



# Camden Council Minutes

**Ordinary Council Meeting**  
**28 June 2011**

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**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 Symkowiak, Cr Patterson

## **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 Patterson, Seconded Councillor Symkowiak

That Councillor Funnell be granted a leave of absence.

ORD128/11 THE MOTION ON BEING PUT WAS **CARRIED**

## **DECLARATIONS OF INTEREST**

There were no declarations to be noted.

## **PUBLIC ADDRESSES**

Mr Bruce Hanrahan addressed the Council in relation to Item ORD03.

Ms Nola Rogers addressed the Council in relation to Item ORD01.

Moved Councillor Anderson, Seconded Councillor Campbell that a two (2) minute extension be granted.

THE MOTION ON BEING PUT WAS **CARRIED**

Moved Councillor Patterson, Seconded Councillor Dewbery

That the public addresses be noted.

ORD129/11 THE MOTION ON BEING PUT WAS **CARRIED**

## **MAYORAL MINUTE - CAMDEN FAMILY DAY CARE - QUALITY ASSURANCE**

Resolution: Moved Councillor Patterson, Seconded Councillor Symkowiak

**That the information be noted.**

ORD132/11 THE MOTION ON BEING PUT WAS **CARRIED**

**ORD01 CHANGE OF USE FROM AN OFFICE BUILDING TO A SEX SERVICE PREMISE AT NO 1 (LOT 11 DP 834527) KIBBLE PLACE, NARELLAN**

Resolution: Moved Councillor Patterson, Seconded Councillor Campbell

**MOTION**

That Development Application (DA27/2011) being for the change of use from an office building to a sex services premises at No 1 (Lot 11 DP834527) Kibble Place, Narellan be refused for the following reasons:

- i. Part D 5.4 Sex Services Premises; DCP 2011 Objectives 2 & 3; Control No 2 and 3 of Camden Development Control Plan 2011:
  - a. Objective 2 - adverse impacts on amenity of land used for recreational and community purposes;
  - b. Objective 3 - adverse impacts on the neighbourhood and the community;
  - c. Control No 2 - The proposed site is located too near a community recreational facility that is regularly frequented by children;
  - d. Control No 3 - The proposed hours of operation are excessive in that the late night/early morning operating hours are expected to affect the amenity of the surrounding neighbourhood.

As a result, the application is refused in accordance with Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979;

- ii. The application is refused as it fails to address the environmental impacts of the proposed development on the built environment as is required by Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979. The facility has been deemed a Medium Crime Risk by the Camden Local Area Command and is likely to cause a disturbance to surrounding businesses that have similar operating hours and residences in the neighbourhood;
- iii. 79C(1)(c) of the Environmental Planning and Assessment Act, 1979 has not been addressed as the site is not suitable for the development. Given the existing surrounding land uses, the site is not suitable for the proposed development and is refused in accordance with that section;
- iv. During the notification period, issues raised included noise, traffic, hours of operation and the proximity of the site to residential areas and the Macarthur Hockey Fields. The basis for these objections has not been addressed in the application. Consequently, the application is refused in accordance with Section 79C(1)(e) of the Environmental Planning and Assessment Act, 1979;
- v. The application will result in unacceptable environmental and social consequences which are not in the public interest. As a result, the application is refused in accordance with Section 79C(1)(e) of the Environmental Planning and Assessment Act, 1979;
- vi. Adverse impacts on the amenity of the neighbourhood and the community through proximity of the proposed development to community facilities, residential dwellings, adjacent and surrounding businesses and land uses and its hours of operation;
- vii. Adverse impacts on the amenity of land already used for recreational purposes, in particular the Macarthur Hockey Complex, the Narellan Jets Rugby League Clubhouse and playing fields and a children's playground. Additionally adverse

impacts on the approved plans (East's Leagues development) for a social Club and community facilities;

- viii. In the context of the existing surrounding land uses, this site is not suitable for the proposed development - Section 79C(1)(b) Environmental Planning and Assessment Act, 1979; and
- ix. The location of the proposed development is inconsistent with Camden Development Control Plan 2011 Part D 5.4, Objectives (2) and (3) and in relation to Section 79C(1)(a)(iii) (b), (c), (d) and (e) the Environmental Planning and Assessment Act, 1979.

ORD133/11 THE MOTION ON BEING PUT WAS **CARRIED**  
(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Warren and Symkowiak voted in favour of the Motion.  
No Councillors against for the Motion.)

**ORD02 CONTINUED USE OF ALFRESCO AREA, NO 13 (LOT 102 DP 260494) GREENHILL STREET, SPRING FARM**

Resolution: Moved Councillor Dewbery, Seconded Councillor Symkowiak

That development application 464/2011 for the use of an existing dwelling addition (alfresco area) at No 13 (Lot 102 DP 1142381) Greenhill Street, Spring Farm, be approved subject to the draft conditions of consent.

ORD134/11 THE MOTION ON BEING PUT WAS **CARRIED**  
(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Patterson, Warren and Symkowiak voted in favour of the Motion.  
No Councillors against for the Motion. )

**ORD03 KIDS OF MACARTHUR HEALTH FOUNDATION - REQUEST FOR WAIVING OF DEVELOPMENT APPLICATION AND ASSOCIATED FEES**  
**MOTION**

Moved Councillor Patterson, Seconded Councillor Campbell

That:

- i. the Development Application and associated fees of \$5,296.84 be funded from uncommitted surplus identified in the 2010/11 March Quarter Review;
- ii. the applicant be advised of the outcome of its request.  
(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Patterson, Warren and Symkowiak voted in favour of the Motion.  
No Councillors against for the Motion. )

**ORD04 REPEAL OF PART 3A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Resolution: Moved Councillor Patterson, Seconded Councillor Campbell

That Council note the NSW Government's repeal of Part 3A of the Environmental Planning and Assessment Act 1979 (the Act) and its replacement with the

Environmental Planning and Assessment Amendment (Part 3A Repeal) Bill 2011.

ORD135/11 THE MOTION ON BEING PUT WAS **CARRIED**  
(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Patterson, Warren and Symkowiak voted in favour of the Motion.  
No Councillors against for the Motion. )

**ORD05 AMENDMENTS TO MATER DEI (WIVENHOE) VOLUNTARY PLANNING AGREEMENT**

Resolution: Moved Councillor Symkowiak, Seconded Councillor Campbell

That:

- i. Council adopt the amended Mater Dei (Wivenhoe) Voluntary Planning Agreement; and
- ii. Council's General Manager and Mayor be delegated to sign the amended Voluntary Planning Agreement and affix the Common Seal of Council.

ORD136/11 THE MOTION ON BEING PUT WAS **CARRIED**  
(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Patterson, Warren and Symkowiak voted in favour of the Motion.  
No Councillors against for the Motion. )

**ORD06 CONSTRUCTION OF LINK ROAD BETWEEN LODGES ROAD AND RICHARDSON ROAD – PRELIMINARY ACTIONS TO DELIVER THE INFRASTRUCTURE PACKAGE**

Resolution: Moved Councillor Dewbery, Seconded Councillor Patterson

That Council:

- i. enter into negotiations for a Voluntary Planning Agreement with Department of Planning and Infrastructure to deliver the construction of Camden Bypass/Link Road/Richardson Road infrastructure package. The Agreement will include:
  - a. payment of Section 94 monies to the Department of Planning and Infrastructure, being Council's contribution to the cost of the design and construction of the Camden Bypass/Liz Kernohan Drive/Richardson Road infrastructure package; and
  - b. agreement to the removal of the lot thresholds for the Elderslie and Spring Farm residential release upon entering into the Voluntary Planning Agreement.
- ii. proceed with the valuation of land and commence discussions with the relevant land owners for the acquisition of portions of land as shown in Attachment 3, for the purpose of the construction of Liz Kernohan Drive between Richardson Road and Lodges Road, and associated intersections.

ORD137/11 THE MOTION ON BEING PUT WAS **CARRIED**

**ORD07 2011/12 RATING INCOME**

Resolution: Moved Councillor Anderson, Seconded Councillor Cagney

That Council:

- i. in accordance with Section 537(b) of the *Local Government Act, 1993*, note the percentage of base amount to total yield for the 2011/12 rating year for each class of rate is:

Rate Category	%
Residential	49.36%
Business	12.57%
Farmland Intensive	25.08%
Farmland Ordinary	19.85%

- ii. adopt the following ad valorem rates to be levied on the land value of all rateable assessments for 2011/12 rating year:

Rate Category	Ad-Valorem Rate
Residential	0.222313
Business	0.600245
Farmland Intensive	0.200082
Farmland Ordinary	0.111157

- iii. adopt a base amount of \$600.00 to be levied for each rateable assessment for the 2011/12 rating year.

ORD138/11 THE MOTION ON BEING PUT WAS **CARRIED**

#### **ORD08 LOAN BORROWINGS 2010/2011**

Resolution: Moved Councillor Symkowiak, Seconded Councillor Anderson

That:

- i. the offer of loan funds of \$1,600,000 from Westpac Bank for a period of ten (10) years with bi-annual principal and interest payments at a fixed rate of 7.70% per annum be accepted; and
- ii. the seal of Council be authorised to be affixed to the necessary loan documents.

ORD139/11 THE MOTION ON BEING PUT WAS **CARRIED**

#### **ORD09 INVESTMENT MONIES**

Resolution: Moved Councillor Symkowiak, Seconded Councillor Anderson

That:

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

ORD140/11 THE MOTION ON BEING PUT WAS **CARRIED**

**ORD10 DETERMINATION OF COUNCILLOR FEES - 2011/2012 - LOCAL GOVERNMENT REMUNERATION TRIBUNAL**

Resolution: Moved Councillor Symkowiak, Seconded Councillor Cagney

**Motion**

That that there be no change to the level of fees payable to Councillors and the Mayor for the 2011/12 financial year.

ORD141/11 THE MOTION ON BEING PUT WAS **CARRIED**

**ORD11 REQUEST FOR ADDITIONAL SPONSORSHIP - MACARTHUR COLLEGIANS CYCLING CLUB INC**

Resolution: **MOTION**

Moved Councillor Campbell, Seconded Councillor Dewbery

That:

- i. Council make a donation totalling \$1,535.00 under Council's Donations Policy, to offset the costs of the Public Road Event fee and associated fees related to the Goulburn to Sydney Cycling Classic and concurrent events, subject to approval for traffic related plans being given by Council;
- ii. this donation consist of a re-vote of \$1,124 from the 2010/11 donations expense budget and the balance of \$411 be funded from the 2011/12 donations expense budget;
- iii. the donation be made in the 2011/12 financial year;
- iv. Council contribute the sum of \$5000.00 from Consolidated Ward Funds to assist the Macarthur Collegians Cycling Club Inc with the 2011 Goulburn to Sydney Cycling Classic; and
- v. Council write to the applicant to advise of the outcome.

THE MOTION ON BEING PUT WAS **LOST**

(Councillor Campbell voted in favour of the Motion.

Councillors Anderson, Cagney, Cottrell, Dewbery, Funnell, Patterson, Warren and Symkowiak voted against of the Motion.)

**FURTHER MOTION**

Moved Councillor Patterson, Seconded Councillor Symkowiak

That:

- i. Council make a donation totalling \$1,535.00 under Council's Donations Policy, to



- offset the costs of the Public Road Event fee and associated fees related to the Goulburn to Sydney Cycling Classic and concurrent events, subject to approval for traffic related plans being given by Council;
- ii. this donation consist of a re-vote of \$1,124 from the 2010/11 donations expense budget and the balance of \$411 be funded from the 2011/12 donations expense budget;
  - iii. the donation be made in the 2011/12 financial year;
  - iv. no increase to cash sponsorship be allocated from Consolidated Ward Funds in relation to the event; and
  - v. Council write to the applicant to advise of the outcome.

ORD142/11 THE MOTION ON BEING PUT WAS **CARRIED**

**ORD12 PROPOSED INCREASE IN ANNUAL SUBSIDY - SENIORS PROGRAM COMMITTEE**

Resolution: Moved Councillor Anderson, Seconded Councillor Dewbery

That:

- i. Council increase the subsidy to Camden Seniors' Program Committee to \$5,000 for 2011/12, and thereafter in accordance with Council's Long Term Financial Plan parameters; and
- ii. the increase in subsidy for the 2011/12 budget be funded from the uncommitted surplus identified at the 2010/11 March Quarterly Review.

ORD143/11 THE MOTION ON BEING PUT WAS **CARRIED**

**NOTICES OF MOTION**

**ORD13 NOTICE OF MOTION - SEX SERVICES PREMISES**

Resolution: Moved Councillor Campbell, Seconded Councillor Anderson

That a report be prepared and submitted to the next available Council meeting that provides Councillors with information and a recommendation on the introduction of an inspection and compliance regime associated with the regulation of Sex Service Premises.

The report should establish whether a fee is able to be charged by Council for inspections of Sex Service Premises, whether those inspections are initiated by Council itself or by Council in response to a complaint received.

If such a fee is possible, a recommendation on an appropriate inspection regime for health and compliance inspections by Council officers, and setting of a fee on a cost-neutral basis is to be included in the report.

ORD144/11 THE MOTION ON BEING PUT WAS **CARRIED**

**THE MEETING CLOSED AT 8.13PM**