

CAMDEN COUNCIL

MINUTES OF THE ORDINARY COUNCIL

10 AUGUST 2010

PRESENT

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

STAFF

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

APOLOGIES

Resolution: Moved Councillor Symkowiak, Seconded Councillor Dewbery that Councillor Funnell be granted a leave of absence.

ORD159/10 THE MOTION ON BEING PUT WAS CARRIED.

DECLARATION OF INTEREST

Resolution: Councillor Anderson declared a non pecuniary interest in the Notice of Motion of Rescission regarding the construction of a childcare centre at Macarthur Road, Elderslie as the applicant, Robyn Key is the sister-in-law of Councillor Anderson's daughter however it is not considered to be a pecuniary interest and will take part in debate and voting on the Motion.

Councillor Campbell declared a non pecuniary interest in the Notice of Motion of Rescission regarding the construction of a childcare centre at Macarthur Road, Elderslie as Councillor Campbell is elected resident of the area however it is not considered to be pecuniary interest and will take part in debate and voting on the Motion.

Councillor Patterson declared a pecuniary interest in Item ORD01 regarding the construction of a single storey building to be used as a registered club and associated works at No. 2 Porrende Street, Narellan as Councillor Patterson's family are the owners of the Merino Tavern.

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

ORD160/10 THE MOTION ON BEING PUT WAS **CARRIED**.

PUBLIC ADDRESSES

Resolution: **CHAIRMANSHIP OF MEETING**

The Mayor, Councillor Patterson, having previously declared his intention to leave the Chamber in Item ORD01, vacated the Chair and left the Chamber, the time being 6.05pm.

Councillor Warren assumed the role of Chairperson.

Mr Robin Riddle addressed the Council in relation to Item ORD01.

CHAIRMANSHIP OF MEETING

The Mayor returned to the Chamber and resumed the Chair, the time being 6.09pm.

Mr John Bunce addressed the Council in relation to the Notice of Motion of Rescission.
Mr Nero Stipicic addressed the Council in relation to Item ORD03.
Mr Gavin Brimble addressed the Council in relation to the Notice of Motion of Rescission.

Moved Councillor Symkowiak, Seconded Councillor Dewbery that the public addresses be noted.

ORD161/10 THE MOTION ON BEING PUT WAS **CARRIED**.

CONFIRMATION OF MINUTES

Resolution: Moved Councillor Symkowiak, Seconded Councillor Warren that the Minutes of the Ordinary Council Meeting held 27 July 2010, copies of which have been circulated, be confirmed and adopted.

ORD162/10 THE MOTION ON BEING PUT WAS **CARRIED**.

ORD01 CONSTRUCTION OF A SINGLE STOREY BUILDING TO BE USED AS A REGISTERED CLUB AND ASSOCIATED WORKS, NO 2A (LOT 1 DP 1093264) PORRENDE STREET, NARELLAN

Resolution: **CHAIRMANSHIP OF MEETING**

The Mayor, Councillor Patterson, having previously declared his intention to leave the Chamber in Item ORD01, vacated the Chair and left the Chamber, the time being 6.21pm. Councillor Warren assumed the role of Chairperson.

MOTION

Moved Councillor Symkowiak, Seconded Councillor Dewbery that Council:

- i. grant consent to Development Application No 349/2009 to construct a building to be used for the purpose of a registered club with associated facilities and works at No 2A (Lot 1 DP 1093264) Porrende Street, Narellan subject to the draft conditions of consent contained in this report with the additional requirement that a second public disabled toilet be provided and added to the plans prepared for construction purposes;
- ii. endorse the extinguishment of the Terms of Easement for Landscaping 3m wide referred to in Deposited Plan No 1048551;
- iii. infer the term of this easement to be incorporated within the adjoining land known as Lot 8 DP 1132349; and iv. allocate all bonds relating to works for the delivery of the infrastructure as required by Development Consent No. 69/2001 to such works on the adjoining land in (iii.) above.

ORD163/10 THE MOTION ON BEING PUT WAS **CARRIED**.
(Councillors Anderson, Dewbery, Symkowiak, Warren, Cottrell and Campbell voted in favour of the Motion.
Councillor Cagney voted against the Motion).

CHAIRMANSHIP OF MEETING

The Mayor returned to the Chamber and resumed the Chair, the time being 6.50pm.

ORD02 CIVIC CENTRE - CULTURAL PERFORMANCE SUBSIDY

Resolution: Moved Councillor Symkowiak, Seconded Councillor Dewbery that:

- i. Council provide \$7,420 (GST excl.) 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; and
- ii. \$1,800 be allocated to Civic Centre Management for the sourcing of quality cultural performances for the over 55 and 0-5 year old demographics as outlined in Council's policy.

ORD164/10 THE MOTION ON BEING PUT WAS **CARRIED**.

ORD03 PROPOSED RENAMING OF ROAD AND NAMING OF NEW ROADS IN ORAN PARK

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

- i. give final endorsement to the renaming of part of Cobbitty Road to Oran Park Drive and Cobbitty Road East;
- ii. proceed with the road renaming process outlined in this report in regard to this

change;

- iii. endorse the list of proposed road names for the Oran Park development, with the exception of those provided in this report;
- iv. endorse the use of the name "Dick Johnson" for the Oran Park development; and
- v. refer the proposed road name list including the name "Dick Johnson" to the GNB, seeking its approval.

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

(Councillors Symkowiak, Campbell, Cagney, Patterson, Anderson and Dewbery voted against the Motion)

MOTION

Moved Councillor Symkowiak, Seconded Councillor Cagney that Council:

- i. endorse the list of proposed road names for the Oran Park development, with the exception of those provided in this report;
- ii. endorse the use of the name "Dick Johnson" for the Oran Park development; and
- iii. refer the proposed road name list including the name "Dick Johnson" to the GNB, seeking its approval.

ORD165/10 THE MOTION ON BEING PUT WAS **CARRIED**.

(Councillors Warren and Cottrell voted against the Motion)

ORD04 PROPOSED ADOPTION OF AMENDMENT TO CAMDEN DCP 2006 - ELDERSLIE PEDESTRIAN BRIDGE PARK

Resolution: *(Councillor Campbell left the Chamber - the time being 7.06pm).*

Moved Councillor Dewbery, Seconded Councillor Symkowiak that:

- i. Camden Development Control Plan 2006, as amended be adopted by Council, and;
- ii. notice be placed in a local newspaper enabling the amendment to take effect.

ORD166/10 THE MOTION ON BEING PUT WAS **CARRIED**.

ORD05 NATION BUILDING BLACK SPOT PROGRAM - CAMDEN VALLEY WAY / KIRKHAM LANE INTERSECTION, KIRKHAM

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

- i. accepts funding of \$73,000 (GST excl.) under the Nation Building Black Spot Program for the design and installation of a dedicated right turn bay at the

intersection of Camden Valley Way and Kirkham Lane; and

ii. authorises for the relevant documentation to be completed under Council Seal.

ORD167/10 THE MOTION ON BEING PUT WAS **CARRIED**.

ORD06 CAMDEN VALLEY WAY UPGRADE - SUBMISSION FOLLOWING THE REVIEW OF ENVIRONMENTAL FACTORS

Resolution: *(Councillor Campbell returned to the Chamber - the time being 7.09pm).*

Moved Councillor Symkowiak, Seconded Councillor Warren that Council:

- i. endorse a submission to the RTA based on the contents of this report; and
- ii. write to the Member for Camden, Mr Geoff Corrigan MP, seeking representations and support for Council's submission to the RTA and further seeking support for the urgent upgrade of the intersections on Camden Valley Way at Catherine Field Road, Springfield Road and Deepfield Road.

ORD168/10 THE MOTION ON BEING PUT WAS **CARRIED**.

NOTICE OF MOTION OF RESCISSION - DEMOLITION OF EXISTING BUILDING, CONSTRUCTION OF CHILDCARE CENTRE & REMOVAL OF TREES NO 64-66 (LOTS 9 & 10 DP25787) MACARTHUR ROAD, ELDESLIE

Resolution: Moved Councillor Campbell, that the Council resolution relating to Item ORD 01 of Ordinary Council Meeting of 27 July 2010, Minute No. ORD152/10 – "Demolition of Existing Building, Construction of Childcare Centre & Removal of Tress No 64-66 (Lots 9 & 10 DP25787) Macarthur Road, Elderslie" be rescinded.

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

MOTION

Moved Councillor Campbell, Seconded Councillor Cagney that Development Application 1451/2009 for the construction of an 80 place Child Care Centre (excluding the use of Out of School Hours Care) at No. 64-66 (Lots 9 & 10 DP 25787) Macarthur Road, Elderslie, be refused for the following reasons:

Environmental Planning & Assessment Act 1979 – Section 79C (1)(a)(i):

- the proposal is fundamentally inconsistent with the zoned 2(a) Residential objectives of Camden Local Environmental Plan (LEP) No. 46;
- proposal fundamentally inconsistent with LEP NO. 46 Aims, 2(a)(i) & (ii);
- proposal contrary to LEP No. 46 Protection of Trees, 24(6)(a);

Environmental Planning & Assessment Act 1979 – Section 79C (1)(a)(i):

- the proposal is fundamentally inconsistent with Development Control Plan 2006,

Part F, Chapter 3, Child Care Centres, Objectives (a), (b), (c), (d) & (f);

Environmental Planning & Assessment Act 1979 – Section 79C (1)(a)(i):

- proposal fundamentally inconsistent with Development Control Plan 2006, Child Care Centres:
 - Part 5(a) – the site is unsuitable;
 - Part 5 (b) (iii) – adverse affects of traffic conflict & generation of additional vehicle movements on the amenity of child safety, residents and environment;
 - Part 5 (c) (i) – lack of access to public transport;
 - Part 8 (a) – adverse impacts on safe delivery and collection of children, movement and parking of staff, parents, visitors and service vehicles;
 - Part 8 (b)(i)(ii) & (iii) – adverse affects on safety of children & pedestrians entering the proposed centre and adjoining Mawarra Public School;
 - Part 8 (c) (i) – failure to adequately address child safety concerns;
 - Part 8 (c) (vii) – unacceptable affect on streetscape;
 - Part 9 (a) – non-compliance with car park landscaping requirements;
 - Part 12 (i)(ix) & (xii) – aesthetically unacceptable affect on existing streetscape, visual impact of bulk & scale of the centre, inconsistent with existing residential amenity;
 - Part 17 (a) – deterioration of acoustic amenity in the surrounding area.

Environmental Planning & Assessment Act 1979 – Section 79C (1)(b)(c) & (d):

- commercial development of the size and scale of the proposal is out of character with the surrounding area;
- unacceptable affects on natural environment and streetscape;
- unacceptable affects of traffic conflict & increased traffic generation on child & pedestrian safety, and existing deficient local streets;
- lack of identified community need for a Child Care Centre in this location;
- unsuitability of the site is contrary to the public interest and, in particular, critical issues of child safety remain unresolved;
- failure to resolve issues raised by submissions: child safety, impacts of traffic conflict & increased traffic generation on streets in the area;

Environmental Planning & Assessment Act 1979 – Section 79C (1)(e):

- concerns raised by the community by way of submission.

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

(Councillors Campbell, Cagney and Cottrell voted for the Motion.

Councillors Warren, Symkowiak, Dewberry, Anderson and Patterson voted against the Motion).

FURTHER MOTION

Moved Councillor Warren, Seconded Councillor Symkowiak that Development Application 1451/2009 for the construction of a 80 place childcare centre (excluding the use as Out of School Hours Care) at No 64-66 (Lots 9 & 10 DP 25787) Macarthur Road, Elderslie, be approved subject to the above draft conditions of consent and the following additional consent conditions:

After 1.0(1), add:

" The plans are to be amended to show the northern driveway which is to be shown as the ingress driveway and is to be located at the northern limit of the car park. The southern driveway which is to be shown as the egress driveway is to be located three car parking spaces from the southern limit of the car park. Each driveway is to be 3.1m wide. The plans are also to show a pedestrian pathway, to be located between the driveways and adjacent to the southern driveway."

After 2.0(2), insert a condition:

"Prior to the issue of a Construction Certificate, the construction plans are to be amended to show "No Stopping: restriction signage to be installed between the entry and exit driveways of the proposed development. The "No Stopping" restrictions are to be signposted to be from 8.30 to 9.30am and from 2.30 to 4.00pm, Monday to Friday."

After the new condition above, add another new condition:

"Prior to the issue of a Construction Certificate and subject to the approval by Council's Local Traffic Committee (the Committee), the construction plans are to be amended to show short tem parking restrictions (from 8.30 to 9.30am and from 3.00 to 4.00pm) for a distance (to be determined by the Committee) on both sides of Macarthur Road north of the proposed development to facilitate dropping off and picking up of children from Mawarra Public School."

Additional new conditions as follows:

"Prior to the issue of a Construction Certificate and subject to approval by Council's Local Traffic Committee, the construction plans are to be amended to show signage requiring only a left in and left out traffic manoeuvres to and from the Child Care Centre."

"Prior to the issue of a Construction Certificate and subject to approval by Council's Local Traffic Committee, the construction plans are to be amended to show signage requiring no U-Turn in Macarthur Road, at Britton Close.""

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

(Councillors Warren, Symkowiak, Dewbery, Anderson and Patterson voted for the further Motion.

(Councillors Campbell, Cagney and Cottrell voted against the further Motion).

ORD169/10

THE MEETING CLOSED AT 8.25PM

QUESTIONS WITHOUT NOTICE

n/a