

# Council Meeting AGENDA



**Members** Crs A Glachan (Initial Chairperson), D Betteridge, D Cameron, G Docksey, P Gould, R Jackson, K Mack, D Thurley and H van de Ven.

**Staff** Acting General Manager.

Please be advised that the next **Council Meeting** will be held in the **Council Chambers**, AlburyCity Administration Building, Kiewa Street, Albury, on **Monday 24 September 2012**, at **6.00pm**.

<b>CM 1 – OPENING PRAYER &amp; ACKNOWLEDGEMENT OF ORIGINAL CUSTODIANS OF OUR LAND</b>	
<b>CM 2 – CONFLICT OF INTEREST DECLARATIONS RECEIVED BY THE CHAIR AND DISCLOSURE OF POLITICAL DONATIONS</b>	
2A Conflict of Interest Declarations	
2B Disclosure of Political Donations	
2C Chairperson to advise that the meeting is being recorded	
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**Note** A light meal will be served at 5.15pm, at 'Charlies on Kiewa', for Councillors and staff required to attend the meeting.

Michael Keys  
**Acting General Manager**

20 September 2012

# **AlburyCity - Council Meeting**

## **AGENDA**

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### **CM 4 – ACTION PLANS**

There are currently no outstanding Action Plan Items listed under:

- 4A** Action Complete – For Noting Only
- 4B** Action Awaiting Response from External Parties
- 4C** Actions in Progress
- 4D** Long Term Issues More than Three Months

# AlburyCity - Council Meeting

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### CM 5 – CONFIRMATION OF THE COUNCIL MINUTES

#### 5A Minutes of the Council Meeting held on Monday 27 August 2012 at 6.00pm

**Present** Crs A Glachan (Chairperson), R Angus, D Betteridge, P Gould, N Hull, P Sawyer, H van de Ven and P Wareham.

**Apologies** Nil.

**Staff** Acting General Manager, Director Community & Recreation, Director Economic Development & Tourism, Acting Director Planning & Development, Governance Team Leader, Corporate Planner, Executive Support, Media Officer, IT Officer and Governance Officer.

The Agenda for this meeting and Minutes of Committees included therein form part of these Minutes.

**THE MEETING OPENED WITH THE PRAYER & ACKNOWLEDGMENT OF ORIGINAL CUSTODIANS OF OUR LAND**

# AlburyCity - Council Meeting

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### **CM 2 CONFLICT OF INTEREST DECLARATIONS RECEIVED BY THE CHAIR AND DISCLOSURE OF POLITICAL DONATIONS**

#### **2A Conflict of Interest Declarations**

*No Conflict of Interest Declarations were received by the Chairperson.*

#### **2B Disclosure of Political Donations**

*No Disclosure of Political Donations were received by the Chairperson.*

#### ***Advice to the Council Meeting***

*The Environmental Planning Assessment Act 1979, Section 147(4) requires people submitting planning applications and/or submissions regarding a planning application to disclose any reportable political donation and/or gifts to any local Councillor or employee of Council. Reportable political donations and gifts include those of, or above, \$1,000 in value.*

*The Disclosure Statement forms are available on Council's website or from the Customer Service Centre and must be lodged in accordance with the Act. The forms are also available at the back of the Chamber during meetings.*

#### **2C Recording of Meeting**

*The Chairperson advised those present that the meeting is being recorded.*

### **CM 3 APOLOGIES**

*There were no Apologies.*

# AlburyCity - Council Meeting

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### CM 4 MAYORAL MINUTE

#### 4A Mayoral Minute – Cr A Glachan

##### **Council Achievements - 2008-2012**

*(The following information was circulated to Councillors and Members of the Gallery at the Meeting).*

*Tonight marks the final meeting in our term on Council.*

*I know that some of us hope to sit in this room as elected representatives again, and for that we will put our faith, and indeed our fate, in the hands of the good people of Albury. But it's heartening to know that after four years the motivation that brought us here in the first place - to represent this community - is one that continues.*

*When this Council first formed in 2008 we were a group of individuals with different skills, experiences and points of view. But we all had one mandate: to make Albury the best it could possibly be. Over the past four years we've come together to form a robust Council and accepted willingly the responsibility of making Albury a place everyone can be proud of; a place we want families to relocate to; and the same place we want families to actively decide to stay in.*

*Throughout our term we've been presented with challenges not always within our control, years of drought and sudden floods. Our changing environment and turbulent economies have had local impacts. Population growth and shifting demographics mean that we always have to keep an eye on the future of our city while meeting the current needs.*

*But each time we've risen to the occasion. Not all of our decisions have been popular or easy, but sometimes that's the price of leadership.*

*As the most recent four year Council term comes to a close and the next is about to begin, it's an opportune time to reflect on some of our achievements and this is by no means an exhaustive list:*

- *The Volt Lane redevelopment.*
- *Major redevelopment of the Airport terminal and Airport car parking.*
- *Continued major events and conference attraction including our marquee event, the Albury Gold Cup that is no longer a race day meeting, but a weeklong festival.*
- *Oddies Creek Adventure Play Space.*

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- *Major waste facility developments including:*
  - *the extremely successful introduction of the halve waste programme,*
  - *gas reclamation infrastructure at the existing landfill,*
  - *contracting of the organics waste collection programme, and*
  - *recognition of Albury as the lead municipality in implementation of the Clean Energy Bill (carbon tax).*
- *Stand alone tourism and the new Visitor Information Centre in the Railway Precinct.*
- *Purchase and commencement of redevelopment work at Lavington Oval, including upgrading of adjoining roads.*
- *Development of Nexus Industrial Estate as a public, private partnership.*

*As I said, this list is not complete. The full list runs for pages. But it can be easily summarised by saying that this Council can leave a legacy to be proud of. Each of us can walk away tonight satisfied that we've represented the people of Albury to the best of our abilities and that we will leave behind a solid foundation from which the future of Albury can continue to be built.*

*But we must also recognise the tireless efforts of AlburyCity's staff. They are a dedicated and highly skilled group of people whose passion for Albury is unequalled. They are expertly led by an equally dedicated management team. It's been a tremendous pleasure to work alongside them and it's reassuring to know that the future of Albury is in the hands of such a talented group of people. I trust that our support of the staff over the past four years has been as good as the excellent support that we as Councillors have received in that time.*

*I know that all of us tonight will also spare a thought for our families. The many hours we spend at meetings, events and functions are hours we're not spending with our loved ones. In many ways their sacrifice is equal to our own, and I know I speak for Council when I say 'thank you' to our friends and families who give up so much to allow us to do this – we cannot do it without you.*

*No matter what the future holds for Albury City Council it will always be my hope that the people elected to represent this city will have the vision to deliver the future Albury needs, the passion to work for its people and the fortitude to make the tough decisions.*

*I have said a number of times before that one could never say that as Councillors we have not been passionate. We all have a passion for Albury, it is just the areas that our passion is in, and how we demonstrate this that differs, not our degree of passion.*

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*Albury is a wonderful city in a fantastic region and I thank all Councillors elected in 2008 for their undying passion to make Albury the most liveable city it is, and special to all those who live or visit here.*

*Thank you.*

### **CM 5 ACTION PLAN**

**5A Actions Complete – For Noting Only**

**5B Actions Awaiting Response from External Parties**

**5C Actions in Progress**

**5D Long Term Issues (more than three months)**

*There are currently no outstanding Action Plans listed under:*

5A Actions Complete – For Noting Only;

5B Actions Awaiting Response from External Parties;

5C Actions in Progress; and

5D Long Term Issues More than Three Months.

### **CM 6 CONFIRMATION OF THE COUNCIL MINUTES**

**6A Minutes of the Council Meeting held on Monday 23 July 2012 at 6.00pm**

**Cr Hull Moved, Cr Gould Seconded**

180/2012 That the Minutes of the Council Meeting held on Monday 23 July 2012, at 6.00pm, be confirmed.

**CARRIED**

### **CM 7 REPORTS FROM COUNCIL COMMITTEES**

**7A Report from the Planning & Development Committee Meeting held on Monday 20 August 2012 at 6.01pm**

**Cr Angus Moved, Cr Hull Seconded**

181/2012 That the recommendations included in the report from the Planning & Development Committee Meeting held on Monday 20 August 2012, at 6.01pm, be adopted.

**CARRIED**

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### **7B Report from the Engineering & Works Committee Meeting held on Monday 20 August 2012 at 6.09pm**

#### **Cr van de Ven Moved, Cr Sawyer Seconded**

182/2012 That the recommendations included in the report from the Engineering & Works Committee Meeting held on Monday 20 August 2012, at 6.09pm, be adopted.

**CARRIED**

### **7C Report from the Community & Cultural Committee Meeting held on Monday 20 August 2012 at 6.55pm**

#### **Cr Betteridge Moved, Cr Hull Seconded**

183/2012 That the recommendations included in the report from the Community & Cultural Committee Meeting held on Monday 20 August 2012, at 6.55, be adopted.

**CARRIED**

### **7D Report from the Finance & Administration Committee Meeting held on Monday 20 August 2012 at 7.03pm**

#### **Cr Gould Moved, Cr Sawyer Seconded**

184/2012 That the recommendations included in the report from the Finance & Administration Committee Meeting held on Monday 20 August 2012, at 7.03pm, be adopted.

**CARRIED**

### **CM 8 REPORT FROM THE COMMUNITY FORUM**

*There was no Community Forum held in August.*

### **CM 9 MINUTES OF OTHER COMMITTEES & WORKING PARTIES**

#### **9A Minutes of the Audit Committee Meeting held on Thursday 9 August 2012 at 12 Noon**

#### **9B Alexandra Park Athletic Complex Advisory Committee Meeting held on Wednesday 8 August 2012 at 5.30pm**

#### **Cr Betteridge Moved, Cr Gould Seconded**

185/2012 That the Minutes of the following Committees and Working Parties be received and noted:

- A. Audit Committee Meeting held on Thursday 9 August 2012 at 12 Noon.
- B. Alexandra Park Athletic Complex Advisory Committee Meeting held on Wednesday 8 August 2012 at 5.30pm.

**CARRIED**

# AlburyCity - Council Meeting

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### CM 10 DOCUMENTS FOR SEALING

#### Cr Gould Moved, Cr Sawyer Seconded

186/2012 That Council resolves that the following documents are approved as being affixed with the Seal of the Albury City Council and entered onto the Documents for Sealing Register.

- A. Formal Instrument of Agreement between Albury City Council and Doma Constructions Pty Limited for Contract No. 12/01050 for the Smollett Street upgrade Works.
- B. Albury City Council lease to Flying Fruit Fly Circus, 609 Hovell Street, Albury. Variation of Lease removing rate component of outgoings being paid by Lessee.
- C. Funding Agreement between The Commonwealth of Australia and Albury City Council in relation to the Liveable Cities Program – Demonstration Projects: Improving Albury Wodonga’s Cycling Infrastructure.

**CARRIED**

### CM 11 OFFICERS' REPORTS FOR CONSIDERATION

*There were no Officers' Reports for Consideration*

### CM 12 OFFICERS REPORTS FOR NOTING

#### 12A AlburyCity End of Term Report (FIL11/03701)

*Ms Kate de Hennin, AlburyCity Corporate Planner was in attendance and gave an informative PowerPoint presentation in relation to the AlburyCity End of Term Report, details can be found in the attachments included in the Agenda.*

#### Cr Gould Moved, Cr Hull Seconded

187/2012 That Council receive and note the report; and congratulate Ms de Hennin on the presentation and the excellent result to date.

**CARRIED**

#### 12B No Time to Waste, Rural and Regional Waste Conference (FIL12/00060)

#### Cr van de Ven Moved, Cr Sawyer Seconded

188/2012 That the report from Cr Henk van de Ven on the *No Time to Waste, Rural and Regional Waste Conference* be received and noted.

**CARRIED**

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### CM 13 MATTERS WITHOUT NOTICE

**MWN 1** *Michael Keys – on behalf of Council staff and the executive team, I would like to express our thanks and appreciation to all the Councillors during this term. We certainly recognise the significant effort both in time and dedication that you have provided, and continue to provide, to this city. Your contribution is certainly recognised by all of us in terms of the time you have spent behind the scenes. There is a lot of time and effort that goes to being a Councillor and sometimes it is very undervalued and underappreciated. We, the staff have appreciated working with you over these four years and wish you all the best in the coming election. We look forward to a new term with a new purpose, new projects and new ideas. I just wanted to highlight some of the key issues that we think you have been a part of and had a major influence in the way that we have been able to progress in the last four years.*

*This includes:*

- *Integrated Planning and Reporting Framework.*
- *Division of Local Government Better Practice Review.*
- *Financial Sustainability. This has been a key principle of this Council and will continue to be in the future, and the four year plan that we have adopted as well as the 10 year long term financial plan.*
- *Continue investment in renewal of our infrastructure.*
- *Dedication to strategic planning.*

*We take our hats off to you and thank you very much and good luck.*

**MWN 2** Cr Sawyer – questioned if the Uiver was listed with the Council on the Heritage Register and why Council needed to undertake a heritage assessment when the National Trust have recently listed the Uiver on their register.

*Acting General Manager, Mr Michael Keys advised Council that the Uiver replica is not listed on the Local Environmental Plan as an item of heritage significance.*

*Mr Keys further advised, that Council recently appointed consultants to undertake the heritage assessment of the DC 2 Uiver replica memorial aircraft and we are awaiting the findings of this report.*

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*The National Trust is entitled to undertake alternative or separate listings. They are a separate body that can undertake and endorse their own recommendations on their own list. That does not affect the outcomes of this study.*

*Depending on the outcomes of the consultant's study, a further report will be presented to Council with recommending actions.*

### **CM 14 CONFIDENTIAL ITEM**

#### **14A General Manager's 2011-2012 Performance Review (FIL12/00520)**

##### **Cr Gould Moved, Cr Betteridge Seconded**

190/2012 That Council move into Confidential Committee to discuss Item 14A as this is a confidential item, exclusive of press and public, on the grounds on the grounds that the matter relates to personnel matters concerning particular individuals [LG Act, Section 10A, Section (2)(a)].

*The Chairperson, Cr Glachan asked if there were any statements or submissions from the public regarding the reasons as identified for this Confidential Item CM 14A.*

*There were no submissions received by the Chairperson.*

*The Chairperson asked the Council if they wished to proceed with the MOTION to move into Confidential.*

**The MOTION was PUT and**

**CARRIED**

*Cr Wareham left the Chambers at 6.43pm, took no part in discussions and did not return to the Chambers.*

##### **Cr Gould Moved, Cr Betteridge Seconded**

##### Recommendation

That the Council endorse the General Manager's 2011-2012 Performance Review.

**CARRIED**

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### Resumption of Open Council (6.49pm)

#### Cr Gould Moved, Cr Angus Seconded

191/2012 That Council move back into Open Council.

**CARRIED**

#### Cr Gould Moved, Cr Angus Seconded

192/2012 That the Council endorse the General Manager's 2011-2012 Performance Review.

**CARRIED**

*The Meeting closed at 6.53pm.*

# AlburyCity - Council Meeting

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### CM 6 – DOCUMENTS FOR SEALING

#### Recommendation

That Council resolves that the following documents are approved as being affixed with the Seal of the Albury City Council and entered onto the Documents for Sealing Register:

- A. AlburyCity lease to Bivalo Pty Ltd trading as Azzali Service Co (James Sloan Solicitor) Suite 1, 3<sup>rd</sup> Floor, 553 Kiewa Street, Albury. Three year lease commencing 1 July 2012.
- B. AlburyCity lease to Lavington Springdale Heights Community Centre Incorporated, 40 Cardo Drive, Springdale Heights. Three year lease commencing 1 July 2012.
- C. AlburyCity lease to Albury Wodonga Community Network Incorporated (Glenecho Community Centre), for three years commencing 1 July 2012.
- D. Variation of restriction as to use of Lot 459 Bennu Circuit, Airport Park required to enable subdivision into four lots.
- E. AlburyCity consent to Albury Tigers Club sub lease to Eye Corp Australia for Advertising sign at the Albury Sports Ground. Two years commencing 1 July 2011.

18 September 2012

## **REPORTS FOR CONSIDERATION**

### **1. Disclosure of Political Donations**

Section 375A of the Local Government Planning Legislation Amendment (Political Donations) Act 2008, requires that the General Manager keep a register containing each planning decision made at a Council or Committee meeting, including the names of Councillors who supported the decision and those that opposed the decision.

To maintain the register, the amendments require that a division be called whenever a planning decision is put at a Council or Committee meeting, including meetings closed to the public.

From 1 October 2008, anyone lodging a Development Application or anyone making a submission or commenting on a Development Application will need to publicly disclose donations and/or gifts greater than \$1000 made to a local councillor, political party or employee of Council.

The disclosure requirements apply at the time the application is lodged with a Council or the NSW government, and also apply to individuals or entities lodging submissions in objection or support of the proposal. All disclosures will be publicly available.

### **2. Requirements of Environmental Planning & Assessment Act 1979**

In dealing with Development Applications, Councillors need to take into account specific matters contained in the Environmental Planning & Assessment Act 1979 (*as amended*).

Accordingly, the provisions of Section 79C of that Act are set out hereunder, which can be used by Councillors as a reference guide of issues to be considered.

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#### **79C Evaluation**

##### **(1) *Matters for consideration – general***

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
  - (i) any environmental planning instrument, and
  - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
  - (iii) any development control plan, and
    - (iiia) any planning agreement that has been entered into under *section 93F*, or any draft planning agreement that a developer has offered to enter into under *section 93F*, and
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
  - (v) any coastal zone management plan...
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

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### CM 7 – OFFICERS REPORTS FOR CONSIDERATION

#### 7A Election of Mayor – September 2012 (FIL12/02565)

DATE 18 September 2012

CONFIDENTIAL YES  NO  If yes please tick one of the following reasons:  
Personnel Matters  Commercial  Legal  Security  Personal Hardship

ITEM FOR DECISION YES   
Meeting Date Monday 24 September 2012

ITEM FOR NOTING YES   
Meeting Date

FURTHER ENQUIRIES TO Kerry May  
Corporate Services

PHONE 6023 8151

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#### Introduction

Section 226 of the *Local Government Act 1993* prescribes the role of the Mayor as follows:

- *To exercise, in cases of necessity, the policy making functions of the governing body of the Council between meetings of the Council.*
- *To exercise such other functions of the Council as the Council determines.*
- *To preside at meetings of the Council.*
- *To carry out the civic and ceremonial functions of the mayoral office.*

Under Section 377, the Council may delegate authority to the Mayor to exercise and/or perform, on behalf of the Council, the powers, authorities, duties and functions as prescribed in the Act and Regulations and other related legislation. The current Mayoral Delegations are attached.

The Office of the Mayor commences on the day the person elected is declared to be so elected, and ends when the person's successor is declared to be elected to the office.

In accordance with the *Local Government Act and Regulations* there under, if the Mayor is to be elected by the Councillors of an area Council must annually elect one of its members as Mayor for the ensuing one-year term.

In respect of the election procedure, the relevant provisions are laid out in Part 11, Division 12, Schedule 7, of the *Local Government (General) Regulation 2005*, and are as follows:

#### **Part 1 – Preliminary**

##### **1. Returning Officer**

*The General Manager (or person appointed by the General Manager) is the Returning Officer.*

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### **2. Nomination**

- (1) *A Councillor may be nominated without notice for election as Mayor or Deputy Mayor.*
- (2) *The nomination is to be made in writing by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*
- (3) *The Nomination is to be delivered or sent to the Returning Officer.*
- (4) *The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is to be held.*

Councillors are permitted to nominate more than one candidate, if they so wish. Nominations will be received by the Returning Officer at any time prior to the actual ballot. The Returning Officer is the Acting General Manager, with support from the Governance Team Leader. Nomination forms for Mayor have been provided to Councillors and are available in the Chamber.

If only one Councillor is nominated, that Councillor is elected. However, if more than one Councillor is nominated; Council needs to resolve whether the election for Mayor is to proceed by one of the following three methods:

#### **Ordinary Ballot**

*The following procedures apply:*

1. The ballot is a secret one.
2. The Returning Officer decides the manner in which votes are to be marked on the ballot papers, that is for the preferred candidate.
3. If there are only two candidates, the candidate with the higher number of votes is elected.
4. If there are only two candidates and the votes are tied, the person elected is chosen by lot. In this case the name of the candidate drawn at random by the Returning Officer is declared elected.
5. If there are three or more candidates, the one with the lowest number of votes is excluded. In this regard if two or more candidates are tied for the lowest number, the Returning Officer draws one at random by lot, and that person is deemed to be the excluded candidate.
6. This procedure continues until there are only two candidates remaining, at which time the procedures set out in 3. and 4. above will apply.

#### **Opening Voting**

The ballot is by show of hands, but the counting process is the same as for an Ordinary Ballot.

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### ***Preferential Voting***

*The following procedures apply:*

1. The Ballot is a secret one.
2. Ballot papers contain the names of all the candidates.
3. To be a formal vote, Councillors must mark their votes by placing the numbers “1”, “2”, “3”, and so on, so as to indicate the order of their preferences. Councillors must indicate a preference for all of the candidates (ie. all of the boxes must be numbered).
4. If one candidate has an absolute majority of first preference formal votes, that candidate is elected.
5. If there is no absolute majority, the candidate with the lowest number of first preference votes is excluded. In this regard, if two or more candidates are tied for the lowest number, the Returning Officer draws one at random by lot, and that person is deemed to be the excluded candidate.
6. The votes of the excluded candidate are then transferred to the candidates with second preferences on those ballot papers.
7. A candidate who then has an absolute majority is elected, if no candidate has an absolute majority the process of excluding the lowest candidate continues until one candidate has received an absolute majority of votes, who is then declared elected. In this process, if the remaining two candidates have an equal number of votes, the Returning Officer draws by lot and the candidate whose name is first chosen is taken to be elected.

### **Recommendation**

- a. That nominations for the position of Mayor for the next 12 months be invited.
- b. That Council determines by resolution the method of voting for the election of Mayor, in the event of a Ballot being required.
- c. That an election for Mayor be held, in the event of a Ballot being required.

### **• Attachments**

1. Schedule 7 (Election of Mayor by Councillors).
2. Mayoral Delegations.

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### 7B Election of Deputy Mayor – September 2012 (FIL12/02565)

DATE 18 September 2012

CONFIDENTIAL YES  NO  If yes please tick one of the following reasons:  
Personnel Matters  Commercial  Legal  Security  Personal Hardship

ITEM FOR DECISION YES   
Meeting Date Monday 24 September 2012

ITEM FOR NOTING YES   
Meeting Date

FURTHER ENQUIRIES TO Kerry May  
Corporate Services

PHONE 6023 8151

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### Background

Under the *Local Government Act 1993* and *Local Government (General) Regulation 2005*, Council may elect one of its members as Deputy Mayor.

The Deputy Mayor may act as the Mayor in his/her absence, and while so acting shall have the powers, authorities, duties, and liabilities of the Mayor under the Act and/or the powers delegated to the Mayor by Council under S.377.

The term for the Deputy Mayor may be the same as the Mayoral term, or may be for a shorter term as fixed by resolution of Council. It has been this Council's practice in the past to elect a Deputy Mayor for the same term as the Mayor.

Again, nominations for the position must be in writing by two or more Councillors, one of whom may be the nominee. The written consent of the nominee is required for the nomination to be valid.

Councillors may nominate more than one candidate, if they so wish. Nominations will be received by the Returning Officer at any time before the Ballot. The Returning Officer is the Acting General Manager with support from the Governance Team Leader. Nomination forms for Deputy Mayor have been provided to Councillors and are available in the Chamber.

Prior to any Ballot for the election of Deputy Mayor, Council must again resolve the method of election. The Returning Officer will conduct the Ballot in accordance with the method resolved by Council. The optional methods are generally Open Voting, Ordinary Ballot or Preferential Voting and this matter is at Council's discretion.

### Recommendation

- a. That the Council resolve to make an appointment for the position of Deputy Mayor and the term of the appointment be the same as for the Mayor.
- b. That nominations for the position of Deputy Mayor for the next 12 months be invited.
- c. That Council resolve the method of election for Deputy Mayor, in the event of a Ballot being required.
- d. That an election be held for Deputy Mayor, in the event of a Ballot being required.

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### **7C Media Break**

*There were will be a short break to allow Mayor and Deputy Mayor to speak to the media.*

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### 7D Council Committee Chairpersons and Membership (FIL12/02642)

DATE 18 September 2012

CONFIDENTIAL YES  NO  If yes please tick one of the following reasons  
Personnel Matters  Commercial  Legal  Security  Personal Hardship

ITEM FOR DECISION  ITEM FOR NOTING   
Meeting Date Monday 24 September 2012 Meeting Date

FURTHER ENQUIRIES TO Judy Charlton PHONE 6023 8150  
Corporate Services

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### Background

Council currently operates under a four committee structure. The current Council Meeting cycle follows:

First Monday of the month <i>(Tuesday, if a Public Holiday falls on the Monday)</i>	Community Forum and/or Councillor Workshop <i>(as required)</i>
Second Monday of the month	Planning and Development Committee Engineering and Works Committee
Third Monday of the month	Community and Cultural Committee Finance and Administration Committee
Fourth Monday of the month	Council Meeting

The **Planning and Development Committee** considers matters associated with:

- building regulations;
- development applications;
- economic development;
- enforcement and compliance policy;
- strategic land use planning;
- regional development; and
- tourism.

The **Engineering and Works Committee** considers matters associated with:

- airport, landfill and cemetery/crematorium;
- asset management;
- emergency services;
- major construction projects;
- roads, bridges, buildings, footpaths and drainage;
- traffic management and parking;

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- fleet management;
- floodplain management;
- waste management; and
- water and sewerage.

The **Community and Cultural Committee** considers matters associated with:

- community, cultural and youth services;
- community development;
- community health;
- community safety;
- events;
- natural resources management; and
- parks, sport and recreation.

The **Finance and Administration Committee** considers matters associated with:

- Four Year Delivery Program, Operational Plan;
- budget reviews;
- organisational performance and audit;
- policy development and review including communications and branding, governance; human resources, information management, risk management and procurement; and
- strategic and corporate planning.

### Issues

All Councillors are able to nominate for membership on each of the committees.

### *Voting/Election Process*

When nominations are called for Chair, if more than one nomination is received than vacancies, an election is required. The options for voting are below:

**Option 1** – By Ordinary Ballot (secret ballot) – eg. a Chair is required; each Councillor has one vote with the nominated Councillor receiving the highest number of votes being elected.

**Option 2** – Open Voting – by show of hands, with the counting process the same as for an Ordinary Ballot.

**Option 3** – Preferential Voting.

**Option 4** – Proportional Voting – a system of voting in which each Councillor votes for the candidates they prefer in descending order. Preference Votes are then allocated to determine results.

# AlburyCity - Council Meeting

## AGENDA

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### Conclusion

It is now appropriate for Council to determine the membership of the committees, and Chairperson of each committee, for the coming 12 months.

The election of the Deputy Chairperson can be conducted at the first committee meetings next month.

### Recommendation

- a. That Council determines that the method of voting for the election of the Chair, and in the event of a ballot being required, will be by .....
- b. That nominations for each of the Chair positions for the next 12 months be invited.
- c. That an election for the Chairs be held in the event of a Ballot being required.
- d. That nominations for the members of each committee for the next 12 months be invited.

# AlburyCity - Council Meeting

## AGENDA

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### 7E Audit Committee Membership – (FIL09/01948)

DATE 18 September 2012

CONFIDENTIAL YES  NO  If yes please tick one of the following reasons

Personnel Matters  Commercial  Legal  Security  Personal Hardship

ITEM FOR DECISION  ITEM FOR NOTING   
Meeting Date Monday 24 September 2012 Meeting Date

FURTHER ENQUIRIES TO Judy Charlton PHONE 6023 8150  
Corporate Services

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Council will determine Councillor Delegates for a range of Committees & Working Parties at the Monday 22 October 2012 Council Meeting.

The Audit Committee is scheduled to meet on the Thursday 11 October 2012 to consider the draft Audited 2011-2012 Financial Statements. The Audit Committee reviews the draft statements prior to Council receiving these documents. In order to meet statutory deadlines Council must receive the Audited Statements at the October Council Meeting. Hence, the membership of the Audit Committee now needs to be determined.

The Audit Committee Charter is provided as *Attachment 1*. The membership comprises three independent members and two Councillors. The Councillor delegates for the previous 12 months were Councillors Betteridge and Gould. The Council delegates cannot be the Mayor. The Chair of the Audit Committee is an independent member. The Committee meets quarterly on the 2<sup>nd</sup> Thursday of February, May, August and November at 12 noon and last for approximately two hours.

### Recommendation

That Council:

- a. determine its two delegates for the Audit Committee for the next 12 months; and
- b. vote for the two delegates by show of hands, if more than two Councillors are nominated.

- **Attachment**

1. Audit Committee Charter.

# AlburyCity - Council Meeting

## AGENDA

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### 7F NSW Local Government Association Conference 2012 (FIL12/02591)

DATE 13 September 2012

CONFIDENTIAL YES  NO  If yes please tick one of the following reasons  
Personnel Matters  Commercial  Legal  Security  Personal Hardship

ITEM FOR DECISION  ITEM FOR NOTING   
Meeting Date Monday 24 September 2012 Meeting Date

FURTHER ENQUIRIES TO Michael Keys PHONE (02) 6023 8289  
Executive Services

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### Background

The 2012 NSW Local Government Association (LGA) Annual Conference will be hosted by the City of Dubbo and will be held at the Dubbo Regional Theatre and Convention Centre from Sunday 28 – Tuesday 30 October 2012. The Conference Program commences Sunday 28 October with the Official Welcome Reception at 4.00pm. The Conference will close on Tuesday 30 October 2012 finishing with the Gala Dinner.

The LGA Annual Conference is an ideal opportunity for all Councillors to engage in debate and learn about current and future issues/challenges affecting Local Government.

There are a number of significant reforms and reviews currently underway that will directly impact on Local Government in general and AlburyCity specifically. These include the Independent Local Government Review Panel, the review of the Environmental Planning and Assessment Act 1979 (Town Planning Regulations) as well as the Emergency Services Funding Review. The LGA Conference provides the opportunity to participate in debate and discussion or simply learn and understand the issues underlying these reforms. In addition, the Conference also provides an ideal opportunity for Councillors from all areas of the state to share their ideas, experiences and lessons learnt during their time in local government or their own community.

The LGA will consider and debate a wide variety of motions at the conference. All member Councils have previously submitted motions for consideration. The motions fall under the following key headings:

1. **Services** (human services, environmental services, library services, cultural programs, recreation programs, health protection and promotion, development approvals, environmental regulatory activity).
2. **Infrastructure** (issues relating to transport, roads, bridges, footpaths, open space, water and sewerage facilities, waste facilities and services, recreation facilities, arts facilities, civic buildings).
3. **Finance** (revenue raising, government funding, cost shifting, emergency services levy, waste levy, carbon tax, economic development).

# AlburyCity - Council Meeting

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4. **General** (land use planning, development approvals, environmental regulatory activity, workforce planning and development, industrial issues).

All member Councils are entitled to vote on each motion considered at the conference. The voting rights of each Council are dependent on population. In Albury's case, we are entitled to nominate three voting delegates. Council is required to nominate the voting delegates prior to the conference.

In accordance with Council's policy all Councillors are eligible to attend this Conference as delegates.

The options for travel to Dubbo are:

- Fly to Sydney/Dubbo.
- Drive from Albury to Dubbo (6 hour drive).

It is recommended that the following details be forwarded to the Executive Support staff as soon as possible:

- names of delegates attending;
- preferred way of travel, including dates of travel; and
- dates accommodation is required for each delegate.

### **Recommendation**

That Council:

- a. nominate Crs ..... to attend the conference;
  - b. nominate Crs ..... as the three voting delegates for the Conference; and
  - c. vote on the three voting delegates by show of hands, if more than three are nominated.
- **Attachment**
    1. 2012 NSW LGA Conference - Dubbo Brochure.

# AlburyCity - Council Meeting

## AGENDA

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### 7G Forthcoming Conferences – Attendance by Councillors – 2012 National Local Roads & Transport Congress (FIL12/00060)

DATE 19 September 2012

CONFIDENTIAL YES  NO  If yes please tick one of the following reasons  
Personnel Matters  Commercial  Legal  Security  Personal Hardship

ITEM FOR DECISION   
Meeting Date 24 September 2012

ITEM FOR NOTING   
Meeting Date

FURTHER ENQUIRIES TO Merran Palmer PHONE 6023 8755  
Executive Services

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### Background

The Australian Local Government Association (ALGA) has invited Council to attend the 2012 National Local Roads and Transport Congress in Hobart from Wednesday 14 to Friday 16 November 2012.

The Congress will explore issues in line with the National Local Roads and Transport Policy Agenda 2010-2020 including the importance of the road network for connecting communities and the role of transport on local roads to economic and social health and wellbeing. A highlight for the 2012 Congress will be the release of the first State of Local Road Assets report. This report will form the technical base for continued advocacy by ALGA for increased government funding for local roads into the future. It is expected to provide a clearer picture about the state of local roads in terms of their condition, functionality and utilisation.

In advance of the federal election in 2013, the Australian Government has announced the themes and objectives for the next phase of its Nation Building Program. The Government has also announced its intention to continue funding for the Roads to Recovery program for another five years to June 2019.

ALGA has invited the key federal politicians dealing with local roads and transport to attend the Congress including:

- The Minister for Infrastructure and Transport, the Hon Anthony Albanese MP;
- The Leader of the Nationals and Shadow Minister for Infrastructure and Transport, the Hon Warren Truss MP;
- The Shadow Minister for Regional Development, Local Government and Water, Senator Barnaby Joyce; and
- The Greens Transport and Infrastructure Spokesperson, Senator Scott Ludlam.

No staff members are proposing to attend the Congress.

Full registration costs are \$845, flights costs of approximately \$528 and accommodation costs for two nights at \$380 (\$190 per night). Total cost \$1,753.

# AlburyCity - Council Meeting

## AGENDA

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### Recommendation

That Councillors ..... attend the 2012 National Local Roads and Transport Congress to be held in Hobart from Wednesday 14 to Friday 16 November 2012.

- **Attachment**

1. 2012 National Local Roads and Transport Congress Brochure.

# AlburyCity - Council Meeting

## AGENDA

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### 7H Forthcoming Conferences – Attendance by Councillors – Airports Aviation Outlook 2012 Convention (FIL12/00060)

DATE 19 September 2012

CONFIDENTIAL YES  NO  If yes please tick one of the following reasons  
Personnel Matters  Commercial  Legal  Security  Personal Hardship

ITEM FOR DECISION   
Meeting Date 24 September 2012

ITEM FOR NOTING   
Meeting Date

FURTHER ENQUIRIES TO Merran Palmer PHONE 6023 8755  
Executive Services

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### Background

The Airports Aviation Outlook Convention will be held in Melbourne from Tuesday 13 to Wednesday 14 November 2012.

As Australia's largest and most influential annual event for the aviation industry, the Australian Airports Association's Convention provides an invaluable opportunity to engage with senior airport stakeholders and participants from across Australia and the Asia Pacific region.

The Convention will include the following keynote speakers:

- Mr Jeffrey Fegan, Chief Executive Officer, Dallas/Fort Worth Airport
- The Hon Gordon Rich-Phillips MLC, Victorian Minister for the Aviation Industry
- Mr Chris Woodruff, Chief Executive Officer, Melbourne Airport
- Ms Kerrie Mather, Chief Executive Officer, Sydney Airport
- Mr Lyell Strambi, Chief Executive Officer, QANTAS Domestic
- Mr Paul Retter, Executive Director, Office of Transport Security

The key sessions are:

- Airport Cities: Driving economic impact and global competitiveness.
- Customer Service: Placing the customer experience at the core of your business.
- Terminal Design and Refurbishment: Trends driving airport design.
- Aviation IT and Airport Operational Efficiency: What will the future hold?

Council will appoint a delegate for the Australian Airports Association at the Ordinary Meeting of Council on Monday 22 October 2012. The delegate has traditionally attended this convention. Council could nominate that the delegate appointed on Monday 22 October 2012 to attend this convention subject to their confirmation. Two staff members will be attending.

Full registration costs are \$1,020, flight costs of approximately \$406 and accommodation for two nights at \$440 (\$220 per night). Total cost \$1,866.

# AlburyCity - Council Meeting

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### Recommendation

That Councillors ..... attend the Airports Aviation Outlook Convention in Melbourne from Tuesday 13 to Wednesday 14 November 2012.

- **Attachment**

1. Airports Aviation Outlook 2012 Brochure.

**REPORTS FOR INFORMATION,  
NOTING AND ACCEPTANCE BY COUNCIL**

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**Note:**

The following reports included in this Agenda are for the information of Councillors, to be received, noted and accepted.

# AlburyCity - Council Meeting

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### CM 8 – OFFICERS REPORTS FOR NOTING

#### 8A NSW Department of Planning – A New Planning System for NSW: Green Paper – July 2012 (FIL09/00108)

DATE 17 September 2012

CONFIDENTIAL YES  NO  If yes please tick one of the following reasons  
Personnel Matters  Commercial  Legal  Security  Personal Hardship

ITEM FOR DECISION  
Meeting Date

ITEM FOR NOTING   
Meeting Date Monday 24 September 2012

FURTHER ENQUIRIES TO David Christy  
Planning & Environment

PHONE 6023 8290

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#### Introduction

At the time of its introduction in 1979, the NSW planning system and the EP&A Act were Australia's most comprehensive system of land development and environmental protection. Over time however, there have been growing calls for its replacement given the number of amendments that this Act has been subject to, the length of time since its introduction and a need to create a new planning system that meets today's needs and priorities based on best practice principles. The current NSW planning system is excessively complex and convoluted and a new act is needed to simplify and modernise planning in NSW.

On Saturday 14 July 2012, the NSW Government released "A New Planning System for NSW: Green Paper". A copy of the **Green Paper will be tabled** (*Attachment 1*) with this report for consideration of Councillors.

Comments on the Green Paper are to be submitted to the NSW Department of Planning and Infrastructure and are to be received by Friday 5 October 2012.

#### Background

In July 2011, the NSW Minister for Planning and Infrastructure announced that the State Government had appointed the Honourable Tim Moore, former NSW Minister for the Environment and the Honourable Ron Dyer, former NSW Minister for Public Works to undertake and co-chair a full review of the planning system in NSW.

# AlburyCity - Council Meeting

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The NSW Government had decided that, given the length of time since the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) and its associated planning system were introduced, a comprehensive review was required with the aim of creating a new planning system that meets today's needs and priorities. In doing so, the Planning System Review was to:

1. consult widely with stakeholder groups and communities throughout the State to identify the issues that require consideration in developing a new planning system;
2. to consider stakeholder and community submissions on issues identified during the consultation process;
3. examine interstate and overseas planning systems to ensure that relevant best practice options are considered for inclusion in a new planning system for NSW;
4. Recommend a statutory framework and necessary implementation measures for a new planning system for NSW that:
  - enunciates what should be the philosophy and objectives to underpin a new planning system;
  - contains clear and simple processes embodied in legislation written in plain English;
  - identifies what plans should be made and what should be the processes, including stakeholder and community participation and consultation, for the making of those plans;
  - sets out a development proposal assessment and decision-making framework that promotes the environmental, economic and social needs of the State;
  - identifies and sets out the role of, processes for the accountability of each body undertaking decision-making concerning development proposals and how such decisions can be made in a timely fashion;
  - sets out the basis for stakeholder and community participation in the development proposal decision making process; and
  - sets out how other matters in the present planning system not listed above should be dealt with.
5. Promotes the maximum use of information technology in:
  - making and processing of development proposals;
  - availability of information to development proponents and the community about the assessment process for and determination of individual development proposals, and
  - maximising the availability of government held information about individual parcels of land through a single electronic access point.
6. Any other matter that the Planning System Review considers should be included in their recommendations that are not otherwise dealt with above.

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The Planning System Review is comprised of five key stages:

- *Stage 1 – Review Announcement*, July 2011
- *Stage 2 – Listening and Scoping*, September – November 2011
- *Stage 3 – Issues Paper (White Paper)*, December 2011 – February 2012
- *Stage 4 – Policy Options Release (Green Paper)* - July 2012
- *Stage 5 – Draft Legislation* - likely November 2012

As part of the Stage 2 phase, community forums and stakeholder meetings were conducted across the State to provide interested persons an opportunity to tell the review panel what their concerns about the current NSW planning system and the EP&A Act were and what they thought should be the broad objectives for any new planning system in NSW. The sessions were held in Albury on Friday 4 November 2011 with attendance from AlburyCity representatives.

The *Issues Paper* was released in December 2011 outlining the key issues raised during the listening and scoping consultation phase of the review, which is the subject of this report.

The *Issues Paper* addressed several key areas with respect to the following:

- key elements, structure and objectives of a new planning system;
- making plans;
- development proposals and assessment;
- appeals and reviews;
- enforcement and compliance; and
- implementation of the new planning system.

Council considered and endorsed a submission on the *Issues Paper* at its Ordinary Meeting of Monday 30 January 2012.

The NSW Government, through the NSW Department of Planning and Infrastructure, subsequently released "*The Green Paper*" (which is Stage 4 of the Planning System Review as outlined above). At the same time, the recommendations of the co-chairs of the Planning System Review were released in a report entitled "*A Review of International Best Practice in Planning Law*" which was undertaken for the NSW Department of Planning and Infrastructure by Leslie Stein.

Following the exhibition period for the Green Paper, the final phase of the Planning System review is the preparation and release of a White Paper and draft Exposure Bill. This is where the details of the new Planning Act will be developed and tested. It is expected that the White Paper and Exposure Bill will be released and publicly available in November 2012.

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### Issues

Key focus/objectives of Green Paper reforms are to:

- Reduce complexity and costs;
- Increase focus on strategic planning – more evidence based planning;
- Focus on better economic outcomes;
- Engage with the community effectively and early;
- Streamline development assessment; and
- Improve infrastructure funding and integration.

AlburyCity staff have undertaken a detailed summation of the range of recommendations in the Green Paper which focus on four key areas being:

- Community Participation
- Strategic Focus
- Streamlined Approval
- Provision of Infrastructure

A key point for the interest for Councillors is included in Section 10 under “*Depoliticise Decision Making*”. This section of the Green Paper proposes to remove Councillors from determining individual Development Applications. There are concerns with the total removal of Councillors from involvement in determination of individual DAs. The processes present at AlburyCity are an example of a functioning and practical system without significant political interference but recognising the value and importance of local representation.

There have been significant concerns expressed by both Government and the development industry over the level of influence that Councillors have in the development process. This has been attributed to poor decisions supporting developers as well as poor decisions preventing development that otherwise meets normal expectations and requirements. AlburyCity currently provides full delegation to staff for determining all Development Applications.

This relies on, and is predicted on, any Councillor having the right to call up any development application. This has not been misused and relies on Council staff bringing controversial applications or those seeking significant departures from planning controls to Council for determination. This approach can work and provide outcomes for both community and the development industry.

AlburyCity continually performs at a significant level in relation to DA assessment performance times and has maintained a rate of less than 1% of DAs being referred to Council for determination. The examples of DAs being determined by Council are those where there is significant public interest or departure from Council’s adopted strategic policies.

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Councillors should have the ability to be involved in the determination of individual DAs in specified circumstances, such as where there is a significant departure from Council's strategic policies or there is substantial public interest. As the representatives of the local community, there still needs to be opportunities for Councillor involvement in development matters where there is a significant departure from community expectations provided for and endorsed in Council's strategic policies. It is recommended that any submission made by AlburyCity not support the total removal of Councillors from the assessment process but instead limit their involvement to specific circumstances, such as the current approach adopted by AlburyCity.

A summary of the key components and recommendations for the new Planning Act under the key headings is provided below.

### Community Participation

#### 1. Public Participation Charter

- Creation of public participation charter to be included in new planning system to include:
  - Recognition of community expectations and rights.
  - Requirement to provide easy to understand information.
  - Support new methods of engagement and interactive participation.
  - Provision for feedback prior to decisions being made.

#### 2. Early Community Engagement for Strategic Planning

- Subregional Delivery Plans – to be developed for communities with participation by the affected communities, stakeholders, councils and NSW Government agencies.
- Outcomes to be clearly explained including rationale and impacts of trade-offs.
- Objectives and scenarios for local growth and change to be publicly tested.
- Genuine community engagement similar to Community Strategic Plans.

#### 3. Transparency in decision making

- All strategic plans to be accompanied by plain English Documents.
  - What is proposed and why?
  - Anticipated outcomes, impacts, benefits and costs.
  - Evidence for decisions and plans.
  - How can communities participate and who are decision makers.
  - Details of process and timeframes.
- Tracking of decision timeframes, processes and performance assessment.
- Decisions to be evidence based not political.
- Local Expert Panels to determine DAs – also Section 10.

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### 4. IT and ePlanning

- property based explanations;
- increased opportunities for e-planning solutions and social media engagement;
- creation of spatial datasets, establishment of planning portal and electronic register of consents;
- creation of online codes assessable development; and
- all plans, planning documents and applications that apply to any one piece of land.

### Strategic Focus

### 5. NSW Planning Policies

- Replace existing State Environmental Planning Policies.
- 10-12 in total with likely topics such as:
  - Housing supply and affordability
  - Employment
  - Biodiversity conservation
  - Agricultural resources
  - Mining and petroleum extraction
  - Coastal management
  - Retail development
  - Tourism
  - Regional development
  - Infrastructure
- NSW Planning Policies will not be statutory instruments but identified and given effect through the Act and subsequent plans.
- Hierarchy as follows:
  - NSW Planning Policies – high level direction
  - Metropolitan/Regional Growth Plans – includes operation component
  - Subregional Delivery Plans – sets zones in local plans – strong community participation:
    - Sectoral Strategy – housing, employment, catchments, environment, natural resources – evidence based strategic planning; and
    - Growth Infrastructure Plans – aligning infrastructure budget to support strategic growth priorities.

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- Local Land Use Plans:
  - Strategic
  - Spatial
  - Infrastructure Delivery
  - Performance Based Development Standards Guidelines.

Existing development controls in SEPPs will be devolved to Local Land Use Plans and associated development standards and guidelines or relevant Subregional Delivery Plans.

### 6. Regional Growth Plans

- 20 year period
- Non-statutory instruments – referred to in Act to give power
- Range of population growth scenarios – aim to be facilitative rather than prescriptive
- 10 year growth targets
- Evidence based
- Strong links to infrastructure delivery
- Increased community and stakeholder engagement
- Performance based implementation
- Detailed key actions required
- Alignment between future land use changes and infrastructure delivery and planning

### 7. Subregional Delivery Plans

- Key for high growth areas.
- Principal instrument for effecting land use change and setting development parameters and criteria within a region.
- Key to guaranteeing consistency between strategic planning and local land use plans.
- Subregional Delivery Plans will:
  - Determine the distribution of the targets in Regional Growth Plans
  - Identify required support infrastructure
  - Inform the preparation of Growth Infrastructure Plans
  - Identify key precincts, centres and corridors
  - Identify key conservation areas and protected agricultural land
  - Identify priority growth areas and planning framework
  - Rezone key areas and provide streamlined assessment
  - Provide for integrated approvals
- Potential for councils to trade between them in relation to growth areas.

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### 8. Local Land Use Plans

- Plain English spatial land use plans
- Focus on providing clear explanation of strategies
- Appropriate development standards and guidelines
- Land use provisions
- No concurrences
- Four sections:
  - Strategic section
  - Statutory spatial land use plan
  - Delivery of key infrastructure and services
  - Development guidelines and KPI and monitoring outlines.
  
- Development guidelines to focus on performance based outcomes and provide context for merit assessment.
- Guidelines will allow for alternative design solutions. Issues that satisfy standards or alternative solutions cannot be revisited.
- No Development Control Plans.

### 9. New Zones and Greater Flexibility

- Greater flexibility within zone.
- Three new zones – Enterprise, Future Urban Release, Suburban Character.

### **Development Assessment – Streamlined Approval**

### 10. Depoliticise Decision Making

- Use of independent expert panels (instead of Councillors).
- Promote and increase delegation to staff.
- Hierarchy of decision makers relative to type/category of Development Application:
  - State Significant infrastructure – Minister
  - State Significant development – Planning Assessment Commission, Department of Planning and Infrastructure
  - Regional – Joint Regional Planning Panels
  - Local - General Manager and staff under delegation or Local Expert Panel
  - Code Assessable – Council or Accredited Certifier
  
- No specific detail on categories of Development Applications.

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### 11. Strategic Compliance

- Streamlining of Development Applications when consistent with strategic policy.
- Code assessable.
- Merit assessable – performance criteria.
- Removal of concurrences.
- Full merit assessment.

### 12. State Significant Development

- Integration with state planning principles.
- Streamlining concurrence requirements.
- Pre-accredited consultants.

### 13. Smarter & Timely Merit Assessment

- Removal of re-assessment
- Alternative pathways if time limits exceeded
- Possible sanctions for sustained poor performance
- Bring other decision makers such as Joint Regional Planning Panels into process at earlier stage – for example pre-Development Application meetings
- Amber Light – opportunity to redesign to avoid refusal – will be formalised
- Smarter consent conditions:
  - Not to duplicate other regulatory requirements.
  - Only to mitigate impacts and ensure development is carried out as approved.
  - Facilitation of standard conditions.

### 14. Increased use of Code Complying – Complying Development Certificates

- Partially compliant Complying Development Certificates – only assess non-compliant components – 21 days.
- 50 days for Development Applications.

### 15. Extended Reviews and Appeals

- Right of review for rezoning and merit appeals.
- Section 82A reviews and Section 96 modifications retained.
- Gateway and pre-Gateway reviews.

# AlburyCity - Council Meeting

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### Provision of Infrastructure

#### 16. Contestable Infrastructure

- Contestability into all stages of infrastructure delivery – planning, design, construction and operation.
- Potential for developer innovation in delivery of infrastructure.
- Possible private sector delivery of major infrastructure in growth areas.
- Creation of Growth infrastructure plans.
- Voluntary Planning Agreements to be modernised or phased out.

#### 17. Growth Infrastructure plans

- Evidence based capital program.
- State Infrastructure Strategy – 20 year horizon with annual five year plans
- NSW Long-term transport Masterplan.
- Growth Infrastructure Plans to have a five and 10 year horizon.
- Corridor Reservations to be identified in regional strategic planning processes and to be reflected in Local Land Use Plans.

#### 18. Affordable Infrastructure Contributions

- New principles for infrastructure levies:
  - Based on principle of contributing to cost recovery
  - To be competitive with comparable markets in other jurisdictions
  - Must not compromise housing affordability or inhibit housing delivery
  - ‘Beneficiary pays principle’ and ‘avoidable cost principle’ from Henry Tax Review should apply in appropriate circumstances
  - Levies to demonstrate an element of cost reflectivity
  - Levies to spread cost over as broad a base of beneficiaries as possible – spatial and time
  - Need to support contestability
  - Some cross subsidisation can occur
  - Clear and transparent link between collection and delivery timeframes

#### 19. Key Option being considered is as follows:

- Local Infrastructure Plan – local roads, local drainage works, land for community facilities – responsibility of Local Council.
- Regional Open Space Levy/Fund - local open space, local and regional drainage land, Regional open space, biodiversity conservation offsets – responsibility of Local Council except for Regional Open Space which is NSW Government.

# AlburyCity - Council Meeting

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- Growth Infrastructure Plan – new and upgraded regional roads, land for health and educational facilities, land for emergency service facilities – responsibility of NSW Government.
- LIP and GIP costs would either be a fixed contribution to the cost of delivering the local infrastructure or a percentage of development cost based contribution.
- Open Space Levy would be fixed nominal contribution.
- Payment of levies as late as practicable in the development process.

### 20. Public Priority Infrastructure

- To be identified in State Infrastructure Strategy and NSW Long-term Transport Masterplan.
- Early identification, strategic planning and co-ordination of key infrastructure.
- Decision on project approval at strategic planning level. Subsequent environmental assessment process to focus on proceeding and managing the projects rather than the merits.

### Delivery Culture

### 21. CEO Group

- Membership to include:
  - CEO/DG of Planning & Infrastructure, Premier and Cabinet, Treasury, Transport NSW, Trade and Investment, Regional Infrastructure and Services & Infrastructure.
- Key Roles:
  - Oversee whole of government approach.
  - Sign-off at relevant strategic level.
  - Ensure integration into relevant strategic plans.
  - Co-ordinating implementation, monitoring and delivery of growth plans, planning policies and standards.

### 22. Regional Planning Boards

- To be established in metropolitan areas and rural/regional areas.
- Key functions:
  - Provide advice on formulation and implementation of growth strategies, local land use plans, planning guidelines and practices.
- Provide advice to DPI and Minister on functioning of planning system and adoption of growth plans.

# AlburyCity - Council Meeting

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- Membership to include:
  - Independent local chair.
  - Key stakeholders, for example; Catchment Management Authority,
  - Local government representatives.
  - Ex-officio members representing relevant government agencies.

### 23. Mandatory Performance Monitoring

- Performance Monitoring Guideline to be created:
  - Include KPIs and accountabilities for strategic and local plans.
  - To be developed and assessed annually.
  - Performance measures to include:
    - Number of dwellings, jobs planned and delivered.
    - Area of environmental land protected.
    - Delivery of associated infrastructure.
- Quarterly public reporting and annual reporting of any remedial action.

### 24. Organisation Reform

Shift in culture and resources to focus on strategy, outcomes and innovation.

### Submission

The review of the planning legislation for NSW is an issue that will impact on Council and the broader community. It is important that Council remain pro-actively involved in the process to ensure a satisfactory new regime is achieved.

It is recommended that Council make a submission to the NSW Government on the future of the NSW planning system, based on the following principles:

- Provide in principle support for the Green Paper as released.
- Provide support for the commitment of the NSW Government to increase focus on community consultation and upfront strategic planning.
- Not support the total removal of Councillors from potential involvement in the DA process. There will be instances where it is entirely appropriate for Councillors to be involved in the determination of an individual DA and there needs to be some flexibility in any new planning system which allows for Councillor involvement in appropriate and specific circumstances.
- Note the need for transitional arrangements and that there will need to be significant investment in skills and resources to manage the transition – especially for rural and regional areas.

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- The NSW Government needs to ensure that the new system is fully funded and resourced. The system as proposed will be significantly more resource intensive and this needs to be adequately catered for upfront, and in the early stages of the implementation of the new Planning Act, or the fundamental changes it seeks to enact will not succeed. The example of the implementation and roll-out of the standard LEP (which has taken over seven years) is extremely pertinent and an example of an inadequately funded and resourced planning reform.
- That the new planning system is as simple and uncomplicated as possible and requires a significant level and recognition of public and community consultation at the relevant stages.
- Adequate flexibility be built into any new planning system to allow for local communities to reflect their aspirations and goals within any strategic planning documents rather than the one-size fits all approach that has been the recent basis for strategic planning in NSW.

### Conclusion

Overall the review of the NSW planning system is seen as beneficial and represents an opportunity to achieve a world-class planning system that reduces complexity and focuses greater attention on the delivery of quality planning outcomes. The Green Paper outlines a number of key elements in the proposed new planning system and how it should operate. This has been informed by feedback from the community forums and stakeholder meetings conducted across NSW as part of the NSW Governments' planning review process.

AlburyCity has shown its commitment to an increased focus on genuine community engagement and upfront strategic planning. The community engagement and planning process undertaken for the draft Thurgoona Wirringa Precinct Structure Plan is an example of this where Council has held numerous workshops and information sessions and undertaken wide community consultation during the various stages of the project. Also during exhibition of the draft ALEP20100 and draft ADCP2010, Council conducted 14 workshops and information sessions and provided a plain English version of the documents.

The proposed new planning system entails a level of significant change. Councils and the state are going to have to be adequately resourced to ensure the success of the reforms. It is recommended that AlburyCity provides a submission which supports the Green Paper in principle with the qualification that the reform process (including those charged with its implementation and delivery at all levels) needs to be suitably resourced in terms of funds, tools and skills to ensure its successful implementation as per the recommendations contained in this report.

### Recommendation

That Council receive and note the contents of this report.

- **Attachment**
  1. A New Planning System for NSW: Green Paper, July 2012 (*to be tabled at the meeting*).

# **AlburyCity - Council Meeting**

## **AGENDA**

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### **CM 9 – MATTERS WITHOUT NOTICE**

*Items raised by Councillors at the meeting.*