

**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD 24 JUNE, 2002, CIVIC CENTRE, OXLEY STREET
CAMDEN – 8.00PM**

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Present: Cr Corrigan (Mayor/Chairperson), Cr Anderson, Cr Campbell, Cr Winn, Cr Batros, Cr Fekete, Cr McFadden, Cr Senise.

Staff: General Manager, Director Governance & Outcomes, Director Development & Environment, Director Works & Services, Manager Corporate Services, Manager Environment & Health, Manager Outcomes, Senior Governance Officer.

Apology: The Mayor advised Cr Patterson had been called away on business and requested a temporary leave of absence.

Resolved on the Motion of Cr Winn, seconded Cr Anderson that temporary leave of absence be granted to Cr Patterson.

057/02 THE MOTION WAS **CARRIED**.

GENERAL PUBLIC ADDRESSES

Mr Willcocks addressed the Council in relation to Item 4.

PUBLIC QUESTION TIME

There were no public questions.

CONFIRMATION OF MINUTES

Moved Cr Winn, seconded Cr Anderson that confirmation of the Minutes of the Meeting of 27 May, 2002 be deferred until the next meeting for clarification of particular issues relating to Item 5.

058/02 THE MOTION WAS **CARRIED**.

**MAYORAL MINUTE – EMPLOYMENT CONTRACT –
GENERAL MANAGER**

The contract between Camden Council and the General Manager expires on 20 December 2002.

In accordance with that contract, the General Manager, Ms Sheridan Dudley, has indicated to Council that she wishes to have her contract renewed.

Council considers that in view of Ms Dudley's excellent performance over the past three and a half years her contract should be renewed without advertisement for a period of 4 years plus a one year option to renew with effect from 1 July 2002.

Council believes that the appropriate total remuneration package for this position is \$165,000 per annum.

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Recommended: That

- (i) Council endorse the renewal of Ms Sheridan Dudley's contract as General Manager for a period of 4 years from 1 July 2002 with an option to renew for a further year, without advertisement.
- (ii) the total remuneration package in respect of the contract be set at \$165,000 per annum.

Resolved on the Motion of Cr Corrigan, seconded Cr Winn that

- (i) Council endorse the renewal of Ms Sheridan Dudley's contract as General Manager for a period of 4 years from 1 July 2002 with an option to renew for a further year, without advertisement.
- (ii) the total remuneration package in respect of the contract be set at \$165,000 per annum.

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THE MOTION WAS **CARRIED**.

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1. 2002/03 Management Plan & Budget
(3968/5)(Director Governance & Outcomes)

Introduction

At the Resources & Services Committee Meeting on 13 May 2002, Council considered the Draft 2002/2003 Management Plan and Budget. Council resolved to place the draft documents on public exhibition for comment for 30 days, with written submissions closing on 14 June 2002. The Draft Fees and Charges Schedule and Revenue Policy were also placed on exhibition.

Submissions From The Public

At the close of business on 14 June 2002 there were no submissions received from the public in relation to the Management Plan, Budget or Fees and Charges.

Proposed 2002/03 Budget Adjustments

Three issues have come to light since the 2002/03 Draft Management Plan & Budget was first placed on public exhibition (14 May 2002). These issues have a minor impact on the forecast budget position but nonetheless need to be accommodated in the adopted 2002/03 Management Plan & Budget. These issues are as follows:

1. Financial Assistance Grants

The Minister for Local Government recently approved the Local Government Grants Commission's recommendations for the 2002/03 financial assistance grants.

Council budgeted for an amount totalling \$1,926,013 in the Draft Budget, the actual amount approved is \$1,988,700. This represents a \$62,687 increase in revenue for Council.

2. Smeaton Grange Road (Road Construction)

Additional funds totalling \$27,000 (Council's 50% portion) is requested to construct a road adjacent to the development works (three lot subdivision) carried out on Lot 19 Smeaton Grange Road.

3. Councillors' Fees

At the Resources & Services Committee Meeting held on the 11th June, 2002, Council resolved to increase the remuneration payable to the Mayor and Councillors for the year 2002/2003.

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Council budgeted for an amount of \$125,300 in the Draft Budget. Council resolved to increase this amount to \$134,730 which represents an increase of \$9,430.

The net impact of these three issues on the 2002/03 Budget is a working fund gain of \$26,257.

Summary Of 2002/03 Budget

The 2002/03 Budget forecasts accumulated Working Funds as at June 30 2003 of \$1,467,444. This includes the three proposed adjustments outlined above.

Expenditure marginally exceeds income (ie budget deficit) to the tune of \$410,927 (0.9% of the total budget) but is adequately covered by the accumulation of previous year's surpluses, which now stand at \$1,878,371 (as per the adopted 2001/02 Budget March Review).

The 2002/03 Draft Budget position is particularly pleasing given the deficit includes a non-recurrent (once-off capital outlay) expense of \$1,250,000 for a new computer system.

The Draft Budget builds on the financial gains made over the last few years and is considered a deliberate and responsible effort in maintaining Council's sound financial position without compromising the need to service our expanding community.

Dissection of Expenditure

Funds have been allocated to Council's five Strategic Directions as follows:

Sustainable Urban Growth	\$ 6,599,845	13.6%
Accessibility	\$ 9,137,851	19.0%
Environmental Systems	\$ 9,868,160	20.5%
Community & Econ Development	\$ 9,460,161	19.5%
Governance	\$13,196,802	27.4%
TOTAL EXPENDITURE	\$48,262,819	100%

Source Of Funding

Council's expenditure budget is funded by the following sources of income:

Charges	\$20,108,031	41.7%
Untied Grants	\$ 1,988,700	4.2%
Tied Grants	\$ 1,682,217	3.5%
Fees and Charges	\$ 2,186,970	4.5%
Loans	\$ 2,000,000	4.2%
Transfers from Reserve	\$ 5,577,395	11.6%

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Interest on Investments	\$ 1,385,826	2.8%
Contributions	\$ 6,078,163	12.6%
Depreciation	\$ 5,754,720	11.9%
Other Income	\$ 1,500,797	3.0%
TOTAL INCOME	\$48,262,819	100%

Surplus Funds Available To Reduce Council Indebtedness

The 2002/03 Budget includes surplus funds of \$467,444 above the minimum desired level of \$1,000,000. This surplus is largely the result of previous year's accumulated surpluses brought forward.

From a financial management perspective, it would seem prudent to use this surplus to further reduce Council's loan borrowings for 2002/03 so as to continue building capacity to borrow for major projects in the future.

The 2002/03 Budget includes new loan borrowings of \$2,000,000 which is \$300,000 lower than the standard amount borrowed in recent years. In reality, Council needs to only borrow \$1,532,556 in 2002/03 (calculated as \$2,000,000 less the \$467,444). This represents a 33% reduction in new borrowings when compared to our standard borrowing amount.

General Rate Increase

The Draft Budget for 2002/03 provided for a rate increase in line with the Minister for Local Government's determination of 3.3%. In addition to this general rate increase Council has received confirmation from the Local Government Minister that a further 1.194% increase to Council's notional rate income has been approved to compensate Camden for rates lost on Crown owned land. This equates to an increase in rate revenue of \$182,775 for 2002/2003.

In essence, Council's total notional rate income (ie total rate revenue) will therefore increase by 4.494% in 2002/03. This increase was included in the Draft Budget and, as such, does not represent a budget gain.

Conclusion

It is now necessary for Council to formally adopt the Management Plan, Budget and Fees and Charges for 2002/2003, as well as formally setting the rate for the 2002/2003 Financial Year.

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Recommended: That Council:

- (i) Adopt the Management Plan for 2002/2003.
- (ii) Adopt the Draft 2002/2003 Budget as advertised with the inclusion of the proposed budget adjustments:
 - Financial Assistance Grants adjustment (\$62,687 additional revenue)
 - Smeaton Grange Road Construction project (\$27,000 additional expenditure)
 - Councillor's Fees (\$9,430 additional expenditure)
- (iii) Adopt the use of \$467,444 in surplus funds to further reduce Council's loan borrowings for 2002/2003.
- (iv) Adopt the Fees and Charges Schedule for 2002/2003 as advertised.
- (v) A base amount of \$445.00 be levied for each rateable assessment for the 2002/2003 financial year.
- (vi) In accordance with Section 537(b) of the Local Government Act, 1993, it be noted that the percentage of base amount to total yield for the 2002/2003 financial year for each class of rate is:--

Residential	49.21244
Farmland Intensive	25.40109
Farmland	30.57051
Business	15.45705

- [vii] The following ad valorem rates be fixed and levied on the land value of all rateable assessments for 2002/2003 financial year:-

Residential	0.308466
Farmland Intensive	0.277619
Farmland	0.154233
Business	0.771165

- [viii] The rates referred to in (vii) above to apply as follows:-

Residential	Land valued as one assessment and its dominant use is for residential accommodation;
Farmland Intensive	Land valued as one assessment and its dominant use is intensive horticulture or livestock keeping establishments, feed lots, piggeries, poultry farming establishments, mushroom growing and other agricultural activities carried on in

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large sheds; which

- (a) has a significant and substantial commercial purpose or character; and
- (b) is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made).

Farmland
Ordinary

Land valued as one assessment and its dominant use is for farming (that is, the business or industry of grazing, dairying, viticulture, orcharding, beekeeping, horticulture, vegetable growing, the growing of crops of any kind, forestry, oyster farming, or fish farming within the meaning of the Fisheries and Oyster Farms Act 1935, or any combination of those businesses or industries) which:

- (a) has a significant and substantial commercial purpose or character; and
- (b) is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made).

Business

Land valued as one assessment that is not categorised as Farmland Intensive; Farmland or Residential.

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- [ix] Council allow a discount of 2.5% of the nett ad valorem and base amount rates on an assessment payable for the 2002/2003 financial year, provided the ratepayer pays the total nett amount owing on that assessment in full by the date of the first instalment.

Resolved on the Motion of Cr Anderson, seconded Cr Winn that Council:

- (i) Adopt the Management Plan for 2002/2003.
(ii) Adopt the Draft 2002/2003 Budget as advertised with the inclusion of the proposed budget adjustments:
- Financial Assistance Grants adjustment (\$62,687 additional revenue)
 - Smeaton Grange Road Construction project (\$27,000 additional expenditure)
 - Councillor's Fees (\$9,430 additional expenditure)
- (iii) Adopt the use of \$467,444 in surplus funds to further reduce Council's loan borrowings for 2002/2003.
(iv) Adopt the Fees and Charges Schedule for 2002/2003 as advertised.
(v) A base amount of \$445.00 be levied for each rateable assessment for the 2002/2003 financial year.
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Residential	0.308466
Farmland Intensive	0.277619
Farmland	0.154233
Business	0.771165

- [viii] The rates referred to in (vii) above to apply as follows:--

Residential	Land valued as one assessment and its dominant use is for residential accommodation;
Farmland	Land valued as one assessment and

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Intensive

its dominant use is intensive horticulture or livestock keeping establishments, feed lots, piggeries, poultry farming establishments, mushroom growing and other agricultural activities carried on in large sheds; which

(c) has a significant and substantial commercial purpose or character; and

(d) is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made).

*Farmland
Ordinary*

Land valued as one assessment and its dominant use is for farming (that is, the business or industry of grazing, dairying, viticulture, orcharding, beekeeping, horticulture, vegetable growing, the growing of crops of any kind, forestry, oyster farming, or fish farming within the meaning of the Fisheries and Oyster Farms Act 1935, or any combination of those businesses or industries) which:

(c) has a significant and substantial commercial purpose or character; and

(d) is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made).

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Business

*Land valued as one assessment that
is not categorised as Farmland
Intensive; Farmland or Residential.*

- [ix] Council allow a discount of 2.5% of the nett ad valorem
and base amount rates on an assessment payable for the
2002/2003 financial year, provided the ratepayer pays
the total nett amount owing on that assessment in full by
the date of the first instalment.*

*060/02

*THE MOTION WAS **CARRIED.***

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**2. Bazely submission on Elderslie Release Area (“Infill”)
Local Environmental Study (LES), Draft Local
Environmental Plan (LEP) and draft Master Plan**
(File 3445/15) [Director Governance and Outcomes]

Purpose of Report

This report provides council with information relating to a submission on the Elderslie Release Area Planning Documents that was not included in the 27 May 2002 Council Report.

Background

On 27 May 2002 Council received a report on the planning documents for the Elderslie Release Area including submissions received during the public exhibition of these documents. A submission from Mr Roger Bazely and three letters from solicitors acting for Mr Bazely were not included at this time as they were separately dealt with by the General Manager.

Overview of Submissions

Mr Bazely’s submission which is included as **Tabled Document “BPA 1”** discusses acquisition of land and the value that will be placed on open space land. The letters received from Solicitors Caldwell Martin and Cox and Kerrisons The Law Firm regarding acquisition of land zoned for open space are included as **Tabled Document “BPA 2”**. A response to these letters made by the General Manager is attached as **Tabled Document “BPA 3”**. A copy of the General Manager’s letter was also provided directly to Mr Bazely. See **Tabled Document “BPA 4”**.

Comments on Letters

It was considered that Mr Bazely’s letter and those of his solicitors were related, and had been addressed by the response from the General Manager. It was considered that this issue was a separate issue to the Public exhibition and was not reported on 27 May 2002. Mr Bazely has subsequently advised that his submission was in respect of the Public Exhibition and should have been reported to Council.

The comments in Mr Bazely’s letter relate to acquisition of land, specifically open space. The Elderslie Release Area Local Environmental Plan (LEP 117) only includes an acquisition clause for land to be zoned 6(b) Open Space associated with Rheinberger’s Hill. All other operational land that will be created as a result of subdivision of the land in the Release Area is to be dedicated at the time of subdivision.

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Remuneration will be consistent with a Section 94 Plan for the area which is still being finalised. This Section 94 Plan must be referred to Council in draft form to be adopted for exhibition purposes, exhibited for 28 days with opportunity to comment and adopted by Council, subject to comments received.

Conclusion

While it is unfortunate that Mr Bazely's submission was not considered by Council on 27 May 2002, the issues raised do not affect progress of the LEP, nor the Development Control Plan and Masterplan which are currently being finalised and will be addressed in the public exhibition of the Section 94 Plan.

Recommended: That Council write Mr Bazely a letter apologising for not including his submission in the previous report to Council and advising him that his issues will be dealt with when the Section 94 plan for the area is exhibited.

Resolved on the Motion of Cr Batros, seconded Cr Winn that Council write Mr Bazely a letter apologising for not including his submission in the previous report to Council and advising him that his issues will be dealt with when the Section 94 plan for the area is exhibited.

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THE MOTION WAS **CARRIED**.

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**3. Commonwealth Department of Family and
Community Services Funding Agreement**

(File 3311) [Director Works and Services]

Purpose

Council is advised that it is required to sign the Commonwealth Governments funding agreement in relation to the provision of funding for Council's Family Day Care Scheme under the Child Care Support Program.

Discussion

The Commonwealth Department of Family and Community Services provides funding to Council's Family Day Care scheme to monitor care and train, support, and administer a network of carers who provide childcare in their homes.

Prior to receiving funding for the 2002/2003 financial year Council is required to enter into the funding agreement with the Commonwealth Department of Family and Community Services.

The funding agreement is for the period 1 July 2002 to 30 June 2005, during which time it is anticipated that Council will receive \$734,080.78 (inclusive of GST). This amount will be paid over the 3 year period with \$244,693.59 paid each year, in monthly instalments

Recommended: That Council enter into the agreement with the Commonwealth Department of Family and Community Services for the provision of funds for the support of the Family Day Care Scheme and that the Common Seal be affixed to the required documents.

Resolved on the Motion of Cr Winn, seconded Cr Batros that Council enter into the agreement with the Commonwealth Department of Family and Community Services for the provision of funds for the support of the Family Day Care Scheme and that the Common Seal be affixed to the required documents.

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THE MOTION WAS **CARRIED**.

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4. Companion Animals, Barking Dogs, 9 Southdown Road, Elderslie

File No: **PF7275.80** (Director, Development & Environment Division)

Purpose of the Report

To recommend that legal proceedings be instigated in relation to an ongoing barking dog complaint at 9 Southdown Road, Elderslie.

Background

Council first received complaints regarding excessive barking of two dogs being kept at the subject premises on 17 May 2001 and received a further complaint being lodged on the 20 May 2001.

Council Officers have spoken with the owners of the subject dogs on a number of occasions, however this has not prevented further complaints being made against the dogs.

Current Situation

Council Officers conducted a Nuisance Barking survey on 30th April 2001 to determine the extent and duration of the alleged barking in the area surrounding the subject premises. Of the six (6) surveys sent out, two were returned with one (1) indicating a problem did exist. Surveys were not sent to the informant or the owner of the dogs.

The initial resident affected by the Nuisance barking has completed registers containing times, dates and duration of nuisance barking and furthermore supplied a letter stating they are prepared to attend Court as a witness for the Prosecution.

On 31 May 2001, Council Officers placed a Proposed Nuisance Order upon the owners of the dogs in an attempt to have them reduce or control the dogs barking. Letters were also sent to the two residents affected by the nuisance barking.

On 5 June 2001 Council received a letter from the owner of the dogs, Mr Robert Gillies contesting the Proposed Nuisance Order (refer **Tabled Document “BPA 5”**). The merit of this letter was considered however the appeal was dismissed under delegated authority. A further letter was sent to Mr Gillies on 15 June 2001 advising that a full Order would be served and his appeal had been dismissed.

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On 2 July 2001 Council served a Nuisance Dog Order under Section 21 of the Companion Animals Act 1997 on Mr Gillies to reduce the level of barking emanating from his property. A letter was also sent to the complainants requesting that further information regarding the barking be collected for a period of fourteen (14) days and that a written undertaking be supplied stating that the parties would be prepared to give evidence at Court for the prosecution.

On 18 July 2001 a completed register was received by Council from one of the complainants. No response has been received from the second complainant regarding Council's letter to them dated 2 July 2001.

On 3 October 2001 a further letter was sent to the second complainant advising that as no response had been made to any correspondence sent by Council, Council was unable to proceed with the matter due to a lack of evidence. A letter was also sent to the parties who had completed the log advising that Council had been unable to secure the evidence of the other witness and as a result was unable to proceed with the matter.

On 24 December 2001 Council renewed the nuisance Dog Order against Mr Gillies for a further six months.

Complaints have continued to be received by Council from the original complainant. Council has recently been able to secure the commitment of a third party who is prepared to give evidence in this matter and has completed the necessary log to support the evidence of the original complainant. On 24 May 2002, Council issued a continuation of the Nuisance Order made on 24 December 2001.

Summary

It is recommended to Council that this matter be put before the Local Court in Order to draw some closure to this matter. Due to the fact Council has found another witness who is prepared to give evidence, Council's case is sufficiently strong.

Recommended: That Council:

- (i) Resolve to Prosecute Mr Robert N Gillies of 9 Southdown Road Elderslie for a breach of Section 21 the Companion Animals Act 1998,
- (ii) Subpoena any other witness that may afford evidence to the benefit of the Prosecution's case.

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(Cr Campbell declared a Conflict of Interest in this matter as an adjoining owner to the property subject of the report and did not take part in discussion or voting on the matter and left the Chamber – the time being 8.25pm).

(Cr Patterson arrived during discussion of this Item – the time being 8.27pm).

MOTION

Moved Cr Senise, seconded Cr Fekete that Council:

- (i) Resolve to Prosecute Mr Robert N Gillies of 9 Southdown Road Elderslie for a breach of Section 21 the Companion Animals Act 1998,
- (ii) Subpoena any other witness that may afford evidence to the benefit of the Prosecution's case.

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(Cr Campbell returned to the Chamber – the time being 8.37pm).

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**5. Proposed Introduction Of Container Deposit
Legislation (CDL) In NSW**

File No: **TC3121/14** (Director, Development &
Environment Division)

Purpose of Report

The purpose of this report is to put forward Council's view on the proposed introduction of Container Deposit Legislation (CDL) in NSW. This comes in direct response to the Local Government and Shires Association of NSW (LGSA) request for Council's support of the CDL campaign.

Background

The issue of CDL has recently been readdressed in an independent review commissioned by the NSW Government, herein referred to as the White report. ("Independent Review of Container Deposit Legislation in NSW", prepared by Stuart White of the Institute for Sustainable Futures, University of Technology Sydney, November 2001).

The report recommends that CDL or a similar system be introduced in NSW to significantly increase recycling return rates for beverage containers. As such the LGSA of NSW on behalf of all councils is calling on the State Government to act on the recommendations of the review.

Main Report

CDL refers to legislation that describes a deposit and refund system for used containers. CDL systems require manufacturers to take responsibility for the returned container for reuse, recycling or disposal. CDL has been operating in SA since 1978 with good recovery rates for beverage containers.

Advocates of CDL embrace it as a means of litter reduction, waste minimisation, resource conservation and Extended Producer Responsibility (EPR). The principles of CDL are considered by many to be sound. The growing community concern for environmental issues and willingness to participate in recycling programs has led government to adopt policies which encourage the introduction of CDL. Increasing recycling rates and thus reducing waste going to landfill is a very desirable policy objective, however CDL is only one option to produce this outcome.

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Basically the White review supports CDL and recommends that either:

- CDL be introduced that establishes a container deposit and return system (with a number of varying options on the system for return of containers) or;
- The strengthening of industry recycling target levels that achieve equivalent outcomes to those expected from the introduction of CDL (ie. achieve recycling rates of 90% applied to beverage containers with the provision for expansion to encompass other materials)

The Executive Summary of the White report is included as **Tabled Document “BPA 6”**. A copy of the complete report is available for the information to any Councillors wishing to read the entire document.

Whilst recommending that CDL be introduced, the White review has not been able to fully assess the likely impacts (including financial) on current Council kerbside recycling if CDL be implemented. It is not possible for CDL to exist without the continuation of kerbside recycling, rather they must co-exist and complement each other where possible.

C4ES (Centre for Environmental Solutions) is another consultancy firm well known in the waste industry who has also undertaken a number of studies on the CDL issue. Their report titled “Impacts of Container Deposit Legislation on NSW Recycling and Litter Management Programs”, December 2000, addresses a number of critical issues not identified in the White review. Again, a copy of the Executive Summary of this report is provided as **Tabled Document “BPA 7”** and the copies of the whole report can be provided to any interested Councillor. The primary concern is that there are no cases identified where CDL has been introduced where comprehensive kerbside programs are already well established as in NSW.

Over the past few years, kerbside recycling in NSW has evolved to simpler, more effective collection and processing than is seen in areas such as South Australia that have existing CDL programs. This is the case of Camden LGA. Further findings by C4ES illustrate that the implementation of CDL could seriously compromise the efficiency and effectiveness of the current recycling services in Camden in the following ways:

- Recovery facilities such as Jacks Gully run by Waste Service NSW would have to be modified to redeem

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containers, creating a parallel, less efficient system than the existing kerbside collection and processing of recyclables.

- Increased recovery through collection depots may come at the expense of kerbside recycling programs through lost material sales revenue, lower yields per households and lost economies of scale. However, costs to provide kerbside collections would remain fixed despite recovering a smaller volume of recyclables. Program costs may rise, which would ultimately cause Council rates to rise.
- By itself, CDL is unlikely to improve non-residential recycling programs, which represent half of container usage (such as commercial, public place and special event recycling, as well as litter prevention).
- CDL is unlikely to impact on non-beverage container litter (which represents over 90% of the litter stream). It is doubtful whether CDL would affect littering behaviour in a beneficial way.

Traditional CDL programs report high recovery rates (up to 85%) of beverage container and are therefore viewed by supporters as being environmentally preferable to non-CDL programs. CDL would inevitably result in some additional recovery of containers currently going to landfill. In NSW, opportunity for marginal improvements in container recovery would depend in part on the incentive for residents to forego the convenience of kerbside recycling to save containers and return them to a collection depot. Kerbside recycling in Camden has been achieving positive participation rates and relatively high levels of recovery of materials likely to be covered by the introduction of CDL since it was first implemented in 1994.

The extent to which people would go to collection deposit for a refund rather than recycling kerbside is a key factor in evaluating potential impacts of CDL. An estimated 90-95% of NSW residents (and 100% of Camden residents) have access to kerbside recycling. Current refunds in South Australia are set at 5cents per container however the White report suggests that in NSW it may be set at 20 or 30 cents per container. It is considered however that residents may be less likely to devote the time and effort to save containers and return them for a refund, even at an assumed deposit amount of 20c per container for return to depots and 30c for return to retail. Surveys conducted in SA found that despite strong public support, 37% of residents recycle solely through kerbside, with equal amounts using a combination of both kerbside and CDL. Only 26% of SA residents recycle through collection depots (a

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number of these did not have access to kerbside recycling programs).

There are additional costs not factored into the argument for the implementation of CDL in NSW:

- Education efforts to help consumers understand and participate actively
- Industry implementation costs eg artwork, new labelling
- Impacts on employment and tax revenue in the beverage and retail sectors that may result from price increases. Despite the creation of jobs in collection depots, this is viewed as a transfer of benefits rather than additional economic development.
- The tracking of container and deposit flows to ensure proper payments and minimise illegal redemption.

The costs associated with essential infrastructure required for CDL, such as collection depots have not been explored in any great detail in the White review. There are some suggestions that these costs would need to be covered by local Councils. Such costs would place huge burdens on many Councils, including Camden.

Conclusion

Council is supportive of the concept of CDL and endorses the principles embodied in it. However Council is unable to offer its support for the introduction of CDL based on the findings of the White review. Before Council is able to offer its support, the impacts of CDL on existing domestic kerbside recycling programs need to be explored in greater detail so as to satisfy Council that it will not cause detriment to current recycling programs and bare any significant impact on Council and the community. Additionally, greater feasibility studies need to be conducted to show the true effect of implementing CDL on a local level.

Recommended: That Council express to the LGSA, Council's opposition to the CDL program based on the findings of the White review because of the failure to demonstrate that the legislation will not detrimentally impact on Council's current recycling programs and the inadequate economic assessment of implementing the system.

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Resolved on the Motion of Cr Fekete, seconded Cr Winn that Council express to the LGSA, Council's opposition to the CDL program based on the findings of the White review because of the failure to demonstrate that the legislation will not detrimentally impact on Council's current recycling programs and the inadequate economic assessment of implementing the system.

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THE MOTION WAS **CARRIED**.

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6. Proposed Rezoning of “Kirkham Views” precinct at Camden Valley Way, Narellan (adjacent to Camden Views Estate)

(4272/3)(Director Governance & Outcomes)

Purpose of Report

The purposes of this report are:

- (a) To advise Council of a means of progressing draft local environmental plan No. 125 (draft LEP) for Kirkham Views so that the development occurs in a staged fashion whereby Council’s “exposure” to “up-front” costs will be minimised; and
- (b) To seek Council’s support of the proposed amendments to the draft LEP as outlined in the report; and
- (c) To confirm Council’s position that the draft LEP be deferred until an appropriate developer’s agreement has been entered into regarding the construction and reconciliation of relevant drainage works for stage 1 of the development.

Background

On 14 May, 2001 Council resolved to exhibit a draft LEP to rezone land at Camden Valley Way, Narellan, known as “Kirkham Views”, to permit multi-unit housing. The subject land was divided for the purposes of the draft LEP into two areas, as the land formed part of two separate drainage catchments.

The draft LEP was exhibited from 24 September to 26 October, 2001. As a result of the exhibition, a number of concerns regarding site consolidation, infrastructure requirements and funding mechanisms were raised.

Specifically, the proposed rezoning would have potentially resulted in significant “up-front” costs to Council to purchase public open space and to construct drainage lines.

Council was informed of these concerns at the Development Committee Meeting held on 11 March, 2002, and resolved in part:

- “(i) *...to defer the draft Local Environmental Plan for both catchments until presented with a single application for development in one or both catchments and having negotiated a developers agreement.*
- (ii) *Council amends the wording in the draft Plan pertaining to the consolidation of land...*”

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In acting upon the above resolution, Council officers met with Macquarie Developments (the owner and catalyst for the rezoning) and sought further professional advice as to the potential alternative means of progress without “exposing” Council to “up-front” costs.

The advice suggested that the rezoning could be staged so that adequate section 94 funds are available for Council to purchase any excess public open space that has been provided for in the conceptual design plan and so minimise Council’s “up-front exposure”.

The three stages suggested are shown on the plan which forms **Tabled Document “BPA 8”**.

Discussions regarding this matter have also been held with Planning NSW. It was determined from those discussions that the same effect of staging could be achieved by including a requirement in the special provisions of the draft LEP that the development (not the rezoning) be staged.

A provision of the draft LEP could be that a master plan be provided. The master plan could outline the stages of the development (preferably in a manner similar to that shown in **Tabled Document “BPA 8”** or in another suitable manner) that would ensure the timely and economical provision of public facilities and infrastructure. The master plan would be required to be approved by Council.

This is the preferred means of progressing the development in order that the rezoning of the place is not disjointed, yet the effect of staging remains and ensures that Council’s “exposure” to “up-front” costs will be minimised.

Public Open Space

Stages 1 and 2 as described in **Tabled Document “BPA 8”** contain public open space that would be reasonably required as a dedication to Council as a consequence of development of each stage. Therefore, in the development of stages 1 and 2, there would be no “up-front” costs by Council in relation to public open space.

The third stage of the development contains the largest portion of public open space. At the time of development of stage 3, Council would have sufficient funds to purchase this public open space as a result of Section 94 levies on the previous two stages.

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Whatever staging method is proposed in the approved master plan, the required outcome would be the timely and efficient provision of public facilities and infrastructure.

Drainage

The other significant issue relating to “up-front” development costs is the preparation of a drainage study and the construction of a drainage line to discharge stormwater from stage 1 of the development.

Council has received an undertaking from Macquarie Developments that they *“are prepared to undertake the drainage study on the catchment area of proposed stage 1 of Kirkham Views Estate. Upon completion of this study and following further consultation with Camden Council’s Engineering Department, we shall then provide an undertaking to construct the relevant drainage facilities”*.

There is an expectation that the “up-front” costs will be reconciled against section 94 charges payable. This expectation would be appropriately accommodated within a developer’s agreement.

The above undertaking to do the drainage study (and the subsequent undertaking to construct the drainage facilities) will ensure that Council’s “exposure” to “up-front” infrastructure funding to facilitate the development of the land will be minimised.

Given that the applicant has agreed to the development in a staged fashion and has undertaken to complete the drainage study at no cost to Council, it is considered reasonable that Council support the amendments to the draft LEP. However, it is imperative that a Developers Agreement to construct the drainage works and reconciliation of costs for stage 1 be entered into prior to referral of the draft LEP to the Minister for gazettal.

Amendments to the Draft Local Environmental Plan

Amendments to the draft LEP are required to reflect the development proceeding in a staged fashion.

Council’s previous resolution of 11 March, 2002 was in part to replace the wording of the clause in the draft LEP pertaining to consolidation of land with wording to the effect that a single development application for each drainage catchment be required.

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However, as a result of discussions with the applicant and Planning NSW it is considered that the rezoning can be progressed without the need for a single development application for each drainage catchment as:

- (a) an undertaking has been received by Council for the preparation of the drainage study for stage 1; and
- (b) the draft LEP is proposed to contain a requirement for a master plan that will outline the staging of the development to ensure the timely and economical provision of public facilities and infrastructure. The Master Plan will be required to be approved by Council prior to the issue of any consent for development of the land.

In addition to the above mentioned changes, it is necessary to change the heritage provisions in the draft plan to make reference to proposed heritage items as those items proposed to be listed require detailed research prior to being listed as heritage items. Such research into the heritage value would be required to be undertaken by a recognised heritage expert as a part of the preparation of any development application affecting those properties.

A copy of the amended draft LEP forms **Tabled Document “BPA 9”**.

Amendments to the Conceptual Design

A conceptual design for the development of the entire land has been prepared as a part of the Review of Environmental Factors undertaken by Council. A copy of the conceptual design forms **Tabled Document “BPA 10”**.

In the light of changes to the draft LEP, some changes are required to the conceptual design, in particular to reflect the staging of the development.

Other changes to the conceptual design are required, including consideration of:

- (a) the proposed heritage items and the significant trees identified on site;
- (b) noise and dust impacts from the Council’s depot; and
- (c) noise impacts from Camden Valley Way.

These changes to the conceptual design should be made prior to the draft LEP being approved as the master plan required to be prepared by the developer will likely be based upon the conceptual design.

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Conclusion

To advance the rezoning of the land, it is proposed to stage the development so that Council's "up-front" costs associated with the development of the land in relation to open space and drainage are minimised.

This involves amendments to the draft LEP as outlined in this report. However, it also requires an undertaking by the developer to construct the drainage works and amendments to the conceptual design prior to referring the draft LEP to the Minister for gazettal.

It is recommended that the Council support the amendments to the draft LEP as outlined in this report, but not forward the plan to Planning NSW until an undertaking from the developer to construct the drainage works has been received and amendments to the conceptual design have been finalised.

(The Director of Governance & Outcomes stated Council owns land within the area of this proposed rezoning).

Recommended: That:

- (i) Council support the proposed amendments to Draft Local Environmental Plan No. 125 as outlined in the above report.
- (ii) Council confirm its position that the Draft LEP be deferred until an appropriate developer's agreement has been entered into in relation to the construction and reconciliation of relevant drainage works for Stage 1 and the finalisation of a conceptual design taking into account the matters addressed in this report.

Resolved on the Motion of Cr Batros, seconded Cr Senise that:

- (i) Council support the proposed amendments to Draft Local Environmental Plan No. 125 as outlined in the above report.
- (ii) Council confirm its position that the Draft LEP be deferred until an appropriate developer's agreement has been entered into in relation to the construction and reconciliation of relevant drainage works for Stage 1 and the finalisation of a conceptual design taking into account the matters addressed in this report.

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7. Loan Borrowings 2001/2002

(BF 183) (Director Governance & Outcomes)

Council's 2001/2002 Budget, when adopted, made provisions of loan income of \$2,300,000 to be utilised for infrastructure time assets.

Council's Budget Review as at 30th September 2001 indicated a surplus of funds for the financial year 2001/2002 and resolved to reduce loan borrowings from \$2,300,000 to \$2,000,000.

The Budget review as at 31st March 2002 forecast that the Council's Working Capital balance of \$800,000 would be maintained for the year inclusive of the reduction in loan financing. This reduction in loan reduces Council's debit servicing costs over the next ten (10) years.

The Commonwealth Bank has offered to advance Council loan funds of \$2,000,000 for the 2001/2002 financial year. The term of the offer is on a ten- (10) year repayment basis at an interest rate of 6.73%. The current indicative interest rate for Local Government at this time is 7.36%.

Approval has been received from the Department of Local Government for the loan and the debit servicing cost of the loan has been provided in the current 2001/2002 adopted Budget and future years Budgets.

Recommended: That

- (i) The offer of loan funds of \$2,000,000 from the Commonwealth Bank of Australia for a period of ten (10) years at an interest rate of 6.73% per annum be accepted.
- (ii) The seal of Council be authorised to be affixed to the necessary security documents.

Resolved on the Motion of Cr Winn, seconded Cr Anderson that

- (i) *The offer of loan funds of \$2,000,000 from the Commonwealth Bank of Australia for a period of ten (10) years at an interest rate of 6.73% per annum be accepted.*
- (ii) *The seal of Council be authorised to be affixed to the necessary security documents.*

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Delegated Committees

Development Committee Meeting – Held 27th May 2002

Development Committee Meeting – Held 11th June 2002

Resources & Services Committee Meeting – Held 11th June 2002

Resolved on the Motion of Cr Winn, seconded Cr Patterson, that the Minutes of the Delegated Committees, copies of which have been circulated, be confirmed.

067/02

THE MOTION WAS **CARRIED**.

Other Committees

Traffic Committee Meeting – Held 11 June, 2002

Resolved on the Motion of Cr Anderson, seconded Cr Winn, that the Minutes of the Traffic Committee, copies of which have been circulated, be confirmed and the recommendations adopted.

068/02

THE MOTION WAS **CARRIED**.

QUESTIONS WITHOUT NOTICE

Tourism-Promotion of Wineries

(TC/602)

Cr Senise requested to be advised if Council publishes any pamphlets promoting local wineries. And if not could consideration be given to this.

The Director Governance & Outcomes stated the current Visitor's Guide does have a section dealing with local wineries. Council has attempted to work with the owners of the three wineries, however, unsuccessfully to this point. Council will continue to work with them on a cooperative basis and in an endeavour to share costs.

Public Garbage Bins – “Smokers Lip”

(TC/514)

Cr Senise drew attention to the increasing number of garbage bins within the Sydney area equipped with a “smokers lip”. The “smokers lip” is a convenient idea which allows smokers to place the used butts in the bin rather than disposing of butts on the footpath. Are any such bins in the Camden Local Government Area.

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The Manager Environment & Health stated the type of bin referred to has been investigated in various styles. However, such bins are exorbitantly expensive and as such has not been pursued further. The units are approximately \$700 each. The smokers bins would be required to be placed in the most common public smoking areas in order to obtain best value for money. The main street of Camden and Narellan would be the ideal locations with a few other spots identified.

Councillors Ward Allocation Funds

(TC/917)

Cr McFadden requested to be provided with an update on the expenditure to date and balances of the Councillor Ward Funds.

The Director Governance & Outcomes stated the update would be provided.

Pollution Traps

(TC/3555)

Cr Fekete requested to be advised if Council is planning to provide traps in order to stop leaves and debris from entering various lakes and waterways within the Council area.

The Director Works & Services stated Currans Hill was the first area in which these traps had been installed to collect leaves etc. A number of these control devices will be continued to be installed in an increasing number in order to collect such debris before entering water courses.

Hartley Drive – Vegetation Strip

(TC/3843)

Cr Fekete drew attention to the trees on the medium strip in Hartley Drive which have been vandalised or are dead or dying. Are there any plans in place to beautify this location.

The Director Works & Services stated the matter will be investigated.

Recycling – Dairy Waste

(TC/3121)

Cr Batros drew attention to an article in last Saturday's Sydney Morning Herald relating to the recycling of food and other dairy waste in the Camden Local Government Area. Does Council have any knowledge of this process. Could Council staff look at the article and offer advice to Councillors.

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The Manager Environment & Health stated the dairy in question is not located within the Camden Local Government area but instead in Wollondilly's area. Council staff have raised this recycling issue with the EPA over many years. The issue has not been resolved to this point with the EPA.

Harrington Green – Netball Courts

(TC/3790)

Cr Batros pointed out several holes adjacent to the entrance of the netball courts. Could the matter be investigated and repaired.

The Director Works & Services stated the matter will be attended to.

Rubbish Bin

(TC/514)

Cr Winn requested a rubbish bin be placed on the footpath in Elizabeth Street.

The Director Works & Services stated the matter will be followed up.

Camden Hospital

(PF5400.480)

Cr Winn requested to be advised how long Camden Hospital will be closed for repairs and when will those repairs be inspected.

The Mayor stated the closure would be for approximately eight (8) weeks and there is six (6) weeks remaining.

**Old Shell Service Station Site – Old Hume Highway,
Camden**

(PF5950.1280)

Cr Campbell referred to a previous Question Without Notice concerning the current state of the old Shell Service Station site. The response received relates to mainly the condition of the footpath. However, two (2) issues were requested to be investigated, namely one (1) the area either side of the footpath, which has since been mowed, and two (2) the overall condition of the site itself – gates on the fence have been removed with the whole area overgrown with earth, concrete and rubble and the site extremely untidy. Could the site be inspected and ascertained when it will be redeveloped and request the site to be cleared.

The Director Development & Environment stated Council will contact the current owners and have the site tidied.

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Memorandums to Councillors – Questions Without Notice

(TC/917)

Cr Patterson requested all Councillors be provided with copies of any memorandums to Councillors relating to Questions Without Notice.

The General Manager stated this will be implemented.

Section 94 Contributions

(S/2767)

Cr Anderson requested to be provided with a list of projects to be funded and a value of such projects from Section 94 contributions during the 2002/03 financial year and for the 2003/04 financial year.

The Director Governance & Outcomes stated the figures are included in the draft Budget but will provide this to Cr Anderson.

Narellan Road Speed Limit – Christian School

(TC/3097)

Cr Anderson drew attention to a previous issue relating to the 40km/hr zone in front of the Christian School in Narellan Road. It is noted a similar 40km zone was introduced adjacent to Broughton College where the speed reduces from 100km/hr to 40km/hr which is not a favourable situation. Could the matter be followed through again.

The Director Works & Services stated that Narellan Road is a RTA road and the matter will be forwarded to the RTA for a response.

Environmental Funding – “Backyard Blitz”

(TC/3287)

Cr McFadden referred to an article in the Local Government Circular advising of the availability of funding for restoration of an environmental site. Did Council intend to lodge an application.

The Director Development & Environment stated Council has concerns regarding the quality control and would not be lodging an application.

The Meeting closed at 9.35pm.