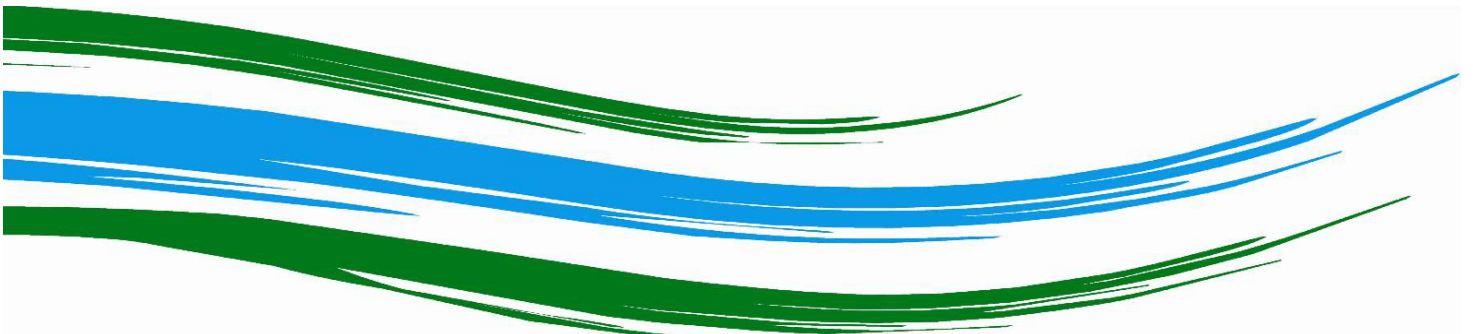




Camden Council

Business Paper

Ordinary Council Meeting



ORDINARY COUNCIL

SUBJECT: APOLOGIES

Leave of absence tendered on behalf of Councillors from this meeting.

RECOMMENDED

That leave of absence be granted.

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Dewbery that Councillor Symkowiak be granted a leave of absence.

THE MOTION ON BEING PUT WAS CARRIED.

ORD64/11

ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

NSW legislation provides strict guidelines for the disclosure of pecuniary and non-pecuniary Conflicts of Interest and Political Donations.

Council's Code of Conduct also deals with pecuniary and non-pecuniary conflict of interest and Political Donations and how to manage these issues (Clauses 7.5 -7.27).

Councillors should be familiar with the disclosure provisions contained in the Local Government Act 1993, Environmental Planning and Assessment Act, 1979 and the Council's Code of Conduct.

This report provides an opportunity for Councillors to disclose any interest that they may have or Political Donation they may have received relating to a Report contained in the Council Business Paper and to declare the nature of that interest.

RECOMMENDED

That the declarations be noted.

RESOLUTION

There were no declarations to be noted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD65/11

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

The Public Address segment (incorporating Public Question Time) in the Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper agenda or on any matter within the Local Government area which falls within Council jurisdiction.

Speakers must book in with the Council office by 4.00pm on the day of the meeting and must advise the topic being raised. Only seven (7) speakers can be heard at any meeting. A limitation of one (1) speaker for and one (1) speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' and should only be considered where the total number of speakers does not exceed seven (7) at any given meeting.

Where a member of the public raises a question during the Public Address segment, a response will be provided where Councillors or staff have the necessary information at hand; if not a reply will be provided at a later time. There is a limit of one (1) question per speaker per meeting.

All speakers are limited to 4 minutes, with a 1 minute warning given to speakers prior to the 4 minute time period elapsing.

Public Addresses are tape recorded for administrative purposes. It should be noted that speakers at Council meetings do not enjoy any protection from parliamentary-style privilege. Therefore they are subject to the risk of defamation action if they make comments about individuals. In the event that a speaker makes potentially offensive or defamatory remarks about any person, the Mayor/Chairperson will ask them to refrain from such comments. A copy of the tape recording may be available to third parties (in certain circumstances).

The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person.

RECOMMENDED

That the public addresses be noted.

RESOLUTION

There were no public addresses to be noted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD66/11

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 22 March 2011.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 22 March 2011, copies of which have been circulated, be confirmed and adopted.

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Dewbery that the Minutes of the Ordinary Council Meeting held 22 March 2011, copies of which have been circulated, be confirmed and adopted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD67/11

MAYORAL MINUTE
ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE - CAMDEN SHOW ASSISTANCE
FROM: Mayor
FILE NO:

The annual Camden Show scheduled for this weekend is celebrating its 125th anniversary and is to be officially opened on Saturday 9 April by Her Excellency Ms Quentin Bryce AC, Governor-General of the Commonwealth of Australia.

Proudly known and branded as 'Still a Country Show', Camden Show is a well loved and eagerly anticipated event that each year draws large crowds to our area.

Camden Show Society, a non profit volunteer organisation dedicated to ensuring the continued success of the Show, recently contacted me seeking assistance with this year's event.

Upon receiving the Show Society's request for assistance I discussed the matter with my fellow Councillors who have agreed in principle that given the importance of this annual event and the fact that it is the 125th anniversary a monetary donation would be in order.

It was further discussed that in addition to a monetary donation, in kind assistance be provided in the form of advertising and promotion of the event and the Governor-General's visit via Council's weekly advertisement and the website.

RECOMMENDED

That Council:

- i donate \$3000.00 from Councillor Ward Funds to the Camden Show Society to assist in the staging of this year's Camden Show; and**
- ii endorse in kind support in the form of advertising and promotion of the Show through Council's weekly advertisement and the website.**

RESOLUTION

Moved Councillor Patterson that Council:

- i donate \$3000 .00 from Councillor Ward Funds to the Camden Show Society to assist in the staging of this year's Camden Show; and**
- ii endorse in kind support in the form of advertising and promotion of the Show through Council's weekly advertisement and the website.**

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD68/11

ORDINARY COUNCIL

ORD01

SUBJECT: PROPOSED ROAD NAMING - HARRINGTON GROVE,
HARRINGTON PARK
FROM: Director Development and Health
FILE NO: Binder: Landuse & Planning/GLIS/Land Information/Naming of
Roads

PURPOSE OF REPORT

The purpose of this report is to seek Council's further direction in relation to a proposed list of street names within the Harrington Grove release area.

BACKGROUND

The Harrington Grove release area consists of two parts. The first part is bounded to the north by Cobbitty Road, Cobbitty, to the south by Narellan Creek, to the east by The Northern Road and to the west by The Lanes and Kirkham estates.

The second part is bounded to the west by The Northern Road, to the east by Camden Valley Way, to the north by Cobbitty Road and Oran Park Drive and to the south by the suburb of Harrington Park. **A location plan is provided at the end of the report.**

The developer of Harrington Grove originally advised Council of its desire to use ecological names which were in keeping with the theme of natural environmental outcomes intended as part of the Harrington Grove development.

Council officers considered this would conflict with the guidelines developed by the Geographic Name Board (GNB) as an Australian flora theme exists within Mount Annan and advised the developer that such a theme would therefore not be suitable. A list of alternative themes was provided to the developer which related to Australian heritage and culture. Notwithstanding the choice from this list of a bushranger related theme, the developer has indicated they would still prefer an ecological theme given the importance of the ecology and the role this plays in the development of Harrington Grove.

The developer is further of the opinion that ecological names should not be restricted to Mount Annan and has advised the bushranger theme was chosen as it considered the alternate themes were less appropriate.

Subsequently, a list of names was prepared by the developer using the bushrangers theme. This list was reviewed by Council officers and subsequently was referred to the GNB which raised no objections to the proposed list of names.

Council, at the meeting of 9 November 2010, considered a report and resolved to endorse a list of new road names for use in the Harrington Grove release area; to proceed with the new road naming process; and be provided with a further report detailing the results of a 30 day public exhibition period.

MAIN REPORT

The GNB has advised Council that the following process is required to be followed by the relevant roads authority (Council) in respect of having new road names approved.

1. The developer of the land provides Council, a list of proposed road names.
2. These are checked by Council staff in accordance with the guidelines published by the GNB.
3. The names that meet the guidelines are referred to the GNB for comment.
4. A report is considered by Council, seeking endorsement of the list of names that are able to be approved by the GNB.
5. The endorsed list is published in a local newspaper, ensuring that the notice states that written submissions on the name may be made to Council.
6. Council concurrently serves notice of its proposal to Australia Post, the Registrar General, Surveyor General and, in the case of a classified road, to the RTA if it is not the authority involved.
7. All submissions are compiled and the list of road names are reviewed by officers.
8. The results of the notification are reported back to Council with a recommendation in relation to adoption.
9. The adopted names are published in the NSW Government Gazette and in the local newspapers.
10. Council informs Australia Post, the Registrar General, Surveyor General and the RTA, giving sufficient particulars to enable the roads to be identified.

Steps 1 to 7 have now been completed and this report has now been prepared in accordance with **Step 8**.

NOTIFICATION

The proposed road names were notified in accordance with the GNB guidelines. Three (3) submissions were received each raising concern over the use of the bushranger related theme. **A copy of the submissions are provided with the Business Paper supporting documents.**

Below is a summary of the submissions and comments.

- (a) These criminals were "bloodthirsty murderers who do not deserve to be honoured for their crimes against humanity".

Officer comments:

The comment is understood and appreciated. It should be noted that not all names are those of bushrangers. Rather, some are general names, such as place names and names of other people relevant to the theme.

- (b) "Given that Harrington Grove is close to Oran Park, the street names should be named after car types".

Officer comments:

Oran Park is a different suburb by a different developer who chose to use a motor racing theme. The bushranger related theme was put forward by the developer of Harrington Grove and assessed against the GNB's guidelines.

- (c) "These criminal bushrangers who broke the law, shot and killed the policemen, are therefore not worthy citizens, why have streets named after them".

Officer comments:

In reflection bushrangers were criminal, however their acts highlight previous living standards for the unemployed, poor and in some cases uneducated but still represent part of Australian history.

Bushranger Related Names

The proposed list of new road names to be used in the Harrington Grove release area, for which adoption is sought by the developer, is as follows:

ABERCROMBIE	Abercrombie caves - hideout of Ribbon gang
ATTERALL	James Atterall
BEECHWORTH	VIC town famous for Kelly Gang activity
BENALLA	VIC town where Ned Kelly was imprisoned
BIGGA	NSW town - location of crimes by John Peisley
BINDA	NSW town - location of crimes by Ben Hall
BOBIN	Bobin Creek - place where Jimmy Governor was captured
BOGONG	Bogong Jack
BOW	Charles Bow
BREZA	NSW town - birthplace of Ben Hall
BRYANT	Richard Bryant
BUGG	Mary Ann Bugg
CAMERON	"Cameron letter"
CAESAR	John Caesar
CASH	Martin Cash
CASTLEMAINE	Birthplace of Jack Doolan from song "Wild Colonial Boy"
CHAMBERLAIN	George Chamberlain
COGRINGTON	Cogington Revingstone
COLLECTOR	NSW town - location of Ben Hall's robberies
COLT	Colt revolvers
COMERFORD	George Comerford
CROOKWELL	NSW town of Larry Cummins' crimes
CUMMINS	Larry Cummins
DALEY	Patrick Daley
DALTON	James Dalton
DARGIN	Billy Dargin
DONAHUE	John Donahue
DOOLAN	John Doolan
DOUGLAS	Black Douglas
EGERTON	Mount Egerton Bank - robbed by

	Captain Moonlite
ELLEN	Ellen Kelly - Ned Kelly's mother
ENTWISTLE	Ralph Entwistle
EUGOWRA	NSW town - famous gold robbery
EUROA	Euroa Bank - robbed by Kelly Gang
FLINTLOCK	Flintlock rifles
FOLEY	John Foley
GOVERNOR	Jimmy and Joe Governor
GRETA	VIC town - birthplace of Ned Kelly
HALL	Ben Hall
HART	Steve Hart
HAWTHORNE	John Hawthorne
HOWE	Michael Howe
HUGHES	Thomas Hughes
JENOLAN	Jenolan Caves - used as safehaven by bushrangers
JERILDERIE	"Jerilderie Letter" penned for famous Kelly Gang bank robbery
KATE	Kate Kelly - Ned Kelly's sister
KEYS	Joseph Keys
LAGGAN	NSW town - location of Ben Hall's crimes
LONGARM	Reference to long rifles used by bushrangers
LONIGAN	Constable Lonigan
LOWRY	Fred Lowry
MAWBHEY	Mawbey Family
MIDNITE	Thomas Smith "Captain Midnite"
MOONLITE	Captain Moonlite
O'MEALLY	Johnny O'Meally
OURA	Oura Hotel - robbed by Captain Moonlite
PAID	John Paid - Wolloo Jack
PEISLEY	John Peisley
PENTRIDGE	Pentridge Prison
PIGEON	Aboriginal Bushranger
RAMMER	Rammer Gang
REDFORD	Harry Redford
REIVINGSTONE	Codrington Revingstone
RIBBON	Ribbon Gang
ROGAN	Thomas Rogan
RUTHERFORD	Charles Rutherford
SCANLON	Constable Scanlon - killed by Kelly Gang
SHERRIT	Aaron Sherrit
SORELL	Lieutenant Governor Sorell
STARLIGHT	Captain Starlight
STRINGYBARK	Stringybark Creek, location of Kelly Gang gunfight
TENTERFIELD	Tenterfield Races - robbed by Captain

	Thunderbolt
THUNDERBOLT	Captain Thunderbolt
UNDERWOOD	Jacky Underwood
URALLA	NSW town of Captain Thunderbolt's death
VANE	John Vane
WANTABADGERY	Wantabadgery Station - robbed by Captain Moonlite
WELLINGTON	Wellington Caves, used as a hideout
WERNICKE	Augustus Wernicke - 15 year old member of Captain Moonlite's gang
WESTWOOD	William Westwood - Jackey
WHITTEN	Thomas Whitten
WINGHAM	NSW town where Jimmy Governor was imprisoned
WOLLOO	John Paid - Wolloo Jack
YELLILONG	Captain Thunderbolt's wife
YOUNGHUSBAND	Location of Kelly Gang raid and hideout

Council at the meeting of 9 November 2010 approved the following five (5) names, which have now been amended in the above list to correct the spelling:

Crokwell - now Crookwell
 Peosley - now Peisley
 Sheerit - now Sherrit
 Staingybark - now Stringybark
 Flintock - now Flintlock.

If Council adopts the above list of proposed new road names, the list will be published in the NSW Government Gazette and in the local newspapers. Also, Council will inform Australia Post, the Registrar General, Surveyor General and the RTA.

The list will then be able to be formally used as street names within the Harrington Grove release area.

CONCLUSION

A proposed list of road names for the Harrington Grove development has been assessed by Council officers in accordance with the criteria of the GNB. The list has been publicly exhibited for 30 days. Three (3) submissions were received raising concern over the bushranger theme. The names satisfy the guidelines for the naming of roads.

The list is now able to be referred to Council for further consideration. If the list is adopted by Council, the required road naming procedure will continue.

RECOMMENDED

That Council:

- i. endorse the final list of new road names within this report, for use in the Harrington Grove release area;
- ii. publish the approved names in the NSW Government Gazette and in the local paper; and
- iii. inform Australia Post, the Registrar General, Surveyor General and the RTA of these approved names.

ATTACHMENTS

1. Location plan
2. Submissions (sup doc)



Submissions - Harrington Grove Road Naming.pdf Site Location Map - Harrington Grove.pdf

RESOLUTION

Moved Councillor Campbell, Seconded Councillor Anderson that Council:

- i. endorse the final list of new road names within this report, for use in the Harrington Grove release area;
- ii. publish the approved names in the NSW Government Gazette and in the local paper; and
- iii. inform Australia Post, the Registrar General, Surveyor General and the RTA of these approved names.

THE MOTION ON BEING PUT WAS **CARRIED**.

(Councillors Anderson, Cagney, Campbell, Funnell, Patterson and Warren voted in favour of the Motion.

Councillors Dewbery and Cottrell voted against the Motion)

ORD69/11

ORDINARY COUNCIL

ORD02

SUBJECT: PROPOSAL TO REZONE LAND AT 11 IRONBARK AVENUE, CAMDEN (OLD CAMDEN BUS DEPOT SITE)
FROM: Director Governance
FILE NO: Binder: Ironbark Avenue and Former Bus Depot Camden

PURPOSE OF REPORT

The purpose of this report is to provide feedback to Council on the public exhibition of the planning proposal for the former Camden bus depot at South Camden. A copy of the planning proposal is provided as an **Attachment 1 to this report**.

BACKGROUND

Currently, the old bus depot is zoned IN2 Light Industrial. The former bus depot planning proposal is seeking to rezone the site to R3 Medium Density. At its meeting of the 8 February 2011, Council resolved to place on public exhibition for 28 days the planning proposal and supporting documents.

MAIN REPORT

Gateway Determination for the planning proposal was received on 21 June 2010. The determination required public exhibition of the proposal for 28 days and consultation with the Department of Environment, Climate Change and Water (DECCW). Public exhibition of the planning proposal was delayed until February 2011 because of further contamination assessments being undertaken and the development of a Remediation Action Plan (RAP) for the contamination.

The planning proposal is underpinned by supporting studies. These include, as outlined above, a RAP that was required by previous contamination assessments, and salinity investigations. These documents formed part of the exhibition and are **provided in the Supporting Documents**.

Development Control Plans

Development controls for the former bus depot and the wider Ironbark Avenue area also formed part of the supporting documents to the planning proposal, and were part of the exhibition.

The development controls are based on design principles outlined in a planning review commissioned for the whole of Ironbark Avenue. These design principles address issues such as landscaping, building articulation, driveway access and interface issues with adjoining residential areas and the existing light industrial area. The draft development controls are **provided as Attachment 2 to this report** and if adopted by Council, will be incorporated into Camden DCP 2011. It should be noted that the amendment to Camden DCP 2011 cannot be formalised until after the rezoning has been published.

Exhibition

The public exhibition period was from 16 February 2011 to 16 March 2011. Exhibition

of the proposal and supporting documents included:

- Static displays at:
 - Narellan Customer Service Centre and Narellan Library, Queen Street, Narellan
 - Camden Customer Service Centre and Camden Library, John Street, Camden
 - Camden Council's website www.camden.nsw.gov.au;
- Notice of exhibition in the local paper on 16 February 2011 and 2 March 2011;
- Letters to residents within a 200m radius of the site;
- A letter and the exhibition material was sent to DECCW seeking comment.

A submission was received from DECCW and is **provided as Attachment 3 to this report**. DECCW, in its submission, provided no objections to the planning proposal but included a list of considerations to limit the risk of impact of saline groundwater conditions. Management of salinity is addressed in the draft development controls for Ironbark Avenue. Accordingly, a Salinity Management Plan will be required to be submitted with any development application for the site. Further requirements for building in a saline environment are addressed in Part B of the Camden DCP 2011 and Camden Council's policy 'Building in a Salinity Prone Environment'. There are also Australian Standards that need to be complied with when building in a saline environment.

No other submissions were received.

CONCLUSION

During the exhibition period one submission from DECCW was received with matters for consideration. The rezoning to medium density of the site has merit and will assist in remediation of the site.

If Council resolves to adopt the planning proposal and supporting documents, the next step is to forward these to the Department of Planning for making of the plan. If the rezoning/plan is made there will be a further report to Council to advise of the rezoning and to seek a resolution to incorporate the development controls for Ironbark Avenue into Camden DCP 2011.

RECOMMENDED








That Council:

- i. adopt the former bus depot site planning proposal as exhibited;**
- ii. send the adopted planning proposal and supporting studies to the Department of Planning so that the plan can be made;**
- iii. adopt the development controls for the former bus depot and the wider Ironbark Avenue area;**
- iv. advise the proponent of the above and of the considerations listed in the submission by DECCW; and**
- v. write to DECCW advising of the above.**

ATTACHMENTS

Attachment 1 - planning proposal

Attachment 2 - Draft Development Controls - Bus Depot & Ironbark
Attachment 3 - DECCW comment
Supporting Document - Supporting Studies

 Supporting Doc 10044 L02 Interim Advice 2 - Review of Revised 8 Dec 10.pdf
 Supporting Doc 110066_RAP_Rev2 8 Dec 10 cm.pdf  Supporting Doc 110066_Salinity_Cover Page.pdf
 Attachment 1 - Planning Proposal .doc  Attachment 2 DCP - D2 3 8 Bus depot site x 2.doc
 Attachment 2 DCP - D4 5 3 - Ironbark Ave Camden South x 2.doc
 Attachment 3 DECCW comment on Planning Proposal.pdf

RESOLUTION

Moved Councillor Warren, Seconded Councillor Dewbery that Council:

- i. adopt the former bus depot site planning proposal as exhibited;
- ii. send the adopted planning proposal and supporting studies to the Department of Planning so that the plan can be made;
- iii. adopt the development controls for the former bus depot and the wider Ironbark Avenue area;
- iv. advise the proponent of the above and of the considerations listed in the submission by DECCW; and
- v. write to DECCW advising of the above.

THE MOTION ON BEING PUT WAS **CARRIED**.

(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Patterson and Warren voted in favour of the Motion.
No Councillor voted against the Motion).

ORD70/11

ORDINARY COUNCIL

ORD02

SUBJECT: PROPOSAL TO REZONE LAND AT 11 IRONBARK AVENUE, CAMDEN (OLD CAMDEN BUS DEPOT SITE)
FROM: Director Governance
FILE NO: Binder: Ironbark Avenue and Former Bus Depot Camden

PURPOSE OF REPORT

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BACKGROUND

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MAIN REPORT

Gateway Determination for the planning proposal was received on 21 June 2010. The determination required public exhibition of the proposal for 28 days and consultation with the Department of Environment, Climate Change and Water (DECCW). Public exhibition of the planning proposal was delayed until February 2011 because of further contamination assessments being undertaken and the development of a Remediation Action Plan (RAP) for the contamination.

The planning proposal is underpinned by supporting studies. These include, as outlined above, a RAP that was required by previous contamination assessments, and salinity investigations. These documents formed part of the exhibition and are **provided in the Supporting Documents**.

Development Control Plans

Development controls for the former bus depot and the wider Ironbark Avenue area also formed part of the supporting documents to the planning proposal, and were part of the exhibition.

The development controls are based on design principles outlined in a planning review commissioned for the whole of Ironbark Avenue. These design principles address issues such as landscaping, building articulation, driveway access and interface issues with adjoining residential areas and the existing light industrial area. The draft development controls are **provided as Attachment 2 to this report** and if adopted by Council, will be incorporated into Camden DCP 2011. It should be noted that the amendment to Camden DCP 2011 cannot be formalised until after the rezoning has been published.

Exhibition

The public exhibition period was from 16 February 2011 to 16 March 2011. Exhibition

of the proposal and supporting documents included:

- Static displays at:
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- A letter and the exhibition material was sent to DECCW seeking comment.

A submission was received from DECCW and is **provided as Attachment 3 to this report**. DECCW, in its submission, provided no objections to the planning proposal but included a list of considerations to limit the risk of impact of saline groundwater conditions. Management of salinity is addressed in the draft development controls for Ironbark Avenue. Accordingly, a Salinity Management Plan will be required to be submitted with any development application for the site. Further requirements for building in a saline environment are addressed in Part B of the Camden DCP 2011 and Camden Council's policy 'Building in a Salinity Prone Environment'. There are also Australian Standards that need to be complied with when building in a saline environment.

No other submissions were received.

CONCLUSION

During the exhibition period one submission from DECCW was received with matters for consideration. The rezoning to medium density of the site has merit and will assist in remediation of the site.

If Council resolves to adopt the planning proposal and supporting documents, the next step is to forward these to the Department of Planning for making of the plan. If the rezoning/plan is made there will be a further report to Council to advise of the rezoning and to seek a resolution to incorporate the development controls for Ironbark Avenue into Camden DCP 2011.

RECOMMENDED








That Council:

- i. **adopt the former bus depot site planning proposal as exhibited;**
- ii. **send the adopted planning proposal and supporting studies to the Department of Planning so that the plan can be made;**
- iii. **adopt the development controls for the former bus depot and the wider Ironbark Avenue area;**
- iv. **advise the proponent of the above and of the considerations listed in the submission by DECCW; and**
- v. **write to DECCW advising of the above.**

ATTACHMENTS

Attachment 1 - planning proposal

Attachment 2 - Draft Development Controls - Bus Depot & Ironbark
Attachment 3 - DECCW comment
Supporting Document - Supporting Studies

 Supporting Doc 10044 L02 Interim Advice 2 - Review of Revised 8 Dec 10.pdf
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 Attachment 1 - Planning Proposal .doc  Attachment 2 DCP - D2 3 8 Bus depot site x 2.doc
 Attachment 2 DCP - D4 5 3 - Ironbark Ave Camden South x 2.doc
 Attachment 3 DECCW comment on Planning Proposal.pdf

RESOLUTION

Moved Councillor Warren, Seconded Councillor Dewbery that Council:

- i. adopt the former bus depot site planning proposal as exhibited;
- ii. send the adopted planning proposal and supporting studies to the Department of Planning so that the plan can be made;
- iii. adopt the development controls for the former bus depot and the wider Ironbark Avenue area;
- iv. advise the proponent of the above and of the considerations listed in the submission by DECCW; and
- v. write to DECCW advising of the above.

THE MOTION ON BEING PUT WAS **CARRIED**.

(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Patterson and Warren voted in favour of the Motion.
No Councillor voted against the Motion).

ORD70/11

ORDINARY COUNCIL

ORD03

SUBJECT: COUNCIL SEAL - EASEMENT FOR ELECTRICITY - LOT 57 DP239467
AND LOT 22 DP17988 KING BUSH RESERVE FORREST CRESCENT
CAMDEN
FROM: Director Governance
FILE NO:

PURPOSE OF REPORT

To obtain a Council resolution to approve the grant of an easement over Council land and to affix the Council Seal to a Linen Plan and Section 88B Instrument.

MAIN REPORT

Council is the owner of Lot 57 DP239467 and Lot 22 DP17988. The land is public reserve, known as "Kings Bush" Reserve. **A plan depicting the land is provided at the end of this report.**

Endeavour Energy is currently upgrading services in order to improve the reliability of electricity provision in the Camden area. In order to facilitate the upgrade, Endeavour Energy is seeking the creation of an easement over the above described Council land for underground electricity cabling.

The land in question is classified as "community" land under the Local Government Act, 1993 and Council is permitted to grant easements for the provision of public utilities and works associated with public utilities. This easement would fall into this category.

Council staff met with Endeavour Energy representatives on site to determine the exact location of the easement and to ensure minimal impact on the reserve. Agreement has been reached with Endeavour Energy on these issues and staff have no objection to the location of the easement.

Whilst the easement route has little impact on the vegetation in the reserve, the terms of the easement have been amended to include a requirement that Endeavour Energy will "reinstatement the land surface of the lot burdened as nearly as practicable to its original condition and to the satisfaction of the owner". As can be seen from the attached plan, the route of the underground easement avoids any significant vegetation and trees in the location and will have no impact on the amenity of the reserve. The cabling also travels underground within the footpath reserve of Forrest Crescent to an existing substation on the corner of Alpha Road.

As landowner, Council can seek payment for the granting of the easement on its land. After discussions with Council's valuer regarding the land in question, it was felt that the initial offer of \$6,500 plus GST from Endeavour Energy was conservative. As such Council requested a higher compensation amount of \$10,000 plus GST for the granting of the easement. This amount has been agreed to by Endeavour Energy.

Endeavour Energy will also be responsible for payment of all associated costs, including legal, lodgement costs and registration of the easement on the Title.

This is a procedural requirement in order to obtain Council approval for the easement and authorisation to affix the Council Seal to the necessary Linen Plan and Section 88B instrument to allow the registration at the Land and Property Information Division.

RECOMMENDED

That Council:

- i. approve the grant of easement for the purpose of providing underground electricity cabling at Lot 57 DP239467 and Lot 22 DP17988 (Kings Bush Reserve) Forrest Crescent, Camden; and**
- ii. authorise the affixing of the Council Seal to the Linen Plan, Section 88B Instrument and any other relevant documentation necessary to create the proposed easement.**

ATTACHMENTS



Kings Bush Reserve location plan.pdf

RESOLUTION

Moved Councillor Warren, Seconded Councillor Dewbery that Council:

- i. approve the grant of easement for the purpose of providing underground electricity cabling at Lot 57 DP239467 and Lot 22 DP17988 (Kings Bush Reserve) Forrest Crescent, Camden; and**
- ii. authorise the affixing of the Council Seal to the Linen Plan, Section 88B Instrument and any other relevant documentation necessary to create the proposed easement.**

THE MOTION ON BEING PUT WAS CARRIED.

THE MEETING CLOSED AT 6.23PM.

ORD71/11

**THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 5 APRIL 2011
WERE ADOPTED AT AN ORDINARY COUNCIL MEETING HELD 19 APRIL 2011.
MIN. NO. ORD 75/11**

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized, cursive name.

CHAIRPERSON