i>Air and microclimate</i>	There will be minimal impact in terms of odour or dust from the finished development, with conditions to be imposed regarding impacts during the construction phase of the subdivision.
<i>Flora and fauna</i>	Nil tree removal is to occur and no impact on flora or fauna is likely.
<i>Waste</i>	The waste generated by the subdivision including excavated contaminated soils (in found) will need to be disposed of at a licensed waste management facility.
<i>Energy</i>	Not applicable.
<i>Noise and vibration</i>	It is not envisaged the development would generate offensive noise pollution or vibrations due to its nature and imposed hours of operation of the use.

<i>Natural hazards</i>	Other than very minor flooding the site subject is not prone to natural hazards such as tidal inundation, subsidence, slip, mass movement or bushfires.
<i>Technological risks</i>	There are no known technological risks to people, property or the natural environment from the activities.
<i>Safety, security and crime prevention</i>	The subdivision works would not pose any risk in terms of criminal activity, safety, or security.
<i>Social impact in the locality</i>	There are no social benefit or cost in terms of social cohesion, community structure, character, values or beliefs, social equity, socio-economic groups, or the disadvantaged, and social displacement, are expected.
<i>Site design and internal design</i>	The proposed site design is considered satisfactory and there are no internal changes proposed.
<i>Construction</i>	Should the application be approved conditions of consent will be placed on the development to ensure that no nuisance, soil erosion and sedimentation transport occurs, and in relation to hours of construction.
<i>Cumulative impacts</i>	Nil.
<b><i>The suitability of the site for the development</i></b>	
<i>Does the proposal fit in the locality?</i>	The proposed development, is in keeping with the locality and there a no constraints posed by adjacent development that would restrict or otherwise prohibit the development from proceeding.
<i>Are the site attributes conducive to development?</i>	<p>Other than very minor flooding the site subject is not prone to natural hazards such as tidal inundation, subsidence, slip, mass movement or bushfires.</p> <p>The soil characteristics are appropriate for the development, and there are no critical habitats, or threatened species, populations, ecological communities, or habitats on the site.</p> <p>The historic use of the site for <i>agriculture</i>, and suggests that the land may be contaminated, however given the absence of commercial farming activities over the past 15 years, levels are within acceptable guidelines. The proposed development application provides the opportunity to remove and dispose of contaminated soils if found. It is recommended a condition of consent be imposed to this effect.</p> <p>The subject site is zoned R5 and the permissibility of the development under Griffith Local Environmental Plan 2014 provides a broad indication that the site is suitable for the proposed development.</p> <p>Based on the assessment under this and other sections within this report it is considered that the site is suitable for the proposed development.</p>

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

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

One submission was received objecting to the development application raising a number of concerns. A copy of the submission was forward to the applicant who was given the opportunity to respond.

The issues of concern, the response from the applicant and Council's position are set out in the Table below:

<b>Issues raised by objector; <i>Response by applicant</i>; <u>Council Staff Assessment</u></b>
<p><b>Issue: Right to farm</b></p> <p>Concerns have been raised that current and future agricultural practices may interfere with the amenity of future residential development.</p> <p><i>Applicant Response:</i></p> <p><i>The applicant contends that a 40m landscape buffer is unreasonable given the zone of the land.</i></p> <p><u>Council Staff Assessment:</u></p> <p>A change in zoning boundaries will often cause interface conflicts which may be exacerbated as part of this development by virtue of increasing the residential density.</p> <p>Council generally concurs with the objector in that a 40m buffer is necessary but is prepared to accept that Murrumbidgee Irrigation canal system can be included in that calculation.</p> <p>It is recommended that a condition of consent be imposed requiring a 25m buffer zone be included to limit the location of habitable buildings in close proximity to adjacent agricultural pursuits, which would be in line with the land use conflict considerations during the rezoning phase.</p>
<p><b>Issue - Proximity to frost fans &amp; frost fan policy</b></p> <ul style="list-style-type: none"> <li>- Suggests that an acoustic report be undertaken to address the potential impacts of frost fans.</li> </ul> <p><i>Applicant's Response:</i></p> <p><i>The applicant indicates that the land is not affected by any frost fan buffer including those approved by Council, but not yet installed and that the existing use of frost fans in the locality is intermittent.</i></p> <p><u>Council Staff's Assessment:</u></p> <p>An acoustic report is not deemed necessary with this application as the site is not within 1000m of existing permanent frost control fans, either existing or under current approval. The submitter has indicated that there are frost fans in operation on an adjacent property but these are mobile fan units and not subject to development approval. Under Council's Frost Control Plan policy no provisions are relevant to this subdivision proposal in relation to acoustic treatment for the future dwellings.</p>
<p><b>Issue - Inadequate setbacks &amp; buffers</b></p> <p><i>Applicant's Response:</i></p> <p><i>The applicant considers that the proposed setbacks and buffers are satisfactory, and no increase is necessary.</i></p>



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The buffer only needs to prevent the erection of a dwelling house or other habitable buildings within 40m of the neighbouring land (25m buffer + 15m channel reserve).

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*The applicant has indicated that the need for landscaping at the time of subdivision is unwarranted and that landscaping would be something for future landowners to undertake.*

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- The applicant has raised concerns that the historical use of the land may have resulted in contamination.

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*The applicant considers that they have properly addressed Council's Contaminated Land Management Policy (EH-CP-208).*

**Council Staff's Assessment:**

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***Applicant's Response:***



**Issues raised by objector; Response by applicant; Council Staff Assessment**

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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 application 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 64 Water and Wastewater Developer Contribution Charges WS-CP-207 (Public Policy) have been applied to this application.

### **OPTIONS**

#### OPTION 1

As per the Recommendation.

#### OPTION 2

Refusal to grant consent to the application.

#### OPTION 3

Any other resolution of Council.

### **POLICY IMPLICATIONS**

This proposal doesn't include any policy variations, and there are no adverse policy implications for Council.

### **FINANCIAL IMPLICATIONS**

There are no adverse financial implications for Council through adopting the recommendation. If the application were to be refused, the applicant or owner has the lawful ability to pursue an appeal through the Land & Environment Court.

### **LEGAL/STATUTORY IMPLICATIONS**

There are no reasonably anticipated legal or statutory implications through adopting the recommendation.

### **ENVIRONMENTAL IMPLICATIONS**

There are no reasonably anticipated legal or statutory implications through adopting the recommendation.

### **COMMUNITY IMPLICATIONS**

There are not considered to be any adverse impacts for the wider community in supporting this application. The proposal complies with Council's Development Control Plan and Council's strategic intentions for expansion in the Lake Wyangan locality.

### **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, Engineering Design & Approvals Manager, Building Certification Coordinator, Applicant and Community through the Community Participation Plan.

## **ATTACHMENTS**

- (a) DA 281/2023 - Draft Conditions of Consent (under separate cover) [↗](#)
- (b) DA 281/2023 - Proposed Subdivision Plan (under separate cover) [↗](#)
- (c) DA 281/2023 - Submission Objecting (under separate cover) [↗](#)
- (d) DA 281/2023 - Response to Submission (under separate cover) [↗](#)
- (e) DA 281/2023 - DA Assessment Report (under separate cover) [↗](#)

<b>CLAUSE</b>	<b>CL03</b>
<b>PROPOSAL</b>	<b>DA 105/2023 - SECTION 8.2 REVIEW OF DETERMINATION - REFUSAL OF SECONDARY DWELLING</b>
<b>PROPERTY</b>	Lot 1 DP 1106544, 38 – 40 Sangster Crescent
<b>LOCATION</b>	Hanwood
<b>ZONING</b>	RU5 Village
<b>APPLICABLE PLANNING INSTRUMENT</b>	Griffith Local Environmental Plan, 2014
<b>EXISTING DEVELOPMENT</b>	Dwelling House
<b>APPLICANT</b>	Mr C Essex
<b>OWNER</b>	Mr C & Mrs R Essex
<b>DIRECTORS OF COMPANYNA (IF APPLICABLE)</b>	
<b>APPLICATION DATE</b>	29 January 2024
<b>REASON FOR REFERRAL FROM</b>	Submissions Received <b>Patterson Ngwira, Senior Development Assessment Planner</b>
<b>TRIM REF</b>	<b>24/37419</b>

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## **SUMMARY**

### ***Proposal***

- Council is in receipt of an application under Section 8.2 of the Environmental Planning and Assessment Act, 1979 to review the determination of DA 105/2023.
- DA 105/2023, submitted 19 June 2023 for a secondary dwelling at 38-40 Sangster Crescent Hanwood was refused consent as a result of staff assessment. The refusal was issued on 18 October 2023.
- Consent was refused on a number of grounds because of flooding, and potential impacts as a result of increased hardstand within the property and displacement of flood water onto other properties.
- The grounds for refusal were (see Attachment A for issued refusal):
  - The proposed development is not considered to be compatible with flood function and behaviour on the land;
  - Development is likely to result in adverse environmental, social and economic impacts;
  - The site is not considered suitable for the development as it is flood affected land; and
  - The increase in hardstand area will impact on neighbouring properties due to the displacement of flood water from additional hardstand areas.



- Under the provisions of Section 8.3 the Environmental Planning and Assessment Act, 1979, there is a limited review period available to the land owners and this application must be determined within six (6) months of the determination date of the refusal to grant consent. The determination of this application cannot be delayed or laid on the table as the applicant's appeal rights under the Environmental Planning and Assessment Act will be extinguished on 17 April 2024. If it is not determined at this Ordinary Meeting of Council, there will be insufficient time to convene a further meeting and the review period will lapse.
- The review of the original application assessment has concluded that the refusal to grant consent as issued, is maintained.

### ***Type of Development***

Local Development

### ***Main Issues***

Submissions received objecting to Council's original determination of the application.

## **RECOMMENDATION**

- Griffith City Council as the consent authority pursuant to Section 8.4 of the Environmental Planning & Assessment Act 1979, confirm the original determination and refuse the review of determination for a secondary dwelling at 38-40 Sangster Crescent Hanwood.**
- That the Director Sustainable Development be delegated to advise the applicant of the Council's determination under Section 8.4.**

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 site is located on the south west corner of the intersection of Sangster Crescent and Kidman Way, on the southern side of the village of Hanwood.

The land has an area of 3,006m<sup>2</sup> with a frontage to The Kidman Way of 64.96 metres and Sangster Crescent of 63.9 meters and has a depth of approximately 32m to 64.96m ("L" shape lot) see location map following. The land is generally level however it would appear that a large pad was constructed for the existing dwelling.

The locality comprises a mix of dwellings and orchards with accompanying farm infrastructure) (refer to below aerial photo).

The site is identified as flood prone. The site is not identified as bushfire prone nor is it impacted by vegetation which can support bushfire behaviour. The site contains no heritage items, is not in a heritage conservation area, and is not in close proximity to a heritage item.

**LOCATION MAP**

 <p><b>Griffith City Council</b>          4000 The Esplanade          PO Box 999          Griffith NSW 2702          Telephone: 02 6921 1237          Email: <a href="mailto:griffith@griffith.nsw.gov.au">griffith@griffith.nsw.gov.au</a></p>	<p><small><b>Disclaimer:</b> This map is intended for general information purposes only. Griffith City Council does not guarantee its accuracy, completeness or reliability for any particular purpose. Users must exercise their own skill and care in using the 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.</small></p>		<p>Project: 0042521 / PIDA 2016 35</p> <p>Date: 24/03/2024</p> <p>Drawn By: Kerry Bourke</p>	<p><b>DA 105/2023</b>  <b>38 - 40 Sangster Crescent</b>  <b>Hanwood</b></p> <p>Map Scale: 1:2500 at A4</p>
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**BACKGROUND****Site History**

The Sangster Crescent subdivision (DA 150/2003) which created the subject lot was registered in 2007, when the land was zoned Rural 1(g) Rural Mixed Use under the Griffith Local Environmental Plan 2002.

Under the Griffith Local Environmental Plan 2014, this zone transitioned to RU5 Village, due to the land's proximity to the village of Hanwood at the request of the Department of Planning.

The dwelling house application was lodged and approved in 2017, under DA 70/2017. The land was mapped as flood prone at the time the dwelling was approved and minimum floor level requirements were imposed on that dwelling house. The house was constructed on an engineered pad with a height of 122.040m AHD and the dwelling floor level achieved the flood planning level of 122.45m AHD.

**Timeline of Events Pertaining to the Development Application****Original Application:**

19/06/2023 – DA 105/2023 lodged with Council;

26/06/2023 – additional information requested (flood impact statement & stormwater details relating to the existing dwelling);

18/08/2023 – final additional information received by Council; and

18/10/2023 – determination of application issued (nett assessment time 68 days at determination).



**Section 8.2 Review of Determination:**

29/01/2024 – Review of Determination lodged with Council;

23/02/2024 – 08/03/2024 – notification to adjacent landowners under Community Participation Plan; and

25/03/2024 – Application assessment completed (nett assessment time 72 days to the date of the Council meeting).

**PROPOSAL IN DETAIL**

The original development application submitted to Council in June 2023 was for a single storey secondary dwelling adjacent to the existing dwelling. It has a footprint of approximately 103.9m<sup>2</sup>. That application was determined by refusal due to flooding effects and impacts on 18 October 2023. The determination is provided as Attachment A and the original assessment report is provided as Attachment B.

A review of determination application under Section 8.2 of the Environmental Planning and Assessment Act, 1979 was lodged on 29 January 2024. Application documents are provided as Attachment C.

The assessment of the review application concluded that the original determination should remain in force, see Attachment D for the S8.2 review of the previous assessment and determination.

**ASSESSMENT UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

The original development application was assessed in accordance with the provisions of Section 4.15 of the Environmental Planning & Assessment Act, 1979 and is provided as Attachment B to this report.

The review of the determination has been undertaken in accordance with Section 8.3 of the Environmental Planning & Assessment Act, 1979, and a full copy of the assessment is provided as Attachment D to this report.

This request for review of determination was notified in accordance with section 245 of the Regulation. The notification period was between 23 February and 8 March 2024 and Council received nine (9) submissions supporting the application, see Attachment E.

The nine (9) submissions supporting this application have demonstrated a level of community dissatisfaction arising from the determination to refuse the secondary dwelling application. The main issues raised in the submissions include:

**Issue & Council Assessment of Issue**

**Issue: Assumption of adding to or having any significant effect to flooding in the area is grossly overstated and goes against statements in Council's various flood studies and NSW Flood management guidelines regarding developments within flood fringe areas**

**Council Staff Assessment:**

It is considered that the relevant flood study does not overstate the risk of inundation of the locality by flood water and the associated modelling that supported the studies has guided the assessment of the application. In addition, this flooding fact has been raised with the applicant in the past and the flooding issues in this locality are well known.

Water is stored in this sub-catchment for a period of time, regardless of it being nominated



**Issue & Council Assessment of Issue**

as 'flood fringe' in the Main Drain J & Mirrool Creek Flood Study, as observed by Council staff during flooding events primarily due to the Main Drain J network being full and the Sangster Crescent sub-catchment not being able to discharge into the overwhelmed system until water in the main system has subsided.

**Issue: Stormwater management are in place to minimise impacts of hardstand area runoffs**Council Staff Assessment:

The on-site stormwater management facility will be inundated during a flood event and as stated above, the system will be overwhelmed during a flood event and the storage system does not function. There is no mechanism to reduce or remedy the effect of the additional displacement due to additional structures in the sub-catchment.

The existing stormwater management system is ineffective because the main drain system is incapable of accepting additional water from this sub-catchment, and water stores for a period of time in this area longer than community expectations believe is reasonable.

**Issue: Extreme economic impact of refusing the proposed secondary dwelling in the Council area**Council Staff Assessment:

Submitters are concerned that Council will not permit any future development in this Sangster Crescent locality as a result of this proposal being refused, because similar applications may be refused.

This application does not set a precedent for refusing other applications, each will be assessed on their merit and based upon their design and supporting documentation, including a flood impact assessment. This will include a risk-based approach to considering the flood risk profile of each individual site, however the underlying issues will remain the same.

**Issue: Installation of a small and ineffective pump in the southern part of Sangster Crescent was an oversight. Localised flooding is not due to housing development but the surface drainage system which flows west**Council Staff Assessment:

The capacity of the existing infrastructure has a budget impost on Council as it may require commissioning inter alia, a hydraulic study of the Sangster Crescent to deal with concerns stated in the submissions. The effectiveness of this pump and the associated drainage infrastructure design and capacity is beyond the scope of this application. Localised flooding impacts can be due to both the network capacity and the additional development displacing flood waters.

**Issue: Maintenance and drainage work issues**Council Staff Assessment:

The maintenance of the drainage system lies outside Council's responsibility as the network is owned by Murrumbidgee Irrigation.

**Issue: Redundant Water Service Channel converted into an access lane.**Council Staff Assessment:

**Issue & Council Assessment of Issue**

The former channel referred to, was a redundant supply channel which had no impact upon drainage within the immediate network. This was purchased by Council and is used as an access to Council infrastructure.

The submissions also suggest a number of flood mitigation measures to minimise the regular and inconvenient flooding of the street and they also refer to the refusal of the proposal of the secondary dwelling as a 'knee jerk' reaction on the part of Council. The submitters view the refusal of the application as resulting in the '*stigma that Sangster Crescent is a no development area*' and *serious and harmful implications on value of the businesses, viability, sustainability and saleability*.

The submitters have suggested solutions for Council consideration such as:

**Suggestion; Council Staff Comment**

- Cleaning and clearing the channel.**

Council Staff Comment: The channel network does not belong to Griffith City Council but to Murrumbidgee Irrigation and Council has no control over its management or maintenance.

- Upsizing pump capacity to adequate input/output**

Council Staff Assessment: This solution has a budget impost on Council as it may require commissioning inter alia, a hydraulic study of the Sangster Crescent and purchase of associated additional infrastructure to deal with concerns stated in the submission. It is staff's understanding that increasing the pump size will have negligible positive benefit because the drainage system is full and water will only flow back into the sub-catchment again until the main drainage channel flow is reduced.

- Redesigning and relocation of the drainage channel**

Council Staff Assessment: as the channel network is not Council's infrastructure there is limited scope for Council to redesign or relocate the system, and as provided above, there would be budgetary constraints to be resolved for Council to undertake any detailed studies to confirm constraints or practical solutions.

- Repairing collapsed and machine-eroded banks to satisfactory heights and condition and weed and debris management within and around the channel.**

Council Staff Assessment: this is outside the scope of this development application, and as provided above, the channel system is not within Council's care, control and management to undertake any maintenance measures.

Pursuant to section 246 of the Regulation, the applicant (through the NSW planning portal) and all the submitters will be notified of the determination and in the approved form.

Pursuant to section 8.5(2) of the Act, the functions of Council as a consent authority in relation to refusal of the application which is under review are the same as the functions in connection with the original application or determination.

This review has confirmed the original assessment of the application and recommends that the refusal be sustained due to impact upon flood behaviour and potential risk associated with developing in flood impacted areas.

## **OPTIONS**

### **OPTION 1**

As per the Recommendation.

### **OPTION 2**

Not recommended by Staff: Council change the determination to approve the Section 8.2 review, subject to conditions (to be determined by the Director Sustainable Development) including the redesign of the dwelling and any proposed detention storage system so that there is no displacement or obstruction to flood waters (for example by allowing free passage of floodwater beneath the structure and an associated detention storage system, with the structures elevated above 122.46m AHD).

### **OPTION 3**

Any other resolution of Council.

## **POLICY IMPLICATIONS**

Supporting the determination originally made reinforces the Griffith Flood Liable Lands Policy.

## **FINANCIAL IMPLICATIONS**

There may be financial implications for Council which are currently unknown in endorsing the development in a known flood impacted area.

## **LEGAL/STATUTORY IMPLICATIONS**

There are no reasonably anticipated legal or statutory implications arising supporting the recommendation, other than the abovementioned potential for legal action in the Land and Environment Court.

## **ENVIRONMENTAL IMPLICATIONS**

There are no reasonably anticipated adverse environmental implications arising from supporting the recommendation.

## **COMMUNITY IMPLICATIONS**

The application was notified in accordance with Council's Community Participation Plan and the responses received have been duly considered in the assessment of this 8.2 review 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, Engineering Design & Approvals Manager, Acting Development Assessment Coordinator, the applicant and community through notification of the application under the Community Participation Plan.



## **ATTACHMENTS**

- (a) DA 105/2023 - REFUSED - Notice of Determination (under separate cover) [!\[\]\(c8dce68b26731c7aa5915072fc9d68dd\_img.jpg\)](#)
- (b) DA 105/2023 - Original DA Assessment Report (under separate cover) [!\[\]\(76b3245de86167eba9fcdc9cc9f32aa4\_img.jpg\)](#)
- (c) DA 105/2023 - S8.2 Application Documents (under separate cover) [!\[\]\(13db7587f50867332e5bedc6a161739d\_img.jpg\)](#)
- (d) DA 105/2023 - S8.2 Review Assessment Report (under separate cover) [!\[\]\(7be5ea91065783fbb69e41ba5d9680f7\_img.jpg\)](#)
- (e) DA 105/2023 - Submissions received (under separate cover) [!\[\]\(20b6116a35a537c491fe1e2cc04e020e\_img.jpg\)](#)

**CLAUSE CL04****TITLE Adoption - Plan of Management - Scenic Hill - Zone 3 - Natural Areas****FROM Amanda Vardanega, Corporate Property Officer & Native Title Coordinator****TRIM REF 24/35174**

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**SUMMARY**

At the Ordinary Meeting of Council on 26 April 2023 it was resolved:

- (a) Council refer the Draft Plan of Management for Scenic Hill - Zone 3 - Natural Areas being Crown Reserve 56353 comprising of multiple lots to the Minister administering the Crown Land Management Act 2016 for approval.*
- (b) Upon approval from the Minister administering the Crown Land Management Act 2016 Council amends the Draft Plan of Management for Scenic Hill - Zone 3 – Natural Areas if required, and places 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 Scenic Hill - Zone 3 – Natural Areas on completion of the exhibition period, to consider all submissions.*

Following the period of public exhibition, no submissions were received.

**RECOMMENDATION**

- (a) Council adopts the Plan of Management – Scenic Hill - Zone 3 – Natural Areas 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 gives public notice of the adoption of the Plan of Management for Scenic Hill – Zone 3 – Natural Areas.**

**REPORT**

A delegate for the Minister Administering the Crown Land Management Act 2016 approved by letter dated 11 September 2023 (Attachment (a)) to place the draft Plan of Management (PoM) for Scenic Hill - Zone 3 – Natural Areas on public exhibition (Attachment (b)) following any minor amendments which were made to the PoM prior to public exhibition.

A minor amendment was made to the PoM due to the name change for the Department, being *NSW Department of Planning and Environment – Crown Lands and Public Spaces* to now read *NSW Department of Planning, Housing and Infrastructure (PH & I) – Crown Lands*.

The PoM includes Crown Reserve 56353 comprising of multiple lots. The PoM was placed on public exhibition from 6<sup>th</sup> October 2023 for a period of 28 days allowing an additional 14

days to receive submissions as required under Section 38 of the Local Government Act 1993. No submissions were received.

Council can now proceed to adopt the PoM under clause 70B of the Crown Land Management Regulation 2018 following the public exhibition period.

### **OPTIONS**

#### **OPTION 1**

As per the Recommendation.

#### **OPTION 2**

As determined by Council.

### **POLICY IMPLICATIONS**

Not Applicable.

### **FINANCIAL IMPLICATIONS**

Council received funding of \$70,036 from the NSW Government through the Plans of Management Funding Support Program in 2019.

Council contributed an additional \$60,000 in the 2021/2022, and a further \$30,000 contribution in the 2022/2023 budget with the current balance of \$22,666.00 available.

### **LEGAL/STATUTORY IMPLICATIONS**

Local Government Act 1993

Part 2 Division 2 – Use and Management of community land

Crown Land Management Act 2016

Division 3.4 Crown land managed by councils

Crown Land Management Regulation 2018

Crown Land Management Amendment (Plan of Management) Regulation 2021

### **ENVIRONMENTAL IMPLICATIONS**

All environmental implications were considered during the drafting of the PoM and past development of the lands.

### **COMMUNITY IMPLICATIONS**

The community would expect Council to complete a PoM for all Crown Reserves and Council land classified as community land under the CLM Act and LG Act.

### **LINK TO STRATEGIC PLAN**

This item links to Council's Strategic Plan item 1.1 Provide clear, accessible, relevant information.



## **CONSULTATION**

Senior Management Team

Melva Robb, Consultant

Scenic Hill User Group Committee

## **ATTACHMENTS**

- (a) Letter - Department of Planning and Environment dated 11 September 2023 (under separate cover) [!\[\]\(b1b781be830eb908d845c527ab08d5f8\_img.jpg\)](#)
- (b) Plan of Management - Scenic Hill - Zone 3 - Natural Areas (under separate cover) [!\[\]\(2176a4ba510fa27404d783166e891577\_img.jpg\)](#)

**CLAUSE**      **CL05****TITLE**            **Licence Agreement Renewal - Peter Rossiter - Car Parking****FROM**            **Amanda Vardanega, Corporate Property Officer & Native Title Coordinator****TRIM REF**      **24/36992**

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**SUMMARY**

The licence agreement with Peter Rossiter for 6 car parking spaces located on Council's Road reserve adjoining Lot 1 DP 806696, Willandra Avenue Griffith is now due for renewal. The licence agreement is in accordance with the conditions of Development Consent 67/2017. Council recently contacted Mr Rossiter to advise that the licence agreement is now due for renewal and upon receipt of Mr Rossiter's details Council will attend to the preparation of a new licence agreement for a further term of 5 years.

**RECOMMENDATION**

- (a) Council enters into a licence agreement with Peter Rossiter for 6 car parking spaces located on Council's Road reserve adjoining 46 Willandra Avenue, Griffith for a term of 5 years (expires 31 December 2028).**
- (b) Peter Rossiter to pay all applicable costs and charges associated with the preparation of the licence agreement together with Council's Administration Fee as per Council's adopted Revenue Policy.**
- (c) The licence fee be charged in accordance with Council's adopted Revenue Policy, currently \$62.00 per car space for the 2023/2024 financial year and on each anniversary thereafter the annual licence fee to be charged in accordance with Council's adopted Revenue Policy in addition to rates and charges.**
- (d) Council authorises the Mayor and General Manager to execute the licence agreement on behalf of Council under the Common Seal.**

**REPORT**

Council recently contacted Mr Peter Rossiter advising the licence agreement for the 6 car parking spaces adjoining Lot 1 DP806696, 46 Willandra Avenue Griffith was due for renewal. The car parking spaces were a condition of consent for Development Application 67/2017.

Mr Peter Rossiter has responded via email, providing his updated details to enable a new licence agreement to be prepared for a term of 5 years.

As a requirement of the Roads Act 1993 a notice is to be published in Council's media outlets and a notice is to be served on the owner of each parcel of land adjoining the length of a public road concerned when entering into a licence agreement. As the Development Application was notified at the time and the 6 car park spaces are required as part of an approved development, it is therefore proposed not to undertake any further advertising.

## **OPTIONS**

### OPTION 1

As per the Recommendation.

### OPTION 2

Any other resolution of Council.

## **POLICY IMPLICATIONS**

Road Reserves – Lease for Commercial Premises UD-CP-301

## **FINANCIAL IMPLICATIONS**

The applicant is responsible for the payment of all fees and charges in relation to the preparation of the licence agreement, together with Councils Administration Fee, as per Councils adopted Revenue Policy.

The annual licence fee of \$62.00 per car space plus the payment of rates and charges as per Council's current adopted Revenue Policy for the 2023/2024 financial year and on each anniversary thereafter the annual licence fee to be charged in accordance with Council's adopted Revenue Policy in addition to rates and charges.

The applicant is responsible for the ongoing maintenance of the reserve.

## **LEGAL/STATUTORY IMPLICATIONS**

Roads Act 1993

Division 2 Short-term leases of unused public roads

## **ENVIRONMENTAL IMPLICATIONS**

All environmental implications were considered as part of the development application process.

## **COMMUNITY IMPLICATIONS**

The community would expect Council to support new and existing business to expand whilst receiving an income for the occupation of Council's Road reserves for car parking, where car parking cannot be provided within the development.

## **LINK TO STRATEGIC PLAN**

This item links to Council's Strategic Plan item 5.3 Promote opportunities for business to establish and grow.

## **CONSULTATION**

Senior Management Team



### **ATTACHMENTS**

- |     |  |    |
|-----|--|----|
| (a) | Email from Peter Rossiter dated 29 February 2024 <a href="#">↓</a> | 62 |
| (b) | Plan - showing car parking spaces <a href="#">↓</a>                | 63 |

EMailed 29/02/2024

LEASE/LICENCE INFORMATION

DETAILS OF LESSEE/LICENSEE:

LEASE/LICENCE TO BE IN THE NAME OF:

PETER ROSSITER

POSTAL ADDRESS:

TELEPHONE:

OCCUPATION:

RETIRED

LESSEES/LICENSEES ADDRESS FOR SERVICE OF NOTICES:

LESSEES/LICENSEES CONTACT PERSON:

PETER ROSSITER

REGISTERED COMPANY NAME: (advise if lease/licence is to be in this company name)

ADDRESS OF REGISTERED OFFICE:

ABN: 92394409779

ACN:

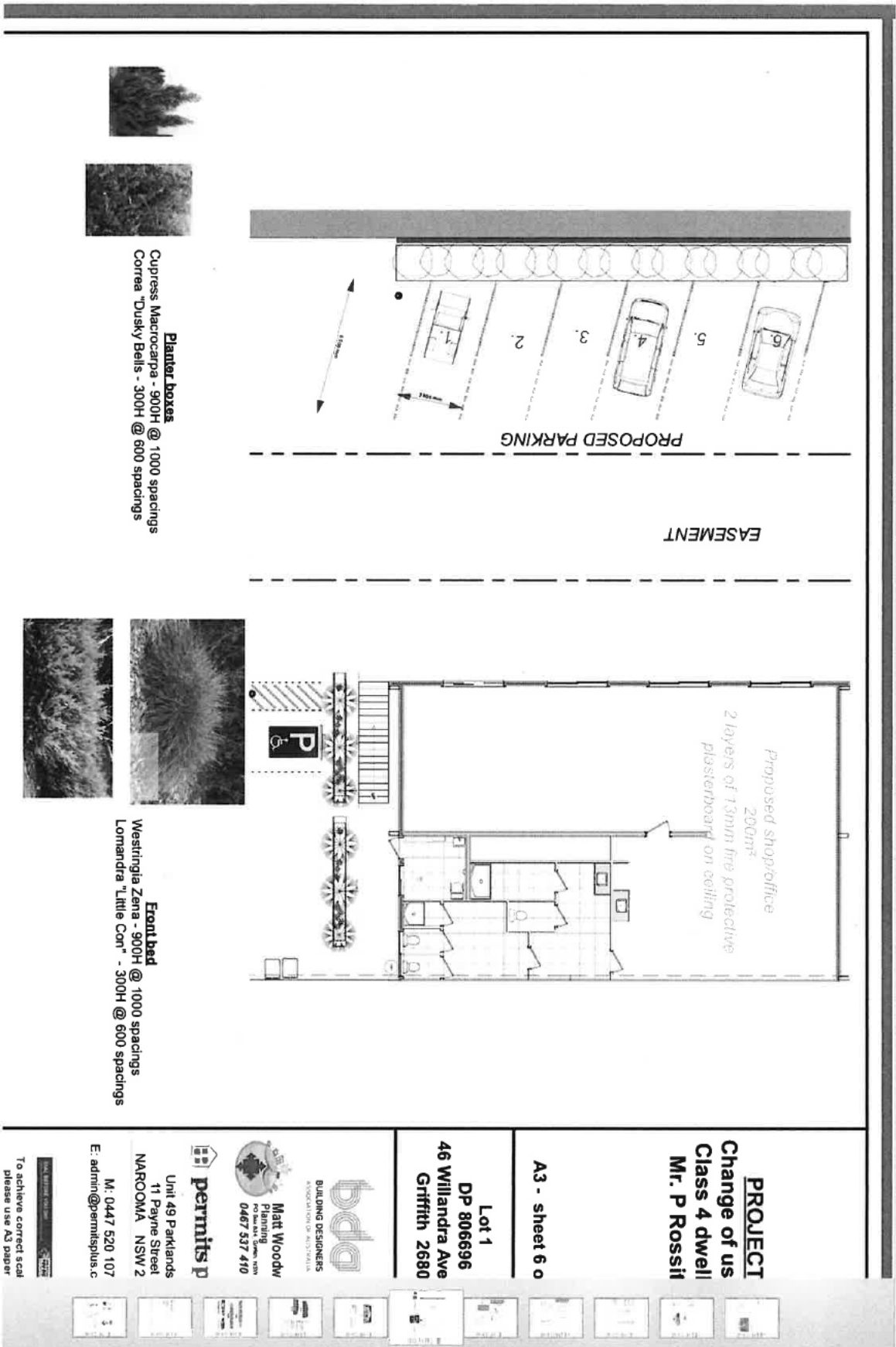
NAMES OF ALL DIRECTORS OF THE COMPANY:

ADDRESSES OF ALL DIRECTORS:

TELEPHONE NUMBERS OF ALL DIRECTORS:

Done

060817 - ALTS FOR PETER.pdf



**CLAUSE** CL06**TITLE** Licence Agreement Renewal - Leo Franco Motors Pty Ltd - Car Parking**FROM** Amanda Vardanega, Corporate Property Officer & Native Title Coordinator**TRIM REF** 24/37114

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**SUMMARY**

The licence agreement with Leo Franco Motors Pty Ltd for 3 car parking spaces located on Council's Road reserve adjoining Lot 34 Section 3 DP 758476, Yambil Street Griffith is now due for renewal.

Council recently contacted Leo Franco Motors to advise that the licence agreement is now due for renewal and upon receipt of updated details Council will attend to the preparation of a new licence agreement for a further term of 5 years.

**RECOMMENDATION**

- (a) Council enters into a licence agreement with Leo Franco Motors Pty Ltd for 3 car park spaces on the road reserve adjoining Lot 34 Section 3 DP 758476, Yambil Street, Griffith for a term of 5 years (expires 31 January 2029).
- (b) Leo Franco Motors Pty Ltd pay all applicable costs and charges associated with the preparation of the licence agreement together with Council's Administration Fee as per Council's adopted Revenue Policy.
- (c) The licence fee be charged in accordance with Council's adopted Revenue Policy, currently \$62.00 per car space for the 2023/2024 financial year and on each anniversary thereafter the annual licence fee to be charged in accordance with Council's adopted Revenue Policy in addition to rates and charges.
- (d) Council authorises the Mayor and General Manager to execute the licence agreement on behalf of Council under the Common Seal.

**REPORT**

Council recently contacted Leo Franco Motors advising the licence agreement for the 3 car parking spaces adjoining Lot 34 Section 3 DP 758476, Yambil Street Griffith was due for renewal.

Leo Franco Motors has responded with their updated details to renew the licence agreement for a further term of 5 years.

Under the Roads Act 1993 public notice is to be given for the proposed lease on a road reserve and to allow 28 days to receive submissions. Although this is a licence agreement, not a lease agreement and no development application was initially applied for, Council will notify the proposed licence agreement via Council's media outlets.



## **OPTIONS**

### OPTION 1

As per recommendation.

### OPTION 2

Any other resolution of Council.

## **POLICY IMPLICATIONS**

Road Reserves – Lease for Commercial Premises UD-CP-301

## **FINANCIAL IMPLICATIONS**

The applicant is responsible for the payment of all legal fees and charges in relation to the preparation of the licence agreement, together with Councils Administration Fee, as per Councils adopted Revenue Policy.

The annual licence fee of \$62.00 per car space plus payment of rates and charges, as per Council's current adopted Revenue Policy for the 2023/2024 financial year; and on each anniversary thereafter the annual licence fee to be charged in accordance with Council's adopted Revenue Policy in addition to rates and charges.

The applicant is responsible for the ongoing maintenance of the reserve.

## **LEGAL/STATUTORY IMPLICATIONS**

Roads Act 1993

### **Division 2 Short-term leases of unused public roads**

*Section 153 Short-term leases of unused public roads*

*Section 154 Public Notice to be given of proposed lease*

*Section 155 Public Submissions*

*Section 156 Decision on proposed lease*

*Section 157 Special provisions with respect to short-term leases*

## **ENVIRONMENTAL IMPLICATIONS**

All environmental implications were considered as part of the development application process.

## **COMMUNITY IMPLICATIONS**

The community would expect Council to support new and existing business to expand whilst receiving an income for the occupation of Council's Road reserves.

## **LINK TO STRATEGIC PLAN**

This item links to Council's Strategic Plan item 5.3 Promote opportunities for business to establish and grow.

## **CONSULTATION**

Senior Management Team

## **ATTACHMENTS**

- |     |   |    |
|-----|---|----|
| (a) | Email from Leo Franco dated 21 March 2024 <a href="#">↓</a> | 67 |
| (b) | Plans showing car park spaces <a href="#">↓</a>             | 68 |

LEASE/LICENCE INFORMATION

DETAILS OF LESSEE/LICENSEE:

LEASE/LICENCE TO BE IN THE NAME OF:

LEO FRANCO MOTORS PTY LTD

POSTAL ADDRESS:

P.O. BOX 782 GRIFFITH NSW 2680

TELEPHONE: 02 6969 2800

OCCUPATION: WORKSHOP

LESSEES/LICENSEES ADDRESS FOR SERVICE OF NOTICES:

152-158 YAMBIL STREET, GRIFFITH NSW 2680

LESSEES/LICENSEES CONTACT PERSON:

MICHEL MENEGAZZO

REGISTERED COMPANY NAME: (advise if lease/licence is to be in this company name)

LEO FRANCO MOTORS PTY LTD

ADDRESS OF REGISTERED OFFICE: 164-166 YAMBIL STREET, GRIFFITH NSW 2680

ABN: 49697 704 696

ACN: 007 089 974

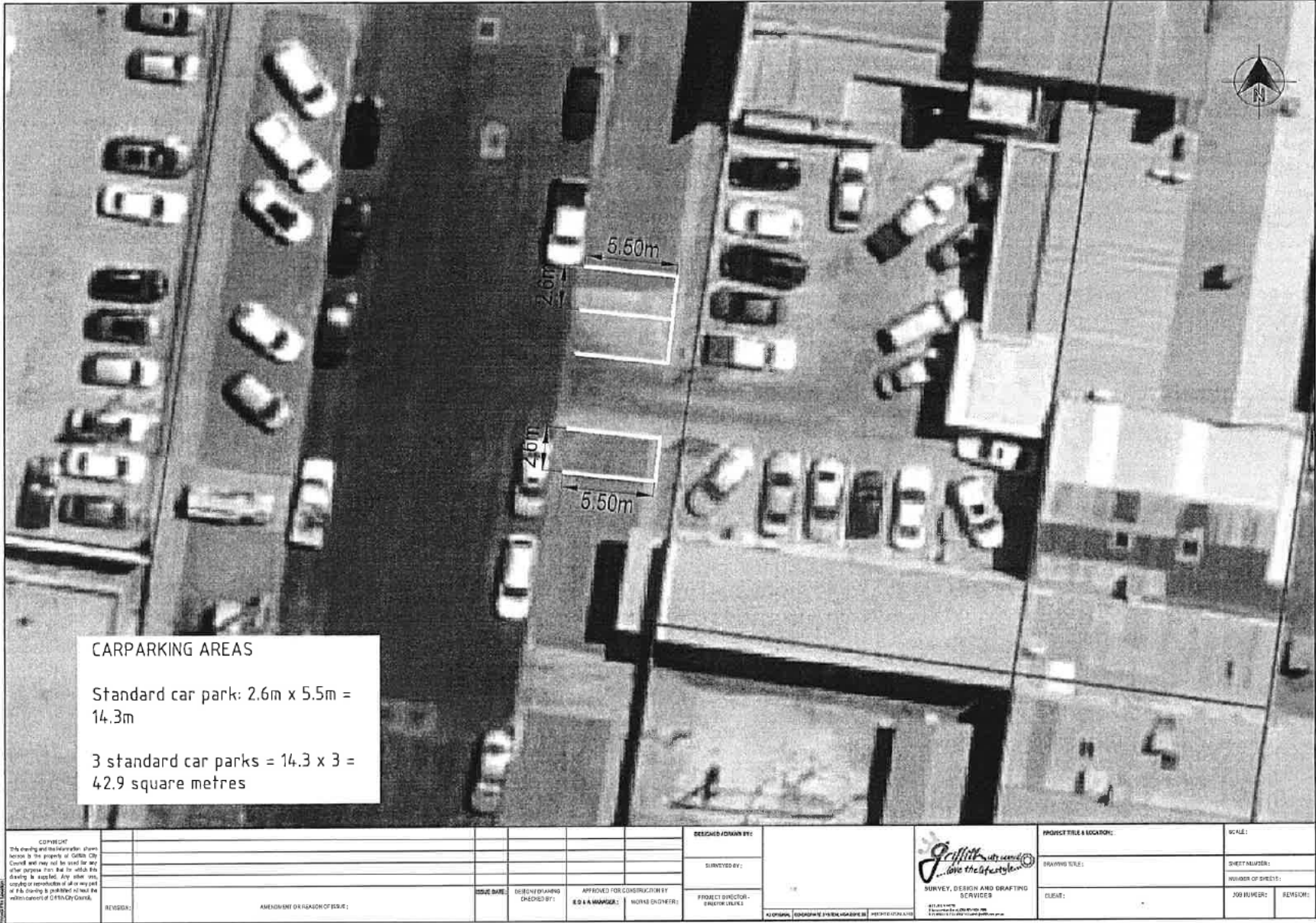
NAMES OF ALL DIRECTORS OF THE COMPANY:

MAUREEN ELIZABETH FRANCO  
ELIO FRANCO

ADDRESSES OF ALL DIRECTORS:

TELEPHONE NUMBERS OF ALL DIRECTORS:

02 6969 2800





**CLAUSE** CL07**TITLE** Murray Darling Association Annual Conference and AGM 2024**FROM** Brett Stonestreet, General Manager**TRIM REF** 24/2805

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**SUMMARY**

This report seeks Council authority to nominate delegate(s) to attend the 80<sup>th</sup> Murray Darling Association Annual Conference and AGM to be held in Tamworth 8 – 11 July 2024. The theme for this year's conference is 'The Future of Water Security'.

Council's delegates to this Association are the Mayor and Councillor Glen Andreazza.

**RECOMMENDATION**

**Council be represented at the 2024 Murray Darling Association Annual Conference and AGM in Tamworth from 8 – 11 July 2024 by the Mayor (or delegate) and one other Councillor.....Expenses to attend the Conference be paid by Council in accordance with the 'Councillors Payment of Expenses and Provision of Facilities' policy.**

**REPORT**

The Murray Darling Association is an association of Local Government municipalities in New South Wales, Queensland, South Australia and Victoria. It also incorporates community groups, businesses, individuals and agencies with an interest in ensuring that the Murray-Darling Basin continues as a viable and valuable asset for all Australians.

The Association provides a focus for Local Government and community participation in the major natural resource issues of the Murray-Darling Basin. It provides information, facilitates debate, identifies needs and priorities, undertakes projects and education initiatives, and promotes research.

The program for this conference is not yet available and will be forwarded to the endorsed attendees.

**OPTIONS****OPTION 1**

As per the recommendation.

**OPTION 2**

Council do not send representation to the 2024 Murray Darling Association Annual Conference and AGM.

**OPTION 3**

Any other resolution of Council.

### **POLICY IMPLICATIONS**

(GC-CP-407) Councillor Payment of Expenses and Provision of Facilities Policy.

### **FINANCIAL IMPLICATIONS**

Conference Registration is \$790 per delegate (Member Full Conference Pack) plus associated expenses relating to travel and meals.

### **LEGAL/STATUTORY IMPLICATIONS**

Not Applicable

### **ENVIRONMENTAL IMPLICATIONS**

Not Applicable

### **COMMUNITY IMPLICATIONS**

Not Applicable

### **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

### **ATTACHMENTS**

Nil

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**GRIFFITH PIONEER PARK MUSEUM COMMITTEE  
HELD IN COUNCIL CHAMBERS ON  
MONDAY, 18 MARCH 2024 COMMENCING AT 4:31 PM**

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**PRESENT**

Councillor Doug Curran (Chair), Councillor Anne Napoli, Denis Couch (Community Representative), Michael Rohan (Community Representative), Maria Searl (Community Representative), Peter Taylor (Community Representative), Jenna Thomas (Community Representative), John Nikolic (Community Representative)

Quorum = 3

**STAFF**

Acting Director Business, Cultural & Financial Services, Max Turner, Griffith Pioneer Park Museum Manager, Jenny O'Donnell and Minute Taker, Joanne Bollen

**1 APOLOGIES**

**RECOMMENDED** on the motion of Councillor Anne Napoli and Peter Taylor that apologies be received from Eddy Mardon (Community Representative).

Absent: Jeff Dance (Community Representative).

**2 CONFIRMATION OF MINUTES**

**RECOMMENDED** on the motion of Denis Couch and Jenna Thomas that the minutes of the previous meeting held on 15 January 2024, having first been circulated amongst all members, be confirmed.

**3 BUSINESS ARISING**

**3.1 The Welcome Experience**

Denis Couch advised that The Welcome Experience has commenced and nominated families will receive their passes to the Griffith Pioneer Park Museum.

**3.2 Southern NSW Regional Heritage Group**

A meeting of the Southern NSW Regional Heritage Group was held at the Museum on 29 February. The meeting went well and the feedback received has been positive.

**3.3 Audio-Visual Display in Post Office**

Griffith Pioneer Park Museum Manager, Jenny O'Donnell to obtain a quote on a videographer.

#### **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 GRIFFITH PIONEER PARK MUSEUM OPERATIONAL UPDATE FOR JANUARY AND FEBRUARY 2024**

Ms O'Donnell was absent from the meeting until 4:52pm and in her absence the Committee reviewed the operational update.

Acting Director Business, Cultural & Financial Services, Max Turner advised that he would ask Ms O'Donnell to provide the Committee with an update on Action Day via email.

**RECOMMENDED** on the motion of John Nikolic and Jenna Thomas that the Committee note the report.

##### **CL02 AGENDA ITEMS RAISED BY COMMITTEE MEMBERS**

A number of agenda items were raised by Committee members. These items included the below:

- Action Day – Mr Turner will ask Ms O'Donnell to provide the Committee with an update via email.
- The Italian Museum and Cultural Centre Inc. has received numerous requests to increase ticket numbers to the annual Salami Festival. The Griffith Italian Museum Committee proposes the expansion of the lawn area to connect the Bynya Homestead (reception area) and Myall Park Hall. The Committee noted the request and although it will not be an option for the 2024 event, it may be an option in the future.
- The children's playground equipment at the Museum has been identified as a WHS issue. Mr Turner suggested that he speak to the Urban Design team to identify if there are any funding opportunities for new playgroup equipment.
- A grant application has been submitted for a proposed new entrance garden and pathway. It is suggested that the Committee work with staff to formulate a plan to execute the project.
- The rollout of security cameras and a fob access system at the Museum was raised. Mr Turner advised that he will speak to Council's IT Department and explore the costs involved with the implementation of such systems.

**RECOMMENDED** on the motion of Michael Rohan and Peter Taylor that the information be received.

#### **6 OUTSTANDING ACTION REPORT**

The report was noted.



## **7 GENERAL BUSINESS**

### **7.1 Electric Gates**

Jenna Thomas and John Nikolic requested that Denis Couch, and his work on the installation of an electronic gate at Griffith Pioneer Park Museum be recognised formally in the minutes.

## **8 NEXT MEETING**

The next meeting of the Griffith Pioneer Park Museum Committee is to be held on Monday, 20 May 2024 at 4:30pm.

There being no further business the meeting terminated at 5:40pm.

**TITLE** Outstanding Action Report

**TRIM REF** 24/39316

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**RECOMMENDATION**

The report be noted.

**ATTACHMENTS**

(a) Outstanding Action Report - Council Meeting [↓](#)

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### OUTSTANDING ACTION REPORT

Council Meeting Date	MEETING ITEM	Action Officer	CRM No.	Minute No.	Council Resolution	Additional Information
12 March 2024	<b>CL03 REQUEST FOR NEW ROAD NAME - MARIANNE CRESCENT</b>	IM	143520	24/061	<b>RESOLVED</b> on the motion of Councillors Anne Napoli and Christine Stead that Council: (a) Includes the name 'MARIANNE' for road naming purposes for the newly developed road within the 13 lot rural industrial subdivision at 425 Kidman Way, Griffith into Council's Road Name Register; (b) Approves the use of the name 'Marianne Crescent' and advertise as required.	<b>28/03/2024:</b> On exhibition.
12 March 2024	<b>NOTICE OF MOTION - UPGRADE TO ORIGINAL BAGTOWN'S FIRST BLACKSMITH STORE SITE</b>	DI&O DSD	143524	24/066	<b>RESOLVED</b> on the motion of Councillors Dino Zappacosta and Simon Croce that Council upgrade the original Bagtown's first Blacksmith Store site at the Intersection of Old Wilbriggie (sic) Road and Research Station Road.	<b>18/03/2024:</b> Councillors and SMT inspecting site 19/03/2024 to discuss scope. <b>02/04/2024:</b> Site inspection completed. Project scope to be referred to Council Workshop on 21 May 2024.
12 March 2024	<b>CC01 NOTICE OF MOTION - LEGAL MATTER</b>	GM	143525	24/070	<b>RESOLVED</b> on the motion of Councillors Dino Zappacosta and Christine Stead that Council provide a report on all legal costs incurred leading up to, and including, the Full Bench of the Industrial Relation Commission Appeal decision handed down recently.	<b>18/03/2024:</b> Financial data (including disbursements back to Council from insurer) being gathered, and report being prepared.
13 February 2024	<b>CL01 REQUEST FOR ROAD NAME - BURRABOGIE AND GOOLGUMBLA</b>	IMA	142541	24/028	<b>RESOLVED</b> on the motion of Councillors Christine Stead and Laurie Testoni that: (a) Council include the names 'Burrabogie Street', 'Goolgumbula Circuit' and 'Toganmain Street' for road	<b>20/02/2024:</b> On Public Exhibition. <b>02/04/2024:</b> Exhibition period finished. No submissions received.

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### OUTSTANDING ACTION REPORT

					<p>naming purposes for the newly developed roads within the large lot residential subdivision on Watson Road, Griffith into Council's Road Name Register;</p> <p>(b) Council approves the use of the names 'Burrabogie Street', 'Goolgumbbla Circuit' and 'Toganmain Street' and advertise as required.</p>	
23 January 2024	<b>CC01 ENERGY PURCHASE AGREEMENT - HUNTER JOINT ORGANISATIONS OF COUNCILS</b>	PO	141541	24/022	<p><b>RESOLVED</b> on the motion of Councillors Simon Croce and Christine Stead that:</p> <p>(a) Council agree to accept the proposal from Hunter Joint Organisation to tender for the purchase of power for Council's large sites and unmetered streetlighting.</p> <p>(b) A further report be submitted for Council for consideration following the completion of stage one (1) of the procurement process as referred to in this report to determine;</p> <p>i. The percentage of energy from renewable sources.</p> <p>ii. The delegation of authority to the General Manager to accept or decline a contract with the preferred tenderer as determined by the Power Purchasing Agreement Steering Committee.</p>	<p><b>05/02/2024:</b> HJO have been advised. Further report to follow.</p> <p><b>18/03/2024:</b> Report presented to Council 26/03/2024.</p> <p><b>02/04/2024:</b> HJO advised of Council's resolution.</p>
12 December 2023	<b>CL04 COMPULSORY ACQUISITION - AFFECTING LOT 27 DP751709 -</b>	CPO	140274	23/303	<p><b>RESOLVED</b> on the motion of Councillors Glen Andreazza and Melissa Marin that:</p>	<b>15/01/2024:</b> Application preparation in progress.

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**OUTSTANDING ACTION REPORT**

	<b>BEAUMONT ROAD, HANWOOD - HANWOOD LEVY</b>				<p>(a) Council approves the acquisition of Crown Land, shown as Lot 1 DP 1296073 in Plan of Acquisition affecting Lot 27 DP 751709 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act 1993 Section 186.</p> <p>(b) Council make application to the Minister and/or Governor of the Local Government Act 1993 for approval to acquire Lot 1 DP 1296073 as shown in plan of acquisition affecting Lot 27 DP 751709 by compulsory acquisition process under Section 187 of the Local Government Act 1993.</p> <p>(c) Council continues to negotiate with Department of Planning &amp; Environment to 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) Upon acquisition of the land, Council resolves to classify the acquired land as operational</p>
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### OUTSTANDING ACTION REPORT

					<p>land pursuant to Section 31 of the Local Government Act 1993.</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) Council delegate authority to the General Manager to execute the documents on behalf of Council under the Common Seal if required.</p>	
12 December 2023	<b>CL05 COMPULSORY ACQUISITION - AFFECTING LOT 7322 DP1164483, MALLEE STREET, HANWOOD - WATER DRAINAGE WORKS</b>	CPO	140275	23/304	<p><b>RESOLVED</b> on the motion of Councillors Glen Andreazza and Melissa Marin that:</p> <p>(a) Council approves the acquisition of Crown Land, shown as Lot 1 DP 1295951 in Plan of Acquisition affecting Lot 7322 DP 1164483 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act 1993 Section 186.</p> <p>(b) Council make application to the Minister and/or Governor of the Local Government Act 1993 for approval to acquire Lot 1 DP 1295951 as shown in plan of acquisition affecting Lot 7322 DP 1164483 by compulsory acquisition process under Section 187 of the Local Government Act 1993.</p> <p>(c) Council continues to negotiate with Department of Planning &amp;</p>	<b>15/01/2024:</b> Application preparation in progress.

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### OUTSTANDING ACTION REPORT

					<p>Environment to 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) 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> <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) Council delegate authority to the General Manager to execute the documents on behalf of Council under the Common Seal if required.</p>	
12 December 2023	<b>CL06 ENDORSEMENT OF THE DRAFT COMMUNITY GARDENS LARGE SCALE EVENT MASTERPLAN</b>	GO	140276	23/305	<p><b>RESOLVED</b> on the motion of Councillors Shari Blumer and Laurie Testoni that:</p> <p>(a) Council endorse the Draft Community Gardens Large Scale Event Masterplan and place it on public exhibition for 42 days.</p>	<p><b>11/01/2024:</b> On public exhibition until 26/01/2024.</p> <p><b>30/01/2024:</b> Submission received. Report to go back to Council.</p> <p><b>04/03/2024:</b> Report to Council Meeting 26 March 2024.</p>

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### OUTSTANDING ACTION REPORT

					(b) If any submissions are received, a further report will be prepared for Council. (c) If no submissions are received, the Community Gardens Large Scale Event Masterplan be considered as adopted.	02/04/2024: Adopted 26 March 2024.
12 December 2023	<b>CCMM01 REVIEW OF LAKE WYANGAN FLOOD STUDY AND FLOODPLAIN RISK MANAGEMENT PLAN</b>	DU	140281	23/317	<b>RESOLVED</b> on the motion of Councillors Christine Stead and Glen Andreazza that Council authorise the General Manager to progress action with regard to the review of the Lake Wyangan Flood Study and Floodplain Risk Management Plan, in accordance with this Report.	15/01/2024: Consultancy brief being prepared for tender. 04/03/2024: Brief in preparation. 18/03/2024: Tender documentation released on Vendor Panel. Tenders close 1 May 2024.
28 November 2023	<b>CULTURAL PRECINCT MASTER PLAN COMMITTEE MINUTES – 11 OCTOBER 2023</b>	DBC&FS		23/285	<b>RECOMMENDED</b> on the motion of Councillor Jenny Ellis and Oumi Karenga-Hewitt, that Council apply for the Regional Precincts and Partnerships Program (rPPP) stream one.	04/12/2023: An application will be submitted in accordance with Council's resolution. 15/01/2024: Application preparation has commenced. 04/03/2024: Application will be lodged March 2024. 02/04/2024: Application not lodged by end of March. Waiting on letters of support. To be lodged April 2024.
28 November 2023	<b>CC03 TENDER NO. 6-23/24 – EXTENSION TO SHED AT 53 OAKES ROAD GRIFFITH</b>	DIO	139719/2023	23/294	<b>RESOLVED</b> on the motion of Councillors Christine Stead and Shari Blumer that: (a) Council, in accordance with Section 178(1) (b) of the Local Government Regulation 2021, reject all tenders submitted for Tender No. 6-23/24 Extension to shed at 53 Oakes Road Griffith due to tender submitted being	04/12/2023: Letters to be sent rejecting all tenders and inviting suitable shed builders to enter into negotiations with Council. 05/02/2024: Commenced negotiations. 02/04/2024: Report to Council 23 April 2024.



### OUTSTANDING ACTION REPORT

					<p>well over the budget allocation for this project.</p> <p>(b) Council, in accordance with Section 178(3) (e) of the Local Government Regulation 2021, enter into negotiations with local shed builders to enable the project to be completed taking into consideration that the project may not have as many bays as originally planned.</p> <p>(c) In addition, a further report to be presented to Council recommending the preferred method of project execution.</p>	
14 November 2023	<b>CL02 THARBOGANG TENNIS CLUB DEMOLITION</b>	CPO	139227	23/260	<p><b>RESOLVED</b> on the motion of Councillors Shari Blumer and Melissa Marin that:</p> <p>(a) Council to seek Crown Reserve Improvement Fund funding and if successful in receiving the grant monies then the demolition of the Tharbogang Tennis Club and other infrastructure situated on the Public Reserve can proceed.</p> <p>(b) Council confirm its intention to demolish the Tharbogang Tennis Club facility and Council to then re-engage with the Tharbogang Community to advise of the available funds and Council's decision to demolish the disused Tennis Club building.</p>	<p><b>04/12/2023:</b> Council has included in the current budget 2023/24 approximately \$6,500 to part fund the demolition of the building. Application has been made for further funding to complete the project. Grant funding body to advise outcome in approximately May 2024. Community meeting to be held February 2024.</p> <p><b>04/03/2024:</b> Tharbogang Public School has been contacted seeking confirmation of suitable date for meeting.</p>
24 October 2023	<b>CL01 SPECIAL RATE VARIATION (SRV) - DECISION TO APPLY TO THE INDEPENDENT</b>	DBC&FS	138461	23/251	<p><b>RESOLVED</b> on the motion of Councillors Doug Curran and Jenny Ellis that:</p> <p>(a) Council receive and note the SRV Community Engagement</p>	<p><b>25/10/2023:</b> Letter of intent to apply for SRV sent to IPART.</p> <p><b>06/11/2023:</b> Application process has commenced.</p>

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### OUTSTANDING ACTION REPORT

	PRICING AND REGULATORY TRIBUNAL (IPART)				<p>Summary attached to the report including submissions, feedback received and key findings.</p> <p>(b) Council apply to the Independent Pricing and Regulatory Tribunal (IPART) under Section 508(A) of the Local Government Act 1993, for a permanent SRV of 10.5% inclusive of the assumed 3.0% rate peg each year for three consecutive years from 2024/25 to 2026/27. This is a cumulative increase of 34.9%. Applications are to be submitted by 5 February 2024 as determined by IPART.</p> <p>(c) Council to notify IPART that it intends to apply for a Special Rate Variation as referred to in (b) above, by 25 November 2023 (date as determined by IPART).</p> <p>(d) Council approves additional Service Reviews to those already listed in the 2022/23-2025/26 Delivery Program, as identified in this report. These are functions within the General Fund and will explore productivity improvements and cost containment strategies. The Delivery Program is to be updated accordingly.</p> <p>(e) Management to report to Council on a quarterly basis with details of cost savings and additional revenue initiatives.</p> <p>(f) Council to review the Financial Hardship Policy (FS-CP-506) to</p>	<p><b>16/01/2024:</b> Application submitted to IPART. Copy of submission provided to Councillors.</p> <p><b>04/03/2024:</b> IPART notified community submissions are open. Closing date for submissions is 18 March 2024.</p>
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## OUTSTANDING ACTION REPORT

					<p>ensure adequate assistance is provided to ratepayers experiencing genuine financial hardship.</p> <p>(g) Council cap increases Water and Sewer charges by the assumed 3% annual rate peg (per the SRV) for the period of the 3 year implementation of the SRV.</p> <p>(h) Council increase the pensioner rebates on Ordinary Rates by the following amounts for the period of the 3 year implementation of the SRV.</p> <p><b>SEE TABLE IN MINUTES</b></p> <p>(i) Council staff prepare the next draft Operational Plan (Budget) 2024/2025, draft Delivery Plan 2022/23 – 2025/26 and the draft 10 year 2024/25 – 2033/34 Financial Plan on the basis of removing the Art Gallery project.</p> <p>(j) Council staff prepare reports with respect to the following cost savings projects and alternative revenue opportunities:</p> <ul style="list-style-type: none"> <li>i) Paid parking at the Airport</li> <li>ii) Review of recent energy audit and further installation of solar panels on high energy consumption facilities.</li> <li>iii) Audit of buildings owned by Council which are leased to other entities (to include purpose of the original purchase and current lease</li> </ul>	
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### OUTSTANDING ACTION REPORT

					<p>arrangements relative to commercial terms).</p> <p>iv) Initiate a Road Service review as a matter of priority (as referred to in this report) including improvements to the gravel and sealed road networks and the resheeting programs.</p>	
24 October 2023	<b>CL03 CLOSURE OF KOOYOO STREET STAGE 1 - BANNA AVENUE TO BANNA LANE</b>	DU	138463	23/255	<p><b>RESOLVED</b> on the motion of Councillors Glen Andreazza and Chris Sutton that 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.</p>	<p><b>06/11/2023:</b> Contact made with TfNSW. Report being prepared for consideration of Traffic Committee.</p> <p><b>15/01/2024:</b> Traffic Committee approved at meeting held 12 December 2023.</p> <p><b>05/02/2024:</b> Works will be implemented to finalise the closure.</p> <p><b>04/03/2024:</b> Bollards will be order during March 2024 and scheduled for installation.</p>
10 October 2023	<b>CL03 EMPLOYMENT LANDS STRATEGY REQUEST FOR PUBLIC CONSULTATION</b>	SP	137999	23/240	<p><b>RESOLVED</b> on the motion of Councillors Glen Andreazza and Shari Blumer that:</p> <p>(a) Council place the draft Employment Lands Strategy on public exhibition for a period of 28 days to allow submissions from the public and key stakeholders.</p> <p>(b) Should submissions be received, a report with recommendations be presented back to an Ordinary Council Meeting for final endorsement.</p>	<p><b>02/11/2023:</b> On Public Exhibition until 1 December 2023. Public consultation session to be held 23 November 2023.</p> <p><b>04/12/2023:</b> Submissions received. Report being prepared for Council.</p> <p><b>15/01/2024:</b> Report to March 2024 Council Meeting.</p> <p><b>18/03/2024:</b> Report to Council 9 April 2024.</p>



### OUTSTANDING ACTION REPORT

					(c) Should no submissions be received, the Employment Lands Strategy Request for Public Consultation is considered endorsed the day after the close of the public exhibition period.	02/04/2024: Report to Council 23 April 2024.
12 September 2023	<b>CC02 NON RATEABLE ASSESSMENTS, SPORTING CLUBS AND COMMUNITY ORGANISATIONS SUBSIDIES</b>	DBC&F	137019	23/221	<p><b>RESOLVED</b> on the motion of Councillors Glen Andreazza and Laurie Testoni that:</p> <p>(a) The information be noted.</p> <p>(b) The Rates – Payment by Community Organisations Policy be reviewed and presented to Council at a later date.</p>	<p>03/10/2023: Policy to be reported to Council March Quarter 2024.</p> <p>04/03/2024: Policy to be reported to April 2024 Council Meeting.</p>
12 July 2022	<b>NOTICE OF MOTION – COUNCILLOR TESTONI – YENDA MASTERPLAN</b>	GM	119905	22/167	<p><b>RESOLVED</b> 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</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>

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### OUTSTANDING ACTION REPORT

					<p>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 resources, time line, amendment and adoption of scoping document.</p>	<p><b>13/02/2023:</b> Tender awarded to CBRE.</p> <p><b>01/05/2023:</b> Site inspection and survey completed. Landowner, MI and staff consultation completed. Draft Masterplan presentation to 20 June Council Workshop.</p> <p><b>17/07/2023:</b> Draft Masterplan to go to Council in September/October 2023.</p> <p><b>03/10/2023:</b> Draft Masterplan to go to Council 14 November 2023.</p> <p><b>06/11/2023:</b> Draft Masterplan to go to Council Meeting in December 2023.</p> <p><b>04/12/2023:</b> Draft Masterplan to go to Council Meeting in February 2024.</p> <p><b>15/01/2024:</b> Report to March 2024 Council Meeting.</p> <p><b>18/03/2024:</b> Council Meeting for 14 May 2024</p>
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**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
26 April 2023	<b>CL01 DRAFT PLAN OF MANAGEMENT - SCENIC HILL (ZONE 3) - NATURAL AREAS</b>	CPO	131726	23/106	<p><b>RESOLVED</b> on the motion of Councillors Shari Blumer and Jenny Ellis that:</p> <p>(a) Council refer the Draft Plan of Management for Scenic Hill – Zone 3 – Natural Areas to the Minister administering the Crown Land Management Act 2016 for approval.</p> <p>(b) Upon approval of the Minister administering the Crown Land Management Act 2016 Council amends the Draft Plan of Management for Scenic Hill – Zone 3 – Natural Areas 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 3 – Natural Areas on completion of the exhibition period, to consider all submissions.</p> <p>(e) Council will set up a Scenic Hill User Group to meet three times a year for the purpose of raising issues and sharing information. The Mayor or their delegate to Chair the meeting with appropriate Council staff to attend in order to</p>	<p><b>28/04/2023:</b> Draft Plan of Management Scenic Hill - Zone 3 - Natural Areas referred to the Crown for Ministers consent to place on public exhibition. The set up of the Scenic Hill User Group has been referred to Senior Management Team for direction.</p> <p><b>4/07/2023:</b> Report to Council regarding user group on 11 July 2023.</p> <p><b>17/07/2023:</b> Council resolved 11 July 2023 to form a user group committee and advertising for committee members to commence 21 July 2023.</p> <p><b>03/10/2023:</b> Report to Council 10 October 2023.</p> <p><b>04/12/2023:</b> Draft PoM to be referred to the Scenic Hill User Group Committee for consideration and recommendation to Council.</p> <p><b>04/03/2024:</b> Draft POM endorsed by Scenic Hill User Group on 5 February 2024 and minutes adopted by Council.</p>

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

					<p>provide advice and guidance to the User Group and follow up on actions where appropriate. The User Group invitees should include but not limited to;</p> <ul style="list-style-type: none"> <li>• Interested Councillors</li> <li>• Airport Manager</li> <li>• Griffith Aboriginal Land Council</li> <li>• The Golf Club</li> <li>• Pioneer Park</li> <li>• Dalton Park Stakeholders (including Riding for the Disabled and the Jockey Club)</li> <li>• Feral Joggers</li> <li>• Murrumbidgee Field Naturalists</li> <li>• Mountain Bike Riders</li> <li>• Rotary Club</li> <li>• Lions Club</li> <li>• Other interested parties and people who completed the survey.</li> </ul>	<p><b>18/03/2024:</b> A report being prepared for 9 April 2024 Council Meeting.</p>
14 February 2023	<p><b>CL03 PCYC PROPOSAL TO ERECT AND FITOUT AN INTEGRATED GYMNASSTICS AND COVERED OUTDOOR MULTI-SPORTS COMPETITION FACILITY - OLYMPIC STREET, GRIFFITH</b></p>	GM	128874	22/034	<p><b>RESOLVED</b> on the motion of Councillors Jenny Ellis and Simon Croce that:</p> <p>(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.</p> <p>(b) The annual lease fee be in accordance with Council's adopted Revenue Policy</p>	<p><b>06/03/2023:</b> Letter written to PCYC advising terms of proposed lease. Letter of response received accepting terms. Proposed lease to be prepared by Council and publicly exhibited.</p> <p><b>4/07/2023:</b> Council staff have obtained a quote for subdivision from PHL. Once the Survey Plan</p>

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					<p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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</p>	<p>has been finalised a Two (2) Lot subdivision is required to create a Lot for PCYC and a Lot for the remaining land.</p> <p><b>31/07/2023:</b> PCYC finalising planned subdivision.</p> <p><b>04/12/2023:</b> Council seeking additional information from PCYC prior to lodgement of their DA.</p>
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					required. All costs in relation to the subdivision to be paid by the PCYC NSW.	
24 January 2023	<b>CL03 DRAFT PLAN OF MANAGEMENT - VILLAGE OF YENDA CROWN RESERVES</b>	CPO	127986	23/014	<p><b>RESOLVED</b> on the motion of Councillors Laurie Testoni and Manjit Singh Lally that:</p> <p>(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.</p> <p>(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.</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 Yenda Crown Reserves on completion of the exhibition</p>	<b>30/1/2023:</b> The Draft Plan of Management was referred to the Crown for Ministers approval to place on public exhibition.

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					period, to consider all submissions.	
22 February 2022	<b>NOTICE OF MOTION – YOOGALI SHARED BICYCLE PATH</b>	DIO	114000	22/057	<p><b>RESOLVED</b> on the motion of Councillors Simon Croce and Anne Napoli that:</p> <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><b>14/03/2022:</b> Funding estimate for Path and Bridge: \$1.4 million.</p> <p>100% funding request submitted to Transport for NSW Active Transport Program.</p> <p><b>16/01/2023:</b> 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> <p><b>05/06/2023:</b> Funding application successful. Design to commence.</p> <p><b>17/07/2023:</b> Inception meeting scheduled for 18 August 2023. Project to be completed 20 June 2025.</p> <p><b>18/09/2023:</b> Ongoing consultation being held with stakeholders.</p> <p><b>04/12/2023:</b> Staff updated realignment of plans and have sent to TfNSW representatives for review. Draft tender documents have</p>

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						<p>been prepared. Majority of vegetation removed on proposed pathway.</p> <p><b>04/03/2024:</b> Tree removal nearing completion.</p> <p><b>18/03/2024:</b> Tree clearing complete. Tenders for bridge to be called for in March 2024.</p>
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