

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING  
HELD 12 AUGUST, 2002, CIVIC CENTRE, OXLEY STREET  
CAMDEN – 5.30PM**

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**Present:** Cr S Winn (Deputy Mayor/Chairperson), Cr G Corrigan (Mayor), Cr F Anderson, Cr C Patterson, Cr B Batros, Cr E Campbell, Cr S Fekete, Cr N Mc Fadden, Cr S Senise.

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

**DEVELOPMENT COMMITTEE PUBLIC ADDRESSES**

There were no Public Addresses.

**1. Alterations and Additions to Existing Dwelling and Construction of a Garage, No. 50 (Lot 426 DP 220274) Ulmarra Avenue, Camden South**

**File No:** 7925.430 (Director, Development & Environment Division)  
**DA No:** 1027/2002  
**Owner:** Mr GM & Mrs MJ Young  
**Zoning:** Residential 2(A) CLEP 46

**Purpose of Report**

The applicant seeks approval to construct alterations and additions to an existing dwelling and erect a freestanding garage. The matter is referred to Council for determination given that the site is affected by flooding from the Nepean River.

**Summary of Recommendation**

It is recommended that the application be approved subject to standard conditions of consent.

**The Proposal**

The property contains an existing two-storey brick veneer dwelling with 3 bedrooms. The applicant seeks approval to carry out the following works:

- Carry out alterations and additions to the first floor of the existing dwelling. This work consists of extensions to bedroom one, the dining room, living area and balcony;
- Construct storage areas on ground floor;
- Construct a freestanding garage [see **Tabled Document "DC 1"**].

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The applicant does not propose to increase the current number of bedrooms afforded to the residence. As a result, the development will not raise the occupancy rate of the existing building. The proposed additions have been designed to comply with specific flood proofing requirements. For instance, floor levels of habitable rooms will be a minimum of 600mm above the 1% flood level. Areas below the 1% flood event will be used for non-habitable purposes only [ie storage]. The applicant has engaged a Structural Engineer to certify that the building will withstand the impact of floodwater and debris. The external walls of the additions and garage will be provided with grilles to allow entry and exit of floodwater without causing structural damage to the building. The concrete floors of the lower storey of the dwelling and the garage shall be graded to external doors to facilitate efficient cleaning of debris and floodwater in times of such a flood event.

**The Site**

The site is located in the head of a cul-de-sac opposite Elizabeth Macarthur Reserve [see **Tabled Document “DC 2”**]. The site slopes towards the south-eastern corner of the allotment.

Lot 427 is located adjacent to the subject site (eastern boundary). The land, which is also owned by the applicant, is currently vacant. Lot 425 adjoins the subject sites western boundary. A two-storey brick veneer dwelling has been constructed upon this parcel of land.

Lot 426 (No 50) Ulmarra Avenue is affected by the 1% AEP flood event with a current flood level of RL72.5m AHD and is categorised in accordance with the Upper Nepean River Floodplain Management Study and Plan as ‘high hazard-flood fringe’. The 1% flood event has the potential to flood the entire property and cut a section of Ulmarra Avenue. The depth of flooding (1% AEP) is 2.5m at the location of the dwelling.

**Planning Controls**

The following documentation has been considered with respect to Council’s assessment of the subject application:

- Camden Local Environmental Plan No 46
- Upper Nepean River Floodplain Management Study and Plan
- Camden Scenic and Cultural Landscape Study
- Sydney Regional Environmental Plan 20 Hawkesbury-Nepean River
- Development Control Plan No 58

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**Assessment**

The subject application has been assessed in accordance with section 79C of the Environmental Planning & Assessment Act 1979. The following points are provided in relation to the critical aspects of Council's assessment:

**(a) the provision of any planning instrument, development control plan or matter prescribed by the regulations**

**Camden Local Environmental Plan No 46**

The proposed development is permissible in the residential zone. The development also meets the aims of the Camden LEP 46, which seeks to "promote development suitable to particular localities".

**Upper Nepean River Floodplain Management Study and Plan**

The management plan adopted by Council makes reference to several strategies in order to 'foster flood compatible development'. A key strategy of the plan relates to house raising and flood proofing of residential development. The subject property is not identified for inclusion in any House-Raising Scheme. The plan also suggests that the depth of inundation, flow velocity impacts and evacuation provisions do not warrant inclusion of the property in any possible Acquisition Scheme.

**Camden Scenic and Cultural Landscape Study**

The proposed development does not exceed the height of the existing dwelling and is not expected to have an adverse impact upon the ridgeline associated with Camden town centre. Nor is the development expected to significantly detract from the views from Camden towards the rural lands and floodplains.

**Sydney Regional Environmental Plan No 20**

The provisions of Sydney Regional Environmental Plan No 20 (SREP 20) apply to the property as it falls within the Hawkesbury-Nepean River Catchment.

The SREP provides an overall direction for the protection of the environment of the river. Sediment and erosion control measures shall be implemented during construction to minimise erosion and soil loss from the site.

**Development Control Plan No 58**

The proposal blends with the character of the locality and complies with the development standards of the residential Development Control Plan No. 58. The plans submitted, whilst not showing any habitable use of the lower level area, include a number of sliding doors and windows, thereby allowing easy adaptation for residential use. To prevent this occurring and ensuring that the areas are only used for storage purposes, the sliding doors should be replaced by roller doors, thereby facilitating access for goods and vehicles. The number and size of windows should also be decreased and this would assist in the security of the areas. Such conditions can be imposed on any development consent issued and, if properly designed, would not affect the design, functionality and visual appearance of the dwelling.

**(b) the likely impact of the development including environmental, social and economic impacts**

The development is consistent with the residential zoning and amenity of the locality. Conditions shall be imposed on the consent to reduce site disturbance and minimise the potential for impact on the local environment.

**(c) the suitability of the site for the development**

The site is fully serviced (ie water, electricity, sewer and phone) and is in close proximity to the Camden town centre. Similar development can be found in the general area. The dwellings located on surrounding properties have been constructed with elevated floor levels in order to provide a degree of flood proofing.

**(d) Any submissions made in accordance with this Act or the regulations**

The proposed development was not notified given that letters of support from the adjoining property owners were submitted with the development application.

**Summary**

The Upper Nepean River Floodplain Management Study and Plan requires development to be compatible with the flooding characteristics of the locality and not increase the flood hazard or risk to occupants or property. The suitability of the proposal rests with the merits of the design and its ability to maintain the amenity and safety of occupants and property. Assessment of the application has determined that the proposed

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development can be carried out in a structurally sound manner and not increase risk to neither occupants nor increase demand on emergency services

Recommended: That Development Application No 1027/2002 for alterations and additions to an existing dwelling and construction of a free standing garage at No 50 Ulmarra Avenue, Camden South, be approved subject to standard conditions of consent including ensuring that the lower level of the dwelling is constructed so as not to be adapted for habitable use [see **Tabled Document "DC 3"**].

Resolved on the Motion of Cr Anderson, seconded Cr Fekete that Development Application No 1027/2002 for alterations and additions to an existing dwelling and construction of a free standing garage at No 50 Ulmarra Avenue, Camden South, be approved subject to standard conditions of consent including ensuring that the lower level of the dwelling is constructed so as not to be adapted for habitable use [see **Tabled Document "DC 3"**].

DC074/02 THE MOTION WAS **CARRIED**.  
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**2. Fortnightly Produce Market, John Street, Camden**

**File No:**       **DA4375.01-2** (Director, Development &  
Environment Division)

**DA No:**       **527/2002**

**Owner:**       **Community Land**

**Zoning:**       **3 [e] 'Town Centre' pursuant to Camden LEP  
45**

**Purpose of Report**

The purpose of this report is to advise Council that a definition of 'produce' has been included in the Management Plan and that Council endorse such definition and allow the markets to operate on a fortnightly basis.

**Main Report**

Council resolved at the meeting of 8 July 2002 to approve the Camden produce market, subject to the inclusion of a definition of produce within the Management Plan for the market operation prior to the markets commencing operation on a fortnightly basis.

A revised Management Plan (dated 1/8/02) has been received from the Macarthur Growers Pty Ltd, which includes the required definition of 'produce' [see **Table Document "DC 4"**].

The definition adequately describes produce for the purpose of the produce market, qualifying both produce and value added products. The latter addresses produce that has been subject to treatment that differentiates the product from the original. Both definitions insist that the produce/products are grown or produced within the Macarthur region.

Additional information has been supplied by the Macarthur Growers Pty Ltd, which satisfactorily answers the questions requested by Council at the meeting of 8 July 2002. These responses are included in the Management Plan and also included in **Table Document "DC 5"**.

The Macarthur Growers has raised the issue of a condition of consent that requires the group to be responsible for placing appropriate notices in relation to the temporary road closure and state that the costs of doing so in all local papers is prohibitive. Clause 5 of the Roads (General) Regulation requires that at least 7 days notice of intention to close a public road must be given by means of a notice published in a local newspaper and conspicuous notices erected along the road. Therefore, it is only necessary to place the advertisement in one local paper and this can be done on a regular basis rather than

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prior to each market as that would satisfy the timing of at least 7 days. It is considered that the notification of closure should be advertised in one local paper that circulates in the Camden area every three (3) months and that a sign be erected in John Street on a permanent basis, as approved by Council's Traffic Engineer, for the market's duration.

**Conclusion**

It is considered that the proposed controls, as set out in the management plan, will ensure that the operation of the markets meets the initially proposed concept, that is, to showcase local produce.

Recommended: That Council endorse the Management Plan and Rules as prepared by Macarthur Growers Pty Ltd and dated August 1, 2002 and allow the commencement of the markets on a fortnightly basis.

*Resolved on the Motion of Cr Campbell, seconded Cr Batros that Council endorse the Management Plan and Rules as prepared by Macarthur Growers Pty Ltd and dated August 1, 2002 and allow the commencement of the markets on a fortnightly basis after an amendment to the conditions of consent being; that businesses operating retail or wholesale premises, within other commercial centres anywhere in the Macarthur Region, who are selling value added products which are available from businesses within Camden CBD be excluded.*

DC075/02 THE MOTION WAS **CARRIED**.

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*(Cr McFadden voted against the Motion).*

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**3. ENERGY SMART HOMES PROGRAM**

(File 3853/2) (Director, Development & Environment Division)

**Purpose of Report**

To advise Council of the results of the public notification and advertisement of amendments to Council's Energy Conservation Policy, DCP94.1. The amendments were necessary to facilitate the agreement between Council and the Sustainable Energy Development Authority (SEDA) to accept the invitation from such organisation to join the Energy Smart Homes Program.

**Summary of Recommendation**

That Council resolve to adopt the proposed amendments to DCP94.1.

**Background**

At the meeting of 27 May 2002, Council resolved to:

1. Accept the invitation to join the Energy Smart Homes Program
2. Action be taken to amend the Building Energy Conservation Policy (DCP94.1) and Residential Development Policy (DCP58) by requiring:
  - (a) All new dwellings to install an energy efficient Hot Water Heater that achieves a 3.5 star greenhouse rating.
  - (b) Delete the concessional standard that permits a dwelling that installs a solar hot water heater or heat pump to achieve only 3 stars. (Residential Rating).

**Advertising**

The proposed amendments were placed on public exhibition from 11 June, 2002 to 12 July, 2002. In addition, the builders and developers operating in the Camden LGA were advised in writing of the proposed amendments.

No submissions were received at the conclusion of the advertisement period.

**Amendments**

Basically the amendments to the DCP are as follows:

- Clause 6.2.1 - (ii) Delete the words "where natural gas is available"
- (iii) Delete the "concessional" clause.

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Clause 6.2.4 - Include the statement “All dwellings to be provided with an external clothes drying area to which adequate solar access is provided”.

**DCP58- Residential Development**

DCP94.1 and DCP58 work in conjunction with each other. Amendments to DCP58 are to be reported to Council in the near future and will incorporate the above amendments.

Recommended: That Council adopt the amendments to DCP 94.1 - Building Energy Conservation Policy and that the amendments take effect in accordance with the requirements of the Regulations.

Resolved on the Motion of Cr Batros, seconded Cr Campbell that Council adopt the amendments to DCP 94.1 - Building Energy Conservation Policy and that the amendments take effect in accordance with the requirements of the Regulations.

DC076/02 THE MOTION WAS **CARRIED**.  
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**4. Proposed Contaminated Lands Policy**

(File 3299/4) (Director, Development & Environment  
Division)

**Purpose of Report**

This report seeks the adoption of the policy considered by Council on the 22 of April 2002, following the conclusion of the public exhibition period.

**Background**

At the meeting of 22 April 2002, Council resolved to publicly exhibit the draft Contaminated Lands Policy prior to adoption.

In addition to the public exhibition of the policy, copies of the policy were sent to relevant Government Agencies inviting comment. The draft policy was forwarded to the following agencies:

- Environment Protection Authority
- PlanningNSW; and
- Department of Local Government

**Comments Received**

At the end of the exhibition period the Environment Protection Authority (EPA) and the Department of Local Government (DLG) provided comments in relation to the draft policy.

**Department of Local Government**

The comments received from the DLG were supportive of Council's progress on the issue. However, the Department was unable to provide substantive input.

**EPA Submission**

In the EPA review of the draft policy, has stated that *the policy provides a very sound basis to implement the framework for management of contaminated land at the local level*. Additionally the submission raised several issues that are addressed below:

- (1) The submission makes suggestions with respect to the definition of "**Remediation site**" as outlined in Section 5 of the policy. The submission points out *that the EPA determines significant risk of harm (SROH), however site contamination can/should be remediated even if the EPA has not determined the site to be a SROH.*

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**Comment:** The appropriate section in the policy has been amended as suggested in the submission to clarify that a contaminated site should be remediated whether or not the EPA has determined the SROH.

- (2) The submission made a recommendation that *Council include in the draft policy a section relating to the passage of information to the public relating to land contamination and remediation.*

**Comment:** Information as to how interested persons can access information relating to land contamination and remediation has been addressed in Section 10 “**Information Recording**” of the draft policy.

- (3) The submission raised concerns in relation to Section 10 of the draft policy dealing with the proposed notations to be placed on s. 149 certificates. The main concern raised in the submission *was that proposed wording was not wholly consistent with Section 5.3.3 of the “Managing Land Contamination- Planning Guidelines”*. The Guidelines outline the preferred approach of the State Government and, by substantially complying with the guidelines, Council receives automatic exemption from liability for contamination issues in exercising their planning functions.

**Comment:** To ensure that Council’s statutory protection is preserved under the provisions of the Environmental Planning & Assessment Act, 1979 the proposed wording of the notations relevant to the s.149 certificates has been amended to closely reflect the suggested wording in the planning guidelines.

- (4) The submission suggested, *under the heading of “**Restriction on Land Use**” dot point two in section six of the policy that the words “or remediated to allow specific land use” to be added.*

**Comment:** Intent of section will not be diminished and the suggested editorial changes have been made to the policy.

- (5) The submission suggested that under the heading of “**Stage 2 Detailed Investigation**” *part (a) in section 7.3.2 of the draft policy that the word “only” should be removed. Additionally under dot point three, it is suggested that the words “or has been identified by the EPA” be added.*

**Comment:** The intent of the section will not be diminished by the suggested inclusion and the

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suggested editorial changes have been made to the policy.

- (6) The submission suggested that under the heading of “**Stage 3 Remedial Action Plan**” in section 7.3.3 of the draft plan that an additional clause be added that refers to the EPA guidelines on the structure and scope of the RAP.

**Comment:** The intent of the section will not be diminished and the suggested reference to the EPA guidelines has been included in the draft policy.

- (7) The submission suggested, under the heading of “**Validation and Monitoring**” in section 7.3.4 of the draft policy, that where reference is made to EPA Guidelines those guidelines should be clearly identified.

Further, the submission suggests that in paragraph two of section 7.3.4 where reference is made to standards endorsed by the EPA, that in the absence of clean up criteria the EPA does not endorse clean up criteria without a Remedial Action Plan.

**Comment:** The appropriate EPA guidelines have been clearly identified in section 7.3.4. and the reference to standards endorsed by the EPA has been removed.

- (7.1) The submission suggested that *under Part b of section 7.3.4 reference is made to a consultant providing a statement certifying the suitability of a subject site for the proposed use.* The submission points out that this is the role of a site auditor and not a consultant. Further that it should be clearly specified in this section what is required from the site auditor.

**Comment:** It is important that this be clarified and therefore the suggested editorial changes have been made to clearly identify that a site auditor, who is accredited by the EPA, can issue a statement pertaining to the suitability of the site for the proposed use.

- (7.2) The submission further suggested that *Council might wish to consider selectively replacing the word “should” with the word “must” throughout the section.*

**Comment:** The section has been reviewed and where appropriate the inclusion of the suggested word substitutions has been selectively made throughout the section for greater clarity.

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- (8) The submission suggests that *Council needs to be aware that site auditors may put conditions on a site audit without consulting Council. The submission recommends that Council put in place procedures to ensure that any approved conditions are noted and adhered to and followed up by Council.*

**Comment:** This issue has been addressed in the draft policy in section 7.3.4 (c) “conditional site audit statements”. This section requires the auditor to liaise with Council in cases where Council is required to be involved in order to ensure compliance with a condition. Auditors must seek written approval from Council prior to issuing a site audit statement containing conditions that involve Council.

- (8.1) The submission further suggests *that a procedure be put in place for where contamination has migrated or has the potential to migrate offsite and impact on other properties.*

**Comment:** It is considered that, where contamination has migrated or has the potential to migrate off site and impact on adjoining properties, other more appropriate legal mechanisms are available to Council to require remedial action. The contaminated land policy is primarily a planning document. The draft policy documents the procedures for the placing of appropriate notations on the s.149 certificates in relation to the potential or actual contamination and remediation of land. Changes to the draft policy in this instance are considered unwarranted.

- (9) The submission suggests that, under the heading “**Category 2 remediation Work**” in section 9.2 of the draft policy, it is stated that *Category 2 remediation work is not applicable in the Camden Local Government Area (because SREP 20) and, as such, all remediation works in Camden are Category 1. Council should consult with PlanningNSW and, if this requirement is still relevant, then it should be stated at the beginning of the section.*

**Comment:** Senior Officers at PlanningNSW have confirmed that the requirements of SREP 20 are relevant and override the requirements of SEPP 55 in relation to land remediation and, as such, all remediation works undertaken in the Camden LGA are Category 1.

In response to this advice section 9.2 “Category 2 remediation work” has been deleted from the draft policy

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and the advice in relation to category 1 remediation works has been stated at the beginning of the section.

- (10) The submission suggests *that, under the heading “**Remediation Sites**” in section 9.3 of the draft policy, the word “found” should be replaced with the words “determined by the EPA”.*

**Comment:** The suggested editorial change does not alter the intent of the policy and the suggested wording substitution has been made to the draft policy.

- (11) The submission suggests *that under the heading of “What are the standards for remediation work” in section 9.5 of the draft policy the following areas should be revised to include the following:*

- ❑ *Erosion and sediment control should be implemented in accordance with the Managing Urban Stormwater Soils and Construction Manual.*
- ❑ *Noise from remediation works should be carried out in accordance with the NSW Industrial Noise Policy*
- ❑ *All activities should be conducted on the site must comply with Section 20 of the Protection of the Environment Operations Act, 1997*

**Comments:** The suggested inclusions strengthen the standards and the suggested inclusions have been made to the standards for remediation works, which have been included in Appendix 3 of the draft policy.

**Conclusion**

The draft contaminated lands policy has not generated adverse or negative comment from either the public nor government agencies.

The policy establishes a local planning framework that ensures that Council’s adopted approach to the management of contaminated lands is a precautionary approach. Further the policy aims to integrate the issue of land contamination management into the planning and development control processes of Council. There are no cost implications to Council in implementing the policy in that it does not require works to be done unless the land is being developed.

The policy adopts the requirements of the State Planning Policy No 55 - Remediation of Land (SEPP 55) and the (then) DUAP/EPA Planning Guidelines - Managing Land Contamination 1988. Council, by acting substantially in accordance with the guidelines when carrying out its specified planning functions, is taken to have acted in good faith and

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receive statutory protection under the provisions of the EP&A Act 1979.

Recommended: That Council adopt the Contaminated Lands Policy as amended and be included as **Tabled Document "DC 6"** incorporating the amendments as suggested by the EPA and outlined in the above report.

Resolved on the Motion of Cr Corrigan, seconded Cr McFadden that Council adopt the Contaminated Lands Policy as amended and be included as **Tabled Document "DC 6"** incorporating the amendments as suggested by the EPA and outlined in the above report.

DC077/02 THE MOTION WAS **CARRIED**.  
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**5. Removal of Weirs on the River**

(File 3573/8) (Director, Development & Environment Division)

**Purpose of Report**

To advise Council of the proposal by the Department of Land and Water Conservation and the Sydney Catchment Authority to remove a number of weirs on the Nepean River.

**Background**

A number of weirs were erected in the early 1900's on the Nepean River as compensation weirs shortly after the erection of the Cordeaux, Avon, Cataract and Nepean dams. The weirs served the purpose of compensating water extractors for the loss of water flowing in the river after the construction of the dams for the Sydney drinking supply. These dams and weirs have existed for many years and in the eyes of many have now become an integral part of the river as we know it. It is the very existence of the weirs that provides constant water under the Cowpasture and Macarthur Bridges and along much of the river that we see from various locations in and around Camden itself.

**Healthy Rivers Commission**

In April 1997, an Independent Inquiry into the Health of the Hawkesbury Nepean River System was undertaken by the Healthy Rivers Commission with Mr Peter Crawford acting as Commissioner. The final report was released in 1998, which in part recommended that the potential to remove artificial barriers (weirs) along the length of the river should be investigated.

In relation to weirs the Commission reported (in part) that: -

Numerous dams, weirs and other structures have been constructed on the streams in the Hawkesbury Nepean (HN) catchment. Those structures often provide water supply for the various consumptive water users, including towns, industry and agriculture. However, they often favour exotic aquatic plant and animal species, induce stratification of the water body with consequent water quality problems and inhibit or prevent the movement of fish. These structures can have significant impacts on river ecology. A recent survey identified approximately 500 structures that are believed to affect the passage of fish. NSW Fisheries has identified 81 of these structures as having significant impact. Notably, a number of the structures in the HN catchment have apparently become redundant for the original purpose for which they were built and/or they

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have become important for other purposes, such as recreation and scenic amenity.

There are a number of measures that can be taken to mitigate or remove the impact of these structures on instream ecosystems. These include modification of a structure to enable the water level in the upstream pool to be varied, construction of a fishway, destratification of the pool water body or removal of the structure.

It was recommended elsewhere that:-

A program of structural review of the weirs on the upper Nepean should be conducted, under the guidance of independent experts. A works program should be developed for implementing the most cost effective means of mitigating or removing the impacts of the structures on river health, ...

**Recent Advice**

Since the release of the Healthy Rivers Commission Report there has been minimal contact between the relevant agencies and Council on this issue. To date, Council has not been requested to provide any comment nor participate in any discussions on the matter. Staff were aware that the issue was still under consideration; however, there had been no information forthcoming prior to a letter received by Council some months ago from the Department of Land and Water Conservation informing Council that the Sydney Catchment Authority (owners of the weirs) were intending to remove the two weirs that were no longer functioning or had collapsed. These were Bergins and Thurns weirs. Two other weirs are now also earmarked for removal. They are Brownlow Hill and Sharpes Weirs.

**Weir Removal Review**

The issue of the removal of the weirs is drawn to Council's attention at this time due to the fact that community consultation has commenced as a forerunner to the preparation of an Environmental Impact Statement (EIS). An independent consultant has been engaged by the Sydney Catchment Authority to report on the socio-economic consequences of the removal of the weirs. The UTS Institute of Sustainable Futures has been engaged to undertake the task of ensuring that the decision of removing the weirs is a holistic and balanced approach which takes into account not only the environmental issues but also the social and economic factors.

Using a pure ecocentric (environmentally centred) approach all impediments to the natural flows in the river should be

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removed and the river returned to full natural function of environmental flows and unimpeded fish passage. This is obviously a radical approach considered to have little chance of succeeding.

The weirs can have the following **adverse** environmental impacts:-

- Cause erosion/scour both upstream and downstream of the structure;
- create 'artificial' water levels leading to bank instability;
- tend to encourage exotic weed infestations;
- tend to encourage the prevalence of exotic animals (carp);
- impede environmental flows; and
- impede the passage of native fish during breeding.

From an anthropocentric (human-centred) perspective, the weirs have been in place for many years and continue to fulfil a role in our community. When viewed in this perspective, the weirs have the following **beneficial** effects:-

- create weir pools for water irrigators for agricultural activities in the area;
- pleasing visual aesthetics; and
- recreational attributes, fishing and boating.

It is proposed that a total of four (4) weirs be removed. They are Bergin's, Thurn's, Sharpes and Brownlow Hill weirs. There are two other weirs on the river in the Camden LGA that are not earmarked for removal at this time. They are Camden weir and Cobbitty weir. The effects, either beneficial or otherwise of leaving these two weirs and the reasons for not removing them, are unknown.

It is understood that Bergin's Weir has been completely destroyed with rubble blocking clear passage, whilst Thurn's Weir is understood to have been breached at one end creating an unimpeded passage. The weirs generally are considered to have heritage significance with such needing to be acknowledged in any review. Camden Weir (which is proposed to be retained) as stated earlier is responsible for the erection of the pool extending beneath the Cowpasture and Macarthur Bridges; whilst Sharpes Weir does likewise from "the Grove" bridge and Brownlow Hill Weir for Cobbitty Bridge. Both the latter are proposed for removal.

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**Way Forward**

The UTS Institute of Sustainable Futures (ISF) has been contracted by the Department of Land and Water Conservation and the Sydney Catchment Authority to develop a social impact study. To do so, they need to identify and contact interested parties and stakeholders to “*determine their levels of usage and/or their concerns about the impacts of weir removal.*” Council is now being consulted in the development of this social impact study. ISF will now be contacting and discussing the issues with groups such as :-

- CRAG;
- Camden Historical Society;
- Fishing clubs;
- Water User Groups;
- Riparian landholders;
- Walking groups;
- As well as interviewing people using the cycle track.

The ISF have already had some preliminary meetings with water extractors and is anxious to contact as many people as possible who have any interest in the weirs and the river. A request was made to Council officers that the matter be reported in the quarterly ‘Lets Connect’ so that relevant detail might be disseminated to as wide a group of residents as possible. Council will not at this stage be involved in collecting or collating any responses rather acting as a conduit for the Institute.

It is understood that the issue is already creating debate within the community and that Councillors may be contacted by interested persons in the immediate future.

Concurrently various other studies are also being undertaken into the impacts of the weirs and their potential removal. Investigation has taken place in relation to the extent of environmental flows, structural assessments of each weir, heritage assessments, as well as water extraction licences and levels. Ultimately, these studies will culminate in the preparation of an EIS which will give all parties the opportunity for full involvement in the decision making process.

It is not expected that the EIS will be ready for release until some time next year (2003).

**Conclusion**

The weirs on the Nepean are important for a variety of reasons. Limited opportunities may exist for the removal of same. It is

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perhaps not appropriate, however, that Council adopt a position in respect of the proposed weir removal at this point in time, given the limited information available and the fact that the EIS process will facilitate comment on a comprehensive assessment. Notwithstanding such position, Council should highlight that the benefits as detailed in this report would require detailed assessment.

Recommended: That Council

- (i) note the information; and
- (ii) inform the UTS Institute of Sustainable Futures that Council will not formulate a policy position on the issue of the removal of the weirs until such time as all of the relevant facts are presented to the community by way of the release of an Environmental Impact Statement. However, it believes that the benefits as detailed in this report need to be strongly considered in any assessment.

Resolved on the Motion of Cr Batros, seconded Cr Fekete that Council

- (i) note the information; and
- (ii) inform the UTS Institute of Sustainable Futures that Council will not formulate a policy position on the issue of the removal of the weirs until such time as all of the relevant facts are presented to the community by way of the release of an Environmental Impact Statement. However, it believes that the benefits as detailed in this report need to be strongly considered in any assessment.

DC078/02 THE MOTION WAS **CARRIED**.  
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**6. On-Site Sewage Management Strategy**

(File 774/13) (Director, Development & Environment Division)

**Purpose of Report**

To provide Council with an update on Council's On-site Sewage Management Program, to present the Draft Sewage Management Strategy, which forms **Tabled Document "DC 7"**, and to recommend that the strategy be placed on public exhibition so that it can be incorporated into the Camden Local Plan. The report also informs Council of the new Legislation relating to Penalty Infringement Notices and the approval to operate a sewage management system

**Background**

In 1999, Council received statutory responsibility from the NSW State Government for the implementation of the Local Government (Approvals) Regulation 1999. A key responsibility for Council was to develop and implement a Sewage Management Strategy.

For the past three (3) years Council has been active in promoting compliance with the aims and objectives of the Regulation. To this end, Council has employed strategies and actions that have been aimed at the inspection and approval of the operation of all sewage management systems within the Camden LGA, and also to establish a database.

To implement the identified responsibilities Council appointed a full-time Environmental Health Officer (EHO) in September 1998, and subsequently a contract on-site sewage management officer was employed over a short period of time on a casual basis to facilitate the inspection program only.

**Main Report**

A total of 2535 properties have been identified as potentially operating an on-site sewage management system in the Local Government Area.

Of the systems identified through inspections or applications, current results indicate approximately 50% are AWT and 50% transpiration beds, with a small percentage of pump-out (29) systems. Council's Environment and Health staff have completed 1343 Approval to Operate inspections. The results to date include 1222 systems passed and 121 have been assessed as failures – thus at a rate of 9%. From the completed 1343 inspections, 972 were assessed as Low Risk, 220 Moderate Risk and 151 were assessed as a High Risk.

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A high percentage (89.5%) of the assessed failures were identified as Transpiration beds with average ages of 15 years or greater. As a result, new aerated wastewater treatment systems are being installed or the transpiration beds replaced.

Draft Sewage Management Strategy

As a requirement of the DLG's On-site Sewage Management Grants Program, Council was required to develop and implement a Sewage Management Strategy (SMS) addressing matters set out in the Environment and Health Protection Guidelines. Council officers developed an early draft Strategy in consultation initially with the HNCMT and more recently with DLWC. Much of document revolves around the Department of Local Government's "On-site Sewage Management Guideline" and has been trialled for some time.

The SMS applies to all existing and proposed on-site sewage management systems that are to be operated within Camden's local government area. The SMS also sets out to achieve goals, objectives, performance standards, and evaluation for the continuing improvement with regard to the installation and operation for all proposed and existing systems.

The SMS objectives include:

- Prevent the risks to public health,
- Protect surface and ground water resources,
- Protect soil and vegetation,
- Ensure maximum re-use of resources,
- Maintain and improve community amenity, and
- Ecologically sustainable development.

Current Commitment by NSW Government

The Minister for Local Government has recently approved the Local Government (General) Amendment (Penalty Notice Offences) Regulation 2001, which commenced on 1 February 2002. The Regulation enables Council to issue penalty notices for two existing offences under the Local Government Act 1993:

- a) operating a system of sewage management without prior council approval; section 626(3); and
- b) operating a system of sewage management otherwise than in accordance with the terms of an approval; section 627(3).

The *Local Government (General) Amendment (Penalty Notice Offences) Regulation 2001* prescribes a penalty of 3 penalty units (currently \$330) for operating a system of sewage management without prior council approval.

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A penalty of 3 penalty units is prescribed for the offence of operating a system of sewage management otherwise than in accordance with the terms of council approval.

Funding

Council received the NSW Government's On-site Sewage Management Strategy Project Funding totalling \$17,536 instead of the originally projected \$25,000, as promised by DLG, due to significant increases in numbers of systems identified across the State.

From the funding received, a casual officer was employed to assist permanent staff with inspections of systems. The process is time consuming and tedious, the rate of inspections has increased along with the failure rate and their follow up letters and inspections are taking the majority of time.

Grant money received by Council has now been exhausted, leaving the program again behind its schedule. The original fees imposed by Council have in no way allowed cost recovery and in the 2002/3 budget, the fees were increased but still, however, do not cover the cost of the program.

**Conclusion**

Council has actively complied and implemented the requirements of the Regulations over the past three years. The Minister for Local Government recently approved two penalty notices for Councils to issue regarding sewage management offences under The Local Government Act 1993.

The Sewage Management Strategy provides Council with goals, objectives, performance standards, and evaluation for the continuing improvement to the installation and operation of a sewage system. The Draft Sewage Management Strategy is presented to Council for comment and subsequently public exhibition.

Recommended: That

- (i) the Draft Sewage Management Strategy, which forms **Tabled Document "DC 7"**, be publicly exhibited for comments.
- (ii) at the conclusion of the exhibition period, the matter is referred to Council for consideration in conjunction with any comments received.

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*Resolved on the Motion of Cr Batros, seconded Cr McFadden that*

- (iii) the Draft Sewage Management Strategy, which forms **Tabled Document "DC 7"**, be publicly exhibited for comments.*
- (iv) at the conclusion of the exhibition period, the matter is referred to Council for consideration in conjunction with any comments received.*

DC079/02 THE MOTION WAS **CARRIED**.  
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**7. Waste Management - Resource NSW and the Sect 88 Levy**

(File 3287) (Director, Development & Environment Division)

**Purpose of Report**

The purpose of this report is to express Council's concerns for the lack of support offered by Resource NSW since its establishment in October 2001 and to once again raise the issue of the inequity of the Section 88 levy for waste disposal.

**Background**

A review of waste management practices within NSW and a review of the Waste Minimisation and Management Act 1995, saw the demise of all regional Waste Boards in October 2001. The regional Waste Board's replacement – Resource NSW (RNSW) was set up to address the so-called inefficiencies and inadequacy of the Boards. However, nine months after the establishment of RNSW, Council is still awaiting with anticipation project support and "value for money".

Resource NSW is funded through the Section 88 levy imposed on waste being disposed of to landfill. The current levy is \$18 per tonne with only 55% of such levy being hypothecated back to waste management issues with the remainder being directed to State revenue.

**Resource NSW**

The government's review of waste management in NSW was focused on determining the way forward in terms of developing solutions to the increasing complexities associated with waste management in NSW.

A major focus of the review was to examine how effective the Waste Boards had been in developing and implementing waste related programs and reducing waste to landfill. The findings of the review suggested that the regional waste Boards had not developed effective frameworks for collaboration and co-operation across regions. Another suggestion from the review was that the Boards did not uniformly possess sufficient expertise in the full range of required areas. The power, functions and responsibilities of the Waste Boards were too open to interpretation and thus many have claimed that the Boards have not been cost effective and that there was much program duplication.

As such, the Waste Boards were scrapped and replaced with a single State agency - Resource NSW to provide and support statewide, regional and local waste programs. Resource NSW

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became operational on October 2001. The functions of RNSW as stated in the Waste Avoidance and Resource Recovery Act are as follows:

- to develop, co-ordinate and evaluate the implementation of strategies and programs for the statewide achievement of government policy objectives in: resource conservation and waste reduction, including municipal, commercial and industrial, and construction and demolition waste; resource conservation and waste reduction and management in relation to identified regions, industry sectors or material types; market development for recovered resources and recycled materials; community education and awareness in relation to resource efficiency and waste reduction and management; programs for preventing and controlling litter and illegal dumping; and information dissemination.

At the time of the demise of the Waste Boards, councils generally were just beginning to work with an element of trust and co-operation with an effective partnership having been developed over the preceding few years. Waste Boards had a regional focus and were able to deliver a co-ordinated and supportive approach to waste management and planning.

It is difficult to visualise how it was expected that a State Government agency (RNSW) could deliver tangible outcomes for individual councils without it becoming a bureaucracy with ineffective delivery of programs. Admittedly, RNSW has only been in existence for under twelve months; however it appears that very little has been achieved in that time. RNSW is approaching the issues facing waste management from a state wide perspective and the delivery of programs will not have a regional flavour. It is disappointing however that there seems to be little being achieved to date despite the rhetoric.

The only project that has achieved any action that Council has been consulted on is the RID squad proposal which is, in all essence at the same level as what it was under the Waste Board prior to its demise. There are numerous issues facing local government over the next few years and it is considered imperative that councils receive support, guidance and direction. This should be where RNSW should be focussed.

For an agency which promised improved efficiency, RNSW has delivered very little in tangible programs. Thus far, Council has received no support from Resource NSW in regards to any waste management initiative. Disconcertingly RNSW have become the silent partner and it is suffice to say that Council is completely dissatisfied with the performance of RNSW to date.

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**Section 88 levy**

As Council would be aware, the State Government imposes a levy on waste going to landfill.

The waste levy, under section 29 of the former Waste Disposal Act 1970, was initially set at 56 cents per tonne 1970. In the early 1990's it was widely recognised that the price of waste disposal was not set at an optimal level - one within which all the operating, environmental and other third party costs were incorporated. In a 1991 report, the Industry Commission found that 'there is evidence that waste management charges in many areas were too low to allow Councils to meet the financial costs of waste disposal and make adequate provision for site replacement and environmental costs' (Industry Commission 1991). If waste disposal markets were to operate "efficiently", then the full costs of disposal would be included in prices providing appropriate signals to manufacturers, consumers and waste managers, thereby encouraging a sustainable level of natural resource consumption. Between 1991 and 1996 the levy rose from \$2 per tonne to \$10 and has continued to rise almost each year.

The waste levy imposed by the government had intentions of funding waste management initiatives that local government could not afford and that were of a regional or state significance.

Over recent years the levy has increased to now being \$18 per tonne. This means that over the next twelve months Camden Council will pay in the order of \$187,000 to the State Government with no tangible returns to our community. This amount will increase each year with the increase in population and therefore increased waste tonnages. Only 55% of the levy is hypothecated back to waste management initiatives with the remainder being directed to State revenue. Local government is now effectively receiving nothing from the levy.

It seems incredulous that Camden Council has had to follow Government direction and introduce a recycling service and a greenwaste service and yet receive absolutely no recognition of this by way of reductions in the levy. The cost of disposal to landfill is set by Waste Service NSW at \$60.90 per tonne plus \$18.20 levy (\$79.10) for the 2002/03 financial year whilst recycling costs \$15.00 per tonne (not including the additional costs of providing the service) and is set to increase effective 1 October 2003 to approx. \$50 per tonne. Greenwaste disposal cost is currently \$34.00 per tonne. There has been significant increases in costs to our community in providing the recycling and greenwaste services which do provide an environmental benefit. The level of this benefit is indeterminable at this time.

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It does seem that there should be a recognition, by government of those councils that have implemented a comprehensive waste management service such as that provided to the residents of Camden. This recognition could be by way of a reduction or elimination of the Section 88 levy. Some might argue that the other councils that have not implemented the collection arrangements should be supported. However, this was not the case for Camden and furthermore what would be the incentive to introduce a system if the long term financial offsets were not available?

**Conclusion**

Council is still eagerly awaiting some form of support from Resource NSW since it replaced the regional Waste Boards almost 12 months ago. Resource NSW promised improved and more efficient delivery of programs and planning. However as a single state agency, this has not been the case. Council funds the operation of Resource NSW through its contribution of the waste levy (currently at \$18 per tonne of waste). Thus far Council has not received any value for money for its contribution. Camden continues to pay an equivalent levy to other councils who have not implemented as comprehensive a waste service as Camden. It seems unjust that Council has not been rewarded financially for implementing such a service.

It is to be recommended that this matter be raised as a motion at the Local Government Conference at Broken Hill in October.

Recommended: That Council submit the following motion to the LGSA Annual Conference:-

“that NSW local government express its dissatisfaction at the performance of Resource NSW and the unnegotiable nature and the inequity of the section 88 levy”.

*Resolved on the Motion of Cr Fekete, seconded Cr Campbell that Council submit the following motion to the LGSA Annual Conference:-*

*“that NSW local government express its dissatisfaction at the performance of Resource NSW and the unnegotiable nature and the inequity of the section 88 levy”.*

DC080/02 THE MOTION WAS **CARRIED**.

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The Meeting closed at 6.16pm