Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 25 May 2010.

APOL	OGIES	
ACKN	OWLEDGEMENT OF LAND	
DECL	ARATIONS OF INTEREST	
Pecun	iary Interests	
Non P	ecuniary – Significant Interests	
Non P	ecuniary – Less than Significant Interests	
ITEM	TITLE	PAGE
1.	WASTE AND RECYCLING SERVICES	4
No rep	orts this round	4
2.	ENVIRONMENTAL PLANNING	4
2.1	Woking Borough Council as an International Leader in Energy Efficiency	4
2.2	Tubestock Planting and Bush Regeneration Project	9
2.3	Community River Health Monitoring Program Report Card	13
2.4	Georges River Combined Councils Committee Meeting Update	20
2.5	Minutes of the Heritage Protection Sub Committee Meeting held on 22 April 2010	37
2.6	Provision of Bottled Water and Access to Filling Stations for the Campbelltown LGA	51
3.	DEVELOPMENT SERVICES	57
3.1	Development Services Section Application Statistics - April 2010	57
3.2	No. 1 Culverston Road, Minto - Construction of an Industrial/Warehouse Building with Mezzanine Area and Reconfiguration of the Car Parking Area	58
3.3	No. 127 Westmoreland Road, Leumeah - Construction of a pigeon loft	93
4.	COMPLIANCE SERVICES	110
4.1	Legal Status Report	110
4.2	Compliance Services Section Quarterly Activity Summary Report January to March 2010	119
4.3	Infection Control Workshop	129

133

ITEM	TITLE	PAGE
10.	CONFIDENTIAL ITEMS	133
10.1	Confidential Information Relating to Various Items on the Planning and Environment Agenda 25 May2010	133

Minutes of the Planning and Environment Committee held on 25 May 2010

Present Councillor R Matheson (Chairperson) Councillor J Bourke Councillor G Greiss Councillor R Kolkman **Councillor M Oates** Councillor J Rowell Councillor R Thompson Acting General Manager - Ms L Deitz Director Planning and Environment - Mr J Lawrence Acting Director Community Service - Mr B McCausland Manager Customer Service - Mr I Hudson Manager Development Services - Mr J Baldwin Manager Compliance Services - Mr A Spooner Manager Waste and Recycling Services - Mr P Macdonald Environmental Planning Coordinator - Ms R Winsor Corporate Support Coordinator - Mr T Rouen Executive Assistant - Mrs K Peters

Apology (Greiss/Thompson)

That the apology from Councillor Rowell be received and accepted.

CARRIED

Acknowledgement of Land

An Acknowledgement of Land was presented by the Chairperson Councillor Matheson.

DECLARATIONS OF INTEREST

There were no Declarations of Interest at this meeting.

1. WASTE AND RECYCLING SERVICES

No reports this round

2. ENVIRONMENTAL PLANNING

2.1 Woking Borough Council as an International Leader in Energy Efficiency

Reporting Officer

Manager Environmental Planning

Attachments

Nil

Purpose

The purpose of this report is to provide Council with information relating to Woking Borough Council's energy efficiency recycling fund.

History

At its meeting on 4 August 2009, Council considered a report which outlined the major findings of the Energy Savings Action Plan (ESAP) Annual Review. Of note, the report acknowledged Council's annual energy savings and greenhouse gas abatements of 1,609,872 KWh, and 1,692 tonnes of Carbon Dioxide equivalent (CO_2 -e), respectively when comparing 2006 usage against 2008 usage. In addition, the report recognised two (2) key priority actions for Council to formalise within the following year. They included:

- 1. The establishment of formal Terms of Reference for the Energy Performance Group; and
- 2. The establishment of an Energy Policy.

Having considered the report, Council resolved (in part) that:

"A report be presented to Council on the feasibility of establishing a dedicated Sustainability Initiatives Fund from the savings achieved through its Energy Savings Action Plan;

That Council investigate the ways in which such a fund has been used in Woking City (UK) and is proposed to be used in the City of Sydney with a view to the applicability to Campbelltown and the wider Macarthur Region; and

That when addressing the Terms of Reference for the Energy Performance Group, consideration be given to the establishment of a Sustainability Working Group".

At its meeting on 13 October 2009, Council considered a report which provided information on Council's recently established Sustainability Committee (The Committee). Of relevance to the above mentioned recommendations, the report provided information on the establishment of an Energy Savings Reserve, which highlighted the challenges of maintaining such a fund. It was initially anticipated that funds resulting from energy savings identified in the ESAP Annual Review would be able to contribute to Fund. However due to increased usage (unit) cost prices these energy savings were not able to be translated into actual monetary savings.

Report

Woking Borough Council

Woking Borough Council is located in the United Kingdom (UK) and is recognised internationally as being one of the most energy efficient local authorities world-wide. In 2003, Woking Council adopted a comprehensive Climate Change Strategy which incorporated three (3) overarching themes.

- Reduction of Borough wide CO² equivalent emissions;
- Adaptation to climate change; and
- Promotion of sustainable development.

Woking Borough Council's Climate Change Strategy is recognised to have had a dramatic effect on energy conservation and carbon emissions. This has been achieved through the implementation of projects which use a range of low to zero carbon technologies, including solar photovoltaics, combined heat and power and fuel cells. In fact, it is reported that in 2008 the Council's energy consumption fell by nearly a third from levels measured in 1990, with carbon emissions down by 29% and cost savings of approximately \$8m (£4.9 million) during the 2007/08 financial year.

Through the implementation of their Climate Change Strategy, it is believed that Woking Borough Council will most likely meet The Royal Commission on Environmental Pollution Targets of 60% carbon dioxide $(C0^2)$ reduction by 2050 and 80% by 2100.

(i) Energy Efficiency Recycling Fund:

Woking Borough Council operates an energy efficiency recycling fund where financial savings achieved by energy and water efficiency projects are inserted back into a special and ongoing capital fund. It is reported that the original capital fund started with approximately \$413,990 (£0.25 million).

The energy efficiency recycling fund supports the implementation of Woking Borough Council's Climate Change Strategy and subsequent Strategy Action Plan. The Climate Change Strategy provides a number of targets and actions to be achieved both in the short and medium term. Such targets and actions are divided into key theme areas, along with allocated organisation (section) responsibility. Key theme areas include:

- Planning and Regulation;
- Energy;
- Waste;

Page 6

- Transport;
- Procurement;
- Education and Promotion;
- Green Spaces;
- Water;
- Working with Business; and
- Community and residents.
- (ii) An Energy Services Provider and Supplier:

Woking Borough Council's success is predominantly a result of its investment in innovative technologies and solutions. One of Woking Borough Council's most recognisable ventures is their sole ownership of Thameswey Ltd (an energy services provider) and subsidiary partnership with Thameswey Energy Ltd (an energy supplier).

Thameswey is an Energy and Environmental Services Company (EESCO) which enters into public/private joint ventures to both mitigate and adapt to the challenges posed by climate change. EESCOs are professional businesses that provide a broad range of comprehensive energy solutions.

Thameswey focuses on the promotion and development of projects that increase the use of sustainable energy, reduce water waste, encourage green transport and tackle fuel poverty. Fuel poverty in the United Kingdom refers to a household which cannot afford to keep adequately warm at a reasonable cost. With the proposed increases in energy prices, this term is starting to become more commonly used.

Since it was formed in 1999, Thameswey has been internationally recognised as a leader in the financing and management of Combined Heat and Power (CHP) centres which provide low carbon electricity and heat to local communities. It is reported that through the installation of over 80 CHP centres energy supplied to residents is 10% cheaper than that supplied by larger grid networks.

Thameswey Ltd enters into public/private joint ventures to deliver energy and environmental projects that improve heating, cooling, lighting, fuel poverty, waste, water and low carbon transport. Thameswey Ltd is best known for its leadership in financing and managing combined heat and power (CHP) centres (also known as co-generation) which provides low carbon electricity and heat to local communities. It is reported that through the installation of over 80 CHP centres energy supplied to residents is 10% cheaper than that supplied by larger grid networks.

Thameswey Energy Ltd is a public/private joint venture that enables the Council to undertake larger scale projects including supplying green energy direct to customers. The aim of the company is to provide sustainable, localised district energy.

iii) Assisting and Educating Internationally:

Woking Borough Council's success can be largely attributed to the leadership of UK sustainability expert, Mr Allan Jones MBE. Specialising in renewable energy production and alternatives to coal-based electricity, Mr Jones MBE has successfully disengaged the borough of Woking from the electricity grid.

Mr Jones success has attracted the attention of the City of Sydney. In accordance with the City of Sydney's comprehensive '2030 Sustainable Sydney' vision, the Council aims to remove its dependence upon coal-fired electricity and increase its self reliance on low carbon energy and sustainable water supplies to and beyond 2030. To assist in the achievement of its vision, the Council has engaged Mr Jones MBE to guide the installation of tri-generation (which is an extension of co-generation) throughout the city.

Conclusion

The inspirational success of Woking Borough Council has received international recognition and attention. Whilst much of the success of Woking Borough Council's reduction in carbon emissions and energy related costs is directly attributed to its capacity as an energy provider these efforts are underpinned by a strong commitment to sustainability and exploration of innovative solutions.

As Campbelltown City Council develops its Sustainability Strategy Council will continue to have a regard to the Woking Borough Council Climate Change Strategy, as well as monitor the progress of City of Sydney in achieving its vision.

Officer's Recommendation

- 1. That the information be noted.
- 2. That Council monitor the progress of initiatives undertaken by City of Sydney.

Committee's Recommendation: (Kolkman/Bourke)

- 1. That the information be noted.
- 2. That Council monitor the progress of initiatives undertaken by City of Sydney particularly with reference to commercial and industrial development.
- 3. That Council request a copy of the ABC television program "Stateline" (14.05.10) that could be shown to Councillors at a future briefing night.

CARRIED

Council Meeting 1 June 2010 (Kolkman/Bourke)

That the Committee's Recommendation be adopted.

Amendment: (Hawker/Rowell)

- 1. That the information be noted.
- 2. That Council monitor the progress of initiatives undertaken by City of Sydney particularly with reference to commercial and industrial development.

LOST

Council Minute Resolution Number 92

That the Committee's Recommendation be adopted.

CARRIED

2.2 Tubestock Planting and Bush Regeneration Project

Reporting Officer

Manager Environmental Planning

Attachments

Nil.

Purpose

To inform Council of scheduled bush regeneration and tube stock planting works at Milton Park (Macquarie Fields), Botany Place (Kentlyn) and Redfern Creek (Ingleburn).

History

Council, in cooperation with a qualified seed collector and the Silverwater Detention Centre (Dawn de Loas Corrective Service's Nursery), has propagated 3,900 tube stock seedlings for planting across Milton Park, Botany Place and Redfern Creek. This tube stock was sourced from local provenance seed collected across the three (3) sites two (2) years ago. The seed was propagated at the Dawn de Loas Corrective Service Nursery, resulting in the delivery to Council of 3,900 endemic tube stock, seedlings primed for reintroduction to their sites of origin. The use of local provenance species helps to maintain local genetic diversity as well as preserving local biodiversity.

Council has engaged its bush regeneration contractors to undertake an extensive bush regeneration, weed control and tube stock planting project across the Campbelltown Local Government Area (LGA) over the next six (6) months. Three (3) sites will be targeted, being Milton Park (Macquarie Fields), Botany Place (Kentlyn) and Redfern Creek (Ingleburn). These three (3) sites have been strategically chosen based on the following justification:

- linkages with current natural resource management projects:
 - Milton Park-Campbelltown Probation and Parole Community Service Orders working group bush regeneration and weed control program,
 - Botany Place-Sydney Metropolitan Catchment Management Authority (SMCMA) Koala Habitat Restoration Iconic Project, and
 - Redfern Creek-SMCMA Redfern Creek Restoration and Community Education Iconic Project;
- Endangered Ecologic Community status-being Cumberland Plain Woodland and Sydney Coastal River-flat Forest; and

- Position in the catchment:
 - Milton Park Significant infestations of balloon vine infest this site. Balloon vine removal will prevent future "seed set" and minimise upstream sources of the weed.
 - Botany Place This site was identified as a Koala habitat site, hence revegetation works may increase the habitat potential of the site.
 - Redfern Creek The work zone is located in the upper reaches of the Redfern Creek system. Weed control works undertaken here will greatly reduce the risk of weed propagules establishing and invading down stream areas.

The works program will see the control and management of priority invasive weed species (Blackberry, African Olive, Privet, Balloon Vine, Herbaceous Weeds and Morning Glory). The assisted recovery of native remnant bushland areas and the introduction of 3,900 local provenance tube stock species will help to consolidate local ecosystems.

Site Descriptions

Milton Park is a popular sporting and recreational area, containing remnant Cumberland Plain and Sydney Coastal River-flat Forest. Both Redfern Creek and Bunbury Curran Creek flow through the park, and are heavily infested with noxious weeds such as balloon vine, African olive, privet and annual and herbaceous weeds.

Botany Place contains a mix of remnant and regenerating native bushland and cleared land that supports native and naturalised grasses. Isolated occurrences of exotic plant species also occur in close proximity to previous home sites and in the riparian zones. The vegetation contains Shale Sandstone Transition Forest, which is an Endangered Ecological Community.

Redfern Creek contains remnant Shale/Sandstone Transition Forest which is highly degraded and a riparian zone which is infested with noxious and environmental weeds including blackberry, woody weeds and vines.

Report

The purpose of this project is to undertake planting works and weed control activities at all three (3) sites that will:

- 1. Increase the extent and condition of the Endangered Ecological Communities;
- 2. Improve the habitat for indigenous aquatic and riparian flora and fauna;
- 3. Increase the visual amenity of sites, and
- 4. Strengthen currently degraded, resilience depleted areas against future weed colonisation and the establishment of related threats, by reconstructing a competitive and potentially diverse range of native plant species.

Council officers have liaised with professional bush regeneration contractors regarding best practice bush regeneration techniques, given the sensitive nature of the endangered ecological communities scheduled for the environmental improvement works. The programmed works will aid in the longer term recovery of the endangered communities as well as providing immediate relief from the impact of aggressive weed invasion. Natural regeneration of native areas will be promoted, with infill tube stock plantings installed in areas of lower ecological resilience.

Task	Description	Contractor Commitment
Primary weed control	African Olive, Privet and other woody weeds	51 hours
Blackberry and exotic vines control	Blackberry will be slashed and regrowth spot sprayed	32 hours
	Balloon vine and morning glory will	
	be hand removed and spot sprayed	
Planting with water crystals	1,000 tube stock Botany Place	3,900 tube
	1,000 tube stock Redfern creek	stock installed
	1,900 tube stock Milton Park	
Water carting	As required	
6 months plant maintenance period	Ongoing herbaceous weed control	540 hours
	Scheduled maintenance visits for 6 months, assisting tube stock establishment.	

The scheduled program of works is described below:

The funds required to commence the scheduled program of works have been allocated from Council's 2009-2010 budget.

Bush regeneration works will conform to policies and best practice guidelines including: "Recovering bushland on the Cumberland Plain: best practice guidelines for the management and restoration of bushland" (DEC 2005). All propagation material was collected using principles prescribed in the "Bring the Bush Back to Western Sydney" document prepared by the former Department of Infrastructure, Planning and Natural Resources, and the "Florabank Guidelines".

Of interest, Councillors may recall that the Campbelltown Probation and Parole Community Service Orders working group located at Milton Park was nominated for the Environs Australia 2009 Sustainability Awards. The award recognised excellence in sustainable development initiatives within councils across Australia.

Conclusion

Bush regeneration, weed control and tube stock planting works will complement Council's existing Streamcare program, as Redfern Creek and Botany Place have recently had new Streamcare groups established. The scheduled bush regeneration works at Milton Park will help to ensure the environmental values of places like Milton Park are conserved into the future. The outcomes of this project will be reported to Council at the completion of the six (6) month maintenance period, using photo reference points and a tube stock survival index. It should be noted that local residents in proximity to the proposed project sites will be informed of the proposed works.

Officer's Recommendation

That this information be noted.

Committee's Recommendation: (Oates/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 1 June 2010 (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 92

That the Officer's Recommendation be adopted.

CARRIED

2.3 Community River Health Monitoring Program Report Card

Reporting Officer

Manager Environmental Planning

Attachments

- 1. Community River Health Monitoring Program Report Card Spring 2009 (Distributed under separate cover).
- 2. Campbelltown River Health Summary

Purpose

To provide Council with an update on the Georges River Combined Councils Committee (GRCCC) Georges River – Community River Health Monitoring Program.

History

In 2009, the GRCCC was granted \$210,000 from the Federal Government Caring for Our Country Community Coast Program for the GRCCC Georges River - River Health Monitoring Program. The Program involves the monitoring of macro-invertebrates, water quality and riparian vegetation at 42 selected sites along the Georges River Catchment. The data collected is being used to produce a series of program 'report cards' which provide a snapshot of the health of the Georges River.

The project aims to gain a greater understanding of the Georges River System. It will identify areas of high biodiversity that should be protected, areas where on-ground works have been effective, areas where remediation works could be carried out in the future and areas where future investigation maybe required. The results will inform more rigorous studies and guide expenditure for environmental works on the river through the identification of problem areas.

The project also aims to create an on-going "culture shift" to allow and encourage residents to be active in "their" river's management. The program will be conducted over two (2) years, with four (4) rounds (in Spring and Autumn) of testing, which will produce four (4) report cards.

Report

The first round of testing took place in Spring 2009 resulting in the first report card being released on 19 April 2010 (see Attachment 1).

Methodology

The testing was undertaken by over 200 community volunteers from Streamwatch and Bushcare groups led by Council staff and science professionals at 42 sites along the Georges River. The monitoring examined both fresh water and estuarine environments in the catchment from the River's headwaters in Appin, to Botany Bay.

The testing focused on three (3) key river health indicators:

- 1. Water quality water was tested for pH, electrical conductivity, turbidity, dissolved oxygen, total phosphorous and total nitrogen, against ANZECC guidelines for upland and lowland rivers, to determine what pollutants may be affecting the health of the river. Many organisms are sensitive to changes in water quality and changes to water quality can result in population decline or extinction.
- 2. Riparian vegetation vegetation was tested under the *Rapid Appraisal of Riparian Condition* guideline (Published by Australian Government Land and Water Australia), which assesses the ecological condition of riparian habitats using indicators that reflect functional aspects of the physical, community and landscape features of the riparian zone. Healthy riparian vegetation is an important factor in maintaining a functioning ecosystem. These communities play an important role in recycling nutrients, slowing stormwater flows into waterways and filtering sediment. They also provide critical habitat and food for a vast array of organisms. Through monitoring these communities it is hoped to better understand their condition and effectiveness in maintaining water quality within the catchment.
- 3. Macro-invertebrate populations macro-invertebrates were tested for richness against different orders (a statistical test for biodiversity), in accordance with industry standards. These populations provide valuable information on the health and quality of the aquatic ecosystem. Many macro-invertebrates are sensitive to environmental change and in particular changes to water quality.

Under each of the tests a statistical score is generated, these scores are then extrapolated to a grading and combined to produce an overall grading for each site, sub-catchment and overall catchment. The results provide a greater understanding of the integrity of the aquatic ecosystems.

Test Results

The results from round one indicate that the overall health of the Georges River system is fair (graded as C+). The report card verifies that the river system has been affected by a degree of urban and industrial development, particularly in the lower catchment. This has lead to a loss of riparian and estuarine vegetation and deterioration in water quality and macro-invertebrate diversity.

The report card also splits the catchment into three areas; the upper, mid and lower. Whilst the report card does not include or follow local government boundaries the Campbelltown Local Government Area (LGA) lies within the upper catchment section of the project. Six (6) sites within the Campbelltown LGA were tested under the program.

Site	Macro- invertebrate grading	Water quality grading	Vegetation grading	Overall grading
Stokes Creek (Dharawal state recreation area)	В	A+	A+	А
O'Hares Creek, The Woolwash	A+	A+	B-	A
Georges River, The Woolwash	A+	C+	B+	B+
Georges River, Ingleburn Weir	А	A+	A+	A+
Georges River, Simmos Beach	D+	A+	С	B-
Georges River, Cambridge Avenue	C+	В	С	C+
Upper Georges River (overall)	B+	A-	A-	B+

Their location and results are listed in the table below:

Overall, the results indicate a slight decline in river health within the Campbelltown LGA as the location of the sites move downstream, with the worst performing site being located at Cambridge Avenue, Glenfield. This result is not unexpected and due to impacts associated with urbanisation including sewage overflow urban run off. The Upper Georges River catchment also included monitoring at a further seven (7) sites within the Wollondilly Local Government Area. The overall grading for the Upper Georges River catchment was determined to be good with a grading of B+.

Round two of the community monitoring was conducted between 17 April and 16 May. The results from this monitoring will be used to produce the second Georges River Health Report Card which is anticipated to be released in August 2010.

Conclusion

The first Georges River Health Report Card was released on 19 April 2010. The card provided a snap shot of river system health based on results from sampling undertaken for the Community River Health Monitoring Program in Spring 2009.

Overall, the health of the Georges River catchment was graded as fair and the Upper Georges River (which includes the Campbelltown LGA) was graded as good. The results of this program will assist Council in strategic allocation of further resources towards the management of the River.

Officer's Recommendation

That the results from the second Georges River Health Report Card be made available to Council upon their release.

Committee's Recommendation: (Bourke/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 1 June 2010 (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 92

That the Officer's Recommendation be adopted.

CARRIED

ATTACHMENT 2

GRCCC Riverhealth Monitoring Project

Report Card Spring 2009 – Campbelltown Summary (6 Sites)

Stokes Creek: Overall Grading A

Macroinvertebrates - B

Good macroinvertebrate diversity was found in a near pristine creek. However the emplacement of the weir on Stokes Creek may have caused slight alterations to natural flow conditions and in turn may have affected macroinvertebrate populations.

Water Quality – A+

pH, EC, Turbidity, Dissolved Oxygen, Total Phosphorous and Total Nitrogen levels complied with guideline values.

Riparian Vegetation – A+

Excellent riparian vegetation.

This site is within the Dharawal State Recreation Area. This site has had very minimal disturbance and has a catchment area with no urban/industrial/human factors that could detract from the quality of the ecosystem.

O'Hare's Creek @ The Woolwash: Overall Grading A

Macroinvertebrates – A⁻

High macroinvertebrate diversity was found in a near pristine creek.

Water Quality – A+

pH, EC, Turbidity, Dissolved Oxygen, Total Phosphorous and Total Nitrogen levels complied with guideline values.

Riparian Vegetation - B-

Evidence of recent fires was present at this site. Fire destroys understory and groundcover and therefore affects the integrity of the riparian vegetation. This alteration is evident in the riparian vegetation assessment, however due to the regenerative ability of the Australian bush, the effects of fire are not long lasting so it would be expected that the riparian vegetation will recover over time.

This site is located within the Dharawal State This site has had very minimal disturbance and has a catchment area with no urban/industrial/human factors that could detract from the quality of the ecosystem.

Georges River @ the Woolwash: Overall Grading B+

Macroinvertebrates – B

A slight difference in the macroinvertebrate assemblage was evident at this site when compared to that found in the O'Hare's Creek site. Macroinvertebrates that were more pollution tolerant were present in the Georges River site, whereas less pollution tolerant macroinvertebrates were found at the O'Hare's Creek site. This is indicative of the better quality of water in O'Hare's Creek.

Water Quality - C⁺

Water Quality at this site showed a similar deterioration as to that from the upstream sites at Appin. pH, EC and nutrient levels were high showing the prolonged effect that discharges from Westcliff Colliery and Appin has on the river.

Riparian Vegetation – B+

The riparian zone at this site has been altered in the past with earth works and some weed invasion present. However it still remains in good condition.

Georges River @ Ingleburn Weir: Overall Grading A⁺

Macroinvertebrates -A

Good macroinvertebrate diversity was found at this site, with only a slight departure from that found at reference sites and sites contained within the Dharawal area.

Water Quality – D

Water quality at this was excellent with all parameters falling within guidelines limits. This improvement to the water quality downstream of the O'Hare's Ck confluence highlights the restorative capacity that flows from the relatively pristine O'Hare's Ck catchment has on the Georges River.

Estuary Vegetation – A+

This site had excellent riparian vegetation.

Georges River Downstream @ Simmos Beach: Overall Grading B

Macroinvertebrates – D+

A large decrease in macroinvertebrate diversity was found at this site when compared to upstream sites. This decrease can be explained by the homogenous habitat found within the site. Within the survey area, habitats was limited to large sandy banks and weed beds, as opposed to rocks, riffles, overhanging vegetation and submerged objects that were present at other sites. Limited habitat restricts the diversity of organisms that can inhabit an area. There is no need for alarm as this result would be considered natural.

Water Quality – A+

Water quality at this was excellent with all parameters falling within guidelines limits. Again, this improvement to the water quality downstream of the O'Hare's Ck confluence highlights the restorative capacity that flows from the relatively pristine O'Hare's Ck catchment has on the Georges River.

Riparian Vegetation - C

This site has experienced a fair degree of alteration on the western bank due to the frequent public use and installation of car park, paths etc.

Georges River @ Cambridge Avenue: Overall Grading C⁺

Macroinvertebrates - C+

A decline in the macroinvertebrate grade at this site is likely to be caused by the proximity of Bunbury Curran Ck. Storm water draining the LGA enters the River at this point and therefore in times of rain, water quality would be compromised and as a result, the macroinvertebrate population exhibit a residual effect of periodic urban storm water discharge.

At the time of sampling, water quality at this site was good. pH was outside guideline values (> 8.0) but this can be explained by the extremely hot weather occurring on the day. Through photosynthesis, the large volume of water plants and algae present at the site would have been stripping CO2 out of the water column and oxygenating the water, therefore driving the pH upward. This process is a naturally occurring phenomenon.

Riparian Vegetation - C

The riparian vegetation at this was fair. This site represents the commencement of the urbanisation of the Georges River. At site, riparian vegetation has been cleared and due to the proximity to urban areas and storm water input, invasive weed species have colonised riparian zones.

2.4 Georges River Combined Councils Committee Meeting Update

Reporting Officer

Manager Environmental Planning

Attachments

- 1. Copy of Minutes from the Ordinary Meeting of the Georges River Combined Councils Committee, held on 25 February 2010.
- 2. GRCCC Executive Group Outcomes Report.
- 3. Project Manager update Lower Georges River Initiative.
- 4. Project Manager update Mid Georges River Initiative.

Purpose

To provide Council with an update on the outcomes of the Georges River Combined Councils' Committee (GRCCC) Ordinary Meeting held at Sutherland Council on Thursday 25 February 2010.

History

The Georges River Combined Councils Committee (GRCCC) represents local governments in the Georges River Catchment of NSW. Members include nine (9) local councils, Rockdale City, Sutherland Shire, Kogarah City, Hurstville City, Bankstown City, Liverpool City, Fairfield City, Campbelltown City and Wollondilly Shire Councils. It is an incorporated association of local councils working in partnership with State and Federal government agencies and community representatives within the Georges River Catchment.

Formed in 1979 the GRCCC's mission is to advocate for the protection, conservation and enhancement of the health of the Georges River, by developing programs and partnerships and by lobbying government organisations and other stakeholders.

Report

The Ordinary Meeting of the GRCCC was held at Sutherland Shire City Council on Thursday 25 February 2010. A copy of the Minutes from the meeting is provided as Attachment 1.

An outline of the main issues discussed at this meeting is provided below:

(i) Community River Health Monitoring Program

A presentation on this program was provided by a representative from the Sydney Metropolitan Catchment Management Authority (CMA), Project Manager. A further report detailing this project has been provided to Council as another agenda item in this Business Paper.

(ii) GRCCC Logo

The GRCCC Executive Committee is concerned that the present logo for the GRCCC is outdated and does not adequately represent the Committee. On this basis, quotes will be obtained for its redesign.

(iii) Cooks River Corrective Services Team

Due to concerns regarding the high number of potential projects submitted to the GRCCC for action and the limited number of Corrective Services resources available, the Cooks River team has been withdrawn. The Executive Committee determined that due to the limited number of Corrective Services teams available it could not justify providing these resources to non-member councils.

(iv) Georges River Riverkeeper Workplan

The Riverkeeper has historically utilised the services of Periodic Detention Crews (provided by Corrective Services NSW) for bush regeneration and rubbish removal programs along the River.

A formal review of the Periodic Detention Program is currently being undertaken by Corrective Services NSW. Corrective Services have advised that resources will be limited during this transitional phase and works will be restricted to small scale activities such as rubbish removal. More skilled teams are likely to be developed over time.

(v) Reports on Upper, Mid and Lower Georges River Urban Sustainability Projects

Project managers provided updates on their respective project activities.

Upper

The project manager for this project resigned in February 2009. Personnel resources for the continuation of the project will be sourced from both internal staff and outsourcing of various components to consultants. The non on-ground and on-ground works for the project are progressing with the liaison and signing of MoUs between key stakeholders.

Mid

The Masterplan for Yeramba Lagoon has been finalised and a range of on-ground works are commencing or about to commence on the lagoon. Designs for a weir at this location are also taking place.

The Masterplan for Mill Creek has been drafted and a Works Program is underway, including investigations into an aboriginal traineeship.

Education programs are taking place at both locations, key activities include: the establishment of bushcare groups; establishment of interpretive signage and a photographic competition

Lower

The business plan for this project has been signed off by the Environmental Trust and the majority of funds are anticipated to be received early June. The Organisational Effectiveness Program is continuing with profiling reports being prepared for Rockdale and Hurstville City Councils. It is anticipated that Kogarah City Council and Sutherland Shire Council will join the program in the near future.

The Project Manager advised that Water Sensitive Urban Design (WSUD) workshops are being conducted across the relevant councils and Community partnerships and works programs are continuing.

Conclusion

The review of the Georges River Keeper work plan has implications for Council in terms of bush regeneration activities taking place in the LGA in the short term. Activities will be predominantly in the form of rubbish removal and a list of appropriate sites have been provided to the GRCCC.

Officer's Recommendation

That an update on the outcomes of the next meeting of the GRCCC be provided to Council pending the circulation of the relevant minutes.

Committee's Recommendation: (Bourke/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 1 June 2010 (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 92

That the Officer's Recommendation be adopted.

CARRIED

ATTACHMENT 1



GEORGES RIVER COMBINED COUNCILS'

Minutes of Ordinary Meeting of the Committee held at Sutherland Shire City Council, Thursday, 25th February 2010 commencing at 7pm

PRESENT:

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and

APOLOGIES:

Apologies were received from:

Councillor Philip Sansom	Hurstville City Council
Councillor Lesa de Leau	Rockdale City Council
Councillor Margaret Hargrave	Sutherland Shire Council
Councillor Anne Stanley	Liverpool Council
Mayor/Councillor Lorraine Kelly	Sutherland Shire Council
John Rayner	GM, Sutherland Shire Council
Julie Nimmo	Sutherland Shire Council
Sandra Kubecka	Liverpool City Council
Daniel Wiecek	DECCW
Leonie Gray	Fairfield City Council
Marshall Thurlow	Campbelltown City Council
Emily Forrest	Bankstown City Council
Col Freeman	LGRSI Project Manager
Bruce Cooke	LGRSI Community Rep
Kristy Gooding	Rockdale City Council
Dan Owens	Dept of Lands

Councillor Bourke welcomed everyone to the meeting and acknowledged traditional owners of the land we were meeting on past and present.

1. PRESENTATION:

Carl Tippler

Discussion, summary and explanation of River Report Card as a result of Spring 2009 sampling. Report Card due to be released at the end of March following meeting with all Council technical officers and their supervisors. Meetings are being conducted so that internal information is available prior to official release so that GMs, Councillors and Directors have internal knowledge to draw from.

It was noted that an embargo should be placed on the letter to Council's GMs indicating that the Report Card cannot be released by council staff or Councillors until the date of the media release. Councils may choose to prepare are report to go to Council but the report card release will still be subject to the embargo. It was acknowledge that most council reports were likely to be prepared after the release.

2. DISCLOSURE OF INTEREST - There were no disclosure of interest.

3. CONFIRMATION OF MINUTES

The minutes of the meeting held on 26 November, 2009 were confirmed as correct. (Cr Najjar / Cr Harle).

4. MATTERS ARISING FROM THE MINUTES

No matters arising.

EXECUTIVE COMMITTEE REPORT FOR DECEMBER 2009 / FEBRUARY 2010.

Report presented by Alison Hanlon (GRCCC).

- Introduction to Jessica Grantley GRCCC Engagement and Communications Officer shared 50:50 between GRCCC and the Lower Georges River Urban Sustainability Initiative.
- Archive and general GRCCC files will be gathered from storage at the Revesby Riverkeeper Centre. The Executive recommended that all historical and current GRCCC documentation be captured in the TRIM Record Management system at HCC as there has been no system of electronic record management previously undertaken due to the GRCCC moving from council to council every 2 years. Now that the GRCCC will be located at Hurstville until the end of the current council term this will provide a secure repository for GRCCC files. It was recommended that funds be allocated in the GRCCC budget to use a casual administration officer to do this task.
- The Executive is obtaining quotes to upgrading GRCCC logo following recent feedback from several agencies and councils that the current Logo is looking dated and does not adequately portray the GRCCC. Owen Graham SMCMA advised he has a contact for logo design which has been used recently by the SMCMA and will provide details.
- The GRCCC Executive Group resolved to reallocate the team provided to the Cooks River back to the Georges River due to the high number of projects put forward by our own member councils and the limited number of Corrective Services teams available to us (only 2 which includes the team allocated to the Cooks River). It was agreed we could not afford to have teams supporting non member councils when we were having difficulty resourcing the projects of our own members at this time due to the restructure within Corrective Services. It was noted that this was a difficult decision but it was based on the recommendation of the GRCCC as a result of the fee review in 2009 which stated that Riverkeeper works should be scaled back in non member council areas or council areas where councils don't contribute to the GRCCC's program fees. It was noted that the Cooks River Foreshore Working Group (Judy Pincus) had been advised by Alison Hanlon in December 2009 of this decision and expressed her understanding of the circumstances which had lead to it.

The Executive Outcomes Report was accepted. (Cr Bannasik / Cr Harle).

6. TREASURER'S REPORT

Cr Harle (GRCCC Treasurer) presented the Finance Report.

The YTD income is \$538,115 including all grant funds received that will be expended beyond the current financial year. The YTD expense is \$169,258 leaving a surplus of \$368,857 which when added to the GRCCC's financial reserve of \$161,703 leaves \$530,560 cash at hand. It was noted that the majority of these funds will be fully expended as they are allocated to grant funded projects and program costs with the exception of the GRCCC's financial reserve.

- A formal review of the Periodic Detention Program is underway within Corrective Services NSW. There have been senior level staff changes within the department and the whole system is being overhauled. Technical officers received a briefing from two Corrective Services NSW representatives (Thomas Ng and Sharon Yarnton). They advised that there will be a lengthy transition period and during this time the number of teams available to the GRCCC will be limited and are likely to be restricted to rubbish removal and less specialized tasks. Teams capable of more skilled tasks such as weeding and planting are likely to be developed over time.
- Sharyn Cullis thanked Simon Annabel on behalf of everyone in GRCCC for the significant work he had initiated in the past in developing the PDC teams for the GRCCC. It was hoped that this work with the PDC teams could continue once the corrective services restructure was complete.
- 8. REPORTS ON UPPER, MID AND LOWER GEORGES RIVER SUSTAINABILITY PROGRAMS

Upper Georges River – Report given by Renee Winsor of Campbelltown City Council.

- Julie Nimmo has resigned as project manager of the UGRSI. The work of the UGRSI would now be undertaken using a mix of in house staff and consultants;
- On-ground works MOU has been signed;
- UNSW water wise gardens in planning stages;
- · MOU with NPWS aboriginal traineeship with Dharawal;
- Work with CMA re mapping project;
- MOU with art centre for projects;
- The GRCCC's application for the 2010 Riverprize which covered the GRCCC's achievements since its formation and the work of the Lower, Mid and Upper Georges River USP's was discussed and it was acknowledge that there was significant work (at least 2 solid months of work – full time) required to gather the data from across the catchment to support the application. Consideration was given to engaging a student to compile the application. The other option discussed was to apply next year but still have to engage someone to compile the data in the mean time. It was suggested that approaches could be made to UWS, UNSW, UOW, UTS etc to see if any students are interested.
- Alison asked Rebecca Piper of Bankstown Council to investigate her contacts with UWS to see if this was possible.

Mid Georges River

See attached report

Lower Georges River

See attached report

Page 4 of 5

9. TECHNICAL OFFICERS' REPORTS

None provided

10. COUNCILLORS' REPORTS

Clr Michael Bannasik commented on the media coverage relating to the Bulli Seam Operations mining proposal. He indicated it was good to see it as front page news in the local paper.

11. GENERAL BUSINESS

- Sharyn Cullis suggested that all Councils individually write to the Federal Environment Minister re Bulli submissions before mid April
- Comments on the Georges River Estuary Management Plan are due from GR Estuary Management Committee members as the draft has been completed and submitted to the cluster group. Responses should be sent to Ali Hanlon asap.

12. Date of Next Meeting

The next meeting will be held on 29th April at Fairfield City Council. Note date change due to Anzac Day.

The meeting closed at 9pm

ATTACHMENT 2

GRCCC Executive Group Outcomes Report

March 2010 to April 2010

The GRCCC Executive Group did not meet in March due to travel commitments of several Councillors however decisions were made via email during this month. The Executive met on 14 April, 2010. Present were: Ali Hanlon - GRCCC Executive Officer, Cr Julie Bourke - GRCCC President, Cr Naji Najjar - GRCCC Vice President, Cr Peter Harle, GRCCC Treasurer and Public Officer. Apologies: Ian Curtis, GRCCC Host Council Manager, Hurstville City Council.

Current Matters:

Meeting with Corrective Services on changes to Periodic Detention System.

The GRCCC met with Corrective Services in March and April to be briefed on the changes to the Periodic Detention System. At the meeting on 12 April, Ian Curtis, Ali Hanlon and Cr Julie Bourke met with Sharon Yarnton and John Gilmore who are leading the transition. The following items were discussed:

Work Teams

- Under the new system of Intensive Correction Orders offenders will have a home curfew and be required to undertake 32 hours per month of community work.
- Work teams with supervisor / bus will be a combination of PDC, CSO and ICO offenders but the exact time frame is not clear at this time.
- Tasks must be clearly specified so that offenders know exactly what they will be doing.
- Work they perform can not take the place of paid employment under Community Service Order legislation. Therefore if work is being done under a grant funded project it must be clear that work performed by detainees will not take the place of that for which funds have been allocated – ie for a labour force. If funds are allocated specifically for a supervisor that is ok.
- GRCCC may not get the same supervisor or team each week supervisor and team schedules will be determined by CS NSW based on various needs and criteria
- OH&S responsibility for detainees and Corrective Services officers lies with Corrective Services NSW while OH&S requirements for our own supervisors lies with GRCCC.
- Detainees can not access sites by boats at this stage due to need for OH&S requirements to be revised.
- Corrective Services advise that in the future they may be able to create special bush
 regeneration teams with appropriate trained corrective services officers leading teams but
 this is further down the track.
- After assessments have been completed for all our sites in workplan and we will meet with
 Paul Coyne who is undertaking logistical arrangements for the team to ascertain where the
 bus routes to transport detainees are likely to go. This will help us work out logistical
 arrangements for our work sites and toilet trips for offenders etc.
- Sites may be done on a half day basis with trips to toilets to coincide with morning tea and lunch breaks. After lunch teams go to another site for the afternoon. We are to provide Port-a-loos if local public toilets are not nearby.
- GRCCC can have stage two detainees immediately if we can provide supervisors. Stage 2 detainees available 7 days per week now.
- GRCCC will continue to have our two stage 1 teams.

Corrective Services Discussions cont.

 GRCCC councils have been asked by Corrective Services to look at wet weather alternatives for our sites.

Corrective Services Nursery

 Corrective Services sought clarification on our future requirements relating to the prison nursery. GRCCC advised it currently has no projects involving the Corrective Services nursery. GRCCC confirmed that council procurement policy prevents us using the services of that nursery as policy dictates that we need to go out to quotation / tender for the provision of nursery services.

Recommendation: That the meeting notes that the GRCCC will follow local government procurement policy.

Update on GRCCC Staffing.

Corrective Services NSW advised at the meeting with the Executive Group on Monday 12 April that GRCCC can now have access to Stage 2 detainees 7 days per week. Therefore the GRCCC Executive noted it would be desirable to move the part time Riverkeeper position to a full time position to allow for increased supervision of Stage 2 teams should funding become available in the future.

It is proposed in the interim to adjust the days worked by the Assistant Riverkeeper so that between both the Riverkeeper and Assistant Riverkeeper there is supervisor coverage 7 days per week.

Recommendation:

Pending the appropriate level of available funding, the Assistant Riverkeeper should be recruited on either a 3 day or 5 day per week basis for a period for 12 months.

🖌 GRCCC April P & L Review and 2010 / 2011 Draft Budget

Ali presented the P&L Review in the new format devised by Ian Curtis which separates operational expenditure from grant funding. It was noted that grant funding income and expenditure had not changed since the last meeting.

Within the operational component of the P&L there had been income received from a further notional interest payment which brought the total notional interest received to \$13,279. Our total YTD operational income was \$298,458. Expenditure had been limited to salaries and related expenses. Our total YTD expenses were \$108,662.

It was agreed that the GRCCC Financial reserves of \$161,703 would be removed from the operational end of year estimate because they are savings and not representative of a surplus of annual income.

Therefore at the time of the April Executive meeting the end of year surplus for the GRCCC operational budget was \$32,604 due to salary savings associated with the Riverkeeper Program.

GRCCC 2010 – 2011 Budget

Ali presented the draft GRCCC Operational Budget.

It was estimated that we would have an annual income of \$386,616 which was comprised of GRCCC membership and program fees, salary costs for Jessica Grantley from the LGRSI and approximately \$13,500 in notional interest from our funds in trust at Hurstville Council. There would also be \$7,200 contributed to the Riverkeeper Program by the SMCMA's BBWQIP to assist with real-time water logging on the Georges River, Cooks and in Botany Bay.

In general terms the budget is consistent with that previously prepared for the GRCCC. The budget also included the following addition items:

Changes to the current budget:

Establishment of a Capital Reserve

Provision has been made in the budget for the development of a \$20,000 capital reserve per year to allow for operational equipment to be replaced in 5 to 7 year cycles. This allows for the eventual replacement of current vehicles with new vehicles and an income stream from the sale of the old vehicles.

<u>Staffing</u>

A staff allocation for the Assistant Riverkeeper of 3 days per week is included and a salary increase for the GRCCC Executive Officer position which is commensurate with the changed nature of the position and increased responsibilities of the role.

Fuel allocation

An additional \$6,500 has been allocated for fuel due to the proposal to purchase a mini bus for the Riverkeeper Program.

The proposed budget will still result in a surplus of approximately \$10,000 to allow for contingencies such as increases in fuel costs or other operational expenses.

2010 - 2011 Budget Recommendations:

- That the draft budget be adopted by the GRCCC Council generally in accordance with the draft budget presented to the GRCCC Committee.
- That the GRCCC allocate up to a maximum of \$25,000 from the GRCCC reserve funds for the replacement of the tipping tray on the Riverkeeper Truck.
- That the GRCCC allocate up to a maximum of \$45,000 from the GRCCC reserve funds for the purchase of a suitable mini bus to transport GRCCC Riverkeeper program participants.

The GRCCC Executive recommends the strategic use of reserve funds in order for the GRCCC to adequately resource the Riverkeeper program and adapt to the changes being made within the periodic detention system. The investment in capital equipment for the Riverkeeper Program will enable the GRCCC to improve program delivery and significantly increase the delivery of on ground works. The recommended allocation of funds from the GRCCC reserves would reduce the total reserves to \$91,703.

The GRCCC Executive also discussed the current GRCCC Executive Group spending authority limit as stated in the Executive Group Terms of Reference. This discussion arose as a result of the need to purchase a water quality logger for the Riverhealth Monitoring Project. The purchase of a water logger for the GRCCC Riverhealth Project has been deemed essential for the survey periods. Currently a logger is being borrowed from Sutherland Council for the 5 week Autumn 2010 sampling period. In the previous Spring 2009 sampling period a logger was borrowed from Bankstown Council however it kept breaking down. Borrowing loggers is an unreliable and ineffective way to run the program. The cost of the water logger is approximately \$5,500 which exceeds the \$2,500 spending limit established in the Executive Group Terms of Reference.

Amendment to Executive Group Spending Authority Recommendation:

As the Terms of Reference were last reviewed in August 2008 and having considered the matter the Executive Group agreed that in order to respond to operational matters in a timely and efficient way the Executive recommends:

 That the GRCCC approve the Executive Group spending authority limit for new items being increased to \$5,000.

The Executive also recommends that a new paragraph be added to the terms of reference which says:

 "When an unexpected operational expense arises such as the replacement of a boat engine, truck repair or if a vital piece of operational equipment is required in order for the GRCCC's programs to keep operating effectively, the Executive group will seek approval for the expenditure from the broader GRCCC Council by contacting GRCCC Councillors via email between meetings.

Additional Expenditure Recommendation:

- That the GRCCC allocate \$5,500 for the purchase of a water quality logger for the Riverhealth Monitoring Project.
- Review of Project Proposal for the Caring for Country grant application to continue the River Health Monitoring Program.

The first report card for the Riverhealth Monitoring Project was released to the media on Monday 19 April, 2010. The Autumn Sampling period for 2010 commenced on 17 April and Carl is busy in the field undertaking sampling at our 42 sites with councils and community groups until 16 May. At the last meeting of the GRCCC we discussed the need to begin looking at funding opportunities to continue the project beyond 2011. Ali provided a project proposal form to the Executive which described the grant application prepared by Carl Tippler and Alison Hanlon to seek Caring for Country funding to continue and expand the current GRCCC Riverhealth Monitoring Program. The project will secure funding for the continuation of the Riverhealth Program up to 2013 and also enhance the federal government's investment in the Botany Bay Water quality Improvement Program by complementing the real-time water quality monitoring element of the BBWQIP and increasing community engagement in the BBWQIP.

Due to the success of our current pilot program, the SMCMA suggested that the GRCCC should invite the Cooks River Foreshore Working Group (CRFWG) to join the project so that it could be trialed in another catchment area. Therefore provision was made in the grant application for an additional project officer (who would report to Carl Tippler) to recruit groups in the Cooks River Catchment, undertake sampling and assist with sampling in the Georges River Catchment also.

The GRCCC's Riverhealth Report Card will be amended to include one page on the Georges River, a page on the Cooks and an overall Botany Bay Catchment Page.

The program has also been expanded in the current application to allow for more intensive monitoring and reporting of community engagement. Two annual reports will be produced by the GRCCC's community engagement officer on community involvement in both catchments.

Another new element of community engagement focuses on indigenous involvement via local land councils who will assist through the provision of Indigenous volunteers to undertake sampling and provide information on Traditional Ecological Knowledge. Corrective Services NSW have also indicated they could provide an indigenous stage 2 team who could be trained to undertake sampling.

In addition the GRCCC's Community Engagement Officer will produce a "Management Response" document, such as that produced in SE QLD in response to the Healthy Waterways Study, which sets out what councils are doing / or will do to improve results in their LGAs. This document will produced in consultation with the CRFWG's Storm Water Engineer, who will visit each member council in the Cooks and Georges River Catchments to identify works that are being done or could done to improve water quality.

The GRCCC's Community Engagement Officer will also produce a special report in consultation with Indigenous stakeholders on the use of "Traditional Ecological Knowledge" land management practices compared to current land management practices. This would be a resource for councils to use in the development of their interpretive programming as well as a tool for use to enhance contemporary management practices.

The project will enhance inter agency co-operation between the GRCCCC, CRFWG, SMCMA, BBWQIP, Cooks River Sustainability Initiative, Cooks River Urban Water Initiative, and the 4 Urban sustainability initiatives with which the GRCCC Partners (Improving Prospect Creek SI, MGRSI, UGRSI & LGRSI). Recognising that the GRCCC provides the common link between these agencies and projects, the River Health Monitoring Program will provide the platform from which theses partner agencies and programs can be integrated into one overarching framework, significantly value adding to all projects and stakeholders. It will also provide the ideal tool for monitoring the success of continued government investment in water quality programs in other areas.

Increasing profile of GRCCC amongst member councils

Jessica Grantley, GRCCC Community Engagement Officer joined the meeting and discussed ways that the profile of the GRCCC could be raised amongst member councils so that **all council staff** (media staff, environmental staff, outdoor staff, library, etc) and **councillors** aware of the GRCCC and what they do. Suggested methods included:

Establish cluster group of member council communications/community engagement staff (establish contact list - to be contacts at each council for activities/communications). Include in contact list key stakeholders and member council key environmental staff

Activities

Provide opportunity for promotional events such as River Tours for member councillors, staff and key stakeholders, to raise awareness of River ecosystems program and highlight GRCCC activities. This could become a regular event, possibly annually.

Work with Urban Sustainability Partner Councils to promote the key activities of their projects to other member councils and the community.

Other suggested activities include: attend member council events, promotion of GRCCC through the website, an electronic quarterly newsletter, and features in member council newsletters and via regular media releases with photos.

Resources required:

- · Branding via a new logo and including this logo on promotional items.
- Produce PowerPoint presentation Who is the GRCCC? And what do they do? Promote it through councils and at events.
- Updating the GRCCC Flyer
- The development of a promotional kit.
- Presentation by Rachael Jakuba from Cooks River Sustainability Initiative.

Rachael Jakuba provided an overview of the environmental and governance issues facing Cooks River Catchment. Rachael discussed the CRFWG, the Our River Project and the development of the new Cooks River Alliance (CRA) and how this would operate. Rachael outlined the structure of the proposed Cooks River Alliance, staffing requirements and funding sources.

The GRCCC Executive expressed that the GRCCC wishes to have a positive relationship with the CRA and collaborate wherever possible for the benefit of both of our organisations.

Rachael will be invited to present to the next meeting of the GRCCC.

GRCCC Executive Group Recommendation

The information in the GRCCC Executive group is noted by the GRCCC Council.

Lower Georges River Sustainability Initiative

Item	Activity	To do
	Letter from Env Trust received advising:	Circulate within councils for approval of sign-off.
Business Plan	"Project Work can now commence".	
	Env Trust advises that \$1,045,430 should	
	arrive in early June.	
	Organisational Profiling Reports for RCC	Liaise with KCC and SSC re logistics and costs.
Organisational	and HCC from Annette Bos due February.	
Effectiveness Program	Koo and coo will another an another	
	KCC and SSC will participate – possibly late Feb or March.	
	4 WSUD workshops conducted.	
Urban Water Program	Commissioned 2-pager from Andre T	Provide 2-pager to Jessica for use in future LGRSI and GRCCC
orban water Program	explaining how the WSUD workshops are	communications.
	"nationally leading edge".	Liaise with Andre Taylor, Kate Black (SMCMA) and Niki Carey (LGSA)
	hadonany resume cape i	re potential for journal articles and LGSA awards.
	Received evaluation of WSUD workshops	Liaise with Kate Black, Andre Taylor and Nikki Carey (LGSA) re
	from Joanne Chong from ISF (funded by	adaptive development of workshop resources for use with SSC (and
	Kate black from SMCMA).	Bankstown) in February/March, and possible further distribution to
		other councils through LGSA.
	SSC will participate in WSUD workshops –	Beth Noel and Jenna Hore (MGRSI) to liaise re combined first
	possibly late March.	workshop.
	Criteria for disbursement of funds?	Draft some criteria.
	Attended 12 th Feb meeting of Botany bay	Draft document with maps and explanation of various projects
NRM Integration Program	groups/projects.	within Botany Bay (based on JD's information)
	In-principle support from Steering Ctee	Seek details of costs etc prior to confirmation.

Project Manager Update:

to 30 January 2010

	for Phil Birtles' (SMCMA) Cooks River research project .	
	Timeline reviewed.	14 April launch.
Community Partnerships	Compendium of sustainability activities	Finalise text, then provide to Jessica for design/layout etc.
Program	half completed.	
	Offering support for community folk to	
	attend Local Climate Local Change	
	conference in April.	
Foraminifera survey	Signed an Agreement for Services with	(work expected to be completed by June)
	UNSW.	
	Jessica Grantley commenced.	Workplan for Jessica completed; review at end of March.
Communications	Logo and Letterhead developed.	
	Steering Ctee approved increase in	
GRCCC	Estuary Management Plan contribution to	
	\$34,680.	
Other Issues		
RCC representative on	Kristy Gooding has (re-)commenced work	Kristy only works Monday and Tuesday.
Steering Ctee	with RCC, and will be the rep on this	
	Steering Ctee, and facilitator of the Water	
	Team within RCC	

ATTACHMENT 4



Project update for GRCCC Thursday 26th February 2010

Yeramba Lagoon

- The Masterplan has been uploaded onto the Georges River website.
- Track signage is being developed at the moment to be ready for installation next month.
- Designs for a constructed grass swale are almost complete with construction due for completion by the end of the calendar year.
- Regeneration along the Amberdale drainage line will commence in March targeting all woody weeds and aggressive vines.
- PDC teams will be commencing in March.
- Detailed designs for the weir modification will commence this financial year, funded by Bankstown Council. This will allow NPWS and BCC to apply for grant funding for the actual works at a later date.
- Aquatic weed harvesting will be undertaken in June/July.

Mill Creek

- SSC are working to get the projects up and running and funds spent. Works include bush
 regen, stormwater works and fencing/gates.
- Regen with PDC teams is also scheduled for both Council and Crown lands and NPWS lands.
- Working with the SMCMA to get Aboriginal Trainees funded to undertake NRM works on the GLALC lands.
- The masterplan is currently in Draft form and with the consultants for finalisation.

Sustainable Urban Water management

- Bankstown and Sutherland Councils will be undertaking Andre Taylor's workshops in Mid March to increase their capacity to implement improved sustainable water management within their LGA.
- Bankstown Council held a Staff Sustainable Water Management Seminar in early February
 with presentations from Dr Ian Wright from the University of Western Sydney who
 discussed the challenges that are facing our waterways in an urban context, and Peter
 Morrison, Senior Research Fellow for the National Urban Water Governance Program
 (Monash University), who presented on increasing the capacity of Councils to deliver more
 sustainable water management. The seminar was well attended by over 60 council staff
 from all areas of council operations.

Education

We have commenced the education programs in both catchment areas. Key activities include: Yeramba

- · Re-establishing the Friends of Yeramba group to undertake Bushcare and other activities
- · Signage will placed at strategic locations around the catchment.
- · Stormwater drain stencilling will be carried out around the catchment and at some schools

Mill Creek

- Photographic competition held in June with a display in Menai Marketplace. Photo walks will also be held leading up to the comp.
- Signage will be placed at various locations around the catchment, encouraging residents to report illegal 4wd and Trail Bike activity in the Bushland. By making this a socially

unacceptable activity except in authorised areas, we will help to reduce the impact they are having on our local environment.

Reporting

The 4th progress report submitted in December was accepted by the NSW Environmental Trust. If you would like a copy, please contact Jenna Hore (details below).

Jenna Hore

Project Manager - Mid Georges River Sustainability Initiative

Ph: (02) 9707 9700 Mob: 0421 614 855 jenna.hore@bankstown.nsw.gov.au

2.5 Minutes of the Heritage Protection Sub Committee Meeting held on 22 April 2010

Reporting Officer

Manager Environmental Planning

Attachments

Minutes of the Heritage Protection Sub Committee meeting held on 22 April 2010.

Purpose

To seek Councils endorsement of the Minutes of the Heritage Protection Sub Committee meeting held on 22 April 2010.

Report

Detailed below are the recommendations of the Heritage Protection Sub Committee. Council officers have reviewed the recommendations and they are now presented for Council's consideration. The recommendations that require a specific resolution of Council are detailed in the officer's recommendation.

Recommendations of the Heritage Protection Sub Committee.

Reports listed for consideration

5.1 Business Arising from Previous Minutes

- 1. That the information be noted.
- 2. That Council staff investigate the possibility of follow up media opportunities for the recipients of the Heritage Medallions.

7.1 Amended Local Heritage Fund Guidelines

1. That Council be requested to consider minor amendments to both Point 2 and Point 10 of the Eligible Projects Section within the Local Heritage Fund Guidelines so that they read:

Point 2: Projects are eligible if they involve the repair, maintenance or reinstatement of missing elements on heritage buildings. Examples of eligible work include verandahs, roof cladding & guttering, hand painted signs and decorative detail, from structural work through to painting of projects to ensure the structural integrity of the heritage building. The recreation of heritage gardens can also be funded under this grant program.

Point 10: Heritage items, for which funding has been granted in one financial year, are not eligible for additional funding in the same or following financial year. Items within a group are each eligible for separate funding if in different ownership.

2. That Council be requested to investigate the specific reasons for the heritage listing of cemeteries located within the Campbelltown Local Government Area and that this information be provided to the Heritage Protection Sub Committee.

7.2 Richmond Villa Landscape Plan

- 1. That Council be advised that the Heritage Protection Sub Committee endorses the Landscape Management Plan prepared by Nicholas Bray, Landscape Architect, for the curtilage of Richmond Villa subject to consideration being given to the following amendments:
 - That the landscaping works for Richmond Villa use appropriate heritage species plantings which are in keeping with the age of the heritage listed buildings;
 - That the inconsistencies between the two Landscape Management Plans for Richmond Villa, as provided to the Heritage Protection Sub Committee, be clarified to ensure that garden beds as per the Landscape Management Plan dated 23/12/09 be established; and
 - That the Richmond Villa Landscape Management Plan addresses the provision of a shaded outdoor area.
- 2. That Council be requested to relocate the existing Iris plantings and sandstone blocks to Glenalvon if they are not to be reused in the landscaping of Richmond Villa.
- 3. That Council be requested to seek additional funding for the replacement of the fence surrounding Richmond Villa, as a matter of urgency.

8.1 Date of the June Heritage Protection Sub Committee Meeting

That the next meeting of the Heritage Protection Sub Committee be rescheduled to 17 June 2010.

8.2 Restored Pillar at Old Commercial Bank, 263 Queen Street Campbelltown

That the information be noted.

8.3 Security Fence at St Peter's Cemetery

That the information be noted.

8.4 Removal of Cedrus Libani, Hallinan Park, Ingleburn

That the information be noted.

8.5 Multi Storey Car Park (behind Richmond Villa)

That the information be noted.

Officer's Recommendation

- 1. That the Minutes be noted.
- 2. That in regard to Item 7.1 Amended Local Heritage Fund Guidelines:
 - Council be requested to consider minor amendments to both Point 2 and Point 10 of the Eligible Projects Section within the Local Heritage Fund Guidelines so that they read:

Point 2: Projects are eligible if they involve the repair, maintenance or reinstatement of missing elements on heritage buildings. Examples of eligible work include verandahs, roof cladding & guttering, hand painted signs and decorative detail, from structural work through to painting of projects to ensure the structural integrity of the heritage building. The re-creation of heritage gardens can also be funded under this grant program.

Point 10: Heritage items, for which funding has been granted in one financial year, are not eligible for additional funding in the same or following financial year. Items within a group are each eligible for separate funding if in different ownership.

- (ii) That Council be requested to investigate the specific reasons for the heritage listing of cemeteries located within the Campbelltown Local Government Area and that this information be provided to the Heritage Protection Sub Committee.
- 3. That in regard to Item 7.2 Richmond Villa Landscape Plan:
 - (i) Council be advised that the Heritage Protection Sub Committee endorses the Landscape Management Plan prepared by Nicholas Bray, Landscape Architect, for the curtilage of Richmond Villa subject to consideration being given to the following amendments:
 - That the landscaping works for Richmond Villa use appropriate heritage species plantings which are in keeping with the age of the heritage listed buildings;
 - That the inconsistencies between the two Landscape Management Plans for Richmond Villa, as provided to the Heritage Protection Sub Committee, be clarified to ensure that garden beds as per the Landscape Management Plan dated 23/12/09 be established; and
 - That the Richmond Villa Landscape Management Plan addresses the provision of a shaded outdoor area.
 - (ii) That Council be requested to relocate the existing Iris plantings and sandstone blocks to Glenalvon if they are not to be reused in the landscaping of Richmond Villa.
 - (iii) That Council be requested to seek additional funding for the replacement of the fence surrounding Richmond Villa, as a matter of urgency.

4. That in regard to Item 8.1 Date of the June Heritage Protection Sub Committee Meeting, the next meeting of the Heritage Protection Sub Committee be rescheduled to 17 June 2010.

Committee's Recommendation: (Oates/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 1 June 2010 (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 92

That the Officer's Recommendation be adopted.

CARRIED

ATTACHMENT 1

Minutes of the Heritage Protection Sub Committee Meeting

Held Thursday 22 April 2010 in Committee Room 3

1. Acknowledgement of Land

An Acknowledgement of Land was presented by the Chairperson, Councillor Bourke.

2. Attendance and Apologies

Melissa Plummer	Attendance:	Councillor Julie Bourke (Chairperson) Councillor Meg Oates Jacqueline Green James Gardner Jenny Goodfellow Robert Wheeler Mario Majarich Melissa Plummer
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Also in Attendance: Jeff Burton - Strategic Environmental Planner Caroline Puntillo - Executive Planner Jane Worden - Executive Support

Apologies: Trevor Rhodes

Sub Committee's Recommendation: (Green/Gardner)

That the above apology be accepted.

CARRIED

3. Declarations of Interest

There were no Declarations of Interest made at this meeting.

4. Minutes of the Previous Meeting

Reporting Officer

Manager Environmental Planning

Report

The Minutes of the Heritage Protection Sub Committee Meeting held on 4 February 2010, copies of which were circulated to each Sub Committee Member, were presented to Council for adoption at its meeting held on 6 April 2010.

Council resolved to endorse the Sub Committee's recommendations.

Officer's Recommendation:

That the information be noted. Sub Committee's Recommendation: (Green/Gardner)

That the information be noted.

CARRIED

5. Business Arising from Previous Minutes

Reporting Officer

Manager Environmental Planning

Purpose

To report on business arising from the Minutes of the Heritage Protection Sub Committee Meeting held on 4 February 2010.

Report

A report on the Minutes of the Heritage Protection Sub Committee meeting (held on February 2010) was presented to Council on 6 April 2010. Council resolved as follows:

- 1. That the Minutes be noted.
- 2. That Council approve the Local Heritage Fund (2009-2010) application for a maximum of \$500 from Mrs June Young for the restoration of the Tyson Family Gravesite within the St Peter's Anglican Church Cemetery and that Council advise the applicant of its decision in this matter.
- 3. That the Local Heritage Fund Guidelines be amended to clarify that applicants who are successful in achieving funding in one financial year, are not permitted to apply for funding in the following financial year.
- 4. That Council authorise the submission of a report to the next meeting of the Heritage Protection Sub Committee by the Manager Cultural Services, in relation to possible adjustments to the time frame for advertising for Heritage Medallions in future years.

The following update is provided on business arising from those relevant items in the Heritage Protection Sub Committee Minutes from its meeting held on 4 February 2010.

7.1 Gravesite Restoration at St Peter's Anglican Church Cemetery - Funding Request

1. That Council be requested to approve the Local Heritage Fund (2009-2010) application for a maximum of \$500 from Mrs June Young for the restoration of the Tyson Family Gravesite within the St Peter's Anglican Church Cemetery.

2. That Council advise the applicant in writing of its decision with respect to this matter.

Officer's Comment: The applicant has been advised in writing of Council's decision on this matter, with payment for a maximum of \$500 being subject to allocated funds being available from the Local Heritage Fund at the end of the 2009/2010 financial year.

7.3 2010 Heritage Medallion Nominations

That the Manager Cultural Services present a separate confidential report to Council seeking endorsement of the Heritage Protection Sub Committee's recommended recipient/s of the 2010 Heritage Medallion/s.

It should be noted that after considering this matter at its meeting on 2 March 2010, Council resolved that four Heritage Medallions be awarded in 2010, one to each of the following:

- National Parks Association -Macarthur Branch
- Ms Jacqui Kirkby/Mr Peter Gibbs
- Mr Adrian Tesler
- Ms Lyn Bowden

Officer's Comment: The presentation of the Heritage Medallions to the recommended recipients was undertaken at the 2010 Heritage Forum at the Campbelltown Arts Centre on 15 April 2010.

8.1 Local Heritage Fund Guidelines

That Council be requested to consider amending the Local Heritage Fund Guidelines to clarify that applicants (who are successful in achieving funding in one financial year) are not permitted to apply for funding in the following financial year.

Officer's Comment: A separate report on this matter is presented in the current agenda for the consideration of the Heritage Protection Sub Committee at its meeting on 22 April 2010.

8.2 Call for Nominations for the Heritage Medallion

That the Manager Cultural Services be requested to present a report to the next meeting of the Heritage Protection Sub Committee in relation to possible adjustments to the time frame for advertising of the Heritage Medallion nominations in future years.

Officer's Comment: Council's Manager of Cultural Services has advised that a report will be presented to the next meeting of the Heritage Protection Sub Committee which proposes changes to Heritage Week, and in particular the awarding of the Heritage Medallion.

Officer's Recommendation:

That the information be noted.

Sub Committee Note:

The Heritage Protection Sub Committee discussed the presentation of the Heritage Medallions at the Heritage Forum and requested the issues that were raised be relayed to the Manager Cultural Services.

Sub Committee's Recommendation: (Oates/Wheeler)

- 1. That the information be noted.
- 2. That Council staff investigate the possibility of follow up media opportunities for the recipients of the Heritage Medallions.

CARRIED

- 6. Correspondence Nil
- 7. Reports
- 7.1 Amended Local Heritage Fund Guidelines

Reporting Officer

Manager Environmental Planning

Purpose

The purpose of this report is to seek the endorsement of the Heritage Protection Sub Committee for proposed amendments to the Local Heritage Fund Guidelines, to promote a more equitable distribution of funds to all owners of listed heritage items in the Campbelltown Local Government Area.

History

At its meeting on 4 February 2010, the Heritage Protection Sub Committee discussed the current guidelines in place in relation to the Local Heritage Fund and some possible restrictions that could be imposed to prevent previously successful applicants/owners from applying again in the following financial year.

The Sub Committee requested that Council amend its Local Heritage Fund Guidelines to clarify that applicants who are successful in achieving funding in one financial year, are not permitted to apply for funding in the following financial year.

Report

Council's Local Heritage Fund has been in place since 2003, to encourage appropriate conservation works on privately owned heritage items in the Campbelltown Local Government Area. A total of \$5,000 has been made available in Council's budget, through the Fund each financial year, provided on a dollar for dollar basis up to a maximum of \$1,500 for each successful applicant.

Up until 2008, the number of applications received for funding has been relatively low, and funding allocation was readily met by the \$5,000 annual budget. In response to low participation rates in the scheme by owners, a report was considered on this matter by the Heritage Protection Sub Committee at its meeting on 14 February 2008, whereby several initiatives were suggested to better promote the Fund.

These actions have promoted a greater interest of the Local Heritage Fund amongst owners of heritage items, which has culminated in a greater number of applications and the full allocation of funds in the 2008/2009 and 2009/2010 financial years.

At its meeting on 4 February 2010, the Sub Committee considered a report for funding of grave site restoration works within St Peters Anglican Church Cemetery, and was advised that there were insufficient funds remaining from the \$5,000 Local Heritage Budget for the 2009/2010 financial year. It was relevantly noted that \$4,500 had already been allocated for other applications within the 2009/2010 financial year; and that this already included the St Peter's Anglican Church Group for which the maximum project grant of \$1,500 for other works had already been granted. It should also be noted that the two applications from St Peters were for different parts of the St Peter's Group and the applications were made by different owners for separate projects.

Whilst Council's Heritage Funding Guidelines do not explicitly restrict funding for multiple projects by the same owner, it has been the general practice of Council to limit the allocation of funding to one project per owner per year. Previous to 2008/2009, the low number of applications received by Council for funding meant that there was no need to restrict repetitive funding beyond this measure. However, given that the trend for the full allocation of the Local Heritage Fund is likely to continue, it is considered appropriate that the funding guidelines be amended to restrict multiple grant allocations to the same owner in the same or successive financial years.

Conclusion

Council has been successful in promoting the Local Heritage Fund which has led to an increase in the number of applications received for conservation works to privately owned heritage items within the Local Government Area. However, it is now apparent that the increased numbers of applications being submitted are all unlikely to be able to be approved given the funding available.

Given that there are currently no restrictions on repeat funding for multiple projects by the same owner, it is considered that the Local Heritage Fund Guidelines should be revised to promote a more equitable distribution of heritage funding. Accordingly, it is recommended that the Local Heritage Fund Guidelines be amended as outlined, and as provided for in the attachment to this report.

Officer's Recommendation:

That the Heritage Protection Sub Committee request Council to approve an amendment to the Local Heritage Fund Guidelines (Attachment 1), to explicitly restrict owners of heritage items who are successful in achieving funding in one financial year, from applying for funding in the same or following financial year.

Sub Committee's Recommendation: (Goodfellow/Gardner)

1. That Council be requested to consider minor amendments to both Point 2 and Point 10 of the Eligible Projects Section within the Local Heritage Fund Guidelines so that they read:

Point 2: Projects are eligible if they involve the repair, maintenance or reinstatement of missing elements on heritage buildings. Examples of eligible work include verandahs, roof cladding & guttering, hand painted signs and decorative detail, from structural work through to painting of projects to ensure the structural integrity of the heritage building. The re-creation of heritage gardens can also be funded under this grant program.

Point 10: Heritage items, for which funding has been granted in one financial year, are not eligible for additional funding in the same or following financial year. Items within a group are each eligible for separate funding if in different ownership.

2. That Council be requested to investigate the specific reasons for the heritage listing of cemeteries located within the Campbelltown Local Government Area and that this information be provided to the Heritage Protection Sub Committee.

CARRIED

7.2 Richmond Villa Landscape Masterplan

Reporting Officer

Manager Property Services

Purpose

To advise the Heritage Protection Sub Committee of the Landscape Management Plan for the curtilage area of Richmond Villa.

History

At its meeting on 8 October 2009, Council's Strategic Environmental Planner advised the Heritage Protection Sub Committee that Council's Heritage Projects (Jobs Fund) application had been approved by the Department of the Environment, Water, Heritage and the Arts for a sum of \$73,000 (plus GST) for the project "Richmond Villa - Landscaping Improvement". This project funding is for landscaping works to improve the presentation of the Richmond Villa heritage site. The project involves implementing a landscape plan, the appointment of a landscape architect, and an arborist and fencer to carry out the works.

On 23 October 2009, a Funding Agreement between Council and the Commonwealth Government titled 'Richmond Villa Landscaping Improvement' to the value of \$73,000 was executed. It is noted that this figure now excludes GST in accordance with a recent tax ruling; however there is no change to the actual \$73,000 originally committed for physical works under the Jobs Fund Grant.

Report

Council has engaged the services of an appropriately qualified landscape architect, Nicholas Bray (Landscape Architect), to develop a Landscape Master Plan (LMP) that would guide the landscape improvement works for the curtilage area of Richmond Villa.

The LMP has been developed to enhance the view to the site by improving the aesthetic appearance and stature of Richmond Villa, increasing the ability of the site to provide for social gatherings, increase the safety of site grounds and soften the impact of the multi-deck car park to the rear of the property.

The views from the site to the Moore-Oxley Bypass have also been designed to be softened by formalising of the car park entry and the proposed planting of shade trees to screen the Moore-Oxley Bypass.

The LMP identifies the following landscape elements to be undertaken:

- provision of an appropriate planting scheme including tall evergreen screen planting along the rear boundary to provide screening of the multi-deck car park
- formalisation of car parking including hot mix sealing of the car park
- framing the building rather than blocking its view which includes the removal of late addition Eucalypt trees and other vegetation
- protecting the building structure by removal of two Eucalypt trees which are affecting building footings
- definition edge treatment complementary to the site
- new sandstone pathways and crushed granite paths.

Overseeing this project and providing heritage advice on the LMP is Graham Brooks and Associates (GBA) who have been engaged by Council as a heritage consultant. GBA have reviewed the LMP and are supportive of the plan.

The LMP identifies the removal of two Eucalypts (a late edition to the site approximately 15 years old) to help facilitate the framing of the building to "bring forward" the building rather than screening it out. It should be noted that the removal of these trees forms part of the LMP and is the subject of a separate development application.

Removal of the Eucalypts will also ensure that the integrity of the sandstone foundations of the Richmond Villa building and the new sandstone path to the building are not compromised particularly as it has been identified that the roots of these subject trees are causing damage to the integrity of the building.

It should be noted the current occupant of the building (Campbelltown Cyber Seekers) are reluctant to use the front entry path and front entry door of Richmond Villa as a result of the uneven path surface and a fear of falling debris and limbs from the Eucalypts.

The LMP also identifies the removal of shrubs adjoining the multi-deck car park which will be replaced by tall evergreen screen planting. Council has ensured the existing mulberry tree will be retained.

It should be noted that the Funding Agreement contains a very tight timeframe which requires funding of \$73,000 to be spent by June 2010. This deadline cannot be altered.

As a result, Council has completed the tendering for the works. The LMP was used as the basis for four (4) firms to provide their tender price. Given the strict timetable Council has appointed a landscaping contractor to commence the works as contained in the LMP as a matter of urgency.

It is understood the works will be completed by mid May 2010 delivering this project ahead of schedule, weather permitting.

It should be noted that as a result of the limited budget available for this project (\$73,000) an element of the LMP has been deferred subject to a future funding source. This item is fencing the perimeter of site with 1.8m - 2.1m palisade style fencing, estimated to cost \$35,000.

On this basis, the Landscape Architect recommended that Council focus on the landscaping component of the project, to deliver the desired outcome in respect to improving the amenity of Richmond Villa, as fencing could be dealt with at a later date.

Conclusion

The LMP for the curtilage area of the site has been designed to complement the Richmond Villa structure and provides needed landscaping improvements. All aspects of the LMP have been costed and are within budget. However, given the limited time for Council to complete the works, a landscape contractor has already been appointed to undertake the works which are expected to be completed by mid May 2010.

Accordingly, this report has been prepared to advise the Heritage Protection Sub Committee of the Landscape Management Plan for the curtilage area of Richmond Villa.

It should be noted that there is a tight time frame for delivery of the project within budget parameters which does not allow for any amendment or variation of the LMP. **Officer's Recommendation:**

That the Heritage Protection Sub Committee endorse the Landscape Management Plan prepared by Nicholas Bray, Landscape Architect, for the curtilage of Richmond Villa.

Sub Committee's Recommendation: (Green/Gardner)

- 1. That Council be advised that the Heritage Protection Sub Committee endorses the Landscape Management Plan prepared by Nicholas Bray, Landscape Architect, for the curtilage of Richmond Villa subject to consideration being given to the following amendments:
 - That the landscaping works for Richmond Villa use appropriate heritage species plantings which are in keeping with the age of the heritage listed buildings;
 - That the inconsistencies between the two Landscape Management Plans for Richmond Villa, as provided to the Heritage Protection Sub Committee, be clarified to ensure that garden beds as per the Landscape Management Plan dated 23/12/09 be established; and
 - That the Richmond Villa Landscape Management Plan addresses the provision of a shaded outdoor area.

- 2. That Council be requested to relocate the existing Iris plantings and sandstone blocks to Glenalvon if they are not to be reused in the landscaping of Richmond Villa.
- 3. That Council be requested to seek additional funding for the replacement of the fence surrounding Richmond Villa, as a matter of urgency.

CARRIED

8. General Business

8.1 Date of June Heritage Protection Sub Committee Meeting

Council's Executive Planner addressed the Committee in relation to a request to change the date of the June 2010 Heritage Protection Sub Committee to 17th June 2010 due to conflicting commitments.

The Heritage Protection Sub Committee considered this request and agreed that the next meeting of the Heritage Protection Sub Committee be rescheduled to 17th June 2010.

Sub Committee's Recommendation: (Gardner/Bourke)

That the next meeting of the Heritage Protection Sub Committee be rescheduled to 17th June 2010.

CARRIED

8.2 Restored Pillar at Old Commercial Bank, 263 Queen St, Campbelltown

Council's Strategic Environmental Planner provided the Sub Committee with an update on the status of the request by the Heritage Protection Sub Committee to have the pillar located at the Old Commercial Bank at 263 Queen St, Campbelltown, restored. It was noted that restoration works have been undertaken and that this pillar has been restored.

Sub Committee's Recommendation: (Green/Oates)

That the information be noted.

CARRIED

8.3 Security Fence at St Peter's Cemetery

Council's Strategic Environmental Planner advised the Heritage Protection Sub Committee that Council has approved a Development Application for a new security fence along the street front (Broughton and Howe Streets) of St Peter's Cemetery.

A plan of the proposed cemetery fencing was tabled for the information of the Heritage Protection Sub Committee.

Sub Committee's Recommendation: (Gardner/Wheeler)

That the information be noted.

CARRIED

8.4 Removal of Cedrus Libani Tree, Hallinan Park, Ingleburn

Council's Strategic Environmental Planner advised the Heritage Protection Sub Committee that Council at its meeting of the 6th April 2010 approved the removal of the 10 metre high Cedrus Libani (Cedar of Lebanon) tree which is located within Hallinan Park which is listed on Council's Significant Tree Register. This tree will be replaced with an advanced specimen.

It was noted that Council staff recently inspected the tree, and it was found to be in poor condition and not capable of being saved.

Sub Committee's Recommendation: (Oates/Goodfellow)

That the information be noted.

CARRIED

8.5 Multi Storey Car Park (behind Richmond Villa)

The Chairperson advised the Heritage Protection Sub Committee that in terms of maintenance, the multi storey car park which is located behind Richmond Villa will be water blasted clean every five years rather than being re-painted.

Sub Committee's Recommendation: (Gardner/Wheeler)

That the information be noted.

CARRIED

The next meeting of the Heritage Protection Sub Committee will be held on Thursday 17th June 2010, at 6.00pm, in Committee Room 3.

Cr Julie Bourke Chairperson

2.6 Provision of Bottled Water and Access to Filling Stations for the Campbelltown LGA

Reporting Officer

Manager Assets and Supply Services and Manager Environmental Planning

Attachments

Details of an offer to trial Refill Water Station (Distributed under separate cover).

Purpose

To provide information to Council regarding:

- 1. Results of investigations into the environmental sustainability of Council's current bottled water supply contract;
- 2. The feasibility of implementing an awareness program within Council to encourage the use of tap water in preference to bottled water; and
- 3. The feasibility of installing public watering stations (bubblers) throughout the LGA similar to the project undertaken by Manly Council.

History

At its meeting on 10 October 2010, Council resolved:

That a report be presented outlining:

- (i) Whether Councils current supplier of bottled water is sourcing its water in a sustainable way in comparison with other suppliers.
- (ii) The feasibility of implementing an awareness program within Council to encourage people to use tap water in preference to bottled water where practicable.
- (iii) The feasibility of installing bubblers throughout the Local Government Area, as has recently occurred in Manly.

Report

1. Potential Environmental Impacts of Bottled Water.

The environmental impacts associated with the production, consumption and disposal of bottled water are considered to be substantial. In accordance with information provided by the Bottled Water Alliance (a not-for-profit organisation established by Planet Ark founders Jon Dee and Pat Cash in association with Tina Jackson, former Executive Director of the National Trust of Australia), Australians spend more than half a billion dollars each year on bottled water, with last years sales increasing by 10 percent (%).

The environmental impacts of bottled water are discussed on the Water Bottle Alliance website and include:

- Producing and delivering a litre of bottled water can emit hundreds of times more greenhouse gases than a litre of tap water.
- According to British research, drinking one bottle of water has the same environmental impact as driving a car for a kilometre.
- In many cases, a litre of bottled water is more expensive than a litre of petrol.
- The Department of Environment and Climate Change estimates that 200ml of oil is used to produce, package, transport and refrigerate each 1 litre bottle of bottled water. As a result, at least 50 million litres of oil are used in the manufacture and distribution of bottled water in Australia every year.
- Australia recycles only 36% of PET plastic drink bottles.
- In South Australia, which has Container Deposit Legislation (CDL), the plastic bottle recycling rate is 74%. A 2007 national Newspoll commissioned by 'Clean Up Australia' found that of those polled, 82% support a CDL scheme of 10c on bottles.
- Australia's annual use of bottled water generates more than 60,000 tonnes of greenhouse gas emissions the same amount that 13,000 cars generate over the course of a year.

In addition and with specific relevance to the inclusion of water bubblers research, by the Water Bottle Alliance found:

- Over 78% percent of people believe there are not enough bubblers available to the public;
- 90% do not know where their local water bubblers are, and do not believe they are easy to find;
- 85% are concerned about the safety or cleanliness of public bubblers; and
- 66% said that if greater number and quality of bubblers were available, they would buy less bottled water.

In response to a greater understanding of the impacts of water bottles on the environment, Councils have become more aware of the issue. For instance, Blue Mountains City Council in March and May of 2009 resolved:

(Via Minute No 70, 3/3/09)

- 1. That the Council acquire no more bottled water from overseas.
- 2. That for situations where bottled water is most practicable, that only locally sourced supplies be acquired.
- 3. That the Council use existing refrigerators to provide cold water.
- 4. That the Council provide no further powered filtration systems to provide filtered tap water.
- 5. That the Council address concerns with water quality with the provider, Sydney Water.
- 6. That the Council receive a report that explores the possibility of joining the Bottled Water Alliance.

(Via Minute No 192, 26/5/09):

1. That the Council join the bottled water alliance by registering on the Bottled Water Alliance website, with an appropriate link provided on the Council's own website.

In addition to Blue Mountains City Council, both Wingecarribee and Manly Councils have also taken a stance regarding bottled water. In July 2009, the Bundanoon community voted to become Australia's first town to ban commercially pre-packaged single-use bottled water from its retail outlets. Manly Council, in December 2007 adopted a policy to avoid the purchasing of single serve bottled water for use within Manly Council buildings, facilities and events. Manly Council has also since installed six (6) designer water bubblers along the Manly Corso and on Manly beachfront.

With regard to the sourcing of water for water bottles the Water Bottle Alliance report that the sourcing and extraction is endangering local groundwater supplies.

In accordance with a report provided on their website and published in the "G magazine", the bottled water industry is licensed to take 1,800 mega litres of water from the groundwater system in NSW every year.

However, local sourcing can result in exhaustion and depletion of underground aquifers which can potentially have a flow on effect of drying out swamps and other water bodies, threatening the well being of aquatic plants and animals.

2. Council's Current Provider

Council is obligated to provide liquid refreshments at a range of meetings and events for Occupational Health and Safety (OHS) reasons. In recent years, Council has opted to provide bottled water as an option for health and sanitation reasons. Campbelltown City Council sources its bottled water from wholesale outlets under a tender/contract arrangement for the provision of soft drinks, mixer drinks, iced teas, fruit juices and bottled water. Council does not have a purchasing arrangement with bottled water manufacturers and is dependent on the brand provided by the successful contractor.

In recent times, Mount Franklin Spring bottled water has been the most prominent brand that has been offered by the contractor. Should the contractor decide to change its supplier of bottled water then Council would normally purchase that brand or can acquire other brands if they were not happy with the choice.

According to Choice (the consumer advocacy group) there are at least 37 brands of bottled water available on the market. The three top selling brands in Australia are *Mount Franklin*, *Pump* and *Frantelle*. In Australia, *Mount Franklin* and *Pump* make up 17 per cent of the local bottled water market and are produced by Coca Cola Amatil who also produce the boutique brands *Peat's Ridge* and *Neverfail*, totalling a 30 per cent share of Australian bottled water.

Investigations into the sustainability practices of each company are limited to the information publicly available on the internet which is primarily listed on each company's website.

Investigations also indicate that water used for Mount Franklin Spring Water is sourced from three locations including Mount Franklin and Mangrove Mountain.

Mount Franklin Spring Water (Coca Cola Amatil) (Council's current supplier), provides the following statements with respect to sustainability.

"Australia's bottled water industry uses just 0.01% of spring water allocated for use across the country. 'Mount Franklin' uses expert hydro geologists to make sure our spring water sources are environmentally sustainable. We're proud to say that parent company Coca Cola Amatil has achieved world's best practice when it comes to water efficiency. Around 1.3 litres of water are used to produce every litre of 'Mount Franklin'. CCA is running major customer recycling initiatives in 2009-2010. We estimate that through our customer programs, an extra 700 tonnes of material will be collected and recycled in Australia by the end of 2010. This is equivalent to 31.5 million 600ml PET bottles. 'Mount Franklin' water is bottled ... using water that's sourced near to the bottling plants ... so our carbon footprint can be kept to a minimum. Very little energy is actually used to produce bottled water in the plants, and Coca-Cola Amatil (CCA) ... is a leader in water and energy efficiency within its industry

Frantelle bottled water is produced by P&N Beverages Australia Pty Ltd. There is limited information publicly available regarding the sustainable practices of P&N Beverages, however their mission statement includes the phrase: *'we will vigorously review our processes and packaging to minimise environmental impact.'*

3. The feasibility of implementing an awareness program to encourage the use of tap water in preference to bottled water.

It is proposed to develop and implement an awareness campaign focusing in the first instance on educating Council staff on the potential environmental impacts associated with bottled water. The program will provide staff with facts and statistics relating to the industry as well as appropriate visual material. The program will adopt some of the material and media forums used in the *Greening UWS* program, including:

- Productions of posters to be placed in pertinent positions across council (i.e. kitchens); and
- Distribution of relevant website links.

Under the awareness program Council will trial the provision of alternative water supply options at Council meetings and events including the use of jugs and dispensers.

The program will be undertaken internally and no brand names will be mentioned. Council's Sustainability Committee will oversee the awareness program.

In addition, Councils Sustainability Committee will seek to develop supporting policies addressing the issue of the supply of drinking water at Council meetings and events.

4. The feasibility of installing public water stations (bubblers) throughout the Local Government Area (LGA) similar to those installed by Manly Council

Manly Council have entered into an arrangement with a water filling station company that provides water station and bubbler facilities across the Manly Local Government Area. Council's previous experience with the bubblers installations at various locations in Campbelltown Local Government Area has not been successful. This was due to the incidence of vandalism and may have been linked to specific locations (e.g. Leumeah Skate Park).

The provider of water and bubbler stations to Manly Council has offered Council a trial proposed for 90 days on the proviso that if damaged Council would be liable, and if not returned within a period of ten (10) days after the initial nineteen (90) day period, Council would be required to pay the purchase price. It is recommended that the trial of a filling station that incorporates two filling points to satisfy general and disabled use be undertaken in either the "Sails Area" in Lithgow Street, at Koshigaya Park or Hallinan Park at the Ingleburn Centre subject to Council's preference. The trial will be funded through existing Assets and Supply Section's budget allocations.

Should Council agree with the extended use of water filling stations following the trial, a report would be provided to Council for consideration in future budgets. If agreed staff would undertake a procurement process for their acquisition and, as part of this process, would need to consider the relevant planning requirements.

Officer's Recommendation

- 1. That Council develop and undertake an education and awareness program focused on raising awareness on the potential environmental impact of the water bottle industry initially focussing at a Council staff level.
- 2. That Council proceed with the trial of a water filling station in the Campbelltown LGA, either at Koshigaya Park, Campbelltown or Hallinan Park, Ingleburn.
- 3. That the trial be promoted on Council's website, Compass, Circulars and at the Ingleburn Centre requesting public feedback.
- 4. That a further report be provided to Council evaluating the trial.

Committee's Recommendation: (Kolkman/Bourke)

That the Officer's Recommendation be adopted. **CARRIED**

Council Meeting 1 June 2010 (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

Amendment: (Hawker/Greiss)

- 1. That Council proceed with the trial of a water filling station in the Campbelltown LGA, either at Koshigaya Park, Campbelltown or Hallinan Park, Ingleburn.
- 2. That the trial be promoted on Council's website, Compass, Circulars and at the Ingleburn Centre requesting public feedback.
- 3. That a further report be provided to Council evaluating the trial.

LOST

Council Minute Resolution Number 92

That the Officer's Recommendation be adopted.

CARRIED

A **Division** was requested in relation to the resolution for Item 2.6 - Provision of Bottled Water and Access to Filling Stations for the Campbelltown LGA.

Voting for the Council Resolution were: Councillors: Borg, Bourke, Chanthivong, Dobson, Kolkman, Lake, Rule, Thomas and Thompson.

Voting against the Council Resolution: Greiss, Hawker and Rowell.

3. DEVELOPMENT SERVICES

3.1 Development Services Section Application Statistics - April 2010

Reporting Officer

Manager Development Services

Attachments

Development Services Application Statistics for April 2010 (distributed under separate cover).

Purpose

To advise Council of the status of development applications and other key matters within the Development Services Section.

Report

In accordance with Council's resolution that Councillors be provided with regular information regarding the status of development applications, the attachment to this report provides details of key statistics for April 2010 as they affect the Development Services Section.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 1 June 2010 (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 92

That the Officer's Recommendation be adopted.

CARRIED

3.2 No. 1 Culverston Road, Minto - Construction of an Industrial/Warehouse Building with Mezzanine Area and Reconfiguration of the Car Parking Area

Reporting Officer

Manager Development Services

Attachments

- 1. Recommended Conditions of Consent
- 2. Locality Plan
- 3. Overall Site Plan
- 4. Site Plan
- 5. Floor Plans
- 6. Elevations
- 7. Landscape Plan
- 8. State Environmental Planning Policy No. 1 Objection
- 9. Department of Environment, Climate Change and Water General Terms of Approval

Purpose

To assist Council in the determination of a Development Application, which proposes the construction of an industrial building including mezzanine area and reconfiguration of the car parking area.

Property Description	No. 1 Culverston Road, Minto – Lot 10, DP 1056364
Zoning	4(a) General Industry
Application	2802/2008/DA-I
Applicant	James Huntly Knox Trust
Owner	James Huntly Knox Trust
Statutory Provisions	State Environmental Planning Policy (Infrastructure) 2007
	Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
	Campbelltown (Urban Area) Local Environmental Plan 2002
	State Environmental Planning Policy No. 1 – Development Standards
	Water Management Act 2000
Other Provisions	Campbelltown (Sustainable City) Development Control Plan 2009
	Campbelltown City Council Section 94A Development Contributions Plan

	Development Control Plan No.87 – Public Notification and Public Exhibition Policy	
Strategic Context	Campbelltown 2025 Looking Forward	
Date Received	10 November 2008	

Report

Introduction

Development Consent is sought for the construction of an industrial building, with a mezzanine area and the reconfiguration of the existing car parking area. The site has an overall site area of 34,635m² and is located adjacent to the junction of Culverston Road and Airds Road. The site is relatively flat, with existing improvements consisting of an existing industrial building, with associated car parking and manoeuvring areas.

Directly to the south of the site is a canal and directly to the east is the Main Southern Railway Line. Surrounding development consists of a variety of industrial and warehousing buildings.

History

The following is a chronology of events in respect to the site and more specifically the subject Development Application:

- 10 May 2004 Development Consent No. 1337/2003, issued by Council, for the construction of the existing warehouse type building located on the site.
- 10 November 2008 Subject Development Application lodged with Council, by applicant Jim Knox, James Huntly Knox Trust.
- 22 December 2008 Letter received by Council from applicant, providing approval for Council to discuss design matters with De Angelis Taylor Architects.
- 12 February 2009 Letter issued by Council to applicant, advising of various noncompliances and deficiencies with the application.
- 31 March 2009 Follow up letter issued by Council to applicant, following no response being provided to Council's letter dated 12 February 2009.
- 9 April 2009 Request made to Council from applicant, for a 60 day extension to respond to the issues detailed in Council's letter dated 12 February 2009.
- 9 April 2009 Letter issued by Council to applicant, providing an extension until the 9 June 2009, to respond to the outstanding issues.
- 3 June 2009 Meeting between Council's Assessing Officer and the applicant's newly appointed consultant Mr. Ross Newport. Further extension requested and granted until 17 June 2009.

- 14 July 2009 Response provided to Council's letter dated 12 February 2009, including notice that the application be dealt with as an 'Integrated Development', involving referral of the application to the Department of Environment, Climate Change and Water (DECCW).
- 8 January 2010 Request made by RailCorp for the provision of additional information in relation to excavation and construction methods.
- 13 January 2010 RailCorp's request forwarded by Council to applicant.
- 1 March 2010 General Terms of Approval issued by DECCW.
- 8 March 2010 Subsequent to information being provided by the applicant's consultant Mr. Ross Newport to RailCorp, response and a request for the inclusion of conditions in any approval, provided by RailCorp.

Campbelltown 2025 Looking Forward

'Campbelltown 2025 Looking Forward' is a vision statement of broad town planning intent for the longer term future of the City of Campbelltown that:

- Responds to what Council understands people want the City of Campbelltown to look, feel and function like;
- Recognises likely future government policies and social and economic trends; and
- Sets down the foundations for a new town plan that will help achieve that future.

The document establishes a set of strategic directions to guide decision making and development outcomes. These directions are broad in nature and forms a prelude to a new statutory town plan for the City.

The strategic directions relevant to this application are:

- Growing the Regional City,
- Building a distinctive Campbelltown sense of place, and
- Creating employment and entrepreneurial opportunities.

The proposed development is generally consistent with these directions.

Some of the relevant desired outcomes of the strategic directions included in Campbelltown 2025 include:

- Urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable;
- An impression of architecture that engages its environmental context in a sustainable way; and

• Development and land use that matches environmental capacity and capability.

It is considered that the Development Application is generally consistent with the Vision's desired outcomes having regard to the proposed density, design and impact on adjoining development and the locality.

Assessment

The development has been assessed in accordance with the heads of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration.

1. State Environmental Planning Policy (Infrastructure) 2007

The proposal has been considered in accordance with the requirements of State Environmental Planning Policy (Infrastructure) 2007, as per the following compliance table.

Clause	Control	Requirement	Proposed	Compliance
85	Development immediately adjacent to rail corridors	 (1) This clause applies to development on land that is in or immediately adjacent to a rail corridor, if the development: (a) is likely to have an adverse effect on rail safety, or (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or (c) involves the use of a crane in air space above any rail corridor. 	As the proposal includes metal finishes on land directly adjacent to a rail corridor used by electric trains, RailCorp were consulted, with no concerns being raised subject to the inclusion of conditions.	Yes
86	Excavation in, above or adjacent to rail corridors	 (1) This clause applies to development that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land: (a) within or above a rail corridor, or (b) within 25m (measured horizontally) of a rail corridor, or (c) within 25m (measured horizontally) of the ground directly above an underground rail corridor. 	While the Cut and Fill Management Plan accompanying the application details excavation to a maximum of 500mm, it is noted that, cut and fill details were provided to RailCorp, whom raised no concerns in regards to such.	Yes

2. Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

The proposal does not conflict with any of the relevant provisions of the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment, and is therefore considered acceptable in this regard.

3. Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 4(a) General Industry under the provisions of the Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002). Pursuant to the provisions of Clause 12 of LEP 2002, the proposed development is permissible subject to Development Consent.

Moreover, pursuant to Sub-clause 12(2), the proposal is consistent with the following zone objectives:

- to encourage activities that will contribute to the economic and employment growth of the City of Campbelltown, and
- to allow a range of industrial, storage and allied activities, together with ancillary uses, the opportunity to locate within the City of Campbelltown, and
- to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development, and

Sub-clause 37(a) of LEP 2002, requires that Development Consent must not be granted to development, other than for the use of land for landscaping, for access roads or off street parking on any land within Zone 4 (a) or 4 (b) which is within 30m of the Main Southern Railway Line. The proposed building encroaches into the stipulated 30m setback area by up to 4m, and as such, the proposal does not comply with the requirements of LEP 2002.

This non compliance is the subject of a State Environmental Planning Policy No. 1 (SEPP 1) objection, discussed later in this report.

Sub-clause 37(d) of LEP 2002, requires that Development Consent must not be granted to development, other than for the use of land for landscaping, for access roads and for off street parking on any land within Zone 4 (a) or 4 (b) which is within 10m of Culverston Road. The proposed building is setback beyond the existing building and is approximately 180m from Culverston Road, therefore complies with the relevant 10m setback requirement.

4. Campbelltown (Sustainable City) Development Control Plan 2009

The proposal has been considered in accordance with the requirements of the Campbelltown (Sustainable City) Development Control Plan 2009, as per the following compliance table.

Section	Control	Requirement	Proposed	Compliance
2.4 (b)	Rain Water Tanks	A 10,000L rain water tank shall be provided for all new buildings containing a roof area of between 1,001m ² and 5,000m ² .	1 x 3,000L tank and 1 x 4,000L tank are proposed.	No. Though by the inclusion of a condition requiring the increasing of both rain water tanks to 5,000L in size, the proposal shall comply in this regard.
2.5	Landscaping	Provision of a detailed landscape plan, which shall enhance the visual character of the development and complement the site, and enhance the existing indigenous flora and fauna characteristics of a site wherever possible.	The application has been accompanied by a detailed landscaped plan, which includes dense plantings, including indigenous trees and shrubs.	Yes

Planning and Environment Committee Meeting 25 May 2010

14B3.2No. 1 Culverston Road, Minto - Construction Of An Industrial/Warehouse Building With Mezzanine Area And Reconfiguration Of The Car Parking Area

Section	Control	Requirement	Proposed	Compliance
2.8.1 (a)	Cut and Fill	A Cut and Fill Management Plan shall be provided where the development incorporates cut and / or fill operations.	A Cut and Fill Management Plan has been provided detailing proposed cut and fill arrangements.	Yes
2.15	Waste Management	Provision of a detailed Waste Management Plan.	A Waste Management Plan was provided detailing proposed waste management arrangements, in relation to the proposed development.	Yes
6.3.1 (a) (i)	Building Design	Provision of vertical and / or horizontal offsets in the wall surfaces at regular intervals, including columns, projections, and recesses.	Both the proposed front and rear (addressing the Railway Line) facades contain vertical and horizontal variations.	Yes
6.3.1 (a) (ii)	Building Design	Articulate architectural details around doors, windows front facades, roofs and entrances.	The proposal provides horizontal variations which distinguish the main entry points to each building.	Yes
6.3.1 (a) (iii)	Building Design	Articulate walls through the use of texture, colour, material changes, shadow lines and other facade treatments, at least every 15m.	The proposed front facade is treated / varied at least every 10m.	Yes
6.3.1 (a) (iv)	Building Design	At least 50% of the total surface area of the front elevation to be constructed of masonry material.	Approximately 75% of the front facade is of a masonry finish.	Yes
6.3.1 (c)	Building Design	Buildings shall be predominantly single storey in height (excluding basements, mezzanines and offices).	The proposal is single storey in height.	Yes
6.3.1 (d)	Building Design	Mezzanines and/or offices shall not comprise more than 30% (combined) of the gross floor area of the building (or each unit in a complex).	The office area portion of the overall development constitutes approximately 8% of the gross floor area of the development.	Yes
6.3.1 (e)	Building Design	No building shall rely upon a required path of egress (as defined within the BCA) over adjoining private land.	Paths of egress have been provided without reliance upon adjoining private land.	Yes
6.3.1 (g)	Building Design	A schedule of proposed colours, materials and finishes shall accompany all development applications for new industrial buildings.	The proposed finishes consist of concrete walls with varying complementary tones.	Yes
6.3.1 (h)	Building Design	The main entry to the building shall be directly accessible from the front of the building or driveway in the case of a multi unit complex.	Giving regard to that the proposed building is a second building on the subject site, located to the rear of the existing dwelling, the design provides for an identifiable entry point to the main entry area.	Yes
6.3.2 (a) (i)	Building Setbacks	Industrial development shall be setback 30m from the Main Southern Railway Line corridor.	26m	No. See discussion, within the SEPP 1 section (Section 5) of this report.

Planning and Environment Committee Meeting 25 May 2010

14B3.2No. 1 Culverston Road, Minto - Construction Of An Industrial/Warehouse Building With Mezzanine Area And Reconfiguration Of The Car Parking Area

Section	Control	Requirement	Proposed	Compliance
6.3.2 (a) (iii)	Building Setbacks	Industrial development shall be setback 10m from Culverston Road.	Approximately 180m	Yes
6.4.1 (a)	Car Parking and Access	Off street parking and loading shall be designed in accordance with Australian Standard AS 2890.1 and 2 (as amended).	Parking and loading facilities have been designed in accordance with Australian Standard AS 2890.1 and 2.	Yes
6.4.1 (c)	Car Parking and Access	 Car parking shall be provided in accordance with the following: a minimum of two (2) spaces (per unit), plus one space for every 100m² of leasable floor area for buildings up to 2000m², plus one space per 250m² for that part of the building exceeding 2000m² in leasable floor area; plus one space per 35m² for any office area, lunch rooms and the like, and any associated office storage areas. Giving regard to the existing development (approved pursuant to Development Consent F1160/2001) and the proposed development, approximately 118 car parking spaces are required. 	The proposal includes the reconfiguration of the site's car parking arrangement to provide for a total of 133 spaces.	Yes. Reduced to 127, by the inclusion of a condition, requiring the removal of a section of car parking, due to conflict between heavy vehicle manoeuvring and car parking spaces.
6.4.1	Car Parking	Sufficient space shall be	The proposal provides for	Yes
(e)	and Access	provided on site so that no vehicle shall be required to make more than a three-point movement to enter and exit the site in a forward direction.	adequate manoeuvring.	
6.4.1 (f)	Car Parking and Access	No required car parking spaces or manoeuvring areas shall occupy more than 50% of the required front setback area.	The proposal does not involve any alterations within the existing front setback area.	NA
6.4.1	Car Parking	No car parking spaces shall be	None of the proposed car	Yes
(g)	and Access	designed in a stacked configuration.	parking spaces are of a stacked configuration.	
6.4.1 (i)	Car Parking and Access	Each site shall have a maximum of one (1) ingress and one (1) egress for heavy vehicles (combined or separated). Though each site may have an additional ingress / egress for cars (and other light vehicles).	The proposed development maintains the existing singular combined entry / exit point, for both heavy vehicles and cars.	Yes

Planning and Environment Committee Meeting 25 May 2010 14B3.2No. 1 Culverston Road, Minto - Construction Of An Industrial/Warehouse Building With Mezzanine Area And Reconfiguration Of The Car Parking Area

Section	Control	Requirement	Proposed	Compliance
4.1 (j)	Car Parking and Access	A minimum of 10% of the required car parking spaces, including disabled spaces, shall be located within close proximity to the main pedestrian entry to the building.	Approximately 35% of the required car parking spaces for the existing building, including a disabled space, are located within close proximity of the main entry for that building. One (1) disabled space (being 3% of the required car parking for the proposed building), is located within close proximity of the main entry for that building.	No. Though by the inclusion of a condition, requiring the inclusion of five (5) car parking spaces (being 15% of the required car parking for the proposed building), in the area adjacent to the main entry to the building, the proposal shall comply in this regard.
6.4.2 (a)	Loading and Unloading	Each industrial factory / unit shall be provided with a loading bay.	The proposed building includes various loading bays, for various vehicle and truck types.	Yes
6.4.2 (b)	Loading and Unloading	Provision shall be made for all loading and unloading to take place wholly within the site.	The proposal provides for adequate loading and unloading areas within the site.	Yes
6.4.2 (C)	Loading and Unloading	No loading or unloading shall be carried out across parking spaces, landscaped areas, pedestrian aisles or on roadways.	With the exception of the southern most loading dock within the front elevation of the proposed building, all other existing and proposed loading docks do not impact upon car parking or landscaped areas.	No. Though by the inclusion of a condition, requiring the removal of a section of car parking, due to conflict between heavy vehicle manoeuvring and car parking spaces, the proposal shall comply in this regard.
6.4.2 (d)	Loading and Unloading	Each industrial building having a leasable floor area of more than 1,500m ² shall provide an area to allow for a heavy rigid vehicle to manoeuvre on site.	Sufficient manoeuvring areas are provided for heavy rigid vehicles.	Yes
6.4.3 (a)	Access for People with Disabilities	Industrial developments shall comply with the minimum access requirements contained within the BCA and Australian Standard 1428 – Design for Access and Mobility (as amended).	Consideration of the proposal indicates that the proposal has the potential to satisfy such requirements.	Yes. Furthermore a condition has been included requiring the submission of comprehensive details demonstrating compliance with the relevant requirements of the BCA and AS 1428 – Design for Access and Mobility.
6.5 (a)	Landscaping	A detailed landscape plan and report shall be prepared by a suitably qualified person and submitted with all development applications for the construction of industrial buildings.	The application was accompanied by a detailed landscape plan.	Yes

Planning and Environment Committee Meeting 25 May 2010

Page 66

14B3.2No. 1 Culverston Road, Minto - Construction Of An Industrial/Warehouse Building With Mezzanine Area And Reconfiguration Of The Car Parking Area

Section	Control	Requirement	Proposed	Compliance
6.5 (b) (i)	Landscaping	Landscaping shall be provided to a minimum of 50% of each required setback area located along the full width of each street frontage (other than vehicle driveways).	The proposal does not involve any alterations within the existing front setback area.	NA
6.10 (a)	Multi Unit Complexes	Industrial units proposed on land zoned 4(a) General Industry under Campbelltown (Urban Area) LEP 2002, shall have a minimum GFA of 400m ² .	The proposed building has a GFA of approximately 3,000m ² .	Yes

5. State Environmental Planning Policy No. 1 – Development Standards (SEPP 1)

SEPP 1 aims to provide flexibility in the application of planning controls operating by virtue of Development Standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary. A Development Standard (as defined by Section 4 of the Environmental Planning and Assessment Act 1979) includes provisions of an Environmental Planning Instrument, in relation to the carrying out of development, which relate to the distance of a building from any specified point.

The proposal is accompanied / supported by a SEPP 1 objection, to the Development Standard of Sub-clause 37(a) (setback requirement) of LEP 2002.

The SEPP 1 objection accompanying the proposal, details that strict compliance with the Development Standard is unnecessary for the following reasons:

- *i.* The building will be sited a similar distance to the adjoining building.
- *ii.* The application proposes substantial landscaping between the rail line and the development providing a well screened development.
- *iii.* No adverse impact of the site is envisaged.
- iv. The land has all services available and no environmental issues are expected.
- v. A 30m setback is a significant loss of industrial land where no material advantage would be gained by a 30m setback.
- vi. There are no matters of public interest which could be adversely impacted by approval of this application.
- vii. The proposed building has a pleasing architectural design providing a quality development to the rail line in addition to Culverston Road.

Despite the encroachment, it is considered that the proposed variation accommodates the efficient development of the site, specifically in terms of the area between the proposed building and the Main Southern Railway Line, by way of providing two (2) rows of car parking, associated manoeuvring areas and a densely planted landscaped area varying between 7m and 8.5m in width.

Moreover, it is noted that there are other examples of buildings in the locality along the Main Southern Railway Line that extend within the 30m setback area, including the development on the allotment directly to the north which is located approximately 28m from the Main Southern Railway Line.

Accordingly, although the variation is greater than 10%, the objection to the development standard in this instance is considered to be reasonably well founded and not inconsistent with other developments completed in the same area. It is recommended that the objection be supported.

Pursuant to Department of Planning's Circular B1, Council or its delegate, may assume the concurrence of the Director General of the Department of Planning, in varying the Standard. However, where the variation is greater than 10% the concurrence provision is only extended to that of full Council.

6. Planning Assessment

The proposed development is considered to be of a high level of design, in terms of its architectural form, quality of materials and finishes used, as well as the site layout which shall provide for a range of suitable industrial type uses. Moreover, the overall design provides sufficient on site manoeuvring and car parking facilities for future occupants.

7. Campbelltown City Council Section 94A Development Contributions Plan

Development contributions are applicable pursuant to the provisions of the Campbelltown City Council Section 94A Development Contributions Plan and accordingly, a condition has been included within the recommended conditions requiring payment of the applicable contributions.

8. Integrated Development

The proposed works require a Controlled Activity Approval in accordance with the provisions of the Water Management Act 2000. Following referral of the application to DECCW, General Terms of Approval were issued by DECCW, for the proposal pursuant to Section 91A of the Environmental Planning and Assessment Act 1979.

Accordingly, the General Terms of Approval are to form part of any Development Consent, and a condition has been included within the recommendation requiring compliance with the General Terms of Approval.

Public Participation

In accordance with the requirements of Campbelltown Development Control Plan No. 87, it was not necessary to notify the proposal.

Consultation

The application was forwarded to RailCorp, Council's Technical Services Section, Council's Building Certification Unit and Council's Senior Development Engineer for comment. No concerns were raised, however, relevant conditions have been included within the recommended conditions of consent.

Conclusion

Giving regard to the above matters it is recommended that Council support the proposed development, including the SEPP 1 objection, and that the development be approved subject to conditions using the 'Assumed Concurrence' of the Director General of the Department of Planning, as per Circular B1.

Officer's Recommendation

That Council support the SEPP 1 objection accompanying the Development Application subject of this report and approve the application for the construction of an industrial building including the construction of a mezzanine area and reconfiguration of the car parking area, at No. 1 Culverston Road, Minto, subject to the recommended conditions detailed in Attachment 1.

Committee's Recommendation: (Oates/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Voting for the Committee's Recommendation were Councillors: Bourke, Greiss, Kolkman, Matheson, Oates and Thompson.

Voting against the Committee's Recommendation: Nil.

Council Meeting 1 June 2010 (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 93

That the Officer's Recommendation be adopted.

CARRIED

Voting for the Council Resolution were: Councillors: Borg, Bourke, Chanthivong, Dobson, Greiss, Hawker, Kolkman, Lake, Rowell, Rule, Thomas and Thompson.

Voting against the Council Resolution: Nil.

ATTACHMENT 1

Recommended Conditions of Consent

GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

1. Approved Development

The development shall be completed in accordance with the approved endorsed plans prepared by Macarthur Architectural Drafting Services., listed below, and all associated documentation submitted with the application, except as modified in red by Council and / or any conditions of this consent.

Sheet / Drawing No. (Job No. 1672 R.M.)

Date Received by Council

1 of 4 (Issue: A) 2 of 4 (Issue: A) 3 of 4 (Issue: A) 4 of 4 (Issue: A) 1672 (Issue A) 14 July 2009 14 July 2009 14 July 2009 14 July 2009 14 July 2009

2. Amended Plans

The development is to incorporate the following amendments and amended plans submitted to the Principal Certifying Authority for approval, prior to the issuing of a Construction Certificate:

- Both proposed rain water tanks are to be increased to 5,000L in size and are to be located underground; and
- Deletion of the 10 car parking spaces, adjacent to the southern most loading dock within the front elevation, and the provision of 5 car parking spaces directly adjacent to the main entry of the building and the realignment of the northern most loading dock within the front elevation. As shown on the 'sketch plan' submitted to Council on 7 May 2010.

3. Building Code of Australia

All building work must be carried out in accordance with the provisions of the *Building Code of Australia*. In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

4. External Finishes

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted to Council on 10 November 2008. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

5. Landscaping

- (1) The provision and maintenance of landscaping shall be in accordance with the approved landscape plan prepared by Distinctive Landscape Planning, submitted to Council on 14 July 2009, including the engagement of a suitably qualified landscape consultant / contractor for landscaping works.
- (2) All plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy root systems with no evidence of root curl, restriction or damage.
- (3) All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
- (4) Minimum 75mm depth of organic mulch shall be placed within an area 500mm radius from the base of the tree. Mulch shall be free from deleterious and extraneous matter, including soil, weeds, rocks, twigs and the like and shall be placed so that it is not in contact with the stem of the plant.

6. Shoring and Adequacy of Adjoining Property

If the development referred to in this development consent involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must at the person's own expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation, and
- (b) Where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

7. Car Parking Spaces

127 car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1 and 2 (as amended).

8. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements set out in the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.*

9. RailCorp Requirements

- a. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.
- b. Given the development site's location next to the rail corridor, drainage from the development must be adequately disposed of / managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Rail Authority.

10. Fencing

No approval is issued for any fencing, on or around the site. Furthermore, it is advised that any boundary fencing is to be dealt with separately, pursuant to the provisions of the Dividing Fences Act 1991.

11. Use of Building - Separate DA Required

Separate development consent is required for the use of the premises prior to the occupation of the building.

12. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. All deliveries to the premises shall be made to the loading bay/s provided.
- d. No deliveries shall be made to the roller shutters within the rear / eastern elevation.

A traffic sign shall be placed adjacent to the driveway at the entrance of the property advising drivers of the above information. Should the sign be damaged or removed, it shall be replaced within 48 hours.

13. Storage of Goods

All works, storage and display of goods, materials and any other item associated with the site, shall be contained wholly within the buildings.

14. Graffiti Removal

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate by either Campbelltown City Council or an accredited certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

15. Outdoor Lighting

A plan detailing all proposed outdoor lighting should be designed to comply with AS 4282 – 1997, Control of Obtrusive Effects of Outdoor Lighting, and submitted to the accredited certifier for approval, prior to the issuing a Construction Certificate.

16. Design for Access and Mobility

A plan demonstrating compliance with the relevant requirements of the BCA and AS 1428 – Design for Access and Mobility, is to be prepared by a suitably qualified person and submitted to the accredited certifier for approval, prior to the issuing a Construction Certificate.

17. Endorsement of RailCorp

Where a condition of consent requires RailCorp's endorsement the Principle Certifying Authority shall not issue a Construction Certificate, until written confirmation has been received from RailCorp that the particular condition has been complied with.

18. RailCorp Requirements

a. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

b. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Rail Authority.

The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

- c. Prior to the issue of a Construction Certificate a Risk Assessment / Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to the Rail Authority for review and comment on the impacts on rail corridor. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the Rail Authority confirming that this condition has been satisfied.
- d. Prior to the issuing of a Construction Certificate the Applicant is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the Rail Authority confirming that this condition has been satisfied.

19. Water/Electricity Utility Services

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit written evidence of the following service provider requirements:

- a. Integral Energy A letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
- b. Sydney Water The submission of a 'Notice of Requirements' under Section 73 of the Water Board (Corporation) Act 1994.

20. Telecommunications Utility Services

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit written evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development.

21. Waste Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, the relevant provisions of Council's *Waste Management Plan* is to be completed to the satisfaction of Council.

22. Soil and Water Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, a detailed soil and water management plan shall be submitted for approval.

23. Stormwater Management Plan (Subdivision)

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Stormwater shall be conveyed from the site to the nearest drainage system under Council's control. All proposals shall comply with *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

24. Section 94A Developer Contribution - Community Facilities and Services

Prior to Council or an accredited certifier issuing a Complying Development Certificate or a Construction Certificate (or where a Construction Certificate is not required, a Subdivision Certificate), the applicant shall provide a receipt for the payment to Council of a community facilities and services contribution in accordance with the provisions of the *Campbelltown City Council Section 94A Development Contributions Plan*.

For the purposes of calculating the required S94A contribution, where the value of the total development cost exceeds \$100,000, the applicant is required to include with the application for the respective certificate, a report setting out a cost estimate of the proposed development in accordance with the following:

- where the value of the proposed development is greater than \$100,000 but less than \$500,000, provide a Cost Summary Report by a person who, in the opinion of the Council, is suitably qualified to provide a Cost Summary Report (Cost Summary Report Template 1). All Cost Summaries will be subject to indexation on a quarterly basis relative to the *Consumer Price Index All Groups* (Sydney) where the contribution amount will be based on the indexed value of the development applicable at the time of payment; or
- where the value of the proposed development is \$500,000 or more, provide a detailed development cost report completed by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Quantity Surveyors Estimate Report Template 2). Payment of contribution fees will not be accepted unless the amount being paid is based on a Quantity Surveyors Estimate Report (QS Report) that has been issued within 90 days of the date of payment. Where the QS Report is older than 90 days, the applicant shall provide an updated QS Report that has been indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 to ensure quarterly variations in the Consumer Price Index All Group Index Number for Sydney have been incorporated in the updated QS Report.

Copies of the Cost Summary Report - Template 1 and the Quantity Surveyors Estimate Report - Template 2 are located under "Developer Contributions" on Council's web site (www.campbelltown.nsw.gov.au) or can be collected from Council's Planning and Environment Division during normal business hours.

On calculation of the applicable contributions, all amounts payable will be confirmed by Council in writing.

Payment of Section 94A Developer Contributions will only be accepted by way of Cash, Credit Card or Bank Cheque issued by an Australian bank. Payment by any other means will not be accepted unless otherwise approved in writing by Council.

Note: This condition is only applicable where the total development value exceeds \$100,000.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any works on site.

25. General Terms of Approval – Department of Environment, Climate Change and Water

The applicant shall at all times comply with the General Terms of Approval, issued by the Department of Environment, Climate Change and Water, in accordance with Section 91 of the Environmental Planning and Assessment Act 1979, and receive a 'Controlled Activity Approval' prior to the commencement of any works.

The General Terms of Approval (Reference No. 10 ERM2010/0044) issued on 1 March 2010, form part of this Development Consent and are at all times to be read in conjunction with the conditions attached herein.

26. RailCorp Requirements

- a. Prior to the commencement of works, an engineering structural report and details on the retaining wall near the carpark area adjacent to the rail corridor is to be submitted to RailCorp for review to ensure that the proposed works will not jeopardise the structural integrity of the existing rail corridor.
- b. Prior to the commencement of works appropriate fencing shall be installed along the rail corridor to prevent unauthorised access to the rail corridor. Details of the type of fencing and the method of erection are to be to the RailCorp's satisfaction prior to the fencing work being undertaken. RailCorp may provide supervision, at the developer's cost, for the erection of the new fencing.

27. Erosion and Sediment Control

Prior to the commencement of any works on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.

28. Erection of Construction Sign

Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours;

- b. Stating that unauthorised entry to the work site is prohibited; and
- c. Pollution warning sign promoting the protection of waterways (issued by Council with the development consent);
- d. Stating the approved construction hours in which all works can occur.
- e. Showing the name, address and telephone number of the principal certifying authority for the work.

Any such sign/s is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

29. Toilet on Construction Site

Prior to the commencement of any works on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part thereof. Each toilet provided must be a standard flushing toilet and be connected to:

- a. A public sewer, or
- b. If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council, or
- c. If connection to a public sewer or an accredited sewage management facility is not practicable, to some other management facility approved by Council.

30. Trade Waste

Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.

31. Vehicular Access During Construction

Prior to the commencement of any works on the land, a single vehicle/plant access to the site shall be provided, to minimise ground disturbance and prevent the transportation of soil onto any public road system. Single sized aggregate, 40mm or larger placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.

32. Public Property

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property which is controlled by Council which adjoins the site, including kerbs, gutters, footpaths, and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

33. Hoarding / Fence

Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with *Work Cover* requirements.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

A separate land use application under Section 68 of the Local Government Act 1993 shall be submitted to and approved by Council prior to the erection of any hoarding on public land.

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

34. Construction Work Hours

All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No Work.

35. Erosion and Sediment Control

Erosion and sediment control measures shall be provided and maintained throughout the construction period, in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook),* the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

36. Work Zones

All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.

37. Dust Nuisance

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – 'Soils and Construction (2004) (Bluebook). Construction areas shall be treated/ regularly watered to the satisfaction of the principal certifying authority.

38. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times in accordance with *AS 1742.3*. Council may at any time and without prior notification make safe any such works Council considers to be unsafe, and recover all reasonable costs incurred from the applicant.

39. Compliance with Council Specification

All design and construction work shall comply with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
- b. Council's (Sustainable City) DCP 2009 Volume 2,
- c. 'Soils and Construction (2004) (Bluebook); and
- d. Relevant Australian standards and State Government publications.

40. Completion of Construction Works

Unless otherwise specified in this consent, all construction works associated with the approved development shall be completed within twelve (12) months of the date of the notice of the intention to commence construction works under Section 81A of the Act.

In the event that construction works are not continually ongoing, the applicant shall appropriately screen the construction site from public view with architectural devices and landscaping to Council's written satisfaction.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of an occupation certificate by either Campbelltown City Council or an accredited principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

Note: For the purpose of this development consent, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

41. Endorsement of RailCorp

Where a condition of consent requires RailCorp's endorsement the Principle Certifying Authority shall not issue an Occupation Certificate, until written confirmation has been received from RailCorp that the particular condition has been complied with.

42. Section 73 Certificate

Prior to the principal certifying authority issuing an occupation certificate, the submission of a Section 73 certificate issued by *Sydney Water*.

43. Structural Engineering Certificate

Prior to the principal certifying authority issuing an occupation certificate, the submission of a certificate from a practising structural engineer certifying that the building has been erected in compliance with the approved structural drawings and relevant *SAA Codes* and is structurally adequate.

44. Completion of External Works Onsite

Prior to the principal certifying authority issuing an occupation certificate, all external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls to be completed to the satisfaction of the principal certifying authority.

45. Final Inspection – Works as Executed Plans

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall submit to Council the following documents:

- a. Two complete sets of fully marked up and certified work as executed plans in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP 2009 Volumes 1 and 2* and one additional separate fully marked up copy of the plan sheet(s) and the line marking/signposting plan(s).
- b. Two copies of lot classification reports, geotechnical stability reports, dispersion tests, earthworks and fill placement reports, concrete core tests, sub grade and pavement density reports, structural and all other testing undertaken.
- c. Two copies of all compliance certificates in accordance with consent authority requirements, including supply of pipes and precast units, supply of sub-base material, supply of base course material, supply of concrete, and supply of bituminous materials.

All reports/certificates shall be prepared by a N.A.T.A. registered laboratory or qualified engineer in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2* and shall list the relevant compliance standard(s) and certify that the whole of the area of works or materials tested comply with the above specification. All reports/certificates shall be complete, fully referenced, clearly indicate the area or material tested, the location and required/actual values of all tests and retesting, and be collated and suitably bound.

46. Restoration of Public Roads

Prior to the principal certifying authority issuing an occupation certificate, any restoration of public road and associated works required as a result of the development shall be carried out by Council and all costs shall be paid by the applicant.

47. Public Utilities

Prior to the principal certifying authority issuing an occupation certificate, any adjustments to public utilities, required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.

48. Council Fees and Charges

Prior to the principal certifying authority issuing an Occupation Certificate, the applicant shall obtain written confirmation from Council that all applicable Council fees and charges associated with the development have been paid in full. Written confirmation will be provided to the applicant following Council's final inspection and satisfactory clearance of the public area adjacent the site.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4608.
- b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.

- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

Advice 2. Tree Preservation Order

To ensure the maintenance and protection of the existing natural environment, you are not permitted to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside 3 metres of the building envelope unless you have obtained prior written consent from Council. Fines may be imposed if you choose to contravene Council's Tree Preservation Order.

A tree is defined as a perennial plant with self supporting stems that are more than 3 metres or has a trunk diameter more than 150mm measured 1 metre above ground level, and excludes any tree declared under the Noxious Weeds Act (NSW).

Advice 3. Disability Discrimination Act

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Disability Discrimination Act 1992* (DDA1992). Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the *Building Code of Australia* (BCA). However, your attention is drawn to the existence of the DDA1992 and that compliance with the various requirements of the BCA does not provide automatic compliance with the DDA1992. In this regard it is the sole responsibility of the owner, builder and applicant to ensure compliance with the DDA1992.

Advice 4. Retaining Walls

A separate development application shall be submitted and approved for any retaining walls that exceed 0.9 metres in height.

Advice 5. Covenants

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

Advice 6. Building Fit Out

A separate Development Application is required to be submitted for the fit out of the building.

Advice 7. Inspection Within Public Areas

All works within public areas are required to be inspected at all stages of construction and approved by Council prior to the principal certifying authority releasing the Occupation Certificate.

Advice 8. Adjustment to Public Utilities

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

Advice 9. Salinity

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

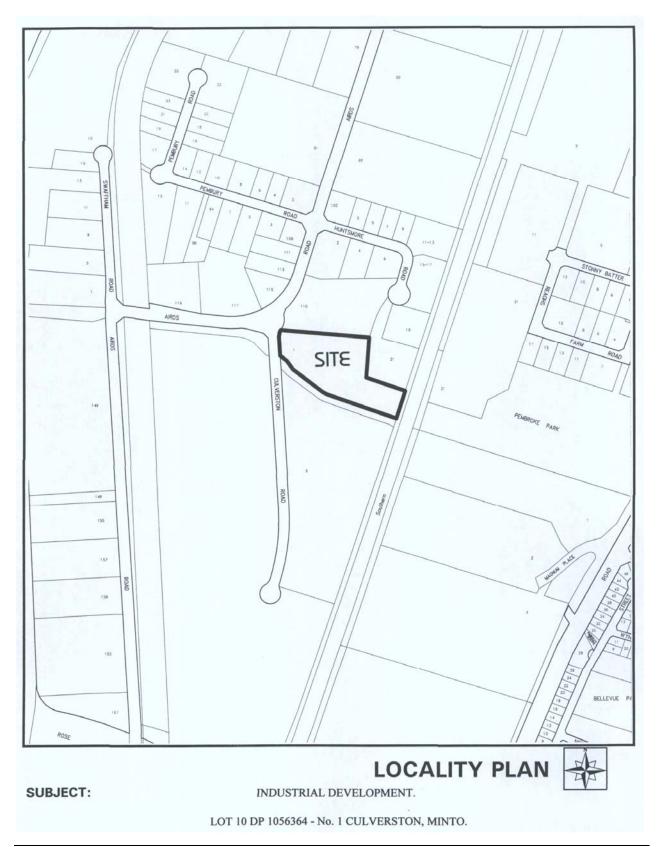
Advice 10. Smoke Free Environment Act

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Smoke Free Environment Act* 2000 (SFEA2000) or the *Smoke Free Environment Regulations* 2007 (SFER2007). In the event that the occupier wishes to facilitate smoking within any enclosed public place of the premises (in accordance with clause 6 of the SFER2007), the occupier must first contact NSW Department of Health to ensure that the design and construction of the area proposed to facilitate smoking fully complies with the requirements of the SFEA2000 and the SFER2007.

END OF CONDITIONS

Planning and Environment Committee Meeting 25 May 2010Page 8314B3.2No. 1 Culverston Road, Minto - Construction Of An Industrial/Warehouse Building With
Mezzanine Area And Reconfiguration Of The Car Parking Area

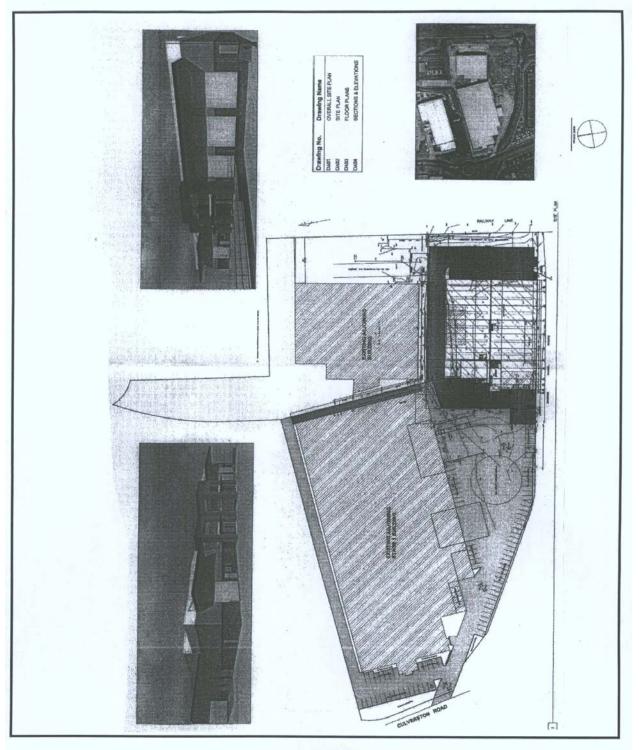
ATTACHMENT 2



 Planning and Environment Committee Meeting 25 May 2010
 Page 84

 14B3.2No. 1 Culverston Road, Minto - Construction Of An Industrial/Warehouse Building With Mezzanine Area And Reconfiguration Of The Car Parking Area

ATTACHMENT 3



OVERALL SITE PLAN

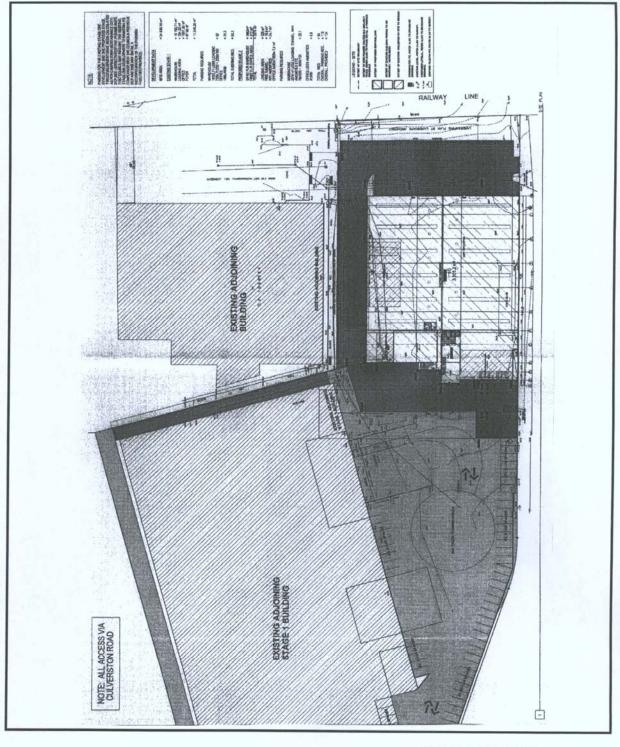
SUBJECT:

INDUSTRIAL DEVELOPMENT.

 Planning and Environment Committee Meeting 25 May 2010
 Page 85

 14B3.2No. 1 Culverston Road, Minto - Construction Of An Industrial/Warehouse Building With Mezzanine Area And Reconfiguration Of The Car Parking Area

ATTACHMENT 4



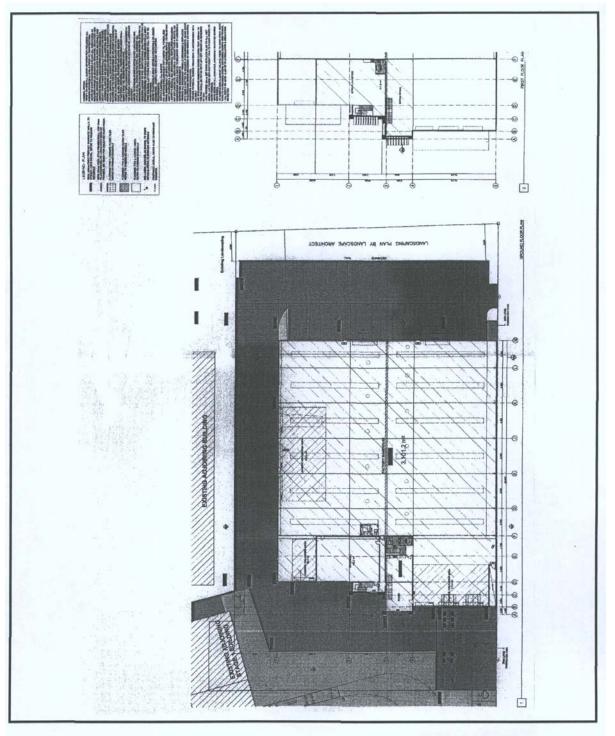
SITE PLAN

SUBJECT:

INDUSTRIAL DEVELOPMENT.

Planning and Environment Committee Meeting 25 May 2010Page 8614B3.2No. 1 Culverston Road, Minto - Construction Of An Industrial/Warehouse Building With
Mezzanine Area And Reconfiguration Of The Car Parking Area

ATTACHMENT 5



FLOOR PLAN

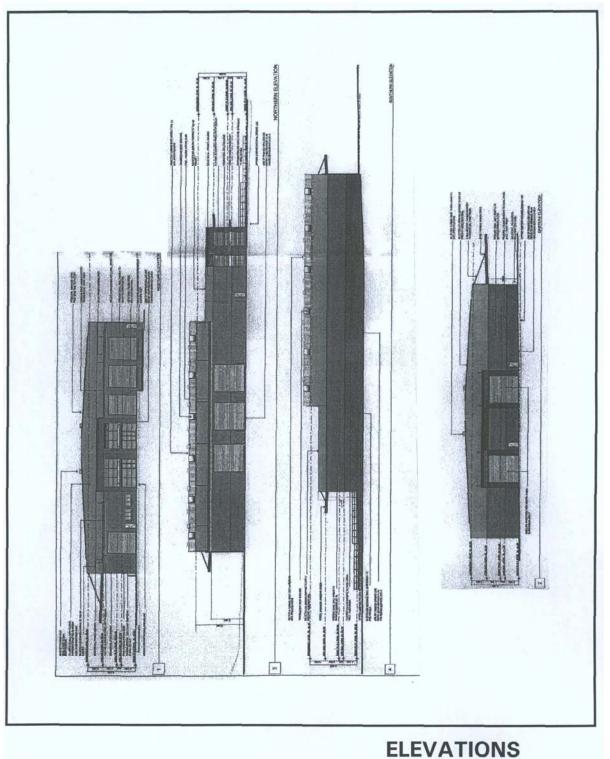
SUBJECT:

INDUSTRIAL DEVELOPMENT.

 Planning and Environment Committee Meeting 25 May 2010
 Page 87

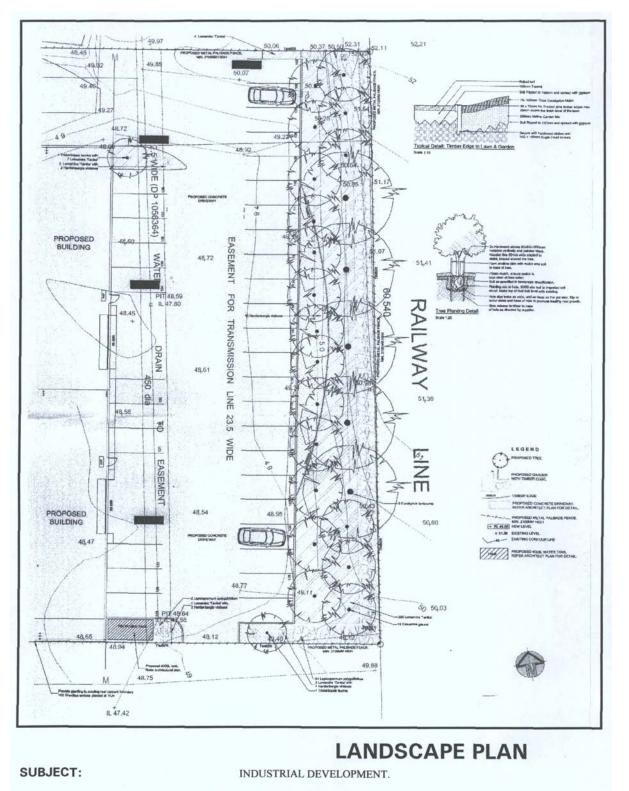
 14B3.2No. 1 Culverston Road, Minto - Construction Of An Industrial/Warehouse Building With Mezzanine Area And Reconfiguration Of The Car Parking Area

ATTACHMENT 6



SUBJECT:

INDUSTRIAL DEVELOPMENT.



STATE ENVIRONMENTAL PLANNING

POLICY No. 1 Objection

Objection Pursuant to SEPP No. 1 – Development Standards Variation to Setbacks within Industrial Area Lot 10 DP 1056364 No. 1 Culverston Road Minto

Applicant: James Huntly Knox Trust

Proposal

To build an industrial building on land known as Lot 10 DP 1056364 No. 1 Culverston Road Minto. The land is zoned - Zone 4 (a) General Industrial Zone.

The variation is to a development standard requiring development other than landscaping and parking to be sited a minimum of 30m to the main southern railing line.

Development Standard which Prevents the Development of Campbelltown (Urban Area) Local Environmental Plan 2002.

Clause 37 (a)

The Objectives of the Zone No. Zone 4 (a) General Industrial Zone are:-

a) To encourage activities that will contribute to the economic and employment growth of the City of Campbelltown, and

Comment – Proposed industrial building will contribute to economic and employment growth.

b) To allow a range of industrial, storage and allied activities, together with ancillary uses, the opportunity to locate within the City of Campbelltown, and

Comment – *The proposed industrial building will provide industry and storage facility.*

c) To encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development, and

Comment – *The proposed industrial is a high quality standard that is aesthetically pleasing and functional.*

d) To protect the viability of the commercial centres in the City of Campbelltown by limiting commercial activities to those associated with permitted industrial, storage and allied development, and

Comment - The proposal is for industry and storage only.

e) To ensure development will not be carried out unless the consent authority is satisfied that the processes to be carried on, the transportation to be involved, or the plant, machinery or materials to be used, do not interfere unreasonably with the amenity of the area.

Comment – The proposed industrial building and warehouse use will not interfere unreasonably with the amenity of the area.

State Environmental Planning Policy No. 1 provides flexibility of the application of planning control, which would hinder the objectives specified in section 5 of the Environmental and Planning Assessment Act. SEPP 1 sets out the general principals that a development standard may be varied where strict compliance can be shown to be unreasonable or unnecessary or would tend to hinder the attainment of the objectives of state, regional or local planning instruments and in particular the underlying objectives of the development standard.

The development standard in this application in Clause 37 (a) Campbelltown (Urban Area) Local Environmental Plan 2002 that states

(a) 30 metres of the main southern railway line, the South Western Freeway, Ben Lomond Road between Pembroke Road and the Main Southern Railway Line, Campbelltown Road, Henderson Road, Pembroke Road, Rose Payten Drive or Williamson Road.

Environmental Planning and Assessment Act 1979 Objectives In assessing a SEPP No. 1 objection, the objectives of Section 5 must be considered.

5 Objectives - The objectives of this Act are:

- (a) to encourage:
 - I. The proper management, development and conservation of natural and artificial resources, including agricultural land natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
 - II. The promotion and co-ordination of the orderly and economic use and development of land,
 - III. The protection, provision and co-ordination of communication and utility services,
 - IV. The provision of land for public purposes,
 - V. The provision and co-ordination of community services and facilities, and
 - VI. The protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats and
 - VII. Ecologically sustainable development, and

- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

Comment – The construction of an Industrial/Warehouse building on this land will be consistent with the siting of a similar building on land adjoining this allotment. This application proposes the building to be at its closest point 26.0m to the rail line property. The existing building is sited 26.1m from the rail line. To the south is a water canal and to the north an electrical substation. The building will be consistent in setback to prominent buildings.

The reasons why compliance with the development standard is unreasonable or unnecessary in the circumstances of this proposal are:

- 1) The building will be sited a similar distance to the adjoining building.
- The application proposes substantial landscaping between the rail line and the development providing a well screened development.
- 3) No adverse impact of this site is envisaged.
- 4) The land has all services available and no environmental issues are expected.
- A 30.0m setback is a significant loss of Industrial land where no material advantage would be gained for a 30.0m setback.
- 6) There are no matters of public interest which could be adversely impacted by the approval of this application.
- The proposed building has a pleasing architectural design providing a quality development to the rail line in addition to Culverston Road.

Council support of this application is requested.



General Terms of Approval – for works requiring a Controlled Activity Approval under the Water Management Act 2000

Our Reference		10 ERM2010/0044	File No:	9052975		
Site Addre	ess	1 Culverston Road MINTO -	Lot 10 DP1056364			
DA Numb	er	2802/2008/DA-1				
LGA		Campbelltown City Council				
Number	Condition					
Plans, sta	ndards and guid					
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 2802/2008 and provided by Council:					
	the proposed of	ny amendments or modifications to the proposed controlled activities may render these GTA invalid. The proposed controlled activities are amended or modified the NSW Office of Water must be notified the termine if any variations to these GTA will be required.				
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.					
3	The consent holder must prepare or commission the preparation of 'Erosion and Sediment Control Plan'.					
4	All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water guidelines located at					
	http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx					
Rehabilitat	tion and mainten	ance	4 · · · · · · · · · · · · · · · · ·			
5	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.					
Disposal	· ·	·····				
6	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.					
Drainage a	and Stormwater					
7	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.					
8	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.					
	ONDITIONS					

Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 PO Box 3720 Parramatta NSW 2124 Australia t + 61 2 9895 6211 | e information@water.nsw.gov.au | www.water.nsw.gov.au | ABN 47 661 556 763

3.3 No. 127 Westmoreland Road, Leumeah - Construction of a pigeon loft

Reporting Officer

Manager Development Services

Attachments

- 1. Recommended Conditions of Consent
- 2. Locality Plan
- 3. Site Plan
- 4. Floor Plan
- 5. Sections
- 6. Elevations

Purpose

The purpose of this report is to assist Council in its determination of the subject development application in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

Property Description	Lot 6 DP 263265, No. 127 Westmoreland Road, Leumeah	
Application No	380/2010/DA-O	
Applicant	Mr Leon Phillip Murphy	
Owner	Mr Leon Phillip Murphy	
Statutory Provisions	Campbelltown (Urban Area) Local Environmental Plan 2002	
	Campbelltown (Sustainable City) Development Control Plan 2009	
Date Received	23 February 2010	

History

Following a customer complaint received by Council on the 5 November 2009, an inspection of the subject land was carried out on the 16 November 2009 by Council's compliance staff. The inspection revealed the existence of two loft structures that had not been approved by Council. Subsequently, the applicant was directed by letter on the 1 December 2009 to submit a land use application for the use of structures that had been constructed on site without consent, and if approval was obtained, to make an application for a Building Certificate.

Report

Introduction

Council has received a development application seeking approval for the use of an illegally constructed pigeon loft at No. 127 Westmoreland Road, Leumeah. There are two loft structures which house up to 140 pigeons - 100 racing birds and 40 breeding stock.

The Site

The subject site fronts Westmoreland Road at its eastern boundary and is located adjacent to residential properties at its side and rear boundaries.

The land has an area of 560 square metres and contains a single storey dwelling of brick construction. The loft structures are located along the west and southern boundaries of the allotment.

The Proposal

The pigeon lofts have an approximate area of 50 square metres and a height of 3.3 metres. The lofts consist of two structures:

- (i) a loft with building dimensions 16.055m x 2.07m located across the rear of the boundary, and
- (ii) a loft with a building footprint of 7.38m x 2.35m (average) located across the southern property boundary.

The loft located across the rear of the site is setback 0.84m from the rear boundary; the loft located along the southern boundary is setback 0.81m from the side boundary. The floor of each of the lofts is elevated from the ground to a height of 0.4 metres. The elevated floor is constructed from timber and supported by galvanised piers set in concrete footings. The walls of the structures are made from galvanised steel with the roof comprising colourbond steel sheeting. The colour of the loft is green and cream. Rainwater collected on the loft is diverted to the existing stormwater disposal system. The loft structures house up to 140 pigeons in total.

Assessment

The development has been assessed having regard to the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Section 79C(1)(a) requires that Council consider the provisions of environmental planning instruments, development control plans and other legislation when making its determination of an application. Specific planning controls regulating the use of pigeon lofts do not exist. Assessment of the application includes consideration of the impacts the development may have on the surrounding natural and built environments.

i. Campbelltown 2025 Looking Forward

'Campbelltown 2025 Looking Forward' is a statement of broad town planning intent for the longer term future of the City of Campbelltown that:

- Responds to what Council understands people want the City of Campbelltown to look, feel and function like;
- Recognises likely future government policies and social and economic trends; and
- Sets down the foundations for a new town plan that will help achieve that future.

The document establishes a set of strategic directions to guide decision making and development outcomes. These directions are broad in nature and form a prelude to a new statutory town plan for the City.

The strategic direction relevant to this application are:

• Growing the Regional City;

Relevant desired outcomes of the strategic directions included in Campbelltown 2025 include:

- Campbelltown City respects and promotes itself as a place that is relaxed and safe, yet convenient, vibrant and full of opportunity (offering the best of both worlds);
- Development and land use that matches environmental capacity and capability.

The proposal is considered to be generally consistent with the relevant desired outcomes within Campbelltown 2025 as the proposed development matches the environmental capacity of the site and the residential intent of the general area.

ii. Campbelltown (Urban Area) Local Environmental Plan 2002

The site is zoned 2 (b) Residential B Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The activity is considered to be a use not specifically defined in the plan, but is ancillary to the primary residential use and is therefore permissible with Council's consent.

The proposal is considered to be consistent with the following zone objectives:

- (a) To make general provision for land to be used for housing and associated purposes.
- (b) To allow the carrying out of a reasonable range of activities from dwellings, where such activities are not likely to adversely affect the amenity of the locality.
- (c) To allow development which:
 - (i) Is compatible with residential use, and
 - (ii) Is capable of visual integration with the surrounding buildings, and
 - (iii) Does not place demands on services beyond the level reasonably required for residential use.

It is considered that the development is consistent with one or more of the zone objectives and therefore, Council may grant development consent to the proposal, should it deem appropriate.

iii. Campbelltown (Sustainable City) Development Control Plan 2009

The application has been assessed having regard to Council's Campbelltown (Sustainable City) Development Control Plan 2009 (CSC DCP 2009). The aim of the plan is to identify objectives and design requirements for all aspects of development permissible under Council's LEPs and IDOs. The aims of the CSC DCP 2009 are:

- Ensure that the aims and objectives of any relevant EPI including Campbelltown's LEPs and IDOs are complemented by the Plan;
- Ensure that the principles of ecological sustainability are incorporated into the design, construction and ongoing operation of development;
- Facilitate innovative development of high quality design and construction in the City of Campbelltown;
- Ensure that new development maintains or enhances the character and quality of the natural and built environment;
- Ensure that new development takes place on land that is capable of supporting development;
- Encourage the creation of safe, secure and liveable environments;
- Ensure that new development minimises the consumption of energy and other finite resources, to conserve environmental assets and to reduce greenhouse gas emissions; and
- Provide for a variety of housing choices within the City of Campbelltown.

It is considered that the proposal is compatible with the relevant aims of the Plan.

Further to these aims, other relevant provisions of the plan relate to the general requirements for floor space ratio (FSR). Under the controls contained in Part 3.7.1 a) of CSC DCP 2009, the total FSR of all buildings undertaken on a residential allotment, including a dwelling house, domestic outbuildings, and a garden flat shall not exceed 0.55:1. The proposed development would result in an FSR for all buildings on the site of 0.33:1 which is in compliance with the control contained in CSC DCP 2009.

The maximum combined floor area for all detached domestic outbuildings allowed under CSC DCP 2009 in Part 3.7.3.2 is 55 square metres. The definition of a domestic outbuilding under the plan "means a building or structure used for purposes ancillary to the main dwelling(s) on an allotment and includes awnings, pergolas, gazebos, garden sheds, garages, carports and the like, but does not include a swimming pool." Whilst pigeon lofts or bird aviaries are not specifically included in the definition of a domestic outbuilding, the structures subject of this application are of a size, character and are constructed of materials similar to the listed examples. The loft structures have a total area of 50 square metres which is within the maximum floor area allowable for domestic outbuildings under CSC DCP 2009.

The minimum required setbacks for domestic outbuildings under CSC DCP 2009 in Part 3.7.3.4 are 0.45 metres from any side boundary and 5.0 metres from the rear boundary.

The existing loft structures are set back 0.81 metres from the side boundary and 0.84 metres from the rear boundary. The structures therefore encroach within the rear setback area required for outbuildings by 4.16 metres. This represents a variation of 83 per cent of the standard within the CSC DCP 2009. In this regard and given the position and total size of the constructed lofts, it is considered that the proximity of the loft to the rear boundary has caused an unreasonable impact on the neighbouring properties.

iv. Environmental Impacts

Section 79C(1)(b) of the EP&A Act requires Council to consider the "likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality." The issues that have been identified for further consideration are as follows:

Noise

The birds are currently housed within the loft at all times except during periods of racing and training. The birds are trained twice daily. The applicant has submitted that the noise made by pigeons is minor when caged and flying.

The applicant has not submitted a noise assessment report to substantiate the noise output of the development, but has made reference to a report by Child & Associates, (as the court appointed expert for Development Application 5063/2004/DA-O) prepared in a previous application to Council relating to a pigeon loft at No. 13 Wordsworth Avenue, Leumeah (application 5063/2004/DA-O was withdrawn and consent later granted under a separate application).

The loft referred to in the previous application housed 75 pigeons. The loft was a smaller structure than that proposed by this application, but was constructed from similar materials. The report concluded that the noise levels of that particular development were perceptible but not excessively high. The loft proposed by this application will house more pigeons in a larger structure. The noise generated by this development may be more perceptible, but is unlikely to be excessive.

Considering the location and size of the site and loft, should Council decide to grant consent, a recommended condition should be included to limit the number of pigeons kept in the loft to 140 birds and a condition of consent be recommended as to limit the noise level of the development to be no greater than 5 dBA above existing background noise (without pigeons in the loft), at the closest residential receiver.

Public Health

The loft is cleaned daily by scraping and sweeping waste. The droppings are collected and used for compost on site and are donated to a local garden club. Cleaning does not include washing or hosing as the applicant has submitted that this is bad for the health of pigeons and the loft needs to be kept dry. The pigeon feed is kept in a separate part of the proposed loft in a sealed drum.

Should Council decide to grant development consent, recommended conditions of consent should be included relating to the cleaning and maintenance of the loft, keeping of feed and construction of the loft to ensure the health and safety of residents and birds.

Visual Impact

The lofts are located at the rear of the site behind an existing single storey dwelling. The height of the lofts is 3.3 metres above ground level and the loft located along the rear boundary is setback a distance of 0.84 metres. The rear boundary width of the site is 17.28 metres and the loft along the rear boundary is 16.055 metres in length. The top of the loft structures are not visible from the street.

Given the non-compliances raised earlier in the report in regard to minimum setback provisions, it is considered that the existing loft structures are in a location that results in an unreasonable visual impact on the nearby and surrounding properties.

A such, it is recommended that the combined total floor area of the lofts should be reduced to a total size of no greater than 30 square metres and that the north western corner of the site not house any part of the loft structure as shown on Attachments 3, 4 and 6.

Odour

There may be some odours associated with the occupation of the loft by the pigeons especially during hot, humid weather. However the loft is well ventilated and will be cleaned daily which will minimise the potential for this occurrence.

Should Council decide to grant development consent, it is recommended that a condition of consent be included relating to the cleaning and maintenance of the loft.

Public Participation

The application was notified to 13 nearby and adjoining residents. Council received three submissions in response to the notification. Copies of all submissions have been included under separate cover. The following issues were raised in the submissions:

• Waste

Concerns were expressed about droppings and feathers from the pigeons being left on dwellings and cars in the surrounding area.

Comment – The pigeons are inside the loft structures for the majority of the day only leaving to be trained/exercised twice daily. There may be some waste occurring during these flight times, but it is considered that it would not be significant. A site inspection revealed that there were feathers on the subject site around the side and rear of the loft structures. The applicant indicated that the use of timber flooring on the loft structures had significantly reduced the amount of feathers escaping from the loft.

Health

A concern was expressed that a nearby resident has an allergy to feathers and that pigeons are attracting fleas.

Comment – No clear evidence has been submitted by the objector that demonstrates that pigeons are the cause of allergies or that pigeons are attracting fleas. In regard to this issue, Council's Senior Environmental Health Officer has provided further comment to the effect that racing pigeons are usually well maintained birds and are highly valued by their owners and as such, good care is taken of their health.

• Pigeons Causing Impacts on Amenity

Concerns were expressed that the pigeons will create foul smells and attract vermin.

Comment – There may be some odours associated with the occupation of the loft by the pigeons especially during hot, humid weather. However, as mentioned previously the loft will be cleaned daily by scraping and sweeping away waste. Furthermore, if Council grants development consent, a recommended condition of consent should be included relating to the cleaning and maintenance of the loft. Feed for the pigeons will be kept in a separate location in sealed drums, reducing the vermin attracted to the loft.

Conclusion

The development application seeks approval for the use of an illegally constructed pigeon loft which includes the keeping of up to 140 birds within the loft. The subject site is zoned Residential 2(b) Residential B Zone. The subject site fronts Westmoreland Road on its eastern boundary and is located adjacent to residential properties on both side and rear boundaries. There is no definition within the relevant controls or policies for that of a "Pigeon Loft".

The proposal has been assessed against Council's relevant controls and policies and in the case where the structures were to be defined as "domestic outbuildings", the size of the pigeon lofts would be found to comply with the maximum floor area requirements. In this regard the lofts cover an area of 50sqm which is less than the CSC DCP 2009 allowance for "domestic outbuildings" being 55sqm. Despite this however, the position of the lofts do not comply with the required rear boundary setback distance and it is considered appropriate that the lofts be reduced in size to reduce the impact on the amenity of the residents of the adjoining property to the rear and in particular, in terms of the impact on visual amenity.

As such, it is considered reasonable to include a condition of consent that requires the pigeon loft (positioned along the rear boundary) to be reduced in size so that the total combined floor area for all pigeon lofts do not exceed a floor area of 30sqm. In this regard, the attached plans show the particular section that should be demolished to comply with this requirement should Council grant consent to the application.

Residents in the area were notified of the development application. Council received three separate submissions of objection to the development the proposal. Issues raised have been addressed within this report.

Officer's Recommendation

That development application 380/2010/DA-O for the construction of a pigeon loft at Lot 6 DP 263265, No. 127 Westmoreland Road, Leumeah be approved as a "Deferred Commencement" consent subject to:

- 1. the reduction of the total building area of the pigeon lofts to 30 square metres in accordance with the positioning and demolition of structures shown on attached plans prior to the consent being deemed active;
- 2. the applicant obtaining a Building Certificate for the illegally constructed pigeon lofts (to be retained) prior to the consent being deemed active;
- 3. that the "deferred commencement" consent be issued on the basis that items No.1 and No.2 are to be satisfied within three months of the endorsed date of the consent; and
- 4. that subject to the applicant satisfying the requirements of items No.1 and No.2, that Council provide written notice to the applicant that the consent is deemed active subject to the recommended conditions contained under Schedule B of Attachment 1.

Committee Note: Mr Phil Murphy attended the meeting and was prepared to address the Committee if required.

Committee's Recommendation: (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

CARRIED

Voting for the Committee's Recommendation were Councillors: Bourke, Greiss, Kolkman, Matheson and Thompson.

Voting against the Committee's Recommendation was: Councillor Oates.

Council Meeting 1 June 2010 (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 94

That the Officer's Recommendation be adopted.

CARRIED

Voting for the Council Resolution were: Councillors: Borg, Bourke, Chanthivong, Dobson, Greiss, Hawker, Kolkman, Lake, Rowell, Rule, Thomas and Thompson.

Voting against the Council Resolution: Nil.

Recommended Conditions of Consent

DEFERRED COMMENCEMENT

You are advised that the subject application has been granted "Deferred Commencement" consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979.

The applicant has been given a period of 3 months in which to satisfy the requirements listed in Schedule "A". Upon the submission of such evidence and the applicant receiving written notification that Council is satisfied, then the consent shall become operative subject to compliance with conditions outlined in Schedule "B".

SCHEDULE A

The conditions of Schedule 'A' are set out as follows:

- i. Within 3 months from the date of this notice of determination, the applicant is required to reduce the total building area of the pigeon lofts to 30 square metres in accordance with the attached plans;
- ii. Within 3 months from the date of this notice of determination, the applicant is required to obtain a Building Certificate for the illegally constructed pigeon lofts.

SCHEDULE B

The conditions of Schedule 'B' are set out as follows:

GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

1. Approved Development

The development shall take place in accordance with the approved development plans containing Council's approved development stamp and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.

2. Building Code of Australia

All building work must be carried out in accordance with the provisions of the *Building Code of Australia*. In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

3. Number of Birds

The total number of birds (pigeons) kept on the property at any time shall not exceed 140.

4. Free Flight

- i. The applicant shall notify Council in writing 2 weeks before the end of January each year about their intentions of racing or not that year;
- ii. During racing season (1 February to 1 October), and three months prior:
 - a) The birds shall not be exercised (released from loft) more than twice per day;
 - b) The birds shall be exercised (released from loft) at a regular time each day;
 - c) Other than the planned flight times the birds shall be kept within their loft;
- iii. Outside racing season and in years not racing, the birds shall be exercised (released from loft) a minimum of once per week.

5. Maintenance of Loft

The applicant shall maintain the pigeon loft in a manner, which ensures there is no habitation for vermin. The pigeon habitats shall be cleaned on a regular basis to ensure the health and safety of residents and birds and to ensure no odours are emitted from the loft. Loft floors shall be cleaned on a minimum basis of once per week.

6. Feed

Pigeon feed shall be stored in a vermin-proof container at all times.

7. Noise Level

The development shall operate within a noise level no greater than 5dBA above background noise levels (measured when the pigeons are not in the loft) when measured at the closest residential receiver except on occasions when repairs are being carried out on the loft and associated structures.

8. Floor Construction

The floor of the loft shall be constructed so that water shall drain to a waste facility. All floors shall be constructed from impervious materials that enable proper drainage.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any works on site.

9. Erection of Construction Sign

Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours;
- b. Stating that unauthorised entry to the work site is prohibited; and
- c. Pollution warning sign promoting the protection of waterways (issued by Council with the development consent);
- d. Stating the approved construction hours in which all works can occur.
- e. Showing the name, address and telephone number of the principal certifying authority for the work.

Any such sign/s is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

10. Construction Work Hours

All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No Work.

11. Erosion and Sediment Control

Erosion and sediment control measures shall be provided and maintained throughout the construction period, in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook),* the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

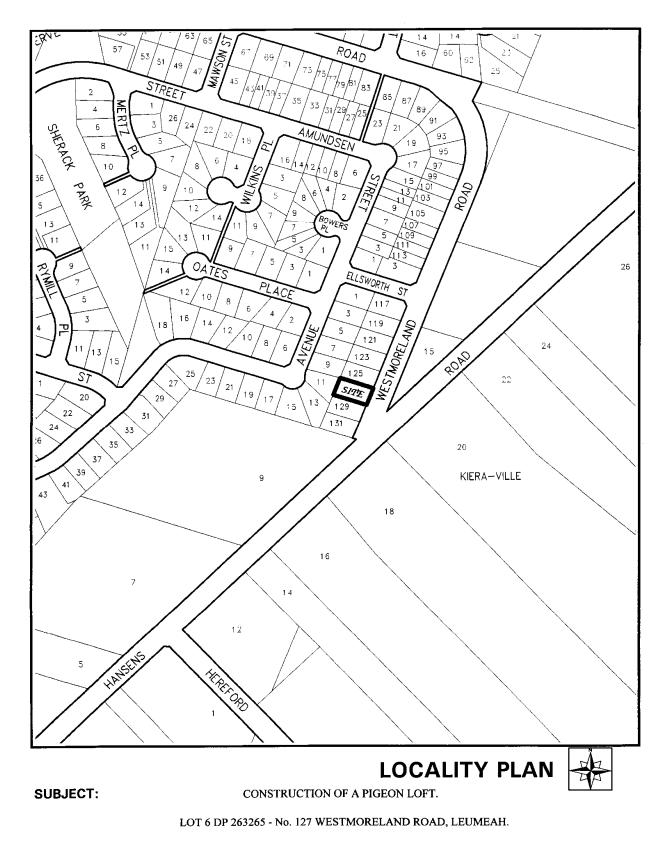
The Environmental Planning and Assessment Act 1979 requires you to:

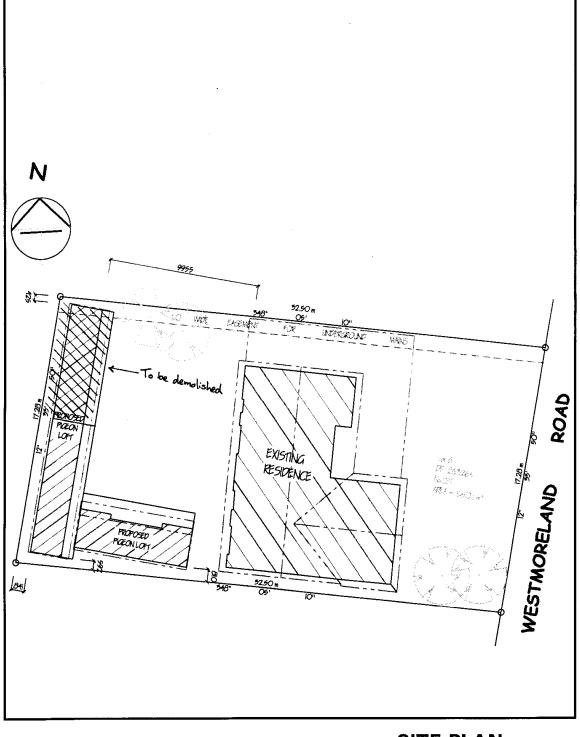
- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4608.
- b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

Advice 2. Dial 1100 Before you Dig

Underground cable and pipes may exist in the area. In your own interest and for safety, telephone 1100 before excavation or erection of structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website - www.dialbeforeyoudig.com.au

END OF CONDITIONS



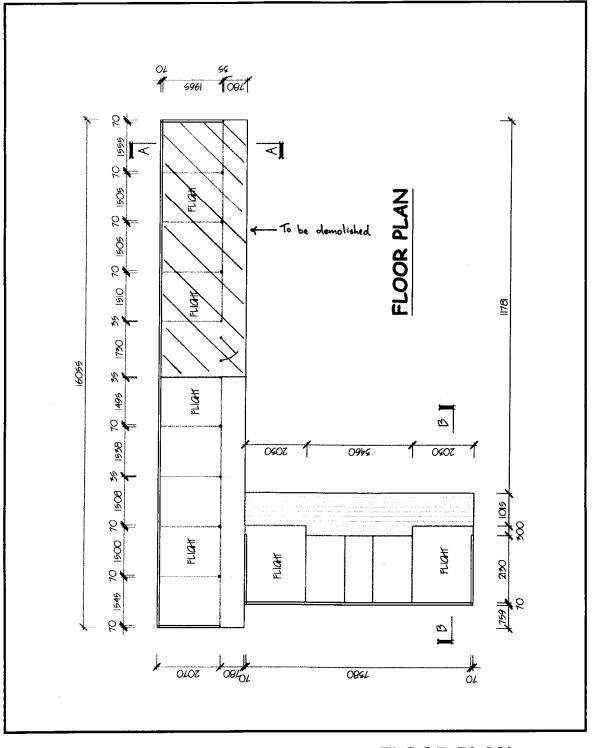


SITE PLAN

SUBJECT:

CONSTRUCTION OF A PIGEON LOFT.

LOT 6 DP 263265 - No. 127 WESTMORELAND ROAD, LEUMEAH.

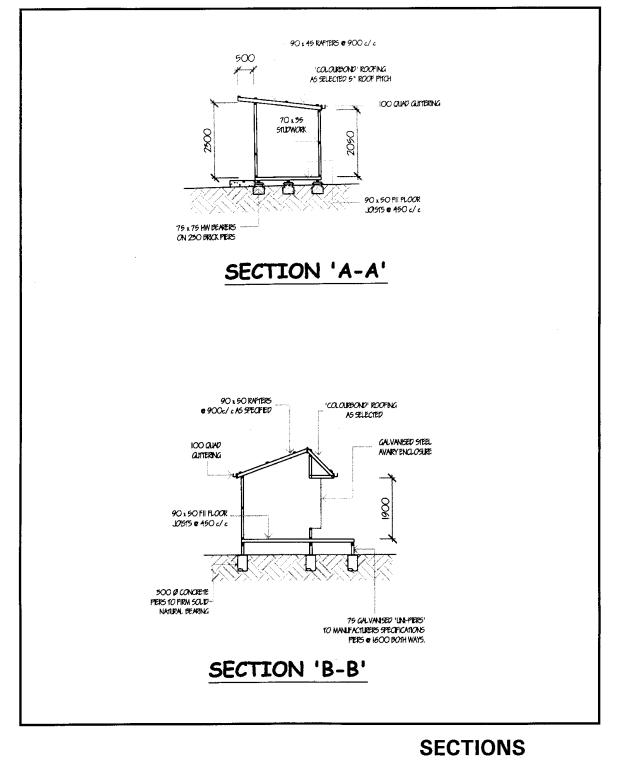


FLOOR PLAN

SUBJECT:

CONSTRUCTION OF A PIGEON LOFT.

LOT 6 DP 263265 - No. 127 WESTMORELAND ROAD, LEUMEAH.

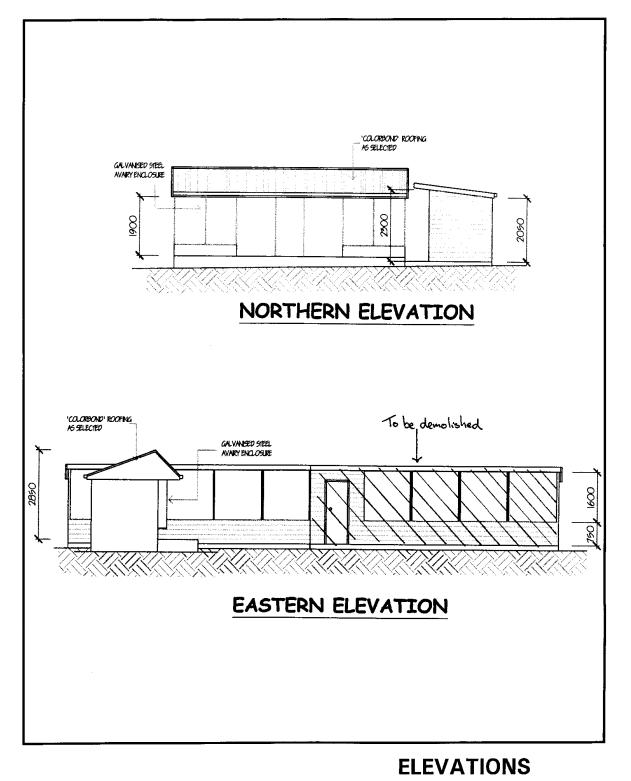


SUBJECT:

CONSTRUCTION OF A PIGEON LOFT.

LOT 6 DP 263265 - No. 127 WESTMORELAND ROAD, LEUMEAH.

ATTACHMENT 6



SUBJECT:

CONSTRUCTION OF A PIGEON LOFT.

LOT 6 DP 263265 - No. 127 WESTMORELAND ROAD, LEUMEAH.

4. **COMPLIANCE SERVICES**

4.1 Legal Status Report

Reporting Officer

Manager Compliance Services

Attachments

Nil

Purpose

To update Council on the current status of the Planning and Environment Division's legal matters.

Report

This report contains a summary of the current status of the Division's legal matters relating to:

- The Land and Environment Court;
- The District Court;
- The Local Court; and •
- Matters referred to Council's Solicitor for advice.

A summary of year-to-date costs and the total number of actions are also included.

1.	Land and Environment Court Class 1 Matters – Appeals Against Council's	
	Determination of Development Applications	

Total ongoing Class 1 DA Appeal Matters (as at 14/05/2010) Total completed Class 1 DA Appeal Matters (as at 14/05/2010) Costs from 1 July 2009 for Class 1 DA Appeal Matters: \$163,098.01

1 (a)	Gabriel Vella and Betty Vella
Issue:	Deemed refusal of Development Applications 2406/2009/DA-DW (erection of a dwelling house) and 2873/2009/DA-SP (construction of an inground swimming pool).
Property:	Lot 8 DP 285774 No. 22 Macquarie Links Drive, Macquarie Links.

2

7

Property Owner: File No:	Mr. Gabriel Joseph Vella and Mrs. Betty Vella 2406/2009/DA-DW and 2873/2009/DA-SP (Court File
Court Application Filed	10086 of 2010)
Court Application Filed: Applicant:	12 February 2010 Gabriel Vella and Betty Vella
Costs Estimate:	\$20,000.00 (exclusive of Barristers, Court Appointed
	Experts or disbursement fees)
Final costs:	\$18,182.80
Status:	Completed.
Action Since Last Meeting	The matter was before the Court on 12 April 2010 for Hearing where the Court dismissed the Applicants appeal.
1 (b)	John Galluzzo
Issue:	Appeal under Section 56A of the Land and Environment Court Act 1979 against Commissioner Bly's decision of 18 December 2009 to dismiss the applicant's appeal against Council's refusal of Development Application 1972/2007/DA-C for the extensions to a childcare centre.
Property:	Pt Lot 101 DP 602622 No.1 Bloomfield Road, Denham Court.
Property Owner:	John Galluzzo
File No:	1972/2007/DA-C (Court File 10/10099)
Court Application Filed:	17 February 2010
Applicant:	John Galluzzo
Hearing date: Costs Estimate:	15 June 2010 \$20,000.00 (exclusive of Barristers, Court Appointed
Costs Estimate.	Experts or disbursement fees)
Costs to date:	No invoices submitted to date
Status:	Ongoing
Action Since Last Meeting	Listed for hearing on 15 June 2010.
1 (c)	Angelo Skagias and Nick Skagias
Issue:	Deemed refusal of a Section 96 application to modify Development Applications 2334/2007/DA-C for the demolition of existing dwelling and construction of a four storey commercial building.
Property:	Lot 6 SEC 4 DP 2913 No. 34 Carlisle Street Ingleburn.
Property Owner:	Mr Angelo Skagias and Mr Nick Scagias
File No:	2334/2007/DA-C (Court File 10156 of 2010)
Court Application Filed:	9 March 2010
Applicant:	Mr. Angelo Skagias and Mr. Nick Skagias
Hearing date: Costs Estimate:	12 and 13 July 2010 \$20,000.00 (exclusive of Barristers, Court Appointed
טטשנש בשנוווומול.	$\psi_{20},000,00$ (exclusive of Damsters, Court Appointed

Costs to date:	Experts or disbursement fees) No invoices submitted to date
Status:	Ongoing.
Action Since Last Meeting	Listed for hearing on 12 and 13 July 2010.

2. Land and Environment Court Class 1 Matters – Appeals Against Council's Issued Orders/Notices

Total ongoing Class 1 Order/Notice Appeal Matters (as at 14/05/2010)1Total completed Class 1 Order/Notice Appeal Matters (as at 14/05/2010)0Costs from 1 July 2009 for Class 1 Order/Notices Appeal Matters:\$0.00

2 (a)	Anthony Powell
Issue:	Appeal against the terms of Council's Order No's. 1 and 12 served under Section 121B of the Environmental Planning and Assessment Act 1979, requiring the applicant to cease use of a garage being used for habitable purposes and reinstate the garage for its approved use.
Property:	Lot 105 DP 544373 No. 9 Aubrey Street, Ingleburn.
Property Owner:	Mr. Anthony Powell and Ms. Christine Lamont
File No:	1359/2009/N-EPA (Court File 10138 of 2010)
Court Application Filed:	2 March 2010
Applicant:	Mr. Anthony Powell
Directions hearing date:	20 May 2010
Costs Estimate:	\$10,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	\$2,218.40
Status:	Ongoing.
Action Since Last Meeting	Listed for further directions hearing on 20 May 2010.

3.	Land and Environment Court Class 4 Matters – Non-Compliance with Council	
	Orders / Notices or Prosecutions	

Total ongoing Class 4 matters before the Court (as at 14/05/2010) Total completed Class 4 matters (as at 14/05/2010)	0 4
Total ongoing Class 4 matters in respect of costs recovery	
(as at 14/05/2010) these matters will be further reported on completion	4
Costs from 1 July 2009 for Class 4 matters	\$4,561.37

It should be noted that Council currently has four items that have been determined by the Court, however the cost recovery process is ongoing. To ensure that this report only contains active matters these items have been removed from the report and will be reported upon once the cost recovery process is completed.

4. Land and Environment Court Class 5 - Criminal enforcement of alleged pollution offences and various breaches of environmental and planning laws.

Total ongoing Class 5 matters before the Court (as at 14/05/2010)	0
Total completed Class 5 matters (as at 14/05/2010)	2
Total ongoing Class 5 matters in respect of costs recovery	
(as at 14/05/2010) these matter will be further reported on completion	2
Costs from 1 July 2009 for Class 5 matters	\$21,853.78

5. Land and Environment Court Class 6 - Appeals from convictions relating to environmental matters

Total ongoing Class 6 Matters (as at 14/05/2010)	0
Total completed Class 6 Matters (as at 14/05/2010)	0
Costs from 1 July 2009 for Class 6 Matters	\$0.00

6. Land and Environment Court Tree Dispute Matters – Applications filed under the Trees (Disputes Between Neighbours) Act 2006

Total ongoing Tree Dispute Matters (as at 14/05/2010)	0
Total completed Tree Dispute Matters (as at 14/05/2010)	0
Costs from 1 July 2009 for Tree Dispute Matters	\$0.00

7.	District Court – Matters on Appeal from lower Courts or Tribunals r environmental offences.	not being
	Total ongoing Appeal matters before the Court (as at 14/05/2010) Total completed Appeal matters (as at 14/05/2010) Total ongoing Appeal matters in respect of costs recovery	0 1
	(as at 14/05/2010) these matters will be further reported on completion Costs from 1 July 2009 for District Court Matters	1 \$0.00

8. Local Court Prosecution Matters

The following summary lists the current status of the Division's legal matters before the Campbelltown Local Court.

Total ongoing Local Court Matters (as at 14/05/2010)	8
Total completed Local Court Matters (as at 14/05/2010)	101
Costs from 1 July 2009 for Local Court Matters	\$17,798.58

File No: Offence: Act: Costs to date: Status – Ongoing:	LP 10/10 - Penalty Notice Court Election Deposit litter (cigarette butt) from vehicle Protection of the Environment Operations Act \$0.00 The matter was before the Court for first mention on 2 March 2010 where the accused entered a not guilty plea. The matter has been adjourned to 14 May for hearing
File No: Offence: Act: Costs to date: Status – Ongoing:	LP 17/10 – Enforcement Order Court Election Stop on/near children's crossing – school zone Road Rules 2008 \$0.00 The matter is listed for hearing on 9 July 2010.
File No: Offence: Act: Costs to date: Status – Ongoing:	LP 18/10 - Penalty Notice Court Election Uncontrolled Dog in a public place - not dangerous dog Companion Animals Act \$0.00 The matter is listed for first mention on 16 March 2010 where the accused entered a not guilty plea. The proceedings have been adjourned to 18 May 2010 for hearing.

File No: Offence: Act: Costs to date: Status – Ongoing:	LP 19/10 - Enforcement Order Court Election Deposit litter (cigarette) from vehicle Protection of the Environment Operations Act \$0.00 The matter was before the Court for first mention on 13 April 2010 where the Defendant entered a not guilty plea. The proceedings were adjourned to 25 June for hearing.
File No: Offence: Act: Final Costs: Status – Completed:	LP 22/10 - Penalty Notice Court Election Fail to comply with prevention notice Protection of the Environment Operations Act \$0.00 The matter was before the Court for plea/mention on 13 April 2010 where the accused, Dr. Nural Islam, entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved and imposed a fine of \$750 and made an order for court costs in the sum of \$76.00.
File No: Offence: Act: Final Costs: Status – Completed:	LP 23/10 - Penalty Notice Court Election Fail to pay prevention notice administration fee Protection of the Environment Operations Act \$0.00 The matter was before the Court for plea/mention on 13 April 2010 where the accused, Dr. Nural Islam, entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved and imposed a fine of \$500.
File No: Offence: Act: Costs to date: Status – Ongoing:	LP 24/10 - Penalty Notice Court Election Pollute waters (excavated material deposited on roadway) Protection of the Environment Operations Act \$0.00 The matter was before the Court for first mention on 13 April 2010 where the Defendant entered a not guilty plea. The proceedings were adjourned to 29 June for hearing.
File No: Offence: Act: Costs to date: Status – Ongoing:	LP 25/10 – Penalty Notice Court Election Stop on path/strip in built-up area Road Rules 2008 \$0.00 The matter was listed for first mention on 13 April 2010 where the accused entered a not guilty plea. The matter has been adjourned to 17 June for hearing.

Elle No.	LD 00/40 Devictor Nation Court Flastian
File No:	LP 26/10 – Penalty Notice Court Election
Offence:	Disobey no stopping signs
Act:	Road Rules 2008
Costs to date:	\$0.00
Status – New Matter:	Listed for first mention on 11 May 2010.
File No:	LP 27/10 – Penalty Notice Court Election
Offence:	Not stand vehicle in marked parking space
Act:	Local Government Act
Costs to date:	\$0.00
Status – New Matter:	Listed for first mention on 15 June 2010.
	LD 20/40 Density Nation Court Flaction
File No:	LP 28/10 – Penalty Notice Court Election
Offence:	Stand vehicle in disabled persons parking space without
Act:	authority Road Rules 2008
Costs to date:	\$0.00
Status – New Matter:	50.00 Listed for first mention on 29 June 2010.
Status – New Matter.	
File No:	LP 29/10 – Penalty Notice Court Election
Offence:	Development undertaken without development consent
Act:	Environmental Planning and Assessment Act
Costs to date:	\$0.00
Status – New Matter:	Listed for first mention on 18 May 2010.
File No:	LP 30/10 – Penalty Notice Court Election
Offence:	Pollute Waters - Corporation
Act:	Protection of the Environment Operations Act
Costs to date:	\$0.00
Status – New Matter:	Listed for first mention on 25 May 2010.
File No:	L D 21/10 Departy Notice Court Election
Offence:	LP 31/10 – Penalty Notice Court Election Pollute Waters - Corporation
Act:	Protection of the Environment Operations Act
Costs to date:	\$0.00
Status – New Matter:	Listed for first mention on 25 May 2010.
Status - NEW WALLET.	LISTER TOF THEIR THEIR TOTI OF 25 Way 2010.
File No:	LP 32/10 – Penalty Notice Court Election
Offence:	Pollute Waters - Corporation
Act:	Protection of the Environment Operations Act
Casta ta data.	\$0.00
Costs to date:	

File No:	LP 33/10 – Penalty Notice Court Election
Offence:	Development not in accordance with development consent
Act:	Environmental Planning and Assessment Act
Costs to date:	\$0.00
Status – New Matter:	Listed for first mention on 25 May 2010.

9. Matters Referred to Council's Solicitor for Advice

The following summary lists the status of matters referred to Council's Solicitors for advice on questions of law, the likelihood of appeal or prosecution proceedings being initiated, and/or Council liability.

Total Advice Matters (as at 14/05/2010) Costs from 1 July 2009 for Advice Matters

8 \$35,937.06

10. Legal Costs Summary

The following summary lists the Planning and Environment Division's net Legal Costs for the 2009/2010 period.

Relevant Attachments or Tables	Costs Debit	Costs Credit
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$163,098.81	\$0.00
Class 1 Land and Environment Court - appeals against Orders or Notices issued by Council	\$2,218.40	\$0.00
Class 4 Land and Environment Court matters - non- compliance with Council Orders, Notices or Prosecutions	\$4,561.37	\$0.00
Class 5 Land and Environment Court - Pollution and Planning prosecution matters	\$21,853.78	\$0.00
Class 6 Land and Environment Court - appeals from convictions relating to environmental matters	\$0.00	\$0.00
Land and Environment Court tree dispute between neighbours matters	\$0.00	\$0.00
District Court Appeal matters	\$0.00	\$0.00

Overall Net Costs Total (GST exclusive)	\$243,817.75		
Costs Sub-Total	\$245,467.75	\$1,650.00	
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00	
Matters referred to Council's Solicitor for Legal Advice	\$35,937.06	\$0.00	
Local Court Prosecution matters	\$17,798.58	\$1,650.00	

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Bourke)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 1 June 2010 (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 92

That the Officer's Recommendation be adopted.

CARRIED

4.2 Compliance Services Section Quarterly Activity Summary Report January to March 2010

Reporting Officer

Manager Compliance Services

Attachments

Compliance Services Quarterly Activity Summary Table.

Purpose

To provide Council with a quarterly report of activities for the Compliance Services Section.

Report

This report summarises key section activities and operational results for the reporting period January to March 2010.

1. Regulated Premises Inspections

Regulated premises inspection statistics presented in the Activity Summary Statistics Table in the Attachment are divided into Food, Public Health and Wastewater Management System inspections.

All regulated premises are placed in a risk category. The frequency of inspections varies according to the risk classification. Additional inspections (i.e. reinspections) are sometimes undertaken when premises are found to be unsatisfactory and there is an identified need to follow up on outstanding matters.

a. Food Premises

Within Campbelltown there are approximately 683 regulated food premises separated into three categories requiring 1,032 scheduled inspections per annum as follows:

Low Risk Premises (inspected when necessary) – includes food businesses such as prepackaged catering outlets, variety stores, confectionary shops, chemists, video stores and newsagents.

Category 1 Premises (medium risk – inspected once per year) – includes fruit and vegetable stores, service stations, convenience stores, health food shops and general grocery stores

Category 2 Premises (high risk – inspected twice per year) – includes restaurants, takeaway shops, bakeries, cafes, clubs, pubs, child care centres, supermarkets, juice bars, fish shops, delicatessens, institutions and hospitals.

Food Premises Category	No. of Premises	No. of Annual Inspections
Low Risk	133	Complaints only
Category 1	68	68
Category 2	482	964
TOTAL	683	1032

Amendments to the Food Act 2003 and the establishment of the Food Regulation Partnership between the NSW Food Authority and NSW Councils in 2008 resulted in a mandated and more consistent role for Local Government in food regulation.

As a result Council reviewed its food premises categories and inspection frequency in order to be consistent with other NSW Councils.

A total of 211 food premise inspections were conducted for the reporting period. Of the 211 inspections undertaken, 36 (17%) food premise inspections were recorded as unsatisfactory. Follow up (reinspections) are undertaken where premises are found to be unsatisfactory at the time of initial inspection, to ensure they reach a satisfactory standard. In certain situations, Food Act Improvement Notices or Penalty Notices are issued when necessary to encourage compliance.

b. Public Health

Within Campbelltown there are approximately 201 regulated premises separated into three risk categories requiring 208 scheduled inspections per annum.

- **Category 1 Premises** (inspected once per year) Beauty Salons (low risk), Boarding Houses, Funeral Parlours, Skin Penetration (low risk procedure, i.e. waxing), Hairdressers, Nail Artists, Solariums.
- **Category 2 Premises** (inspected twice per year) Brothels, Skin Penetration (high risk procedure body piercing).
- **Category 3 Premises** (inspected once per year) Legionella Microbial Control (Air-Conditioning Cooling Towers).

Health Premises Category	No. of Premises	No. of Annual Inspections
Category 1	130	130
Category 2	7	14
Category 3	64	64
TOTAL	201	208

The number of health premise inspections undertaken (30) was below the quarterly average which offset higher than average inspections (98) conducted in the preceeding October - December 2009 quarter.

Of the 30 regulated health premise inspections conducted during the reporting period, 1 (3 %) of the premises inspected were recorded as unsatisfactory.

Follow up (reinspections) are undertaken where premises are found to be unsatisfactory at the time of initial inspection to ensure the premises reach a satisfactory standard.

c. Wastewater Management Systems

The effective regulation and management of on-site wastewater management systems is necessary to ensure these systems operate properly and as a consequence do not cause a threat to the environment or human health.

As part of its effort to more effectively manage and regulate wastewater management systems, Council has revised its Wastewater Management Strategy which was formally adopted by Council on 7 July 2009.

The implementation of the revised strategy has commenced and is to be staged, with various unsewered locations throughout the City being addressed progressively.

Staff have commenced seeking applications for an approval to operate from system owners on an area by area basis. This has resulted in 62 system inspections during the reporting period.

2. Notices/Orders Issued

Food Act Notices are usually issued where there is repeated failure by a proprietor to meet appropriate standards or where serious breaches are identified. A total of seven Food Act Notices were issued during the reporting period, which compares to 18 Notices for the previous quarter.

Local Government Act Notices and Orders are issued for a range of matters including overgrown, unhealthy, unsafe or unsightly conditions. The number of Local Government Act Notices and Orders issued during the reporting period was 155, which was more than the number (120) issued for the previous reporting period.

The number of Swimming Pools Act Directions issued (12) requiring the erection of pool fencing or fencing repairs was less than the number of Directions (18) issued in the corresponding quarter in the previous year.

Environmental Planning and Assessment Act Notices and Orders are issued by Land Use and Environmental Compliance staff, primarily to ensure that premises comply with conditions of development consent and to regulate unauthorised land use. A total of 41 Notices and Orders were served during the reporting period compared to 45 in the previous quarter.

POEO Act Notices are issued for a variety of pollution matters including water pollution and waste dumping. The number of POEO Notices issue for the reporting period (20) was above the number issued (12) in the previous quarter.

3. Customer Service Requests

The Compliance Services Section receives a significant number of customer service requests across a broad range of issues as represented in Attachment 1. A total of 801 customer service requests were received for the reporting period. Significant complaint categories were barking dogs (118 requests), rubbish dumping/litter (76 requests), illegal construction/development (83 requests), Pollution (73 requests), Health (other) (68 requests), overgrown land (70 requests), abandoned motor vehicles (71 requests), and parking, (including heavy vehicles) (101 requests).

4. Applications

Building Certificate Applications relate to certificates issued under section 149A of the Environmental Planning and Assessment Act and provide assurance to applicants upon issue that Council will not take action to require the demolition or upgrade of the respective structure for a period of seven years after the date of issue of the certificate. These certificates are generally sought upon sale of property.

The number of Building Certificate Applications (31) received during the reporting period was marginally above the number of applications (27) received in the previous quarter.

Section 68 (Local Government Act) Event Approvals were issued for Australia Day, Ingleburn Alive Festival, Bangladesh Independence Day and the Bangla Mela Festival Events.

5. Impounding

The number of dogs impounded during this reporting period was 583, being marginally less than the historical quarterly average (600). The reduction was influenced by to two staff vacancies during the quarter. The percentage of dogs microchipped at the time of impounding was 50% which is consistent with quarterly averages.

A total of 205 cats were impounded throughout the reporting period being less than the previous reporting period (284) which is consistent with seasonal trends. The number of cats that are microchipped at the time they were impounded is typically lower than for dogs and for this reporting period, 1% were microchipped.

The number of abandoned vehicles impounded for this quarter was 10 with all of these vehicles being disposed of by recycling. Council is currently holding no abandoned vehicles.

6. Penalty Notices

Council issues a range of penalty notices relating to various matters including parking offences (on street, Council car parks, school zones), companion animal registration, dog straying, littering, fail to comply with orders, food safety and fail to obtain or comply with development consent.

The number of penalty notices issued for parking offences in Council carparks (514) increased slightly in comparison with the previous quarter (489). The number issued for on-street offences (680) decreased in comparison with the previous quarter (714).

7. Compliance/Education Programs

Compliance programs are an integral component of the Section's activities and represent a coordinated proactive approach to targeting specific community concerns. Resources are deployed strategically on a local or citywide basis as an alternative to addressing complaints on an individual basis.

A summary of Compliance Programs undertaken during the reporting period follows:

a. Illegal Parking in School Zones

During the reporting period, 28 school locations were patrolled resulting in the issue of 20 penalty notices.

b. Illegal Sign Statistics

A summary of sign statistics for the quarter can be located in Attachment 1.

c. Illegal Trail Bike Riding

During the reporting period one joint patrol with Police was undertaken resulting in no bikes being seized, 19 penalty notices issued, three charges laid with two cautions issued.

A number of single agency (Council) patrols were undertaken in response to the 26 complaints received during the reporting period.

d. Litter from Vehicles

For the reporting period one operation was undertaken and 10 penalty notices for littering were issued. These penalty notices were issued based upon independent staff observations and Ranger patrols.

e. Shopping Trolleys

One coordinated program was conducted during the report period and 24 trolleys were tagged. During the reporting period, however 19 trolleys were reported to contractors for collection.

f. Truck Parking

Five truck parking patrols were undertaken during the reporting period resulting in the issue of 45 parking penalty notices.

8. Other Activities

A summary of other activities or initiatives implemented within the reporting period are listed below:

• Council continues to conduct surveillance of construction sites for sediment and erosion control compliance.

- Active participation, both at Committee and operational level, in the Food Regulation partnership, incorporating activity reporting and the review of inspection procedures and related documentation.
- Participation in the review of the draft Public Health Bill which is being undertaken by NSW Department of Health and consists of a review of the existing Public Health Act 1991.
- Continued participation in the Sydney South West Area Health Service Public Health Unit Skin Penetration Working Group to improve industry practice and compliance.
- Patrols (by way of formalised agreement) of disabled parking at Campbelltown Mall continued through the reporting period.
- Participation in working group to develop a Pollution Response Protocol.
- Periodic (3 yearly) review of risk identification documents for various environmental health, building, land use and ranger activities.
- Ongoing review and development of the Standard Operating Procedures relating to Section activities, tasks and programs.
- Review of Compliance Services Section web site information.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 1 June 2010 (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 92

That the Officer's Recommendation be adopted.

CARRIED

ATTACHMENT 1

Compliance Quarterly Activity Summary Statistics

Activity		2009 uarter	ılt	YTD	
	1	2	3	4	
Regulated Premises Inspections					
Food	303	140	211		654
Public Health	12	98	30		140
Wastewater Management Systems	10	16	62		88
Total	325	254	303		882
Notices/Orders Issued					
Food Act	4	18	7		29
Local Government Act	114	120	155		389
Swimming Pool Act	16	14	12		42
Protection of Environment Operations Act	8	12	20		40
Environmental Planning and Assessment Act	46	45	41		132
Companion Animals Act	6	4	1		11
Total	194	213	236		643
Customer Requests					
Abandoned Motor Vehicles	60	78	71		209
Animals (other)	20	17	21		58
Barking Dogs	120	105	118		343
Dog Attacks	25	24	23		72
Dog Straying	52	36	52		140
Food/Health (regulated)	1	1	1		3
Footpath Obstruction	4	7	7		18
Health (other)	47	44	68		159
Heavy Vehicle Parking	30	16	30		76
Illegal Construction/Development	60	78	83		221
Overgrown Land	40	46	70		156
Parking (General)	49	50	71		170
Pollution	67	72	73		212
Rubbish Dumping/Litter	13	56	76		145

Trail Bikes		45	20	26	91
Tree Removal/Dangerous		15	6	11	32
	Total	648	656	801	2105

Compliance Quarterly Activity Summary Statistics

Activity	2009/10 Quarter Result				YTD
	1	2	3	4	
Applications					
Building Certificates	54	27	31		112
Approval to Operate Effluent Disposal System	0	10	04		04
Section 68 (Local Government Act)	0	40	21		61
Event Approvals Section 68 Local Government	1	5	4		10
Act	I	5	4		10
Total	53	72	56		181
Impounding					
Abandoned Vehicles	11	10	10		31
Shopping Trolleys	3	0	0		3
Total	14	10	10		34
Impounding Animals					
Dogs (Incoming)					
Impounded	428	427	583		1438
Surrendered	160	152	176		488
Total	588	579	759		1926
Dogs (Outgoing)					
Released to Owner	219	190	261		670
Sold	130	98	78		306
Euthanaised - Surrendered by Owner	95	103	128		326
Euthanaised - Restricted Dog	14	7	7		28
Euthanaised - health/temperament	6	3	13		22
Euthanaised - Unable to re-home	138	136	225		499
Total	602	537	712		1851

Planning and Environment Committee Meeting 25 May 2010Page 12717B4.2Compliance Services Section Quarterly Activity Summary Report January To March 2010

Cats (Incoming)				
Impounded	147	284	205	637
Surrendered	26	96	104	226
Total	173	380	309	862
Cats (Outgoing)				
Released to Owner	14	4	0	18
Sold	18	23	31	72
Euthanaised - Surrendered by Owner	15	58	29	102
Euthanaised - health/temperament	7	20	11	38
Euthanaised - Unable to re-home	117	274	237	628
Total	171	379	308	858
Penalty Notices				
Companion Animals	285	267	167	719
Environmental - includes litter and waste dumping	41	45	42	128
General - includes Public Health and Food Safety	22	27	21	70
Land Use	8	5	8	21
Parking (car parks)	1101	489	514	2495
Parking (on street)	1786	714	680	3180
Total	3243	1547	1432	6222
Compliance Programs				
Illegal Parking in School Zones				
Patrols	50	20	28	98
Warnings	0	4	3	7
Penalty Notices	123	50	20	193
Illegal Signs				
Complaints - Council property	4	4	1	9
Complaints - private property	0	0	2	0
Letters sent	4	2	0	6
Cautions issued	0	0	0	0
Fines issued	0	0	0	0
				-
Removed (posters from poles)	256	89	240	585

Planning and Environment Committee Meeting 25 May 2010Page 12817B4.2Compliance Services Section Quarterly Activity Summary Report January To March 2010

Illegal Trail Bike Riding				
Joint Patrols	2	2	1	5
Bikes Seized	4	0	0	4
Penalty Notices (Police)	29	17	17	63
Penalty Notices (Council)	3	2	2	7
Charges	9	3	3	15
Juvenile Cautions	8	2	2	12
Litter From Vehicles				
Patrols	1	0	1	2
Penalty Notices	3	14	10	27
Shopping Trolleys				
Patrols	0	0	1	1
Trolleys Tagged	0	0	24	24
Trolleys Impounded	0	0	0	0
Contractor Notified	60	10	19	89
Truck Parking				
Patrols	4	4	5	13
Penalty Notices	32	22	45	99

4.3 Infection Control Workshop

Reporting Officer

Manager Compliance Services

Attachments

Nil

Purpose

To advise Council of an Infection Control and Sterilisation Workshop to be provided for skin penetration operators within Campbelltown.

Report

Introduction

In early 2008, the Sydney South West Area Health Service (SSWAHS) and the Local Government Areas (LGAs) of Camden, Campbelltown, Canada Bay, Fairfield, Sydney, Parramatta and Hills established a Skin Penetration Working Group (SPWG). The SPWG has the following functions:

- To identify priority areas to improve industry compliance with the Public Health Act 1991, Public Health (Skin Penetration) Regulation 2000, NSW Health *Skin Penetration Guidelines* and NSW Health *Code of Best Practice*.
- To undertake surveys of industry to ascertain gaps in practice competencies.
- To assist councils develop and implement industry seminars.
- To scope national and international best practice for regulating these matters and lobby government for changes where there is evidence for improvement.
- To identify gaps and make recommendations to NSW Health on legislation.
- To identify projects to improve industry standards.
- To promote a uniform approach to management of the legislation across Local Government Areas.
- To develop education resources.
- To provide a communication network to keep councils informed of practice issues and for councils to assist each other with managing issues.

The SPWG identified nail and beauty salons as a focus project, as many beauty therapists were considered to have a poor understanding of infection control. One of the action areas identified was to develop a project to investigate current practices of operators and review the regulation of these premises. The SPWG recognised that if there were issues that required stronger regulation, evidence would be required to support these changes. The SPWG agreed to develop a local study and ask for the support of all councils in SSWAHS in implementing this project.

The SPWG at its initial meeting believed that there maybe a high degree of misunderstanding within different skin penetration industries of their responsibilities under the Public Health Act 1991 and Public Health (Skin Penetration) Regulation 2000. This was also influenced by the fact that skin penetration industries are only regulated from a building construction perspective and operators are not required to be trained in hygiene matters. A further concern was the possible inconsistent enforcement of legislation between LGAs as inspections of these premises are not mandated by legislation. Consequently it was decided that the best approach was to focus on a discrete area, with an initial survey of beauty (including waxing) and nail premises across the SSWAHS LGAs.

A Skin Penetration survey was developed by the SPWG and Environmental Health Officers from all participating LGAs were involved in a training workshop to refresh their legislative and practical knowledge to ensure that the survey was conducted in a consistent manner.

The survey uncovered a number of issues, especially in the area of infection control and formal operator training. There appears to be a misunderstanding of proper infection control techniques especially in relation to cleaning, disinfection and sterilisation of equipment which penetrate the skin.

A high proportion of operators and staff indicate that they had received appropriate training, ranging from diploma courses to industry based learning. This was a concern as many were still confused with proper infection control techniques, which are vital in this industry.

In response to this survey the SPWG agreed that each participating Council would conduct an infection control workshop for all skin penetration businesses within their local government area to educate operators on infection control.

Infection Control Workshop

The aim of the workshop is to educate premises operators and staff on the risks of skin penetration; infection control; the differences between cleaning, disinfecting and sterilisation; and outlining legal responsibilities to protect the health of staff and clients.

Skin penetration activities carry a high risk of transferring microbiological organisms to both clients and operators. Poor infection control in skin penetration premises increases the risks of transferring blood borne infections such as Hepatitis C and HIV, as well as bacterial infections such as Staphylococcal and Pseudomonal infections.

Workshops have been held by Fairfield and Canada Bay Councils with feedback from attendees being positive. It is proposed to hold an "Infection Control and Sterilisation Workshop" within Council's Civic Hall on Monday, 21 June 2010 from 5.30 – 8pm for operators and staff from the following types of skin penetration premises operating within the Campbelltown LGA:

- Acupuncture;
- body piercing;
- tattooing;
- semi permanent make up;
- cosmetic enhancement;
- Microdermabrasion;
- hair removal using wax or electrolysis;
- manicure/pedicure involving the use of cuticle cutters; and
- any other procedure which involves the deliberate penetration or removal of the skin.

The workshop will be presented by staff from Council and the Public Health Unit - Sydney South West Area Health Service including the Deputy Director Public Health Unit and the Manager Communicable Disease Control. A demonstration on the correct method of autoclave operation will be provided by Siltex the manufacturer of the autoclave used by the majority of operators within Campbelltown.

The topics to be covered will be:

1. Council

- What is Skin Penetration?
- Role of NSW Health & Legislation
- Role of Council
- Registration with local authority
- Inspections what to expect
- Common problems:
 - Difference between cleaning, disinfecting & sterilising
 - Hand Washing & Glitter Bug Activity
 - Importance of gloves
 - Tips for waxing
 - Cuticle cutting

2. NSW Health

- Importance of infection control
- Communicable Diseases Presentation
- Case Studies

3. Siltex Australia

• How to use and load an Autoclave

Council will be provided with a further report to advise of the outcome of the workshop.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Bourke)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 1 June 2010 (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 92

That the Officer's Recommendation be adopted.

CARRIED

5. GENERAL BUSINESS

Nil.

Confidentiality Motion: (Greiss/Thompson)

Due to the confidential nature of the business and the Committee's opinion that the public proceedings of the Committee would be prejudicial to the public interest, the Committee in accordance with Section 10 of the Local Government Act 1993 resolves to exclude the public from the meeting during discussions on this item.

CARRIED

10. CONFIDENTIAL ITEMS

10.1 Confidential Information Relating to Various Items on the Planning and Environment Agenda 25 May2010

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

R Matheson CHAIRPERSON