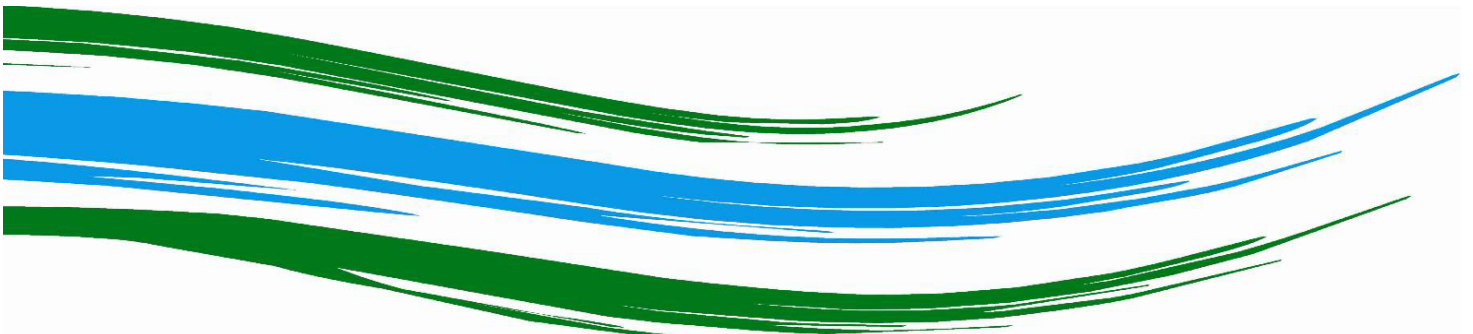




Camden Council

Business Paper

Ordinary Council Meeting



ORDINARY COUNCIL

SUBJECT: APOLOGIES

Leave of absence tendered on behalf of Councillors from this meeting.

RECOMMENDED

That leave of absence be granted.

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Symkowiak that Councillor Anderson be granted a leave of absence.

THE MOTION ON BEING PUT WAS CARRIED.

ORD56/10

ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

NSW legislation provides strict guidelines for the disclosure of pecuniary and non-pecuniary Conflicts of Interest and Political Donations.

Council's Code of Conduct also deals with pecuniary and non-pecuniary conflict of interest and Political Donations and how to manage these issues (Clauses 7.5 -7.27).

Councillors should be familiar with the disclosure provisions contained in the Local Government Act 1993, Environmental Planning and Assessment Act, 1979 and the Council's Code of Conduct.

This report provides an opportunity for Councillors to disclose any interest that they may have or Political Donation they may have received relating to a Report contained in the Council Business Paper and to declare the nature of that interest.

RECOMMENDED

That the declarations be noted.

RESOLUTION

Cr Cottrell declared an interest in item ORD01 regarding the Community Small Grants Program 2009/2010 as Cr Cottrell is the President of the Narellan Lions Club and will not be taking part in debate on the report.

Cr Cagney declared a non pecuniary interest in item ORD01 regarding the Community Small Grants Program 2009/2010 as Cr Cagney is a member of the Narellan Lions Club and stated that whilst Cr Cagney considered it to be "less than significant" for the sake of transparency, will not be taking part in debate on the report.

Cr Campbell declared an interest in item ORD01 regarding the Community Small Grants Program 2009/2010 as Cr Campbell is a member of Lioness Club it is not considered to be pecuniary interest and will take part in debate on the report.

Cr Campbell declared an interest in item ORD02 regarding the Civic Centre - Cultural Performance Subsidy as Cr Campbell is a patron of the Camden/Campbelltown Band it is not considered to be a pecuniary interest and will take part in debate on the report.

Cr Warren declared an interest in item ORD01 regarding the Community Small Grants Program 2009/2010 as Cr Warren son plays soccer for the Mount Annan Mustangs Soccer Club it is not considered to be pecuniary interest and will take part in debate on the report.

Cr Patterson declared an interest in item ORD02 regarding the Civic Centre - Cultural

Performance Subsidy as Cr Patterson, being Mayor, is a patron of the Camden/Campbelltown Band it is not considered to be a pecuniary interest and will take part in debate on the report.

Moved Councillor Symkowiak, Seconded Councillor Funnell that the declarations be noted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD57/10

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

The Public Address segment (incorporating Public Question Time) in the Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper agenda or on any matter within the Local Government area which falls within Council jurisdiction.

Speakers must book in with the Council office by 4.00pm on the day of the meeting and must advise the topic being raised. Only seven (7) speakers can be heard at any meeting. A limitation of one (1) speaker for and one (1) speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' and should only be considered where the total number of speakers does not exceed seven (7) at any given meeting.

Where a member of the public raises a question during the Public Address segment, a response will be provided where Councillors or staff have the necessary information at hand; if not a reply will be provided at a later time. There is a limit of one (1) question per speaker per meeting.

All speakers are limited to 4 minutes, with a 1 minute warning given to speakers prior to the 4 minute time period elapsing.

Public Addresses are tape recorded for administrative purposes. It should be noted that speakers at Council meetings do not enjoy any protection from parliamentary-style privilege. Therefore they are subject to the risk of defamation action if they make comments about individuals. In the event that a speaker makes potentially offensive or defamatory remarks about any person, the Mayor/Chairperson will ask them to refrain from such comments. A copy of the tape recording may be available to third parties (in certain circumstances).

The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person.

RECOMMENDED

That the public addresses be noted.

RESOLUTION

There were no public addresses to be noted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD58/10

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 23 March 2010.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 23 March 2010, copies of which have been circulated, be confirmed and adopted.

RESOLUTION

Moved Councillor Symkowiak, Seconded Councillor Funnell that the Minutes of the Ordinary Council Meeting held 23 March 2010, copies of which have been circulated, be confirmed and adopted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD59/10

MAYORAL MINUTE

ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE - ROTARY CLUBS OF MACARTHUR 2010 POLICE OFFICER OF THE YEAR AWARDS
FROM: Mayor
FILE NO:

I and my fellow Councillors Debby Dewberry and David Funnell attended the recent Police Officer of the Year Awards and we would like to publicly commend the Rotary Clubs of Macarthur for their efforts in putting together such a fantastic evening.

Congratulations to joint winners Detective Senior Constable Michael Kelly from the Campbelltown Local Area Command and Plain Clothes Senior Constable Mark Lake from the Macquarie Fields Local Area Command who were the overall winners of the Police Officer of the Year Award.

While Police Officers do not perform their duties for public recognition it is fantastic to see so many acknowledged and we would also like to congratulate, not only those Police Officers who took out awards in the various categories, but also all those who were nominated.

They are all wonderful ambassadors for the Police Force and are clearly very dedicated to their work and their communities.

We know that Police have a very difficult job to do. Not only do they have to continue doing their job professionally and with integrity, but at times their work requires them to witness extreme tragedy, investigate crime and violence, support and counsel victims and on occasions even put their own lives at risk.

We would particularly like to thank all those Officers at the Camden Local Area Command on a job well done and for all their hard work to ensure that our community is safe and for putting "service above self".

RECOMMENDED

That the information be noted.

RESOLUTION

Moved Councillor Patterson that the information be noted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD60/10

MAYORAL MINUTE
ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE - WORLD ASSOCIATION OF GIRL GUIDES AND GIRL SCOUTS PARTY TIME
FROM: Mayor
FILE NO:

Girl Guides is the largest organisation for girls and young women in Australia and 2010 is the Year of the Girl Guide and the Centenary of Guiding around the world.

On 10 April, the 100th Day of the 100th Year, up to 10 million Girl Guides in 145 countries participated in the World Association of Girl Guides and Girl Scouts (WAGGGS) Party Time.

The NSW/ACT branch of the Girl Guides Association held this event at Mount Annan Botanic Garden.

More than 2000 Girl Guides and their Leaders attended over the weekend. The theme was "Plant, Share, Grow" with all girls participating in a day of environmental and outdoor activities.

I attended the official opening and it was my pleasure to accept a Certificate of Appreciation as a token of the Girl Guides NSW/ACT gratitude for Council's support of this event.

The Centenary celebrations continue through out the year and there will be a number of events held by local Guides in the Camden LGA.

RECOMMENDED

That the information be noted.

RESOLUTION

Moved Councillor Patterson that the information be noted.

THE MOTION ON BEING PUT WAS **CARRIED.**

ORD61/10

ORDINARY COUNCIL

ORD01

SUBJECT: COMMUNITY SMALL GRANTS PROGRAM 2009/2010
FROM: Director Works and Services
FILE NO:

PURPOSE OF REPORT

To seek Council's endorsement of the recommended funding allocations in this year's Community Small Grants Program.

BACKGROUND

At its meeting of 24 November 2009, Council reviewed and updated the Community Financial Assistance Policy. This policy now covers a number of programs, one of which is the Community Small Grants Program.

Through this program, Council provides an annual financial assistance program to assist local groups. In the current budget, \$41,200 has been allocated for this purpose.

The grant guidelines provide for assistance for consideration of applications for the provision of financial assistance, and these are provided to not-for-profit local groups when preparing their application.

MAIN REPORT

The availability of financial assistance via the Community Small Grants Program was advertised in the Camden Advertiser, via Council's website and via fliers emailed across Council's networks of community service providers and also mailed to organisations on Council's mailing list. Forty four applications were received with a total of \$164,906 being requested, a much higher amount than available.

Each of the 44 applications highlight the commitment these groups make to the community and the efforts made to make Camden a better place.

Each application was assessed against the guidelines for the program with further consideration given to the impact on the local community, number of participants, applicant's contribution (financial or in kind) and availability of other funding sources.

Whilst it is not possible to fund every project under the program, unsuccessful groups will be:

- advised of potential alternate sources of funding and provided assistance to access these funds wherever possible, and
- provided support with the formation of partnerships which may be possible to

achieve project goals.

After assessment against the Community Small Grants Program guidelines, the following projects are recommended for full amount of funding requested:

1. Purchase and installation of freestanding BBQ facility at Wandarrah Reserve Mt Annan - *Mt Annan Soccer Club Mustangs Inc* - \$5000
Comment: This project represents good value for the community with the estimated use of this reserve in the vicinity of 600 - 2000 persons per annum. This project will increase community access to recreational facilities. The club is funding most of the project, which is estimated to cost around \$15000.

2. Home maintenance program for Seniors and people with disabilities - *Camden Rotary Club* - \$5000.
Comment: A much needed project that will assist older residents to remain independent and will focus on home safety. Current alternative services have long waiting lists and exclude many residents due to assessment criteria. This project will complement existing programs.

3. Coffee and Drinks Trailer - *Lions Club of Camden Inc* - \$5000
Enclosed box trailer for sale of coffee and drinks at community events. Funds raised are donated back to the community.
Comment: This club does a significant amount of voluntary work in the community. Funds raised from this project will be donated back into the community. The club has indicated through its application that this is a stand alone project.

This trailer will vary from the one funded for another service club in the last round, having a different focus; i.e. coffee and drinks as opposed to a BBQ trailer. For large events the two service clubs could potentially cooperate to provide a higher level of service to the community with benefit to both service clubs.

4. Antique Fair- *Quota Club* - \$2500.
Contribution to costs associated with organising antique fair
Comment: This club raises funds through this project, that are then distributed to charities in the Camden LGA. Last year the Antiques Fair raised \$15,000 for local charities and services.
5. Provision of youth activities outside Narellan Library, every Thursday 6pm - 8pm for 48 weeks - *Camden Community Connections* - \$5,000
Comment: This is an identified high need project due to the number of young people congregating outside the Library and in the park area on Thursday nights. The project is geared at a reduction in vandalism and provision of quality resources for youth, and will facilitate partnering between Camden Community Connections and Council's youth work program.
6. Repair to microfilm reader - *Camden Area Family History Society (CAFHS)* - \$1500
Comment: Increases public access to archived documents in relation to issues and records pertinent to Camden, the reader is used to for the accessing of historical documents relative to Camden's history. The CAFHS provide support services to the clientele of Camden Library Service.

7. Building upgrade, Elizabeth Street, Camden - *Girl Guides Association* - \$1720
Comment: increases community capacity amongst the local girl guide community

The following projects are recommended for part of funding requested:

8. Youth activities at Light-Up Camden 2010, including stage and entertainers - *Youth Solutions* - \$2305.
Comment: Increases community capacity for the youth of Camden, providing excellent support services to the Chamber of Commerce in the delivery of Camden's largest Main Street community event. These funds will provide for additional activities for young people during the festival.
9. Placement of indigenous artworks at Narellan Police Station - *WILMA Women's Health Centre* - \$2500.
Comment: increases community capacity for local indigenous women and families to express their culture and heritage, as well as facilitating further development of relationships with the Police. Discussions with other levels of government indicate the likelihood of the balance of funds originally requested being provided.
10. Activities /workshop for market garden children in Leppington/Catherine Field area - *Benevolent Society* - \$1500
Comment: increases community capacity by building up transition to school skills.
11. Disability services networking event at Civic Centre in October 2010 - *MacArthur Disability Network* - \$1250.
Comment: Will assist to promote disability support services, meet disability requirements and encourage inclusiveness. Significant contribution from applicant and other partners.
12. Contribution towards scout hall renovations, Queen Street, Narellan - *Narellan Scouts Group* - \$3495.
Comment: increases community capacity amongst the local scouting community. Will partly cover the cost of urgent repairs.
13. Improvement to current facilities - *Inspire Church* - \$1000
Comment: increases community capacity amongst the community in general for people accessing the church's services, such as parenting groups, playgroups, youth groups and welfare assistance. The church is a Pentecostal group with a strong commitment to providing a broad range of community services to local residents.
14. Capital works for community garden development - *Camden Town Farm Community Garden Association* - \$2135
Comment: increases community capacity amongst the local community as it will engage groups in the development of a community garden, helping in community building and sustaining the nominated space at the Town Farm.

The following projects can be supported through existing programs or program budget allocations as partnership projects:

15. Deaf Healthy - Women's Health Centre - 3 x 2 hour gentle exercise sessions for deaf/hearing impaired women as a partnership project through our disability program - \$452.
16. Art Therapy - Camden Stroke Recovery Group - 8 weeks of Art therapy with Camden Stroke Recovery Club can be incorporated into our cultural program - \$300.
17. Child Protection and Community Outreach - Child Abuse Prevention Services - stall during Families Week can be included in our Families Week Program - \$500.
18. Data Projector for Children's Services Training - Macarthur Multicultural Children's Services Assoc. - Council staff to negotiate with 15 member services to ascertain if they wish to contribute to this project as a shared resource.
19. Kid's Holiday Activities - Camden Community Connections - a full day program for 30 children at Wedderburn can be incorporated into the DoCs funded children's program - \$1280.
20. Music Workshops for Young People with a Disability - Sylvandale Foundation - a project to enable 6 young people with disabilities to produce music CD's can be incorporated into disabilities program.
21. Community Walking Event to celebrate 10 years of seniors' walking group. Funding for refreshments for this event from the seniors' program - \$300.
22. Produce a mockumentary exploring issues of teenage anger and relationships - Camden Community Connections - this project can be incorporated into the DIAC funded digital imaging project.

Assessments of the other projects has been included in the assessment summary included **as a supporting document to this report.**

There were a number of eligible projects which are of value but did not rank as highly as those recommended for funding as part of the competitive ranking process. Some of these projects will be referred to other funding sources where appropriate.

CONCLUSION

The breadth of work being undertaken by a range of not-for-profit community organisations that contributes to the increase of social capital and improved community well-being within the Camden LGA has been demonstrated again by the high quality, number and range of worthwhile projects seeking assistance. Unfortunately Council is not in a position to meet all requests.

Projects recommended for funding will complement existing services within the community and provide improved opportunity for the community to access services and/or facilities within the LGA.

RECOMMENDED

That Council:

- i. endorse the recommended projects 1-14, totalling \$39,905 as outlined in the report, to be funded from the 2009/10 Community Small Grants Program; and
- ii. write to each applicant advising them of the outcome.

ATTACHMENTS

SUPPORTING DOCUMENTS



Small Grants Applications [Sup Doc].xls

RESOLUTION

(Councillor Cottrell and Councillor Cagney, having previously declared a Interest, left the Chamber and took no part in voting, the time being 6.06pm.)

Moved Councillor Waren, Seconded Councillor Symkowiak that Council:

- i. endorse the recommended projects 1-14, totalling \$39,905 as outlined in the report, to be funded from the 2009/10 Community Small Grants Program; and
- ii. write to each applicant advising them of the outcome.

THE MOTION ON BEING PUT WAS **CARRIED**.

(Councillor Cottrell and Councillor Cagney returned to the Chamber - the time being 6.14pm)

ORD62/10

ORDINARY COUNCIL

ORD02

SUBJECT: CIVIC CENTRE - CULTURAL PERFORMANCE SUBSIDY
FROM: Director Works and Services
FILE NO:

PURPOSE OF REPORT

To seek Council approval to allocate funding to local community groups and organisations under Council's Civic Centre - Cultural Performance Subsidy under the Council's Community Financial Assistance.

BACKGROUND

At its meeting of 24 November 2009, Council reviewed and updated the Community Financial Assistance Policy. This policy now covers a number of programs, one of which is the Civic Centre - Cultural Performance Subsidy (previously called Musical Fee Relief).

Council provides a small amount of funds as fee relief for not for profit groups providing musical or performing arts presentations at the Camden Civic Centre. These funds increase venue accessibility to groups wishing to provide such performances for the community. Previously, funding rounds have been held twice a year for amounts of \$400 - \$1200 (GST exclusive). With the adoption of the revised policy, the Cultural Performance Subsidy funding round will be held in June each year.

This report applies to the final round during this transition period (2009/10), before the new process, approved by Council as part of the Community Financial Assistance Program policy review, applies from June 2010.

Objectives

The objectives of the policy are:

- to increase accessibility to the Camden Civic Centre venue, providing improved opportunity for musical and performance groups to utilise the facility;
- to enhance community awareness and involvement in performance arts; and
- to enhance community well being and sense of belonging through exposure to high quality cultural events and activities.

Eligibility

- Applications are specific to musical performances scheduled to be held at Camden Civic Centre and must coincide with the availability of the facility;
- Fee subsidy is available to non-government organisations which are not for profit and/or community groups based in the Camden LGA or undertaking a

performance of direct benefit to the community and people of Camden LGA;
and

- Applications may be for a portion of venue costs up to the value and not exceeding \$1200 (GST exclusive).

MAIN REPORT

The March 2010 funding round was advertised in the Camden Advertiser, Council and Civic Centre web sites, Let's Connect and direct mail out to organisations listed on the Civic Centre database and the Community Directory.

Council received five applications in this funding round with requests totalling \$6000 (GST exclusive). There is currently a balance of \$5900 remaining in the budget for 2009/10.

Details of the requests received are as follows:

\$1200 for the **Watoto Children's Choir**; a vibrant and energetic performance from the Watoto Choir - Uganda. The "Concert of Hope" appeals to people of all ages and cultural backgrounds. The concert is scheduled for 22 May 2010 with an estimated 600 people attending, with donation entry being sought. This choir's performance has been supported in the previous 2 years and has been very well received. Recommended to be funded for \$1200.

\$1200 for **MacArthur Singers** "The Armed Man - A Mass for Peace", a large choral work, accompanied by full orchestra. It is expected this will appeal to anyone with a love of classical music and a desire for peace and harmony in a troubled world. The concert is scheduled for 10 October 2010 with an estimated 300 people attending. A nominal entry fee will be levied. Recommended to be funded for \$1200.

\$1200 for **Cameo Theatre Company** "My Fair Lady" production. The production is a family production appealing to a broad audience. Live theatre is a business expansion opportunity for the Civic Centre and will provide a different type of performance for the community. The production is scheduled for 19 June 2010 with an estimated audience of 600. Entry fee is much lower than alternate venues/performance. Recommended to be funded for \$1200.

\$1200 for the **Youth Week FUNC (Fantastic Unique Noise Collection) event**, a musical event including art displays and support service information. The concert is scheduled for 16 April 2010 with an estimated 300 people attending. Entry is free. Recommended to be partially funded for \$1100 to cover the costs associated with Friday evening hire.

\$1200 for the **Campbelltown Camden District Band** to stage its Winter Concert on 6 June 2010. The concert will have an estimated 300 people attending and entry fee will be nominal. Recommended to be funded for \$1200.

The **table provided as an attachment at the end of this report** provides a summary of each application received with an assessment against criteria. It should be noted that a history of events previously staged within the venue has been considered in

determining the likely response from the community.

CONCLUSION

Five application for support under Council's Civic Centre Cultural Performance Subsidy have been received. Applications were assessed in light of available funds for 2009/2010, audience trends, evidence of planning and partnerships and the detail provided on the application.

The requests exceed the total available funds. It is recommended that four of the applications be fully funded, and one application be partially funded as outlined in this report.

RECOMMENDED

That Council provide \$5900 (GST exclusive) in funds under Council's Civic Centre Cultural Performance Subsidy to the applicants as noted in this report and advise applicants of the outcome in writing.

ATTACHMENTS



Civic Centre Musical Fee Relief-Table.doc

RESOLUTION

Moved Councillor Warren, Seconded Councillor Cagney that Council provide \$5900 (GST exclusive) in funds under Council's Civic Centre Cultural Performance Subsidy to the applicants as noted in this report and advise applicants of the outcome in writing.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD63/10

ORDINARY COUNCIL

ORD03

SUBJECT: PROVISION OF SEWER TO SHARMAN CLOSE AND
STEWART STREET, NARELLAN
FROM: Director Development and Health
FILE NO: Binder: Public Health/Sewage/Onsite Sewage Management
Systems

PURPOSE OF REPORT

The purpose of this report is to draw attention to the lack of reticulated sewer to certain parts of Narellan and to obtain Council support to lobby Sydney Water and the State Government to provide the sewer to premises located along Sharman Close and Stewart Street, Narellan that will not be connected with sewer despite completion of the Harrington Park release area.

BACKGROUND

The majority of dwellings making up Narellan township were provided with reticulated sewer some 25 years ago. Prior to that date the residents managed their liquid waste by a number of methods including a night soil pan service, a septic pump-out service or septic onsite disposal systems. The need to provide sewer was recognised by the government at the time due to concerns over the health of the residents as a result of the surcharge of waste waters on private lands and sometimes waste water being discharged into the street gutter. Sewer connections were provided to Narellan in the early 1980's, however the area known as Struggletown, the subject of this report, was not connected at this time and owners have remained responsible for the onsite management of the sewerage.

The lack of access of sewer infrastructure to the nineteen (19) residential dwellings and three (3) commercial premises along Sharman Close and Stewart Street has disadvantaged this group of residents for a considerable period of time. In the past Council proactively lobbied Sydney Water on behalf of the residents of the precinct for the provision of the sewer, but to no avail. At the time Sydney Water responded to Council and the residents alike by saying that once development occurred in the immediate area, access to the sewer would be provided.

Council has now received and approved a development application for 97 residential lots and 2 residue lots to be constructed immediately behind these properties. It is noted on the "Concept" plans provided by Sydney Water for this development that the sewer mains will be provided for the residential subdivision, but will not be extended to the premises located along Sharman Close and Stewart Street, Narellan.

MAIN REPORT

Most urban communities in Australia are provided with a reticulated sewerage system

based on the density of dwellings, onsite disposal capability of allotment sizes and management options, but more importantly the decision is based on the protection of the health of residents. Most of the systems in question have been poorly maintained for many years and the residents do not have the capacity to be either proactive in demonstrating their inequality nor to fund the installation of a reticulated system. The latest advice from Sydney Water suggests that if the residents want the sewer to be provided, then they will have to pay for the installation of the network.

The properties along Stewart Street and Sharman Close have been faced with problematic septic systems for many years. If Council were to consider a new development of comparable size that was not to be provided with sewer then the allotments would need to have appropriate lot sizes considered capable of supporting a sustainable onsite sewerage management system. Council would not approve lots of this size given the inability to manage waste water disposal onsite. The residents of the area know as 'Struggletown' are not living in a third world country and rightly expect the same level of services commensurate with the surrounding residential precincts. These are not new residential premises and the dwellings are on highly constrained allotments that have multiple outbuildings, poor soil structure and saturated soils given the long term reliance on the land to assimilate the disposal of waste waters. It is apparent that in the absence of a reticulated sewerage system, these residents have had at times some reliance on the vacant lot behind them (which is now to be developed) for their onsite disposal of waste water.

Council officers have addressed complaints of illegal and inappropriate waste water disposal by enforcing powers under the Local Government Act. To rectify failing systems Council has had to resort to enforcement action by the issuing of Notices and Orders on the owners of properties in Sharman Close and Stewart Street. Of the entire precinct, now 11 of the 22 properties deal with their waste water by way of pump-out services. This is an exceptionally expensive method of managing wastes and is considered to be one of the poorest options available to the community. Costs of pump-out also exceeds costs paid by residents who enjoy sewer connection with an estimate of costs for residents being around \$350 per month based on a cost of \$27.80 per 1000 litres. The remaining properties dispose of the waste water through onsite systems.

With development commencing on the land down slope and at the rear of the Sharman Close and Stewart Street residences, it is anticipated that further problems are expected to arise with the waste water disposal. It is highly likely that even more properties will be required to go onto a pump-out service in the not too distant future due to the likely impact of existing systems affecting the adjoining land once it is subdivided.

Council believes it is totally unreasonable for this area not to have access to a fully reticulated sewerage service. Equally it is not considered reasonable that the cost of supplying the infrastructure should be at the ratepayer's cost, as Sydney Water had previously advised that whilst the remainder of Narellan was connected to the sewer in the 1980's, this area would have to wait until the land could be connected to the infrastructure provided on completion of the Harrington Park release area. The latest subdivision sees the completion of that estate.

It should be noted that similar conditions exist at Spring Farm with residents of

Ettlesdale Road and parts of Springs and Macarthur Roads not having sewer available. This issue will also need to be addressed.

CONCLUSION

In the interest of Public Health, it is imperative that Council and the residents of Sharman Close and Stewart Street, Narellan and Ettlesdale Road, Spring Farm continue to pressure Sydney Water and the State Government into continuing the reticulated sewer to these premises as they did with the other residents of Narellan. Should Council and the community fail to convince the government to provide this necessary small piece of infrastructure as part of the works to be undertaken in the adjacent subdivision so as to minimise costs, then this small community will be forced to bear further costs which will disadvantage these residents. These costs are likely to be greater than retrofitting their premises to allow for sewer connection.

RECOMMENDED

That Council:

- i. lobby Sydney Water on behalf of the residents of Sharman Close and Stewart Street to provide the reticulated sewerage service to their premises fully funded by the State Government,**
- ii. lobby the State Member for Camden, Mr Geoff Corrigan MP, to support Council in its efforts to have the NSW government fully fund the provision of reticulated sewer to the premises of Sharman Close and Stewart Street, Narellan as part of the subdivision works on the adjacent land, and**
- iii. make similar representations to Sydney Water and the local member in relation to residents of Ettlesdale Road and those parts of Macarthur Road and Springs Road in Spring Farm that do not have access to sewer.**

RESOLUTION

ALTERNATE MOTION

Moved Councillor Funnell, Seconded Councillor Symkowiak that Council:

- i. lobby Sydney Water on behalf of the residents of Sharman Close and Stewart Street to provide the reticulated sewerage service to their premises fully funded by the State Government,
- ii. lobby the State Member for Camden, Mr Geoff Corrigan MP, to support Council in its efforts to have the NSW government fully fund the provision of reticulated sewer to the premises of Sharman Close and Stewart Street, Narellan as part of the subdivision works on the adjacent land, and
- iii. make similar representations to Sydney Water and the local member in relation to residents of Ettlesdale Road and those parts of Macarthur Road and Springs Road in Spring Farm that do not have access to sewer.

- iv. write to the NSW Department of Environment regarding the environmental impact and to lobby the NSW Government to provide reticulated sewerage.
- v. write to the NSW Department of Health to lobby the NSW Government to provide reticulated sewerage in the interest of public health.
- vi. write to the Shadow Minister for Water, Katrina Hodgkinson asking her to inspect the site and work with Camden Council to lobby the NSW Government to provide reticulated sewerage.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD64/10

ORDINARY COUNCIL

ORD04

SUBJECT: DRAFT NSW PUBLIC HEALTH ACT
FROM: Director Development and Health
FILE NO: Binder: Public Health/Policy & Procedure/Environmental
Management/Public Health Policy & Procedure

PURPOSE OF REPORT

The purpose of this report is to inform Council of the release of the Draft Public Health Bill 2010 for public exhibition and comment and for Council to resolve to lodge a submission in relation to the draft Bill.

BACKGROUND

Since the creation of public health legislation in 1888, local government has played an active and integral role in the management and regulatory enforcement of public health issues.

In 2005 the NSW Department of Health commenced the review of Public Health Act 1991 and received over 90 submissions with 40 further recommendations for change of the Act. Since then, however, with the introduction of more recent legislation such as the Protection of the Environment Operations Act 1997 (POEO) and the amendment to the Food Act 2003, the current Public Health Act 1991 is now considered to be outdated in its approach to managing and regulating public health, and as such is well overdue for a full review. The objective of the Draft Public Health Bill 2010 will be to repeal the Public Health Act 1991 and re-enact with modifications contained within the Bill.

Whilst a review of the current Act has been expected for some time there has been little to no recent consultation with the various sectors of government that will be affected. Over the past few years a review of the Act has been mooted on a number of occasions and interested stakeholders have provided comment on the structure and format of any draft legislation. It appears that the suggestions made have fallen on deaf ears within the Department of Health and the Draft Bill reflects a poor outcome and one, which in the opinion of Council officers, is potentially flawed from a legal perspective. The Draft Bill was placed on public exhibition on 22 February, 2010 for a period of three months with a closing date of submissions being 19 April (thus in essence 2 month's public consultation). Consequently there has been little ability to undertake a thorough consultation process and there is an apparent lack of preparedness of the Department to consider alternative views.

The Draft Public Health Bill 2010 (Draft Bill) attempts to update this important piece of legislation and provides a valuable, and possibly the only opportunity, for local and state government agencies to review the Draft Bill.

From a local government perspective the intent of Council's review is to ensure that the legislative changes continue to facilitate the involvement of local government and enable local government to continue to exercise the appropriate functions of regulatory inspection, education and enforcement of relevant provisions under the Act in a sustainable way.

MAIN REPORT

In general terms it is very disappointing that after such a long period of time a Bill has been produced which is a largely a redraft of the present Act. There has been no proper process of consultation and the timeframes that have been given are at short notice, and do not respect the mechanisms that are necessary and appropriate to seek constructive and productive input from the various stakeholders. In addition, there have been significant changes even since 2005, for example the recognition of climate change and new public health threats such as H1N1 (swine flu).

It is understood that several other states have completely reviewed their Public Health legislation and it would be thought that NSW would have researched other best practice future models which are appropriate that would not only cover existing issues and risks, but meet emerging issues.

With the public exhibition of the Draft Public Health Bill Council's Environment and Health Branch has reviewed the Bill and identified a number of shortcomings. The main concerns with the Draft Bill are addressed below with a brief comment explaining the concerns/issues.

Natural Justice

One of the most outstanding and fundamental concerns with the Draft Bill as proposed is the apparent and complete lack of affording what is termed "natural justice". This provision is considered to be a required element of any legislation and provides the opportunity of the right to be heard to any aggrieved person. The Local Government Act 1993 and the Environmental Planning and Assessment Act 1979 for example requires Council to issue what is termed a "Notice of Proposed Order" and gives the recipient of such Order the ability to make representations as to the terms and provisions of any such Order. This fundamental element is completely lacking in the Draft Bill, and consequently the success of any action taken in Court may be prejudiced without demonstration that natural justice principles have been applied. This is considered to be a major flaw in the draft. Whilst it is accepted that there are times when immediate action is required to be taken to respond to major health issues, routine matters must follow a fair path.

Framing of the Bill

It is considered that the Draft Bill appears to lack clarity and delineation of roles and responsibilities of the various parties who are expected to administer the Act, ie The Minister, Director General, Chief Health Officer, Regional Health Officer or the local government authority. This invites uncertainty when administering the Act and potentially places enforcement officers in a vulnerable position when trying to defend action in the local court.

Three Tier Approach

The Consultation paper that accompanied the Draft Bill makes reference to the introduction of a three tiered approach for sanctions that involve "Tier 1, 2, and 3" offences. This approach allows for discretion in determining whether action is taken by way of a Penalty Infringement, action at the local court or the Land & Environment Court. However the tiered approach does not appear to be enshrined in the Draft Bill which leads to a clumsy, time consuming and convoluted way of administering legislation in the current legal climate.

Delegations

It remains unclear whether the Draft Bill contains adequate provisions for the Director General to delegate powers to any other office or officers. This may lead to the inability of the Department of Health to manage major situations as they arise or simply to undertake fundamental duties. Local government appears to be relegated tasks in an adhoc manner with little clarity as to which agency has responsibility for the carriage of a particular matter. The POEO Act was framed in a manner that provided certainty as to the Appropriate Regulatory Authority and there is no confusion between agencies in this issue.

Definitions and Use Of Capitals

It is noted that "definitions" are dispersed throughout the Draft Bill instead of being contained in a Dictionary. Whilst there may be some advantages in this approach, such as locating the meaning of words/phrases close to the actual use of the words/phrases, it can also be cumbersome to have to try and locate the relevant section of the Draft Bill to find the definition.

Of particular concern is the lack of clarity as to the legal instrument intended to be used by officers and the use of the words "direction", "notice" and "order" seem to be used interchangeably throughout the Draft Bill. This confuses the meaning of that Section and will lead to legal argument, which places the whole legal basis of the Act into jeopardy. It is imperative that there are additional definitions provided to describe "Directions", "Notice" and "Order" as it is used in the Act and that the relevant sections reflect these different provisions.

Throughout the Draft Bill there seems to be inconsistencies with the use of "Capitals" for notices, orders, directions, acts and regulations. This is important as the use (or non-use) of capitals can change the meaning and significance of such words.

Penalty Units

A number of Sections of the Draft Bill nominate penalty provisions that would be applied in a particular circumstance. These are applicable where there is a clear non-compliance with the requirement of a section, ie not registering with Council, or where a serious breach of the Act has occurred and the court may want to impose the fine up to the maximum penalty as nominated.

In reviewing the Draft Bill Council is concerned that the number of the penalty unit as nominated does not adequately fit the level of breach within the Draft Bill. For

example there is a \$1100 penalty (10 penalty units) for not notifying Council of a location of business and only a \$2200 maximum penalty (20 penalty units) for a court prosecution. There seems to be some inconsistency in the application of the dollar amount given the relatively minor nature of the offence.

Safety Measures For Public Water Supplies

The Draft Bill raises some concerns as to how the Act will affect local government authorities where they are the “responsible authority” for controlling and regulating water supplies in their local area. Further consideration and explanation is sought about how the Act may impact on both local government authorities as well as private water suppliers as permitted by the Water Industry Competition Act 2006 (WICA).

Given that "IPART" recently deregulated the water industry and Sydney Water no longer holds a monopoly in the metropolitan area, concern is expressed that sections 22 and 23 of the Draft Bill (that must involve Ministerial approval) are far too cumbersome and slow to respond to the issue of controlling standards of drinking water.

Responsibilities

Due to the expectation that Local Government and NSW Health have a responsibility to inspect and regulate the Sx Industry operators, Camden Council is of the view that Sex Industry be included in the new Bill.

Part 3.3 Control of Public Swimming Pools and Spa Pools

Council believes that the section should be amended to authorise local government to be able to issue Notices or Orders where it is found that the pool is not being operated in accordance with the relevant guidelines. This is due to the fact that local government considers that it is the appropriate regulatory authority for inspecting public swimming pools within its relevant local government area.

Part 3.4 Control Of Skin Penetration Procedures

Council recommends that the “Skin Penetration Guidelines” and “Code of Best Practice” be called up under the Draft Bill. This will enable a local government authority to better apply these documents when regulating premises. Further, Council should also be able to instigate legal proceedings against a business operator and not have to prove that the Notice has been received (vide S48(5)). In respect to Skin Penetration premises, Council is of the opinion that the Draft Bill should not require an offence to be proven in court in order for a local government authority to make an Order in respect to the carrying out of a procedure at a premises. Many requests for attention in such premises are not worthy of prosecution and to proceed to court would be economically unviable.

Part 6.2 Public Health Inspectors

This section does not recognise the issue of staff having suitable qualifications to undertake the duties of a public health inspector. Council officers do not believe that it is in the interest of the public or relevant authorities to have persons appointed without

a minimum level of qualification. This provision downplays the profession of Environmental Health practitioners, but also potentially places at risk the general community whereby important health issues may be dealt with by unqualified persons.

The NSW Public Health Act is an integral piece of legislation that ensures that Australian standards of living are maintained at such a level that is the envy of many other countries from around the world. There are many practices that place the population at risk and these need to be continually monitored and controlled. More often this control takes place out of the public eye and many of the activities are taken for granted by the general population. Unless this legislation is drafted in a manner that allows the various agencies to be effective in their work, the general population may very well be placed at significant risk.

Council believes that many of the concerns raised about the Draft Bill will need to be further addressed by the NSW Health Department (Director General) by way of further consultation with all relevant stakeholders prior to the Draft Bill being passed by NSW Parliament. It needs to be emphasised that such consultation appears to have been lacking when the Draft Bill was initially prepared.

CONCLUSION

For the most part officers adopt 'an educate first' approach to issues, however there is the occasion that resorting to regulatory tools must be relied upon to achieve the desired effect. Without an effective piece of legislation this regulatory action is doomed to fail and the community as a whole will not be well served. Therefore it is imperative that the government take on board the identified shortcomings in the Draft Bill.

The purpose of this report is to inform Council of the release of the Draft Public Health Bill 2010 placed on public exhibition for comment and to draw attention to the identified deficiencies within the Draft Bill in an attempt to have them rectified.

In addition, Council officers have reviewed the Draft Bill to ensure that the legislative changes continue to facilitate the involvement of local government and enable local government to continue to exercise the functions of regulatory inspection, education and enforcement of relevant provisions under the Act.

Council's review has raised a number of important, and in some instances significant concerns with the writing of the Draft Bill that may, if not further addressed, be detrimental to the successful operation of the Draft Bill at both a State and Local Government level.

A submission should be made and a draft document has been prepared which **is provided at the end of this report.**

RECOMMENDED

That Council:

- i. makes a written submission to the NSW Department of Health stating that Camden Council is not satisfied with the Draft Bill (in its current form) due to the identified shortcomings contained within the submission;**

- ii. request that the NSW Department of Health undertake additional consultation with representatives of Local Government to acknowledge and address all of the issues raised in this report; and
- iii. request the Member for Camden, Mr Geoff Corrigan, to endorse the requests for a review and additional consultation in relation to the Draft Bill.

ATTACHMENTS

1. Submission



Submission Draft Public Health Bill 2010.doc

RESOLUTION

Moved Councillor Symkowiak, Seconded Councillor Dewbery that Council:

- i. makes a written submission to the NSW Department of Health stating that Camden Council is not satisfied with the Draft Bill (in its current form) due to the identified shortcomings contained within the submission;
- ii. request that the NSW Department of Health undertake additional consultation with representatives of Local Government to acknowledge and address all of the issues raised in this report; and
- iii. request the Member for Camden, Mr Geoff Corrigan, to endorse the requests for a review and additional consultation in relation to the Draft Bill.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD65/10

ORDINARY COUNCIL

ORD05

SUBJECT: HARRINGTON PARK 2 AND MATER DEI DCP
AMENDMENTS
FROM: Director Governance
FILE NO: Harrington Park 2 and Mater Dei

PURPOSE OF REPORT

The purpose of this report is to provide feedback to Council from the public exhibition of a range of amendments to the Harrington Grove development controls.

BACKGROUND

At its meeting on 9 February 2010 Council resolved to exhibit a range of changes to the Harrington Grove development controls.

These changes cover amendments for housekeeping purposes, some which are minor in nature and some which cover more substantial issues. The more substantial issues are:

- Amendments to the Desired Future Character Statement to reflect current development philosophy within Harrington Grove and the surrounding area;
- Amendments to minimum lot size requirements to reflect the current approach and philosophy of development within Harrington Grove;
- Amendments to side setback requirements for single storey dwellings on allotments less than 800m² in Precinct D to enable greater flexibility for dwelling construction;
- Amendment to reduce the minimum floor area of dwellings on corner lots from 350m² to 320m² in Precinct D;
- Amendment to delete the Special Provisions section for Precinct D and Special Provisions map.

A copy of the exhibited Camden 2006 DCP Part G Chapter 21 - Harrington Grove and Mater Dei Part A and Harrington Grove Part B Precinct D **is shown as Attachment 1 to this report.**

MAIN REPORT

Exhibition of the proposed amended development controls for Harrington Grove was conducted over a four week period from 17 February 2010 to 17 March 2010. The exhibition material was displayed at the Camden and Narellan libraries and customer service centres and Council website.

During the public exhibition Council did not receive any submissions. If these draft amendments are adopted they will form part of the Camden 2006 DCP Part G Chapter 21 - Harrington Grove and Mater Dei Part A and Harrington Grove Part B Precinct D.

Should Council adopt the draft development controls a notice will be placed in the local paper to bring into force the amendments, and the Camden DCP will be amended accordingly.

CONCLUSION

The proposed amendments to the Harrington Grove development controls reflect the detailed work now undertaken for the development, the changed housing market, Section 96 changes and minimum lot sizes formalised in the draft Camden LEP 2010. A number of meetings between Council officers and the developers have helped refine these amendments. The exhibition of these amendments was an important step in providing flexibility and timely guidance for the development of Harrington Grove.

During the four week exhibition period of the draft amendments to the development controls for Harrington Grove no submissions were received. The amended DCP is now presented to Council for determination.

RECOMMENDED

That

- i. Council adopt the exhibited draft Harrington Grove development controls for the Camden 2006 DCP Chapter 21 - Harrington Grove and Mater Dei Part A and the Harrington Grove Part B for Precinct D;
- ii. a notice be placed in the local newspaper to notify the public of the amendments to the Camden DCP 2006.

ATTACHMENTS

Camden 2006 DCP Part G Chapter 21 - Harrington Grove and Mater Dei Part A and Harrington Grove Part B Precinct D



100201 DCP Camden DCP 2006 Part G Chapter 21 UPDATE - Final _Amended 22 Mar 2010_.pdf



100203 Part B Precinct D - Final.pdf

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Dewbery that

- i. Council adopt the exhibited draft Harrington Grove development controls for the Camden 2006 DCP Chapter 21 - Harrington Grove and Mater Dei Part A and the Harrington Grove Part B for Precinct D;
- ii. a notice be placed in the local newspaper to notify the public of the amendments to the Camden DCP 2006.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD66/10

ORDINARY COUNCIL

ORD06

SUBJECT: LOCAL GOVERNMENT ASSOCIATION CONFERENCE - 2010 -
CHANGE OF FORMAT
FROM: Director Governance
FILE NO: LGSA Conference

PURPOSE OF REPORT

To inform Council of the changes to the conduct of the 2010 and future Local Government Association Annual Conferences.

BACKGROUND

During the 2009 Annual Conference held at Tamworth, an open forum session was held to enable discussion regarding how the format of future Conferences could be changed or amended to better serve the needs of members.

Following the Conference, the LGA Executive has reviewed the resolutions and many of the points raised by Delegates with the Executive now issuing a series of resolutions to be applicable for the 2010 Conference.

REPORT

The Local Government Association has now set out in full the changes to both the format, Conference motions criteria, use of handheld voting units and re-drafting of Standing Orders.

A full copy of the Association's letter and attachments are provided in the Business Paper Supporting Documents.

The Executive has resolved 19 separate changes, highlighted by:

- The opening ceremony will be held on Sunday afternoon and the Conference conclude at lunch time on Wednesday;
- No events to be held on Saturday;
- Prior to June 2010, the Executive to determine key issues/themes to be addressed at the 2010 Conference;
- Councils will be invited to submit motions dealing with aspects of the identified issues/themes;
- A Category 1 motion must relate to an identified Conference issues/theme and must not attempt to enforce one Council's position on other Councils and must not cause detriment to one Council over another. A motion must not be a single Council issue and should deal with issues/themes on a regional/state or national level. Importantly, the motion must address the Conference theme of "Modernising

Local Government".

- Invited Ministers and members of the Opposition and Greens will be asked to sit on a politically balanced panel session (ie 2 from Government and Opposition each and 1 from Greens) to be moderated to allow a question and answer session from the moderator and delegates.
- A policy will be developed to cover issues relating to the use of handheld voting units such as privacy.

In addition, the Executive has determined the themes for the 2010 Conference will be:

1. *Modernising the Financing of Local Government*
2. *Modern approaches to Community Wellbeing, and*
3. *Modern approaches to the Natural and Built Environment.*

Further details on these themes are contained in Attachment 1 to the letter from the Association provided in the **Business Paper Supporting Documents**.

The 2010 Conference will be held in Albury from 23 to 27 October 2010. Details relating to the submission of Motions and Delegates will be reported to Council closer to the date.

CONCLUSION

The Association is endeavouring to streamline both the format and procedures for future Conferences in order to reduce time wasting and ensure each session is more productive for the Delegates attending. Following the 2010 Conference, the operation of these changes will be the subject to a further review by the Association's Executive.

RECOMMENDED

That Council note the changes to the Conference format as outlined for the 2010 Local Government Association Conference.

ATTACHMENTS



2010 LGA Conf changes.pdf

RESOLUTION

ALTERNATE MOTION

Moved Councillor Funnell, Seconded Councillor Cottrell that Council

- i. note the changes to the Conference format as outlined for the 2010 Local Government Association Conference.
- ii. chooses to send any delegates to attend the 2010 Local Government Association Conference, those delegates are to do so at their own expense with all associated

costs being borne by that Councillor.

THE MOTION ON BEING PUT WAS **CARRIED**.

(Councillor Campbell voted against the Motion).

ORD67/10

ORDINARY COUNCIL

ORD07

SUBJECT: AUSTRALIAN GOVERNMENT'S APPROVAL OF PROJECTS UNDER THE REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM - ROUND 2

FROM: Director Works and Services

FILE NO:

PURPOSE OF REPORT

To provide details of the outcome of Council's submission to the Australian Government Department of Infrastructure, Transport, Regional Development and Local Government (The Department), which nominated projects to be undertaken with the allocated grant funding of \$265,000.

BACKGROUND

The Regional and Local Community Infrastructure Program - Round 2 provided \$100 million shared between Councils on a non-competitive basis. Camden Council was offered \$265,000 and was required to nominate projects for approval by 20 November 2009.

MAIN REPORT

Council agreed to nominate the following projects as the preferred projects to which the grant funds will be applied:

PROJECT NAME	COST
Additional sports field lighting at Leppington Oval	\$50,000
New sports field lighting at Knot Oval	\$90,000
Lighting upgrade of Kirkham Park netball courts	\$50,000
Convert Birriwa Reserve tennis courts to multi purpose courts	\$20,000
Camden Rugby Park (Hayter Reserve) electrical upgrade	\$55,000
TOTAL	\$265,000

Council also agreed to nominate the following projects as alternative projects in the event that any of the preferred projects were not considered eligible:

PROJECT NAME	COST
Macarthur Park irrigation upgrade and additional pumps	\$10,000
Onslow Park improvements - gazebo roof replacement and canteen upgrade	\$25,000
Elderslie footpaths at Polworth Close and Cormo Close to access Merino Reserve	\$20,000

Catherine Field tennis court lighting	\$40,000
Rheinbergers Cottage improvements	\$55,000

CONCLUSION

The Australian Government has now approved the preferred projects nominated by Council. A Funding Agreement has been signed under authority previously granted by Council and returned to the Australian Government. Planning for delivery of these projects has commenced and works are required to be completed by 31 December 2010.

RECOMMENDED

That Council note the Australian Government's approval of nominated projects to which the Regional and Local Community Infrastructure Program - Round 2 grant of \$265,000 will be applied.

RESOLUTION

Moved Councillor Warren, Seconded Councillor Cagney that Council note the Australian Government's approval of nominated projects to which the Regional and Local Community Infrastructure Program - Round 2 grant of \$265,000 will be applied.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD68/10

**THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 APRIL
2010 WERE ADOPTED AT AN ORDINARY COUNCIL MEETING HELD 27
APRIL 2010. MIN. NO. ORD 71/10**

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized, cursive representation of the name.

CHAIRPERSON