
**ORDINARY MEETING OF GRIFFITH CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS, GRIFFITH ON
14 APRIL 2015 COMMENCING AT 7.00 PM**

PRESENT

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

STAFF

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

MEDIA

Stephen Mudd, The Area News

1 COUNCIL PRAYER AND ACKNOWLEDGMENT OF COUNTRY

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

One minutes' silence was observed in respect of Leeton High School Teacher, Stephanie Scott who tragically passed away on Easter Sunday.

2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

15/084

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

3 CONFIRMATION OF MINUTES

15/085

RESOLVED on the motion of Councillors Stead and Thorpe that the minutes of the Extraordinary Meeting of Council held in the Council Chambers, Griffith on 26 March 2015, having first been circulated amongst all members of Council, be confirmed.

4 BUSINESS ARISING

There was no business arising.

5 DECLARATIONS OF INTEREST

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.

The following Councillors declared less than significant non-pecuniary interests in the following clauses:

Councillor Simon Croce

CL05 – Community Grant Program

Reason - Councillor Croce is a friend of the Pastor from a church that has applied for funding.

Councillor Bill Lancaster

CL01 – DA 16/2014 - Modification of Consent for Wholesale Food Distribution, a Shop and a Refreshment Room

Reason – One of the owners is a senior employee of the Griffith City Council but Councillor Lancaster has very little or no contact with her.

Councillor Anne Napoli

CL01 – DA 16/2014 – Modification of Consent for Wholesale Food Distribution, a Shop and a Refreshment Room

Reason - Councillor Napoli attended a site inspection of the proposed DA and was also approached by an objector expressing objection to this DA. Councillor Napoli has no financial gain or loss in regards to this DA.

Councillor Paul Rossetto

CL01 – DA 16/2014 – Modification of Consent for Wholesale Food Distribution, a Shop and a Refreshment Room

Reason – 1. Councillor Rossetto has spoken with the author of a submission. 2. Councillor Rossetto has spoken with a representative of the developer's tenant, Ferraro Foods, Mr Anthony Ferraro due to an altercation at an on-site visit today and a threat of physical violence and feels other Councillors and staff may think he is bias against the development. Councillor Rossetto is pro-development and only concerned with public safety at the site.

Councillor Paul Rossetto

CL02 – Approval to Release a Restrictive Covenant – Farm 64 Bringagee Road, Warrawidgee

Reason - Councillor Rossetto is a minor shareholder of MI Ltd. Councillor Rossetto has no significant influence in MI Ltd, did not engage in the debate.

Councillor Christine Stead

CL01 – DA 16/2014 – Modification of Consent for Wholesale Food Distribution, a Shop and a Refreshment Room

Reason - Councillor Stead has spoken to both of the objectors.

Councillor Christine Stead

CL05 – Community Grants

Reason - Councillor Stead is a Board Member on Meals on Wheels, also Michelle from Carevan and Kevin Bamford is a members as well.

Councillor Leon Thorpe

CL01 – DA 16/2014 – Modification of Consent for Wholesale Food Distribution, a Shop and a Refreshment Room

Reason - Following Council invitation, Councillor Thorpe visited the site with SMT and some other Councillors.

Councillor Dino Zappacosta

CL01 – DA 16/2014 – Modification of Consent for Wholesale Food Distribution, a Shop and a Refreshment Room

Reason – Councillor Zappacosta owns a similar retail facility as the applicant in DA 16/2014.

Councillor Dino Zappacosta

CL05 – Community Grants

Reason – Councillor Zappacosta is a member of the committee of Meals on Wheels.

6 PRESENTATIONS

Nil

7 MAYORAL MINUTES

CCMM01 PROPOSED NEW MECHNCIAL WORKSHOP FOR GRIFFITH CITY COUNCIL

The Mayor advised that as the Mayoral Minute dealt with confidential information the matter would be considered in Closed Council.

8 GENERAL MANAGER'S REPORT

CL01 DA 16/2014 - SECTION 96(1A) MODIFICATION OF CONSENT FOR WHOLESALE FOOD DISTRIBUTION, A SHOP AND A REFRESHMENT ROOM

15/086

RESOLVED on the motion of Councillor Napoli and Thorpe that:

- (a) Council pursuant to the provisions of Sections 80(1)(a) and Section 96(1A) of the Environmental Planning and Assessment Act, 1979, modify Development Consent 16/2014 for partial demolition and refurbishment of an existing building, erection of a new cool room/freezer and part use for wholesale food distribution, a shop (supermarket) and a refreshment room (coffee shop) at Lot 1 DP 847205, 120 Wakaden Street, Griffith in the following way:

- (i) Deletion of Condition B(1) and replacement with the following:

The Development must be implemented substantially in accordance with Development Application No. 16/2014 received by Council on 30 January 2014 and on 8 April 2014 and with the modification application received on 3 February 2015, the below mentioned plans and/or documents, except where amended in red on the attached plans or modified by the conditions of this consent.

Drawing No. or Document	Date Received by Council	Prepared or Drawn By
Job No. 1401 Drawing No 1 - Site Plan Dated 2 February 2015	3 February 2015	Budd & Partners Architects
Job No. 1401 Drawing No 2 - Floor Plan Dated 3 April 2014	8 April 2014	Budd & Partners Architects
Drawing No.3 - Elevations Dated 30 January 2014	30 January 2014	Budd & Partners Architects

(Modified on 14 April 2015)

- (ii) Deletion of Condition B(5) and replacement with the following:

Development consent is granted for relocation of cool rooms/freezers, internal refurbishment of an existing fire damage building and fit out for use as a warehouse for wholesale food distribution, a shop (supermarket) and a refreshment room (café) at Lot 1 DP 847205, 120 Wakaden Street, Griffith.

(Modified on 14 April 2015)

- (iii) Deletion of Condition N(1) and replacement with

(Deleted on 14 April 2015)

- (iv) Deletion of Condition N(2) and replacement with

(Deleted on 14 April 2015)

- (v) Deletion of Condition N(3) and replacement with

(Deleted on 14 April 2015)

- (vi) Deletion of Condition N(4) and replacement with

(Deleted on 14 April 2015)

- (b) The application be delegated to the Director of Sustainable Development for issue of the Notice of Determination.

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

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For

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

Against

Nil

Absent

Councillor Doug Curran

CL02 APPROVAL TO RELEASE A RESTRICTIVE COVENANT – FARM 64 BRINGAGEE ROAD, WARRAWIDGEE

Councillors Cox and Balind **MOVED** the following motion that:

- (a) Council consent to the removal of the restrictive covenant, and
- (b) The Mayor and General Manager sign the "Deed of Release of Covenant" affixing the Common Seal of Griffith City Council.

An **AMENDMENT** was **MOVED** by Councillors Lancaster and Neville that Council retain the covenant restricting the erection of any buildings on the property.

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

15/087

RESOLVED on the motion of Councillors Cox and Balind that:

- (a) Council consent to the removal of the restrictive covenant, and
- (b) The Mayor and General Manager sign the "Deed of Release of Covenant" affixing the Common Seal of Griffith City Council.

CL03 NAMING OF ROADWAY – BAGTOWN CEMETERY DRIVE

Councillors Napoli and Balind **MOVED** the following motion that Council approve the use of Bagtown Cemetery Drive as the name for the dedicated roadway and entrance to the Bagtown Cemetery.

An **AMENDMENT** was **MOVED** by Councillor Neville that the report lay on the table pending community consultation.

The **AMENDMENT** was **PUT** and **CARRIED**.

15/089

RESOLVED on the motion of Councillor Neville that the report lay on the table pending community consultation.

At this point of the meeting the Mayor welcomed the recently appointed Area News Journalist, Mr Stephen Mudd.

CL04 INVESTMENTS AT 28 FEBRUARY 2015

15/090

RESOLVED on the motion of Councillors Thorpe and Lancaster that Council note the investment report as at the end of February 2015.

CL05 COMMUNITY GRANT PROGRAM

15/091

RESOLVED on the motion of Councillors Balind and Napoli that:

- (a) Council fund the second round of the 2015 Community Grants Program applications in accordance with Attachment (a) to Clause 05 of the Business Paper.
- (b) The application received from Midnight Basketball Griffith for funding of \$960 also be included in the second round of the 2015 Community Grants Program funding.
- (c) At the completion of the project an evaluation report from Midnight Basketball Griffith is to be presented to the Communities Committee.

10 ADOPTION OF COMMITTEE MINUTES

MINUTES OF THE GRIFFITH COMMUNITY PRIVATE HOSPITAL COMMITTEE MEETING HELD ON 24 FEBRUARY 2015

15/092

RESOLVED on the motion of Councillors Napoli and Neville that the recommendations as detailed in the Minutes of the Griffith Community Private Hospital Committee meeting held on 24 February 2015 be adopted.

Councillor Thorpe raised the question of the need for ongoing fundraising given that the projected fundraising target has been reached.

The Mayor advised that this will be addressed in a future Media Release.

MINUTES OF THE GRIFFITH COMMUNITY PRIVATE HOSPITAL COMMITTEE MEETING HELD ON 24 MARCH 2015

15/ 093

RESOLVED on the motion of Councillors Napoli and Thorpe that the recommendations as detailed in the Minutes of the Griffith Community Private Hospital Management Committee meeting held on 24 March 2015 be adopted.

MINUTES OF THE BUSINESS DEVELOPMENT AND MAJOR PROJECTS COMMITTEE MEETING HELD ON 16 MARCH 2015

15/094

RESOLVED on the motion of Councillors Stead and Thorpe that the recommendations as detailed in the minutes of the Business Development and Major Projects Committee meeting held on 16 March 2015 be adopted with the exception of Clause 07 recommendation.

In relation to Clause 05 of the Business Development and Major Projects Committee Minutes of the 16 March 2015, Councillors are to be invited to a further presentation by Phil Townsend should he be in Griffith.

MINUTES OF THE TOURISM AND EVENTS COMMITTEE MEETING HELD ON 19 MARCH 2015

15/095

RESOLVED on the motion of Councillors Stead and Balind that the recommendations as detailed in the minutes of the Tourism and Events Committee meeting held on 19 March 2015 be adopted.

15/096

RESOLVED on the motion of Councillors Croce and Thorpe that the jetty at the Lake Wyangan camping area be replaced with funding being made available in the 2015/2016 budget.

15/097

RESOLVED on the motion of Councillors Cox and Stead that a report be presented to Council on the outcomes and benefits to the Griffith Community resulting from the Griffith Easter Party.

MINUTES OF THE UTILITIES COMMITTEE MEETING HELD ON 26 MARCH 2015

Councillors Zappacosta and Rossetto **MOVED** that:

The recommendations as detailed in the minutes of the Utilities Committee meeting held on 26 March 2015 be adopted with the following amendments:

- (a) Clause 03 – Business Arising – Point 3.1 Sulo Bins in Yenda
“Yenda School” be replaced with the wording “Yenda Service Station”.
- (b) Clause 09 – Combined Pensioners & Superannuants Association of NSW Inc.
The following to replace the second sentence in the first paragraph:
"John Roser advised that the cost of administrating such a scheme would be more than the current 'Tip for Free' weekends. John Roser explained it is more efficient to deal with waste as a bulk, especially when organising recycling pick-ups".

Councillors Lancaster and Neville **MOVED** the following **AMENDMENT**.

The recommendations as detailed in the minutes of the Utilities Committee meeting held on 26 March 2015 be adopted with the following amendments:

- (a) Clause 03 – Business Arising – Point 3.1 Sulo Bins in Yenda
“Yenda School” be replaced with the wording “Yenda Service Station”.

- (b) Clause 09 – Combined Pensioners & Superannuants Association of NSW Inc.
The following to replace the second sentence in the first paragraph:
"John Roser advised that the cost of administrating such a scheme would be more than the current 'Tip for Free' weekends. John Roser explained it is more efficient to deal with waste as a bulk, especially when organising recycling pick-ups".
- (c) That point (c) of the recommendation in Clause 05 – Griffith City Council Water Supply Allocation – Temporary Trade, remove the wording "to be traded only within the MIA area. Point (c) to read:
"Subject to MI concurrence to (b) above, the General Manager have delegated authority to commence temporary trade of part of Griffith City Council water supply."

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

15/098

RESOLVED on the motion of Councillors Zappacosta and Rossetto that:

- (a) The recommendations as detailed in the minutes of the Utilities Committee meeting held on 26 March 2015 be adopted with the following amendments.
Clause 03 – Business Arising – Point 3.1 Sulo Bins in Yenda
"Yenda School" be replaced with the wording "Yenda Service Station".
- (b) Clause 09 – Combined Pensioners & Superannuants Association of NSW Inc.
The following to replace the second sentence in the first paragraph:
"John Roser advised that the cost of administrating such a scheme would be more than the current 'Tip for Free' weekends. John Roser explained it is more efficient to deal with waste as a bulk, especially when organising recycling pick-ups".

11 BUSINESS WITH NOTICE - RESCISSIONS MOTIONS

Nil

12 BUSINESS WITH NOTICE - OTHER MOTIONS

Nil

At this point of the meeting the Mayor advised that he has received a petition signed by twelve residents regarding feral goats on Scenic Hill.

The Mayor further advised that the situation regarding the capture and removal of the feral goats was being attended to.

13 QUESTION TIME

The following questions were raised by Councillor Rossetto:

"Will Council provide the Cooper Road Action Group with a breakdown of the stated amount below the line in Council's 2015/2016 budget."

"Not sure if kerb and guttering is included in the total amount."

The General Manager advised that a request for funding has already been received via email and that a copy would be forwarded to Councillors.

“Would Council seriously consider the insertion of \$150K for EMR design work above the line in Council 2015/2016.”

“Consultant is due to report to FPMC meeting at the end of the month with option for flood mitigation of Mirrool Creek.”

The General Manager advised that the consultant would be presenting a report on flood mitigation options at the next Floodplain Management Committee Meeting scheduled to be held on 30 April 2015 following which options will be prioritised and consideration given to funding the options in the 2015/2016 budgetary process.

The following question was raised by Councillor Zappacosta:

“Have we (Council) congratulated our local MP Adrian Piccoli on being elected Education Minister as well as being elected as Murray Electorate MP.”

The Mayor advised that Council has written to the Hon. Adrian Piccoli congratulating him on being elected the Minister for Education and Member for Murray and that a congratulatory letter has also been sent to the NSW Premier, the Hon. Mike Baird.

14 OUTSTANDING ACTION REPORT

Meeting of 14 October 2014 – Real Juice

Councillor Balind enquired if there has been any further progress in relation to Real Juice?

Mr Southorn advised that as to date no final waste management plan has been received.

Meeting of 24 March 2015 – Crime Prevention Strategy

Councillor Balind enquired if in relation to the Crime Prevention Strategy if there has been any investigation into opportunities for external funding?

Mr Southorn advised that to date no specific research into funding opportunities has been completed.

15/099

RESOLVED on the motion of Councillors Thorpe and Croce that the Outstanding Action report be noted.

The following question was raised by Councillor Rossetto:

“Yenda Centennial Celebration Committee is seeking to print 600 flyers, can Council assist in kind? This question regards the issue of securing a budget figure for Yenda Centennial Celebration Committee to work with.”

The General Manager advised that the opportunity for funding would be considered in the 2015/2016 budgetary process following a submission being made by the Yenda Centennial Celebration Committee.

The General Manager further advised that Council would assist in kind with the printing of the flyers.

15 MATTERS TO BE DEALT WITH BY CLOSED COUNCIL

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

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

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)**
- (b) the personal hardship of any resident or ratepayer**
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business**
- (d) commercial information of a confidential nature that would, if disclosed:**
 - (i) prejudice the commercial position of the person who supplied it, or**
 - (ii) confer a commercial advantage on a competitor of the council, or**
 - (iii) reveal a trade secret**
- (e) information that would, if disclosed, prejudice the maintenance of law**
- (f) matters affecting the security of the council, councillors, council staff or council property**
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege**
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.**
- (i) alleged contraventions of any code of conduct requirements applicable under section 440 of the Local Government Act 1993.**

15/100

RESOLVED on the motion of Councillors Napoli and Stead that:

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

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

CCMM01 PROPOSED NEW MECHANICAL WORKSHOP FOR GRIFFITH CITY COUNCIL

Reason: [Commercial Advantage 10A(2)(c)]

CC01 FORMER AREA NEWS BUILDING

Reason: [Commercial Advantage 10A(2)(c)]

Council closed its meeting at 8.15pm. The public and media left the chamber.

REVERSION TO OPEN COUNCIL

15/101

RESOLVED on the motion of Councillors Stead and Napoli that open Council be resumed.

Open Council resumed at 8.50pm.

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

MATTERS DEALT WITH IN CLOSED COUNCIL

CCMM01 PROPOSED NEW MECHANICAL WORKSHOP FOR GRIFFITH CITY COUNCIL

15/102

RESOLVED on the motion of Councillors Thorpe and Zappacosta that:

- (a) Council not continue negotiations with Forlico Builders on the scope of the tender because savings obtained were insufficient to meet the approved budget for the project.
- (b) Council authorise the General Manager to negotiate with other persons (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender, (as per Clause 178 (3) (e) of the Local Government Regulation under the Local Government Act), the reasons being that after conducting a vigorous tender process, it is unlikely any new tenders will be received within Council's allocated budget for the proposed project, and Council's only way of achieving this project within budget is to enter into negotiations with individual contractors.
- (c) In endorsing above recommendations, note that the Mechanical Services Workshop and Depot Upgrade Working Group meeting minutes of 8 April 2015 be considered adopted.

Councillor Croce left the Chamber, the time being 8.40pm.

Councillor Croce returned to the Chamber, the time being 8.41pm.

CC01 FORMER AREA NEWS BUILDING

15/103

RESOLVED on the motion of Councillors Zappacosta and Thorpe that Council note the information in the report.

There being no further business the meeting terminated at 8.51pm.

Confirmed:

CHAIRPERSON