

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING  
HELD 28 AUGUST, 2000, CIVIC CENTRE, OXLEY STREET, CAMDEN –  
5.30PM**

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**Present:** Cr S Fekete (Chairperson), Crs F Anderson, G Corrigan, S Winn (arrived during Item 2), B Batros, E Campbell, S Senise

**Staff:** General Manager, Director Works & Services, Director Development & Environment, Acting Director Governance & Outcomes (Manager Administration), Manager Development, Manager Outcomes, Manager Environment & Health

**Apologies:** An apology was received from Cr N McFadden, leave of absence having previously been granted to Cr P White (Minute No. DC076/00)

DC112/00 *Resolved on the Motion of Cr Corrigan, seconded Cr Batros, that  
\*\*\*\*\* leave of absence be granted to Cr McFadden.*

*THE MOTION WAS CARRIED.*

1. **File No:** DA7350.10-5 (Director, Development & Environment Division)  
**Da No:** 1019/2000  
**Proposal:** The Establishment of a Managers Residence  
**Property:** No 51 St Andrews Road, Leppington  
**Applicant:** Mullane Planning Consultants Pty Ltd  
**Owner:** Mr S & Mrs CM Foti  
**Zone:** 7(D) Environmental Protection

**Reason for Report**

The proposal is to establish a manager's residence on the site. The proposal is in the form of cluster housing (two dwellings), and the application is accompanied by a State Environmental Planning Policy No 1 (SEPP 1) objection as the proposal does not comply with the provisions of LEP 48. The SEPP 1 objection requires the support of Council prior to the application being submitted to the Department of Urban Affairs and Planning (DUAP) for the concurrence of the Director.

**History**

LEP 48 was amended in 1986 by the insertion of a clause in Schedule 3 referred to in clause 34 of the LEP which enabled the "establishment of a dwelling and the manufacture and storage of fireworks" on the subject site.

After the inclusions of the said clause a dwelling and a number of buildings were erected in association with the manufacture and storage of fireworks, with Council approval.

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The operation has continued to operate and grow until it currently occupies approximately 30 buildings scatter over a considerable part of the property. In 1998 Council reviewed the operation and granted consent to all the buildings and operations on the subject site.

**Subject Site**

The subject site is located at No 51 St Andrews Road, Leppington. The allotment abuts Council's boundary with Campbelltown Council.

The lot has an area of 13 ha and is irregular in shape with a 483m frontage to St Andrews Road and an approximate depth of 436m.

The site is currently used by Foti International Fireworks, for the manufacture of fireworks. Constructed on the site is an existing dwelling, free standing office, amenities building, and approximately thirty freestanding buildings/containers used for manufacturing/storage.

The site contains a good upper canopy of indigenous eucalypts interspersed amongst grazing type ground cover.

**Statutory Controls**

The subject land is zoned 7(d) Environmental Protection (Scenic) under the provisions of Camden Council Local Environmental Plan No 48 wherein the proposal to establish a cluster housing development on 13ha of land is not permissible.

Clause 16 of CLEP 48 states in part:

“The Council may consent to development for the purpose of cluster housing on land to which this clause applies if:

- (a) the land has an area in excess of 15 hectares; and
- (b) the number of dwelling-houses does not exceed one house for each 10 hectares of land.”

The objectives of the zone are:

- to protect and enhance those areas of particular scenic value and ensure that the land remains a rural environment providing visual contrast to urban development;
- to maintain the visual amenity of prominent ridgelines;

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- to enable cluster housing and recreation and tourist orientated uses to be carried out if they are in keeping with the environmentally sensitive nature of the zone; and
- to prevent development in geologically hazardous areas and escarpment areas

Cluster Housing is defined as “the grouping together of dwelling-houses on a parcel of land in excess of 15 hectares, where the density of the grouping is not greater than one dwelling-house per 10 hectares, the curtilage of each such dwelling-house does not exceed 0.5 hectares and the titles to the individual dwelling-houses are to be created under the Strata Titles Act 1973, Strata Titles (Leasehold) Act 1986 or the Community Land Development Act 1989.

LEP 48 provides that a dual occupancy may be erected on the subject site provided that the two dwellings have the general external appearance, character, and scale of a dwelling house.

**Regional Policy**

The land is affected by SREP 20 Hawkesbury-Nepean River. SREP 20 provides that Council shall not grant consent to any application to carry out development which drains to the Hawkesbury-Nepean River, unless it has taken into account the effect the proposed development will have on the environment of the Hawkesbury-Nepean River system

The proposed site is located well away from any water course, and whilst the proposed dwelling will be dependent on a septic tank system, there is sufficient land around the dwelling to ensure that no adverse impact will be effected on the water quality of the Hawkesbury-Nepean River system.

**Notification**

The proposal was notified to adjoining residents from 5 July 2000 to 7 August 2000, in accordance with Council’s Public Notification Policy No 5. Two non-resident landowners were notified and no submissions were received.

**Consideration**

Need for a Manager’s Residence

The activity has grown with Council consent, over the past thirteen years to reach its current operational requirements which consists of some 30 different minor structures separated from one another by substantial distances, due to the nature of the activity

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and to meet WorkCover requirements and associated licensing provisions.

Accordingly the expansion of the activity has resulted in an increase in demand for vigilant security/surveillance over the activity and its structures, particularly “after hours” to the point where on-site accommodation for both a manager and assistant manager is considered necessary by the proponents.

Environmental Matters

The site currently contains a good scattering of fully grown trees which provide a good canopy cover, and are of a density which masks the existing development. The proposed actual construction site is located approximately 45m from the road alignment and some 105m from the western boundary of the allotment. The construction of the proposed dwelling will not require the removal of any trees from the site.

As part of the development application for the construction of the dwelling a geotechnical report will be required to ensure that the effluent disposal from the dwelling will have no adverse environmental impact on the surrounding area.

Statutory Controls - Cluster housing

The zoning for the area permits the construction of a second dwelling on the subject site in the form of “cluster housing” subject to certain development standards.

The “cluster housing” provisions in the planning instrument contain no specific design requirements for the development of a “cluster housing” development. Therefore two houses may be constructed on the one allotment under the definition of “cluster housing” provided development standards are met.

The development standards for a “cluster housing” are that the site must contain an area of not less than 15ha and have a density of not less than 1 dwelling per 10ha. The proposal does not satisfy this standard and in this regard, an objection to the standard under the provisions of SEPP No 1 has been submitted. This will be addressed later in the report.

The development standards relating to cluster housing are designed to ensure that any future cluster housing development is of a sufficiently low density to ensure that the rural character of the area is maintained and that the development does not compromise the scenic value of the locality. In this instance the

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construction of one additional dwelling will not compromise the rural character or the scenic value of the locality.

It should be noted that Council has granted consent on two previous occasions to development applications for cluster housing in this zone. One application was a four dwelling development in accordance with the requirements of the LEP; the second application was for a dual occupancy development established after the submission of a SEPP 1 objection.

Whilst it is accepted that there are a few other allotments on which a similar development may be established with the benefit of a SEPP 1 objection, this application cannot be considered as a precedent. This is due to the fact that the second dwelling is required to house a live-in manager associated with an existing development which, due to the nature of the development, requires an increase in security, which the second dwelling will provide.

Statutory Controls – Objectives of zone

The proposed development complies with the following objectives of the zone:

- to protect and enhance those areas of particular scenic value and ensure that the land remains a rural environment providing visual contrast to urban development;

*Comment:*

The particular site is not an area of particular scenic value and the proposed development will have no adverse impact on the rural environment and will continue to provided a visual contrast between urban and rural development.

- to maintain the visual amenity of prominent ridgelines;

*Comment:*

The proposed site is not located on a prominent ridgeline, and is not even visible from the Camden Valley Way.

- to enable cluster housing and recreation and tourist orientated uses to be carried out if they are in keeping with the environmentally sensitive nature of the zone; and

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*Comment:*

The proposal is for the development of a cluster housing development in an environmentally sensitive manner.

- to prevent development in geologically hazardous areas and escarpment areas.

*Comment:*

The proposed development is not located in a geologically hazardous area or escarpment area.

State Environmental Planning Policy No 1

SEPP 1 provides flexibility in the application of planning controls where it is considered that strict compliance with a development standard in any particular case would be unreasonable or unnecessary or tend to hinder the attainment of the objectives of the zone.

Where Council is satisfied that the objection is well founded and is of the opinion that consent should be granted to the proposed development, it may, after obtaining the concurrence of the Director of DUAP, grant consent to the development.

The proposal seeks the establishment of a cluster housing development on a parcel of land smaller than that required in the development standard, (13ha in lieu of 15ha) and at a rate greater than that required in the development standard. (one dwelling per 6.5ha rather than one dwelling per 10ha).

The proposed development is considered reasonable in relation to the established need for a second dwelling, i.e. to improve security on the site.

Taking into account the existing development on the land, the amenity of the site and the need for a second dwelling, compliance with the development standards for area and density is considered unnecessary.

Dual Occupancy

As mentioned above LEP 48 provides that a dual occupancy building on this site must have the general appearance, character and scale of a dwelling house. It should also be pointed out that these requirements are not development standards and as such are not subject to the provisions of SEPP 1

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The existing dwelling is of such a size and design that it could not be effectively altered to create a dual occupancy building in accordance with the requirements of LEP 48.

**Summary**

The request for the construction of a second dwelling on the site as a cluster housing development is considered reasonable. Taking into account the use of the existing site and the need for additional security/surveillance especially during the out of working hours period.

The need to comply with the development standards for area and density is considered unreasonable and unnecessary, taking into account the fact that the proposal complies with the objectives of the zone, the use of the site and the need for such a dwelling.

Recommended: That Council support the SEPP 1 objection to the development standards contained in Clause 16 (2) (a) (b) of CLEP 48 to permit the erection of a “cluster house” development on No 51 (Lot 72 DP706546) St Andrews Road, Leppington as the standards are considered unnecessary and unreasonable in the circumstances of this case, and refer the matter to DUAP seeking the concurrence of the Director.

DC113/00  
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*Resolved on the Motion of Cr Batros, seconded Cr Corrigan, that Council support the SEPP 1 objection to the development standards contained in Clause 16 (2) (a) (b) of CLEP 48 to permit the erection of a “cluster house” development on No 51 (Lot 72 DP706546) St Andrews Road, Leppington as the standards are considered unnecessary and unreasonable in the circumstances of this case, and refer the matter to DUAP seeking the concurrence of the Director.*

*THE MOTION WAS CARRIED.*

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2. **Sydney Gas Operations Pty Ltd – Camden Coal Bed Methane Project, Review of Environmental Factors in Support for an Assessment Lease for Exploration and Bulk Testing Operations, Cawdor** (TC4350/2) (Director, Development & Environment Division)

**Purpose of Report**

To report to Council a proposed submission to Department of Mineral Resources (DMR) in response to the Review of Environmental Factors (REF) in support for an Assessment Lease.

**Background**

Sydney Gas Operations Pty Ltd (SGO) is a wholly owned subsidiary of Sydney Gas Company NL. The Company commenced operations in Cawdor (Wollondilly) in March 1999 after acquiring the rights to several Petroleum Exploration Licences (PEL's 2, 4 and 267). These licences cover an area from Bowral to Muswellbrook and Newcastle.

Work to date has involved exploration drilling of the Bulli Coal Seam, together with the coupling of well sites on the 'Johndilo' property into a gas gathering system. All drilling, about 13 wells, has been within the Wollondilly LGA.

**Assessment Lease**

The gas project, to advance to the next stage, requires further environmental and technical assessment. The REF was compiled in support of an application for an Assessment Lease to cover:

- activities associated with existing wells;
- the completion of further exploration wells;
- existing and proposed gas gathering systems;
- the assessment of gas from proposed exploration and existing gas wells at a treatment facility; and
- the bulk testing of the gas by its transmission to the existing AGL gas network located in Camden.

Refer to **Tabled Document "DC 1"** for a map of the proposed area covered by the Assessment Lease Application.

As the above were not fully covered by the conditions attached to PEL 2, the DMR considered it necessary that the next stage of development be determined under an Assessment Lease.

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The REF states that it covers all the activities outlined in previously submitted Statement of Environmental Effects (SEE) for the following specific SGO project areas:

- ‘Johndilo’ project, 17/1/99;
- ‘Johndilo pipeline gathering system’, 30/5/99;
- ‘Westbrook Road’ project, 23/8/99;
- ‘Westbrook Road pipeline gathering system’ 22/5/00;
- ‘Sheathers Lane’ project, 23/2/00;
- Logan Brae’ project.

**REF**

The REF has been prepared pursuant to Part 5 of the EP&A Act and has been considered by the proponent as a precursor to an Environment Impact Statement (EIS). An EIS will be required for the next stage of the project after the initial exploration and bulk testing have been completed and SGO apply for a Production Lease.

The natural and built environment have been investigated in the ‘review’ process covering the following issues:

- landform and geology;
- water resources;
- noise and water quality;
- climate and meteorology;
- traffic assessment
- flora and fauna;
- social and economic characteristics of the project;
- archaeology and heritage;
- visual amenity;
- landuse and planning;
- existing infrastructure.

The REF has identified short-term potential impacts, which can be addressed in the conditioning of the approval. It also provides long-term benefits to the local and regional community because of the value of the gas to the environment and potentially local industry. A significant benefit also relates to the improved safety in future coal mining following the gas extraction.

**REF Exhibition**

The DMR requested that SGO place the REF on exhibition, although this is not a statutory requirement for the processing of the assessment lease, SGO agreed and supplied Wollondilly and this Council with copies for display. Submissions close 25 August

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2000, as set by the DMR. Wollondilly has sought an extension to this closure date, but this request has been refused by the DMR.

Council's submission has been pre-empted with the DMR, with the full submission to be sent once adopted by Council together with any amendments, in order to meet their closure date. Further, it has also been recommended that an extension of the exhibition period be requested with the DMR and the Minister for Mineral Resources.

The proposed extension is to allow the community to have more time to read the large document and to be able to also access Council's staff and/or its submission to assist in their understanding of the issues in the REF. However of more relevance is the advice from the last Community Advisory Panel (CAP), held 17 August, that the DMR was still waiting for SGO to finalise their 'Risk Assessment' report which was required by the DMR to assess the Assessment Lease application. SGO indicated this would not be finalised until about 7 September 2000. It was agreed at the CAP that as this was to be part of the REF, it would need to go on exhibition as well for community comment.

It would therefore seem reasonable for the exhibition period be extended for the whole REF, for at least 3 weeks from the date of the public advertisement and notification by letter to effected landowners and occupiers is made.

**CAP and Community Concerns**

The CAP meets monthly as a public forum to keep up to date on the mining progress and to discuss any issue that may or will have an impact on the community from the gas mining proposals or operation. Unfortunately, there is quite some animosity between the community and SGO, which largely has arisen from the mining exploration process, ie no initial public consultation or involvement in the exploration licensing/approval process.

A major concern has been the location of gas wells close to dwellings and property boundaries. The relevant Act has identified a 200m buffer from a gas well to the principal residence on that property. This has created an unfortunate incident where a well has been drilled only 160m from a dwelling on the adjoining property. The DMR has prepared an amendment to the Act to provide for a 200m buffer to any residence, which is expected to be enacted later this year.

However the issue of the location of a gas well close to a property boundary is an issue the amendment to the Act does not resolve. If the gas well is located closer than 200m to a property boundary,

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the buffer would encroach on the neighbouring property, which may cause interference to that land owner who has no right of appeal or compensation. This issue has been included in Council's submission to the DMR.

At the August CAP representatives from the Association of Mining Related Councils provided an independent objective view on the functioning of the CAP meeting. It was agreed to prepare a 'Code of Conduct' so that both SGO and the community can work better together with minimal conflict.

**Community Land**

The area the subject of the Assessment Lease Application includes many large parcels of public land and land used for community purposes, eg. Bicentennial Equestrian Park, Camden High School, the Sewerage Treatment Plant and Carrington Hospital. The location of these facilities within the area highlights the deficiencies in the current assessment process which is suited to open cut mining and other exploration in areas outside urban areas. It is considered that under no circumstances should community or government land be isolated from its intended purpose by the installation of wells.

**Wollondilly Shire Council Request**

A request has been received from Wollondilly Shire Council in response to a Wollondilly Council resolution:

“That Council seek joint representation with Camden Council and endorse the Mayor of Wollondilly's representative on the combined DUAP panel”.

Wollondilly has received correspondence from residents affected by the gas exploration who indicated that they had no confidence in the operation of the CAP. It was recommended to Wollondilly Council that these concerns be referred to the Department of Urban Affairs and Planning (DUAP) with a view to seek DUAP's assistance in the effective operation of the CAP, given the potential regional and state significance of the gas exploration.

Both DUAP and the DMR have been in consultation with each other to determine the correct procedure for this gas project in our area. At this stage the DMR is continuing to process the mining exploration under the Petroleum Onshore (PO) Act. It has been discussed that the PO Act does not take into account the unique aspects of gas exploration will have in an urban/rural residential area, such as the Cawdor Valley. This has led to much of the concerns of the local community. The project is potentially of

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regional and state significance and therefore it should be so identified by the government allowing DUAP to take over the approval process with appropriate environmental guidelines for this activity to be considered on the urban fringe.

As mentioned above, if the CAP has an agreed 'Code of Conduct' the concern of the local community may be adequately addressed. It is recommended that Camden Council agree to make a joint representation with Wollondilly Shire Council to DUAP.

**Submission**

Council's draft submission has addressed principally the environmental issues related to gas drilling and operation. Refer to **Tabled Document "DC 2"**.

The issues included in the draft submission are:

- noise impact;
- water quality;
- air quality;
- sediment and erosion control;
- dirt and/or seed transfer to public road or adjoining properties;
- buffer (envelope) area around well head and set back from property boundaries;
- location of temporary treatment plant;
- flooding impact on gas wells and associated facilities;
- archaeology and heritage;
- creation of easements on land titles to identify gas wells, pipelines and access roads.

The main issues to the community are noise and the buffer around the gas well. Noise has been extensively investigated by SGO and they have proposed amelioration techniques to reduce noise to adjoining dwellings. The noise standard to be used is the issue that the submission addresses. It is proposed to recommend to the DMR that a more conservative standard be adopted.

The other issue that will have a major impact on Council is the actual identification of the gas wells and their infrastructure. Council in assessing any development application will need to know all the constraints to that property. Having the gas wells and their infrastructure identified on the land title as easements will provide Council with the necessary information to fully assess a development application that may be affected by these activities.

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**Environmental Control by Council**

As the gas project is not a 'Scheduled Development', under the control of the EPA, Council can prepare a Environment Prevention Notice under the Protection of the Environment Operations Act (PoEO Act). This enables Council to enter an agreement with the developer to establish standards for environmental control.

**Conclusion**

Drilling for gas has not commenced in the Camden LGA, but the above REF in support of an 'Assessment Lease' does impact on Camden, future exploration drilling and pipeline construction, which justifies Council to prepare a submission identifying concerns and issues for the DMR to assess and condition the SGO approval.

The draft submission to DMR has addressed all the environmental issues as well as the potential impact the project will have on Council's processing of development applications. However as the REF is not complete ('Risk Assessment' has been completed) and as it has been identified in the community that there was not enough time to read or comprehend the REF, it is proposed to seek an extension of time.

It is also proposed for Council to take a pro-active role in ensuring that the environmental issues are not ignored by the project by preparing in conjunction with SGO, an environment prevention notice should the work commence in the Camden LGA.

**(Cr Winn arrived at the meeting during discussion of this item, the time being 5.40pm)**

Recommended: That Council resolve to:

- (i) Write to both the Department of Mineral Resources and the Minister for Mineral Resources seeking an extension of the public exhibition period for the Assessment Lease Application to allow the community to have further access to the extensive and technical 'Review of Environmental Effects' and the yet to be exhibited 'Risk Assessment' for the current application.
- (ii) Make a joint representation with Wollondilly Shire Council to DUAP to discuss the regional/state significance of the coal bed methane project.

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- (iii) Make a submission to the Department of Mineral Resources as detailed in **Tabled Document “DC 2”** regarding the ‘Assessment Lease’ application as exhibited.

DC114/00     Resolved on the Motion of Cr Batros, seconded Cr Corrigan, that  
\*\*\*\*\*  
Council resolve to:

- (i) Write to both the Department of Mineral Resources and the Minister for Mineral Resources seeking an extension of the public exhibition period for the Assessment Lease Application to allow the community to have further access to the extensive and technical ‘Review of Environmental Effects’ and the yet to be exhibited ‘Risk Assessment’ for the current application.
- (ii) Make a joint representation with Wollondilly Shire Council to DUAP to discuss the regional/ state significance of the coal bed methane project.
- (iii) Make a submission to the Department of Mineral Resources as detailed in **Tabled Document “DC 2”** regarding the ‘Assessment Lease’ application as exhibited.

THE MOTION WAS CARRIED.

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3.           **File No:**       **DA1555.280-3** (Director, Development & Environment Division)  
              **DA No:**       **396/2000**  
              **Property:**   **28 Chain-O-Ponds Circuit, Mount Annan**  
              **Proposal:**   **Legal Proceedings for Unauthorised Installation of Pool**  
              **Applicant:**   **Coolabah Pool & Spa Centre**

**The Purpose of the Report**

The purpose of this report is to advise Council of the outcome of legal proceedings against Coolabah Pool & Spa Centre for installing an aboveground swimming pool without Council consent.

**Consideration**

A development application was lodged with Council by the owner to install an aboveground pool at the subject property on 27 February 2000. The applicant was requested to provide additional information on 14 March and 10 April 2000. A site inspection was carried out on 18 May 2000 and it was revealed that the pool had been installed prior to Council consent being issued.

As a result of the above, Council solicitors were instructed to commence legal proceedings against Coolabah Pool & Spa Centre for carrying out a development without the prior consent of Council.

The matter was heard in the Camden Local Court on Thursday 27 July 2000 before Mr Spence. Mr Meehan represented Coolabah Pools and entered a plea of guilty. As this was the first offence, the Magistrate found the matter proved against Coolabah Pools, but dismissed a conviction under the Crimes Act 1999. The Magistrate however, awarded professional costs in favour of Council in the amount of \$650 as well as ordering to pay Court costs of \$56, a total of \$706. The Magistrate did state that if Coolabah Pools were found guilty again of a similar offence, that he would not be so lenient.

In this regard Coolabah Pools have installed a further two pools without Council consent and this matter has been referred to Marsdens to commence legal proceedings.

In respect of the said swimming pool, Council Officers will need to carry out a further inspection of the pool to ascertain whether such complies with Council requirements and safety issues. If the pool does not comply further action will be taken in this respect.

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As development consent cannot be issued for the unauthorised structure, the owner will be advised to apply for a building certificate to legitimise the pool, provided such complies with the above standards.

**Conclusion**

Whilst the outcome of a penalty being recorded in this matter is reasonable for a first offence, Council officers will continue to take proceedings against persons not complying with the Act in respect of carrying out unauthorised building work. Coolabah Pools have committed two more offences and the matter has been referred to Council's Solicitors for legal action.

Recommended: That the information be noted.

DC115/00 *Resolved on the Motion of Cr Campbell, seconded Cr Winn, that the*  
\*\*\*\*\* *information be noted.*

*THE MOTION WAS CARRIED.*

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4. **Amendments to DCP 94 - Building Energy Conservation**  
(3853/1) (Director, Development & Environment Division)

**Purpose of Report**

To advise Council of the need to make amendments to simplify and update DCP94 - Building Energy Conservation.

**Introduction**

Central to Council's Strategic Plan is an overarching objective of the pursuit of more sustainable outcomes. Building Energy Conservation is but one of a series of areas Council is likely to focus upon as it develops a suite of policies and guidelines aimed at promoting a more sustainable natural and built environment and more sustainable communities generally.

**Background**

The existing Building Energy Conservation Policy came into force on the 18 June 1997 and facilitated the implementation of energy efficiency in the built environment as outlined in Council's Management Plan at the time. The Policy covers all types of buildings including commercial, industrial and subdivisions.

In regard to residential development, the energy efficiency of a dwelling is assessed using the Nationwide House Energy Rating Software (NatHERS). Dwellings are given a star rating of between (1) one and (5) five stars with (5) stars being the most energy efficient. The minimum standard is (3.5) stars to be approved by either Council or a Private Certifier. The CSIRO and Unisearch developed this software program at the University of NSW. Council was also involved in the development of the program in carrying out research on the minimum standard that should be applied.

In the current Policy, the standard is set at 180 Megajoules per square metre per annum (Mj/m<sup>2</sup>p.a.), which is equivalent to the (3.5) five stars. The Policy also has a concession that if a solar hot water service is installed on a dwelling, a rating of 210 Mj/m<sup>2</sup> pa. is required, or (3.0) stars.

Up to the present date, around 2000 dwellings have been assessed using NatHERS. Since implementation of the Policy there has been a gradual improvement in the passive solar design of dwellings. This has been brought about by better solar orientation of windows, with the failure rate reducing from around 18% to 6%. The Development and Building Industry accept the NatHERS energy report as an objective measure of energy efficiency.

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Council's Policy preceded the "Energy Smart Homes Program", being promoted by the Sustainable Energy Development Authority (SEDA) and adopted by a number of other councils. Council's Policy was regarded as the leader in its field with the following awards being gained:

- Winning category 2 of the 1996/97 Local Government Energy Efficiency Awards for development Controls and Planning.
- Champion of the Environment Award, overall winner awarded on 6 December 1997 by the Keep Australia Beautiful Council (NSW).

However, experience in the implementation of the Policy has indicated that the Policy requires simplification and amendment to make it more effective. In addition, the NatHERS software has been updated and the Policy requires amendment to reflect this. The areas to be considered are as follows:

- Solar access to allotment
- Insulation of minor additions and alterations
- Amendment to the energy rating to comply with upgraded NatHers Software
- Inclusion of a definition of principal private open space
- Simplification of the policy
- Amendments to provide compatibility to DCP58 - Residential Development, and DCP112 - Exempt and Complying Development

A copy of the current policy forms **Tabled Document "DC3"** and a copy of the proposed policy forms **Tabled Document "DC4"**.

**Solar Access to Allotments**

The current provisions require that each allotment shall provide for a building footprint capable of receiving not less than 3 hours of sunlight between 9.00am and 5.00pm on June 21.

To simplify the provisions, the amendments will require an application for a subdivision to include a "solar access report" detailing solar access to each lot between 350m<sup>2</sup> and 1000m<sup>2</sup> in area. Lots in excess of 1000m<sup>2</sup> are considered large enough to facilitate good solar design and lots less than 350m<sup>2</sup> are **Integrated Development** where subdivision and building design are assessed together to facilitate solar access. It is essential that lots be designed for solar access so that future dwelling design will be able to achieve solar access without difficulty.

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Adopting minimum lot widths which have regard to orientation and slope shall provide adequate solar access. Minimum lot widths are considered essential to ensure that adequate sunlight will reach the **daytime living areas** and adjacent **principal private open space**. A south facing lot (rear yard faces north between 30° and 340°) can be narrower in width as other buildings do not easily restrict solar access. Conversely a north facing lot needs to be greater in width to facilitate solar access. A schedule is provided in the proposed Policy so that the minimum lot width may easily be ascertained. The minimum lot width should be varied depending on the slope as shadows lengthen or shorten depending on slope. A table is to be provided, specifying the minimum lot widths and the required variations for slope.

**Solar Access for Dwellings and Principal Private Open Space**

Solar access times should be varied so that a minimum of 3 hours of sunlight between 9.00am and 3.00pm on 21 June is provided. The reduction from the current 5.00pm to 3.00pm is considered to be reasonable, as the benefits of sunlight in winter after 3.00pm are not significant. This will facilitate the provision of shadow diagrams at 3 hourly intervals (9.00am, 12.00 midday and 3.00pm) to assess the minimum solar access requirements.

Solar access should be provided to the daytime living areas and the adjacent principal private open space. This is essential to maintain healthy living conditions.

**Minor Additions and Alterations**

The current Policy provides for compulsory insulation for all new dwelling units and major additions and renovations. All of these types of buildings would have a NatHERS energy assessment carried out. However, minor additions such as the addition of a single bedroom are not covered.

The proposal is to amend the standards to ensure that all additions to dwelling units are insulated in accordance with Australian Standard 2627.1-1993. (DCP94 - 6.2.1(v)). While the additions will not be assessed for energy performance, the installation of insulation will ensure that they will achieve a satisfactory level of energy efficiency.

**New NatHERS Software Program**

The current Policy is based on version 2.01 of the software, which calls up minimum standards of 180 Mj/m<sup>2</sup> pa for a dwelling and 210 Mj/m<sup>2</sup> pa where a solar hot water heater is installed. The new software version, 2.31, provides for an equivalent star rating of 3.5

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stars and 3.0 stars respectively. It is proposed to include heat pumps with solar hot water heaters as a concession. Heat pumps are a recent development in the provision of hot water and are basically a reverse cycle refrigerator.

**Simplify Policy**

Apart from other amendments discussed elsewhere in this report, it is considered prudent to develop the new Policy as a regulation and delete the design advice material. The material will be transferred to a separate document which will be developed into a "Solar Design Guide", which will be a plain English, user friendly design guide. Council currently has a brochure which is available to the public described as "Some Simple Guidelines" to Building Energy Conservation. A copy forms **Tabled Document "DC 5"**.

**Principal Private Open Space**

In the current Policy there is no definition of principal private open space. Principal private open space is an area of open space adjacent to the daytime living areas, to which visibility is restricted to adjoining neighbours, so as to create a private space for the occupants. This area would have minimum dimensions of 5m x 5m. DCP 112 - Exempt and Complying Development, contains a definition of principal private open space and the same definition should be included in DCP94.

**Conclusion**

Camden Council has been a leader in the field of Building Energy Conservation and the proposed amendments will ensure that Council's Policy maintains that leadership role. In addition the Policy will be easier to administer so as to achieve the desired results.

It is recommended that the proposed amendments be advertised in accordance with Council's Policy and that the building and development industry be consulted during this period.

Recommended: That

- (i) The proposed amendments to DCP 94 be advertised in accordance with Council Policy and the provisions of the Environmental Planning and Assessment Act, 1979.
- (ii) The proposed amendments to DCP 94 be circulated to the building and development industry for comment.

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DC116/00     *Resolved on the Motion of Cr Corrigan, seconded Cr Campbell,*  
\*\*\*\*\*     *that:*

- (i) The proposed amendments to DCP 94 be advertised in accordance with Council Policy and the provisions of the Environmental Planning and Assessment Act, 1979.*
- (ii) The proposed amendments to DCP 94 be circulated to the building and development industry for comment.*

*THE MOTION WAS CARRIED.*

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5. **Contract (Garden Organics Program) between Macarthur Waste Board and Camden Council; and Campbelltown Council and Camden Soil Mix P/L** (3287/1) (Director, Development & Environment Division)

**Purpose of Report**

To place before Council the Macarthur Waste Board's Contract (Garden Organics Program), designed to manage the collection and processing of kerbside collected greenwaste in the Camden and Campbelltown Council areas; effective to 30 September 2003. In accordance with Council's obligations as a constituent member of the Macarthur Waste Board, a resolution of Council is required to affix the seal to the contract.

**Background**

When Camden Council commenced kerbside greenwaste collection in urban areas in 1997 Camden Soil Mix successfully tendered for Camden's contract. Greenwaste includes grass clippings, prunings, fruit and vegetable peelings, flowers, leaves, weeds and untreated timber. Camden Soil Mix process this organic material for the wholesale distribution of compost, mulches and soil improvers.

Council's initial contract with Camden Soil Mix expired in June 1999, at which time discussions with the Waste Board had commenced regarding the development of a regional contract. At the request of the Macarthur Waste Board, Camden 'held off' signing a new contract until adequate consideration could be given to a regional tender.

A regional tender offered important opportunities to develop regional consistency regarding different waste stream compositions, recycling opportunities, and waste minimisation practices. At the time it was believed that a more competitive price would be achieved if companies tendered for a regional bid. The Macarthur Waste Board, in conjunction with the technical managers from each of the constituent councils prepared a tender specification and a comprehensive selection of the tenders was undertaken. Expressions of interest were received from 11 companies, three from Victoria and the remainder from NSW. Five officers from the Waste Board travelled to Victoria and assessed all perspective companies. The Board then invited tenders from three of these companies. These were Camden Soil Mix, M Collins & Sons and Complete Organics NSW, the latter company did not submit a final tender.

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At the conclusion of the selection process the Board chose Camden Soil Mix as the successful tenderer.

The success of Camden Soil Mix as regional contractor highlights good waste management decisions on behalf of Council's officers, as well as allowing Camden Council to continue to enjoy a well-established good working relationship with Camden Soil Mix.

**Implications**

Camden Soil Mix had already successfully tendered for Camden Council's greenwaste previously and therefore, as being the successful tendering company, freight distances will not change. Consequently, the Macarthur Waste Board's proposed regional garden organics contract will have no significant effect on the day to day running of Camden Council's current and intended greenwaste operations.

Currently Council facilitates its own arrangements with Camden Soil Mix, although this would transfer to the MWB. As facilitator of the Contract, the Macarthur Waste Board will be responsible for communication between the contractor and the councils, as well as the collation and reporting of collection data. This role should serve to develop reliable, open communication channels between the Board and its member councils, with potential benefit for the successful implementation of future regional programs and strategies.

Whilst the proposed Contract only applies to two member councils of the Macarthur Waste Board at the moment, it is intended that Wingecarriie and Wollondilly Councils will become future parties to the Contract.

The proposed Contract (Garden Organics Program) represents a negligible cost difference to Council's service. Camden Council will pay \$29.15 per tonne for greenwaste that is <3% contamination by weight and is delivered to Camden Soil Mix. This price includes GST and regular kerbside inspections undertaken by the contractor.

Council's current costs, adjusted to include GST and audit charges amount to \$29.50 per tonne.

In the unlikely event that greenwaste collected kerbside from the Camden Local Government Area exceeds 3% contamination, but is less than 6%; \$36.30 per tonne will be charged, excluding landfill charges for contaminated materials.

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Camden residents have demonstrated a consistently outstanding performance in regards to greenwaste services. A recent kerbside audit conducted by Macarthur Waste Board reflected a 0.02% contamination rate in Camden's greenwaste. The exceptionally low contamination rate reflects a high level of public understanding, and a well-developed local environmental ethic.

**Summary**

Minor wording changes to the contract are anticipated prior to signing, but to all intents and purposes the contract is legally sound and well motivated. Council's legal advisors and solicitors have endorsed the contract for signing in its current form. A copy of the contract forms **Tabled Document "DC 6"**.

This Contract has important beneficial implications regionally. If adopted, the Contract will provide a benchmark for greenwaste service provision in Wingecarribe and Wollondilly local government areas. If Council is to continue to achieve success in the waste minimisation and management arena, standard waste management services and regionally consistent messages to the public throughout the Macarthur region are imperative.

Recommended: That Council resolve to:

- (i) Enter into the Macarthur Waste Board (Garden Organics Program) Contract.
- (ii) Affix the Council seal to the contract.

DC117/00  
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Resolved on the Motion of Cr Winn, seconded Cr Campbell, that Council resolve to:

- (i) *Enter into the Macarthur Waste Board (Garden Organics Program) Contract.*
- (ii) *Affix the Council seal to the contract.*

*THE MOTION WAS CARRIED.*

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6. **Companion Animals** (TC576/9) (Director, Development & Environment Division)

**Purpose of the Report**

To advise Council of the receipt of the initial Companion Animals Registration fee return from the Department of Local Government.

**Background**

The Companion Animals Act 1998, which commenced on 1 July 1999, changed the way in which dog and cat registrations were processed. The new system requires residents to make their registration payment at the Local Council, which in turn forwards the fee, in its entirety to the State Government. The government has indicated that approximately 85% of the fees will then to be returned to Council for the administration of the Companion Animals portfolio.

At the commencement of the Act, Council was requested by the Department of Local Government (DLG) to place in a trust account all dog and cat registration fees until further notice as no reconciliation process had been established. In March 2000, Council was advised to forward the entirety of this money to the Department of Gaming and Racing (DGR) who would process the money and return Council's payment. As requested, Council forwarded an amount of \$21,000.00 to the DGR for processing.

**Current Situation**

In July 2000 Council received a cheque from the DLG for the amount of \$14,044.84 as a return for the period of July 1999 to January 2000. This amount represents only 66% of the total in lieu of the 85% promised by the Department. In company to this payment, a letter from the DLG was received advising that the amount forwarded to Council was not the entire amount as not all Councils had complied with the request to forward registration monies and therefore there was a shortage in funds. A copy of the Department's letter forms **Tabled Document "DC 7"**.

As a result of this, the funds available had been divided equally and returned to Councils that had met the DLG's requirements. The letter further outlined that the DLG would pursue all Councils who had not forwarded their registration monies and when further funds were made available they would be forwarded to Council to complete the payment.

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It is expected that the next payment will be received by Council in August and then every quarter thereafter.

Recommended: That Council write to the Department of Local Government expressing its concern at the failure of the Department to meet its financial undertakings to Camden Council.

DC118/00 *Resolved on the Motion of Cr Batros, seconded Cr Campbell, that  
\*\*\*\*\*  
Council write to the Department of Local Government expressing its  
concern at the failure of the Department to meeting its financial  
undertakings to Camden Council.*

*THE MOTION WAS CARRIED.*

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7. **Companion Animals** (PF6850.100) (Director, Development & Environment Division)

**Purpose of the Report**

To recommend that Council instigate legal proceedings, due to a breach of a Nuisance Order (regarding the control of dogs) of Section 21(2) of the Companion Animals Act 1998, against an occupant of the premises located at 9 Rudd Street, Narellan.

**Background**

On 15 November 1999, Council's Companion Animals Officer observed two cross Rhodesian Ridgeback dogs roaming the public street under no form of effective control. The dogs were timid and therefore unable to be contained and were followed to their residence. At this time no one was home and a business card was left for the occupants to contact Council. There was no response to this request. A further attempt was made to contact the occupant on 16 November to no avail and consequently a letter and two infringement notices were then posted to the occupant on 18 November 1999.

Telephone contact was finally made with the owner of the dogs, Mrs Valerie Gallagher, on 1 December 1999, at which time a request was made to register her dogs by 7 January 2000 and for her to ensure that her dogs were not permitted to roam the public street. On the 21 January 2000 further infringement notices were issued against the owner for failing to register the two dogs. It was furthermore established at this time that one of the dogs had a litter of five pups.

Council's Companion Animals Officer further observed the dogs to be roaming the public street on the 18 and 23 March 2000. On 23 March 2000 a Proposed Nuisance Dog Order with a seven day right of appeal was posted to Mrs Gallagher and, as no response or objection was received in the appeal period, a full Nuisance Dog Order was issued which came into effect on the 19 April 2000.

**Current Situation**

Following the Nuisance Dog Order being issued, the occupant's dogs have been sighted roaming the public street on a further six occasions being the 4 May, 2 June, 6 July and 9 August 2000. On 10 August 2000 a letter was sent to Mrs Gallagher advising her that Council may instigate Court action should she continue to fail to control her dogs. On 15 August and 18 August 2000 the dogs were again sighted roaming the public street.

