



# Camden Council Minutes

**Ordinary Council Meeting**  
**11 October 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 Funnell, Cr Symkowiak, Cr Patterson

## **STAFF**

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

## **APOLOGIES**

There was no leave of absence to be granted.

## **DECLARATIONS OF INTEREST**

Resolution:

Councillor Cottrell declared a non pecuniary interest in relation to Item ORD13, being the subject of the Item. Councillor Cottrell did not consider he had a pecuniary interest in the matter and declared he would take part in the debate and vote on the Item.

Councillor Funnell declared an interest in Item ORD01 as he may tender for future electrical works at the proposed development, however did not consider it a pecuniary interest and would take part in debate and vote on the Item.

Moved Councillor Campbell, Seconded Councillor Cottrell that the declarations be noted.

ORD238/11 THE MOTION ON BEING PUT WAS **CARRIED**

## **PUBLIC ADDRESSES**

There were no public addresses to be noted.

## **CONFIRMATION OF MINUTES**

Resolution: Moved Councillor Anderson, Seconded Councillor Cagney that the Minutes of the Ordinary Council Meeting held 27 September 2011, and the Local Traffic Committee Meeting held 20 September 2011, copies of which have been circulated, be confirmed and adopted.

ORD239/11 THE MOTION ON BEING PUT WAS **CARRIED**

**ORD01 Erection Of Two Industrial Buildings And Their Use For Steel Fabrication And Testing Of Mining Industry Components, Ancillary Offices And Associated Site Works At 21-33 (Lot 5, Dp 1121978) Dunn**

### **Road, Smeaton Grange**

Resolution: Moved Councillor Funnell, Seconded Councillor Dewbery that Council approve Development Application 598/2011 for the erection of two industrial buildings and their use for steel fabrication and testing of mining industry components, ancillary offices and associated site works at 21-33 (Lot 5, DP 1121978) Dunn Road, Smeaton Grange subject to:

- i. the draft development consent conditions shown above; and
- ii subject to receiving the concurrence of the Director General of the Department of Planning and Infrastructure (DPI) to the proposed LEP height development standard variations.

ORD240/11 THE MOTION ON BEING PUT WAS **CARRIED**  
(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Symkowiak, Patterson and Warren voted in favour of the Motion. No Councillors against for the Motion. )

### **ORD02 Proposed Park Name - Gregory Hills Amphitheatre**

Resolution: Moved Councillor Funnell, Seconded Councillor Dewbery that Council:

- i. endorse the name 'Gregory Hills Amphitheatre' for the identified parkland site within Lot 1180 DP 1153636 in the Turner Road Precinct, Gregory Hills; and
- ii. refer the application prepared by Dart West Pty Ltd to the Geographical Names Board for 30 days exhibition, to be considered by it for formal gazettal.

ORD241/11 THE MOTION ON BEING PUT WAS **CARRIED**  
(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Symkowiak, Patterson and Warren voted in favour of the Motion. No Councillors against for the Motion. )

### **ORD03 Spring Farm Eastern Village - Post-Exhibition Comments On The Proposed Amendment To The Camden Development Control Plan 2011**

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

- i. adopt the proposed amendments to Camden Development Control Plan 2011 for the Spring Farm Eastern Village Master Plan, incorporating the minor amendments outlined within this report; and
- ii. publicly notify Council's determination in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000.

ORD242/11 THE MOTION ON BEING PUT WAS **CARRIED**  
(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Symkowiak, Patterson and Warren voted in favour of the Motion. No Councillors against for the Motion. )

### **ORD04 Mount Annan Leisure Centre Planning Proposal**

Resolution: **MOTION**

Moved Councillor Anderson, Seconded Councillor Cagney that Council:

- i. submit a Planning Proposal to the Department of Planning and Infrastructure to amend Camden Local Environmental Plan 2010 to make 'recreation facilities (indoor)' a permissible use on the Mount Annan Leisure Centre site (known as 363 Welling Drive, Mount Annan and included Lot 1101 in DP884135 and Lot 53 in DP857052);
- ii. place the Planning Proposal on public exhibition, without a further Council resolution, only if it is required to do so as a result of the Gateway Determination; and
- iii. if submissions are received as a result of Council being required to publicly exhibit the Planning Proposal, a further report is to be provided to Council at the conclusion of the public exhibition period; or
- iv. if no submissions are received as a result of Council being required to publicly exhibit the Planning Proposal, the Planning Proposal is to be forwarded directly to the Department of Planning and Infrastructure to be made.

ORD243/11 THE MOTION ON BEING PUT WAS **CARRIED**  
(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Symkowiak, Patterson and Warren voted in favour of the Motion. No Councillors against for the Motion.)

**ORD05 Result Against Budget For Year Ending 30 June 2011**

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

- i. endorse the budget variations contained within this report;
- ii. authorise the following reserve movements, as identified in the table below:

<b>BUDGET SURPLUS ALLOCATION</b>		
<b>Budget Surplus Available for Allocation</b>		<b>\$2,883,416</b>
Less: Financial Assistance Grant Advance	\$573,650	
<b>Budget Surplus Available for Allocation</b>		<b>\$2,309,766</b>
Central Administration Building Reserve - Transfer to Reserve	\$1,000,000	
Working Funds Reserve - Transfer to Reserve	\$1,309,766	
<b>Total - Allocation of Budget Surplus</b>		<b>\$2,309,766</b>
<b>Budget Surplus Balance After Allocation</b>		<b>\$0</b>

- iii. authorise payment to the YMCA of \$74,462 in accordance with the risk/reward sharing provisions within the operating contract for the Mount Annan Leisure Centre; and
- iv. authorise the automatic transfer of advance payments of the financial assistance grant to Council's working funds reserve.

ORD244/11 THE MOTION ON BEING PUT WAS **CARRIED**

**ORD06 Annual Financial Statement Of Accounts - Year Ending 30 June 2011**

Resolution: Moved Councillor Funnell, Seconded Councillor Anderson that:

- i. Council note the management representation letters which are to be signed by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer; and
- ii. the public be notified that the Annual Financial Statement of Accounts and Audit Report will be presented to Council on 8 November 2011.

ORD245/11 THE MOTION ON BEING PUT WAS **CARRIED**

**ORD07 Pecuniary Interest Ordinary Returns - 1 July 2010 To 30 June 2011 And Primary Returns As At 30 September 2011**

Resolution: Moved Councillor Cagney, Seconded Councillor Anderson that the information be noted.

ORD246/11 THE MOTION ON BEING PUT WAS **CARRIED**

**ORD08 Expression Of Interest - Police Citizen Youth Club Establishment**

Resolution: Moved Councillor Patterson, Seconded Councillor Symkowiak that Council:

- i. endorse the submission of an Expression of Interest for funding, to establish a PCYC at Hilder Reserve Elderslie;
- ii. as part of the EOI, commit to the provision of a portion of land at Hilder Reserve, Elderslie as its contribution towards the PCYC (Stage 1) works; and
- iii. consider a further contribution to stage 2 works of the PCYC when section 94 funds become available.

ORD247/11 THE MOTION ON BEING PUT WAS **CARRIED**

**ORD09 Acceptance Of Carer's Week 2011 Grant**

Resolution: Moved Councillor Funnell, Seconded Councillor Symkowiak that Council accept the one-off grant funding of \$800 (GST excl).

ORD248/11 THE MOTION ON BEING PUT WAS **CARRIED**

**ORD10 Resignation From Camden Town Farm Committee**

Resolution: **MOTION**

Moved Councillor Funnell, Seconded Councillor Symkowiak that Council:

- i. accept the resignation of Mr Iain Richard-Evan from membership of the Camden Town Farm Management Committee;
- ii. thank Mr Richard-Evan for his interest and participation in, and contribution to the Committee's activities;
- iii. note the Committee's intention to call for interested persons to express their interest in membership of the Committee; and
- iv. note the Bicentennial Equestrian Park Committee's intention to call for interested persons to express their interest in membership of the Committee.

ORD249/11 THE MOTION ON BEING PUT WAS **CARRIED**

**ORD11 Nomination Of Additional Contractor For Supply Of Plumbing Services (Tender 2010/10)**

Resolution: Moved Councillor Funnell, Seconded Councillor Campbell that Council:

- i. accept the submission for Tender 2010/10 Supply of plumbing Services from Royal Flush Plumbing submitted on 21 January 2011 for the remaining 17 months contract term;
- ii. offer Royal Flush Plumbing to be listed as a second provider under the contract; and
- iii. execute the contract agreement with Royal Flush Plumbing by applying Council seal.

ORD250/11 THE MOTION ON BEING PUT WAS **CARRIED**

**MOTIONS OF RESCISSION**

**ORD12 Notice Of Motion Of Rescission - Local Government Association Conference Expenses**

Resolution: **MOTION**

Moved Councillor Cagney, Seconded Councillor Cottrell that the Council resolution relating to Item ORD10 of Ordinary Council Meeting of 23 August 2011, Minute No ORD193/11 be rescinded and that any Councillor nominated to attend the Local Government Association Conference have their expenses met in accordance with the Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy.

ORD251/11 THE MOTION ON BEING PUT WAS **CARRIED**  
(Councillors Anderson, Campbell, Cagney, Cottrell, and Warren voted in favour of the Motion.  
Councillors Dewbery, Funnell, Symkowiak and Patterson voted against of the Motion.)

**NOTICES OF MOTION**

**ORD13 Notice Of Motion - Suspension Of Councillor Cottrell**

Resolution: Moved Councillor Funnell, Seconded Councillor Symkowiak that:

Given that Councillor Michael Cottrell has been found to be in breach of the Camden Council Code of Conduct (sections 6.1 and 6.3), recommended for censure for his behaviour by an independent committee and subsequently censured by Council on two (2) occasions for his behaviour, it is recommended that in accordance with section 440(2)(a) of the Local Government Act that Council recommend to the Director of the Department of Local Government that the Department of Local Government engage its powers under the abovementioned Act to suspend the tenure of Councillor Michael Cottrell.

In the view of the Council, it is further recommended that Council believes that Councillor Cottrell's behaviour has been disruptive over a period (s440(2)(a)(i)) and involved more than one incident as outlined by the Independent Review Panel

(s440l(1)(a)(ii)).

Given the nature of both incidents, the Council determines the demeanour and behaviour of Councillor Cottrell to be of such a serious nature that the suspension of the Councillor is warranted.

### **MOTION**

Moved Councillor Cagney, Seconded Councillor Anderson that the Motion be put.

ORD252/11 THE MOTION ON BEING PUT WAS **LOST**  
(Councillors Anderson, Cagney, Campbell, and Warren voted in favour of the Motion. Councillor Cottrell, Dewbery, Funnell, Patterson and Symkowiak voted against the Motion).

(In accordance with Clause 251(1) of the Local Government Regulation, Councillor Cottrell's abstention from voting was recorded as a vote against the Motion).

### **MOTION**

Moved Councillor Funnell, Seconded Councillor Symkowiak that:

Given that Councillor Michael Cottrell has been found to be in breach of the Camden Council Code of Conduct (sections 6.1 and 6.3), recommended for censure for his behaviour by an independent committee and subsequently censured by Council on two (2) occasions for his behaviour, it is recommended that in accordance with section 440l(2)(a) of the Local Government Act that Council recommend to the Director of the Department of Local Government that the Department of Local Government engage its powers under the abovementioned Act to suspend the tenure of Councillor Michael Cottrell.

In the view of the Council, it is further recommended that Council believes that Councillor Cottrell's behaviour has been disruptive over a period (s440l(a)(i)) and involved more than one incident as outlined by the Independent Review Panel (s440l(1)(a)(ii)).

Given the nature of both incidents, the Council determines the demeanour and behaviour of Councillor Cottrell to be of such a serious nature that the suspension of the Councillor is warranted.

ORD253/11 THE MOTION ON BEING PUT WAS **LOST**  
(Councillors Dewbery, Funnell, Symkowiak and Patterson voted in favour of the Motion. Councillors Anderson, Cagney, Campbell, Cottrell and Warren voted against of the Motion.)

(In accordance with Clause 251(1) of the Local Government Regulation, Councillor Cottrell's abstention from voting was recorded as a vote against the Motion).

**THE MEETING CLOSED AT 8.07PM**