



# Camden Council Minutes

**Ordinary Council Meeting**  
**29 January 2013**

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**Camden Civic Centre  
Oxley Street  
Camden**



# ORDINARY COUNCIL

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## **PRESENT**

Cr Symkowiak (Mayor), Cr Bligh, Cr Campbell, Cr Copeland, Cr Dewbery, Cr Fedeli, Cr Fischer, Cr Sidgreaves, Cr Warren.

## **STAFF**

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

## **APOLOGIES**

There were no leave of absence to be granted.

## **DECLARATIONS OF INTEREST**

Resolution: Moved Councillor Copeland, Seconded Councillor Fedeli that the declarations be noted.

Councillor Warren noted a non-pecuniary interest in ORD13 as he is a member of the RSL Sub-branch.

Councillor Dewbery noted a non-pecuniary interest in ORD08 and would not be present for debate and voting on this item.

ORD1/13 THE MOTION ON BEING PUT WAS **CARRIED**

## **PUBLIC ADDRESSES**

Resolution: Moved Councillor Dewbery, Seconded Councillor Fischer that the public addresses be noted.

Mr Ian Richard Evans addressed Council on the request to waive fees relating to road closures for the Anzac Day event held in Camden.

Mr Hamish Wilson addressed Council on matters relating to the termination of the General Manager's contract.

ORD2/13 THE MOTION ON BEING PUT WAS **CARRIED**

## **CONFIRMATION OF MINUTES**

Resolution: Moved Councillor Warren, Seconded Councillor Dewbery that the Minutes of the Ordinary Council Meeting held 11 December 2012 and the Minutes from the Local Traffic Committee Meeting held 18 December 2012, copies of which have been circulated, be confirmed and adopted.

ORD3/13 THE MOTION ON BEING PUT WAS **CARRIED**

**ORD01 Proposed Road Naming - Village Circuit, Gregory Hills - Results of Public Exhibition**

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

- i. endorse the proposed road name "Village Circuit" within the Gregory Hills suburb;
- ii. publish the approved name in the NSW Government Gazette and in local newspapers; and
- iii. inform Australia Post, the Registrar General and the Surveyor General of the approved name.

ORD4/13 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Copeland, Warren, Symkowiak, Fischer, Dewbery, Campbell, Bligh and Fedeli voted in favour of the Motion. No Councillors against for the Motion. )

**ORD02 Gregory Hills Voluntary Planning Agreement Proposed Variation  
MOTION**

Moved Councillor Sidgreaves, Seconded Councillor Warren that Council defer this item so that a workshop can occur with Councillors.

ORD5/13 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Warren, Symkowiak, Fischer, Dewbery and Fedeli voted in favour of the Motion. Councillors Copeland, Campbell and Bligh voted against the Motion.)

**ORD03 Mayoral Delegation - Christmas/New Year Period**

Resolution: Moved Councillor Dewbery, Seconded Councillor Sidgreaves that the use of the Mayoral Delegation be noted.

ORD6/13 THE MOTION ON BEING PUT WAS **CARRIED**

**ORD04 Pecuniary Interest Returns - New Councillors**

Resolution: Moved Councillor Dewbery, Seconded Councillor Copeland that the information be noted.

ORD7/13 THE MOTION ON BEING PUT WAS **CARRIED**

**ORD05 Councillor Representation on Committees - Camden Cycling Advisory Group, Camden Cohesive Communities Group and Camden Flood Risk Management Committee**

Resolution: Moved Councillor Fischer, Seconded Councillor Dewbery that Council nominate:

- i. Councillor Fedeli to the Camden Cycling Advisory Group;
- ii. Councillor Bligh to the Camden Cohesive Communities Group; and

iii. Councillor Symkowiak to the Camden Flood Risk Management Committee.

ORD8/13 THE MOTION ON BEING PUT WAS **CARRIED**

**ORD06 2012 Local Government Elections - Committee On Electoral Matters Inquiry**

**MOTION:**

Moved Councillor Sidgreaves, Seconded Councillor Dewbery that Council adopt the draft submission to the Joint Standing Committee on Electoral Matters with the exception of the following amendment to the first paragraph on page 2 of the submission, to read:

'Additionally, several Councillors have suggested amendments be made to the *Local Government Act 1993* so that only applicants who are residents, owners of a local business or owners of an investment property, are able to be nominated as candidates and hold civic office.'

ORD9/13 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Fischer, Dewbery and Fedeli voted in favour of the Motion. Councillors Copeland, Warren, Campbell and Bligh voted against the Motion.)

**ORD07 Christmas Lights Competition**

Resolution: Moved Councillor Fischer, Seconded Councillor Sidgreaves that Option 1 - Event run by Council, be adopted.

ORD10/13 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Fischer, Dewbery and Fedeli voted in favour of the Motion. Councillors Copeland, Warren, Campbell and Bligh voted against the Motion.)

**ORD08 Licence Agreement - Camden & District Netball Association Inc - Part Lot 2 DP 1103162, Camden Valley Way, Elderslie**

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

- i. consent to entering into a five (5) year licence agreement with Camden & District Netball Association Inc for the occupation of part Lot 2 DP 1103162 Camden Valley Way, Elderslie incorporating the terms and conditions as outlined in the report; and
- ii. authorise the seal of Council to be affixed to the licence agreement for the occupation of part Lot 2 DP 1103162, Camden Valley Way, Elderslie to Camden & District Netball Association Inc.

ORD11/13 THE MOTION ON BEING PUT WAS **CARRIED**

*Councillor Dewbery was not present for debate or voting on this item.*

*Councillor Dewbery vacated the Council Chamber the time being 6:58pm.*

*Councillor Dewbery returned to the Council Chamber at 6:59pm.*

**ORD09 Investment Monies - November 2012**

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

- i. note that the Principal 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 November 2012; and
- iii. note the weighted average interest rate return of 4.99% p.a. for the month of November 2012.

ORD12/13 THE MOTION ON BEING PUT WAS **CARRIED**

**ORD10 Investment Monies - December 2012**

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

- i. note that the Principal 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 December 2012; and
- iii. note the weighted average interest rate return of 4.90% p.a. for the month of December 2012.

ORD13/13 THE MOTION ON BEING PUT WAS **CARRIED**

**ORD11 Metropolitan Greenspace Program - Nepean River Trail Phase 2 - Acceptance of Grant Funding**

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

- i. accepts the grant of \$50,000 (excl. GST) from the Metropolitan Greenspace Program for the Nepean River Trail: Link to Camden – Phase 2 project;
- ii. allocate matching funds of \$50,000 from the Capital Works Reserve to the 2013/14 Annual Budget;
- iii. authorises the execution of documentation, including affixing of Council seal if required, necessary to secure these grants; and
- iv. write to the funding body – NSW Department Planning and Infrastructure thanking them for their assistance.

ORD14/13 THE MOTION ON BEING PUT WAS **CARRIED**

**ORD12 Draft Management Plan for Australian White Ibis, Lake Annan, Mount Annan**

Resolution: Moved Councillor Fischer, Seconded Councillor Warren that:

- i. Council endorse the draft Plan of Management for Australian White Ibis at Lake Annan, Mount Annan;
- ii. Council agree to publicly exhibit the Draft Plan of Management for Australian White Ibis at Lake Annan, Mount Annan for a period of 28 days; and
- iii. a further report to be provided to Council detailing the results of the exhibition of the

draft Plan of Management for Australian White Ibis at Lake Annan, Mount Annan.

ORD15/13 THE MOTION ON BEING PUT WAS **CARRIED**

**ORD13 Request to Waive Fees - Anzac Day 2013**

Resolution: Moved Councillor Fischer, Seconded Councillor Bligh that:

- i. Council waive the fees associated with Anzac Day 2013;
- ii. Council give delegated authority to the Acting General Manager/General Manager to waive Council fees associated with future Anzac Day events;
- iii. In the event of any significant cost implications in future years, the General Manager is to bring a report back to Council.

ORD16/13 THE MOTION ON BEING PUT WAS **CARRIED**

**ORD14 Council Volunteer Policy**

Resolution: Moved Councillor Campbell, Seconded Councillor Dewbery that Council adopt Camden Council's Volunteer Policy 2013 with the following exceptions:

- i. that Council staff look into the use of the word detriment at point 3 of the Objectives; and
- ii. that reference to the OH&S legislation at point 11 of Requirements and in Relevant Legislation be correctly cited as the *Workplace Health and Safety Act 2011*.

ORD17/13 THE MOTION ON BEING PUT WAS **CARRIED**

*Councillor Warren was not present for debate and voting on this item.*

*Councillor Warren vacated the Council Chamber the time being 7:22pm.*

*Councillor Warren returned to the Council Chamber at 7:23pm*

**ORD15 Establishment of Alcohol Free Zone - Liquidamber Drive Narellan Vale**

Resolution: Moved Councillor Fedeli, Seconded Councillor Fischer that Council:

- i. establish Liquidamber Drive, Narellan Vale from Holdsworth Drive to Acacia Court as an Alcohol Free Zone in accordance with the provisions of section 644B of the *Local Government Act 1993* for a period of four years, effective from February 2013 to January 2017;
- ii. advise the Camden Local Area Command and all parties of the establishment of an Alcohol Free Zone as required as per Ministerial Guidelines and the *Local Government Act 1993*; and
- iii. publicly advise the community of the establishment of an Alcohol Free Zone by a notice published in a local newspaper circulating in the area that includes the zone.

ORD18/13 THE MOTION ON BEING PUT WAS **CARRIED**

**NOTICES OF MOTION**

**ORD16 Notice of Motion - Termination of General Manager's Contract (1)**

Resolution: Moved Councillor Warren, Seconded Councillor Bligh that Councillor Symkowiak in her position as Mayor, considers bringing a report with notice and listed as a business item in the Agenda at the next Council meeting of 12 February 2013, explaining why the Mayor did not notify the public with notice of both the item to close the meeting on the 27<sup>th</sup> of November 2012 Council Meeting, and the subsequent Mayoral Minute to terminate Mr Greg Wright's contract with immediate effect.

**MOTION:**

Moved Councillor Sidgreaves that the Motion be put to the vote in the absence of any speakers against the recommendation.

ORD19/13 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Fischer, Dewbery and Fedeli voted in favour of the Motion. Councillors Copeland, Warren, Campbell and Bligh voted against the Motion.)

ORD20/13 THE RECOMMENDATION ON BEING PUT WAS **LOST**

(Councillors Copeland, Warren, Campbell and Bligh voted in favour of the Motion. Councillors Sidgreaves, Symkowiak, Fischer, Dewbery and Fedeli voted against the Motion.)

**ORD17 Notice of Motion - Termination of General Manager's Contract (2)**

Resolution: Moved Councillor Bligh, Seconded Councillor Copeland that Councillor Symkowiak in her position as Mayor, considers bringing a report with notice and listed as a business item in the Agenda to the next Council meeting on 12 February 2013:

- i. confirming the General Manager's preference as stated by the Mayor in the Camden Advertiser on 11 December 2012 as set out below (extract attached):

*"Mr Wright made it clear that his preference for any discussion about the terms of his contract be held in a closed session of council as allowed in the Local Government Act."*

and

- ii. outlining if any of Mr Wright's statements made during the Mayor's discussion with him were of a general nature or in specific reference to the process of his termination.

ORD21/13 THE MOTION ON BEING PUT WAS **LOST**

(Councillors Copeland, Warren, Campbell and Bligh voted in favour of the Motion. Councillors Sidgreaves, Symkowiak, Fischer, Dewbery and Fedeli voted against the Motion.)

**ORD18 Notice of Motion - Termination of General Manager's Contract (3)**

Resolution: Moved Councillor Copeland, Seconded Councillor Campbell that Councillor Symkowiak in her position as Mayor, considers bringing a report with notice and listed as a business item in the Agenda to the next Council meeting on 12 February 2013:

- i. outlining which Councillors were consulted (if any) regarding the Mayoral Minute to terminate Mr Greg Wright's contract prior to the Council meeting on 27 November 2012; and
- ii. in the instance that all Councillors were not consulted in item (i), explain the reasons why all Councillors were not consulted prior to the Council meeting on 27 November 2012.

**MOTION:**

Moved Councillor Sidgreaves that the Motion be put to the vote in the absence of any speakers against the recommendation.

ORD22/13 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Fischer, Dewbery and Fedeli voted in favour of the Motion. Councillors Copeland, Warren, Campbell and Bligh voted against the Motion.)

ORD23/13 THE RECOMMENDATION ON BEING PUT WAS **LOST**

(Councillors Copeland, Warren and Bligh voted in favour of the Motion. Councillors Sidgreaves, Symkowiak, Fischer, Dewbery and Fedeli voted against the Motion. Councillor Campbell abstained from the Motion.)

**ORD19 Notice of Motion - Termination of General Manager's Contract (4)**

**MOTION**

Moved Councillor Campbell, Seconded Councillor Copeland that the new General Manager brings a report to the Council outlining:

- i. the costs incurred for the termination payment of Mr Greg Wright's contract (excluding confidential information such as annual leave and long service leave entitlements); and
- ii. the process, with all costs associated with appointing a new General Manager, when all costs are known, to the first council meeting after those costs are known.

ORD24/13 THE MOTION ON BEING PUT WAS **CARRIED**

**ORD20 Notice of Motion - Termination of General Manager's Contract (5)**

**MOTION**

Moved Councillor Copeland, Seconded Councillor Sidgreaves that Councillor Symkowiak be granted a one minute extension.

ORD25/13 THE MOTION ON BEING PUT WAS **CARRIED**

Resolution: Moved Councillor Copeland, Seconded Councillor Campbell that Councillors consider hosting a community forum to:

- i. take questions from the community regarding the decision to terminate the General Manager's contract with immediate effect at the Council meeting of the 27<sup>th</sup> of November 2012;
- ii. explain reasons for the Council's decision to have the item debated and resolved in

- Closed Council hence removing the community's ability to have knowledge and subsequent input to the item in question; and
- iii. that such forum is publicly advertised by the General Manager by listing an advertisement in the local newspaper and on the Council's website, giving at least 14 days notice.

ORD26/13 THE MOTION ON BEING PUT WAS **LOST**

(Councillors Copeland, Warren, Campbell and Bligh voted in favour of the Motion. Councillors Sidgreaves, Symkowiak, Fischer, Dewbery and Fedeli voted against the Motion.)

#### **ORD21 Closure of the Meeting to the Public**

Resolution: Moved Councillor Warren, Seconded Councillor Copeland that the meeting be now closed to the media and public to discuss a report concerning commercial information of a confidential nature dealing with the purchase of land for road purposes, in accordance with the provisions of section 10A(2)(c) and (d) of the *Local Government Act 1993*; and any objections or submissions as to the closure of the meeting be now heard and be limited to a period of four minutes each.

ORD27/13 THE MOTION ON BEING PUT WAS **CARRIED**

*Councillor Campbell was not present for debating or voting on this item.*

*Councillor Campbell vacated the Council Chamber the time being 8:57pm.*

*Councillor Campbell returned to the Council Chamber at 9:04pm*

#### **CLOSURE OF THE MEETING TO THE PUBLIC**

Following the resolution of Item ORD21, the meeting convened into Closed Council, the time being 8:57pm. The public and media left the Chamber.

#### **MOTION**

Moved Councillor Warren, Seconded Councillor Sidgreaves that the meeting be reopened to the Public.

ORD28/13 THE MOTION ON BEING PUT WAS **CARRIED**

#### **OPEN COUNCIL**

The Council reconvened into Open Council, the time being 9:13pm. All Councillors were present in the Chamber on resumption into Open Council. The following was the decision of the Closed Council:

#### **CC01 Purchase of Land for Road Purposes - Part Lot 1 DP 158163, 110 Lodges Road, Elderslie**

The Mayor announced the resolution passed by Council in Closed Council (CC01/13) that:

- i. Purchase the necessary land required for road purposes as described in the report;
- ii. Pay compensation as outlined in this report plus all reasonable costs as defined within Section 55 of the *Land Acquisition Just Terms Compensation Act 1991*;

- iii. Authorise the seal of Council to be affixed to the necessary documents associated with the acquisition of part Lot 1 DP 158163, 110 Lodges Road, Elderslie.

**THE MEETING CLOSED AT 9:14PM**