



Camden Council Minutes

Ordinary Council Meeting
13 December 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 Development), Director Works and Services, Manager Corporate Services, Manager Environmentally Sustainable Design, Acting Manager Development (Team Leader Development – Land Engineering), Manager Environment and Health, Acting Manager Strategic Planning (Team Leader Strategic Planning), Manager Employee & Community Relations, Manager Community Services, Manager Assets, Governance Officer.

APOLOGIES

There were no leave of absence to be granted.

DECLARATIONS OF INTEREST

There were no declarations to be noted.

PUBLIC ADDRESSES

(Councillors Patterson, Dewbery and Symkowiak arrived at the Chamber, the time being 6.02pm).

Mr Brian Rofe addressed Council in relation to the Argyle Street median strip beautification.

Mr David Taylor addressed Council in relation to ORD 05, ORD06 and ORD09.

Mr Richard Perin addressed Council in relation to pollution in the Nepean River.

Mr Jonathon Beggs addressed Council in relation to Item ORD 04.

Mr Ralph Bruce addressed Council in relation to Item ORD 03.

Mr Geoff Siemsen addressed Council in relation to Item ORD 02.

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

ORD294/11 THE MOTION ON BEING PUT WAS **CARRIED**

CONFIRMATION OF MINUTES

Resolution: Moved Councillor Anderson, Seconded Councillor Cagney that the Minutes of the Ordinary Council Meeting held 22 November 2011, and the Local Traffic Committee Meeting held 15 November 2011, copies of which have been circulated, be confirmed and adopted.

ORD295/11 THE MOTION ON BEING PUT WAS **CARRIED**

ORD01 Two Lot Subdivision at No 120 (Lot 106, DP 27602) Catherine Fields

Road, Catherine Field

MOTION

Moved Councillor Funnell, Seconded Councillor Dewbery that Council approve in principle Development Application 1160/2011 for a two lot subdivision at No 120 (Lot 106, DP 27602) Catherine Fields Road, Catherine Fields with draft conditions of consent to be considered at the next available Council Meeting. The conditions shall include a notation on the 149(5) certificate advising future owners that the lots may experience agricultural odour and an advice note requiring any future rental tenants that the lots may experience agricultural odour.

ORD296/11 THE MOTION ON BEING PUT WAS **CARRIED**.
(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Symkowiak, Warren and Patterson voted in favour of the Motion. No Councillors voted against the Motion.)

ORD02 Narellan Anglican Church - Request To Waive DA Fees

MOTION

Moved Councillor Patterson, Seconded Councillor Symkowiak that Council not waive the Development Application fees but agree to fund \$683.61 from Consolidated Ward Funds for the reimbursement of Development Application fees.

ORD297/11 THE MOTION ON BEING PUT WAS **CARRIED**.
(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Symkowiak, Warren and Patterson voted in favour of the Motion. No Councillors voted against the Motion.)

ORD03 Draft Plan Of Management - Wayne Gardner Reserve, Oran Park

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

- i. classify Wayne Gardner Reserve, once acquired by Council, as Community Land;
- ii. adopt the Draft Plan of Management Wayne Gardner Reserve in principle, with the hours of use by the school to be defined from 7.00 am to 5.00 pm on school days, during school term, and place the document on Public Exhibition in accordance with the *Local Government Act 1993*; and
- iii. a further report be presented to Council on the outcome of the public exhibition and submissions.

ORD298/11 THE MOTION ON BEING PUT WAS **CARRIED**
(Councillors Anderson, Cagney, Campbell, Dewbery, Funnell, Symkowiak, Warren and Patterson voted in favour of the Motion. Councillor Cottrell voted against the Motion.)

ORD04 Proposed Lease Of Sporting Facility - Wayne Gardner Reserve, Oran Park

(Councillor Funnell left the Chamber the time being 6.54pm)

(Councillor Funnell returned to the Chamber the time being 6.55pm)

Resolution:

Moved Councillor Anderson, Seconded Councillor Funnell that Council:

- i. Council give approval in principle to the proposal to lease the sports field and change rooms in the amenities building to the Anglican Schools Corporation for a period of 20 years subject to the draft terms of lease;
- ii. the proposed lease be the subject of public exhibition with notice inviting submissions, being advertised in the local press and the proposal be displayed at Council's Offices and libraries at both Camden and Narellan, in conjunction with the Draft Plan of Management for Wayne Gardner Reserve; and
- iii. a further report be presented to Council on the outcome of the public exhibition.

ORD299/11 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Anderson, Cagney, Campbell, Dewbery, Funnell, Symkowiak, Warren and Patterson voted in favour of the Motion. Councillor Cottrell voted against the Motion.)

ORD05 Proposed Rezoning Of Landturn 'Triangle' Site At Narellan For Retail Expansion

(Councillor Patterson left the Chamber the time being 7.02pm)

(Councillor Patterson returned to the Chamber the time being 7.02pm)

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

- i. provide in principle support of the rezoning of land at 339 Camden Valley Way, Narellan to 'B2 – Local Centre';
- ii. forward the Planning Proposal to the Department of Planning and Infrastructure for a Gateway Determination;
- iii. subject to receiving a favourable Gateway Determination:
 - a. require the applicant to bear the cost of undertaking studies relating to traffic, access and parking; economic impact assessment; noise; stormwater and drainage and urban design principles, together with any other studies required as part of the gateway process; and
 - b. require the applicant to fund the engagement of an appropriately qualified consultant to facilitate a workshop and assist in the preparation of urban design principles for the study area; and
 - c. undertake a planning process to prepare detailed development controls for the B2 – Local Centre lands within the Narellan town centre; and
- iv. be provided with a further report to allow consideration of the Planning Proposal and draft Development Control Plan prior to public exhibition.

ORD300/11 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Anderson, Cagney, Cottrell, Dewbery, Funnell, Symkowiak, Warren and Patterson voted in favour of the Motion. Councillor Campbell voted against the Motion.)

ORD06 Proposed Amendment To Remove Gregory Hills Bulky Goods Floorspace Cap

(Councillor Patterson left the Chamber the time being 7.29pm)

(Councillor Patterson returned to the Chamber the time being 7.31pm)

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

- i. support the removal of the bulky goods floorspace cap of 40,000sqm on the 'B5 – Business Development' land within the Turner Road precinct;
- ii. forward the Planning Proposal to the Department of Planning and Infrastructure for the purposes of a Gateway Determination; and
- iii. publicly exhibit the Planning Proposal and Development Control Plan amendments in accordance with the Gateway Determination and any arrangements agreed with the Department of Planning and Infrastructure.

ORD301/11 THE MOTION ON BEING PUT WAS **CARRIED**
(Councillors Anderson, Cagney, Cottrell, Dewbery, Funnell, Symkowiak, Warren and Patterson voted in favour of the Motion. Councillor Campbell voted against the Motion.)

ORD07 Austral & Leppington North Draft Precinct Planning Package

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

- i. Endorse a submission that supports the vision for the Austral Leppington North Precinct Plan however objects to the rezoning of the Austral Leppington North Precinct Plan at this time, on the basis of the uncertainty for Council to be able to fund local infrastructure above the Section 94 contributions cap, fund “non-essential” infrastructure and fund regional level infrastructure;
- ii. continue to work with the Department of Planning & Infrastructure seeking a resolution of Council’s infrastructure funding gap;
- iii. make representations to the Minister for Planning and Infrastructure and the State Member for Camden seeking a resolution of Council’s infrastructure funding gap;
- iv. make representations to the State or Federal Government to discuss interim funding opportunities to meet its future Section 94 funding obligations and facilitate precinct development and that this matter be reported back to Council;
- v. accept long term ownership of identified creeks and riparian land subject to Section 94 funding land acquisition and embellishment works;
- vi. continue to advance the Precinct Planning Project and Draft Section 94 Plan in partnership with the Department of Planning & Infrastructure and Liverpool Council.

ORD302/11 THE MOTION ON BEING PUT WAS **CARRIED**
(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Symkowiak, Warren and Patterson voted in favour of the Motion. No Councillors voted against the Motion.)

ORD08 Planning Proposal To Amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006 - Oran Park And Turner Road

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

- i. support the Planning Proposal to amend the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 as outlined in this report;
- ii. forward the Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination;
- iii. upon receipt of a favourable Gateway Determination:
 - a. publicly exhibit the Planning Proposal in accordance with the terms of the Gateway Determination notice,
 - b. consult relevant Public Authorities in accordance with the terms of the Gateway Determination;

- iv. prepare a further report for Council consideration at the conclusion of the public exhibition period.

ORD303/11 THE MOTION ON BEING PUT WAS **CARRIED**
(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Symkowiak, Warren and Patterson voted in favour of the Motion. No Councillors voted against for the Motion.)

ORD09 Elyard Gardens Planning Proposal

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

- i. supports the planning proposal to allow residential accommodation as a permissible use on part of the Elyard Gardens site.
- ii. forward the Elyard Gardens Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination;
- iii. subject to receiving a favourable Gateway Determination, require the applicant to bear the cost of undertaking any required planning studies;
- iv. place the Planning Proposal on public exhibition for 28 days subject to receiving Gateway Determination giving approval to proceed;
- v. report back to Council at the conclusion of the public exhibition to allow further consideration of the proposal and any submissions that may have been received.

ORD304/11 THE MOTION ON BEING PUT WAS **CARRIED**
(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Symkowiak, Warren and Patterson voted in favour of the Motion. No Councillors against for the Motion.)

ORD10 Spring Farm South And West Village - Planning Proposal And Development Control Plan Amendments

(Councillor Symkowiak left the Chamber the time being 7.53pm)

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

- i. support the Planning Proposal and Development Control Plan amendment for the Spring Farm South and West Villages as outlined in this report;
- ii. forward the Spring Farm South and West Village Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination;
- iii. upon receipt of a favourable Gateway Determination:
 - a) consult relevant Public Authorities in accordance with the terms of the Gateway Determination;
 - b) publicly exhibit the Planning Proposal in accordance with the terms of the Gateway Determination notice, and
 - c) publicly exhibit the amendments to the Spring Farm Master Plan and Camden Development Control Plan 2011 concurrently with the Planning Proposal in accordance with the provisions of the Environmental Planning and Assessment Act and Regulations.
- iv. prepare a further report for Council Consideration at the conclusion of the public exhibition period.

ORD305/11 THE MOTION ON BEING PUT WAS **CARRIED**
(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Warren and Patterson voted in favour of the Motion. No Councillors voted against the Motion.)

ORD11 Draft Camden Contributions Plan 2011

(Councillor Symkowiak returned to the Chamber the time being 7.57pm)

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

- i. adopt the Draft Camden Contributions Plan 2011, subject to approval by the Minister for Planning and Infrastructure.
- ii. notify the public of Council's decision to adopt the Camden Contributions Plan 2011 subject to approval by the Minister for Planning and Infrastructure in a local newspaper within 28 days in accordance with Clause 31 of the *Environmental Planning and Assessment Regulation 2000*.
- iii. forward the endorsed Camden Contributions Plan 2011 to the Minister for Planning and Infrastructure.
- iv. Council repeal Camden Contributions Plan 2004 and Contributions Plan No. 20, once advice is received from the Minister.
- v. publicly exhibit amendments to the Camden Development Control Plan 2011 in accordance with the matters contained in Attachment 17 to this report, once advice is received from the Minister.
- vi. officers further investigate and report on the following matters;
 - (a) the public car parking facility in Narellan town centre
 - (b) updating the cost and timing of the Camden Bypass Intersection/Link Roads project advising appropriate amendments to the adopted Contributions Plan
 - (c) reviewing of the difficulties in the delivery of the Elderslie Trunk Drainage Scheme and related amendments to the adopted Contributions Plan recommended to Council.

ORD306/11 THE MOTION ON BEING PUT WAS **CARRIED**
(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Symkowiak, Warren and Patterson voted in favour of the Motion. No Councillors against for the Motion.)

ORD12 Macarthur Regional Tourism Strategy 2008-2011

Resolution: Moved Councillor Funnell, Seconded Councillor Dewbery that the information be noted.

ORD307/11 THE MOTION ON BEING PUT WAS **CARRIED**

ORD13 Community Small Grants Program 2010/2011

MOTION

Moved Councillor Anderson, Seconded Councillor Campbell that Council:

- i. approve grants as recommended to projects 1 - 23, totalling \$58,531 as outlined in this report, to be funded from the 2011/12 Community Small Grants Program;
- ii. approve grants as recommended for projects 24 – 26, totalling \$9,800 to be funded from Council's Disability Action Plan budget;
- iii. approve grants of \$3,000 for project 27 and \$5,000 each for projects 28 & 29, totalling \$13,000 to be funded from Consolidated Ward funds; and

- iv. write to each applicant, both successful and unsuccessful, advising them of the outcome.

ORD308/11 THE MOTION ON BEING PUT WAS **CARRIED**

ORD14 Camden Town Farm - Community Management Committee Nominations

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

- i. thank the following people for their interest in the Camden Town Farm Community Management Committee and endorse them as members of the Town Farm Community Management Committee:
 - Mr Steve Allingham
 - Mr Norm Flegg
 - Ms Linda Galea; and
 - Mr Richard Perin; and
- ii. provide each of the newly endorsed members of the Camden Town Farm Community Management Committee with copies of the Section 355 Committee Manual.

ORD309/11 THE MOTION ON BEING PUT WAS **CARRIED**

ORD15 2011/2012 Waste And Sustainability Improvement Payment (Wasip) Program

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

- i. adopt the 2011/2012 WaSIP Action Plan; and
- ii. accept funding of \$317,822 under the Waste and Sustainability Improvement Payment (WaSIP) Scheme for 2011/2012.

ORD310/11 THE MOTION ON BEING PUT WAS **CARRIED**

ORD16 Tender T104/2012 - Relocation Of Electrical Assets In Lodges Road, Elderslie

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

- i. accept the lump sum price submitted by Tony Pollard Electrics Pty Ltd for the Relocation of Electrical Assets in Lodges Road, Elderslie (T104/2012); and
- ii. authority be granted for the relevant documentation to be completed under the Seal of Council.

ORD311/11 THE MOTION ON BEING PUT WAS **CARRIED**

ORD17 Tender T103/2012 Reconstruction Of Lodges Road And Construction Of Link Road, Elderslie

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

- i. Council decline to accept any of the tenders submitted in response to Tender No T103/2012 being the reconstruction of Lodges Road and construction of Link Road, Elderslie, and in accordance with Clause 178(3)(e) enter into negotiations with any person (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;
- ii. In accordance with Clause 178(4) of the Local Government (General) Regulation 2005, Council decline to invite fresh tenders as it is considered the tenders received provide a sufficient basis for negotiating a contract price within available project funding and within a timeframe that meets Council's requirements;
- iii. authority be delegated to the General Manager to negotiate with suitable contractors with the intent to reach agreement on a contract sum that is with available project funding and enter into a contract for the works under Council seal following negotiations; and
- iv. budget adjustments reflecting the outcome and allocation of Section 94 funds to Council's 2011/12 and 2012/13 Capital Works Budgets for the Link Road construction be dealt with through the December Quarterly Budget Review.

ORD312/11 THE MOTION ON BEING PUT WAS **CARRIED**

ORD18 Delegation To Mayor - Christmas / New Year Period

Resolution: Moved Councillor Funnell, Seconded Councillor Campbell that Authority be delegated to the Mayor and Deputy Mayor (in the absence of the Mayor) for the approval of Development Applications and cases of necessity, during the period 14 December 2011 to 31 January 2012 as provided under Sections 226 and 377 of the Local Government Act, 1993 and Council be informed of any use of such delegation in a report to Council on 31 January 2012.

ORD313/11 THE MOTION ON BEING PUT WAS **CARRIED**

ORD19 Closure Of The Meeting To The Public

(Councillor Funnell left the Chamber the time being 8.24pm)

Resolution: Moved Councillor Anderson, Seconded Councillor Cagney that:

- i. the meeting be now closed to the media and public to discuss:
 - a. a report dealing with commercial information of a confidential nature regarding the acquisition of land, in accordance with the provisions of Section 10A(2)(d) of the Local Government Act, 1993; and
 - b. a report concerning personal hardship under Council's Pensioner Policy, in accordance with the provisions of Section 10A(2)(b) of the Local Government Act, 1993; and
- ii. any objections or submissions as to the closure of the meeting be now heard and be limited to a period of four minutes.

ORD314/11 THE MOTION ON BEING PUT WAS **CARRIED**

No representations from the public were made.

CLOSURE OF THE MEETING TO THE PUBLIC

Following the resolution of Item ORD19, the meeting convened into Closed Council, the time being 8.24pm.

The public and media left the Chamber.

(Councillor Funnell returned to the Chamber - the time being 08:25pm)

(Councillors Campbell and Patterson left the Chamber - the time being 08:25pm)

(Councillor Campbell returned to the Chamber - the time being 8.26pm)

(Councillor Patterson returned to the Chamber - the time being 8.27pm)

OPEN COUNCIL

The Council reconvened into Open Council, the time being 8.32pm. All Councillors were present in the Chamber on resumption into Open Council.

(Councillor Patterson left the Chamber - the time being 8.32pm)

(Councillor Campbell left the Chamber - the time being 8.33pm)

The following was the decision of the Closed Council as read by the General Manager:

CC01 Purchase Of Land For Road Purposes (Part Of Lot B DP344882, 120 Lodges Road, Elderslie)

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

- i. purchase the land required for road purposes from (part of Lot B DP344882) 120 Lodges Road, Elderslie as described in the report;
- ii. pay compensation as outlined in this report plus all reasonable costs as defined within Section 55 of the Land Acquisition Just Terms Compensation Act 1991 and the cost associated with the relocation of the horse pen;
- iii. classify the land as "operational land" upon purchase; and
- iv. authorise the Mayor and General Manager to sign, under seal, any documents relating to this matter.

CC01/11 THE MOTION ON BEING PUT WAS **CARRIED**

CC02 Affixing Council Seal - Deeds Of Agreement - Pensioner Policy

Resolution: Moved Councillor Funnell, Seconded Councillor Campbell that Council affix the seal to each of the six (6) Agreements pertaining to the individuals identified in this report.

CC02/11 THE MOTION ON BEING PUT WAS **CARRIED**

THE MEETING CLOSED AT 8.34PM