



Camden Council Minutes

Ordinary Council Meeting
27 September 2011

Camden Civic Centre
Oxley Street
Camden



ORDINARY COUNCIL

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PRESENT

Cr Warren (Mayor/Chairperson), Cr Anderson, Cr Cagney, Cr Campbell, Cr Cottrell, Cr Dewbery, Cr Funnell, Cr Symkowiak, Cr Patterson

STAFF

General Manager, Director Governance, Acting Director Development and Health (Manager Environment and Health), Acting Director Works and Services (Manager Community Services), Acting Manager Development (Team Leader Development), Acting Manager Strategic Planning (Team Leader Strategic Planning), Manager Environmentally Sustainable Design, Manager Assets, Manager Employee & Community Relations, Governance Officer.

APOLOGIES

There were no leave of absence to be granted.

DECLARATIONS OF INTEREST

Resolution: Councillor Cottrell declared a non pecuniary interest in relation to Item ORD15, being the subject of the Item. Councillor Cottrell did not consider he had a pecuniary interest in the matter and declared he would take part in the debate and vote on the Item.

Moved Councillor Cagney, Seconded Councillor Anderson that the declarations be noted.

ORD215/11 THE MOTION ON BEING PUT WAS **CARRIED**

PUBLIC ADDRESSES

Mr Paul Gorman addressed the Council in relation to Item ORD06.

At this stage, a camera crew from a commercial television station entered the Chamber and commenced setting up filming equipment.

The Mayor, Councillor Warren, advised the camera crew that they were to leave the Chamber as they had not sought permission via a Council resolution to record the Meeting, as per Council's Code of Meeting Practice requirements.

Mr Paul Hillbrick addressed the Council in relation the 2011 Goulburn to Sydney (Camden) Cycle Classic.

Councillor Campbell left the Chamber, the time being 6.08pm.

Council Campbell returned to the Chamber, the time being 6.11pm.

Mr Keith Maddock addressed the Council in relation to Item ORD15.

Resolution: Moved Councillor Campbell, Seconded Councillor Funnell that the public addressed be noted.

ORD216/11 THE MOTION ON BEING PUT WAS **CARRIED**

CONFIRMATION OF MINUTES

Resolution: Moved Councillor Cagney, Seconded Councillor Cottrell that the Minutes of the Ordinary Council Meeting held 13 September 2011, copies of which have been circulated, be confirmed and adopted.

ORD217/11 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Dewbery, Funnell, Patterson and Symkowiak voted against the Motion).

ORD01 Election Of Mayor - 2011/2012 Term

CHAIR OF MEETING

The Mayor, Councillor Greg Warren, vacated the Chair for the Election of the Mayor and Deputy Mayor and the General Manager assumed the role of the Chairperson, the time being 6.15pm.

The General Manager, as Returning Officer, stated two (2) valid nominations had been received for the position of Mayor, being Councillor David Funnell and Councillor Greg Warren, and as such the method of voting needed to be determined.

MOTION

Moved Councillor Funnell, Seconded Councillor Symkowiak that voting be by show of hands.

ORD218/11 THE MOTION ON BEING PUT WAS **CARRIED**.

ELECTION OF MAYOR

The General Manager then conducted the election and Councillors voted by way of show of hands.

The General Manager stated Councillor Funnell received four (4) votes and Councillor Warren received five (5) votes.

The General Manager then declared Councillor Warren to be elected to the position of Mayor for the 2011/2012 term.

ORD02 Election Of Deputy Mayor - 2011/12 Term

CHAIR OF MEETING

The General Manager, as Returning Officer, stated two (2) valid nominations had been received for the position of Deputy Mayor, being Councillor Lara Symkowiak and Councillor Michael Cottrell, and as such the method of voting needed to be determined.

MOTION

Moved Councillor Funnell, Seconded Councillor Patterson that voting be by show of hands.

ORD219/11 THE MOTION ON BEING PUT WAS **CARRIED**.

ELECTION OF DEPUTY MAYOR

The General Manager then conducted the election and Councillors voted by way of show of hands.

The General Manager stated Councillor Symkowiak received four (4) votes and Councillor Cottrell received five (5) votes.

The General Manager then declared Councillor Cottrell to be elected to the position of Deputy Mayor for the 2011/2012 term.

CHAIRMANSHIP OF MEETING

The Mayor, Councillor Greg Warren assumed the role of the Chairperson for the remainder of the Meeting, the time being 6.17pm.

MOTION – Television Camera Crew

Moved Councillor Dewbery, Seconded Councillor Patterson that the television camera crew, who had previously been asked to leave the Chamber, as Media be allowed to return to the Chamber.

ORD220/11 THE MOTION ON BEING PUT WAS **LOST**.
(Councillors Dewbery, Funnell, Patterson and Symkowiak voted in favour of the Motion. Councillors Anderson, Cagney, Campbell, Cottrell and Warren voted against the Motion).

ORD03 Election Of Committees - Councillor Representation

MOTION

Moved Councillor Cagney, Seconded Councillor Funnell that the Standing Committee membership as listed be confirmed with the following amendments:

- i. Councillor Anderson be appointed as delegate to Camden Festival Community Management Committee, Camden Senior Citizens Community Management Committee, Leppington Oval Community Management Committee, Flood Mitigation Authority of NSW, Macarthur Bush Fire Management Committee and Rural Fire Service Macarthur Zone Liaison Committee;
- ii. Camden Local Traffic Committee - Councillor Patterson to stand down as delegate (noting Councillor Patterson as Local MP has a delegation to the Committee) and Councillor Cottrell be appointed as an alternative delegate;
- iii. Cohesive Communities Advisory Group – Councillor Warren to stand down as delegate and Councillor Anderson be appointed as delegate;
- iv. Macarthur Regional Organisation of Councils (MACROC) – Councillor Cagney be appointed as an alternative delegate; and
- v. in addition to the amendments, the General Manager to provide further information to Councillors in relation to the Belgenny Farm Trust Statutory Committee.

MOTION

Moved Councillor Campbell, Seconded Councillor Cagney that the Motion be put.

ORD221/11 THE MOTION THAT THE MOTION BE PUT WAS **CARRIED**.
(Councillors Anderson, Cagney, Campbell, Cottrell and Warren voted in favour of the Motion.
Councillors Dewbery, Funnell, Patterson and Symkowiak voted against the Motion).

ORD222/11 THE MOTION AS MOVED BY COUNCILLOR CAGNEY, SECONDED COUNCILLOR FUNNELL ON BEING PUT WAS **CARRIED**.
(Councillors Anderson, Cagney, Campbell, Cottrell and Warren voted in favour of the Motion.
Councillors Dewbery, Funnell, Patterson and Symkowiak voted against of the Motion.)

ORD04 Two Subdivisions To Create 12 Residential Lots At 7a (Lot 36, Dp 1115708) Kowald Street, Elderslie

Councillor Patterson left the Chamber, the time being 7.01pm.

Councillor Patterson returned to the Chamber, the time being 7.02pm.

MOTION

Moved Councillor Funnell, Seconded Councillor Symkowiak that further consideration of this report be deferred for a site inspection.

ORD223/11 THE MOTION ON BEING PUT WAS **CARRIED**.
(Councillors Cagney, Campbell, Cottrell, Dewbery, Funnell, Patterson, Symkowiak and Warren voted in favour of the Motion.
Councillor Anderson voted against the Motion).

ORD05 Modification Of Development Consent For Childcare Centre, No 64-66 (Lots 9 & 10 Dp 25787) Macarthur Road, Elderslie

Resolution: Moved Councillor Funnell, Seconded Councillor Dewbery that Council approve the S96 Modification Application 1451/2009(2) for deletion of Condition 1.0 (4) 'Driveway Location' and the amendment of the development description for the Child Care Centre to include Out of School Hours Care, at 64-66 (Lots 9 & 10, DP 25787) Macarthur Road, Elderslie.

ORD224/11 THE MOTION ON BEING PUT WAS **CARRIED**.
(Councillors Anderson, Cottrell, Dewbery, Funnell, Patterson, Symkowiak and Warren voted in favour of the Motion.
Councillor Cagney and Campbell voted against the Motion).

ORD06 Remediation Of Contaminated Land And Creation Of An Asbestos Encapsulation Cell At No 187 (Lot 6, Dp 270613) The Northern Road, And No 730 (Lot 2, Dp 1132348) Cobbitty Road, Harrington Park

Councillor Funnell left the Chamber, the time being 7.40pm.

Councillor Funnell returned to the Chamber, the time being 7.43pm.

MOTION

Moved Councillor Symkowiak, Seconded Councillor Dewbery that Council:

- i. approve Development Application 271/2011 for the remediation of contaminated land at No 187 (Lot 6, DP 270613) The Northern Road and No 730 (Lot 2, DP 1132348) Cobbitty Road, Harrington Park and disposal of the asbestos offsite to a licensed landfill facility, subject to the draft development consent conditions

shown above; and

- ii. place a notation on the Section 149 Certificate to alert prospective purchasers within the community title subdivision of the previous asbestos location.

ORD225/11 THE MOTION ON BEING PUT WAS **CARRIED**.

(Councillors Cottrell, Dewbery, Funnell, Patterson, Symkowiak and Warren voted in favour of the Motion.

Councillors Anderson, Cagney and Campbell voted against the Motion).

ORD07 Proposed Road Naming - Spring Farm

Councillors Cottrell, Dewbery and Patterson left the Chamber, the time being 8.01pm.

Resolution: Moved Councillor Campbell, Seconded Councillor Funnell that Council:

- i. endorse the proposed list of new road names within this report, for exhibition;
- ii. proceed with the new road naming process detailed in this report; and
- iii. be provided with a further report detailing the results of the 30 day public exhibition period.

ORD226/11 THE MOTION ON BEING PUT WAS **CARRIED**.

(Councillors Anderson, Cagney, Campbell, Funnell, Symkowiak and Warren voted in favour of the Motion.

No Councillor voted against the Motion).

ORD08 Proposed Road Naming - Central Hills Business Park, Gregory Hills

Resolution: Moved Councillor Funnell, Seconded Councillor Campbell that Council:

- i. approve the final list of new road names within this report, for use in the Central Hills Business Park, Gregory Hills release area;
- ii. publish the approved names in the NSW Government Gazette and in the local paper; and
- iii. inform Australia Post, the Registrar General, Surveyor General and the RTA of the approved names.

ORD227/11 THE MOTION ON BEING PUT WAS **CARRIED**.

(Councillors Anderson, Cagney, Campbell, Funnell, Symkowiak and Warren voted in favour of the Motion.

No Councillor voted against the Motion).

ORD09 Public Interest Disclosures Act Amendments And Internal Procedures

Councillors Cottrell and Dewbery returned to the Chamber, the time being 8.03pm.

Councillor Symkowiak left the Chamber, the time being 8.04pm.

Resolution: Moved Councillor Anderson, Seconded Councillor Cagney that Council:

- i. note the information regarding amendments to the Public Interest Disclosures Act; and

ii. adopt the Public Interest Disclosures Act Internal Procedures.

ORD228/11 THE MOTION ON BEING PUT WAS **CARRIED**.
(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell and Warren voted in favour of the Motion.
No Councillor voted against the Motion).

ORD10 2011 Local Government Association Conference - Nomination Of Delegates

Councillor Patterson returned to the Chamber, the time being 8.05pm.

Councillor Symkowiak returned to the Chamber, the time being 8.06pm.

MOTION

Moved Councillor Anderson, Seconded Councillor Cagney that Councillor Anderson be nominated to attend the 2011 Local Government Association Conference.

ORD229/11 THE MOTION ON BEING PUT WAS **CARRIED**.

ORD11 Rates And Charges Written Off 2010/2011

Resolution: Moved Councillor Anderson, Seconded Councillor Cagney that all Rates and Charges outlined in this report totalling \$560,362.26 in respect of the 2010/11 financial year be noted and written off.

ORD230/11 THE MOTION ON BEING PUT WAS **CARRIED**

ORD12 Investment Monies

Resolution: Moved Councillor Anderson, Seconded Councillor Cagney that Council:

- i. Council note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act*, Regulations, and Council's Investment Policy.
- ii. The list of investments for August 2011 be noted.
- iii. The weighted average interest rate return of 5.88% p.a. for the month of August 2011 be noted.

ORD231/11 THE MOTION ON BEING PUT WAS **CARRIED**

ORD13 Retail Supply Of Electricity For Small Council Facilities

Resolution: Moved Councillor Funnell, Seconded Councillor Anderson that Council:

- i. accepts Local Government Procurement's recommendation endorsing AGL/Powerdirect as Council's Small Sites energy retailer provider for the next 36 months; and
- ii. write to AGL/Powerdirect accepting its tender and transferring Council's Small Sites.

ORD232/11 THE MOTION ON BEING PUT WAS **CARRIED**

ORD14 Trade Training Centre At The Camden Town Farm

Resolution: Moved Councillor Funnell, Seconded Councillor Campbell that Council:

- i. delegate authority to the General Manager to sign a Funding Deed and License with the Department of Education and Communities for the design and construction of a covered outdoor work area at the Camden Town Farm; and
- ii. authorise the seal of Council to be affixed to the documents required to make the agreements effective.

ORD233/11 THE MOTION ON BEING PUT WAS **CARRIED**

NOTICES OF MOTION

ORD15 Notice Of Motion - Suspension Of Councillor Cottrell

Resolution: Moved Councillor Patterson, Seconded Councillor Dewbery that:

Given that Councillor Michael Cottrell has been found to be in breach of the Camden Council Code of Conduct (sections 6.1 and 6.3), recommended for censure for his behaviour by an independent committee and subsequently censured by Council on two (2) occasions for his behaviour, it is recommended that in accordance with section 440I(2)(a) of the Local Government Act that Council recommend to the Director of the Department of Local Government that the Department of Local Government engage its powers under the abovementioned Act to suspend the tenure of Councillor Michael Cottrell.

In the view of the Council, it is further recommended that Council believes that Councillor Cottrell's behaviour has been disruptive over a period (s440I(a)(i)) and involved more than one incident as outlined by the Independent Review Panel (s440I(1)(a)(ii)).

Given the nature of both incidents, the Council determines the demeanour and behaviour of Councillor Cottrell to be of such a serious nature that the suspension of the Councillor is warranted.

MOTION

Moved Councillor Cagney, Seconded Councillor Anderson that the Motion be put.

Councillors Dewbery, Funnell, Symkowiak and Patterson left the Chamber and did not return, the time being 8.35pm.

ORD234/11 THE MOTION THAT THE MOTION BE PUT WAS **CARRIED** (Councillors Anderson, Cagney, Campbell, and Warren voted in favour of the Motion. Councillor Cottrell voted against the Motion). (In accordance with Clause 251(1) of the Local Government Regulation, Councillor Cottrell's abstention from voting was recorded as a vote against the Motion).

ORD235/11 THE MOTION AS MOVED BY COUNCILLOR PATTERSON, SECONDED COUNCILLOR DEWBERY ON BEING PUT WAS **LOST**. (No Councillor voted in favour of the Motion. Councillors Anderson, Cagney, Campbell, Cottrell and Warren voted against of the Motion.) (In accordance with Clause 251(1) of the Local Government Regulation, Councillor Cottrell's abstention from voting was recorded as a vote against the Motion).

THE MEETING CLOSED AT 8.38PM