

Minutes

Ordinary Council Meeting

Camden Council
Administration Centre
70 Central Avenue
Oran Park

12 December 2023



camden
council

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MEETING COMMENCED AT 6.31PM**PRESENT****In person:**

Cr A Cagney (Mayor/Chairperson)
Cr C Cagney
Cr Campbell
Cr Dommaraju
Cr Farrow
Cr Fedeli
Cr McLean
Cr Symkowiak
Cr Zammit

Remote:

Nil

STAFF

General Manager
Director Community Assets
Director Customer and Corporate Strategy
Director Growth and Finance
Director Planning and Environment
Director Sport, Community and Activation
Chief Financial Officer
Manager Legal and Governance
Acting Manager Public Affairs
Manager Economic Development and Activation
Manager Open Space and Sustainability
Manager Sport and Recreation
Manager Strategic Planning
Internal Audit Coordinator
Senior Media and Communications Advisor
Senior Governance Officer
Governance Officer
Assistant Governance Officer

LEAVES OF ABSENCE

There were no leaves of absence to be granted.

APPROVAL TO ATTEND BY AUDIO-VISUAL LINK

There were no requests to attend by audio-visual link..

DECLARATIONS OF INTEREST

Councillor A Cagney declared a non-pecuniary, significant interest in relation to ORD11 - Notice of Motion - Macarthur Football Association's 40th Anniversary, advising that she is a Director on the board of Macarthur Football Association, and that she would vacate the Chamber and not take part during discussion and voting on the matter.

Motion: Moved Councillor Farrow, Seconded Councillor Zammit that the declaration be noted.

ORD214/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

PUBLIC ADDRESSES

Motion: Moved Councillor Campbell, Seconded Councillor McLean that the tentative speaker (Mr Fabian Yu) be heard.

ORD215/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

Mr Adam Goldsmith on behalf of Macarthur Pickleball addressed Council in relation to ORD05 Post Public Exhibition – Jack Nash Court Improvements.

Mr Simon Wilkes on behalf of Urbis Pty Ltd and Mr Christopher Ephraums on behalf of Mirvac addressed Council in relation to ORD03 Post Public Exhibition – Cobbitty Road DCP Amendment.

Mr Fabian Yu on behalf of Macarthur Pickleball declined to address Council in relation to ORD05 Post Public Exhibition – Jack Nash Court Improvements.

Motion: Moved Councillor Campbell, Seconded Councillor Fedeli that the public addresses be noted.

ORD216/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

CONFIRMATION OF MINUTES

Motion: Moved Councillor Fedeli, Seconded Councillor Zammit that the Minutes of the Extraordinary Council Meeting held 7 November 2023 and the Ordinary Council Meeting held 14 November 2023, copies of which have been circulated, be confirmed and adopted.

ORD217/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

MAYORAL MINUTE - INTERNATIONAL WOMEN'S DAY GALA CHARITY SELECTION

Motion: Moved Councillor A Cagney, Seconded Councillor McLean that Council endorse Mother Hubbard's Cupboard as the recipient of the funds raised through the 2024 International Women's Day Gala.

ORD218/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

MAYORAL MINUTE - RECENT AWARD WINS

Motion: Moved Councillor A Cagney, Seconded Councillor C Cagney that Council note the information.

ORD219/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

FURTHER PUBLIC ADDRESS

Motion: Moved Councillor Farrow, Seconded Councillor C Cagney that the public address session be reopened and that the speaker (Mr Edward O'Grady) be heard.

ORD220/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

Mr Edward O'Grady addressed Council in relation to ORD03 Post Public Exhibition – Cobbitty Road DCP Amendment.

Motion: Moved Councillor McLean, Seconded Councillor Campbell that the further public address be noted.

ORD221/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

ORD01 ADOPTION OF THE ANNUAL FINANCIAL STATEMENTS - FINANCIAL YEAR ENDING 30 JUNE 2023

Motion: Moved Councillor Farrow, Seconded Councillor Campbell that Council:

- i. endorse the change to the Council meeting date from 14 November 2023 to 12 December 2023 for the presentation of Council's audit report for 30 June 2023; and
- ii. resolve that a representative from Council's external auditor, Audit Office of NSW, address Council on the Annual Financial Statements and Financial Performance for the year ending 30 June 2023.

ORD222/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

Ms Mary Yuen from the Audit Office of NSW addressed Council on the Annual Financial Statements and Financial Performance for the year ending 30 June 2023.

Motion: Moved Councillor C Cagney, Seconded Councillor Zammit that Council:

- iii. adopt the Annual Financial Statements for the Financial Year ending 30 June 2023; and
- iv. write to the Audit Office of NSW, thanking them for their services this year.

ORD223/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

ORD02 ACCEPTANCE OF GRANT FUNDING - SAVING OUR SPECIES PROGRAM - CAMDEN WHITE GUM

Motion: Moved Councillor Campbell, Seconded Councillor Fedeli that Council:

- i. accept the grant funding of \$15,000 (excl. GST) from the NSW Government's Saving our Species program to undertake conservation works for Camden White Gum at Council reserves, and allocate the funding in the 2023/24 budget;
- ii. write to the Hon. Penny Sharpe MLC, Minister for Climate Change, Energy, Environment and Heritage, thanking her for the grant funding; and
- iii. write to Sally Quinnell MP, Member for Camden, thanking her for her support.

ORD224/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

ORD03 POST PUBLIC EXHIBITION - COBBITTY ROAD DCP AMENDMENT

Motion: Moved Councillor Fedeli, Seconded Councillor Farrow that Council:

- i. defer part of the draft amendment to the Oran Park Development Control Plan (DCP), where it relates to the reduction in the size of the primary school site and support further changes to DCP figures to reflect this deferral;
- ii. endorse the remainder of the draft amendment to the Oran Park DCP, including the post-exhibition amendments made in response to community and State agency submissions;
- iii. grant delegation to the General Manager to adopt the DCP amendment, in accordance with the Instrument of Delegation (as amended) issued to Council on 19 January 2015 from the Secretary of the Department of Planning and Environment;
- iv. forward a copy of the DCP amendment to the Department of Planning and Environment in accordance with the Instrument of Delegation (as amended) issued to Council on 19 January 2015 from the Secretary of the Department of Planning and Environment;
- v. publicly notify the adoption of the DCP in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Regulations*; and
- vi. notify submitters and public agencies of Council's decision.

ORD225/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

ORD04 POST PUBLIC EXHIBITION – THE CREST PUBLIC OPEN SPACE - STAGE 1 CONCEPT PLAN

Motion: Moved Councillor McLean, Seconded Councillor Campbell that Council:

- i. endorse the draft Concept Masterplan for Stage 1 of The Crest Gledswood Hills, included as an attachment to this report; and
- ii. advise submitters of the outcome of this report.

ORD226/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

ORD05 POST PUBLIC EXHIBITION - JACK NASH COURT IMPROVEMENTS

Motion: Moved Councillor McLean, Seconded Councillor C Cagney that Council:

- i. endorse the draft Concept Plan for the Jack Nash court improvements, as attached to this report; and
- ii. notify the submitters of the outcome of this report.

ORD227/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

ORD06 TENDER T001/2023 - DEVELOPMENT CONTRIBUTIONS MANAGEMENT SYSTEM

Motion: Moved Councillor C Cagney, Seconded Councillor Fedeli that Council:

- i. decline all tenders submitted for T001/2023 Tender for Developer Contributions Management System, in accordance with clause 178(1)(b) of the *Local Government (General) Regulation 2021*;
- ii. decline to invite fresh submissions under sections 178(3)(b)-(d) of the *Local Government (General) Regulation 2021* because it would be of no benefit due to the specialised nature of the services and the corresponding niche market that has already been tested; and
- iii. enter into negotiations with any person (whether or not the person was a tenderer), because of the specialised nature of the services and the corresponding niche market that has already been tested, with a view to entering into a contract in relation to the delivery of a contributions planning solution, if they can provide a solution which meets Council's requirements and demonstrates best value for money, in accordance with clause 178(3)(e) of the *Local Government (General) Regulation 2021*.

ORD228/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

ORD07 DRAFT FINANCIAL RESERVES POLICY - NEW

Motion: Moved Councillor Fedeli, Seconded Councillor C Cagney that Council endorse the draft Financial Reserves Policy.

ORD229/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

ORD08 INVESTMENT MONIES - OCTOBER 2023

Motion: Moved Councillor Fedeli, Seconded Councillor C Cagney that Council:

- i. note that the Responsible Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act 1993*, Regulations, and Council's Investment Policy;
- ii. note the list of investments for October 2023; and
- iii. note the weighted average interest rate return of 4.97% p.a. for the month of October 2023.

ORD230/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

ORD09 MINUTES TO THE 6 SEPTEMBER 2023 AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

Motion: Moved Councillor Fedeli, Seconded Councillor Zammit that Council note the minutes of the 6 September 2023 Audit, Risk and Improvement Committee meeting.

ORD231/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

ORD10 DELEGATIONS TO THE MAYOR - CHRISTMAS/NEW YEAR RECESS PERIOD

Motion: Moved Councillor Fedeli, Seconded Councillor C Cagney that Council:

- i. delegate authority to the Mayor (and Deputy Mayor, in the absence of the Mayor) to make decisions on urgent matters during the recess period from 13 December 2023 until 13 February 2024, as provided for under sections 226 and 377 of the *Local Government Act 1993*; and
- ii. receive a report to the Ordinary Council Meeting of 13 February 2024, if this delegated authority is exercised.

ORD232/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

Councillor A Cagney vacated the Chamber and Councillor Fedeli, as the Deputy Mayor, assumed the role of the Chairperson, the time being 7.48pm.

NOTICES OF MOTION**ORD11 NOTICE OF MOTION - MACARTHUR FOOTBALL ASSOCIATION'S 40TH ANNIVERSARY**

Motion: Moved Councillor C Cagney, Seconded Councillor McLean that Council write to Darcy Lound, Chairman of the Macarthur Football Association, to congratulate him, and the staff and members of the Macarthur Football Association, on their 40th anniversary.

ORD233/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors C Cagney, Campbell, Dommaraju, Farrow, Fedeli, Mclean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

Councillor A Cagney returned to the Chamber and assumed the role of the Chairperson for the remainder of the Meeting, the time being 7.51pm.

ORD12 NOTICE OF MOTION - STRATEGIC ASSETS**AMENDMENT**

Motion: Moved Councillor McLean, Seconded Councillor Campbell that Council:

- i. investigate options to invest in long-term strategic assets, which are less impacted by inflation and can help to fund future asset renewal and operational costs, which Council will require for future generations; and

- ii. report back to a Councillor briefing in March/April 2024 on the options, funding opportunities and strategies going forward in order for Council to formulate future policies and directions.

ORD234/23 THE MOTION ON BEING PUT WAS **LOST**

Councillors Campbell, McLean and Symkowiak voted in favour of the Motion.

Councillors A Cagney, C Cagney, Dommaraju, Farrow, Fedeli and Zammit voted against the Motion.

FURTHER MOTION

Motion: Moved Councillor C Cagney, Seconded Councillor Fedeli that Councillors receive a briefing on the real estate assets of the Council in early 2024 to discuss options, funding opportunities and strategies going forward in order for Council to formulate future policies and directions.

ORD235/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

CLOSED COUNCIL

ORD13 CLOSURE OF THE MEETING TO THE PUBLIC

Motion: Moved Councillor C Cagney, Seconded Councillor Fedeli that Council hear any objection or submission by a member of the public, limited to a period of four minutes, concerning the closure of the meeting.

ORD236/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

MOTION

Motion: Moved Councillor C Cagney, Seconded Councillor Zammit that Council close the meeting to the media and public to discuss reports dealing with commercial matters in accordance with the provisions of Sections 10A(2)(c) and 10A(2)(d)(i) of the *Local Government Act 1993*.

ORD237/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

CLOSURE OF THE MEETING TO THE PUBLIC

Following the resolution of ORD13 the meeting convened into Closed Council, the time being 8.18pm. The public and media left the Chamber and the live streaming of the meeting was temporarily suspended.

OPEN COUNCIL

MOTION

Motion: Moved Councillor McLean, Seconded Councillor C Cagney that the meeting reconvene into Open Council, the time being 8.19pm.

ORD238/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

The Council reconvened into Open Council, the time being 8.20pm. The following was the decision of the Closed Council:

CC01 ACQUISITION OF LAND – LEPPINGTON

Motion: Moved Councillor Campbell, Seconded Councillor C Cagney that Council:

- i. compulsorily acquire part of the property as described in this report (Property) pursuant to section 377(1)(h) of the *Local Government Act 1993*;
- ii. compulsorily acquire the Property for the purpose of exercising its service functions under the *Local Government Act 1993* of providing recreation through the development of the Leppington Oval Project;
- iii. make an application to the Minister for Local Government through the Office of Local Government, pursuant to section 187(2) of the *Local Government Act 1993*, for approval to acquire the land by compulsory process by the issue of proposed acquisition notices to the owners of the Property;
- iv. make an application to the Governor through the Office of Local Government, under section 19 of the *Land Acquisition (Just Terms Compensation) Act 1991*, for approval to acquire the land by compulsory process by the publication of an acquisition notice in the NSW Government Gazette;
- v. classify the Property on acquisition as community land under section 31 of the *Local Government Act 1993*; and
- vi. authorise the General Manager or their delegate to finalise and execute all relevant documents relating to the acquisition of the land.

ORD239/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

THE MEETING CLOSED AT 8.22PM

DRAFT

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