



# EXTRAORDINARY MEETING OF COUNCIL

## Agenda

Thursday, 26 March 2015 at 7:00 pm

## **CONFLICTS OF INTEREST**

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

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

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

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

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

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

## **COUNCIL CODE OF CONDUCT**

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

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

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

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

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

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

## STAFF RESPONSIBILITY AND REPORT AUTHOR CODES

### REPORT AUTHORS

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

**QUESTION TIME**

**33. Questions may be put to Councillors and Council employees**

33.1 A Councillor:

- (a) may, through the Chairperson, put a question to another Councillor; and
- (b) may, through the Chairperson and the General Manager, put a question to a Council employee.

33.2 However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.

33.3 The Councillor must put every such question directly, succinctly and without argument.

33.4 The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause

33.5 Normally if a person to whom a question is put does not answer the questions at that meeting or during that meeting, they should do so at the next meeting, or alternatively via direct communication (e.g. letter, e-mail, telephone call etc) with the person asking the question. The Councillors will be provided with a copy of the response via Council's information sheet.

33.6 No resolutions are to be put at the meeting as a result of the questions raised unless the matter is raised under the provisions of Subclause 34.1 - Questions without Notice

33.7 Nothing in this subclause effects questions being asked, with the leave of the Chairperson, relevant to any matter under discussion at a meeting.

**PUBLIC PARTICIPATION AT MEETINGS**

**70. Public Participation at Meetings**

70.1 Questions or addresses from the public gallery:

- (a) Must be in respect to matters on the meeting agenda
- (b) Must have prior approval from the Mayor

70.2 Members of the public can request to address the Council on matters on the Agenda. Notice of this must be given no later than 12.00 noon on the day of the meeting.

70.3 Any requests for detailed information regarding an item on the Council meeting agenda must be submitted by 12.00 noon of the day of the meeting.

70.4 If approval is granted by the Chairperson, the applicant (or one person representing a group or organisation); or if there are opposing views, up to two speakers representing each viewpoint, are permitted to address that meeting at the time specified by the Chairperson; except that the Chairperson, at their discretion, may permit the immediate consideration by the Council or the Committee in relation to an urgent matter.

70.5 When addressing the Council, any person is required to observe the same standards required by a Councillor. Specifically, he or she must:

- (a) Obey the direction of the Chairperson
- (b) Not use any behaviour or language inconsistent with good order and decorum
- (c) Not make personal reflections or impute improper motives to councillors or staff.



**EXTRAORDINARY MEETING OF GRIFFITH CITY COUNCIL  
TO BE HELD IN THE COUNCIL CHAMBERS, GRIFFITH  
ON THURSDAY, 26 MARCH 2015 AT 7.00 PM**

The Mayor and Councillors

Griffith City Council  
PO Box 485  
GRIFFITH NSW 2680

Mayor and Councillors:

**NOTICE OF MEETING**

I have to inform you that an **EXTRAORDINARY MEETING** of the Council will be held in the Council Chambers, Griffith at **7.00 pm** on **Thursday, 26 March 2015**.

The agenda for meeting is:

- 1 Council Prayer & Acknowledgement of Country
- 2 Apologies
- 3 Confirmation of Minutes
- 4 Matters Arising from the Minutes
- 5 Declarations of Interest
- 6 General Manager's Report
- 7 Matters to be dealt with by the Council of the Committee of the Whole

CC01 p 12 St Vincent's Private Community Hospital Griffith Tender  
Recommendation Report

- 8 Outstanding Action Report

Yours faithfully

**BRETT STONESTREET  
GENERAL MANAGER**



**MINUTES OF THE ORDINARY MEETING HELD IN THE COUNCIL CHAMBERS, GRIFFITH ON 24 MARCH 2015 COMMENCING AT 7.00 PM**

**PRESENT**

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

**STAFF PRESENT**

General Manager, Brett Stonestreet; Director Infrastructure and Operations, Dallas Bibby; Director Sustainable Development, Neil Southorn; Director Utilities, Graham Gordon; Director Business, Cultural & Financial Services, Max Turner and Minute Secretary, Jennifer O'Donnell-Priest.

**MEDIA**

Riley Krause, The Area News

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

**PROCEDURAL MATTERS**

**APOLOGIES**

15/069

**RESOLVED** on the motion of Councillors Curran and Thorpe that the apology be received from Councillor Mike Neville and a leave of absence granted.

**CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD 10 MARCH 2015**

15/070

**RESOLVED** on the motion of Councillors Thorpe and Stead that the minutes of the Ordinary Meeting of Council held in the Council Chambers, Griffith 10 March 2015 having first been circulated amongst all members of Council, be confirmed.

**BUSINESS ARISING FROM THE ORDINARY MEETING OF COUNCIL HELD 10 MARCH 2015**

No business arising.

## **DECLARATIONS OF INTEREST**

### **Pecuniary Conflict of Interest**

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

Councillor Bill Lancaster - Councillor Question Time - Councillor Balind Question  
Reason: Councillor Lancaster acts for the vendor of 34-36 Ulong Street.

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

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

Councillor Anne Napoli - Minutes of the General Facilities Meeting - 3 March 2015  
CL09 re: Griffith City Council Dog Pound. A member of Councillor Napoli's family is employed as a compliance officer.  
Reason: Whatever decision is made from adopting the minutes there will be no action on Councillor Napoli's family member's employment.

## **GENERAL MANAGER'S REPORT**

### **CL01 RENEWAL OF LEASE WITH GRIFFITH KART CLUB INC - LOT 96 DP 756035**

15/071

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

- (a) Council renew the lease agreement over Crown Reserve 64662, Lot 96 DP 756035, White Road, Tharbogang with Griffith Kart Club Inc.
- (b) Griffith Kart Club Inc. pay applicable costs and charges associated with the preparation of the lease agreement together with Council's Administration Fee of \$370.
- (c) The lease fee be charged in accordance with Council's adopted Revenue Policy, currently \$516 per annum for the 2014/15 financial year, in addition to rates and charges.
- (d) Council authorise the Mayor and General Manager to execute the lease agreement on behalf of Council under the Common Seal.

### **CL02 FIXING COUNTRY ROADS FUNDING DEED**

15/072

**RESOLVED** on the motion of Councillors Curran and Stead that Council authorise the Mayor and General Manager to execute the Restart NSW Funding Deed on behalf of Council under Council Common Seal when contents of Deed are satisfactorily agreed for the construction project of the Jones Road, and Boorga Road Intersection Upgrade.

**CL03 WAIVER OF PAR AVION LANDING FEES**

15/073

**RESOLVED** on the motion of Councillors Balind and Croce that Council extend the waiver of passenger head tax, as noted in Council's Revenue Policy, to Par Avion for a period of 12 months to 16 March 2016 for the air service between Griffith and Melbourne.

**CL04 CRIME PREVENTION STRATEGY - DRAFT FOR CONSIDERATION**

15/074

**RESOLVED** on the motion of Councillors Rossetto and Napoli that the draft Griffith Crime Prevention Strategy be placed on public exhibition for 40 days and Council actively seek community input before it is finalised by way of a further report to Council after the exhibition period.

Councillor Cox suggested that Council staff would need to develop strategic partnerships to strengthen community stakeholder initiatives.

Councillor Balind enquired whether funding was available from The Attorneys-General's Department to implement the Crime Prevention Plan. Mr Southorn took this and other questions on Notice and will investigate and report back to Councillors.

**CL05 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 2015**

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

(a) Council nominate the Mayor (or nominee) and General Manager (or nominee) to attend the 2015 National General Assembly of Local Government from 14 - 17 June 2015.

(b) Councillors proposing to submit draft Motion(s) for the National General Assembly of Local Government to forward these to the General Manager by Friday 27 March 2015. These draft motion(s) will be reported to the 14 April 2015 Ordinary Meeting of Council for consideration.

Councillor Napoli **MOVED** the following **AMENDMENT**:

(a) Council nominate the Mayor (or nominee), General Manager (or nominee) and two other Councillors to attend the 2015 National General Assembly of Local Government from 14 - 17 June 2015.

(b) Councillors proposing to submit draft Motion(s) for the National General Assembly of Local Government to forward these to the General Manager by Friday 27 March 2015. These draft motion(s) will be reported to the 14 April 2015 Ordinary Meeting of Council for consideration.

The **AMENDMENT** lapsed through lack of a seconder.

15/075

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

(a) Council nominate the Mayor (or nominee) and General Manager (or nominee) to attend the 2015 National General Assembly of Local Government from 14 - 17 June 2015.

(b) Councillors proposing to submit draft Motion(s) for the National General Assembly of Local Government to forward these to the General Manager by Friday 27 March 2015. These draft motion(s) will be reported to the 14 April 2015 Ordinary Meeting of Council for consideration.

## MINUTES FROM COMMITTEES

### **MINUTES OF THE GENERAL FACILITIES COMMITTEE MEETING HELD 3 MARCH 2015**

15/076

**RESOLVED** on the motion of Councillors Thorpe and Lancaster that the recommendations as detailed in the Minutes of the General Facilities Committee meeting held on 3 March 2015 be adopted.

## QUESTION TIME

Councillor Alison Balind asked the following question:

"Regarding property in Ulong Street. May be some commercial in confidence matters involved".

Council determined to go into Closed Council.

## CLOSED COUNCIL

**In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.**

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

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

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

- from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
  - (i) the matter concerned alleged contraventions of any code of conduct requirements applicable under section 440 of the Local Government Act 1993.

**CC01 COUNCILLOR QUESTION TIME - REGARDING PROPERTY IN ULONG STREET - Commercial Advantage 10A(2)(d)**

The Committee resolved that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned commercial information of a confidential nature that would, if disclosed,

- (i) prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i)).
- (ii) confer a commercial advantage on a competitor of the Council (Section 10A(2)(d)(ii)).
- (iii) reveal a trade secret (Section 10A(2)(d)(iii)).

15/078

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

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

Council closed its meeting at 7.30 pm. The public and media left the Chamber.

Councillor Lancaster, having declared a Pecuniary Conflict of Interest, vacated the Chamber, the time being 7.30 pm.

**REVERSION TO OPEN COUNCIL**

15/079

**RESOLVED** on the motion of Councillors Balind and Thorpe that open Council be resumed. Open Council resumed at 7.46 pm.

Councillor Lancaster returned to the Chamber the time being 7.46 pm.

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

**MATTERS DEALT WITH IN CLOSED COUNCIL**

15/080

**RESOLVED** on the motion of Councillors Balind and Zappacosta that a status report be prepared by staff and submitted to Council with respect to a property in Ulong

Street.

**OUTSTANDING ACTION REPORT**

15/077

**RESOLVED** on the motion of Councillors Thorpe and Balind that the Outstanding Action Report be noted.

There being no further business the meeting terminated at 7.48 pm.

Confirmed: .....

CHAIRPERSON

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