

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

ORDER OF BUSINESS – DEVELOPMENT COMMITTEE

APOLOGIES.....	2
DECLARATION OF PECUNIARY OR CONFLICT OF INTEREST.....	2
DEVELOPMENT COMMITTEE PUBLIC ADDRESSES.....	2
1. Proposed Modification of Amenities Block at No 66 (Lot 41 DP 839537) Cawdor Road, Camden [Bi-centennial Equestrian Park]	3
2. Section 96 Amendment Application, 1E (Lot 216 DP 1001823) Spring Hill Circle, Currans Hill.....	13
3. Proposed Subdivision of Land to Create 52 Industrial Allotments, 3 Residue Allotments, Roads and Drainage Reserves, No 73 (Lot 203 DP746843) Anderson Road, Smeaton Grange.....	21
4. Submission to Department of Infrastructure Planning and Natural Resources on Accreditation of Council Approval Officers	55
5. Magpies Swooping Complaints	63

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Present: Cr Anderson (Mayor/Chairperson), Cr Dewbery, Cr Elliott, Cr Kernohan, Cr Cagney, Cr Funnell, Cr Whiteman, Cr Johnson, Cr Campbell.

Staff: General Manager, Director Development & Environment, Director Works & Services, Director Governance & Outcomes, Manager Outcomes, Manager Development, Acting Manager Environment & Health (Team Leader Environment & Health Branch, Administration Officer.

APOLOGIES

There were no apologies.

DECLARATION OF PECUNIARY OR CONFLICT OF INTEREST

There were no declarations.

DEVELOPMENT COMMITTEE PUBLIC ADDRESSES

Mr Bradley White addressed the Committee in relation to Item 3 of the Development Committee.

Mr Greg Frawley addressed the Committee in relation to Item 3 of the Development Committee.

Mr Don Keenan addressed the Committee in relation to Item 3 of the Development Committee.

**1. Proposed Modification of Amenities Block at No 66
(Lot 41 DP 839537) Cawdor Road, Camden [Bi-
centennial Equestrian Park]**

File No: DA1500.660-4(Director, Development &
Environment Division)
DA No: 2043/2001.3
Applicant: Camden Council Bicentennial Park 355
Management Committee
Zoning: Open Space 6 [a1] pursuant to LEP 46

Purpose of Report

Approval is sought to modify a previous approval (DA 2043/2001) for construction of an amenities block under the provisions of S96 of the EP&A Act. The matter is referred to Council for determination as the site is severely flood affected. The application is brought to Council as the original approval was determined by Council and the application relates to Community Land.

Summary of Recommendation

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

Background

On 10 December 2001, Council approved the use of the southern portion of Bi-centennial Park for equestrian related purposes. The consent gave permission to:

- Erect fencing to create a multi-purpose arena, holding yards and rodeo arena;
- Construct five (5) buildings including a small open-sided clubhouse, refreshment stand, canteen, amenities block and BBQ shelter;
- Provide a septic tank and two holding wells for the purposes of effluent disposal;
- Construct a service road made from crushed sandstone to facilitate heavy vehicle access to the holding yards;
- Remove six (6) trees adjacent to the entry point off Sheathers Lane in order to improve the line of sight for traffic movements and provide vehicular access to the site.
- Relocate the 60 km speed limit zone in Sheathers Lane as a traffic calming measure further to the west.
- Stage a number of equestrian related events per year

Construction of the multi-purpose arena, holding yards and rodeo arena has been completed. The open sided clubhouse has also been completed. Two demountable buildings have been placed on site which serve as an office, canteen and

amenities block. The applicant hopes to replace these demountable buildings with permanent structures in the near future.

The Proposal

The applicant seeks approval to modify the design of the amenities block. The consent issued by Council relates to a 16 x 6 metre structure with gable roof and colour bond cladding.

The applicant now wishes to construct a 14 x 14 metre structure with a broken pitch / barn style roof. The roof design is similar to the clubhouse previously approved by Council. The new building which will be clad with colour bond will also incorporate a small under awning storage area. A copy of the submitted plans forms **Tabled Document "DC 1"**.

The Site

The application relates to the southern portion of Bicentennial Park [a location plan follows].

The site has a number of constraints, particularly in relation to proximity to natural watercourses and flood inundation. Both of these issues will be discussed elsewhere in this report.

Bicentennial Park has been used for a variety of purposes in the past. The predominant use of the land in recent times has been equestrian pursuits including cross-country events, rodeo, dressage and show jumping. The proposed development is consistent with the predominate use.

Planning Controls

The following plans and policies have been considered as part of Council's assessment of the subject application.

- Camden 2025
- Camden LEP 46
- Upper Nepean River Floodplain Management Study and Plan
- SREPP 20 – Hawkesbury – Nepean River
- Draft Plan of Management - Bicentennial Park
- Draft Masterplan for Bicentennial Park

Assessment

The subject application has been assessed in accordance with Section 79C of the Environmental Planning & Assessment Act 1979. The following comments are provided with respect to the critical aspects of the proposed development.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**



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

Camden 2025

The Strategic Plan for Camden 2025 has five key areas for consideration. This Strategy aims to promote Camden as a working country town and as a tourist centre. The establishment of the park as an equestrian centre has realised part of the strategy in the promotion of Camden as a tourist location and reinforces the image of the working country town.

Camden LEP 46

The land is zoned Open Space under the provisions of CLEP No 46. The relevant objectives of the zone are:

- *To ensure there is provision of adequate open space areas to meet the needs of all residents;*
- *To identify land which is owned by Council for open space or public recreational purposes; and*
- *To identify certain land which is owned by the Crown and under the care, control and management of Council as public open space.*

The use of the land for equestrian purposes meets the objectives of the zone and is therefore a permissible use.

Upper Nepean River Floodplain Management Study and Plan

The management plan requires consideration to be given to the following matters:

1. Building construction – all structures erected in flood-affected areas must be constructed with flood compatible materials. The applicant has provided documentation prepared by a consulting engineer that the structures will withstand the forces associated with flood inundation. It should be noted that the building does not contain materials likely to be damaged by water [ie gyprock, carpet and the like].
2. Flood effect on others – the nature of the development is such that the adjoining properties are unlikely to be affected to any greater extent by flooding. Rising floodwaters will not be diverted or redirected.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

3. Evacuation and access – the development is not expected to place any additional strain upon emergency services in the event of a flood. The site is not proposed to be used for habitable purposes and is unlikely the site will be used during a flood event.

SREP 20 – Hawkesbury – Nepean River

The proposed development is not expected to have any significant impact upon the water quality of the river system provided waste management is affectively managed. The development is not expected to have any adverse impact upon the flora and fauna associated with the Hawkesbury – Nepean River.

Plan of Management - Bicentennial Park.

The primary management objective of the plan is:

‘To maintain and enhance the natural and scenic value of the Park and to protect its ecological values so that the Park will provide a recreational resource for the community’.

The proposed building is not expected to unduly affect the scenic quality of the park. The building will be finished in colours that match the existing structures erected on site. The intention of the structure is to provide a recreational resource for the community.

Draft Camden Bicentennial Equestion Park Masterplan

Council is currently exhibiting a draft masterplan for the site. The masterplan details preferred Building Structures as follows:

Built Structures

The proposed masterplan shows only a few buildings for the site. This minimisation of building numbers reinforces the philosophy of keeping the site rural in nature and visually scenic from the adjacent Cawdor Road and is a concept which should be protected and adhered to.

To ensure a continuity of style and vernacular across the buildings proposed for the Park, we recommend the adoption of a palette of materials and style of construction that can be used for all structures proposed.

Style: Buildings should be loosely of a historic rural vernacular to ensure the vista from Cawdor Road is

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

predominantly a rural one and that the concept of Camden as a working country town is reinforced. This style is typified by generous low eaves, gable ended hip roofs, and verandahs.

Construction: Buildings should be slab on ground with minimal adjustment to existing ground levels. Buildings should be post and truss or post and rafter construction.

Bulk and Scale: Buildings are to be minimised in scale and bulk. Generally buildings should not exceed in bulk and scale that of the existing camp draft open pavilion. Building roof spans should be minimised to reduce gable heights.

Materials:

Roofs should be galvanised or zincalume corrugated metal sheeting in a custom orb profile.

Walls to be either one, or preferably a combination of the following:

Galvanised or zincalume corrugated metal sheeting in a custom-orb profile;

Rough sawn timber used either vertically (board and batten) or horizontally (weatherboard) and stain or natural finish.

Subtle coloured or grey concrete block used in conjunction with the above materials. Concrete block should not be used exclusively on any elevation or building and should be broken down with use of the above materials.

Openings: Glass is not to be used. Ventilation openings should be either fixed or adjustable metal or timber louvres. Metal mesh may be used where privacy is not an issue. Roof ventilation is encouraged. Use of screens to prevent bird and vermin penetration on openings is encouraged.

Structure: Posts in isolation (not clad) are to be timber, preferably of a 'chunky' cross section. Wall structure to be either metal or timber stud framed. Roof structure to be timber rafters. The use of gang nail trusses is discouraged.

Colour: Colours generally should be kept natural to the material, or of an earth tone colour that will blend with the rural vista.

The proposal generally meets this criteria provided the posts are 'chunky' cross section timbers and the roof and walls are galvanised or zincalume corrugated metal sheeting in a custom-orb profile and trims either of the same materials as an earth tone colour. These requirements should be included as conditions of any notice of modification of consent.

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

Water Pollution

The facilities associated with the proposed use have been strategically located between the two arms of Matahil Creek. A buffer zone of more than 40m has been maintained to the watercourse. Consequently the applicant is not required to seek concurrence from the Department of Infrastructure Planning & Natural Resources. The proposed use is not expected to generate contaminants likely to cause pollution to the natural watercourses provided proper controls are implemented in relation to waste collection.

Waste Disposal

It is proposed to construct an amenities block for the convenience of spectators and competitors. At present waste from this facility is collected and stored in underground tanks. The tanks are pumped out on a regular basis and the effluent transported to Camden Sewerage Treatment Works.

The applicant has discussed the prospect of connecting the amenities block to the sewer main. Sydney Water has indicated that a new sewer line will be constructed on the Bi-Centennial Park side of Sheathers Lane within the next 18 to 24 months. It is proposed to make it a condition of consent that the amenities block be connected to the new facility when it has been completed and commissioned.

(c) The suitability of the site for the development

Flood inundation

The site is affected by flood inundation with flood depths during extreme storm events of approximately 10m. Under the Upper Nepean River Floodplain Management Study and Plan the site is located in a 'flood storage' area as defined in the NSW Floodplain Management Manual. The velocity of floodwaters is very small. The applicant has engaged the services of a consulting engineer to consider flood forces acting on the proposed amenities block during flood inundation. The proposed structures are expected to withstand the forces associated with rising and falling floodwaters.

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

Given the nature of the amendments the application has not been notified to adjoining property owners.

(e) The public interest

The facility will serve to meet the social and recreational needs of the local and larger community. The regular use of the facility will also have flow-on benefits to local service providers, particularly those associated with Camden Town Centre.

Conclusion

The proposed development is consistent with the predominant use of Bicentennial Equestrian Park. The area and characteristics of the site are well suited to recreational pursuits of this nature. The development will help to serve the social needs of the local and larger community. There is also expected to be flow-on benefits to the local business community. Flood impacts have been addressed and the proposed works do not result in any increase in the demands of emergency services during a flood event nor do they increase any risk. Provided the building is constructed of materials consistent with the draft masterplan, it is appropriate to allow the proposed modification.

Recommended: That Modified Development Application No 2043/2001.3 for construct of an amenities block at No 66 [Lot 41 DP 839537] Cawdor Road, Camden be approved subject to the following conditions of consent:

Details of Modified Conditions:

- (1) **Approved Plans** – The development must be carried out strictly in accordance with the plans prepared by JW Buildings Pty Ltd, dated 21 April 2004, and numbered Sheets 1 & 2 (Issue B). Roof and walls shall be galvanised or zincalume corrugated metal sheeting in a custom-orb profile and posts are to be a ‘chunky’ cross section timber post.

The development must also comply with the conditions of approval imposed by Council hereunder.

Amendments – Modifications to the approved plans and specifications requires the prior approval of the Consent Authority (Camden Council). The procedure for applying to amend the approved plans is to submit an “Amended

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Development Application” form pursuant to section 96 of the Environmental Planning & Assessment Act 1979.

- (2) **Effluent Disposal** – All waste shall be collected in a suitably sized (located holding well and pumped out on a regular basis. The removed waste shall be disposed of at an appropriate treatment facility. Upon completion of the sewer line extension along Sheathers Lane the amenities building shall be connected to the sewer of the Sydney Water Corporation.
- (3) **Structural Stability** – The amenities building shall be constructed in accordance with the engineering details prepared by MLH Civil and Structural Engineers Pty Ltd dated 12 August 2004.

All other conditions of Consent No. 2043/2001 dated 17 December, 2001 and 31 May, 2004 are to remain valid and applicable.

Resolved on the Motion of Cr Funnell, seconded Cr Johnson that Modified Development Application No 2043/2001.3 for construct of an amenities block at No 66 [Lot 41 DP 839537] Cawdor Road, Camden be approved subject to the following conditions of consent:

Details of Modified Conditions:

- (1) **Approved Plans** – *The development must be carried out strictly in accordance with the plans prepared by JW Buildings Pty Ltd, dated 21 April 2004, and numbered Sheets 1 & 2 (Issue B). Roof and walls shall be galvanised or zincalume corrugated metal sheeting in a custom-orb profile and posts are to be a ‘chunky’ cross section timber post.*

The development must also comply with the conditions of approval imposed by Council hereunder.

Amendments – *Modifications to the approved plans and specifications requires the prior approval of the Consent Authority (Camden Council). The procedure for applying to amend the approved plans is to submit an “Amended Development Application” form pursuant to section 96 of the Environmental Planning & Assessment Act 1979.*

- (2) **Effluent Disposal** – *All waste shall be collected in a suitably sized (located holding well and pumped out on a regular basis. The removed waste shall be disposed of at an appropriate treatment facility. Upon completion of the sewer line extension along Sheathers Lane the amenities building shall be connected to the sewer of the Sydney Water Corporation.*

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

- (3) **Structural Stability** – *The amenities building shall be constructed in accordance with the engineering details prepared by MLH Civil and Structural Engineers Pty Ltd dated 12 August 2004.*

All other conditions of Consent No. 2043/2001 dated 17 December, 2001 and 31 May, 2004 are to remain valid and applicable.

DC104/04 THE MOTION ON BEING PUT WAS **CARRIED.**

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

2. Section 96 Amendment Application, 1E (Lot 216 DP 1001823) Spring Hill Circle, Currans Hill

File No: DA7297.19/1-3 (Director, Development & Environment)
DA No: MOD551/2003/2
Owner: Wolin Investments P/L
Applicant: Holmwood Builders
Zoning: 2 (d) Residential

Purpose of Report

The purpose of this report is to seek a determination from Council of an application to modify a development consent in accordance with Section 96 of the Environmental Planning & Assessment Act 1979 (the Act). The application to amend the consent is referred to Council as it determined the original application at its Development Committee Meeting of 16 December, 2002.

Summary of Recommendation

It is recommended that the application for modifications be approved subject to compliance with the conditions of the original consent and the new amending conditions of consent.

Background

On 16 December, 2002, Council issued a conditional development consent (DA82/2001), for the subdivision of the existing lot into twenty-three (23) lots. The approved subdivision plan indicated building footprints for 23 future dwellings. The detailed design of such dwellings was to be the subject of a future application to Council. Councillors held a workshop with the developer of the land to discuss design issues relating to the siting and appearance of the proposed dwellings to be erected on the land. The workshop was in response to concerns of the Councillors and residents who objected to the proposed development in relation to the design and quality of developments that had been constructed on adjoining land. Particular concern was the presentation of the development to Spring Hill Circle and the need to ensure that appropriate building facades and landscaping addressed the street so that the dwellings were consistent with the remainder of the street. High fences forward of the building line were not supported. The aim was to ensure an open streetscape. The Councillors sought assurances that the development would be of a higher standard.

These requirements were incorporated in plans submitted to Council in a development application which was approved on the 15 October, 2003, when Council issued consent to 23 dwellings on a 22 lot subdivision. The linen plan was released

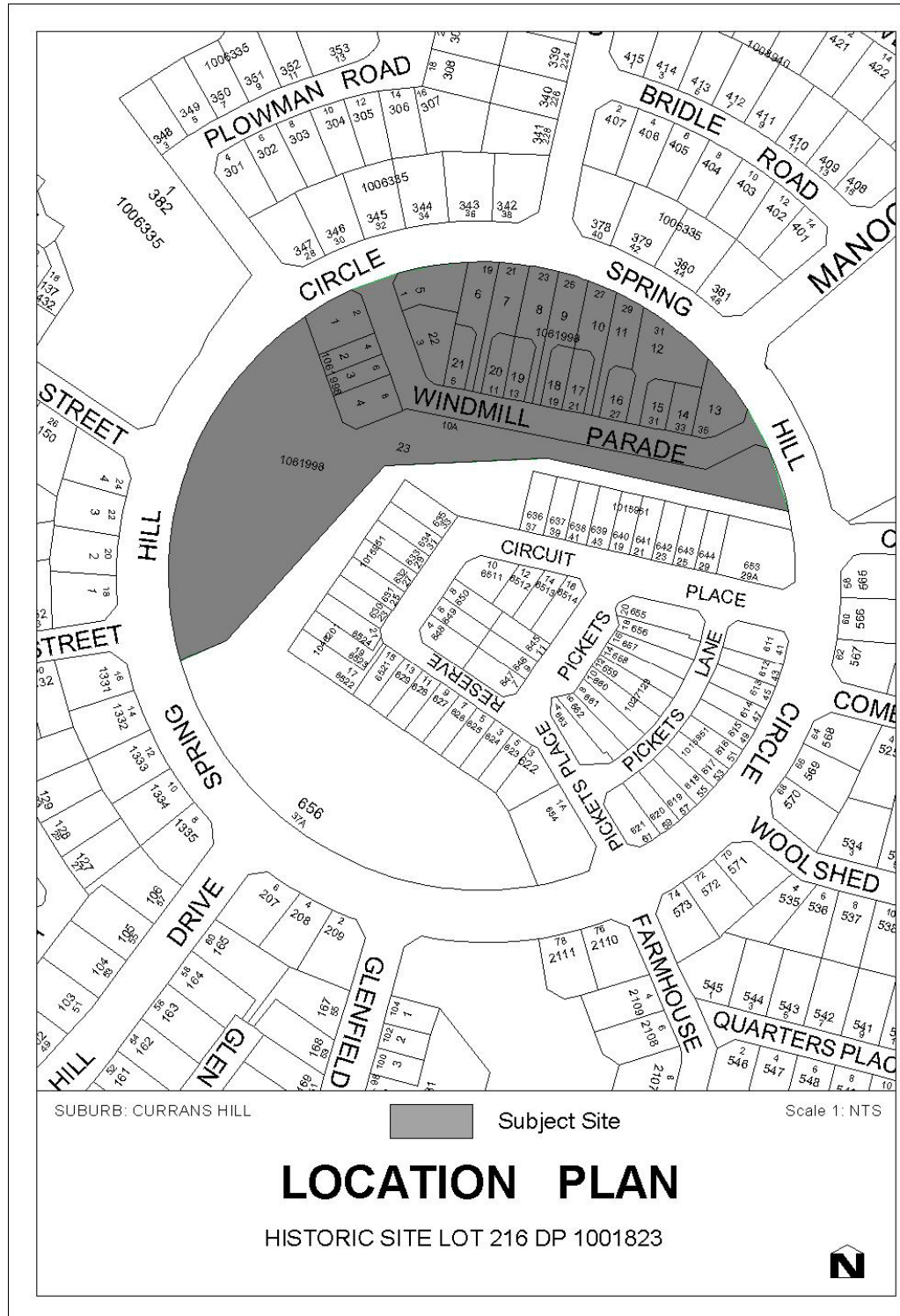
**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

by Council on 2 March, 2004 and now awaits registration. The individual dwellings are under construction and await the approval of this application so that the development may be completed.

The Site

The property is currently known as Lot 216 in Deposited Plan 1001823 (1E) Spring Hill Circle, Currans Hill and is located on the northern portion of Spring Hill Circle between the intersections of Lakeside Street and Classers Place. A drainage reserve adjoins the site to the south. A location plan follows.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**



The Proposal

The proposed amendments to DA 551/2003 are of a minor nature and are detailed below:

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

1. **All Lots** – Cladding on the first floor to be deleted and finished in brickwork.

On the following lots, fibre cement cladding on the first floor will be deleted and replaced with brickwork on the listed elevations.

Lots 2 & 3: South & West Elevation

Lot 16: North & West Elevation

Lot 17: North & West Elevation

Lot 18: West & North Elevation

Lot 19: North & West Elevation

Lot 20: North & West Elevation

2. **Driveways:**

Lots; 6,7,8,9,10,11,12 & 13

The coloured stencil finish with 0.6m landscape strip is to be deleted and replaced with a standard driveway with medium to dark brown coloured matt finish. Shorter driveways are to be coloured stencil finish, with medium to dark brown coloured matt finish.

3. **All lots:**

Paving inside setbacks

It is proposed to replace the approved coloured concrete flagstones with plain concrete broom finished paths. All paved areas in front of garages are to be plain concrete.

4. **Fencing on corner allotments**

Lots 1,4,5,12, 13 & 22

It is proposed to erect a 1800mm high stained timber picket fence on the above lots. This fence will form the rear fence of Lots 1 to 4 (fronting the reserve) and is proposed to be located behind the approved hedging of Lots 1, 4, 5, 12, 13 and 22. The location of these fences is indicated in **Tabled Document "DC 2"**. Lot 12 is shown on page 2 of the document.

Lots 6 to 11 and 2 & 3

A 1.0m high stained timber picket fence is proposed on the above lots behind the hedges fronting Spring Hill Circle. The type of fencing is shown on **Tabled Document "DC 3"**.

Notification

Due to the very minor nature of the proposed amendments, notification to adjoining neighbours is not warranted and therefore was not undertaken.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Planning Controls

The following documentation has been considered with respect to Council's assessment of the Section 96 application.

- Camden Local Environmental Plan No 47
- Development Control Plan (DCP) No 58

Assessment

The subject application has been assessed in accordance with Section 79C of the Environmental Planning & Assessment Act 1979. The following information is provided in relation to Council's assessment.

The amending application seeks to alter the façade building materials of several dwellings. It is intended to replace weatherboard and continue with face brickwork. No objection is raised to the deletion of the weatherboard inserts.

The applicant has requested that on all lots the approved fibre cement cladding be deleted and replaced with finished brickwork. Whilst the replacement with brickwork may be supported on all lots, there are certain lots where the developer has already erected and painted the cladding. This includes parts of those dwellings forming corner lots and some lots fronting Spring Hill Circle. It is proposed through draft Condition 49 that all lots be given the option of using fibre cement or brickwork on the first floor.

The approved materials for all small driveways was unit paving, whilst the longer driveways consisted of a combination of unit paving, ground covers and concrete. The applicant now intends to delete any reference to unit paving and ground covers by eliminating the landscape strip in the middle of the driveways and constructing only coloured stencil concrete in a medium to dark brown colour.

This will result in a driveway that will resist cracking and damage for a longer duration, therefore reducing the incidence of maintenance and conflict between owners of the shared driveways. In addition, the colour of the concrete driveway will ensure cohesion between individual dwellings and the areas of private open space.

A variation to the access paths inside the individual lots is also proposed. The approved coloured concrete flagstones are intended to be replaced with broom finished plain concrete. These paths are designed to allow residents ease of access from dwellings to the detached garages and provide for effective manoeuvring of garbage bins.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

The proposed amendments to fencing at the development are proposed to provide increased privacy for certain dwellings, particularly corner allotments. The extent of the proposed fencing changes is shown in **Tabled Document "DC 2"**. Fences around Lots 1-4, 5, 12, 13 & 22 are proposed to be 1.8m high and fences along Lots 6-11 are 1.0m high.

The use of a 1.0m high stained picket fence on Lots 6 to 11 and Lots 2 & 3 is appropriate and does not conflict with the character of Spring Hill Circle.

Where a 1.8m high stained timber picket fence between brick piers is proposed on Lot 1, 4, 5, 12, 13 & 22, the streetscape needs to be considered. Whilst the need to provide a private area for residents is recognised, this area should not be within the setback to Spring Hill Circle. For this reason if Council were to support the changes, it should allow the enclosure of a yard area only and not the front setback.

A plan showing the alternate proposal forms **Tabled Document "DC 4"**.

The adoption of this plan will provide privacy and screened service areas to each dwelling whilst maintaining an open streetscape along Spring Hill Circuit.

Approval of the alternate plans will ensure compliance with DCP 58.

Conclusion

The proposed modifications incorporating the amendments outlined in the report are considered minor and will both enhance and reinforce the landscape and streetscape amenity of Spring Hill Circle. It is considered that the proposed new fences, provided they are behind the building alignment, have merit and will eliminate the possibility of Council having to assess future applications for fencing heights, types and materials. Further, it will ensure owner/occupiers do not erect incompatible fencing.

It is proposed that the application be approved subject to the original conditions of consent and the new conditions relating to each of the proposed amendments.

Recommended: That the Section 96 application to amend Development Consent No 551/2003, specifically the façade materials, pavement type and fencing details of certain proposed Lots at 1E (Lot 216 DP 1001823) Spring Hill Circle, Currans Hill be approved subject to the original conditions of consent and the following new conditions:

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Details of Modified Conditions:

Condition 49

The first floor elevations of all lots may be finished in either brickwork or fibre cement cladding.

Condition 50

All driveways for Lots 6, 7, 8, 9, 10, 11, 12 and 13 shall be constructed of concrete in a medium to dark brown colour with a matt finish. The landscape strip in the middle of the driveway is to be deleted.

All other remaining shorter driveways are also to be constructed of stencilled concrete coloured medium to dark brown with a matt finish. The middle landscape strip is also to be deleted.

Condition 51 - Garden Paving

All lots shall have paving inside the setbacks constructed of plain concrete with a broom finish. The paved areas in front of the garages shall also be plain concrete.

Condition 52 – Privacy and Garden Fencing

A stained timber picket fence with a maximum height of 1.8m shall be constructed behind the approved hedging on Lots 1, 4, 5, 12, 13 and 22, and in accordance with the approved fencing detail numbered F01 and amended in red and dated the 2 June, 2004.

A stained timber picket fence with a maximum height of 1.0m shall be constructed behind the approved hedge on Lots 2, 3, 6, 7, 8, 9, 10 and 11

Resolved on the Motion of Cr Johnson, seconded Cr Funnell that the Section 96 application to amend Development Consent No 551/2003, specifically the façade materials, pavement type and fencing details of certain proposed Lots at 1E (Lot 216 DP 1001823) Spring Hill Circle, Currans Hill be approved subject to the original conditions of consent and the following new conditions:

Details of Modified Conditions:

Condition 49

The first floor elevations of all lots may be finished in either brickwork or fibre cement cladding.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Condition 50

All driveways for Lots 6, 7, 8, 9, 10, 11, 12 and 13 shall be constructed of concrete in a medium to dark brown colour with a matt finish. The landscape strip in the middle of the driveway is to be deleted.

All other remaining shorter driveways are also to be constructed of stencilled concrete coloured medium to dark brown with a matt finish. The middle landscape strip is also to be deleted.

Condition 51 - Garden Paving

All lots shall have paving inside the setbacks constructed of plain concrete with a broom finish. The paved areas in front of the garages shall also be plain concrete.

Condition 52 – Privacy and Garden Fencing

A stained timber picket fence with a maximum height of 1.8m shall be constructed behind the approved hedging on Lots 1, 4, 5, 12, 13 and 22, and in accordance with the approved fencing detail numbered F01 and amended in red and dated the 2 June, 2004.

A stained timber picket fence with a maximum height of 1.0m shall be constructed behind the approved hedge on Lots 2, 3, 6, 7, 8, 9, 10 and 11

DC105/04 THE MOTION ON BEING PUT WAS **CARRIED.**

3. Proposed Subdivision of Land to Create 52 Industrial Allotments, 3 Residue Allotments, Roads and Drainage Reserves, No 73 (Lot 203 DP746843) Anderson Road, Smeaton Grange

File No: DA150.20 (Director, Development & Environment Division)
DA No: 1127/2003
Owner: Landcom
Zoning: 4(a) 'General Industrial' pursuant to Camden LEP 47

Purpose of Report

The purpose of this report is to allow Council to consider an application to establish a 52 lot industrial subdivision at Smeaton Grange. The application is referred to Council as there are a number of matters raised in submissions which cannot be resolved through negotiations.

Summary of Recommendation

It is to be recommended that the application to subdivide Lot 203 DP 746843, Lots 46, 49-60 DP 28024, Lots 4-5 DP 1048364 & Lot 822 DP 1051150 into a 52 lot industrial subdivision, a riparian corridor and three residue lots be approved subject to conditions.

The Site

The site forms part of the north-east precinct of the Smeaton Grange industrial area. The proposed subdivision layout is shown on the plan which forms **Tabled Document "DC 5"**. A location plan is shown below.

Kenny Creek runs through the site in an east to west direction and an unnamed watercourse runs from Turner Road to Kenny Creek in a north to south direction. These watercourses have been included in a 9.3Ha Riparian Corridor.

The site is mostly flat rising gently to Turner Road from the northern side of Kenny Creek. A number of trees exist on the site and are mostly contained within the riparian zone.

The Proposal

It is proposed to establish a 52 lot industrial subdivision in three stages.

- Stage 1 being lots 301 to 311 and lots 319 to 321
- Stage 2 being lots 312 to lots 318

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

- Stage 3 being lots 429 to 431 and all lots on the northern side of Kenny Creek



**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

The subdivision contains lots ranging in size from 2027m² to 1.3ha, a 9.3ha riparian corridor and three residue lots for future development.

The plan shows a road connection to Turner Road which is not part of this application. Any future road connection between the industrial area and Turner Road will be the subject of a future traffic study. All roads are designed to be capable of catering for B Double trucks.

A bridge will be required to be constructed across Kenny Creek as part of Stage 3. This bridge will be constructed in accordance with the requirements of the Department of Infrastructure and Natural Resources (DIPNR).

Notification

In accordance with Council's Development Control Plan 116 – Notification, Advertisements and Mediation, the application was notified from 22 September, 2003 to 6 October, 2003. 35 persons and organisations were notified and three submissions received.

Planning Controls

The following planning instruments are relevant in the determination of this development application.

- Camden 2025
- Camden Scenic and Cultural Landscape Study
- Camden Local Environmental Plan No 47 (CLEP 47)
- Development Control Plan No 121 Smeaton Grange Industrial Area (DCP 121)

Assessment

The application has been assessed in accordance with Section 79C of the Environmental Planning & Assessment (EP & A) Act 1979. The following comments are made with respect to the critical aspects of the application.

(a) The provision of any environmental planning instrument, development control plan (DCP) or matter prescribed in the regulations

Camden 2025

The Strategic Plan aims to increase and diversify business and employment opportunities and ensure facilities service the immediate needs of the community. The proposal is consistent with these aims.

Camden Scenic and Cultural Landscape Study

The area is classified as Suburban residential/urban in the Camden Scenic and Cultural Landscape Study. The Camden Scenic and Cultural Landscape Study identifies a number of viewing points along Turner Road which look onto this site. In order to preserve the viewing quality from these localities extensive landscaping is to be provided along the northern boundary of the site.

Camden LEP No 47

The subject site is zoned 4(a) (General Industrial Zone) wherein the proposed development is permissible with the consent of Council.

Development Control Plan (DCP) 121 – Smeaton Grange Industrial Area

The proposed subdivision is in accordance with the requirements of DCP 121.

(b) Likely impacts of the development, including impacts on both the natural and built environment including social and economic impacts

The application has been supported by a:

- Contamination Assessment
- Traffic and Parking Assessment
- Threatened Species Assessment
- Salinity Assessment
- Aquatic Assessment

All the above reports have been assessed and in some cases follow up information has been requested and provided. The proposed development incorporates all the recommendations of these reports into the design which will ensure minimum adverse impact on the natural environment.

The riparian zone boundaries had been determined in consultation with DIPNR, prior to the application being submitted.

The Acoustic Report does not recommend the construction of an acoustic barrier at the residential / industrial interface, given that a large residue lot (Lot 433) will separate two land uses. Noise attenuation measures will be constructed as part of any future development of the proposed residue lot.

The development of this area as future industrial land is very important for the future economic and social development of the Camden area as it will generate the basis for future employment opportunities. The land has been zoned for this purpose for a number of years.

[c] Suitability of the Site for the Development

Smeaton Grange has been identified as the major industrial site within the Camden area since the early 1980s. The site is fully serviced with water, sewer, electricity and telephone. The impacts of the development on local traffic have been considered and are not considered significant, particularly with the recent signalisation of the Camden Valley Way/ Anderson Road intersection and the commitment of government to signalise the Narellan Road/ Hartley Road intersection.

The contamination report concludes that the analysed concentrations are less than the health based criteria adopted and do not pose a risk to human health.

The Salinity report demonstrates a degree of salinity present in the soil. The report also provides a detailed salinity managements plan, to be incorporated into all future developments on the site.

[d] Any submissions made in accordance with this Act or the Regulations

As stated elsewhere in this report, Council received 3 submissions as a consequence of the notification process. Copies of these submissions form **Tabled Document "DC 6"**. The concerns raised in the submissions are summarised as follows:

- The establishment of a visual and acoustic barrier
- The extension of Bluett Drive to Turner Road
- Generation of dust during construction
- The buffer area to Turner Road
- Establishment of recreational land within the industrial area
- The removal of asbestos from existing dwellings
- Environmental concerns

Discussions have taken place with the authors of the three submissions and a number of the matters have been resolved. The following comments are provided with respect to the matters raised:

(i) The establishment of a visual and acoustic barrier

Comment:

This matter has been addressed elsewhere in this report. Acoustic treatment will be required in the latter stages of the development and a landscape buffer is proposed along Turner Road. Industrial buildings will back onto Turner Road also acting as a barrier, however due to the levels of the land the buildings will be visible from adjoining land.

(ii) The extension of Bluett Drive to Turner Road

Comment:

This matter has been addressed elsewhere in this report. It is not proposed at this stage and requires further consideration and approval.

(iii) Generation of dust during construction

Comment:

Should Council resolve to grant consent to this development application, a condition will be imposed requiring the applicant to implement adequate dust suppression measures during construction.

(iv) The buffer area to Turner Road

Comment:

Clause 2.5 of DCP 121 adopts the Landscape Master Plan prepared by Andrews Neil Landscape Architects for the Smeaton Grange Industrial Area. The Landscape Master Plan shows the location and extent of planting themes in public and private lands within the Smeaton Grange area. The proposal is to be consistent with that plan.

(v) The establishment of the buffer zone fronting Turner Road as a separate lot to ensure compliance with the requirements of the Landscape Master Plan

Comment:

This is considered a good idea and it is recommended that should Council resolve to grant consent to this application, a condition be imposed requiring the buffer zone along Turner Road to be included as part of the reserve to be created over the Riparian Zone. A further condition should be imposed requiring the applicant to establish the landscaping buffer zone in accordance with the Landscape Master Plan prior to Council accepting ownership of same.

The inclusion of the said buffer zone in the Riparian Corridor reserve, will ensure the area is maintained to a consistent and acceptable level at all times. If the buffer zone were to be established in separate ownerships the land would be at the rear of the industrial buildings. As there is to be no access from these lots to Turner Road the owners of these lots would have no interest in maintaining this land to an acceptable standard.

(vi) Establishment of recreational land within the industrial area

Comment:

The area is an industrial area and not a recreational area. Sufficient recreational areas exist in other more appropriate areas of the Council area. The riparian corridor provides opportunities for passive recreational activities.

(vii) The removal of asbestos from existing dwellings

Comment:

Approval has already been granted for the demolition of the existing buildings on the site. The consent issued contained sufficient requirements to ensure that asbestos would be removed from the site in accordance with the requirements of WorkCover.

(viii) Environmental concerns

Comment:

The information provided has been assessed by Council's Natural Resource Officer who also had a number of concerns with the information originally submitted. Subsequent material has been requested and provided and an on-site meeting organised. Council's Natural Resource Officer is satisfied that the additional information demonstrates that the proposed subdivision will not have a detrimental impact on the natural environment of the area.

Conclusion

The proposed subdivision will provide a much needed increase in the now depleted stock of industrial lots. An assessment of the application has shown that the proposed subdivision can be provided with minimal adverse impact on the natural and built environment. Most of the matters raised in the submissions received do not relate to this application and are matters which will be addressed by future applications and studies.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Recommended: That:

- (i) Development Application No 1127/2003 to establish a 52 lot industrial subdivision, three residue lots and a drainage reserve at No 73 Anderson Road, Smeaton Grange be approved subject to the following conditions.
- (ii) That the objectors be advised of Council's determination.

Details of Conditions: Stage 1

1.0 – GENERAL REQUIREMENTS

The proposed development must comply with the following

- (1) **Approved Plans** – The development must be carried out strictly in accordance with the plans prepared by John M Daley and associates, dated 7 August 2003, and numbered 3009/003&4 and supporting information.

The development must also comply with the conditions of approval imposed by Council hereunder.

Amendments – Modifications to the approved plans and specifications requires the prior approval of the Consent Authority (Camden Council). The procedure for applying to amend the approved plans is to submit an “Amended Development Application” form pursuant to section 96 of the Environmental Planning & Assessment Act 1979.

- (2) **Establishment and Maintenance Costs** – All costs involved with the establishment and maintenance of the approved landscaping works will be paid for by the applicant. The costs involved will include, but not limited to, such items as electricity costs and water usage. The applicant will pay for all costs involved with the landscaping and maintenance works until such time as Council has agreed that the 12-month maintenance period has been successfully completed.

2.0 – CONSTRUCTION CERTIFICATE REQUIREMENTS

The following conditions must be complied with prior to the Construction Certificate being issued.

- (1) **Civil Engineering Plans** - Civil Engineering Plans Indicating drainage, roads, earthworks, pavement design, line marking and traffic management details must be prepared strictly in accordance with Camden Councils Engineering Works Development Control Plan and associated guidelines are to be submitted to the

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Certifying Authority prior to the Engineering Construction Certificate Being Issued.

Under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.

Under section 109E of the Environmental Planning and Assessment Act 1997, Council must be nominated as the Principal Certifying Authority and has the option of undertaking inspection of physical construction works.

All works associated with the subdivision are to be undertaken at no cost to Council.

- (2) **Street Lighting** – The area is to be provided with street lighting to a P4 standard. Details to be provided to the Certifying Authority prior to the Construction Certificate being issued.
- (3) **Cul De Sac** – Cul de sacs are to be constructed with a radius of 16m to face of kerb. Details to be provided to the Certifying Authority prior to the Construction Certificate being issued.
- (4) **Drainage Design** - A detailed drainage design plan indicating the proposed method of stormwater disposal must be submitted to the Certifying Authority prior to the issuing of the Construction Certificate. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.
- (5) **Road Design** – Roads are to be designed and constructed to a standard capable of handling B-Double trucks. Details to be provided to the Certifying Authority prior to the Construction Certificate being issued.
- (6) **Performance Bond** – A \$5000.00 performance bond must be lodged with Camden Council. Should any of Councils property sustain damage, or the development place the environment or public at risk, Council will perform any works necessary on behalf of the applicant to rectify these works. This bond will be refunded once all works have been completed to the satisfaction of Council. The applicant must be responsible for any damage caused to existing public utilities, footpaths or public roads during construction works.
- (7) **Development Branch Fees** - The following fees must be paid to Council prior to the issue of a Landscaping Compliance Certificate:

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Landscaping Inspections fees	\$164.80
Issue of Compliance Certificate	\$360.50

Landscaping fees – Account No 4650.1067.267

These fees are applicable during the current financial year and are adjusted annually by Council.

- (8) **Landscaping Bond** - A cash bond or bank guarantee for the sum of \$6000.00 must be lodged with the consent authority (i.e. Camden Council) prior to the issue of a Landscaping Compliance Certificate to ensure the effective installation, establishment and maintenance of the approved landscaping.

The bond or guarantee will be returned on the following basis:

- 50% upon the satisfactory completion of the landscaping works (ie the Practical Date of Completion) in accordance with the Consent Authority (i.e. Camden Council) approved Landscaping Compliance Certificate. A Practical Date Of Completion of the Landscaping Works will be determined by the Consent Authority (i.e. Camden Council) upon satisfactory completion of the approved landscaping works, and
- 50% upon the satisfactory completion of the landscape maintenance period. The landscaping maintenance period (in this instance 12 months) shall commence from the determined Practical Date of Completion of the landscaping works.

Should the applicant dispose of the property within the predetermined maintenance period, suitable arrangements must be made between the parties to ensure the maintenance of landscaping is not neglected.

Note 1: A Council Administration fee of \$113.30 for processing Cash Bonds and/or a Council Administration fee of \$226.60 for processing Bank Guarantees will apply to this Development. This fee is a non-refundable charge against the applicant.

Note 2: Council will not release the maintenance bond to the vendor unless a suitable bond is received from the purchaser of the property.

- (9) **Landscaping Works Maintenance** – All works associated with the Consent Authority (i.e. Camden Council) approved Landscaping Compliance Certificate are to be maintained for a period of 12 months. The 12-

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

month maintenance period shall commence from the determined Practical Date of Completion of the landscaping works. The Practical Date of Completion will be determined by the Consent Authority (i.e. Camden Council) upon the successful completion of the landscaping works.

3.0 – PRIOR TO WORKS COMMENCING

The following conditions must be complied with prior to work commencing

- (1) **Construction Certificate** - An Engineering Construction Certificate must be obtained prior to the commencement of any physical site works.
- (2) **Street Signage and Markings** – Clear signs and line marking must be provided on all proposed roads. A plan showing the proposed signs and line marking is to be submitted to Council’s Traffic Committee for approval prior to implementation.

4.0 - During Construction

The following conditions of consent must be complied with during the construction phase.

- (1) **Hours Of Construction** - All construction work must be restricted to between the hours of:
 - (a) 7am and 6pm Mondays to Fridays (inclusive);
 - (b) 7am and 4pm Saturdays if work is inaudible to surrounding residences otherwise 8am and 4pm;
 - (c) All work is prohibited on Sundays and Public Holidays.
- (2) **Compliance with the Construction Certificate** – All works the subject of this development consent must comply with the terms and the plans, specifications and any other approved documents the subject of the approved Construction Certificate.
- (3) **Protect Public Utilities** – The applicant must be responsible for any damage caused to existing public utilities or public roads during construction works. Any damage must be made good prior to the release of the Subdivision Certificate. The applicant must also be responsible for the relocation of an public utility services should they be required to be relocated as a result of works associated with this development.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

- (4) **Site Management** – To safeguard the local amenity, reduce noise nuisance and prevent environmental pollution during the construction period:
- The delivery of materials shall be carried out between the hours of 7 am-6pm Monday to Friday and between 8am –1pm on Saturdays.
 - Stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
- (5) **Dust Control** – Potential dust sources on-site must be minimised through the maintenance of vegetation cover and the use of water sprays to suppress dust from exposed areas during periods of dry and/or windy weather.
- (6) **Provide A Truck Shaker** - An approved truck shaker must be provided at the construction entry point in accordance with Council's standards prior to commencement of work to prevent dust, dirt and mud falling on roadways. Ingress and egress from the site must be limited to this single access point only.
- (7) **Salinity Management Plan** – all work must be conducted in accordance with the Detailed Salinity Management Plan Report prepared for Landcom, prepared by SMEC Australia Pty Ltd Project No 31342.038, dated June 2004
- (8) **Landscape Work** – All landscaping works shown on the Council approved Landscaping Plan must be carried out by a qualified and licensed landscape contractor. Upon completion the work shall be inspected and certified by Council's Landscape Development Officer and a practical date of completion determined for the landscaping works.

6.0 – SUBDIVISION CERTIFICATE

The following conditions must be complied with prior to the issuing if the construction certificate.

- (1) **Subdivision Certificate** - The Subdivision Certificate will not be released until all conditions of this consent have been satisfactorily addressed.
- (2) **Compliance Certificate** – The developer must submit the following information to the Principle Certifying Authority prior to a Subdivision Certificate being issued:

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

- All relevant construction and compliance certificates if Council has not been nominated as the Principle Certifying Authority;
- Plan of subdivision plus 10 paper copies;
- Section 88B Instrument;
- Service Authority compliance certificates.

- (3) **Maintenance Bond** - A maintenance bond in the form of an unconditional trading bank guarantee or cash bond, being 10% of the value of civil works, must be lodged with Council prior to the release of the Subdivision Certificate. This bond is to cover the maintenance of civil works constructed during subdivision works and any damage to existing roads, drainage lines, public reserves or other Council property or works required as a result of work not in accordance with Council's standards, and/or development consent conditions.

The maintenance bond shall be for (12) twelve months or such longer period as determined by Council's engineer, and shall commence on the date of release of the linen plan in the case of subdivision works or the date of the issue of the compliance certificate in the case of development works.

Note 1: In accordance with Council's Fees and Charges a non refundable administration fee of \$110 for cash/cheque bonds and \$220 for bank guarantees must be paid to Council upon lodgement of such bond.

Note 2: It should be noted that Council will not release the maintenance bond to the vendor unless a suitable bond is received from the purchaser of the property.

- (4) **Final AC Course** - The final Asphaltic Concrete wearing course layer is not to be placed on any proposed Public Road within this subdivision without the prior consent pursuant to s139 of the Roads Act 1997 from Camden Council.
- (5) **Road Surfacing Bond** - Prior to the issue of the Subdivision Certificate, the applicant is to lodge a monetary bond, with the consent authority (ie Camden Council), for the placement of the final layer of Asphaltic Concrete wearing course for any proposed Public Road within this subdivision.

The bond is to be in the form of cash or unconditional bank guarantee, in favour of the consent authority (ie

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Camden Council), and must be equivalent to 130% of the value of the works including the cost of all reinstatement works. The bond amount will be determined by reference to Council's current unit rates for such works.

The bond period is to commence on the date of issue of Subdivision Certificate and the work is required to be completed after 5 years or upon at least 80% of the subdivision occupancy.

Camden Council reserves the right to claim against the bond at any time.

Note 1: In accordance with Council's Fees and Charges a non refundable administration fee of \$110 for cash/cheque bonds and \$220 for bank guarantees must be paid to Council upon lodgement of such bond.

Note 2: It should be noted that Council will not release the maintenance bond to the vendor unless a suitable bond is received from the purchaser of the property.

- (6) **Value Of Works** - The applicant must submit an itemised value of civil works for the inclusion in Council's Asset Management System prior to release of the Subdivision Certificate. The applicant can obtain a valuation sheet from Council upon request.
- (7) **Lot Numbers And Street Names** - Lot numbers and street names must be stencilled on the kerb in the appropriate location prior to release of the Subdivision Certificate.
- (8) After completion of all the engineering works and prior to final inspection, sepia Work-as-Executed Drawings signed by a registered surveyor and compaction certificates are to be submitted to the principal Certifying Authority in accordance with Camden Councils Engineering works Development Control Plan and associated guidelines.
- (9) **Sydney Water Certification** - A section 73 Compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. An application form is available from Sydney Water (call 13 20 92)

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please contact Sydney Water early since building of water/sewer extensions can be time

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

consuming and may impact on other services, buildings, driveways or landscape design.

The section 73 Certificate must be submitted prior to the Occupation Certificate being issued.

- (10) **Integral Energy Compliance** - The developer must submit to Council a letter from Integral Energy stating that all its requirements and any conditions of this consent have been satisfied, prior to the Occupation Certificate being issued. Application must be made to Macarthur Region Office, Integral Energy, PO Box 6366, Blacktown
- (11) **Telstra Compliance** - The developer must submit to Council a letter from Telstra stating that satisfactory arrangements have been made for the provision of conduit and cabling for telecommunication purposes, prior to the Subdivision Certificate being issued.
- (12) **Vegetation Management Plan** - A vegetation management plan for the riparian zone must be prepared and submitted to Council for assessment prior to the issuing of the Subdivision certificate.

7.0 - REQUIREMENTS OF THE DEPARTMENT OF INFRASTRUCTURE PLANNING AND NATURAL RESOURCES

The following conditions of the department of infrastructure planning and natural resources must be complied with.

- (1) The Department requires notification if the documents are amended and these amendments change or result in additional 'works' in or within 40m of a watercourse/foreshore. Once notified, the department will ascertain if the amended plans require review and variation/s to these requirements. This requirement applies even if the proposed works are part of the Consent Authorities' (ie Camden Council) proposed consent conditions and the 'works' do not appear in the original documentation.

Failure to notify amendments within the 40 metres zone may make the consent invalid.

- (2) The applicant must obtain a Part 3A Permit from the Department of Infrastructure Planning and Natural Resources, and provide a copy of same to the Consent Authority (ie Camden Council) prior to the issue of the Construction Certificate.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

- (3) The applicant must comply with the attached General Conditions of the Department of Infrastructure Planning and Natural Resources.

Details of Conditions: Stage 2

1.0 – GENERAL REQUIREMENTS

The proposed development must comply with the following

- (1) **Approved Plans** – The development must be carried out strictly in accordance with the plans prepared by John M Daley and associates, dated 7 August, 2003, and numbered 3009/003&4 and supporting information.

The development must also comply with the conditions of approval imposed by Council hereunder.

Amendments – Modifications to the approved plans and specifications requires the prior approval of the Consent Authority (Camden Council). The procedure for applying to amend the approved plans is to submit an “Amended Development Application” form pursuant to section 96 of the Environmental Planning & Assessment Act 1979.

- (2) **Establishment and Maintenance Costs** – All costs involved with the establishment and maintenance of the approved landscaping works will be paid for by the applicant. The costs involved will include, but not limited to, such items as electricity costs and water usage. The applicant will pay for all costs involved with the landscaping and maintenance works until such time as Council has agreed that the 12-month maintenance period has been successfully completed.

2.0 – CONSTRUCTION CERTIFICATE REQUIREMENTS

The following conditions must be complied with prior to the Construction Certificate being issued.

- (1) **Civil Engineering Plans** - Civil Engineering Plans Indicating drainage, roads, earthworks, pavement design, line marking and traffic management details must be prepared strictly in accordance with Camden Councils Engineering Works Development Control Plan and associated guidelines are to be submitted to the Certifying Authority prior to the Engineering Construction Certificate Being Issued.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.

Under section 109E of the Environmental Planning and Assessment Act 1997, Council must be nominated as the Principal Certifying Authority and has the option of undertaking inspection of physical construction works.

All works associated with the subdivision are to be undertaken at no cost to Council.

- (2) **Vehicle Barrier** – a vehicle barrier is to be established sufficient to prevent vehicles traversing from Anderson Road to Currans Hill. Details to be provided to and approved by the Consent Authority (ie Camden Council) prior to the issuing of the Construction Certificate.
- (3) **Street Lighting** – The area is to be provided with street lighting to a P4 standard. Details to be provided to the Certifying Authority prior to the Construction Certificate being issued.
- (4) **Cul De Sac** – Cul de sacs are to be constructed with a radius of 16m to face of kerb. Details to be provided to the Certifying Authority prior to the Construction Certificate being issued.
- (5) **Drainage Design** - A detailed drainage design plan indicating the proposed method of stormwater disposal to Kenny Creek must be submitted to the Certifying Authority prior to the issuing of the Construction Certificate. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.
- (6) **Road Design** – Roads are to be designed and constructed to a standard capable of handling B-Double trucks. Details to be provided to the Certifying Authority prior to the Construction Certificate being issued.
- (7) **Performance Bond** – A \$5000.00 performance bond must be lodged with Camden Council. Should any of Council's property sustain damage or the development place the environment or public at risk, Council will perform any works necessary on behalf of the applicant to rectify these works. This bond will be refunded once all works have been completed to the satisfaction of Council. The applicant must be responsible for any damage caused to existing public utilities, footpaths or public roads during construction works.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

- (8) **Development Branch Fees** - The following fees must be paid to Council prior to the issue of a Landscaping Compliance Certificate:

Landscaping Inspections fees	\$164.80
Issue of Compliance Certificate	\$360.50

Landscaping fees – Account No 4650.1067.267

These fees are applicable during the current financial year and are adjusted annually by Council.

- (9) **Landscaping Bond** - A cash bond or bank guarantee for the sum of \$6000.00 must be lodged with the consent authority (i.e. Camden Council) prior to the issue of a Landscaping Compliance Certificate to ensure the effective installation, establishment and maintenance of the approved landscaping.

The bond or guarantee will be returned on the following basis:

- 50% upon the satisfactory completion of the landscaping works (ie the Practical Date of Completion) in accordance with the Consent Authority (i.e. Camden Council) approved Landscaping Compliance Certificate. A Practical Date Of Completion of the Landscaping Works will be determined by the Consent Authority (i.e. Camden Council) upon satisfactory completion of the approved landscaping works, and
- 50% upon the satisfactory completion of the landscape maintenance period. The landscaping maintenance period (in this instance 12 months) shall commence from the determined Practical Date of Completion of the landscaping works.

Should the applicant dispose of the property within the predetermined maintenance period, suitable arrangements must be made between the parties to ensure the maintenance of landscaping is not neglected.

Note 1: A Council Administration fee of \$113.30 for processing Cash Bonds and/or a Council Administration fee of \$226.60 for processing Bank Guarantees will apply to this Development. This fee is a non-refundable charge against the applicant.

Note 2: Council will not release the maintenance bond to the vendor unless a suitable bond is received from the purchaser of the property.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

- (10) **Landscaping Works Maintenance** - All works associated with the Consent Authority (i.e. Camden Council) approved Landscaping Compliance Certificate are to be maintained for a period of 12 months. The 12-month maintenance period shall commence from the determined Practical Date of Completion of the landscaping works. The Practical Date of Completion will be determined by the Consent Authority (i.e. Camden Council) upon the successful completion of the landscaping works.

3.0 - PRIOR TO WORKS COMMENCING

The following conditions must be complied with prior to work commencing.

- (1) **Construction Certificate** - An Engineering Construction Certificate must be obtained prior to the commencement of any physical site works.
- (2) **Street Signage and Markings** - Clear signs and line marking must be provided on all proposed roads. A plan showing the proposed signs and line marking are to be submitted to Council's Traffic Committee for approval prior to implementation.

4.0 - During Construction

The following conditions of consent must be complied with during the construction phase.

- (1) **Hours Of Construction** - All construction work must be restricted to between the hours of
- (a) 7am and 6pm Mondays to Fridays (inclusive);
 - (b) 7am and 4pm Saturdays if work is inaudible to surrounding residences otherwise 8am and 4pm;
 - (c) All work is prohibited on Sundays and Public Holidays.
- (2) **Compliance with the Construction Certificate** - All works the subject of this development consent must comply with the terms and the plans, specifications and any other approved documents the subject of the approved Construction Certificate.
- (3) **Protect Public Utilities** - The applicant must be responsible for any damage caused to existing public utilities or public roads during construction works. Any damage must be made good prior to the release of the Subdivision Certificate. The applicant must also be

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

responsible for the relocation of an public utility services should they be required to be relocated as a result of works associated with this development.

- (4) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:
- The delivery of materials shall be carried out between the hours of 7 am-6pm Monday to Friday and between 8am –1pm on Saturdays.
 - Stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
- (5) **Dust Control** – Potential dust sources on-site must be minimised through the maintenance of vegetation cover and the use of water sprays to suppress dust from exposed areas during periods of dry and/or windy weather.
- (6) **Provide A Truck Shaker** - An approved truck shaker must be provided at the construction entry point in accordance with Council's standards prior to commencement of work to prevent dust, dirt and mud falling on roadways. Ingress and egress from the site must be limited to this single access point only.
- (7) **Salinity Management Plan** – all work must be conducted in accordance with the Detailed Salinity Management Plan Report prepared for Landcom, prepared by SMEC Australia Pty Ltd Project No 31342.038, dated June 2004
- (8) **Landscape Work** – All landscaping works shown on the Council approved Landscaping Plan must be carried out by a qualified and licensed landscape contractor. Upon completion, the work shall be inspected and certified by Council's Landscape Development Officer and a practical date of completion determined for the landscaping works.

6.0 – SUBDIVISION CERTIFICATE

The following conditions must be complied with prior to the issuing if the construction certificate.

- (1) **Subdivision Certificate** - The Subdivision Certificate will not be released until all conditions of this consent have been satisfactorily addressed.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

- (2) Compliance Certificate – The developer must submit the following information to the Principle Certifying Authority prior to a Subdivision Certificate being issued:
- All relevant construction and compliance certificates if Council has not been nominated as the Principle Certifying Authority;
 - Plan of subdivision plus 10 paper copies;
 - Section 88B Instrument;
 - Service Authority compliance certificates;
- (3) **Maintenance Bond** - A maintenance bond in the form of an unconditional trading bank guarantee or cash bond, being 10% of the value of civil works must be lodged with Council prior to the release of the Subdivision Certificate. This bond is to cover the maintenance of civil works constructed during subdivision works and any damage to existing roads, drainage lines, public reserves or other Council property or works required as a result of work not in accordance with Council's standards, and/or development consent conditions.

The maintenance bond shall be for (12) twelve months or such longer period as determined by Council's engineer, and shall commence on the date of release of the linen plan in the case of subdivision works or the date of the issue of the compliance certificate in the case of development works.

Note 1: In accordance with Council's Fees and Charges a non refundable administration fee of \$110 for cash/cheque bonds and \$220 for bank guarantees must be paid to Council upon lodgement of such bond.

Note 2: It should be noted that Council will not release the maintenance bond to the vendor unless a suitable bond is received from the purchaser of the property.

- (4) **Final AC Course** - The final Asphaltic Concrete wearing course layer is not to be placed on any proposed Public Road within this subdivision without the prior consent pursuant to s139 of the Roads Act 1997 from Camden Council.
- (5) **Road Surfacing Bond** – Prior to the issue of the Subdivision Certificate, the applicant is to lodge a monetary bond with the consent authority (ie Camden Council) for the placement of the final layer of Asphaltic

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Concrete wearing course for any proposed Public Road within this subdivision.

The bond is to be in the form of cash or unconditional bank guarantee, in favour of the consent authority (ie Camden Council), and must be equivalent to 130% of the value of the works including the cost of all reinstatement works. The bond amount will be determined by reference to Council's current unit rates for such works.

The bond period is to commence on the date of issue of Subdivision Certificate and the work is required to be completed after 5 years or upon at least 80% of the subdivision occupancy.

Camden Council reserves the right to claim against the bond at any time.

Note 1: In accordance with Councils Fees and Charges a non refundable administration fee of \$110 for cash/cheque bonds and \$220 for bank guarantees must be paid to Council upon lodgement of such bond.

Note 2: It should be noted that Council will not release the maintenance bond to the vendor unless a suitable bond is received from the purchaser of the property.

- (5) **Linen Plan Release** – The original plan of subdivision together with the 88b instrument and ten (10) copies of plans suitable for certification by the General Manager and lodgement at the Land and Property Information. The Section 88B Instrument must be submitted to the Certifying Authority for approval with the Subdivision Certificate Application. Council must be nominated as the only authority permitted to modify, vary or rescind the easements and restrictions as to user. The cost and expense of any such variation or modification must be borne by the person or corporation requesting the same in all respects.
- (6) **Compliance Certificate** - The applicant must submit documentary evidence/compliance certificates to the Principal Certifying Authority to confirm compliance with all conditions of the subject consent prior to the issue of the Subdivision Certificate.
- (7) **Value Of Works** - The applicant must submit an itemised value of civil works for the inclusion in Council's Asset Management System prior to release of the Subdivision Certificate. The applicant can obtain a valuation sheet from Council upon request.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

- (8) **Lot Numbers And Street Names** - Lot numbers and street names must be stencilled on the kerb in the appropriate location prior to release of the Subdivision Certificate.
- (9) After completion of all the engineering works and prior to final inspection, sepia Work-as-Executed Drawings signed by a registered surveyor and compaction certificates are to be submitted to the principal Certifying Authority in accordance with Camden Councils Engineering works Development Control Plan and associated guidelines.
- (10) Sydney Water Certification - A section 73 Compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. An application form is available from Sydney Water (call 13 20 92).

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please contact Sydney Water early, since building of water/sewer extensions can be time consuming and may impact on other services, buildings, driveways or landscape design.

The section 73 Certificate must be submitted prior to the Occupation Certificate being issued.

- (11) **Integral Energy Compliance** - The developer must submit to Council a letter from Integral Energy stating that all its requirements and any conditions of this consent have been satisfied, prior to the Occupation Certificate being issued. Application must be made to Macarthur Region Office, Integral Energy, PO Box 6366, Blacktown.
- (12) **Telstra Compliance** - The developer must submit to Council a letter from Telstra stating that satisfactory arrangements have been made for the provision of, conduit and cabling for telecommunication purposes, prior to the Subdivision Certificate being issued.
- (13) **Vegetation Management Plan** - A vegetation management plan for the riparian zone must be prepared and submitted to Council for assessment prior to the issuing of the Subdivision certificate.

**7.0 - REQUIREMENTS OF THE DEPARTMENT OF
INFRASTRUCTURE PLANNING AND NATURAL RESOURCES**

The following conditions of the department of infrastructure planning and natural resources must be complied with.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

- (1) The Department requires notification if the documents are amended and these amendments change or result in additional 'works' in or within 40m of a watercourse/foreshore. Once notified, the department will ascertain if the amended plans require review and variation/s to these requirements. This requirement applies even if the proposed works are part of the Consent Authorities (ie Camden Council) proposed consent conditions and the 'works' do not appear in the original documentation.

Failure to notify amendments within the 40m zone may make the consent invalid.

- (2) The applicant must obtain a Part 3A Permit from the Department of Infrastructure Planning and Natural Resources, and provide a copy of same to the Consent Authority (ie Camden Council) prior to the issue of the Construction Certificate.
- (3) The applicant must comply with the attached General Conditions of the Department of Infrastructure Planning and Natural Resources.

Details of Conditions: Stage 3

1.0 – GENERAL REQUIREMENTS

The proposed development must comply with the following

- (1) **Approved Plans** – The development must be carried out strictly in accordance with the plans prepared by John M Daley and associates, dated 7 August 2003, and numbered 3009/003&4 and supporting information.

The development must also comply with the conditions of approval imposed by Council hereunder.

Amendments – Modifications to the approved plans and specifications requires the prior approval of the Consent Authority (Camden Council). The procedure for applying to amend the approved plans is to submit an "Amended Development Application" form pursuant to section 96 of the Environmental Planning & Assessment Act 1979.

- (2) **Establishment and Maintenance Costs** – All costs involved with the establishment and maintenance of the approved landscaping works will be paid for by the applicant. The costs involved will include, but not limited to, such items as electricity costs and water usage. The applicant will pay for all costs involved with

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

the landscaping and maintenance works until such time as Council has agreed that the 12-month maintenance period has been successfully completed.

- (3) **Noise and Acoustic Barrier** – A noise and acoustic barrier is to be provided along the eastern boundary of Lot 433 as part of the future development of that lot.
- (4) **Turner Road Link** – The link from Bluett Road to Turner Road is not to be provided as part of this application and the land is to be shown as part of the residual lot.
- (5) **Buffer Zone** – The landscaping buffer zone fronting Turner Road is to be consolidated into one lot and shown as a reserve.

2.0 – CONSTRUCTION CERTIFICATE REQUIREMENTS

The following conditions must be complied with prior to the Construction Certificate being issued.

- (1) **Civil Engineering Plans** - Civil Engineering Plans Indicating drainage, roads, earthworks, pavement design, line marking and traffic management details must be prepared strictly in accordance with Camden Councils Engineering Works Development Control Plan and associated guidelines are to be submitted to the Certifying Authority prior to the Engineering Construction Certificate Being Issued.
 - under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.
 - under section 109E of the Environmental Planning and Assessment Act 1997, Council must be nominated as the Principal Certifying Authority and has the option of undertaking inspection of physical construction works.

All works associated with the subdivision are to be undertaken at no cost to Council.

- (2) Pursuant to Contributions Plan No. 1 amended in October 1997, a contribution must be paid to Council of \$3213.00 per hectare, total \$63,521.00 for s.94 Administration and Management.

The contribution must be indexed to the Consumer Price Index, paid prior to issue of the Subdivision Certificate.

- (3) Pursuant to Contributions Plan No 3 amended in February 1998, a contribution must be paid to Council

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

of \$65,916.00 per hectare, total \$1,303,159.00 for Trunk Drainage, Water Quality Facilities and Professional Services.

The contribution must be indexed to the Road Cost Index, paid prior to issue of the Subdivision Certificate.

The monetary contribution for Trunk Drainage and Water Quality Facilities may be offset by the value of land transferred to Council or by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan.

- (4) Pursuant to Contributions Plan No 8 amended in September 1997, a contribution must be paid to Council of \$3,066.00 per hectare, total \$60,615.00 for Primary Roundabout R1 (Narellan Road/Waterworth Drive/Hartley Road).

The contribution must be indexed to the Consumer Price Index, paid prior to issue of the Subdivision Certificate.

- (5) Pursuant to Contributions Plan No 11 adopted in January 1999, a contribution must be paid to Council of \$53,985.00 per hectare, total \$1,067,578.00 for Smeaton Grange Roadworks and Professional Services.

The contribution must be indexed to the Road Cost Index, paid prior to issue of the Construction or Subdivision Certificate.

The monetary contribution for Roadworks may be offset by the value of land transferred to Council or by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan.

- (6) **Street Lighting** – The area is to be provided with street lighting to a P4 standard. Details to be provided to the Certifying Authority prior to the Construction Certificate being issued.
- (7) **Bridge Details** – Details of the Bluett Drive bridge over Kenny Creek are to be provided to and approved by the Consent Authority (ie Camden Council) prior to the Construction Certificate being issued.
- (8) **Drainage Design** - A detailed drainage design plan, indicating the proposed method of stormwater disposal to Kenny Creek must be submitted to the Certifying Authority prior to the issuing of the Construction Certificate. Such designs must cater for future

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

developments of land adjoining the site and overland flow from adjoining properties.

- (9) **Road Design** – Roads are to be designed and constructed to a standard capable of handling B-Double trucks. Details to be provided to the Certifying Authority prior to the Construction Certificate being issued.
- (10) **Contamination Assessment** – Additional soil sampling, testing and analysis will be required to be completed underneath the buildings, houses and sheds contained on the subdivision once they have been demolished. This contamination assessment must be conducted in line with Council’s Policy for the Management of Contaminated Lands. A report detailing the assessment process that includes results and possible recommendations for remediation must be submitted to Camden Council (the consent authority) prior to Council issuing a construction certificate. Where additional works are recommended in this report, these works must be undertaken and validated prior to the issue of the construction certificate for the subdivision.
- (11) **Performance Bond** – A \$5000.00 performance bond must be lodged with Camden Council. Should any of Council’s property sustain damage or the development place the environment or public at risk, Council will perform any works necessary on behalf of the applicant to rectify these works. This bond will be refunded once all works have been completed to the satisfaction of Council. The applicant must be responsible for any damage caused to existing public utilities, footpaths or public roads during construction works.
- (12) **Development Branch Fees** - The following fees must be paid to Council prior to the issue of a Landscaping Compliance Certificate:

Landscaping Inspections fees	\$164.80
Issue of Compliance Certificate	\$360.50

Landscaping fees – Account No 4650.1067.267

These fees are applicable during the current financial year and are adjusted annually by Council.

- (13) **Landscaping Bond** - A cash bond or bank guarantee for the sum of \$6000.00 must be lodged with the consent authority (i.e. Camden Council) prior to the issue of a Landscaping Compliance Certificate, to ensure the effective installation, establishment and maintenance of the approved landscaping.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

The bond or guarantee will be returned on the following basis:

- 50% upon the satisfactory completion of the landscaping works (ie the Practical Date of Completion) in accordance with the Consent Authority (i.e. Camden Council) approved Landscaping Compliance Certificate. A Practical Date Of Completion of the Landscaping Works will be determined by the Consent Authority (i.e. Camden Council) upon satisfactory completion of the approved landscaping works, and
- 50% upon the satisfactory completion of the landscape maintenance period. The landscaping maintenance period (in this instance 12 months) shall commence from the determined Practical Date of Completion of the landscaping works.

Should the applicant dispose of the property within the predetermined maintenance period, suitable arrangements must be made between the parties to ensure the maintenance of landscaping is not neglected.

Note 1: A Council Administration fee of \$113.30 for processing Cash Bonds and/or a Council Administration fee of \$226.60 for processing Bank Guarantees will apply to this Development. This fee is a non-refundable charge against the applicant.

Note 2: Council will not release the maintenance bond to the vendor unless a suitable bond is received from the purchaser of the property.

- (14) **Landscaping Works Maintenance** – All works associated with the Consent Authority (i.e. Camden Council) approved Landscaping Compliance Certificate are to be maintained for a period of 12 months. The 12-month maintenance period shall commence from the determined Practical Date of Completion of the landscaping works. The Practical Date of Completion will be determined by the Consent Authority (i.e. Camden Council) upon the successful completion of the landscaping works.

3.0 – PRIOR TO WORKS COMMENCING

The following conditions must be complied with prior to work commencing.

- (1) **Construction Certificate** - An Engineering Construction Certificate must be obtained prior to the commencement of any physical site works.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

- (2) **Street Signage and Markings** – Clear signs and line marking must be provided on all proposed roads. A plan showing the proposed signs and line marking are to be submitted to Council's Traffic Committee for approval prior to implementation.

4.0 - DURING CONSTRUCTION

The following conditions of consent must be complied with during the construction phase.

- (1) **Hours Of Construction** - All construction work must be restricted to between the hours of:
- (a) 7am and 6pm Mondays to Fridays (inclusive);
 - (b) 7am and 4pm Saturdays if work is inaudible to surrounding residences otherwise 8am and 4pm;
 - (c) All work is prohibited on Sundays and Public Holidays.
- (2) **Compliance with the Construction Certificate** – All works the subject of this development consent must comply with the terms and the plans, specifications and any other approved documents the subject of the approved Construction Certificate.
- (3) **Protect Public Utilities** – The applicant must be responsible for any damage caused to existing public utilities or public roads during construction works. Any damage must be made good prior to the release of the Subdivision Certificate. The applicant must also be responsible for the relocation of an public utility services should they be required to be relocated as a result of works associated with this development.
- (4) **Site Management** – To safe guard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:
- The delivery of materials shall be carried out between the hours of 7 am-6pm Monday to Friday and between 8am –1pm on Saturdays.
 - Stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
- (5) **Dust Control** – Potential dust sources on-site must be minimised through the maintenance of vegetation cover

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

and the use of water sprays to suppress dust from exposed areas during periods of dry and/or windy weather.

- (6) **Provide A Truck Shaker** - An approved truck shaker must be provided at the construction entry point, in accordance with Council's standards prior to commencement of work to prevent dust, dirt and mud falling on roadways. Ingress and egress from the site must be limited to this single access point only.
- (7) **Salinity Management Plan** - all work must be conducted in accordance with the Detailed Salinity Management Plan Report prepared for Landcom, prepared by SMEC Australia Pty Ltd Project No 31342.038, dated June 2004
- (8) **Landscape Work** - All landscaping works including the riparian corridor and the buffer zone along Turner Road shown on the Council approved Landscaping Plan must be carried out by a qualified and licensed landscape contractor. Upon completion, the work shall be inspected and certified by Council's Landscape Development Officer and a practical date of completion determined for the landscaping works.

6.0 - SUBDIVISION CERTIFICATE

The following conditions must be complied with prior to the issuing of the construction certificate.

- (1) **Subdivision Certificate** - The Subdivision Certificate will not be released until all conditions of this consent have been satisfactorily addressed.
- (2) **Compliance Certificate** - The developer must submit the following information to the Principle Certifying Authority prior to a Subdivision Certificate being issued:
 - All relevant construction and compliance certificates if Council has not been nominated as the Principle Certifying Authority;
 - Plan of subdivision plus 10 paper copies;
 - Section 88B Instrument;
 - Service Authority compliance certificates.
- (3) **Maintenance Bond** - A maintenance bond in the form of an unconditional trading bank guarantee or cash bond, being 10% of the value of civil works must be lodged with Council prior to the release of the Subdivision

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Certificate. This bond is to cover the maintenance of civil works constructed during subdivision works and any damage to existing roads, drainage lines, public reserves or other Council property or works required as a result of work not in accordance with Council's standards, and/or development consent conditions.

The maintenance bond shall be for (12) twelve months or such longer period as determined by Councils engineer, and shall commence on the date of release of the linen plan in the case of subdivision works or the date of the issue of the compliance certificate in the case of development works.

Note 1: In accordance with Councils Fees and Charges a non refundable administration fee of \$110 for cash/cheque bonds and \$220 for bank guarantees must be paid to Council upon lodgement of such bond.

Note 2: It should be noted that Council will not release the maintenance bond to the vendor unless a suitable bond is received from the purchaser of the property.

- (4) **Final AC Course** - The final Asphaltic Concrete wearing course layer is not to be placed on any proposed Public Road within this subdivision without the prior consent pursuant to s139 of the Roads Act 1997 from Camden Council.
- (5) **Road Surfacing Bond** - Prior to the issue of the Subdivision Certificate the applicant is to lodge a monetary bond with the consent authority (ie Camden Council) for the placement of the final layer of Asphaltic Concrete wearing course for any proposed Public Road within this subdivision.

The bond is to be in the form of cash or unconditional bank guarantee in favour of the consent authority (ie Camden Council) and must be equivalent to 130% of the value of the works including the cost of all reinstatement works. The bond amount will be determined by reference to Council's current unit rates for such works.

The bond period is to commence on the date of issue of Subdivision Certificate and the work is required to be completed after 5 years or upon at least 80% of the subdivision occupancy.

Camden Council reserves the right to claim against the bond at any time.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

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Note 2: It should be noted that Council will not release the maintenance bond to the vendor unless a suitable bond is received from the purchaser of the property.

- (6) **Linan Plan Release** - The original plan of subdivision together with the 88b instrument and ten (10) copies of plans suitable for certification by the General Manager and lodgement at the Land and Property Information. The Section 88B Instrument must be submitted to the Certifying Authority for approval with the Subdivision Certificate Application. Council must be nominated as the only authority permitted to modify, vary or rescind the easements and restrictions as to user. The cost and expense of any such variation or modification must be borne by the person or corporation requesting the same in all respects.
- (7) **Compliance Certificate** - The applicant must submit documentary evidence/compliance certificates to the Principal Certifying Authority to confirm compliance with all conditions of the subject consent prior to the issue of the Subdivision Certificate.
- (8) **Value Of Works** - The applicant must submit an itemised value of civil works for the inclusion in Council's Asset Management System prior to release of the Subdivision Certificate. The applicant can obtain a valuation sheet from Council upon request.
- (9) **Lot Numbers And Street Names** - Lot numbers and street names must be stencilled on the kerb in the appropriate location prior to release of the Subdivision Certificate.
- (10) After completion of all the engineering works and prior to final inspection, sepia Work-as-Executed Drawings signed by a registered surveyor and compaction certificates are to be submitted to the principal Certifying Authority in accordance with Camden Councils Engineering works Development Control Plan and associated guidelines.
- (11) **Sydney Water Certification** - A section 73 Compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. An application form is available from Sydney Water (call 13 20 92).

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please contact Sydney Water early, since building of water/sewer extensions can be time consuming and may impact on other services, buildings, driveways or landscape design.

The section 73 Certificate must be submitted prior to the Occupation Certificate being issued.

- (12) **Integral Energy Compliance** - The developer must submit to Council a letter from Integral Energy stating that all its requirements and any conditions of this consent have been satisfied prior to the Occupation Certificate being issued. Application must be made to Macarthur Region Office, Integral Energy, PO Box 6366, Blacktown.
- (13) **Telstra Compliance** - The developer must submit to Council a letter from Telstra stating that satisfactory arrangements have been made for the provision of conduit and cabling for telecommunication purposes, prior to the Subdivision Certificate being issued.
- (14) **Vegetation Management Plan** - A vegetation management plan for the riparian zone must be prepared and submitted to Council for assessment prior to the issuing of the Subdivision certificate.

**7.0 - REQUIREMENTS OF THE DEPARTMENT OF
INFRASTRUCTURE PLANNING AND NATURAL RESOURCES**

The following conditions of the department of infrastructure planning and natural resources must be complied with.

- (1) The Department requires notification if the documents are amended and these amendments change or result in additional 'works' in or within 40m of a watercourse/foreshore. Once notified, the department will ascertain if the amended plans require review and variation/s to these requirements. This requirement applies even if the proposed works are part of the Consent Authorities (ie Camden Council) proposed consent conditions and the 'works' do not appear in the original documentation.

Failure to notify amendments within the 40 metres zone may make the consent invalid.

- (2) The applicant must obtain a Part 3A Permit from the Department of Infrastructure Planning and Natural Resources, and provide a copy of same to the Consent

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Authority (ie Camden Council) prior to the issue of the Construction Certificate.

- (3) The applicant must comply with the attached General Conditions of the Department of Infrastructure Planning and Natural Resources.

MOTION

Moved Cr Cagney, seconded Cr Funnell that

- (i) *Development Application No 1127/2003 to establish a 52 lot industrial subdivision, three residue lots and a drainage reserve at No 73 Anderson Road, Smeaton Grange be deferred to allow Council to seek advice from DIPNR on the status of Turner Rd North with regard to the future of Bringelly development, and*
- (ii) *On the receipt of the DIPNR advice Council conduct public consultations on the application.*

DC106/04 THE MOTION ON BEING PUT WAS **CARRIED.**

(Cr Anderson voted against the Motion)

4. Submission to Department of Infrastructure Planning and Natural Resources on Accreditation of Council Approval Officers

(File No: TC4801) (Director, Development & Environment Division)

Purpose of Report

To inform Council that the Department of Infrastructure, Planning and Natural Resources (DIPNR) has released a discussion paper on a proposal for the accreditation of council certifiers (Approval Officers) and to seek Council's endorsement of comments prepared in respect of the four issues raised in the paper. A copy of the discussion paper forms **Tabled Document "DC 7"**.

Background

Certifiers ensure that building and engineering works conform to relevant regulations, standards, codes and policies. They approve the following Certificates under the Environmental Planning and Assessment Act 1979:

- Construction Certificates – approval to commence building works
- Compliance Certificates – approval of design drawings and details
- Occupation Certificates – final inspection and approval to occupy a building
- Subdivision Certificates – approval to register a completed subdivision
- Strata Subdivision Certificates – approval for subdivision of a building
- Complying Development Certificates – approval of combined Development application and Construction Certificate

Certifiers also carry out inspections of buildings during their construction phase.

At present there are both council and private certifiers. Private certifiers must be accredited by DIPNR and are accredited to carry out specific grades of certification depending on qualifications and experience. There are also certain requirements for insurance and Continuing Professional Development (CPD) placed upon private certifiers.

Conversely, council certifiers are not required to be accredited by DIPNR at present. In June this year DIPNR released a discussion paper entitled "Accreditation of Council Certifiers" (see **Tabled Document "DC 7"**). In this paper DIPNR expressed the view that requiring council certifiers to be accredited will ensure a level of consumer protection is

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

provided and that minimum standards of competency are maintained for all certifiers irrespective of the sector in which they work. In this way DIPNR argue that council's role to ensure that the construction works and development are in compliance with the consent, the Building Code of Australia, council policies and other relevant standards in regards to health, safety and the environment, will be enhanced. Councils have been given until 31 August, 2004 to make comment.

Main Report

The DIPNR Proposal

The State Government's proposal is to accredit council certifiers to ensure minimum standards are set for all certifiers whether they are employed by council or in the private sector. This is to ensure that all certifiers are accountable and competent in the interest of the community.

Existing Approval System

Council employs suitably qualified persons to act as certifiers. The council certifiers carry out approvals subject to specific delegations by Council.

Council specifies the technical and professional requirements of certifying staff at recruitment level and by means of delegation, supervision and regular performance assessment to ensure a competent certification service is provided to the community.

Council competes with the private sector in respect of works requiring certification, however Subdivision Certificates and Strata Subdivision Approvals remain under Council's jurisdiction. Council provides a cost effective, competent and competitive service within a community service framework.

Private Certifiers are employed directly by builders and developers. They must be accredited under a scheme authorised by the NSW Government which is undertaken by the Building Professionals Board on its behalf. The accreditation specifies the certification work that certifiers are authorised to do. The accreditation is dependent on an individual's experience and qualifications.

Proposal Costs

Council would need to incur the accreditation costs for each individual certifier on its staff if the government introduced compulsory accreditation. This cost is estimated at \$1,900 per accredited person. If all current certification staff had to be accredited, this would amount to a cost of approximately \$34,200.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

The discussion paper seeks specific comment on four issues. These are detailed below with comments made about each:

Issue 1

How should council certification staff be accredited?

Option A Similar system and consistent criteria for private and council certifiers (level playing field)

Option B Different system for council officers

Comment: It would be more appropriate to retain the current system that works well from council's and the community's perspective. That is, that council officers, while they remain as such, should have equivalent standing to their private sector counterparts with respect to certification, however do not need to be individually accredited.

The Council, as a legislated authority, has certain responsibilities and accountabilities that do not apply to an individual and these ensure protection and guarantee to an applicant. Also, the Award under which Council employs its staff requires that training programmes are developed for individual staff. This requirement also ensures that staff follow a professional development program. As a council is responsible to its community, there is protection given to a consumer that a council will support its decisions in relation to certification works.

In the case of private certifiers, there are a range of persons offering this service, ranging from the self-employed to companies that employ a number of staff. There is no protection to a consumer in the case of a private certifier other than that offered by the legislation that requires insurances under the accreditation scheme. They do not have the backing of a council nor are their staff covered under an Award. For this reason some additional regulation is required to ensure that persons opting to use private certifiers can be assured that there is a guarantee in the form of services offered.

As can be seen from the above, there is an argument for different criteria applying to the public and private sectors. Whilst the argument of a level playing field can be put, the recent changes to legislation ensure that the field is no longer level. The government requires a council to take on the role of Principal Certifying Authority (PCA) when it is surrendered by a private certifier. Councils need to be the holder of all certification issued by private certifiers and councils are residents first port of call in relation to complaints and are often needed to address problems resulting from works not finished. This is expected to increase with the government's decision to define when an Occupation Certificate can be

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

issued with a certificate now being able to be issued despite certain works being outstanding.

Whilst there is no argument that council officers need to be capable of issuing the certification that is required, it is believed that current recruitment practices ensure this occurs.

For this reason, it is appropriate that Council support Option B and retain the requirement of having a different system for Council staff. The accreditation system should be left to the individual councils to ensure that their staff are capable of certifying the particular types of buildings and works.

Issue 2

Who should be accredited?

Option A Accredit all staff who approve Certificates or undertake mandatory critical stage inspections.

Option B Accredit all staff identified in option A and assessment officers.

Comment: If the NSW Government pursues the proposal of requiring accreditation of council staff, it would be considered more appropriate if council as the corporate entity was accredited rather than either of the two proposed options. Council would then ensure that applications and works are certified by appropriately qualified and experienced staff. This simulates most closely the current system whereby a council officer, by virtue of their employment with a council, has the equivalent status of a private certifier. It is currently incumbent upon councils to satisfy themselves that appropriate officers are certifying development.

It is not appropriate to accredit all assessment officers as many officers do not issue certificates relevant to the legislation.

Issue 3

How should transitional accreditation work?

Option A Transitional accreditation time limit but grades apply.

Option B Transitional accreditation time limit and no grades.

Option C No transitional accreditation time limit but grades apply.

Option D No transitional accreditation time limit and no grades

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Comment: If DIPNR proceeds with the scheme it would seem most appropriate that Council, to remain competitive in the open market, would require its staff to be graded appropriately and within a time limit (Option A). In this way, Council staff are able to provide exactly the same product as their private industry counterparts. In turn, councils can establish a cost structure that reflects those rates being charged in the private sector.

It is considered that the issue of costs is critical to the government's consideration of the whole certification issue. Since the adoption of private certification, the government has failed to provide a proper auditing service and is yet to establish the Building Professionals Board. It is considered that the push to require all council officers to be accredited is to fund the government's costs of setting up the Board and its support staff. This is not a reason to change current practices and there has been no evidence put by the government that councils are not fulfilling their responsibilities under legislation.

There is also the problem of country area councils, particularly however not exclusively, having difficulties in attracting staff who meet the criteria required to accredit all classifications of buildings. The proposal does not consider the situation whereby a council is required to act as the PCA and does not have staff that are accredited to a particular level.

Issue 4

What should qualify as CPD?

Options include face-to-face courses, membership to professional associations, council in-house courses.

Comment: Council officers spend significant amounts of time explaining to developers, builders and the public, the current certification system. It is considered appropriate that CPD credit should be awarded for the educative role council officers play in this regard. In addition, activities such as formal and short courses, preparation of conference papers, training provision and council report writing should all result in CPD credit being awarded to the relevant council officer. Membership of a professional association does not guarantee that a person has the necessary skills to issue certificates under the legislation. DIPNR should be playing a lead role in ensuring that appropriate training is offered to council staff and private certifiers, and in making these mandatory could guarantee staff keep their skills up to date without the need to be accredited individually.

Conclusion

The NSW Government (DIPNR) is seeking comment on a discussion paper considering accreditation of council certifiers. The comment sought relates to four specific and key issues. The paper has been reviewed and proposed comments developed. Council currently provides competitive development certification services equal to the private sector. Currently, Council is able to satisfy itself that officers certifying development on its behalf have appropriate experience and qualifications. It is considered that no change to the current system is necessary. The current process contains sufficient checks and balances to ensure quality of certification is achieved. It is recommended the proposed comments be forwarded to DIPNR.

Recommended: That Council make the following submission to DIPNR on its discussion paper "Accreditation of Council certifiers" dated June 2004, based on the four key issues on which comment is sought:

General

That Council objects strongly to the principle of having to individually accredit staff members and the cost impost that this will cause without there being any tangible benefits to the community. Council sees its role as being responsible to its community and whilst it endorses cost-recovery, it is burdened with many responsibilities not required of private certifiers.

Issue 1

It would be the more appropriate to retain the current system that works well from Council's perspective. That is, that Council officers, while they remain as such, should have equivalent standing to their private sector counterparts with respect to certification. This should be recognised without the need for further training or accreditation of existing and future Council officers.

Issue 2

If the NSW Government pursues the proposal it would be considered more appropriate if Council as the corporate entity was accredited. Council would then ensure that applications are approved by the appropriately qualified and experienced staff. This simulates most closely the current system whereby a Council officer, by virtue of their employment with a Council, has the equivalent status of a private certifier. It is currently incumbent upon councils to satisfy themselves that appropriate officers are certifying development.

Issue 3

If DIPNR proceeds with the scheme it would seem most appropriate that Council, to remain competitive in the open

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

market, would require its staff to be graded appropriately and within a time limit (Option A). In this way council staff are able to provide exactly the same product as their private industry counterparts. In turn, councils can establish a cost structure that reflects those rates being charged in the private sector. The government need to acknowledge that higher charges will need to be applied to certain services to ensure full cost recovery.

Issue 4

Council officers spend significant amounts of time explaining to developers, builders and the public, the current certification system. It is considered appropriate that CPD credit should be awarded for the educative role council officers play in this regard. In addition, activities such as formal and short courses, preparation of conference papers, training provision and council report writing should all result in CPD credit being awarded to the relevant council officer. DIPNR need to play a lead role in the provision of appropriate CPD training in the city and regional areas.

Resolved on the Motion of Cr Campbell, seconded Cr Kernohan that Council make the following submission to DIPNR on its discussion paper "Accreditation of Council certifiers" dated June 2004, based on the four key issues on which comment is sought:

General

That Council objects strongly to the principle of having to individually accredit staff members and the cost impost that this will cause without there being any tangible benefits to the community. Council sees its role as being responsible to its community and whilst it endorses cost-recovery, it is burdened with many responsibilities not required of private certifiers.

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**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Issue 3

If DIPNR proceeds with the scheme it would seem most appropriate that Council, to remain competitive in the open market, would require its staff to be graded appropriately and within a time limit (Option A). In this way council staff are able to provide exactly the same product as their private industry counterparts. In turn, councils can establish a cost structure that reflects those rates being charged in the private sector. The government need to acknowledge that higher charges will need to be applied to certain services to ensure full cost recovery.

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Council officers spend significant amounts of time explaining to developers, builders and the public, the current certification system. It is considered appropriate that CPD credit should be awarded for the educative role council officers play in this regard. In addition, activities such as formal and short courses, preparation of conference papers, training provision and council report writing should all result in CPD credit being awarded to the relevant council officer. DIPNR need to play a lead role in the provision of appropriate CPD training in the city and regional areas.

DC107/04 THE MOTION ON BEING PUT WAS **CARRIED.**

Cr Funnell voted against the Motion).

5. Magpies Swooping Complaints

(File No: TC576) (Director, Development & Environment Division)

Purpose of Report

To advise Council of the process in dealing with complaints regarding Magpies, in particular swooping Magpies, and to recommend how community concerns should be addressed.

Background

Each year Council receives a small number of calls from the community regarding swooping Magpies. To date the public have been advised to report serious menaces to the NSW National Parks & Wildlife Service (NPWS), now incorporated into the Department of Environment and Conservation.

Over the past twelve months Council has detected a shift in the way NPWS has been dealing with such calls from the community. The NPWS are advising complainants that its a Council issue and Council may seek a licence to shoot the bird/s. This is outrageous as there is no responsibility under any legislation that Council control these birds. It is yet another example of the government abrogating their responsibility and transferring them to local government.

For most of the year Magpies are not 'aggressive', but for six to eight weeks during nesting they will often defend their territory. People walking past may be seen as a threat to the Magpies which prompt them to fly low and fast over the person sometimes clacking their bills as they pass overhead.

Main Report

Magpies are a native species with strong territorial traits and are characteristic of the Australian urban environment. Their distinctive carolling song provides enjoyment for many people. Magpies are popular with suburban gardeners and farmers because of their appetite for insect pests that live on or just under the surface of the ground. Magpies will also eat frogs, small lizards, meat scraps & grain.

Magpie pairs breed in spring around August to October, and with this comes the Magpies' natural behaviour to defend their territory around their nesting site. This may result in Magpies swooping people or pets that they perceive as a threat to their nest.

Swooping generally takes place for less than an eight-week period in spring commencing when the adult pair is nesting and concluding when the young leave the nest.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 23 AUGUST, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

The experience of a Magpie attack can be alarming but it is usually only a warning. Only occasionally will a bird actually strike the intruder/ threat. There have, however, been incidents where victims have been struck on the head, with resulting injury.

There are ways of reducing the risk and Council provides this information to the community in the following ways:

- Council's web site
- CRMS – information notes
- Sustainable Camden article
- Brochure at Customer Service desk
- Brochure is sent to schools

A copy of the brochure forms **Tabled Document "DC 8"**.

The current approach of NPWS is yet another example where a state agency is providing information to the community that places an unacceptable expectation on local government. It is suggested that if NPWS believe that something should be done then that service should undertake the task.

Conclusion

The control of native animals is not the responsibility of local government. Whilst it is acknowledged that some members of our community may be exposed to the risk of an attack by a magpie, there are precautions that can be taken during nesting season. Council will continue to provide this advice to its residents, however any other action must remain the responsibility of the State Government. It is appropriate to express Council's serious concern at the fact that the government are no longer meeting their responsibilities in relation to native birds.

Recommended: That Council write to the Premier, the Minister for the Environment and the local member expressing its serious concern at the failure of the Department of Environment and Conservation to meet its responsibilities in relation to native birds and its attempt to pass off this responsibility to local government.

Resolved on the Motion of Cr Johnson, seconded Cr Kernohan that Council write to the Premier, the Minister for the Environment and the local member expressing its serious concern at the failure of the Department of Environment and Conservation to meet its responsibilities in relation to native birds and its attempt to pass off this responsibility to local government.

DC108/04 THE MOTION ON BEING PUT WAS **CARRIED.**

The Meeting closed at 6.26pm.