

**MINUTES OF THE DEVELOPMENT MEETING HELD 14 JULY, 2003
CIVIC CENTRE, OXLEY STREET, CAMDEN - 5.30PM**

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Present: Cr. Anderson (Mayor/Chairperson), Cr. Corrigan, Cr. Patterson (Deputy Mayor), Cr Campbell, Cr. Winn, Cr Batros, Cr Fekete, Cr McFadden.

Staff: General Manager, Director Development & Environment, Director Works & Services, Acting Director Governance & Outcomes (Manager Corporate Services), Manager Outcomes, Manager Development, Manager Health & Environment, Manager Engineering, Administration Officer, Accessibility Officer, Section 94 Planner.

Apologies: An apology was received from Cr Senise from this meeting.

Resolved on the Motion of Cr McFadden, Seconded Cr Fekete that leave of absence be granted to Cr Senise from this meeting.

DC070/03 THE MOTION WAS **CARRIED.**

DECLARATION OF PECUNIARY OR CONFLICT OF INTEREST

- Cr Winn declared a Pecuniary Interest in the Mayoral Minute as the Manager of a shop located in Argyle Street, Camden and **left the Chamber, took no part in discussion or voting on the matter the time being 5.39pm.**
- Cr Patterson declared a Pecuniary Interest in the Mayoral Minute as the Manager of a Hotel in the Camden C.B.D.
- Cr Campbell declared a Pecuniary Interest in the Mayoral Minute as a shop owner in the Camden C.B.D.

DEVELOPMENT COMMITTEE PUBLIC ADDRESSES

There were no Public Addresses.

(Crs. Patterson and Campbell having previously declared an interest in this Item, left the Chamber and took no part in discussion or voting on the matter, the time being 5.41pm)

MAYORAL MINUTE

2003/2004 Management Plan and Budget (File 3968/5)

Following the adoption of Council's Management Plan and Budget 2003-2007 on 23 June 2003, three Councillors indicated that they wished to lodge a rescission motion in relation to Council's decision not to include provision of funding for a two level decked parking structure in Camden in the 2003-2004 budget year.

I was advised that technically, a rescission motion was not appropriate as there was no decision to rescind: the appropriate procedure would be by way of a notice of motion to include the provision of the car park and associated funding, including required borrowings, in the Budget.

However the Local Government Act and Departmental Circulars contain a number of provisions with regard to both major capital infrastructure and loan borrowings, particularly with regard to the necessity for such issues to be dealt with through the Management Plan and Budget process. The issue arose as to whether including a new project of this size in the Budget would require a recast of the entire Budget and, if so, whether this would require the adopted Budget to be rescinded and a new Budget exhibited. Such a course would have significant undesirable consequences.

In view of these uncertainties I asked the General Manager to seek advice from the Department of Local Government with regard to how provision for the construction and funding of a two level decked car park could be included to commence in the 2003-2004 financial year.

The Director General's preliminary advice is that it would normally be expected that all items of this kind would be included in the Management Plan and Budget. It would generally be expected that once it is adopted major revisions of this kind would need to be referred to the next Budget process unless they involved additional funding due to unforeseen emergencies such as floods or fire. The Director General indicated that prior to giving further specific advice he would need to consider the legal consequences in greater detail due to the significance of the proposal in relation to the Budget.

In view of the clear desire by a number of Councillors to reconsider this matter with a view to including commencement of the car park in this financial year, the Deputy Mayor and I

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are seeking a meeting with the Director General of the Department of Local Government. The meeting will discuss the process through which Council can progress this issue as expeditiously as possible while ensuring we meet our statutory obligations.

I will report back to Council as soon as this meeting has been held.

MOTION

Moved Cr Anderson Seconded Cr Corrigan that Council note the report.

DC071/03 THE MOTION WAS **CARRIED.**

(Crs Winn, Patterson and Campbell returned to the Chamber the time being 5.49pm)

1. Outcome of Prosecution Proceedings Initiated Against the Proprietors of Alan Bakery, Shop 3, 346 Camden Valley Way, Narellan, for Breaches of the Food Regulation 2001 and Food Standards Code

(PF1300.1170.3) (Director, Development & Environment Division)

Purpose of Report

To advise Council of the outcome of prosecution proceedings taken in Camden Local Court on Wednesday, 11 June, 2003 against the proprietors of Alan Bakery for breaches of the Food Regulation 2001 and Food Standards Code. The offences related to a routine health inspection of the premises as part of Council's food surveillance inspection program.

Background

On Tuesday, 10 December, 2002 Council's Environmental Health Officer undertook an inspection of the subject food premise. The inspection revealed a poor standard of cleanliness in relation to the premise, fittings, fixtures and appliances. Further breaches of the Food Regulation 2001 were observed relating to the unclean condition of the food transport vehicle and the non-protection of foods (bread rolls) during transport.

A reinspection of the food premises by Council on 12 December, 2002 revealed little change to the unclean conditions previously observed on 10, December 2002. Mr Bui was then issued with a twenty-four hour clean-up notice under Section 51 (1) of the Food Act 1989.

A further inspection revealed non-compliance with the Section 51 clean-up notice and a closure notice under the provisions of Section 52 of the Food Act 1989 was then issued and the premises closed.

The premise remained closed for some time whilst the proprietors carried out the works necessary to comply with the clean-up notice. The premise was reinspected on 11 February, 2003 by Council and the business was allowed to open for trade.

Court Action

Council resolved at the meeting of 28 January, 2003 to commence legal proceedings against the food shop proprietors, Mr An Troung Bui and Mr Xin Dinh for breaches of Clause 6 (1) of the Food Regulation 2001 and Clauses 10 (a), 19 (1) and 19 (2) of the Food Safety Standards.

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Council engaged the services of Ms Caroline Holt of Caldwell, Martin and Cox Solicitors to represent Council in the matters.

The case was listed for mention on 11 June, 2003 at Camden Local Court.

The defendants, Mr Bui and Mr Dinh did not have legal representation and advised Council's legal representative that they would be pleading guilty on all charges.

Ms Holt then made submissions to his Worship Mr John Bailey presenting the court with Council's report of the offences committed.

Following perusal of the evidence provided, his Worship discussed the offences with Mr Bui. During this time Mr Bui raised an objection as to the use of the food van, claiming it was used solely for transporting stale bread to the piggeries. Mr Bui further stated that the food premise was twenty years old, claiming that was why the premise appeared to be in an unclean condition.

His Worship then advised Mr Bui of his responsibilities as a food shop proprietor and discussed his responsibilities for providing safe food to the public, stating that the bakery should be cleaned and sanitised at the end of each day.

His Worship then fined each defendant as follows:

- (a) Offence for unclean premises - \$500.00 each
- (b) Offence for unclean food transport vehicle - \$200.00 each
- (c) Offence for Non-protection of Food - \$200.00 each
- (d) Court Costs 6 x Summonses @ \$59.00 - \$177.00 each
- (e) Legal Fees - \$400.00 each

In total each defendant is to pay the sum of \$1,477.00 within 28 days.

Conclusion

Council has been successful in initiating legal proceedings against the defendants for the reported breaches of the Food Regulation 2001 and Food Standards Code.

Recommended: That Council prepare a media release for inclusion in the local newspapers on the case and outcome.

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Resolved on the Motion of Cr Campbell Seconded Cr Winn that Council prepare a media release for inclusion in the local newspapers on the case and outcome.

DC 072/03 THE MOTION WAS **CARRIED.**

2. Bushfire Prone Land Mapping and Planning for Bushfire Protection

(File 4690) (Director, Development & Environment Division)

Purpose of Report

To advise Council of the approval of the amended bushfire prone land map for the Camden LGA.

Summary of Recommendation

It is recommended that Council note the formal adoption of the approved, amended, bushfire prone land map as prepared by NSW Rural Fire Services and signed by the Commissioner for Rural Fire Service.

Background

On 1 August 2002, the *Rural Fires and Environmental Assessment Legislation Amendment Act 2002* (Amendment Act) came into effect. The Act amends both the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Rural Fires Act 1997* to ensure that people, property and the environment are more fully protected against the dangers that may arise from bushfires.

Council resolved on 14 April 2003, DC034/03 that:

“The Bushfire Prone Land Map as prepared by NSW Rural Fire Services which forms Tabled Document “DC 25” be adopted for referral to the NSW Commissioner of Rural Fire Services for his approval.

The information on Planning for Bushfire Protection be noted.”

Information Maps

The mapping of affected properties is identified by (2) maps:

- Bushfire Prone Land Map, and
- Bushfire Prone Property Map

(a) Bushfire Prone Land Map

The Rural Fire Service was requested following Council's resolution to rationalise the proposed bushfire buffers where the impact of potential fire was low because of roads and other houses being part of the buffer, to minimise the impact of the buffers on existing residential lots. This is an issue as the buffer only has to encroach onto a lot by one metre to totally affect the whole lot.

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The bushfire prone land map was reviewed by the Rural Fire Service, the mapping amended to reflect the location of roads etc with the final map being signed by their Commissioner on 23 May 2003 - refer to **Tabled Document “DC1“**.

(b) Bushfire Prone Property Map

This is a supplementary map, that defines each parcel of land that is within, or partially within, the Bushfire Prone Land Map. This map is significant as it clearly defines all properties affected by bushfire prone designation whether partially or completely.

The Rural Fire Service is currently preparing this map for Council to supplement the bushfire prone map.

Training

In-house training for Council staff was conducted on 9 April by a senior officer from the NSW Rural Fire Service.

Summary

The recent amendment to the EP&A Act requires Council adopt a Bushfire Prone Land Map and undertake detailed assessments during its consideration of a development application if the property has been identified by the Bushfire Prone Land Map.

Council also has to include on a Planning Certificate a statement to the effect that a property has been identified as bushfire-prone land.

The Bushfire Prone Land Map has been signed by the Commissioner for the NSW Rural Fire Service and is therefore now available for Council to use.

Recommended: That :

- (i) Council note the formal adoption of the Bushfire Prone Land Map for the Camden LGA as signed by the Commissioner for the NSW Rural Fire Service.
- (ii) A public notice be placed in a local newspaper advising of the approved Bushfire Prone Land Map.

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Resolved on the Motion of Cr. Campbell Seconded Cr Winn That :

- (i) Council note the formal adoption of the Bushfire Prone Land Map for the Camden LGA as signed by the Commissioner for the NSW Rural Fire Service.*
- (ii) A public notice be placed in a local newspaper advising of the approved Bushfire Prone Land Map.*

DC073/03 THE MOTION WAS **CARRIED.**

THE MEETING CLOSED AT 5.59PM.